



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 7, 2023, 5:30 PM**

Pursuant to the provisions of Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, the City of Porterville is allowing for and encouraging electronic participation at City Council Meetings. Until further notice, Porterville City Council Meetings will be live streamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>

Alternatively, this meeting will also be available via Zoom using the following information

Topic: City of Porterville – City Council Meeting of February 07, 2023

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/82006398898?pwd=T3RoNGE1TFFiU3dtNlhSeDd5bHJpdz09>

Or via Telephone: **1-669-900-6833** Webinar ID: **820 0639 8898** Passcode: **528057**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.
- 2** - Government Code Section 54956.95 – Liability Claim: Claimant: State Farm Insurance Company as Subrogee of Pamela Plumlee. Agency claimed against: City of Porterville.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Ivonne Villagomez. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.95 – Liability Claim: Claimant: Porfiria Martinez. Agency claimed against: City of Porterville.
- 5** - Government Code Section 54956.95 – Liability Claim: Claimant: Federated Mutual Insurance/M&S Pump Company/Ryan Pouncey. Agency claimed against: City of Porterville.

6 - Government Code Section 54956.95 – Liability Claim: Claimant: Juan and Beatriz Chavez. Agency claimed against: City of Porterville.

7 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Reyes Soto v. California Department of Transportation et al., Sacramento County Superior Court Case No. 34-2022-00316708.

8 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Six (6) cases in which facts are not yet known to potential plaintiff.

9 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Vice Mayor Carrillo

Invocation

PRESENTATIONS

Miss Porterville Queen and Court

Employee of the Month - Carlos Meza

Porterville Police Department - Recognition for Excellence in Policy and Training
Management

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Task Force on Homelessness - January 18, 2023
2. Council of Cities - January 18, 2023 - Canceled
3. City Selection Committee - January 18, 2023 - Canceled
4. Porterville Area Development Authority Board Meeting - January 20, 2023 - Canceled
5. League of California Cities - New Mayors and Council Members Academy - January 18-20, 2023
6. Cannabis Ad Hoc Committee - January 24, 2023
7. Tulare County Economic Development Corporation Board Meeting - January 25, 2023

8. Homeless Point-in-Time Survey - January 25, 2023
9. Internal City Audit Committee - January 25, 2023
10. Mighty 190 Committee - January 26, 2023
11. Tulare County Association of Governments (TCAG) / Tulare County Transportation Authority (TCTA) - January 30, 2023
12. Tulare County Regional Transit Agency (TCRTA) - January 30, 2023
13. The U.S. Forest Service Headquarters Ribbon-Cutting - February 1, 2023
14. Local Initiatives Navigation Center (LINC) Committee Meeting - February 1, 2023
15. Tulare County Association of Governments Board Training - February 2, 2023
16. Eastern Tule Groundwater Sustainability Agency (ETGSA) Board Meeting - February 2, 2023
17. Police Department Badge Pinning Ceremony - February 6, 2023

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. Staff Informational Reports

Code Enforcement Quarterly Report FY 2022-2023 (October - December 2022)

OHV Park Quarterly Report FY 2022-2023 (October - December 2022)

Golf Course Quarterly Report FY 2022-2023 (October - December 2022)

Charitable Car Washes Quarterly Report Calendar Year 2022

City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (October - December 2022)

City Commission and Committee Attendance Quarterly Report FY 2022-2023 (October - December 2022)

Street Performance Measure Quarterly Report FY 2022-2023 (October - December 2022)

Building Permit Activity Quarterly Report FY 2022-2023 (October - December 2022)

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. City Council Minutes of January 17, 2023

Re: Considering approval of the City Council Meeting draft Minutes of September 01, 2020, and September 23, 2020.

2. Authorization to Replace City Hall Exterior Door

Re: Consideration to authorize the replacement of the southeast exterior door of City Hall for \$7,465.94 from Lindsay House of Glass.

3. Authorization to Repair Specialized Equipment - Primary Clarifier Center Drive

Re: Consideration to award the repair of the primary clarifier center drive at Plant No. 2 to GSE Contruction in an amount not-to-exceed \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency .

4. Authorization to Purchase Aeronautical Light Beacon for the Airport

Re: Consideration to authorize the purchase of a new LED rotating beacon for the Porterville Municipal Airport from Hali-Brite for \$14,530.73, in addition to the related use tax, shipping, and other charges.

5. Authorization to Purchase Replacement Pump and Motor for City Well No. 1A

Re: Considering authorization for approval to purchase repair parts for City Well No. 1 A, initiation of a Purchase Order, and payment to S.A. Camp in an amount not to exceed \$18,852.

6. Authorization to Distribute a Request for Qualifications for Skatepark Improvements

Re: Consideration to authorize staff to distribute a Request for Qualifications for the Skatepark Improvements Project located at Veterans Park.

7. Authorization to Distribute a Request for Qualifications for Hayes Field Lighting Project

Re: Consideration to authorize staff to distribute a Request for Qualifications for the Hayes Field Lighting Project located at 945 W. Mulberry Avenue.

8. Authorization to Award - Akin and Central Mutual Water System Improvement Project

Re: Consideration to award the Akin and Central Mutual Water System Improvement Project generally located in the area of Lincoln Street at Fourth Street and north of Gibbons Avenue to RT Nelson Company, Inc. in the amount of \$862,644.

9. Acceptance of Project - Island Annexation Area 457 Sewer Project

Re: Consideration to accept the Island Annexation Area 457 Sewer Project, which is generally bound by State Route 65 to the west, State Route 190 to the north, and Chess Terrace Street to the east, as complete.

10. Financial Status Reports

Re: Consideration to accept the Financial Status Reports for Second Quarter of FY 2022-2023 (October - December 2022).

11. Quarterly Investment Portfolio

Re: Consideration of the quarterly Investment Portfolio Summary Report.

12. Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

Re: Consider adoption of a draft Resolution consistent with AB 361 to continue to allow remote attendance at public meetings.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

13. Villas at Sierra Meadows 4 & 5 Development Project

Re: Consideration to open the continued Public Hearing to receive comments on the Villas at Sierra Meadows 4 & 5 Development Project; and adopt a draft Resolution, adopting the Initial Study/Mitigated Negative Declaration and mitigation monitoring and reporting program; adopt the draft Resolution, amending the General Plan to reflect the Land Use designation of the site as Low-Density Residential; adopt the draft Resolution, approving the conditional use permit; adopt the draft Resolution, approving the tentative subdivision map with conditions; and adopt a draft Resolution, requesting that Tulare County LAFCo initiate proceedings for annexation.

SECOND READINGS

14. Second Reading - Ordinance No. 1900 - Zone Change (PRC 2022-012-Z), from RM-3 (High-Density Residential) to CG (General and Service Commercial) for the Development of a Future Bakery

Re: Giving Second Reading of Ordinance 1900, an Ordinance rezoning property located on a 0.17± acre parcel (APN 260-204-009) on the west side of "F" Street just north of Olive Avenue.

SCHEDULED MATTERS

15. CDBG Citizens' Advisory and Housing Opportunity Committee and Citizen Participation Plan

Re: Consideration to adopt the 2023 Citizen Participation Plan and to appoint existing Committee members and two new members to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

16. Consider a Letter of Commitment as a Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program"

Re: Consider approval of a Letter of Commitment as an identified Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program."

17. Consider the Formation of a City Council Ad Hoc Committee to Annually Review the Implementation of the City's General Plan.

Re: Consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan.

18. Status and Review of Local Emergency Drought

Re: Considering approval of the continuance of the Declaration of Local Emergency.

19. Consideration of Amendments to the City Council Procedural Handbook

Re: Consideration of amendments to the City Council Procedural Handbook.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of February 21, 2023 at 5:30 P.M.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Code Enforcement Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Fire

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between October 1 and December 31, 2022. During the second quarter of fiscal year 2022/2023, each Department of the City contributed towards recording 667 code enforcement issues. Of these, 418 were corrected and 249 were continued into the third quarter of 2022/2023 for additional corrective action. The Code Enforcement Division issued thirty-two (32) Administrative Citations.

At its meeting on July 20, 2021, the City Council reviewed its Ordinance related to the parking and storing of recreational vehicles, boats, and trailers. During the past quarter, Code Enforcement received ten (10) complaints specific to recreational vehicles, boats, and trailers, of which three had been completed at the time of this report.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Code Enforcement Quarterly Report (October - December 2022)

Appropriated/Funded:

Review By:

Department Director:
Bryan Cogburn, Fire Chief

Final Approver: John Lollis, City Manager

Code Enforcement Report, Quarter 2, FY 22-23

Q1 Code Enforcement Activity	# Requests	# Completed	% Closed
Abandoned Vehicle (Street)	48	47	97.92%
Animal Control Services	1	1	100.00%
Animals- agricultural animals	1	1	100.00%
Animals- barking dogs	21	21	100.00%
Animals- keeping too many or unauthorized species	4	4	100.00%
Building Department/ Permits	12	0	0.00%
CEO, Building permit check	2	2	100.00%
CEO, Business License	2	1	50.00%
CEO, Shopping Carts	32	32	100.00%
CEO, Sign Removal	78	78	100.00%
Code Enforcement, General	34	29	85.29%
Community Development, General or MULTIPLE violations	9	0	0.00%
Engineering	4	0	0.00%
Fences and freestanding walls	2	0	0.00%
Fire Hydrant Leaking	1	0	0.00%
Fire Information, Reporting of	3	3	100.00%
Garbage Collection/ Illegal Dumping	14	5	35.71%
Graffiti	9	9	100.00%
Health Hazard	5	0	0.00%
Housing Issue (Structure Related)	3	1	33.33%
Itinerant Vendor, Solicitor, Peddler	11	11	100.00%
Landscaping/trees- private property	6	0	0.00%
Medians	1	1	100.00%
Meter Request	123	4	3.25%
Neglected property/trash & debris	11	2	18.18%
Parking Issue	1	1	100.00%
Parks	8	8	100.00%
Police/ Traffic Enforcement	32	31	96.88%
Potholes	5	5	100.00%
Refuse Can Replacement / Repair	4	3	75.00%
Report Leak	37	8	21.62%
Sidewalk Condition	5	1	20.00%
Signs- Temporary	3	1	33.33%
Stop Light Issue	7	7	100.00%
Storm Water	1	0	0.00%
Street Light Issue	3	3	100.00%
Vehicles- inoperable vehicles	19	10	52.63%
Vehicles- Parked on lawn	6	4	66.67%
Vehicles- RVs/boats/etc	10	3	30.00%
Water Waste	12	5	41.67%
Water Waste Admin Cite	19	19	100.00%
Water Waste NOV	49	49	100.00%
Weed Abatement	3	2	66.67%
Yard Sales, Frequent	6	6	100.00%
Q2 Total	667	418	62.00%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	11	13			\$2,400
\$200	3	4			\$1,400
\$500	8	12			\$10,000
\$1,000	2	3			\$5,000
\$2,500	23	0			\$57,500
FY 22-23 Total Assesment	47	32	0	0	\$76,300

Shopping Carts	Q1	Q2	Q3	Q4	Total
Collected	39	49			88
Disposed (Lbs.)	0	0			0

Private Property Vehicle Abatements	Q1	Q2	Q3	Q4	Total
Voluntary Abatement	3	11			14
Certified Voluntary Abatement	0	1			1
Towed	5	1			6
Total Vehicles Abated	8	13	0	5	21

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	12	3			15
Completed by Owner	116	2			118
Assigned to Contractor (private)	0	0			0
Assigned to Contractor (city owned)	0	0			0
Completed by Contractor	0	0			0
Admin Citations	0	3			3



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: OHV Park Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville OHV Park for informational purposes. The report reflects the Second Quarter FY 2022/2023

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. OHV Park Quarterly Report (October - December 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE OHV PARK RIDERSHIP

	Oct-21	Oct-22	Nov-21	Nov-22	Dec-21	Dec-22
Riders	280	215	183	156	122	30
Days Open	12	13	6	12	5	4
Revenue	\$6,520.00	\$5,210.00	\$4,185.00	\$3,900.00	\$2,680.00	\$725.00



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Golf Course Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report on participation numbers at the Porterville Golf for informational purposes. The report reflects the Second Quarter FY 2022/2023.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. Golf Course Quarterly Report (October - December 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Oct-21	Oct-22	Nov-21	Nov-22	Dec-21	Dec-22
Golfers	2450	2224	2190	1922	1455	1287
Repeat 9/Twilight	1478	1318	1340	1098	866	736
Tickets Used	962	860	823	757	583	585
Passes Sold	39	31	34	32	35	29
Carts	1132	950	900	848	551	484
Total	\$21,060.00	\$21,117.00	\$18,196.00	\$18,927.00	\$12,279.00	\$12,231.00

FOOTGOLF

	Oct-21	Oct-22	Nov-21	Nov-22	Dec-21	Dec-22
18-hole adult	0	0	0	0	0	0
18-hole youth	0	0	0	0	0	0
Cart rental	0	0	0	0	0	0
Ball rental	0	0	0	0	0	0
Party	0	0	0	0	0	0
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

GRAND TOTAL	\$21,060.00	\$21,117.00	\$18,196.00	\$18,927.00	\$12,279.00	\$12,231.00
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CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Charitable Car Washes Quarterly Report Calendar Year 2022

SOURCE: Finance

COMMENT: In accordance with City Council direction, staff is providing a report on charitable car wash permits issued during the calendar year. Article VI, Section 15-130 of the City Code allows up to four car washes by a charitable organization in a calendar year.

For the period of January 1 to December 31, 2022, there have been no charitable car wash applications received or permits issued.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Municipal Code Chapter 15 Article VI. Charitable Car Wash Permit Procedure

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

ARTICLE VI. CHARITABLE CAR WASH PERMIT PROCEDURE

SECTION:

15-70: Definitions

15-71: Permit Required For Charitable Car Wash

15-72: Application For Permit

15-73: Issuance And Form Of Permit

15-74: Term Of Permit

15-75: Nontransferability Of Permit

15-76: Manner Of Car Wash

15-77: Fundraising As A Business

15-78: Revocation Of Permit

15-79: Violations

15-80: Car Washing As A Business

15-70: DEFINITIONS:

For purposes of this article, the following definitions shall apply:

APPLICANT: A member of a charitable organization who applies for a car wash permit on behalf of the charitable organization.

CHARITABLE: Benevolent, civil, religious, educational, fraternal, patriotic, political, philanthropic or other similar purposes.

CHARITABLE CAR WASH: A temporary vehicle washing operation conducted by members of a charitable organization for organization fundraising purposes. It shall not be deemed to include the operation of an authorized permanent vehicle washing business or service station authorized to wash vehicles on its premises, although a car wash, as defined above, may be conducted on such premises.

CHARITABLE ORGANIZATION: Means and includes an organization which is a duly organized governmental or not for profit charitable, religious, civic, patriotic or community service organization; and the organization must have a tax exempt identification number assigned to it.

PERMIT HOLDER: The charitable organization who has been granted a permit pursuant to this article for the purpose of conducting a charitable car wash.

PERSON: Any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

RELIGIOUS OR RELIGION: Has the meaning established by the supreme court of the state or the supreme court of the United States.

RESIDENTIAL PROPERTY: A building designed for or occupied by one or more families as a residence including single-family residences, duplexes and apartments. (Ord. 1669 § 1, 6-21-2005)

15-71: PERMIT REQUIRED FOR CHARITABLE CAR WASH:

A. It is unlawful for any person to engage, directly or indirectly, in a charitable car wash without first obtaining a valid charitable car wash permit pursuant to the provisions of this article.

B. The permit application shall include a written application to sponsor the charitable car wash by the owner or lessee of the property upon which the car wash is to be held.

C. The car wash permit issued under this article to a charitable organization must be prominently displayed at the location where the car wash is conducted and shall be removed at the completion of the car wash. (Ord. 1669 § 1, 6-21-2005)

15-72: APPLICATION FOR PERMIT:

A. Applications for charitable car wash permits shall be made to the finance department upon forms prescribed by the city. The application shall be declared under penalty of perjury and filed with the finance department not less than five (5) consecutive business days prior to the time at which the applicant wishes to conduct said car wash.

B. A nonrefundable application fee an amount to be set by resolution shall be paid by the applicant. The application fee shall be based solely upon the administrative costs in processing the application and issuing the permits.

C. Such applications shall contain the following information and documentation:

1. The full name, mailing address, principal business and telephone number of the charitable organization or institution, the names and addresses of the organization's or institution's principal officers and executives, and the address of the national, state and local headquarters, if any.

2. The name and address of the sponsor, with a statement by the sponsor that he/she is the owner or lessee of the property where the car wash is to be held or is an employee or agent of the owner or lessee who has been delegated control of the premises by the owner or lessee, and that the sponsor assumes all liability regarding the car wash.

3. The full name and address of the person or persons who will be in charge of conducting the car wash. The names and addresses of each individual who will actually be engaged in the car wash shall be on file at the agency/organization conducting the car wash and shall be made available to the city police department upon request at any time.

4. The time when such car wash will be held, including preferred date and hours of the day for commencement and termination of the car wash.

5. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement of the charitable organization by the city or any department or officer thereof.

6. Proof evidencing that the permit holder is a bona fide charitable organization.

7. The number of car washes that have been held by the charitable organization in that particular calendar year, and the number of car washes that have been held at that particular location in that particular calendar year.

8. Such supplemental information requested by the finance department as the finance department may require. The finance department may require that such information be updated during the time the permit is in force if changes occur subsequent to filing of the application in the planned dates and locations for the charitable car wash.

D. If, while the application is pending or during the term of any permit granted, there is a change in fact, policy or method that would alter the information to be given on the application, the applicant shall notify the finance director in writing thereof prior to five o'clock (5:00) P.M. the day before such change.

E. The application documents shall be available for public inspection. (Ord. 1669 § 1, 6-21-2005)

15-73: ISSUANCE AND FORM OF PERMIT:

A. The finance department shall issue the permit, unless it finds that:

1. Any statement made in the application is factually incorrect, and the applicant fails to correct the application after being requested to do so.

2. The applicant has not provided the information required by this article and fails to provide the missing information after being requested to do so.

3. The application indicates that the proposed car wash will violate any of the requirements of this article and the applicant fails to amend the application to indicate compliance with said section after being requested to do so.

4. The number of charitable car washes by the charitable organization applying for said permit exceeds four (4) in a calendar year, or the number of charitable car washes held at a particular location exceeds four (4) per calendar year. The location requirement shall not pertain to licensed commercial car washes.

5. The applicant has violated any of the provisions of this article within one year of the date the application is submitted, resulting in the imposition of a fine or the revocation of a prior permit.

B. Nothing set forth in this article shall be construed as granting to the finance department or any other person the authority to grant, deny, suspend, revoke or renew any permit by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, permit holder or person soliciting therefor, or for any other reason not specifically provided for in this article.

C. The finance department shall either issue or deny the requested permit within two (2) consecutive business days after the date the application is made. In the event of denial, the finance department shall give the applicant a written notice which states with specificity the reasons therefor. In the event the finance department fails to act within the time prescribed, the permit shall be deemed issued.

D. The permit, if issued, shall include the following information:

1. The name and address of the permit holder;
2. The date for which the permit is valid;
3. A statement that the permit does not constitute an endorsement by the city, or any of its departments, officers or employees, of the purpose of the car wash;
4. A permit number; and
5. The signature of the finance director or his/her designee. (Ord. 1669 § 1, 6-21-2005)

15-74: TERM OF PERMIT:

Permits issued under this article shall be valid only for the date specified in the application for the car wash and as stated on the permit. (Ord. 1669 § 1, 6-21-2005)

15-75: NONTRANSFERABILITY OF PERMIT:

No permit issued under this article shall be transferred or assigned, and any attempt at assignment or transfer shall be void. (Ord. 1669 § 1, 6-21-2005)

15-76: MANNER OF CAR WASH:

A. Car washes held pursuant to permits under this article:

1. Shall take place between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.
2. Shall be conducted for a one day period only.
3. Shall not be conducted by any person under the age of sixteen (16) years, unless supervised by an adult.
4. Shall not be conducted at any house, apartment or other dwelling nor an area zoned for residential use only.
5. Shall be conducted in an area zoned for commercial uses; and such location shall have a means of collecting the wash water and shall discharge the water to the city sewer collection system.
6. Shall use biodegradable soaps or detergents, and shall not violate any of the provisions of chapter 25 of this code, concerning wastewater discharge requirements.
7. Shall have a means in place to limit wastewater or runoff such as pistol grip nozzle or similar apparatus affixed to each garden hose or water source.
8. Shall not allow any person to solicit cars or other contributions from a position in or on any public right of way, including, but not limited to, sidewalks, traffic islands, driveways or the like as to endanger that individual

or others.

9. Shall not be conducted at any commercial property which has held four (4) prior car washes in the calendar year (excluding licensed commercial car wash locations).

10. Shall take place at a distance of more than twenty five feet (25') from the street curb, or from the near edge of the travel lane or lanes of any uncurbed street or road.

11. Shall utilize temporary signs, if any signs are utilized, in compliance with the city's applicable regulations concerning temporary signs.

12. Shall not be conducted by a charitable organization which has held four (4) prior car washes in the calendar year. Four (4) applications per tax exempt identification number, and four (4) permits per tax exempt identification number, will be allowed in the calendar year.

B. It is unlawful for a "permit holder", as defined herein, to:

1. Refuse to provide their name and a copy of the permit issued under this article, if requested by city representatives.

2. Misrepresent their identity or the identity of the charitable organization conducting the charitable car wash for which he or she is an agent.

3. Misrepresent that the charitable car wash permit issued under this article is an endorsement by the city, or any department or employee thereof, of the charitable car wash. (Ord. 1669 § 1, 6-21-2005)

15-77: FUNDRAISING AS A BUSINESS:

An organization in the business of fundraising (seeking a profit and paying its solicitors), even if engaged by a nonprofit organization, must comply with this article. If such an organization is soliciting on behalf of a nonprofit organization, the nonprofit organization shall obtain a permit pursuant to this article. (Ord. 1669 § 1, 6-21-2005)

15-78: REVOCATION OF PERMIT:

Any violation of this article by applicant or permit holder shall be cause for revocation of a permit issued pursuant to this article. Upon determination by an authorized representative of the city that a car wash is being conducted without a valid permit or in violation of the requirements of this article, said unlawful activity shall cease immediately, and all persons associated with said car wash shall be dispersed within one hour after the giving of said notice. Failure or refusal by the charitable organization and/or the owner/sponsor to cause a car wash in violation of these regulations to cease operations, after receiving such notification from the city official, shall constitute a separate violation of this article. Furthermore, any organization that violates this article shall be ineligible for the issuance of a permit for a period of one year. (Ord. 1669 § 1, 6-21-2005)

15-79: VIOLATIONS:

Every person who, for himself or herself, or as the agent of another, commences, engages in or conducts a car wash as provided in this article without procuring the permit as required under this article or who fails to comply with the conditions of this article shall be guilty of an infraction punishable by:

A. A fine not exceeding one hundred dollars (\$100.00) for a first violation;

B. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year; and

C. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one year. (Ord. 1669 § 1, 6-21-2005)

15-80: CAR WASHING AS A BUSINESS:

This article is expressly limited to charitable car washes. Any person, corporation, business or other entity who wishes to hold impromptu or temporary car washes on a for profit basis must comply with all city, county and state licensing or permitting requirements and does not fall within this article. (Ord. 1669 § 1, 6-21-2005)



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Administrative Services

COMMENT: At its meeting on January 21, 2020, the City Council directed that staff prepare a quarterly report on Council Member attendance at meetings of boards and committees to which Council Members were appointed. This report represents attendance at meetings during the second quarter of FY 2022-2023 (October through December 2022).

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Quarterly Report (October 1 - December 13)
2. Quarterly Report (December 14 - December 31)

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

City Council Attendance - FY 2022-2023 Second Quarter Report

October 1, 2022 through December 13, 2022

Committee/Board	Member/Alternate	OCTOBER	NOVEMBER	DECEMBER
Ad Hoc Committee- COVID-19	Kellie Carrillo-Member Lawana Tate - Member			
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Lawana Tate - Member Don Weyhrauch - Member	10/7 P 10/7 P		
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member		11/17 P	
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member			
Council of Cities	Martha Flores - Member Milt Stowe - Member			
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Don Weyhrauch - Member Michael Knight-Alternate	10/6 P	11/3 P	12/1 P
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member	10/26 P 10/26 P	11/30 P 11/30 P	
Joint City/School District Committee	Milt Stowe-Member Kellie Carrillo-Member			
Local Initiatives Navigation Center Committee (LINC)	Lawana Tate - Member Claudia Calderon -Alternate	10/5P, 10/12P	11/2P, 11/9P	12/7 P
Mighty190 Committee	Kellie Carrillo - Member Lawana Tate - Member	10/19 P 10/19 P	11/16 P	
Porterville Area Development Authority (PADA)	Milt Stowe - Member Don Weyhrauch - Member		11/9 P 11/9 P	
PDC Advisory Board	John Lollis - Member Mayor - Alternate			
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Don Weyhrauch - Member			
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Don Weyhrauch - Alternate			
San Joaquin Valley REAP Committee	Martha Flores- Member			
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Milt Stowe - Alternate	10/17 P	11/9 P	12/12 P
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member	10/13 P		
Tulare County City Selection Committee	Mayor - City Member Designee - Alternate			
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate	10/26 P		12/7 P
Tulare County Regional Transit Agency (TCRTA)	Milt Stowe - Member Don Weyhrauch - Alternate Kellie Carrillo - Advisory	10/17P, 10/20P	11/10 P 11/10 P	12/8 P
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate Jason Ridenour - Alternate	10/19 P	11/16P	
Tule River Improvement JPA	Michael Knight - Alternate	10/3 P		

P = Present A = Absent

City Council Attendance - FY 2022-2023 Second Quarter Report

December 14, 2022 through December 31, 2022

Committee/Board	Member/Alternate	December
Ad Hoc Committee- COVID-19	Kellie Carrillo-Member Greg Meister - Member	
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Don Weyhrauch - Member Raymond Beltran - Member	12/26 P 12/26 P
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member	
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Raymond Beltran - Member	
Council of Cities	Martha Flores - Member Greg Meister - Member	
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Don Weyhrauch - Member Michael Knight-Alternate	
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member	
Joint City/School District Committee	Kellie Carrillo - Member Greg Meister - Member	
Local Initiatives Navigation Center Committee (LINC)	Raymond Beltran - Member Claudia Calderon -Alternate	12/19 P
Mighty190 Committee	Kellie Carrillo - Member Greg Meister - Member	
Porterville Area Development Authority (PADA)	Don Weyhrauch - Member Raymond Beltran - Member	
PDC Advisory Board	John Lollis - Member Mayor - Alternate	
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Don Weyhrauch - Member	
San Joaquin Valley Special City Selection Committee	Don Weyhrauch - Member Greg Meister - Alternate	
San Joaquin Valley REAP Committee	Martha Flores- Member	
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Greg Meister - Alternate	
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member	
Tulare County City Selection Committee	Mayor - City Member Designee - Alternate	
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate	
Tulare County Regional Transit Agency (TCRTA)	Don Weyhrauch - Member Raymond Beltran - Alternate Kellie Carrillo - Advisory	
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate	
Tule River Improvement JPA	Don Weyhraruch - Member Michael Knight - Alternate	

P = Present A = Absent



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: City Commission and Committee Attendance Quarterly Report FY 2022-2023
(October - December 2022)

SOURCE: Administrative Services

COMMENT: Staff herein provides for the City Council's information the attendance reports as of the second quarter FY 2022-2023 for the following City Commissions and Committees:

- Animal Control Commission
- Arts Commission
- Library & Literacy Commission
- Parks & Leisure Services Commission
- Transactions & Use Tax Oversight Committee
- CDBG Advisory & Housing Opportunity Committee

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Animal Control Commission
2. Arts Commission
3. Library & Literacy Commission
4. Parks & Leisure Services Commission
5. Transactions and Use Tax Oversight Committee
6. CDBG Advisory and Housing Opportunities Committee

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

**Animal Control Commission
Attendance Records**

As of December 31, 2022

	2022 May	2022 June	2022 July	2022 11-Aug	2022 13-Oct	2022 Nov	2022 Dec	Notes:
Kathy Guinn	*	*	*	P	P			
Jerry Hall	*	*	*	A	P			
Art Duron	*	*	*	P				
Kat Harris	*	*	*	P	P			
Shawn Schwartzenberger		*	*	P	A			
Lacy Goodlett					P			

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	2022 Apr	Notes:
Florenza Pizanis	*	*	*	*	*	*		
Jerry Hall	*	*	*	*	*	*		
Kathy Guinn	*	*	*	*	*	*		
Kat Harris	*	*	*	*	*	*		
Art Duron	*	*	*	*	*	*		

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2021 Mar	2021 Apr	2021 May	2021 June	2021 July	2021 Aug	2021 Sept	Notes:
Florenza Pizanis		P	P	**	**	P		
Jerry Hall		P	A	**	**	A		
Kathy Guinn		P	P	**	**	P		
Kat Harris		P	P	**	**	P		
Art Duron		A	A	**	**	P		

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

	2020 Aug	2020 Sept	2020 Oct	2020 Nov	2020 Dec	2021 Jan	2021 Feb	Notes:
Florenza Pizanis	No meetings held due to COVID.							
Jerry Hall								
Kathy Guinn								
Kat Harris								
Vacant								

*Meeting cancelled due to lack of quorum.

**Meeting cancelled due to holiday and/or scheduling.

**Arts Commission
Attendance Records**

As of December 31, 2022

	2022 Apr	2022 May	2022 June	2022 July	2022 Aug	2022 Oct	2023 Jan	2023 April	
Kyree Perkins	P	P	P	**	P	*			
Emily Luna	P	P	P	**	P	*			
Diego Monterrubio	A	A	A	**	A	*			
Eden Santos	A	A	P	**					Vacated seat 8/22
Maria Menga	P	P	P	**	P	*			

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 Aug	2021 Sept	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	
Kyree Perkins	*P	**	P	*P	P	P	P	P	
Emily Luna	*P	**	P	*P	P	P	P	P	
Diego Monterrubio	*A	**	A	*A	A	A	A	A	
Eden Santos	*A	**	P	*A	P	P	A	A	
Maria Menga		**	P	*A	P	P	P	P	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 Dec	2021 Jan	2021 Feb	2021 Mar	2021 Apr	2021 May	2021 June	2021 July	
Vacant	No meetings held due to COVID.							**	
Kyree Perkins					*P	*P	*A	**	
Emily Luna					*P	*P	*A	**	
Diego Monterrubio					*A	*A	*A	**	
Eden Santos					*A	*A	*P	**	
(Student) vacancy								**	

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

	2020 April	2020 May	2020 June	2020 July	2020 Aug	2020 Sept	2020 Oct	2020 Nov	
Vacant	No meetings held due to COVID-19.								
Kyree Perkins									
Emily Luna									
Diego Monterrubio									
David Mason									
(Student) vacancy									

	2019 28-Aug	2019 25-Sep	2019 23-Oct	2019 27-Nov	2019 25-Dec	2020 22-Jan	2020 4-Mar	2020 24-Mar	
Donna Serna	A*	**	A	**	**	**		**	
Kyree Perkins	P*	**	P	**	**	**	P	**	
Emily Luna	P*	**	P	**	**	**	P	**	
Diego Monterrubio	A*	**	A	**	**	**		**	
David Mason			P	**	**	**	P	**	
(Student) vacancy									

* No meeting due to lack of quorum.

** Meeting Cancelled

LIBRARY & LITERACY COMMISSION - Attendance Record

As of December 31, 2022

P = Present; A = Absent; E = Excused absence; T = Tardy

= Summer Hiatus

** = No meeting held

	2022 Aug	2022 Sept	2022 Oct	2022 Nov	2022 Dec	2023 Jan	2023 Feb	2023 Mar	2023 Apr	2023 May	
Kim Baumgardner	P	P	P	P	E						
Patience Christenson	P	P	E	E	E						
Esther Figueroa	P	P	P	P	P						
Edith LaVonne	P	P	P	P	P						
Susan Uptain	P	P	P	P	P						
Fernando Serrano			P	P	P						
Sonya Lopez			P	P	P						

	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	2022 Apr	2022 May	2022 June	2022 July	
Catherine May	P	P	P	P	P	P	P	P			
Esther Figueroa	P	P	P	P	P	P	P	P			
Edith La Vonne	P	P	P	P	P	P	P	P			
Patience Christenson	P	E	P	E	P	P	P	P			
Kim Baumgardner	P	P	P	P	P	P	P	P			
Susan Uptain	P	P	P	E	P	P	P	P			
Leslie Pelon	P										
Karen Stover		P	P	P	P	P	E	P			

	2020 Jan	2020 Feb	2020 Mar	2020 Nov	2021 Feb	2021 May	2021 June	2021 July	2021 Aug	2021 Sept	
Catherine May	P	E	P	P	P	P			**	P	
Esther Figueroa	P	P	P	P	P	P			**	P	
Edith La Vonne	P	P	P	P	P	P			**	P	
Patience Christenson	P	E	P	P	P	P			**	P	
Kim Baumgardner	P	P	P	P	P	P			**	P	
Susan Uptain	P	P	P	P	P	E			**	P	
Leslie Pelon	P	P	P	P	P	P			**	E	

PARKS & LEISURE SERVICES COMMISSION
ATTENDANCE RECORDS

As of December 31, 2022

Parks & Leisure Services Commissioner's Record of Attendance

	2022 July	2022 Aug	2022 Sept	2022 Oct	2022 Nov	2022 Dec	2023 Jan	2023 Feb	2023 Mar	2023 Apr	2023 May	2023 June	
Phillip Duncan	**	**	P	A	P	E							
Diane Graybehl	**	**	E	P	P	P							
Kieran Daly	**	**	P	P	A	P							
Janet Uresti	**	**	P	P	P	P							
Tom Fiormonti	**	**	P	P	P	P							
Jason Gurrola	**	**	E	P	P	A							
Jason Pommier	**	**	P	P	E	P							
Arlene Pena	**	**	P	A	P	P							

**No meeting held. * Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2021 July	2021 Aug	2021 Sept	2021 Oct	2021 Nov	2021 Dec	2022 Jan	2022 Feb	2022 Mar	2022 Apr	2022 May	2022 June	
Phillip Duncan	**	**	P	P	P	**	P	E	P	P	P	A	
Diane Graybehl	**	**	P	P	P	**	P	P	P	P	P	P	
Kieran Daly	**	**	P	P	P	**	A	E	P	P	P	P	
Janet Uresti	**	**	P	P	E	**	P	P	P	P	P	P	
Tom Fiormonti	**	**	P	P	P	**	P	P	P	P	P	P	
Jason Gurrola	**	**	P	P	E	**	P	P	P	E	P	P	
Jason Pommier	**	**	P	P	P	**	P	P	P	P	P	P	
Arlene Pena		**	P	P	P	**	A	P	P	P	P	P	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2020 July	2020 Aug	2020 Sept	2020 Oct	2020 Nov	2020 Dec	2021 Jan	2021 Feb	2021 Mar	2021 Apr	2021 May	2021 June	
Phillip Duncan	**	P	**	**	P	**	**	A	**	**	A	E	
Diane Graybehl	**	P	**	**	P	**	**	P	**	**	P	E	
Kieran Daly	**	E	**	**	P	**	**	A	**	**	E	E	
Janet Uresti	**	P	**	**	P	**	**	P	**	**	P	P	
Tom Fiormonti	**	P	**	**	P	**	**	P	**	**	P	P	
Jason Gurrola	**	P	**	**	P	**	**	P	**	**	P	P	
Jason Pommier	**	P	**	**	P	**	**	P	**	**	P	P	

**No meeting held. * Due to lack of quorum, an informal discussion only took place.

P = Present; E = Excused Absence; A = Absent; T = Tardy

**Transactions and Use Tax Oversight Committee
Attendance Records**

As of December 31, 2022

	2022 25-Aug	2022 17-Nov						
John Simonich	P	P						Term expires 5/2026
Margaret Stinson	P	P						Term expires 5/2024
John Billiou	P	P						Term expires 5/2026
Jerry Hall	P	P						Term expires 5/2026
Janice Kovars	P	P						Term expires 5/2024
Shawn Byars	P	A						Term expires 5/2026
Joshua Sulier	A	P						Term expires 5/2024
Angela Dennis	P	A						Apptd 12/20; Term exp 5/2024
Rae Dean Strawn	P	P						Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.	A	P						Apptd 07/19; Term exp 5/2024

* Meeting cancelled

	2020 23-Sep	2020 18-Nov	2021 26-May	2021 25-Aug	2021 17-Nov	2022 24-Feb	2022 19-May	
John Simonich	P	P	P	P	A	P	P	Term expires 5/2026
Margaret Stinson	P	P	P	P	P	P	P	Term expires 5/2024
Russell "Buck" Fletcher	A	P	P	A	A	A	A	Term ended
John Billiou	P	P	P	P	P	P	P	Term expires 5/2026
Jerry Hall	A	P	A	A	P	P	P	Term expires 5/2026
Janice Kovars	P	P	P	P	A	P	P	Term expires 5/2024
Shawn Byars	P	A	P	P	P	P	P	Term expires 5/2026
Joshua Sulier	P	P	P	P	P	P	P	Term expires 5/2024
Angela Dennis			P	P	P	P	P	Apptd 12/20; Term exp 5/2024
Rae Dean Strawn								Apptd 07/19; Term exp 5/2026
Robert K. Falls Sr.								Apptd 07/19; Term exp 5/2024

* Meeting cancelled

	2018 13-Nov	2019 9-Jan	2019 12-Feb	2019 28-May	2019 27-Aug	2019 6-Nov	2020 26-Feb	
John Simonich	A	P	A	P	A	A	*	
Margaret Stinson	P	P	P	A	P	P	*	
Russell "Buck" Fletcher	P	P	P	P	P	P	*	
John Angell	A	A	A	P	P	P	*	
Mike Boudreaux Sr.	A	P	P	P	P	A	*	
Virginia Gurrola	P	P	P	A				
John Billiou	P	P	A	P	P	P	*	
Jerry Hall	P	P	P	P	P	P	*	
Janice Kovars	P	P	P	P	P	P	*	
Shawn Byars	P	P	P	P	P	P	*	
Joshua Sulier						P	*	

* Meeting cancelled

**CDBG Citizens' Advisory and Housing Opportunity Committee
Attendance Records**

As of December 31, 2022

Committee Member	Reg. Mtg 3/4/2020	Reg. Mtg 2/25/2021	Reg. Mtg 3/14/2022	Reg. Mtg	Reg. Mtg
Pat Contreras	P	P	P		
Linda Mendez	P	P	P		
Grace Munoz-Rios	P				
Doug Heusdens	A	A	A		
Rebecca Vigil	A	A	P		
Kelle Jo Lowe	P	P			
Maria Gonzalez	P				
Eriselda Lizarraga		P	A		
Isabel Olmos			P		
Rebecca Contreras			P		

* No meeting was held due to COVID.

Committee Member	Reg. Mtg 4/27/2015	Reg. Mtg 3/28/2016	Reg. Mtg 3/1/2017	Reg. Mtg 2/28/2018	Reg. Mtg 2/26/2019
Pat Contreras	P	A	P	P	P
Linda Mendez	P	A	P	P	A
Grace Munoz-Rios	P	P	P	P	P
Doug Heusdens	P	P	P	P	A
Rebecca Vigil	P	P	A	P	P
Kelle Jo Lowe	P	P	P	P	P
Maria Gonzalez	P	A	P	P	P

Committee Member	Year Originally Appointed	Reg. Mtg 3/14/2011	Reg. Mtg 3/12/2012	Reg. Mtg 3/11/2013	Reg. Mtg 3/10/2014
Pat Contreras	1988	P	P	P	P
Linda Olmedo	1997	P	P	P	P
Grace Munoz-Rios	1992	P	P	P	A
Doug Heusdens	2012	N/A	P	P	P
John Dennis	1998	P	P	A	P
Rebecca Vigil	2008	P	P	A	P
Kelle Jo Lowe	2009	P	P	P	P

This Committee typically meets on an annual basis in February or March.



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Street Performance Measure Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Engineering and Project Management

COMMENT: The purpose of this staff report is to provide the City Council with an update on progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the second quarter of FY 2022-2023 (October - December 2022). For Council's information, when reviewing the report, the light blue bar represents staff's estimated quantity of "work" for each category for the fiscal year. The black overlaid bar represents the quantity of work accomplished to date.

City street crews have focused mainly on overlay and pothole repair efforts during this second quarter reporting period. Main Street reconstruction (Olive Avenue to Morton Avenue), Newcomb Street reconstruction (Olive Avenue to Porter Slough), Villa Street reconstruction (Olive Avenue to Westfield Avenue), Henderson Avenue rehabilitation (Westwood Street to Patsy Street), Union Avenue reconstruction (Indiana Street to Jaye Street), Morton Avenue reconstruction (Westwood Street to Plano Street), Grand Avenue (Fourth Street to Plano Street) and Henrahan Street (Grand Avenue to Morton Avenue) reconstruction, Montgomery Avenue reconstruction (Jaye Street to H Street), and Date Avenue (Jaye Street to H Street) and Kessing Street (Date Avenue to River Avenue) widening are all under design.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Streets Performance Measure Quarterly Report (October - December 2022)
2. Streets Performance Measure Quarterly Report (July - September 2022)

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
2022/2023 Level of Service Report
Prepared By J. Sanchez

2nd QUARTER REPORT - July 1, 2022 - December 31, 2022

[illegible]

2nd QUARTER REPORT - July 1, 2022 - December 31, 2022

CITY OF PORTERVILLE
2022/2023 Level of Service Report
Prepared By J. Sanchez

1st QUARTER REPORT - July 1, 2022 - September 30, 2022

[illegible]

1st QUARTER REPORT - July 1, 2022 - September 30, 2022



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Building Permit Activity Quarterly Report FY 2022-2023 (October - December 2022)

SOURCE: Engineering and Project Management

COMMENT: The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of October, November, and December 2022. The two main categories include new residential permits issued and new commercial permits issued.

2nd Quarter of FY 2022/2023 compared to Second Quarter of FY 2021/2022

New residential permits issued during the second quarter of 2022 (24) are down twenty-five percent (25%) from the second quarter of 2021 (32). New commercial permits issued during the second quarter of 2022 (0) are down one hundred percent (100%) from the second quarter of 2021 (3).

Year-to-Date (July 2022 to December 2022)

New residential permits issued this fiscal year (35) are down fifty percent (50%) as compared to the same period last fiscal year (70). The number of commercial permits issued this fiscal year (1) is down 83.3% from the same period last fiscal year (6).

RECOMMENDATION: Informational Only

ATTACHMENTS:

1. Building Permit Activity Report - October 2022
2. Building Permit Activity Report - November 2022
3. Building Permit Activity Report - December 2022

Appropriated/Funded:

Review By:

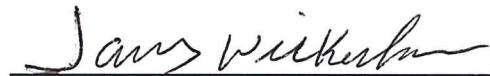
Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 10/31/2021 AND
7/1/2022 - 10/31/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	OCTOBER 2022	OCTOBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	OCTOBER 2022	OCTOBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	OCTOBER 2022	OCTOBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	8	15	19	53	1,209,386	22,215,372	3,194,776	31,092,364	15,861.33	77,803.66	37,580.75	154,866.73
NEW COMM	0	3	1	6	0	1,480,000	400,000	4,751,000	0.00	7,454.86	1,055.70	34,053.87
RESID IMROV	7	7	21	35	173,539	168,254	874,729	651,036	2,504.99	4,687.70	9,922.35	17,993.60
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	34	19	113	96	465,938	275,818	2,507,526	1,981,785	7,899.35	5,222.35	29,630.40	26,412.45
ELECT	78	38	389	239	2,163,478	670,124	9,289,612	4,630,622	16,029.00	7,785.00	77,122.00	48,658.00
PLUMB	60	64	217	303	138,141	81,135	663,321	610,711	8,195.00	9,135.00	31,830.00	45,064.00
TOTALS	187	146	760	732	4,150,482	24,890,703	16,929,964	43,717,518	50,489.67	112,088.57	187,141.20	327,048.65

	NEW DWELLING UNITS TOTALS			
	OCTOBER 2022	OCTOBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	7	14	18	52
MULTI FAMILY	0	81	0	81
TOTAL	7	95	18	133



CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 11/30/2021 AND
7/1/2022 - 11/30/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	NOVEMBER 2022	NOVEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	NOVEMBER 2022	NOVEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	NOVEMBER 2022	NOVEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	4	8	23	61	703,443	1,458,638	3,898,219	32,551,002	8,424.20	16,101.48	46,004.95	170,968.21
NEW COMM	0	0	1	6	0	0	400,000	4,751,000	0.00	0.00	1,055.70	34,053.87
RESID IMPROV	6	4	27	39	71,070	85,040	945,799	736,076	2,721.00	2,473.30	12,643.35	20,466.90
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	25	32	138	128	599,687	426,648	3,107,213	2,408,433	6,324.35	8,116.05	35,954.75	34,528.50
ELECT	70	32	459	271	1,803,730	609,740	11,093,342	5,240,362	14,267.00	6,148.00	91,389.00	54,806.00
PLUMB	23	75	240	378	150,210	115,346	813,531	726,057	2,758.00	11,396.00	34,588.00	56,460.00
TOTALS	128	151	888	883	3,328,140	2,695,412	20,258,105	46,412,930	34,494.55	44,234.83	221,635.75	371,283.48

	NEW DWELLING UNITS TOTALS			
	NOVEMBER 2022	NOVEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	4	7	22	59
MULTI FAMILY	0	0	0	81
TOTAL	4	7	22	140



CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2021 - 12/31/2021 AND
7/1/2022 - 12/31/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	DECEMBER 2022	DECEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	DECEMBER 2022	DECEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	DECEMBER 2022	DECEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	12	9	35	70	2,216,650	1,757,830	6,114,869	34,308,832	23,749.49	18,742.61	69,754.44	189,710.82
NEW COMM	0	0	1	6	0	0	400,000	4,751,000	0.00	0.00	1,055.70	34,053.87
RESID IMPROV	4	8	31	47	21,645	89,077	967,444	825,153	1,700.35	3,363.35	14,343.70	23,830.25
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	21	30	159	158	959,163	813,202	4,066,376	3,221,635	5,368.70	8,852.70	41,323.45	43,381.20
ELECT	89	77	548	348	1,982,306	1,309,822	13,075,648	6,550,185	18,002.70	15,727.00	109,391.70	70,533.00
PLUMB	37	88	277	466	51,589	303,123	865,120	1,029,180	5,467.00	13,289.00	40,055.00	69,749.00
TOTALS	163	212	1,051	1,095	5,231,352	4,273,054	25,489,457	50,685,984	54,288.24	59,974.66	275,923.99	431,258.14

	NEW DWELLING UNITS TOTALS			
	DECEMBER 2022	DECEMBER 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	12	8	34	67
MULTI FAMILY	0	0	0	81
TOTAL	12	8	34	148



 CHIEF BUILDING OFFICIAL



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: City Council Minutes of January 17, 2023

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of January 17, 2023, for the Council's consideration.

RECOMMENDATION: That the Council approve the draft Minutes of January 17, 2023

ATTACHMENTS: 1. Draft Minutes_01-17-2023

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: Patrice Hildreth, Deputy City Manager

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 17, 2023, 5:30 PM**

Call to Order: 5: 30 p.m.

Roll Call: Mayor Martha A. Flores, Vice Mayor Kellie Carrillo,
Council Member Donald Weyhrauch, Council Member Raymond Beltran,
Council Member Greg Meister

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that he will not be attending in person due to illness, but will participate in the Open Session Oral Communications.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Benjamin Bogle and Keri Curtis. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Isabel Hernandez. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Four (4) cases in which facts are not yet known to potential plaintiff.

5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) Case.

**6:39 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

City Attorney Lew reported action pertaining to A-2 and A-3, as follows:

A-2. On a MOTION made by Vice Mayor Carrillo, and SECONDED by Council Member Weyhrauch the City Council unanimously rejected the claim filed by Benjamin Bogle and Keri Curtis.

Documentation: M.O. 01-011723

Disposition: Claim rejected.

A-3. On a MOTION made by Council Member Meister, and SECONDED by Council Member Beltran the City Council unanimously rejected the claim filed by Isabel Hernandez.

Documentation: M.O. 02-011723
Disposition: Claim rejected.

Pledge of Allegiance Led by Mayor Flores

Invocation – a moment of silence was observed.

PRESENTATIONS

Veterans Homecoming
Police Department's Citizen Recognition Award
Employee Service Awards

ORAL COMMUNICATIONS

- Elizabeth Booth, Porterville, voiced displeasure with the way main street looks and spoke against the large number of individuals experiencing homelessness on Main Street.
- Ed McKervey, Porterville, stated he is pleased that discussions are taking place with regard to the Brookside Subdivision and believes the city should reevaluate the project and address concerns related to traffic and sewer issues.
- Brock Neeley (via Zoom), Porterville, wished everyone a Happy New Year; spoke of sandbag issues that occurred during the massive rainstorms; regarding Item No. 4, voiced concern with Milinich Body Works and Porterville Collision not working well with the City; voiced support for Council Member Weyhrauch's proposed amendments of the Council Handbook; and spoke of the Legislative Budget and Priorities, which he indicated he had screenshot and sent to Senator Hurtado's Office.
- Miguel Ramirez (via Zoom), Public Affairs Manager with Southern California Gas Company, advised that natural gas prices were going to be higher than usual in the month of January.

AB 1234 REPORTS

Mayor Flores moved all AB1234 reports to after Scheduled Matters.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - January 5, 2023 – no report was provided.

2. Library & Literacy Commission - January 10, 2023

Commissioner Edith LaVonne reported on the activity calendar for the month of January, gave highlights and presented monthly statistics regarding patronage, and program participation, and volunteer hours; and stated that the library provides literacy service and invites anyone to join.

3. Arts Commission – no report.

4. Animal Control Commission - January 12, 2023

Chair Kathy Guinn reported on the recent loss of Augie Gonzales and advised that staff was on duty and doing a great job of which the Commission is proud.

5. Youth Commission - January 11, 2023 – no report was provided.

6. Transactions and Use Tax Oversight Committee (TUTOC) – no report was provided.

II. Staff Informational Reports

1. Water Conservation Phase Iv Status Update - December 2022

CONSENT CALENDAR

Council Member Greg Meister requested that Item No. 10 be removed for further discussion. City Manager Lollis indicated staff requested that Item No. 14 be removed for further discussion.

COUNCIL ACTION: MOVED by Council Member Donald Weyhrauch, SECONDED by Council Member Greg Meister that the City Council approve Items Nos. 1-9, and 11-13. The motion carried unanimously.

1. AUTHORIZATION TO REPAIR POLICE VEHICLES NO. 3352 AND NO. 3389

Recommendation: That the City Council:

1. Authorize the repair of Police vehicles No. 3352 and No. 3389 by Milinich Body Works at a cost not to exceed \$46,675 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment of said repairs upon satisfactory completion.

Documentation: M.O. 03-011723

Disposition: Approved.

2. APPROVAL OF EMERGENCY EXPENDITURE

Recommendation: That the City Council authorize payment to Prime Towing & Transport, Inc. in the amount of \$12,562.50.

Documentation: M.O. 04-011723

Disposition: Approved.

3. PURCHASE OF FIRE DEPARTMENT/CODE ENFORCEMENT BODY-WORN CAMERA

Recommendation: That the City Council:

1. Authorize staff to enter into a contract with Axon Enterprises Inc. for the purchase of one body-worn camera and equipment, one docking station, one Administration license, unlimited cloud storage and associated installation hardware and technical support for a total of \$11,452.94;
2. Authorize payment(s) to Axon Enterprises Inc. per contract; and
3. Authorize staff to negotiate contract renewal for services upon the current contract's expiration.

Documentation: M.O. 05-011723

Disposition: Approved.

4. AUTHORIZATION TO REPAIR TRANSIT VEHICLE NO. 8113

Recommendation: That the City Council:

1. Authorize the repair of transit vehicle No. 8113 by E.M. Tharp, Inc. at a cost not to exceed \$24,173 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 06-011723

Disposition: Approved.

5. AUTHORIZATION TO REPAIR TRANSIT VAN NO. 8123

Recommendation: That the City Council:

1. Authorize transit van collision repair by E.M. Tharp, Inc. at a cost not to exceed \$9,718 (inclusive of all parts, taxes, and labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 07-011723

Disposition: Approved.

6. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR DESIGN SERVICES - PARKS MASTER PLAN

Recommendation: That the City Council authorize staff to distribute a Design Services Request for Qualifications for a Parks Master Plan.

Documentation: M.O. 08-011723

Disposition: Approved.

7. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the fiscal year ended June 30, 2022.

Documentation: M.O. 09-011723

Disposition: Approved.

8. ACCEPTANCE OF POLICE K-9 SAFETY EQUIPMENT GRANT

Recommendation: That the City Council:

1. Authorize the acceptance of the grant in the amount of \$3,770.00; and
2. Authorize staff to sign all necessary documents that pertain to the grant.

Documentation: M.O. 10-011723

Disposition: Approved.

9. ACCEPTANCE OF DONATION OF LITTLE LIBRARY BY MILT STOWE

Recommendation: That the City Council consider acceptance of the donation of the Little Library by Milt Stowe.

Documentation: M.O. 11-011723

Disposition: Approved.

11. ASSIGNMENT OF AIRPORT LEASE - LOT NO. 34F

Recommendation: That the City Council:

1. Approve the Assignment of Lease for Lot No. 34F at the Porterville Municipal Airport from Steven Huth and Michael Quatacker to Michael Quatacker and Debbie Quatacker; and
2. Authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 12-011723

Disposition: Approved.

12. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER THE FORMATION OF A CITY COUNCIL AD HOC COMMITTEE TO ANNUALLY REVIEW THE IMPLEMENTATION OF THE CITY'S GENERAL PLAN.

Recommendation: That the City Council approve Council Member Weyhrauch's request to consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan as a Scheduled Matter at the next regular Council meeting.

Documentation: M.O. 13-011723

Disposition: Approved.

13. REAFFIRM CONDITIONS OF STATE ASSEMBLY BILL 361 TO CONTINUE REMOTE ATTENDANCE AT PUBLIC MEETINGS

Recommendation: That the City Council consider the adoption of the draft Resolution to continue allowing the option to participate in the City's public meetings remotely through the use of the teleconferencing provisions of AB 361.

Documentation: Resolution No. 01-2023

Disposition: Approved.

PUBLIC HEARINGS

15. ZONE CHANGE FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR PANADERIA LA COSECHA LOCATED AT 23 NORTH F STREET

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed zone change; and
2. Approve the draft Ordinance, give first reading and order the Ordinance to print.

City Manager Lollis introduced the item and Associate Planner Oscar Zepeda presented the staff report.

The Public Hearing was opened at 7:18 p.m. and closed at 7:19 p.m. when no one came forward.

Council Member Weyhrauch inquired whether there was sufficient setback for access to the rear of the proposed building, which staff confirmed was the case.

COUNCIL ACTION: MOVED by Council Member Greg Meister, SECONDED by Vice Mayor Kellie Carrillo that the City Council approved the draft Ordinance approving a Zone Change from RM-3 to CG for a 0.17± acre parcel located at 23 North "F" Street. The motion carried unanimously.

Documentation: **M.O. 14-011723 Ordinance No.**

Disposition: Approved.

16. VILLAS AT SIERRA MEADOWS 4 & 5 DEVELOPMENT PROJECT

Recommendation: That the City Council continue the Public Hearing scheduled to consider the entitlements for PRC 2020-48 to February 21, 2023.

City Manager Lollis introduced the item and Assistant City Manager Jason Ridenour presented the staff report, noting that the City received a comment letter from the Department of Toxic Substances Control requesting additional environmental site assessment based on the current

agricultural use. He indicated that a determination was made to recommend continuing the Public Hearing to February 21, 2023, to allow time for an additional environmental site assessment to be conducted in accordance with the comments received. Mr. Ridenour advised that the applicant had requested the item be continued to the meeting of February 7th. It was determined that if the City did not have the necessary information by the February 7th meeting, the matter would be continued to the February 21st meeting.

The Public Hearing opened at 7:25 p.m.

- Victor Rojas, Porterville, voiced his concern regarding the kit foxes that he alleged were in the area, suggesting they are potentially an endangered species and that the proposed development would destroy their habitat.
- Lillian Garcia, Porterville, also voiced her concerns with kit foxes and red foxes that she stated were in the area noting that they were potentially an endangered species.
- Samantha Garcia, Porterville, also voiced her concerns noting that she believed there were kit foxes in the area of the proposed development.

The Public Hearing was continued to the council meeting on February 7th, 2023.

COUNCIL ACTION: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Donald Weyhrauch that the City Council continuing the public hearing to February 7th, 2023. The motion carried unanimously.

Documentation: M.O. 15-011723

Disposition: Approved.

SCHEDULED MATTERS

10. AMENDED BARN THEATER REVOCABLE LICENSE AGREEMENT

Recommendation: That the City Council consider approval of the proposed amendments to the current Revocable License Agreement between the City and the Barn Theatre.

City Manager Lollis introduced the item and presented the staff report.

Council Member Meister stated that he wanted to see the Barn Theater be able to host fundraising events and a modification of the license agreement term.

City Manager Lollis stated that the Internal City Audit Committee, along with the Barn Theater, met and made amendments to the license agreement concerning being allowed to conduct fundraising and community enrichment activities on the property; in addition, the proposed amended Revocable License Agreement would modify the term of the current Agreement from twenty-five (25) years to five years, with a mutual option for an extension of an additional year.

COUNCIL ACTION: MOVED by Council Member Greg Meister, SECONDED by Mayor Martha A. Flores that the City Council approve the amended Barn Theater

Revocable License Agreement with the amended changes to allow the Barn Theater to conduct fundraising and/or community enrichment activities at the property including, but not limited to fine arts performances and recitals, concerts, comedy nights, art displays and art nights, talent shows, dance shows, dinners and luncheons, Christmas parties, weddings, birthday parties, and baby showers and shall be allowed to sublicense the property to community clubs for such clubs' meetings; and modify the term of the current Agreement from twenty-five (25) years to five (5) years, with a mutual option for an extension of an additional year. The motion carried unanimously.

Documentation: M.O. 16-011723

Disposition: Approved.

14. STATUS AND REVIEW OF LOCAL EMERGENCY DROUGHT

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

City Manager Lollis introduced the item and presented the staff report.

City Manager Lollis stated an emergency request had been received from the County of Tulare for assistance to Self-Help Enterprises, Inc. in the provision of water for the Emergency Tank Program that currently serves 389 residences across Tulare County where domestic wells have run dry due to continued drought. Mr. Lollis stated the County had been providing water from its well at the Bob Wiley Detention Facility, north of Visalia, but the recent rainfall had caused damage to and the temporary closure of the access road to the well.

Members of Council expressed the importance of being able to help their neighbors and agreed to assist the County to provide source water to Self Help to continue the Emergency Tank Program, to be reviewed at its next regular meeting on February 7, 2023.

COUNCIL ACTION: MOVED by Council Member Greg Meister, SECONDED by Mayor Martha A. Flores that the City Council approved to support Tulare County's request to provisionally use City water to assist Self Help with their Emergency Tank Program on a temporary basis to be reviewed at its next regular meeting on February 7, 2023. The motion carried unanimously.

Documentation: M.O. 17-011723

Disposition: Approved.

17. CONSIDERATION OF AMENDMENTS TO THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider amendments to its Procedural Handbook and provide direction to staff as determined.

City Manager Lollis introduced the item and presented the staff report.

As a continued discussion of the consideration of amendments from the meeting on December 20, 2022, Mayor Flores recommended that the Order of Business for Council meetings be modified by the moving of Council AB 1234 Reports from prior to the Consent Calendar to after Scheduled Matters.

City Attorney Lew stated she had prepared a draft policy concerning use of social media to be considered for inclusion in the Handbook as an additional appendix.

A discussion ensued during which in addition to relocating AB 1234 Reports, and adding a Social Media Policy as an Appendix, optional use of Council Member Weyhrauch's proposed Council Communication Log form was discussed, as was adding clarifying language to Section X(G) concerning the City's response to President/Governor directives, and adding the FPPC's phone number in an additional location.

Documentation: None

Disposition: Direction given to staff to bring stated revisions back for consideration.

18. 2023 STATE BUDGET AND LEGISLATION INTERESTS

Recommendation: That the City Council consider its State budget and legislative interests for the upcoming 2023 California legislative session.

City Manager Lollis introduced the item and presented the staff report the 2023 State Budget and Legislation Interests for the upcoming 2023 California legislative session which were the following:

- New Community Library Facility
- New Community Recreation Facility
- Homesless Housing and Services Funding
- Porterville Development Center Reuse
- Army National Guard Armory Resuse
- Porterville College POST Peace Officer Program Module 1

Documentation: None.

Disposition: Report received.

AB 1234 REPORTS

1. Tulare County Task Force on Homelessness - December 21, 2022
No report was provided due to meeting being canceled.

2. Cannabis Ad Hoc Committee - December 26, 2022

Council Member Weyhrauch reported on discussions between the committee and the third dispensary operator regarding their development agreement and business proposal. He stated that the ad hoc committee discussed having a meeting with all dispensary operators to review compliance with the development agreements.

Council Member Beltran reported on a brief discussion regarding potential changes to zoning in the event any dispensary may come out of compliance for whatever reason and additional time frame for the educational outreach.

3. Tulare Economic Development Corporation (TCEDC) Board - December 25, 2022

No report was provided due to the meeting being canceled.

4. Police Department Badge Pinning Ceremony - January 3, 2023

Mayor Flores reported on her attendance noting that it was always a pleasure to be a part of the ceremonies. Mayor Flores congratulated new Police Officers Jennifer Huerta and Jay Scott, Community Service Officer Mark Caldwell, Records Clerk Marth Schmidt, and Police Officer Trainee Jahni Newhauser.

Council Member Beltran stated it was his first badge-pinning ceremony and that it was an honor to see the recruits and their families, along with other police officers in attendance.

4. Local Initiatives Navigation Center (LINC) Committee Meeting - January 4, 2023

Council Member Beltran reported on his attendance and stated the committee was getting ready for the Local Point-in-Time count event and voiced pride in Porterville for having the largest volunteer group in the county concerning this event.

6. Eastern Tule Groundwater Sustainability Agency (ETGSA) Board Meeting - January 5, 2023

Council Member Weyrauch reported on his attendance, the approval of minutes, a resolution allowing for ongoing public teleconference meetings, a ratification of bills paid and approval of bills to be paid, appointments of agency officers; and several reports from Stakeholder Outreach, Committees, and Tule Subbasin.

7. Tule River Tribe Sesquicentennial Celebration - January 9, 2023

Mayor Flores reported on those in attendance and stated that it was an honor to be present during the welcome and prayer and the cultural presentation. She spoke of the City's presentation of a Special Recognition Plaque to the Tribe for its Sesquicentennial of the Establishment of the Tule River Reservation on January 9, 1873.

8. Tulare County Water Commission - January 9, 2023

Mayor Flores reported on the approval of a resolution allowing for teleconferencing, approval minutes, a brief discussion of the 2022 Brown Act Amendments, a presentation by Sarah Rutherford and Charlotte Schuii concerning the CV Salts Update, a presentation by

Benjamin Barry concerning upper watershed by Sierra Nevada Conservancy, an SB 522 Updates, and Drought Updates.

9. Transit Forum - January 11, 2023

Vice Mayor Carrillo reported on those in attendance, discussions regarding the funding, grants, FTA/ Federal funding, a Genfare Regional Fare Collection System Update, discussion of Measure R Performance Metrics, discussion on planning around the 2023 Tulare County Coordinated Transportation Plan and the CrossValley Corridor Phase 1 Operations Plan RFP; and updates provided by Visalia Transit and TCRTA.

10. Porterville Homeless Services Meeting - January 11, 2023

Mayor Flores reported on those in attendance and thanked Economic and Housing Development Manager Claudia Calderon for coordinating the session inclusive of Administrative Aide Christina Tank and Assistant City Manager Jason Ridenour. She stated it was great to see new and returning members and added that statistical reports were received regarding the 2022 Point-in-Time report.

Council Member Beltran stated the citizens should be proud of the effort that was being made with regard to addressing homelessness.

11. CALvans Board - January 12, 2023

Vice Mayor Carrillo stated that she was unable to attend the meeting.

12. Tulare County Economic Development Corporation (TCEDC) Board - January 13, 2023

Mayor Flores reported on those in attendance, and stated it was a brief meeting which was to authorize President & CEO, Airica de Oliveira of the TCEDC to submit a letter of support for the California Import Concept and Grant Application.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Weyhrauch inquired if staff would look into disabled parking spaces at the temporary library, asked City Manager to arrange a review of the Animal Shelter Construction, suggested that airport lease terms should be reviewed, restated information regarding gas assistance, and voiced support for the inclusion of Minutes on the Agenda.
- Council Member Beltran spoke of his support in getting the Police Department the equipment they need, and voiced pleasure in reaching an agreement with the Barn Theater.
- Council Member Meister spoke in favor of the city assisting the County with water; suggested that the Cannabis Ad Hoc Committee should look at a location away from the Main Street for the third operator. He also stated it that was great to see the good Samaritan who assisted in helping an individual from an overdose and also spoke in favor of the City's Public Safety.
- Vice Mayor Carrillo acknowledged the City departments with regard to the recent storm, spoke of the Tule River Tribe Sesquicentennial Celebration, and congratulated City staff who

received the employee service awards and to the police officers for their recognition award, and to the citizen who offered their aid to an individual who overdosed.

- Mayor Flores thanked Public Works Director Michael Knight and his staff for their efforts during the recent storm, spoke of the Hall of Fame nominations, stated that she received an email from Darrin Garrett about a river clean-up event, and spoke of the upcoming Homeless Task Force Meeting and Public Safety Recognition dinner by the Exchange Club.
- City Manager Lollis stated he appreciated all the work done by all departments in the field during the recent storm and spoke of Tribal Council elections the upcoming weekend and of the Police Department's Badge Pinning Ceremony.

CLOSED SESSION

None.

ADJOURNMENT

The council adjourned at 9:22 p.m. to the meeting of February 7th, 2023 at 5:30 p.m.

Fernando Gabriel-Moraga, Deputy City Clerk

SEAL

Martha A. Flores, Mayor



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Replace City Hall Exterior Door

SOURCE: Parks and Leisure Services

COMMENT: The double doors located at the southeast entrance to City Hall are very old and in need of replacement. The location of the door is closest to the Finance Department Utility Window and is used more than any other entrance to City Hall. The door has been repaired numerous times over the years and is now beyond the point of repair. After an inquiry of local businesses that could possibly replace the door, including the local business who installed and performed maintenance on the door, only Lindsay House of Glass was able to produce a quote. The custom size, panic bars and ADA power operation capability of the door made the job difficult to quote and is the reason for the limited response. The door will be paid for from the Parks and Leisure Services City Hall General Fund building maintenance account.

RECOMMENDATION: That the City Council authorize the replacement of the southeast exterior door of City Hall for \$7,465.94 from Lindsay House of Glass.

ATTACHMENTS: 1. Lindsay House of Glass, LLC Quote

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Lindsay House of Glass, LLC
1254 W Tulare Rd
Lindsay, CA 93247

Estimate

Date	Estimate #
1/26/2023	1185

Name / Address
City of Porterville 291 N Main St. Porterville, CA 93257

P.O. No.

Due to shortage of some supplies all lead times are subject to change without notice.
Customer is responsible to attain any and all permits where required.
This is not included in quoted price.

Terms
50% deposit/ b...

Description	Qty	Rate	Total
Custom size Commercial Door, bronze frame; medium stiles; clear glass; continuous gear hinges, 7" threshold, surface closer one door, reinstall power operator other door, concealed panic hardware		7,465.94	7,465.94
If you decide to add electronic locking there is no place to hide wiring, Must be surface mounted inside of building Sales Tax		9.25%	0.00
Price includes material, tax and installation.		Total	\$7,465.94

Phone #
5595629229

E-mail	Web Site
lhogbiz@gmail.com	www.lindsayhog.com



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Repair Specialized Equipment - Primary Clarifier Center Drive

SOURCE: Public Works

COMMENT: The City's Wastewater Treatment Facility (WWTF) requests authorization to repair the primary clarifier center drive on Plant #2. The center drive removes organic settleable solids through clarification and thickening. The clarification and thickening accomplished in the primary clarifier are critical to meeting Waste Discharge Requirement effluent discharge limits. The WWTF is seeking to expedite the repair as the primary clarifier is not operational at this time.

The WWTF solicited and received three quotes for the repair of the center drive. The quotes are as follows:

Clean Infusion	\$119,765	24-weeks lead time
GSE Construction	\$122,000	9-weeks lead time
Double J Enterprises	\$132,236	9-weeks lead time

Based on the submitted quotes and lead times, GSE Construction was selected as the low bidder for the repair of the primary clarifier center drive on Plant #2. The expenditure for the repair is not to exceed \$150,000, which includes repair parts, labor, freight, taxes, and a ten percent (10%) contingency. Project funds will be made available from the 2022-2023 WWTF Reserve Fund and will be subject to prevailing wage requirements.

RECOMMENDATION: That the City Council:

1. Award the repair of the primary center drive on Plant #2 for the City's Wastewater Treatment facility to GSE Construction for a do-not-exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to GSE Construction for a do not exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to GSE Construction upon receipt of an invoice approved by the Public Works Director.

ATTACHMENTS:

1. GSE Construction Quote
2. Clean Infusion Quote
3. Double J Enterprises Quote

Appropriated/Funded:

Review By:

Department Director:

Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



January 6th, 2023

Daniel Harris
Utilities Supervisor
1333 W Grand Ave.
Porterville, Ca 93257

RE: Clareator Drive Replacement

Dear Daniel Harris,

We are pleased to provide a quotation for the following scope of work; **Demo and remove existing drive unit on Claraetor. Furnish and install custom direct replacement drive.** This proposal is based upon emails on 11/29/22.

The scope of work for this project is as follows;

- 1) Field measure existing drive for new direct replacement drive.
- 2) Unbolt and remove catwalk.
- 3) Unbolt and remove existing damaged drive w/ Off-Haul.
- 4) Install new drive with new gear lube.
- 5) Reinstall catwalk.

Our price for this work is..... \$122,000

....Submittal: 4-5 weeks

....Shipment: 3-4 weeks after release.

This proposal excludes the following items;

- Cleaning/Draining of Claraetor. (Clareator to be rinsed and drained prior to work)
- All electrical work required for removal of drive and catwalk.
- Off haul of any sludge/hazardous material.
- Overtime or weekends work.
- Any work not specifically included

We appreciate the opportunity to bid on this project. Please contact me with any questions.

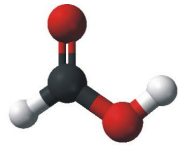
Sincerely,

Marc Saar

Office: (925) 447-0292

Mobile: (925) 525-9114

Msaar@gseconstruction.com



CLEAN INFUSION

Wastewater Aeration Cleaning Services

Phone: +1-267-698-1176

www.CleanInfusion.com

Sales@CleanInfusion.com

Clean Infusion Proposal: 5033

TO: Daniel Harris
City of Porterville, CA
Utilities Superintendent

Date: January 17, 2022

RE: City of Porterville
Clarifier Drive Replacement

Dear Mr. Daniel Harris

Clean Infusion is pleased to propose the replacement of your clarifier drive replacement.

Clarifier Drive Replacement

Below is the scope of work outlined needed for the replacement of your existing clarifier drive.

- Field measure existing drive for new drive
- Removal of catwalk.
- Removal of existing drive.
- Supply and Installation of new drive.
- Reinstallation of catwalk using removed hardware.
- Testing and Inspection of new drive

Price Includes Labor, Construction Equipment and Materials

\$119,765.00

*Pricing does not include any taxes or additional freight costs. FOB to Porterville, CA WWTP. If customer is tax exempt please provide a copy prior to shipment or a tax charge will be applied to final invoice.

**Submittal Lead Times are 4-8 weeks depending on workload at time of order.

***Shipment Date is 12-16 weeks after submittal approval depending on workload at time of order. Crews will mobilize one day prior to shipment arrival.

****Any work performed above is included in Clean Infusion and Manufacturer's Warranty

EXCLUSIONS

1. Draining and cleaning of tank/basin. Tank/Basin will need to be drained and cleaned prior to arrival.

2. Ladders for access to the basin/tank to be provided by city/town.
3. Insurance Certificates provided upon request.
4. Safety equipment (safety glasses, steel toed shoes, goggles, gloves, hard hats, as required) will be provided by Clean Infusion. If other safety equipment requirements or training are required by Owner, Clean Infusion will need this information three weeks prior to scheduled service to accommodate requests. Clean Infusion will provide its safety plan to municipality upon request.
5. Plant owner to ensure that site safety procedures are followed.
6. It is assumed the Clean Infusion crew will have access to the facility between 7:00 AM and 5:00 PM Monday through Friday.
7. The quotes listed in this proposal are based on Prevailing Wages/Davis Bacon wage rates for the state of California.
8. Clean Infusion will warranty any and all work performed by its crews for a period of 24 months after the completion of start up.

CLEANINFUSION

Wastewater Aeration Services

Matt Conyers

Director of Operations and Sales

Office: 267-698-1176

Matt@cleaninfusion.com



P.O. Box 4175 Paradise, Ca 95967 Phone/Fax 530-877-7444 California Contractors Lic. # 968695

Work Authorization Form

January 30, 2023

Purchase order number:

Client: City of Porterville, Ca
Recipient Name: Daniel Harris

P.O. #

Dear Mr. Harris,

Double J Enterprises is pleased to offer our proposal of the following:

Unit	QTY	Description	Unit Cost	Extended
Labor & Materials	1	Demo and remove existing drive unit on Clarifier. Furnish and install direct replacement drive from DBS Manufacturing.	\$132,236	\$132,236
			0	0
Clarifier to be cleaned by others prior to start of work by contractor				
			Total	\$132,236

TERMS: This Work Authorization may be withdrawn if not accepted within 30 days.

1) Payment Terms:

- a) Double J Enterprises to invoice the client for services rendered.
- b) Payment is due net 30 days from date of invoice.

2) Acceptance:

- a) Acceptance of these terms are made possible by the issue of a purchase order for the total above, and by signing below:

3) Delivery:

- a) Submittals 4-5 weeks
- b) Delivery 3-4 weeks after approved submittals

Client:	Double J Enterprises
Signature	Signature <i>JJ Jeffries</i>
Title:	Title: President / CEO
Date:	Date: January 30, 2023
Print Name:	Print Name: JJ Jeffries



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Purchase Aeronautical Light Beacon for the Airport

SOURCE: Finance

COMMENT: The aeronautical light beacon at the Airport is nearing the end of its operational life. The beacon is a navigational aid indicating the airport location to pilots. Parts for the beacon are no longer available given its age. Recently, replacement parts for the beacon had to be custom made by a machinist. A new beacon with LED lighting will reduce power usage by approximately sixty-five percent (65%). The new lamps will have a typical life of 50,000 hours or twelve (12) years.

Staff had requested quotes for a new LED rotating beacon and received the following:

Hali-Brite \$ 14,530.73

Flight Light \$ 15,288.88

The cost of the new airport beacon will be funded from the Airport Operating Fund.

RECOMMENDATION: That the City Council authorize the purchase of a new LED rotating beacon for the Airport from Hali-Brite for \$14,530.73, in addition to the related use tax, shipping and other charges.

ATTACHMENTS:

1. Hali-Brite Inc. Quote
2. Flight Light Inc. Quote

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager



Hali-Brite Inc.
1119 Madison Street
Brainerd, MN 56401
 Phone: 218-454-0956
 Fax: 218-454-0972
 Email: Sales@Halibrite.com

Quotation

Quote Number:
 m33281
 Quote Date:
 Jan 13, 2023
 Expiration Date:
 2/12/23

Quoted to: CITY OF PORTERVILLE
 PURCHASING DIVISION
 PO BOX 432
 PORTERVILLE, CA 93258
 USA

Ship To: CITY OF PORTERVILLE
 1893 SOUTH NEWCOMB
 ATTN: Andy Labonte
 PORTERVILLE, CA 93257
 USA

Phone 559-782-7540
Email:

Customer ID	Ship Via	Payment Terms	Sales Rep
CACIPO	AEI	Net 30 Days	Brooke Weinhandl

Quantity	Item	Description	Unit Price	Extension
1.00	L802AL116	LED L802A AIRPORT BEACON HIGH INTENSITY, CL 1, 120 VAC 60Hz (HC 8530.80.0000 USA)	13,419.12	13,419.12
1.00	4200-0000A	Tower Mounting Kit: Creates a conversion platform from 36" Beacon to all all current model bacons. All hardware incl. (HS 8501.51.2020 USA)	393.32	393.32
1.00	L801/802 Bird Spikes	LED model beacons bird spike option. Full row of large polycarbonate resin spikes running along each beacon head to deter birds. UV Stabilized, Clear.	83.87	83.87
1.00	L801/802 T/T LED 120	Tell-Tale Relay Option, LED Beacon 120Volt (HC 8530.80.0000 USA)	634.42	634.42
1.00	SH	SHIPPING includes booking, loading, insurance.	565.00	565.00
				14,530.73
				sales tax 1,344.09
				<u>15,874.82</u>

**PLEASE NOTE: SALES TAX EXEMPT CERTIFICATE OR
 RESALE CERTIFICATE REQUIRED FOR STATE ITEM(S)
 BEING SHIPPED TO, OR SALES TAX MAY APPLY**

Note: Credit Card payments will be subject to a 2% surcharge

sales@halibrite.com | www.halibrite.com

Subtotal	15,095.73
Sales Tax	
Freight	
Total	15,095.73



Flight Light Inc.

2708 47th Avenue
Sacramento, CA 95822, USA
<https://flightlight.com>

US: +1 800 806 3548
Worldwide: +1 916 394 2800

Bill To:

City of Porterville
Attn: Airport
291 No. Main Street
Porterville, CA 93257
United States
alabonte@ci.porterville.ca.us

Confirm To: Andy

Quote

Page: 1

Customer Number: 01-POR009

Quote Number: 0131984

Quote Date: 1/11/2023

Expires On: 2/10/2023

Salesperson: Aida Gonzalez

aida.gonzalez@flightlight.com

Ship To:

Porterville Airport
1893 So. Newcomb
559-782-7540
Porterville, CA 93257
United States

Ship Via
BEST WAY

Terms
Net 30 Days From Invoice Date

Item / Description	UOM	Qty Quoted	Price	Amount
AB-L802AL116 LED L802A High Intensity Rotating Beacon 2 lamps/heads (Clear, Green), 120VAC, 60Hz, Class 1	EA	1	\$13,935.76	\$13,935.76
46-4200-0000 Tower Mounting Kit - HBM Series Beacons 0	EA	1	\$544.90	\$544.90
46-L801/802T/T Tell-Tale Relay Option HBM Beacons Halogen/LED, 120V. NOTE: Must be quoted with 46-0100-0021: A or B (HBM250 Control Panel Assembly) for the Tell Tale Relay to be operational if the beacon is already onsite.	EA	1	\$693.22	\$693.22
46-L801/2-BIRD SPIKES LED model beacons bird spike option. Full row of large polycarbonate resin spikes running along each beacon head to deter birds. UV Stabilized, Clear.	EA	1	\$115.00	\$115.00

Freight Will Be Charged at Shipping
We Appreciate Your Business

Manage Your Account and Track Your Order Online: <https://store.flightlight.com>

Terms and Warranty: <https://flightlight.com/terms>

Net Order: \$15,288.88

+ Freight: \$0.00

Sales Tax: \$1,414.22

Order Total: \$16,703.10 USD



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Purchase Replacement Pump and Motor for City Well No. 1A

SOURCE: Public Works

COMMENT: The City's Well No. 1 A, located on the north side of E. Putnam Avenue between Fourth Street and Henrahan Street, has experienced an operational failure. City staff has used the City-owned well rig to pull and assess the repairs needed to restore operation to this well.

Demands on the City's Water Distribution System depend on all wells being operational, so it is imperative that the well's operation is restored. Failure to correct this issue would affect the city's overall water system pressure and production capabilities.

Three well pump repair companies were contacted requesting quotes for the replacement pump, motor, and electrical wire that is needed to restore the operation of this well. Three bids were requested and three bids were received from these local pump repair companies:

<u>Pump Supply Company</u>	<u>Total Cost</u>
S. A. Camp	\$17,138
Zim Industries	\$17,214
Carver Pump Service	\$17,571

S. A. Camp was the lowest bidder to respond, and in addition, they are immediately available to order the replacement parts. Upon receipt, City staff can install and correct all issues at City Well No. 1 A, at a cost not to exceed \$18,852 (inclusive of all parts, taxes, and labor and a 10% contingency). The total repair cost will be funded by the Water Operating Fund.

RECOMMENDATION: That the City Council:

1. Direct the Finance Director to initiate a Purchase Order to S.A. Camp for an amount not to exceed \$18,852 for the repair parts needed for City Well # 1A; and
2. Direct the Finance Director to make payment to S.A. Camp upon receipt of the invoice approved by the Public Works Director.

ATTACHMENTS:

1. S. A. Camp Pump and Drilling Company Quote
2. Zim Industries, Inc. Quote

3. Carver Pump Service Quote
4. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager

S. A. CAMP PUMP AND DRILLING COMPANY
P.O. BOX 82575 BAKERSFIELD CA 93380-2575
17876 ZERKER RD BAKERSFIELD CA 93308
PHONE (661) 399-2976 FAX (661) 399-8063 CA LIC# 346951
----ESTIMATE----

CUSTOMER: CITY OF PORTERVILLE
ATTN: JOHNNY
LOCATION: CITY 1A
SUBJECT: NEW SUB PUMP & MOTOR

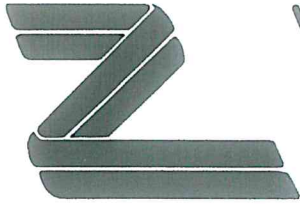
DATE: 1/23/2023

QTY	DESCRIPTION	AMOUNT
1	50 HP FRANKLIN SUB MOTOR - 460 VOLT 3 PHASE	
1	8" GOULDS SUBMERSIBLE PUMP END	
300'	4/3 SUB WIRE	
2	SPLICE KITS	
1	DELIVERY FEE TO CITY OF PORTERVILLE FACILITY	
TOTAL AMOUNT FOR THE ABOVE INCLUDING PUMP MATERIAL AND 9-1/4% CITY SALES TAX WITH DELIVERY ONLY...		17,137.80

QUOTED BY: GERRIT OTTEN

NOTE: ESTIMATE AMOUNT MAY CHANGE DUE TO VENDOR PRICING.

NOTE: THE CITY TO UNLOAD ALL MATERIAL UPON DELIVERY TO
THE CITY YARD.



ZIM INDUSTRIES, INC.

4532 E. Jefferson Ave. • Fresno, CA 93725
Ph. (559) 834-1551 • FAX (559) 834-5156
www.zimindustries.com

January 24, 2023

City of Porterville
291 North Main Street
Porterville, CA 93257
Attn: Jon Pruitt

Subject: City 1A

Zim Industries, Inc. Proposes to furnish the following.

- | | |
|--|--------------|
| 1. 1 – 4 Stage 6TMH Berkley Submersible Pump End | \$ 4, 500.00 |
| 2. 1 – 6" 50 H.P. Grundfos SUB. Motor 460V | \$ 7, 200.00 |
| 3. 300' # 4-3 Flat Jacketed Sub Cable | \$ 3, 700.00 |
| 4. 2 - #4 Splice Kits \$18/EA. | \$ 36.00 |

Subtotal \$ 15, 436.00

Tax 9.25% \$ 1, 427.83

Delivery \$ 350.00

Total \$ 17, 213.83

Sincerely Submitted,

D.C. Ogan III

Zim Industries, Inc.

1-855-6CARVER
CALIFORNIA CONTRACTOR'S
LICENSE - C61 D21 #547257



Telephone

city of porterville

DESCRIPTION	AMOUNT
1-500ft spool 4-3 sub cable	\$ 3,648.00
2-# 4 splice kits	\$ 36.86
1- 50hp hitachi 480v 3ph 6" sub motor	\$ 7,863.73
1-7chc-500 3stg goulds sub bowls	\$ 4,534.61
This price is for above listed parts only	
sub total	\$ 16,083.20
SALES TAX	\$ 1,487.70
TOTAL	\$ 17,570.90

Acceptance of this proposal is an agreement by the customer to pay in full for all services within 30 days of the date invoiced. Carver pump will charge, and customer agrees to pay, finance charges of 2 percent per month on the unpaid balance.

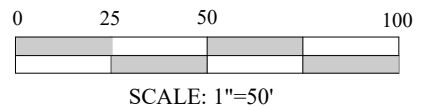
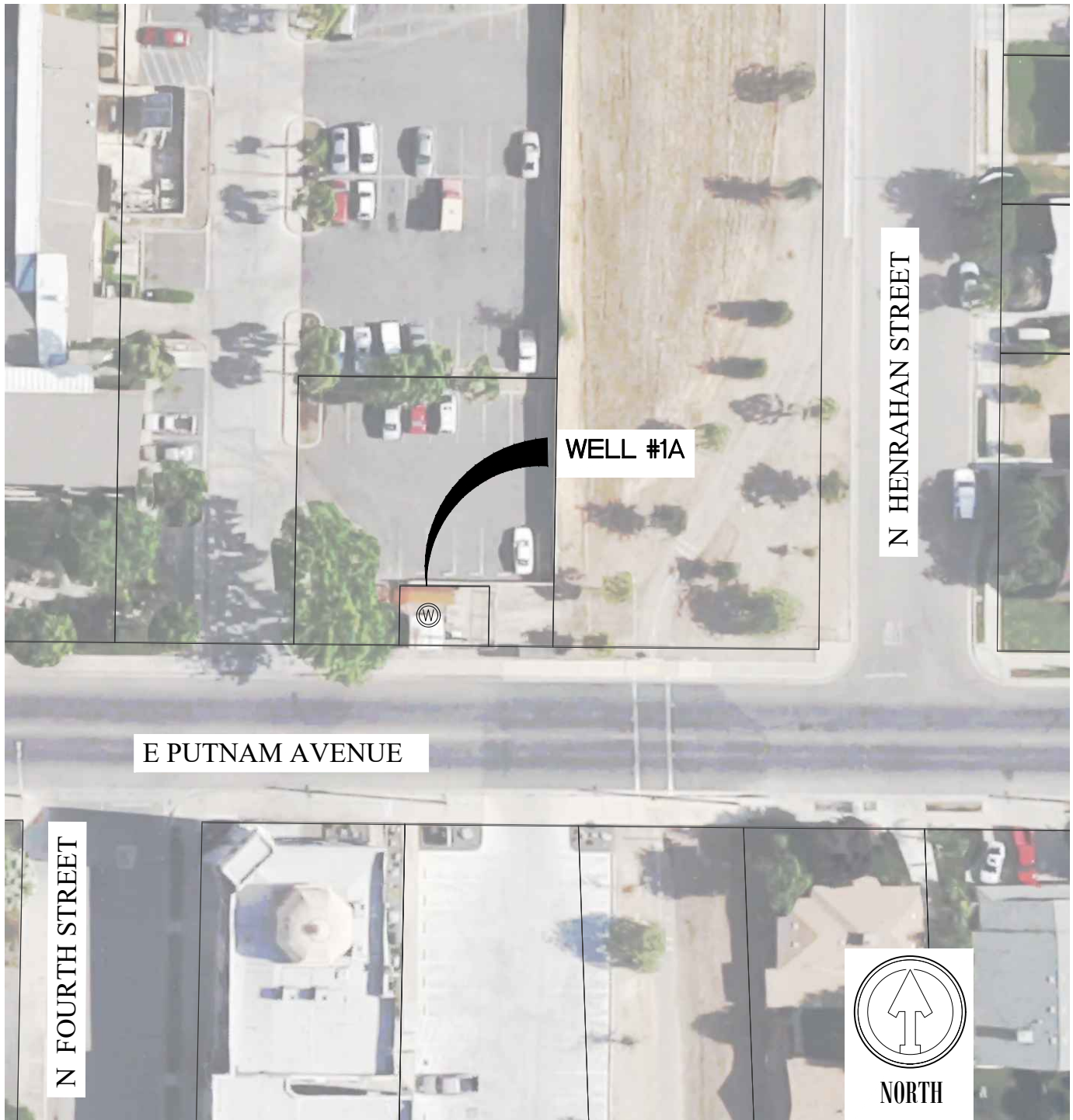
CUSTOMER

Purchaser

Jeffrey Demacabalin

Approved by _____

Address



CITY OF PORTERVILLE
ENGINEERING DIVISION
291 NORTH MAIN STREET
PORTERVILLE, CA. 93257
(559) 782-7462

City Well #1A

OWNER	CITY OF PORTERVILLE
APN	253-141-007
AREA	-
ACRES	-
SCALE	1" = 50'
DATE	4/9/2021
DRAWN BY	CAL
CHECKED BY	-



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Distribute a Request for Qualifications for Skatepark Improvements

SOURCE: Parks and Leisure Services

COMMENT: The City was awarded a California State Parks Per Capita Program grant for \$177,952. Funds are available for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors. The City Council determined Skatepark improvements as the City's Per Capita Grant project. A shade structure is currently being manufactured and will be the first improvement of the project. The second improvement is to add some additional Skatepark elements for the community to enjoy within the Skatepark. The final improvement will be to add solar lighting in conjunction with the next phase of the Veterans Park Trail. The phase of the Skatepark improvements that this Request for Qualifications covers are the Skatepark elements which will replace the existing interior dirt portions of the Skatepark.

Staff has proceeded with the preparation of a Request for Qualifications for this project. The firms interested in the project shall submit a statement of qualifications that will be reviewed and rated by a selection panel. The highest ranking firms may or may not be asked to participate in an interview panel and ranked again. Staff will then present the results of the ranking to Council for approval and to direct staff to negotiate a fee with the highest ranking firm or the firm determined by Council. The chosen firm will meet with staff to fine tune the scope and deliver a fee. If the fee is acceptable, staff will then seek Council's approval to execute a Service Agreement so that the firm can commence with the Skatepark Improvements project. The City intends to select one qualified Skatepark professional to provide full-service materials and installation of Skatepark elements within the existing Skatepark.

RECOMMENDATION: That the City Council authorize staff to distribute a Request for Qualifications for the Skatepark Improvements project.

ATTACHMENTS:

1. Request for Qualifications Cover Letter
2. Draft Request for Qualifications
3. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



REQUEST FOR QUALIFICATIONS

Professional Services – Skatepark Improvements Project
February 2023

PREPARED BY:
PARKS AND LEISURE SERVICES DEPARTMENT
February 2023

I INTRODUCTION AND OBJECTIVES:

The City of Porterville (hereinafter referred to as "CITY") is requesting statements of qualifications (SOQs) from qualified firms to provide professional design and construction services for the Skatepark Improvements Project. This document identifies the general project scope and procedures for involvement in this process. Responding firms must have relevant experience and the ability to provide the requisite professional services.

II EXAMINATION OF PROPOSAL DOCUMENTS:

By submitting a proposal, each CONSULTANT represents that it has thoroughly examined and become familiar with the work required under this RFQ and that it is capable of performing quality work to achieve the objectives of CITY.

III ADDENDA/CLARIFICATIONS:

Any CITY changes to this RFQ will be made via written addendum. No verbal modification shall be binding.

IV PROPOSAL REQUIREMENTS:

Proposals for this project will be accepted at this office until 4:00 p.m., on Thursday, April 6, 2023. Three (3) copies of the proposal shall be submitted in a sealed envelope, plainly marked "Statement of Qualifications for Skatepark Improvements Project." Cost proposals shall not be submitted until requested by the CITY. Proposals shall be addressed to:

Daniel Cervantez, City Engineer
Engineering & Project Management Department
City of Porterville
291 N. Main Street
Porterville, CA 93257

The City reserves the right to reject any and all proposals, which do not meet the requirements of this RFQ and/or any portion of the requirements of this project.

V PRE-CONTRACTUAL EXPENSES:

Pre-contractual expenses are defined as expenses incurred by the CONSULTANT in:

1) preparing and reproducing its proposal in response to this RFQ; 2) submitting its proposal to CITY; 3) negotiating with CITY any matter related to this RFQ and CONSULTANT's proposal; 4) other matters prior to the date of award of a Contract.

CITY shall not be liable for any pre-contractual expenses incurred by CONSULTANT in the preparation of proposals. Pre-contractual expenses shall not be included in the cost proposal.

VI EXCEPTIONS/DEVIATIONS:

Any exceptions to the requirements of this RFQ must be included in the CONSULTANT's proposal. Such exceptions must be included as a separate element of the proposal entitled "Exceptions and Deviations."

VII CONSULTANT REPRESENTATIVE:

The CONSULTANT shall assign a responsible representative and an alternate, both of whom shall be identified in the proposal. The CONSULTANT's representative shall remain in responsible charge for the duration of the project. Should the CONSULTANT's primary representative be unable to continue with the project, the CONSULTANT's alternate representative shall become the primary representative. No personnel changes will be acceptable without prior approval by CITY. CITY reserves the right to reject any changes in personnel at any time during the course of this project. CITY also reserves the right to terminate the contract if, in the opinion of CITY, substantial changes in project management may jeopardize the successful completion of this project to the satisfaction of CITY.

VIII LOCAL AGENCY REPRESENTATIVE:

Sarah Weaver, Project Manager, shall be the Contract Administrator and contact person for all communications with CITY.

IX INSURANCE REQUIREMENTS:

The CONSULTANT shall maintain and provide current copies to CITY of the following minimum insurance coverage for the duration of this project:

- Full liability under Worker's Compensation laws of the State of California
- General comprehensive liability (*bodily injury and property damage*)*
- Professional liability insurance (*errors and omissions*)*
- Automotive liability Insurance*

*All must provide a combined single limit (CSL) of not less than \$2 million per occurrence.

X INDEMNIFICATION:

The CONSULTANT shall indemnify, defend, and hold harmless CITY, its elected and appointed officers, employees agents from and against any and all claims, including attorney's fees and reasonable expenses for litigation or settlement, for any loss, damages, bodily injuries, and loss of property caused by negligent acts, omissions, or willful misconduct by the successful CONSULTANT and its subconsultants arising out of performance requirements of the Contract.

XI SUBCONTRACTING:

Only those firms identified in the Contract as subcontractor's or subconsultant's shall be allowed to perform work for this project. Any amendments to this requirement shall be made in writing by prime CONSULTANT to CITY. CITY has the right to reject any requested amendments at any time during the course of this project.

XII FEDERAL, STATE, AND LOCAL LAWS:

The CONSULTANT shall comply with all federal, state, and local laws, rules, regulations, ordinances, and statutes.

XIII PROPOSAL EVALUATION CRITERIA:

Evaluation criteria used to select the CONSULTANT shall include, but not be limited to, the following:

- A. CONSULTANT(s) experience with similar projects;
- B. CONSULTANT(s) key personnel qualifications/certifications and experience, especially the project manager and individuals performing services;
- C. CONSULTANT(s) understanding of the project requirements;
- D. CONSULTANT(s) ability to provide the required services in a timely and cost-effective manner to meet the required schedule;
- E. CONSULTANT(s) policy in providing Equal Employment Opportunity; and
- F. CONSULTANT(s) approach to provide the best product for CITY.

The attached CITY'S Consultant Selection Rating Form shall be used to rate each firm.

XIV CONSULTANT SELECTION AND INTERVIEWS:

CITY selection committee, consisting of the Contract Administrator and at least two additional staff members familiar with the project requirements, will review all proposals and rank CONSULTANTs according to their demonstrated competence and professional qualifications as assessed by their response to this RFQ and the evaluation criteria contained in the CITY'S Consultant Selection Rating Form. The highest ranked CONSULTANT(s) may be invited for oral interviews with CITY team. Interviews, if deemed necessary by CITY, are tentatively scheduled for the fourth week of April 2023. Each participating firm will be contacted via telephone for verification of interview date and time. Failure to be available at the time of a scheduled interview shall be considered non-responsive and shall be cause for elimination from any further consideration. CITY reserves the right to begin negotiations and enter into a Contract without interviews or further discussion.

XV COST PROPOSAL:

The cost proposal shall not be submitted until requested by the CITY. Negotiations with the top-ranked candidate(s) may begin immediately. If an agreement cannot be reached within ten (10) working days, CITY may begin negotiations with the next selected candidate(s) and proceed. If necessary, this process will continue until either an agreement is reached or CITY elects to re-advertise for new proposals. CITY reserves the right to reject any and all proposals prior to award of a Contract. All cost proposals not opened shall be returned to their respective firms.

XVI CONTRACTS/AGREEMENTS:

The successful CONSULTANT shall enter into upcoming Contracts with CITY that are based on the contents of this RFQ, the CONSULTANT's proposal, and CITY Contract. Where two or more CONSULTANT's desire to submit a single proposal (joint venture), only one CONSULTANT shall be listed as prime CONSULTANT. All others shall be listed as subconsultants. The chosen CONSULTANT is expected to be presented at the City Council meeting scheduled for Tuesday, May 16, 2023. Issuance of this RFQ and receipt of proposals does not commit CITY to award a Contract. CITY reserves the right to postpone award of a Contract for its own convenience, accept or reject any or all proposals received in response to this RFQ, and cancel any or all portions of this RFQ and resulting Contract.

XVII COMPENSATION:

- A. All items of work required for completion of the project/s to result from this RFQ shall be paid for following the cost proposal format specified in each task order request. Costs for any and all items not specifically listed, but required to complete the work for projects (including all exceptions and deviations stated included in CONSULTANT's proposal), shall be included as part of the total cost proposed. No additional compensation shall be paid for such items. No additional compensation shall be given for any reproduction costs, except those in excess of the requirements stated in this RFQ. Only a change in scope or any significant task addition or increase shall receive consideration for additional compensation.
- B. If the CONSULTANT feels that any work it has been directed to perform is beyond the scope of the Contract and constitutes extra work, it shall notify CITY in writing within ten (10) days. CITY will review such notice and, if justified, authorize additional compensation to the CONSULTANT on a fair and equitable basis.
- C. Monthly progress payments will be made to the CONSULTANT only upon submittal of invoices to CITY. Said invoice shall indicate the percentage completion of each task, as well as the overall percentage completion of the entire project. In addition, an updated schedule showing tasks and their degree of completion shall be provided.

XVIII OWNERSHIP OF REPORTS AND DOCUMENTS:

Originals of all documents, letters, drawings, design calculations, estimates, specifications, and other documents and data produced under the terms of the Contract shall become the property of CITY. CITY shall retain all rights in copyright. Copies may be made and retained by the CONSULTANT for its records, but shall not be furnished to others without the written consent of CITY for a period of three (3) years from the date of acceptance, by CITY, of all requirements of this project.

XIX PROPOSAL FORMAT AND CONTENT:

Proposals shall be brief and include a concise address of the following information:

A. Firm Experience:

1. A brief list of similar projects completed in the last five (5) years, indicate the specific relationship if other than principal and each firm's responsibilities. Descriptions of pertinent experience should include a summary of work performed, adherence to schedules, the duration of each project, and the name, title, and phone number of clients that may be contacted for reference.
2. Other information that might aid CITY in ascertaining proposing firm's qualifications.

B. Consultant Team:

Name of prime consulting firm, subconsultant(s), names of principals, associates, project manager, and key personnel, their proposed level and areas of responsibility, and their qualifications/certifications in those areas. The CONSULTANT's Project Manager and key personnel will be an important factor considered by CITY.

1. Any changes to personnel assigned to this project shall be made in writing to CITY. CITY reserves the right to reject any proposal with modified personnel.
2. If subconsultant's are used, names of subconsultant's key personnel for the project, their professional experience, qualifications/certifications, and training, which are applicable to this project, and the scope of services that will be provided by each subconsultant.
3. The office location from which the CONSULTANT(s) shall operate along with telephone and/or cell number of the project manager.

C. Proposal Format:

1. Proposals shall contain no more than twenty (20) pages, excluding cover sheet, table of contents, index sheets, and resumes, double-sided, font size no less than 10 pt., and single or double-spaced. Cover letters will be counted as part of the twenty sheets. The City encourages the use of recycled materials.
2. Proposals should include, but not be limited to, the following:
 - a. Page numbering;
 - b. Table of Contents, if applicable;
 - c. Section dividers with tabs, if applicable;
 - d. Identification of offering firms, including name, address, and telephone number of each firm;
 - e. Prime CONSULTANT organizational chart, which includes subconsultant(s) with names and titles of personnel to be used for this project;
 - f. Acknowledgment of receipt of RFQ addenda, if any;
 - g. Concise, complete response addressing each of the items, 'a' through 'p', as shown in the City's "Consultant Selection Rating Form"; and
 - h. Exceptions to or deviations from the requirements of this RFQ, separating technical exceptions from contractual exceptions. Any alternative approach proposed by the CONSULTANT shall be thoroughly explained and shall meet the objectives of CITY.

CITY OF PORTERVILLE
REQUEST FOR QUALIFICATIONS (RFQ) FOR SKATEPARK IMPROVEMENTS PROJECT

The City of Porterville seeks “Statement of Qualifications” (SOQ) from skatepark professionals interested in providing design and construction services for the skatepark improvements project. The City intends to select one (1) qualified skatepark professional to provide full-service design and installation of skatepark improvements for the Porterville Skatepark. This document identifies the general project scope and procedures for the selected firm’s involvement in this process. Responding firms must have relevant experience and the ability to provide the requisite professional services.

SCOPE OF SERVICES:

The firm will respond directly to the Engineering and Project Management Director or their designee on the project. The selected firm will perform, but not be limited to the following tasks:

1. Meet with City staff to ascertain the full scope of work and determine the level and amount of information and drawings available to the firm to assist in the preparation of the formal “scope of service”. Said scope shall be prepared and transmitted to the City for review and concurrence. The firm shall include their “fee” for all work described in the scope of services and, if acceptable to the City, the scope of services and associated fee shall form the basis for the Contract Services Agreement. A brief description of some of the work needed is listed below.
2. Provide clarifications and answer questions as needed.
3. Coordinate early consultation and ongoing meetings with City staff.
4. The firm shall provide a working schedule indicating major milestones to complete the work identified in the scope of services above.
5. The firm will be required to perform field data collection necessary to complete the requirements of the Project. The firm is solely responsible for safety of its employees including any sub-contracted employees during any field operations.
6. The firm shall provide project management to a level commensurate with the Project including clearly defined lines of communication between the City and the firm, coordination necessary for successful completion of the Project, timely invoicing for services rendered, and notification of tasks outside the executed Agreement.

DESIRABLE QUALIFICATIONS OF THE CONTRACTOR:

The City is seeking a qualified professional with the following qualifications:

1. Experience in similar size and need skatepark improvement projects.
2. The skatepark company should be comprised of professionals with the technical competence and resources to perform the work specific to this RFQ.
3. The skatepark company should include the proper mix of professionals capable of producing the desired outcome of CITY.

LOCAL AGENCY RESPONSIBILITIES:

The FIRM will report to the CITY's Contract Administrator. The FIRM shall not proceed with any work until the CITY provides the Notice to Proceed to the FIRM.

The CITY's Contract Administrator will directly handle the project management and monitoring of the FIRM's work to ensure it is complete, accurate, and consistent with the terms and conditions of the FIRM's contract. The Contract Administrator and designees will also inspect, review, and discuss project progress, comply with Federal, State and Local policies and regulations, and other requirements to further the prosecution of the contract work with the least delay.

The CITY's Contract Administrator (or designee) shall be responsible for the following:

- Serve as the CITY's primary contact person for the FIRM
- Monitor the FIRM's progress and provide direction
- Review billings and determine whether costs billed are reasonable in relation to the work performed during billing period
- Approve the FIRM's progress payments
- Identify other CITY personnel for FIRM to contact, if needed
- Provide access to CITY facilities as required
- Provide available data pertinent to the Project
- Provide FIRM with CITY documents including policies, procedures, regulations and standards pertinent to the Project
- Examine documents submitted to CITY by FIRM and render decisions pertaining thereto in a timely manner





CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Distribute a Request for Qualifications for Hayes Field Lighting Project

SOURCE: Parks and Leisure Services

COMMENT: Hayes Field is predominately used for youth girls softball. The existing Hayes Field lights were relocated from the historic municipal ball field at the former fairgrounds many years ago. Hayes Field serves as a drainage basin and at times receives an abundance of water. The existing light poles are wood and a couple have rotted to the extent of having to be removed due to safety concerns. The wooden poles were not meant to withstand the saturation of water over the years. The Hayes Field lighting project was approved by the City Council as part of its adopted 2022-2023 fiscal year budget. The project's estimated cost is \$750,000 and will be funded by federal American Rescue Plan Act (ARPA) funds.

Staff has proceeded with the preparation of a Request for Qualifications for this project. The firms interested in the project shall submit a statement of qualifications that will be reviewed and rated by a selection panel. The highest ranking firms may or may not be asked to participate in an interview panel and ranked again. Staff will then present the results of the ranking to Council for approval and to direct staff to negotiate a fee with the highest ranking firm or the firm determined by Council. The chosen firm will meet with staff to fine tune the scope and deliver a fee. If the fee is acceptable, staff will then seek Council's approval to execute a Service Agreement so that the firm can commence with the Hayes Field lighting project. The City intends to select one qualified lighting professional to provide full-service materials and installation for the replacement of existing lights for the three softball fields. The new galvanized steel poles will have LED high efficiency lighting that is fully controllable remotely.

RECOMMENDATION: That the City Council authorize staff to distribute a Request for Qualifications for the Hayes Field lighting project.

ATTACHMENTS:

1. Request for Qualifications Cover Letter
2. Draft Request for Qualifications
3. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



REQUEST FOR QUALIFICATIONS

Professional Services – Hayes Field Lighting Project
February 2023

PREPARED BY:
PARKS AND LEISURE SERVICES DEPARTMENT
February 2023

I INTRODUCTION AND OBJECTIVES:

The City of Porterville (hereinafter referred to as "CITY") is requesting statements of qualifications (SOQs) from qualified consultant firms to provide professional services for the Hayes Field Lighting Project. This document identifies the general project scope and procedures for Consultant involvement in this process. Responding consultants must have relevant experience and the ability to provide the requisite professional services.

II EXAMINATION OF PROPOSAL DOCUMENTS:

By submitting a proposal, each CONSULTANT represents that it has thoroughly examined and become familiar with the work required under this RFQ and that it is capable of performing quality work to achieve the objectives of CITY.

III ADDENDA/CLARIFICATIONS:

Any CITY changes to this RFQ will be made via written addendum. No verbal modification shall be binding.

IV PROPOSAL REQUIREMENTS:

Proposals for this project will be accepted at this office until 4:00 p.m., on Tuesday, March 21, 2023. Three (3) copies of the proposal shall be submitted in a sealed envelope, plainly marked "Statement of Qualifications for Hayes Field Lighting Project." Cost proposals shall not be submitted until requested by the CITY. Proposals shall be addressed to:

Daniel Cervantez, City Engineer
Engineering & Project Management Department
City of Porterville
291 N. Main Street
Porterville, CA 93257

The City reserves the right to reject any and all proposals, which do not meet the requirements of this RFQ and/or any portion of the requirements of this project.

V PRE-CONTRACTUAL EXPENSES:

Pre-contractual expenses are defined as expenses incurred by the CONSULTANT in:

1) preparing and reproducing its proposal in response to this RFQ; 2) submitting its proposal to CITY; 3) negotiating with CITY any matter related to this RFQ and CONSULTANT's proposal; 4) other matters prior to the date of award of a Contract.

CITY shall not be liable for any pre-contractual expenses incurred by CONSULTANT in the preparation of proposals. Pre-contractual expenses shall not be included in the cost proposal.

VI EXCEPTIONS/DEVIATIONS:

Any exceptions to the requirements of this RFQ must be included in the CONSULTANT's proposal. Such exceptions must be included as a separate element of the proposal entitled "Exceptions and Deviations."

VII CONSULTANT REPRESENTATIVE:

The CONSULTANT shall assign a responsible representative and an alternate, both of whom shall be identified in the proposal. The CONSULTANT's representative shall remain in responsible charge for the duration of the project. Should the CONSULTANT's primary representative be unable to continue with the project, the CONSULTANT's alternate representative shall become the primary representative. No personnel changes will be acceptable without prior approval by CITY. CITY reserves the right to reject any changes in personnel at any time during the course of this project. CITY also reserves the right to terminate the contract if, in the opinion of CITY, substantial changes in project management may jeopardize the successful completion of this project to the satisfaction of CITY.

VIII LOCAL AGENCY REPRESENTATIVE:

Sarah Weaver, Project Manager, shall be the Contract Administrator and contact person for all communications with CITY.

IX INSURANCE REQUIREMENTS:

The CONSULTANT shall maintain and provide current copies to CITY of the following minimum insurance coverage for the duration of this project:

- Full liability under Worker's Compensation laws of the State of California
- General comprehensive liability (*bodily injury and property damage*)*
- Professional liability insurance (*errors and omissions*)*
- Automotive liability Insurance*

*All must provide a combined single limit (CSL) of not less than \$2 million per occurrence.

X INDEMNIFICATION:

The CONSULTANT shall indemnify, defend, and hold harmless CITY, its elected and appointed officers, employees agents from and against any and all claims, including attorney's fees and reasonable expenses for litigation or settlement, for any loss, damages, bodily injuries, and loss of property caused by negligent acts, omissions, or willful misconduct by the successful CONSULTANT and its subconsultants arising out of performance requirements of the Contract.

XI SUBCONTRACTING:

Only those firms identified in the Contract as subcontractor's or subconsultant's shall be allowed to perform work for this project. Any amendments to this requirement shall be made in writing by prime CONSULTANT to CITY. CITY has the right to reject any requested amendments at any time during the course of this project.

XII FEDERAL, STATE, AND LOCAL LAWS:

The CONSULTANT shall comply with all federal, state, and local laws, rules, regulations, ordinances, and statutes.

XIII PROPOSAL EVALUATION CRITERIA:

Evaluation criteria used to select the CONSULTANT shall include, but not be limited to, the following:

- A. Firm(s) experience with similar projects;
- B. Firm(s) key personnel qualifications/certifications and experience, especially the project manager and individuals performing services;
- C. Firm(s) understanding of the project requirements;
- D. Firm(s) ability to provide the required services in a timely and cost-effective manner to meet the required schedule;
- E. Firm(s) policy in providing Equal Employment Opportunity; and
- F. Firm(s) approach to provide the best product for CITY.

The attached CITY'S Consultant Selection Rating Form shall be used to rate each firm.

XIV CONSULTANT SELECTION AND INTERVIEWS:

CITY selection committee, consisting of the Contract Administrator and at least two additional staff members familiar with the project requirements, will review all proposals and rank CONSULTANTs according to their demonstrated competence and professional qualifications as assessed by their response to this RFQ and the evaluation criteria contained in the CITY'S Consultant Selection Rating Form. The highest ranked CONSULTANT(s) may be invited for oral interviews with CITY team. Interviews, if deemed necessary by CITY, are tentatively scheduled for the fourth week of March 2023. Each participating firm will be contacted via telephone for verification of interview date and time. Failure to be available at the time of a scheduled interview shall be considered non-responsive and shall be cause for elimination from any further consideration. CITY reserves the right to begin negotiations and enter into a Contract without interviews or further discussion.

XV COST PROPOSAL:

The cost proposal shall not be submitted until requested by the CITY. Negotiations with the top-ranked candidate(s) may begin immediately. If an agreement cannot be reached within ten (10) working days, CITY may begin negotiations with the next selected candidate(s) and proceed. If necessary, this process will continue until either an agreement is reached or CITY elects to re-advertise for new proposals. CITY reserves the right to reject any and all proposals prior to award of a Contract. All cost proposals not opened shall be returned to their respective firms.

XVI CONTRACTS/AGREEMENTS:

The successful CONSULTANT shall enter into upcoming Contracts with CITY that are based on the contents of this RFQ, the CONSULTANT's proposal, and CITY Contract. Where two or more CONSULTANT's desire to submit a single proposal (joint venture), only one CONSULTANT shall be listed as prime CONSULTANT. All others shall be listed as subconsultants. The chosen CONSULTANT is expected to be presented at the City Council meeting scheduled for Tuesday, April 18, 2023. Issuance of this RFQ and receipt of proposals does not commit CITY to award a Contract. CITY reserves the right to postpone award of a Contract for its own convenience, accept or reject any or all proposals received in response to this RFQ, and cancel any or all portions of this RFQ and resulting Contract.

XVII COMPENSATION:

- A. All items of work required for completion of the project/s to result from this RFQ shall be paid for following the cost proposal format specified in each task order request. Costs for any and all items not specifically listed, but required to complete the work for projects (including all exceptions and deviations stated included in CONSULTANT's proposal), shall be included as part of the total cost proposed. No additional compensation shall be paid for such items. No additional compensation shall be given for any reproduction costs, except those in excess of the requirements stated in this RFQ. Only a change in scope or any significant task addition or increase shall receive consideration for additional compensation.
- B. If the CONSULTANT feels that any work it has been directed to perform is beyond the scope of the Contract and constitutes extra work, it shall notify CITY in writing within ten (10) days. CITY will review such notice and, if justified, authorize additional compensation to the CONSULTANT on a fair and equitable basis.
- C. Monthly progress payments will be made to the CONSULTANT only upon submittal of invoices to CITY. Said invoice shall indicate the percentage completion of each task, as well as the overall percentage completion of the entire project. In addition, an updated schedule showing tasks and their degree of completion shall be provided.

XVIII OWNERSHIP OF REPORTS AND DOCUMENTS:

Originals of all documents, letters, drawings, design calculations, estimates, specifications, and other documents and data produced under the terms of the Contract shall become the property of CITY. CITY shall retain all rights in copyright. Copies may be made and retained by the CONSULTANT for its records, but shall not be furnished to others without the written consent of CITY for a period of three (3) years from the date of acceptance, by CITY, of all requirements of this project.

XIX PROPOSAL FORMAT AND CONTENT:

Proposals shall be brief and include a concise address of the following information:

A. Firm Experience:

1. A brief list of similar projects completed in the last five (5) years, indicate the specific relationship if other than principal and each firm's responsibilities. Descriptions of pertinent experience should include a summary of work performed, adherence to schedules, the duration of each project, and the name, title, and phone number of clients that may be contacted for reference.
2. Other information that might aid CITY in ascertaining proposing firm's qualifications.

B. Consultant Team:

Name of prime consulting firm, subconsultant(s), names of principals, associates, project manager, and key personnel, their proposed level and areas of responsibility, and their qualifications/certifications in those areas. The CONSULTANT's Project Manager and key personnel will be an important factor considered by CITY.

1. Any changes to personnel assigned to this project shall be made in writing to CITY. CITY reserves the right to reject any proposal with modified personnel.
2. If subconsultant's are used, names of subconsultant's key personnel for the project, their professional experience, qualifications/certifications, and training, which are applicable to this project, and the scope of services that will be provided by each subconsultant.
3. The office location from which the CONSULTANT(s) shall operate along with telephone and/or cell number of the project manager.

C. Proposal Format:

1. Proposals shall contain no more than twenty (20) pages, excluding cover sheet, table of contents, index sheets, and resumes, double-sided, font size no less than 10 pt., and single or double-spaced. Cover letters will be counted as part of the twenty sheets. The City encourages the use of recycled materials.
2. Proposals should include, but not be limited to, the following:
 - a. Page numbering;
 - b. Table of Contents, if applicable;
 - c. Section dividers with tabs, if applicable;
 - d. Identification of offering firms, including name, address, and telephone number of each firm;
 - e. Prime CONSULTANT organizational chart, which includes subconsultant(s) with names and titles of personnel to be used for this project;
 - f. Acknowledgment of receipt of RFQ addenda, if any;
 - g. Concise, complete response addressing each of the items, 'a' through 'p', as shown in the City's "Consultant Selection Rating Form"; and
 - h. Exceptions to or deviations from the requirements of this RFQ, separating technical exceptions from contractual exceptions. Any alternative approach proposed by the CONSULTANT shall be thoroughly explained and shall meet the objectives of CITY.

CITY OF PORTERVILLE
REQUEST FOR QUALIFICATIONS (RFQ) FOR HAYES FIELD LIGHTING

The City of Porterville seeks “Statement of Qualifications” (SOQ) from sport field lighting professionals interested in contracting to provide lighting improvements for Hayes Field Lighting project. The City intends to select one (1) qualified lighting professional to provide full-service materials and installation for the replacement of existing lights on the three (3) Hayes Field softball fields. This document identifies the general project scope and procedures for Contractor involvement in this process. Responding businesses must have relevant experience and the ability to provide the requisite professional services.

SCOPE OF SERVICES:

The contractor will respond directly to the Engineering and Project Management Director or their designee on the project. The selected contractor will perform, but not be limited to the following tasks:

1. Meet with City staff to ascertain the full scope of work and determine the level and amount of information and drawings available to the consultant to assist in the preparation of the formal “scope of service”. Said scope shall be prepared and transmitted to the City for review and concurrence. The contractor shall include their “fee” for all work described in the scope of services and, if acceptable to the City, the scope of services and associated fee shall form the basis for the Contract Services Agreement. A brief description of some of the work needed is listed below.
2. Provide clarifications and answer questions as needed.
3. Coordinate early consultation and ongoing meetings with City staff.
4. The Contractor shall provide a working schedule indicating major milestones to complete the work identified in the scope of services above.
5. The Contractor will be required to perform field data collection necessary to complete the requirements of the Project. The Contractor is solely responsible for safety of its employees including any sub-contracted employees during any field operations.
6. The Contractor shall provide project management to a level commensurate with the Project including clearly defined lines of communication between the City and the Contractor, coordination necessary for successful completion of the Project, timely invoicing for services rendered, and notification of tasks outside the executed Agreement.

DESIRABLE QUALIFICATIONS OF THE CONTRACTOR:

The City is seeking a qualified professional with the following qualifications:

1. Experience in similar size and need sport field lighting projects.
2. The lighting company should be comprised of professionals with the technical competence and resources to perform the work specific to this RFQ.
3. The lighting company should include the proper mix of professionals capable of producing the desired outcome of CITY.

LOCAL AGENCY RESPONSIBILITIES:

The CONTRACTOR will report to the CITY's Contract Administrator. The CONTRACTOR shall not proceed with any work until the CITY provides the Notice to Proceed to the CONTRACTOR.

The CITY's Contract Administrator will directly handle the project management and monitoring of the CONTRACTOR's work to ensure it is complete, accurate, and consistent with the terms and conditions of the CONTRACTOR's contract. The Contract Administrator and designees will also inspect, review, and discuss project progress, comply with Federal, State and Local policies and regulations, and other requirements to further the prosecution of the contract work with the least delay.

The CITY's Contract Administrator (or designee) shall be responsible for the following:

- Serve as the CITY's primary contact person for the CONTRACTOR
- Monitor the CONTRACTOR's progress and provide direction
- Review billings and determine whether costs billed are reasonable in relation to the work performed during billing period
- Approve the CONTRACTOR's progress payments
- Identify other CITY personnel for CONTRACTOR to contact, if needed
- Provide access to CITY facilities as required
- Provide available data pertinent to the Project
- Provide CONTRACTOR with CITY documents including policies, procedures, regulations and standards pertinent to the Project
- Examine documents submitted to CITY by CONTRACTOR and render decisions pertaining thereto in a timely manner



Restaurants

Hotels

Things to do

Museums

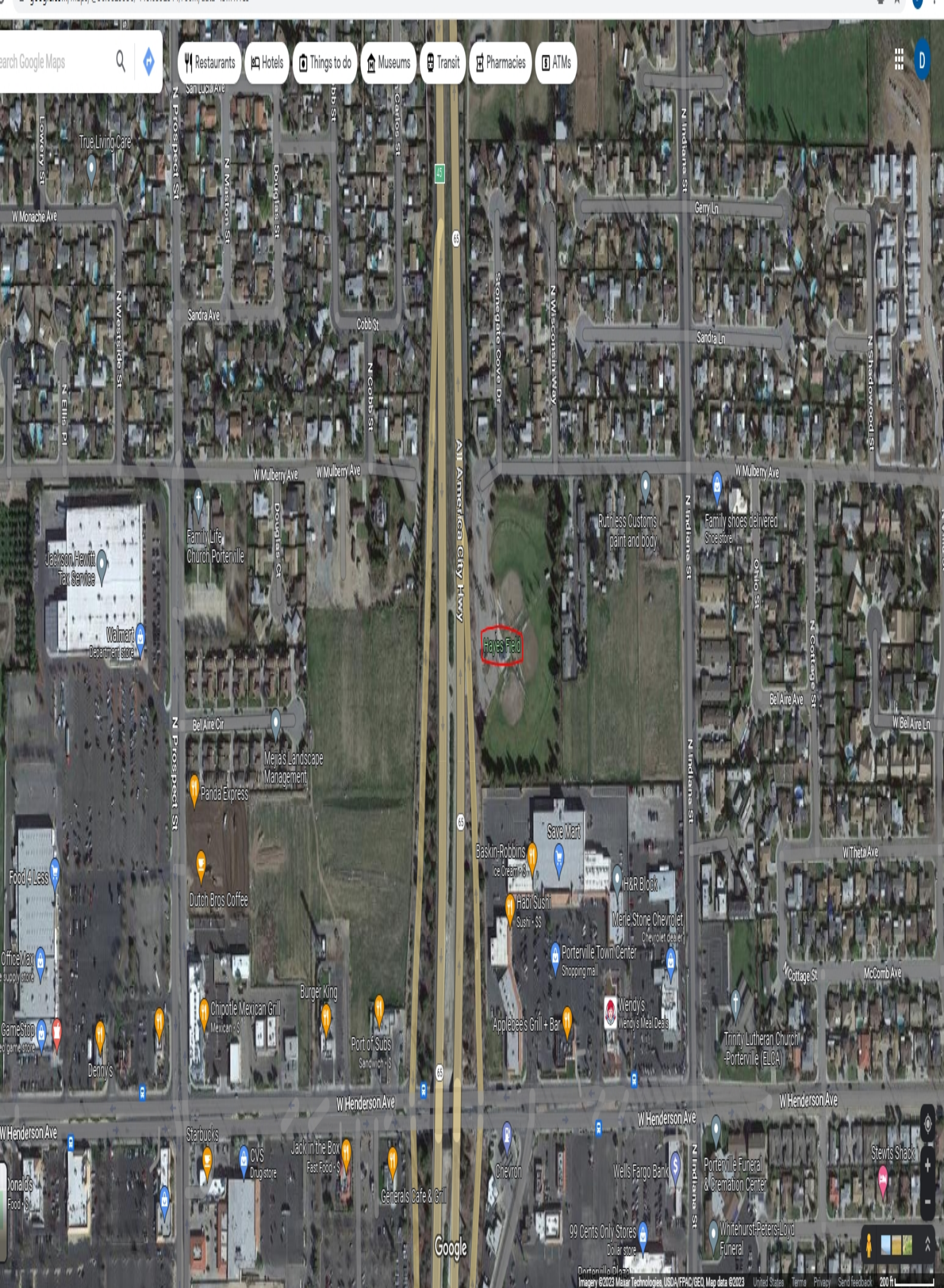
Transit

Pharmacies

ATMs



D





CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Authorization to Award - Akin and Central Mutual Water System Improvement Project

SOURCE: Engineering and Project Management

COMMENT: On January 10, 2023, staff received five bids for the Akin and Central Mutual Water System Improvement Project. The Akin water system is located in the area of Lincoln Street at Fourth Street and north of Gibbons Avenue. The Central Mutual water system is located in the area of South Kessing Street at Gibbons Avenue.

The Engineer's Estimate of Probable Cost for the project was \$924,110. The low bid presented by RT Nelson Company, Inc, of Visalia is \$862,644, which is \$61,466 lower than the Engineer's Estimate (-6.65%). An additional \$86,264 is necessary for construction contingency (10%) and \$138,616 is required for construction management, quality control, and construction surveying, for a total of \$1,087,524. Dee Jaspar and Associates was selected by staff from the City's On-Call Engineering and Surveying Services Consultant list, as adopted by MO #04-041922, to handle the construction management for this project as they worked on the design and are familiar with the City's water system and requirements of the grant program; the price of their work is included in the previously detailed totals.

Funding for the project is provided by reimbursement from the State Resources Control Board and the Funding Agreement was approved by the City Council at its meeting on June 1, 2021.

The bids are as follows:

Contractor	Bid Amount
RT Nelson Company, Inc. Visalia, CA	\$862,644
Dawson-Mauldin, LLC Selma, CA	\$910,480
Lyles Utility Construction, LLC Fresno, CA	\$1,026,478
West Valley Construction Company, Inc. San Jose, CA	\$1,146,980
Todd Companies Visalia, CA	\$1,163,265

Staff found the low bid acceptable.

RECOMMENDATION: That the City Council:

1. Award the Akin and Central Mutual Water System Improvement Project to RT Nelson Company, Inc. in the amount of \$862,644;
2. Authorize progress payments up to one hundred percent (100%) of the contract amount;
3. Authorize a ten percent (10%) contingency to cover unforeseen costs;
4. Authorize an additional \$138,616 for construction management, construction surveying, quality control and inspection services; and
5. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #04-041922.

ATTACHMENTS:

1. Locator Map - Akin
2. Locator Map - Central Mutual

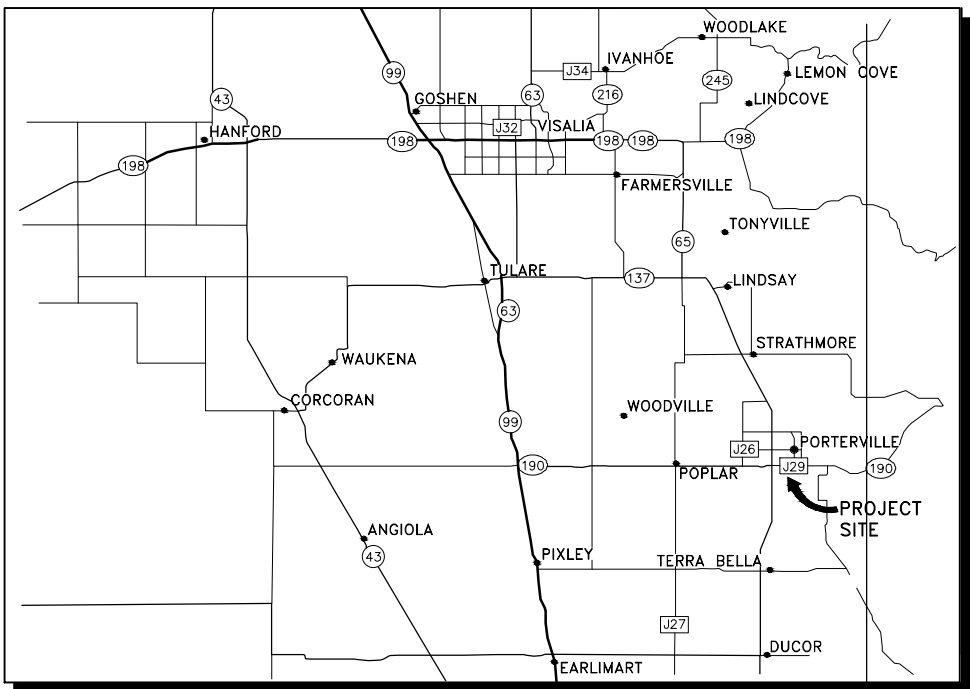
Appropriated/Funded:

Review By:

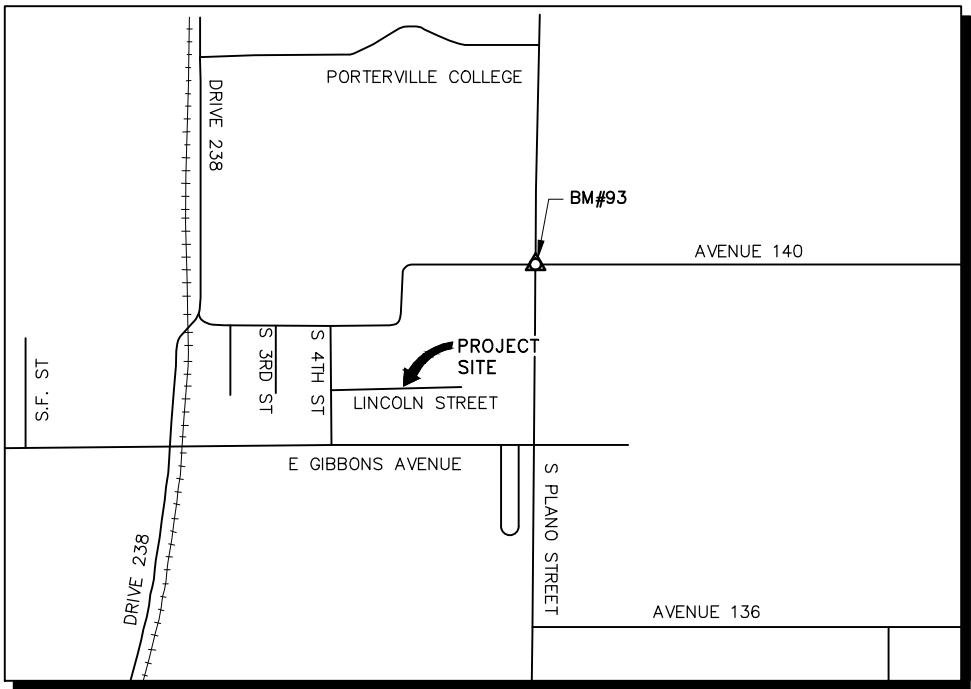
Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

AKIN WATER COMPANY



VICINITY MAP
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

DATE: 8/20/15	TIME: 11:57:58 AM	NO.	BY	DATE	REVISIONS:
SERVER: MTS2	LAYOUT: Layout1				
PATH: N:\MTB013209\CADD\PI1\GENERAL					
DRAWING NAME: G010-TITLE.DWG					
PAGE SETUP: 11x17_PDF					
DESIGNER: JCP	PROJ. MGR: RNJ				
CAUTION: The engineer preparing these plans will not be responsible for, or liable for, unauthorized changes to or uses of these plans. All changes to the plans must be in writing and must be approved by the preparer of these plans.					



1215 WEST CENTER STREET, SUITE 201
209.238.9080 TEL. 209.238.4166 FAX

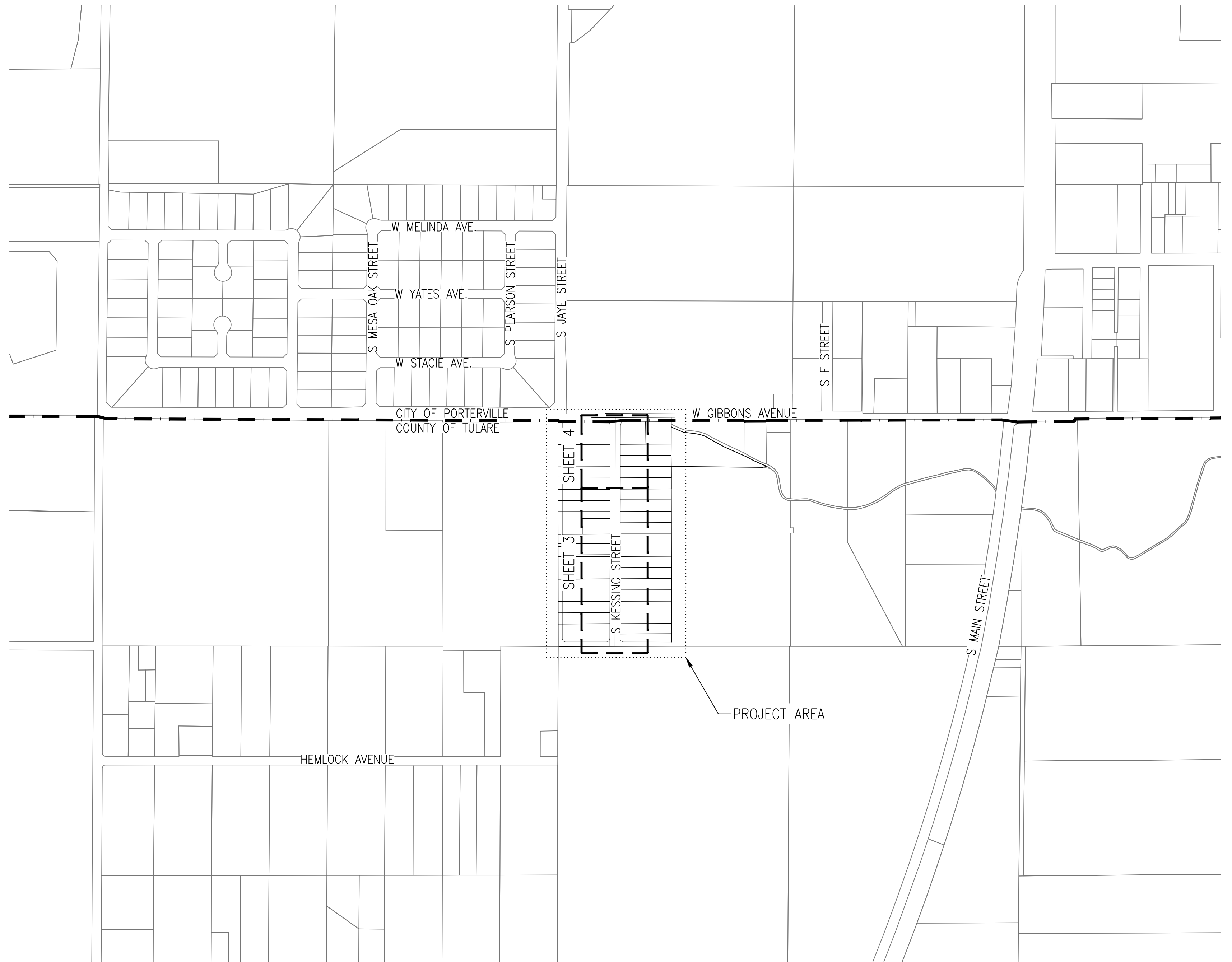
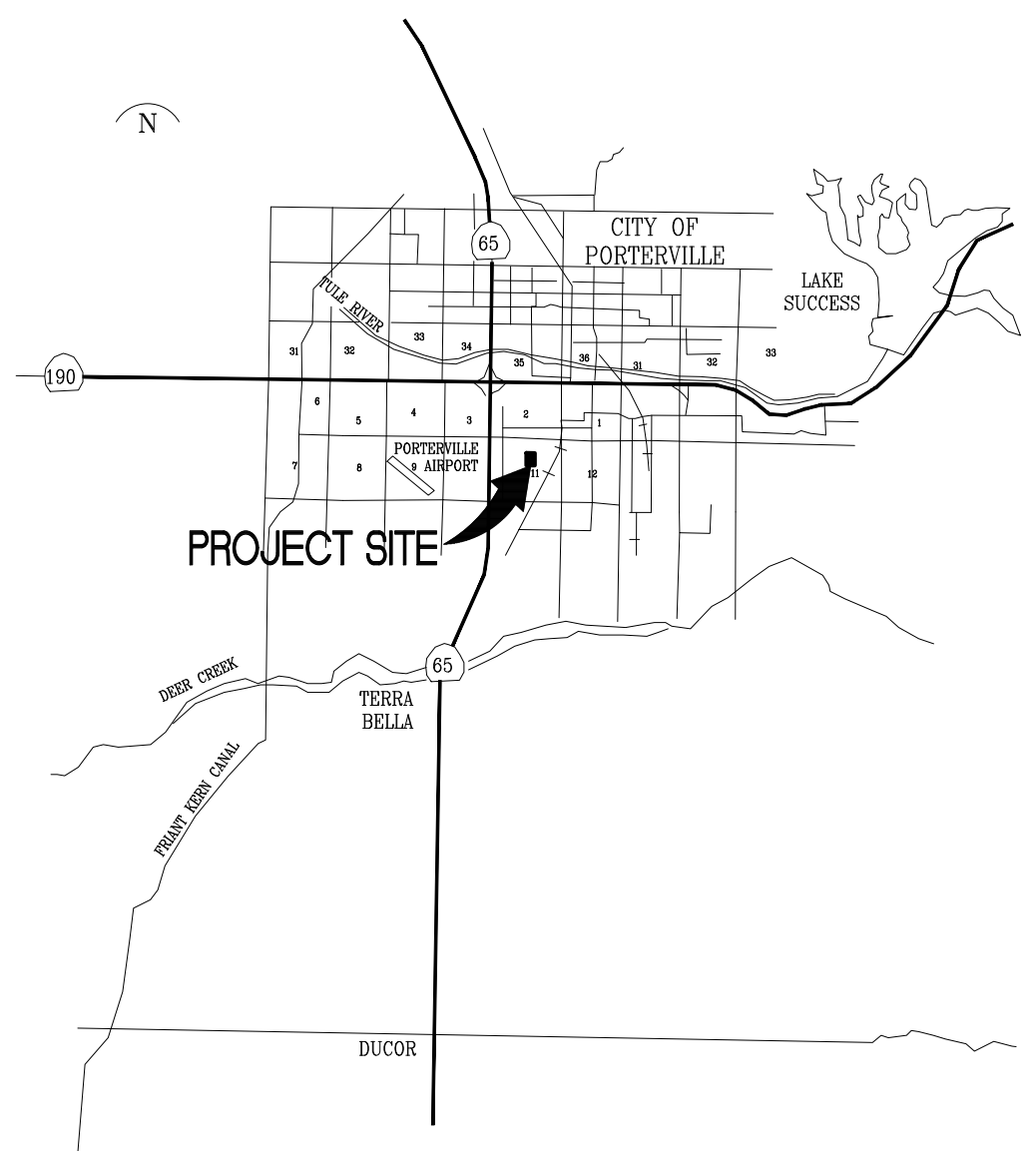
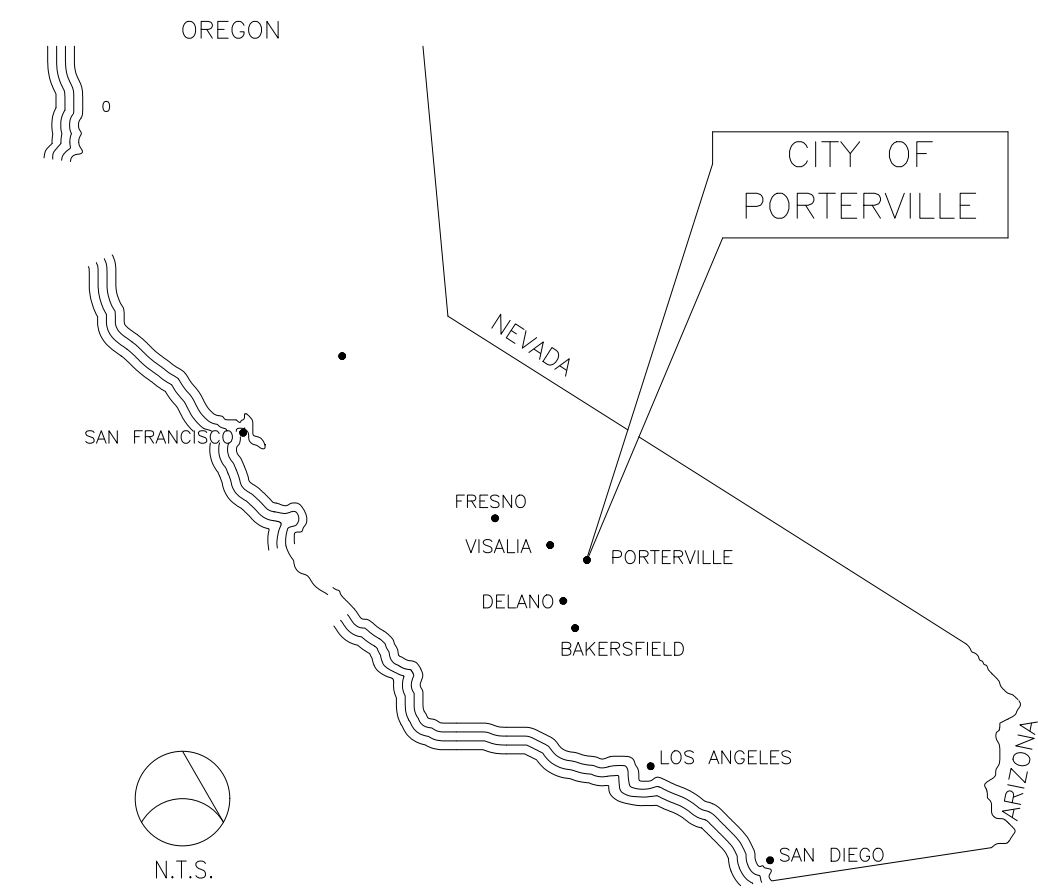
MANTECA, CA 95337
WWW.NV5.COM

**AKIN WATER COMPANY
WATER SUPPLY PROJECT**
GENERAL
TITLE SHEET AND DRAWING INDEX

PREPARED FOR: AKIN WATER COMPANY

DATE SUBMITTED: AUG. 2015

SHEET NUMBER	G0.10
OF 12 SHEETS	
SCALE	
HORIZONTAL: NTS	
VERTICAL: N/A	
JOB NUMBER	MTB013209



SITE MAP
NOT TO SCALE



CITY OF PORTERVILLE

TULARE COUNTY, CALIFORNIA

JULY 2022



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Acceptance of Project - Island Annexation Area 457 Sewer Project

SOURCE: Engineering and Project Management

COMMENT: Bill Nelson Construction has completed the Island Annexation Area 457 Sewer Project per plans and specifications. The project consisted of the installation of 6,101 lineal feet (1.15 miles) of 8" and 6" diameter sewer mains, fourteen (14) sewer manholes, and 114 sewer laterals.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by the City Council. At its meeting on June 6, 2022, the Council authorized an expenditure of \$2,157,036 for construction, construction management, quality control and inspection services for the project. The following itemizes the construction related costs into two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1. Final Construction Cost \$1,977,000
2. Construction management, quality control and inspection service costs are \$72,137.87

Total project construction costs equate to \$2,049,137.87, which is less than the \$2,157,036 overall budget approved by Council at the time of award. The funding source for this project is the proceeds from the issuance of the 2019 Sewer Revenue Bonds, better known to staff as Certificates of Participation (COP) funds.

Bill Nelson Construction requests that the Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

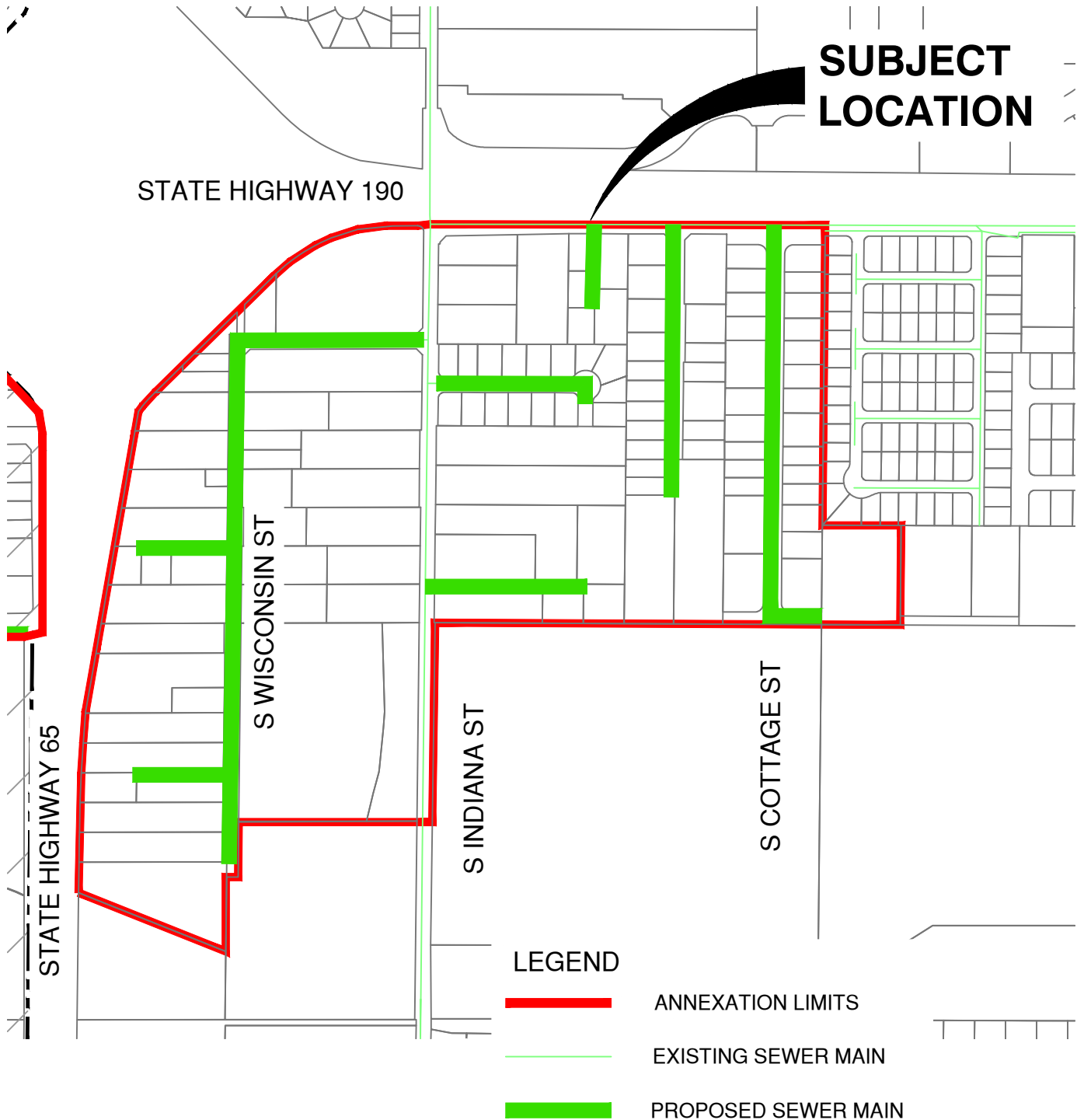
ATTACHMENTS: 1. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE
ENGINEERING DIVISION

291 NORTH MAIN STREET
PORTERVILLE, CA 93257
(559) 782-7462

SEWER ANNEXATION NUMBER 457

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SCALE	1" = 500'-0"
DATE	10/2/2019

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CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Financial Status Reports

SOURCE: Finance

COMMENT: The City Charter requires financial status reports to be provided to City Council on a monthly basis. Council Minute Order No. 10-011607 approved the recommended change in submittal of the interim financial status reports and established requirements and parameters in the presentation of the reports.

In accordance with Council Minute Order No. 10-011607, the financial status reports for the quarter ending December 31, 2022, are submitted.

RECOMMENDATION: That the City Council accept the Financial Status Reports as presented.

ATTACHMENTS: 1. Quarterly Financial Status Reports as of December 31, 2022

Appropriated/Funded:

Review By:

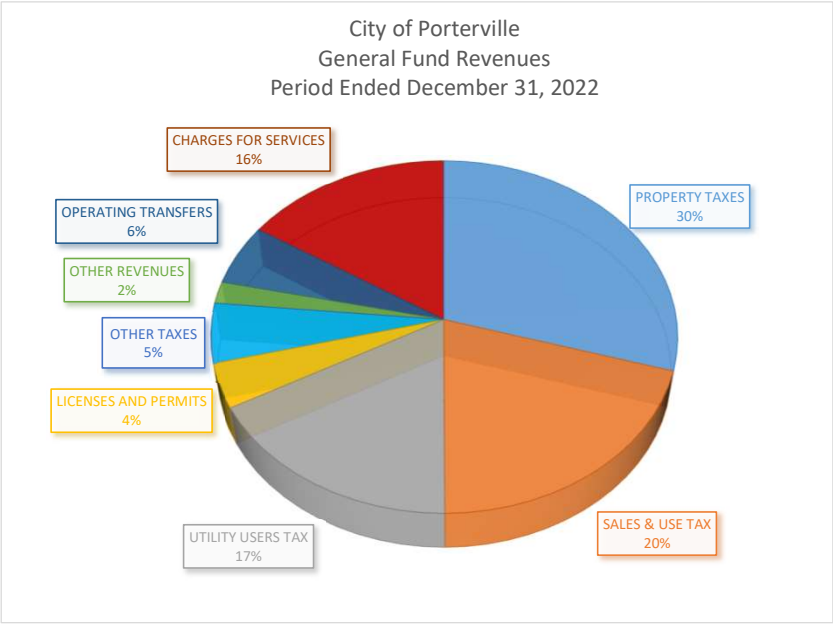
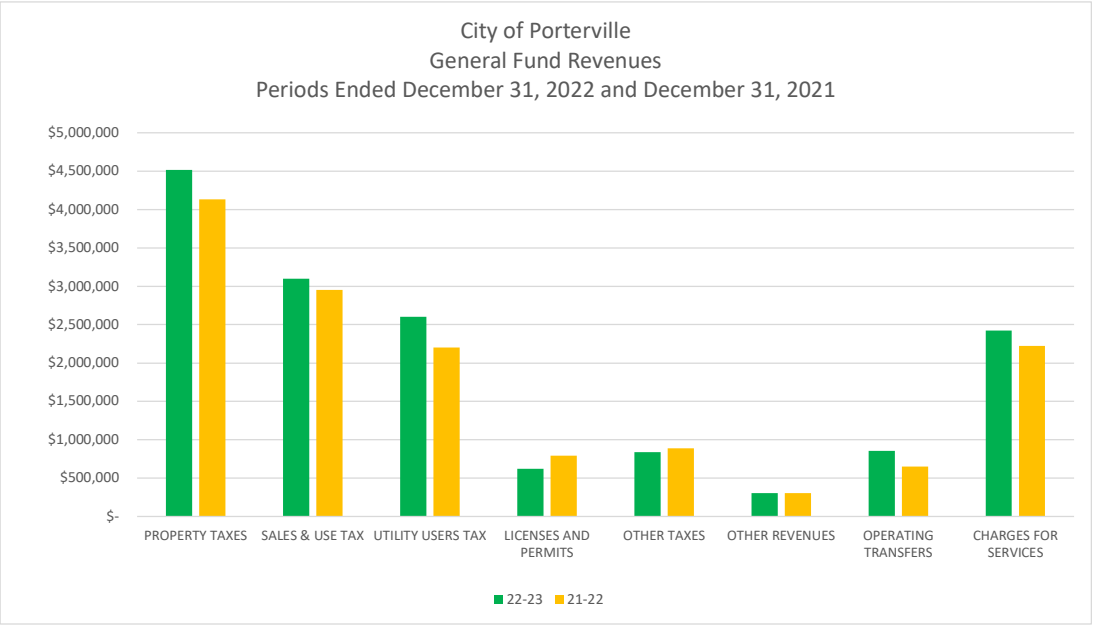
Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

**REVENUE STATUS REPORT - GENERAL FUND
FOR THE PERIODS ENDED
DECEMBER 31, 2022 AND DECEMBER 31, 2021**

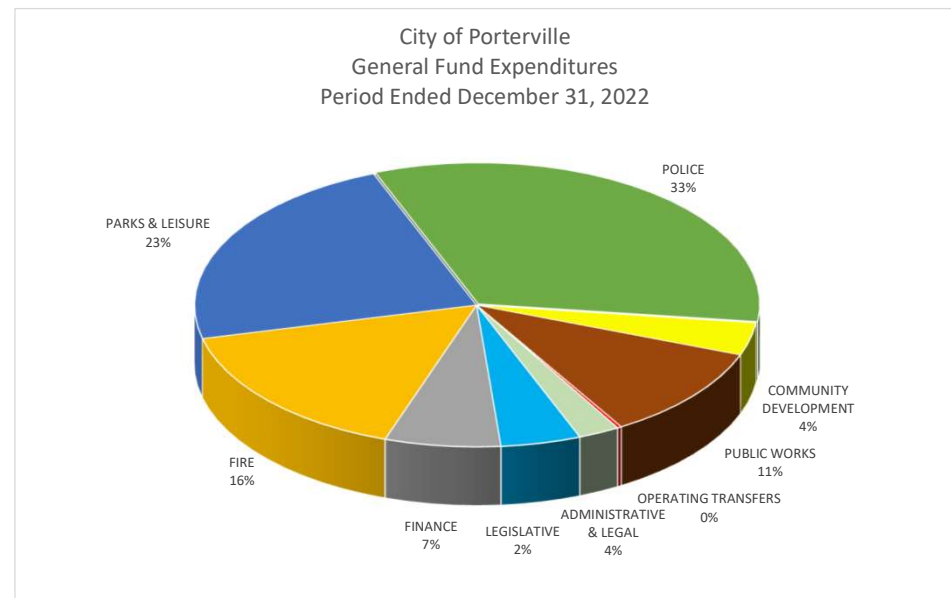
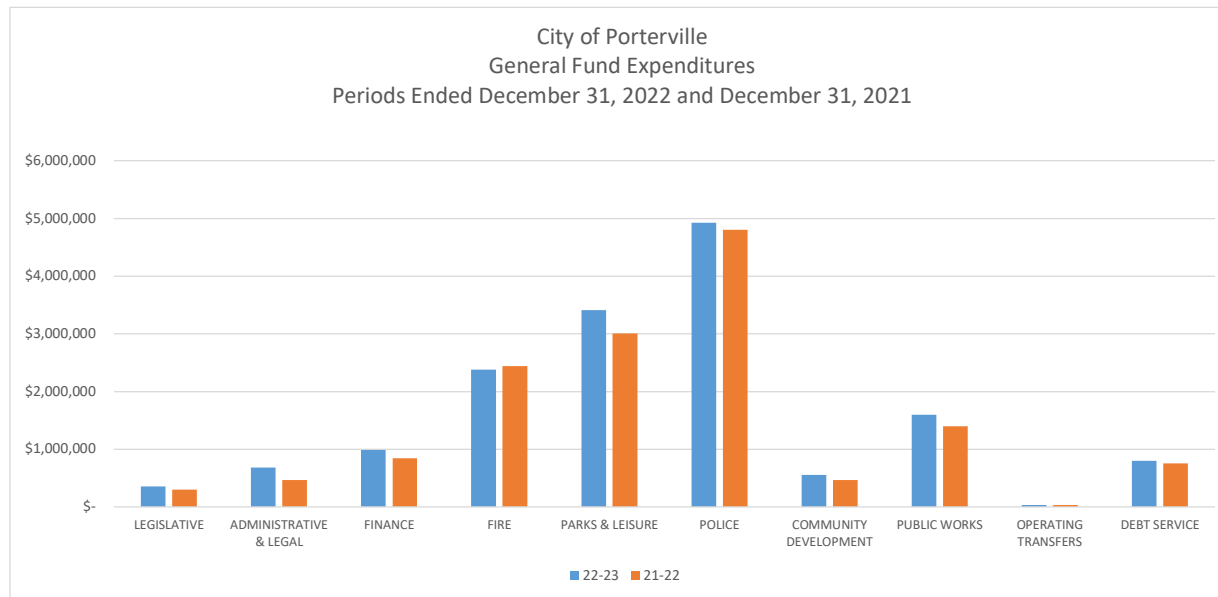
REVENUE SOURCE	2022-2023 ESTIMATED REVENUE	2022-2023 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 8,373,700	\$ 4,520,051	53.98%	\$ 8,083,000	\$ 4,133,481	51.14%
OTHER TAXES:						
SALES AND USE TAX	8,361,626	2,913,459	34.84%	6,771,812	2,766,139	40.85%
UTILITY USERS TAX	4,600,000	2,600,236	56.53%	4,000,000	2,201,275	55.03%
TRANSIENT OCCUPANCY TAX	840,000	237,739	28.30%	575,000	248,289	43.18%
PROPERTY TRANSFER TAX	120,000	45,867	38.22%	105,000	82,091	78.18%
FRANCHISE TAX	1,661,134	551,337	33.19%	1,651,134	555,273	33.63%
SALES TAX - PUBLIC SAFETY	300,000	184,653	61.55%	260,000	187,311	72.04%
LICENSES AND PERMITS:						
BUSINESS AND OTHER LICENSES	511,300	313,210	61.26%	437,100	299,914	68.61%
CONSTRUCTION PERMITS	750,000	307,449	40.99%	620,000	490,833	79.17%
REVENUE FROM AGENCIES-TAXES:						
VEHICLE LICENSE FEES	68,000	-	-	43,000	-	-
OTHER TAXES	22,000	-	-	24,000	-	-
REVENUE FROM AGENCIES-GRANTS	167,538	50,963	30.42%	191,507	35,608	18.59%
USE OF MONEY AND PROPERTY	304,000	193,372	63.61%	397,414	196,703	49.50%
FINES AND FORFEITURES	32,500	13,113	40.35%	22,200	22,378	100.80%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	123,000	66,215	53.83%	123,500	51,549	41.74%
POLICE	351,500	123,759	35.21%	363,000	104,218	28.71%
FIRE	40,500	60,203	148.65%	26,500	115,953	437.56%
LIBRARY	10,000	5,901	59.01%	10,000	72	0.72%
RECREATIONAL	3,098,755	695,387	22.44%	1,931,000	536,617	27.79%
INTERDEPARTMENTAL	2,600,000	1,434,762	55.18%	2,400,000	1,372,712	57.20%
OTHER	48,636	36,320	74.68%	21,590	39,289	181.98%
OTHER REVENUES	71,000	47,204	66.48%	59,000	45,065	76.38%
SUBTOTALS	\$ 32,455,189	\$ 14,401,199	44.37%	\$ 28,215,757	\$ 13,484,770	47.79%
OPERATING TRANSFERS	1,282,345	549,264	42.83%	1,254,945	509,961	40.64%
DEBT SERVICE TRANSFERS	269,264	152,731	56.72%	244,828	140,105	57.23%
TOTALS	\$ 34,006,798	\$ 15,103,193	44.41%	\$ 29,715,530	\$ 14,134,836	47.57%



CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE PERIODS ENDED
DECEMBER 31, 2022 AND DECEMBER 31, 2021**

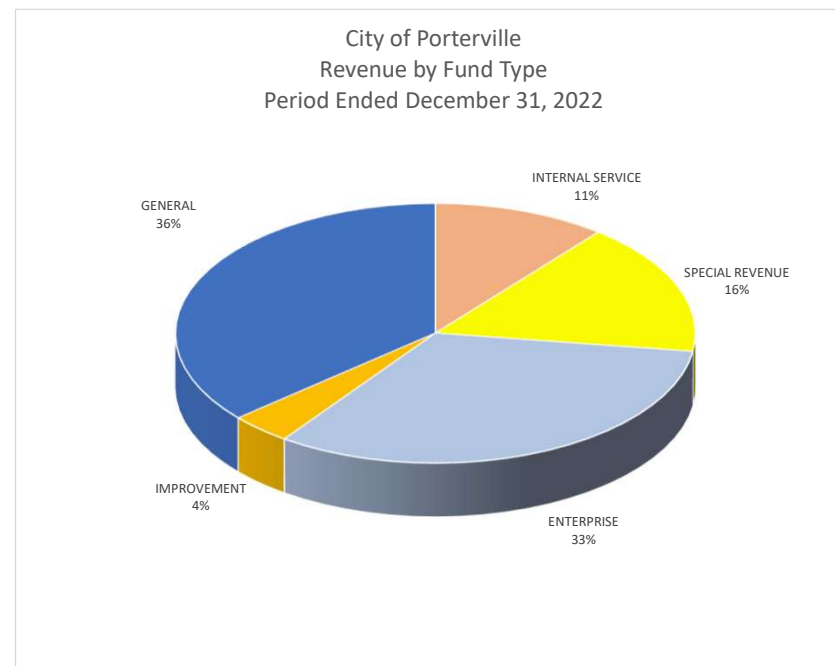
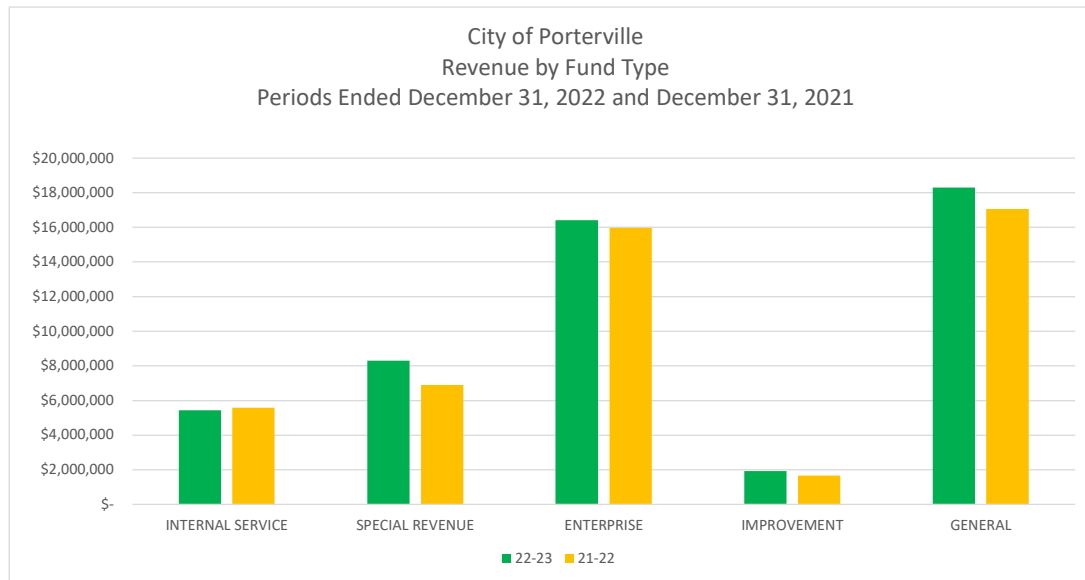
	2022-2023 AMENDED APPROP	2022-2023 YEAR-TO-DATE EXPEND	% OF APPROP	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 222,917	\$ 130,138	58.4%	\$ 459,917	\$ 46,211	10.0%
COMMUNITY PROMOTION	330,952	126,914	38.3%	269,920	139,127	51.5%
EMERGENCY - LIBRARY	336,105	98,334	29.3%	580,000	115,539	19.9%
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	398,209	228,080	57.3%	338,118	162,164	48.0%
CITY CLERK	243,704	159,023	65.3%	230,830	103,218	44.7%
HUMAN RESOURCES	435,747	251,745	57.8%	308,868	152,475	49.4%
CITY ATTORNEY	225,000	45,140	20.1%	225,000	50,453	22.4%
FINANCE:						
FINANCE & ACCOUNTING	1,194,568	520,085	43.5%	957,538	452,030	47.2%
INFORMATION SERVICES	683,476	313,587	45.9%	523,625	272,052	52.0%
ADMINISTRATIVE SERVICES	323,154	156,922	48.6%	337,510	120,523	35.7%
POLICE PROTECTION	10,958,716	4,925,039	44.9%	11,023,315	4,803,729	43.6%
FIRE PROTECTION	4,751,581	2,382,470	50.1%	4,078,865	2,442,024	59.9%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	742,784	332,074	44.7%	685,514	310,670	45.3%
ECONOMIC DEVELOPMENT	493,042	223,897	45.4%	397,139	158,008	39.8%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,687,371	843,645	50.0%	1,553,852	742,860	47.8%
STREET MAINTENANCE	546,410	292,235	53.5%	517,194	252,480	48.8%
SIGNALS, SIGNING & STRIPING	301,459	175,427	58.2%	319,000	104,360	32.7%
STREET LIGHTING	539,518	222,761	41.3%	537,552	201,663	37.5%
STORM DRAINS	92,585	32,978	35.6%	175,343	66,581	38.0%
PARKING LOTS	68,209	34,441	50.5%	64,552	29,098	45.1%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	2,662,004	1,392,251	52.3%	2,472,875	1,316,024	53.2%
STREET TREES & PARKWAYS	234,169	120,649	51.5%	251,710	101,751	40.4%
COMMUNITY CENTERS	96,217	1,356	1.4%	100,000	(5,520)	-5.5%
LEISURE SERVICES	392,434	210,593	53.7%	349,023	180,542	51.7%
LEISURE SERVICES - SPECIAL PROG	2,953,842	1,216,446	41.2%	2,933,915	1,050,712	35.8%
SWIMMING POOL	173,950	130,617	75.1%	173,950	102,100	58.7%
LIBRARY OPERATIONS	825,889	323,031	39.1%	811,451	253,477	31.2%
SPECIAL PROJECTS	36,506	19,093	52.3%	36,507	7,554	20.7%
 SUB TOTALS	 31,950,518	 14,908,970	 46.7%	 30,713,083	 13,731,905	 44.7%
 OPERATING TRANSFERS	 79,000	 34,500	 43.7%	 79,000	 34,500	 43.7%
DEBT SERVICE	1,598,169	802,033	50.2%	1,634,345	758,131	46.4%
	<u>\$ 33,627,687</u>	<u>\$ 15,745,503</u>	46.8%	<u>\$ 32,426,428</u>	<u>\$ 14,524,536</u>	44.8%



CITY OF PORTERVILLE

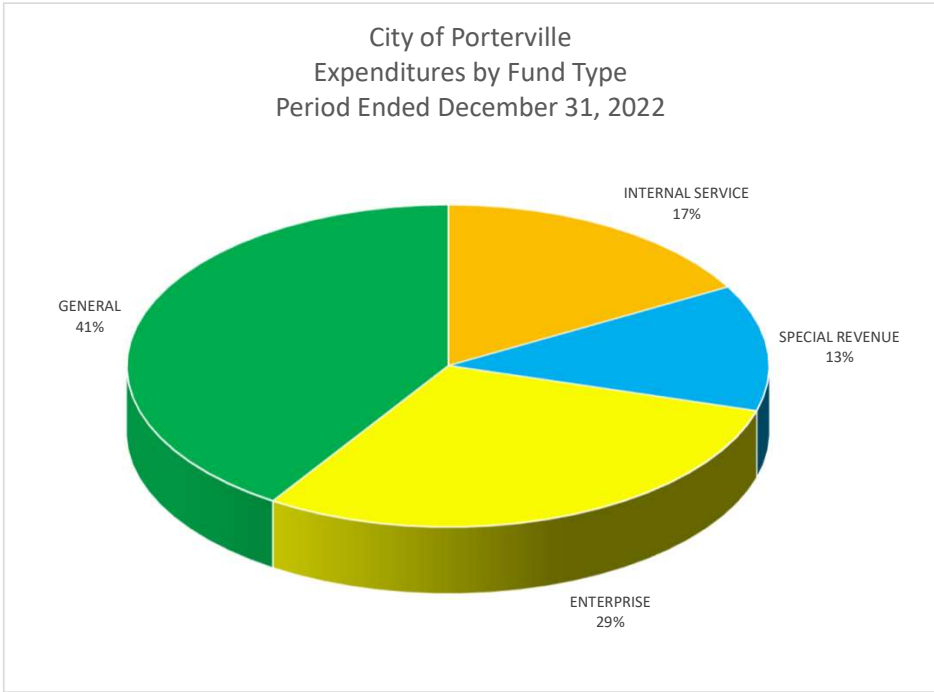
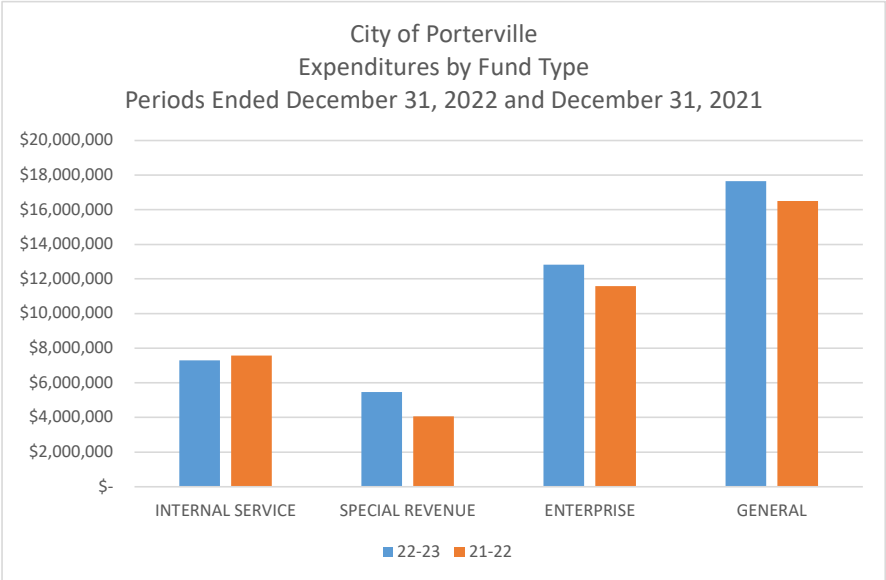
**REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE PERIODS ENDED
DECEMBER 31, 2022 AND DECEMBER 31, 2021**

REVENUE SOURCE	2022-2023 ESTIMATED REVENUE	2022-2023 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 5,460,597	\$ 1,939,000	35.5%	\$ 4,434,052	\$ 1,776,060	40.1%
MEASURE I SALES TAX	10,741,776	3,898,214	36.3%	8,923,104	3,573,040	40.0%
AMERICAN RESCUE PLAN ACT	11,113,000	2,609,831	23.5%	-	1,710,605	-
SPECIAL GAS TAX	4,757,438	1,949,214	41.0%	4,218,347	1,836,117	43.5%
LOCAL TRANSPORTATION FUNDS (LTF)	32,849,952	798,995	2.4%	17,022,488	705,158	4.1%
TRAFFIC SAFETY FUND	100,200	(14,907)	-	100,200	55,818	55.7%
ZALUD ESTATE	5,650	3,885	68.8%	5,850	3,081	52.7%
COMMUNITY DEVELOPMENT BLOCK GRANT	1,851,488	271,005	14.6%	2,022,126	221,348	10.9%
SPECIAL SAFETY GRANTS	781,539	302,269	38.7%	299,784	111,916	37.3%
SEWER OPERATING	7,378,925	4,109,206	55.7%	7,141,345	3,640,128	51.0%
REFUSE REMOVAL	6,636,466	3,417,693	51.5%	6,150,866	3,226,917	52.5%
AIRPORT OPERATIONS	2,081,500	875,131	42.0%	1,533,553	1,437,596	93.7%
GOLF COURSE	220,900	118,538	53.7%	193,800	106,365	54.9%
WATER OPERATING	13,246,005	7,897,882	59.6%	12,985,280	7,542,866	58.1%
RISK MANAGEMENT	7,533,016	3,942,630	52.3%	7,445,716	3,781,117	50.8%
EQUIPMENT MAINTENANCE	3,854,200	1,494,421	38.8%	3,701,260	1,794,507	48.5%
LANDSCAPE MAINTENANCE DISTRICT	132,682	71,650	54.0%	154,753	79,102	51.1%
WATER REPLACEMENT	4,540,000	544,471	12.0%	14,466,321	502,444	3.5%
SOLID WASTE RESERVE	953,070	465,865	48.9%	923,442	444,314	48.1%
SEWER REVOLVING	447,898	260,232	58.1%	540,221	223,873	41.4%
TRANSPORTATION DEVELOPMENT	295,000	132,166	44.8%	215,000	134,244	62.4%
PARK DEVELOPMENT	1,805,100	79,315	4.4%	100,050	67,481	67.4%
TREATMENT PLANT RESERVE	992,240	657,051	66.2%	960,371	488,345	50.8%
STORM DRAIN DEVELOPMENT	320,000	158,104	49.4%	220,000	201,784	91.7%
BUILDING CONSTRUCTION	1,000	1,248	124.8%	1,000	819	81.9%
TOTALS	\$ 118,099,642	\$ 35,983,109	30.5%	\$ 93,758,929	\$ 33,665,044	35.9%



CITY OF PORTERVILLE
EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE PERIODS ENDED
DECEMBER 31, 2022 AND DECEMBER 31, 2021

	2022-2023 AMENDED APPROP	2022-2023 YEAR-TO-DATE EXPEND	% OF APPROP	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 4,457,666	\$ 2,348,517	52.7%	\$ 4,241,135	\$ 2,114,424	49.9%
MEASURE I SALES TAX	5,921,250	2,741,919	46.3%	4,890,884	2,765,323	56.5%
AMERICAN RESCUE PLAN ACT	2,594,570	2,622,641	101.1%	-	1,667,628	-
ZALUD ESTATE	31,855	16,925	53.1%	18,855	18,169	96.4%
COMMUNITY DEVELOPMENT BLOCK GRANT	190,459	123,386	64.8%	546,985	73,923	13.5%
SPECIAL SAFETY GRANTS	893,718	297,260	33.3%	397,563	120,501	30.3%
SEWER OPERATING	6,820,260	3,098,565	45.4%	6,529,757	2,894,253	44.3%
REFUSE REMOVAL	6,999,034	3,428,221	49.0%	6,846,900	3,082,983	45.0%
AIRPORT	1,767,875	716,876	40.6%	1,407,844	969,124	68.8%
GOLF COURSE	500,496	288,297	57.6%	460,151	259,486	56.4%
WATER OPERATING	9,454,882	5,270,474	55.7%	8,104,376	4,367,189	53.9%
RISK MANAGEMENT	9,340,626	5,195,468	55.6%	7,988,321	5,900,116	73.9%
EQUIPMENT MAINTENANCE	3,802,800	2,093,074	55.0%	3,632,540	1,675,719	46.1%
LANDSCAPE MAINTENANCE DISTRICT	222,738	83,504	37.5%	192,995	87,855	45.5%
TOTALS	\$ <u>52,998,229</u>	\$ <u>28,325,127</u>	53.4%	\$ <u>45,258,306</u>	\$ <u>25,996,694</u>	57.4%



CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE H
For the Periods Ended December 31, 2022 and December 31, 2021

	<u>FY 2022-23</u>	<u>FY 2021-22</u>
REVENUES		
Sales Tax - Measure H	\$ 1,910,123	1,762,059
Interest	24,526	10,031
Police Services	1,952	969
Contributions	2,400	3,000
TOTAL REVENUES	<u>1,939,000</u>	<u>1,776,060</u>
EXPENDITURES		
Police Department	966,089	888,543
Fire Department	1,068,793	952,161
Public Safety Station	97,257	82,020
Library & Literacy	216,379	191,701
TOTAL EXPENDITURES	<u>2,348,517</u>	<u>2,114,424</u>
CAPITAL PROJECTS		
Animal Shelter	<u>17,103</u>	<u>7,990</u>
TOTAL CAPITAL PROJECTS	<u>17,103</u>	<u>7,990</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>(426,620)</u>	\$ <u>(346,355)</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - MEASURE I
For the Periods Ended December 31, 2022 and December 31, 2021

	<u>FY 2022-23</u>	<u>FY 2021-22</u>
REVENUES		
Sales Tax - Measure I	\$ 3,787,620	\$ 3,520,729
Interest	110,387	50,725
Police Services	206	1,586
TOTAL REVENUES	<u>3,898,214</u>	<u>3,573,040</u>
EXPENDITURES		
Police Department	1,658,084	1,939,201
Fire Department	1,037,532	778,930
Streets Program	45,882	47,192
Litter Abatement Program	422	-
TOTAL EXPENDITURES	<u>2,741,919</u>	<u>2,765,323</u>
CAPITAL PROJECTS		
AC Pavement Repair/Overlay	748,789	252,917
Fire Dept Classroom/Training	20,434	-
Fire Station Remodel/Additions	139,571	-
Grand Ave Connection between 4th and Henrahan	19,450	2,487
Medians Restoration Project	1,574	-
Montgomery Ave Reconstruction - Jaye to H	1,283	1,396
Pavement Management Program	2,788	13,064
PD Evidence Storage Facilities	35,260	1,078
Union - Indiana to Jaye	8,375	10,515
Villa St Reconstruction - Olive to Henderson	13,061	17,388
TOTAL CAPITAL PROJECTS	<u>990,585</u>	<u>298,843</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ 165,709</u>	<u>\$ 508,874</u>

CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Periods Ended December 31, 2022 and December 31, 2021

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>12/31/2022 NET OPERATING PROFIT (LOSS)</u>	<u>12/31/2021 NET OPERATING PROFIT (LOSS)</u>
Zalud Estate	\$ 3,885	\$ (16,925)	\$ (13,040)	\$ (15,089)
Sewer Operating	\$ 4,109,206	\$ (3,098,565)	\$ 1,010,641	\$ 745,875
Solid Waste	\$ 3,417,693	\$ (3,428,221)	\$ (10,528)	\$ 143,934
Airport	\$ 875,131	\$ (716,876)	\$ 158,255	\$ 468,471
Golf	\$ 118,538	\$ (288,297)	\$ (169,759)	\$ (153,121)
Water Operating	\$ 7,897,882	\$ (5,270,474)	\$ 2,627,408	\$ 3,175,677



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Quarterly Investment Portfolio

SOURCE: Finance

COMMENT: This report reflects the investment portfolio of the City as of December 31, 2022, and is in compliance with California Government Code Section 27000, etc., Section 53600, etc., and the City of Porterville's Statement of Investment Policy. Investments are selected based on the statutory objectives of safety, liquidity and yield.

Items identified in the summary include portfolio composition , weighted average rate of earnings, weighted average days to maturity, and the percentage of liquid holdings.

RECOMMENDATION: That the City Council accept the quarterly Investment Portfolio Summary Report.

ATTACHMENTS: 1. Investment Portfolio Summary - December 31, 2022

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF DECEMBER 31, 2022

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND \$	15,766,233	\$ 15,766,233	2.070%	DAILY	DAILY	1
1104	CSJVRMA INVESTMENT FUND	7,294,122	7,026,512	1.530%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	9,728,137	9,728,137	2.000%	DAILY	DAILY	30
CA-01-0026	CALIFORNIA CLASS	7,006,260	7,006,260	4.201%	DAILY	DAILY	1
	CORNERSTONE MAIN PARTNERS, L.P.	2,778,511	2,778,511	2.400%	12/12/2018	11/30/2038	5,813
3133ENF39	FEDERAL FARM CREDIT BANKS	1,000,000	989,900	3.125%	8/18/2022	8/8/2023	220
3130ASJT7	FEDERAL HOME LOAN BANKS	1,000,000	981,780	3.230%	6/29/2022	12/29/2023	363
3134GXF74	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	979,660	3.625%	7/26/2022	7/26/2024	573
3134GXP81	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	986,150	3.820%	8/30/2022	8/28/2024	606
3134GXX66	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	988,790	3.625%	9/23/2022	9/23/2024	632
3130ATFL6	FEDERAL HOME LOAN BANKS	1,000,000	990,690	4.600%	9/30/2022	9/30/2024	639
3130AQRM7	FEDERAL HOME LOAN BANKS	1,000,000	935,570	1.550%	2/25/2022	2/25/2025	787
3130ARQ95	FEDERAL HOME LOAN BANKS	1,000,000	961,770	3.030%	4/29/2022	4/28/2025	849
3130AS2Q1	FEDERAL HOME LOAN BANKS	1,000,000	966,100	3.150%	5/23/2022	5/23/2025	874
3134GXUC6	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	976,620	3.400%	5/27/2022	5/23/2025	874
3134GXF66	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	984,270	4.000%	8/1/2022	8/1/2025	944
3130ASU98	FEDERAL HOME LOAN BANKS, STEP-UF	1,000,000	985,210	3.500%	8/25/2022	8/25/2025	968
3135GACV1	FEDERAL NATIONAL MORTGAGE ASSO	1,000,000	979,880	4.000%	8/30/2022	8/28/2025	971
3130ATFG35	FEDERAL HOME LOAN BANKS	1,000,000	999,510	5.000%	10/17/2022	10/17/2025	1,021
3133ENR77	FEDERAL FARM CREDIT BANKS	1,000,000	996,730	4.920%	10/12/2022	1/12/2026	1,108
3130AQJJ3	FEDERAL HOME LOAN BANKS	1,000,000	913,900	1.125%	1/26/2022	1/26/2026	1,122
3130AKXB7	FEDERAL HOME LOAN BANKS	1,975,000	1,757,480	0.580%	3/18/2021	2/11/2026	1,138
3130ALGJ7	FEDERAL HOME LOAN BANKS	975,000	874,010	1.000%	3/23/2021	3/23/2026	1,178
3133EMUK6	FEDERAL FARM CREDIT BANKS	1,000,000	899,450	1.050%	3/25/2021	3/25/2026	1,180
3130ALS62	FEDERAL HOME LOAN BANKS, STEPUP	1,000,000	901,410	0.750%	3/30/2021	3/30/2026	1,185
3130AM3R1	FEDERAL HOME LOAN BANKS	1,000,000	888,980	1.000%	4/29/2021	4/29/2026	1,215
3134GXXF6	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	971,040	3.500%	6/28/2022	6/26/2026	1,273
3130ASD71	FEDERAL HOME LOAN BANKS	1,000,000	958,760	3.200%	6/29/2022	6/29/2026	1,276
3130ANM64	FEDERAL HOME LOAN BANKS	1,000,000	885,370	1.000%	8/26/2021	8/26/2026	1,334
3130ANUN8	FEDERAL HOME LOAN BANKS	2,000,000	1,769,660	1.040%	9/21/2021	9/21/2026	1,360
3130ANUX6	FEDERAL HOME LOAN BANKS	1,000,000	886,370	1.100%	9/28/2021	9/28/2026	1,367
3133ENN89	FEDERAL FARM CREDIT BANKS	1,000,000	992,750	4.870%	11/8/2022	9/28/2026	1,367
3133ENN89	FEDERAL FARM CREDIT BANKS	1,000,000	993,170	4.870%	9/28/2022	9/28/2026	1,367
3130APCH6	FEDERAL HOME LOAN BANKS	1,000,000	883,250	1.125%	9/29/2021	9/29/2026	1,368
3130APDK8	FEDERAL HOME LOAN BANKS	1,000,000	886,210	1.100%	9/30/2021	9/30/2026	1,369
3130APCX1	FEDERAL HOME LOAN BANKS	1,000,000	889,510	1.250%	10/26/2021	10/26/2026	1,395
3130APDQ5	FEDERAL HOME LOAN BANKS	1,000,000	889,400	1.250%	10/28/2021	10/28/2026	1,397
3130APG82	FEDERAL HOME LOAN BANKS	1,000,000	891,410	0.800%	11/2/2021	10/28/2026	1,397
3130APTJ4	FEDERAL HOME LOAN BANKS	1,000,000	887,640	1.250%	11/24/2021	11/24/2026	1,424
3130APU37	FEDERAL HOME LOAN BANKS	1,000,000	889,350	1.300%	11/24/2021	11/24/2026	1,424
3130AQ7F4	FEDERAL HOME LOAN BANKS	1,500,000	1,346,220	1.600%	12/30/2021	12/30/2026	1,460
3130AQ5Q2	FEDERAL HOME LOAN BANKS	2,000,000	1,788,080	1.500%	12/30/2021	12/30/2026	1,460
3133ENN81	FEDERAL FARM CREDIT BANKS	2,000,000	1,824,100	1.860%	2/8/2022	2/8/2027	1,500
3130AQRH8	FEDERAL HOME LOAN BANKS	1,000,000	908,210	2.000%	2/25/2022	2/25/2027	1,517
3130ARA76	FEDERAL HOME LOAN BANKS	2,000,000	1,829,180	2.250%	3/30/2022	3/30/2027	1,550
3130ARU74	FEDERAL HOME LOAN BANKS	1,000,000	947,680	3.375%	5/17/2022	5/17/2027	1,598
3130ARUX7	FEDERAL HOME LOAN BANKS	1,000,000	961,180	3.750%	5/19/2022	5/19/2027	1,600
3133EN3Y4	FEDERAL FARM CREDIT BANKS	1,000,000	1,001,360	5.330%	12/14/2022	6/14/2027	1,626
3130ASD63	FEDERAL HOME LOAN BANKS	1,000,000	945,400	3.250%	6/28/2022	6/28/2027	1,640
3130ASFQ7	FEDERAL HOME LOAN BANKS	1,000,000	968,170	4.000%	6/29/2022	6/29/2027	1,641
3130ASPE3	FEDERAL HOME LOAN BANKS	1,000,000	969,020	4.300%	7/28/2022	7/28/2027	1,670
3133ENL32	FEDERAL FARM CREDIT BANKS	1,000,000	983,110	4.230%	9/8/2022	9/8/2027	1,712
3134GX3K8	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	994,210	5.250%	10/20/2022	10/20/2027	1,754
3134GY5W8	FEDERAL HOME LOAN MORTGAGE COF	1,000,000	998,670	5.250%	12/16/2022	12/16/2027	1,811
037833DE7	APPLE INC NOTE	1,000,000	999,520	2.400%	1/16/2018	1/13/2023	13
084670BR8	BERKSHIRE HATHAWAY	1,000,000	995,720	2.750%	4/23/2018	3/15/2023	74
06406RAG2	BANK NEW YORK MELLON CORP MTN	1,000,000	995,670	3.500%	10/16/2018	4/28/2023	118
90331HNV1	US BANK ASSN MTN	1,000,000	990,870	3.400%	11/15/2018	7/24/2023	205
06747PML0	BARCLAYS BANK	1,000,000	979,320	3.000%	3/17/2020	10/17/2023	290
48133DN55	JP MORGAN CHASE FINL CO	2,000,000	1,958,280	4.050%	7/29/2022	7/29/2024	576
13605WWW7	CANADIAN IMPERIAL BANK	1,000,000	934,040	2.500%	4/28/2020	4/10/2025	831

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
89236TKC8	TOYOTA MOTOR CRD CORP	1,000,000	978,960	3.950%	9/8/2022	6/30/2025	912
17298CK64	CITIGROUP INC	1,000,000	884,930	1.000%	8/28/2020	8/28/2025	971
06748XQR5	BARCLAYS BANK	1,000,000	983,238	4.500%	9/12/2022	3/12/2026	1,167
89114TK84	TORONTO DOMINION BANK	2,000,000	1,736,331	1.050%	6/16/2021	3/16/2026	1,171
06368EWM0	BANK OF MONTREAL	2,000,000	1,750,709	1.220%	3/17/2021	3/17/2026	1,172
06048WV56	BANK OF AMERICA	1,000,000	949,150	4.000%	5/5/2022	5/5/2026	1,221
17290A3E8	CITIGROUP INC	1,000,000	867,100	1.250%	7/1/2021	7/1/2026	1,278
38150AHV0	GOLDMAN SACHS GROUP INC	1,000,000	833,810	1.400%	9/30/2021	9/30/2026	1,369
06048WZ29	BANK OF AMERICA CORP	1,000,000	973,900	6.000%	10/20/2022	10/20/2027	1,754
61747MF63	CERTIFICATE OF DEPOSIT	246,000	245,884	2.650%	1/11/2018	1/11/2023	11
22239MAR9	CERTIFICATE OF DEPOSIT	249,000	248,679	2.600%	2/2/2018	2/2/2023	33
366526AR2	CERTIFICATE OF DEPOSIT	249,000	248,552	2.650%	2/16/2018	2/16/2023	47
949495BC8	CERTIFICATE OF DEPOSIT	250,000	249,178	1.750%	2/21/2020	2/21/2023	52
819866AE4	CERTIFICATE OF DEPOSIT	249,000	248,420	2.800%	3/5/2018	3/6/2023	65
17312QJ26	CERTIFICATE OF DEPOSIT	246,000	245,139	2.900%	4/11/2018	4/11/2023	101
25665QAX3	CERTIFICATE OF DEPOSIT	246,000	245,122	2.900%	4/13/2018	4/13/2023	103
91435LAG2	CERTIFICATE OF DEPOSIT	249,000	247,942	3.050%	5/14/2018	5/15/2023	135
080515CQ0	CERTIFICATE OF DEPOSIT	246,000	244,937	3.050%	5/16/2018	5/16/2023	136
319141KL0	CERTIFICATE OF DEPOSIT	245,000	243,853	3.150%	6/6/2018	6/6/2023	157
90348JCW8	CERTIFICATE OF DEPOSIT	249,000	247,887	3.250%	6/13/2018	6/13/2023	164
74934YAH4	CERTIFICATE OF DEPOSIT	245,000	243,728	3.150%	6/20/2018	6/20/2023	171
74160NGF1	CERTIFICATE OF DEPOSIT	249,000	247,748	3.200%	6/22/2018	6/22/2023	173
45581EAX9	CERTIFICATE OF DEPOSIT	249,000	247,792	3.300%	6/30/2018	6/30/2023	181
89841MAD9	CERTIFICATE OF DEPOSIT	245,000	243,172	2.850%	7/19/2022	7/19/2023	200
31911QFK6	CERTIFICATE OF DEPOSIT	249,000	247,187	3.200%	8/10/2018	8/10/2023	222
499724AD4	CERTIFICATE OF DEPOSIT	249,000	247,008	3.250%	8/30/2018	8/30/2023	242
64017AAH7	CERTIFICATE OF DEPOSIT	245,000	242,883	3.300%	9/19/2018	9/19/2023	262
92891CBK7	CERTIFICATE OF DEPOSIT	249,000	246,630	3.350%	10/16/2018	10/16/2023	289
474067AQ8	CERTIFICATE OF DEPOSIT	249,000	246,610	3.350%	10/19/2018	10/19/2023	292
59452WAE8	CERTIFICATE OF DEPOSIT	249,000	246,607	3.450%	11/9/2018	11/9/2023	313
61760ASL4	CERTIFICATE OF DEPOSIT	245,000	242,736	3.550%	11/26/2018	11/24/2023	328
635573AL2	CERTIFICATE OF DEPOSIT	245,000	242,146	3.400%	12/26/2018	12/21/2023	355
05465DAK4	CERTIFICATE OF DEPOSIT	249,000	240,071	1.650%	3/26/2020	3/26/2024	451
14042RSH5	CERTIFICATE OF DEPOSIT	245,000	240,347	3.300%	6/29/2022	7/1/2024	548
15118RRHS	CERTIFICATE OF DEPOSIT	249,000	237,969	1.850%	8/30/2019	8/30/2024	608
938828BM1	CERTIFICATE OF DEPOSIT	249,000	238,569	2.000%	8/30/2019	8/30/2024	608
12527CFB3	CERTIFICATE OF DEPOSIT	245,000	239,657	3.300%	7/22/2022	9/30/2024	639
23204HLJ5	CERTIFICATE OF DEPOSIT	250,000	249,525	4.500%	10/26/2022	10/28/2024	667
654062LB2	CERTIFICATE OF DEPOSIT	250,000	247,368	4.100%	9/28/2022	3/28/2025	818
02589AC34	CERTIFICATE OF DEPOSIT	250,000	239,088	2.550%	4/17/2022	4/7/2025	828
02589AC34	CERTIFICATE OF DEPOSIT	250,000	240,700	3.050%	7/25/2022	7/25/2025	937
06740KQZ3	CERTIFICATE OF DEPOSIT	250,000	242,255	3.300%	7/27/2022	7/28/2025	940
20825WAZ3	CERTIFICATE OF DEPOSIT	249,000	241,712	3.400%	8/15/2022	8/15/2025	958
795451CD3	CERTIFICATE OF DEPOSIT	240,000	232,658	3.350%	8/24/2022	8/25/2025	968
06168LAB4	CERTIFICATE OF DEPOSIT	244,000	241,265	4.150%	10/12/2022	10/14/2025	1,018
693963AB6	CERTIFICATE OF DEPOSIT	249,000	246,522	4.200%	10/14/2022	10/14/2025	1,018
178180GQ2	CERTIFICATE OF DEPOSIT	244,000	245,747	4.850%	11/9/2022	11/10/2025	1,045
05580AM92	CERTIFICATE OF DEPOSIT	248,000	234,191	2.750%	4/22/2022	4/22/2026	1,208
02007GWJ8	CERTIFICATE OF DEPOSIT	246,000	234,544	3.150%	7/21/2022	7/21/2026	1,298
87165FE42	CERTIFICATE OF DEPOSIT	249,000	218,545	1.100%	11/12/2021	11/12/2026	1,412
07181JAU8	CERTIFICATE OF DEPOSIT	249,000	252,678	5.000%	11/22/2022	11/23/2026	1,423
14042TEH6	CERTIFICATE OF DEPOSIT	249,000	219,332	1.250%	12/8/2021	12/8/2026	1,438
89235MMH1	CERTIFICATE OF DEPOSIT	249,000	219,314	1.250%	12/9/2021	12/9/2026	1,439
052392CH8	CERTIFICATE OF DEPOSIT	248,000	251,261	4.950%	12/16/2022	12/16/2026	1,446
856285F63	CERTIFICATE OF DEPOSIT	246,000	220,672	1.800%	1/31/2022	2/1/2027	1,493
70962LBE1	CERTIFICATE OF DEPOSIT	249,000	221,949	1.700%	2/18/2022	2/18/2027	1,510
02589ABQ4	CERTIFICATE OF DEPOSIT	245,000	221,051	2.000%	3/9/2022	3/9/2027	1,529
39573LDA3	CERTIFICATE OF DEPOSIT	245,000	221,683	2.100%	3/15/2022	3/15/2027	1,535
58404DNW7	CERTIFICATE OF DEPOSIT	248,000	230,573	2.800%	4/29/2022	4/29/2027	1,580
254673D94	CERTIFICATE OF DEPOSIT	246,000	232,519	3.200%	5/18/2022	5/19/2027	1,600
07371C6Y0	CERTIFICATE OF DEPOSIT	246,000	230,379	3.000%	6/15/2022	6/9/2027	1,621
38150VCG2	CERTIFICATE OF DEPOSIT	246,000	230,342	3.000%	6/15/2022	6/15/2027	1,627
50625LBN2	CERTIFICATE OF DEPOSIT	249,000	235,534	3.250%	6/15/2022	6/15/2027	1,627
88413QDN5	CERTIFICATE OF DEPOSIT	245,000	231,861	3.300%	8/19/2022	8/19/2027	1,692
32022RSY4	CERTIFICATE OF DEPOSIT	249,000	236,411	3.400%	9/14/2022	9/14/2027	1,718
52470QBV5	CERTIFICATE OF DEPOSIT	249,000	237,407	3.500%	9/23/2022	9/23/2027	1,727

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1204	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	4/24/2018	4/24/2023	114
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	2.800%	5/14/2018	5/14/2023	134
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	3.000%	6/21/2018	6/21/2023	172
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.591%	5/12/2020	5/12/2023	132
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	2.650%	4/29/2018	4/29/2023	119
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	3.100%	6/25/2018	6/25/2023	176
1303	CERTIFICATE OF DEPOSIT	250,000	250,000	1.100%	4/16/2021	4/16/2024	472
1309	CERTIFICATE OF DEPOSIT	249,000	249,000	1.800%	2/14/2022	2/14/2027	1,506
1311	CERTIFICATE OF DEPOSIT	250,000	250,000	3.200%	6/23/2022	6/23/2027	1,635
1314	CERTIFICATE OF DEPOSIT	249,000	249,000	2.000%	7/21/2022	7/20/2024	567
1316	CERTIFICATE OF DEPOSIT	250,083	250,083	2.750%	10/6/2022	4/6/2024	462
1317	CERTIFICATE OF DEPOSIT	249,000	249,000	4.500%	12/13/2022	12/13/2027	1,808
1318	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	3/22/2018	3/22/2023	81
1319	CERTIFICATE OF DEPOSIT	250,000	250,000	0.800%	5/3/2022	5/3/2023	123
1320	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	9/12/2018	9/12/2023	255
1324	CERTIFICATE OF DEPOSIT	249,000	249,000	3.350%	1/11/2019	1/11/2024	376
1326	CERTIFICATE OF DEPOSIT	276,566	276,566	3.500%	1/29/2019	1/29/2024	394
1327	CERTIFICATE OF DEPOSIT	245,000	245,000	3.500%	2/28/2019	2/28/2024	424
1328	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	3/22/2019	3/22/2024	447
1329	CERTIFICATE OF DEPOSIT	249,000	249,000	3.210%	4/9/2019	10/9/2023	282
1330	CERTIFICATE OF DEPOSIT	248,960	248,960	3.200%	5/24/2019	5/24/2024	510
1331	CERTIFICATE OF DEPOSIT	249,000	249,000	3.100%	5/7/2019	5/7/2024	493
1332	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	6/4/2019	6/4/2024	521
1334	CERTIFICATE OF DEPOSIT	250,000	250,000	3.050%	7/31/2019	7/31/2024	578
1335	CERTIFICATE OF DEPOSIT	249,000	249,000	2.810%	9/11/2019	9/11/2024	620
1336	CERTIFICATE OF DEPOSIT	249,000	249,000	2.800%	9/17/2019	9/17/2024	626
1337	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	11/1/2019	11/1/2024	671
1338	CERTIFICATE OF DEPOSIT	268,277	268,277	2.720%	10/15/2019	10/15/2024	654
1339	CERTIFICATE OF DEPOSIT	263,480	263,480	2.250%	12/26/2019	12/26/2024	726
1340	CERTIFICATE OF DEPOSIT	249,000	249,000	2.400%	12/5/2019	12/5/2024	705
1341	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/8/2020	1/8/2025	739
1342	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/17/2020	1/17/2025	748
1343	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/24/2020	1/24/2025	755
1344	CERTIFICATE OF DEPOSIT	249,000	249,000	1.100%	11/18/2020	11/18/2023	322
1345	CERTIFICATE OF DEPOSIT	252,883	252,883	3.150%	6/9/2022	6/9/2027	1,621
1346	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	6/21/2022	6/21/2027	1,633
1347	CERTIFICATE OF DEPOSIT	249,000	249,000	3.320%	7/21/2022	7/21/2027	1,663
1348	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	7/20/2022	7/20/2027	1,662
1349	CERTIFICATE OF DEPOSIT	249,000	249,000	3.100%	8/30/2022	3/1/2026	1,156
1350	CERTIFICATE OF DEPOSIT	249,000	249,000	3.800%	10/28/2022	10/28/2025	1,032
1351	CERTIFICATE OF DEPOSIT	249,000	249,000	4.500%	11/28/2022	11/28/2024	698
1352	CERTIFICATE OF DEPOSIT	249,000	249,000	4.650%	11/28/2022	11/28/2023	332
1352	CERTIFICATE OF DEPOSIT	249,000	249,000	5.150%	12/12/2022	12/12/2027	1,807
1354	CERTIFICATE OF DEPOSIT	249,000	249,000	4.000%	12/22/2022	12/22/2025	1,087
TOTALS		\$ 141,156,512	\$ 135,884,329				

WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
12/31/2021	3/31/2022	6/30/2022	9/30/2022	12/31/2022		
1.222%	1.274%	1.588%	2.095%	2.622%	28.192%	846

Comments:

Portfolio holdings as of December 31, 2022, are in compliance with the current Investment Policy. With 28.192% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the first calendar quarter ending March 31, 2023, and will be presented during the May 2, 2023 Council meeting.



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Reaffirm Conditions of State Assembly Bill 361 to Continue Remote Attendance at Public Meetings

SOURCE: City Manager's Office

COMMENT:

During the prior eighteen (18) months, the City Council and its legislative bodies have conducted teleconferencing meetings as allowed pursuant to a series of Executive Orders, the most recent which expired on September 30, 2021 (Executive Order N-08-021, issued June 11, 2021), which waived all physical presence requirements under the Brown Act as a means of limiting the spread of COVID-19. Pursuant to adopted State law effective September 30, 2021, Assembly Bill 361 (AB 361), extends the authority of public agencies to conduct meetings by teleconference, including video conference, without compliance with all of the Brown Act's limitations on such meetings, which the status of emergency resulting from the COVID-19 pandemic and accompanying recommendations for social distancing remain in place. Consistent with AB 361, the Council must adopt a Resolution consistent with the Governor's State of Emergency, and must review and renew such Resolution every thirty (30) days thereafter. AB 361 will sunset on January 1, 2024, although Governor Newsom announced on October 17, 2022, that the COVID-19 State of Emergency would be concluded on February 28, 2023, thus ending the authority of the legislation. The Council last adopted its Resolution consistent with AB 361 at its meeting on January 17, 2023.

RECOMMENDATION: That the City Council consider adoption of the draft Resolution to continue allowing the option to participate in the City's public meetings remotely through the use of the teleconferencing provisions of AB 361.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION ____-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY ASSEMBLY
BILL 361 ISSUED ON SEPTEMBER 16, 2021, AND AUTHORIZING REMOTE
TELECONFERENCE MEETINGS OF ALL LEGISLATIVE BODIES OF THE CITY OF
PORTERVILLE FOR THE PERIOD OF THIRTY (30) DAYS PURSUANT TO BROWN
ACT PROVISIONS

WHEREAS, the City Council is committed to preserving and nurturing public access and participation in meetings of all City of Porterville legislative bodies; and,

WHEREAS, all meetings of the City's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950-54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and,

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(s), subject to the existence of certain conditions; and,

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and,

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme period to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological, or human-caused disasters; and,

WHEREAS, it is further required that State or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and,

WHEREAS, a State of Emergency has been proclaimed by the Governor of the State of California; and,

WHEREAS, State and local officials continue to promote social distancing measures and City's conference chambers limited capacity would present imminent risk to health and safety of attendees; and,

WHEREAS, as a consequence of the State emergency, the City does hereby find that the legislative bodies of the City shall conduct their meetings without compliance with paragraph three (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph two (2) of subdivision (c) of section 54953; and,

WHEREAS, the City will give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body; and,

WHEREAS, the legislative body will not take any further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored; and,

WHEREAS, the legislative body will not require public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time; and,

WHEREAS, the legislative body will not close the public comment until the public comment period has elapsed or until a reasonable amount of time has elapsed as specified.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference; and,

SECTION 2. Ratification of Governor's Proclamation of a State of Emergency. The City hereby ratifies the Governor of the State of California's Proclamation of March 2, 2020; and,

SECTION 3. Remote Teleconference Meetings. The City Manager and legislative bodies of City of Porterville are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act; and,

SECTION 4. Effective Date of Resolutions. This Resolution shall take effect immediately upon its adoption and shall be effective until February 28, 2023.

PASSED, APPROVED, AND ADOPTED this 7th day of February, 2023.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Villas at Sierra Meadows 4 & 5 Development Project

SOURCE: Community Development

BACKGROUND: The City's Project Review Committee (PRC) began its assessment of PRC 2020-48 on January 6, 2021. As PRC comments were incorporated into the project, it was subsequently discussed at PRC meetings on May 26, 2021 and September 29, 2021. Formal project submittal was on December 17, 2021. The project was initially scheduled for City Council consideration on January 17, 2023; however, during the CEQA review period, the City received a comment letter from the State Department of Toxic Substances Control (DTSC) that prompted the City and the applicant to request continuation of the Hearing until further analysis could be performed. On January 17, 2023, the Council opened the Public Hearing, took brief public comment, then voted to continue the Hearing to its regular meeting of February 7, 2023. The content of that abbreviated Hearing, along with the result of the additional analysis performed in response to the DTSC comments, is discussed under ENVIRONMENTAL below.

COMMENT: The project consists of several development entitlements: an amendment to the General Plan Land Use Diagram, a conditional use permit, a tentative subdivision map, and annexation. The project would result in the annexation and development of APN 269-060-020, consisting of approximately 20.23 acres located at the southwest corner of W. Gibbons Avenue and S. Jaye Street. Development would generally include subdivision of the project site into eighty (80) lots for single-family use, construction of a 0.86-acre park, construction of interior local streets and necessary onsite infrastructure, and improvements within abutting major street rights-of-way.

The 2030 General Plan Land Use Element currently designates the parcel for two uses: the northern half as Public Institutional and the southern half as Low Density Residential. The entire parcel is currently zoned AE-20 (Exclusive Agriculture, 20-Acre Minimum) by the County of Tulare and rezoned RS-2 (Low Density Residential) by the City of Porterville. To facilitate the project, the applicant has proposed to amend the General Plan Land Use of the northern half to Low Density Residential:

PARCEL	GENERAL PLAN (EXISTING)	ZONING (EXISTING)*	GENERAL PLAN (PROPOSED)	ZONING (PROPOSED)
269-060-020	Low Density Residential	AE-20/RS-2	Low Density Residential	RS-2 (no change)
	Public Institutional	AE-20/RS-2		
AE-20 = Exclusive Agriculture, 20-Acre Minimum				
RS-2 = Low Density Residential				
* The identifier before the slash indicates the existing County of Tulare zoning. The identifier after the slash indicates the existing City of Porterville rezoning.				

ANALYSIS:

The proposed tentative subdivision map would provide new single-family residential housing on lots ranging from 5,000 SF to 11,000 SF*. Circulation is provided through the planned internal streets, which include parkway strips, streetlights, and sidewalks. The subdivision provides external connections to W. Gibbons Avenue and S. Jaye Street; the project would dedicate and improve a 56-foot section of Jaye Street along its eastern boundary and would dedicate a 47-foot strip (plus a 10-foot landscape easement) along the southern boundary for the future extension of Scranton Avenue. The subdivision consists of generally short blocks, which slows traffic and enhances pedestrian connectivity. The project includes a 0.86-acre park toward its northern end, which will be improved and dedicated to the City and included in the Lighting and Landscape Maintenance District.

The gross density of the project is 3.95 units per acre, which falls below the maximum of 6.0 units per acre allowed in the Low Density Residential Land Use designation. The areas to the north and east of the site are already developed with single-family residences. Immediately to the west is St. Anne's Cemetery; other land to the west and south supports rural residences and agriculture. The project, while proposing lots with a smaller minimum size than the existing surrounding neighborhoods, still results in a development pattern that is compatible with the area and that falls well within the prescribed density mandated by the General Plan.

Prior to approval of any General Plan amendment, Government Code Section 65352.3 requires that the City notify any California Native American Tribe identified by the California Native American Heritage Commission (NAHC) as having an historical or cultural affiliation with the area and provides those Tribes ninety (90) days to comment on the proposal. Following receipt of a Tribal contact list from NAHC, the City notified nine Tribal contacts from five Tribes about the project. The consultation period ran from October 4, 2022 to January 2, 2023, and no comments were received.

The RS-2 zone has a default minimum lot size of 6,000 SF; approximately half of the proposed lots meet that minimum. To facilitate a smaller minimum lot size of 5,000 SF for some of the lots (with a corresponding minimum width of 50 feet), the project proposes a conditional use permit (CUP). Development Code Section 201.4(C) provides that an applicant may request lot size as low as 3,000 SF subject to City Council approval of a CUP if it finds that the lot size and configuration are consistent with the General Plan and will not adversely affect adjoining uses. This project is not requesting lots of that size. Additional

design elements, including but not limited to, enhanced street trees and varied lot widths along with optional elements such as traffic calming facilities and park space are required, and the project includes them. As described above, the project would fall within the prescribed General Plan density and is not out of character with surrounding development. Prior to approval of a conditional use permit, the Council must make the following findings pursuant to Development Code Section 604.04:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with, the policies of the general plan and any other applicable plan that the City has adopted. Following amendment of the General Plan as proposed, the project will result in development at a density consistent with the provisions of the Low Density Residential designation. The project will serve to implement Policies LU-G-6, LU-G-7, LU-G-9, LU-G-10, LU-I-13, LU-I-14, LU-I-15, LU-I-18, LU-I-19, and LU-G-19. There are no other applicable plans.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, this development Ordinance and with any other applicable plan adopted by the City Council. The characteristics of the project are compatible with the standards of the RS-2 district (as modified by this conditional use permit). The development conforms to the density of the Low Density Residential designation and serves to implement numerous policies of the General Plan. There are no other applicable plans.

The California Subdivision Map Act (Government Code Section 66410, et seq.) establishes most of the procedures for subdivision of land. Other components are contained within Series 400 (Land Division) of the Porterville Development Code. Generally, a tentative and final map are required in order to subdivide land into five or more parcels. Pursuant to both the Map Act and Series 400, tentative maps are valid for twenty-four (24) months following approval, with various mechanisms available to extend the life of the tentative map. Subject to approval of the conditional use permit allowing lots with a minimum size of 5,000 feet and minimum width of fifty (50) feet, all lots within the subdivision comply with area, width, and depth requirements. The project would be responsible for the dedication and improvement of the abutting major streets along with payment of specified fair-share costs to other capital improvements, installation of sidewalk on the east side of S. Jaye Street to enhance pedestrian access, and payment of development impact fees as applicable. The project is illustrated in two phases—essentially the northern one-third as Phase 1 and the southern two-thirds as Phase 2—although the Map Act precludes the City from requiring or disallowing phasing and from dictating the configuration of any proposed phases. The City can, however, impose reasonable conditions upon phases that are proposed.

Pursuant to Development Code Section 400.04, the City Council must deny a tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans. The southern half of the project site is designated Low Density Residential, which has a maximum density of 6.00 units per acre. The project proposes to amend the General Plan Land Use for the northern half of the site to Low Density Residential as well. The tentative map proposes eighty (80) single-family residential lots on 20.23 acres for a density of 3.95 units per acre and therefore is consistent with the General Plan as proposed for amendment. There is no applicable specific plan.

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. The design and improvement of the project are in accordance with the Circulation Element of the General Plan as well as with the development standards contained within the Development Code, which is itself the primary tool for implementation of the General Plan. There is no applicable specific plan.

3. That the site is not physically suitable for the type of development. The site is generally flat and level, making it physically optimal for the development as proposed.

4. That the site is not physically suitable for the proposed density of development. The site is generally flat and level, making it physically optimal for the development as proposed.

5. That the design of the subdivisions or the proposed improvements is likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. An initial study/mitigated negative declaration was prepared for the project. With inclusion of mitigation, the project will not result in any significant effects to the environment or to fish or wildlife or their habitat.

6. That the design of the subdivision or type of improvements is likely to cause serious public health problems. An initial study/mitigated negative declaration was prepared for the project. With inclusion of mitigation, the project will not result in any serious public health problems.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. With the possible exception of easements dedicated for major street right-of-way, which will be further dedicated and improved for the benefit of the public at large, there are no easements for access through or use of the property.

Based on a fair reading of the record, including the initial study and mitigated negative declaration (described in further detail below), there is no indication that any of the findings requiring denial of the tentative map can be made.

As previously described, the project site is not within the city limits. However, Government Code Section 66454 allows the City to approve a tentative map on

land outside the city limits with the provision that the final map cannot be approved until annexation of the site is complete. Annexation would require action by the Tulare County Local Agency Formation Commission (LAFCo). The property was until recently subject to a Williamson Act Agricultural Land Conversation Contract, the provisions of which do not allow urban development. The property owner applied to Tulare County to cancel that contract; on November 29, 2022, the Board of Supervisors adopted Resolution No. 2022-1005, cancelling the contract.

The proposed land division and subsequent development of the site into a residential subdivision will provide much needed housing in conformance with the City's General Plan Land Use and Housing Elements, as well as to help meet the City's Regional Housing Needs Allocation quota. Staff and the applicants' agents have worked through the design details to ensure adherence to the General Plan and Development Ordinance, as well as to ensure compliance with the Map Act and applicable codes.

In addition to enhanced notification provided related to CEQA (see below), public notice of this hearing was provided in accordance with Government Code Sections 65090 and 65091 and Development Code Section 609.06. The procedures prescribed therein are the standard for hearings involving amendments to the General Plan or zoning and for conditional use permits and tentative maps. Additionally, as described in the Background section above, this project was discussed at three PRC meetings over the span of several months. Information regarding PRC is readily available on the City's website: PRC meetings are held on a regular basis, are agendaized, and are accessible to the public.

*Although Lot 25 at the southwest corner of the project site is labeled at 14,562 square feet, its effective size is approximately 8,687 square feet owing to an irrevocable dedication of right-of-way for the future extension of Scranton Avenue.

ENVIRONMENTAL REVIEW: During review of the project, the City contracted with Crawford & Bowen Planning, Inc. to prepare an initial study (IS) to analyze the potential for environmental effects that could result from the project. Based on the results of technical studies prepared in conjunction with the IS, the City made the preliminary determination that, with mitigation included, the project would not have a significant effect on the environment and that adoption of a mitigated negative declaration would be appropriate. Mitigation was identified for Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Transportation, and Tribal Cultural Resources; incorporation of that mitigation would reduce all potentially significant effects to a less-than-significant level.

Upon completion of the draft IS/MND, the notices of intent and completion were filed in accordance with CEQA. The IS/MND was sent to the State Clearinghouse (SCH No. 2022120369) and circulated for a period of thirty (30) days starting on December 16, 2022 and ending on January 17, 2023. The City

received a comment letter from DTSC dated January 10, 2023 (attached). In summary, the letter expressed the agency's position about the potential for site contamination resulting from past activities and the potential for future activities on or near the site to result in exposure of persons to hazardous substances. DTSC recommended testing; in response, the property owner contracted with AWE Engineering to perform sampling and chemical analysis (report attached). The analysis determined that there were no detectable levels of substances of concern to DTSC. Accordingly, the report is incorporated into the administrative record for the project, and the determinations in the IS/MND remain appropriate.

As mentioned, prior to continuing the Public Hearing on January 17, 2023, the City Council took brief public comment. Of note, was concern expressed by nearby residents about the potential for the project site to qualify as habitat for San Joaquin kit fox (SJKF). Specifically, the speakers claimed to have directly witnessed and interacted with various animal species, including the endangered SJKF, on or immediately adjacent to the project site. The discussion on biological resources in the IS/MND relies in part on Figure 6-4 (Special Status Species and Vegetation Map) from the Porterville General Plan's Open Space and Conservation Element. That figure illustrates the observed locations of various special-status species based on various records, including SJKF at locations varying from slightly less than one mile south to approximately two miles southwest. While animals can move from one place to another and it is not impossible that the speakers did encounter SJKF, it is unlikely. First, the SJKF bears a strong resemblance to the California gray fox, which is far more common and is diurnal; conversely, the SJKF is much less common and is primarily nocturnal. Second, the primary habitat of the SJKF is open grassland; while they can forage in orchard areas, they generally do not den in them and are far more likely to be encountered in open areas as their preferred prey (small rodents, ground-dwelling birds, and insects) is mostly found in grasslands. Also, it is important to note that the California Department of Fish and Wildlife (CDFW) was included in the State Clearinghouse review and did not comment on the project, further suggesting that the site is not of concern.

Considering the above, it is unlikely that there are SJKF on the project site or that the site serves as SJKF habitat, and the analysis and conclusions of the IS/MND most likely remain appropriate regarding biological resources. However, the City Council retains the option to direct the applicant, working with staff and City consultants, to retain a biologist to conduct more in-depth analysis. If so directed, and if the supplemental review results in addition of mitigation measures to the IS/MND, recirculation of the document for a new thirty (30) day comment period would be required.

RECOMMENDATION: That the City Council open the continued Public Hearing to receive comments on the Villas at Sierra Meadows 4 & 5 Development Project, then:

1. Adopt the draft Resolution adopting the Initial Study/Mitigated Negative Declaration and mitigation monitoring and reporting

program;

2. Adopt the draft Resolution amending the General Plan to reflect the Land Use designation of the site as Low Density Residential;
3. Adopt the draft Resolution approving the Conditional Use Permit;
4. Adopt the draft Resolution approving the Tentative Subdivision Map with conditions; and
5. Adopt the draft Resolution requesting that Tulare County LAFCo initiate proceedings for annexation.

ATTACHMENTS:

1. Draft Resolution - CEQA
2. Draft Resolution - General Plan Amendment
3. Draft Resolution - Conditional Use Permit
4. Draft Resolution - Tentative Subdivision Map
5. Draft Resolution - Annexation
6. Draft IS/MND Villas at Sierra Meadows 4 & 5
7. Department of Toxic Substances Control Comment Letter
8. AWEengineering Soils Report
9. Locator Map
10. General Plan Land Use Map
11. Zoning Map

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING
A MITIGATED NEGATIVE DECLARATION (SCH NO. 2022120369) FOR THE VILLAS
AT SIERRA MEADOWS 4 & 5 DEVELOPMENT PROJECT (PRC 2020-048)

WHEREAS: Smee Homes, Inc. (Applicant) has submitted to the City of Porterville the Villas at Sierra Meadows 4 & 5 Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 20.23 acres into 80 lots located at the southwest corner of W. Gibbons Avenue and S. Jaye Street (APN 269-060-020; Site); and

WHEREAS: the Project also includes construction of interior streets, landscaping, public utilities, a neighborhood park central to the site, and portions of abutting rights-of-way; and

WHEREAS: the aforementioned activities, individually and collectively, constitute a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (“CEQA”) and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: the City has prepared an initial study pursuant to the provisions of CEQA and the CEQA Guidelines; and

WHEREAS: the initial study indicated the potential for significant effects in the resource areas of Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Transportation, and Tribal Cultural Resources; and

WHEREAS: the initial study concluded that with implementation of mitigation measures, all potentially significant effects resulting from the Project can be mitigated to a less-than-significant level, and that adoption of a mitigated negative declaration would be appropriate; and

WHEREAS: pursuant to Public Resources Code Section 21080.3.1, on or about October 4, 2022 the City provided notice of the Project to Santa Rosa Rancheria Tachi Yokut Tribe and the Tule River Indian Tribe and received no response therefrom; and

WHEREAS: on December 17, 2023 a notice of intent to adopt a mitigated negative declaration was published in *The Porterville Recorder* and was filed with the Tulare County Clerk and the State Clearinghouse and posted at City Hall and on the City’s website, said notice identifying a public review and comment period of 30 days starting on December 17, 2022 and ending on January 16, 2023; and

WHEREAS: the Draft initial study/mitigated negative declaration (IS/MND) was uploaded to the State Clearinghouse, assigned a State Clearinghouse number (2022120369), and circulated for a period of 30 days starting on December 17, 2022 and ending on January 16, 2023; and

WHEREAS: the City received a letter from the California Department of Toxic Substances

Control (DTSC) dated January 10, 2023; and

WHEREAS: in response to said letter from DTSC, the applicant conducted onsite soil testing for contaminants and said testing did not detect any contaminants of concern identified by DTSC; and

WHEREAS: the report generated in response to the said letter from letter is hereby incorporated as part of the record; and

WHEREAS: at a regular meeting on January 17, 2023 the City Council of the City of Porterville did conduct a public hearing to consider testimony regarding the Project; and

WHEREAS: during the public hearing, members of the public provided testimony indicating their observation of San Joaquin kit fox on or near the Project site; and

WHEREAS: the City Council did vote to continue the public hearing to its regular meeting of February 7, 2023; and

WHEREAS: at a regular meeting on February 7, 2023 the City Council did reconvene the continued public hearing to consider the Project; and

WHEREAS: the City Council has received the IS/MND and has reviewed and considered the information contained therein; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: based on evidence in the record, the City Council has determined it unlikely that the site serves as habitat for San Joaquin kit fox; and

WHEREAS: the City Council finds that the IS/MND has been completed in compliance with CEQA and the CEQA Guidelines; and

WHEREAS: the determinations in the IS/MND consist of the City Council's independent judgement and analysis; and

WHEREAS: based upon the IS/MND and the record, with incorporation of mitigation the Project will not individually or cumulatively have an adverse impact on environmental resources; and

WHEREAS: the City of Porterville is the custodian of the documents and other materials that constitute the record of the proceedings on which these determinations are based, and Porterville City Hall, 291 N. Main Street, Porterville, CA is the location of this record.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby adopt the IS/MND prepared for the Villas at Sierra Meadows 4 & 5 Development Project.

BE IT FURTHER RESOLVED that the Mitigation Monitoring and Reporting Program attached hereto shall be implemented as noted therein as part of project implementation.

BE IT FURTHER RESOLVED the City Manager shall cause a notice of determination to be filed in accordance with CEQA within five business days following project approval.

PASSED, APPROVED, AND ADOPTED this 7th of February, 2023.

By: _____

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Porterville's Villas at Sierra Meadows 4 & 5 Residential Project (proposed Project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed Project and identifies monitoring and reporting requirements as well as conditions recommended by responsible agencies who commented on the project.

The first column of the Table identifies the mitigation measure. The second column, entitled "Party Responsible for Implementing Mitigation," names the party responsible for carrying out the required action. The third column, "Implementation Timing," identifies the time the mitigation measure should be initiated. The fourth column, "Party Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Biological Resources Protection Measures				
BIO-1 <p>Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special-status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFG in the Annual Mitigation Status Report.</p>	Project Applicant	Prior to and during construction	Project Applicant / City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Cultural Resources Protection Measures				
CUL-1: <ul style="list-style-type: none"> Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources; and The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures. 	Project Applicant	Prior to and during construction	Project Applicant	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>CUL-2:</p> <p>The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.</p>	Project Applicant	Prior to and during construction	Project Applicant	

Greenhouse Gas Reduction Measures

<p>GHG-1:</p> <p>The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be</p>	Project Applicant	During project design and construction	Project Applicant	
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Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:</p> <ul style="list-style-type: none"> The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities. The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized. The project applicant shall install energy efficient roofing materials. The project applicant shall incorporate bike lanes and routes into the street system. The project applicant shall plant trees to provide shade. <p>The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.</p>				

Traffic Resources Protection Measures

<p>TRA-1:</p> <p>The project developer shall pay a total of \$16,537.50 in improvement fees, prior to issuance of building permits, to the City of Porterville to construct a sidewalk along the east side of Jaye Street, north of Gibbons Ave.</p>	Project Applicant	Prior to issuance of building permits	City of Porterville	
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Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Tribal Resources Protection Measures				
TRI-1: Tule River Tribal monitors shall be allowed to monitor all construction ground disturbing activities. The Tule River Tribal monitor shall have the authority to stop and redirect ground-disturbing activities in order to evaluate the nature and significance of any archaeological resources discovered. At least seven business days prior to ground-disturbing activities, the City shall notify the Tule River Tribe.	Project Applicant	During project design and construction	Project Applicant	

RESOLUTION NO. ____ - 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING
AN AMENDMENT TO THE GENERAL PLAN TO CHANGE THE LAND USE
DESIGNATION OF ASSESSOR'S PARCEL NUMBER 269-060-020 TO LOW DENSITY
RESIDENTIAL

WHEREAS: Smee Homes, Inc. (Applicant) has submitted to the City of Porterville the Villas at Sierra Meadows 4 & 5 Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 20.23 acres into 80 lots located at the southwest corner of W. Gibbons Avenue and S. Jaye Street (APN 269-060-020; Site); and

WHEREAS: the City of Porterville General Plan Land Use Diagram designates the northern portion of the Site as Public Institutional and the southern part as Low Density Residential; and

WHEREAS: to provide for uniform density and development standards and to facilitate development of single-family residential uses across the site, the project proposes to amend the General Plan Land Use Diagram to amend the land use designation for the northern portion to Low Density Residential as well; and

WHEREAS, pursuant to Government Code Section 65852.3, on or about October 4, 2022 the City provided notice of the Project to Tribes identified by the Native American Heritage Commission, namely: the Big Sandy Rancheria of Western Mono Indians, Kern Valley Indian Community, the Tubatals of Kern County, the Tule River Indian Tribe, and the Wukache Indian Tribe/Eshom Valley Band, and received no response therefrom; and

WHEREAS: on January 7, 2023, a notice was published in *The Porterville Recorder* setting the date, and place of a public hearing for January 17, 2023 and similar notices were sent to owners of property within 300 feet of the Site and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on January 17, 2023, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: following brief public testimony, the City Council did vote to continue said public hearing to its regular meeting on February 7, 2023; and

WHEREAS: at a regular meeting on February 7, 2023 the City Council did reconvene the continued public hearing to consider the Project; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (“CEQA”) and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has adopted a mitigated negative declaration and mitigation monitoring and reporting program for the Project; and

WHEREAS: pursuant to Government Code Section 65358(b), a city may not amend any one mandatory element of its general plan more than four times per calendar year.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby amends the Land Use Diagram of the Land Use Element of the City of Porterville General Plan to reflect the Land Use designation of the northern portion of Assessor’s Parcel No. 269-060-020 as Low Density Residential as illustrated in Exhibit A hereto. The amendment to the City of Porterville General Plan approved herein constitutes the first amendment to the Land Use Element for Calendar Year 2023.

PASSED, APPROVED, AND ADOPTED THIS 7th day of February, 2023.

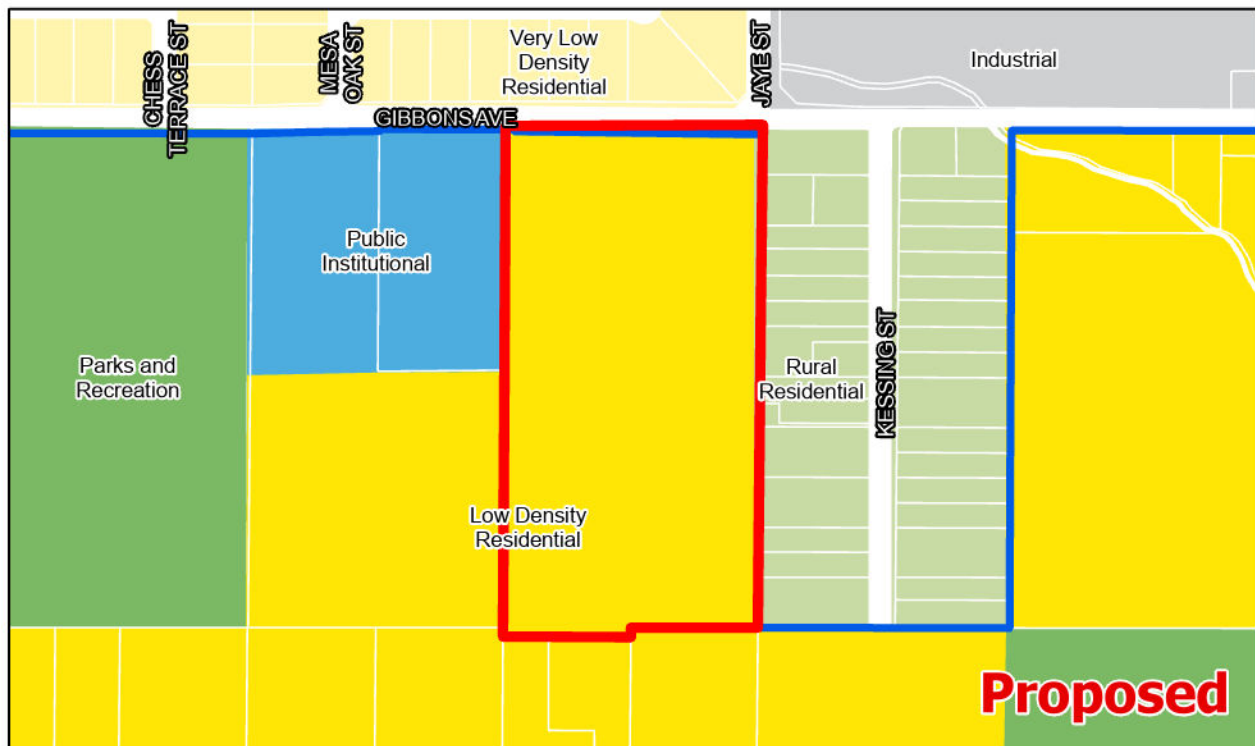
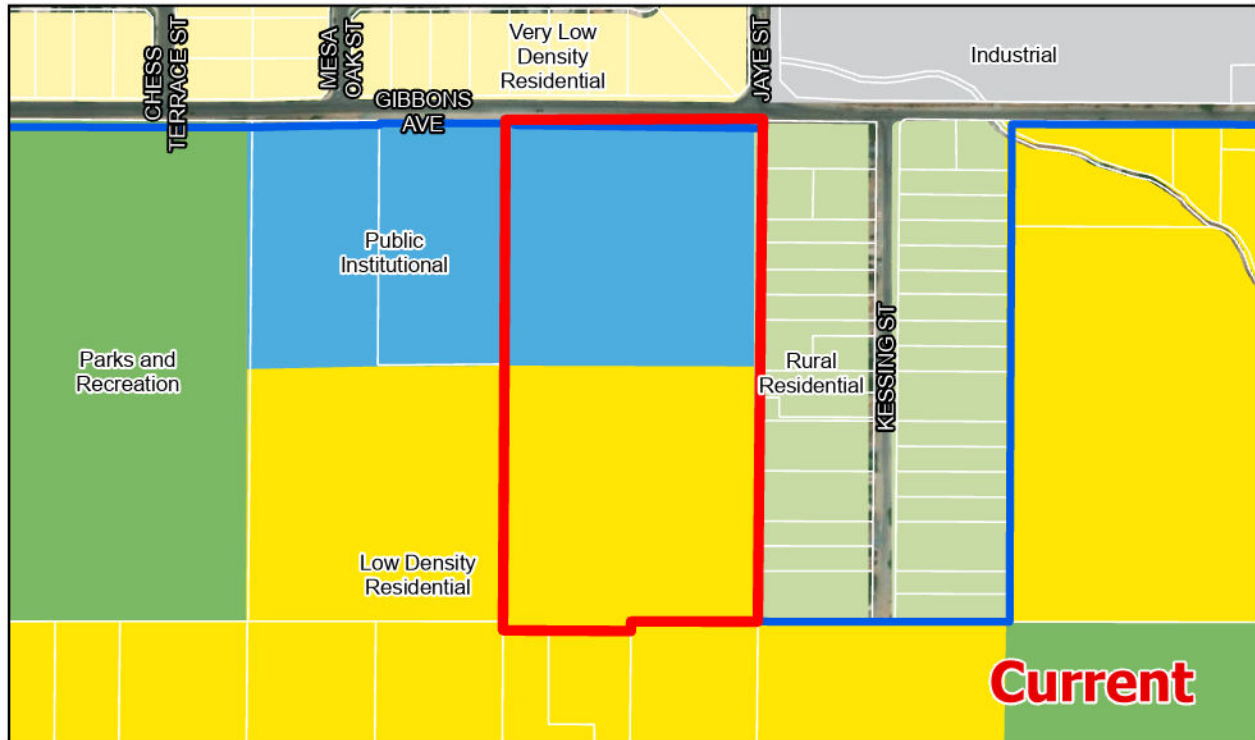
By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

GPLU PRC 2020-048

Exhibit A



**Villas at Sierra
Meadows 4 & 5
@ Gibbons TSM**

- Project Location/Annexation Area
- City Limits

1 in = 500 feet

Date Printed: 1/6/2023 by the Community Development Department



RESOLUTION NO. ____-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING A CONDITIONAL USE PERMIT TO AUTHORIZE REDUCED LOT
DIMENSIONS AND AREA FOR THE VILLAS AT SIERRA MEADOWS 4 & 5
DEVELOPMENT PROJECT

WHEREAS: Smee Homes, Inc. (Applicant) has submitted to the City of Porterville the Villas at Sierra Meadows 4 & 5 Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 20.23 acres into 80 lots located at the southwest corner of W. Gibbons Avenue and S. Jaye Street (APN 269-060-020; Site); and

WHEREAS: the Site is zoned RS-2 (Low Density Residential), which district has a minimum lot size 6,000 square feet and a minimum lot width of 60 feet; and

WHEREAS: the applicant has requested a reduction of the minimum lot size to 5,000 square feet and of the minimum lot width to 50 feet; and

WHEREAS: Development Code Section 201.4(C) allows, subject to approval of a conditional use permit, a minimum lot size of 3,000 square feet and a minimum lot width of 35 feet in the RS-2 district; and

WHEREAS: on January 7, 2023, a notice was published in *The Porterville Recorder* setting the date, time, and place of a public hearing for January 17, 2023 and similar notices were sent to owners of property within 300 feet of the Site and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on January 17, 2023, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: following brief public testimony, the City Council did vote to continue said public hearing to its regular meeting on February 7, 2023; and

WHEREAS: at a regular meeting on February 7, 2023 the City Council did reconvene the continued public hearing to consider the Project; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has adopted a mitigated negative declaration and mitigation monitoring and reporting program for the Project; and

WHEREAS: The City Council has made the following findings pursuant to Development Code Section 604.04, the evidence for said findings substantiated in the record:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the general plan and any other applicable plan that the city has adopted.
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the general plan, this development ordinance and with any other applicable plan adopted by the city council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville approves a conditional use permit for the Villas at Sierra Meadows 4 & 5 Development Project authorizing a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet.

PASSED, APPROVED, AND ADOPTED this 7th day of February, 2023.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. ____-2023
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF THE TENTATIVE
SUBDIVISION MAP FOR THE VILLAS AT SIERRA MEADOWS 4 & 5 DEVELOPMENT
PROJECT

WHEREAS: Smee Homes, Inc. (Applicant) has submitted to the City of Porterville the Villas at Sierra Meadows 4 & 5 Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 20.23 acres into 80 lots located at the southwest corner of W. Gibbons Avenue and S. Jaye Street (APN 269-060-020; Site); and

WHEREAS: the Project also includes construction of interior streets, landscaping, public utilities, a neighborhood park central to the site, and portions of abutting rights-of-way; and

WHEREAS: on January 7, 2023, a notice was published in *The Porterville Recorder* setting the date and time, and place of a public hearing for January 17, 2023 and similar notices were sent to owners of property within 300 feet of the site and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on January 17, 2023, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: following brief public testimony, the City Council did vote to continue said public hearing to its regular meeting on February 7, 2023; and

WHEREAS: at a regular meeting on February 7, 2023 the City Council did reconvene the continued public hearing to consider the Project; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a "project" pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. ("CEQA") and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: the Site is zoned RS-2, Low Density Residential; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has adopted a mitigated negative declaration and mitigation monitoring and reporting program for the; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has amended the General Plan Land Use Diagram to reflect the Site as Low Density Residential in its entirety; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has approved a conditional use permit authorizing a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet for the project; and

WHEREAS: Approval of the aforementioned entitlements would further the goals and objectives of the General Plan; and

WHEREAS: The City Council has made the following findings pursuant to Development Code Section 400.04, the evidence for said findings substantiated in the record:

1. The proposed map is consistent with the goals, policies, and land use designation of the Porterville 2030 General Plan.
2. The design and improvement of the subdivision is consistent with the goals and policies of the Porterville 2030 General Plan.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements are not likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Villas at Sierra Meadows 4 & 5 Tentative Subdivision Map (PRC 2020-048-S) subject to the following conditions:

1. The development shall comply with the Porterville Municipal Code, Chapter 21 Development Code and conditions from the Project Review Committee (PRC) meeting held on September 29, 2021 and as outlined in the Project Review Committee (PRC) letter for PRC 2020-048.
2. The developer/applicant shall comply with Section 201.04(C) of the Porterville Development Ordinance (PDO).
3. To meet the guiding principles and policies of the General Plan.
 - C-I-7 Require street tree planting as part of an urban forestry program:
 - i. *Parkway Trees*. Provide for the installation of parkway trees as required by the Director of Parks and Leisure Services in accordance with City standards pertaining to the type, size, spacing and placement of such trees; to the maintenance or extension of street tree themes when applicable; and, to the time of installation when it is determined it would be in the best interest of the City to postpone the placement of trees required pursuant to this section.

4. The developer/applicant shall dedicate improved park space, so the developer/applicant shall propose improvements and identify valuation of said improvements on a parcel sized such that the sum of the dedication and improvements would be valued based on the proposed .86-acre park. A park of this size would be considered a pocket park according to the General Plan Parks, Schools, and Community Facilities Element. Amenities can include, but are not limited to, a playground, half-court basketball facilities, workout equipment, communal BBQ/picnic facilities, and pet area.
5. Approval of the tentative subdivision map is contingent upon a successful application to the Tulare County LAFCo for annexation.
6. The filing of Final Map shall comply with Chapter 404 Final Maps of the Porterville Development Ordinance (PDO).
7. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and Standard Drawings, Standard Specifications for Public Works Construction (2018 Edition), and Caltrans Standard Plans and Specifications (2018 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
8. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
9. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
10. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
6. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District. Submit with the petition the \$375 fee. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public Landscaping, if any (4) Public walls/fences, if any, (5) Drainage reservoir, if any, and (6) any other public improvement in accordance with Series 400, Section 407.03 (i) of the Development Ordinance.
7. The developer/applicant shall prepare an Engineer's Report for the establishment of the assessments in order to provide for ongoing maintenance of the subdivision improvements to be included in the Lighting and Landscape Maintenance District. The

Lighting and Landscape Maintenance District shall be established, or annexation into an existing District shall be concluded and landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the project. Landscape easements will need to be created in areas deemed necessary by the City Engineer.

8. Exclusive of assessments for a Lighting and Landscape Maintenance District, the developer/applicant shall pay all service fees and maintain all new lighting and landscape improvements in a safe and healthy manner for the greater of a minimum ninety-day plant establishment period following acceptance of the subdivision improvements, or until assessment begins for the Lighting and Landscape Maintenance District.
9. In accordance with Series 400, Section 407.02 (g) or (h) of the Development Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months of the Final Map acceptance.
10. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right of way, if in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue to be in use.
11. Prior to recording the final subdivision map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
12. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access.
13. Building permits shall not proceed further than the installation of the foundation until all of the following items are accepted as complete:
 - a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

- e. The sewer system is completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision;
 - f. Lot corners are marked;
 - g. Fire hydrants are accepted by the Fire Department and the Engineering Division.
14. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
15. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
16. The developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets to accommodate refuse vehicles and street sweepers.
17. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.
18. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to a 3/4 width street (as necessary), etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
19. The developer/applicant shall provide street striping and flexible delineators as necessary to provide safe vehicular movements, where directed by the City Engineer.
20. The developer/applicant shall dedicate right-of-way for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council, and dedication of required property for accessible ramp(s), sidewalk, etc.:
- a. Gibbons Avenue is designated as a Major Arterial per the Circulation Element and shall have an overall right of way width of 116' and shall include 7.5' of parkway behind the back of curb, followed by 8' of sidewalk, and a 10' landscape easement behind the sidewalk.
 - b. Jaye Street is designated as a Collector per the Circulation Element and must be extended along the east side of the proposed subdivision. The overall right of way shall be 70' and shall include 4.5' of parkway behind the back of curb, followed by 5' of sidewalk, and a 10' landscape easement behind the sidewalk.

- c. Scranton Avenue is designated as a Minor Arterial per the Circulation Element and shall be extended along the south side of the property (length of extension based on placement/location of second access point) and connected to Jaye Street at a future date. Scranton shall have an overall right of way of 94' and shall include 7.5' of parkway behind the back of curb, followed by 8' of sidewalk, and a 10' landscape easement at the time of future construction.
 - d. Total area of dedication to be determined by a licensed surveyor.
- 21. The developer/applicant shall construct street improvements that comply with the intention of the adopted Development Ordinance and per City Standards. For Jaye Street, the construction of at least a 3/4 width street will be required. For Scranton Avenue, an irrevocable offer of dedication will be required and the future street right of way is to be maintained under the subdivision's landscape & lighting district as open space until the City acts on the dedication. A stub street to the adjacent property to the west is required by City Standard P-7.
- 22. The developer/applicant shall verify that existing alignments are met and followed with the development of the roads serving the proposed subdivision.
- 23. Prior to recording the final subdivision map, the developer/applicant shall provide improvements by the method indicated below:
 - a. Pursuant to Section 66411.1(b) of the Government Code, the developer applicant shall construct curbs, gutters, sidewalks, curb returns per City Standards, sewer laterals, water services, fire hydrant relocation, street lights, connecting pavement along the full frontage of the proposed land division parcels. Additional improvements include a functional drainage system, connection of existing house to City's sewer system, abandonment of existing septic system(s), well abandonment (if any, and not in compliance with the City's Backflow Ordinance), curing of leaks in irrigation lines (if any), and other improvements necessary for public health and safety, except where they exist to Federal, State and City standards and are in good condition in the opinion of the City Engineer.
- 24. Prior to approval of the final map the developer/applicant shall provide public improvement plans prepared by a Civil Engineer that include specific on-site grading details and specifications for City approval.
- 25. The developer/applicant shall comply with Appendix J, "Grading" of the current California Building Code, including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
- 26. The developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the current California Building Code. The Soils Report shall include R-Value testing, expansion indexes, etc. where required for the construction of public improvements. The

developer/applicant is advised that this area has previously been identified as an area of variable soil expansion potential.

27. The developer/applicant shall submit design master plans consisting of combined grading & drainage and sewer & water utilities to ensure the proper functioning and/or phasing of the development. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). A minimum amount of runoff must be contained onsite per the State's MS4 requirements. Drainage calculations must be submitted to verify that onsite drainage area(s) will capture necessary runoff. The site shall be designed to convey water to the City drainage system without crossing driveways. The developer/applicant is required to install a sidewalk channel drain at the low side of the driveway, where applicable.
 - a. The developer/applicant shall provide storm drainage calculations showing that the proposed designated drainage area (temporary basin, master plan basin, etc.) is sufficient in containing runoff.
28. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ord. No. 1306).
29. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development Ordinance and driveway separation from property line per City standards.
30. The developer/applicant is hereby notified that extension of existing water and sewer lines and/or the installation of new lines will be required per Section 407.02(f), development code:
 - a. The developer/applicant shall extend all necessary utilities along Gibbons Avenue and Jaye Street. Future utilities along Scranton Avenue are to be accounted for with the subdivision design.
 - b. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
31. The developer/applicant shall design on-site water systems meeting the requirements of the current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.
32. The developer/applicant shall move existing utility structures (i.e., poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the

sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless the utility structures are below grade (Title 24 DSA).

33. The developer/applicant shall provide 3000K LED streetlights on Marbelite poles (Marbelites spaced at a staggered 160' intervals) following Southern California Edison Company specifications, as approved by the City Engineer. Wood poles are expressly prohibited without prior written approval of the City Engineer.
34. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
35. For residential development, the developer/applicant is hereby notified that the installation of an additional water meter requires a double backflow prevention device per City standards.
36. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (for example, foundations, septic tanks, irrigation pipes, etc.).
37. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the Tulare County Environmental Health Services Division. The developer/applicant is required to provide the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.
38. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection.
39. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
40. The developer/applicant is advised that they are obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity (except operations that result in disturbance of less than one acre of total land area **and** which are not a part of a larger common plan of development or sale). Before construction begins the proponent must:

- a. Submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB).
- b. Prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain, at a minimum:
 1. All items listed in Section A of the permit.
 2. Descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and **all** temporary (e.g., fiber rolls, silt fences, etc.) **and** permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States.

If portions of the project area are to be sold off before the entire project is completed, the proponent must:

- a. Submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining.
 - b. Informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and prepare their own SWPPP.
41. Fire hydrants shall be placed based on distance, no greater spacing than 500' for residential applications.
42. Fire hydrants shall be on a looped system.
43. No structure shall be greater than 400' from a fire hydrant.
44. A back-flow device is required on the water meter.
45. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

PASSED, APPROVED, AND ADOPTED this 7th day of February, 2023.

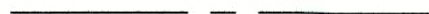

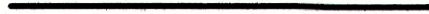
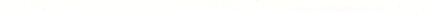















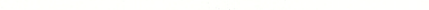



By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

THE EAST HALF OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SECTION 2, TOWNSHIP 22 SOUTH,
RANGE 27 EAST, M.D.B.&M., IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

150 WEST MORTON AVENUE
PORTERVILLE, CA 93257
TEL: (559) 781-2700
WWW.QKINC.COM

	CENTERLINE
	SUBDIVISION BOUNDARY
	PARCEL BOUNDARY
	EXISTING RIGHT OF WAY
	PHASE LINE
	ADJACENT/UNDERLYING PARCEL LINES
	LANDSCAPE EASEMENT
	PUBLIC UTILITY EASEMENT
	PROPOSED SANITARY SEWER LINE
	PROPOSED WATER LINE
	PROPOSED SANITARY SEWER MANHOLE
	PROPOSED WATER VALVE
	PROPOSED PUBLIC UTILITY EASEMENT
	IRREVOCABLE OFFER OF DEDICATION LANDSCAPE EASEMENT
	IRREVOCABLE OFFER OF DEDICATION RIGHT OF WAY
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING BARBED WIRE FENCE
	EXISTING CHAIN LINK FENCE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	EXISTING CONTOUR
	EXISTING EDGE OF DIRT ROAD
	EXISTING EDGE OF PAVEMENT

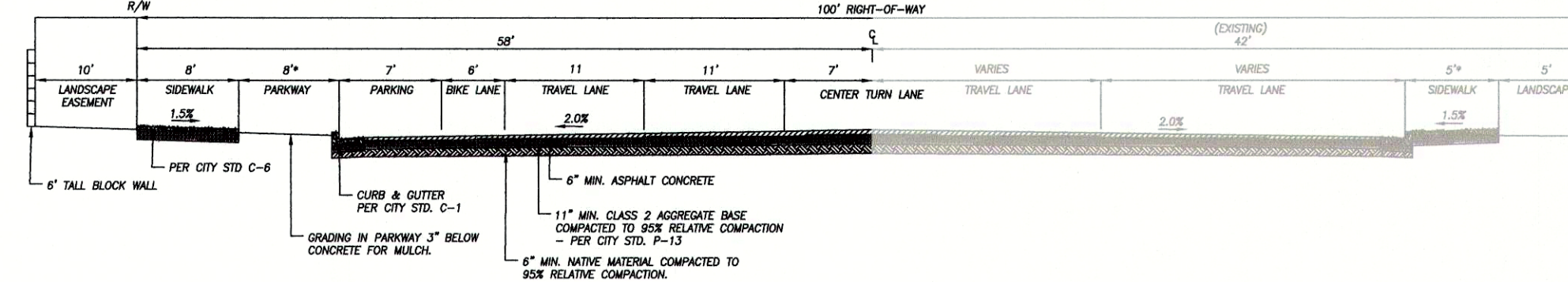
1. DATE OF PREPARATION: DECEMBER 7, 2021

2. ZONING: EXISTING ZONE: AE-20 (COUNTY)
PROPOSED ZONE: RS-2 (CITY)
3. ALL DISTANCES SHOWN ARE IN FEET & DECIMALS THEREOF AND ARE APPROXIMATE
4. GROSS PARCEL AREA = 20.23 ACRES; GROSS DENSITY = 3.95 UNIT/AC;
NET PARCEL AREA = 12.31 AC (INCLUDES PARK)
5. EXISTING LAND USE: VACANT
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (100% OF SITE)
7. IMPROVEMENTS TO CONFORM TO APPLICABLE ORDINANCES & REQUIREMENTS
8. EASEMENTS FOR PUBLIC UTILITIES TO BE PROVIDED AS REQUIRED
9. NOT SUBJECT TO INUNDATION OR OVERFLOW, UNLESS OTHERWISE NOTED
10. NATURAL GAS BY: THE GAS COMPANY
11. TELEPHONE BY: SBC
12. POWER BY: SOUTHERN CALIFORNIA EDISON CO
13. CABLE T.V. BY: CHARTER COMMUNICATIONS
14. DOMESTIC WATER BY: CITY OF PORTERVILLE
15. SEWAGE DISPOSAL BY: CITY OF PORTERVILLE
16. REFUSE COLLECTION BY: CITY OF PORTERVILLE
17. DRAINAGE: SURFACE FLOW AND EXTENSION OF EXISTING STORM DRAIN SYSTEM
18. WATER QUANTITY: AS PER CITY STANDARDS
19. OFF STREET PARKING: NONE+
20. UTILITY LOCATIONS ARE ESTIMATED AND BASED ON CITY OF PORTERVILLE GIS.
21. ENTITLEMENTS: TENTATIVE PARCEL MAP, RE-ZONE, ANNEXATION & CONDITIONAL USE PERMIT

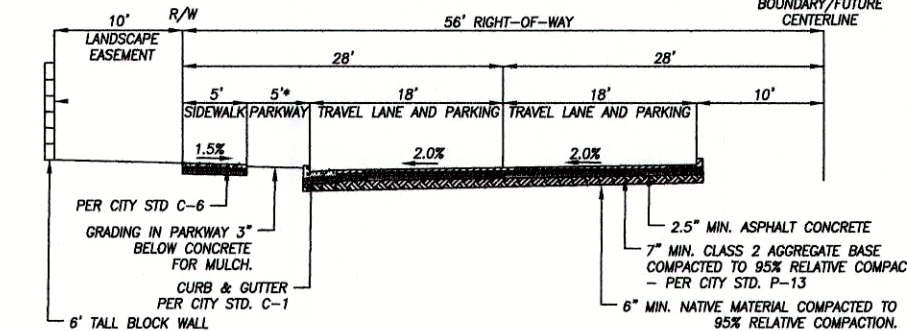
5,000 SF LOTS

42
6,000 SF LOTS
38
PARK LOTS
1
GROSS LOT COUNT
81

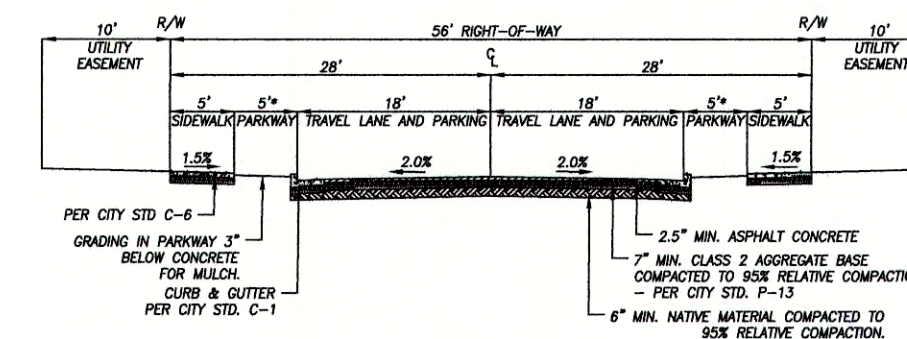
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NOT TO SCALE




NOT TO SCALE
PER CITY STANDARD P-1

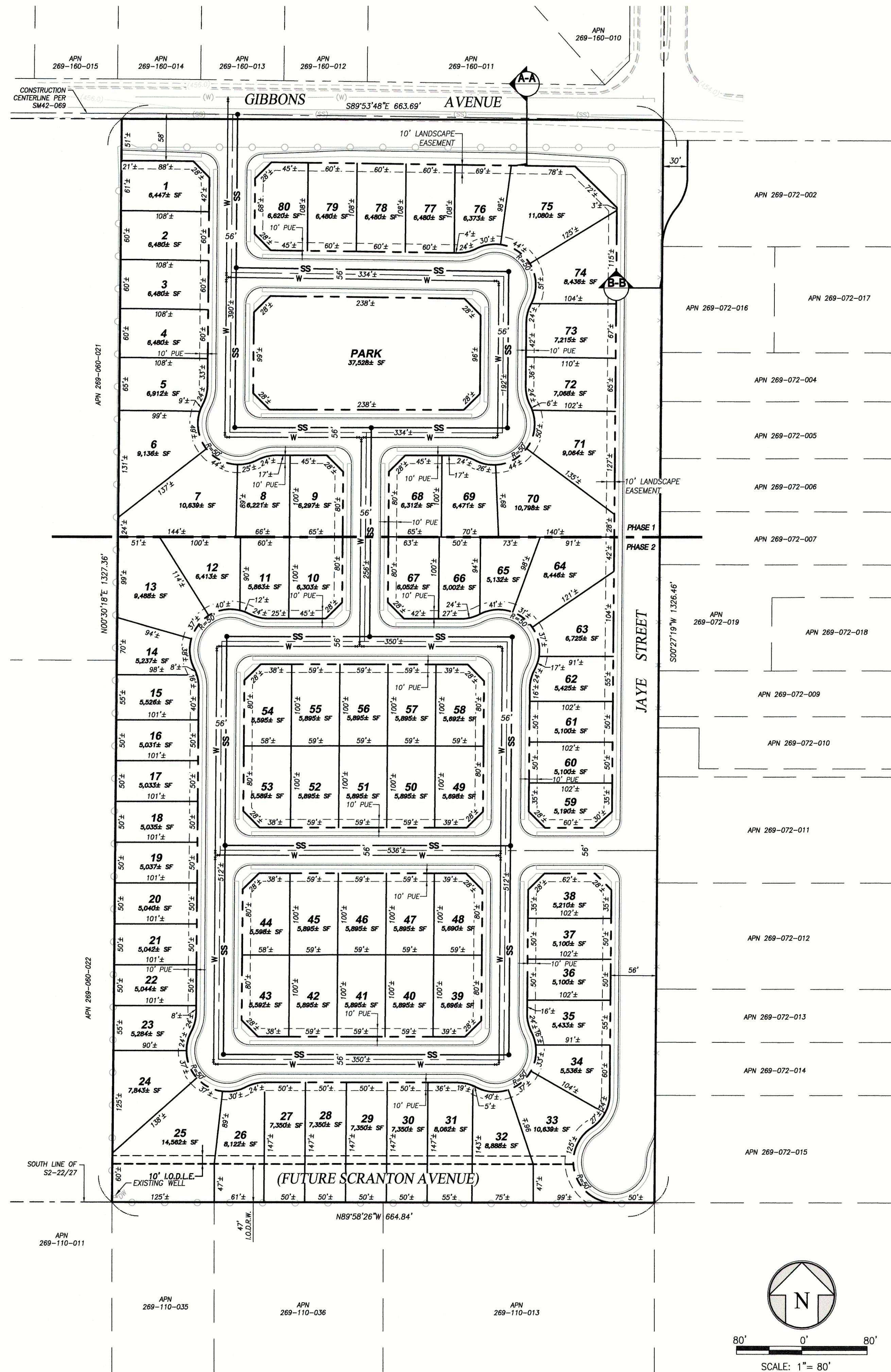


NOT TO SCALE

WE HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS PLAT AND STATE THAT WE ARE THE LEGAL OWNERS THEREOF AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

SMEE HOMES, Inc.

BY: 
KEN TURNER, CHIEF OPERATIONS OFFICER



RESOLUTION NO. __-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REQUESTING
THAT THE LOCAL AGENCY FORMATION COMMISSION TAKES PROCEEDINGS FOR
ANNEXATION 488

WHEREAS: Smee Homes, Inc. (Applicant) has submitted to the City of Porterville the Villas at Sierra Meadows 4 & 5 Development Project (Project), consisting of a Tentative Subdivision Map and related entitlements to accommodate the subdivision of approximately 20.23 acres into 80 lots located at the southwest corner of W. Gibbons Avenue and S. Jaye Street (APN 269-060-020; Site); and

WHEREAS: the Site is currently within the unincorporated area of Tulare County, abutting the city limits of the City of Porterville, and within the City's sphere of influence; and

WHEREAS: Government Code Section 66454 allows the City to approve a tentative map on land outside the city limits with the provision that the final map cannot be approved until annexation of the site is complete; and

WHEREAS: the City of Porterville desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for Annexation 488; and

WHEREAS: the territory proposed to be annexed to the city totals approximately ± 20.23 acres consisting of agricultural land; and

WHEREAS: via adoption of Resolution No. 2022-1005, the Board of Supervisors of the County of Tulare acted on November 29, 2022 to remove the Site from Agricultural Preserve No. 3933 and Agricultural Land Conservation Contract No. 13294, which Preserve and Contract theretofore encumbered the Site; and

WHEREAS: on January 7, 2023, a notice was published in *The Porterville Recorder* setting the date, time, and place of a public hearing for January 17, 2023 and similar notices were sent to owners of property within 300 feet of the Site and posted at City Hall and the City's website announcing the same; and

WHEREAS: at a regular meeting on January 17, 2023, the Porterville City Council did conduct a public hearing to consider the Project; and

WHEREAS: following brief public testimony, the City Council did vote to continue said public hearing to its regular meeting on February 7, 2023; and

WHEREAS: at a regular meeting on February 7, 2023 the City Council did reconvene the continued public hearing to consider the Project; and

WHEREAS: the City Council has considered public testimony received during the public hearing; and

WHEREAS: the proposed action consists of issuance of a permit or entitlement for use and therefore constitutes a “project” pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. (“CEQA”) and the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15000, et seq.; and

WHEREAS: via adoption of Resolution No. ~~XX~~-2023, the City Council has adopted a mitigated negative declaration and mitigation monitoring and reporting program for the Project; and

WHEREAS: this proposal is made pursuant to Government Code Section 56654; and

WHEREAS: the reasons for this proposal are as follows:

1. To ensure compatible land use planning practices are implemented and to steer sustainable future development in a growing area substantially surrounded by the current city limits.
2. To add much needed developable land to the City to aid in meeting Fifth Cycle and anticipated Sixth Cycle Regional Housing Needs Allocation quotas.
3. To maintain a definitive and organized city boundary and ensure efficient provision of services and facilities needed for high quality of life in the project area.

WHEREAS: the proposed annexation area and proposed development thereof would be subject to compliance with the Porterville Municipal Code and Porterville General Plan; and

WHEREAS: the City does not request or impose any additional terms or conditions.

NOW, THEREFORE, BE IT RESOLVED, this Resolution Application is hereby adopted and approved by the City Council of the City of Porterville. The Local Agency Formation Commission of Tulare County is hereby requested to take proceedings for the annexation as illustrated in Exhibit A, according to the terms and conditions stated above, and in the manner provided for by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the detachment of the same area from County Service Area #1.

PASSED, APPROVED, AND ADOPTED this 7th day of February, 2023.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

ANNEXATION No. _____

ANNEXATION TO THE CITY OF PORTERVILLE AND A DETACHMENT FROM COUNTY SERVICE AREA #_

CITY OF PORTERVILLE

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 22 SOUTH, RANGE 27 EAST, M.D.B.&M.,
IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

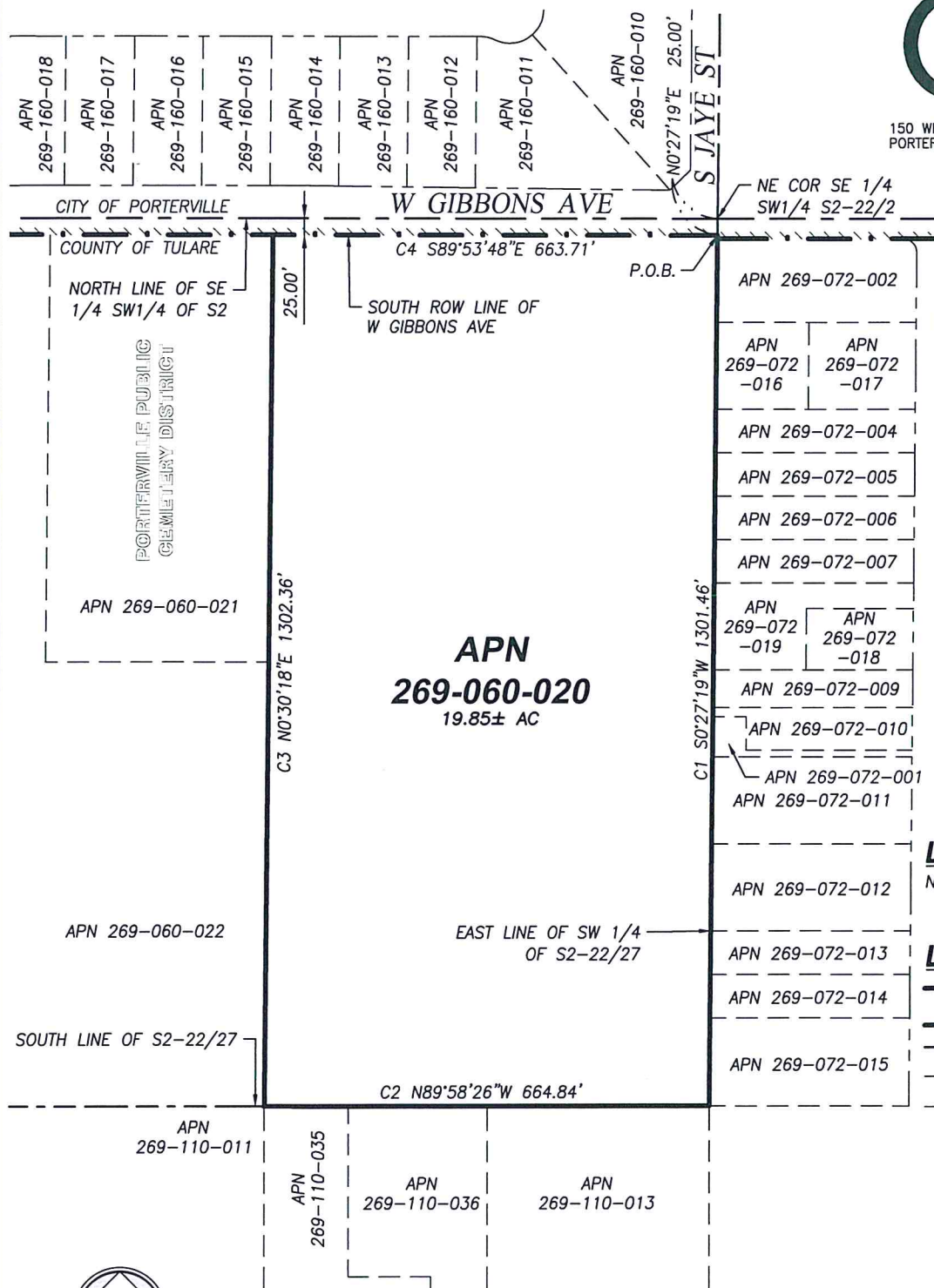
AREA: 19.85± ACRES

BY:

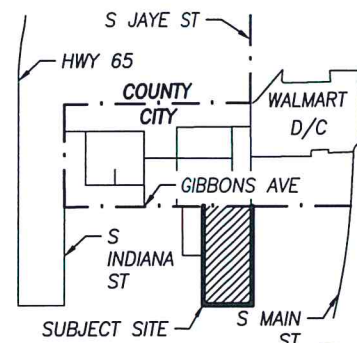


150 WEST MORTON AVENUE
PORTERVILLE, CA 93257

TEL: (559) 781-2700
WWW.QKINC.COM



10/05/2021



LOCATION MAP

NOT TO SCALE



LEGEND

- PROPOSED CITY LIMITS
- EXISTING CITY LIMIT
- SECTION LINE
- RIGHT OF WAY LINE
- ADJACENT PARCEL LINE
- APN ASSESSORS PARCEL NUMBER
- C# COURSE NUMBER
- P.O.B. POINT OF BEGINNING
- ROW RIGHT OF WAY

Villas at Sierra Meadows 4 & 5 Residential Project Initial Study

Prepared for:



City of Porterville
291 N. Main Street
Porterville, CA 93257
(559) 782-7460
Contact: Jason Ridenour

Prepared by:



Crawford & Bowen Planning, Inc.
113 N. Church Street, Suite 310
Visalia, CA 93291
(559) 840-4414
Contact: Emily Bowen, LEED AP

December 2022

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PROJECT INFORMATION

This document is the Initial Study on the potential environmental effects of the City of Porterville's (City) Smee Homes Villas at Sierra Meadows 4 & 5 Project (Project). The City of Porterville will act as the Lead Agency for this project pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Copies of all materials referenced in this report are available for review in the project file during regular business hours at 291 N. Main Street, Porterville, CA 93257.

Project Title

Smee Homes Villas at Sierra Meadows 4 & 5 Residential Project

Lead Agency Name and Address

City of Porterville
291 N. Main Street
Porterville, CA 93257

Contact Person and Phone Number

Jason Ridenour,
Assistant City Manager
City of Porterville (559) 782-7460

Project Location

The City of Porterville is located in Tulare County in the southern part of the San Joaquin Valley. The approximately 20-acre Project site is located at the southwest corner of W. Gibbons Avenue and S. Jaye Street in southern Porterville. See Figure 1 and Figure 2. Porterville is bisected north-to-south by State Route (SR) 65 and SR 190 runs east-west in the southern portion of the City.

Figure 1 – Location

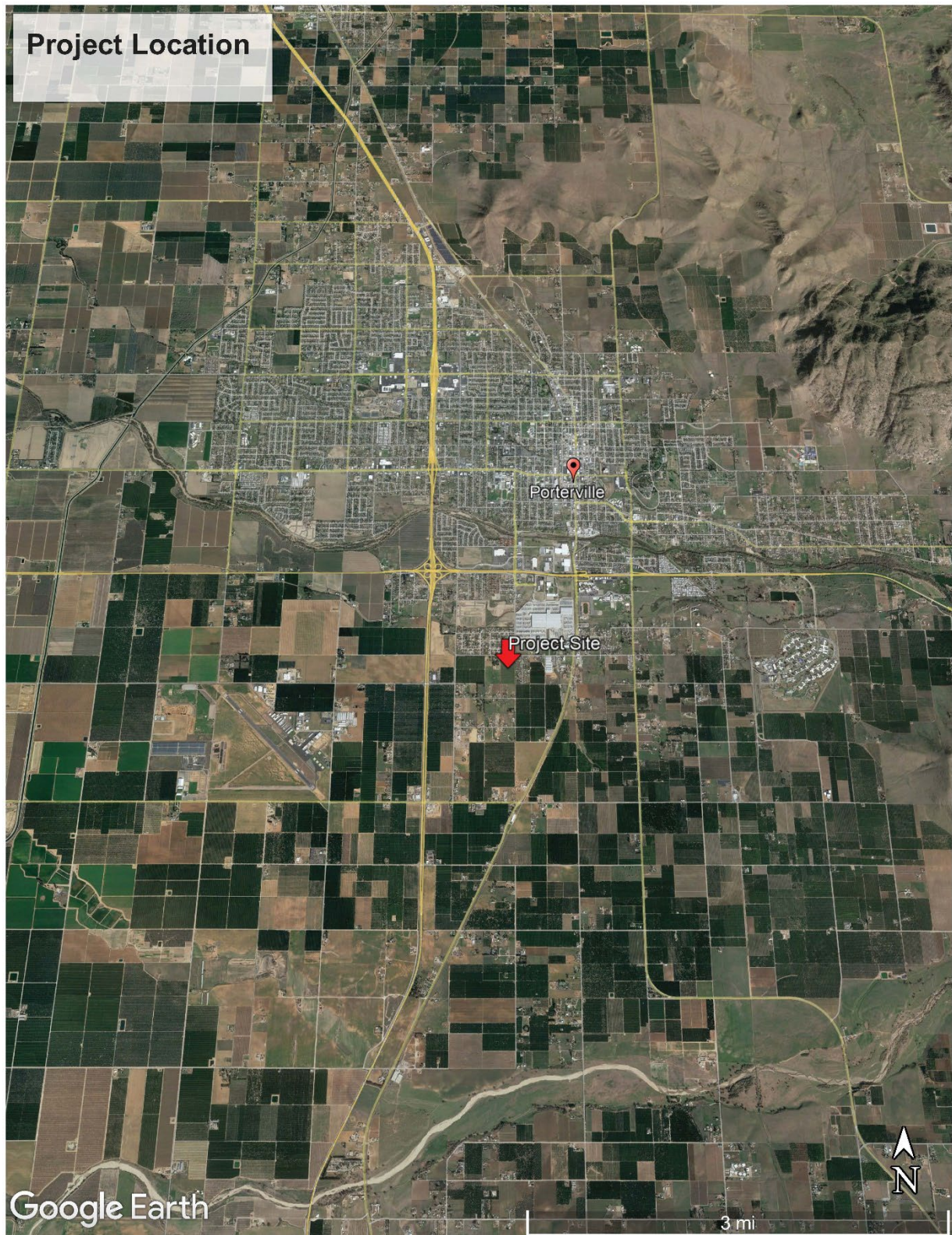
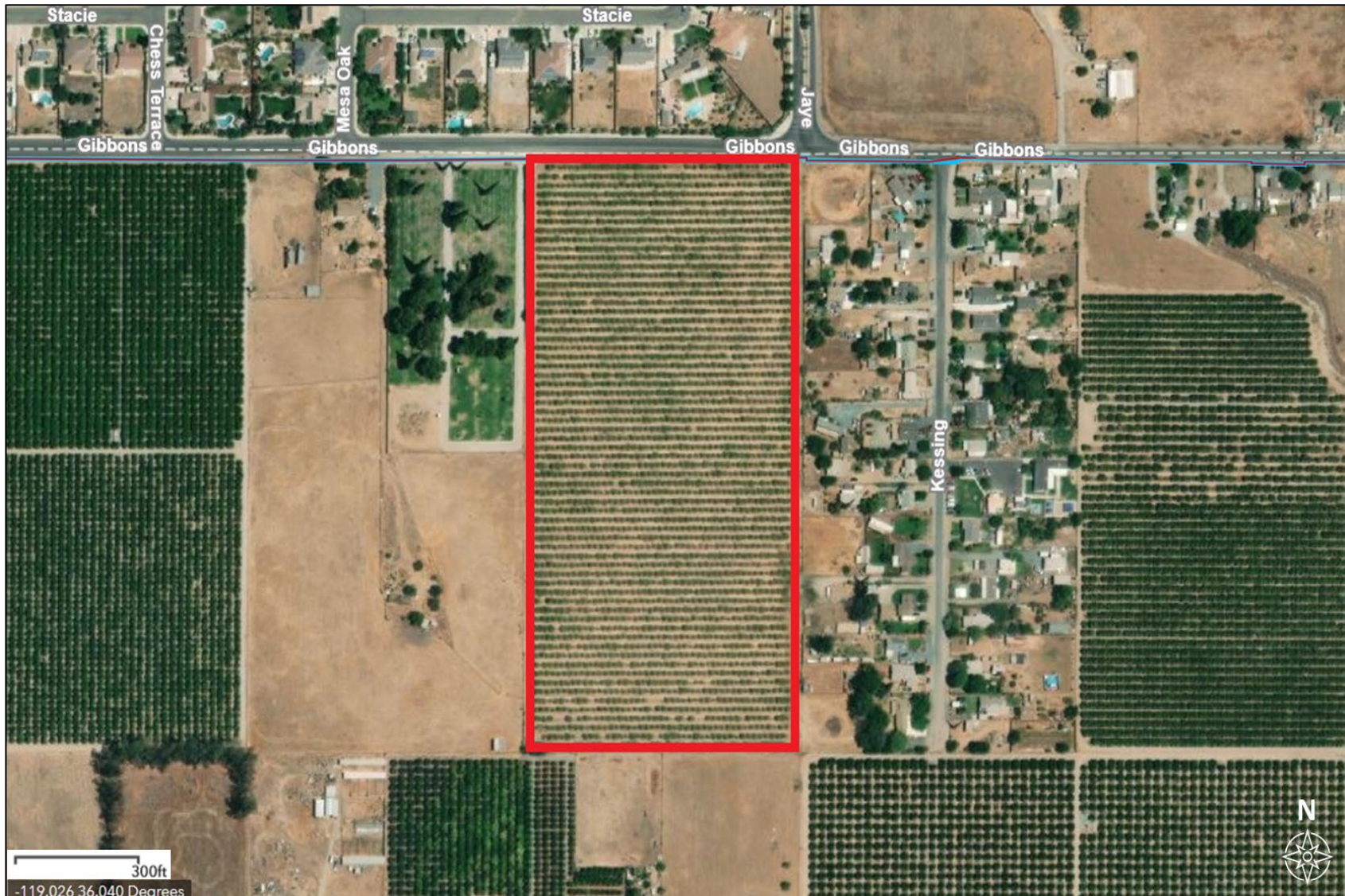


Figure 2 – Site Aerial



Project Sponsor's Name/Address

Smee Homes, Inc.
444 N. Prospect Street, Suite A
Porterville, CA 93257

General Plan Designation

Public Institutional, Low Density Residential

Zoning

AE-20 (Tulare County); prezoned RS-2 (City of Porterville)

Project Description

The proposed Project consists of the construction of up to 80 single-family residential units and a neighborhood park on an approximately 20-acre parcel. To facilitate the development, the Project also includes a General Plan Amendment, a Tentative Subdivision Map, a Conditional Use Permit, and Annexation to the City of Porterville. The City of Porterville General Plan designates the northern part of the site as Public Institutional and the southern part as Low Density Residential; the Project would amend the land use designation of the northern portion to Low Density Residential as well. Under previous action in 2014, the City prezoned the Project site and much of the surrounding area to RS-2 (Low Density Residential). The Tulare County Local Agency Formation Commission would act on the annexation component following application by the City.

Project Components

- A General Plan Amendment changing the land use designation of the northern area of the site from Public Institutional to Low Density Residential
- A Conditional Use Permit to accommodate creation of lots smaller than the 6,000-square-foot RS-2 minimum
- A Tentative Subdivision Map to allow for creation of 80-single-family lots with a minimum size of 5,000 square feet
- Annexation of APN 269-060-020 (20.23 acres) into the City of Porterville
- Construction of 80 single-family residences.
- Development of an approximately 37,530 sq. ft. neighborhood park.
- Construction of streets and public utilities infrastructure within and adjacent to the subdivision, including the southerly extension of Jaye Street south of W. Gibbons Avenue

Project Operations

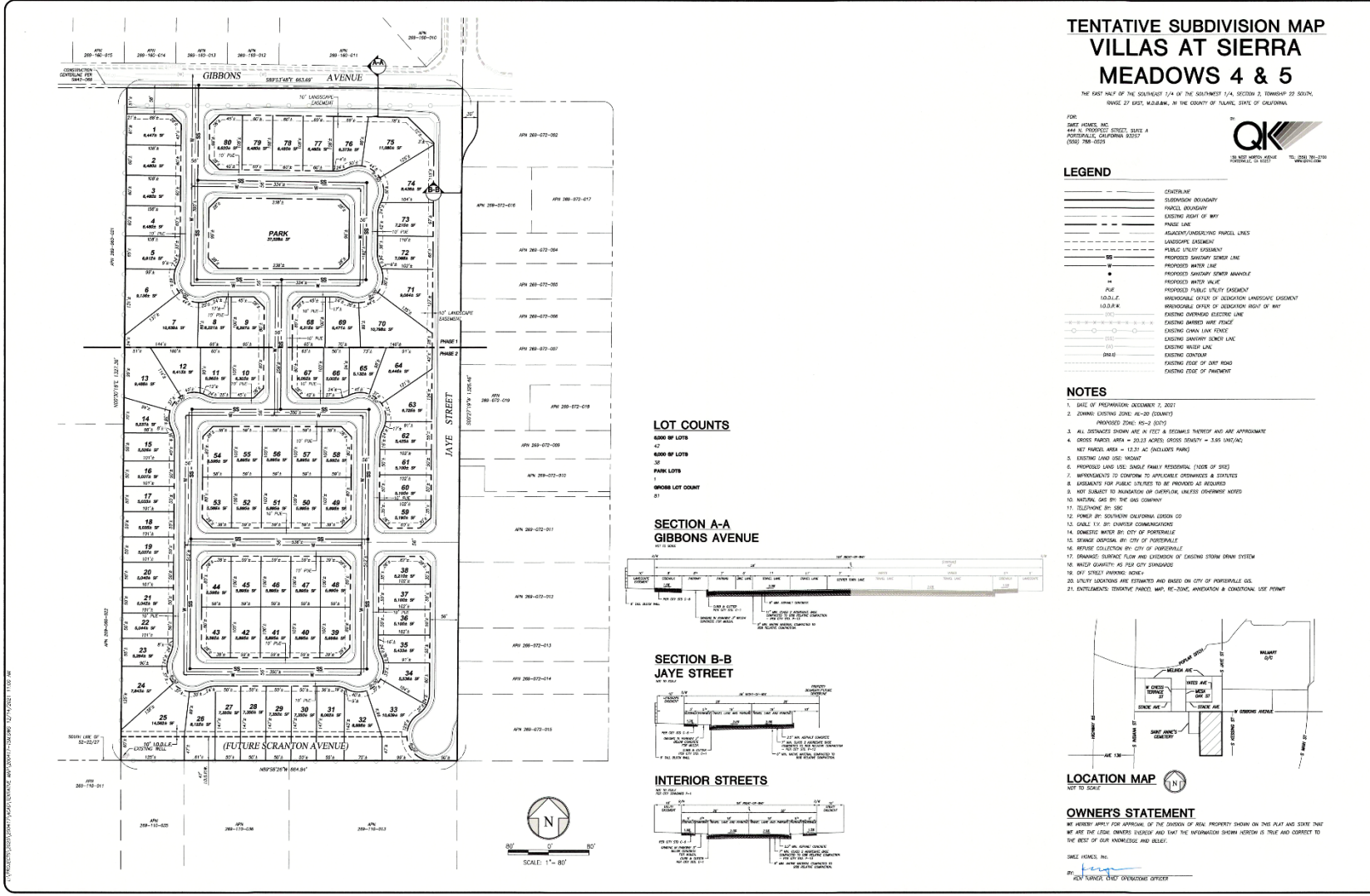
The Project would develop a conventional 80-lot single-family residential subdivision. In addition to constructing interior streets, the Project would dedicate and construct a 56-foot-wide section of S. Jaye Street to the site's southerly extent, including a temporary cul-de-sac at its terminus, and would dedicate 47 feet across the parcel's southern boundary for future extension of Scranton Avenue. Water, sewage disposal, and refuse collection services will be provided by the City of Porterville and the applicant will be required to connect to the City's existing utilities systems. The Project would require gas, telephone, cable, and electrical improvements. Natural gas would be provided by The Gas Company; telephone services would be provided by AT&T; electric power would be provided by Southern California Edison Company; and cable television would be provided by Charter Communications. The extent of work required for utilities and gas would be determined during final project design.

Surrounding Land Uses/Existing Conditions

The Project site is currently planted with orchard trees. The site is surrounded by residential uses and a cemetery. Lands directly surrounding the Project site contain uses as follows:

- North: Residential subdivision, designated Very Low Density Residential.
- South: Rural residences, agriculture, and vacant land, designated as Low Density Residential.
- East: Residential development, designated as Rural Residential.
- West: St. Anne's Cemetery and vacant land, designated as Public/Quasi-Public and Low Density Residential

Figure 3 – Tentative Map



Other Public Agencies Involved

- Approval of annexation by Tulare County LAFCo.
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board.
- Approval of a Dust Control Plan by the San Joaquin Valley Air Pollution Control District.
- Compliance with other federal, State, and local requirements.

Tribal Consultation

Public Resources Code Section 21080.3.1, *et seq.* (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that a project application is complete, must notify in writing any California Native American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement will be made.

The City of Porterville has received written correspondence from the Santa Rosa Rancheria Tachi Yokut Tribe and the Tule River Indian Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of all proposed projects. A formal notification letter was sent to the Tribe on October 4, 2022. The City did not receive any further correspondence requesting consultation from the Tribes.

Because the Project involves amendment to the General Plan, the City provided additional Tribal notification pursuant to Government Code Section 65352.3 (SB 18). Tribes identified by the Native American Heritage Commission, as identified below, were notified of the Project by US Mail on October 4, 2022. No comments were received as of this writing.

- Big Sandy Rancheria of Western Mono Indians
- Kern Valley Indian Community
- Tubatulabals of Kern Valley
- Tule River Indian Tribe
- Wuksache Indian Tribe/Eshom Valley Band

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources
and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas
Emissions | <input type="checkbox"/> Hazards & Hazardous
Materials |
| <input type="checkbox"/> Hydrology / Water
Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural
Resources |
| <input type="checkbox"/> Utilities / Service
Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings
of Significance |

DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jason Ridenour

Assistant City Manager

City of Porterville

Date

ENVIRONMENTAL CHECKLIST

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The Project site is located on the San Joaquin Valley floor in the southern portion of the City of Porterville. The aesthetic features of the existing environment in the Project area are characterized by urban and rural single-family residences, limited agriculture, and vacant land along with a small cemetery. The site is bounded to the north by W. Gibbons Avenue, with residential development beyond the roadway. Tract No. 77, a subdivision of rural residences situated along Kessing Street, abuts the Project site to the east. Rural residences, limited agriculture, and vacant land exist to the south. St. Anne's Cemetery, along with

vacant land, abuts the site to the west. There are no scenic resources or scenic vistas in the area. State Routes (SR) in the Project vicinity include 99, 65, 190, 137.

Regulatory Setting

Federal

Aesthetic resources are protected by several federal regulations, none of which are relevant to the proposed Project because it will not be located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit.

State

California Scenic Highway Program

The Scenic Highway Program, created by the Legislature in 1963, allows county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 268. While not Designated State Scenic Highways, two Eligible State Scenic Highways occur in Tulare County, SR 198 and SR 190.

Local

Porterville General Plan Policies

- LU-I-14: Allow residential developments to employ creative site design, landscaping, and architectural quality that blend with the characteristics of each location and its surroundings and offer superior design solutions.
- LU-I-15 Adopt community design standards for new residential development. These could include but are not limited to:
 - Maximum block length
 - Maximum ratio of block length to width
 - Limited use of dead-end streets
 - Orientation of residential building
 - Required connectivity
- LU-I-18: Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.

- L-I-20: Establish standards for pedestrian-oriented design in neighborhood centers. Pedestrian orientation design standards may include, but would not be limited to:
 - Limitations on maximum block length
 - Minimum sidewalk width
 - Required streetscape improvements, including street trees
 - Building height and articulation
 - Building setbacks
 - Location of entries
 - Parking location and required landscaping
- LU-I-25: Establish buffering requirements and performance standards intended to minimize harmful effects of excessive noise, light, glare, and other adverse environmental impacts.

RESPONSES

a. Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The proposed Project includes the construction of up to 80 single-family residences, a neighborhood park, and the improvements associated with a new residential development, including lighting and site landscaping. The structures will conform to design standards set forth by the City's General Plan and Development Ordinance. The Project site is located in an area that is substantially surrounded by urban uses and will not result in a use that is visually incompatible with the surrounding area.

The City of Porterville General Plan does not identify any scenic vistas within the Project area. A scenic vista is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. The Project is located in an area of minimal topographic relief, and views of the site are easily obscured by buildings, other structures, and trees. Neither the Project area nor any surrounding land use contains features typically associated with scenic vistas (e.g., ridgelines, peaks, overlooks).

Construction activities will be visible from the adjacent roadsides; however, the construction activities will be temporary in nature and will not affect a scenic vista. The impact will be *less than significant*.

Mitigation Measures: None are required.

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Less than Significant Impact. There are no state designated scenic highways within the immediate proximity to the Project site. California Department of Transportation Scenic Highway Mapping System identifies SR 190 east of SR 65 as an Eligible State Scenic Highway. SR 190 is located approximately 0.75 miles north of the Project site; however, the Project site is both physically and visually separated from SR 190 by intervening land uses. In addition, no scenic highways or roadways are listed within the Project area in the City of Porterville's General Plan or Tulare County's General Plan. Based on the National Register of Historic Places (NRHP) and the City's General Plan, no historic buildings exist on the Project site. The proposed Project would not cause damage to rock outcroppings or historic buildings within a State scenic highway corridor. Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

- c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and regulations governing scenic quality?

Less than Significant Impact. Site construction will include residences, neighborhood park, local streets, underground utilities, lighting, and site landscaping. The residences will be single-family and will conform to design standards set forth by the City's General Plan and Development Ordinance. The proposed Project site is located in an area that is substantially surrounded by residential and agricultural uses, and as such, will not result in a use that is visually incompatible with the surrounding area. The proposed Project will not substantially degrade the existing visual character or quality of the area or its surroundings.

The impact will be *less than significant*.

Mitigation Measures: None are required.

- d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and

waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as “light trespass”. Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

Spillover light is light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. Spillover light can adversely affect light-sensitive uses, such as residential neighborhoods at nighttime. Because light dissipates as it travels from the source, the intensity of a light fixture is often increased at the source to compensate for the dissipated light. This can further increase the amount of light that illuminates adjacent uses. Spillover light can be minimized by using only the level of light necessary, and by using cutoff type fixtures or shielded light fixtures, or a combination of fixture types.

Glare results when a light source directly in the field of vision is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. The presence of a bright light in an otherwise dark setting may be distracting or annoying, referred to as discomfort glare, or it may diminish the ability to see other objects in the darkened environment, referred to as disability glare. Glare can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles.

Current sources of light in the Project area include streetlights, light from the Walmart Distribution parking area, the vehicles traveling along adjacent roadways, and light from nearby residences. The Project would necessitate street lighting. Such lighting would be subject to the requirements of the Porterville Development Ordinance 300.07, which ensures that outdoor lighting does not produce obtrusive glare onto the public right-of-way or adjoining properties. Accordingly, the Project would not create substantial new sources of light or glare. Potential impacts are *less than significant*.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The Project site is located in an area just outside the city limits and Urban Development Boundary (UDB) of Porterville, but within the Urban Area Boundary (UAB). The entire site is considered Farmland of Statewide Importance by the State Farmland Mapping and Monitoring Program. On November 29, 2022, the Tulare County Board of Supervisors adopted Resolution No. 2022-1005 which approved Williamson Act Cancellation No. WAC 21-002 on the Project site. As such, the site is not under Williamson Act contract.

Regulatory Setting

Federal

Federal regulations for agriculture and forest resources are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Sections 51200–51297.4. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses. In return, the landowners receive property tax assessment based on farming and open space uses, as opposed to full market value, thus resulting in a lower tax burden. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement, two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the DOC, in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the

Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

As defined by the Williamson Act, prime agricultural land includes: (1) Class I and II soils as classified by the NRCS; (2) land that qualifies for rating 80 through 100 in the Storie Index Rating by the University of California, Division of Agricultural Sciences; (3) land that supports livestock used for the production of food and fiber and with at least one animal unit per acre; 4) land planted with fruit or nut-bearing crops that yield not less than \$200 per acre annually during commercial bearing periods; or (5) land that has returned from the production of unprocessed agricultural plant products and annual gross value of not less than \$200 per acre for three of the previous five years.¹

RESPONSES

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Less Than Significant Impact. The Project site is located outside the City of Porterville limits, but within the Urban Area Boundary (UAB) and Urban Development Boundary (UDB). The site is currently zoned as AE-20 by the Tulare County and is prezoned RS-2 (Low Density Residential) by the City of Porterville and the Project proposed to subdivide the site for single-family development. The site is designated as primarily Farmland of Statewide Importance and Prime Farmland by the State Farmland Mapping and Monitoring Program.

The City has evaluated the Project's farmland conversion impacts utilizing the California Agricultural Land Evaluation and Site Assessment Model (LESA),² which the California Department of Conservation developed to provide lead agencies with a methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process. (See Public Resources Code Section 21095.)

The LESA is composed of six different factors, which are divided into two sets: Land Evaluation (LE) and Site Assessment (SA) factors. Two LE factors (Land Capability Classification Rating and Storie Index Rating) are based upon measures of soil resources quality and intended to measure the inherent,

¹ Government Code, Section 51201(c)(1)-(5)).

² California Department of Conservation, Division of Land Resource Protection. Accessible at http://www.conservation.ca.gov/dlrp/Pages/qh_les.aspx. Accessed September 2018

soil-based qualities of land as they relate to agricultural suitability. Four SA factors (Project Size Rating, Water Resource Availability Rating, Surrounding Agricultural Lands Rating, and Surrounding Protected Resource Lands Rating) are intended to measure social, economic, and geographic attributes that also contribute to the overall value of agricultural land.

The two sets of factors are evenly weighted, meaning the two LE factors and four SA factors are of equal importance; however, for a given project, each of these six factors is separately rated in a 100-point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. This final project score becomes the basis for making a determination of the potential impacts' level of significance for the project, based upon a range of established scoring thresholds.

Land Evaluation Factors

The LESA includes two LE factors, discussed below, that are separately rated.

The Land Capability Classification Rating (LCC): The LCC indicates the suitability of soils for most kinds of crops. Groupings are made according to the limitations of the soils when used to grow crops and the risk of damage to soils when used in agriculture. Soils are rated from Class I to Class VIII, with soils having the fewest limitations receiving the highest rating (Class I). Specific subclasses are also utilized to further characterize soils. The site soils have a Land Capability Classification of 3s.

The Storie Index Rating: The Storie Index provides a numeric rating (based upon a zero to 100 scale) of the relative degree of suitability or value of a given soil for intensive agriculture. The rating is based upon soil characteristics only. Four factors that represent the inherent characteristics and qualities of the soil are considered in the Storie Index rating: profile characteristics, texture of the surface layer, slope, and other factors such as drainage or salinity. In some situations, only the United States Department of Agriculture's LCC information may be available. In those cases, the Storie Index ratings can be calculated from information contained in soil surveys by qualified soil scientists; however, if limitation of time and/or resources restrict the derivation of the Storie Index rating for a given project, it may be possible to adapt the Land Evaluation by relying solely upon the LCC rating. The site soils have a Storie Index Score of 30.

Site Assessment Factors

The four SA factors that are separately rated and included in the LESA are discussed below.

The Project Size Rating: The Project Size rating is based upon identifying acreage figures for three separate groupings of soil classes within the project site, and then determining what grouping generates

the highest Project Size score. The Project Size Rating relies upon acreage figures that were tabulated under the Land Capability Classification Rating. The proposed Project site has a Project Size rating of 30.

The Water Resources Availability Rating: The Water Resources Availability rating is based upon identifying the various water sources that may supply a given property, and then determining whether different restrictions in supply are likely to take place in years that are characterized as being periods of drought and non-drought. The Project site currently pumps groundwater for the existing crop; however, the landowner has stated that there are economic restrictions during drought and non-drought years, which results in a rating of 90.

The Surrounding Agricultural Land Rating: Determination of the Surrounding Agricultural Land rating is based upon identification of a project's Zone of Influence (ZOI), which is defined as that land near a given project, both directly adjoining and within a defined distance away, that is likely to influence, and be influenced by, the agricultural land use of the subject project site. The Surrounding Agricultural Land rating is designed to provide a measurement of the level of agricultural land use for lands close to a given project. The LESA rates the potential significance of the conversion of an agricultural parcel that has a large proportion of surrounding land in agricultural production more highly than one that has relatively small percentage of surrounding land in agricultural production. The definition of the ZOI that accounts for surrounding lands (up to a minimum of 0.25 mile from the project boundary) is the result of several iterations during model development for assessing an area that will generally be a representative sample of surrounding land use. The ZOI surrounding the proposed Project site includes 263 acres of land and is classified as consisting of 111.1 acres of agricultural land (Appendix A).

The Surrounding Protected Resource Land Rating: The Surrounding Protected Resource Land rating is essentially an extension of the Surrounding Agricultural Land rating, and it is scored in a similar manner. Protected resource lands are those lands with long-term use restrictions that are compatible with or supportive of agricultural uses of land. Included among them are the following:

- Williamson Act contracted lands
- Publicly owned lands maintained as a park, forest, or watershed resources
- Lands with agricultural, wildlife habitat, open space, or other natural resource easements that restrict the conversion of such land to urban and industrial uses

The Project site has a protected resource lands score of 0, as less than 40% of the ZOI is protected.

Final LESA Scoring

A single LESA score is generated for a given project after all the individual LE and SA factors have been scored and weighted. The LESA is weighted so that 50 percent of the total LESA score of a given project is derived from the LE factors and 50 percent is derived from the SA factors. The final LESA score was determined for the proposed Project and the modeling results are described in Table 1.

Table 1
Land Evaluation and Site Assessment Model Scoring Summary

Category	Factor	Raw Points	Factor Weight	Weighted Points
Land Evaluation	Land Capability Class	69.37	0.25	17.34
	Storie Index	30	0.25	7.5
	Subtotal		0.50	24.84
Site Assessment	Project Size	30	0.15	4.5
	Water Resource Availability	90	0.15	13.5
	Surrounding Agricultural Land	0	0.15	1.5
	Surrounding Protected Resource Lands	0	0.05	0
	Subtotal		0.50	19.5
Final Score				44.34

LESA Thresholds of Significance

The LESA is designed to make determinations of the potential significance of a project's conversion of agricultural lands during the Initial Study phase of the CEQA process. Scoring thresholds are based upon both the total LESA score and the component LE and SA separate subscores. In this manner, the scoring thresholds are dependent upon the attainment of a minimum score for the LE and SA subscores so that a single threshold is not the result of heavily skewed subscores (i.e., a site with a very high LE score but a very low SA score, or vice-versa). The LESA scoring thresholds are described in Table 2.

Table 2
LESA Scoring Thresholds

Total LESA Score	Scoring Decision
0 to 39 points	Not considered significant
40 to 59 points	Considered significant only if LE and SA subscores are each greater than or equal to 20 points
60 to 79 points	Considered significant unless either LE or SA subscore is less than 20 points
80 to 100 points	Considered significant

LESA Results

According to the LESA Threshold of Significance, the total score of 44.34 for the proposed Project site is considered less than significant, as the SA Factor subscore is not greater than or equal to 20 points (see Appendix A).

For the reasons set forth above, the City has determined that the Project's impacts to conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) would be *less than significant*.

Mitigation Measures: None are required.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

Less Than Significant Impact. As previously stated, the site is not under Williamson Act contract and the site is currently prezoned for residential development by the City of Porterville. There is *no impact*.

Mitigation Measures: None are required.

c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. No conversion of forestland, as defined under Public Resource Code or General Code, as referenced above, would occur as a result of the Project. There is *no impact*.

Mitigation Measures: None are required.

- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Less Than Significant Impact. The Project site is located in an area dominated by residential development to the north and east, a cemetery to the west, and rural residential to the south. The site is just outside the Porterville city limits but is within the UAB and UDB and is proposed for annexation in the City limits. The requested General Plan Amendment, Zone Change, CUP, Tentative Parcel Map and annexation is site specific and does not apply to any properties other than the proposed Project site. Therefore, it is unlikely that the Project would result in the conversion of other farmland or forest land. The impact is *less than significant*.

Mitigation Measures: None are required.

III. AIR QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors or adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The climate of the San Joaquin Valley is characterized by long, hot summers and stagnant, foggy, winters. Precipitation is low and temperature inversions are common. These characteristics are conducive to the formation and retention of air pollutants and are in part influenced by the surrounding mountains which intercept precipitation and act as a barrier to the passage of cold air and air pollutants.

The proposed Project lies within the San Joaquin Valley Air Basin, which is managed by the San Joaquin Valley Air Pollution Control District (SJVAPCD or Air District). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. Areas are classified under the federal Clean Air Act as either “attainment”, “non-attainment”, or “extreme non-attainment” areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State

standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O₃, a State and Federal non-attainment area for PM_{2.5}, a State non-attainment area for PM₁₀, and Federal and State attainment area for CO, SO₂, NO₂, and Pb.³

Regulatory Setting

Federal

Clean Air Act

The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

State

California Air Resources Board

The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, Hydrogen Sulfide (H₂S), and vinyl chloride.

The proposed Project is located within the San Joaquin Valley Air Basin, which includes San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and parts of Kern counties and is managed by the SJVAPCD.

Air basins are classified as attainment, nonattainment, or unclassified. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an

³ San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. <http://www.valleyair.org/aqinfo/attainment.htm>. Accessed July 2022.

unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

Standards and attainment status for listed pollutants in the Air District can be found in Table 3. Note that both state and federal standards are presented.

Table 3
Standards and Attainment Status for Listed Pollutants in the Air District⁴

	Federal Standard	California Standard
Ozone	0.075 ppm (8-hr avg)	0.07 ppm (8-hr avg) 0.09 ppm (1-hr avg)
Carbon Monoxide	9.0 ppm (8-hr avg) 35.0 ppm (1-hr avg)	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)
Nitrogen Dioxide	0.053 ppm (annual avg)	0.30 ppm (annual avg) 0.18 ppm (1-hr avg)
Sulfur Dioxide	0.03 ppm (annual avg) 0.14 ppm (24-hr avg) 0.5 ppm (3-hr avg)	0.04 ppm (24-hr avg) 0.25 ppm (1hr avg)
Lead	1.5 µg/m ³ (calendar quarter) 0.15 µg/m ³ (rolling 3-month avg)	1.5 µg/m ³ (30-day avg)
Particulate Matter (PM ₁₀)	150 µg/m ³ (24-hr avg)	20 µg/m ³ (annual avg) 50 µg/m ³ (24-hr avg)
Particulate Matter (PM _{2.5})	15 µg/m ³ (annual avg)	35 µg/m ³ (24-hr avg) 12 µg/m ³ (annual avg)

µg/m³ = micrograms per cubic meter

Additional State regulations include:

CARB Portable Equipment Registration Program – This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program – The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile

⁴ San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status.
<http://www.valleyair.org/aqinfo/attainment.htm>. Accessed July 2022.

sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NO_x) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NO_x emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act – Established in 2006, Assembly Bill 32 (AB 32) requires that California’s GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions levels.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the local agency charged with preparing, adopting, and implementing mobile, stationary, and area air emission control measures and standards. The SJVAPCD has several rules and regulations that may apply to the Project:

Rule 3135 (Dust Control Plan Fees) – This rule requires the project applicant to submit a fee in addition to a Dust Control Plan. The purpose of this rule is to recover the SJVAPCD’s cost for reviewing these plans and conducting compliance inspections.

Rules 4101 (Visible Emissions) and 4102 (Nuisance) – These rules apply to any source of air contaminants and prohibits the visible emissions of air contaminants or any activity which creates a public nuisance.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) – This rule applies to use of asphalt for paving new roadways or restoring existing roadways disturbed by project activities.

Regulation VIII (Fugitive PM₁₀ Prohibitions) – This regulation, a series of eight regulations, is designed to reduce PM₁₀ emissions by reducing fugitive dust. Regulation VIII requires implementation of control measures to ensure that visible dust emissions are substantially reduced. The control measures are summarized in Table 4.

Table 4
San Joaquin Valley Air Pollution Control District
Regulation VIII Control Measures for Construction Related Emissions of PM₁₀⁵

The following are required to be implemented at all construction sites:
All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.
All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions during construction using water or chemical stabilizer suppressant.
All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.
All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.
Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Porterville General Plan Policies

- OSC-G-9: Improve and protect Porterville’s air quality by making air quality a priority in land use and transportation planning and in development review.
- OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.

⁵ San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. <http://www.valleyair.org/rules/1ruleslist.htm#reg8>. Accessed August 2022.

- OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.
- OSC-I-63: Notify local and regional jurisdictions of proposed projects that may affect regional air quality.

RESPONSES

- Conflict with or obstruct implementation of the applicable air quality plan?
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Air Quality Plans (AQPs) are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine if the Air Basin can reach attainment for the ambient air quality standards. The proposed project site is located within the jurisdictional boundaries of the SJVAPCD. To show attainment of the standards, the SJVAPCD analyzes the growth projections in the Valley, contributing factors in air pollutant emissions and formations, and existing and adopted emissions controls. The SJVAPCD then formulates a control strategy to reach attainment that includes both State and SJVAPCD regulations and other local programs and measures.

The CEQA Guidelines indicate that a significant impact would occur if the project would conflict with or obstruct implementation of the applicable air quality plan. The GAMAQI indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct the applicable AQP.

As provided in Table 5, the project's construction and operational regional emissions would not exceed SJVAPCD's regional criteria pollutant emissions quantitative thresholds. Therefore, the proposed project would not be considered in conflict with or obstruct implementation of the applicable air quality plan.

The proposed Project lies within the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment of state and federal health-based air quality standards for ozone and PM_{2.5}. The SJVAB is designated nonattainment of state PM₁₀. To meet federal Clean Air Act (CAA) requirements, the SJVAPCD has multiple air quality attainment plan (AQAP) documents, including:

- Extreme Ozone Attainment Demonstration Plan (EOADP) for attainment of the 1-hour ozone standard (2004),
- 2007 Ozone Plan for attainment of the 8-hour ozone standard,

- 2007 PM₁₀ Maintenance Plan and Request for Redesignation, and
- 2008 PM_{2.5} Plan.

Because of the region's non-attainment status for ozone, PM_{2.5}, and PM₁₀, if the project-generated emissions of either of the ozone precursor pollutants (ROG or NO_x), PM₁₀, or PM_{2.5} were to exceed the SJVAPCD's significance thresholds, then the project uses would be considered to conflict with the attainment plans. In addition, if the project uses were to result in a change in land use and corresponding increases in vehicle miles traveled, they may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

The annual significance thresholds to be used for the Project for construction and operational emissions are as follows⁶:

- 10 tons per year ROG;
- 10 tons per year NO_x;
- 15 tons per year PM₁₀; and
- 15 tons per year PM_{2.5}.

Project Emissions

Site preparation and Project construction would involve excavation, grading, hauling, and various activities needed to construct the Project. During construction, the Project could generate pollutants such as hydrocarbons, oxides of nitrogen, carbon monoxide, and suspended PM. A major source of PM would be windblown dust generated during construction activities. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Vehicles leaving the site could deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM₁₀ emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM₁₀ emissions would depend on soil moisture, the silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. These emissions would be temporary and limited to the immediate area surrounding the construction site.

The proposed Project construction schedule would begin in late 2022 and would last through 2024. Emissions were estimated using the California Emissions Estimator Model (CalEEMod), ver. 2020.4.0.

⁶ San Joaquin Valley Air Control District – Air Quality Threshold of Significance – Criteria Pollutants.
<http://www.valleyair.org/transportation/0714-GAMAQI-Criteria-Pollutant-Thresholds-of-Significance.pdf>. Accessed July 2022.

Construction related emissions are shown in Table 5. Refer to Appendix B – Air Emissions Output Table for the full emissions output estimates for construction and operational activities.

Table 5
Project Construction and Operational Emissions

	VOC (ROG) (tons/year)	NO_x (tons/year)	PM₁₀* (tons/year)	CO₂ (MT/year)
2022	0.15	1.47	0.34	214.26
2023	0.23	1.97	0.16	376.92
2024	1.42	0.58	0.05	119.4
Annual Construction Emissions Maximum:	1.42	1.97	0.34	376.92
Total Operational Emissions:	1.11	0.8	0.84	954.71
Threshold of Significance	10	10	15	--
Exceed Threshold?	No	No	No	N/A

** Appendix B includes projected emissions from ozone, carbon monoxide, lead, particulate matter (less than 2.5 microns in diameter), but are not included in this table because there is no established threshold of significance for these emissions.*

As shown in Table 5, annual construction and operational emissions would be below the SJVAPCD's significance threshold. Additionally, the SJVAPCD has implemented Regulation VIII measures for dust control related to construction projects, which are applicable to the Project and will be enforced by the City and the City's contractor, which will further reduce construction PM₁₀ emissions.

As described above, construction/operational emissions would not exceed the SJVAPCD's significance thresholds for ROG, NO_x, and PM₁₀. As a result, the Project uses would not conflict with emissions inventories contained in regional air quality attainment plans and would not result in a significant contribution to the region's air quality non-attainment status⁷. Likewise, the Project would not result in a cumulatively considerable net increase of any criteria pollutant within the SJVAPCD jurisdiction. Finally, the Project would also not expose sensitive receptors to substantial pollutant concentrations. It will not cumulatively increase any criteria pollutant and will not result in substantial pollutant concentrations.

Any impacts to air resources would be considered *less than significant*.

Mitigation Measures: None are required.

⁷ San Joaquin Valley Air Pollution Control District. Guidance to Assessing and Mitigating Air Quality Impacts. February 19, 2015. Page 65. <https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF>. Accessed June 2022.

- d. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?

Less Than Significant Impact. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The Project includes a residential development and as such, would not be a source of ongoing objectionable odors.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the Project's site boundaries. The potential for diesel odor impacts would therefore be less than significant. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☐ ☐ ☒ ☐
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ☐ ☐ ☒ ☐

ENVIRONMENTAL SETTING

The Project site is located in a portion of the central San Joaquin Valley that has, for decades, experienced intensive agricultural and urban disturbances. Current agricultural endeavors in the region include orange groves, olive orchards and row crops.

Like most of California, the Central San Joaquin Valley experiences a Mediterranean climate. Warm dry summers are followed by cool moist winters. Summer temperatures usually exceed 90 degrees Fahrenheit, and the relative humidity is generally very low. Winter temperatures rarely raise much above 70 degrees Fahrenheit, with daytime highs often below 60 degrees Fahrenheit. Annual precipitation within the Project site is about 10 inches, almost 85% of which falls between the months of October and March. Nearly all precipitation falls in the form of rain and stormwater readily infiltrates the soils of the surrounding the sites.

Native plant and animal species once abundant in the region have become locally extirpated or have experienced large reductions in their populations due to conversion of upland, riparian, and aquatic habitats to agricultural and urban uses. Remaining native habitats are particularly valuable to native wildlife species including special status species that still persist in the region.

The Project site is currently planted with orchard trees. The site is surrounded by residential uses and a cemetery. The 20-acre Project site is located in southern Porterville, bounded to the north by West Gibbons Avenue, and to the south by a proposed extension of Scranton Avenue. Kessing Street is approximately 340 ft. to the east, with residential subdivisions lie to the north, east, and south. St. Anne's Cemetery lies adjacent to and west of the site. No aquatic or wetland features occur on the proposed Project site, therefore jurisdictional waters are considered absent from the site.

Regulatory Setting

Federal

Endangered Species Act

The USFWS and the National Oceanographic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) enforce the provisions stipulated in the federal Endangered Species Act of 1973 (ESA, 16 United States Code [USC] § 1531 et seq.). Threatened and endangered species on the federal list (50 Code of Federal Regulations [CFR] 17.11 and 17.12) are protected from take unless a Section 10 permit is granted to an entity other than a federal agency or a Biological Opinion with incidental take provisions is rendered to a federal lead agency via a Section 7 consultation. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. Pursuant to the requirements of the ESA, an agency reviewing a proposed action within its jurisdiction must determine whether any federally listed species may be present in the proposed action area and determine whether the proposed action may affect such species. Under the ESA, habitat loss is considered an effect to a species. In addition, the agency is required to determine whether the proposed action is likely to jeopardize the continued existence of any species that is listed or proposed for listing under the ESA (16 USC § 1536[3], [4]). Therefore, proposed action-related effects to these species or their habitats would be considered significant and would require mitigation.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) (16 USC § 703, Supp. I, 1989) prohibits killing, possessing, trading, or other forms of take of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. "Take" is defined as the pursuing, hunting, shooting, capturing, collecting, or killing of birds, their nests, eggs, or young (16 USC § 703 and § 715n). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA specifically protects migratory bird nests from possession, sale, purchase, barter transport, import, and export, and take. For nests, the definition of take per 50 CFR 10.12 is to collect. The MBTA does not include a definition of an "active nest". However, the "Migratory Bird Permit Memorandum" issued by the USFWS in 2003 clarifies the MBTA in that regard and states that the removal of nests, without eggs or birds, is legal under the MBTA, provided no possession (which is interpreted as holding the nest with the intent of retaining it) occurs during the destruction.

U.S. Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of "waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section

404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 CFR part 328.3). Ditches and drainage canals where water flows intermittently or ephemerally are not regulated as waters of the United States. Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* and related Regional Supplement.^{8,9} Construction activities, including direct removal, filling, hydrologic disruption, or other means in jurisdictional waters are regulated by the USACE. The placement of dredged or fill material into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board is the state agency (together with the Regional Water Quality Control Boards) charged with implementing water quality certification in California.

State

California Endangered Species Act

The California Endangered Species Act (CESA) of 1970 (Fish and Game Code Section 2050, et seq. and California Code of Regulations (CCR) Title 14, Sections 670.2, 670.51) prohibits the take of species listed under CESA (14 CCR Sections 670.2, 670.5). Take is defined as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill. Under CESA, state agencies are required to consult with the California Department of Fish and Wildlife when preparing CEQA documents. Consultation ensures that proposed projects or actions do not have a negative effect on state-listed species. During consultation, CDFW determines whether take would occur and identifies “reasonable and prudent alternatives” for the project and conservation of special-status species. CDFW can authorize take of state-listed species under Sections 2080.1 and 2081(b) of Fish and Game Code in those cases where it is demonstrated that the impacts are minimized and mitigated. Take authorized under section 2081(b) must be minimized and fully mitigated.

⁸ United States Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual. Wetland Research Program Technical Report Y-87-1.

⁹ United States Army Corps of Engineers (USACE). 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). ERDC/EL TR-08-28. https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046489.pdf. Accessed July 2022.

A CESA permit must be obtained if a project will result in take of listed species, either during construction or over the life of the project. Under CESA, CDFW is responsible for maintaining a list of threatened and endangered species designated under state law (Fish and Game Code Section 2070). CDFW also maintains lists of species of special concern, which serve as “watch lists”. Pursuant to the requirements of CESA, a state or local agency reviewing a proposed project within its jurisdiction must determine whether the proposed project will have a potentially significant impact upon such species. Project-related impacts to species on the CESA list would be considered significant and would require mitigation. Impacts to species of concern or fully protected species would be considered significant under certain circumstances.

Native Plant Protection Act

The California Native Plant Protection Act of 1977 (California Fish and Game Code Sections 1900–1913) requires all state agencies to use their authority to carry out programs to conserve endangered and otherwise rare species of native plants. Provisions of the act prohibit the taking of listed plants from the wild and require the project proponent to notify CDFW at least 10 days in advance of any change in land use, which allows CDFW to salvage listed plants that would otherwise be destroyed.

Nesting Birds

California Fish and Game Code Sections 3503, 3503.5, and 3800 prohibit the possession, incidental take, or needless destruction of birds, their nests, and eggs. California Fish and Game Code Section 3511 lists birds that are “Fully Protected” as those that may not be taken or possessed except under specific permit.

California Department of Fish and Wildlife Jurisdiction

The CDFW has regulatory jurisdiction over lakes and streams in California. Activities that divert or obstruct the natural flow of a stream; substantially change its bed, channel, or bank; or use any materials (including vegetation) from the streambed, may require that the project applicant enter into a Streambed Alteration Agreement with the CDFW in accordance with California Fish and Game Code Section 1602.

California Environmental Quality Act

CEQA requires that CDFW be consulted during the CEQA review process regarding impacts of proposed projects on special-status species. Special-status species are defined under CEQA Guidelines Sections 15380(b) and (d) as those listed under FESA and CESA and species that are not currently protected by statute or regulation but would be considered rare, threatened, or endangered under these criteria or by the scientific community. Therefore, species considered rare or endangered are addressed in this biological resource evaluation regardless of whether they are afforded protection through any other statute or regulation. The California Native Plant Society (CNPS) inventories the native flora of

California and ranks species according to rarity.¹⁰ Plants with Rare Plant Ranks 1A, 1B, 2A, or 2B are considered special-status species under CEQA.

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if it can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the FESA and the section of the California Fish and Game Code dealing with rare and endangered plants and animals. Section 15380(d) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (i.e., candidate species) would occur. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agency has an opportunity to designate the species as protected, if warranted.

Local

Porterville General Plan Policies

- OSC-G-7: Protect habitat for special status species, designated under State and federal law.

RESPONSES

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact. The Project site is currently planted with orchard trees. The site is surrounded primarily by existing residential uses.

According to the Porterville General Plan, several special status plant species are potentially found within the Porterville Planning Area. These species include Keck's checkerbloom (*Sidalcea keckii*), Springville clarkia (*Clarkia springvillensis*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), Striped

¹⁰ California Native Plant Society, Rare Plant Program. 2022. Rare Plant Inventory (online edition, v9-01 1.5). <https://www.rareplants.cnps.org>. Accessed July 2022.

adobe-lily (*Fritillaria striata*), Madera leptosiphon (*Leptosiphon serrulatus*), Calico monkeyflower (*Mimulus pictus*), and Spiny-sepaled button celery (*Eryngium spinosepalum*).

The City of Porterville also contains potential habitat for many special status species of animals. These species include California condor (*Gymnogyps californianus*), San Joaquin kit fox (*Vulpes macrotis mutica*), the previously mentioned Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), Vernal pool fairy shrimp (*Branchinecta lynchi*), American badger (*Taxidea taxus*), Pallid bat (*Antrozous pallidus*), Western mastiff bat (*Eumops perotis californicus*), Great Blue Heron (*Ardea herodias*), Western pond turtle (*Emys marmorata*), Tricolored blackbird (*Agelaius tricolor*), Morrison's blister beetle (*Lytta morrisoni*), and Molestan blister beetle (*Lytta molesta*).

However, according to the Special Status Species and Vegetation map (Figure 6-4) found in the Porterville General Plan's Open Space and Conservation Element, the proposed Project area does not support any of the aforementioned special status species. This is due to either lack of habitat within the Project area, the Project is outside the current range of the species, or the presence of disturbance would otherwise preclude their occurrence.

The Project site consists of an orchard and is not expected to provide habitat for special status species due to the high disturbance. Thus, the impact remains *less than significant*.

Mitigation Measures: None are required.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. There is no riparian habitat or other sensitive natural community on site or adjacent to the Project. According to the National Wetlands Inventory¹¹, no wetlands occur in or near the Project site. As such, there is *no impact*.

¹¹ National Wetlands Inventory. U.S Fish & Wildlife Service. <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>. Accessed July 2022.

Mitigation Measures: None are required.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact with Mitigation. Common species of birds likely to be found within the urban planning area include morning dove, sparrow, meadowlark, blackbird, robin and scrub jay. Potential for endangered or threatened bird species within the Project area is unlikely. Migratory birds could be expected to nest on or near the Project site. Project implementation has the potential to impede the use of nursery sites for native birds protected under the federal Migratory Bird Treaty Act and the California Fish and Game Code. Disturbance associated with construction during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort is considered take by the CDFW. Loss of fertile eggs or nestlings, or any activities resulting in nest abandonment, could constitute a significant impact if the species is particularly rare in the region. Construction activities that disturb a rare nesting bird on the site or immediately adjacent to the construction zone could constitute a significant impact. Implementation of Mitigation Measure **BIO-1** would ensure that potential impacts remain *less than significant*.

Mitigation Measures:

Protect nesting birds.

- BIO-1** Within 30 days prior to ground disturbance activities associated with construction or grading that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically March through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the disturbance zone or within 300 feet (500 feet for raptors and special-status species) of the disturbance zone. The surveys shall continue on a weekly basis with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground disturbance activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If active nests are found, clearing and construction

within 300 feet of the nest (500 feet for raptors and special-status species) shall be postponed or halted, at the discretion of the biologist, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the surveys shall be provided to CDFG in the Annual Mitigation Status Report.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The City of Porterville's General Plan includes various policies for the protection of biological resources. The proposed Project would not conflict with any of the adopted policies and any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant Impact. Several conservation and recovery plans apply to land in the City, including the Recovery Plan for Upland Species of the San Joaquin Valley and the Valley Elderberry Longhorn Beetle Habitat Conservation Plan. Figure 6-4 (Special Status Species and Sensitive Vegetation) in the City of Porterville's General Plan indicates the Project site is not within an area set aside for the conservation of habitat or sensitive plant or animal species pursuant to such plans. The nearest such areas are the Valley Elderberry Longhorn Beetle Conservation Area, located along the Tule River within the Yaudanchi Ecological Reserve. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

V. CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a particular area) or historic (after the introduction of writing). The majority of such places in this region are associated with either Native American or Euroamerican occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.

The City of Porterville and Tulare County was inhabited by indigenous California Native American groups consisting of the Southern Valley Yokuts, Foothill Yokuts, Monache, and Tubatulabal. Most information regarding these groups is based on Spanish government and Franciscan mission records of the 18th and 19th centuries, and in studies conducted during the 1900s to 1930s by American and British ethnographers. The ethnographic setting presented below is derived from the early works, compiled by W. J. Wallace, Robert F.G. Spier, and Charles R. Smith, with statistical information provided by the California Native American Heritage Commission.

Of the four main groups inhabiting the Tulare County area, the Southern Valley Yokuts occupied the largest territory, which is defined roughly by the crest of the Diablo Range on the west and the foothills of the Sierra Nevada on the east, and from the Kings River on the north, to the Tehachapi Mountains on the south. The Foothill Yokuts inhabited the western slopes of the Sierra Nevada, between the Fresno River and Kern River, with settlements generally occurring between the 2,000 to 4,000-foot elevations. The Tubatulabal inhabited the Sierra Nevada Mountains, at the higher elevations, near Mt. Whitney in the east, extending westward along the drainages of the Kern River, and the Kern River-South Fork. The Monache were comprised of six small groups that lived in the Sierras east of the Foothill Yokuts, in locations ranging between 3,000- to 7,000-foot elevations.

A records search of the site files and maps was conducted at the Southern San Joaquin Valley Archaeological Information Center, California State University, Bakersfield (see Appendix C). These investigations determined that there were no previous cultural resource studies performed within the Project area and there have been three cultural resources studies performed within a one-half mile radius. There are no recorded resources within the Project area and there are two known resources, the Poplar Ditch and the Southern Pacific Railroad, within the one-half mile radius.

Regulatory Setting

Federal

Cultural resources are protected by several federal regulations, none of which are relevant to this proposed Project because it will not be located on lands administered by a federal agency and the Project applicant is not requesting federal funding.

State

The proposed Project is subject to CEQA which requires public or private projects financed or approved by public agencies to assess their effects on historical resources. CEQA uses the term “historical resources” to include buildings, sites, structures, objects or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance. CEQA states that if implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (CEQA Guidelines Sections 15064.5, 15126.4). For the purposes of this CEQA document, a significant impact would occur if project implementation:

- Causes a substantial change in the significance of a historical resource
- Causes a substantial adverse change in the significance of an archaeological resource
- Disturbs any human remains, including those interred outside of formal cemeteries

Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined. CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

- If the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR)
- If the resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC unless the preponderance of evidence demonstrates that it is not historically or culturally significant
- The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (CCR, Title 14, Division 6, Chapter 3, Section 15064.5(a))

Each of these ways of qualifying as a historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (PRC 5020.1(k), 5024.1, 5024.1(g)).

A historical resource may be eligible for inclusion in the CRHR if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Is associated with the lives of persons important in our past
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Has yielded, or may be likely to yield, information important in prehistory or history Properties that area listed in or eligible for listing in the National Register of Historic Places are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Public Resources Code §5097.5

California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county,

district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper and dignified treatment of the remains and associated grave artifacts.

Local

Porterville General Plan Goals and Policies

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.
- OSC-I-73: Require that new development analyze and avoid any potential impacts to archaeological, paleontological, and historic resources by:
 - Requiring a records review for development proposed in areas that are considered archaeologically sensitive, including hillsides and near the Tule River;
 - Studying the potential effects of development and construction (as required by CEQA);
 - Developing, where appropriate, mitigation measures to minimize potential impacts; and Implementing appropriate measures to avoid the identified impacts.

RESPONSES

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Less than Significant Impact with Mitigation. The records search conducted at the SSJVIC (Appendix C) indicated that there are no recorded cultural resources within the Project area and two recorded resources within the one-half mile, the Poplar Ditch and the Southern Pacific Railroad. There are no recorded cultural resources within the Project area or within ½ mile that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Subsurface construction activities associated with the proposed Project could potentially damage or destroy previously undiscovered historic resources. This is considered a potentially significant impact; however, implementation of Mitigation Measure CUL-1 will ensure that significant impacts remain *less than significant with mitigation incorporation*.

CUL-1 The following measures shall be implemented:

- Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation. The possibility exists that subsurface construction activities may encounter undiscovered archaeological resources. This would be a potentially significant impact. Implementation of Mitigation Measure CUL-1 would require inadvertently discovery practices to be implemented should previously undiscovered archeological resources be located. As such, impacts to undiscovered archeological resources would be *less than significant with mitigation incorporation*.

c. Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation. There are no unique geological features or known fossil-bearing sediments in the vicinity of the proposed Project site. However, there remains the possibility for previously unknown, buried paleontological resources or unique geological sites to be uncovered during subsurface construction activities. Therefore, this would be a potentially significant impact. Mitigation is proposed requiring standard inadvertent discovery procedures to be implemented to reduce this impact to a level of *less than significant with mitigation incorporation*.

CUL-2 The Project applicant will incorporate into the construction contract(s) a provision that in the event a fossil or fossil formations are discovered during any subsurface construction activities for the proposed Project (i.e., trenching, grading), all excavations within 100 feet of the find shall be temporarily halted until the find is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The paleontologist shall notify the appropriate representative at the City of Porterville, who shall coordinate with the paleontologist as to any necessary investigation of the find. If the find is determined to be significant under CEQA, the City shall implement those measures, which may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code section 21083.2.

VI. ENERGY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

California's total energy consumption is second-highest in the nation in 2019, but its per capita energy consumption was less than in all other states except Rhode Island, due in part to its mild climate and its energy efficiency programs.¹² In 2021, California was the top-ranking producer of electricity from solar, geothermal and biomass energy, and fourth in the nation in conventional hydroelectric power generation, down from second in 2019, in part because of drought and increased water demand.

Energy usage is typically quantified using the British thermal unit (BTU).¹³ As a point of reference, the approximately amounts of energy contained in common energy sources are as follows:

Energy Source	BTUs ¹⁴
Motor Gasoline	120,238 per gallon
Natural Gas	1,039 per cubic foot
Electricity	3,412 per kilowatt-hour

¹² U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA>. Accessed July 2022.

¹³ U.S. Energy Information Administration. Energy Units and Calculators Explained. <https://www.eia.gov/energyexplained/units-and-calculators/british-thermal-units.php>. Accessed July 2022.

¹⁴ Ibid.

California energy consumption in 2020 was 6,922.7 trillion BTU,¹⁵ as provided in Table 6. This represents an approximately 11.1% decrease from energy consumption in 2019.

Table 6
2020 California Energy Consumption¹⁶

End User	BTU of energy consumed (in trillions)	Percentage of total consumption
Residential	1,507.7	21.8
Commercial	1,358.3	19.6
Industrial	1,701.2	24.6
Transportation	2,355.5	34.0
Total	6,922.7	--

Total electrical consumption by Tulare County in 2020 was 4,642.8 GWh, while total Gas consumption was 159.5 million Therms.¹⁷

The California Department of Transportation (Caltrans) reports that approximately 35.8 million vehicles were registered in the state in 2020, while in 2019 a total estimated 332.0 billion vehicle miles were traveled (VMT).¹⁸

Regulatory Setting

California Energy Code (Title 24, Part 6, Building Energy Efficiency Standards)

California Code of Regulations Title 24, Part 6 comprises the California Energy Code, which was adopted to ensure that building construction, system design and installation achieve energy efficiency. The California Energy Code was first established in 1978 by the CEC in response to a legislative mandate to reduce California's energy consumption, and apply to energy consumed for heating, cooling, ventilation, water heating, and lighting in new residential and non-residential buildings. The standards are updated periodically to increase the baseline energy efficiency requirements. The 2013 Building Energy Efficiency Standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings and include requirements to enable both demand reductions during critical peak periods and future solar electric and thermal system installations.

¹⁵ U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA#tabs-2>. Accessed July 2022.

¹⁶ U.S. Energy Information Administration. Independent Statistics and Analysis. California Profile Overview. <https://www.eia.gov/state/?sid=CA#tabs-1>. Accessed July 2022.

¹⁷ California Energy Commission. Electricity Consumption by County. <http://ecdms.energy.ca.gov/elecbycounty.aspx>. Accessed July 2022.

¹⁸ Caltrans Fact Booklet. 2021. California Department of Transportation. <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/caltrans-fact-booklets/2021-caltrans-facts-a11y.pdf>. Accessed July 2022.

Although it was not originally intended to reduce greenhouse gas (GHG) emissions, electricity production by fossil fuels results in GHG emissions and energy efficient buildings require less electricity. Therefore, increased energy efficiency results in decreased GHG emissions.

California Green Building Standards Code (Title 24, Part II, CALGreen)

The California Building Standards Commission adopted the California Green Buildings Standards Code (CALGreen in Part 11 of the Title 24 Building Standards Code) for all new construction statewide on July 17, 2008. Originally a volunteer measure, the code became mandatory in 2010 and the most recent update (2019) took effect January 1, 2020. CALGreen sets targets for energy efficiency, water consumption, dual plumbing systems for potable and recyclable water, diversion of construction waste from landfills, and use of environmentally sensitive materials in construction and design, including eco-friendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels. The 2019 CALGreen Code includes mandatory measures for non-residential development related to site development; water use; weather resistance and moisture management; construction waste reduction, disposal, and recycling; building maintenance and operation; pollutant control; indoor air quality; environmental comfort; and outdoor air quality. Mandatory measures for residential development pertain to green building; planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; environmental quality; and installer and special inspector qualifications.

Clean Energy and Pollution Reduction Act (SB 350)

The Clean Energy and Pollution Reduction Act (SB 350) was passed by California Governor Brown on October 7, 2015, and establishes new clean energy, clean air, and greenhouse gas reduction goals for the year 2030 and beyond. SB 350 establishes a greenhouse gas reduction target of 40 percent below 1990 levels for the State of California, further enhancing the ability for the state to meet the goal of reducing greenhouse gas emissions by 80 percent below 1990 levels by the year 2050.

Renewable Portfolio Standard (SB 1078 and SB 107)

Established in 2002 under SB 1078, the state's Renewables Portfolio Standard (RPS) was amended under SB 107 to require accelerated energy reduction goals by requiring that by the year 2010, 20 percent of electricity sales in the state be served by renewable energy resources. In years following its adoption, Executive Order S-14-08 was signed, requiring electricity retail sellers to provide 33 percent of their service loads with renewable energy by the year 2020. In 2011, SB X1-2 was signed, aligning the RPS target with the 33 percent requirement by the year 2020. This new RPS applied to all state electricity retailers, including publicly owned utilities, investor-owned utilities, electrical service providers, and community choice aggregators. All entities included under the RPS were required to adopt the RPS 20

percent by year 2020 reduction goal by the end of 2013, adopt a reduction goal of 25 percent by the end of 2016, and meet the 33 percent reduction goal by the end of 2020. In addition, the Air Resources Board, under Executive Order S-21-09, was required to adopt regulations consistent with these 33 percent renewable energy targets.

RESPONSES

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. The proposed Project consists of the development of 80 single-family residences and a neighborhood park. The Project would introduce energy usage on a site that is currently demanding minimal energy. By comparison, at buildout, the Project would consume amounts of energy in both the short-term during Project construction and in the long-term during Project operation.

During construction, the Project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. Title 24 Building Energy Efficiency Standards provide guidance on construction techniques to maximize energy conservation and it is expected that contractors and owners have a strong financial incentive to use recycled materials and products originating from nearby sources in order to reduce materials costs. As such, it is anticipated that materials used in construction and construction vehicle fuel energy would not involve the wasteful, inefficient, or unnecessary consumption of energy.

Operational Project energy consumption would occur for multiple purposes, including but not limited to, building heating and cooling, refrigeration, lighting and electronics. Operational energy would also be consumed during each vehicle trip associated with the proposed use. CalEEMod version 2020.4.0 was utilized to generate the estimated energy demand of the proposed Project, and the results are provided in Table 7 and in Appendix B.

Table 7
Annual Project Energy Consumption

Land Use	Electricity Use in kWh/year	Natural Gas Use in kBtu/year
Single Family Housing	635,116	1,901,040

The proposed Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of Title 24 standards significantly increases energy savings, and it is generally assumed that compliance with Title 24 ensures projects will not result in the inefficient, wasteful, or unnecessary consumption of energy.

As discussed in Impact XVII – Transportation/Traffic, the proposed Project at full buildout would generate approximately 822 daily vehicle trips. The length of these trips and the individual vehicle fuel efficiencies are not known; therefore, the resulting energy consumption cannot be accurately calculated. Adopted federal vehicle fuel standards have continually improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful, and unnecessary use of energy by vehicles.

As discussed previously, the proposed Project would be required to implement and be consistent with existing energy design standards at the local and state level. The Project would be subject to energy conservation requirements in the California Energy Code and CALGreen. Adherence to state code requirements would ensure that the Project would not result in wasteful and inefficient use of non-renewable resources due to building operation.

Therefore, any impacts are *less than significant*.

Mitigation Measures: None are required.

VII. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

creating substantial risks to life or property?

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒
- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ☐ ☒ ☐ ☐

ENVIRONMENTAL SETTING

The City of Porterville is situated along the western slope of the Sierra Nevada. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcan and sedimentary rocks. The majority of Porterville has elevations ranging from 400 to 800 feet.

Faulting and Seismicity

There are no known active earthquake faults in the City of Porterville. The proposed Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the local soil at the site. There are several faults located within a 70-mile radius of the Project site. Pond Fault is approximately 27 miles southwest, New Hope Fault is approximately 32 miles southwest, Little Lake Fault Zone is approximately 61 miles east, and Owens Valley Fault is approximately 64 miles northeast of the proposed Project site. These faults have exhibited activity in the last 1.6 million years, but not in the last 200 years. It is possible, but unlikely, that previously unknown faults could become active in the area. No Alquist-Priolo Earthquake Fault Zones are in or near Porterville. Porterville is designated as an area in Seismic Design Category 4 according to the most recent version of the California Building Code. Under this designation, earthquake resistant design and materials are required to meet or exceed the current seismic engineering standards of the Building Code.

Soils

According to the City's General Plan EIR, much of the Project area has soils with moderate to high erosion potential. Generally, areas most susceptible to soil erosion are hilly or have slopes greater than 15 percent. Lower flatlands, such as the subject site, are usually less likely to erode than those located on slopes.

Regulatory Setting

Federal

Federal regulations for geology and soils are not relevant to the proposed Project because it is not a federal undertaking (the Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

State

California Building Code

California law provides a minimum standard for building design through the California Building Code (CBC). The CBC is based on the IBC, with amendments for California conditions. Part 2, Volume 2, Chapter 16 of the CBC contains specific requirements for seismic safety. Part 2, Volume 2, Chapter 18 of the CBC regulates soils and foundations. Part 2, Volume 2, Appendix J of the CBC regulates grading activities. Construction activities also are subject to occupational safety standards for excavation, shoring, and trenching as specified in California Occupational Safety and Health Administration regulations (Title 8 of the California Code of Regulations) and in section A33 of the CBC. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources

Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources.

CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14, Chapter 3, Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-G-5: Preserve soil resources to minimize damage to people, property, and the environment resulting from potential hazards.
- OSC-G-6: Protect significant mineral resources.
- OSC-I-21: Adopt soil conservation regulations to reduce erosion caused by overgrazing, plowing, mining, new roadways and paths, construction, and off-road vehicles.
- OSC-I-23: Require adequate grading and replanting to minimize erosion and prevent slippage of manmade slopes.
- PHS-G-4: Protect soils, surface water, and groundwater from contamination from hazardous materials.
- PHS-G-1: Minimize risks of property damage and personal injury posed by geologic and seismic hazards.
- PHS-I-2: Maintain and enforce appropriate building standards and codes to avoid and/or reduce risks associated with geologic constraints and to ensure that all new construction is designed to meet current safety regulations.
- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

RESPONSES

- a-i. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- a-ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?
- a-iii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

a-iv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less Than Significant Impact. The proposed Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. Additionally, according to the Fault Rupture Zones Map prepared by the California Department of Conservation in 2007, the Project area is not located within a Fault-Rupture Hazard Area.¹⁹ Since no known surface expression of active faults is believed to cross the site, fault rupture through the site is not anticipated.

Although the Project area occurs in an area with historically low to moderate level of seismicity, strong ground shaking could occur in the region; however, the Project would be designed to withstand strong ground shaking, in compliance with the California Building Code, to minimize the potential effects of ground shaking and other seismic activity.

According to the City of Porterville General Plan, Public Health and Safety Element the Project site has a moderate to high risk of damaging ground motion; however, the Project's Valley location has a low risk of liquefaction. No subsidence prone soils or oil or gas production is involved with the proposed Project. The City of Porterville's 2030 General Plan, Figure 7-1 (Geological and Soil Hazards) indicates that the proposed Project site is located on relatively flat topography and is not located adjacent to any steep slopes or areas that would otherwise be subject to landslides. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The soil in the proposed Project area is characterized as moderately well-drained loam underlain by hardpan. The Project site has a generally flat topography, is in an established urban area and does not include any Project features that would result in soil erosion or loss of topsoil. Therefore, the impact is *less than significant*.

Mitigation Measures: None are required.

¹⁹ California Department of Conservation. CGS Information Warehouse. Regulatory Maps and Reports. <https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/>. Accessed July 2022.

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d. Be located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property?

Less Than Significant Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The soil in the proposed Project area is characterized as moderately well-drained, loam underlain by hardpan. The site is not at significant risk from ground shaking, liquefaction, or landslide and is otherwise considered geologically stable. See also Response (a-i) to (a-iv) and (c). The impact is *less than significant*.

Mitigation Measures: None are required.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The Project will tie into the City's existing wastewater system and will not require installation of a septic tank or alternate wastewater disposal system. There is *no impact*.

Mitigation Measures: None are required.

- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact with Mitigation. The General Plan does not identify any unique geologic features within the Planning Area and according to the CHRIS search results, there are no known paleontological resources on or near the site; however, it is unknown if any subsurface unique paleontological resources exist. Mitigation measures CUL-1 and CUL-2 shall be implemented to reduce potential impacts and as such, impacts are considered *less than significant with mitigation incorporation*.

Mitigation Measures: CUL-1 and CUL-2.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Various gases in the earth's atmosphere play an important role in moderating the earth's surface temperature. Solar radiation enters earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. GHGs are transparent to solar radiation, but are effective in absorbing infrared radiation. Consequently, radiation that would otherwise escape back into space is retained, resulting in a warming of the earth's atmosphere. This phenomenon is known as the greenhouse effect. Scientific research to date indicates that some of the observed climate change is a result of increased GHG emissions associated with human activity. Among the GHGs contributing to the greenhouse effect are water vapor, carbon dioxide (CO₂), methane (CH₄), ozone, Nitrous Oxide (NO_x), and chlorofluorocarbons.

Human-caused emissions of these GHGs in excess of natural ambient concentrations are considered responsible for enhancing the greenhouse effect. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation. Global climate change is, indeed, a global issue. GHGs are global pollutants, unlike criteria pollutants and TACs (which are pollutants of regional and/or local concern). Global climate change, if it occurs, could potentially affect water resources in California. Rising temperatures could be anticipated to result in sea-level rise (as polar ice caps melt) and possibly change the timing and amount of precipitation, which could alter water quality. According to some, climate change could result in more extreme weather patterns; both heavier precipitation that could lead to flooding, as well as more extended drought periods. There is uncertainty regarding the timing,

magnitude, and nature of the potential changes to water resources as a result of climate change; however, several trends are evident.

Snowpack and snowmelt may also be affected by climate change. Much of California's precipitation falls as snow in the Sierra Nevada and southern Cascades, and snowpack represents approximately 35 percent of the state's useable annual water supply. The snowmelt typically occurs from April through July; it provides natural water flow to streams and reservoirs after the annual rainy season has ended. As air temperatures increase due to climate change, the water stored in California's snowpack could be affected by increasing temperatures resulting in: (1) decreased snowfall, and (2) earlier snowmelt.

Regulatory Setting

Federal

The USEPA Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the CAA permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of GHGs under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

State

California is taking action to reduce GHG emissions. In June 2005, Governor Schwarzenegger signed Executive Order S-3-05 to address climate change and GHG emissions in California. This order sets the following goals for statewide GHG emissions:

- Reduce to 2000 levels by 2010
- Reduce to 1990 levels by 2020
- Reduce to 80 percent below 1990 levels by 2050

In addition, the proposed Project is being evaluated pursuant to CEQA.

*Local***San Joaquin Valley Air Pollution Control District (SJVAPCD)**

In August 2008, the SJVAPCD adopted the Climate Change Action Plan, which directed the SJVAPCD to develop guidance to assist lead agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas emissions on global climate change.

In 2009, the SJVAPCD adopted the guidance document: Guidance for Valley Land-Use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA. This document recommends the usage of performance-based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project-specific greenhouse gas emissions on global climate change during the environmental review process. Projects implementing BPS in accordance with SJVAPCD's guidance would be determined to have a less than significant individual and cumulative impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions.²⁰

RESPONSES

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact with Mitigation. Greenhouse gas emissions would generate from long-term area and mobile sources as well as indirectly from energy consumption. Mobile sources would include residential vehicle trips and area source emissions would result from consumption of natural gas and electricity. As discussed above, projects implementing BPS would not require quantification of specific greenhouse gas emissions and such projects would be determined to have a less than significant individual and cumulative impact for greenhouse gas emissions; however, GHG gas emissions are also quantified and provided in Table 5. As such, the proposed Project's greenhouse gas emissions would not be considered a significant impact if the Project would implement BPS strategies, in accordance with SJVAPCD recommendations. Exact project feature details are not yet available, therefore, the implementation of **GHG-1** as a mitigation measure would ensure that any impacts remain *less than significant*.

²⁰ SJVAPCD. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. <http://www.valleyair.org/transportation/GAMAQI.pdf>. Accessed July 2022. Page 112.

Mitigation Measures:

GHG-1: The project applicant shall demonstrate compliance with the applicable BPS strategies to the Planning Division prior to the issuance of a building permit. The following PBS strategies are considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- The project applicant shall provide a pedestrian access network that internally links all residential units and connects to the existing surrounding external streets and pedestrian facilities.
- The project applicant shall ensure site design and building placement minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, berms, landscaping, and slopes between residential uses that impede bicycle or pedestrian circulation shall be eliminated. In addition, barriers to pedestrian access of neighboring facilities and sites shall be minimized.
- The project applicant shall install energy efficient roofing materials.
- The project applicant shall incorporate bike lanes and routes into the street system.
- The project applicant shall plant trees to provide shade.
- The project applicant shall install only natural gas or electric stoves in residences. The project applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant. As discussed above, the SJVAPCD adopted guidance that relies on the use of BPS strategies to assess significance of project-specific greenhouse gas emissions impacts. Project implementing BPS strategies in accordance with SJVAPCD's guidance would be determined to have a less than significant impact on greenhouse gas emissions and would not require project specific quantification of greenhouse gas emissions. With implementation of GHG-1, the proposed Project would

implement BPS strategies as discussed in the SJVAPCD's Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Therefore, the proposed Project would not conflict with policies or regulations adopted for the purpose of reducing the emissions of greenhouse gases. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

response plan or emergency evacuation plan?

- g. Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☐ ☒

ENVIRONMENTAL SETTING

The Project site is located south of the City of Porterville, near primarily residential and agricultural land uses. The site is currently in agricultural production. Residences exist immediately to the north and east of the Project site. The Project site is approximately 1.7 miles northeast of the Porterville Municipal Airport. Fresno-Yosemite International Airport is the closest major airport to the proposed Project site, approximately 63 miles northwest.

The Teapot Dome Landfill is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately two miles northwest of the site.

Regulatory Setting

Federal

The primary federal agencies with responsibility for hazardous materials management include the EPA, U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and the U.S. Department of Transportation (DOT). The EPA was created to protect human health and to safeguard the natural environment – air, water and land – and works closely with other federal agencies, and state and local governments to develop and enforce regulations under existing environmental laws. Where national standards are not met, EPA can issue sanctions and take other steps to assist the states in reaching the desired levels of environmental quality. EPA also works with industries and all levels of government in a wide variety of voluntary pollution prevention programs and energy conservation efforts.

State

The California Department of Industrial Relations, Division of Occupational Safety and Health is the administering agency designed to protect worker health and general facility safety. The California Department of Forestry and Fire Protection has designated the area that includes the proposed Project site as a Local Responsibility Area, defined as an area where the local fire jurisdiction is responsible for emergency fire response.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

City of Porterville Fire Department

The City of Porterville Fire Department, Fire Prevention Division provides limited oversight of hazardous materials. The Fire Department is responsible for conducting inspections for code compliance and fire-safe practices, permitting of certain hazardous materials, and for investigation of fire and hazardous materials incidents. The Fire Department regulates explosive and hazardous materials under the California Building Code, and permits the handling, storage and use of any explosive or other hazardous material.

Tulare County Environmental Health Division

The Tulare County Environmental Health Division (TCEHD) is the Certified Unified Program Agency (CUPA) for all cities and unincorporated areas within Tulare County. The CUPA was created by the California Legislature to minimize the number of inspections and different fees for businesses. The TCEHD provides the management and record keeping of hazardous materials and underground storage tank (UST) sites for Tulare County, including the City of Porterville.

Porterville General Plan Policies

- PHS-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.
- PHS-I-18: Adopt a Household Hazardous Waste Program and support the proper disposal of hazardous household waste and waste oil; encourage citizens and crime watch organizations to report unlawful dumping of hazardous materials.
- PHS-I-19: Ensure that all specified hazardous facilities conform to the Tulare County Hazardous Waste Management Plan.
- PHS-I-21: Coordinate enforcement of the Hazardous Material Disclosure Law and the implementation of the Hazardous Material Emergency Response Plan with the Tulare County Health and Human Service Agency.

RESPONSES

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed Project would include the construction of up to 80 single-family residential homes and a neighborhood park with the associated improvements. Proposed Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials.

In addition, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the project site. Therefore, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and residents move in to occupy the residences on a day-to-day basis. Upon Annexation, General Plan Amendment, CUP, and TSM approval, the proposed Project will include land uses that are considered compatible with the surrounding uses. The current land uses are also considered compatible with the surrounding uses. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household and commercial cleaners, paint, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur. Therefore, the proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant*.

Mitigation Measures: None are required.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. See Response a. above. Any accumulated hazardous construction or operational wastes will be collected and transported away from the site in compliance with all federal, state and local regulations. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. Hope Elementary, the nearest school, is located approximately one mile south of the Project site. As the proposed Project includes the development of single-family residences, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials near a proposed or existing school. Residential land uses do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. See also Responses a. and b. regarding hazardous material handling. The impact is *less than significant*.

Mitigation Measures: None are required.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker and EnviroStor databases – accessed in July 2022). As such, *no impacts* would occur that would create a significant hazard to the public or the environment.

Mitigation Measures: None are required.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The Project site is approximately 1.7 miles northeast of the Porterville Municipal Airport. Upon Annexation, GPA, CUP and TSM approval, land use controls for this area will be provided by the City of Porterville General Plan and Development Ordinance. Additionally, the Tulare County Comprehensive Airport Land Use Plan indicates that the Project area is outside the Proposed Airport Influence Area. The Project site is not within an established Airport Safety Zone. There is *no impact*.

Mitigation Measures: None are required.

- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project will not interfere with any adopted emergency response or evacuation plan. There is *no impact*.

Mitigation Measures: None are required.

- g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. There are no wildlands on or near the Project site. There is *no impact*.

Mitigation Measures: None are required.

X. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Result in substantial erosion or siltation on- or off- site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The City of Porterville has a dry, desert-like climate with evaporation rates that exceed rainfall. Annual precipitation within the proposed Project site is about 10 inches, almost 85% of which falls between the months of October and March. Nearly all precipitation falls in the form of rain and storm-water readily infiltrates the soils of the surrounding the sites.

The City of Porterville is located in the Tulare Lake Basin, and within the Tule Sub-basin. which has been classified as a critically overdrafted basin.²¹ According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure. The City of Porterville receives all of its municipal water from groundwater.²²

According to the City of Porterville 2020 Urban Water Master Plan (UWMP),²³ water demands within the City's service area are largely residential, with commercial, industrial, institutional, and City-related consumption accounts for approximately 23% of the total water demand. Similarly, as part of the Eastern Tule GSA, the City plans to reduce groundwater usage by diversifying their supply portfolio as well as implement additional groundwater recharge in the future. The 2020 UWMP shows a total gross water use potable water use to be 3,647 MG, which is a net change of 1,210 MG when compared to the Projected

²¹ California Department of Water Resources. Critically Overdrafted Basins Map. <https://water.ca.gov/Programs/Groundwater-Management/Bulletin-118/Critically-Overdrafted-Basins>. Accessed August 2022.

²² City of Porterville – Hydraulic Analysis, page 1. Dee Jaspar & Associates, Inc. (May 2015).

²³ City of Porterville 2020 Urban Water Management Plan. April 2022. https://wuedata.water.ca.gov/public/uwmp_attachments/6335752189/Porterville%5F2020%20UWMP%20Final%20Epdf. Accessed August 2022.

2020 gross water use of 4,857 MG. The projected total gross water use in comparison to the 2015 UWMP was adjusted based on the 2020 actual value. The significant drop in total gross projections takes into consideration that the standard practice of domestic water consumption and the implementation of conservation efforts set by the City. Water use reduction efforts throughout the city has promoted a conservation culture which in turn has decreased total usage over time. Available rebates for high efficiency plumbing, installation of water meters on new and existing services, water waste audits, landscape rebates and selection, and a more conscientious effort by citizens has proved to reduce total usage and ultimately decrease projections over the next 20 years.

The combination of continued below average and inconsistent precipitation, general water conservation mindset, and metering has decreased typical potable water consumption to approximately 130 gallons per capita per day (gpcd). Moving forward, the City's per capita water usage is expected to increase with population growth and favorable hydrologic conditions. The City utilizes the 179 gpcd as a conservative approach for planning purposes in their water, sewer, storm drain integrated master plan (IMP) and other studies.

The City implements its Drought Response Plan during certain times of the year when watering is limited or restricted. Currently, the City is in Drought Response Phase III which prohibits residential outdoor watering on Mondays, Thursdays, and Fridays and between the hours of 5AM to 10AM and 5PM to 10PM. This and other mandatory water conservation measures are being enforced with fines of up to \$500 for violations.²⁴

Regulatory Setting

Federal

Clean Water Act

The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

²⁴ City of Porterville, Public Works, Water Conservation. https://www.ci.porterville.ca.us/departments/public_works/water_conservation.php. Accessed August 2022.

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

State

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The proposed Project site is located within the Central Valley Region.

Regional Water Quality Board

The Regional Water Quality Control Board (RWQCB) administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan will include specifications for Best Management Practices (BMPs) that will be implemented during proposed Project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities.

BMPs have been established by the RWQCB in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP will describe measures to prevent or control runoff degradation after construction is complete, and identify a plan to inspect and maintain these facilities or project elements.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-45: Continue to require use of feasible and practical best management practices (BMPs) and other mitigation measures designed to protect surface water and groundwater from the adverse effects of construction activities and urban runoff in coordination with the Regional Water Quality Control Board.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.
- PHS-G-2: Protect the community from risks to life and property posed by flooding and stormwater runoff.
- PU-I-7: Continue to require water meters in all new development.
- PU-I-8: Require that agriculture water rights be assigned to the city when agricultural land is annexed to the City for urban development, consistent with the General Plan.

RESPONSES

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The State Water Resources Control Board requires any new construction project over an acre to complete a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP involves site planning and scheduling, limiting disturbed soil areas, and determining best management practices to minimize the risk of pollution and sediments being discharged from construction sites. Implementation of the SWPPP will minimize the potential for impacts associated with erosion or siltation onsite or offsite.

The proposed Project will result in wastewater from residential units that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban/residential developments consisting of bathrooms, kitchen drains and other similar features. The Project will not discharge any unusual or atypical wastewater.

Additionally, there will be no discharge to any surface or groundwater source. As such, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. The impact will be *less than significant*.

Mitigation Measures: None are required.

- b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact.

Water Supply

To determine the estimated water use by the proposed Project, this analysis uses the same calculation methods as the City's UWMP. According to the City's UWMP, the City uses 179 gpcd as a conservative approach for planning purposes in their water, sewer, storm drain integrated master plan and other studies.²⁵ To determine the number of persons (water users) that would result from the proposed Project, this analysis uses the City's 2015-2023 Housing Element (September 2015) which shows an average household size of 3.39 persons per household in Porterville.²⁶

The proposed Project would include the construction of up to 80 single family residences. Applying the City's average of 4.39 persons per household, this equates to approximately 351.2 persons. At 179 gallons per day per capita, the Project would require approximately 22.95 MG per year of potable water per year (351.2 residents X 179 gpcd X 365 days = 22,945,652 gallons of potable water per year), or 70.42 acre/feet per year. The proposed land use changes will amend the General Plan designation from the existing Public/Institutional and Low Density Residential to Very Low Density Residential, which will be a less intense use than what was planned for and analyzed in the General Plan EIR.

As such, the impact to water supply is determined to be *less than significant*.

Water Availability

The proposed Project is anticipated to utilize City groundwater to support the residential development. The City has historically used groundwater to meet all of their water demands. Although the City's aquifer is in a state of overdraft, they could still meet their water demands for several more years solely

²⁵ Porterville 2020 Urban Water Management Plan (April 2022), page 4-2.

²⁶ Porterville Housing Element 2015-2023 (Sept 2015), page 30.

with groundwater.²⁷ However, the City recognizes that continued overdraft of the City's groundwater is not sustainable. As such, the City has and/or is planning to implement several mechanisms to address this shortfall. Water use reduction efforts throughout the city has promoted a conservation culture which in turn has decreased total usage over time. Available rebates for high efficiency plumbing, installation of water meters on new and existing services, water waste audits, landscape rebates and selection, and a more conscientious effort by citizens has proved to reduce total usage and ultimately decrease projections over the next 20 years. These include reliance on surface water, increased groundwater recharge projects, and consolidated water projects.

The City's General Plan EIR indicates that by 2030, total water demand by the City will be 30,000 acre-feet per year, which will exceed the groundwater availability. However, as noted previously, actual population growth within the City has not kept up with the population growth projections of the General Plan. Therefore, the actual water use in the City is less than what was projected under the City's General Plan. The Urban Water Management Plan (UWMP) indicates that future demand can be met with continued groundwater pumping, surface water purchases and conservation measures. As such, there is *a less than significant impact* to this impact area.

Mitigation Measures: None are required.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. result in substantial erosion or siltation on- or offsite;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
or
 - iv. impede or redirect flood flows?

Less than Significant Impact. The site is presently planted in orchards, with a cemetery immediately to the west and residential development immediately to the east and north. The site will be designed so

²⁷ Porterville UWMP, page 42. (2010).

that during construction storm water is collected in compliance with Portville City standards. At full buildout, the stormwater will tie into the City's existing storm drain system, which has adequate capacity. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction.

Impacts regarding the alteration of drainage patterns to increase runoff that will potentially induce flooding have been discussed in the impact analysis for Response IX-c. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. All other on-site drainage will be collected and deposited in the City's storm drain system.

Implementation of the proposed Project will not require expansion of the City's existing stormwater system (other than onsite collection system), nor will it result in additional sources of polluted runoff. The Project would not otherwise degrade water quality and therefore the impact is *less than significant*.

Mitigation Measures: None are required.

- d. In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?
- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is within Zone X, which experiences minimal flood hazards, as indicated by FEMA flood hazard map 06107C1642E, effective 6/15/2009. The site is not within a 100-year flood zone or a 500-year flood zone. The site will be designed for adequate storm drainage.

Flows into the Tule River (located approximately one mile north of the Project site) are controlled by the Success Dam located approximately five miles upstream from the City. A dam failure is usually the result of neglect, poor design, or structural damage caused by a major event such as an earthquake. Dams must be operated and maintained in a safe manner, which is ensured through inspections for safety deficiencies, analyses using current technologies and designs, and taking corrective actions as needed based on current engineering practices.

A portion of the Project site is located within the Success Dam inundation area, as shown on Figure 7-3 of the 2030 General Plan. This inundation area runs through Porterville, to a location downstream of Corcoran, a distance of approximately 44 miles. The Army Corp Of Engineers (ACOE) is in the process of completing an environmental impact statement for reinforcing the strength of the dam in the event of

seismically induced failure. The Project site is within the 0.5-hour to 1-hour inundation zone of Success Dam. In the event of a dam failure, most of the City would be flooded within one hour.

There are no inland water bodies that could be potentially susceptible to a seiche in the Project vicinity. This precludes the possibility of a seiche inundating the Project site. The Project site is more than 100 miles from the Pacific Ocean, a condition that precludes the possibility of inundation by tsunamis. There are no steep slopes that would be susceptible to a mudflow in the Project vicinity, nor are there any volcanically active features that could produce a mudflow in the City of Porterville. This precludes the possibility of a mudflow inundating the Project site.

The Porterville Emergency Operations Plan (EOP), adopted in 2004, includes planning and response scenarios for seismic hazards, extreme weather conditions, landslides, dam failure and other flooding. The City has designated several evacuation routes through Porterville to be used in case of catastrophic emergencies. In the unlikely event that the dam fails before the ACOE's proposed dam reinforcement, the dam owner would follow the emergency action plan (EAP) developed for Success Dam. The EAP includes a notification flowchart, early detection systems, notification for warning and evacuation by state and local emergency management officials, steps to moderate or alleviate the effects of a dam failure, and inundation maps. As such, impacts related to exposure of people or structures to a risk of loss, injury, or death involving flooding as a result of the failure of a levee or dam would be *less than significant*.

Mitigation Measures: None are required.

XI. LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL SETTING

The Project site is located in the unincorporated Tulare County, south of the City of Porterville. The proposed Project site is located in an area just outside the Porterville city limits but is outside the UDB and UAB. The Project site is bounded to the north by West Gibbons Avenue and will be bound to the south by a proposed extension of Scranton Avenue. Kessing Street is approximately 340 ft. to the east, with residential subdivisions lie to the north, east, and south. St. Anne's Cemetery lies adjacent to and west of the site.

The Project consists of an Annexation, Conditional Use Permit, General Plan Amendment, and TSM to allow for the construction of up to 80 single-family residences and a neighborhood park on approximately 20 acres. The northern portion of the site is currently designated as Public/Institutional and the southern portion is designated Low Density Residential by the City of Porterville's General Plan. The site is rezoned RS-2 (Low Density Residential) by the City. Existing land use and zoning surrounding the site are identified in Table 8.

Table 8
Existing Land Use, General Plan Designation and Zoning

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Residential development	RS-1	Very Low Density Residential
South	Residential development and vacant land	RS-2	Low Density Residential

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
West	Cemetery and vacant land	PS and RS-2	Public Institutional and Low Density Residential
East	Residential development	RS-1	Rural Residential

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on Table 7. City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Table 9
Existing Land Use: City of Porterville Planning Area (2005)²⁸

Generalized Land Use Category	Total	Percentage
Agriculture/Rural/Conservation	21,270	59%
Single-Family Residential	4,760	13%
Multi-Family Residential	240	1%
Retail Shopping	80	0%
Commercial	760	2%
Industrial	350	1%
Public/Quasi-Public	2,630	7%
Vacant	3,590	10%
Unclassified (Roads, water, etc.)	2,661	7%
Total Area	36,341	100%

Regulatory Setting

Federal

Federal regulations for land use are not relevant to the proposed Project because it is not a federal undertaking (the proposed Project site is not located on lands administered by a federal agency, and the Project applicant is not requesting federal funding or a federal permit).

RESPONSES

a. Physically divide an established community?

²⁸ City of Porterville General Plan, Land Use Element.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project site is located in the unincorporated Tulare County, south of the City of Porterville. The Project site is located in an area just outside the Porterville city limits but within the UAB and UDB. The Project site is currently planted with orchard trees and is located in an area of residential and agricultural land uses.

The Project includes up to 80 single-family residential units on approximately 20 acres of land. The Project consists of an Annexation, General Plan Amendment, CUP, and TSM to incorporate the parcel in the City of Porterville. The Project has no characteristics that would physically divide the City of Porterville. Access to the existing surrounding areas will be improved with Project implementation.

The site is currently zoned AE-20 by Tulare County however it is within the Porterville UAB and UDB. The northern portion of the site is currently designated as Public/Institutional and the southern portion is designated Low Density Residential by the City of Porterville's General Plan. The site is prezoned RS-2 (Low Density Residential) by the City. As part of the Project, the General Plan land use will be amended to Low Density Residential. Project development and subsequent land use and zoning changes will not conflict with any land use plan, policy, regulation adopted for the purpose of avoiding or mitigating and environmental effect.

With Project approval, the proposed Project will be consistent with Porterville 2030 General Plan objectives and policies and will not significantly conflict with applicable land use plans, policies or regulations of the City of Porterville.

No impacts would occur as a result of this Project.

Mitigation Measures: None are required.

XII. MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL SETTING

The City of Porterville is situated along the western slope of a northwest-trending belt of rocks comprising the Sierra Nevada and within the southern portion of the Cascade Range. The Sierra Nevada geomorphic province is primarily composed of cretaceous granitic plutons and remnants of Paleozoic and Mesozoic metavolcanic and metasedimentary rocks, and Cenozoic volcan and sedimentary rocks. The majority of the Planning Area has elevations ranging between 400 and 800 feet.

Historically, the quarrying of magnesite was a significant industry in the City of Porterville. Currently, the most economically significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (river beds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills.

The Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones. Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). While this area was once suitable for mining operations, it is now surrounded by urban development. Approximately 890 acres along the Tule River, or 2.5 percent of all lands within the Planning Area, are within mineral resource zones.

Regulatory Setting

There are no federal, state or local regulations pertaining to mineral resources relevant to the proposed Project.

RESPONSES

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is not included in a State classified Mineral Resource Zones. Soil disturbance for the proposed Project would be limited site ground work such as grading, foundations, and installation of infrastructure. Therefore, there is *no impact*.

Mitigation Measures: None are required.

XIII. NOISE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL SETTING

The Project site is located in the unincorporated Tulare County, south of the City of Porterville and is currently planted with orchard trees. The site is located in an established area that provides a mix of land uses, including residential and agricultural.

The primary existing noise sources contributing to ambient noise in the proposed Project area are traffic noises and noises associated with residential neighborhoods and active agriculture.

Regulatory Setting

Federal

The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed

to ground-borne vibration levels of 0.5 PPV without experiencing structural damage.³² The FTA has identified the human annoyance response to vibration levels as 80 RMS.

State

The California Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB L_{dn} or CNEL in any habitable room.

Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment

Local

Measuring and reporting noise levels involves accounting for variations in sensitivity to noise during the daytime versus nighttime hours. Noise descriptors used for analysis need to factor in human sensitivity to nighttime noise when background noise levels are generally lower than in the daytime and outside noise intrusions are more noticeable. Common descriptors include the Community Noise Equivalent Level (CNEL) and the Day-Night Average Level (L_{dn}). Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent. The CNEL descriptor is used in relation to major continuous noise sources, such as aircraft or traffic, and is the reference level for the Noise Element under State planning law. The Noise Element included in the 2030 City of Porterville General Plan (2008) includes noise and land use compatibility standards for various land uses. These are shown in Table 8 below.

Table 10
Land Use Compatibility for Community Noise Environment

Land Use Category	Community Noise Exposure, L _{dn} or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex, mobile homes	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)

Land Use Category	Community Noise Exposure, L _{dn} or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Schools, libraries, churches, hospitals, nursing homes	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Normally acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally unacceptable – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly unacceptable – New construction or development should generally not be undertaken.

Porterville General Plan Policies

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.
- N-G-2: Ensure that new development is compatible with the noise environment.
- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.
- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

RESPONSES

- a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. According to the City's General Plan EIR, the major noise sources in Porterville are related to roadways and vehicle traffic. As shown in Figure 9-2 of the City's General Plan Noise Element, the Project site is not exposed to the 55 dB or 60 dB CNEL noise contours. Design features will be incorporated into the site plan to mitigate any noise exposure to residences if needed.

The site itself is located in an urban area adjacent to roadways that are potentially heavily travelled, particularly West Gibbons Avenue. Noise from the proposed Project will be similar to existing conditions and will generally include noise from vehicles, air conditioner units and other similar equipment. It is not expected that the proposed Project will result in a discernable increase in noise to surrounding land uses.

Proposed Project construction related activities will involve temporary noise sources. Typical construction related equipment include graders, trenchers, small tractors and excavators. During the proposed Project construction, noise from construction related activities will contribute to the noise environment in the immediate vicinity; however, the City of Porterville noise ordinance includes limiting construction activities to daytime hours and not allowing construction on certain holidays. The ordinance also restricts construction delivery trucks to daylight hours to avoid noise-sensitive hours of the day.

Activities involved in construction will generate maximum noise levels, as indicated in Table 11, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise controls.

Table 11
Typical Construction Noise Levels

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Backhoe	85	75
Grader	85	75
Truck	91	75

The City of Porterville’s General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. Construction associated with the proposed Project includes the construction of residences and roadways.

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences, which are located approximately 50 feet from the development.

The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day. Table 12 describes the typical construction equipment vibration levels.

Table 12
Typical Construction Vibration Levels

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Impacts are *less than significant*.

Mitigation Measures:

None are required.

- c. For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within the Porterville Municipal Airport's projected airport influence area. Therefore, there is *no impact*.

Mitigation Measures: None are required.

XIV. POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

According to the Porterville 2030 General Plan, over the past 30 years (1975-2005), the City of Porterville's population has grown at an average annual rate of 3.7 percent. However, the City's population growth slowed to an average annual rate of 2.8 percent over the most recent 15 years (1990-2005). At the time of General Plan adoption in 2006, the California Department of Finance (DOF) estimated the City with a population of 45,220 residents. In 2016, the City had an estimated population of 58,623 residents. According to the most recent DOF report²⁹, the City currently is at approximately 62,345 residents, an approximately 13.8 percent increase over the last 10 years. Build-out of the 2030 General Plan will accommodate a population of approximately 107,300 in Porterville, which represents an annual population growth rate of 3.7 percent.

Regulatory Setting

Federal

The U.S. Department of Housing and Urban Development's (HUD) mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable

²⁹ E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022. State of California Department of Finance.
<https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/>.
 Accessed August 2022.

rental homes: utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination and transform the way HUD does business.³⁰

State

The California Department of Housing and Community Development's (HCD) mission is to "[p]romote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians".³¹ In 1977, the State Department of Housing and Community Development (HCD) adopted regulations under the California Administrative Code, known as the Housing Element Guidelines, which are to be followed by local governments in the preparation of local housing elements. AB 2853, enacted in 1980, further codified housing element requirements. Since that time, new amendments to State Housing Law have been enacted.

State Housing Law also mandates that local governments identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA).

Local

City of Porterville Housing Element. California Housing Element law requires every jurisdiction to prepare and adopt a housing element as part of a City's General Plan.

State Housing Element requirements are framed in the California Government Code, Sections 65580 through 65589, Chapter 1143, Article 10.6. The law requires the State Department of Housing and Community Development (HCD) to administer the law by reviewing housing elements for compliance with State law and by reporting its written findings to the local jurisdiction. Although State law allows local governments to decide when to update their general plans, State Housing Element law mandates that housing elements be updated every eight years. The City's Housing Element was adopted in December of 2015, and contains information on housing needs, land inventory, constraints, and a program of action.

³⁰ U.S. Department of Housing and Urban Development, Mission, <https://www.hud.gov/about/mission>. Accessed August 2022.

³¹ California Department of Housing and Community Development, Mission, <https://hcd.ca.gov/about/mission.shtml>. Accessed August 2022.

RESPONSES

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. The proposed Project would include the construction of up to 80 single-family residences and internal access roads, which would result in approximately 272 additional residents based on the estimated 3.39 persons per household for the City of Porterville, which would increase the City's population by approximately 0.44% at full buildout. The site is within the Porterville Planning Area of the General Plan and as such, residential site development is expected and has been planned for. Impacts are *less than significant*.

Mitigation Measures: None are required.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Less than Significant. There are no residential structures currently on-site. No houses will be displaced and as such, there will be *no impact*.

Mitigation Measures: None are required.

XV. PUBLIC SERVICES

Would the project:

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The Project site is in an area already served by public service systems. The nearest fire station is Porterville Fire Station 2, which is located at the Public Works complex, approximately 2.7 miles northwest of the Project site. The physical address of the fire station is 500 North Newcomb Street. The Porterville Police Department is located approximately 2.2 miles north of the Project site at 350 North D Street.

The Teapot Dome Landfill is approximately five miles southwest of the City limits, while the Porterville Wastewater Treatment Plant is located approximately 2.6 miles northwest of the Project site. Vandalia Elementary School and Pioneer Middle School are located approximately one mile to the northeast while Hope Elementary is approximately one mile south, Olive Street Elementary School and Porterville High

School are located approximately 1.6 miles north of the site, Santa Fe Elementary School approximately 1.7 miles to the northeast, John J. Doyle Elementary School approximately 2.3 miles to the northeast, and Bartlett Middle School approximately 2.2 miles to the north of the site.

Regulatory Setting

Federal

National Fire Protection Association

The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

State

California Fire Code and Building Code

The California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

RESPONSES

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the

construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Less than Significant Impact. The Project site will continue to be served by City of Porterville Fire Station No. 2, which is approximately 2.7 miles northwest of the proposed Project site. The Project applicant would be required to submit plans to the City Fire Department for review and approval prior to the issuance of building permits to ensure the Project would conform to applicable building codes and would provide an on-site fire hydrant system in the event of an on-site fire. The Project would also include local roads that would provide access to emergency vehicles in the event of a fire and would connect to the larger circulation system to ensure adequate provision of emergency access to the Project site. As such, any impacts would be less *than significant*.

Police Protection?

Less than Significant Impact. The proposed Project includes the construction of 80 single-family residential units and a neighborhood park, which will accommodate approximately 272 persons. Protection services would be provided to the Project site from the existing Porterville Police Department, approximately 2.2 miles north of the site. As the Project site is located in an area currently served by the Police Department and the site has been designated for urban use by the General Plan, the department would not need to expand its existing service area or construct a new facility to serve the Project site. The impact is *less than significant*.

Schools?

Less than Significant Impact. The Project site is located within the Porterville Unified School District. The Project site is within the Vandalia Elementary School and Pioneer Middle School boundaries. Based on school district generation rates for new housing units (0.4 elementary, 0.1 middle school and 0.2 high school students per residential unit³²), the proposed Project would generate approximately 32 elementary school students, 8 middle school students and 16 high school students. Pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. The Project applicant would be required to pay such fees to reduce any impacts of new residential development of school services.

³² Porterville 2030 General Plan EIR. SCH 2006011033. Page 234.

Payment of the developer fees will offset the addition of school-age children within the district. As such, any impacts would be *less than significant*.

Parks?

Less than Significant Impact. The City of Porterville operates 15 parks. The nearest City Park to the proposed Project site is the Pioneer Ballfield/Jamison Stadium located approximately 0.7 miles to the northeast, and the Fallen Heroes Park, approximately 1.3 miles northeast on E. Chase Avenue. Additionally, the tentative parcel map includes a neighborhood park in the center of the new development, which would be approximately 37,600 square feet (0.87 acres) in size.

To ensure sufficient recreational opportunities, the City has established a Park Impact Fee, implemented by Chapter 19, Parks, Article III, Park Impact Fee, of the Municipal Code. The Municipal Code states that parks must be constructed or expanded commensurate with growth of the City. The developer will receive a credit against their park fees as a result of the City requirement to include a park in the residential development. Additionally, the Project applicant would be required to comply with Article III of the Municipal Code. As such, any impacts would remain *less than significant*.

Other public facilities?

Less than Significant Impact. The proposed Project is within the Planning Area identified in the City's General Plan. As such, the Project would not result in increased demand on other public facilities such as library services that has not already been planned for. Any impacts would be *less than significant*.

Mitigation Measures: None are required.

XVI. RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The City of Porterville provides its residents several types of parks and recreational facilities. Parks are defined as land owned or leased by the City and used for public recreational purposes. The City classifies parks and recreational facilities in five categories: Pocket Parks, Neighborhood Parks, Community Parks, Specialized Recreation, and Trail/Parkways. Currently, the City of Porterville has 15 parks for a total of approximately 291 acres of parkland.

These facilities range in size from the 0.1-acre North Park pocket park up to the 95-acre Sports Complex facility. With a 2021 population of 62,345 residents,³³ the City has a ratio of approximately 4.67 acres of parkland per 1,000 residents. The park ratio is based on Neighborhood Parks, Community Parks, and Specialized Recreation areas only. Trails, Community Facilities and Pocket Parks do not contribute to the ratio.

Regulatory Setting

³³ E-1 Population Estimates for Cities, Counties, and the State – January 1, 2021 and 2022. State of California Department of Finance. <https://www.dof.ca.gov/forecasting/demographics/estimates/e-1/>. Accessed August 2022.

The proposed Project is being evaluated pursuant to CEQA; however, there are no additional federal, state or local regulations, plans, programs, and guidelines associated with recreation that are applicable to the proposed Project.

RESPONSES

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. As described in Impact XIV(a), the City has established a Park Impact Fee through the Municipal Code, which states that parks must be constructed or expanded commensurate with growth of the City. The City requires the applicant to pay a Park Impact Fee, dedicate land for open space, or a combination of both. The applicant intends to construct a 37,600 square foot (0.87 acre) park in the center of the residential development. As such, any impacts will be *less than significant*.

Mitigation Measures: None are required.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less than Significant Impact. As stated previously, the proposed Project includes the construction of recreation facilities (a community park) in the site development plan. The developer will receive a credit against their park fees as a result of the City requirement to include a park in the residential development. As such, the payment of a Park Impact Fee as directed by the Municipal Code is likely not required. *Less than significant impacts* would occur.

Mitigation Measures: None are required.

XVII. TRANSPORTATION/TRAFFIC

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

The proposed development is located on APN 269-060-020 and is bounded to the north by West Gibbons Avenue, and will be bound to the south by a proposed extension of Scranton Avenue. Kessing Street is approximately 340 ft. to the east, with residential subdivisions to the north, east, and south. St. Anne's Cemetery lies adjacent to and west of the site. Porterville is bisected north-to-south by State Route (SR) 65 and SR 190 runs east-west in the southern portion of the City. The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately 1.7 miles southwest of the site.

A Vehicle Miles Traveled (VMT) Analysis was performed on behalf of the proposed Project by Ruettggers & Schuler Civil Engineers (Appendix D). The following discussion and impact analysis are directly referencing this technical report.

Regulatory Setting

Federal

Federal Transit Administration.

The Federal Transit Administration (FTA) is an authority that provides financial and technical assistance to local public transit systems, including buses, subways, light rail, commuter rail, trolleys, and ferries. The FTA is funded by Title 49 of the United States Code, which states the FTA's interest in fostering the development and revitalization of public transportation.

Americans with Disabilities Act of 1990.

Titles I, II, III, IV, and V of the ADA have been codified in Title 42 of the United States Code, beginning at Section 12101. Title III prohibits discrimination on the basis of disability in “places of public accommodation” (businesses and nonprofit agencies that serve the public) and “commercial facilities” (other businesses). The regulation includes Standards for Accessible Design, which establish minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility.*State*

Senate Bill (SB) 743.

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and codified a process that changed transportation impact analysis as part of CEQA compliance. SB 743 directs the California Office of Planning and Research (OPR) to administer new CEQA guidance for jurisdictions that removes automobile vehicle delay and LOS or other similar measures of vehicular capacity or traffic congestions from CEQA transportation analysis. Rather, it requires the analysis of VMT or other measures that “promote the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses,” to be used as a basis for determining significant impacts to circulation in California. The goal of SB 743 is to appropriately balance the needs of congestion management with statewide goals related to reducing GHG emissions, encourage infill development, and promote public health through active transportation.

Local

The City of Porterville and the Tulare County Regional Transportation Plan designate level of service “D” as the minimum acceptable intersection peak hour level of service standard.

Porterville General Plan Policies

- C-G-6: Maintain acceptable levels of service and ensure that future development and the circulation system are in balance.
- C-G-7: Ensure that new development pays its fair share of the costs of transportation facilities.
- C-I-12: Continue to require that new development pay a fair share of the costs of street and other traffic and local transportation improvements based on traffic generated and impacts on traffic service levels.

RESPONSES

- a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact with Mitigation. The proposed residential Project will have access along Gibbons Avenue. Based on the latest site plan, the Project is estimated to generate a maximum of 822 average daily trips (ADT), 61 AM peak hour trips and 81 PM peak hour trips at build-out (Table 12). Baseline VMT was determined utilizing data from the California Statewide Travel Demand Model (CSTDm). The proposed residential project is located in Traffic Analysis Zone (TAZ) 2735, which has an average VMT/capita of 11.51 miles.

Table 12
Trip Generation

General Information			Daily Trips		AM Peak Hour Trips			PM Peak Hour Trips		
ITE Code	Development Type	Variable	ADT RATE	ADT	Rate	In % Split/ Trips	Out % Split/ Trips	Rate	In % Split/ Trips	Out % Split/ Trips
210	Single-Family detached Housing	80 Dwelling Units	eq	822	eq	26% 16	74% 45	eq	63% 51	37% 30
Total			822		61			81		

The proposed residential project is considered a typical project within the TAZ and therefore the project would be expected to have the same VMT per capita. There are no special considerations with the project to assume the project would produce a VMT/capita lower than the average for the TAZ. The threshold of significance for residential project VMT/capita is if the project VMT is below the average in the TAZ where the project is located. Since VMT/capita is assumed to be equal to the average for the aforementioned zone, it is anticipated that the proposed project will have a significant transportation impact prior to mitigation.

The guidelines include a minimum cost for mitigation of \$20 per daily trip generated by the Project. As noted earlier, the Project is anticipated to generate 822 daily trips, which equates to a target value of improvements of \$16,440. Proposed mitigation includes installing a total of 525 feet of sidewalk located on the east side of Jaye Street between Gibbons Avenue and Melinda Avenue, which has a total estimated Project cost of \$16,537.50. Therefore, with the construction of the identified improvements,

the Project will meet the minimum cost requirement for mitigation. At the time of construction should prices fluctuate, an adjustment in the scope of improvements may need to be made.

Pursuant to the guidelines, if a Project provides mitigation which meets the minimum threshold, the Project can presume a 1% reduction in VMT. The assumed VMT/capita reduction is 1% of 11.51 or 0.1151. The resulting VMT/capita after mitigation is 11.39 which is below the average VMT/capita in the TAZ which the Project is located. Implementation of Mitigation Measure TRA-1 will ensure impacts remain *less than significant*.

Mitigation Measures:

TRA-1

The project developer shall pay a total of \$16,537.50 in improvement fees, prior to issuance of building permits, to the City of Porterville to construct a sidewalk along the east side of Jaye Street, north of Gibbons Ave.

- c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d. Result in inadequate emergency access?

Less than Significant Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. The points of ingress/egress to the proposed Project site will be sized appropriately for emergency vehicles. As such, the proposed Project has been appropriately designed for emergency access. Any impacts would be considered *less than significant*.

Mitigation Measures: None are required.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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- a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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REGULATORY SETTING

Federal

The National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the Office of Historic Preservation, responsible for implementing statewide historic preservation programs in each state.

State

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.³⁴

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important to our past;

³⁴ California Office of Historic Preservation, Mission and Responsibilities, http://ohp.parks.ca.gov/?page_id=1066, Accessed April 2021.

- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.³⁵

Tribal Consultation Requirements: SB 18 (Burton, 2004)³⁶

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. This bill amended Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.2 to, the Government Code, relating to traditional tribal cultural Places. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe. As noted, tribes identified by the NAHC were notified by mail on October 4, 2022.

Tribal Consultation Requirements: AB 52 (Gatto, 2014)³⁷

This bill was approved by Governor Brown on September 25, 2014 and became effective July 1, 2015. This bill amended Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans. The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. This bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated (can be a tribe anywhere within the State of California) with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to

³⁵ California Office of Historic Preservation, California Register of Historical Resources: Criteria for Designation. https://ohp.parks.ca.gov/?page_id=21238. Accessed August 2022.

³⁶ Senate Bill No. 18, Chapter 905. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18. Accessed August 2022.

³⁷ Assembly Bill No. 52, Chapter 532. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52. Accessed August 2022.

determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

Existing law establishes the Native American Heritage Commission (NAHC) and vests the commission with specified powers and duties. This bill required the NAHC to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within the geographic area in which the tribe is traditionally and culturally affiliated, the contact information of those agencies, and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

The NAHC provides protection to Native American burials from vandalism and inadvertent destruction, provides a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, brings legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintains an inventory of sacred places.³⁸

The NAHC performs a Sacred Lands File search for sites located on or near the Project site upon request. The NAHC also provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. The City sent letters to the tribal governments listed by the NAHC on January 13, 2022 as required by AB 52.

Local

Porterville General Plan Policies

- OSC-I-72: Develop an agreement with Native American representatives for consultation in the cases where new development may result in disturbance to Native American sites.

RESPONSES

- a-i, a-ii. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources

³⁸ Native American Heritage Commission, About the Native American Heritage Commission <http://nahc.ca.gov/about/>. Accessed August 2022.

Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impact. A Tribal Cultural Resource (TCR) is defined under Public Resources Code Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources, or if the City of Porterville, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.

As discussed above, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Any impacts to TCR would be considered *less than significant*.

Mitigation Measures: No additional measures are required.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Utilities required to serve the proposed Project would include: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Water service, sewage disposal and refuse collection would be provided by the City of Porterville.

Regulatory Setting

State

State Water Resources Control Board (SWRCB)

Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005, et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to section 20230 of Title 2744. Several SWRCB programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

National Pollutant Discharge Elimination System (NPDES) Permit

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits. Tulare County is within the Central Valley RWQCB's jurisdiction.

In addition, the proposed Project is being evaluated pursuant to CEQA.

Local

Porterville General Plan Policies

- OSC-I-44: Work with the Regional Water Quality Control Board to ensure that all point source pollutants are adequately mitigated (as part of the CEQA review and project approval process) and monitored to ensure long-term compliance.
- OSC-I-51: Prior to the approval of individual projects, require the City Engineer and/or Building Official to verify that the provisions of applicable point source pollution programs have been satisfied.

RESPONSES

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact. Implementation of the proposed Project would include up to 80 single-family residential units on the Project site. The Project site is located within the service territory of the Porterville Wastewater Treatment Facility (WWTF). Since the WWTF is considered a publicly owned treatment works, operational discharge flows treated at the WWTF would be required to comply with applicable water discharge requirements issued by the Central Valley Regional Water Quality Control Board (RWQCB). Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the Central Valley RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTF system would not exceed applicable Central Valley RWQCB wastewater treatment requirements.

As discussed in Section X, Hydrology and Water Quality, with an increase in the area of impervious surfaces on the Project site, an increase in the amount of storm water runoff is anticipated. The site will be designed so that storm water is collected and deposited in the City's existing storm drain system. The storm water collection system design will be subject to review and approval by the City Public Works Department. Storm water during construction will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. Thus, the proposed Project would have a *less than significant impact*.

Mitigation Measures: None are required.

- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. See Section X – Hydrology for a full discussion pertaining to available water supply. The site is designated and zoned for urban development and has been accounted for in the General Plan and other infrastructure planning documents. The site land use designation is currently Public/Institutional and Low Density Residential. As a part of the Project, land use will be redesignated as Very Low Density Residential, which is a less intensive use than what was analyzed in the General Plan EIR.

The City will have sufficient supply to serve the proposed Project and as such, the proposed Project will have a *less than significant impact*.

Mitigation Measures: None are required.

- c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As discussed in Section XVIII(a), implementation of the proposed Project would result in the need for additional wastewater treatment service; however, the proposed development was accounted for in the General Plan and the land use changes proposed as a part of the project will result in a less intensive use than what was planned. In addition, as acknowledged in the General Plan, the City will begin planning for additional WWTF capacity to accommodate growth and development allowed under the General Plan when the influent flow reaches 6.4 million gallons per day (MGD). Currently, flows average 4.5 MGD.³⁹ Additionally, the proposed Project applicant would be required to comply with any applicable City and WWTF regulations and would be subject to applicable development impact fees and wastewater connection charges. Therefore, with compliance to applicable standards and payment of required fees and connection charges, the Project would not result in a significant impact related to construction or expansions of existing wastewater treatment facilities.

Mitigation Measures: None are required.

- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

³⁹ Michael Knight, City of Porterville Public Works Director, email communication.

Less than Significant Impact. Disposal services in the City are provided by the City of Porterville. As of 2004, the City's solid waste was disposed at Teapot Dome Landfill, located approximately five miles southwest of the City limits. Teapot Dome Landfill is a County-operated Class III landfill permitted to discharge up to 300 tons per day. As of 2004, the landfill was at 84.7 percent capacity with a remaining capacity of 998,468 cubic yards. According to the City's General Plan, once Teapot Dome Landfill reaches capacity, the City anticipates using its transfer facility to divert waste to the Visalia landfill.

The Visalia Disposal Site located approximately 28 miles northwest of the City limits, is a County-operated Class III landfill permitted to discharge up to 2,000 tons a day. As of 2017, there was approximately 18,000,000 cubic yards of capacity with an expected closure date of 2049.⁴⁰ The estimated closure date is considered to be worst case scenario, where diversion goals are not met.

Pena Disposal accepts all the recyclables for the City. This processing and transfer facility is approximately 35 miles from City limits and is permitted for unlimited recycling, 2,000 tons per day of mixed solid waste, 100 tons per day of yard waste and 175 tons per day of construction and demolition waste. Most household hazardous wastes, including e-waste, must be taken to various sites in Visalia, except on the biannual clean-up days when the County sets up a drop-off site in Porterville.

According to the General Plan, solid waste generation rates in Porterville are approximately 2.0 pounds per day per resident. Therefore, the proposed Project would include the development of 80 residential units resulting in a population increase of approximately 272 persons, generating approximately 544 pounds per day of solid waste.

Implementation of the proposed Project would result in an increase in solid waste disposal needs; however, this increase would be minimal and, as indicated in the General Plan, the County anticipates the available landfill capacity will be sufficient through 2030. The proposed Project would result in *less than significant* impacts to solid waste and landfill facilities.

Mitigation Measures: None are required.

e. Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. See Response f, above. The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project would be required to comply with all standards related to solid waste diversion, reduction, and recycling

⁴⁰ Jonah Trevino, Environmental Coordinator for Tulare County Solid Waste Department. Personal communication on 6/24/2021.

during Project construction and operation. The proposed Project will comply with all federal, state and local statutes and regulations related to solid waste. As such, any impacts would be *less than significant*.

Mitigation Measures: None are required.

XX. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Human activities such as smoking, debris burning, and equipment operation are the major causes of wildland fires. Within Tulare County, over 1,029,130 acres (33% of the total area) are classified as “Very High” fire threat and approximately 454,680 acres (15% of the total area) are classified as “High” fire threat. The portion of the county that transitions from the valley floor into the foothills and mountains is characterized by high to very high threat of wildland fires.⁴¹ The majority of the Porterville is developed into urban uses or in active agriculture, severely reducing the risk of wildland fire. According to the

⁴¹ Tulare County General Plan Background Report. February 2010. Page 8-21.

Tulare County Background Report Figure 8-2, the majority of the City has no threat of wildfire. The proposed Project site is relatively flat in an area actively utilized with primarily residential and agricultural uses.

RESPONSES

- a. Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less Than Significant Impact. The proposed Project is located in an area developed with residential and agricultural uses, which precludes the risk of wildfire. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread.

To receive building permits, the proposed Project would be required to be in compliance with the adopted emergency response plan. As such, any wildfire risk to the project structures or people would be *less than significant*.

Mitigation Measures: None are required.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESPONSES

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict

the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact. The analyses of environmental issues contained in this Initial Study indicate that the proposed Project may have substantial impact on the environment or on any resources identified in the Initial Study. Mitigation measures have been incorporated in the project design to reduce potential impacts to less than significant.

b. Does the project have impacts that are individually limited, but cumulatively considerable?

(“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact. CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. The proposed Project may contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc). Mitigation measures have been incorporated in the project design to reduce potential impacts to less than significant.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. The analyses of environmental issues contained in this Initial Study indicate that the project may have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the project design to reduce potential impacts to less than significant.

LIST OF PREPARERS

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California Historic Resources Information System

- Celeste Thomson, Coordinator

APPENDIX A

Land Evaluation Site Assessment

Appendix A. California Agricultural LESA Worksheets

NOTES

Calculation of the Land Evaluation (LE) Score

Part 1. Land Capability Classification (LCC) Score:

- (1) Determine the total acreage of the project.
- (2) Determine the soil types within the project area and enter them in **Column A** of the **Land Evaluation Worksheet** provided on page 2-A.
- (3) Calculate the total acres of each soil type and enter the amounts in **Column B**.
- (4) Divide the acres of each soil type (**Column B**) by the total acreage to determine the proportion of each soil type present. Enter the proportion of each soil type in **Column C**.
- (5) Determine the LCC for each soil type from the applicable Soil Survey and enter it in **Column D**.
- (6) From the LCC Scoring Table below, determine the point rating corresponding to the LCC for each soil type and enter it in **Column E**.

LCC Scoring Table

LCC Class	I	Ile	Ils,w	IIle	IIls,w	IVe	IVs,w	V	VI	VII	VIII
Points	100	90	80	70	60	50	40	30	20	10	0

- (7) Multiply the proportion of each soil type (**Column C**) by the point score (**Column E**) and enter the resulting scores in **Column F**.
- (8) Sum the LCC scores in **Column F**.
- (9) Enter the LCC score in box <1> of the **Final LESA Score Sheet** on page 10-A.

Part 2. Storie Index Score:

- (1) Determine the Storie Index rating for each soil type and enter it in **Column G**.
- (2) Multiply the proportion of each soil type (**Column C**) by the Storie Index rating (**Column G**) and enter the scores in **Column H**.
- (3) Sum the Storie Index scores in **Column H** to gain the Storie Index Score.
- (4) Enter the Storie Index Score in box <2> of the **Final LESA Score Sheet** on page 10-A.

Land Evaluation Worksheet

Land Capability Classification (LCC) and Storie Index Scores

A	B	C	D	E	F	G	H
Soil Map Unit	Project Acres	Proportion of Project Area	LCC	LCC Rating	LCC Score	Storie Index	Storie Index Score
124	3.5	0.179	3s	70	12.53	30	5.37
154	15.9	0.812	3s	70	56.84	30	24.36
155	0.2	0.009	3e	60	0.54	30	0.27
Totals	19.6	(Must Sum to 1.0)		LCC Total Score	69.37	Storie Index Total Score	30

Site Assessment Worksheet 1.

Project Size Score

I	J	K
LCC Class I - II	LCC Class III	LCC Class IV - VIII
	3.5	
	15.9	
	0.2	
	19.6	
Total Acres		
Project Size Scores	30	

**Highest Project
Size Score**

30

NOTES

Calculation of the Site Assessment (SA) Score

Part 1. Project Size Score:

- (1) Using **Site Assessment Worksheet 1** provided on page 2-A, enter the acreage of each soil type from **Column B** in the **Column - I, J or K** - that corresponds to the LCC for that soil. (Note: While the Project Size Score is a component of the Site Assessment calculations, the score sheet is an extension of data collected in the Land Evaluation Worksheet, and is therefore displayed beside it).
- (2) Sum **Column I** to determine the total amount of class I and II soils on the project site.
- (3) Sum **Column J** to determine the total amount of class III soils on the project site.
- (4) Sum **Column K** to determine the total amount of class IV and lower soils on the project site.
- (5) Compare the total score for each LCC group in the Project Size Scoring Table below and determine which group receives the highest score.

Project Size Scoring Table

Class I or II		Class III		Class IV or Lower	
Acreage	Points	Acreage	Points	Acreage	Points
>80	100	>160	100	>320	100
60-79	90	120-159	90	240-319	80
40-59	80	80-119	80	160-239	60
20-39	50	60-79	70	100-159	40
10-19	30	40-59	60	40-99	20
10<	0	20-39	30	40<	0
		10-19	10		
		10<	0		

- (6) Enter the **Project Size Score** (the highest score from the three LCC categories) in box <3> of the **Final LESA Score Sheet** on page 10-A.

NOTES

Part 2. Water Resource Availability Score:

(1) Determine the type(s) of irrigation present on the project site, including a determination of whether there is dryland agricultural activity as well.

(2) Divide the site into portions according to the type or types of irrigation or dryland cropping that is available in each portion. Enter this information in **Column B** of **Site Assessment Worksheet 2. - Water Resources Availability**.

(3) Determine the proportion of the total site represented for each portion identified, and enter this information in **Column C**.

(4) Using the Water Resources Availability Scoring Table, identify the option that is most applicable for each portion, based upon the feasibility of irrigation in drought and non-drought years, and whether physical or economic restrictions are likely to exist. Enter the applicable Water Resource Availability Score into **Column D**.

(5) Multiply the Water Resource Availability Score for each portion by the proportion of the project area it represents to determine the weighted score for each portion in **Column E**.

(6) Sum the scores for all portions to determine the project's total Water Resources Availability Score

(7) Enter the Water Resource Availability Score in box <4> of the **Final LESA Score Sheet** on page 10-A.

Site Assessment Worksheet 2. - Water Resources Availability

A	B	C	D	E
Project Portion	Water Source	Proportion of Project Area	Water Availability Score	Weighted Availability Score (C x D)
1	Groundwater	1	90	90
2				
3				
4				
5				
6				
		(Must Sum to 1.0)	Total Water Resource Score	90

Water Resource Availability Scoring Table

Option	Non-Drought Years			Drought Years			WATER RESOURCE SCORE
	RESTRICTIONS			RESTRICTIONS			
	Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions ?	Irrigated Production Feasible?	Physical Restrictions ?	Economic Restrictions ?	
1	YES	NO	NO	YES	NO	NO	100
2	YES	NO	NO	YES	NO	YES	95
3	YES	NO	YES	YES	NO	YES	90
4	YES	NO	NO	YES	YES	NO	85
5	YES	NO	NO	YES	YES	YES	80
6	YES	YES	NO	YES	YES	NO	75
7	YES	YES	YES	YES	YES	YES	65
8	YES	NO	NO	NO	-- --	-- --	50
9	YES	NO	YES	NO	-- --	-- --	45
10	YES	YES	NO	NO	-- --	-- --	35
11	YES	YES	YES	NO	-- --	-- --	30
12	Irrigated production not feasible, but rainfall adequate for dryland production in both drought and non-drought years						25
13	Irrigated production not feasible, but rainfall adequate for dryland production in non-drought years (but not in drought years)						20
14	Neither irrigated nor dryland production feasible						0

NOTES

Part 3. Surrounding Agricultural Land Use Score:

- (1) Calculate the project's Zone of Influence (ZOI) as follows:
 - (a) a rectangle is drawn around the project such that the rectangle is the smallest that can completely encompass the project area.
 - (b) a second rectangle is then drawn which extends one quarter mile on all sides beyond the first rectangle.
 - (c) The ZOI includes all parcels that are contained within or are intersected by the second rectangle, less the area of the project itself.
- (2) Sum the area of all parcels to determine the total acreage of the ZOI.
- (3) Determine which parcels are in agricultural use and sum the areas of these parcels
- (4) Divide the area in agriculture found in step (3) by the total area of the ZOI found in step (2) to determine the percent of the ZOI that is in agricultural use.
- (5) Determine the Surrounding Agricultural Land Score utilizing the Surrounding Agricultural Land Scoring Table below.

Surrounding Agricultural Land Scoring Table

Percent of ZOI in Agriculture	Surrounding Agricultural Land Score
90-100	100
80-89	90
75-79	80
70-74	70
65-69	60
60-64	50
55-59	40
50-54	30
45-49	20
40-44	10
<40	0

- (5) Enter the Surrounding Agricultural Land Score in box <5> of the **Final LESA Score Sheet** on page 10-A.

Site Assessment Worksheet 3.

Surrounding Agricultural Land and Surrounding Protected Resource Land

A	B	C	D	E	F	G
Zone of Influence					Surrounding Agricultural Land Score (From Table)	Surrounding Protected Resource Land Score (From Table)
Total Acres	Acres in Agriculture	Acres of Protected Resource Land	Percent in Agriculture (A/B)	Percent Protected Resource Land (A/C)		
263	111.1	49.3	42.25	18.75	10	0

NOTES

Part 4. Protected Resource Lands Score:

The Protected Resource Lands scoring relies upon the same Zone of Influence information gathered in Part 3, and figures are entered in Site Assessment Worksheet 3, which combines the surrounding agricultural and protected lands calculations.

- (1) Use the total area of the ZOI calculated in Part 3. for the Surrounding Agricultural Land Use score.
- (2) Sum the area of those parcels within the ZOI that are protected resource lands, as defined in the California Agricultural LESA Guidelines.
- (3) Divide the area that is determined to be protected in Step (2) by the total acreage of the ZOI to determine the percentage of the surrounding area that is under resource protection.
- (4) Determine the Surrounding Protected Resource Land Score utilizing the Surrounding Protected Resource Land Scoring Table below.

Surrounding Protected Resource Land Scoring Table

Percent of ZOI Protected	Protected Resource Land Score
90-100	100
80-89	90
75-79	80
70-74	70
65-69	60
60-64	50
55-59	40
50-54	30
45-49	20
40-44	10
<40	0

- (5) Enter the Protected Resource Land score in box <6> of the **Final LESA Score Sheet** on page 10-A.

NOTES

Final LESA Score Sheet

Calculation of the Final LESA Score:

- (1) Multiply each factor score by the factor weight to determine the weighted score and enter in Weighted Factor Scores column.
- (2) Sum the weighted factor scores for the LE factors to determine the total LE score for the project.
- (3) Sum the weighted factor scores for the SA factors to determine the total SA score for the project.
- (4) Sum the total LE and SA scores to determine the Final LESA Score for the project.

	Factor Scores	Factor Weight	Weighted Factor Scores
<u>LE Factors</u>			
Land Capability Classification	<1> 69.37	0.25	17.343
Storie Index	<2> 30	0.25	7.5
LE Subtotal		0.50	24.843
<u>SA Factors</u>			
Project Size	<3> 30	0.15	4.5
Water Resource Availability	<4> 90	0.15	13.5
Surrounding Agricultural Land	<5> 0	0.15	1.5
Protected Resource Land	<6> 0	0.05	0
SA Subtotal		0.50	19.5
Final LESA Score			44.343

For further information on the scoring thresholds under the California Agricultural LESA Model, consult Section 4 of the Instruction Manual.

APPENDIX B

CalEEMod Output Files

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Smee Homes Sierra Meadows Residential Project
San Joaquin Valley Unified APCD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	0.87	Acre	0.87	37,897.20	0
Single Family Housing	80.00	Dwelling Unit	20.50	144,000.00	254

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.7	Precipitation Freq (Days)	45
Climate Zone	7			Operational Year	2024
Utility Company					
CO2 Intensity (lb/MWhr)	0	CH4 Intensity (lb/MWhr)	0	N2O Intensity (lb/MWhr)	0

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Development of single-family residential housing including a neighborhood park.

Land Use - Project includes 80 single-family residences and one neighborhood park.

Table Name	Column Name	Default Value	New Value
tblLandUse	LotAcreage	25.97	20.50
tblWoodstoves	NumberCatalytic	20.50	0.00
tblWoodstoves	NumberNoncatalytic	20.50	0.00

2.0 Emissions Summary

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.1493	1.4678	1.2210	2.4400e-003	0.2742	0.0672	0.3413	0.1184	0.0623	0.1807	0.0000	214.2565	214.2565	0.0584	1.3200e-003	216.1100
2023	0.2250	1.9686	2.2837	4.3000e-003	0.0597	0.0918	0.1515	0.0162	0.0864	0.1025	0.0000	376.9162	376.9162	0.0730	6.7400e-003	380.7509
2024	1.4173	0.5762	0.7441	1.3600e-003	0.0171	0.0258	0.0428	4.6100e-003	0.0242	0.0288	0.0000	119.3940	119.3940	0.0251	1.7100e-003	120.5297
Maximum	1.4173	1.9686	2.2837	4.3000e-003	0.2742	0.0918	0.3413	0.1184	0.0864	0.1807	0.0000	376.9162	376.9162	0.0730	6.7400e-003	380.7509

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.1493	1.4678	1.2210	2.4400e-003	0.2742	0.0672	0.3413	0.1184	0.0623	0.1807	0.0000	214.2562	214.2562	0.0584	1.3200e-003	216.1098
2023	0.2250	1.9686	2.2837	4.3000e-003	0.0597	0.0918	0.1515	0.0162	0.0864	0.1025	0.0000	376.9158	376.9158	0.0730	6.7400e-003	380.7505
2024	1.4173	0.5762	0.7441	1.3600e-003	0.0171	0.0258	0.0428	4.6100e-003	0.0242	0.0288	0.0000	119.3939	119.3939	0.0251	1.7100e-003	120.5295
Maximum	1.4173	1.9686	2.2837	4.3000e-003	0.2742	0.0918	0.3413	0.1184	0.0864	0.1807	0.0000	376.9158	376.9158	0.0730	6.7400e-003	380.7505

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	8-2-2022	11-1-2022	1.2183	1.2183
2	11-2-2022	2-1-2023	0.5890	0.5890
3	2-2-2023	5-1-2023	0.5368	0.5368
4	5-2-2023	8-1-2023	0.5540	0.5540
5	8-2-2023	11-1-2023	0.5545	0.5545
6	11-2-2023	2-1-2024	0.5432	0.5432
7	2-2-2024	5-1-2024	0.5428	0.5428
8	5-2-2024	8-1-2024	1.2684	1.2684
		Highest	1.2684	1.2684

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**2.2 Overall Operational****Unmitigated Operational**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.6000e-003	6.4000e-004	35.8561
Energy	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497
Mobile	0.3777	0.6752	3.5596	8.4800e-003	0.8123	7.6100e-003	0.8199	0.2174	7.1500e-003	0.2246	0.0000	796.5691	796.5691	0.0417	0.0445	810.8596
Waste						0.0000	0.0000		0.0000	0.0000	19.4141	0.0000	19.4141	1.1473	0.0000	48.0975
Water						0.0000	0.0000		0.0000	0.0000	1.6536	0.0000	1.6536	0.1698	4.0100e-003	7.0948
Total	1.1073	0.7996	4.2034	9.2600e-003	0.8123	0.0204	0.8327	0.2174	0.0199	0.2373	21.0677	933.6428	954.7105	1.3625	0.0510	1,003.9577

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.6000e-003	6.4000e-004	35.8561
Energy	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497
Mobile	0.3777	0.6752	3.5596	8.4800e-003	0.8123	7.6100e-003	0.8199	0.2174	7.1500e-003	0.2246	0.0000	796.5691	796.5691	0.0417	0.0445	810.8596
Waste						0.0000	0.0000		0.0000	0.0000	19.4141	0.0000	19.4141	1.1473	0.0000	48.0975
Water						0.0000	0.0000		0.0000	0.0000	1.6536	0.0000	1.6536	0.1698	4.0100e-003	7.0948
Total	1.1073	0.7996	4.2034	9.2600e-003	0.8123	0.0204	0.8327	0.2174	0.0199	0.2373	21.0677	933.6428	954.7105	1.3625	0.0510	1,003.9577

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail**Construction Phase**

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	8/2/2022	8/29/2022	5	20	
2	Site Preparation	Site Preparation	8/30/2022	9/12/2022	5	10	
3	Grading	Grading	9/13/2022	10/31/2022	5	35	

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4	Building Construction	Building Construction	11/1/2022	4/1/2024	5	370
5	Paving	Paving	4/2/2024	4/29/2024	5	20
6	Architectural Coating	Architectural Coating	4/30/2024	5/27/2024	5	20

Acres of Grading (Site Preparation Phase): 15**Acres of Grading (Grading Phase): 105****Acres of Paving: 0****Residential Indoor: 291,600; Residential Outdoor: 97,200; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)****OffRoad Equipment**

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	7.00	231	0.29
Demolition	Excavators	3	8.00	158	0.38
Grading	Excavators	2	8.00	158	0.38
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Grading	Graders	1	8.00	187	0.41
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	8.00	97	0.37

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Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	45.00	15.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	9.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction**3.2 Demolition - 2022****Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0264	0.2572	0.2059	3.9000e-004		0.0124	0.0124		0.0116	0.0116	0.0000	33.9902	33.9902	9.5500e-003	0.0000	34.2289
Total	0.0264	0.2572	0.2059	3.9000e-004		0.0124	0.0124		0.0116	0.0116	0.0000	33.9902	33.9902	9.5500e-003	0.0000	34.2289

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.1000e-004	3.6000e-004	4.0900e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9973	0.9973	3.0000e-005	3.0000e-005	1.0073
Total	5.1000e-004	3.6000e-004	4.0900e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9973	0.9973	3.0000e-005	3.0000e-005	1.0073

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0264	0.2572	0.2059	3.9000e-004		0.0124	0.0124		0.0116	0.0116	0.0000	33.9902	33.9902	9.5500e-003	0.0000	34.2289
Total	0.0264	0.2572	0.2059	3.9000e-004		0.0124	0.0124		0.0116	0.0116	0.0000	33.9902	33.9902	9.5500e-003	0.0000	34.2289

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	5.1000e-004	3.6000e-004	4.0900e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9973	0.9973	3.0000e-005	3.0000e-005	1.0073
Total	5.1000e-004	3.6000e-004	4.0900e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9973	0.9973	3.0000e-005	3.0000e-005	1.0073

3.3 Site Preparation - 2022**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0983	0.0000	0.0983	0.0505	0.0000	0.0505	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0159	0.1654	0.0985	1.9000e-004		8.0600e-003	8.0600e-003		7.4200e-003	7.4200e-003	0.0000	16.7197	16.7197	5.4100e-003	0.0000	16.8549
Total	0.0159	0.1654	0.0985	1.9000e-004	0.0983	8.0600e-003	0.1064	0.0505	7.4200e-003	0.0579	0.0000	16.7197	16.7197	5.4100e-003	0.0000	16.8549

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	2.2000e-004	2.4500e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5984	0.5984	2.0000e-005	2.0000e-005	0.6044
Total	3.1000e-004	2.2000e-004	2.4500e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5984	0.5984	2.0000e-005	2.0000e-005	0.6044

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0983	0.0000	0.0983	0.0505	0.0000	0.0505	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0159	0.1654	0.0985	1.9000e-004		8.0600e-003	8.0600e-003		7.4200e-003	7.4200e-003	0.0000	16.7197	16.7197	5.4100e-003	0.0000	16.8549
Total	0.0159	0.1654	0.0985	1.9000e-004	0.0983	8.0600e-003	0.1064	0.0505	7.4200e-003	0.0579	0.0000	16.7197	16.7197	5.4100e-003	0.0000	16.8549

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	3.1000e-004	2.2000e-004	2.4500e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5984	0.5984	2.0000e-005	2.0000e-005	0.6044
Total	3.1000e-004	2.2000e-004	2.4500e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5984	0.5984	2.0000e-005	2.0000e-005	0.6044

3.4 Grading - 2022**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1611	0.0000	0.1611	0.0639	0.0000	0.0639	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0634	0.6798	0.5082	1.0900e-003		0.0286	0.0286		0.0263	0.0263	0.0000	95.4356	95.4356	0.0309	0.0000	96.2072
Total	0.0634	0.6798	0.5082	1.0900e-003	0.1611	0.0286	0.1897	0.0639	0.0263	0.0903	0.0000	95.4356	95.4356	0.0309	0.0000	96.2072

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	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2000e-003	8.4000e-004	9.5400e-003	3.0000e-005	2.8000e-003	2.0000e-005	2.8100e-003	7.4000e-004	1.0000e-005	7.6000e-004	0.0000	2.3270	2.3270	8.0000e-005	7.0000e-005	2.3504
Total	1.2000e-003	8.4000e-004	9.5400e-003	3.0000e-005	2.8000e-003	2.0000e-005	2.8100e-003	7.4000e-004	1.0000e-005	7.6000e-004	0.0000	2.3270	2.3270	8.0000e-005	7.0000e-005	2.3504

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1611	0.0000	0.1611	0.0639	0.0000	0.0639	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0634	0.6798	0.5082	1.0900e-003		0.0286	0.0286		0.0263	0.0263	0.0000	95.4354	95.4354	0.0309	0.0000	96.2071
Total	0.0634	0.6798	0.5082	1.0900e-003	0.1611	0.0286	0.1897	0.0639	0.0263	0.0903	0.0000	95.4354	95.4354	0.0309	0.0000	96.2071

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.4 Grading - 2022****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2000e-003	8.4000e-004	9.5400e-003	3.0000e-005	2.8000e-003	2.0000e-005	2.8100e-003	7.4000e-004	1.0000e-005	7.6000e-004	0.0000	2.3270	2.3270	8.0000e-005	7.0000e-005	2.3504
Total	1.2000e-003	8.4000e-004	9.5400e-003	3.0000e-005	2.8000e-003	2.0000e-005	2.8100e-003	7.4000e-004	1.0000e-005	7.6000e-004	0.0000	2.3270	2.3270	8.0000e-005	7.0000e-005	2.3504

3.5 Building Construction - 2022**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0375	0.3435	0.3600	5.9000e-004		0.0178	0.0178		0.0168	0.0168	0.0000	50.9796	50.9796	0.0122	0.0000	51.2849
Total	0.0375	0.3435	0.3600	5.9000e-004		0.0178	0.0178		0.0168	0.0168	0.0000	50.9796	50.9796	0.0122	0.0000	51.2849

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2022****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.1000e-004	0.0181	5.2100e-003	7.0000e-005	2.1900e-003	2.0000e-004	2.3900e-003	6.3000e-004	1.9000e-004	8.2000e-004	0.0000	6.6265	6.6265	4.0000e-005	9.9000e-004	6.9236
Worker	3.3900e-003	2.3900e-003	0.0270	7.0000e-005	7.9100e-003	4.0000e-005	7.9600e-003	2.1000e-003	4.0000e-005	2.1400e-003	0.0000	6.5822	6.5822	2.2000e-004	2.0000e-004	6.6484
Total	4.1000e-003	0.0205	0.0322	1.4000e-004	0.0101	2.4000e-004	0.0104	2.7300e-003	2.3000e-004	2.9600e-003	0.0000	13.2087	13.2087	2.6000e-004	1.1900e-003	13.5720

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0375	0.3435	0.3600	5.9000e-004		0.0178	0.0178		0.0168	0.0168	0.0000	50.9795	50.9795	0.0122	0.0000	51.2848
Total	0.0375	0.3435	0.3600	5.9000e-004		0.0178	0.0178		0.0168	0.0168	0.0000	50.9795	50.9795	0.0122	0.0000	51.2848

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2022****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	7.1000e-004	0.0181	5.2100e-003	7.0000e-005	2.1900e-003	2.0000e-004	2.3900e-003	6.3000e-004	1.9000e-004	8.2000e-004	0.0000	6.6265	6.6265	4.0000e-005	9.9000e-004	6.9236
Worker	3.3900e-003	2.3900e-003	0.0270	7.0000e-005	7.9100e-003	4.0000e-005	7.9600e-003	2.1000e-003	4.0000e-005	2.1400e-003	0.0000	6.5822	6.5822	2.2000e-004	2.0000e-004	6.6484
Total	4.1000e-003	0.0205	0.0322	1.4000e-004	0.0101	2.4000e-004	0.0104	2.7300e-003	2.3000e-004	2.9600e-003	0.0000	13.2087	13.2087	2.6000e-004	1.1900e-003	13.5720

3.5 Building Construction - 2023**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2045	1.8700	2.1117	3.5000e-003		0.0910	0.0910		0.0856	0.0856	0.0000	301.3462	301.3462	0.0717	0.0000	303.1383
Total	0.2045	1.8700	2.1117	3.5000e-003		0.0910	0.0910		0.0856	0.0856	0.0000	301.3462	301.3462	0.0717	0.0000	303.1383

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2023****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.1500e-003	0.0862	0.0264	3.9000e-004	0.0129	5.6000e-004	0.0135	3.7400e-003	5.3000e-004	4.2700e-003	0.0000	37.6968	37.6968	1.6000e-004	5.6400e-003	39.3815
Worker	0.0184	0.0123	0.1456	4.1000e-004	0.0468	2.5000e-004	0.0470	0.0124	2.3000e-004	0.0127	0.0000	37.8732	37.8732	1.1800e-003	1.1000e-003	38.2311
Total	0.0205	0.0985	0.1720	8.0000e-004	0.0597	8.1000e-004	0.0605	0.0162	7.6000e-004	0.0169	0.0000	75.5700	75.5700	1.3400e-003	6.7400e-003	77.6126

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2045	1.8700	2.1117	3.5000e-003		0.0910	0.0910		0.0856	0.0856	0.0000	301.3458	301.3458	0.0717	0.0000	303.1380
Total	0.2045	1.8700	2.1117	3.5000e-003		0.0910	0.0910		0.0856	0.0856	0.0000	301.3458	301.3458	0.0717	0.0000	303.1380

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2023****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.1500e-003	0.0862	0.0264	3.9000e-004	0.0129	5.6000e-004	0.0135	3.7400e-003	5.3000e-004	4.2700e-003	0.0000	37.6968	37.6968	1.6000e-004	5.6400e-003	39.3815
Worker	0.0184	0.0123	0.1456	4.1000e-004	0.0468	2.5000e-004	0.0470	0.0124	2.3000e-004	0.0127	0.0000	37.8732	37.8732	1.1800e-003	1.1000e-003	38.2311
Total	0.0205	0.0985	0.1720	8.0000e-004	0.0597	8.1000e-004	0.0605	0.0162	7.6000e-004	0.0169	0.0000	75.5700	75.5700	1.3400e-003	6.7400e-003	77.6126

3.5 Building Construction - 2024**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0486	0.4436	0.5335	8.9000e-004		0.0202	0.0202		0.0190	0.0190	0.0000	76.5102	76.5102	0.0181	0.0000	76.9625
Total	0.0486	0.4436	0.5335	8.9000e-004		0.0202	0.0202		0.0190	0.0190	0.0000	76.5102	76.5102	0.0181	0.0000	76.9625

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2024****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.3000e-004	0.0219	6.5400e-003	1.0000e-004	3.2800e-003	1.4000e-004	3.4300e-003	9.5000e-004	1.4000e-004	1.0800e-003	0.0000	9.4163	9.4163	4.0000e-005	1.4100e-003	9.8369
Worker	4.3000e-003	2.7600e-003	0.0342	1.0000e-004	0.0119	6.0000e-005	0.0119	3.1600e-003	5.0000e-005	3.2100e-003	0.0000	9.3729	9.3729	2.7000e-004	2.6000e-004	9.4566
Total	4.8300e-003	0.0247	0.0407	2.0000e-004	0.0152	2.0000e-004	0.0154	4.1100e-003	1.9000e-004	4.2900e-003	0.0000	18.7892	18.7892	3.1000e-004	1.6700e-003	19.2935

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0486	0.4436	0.5335	8.9000e-004		0.0202	0.0202		0.0190	0.0190	0.0000	76.5101	76.5101	0.0181	0.0000	76.9624
Total	0.0486	0.4436	0.5335	8.9000e-004		0.0202	0.0202		0.0190	0.0190	0.0000	76.5101	76.5101	0.0181	0.0000	76.9624

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.5 Building Construction - 2024****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.3000e-004	0.0219	6.5400e-003	1.0000e-004	3.2800e-003	1.4000e-004	3.4300e-003	9.5000e-004	1.4000e-004	1.0800e-003	0.0000	9.4163	9.4163	4.0000e-005	1.4100e-003	9.8369
Worker	4.3000e-003	2.7600e-003	0.0342	1.0000e-004	0.0119	6.0000e-005	0.0119	3.1600e-003	5.0000e-005	3.2100e-003	0.0000	9.3729	9.3729	2.7000e-004	2.6000e-004	9.4566
Total	4.8300e-003	0.0247	0.0407	2.0000e-004	0.0152	2.0000e-004	0.0154	4.1100e-003	1.9000e-004	4.2900e-003	0.0000	18.7892	18.7892	3.1000e-004	1.6700e-003	19.2935

3.6 Paving - 2024**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1885
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1885

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.6 Paving - 2024****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.3000e-004	2.8000e-004	3.4500e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9468	0.9468	3.0000e-005	3.0000e-005	0.9552
Total	4.3000e-004	2.8000e-004	3.4500e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9468	0.9468	3.0000e-005	3.0000e-005	0.9552

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1884
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	9.8800e-003	0.0953	0.1463	2.3000e-004		4.6900e-003	4.6900e-003		4.3100e-003	4.3100e-003	0.0000	20.0265	20.0265	6.4800e-003	0.0000	20.1884

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.6 Paving - 2024****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.3000e-004	2.8000e-004	3.4500e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9468	0.9468	3.0000e-005	3.0000e-005	0.9552
Total	4.3000e-004	2.8000e-004	3.4500e-003	1.0000e-005	1.2000e-003	1.0000e-005	1.2100e-003	3.2000e-004	1.0000e-005	3.2000e-004	0.0000	0.9468	0.9468	3.0000e-005	3.0000e-005	0.9552

3.7 Architectural Coating - 2024**Unmitigated Construction On-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.3516					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.8100e-003	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5569
Total	1.3534	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5569

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.7 Architectural Coating - 2024****Unmitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.7000e-004	2.0700e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5681	0.5681	2.0000e-005	2.0000e-005	0.5731
Total	2.6000e-004	1.7000e-004	2.0700e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5681	0.5681	2.0000e-005	2.0000e-005	0.5731

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	1.3516					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	1.8100e-003	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5568
Total	1.3534	0.0122	0.0181	3.0000e-005		6.1000e-004	6.1000e-004		6.1000e-004	6.1000e-004	0.0000	2.5533	2.5533	1.4000e-004	0.0000	2.5568

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**3.7 Architectural Coating - 2024****Mitigated Construction Off-Site**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	1.7000e-004	2.0700e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5681	0.5681	2.0000e-005	2.0000e-005	0.5731
Total	2.6000e-004	1.7000e-004	2.0700e-003	1.0000e-005	7.2000e-004	0.0000	7.2000e-004	1.9000e-004	0.0000	1.9000e-004	0.0000	0.5681	0.5681	2.0000e-005	2.0000e-005	0.5731

4.0 Operational Detail - Mobile**4.1 Mitigation Measures Mobile**

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.3777	0.6752	3.5596	8.4800e-003	0.8123	7.6100e-003	0.8199	0.2174	7.1500e-003	0.2246	0.0000	796.5691	796.5691	0.0417	0.0445	810.8596
Unmitigated	0.3777	0.6752	3.5596	8.4800e-003	0.8123	7.6100e-003	0.8199	0.2174	7.1500e-003	0.2246	0.0000	796.5691	796.5691	0.0417	0.0445	810.8596

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	0.68	1.71	1.91	2,136	2,136
Single Family Housing	755.20	763.20	684.00	2,162,268	2,162,268
Total	755.88	764.91	685.91	2,164,404	2,164,404

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	9.50	7.30	7.30	33.00	48.00	19.00	66	28	6
Single Family Housing	10.80	7.30	7.50	45.60	19.00	35.40	86	11	3

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.511221	0.052103	0.170611	0.160645	0.028932	0.007649	0.013284	0.025916	0.000654	0.000315	0.023645	0.001472	0.003552
Single Family Housing	0.511221	0.052103	0.170611	0.160645	0.028932	0.007649	0.013284	0.025916	0.000654	0.000315	0.023645	0.001472	0.003552

5.0 Energy Detail

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497
NaturalGas Unmitigated	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**5.2 Energy by Land Use - NaturalGas****Unmitigated**

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Single Family Housing	1.90104e+006	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497
Total		0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Single Family Housing	1.90104e+006	0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497
Total		0.0103	0.0876	0.0373	5.6000e-004		7.0800e-003	7.0800e-003		7.0800e-003	7.0800e-003	0.0000	101.4468	101.4468	1.9400e-003	1.8600e-003	102.0497

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**5.3 Energy by Land Use - Electricity****Unmitigated**

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	635116	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Single Family Housing	635116	0.0000	0.0000	0.0000	0.0000
Total		0.0000	0.0000	0.0000	0.0000

6.0 Area Detail

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**6.1 Mitigation Measures Area**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.6000e-003	6.4000e-004	35.8561
Unmitigated	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.6000e-003	6.4000e-004	35.8561

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**6.2 Area by SubCategory****Unmitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1352					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.5628					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	3.5000e-003	0.0299	0.0127	1.9000e-004		2.4200e-003	2.4200e-003		2.4200e-003	2.4200e-003	0.0000	34.6566	34.6566	6.6000e-004	6.4000e-004	34.8625
Landscaping	0.0179	6.8400e-003	0.5938	3.0000e-005		3.2900e-003	3.2900e-003		3.2900e-003	3.2900e-003	0.0000	0.9703	0.9703	9.3000e-004	0.0000	0.9936
Total	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.5900e-003	6.4000e-004	35.8561

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**6.2 Area by SubCategory****Mitigated**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.1352					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.5628					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Hearth	3.5000e-003	0.0299	0.0127	1.9000e-004		2.4200e-003	2.4200e-003		2.4200e-003	2.4200e-003	0.0000	34.6566	34.6566	6.6000e-004	6.4000e-004	34.8625
Landscaping	0.0179	6.8400e-003	0.5938	3.0000e-005		3.2900e-003	3.2900e-003		3.2900e-003	3.2900e-003	0.0000	0.9703	0.9703	9.3000e-004	0.0000	0.9936
Total	0.7193	0.0368	0.6065	2.2000e-004		5.7100e-003	5.7100e-003		5.7100e-003	5.7100e-003	0.0000	35.6269	35.6269	1.5900e-003	6.4000e-004	35.8561

7.0 Water Detail**7.1 Mitigation Measures Water**

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	1.6536	0.1698	4.0100e-003	7.0948
Unmitigated	1.6536	0.1698	4.0100e-003	7.0948

7.2 Water by Land Use**Unmitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 1.03659	0.0000	0.0000	0.0000	0.0000
Single Family Housing	5.21232 / 3.28603	1.6536	0.1698	4.0100e-003	7.0948
Total		1.6536	0.1698	4.0100e-003	7.0948

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**7.2 Water by Land Use****Mitigated**

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 1.03659	0.0000	0.0000	0.0000	0.0000
Single Family Housing	5.21232 / 3.28603	1.6536	0.1698	4.0100e-003	7.0948
Total		1.6536	0.1698	4.0100e-003	7.0948

8.0 Waste Detail**8.1 Mitigation Measures Waste****Category/Year**

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	19.4141	1.1473	0.0000	48.0975
Unmitigated	19.4141	1.1473	0.0000	48.0975

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied**8.2 Waste by Land Use****Unmitigated**

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.07	0.0142	8.4000e-004	0.0000	0.0352
Single Family Housing	95.57	19.3999	1.1465	0.0000	48.0623
Total		19.4141	1.1473	0.0000	48.0975

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.07	0.0142	8.4000e-004	0.0000	0.0352
Single Family Housing	95.57	19.3999	1.1465	0.0000	48.0623
Total		19.4141	1.1473	0.0000	48.0975

9.0 Operational Offroad

Smee Homes Sierra Meadows Residential Project - San Joaquin Valley Unified APCD Air District, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
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10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type
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Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type
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User Defined Equipment

Equipment Type	Number
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11.0 Vegetation

APPENDIX C

CHRIS Results Letter



To: Emily Bowen
Crawford & Bowen Planning, Inc.
113 N. Church Street, Suite 302
Visalia, CA 93291

Record Search 22-294

Date: August 1, 2022

Re: Sierra Meadows Smee Homes Project

County: Tulare

Map(s): Porterville 7.5'

CULTURAL RESOURCES RECORDS SEARCH

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.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, the OHP Built Environment Resources Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP 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.

PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there has been no previous cultural resource studies conducted within the project area. There have been three cultural resource studies conducted within the one-half mile radius: TU-00489, 01832, 01886.

KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there are no recorded resource within the project area. There are two known resources within the one-half mile radius: P-54-002208, 004626. These resources are known as the Poplar Ditch and the Southern Pacific Railroad.

There are no other recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

COMMENTS AND RECOMMENDATIONS

We understand this project consists of the development of 80 single family residential units, a neighborhood park, and the future extension of Scranton Avenue to the west. We also understand the Project site is currently vacant with minimal vegetation. According to aerial photos this project area is past agricultural land. Please note that agriculture does not constitute previous development, as it does not destroy cultural resources, but merely moves them around within the plow zone. Because none of this project area has been previously studied for cultural resources, it is unknown if any are present. As such, prior to ground disturbance activities, we recommend a qualified, professional consultant conduct a field survey to determine if cultural resources are present. A list of qualified consultants can be found at www.chrisinfo.org.

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission can consult their "Sacred Lands Inventory" file to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:



Jeremy E David, Assistant Coordinator

Date: August 1, 2022

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

APPENDIX D

Vehicle Miles Traveled Analysis



1800 30th Street, Suite 260
Bakersfield, CA 93301

December 13, 2022

524-25
Electronic Mail

Emily Bowen
Crawford & Bowen
113 N. Church Street, Suite 302
Visalia, CA 93291

REF: Vehicle Miles Traveled (VMT) Analysis for Proposed Residential Development Located on Gibbons Avenue West of Jaye Street in Porterville, CA.

Dear Ms. Bowen:

This letter is in response to your request for a Vehicle Miles Traveled (VMT) analysis, as required by the City of Porterville for a proposed single-family residential development. The proposed project is located on Gibbons Avenue west of Jaye Street in Porterville, CA and will consist of 80 single-family lots. Proposed project access will be along Gibbons Avenue.

Trip Generation

The trip generation volumes shown in Table 1 were calculated using the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition. The ADT, AM, and PM peak hour rates and the peak hour directional splits for ITE Land Use Code 210 (Single-Family Residential) were used to estimate the project traffic volumes.

Table 1
Trip Generation

General Information			Daily Trips		AM Peak Hour Trips			PM Peak Hour Trips		
ITE Code	Development Type	Variable	ADT RATE	ADT	Rate	In % Split/ Trips	Out % Split/ Trips	Rate	In % Split/ Trips	Out % Split/ Trips
210	Single-Family detached Housing	80 Dwelling Units	eq	822	eq	26% 16	74% 45	eq	63% 51	37% 30
Total			822		61			81		

The results of the trip generation calculations show that the project would generate approximately 822 daily trips, 81 trips during the PM peak hour and 61 trips during the AM peak hour of a typical weekday.

Vehicle Miles Traveled (VMT) Evaluation

An evaluation of vehicle miles traveled (VMT) for project traffic was conducted in accordance with California Environmental Quality Act (CEQA) requirements. The City of Porterville has adopted the “County of Tulare SB 743 Guidelines”, dated June 8, 2020, which contains recommendations regarding VMT assessment, significance thresholds and mitigation measures.

Analysis

Baseline VMT is determined utilizing data from the California Statewide Travel Demand Model (CSTDM). The proposed residential project is located in Traffic Analysis Zone (TAZ) 2735, which has an average VMT/capita of 11.51 miles. The proposed residential project is considered a typical project within the TAZ and therefore the project would be expected to have the same VMT per capita. There are no special considerations with the project to assume the project would produce a VMT/capita lower than the average for the TAZ. The threshold of significance for residential project VMT/capita is if the project VMT is below the average in the TAZ where the project is located. Since VMT/capita is assumed to be equal to the average for the aforementioned zone, it is anticipated that the proposed project will have a significant transportation impact prior to mitigation.

Mitigation

The Tulare County guidelines include detailed instructions for mitigation if a project has significant impacts. The guidelines state “The preferred method of VMT mitigation in Tulare County is for project applicants to provide transportation improvements that facilitate travel by walking, bicycling, or transit.” In accordance with these guidelines, a survey was conducted within a half mile of the project to determine any pedestrian, bicycle or transit facilities deficiencies exist. After review, sidewalk improvements were identified as mitigation measures.

The proposed mitigation measures are identified as follows:

- A total of 525 feet of sidewalk located on the east side of Jaye Street between Gibbons Avenue and Melinda Avenue

Figure 1
VMT Mitigation



The guidelines include a minimum cost for mitigation of \$20 per daily trip generated by the project. As shown in Table 1, the project is anticipated to generate 822 daily trips, which equates to a target value of improvements of \$16,440. The total estimated project cost is \$16,537.50. Therefore, with the construction of the above identified improvements, the project will meet the minimum cost requirement for mitigation. At the time of construction should prices fluctuate, an adjustment in the scope of improvements may need to be made.

Pursuant to the guidelines, if a project provides mitigation which meets the minimum threshold listed above, the project can presume a 1% reduction in VMT. The assumed VMT/capita reduction is 1% of 11.51 or 0.1151. The resulting VMT/capita after mitigation is 11.39 which is below the average VMT/capita in the TAZ which the project is located. After mitigation, the project will have a less than significant transportation impact.

Please contact me should you have any questions.

Very truly yours,

Ian J. Parks
R.C. E. 58155





Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 10, 2023

Mr. Jason Ridenour
City of Porterville
291 N. Main Street
Porterville, CA 93257
JRidenour@ci.porterville.ca.us

MITIGATED NEGATIVE DECLARATION FOR VILLAS AT SIERRA MEADOWS 4 & 5
RESIDENTIAL PROJECT – DATED DECEMBER 2022 (STATE CLEARINGHOUSE
NUMBER: 2022120369)

Dear Mr. Ridenour:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Villas at Sierra Meadows 4 & 5 Residential Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The MND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific

address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within the Project's region.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the project site is safe for construction and the proposed use.
2. The MND should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the MND.
4. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC

recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" and last name "McCreary" clearly distinguishable.

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



January 25, 2023

Smee Homes, Inc.
ATTN: Ken Turner
444 N. Prospect St.
Porterville, CA 93257

SUBJECT: Property located on the southwest corner of West Gibbons Avenue and South Jaye Street, Porterville, CA 93257 - Environmental sampling per request of City of Porterville and DTSC

Mr. Turner,

In response to the item number 5 on the attached Department of Toxic Substance Control (DTSC) letter sent to the City of Porterville, regarding the above referenced subject property. We have performed on site sampling and laboratory chemical analysis of the surface and subsurface soils within the specifications outlined by the DTSC.

Our laboratory findings indicate that there were no detectable levels of harmful or toxic substances that were of concern to the DTSC present on the subject property. Arsenic was detected in all samples, however, when compared to background samples, the arsenic levels are “normal” to the area.

We hope this provides the information necessary, should you have any questions or concerns please do not hesitate to contact our office.

Respectfully submitted,

AWE, Inc.

Allen Williams, PE
Certified Professional Engineer
CPE: 64742



Zachary Boudreaux
Project Manager, Geologist

CASTLE ANALYTICAL LABORATORY

Analytical Report

Laboratory WorkOrder: 2301057

Project ID: 22094

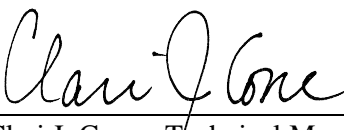
Report Created for: AW Engineering
810 W Acequia
Visalia, CA 93291

Project Contact: Zachary Boudreaux

Received Date: 01/15/2023

Report Approved and Released: 01/19/2023

Report Release Authorization:



Clari J. Cone - Technical Manager

Glossary of Terms

ND indicates analyte values below the Practical Quantitation Limit PQL for the matrix.

* indicates a footnote is present.

LCS- Laboratory Control Sample

MS / MSD - Matrix Spike / Matrix Spike Duplicate

The results are summarized on the following pages.

Please feel free to call if you have any questions concerning these results.

Castle Analytical Laboratory - 2333 Shuttle Drive, Atwater, CA 95301

Phone: 209-384-2930

Fax: 209-384-1507

www.Castle-Lab.com

E-mail: main@castle-lab.com

ELAP Certification #2480



McC Campbell Analytical, Inc.

"When Quality Counts"

Analytical Report

WorkOrder: 2301775

Report Created for: Castle Analytical Laboratory

2333 Shuttle Drive Bldg 908/909
Atwater, CA 95301

Project Contact: Clari Cone

Project P.O.:

Project: 2301057/22094

Project Received: 01/17/2023

Analytical Report reviewed & approved for release on 01/18/2023 by:

Susan Thompson
Project Manager

The report shall not be reproduced except in full, without the written approval of the laboratory. The analytical results relate only to the items tested. Results reported conform to the most current NELAP standards, where applicable, unless otherwise stated in a case narrative.





Glossary of Terms & Qualifier Definitions

Client: Castle Analytical Laboratory

WorkOrder: 2301775

Project: 2301057/22094

Glossary Abbreviation

%D	Serial Dilution Percent Difference
95% Interval	95% Confident Interval
CPT	Consumer Product Testing not NELAP Accredited
DF	Dilution Factor
DI WET	(DISTLC) Waste Extraction Test using DI water
DISS	Dissolved (direct analysis of 0.45 µm filtered and acidified water sample)
DLT	Dilution Test (Serial Dilution)
DUP	Duplicate
EDL	Estimated Detection Limit
ERS	External reference sample. Second source calibration verification.
ITEF	International Toxicity Equivalence Factor
LCS	Laboratory Control Sample
LQL	Lowest Quantitation Level
MB	Method Blank
MB % Rec	% Recovery of Surrogate in Method Blank, if applicable
MDL	MDL is the minimum measured concentration of a substance that can be reported with 99% confidence that the measured concentration is distinguishable from method blank results. Definition and Procedure for the Determination of the Method Detection Limit, Revision 2, 40CFR, Part 136, Appendix B, EPA 821-R-16-006, December 2016.
ML	Minimum Level of Quantitation
MS	Matrix Spike
MSD	Matrix Spike Duplicate
NA	Not Applicable
ND	Not detected at or above the indicated MDL or RL
NR	Data Not Reported due to matrix interference or insufficient sample amount.
PDS	Post Digestion Spike
PDSD	Post Digestion Spike Duplicate
PF	Prep Factor
RD	Relative Difference
RL	Reporting limit is the lowest level that can be reliably determined within specified limits of precision and accuracy during routine laboratory operating conditions. (The RL cannot be lower than the lowest calibration standard used in the initial calibration of the instrument and must be greater than the MDL.)
RPD	Relative Percent Deviation
RRT	Relative Retention Time
SPK Val	Spike Value
SPKRef Val	Spike Reference Value
SPLP	Synthetic Precipitation Leachate Procedure
ST	Sorbent Tube
TCLP	Toxicity Characteristic Leachate Procedure
TEQ	Toxicity Equivalents
TZA	TimeZone Net Adjustment for sample collected outside of MAI's UTC.
WET (STLC)	Waste Extraction Test (Soluble Threshold Limit Concentration)



McC Campbell Analytical, Inc.

"When Quality Counts"

1534 Willow Pass Road, Pittsburg, CA 94565-1701
Toll Free Telephone: (877) 252-9262 / Fax: (925) 252-9269
<http://www.mcccampbell.com> / E-mail: main@mcccampbell.com

Glossary of Terms & Qualifier Definitions

Client: Castle Analytical Laboratory

WorkOrder: 2301775

Project: 2301057/22094

Quality Control Qualifiers

F2 LCS/LCSD recovery and/or RPD/RSD is out of acceptance criteria.



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' NW Corner	2301775-001A	Soil	01/13/2023	GC22 01182313.D	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u> <u>DF</u>		<u>Date Analyzed</u>
Aldrin	ND		0.0010 1		01/18/2023 11:03
a-BHC	ND		0.0010 1		01/18/2023 11:03
b-BHC	ND		0.0010 1		01/18/2023 11:03
d-BHC	ND		0.0010 1		01/18/2023 11:03
g-BHC	ND		0.0010 1		01/18/2023 11:03
Chlordane (Technical)	ND		0.025 1		01/18/2023 11:03
a-Chlordane	ND		0.0010 1		01/18/2023 11:03
g-Chlordane	ND		0.0010 1		01/18/2023 11:03
p,p-DDD	ND		0.0010 1		01/18/2023 11:03
p,p-DDE	ND		0.0010 1		01/18/2023 11:03
p,p-DDT	ND		0.0010 1		01/18/2023 11:03
Dieldrin	ND		0.0010 1		01/18/2023 11:03
Endosulfan I	ND		0.0010 1		01/18/2023 11:03
Endosulfan II	ND		0.0010 1		01/18/2023 11:03
Endosulfan sulfate	ND		0.0010 1		01/18/2023 11:03
Endrin	ND		0.0010 1		01/18/2023 11:03
Endrin aldehyde	ND		0.0010 1		01/18/2023 11:03
Endrin ketone	ND		0.0010 1		01/18/2023 11:03
Heptachlor	ND		0.0010 1		01/18/2023 11:03
Heptachlor epoxide	ND		0.0010 1		01/18/2023 11:03
Hexachlorobenzene	ND		0.010 1		01/18/2023 11:03
Hexachlorocyclopentadiene	ND		0.020 1		01/18/2023 11:03
Methoxychlor	ND		0.0010 1		01/18/2023 11:03
Toxaphene	ND		0.050 1		01/18/2023 11:03
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>		
Decachlorobiphenyl	110		60-130		01/18/2023 11:03
<u>Analyst(s):</u> CN					

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected		Instrument	Batch ID
1"-18' NW Corner	2301775-002A	Soil	01/13/2023		GC23 01182316.d	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>	
Aldrin	ND		0.0010	1	01/18/2023 12:35	
a-BHC	ND		0.0010	1	01/18/2023 12:35	
b-BHC	ND		0.0010	1	01/18/2023 12:35	
d-BHC	ND		0.0010	1	01/18/2023 12:35	
g-BHC	ND		0.0010	1	01/18/2023 12:35	
Chlordane (Technical)	ND		0.025	1	01/18/2023 12:35	
a-Chlordane	ND		0.0010	1	01/18/2023 12:35	
g-Chlordane	ND		0.0010	1	01/18/2023 12:35	
p,p-DDD	ND		0.0010	1	01/18/2023 12:35	
p,p-DDE	ND		0.0010	1	01/18/2023 12:35	
p,p-DDT	ND		0.0010	1	01/18/2023 12:35	
Dieldrin	ND		0.0010	1	01/18/2023 12:35	
Endosulfan I	ND		0.0010	1	01/18/2023 12:35	
Endosulfan II	ND		0.0010	1	01/18/2023 12:35	
Endosulfan sulfate	ND		0.0010	1	01/18/2023 12:35	
Endrin	ND		0.0010	1	01/18/2023 12:35	
Endrin aldehyde	ND		0.0010	1	01/18/2023 12:35	
Endrin ketone	ND		0.0010	1	01/18/2023 12:35	
Heptachlor	ND		0.0010	1	01/18/2023 12:35	
Heptachlor epoxide	ND		0.0010	1	01/18/2023 12:35	
Hexachlorobenzene	ND		0.010	1	01/18/2023 12:35	
Hexachlorocyclopentadiene	ND		0.020	1	01/18/2023 12:35	
Methoxychlor	ND		0.0010	1	01/18/2023 12:35	
Toxaphene	ND		0.050	1	01/18/2023 12:35	
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>			
Decachlorobiphenyl	94		60-130		01/18/2023 12:35	
<u>Analyst(s):</u> CN						

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' NE Corner	2301775-003A	Soil	01/13/2023	GC22 01182314.D	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u> <u>DF</u>		<u>Date Analyzed</u>
Aldrin	ND		0.0010 1		01/18/2023 11:19
a-BHC	ND		0.0010 1		01/18/2023 11:19
b-BHC	ND		0.0010 1		01/18/2023 11:19
d-BHC	ND		0.0010 1		01/18/2023 11:19
g-BHC	ND		0.0010 1		01/18/2023 11:19
Chlordane (Technical)	ND		0.025 1		01/18/2023 11:19
a-Chlordane	ND		0.0010 1		01/18/2023 11:19
g-Chlordane	ND		0.0010 1		01/18/2023 11:19
p,p-DDD	ND		0.0010 1		01/18/2023 11:19
p,p-DDE	ND		0.0010 1		01/18/2023 11:19
p,p-DDT	ND		0.0010 1		01/18/2023 11:19
Dieldrin	ND		0.0010 1		01/18/2023 11:19
Endosulfan I	ND		0.0010 1		01/18/2023 11:19
Endosulfan II	ND		0.0010 1		01/18/2023 11:19
Endosulfan sulfate	ND		0.0010 1		01/18/2023 11:19
Endrin	ND		0.0010 1		01/18/2023 11:19
Endrin aldehyde	ND		0.0010 1		01/18/2023 11:19
Endrin ketone	ND		0.0010 1		01/18/2023 11:19
Heptachlor	ND		0.0010 1		01/18/2023 11:19
Heptachlor epoxide	ND		0.0010 1		01/18/2023 11:19
Hexachlorobenzene	ND		0.010 1		01/18/2023 11:19
Hexachlorocyclopentadiene	ND		0.020 1		01/18/2023 11:19
Methoxychlor	ND		0.0010 1		01/18/2023 11:19
Toxaphene	ND		0.050 1		01/18/2023 11:19
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>		
Decachlorobiphenyl	113		60-130		01/18/2023 11:19
<u>Analyst(s):</u> CN					

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
1"-18' NE Corner	2301775-004A	Soil	01/13/2023	GC22 01182315.D	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u> <u>DF</u>		<u>Date Analyzed</u>
Aldrin	ND		0.0010 1		01/18/2023 11:36
a-BHC	ND		0.0010 1		01/18/2023 11:36
b-BHC	ND		0.0010 1		01/18/2023 11:36
d-BHC	ND		0.0010 1		01/18/2023 11:36
g-BHC	ND		0.0010 1		01/18/2023 11:36
Chlordane (Technical)	ND		0.025 1		01/18/2023 11:36
a-Chlordane	ND		0.0010 1		01/18/2023 11:36
g-Chlordane	ND		0.0010 1		01/18/2023 11:36
p,p-DDD	ND		0.0010 1		01/18/2023 11:36
p,p-DDE	ND		0.0010 1		01/18/2023 11:36
p,p-DDT	ND		0.0010 1		01/18/2023 11:36
Dieldrin	ND		0.0010 1		01/18/2023 11:36
Endosulfan I	ND		0.0010 1		01/18/2023 11:36
Endosulfan II	ND		0.0010 1		01/18/2023 11:36
Endosulfan sulfate	ND		0.0010 1		01/18/2023 11:36
Endrin	ND		0.0010 1		01/18/2023 11:36
Endrin aldehyde	ND		0.0010 1		01/18/2023 11:36
Endrin ketone	ND		0.0010 1		01/18/2023 11:36
Heptachlor	ND		0.0010 1		01/18/2023 11:36
Heptachlor epoxide	ND		0.0010 1		01/18/2023 11:36
Hexachlorobenzene	ND		0.010 1		01/18/2023 11:36
Hexachlorocyclopentadiene	ND		0.020 1		01/18/2023 11:36
Methoxychlor	ND		0.0010 1		01/18/2023 11:36
Toxaphene	ND		0.050 1		01/18/2023 11:36
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>		
Decachlorobiphenyl	114		60-130		01/18/2023 11:36
<u>Analyst(s):</u> CN					

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected		Instrument	Batch ID
6"-1' SE Corner	2301775-005A	Soil	01/13/2023		GC23 01182312.d	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>	
Aldrin	ND		0.0010	1	01/18/2023 11:33	
a-BHC	ND		0.0010	1	01/18/2023 11:33	
b-BHC	ND		0.0010	1	01/18/2023 11:33	
d-BHC	ND		0.0010	1	01/18/2023 11:33	
g-BHC	ND		0.0010	1	01/18/2023 11:33	
Chlordane (Technical)	ND		0.025	1	01/18/2023 11:33	
a-Chlordane	ND		0.0010	1	01/18/2023 11:33	
g-Chlordane	ND		0.0010	1	01/18/2023 11:33	
p,p-DDD	ND		0.0010	1	01/18/2023 11:33	
p,p-DDE	ND		0.0010	1	01/18/2023 11:33	
p,p-DDT	ND		0.0010	1	01/18/2023 11:33	
Dieldrin	ND		0.0010	1	01/18/2023 11:33	
Endosulfan I	ND		0.0010	1	01/18/2023 11:33	
Endosulfan II	ND		0.0010	1	01/18/2023 11:33	
Endosulfan sulfate	ND		0.0010	1	01/18/2023 11:33	
Endrin	ND		0.0010	1	01/18/2023 11:33	
Endrin aldehyde	ND		0.0010	1	01/18/2023 11:33	
Endrin ketone	ND		0.0010	1	01/18/2023 11:33	
Heptachlor	ND		0.0010	1	01/18/2023 11:33	
Heptachlor epoxide	ND		0.0010	1	01/18/2023 11:33	
Hexachlorobenzene	ND		0.010	1	01/18/2023 11:33	
Hexachlorocyclopentadiene	ND		0.020	1	01/18/2023 11:33	
Methoxychlor	ND		0.0010	1	01/18/2023 11:33	
Toxaphene	ND		0.050	1	01/18/2023 11:33	
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>			
Decachlorobiphenyl	91		60-130		01/18/2023 11:33	
<u>Analyst(s):</u> CN						

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected		Instrument	Batch ID
1"-18' SE Corner	2301775-006A	Soil	01/13/2023		GC23 01182313.d	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>	
Aldrin	ND		0.0010	1	01/18/2023 11:48	
a-BHC	ND		0.0010	1	01/18/2023 11:48	
b-BHC	ND		0.0010	1	01/18/2023 11:48	
d-BHC	ND		0.0010	1	01/18/2023 11:48	
g-BHC	ND		0.0010	1	01/18/2023 11:48	
Chlordane (Technical)	ND		0.025	1	01/18/2023 11:48	
a-Chlordane	ND		0.0010	1	01/18/2023 11:48	
g-Chlordane	ND		0.0010	1	01/18/2023 11:48	
p,p-DDD	ND		0.0010	1	01/18/2023 11:48	
p,p-DDE	ND		0.0010	1	01/18/2023 11:48	
p,p-DDT	ND		0.0010	1	01/18/2023 11:48	
Dieldrin	ND		0.0010	1	01/18/2023 11:48	
Endosulfan I	ND		0.0010	1	01/18/2023 11:48	
Endosulfan II	ND		0.0010	1	01/18/2023 11:48	
Endosulfan sulfate	ND		0.0010	1	01/18/2023 11:48	
Endrin	ND		0.0010	1	01/18/2023 11:48	
Endrin aldehyde	ND		0.0010	1	01/18/2023 11:48	
Endrin ketone	ND		0.0010	1	01/18/2023 11:48	
Heptachlor	ND		0.0010	1	01/18/2023 11:48	
Heptachlor epoxide	ND		0.0010	1	01/18/2023 11:48	
Hexachlorobenzene	ND		0.010	1	01/18/2023 11:48	
Hexachlorocyclopentadiene	ND		0.020	1	01/18/2023 11:48	
Methoxychlor	ND		0.0010	1	01/18/2023 11:48	
Toxaphene	ND		0.050	1	01/18/2023 11:48	
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>			
Decachlorobiphenyl	96		60-130		01/18/2023 11:48	
<u>Analyst(s):</u> CN						

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected		Instrument	Batch ID
6"-1' SW Corner	2301775-007A	Soil	01/13/2023		GC23 01182314.d	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u>	<u>DF</u>		<u>Date Analyzed</u>
Aldrin	ND		0.0010	1		01/18/2023 12:04
a-BHC	ND		0.0010	1		01/18/2023 12:04
b-BHC	ND		0.0010	1		01/18/2023 12:04
d-BHC	ND		0.0010	1		01/18/2023 12:04
g-BHC	ND		0.0010	1		01/18/2023 12:04
Chlordane (Technical)	ND		0.025	1		01/18/2023 12:04
a-Chlordane	ND		0.0010	1		01/18/2023 12:04
g-Chlordane	ND		0.0010	1		01/18/2023 12:04
p,p-DDD	ND		0.0010	1		01/18/2023 12:04
p,p-DDE	ND		0.0010	1		01/18/2023 12:04
p,p-DDT	ND		0.0010	1		01/18/2023 12:04
Dieldrin	ND		0.0010	1		01/18/2023 12:04
Endosulfan I	ND		0.0010	1		01/18/2023 12:04
Endosulfan II	ND		0.0010	1		01/18/2023 12:04
Endosulfan sulfate	ND		0.0010	1		01/18/2023 12:04
Endrin	ND		0.0010	1		01/18/2023 12:04
Endrin aldehyde	ND		0.0010	1		01/18/2023 12:04
Endrin ketone	ND		0.0010	1		01/18/2023 12:04
Heptachlor	ND		0.0010	1		01/18/2023 12:04
Heptachlor epoxide	ND		0.0010	1		01/18/2023 12:04
Hexachlorobenzene	ND		0.010	1		01/18/2023 12:04
Hexachlorocyclopentadiene	ND		0.020	1		01/18/2023 12:04
Methoxychlor	ND		0.0010	1		01/18/2023 12:04
Toxaphene	ND		0.050	1		01/18/2023 12:04
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>			
Decachlorobiphenyl	102		60-130			01/18/2023 12:04
<u>Analyst(s):</u> CN						

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg

Organochlorine Pesticides

Client ID	Lab ID	Matrix	Date Collected		Instrument	Batch ID
1"-18' SW Corner	2301775-008A	Soil	01/13/2023		GC23 01182315.d	261927
<u>Analytes</u>	<u>Result</u>		<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>	
Aldrin	ND		0.0010	1	01/18/2023 12:19	
a-BHC	ND		0.0010	1	01/18/2023 12:19	
b-BHC	ND		0.0010	1	01/18/2023 12:19	
d-BHC	ND		0.0010	1	01/18/2023 12:19	
g-BHC	ND		0.0010	1	01/18/2023 12:19	
Chlordane (Technical)	ND		0.025	1	01/18/2023 12:19	
a-Chlordane	ND		0.0010	1	01/18/2023 12:19	
g-Chlordane	ND		0.0010	1	01/18/2023 12:19	
p,p-DDD	ND		0.0010	1	01/18/2023 12:19	
p,p-DDE	ND		0.0010	1	01/18/2023 12:19	
p,p-DDT	ND		0.0010	1	01/18/2023 12:19	
Dieldrin	ND		0.0010	1	01/18/2023 12:19	
Endosulfan I	ND		0.0010	1	01/18/2023 12:19	
Endosulfan II	ND		0.0010	1	01/18/2023 12:19	
Endosulfan sulfate	ND		0.0010	1	01/18/2023 12:19	
Endrin	ND		0.0010	1	01/18/2023 12:19	
Endrin aldehyde	ND		0.0010	1	01/18/2023 12:19	
Endrin ketone	ND		0.0010	1	01/18/2023 12:19	
Heptachlor	ND		0.0010	1	01/18/2023 12:19	
Heptachlor epoxide	ND		0.0010	1	01/18/2023 12:19	
Hexachlorobenzene	ND		0.010	1	01/18/2023 12:19	
Hexachlorocyclopentadiene	ND		0.020	1	01/18/2023 12:19	
Methoxychlor	ND		0.0010	1	01/18/2023 12:19	
Toxaphene	ND		0.050	1	01/18/2023 12:19	
<u>Surrogates</u>	<u>REC (%)</u>		<u>Limits</u>			
Decachlorobiphenyl	95		60-130		01/18/2023 12:19	
<u>Analyst(s):</u> CN						



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023-01/18/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3050B
Analytical Method: SW6020
Unit: mg/kg

Metals

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' NW Corner	2301775-001A	Soil	01/13/2023	ICP-MS4 158SMPL.d	262018

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.2	0.50	1	01/18/2023 17:40

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	106	70-130	01/18/2023 17:40

Analyst(s): MIG

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
1"-18' NW Corner	2301775-002A	Soil	01/13/2023	ICP-MS5 1143SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.3	0.50	1	01/17/2023 19:15

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	106	70-130	01/17/2023 19:15

Analyst(s): WV

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' NE Corner	2301775-003A	Soil	01/13/2023	ICP-MS6 277SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.3	0.50	1	01/17/2023 22:39

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	99	70-130	01/17/2023 22:39

Analyst(s): AL

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
1"-18' NE Corner	2301775-004A	Soil	01/13/2023	ICP-MS6 278SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.4	0.50	1	01/17/2023 22:42

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	97	70-130	01/17/2023 22:42

Analyst(s): AL

(Cont.)



Analytical Report

Client: Castle Analytical Laboratory
Date Received: 01/17/2023 9:46
Date Prepared: 01/17/2023-01/18/2023
Project: 2301057/22094

WorkOrder: 2301775
Extraction Method: SW3050B
Analytical Method: SW6020
Unit: mg/kg

Metals

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' SE Corner	2301775-005A	Soil	01/13/2023	ICP-MS6 279SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.5	0.50	1	01/17/2023 22:46

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	99	70-130	01/17/2023 22:46

Analyst(s): AL

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
1"-18' SE Corner	2301775-006A	Soil	01/13/2023	ICP-MS6 280SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	3.7	0.50	1	01/17/2023 22:49

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	103	70-130	01/17/2023 22:49

Analyst(s): AL

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
6"-1' SW Corner	2301775-007A	Soil	01/13/2023	ICP-MS6 281SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	4.1	0.50	1	01/17/2023 22:52

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	103	70-130	01/17/2023 22:52

Analyst(s): AL

Client ID	Lab ID	Matrix	Date Collected	Instrument	Batch ID
1"-18' SW Corner	2301775-008A	Soil	01/13/2023	ICP-MS5 1177SMPL.d	261926

<u>Analytes</u>	<u>Result</u>	<u>RL</u>	<u>DF</u>	<u>Date Analyzed</u>
Arsenic	4.5	0.50	1	01/17/2023 21:15

<u>Surrogates</u>	<u>REC (%)</u>	<u>Limits</u>	
Terbium	105	70-130	01/17/2023 21:15

Analyst(s): WV



Quality Control Report

Client: Castle Analytical Laboratory
Date Prepared: 01/17/2023
Date Analyzed: 01/18/2023
Instrument: GC22
Matrix: Soil
Project: 2301057/22094

WorkOrder: 2301775
BatchID: 261927
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg
Sample ID: MB/LCS/LCSD-261927

QC Summary Report for SW8081A

Analyte	MB Result	MDL	RL	SPK Val	MB SS %REC	MB SS Limits
Aldrin	ND	0.00039	0.0010	-	-	-
a-BHC	ND	0.00049	0.0010	-	-	-
b-BHC	ND	0.00027	0.0010	-	-	-
d-BHC	ND	0.00033	0.0010	-	-	-
g-BHC	ND	0.00033	0.0010	-	-	-
a-Chlordane	ND	0.00043	0.0010	-	-	-
g-Chlordane	ND	0.00034	0.0010	-	-	-
p,p-DDD	ND	0.00041	0.0010	-	-	-
p,p-DDE	ND	0.00029	0.0010	-	-	-
p,p-DDT	ND	0.00039	0.0010	-	-	-
Dieldrin	ND	0.00038	0.0010	-	-	-
Endosulfan I	ND	0.00035	0.0010	-	-	-
Endosulfan II	ND	0.00033	0.0010	-	-	-
Endosulfan sulfate	ND	0.00040	0.0010	-	-	-
Endrin	ND	0.00038	0.0010	-	-	-
Endrin aldehyde	ND	0.00044	0.0010	-	-	-
Endrin ketone	ND	0.00029	0.0010	-	-	-
Heptachlor	ND	0.00030	0.0010	-	-	-
Heptachlor epoxide	ND	0.00030	0.0010	-	-	-
Hexachlorobenzene	ND	0.00070	0.010	-	-	-
Hexachlorocyclopentadiene	ND	0.00052	0.020	-	-	-
Methoxychlor	ND	0.00045	0.0010	-	-	-
Surrogate Recovery						
Decachlorobiphenyl	0.060			0.05	119	70-130

(Cont.)



Quality Control Report

Client: Castle Analytical Laboratory
Date Prepared: 01/17/2023
Date Analyzed: 01/18/2023
Instrument: GC22
Matrix: Soil
Project: 2301057/22094

WorkOrder: 2301775
BatchID: 261927
Extraction Method: SW3550B
Analytical Method: SW8081A
Unit: mg/kg
Sample ID: MB/LCS/LCSD-261927

QC Summary Report for SW8081A

Analyte	LCS Result	LCSD Result	SPK Val	LCS %REC	LCSD %REC	LCS/LCSD Limits	RPD	RPD Limit
Aldrin	0.058	0.058	0.050	116	117	70-130	0.716	20
a-BHC	0.060	0.061	0.050	121	122	70-130	0.812	20
b-BHC	0.056	0.056	0.050	112	113	70-130	0.483	20
d-BHC	0.063	0.063	0.050	127	127	70-130	0.0955	20
g-BHC	0.062	0.062	0.050	123	124	70-130	0.649	20
a-Chlordane	0.057	0.057	0.050	114	114	70-130	0.126	20
g-Chlordane	0.056	0.056	0.050	111	111	70-130	0.247	20
p,p-DDD	0.057	0.057	0.050	114	114	70-130	0.121	20
p,p-DDE	0.056	0.057	0.050	113	113	70-130	0.528	20
p,p-DDT	0.062	0.063	0.050	124	126	70-130	1.46	20
Dieldrin	0.059	0.059	0.050	117	118	70-130	0.411	20
Endosulfan I	0.057	0.058	0.050	115	116	70-130	0.830	20
Endosulfan II	0.055	0.055	0.050	111	111	70-130	0.0637	20
Endosulfan sulfate	0.059	0.059	0.050	118	118	70-130	0.561	20
Endrin	0.060	0.061	0.050	119	121	70-130	1.57	20
Endrin aldehyde	0.060	0.060	0.050	120	121	70-130	0.462	20
Endrin ketone	0.057	0.058	0.050	115	116	70-130	0.705	20
Heptachlor	0.059	0.060	0.050	118	120	70-130	1.43	20
Heptachlor epoxide	0.057	0.057	0.050	114	115	70-130	0.767	20
Hexachlorobenzene	0.055	0.055	0.050	110	111	70-130	0.922	20
Hexachlorocyclopentadiene	0.16	0.17	0.050	326,F2	333,F2	50-130	2.01	20
Methoxychlor	0.052	0.054	0.050	105	107	70-130	2.41	20
Surrogate Recovery								
Decachlorobiphenyl	0.058	0.058	0.050	116	116	70-130	0.0070	20



Quality Control Report

Client: Castle Analytical Laboratory
Date Prepared: 01/17/2023
Date Analyzed: 01/17/2023
Instrument: ICP-MS5
Matrix: Soil
Project: 2301057/22094

WorkOrder: 2301775
BatchID: 261926
Extraction Method: SW3050B
Analytical Method: SW6020
Unit: mg/kg
Sample ID: MB/LCS/LCSD-261926
2301775-002AMS/MSD

QC Summary Report for Metals

Analyte	MB Result	MDL	RL	SPK Val	MB SS %REC	MB SS Limits
Arsenic	ND	0.11	0.50	-	-	-

Surrogate Recovery

Terbium	490			500	97	70-130
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Analyte	LCS Result	LCSD Result	SPK Val	LCS %REC	LCSD %REC	LCS/LCSD Limits	RPD	RPD Limit
Arsenic	50	52	50	99	104	75-125	4.34	20

Surrogate Recovery

Terbium	510	520	500	103	104	70-130	0.810	20
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Analyte	MS DF	MS Result	MSD Result	SPK Val	SPKRef Val	MS %REC	MSD %REC	MS/MSD Limits	RPD	RPD Limit
Arsenic	1	57	55	50	3.273	107	104	75-125	2.38	20

Surrogate Recovery

Terbium	1	530	530	500		107	105	70-130	1.28	20
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Analyte	DLT Result	DLTRef Val	%D	%D Limit
Arsenic	3.1	3.3	3.91	-

%D Control Limit applied to analytes with concentrations greater than 25 times the reporting limits.



1534 Willow Pass Rd
Pittsburg, CA 94565-1701
(925) 252-9262

CHAIN-OF-CUSTODY RECORD

Page 1 of 1

WorkOrder: 2301775

ClientCode: CALA

QuoteID: 224256

☐ WaterTrax☐ CLIP☐ EDF☐ EQuIS☐ Dry-Weight☒ Email☐ HardCopy☐ ThirdParty☐ J-flag☐ Detection Summary☐ Excel

Report to:

Clari Cone
Castle Analytical Laboratory
2333 Shuttle Drive Bldg 908/909
Atwater, CA 95301
(209) 384-2930 FAX: (209) 384-1507

Email: clari.cone@gmail.com; main@castle-lab.co
cc/3rd Party:
PO:
Project: 2301057/22094

Bill to:

Accounts Payable
Castle Analytical Laboratory
2333 Shuttle Drive Bldg 908/909
Atwater, CA 95301

Requested TAT: 1 day;

Date Received: 01/17/2023

Date Logged: 01/17/2023

Lab ID	ClientSampID	Matrix	Collection Date	Hold	Requested Tests (See legend below)											
					1	2	3	4	5	6	7	8	9	10	11	12
2301775-001	6"-1' NW Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-002	1"-18' NW Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-003	6"-1' NE Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-004	1"-18' NE Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-005	6"-1' SE Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-006	1"-18' SE Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-007	6"-1' SW Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									
2301775-008	1"-18' SW Corner	Soil	1/13/2023 00:00	<input type="checkbox"/>	A	A	A									

Test Legend:

1	8081_S
5	
9	

2	METALSMS_TTLC_S
6	
10	

3	PRDisposal Fee
7	
11	

4	
8	
12	

Project Manager: Susan Thompson

Prepared by: Adrianna Cardoza

Comments:

NOTE: Soil samples are discarded 60 days after receipt unless other arrangements are made (Water samples are 30 days).
Hazardous samples will be returned to client or disposed of at client expense.



WORK ORDER SUMMARY

Client Name: CASTLE ANALYTICAL LABORATORY

Project: 2301057/22094

Work Order: 2301775

Client Contact: Clari Cone

QC Level: LEVEL 2

Contact's Email: clari.cone@gmail.com; main@castle-lab.com

Comments:

Date Logged: 1/17/2023

☐ WaterTrax ☐ CLIP ☐ EDF ☐ Excel ☐ EQUIS ☒ Email ☐ HardCopy ☐ ThirdParty ☐ J-flag

LabID	ClientSampID	Matrix	Test Name	Containers /Composites	Bottle & Preservative	U**	Head Space	Dry-Weight	Collection Date & Time	TAT	Test Due Date	Sediment Content	Hold	Sub Out
001A	6"-1' NW Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
002A	1"-18' NW Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
003A	6"-1' NE Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
004A	1"-18' NE Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
005A	6"-1' SE Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
006A	1"-18' SE Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>

NOTES: * STLC and TCLP extractions require 2 days to complete; therefore, all TATs begin after the extraction is completed (i.e., One-day TAT yields results in 3 days from sample submission).

- Organic extracts are held for 40 days before disposal; Inorganic extract are held for 30 days.

- MAI assumes that all material present in the provided sampling container is considered part of the sample - MAI does not exclude any material from the sample prior to sample preparation unless requested in writing by the client.

U** = An unpreserved container was received for a method that suggests a preservation in order to extend hold time for analysis.



WORK ORDER SUMMARY

Client Name: CASTLE ANALYTICAL LABORATORY

Project: 2301057/22094

Work Order: 2301775

Client Contact: Clari Cone

QC Level: LEVEL 2

Contact's Email: clari.cone@gmail.com; main@castle-lab.com

Comments:

Date Logged: 1/17/2023

☐ WaterTrax ☐ CLIP ☐ EDF ☐ Excel ☐ EQUIS ☒ Email ☐ HardCopy ☐ ThirdParty ☐ J-flag

LabID	ClientSampID	Matrix	Test Name	Containers /Composites	Bottle & Preservative	U**	Head Space	Dry-Weight	Collection Date & Time	TAT	Test Due Date	Sediment Content	Hold	Sub Out
006A	1"-18' SE Corner	Soil	SW8081A (OC Pesticides)	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
007A	6"-1' SW Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
008A	1"-18' SW Corner	Soil	SW6020 (Metals) <Arsenic>	1	Stainless Steel tube 2"x6"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1/13/2023	1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>
			SW8081A (OC Pesticides)			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		1 day	1/18/2023		<input type="checkbox"/>	<input type="checkbox"/>

NOTES: * STLC and TCLP extractions require 2 days to complete; therefore, all TATs begin after the extraction is completed (i.e., One-day TAT yields results in 3 days from sample submission).

- Organic extracts are held for 40 days before disposal; Inorganic extract are held for 30 days.

- MAI assumes that all material present in the provided sampling container is considered part of the sample - MAI does not exclude any material from the sample prior to sample preparation unless requested in writing by the client.

U** = An unpreserved container was received for a method that suggests a preservation in order to extend hold time for analysis.

2301775

RUSH**SUBCONTRACT ORDER**

Castle Analytical Laboratory

Project ID: 2301057 / 22094

SENDING LABORATORY:

Castle Analytical Laboratory
 2333 Shuttle Drive
 Atwater, CA 95301
 Phone: 209.384.2930
 Fax: 209.500.1848
 Project Manager: Clari J. Cone

RECEIVING LABORATORY:

McC Campbell Analytical, Inc.
 1534 Willow Pass Road
 Pittsburg, CA 94565
 Phone : (877) 252-9262
 Fax: (925) 252-9269

Analysis**Comments**

Sample ID: 6"-1' NW Corner Soil Sampled: 01/13/23 00:00 Lab ID: 2301057-01

Arsenic - Total 24 Hr. RUSH
 8081A 24 Hr. RUSH
 Containers Supplied:
 00_Stainless Steel Sleeve :

Sample ID: 1"-18' NW Corner Soil Sampled: 01/13/23 00:00 Lab ID: 2301057-02

8081A 24 Hr. RUSH
 Arsenic - Total 24 Hr. RUSH
 Containers Supplied:
 00_Stainless Steel Sleeve :

Sample ID: 6"-1' NE Corner Soil Sampled: 01/13/23 00:00 Lab ID: 2301057-03

8081A 24 Hr. RUSH
 Arsenic - Total 24 Hr. RUSH
 Containers Supplied:
 00_Stainless Steel Sleeve :

Sample ID: 1"-18' NE Corner Soil Sampled: 01/13/23 00:00 Lab ID: 2301057-04

Arsenic - Total 24 Hr. RUSH
 8081A 24 Hr. RUSH
 Containers Supplied:
 00_Stainless Steel Sleeve :

Released By Clari J. Cone Date 01-16-23 UPS Received By [Signature] Date 1-17-23 9:46am

Released By Date Received By Date

4.4 blue

2301775

SUBCONTRACT ORDER

Castle Analytical Laboratory

Project ID: 2301057 / 22094

Analysis		Comments
Sample ID: 6''-1' SE Corner	Soil	Sampled: 01/13/23 00:00 Lab ID: 2301057-05
Arsenic - Total		24 Hr. RUSH
8081A		24 Hr. RUSH
Containers Supplied:		
00_Stainless Steel Sleeve :		
Sample ID: 1''-18' SE Corner	Soil	Sampled: 01/13/23 00:00 Lab ID: 2301057-06
8081A		24 Hr. RUSH
Arsenic - Total		24 Hr. RUSH
Containers Supplied:		
00_Stainless Steel Sleeve :		
Sample ID: 6''-1' SW Corner	Soil	Sampled: 01/13/23 00:00 Lab ID: 2301057-07
8081A		24 Hr. RUSH
Arsenic - Total		24 Hr. RUSH
Containers Supplied:		
00_Stainless Steel Sleeve :		
Sample ID: 1''-18' SW Corner	Soil	Sampled: 01/13/23 00:00 Lab ID: 2301057-08
Arsenic - Total		24 Hr. RUSH
8081A		24 Hr. RUSH
Containers Supplied:		
00_Stainless Steel Sleeve :		

Released By	Date	Received By	Date
Clare J. Gane	01-16-23	UPS	1-17-23 9:46am
Released By	Date	Received By	Date



Sample Receipt Checklist

Client Name: Castle Analytical Laboratory
Project: 2301057/22094

Date and Time Received: 1/17/2023 09:46
Date Logged: 1/17/2023
Received by: Adrianna Cardoza
Logged by: Adrianna Cardoza

WorkOrder No: 2301775 Matrix: Soil
Carrier: UPS

Chain of Custody (COC) Information

Chain of custody present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Chain of custody signed when relinquished and received?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Chain of custody agrees with sample labels?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sample IDs noted by Client on COC?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Date and Time of collection noted by Client on COC?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sampler's name noted on COC?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
COC agrees with Quote?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>

Sample Receipt Information

Custody seals intact on shipping container/cooler?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Custody seals intact on sample bottles?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Shipping container/cooler in good condition?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Samples in proper containers/bottles?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sample containers intact?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
Sufficient sample volume for indicated test?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

Sample Preservation and Hold Time (HT) Information

All samples received within holding time?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	NA <input type="checkbox"/>
Samples Received on Ice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

(Ice Type: BLUE ICE)

Sample/Temp Blank temperature	Temp: 4.4°C		NA <input type="checkbox"/>
ZHS conditional analyses: VOA meets zero headspace requirement (VOCs, TPHg/BTEX, RSK)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	NA <input checked="" type="checkbox"/>
Sample labels checked for correct preservation?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
pH acceptable upon receipt (Metal: <2; Nitrate 353.2/4500NO3: <2; 522: <4; 218.7: >8)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	NA <input checked="" type="checkbox"/>

UCMR Samples:

pH tested and acceptable upon receipt (200.7: ≤2; 533: 6 - 8; 537.1: 6 - 8)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	NA <input checked="" type="checkbox"/>
Free Chlorine tested and acceptable upon receipt (<0.1mg/L) [not applicable to 200.7]?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	NA <input checked="" type="checkbox"/>

Comments:

CHAIN OF CUSTODY

ELAP Certificate No. 2480

PAGE 1 OF 1

[illegible]



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 10, 2023

Mr. Jason Ridenour
City of Porterville
291 N. Main Street
Porterville, CA 93257
JRidenour@ci.porterville.ca.us

MITIGATED NEGATIVE DECLARATION FOR VILLAS AT SIERRA MEADOWS 4 & 5
RESIDENTIAL PROJECT – DATED DECEMBER 2022 (STATE CLEARINGHOUSE
NUMBER: 2022120369)

Dear Mr. Ridenour:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Villas at Sierra Meadows 4 & 5 Residential Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

The MND references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous materials will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the MND address actions to be taken for any sites impacted by hazardous waste or hazardous materials within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities and sites in order to determine a comprehensive listing of all sites impacted by hazardous waste or hazardous materials within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites for a county, city, or a specific

address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites are present within the Project's region.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the project site is safe for construction and the proposed use.
2. The MND should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the MND.
4. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
5. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC

recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the MND. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, with the first name "Gavin" being more prominent than the last name "McCreary".

Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)



Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

**Locator Map
PRC 2020-048**



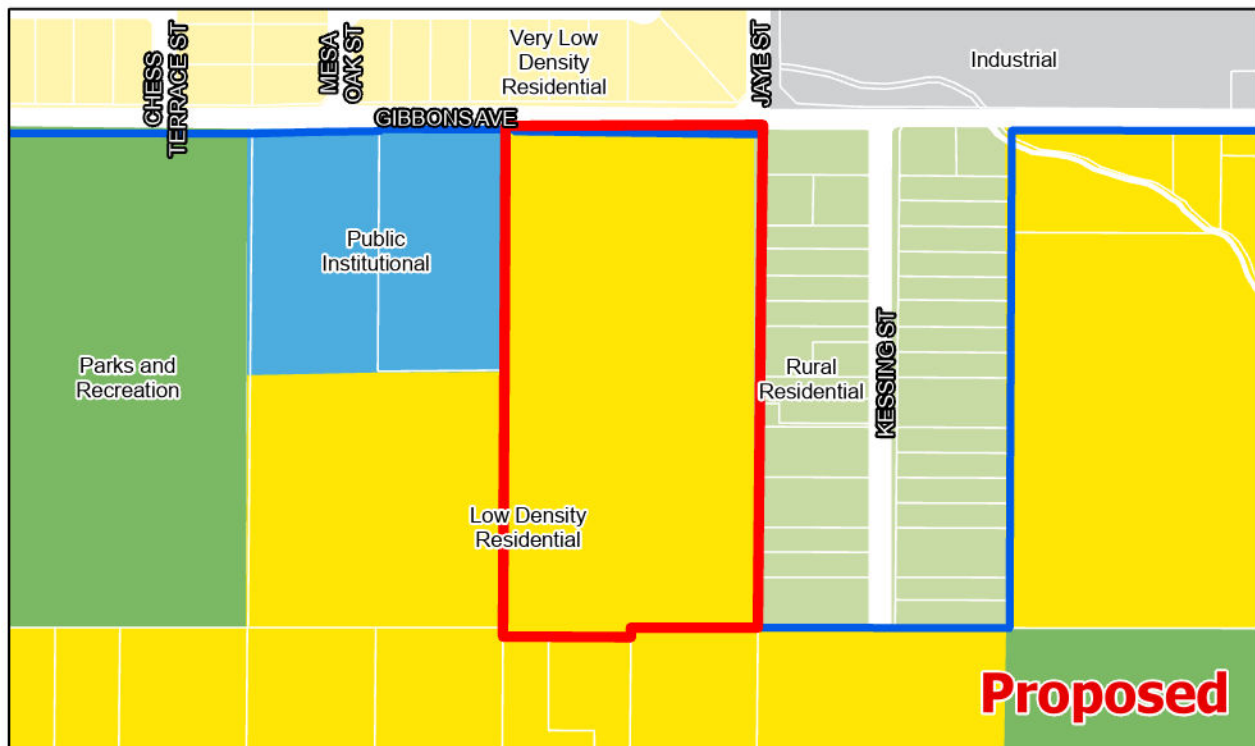
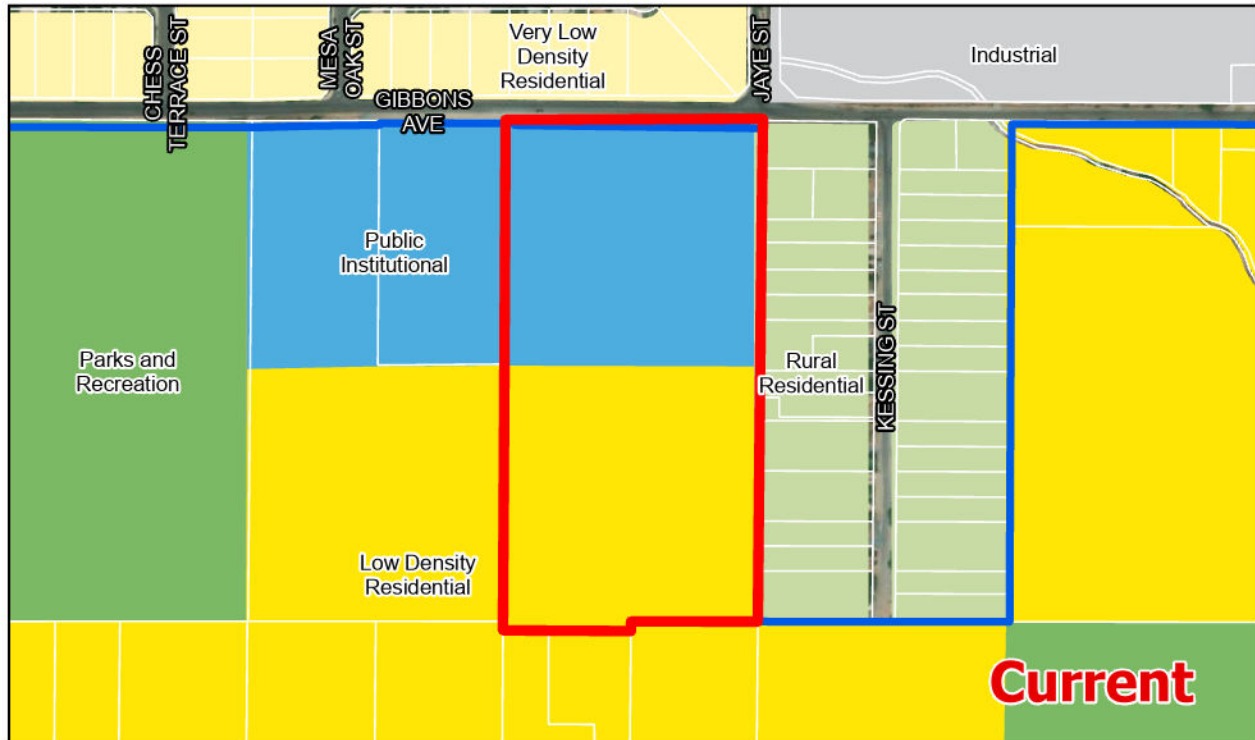
**Smee TSM
Gibbons & Jaye**

-  Project Location
-  City Limits

1 in = 500 feet



GPLU PRC 2020-048



**Villas at Sierra
Meadows 4 & 5
@ Gibbons TSM**

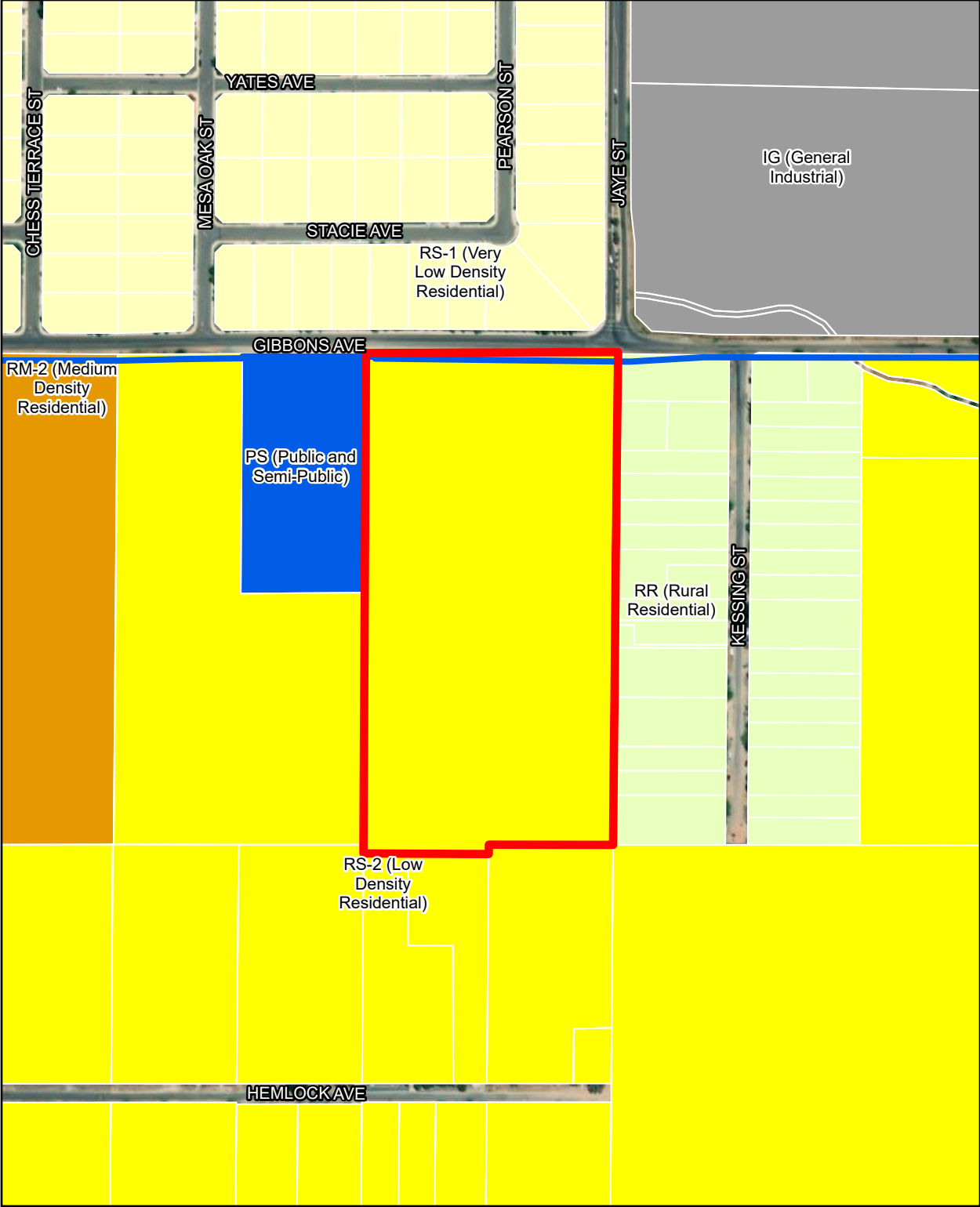
- Project Location/Annexation Area
- City Limits

1 in = 500 feet



Date Printed: 1/6/2023 by the Community Development Department



Zoning
PRC 2020-048



Smee TSM
Gibbons & Jaye

 Project Location
 City Limits

1 in = 400 feet





CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Second Reading - Ordinance No. 1900 - Zone Change (PRC 2022-012-Z), from RM-3 (High-Density Residential) to CG (General and Service Commercial) for the Development of a Future Bakery

SOURCE: Administrative Services

COMMENT: Ordinance No. 1900, an Ordinance of the City Council of the City of Porterville Containing Findings and Conditions in support of a zone change (PRC 2022-012-Z), from RM-3 (High-density Residential) to CG (General and Service Commercial) for the development of a future bakery, was given first reading on January 17, 2023, and has been printed.

RECOMMENDATION: That the City Council give Second Reading to Ordinance No. 1900, waive further reading, and adopt said Ordinance.

ATTACHMENTS: 1. Ordinance No. 1900

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

ORDINANCE NO. 1900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF ZONE CHANGE (PRC 2022-012-ZC), FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THE DEVELOPMENT OF A FUTURE BAKERY

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 1, 2022, conducted a public hearing to consider findings in support of Zone Change (PRC 2022-012-Z), being a change from RM-3 (High Density Residential) to CG (General and Service Commercial) for the parcel located at APN 260-204-009; and

WHEREAS: on January 7, 2023, a notice was published in *The Porterville Recorder* setting the date, and place of a public hearing for January 17, 2023 and similar notices were sent to owners of property within 300 feet of the Site and posted at City Hall and the City's website announcing the same; and

WHEREAS The City Council of the City of Porterville received testimony from all interested parties related to said Zone Change; and

WHEREAS: On December 12, 2022, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, said preliminary determination based on the requisite criteria and substantiated in the record:

1. Class 3 consist of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing structures from one use to another where only minor modification are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to
 - a. A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial building not exceeding 10,000 square feet on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding;

WHEREAS: The City Council made the following findings that the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

- a. The project supports and complies with the following General plan guiding policies:
 - LU-G-1: Promote a sustainable balanced land use pattern that responds to existing needs and future needs of the City.

- LU-G-3: Promote sustainability in the design and development of public and private development projects.
- LU-G-5: Ensure that new development pays for the public pays for the public facilities and infrastructure improvements required to meet the demands resulting from that growth.
- ED-G-2: Retain, improve, and promote existing businesses in Porterville.
- ED-G-5: Retain existing local businesses and foster local start-ups.
- ED-G-7: Create an image for Porterville that will attract and retain economic activity.

- b. The location of the proposed building and proposed zoning of General and Service Commercial will not be detrimental to the public health, safety welfare, or materially injurious to properties or improvements in the vicinity.

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Zone Change; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

1. That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2022-012-Z, is hereby rezoned from RM-3 (High Density Residential) to CG (General and Service Commercial), pursuant to Number 2 below, for the parcel described herein as Assessor Parcel Number 260-204-009; and
2. It is further ordained that all record of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned from RM-3 (High Density Residential) to CG (General and Service Commercial) for the parcel described above, more particularly shown on the attached map as Exhibit "A".
3. This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED, AND ADOPTED this 17th day of January, 2023.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: CDBG Citizens' Advisory and Housing Opportunity Committee and Citizen Participation Plan

SOURCE: Community Development

COMMENT: In preparation for the development of the Annual Action Plan (AP) to be submitted to the federal Department of Housing and Urban Development (HUD), the following items are required: 1) the adoption of the 2023/24 Citizen Participation Plan; and 2) the annual designation and appointment of a Citizens' Advisory and Housing Opportunity Committee.

HUD requires each jurisdiction that receives formula grants through its Community Development Block Grant (CDBG) Program to prepare and adopt a Citizen Participation Plan. The Plan provides guidelines for the participation of residents in determining the use of CDBG funds. This Plan is reviewed annually for necessary revisions prior to City Council's adoption of the CDBG Action Plan. In 2020, the Citizens Participation Plan was developed by The Ramsey Group Consultants and is in compliance with federal regulations. Only minor revisions were necessary to the 2023/24 plan to reflect updated contact information and dates (Attachment 1.) The 2023 Citizens' Advisory and Housing Opportunity Committee Participation Plan Schedule is presented as Attachment "2."

A Citizens' Advisory committee was established in 1981 to function in an advisory capacity to the Council regarding program design, implementation, and assessment. This Committee consists of seven residents of the city, appointed annually by the Council. The Citizen Participation Plan places particular emphasis on obtaining representation of low and moderate income persons residing in identified slum and blight areas, members of minority groups, the elderly, the disabled, and residents of areas where use of funds is proposed.

Five members of the 2022 committee have expressed their willingness to serve as 2023 Committee members:

Pat Contreras
Rebecca Contreras
Eriselda Lizarraga
Linda Mendez
Isabel Olmos

Applications from Yalimar Garcia and Jacqueline Verduzco Alanis have been

received, and staff is requesting that they be appointed as members of the CDBG Advisory and Housing Opportunity Advisory Committee for the 2023 program year.

The 2023 Action Plan is in the process of being developed and is planned to be presented to the Council in April 2023. It is anticipated that expenditures for activities will be consistent with previous years. As the sale of the Heritage Center has not been completed yet, a substantial amendment will need to take place to consider reallocating funds for programs that did not take place in connection with that sale or other circumstances.

Community input from the Community Meeting will be presented to the Citizens' Advisory and Housing Opportunity Committee when they meet on February 28, 2023. The Citizens' Advisory and Housing Opportunity Committee will give input on the 2023 Draft Action Plan & Amendment to the 2022 AP. The Plans will then be available for a 30-day public comment period and will be taken to the Council for final adoption at its meeting on April 18, 2023.

RECOMMENDATION: That the City Council:

1. Adopt the 2023 Citizen Participation Plan;
2. Appoint existing Committee members Pat Contreras, Rebecca Contreras, Linda Mendez, Eriselda Lizarraga and Isabel Olmos to the Citizens' Advisory and Housing Opportunity Committee for a one-year term; and
3. Appoint Yalimar Garcia and Jacqueline Verduzco Alanis as new members for a one-year term.

- ATTACHMENTS:
1. Draft 2023 Citizens' Advisory and Housing Opportunity Committee Schedule
 2. Draft 2023 Citizen Participation Plan
 3. Request for Appointment Pat Contreras
 4. Request for Appointment Rebecca Contreras
 5. Request for Appointment Eriselda Lizarraga
 6. Request for Appointment Linda Mendez
 7. Request for Appointment Isabel Olmos
 8. Request for Appointment Yalimar Garcia
 9. Request for Appointment Jacqueline Verduzco Alanis

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Assistant City Manager

Final Approver: John Lollis, City Manager

**CITIZENS' ADVISORY AND HOUSING
OPPORTUNITY COMMITTEE PARTICIPATION PLAN
SCHEDULE 2023**

Advisory Committee Meetings	Annually or as deemed necessary by the Committee
Public Hearings (2)	February 28, 2023* April 19, 2023*
Publication of Draft Consolidated Plan and 1 st year Action Plan	March 10, 2023* – April 18, 2023
Adoption of Consolidated Plan and Action Plan	April 18, 2023*
Submission of Consolidated Plan and Action Plan	May 2023* (or when determined by HUD)

*Dates are subject to change and will be posted at: www.ci.porterville.ca.us

City Council hearings, unless otherwise specified, will be held in the City Hall Council Chambers at 6:30 p.m. and livestreamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>.

Citizens' Advisory Committee meetings and/or hearings, unless specified otherwise, will be held in the Coleman Conference Room in City Hall at 5:00 p.m.

CITY OF PORTERVILLE CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE CITIZEN PARTICIPATION PLAN

Citizen Participation Plan

Revised January, 2023

Introduction

The City of Porterville (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) program.

As an entitlement jurisdiction, the City is required to prepare:

- A Five Year Consolidated Plan (Consolidated Plan) that includes a Citizen Participation Plan (CPP)
- An annual Action Plan (Action Plan)
- An annual Consolidated Annual Performance Evaluation Report (CAPER)

Under HUD's Code of Final Regulations for the Consolidated Plan (24 CFR Part 91 Sec. 91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Action Plans, and CAPER. This CPP provides guidelines for the City to provide and encourage public participation by residents, community stakeholders, and grant beneficiaries in the process of drafting, implementing, and evaluating the Consolidated Plan and related documents. The citizen participation process includes outreach, public hearings, community forums, and opportunities for comment.

Definitions

- **Action Plan (Action Plan):** The Action Plan summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to meet the goals outlined in the Consolidated Plan. The Action Plan also identifies the federal and non-federal resources that will be used to meet the goals of the approved Consolidated Plan.
- **Citizen Participation Plan (CPP):** The CPP provides guidelines by which the City will promote engagement in the planning, implementation, and evaluation of the distribution of federal funds as outlined in the Consolidated Plan, Action Plan, and CAPERs.
- **Community Development Block Grant (CDBG):** HUD's CDBG program provides communities with resources to address a wide range of housing and community development needs that benefit very low and low income persons and areas.
- **Consolidated Annual Performance Evaluation Report (CAPER):** The CAPER assesses the City's annual achievements relative to the goals in the Consolidated Plan and proposed activities in the Action Plan. HUD requires the City to prepare a CAPER at the end of each fiscal year.
- **Department of Housing and Urban Development (HUD):** HUD is the federal government agency that creates and manages programs pertaining to federal home ownership, affordable housing, fair housing, homelessness, and community and housing development.

CITY OF PORTERVILLE
CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE CITIZEN
PARTICIPATION PLAN

- **Displacement:** Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.
- **Eligible Activity:** Activities that are allowable uses of the CDBG funds covered by the CPP as defined in the Code of Federal Regulations Title 24 for HUD.
- **Entitlement Jurisdiction:** A city with a population of at least 50,000, a central city of a metropolitan area, or a qualified urban county with a population of at least 200,000 that receives grant funding from HUD.
- **Five Year Consolidated Plan (Consolidated Plan):** HUD requires entitlement jurisdictions to prepare a Consolidated Plan every five years. The Consolidated Plan is a strategic plan that identifies housing, economic, and community development needs and prioritizes funding to address those needs over a five-year period.
- **Low and Moderate Income (LMI):** As defined annually by HUD, Low and Moderate Income (LMI) is 0-80 percent of area median family income (AMI) for a jurisdiction, with adjustments for smaller or larger families. This includes those individuals presumed by HUD to be principally LMI (abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers). HUD utilizes three income levels to define LMI households:
 - Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
 - Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)
- **Public Hearing:** Public hearings are designed to provide the public the opportunity to make public testimony and comment. Public hearings related to the Consolidated Plan are to be advertised in local newspapers and made accessible to non-English speakers and individuals with disabilities.
- **Substantial Amendments:** Amendments are considered “Substantial” whenever one of the following is proposed:
 - A change in the allocation priorities or a change in the method of fund distribution
 - A substantial change which increases or decreases the amount allocated to a category of funding within the City’s entitlement grant programs by 25 percent

CITY OF PORTERVILLE
CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE CITIZEN
PARTICIPATION PLAN

- To implement an activity using CDBG funds for new programs that were not described in the Consolidated Plan
- To change the purpose or intended beneficiaries of an activity approved for CDBG funding, e.g., instead of primarily benefitting lower income households the activity instead proposes to benefit mostly moderate income households

Roles, Responsibilities, and Contact Information

The City is a federal entitlement jurisdiction and is a recipient of grant funding from the federal government.

The City's Charter established a council and manager form of government. Porterville's City Council is the elected legislative body of the City and is responsible for approving its Consolidated Plan, Action Plans, Substantial Amendments, and CAPERs prior to their submission to HUD.

It is the intent of the City to provide for and encourage citizen participation, with particular emphasis on participation by lower income persons who are beneficiaries of, or impacted by, entitlement-funded activities. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual or hearing impairments, residents of assisted housing developments, and recipients of tenant-based assistance.

In general, hearings will be held at City Hall due to its central location, convenient access, and disability accessibility. Translation services will be provided when there is an indication that non-English speaking persons will be attending. Other reasonable accommodations will be provided on a case-by-case basis.

The General Contact Information for the City's HUD Entitlement Programs is:

Jason Ridenour
Community Development Director
jridenour@ci.porterville.ca.us
291 N. Main Street
Porterville, CA 93257

Citizen Participation Policies

Public Hearings

The City will hold public hearings for Consolidated Plans, Annual Action Plans, CAPERs, amendments made to the CPP, and Substantial Amendments.

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The Consolidated Plans, Annual Action Plans, CPP amendments, and Substantial Amendments require two public hearings. One required hearing is a City-staffed community meeting and one required hearing is before City Council for document adoption. The CAPER requires one hearing before City Council for document adoption.

Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Waivers and Flexibility in Response to Pandemic (if applicable)

Legislation aimed at providing relief for individuals and businesses that have been negatively impacted by a pandemic outbreak or public health crisis, such as the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136), can provide CDBG Entitlement Jurisdictions with flexibilities that make it easier to use CDBG grants by authorizing HUD to grant waivers and alternative public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the City's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses. For any CDBG funds that are used in order to prevent, prepare for, and respond to a pandemic or public health crisis, expedited procedures could be implemented which include notice and reasonable opportunity to comment of no less than five (5) days. The five (5) day period can run concurrently for comments on the action plan amendment and, amended citizen participation plans.

Additionally, CDBG funds that are used in order to prevent, prepare for and respond to a pandemic like the Coronavirus, covered by laws such as CARES Act referenced above, the draft and final documents may only be available online at the City's website. At the discretion of the City Manager, City Staff will recommend program activities, funding and program modifications for submittal to the City Council without consultation of the Citizens' Advisory and Housing Opportunity Committee. In this case, the City Manager would have deemed the expeditious completion of these tasks as essential to public safety, health or economy, to prevent, prepare for or respond to the Coronavirus.

Waivers may be granted to CPD Grantees, such as the City of Porterville, with regards to its regulatory Citizen Participation Plan (CPP) requirements specifically required under Citation 24 CFR 91.105(c)(2)

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and (k) and could consist of: 1) an immediate reduction in the required 30-day comment period to no less than five (5) days, with the requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG funds; and 2) a waiver regarding "reasonable notice and opportunity to comment" requirements of the CPP, to allow a grantee to determine what constitutes reasonable notice and opportunity to comment.

Should waivers and flexibilities be granted by legislation as described above, the City of Porterville intends to implement said waivers and flexibilities as it pertains to this CPP.

Accordingly, the City of Porterville plans to vary from its Adopted CPP and will instead follow the below reasonable notice and public comment procedures:

- Public notices will be published in the "Public Notices" sections of the *Porterville Recorder* and in Spanish in the *Noticiero Semanal* publications approximately 5 days before a scheduled meeting to decide on any required actions related to the City's HUD Plans.
- The Public notices will note the specific comment period and the meeting date on which the item(s) will be reviewed and action taken.
- Proposed amendments to Plans will be made available for viewing from our website: <http://www.ci.porterville.ca.us/>
- Members of the public may submit comments during the five-day comment period specified in the section above via: 1) by email to housing@ci.porterville.ca.us, or, 2) by calling (559) 782-7460.
- Comments received may be read or received at the scheduled City Council meeting.
- The virtual meetings, if held during a scheduled City Council meeting, will be streamed via **the City's YouTube channel** <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA> and available for participation via a Zoom link to be provided on the posted agenda. Otherwise, the links to access the virtual public hearings outside a regularly scheduled City Council meeting will be available on the City's website.

Notice of Hearings and Review Periods

To allow the public time to provide comments prior to the submission of approved documents to HUD, the City will hold a minimum 30-day public review and comment period for the Consolidated Plan, Action Plan, and Substantial Amendment. The City will establish a public review period of at least 15 days for each CAPER and amendments to the CPP. Copies of the draft plans will be available to the public at the Community Development Department, 291 N. Main Street, Porterville, CA 93257.

The City will place public notices at City Hall (291 N. Main Street) and online through the City's website (www.ci.porterville.ca.us), and through advertisement in a local newspaper of general circulation in advance of a public review and comment period.

To ensure that the public, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and LMI residents are able to participate in the public review

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process, the City will provide residents, public agencies, and other stakeholders with notices on applicable public review periods and public hearings that adhere to the following:

- The notices will be published prior to the start of the public comment period and at least fifteen (15) days before the final public hearing and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- The notices will be distributed to persons and agencies on the contact list maintained by the City for those parties expressing interest in receiving information and updates related to the City's Consolidated Plan, Action Plan, CAPER, Substantial Amendments and CPP. Interested parties may request to be added to this contact list by sending an email to housing@ci.porterville.ca.us, by calling (559) 782-7460 or by writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257.
- The notices will be distributed through a variety of methods, including e-mail, newspaper publications and the City's website at www.ci.porterville.ca.us. The notices will include information on how to obtain a copy of the draft documents and scheduled hearing dates, times, and locations.
- As directed by HUD through written guidelines, and deemed necessary due to the risk of the safety, health or economy of the city, expedited procedures will be implemented which include notice and reasonable opportunity to comment of no less than five (5) days. The five (5) day period can run concurrently for comments on the action plan amendment and, amended citizen participation plans.

The public may file comments on draft plans in writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257; via email to Jason Ridenour at jridenour@ci.porterville.ca.us; or by phone at (559) 782-7460. Comments may also be submitted in person at the Community Development Department, 291 N. Main Street, Porterville, CA 93257, Monday through Friday during business hours, and during the Council adoption hearing.

When necessary or applicable, the City may combine notices complying with several individual requirements into one comprehensive notice for dissemination and publication.

Comments/Complaints on Adopted Plans

Comments or complaints from residents, public agencies, and other stakeholders regarding the adopted Consolidated Plan or related amendments and performance reports may be submitted in writing or verbally to the General Contact at the Community Development Department, 291 N. Main Street, Porterville, CA 93257. Written comments or complaints will be referred to appropriate City staff for consideration and response. The City will attempt to respond to all comments or complaints within fifteen (15) business days and maintain a correspondence file for this purpose.

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Availability of Draft and Approved Documents

The draft and final versions of the Consolidated Plan, Action Plan, CAPER, all related amendments, records, and regulations will be available online at the City's website: www.ci.porterville.ca.us. Hard copies of all documents will be available at the Community Development Department, 291 N. Main Street, Porterville, CA 93257 and upon written request. If the City is unable to provide immediate access to the documents requested, it will make every effort to provide the documents and reports within 15 business days from the receipt of the request.

During the public review and comment period, copies of the document will be available to the public for review at City Hall (291 N. Main Street) and through the City's website at www.ci.porterville.ca.us.

In the event of a public health crisis, the aforementioned documents will only be available online at the City's website.

Displacement Policy

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

The City's rehabilitation programs may also incur relocation issues when they provide minor additions to existing dwellings in order to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

Technical Assistance

The City will, to the extent feasible, respond to requests for technical assistance from entities representing LMI groups who are seeking federal entitlement funding in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out applications, other potential funding sources, and referrals to appropriate agencies within and outside the City. "Technical assistance," as used here, does not include the provision of funds to the entities requesting such assistance. Assistance will also be provided by Community Development Department staff to interested individuals and resident groups who need further explanation on the background

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and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

This plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low- and moderate-income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the City Council. Citizens and civic organizations have been urged to make recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP), and other worthwhile projects under CDBG Entitlement Cities and Home Programs which have benefitted low- and moderate-income households within the city of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Public Utilities Revolving Loan Fund (merged in 2012 with HRLP), the First Time Low-Income Homebuyer Program and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, and inventory of Industrial Land Resources, the Low-Income Residential Smoke Detector Installation Program, and the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glenwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter Sidewalk, and Street Light, Neighborhood Improvement Projects, Lime Street Park Improvement Project, and Santa Fe Facility Improvement Project. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park and in 2013, the Extension of Murry Park was included and is currently underway. In 2021, the Committee recommended the allocation of funds toward a Fair Housing education program and the development of a multi-sport fields.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities criteria. The City places particular emphasis on obtaining representation of low- and moderate-income

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persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

At the discretion of the City Manager, City Staff will recommend program activities, funding and program modifications for submittal to the council without consultation of the Advisory Committee. In this case, the City Manager would have deemed the expeditious completion of these tasks as essential to public safety, health or economy.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for the citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to Marth A. Flores, Porterville Mayor and/or Community Development Department, located in City Hall, 291 N. Main Street, or by telephone, (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, propose projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan more sensitive to local needs and realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings are typically held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal regulation standards.

A summary of the proposed use of CDBG funds and, will be made available in Spanish, the predominate non-English language spoken in Porterville, at all public hearings.

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Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days (or five (5) days as applicable), in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing or orally at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days (or five (5) days as applicable), in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally, at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

- 1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;
- 2) To carry out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the consolidated plan; or
- 3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days, in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The Annual Action Plan includes noticing and public hearings. All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Specifically, the Action Plan includes community meetings, public noticing for 30 days (or 5 days as applicable), and a public hearing. The

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City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Method of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of the program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the Plan, the Performance Report, or the Citizen Participation Plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to: Martha A. Flores, Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. Ms. Flores shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 1 Sansome Street, Suite 1200, San Francisco, CA 94104, requesting an investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquiries.

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TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by City staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- The public noticing pertaining to the community meetings, Council work session and public hearing are published in both English and Spanish. Public notices of all public hearings will be published in the *Porterville Recorder* and *Noticiero Semanal* at least ten (10) days before the scheduled hearing and fifteen (15) days prior to the final public hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoke within the city. Additionally efforts will be made by providing notices to our local non-profit partners to share and publish for public viewing, and publishing on the City website which includes the Agenda and meeting minutes.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days (or 5 days as applicable) for the consolidated plan or substantial amendments to the plan, or fifteen (15) days (or 5 days as applicable) for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall (291 N. Main Street). A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings, the role of citizens in the program, a summary of other

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important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.

- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the Consolidated Plan, Environmental Review Record, the Citizen Participation Plan, and the Consolidated Annual Performance Evaluation Report. Other program documents are also available for citizen review on request at City Hall, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Pat Contreras
(Please Print)

Appointment to: CDBG Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address: Porterville CA 93257

Mailing Address: Same

Name of Business: Retired

☐ Own ☐ Operate

Business Address: _____

Telephone: Home _____

Work _____

FAX _____

E-mail _____

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

I've been a member for over 15 years. I was a elementary principal for over 20 years in
this community. I feel I have great insight on the community needs.

Please tell us why you are interested in this position.

I want to continue to serve the community.

☐ Resume attached

☒ Letter of request attached

Submitted By: Pat Contreras

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

Staff Liaison ☐ Date: _____

Tentative Council Mtg Date: _____



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Rebecca Contreras

(Please Print)

Appointment to: CDBG

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address:

Porterville CA 93257

Mailing Address:

Same

Name of Business:

Teacher - Porterville Unified School District

☐ Own

☒ Operate

Business Address:

Telephone: Home

Work

FAX

E-mail

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

I had this position last year and I would like to continue this year as well.

I feel with my experience as a teacher and working with families and students helps me understands the needs of our community.

Please tell us why you are interested in this position.

I'm interested because I'd like to have an opportunity to do my part as a citizen of Porterville.

☐ Resume attached

☒ Letter of request attached

Submitted By: Rebecca Contreras

1/6/2023

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

Staff Liaison ☐ Date: _____

Tentative Council Mtg Date: _____

Rebecca Contreras

[REDACTED]
Porterville CA 93257
[REDACTED]

January 6, 2023

Lori Halleck

CDBG, City of Porterville
291 N. Main Street
Porterville CA 93257

To Whom it May Concern:

My name is Rebecca Contreras and I'm requesting to be a part of the CDBG committee for the 2023 year.

Last year was my first year as a committee member and I felt being a member was rewarding because I got to understand what the committee is a part of. At the time we were still under the blanket of the pandemic and had a Zoom meeting. I look forward to meeting all members, new and experienced and understanding more of the services and discussing the topics at hand.

Please consider me again as member for CDBG committee.

Sincerely,

Rebecca Contreras



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Eriselda Lizarraga

(Please Print)

Appointment to: CDBG Committee member

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address:

Porterville Ca 93257

Mailing Address:

same as above

Name of Business:

N/A

☐ Own

☐ Operate

Business Address:

Telephone: Home

Work

FAX

E-mail

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

Current and previous committee member to serve CDBG. Experience and skill to have the ability to communicate with staff and the community. Focus to details commitment and dedication to case load.

Please tell us why you are interested in this position.

I enjoy being a CDBG member and be able to to be part of meeting and being involved with city project and being able to give feedback and approve or disapprove project among our city.

☒ Resume attached

☐ Letter of request attached

Submitted By: _____

E. Lizarraga

01/05/2023

Date

Received by: _____

Forwarded to: City Clerk

☐

Date: _____

City Council

☐

Date: _____

Staff Liaison

☐

Date: _____

Tentative Council Mtg Date: _____



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Linda Mendez

(Please Print)

Appointment to: CDBG Advisory Committee

(Name of Board, Commission, or Committee)

X Reappointment; or IF NEW, Please provide:

Street Address:

[REDACTED]

Porterville, CA 93257

Mailing Address:

same as above

Name of Business:

Community Services Employment Training

☐ Own

☒ Operate

Business Address:

[REDACTED]

Visalia, CA 93291

Telephone: Home

[REDACTED]

Work

[REDACTED]

FAX

[REDACTED]

E-mail

[REDACTED]

City of Porterville resident:

☐ **X Yes**

☐ No

Registered Voter:

☐ **X Yes**

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

Employed with CSET since 1988 roles and responsibilities: 2013 to present, Compliance Director: Conduct internal monitoring and audits, review and evaluate scope of work and performance outcome, review documentation to ensure staff is complying with contract requirements and procedures, identify best practices and make recommendations for improvement, create evaluation tools; forms and tracking spreadsheets. In 2002 Director of Program Services & Information: overseen Management Information Systems for CSET, maintaining all participant information, ensuring data integrity of systems. In 1995 Youth Development Director: overseen youth services countywide, maintained program budgets, supervised sixty employees, monitored staff to ensure compliance with grant requirements.

Please tell us why you are interested in this position.

Re-appointed to the CDBG Advisory Committee helps me serve as advocate to the community and low- to moderate-income families we represent. My experience and skills will guide me in providing and recommendations on housing needs, employment and business development.

☐ Resume attached

☒ Letter of request attached

Submitted By: Linda Mendez

1/4/23

Date

Received by: _____

Forwarded to: City Clerk ☐ Date: _____

City Council ☐ Date: _____

Staff Liaison ☐ Date: _____

Tentative Council Mtg Date: _____



December 21, 2022

City of Porterville
CDBG Selection Committee
291 North Main Street
Porterville, CA 93257

Re: Letter of Recommendation for Linda Mendez

To whom it may concern:

It with great pleasure that I write this letter of recommendation for Linda Mendez who is seeking to renew her position on the CDBG City Committee. Linda has been with CSET for over 34 years in various positions, and is currently our Corporate Compliance Director. She is not afraid of hard work and is always willing to roll up her sleeves to assist with finding a solution. She has strong analytical skills and is a consensus builder.

As the Community Action Agency for Tulare County, our mission is to provide services that strengthen youth, families and communities. Linda Mendez continues to be a vital member of our leadership team and has assisted in strengthening our organization and supporting our mission throughout Tulare County.

I highly recommend Linda Mendez and if I can be of further assistance in your selection process, please do not hesitate to give me call at (559) 732-4194.

Sincerely,


Mary Alice Escarsega-Fechner
Executive Director

312 N.W. 3rd Avenue
Visalia, CA 93291

Phone
(559) 732-4194

Fax
(559) 733-3971

www.cset.org

Goshen
(559) 651-1030

Earlimart
(661) 849-2960

Porterville
(559) 788-1440

Tulare
(559) 684-1987

Cutler/Orosi
(559) 528-1095

Pixley
(559) 757-1601



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Isabel Olmos

(Please Print)

Appointment to: CDBG Advisory Committee Reappointment

(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address:

Porterville, Ca 93257

Mailing Address:

Name of Business:

☐ Own

☐ Operate

Business Address:

Telephone: Home

Work

FAX

E-mail

City of Porterville resident:

☒ Yes

☐ No

Registered Voter:

☒ Yes

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

Previous Self Help Board Member - I'm familiar with CDBG Grants

Please tell us why you are interested in this position.

In 1981 9 families came together with Self Help Enterprize to build 9 homes in Porterville,
no words can express what it means to have a roof over you head.

☐ Resume attached

☒ Letter of request attached

Submitted By: Isabel Olmos

12/21/2022

Date

Received by: _____

Forwarded to: City Clerk

☐ Date: _____

City Council

☐ Date: _____

Staff Liaison

☐ Date: _____

Tentative Council Mtg Date: _____



Nomination Form – 2014 Awards Program

___ **Man of the Year**
x **Woman of the Year**

Name of Nominee: _____ Isabel Olmos _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Please complete the following sections with as much information as possible. Up to three letters of recommendation may be submitted with nomination form. Selection of the Man and Woman of the Year is made from the information provided. No other research will be done by the committee. Attach additional sheets if necessary.

Summary of Nominee's Business/Professional Activities (i.e. Porterville Chamber of Commerce, other local business associations, professional organizations, etc.)

Isabel has participated on a number of community boards to include:

- Family HealthCare Network Board of Directors 1982-1994 (prior to becoming an employee)
- Tulare County Workforce Investments Board 2000
- Migrant Program Policy Council 2000
- Family Services of Tulare County 2000
- Self Help Board of Directors 2003-2015
- Porterville Chamber Leadership Class of 2002
- Porterville Chamber Ambassador 2002-present
- Porterville Health Academy of Science-Advisory Board

Summary of Nominee's Civic or Community Involvement (i.e. Non-Profits, Schools, Athletics, Cultural Arts, Government, etc)

I am continually amazed at the amount of energy Isabel has and how she participates in so many activities. She truly inspires me. Once an individual meets Isabel she knows that she/her can always call her to say "yes", or "I will help". She has earned the respect of many communities within Tulare County over the last several years.

Isabel participates on a number of committees and boards, some of which are listed below:

- Mariachi Academy-Board of Directors 2010
- Step Up Committee - Present
- Tulare County Sheriff Volunteer 2013
- Comision Honorifica Mexicana-Americana, Inc. -Board of Directors-Present
- Springville Community Group-Present
- Toys for Tots
- Salvation Army Bell Ringer
- Relay for Life 2013
- Catholic Daughters of America
- Leadership Porterville
- St.Anne's Alter Society
- Alta Vista School - Healthy Start
- Head Start Migrant Program Policy Council
- The Connect – an Orosi community group
- Family Referral, Education and Empowerment Collaborative
- Part of an organization (was against poverty to start food stamp program in Tulare County and opened a credit union for farm workers).
- Worked for El Futuro Credit Union for 27 years empowered members on obtaining credit reports, loans and checking accounts.
- and many other committees organizing health fairs and community events and many other organizations that I am not aware of.

Summary of Nominee's Community Leadership (i.e. President, Campaign Chair or Chief Volunteer for Civic or Community Organizations, Business or Professional Organizations or other Local Organizations)

As a member of the Community Relations Department for Family HealthCare Network Isabel has the opportunity to meet a variety of individuals through her participation in many community events and numerous presentations to youth groups, community-based organizations and employer groups. She is very aware and understands the needs in the communities of Tulare County.

Isabel comes from a farm-worker background and knows first hand how it is to work in the fields as well as the hardships and barriers farm-workers encounter. She is very proud of her parents who worked the crops to put food on so many tables. Coming from a low income, single parent home has made Isabel have a different view of the importance that people have in our lives. Isabel had the opportunity to have “on the job training” from a youth program at the age of 15 years. She worked in addition to attending school and understands the importance of managing multiple demands. Isabel has overcome many hurdles in her life and she still continues to succeed in everything she does.

Isabel participated in a program called “Straight Activities”. This was a program to help troubled youth. She would work with youth to mentor, big sister or role model to help build self-esteem. She would also assist with painting over graffiti to teach youth to have a cleaner environment and take pride in their city.

Isabel has a heart to empower farm-workers and individuals with limited income to empower themselves. She is a leader in her community and is respected by those she assists. She is a friend, confidant and blessing to everyone she comes in contact with. Isabel always has a smile and kind word for everyone she encounters. She is truly an inspiration to all.

Summary of other special recognition the Nominee may have received previously (i.e. Other awards and recognition, success as an advocate of Porterville outside of the community, association with a major and/or one-time event of importance, political appointments or elections)

Soroptimist International of Visalia “Women of Distinction” Award – (Former title), 2000. The Soroptimist Ruby Award recognizes and honors the first federation president, Ruby Lee Minar. A ruby is also a deep red gemstone associated with wisdom, importance, vitality, strength, vivacity, power and love: all words embodying the strong and compassionate women who are award recipients. The Soroptimist Ruby Award honors women who have worked to improve the lives of women and girls through their professional and/or volunteer work.

Porterville Cinco De Mayo Grand Marshal, 2005. Selected by Comision Honorifica Mexicana-Americana, Inc. to be the dignitary at the parade.

Anita de la Vega Community Service Award, 2013. The Anita de la Vega Community Service Award was established in 2010 in memory of Anita de la Vega, a founding clinician at Family HealthCare Network who dedicated her career to serving the underserved. The award recognizes individuals who have followed in Anita’s footsteps serving the community and the underserved and are respected for their tenacity, mentorship, work ethic and commitment to community service.

Please attach a sheet containing any other factors that you feel make the Nominee a deserving recipient of this award

Isabel Olmos has been an employee at Family HealthCare Network (FHCN) for over fifteen years. Isabel can be found just about anywhere in Tulare County on any day of the week providing valuable information about programs and services offered at FHCN and within the community. She is very dedicated and committed to promoting services to the community and is very supportive of the Mission of FHCN.

Isabel is very concerned about patients and individuals in the community. She will go above and beyond the call of duty to assist patients or community members assisting with paperwork or finding necessary answers or services. Isabel can even be found late in an evening or early in the morning at someone’s home in order to accommodate a work schedule. She is available morning, noon or night. She will put someone else’s needs before hers.

Isabel also finds time for her family and her faith. She is actively involved in her children’s activities and is also an active participant in her Church functions. Her faith and family commitment is reflected in her three children. She has taught them the importance of values and integrity. This commitment is shared in her interactions with co-workers and others. She is concerned for the other individual before herself.

Information of Person submitting nomination

Your Name and Organization: Janet Paine, Anthem Blue Cross

Your Telephone Number: (Day) (Evening)

**Nominations must be submitted to the Porterville Chamber of Commerce
no later than 5:00 p.m., Friday, September 5, 2014.**

If you have any questions, please contact the Chamber at 784-7502.



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



Please complete all blanks.

Name: Yalimar A Garcia
(Please Print)

Appointment to: CDBGIA Housing Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address: Porterville, CA 93257

Mailing Address: _____

Name of Business: _____
☐ Own ☒ Operate

Business Address: Porterville, CA 93257

Telephone: Home _____
Work _____
FAX _____
E-mail _____

City of Porterville Resident:

☒ Yes

☐ No

Select District:

☐ 1 ☐ 2 ☐ 3

☐ 4 ☒ 5

Registered Voter:

☒ Yes

☐ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

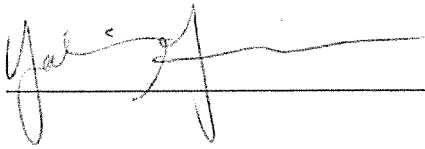
Resume attached.

Please tell us why you are interested in this position.

I am interested in being more involved in my community & making a difference.

☒ Resume attached

☒ Letter of request attached

Submitted By: 

1/27/23
Date

Received by: _____

Forwarded to: City Clerk

☐

Date: _____

City Council

☐

Date: _____

Staff Liaison

☐

Date: _____

Tentative Council Mtg Date: _____

Yalimar Garcia



Jan 27, 2023

City of Porterville

RE: Appointment Request for CDBGA & Housing Committee

To whom it may concern,

My name is Yalimar Garcia, and I am requesting an appointment for the Community Development Block Grant Advisory & Housing Committee. I am confident that I am knowledgeable and capable of maintaining such a role in the committee. I attached my resume to this application. I plan on helping my community develop and advance for future generations to come.

Yalimar Garcia



CITY OF PORTERVILLE REQUEST FOR APPOINTMENT



RECEIVED

JAN 30 2023

CITY OF PORTERVILLE
CITY CLERK OFFICE

Please complete all blanks.

Name: Jacqueline Verduzco Alanis

(Please Print)

Appointment to: Community Development Block Grant (CDBG) Citizens' Advisory and Housing Opportunity Committee
(Name of Board, Commission, or Committee)

☐ Reappointment; or IF NEW, Please provide:

Street Address:

[REDACTED]

Porterville, CA 93257

Mailing Address:

[REDACTED]

Porterville, CA 93257

Name of Business:

☐ Own

☐ Operate

Business Address:

Telephone:

Home

[REDACTED]

Work

[REDACTED]

FAX

E-mail

[REDACTED]

City of Porterville Resident:

☒ Yes

☐ No

Select District:

☐ 1 ☐ 2 ☐ 3

☐ 4 ☒ 5

Registered Voter:

☐ Yes

☒ No

Qualifications: (It is recommended that a resume or letter accompany this form.)

Lifelong Porterville Resident

Porterville College Employee

Business Administration graduate

Mother of a PUSD student

Please see attached letter

Please tell us why you are interested in this position.

With 30 years of residency in the city and plans to continue living here, I have a deep investment in its future. And, as a mother of a 13-year-old daughter and 7-month-old son, I am interested in seeing our city further develop educational and enrichment opportunities for all residents.

☐ Resume attached



Letter of request attached

Submitted By: Jacqueline Verduzco Alanis

1/30/2023

Date

Received by: _____

Forwarded to: City Clerk

☐

Date: _____

City Council

☐

Date: _____

Staff Liaison

☐

Date: _____

Tentative Council Mtg Date: _____

Jacqueline Verduzco Alanis

Porterville, CA 93257

January 30, 2023

Porterville City Clerk
291 N Main St
Porterville, CA 93257

Dear Members of the Community Development Block Grant Citizens' Advisory and Housing Opportunity Committee,

I am writing to express my interest in serving on this important committee. As a lifelong resident of Porterville, I would welcome the opportunity to provide input relating to the educational, enrichment and leisure opportunities available to all residents.

I am proud to have attended Olive Street Elementary (Go Tigers!) and graduated from Porterville High School. I then attended Porterville College and transferred to Fresno State. I have continued to live and work in the city for the past 30 years, currently serving as a woman in STEM at Porterville College. My responsibilities at work, including managing my department's purchasing and inventory, have equipped me with the skills necessary to analyze data and make informed decisions.

As a mother of a 13-year-old daughter and 7-month-old son, I am deeply committed to supporting a city that offers a high quality of life for all residents, especially our children. I want to ensure that my children, and all children in Porterville, have access to the resources they need to thrive.

My Bachelor of Science degree in business administration and experience in managing budgets and inventory make me a well-rounded candidate for this committee. I am confident that my passion for our city and my qualifications make me an excellent fit for this role.

Thank you for considering my application. I am eager to bring my experiences and dedication to the Community Development Block Grant Citizen's Advisory and Housing Opportunity Committee.

Sincerely,



Jacqueline Verduzco Alanis



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Consider a Letter of Commitment as a Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program"

SOURCE: City Manager's Office

COMMENT: The United States Department of Transportation (USDOT) "Thriving Communities Program" (TCP) is a federal grant funded program designed to provide technical assistance, planning, and capacity building support to advance a pipeline of transportation and community revitalization activities that increase mobility, reduce pollution from transportation sources, expand affordable transportation and housing options, improve health outcomes, facilitate efficient land use, preserve or expand jobs, and enhance connections to healthcare, education, and food security to benefit disadvantaged populations and communities. The TCP will support and build local capacity to improve project acceleration, access to and management of federal funding, and deployment of local hiring, workforce development and inclusive community engagement practices.

The Tulare County Regional Transit Agency (TCRTA) submitted a Letter of Interest to the TCP, which TCRTA was recently notified by the USDOT that it is a finalist for up to \$25 million in federal grant funding to assist both the City of Porterville and the Tule River Tribe as identified Key Community Partners in receiving two years of highly technical assistance to assist in planning and developing a pipeline of transportation, housing and community revitalization activities. As an identified Key Community Partner, the City and the Tribe would need to provide Letters of Commitment to support the two year planning effort, should the TCRTA be selected for funding.

RECOMMENDATION: That the City Council consider approval of the Letter of Commitment as a Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program."

ATTACHMENTS:

1. Draft Letter of Commitment to Thriving Communities Program
2. United States Department of Transportation "Thriving Communities Program" Overview

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

February 7, 2023

Tulare County Regional Transit Agency
210 N. Church Street, Suite B
Visalia, California 93291

RE: Thriving Communities Program Letter of Commitment

The City of Porterville is listed as a key community partner in the Letter of Interest (LOI) submitted to the United States Department of Transportation (USDOT) by the Tulare County Regional Transit Agency to participate in the Fiscal Year 2022 Thriving Communities Program (TCP) to receive technical assistance, planning and capacity building support from capacity building providers (“Capacity Builders”) that are funded through the USDOT.

This letter of commitment verifies that the City is committed to working with the lead applicant and other community partners identified in the TCP LOI to advance the local vision and needs articulated in the LOI.

If selected for participation in the program, the City commits to regularly engaging with the assigned TCP Capacity Builder and members of the TCP Community of Practice. This includes the potential to participate in annual TCP meetings with Capacity Builders and the USDOT, noting that funding is provided through the program to support participation of three individuals in total from the Porterville community.

The City looks forward to participating in the TCP to build capacity in City’s organization and community to advance transformative infrastructure projects.

Sincerely,

Martha A. Flores, Mayor
City of Porterville

Grants

Thriving Communities
Program >

About the Thriving
Communities Program

Announcement

Information for
Communities

Information for Capacity
Builders

How to Apply

Webinars

Resources

Glossary of Terms

Frequently Asked
Questions

Federal Agency Network

Philanthropy

Thriving Communities Program (TCP) Frequently Asked Questions

On This Page:

This page contains frequently asked questions about the Thriving Communities Program (TCP), with content organized by the:



**THRIVING
COMMUNITIES**
PROGRAM

- [Overall Program](#)
- [Notice of Funding Opportunity \(NOFO\)](#)
- [Letter of Interest \(LOI\)](#)

Overall Program

DOT Thriving Communities Program

What is the Thriving Communities Program?

The Thriving Communities Program (TCP)—established by the Consolidated Appropriations Act of 2022 (PL-117-103 Division L, Title I)—is designed to provide technical assistance, planning, and capacity building support to advance a pipeline of transportation and community revitalization activities that increase mobility, reduce pollution from transportation sources, expand affordable transportation and housing options, improve health outcomes, facilitate efficient land use, preserve or expand jobs, and enhance connections to health care, education, and food security to benefit disadvantaged populations and communities. The TCP will support and build local capacity to improve project acceleration, access to and management of Federal funding, and deployment of local hiring, workforce development and inclusive community engagement practices.

What are the key differences between the DOT Notice of Funding Opportunity and the DOT Letter of Interest?

The Notice of Funding Opportunity (NOFO) is for *providers of* technical assistance, which may be nonprofits, state or local governments and their agencies, Indian Tribes, philanthropic entities, or other technical assistance providers (including private firms). DOT will fund at least three of these applicants with cooperative agreements of between \$3.5 and \$6 million for a two-year period of performance.

The Letter of Interest (LOI) is for communities that *want to receive* technical assistance for a particular geographic area, which may be state, local, or Tribal governments; United States territories; Metropolitan Planning Organizations; transit agencies; or other political subdivisions of state or local governments. Those selected from the LOI will not receive funding but will instead be paired with technical assistance providers who were selected from the NOFO to receive the technical assistance funded by the cooperative agreements.

Can an eligible applicant apply to both the DOT NOFO and the DOT LOI?

Technically, if an applicant meets eligibility criteria for both the NOFO and the LOI, they could apply for both. The key distinction is that the NOFO application is for applicants who want to provide technical assistance to a national cohort of communities, while the LOI is for applicants who want to receive technical assistance to support their community. Applicants for the NOFO should be able and

capable of providing technical assistance to a diverse set of communities located across the country, not just within a single state, metropolitan area, Indian Tribe, United States territory, or local jurisdiction.

Can you define the three Communities of Practice: Main Streets, Connected Neighborhoods, and Networked Communities?

The Main Streets Community of Practice is focused on Tribal and rural communities and the interconnected transportation, housing, community, and economic development issues they face. The Complete Neighborhoods Community of Practice is focused on urban and suburban communities located within metropolitan areas working to better coordinate transportation with land use, housing, and economic development. The Networked Communities Community of Practice is focused on those communities located near ports, airports, freight, and rail facilities to address mobility, access, environmental justice, and economic issues including leveraging their proximity to these facilities for wealth-building and economic development opportunities.

Please refer to Section A.2.b of the [NOFO](#) for more details on each of the Communities of Practice.

Does the program only support planning activities?

No. While support in planning efforts is one component of possible technical assistance, other forms of technical assistance include assistance with grant applications, project scoping and pre-development activities, and pre-engineering studies, among other technical issues outlined in the [NOFO](#) (see Section A.2.b). As applicable, assistance is also provided through project development, project funding and financing, and project delivery.

Other Technical Assistance Programs

How is DOT's Thriving Communities Program related to the Department of Housing and Urban Development's (HUD) Thriving Communities Program?

The two are separate programs each with its own NOFO. The two programs share a common vision: supporting jurisdictions in designing and deploying their infrastructure investments in ways that support equitable development and benefit residents and businesses. The DOT and HUD technical assistance programs focus on different components in helping jurisdictions use infrastructure investment to create thriving communities and therefore have different eligibility requirements and rating factors.

Being funded through one NOFO does not make an organization ineligible to being funded by the other. HUD will provide funding to technical assistance providers and Capacity Builders to help jurisdictions consider housing and community development needs as part of transportation infrastructure plans (for example, identifying land that is near planned transportation projects and suitable for housing development). There are other differences between the two NOFOs and programs, including eligibility. HUD and DOT will collaborate on the evaluation of applications and the implementation of both programs.

Can an applicant that is eligible to apply for both DOT's and HUD's TCP NOFOs apply to both?

Yes. An applicant that is eligible under DOT's TCP NOFO and is also eligible under HUD's TCP NOFO are eligible to apply to both.

Is there a benefit to an applicant to apply to both DOT's and HUD's NOFOs?

The DOT and the HUD TCP NOFOs each provide separate evaluation criteria for rating individual applications for each agency's NOFOs. There is not a benefit or disincentive to applying to both. DOT's evaluation criteria include consideration of how applicants will support comprehensive community development that delivers equity, environmental, safety, mobility, housing, and economic benefits; demonstrates partnerships; and demonstrates an approach to working with DOT and other relevant Federal agencies, including identified regional staff, in providing support to communities and leveraging Federal opportunities.

Will an applicant that applies to both DOT's and HUD's NOFOs be required to describe how the two programs they are proposing will work together in their applications?

The DOT and the HUD TCP NOFOs each provide separate evaluation criteria for rating individual applications for each agency's NOFOs. Each application should be prepared with the understanding that these are separate NOFOs and that if an applicant is awarded under one of the agency's NOFOs that does not mean they will be awarded under the other agency's NOFO.

Could the recipients of DOT and HUD's technical assistance be the same entities?

DOT and HUD's NOFOs provide information about eligible recipients for the technical assistance from each agency. Local governments, other political subdivisions of a state or territory, and Tribal governments are entities that are eligible to apply for technical assistance from both DOT's and HUD's TCP NOFOs. DOT also includes state governments, metropolitan planning organizations, and transit agencies as eligible recipients of technical assistance. Those interested in receiving technical assistance through DOT's Thriving Communities Program should submit a [Letter of Interest](#).

Will DOT and HUD request that awarded Capacity Builders coordinate their activities for eligible recipients?

The DOT and the HUD programs are separate and distinct from each other but do have a common framework. DOT and HUD coordinated on the design of each of their respective NOFOs and technical assistance programs. This includes discussions of differences, similarities, and areas of potential collaboration for awarded Capacity Builders and the potential collaboration for technical assistance recipients.

How does DOT's Thriving Communities Program fit into existing Build America Bureau efforts, including the Regional Infrastructure Accelerator program?

The Build America Bureau (Bureau), established at DOT in 2015, works with a wide set of public and private project partners on all types of transportation projects. The Bureau is launching several new technical assistance programs, including the Thriving Communities Program, that supplement existing programs like the Regional Infrastructure Accelerator (RIA). Each has a slightly different focus and types of tools that it provides. The RIA provides funding directly to a regional navigator organization to advance project scoping, development, and assessment of innovative finance tools; while the Thriving Communities Program does not provide direct funding to communities but rather access to technical assistance providers who will provide deep-dive technical assistance, which may include staffing, sub-granting, and other types of direct support.

NOFO FAQs

Eligibility to Apply

What is a Capacity Builder?

A Capacity Builder is an organization funded through TCP to provide technical assistance, planning, and capacity building to selected recipient communities. DOT is encouraging applicants to form capacity building teams to provide the scope and diversity of expertise being sought by a variety of communities with different needs and assets, different types of transportation projects, and different geographies.

Who is eligible to apply to provide planning, technical assistance, and capacity building through DOT's Thriving Communities Program?

Organizations eligible to apply to provide support individually or as part of a team include nonprofit organizations, state or local governments and their agencies, Indian Tribes, philanthropic entities, and other technical assistance providers with a demonstrated capacity to develop and provide technical assistance, planning, and capacity building.

Can a private firm, consulting entity, or for-profit company apply to be a Capacity Builder?

Yes, private firms, including consulting firms and for-profit organizations, are considered eligible applicants to the TCP NOFO. Private firms may apply either as the lead applicant or as part of a team. Private firms are eligible under “Other technical assistance providers with a demonstrated capacity to develop and provide technical assistance, planning, and capacity building (i.e., private firms or consultants, private academic institutions, CDFIs).”

Can a university apply to be a Capacity Builder?

Yes, academic institutions including universities, colleges, and vocational institutions are eligible entities to apply to the TCP NOFO if they can verify or demonstrate their experience as a “technical assistance provider with a demonstrated capacity to develop and provide technical assistance, planning, and capacity building”; are a unit of state or local government; or have tax-exempt status as a nonprofit organization.

Does an applicant need to be or include a licensed architect or engineer to apply to be a Capacity Builder?

No, an applicant does not need to be a licensed architect or engineer to apply to be a Capacity Builder.

Can an eligible firm or organization submit more than one application or be on multiple teams within one or more Community of Practice?

Lead Capacity Builder applicants may have their own requirements for exclusivity, but DOT does not preclude eligible firms or organizations from submitting more than one TCP application, or from serving on more than one Capacity Builder team, whether specific to one or multiple Communities of Practice.

Eligible Activities

What are examples of eligible activities for Capacity Builders under the TCP?

The primary focus of support through the TCP is assisting individual communities—recipients include government agencies and their community partner organizations—to successfully advance a program of projects identified through meaningful public involvement that deliver a broad set of transportation, climate, equity, housing, economic, and other community benefits.

Can Capacity Builders use the funding to construct or repair roads, bridges, bike paths, sidewalks, and/or sewers?

Funding awarded to Capacity Builders through TCP is meant to support the provision of technical assistance, planning, and capacity building support to selected communities and is not intended to finance specific projects. Capacity Builder support may include, among other things, identifying and responding to funding opportunities, but the TCP funding itself cannot be used to pay for expenses associated directly with infrastructure.

Can TCP applicants apply to provide technical assistance through other DOT or Federal opportunities? Can applicants be selected for more than one?

There is no restriction from or prohibition on applying or providing technical assistance through other DOT or Federal opportunities. Eligible and interested applicants, for instance, can also apply to HUD’s TCP NOFO. However, an application for one program does not enable consideration for another.

The NOFO requires that at least 60% of the total project budget be for activities that provide direct support to communities. What types of activities count as “direct support to communities”?

The 60% includes direct technical assistance support provided to the community to enable them to advance efforts identified in their scope of work. It also includes activities that build long-term capacity in the community, such as direct costs to provide sub-grants, purchase necessary software, and supplement staffing for TCP recipients, which includes the lead applicant and its community partners. Other examples of direct support include but are not limited to conducting technical analysis or studies for the community; providing direct grant writing support or targeted technical

assistance to the community; travel costs for direct support to provide the technical assistance, conduct site visits, etc.; and paying for software systems or training for communities. Activities like training, research, and education that support the broader Community of Practice are not considered direct support to the community. Nor is program evaluation, project management, or grant management for the Capacity Builder. Supervisor salary or general overhead costs are not included as direct support. Nor is a program management database for the Capacity Builder.

Application Requirements

How does an eligible entity apply to be a Capacity Builder?

Eligible organizations, or teams of organizations, interested in applying must submit an application by **11:59 PM EST on Tuesday, November 29, 2022**, via Grants.gov. You can find the NOFO on DOT's [TCP webpage](#) or on [Grants.gov](#) by searching Opportunity Number DOT-TCP-FY22-01. To submit an application via Grants.gov applicants must register with SAM.gov and Grants.gov. **Registration can take between three to five business days or as long as four weeks.** To avoid delays, DOT strongly recommends that applicants start early and not wait until the approaching deadline date before logging in, registering, reviewing the application instructions, and applying. Visit the [How to Apply](#) webpage for more information.

Further, applicants are required to be registered in SAM before submitting an application; provide a valid unique entity identifier (UEI) in the application; make certain certifications; and continue to maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by a Federal awarding agency.

What materials are needed for a complete application?

Those interested in applying to be a Capacity Builder should read closely the details for application submission included in the NOFO (see Section D.2). Successful applications include both the required program design and substance content and required forms and supporting documentation highlighted below:

- Program Design and Substance
 - Executive Summary
 - Technical Assistance and Capacity Building Approach
 - Applicant Expertise, Staffing, and Project Management
 - Program Evaluation and Assessment
 - Budget Narrative and Cost Estimate
 - Schedule of Milestones and Deliverables
- Forms and Supporting Documentation
 - Application for Federal Assistance (SF-424)
 - Budget Information for Non-Construction Programs (SF-424A)
 - Assurances for Non-Construction Programs (SF-424B)
 - Certification Regarding Lobbying (CD-511)
 - Disclosure of Lobbying Activities (SF-LLL)
 - Organizational Documentation (if applicable, depending on your organization type)
 - Indirect Cost Rate (ICR) Documentation (if applicable)
 - Unique Identifier and System for Award Management (SAM)

Does each Capacity Builder partner need a Unique Entity Identifier (UEI) for Grants.gov?

The lead applicant who will submit the application to the NOFO and be the primary recipient of the funds must have a UEI. Each partner does not necessarily need to have its own UEI; however, if there is a subaward, the subrecipient must also have a UEI (2 CFR 25.300).

If an applicant applies to be a Capacity Builder for two Communities of Practice, would they need to submit two separate applications?

Unless the applicant is assembling two separate teams for proposed support, it is permissible to submit one application that describes how the applicant proposes to support both Communities of Practice.

How should Capacity Builder applicants complete the budget narrative without yet knowing the communities they will be supporting?

Please refer to pages 18-19 of the NOFO (Sections D.2.e and f) for information on budget narrative and schedule requirements. DOT recognizes that information provided will be a good faith estimate given that the applicant does not yet know which communities will be selected for support. As such, the applicant is encouraged to provide as much information as possible to address the required elements. It is also allowable to provide a cost estimate or range or other qualifiers, as applicable. As stated in the NOFO, DOT will work with the selected Capacity Builders to finalize budget and milestones as part of the process to finalize the cooperative agreements to fund work supported through this program.

Program Requirements

Are partnerships encouraged for Capacity Builders?

Partnerships are strongly encouraged for Capacity Builders. DOT will evaluate applications across a set of criteria including proven success; quality project management; alignment with DOT priorities; centering community; flexibility and innovation; and impact size and longevity. Applicants that demonstrate extensive expertise across a multitude of technical issues, planning strategies, and capacity building approaches will be more competitive for an award. Applicants with clear involvement of disadvantaged business enterprises, small businesses or minority owned businesses, and/or community-based organizations in proposed deliverables will also be more competitive for an award.

Are there any reporting requirements for selected Capacity Builders?

Yes. All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R. Part 200, as adopted by DOT at 2 C.F.R. Part 1201. Section F.3 of the NOFO describes the performance and program evaluation reporting requirements. Each cooperative agreement lead organization must submit quarterly progress reports to monitor progress and ensure accountability and financial transparency in the grant program. Each contractor must collect and report to the Build America Bureau (Bureau) performance information on the technical assistance and advisory services being provided. The specific performance information and reporting period will be determined on an individual basis and communicated at the kick-off meeting of the cooperative agreement. It is anticipated that the Bureau and the contractor will hold regular, informal meetings or calls to review project activities, schedule, and progress toward the scope of work.

Additionally, the TCP and its Capacity Builders will be evaluated against specific performance metrics to track the results and outcomes of the technical assistance, planning, and capacity building being provided. The NOFO provides guidance to applicants on elements that should be included in the Program Evaluation and Assessment Plan (see Section D.2.d), which is required to be in application submissions.

Are there certain milestones that Capacity Builders must meet if they receive funds?

Milestones are not prescribed to Capacity Builders. However, applicants must include a proposed set of tasks, a schedule, and major deliverables as part of their application. The proposed task organization and schedule will serve as a starting point for cooperative agreement negotiations with the selected teams.

Funding and Awards

What type of funding is available for selected Capacity Builders under TCP?

TCP provides reimbursable project funding to selected Capacity Builders through cooperative agreements covering a two-year period of performance. All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R. Part 200, as adopted by DOT at 2 C.F.R. Part 1201.

How much funding is available for selected Capacity Builders?

In total, \$21 million is being provided through the fiscal year 2022 NOFO. The number and funding amount of cooperative agreements will be dependent upon applications selected but is estimated to range between \$3.5 million to \$6 million per selected Capacity Builder for a two-year period of performance.

Is there a minimum or maximum award size for selected Capacity Builders?

There is no minimum award size for Capacity Builders, but DOT anticipates awards in the range of \$3.5 million to \$6 million. The size of awards will be determined by the number of awards given and informed by the selected applicant's budget. After DOT has made selections, DOT will finalize specific terms of the cooperative agreement and budget in consultation with the selected lead applicant.

At least 60% of the total project budget should be for activities that provide direct support to communities. DOT expects that a portion of the project budget will be allocated to provide sub-granting, purchase necessary software, and supplement staffing, or support other activities that enable long-term capacity to be created for the recipient and community partners to successfully apply and manage Federal funding. DOT also encourages sub-granting or other activities that compensate local community partners who are providing technical assistance, planning, and capacity building support. DOT will reimburse labor and direct costs incurred by the Capacity Builder team, including subcontractors.

Is there a set number of cooperative agreements to be made?

The number of cooperative agreements will be determined by DOT and informed by the applications received and by the number and type of communities selected to receive TCP support. DOT anticipates at least three cooperative agreements will be awarded under the NOFO.

Is there a funding match requirement for Capacity Builder applicants?

There is no match requirement; however, DOT will score more highly those applications that demonstrate leverage of additional funding and other resources (whether public, philanthropic, or other private resources). This includes potentially providing deep dive support to additional communities, beyond the 10-15 selected by DOT, within the budget provided or through leveraging other funding or associated technical assistance efforts that the applicant or its team members may also be supporting.

Evaluation and Selection

What are DOT's evaluation criteria for each Capacity Builder application?

Applications will be evaluated against six overarching criteria: proven success; quality project management; alignment with DOT priorities; centering community; flexibility and innovation; impact size and longevity. Additional details and sub-elements of each criterion are provided in the [NOFO](#) (see Section E.1). Applicants are strongly encouraged to review the criteria in developing their submissions.

If a consulting firm or nonprofit organization receives a TCP Capacity Builder cooperative agreement to provide technical assistance, planning, and capacity building support to a community or group of communities, can that same firm perform future planning, project design, and engineering support for projects that may be developed through TCP in the communities of support?

The specific limitations on participation in a later-funded project depend on the Federal funding source for that later-funded project. Generally, under 2 CFR 200.317 and 1201.317, if the recipient of funding for the later-funded project the TCP technical assistance, planning and capacity building is a

state, then the recipient must follow the same policies and procedures it uses for procurements from its non-Federal funds, and the answer to this question is dependent on those policies and procedures.

If the recipient of funding for the later-funded project TCP support is not a state, the answer is generally yes, the same firm or nonprofit organization may be hired if necessary competition requirements are satisfied. Per CFR 200.319, all procurement transactions must be conducted in a manner that provides full and open competition, eliminates unfair competitive advantage, and ensures objective contractor performance. Project sponsors must avoid creating situations that would unfairly favor the firm or nonprofit organization that helped develop applications for DOT discretionary grants or preclude other firms or organizations from competing. Additionally, if a Capacity Builder assists a community in drafting its solicitation for procurement proposals, it must be excluded from competing for that same procurement.

If the later-funded project is funded under title 23 (*i.e.*, the Federal-aid highways program), then it will also be TCP funds are subject to the requirements of 23 CFR 172, including the restrictions at 172.7(a) for the procurement of engineering and design-related services through: competitive negotiation (qualifications-based selection) procurement, small purchases procurement for small dollar value contracts, and noncompetitive procurement where specific conditions exist allowing solicitation and negotiation to take place with a single consultant. Similarly, if the later-funded project is funded from the Federal Transit Administration, then it will be subject to the Architectural Engineering (A&E) and Related Services requirements described in FTA Circular 4220.1F § IV.2.h.

Given that we are uncertain of the geography of the selected community participants, will applications be evaluated on the geographic reach of partners? For example, if a partner/firm has a regional footprint, will that be scored lower than a national footprint?

DOT is funding the Capacity Builder to support those communities that DOT selects to participate in TCP. The geographic reach of the applicant is one factor, among many, that will be evaluated by DOT in considering both the applicant's experience in providing technical assistance and its potential to meet the goals of the TCP program. If there are regions where the applicant is currently working or has partners, it would be valuable to provide that information in your application so that it can be considered in the evaluation process. An applicant is not penalized for having a smaller geographic reach, per se, and has the opportunity in the narrative to describe how existing partners may be utilized or leveraged in the provision of technical assistance, planning, and capacity building to support deep dive technical assistance or advance a Community of Practice, or how it may expand the reach beyond these partners if selected as a Capacity Builder.

Timelines

When will DOT announce awards for Capacity Builders?

DOT anticipates selecting capacity builders by March 2023, at which time it will finalize scopes of work, budgets, and other project details through negotiation of cooperative agreements. DOT is hoping that TCP support to communities can begin by the summer of 2023.

What is the period of performance?

TCP funding is for a two-year period of performance (2023–2025).

Resources for Potential Applicants

Are there networking resources to help Capacity Builders make partnership connections?

DOT posted a list of potential Capacity Builders, which includes contact information only from those who registered for the October 12 or 19 webinars, consented to share their contact information publicly, and who indicated that they may intend to apply to be a TCP Capacity Builder. This list is being shared to facilitate team building. The information provided is not an endorsement for any firm or organization. The list can be found on the [Thriving Communities Webinars](#) webpage.

As my team considers applying to be a Capacity Builder, is there a way to better understand the needs of the communities that are applying for technical assistance to see if we are the right fit for providing support to those communities or who we'd need to team with?

DOT will not know the specific communities who will receive technical assistance until they are selected but has included in the NOFO the issues and types of anticipated technical assistance and capacity building needs based on issues and questions received from communities through recent DOT grant programs and responses to the [Request for Information \(RFI\)](#) that DOT published this summer in the Federal Register. You can [view the comments received to the RFI](#).

LOI FAQs

Eligibility to Apply

Who is eligible to submit an LOI to receive planning, technical assistance, and capacity building through the TCP?

Those eligible to submit an LOI are state, local, or Tribal governments; a United States territory; a metropolitan planning organization or rural transportation planning organization; a transit agency; or other political subdivisions of a state or local government (for instance, but not limited to, a regional economic development district, a school board, a public health department, a public housing authority, a water management district, a workforce development board, a Council of Government, a County Planning Commission, etc.).

DOT requires one of these eligible entities to be the lead LOI applicant and have an implementation role for current or future transportation projects in the identified area that will be supported through the TCP. The lead applicant must identify a staff person to serve as the primary point of contact to coordinate with community partners, the assigned TCP Capacity Builder, and DOT throughout the entire two-year period of support. The lead applicant must also identify key community partners in their LOI.

Are Houses of Worship eligible applicants to receive support through TCP?

Religious institutions, including houses of worship, are eligible to be considered as a key community partner, but are not eligible to be a lead applicant.

Type of Support Provided

What type of support is provided?

Each selected community will be assigned a Capacity Builder funded by DOT to help them identify, develop, and advance a set of transportation, housing, and economic development projects. The specifics of this support will be co-designed with each community to address its key challenges and goals. While support may vary, it could include the following activities:

- Identifying and responding to Federal funding opportunities
- Conducting project scoping, planning, and pre-engineering studies and market and other technical analysis
- Supplementing local staffing and workforce development capacity including to establish leadership, pre-apprenticeship, and apprenticeships programs
- Developing systems or structures that improve compliance with Federal regulations and grant management or procurement requirements
- Supporting comprehensive community planning that better coordinates transportation with land use, housing, and infrastructure development
- Implementing innovative public engagement strategies, particularly to involve traditionally underrepresented voices including persons with disabilities and limited English proficient individuals.
- Sub-granting to local technical assistance and capacity building partners who bring local expertise and capacity

- Evaluating and deploying emerging transportation data and climate technology systems and software

Each community will also be assigned to a Community of Practice to facilitate learning over the two-year period between members of its team, and with other TCP-supported communities working to advance similar projects and community goals. TCP recipients may also receive targeted technical support as part of the national TCP capacity building network.

Community Partnerships

Are partnerships required for the LOI?

Yes. TCP is focused on comprehensive community development with infrastructure at the core. This requires partnership by multiple partners—both those in government who play a key implementation role, and those outside of government who are located in or serve the disadvantaged communities that are the focus of TCP support. The LOI requires lead applicants to identify two key partner organizations who will be engaged during the two-year process. Lead applicants will have the opportunity to add additional partners if selected for TCP support.

Partners can include any organization that is an eligible TCP recipient, but also non-governmental partners such as community-based organizations, business employers or labor organizations, private sector firms or developers, educational or anchor institutions, workforce development boards, faith-based organizations, community development financial institutions, philanthropic and civic organizations, nonprofits, and community advocacy groups with ties to the focus area.

Lead applicants from larger metropolitan areas or who represent statewide or regional organizations will be viewed more favorably if they include more than the required two key partner organizations. For the purposes of TCP, the lead applicant and its key community partners are referred to as the “Community.”

Can a Tribe’s transportation department consider the Tribe’s TDHE as a community partner, if the TDHE is a separate entity?

Yes. An organization that is eligible to be a lead applicant, can partner with other government entities. For instance, a Tribe’s transportation department could partner with a Tribally Designated Entity (TDHE) such as a tribal housing authority, tribal housing department, or a nonprofit organization.

My organization is quasi-governmental. Are we eligible to be a lead applicant on the LOI or would we have to find one who is eligible and then sign on as one of their key partners?

For submitting a TCP LOI, units of local government are eligible to be a lead applicant or a key partner. For the purposes of TCP, a unit of government includes any agency, office or department of the state, city, county, district, commission, authority, entity, port, or other public corporation organized and existing under statutory law or under a voter-approved charter or initiative, and any intergovernmental entity.

What is required from key community partners?

Those organizations identified as key community partners commit to working with the lead applicant and with others in the geographic focus area receiving support from TCP over the two-year period. Broadly speaking, these partnerships are designed to build community capacity including for meaningful public involvement, to assist in the coordination of infrastructure and community development goals, and/or to help implement the projects and plans developed through the program. There is no funding requirement for partner organizations to participate and they may be eligible for capacity building or subcontracting support through TCP.

One important requirement is that for those applicants considered as finalists for TCP support, Letters of Commitment from the lead organization and two key community partners must be submitted within 10 business days of notification by DOT. These should be signed by the

organization's executive director, commissioner, top elected official, or equivalent. Partner letters should clearly demonstrate that the partner is aware of its commitment to participate in TCP and must clearly describe:

- The specific anticipated role of the partner organization and nature of the relationship between the lead applicant and partner organization, including a brief description of past formal or informal partnerships, if applicable.
- If applicable, indicate whether your organization may be providing technical assistance, planning or capacity building support that could be directly supported by the TCP.
- The partner organization's relationship to the identified disadvantaged community and, if applicable, its experience with engaging meaningfully with the community.

DOT will provide more instructions on submitting Letters of Commitment to selected finalists.

Letter of Interest Submission Materials

What materials are needed for a complete LOI?

The LOI is intentionally designed to be easy for a low-capacity recipient to submit without the need of a consultant. A complete LOI includes responding to the 15 required items listed on the application webform. This includes submitting a needs statement (up to 500 words) and vision statement (up to 500 words); identifying at least two community partner organizations; identifying the geographic area of focus and verifying its disadvantaged community status; and indicating organization capacity and experience with DOT funding. DOT has created a [worksheet to help applicants prepare their submission](#).

How does an eligible entity submit an LOI?

To submit an LOI, eligible recipients must identify the geographic area of focus for TCP support with a strong priority on those census tracts that are Federally determined to be disadvantaged. Additionally, eligible recipients must submit an LOI in partnership with at least two other partner organizations committed to advancing a community-driven vision for comprehensive and transformative transportation projects.

Letters of Interest must be submitted using the [Thriving Communities webform](#). The LOI includes a set of questions to be answered through a fillable form, and a short statement of need (500 words) and short vision statement (500 words). DOT is **not** using Grants.gov, so it is easier for communities who need support through this program to apply. If required, a paper copy of the LOI application can be requested via email ThrivingCommunities@dot.gov or by calling 202-366-2414.

The LOI must be [submitted](#) or postmarked no later than 11:59 p.m. EST on December 6, 2022.

Program Requirements

How does DOT define community in the Thriving Communities program?

The TCP is designed to support an identified community within which the program's activities for comprehensive community- and data-driven transformative infrastructure and community development activities shall take place. It is not intended to support an entire state, metropolitan planning organization, or transit service area or other similar large-scale geographies but rather those communities and targeted geographies where technical assistance, planning, and capacity building needs are greatest.

Applicants should identify the geographic area that will receive the TCP support based upon locally understood boundaries and transportation patterns and needs. For example, this could be the name of the town, pueblo, or suburb in need of basic transportation infrastructure improvements or located near a major freight facility, or it could be the specific city neighborhood(s) or area of the county along a transportation corridor experiencing high rates of air pollution, or that is wanting to promote more development near transit stations, or where traffic safety and long-term community disinvestment challenges exist. The identified area is referred to as the "community" for the

purposes of this program. Lead applicants who are Tribal governments or U.S. territories have the option to identify their entire political geography or identify a more focused area for participation in TCP.

Can you provide additional guidance on how to define the geographic area to be served in the LOI? For example, if an MPO applies, could their entire metropolitan region qualify?

Applicants should identify the geographic area that will receive the TCP support based upon locally understood boundaries and transportation patterns and needs. The region should focus specifically on an area or areas that most need support aligned with the goals of the program (i.e., most disadvantaged or under resourced; severe transportation cost burden or lack of mobility options; safety concerns; sustained disinvestment). The area cannot be an entire state, MPO, or transit service area, but it can be an entire Tribal area or U.S. territory.

How is disadvantaged community status determined and is this an LOI requirement?

To determine if the geographic area of focus, or “community,” identified for support through TCP qualifies as a Federally identified disadvantaged community, applicants can use any one or combination of the following:

- [DOT’s mapping tool for Historically Disadvantaged Communities](#);
- the Federal [Areas of Persistent Poverty table](#) for the County or Census tract level;

Applicants may also indicate in their LOI form whether there are other Federally designated community development zones (for example: Empowerment Zones, Promise Zones, or Choice Neighborhoods) within the identified geographic area. All Tribal lands and US Territories receive priority under Justice40; and are therefore provided disadvantaged community status.

Additional instructions for using these tools can be found at <https://www.transportation.gov/grants/thriving-communities/instructions-for-identifying-disadvantaged-communities>.

It is not required that communities identified for TCP support be disadvantaged; however, DOT will prioritize supporting to disadvantaged and under-resourced communities.

If selected as a finalist for TCP participation, DOT will validate disadvantaged community status, and may prioritize communities based on their disadvantaged community status.

Is a match required for recipients of TCP support?

There is no match requirement to receive TCP support. DOT does require lead applicants to identify a staff person who will be a primary point of contact during the two years of TCP support to coordinate with the capacity builder, community partners and DOT staff located in their state, region, or headquarters.

What is a “Community of Practice” and how are they determined?

The TCP recognizes that not all communities are the same, and that peer learning works best when engaging with others who are working in similar types of communities and on similar issues. As such, TCP support is organized into three different Communities of Practice: (1) Main Streets targeted to rural and Tribal communities; (2) Complete Neighborhoods targeted to urban and suburban communities; and (3) Networked Communities located near ports, airports, freight, and rail facilities. Those interested in being a TCP recipient should indicate in their LOI which specific Community of Practice they are seeking to join so that they can be matched with appropriate capacity builders.

Applicants should choose the one that they feel best aligns with their community’s goals. For instance, a rural community located near a land port of entry may have more in common with the other Networked Communities working to address freight access and logistics than with another rural community that is more focused on retrofitting its main street. Similarly, a Tribal community located in a large urban metropolitan area may have more in common with other urban neighborhoods trying to promote transit-oriented development than with those located in rural

areas working to improve basic infrastructure on Tribal lands. Every community, regardless of which Community of Practice it belongs, will be supported to advance projects and processes aligned with DOT's [Strategic Plan](#) and [Equity Action Plan](#) priorities for meaningful public involvement, workforce development, labor and hiring preferences, small business development and procurement, climate and decarbonization, safety, and technology transformation.

Are there any reporting requirements for technical assistance recipients?

As a condition of receiving technical assistance, participants are required to participate in program evaluations undertaken by DOT or by the Capacity Builders funded through this program. The evaluation may include an implementation assessment to help identify outstanding technical assistance needs, lessons learned from effective delivery models, and progress toward programmatic and community-identified goals. DOT anticipates that to meet these annual evaluation reporting requirements, community recipients should spend no more than three hours annually providing qualitative and quantitative input. The lead applicant will also be invited to review and provide input to the final report developed by the Capacity Builder, which will be made publicly available by DOT.

Selection for Participation

How many communities will DOT select to receive support through TCP?

DOT anticipates selecting at least 30 communities for deep dive technical assistance support, assuming 10 communities are selected per Community of Practice. This number may increase based on the number of highly rated applicants and the number of Capacity Builders selected to provide support.

Will the selected communities be regionally connected or spread out across the U.S.?

LOIs are evaluated based on the criteria in Section G of the [Call for LOIs](#). The Senior Review Team will consider the diversity of geographies, community types, and lead applicant types in making final selections. Based on these factors, the communities could be located anywhere in the U.S. Geographic co-location is not a factor for selection. However, the Senior Review Team will consider communities that share similar challenges and/or goals as other applicants for technical assistance that can fit well into a specific Community of Practice. These communities with shared challenges may potentially be located in similar geographic areas.

Is any support available for those who are not selected for direct technical assistance?

DOT will synthesize the information provided by all eligible LOIs to help inform and tailor DOT's broader technical assistance efforts. DOT may publish information on submissions received to also inform other Capacity Builders within and outside of government working to support communities. Additional support through TCP will be dependent on future Congressional appropriations.

Timelines

When is the LOI submission deadline?

Letters of Interest must be submitted by 11:59 PM EST on December 6, 2022, via the webform available here: <https://www.transportation.gov/thriving-communities-program-letter-of-interest>. If requested, applicants may submit a paper LOI, but these must be postmarked by December 6, 2022. Late submissions will not be reviewed.

If selected as a TCP finalist, the required Letters of Commitment must be submitted within 10 business days of notification by DOT per program requirements.

When will DOT announce selected communities?

DOT anticipates selecting communities by March 2023, with TCP support beginning once cooperative agreements with Capacity Builders are finalized.

U.S. DEPARTMENT OF TRANSPORTATION

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CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Consider the Formation of a City Council Ad Hoc Committee to Annually Review the Implementation of the City's General Plan.

SOURCE: City Manager's Office

COMMENT: At its meeting on January 17, 2023, the City Council approved Council Member Weyhrauch's request that the Council consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan.

Government Code 65400 (attached) mandates that all local jurisdictions (Counties and Cities) must prepare and submit to its legislative body a General Plan Annual Progress Report (APR), and then subsequently submit the APR to the State Office of Planning and Research (OPR) and Department of Housing and Community Development (HCD) by no later than April 1st of each year.

Senate Bill 1333 removed the charter city exemption from this requirement effective January 1, 2019 and was codified in Government Code 65700 (attached), although the legal authority is ambiguous and remains in some dispute. State OPR has prepared a presentation that provides an overview of what the APR should include and methods and processes of submission (attached).

City staff conferred with the other eight local jurisdictions in Tulare County on its preparation of an APR, and it would appear that only the City of Tulare began preparing the APR in 2019 (example attached). City staff also inquired of its contract planner as to the cost to prepare the APR for calendar years 2019, 2020, 2021 and 2022. The estimated cost to complete the reports from 2019 through 2022 is \$7,000.

Consistent with Council Member Weyhrauch's request, and perhaps a beneficial governance process in preparation for beginning development of the City's 2050 General Plan in 2025, the Council could approve the formation of a Council Ad Hoc Committee to prepare the APR with City staff for presentation to the City Council and public. The Council Ad Hoc Committee could work with City staff and the contract planner in preparing the 2019, 2020, 2021 and 2022 APR's, for submission to State OPR and HCD by April 1, 2023.

RECOMMENDATION: That the City Council consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan.

- ATTACHMENTS:
1. Government Code 65400
 2. Government Code 65700
 3. General Plan Annual Progress Report Overview
 4. City of Tulare General Plan 2021 Annual Progress Report

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

State of California

GOVERNMENT CODE

Section 65400

65400. (a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) (i) The progress in meeting its share of regional housing needs determined pursuant to Section 65584, including the need for extremely low income households, as determined pursuant to paragraph (1) of subdivision (a) of Section 65583, and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

(ii) The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. The report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

(iii) The report may include the number of units that have been completed pursuant to subdivision (c) of Section 65583.1. For purposes of this paragraph, committed assistance may be executed throughout the planning period, and the program under paragraph (1) of subdivision (c) of Section 65583.1 shall not be required. The report shall document how the units meet the standards set forth in that subdivision.

(iv) The planning agency shall include the number of units in a student housing development for lower income students for which the developer of the student housing

development was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915.

(C) The number of housing development applications received in the prior year, including whether each housing development application is subject to a ministerial or discretionary approval process.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Section 65583 and Section 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) (i) The number of units of housing demolished and new units of housing, including both rental housing and for-sale housing and any units that the County of Napa or the City of Napa may report pursuant to an agreement entered into pursuant to Section 65584.08, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall do the following:

(I) For each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category.

(II) For each entitlement, building permit, or certificate of occupancy, include a unique site identifier that must include the assessor's parcel number, but may also include street address, or other identifiers.

(ii) For the County of Napa and the City of Napa, the production report may report units identified in the agreement entered into pursuant to Section 65584.08.

(I) The number of applications submitted pursuant to subdivision (a) of Section 65913.4, the location and the total number of developments approved pursuant to subdivision (c) of Section 65913.4, the total number of building permits issued pursuant to subdivision (c) of Section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (c) of Section 65913.4.

(J) If the city or county has received funding pursuant to the Local Government Planning Support Grants Program (Chapter 3.1 (commencing with Section 50515) of Part 2 of Division 31 of the Health and Safety Code), the information required pursuant to subdivision (a) of Section 50515.04 of the Health and Safety Code.

(K) The progress of the city or county in adopting or amending its general plan or local open-space element in compliance with its obligations to consult with California Native American tribes, and to identify and protect, preserve, and mitigate impacts

to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code, pursuant to Chapter 905 of the Statutes of 2004.

(L) The following information with respect to density bonuses granted in accordance with Section 65915:

- (i) The number of density bonus applications received by the city or county.
- (ii) The number of density bonus applications approved by the city or county.
- (iii) Data from all projects approved to receive a density bonus from the city or county, including, but not limited to, the percentage of density bonus received, the percentage of affordable units in the project, the number of other incentives or concessions granted to the project, and any waiver or reduction of parking standards for the project.

(M) The following information with respect to each application submitted pursuant to Chapter 4.1 (commencing with Section 65912.100):

- (i) The location of the project.
- (ii) The status of the project, including whether it has been entitled, whether a building permit has been issued, and whether or not it has been completed.
- (iii) The number of units in the project.
- (iv) The number of units in the project that are rental housing.
- (v) The number of units in the project that are for-sale housing.
- (vi) The household income category of the units, as determined pursuant to subdivision (f) of Section 65584.

(b) (1) (A) The department may request corrections to the housing element portion of an annual report submitted pursuant to paragraph (2) of subdivision (a) within 90 days of receipt. A planning agency shall make the requested corrections within 30 days after which the department may reject the report if the report is not in substantial compliance with the requirements of that paragraph.

(B) If the department rejects the housing element portion of an annual report as authorized by subparagraph (A), the department shall provide the reasons the report is inconsistent with paragraph (2) of subdivision (a) to the planning agency in writing.

(2) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

(c) The Department of Housing and Community Development shall post a report submitted pursuant to this section on its internet website within a reasonable time of receiving the report.

(Amended by Stats. 2022, Ch. 657, Sec. 1.7. (AB 2653) Effective January 1, 2023.)



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 13. Applicability of Chapter [65700 - 65701] (*Article 13 added by Stats. 1965, Ch. 1880.*)

65700. (a) This chapter shall not apply to a charter city, except to the extent that the same may be adopted by charter or ordinance of the city and except that charter cities shall adopt general plans in any case. General plans of a charter city shall be adopted by resolution of the legislative body of the city, or the planning commission if the charter so provides. These general plans shall contain the mandatory elements required by Article 5 (commencing with Section 65300) of Chapter 3 of this title.

(b) Notwithstanding subdivision (a), paragraph (2) of subdivision (a) of Section 65400, Sections 65300.5, 65301.5, 65359, 65450, 65454, 65455, 65460.8, 65590, and 65590.1, and Article 10.6 (commencing with Section 65580) shall be applicable to charter cities.

(*Amended by Stats. 2018, Ch. 856, Sec. 3. (SB 1333) Effective January 1, 2019.*)



General Plan Annual Progress Report Overview

JANUARY 20, 2022

BRIANNE MASUKAWA, ASSOCIATE PLANNER

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR)

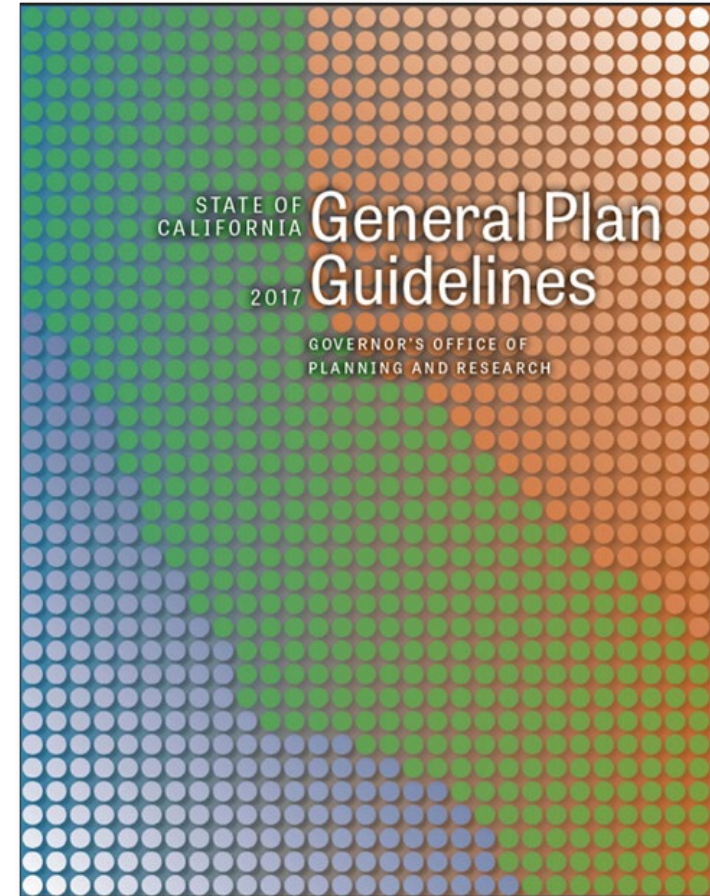
General Plan Overview

Required Elements

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety
- Environmental Justice*
- Air Quality*

Topical Considerations

- Climate Change
- Public Health
- Equity
- Resilience
- Economic Development



What is the General Plan (GP) Annual Progress Report (APR)?

A report to the legislative body and public regarding the implementation of the General Plan for a given year (can be fiscal or calendar)

The GP APR must be presented to the local legislature for review and acceptance, usually as a consent or discussion item on a regular meeting agenda

APR Deadline

All local jurisdictions (cities and counties) are required to submit an APR to their legislative body, OPR, and HCD by April 1st each year.

- Effective January 1, 2019, SB 1333 removed the charter city exemption for this requirement. See [GOV 65700](#), *Amended by Stats. 2018, Ch. 856, Sec. 3.*
- Housing Element APR is separate from the GP APR, and must be submitted to HCD and follow HCD's requirements (see HCD's presentation for details)

GP APR Content Considerations



No standardized form or format



Does not need to include all elements



It can borrow from other jurisdiction reports if it relates back to the implementation of the GP such as "performance reports", "budget reports", or "state of the city" reports.



Reporting on planning activities is required even when undergoing a comprehensive update

Suggested GP APR Contents

- Introduction, Table of Contents, Date of last GP update, Date GP APR accepted by local jurisdiction
- GP Implementation measures and specific examples of implementing actions for the year
- The degree of concurrence with OPR guidelines and new GP requirements (e.g., Environmental Justice, Native American consultation, collaboration with military, etc.)
- Local legislative priorities for land use decision making (emergency ordinances, moratoria, etc).

Suggested GP APR Contents (cont.)

- Goals, policies, objectives, standards or other plan proposals that need to be added or were deleted, amended, or otherwise adjusted.
- One or more of the following with specific references to planning activity. These may include, but are not limited to:
 - Master plan creation and/or updates
 - Environmental assessments
 - Specific plan creation and/or updates
 - Annexation studies, and other studies or plans
 - General Plan amendments
 - Major development applications processed

Additional Content

1. Interagency or intergovernmental coordination efforts and areas for improvement
2. The implementation of mitigation measures from GP Final EIR or Negative Declaration
3. Equity planning considerations, such as impacts to ethnic groups or socioeconomic populations

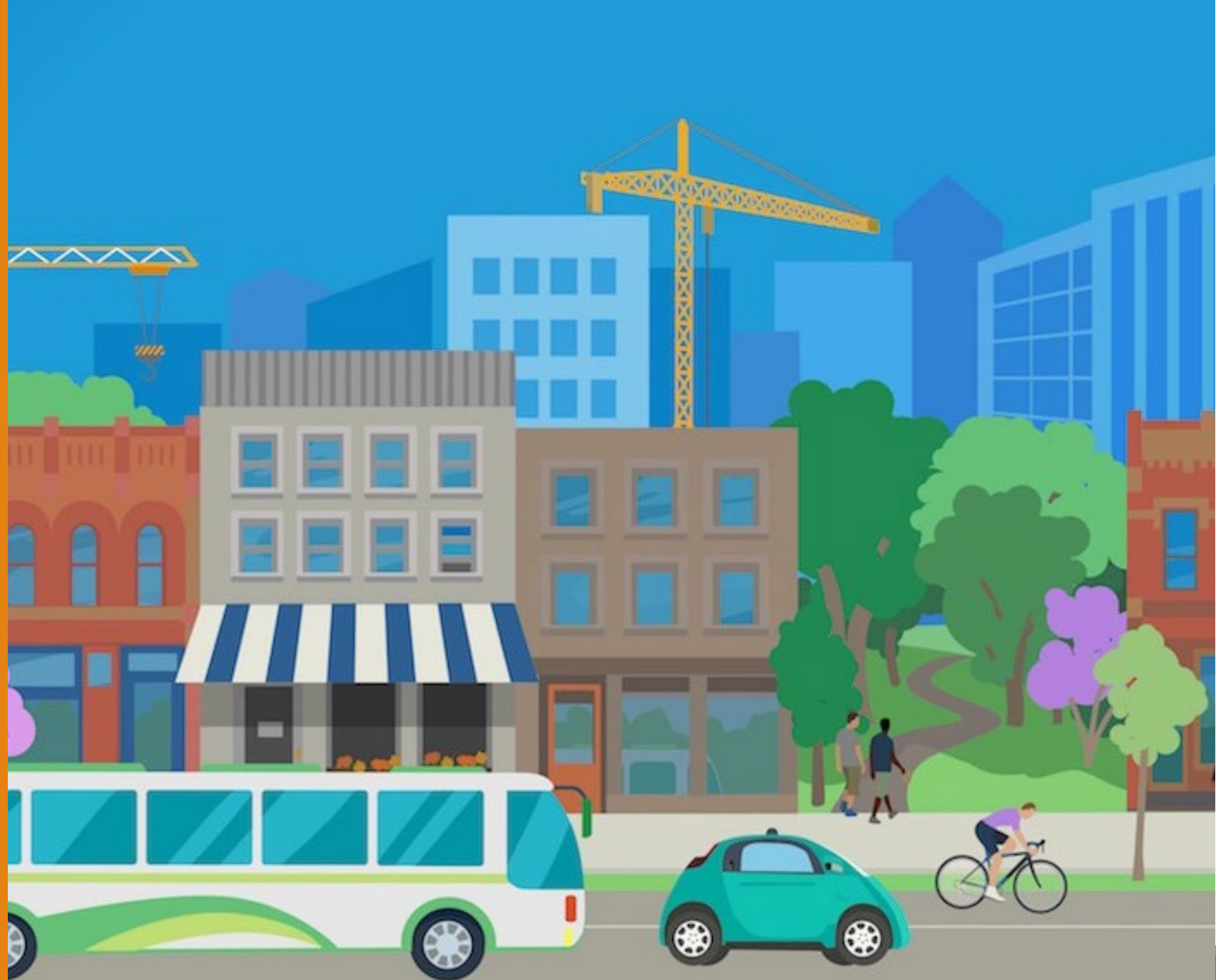


Summarize efforts to:

Promote infill development, reuse, and redevelopment particularly in underserved areas while preserving cultural and historic resources

Protect environmental and agricultural resources and other natural resources

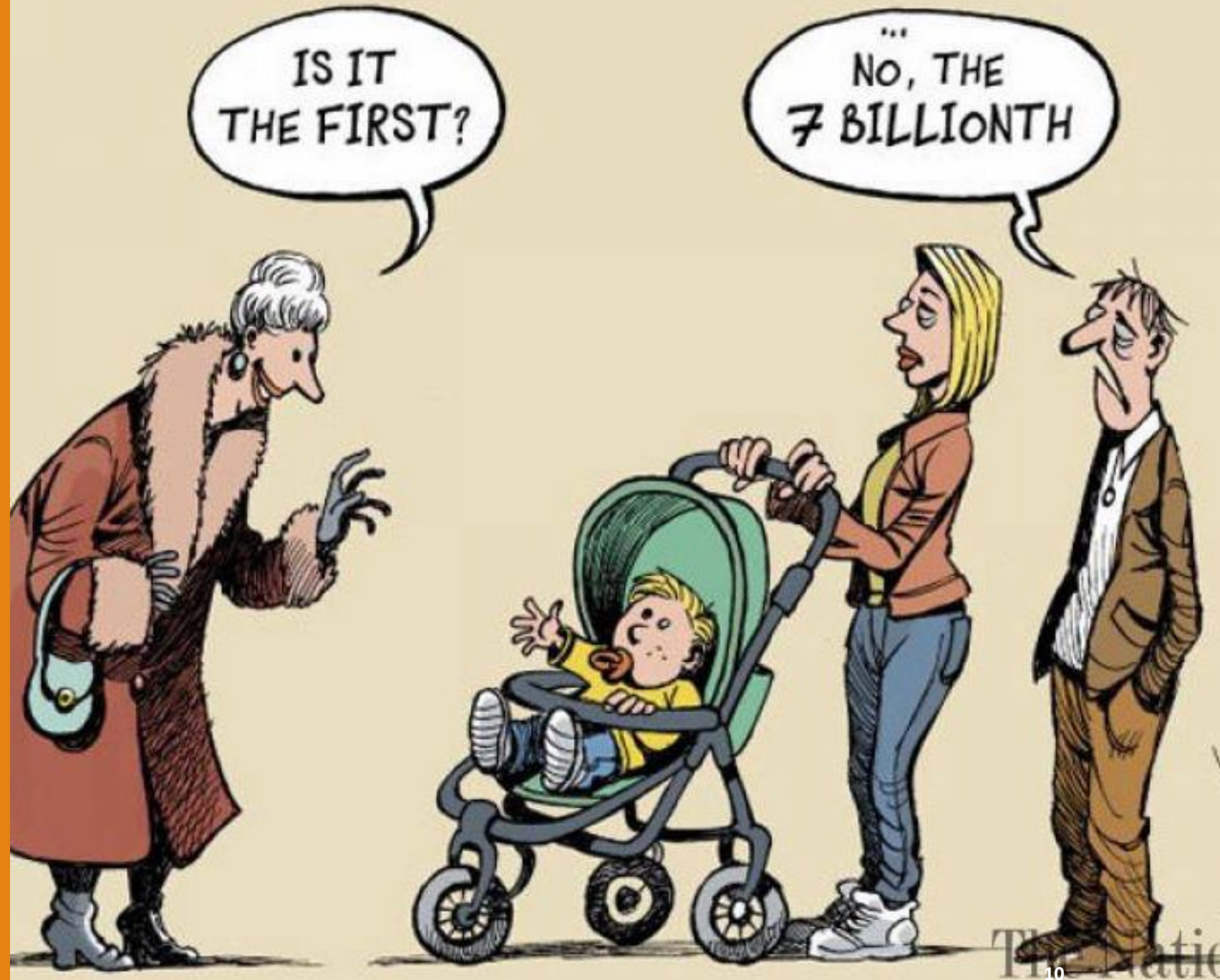
Encourage efficient development patterns



Describe the Jurisdiction's Strategy for:

Economic development – Depending on the needs of your jurisdiction, this analysis could include information on the ratio of jobs to dwelling units, tax revenues, demographics, census information, etc.

Monitoring long-term growth – For example: population growth, employment growth, land use development, and the provision of adequate supporting public services and infrastructure





Outline department goals, objectives, activities and responsibilities, as they relate to land use planning.



Perform a regional or sub-regional outlook of population growth, housing, job generation, and other socioeconomic trends.



Summarize the comments of other boards and commissions on the general plan implementation.



Identify and monitor customer service improvements and methods to encourage public involvement in planning activities.



Review and summarize grant administration for land use planning activities.



Provide a technology review such as implementation of Geographic Information Systems (GIS) or establishment of web sites.

Other Actions Related to General Plan Implementation

GP APR Submission to OPR

Option 1: Submit the
[General Plan APR
Submission Form.](#)

**This is OPR's preferred
method of submission.**

Option 2: Email as
an attachment to
[opr.apr@opr.ca.gov.](mailto:opr.apr@opr.ca.gov)

GP APR Submission to OPR

Option 1: General Plan APR Submission Form

Questions in the form ask for the following:

1. Appropriate contact information (name, department, email, phone number)
2. Jurisdiction type (city, county, city/county)
3. Name of Jurisdiction (city name, county name)
4. Reporting period type of General Plan APR being submitted (fiscal or calendar)
5. Reporting period of General Plan APR being submitted
6. Date of presentation or acceptance by a local legislative body. Planned dates are acceptable as well.

GP APR Submission to OPR

Option 1: General Plan APR Submission Form

Available at the
[SurveyMonkey](#)
[link here.](#)



General Plan Annual Progress Report (APR) Submission Form

Please submit the requested information and General Plan APR here.

Please provide the appropriate contact information.

Contact Name

Department

Email Address

Phone Number

GP APR Submission to OPR

Option 1: General Plan APR Submission Form

General Plan Annual Progress Report (APR) Submission Form

Please choose one of the two options in the form to submit the General Plan APR.

Option 1: Please upload the General Plan APR.

- Please label the submitted file with the following template "Jurisdiction Name_Jurisdiction Type_Reporting Year_GP APR" (e.g. Sacramento_City_2021_GP APR, Los Angeles_County_2021_GP APR)
- The General Plan APR should be in Microsoft Word (doc, docx) or PDF format, and submitted as one file.
- File size limit: 16 MB

Choose File

No file chosen

GP APR Submission to OPR

Option 1: General Plan APR Submission Form

General Plan Annual Progress Report (APR) Submission Form

Option 2: If unable to upload the General Plan APR, OPR will accept hyperlinks in the box below.
Please note, OPR is unable to accept Google Doc hyperlinks.



GP APR Submission to OPR

Option 1: General Plan APR Submission Form

Additional Guidance

- *General Plan Annual Progress Report (APR) Submission Form (powered by SurveyMonkey): Step-by-Step Guide*

GP APR Submission to OPR

Option 2: Email

OPR encourages attaching a cover letter to the General Plan APR with all the following information:

1. Appropriate contact information (name, department, email, phone number)
2. Jurisdiction type (city, county, city/county)
3. Name of Jurisdiction (city name, county name)
4. Reporting period type of General Plan APR being submitted (fiscal or calendar)
5. Reporting period of General Plan APR being submitted
6. Date of presentation or acceptance by a local legislative body. Planned dates are acceptable as well.

Formatting Guidance

- Please be mindful of file size.
- File type: Microsoft (doc, docx) or PDF
- Hyperlinks are acceptable

GP APR Submission to HCD



Option 1: The HCD has developed an online portal system as an alternative to emailing the APR. To use the online system, email apr@hcd.ca.gov and request login information for your jurisdiction.



Option 2: The GP APR can also be submitted as an attachment in an MS Office application or PDF to apr@hcd.ca.gov.

Some Reminders...

1. No penalties for submitting GP APR to OPR past April 1
2. You can technically submit an APR before conducting a local public hearing and approval process, but jurisdictions are encouraged to resubmit GP APR to OPR after doing so.
3. According to Government Code Section 65040.5(a) and (b), OPR is tasked with notifying a city or county if a general plan has not been revised within eight years and will notify the Attorney General if a general plan has not been revised within ten years.

GP vs. Housing Element APR

	General Plan APR	Housing Element APR
Deadline	All jurisdictions required to submit to local legislature, OPR and HCD by 4/1	All jurisdictions required to submit to local legislature, OPR and HCD by 4/1
Reporting Year Type	Calendar or Fiscal	Calendar
Format Requirements	None	Standardized format: New requirements (AB 879, SB 35, AB 1486, AB 1255)



Helpful Links

OPR – General Plan Information: *General Plan Annual Progress Report*

(<https://opr.ca.gov/planning/general-plan/>)

HCD – Annual Progress Reports (APRs)

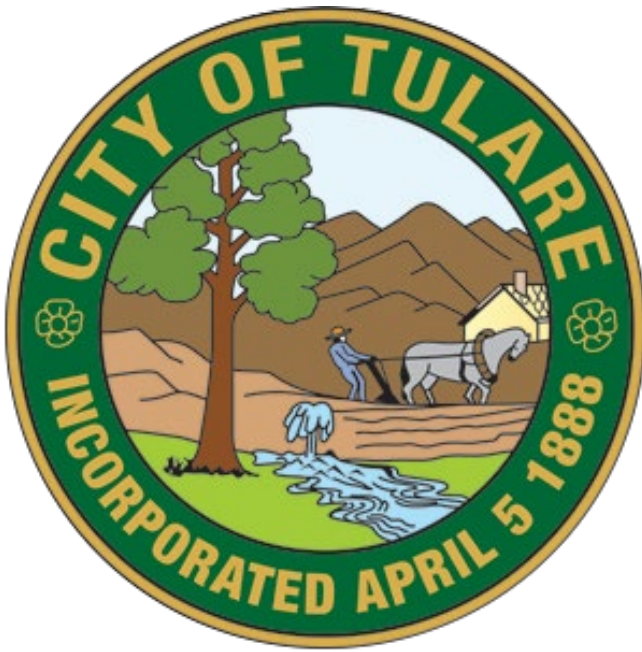
(<https://www.hcd.ca.gov/community-development/annual-progress-reports.shtml>)



Thank you!

Brianne Masukawa, Associate Planner

If you have any questions or concerns, please email brianne.masukawa@opr.ca.gov or opr.apr@opr.ca.gov.



GENERAL PLAN

2035

2021 ANNUAL PROGRESS REPORT

City of Tulare Planning Division
411 E. Kern Avenue, Tulare, CA 93274

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General Plan Background

A jurisdiction's General Plan addresses state General Plan requirements. California law requires that every city and county adopt a long-term General Plan that addresses seven specific topics or "elements," organized in any format or structure preferred by the community. The General Plan may also address other topics the community feels are relevant. Regardless of the format or issues addressed, the Plan must be internally consistent.

The City of Tulare General Plan 2035 is a long-range planning program to guide the orderly growth and development of the Tulare planning area over the long term. The General Plan clearly communicates the City's vision of its future and establishes a policy framework to govern decision-making concerning the physical development of the community. It also provides assurances that the community at large will be supported by an adequate range of public services and infrastructure systems.

Purpose of the General Plan Annual Progress Report

California Government Code Section 65400 mandates that cities and counties submit an annual progress report (APR) each year on the General Plan and progress on its implementation to the legislative body, (in this case the City Council), followed by the Governor's Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD). The four basic purposes of the annual report are as follows:

- To provide information to assess progress on implementation of the General Plan in accordance with the stated goals, policies, and implementation measures.
- To provide information to identify necessary course adjustments or modifications to the General Plan as a means to improve implementation.
- To provide a clear correlation between land use decisions made during the reporting period, and the goals, policies, and implementation measures in the General Plan.
- To provide information regarding local agency progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the development of housing.

Last year's 2020 APR was the City of Tulare's first APR regarding the 2035 General Plan overall. The APR covers the period of the previous calendar year. This APR covers calendar year 2021. The APR for the General Plan and for the Housing Element of the General Plan have separate reporting requirements and forms, and as such have been prepared as two separate documents. Both APRs are being presented to the Planning Commission, City Council, and then submitted separately to both OPR and HCD.

The rest of this report will present the chronology of adopted amendments to the General Plan through 2021, present major milestones & projects that occurred in the reporting period, a status update of the implementation measures for the General Plan, and finally a summary of any grants received to assist in implementing the General Plan, along with the next areas of focus in the plan's continued implementation.

Adopted General Plan Amendments

State law allows the General Plan to be amended up to four times annually. This allows the General Plan to remain a current document responsive to the community's needs. Requests for amendments may be submitted by individuals or initiated by the City. Amendments to the Tulare General Plan through December 2021 are listed below. There were no General Plan Amendments approved in 2021.

Amendments to the Tulare General Plan (October 2014-December 2021)			
General Plan Amendment (GPA) Number	Action	Applicant	Description
GPA 2014-01	Approved Resolution 15-14 May 5, 2015	DR Horton	Changed the General Plan land use designation on 7.99 acres from Medium Density Residential to Low Density Residential, including amending the Del Lago Specific Plan to build 47 single family homes just south of the Franzia Tulare winery, between Mooney Blvd. & Solaria St.
GPA 2016-02	Approved Resolution 16-35 July 19, 2016	Tulare County Housing Authority	Changed the General Plan land use designation from Service Commercial and Low Density Residential to High Density Residential on a ½ acre site located at the northeast corner of Inyo Avenue & Sacramento Street for the construction of a 10-unit multi-family apartment complex.
GPA 2015-14	Approved Resolution 17-04 January 17, 2017	Monterey Dynasty, LLC	Changed the General Plan land use designation from Low Density Residential to Community Commercial on 4.74 acres at the southeast corner of 'M' Street and Cartmill Avenue to

			construct a 24,500 sq. ft. 5-story/136 room hotel with swimming pool, 400-seat conference center/hall, 4,000 sq. ft. Restaurant/bar, outdoor wedding venue, and parking areas.
GPA 2016-03	Approved Resolution 17-24 June 26, 2017	Teo Albers	Changed the General Plan land use designation on 6.76 acres from Community Commercial to Low Density Residential and on 4.01 acres from Community Commercial to Medium Density Residential on the southeast corner of 'J' Street and Cartmill Avenue to construct a planned single-family and multi-family residential community.
GPA 2017-01	Approved Resolution 17-26 June 26, 2017	Jonathan Van Ryn	Changed the General Plan land use designation from Community Commercial to Low Density Residential on approximately 0.29 acres located at the northwest corner of Merritt Avenue and Gem Street to resolve existing non-conforming zoning and construct a pool house and garage at existing residential property.
GPA 2017-02	Approved Resolution 17-43 September 19, 2017	Great Valley Land Builders, LLC	Changed the General Plan land use designation from Community Commercial and Medium Density

			Residential to Low Density Residential on approximately 19.5 acres just east of Mooney Blvd. & halfway between Tulare Avenue and Seminole Avenue to construct an 88 lot single-family residential subdivision.
GPA 2018-01	Approved Resolution 18-51 September 18, 2018	Central Pacific Development Group	Changed the General Plan land use designation on approximately 7 acres at the northwest corner of Bardsley Avenue and West Street from Neighborhood Commercial to Low Density Residential
GPA 2018-02	Approved Resolution 18-72 December 18, 2018	City of Tulare	Changed the General Plan land use designation on 14 properties citywide to accommodate both the 2008-2014 (4 th Cycle) and 2015-2023 (5 th Cycle) Housing Elements Regional Needs Housing Allocation (RHNA)
GPA 2019-01	Approved Resolution 19-32 August 6, 2019	Three River Development, LLC	Changed the General Plan land use designation on 3.83 acres from Office Commercial to Community Commercial on property located south of Prosperity Avenue between Brentwood and Laspina Streets to construct a commercial shopping center with

			drive-through fast-food restaurants.
GPA 2017-03	Approved Resolution 19-49 October 22, 2019	West Coast Construction	Changed the General Plan land use designation on approximately 127 acres from Regional Commercial to a combination of Regional Commercial, Low Density Residential, Medium Density Residential, High Density Residential, and Parks and Recreation
GPA 2019-02	Approved Resolution 2020-05 February 4, 2020	Woodside 06N LP	Changed the General Plan Land Use designation on approximately 76.5 acres from a combination of Low Density Residential, Residential Estate, and Rural Residential to all Low Density Residential on property west of Morrison Street between Tulare Avenue and Seminole Avenue for the development of a 358 single-family residential subdivision
GPA 2020-01	Approved Resolution 2020-13 April 7, 2020	Three River Development, LLC	Changed the General Plan land use designation on 0.38 acres from Office Commercial to Community Commercial on property located south of Prosperity Avenue between Brentwood and Laspina Streets to construct a commercial shopping center with

			drive-through fast-food restaurants.
GPA 2020-03	Approved Resolution 2020-58 December 15, 2020	San Joaquin Valley Homes	Changed the General Plan land use designation on approximately 24 acres from Medium Density Residential and Community Commercial to Low Density Residential on property at the northwest corner of Mooney Boulevard and Cartmill Avenue

Major Development Project Milestones

Construction was approved, initiated, or completed within the City of Tulare for the following major projects during the 2021 calendar year:

Prosperity Mall (In-N-Out & Raising Cane's) – A new retail commercial center of 3.83 acres located on the south side of Prosperity Avenue mid-block between Brentwood Street and Laspina Street, next to Evolutions gym. The new commercial center includes Tulare's first In-N-Out burger restaurant & Raising Cane's chicken fingers restaurant. Construction was completed and both restaurants opened in late 2021.

The Vineyard – This is a new retail commercial center of approximately 11 acres on the northwest corner of Mooney Boulevard (SR-63) and Prosperity Avenue. So far a Dutch Bros coffee kiosk with drive-through and outdoor seating has opened in 2021.

St. Rita's Catholic Church (new campus at new location) – A new campus with a larger capacity sanctuary broke ground in 2021 for St. Rita's Catholic Church. The campus consists of phased construction of five buildings, starting with the Sanctuary & Day Chapel Building, and eventually including a Youth Center/Parish Hall, Classrooms Building, Parish Office Building, and a Rectory. The campus project is located on the southwest corner of Bardsley Avenue and Morrison Street.

Residential Permits – Several residential subdivisions continue to build out with substantial milestones or completion on the following occurring in 2021:

- Kensington 3-4 – Broke ground and began construction on a 111 lot single-family residential subdivision located on the northwest corner of Cartmill Avenue and Mooney Boulevard.
- Oakcrest – Broke ground and began construction on a 213 lot single-family residential subdivision located on the north side of Tulare Avenue and east of Enterprise Street.

- Hidden Ridge – Broke Ground and began construction of infrastructure for a 32 lot single-family residential subdivision located on the north side of Bardsley Avenue from just east of Stoney Creek Street to just east of Texas Flat Street.
- The Greens @ Oak Creek – Broke ground and began construction for a 139 lot SFR subdivision located north of Tulare Avenue and on the east side of Mooney Boulevard (SR-63), approximately mid-way between Tulare Avenue and Seminole Avenue.

Implementation Measures Status Update

The General Plan sets the foundation and policy framework for future growth and development. It addresses a range of issues and policies that directly affect every aspect of community life. The City implements its General Plan visions, goals, and policies through the use of many programs, projects, and tools. These implementation measures ensure the overall direction set forth in the General Plan is translated from general ideas into action, and the City's vision for its future is met. The following table shows the status of the various implementation measures in the General Plan, some of which have been completed and several which are in progress and ongoing as part of the daily operations in the City. Status updates to report for the planning period of 2021 are shown in **bold** text.

City of Tulare General Plan Annual Progress Report Implementation Measures Status (2021)

LAND USE ELEMENT					
Implementation Measure	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-1: Urban Development Boundary	The City shall evaluate the urban development boundary (UDB) every five years to ensure there is enough capacity to accommodate anticipated growth and adequate utility, city service, and infrastructure capacity to accommodate anticipated growth.	Planning Division	N/A	Every five years and Ongoing	The City still has adequate capacity to accommodate anticipated growth and adequate services within the UDB. The City completed two annexations in Spring 2020, one in the north and one in the southeast of the City, to bring in additional land needed to support residential and commercial growth. The City is working on a large annexation near the COS Tulare Campus in the southeast part of the City and has received an annexation application in 2021 for approximately 37 acres in the northeastern part of the City. As such, there continue to remain enough areas within the existing UDB to accommodate anticipated growth.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-2: Compact & Infill Development	The City shall develop zoning incentives to encourage innovative design in both infill and newly developing areas that optimizes the use of vacant land through flexible development standards, shared parking, landscaping, and site amenities.	Planning Division	N/A	By 2020	The City has been awarded a LEAP grant to assist in the comprehensive update of the City's Zoning Ordinance to make a number of revisions, including revisions to incentivize infill development, as described in this implementation measure. In 2021 the City of Tulare selected a consultant through an RFP process to begin working on this effort with City planning staff.
Implementation Measure LU-3: Compact Development	The City shall develop and maintain an inventory of available vacant sites that have potential for infill development.	Planning Division	N/A	Ongoing	Using Google Maps/Earth, the City Planning Division has created maps of available vacant sites with potential for infill development, prioritizing sites within the City's Transit Oriented Development areas and along major transportation corridors. The City is using the SB2 Planning Grant to digitize and provide this information in GIS and easily accessible to the public and development community.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-4: Mixed-Use Redevelopment & Adaptive Reuse Downtown	The City shall develop zoning incentives that encourage mixed-use redevelopment in the downtown area through the reuse of existing buildings	Planning Division	N/A	By 2020	The City was awarded an HCD LEAP Grant and in 2021 selected a consultant to assist with the comprehensive update of the Zoning Code, including cleaning-up, revising the mixed-use section to make it easier to use and incentivize mixed-use, infill development. An adaptive re-use ordinance will be explored as part of this zoning code update, or/and also incorporated into the City's upcoming Downtown Master Plan.
Implementation Measure LU-5: Regional Auto Mall Study	The City shall conduct a study to determine a suitable location and impacts of a regional auto mall in the city.	Community & Economic Development Department	N/A	By 2020	The City will continue to explore the possibilities of locating a regional auto mall in the city limits, including looking for resources to fund such a study.
Implementation Measure LU-6: Municipal Services	The City shall consider adoption of an appropriate fee program for new development to ensure the provision, operation, and ongoing maintenance of appropriate public facilities and services (including, but not limited to, fire stations and equipment, police stations and equipment, ambulance or dispatch service, utility infrastructure, parks, recreational, and library facilities).	All Affected City Departments and Finance Department	N/A	Ongoing	Funding for maintenance of existing and expansion of municipal services tied to the City's growth is provided through the City's Development Impact Fee Program.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-7: Water Master Plan	<p>The City shall update its water master plan to address future water supply treatment, and distribution system. The water master plan shall explore:</p> <ul style="list-style-type: none"> a. Water supply alternatives. b. Treatment alternatives, including wellhead and centralized treatment. c. Alternatives for reuse of grey water. d. Water conservation program. 	Public Works Department and Engineering Division	N/A	Ongoing	The City's Engineering Division is currently working with a consultant on the update to the City's Water System Master Plan.
Implementation Measure LU-8: Sewer & Stormwater Drainage Master Plans	The City shall periodically update the Sewer and Stormwater Drainage Master Plan based on the 2035 General Plan	Public Works Department and Engineering Division	N/A	Ongoing	The City's latest Sewer and Stormwater Drainage Master Plan took into account growth under the 2035 Master Plan. All the utility master plans are updated regularly, with the Water System Master Plan update currently underway, and the Sewer and Stormwater Drainage Master Plan to follow.
Implementation Measure LU-9: Street Tree Management Plan	The City shall update its Street Tree Management Plan based on the 2035 General Plan	Planning Division	N/A	Ongoing	<p>The City's Street Tree Ordinance was updated based on the 2035 General Plan. The Street Tree Management Plan shall be amended, modified, and added to such plan, from time to time, upon recommendation of the Parks and Recreation Commission.</p> <p>In 2021, the Parks and Recreation Commission approved the adoption of an amended Street Tree species List.</p>

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-10: Neighborhood Identification	The City shall require that entrances to the new subdivision fronting on arterials are accented with distinctive landscaping, pavement, and signage treatments.	Planning Division	N/A	Ongoing	Planning Division staff will be updating the Zoning Ordinance and other pertinent sections of the City's Municipal Code to ensure this policy is codified and consistent with the 2035 General Plan.
Implementation Measure LU-11: Context Sensitive Development	Where applicable, the City shall require new development to incorporate complementary features into site and development planning to ensure its compatibility with existing historic structures.	Planning Division	N/A	Ongoing	The Planning Division ensures compliance with this measure as part of Site Plan Review for new development and redevelopment projects.
Implementation Measure LU-12: Aesthetic Improvements	The City shall encourage use of the assessment districts authorized by law and other available financing tools to fund street beautification, street lighting, street maintenance, storm drainage, park maintenance, and other common aesthetic improvements in new private residential and business development.	Planning Division, Engineering Division, and Parks Division	N/A	Ongoing	The City requires and manages Landscape Maintenance Districts to fund maintenance of these improvements in new private residential development and will begin exploring requiring this for new multi-tenant business development as well.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-13: Street Trees	The City shall review and evaluate its design review guidelines for application at selected key locations and to particular development types (e.g., mixed use development). Selected locations for such special design review should include key entranceways and thoroughfares; the Downtown; designated community and regional commercial areas; and designated office/business park areas.	Planning Division	N/A	Ongoing	The Planning Division ensures compliance with this measure as part of Site Plan Review for new development and redevelopment projects.
Implementation Measure LU-14: General Plan Consistency	The City shall review and amend as necessary, applicable ordinances and regulations referenced herein to ensure consistency with the General Plan. These shall include the following: <ul style="list-style-type: none"> a. Zoning Ordinance b. Subdivision Ordinance c. Development Standards 	Planning Division	N/A	Ongoing	The City has been awarded a grant to assist in the comprehensive update of the City's Zoning Ordinance, and during that update staff will look at the need to make necessary updates to the Subdivision Ordinance and Development standards, to ensure consistency between these documents and the 2035 General Plan. In 2021, the City selected a consultant to bring under contract to begin making the necessary updates.
Implementation Measure LU-15: General Plan provisions & Project Review	The City shall implement the provisions of this General Plan through its ongoing project review process.	Planning Division	N/A	Ongoing	The Planning Division implements the provisions of the 2035 General Plan through Site Plan Review, the entitlement phase, Plan Check, and a Field Check.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure LU-16: Annual Review	The Planning Commission shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the Plan. The Planning Commission's report to the City Council shall include, as the Commission deems appropriate, recommendations for amendments to the General Plan. This review shall also be used to satisfy the requirements of Public Resources Code section 21081.6 for a mitigation monitoring program.	Planning Division	N/A	Ongoing	This is the Annual Progress Report for Calendar Year 2021, being presented to the Planning Commission, City Council, and filed with the Office of Planning and Research, serving as an annual review of the implementation of the City's General Plan.
TRANSPORTATION AND CIRCULATION ELEMENT					
Implementation Measure TR-1: Roadway Standards & Priority Projects	The City shall coordinate with Caltrans to establish priorities for freeway improvements and initiate a process for the design, funding, and construction of improved freeway interchanges.	Planning Division	N/A	Ongoing	The City continues to work with Caltrans and TCAG to establish priorities for freeway projects within the City, including cooperating on planning, design, and funding studies for projects. In 2021, the City had multiple calls and meetings with Caltrans to coordinate on the SR-99 freeway widening project, several interchange projects, as well as needed surface transportation improvements along state routes through the city.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure TR-2: Level of Service Standard	The City shall identify economic, design, and planning solutions to improve existing levels-of-service currently below the LOS specified above. Where physical mitigation is infeasible, the City shall consider developing programs that enhance alternative access or otherwise minimize travel demand	Planning Division and Engineering Division	N/A	Ongoing	City staff regularly review new development for potential effects or degradation of the LOS standards adopted by the City. Improvements to improve operational LOS are included as conditions of project approval when required, and the City continues to work to further expand alternative transportation systems (bicycle and pedestrian networks).

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure TR-3: Transportation Impact Fee Program	The City shall continue its transportation impact fee program and revise when necessary, to ensure the mitigation of traffic impacts created by new development	Planning Division and Engineering Division	N/A	Ongoing	The City continues to maintain the transportation impact fee program with funds paid-in by new development to ensure funding for transportation projects required due to continued development growth.
Implementation Measure TR-4: Adequate Parking Standards	The City shall periodically review existing parking standards to ensure their adequacy.	Planning Division and Engineering Division	N/A	Ongoing	City staff is currently reviewing the parking standards to ensure that they result in adequate parking, but also that they are not resulting in an oversupply of parking, which has the ability to result in adverse land use patterns. If any recommended changes are identified, staff will include them with the comprehensive update to the Zoning Code and present them to Planning Commission and City Council.
Implementation Measure TR-5: Downtown Parking Plan	The City should develop and maintain a downtown parking plan. This plan should be complete following a review of the city's parking requirements and the location and adequacy of signage. This plan should discourage employee parking in prime parking spaces within downtown retail areas.	Planning Division	N/A	Ongoing	A review of downtown parking will be carried out with the overall City parking review and comprehensive update to the City's Zoning Code as well as the City's Downtown Master Plan Update.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure TR-6: Pedestrian Access	The City shall promote and improve pedestrian access along existing local arterial and collector streets.	Planning Division and Engineering Division	N/A	Ongoing	The City regularly reviews pedestrian access as part of development review and site plan review, to ensure needed improvements to pedestrian access are incorporated as part of proposed property improvements.
Implementation Measure TR-7: Database of Needed Sidewalks	The City shall develop and maintain a database of sidewalks along streets which currently do not contain continuous sidewalks.	Planning Division and Engineering Division	N/A	Ongoing	The City's Project Management Team maintains a database of areas along streets that do not contain continuous sidewalks. The Project Management Team uses this list to help prioritize capital projects and identify funding to complete gaps in sidewalks, particularly in older areas of the City and former County areas that were not originally developed with sidewalk infrastructure. In the 2021 calendar year, the following sidewalk addition projects were approved and are under construction: 1) Elliott Tract Improvements; 2) Pratt Street-Mefford Choice Tract Improvements; 3) Sequoia-Spruce Tract Improvements
Implementation Measure TR-8: Street Standards & Trucks	The City shall review City street standards every five years to ensure compatibility with changing truck height and weight standards.	Engineering Division	N/A	Every five (5) years	The City of Tulare Engineering Division regularly reviews City street standards to ensure compatibility with truck height and weight standards, and will continue to do so.
Implementation Measure TR-9: Truck Route Signage	The City shall identify and update existing truck route signage.	Engineering Division	N/A	Ongoing	The City does include signage for existing truck routes and will continue to maintain and/or update those as necessary.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure TR-10: Roundabouts	The City shall acquire from new development sufficient rights-of-way dedications to allow for construction of roundabouts at all arterial and arterial-collector intersections.	Planning Division and Engineering Division	N/A	Ongoing	The City's Engineering Division continues to review new development for any required intersection improvements, including considerations such as type of intersection control, including roundabouts, if appropriate for the specific location.
CONSERVATION AND OPEN SPACE ELEMENT					
Implementation Measure COS-1: Groundwater Protection	The City shall identify and protect local aquifers and water recharge areas, in cooperation with other agencies.	Planning Division and Public Works Department	N/A	Ongoing	The City continues to coordinate with the Tulare Irrigation District on the identification of new and maintenance of existing water recharge basins to ensure water quality integrity and continued efforts for increased groundwater recharge capabilities.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure COS-2: Groundwater Management Plan	The City shall periodically update a groundwater management plan	Public Works Department	N/A	Ongoing	The City, along with the Tulare Irrigation District and the City of Visalia, is a member of the Mid-Kaweah Groundwater Sustainability Agency (Mid-Kaweah GSA), tasked with management of groundwater supplies as stipulated in the Sustainable Groundwater Management Act. The Mid-Kaweah Groundwater Sustainability Agency has prepared a Final Groundwater Sustainability Plan, which is being reviewed by the California Department of Water Resources (DWR).
Implementation Measure COS-3: Coordinated Groundwater Monitoring & Planning	The City shall participate in coordinated regional and statewide groundwater monitoring and planning programs.	Public Works Department	N/A	Ongoing	The Sustainable Groundwater Management Act requires regular coordination regionally and statewide to include groundwater monitoring and planning programs to ensure the sustainability of the groundwater supplies in a groundwater basin. This is achieved through the City's role as a member of the Mid-Kaweah Groundwater Sustainability Agency and implementation of the Groundwater Sustainability Plan.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure COS-4: Groundwater Monitoring Partnerships	The City shall maintain groundwater monitoring partnerships with local groundwater users and stakeholders.	Public Works Department	N/A	Ongoing	The Sustainable Groundwater Management Act requires regular coordination regionally and statewide to include groundwater monitoring and planning programs to ensure the sustainability of the groundwater supplies in a groundwater basin. This is achieved through the City's role as a member of the Mid-Kaweah Groundwater Sustainability Agency and implementation of the Groundwater Sustainability Plan.
Implementation Measure COS-5: Groundwater Recharge	The City will investigate future changes to the zoning ordinance that promote maintaining some groundwater recharge with urban development. Regulations may include, but are not limited to, the limitation of structural coverage and impervious surfaces and prohibition of uses with the potential to discharge harmful pollutants, increase erosion, or create other impacts degrading water quality.	Community & Economic Development Department; Public Works Department	N/A	Ongoing	While not included in the Zoning Code, this measure is addressed in new development through the City's Engineering Standards. The City's Engineering Division has adopted standards to address site drainage, groundwater recharge, and water quality as requirements of new development. As an example, the City requires new development to install groundwater recharge basins or tie into existing basins with sufficient capacity. City staff will continue to review these standards and look for opportunities to improve on or further the goals of this measure.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure COS-6: Protection of Sensitive Environmental and Cultural Areas	The City shall continue the protection of natural and cultural resources as part of the City's environmental review process.	Planning Division	N/A	Ongoing	The City's Planning Division reviews proposed development activities for compliance with state and federal environmental laws, including through carrying out the environmental review process on projects to ensure the protection of natural and cultural resources.
Implementation Measure COS-7: Development in Environmentally-Sensitive Areas	When reviewing development proposals, the City shall encourage cluster development in areas with moderate to high potential for sensitive habitat.	Planning Division	N/A	Ongoing	The City's Planning Division will continue to utilize the Site Plan Review and entitlement processes to encourage well planned development. This includes using strategies, such as cluster development, as needed to avoid and/or minimize impacts to areas of moderate to high potential for sensitive habitat.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure COS-8: Construction Erosion Control	The City shall adopt requirements that new development implement measures that minimize soil erosion from wind and water related to construction. Measures may include, but not be limited to the following: Grading requirements that limit grading to the amount necessary to provide stable areas for structural foundations, street rights-of-way, parking facilities, or other intended uses; and/or Construction techniques that utilize site preparation, grading, and best management practices that provide erosion and sediment control to prevent construction-related contaminants from leaving development sites and polluting local waterways.	Engineering Division	N/A	Ongoing	The Engineering Division has adopted grading permit requirements. Applicants for a grading permit must demonstrate on the application the types of control measures and best management practices to limit soil erosion and stormwater runoff, including protection of water quality through use of various approved media to filter, divert, and/or protect local waterways and drainage facilities.
Implementation Measure COS-9: Agricultural Land Mitigation Program	The City shall adopt a mitigation program for agricultural land conversion that includes, at a minimum, the components listed in Policy COS-P3.12, or equivalent or more effective components.	Planning Division	N/A	By 2015	The City Council adopted the Farmland Mitigation Ordinance in February 2020 for agricultural land converted to non-agricultural use outside the City limits, but within the City's urban development boundary.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure COS-10: Archaeological Resource Mitigation Monitoring	The City shall continue the monitoring of mitigation measures established for protection of archaeological resources prior to development.	Planning Division	N/A	Ongoing	The Planning Division continues the monitoring of mitigation measures established for protection of archaeological resources through carrying out the environmental review process and through grading permits on projects to ensure the protection of archaeological resources prior to development.
Implementation Measure COS-11: Historical Resources Inventory	The City shall prepare a historical resources inventory.	Planning Division	N/A	By 2020	The City has an existing historical resources inventory, however staff will look to identify opportunities and resources to update this inventory.
Implementation Measure COS-12: Historic Overlay Zone	The City shall continue to apply its Historic Site and Historic Neighborhood Combining District zone as a means to preserving, protecting, and encouraging the restoration of identified historical sites and neighborhoods.	Planning Division	N/A	Ongoing	The City will look to identify opportunities and resources to update the historic resources inventory and apply the Historic Neighborhood Combining District. One early opportunity is updating the Historic Neighborhood Combining District and previously identified historic properties with the Comprehensive Zoning Code update the City will be initiating.
Implementation Measure COS-13: Quimby Act Ordinance	The City shall consider adopting a Quimby Act Ordinance requiring that park provision be considered and incorporated in the subdivision process.	Parks Division; Planning Division; Engineering Division	N/A	By 2015	The Planning Divisions will work with the Parks Division and Engineering Division on this measure, particularly with the upcoming Parks Master Plan process.
AIR QUALITY ELEMENT					

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure AQ-1: More Walkable Neighborhoods	The City shall continue to enforce the Green Building Ordinance and amend the Subdivision Ordinance to achieve more walkable neighborhoods.	Building Division and Planning Division	N/A	By 2015	The City's Building Division enforces the Green Building Code and the City's Planning and Engineering Divisions require the installation of sidewalks along the frontage of new development as well as pedestrian openings at the ends of cul-de-sacs.
Implementation Measure AQ-2: Regional Planning Strategy	The City shall assist TCAG in preparing a Sustainable Communities Strategy and/or an Alternative Planning Strategy	Planning Division	N/A	By 2015	City staff, as well as City Council representatives, are involved in collaborating with TCAG on matters regarding the updates to the Sustainable Communities Strategy and/or an Alternative Planning Strategy
Implementation Measure AQ-3: Construction Emissions	<p>The City shall consider adopting a resolution or ordinance requiring construction equipment greater than fifty (50) horsepower to reduce exhaust emissions by the following amounts from the state wide average as estimated by ARB:</p> <ul style="list-style-type: none"> • 20 percent of the total NOx emissions; • 45 percent of the total PM₁₀ exhaust emissions. 	Planning Division	<ul style="list-style-type: none"> • 20 percent reduction in total NOx emissions; • 45 percent reduction in total 	By 2015	While the City has not adopted a resolution or ordinance, the Planning Division now has staff capabilities to conduct and review environmental analysis of potential impacts associated with project construction. Through the environmental review process, projects that generate emissions exceeding established air quality standards & thresholds are required to mitigate potential impacts, including through the use of later model equipment meeting more stringent emissions standards (e.g. Tier 4 or greater equipment).
NOISE ELEMENT					

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure NOI-14.1: Regional Policy Framework	Tulare County and its incorporated cities shall review all relevant development plans, programs, and proposals, including those initiated by both the public and private sectors, to ascertain and ensure their conformance with the policy framework outline in this Noise Element.	Planning Division	N/A	Ongoing	City of Tulare staff continue to review development plans and proposals for consistency with the General Plan, including the Noise Element policies.

Implementation Measure NOI-14.2: Noise-sensitive Land Uses	<p>Prior to the approval of a proposed development of residential or other noise-sensitive land uses in a noise-impacted area, or the development of an industrial, commercial, or other noise-generating land use in or near an area containing or planned and zoned for residential or other noise-sensitive land uses, an acoustical analysis may be waived provided that all of the following conditions exist:</p> <ul style="list-style-type: none"> • The proposed development is not subject to the provisions of California Administrative Code Title 24. • The existing or projected future noise exposure at the exterior of buildings which will contain noise-sensitive uses or within the proposed outdoor activity areas (patio, decks, backyards, pool areas, recreation areas, etc.) does not exceed 65 dB Ldn (or CNEL). • The topography in the project area is flat, and the noise source and receiving land use are at the same grade. • Effective noise mitigation, as determined by the reviewing agency, is incorporated into the 	Planning Division	N/A	Ongoing	Proposed residential development, as well as the development of noise-generating land uses near existing, planned, or zoned residential uses are reviewed through the City's Site Plan Review process as well as through noise analysis as part of environmental review for required project entitlements.
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	<p>project design to reduce noise exposure to the levels specified by the policies of the Noise Element such measures may include the use of building setbacks, building orientation, and noise barriers. If a noise barrier is required for mitigation of exterior noise levels, it should be constructed of tight-fitting, massive materials (1-inch thick wood, stucco, masonry, etc.) and should be of sufficient height to interrupt line-of-sight between the source and receiver. Line-of-sight should be determined by drawing a straight line between the effective heights of the noise source and receiver. For traffic noise, in instances where the number of heavy trucks exceeds five (5) percent of the Average Daily Traffic (ADT), an effective height of ten (10) feet above the rails should be used for locomotive and car noise, and an effective height of fifteen (15) feet above the rails should be used for horn noise. For industrial, commercial, or other stationary noise sources or for aircraft noise, a detailed</p>				
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	<p>evaluation of noise source spectra and effective height(s) should be conducted. Receiver height should be assumed to be five (5) feet above project grade for outdoor activity areas such as backyards. The receiver height for small patios or upper floor decks should be assumed to be four (4) feet above the finished floor elevation. Interior noise levels may be assumed to be in compliance with the 45 dB Ldn (or CNEL) standard as long as the building construction complies with today's more stringent thermal insulation requirements and windows and doors may remain closed. This will require the installation of air conditioning or mechanical ventilation.</p> <p>When the above-described conditions do not exist and an acoustical analysis is required by the City of Tulare it should:</p> <ul style="list-style-type: none"> • Be the responsibility of the applicant. • Be prepared by an individual or firm with demonstrable experience in the fields of environmental noise 				
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Program	Description	Responsibility	Quantified Objective	Time Frame	Status
	<p>assessment and architectural acoustics.</p> <ul style="list-style-type: none"> • Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions. • Include estimated noise levels in terms of L_{dn} (or CNEL) existing and projected future (10 to 20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element. • Include recommendations for appropriate mitigation measures to achieve compliance with the adopted policies and standards of the Noise Element. • Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided. 				

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure NOI-14.3: Acoustical Analysis	Tulare County and its incorporated cities shall develop and implement procedures to ensure that requirements imposed pursuant to the findings of an acoustical analysis are implemented as part of the project permitting process. The appropriate time for requiring an acoustical analysis would be as early in the project review or permitting process as possible, so that noise mitigation may be an integral part of the project design rather than an afterthought.	Planning Division	N/A	Ongoing	Noise reduction requirements, whether mitigation measures resulting from the environmental review process or conditions of project approval, are implemented to be incorporated prior to construction, to ensure construction contractors abide by such requirements when applying for grading and building permits.

Program	Description	Responsibility	Quantified Objective	Time Frame	Status
Implementation Measure NOI-I4.4: Community Noise Control Ordinance	Noise exposure information developed during the community noise survey described in this Noise Element may be used as a guideline for the development and adoption of a community noise control ordinance to address noise complaints, and to provide local industry with performance standards for future development and/or equipment modifications. If such an ordinance is adopted, it should be consistent with the “Model Community Noise Control Ordinance” prepared by the California Office of Noise Control in 1977, with modifications made to reflect local concerns and conditions (a draft community noise control ordinance is contained within the Technical Reference Document).	Planning Division	N/A	Ongoing	The City's Noise Ordinance reflects local concerns and conditions and is applied to both new development as well as existing uses, to maintain an acceptable community noise level, particularly in noise-sensitive areas of the City, such as residential neighborhoods.
Implementation Measure NOI-I4.5: Review & Update of Noise Element	The Noise Element of the Tulare County General Plan and the General Plans of the incorporated cities of the County shall periodically be reviewed and updated to ensure that noise exposure information, goals, and policies are consistent with changing conditions and/or standards.	Planning Division	N/A	Ongoing	The Noise Element, just like other elements of the General Plan, is periodically reviewed to ensure it is still consistent with changing conditions and standards, and to identify needed updates.

Upcoming Long Range Planning Policy Updates & Priorities

Local Early Action Planning Grant – The City of Tulare applied for and was notified that it was approved for a \$300,000 Local Early Action Planning (LEAP) Grant. This grant will be used to support implementation of various City of Tulare General Plan policies through a comprehensive update of the City's Zoning Ordinance. The updates to the Zoning Ordinance are proposed to make the Zoning Ordinance consistent with changes required as a result of the adopted General Plan policies, changes to state law, and changes due to new and changing planning and market trends related to land use. The objective is to have a clearer Zoning Ordinance, consistent with policies and implementation measures in the General Plan, including streamlining and facilitating orderly growth through process improvements that accelerate housing production, and facilitate compliance with the implementation of the City's sixth cycle of the regional housing needs assessment (RHNA).

In late 2021, the City of Tulare selected a consultant through an RFP and interview process to assist in preparation of the aforementioned updates to the City's Zoning Ordinance and related sections of the City's Municipal Code. The project will be kicking-off and underway in 2022.



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Status and Review of Local Emergency Drought

SOURCE: City Manager's Office

COMMENT:

At its meeting of May 5, 2015, the City Council took action to approve a Resolution Declaring a Drought Emergency in the City of Porterville. At its meeting of January 17, 2023, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of local emergency.

Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide twenty-five percent (25%) reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a twenty-five (25%) reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016.

The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from thirty-two percent (32%) to twenty-six percent (26%), due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a

localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of fifty-five (55) gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to fifty (50) gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City will need to submit its plan for compliance for approval by the State Water Resources Control Board.

On March 5, 2021, Secretary Vilsack of the United States Department of Agriculture federally-designated Tulare County as a primary natural disaster area due to ongoing drought conditions. On April 21, 2021, Governor Newsom issued a State of Emergency Proclamation due to drought conditions, including Tulare County. On April 27, 2021, the Tulare County Board of Supervisors adopted a Resolution Proclaiming a Local Emergency due to severe drought conditions. On January 4, 2022, the State Water Resources Control Board adopted emergency regulations to supplement voluntary water conservation.

On March 28, 2022, Governor Newsom issued Executive Order N-7-22, that requires the state's largest water providers (including the City of Porterville) to put in place "Level 2" of water shortage contingency plans, which the City is currently in "Level 4." On June 10, 2022, the State Water Resources Control Board adopted emergency regulations to prohibit the watering of nonfunctional or purely decorative grass in commercial, industrial or institutional properties with potable water.

At its meeting on January 17, 2023, the Council considered an emergency request from the County of Tulare for assistance to Self-Help Enterprises, Inc. (SHE) in the provision of source water for the Emergency Tank Program that serves 389 residences across Tulare County where domestic wells have run dry due to continued drought. The County had been providing source water from its well at the Bob Wiley Detention Facility, north of Visalia, but the recent rainfall had caused damage and the temporary closure of the access road to the well. The Council acted to grant the County's request for emergency assistance and provide source water to SHE to continue the Emergency Tank Program, to be reviewed at its next regular meeting on February 7, 2023. On January 20, 2023, SHE began taking City water for delivery. The County later reported that

the access road had been repaired and that the County source well was accessible again to SHE beginning on February 1, 2023. According to the City water meter report, approximately 111,500 gallons of water was accessed by SHE, with a corresponding cost of \$350. At Council's direction, City staff has also been in contact and coordinating with the Eastern Tule Groundwater Sustainability Agency (ETGSA) in regard to source water from the ETGSA crossing over into other GSA territories and other Sub-basins (e.g. Kaweah) and addressing any potential impacts, although it is important to note that the same has been happening from the County well that is located in the Kaweah Sub-basin.

Initially within the city of Porterville, twenty-six (26) residences within the city were determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State Cleanup and Abatement Account (CAA) emergency funds.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide initial source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to five hundred (500) single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its eighty (80) residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes. On May 7, 2022, Tulare County OES notified the City that due to deteriorating conditions across the county involving small water systems dependent upon the Friant-Kern Canal that may result in the complete lack of water or "Do Not Drink" orders, the State and County may have to invoke the provision of water from the well.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately forty (40) homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (70), which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at its meeting on Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016.

County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff continued to work with County staff toward the transfer of the well's ownership from the County to the City, which at its meeting on April 20, 2021, the Council approved the draft Transfer Agreement subject to the City Attorney's final form.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, twenty-three (23) of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible eight hundred (800) residences in East Porterville to the City's water system.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of

focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019.

City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 2019.

Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work began on the project. At its meeting on October 1, 2019, the Council accepted the public works segment of the project in the installation of water mains as complete, with Self-Help and CSET continuing to collaborate on the completion of the individual private connections and abandonment of private wells. City staff has recently been made aware that there may be a couple of additional residences whose wells are dry that are located along existing City water mains or may require further extension of water mains.

Staff is coordinating with State staff on addressing these new isolated needs.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the forty-one (41) connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30, 2019, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered. At its meeting on October 1, 2019, the Council directed staff to proceed with the amendment of the UDB to facilitate annexation, which a public meeting with the affected residents was conducted on Wednesday, October 9, 2019. At its meeting on April 21, 2020, the Council conducted a Public Hearing and approved Resolutions of approval of the environmental determination and amendment to the UDB to facilitate annexation. At its meeting on June 1, 2021, the Council approved the State Water Board funding agreement for the development of a City-owned production well, distribution mains and water meters to serve each customer, as well as fire hydrants. On

July 20, 2021, the City received notification from the State Water Board that the Akin/Central Water Consolidation Project funding agreement had been formally approved and executed.

DDW has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves fourteen (14) residences and approximately forty-five (45) people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

DDW has further reported to the City that the Beverly Grand Mutual Water Company water system, located north of West North Grand Avenue, is experiencing problems with its existing well and water quality issues, and desires its connection to the City's system to serve the thirty-one (31) residences the system serves. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW has agreed to pay appropriate fees toward developing a capacity development project, which at its meeting of October 3, 2017, the Council approved a purchase agreement with Smee Homes, Inc. for the acquisition of property along the Tule River for the development of a new municipal well. At its meeting of October 1, 2019, the Council approved proceeding with the consolidation of the Beverly Grand water system.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

1. City of Porterville Resolution Declaring Local Drought Emergency: May 5, 2015
2. United States Department of Agriculture Drought Natural Disaster Area Designation: March 5, 2021
3. State of California State of Emergency Proclamation: April 21, 2021
4. County of Tulare Drought Local Emergency Resolution: April 27, 2021
5. State Water Resources Control Board: Emergency Regulation - Water Conservation; January 4, 2022
6. Governor Newsom Executive Order N-7-22: March 28, 2022

7. State Water Resources Control Board: Emergency Regulation - Water Conservation; June 10, 2022
8. State Water Resources Control Board Funding Agreement: Akin/Central Water Consolidation Project

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

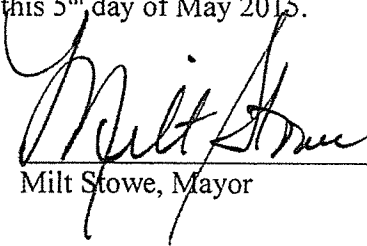
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

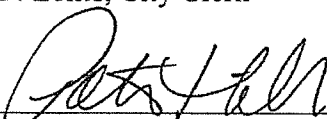
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

March 5, 2021

The Honorable Gavin Newsom
Governor
State of California
Sacramento, California 95814

Dear Governor Newsom:

In accordance with 7 CFR 759.5(a), I am designating 50 California counties as primary natural disaster areas due to a recent drought.

According to the U.S. Drought Monitor (see <http://droughtmonitor.unl.edu/>), these counties suffered from a drought intensity value during the growing season of 1) D2 Drought-Severe for 8 or more consecutive weeks or 2) D3 Drought-Extreme or D4 Drought-Exceptional.

In accordance with section 321(a) of the Consolidated Farm and Rural Development Act, additional areas of your state and adjacent states are named as contiguous disaster counties. Enclosed you will find documentation that provides a detailed list of all primary and contiguous counties impacted by this disaster.

A Secretarial disaster designation makes farm operators in primary counties and those counties contiguous to such primary counties eligible to be considered for certain assistance from the Farm Service Agency (FSA), provided eligibility requirements are met. This assistance includes FSA emergency loans. Farmers in eligible counties have 8 months from the date of a Secretarial disaster declaration to apply for emergency loans. FSA considers each emergency loan application on its own merits, taking into account the extent of production losses on the farm and the security and repayment ability of the operator.

Local FSA offices can provide affected farmers with further information.

Sincerely,

A handwritten signature in blue ink, reading "Tom J. Vilsack", is positioned above the printed name of the Secretary.

Thomas J. Vilsack
Secretary

Enclosure

Disaster Designation Areas for California and Contiguous States

Primary Counties:

California	(50)			
Alameda	Glenn	Marin	Riverside	Solano
Alpine	Humboldt	Mariposa	Sacramento	Sonoma
Amador	Imperial	Mendocino	San Bernardino	Stanislaus
Butte	Inyo	Merced	San Francisco	Sutter
Calaveras	Kern	Modoc	San Joaquin	Tehama
Colusa	Kings	Mono	San Mateo	Trinity
Contra Costa	Lake	Napa	Santa Clara	Tulare
Del Norte	Lassen	Nevada	Shasta	Tuolumne
El Dorado	Los Angeles	Placer	Sierra	Yolo
Fresno	Madera	Plumas	Siskiyou	Yuba

Contiguous Counties:

California	(8)		
Monterey	San Benito	San Luis Obispo	Santa Cruz
Orange	San Diego	Santa Barbara	Ventura

In addition, in accordance with section 321(a) of the Consolidated Farm and Rural Development Act, counties in adjacent states are named as contiguous disaster areas. Those states, counties, and numbers are:

Contiguous Counties in Adjacent States:

Arizona	(3)		
La Paz	Mohave	Yuma	
Nevada	(8)		
Clark	Esmeralda	Mineral	Washoe
Douglas	Lyon	Nye	Carson City
Oregon	(5)		
Curry	Josephine	Lake	
Jackson	Klamath		

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

State of Emergency Proclamation

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment and economy, and California must therefore improve drought resiliency and prepare to respond to more frequent, prolonged, and intense dry periods; and

WHEREAS much of the West is experiencing severe to exceptional drought and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS these drought conditions can result in degraded water quality, fallowing of productive farmland, setbacks to vulnerable and rural communities through job losses and longer-lasting recoveries, significant impacts to tribal, commercial, and recreational salmon fisheries, constraints on access to traditional lifeways, loss of aquatic and terrestrial biodiversity, and ecosystem impacts; and

WHEREAS drought conditions vary across the State and some watersheds, including the Russian River and Klamath Basin, are extremely dry and are facing substantial water supply and ecosystem challenges; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment; and

WHEREAS experience in the last drought has demonstrated the value of preparing earlier for potential sustained dry conditions, the need to improve our monitoring and forecasting capabilities, and many other lessons that are captured in the Administration's *Report to the Legislature on the 2012-2016 Drought*; and

WHEREAS the State and its many partners have strengthened drought resilience since the last drought including state investments in water management systems, implementation of the Sustainable Groundwater Management Act, establishment of the Safe and Affordable Fund for Equity and Resilience Program, development of the Administration's *Water Resilience Portfolio*, and continued water conservation by Californians whose current statewide urban water use is 16% lower than at the beginning of the last drought; and

WHEREAS state agencies have been actively responding to current drought conditions and preparing for the possibility of a third dry year including through convenings of the interagency drought team, which was established at my direction, to organize, focus, and track changing conditions, coordinate state agency responses, and work closely with partners across the State; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions within the Russian River Watershed, and under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions of the Russian River Watershed, located within Mendocino and Sonoma counties.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed.

IT IS HEREBY ORDERED THAT:

1. To further the success of California's water conservation efforts and increase our drought preparedness, state agencies shall partner with local water districts and utilities to make all Californians aware of drought, and encourage actions to reduce water usage by promoting the Department of Water Resources' Save Our Water campaign (<https://saveourwater.com>) and other water conservation programs.
2. To continue coordination with partners across the State for the potential of prolonged drought impacts, the Department of Water Resources, the State Water Resources Control Board (Water Board), the Department of Fish and Wildlife, and the Department of Food and Agriculture shall work with regional and local governments, including groundwater sustainability agencies, to identify watersheds, communities, public water systems, and ecosystems that may require coordinated state and local actions to address issues stemming from continued dry conditions, to ensure that we can respond to water shortages and protect people, natural resources and economic activity.
3. To continue partnership and coordination with Californian Native American tribes, state agencies shall engage in consultation, collaboration, and communication with California Native American tribes to assist them in necessary preparation and response to drought conditions on tribal lands and potential impacts to cultural and traditional resources within ancestral lands.
4. To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:
 - a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
 - b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
 - c. Recommend additional financial support for water resilience infrastructure projects and actions for potential inclusion in the upcoming May Revision.

5. To increase resilience of our water supplies during drought conditions, the Department of Water Resources shall:
 - a. Work with counties to encourage reporting of household water shortages, such as dry residential wells, on the website the Department maintains for that purpose, to enable tracking of drought impacts.
 - b. Work with counties, and groundwater sustainability agencies as appropriate, to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner.
 - c. Work with agricultural water suppliers and agricultural water users to provide technical assistance, including implementation of efficient water management practices and use of technology such as the California Irrigation Management Information System.
 - d. Work with urban and agricultural water suppliers to encourage timely submittal by water districts and public posting of urban water management and water shortage contingency plans and agricultural water management and drought plans.
 - e. Accelerate updating the land subsidence data it is providing to support implementation of the Sustainable Groundwater Management Act.
6. To increase resilience of our water systems during drought conditions, the Water Board shall:
 - a. Use its authority, provide technical assistance, and where feasible provide financial assistance, to support regular reporting of drinking water supply well levels and reservoir water levels where the Water Board determines that there is risk of supply failure because of lowering groundwater levels or reservoir levels that may fall below public water system intakes.
 - b. Prioritize the permitting of public water systems that anticipate the need to activate additional supply wells where water quality is a concern and treatment installation needs to proceed to relieve a system's potential supply concerns.
 - c. Provide annual water demand data, information on water right priority, and other communications on water availability on its website.
 - d. Identify watersheds where current diversion data is insufficient to evaluate supply impacts caused by dry conditions, and take actions to ensure prompt submittal of missing data in those watersheds.
7. To address the acutely dry conditions in the Russian River Watershed, the Water Board shall consider:
 - a. Modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes.
 - b. Adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water.

For purposes of carrying out this directive, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are suspended in the counties of Mendocino and Sonoma to the extent necessary to address the impacts of the drought in the Russian River Watershed. The Water Board shall identify the projects

eligible for the suspensions pursuant to this paragraph and maintain on its websites a list of the activities or approvals for which these provisions are suspended.

8. To ensure that equipment and services necessary for drought response in the Russian River Watershed can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Russian River Watershed, located within Mendocino and Sonoma counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
9. To increase the resilience of our natural habitats to protect vulnerable species during drought conditions, the Department of Fish and Wildlife shall:
 - a. Evaluate and take actions to protect terrestrial and aquatic species and, wherever possible, work with water users and other parties on voluntary measures to protect species.
 - b. Work to improve State hatcheries and increase water use efficiency on State wildlife areas and ecological reserves to maintain habitat for vulnerable species.
 - c. Respond to human-wildlife interactions related to ongoing dry conditions and increase public messaging and awareness.
 - d. Work with commercial and recreational salmon fishing and tribal representatives to anticipate and develop strategies to mitigate and respond to salmon fishery impacts, with particular emphasis on addressing impacts to salmon fisheries in the Klamath Basin.
10. To support our agricultural economy and food security during drought conditions, the Department of Food and Agriculture shall:
 - a. Provide technical assistance to support conservation planning, on-farm water and energy conservation practices and technologies, including augmenting the State Water Efficiency and Enhancement Program.
 - b. Conduct an economic analysis of drought impacts to agriculture, including land use, jobs, and rural food economies, expanding on existing research done in the last drought to include thorough regional analysis especially in the Central Valley, and in the implementation of the Sustainable Groundwater Management Act and alternative land uses for fallowed land.
 - c. Maintain a web page with drought resources for farmers and ranchers, including the United States Department of Agriculture and other federal and state resources.
 - d. Work with federal agencies to assist Klamath Basin farmers and ranchers contending with reduced water supplies.
11. To ensure the potential impacts of drought on communities are anticipated and proactively addressed, the Department of Water Resources, in coordination with the Water Board, shall develop groundwater management principles and strategies to monitor, analyze, and minimize impacts to drinking water wells.
12. To provide critical information on the different drought conditions across the State, the Department of Water Resources, in consultation with the Department of Fish and Wildlife, the Department of Food and Agriculture,

and the Water Board, shall develop a California Drought Monitor by December 31, 2021, as recommended in the Administration's Report to the Legislature on the 2012-2016 Drought.

13. To prepare for potential salinity issues in the Delta, the Department of Water Resources, in consultation with the Water Board, the Department of Fish and Wildlife, the Delta Stewardship Council, and the Central Valley Flood Protection Board, shall initiate actions necessary to prepare for and address potential Delta salinity issues during prolonged drought conditions.

14. To prepare for potential impacts of drought conditions on species, the Water Board and the Department of Fish and Wildlife shall work with federal agency partners to manage temperature conditions for the preservation of fish in the Sacramento River downstream of Shasta Dam while balancing water supply needs.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21st day of April 2021



GAVIN NEWSOM
Governor of California

ATTEST:

DR. SHIRLEY WEBER
Secretary of State

RESOLUTION PROCLAIMING A LOCAL EMERGENCY BY THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A)
LOCAL EMERGENCY DUE TO)
SEVERE DROUGHT CONDITIONS)

RESOLUTION NO. 2021-0290

WHEREAS, California's most recent drought spanning from approximately 2012 to 2018 required the proclamation of a Local Emergency by the County of Tulare from February 2014 to November 2019, as well as a Governor's State of Emergency and the combined resources of multiple local, state, and federal agencies, commercial entities, and non-profit organizations to mitigate; and

WHEREAS, over 3,000 failed or dry wells – including private domestic, community, and agricultural wells – were reported to Tulare County from 2014 to 2017 as a result of the prior drought, causing significant health, safety, and economic issues for Tulare County residents and businesses; and

WHEREAS, well over \$100 million in emergency relief and permanent infrastructure projects were expended to mitigate the effects of the prior drought; and

WHEREAS, a hydrological year ("water year") runs from October 1 to September 30 of the following year; and

WHEREAS, the current water year beginning October 1, 2020 is, to date, the third-driest on record, with potential to become the driest on record without significant additional precipitation which is unlikely to occur during the traditionally dry months; and

WHEREAS, the United States Drought Monitor shows that 94.51% of Tulare County is currently experiencing "Extreme Drought" (D3) conditions and the remaining 5.49% is in "Severe Drought" (D2) conditions, and the County of Tulare anticipates that these conditions will progress to "Exceptional Drought" (D4) conditions as occurred in the prior drought based on the current Southern Sierra snowpack measured at only 15% of historical average for April 1st, drastically reduced surface water allocations on the State Water Project and Central Valley Project, and correspondingly low water levels in local reservoirs; and

WHEREAS, surface water supply constraints create a demonstrable and unsustainable increase in demand for groundwater which is likely to cause additional dry wells for community water systems, private domestic wells, and agricultural wells, creating economic hardships and conditions of extreme peril to the health and safety of individuals within Tulare County requiring the combined forces of all levels of government to mitigate; and

WHEREAS, California Government Code section 8630 empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, Section 1-15-1005 of the Tulare County Ordinance Code defines "emergency" to include "the actual or threatened existence of conditions of disaster or of

extreme peril to the safety of persons and property within [Tulare] County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, ... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of [Tulare] County, requiring the combined forces of other political subdivisions to combat"; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said Tulare County due to drought which has created conditions of disaster and extreme peril to the safety of persons and property within the County, and that such conditions are or are likely to be beyond the control of the services, personnel, equipment, and/or facilities of this County, thus requiring the combined forces of other political subdivisions to combat; and

IT IS FURTHER PROCLAIMED that this local emergency is proclaimed pursuant to the California Emergency Services Act, California Government Code §8550 et seq.; and

IT IS REQUESTED that the Governor of the State of California find and proclaim Tulare County to be in a State of Emergency, and make available any and all material and financial support and resources necessary to combat the conditions of disaster, including but not limited to California Disaster Assistance Act funding for emergency protective measures and increased funding to relevant programs of the State Water Resources Control Board and Department of Water Resources; and

IT IS FURTHER REQUESTED that the Governor waive and all regulations and statutes that may hinder response to this emergency; and

IT IS PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of Tulare County shall be those prescribed by State law, by ordinances and resolutions of Tulare County, and by the Tulare County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

UPON MOTION OF SUPERVISOR MICARI, SECONDED BY SUPERVISOR TOWNSEND, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 27, 2021, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND

NOES: NONE

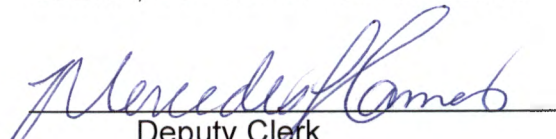
ABSTAIN: NONE

ABSENT: NONE

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS



BY:


Deputy Clerk

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0002**

**TO ADOPT AN EMERGENCY REGULATION
TO SUPPLEMENT VOLUNTARY WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.SaveOurWater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. [SaveWater.CA.Gov](https://www.SaveWater.CA.Gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

(A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining “non-functional turf” (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

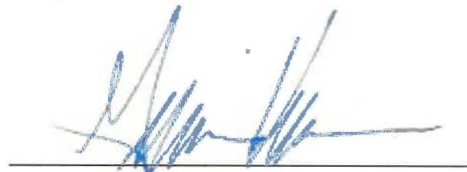
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 996

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Government Code Sections 11346.1 and
11349.6

OAL Matter Number: 2022-0606-03

OAL Matter Type: Emergency (E)

This emergency action by the State Water Resources Control Board adopts a new regulation which requires urban water suppliers to submit preliminary supply and demand assessments to the Department of Water Resources and to implement Level 2 demand reduction actions (actions intended to result in a 10 to 20 percent savings). The regulation bans the irrigation of non-functional turf with potable water in commercial, industrial, and institutional sectors and establishes that such irrigation is an infraction punishable by a fine of up to five hundred dollars for each day in which the violation occurs pursuant to Water Code section 1058.5(d).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code. Pursuant to Water Code section 1058.5(b), the Finding of Emergency in this matter was exempt from Office of Administrative Law Review.

This emergency regulatory action is effective on 6/10/2022 and, pursuant to Water Code section 1058.5(c), will expire on 6/10/2023. The Certificate of Compliance for this action is due no later than 6/9/2023.

Date: June 10, 2022


Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Eileen Sobeck, Executive
Director

Copy: Garrett Lenahan

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022-0606-03E	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 10 2022

2:06 PM

AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Water Demand Reduction Emergency Regulation		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 996 AMEND REPEAL	
TITLE(S) 23			
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Water Code Section 1058.5</u> <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Garrett Lenahan		TELEPHONE NUMBER (916) 341-5179	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Eric Oppenheimer
TYPED NAME AND TITLE OF SIGNATORY
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control BoardDATE
6/6/2022

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

JUN 10 2022

Office of Administrative Law

ADOPTED EMERGENCY REGULATION TEXT

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 996. Urban Drought Response Actions

(a) As used in this section:

(1) "Commercial, industrial and institutional" refers to commercial water users, industrial water users, and institutional water users as respectively defined in Water Code, section 10608.12, subdivisions (e), (i), and (j), and includes homeowners' associations, common interest developments, community service organizations, and other similar entities but does not include the residences of these entities' members or separate interests.

(2) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(3) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(4) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(5) "Non-functional turf" means turf that is solely ornamental and not regularly used for human recreational purposes or for civic or community events. Non-functional turf does not include sports fields and turf that is regularly used for human recreational purposes or for civic or community events.

(6) "Plant factor" has the same meaning as in section 491.

(7) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(8) "Turf" has the same meaning as in section 491.

(9) "Urban water supplier" has the same meaning as Water Code section 10617.

(10) "Water shortage contingency plan" means the plan required by Water Code section 10632.

(b) Each urban water supplier shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1

of the Water Code no later than June 1, 2022 or the effective date of this section, whichever comes later, and submit a final annual water supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code.

(c) (1) Each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources shall implement by June 10, 2022, at a minimum, all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2).

(2) Notwithstanding subdivision (c)(1), urban water suppliers shall not be required to implement new residential connection moratoria pursuant to this section.

(3) Notwithstanding subdivision (c)(1), an urban water supplier may implement the actions identified in subdivision (d) in lieu of implementing the demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code section 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), provided the supplier meets all of the following:

(i) The supplier's annual water supply and demand assessment submitted to the Department of Water Resources demonstrates an ability to maintain reliable supply until September 30, 2023.

(ii) The supplier does not rely on, for any part of its supply, the Colorado River, State Water Project, or Central Valley Project, and no more than ten (10) percent of its supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources.

(iii) The supplier's average number of gallons of water used per person per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

(d) Each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources shall, by June 10, 2022, and continuing until the supplier has implemented all demand reduction actions identified in the supplier's water shortage contingency plan adopted under Water Code 10632 for a shortage level of ten (10) to twenty (20) percent (Level 2), implement at a minimum the following actions:

(1) Initiate a public information and outreach campaign for water conservation and promptly and effectively reach the supplier's customers, using efforts such as email, paper mail, bill inserts, customer app notifications, news articles, websites, community events, radio and television, billboards, and social media.

(2) Implement and enforce a rule or ordinance limiting landscape irrigation with potable water to no more than two (2) days per week and prohibiting landscape irrigation with potable water between the hours of 10:00 a.m. and 6:00 p.m.

(3) Implement and enforce a rule or ordinance banning, at a minimum, the water uses prohibited by section 995. Adoption of a rule or ordinance is not required if the supplier has authority to enforce, as infractions, the prohibitions in section 995 and takes enforcement against violations.

(e) (1) To prevent the unreasonable use of water and to promote water conservation, the use of potable water is prohibited for the irrigation of non-functional turf at commercial, industrial, and institutional sites.

(2) Notwithstanding subdivision (e)(1), the use of water is not prohibited by this section to the extent necessary to ensure the health of trees and other perennial non-turf plantings or to the extent necessary to address an immediate health and safety need.

(3) Notwithstanding subdivision (e)(1), an urban water supplier may approve a request for continued irrigation of non-functional turf where the user certifies that the turf is a low water use plant with a plant factor of 0.3 or less, and demonstrates the actual use is less than 40% of reference evapotranspiration.

(f) The taking of any action prohibited in subdivision (e) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(g) A decision or order issued under this section by the Board, or an officer or employee of the Board, is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, and 4185, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 377, 491, 1058.5, 1122, 10608.12, 10617, 10632, and 10632.1, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976



DRINKING WATER CONSTRUCTION LOAN

AGREEMENT NO. SWRCB0000000000D2002017

by and between

CITY OF PORTERVILLE ("Recipient")

and

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ("State Water Board")



for the purpose of the

AKIN/CENTRAL WATER CONSOLIDATION PROJECT
5410010-018C AND 5400655-001C ("Project")

- Section 116760 et seq. of the Health and Safety Code and Resolution Nos. 2019-0065 and 2020-0022.

PROJECT FUNDING AMOUNT: \$4,787,664
PRINCIPAL FORGIVENESS COMPONENT: \$4,787,664

ESTIMATED REASONABLE PROJECT COST: \$4,787,664
ELIGIBLE WORK START DATE: JULY 1, 2016
ELIGIBLE CONSTRUCTION START DATE: SEPTEMBER 22, 2020
CONSTRUCTION COMPLETION DATE: OCTOBER 1, 2023
FINAL REIMBURSEMENT REQUEST DATE: APRIL 1, 2024
RECORDS RETENTION END DATE: OCTOBER 1, 2059

1. The State Water Board and the Recipient mutually promise, covenant, and agree to the terms, provisions, and conditions of this Agreement, including the following Exhibits, which are attached hereto or are incorporated by reference:
 - Exhibit A – Scope of Work and Schedule
 - Exhibit B – Specific Funding Provisions
 - Exhibit C – GENERAL TERMS AND CONDITIONS 2019-NOV
 - Exhibit D – Special Conditions
2. The following documents are also incorporated by reference:
 - the Drinking Water System Permit No. 03-12-06P-004;
 - the Davis-Bacon requirements found at:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/davisbacon/2020_dwsrf_governmental_entities.pdf
3. Party Contacts during the term of this Agreement are:

State Water Board		City of Porterville	
Section:	Division of Financial Assistance		
Name:	Pete Stamas, Project Manager	Name:	Monte Reyes, Mayor
Address:	1001 I Street, 16th Floor	Address:	291 North Main Street
City, State, Zip:	Sacramento, CA 95814	City, State, Zip:	Porterville, CA 93257
Phone:	(916) 552-9983	Phone:	(559) 782-7499
Fax:		Fax:	
Email:	Pete.Stamas@waterboards.ca.gov	Email:	montereyes@portervilleca.gov

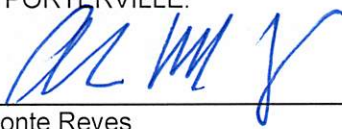
Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

4. Conditions precedent to this Agreement are set forth as follows:
 - (a) The Recipient must deliver an opinion of general counsel satisfactory to the State Water Board's counsel dated on or after the date that the Recipient signs this Agreement.
 - (b) The Recipient must deliver to the Division a resolution authorizing this Agreement and identifying its authorized representative by title.
 - (c) The Recipient must deliver to the Division a resolution certifying that its decision-making body reviewed and considered the Mitigated Negative Declaration filed by the State Water Board for the Akin Water Company Water Supply Project together with the Mitigation Monitoring and Reporting Program and reached its own conclusions on whether and how to approve the Project, pursuant to Section 15050 (b) of the CEQA Guidelines.
5. The Recipient represents, warrants, and commits to the following as of the Eligible Work Start Date and continuing thereafter for the term of this Agreement, which shall be at least until the Records Retention End Date:
 - (a) The Recipient agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents.
 - (b) The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized by the Recipient. Upon execution by both parties, this Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.

- (c) None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. The Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. The Recipient is able to pay its debts as they become due. The Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example but not necessarily limited to, general liability, automobile liability, workers compensation and employer liability, professional liability.
- (d) The Recipient is in compliance with all State Water Board funding agreements to which it is a party.

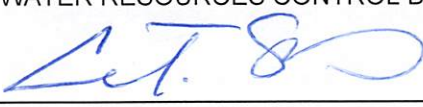
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CITY OF PORTERVILLE:

By: 
Name: Monte Reyes
Title: Mayor

Date: 6/1/2021

STATE WATER RESOURCES CONTROL BOARD:

By: 
Name: Leslie Laudon
Title: Deputy Director *for*
Division of Financial Assistance

Date: 7/15/21

EXHIBIT A – SCOPE OF WORK AND SCHEDULE

A.1. PROJECT PURPOSE AND DESCRIPTION.

The Project is for the benefit of the Recipient and has a Useful Life of at least 40 years. The funding under this Agreement shall be used to provide the residents of two small disadvantaged communities currently served by Akin Water Company (Akin WC) and Central Mutual Water Company (Central MWC) with a sustainable source of safe drinking water.

A.2. SCOPE OF WORK.

The Recipient agrees to do the following: consolidate with Akin WC and Central MWC. Recipient also agrees to construct a new production well, estimated to produce between 1,300 and 1,800 gallons per minute, to provide the needed source capacity for the consolidation of Akin WC, the consolidation of Central MWC, as well as satisfy the remainder of East Porterville residents' capacity needs.

The Recipient agrees to do the following for the Akin WC service area: construct approximately 1,500 feet of 8-inch waterline to provide water service to each customer currently served by Akin WC; install approximately three new fire hydrants and twenty-six new service laterals and meters; and destroy Akin WC's two existing wells.

The Recipient agrees to do the following for the Central MWC service area: construct approximately 1,400 feet of 6-inch waterline to provide water service to each customer currently served by Central MWC; install approximately four new fire hydrants and thirty-four new service laterals and meters; and destroy Central MWC's existing well.

Upon Completion of Construction, the Recipient must expeditiously initiate Project operations.

A.3 SIGNAGE

The Recipient must place a professionally prepared sign at least four feet tall by eight feet wide made of ¾ inch thick exterior grade plywood or other approved material in a prominent location on the Project site and must maintain the sign in good condition for the duration of Project implementation. The sign may include another agency's required information and must include, prominently displayed, the following disclosure statement and color logos (available from the Division):



"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board."

A.4 SCHEDULE.

Failure to provide items by the due dates indicated in the table below may constitute a material violation of this Agreement. The Project Manager may adjust the dates in the "Estimated Due Date" column of this table, but Critical Due Date adjustments will require an amendment to this Agreement. The Recipient

must complete and submit all work in time to be approved by the Division prior to the Project Completion Date. As applicable for specific submittals, the Recipient must plan adequate time to solicit, receive, and address comments prior to submitting the final submittal. The Recipient must submit the final Reimbursement Request prior to the Final Reimbursement Request Date set forth on the Cover Page.

ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE
EXHIBIT A – SCOPE OF WORK			
A.	ADDITIONAL SUBMITTAL(S) TO DIVISION		
1.	Final Plans and Specifications		September 1, 2021
2.	Final Budget Approval Package		February 1, 2022
3.	Completion of Construction	October 1, 2023	
B.	REPORTS		
1.	Progress Reports		Quarterly
2.	Final Inspection and Certification		October 1, 2023
3.	Project Completion Report		December 1, 2023
4.	As Needed Reports		TBD
EXHIBIT B – REIMBURSEMENTS, BUDGET DETAIL, AND REPORTING PROVISIONS			
A.	REIMBURSEMENTS		
1.	Reimbursement Requests		Quarterly
2.	Final Reimbursement Request	April 1, 2024	

The Recipient must award the prime construction contract and begin construction timely. The Recipient must deliver any request for extension of the Completion of Construction Date no less than 90 days prior to the Completion of Construction Date.

A.5 PROGRESS REPORTS.

The Recipient must provide a progress report to the Division each quarter, beginning no later than 90 days after execution of this Agreement. The Recipient must provide a progress report with each Reimbursement Request. Failure to provide a complete and accurate progress report may result in the withholding of Project Funds, as set forth in Exhibit B. A progress report must contain the following information:

- 1) A summary of progress to date including a description of progress since the last report, percent construction complete, percent contractor invoiced, and percent schedule elapsed;
- 2) A description of compliance with environmental requirements;
- 3) A listing of change orders including amount, description of work, and change in contract amount and schedule; and
- 4) Any problems encountered, proposed resolution, schedule for resolution, and status of previous problem resolutions.

A.6 SPECIAL REPORTS.

(a) The Recipient must submit a Project Completion Report to the Division with a copy to the appropriate District Office on or before the due date established by the Division and the Recipient at the time of final project inspection. The Project Completion Report must include the following:

- i. Description of the Project,
- ii. Description of the water quality problem the Project sought to address,
- iii. Discussion of the Project's likelihood of successfully addressing that water quality problem in the future, and
- iv. Summary of compliance with applicable environmental conditions.

(b) If the Recipient fails to submit a timely Project Completion Report, the State Water Board may stop processing pending or future applications for new financial assistance, withhold reimbursements under this Agreement or other agreements, and begin administrative proceedings.

(c) The Recipient must report Disadvantaged Business Enterprise (DBE) utilization to the Division on the DBE Utilization Report, State Water Board Form DBE UR334. The Recipient must submit such reports to the Division annually within ten (10) calendar days following October 1 until such time as the "Notice of Completion" is issued. The Recipient must comply with 40 CFR § 33.301 and require its contractors and subcontractors on the Project to comply.

A.7 FINAL PROJECT INSPECTION AND CERTIFICATION.

Upon completion of the Project, the Recipient must provide for a final inspection and must certify that the Project has been completed in accordance with this Agreement, any final plans and specifications submitted to the State Water Board, and any amendments or modifications thereto. If the Project involves the planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering, or other professionals, the final inspection and certification must be conducted by a California Registered Civil Engineer or other appropriate California registered professional. The results of the final inspection and certification must be submitted to the Project Manager.

EXHIBIT B – FUNDING AMOUNTS

B.1 ESTIMATED REASONABLE COST AND PROJECT FUNDS.

The estimated reasonable cost of the total Project is set forth on the Cover Page of this Agreement and is greater than or equal to the funding anticipated to be provided by the State Water Board under this Agreement. Subject to the terms of this Agreement, the State Water Board agrees to provide Project Funds not to exceed the amount of the Project Funding Amount set forth on the Cover Page of this Agreement.

B.2 RECIPIENT CONTRIBUTIONS.

(a) The loan component of this Agreement is forgiven. The estimated amount of principal that will be due to the State Water Board from the Recipient under this Agreement is Zero dollars and no cents (\$0.00).

(b) The Recipient must pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Project Funds are not sufficient to pay the Project Costs in full, the Recipient must nonetheless complete the Project and pay that portion of the Project Costs in excess of available Project Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.

(c) If the Recipient recovers funds from any responsible parties, the Recipient shall immediately notify the Division. The amount of this Agreement may be reduced to reflect the recovered funds.

B.3 VERIFIABLE DATA.

Upon request by the Division, the Recipient must submit verifiable data to support deliverables specified in the Scope of Work. The Recipient's failure to comply with this requirement may be construed as a material breach of this Agreement.

B.4 BUDGET COSTS

Budget costs are contained in the Summary Project Cost Table below:

LINE ITEM	TOTAL ESTIMATED COST	PROJECT FUNDING AMOUNT
Construction	\$3,194,720	\$3,194,720
Pre-Purchased Material/Equipment	\$0	\$0
Purchase of Land	\$0	\$0
Contingency	\$638,944	\$638,944
Allowances (Soft Costs)	\$954,000	\$954,000
TOTAL	\$4,787,664	\$4,787,664

The Division's Final Budget Approval and related Form 259 and Form 260 will document a more detailed budget of eligible Project Costs and Project funding amounts.

The Recipient is prohibited from requesting disbursement amounts that represent Recipient's mark-ups to costs invoiced or otherwise requested by consultants or contractors.

Reasonable indirect costs may be allowable upon approval by the Division.

B.5 LINE ITEM ADJUSTMENTS.

Upon written request by the Recipient, the Division may adjust the line items of the Summary Project Cost Table at the time of Division's Final Budget Approval. Upon written request by the Recipient, the Division may also adjust the line items of the Summary Project Cost Table as well as the detailed budget at the time of Recipient's submittal of its final claim. Any line item adjustments to the Summary Project Cost Table that are due to a change in scope of work will require an Agreement amendment. The sum of adjusted line items in both the Summary

Project Cost Table and the detailed budget must not exceed the Project Funding Amount. The Division may also propose budget adjustments.

Under no circumstances may the sum of line items in the budget approved through the Final Budget Approval process exceed the Project Funding Amount. Any increase in the Project Funding Amount will require an Agreement amendment.

B.6 REIMBURSEMENT PROCEDURE.

(a) Except as may be otherwise provided in this Agreement, reimbursements will be made as follows:

1. Upon execution and delivery of this Agreement by both parties, the Recipient may request immediate reimbursement of any eligible incurred costs as specified below through submission to the State Water Board of the Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed.
2. The Recipient must submit a Reimbursement Request for costs incurred prior to the date this Agreement is executed by the State Water Board no later than ninety (90) days after this Agreement is executed by the State Water Board. Late Reimbursement Requests may not be honored.
3. Additional Project Funds will be promptly disbursed to the Recipient upon receipt of Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed by the Recipient for incurred costs consistent with this Agreement, along with receipt of progress reports due under Exhibit A.
4. The Recipient must not request reimbursement for any Project Cost until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of reimbursement. Supporting documentation (e.g., receipts) must be submitted with each Reimbursement Request. The amount requested for Recipient's administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Reimbursement of Project Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed Reimbursement Request. Upon request by the Division, supporting documents for professional and administrative services must include the employees' names, classifications, labor rates, hours worked, and descriptions of the tasks performed. Reimbursement Requests submitted without supporting documents may be wholly or partially withheld at the discretion of the Division.
5. The Recipient must spend Project Funds within 30 days of receipt. If the Recipient earns interest earned on Project Funds, it must report that interest immediately to the State Water Board. The State Water Board may deduct earned interest from future reimbursements.
6. The Recipient shall not request a reimbursement unless that Project Cost is allowable, reasonable, and allocable.
7. Notwithstanding any other provision of this Agreement, no reimbursement shall be required at any time or in any manner which is in violation of or in conflict with federal or state laws, policies, or regulations.

(b) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Project Funding Amount until Project Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.

(c) Except as follows, construction costs and disbursements are not available until after the Division has approved the final budget form submitted by the Recipient. The Deputy Director of the Division may authorize the disbursement of up to ten percent (10%) of Project Funds for the reimbursement of eligible construction costs and pre-purchased materials prior to Division approval of the final budget form submitted by the Recipient. All other construction costs are not eligible for reimbursement until after this the Division has approved the final budget form submitted by the Recipient. Construction costs incurred prior to the Eligible Construction Start Date are not eligible for reimbursement.

B.7 REVERTING FUNDS AND DISENCUMBRANCE.

In the event the Recipient does not submit Reimbursement Requests for all funds encumbered under this Agreement by the Final Reimbursement Request Date, any remaining funds revert to the State. The State Water Board may notify the Recipient that the project file is closed, and any remaining balance will be disencumbered and unavailable for further use under the Agreement.

EXHIBIT C – GENERAL TERMS AND CONDITIONS 2019-NOV

GENERAL TERMS AND CONDITIONS 2019-NOV is incorporated by reference and is posted at
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/general_terms.html

EXHIBIT D – SPECIAL CONDITIONS

1. Notwithstanding Exhibit C, the following terms have no meaning for the purposes of this Agreement:

- Work Completion
- Work Completion Date

2. Each capitalized term used in this Agreement has the following meaning:

- "Allowance" means an amount based on a percentage of the accepted bid for an eligible project to help defray the planning, design, and construction engineering and administration costs of the Project.
- "Authorized Representative" means the duly appointed representative of the Recipient as set forth in the certified original of the Recipient's authorizing resolution that designates the authorized representative by title.
- "Completion of Construction" means the date, as determined by the Division after consultation with the Recipient, that the work of building and erection of the Project is substantially complete, and is established on the Cover Page of this Agreement.
- "District Office" means District Office of the Division of Drinking Water of the State Water Board.
- "Division of Drinking Water" means the Division of Drinking Water of the State Water Board.
- "Eligible Construction Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which construction costs may be incurred and eligible for reimbursement hereunder.
- "Eligible Work Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which any non-construction costs may be incurred and eligible for reimbursement hereunder.
- "Enterprise Fund" means the enterprise fund of the Recipient in which Revenues are deposited.
- "Event of Default" means, in addition to the meanings set forth in Exhibit C, the occurrence of any of the following events:
 - a) A material adverse change in the condition of the Recipient, the Revenues, or the System, which the Division reasonably determines would materially impair the Recipient's ability to satisfy its obligations under this Agreement.
 - b) Failure to operate the System or the Project without the Division's approval;
- "Final Budget Approval" means the Division-approved final budget for the Project, as set forth in Exhibit B.
- "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.
- "Initiation of Construction" means the date that notice to proceed with work is issued for the Project, or, if notice to proceed is not required, the date of commencement of building and erection of the Project.
- "Net Revenues" means, for any Fiscal Year, all Revenues received by the Recipient less the Operations and Maintenance Costs for such Fiscal Year.
- "Operations and Maintenance Costs" means the reasonable and necessary costs paid or incurred by the Recipient for maintaining and operating the System, determined in accordance with GAAP, including all

reasonable expenses of management and repair and all other expenses necessary to maintain and preserve the System in good repair and working order, and including all reasonable and necessary administrative costs of the Recipient that are charged directly or apportioned to the operation of the System, such as salaries and wages of employees, overhead, taxes (if any), the cost of permits, licenses, and charges to operate the System and insurance premiums; but excluding, in all cases depreciation, replacement, and obsolescence charges or reserves therefor and amortization of intangibles.

- "Reimbursement Request" means the Recipient's request for Project Funds from the State Water Board as set forth in Exhibit B.
- "Revenues" means, for each Fiscal Year, all gross income and revenue received or receivable by the Recipient from the ownership or operation of the System, determined in accordance with GAAP, including all rates, fees, and charges (including connection fees and charges) as received by the Recipient for the services of the System, and all other income and revenue howsoever derived by the Recipient from the ownership or operation of the System or arising from the System, including all income from the deposit or investment of any money in the Enterprise Fund or any rate stabilization fund of the Recipient or held on the Recipient's behalf, and any refundable deposits made to establish credit, and advances or contributions in aid of construction.
- "System" means all drinking water collection, transport, treatment, storage, and delivery facilities, including land and easements thereof, owned by the City of Porterville, or its successor agency, and all other properties, structures, or works hereafter acquired and constructed by the Recipient and determined to be a part of the System, together with all additions, betterments, extensions, or improvements to such facilities, properties, structures, or works, or any part thereof hereafter acquired and constructed.
- "Useful Life" means the economically useful life of the Project beginning at Project Completion and is set forth in Exhibit A.

3. Acknowledgements.

The Recipient must include the following acknowledgement in any document, written report, or brochure to be shared with the general public prepared in whole or in part pursuant to this Agreement:

"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

4. Rates and Charges. The Recipient must, to the extent permitted by law, fix, prescribe and collect rates, fees and charges for the System during each Fiscal Year which are reasonable, fair, and nondiscriminatory and which will be sufficient to generate Revenues in the amounts necessary to cover Operations and Maintenance Costs, and must ensure that Net Revenues are in an amount necessary to meet its obligations under this Agreement. The Recipient may make adjustments from time to time in such fees and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates, fees and charges then in effect unless the Net Revenues from such reduced rates, fees, and charges will at all times be sufficient to meet the requirements of this section.
5. [RESERVED]
6. [RESERVED].

7. Environmental/Technical Special Conditions

Technical:

1. The Recipient shall submit its professional engineering services contract to the Division prior to disbursement of funds for costs incurred under such contract.
2. The Recipient shall not solicit bids, award a contract, or commence construction activities until final plans and specifications are approved by the Division of Drinking Water Tulare District Office Engineer and the Project Manager.
3. The Recipient must submit final consolidation agreements with Akin WC and Central MWC, in a form satisfactory to the Division, and receive written approval from the Project Manager to proceed before Project Funds may be disbursed for any Project Costs under the Agreement.
4. Upon completion of the Project the Recipient shall submit a water supply permit amendment request for review to the Division of Drinking Water Tulare District Office.

Environmental:

1. The documents identified below are incorporated by reference and the Recipient shall comply with the conditions and recommendations therein:
 - a. The Mitigation Monitoring and Reporting Program adopted by the State Water Board on June 16, 2016 for the Project. The Recipient shall implement all mitigation measures therein.
 - b. The letter dated February 12, 2020, from Patricia Cole of the United States Fish and Wildlife Service, San Joaquin Valley Division to Douglas E. Eberhardt of the United States Environmental Protection Agency, including, but not limited to, the following:
 - i. Implement Avoidance and Minimization Measures and Best Management Practices prior to and during construction activities to minimize and avoid effects to the San Joaquin kit fox.
 - c. The Mitigation Monitoring and Reporting Program adopted by the City of Porterville on April 21, 2020 for the Central Mutual Water Company Consolidation Project. The Recipient shall implement all mitigation measures therein.
2. In the Recipient's Quarterly Reports submitted pursuant to this Agreement, the Recipient shall include a discussion of the status of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
3. In the Recipient's Project Completion Report submitted pursuant to this Agreement, the Recipient shall include a discussion of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
8. [RESERVED].
9. Appointment of Receiver/Custodian. Upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the State Water Board under this Agreement, the State Water Board may make application for the appointment of a receiver or custodian of the Revenues, pending such proceeding, with such power as the court making such appointment may confer.
10. [RESERVED].
11. Damages for Breach of Federal Conditions. In the event that any breach of any of the provisions of this Agreement by the Recipient results in the failure of Project Funds to be used pursuant to the provisions of this Agreement, or if such breach results in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient must immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

12. [RESERVED].

13. Operation and Maintenance. The Recipient shall sufficiently and properly staff, operate, and maintain the facility and structures constructed or improved as part of the project throughout the term of this Agreement, consistent with the purposes of this Agreement. The Recipient assumes all operations and maintenance costs of the facilities and structures; the State Water Board shall not be liable for any cost of such maintenance, management or operation.

14. Insurance. The Recipient will procure and maintain or cause to be maintained insurance on the System and Project with responsible insurers, or as part of a reasonable system of self-insurance, in such amounts and against such risks (including damage to or destruction of the System or Project) as are usually covered in connection with systems similar to the System or Project. Such insurance may be maintained by a self-insurance plan so long as such plan provides for (i) the establishment by the Recipient of a separate segregated self-insurance fund in an amount determined (initially and on at least an annual basis) by an independent insurance consultant experienced in the field of risk management employing accepted actuarial techniques and (ii) the establishment and maintenance of a claims processing and risk management program. In the event of any damage to or destruction of the System or Project caused by the perils covered by such insurance, the net proceeds thereof shall be applied to the reconstruction, repair or replacement of the damaged or destroyed portion of the System or Project. The Recipient must begin such reconstruction, repair or replacement as expeditiously as possible, and must pay out of such net proceeds all costs and expenses in connection with such reconstruction, repair or replacement so that the same must be completed and the System and Project must be free and clear of all claims and liens. Recipient agrees that for any policy of insurance concerning or covering the construction of the Project, it will cause, and will require its contractors and subcontractors to cause, a certificate of insurance to be issued showing the State Water Board, its officers, agents, employees, and servants as additional insured; and must provide the Division with a copy of all such certificates prior to the commencement of construction of the Project.

15. Notice Events. Upon the occurrence of any of the following events, the Recipient must notify the Division's Deputy Director and Party Contacts by phone and email within the time specified below:

- a. The Recipient must notify the Division within 24 hours by phone at (916) 327-9978 and by email to DrinkingWaterSRF@waterboards.ca.gov of any discovery of any potential tribal cultural resource and/or archaeological or historical resource. Should a potential tribal cultural resource and/or archaeological or historical resource be discovered during construction or Project implementation, the Recipient must ensure that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the Division has determined what actions should be taken to protect and preserve the resource. The Recipient must implement appropriate actions as directed by the Division.
- b. The Recipient must notify the Division promptly of the occurrence of any of the following events:
 - i. Bankruptcy, insolvency, receivership or similar event of the Recipient, or actions taken in anticipation of any of the foregoing;
 - ii. Change of ownership of the Project (no change of ownership may occur without written consent of the Division);
 - iii. Loss, theft, damage, or impairment to Project;
 - iv. Events of Default, except as otherwise set forth in this section;

- v. A proceeding or action by a public entity to acquire the Project by power of eminent domain.
- vi. Any litigation pending or threatened with respect to the Project or the Recipient's technical, managerial or financial capacity or the Recipient's continued existence;
- vii. Consideration of dissolution, or disincorporation;
- viii. Enforcement actions by or brought on behalf of the State Water Board or Regional Water Board.
- ix. The discovery of a false statement of fact or representation made in this Agreement or in the application to the Division for this funding, or in any certification, report, or request for reimbursement made pursuant to this Agreement, by the Recipient, its employees, agents, or contractors;
- x. Any substantial change in scope of the Project. The Recipient must undertake no substantial change in the scope of the Project until prompt written notice of the proposed change has been provided to the Division and the Division has given written approval for the change;
- xi. Any circumstance, combination of circumstances, or condition, which is expected to or does delay Completion of Construction for a period of ninety (90) days or more;
- xii. Any Project monitoring, demonstration, or other implementation activities required in this Agreement;
- xiii. Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division;
- xiv. Any event requiring notice to the Division pursuant to any other provision of this Agreement.
- xv. Completion of work on the Project.
- xvi. The Recipient must promptly notify the Division and Party Contacts of cessation of all major construction work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
- xvii. The Recipient must promptly notify the Division and Party Contacts of the discovery of any unexpected endangered or threatened species, as defined in the federal Endangered Species Act. Should a federally protected species be unexpectedly encountered during implementation of the Project, the Recipient agrees to promptly notify the Division. This notification is in addition to the Recipient's obligations under the federal Endangered Species Act;
- xviii. The Recipient must promptly notify the Division and Party Contacts of Completion of Construction, and Project Completion;
- xix. The Recipient must promptly notify the Division and Party Contacts of the award of the prime construction contract for the Project; and the Recipient must promptly notify the Division and Party Contacts of Initiation of construction of the Project.

xx. The occurrence of a material breach or event of default under any Recipient obligation that results in the acceleration of principal or interest or otherwise requires immediate prepayment, repurchase or redemption.

xxi. [RESERVED].

16. Continuous Use of Project; No Lease, Sale, Transfer of Ownership, or Disposal of Project. The Recipient agrees that, except as provided in this Agreement, it will not abandon, substantially discontinue use of, lease, sell, transfer ownership of, or dispose of all or a significant part or portion of the Project during the Useful Life of the Project without prior written approval of the Division. Such approval may be conditioned as determined to be appropriate by the Division, including a condition requiring repayment of all disbursed Project Funds or all or any portion of all remaining funds covered by this Agreement together with accrued interest and any penalty assessments that may be due.
17. State Cross-Cutters. Recipient represents that, as applicable, it complies and covenants to maintain compliance with the following for the term of the Agreement:
- a) The California Environmental Quality Act (CEQA), as set forth in Public Resources Code 21000 et seq. and in the CEQA Guidelines at Title 14, Division 6, Chapter 3, Section 15000 et seq.
 - b) Water Conservation requirements, including regulations in Division 3 of Title 23 of the California Code of Regulations.
 - c) Monthly Water Diversion Reporting requirements, including requirements set forth in Water Code section 5103.
 - d) Public Works Contractor Registration with Department of Industrial Relations requirements, including requirements set forth in Sections 1725.5 and 1771.1 of the Labor Code.
 - e) Volumetric Pricing & Water Meters requirements, including the requirements of Water Code sections 526 and 527.
 - f) Urban Water Management Plan requirements, including the Urban Water Management Planning Act (Water Code, § 10610 et seq.).
 - g) Urban Water Demand Management requirements, including the requirements of Section 10608.56 of the Water Code.
 - h) Delta Plan Consistency Findings requirements, including the requirements of Water Code section 85225 and California Code of Regulations, title 23, section 5002.
 - i) Agricultural Water Management Plan Consistency requirements, including the requirements of Water Code section 10852.
 - j) Charter City Project Labor Requirements, including the requirements of Labor Code section 1782 and Public Contract Code section 2503.
 - k) The Recipient agrees that it will, at all times, comply with and require its contractors and subcontractors to comply with directives or orders issued pursuant to Division 7 of the Water Code.
18. Financial Management Systems. The Recipient must comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal government and tracking of Project funds to a level of expenditure adequate to establish that such funds have not been

used in violation of federal or state law or the terms of this Agreement. To the extent applicable, the Recipient is bound by, and must comply with, the provisions and requirements of the federal Single Audit Act of 1984 and 2 CFR Part 200, subpart F, and updates or revisions, thereto.

19. Access and Inspection. In addition to the obligations set forth in section 2 of the General Terms and Conditions incorporated in Exhibit C of this Agreement, the Recipient must ensure that the United States Environmental Protection Agency, the Office of Inspector General, any member of Congress, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during the term of the Agreement.
20. Fraud, Waste, and Abuse. The Recipient shall prevent fraud, waste, and the abuse of Project Funds, and shall cooperate in any investigation of such activities that are suspected in connection with this Agreement. The Recipient understands that discovery of any evidence of misrepresentation or fraud related to reimbursement requests, invoices, proof of payment of invoices, or other supporting information, including but not limited to double or multiple billing for time, services, or any other eligible cost, may result in referral to the Attorney General's Office or the applicable District Attorney's Office for appropriate action. The Recipient further understands that any suspected occurrences of false claims, misrepresentation, fraud, forgery, theft or any other misuse of Project Funds may result in withholding of reimbursements and/or the termination of this Agreement requiring the immediate repayment of all funds disbursed hereunder.
21. Disputes. The Recipient must continue with the responsibilities under this Agreement during any dispute. The Recipient may, in writing, appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute. This provision does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law. This section relating to disputes does not establish an exclusive procedure for resolving claims within the meaning of Government Code sections 930 and 930.4.
22. Additional Representations and Warranties. The Recipient makes the following representations and warranties:
 - a. [RESERVED].
 - b. The Recipient has not made any untrue statement of a material fact in its application for this financial assistance, or omitted to state in its application, a material fact that makes the statements in its application not misleading.
 - c. The Recipient agrees to fulfill all assurances, declarations, representations, and commitments in its application, accompanying documents, and communications filed in support of its request for funding under this Agreement.
 - d. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the Cover Page.

- e. Except as set forth in this paragraph, there are, as of the date of execution of this Agreement by the Recipient, no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which materially affect the financial condition or operations of the Recipient, the Revenues, and/or the Project.
 - f. There are no proceedings, actions, or offers by a public entity to acquire by purchase or the power of eminent domain any of the real or personal property related to or necessary for the Project.
 - g. The Recipient is duly organized and existing and in good standing under the laws of the State of California. Recipient must at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with state or federal audit disallowances.
 - h. Any financial statements or other financial documentation of Recipient previously delivered to the State Water Board as of the date(s) set forth in such financial statements or other financial documentation: (a) are materially complete and correct; (b) present fairly the financial condition of the Recipient; and (c) have been prepared in accordance with GAAP. Since the date(s) of such financial statements or other financial documentation, there has been no material adverse change in the financial condition of the Recipient, nor have any assets or properties reflected on such financial statements or other financial documentation been sold, transferred, assigned, mortgaged, pledged or encumbered, except as previously disclosed in writing by Recipient and approved in writing by the State Water Board.
 - i. The Recipient is current in its continuing disclosure obligations associated with its material debt, if any.
 - j. The Recipient has no conflicting or material obligations, except as set forth in this paragraph.
 - k. The Recipient legally possesses all real property rights necessary for the purposes of this Agreement, not subject to third party revocation, which rights extend at least to the Records Retention End Date of this Agreement, except as set forth in this paragraph.
 - l. The Recipient and its principals, to the best of the Recipient's knowledge and belief, are not presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized; nor have they engaged or permitted the performance of services covered by this Agreement from parties that are debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized.
 - m. The Recipient possesses all water rights necessary for this Project.
23. Federal SRF Requirements. The Recipient acknowledges, warrants compliance with, and covenants to continuing compliance with the following federal terms and conditions for the Useful Life of the Project:
- a. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the Recipient shall not purchase "iron and steel products" produced outside of the United States on this Project. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the

Recipient hereby certifies that all "iron and steel products" used in the Project were or will be produced in the United States. For purposes of this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. "Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

- b. The Recipient must include in full the Wage Rate Requirements (Davis-Bacon) language incorporated by reference in Section 2 of this Agreement in all construction contracts and subcontracts.
- c. The Recipient shall notify the State Water Board and the USEPA contact of public or media events publicizing the accomplishment of significant events related to this Project and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.
- d. The Recipient shall comply with applicable EPA general terms and conditions found at <http://www.epa.gov/ogd>.
- e. No Recipient may receive funding under this Agreement unless it has provided its DUNS number to the State Water Board.
- f. [RESERVED]
- g. The Recipient represents and warrants that it and its principals are not excluded or disqualified from participating in this transaction as such terms are defined in Parts 180 and 1532 of Title 2 of the Code of Federal Regulations (2 CFR). If the Recipient is excluded after execution of this Agreement, the Recipient shall notify the Division within ten (10) days and shall inform the Division of the Recipient's exclusion in any request for amendment of this Agreement. The Recipient shall comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR. Such compliance is a condition precedent to the State Water Board's performance of its obligations under this Agreement. When entering into a covered transaction as defined in Parts 180 and 1532 of 2 CFR, the Recipient shall require the other party to the covered transaction to comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR.
- h. To the extent applicable, the Recipient shall disclose to the State Water Board any potential conflict of interest consistent with USEPA's Final Financial Assistance Conflict of Interest Policy at <https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>. A conflict of interest may result in disallowance of costs.
- i. USEPA and the State Water Board have the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement.
- j. Where an invention is made with Project Funds, USEPA and the State Water Board retain the right to a worldwide, nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention owned by the Recipient. The Recipient must utilize the Interagency Edison extramural invention reporting system at <http://Edison.gov> and shall notify the Division when an invention report, patent report, or utilization report is filed.

- k. The Recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this Agreement shall contain the Disclosure statement set forth in Exhibit A.
- l. The Recipient acknowledges that it is encouraged to follow guidelines established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194, with respect to enabling individuals with disabilities to participate in its programs supported by this Project.
- m. The Recipient, its employees, contractors and subcontractors and their employees warrants that it will not engage in severe forms of trafficking in persons, procure a commercial sex act during the term of this Agreement, or use forced labor in the performance of this Agreement. The Recipient must include this provision in its contracts and subcontracts under this Agreement. The Recipient must inform the State Water Board immediately of any information regarding a violation of the foregoing. The Recipient understands that failure to comply with this provision may subject the State Water Board to loss of federal funds. The Recipient agrees to compensate the State Water Board for any such funds lost due to its failure to comply with this condition, or the failure of its contractors or subcontractors to comply with this condition. The State Water Board may unilaterally terminate this Agreement if the Recipient that is a private entity is determined to have violated the foregoing.
- n. The Recipient certifies to the best of its knowledge and belief that:
 - i. No federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, and notify the State Water Board.
 - iii. The Recipient shall require this certification from all parties to any contract or agreement that the Recipient enters into and under which the Recipient incurs costs for which it seeks disbursements under this Agreement.
- o. The Recipient must comply with the following federal non-discrimination requirements:
 - i. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP).
 - ii. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities.
 - iii. The Age Discrimination Act of 1975, which prohibits age discrimination.
 - iv. Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex.
 - v. 40 CFR Part 7, as it relates to the foregoing.
 - vi. Executive Order 13798, including, to the greatest extent practicable and to the extent permitted by law, the requirement to respect and protect the freedom of persons and organizations to engage in political and religious speech
 - vii. All applicable federal civil rights regulations, including statutory and national policy requirements (2 CFR section 200.300).

- p. Executive Order No. 11246. The Recipient shall include in its contracts and subcontracts related to the Project the following provisions:

"During the performance of this contract, the contractor agrees as follows:"(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(d) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(g) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

- q. The Recipient agrees to comply with the requirements of USEPA's Program for Utilization of Small, Minority and Women's Business Enterprises as set forth in this Agreement.
- r. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368. Except where the purpose of this Agreement is to remedy the cause of the violation, the Recipient may not procure goods, services, or materials from suppliers excluded under the federal System for Award Management: <http://www.sam.gov/>.
- s. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655. The Recipient must comply with the Act's implementing regulations at 49 CFR 24.101 through 24.105.
- t. The Recipient agrees that if its network or information system is connected to USEPA networks to transfer data using systems other than the Environmental Information Exchange Network or USEPA's Central Data Exchange, it will ensure that any connections are secure.
- u. All geospatial data created pursuant to this Agreement that is submitted to the State Water Board for use by USEPA or that is submitted directly to USEPA must be consistent with Federal Geographic Data Committee endorsed standards. Information on these standards may be found at www.fgdc.gov.
- v. If the Recipient is a water system that serves 500 or fewer persons, the Recipient represents that it has considered publicly-owned wells as an alternative drinking water supply.
- w. The Recipient represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and it is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.
- x. The Recipient agrees to immediately notify the Project Manager in writing about any allegation of research misconduct involving research activities that are supported in whole or in part with EPA funds under this Project, including fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or ordering, advising, or suggesting that subordinates engage in research misconduct.
- y. The Recipient agrees to comply with, and require all contractors and subcontractors to comply with, EPA's Scientific Integrity Policy, available at <https://www.epa.gov/osa/policy-epa-scientific-integrity>, when conducting, supervising, and communicating science and when using or applying the results of science. For purposes of this condition scientific activities include, but are not limited to, computer modelling, economic analysis, field sampling, laboratory experimentation, demonstrating new technology, statistical analysis, and writing a review article on a scientific issue.
- z. The Recipient shall not suppress, alter, or otherwise impede the timely release of scientific findings or conclusions; intimidate or coerce scientists to alter scientific data, findings, or professional opinions or exert non-scientific influence on scientific advisory boards; knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty; or otherwise violate the EPA's Scientific Integrity Policy. The Recipient must refrain from acts of research misconduct, including publication or reporting, as described in EPA's Policy and Procedures for Addressing Research Misconduct, Section 9.C, and must ensure scientific findings are generated and

disseminated in a timely and transparent manner, including scientific research performed by contractors and subcontractors.

- aa. The Recipient agrees to comply with the Animal Welfare Act of 1966 (7 USC 2131-2156). Recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training," available at <http://grants.nih.gov/grants/olaw/references/phspol.htm#USGovPrinciples>.
- bb. The Recipient certifies that no Project Funds will be used on:
 - i. Video surveillance or telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - ii. Telecommunications or video surveillance services produced by such entities;
 - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country; or
 - iv. Other telecommunications or video surveillance services or equipment in violation of [2 CFR 200.216](#).



CITY COUNCIL AGENDA – FEBRUARY 7, 2023

SUBJECT: Consideration of Amendments to the City Council Procedural Handbook

SOURCE: City Manager's Office

COMMENT:

At its meeting of January 17, 2023, the City Council continued its discussion and consideration of potential amendments to the Council's Procedural Handbook, which it initially took up on December 20, 2022. With the seating of the new City Council, it is appropriate for the Council to consider its Procedural Handbook for ratification or potential amendments that the new Council may desire.

In its preliminary consideration at its meeting on December 20, 2022, Mayor Flores recommended that the Order of Business for Council meetings be modified by the moving of AB 1234 from prior to the Consent Calendar to after Scheduled Matters. A draft Resolution (Appendix A) has been drafted for Council's consideration in revising the Order of Business on the Agenda. In addition, with inquiries from the Council and new legal requirements, City Attorney Lew prepared a draft policy concerning use of social media to be considered for inclusion in the Handbook as Appendix F. Additional discussion occurred concerning the addition of a Council Communication Log for Council Members' optional use; adding the telephone number for the FPPC in an additional location; and adding clarifying language to Section X (G) concerning the City's response to President/Governor directives. These proposed changes have been included in the draft Handbook provided for Council's consideration.

RECOMMENDATION: That the City Council consider amendments to its Procedural Handbook and provide direction to staff as determined.

ATTACHMENTS:

1. Draft City Council Procedural Handbook
2. Appendix A - Draft Resolution re: Order of Business
3. Appendix B - Resolution No. 97-2019
4. Appendix C - Performance Evaluations
5. Appendix D - City Device, Internet & Email Policy
6. Appendix E - Email Retention Policy
7. Appendix F - Policy Concerning Use of Social Media
8. Appendix G - Council Communication Log

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

CITY COUNCIL PROCEDURAL HANDBOOK



The Office of City Clerk
291 North Main Street
Porterville, CA 93257
Tel: (559) 782-7447
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www.ci.porterville.ca.us

Draft for Approval on February 7, 2023

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PREAMBLE

The residents and businesses of the City of Porterville are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public Officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public Officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

No part of this Handbook shall be interpreted so as to violate any federal or state law; a Council Member's Oath of Office; a Council Member's moral or ethical responsibilities; or the exercise of a Council Member's individual rights afforded him/her by the U.S. Constitution.

To this end, the City Council of the City of Porterville hereby approves of and affirms the above to encourage public confidence in the integrity of local government and its operations.

(Minute Order 21-070511, July 5, 2011.)



II. MEETINGS OF COUNCIL

The Council shall provide by ordinance the time and place of holding regular meetings and the manner in which special meetings may be called. Public interest and convenience shall be primary consideration when decisions are made as to time, location and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

A. REGULAR MEETINGS

1. Pursuant to Section 10 of the City Charter, Regular Meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the Council Chambers at City Hall, 291 North Main Street, in the City. The Regular Meetings will commence at five thirty o'clock (5:30) P.M., with Closed Sessions commencing at five thirty o'clock (5:30) P.M., and Open Session commencing at six thirty o'clock (6:30) P.M. In the event that a regular meeting of the Council shall fall on a legal holiday, that regular meeting shall be held at the same place and time on the next succeeding working day, or as determined by Council. (*Ordinance 1766, August 17, 2010; M.O. 15-09181, September 18, 2012.*)
2. Following the mid-meeting break (around 9:00 p.m.) the Mayor, with assistance from the City Manager, will review the balance of the agenda with Council to discuss how it can be handled in the allowed time. If it is necessary to continue any items, it will be announced at that time.

B. ADJOURNED MEETINGS/STUDY SESSIONS (Open to the public)

1. The purpose of these meetings shall be for informal discussions between staff, advisory bodies or consultants and the City Council regarding specific programs, projects or policies. If noticed, formal action may be taken at such a meeting.
2. Adjourned Meetings/Study Sessions will be held at a time and place convenient to Council and advantageous for public participation.
3. Participation of the public shall be at the discretion of the Presiding Officer, upon consensus of the Council.

C. SPECIAL MEETINGS

1. Special meetings may be called by the Mayor or three members of the City Council. (*Gov. Code Section 54956*) Written notice of each special meeting must be given not less than twenty-four (24) hours before such meeting to each member of the City Council not joining the call.
2. Written notice must be given to the City Council and to the media 24 hours prior to each meeting. (*Gov. Code Section 54956*)
3. A supplemental telephone call shall be made if necessary to notify each Council Member.
4. No business other than that announced shall be discussed.
5. Any special meeting held at a place other than City Hall shall be open to the public. Notice requirements of the Brown Act shall be complied with for any such meetings; regular minutes shall be taken by the City Clerk and shall be available for public inspection.

D. ORDER OF BUSINESS:

Meeting called to Order
Roll Call
Oral Communications (closed session items only)
Closed Session(s)
Reconvene Open Session
Report on Action taken in Closed Session
Pledge of Allegiance
Invocation
Presentations
Oral Communications (on any matter of interest)
~~AB 1234 Reports~~
Committee and Commission Reports
Staff Informational Reports
Consent Calendar – to include:
 Approval of Minutes
 Claims Against the City
 Payment of Bills
 Payments on Public Works Projects
 Authorization to Purchase
 Authorization to Call for Bids
 Award of Bids
 Acceptance of Projects

Acceptance of Dedications/Property
Approval of Final Tract Maps
Annexations
Requests for City Services
Reports
Other Routine Matters
Public Hearings
Second Readings of Ordinances
Scheduled Matters
AB 1234 Reports
Oral Communications (on any matter of interest)
Council Comments
Adjournment
(Draft Resolution ____-2023, February 7, 2023, attached as Appendix A.)

E. CONSENT ITEMS

1. Consent items are the first items on the open session portion of the agenda (items that are routine, have been discussed before, relate to implementation of approved budget items, or to City operations or item to be later set for public hearing).
2. Any item removed from the Consent Calendar shall be considered immediately after the last Scheduled Matter on the agenda and immediately before the Second Oral Communications. *(M.O. 16-091812, September 18, 2012.)*



III. MEETING PROCEDURES

A. PRESIDING OFFICER

1. The Mayor is the Presiding Officer and acts as Chair at Council meetings.
2. In the absence or incapacity of the Mayor, the Vice Mayor as Mayor Pro Tempore will serve as Presiding Officer. In the absence of both the Mayor and Vice Mayor, the Council Members present shall select one of their number to serve as Presiding Officer for that meeting. *(Amended via Minute Order 08-071911, July 19, 2011.)*
3. Seating arrangement of the Council:

Seating arrangements shall be at Council discretion with preference being given to health conditions, seniority, individual Council Member preferences, and the Mayor's preference, in that order. *(Amended via Minute Order 08-071911, July 19, 2011.)*

4. Signing of City Documents:

The Mayor, unless unavailable, shall sign all ordinances, resolutions, contracts and other documents which have been adopted by the City Council and require an official signature; except when the City Manager, or his or her designee, has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor may sign the required documents. *(Amended via Minute Order 08-071911, July 19, 2011.)*

B. QUORUM

A majority of the Council Members shall constitute a quorum for the transaction of business. *(City Charter)*

C. DISCUSSION RULES

1. Obtaining the floor:
 - a. A member of the City Council, staff, or public shall first address the Presiding Officer and gain recognition.

- b. Comments and questions shall be limited to the issue before Council except when members of the public are addressing the Council under Oral Communications.
 - c. Cross-exchange between Council Members, staff or public shall be avoided.
 - d. Any citizen may arise and address the City Council on any business especially concerning them or affecting their interests during Oral Communications, but preference will be given to those who have first presented matters in the form of a written communication or who have personally notified the presiding officer of their desire to speak.
 - e. Any member or other person using profane, vulgar, loud or boisterous language at any meeting, or otherwise interrupting the proceedings, who refuses to be seated or keep quiet when ordered to do so by the Mayor or Mayor Pro Tem of the City Council, shall be guilty of a misdemeanor. It shall be the duty of the Chief of Police, upon order of the presiding officer, to eject any such member or person from the council room.
(Ordinance 1537)
2. Questions to staff:
- A Council Member shall, after recognition by the Presiding Officer, address questions to duly designated staff members through the City Manager.
3. Interruptions:
- a. Once recognized, a Council Member shall not be interrupted while speaking except to make a point of order or personal privilege.
 - b. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined.
 - c. Upon being recognized by the Presiding Officer, members of staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.



IV. COUNCIL REQUESTS FROM THE PUBLIC

A. Response to Letters from the Public

Periodically Council Members receive letters requesting their response. If a Council Member wishes to answer the letter, the matter can be handled in either of three ways:

1. The Council Member can give the letter to the City Manager's Secretary along with direction on how they wish their response to be worded. The City Manager's staff will then prepare the letter on City Council stationery and forward it to the appropriate Council Member for approval and signature. Copies of both letters are kept on file in the City Manager's Office, and copies are available upon request.
2. If the letter requires specific information or details only available from another City Department, the City Manager may refer the letter to the appropriate Department Head for response by them or their designee. Copies of the letters will then be forwarded to the City Manager's Office for filing.
3. If the Council Member wishes to answer their own correspondence, City stationery is available upon request from the City Manager's secretary. Copies of all such letters on City Letterhead shall be provided to all other Council members, and the letter shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. If the Council Member wishes to have a copy of the letters in their file, they should submit a copy to the City Manager's staff for filing.

If a Council Member receives an informational item and wants a copy to be given to the other Council Members and the City Manager or other Directors, the item should be given to the City Manager's staff and copies will be made and sent out.

B. Referrals to Council Agenda

Periodically Council Members receive correspondence or verbal requests for items to be acted upon, or considered, by the City Council. If a Council Member wishes to respond to the request, the matter should be referred to the City Manager. The request can then be handled as follows:

1. The Council Member may request the City Manager to place the item on the Council agenda as a written communication (however, the request must be stated on the agenda face sheet for Council to be able to act on it at the meeting); or
2. Upon research, the request may be determined to be a violation of City, State or Federal law, policy, or previous Council determination, in which case an appropriate response as to why the matter can not be heard will be provided to the requesting party.

Correspondence requesting that an item be acted upon, or considered, by the City Council, which is received directly by the City Manager, is handled in either of two ways:

1. The City Manager shall place any routine and/or legitimate written request under written communications*, or have a staff report prepared if time permits, for the next City Council agenda; or
2. The City Manager shall place any request which has already been acted upon by Council, cannot legally be accomplished, or which has a potential for litigation, in an Administrative Memorandum.

C. Telephone Calls

Citizens attempting to communicate with the City Council often call the offices at City Hall. Such calls are referred to the City Manager's Office. The City Manager's staff will take a message and refer it to the appropriate Council Member, or give the caller the telephone number of the City Council Member so they may call them directly, according to instructions given by the Council Member [see X-D (3)].

D. Personal Meetings

Council Members who wish to meet with their constituents may use various rooms at City Hall. The Council Member should call the City Manager's Secretary as soon as they know a room is needed so that it can be reserved for their use. No more than two Council Members may attend a meeting to discuss City matters without the meeting becoming a public meeting and therefore falling under the requirements of the Brown Act Open Meeting Laws.

E. Personal Correspondence

Council Members who wish to send their own correspondence using City stationery shall include a provision clearly defining that the correspondence represents the views and/or feelings of the specific Council member signing the letter. Copies of all such letters on City Letterhead shall be provided to all other Council members. Letterhead stationery is available upon request from the City Manager's secretary, and if the Council Member wishes to have a copy of their letter in their file, they should submit a copy to the City Manager's staff for filing.

F. Out-of-District Requests

On occasion, Council Members will be contacted by citizens residing outside of their respective districts. When this occurs, City Council Members agree to advise the appropriate Council Member of the contact and matter of concern. **A Council Communication Log (see Appendix G) is provided for Council's convenience and optional use.**

G. Requests for Proclamations

The City routinely receives requests for proclamations. Proclamations are ceremonial statements of Council Members which do not convey legislative action or policy of the Council. Each individual Council Member has the authority to grant and sign proclamations. Within one business day of receipt of a Request for Proclamation, staff shall scan and email the request to all City Council Members. If a Council Member is interested in granting the request, they shall notify staff of their interest. If more than one Council Member responds, the first responsive notification received by staff shall be the grantor. Upon receipt of the affirmative response, staff shall advise the remaining Council Members, and inquire whether they would also like to sign the proclamation. The Council Members shall have one business day to reply, after which the proclamation will be drafted with the appropriate number of signature blocks, and the grantor and signers shall be notified of its availability for signature.

Upon finalization of the proclamation, staff shall notify the requestor and arrange for its delivery, pick up, or presentation at an event, as requested. Proclamations shall not be included on the Council Agenda nor presented at a Council Meeting unless so approved by a majority of the Council. Staff shall provide a monthly informational report identifying the proclamations granted for the preceding month.



V. COUNCIL MEMBER REQUESTS TO STAFF

A. General Information

All City Council Member requests for information or documents shall be referred through the City Manager. Any Department Head who receives a direct request from a Council Member shall submit the request, including the name of the requesting Council Member, to the City Manager.

B. Research

All City Council Member requests for information or documents which require extensive research, in the opinion of the City Manager, shall be referred through the City Manager to the Council for direction. The City Manager will discuss the matter with the appropriate department and relay the approximate time table for completion to the City Council for discussion and action at the next available meeting of the City Council. If the request is approved by the Council, upon completion of the research, the information or documents will be forwarded to the City Council Members by the City Manager. *(Amended via Minute Order 08-071911, July 19, 2011.)*

C. Items for inclusion in Council Agenda

The City Manager shall compile the agenda for each meeting and shall include as agenda items, business in the normal course of City affairs, including but not limited to staff proposals to improve services, support the economy and land use, and enhance the efficiency and effectiveness of the City organization, items relating to current, past, and proposed City contracts, leases, franchises, agreements and similar documents, and matters affecting future or proposed City equipment and property, items relating to City employees, agents and contractors, and such other matters as are defined in this handbook or otherwise directed by the City Council.

All City Council Member requests for an item to be placed on the Council agenda shall be made in writing to the City Manager. Such request shall be submitted prior to Wednesday noon of the week before the Council meeting in order to be placed on the next regularly scheduled meeting. *(Amended via M.O. 13-111814, November 18, 2014, and via M.O. 13-052119, May 21, 2019.)*

The City Manager shall place any Council Member request for an agenda item on the next available agenda as a Consent Calendar item for Council approval to be included as a Scheduled Matter on the next available agenda. This does not prevent any Council Member from moving to place an item on the next available agenda during Other Matters of the current agenda. *(Amended via Minute Order 08-071911, July 19, 2011.)*



VI. COUNCIL AGENDA

A. Preparation:

Each Department Head submits their departmental agenda items to the City Manager for approval utilizing the City's electronic agenda management system. (*Amended via M.O. 11-111814, November 18, 2014.*)

The City Council meeting agendas are prepared on the Thursday prior to the Tuesday meeting. Any questions regarding whether items have been scheduled for consideration at a particular meeting may be directed to the Chief Deputy City Clerk and/or Deputy City Clerk.

B. Deadlines:

The deadlines for the agenda are the Monday preceding the Thursday preparation day. Public hearing items, scheduled matter items, Consent calendar items, and written communications must be submitted by the Monday deadline. The deadline for a Council member request for any item shall be Wednesday noon preceding the Thursday preparation day. (*Amended via M.O. 13-111814, November 18, 2014.*)

C. Delivery:

Agendas will be delivered to Council on the Thursday prior to the Tuesday meeting via an emailed link to the electronic agenda packet posted on the City's website. No items, or additional materials, shall be delivered after the initial delivery to Council on Thursday, except in the instance of a designated emergency item.

Once the Agenda is made available to the City Council, it is available to the public. (*Amended via M.O. 11-111814, November 18, 2014.*)



VII. THE RALPH M. BROWN ACT

The Ralph M. Brown Act (California Government Code Section 54950 et seq.) governs meetings conducted by local legislative bodies such as city councils, boards of supervisors, special districts, and school boards. The Act represents the State Legislature's determination of how the balance should be struck between the public access to meetings of multi-member public bodies on one hand, and the need for confidential candor, debate, and information gathering on the other.

The Act contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny.

Meetings are defined as any gathering of a quorum of a legislative body (which includes newly elected but unsworn members of the body) to discuss or transact business under the body's jurisdiction and serial meetings are prohibited. Exemptions are individual contacts between board members and others which do not constitute serial meetings, attendance at conferences and meetings which are open to the public so long as legislative bodies do not discuss amongst themselves business of a specific nature under the body's jurisdiction, and attendance at social or ceremonial events where no business of the body is discussed.

The Act requires that notices of regular meetings must be posted at least seventy-two (72) hours prior to the meeting, and twenty-four (24) hour notice must be provided to members of the legislative body and media outlets for special meetings.

A user's guide to the Ralph M. Brown Act is provided to Council Members for their information. If a Council Member has a specific question which does not seem to be covered in the guide, the Council Member should contact the City Attorney for a legal opinion.



VIII. TRAVEL, MEETINGS AND EXPENSES

This policy would satisfy the requirements of California Government Code §§ 53232.2 and 53233.3 in the event such requirements could be constitutionally applied to charter cities.

The City Manager, or his staff, will notify the City Council Members about any League of California Cities' Conferences, Committee meetings, and/or local meetings that may be of interest to the Council. If a Council Member is interested in attending any such meeting, the following procedures should be followed:

A. Requests for Reservations:

When a City Council Member wishes to attend a conference or meeting, he/she should contact the City Manager's office and indicate the following:

1. The date(s) of the conference or meeting;
2. If the Council Member will be accompanied by anyone else, i.e. spouse, child;
3. Any personal preferences for hotel reservations, such as smoking or non-smoking, king or double beds, etc.; and
4. Whether special travel arrangements need to be made, i.e. airplane tickets, ride-sharing, etc.

A disbursement will then be prepared and the payment for the conference or meeting will be forwarded, and, if applicable, the hotel will be contacted to make the appropriate reservations. When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council member. If a prior room reservation request is not made, the Council member shall request a room sales tax waiver prior to payment for a room.

For lodging in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question, if such rates are available at the time of booking. If the group rate is not available, government rates must be used when available. Lodging rates that are equal or less than the government rates are presumed to be reasonable and allowed per this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence allowed.

B. Travel and Expense Form:

A Travel and Expense Form will then be prepared for the Council Member which indicates the following:

1. The amount of money to be issued to the traveler as per diem*; and
2. Mileage expense* (if a personal vehicle is used for travel and cost is paid in advance).

** Amount set in Administrative Policy Manual Sec. II-E-1, Travel & Conference Expenses. In regard to the per diem amount, if payments for expenses are made in advance pursuant to the specified per diem amounts, the disbursement shall not be considered to be reimbursable expense under AB 1234.*

The Council Member will then be issued a packet of materials several days prior to the meeting which contains the following:

1. A check for per diem and mileage;
2. Confirmation notification and informational materials regarding the conference;
3. Confirmation notification for any hotel reservations; and
4. A City credit card to pay for the room charges at the end of the meeting.

C. Receipts:

The Council Member shall then bring the receipt for the hotel charges to the City Manager's staff upon his/her return, together with the credit card, and any refund due the City. The Council Member shall sign the original Travel and Expense Form at that time, which shall then be filed with the Finance Department for final processing.

If a refund is due the Council Member, a check will be issued by the Finance Department and then distributed to the Council Member.

D. Eligibility:

The City shall pay for any Council Member to attend any meetings or conferences of their choice. City Council approval shall not be required unless it is required by AB 1234. A Council Member may request mileage and other expenses associated with attending meetings of boards, commissions, committees, or other groups to which the Council Member has been elected, appointed, or designated to attend by the City Council without further approval or ratification. When accompanied by a spouse, significant other, and/or one or more children, the Council Member shall pay for expenses incurred above that which would otherwise have been paid for the Council Member. Any charge placed on a City credit card for someone other than a Council

Member shall also be considered a refund due the City, payable within 10 days of the receipt of the charges. *(Amended via Minute Order 18-091812, September 18, 2012.)*

E. Event Tickets :

1. City and City-Sponsored Events:

A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. *(Resolution No. 97-2019, December 3, 2019, attached as Appendix B)*

2. Non-City Sponsored Events:

A Council Member may accept one (1) ticket issued by the event sponsor if attending the event in his/her capacity as a City Council Member. Any additional tickets shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets. *(Resolution No. 97-2019, December 3, 2019, attached as Appendix B)*

F. Council Member Meetings with District Constituents:

No City funds or resources shall be used to pay for expenses related to meetings held by individual Council Members with their constituents, unless prior approval is received from the Council. This does not pertain to City Council Members holding meetings in designated conference rooms at City Hall. Under no circumstances shall City funds or resources be used for campaign purposes. *(Via M.O. 13-052119, May 21, 2019.)*



IX. CONFLICT OF INTEREST

A. City Council Members Filing Requirements

City Council Members are under the provisions of the Political Reform Act (Gov. Code, Section 81000 et seq. known as "the Act") as enforced by the Fair Political Practices Commission ("FPPC"). The Act applies to campaign contributions requirements, as well as matters of conflict of interest while in office.

1. Disclosure of Economic Interests:

City Council Members must file assuming office and leaving office statements, as well as annual statements while in office. The statements basically require the disclosure of the following information:

- Investments or interests in real property and its fair market value;
- Income, and the name and address of each source of income aggregating five hundred dollars (\$500) or more, or fifty (\$50) or more if a gift, and a general description of the business activity, if any of each source;
- Interests in real property held by a business entity or trust;
- Loans, and its annual interest rate and the security, if any, given for the loan;

2. Disqualification of Participation (Conflict of Interest):

A Council Member shall not make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. This might include decisions which affect property within up to 500 feet of the subject property in which the Council Member has an interest.

A financial interest in a decision, within the meaning of Section 87100 of the Act, is if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the Council Member or:

- A member of his or her immediate family;
- A business entity in which the Council Member has a direct or indirect investment worth \$2000 or more;
- Any real property in which the Council Member has a direct or indirect interest worth \$2,000 or more;
- Any source of income, other than gifts or commercial lending institutes loans, aggregating \$500 or more received or promised to the City Council Member within twelve months prior to the time when the decision is made;
- Any business entity in which the City Council Member is a director, partner, trustee, employee, or holds any position of management;
- Any donor, or any intermediary or agent for a donor, or a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the City Council Member within 12 months prior to the time when the decision is made.

Indirect investment or interest means any investments or interest owned by the spouse or dependent child of a City Council Member, by an agent on behalf of a Council Member, or by a business entity or trust in which the Council Member, the Council Member's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10% interest or greater.

Section 87100 of the Act does not prevent any Council Member from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that a Council Member's vote is needed to break a tie does not make his participation legally required for purposes of this section.

Pursuant to Section 87105 of the Act, a public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

- a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail

sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

- b. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.
- c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.
- d. Notwithstanding paragraph (3), a public official may speak on the issue during the time that the general public speaks on the issue.

B. Other Agencies:

Whenever a Council Member is required to file a Statement of Economic Interest for an outside agency, the Deputy City Clerk will provide the correct form, and using the Statement of Economic Interest Form 700 filed in the City Clerk's Office for the City of Porterville, prepare a duplicate statement for signature, and forward the appropriate form to the requesting agency.

D. City of Porterville Conflict of Interest Code:

Certain designated City employees are also required to file conflict of interest forms under the provisions of the Political Reform Act Code, Sections 87100-87500 et seq. The City of Porterville Conflict of Interest Code was adopted by the City Council and is reviewed biennially to make sure it is kept current.

If Council Members have a question on whether an interest they have is sufficient for disqualification, they should contact the Fair Political Practices Commission at (866) 275-3772, or <http://www.fppc.ca.gov>, for a ruling or opinion.



X. GENERAL ITEMS

A. Different Hats

Members of the City Council also serve as the governing bodies for the following local agencies:

1. Successor Agency to the Porterville Redevelopment Agency
2. Industrial Development Authority
3. Public Financing Authority
4. Public Improvement Corporation
5. Planning Commission
6. Conflicts and Disclosure Monitor Agency

B. Compensation

As stated in the City Charter, Section 9, City Council Members shall receive \$20 per Council meeting, \$25 per Council meeting for the Mayor, with a maximum of seven paid Council meetings per month.

C. Issuance of Electronic Devices to Council Members

An Electronic Device, Internet, and Email Policy has been developed as set forth in Minute Order 14-090605. (*See Appendix D*)

D. Social Media

The City Council Members recognize that their individual use of social media tools such as Facebook, Twitter, Instagram, etc. should be done in a manner consistent with the Public Records Act, Brown Act and other applicable laws. The City council has adopted a policy in an effort to strike an appropriate balance between privacy, liability and public records concerns, and to keep clear distinctions between official and personal accounts. (*See Appendix F*)

E. Direction to Support Staff:

Upon assuming office, Council Members should notify the City Manager's staff regarding the following items:

1. Where to deliver Administrative Reports and Memorandums, i.e. home or business.

2. How to direct citizens who wish to speak to Council Members, i.e. take a message, give out home telephone numbers, give out business telephone numbers, etc.

F. City Attorney

The City Attorney is the legal advisor of the City Council, and all other City officials. The City Attorney shall prosecute all violations of City ordinances and shall draft all contracts and other legal documents and instruments, required by the Council or the City Manager. The City Attorney shall perform such other legal services as the Council may direct and shall attend all meetings of the Council unless excused therefrom by three members or by the Mayor.

The types of questions referred to the City Attorney are as follows:

1. Generally whether a conflict of interest exists for a Council Member and whether they should abstain from voting on a specific matter.

Please note: Any advice received from the City Attorney relating to Conflicts of Interests is informal only and not binding; the Council Member must seek and obtain a formal written opinion from the FPPC in order to be afforded any statutory immunities. **FPPC Advice Line: (866) 275-3772.**

2. Whether an issue has a legal standing, and what type of action would be appropriate.
3. Legal recommendations for matters of litigation.

G. Annual City Manager/City Attorney Evaluations

The City Council shall provide for annual evaluations for the City Manager and the City Attorney. A standardized evaluation form shall be used which shall address the areas of importance as set forth by the City Council. *(See Appendix C.)*

H. Response to President/Governor Directives

Unless otherwise required by applicable law, directives issued by the President of the United States and/or Governor of the State of California shall not be considered a mandatory directive to the City of Porterville except as authorized and/or approved by the City Council. The one exception to this rule is that flags on City buildings shall be flown at half-staff upon orders by the President, Governor and/or Mayor, or by majority approval of the City Council.



APPENDICES

- A. Resolution ____-2023, Order of Business
- B. Resolution 97-2019, Ticket Policy
- C. Annual City Manager/City Attorney Evaluation Forms
- D. Electronic Device, Internet, and Email Policy
- E. Email Retention Policy
- F. Social Media Policy**
- G. Optional Council Communications Log**

RESOLUTION NO. ____-2023

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE RESCINDING RESOLUTION 100-2019
AND ESTABLISHING NEW ORDER OF BUSINESS TO BE FOLLOWED
AT REGULAR MEETINGS OF THE CITY COUNCIL**

BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 100-2019 is herein rescinded.

BE IT FURTHER RESOLVED that the following is the order of business to be followed in conducting the regular meetings of the City Council:

- MEETING CALLED TO ORDER
- ROLL CALL
- ORAL COMMUNICATIONS (closed session items only)
- CLOSED SESSION
- RECONVENE OPEN SESSION
- REPORT ON ACTION TAKEN IN CLOSED SESSION
- PLEDGE OF ALLEGIANCE
- INVOCATION
- PRESENTATIONS
- ORAL COMMUNICATIONS (on any matter of interest)
- STAFF INFORMATIONAL REPORTS
- CONSENT CALENDAR – to include:
 - Approval of Minutes
 - Claims Against the City
 - Payment of Bills
 - Payments on Public Works Projects
 - Authorization to Purchase
 - Authorization to Call for Bids
 - Award of Bids
 - Acceptance of Projects
 - Acceptance of Dedications/Property
 - Approval of Final Tract Maps
 - Annexations
 - Requests for City Services
 - Reports
 - Other Routine Matters
- PUBLIC HEARINGS
- SECOND READINGS
- SCHEDULED MATTERS
- AB1234 REPORTS

- ORAL COMMUNICATIONS (on any matter of interest)
- COUNCIL COMMENTS
- ADJOURNMENT

PASSED, APPROVED AND ADOPTED this 7th day of February, 2023.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 97-2019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE REPEALING AND REPLACING RESOLUTION NO. 99-2012
TO AMEND THE POLICY CONCERNING THE ACCEPTANCE OF
TICKETS BY COUNCIL MEMBERS TO CITY SPONSORED AND
NON-CITY SPONSORED EVENTS**


WHEREAS, changes have been made to the City Council's Procedural Handbook, in particular, the policy concerning the acceptance of tickets by Council Members to both City sponsored and non-City sponsored events

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that Resolution No. 99-2012 shall be repealed and replaced as follows:

SECTION 1: A Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2: A Council Member may accept one (1) ticket issued by the event sponsor if attending the event in his/her capacity as a City Council Member. Any additional tickets shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

PASSED, APPROVED AND ADOPTED this 3rd day of December, 2019.


Martha A. Flores, Mayor

ATTEST:
John Lollis, City Clerk

By: 
Fernando Gabriel-Moraga, Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a meeting of the Porterville City Council duly called and held on the 3rd day of December, 2019.

Said resolution was duly passed, approved, and adopted by the following vote:

Council:	PEÑALOZA	REYES	FLORES	STOWE	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Fernando Gabriel-Moraga, Deputy City Clerk



CITY MANAGER PERFORMANCE EVALUATION

	<u>WEAK</u>			<u>STRONG</u>	
A. Providing Information					
1. Does the City Manager keep you informed, in a timely manner, of the things you want to know about?	1	2	3	4	5
2. Do you feel that you receive information on an equal basis with other Council members?	1	2	3	4	5
3. Do reports provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5
4. Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?	1	2	3	4	5
5. Does the City Manager follow established policy concerning the placement of items on the agenda?	1	2	3	4	5
6. Does the City Manager follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5
7. Are Council packets relatively free of errors and omissions?	1	2	3	4	5

Average score

	<u>WEAK</u>			<u>STRONG</u>	
B. Providing Advice					
1. Does the City Manager have adequate knowledge of municipal affairs?	1	2	3	4	5
2. Does he exercise good judgment?	1	2	3	4	5

3. Do you feel that the City Manager considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Manager plan ahead, anticipate needs and recognize potential problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5
6. Does he have a good sense of timing in bringing issues to the Council for action?	1	2	3	4	5

Average score

INTERNAL ADMINISTRATION

	<u>WEAK</u>			<u>STRONG</u>	
A. Financial Management					
1. Are you comfortable with the City Manager's approach to budget preparation and review?	1	2	3	4	5
2. Is the City Manager effective in controlling costs through economical utilization of manpower, materials, and equipment?	1	2	3	4	5
3. Does the City Manager have sufficient knowledge of financial matters?	1	2	3	4	5
4. Does the City Manager provide you with sufficient information on the financial status of the City government?	1	2	3	4	5
5. Is the budget submitted on time?	1	2	3	4	5

Average score

	<u>WEAK</u>			<u>STRONG</u>	
B. Personnel Management					
1. Is the City Manager successful in guiding people so that they work together as a team toward common objectives?	1	2	3	4	5

	<u>WEAK</u>			<u>STRONG</u>	
2. Is the City Manager effective in selection and placing personnel?	1	2	3	4	5
3. Does the City Manager develop and motivate personnel so that they are increasingly effective in performing their duties?	1	2	3	4	5
4. Is the City Manager willing to face up to disciplinary problems and take action when warranted?	1	2	3	4	5
5. Is the City Manager effective in promoting positive employer-employee relations?	1	2	3	4	5
6. Is the City Manager effective on assuring that staff makes a positive impression on citizens?	1	2	3	4	5

Average score

	<u>WEAK</u>			<u>STRONG</u>	
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Manager organize or assign work so that it is performed efficiently and effectively?	1	2	3	4	5
3. Does the City Manager pay sufficient attention to detail to avoid error or things “slipping through the cracks”?	1	2	3	4	5
4. Does the City Manager put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
5. Does the City Manager have a good sense of priorities in the way he spends his time on the job?	1	2	3	4	5
6. Is the City Manager able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5

- | | | | | | |
|---|---|---|---|---|---|
| 7. Does the City Manager develop and carry out short- and long-term action plans? | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|

Average score

EXTERNAL RELATIONS

	<u>WEAK</u>			<u>STRONG</u>	
A. Citizen Relations					
1. Does the City Manager generally make a positive impression on citizens and is he respected in Porterville?	1	2	3	4	5
2. Is he effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Manager have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Manager represent Council positions and policies accurately and effectively?	1	2	3	4	5
5. Does the City Manager have the insight and knowledge to work with the Council, staff, and citizens to find effective solutions to issues?	1	2	3	4	5

Average score

	<u>WEAK</u>			<u>STRONG</u>	
B. Intergovernmental Relations					
1. Is the City Manager effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
2. Does the City Manager participate in enough intergovernmental activity to have an impact on behalf of the City?	1	2	3	4	5

Average score

PERSONAL CHARACTERISTICS

	<u>WEAK</u>			<u>STRONG</u>	
A. Personality					
1. Is the City Manager's personality suited to effective performance of his duties?	1	2	3	4	5
Average score					

	<u>WEAK</u>			<u>STRONG</u>	
B. Communications					
1. Is the City Manager easy to talk to?	1	2	3	4	5
2. Do you feel he is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Manager show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	<u>WEAK</u>			<u>STRONG</u>	
C. Management Style					
1. Does the City Manager demonstrate interest and enthusiasm in performing his duties?	1	2	3	4	5
2. Does he have sufficient leadership characteristics to command respect and good performance from employees?	1	2	3	4	5
3. Does the City Manager show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
4. Is the City Manager open to new ideas and suggestions for change?	1	2	3	4	5
5. Does the City Manager create an atmosphere in which employees can enjoy working for the City?	1	2	3	4	5

6. Is the City Manager honest and ethical?	1	2	3	4	5
7. Does the City Manager work well under pressure?	1	2	3	4	5
8. Is the City Manager able to change his approach to fit new situations?	1	2	3	4	5
9. Can the City Manager consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5

Average score

ACHIEVEMENTS

List the top three achievements or strong points of the City Manager for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Manager that you feel are the most important targets for this year:
1.
2.
3.

OVERALL RATING	<u>Total Overall Score</u>				
	<u>WEAK</u>				<u>STRONG</u>
	1	2	3	4	5

Date: _____

Martha A. Flores, Mayor

Kellie Carrillo, Vice Mayor

Donald Weyhrauch, Council Member

Raymond Beltran, Council Member

Greg Meister, Council Member



CITY ATTORNEY PERFORMANCE EVALUATION

	WEAK			STRONG	
A. Providing Information					
1. Does the City Attorney keep you informed, in a timely manner, of the legal issues affecting the City?	1	2	3	4	5
2. Does the City Attorney demonstrate initiative and resourcefulness in identifying legal problems, and advising and recommending resolutions?	1	2	3	4	5
3. Do reports/memoranda from the City Attorney provide adequate information and analysis to help you make sound decisions?	1	2	3	4	5
4. Do the legal solutions that are developed appropriately address the issues to be resolved?	1	2	3	4	5
5. Does the City Attorney follow up promptly on Council requests for information or action without having to be reminded?	1	2	3	4	5

Average score

	WEAK			STRONG	
B. Providing Advice					
1. Does the City Attorney have adequate knowledge of municipal legal affairs?	1	2	3	4	5
2. Does he/she exercise good judgment?	1	2	3	4	5
3. Do you feel that the City Attorney considers alternatives before making recommendations?	1	2	3	4	5
4. Does the City Attorney plan ahead, anticipate needs and recognize potential legal problems?	1	2	3	4	5
5. How do you feel about the quality of analysis that accompanies recommendations?	1	2	3	4	5

Average score

	WEAK			STRONG	
C. Getting the Job Done					
1. Do you have the feeling that things the Council decides or directs get done?	1	2	3	4	5
2. Does the City Attorney pay sufficient attention to detail to avoid error or things “slipping through the cracks”?	1	2	3	4	5
3. Does the City Attorney put in sufficient time and effort to perform to your expectations?	1	2	3	4	5
4. Does the City Attorney have a good sense of priorities in the way he/she spends his/her time on the job?	1	2	3	4	5
5. Is the City Attorney able to analyze problems or issues and identify causes, reasons, and implications?	1	2	3	4	5
6. Does the City Attorney perform well under pressure?	1	2	3	4	5
7. When work is delegated to staff/deputy attorneys, is the project/issue handled appropriately?	1	2	3	4	5
Average score					

EXTERNAL RELATIONS

	WEAK			STRONG	
A. Citizen Relations					
1. Does the City Attorney generally make a positive impression on citizens and is he/she respected in Porterville?	1	2	3	4	5
2. Is he/she effective in handling disputes or complaints involving citizens?	1	2	3	4	5
3. Does the City Attorney have appropriate visibility or identity in the community?	1	2	3	4	5
4. Does the City Attorney think and act in a manner reflecting an attitude that client (Council, staff, or citizens) perceptions and satisfactions are key?	1	2	3	4	5
Average score					

	WEAK			STRONG	
B. Intergovernmental Relations					
1. Is the City Attorney effective representing the City's interests in dealing with other agencies?	1	2	3	4	5
Average score					

PERSONAL CHARACTERISTICS

	WEAK			STRONG	
A. Personality					
1. Is the City Attorney's personality suited to effective performance of his/her duties?	1	2	3	4	5
Average score					

	WEAK			STRONG	
B. Communications					
1. Is the City Attorney easy to talk to?	1	2	3	4	5
2. Do you feel he/she is a good listener?	1	2	3	4	5
3. Are communications thoughtful, clear, and to the point?	1	2	3	4	5
4. Does the City Attorney show sensitivity to the concerns of others?	1	2	3	4	5
Average score					

	WEAK			STRONG	
C. Management Style					
1. Does the City Attorney demonstrate interest and enthusiasm in performing his/her duties?	1	2	3	4	5
2. Does the City Attorney show initiative and creativity in dealing with issues, problems, and unusual situations?	1	2	3	4	5
3. Is the City Attorney honest and ethical?	1	2	3	4	5
4. Does the City Attorney work well under pressure?	1	2	3	4	5

	WEAK		STRONG		
5. Is the City Attorney able to change his/her approach to fit new situations?	1	2	3	4	5
6. Can the City Attorney consistently put aside personal views and implement Council policy and direction?	1	2	3	4	5

Average score

ACHIEVEMENTS

List the top three achievements or strong points of the City Attorney for the past twelve (12) months:
1.
2.
3.

FUTURE DEVELOPMENT

List three performance objectives for the City Attorney that you feel are the most important targets for this year:
1.
2.
3.

TOTAL OVER ALL SCORE

	<u>WEAK</u>				<u>STRONG</u>
OVERALL RATING	1	2	3	4	5
<i>Date:</i>					

Martha A. Flores, Mayor

Kellie Carrillo, Vice Mayor

Donald Weyhrauch, Council Member

Raymond Beltran, Council Member

Greg Meister, Council Member



CITY COUNCIL CITY DEVICE, INTERNET & EMAIL POLICY

Electronic devices are made available to Council Members upon taking office and assuming Council duties. Access to email and the internet is a resource also made available to City Council Members as a means of communicating with City administration and constituents. The City Council recognizes that access to electronic communications contributes to the efficiency of conducting city business. The City Council has adopted this policy to ensure that all City of Porterville computer and network resources are used for purposes appropriate to City business; to inform Council Members of the applicability of laws and policies to computer and network usage; to establish policies on privacy, confidentiality, and security in electronic communications; and to provide guidance concerning rights and responsibilities with respect to the proper use of City of Porterville computer and network resources.

SCOPE

This policy applies to:

1. All City Council Members, as authorized users, whether elected or appointed;
2. All computer and mobile devices and network resources leased, owned, or managed by the City of Porterville; and
3. All electronic communications records in the possession of the City of Porterville.

CONFIDENTIALITY AND SECURITY

1. All materials sent or received over the Internet on electronic devices and/or network resources leased, owned or managed by the City, shall be considered property of the City. An authorized user does not have privacy rights in any matter created, received or sent. The City reserves the right to monitor access or disclose any message created, received or sent via the Internet or e-mail at any time, without advanced notice.
2. All authorized users shall respect the privacy of other users; for example, users shall not intentionally seek information on, obtain copies of, or modify files or data, belonging to other users, unless explicit permission to do so has been obtained.
3. Authorized users are to safeguard their accounts and passwords. Accounts and passwords are normally assigned to a single user, and are not to be shared with others. Users are responsible for their individual computer accounts and shall take

all reasonable precautions to prevent others from using their accounts. All notebooks and/or tablets should be locked or logged off each time they leave the device unattended. Account owners are ultimately responsible for all activity under their account.

4. Authorized users will not connect, attempt to connect or disconnect any computer or peripheral to, from or within the City of Porterville network without prior authorization from the Information Technology Division.
5. Authorized users will not use or attempt to use on the City of Porterville network any of the following items: any computer operating system media; computer or network utilities; network monitors; unlocking utilities or any software used to repair, change or monitor computer operations, network activity or security without preapproval from the Information Technology Division.
6. Authorized users should not attempt to remove the email disclaimers in their emails.
7. Authorized users shall not write down passwords to City of Porterville resources in an unsecured area.
8. Confidential information should not be downloaded or stored on portable resources unless proper encryption and password protection mechanisms are in place.

UNACCEPTABLE USES

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, unauthorized digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by City of Porterville.
2. Accessing or viewing sexually explicit or pornographic material.
3. Exporting software, technical information, public safety information, or encryption software, in violation of international or regional export control laws. Such use is illegal. The Information Technology Division should be consulted prior to export of any material that is in question.

4. Introduction of malicious programs into the network or servers (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.) that may gain unauthorized access to any computer or computing system and cause intentional disruption.
5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
6. Using a City of Porterville device for profit activities (e.g., consulting for pay, sale of goods such as Avon and Amway products, etc.), or to actively engage in procuring or transmitting material that is in violation of discriminatory, sexual harassment or hostile workplace laws. Use of City devices or networks for political campaign purposes is expressly prohibited.
7. Making fraudulent offers of products, items or services originating from any City of Porterville account.
8. Effecting security incidents or disruptions of network communication. Security incidents include, but are not limited to, accessing data of which the authorized user is not an intended recipient or logging into a server or account that the authorized user is not expressly permitted to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
9. Port scanning or security scanning. Such use is expressly prohibited.
10. Executing any form of network monitoring which will intercept data not intended for the authorized user's host, unless this activity is part of the employee's normal job/duty.
11. Circumventing user authentication or security of any host, network or account.
12. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.

13. Unless explicitly authorized, providing information about, or lists of, City of Porterville employees or its affiliates to parties outside City of Porterville.
14. Incurring personal charges through the use of these systems. In the event that an authorized user does incur personal charges through the use of these systems, that user will be responsible for reimbursing the City for all expenses incurred.
15. Removing or disabling the security software (i.e. firewalls, anti-virus, anti-spyware, etc.) for any reason, unless done by or with the authority of the Information Technology staff.
16. The connection of portable or desktop computers to the City of Porterville computer network without approval by the Information Technology Division. Visitors or vendors under your care are not allowed to connect their portables directly to the City's network.

CITY'S RESERVATION OF THE RIGHT TO MONITOR

Pursuant to the Electronic Communications Privacy Act of 1986...notice is hereby given that there are NO facilities provided by the City for sending or receiving private confidential electronic communications. System administrators have access to all mail and user data files, and will monitor messages as necessary to assure efficient performance.

PUBLIC RECORDS AND PRIVATE AND PUBLIC DEVICES

Any temporary and permanent files and data prepared or received on a City owned or controlled device are considered a public record, unless an otherwise valid public records exemption applies.

Temporary and permanent files and data prepared or received on a privately-owned device or electronic system by an authorized user containing information relating to the conduct of the public's business are public records subject to control by the City and compliance with the City's record policies. A writing relates to the conduct of the public's business when it serves, or is intended to serve, a City purpose and involves a matter over which the authorized user has work responsibility. This policy is not intended to modify the definition of a public record as defined by the California Public Records Act.

When notified of a public records request, the authorized user must conduct a reasonable search for, locate, and review writings maintained on his or her privately-owned device or electronic systems that are potentially responsive to a public records request and provide the responsive records to the City Clerk. The authorized user must provide an explanation for a decision to exclude certain writings as not being responsive

public records. If required by the City Attorney, the authorized user must execute an affidavit containing a sufficient factual basis for the City or a court to determine whether a record on a privately-owned electronic systems is not a responsive public record.

LOST OR STOLEN

Authorized users must report to City Administration, within one business day, whenever any personal device used pursuant to this policy is suspected or known to be lost or stolen. Upon notification of loss/theft, the System administrators may issue a remote wipe of affected City-owned or controlled devices to ensure that City-related data is safeguarded. The City is not liable for the potential loss of personal (e.g., contacts, apps, photos, etc.) data, including the potential to restore the device to factory default settings.

<p style="text-align: center;">CITY OF PORTERVILLE ADMINISTRATIVE POLICY</p>	<p>Number <u>V-A-15</u> Date <u>May 2, 2019</u> Revised _____ Authority <u>Administration</u></p>
<p>SUBJECT: EMAIL RETENTION POLICY</p>	<p>_____ City Manager</p>

PURPOSE:

To provide a procedure for the retention of e-mails consistent with applicable state and/or federal law and to provide for the efficient maintenance of affected infrastructure.

PROCEDURE:

Managing Agency E-mail

Agency officials and employees are responsible for the management of their e-mail folders on a regular basis. It is the responsibility of agency officials and employees to determine if an e-mail is an Official Agency Record ("OAR") which must be retained in accordance with the City's Records Retention Policy. An e-mail message and any attachments regardless of format may be considered an OAR.

Messages that are Generally NOT Considered as Official Agency Records

Examples of e-mail messages that are not generally considered OARs may include: (1) personal messages; (2) "Spam" emails, advertisements, or other "junk" e-mail; (3) messages not related to public business (e.g., employee birthday celebrations in the lunch room); and (4) newsletters or general information from vendors or other public agencies.

Preserving E-mails that are Official Agency Records

Any e-mail message, including any attachments regardless of format that is an OAR should be preserved by one of the following methods:

1. Print the email and consolidate the printed copy in the appropriate file. Generally, the employee who sends the e-mail should be the person responsible for printing and filing the hard copy, but persons responsible for a particular program or project file shall be responsible for retaining all e-mail they send or receive related to that program or project
2. Move the e-mail from your Inbox to the archival folder within your Office 365 account.

E-mail Box Retention Schedule

Days	120	120	30	30
Email Folders	Inbox	Sent	Delete	Junk

Inbox and **Sent** folders retention period is 120 days. Items that reach 120 days will be automatically moved to archive.

Deleted and **Junk** folders retention period is 30 days. Items that reach 30 days will be automatically moved to archive.

This policy does not waive any exemption to disclosure that may apply under the California Public Records Act or other applicable law.

CITY OF PORTERVILLE CITY COUNCIL POLICY CONCERNING USE OF SOCIAL MEDIA

The City Council of the City of Porterville recognizes that social media such as Facebook, Twitter, Instagram, You Tube, etc. are popular tools for developing communications with the community. However, use of these tools should be done in a manner consistent with the Public Records Act, Brown Act, and other applicable laws. The City Council has adopted this policy in order to strike an appropriate balance between privacy, liability and public records concerns, and to keep clear distinctions between official and personal accounts.

THIRD PARTY SYSTEMS

Many social media platforms are third party systems that are maintained by other entities. Therefore, storage and control of information by account holders is limited by the terms of agreement with those entities. The account holders do not control the privacy and use policies of the platforms, and it is recognized that platform providers will, from time to time, modify their terms, conditions and usage policies with little to no notification.

CITY SOCIAL MEDIA SITES AND INDIVIDUAL SITES

“City social media sites” means official social media sites that the City establishes. “Individual social media sites” means social media sites established by individual Council Members, whether they reference their status as council members or not on the site.

NEW BROWN ACT LAW ADOPTED SEPTEMBER 18, 2020 AFFECTING SOCIAL MEDIA USE

A majority of the City Council Members are prohibited, outside of an authorized meeting, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the City Council. The new law does not prevent a Council Member from engaging in separate communications outside of an authorized meeting with any other person using an internet-based social media platform, to answer questions, provide information to the public, or to solicit information from the public regarding a City-related matter. That stated, the new law states that a majority of the City Council Members shall not use any internet-based social media platform to discuss among themselves, business of a specific nature that is within the subject matter jurisdiction of the City. FURTHERMORE, A CITY COUNCIL MEMBER SHALL NOT RESPOND DIRECTLY TO ANY COMMUNICATION ON AN INTERNET-BASED SOCIAL MEDIA PLATFORM REGARDING A MATTER THAT IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL THAT IS MADE, POSTED, OR SHARED BY ANY OTHER MEMBER OF THE CITY COUNCIL. The new law specifically includes the use of “digital icons” that express reactions, in addition to electronic comments, within the definition of social media communications that are subject to restriction/prohibition.

CONSTITUTIONAL/FIRST AMENDMENT CONCERNS

There is case law addressing what will be interpreted as an account created or used in the Council Member’s official capacity and considered a public forum created by a public official (therefore prohibiting a public official from removing an individual’s communications or removing/banning users from that account), versus what may be considered a private social media account of a public official. In *Knight First Amendment Institute v. Trump*, 8 F.3d 226 (2nd Circuit 2019), the Court found that the First Amendment does not permit a public official who utilizes a social media account for official purposes to exclude persons from an otherwise-open dialogue because they expressed views with which the official disagrees. Such persons cannot be blocked in response to views that person has expressed. The Court noted that President Trump’s account was private prior to his election, and that the account may again become private when he leaves office, but because he had used the account to communicate and interact with the public about his administration, he had converted the account to a public forum. In *Garnier v. O’Connor-Ratcliffe*, 41 F.4th 1158 (9th Circuit 2022), the Court determined that two school board

candidates, who had campaign social media accounts/pages that were later changed to reflect their positions as elected officials and were used to communicate about school district activities, could not restrict or block specific parents from those pages/accounts.

COUNCIL MEMBER USE OF CITY SOCIAL MEDIA SITES

Members of the City Council shall not engage on City social media sites to “Like,” “Share,” “Retweet” or otherwise respond to any published postings on the City social media sites. Furthermore, members of the City Council shall not use the City social media sites to blog or engage in serial meetings, to engage in communications that violate other provisions of the Brown Act, or to otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the City.

COUNCIL MEMBER USE OF INDIVIDUAL SOCIAL MEDIA SITES

Members of the City Council, as a matter of free speech, may each choose to establish their own social media sites using their personal accounts. City Council Members recognize that for any account they establish, where they communicate regarding concerning the City’s activities or their own activities as a City Council Member, it is recommended that the content and tenor of online comments and information posts model the same decorum displayed during City Council meetings. The members agree to include a statement in their public profiles, or otherwise make clear on those sites that the site is not an official City social media site, that complaints and public records requests must be provided directly to the City Clerk or specific related City department, and that any content posted on the sites by the Council Member is not the official position of the City.

In order to assist with keeping information from individual social media sites from becoming subject to disclosure and retention requirements as a public record, the following precautions are recommended: 1) post disclaimers on personal accounts that identify the account purpose and that the opinions expressed are the individual’s own; 2) limit the account content to personal use; 3) understand and use privacy settings to manage the account; 4) don’t link from your individual accounts to an official city account; and 5) don’t use city devices to maintain your individual account. Notwithstanding these recommended precautions, City Council members shall not delete posts on their accounts used to communicate about activities and issues that come within the City’s subject matter, or comments received by individuals related to any such activities or issues, in order to ensure compliance with City records retention and public records laws.

Council Communication Log

NAME: _____ PHONE: _____

ITEM: _____

Date:	Incoming From:	Outgoing To:
Notes:		
Action Item:		
Resolution:		
Date:	Incoming From:	Outgoing To:
Notes:		
Action Item:		
Resolution:		
Date:	Incoming From:	Outgoing To:
Notes:		
Action Item:		
Resolution:		