

**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
FEBRUARY 17, 2015, 5:30 P.M.**

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 54956.8 – Conference with Real Property Negotiators/Property: APN: 261-125-004. Agency Negotiator: John Lollis and Baldo Rodriguez. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.
  - 2 -** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 247-030-043. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Mary McClure. Under Negotiation: Terms and Price.
  - 3 -** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officers Association; Fire Officer Series; and Porterville City Firefighters Association.
  - 4-** Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases in which facts are not yet known to potential plaintiffs.
  - 5-** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

Pledge of Allegiance Led by Council Member Gurrola  
Invocation

**AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG): February 17, 2015
2. Local Agency Formation Committee (LAFCO): February 4, 2015

**REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission: February 5, 2015
  2. Library & Literacy Commission: February 10, 2015

3. Arts Commission:
4. Animal Control Commission:
5. Youth Commission: February 9, 2015
6. Transactions and Use Tax Oversight Committee (TUTOC): February 11, 2015

II. Staff Informational Reports

1. Water Conservation Phase II, Water System Status

**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.

**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. Minutes of June 3, 2014, and January 20, 2015**

**2. Authorization to Advertise for Bids – Sewer Annexation Area 455A (Additional Work on Westfield Avenue and Castle Avenue) Project**

Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of 559 lineal feet of 6" diameter sewer mains and 10 sewer laterals located north of Westfield Avenue within a City easement about 400 feet east of Prospect Street; and north of Westfield Avenue within a City easement about 150 feet west of State Route 65.

**3. Authorization to Advertise for Bids – Well No. 32 Project (Phase 2 – Pumping Plant)**

Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation of a 125 HP pump, electrical system, above ground discharge piping and other items of work necessary to provide a complete pumping plant, located on the north side of Tea Pot Dome Avenue, east of the Porterville Fairgrounds.

**4. Authorization to Advertise for Bids – Lime Street Water and Laurel Avenue Sewer and Water Project**

Re: Considering approval of staff's Plans and Project Manual for the project consisting of the installation water and sewer utilities on Lime Street, between Mulberry and Laurel Avenue, and sewer utilities on Laurel Avenue, between Lime Street and Second Street.

**5. Award of Contract – Miscellaneous Repair of the Downtown Parking Lots**

Re: Considering awarding a contract in the amount of \$445,217 to Bush Engineering for the project consisting of the reconstruction of portions of existing parking lots located at the northwest corner of Olive Avenue and Second Street; the southwest corner of Second Street and Mill Avenue; the northwest corner of Second Street and Putnam Avenue; and the northeast corner of Putnam Avenue and Hockett Street.

6. **Acceptance of Final Subdivision Map – Nader Homes (Mohammad Davarifar)**  
Re: Considering acceptance of Final Subdivision Map for Nader Homes, and authorizing filing of said map with the County Recorder.
7. **Final Ballot Results – Area 459 Sewer Utility District**  
Re: Considering adoption of a resolution approving the formation of Sewer Utility District No. 459.
8. **Ratification of Expenditure – Relocation of SCE Facilities for the Newcomb Street Shoulder Stabilization Project**  
Re: Considering approval of payment to SCE in the amount of \$42,927.49 for the relocation of SCE infrastructure related to the Newcomb Street Shoulder Stabilization Project.
9. **Authorization to Travel – ICSC**  
Re: Considering approval of staff travel to Las Vegas, Nevada, at a cost of \$2,400 for the purpose of attending the International Council of Shopping Centers Conference.
10. **Request for Approval to Enter Into an Agreement with Charter Fiberlink CA-CCO, LLC (“Charter”) for Point to Point Virtual WAN (Wide Area Network)**  
Re: Considering approval to enter into an agreement with Charter Fiberlink CA-CCO, LLC for point to point virtual WAN services for a term of 60 months at \$1,440 per month.
11. **Request for Approval to Repair/Replace Roof on Rental Storage Unit at the Airport**  
Re: Considering awarding contract in the amount of \$6,500 to Brand’In Crew for the reroofing of the airport rental storage unit at the Municipal Airport.
12. **Request for Proclamation – “Patriotism Week” – February 18-24, 2015**  
Re: Considering approval of a request to proclaim February 18 – 24, 2015, as “Patriotism Week.”
13. **Amendment to Employee Pay and Benefit Plan – Fire Officer Series**  
Re: Considering approval of a draft resolution amending the Employee Pay and Benefit Plan for Fire Officer Series employees.
14. **Addendum No. 3 to City Manager Employment Agreement**  
Re: Considering approval of Addendum No. 3 to the City Manager’s Employment Agreement, which changes the monthly rate of compensation to \$12,661.50.

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

#### **PUBLIC HEARINGS**

15. **Vacation of a Portion of Cleveland Avenue East of Villa Street (Sequoia Medical Center)**  
Re: Considering approval of a Resolution of Vacation, including reservations, for a portion of Cleveland Avenue from Villa Street to a point approximately 300 feet east of Villa Street.

**16. Vacation of Easement for Temporary Turnarounds Related to Nader Homes Subdivision (Nader Development, Inc.)**

Re: Considering approval of a Resolution of Vacation for the temporary turnarounds related to the development of Nader Homes Subdivision, generally located within the westerly portion of said proposed development, at the east end of Forest Avenue and Orange Avenue between Prospect Street and Cobb Street.

**17. Drainage Basin 18 – General Plan Amendment and Zone Change**

Re: Considering the approval of a resolution approving the Mitigated Negative Declaration for the Drainage Basin 18 Project; a resolution approving the General Plan Amendment to modify the land use designation from Retail Centers to Public/Institutional for the proposed basin site; and an ordinance amending the zone district from Retail Centers to Public and Semi-Public, for the project consisting of the construction of a storm drain basin south of W. North Grand Avenue and west of State Route 65.

**SCHEDULED MATTERS**

**18. Cargo Container Application – 1813 Thunderbolt Drive**

Re: Considering approval of a resolution approving a Cargo Container Permit for four cargo containers located at 1813 Thunderbolt Drive.

**19. Request for Direction Related to Potential Sign Ordinance Modifications**

Re: Consideration of signage related issues and the provision of direction with regard to possible code amendments.

**20. Assistance Options Related to Provision of Water Within County Islands**

Re: Consideration of concepts pertaining to the provision of water within County islands.

**21. Consideration of Water Rate Increase**

Re: Considering approval to schedule a Public Hearing for May 19, 2015, to consider a proposed rate increase of \$5 on a residential meter, and an 18¢ water rate increase.

**22. Governor’s Executive Order for California Disaster Assistance Act Funding, and the Provision of Water to East Porterville Residents**

Re: Consideration of a request for the continuation of water delivery service for at least 90 days; and a request to purchase potable water for at least 12 months.

**23. Selection of Nominee for Appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District**

Re: Considering approval of a resolution nominating a candidate to the Special City Selection Committee for appointment to the SJVAPC District’s Governing Board.

Adjourn the City Council Meeting to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

**SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
291 NORTH MAIN STREET, PORTERVILLE, CA 93257  
FEBRUARY 17, 2015**

Roll Call: Agency Members/Chairperson

**WRITTEN COMMUNICATIONS**

**ORAL COMMUNICATIONS**

**SUCCESSOR AGENCY SCHEDULED MATTERS**

**SA-1. Successor Agency Review and Approval of Proposed Administrative Budget**

Re: Considering adoption of a resolution approving the proposed Administrative Budget for the period of July 1, 2015, through December 31, 2015, and directing Successor Agency staff to submit said budget to the Oversight Board.

**SA-2. Review and Approval of Draft Recognized Obligation Payment Schedule (ROPS)**

Re: Considering adoption of a resolution approving the ROPS 14-15A for the period of July 1, 2015, to December 31, 2015, and directing staff to submit the ROPS 14-15A to the Oversight Board.

Adjourn the Successor Agency to the Porterville Redevelopment Agency Meeting to a Meeting of the Porterville City Council.

**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 March 3, 2015.

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](http://www.ci.porterville.ca.us).

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

SOURCE: Public Works Department - Field Services Division

COMMENT: Phase II water conservation efforts for 2014 began in March. Actions were prompted by the governor on January 17, 2014, proclaiming a State of Emergency and asking all Californians to reduce water consumption by 20% and referring residents and water agencies to the Save Our Water campaign. Staff has responded by early implementation of our media campaign with newspaper, radio messages and website information.

An emergency regulation to increase conservation practices for all Californians became effective July 29, 2014. The new conservation regulation targets outdoor urban water use. This regulation establishes the minimum level of activity that residents, businesses and water suppliers must meet as the drought deepens and will be in effect through May 1, 2015, unless extended or repealed.

The water system has been impacted from the lack of rain the last three years despite recent storms. Water production for the calendar year to date, January 2015, is a decrease of 4% on the 5-year average and a 14% decrease from 2014. As part of the emergency regulation, the City is required to report monthly water production data. The production for the month of January 2015 was 196 million gallons, residential consumption for the same month was 78 gallons per person per day (GPCD). See table below comparing surrounding Cities for the month of November 2014.

November 2014	GPCD
California Water Visalia	97
City of Porterville	103
City of Tulare	145
City of Hanford	183

Staff will continue to monitor ground water levels and production, and will inform Council if conditions change requiring Council action.

RECOMMENDATION: Informational Item.

ATTACHMENT: Drought Response Phase II Flyer  
Production Graph

P:\pubworks\General\Council\Water Conservation Phase II Water System Status - 2015-02-17.doc

Dir BSA Appropriated/Funded 4/9 CM [Signature]

Report No. II.1



## Drought Response Phase II At-a-Glance

- **Mandatory Odd/Even Watering Schedule**, based on address. Residents will be allowed three days a week to water lawns and landscapes. No watering allowed on Mondays.
- Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.
- Excessive water runoff is prohibited.
- The washing of sidewalks and driveways is prohibited.
- Vehicles shall only be washed on designated watering days and with a hose equipped with a shut-off nozzle.
- The operation of ornamental water features is prohibited unless the fountain uses a recycling system.
- Non-compliance with Phase II water conservation regulations could result in citations up to \$500.

# DROUGHT RESPONSE PHASE II

The City of Porterville has adopted a Phase II Drought Response Plan. As part of the Phase II plan, the City has restricted watering days to three days per week, based on address.

### Mandatory Odd/Even Watering Schedule

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER
—	ODD	EVEN	ODD	EVEN	ODD	EVEN

Odd Address  Even Address

#### ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, Your watering days are Tuesday, Thursday, and Saturday.

**OR**

#### EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, Your watering days are Wednesday, Friday, and Sunday.

Citation Level	Citation Amount
First Notice	Warning Only
First Citation	\$100 Fine
Second Citation	\$200 Fine
Third Citation	\$500 Fine

### Mandatory Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

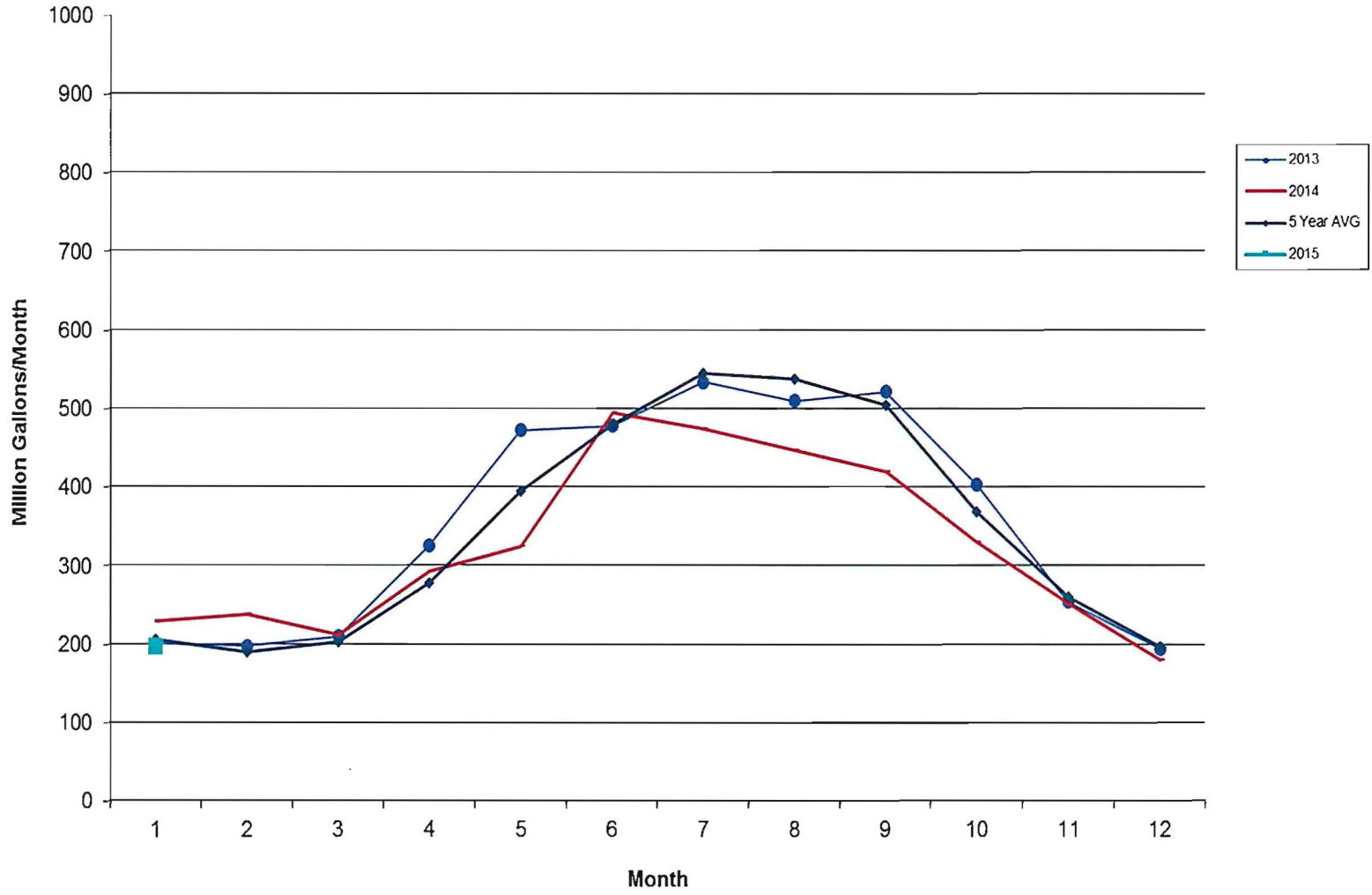
Ornamental water features are prohibited unless the fountain uses a recycling system

**WATERING PROHIBITED BETWEEN THE HOURS OF**

5:00 – 10:00 AM  
5:00 – 10:00 PM

**THERE IS NO WATERING ON MONDAYS**

Monthly Production Status  
2014 Comparison to 2013 & 5 Year Average  
2015 Production



**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET AND  
657 VILLAGE GREEN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 3, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Gurrola, Council Member Shelton, Vice Mayor Ward, Mayor Hamilton  
Absent: Council Member McCracken

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
291 N. MAIN STREET AND 657 VILLAGE GREEN STREET,  
PORTERVILLE, CA**

Roll Call: Agency Member Gurrola, Agency Member Shelton, Vice Chair Ward, Chair Hamilton  
Absent: Agency Member McCracken

**ORAL COMMUNICATIONS**

None

**JOINT CITY COUNCIL/AGENCY CLOSED SESSION:**

- A. Closed Session Pursuant to:  
1- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

**CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:  
1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and R & B Resources, Inc. Under Negotiation: Terms and Price.  
2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.  
3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.  
4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Julia Lew. Employment Contract: Title: City Manager.

5- Government Code Section 54956.95 – Liability Claim: Claimant: Aurora Gutierrez. Agency claimed against: City of Porterville.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported the following actions:

B-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 302-110-076. AGENCY NEGOTIATOR: JOHN LOLLIS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND R & B RESOURCES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

**COUNCIL ACTION:** On a MOTION by Mayor Hamilton, SECONDED by Vice Mayor Ward, the Council approved the purchase of property for the amount of \$20,000, and authorized the signing of all necessary documentation.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: Resolution No. 30-2014  
Disposition: Approved.

B-5. GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: AURORA GUTIERREZ. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

**COUNCIL ACTION:** On a MOTION by Council Member Gurrola, SECONDED by Mayor Hamilton, the Council rejected the claim filed by Aurora Gutierrez.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 01-060314  
Disposition: Approved.

Pledge of Allegiance Led by Council Member Virginia Gurrola  
Invocation – A moment of silence was observed.

**PRESENTATIONS**

Outstanding Business – Walmart Distribution Center  
Employee Service Awards – Jenni Byers, David Smith, and Michelle Bascom  
Chamber of Commerce Annual Report

The Council took a five-minute recess at 7:11 p.m.

Mayor Hamilton recognized the candidates for City Council and County Board of Supervisors who were in attendance.

### **PROCLAMATIONS**

Olympic Day – June 3, 2014

### **AB 1234 REPORTS**

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

1. Tulare County Economic Development Corporation (TCEDC) – May 28, 2014  
Mayor Hamilton reported that neither he nor City Manager Lollis attended the May 28<sup>th</sup> meeting, which was cancelled due to lack of a quorum.

### **REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission (Summer Hiatus): no report.
  2. Library & Leisure Services Commission (Summer Hiatus): no report.
  3. Arts Commission: no report.
  4. Youth Commission (Summer Hiatus): no report.
  5. Transactions and Use Tax Oversight Committee (TUTOC)  
Member Fletcher invited the public to the next meeting on August 7, 2014; spoke of the Public Safety Station project; and described the agenda for the next meeting.
- II. Staff Informational Reports
  1. Building Permit Activity – April 2014  
Council Member Shelton inquired about the number of residential and commercial building permits issued in the past year.
  2. Award of Consultant Agreement – Analysis of Edison Street Light Purchase Program  
Council Member Gurrola inquired as to whether the City or Southern California Edison would be responsible for the maintenance of the street lights.
  3. Vacancy on Transactions and Use Tax (Measure H) Oversight Committee

### **ORAL COMMUNICATIONS**

- Larry Long, 192 W. School Ave., expressed concern with the road conditions on North Main Street; and spoke of the expense of auto repairs for damage caused by poor road conditions.
- Ana Weimer, 179 E. Vandalia Ave., spoke of residents on Vandalia who were without water, and inquired as to how the City can help.

Public Works Director Baldo Rodriguez disclosed recent communication received from the California Department of Public Health, which indicated that state grant funding may be available to assist residents in the area of Vandalia Avenue with the water crisis.

### **CONSENT CALENDAR**

Items 2 and 8 were removed for further discussion. Council Member Shelton indicated that he would be abstaining from Item Nos. 2, 13 and 14 due to conflicts of interest.

1. CITY COUNCIL MINUTES OF NOVEMBER 5, 2013, NOVEMBER 19, 2013, AND MAY 27, 2014

Recommendation: That the City Council approve the draft Minutes of November 5, 2013, November 19, 2013, and May 27, 2014.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 02-060314

Disposition: Approved.

3. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS AND ELECTRICAL SERVICE FOR THE PUBLIC SAFETY BUILDING PROJECT

Recommendation: That the City Council:

1. Approve the SCE invoice for supplying new electrical service to the Public Safety Building and issue a \$4,888.68 payment;
2. Approve the SCE invoice for relocating existing utility poles and issue a \$32,075.39 payment;
3. Approve the SCE invoice for installing new street lights and issue a \$9,744.71 payment; and
4. Authorize the City Engineer to sign the applicable SCE contracts and/or agreement.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 03-060314

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS FOR AIRPORT ENGINEERING SERVICES

Recommendation: That the City Council:

1. Authorize staff to advertise for Statement of Qualifications; and
2. Direct staff to present the results of the Statement of Qualifications for Council's direction related to the award of a professional services contract.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 04-060314  
Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSAL (RFP) FOR CONSULTING SERVICES TO UPDATE THE HOUSING ELEMENT

Recommendation: That the City Council authorize staff to distribute a Request for Proposal for Consulting Services to update the City of Porterville's Housing Element.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 05-060314  
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – ANNEXATION SEWER PROJECT (AREA 455A)

Recommendation: That the City Council:  
1. Accept the project as complete;  
2. Authorize the filing of the Notice of Completion; and  
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 06-060314  
Disposition: Approved.

7. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND PACIFIC BELL TELEPHONE COMPANY

Recommendation: That the City Council:  
1. Accept AT&T's request to have the City convey an easement for the installation and maintenance of aboveground and underground electrical and communication facilities;  
2. Accept AT&T's \$4,000 easement compensation;  
3. Authorize the Mayor and City Clerk to sign the Grant of Easement; and  
4. Authorize the City Clerk to mail the signed Grant of Easement to AT&T for recordation.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None

ABSTAIN: None  
ABSENT: McCracken

Documentation: Resolution 31-2014  
Disposition: Approved.

9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:  
1. Authorize the filing of the grant application;  
2. Authorize the City Manager to sign all necessary documents as they pertain to the grant; and  
3. Authorize a budget adjustment upon receipt of funds.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: Resolution 32-2014  
Disposition: Approved.

10. FIRST FIVE GRANT AWARD

Recommendation: That the City Council approve acceptance of the First 5 grant and authorize use of matching funds to purchase the specified playground equipment.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 07-060314  
Disposition: Approved.

11. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 39

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Ben Favrholt for Lot 39 at the Porterville Municipal Airport.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 08-060314  
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH –  
CHURCH COMMUNITY OUTREACH – JUNE 28, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 09-060314  
Disposition: Approved.

13. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

AYES: Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: Shelton  
ABSENT: McCracken

Documentation: M.O. 10-060314  
Disposition: Approved.

14. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the Council:  
1. Receive the status report and review of the designated local emergency; and  
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: Shelton  
ABSENT: McCracken

Documentation: M.O. 11-060314  
Disposition: Approved.

**PUBLIC HEARINGS**

15. AMENDMENT TO CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING A HOME-GENERATED SHARPS DISPOSAL PROGRAM

Recommendation: That the City Council:  
1. Approve the proposed Ordinance Amendment;  
2. Give first reading to the Ordinance Amending Chapter 13, Section 13-23, in the City Code; and  
3. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and presented the staff report. The public hearing was opened at 7:38 p.m.

- Russell Fletcher, Porterville, spoke of the different types of sharps and in support of the proposed disposal program.

The public hearing was closed at 7:40 p.m.

Council Member Gurrola and Vice Mayor Ward spoke in support of the ordinance and of the need in the community.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council approve and give first reading to the ordinance, being AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING SECTION 13-23 ESTABLISHING A HOME-GENERATED SHARPS WASTE MANAGEMENT PROGRAM, waive further reading and order the ordinance to print.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

The Ordinance was read by title only.

Documentation: Ordinance No. 1814  
Disposition: Approved.

**SECOND READINGS**

16. SECOND READING – ORDINANCE 1810, MODIFYING ORDINANCE 1796, RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z

Recommendation: That the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

The Ordinance was read by title only.

Documentation: Ordinance No. 1810  
Disposition: Approved.

17. SECOND READING – ORDINANCE 1811, AMENDING CHAPTER 7, ARTICLE XV, SECTION 17-15, CONCERNING PRIMA FACIE SPEED LIMITS

Recommendation: That the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

The Ordinance was read by title only.

Documentation: Ordinance No. 1811  
Disposition: Approved.

18. SECOND READING – ORDINANCE 1812, ESTABLISHING AN ANIMAL CONTROL COMMISSION

Recommendation: That the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII – ANIMAL CONTROL COMMISSION TO CHAPTER 5 OF THE PORTERVILLE MUNICIPAL CODE.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

The Ordinance was read by title only.

Documentation: Ordinance No. 1812  
Disposition: Approved.

19. SECOND READING – ORDINANCE 1813, ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION

Recommendation: That the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

The Ordinance was read by title only.

Documentation: Ordinance No. 1813  
Disposition: Approved.

**SCHEDULED MATTERS**

20. CONSIDERATION OF FY 2014/2015 PROPOSED BUDGET AND SETTING DATE OF PUBLIC HEARING

Recommendation: The City Manager recommends that the City Council consider the proposed 2014-2015 Fiscal Year Budget, include any modifications so directed by the Council, and schedule a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council set a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 12-060314  
Disposition: Approved.

Council Member Shelton indicated that he had a conflict of interest relative to Item No. 21, and he left the dais for the discussion and vote.

21. ANNUAL REVIEW AND REQUEST TO EXTEND TEMPORARY USE PERMIT FOR STORAGE AND CONSIGNMENT OF EQUIPMENT AT 952 WEST NORTH GRAND AVENUE

Recommendation: That the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

City Manager Lollis introduced the item, and Interim Community Development Director Jenni Byers presented the staff report.

Council Member Gurrola expressed satisfaction with the property owner's compliance with City regulations, and Mayor Hamilton inquired about the mobile home located on the property.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

AYES: Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: Shelton

ABSENT: McCracken

Documentation: Resolution No. 33-2014  
Disposition: Approved.

Council Member Shelton returned to the dais for consideration of Item No. 22.

22. REQUEST FOR WATER SERVICES IN VARIOUS MANNERS

Recommendation: That the City Council:  
1. Address the four issues addressed in staff's report; and  
2. Provide direction to staff on how to proceed on each of the three issues.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Mr. Rodriguez explained various regulations of the City and the Local Agency Formation Committee (LAFCo) relating to the provision of water services beyond City limits.

**Issue #1: Provision of water for commercial use outside Urban Development Boundary:** Council Member Shelton spoke in favor of approval, while Vice Mayor Ward and Mayor Hamilton stated their desire to wait for LAFCo's decision on the extension of the UDB. Council Member Gurrola expressed concern for the precedent that would be set by the Council, and inquired about the strain that would be placed on the City's water system if commercial connections were allowed.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the provision of water for commercial use to 814 E. Date Avenue, contingent upon LAFCo authorization for an extension of the Urban Development Boundary and the property owner's consent to annex.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 13-060314  
Disposition: Approved, with contingencies.

**Issue #2: Connection of water to a mobile home park within the City, and associated connection fees:** The Council discussed the property owner's pending grant application with the California Department of Public Health, which may be able to pay for all connection fees. The Council directed that this issue be brought back in three months after the status of the CDPH grant application is confirmed.

Disposition: Direction given.

**Issue #3: Proposed water system on East Vandalia, west of Plano Street:** The Council discussed various options concerning the proposed water system, noting that the best financing solution would be the formation of a water utility district. The Council directed that staff continue to analyze the

possible district formation and return to Council for consideration.

Disposition: Direction given.

**Issue #4: Water delivery station requested by Council Member Shelton:** Mayor Hamilton expressed concern for “privateers” who may attempt to profit from City-provided water. The Council discussed possible water delivery methods and rates, and directed that staff continue researching options to bring back for Council consideration.

Disposition: Direction given.

**CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)**

**2. AUTHORIZATION FOR PURCHASE OF LIBRARY FURNITURE**

Recommendation: That the City Council authorize staff to move forward with negotiations for acquisition and installation of materials with CalBennetts for the Local History Room area.

City Manager Lollis introduced the item. The Council stated their desire to appropriate the requested funds, but to postpone the expenditure until the library remodel project moved forward.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the appropriation of funds for the purchase of library furniture, but bring the item back to the Council for consideration prior to expenditure.

AYES: Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: Shelton  
ABSENT: McCracken

Documentation: M.O. 14-060314

Disposition: Approved.

**8. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR AN INSPECTOR OF RECORD FOR THE PUBLIC SAFETY BUILDING AND THE ANIMAL SHELTER PROJECTS**

Recommendation: That the City Council:  
1. Authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum; and  
2. Authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez addressed Vice Mayor Ward’s questions regarding the cost of the Consultant Service Agreement. City Attorney Lew requested that the Council allow final review and approval of the contract terms by the City Attorney before initiating the contract.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward, that the City Council authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum and authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum, contingent upon final review and approval by the City Attorney.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: None  
ABSENT: McCracken

Documentation: M.O. 15-060314  
Disposition: Approved.

**ORAL COMMUNICATIONS**

None.

**OTHER MATTERS**

- Council Member Gurrola lauded the performance of the string orchestra in Centennial Park.
- Council Member Shelton reminisced about serving on the Council, and announced the upcoming Flag Day.
- Vice Mayor Ward thanked Parks & Leisure Services staff for their efforts during the summer months, and recommended that the City include promotional materials for City services in packets for new residents.
- Mayor Hamilton congratulated all candidates in the election.
- City Attorney Lew announced the first report of election results from the County Registrar’s website.

**ADJOURNMENT**

The Council adjourned at 8:54 p.m. to the meeting of June 17, 2014.

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Luisa M. Zavala, Deputy City Clerk

SEAL

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Cameron J. Hamilton, Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JANUARY 20, 2015, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived at 5:48 p.m.), Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 262-150-001. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Rafael Aguilo. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officers Association; Fire Officer Series; and Porterville City Firefighters Association.

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

4- Government Code Section 54956.95 – Liability Claim: Claimant: Anna Carazos. Agency claimed against: City of Porterville.

5- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee – City Manager

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

The following action as reported by the City Attorney:

3- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: MONICA WALLACE. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

**COUNCIL ACTION:** On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Gurrola, the Council rejected the claim filed by Monica Wallace.

AYES: Reyes, Gurrola, Hamilton, Stowe  
NOES: None  
ABSTAIN: Ward  
ABSENT: None

Documentation: M.O. 01-012015

Disposition: Approved.

**4- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT:  
ANNA CARAZOS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.**

**COUNCIL ACTION:** On a MOTION by Council Member Gurrola, SECONDED by Mayor Stowe, the Council rejected the claim filed by Anna Carazos. The motion carried unanimously.

Documentation: M.O. 02-012015

Disposition: Approved.

Pledge of Allegiance Led by Council Member Ward

Invocation – one individual participated.

**PRESENTATIONS**

Employee of the Month – Eric Orong

**AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG): January 20, 2015  
Council Member Gurrola reported on discussion pertaining to Cap & Trade funds and amending priorities for utilization of CMAQ funds; and announced a vacancy on the Board for an at-large member.
2. Tulare County Economic Development Corp. (TCEDC): December 17, 2014  
Council Member Reyes reported on the formation of an investment committee.

**REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission: January 8, 2015 – no report.
  2. Library & Literacy Commission: January 15, 2015  
Vice Chair Allan Bailey reported on year-round programs, special events and seasonal activities offered at the library.
  3. Arts Commission: No meeting held due to lack of a quorum.
  4. Animal Control Commission: January 5, 2015 and January 19, 2015  
Commissioner Schwartzenberger provided an update of the last meeting, provided a handout and reported increased public attendance at their last meeting. Chair Guinn spoke of the commission's request to form a 501(c) 3 organization to work with Porterville Animal Control, and addressed questions from Council Member Ward.
  5. Youth Commission: January 12, 2015 – no report.
  6. Transactions and Use Tax Oversight Committee (TUTOC): January 14, 2015  
Chair Fletcher provided an update of the last meeting, specifically the committee's

review of Resolution 24-2006, and reported that the next meeting would be on February 11<sup>th</sup>.

II. Staff Informational Reports

1. Water Conservation Phase II, Water System Status
2. Building Permit Activity – September, October, November and December, 2014

**ORAL COMMUNICATIONS**

- Russell Fletcher, predicted that the Council would upset at least one person this year.
- Brock Neeley, inquired about the development project on Newcomb Street and Henderson Avenue, stating that the buildings appeared to be residential not commercial.
- Kathy Guinn, thanked the Council for her appointment to the Animal Control Commission and indicated that more information regarding the formation of a 501(c)3 would be forthcoming.

**CONSENT CALENDAR**

Item Nos. 13 and 16 were pulled for further discussion. City Attorney Lew noted conflicts of interest for Council Member Ward (Item No. 11), and Council Member Gurrola (Item No. 12) pertaining to property ownership and advised that they abstain from voting on those items.

City Manager Lollis spoke of an inconsistency with regard to Item 14. The staff report recommended a public hearing date of February 16, 2015. The correct date, as noticed on the agenda, was February 17, 2015.

**COUNCIL ACTION:**      MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 12, 14 and 15, and 17 through 22, noting the aforementioned abstentions. The motion carried unanimously.

1.      MINUTES OF MAY 6, 2014, AND DECEMBER 16, 2014

Recommendation:      That the City Council approve the Minutes of May 6, 2014, and December 16, 2014.

Documentation:      M.O. 03-012015

Disposition:      Approved.

2.      REQUEST TO PURCHASE UPGRADE TO PORTERVILLE POLICE DEPARTMENT AUDIO LOGGER SYSTEM

Recommendation:      That the City Council authorize the purchase from Digital Loggers, Inc., of equipment, software, licenses, and labor necessary to upgrade the Police Department recording system as recommended in the amount of \$13,081.55.

Documentation: M.O. 04-012015

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE PASSENGER INFORMATION EQUIPMENT

Recommendation: That the City Council authorize staff to purchase passenger information equipment from SHI and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 05-012015

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – WASHER/COMPACTOR PROJECT

Recommendation: That the City Council:

1. Approve the plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 06-012015

Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS – SLUDGE DEWATERING AND ELECTRIC BLOWERS PROJECT

Recommendation: That the City Council:

1. Approve the plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 07-012015

Disposition: Approved.

6. APPROVAL TO CONTRACT WITH TOTAL COMPENSATION SYSTEMS, INC. FOR GASB 45 – OPEB ACTUARIAL VALUATION SERVICES

Recommendation: That the City Council:

1. Authorize the Finance Director to enter into an agreement with Total Compensation Systems, Inc. for GASB 45 – OPEB actuarial valuation services for \$5,600 for current fiscal year;
2. Authorize the Finance Director to negotiate future contracts with TCS for GASB 45 – OPEB actuarial valuation services for a fee not exceeding a 10% increase from the previous agreement.

Documentation: M.O. 08-012015  
Disposition: Approved.

7. AWARD OF CONTRACT – TOMAH AVENUE STORM DRAIN PROJECT

Recommendation: That the City Council:

1. Award the Tomah Avenue Storm Drain Project to Greg Bartlett Construction in the amount of \$57,000;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 20% construction contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection services; and
4. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 09-012015  
Disposition: Approved.

8. ACCEPTANCE OF PROJECT – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provide no stop notices have been filed.

Documentation: M.O. 10-012015  
Disposition: Approved.

9. AUTHORIZATION TO CANCEL DESIGN SERVICE NEGOTIATIONS FOR TRANSIT WEBSITE DEVELOPMENT

Recommendation: That the City Council:

1. Cancel design service negotiations with all firms; and
2. Authorize the City GIS Division staff to assist in the design of the Transit website.

Documentation: M.O. 11-012015  
Disposition: Approved.

10. AUTHORIZE PARKS AND LEISURE SERVICES DIRECTOR TO APPLY FOR LAND AND WATER CONSERVATION FUND GRANT

Recommendation: That the City Council:  
1. Authorize the Parks and Leisure Services Director to proceed with the grant process; and  
2. Adopt the draft resolution.

Documentation: Resolution No. 01-2015

Disposition: Approved.

## 11. HOUSING-RELATED PARKS PROGRAM

Recommendation: That the City Council:  
1. Approve using grant funding for project described above for the Housing-Related Parks Program, as approved and submitted by the Parks and Leisure Commission;  
2. Authorize the grant application submittal to the Department of Housing and Community Development for the Housing-Related Parks Program;  
3. Approve the draft resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Housing-Related Parks Program grant from the State of California; and  
4. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents, and the Community Development Director to sign all drawdown requests and other administrative documents required for the Housing-Related Parks Program.

AYES: Reyes, Gurrola, Hamilton, Stowe  
NOES: None  
ABSTAIN: Ward  
ABSENT: None

Documentation: Resolution No. 02-2015

Disposition: Approved.

## 12. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 459

Recommendation: That the City Council:  
1. Set a Public Hearing for February 3, 2015, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 459;  
2. Approve the Engineer's Report for Sewer Utility District 459;  
3. Authorize staff to notify all affected property owners of the Public Hearing, via regular mail, including the sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

AYES: Reyes, Ward, Hamilton, Stowe  
NOES: None  
ABSTAIN: Gurrola  
ABSENT: None

Documentation: Resolution Nos. 10-2015 and 11-2015  
Disposition: Approved.

14. INTENT TO VACATE EASEMENT FOR TEMPORARY TURNAROUNDS RELATED TO THE DEVELOPMENT OF NADER HOMES SUBDIVISION (NADER DEVELOPMENT, INC.)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate Easement dedicated to the City of Porterville by document number 95-053277 recorded August 17, 1995, in the Office of the Tulare County Recorder; and
2. Set the Council meeting of February 17, 2015, as the time and place for a public hearing.

Documentation: Resolution No. 03-2015  
Disposition: Approved.

15. INTENT TO VACATE A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET (SEQUOIA MEDICAL CENTER)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate a portion of Cleveland Avenue east of Villa Street; and
2. Set the Council meeting of February 17, 2015, as the time and place for a public hearing.

Documentation: Resolution No. 04-2015  
Disposition: Approved.

17. RESCIND RESOLUTION 61-2014 AND ADOPT A REVISED RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS WITH THE UNION PACIFIC RAILROAD COMPANY

Recommendation: That the City Council:

1. Adopt a draft resolution to rescind Resolution No. 61-2014; and
2. Adopt the new draft resolution.

Documentation: Resolution Nos. 05-2015 and 06-2015

Disposition: Approved.

18. RATIFICATION OF EMERGENCY EXPENDITURES – REPAIR OF CITY WELL #16 AND AIRPORT WELL #1

Recommendation: That the City Council:

1. Ratify that the emergency repair of City Well #16 and Airport Well #1 were necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$97,000; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoices approved by the Public Works Director.

Documentation: M.O. 12-012015

Disposition: Approved.

19. MODIFICATION TO LOAN AGREEMENT AND AMENDMENT TO LICENSE AND DEVELOPMENT AGREEMENT WITH THE TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR

Recommendation: That the City Council approve the modification of the Construction Loan Agreement, and authorize the Mayor to sign all necessary documents.

Documentation: M.O. 13-012015

Disposition: Approved.

20. 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, 2014.

Documentation: M.O. 14-012015

Disposition: Approved.

21. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF STRATHMORE – LOVE OUR KIDS 5K FUN RUN – FEBRUARY 14, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club of Strathmore, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 15-012015  
Disposition: Approved.

22. LEGAL SERVICES AGREEMENT

Recommendation: That the City Council:  
1. Approve the Legal Services Agreement; and  
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

Documentation: M.O. 16-012015  
Disposition: Approved.

**SCHEDULED MATTERS**

23. CONSIDERATION OF COUNCIL MEMBER APPOINTMENT TO SERVE AS ALTERNATE ON TCAG BOARD

Recommendation: That the City Council appoint a member of the Council to serve as Alternate on the TCAG Board.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council appoint Mayor Stowe to serve as Alternate.

AYES: Reyes, Ward, Gurrola, Hamilton  
NOES: Stowe  
ABSTAIN: None  
ABSENT: None

Documentation: M.O. 17-012015  
Disposition: Approved.

**CONSENT CALENDAR**

13. CARGO CONTAINER PERMIT – 474 SOUTH MAIN STREET

Recommendation: That the City Council adopt the draft resolution to approve a Cargo Container Permit to allow for the placement of five cargo containers at 474 S. Main Street.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the permit request, specifically the cargo container within public view, the number of containers, and the request to waive fees.

Staff referenced a letter submitted by the applicant in which he indicated that documentation needed to grandfather the five containers may have been lost. A discussion then ensued regarding the screening of cargo containers from public view, and whether the painting of a container to match an adjacent building was sufficient in that regard. The Council spoke of current conditions for approval, standards and setting precedence.

The Council considered Item No. 16 prior to taking action on Item No. 13.

#### 16. IMPLEMENTATION OF CARGO CONTAINER REGULATIONS

Recommendation: That the City Council approve the revised resolution as verbally amended at the meeting of December 16, 2014.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

The Council discussed commercial versus industrial uses, and use of cargo containers to increase storage without expansion.

Following the discussion, City Attorney Lew suggested amending the fourth bullet point under Condition 7 to read, "...or public streets; or in the case of containers located within industrial zoned properties, the cargo/shipping containers may be camouflaged as determined appropriate by the City Council;" and for those instances where there are less than three containers present similar language would be used but to be determined appropriate by the Zoning Administrator. She added that the wording would need to be amended accordingly wherever visibility of cargo containers was addressed in the draft resolution.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the draft resolution as amended by the City Attorney. The motion carried unanimously.

Documentation: Resolution No. 08-2015; and Resolution No. 09-2015

Disposition: Approved, as amended.

#### 13. CARGO CONTAINER PERMIT – 474 SOUTH MAIN STREET

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve the draft resolution, as amended to strike Condition No. 5 from the draft resolution; and require that the cargo container currently in public view shall be moved to a location to be approved by the Zoning Administrator. The motion carried unanimously.

Documentation: Resolution No. 7-2015

Disposition: Approved, as amended.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Vice Mayor Hamilton reported his attendance at the SETCO turkey shoot fundraiser event on January 17<sup>th</sup>. He indicated that it was well attended and spoke of the community's support for local veterans.
- Council Member Ward requested that the Mayor and Vice Mayor deliver a letter of congratulations to the recently elected Tribal Council.
- Council Member Gurrola noted that SETCO was still collecting donations, and encouraged those who had not yet visited the Elders Center to do so, as it was very well done.
- Council Member Reyes stated that the Council likely upset at least one individual in its consideration of cargo containers; and added that he was looking forward to a good year.
- City Manager Lollis announced the upcoming Goal Setting Session on January 27<sup>th</sup> and Project Homeless Connect on January 29<sup>th</sup>.
- Mayor Stowe thanked everyone for their attendance.

**CLOSED SESSION**

None

**ADJOURNMENT**

The Council adjourned at 7:45 p.m. to the meeting of January 27, 2015, at 6:00 p.m.

SEAL

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Luisa M. Zavala, Deputy City Clerk

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Milt Stowe, Mayor

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – SEWER ANNEXATION AREA 455A (ADDITIONAL WORK ON WESTFIELD AVENUE AND CASTLE AVENUE) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: City staff has completed the preparation of construction plans and specifications (i.e. Project Manual) for Sewer Annexation Area 455A (additional work on Westfield Avenue and Castle Avenue) Project. The proposed project is additional areas within Annexation Area 455A Sewer Project, the second area to receive new sewer infrastructure. Since the completion of this sewer assessment district, property owners have agreed to dedicate easements to the City for installing sewer infrastructure to their landlocked properties. There are two locations within Area 455A and the general locations are:

1. North of Westfield Avenue within a City easement about 400 feet east of Prospect Street; and
2. North of Westfield Avenue within a City easement about 150 feet west of State Route 65.

The proposed project includes 559 lineal feet of 6" diameter sewer mains and 10 sewer laterals. The Plans and Project Manual have been completed and are available in the Pete V. McCracken Conference Room for Council's review.

The Engineer's estimate of probable cost for construction is \$125,520. An additional \$12,552 is necessary for construction contingency (10%). It is anticipated that an additional \$10,041 is required for construction management, construction surveying, quality control and inspection services (8%) for a total estimated project cost of \$148,113.

Funding for this project was not a component of the FY 2014/2015 Annual Budget. However, funds are available via the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds. Staff respectfully requests that City Council appropriate \$148,113 from the Sewer Revenue Bonds (COP) to fund the project.

RECOMMENDATION: That City Council:

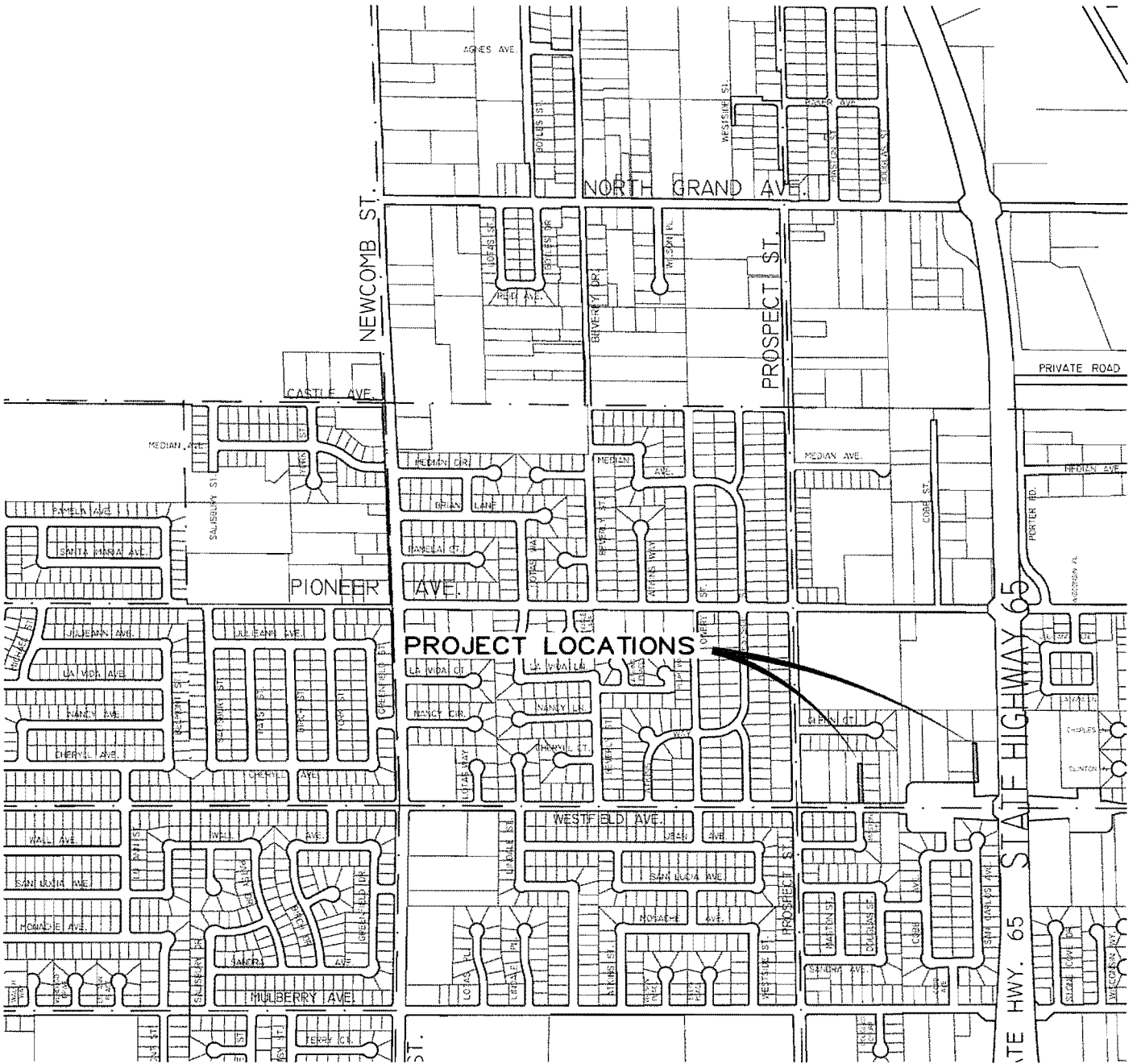
1. Approve staff's recommended Plans and Project Manual;

Dir *AKC*  
*ARND* Appropriated/Funded *MP* CM *[Signature]*

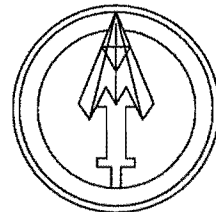
Item No. 2

2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$148,113 from the Sewer Revenue Bonds (COP) to fund this project.

ATTACHMENTS: Locator Map  
Engineer's Estimate



# LOCATOR MAP



NORTH  
NO SCALE

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

**SEWER ANNEXATION 455A**  
**WESTFIELD ADDITIONAL**  
**SANITARY SEWER PROJECT**  
**CITY OF PORTERVILLE**

**BASE BID PART A: WESTFIELD FREYR EASEMENT**

ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE (in figures)	AMOUNT (in figures)
A1.	1	LS	Mobilization, Demobilization, and Cleanup	\$ 10,000.00	\$ 10,000.00
A2.	1	LS	Furnish Utility Locating	\$ 5,000.00	\$ 5,000.00
A3.	1	LS	Prepare and Implement a Traffic Control Plan	\$ 5,000.00	\$ 5,000.00
A4.	298	LF	Furnish and Install 6" SDR 35 PVC Sewer Main Pipe	\$ 60.00	\$ 17,880.00
A5.	1	EA	Furnish and Install Cleanout	\$ 800.00	\$ 800.00
A6.	1	EA	Connect to Existing Manhole	\$ 2,500.00	\$ 2,500.00
A7.	5	EA	Furnish and install Westfield Avenue 4" Sewer Lateral on New Sewer Main	\$ 1,500.00	\$ 7,500.00
A8.	303	LF	Furnish AC Pavement Saw Cutting and Removal	\$ 5.00	\$ 1,515.00
A9.	303	LF	Furnish and Install AC Pavement and Aggregate Base for Trench Patch	\$ 35.00	\$ 10,605.00
A10.	1	LS	Furnish and Install Sheeting and Shoring	\$ 2,500.00	\$ 2,500.00
A11.	1	LS	Perform Acceptance Testing	\$ 5,000.00	\$ 5,000.00
<b>TOTAL BID PART A (Figures)</b>					<b>\$ 68,300.00</b>

**BASE BID PART B: WESTFIELD AVENUE EASEMENT**

ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE (in figures)	AMOUNT (in figures)
B1.	1	LS	Mobilization, Demobilization, and Cleanup	\$ 10,000.00	\$ 10,000.00
B2.	1	LS	Furnish Utility Locating	\$ 5,000.00	\$ 5,000.00
B3.	1	LS	Prepare and Implement Traffic Control Plan	\$ 5,000.00	\$ 5,000.00
B4.	261	LF	Furnish and Install 6" SDR 35 PVC Sewer Main Pipe	\$ 40.00	\$ 10,440.00
B5.	5	EA	Furnish and install Westfield Avenue 4" Sewer Lateral on New Sewer Main	\$ 1,500.00	\$ 7,500.00
B6.	1	EA	Connect & join to stub	\$ 500.00	\$ 500.00
B7.	1	EA	Furnish and Install Cleanout	\$ 800.00	\$ 800.00
B8.	262	LF	Furnish AC Pavement Saw Cutting and Removal	\$ 5.00	\$ 1,310.00
B9.	262	LF	Furnish and Install AC Pavement and Aggregate Base for Trench Patch	\$ 35.00	\$ 9,170.00
B10.	1	LS	Furnish and Install Sheeting and Shoring	\$ 2,500.00	\$ 2,500.00
B11.	1	LS	Perform Acceptance Testing	\$ 5,000.00	\$ 5,000.00
<b>TOTAL BID PART B (Figures)</b>					<b>\$ 57,220.00</b>

Engineer's Estimate Total	\$	125,520.00
10% Construction Contingency	\$	12,552.00
5% Staff Time & Testing	\$	6,276.00
<b>Total Project Cost</b>	<b>\$</b>	<b>144,348.00</b>

*Vicente Santamaria* \_\_\_\_\_ 2/10/2015  
 Project Manager Date

*Michael K. Reed* \_\_\_\_\_ 2/10/2015  
 Michael K. Reed, Deputy Public Works Director/City Engineer Date

*Baldomero Rodriguez* \_\_\_\_\_ 2/10/15  
 Baldomero Rodriguez, Public Works Director Date

*John D. Loblis* \_\_\_\_\_ 2/11/15  
 John D. Loblis, City Manager Date



COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 32 PROJECT  
(PHASE 2 – PUMPING PLANT)

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Well No. 32 Project (Phase 2- Pumping Plant). The well is located on the north side of Tea Pot Dome Avenue, east of the Porterville Fairgrounds. This is the **second phase** of the well project and consists of the installation of a 125 HP pump, electrical system, above ground discharge piping and other items of work necessary to provide a complete pumping plant.

The well is located on City-owned property and is part of the City's on-going municipal water well program that is consistent with City Council's adopted 2001 Water Master Plan. The new municipal water well will be an asset to the Central Pressure Zone where all the major storage facilities are located. The Plans and Project Manual are available for review in the Pete V. McCracken Conference Room for Council's Review.

The City's consultant, Dee Jaspar & Associates, has prepared an Estimate of Probable Cost and the amount is \$690,500. An additional \$69,050 is necessary for construction contingency (10%). It is anticipated that an additional \$55,240 is required for construction management, quality control, construction surveying and inspection services (8%), for a total of \$814,790.

Funding is provided by a California Infrastructure and Economic Bank (CIEDB) loan and was approved in the 2014/2015 Annual Budget. The Engineer's Estimate is attached for review.

RECOMMENDATION: That the City Council:

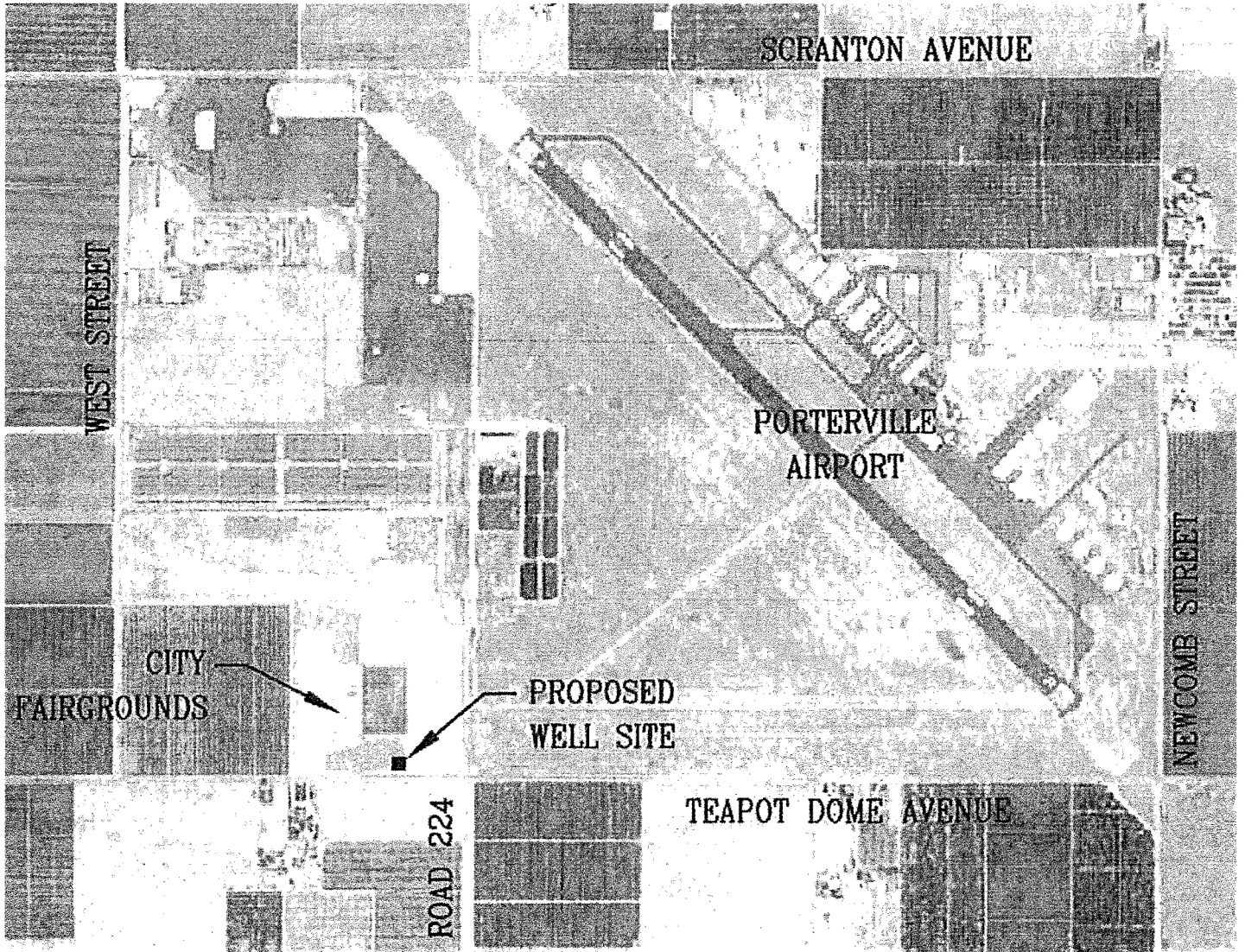
1. Approve Staff's recommended Plans and Project Manual;
2. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02-100714; and
3. Authorize staff to advertise for bids on the project.

ATTACHMENTS: Locator Map  
Estimate of Probable Cost

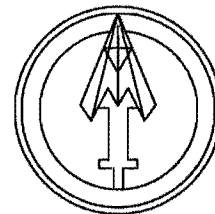
P:\pubworks\General\Council\Authorization to Advertise for Bids - Well No. 32 (Phase 2 - Pumping Plant) - 2015-02-17.doc

Dir BSL Appropriated/Funded AMB CM Y

Item No. 3



# LOCATOR MAP

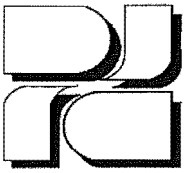


NORTH  
NO SCALE

CITY OF PORTERVILLE  
*ENGINEERING DIVISION*

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

CITY WELL #32  
CITY OF PORTERVILLE  
PROJECT NUMBER 89-9722



**DEE JASPAR & ASSOCIATES, INC.**  
**CONSULTING CIVIL ENGINEERS**

15 W. Putnam Street, 2nd Floor  
 Porterville, CA 93257  
 PHONE (559) 791-9286  
 FAX (559) 783-9275

December 9, 2014

**City of Porterville**  
**Well No. 32 Facility Project**  
 Project No. 89-9722-88  
**Engineer's Cost Estimate for Well Facility Construction**

Item	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization, Demobilization, Clean-up	1	LS	\$25,000	\$25,000
2	Earthwork	1	LS	\$40,000	\$40,000
3	Concrete Pump Foundation for Deep Well	1	LS	\$8,000	\$8,000
4	Vertical Hollow Shaft Electric Motor (125 hp)	1	LS	\$15,000	\$15,000
5	Deep Well Vertical Turbine Pump Assembly	1	LS	\$46,000	\$46,000
6	Well Discharge Piping and Appurtenances	1	LS	\$62,000	\$62,000
7	Concrete Foundation w/ VFD Building & Shade Structure	1	LS	\$40,000	\$40,000
8	3/4" Gravel Rock Site Ground Cover	1	LS	\$15,000	\$15,000
9	8' Chain Link Drive and Personnel Gates	1	LS	\$3,500	\$3,500
10	8' Block Wall and Concrete Footing	375	LF	\$120	\$45,000
11	Painting System	1	LS	\$8,000	\$8,000
12	Electrical and Controls	1	LS	\$210,000	\$210,000
13	On-Site Sodium Hypochlorite Generation System	1	LS	\$90,000	\$90,000
14	Chlorine Building w/ Concrete Foundation	1	LS	\$40,000	\$40,000
15	Site Landscaping	1	LS	\$9,000	\$9,000
16	Chain Link Fencing around Sump	300	LF	\$40	\$12,000
17	Drain Piping	400	LF	\$40	\$16,000
18	Catch Basins	4	EA	\$1,500	\$6,000
				Subtotal	\$690,500
				10% Contingency	\$69,050
				<b>Total Construction Cost</b>	<b>\$759,550</b>

Prepared By: Jeffrey J. Pray Date: 12/9/14  
 Jeffrey J. Pray, Dee Jaspar & Associates, Inc.

Reviewed By: Michael K. Reed Date: 2/6/2015  
 Michael K. Reed, City Engineer

Reviewed By: Baldomero Rodriguez Date: 2/10/15  
 Baldomero S. Rodriguez, Public Works Director

Reviewed By: John Lollis Date: 02/11/15  
 John Lollis, City Manager

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – LIME STREET AND LAUREL AVENUE SEWER AND WATER PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Lime Street and Laurel Avenue Sewer and Water Project. The project consists of installing new master plan sewer main, water main, sewer laterals, and the removal of the existing water and sewer infrastructure. The project will be located on Lime Street between Mulberry Avenue and Laurel Avenue, and on Laurel Avenue between Lime Street and Second Street.

The portion of work on Lime Street will include water and sewer utilities. The work on Laurel Avenue will only include sewer. This project is a precursor to the reconstruction of Lime Street. Due to the highly expansive soil along this stretch of road, the proposed street section will be deeper than usual. The age of the existing pipe material could be in danger of failing during construction and therefore, staff believes it is prudent to remove and replace the aging infrastructure prior to the reconstruction of the road.

The Plans and Project Manual have been completed and are available in the Pete V. McCracken Conference Room for Council's review. The Estimate of Probable Cost for the project is \$591,600 with \$59,160 required for the construction contingency (10%). It is anticipated an additional \$47,328 is required for construction management, construction surveying, quality control and inspection services (8%) for a total estimated cost of \$698,088.

In the past, contractors awarded a City project would have hired their own land surveyors. Due to a recent ruling by the State of California Board of Professional Engineers, Land Surveyors and Geologists, staff must directly engage the services of a land surveyor. The Board of Professional Engineers, et al, has ruled that a contractor is in violation of Business and Professional Code sections 8726 and 8729 if he (contractor) hires the land surveyor.

Partial funding for the project is approved in the 2014/2015 budget. Funding in the amount of \$350,000 will come from the Sewer Revolving Fund. Funding in the amount of \$125,000 will come from the Water Replacement Fund as shown in the 2014/2015 Annual Budget.

Dir BSM Appropriated/Funded Me CM J Item No. 4

There is currently a \$223,088 shortfall to fully construct the project. The project needs an additional \$110,941 from the Water Replacement Fund and \$112,147 from the Sewer Revolving Fund. Staff respectfully requests that the City Council appropriate \$110,941 from the Water Replacement Fund and \$112,147 from the Sewer Revolving Fund. Funding for the appropriations is available.

RECOMMENDATION: That City Council:

1. Approve staff's recommended plans and project manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$110,941 from the Water Replacement Fund and \$112,147 from the Sewer Revolving Fund to fully fund this project.


ATTACHMENTS: Engineer's Cost Estimate  
Locator Map

**Lime Street and Laurel Avenue Water and Sewer Project  
on Lime between Mulberry to Laurel and on Laurel from Lime to Second**

City of Porterville

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE
1	Mobilization and Clean Up	LS	1	\$ 20,000.00	\$ 20,000.00
2	Sheeting and Shoring	LS	1	\$ 10,000.00	\$ 10,000.00
3	Traffic Control	LS	1	\$ 10,000.00	\$ 10,000.00
4	Furnish Utility Locating	LS	1	\$ 15,000.00	\$ 15,000.00
5	15" PVC Sewer SDR 35	LF	1330	\$ 65.00	\$ 86,450.00
6	18" PVC Sewer SDR35	LF	980	\$ 75.00	\$ 73,500.00
7	Install 48" Sewer Manhole	EA	4	\$ 5,000.00	\$ 20,000.00
8	Install 48" Sewer Manhole and provide 6" PVC Sewer Stub and provide proper connection to existing sewer	EA	3	\$ 6,000.00	\$ 18,000.00
9	Install 48" Sewer Manhole and provide 8" PVC Sewer Stub and provide proper connection to existing sewer	EA	1	\$ 7,000.00	\$ 7,000.00
10	Install 48" Sewer Manhole on existing 27" sewer line and provide proper connection to proposed 18 Pipe	EA	1	\$ 7,000.00	\$ 7,000.00
11	Install 4" Sewer laterals	EA	13	\$ 1,500.00	\$ 19,500.00
12	Connect to Existing Sewer Manhole and Install new manhole Bottom	EA	1	\$ 7,000.00	\$ 7,000.00
13	Install 8" PVC C900 Pipe DR18	LF	1300	\$ 50.00	\$ 65,000.00
14	Install 8" Gate Valves	EA	3	\$ 3,000.00	\$ 9,000.00
15	Install 8"x6" Tee	EA	3	\$ 2,000.00	\$ 6,000.00
16	Install tapping sleeve and valve onto existing 8" line	EA	1	\$ 8,000.00	\$ 8,000.00
17	Install tapping sleeve and valve onto existing 16" line	EA	1	\$ 10,000.00	\$ 10,000.00
18	Reconnect existing water Services to new line	EA	18	\$ 1,000.00	\$ 18,000.00
19	Re-route 16" Water per Detail shown	LS	1	\$ 10,000.00	\$ 10,000.00
20	Re-route 8" Water per Detail shown	LS	1	\$ 8,000.00	\$ 8,000.00
21	Furnish AC sawcutting and removal	LS	1	\$ 10,000.00	\$ 10,000.00
22	Trench Patch 3" over 6" Base for Sewer Main	LF	2310	\$ 30.00	\$ 69,300.00
23	Trench Patch 3" over 6" Base for Water Main	LF	980	\$ 25.00	\$ 24,500.00
24	Trench Patch for Sewer Laterals	LF	310	\$ 25.00	\$ 7,750.00
25	Trench Patch for Water Services	LS	1	\$ 5,000.00	\$ 5,000.00
26	Remove Existing 8" Water Main and provide backfill	LF	1295	\$ 10.00	\$ 12,950.00
27	Remove Existing 6" Sewer Main and Manholes and provide backfill	LF	2310	\$ 15.00	\$ 34,650.00
<b>Sub Total</b>					<b>\$ 591,600.00</b>
<b>10% Contingency</b>					<b>\$ 59,160.00</b>
<b>Total</b>					<b>\$ 650,760.00</b>

  
Project Manager 2-6-15  
Date

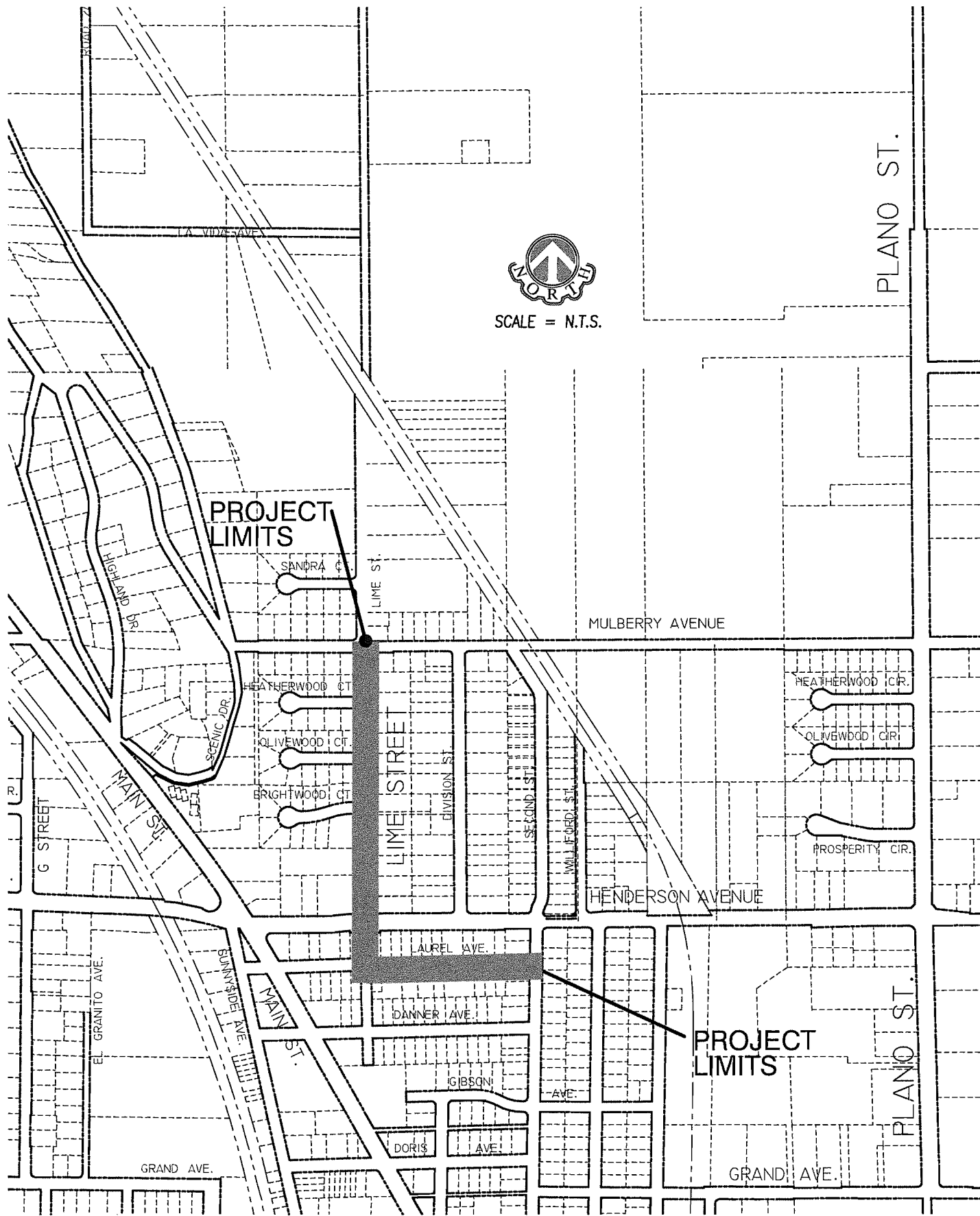
  
Public Works Director 2/10/15  
Date

  
City Engineer 2/10/2015  
Date

  
City Manager 02/11/15  
Date



SCALE = N.T.S.



PROJECT LIMITS

PROJECT LIMITS

CITY OF PORTERVILLE

ENGINEERING DIVISION

291 NORTH MAIN STREET

PORTERVILLE, CA. 93257

(559) 782-7462

# LIME AND LAUREL SEWER AND WATER PROJECT

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: AWARD OF CONTRACT – MISCELLANEOUS REPAIR OF THE DOWNTOWN PARKING LOTS

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 5, 2015, staff received eight (8) bids for the Miscellaneous Repair of the Downtown Parking Lots Project. The project consists of reconstructing portions of existing parking lots by removing portions of asphalt, concrete, and trees, and installing new concrete, asphalt, landscaping and irrigation. There are four parking lots that are included in this project: 1) the parking lot at the northwest corner of Olive Avenue and Second Street; 2) the parking lot at the southwest corner of Second Street and Mill Avenue; 3) the parking lot at the northwest corner of Second Street and Putnam Avenue; and 4) the parking lot at the northeast corner of Putnam Avenue and Hockett Street.

The Engineer's Estimate of Probable Cost for the project was \$617,034. The low bid presented by Bush Engineering of Hanford is 27.8% below the Engineer's Estimate. Based on the engineer's original estimate, staff reduced the scope of work and excluded the installation of nostalgic style parking lot lights.

The bid from Bush Engineering makes it possible to include the nostalgic style lights as a change order to the project but will require a 25% contingency (\$111,305). If the City Engineer cannot negotiate the inclusion of the nostalgic style lights and complete all work as detailed in the construction plans, the nostalgic style lights will not be constructed and the originally anticipated work will be constructed within the standard 10% contingency limits. An additional \$35,617.36 is required for construction management, construction surveying, quality control and inspection services (8%). The total estimated cost for the project is \$592,140, which is less than the Engineer's Estimate of Probable Cost.

Community Development Block Grant (CDBG) and Risk Management are the funding sources for the project and was approved in the 2014/2015 Annual Budget.

The bids are as follows:

<u>Contractor</u>	<u>Amount</u>
1. Bush Engineering, Inc. Hanford, CA	\$445,217.00

Dir. *MM* Appropriated/Funded *MM* CM *J*

Item No. 5

2.	Central Valley Asphalt Lindsay, CA	\$463,793.90
3.	B+B Construction Services Sanger, CA	\$490,033.00
4.	American Paving Co Fresno, CA	\$494,118.00
5.	Dawson Mauldin Construction, Inc. Huntington Beach, CA	\$532,234.00
6.	R.J. Berry Jr., Inc. Selma, CA	\$549,125.50
7.	Lee's Paving, Inc. Visalia, CA	\$590,157.50
8.	Mac General Engineering, Inc. Porterville, CA	\$596,590.04

Staff has found the low bid acceptable.

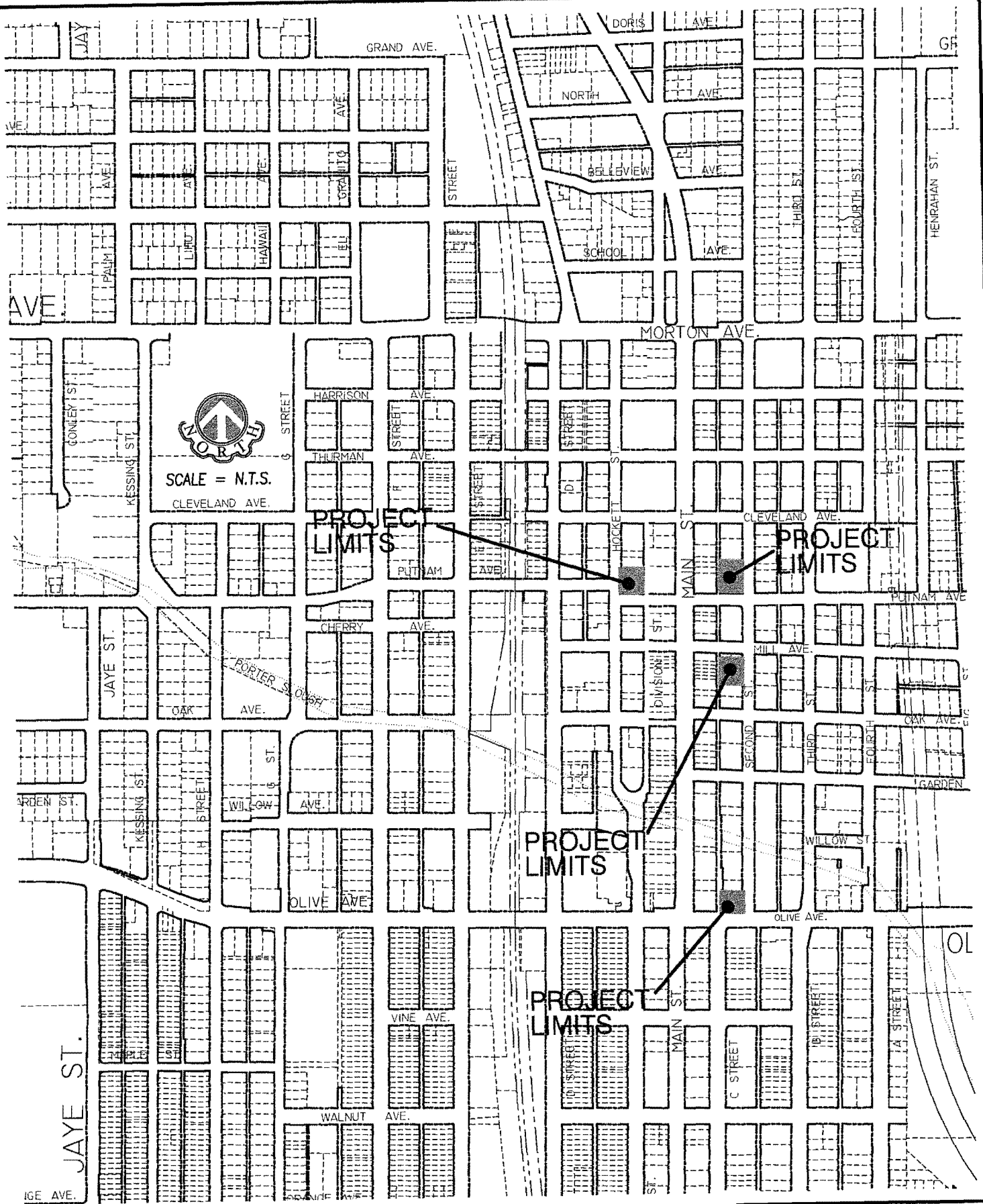
RECOMMENDATION: That City Council:

1. Award the Miscellaneous Repair of the Downtown Parking Lots to Bush Engineering, in the amount of \$445,217;
2. Authorize progress payments up to 100% of the contract amount;
3. Authorize a 25% contingency to cover unforeseen costs and the cost to install nostalgic style parking lot lights;
4. Authorize the City Engineer to negotiate a cost to install nostalgic style lights with Bush Engineering with the stipulation that all work, including the installation of the nostalgic style lights, is not to exceed the contract amount plus 25%;
5. Direct the City Engineer to discontinue negotiations with Bush Engineering if recommendation #4 cannot be satisfied and direct the City Engineer to complete all work as originally designed at a cost not to exceed the contract amount plus 10% (\$44,521);

6. Authorize an additional 8% for construction management, construction surveying, quality control, and inspection services; and
7. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02-100714.

ATTACHMENT: Locator Map

P:\pubworks\GeneralCouncilAward of Contract - Miscellaneous Repair of the Downtown Parking Lots Project - 2015-02-17.doc



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

MISCELLANEOUS  
 REPAIR OF DOWNTOWN  
 PARKING LOTS

OWNER	-
APN	-
AREA	-
ACRES	-
SCALE	N.T.S.
DATE	-
DRAWN BY	-
CHECKED BY	-

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: ACCEPTANCE OF FINAL SUBDIVISION MAP – NADER HOMES  
(Mohammad Davarifar)

SOURCE: Public Works Department - Engineering Division

COMMENT: The subdivider, Nader Development, Inc., has submitted the final map of the subject project for Council approval. The subdivider is requesting approval prior to the acceptance of the required improvements.

The subdivider has submitted the required guarantee to the City to complete and/or accept all necessary public improvements on the project. A subdivision agreement between the subdivider and the City has been signed by the subdivider, and all fees have been paid.

The final map is in conformance with the approved tentative map and City Council Resolution No. 115-2007. The improvement plans, specifications, dedications and the final map have been approved by the Public Works Director and City Engineer and all other requirements have been met.

RECOMMENDATION: That City Council:

1. Approve the final subdivision map of Nader Homes;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

ATTACHMENT: Final Map – Nader Homes

P:\PUBWORKS\GENERAL\COUNCIL\ACCEPTANCE OF FINAL SUBDIVISION MAP - NADER HOMES - 2015-02-17.DOC

Dir B02 Appropriated/Funded N/A CM J

Item No. 6

# NADER HOMES

BEING A SUBDIVISION OF A PORTION OF THE REMAINDER OF SUNRISE ESTATES SIX, PHASE ONE, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 37, PAGE 7 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LOCATED WITHIN THE NORTHEAST 1/4 OF SECTION 34, T.21S., R.27E., M.D.B.&M.

GROSS AREA: 8.76 AC  
 Subdivider: NADER DEVELOPMENT, Inc.  
 Surveyor: JAMES WINTON & ASSOCIATES

**SURVEYOR'S STATEMENT**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY, TRUE AND COMPLETE AS SHOWN, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF NADER DEVELOPMENT ON AUGUST 20, 2014. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RE-TRACED, THE MONUMENTS NOT YET SET, WILL BE SET AS INDICATED WITHIN ONE YEAR OF THE RECORDING OF THIS MAP.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**SOIL ENGINEER'S STATEMENT**  
 I HEREBY STATE THAT A PRELIMINARY SOIL REPORT WAS SUBMITTED BY ME ON \_\_\_\_\_ DECEMBER 12, 19\_\_\_\_, IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE 900 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND THAT SAID REPORT IS ON FILE IN THE CITY BUILDING INSPECTOR'S OFFICE.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**CITY ENGINEER'S STATEMENT**  
 I HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP, AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT, AND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND THAT ALL PROVISIONS OF DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA, AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

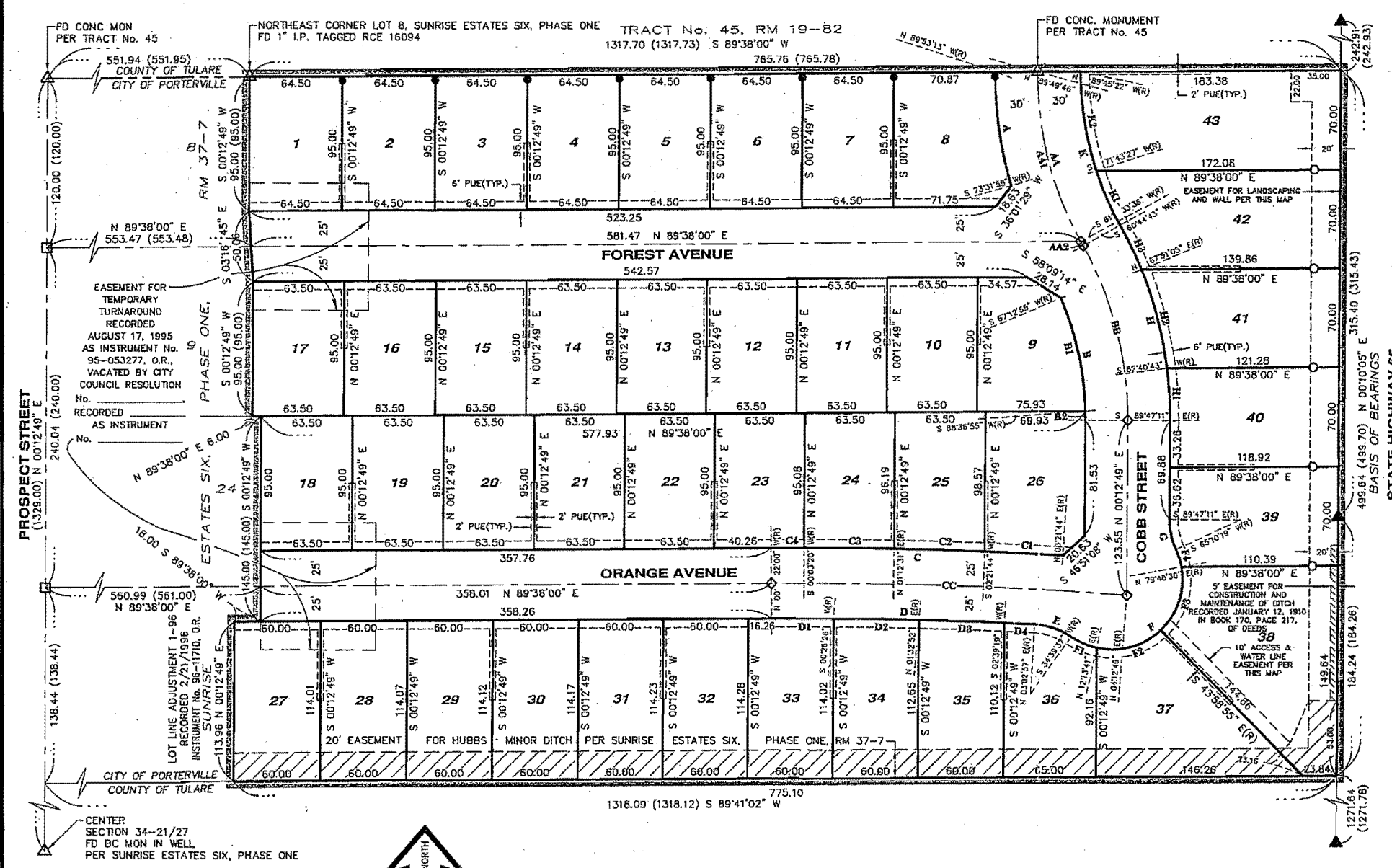
**ZONING ADMINISTRATOR'S STATEMENT**  
 I HEREBY STATE THAT THIS MAP CONFORMS TO THE APPROVED TENTATIVE MAP.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**CITY COUNCIL'S STATEMENT**  
 THIS IS TO STATE THAT AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AN ORDER WAS DULY AND REGULARLY MADE AND ENTERED APPROVING THIS MAP AND SUBDIVISION AND ACCEPTING, SUBJECT TO IMPROVEMENTS, ON BEHALF OF THE PUBLIC THE STREETS, AVENUES AND EASEMENTS, ALL AS SHOWN AND INDICATED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHOWN UPON THIS MAP.  
 WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF PORTERVILLE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

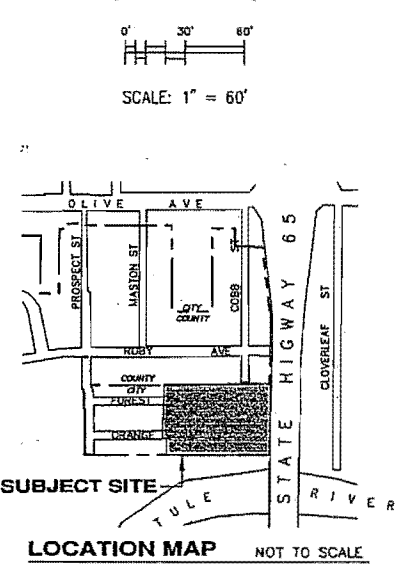
**CITY CLERK'S STATEMENT**  
 I, JOHN LOLLIS, CITY CLERK OF THE CITY OF PORTERVILLE, STATE OF CALIFORNIA, HEREBY STATE TO THE COUNTY RECORDER AND TO WHOMSOEVER IT MAY CONCERN, THAT ALL THE PROVISIONS OF DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES PERTAINING TO DEPOSITS REQUIRED AT THE TIME OF APPROVAL OF THIS MAP BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE HAVE BEEN COMPLIED WITH.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**BOARD OF SUPERVISORS' STATEMENT**  
 I, JEAN M. ROUSSEAU, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, HEREBY CERTIFIES TO THE COUNTY RECORDER AND TO WHOMSOEVER IT MAY CONCERN, THAT ALL OF THE PROVISIONS OF CHAPTER 2, DIVISION 2, TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCE PERTAINING TO DEPOSITS REQUIRED AT THE TIME OF APPROVAL BY THE BOARD OF SUPERVISORS OF THIS MAP, HAVE BEEN COMPLIED WITH.  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

**OWNER'S STATEMENT**  
 WE STATE THAT WE ARE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHOWN ON THIS MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY, AND WE CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE BLUE BORDER LINES AND HEREBY DEDICATE TO PUBLIC USE ALL OF THE STREETS, AVENUES AND EASEMENTS, ALL AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION.  
 NADER DEVELOPMENT, Inc., a California Corporation



CURVE DATA				
A	B	C	T	
280.00	16°34'49"	81.03	40.89	
220.00	22°59'54"	88.31	44.76	
220.00	21°24'09"	82.17	41.57	
220.00	01°35'54"	6.14	3.07	
3155.00	03°43'44"	205.33	102.70	
3155.00	01°09'00"	55.09	27.53	
3155.00	01°09'13"	83.52	31.76	
3155.00	01°09'11"	83.49	31.75	
3155.00	00°23'20"	23.25	11.82	
3105.00	03°24'57"	185.11	92.58	
3105.00	00°48'26"	43.74	21.87	
3105.00	01°06'26"	60.00	30.00	
3105.00	01°06'27"	60.02	30.01	
3105.00	00°23'38"	21.35	10.87	
E	50.00	31°36'40"	27.59	14.15
F	50.00	149°29'18"	130.45	183.32
F1	50.00	22°25'55"	19.58	9.91
F2	50.00	58°12'36"	49.05	28.70
F3	50.00	59°12'35"	49.05	28.70
F4	50.00	14°38'11"	12.77	6.42
G	50.00	28°02'30"	21.85	11.10
H	280.00	29°28'06"	144.01	73.63
H1	280.00	07°32'06"	38.82	18.44
H2	280.00	14°49'38"	72.46	36.43
H3	280.00	07°06'22"	34.73	17.39
K	220.00	29°29'55"	113.27	57.92
K1	220.00	10°58'44"	42.16	21.14
K2	220.00	18°31'11"	71.11	35.87
AA	250.00	29°25'31"	128.39	65.64
AA1	250.00	28°36'38"	124.84	63.75
AA2	250.00	00°48'53"	3.55	1.78
BB	250.00	29°28'06"	128.58	65.75
CC	3130.00	04°34'48"	250.17	125.15



**BASIS OF BEARINGS**  
 THE WEST R/W OF HIGHWAY 65 TAKEN AS: N 00°10'05" E  
 PER SUNRISE ESTATES SIX, PHASE ONE, RM 37-7

- LEGEND**  
 ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED
- SUBDIVISION BOUNDARY
  - - - CITY LIMITS
  - ▲ FOUND AND ACCEPTED AS DESCRIBED
  - ▲ FOUND CALTRANS R/W MONUMENT
  - FOUND BC MONUMENT STAMPED RCE 16094
  - ◇ SET BC MONUMENT IN CONCRETE STAMPED RCE 16094 - FLUSH
  - WITNESS CORNER - SET 3/4" I.P. TAGGED RCE 16094 ON LOT LINE, 18.00 FEET WEST OF LOT CORNER
  - WITNESS CORNER - SET 3/4" I.P. TAGGED RCE 16094 ON LOT LINE, 3.00 FEET SOUTH OF LOT CORNER
  - SET 1" I.P. TAGGED RCE 16094 AT ALL LOT CORNERS NOT OTHERWISE SHOWN.
  - (000) RECORD DISTANCE PER SUNRISE ESTATES SIX, PHASE ONE
  - (R) RADIAL BEARING
  - E.P.U. EASEMENT FOR PUBLIC UTILITIES ALONG SIDE LOT LINES ARE 2' WIDE FOR HALF OF THE LOT DEPTH UNLESS OTHERWISE NOTED

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

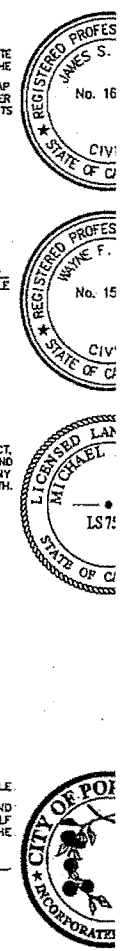
STATE OF CALIFORNIA  
 COUNTY OF \_\_\_\_\_  
 ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ a Notary Public  
 PERSONALLY APPEARED, \_\_\_\_\_  
 WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.  
 WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE \_\_\_\_\_ PRINT NAME \_\_\_\_\_  
 COUNTY OF PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**RECORDER'S STATEMENT**  
 DOCUMENT NUMBER: \_\_\_\_\_ FEE PAID: \_\_\_\_\_  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_  
 OF MAPS, AT PAGE \_\_\_\_\_ AT THE REQUEST OF \_\_\_\_\_ STEWART TITLE CO.  
 ROLAND P. HILL, Tulare County Assessor/Clerk-Recorder

BY: \_\_\_\_\_ DEPUTY  
 MOHAMMAD DAVARIFAR



COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: FINAL BALLOT RESULTS – AREA 459 SEWER UTILITY DISTRICT

SOURCE: Public Works Department - Engineering Division

COMMENT: This report is a follow-up to the Area 459 Sewer Utility District Public Hearing held on February 3, 2015. At the Public Hearing, staff requested for the Hearing to be opened, comments and ballots received, and due to time constraints, to open and tabulate the votes the following day. Staff also requested that the results be presented to the City Council at the February 17, 2015, meeting.

The votes were subsequently tabulated and certified. 91.54% (119 votes) of the ballots received voted in favor of forming the Sewer Utility District; 9.24% (11 votes) of the ballots received voted against forming the Sewer Utility District. City Council may now consider the attached Resolution approving the formation of the Sewer Utility District and the levying of the assessment.

RECOMMENDATION: That the City Council:

1. Accept the voting results of Area 459 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 459.

ATTACHMENTS: Resolution  
Certification of Ballot Results

P:\pubworks\General\Council\Final Ballot Results - Area 459 Sewer Utility District - 2015-02-17.doc

Dir 382 Appropriated/Funded MP CM 8

Item No. 7

RESOLUTION NO.: \_\_\_\_\_ - 2015

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE APPROVING  
THE FORMATION OF AREA 459 SEWER UTILITY DISTRICT,  
AND LEVYING THE ASSESSMENT

WHEREAS, Area 459 was annexed into the City in November 2006; and

WHEREAS, the parcels in this area utilize individual septic tanks that are failing;  
and

WHEREAS, in accordance with California Streets and Highways Code Section 10000 et seq. and other applicable law, the property owners were provided with notice of the public hearing and assessment ballot proceeding; and

WHEREAS, the public hearing has been held and the ballots from the proceeding have been tabulated; and

WHEREAS, the property owners within the proposed District have approved, via ballots cast at the end of the Public Hearing held February 3, 2015, with tabulation of said ballots continued to February 4, 2015, the imposition of the assessment and the formation of the District.

NOW THEREFORE BE IT RESOLVED,

- 1) The City Council of the City of Porterville approves the formation of the Area 459 Sewer Utility District establishing an assessment to pay for the installation of sewer mains and sewer laterals. A diagram of the District setting forth the boundaries and parcels located within the District is attached hereto as Exhibit "A."
- 2) The City Council of the City of Porterville hereby authorizes the levying of the assessment based on the final cost of actual construction to install sewer mains, laterals, manholes, trench pavement, etc.
- 3) The City Council of the City of Porterville hereby authorizes the City to permit property owners to pay the one-time assessment over a period of a 30 year loan, with 3% interest. The City Council authorizes the execution and transmittal of all documents necessary to effect the payment schedule through the Tulare County Assessor's Office.
- 4) The City Council of the City of Porterville hereby proclaims that property owners may, via an agreement with the City, decline to participate in the Sewer Utility District and to pay all connection fees based on actual construction costs or per the City's Exhibit "H", "Connection Fees" schedule, whichever is the lesser amount adjusted 3% interest compounded annually.

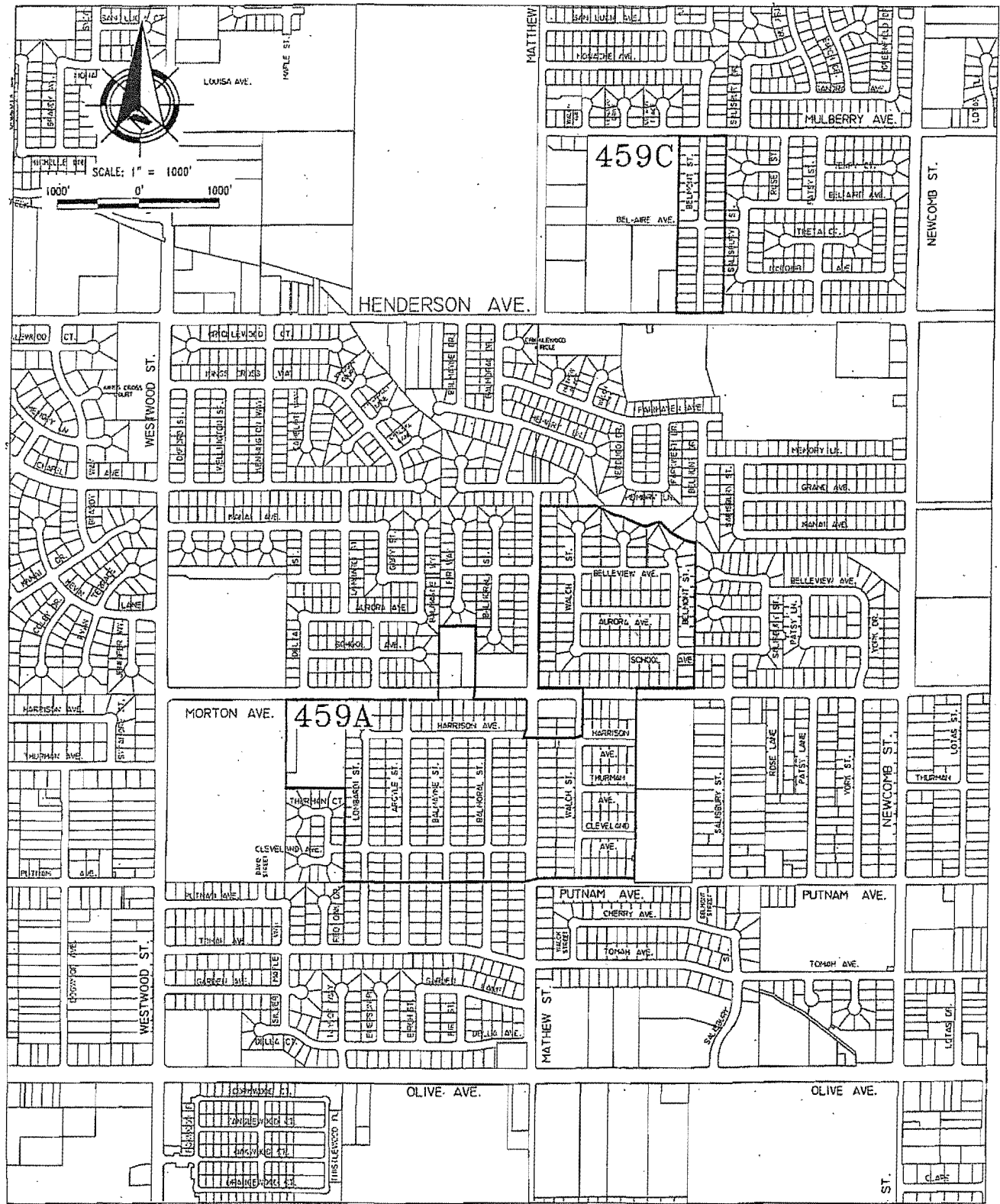
Sewer lateral costs shall be per actual construction costs adjusted 3% annually.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk



☐ PROJECT BOUNDARIES

# ISLAND ANNEX. 459A & 459C

**CITY OF PORTERVILLE**

**CERTIFICATION OF BALLOT RESULTS FOR  
ANNEXATION AREA 459 SEWER UTILITY DISTRICT  
INTENT TO CREATE SEWER UTILITY DISTRICT**

**BALLOT TABULATION RESULTS**

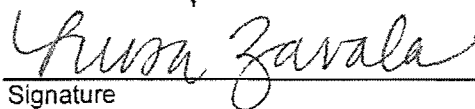
<b>Total of Valid Ballots Received</b>	<b>Total "Yes" Ballots</b>	<b>Total "No" Ballots</b>
No. of Ballots <u>130</u>	No. of Ballots <u>119</u> <b>AYES</b> Percent "Yes" <u>91.54%</u>	No. of Ballots <u>11</u> <b>NAYS</b> Percent "No" <u>9.24%</u>

Ballots Tabulated By:

Luisa Zavala, Deputy City Clerk

Vickie Ratta, Secretary

I hereby certify that the above are true and accurate ballot tabulation results for the Annexation Area 459 Sewer Utility District majority protest/election for all affected property owners.

  
Signature

Luisa Zavala  
Print Name

Deputy City Clerk  
Title

2/4/2015  
Date

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: RATIFICATION OF EXPENDITURE – RELOCATION OF SCE FACILITIES FOR THE NEWCOMB STREET SHOULDER STABILIZATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Newcomb Street Shoulder Stabilization project consists of the installation of curb, gutter, sidewalk, roadway drainage, asphalt concrete paving and other appurtenant construction along Newcomb Street from Olive Avenue to a location midway between Forest Avenue and Roby Avenue.

Included in the project will be the relocation of existing Southern California Edison infrastructure. The cost for the relocation of the facilities is \$42,927.49.

SCE plans are available in the Pete V. McCracken Conference Room for Council's review and the invoice is attached for reference purposes.

Funding will be from CMAQ funds and Measure R Alternative Funds for this project, which was approved in the 2014/2015 Annual Budget.

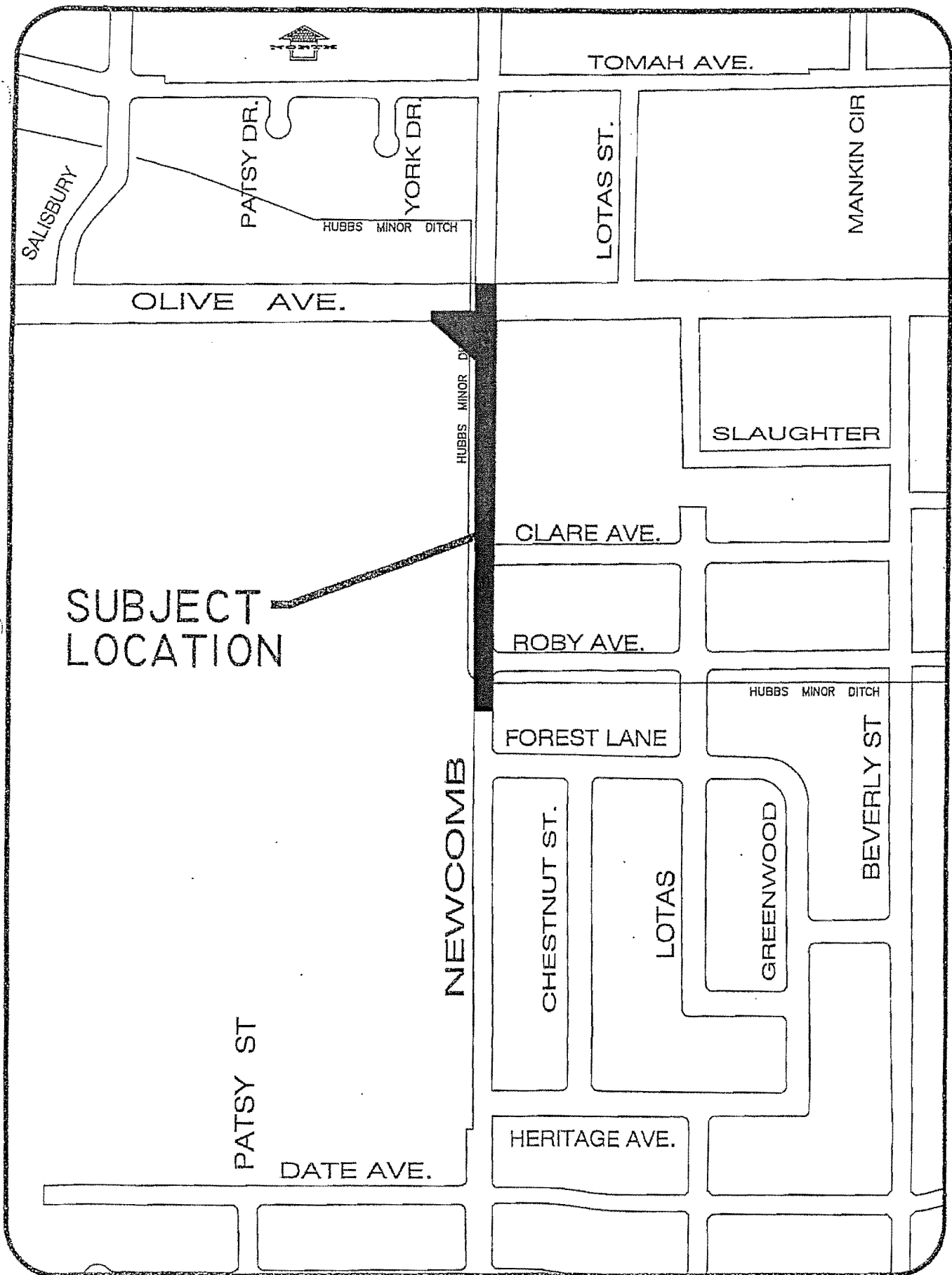
RECOMMENDATION: That the City Council:

1. Approve the costs associated with the relocation of SCE Facilities; and
3. Authorize the City Engineer to sign the SCE application and request the issuance of a \$42,927.49 payment.

ATTACHMENT: Locator Map  
SCE Invoice

P:\pubworkst\General\Council\Ratification of Expenditure - Relocation of SCE Facilities for Newcomb Shoulder Stabilization - 2015-02-17.doc

Dir BSW Appropriated/Funded AKB CM [Signature] Item No. 8



TOMAH AVE.

PATSY DR.

YORK DR.

HUBBS MINOR DITCH

SALISBURY

LOTAS ST.

MANKIN CIR

OLIVE AVE.

HUBBS MINOR DITCH

SLAUGHTER

CLARE AVE.

SUBJECT LOCATION

ROBY AVE.

HUBBS MINOR DITCH

FOREST LANE

NEWCOMB

CHESTNUT ST.

LOTAS

GREENWOOD

BEVERLY ST

PATSY ST

DATE AVE.

HERITAGE AVE.



SOUTHERN CALIFORNIA  
**EDISON**

An EDISON INTERNATIONAL Company  
Southern California Edison Company

291 N MAIN ST  
PORTERVILLE CA 93257 3737

Invoice #	195431
Invoice Term:	90 Days
Customer Name:	CITY OF PORTERVILLE
Customer Email:	
Invoice Date:	01/30/2015
SCE Contact:	Gabriel Ramirez
Telephone:	
Install - Billing Option:	
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA

Description	Amount
Service Request Number: 1926901 Project Description: TD952564 RELOCATE FACILITIES; TD952570 PREV MAINT; MOVE Project Location: OLIVE AVE AND NEWCOMB ST XSTRT PORTERVILLE CA 93257	
Design #: 660947 Design Description: Product #: 952564 - RELOCATE FACILITIES	
<b>LABOR:</b> This amount represents the total SCE labor required to complete the work request. In most cases, this labor amount will consist of construction labor and any additional labor required for completing the work request. The construction labor amount will typically consist of installation and service labor required for the work request. The additional labor amount will typically consist of labor for inspection, cable and equipment make-up, dead ending, traffic control, grounding, supervision, and switching. All applicable labor related overheads for items such as the design, engineering, and project management are also included in the total SCE labor amount.	\$24,832.44
<b>MATERIAL:</b> This amount represents the total SCE material required to complete the work request. In most cases, this material amount will consist of construction material and any additional material required for completing the work request. The construction material will typically consist of installation and service material such as transformers, cable, conductor, poles, meters, riser, switches, fusing equipment, handholes, and cross-arms. All applicable material related overheads are also included in the total SCE material amount.	\$8,085.03
<b>OTHER:</b> This amount represents the total SCE other costs required to complete the work request. In most cases, this other amount will consist of all additional requirements needed for completing the work request. This other amount typically consists of items such as Added Facilities one time charges, contractor work, rights check, and permits.	\$0.00
<b>TOTAL LABOR, MATERIAL, OTHER:</b>	\$32,917.47
<b>CREDITS:</b> This amount represents the total SCE credits required to complete the work request. In most cases, this credit amount will consist of: Salvage Credit      Depreciation Credit      JPA Credit      Overhead Equivalent Credit	\$(865.64)
<b>TOTAL CREDITS:</b>	\$(865.64)
<b>NET CONSTRUCTION BILLING / RELOCATION ADVANCE:</b>	\$32,051.83
<b>TAX:</b>	
1. ITCC on Applicant Furnished	Tax Base (Taxable Amount) \$7,540.00
	Tax Rate 35.00%
	Tax Amount \$2,639.00
2. ITCC on Net Construction (Less Non Taxable Amount)	Tax Base (Taxable Amount) \$23,533.31
	Tax Rate 35.00%
	Tax Amount \$8,236.66
<b>TOTAL TAX:</b>	\$10,875.66
<b>DEPOSITS:</b>	
Preliminary Design & Engineering Advance	\$0.00
Previous Payment	\$0.00
<b>TOTAL DEPOSITS:</b>	\$0.00
<b>COMMENTS:</b> * Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment * All prices are applicable for a period of 90 days from this date and are subject to change thereafter. * Please return all applications and/or contracts fully completed. * If a street light work order is associated with this project, contracts for that project will be enclosed. * Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance	
<b>TOTAL PROJECT INVOICE AMOUNT:</b>	\$ 42,927.49

Please detach and return payment stub with payment

Payment  
Stub

Invoice #: 195431

Please pay total amount now due: \$42,927.49

Thank you for paying promptly  
Make check payable to Southern California Edison

CITY OF PORTERVILLE  
291 N MAIN ST  
PORTERVILLE CA 93257 3737

2425 SOUTH BLACKSTONE AVENUE  
TULARE CA 93274



SOUTHERN CALIFORNIA  
**EDISON**

An EDISON INTERNATIONAL Company  
Southern California Edison Company

291 N MAIN ST  
PORTERVILLE CA 93257 3737

Invoice #	195431
Invoice Term:	90 Days
Customer Name:	CITY OF PORTERVILLE
Customer Email:	
Invoice Date:	01/30/2015
SCE Contact:	Gabriel Ramirez
Telephone:	
Install - Billing Option:	
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA

**COMMENTS CONTINUED:**

- \* Call the Edison company at 1-800-655-4555 to make application for electrical service.
- \* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
- \* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
- \* Payments accepted by check or money order only

CITY COUNCIL AGENDA: FEBRUARY 17, 2015

CONSENT CALENDAR

SUBJECT: AUTHORIZATION TO TRAVEL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The International Council of Shopping Centers (ICSC) will be hosting their annual conference in Las Vegas, Nevada, May 17 – 20, 2015. Staff last attended the ICSC annual conference in 2013. During the 2013 conference, staff met with retailers, brokers, and developers representing over ten companies to discuss opportunities in Porterville.

Staff continues to communicate with the contacts made at ICSC conferences to promote Porterville and encourage retailers to locate in our community. Retail contacts at past ICSC conferences have included Panera, Kohls, Marshalls, Famous Footwear, Rue 21, Dollar General, and Family Dollar, all of which have located in Porterville. With the development that is taking place throughout the city, staff would like to continue the marketing efforts by attending the 2015 ICSC conference.

The cost for the trip for two staff is estimated to be \$2,400 and funding is available in the Economic Development budget.

RECOMMENDATION: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

DD JB Appropriated/Funded MB CM J

Item No. 9

CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH CHARTER FIBERLINK CA-CCO, LLC ("CHARTER") FOR POINT TO POINT VIRTUAL WAN (WIDE AREA NETWORK)

SOURCE: Finance Department – Information Technology (IT) Division

COMMENT: With the construction of the new Public Safety Station, communication infrastructure is essential to connect the new building to the City's datacenter. Charter's point to point virtual WAN ports will provide a direct connection to the City's datacenter switches for a seamless integration. The WAN connection is scalable from 50mbps to 10gbps (gigabits per seconds) within minutes of contacting the vendor. In addition to the installation of WAN ports at the City's datacenter and the new Public Safety Station, a third WAN port at Field Services is requested, to connect remote locations (Fire Station 2, Field Services office, Auto Shop, Laboratory, and the Treatment Plant) to the datacenter. This will allow us to meet current and future voice and data demands as the need arises. These point-to-point ports have a guaranteed network uptime of 99.95%.

Charter has submitted a proposal for the point to point virtual WAN at a monthly service fee of \$480.00 for each port or \$1,440 per month for a service period of 60 months. There are no installation fees or any other charges to establish these connections. The cost of this service will be absorbed in the departments' operating budgets.

These point-to-point virtual WAN connections will allow us to easily integrate City services to the new Public Safety Station and Field Services. This will also allow us to establish a virtual WAN infrastructure to possibly connect future remote locations.

RECOMMENDATION: That City Council authorize the Finance Director or the IT Manager to enter to an agreement with Charter Fiberlink CA-CCO, LLC for point to point virtual WAN service for a term of 60 months.

ATTACHMENT: Charter Data Transport Service Agreement

Dir MB Approp/Funded MB CM J

Item No. 10



201303202607319

**DATA TRANSPORT SERVICE AGREEMENT**

This Service Agreement ("Agreement") is executed and effective upon the latest date of the signatures set forth in the signature block below ("Effective Date") by and between Charter Fiberlink CA-CCO, LLC , ("Charter Business" or "Charter") with a corporate office at 12405 Powerscourt Drive, St. Louis, Missouri 63131 and City of Porterville Public Safety, ("Customer") with offices located at 980 S Jaye St, Porterville, CA 93257.

Both parties desire to enter into this Agreement in order to set forth the general terms under which Charter is to provide Customer with Charter's services ("Service" or "Services") to Customer site(s), the scope and description to be specified per site below and/or in a Service order(s) executed by both parties (each instance of site identification and order a "Service Order" or collectively the "Service Orders"), which shall be incorporated in this Agreement upon execution. **This Agreement and each Service Order will be effective only after both parties have signed each document.**

**SERVICE ORDER**

**Under the Data Transport Service Agreement**

**CUSTOMER INFORMATION:**

Account Name: City of Porterville

Invoicing Address: \_\_\_\_\_

Invoicing Special Instructions: \_\_\_\_\_

**1. SITE-SPECIFIC INFORMATION:**

Order Type: New Service

Service Location (Address): 291 N Main St, Porterville, Ca 93257

Service Location Name: City of Porterville \_\_\_\_\_

Service Location Special Instructions: \_\_\_\_\_

Non-Hospitality or Non-Video

**2. SITE-SPECIFIC INFORMATION:**

New  Renew  Change: Order Type: New Customer

Service Location (Address): 555 N Prospect St, Porterville, Ca 93257

Service Location Name: Field Services \_\_\_\_\_

Service Location Special Instructions: \_\_\_\_\_

Non-Hospitality or Non-Video

**3. SITE-SPECIFIC INFORMATION:**

New  Renew  Change: Order Type: New Customer

Service Location (Address): 980 S Jaye St, Porterville, CA 93257

Service Location Name: City of Porterville Public Safety \_\_\_\_\_

Service Location Special Instructions: \_\_\_\_\_

Non-Hospitality or Non-Video

**Customer Contact Information.** To facilitate communication the following information is provided as a convenience and may be updated at any time without affecting the enforceability of the terms and conditions herein:

	Billing Contact	Site Contact	Technical Contact
Name			
Phone			
Fax			
Cell			
Email Address			

<b>MONTHLY SERVICE FEES: ALL SITES</b>	
<b>Data Services:</b>	
<i>Charter Business Bundle: No Bundle *</i>	
<u>Base Service</u> Network Miles:	3 x \$480.00
MEF Service Types (if applicable): EPL	
Speed: 50 Mbps (Down/Up)	
CPE:	

*\* If Customer has selected the Charter Business Special Offers, the Section 3(i) of the Commercial Terms of Service (for Charter Business Bundle) shall apply.*

<b>ONE-TIME CHARGES:</b>
<b>ONE-TIME CHARGES \$0.00</b>

**2. TOTAL FEES.**

**Total Monthly Service Fees of \$1440.00 are due upon receipt of the monthly invoice.**

3. **SERVICE PERIOD.** The initial Service Period of this Service Order shall begin on the date installation is completed and shall Continue for a period of 60 months. Upon expiration of the initial term, this Service Order shall automatically renew for successive one-month terms and Charter may then apply Charter's then-current Monthly Service Fees unless either party terminates this Service Order by giving thirty (30) days prior written notice to the other party before the expiration of the current term.
4. **NO UNTRUE STATEMENTS.** Customer further represents and warrants to Charter that neither this Service Order, nor any other information, including without limitation, any schedules or drawings furnished to Charter contains any untrue or incorrect statement of material fact or omits or fails to state a material fact.
5. **CONFIDENTIALITY.** Customer hereby agrees to keep confidential and not to disclose directly or indirectly to any third party, the terms of this Service Order or any other related Service Orders, except as may be required by law. If any unauthorized disclosure is made by Customer and/or its agent or representative, Charter shall be entitled to, among other damages arising from such unauthorized disclosure, injunctive relief and a penalty payment in the amount of the total One-Time Charges associated with this Service Order, and Charter shall have the option of terminating this Service Order, other related Service Orders and/or the Service Agreement.

6. **FACSIMILE.** A copy sent via fax machine or scanned and e-mailed of a duly executed Agreement and Service Order signed by both authorized parties shall be considered evidence of a valid order, and Charter may rely on such copy of the Agreement and Service Order as if it were the original.

**NOW THEREFORE,** Charter and Customer agree to the terms and conditions included within this Service Agreement, including the Commercial Terms of Service which follow, and hereby execute this Service Agreement by their duly authorized representatives.

**Charter Fiberlink CA-CCO, LLC**

**City of Porterville Public Safety**

**By: Charter Communications, Inc., its Manager**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Charter Business Account Executive:**

Name: Geno Maestas

CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: REQUEST FOR APPROVAL TO REPAIR/REPLACE ROOF ON RENTAL STORAGE UNIT AT THE AIRPORT

SOURCE: Airport

COMMENT: During the storm in November 2014, high winds had damaged the roof of the rental storage unit attached to the airport office and hangar complex. The unit is currently being rented to an airport tenant. Airport staff had temporarily repaired the roof. The roof is over 15 years old and has water damage and dry rot.

Staff solicited quotes from local roofing contractors to remove and replace the damaged roofing material, plywood, fascia boards, and drip rail, and to repair the dry rot. The City received the following:

<u>Name</u>	<u>Amount</u>
1. The Brand'In Crew	\$6,500
2. Double J's Roofing	\$6,900
3. Smith's Roofing	\$8,250

Funding for this project is available in the Airport Development Fund.

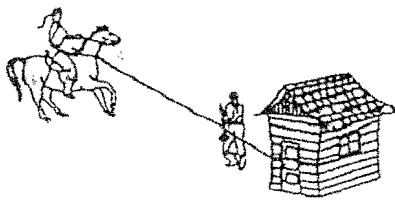
RECOMMENDATION: That City Council:

1. Award the reroofing of the airport rental storage unit to Brand'In Crew in the amount of \$6,500;
2. Authorize a 10% contingency (\$650) to pay for unforeseen construction issues; and
3. Authorize payment of 100% of bid upon satisfactory completion of the project.

ATTACHMENT: Contractors' Quotations

Dir MBS Approp/Funded MBS CM J

Item No. 11



# PROPOSAL

## THE BRAND'IN CREW

— ROOFING CONTRACTORS —  
California Contractors License No. 653949

Shelley Chico  
559-783-8036  
Cell 559-359-7638

Proposal Submitted To:

Work To Be Performed At:

Name Jim McDonald  
 Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_  
 Phone \_\_\_\_\_

Airport/storage rental unit  
 Street Hope 1893 So Newcomb  
 City Porterville State Ca  
 Date of Plans \_\_\_\_\_ Architect \_\_\_\_\_

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Tear off existing torch on. Replace OSB where  
 written. Remove and replace 1x10 fascia boards.  
 Replace written particle board with CDX plywood (may  
 need 2x4 filler) Apply a self-adhering SBS  
 roofing system.  
 Two Ply (6500.00) one base one cap  
 Three ply (8500.00) two base two cap  
 Dry Rot repairs included with facias.  
 Permit included.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars [ \_\_\_\_\_ ], with payments to be made as follows: \_\_\_\_\_

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by \_\_\_\_\_

Shelley Chico

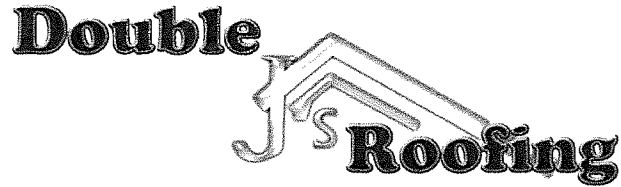
Respectfully submitted **THE BRAND'IN CREW**  
 Per Shelley Chico

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date \_\_\_\_\_ Signature \_\_\_\_\_  
 Signature \_\_\_\_\_



701 W. La Vida Ave. Porterville, Ca. 93257  
(559) 310-5822 Lic. # 889063

## ESTIMATE

To:

Date: 01/14/15  
Location: Administrator Hanger  
Porterville Ca 93257

Job Description

*rental unit*

Tear off existing roof (Torch down) and (osb)

Install  
7/16 osb  
2x4 in drip edge  
Fiberglass nail base  
Torch down

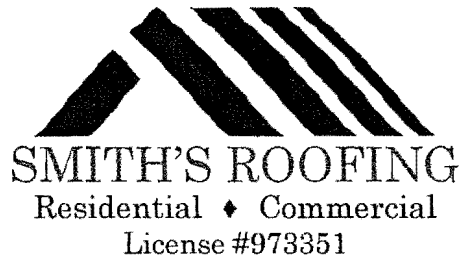
Remove and replace facial board

Permit not included  
All roof trash to be removed  
Extra charge for dry rot repair  
Extra charge for replacing insulation board

Est. \$ 6,900.00

Estimate By: Jesse Joe Gonzales III

THIS ESTIMATE IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES OR ADDITIONAL LABOR AND MATERIALS THAT MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE WEATHER CONDITIONS ARISE AFTER WORK STARTS



Dear Customer,

I would like to take this opportunity to thank you for your interest in Smith's Roofing. We are a family owned and run business and have been serving the local area for over 30 years. We have very competitive prices and our workmanship is without compare. We take great pride in our work and your satisfaction is our top priority.

**Project Address:** 1725 Police Substation 18935 Newcomb N Storage  
**Cost:** \$ 5,180- \$ 8,250-

### Why Choose Smith's Roofing?

- ✓ Colored metal valleys, colored drip edge, and roof ventilation colored to compliment your roof. *\*NOT galvanized.*
- ✓ 30# felt underlayment is standard on all of our roofs. *\*Most roofers will use 15# felt (thinner and cheaper), unless you ask.*
- ✓ Dry-rotted or damaged wood replacement is **INCLUDED** in our price. *\*It is NOT an additional charge of time and labor, like the other guys.*
- ✓ Detailed clean-up after each day using brooms, rakes and magnet rollers. *\*When we leave your yard it will be in the same, if not a better, condition than when we arrived.*
- ✓ Installation of smoke alarms and/or carbon monoxide alarms, as per local building code, prior to final building inspection. *\*Other companies will leave this up to you.*

Should you have any questions, please contact me.

Sincerely,  
Ryan Smith



*What happens under your roof is your business. Make what happens above it ours.*

(559) 781-9240 ♦ [www.SmithsRoofing.net](http://www.SmithsRoofing.net)

CITY COUNCIL AGENDA – FEBRUARY 17, 2015

SUBJECT: REQUEST FOR PROCLAMATION – “PATRIOTISM WEEK” –  
FEBRUARY 18 – 24, 2015

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION


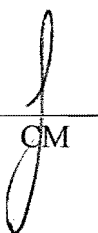
COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council’s agenda for consideration and approval by a majority of the Council.

Porterville Emblem Club #82 has requested that the Council consider approval of a proclamation to recognize February 18 through 24, 2015, as “Patriotism Week” in Porterville. Mayor Stowe is sponsoring this proclamation request.

If approved, the proclamation will be picked up and read at the “Old Glory” Appreciation Dinner on February 19, 2015.

RECOMMENDATION: That the City Council consider approval of the request to proclaim February 18 – 24, 2015, as “Patriotism Week”.

ATTACHMENT: 1. Request for Proclamation  
2. Draft Proclamation

 Dir	<u>N/A</u> Approp./ Funded	 CM
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Item No. 12



City of Porterville  
**REQUEST FOR PROCLAMATION**

Date of Request: January 17, 2015

Name of Event/Individual: "Old Glory" Appreciation Dinner  
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: Porterville Emblem Club #82

Name of Contact Person: Yvonne R. Fiori SPP

Address: PO Box 808, Porterville CA 93258

Phone: 559-361-3141 FAX: \_\_\_\_\_

E-mail: SPPYvonneFiori@yahoo.com

I would like the proclamation:  presented at a Council Mtg.  mailed  call for pick-up

Date(s) of Event: February 19, 2015

Date of Council Meeting to be presented, if applicable: \_\_\_\_\_  
(Council meets 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:  
 \_\_\_\_\_

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk  
 291 North Main Street  
 Porterville, CA 93257  
 (559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: \_\_\_\_\_ Sponsored by: Stowe Date: 2/6/15

Approved by Council: yes  no  Date: \_\_\_\_\_

Notification to Contact person done (date): \_\_\_\_\_ in writing  by phone

Items (s)  mailed \_\_\_\_\_  faxed \_\_\_\_\_  picked up \_\_\_\_\_

Comment: \_\_\_\_\_

Below is a copy of the Proclamation that was given in 1985 to the Porterville Elks Lodge. I could not get an actual copy. Since then the Emblem club has taken over the Old Glory Club and now they put on the dinner.

- The Porterville Emblem Club #82 has declared the week of February 18, 2008 as National Patriotism Week; and
- On Thursday, February 21, the Emblem Club will have their Annual 24 hour Flag Ceremony honoring \_\_\_\_\_ businesses and individuals; and
- The Porterville Emblem Club #82 wish the citizens of Porterville to join with them in recognizing and sharing the fundamental need to support our Country through the expression of our Patriotism.

Now, therefore, I \_\_\_\_\_ Mayor of Porterville, do hereby proclaim the week of February 18 through 24 as “Patriotism Week in Porterville” and urge the citizens of our community to join in this celebration.

COUNCIL AGENDA – FEBRUARY 17, 2015

SUBJECT: AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN –  
FIRE OFFICER SERIES

SOURCE: ADMINISTRATIVE SERVICES/ HUMAN RESOURCES

COMMENT: Within the scope of the Meyers-Milias-Brown Act, City representatives have concluded labor negotiations with the Fire Officer Series (FOS). City representatives and FOS have reached an agreement, and a written Memorandum of Understanding (MOU) has been executed restating current benefits as well as amendments pertaining to wages, benefits and working conditions.

City Council acceptance and approval of an executed MOU is most commonly demonstrated by Council authorization to change or amend, when applicable, those documents as are necessarily known to implement the points of agreement contained in the MOU.

RECOMMENDATION: That the City Council approve the attached draft resolution amending the Employee Pay and Benefit Plan.

Attachment: Draft Resolution

 _____ Dir.	 _____ Approp./ Funded	 _____ CM
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Item No. 13

RESOLUTION NO. \_\_\_\_-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN  
FOR THE FIRE OFFICER SERIES

WHEREAS, the City Council has determined and reiterated that an Employee Pay and Benefit Plan, Classification Plan, Personnel System Rules and Regulations, Health Plan and Retirement Plan are essential for the proper administration of the City's affairs, including employee recruitment and retention, and for proper supervision of City Employees; and

WHEREAS, the City Council recognizes the necessity of amending and/or changing the contents of such plans and regulations from time to time, and of executing instruments to implement and to keep the provisions thereof current, and to maintain the relevancy of the same; and

WHEREAS, there has been concurrence on a Memorandum of Understanding with the Fire Officer Series for the period from July 1, 2014, until June 30, 2015, covering provisions to amend the Employee Pay and Benefit Plan, as they relate to employees holding positions represented by such recognized employee organization.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan, for employees holding positions represented by the aforementioned recognized employee organization, is hereby amended as follows:

I. TERM OF MEMORANDUM OF UNDERSTANDING

Twelve months, from July 1, 2014, through June 30, 2015.

II. SALARIES

Effective the pay-period after the Memorandum of Understanding is fully executed, or as soon thereafter as possible, FOS employees shall receive a one-percent (1%) salary increase.

Effective concurrent with the implementation of FOS employees' two percent (2%) contribution towards healthcare coverage, FOS employees shall receive a one percent (1%) salary increase.

### III. EMPLOYEE HEALTH BENEFIT CONTRIBUTIONS

Effective the pay-period after the Memorandum of Understanding is fully executed, or as soon thereafter as possible, FOS employees shall contribute two percent (2%) of the employees' base salary towards FOS employees' own medical coverage on the City's health plan.

Effective the pay-period after the Memorandum of Understanding is fully executed, or as soon thereafter as possible, contribution rates for FOS employees' dental and vision coverage, and contribution rates for FOS dependents' medical, dental and vision coverage shall be increased as set out in Exhibit A.

### IV. EMPLOYEE HEALTH BENEFIT AMENDMENTS

The City shall implement changes to the healthcare benefit of FOS employees as set forth in Attachment 1 and Exhibits. Said changes may be subject to minor modification, to the benefit of the employees, as and when all City bargaining units approve them. Further, said changes to the employees' healthcare benefit shall not become effective until such time as all bargaining units approve same.

### V. ONE TIME OFF SCHEDULE PAYMENT

Effective concurrent with the implementation of FOS employees' contribution of two percent of employee's base salary towards healthcare, FOS employees shall receive a one-time payment equivalent to one percent (1%) of the employees' annual base salary.

### VI. WORKERS COMPENSATION BENEFIT

Effective the pay-period after the Memorandum of Understanding is fully executed and officially approved, or as soon thereafter as possible, the Workers Compensation benefit provided to FOS employees shall be modified to provide no additional benefit other than those required by applicable State law. This item is separate and apart from any Carve-Out negotiations and/or agreement.

### VII. FBOR APPEAL PROCESS

Effective the pay-period after the Memorandum of Understanding is fully executed, or as soon thereafter as possible, the disciplinary appeal process for classification represented by FOS shall be as set forth in Attachment 2 which is agreed to be consistent with FBOR Section 3254.5

VIII. ALTERNATIVE WORK SCHEDULE

At the discretion of the Department Head, the City agrees to allow some modifications to departmental work schedules for 40 hour work week employees, so long as the current level of service is delivered. This could be implemented on a trial basis, and may include 9-80 schedules or 4-10 schedules.

If at any time during the trial period of an alternative work schedule it becomes apparent that demonstrable impacts of the plan are not in the best interests of the City, or the safety and welfare of the residents thereof, or the health, safety and welfare of the employees assigned there to, and parties to this Memorandum of Understanding do hereby agree, at the request of either party, to meet and confer at the earliest time possible in an effort to reach concurrence for an equitable and reasonable resolution of any work schedule impacts demonstrably adverse to said interests of the City, the residents thereof, or the employees involved. Said adverse impacts may include, but are not limited to, problems associated with: declining productivity; staffing shortages; overtime costs; budget reductions; sick leave usage; accidents and injuries attributed to fatigue; significant increase in errors and/or accuracy; or applicable changes to State or Federal regulations affecting any operational premises upon which the alternative work schedule is based.

In the absence of equitable and reasonable solutions for the resolve of adverse impacts attributed to the alternative work schedule, or in the event the parties hereto fail to reach concurrence for the resolve of same within a reasonable period of time, then, and in that event, the City shall declare the trial period terminated and provide each employee involved in the alternate work schedule written notice of the effective termination date. Immediately upon termination of the alternate plan, work schedules will automatically revert to the previous scheduling.

IX. UNIFORM ALLOWANCE

The uniform allowance for FOS employees shall be increased to \$1,000 per year and disbursement shall be split to two payments of \$500 (pay-period ending on 6/30 and 12/31)

X. WORK-OUT TIME

For shift personnel, the City will provide one (1) hour per twenty four (24) hour shift for wellness and physical fitness training. Except where emergency circumstances will not allow it, every effort will be made to schedule such hour between 1100 and 1200 hours; provided that it is understood that, notwithstanding this time allotment, fire personnel shall continue to be expected and required to complete all normal and customary work assignments during the course of such twenty four (24) hour shift. This includes work assigned monthly.

XI. 48/96 SCHEDULE

If the City reaches an agreement with the Porterville City Firefighters Association (PCFA) regarding the implementation of the 48/96 schedule, the City will apply the same schedule to members assigned to the FOS (shift personnel).

XII. STATEMENT OF CONTINUING BENEFITS AND WORKING CONDITIONS

Benefits and working conditions as were previously agreed upon through the Meet and Confer process, and subsequently approved and implemented by appropriate authority shall, unless herein expressly modified or eliminated, remain in effect until such time as they are subsequently modified or eliminated through the Meet and Confer process and similarly approved by appropriate authority.

BE IT FURTHER RESOLVED that the Mayor of the City of Porterville is hereby authorized to execute those documents as are necessary to implement the provisions hereof.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk



## HEALTHCARE BENEFIT AMENDMENTS

February 3, 2015

Effective January 1, 2015, or as soon thereafter as possible, the City of Porterville ("City") proposes to amend the Employees' Healthcare benefits as follows:

1. An orthodontic benefit shall be added to the City's dental plan. Said benefit shall be for children up to age 19 only, and will have a lifetime maximum benefit of \$1,000 per child.
2. Dental implants shall be added as a covered benefit to the City's dental plan. The plan's current maximum limits shall apply to said covered benefit.
3. Progressive and transitional lenses shall be added as a covered benefit to the City's vision plan. All current maximum limits shall apply to said benefit.
4. Deductible rates for medical coverage (not including dental and vision) will increase from \$150 to \$175 for individual; and from \$300 to \$350 for family.
5. Dependent rate tier structure for medical coverage, and contribution rates for medical, dental and vision coverage shall be amended as set forth in the attached Exhibit A.
6. Co-insurance rates for out-of-network providers shall be increased from 20% to 30%. In-network rates shall remain at 20%.
7. Generic prescriptions shall be mandatory, unless specifically requested otherwise by the treating physician.
8. Mail order for all maintenance medication shall be encouraged.
9. The City shall make available Flexible Spending Accounts ("FSA") including a Healthcare FSA and Dependent Care FSA.
10. The City's Fitness Incentive Program shall be amended to eliminate quarterly fitness incentive testing. Instead, Employees who participate in the voluntary program shall receive incentive pay for verifiable healthy lifestyle choices. Eligible activities shall include verifiable regular physical exercise, completion of a certified weight loss or nutrition program, and completion of a certified smoking cessation program. The Risk Manager shall have the authority to approve or deny the eligibility of any and all proposed activities. The proposed program is more specifically set out in attached Exhibit B.

Proposed Medical Contribution Rates and New Tier Structure  
 All Bargaining Units  
 MOU 2014 - 2015

2/3/2015

MEDICAL

CURRENT MONTHLY	PROPOSED MONTHLY	
2011-Present		
Employee Only	\$0	Employee Only 2% of base salary
Plus 1	\$150	Plus Spouse \$170
Plus 2 or more	\$230	Plus Child/children \$160
		Plus Spouse & Child/Children \$250
2005 - 2011		
Employee Only	\$0	
Plus 1	\$150	
Plus 2 or more	\$230	
1995 - 2005		
Employee Only	\$0	
Plus 1	\$150	
Plus 2 or more	\$230	

DENTAL

CURRENT MONTHLY	PROPOSED MONTHLY	
1995 - Present		
Employee Only	\$0	Employee Only \$0
Plus 1	\$18.66	Plus Spouse \$21.00
Plus 2 or more	\$25.55	Plus Child/children \$27.00
		Plus Spouse & Child/Children \$30

VISION

CURRENT MONTHLY	PROPOSED MONTHLY	
1995 - Present		
Employee Only	\$0	Employee Only \$0
Plus 1	\$8.18	Plus Spouse \$11.00
Plus 2 or more	\$19.03	Plus Child/children \$9.00
		Plus Spouse & Child/Children \$20

EXHIBIT A

**REGULAR PHYSICAL EXERCISE**

Monthly Incentive Rates

	<u>"Good"</u>	<u>"Excellent"</u>	<u>"Superior"</u>
Monthly Workouts	10-13 times	14-17 times	18 or more
Incentive Pay	\$30	\$40	\$50

- 1 A maximum of one workout per day shall be eligible. Further, eligible workouts must last at least one hour in duration and should include cardio exercise.
- 2 To be eligible, workouts must be verifiable (i.e. sign in/out sheets at City fitness facilities witnessed/signed by HR staff or employee supervisor; or printout provided from professional third-party gym/fitness membership/classes.)
- 3 To be eligible, participants must submit their completed workout logs (forms to be provided by HR) to HR by the 10th day of each month for the prior month. Incentive pay shall be disbursed to participants on a quarterly basis. Forms submitted after the 10th day, or not containing the appropriate supervisor/HR sign-off or verified third-party gym/class printout shall not be eligible.
- 4 Employees who knowingly sign and/or submit inaccurate/fraudulent sign in/out sheets or workout logs shall be prohibited from participating in the Regular Physical Exercise program for one year from the date of discovery. The Risk Manager maintains the right to make such a determination.

**SMOKING CESSATION PROGRAM**

Incentive Rate                      A one-time payment of up to \$200

Participating employees shall be eligible for a one time incentive payment up to \$200 for completion of a certified smoking cessation class which shall be pre-approved by the Risk Manager. Proof of completion must be provided to receive payment.

**WEIGHT LOSS & NUTRITION PROGRAM**

Incentive Rate                      Two payments of up to \$50 per Calendar Year

Participating employees shall be eligible for up to two payments of \$50 each per year for completion of a certified weight loss or nutrition program, which shall be pre-approved by the Risk Manager. Proof of completion must be provided to receive payment.

*The Risk Manager shall have the authority to approve or deny the eligibility of any and all proposed programs.*

## FFBOR APPEAL PROCESS

The following administrative appeal procedures are adopted pursuant to Government Code §3254.5 of the Firefighters Procedural Bill of Rights Act ("FFBOR"). In the event that the FFBOR is amended to allow an administrative appeal in accordance with the standard procedure of the City's Personnel Rules and Regulations, this FFBOR administrative appeal procedure will revert back to such Personnel procedures to the extent permitted by law.

### 1. DEFINITIONS

- a. The term "firefighter" means an employee who is considered a "firefighter" under Government Code § 3251(a) except for the Fire Chief who is identified as such. For purposes of this policy, "firefighter" does not include anyone in a volunteer capacity. As referenced in Government Code § 3251(a), any employee who has not successfully completed the probationary period established by the City as a condition of employment, is not included in the definition of "firefighter" and is not covered under this procedure. The classifications of employees who are considered a "firefighter" under this policy include: Firefighter and Fire Engineer.
- b. The term "punitive action" means any action that may lead to dismissal, demotion, permanent reduction in salary, or suspension in excess of three (3) work days or one (1) shift (as may be applicable).

### 2. FIRE OFFICER RIGHTS TO CONFERENCE REGARDING DISCIPLINE

Any regular, full-time firefighter in the competitive City service shall have the right to a conference of disciplinary suspension, salary reduction, demotion, or dismissal. The employee shall follow the City Personnel Policy to initiate a review of a proposed disciplinary action to and through the completion of the Skelly process.

### 3. APPEAL OF A PUNITIVE ACTION NOT INVOLVING DISCHARGE, DEMOTION OR SUSPENSION IN EXCESS OF THREE (3) WORK DAYS OR ONE (1) SHIFT, AS MAY BE APPLICABLE OF A FIREFIGHTER

Pursuant to Government Code § 11445.20, the following informal hearing procedure shall be utilized for an appeal by a firefighter of a punitive action not involving a discharge, demotion or a suspension in excess of three (3) days or one (1) shift, (as may be applicable).

- a. Notice of Appeal – Within ten (10) calendar days of receipt by a firefighter of notification of punitive action as set forth above, the firefighter shall notify the Fire Chief in writing of the firefighter's intent to appeal the punitive action. The notice of appeal shall specify the action being appealed and the substantive and procedural grounds for the appeal.
- b. Presiding Officer – In an informal hearing, the City Manager or his/her designee shall be the presiding officer. The City Manager or his/her designee shall conduct the informal hearing in accordance with these procedures. The

determination of the City Manager shall be final and binding. If the City Manager cannot serve as the hearing officer because of actual bias, prejudice or interest as defined by Government Code § 11425.40, then the mediator from the California State Mediation and Conciliation Service shall serve as the Presiding Officer. In such cases, the determination of the Presiding Officer shall be final and binding.

- c. Burden of Proof - The employer shall bear the burden of proof at the hearing.

The Department shall have the burden of providing by a preponderance of the evidence the facts which form the basis for the charge and that the punitive action was reasonable under the circumstances.

- d. Conduct of Hearing –

i. The formal rules of evidence do not apply, although the Presiding Officer shall have discretion to exclude evidence which is incompetent, irrelevant or cumulative, or the presentation of which will otherwise consume undue time.

ii. The parties may present opening statements.

iii. The parties may present evidence through documents and testimony.

aa. Witnesses shall testify under oath.

bb. Subpoenas may be issued pursuant to Government Code §§ 11450.05 – 11450.50.

cc. At the discretion of the Presiding officer, the parties may be entitled to confront and cross-examine witnesses.

iv. Following the presentation of evidence, if any, the parties may submit oral and/or written closing arguments for consideration by the hearing officer.

- e. Recording of the Hearing – The hearing shall be audio recorded. The cost to receive a transcript of the hearing shall be borne by the party requesting the transcript.

- f. Representation – The firefighter may be represented by an association representative or attorney of his or her choice at all stages of the proceedings. All costs associated with such representation shall be borne by the firefighter.

- g. Decision – The decision shall be in writing pursuant to Government Code §11425.50. The decision shall be served by first class mail, postage prepaid, upon the firefighter as well as his/her attorney or representative, shall be

accompanied by an affidavit or certificate of mailing, and shall advise the firefighter that the decision is final and binding.

4. FIRE OFFICER RIGHTS TO APPEAL DISCIPLINARY DECISION INVOLVING DISCHARGE DEMOTION OR SUSPENSION IN EXCESS OF THREE (3) DAYS OR ONE (1) SHIFT, AS MAY BE APPLICABLE

A. Notice of Appeal

If the employee wishes to appeal the decision of the appointing authority, the employee must file a written Notice of Appeal, in a form acceptable to the City Manager, with the City Manager's Office within ten (10) working days after receipt of the appointing authority's decision.

1. The employee shall be entitled to a hearing before a Hearing Panel on the merits of the charges if the employee files a Notice of Appeal, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a Notice of Appeal shall constitute a waiver of the employee's right to a hearing.
2. The Notice of Appeal shall be in writing, signed by, or on behalf of, the employee and shall state the employee's mailing address.
3. The Notice of Appeal must:
  - a. State the reasons for the appeal
  - b. State the name of the employee's representative, if any.
  - c. State the employee's estimate of time necessary to present the employee's case to a Hearing Panel.
  - d. Specify any new matter to be presented during the employee's defense. No exceptions to the time period provided herein shall be permitted.

B. Hearing Panel

The Disciplinary Action shall be reviewed by a Hearing Panel. The employee shall cooperate to schedule a hearing within the time guidelines, and shall comply with the pre-hearing conference procedures as dictated by these rules and the Hearing Officer, including identification of witnesses and exchange of evidence. Upon preparing and filing the Notice of Appeal, the employee shall promptly identify a City employee to serve on the Hearing Panel.

1. One Hearing Panel member shall be a City employee selected by the appellant and one panel member shall be a City employee selected by the employee's Department Head. The third panel member shall be the Hearing Officer who will chair the Hearing Panel and conduct the hearing. If the Hearing Officer is not an attorney, the City Manager shall appoint a legal advisor who will advise the Hearing Officer on the admissibility of evidence.
2. Selection of the Hearing Officer
  - i. The Hearing Officer shall be selected from a list of five (5) qualified and experienced neutral Hearing Officers jointly developed by the City and the Bargaining Unit. This list shall be updated every two (2) years. In the event that a selected neutral can no longer serve as a Hearing Officer, the City and the Bargaining Unit shall immediately select a replacement. If the list is not updated

within two years, it shall remain in effect until the City and the Bargaining Unit are able to update it.

- ii. If the parties cannot agree upon the selection of a Hearing Officer, the parties shall select a Hearing Officer from the list of approved neutrals by rank and strike. The first strike will be determined by a coin flip, after which the parties will alternatively strike one name from the list until only one name remains.
3. No panel member may be otherwise involved in the appeal nor may they be a witness to the facts underlying the action.
4. The Hearing Officer shall chair the Hearing Panel. If the Hearing Officer is not an attorney, the City Manager shall appoint a legal advisor who will advise the Hearing Officer on the admissibility of evidence. Said legal advisor shall be subject to disqualification for any of the grounds listed in Government Code Sections 11425.30 and 11425.40.
5. Failure on the part of the City or the appellant to appear before the Hearing Panel, without good cause as determined by the Hearing Officer, shall result in forfeiture of the case.

C. Hearing Panel Procedure

The following procedures shall apply to hearings conducted before a Hearing Panel

1. Setting the Hearing. Upon receipt of the Notice of Appeal, the City shall contact the members selected for the Hearing Panel and ascertain presently available dates when the panel members might be available to conduct a formal disciplinary hearing pursuant to these Rules. The City shall notify the employee of the panel's available dates, and work with the employee or the employee's representative to schedule all hearing-related matters.
2. Although it is the employee who is appealing the disciplinary decision, the burden of proof is on the City regarding the facts upon which the discipline was based and the correctness of the penalty imposed.
3. The Appellant's failure to appear at the hearing, or failure on more than one occasion to cooperate with the scheduling of the hearing and the pre-hearing conference procedures, or to abide by the hearing processes necessary to enable the matter to be timely heard, without good cause as determined by the Hearing Officer, shall result in forfeiture of the case or be deemed an abandonment of the appeal.
4. The Hearing Officer will provide written notice to the employee and his/her representative upon the first incidence of their failure to cooperate. If, within five (5) workdays, the employee fails to correct the problem that triggered the notice, such failure shall be deemed a separate incidence of failure to cooperate.
5. The hearing will be closed to the public unless the employee requests in writing that it be open to the public. Notwithstanding, where a hearing is open, either party may request that the Hearing Officer close portions of the hearing where sensitive or confidential or sensational material may be presented or discussed. The employee's department may be represented by counsel and/or have a lay representative present throughout the proceeding.
6. All witnesses who are not parties may be excluded from the hearing by the Hearing Officer except when testifying. If the employee does not testify in his or her own behalf, the employee may be called and examined as an adverse witness.

7. All testimony shall be taken under oath or affirmation.
8. The hearing is not required to be conducted according to technical rules relating to evidence and witnesses. Any evidence upon which reasonable persons might rely in the conduct of their everyday affairs may be admitted. Subject to the provisions herein regarding pre-hearing conferences, any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely upon in the conduct of serious affairs. Hearsay evidence may be used only for the purpose of explaining or supplementing other evidence, or where otherwise corroborated. Persons who provide direct testimony may be called by the other party for cross examination under oath. Cross examination shall be limited to those areas covered in their prior testimony, unless the Hearing Officer permits otherwise. The Hearing Officer controls which evidence is admitted, and may exclude evidence which is irrelevant, cumulative or otherwise found to be not probative.
9. The proponent of any evidence is responsible for obtaining and presenting the evidence in a clean and legible fashion, and is responsible for having available sufficient copies of the evidence for all parties, including the Hearing Panel members and the court reporter.
10. The Hearing Officer may take official notice of any matter which may be judicially noticed.
11. Each party shall have the right to subpoena witnesses. The City Manager will, on request, issue blank subpoenas.
12. Except for rebuttal testimony, modification of position statements or newly discovered facts, documents or witnesses, information not shared at the pre-hearing conference shall not be presented to or considered by the Hearing Panel. The Hearing Officer may, but is not required to, modify this provision and permit such evidence for good cause and in a manner which is fair to both parties.
13. A certified Court Reporter shall record all testimony.
14. The City Manager may promulgate such additional hearing procedures as he/she deems necessary, and as are agreed to by the parties.
15. The Hearing Officer shall be responsible for preparing and issuing the written decision of the Hearing Panel. During the process of producing the Hearing Panel's written decision the Hearing Officer may be assisted by appointed counsel.
16. The decision of the Hearing Panel shall be by majority vote and shall be made in writing within thirty (30) calendar days after the hearing of the matter is concluded. The decision of the Hearing Panel is final and binding on all parties.
17. The decision shall be signed by the Hearing Officer, who shall provide a copy of Notice of Decision to the employee, the employee's representative, if any, to the employing department, and to the City Manager's Office. The Notice of Decision shall recite that the time within which judicial review of the decision must be sought is governed by the provisions of Code of Civil Procedure § 1094.6.

TITLE: ADDENDUM NO. 3 TO CITY MANAGER EMPLOYMENT AGREEMENT

SOURCE: CITY ATTORNEY

COMMENT: As requested by the City Council, attached is a proposed Addendum modifying Section 1 of the City Manager's Employment Agreement with the City. The proposed revision changes the monthly rate of compensation from \$11,010.00 to \$12,661.50. This is the first proposed revision to the City Manager's compensation rate since the Employment Agreement went into effect in 2009. Pursuant to Section 5 of the Employment Agreement, the City Manager remains subject to same pension and health care contributions that apply to all other management employees of the City.

All other terms and conditions as set forth in the 2009 Agreement and Addenda Nos. 1 and 2, and not inconsistent with this Addendum, remain in effect. The City Manager's term of employment is currently set to expire December 31, 2016.

RECOMMENDATION: That the City Council consider and approve Addendum No. 3.

ATTACHMENTS: 1) Addendum No. 3 to Employment Agreement  
2) Employment Agreement with Addenda 1 and 2

**ADDENDUM NO. 3 TO EMPLOYMENT AGREEMENT**  
**BETWEEN THE CITY OF PORTERVILLE AND JOHN D. LOLLIS**

This Addendum No. 3 is made a part of the Employment Agreement between the City of Porterville ("City") and John D. Lollis ("City Manager") entered into on September 2, 2008, and effective as of January 14, 2009.

1. Commencing March 1, 2015, the City agrees to pay the City Manager at the rate of the sum of \$12,661.50 per month as compensation for the retention of the City Manager's services specified in the Employment Agreement, and such compensation as the City Council may, from time to time, determine, consistent with the provisions set forth in Section 1 of the Employment Agreement.
2. All other terms as outlined in the Employment Agreement and Addenda Nos.1 and 2, and not inconsistent with this Addendum, shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this Addendum No. 3 on February \_\_\_\_, 2015.

**"CITY"**

**"CITY MANAGER"**

\_\_\_\_\_  
Milt Stowe  
Mayor of the City of Porterville

\_\_\_\_\_  
John D. Lollis

ATTEST:

\_\_\_\_\_  
By: Patrice Hildreth, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Julia M. Lew, City Attorney

**EMPLOYMENT AGREEMENT**

**EMPLOYMENT AGREEMENT BETWEEN  
THE CITY OF PORTERVILLE AND JOHN D. LOLLIS.**

**WHEREAS**, the City of Porterville, hereafter referred to as "City," desires to hire JOHN D. LOLLIS, as its City Manager;

**WHEREAS**, JOHN D. LOLLIS, desires to be employed as the City Manager of the City of Porterville;

**WHEREAS**, it is the desire and intent of the parties to create an employment agreement;

**WHEREAS**, the City desires to employ the services of Mr. Lollis, as City Manager of the City as provided by Section 17 of the Charter of the City of Porterville, upon the retirement of the City's current City Manager, John R. Longley, as of January 14, 2009;

**WHEREAS**, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of the City Manager; and

**WHEREAS**, it is the desire of the City Council to:

- (1) Secure and retain the services of the City Manager and provide inducement for him to remain in such employment;
- (2) To make possible full work productivity by assuring the City Manager's morale and peace of mind with respect to future security; and
- (3) To provide a just means for terminating the City Manager's services at such time as he may be unable to discharge his duties or when the City may desire to otherwise terminate his employ.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained, the parties agree to enter into this Employment Agreement, as follows:

## **Section 1. Compensation**

Commencing January 14, 2009, and thereafter, City agrees to employ and pay the City Manager at the rate of the sum of \$11,010.00 per month as compensation for the retention of the above mentioned services, and such compensation thereafter as the City Council may, from time to time, determine; provided that, at a minimum, after the first year of this Agreement, the City Manager shall receive an annual percentage increase equal to the average cost of living adjustment awarded to other city Department Directors for the preceding year; and provided further that City Manager may additionally request, on or about December 1 of each year (commencing on December 1, 2009), a performance based salary increase not to exceed five percent (5%) which the City Council may approve in whole or part within thirty (30) days of receipt of such request, after first conducting a written evaluation of City Manager's work performance of the prior year. Said compensation shall be paid at the same times and in the same manner as other employees of the City are paid.

## **Section 2. Term of Service**

The City Manager's term of employment shall be through December 31, 2011. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of the City Manager at any time, provided that such termination shall be subject to the provisions of Section 3 herein below. The City Manager may be removed by a four fifths (4/5) vote of the total City Council members. Before voluntarily resigning his position, the City Manager agrees to give the City Council at least three (3) months notice in writing of his intention to resign stating the reasons therefore. It is specifically noted and agreed that City Manager's employment with the City is in an "at will" capacity and as such, he may be terminated at any time, with or without cause. Any termination of City Manager shall be made by giving him written notice thirty (30) days in advance. Upon receipt of such notice, City Manager shall have the right to request the reasons for such termination be specified in writing and shall further have the right, if he so requests, to address the City Council, in a closed session, regarding his termination. Any such written explanation of the reasons provided for termination

shall be a confidential communication between employer and employee and shall not be disclosed to third parties.

**Section 3. Severance Pay**

In the event of involuntary separation of the City Manager, he shall be entitled to receive a lump sum payment as and for severance pay in an amount equal to twelve (12) months salary. In addition to any such salary, the City Manager shall be paid any other amounts that would be due to a City employee upon termination of employment with the City. The City and the City Manager understand that in the event of involuntary separation, the City Manager desires to obtain a position with the City similar to the position he held prior to the effective date of this Agreement. In the event he applies for and is hired for such a position during the twelve-month period following his separation as City Manager, he agrees that he will reimburse the City for the balance of the lump sum paid representing the remainder, if any, of said twelve-month period.

Notwithstanding the above provisions of this Section, in the event the City Manager is terminated and a court of competent jurisdiction finds and determines that he is guilty of an illegal act involving moral turpitude or personal gain, then, in that event, the City shall have no obligation to pay the aggregate severance sum designated hereinabove in this Section.

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**Section 4. Dues, Travel and Conferences**

The City hereby agrees to annually budget and allocate sufficient funds to pay for the dues and expenses of the City Manager's necessary travel and living while representing the City at the Annual International City/County Management Association Conference, the Annual League of California Cities Conference, conferences of the City Manager's Department of the League of California Cities and conferences or meetings of state committees or commissions upon which the Manager serves as a member, said membership on said committees or commissions being subject to the approval of the Council, and for such other official conferences, meetings and/or travel as are reasonably necessary for the City Manager to carry out his professional responsibilities as the appointed executive of the City.

### **Section 5. Regular Benefits**

All provisions of the City Charter and Code and Rules and Regulations of the City relating to vacation, sick leave, retirement and pension system contributions, holidays and other fringe benefits and working conditions as they now exist or hereafter may be amended shall apply to the City Manager as they would to other management employees of the City, in addition to any other benefits enumerated herein specifically for the benefit of the City manager, except as otherwise provided in this Agreement.

### **Section 6. Supplemental Benefits**

In addition to the regular benefit provided for in Section 5 herein above, the City Manager shall be entitled to the following supplemental benefits:

- a. He shall be enrolled in the PERS retirement system and the City shall pay the employer's required contribution and he shall pay the employee's required contributions to said Program;
- b. He shall be provided, at City expense, a cellular telephone; provided that he shall be available and accessible to City Council members by means of these communication devices seven (7) days a week, twenty four (24) hours a day, unless he has first otherwise notified the Council of his unavailability for an approved reason or basis;
- c. The City Manager shall be entitled to receive an annual physical from the Sansom Institute, paid by the City.
- d. The City Manager shall be entitled to receive a laptop computer for City use, provided a program is developed for the provision of such computers (with internet and e-mail capabilities and systems) to City Council Members and other appointed or designated officials, for City use. The costs for the laptops will be amortized over the remaining term of the official's contract or the terms for the elected Council Members. If the official resigns, leaves or is otherwise removed from employment/office,

for any reason, and wishes to retain the laptop, he will be responsible for paying the balance owed for the remainder of his contract/term.

**Section 7. General Expenses**

The City recognizes that certain expenses of a non-personal job related nature will be incurred by the City Manager while on City business. Such expenses include, but are not limited to, meals with potential tenants, developers, representatives of businesses interested in locating in the City, or already located in the City, and other federal, state and local agency officials. City agrees to reimburse or to pay said general expenses and the Finance Director is hereby authorized to disperse such money upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits. Such receipts and supporting documentation shall be made available to the Mayor and City Council, and the City Council may designate one of its members or another individual to audit the City Manager's expenses.

**Section 8. Automobile Allowance**

The City agrees to provide the City Manager with a vehicle allowance in the amount of \$400.00 per month. This allowance shall not be considered part of City Manager's salary for the purposes of PERS final compensation.

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**Section 9. Other Terms and Conditions of Employment**

The parties shall, by amendment to this Agreement, fix such other terms and conditions of employment from time to time as may be determined relating to the performance of the City Manager of the City, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement or City Charter.

**Section 10. Annual Evaluation**

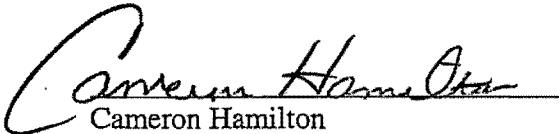
The City Manager's performance and compensation shall be evaluated on an annual basis on or about the month of December by the City Council. Said evaluation process shall include written goals and objectives for the City Manager being set for the next year by the City Council.

**Section 11. General Provisions**

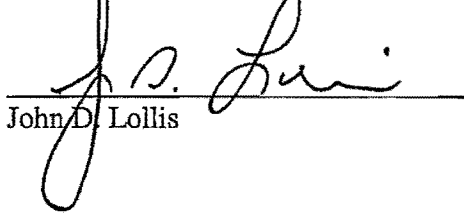
If a provision or any portion thereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof shall be deemed to be severable, shall not be affected and shall remain in full force and effect.

DATED this 2nd day of September, 2008.

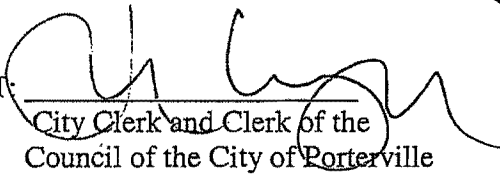
"CITY"

  
Cameron Hamilton  
Mayor of the City of Porterville

"CITY MANAGER"

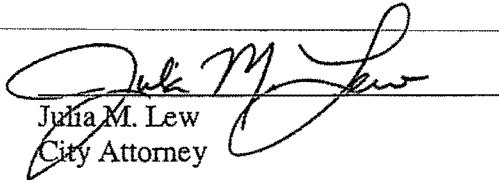
  
John D. Lollis

ATTEST:

  
City Clerk and Clerk of the  
Council of the City of Porterville

APPROVED AS TO FORM:

---

  
Julia M. Lew  
City Attorney

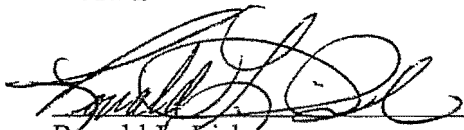
**ADDENDUM NO. 1 TO EMPLOYMENT AGREEMENT**  
**BETWEEN THE CITY OF PORTERVILLE AND JOHN D. LOLLIS**

This Addendum No. 1 is made a part of the Employment Agreement between the City of Porterville ("City") and John D. Lollis ("City Manager") entered into on September 2, 2008, and effective as of January 14, 2009.

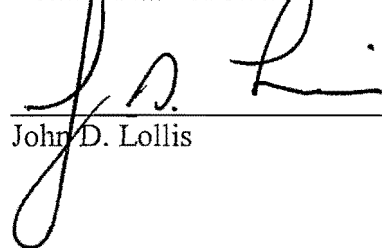
1. The term of City Manager's employment is hereby extended through December 31, 2016.
  
2. With regard to Section 3 of the Employment Agreement, and consistent with the provisions of AB 1344, which shall go into effect January 1, 2012, in the event of involuntary separation of the City Manager, he shall be entitled to receive the lesser of the following: a lump sum payment in the amount equal to 12 months salary, or equal to his monthly salary multiplied by the number of months left on the unexpired term of this Agreement or any further Addendums. Any cash settlement provided by the City related to termination of the City Manager shall be fully reimbursed to the City if City Manager is convicted of a crime involving an abuse of his office or position, as defined by AB 1344. To the extent the Agreement allows for paid leave salary pending any investigation, and/or the payment of a legal criminal defense of City Manager, any funds expended by the City for these purposes shall be fully reimbursed to the City if City Manager is convicted of a crime involving an abuse of his office or position. Said reimbursements are required if such payments are made, even if the payments were made by the City in the absence of any contractual requirement to do so.
  
3. All other terms as outlined in the Employment Agreement, executed on September 2, 2008, and not inconsistent with this Addendum, shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this Addendum No. 1 on December 20, 2011.

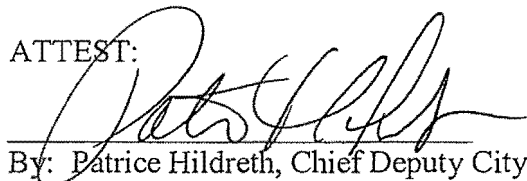
"CITY"

  
\_\_\_\_\_  
Ronald L. Irish  
Mayor of the City of Porterville

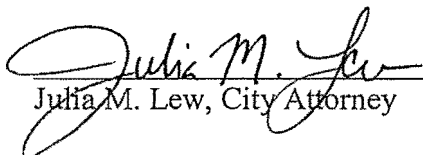
"CITY MANAGER"

  
\_\_\_\_\_  
John D. Lollis

ATTEST:

  
\_\_\_\_\_  
By: Patrice Hildreth, Chief Deputy City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Julia M. Lew, City Attorney


**ADDENDUM NO. 2 TO EMPLOYMENT AGREEMENT**  
**BETWEEN THE CITY OF PORTERVILLE AND JOHN D. LOLLIS**

This Addendum No. 2 is made a part of the Employment Agreement between the City of Porterville ("City") and John D. Lollis ("City Manager") entered into on September 2, 2008, and effective as of January 14, 2009.

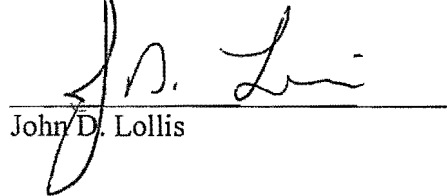
1. The City Council acknowledges that the City Manager may live outside the city limits from approximately July 1, 2014 to June 30, 2015, and consents to this to the extent legally required per Porterville Charter Section 21.
2. All other terms as outlined in the Employment Agreement and Addendum No.1, and not inconsistent with this Addendum, shall remain in effect.

IN WITNESS WHEREOF, the parties have executed this Addendum No. 2 on June 17, 2014.

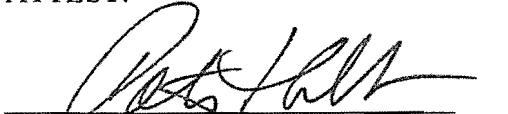
"CITY"

  
Cameron Hamilton  
Mayor of the City of Porterville

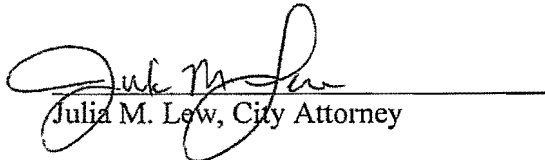
"CITY MANAGER"

  
John D. Lollis

ATTEST:

  
By: Patrice Hildreth, Deputy City Clerk

APPROVED AS TO FORM:

  
Julia M. Lew, City Attorney

**PUBLIC HEARING**

SUBJECT: VACATION OF A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET (Sequoia Medical Center)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the public hearing on the proposed vacation of a portion of Cleveland Avenue generally located from Villa Street to a point approximately 300 feet east of Villa Street. Putnam 590 L.L.C. represents the proprietary interest to the property fronting the proposed vacation and is hereby the requesting party.

The planned upgrade and expansion of the Sequoia Medical Center's parking lot is the driving force behind this request. The proposed vacation is consistent with a prior vacation of a portion of Cleveland Avenue west of Pearson Drive, which allowed for the orderly development of Sierra View District Hospital's Medical Complex.

Easements will be reserved for maintaining existing storm drain, sanitary sewer and water pipelines, all within this segment of Cleveland Avenue. It is the City's intent to retain maintenance rights on behalf of all utility companies. Exhibit "C" of the attached Resolution reserves these rights.

RECOMMENDATION: That the City Council:

1. Adopt the Resolution of Vacation, including reservations, for a portion of Cleveland Avenue from Villa Street to a point approximately 300 feet east of Villa Street; and
2. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution  
Exhibit "A" - Legal Description  
Exhibit "B" - Map of Right-of-Way Vacation  
Exhibit "C" - Reservations and Exceptions

P:\PUBWORKS\GENERAL\COUNCIL\PUBLIC HEARING - VACATION OF A PORTION OF CLEVELAND AVENUE - 2015-02-17.DOC

Dir BSC Appropriated/Funded N/A CM [Signature]

Item No. 15

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PORTERVILLE  
ORDERING THE VACATION AND CLOSING TO PUBLIC USE OF  
A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET

WHEREAS, by Resolution No. 04-2015, passed on January 20, 2015, the Council of the City of Porterville declared its intention to vacate a portion of Cleveland Avenue, generally located from Villa Street to a point approximately 300 feet east of Villa Street, hereinafter more particularly described, and set the hour of 6:30 p.m. on the 17<sup>th</sup> day of February, 2015, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the street right-of-way hereinafter described is unnecessary for present or prospective right-of-way, and the City Council hereby makes its order vacating said portion of Cleveland Avenue east of Villa Street, which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations and exceptions set forth in Exhibit "C" which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, ADOPTED AND APPROVED this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

\_\_\_\_\_  
By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

Cleveland Ave Vacation Description

That portion of Lot 11, Williams & Premo Villa Tract per map recorded in Book 7, page 64 of Maps, in the Office of the County Recorder, County of Tulare, State of California, being a strip of land 25 feet wide, the North line of said strip being described as follows:

Beginning at a point on the West line of said Lot 11, which point being the Southwest corner of said land described in Parcel II of Deed to James E. Putnam, recorded March 31, 1960 as Instrument No. 10825, in Book 2186, page 409 of Official Records of said County;

Thence, Easterly, 305 feet, along the South line of said land described in Parcel II, to the East line of said Lot 11.

Excepting therefrom the West 10 feet thereof.

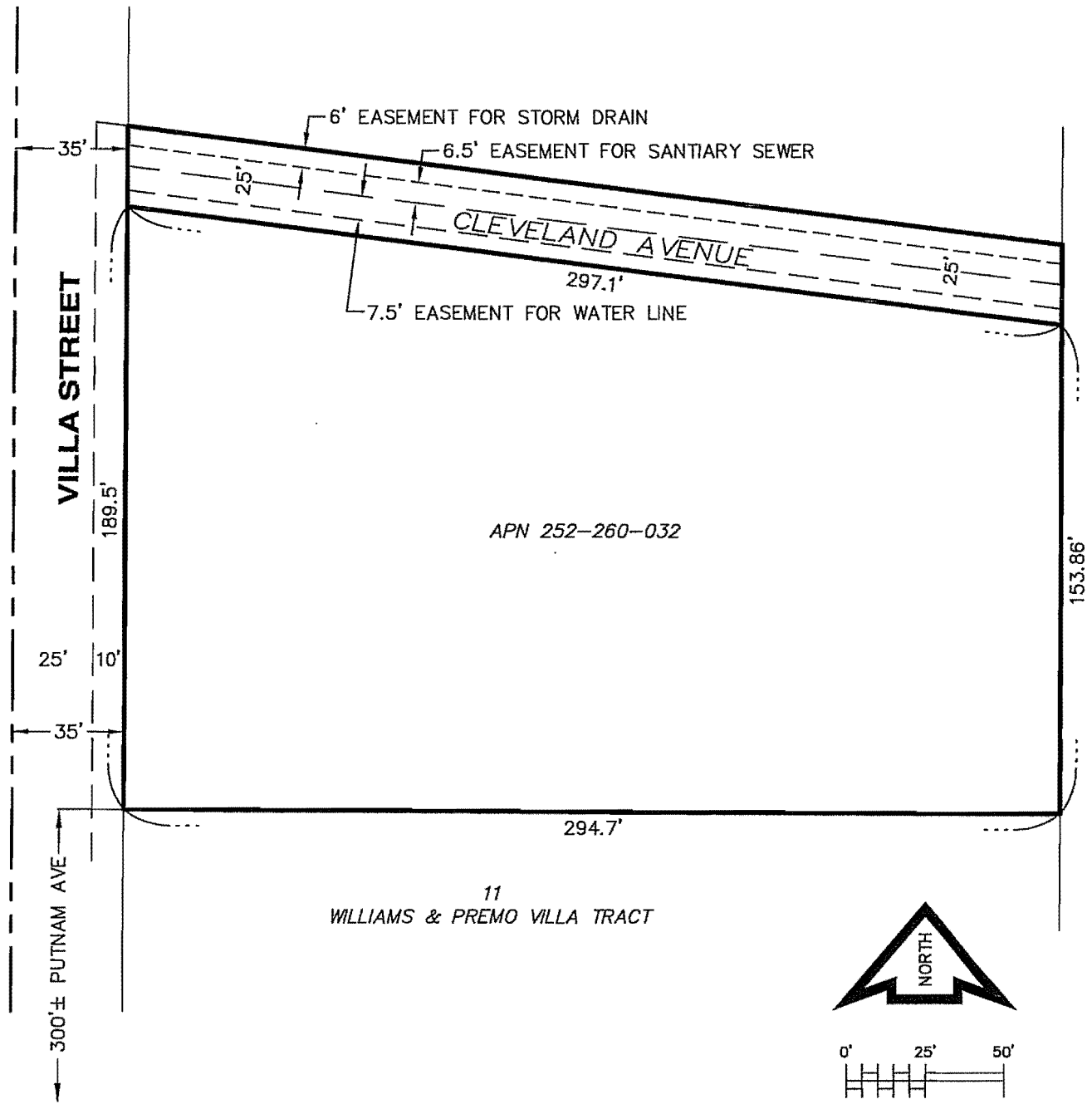
Reserving unto the City of Porterville, an easement for a storm drain line, over, across, through and within the North 6.00 feet thereof.

Also reserving unto the City of Porterville, an easement for a sanitary sewer line, over, across, through and within the South 6.50 feet of the North 12.50 feet thereof.

Also reserving unto the City of Porterville, an easement for a water line, over, across, through and within the South 7.50 feet of the North 20.00 feet thereof.

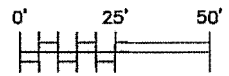
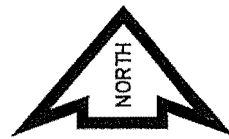


EXHIBIT "B"



APN 252-260-032

11  
WILLIAMS & PREMO VILLA TRACT



SCALE: 1" = 50'

**CLEVELAND AVENUE  
VACATION**

FOR: DOUG KING  
PO BOX 485  
STRATHMORE, CALIFORNIA 93267

BY: **JAMES WINTON & ASSOCIATES**  
150 WEST MORTON AVENUE  
PORTERVILLE, CALIFORNIA 93257

JOB No. 3140

**EXHIBIT "C"**

RESOLUTION NO.: \_\_\_\_\_

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, sanitary sewers, water lines and storm drains and appurtenant structures in, upon, over and across said avenue or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraph and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from flammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the avenue or part thereof herein proposed to be vacated.

**PUBLIC HEARING**

SUBJECT: VACATION OF EASEMENT FOR TEMPORARY TURNAROUNDS RELATED TO NADER HOMES SUBDIVISION (Nader Development, Inc.)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of easement for temporary turnarounds related to the development of Nader Homes Subdivision. This easement is generally located east of Prospect Street and south of Roby Avenue. The easement was necessary for the orderly development of Sunrise Estates Six, Phase One Subdivision, which is west of and contiguous to the subject development. The developer has recently constructed street improvements associated with Forest Avenue and Orange Avenue and dedication of the public right-of-way is forthcoming with the normal processing of the Final Map. This development terminates the need for the prior easement. The City has authority to vacate this easement under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes that there are no problems with any reversionary rights since this easement is in favor of the City of Porterville. Vacation of this easement does not affect other agencies or other utility companies.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easement described in the attached legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution  
Legal Description of Easement  
Map of Easement Vacation

P:\PUBWORKS\GENERAL\COUNCIL\PUBLIC HEARING - VACATION OF EASEMENT FOR TEMPORARY TURNAROUNDS - NADER HOMES - 2015-02-17.DOC

Dir BSD Appropriated/Funded N/A CM J

Item No. 16

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ORDERING THE VACATION AND CLOSING TO PUBLIC USE AN EASEMENT FOR  
TEMPORARY TURNAROUNDS RELATED TO NADER HOMES SUBDIVISION

WHEREAS, by Resolution No. 03-2015, passed on January 20, 2015, the City Council of the City of Porterville declared its intention to vacate an easement for temporary turnarounds located east of Prospect Street and south of Roby Avenue, hereinafter more particularly described, and set the hour of 6:30 p.m. on the 17<sup>th</sup> day of February, 2015, or as soon thereafter as the matter can be heard, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

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

SECTION 1: The Council hereby finds, from all the evidence submitted, that the easement hereinafter described is unnecessary for present or prospective use, and the City Council hereby makes its order vacating said easement east of Prospect Street and south of Roby Avenue, which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The City Clerk shall cause a copy of this resolution to be recorded in the office of the Clerk-Recorder of Tulare County, California.

SECTION 3: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

---

Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

---

By: Patrice Hildreth, Chief Deputy City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Easement Vacation**

An easement for a temporary turnaround over and across those portions of the Remainder of Sunrise Estates Six, Phase One, in the City of Porterville, County of Tulare, State of California, per map recorded in Volume 37, page 7 of Maps, Tulare County Records, described as follows:

**Parcel A**

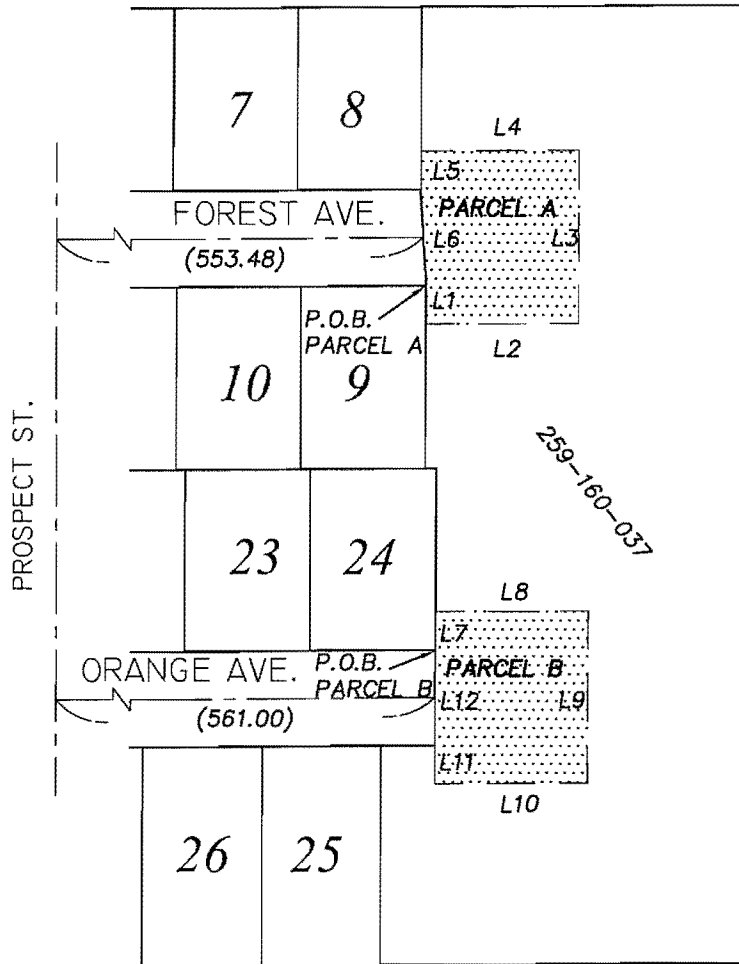
**BEGINNING AT** the Northwest corner of Lot 9 of said Sunrise Estates Six, Phase One;  
**THENCE**, South 00°12'49" West, 20.00 feet along the West line of said Lot 9;  
**THENCE**, North 89°37'44" East, 80.00 feet;  
**THENCE**, North 00°12'49" East, 90.00 feet;  
**THENCE**, South 89°37'44" West, 83.05 feet to a point in the West line of Lot 8 of said Sunrise Estates Six, Phase One;  
**THENCE**, South 00°12'49" West, 20.00 feet to the Southwest corner of said Lot 8;  
**THENCE**, South 03°16'42" East, 50.06 feet to the **POINT OF BEGINNING**.

**Parcel B**

**BEGINNING AT** the Southwest corner of Lot 24 of said Sunrise Estates Six, Phase One;  
**THENCE**, North 00°12'49" East, 20.00 feet along the West line of said Lot 24;  
**THENCE**, North 89°37'44" East, 80.00 feet;  
**THENCE**, South 00°12'49" West, 90.00 feet;  
**THENCE**, South 89°37'44" West, 80.00 feet;  
**THENCE**, North 00°12'49" East, 20.00 feet to a point in the South line of Orange Avenue, said point being North 89°37'44" East, 28.00 feet of the Northwest corner of Lot 25 of said Sunrise Estates Six, Phase One;  
**THENCE**, continuing North 00°12'49" East, 50.00 feet to the **POINT OF BEGINNING**.

**END OF DESCRIPTION**

EXHIBIT "B"  
**MAP OF EASEMENT VACATION**



LINE	LENGTH	BEARING
L1	20.00	S 00°12'49" W
L2	80.00	N 89°37'44" E
L3	90.00	N 00°12'49" E
L4	83.05	S 89°37'44" W
L5	20.00	S 00°12'49" W
L6	50.06	S 03°16'42" E
L7	20.00	N 00°12'49" E
L8	80.00	N 89°37'44" E
L9	90.00	S 00°12'49" W
L10	80.00	S 89°37'44" W
L11	20.00	N 00°12'49" E
L12	50.00	N 00°12'49" E



TEMPORARY TURN AROUND

( )

RECORD DATA PER SUNRISE ESTATES SIX PHASE ONE, R.M. 37-7

8

LOT PER SUNRISE ESTATES SIX, PHASE ONE, R.M. 37-7



NORTH



SCALE: 1"=100'

City of Porterville  
 291 N. MAIN ST.  
 PORTERVILLE, CA. 93257  
 559 782-7462

THOSE PORTIONS OF THE REMAINDER OF SUNRISE ESTATES SIX, PHASE ONE, IN THE CITY OF PORTER VILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, PER MAP RECORDED IN VOLUME 37, PAGE 7 OF MAPS, T.C.R.

OWNERS NADAR DEVELOPMENT, INC.

APN 259-160-037

DRAWN BY CAL  
 CHCK BY DB

PUBLIC HEARING

SUBJECT: DRAINAGE BASIN 18 – GENERAL PLAN AMENDMENT AND ZONE CHANGE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION;  
PUBLIC WORKS DEPARTMENT- ENGINEERING DIVISION




COMMENT: The City of Porterville intends to construct and operate a master planned storm drain basin south of W. North Grand Avenue and west of State Route 65, in the City of Porterville, on the western half of APN 243-210-065. Approximately 1,230 linear feet of pipeline will be installed to connect the basin to the City’s existing system, with approximately 200 feet of that pipeline being bore-and-jacked under State Route 65. The proposed project would serve to implement the City’s approved Storm Water Master Plan and capture increased amounts of storm water to recharge the underlying groundwater basin in wet years.

The proposed Project is located on a 4.6± acre portion of a 9.5± acre parcel (APN 243-210-065), in northern Porterville. The Project site is approximately 750 feet south of W. North Grand Avenue and immediately west of State Route 65, as represented in the Vicinity Map – Attachment 1.

The site is currently designated as Retail Centers in the Porterville General Plan, and is zoned CR- Retail Centers. To maintain consistency between land use and the designations, a General Plan Amendment and Zone Change will be processed to modify the area of the basin to Public/Institutional on the General Plan diagram and to zone the site as PS- Public Semi-Public.

Development of the site into a storm water recharge basin includes the following components:

- A 4.6± acre storm basin that will be excavated to 15 feet deep
- Approximately 25,000 cubic yards of soil will be trucked out of the basin, and additional soil will be excavated as needed for City projects or sold to contractors for projects in the area of Porterville
- Approximately 1,245 feet of six (6) foot high block wall will be installed along the northern, western and southern perimeters of the storm basin
- Approximately 615 feet of six (6) foot high chain link fence will be installed along the eastern perimeter of the storm basin
- Approximately 760 feet of 36 inch diameter pipe will connect the storm basin with the existing storm pipe on W. North Grand Avenue
- Approximately 470 feet of 30 inch diameter pipe will connect the existing pipe on W. North Grand Avenue west of State Route 65 with the existing pipe east of State Route 65 by bore-and-jacking 200± feet of pipeline under State Route 65

DD  Appropriated/Funded  CM 

Item No. 17

- A 15-foot wide gravel road will extend north from the storm basin to connect to W. North Grand Avenue
- A parcel map is not required per Section 66428 of the Subdivision Map Act

Construction is anticipated to take between three and four months, and the work is anticipated to be budgeted in the 2015/2016 Fiscal Year.

#### ENVIRONMENTAL REVIEW:

Staff has completed the preparation of an Initial Study for the project and has made a preliminary determination that a Mitigated Negative Declaration is required. As a result of the environmental evaluation for the project, five mitigation measures were identified relating to Biological and Cultural Resources. The mitigation measures include pre-construction surveys for Swainson's hawks if the construction period extends into the breeding season, and require that during any ground disturbing activities that may result from the project, attention be given to cultural or paleontological remains that may be unearthed, and that work stop within that area to allow an archaeologist to evaluate said items. Implementing these standard protocols would reduce the potential environmental impacts to less than significant. The mitigation measures have been incorporated into a Mitigation Monitoring Program that will be implemented as a part of the project. The mitigation measures will reduce all potential environmental impacts to a less than significant level.

Adoption of the draft resolution approving the Mitigated Negative Declaration is a necessary step before the project can move forward. The next steps for the project include property acquisition and coordination with Caltrans for an encroachment permit.

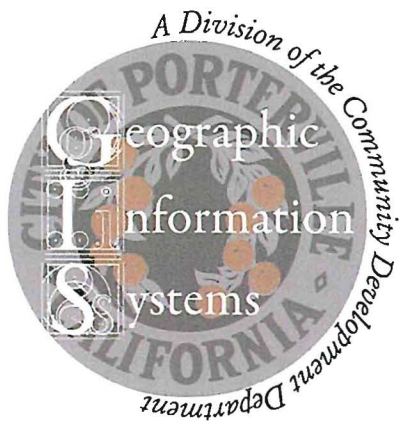
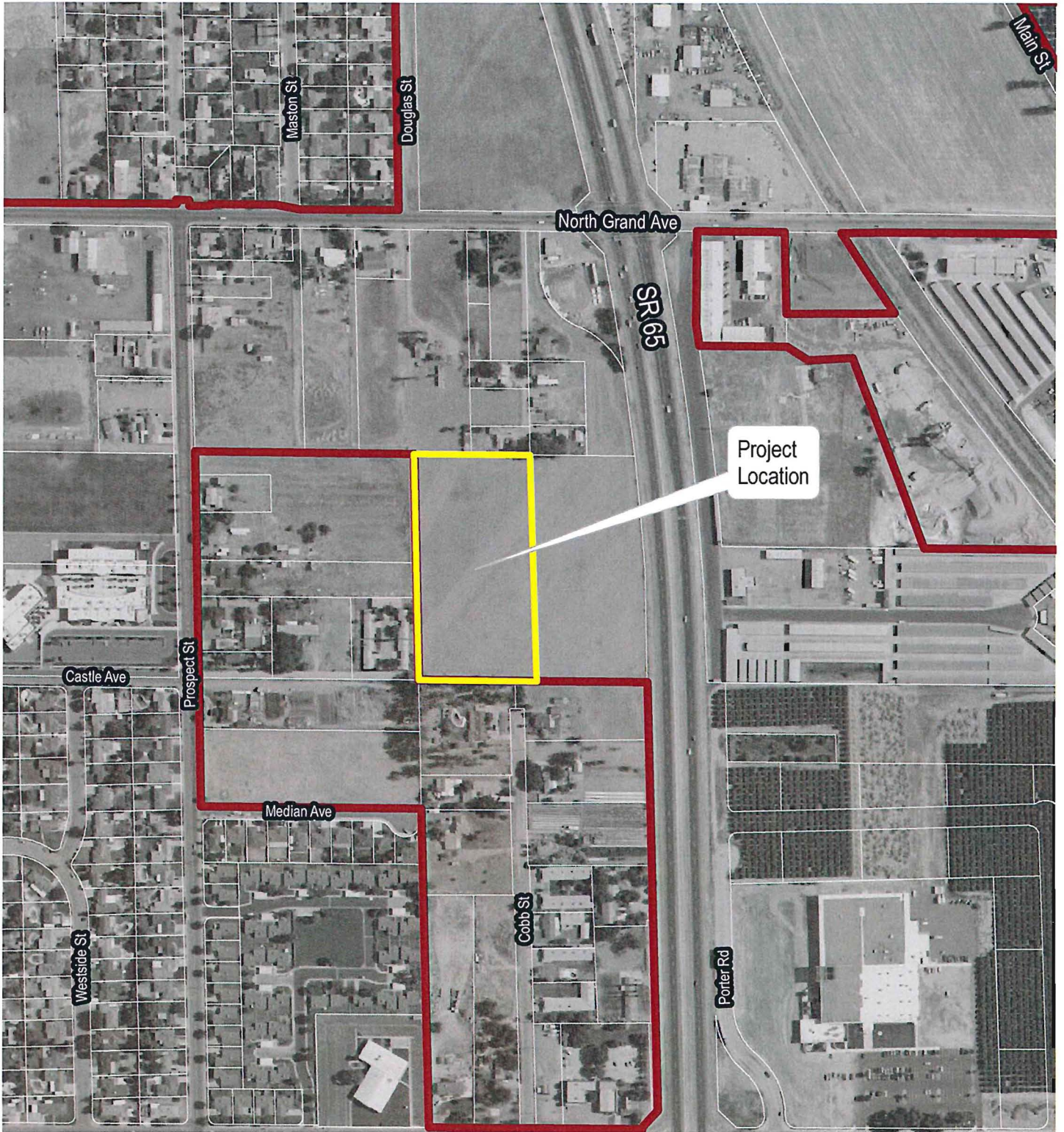
On January 13, 2015, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate to evaluate the development of the storm water basin. The Initial Study was publicly noticed and transmitted to interested agencies, groups, and individuals for review and comment on January 16, 2015. Additionally, the document was made available at City Hall and in the Porterville Library. The review period ran from January 16, 2015 to February 17, 2015. A comment letter acknowledging adequacy of the document was received from the San Joaquin Valley Air Pollution Control District. Another comment letter outlining necessary steps related to encroachment was received by Caltrans. A third letter from the Department of Water Resources confirmed that the proposed project does not qualify as a dam, and advised as to what the City should do in the event it should expand the basin in the future. All letters are attached. Two members of the public who received notice contacted the City for additional information, but neither party represented concern or negativity related to the project.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration for the Drainage Basin 18 Project;
2. Adopt the draft resolution approving the General Plan Amendment to modify the land use designation from Retail Centers to Public /Institutional for that 4.6± acre site of the proposed basin;
3. Approve the draft ordinance amending the zone district for that 4.6± acre site of the proposed basin from CR- Retail Centers to PS- Public and Semi-Public and give first reading to the draft ordinance; and
4. Waive further reading and order ordinance to print.

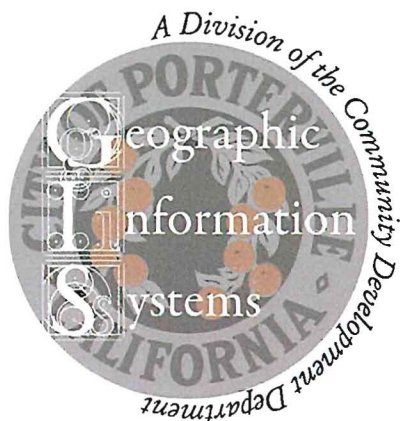
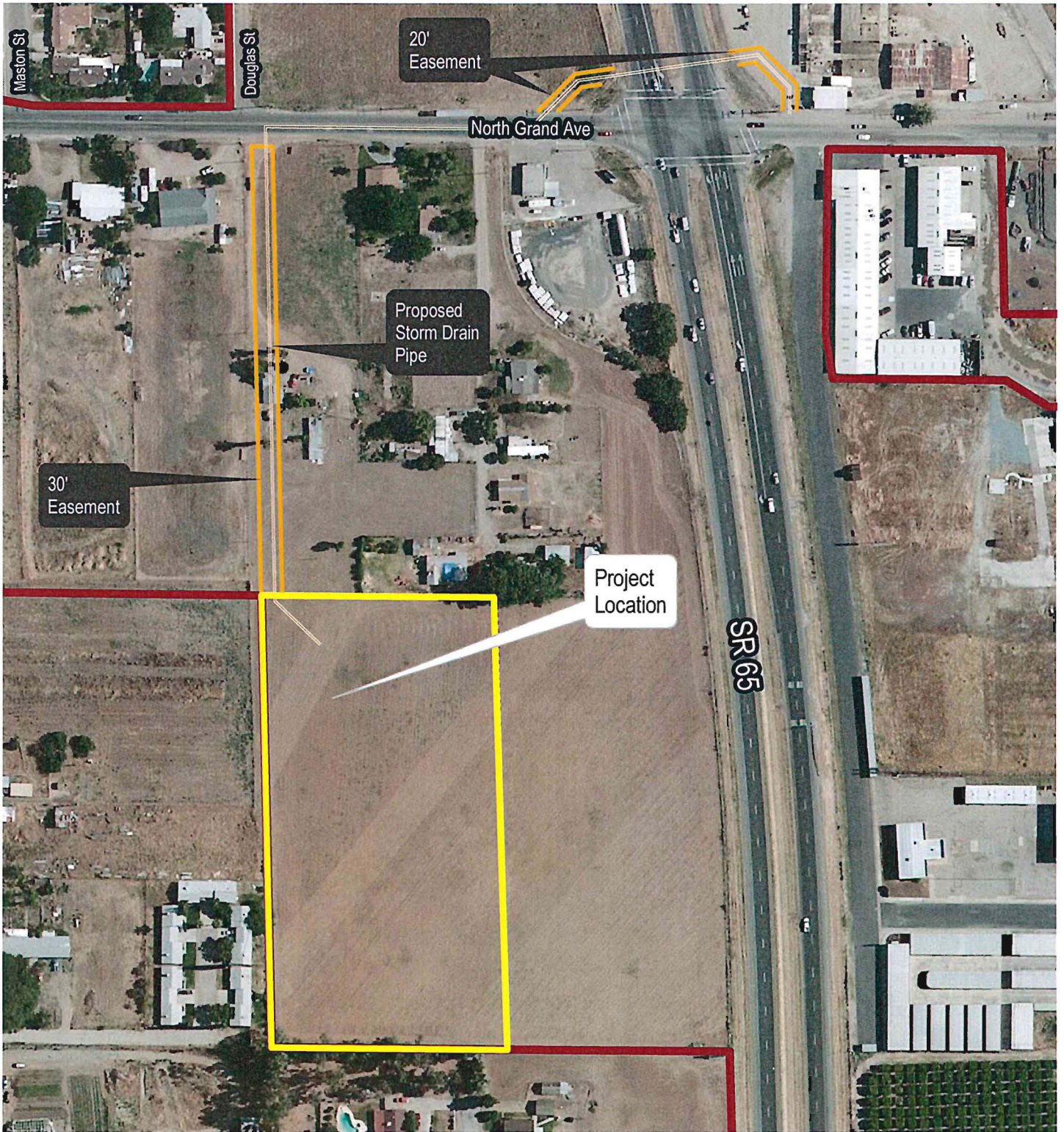
ATTACHMENTS:

1. Project Vicinity Map
2. Site Plan
3. General Plan Diagram
4. Zoning Map
5. Initial Study and Mitigated Negative Declaration, including comments received
6. Draft Resolution approving the Mitigated Negative Declaration - Exhibit A: Mitigation Monitoring and Reporting Program
7. Draft Resolution approving the General Plan Amendment - Exhibit A: General Plan Land Use Diagram
8. Draft Ordinance approving the Zone Change - Exhibit A: Zoning Map



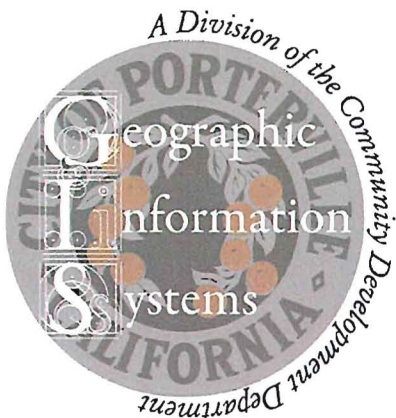
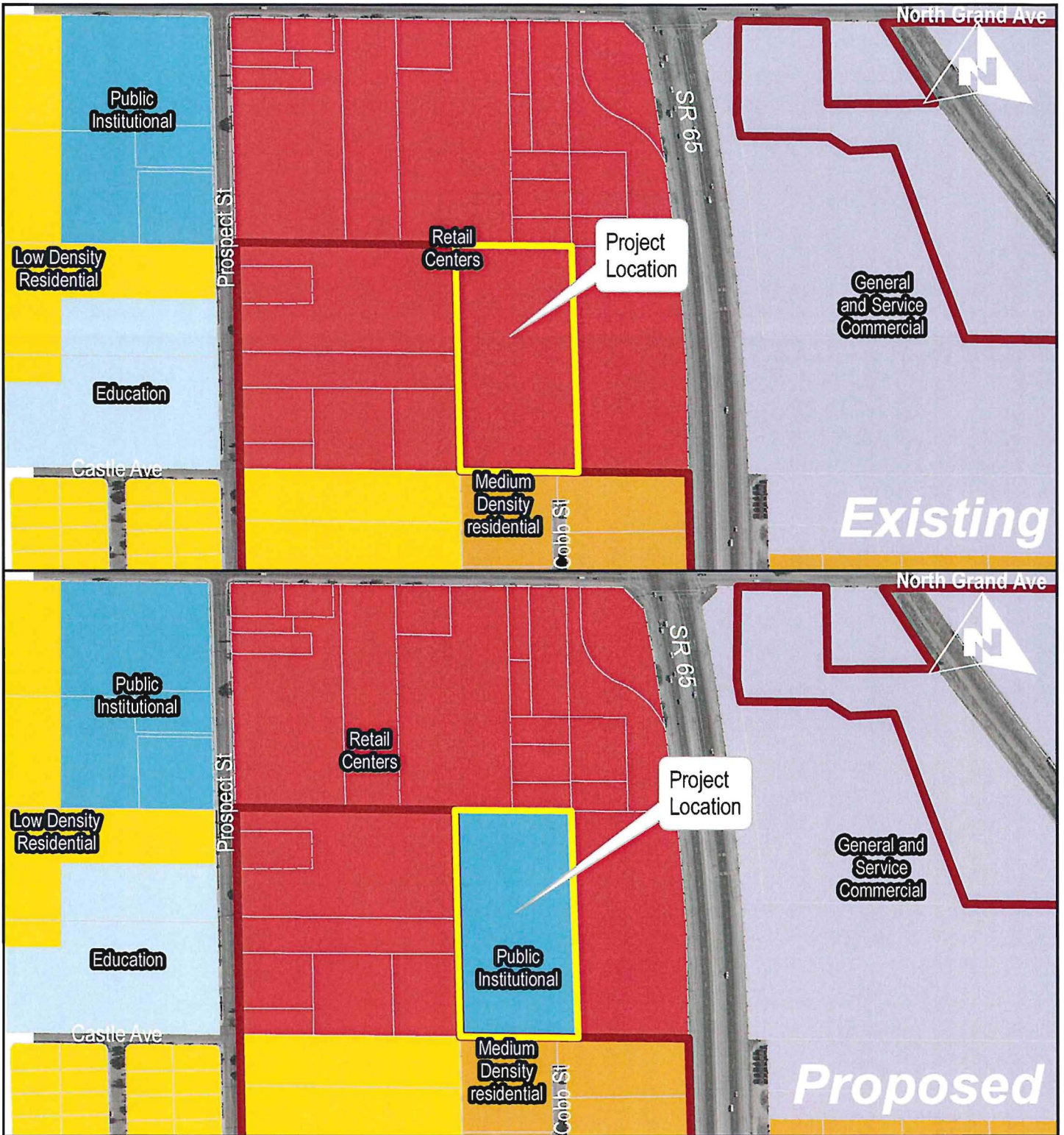
Drainage Basin 18  
Zone change and  
General Plan Amendment  
Project Vicinity Map  
1" = 400 ft.

**ATTACHMENT NO. 1**



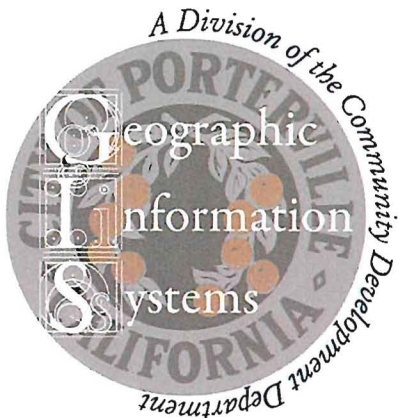
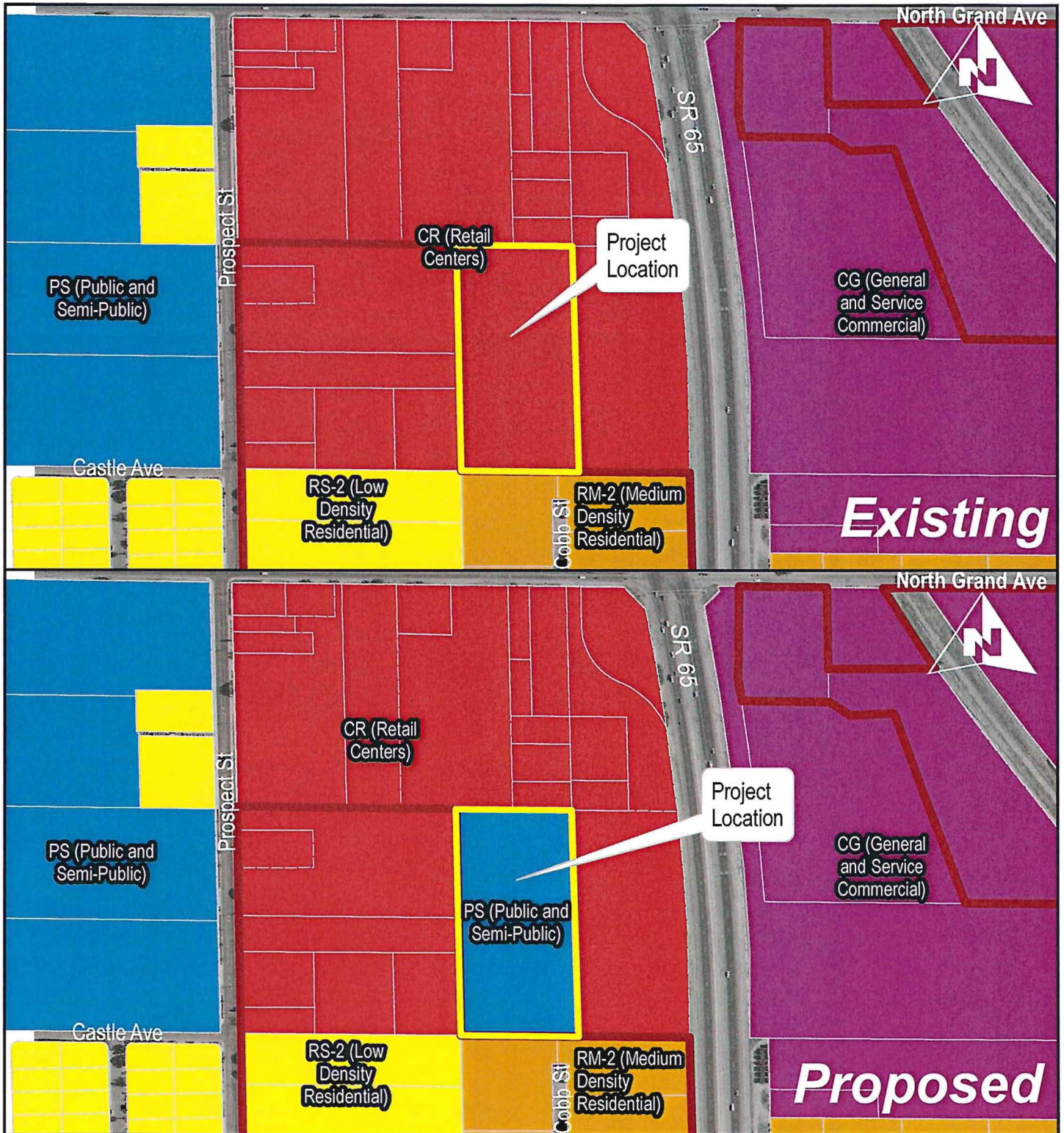
Drainage Basin 18  
Zone change and  
General Plan Amendment  
Project Site Map  
1" = 200 ft.

**ATTACHMENT NO. 2**



Drainage Basin 18  
 Zone change and  
 General Plan Amendment  
 General Plan Land Use Map  
 1" = 400 ft.

**ATTACHMENT NO. 3**



Drainage Basin 18  
 Zone change and  
 General Plan Amendment  
 Zoning Use Map  
 1" = 400 ft.

**ATTACHMENT NO. 4**

**Environmental Documentation Prepared and Processed in  
compliance with the California Environmental Quality Act**

**Initial Study-Mitigated Negative Declaration**

- A. Public Notice
- B. Environmental Document
- C. Comments Received Regarding Environmental Documentation
  - 1. San Joaquin Valley Air Pollution Control District
  - 2. California Department of Transportation, District 6
  - 3. California Department of Water Resources, Southern Region, Field Engineering Branch, Division of Safety of Dams

## NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

### CONSIDERATION OF A PROPOSED STORM WATER BASIN

Notice is hereby given, that a public hearing will be held by the City Council of the City of Porterville on Tuesday, February 17, 2015 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider the proposed construction and operation of a new storm water runoff retention facility near the southwest corner of the intersection of State Route 65 and West North Grand Avenue. The retention basin will be approximately 4.6 acres in size and requires approximately 1220 feet of new pipeline to connect the basin to the existing system in West North Grand Avenue. Development of the project also requires a General Plan Amendment and Zone Change from Retail Centers to Public and Semi-Public designations.

On January 13, 2015, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate to evaluate the proposed storm water basin, as described above. The Initial Study has been transmitted to interested agencies, groups, and individuals for review and comment. The review period will run for 30 days from January 16, 2015 to February 17, 2015. Written comments on the environmental document must be submitted by the end of the review period.

Copies of the documents are on file at 291 N. Main Street, Porterville, California in the Community Development Department, Planning Division and on the City's website at [www.ci.porterville.ca.us](http://www.ci.porterville.ca.us). This notice is given in order to provide all interested parties an opportunity to present their views with respect to the proposed project and the environmental effects from it. For more information call Julie Phillips, Project Manager at (559) 782-7460 or email requests to [planning@ci.porterville.ca.us](mailto:planning@ci.porterville.ca.us).

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 Deputy City Clerk at (559) 782-7442. 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.

DATED: January 15, 2015

John D. Lollis, City Clerk

**ATTACHMENT NO. 5A**



# MITIGATED NEGATIVE DECLARATION

## Drainage Reservoir 18

January 2015

PREPARED FOR:



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

PREPARED BY:



Crawford & Bowen Planning, Inc.  
113 N. Church Street, Suite 302  
Visalia, CA 93291

**ATTACHMENT NO. 5B**

# Chapter 1

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## INTRODUCTION

# INTRODUCTION

## 1.1 Project Summary

This document is the Initial Study/Mitigated Negative Declaration on the potential environmental effects of the City of Porterville's (City) Drainage Reservoir 18 Project (Project). The City intends to construct and operate a Storm Drain Basin south of W. North Grand Avenue and west of State Route 65, in the City of Porterville, on the western half of APN 243-210-065. Approximately 1,230 linear feet of pipeline will be installed to connect the Storm Drain Basin to the City's existing system, with approximately 200 feet of that pipeline being bore and jacked under State Route 65. The City will also complete applications for a General Plan Amendment and Zone Change to allow for the Storm Drain Basin land use on the selected parcel.

The proposed Project is more fully described in Chapter Two – Project Description.

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*.

## 1.2 Document Format

This IS/MND contains five chapters, and appendices. Section 1, Introduction, provides an overview of the project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of project objectives and components. Chapter 3, Initial Study Checklist, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the proposed project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, Mitigation Monitoring and Reporting Program, provides the proposed mitigation measures, completion timeline, and person/agency responsible for implementation and Chapter 5, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

Environmental impacts are separated into the following categories:

**Potentially Significant Impact.** This category is applicable if there is substantial evidence that an effect may be significant, and no feasible mitigation measures can be identified to reduce

impacts to a less than significant level. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

**Less Than Significant After Mitigation Incorporated.** This category applies where the incorporation of mitigation measures would reduce an effect from a “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measure(s), and briefly explain how they would reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).

**Less Than Significant Impact.** This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

**No Impact.** This category applies when a project would not create an impact in the specific environmental issue area. “No Impact” answers do not require a detailed explanation if they are adequately supported by the information sources cited by the lead agency, which show that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)

Regardless of the type of CEQA document that must be prepared, the basic purpose of the CEQA process as set forth in the CEQA Guidelines Section 15002(a) is to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

According to Section 15070(b), a Mitigated Negative Declaration is appropriate if it is determined that:

- (1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for

public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

The Initial Study contained in Section Three of this document has determined that with mitigation measures and features incorporated into the project design and operation, the environmental impacts are less than significant and therefore a Mitigated Negative Declaration will be adopted.

## Chapter 2

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# PROJECT DESCRIPTION

# Project Description

## 2.1 Project Background

The City of Porterville intends to construct and operate a Storm Drain Basin south of W. North Grand Avenue and west of State Route 65, in the City of Porterville, on the western half of APN 243-210-065. Approximately 1,230 linear feet of pipeline will be installed to connect the Storm Drain Basin to the City's existing system, with approximately 200 feet of that pipeline being bore and jacked under State Route 65. The City will also complete applications for a General Plan Amendment and Zone Change to allow for the Storm Drain Basin land use on the selected parcel.

## 2.2 Objectives

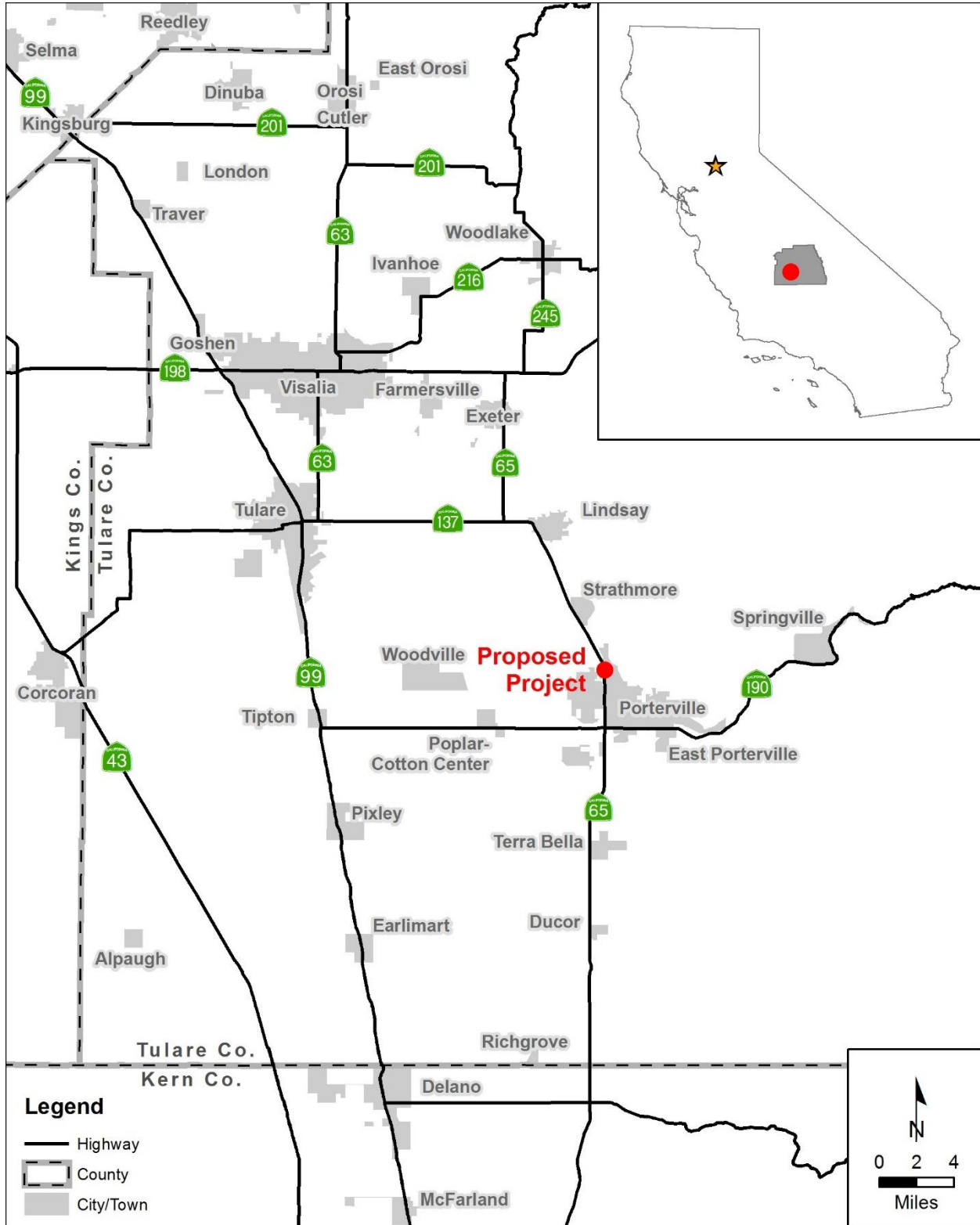
The following are the primary goals of the City of Porterville's Storm Drain Basin Improvements (Project):

- Be in compliance with the City's approved Stormwater Master Plan.
- Capture increased amounts of stormwater to recharge the underlying groundwater basin.

## 2.3 Location

The proposed Project is located on a 4.6 acre portion of a 9.514 acre parcel (APN 243-210-065), within the northern portion of the City of Porterville. The Project site is approximately 750 feet south of W. North Grand Avenue and immediately west of State Route 65. (see Figures 1 and 2—Regional Map and Vicinity Map, respectively).

**Figure 1  
Regional Map**



**Figure 2**  
**Location Map**



## 2.4 Setting and Surrounding Land Use

The Project site is located in the northern part of the City of Porterville and is currently a vacant lot. The site is approximately 750 feet south of W. North Grand Avenue and State Route 65 is immediately to the east. The nearest residences are approximately 30 feet to the west.

The site is zoned CR – Retail Centers and is subject to conformance with the Porterville 2030 General Plan.

Land use and zoning surrounding the site are identified in Table 1, as follows:

**Table 1  
Land Use and Zoning**

<b>Location</b>	<b>Existing Land Use</b>	<b>Current Zoning Classification</b>	<b>General Plan Designation</b>
<b>North</b>	Vacant field	Retail Centers (CR)	Retail Centers
<b>South</b>	Residential neighborhood	Medium Density Residential (RM-2);	Medium Density Residential
<b>East</b>	Commercial	General Service & Commercial (CG)	General Service & Commercial
<b>West</b>	Vacant field; Residential neighborhood	Retail Centers (CR)	Retail Centers

## 2.5 Project Description

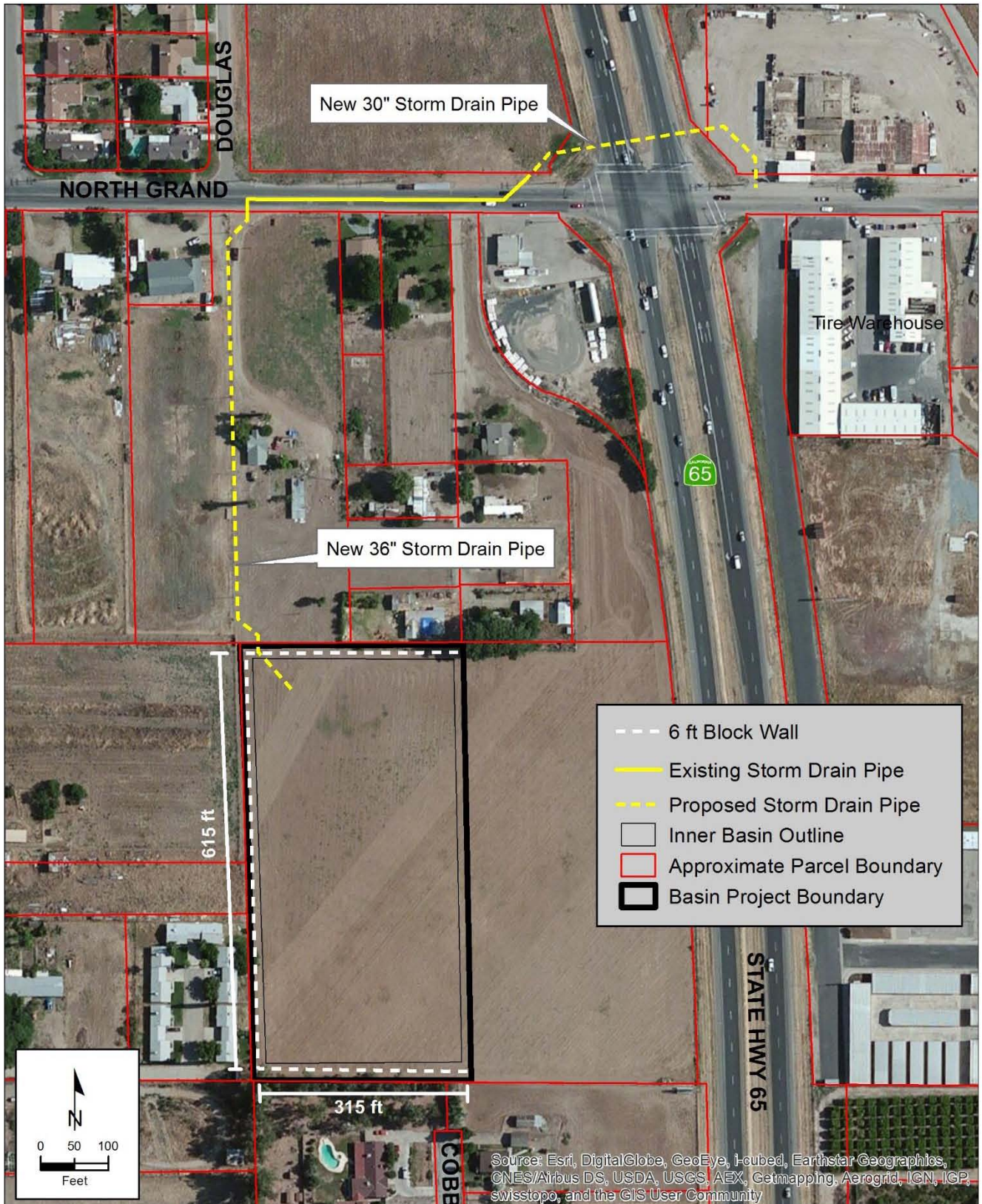
The City of Porterville intends to comply with its existing Stormwater Master Plan and construct and operate a 4.6 acre storm basin (47 acre/foot capacity) and associated infrastructure to connect the storm basin to the City's existing stormwater system (Project). The Project includes construction of the following components that can be seen in Figure 3:

- A 4.6 acre storm basin that will be excavated to 15 feet deep
- Approximately 25,000 cubic yards of soil will be trucked out of the basin
- Approximately 1,245 feet of 6 foot high block wall will be installed along the northern, western and southern perimeters of the storm basin
- Approximately 615 feet of 6 foot high chain link fence will be installed along the eastern perimeter of the storm basin
- Approximately 760 feet of 36 inch diameter pipe will connect the storm basin with the existing storm pipe on W. North Grand Avenue
- Approximately 470 feet of 30 inch diameter pipe will connect the existing pipe on W. North Grand Avenue west of State Route 65 with the existing pipe east of State Route 65 by bore and jacking approximately 200 feet of pipeline under State Route 65.
- A 15 foot wide gravel road will surround the perimeter of the storm basin and will extend north from the storm basin to connect to W. North Grand Avenue
- Construction is anticipated to take between three and four months.

In addition to the above-mentioned construction aspects of the Project, the Project also includes acquiring a General Plan Amendment (changing the designation from Retail Centers to Public Institutional) and Zone Change (changing from Retail Centers to Public-Semi-Public). Thirty foot easement alignments will also be acquired to place the pipeline.

Once operational, the storm basin will have a maximum water elevation of 424 feet above sea level. Maintenance workers are expected to visit the site once per week and no additional City staff will be hired to accommodate the maintenance.

**Figure 3**  
**Site Aerial**



## 2.6 Other Required Approvals

The proposed Project would include, but not be limited to, the following regulatory requirements:

- The adoption of a Mitigated Negative Declaration by the City of Porterville
- Approval of a General Plan Amendment by the City of Porterville
- Approval of a Zone Change by the City of Porterville
- Approval of Encroachment Permit by CalTrans
- Approval of easements needed for the pipeline alignment
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Compliance with other federal, state and local requirements

# Chapter 3

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## IMPACT ANALYSIS

# Initial Study Checklist

## 3.1 Environmental Checklist Form

**Project title:**

City of Porterville Drainage Reservoir 18 Project

**Lead agency name and address:**

City of Porterville  
291 North Main Street  
Porterville, CA 93257

**Contact person and phone number:**

Jennifer M. Byers, Acting Community Development Director  
City of Porterville  
(559) 782-7460

**Project location:**

The site is facility is located on ~5 acres of a larger 9.514 acre site (APN 243-210-065) approximately 750 feet south of W. North Grand Avenue, immediately west of State Route 65 in the City of Porterville.

**Project sponsor's name/address:**

City of Porterville  
291 North Main Street  
Porterville, CA 93257

**General plan designation:**

Retail Centers

**Zoning:**

Retail Centers (CR)

**Description of project:**

Construction/operation of Stormwater drainage facility, General Plan Amendment and Zone Change. See Section Two, Project Description.

**Surrounding land uses/setting:**

The Project site is located in the northern part of the City of Porterville and is currently a vacant lot. The site is zoned CR (Retail Centers) and the land immediately to the north and west are also zoned as CR. RM-2 (Medium Density Residential) zoning is immediately to the south while State Route 65 is immediately to the east. East of State Route 65 is zoned as CG (General and Service Commercial). The nearest residences are approximately 30 feet to the west.

**Other public agencies whose approval or consultation is required (e.g., permits, financing approval, participation agreements):**

- State of California Native American Heritage Commission
- California State Clearinghouse, within the Office of Permit Assistance
- State of California Department of Transportation (Caltrans)
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board

### 3.2 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.

- Aesthetics
- Agriculture Resources and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Transportation/Traffic
- Utilities / Service Systems
- Mandatory Findings of Significance

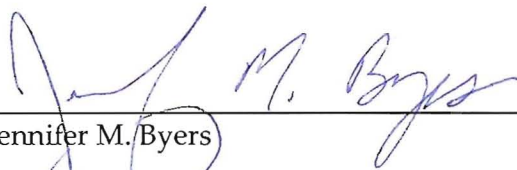
### 3.3 Determination

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.

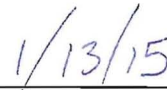
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Jennifer M. Byers

Acting Community Development Director

City of Porterville



Date

# 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. Substantially degrade the existing visual character or quality of the site and its surroundings?	<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 type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

**Environmental Setting**

The proposed Project site is located on the San Joaquin Valley floor in the northern portion of the City of Porterville, California. The proposed Project site is bounded by W. North Grand Avenue on the north and State Route (SR) 65 to the east. The aesthetic features of the existing visual environment in the proposed Project area are relatively uniform, with urbanized areas surrounding the Project site. There are no scenic resources or scenic vistas in the area. State Routes in the proposed 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 proposed Project applicant is not requesting federal funding or a federal permit.

*State*

**Nighttime Sky – Title 24 Outdoor Lighting Standards**

The Energy Commission adopted changes to Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards), on April 23, 2008. These new Standards became effective on January 1, 2010. Requirements for outdoor lighting remained consistent with past Standards and the requirements vary according to which “Lighting Zone” the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the Project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50% of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4.

The Energy Commission defines the boundaries of Lighting Zones based on U.S. Census Bureau boundaries for urban and rural areas as well as the legal boundaries of wilderness and park areas. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government.

### **California Scenic Highway Program**

The Scenic Highway Program allows county and city governments to apply to the California Department of Transportation (Caltrans) to establish a scenic corridor protection program which was created by the Legislature in 1963. 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 263. 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-G-4: Promote sustainability in the design and development of public and private development projects.

- LU-I-18: Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.
- 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 site will be located on the northern fringe of residential and commercial development. The proposed Project will modify the western half of a 9.5 acre site by converting fallow land to a drainage reservoir. A six foot high block wall will surround the site to the north, west and south, to block views of the drainage reservoir. The eastern border of the site will be enclosed by a 6 foot high chain link fence.

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).

The proposed Project also includes constructing approximately 1,230 linear feet of pipeline which will connect the drainage reservoir to the City's existing stormwater system. Pipeline will be installed along an easement from the drainage reservoir north to W. North Grand Avenue where it will tie into the existing system. Approximately 470 feet of new pipeline will also be installed along W. North Grand Avenue and 200 of that pipeline will be bore and jacked under SR 65 to connect to the existing stormwater system on the east side of SR 65.

Construction activities will occur over a three to four month period and 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. This is the closest highway, located approximately 3.2 miles south 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 damage any trees, 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. Substantially degrade the existing visual character or quality of the site and its surroundings?

**Less than Significant Impact.** The proposed Project site is currently a fallow field, set back approximately 760 feet south of W. North Grand Avenue. The proposed Project site is immediately south of a residence (as seen in the photo below), and as part of the Project, per City of Porterville Development Ordinance 300.10e, a six foot high block wall will be constructed to shield the view of the Project site from the residence. A 20 foot gravel road will also be constructed from W. North Grand Avenue to provide access to the drainage reservoir.

**View from W. North Grand Avenue looking south towards Project site**



To the south and west of the site is a county island residential neighborhood. A row of residential units are immediately adjacent to the western border of the proposed Project site and N. Cobb Street T’s into the southern boundary of the proposed Project site. An established stand of eucalyptus trees currently

partially obstruct the proposed Project site from N. Cobb Street. A six foot high block wall will be constructed as part of the proposed Project to block views of the site from the west and south.

**View from N. Cobb Street looking north towards Project site**



To the east of the proposed Project site is SR 65. While the drainage reservoir will be flush with the existing grade, passengers travelling along SR 65 will likely be able to view the drainage reservoir as along the eastern Project border, the site will be enclosed by a six foot high chain link fence. The existing viewshed along SR 65 includes several land uses, including commercial, residential, agricultural and public facilities. The proposed Project site will be similar in visual character to the existing landscape, as public facilities are found throughout both rural and urban parts of the Central Valley. As such, the proposed Project will not substantially degrade the existing visual character or quality of the area or its surroundings.

The underground pipeline construction associated with this Project, as described in Response I-b, will be temporary in nature and will not be detectable once construction has ended. 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?

**No Impact.** No new sources of lighting will be proposed with this Project. There is no impact.

**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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

### Environmental Setting

The Project site is located in an area of the City considered urban, built up land by the State Farmland Mapping and Monitoring Program. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance or land under the Williamson Act contracts occurs in the Project area.

### 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*

State regulations for agriculture and forest resources are not relevant to the proposed Project because no agricultural resources exist on the site.

#### *Local*

### **Porterville General Plan Policies**

Porterville General Plan Policies for agriculture and forest resources are not relevant to the proposed Project because no agricultural resources exist on the site and no agricultural or forest resources will be impacted by the Project.

## 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?

**No Impact.** The Project site is located in an area of the City considered urban, built up land by the State Farmland Mapping and Monitoring Program. No *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* or land under the Williamson Act contracts occurs in the Project area. Therefore, no land conversion from Farmland would occur for the Project. Surrounding land uses include residential, commercial, and recreational uses; as such, the proposed Project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. There is *no impact*.

**Mitigation Measures:** None are required.

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

**No Impact.** The Project site is not zoned for agriculture nor is the site covered by a Williamson Act contract; No impacts would occur. The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. 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))?

**No Impact.** The Project is not zoned for forestland and does not propose any zone changes related to forest or timberland. There is *no impact*.

**Mitigation Measures:** None are required.

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

**No Impact.** 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?

**No Impact.** No land conversion from Farmland would occur for the Project. Surrounding land uses include residential, commercial, and recreational uses; as such, the proposed Project does not have the potential to result in the conversion of Farmland to non-agricultural uses or forestland uses to non-forestland. There is *no impact*.

**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. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### SETTING

**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). 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 (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), particulate

matter (PM<sub>10</sub> and PM<sub>2.5</sub>), 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 O<sub>3</sub>, a State and Federal non-attainment area for PM<sub>2.5</sub>, a State non-attainment area for PM<sub>10</sub>, and Federal and State attainment area for CO, SO<sub>2</sub>, NO<sub>2</sub>, and Pb.

### **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 (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), 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 (H<sub>2</sub>S), 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 unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

Standards and attainment status for listed pollutants in the SJVAPCD can be found in Table 1. Note that both state and federal standards are presented.

**Table 1  
Standards and Attainment Status for Listed Pollutants in SJVAPCD**

	<b>Federal Standard</b>	<b>California Standard</b>
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 <sup>3</sup> (calendar quarter) 0.15 µg/m <sup>3</sup> (rolling 3-month avg)	1.5 µg/m <sup>3</sup> (30-day avg)
Particulate Matter (PM10)	150 µg/m <sup>3</sup> (24-hr avg)	20 µg/m <sup>3</sup> (annual avg) 50 µg/m <sup>3</sup> (24-hr avg)
Particulate Matter (PM2.5)	15 µg/m <sup>3</sup> (annual avg)	35 µg/m <sup>3</sup> (24-hr avg) 12 µg/m <sup>3</sup> (annual avg)

*µg/m<sup>3</sup> = 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 sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently

developing a control measure to reduce diesel PM and NOX 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 PM<sub>10</sub> Prohibitions) – This regulation, a series of eight regulations, is designed to reduce PM<sub>10</sub> 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 2.

**Table 2  
San Joaquin Valley Air Pollution Control District  
Regulation VIII Control Measures for Construction Related Emissions of PM<sub>10</sub>**

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**The following are required to be implemented at all construction sites:**

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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

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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.

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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.

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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.

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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.

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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.

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Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.

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Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

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**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.
- 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.
- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.

## RESPONSES

### a. Conflict with or obstruct implementation of the applicable air quality plan?

**Less than Significant Impact.** The San Joaquin Valley Air Basin (SJVAB) is designated nonattainment of state and federal health based air quality standards for ozone and PM<sub>2.5</sub>. The SJVAB is designated nonattainment of state PM<sub>10</sub>. 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 PM<sub>10</sub> Maintenance Plan and Request for Redesignation; and
- 2008 PM<sub>2.5</sub> Plan.

Because of the region's non-attainment status for ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, if the project-generated emissions of either of the ozone precursor pollutants (ROG or NO<sub>x</sub>), PM<sub>10</sub>, or PM<sub>2.5</sub> 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.

As discussed in Impact c), below, predicted construction and operational emissions would not exceed the SJVAPCD's significance thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. 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 status. In addition, the Project would result in a change of land use and would result in a decrease in vehicle miles traveled that were accounted for in regional emissions inventories (change of land use from Retail Center to Public Institutional). Additionally, the Project would comply with all applicable rules and regulations. Therefore, this impact is *less than significant*.

**Mitigation Measures:** None are required.

### b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Less than Significant Impact.** Because ozone is a regional pollutant (SJVAPCD 2002), the pollutants of concern for localized impacts are CO and fugitive PM<sub>10</sub> dust from construction. Ozone and PM<sub>10</sub> exhaust

impacts are addressed under Impact c), below. The proposed Project would not result in localized CO hotspots or PM<sub>10</sub> impacts, as discussed below. Therefore, the proposed Project would not violate an air quality standard or contribute to a violation of an air quality standard in the Project area.

### **Localized PM<sub>10</sub>**

Localized PM<sub>10</sub> would be generated by Project construction activities, which would include earth-disturbing activities. The SJVAPCD indicates that all control measures in Regulation VIII are required for all construction sites by regulation. The SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI) (SJVAPCD 2002) lists additional measures that may be required of very large projects or projects close to sensitive receptors. If all appropriate "enhanced control measures" in the GAMAQI are not implemented for very large projects or those close to sensitive receptors, then construction impacts would be considered significant (unless the Lead Agency provides a satisfactory detailed explanation as to why a specific measure is unnecessary). The GAMAQI also lists additional control measures (Optional Measures) that may be implemented if further emission reductions are deemed necessary by the Lead Agency. The SJVAPCD's Regulation VIII (Fugitive PM<sub>10</sub> Prohibitions) has been updated and expanded since the GAMAQI guidance was written in 2002. Regulation VIII now includes the "enhanced control measures" contained in the GAMAQI.

The proposed Project would comply with the SJVAPCD's Regulation VIII dust control requirements during any proposed construction (including Rules 8011, 8031, 8041, and 8071). Compliance with this regulation would reduce the potential for significant localized PM<sub>10</sub> impacts to less than significant levels.

### **CO Hotspot**

Localized high levels of CO are associated with traffic congestion and idling or slow-moving vehicles. The SJVAPCD provides screening criteria to determine when to quantify local CO concentrations based on impacts to the level of service (LOS) of roadways in the Project vicinity.

As further discussed in the Transportation/Traffic checklist evaluation, the Project would not generate, or substantially contribute to, additional traffic that would reduce the level of surface on local roadways. Therefore, the Project would not significantly contribute to an exceedance that would exceed state or federal CO standards. Impacts are considered less than significant.

**Mitigation Measures:** None are required.

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

**Less than Significant Impact.** The nonattainment pollutants for the SJVAPCD are ozone, PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM<sub>10</sub>, and PM<sub>2.5</sub>. Ozone is a regional pollutant formed by chemical reaction in the atmosphere, and the Project's incremental increase in ozone precursor generation is used to determine the potential air quality impacts, as set forth in the GAMAQI.

The SJVAPCD does not have a threshold for regional PM<sub>10</sub> or PM<sub>2.5</sub>. This document proposes a PM<sub>10</sub> threshold using the same basis as the ozone precursor thresholds. Since the GAMAQI was published, the SJVAPCD has been recommending use of a PM<sub>10</sub> threshold of 15 tons per year. However, a similar basis of threshold is not available for PM<sub>2.5</sub> emissions. Because the SJVAB is in nonattainment for PM<sub>2.5</sub>, the threshold for PM<sub>2.5</sub> for this Project will be nine tons per year. The justification for this number is that PM<sub>2.5</sub> is in nonattainment and should have a more stringent threshold than PM<sub>10</sub> to provide a worst-case assessment. The annual standard for PM<sub>10</sub> is 20 µg/m<sup>3</sup> and the annual standard for PM<sub>2.5</sub> is 12 µg/m<sup>3</sup>. Therefore, the ratio of PM<sub>10</sub> to PM<sub>2.5</sub> results in a threshold for PM<sub>2.5</sub> of nine tons per year.

The annual significance thresholds to be used for the Project for construction and operational emissions are as follows:

- 10 tons per year ROG;
- 10 tons per year NO<sub>x</sub>;
- 15 tons per year PM<sub>10</sub>; and
- 9 tons per year PM<sub>2.5</sub>.

The estimated construction emissions are shown below. There are no anticipated operational emissions as operating the reservoir basin will be a passive process. The California Emissions Estimator (CalEEMod), Version 2013.2.2, was used to estimate construction emissions of the reservoir basin and the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Road Construction Emissions Model, Version 7.1.5.1 was used to estimate construction emissions of the associated pipeline. Modeling results are provided in Table 3 and the CalEEMod and SMAQMD Road Construction Emissions output files are provided in Appendix A.

**Table 3  
Proposed Project Construction and Operation Emissions**

	VOC (ROG) (tons/year)	NO <sub>x</sub> (tons/year)	PM <sub>10</sub> (tons/year)	CO <sub>2</sub> (tons/year)
<b>Total Project Construction Emissions</b>	2.22	7.41	0.72	809.96
<b>Total Project Operation and Area</b>	0.00	0.00	0.00	0.00
<b>Total Project Emissions</b>	2.22	7.41	0.72	809.96
<b>Threshold of Significance</b>	10	10	15	--

Any impacts would be considered *less than significant*.

**Mitigation Measures:** None are required.

d. Expose sensitive receptors to substantial pollutant concentrations?

**Less than Significant Impact.** The proposed Project would not expose sensitive receptors to substantial concentrations of localized PM<sub>10</sub>, carbon monoxide, diesel particulate matter, or hazardous pollutants, naturally occurring asbestos, or valley fever, as discussed below.

**Localized PM<sub>10</sub>**

As shown in Response III-b, above, the Project would not generate a significant impact for construction-generated, localized PM<sub>10</sub>. Therefore, the Project would not expose sensitive receptors to unhealthy levels of PM<sub>10</sub>.

**PM Hotspot**

A PM<sub>2.5</sub> and PM<sub>10</sub> Hotspot Analysis is not required for the Project because it is not a Project of Air Quality Concern (POAQC).

**Carbon Monoxide Hotspot**

As shown in Impact b), above, the Project would not generate a CO hotspot. In addition, the existing background concentrations of CO are low and any CO emissions would disperse rapidly. The nearest SJVAPCD monitoring station located approximately 45 miles south of the Project site (Bakersfield-Golden State Highway) shows the highest 1-hour and 8-hour CO concentrations for the past three years

as 2.08 ppm and 1.46 ppm, respectively. The 1-hour and 8-hour CO standard are 20 ppm and 9 ppm, respectively. Therefore, the Project would not expose sensitive receptors to unhealthy levels of CO.

### **Naturally Occurring Asbestos**

The Department of Conservation, Division of Mines and Geology published a guide entitled *A General Location Guide for Ultramafic Rocks in California - Areas More Likely to Contain Naturally Occurring Asbestos*, for generally identifying areas that are likely to contain naturally occurring asbestos. The guide includes a map of areas where formations containing naturally occurring asbestos in California are likely to occur. Foothill areas within Tulare County are identified as areas with ultramafic rocks. The City of Porterville's General Plan, Chapter Seven: Public Health and Safety provides a more detailed map, Figure 7-2 that shows some foothill locations adjacent to the City as areas with ultramafic rocks. Those areas are not located near the Project site. For this reason, the Project is not anticipated to expose workers or nearby receptors to naturally occurring asbestos. Any impacts to this analysis area would be considered *less than significant*.

#### e. Create objectionable odors affecting a substantial number of people?

**Less than Significant Impact.** The proposed Project operation will not be a source of odors. Construction related activities of the proposed Project may have the potential to result in diesel fuel combustion odors from construction equipment; however, the construction periods will be temporary and short-term. Diesel-type construction related exhaust odors are not typically detectable offsite and therefore are not considered a "nuisance" by the general public. Therefore, objectionable odors are not expected to be a significant concern during either proposed Project construction related or operational emissions. As such, any impacts would be considered *less than significant*.

**Mitigation Measures:** None are required.

# IV. BIOLOGICAL RESOURCES

**Would the project:**

- 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?
  
- 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?
  
- 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?

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------	---	------------------------------	-----------

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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?

## SETTING

### Environmental Setting

The proposed 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 dairies, groves, 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 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.

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 site consists of a vacant field that has been disked regularly for weed abatement purposes. Surrounding lands are residential, commercial, fallow field, and industrial.

No aquatic or wetland features occur on the propose Project site; therefore, jurisdictional waters are considered absent from the site.

## **Regulatory Setting**

### *Federal*

#### **Endangered Species Act**

The Federal Endangered Species Act (FESA) protects plants and wildlife that are listed as endangered or threatened by the USFWS and National Oceanic and Atmospheric Administration (NOAA) Fisheries. Section 9 of the FESA prohibits the taking of listed wildlife, where taking is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct” (50 CFR 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging-up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16USC1538). Pursuant to Section 7 of the FESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed plant or wildlife species or its critical habitat. Through consultation and the issuance of a biological opinion, the USFWS may issue an incidental take statement allowing take of the species that is incidental to another authorized activity, provided the action will not jeopardize the continued existence of the species. Section 10 of the FESA provides for issuance of incidental take permits to private parties, provided a Habitat Conservation Plan (HCP) is developed.

#### **Migratory Bird Treaty Act**

The MBTA implements international treaties devised to protect migratory birds and any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits are in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the CDFG Code.

#### **Federal Clean Water Act**

The federal Clean Water Act’s (CWA’s) purpose is to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters.” Section 404 of the CWA prohibits the discharge of dredged or fill material into waters of the United States without a permit from the U.S. Army Corps of Engineers (ACOE). The definition of waters of the United States includes rivers, streams, estuaries, the territorial seas, ponds, lakes, and wetlands. Wetlands are defined as those areas “that are inundated or saturated

by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3 7b).” The USEPA also has authority over wetlands and may override an ACOE permit. Substantial impacts to wetlands may require an individual permit. Projects that only minimally affect wetlands may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or Waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the RWQCB.

### *State*

#### **California Endangered Species Act**

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA, but unlike its federal counterpart, the CESA applies the take prohibitions to species proposed for listing (called candidates by the state). Section 2080 of the CDFG Code prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or in the regulations. Take is defined in Section 86 of the CDFG Code as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CESA allows for take incidental to otherwise lawful development projects. State lead agencies are required to consult with the CDFG to ensure that any action they undertake is not likely to jeopardize the continued existence of any endangered, threatened, or candidate species or result in destruction or adverse modification of essential habitat. The CDFG administers the act and authorizes take through Section 2081 agreements (except for designated fully protected species).

#### **Fully Protected Species**

The State of California first began to designate species as fully protected prior to the creation of the CESA and FESA. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction, and included fish, amphibians, reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered pursuant to the CESA and/or FESA. The regulations that implement the Fully Protected Species Statute (CDFG Code Section 4700) provide that fully protected species may not be taken or possessed at any time. Furthermore, the CDFG prohibits any state agency from issuing incidental take permits for fully protected species, except for necessary scientific research.

#### **Native Plant Protection Act**

Regarding listed rare and endangered plant species, the CESA defers to the California Native Plant Protection Act (NPPA) of 1977 (CDFG Code Sections 1900 to 1913), which prohibits importing of rare

and endangered plants into California, and the taking and selling of rare and endangered plants. The CESA includes an additional listing category for threatened plants that are not protected pursuant to NPPA. In this case, plants listed as rare or endangered pursuant to the NPPA are not protected pursuant to CESA, but can be protected pursuant to the CEQA. In addition, plants that are not state listed, but that meet the standards for listing, are also protected pursuant to CEQA (Guidelines, Section 15380). In practice, this is generally interpreted to mean that all species on lists 1B and 2 of the CNPS Inventory potentially qualify for protection pursuant to CEQA, and some species on lists 3 and 4 of the CNPS Inventory may qualify for protection pursuant to CEQA. List 3 includes plants for which more information is needed on taxonomy or distribution. Some of these are rare and endangered enough to qualify for protection pursuant to CEQA. List 4 includes plants of limited distribution that may qualify for protection if their abundance and distribution characteristics are found to meet the standards for listing.

### **California Lake and Streambed Alteration Agreement**

Sections 1600 through 1616 of the CDFG Code require that a Lake and Streambed Alteration Program Notification Package be submitted to the CDFG for “any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake.” The CDFG reviews the proposed actions and, if necessary, submits to the applicant a proposal for measures to protect affected fish and wildlife resources. The final proposal on which the CDFG and the applicant agree is the Lake and Streambed Alteration Agreement. Often, projects that require a Lake and Streambed Alteration Agreement also require a permit from the ACOE pursuant to Section 404 of the CWA. In these instances, the conditions of the Section 404 permit and the Lake and Streambed Alteration Agreement may overlap.

In addition, the proposed Project is being evaluated pursuant to CEQA.

*Local*

### **Porterville General Plan Policies**

- OSC-G-7: Protect habitat for special status species, designated under State and federal law.

## **RESPONSES**

- 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?

**Less than Significant Impact with Mitigation.** A desktop review of literature resources was conducted to determine if the Project area is located within the range of sensitive biological resources such as state and/or federally-listed threatened and/or endangered species. A list of special-status species that could potentially occur in the Project area and a 9-quad search of the Project area was compiled (see Appendix B) by accessing the California Natural Diversity Database (CNDDDB) (2014), the California Native Plant Society (CNPS) (2014) online inventory and the United States Fish and Wildlife Service (USFWS) online database (accessed July 2014) for the USGS 7.5-minute quadrangle of Porterville in which the Project area is located as well as the eight surrounding quads of Fountain Springs, Ducor, Sausalito School, Frazier Valley, Success Dam, Lindsay, Cairn’s Corner, and Woodville.

The site is actively maintained for weed control and is surrounded by a chain link fence and as such, provides very little habitat for animal species and no habitat for plant species; however, to the south of the Project site is a large stand of eucalyptus trees. Several bird species in the Project area are protected under the Migratory Bird Treaty Act. Migratory birds can typically be seen foraging in fallow fields and grassland habitats and they nest in dense vegetation. Small suitable habitat patches exist in the vicinity and immediately adjacent to the proposed Project site.

Swainson’s hawk have been found to nest in isolated trees or small groves of eucalyptus, valley oak, Fremont’s cottonwood, Goodding’s black willow, and deodar cedar and several of these tree species are in the immediate Project vicinity. Nest trees typically stand in (or adjacent to) open agricultural land, along riparian corridors or irrigation channels, or at the edge of a tailwater pond. Foraging habitat surrounding the nest trees is chiefly alfalfa or other row crops but also includes expanses of grassland and scrub habitat<sup>1</sup>. Swainson’s hawks prefer open habitats, including mixed and short grass grasslands with scattered trees or shrubs for perching; dry grasslands; irrigated meadows; and edges between two habitat types. Potential impacts to these protected bird species will be avoided with implementation of Mitigation Measures BIO-1 through BIO-3. As such, impacts to sensitive species will be *less than significant with mitigation incorporation*.

### **Mitigation Measures:**

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<sup>1</sup> Hansen, R.B. 2005. Biological Evaluation of Potential Impacts to Special Status Species (Endangered, Threatened, Candidate Species and Species of Special Concern) and Natural Habitat Areas on Tulare County Tract No. 767, an approximately 14.71 acre preliminary subdivision on the north side of Avenue 320, ¼ mile east of State Highway 63 just north of the City of Visalia, Tulare County, California.

**BIO-1** To protect raptors and migratory song birds and to assist in avoiding take of avian species as required by Fish and Game Code Section 3503, 3503.5, and 3513, Project related activities will occur during the non-breeding season (September 16<sup>th</sup> through December 31<sup>st</sup>).

**BIO-2** If Project related activities will occur during the breeding season (Jan 1 through Sept 15), the City of Porterville shall conduct nest surveys for nesting Swainson’s hawks within ½ mile buffer around the Project site before starting any Project related activities following the survey methodology developed by the Swainson’s hawk Technical Advisory Committee<sup>2</sup>. In the event that Swainson’s hawk is detected, California Department of Fish & Wildlife (CDFW) shall be consulted by the Applicant or the Applicant’s consultant to discuss project implementation and take avoidance. If take cannot be avoided the City shall obtain an Incidental Take Permit from CDWF for project related incidental take of Swainson’s hawk.

If other nesting raptors and migratory songbirds are identified, the following minimum no disturbance buffers shall be required:

- 250 feet around active passerine (perching birds and songbirds) nests
- 500 feet around active raptor nests

These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined and CDFW has agreed in writing that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

**BIO-3** Vertical tubes such as chain link fencing poles can result in the entrapment and death of a variety of bird species. All vertical tubes such as chain link fencing poles shall be immediately capped at the time that they are installed to prevent avian fatalities.

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?

**Less than Significant Impact.** There are no waterways or vegetation on the subject site and the area consists of an actively maintained vacant field along with paved and gravel areas. There is no riparian habitat or other sensitive natural community on site or adjacent to the Project. As such, any impacts would be *less than significant*.

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<sup>2</sup> Swainson’s Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley. May 31, 2000. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>. Accessed October, 2014.

**Mitigation Measures:** None are required.

- 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?

**Less than Significant Impact.** No wetlands occur in or near the Project site. Impacts would be *less than significant*.

**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.** There are no waterways or vegetation on the subject site and the area consists of an actively maintained vacant field along with paved and gravel areas. The Project site is located in a residential area adjacent to commercial land uses. The Project site is immediately adjacent to SR 65. There are no waterways or migratory wildlife corridors on site or in the Project vicinity. Any impacts to native species movement would be *less than significant*.

**Mitigation Measures:** None are required.

- 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. A review of 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 southeast of the Project site 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. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## SETTING

**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.

The proposed Project site has been highly disturbed for many years due to active discing and weed maintenance. A records search was conducted at the Southern San Joaquin Valley Information Center (SSJVIC), California Historical Resources Information System in October 2014 and a Cultural Resources Study and Survey was completed by Petra Resources Management in December, 2014. As part of the Study, a Sacred Files Search was conducted with the Native American Heritage Commission (NAHC) (see Appendix C). According to the SSJVIC records, ten previous archaeological surveys have been completed that have covered portions of the study area, primarily east of State Route 65. While no cultural resources were previously identified within the study area, four historical sites have been recorded within 0.5 miles of the Project area. The NAHC Sacred Lands File search did not indicate the presence of any cultural places within the Project area.

### **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 (CCR 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 are 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 §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.

### **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(3) §15126.4 (a)(1)). California Public Resources Code §5097.5 (see above) also applies to paleontological resources.

*Local***Porterville General Plan Policies**

- OSC-G-11: Identify and protect archaeological, paleontological, and historic resources.
- 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.
- 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.** An intensive archaeological survey (see Appendix C) was conducted for the proposed Project which included a records search of site files and maps at the SSJVIC and a search of the NAHC Sacred Lands File. No Native American sacred sites or cultural landscapes had been identified within or immediately adjacent to the study area. The survey of the approximately 4.48-acre study area failed to identify any significant prehistoric or historical resources.

While no historic resources were discovered during the investigations, 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 CUL1 will ensure that significant impacts remain *less than significant with mitigation incorporation*.

**CUL1:** The City shall be required to do the following:

- 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 CUL1 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. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**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*.

**CUL3:** The City of Porterville 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.

d. Disturb any human remains, including those interred outside of formal cemeteries?

**Less than Significant Impact.** Although unlikely given the highly disturbed nature of the site and the records search did not indicate the presence of such resources, subsurface construction activities associated with the proposed Project could potentially disturb previously undiscovered human burial sites. Accordingly, this is a potentially significant impact. The California Health and Safety Code Section 7050.5 states that if human remains are discovered on-site, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC. The NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98.

Although considered unlikely subsurface construction activities could cause a potentially significant impact to previously undiscovered human burial sites, however compliance with regulations would reduce this impact to *less than significant*.

**Mitigation Measures:** None are required.

# VI. GEOLOGY AND SOILS

**Would the project:**

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

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

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the most recently	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

adopted Uniform Building Code  
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?

**SETTING**

**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 Porterville has elevations ranging from 400 to 800 feet. However, the eastern portion of the City is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

**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 proposed Project site. An unnamed fault is approximately seven miles south, Poso Creek Fault is 30 miles southwest, White Wolf Fault Zone is 60 miles south, San Andreas and Cholame-Carrizo Fault sections are approximately 69 miles southwest of the proposed Project site. These faults are small and 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 located in a Seismic Zone 3 of the 1994 Uniform Building Code (UBC). This zone is expected to experience moderate effects from earthquake ground shaking. This seismic zone is expected to experience moderate effects from earthquake ground shaking activity.

## 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*

### **Uniform Building Code**

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

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-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.

**No Impact.** The Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. Since no known surface expression of active faults is believed to cross the site, fault rupture through the site is not anticipated. *No impacts* would occur.

**Mitigation Measures:** None are required.

a-ii. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

**Less than Significant Impact.** The City of Porterville’s 2030 General Plan identified the City as being within the Uniform Building Code Seismic Zone 3. The California Geological Survey maintains a web-based computer model that estimates probabilistic seismic ground motions for any location with California. The computer model estimates the “Design Basis Earthquake” ground motion, which is defined as the peak ground acceleration with a 10-percent chance of exceedance in 50 years (475-year return period). For an alluvium soil type, the Project site’s estimated peak ground acceleration is approximately 0.22g.

No buildings or structures are proposed with implementation of this Project as the Project includes the construction and operation of a reservoir basin. The basin will be excavated 15 feet deep and the banks of the basin will be flush with the surrounding grade. The impact is *less than significant*.

**Mitigation Measures:** None are required.

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?

**Less than Significant Impact.** See Response a-ii. According to the City of Porterville General Plan, Public Health and Safety Element the Project site is in the Seismic -3 zone, the 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. Therefore, the impact is *less than significant*.

**Mitigation Measures:** None are required.

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 City of Porterville's 2030 General Plan, Figure 7-1 (Geological and Soil Hazards) indicates that the 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 bedrock is present at relatively shallow depths beneath the eastern end of Porterville. The soil in the Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. The Project site has a generally flat topography, is in an established area within the City's public works complex, 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.

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?

**No Impact.** The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The bedrock is present at relatively shallow depths beneath the eastern end of Porterville. The soil in the

Project area is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. See also Response a-ii. There is *no impact*.

**Mitigation Measures:** None are required.

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.** See Responses c and a-ii. 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.** No permanent wastewater facilities using septic tanks or alternative wastewater disposal systems would be required by the Project. There is no domestic waste discharge from the Project. There is *no impact*.

**Mitigation Measures:** None are required.

# VII. GREENHOUSE GAS EMISSIONS

**Would the project:**

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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"/>
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## SETTING

**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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone, Nitrous Oxide (NO<sub>x</sub>), 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 CO<sub>2</sub>-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 CO<sub>2</sub>, CH<sub>4</sub>, NO<sub>x</sub>, 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 2006, California passed AB 32, the California Global Warming Solutions Act of 2006 (Act). The Act requires ARB to design and implement emission limits, regulations, and other feasible cost-effective measures to reduce statewide GHG emissions to 1990 levels by 2020. Senate Bill 97 was signed into law in August 2007. The Senate Bill required the Office of Planning and Research (OPR) to prepare, develop, and transmit to the Resource Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions by July 1, 2009. On April 13, 2009, the OPR submitted to the Secretary for Natural Resources its recommended amendments to the State CEQA Guidelines for addressing GHG emissions. On July 3, 2009, the Natural Resources Agency commenced the Administrative Procedure Act rulemaking process for certifying and adopting the amendments. Following a 55-day public comment period and 2 public hearings, and in response to comments, the Natural Resources Agency proposed revisions to the text of the proposed Guidelines amendments. The Natural Resources Agency transmitted the adopted amendments and the entire rulemaking file to the Office of Administrative Law on December 31, 2009. On February 16, 2010, the Office of Administrative Law approved the amendments, and filed them with the Secretary of State for inclusion in the CCR. The Amendments became effective on March 18, 2010.

The AB 32 Scoping Plan contains the main strategies California will use to reduce GHG emissions that cause climate change. The scoping plan has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 cost of implementation fee regulation to fund the program. The first regulation adopted by the ARB pursuant to AB 32 was the regulation requiring mandatory reporting of GHG emissions. The regulation requires large industrial sources emitting more than 25,000 metric tons of CO<sub>2</sub> per year to report and verify their GHG emissions from combustion of both fossil fuels and biomass-derived fuels. The California Cap and Trade program is being developed and the ARB must adopt regulations by January 1, 2011. Finally, Governor Schwarzenegger directed the ARB, pursuant to Executive Order S-21-09, to adopt a regulation by July 31, 2010, requiring the state's load serving entities to meet a 33 percent renewable energy target by 2020.

In addition, the proposed Project is being evaluated pursuant to CEQA.

### *Local*

#### **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.

- OSC-I-60: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics “Hot Spots” Act.
- 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

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

**Less than Significant Impact.** The U.S. Environmental Protection Agency published a rule for the mandatory reporting of greenhouse gases from sources that in general emit 25,000 metric tons or more of carbon dioxide (CO<sub>2</sub>) per year. As shown in Table 2.1, Overall Construction, Unmitigated Construction, of Appendix A, the Project is estimated to produce 809.96 tons per year of CO<sub>2</sub> (combined construction and operational totals). This represents approximately three percent of the reporting threshold.

Additionally, emissions from construction are temporary in nature. The SJVAPCD has implemented a guidance policy for development projects within their jurisdiction. This policy, “Guidance for Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA,” approved by the Board on December 17, 2009, does not address temporary GHG emissions from construction, nor does this policy establish numeric thresholds for ongoing GHG emissions. AB 32 requires that emissions within the State be reduced to 1990 levels by the year 2020. These construction emissions are minimal and would mainly occur prior to 2020; therefore, construction-generated GHGs are *less than significant*.

**Mitigation Measures:** None are required.

b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

**Less than Significant Impact.** The City of Porterville does not have an adopted Climate Action Plan. Therefore, the plan adopted for the purpose of reducing the emissions of GHGs applicable to the proposed project is ARB’s approved Scoping Plan, which will be used to determine significance for this criterion. As discussed previously, AB 32 requires that emissions within the State be reduced to 1990 levels by the year 2020. The project would generate temporary construction emissions prior to the year 2020; therefore, impacts would be *less than significant*.

**Mitigation Measures:** None are required.

# VIII. HAZARDS AND HAZARDOUS MATERIALS

**Would the project:**

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- 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?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- 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?
- 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?
- f. For a project within the vicinity of a private airstrip, would the project result in

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a safety hazard for people residing or working in the project area?

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

**SETTING**

**Environmental Setting**

The Project site is located in the northern portion of the City adjacent to residential and commercial land uses. The site is currently a vacant lot actively maintained for weed control.

The nearest residences are approximately 30 feet to the west of the Project site. The Project site is approximately 4.4 miles northeast of the Porterville Municipal Airport. Fresno-Yosemite International Airport is approximately 70 miles northwest of the proposed Project site, while Meadows Field Airport in Bakersfield is approximately 47 miles south.

The Teapot Dome Landfill plant is approximately six miles southwest of the proposed Project site, while the Porterville Wastewater Treatment Plant is located approximately 1.3 miles southwest. The site is approximately 665 feet (0.126 miles) from the fenceline of the nearest school (Sequoia Middle School).

**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 Environmental Protection Agency (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 and Fire 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-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.
- 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?

**Less than Significant Impact.** The proposed Project is the construction and operation of a reservoir basin and during operation will not generate nor store any hazardous wastes. During construction, nonhazardous construction debris will be generated and disposed of in local landfills. Construction may require the transport and use of small quantities of hazardous materials in the form of grease, gasoline, diesel and oil for construction vehicle maintenance. There is the potential for small leaks to occur due to construction activities such as refueling the construction equipment; however, standard construction Best Management Practices (BMPs) included in the Stormwater Pollution Prevention Plan will reduce the potential for the release of construction-related fuels and other hazardous materials to storm water contamination from spills or leaks and require proper disposal or recycling of hazardous materials. Any hazardous waste generated during construction of the proposed Project will be collected and transported away from the site in compliance with all federal, state and local regulations will be followed. 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 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.** The site is approximately 665 feet (0.126 miles) from the fenceline of the nearest school (Sequoia Middle School); however, no operational hazardous waste will be generated or stored. See also Responses a. and b. regarding construction 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<sup>3</sup> The nearest Department of Toxic Substances Control listed site is Sequoia Middle School (54010013), which is a 17.5 acre school site located at the intersection of N. Prospect Street and W. Castle Avenue, approximately 665 feet west of the proposed Project site. The soil and groundwater are possibly contaminated with Arsenic, dichlorodiphenyldichlorethane (DDD), dichlorodiphenyldichloroethene (DDE), and dichlorodiphenyltrichloroethane (DDT) contaminants of potential concern. The investigation is being handled by the Department of Toxic Substances Control, Site Cleanup Program and the site has been certified as of August 18, 2005. There

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<sup>3</sup> California Environmental Protection Agency, Cortese List Data Resources.

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/default.htm>. Accessed October, 2014.

are no hazardous materials sites that impact the Project. 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.** Based on review of the 2030 General Plan, the proposed Project site is approximately 4.4 miles northeast of the Porterville Municipal Airport. Land use controls for this area are provided by the City of Porterville General Plan and Development Ordinance, and the Tulare County General Plan and Zoning Ordinance, Part 77.21. The City of Porterville has also prepared an airport master plan for the Porterville Municipal Airport. The Project site is outside the height and safety restriction zones imposed by these plans. There is *no impact*.

**Mitigation Measures:** None are required.

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** There are no private airstrips in the Project vicinity and as such, there is *no impact*.

**Mitigation Measures:** None are required.

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**Less than Significant Impact.** The Project consists of the construction and operation of a drainage reservoir that will connect to the City's existing stormwater drainage system. The site is currently only accessible by a private gravel road, which is not a part of the City's emergency response plan or emergency evacuation plan. As such, the reservoir basin will not interfere with any adopted emergency response or evacuation plan. Any impacts are *less than significant*.

**Mitigation Measures:** None are required.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**No Impact.** There are no wildlands on or near the Project site. There is *no impact*.

**Mitigation Measures:** None are required.

# IX. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# IX. HYDROLOGY AND WATER QUALITY

**Would the project:**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
provide substantial additional sources of polluted runoff?				
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

**Environmental Setting**

The City of Porterville has a dry climate with evaporation rates that exceed rainfall. The local climate is considered warm desert with annual precipitation between approximately seven to nine inches, and rainfall rates are highly variable. The majority of precipitation (roughly 84%) falls during the months of November through April.

The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-basin of the San Joaquin Valley Groundwater Basin. Groundwater supplies have not been significantly impacted by

droughts in the past, and, as a result, there is no history of any water supply deficiencies for the City water system. Even during the 1976-1977 drought records indicate a sufficient supply of water.

### **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.

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), located in Sacramento, 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-43: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- 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.

## **RESPONSES**

- a. Violate any water quality standards or waste discharge requirements?

**Less than Significant Impact.** The State Water Resources Control Board requires any new construction project over an acre to complete a Stormwater 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 the proposed Project to substantially alter the existing drainage pattern in a manner that will result in substantial erosion or siltation onsite or offsite. Additionally, there will be no discharge to any surface or groundwater source. Further, no chemicals or surfactants will be used in the maintenance or operation of the drainage reservoir. As such, there will be no discharge that could impact water quality standards. 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 deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**No Impact.** The proposed Project site is located in the Tulare Lake Basin, an area significantly affected by overdraft. The Department of Water Resources (DWR) has estimated the groundwater by hydrologic region and for the Tulare Lake Basin; the total overdraft is estimated at 820,000 acre-feet per year, the greatest overdraft projected in the state, and 56 percent of the statewide total overdraft. The proposed Project site is located within the Tule Sub-basin portion of the regional area.

Water in the drainage reservoir would percolate into the existing groundwater basin, thereby creating a net positive in aquifer volume. As such, there is *no 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, in a manner which would result in substantial erosion or siltation on- or off-site?

**Less than Significant Impact.** There are no natural lakes or streams within or adjacent to the Project area. The site is presently a vacant dirt lot, actively maintained for weed control. No impervious surfaces

are proposed as part of the Project, as the site will consist of a reservoir basin with a gravel road along the perimeter of the site and connecting the site to W. North Grand Avenue to the north. The site will be graded so stormwater drains into the basin. No natural drainage or riparian areas occur within the Project area. Storm water will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. As a result, impacts would be *less than significant*.

**Mitigation Measures:** None are required.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

**Less than Significant Impact.** 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. No facilities are being proposed that would alter the existing drainage pattern of the area. Storm water will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. As a result, impacts are *less than significant*.

**Mitigation Measures:** None are required.

- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

**Less than Significant Impact.** See Responses a, c and d. Implementation of the proposed Project will expand the capacity of the City's existing stormwater system. The impact is *less than significant*.

**Mitigation Measures:** None are required.

- f. Otherwise substantially degrade water quality?

**Less than Significant Impact.** See Responses a, c and d. The Project would not otherwise degrade water quality and therefore the impact is *less than significant*.

**Mitigation Measures:** None are required.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

**No Impact.** The Project site is not within a 100-year or 500-year flood zone, as shown on Figure 7-3 of the 2030 General Plan. There is no housing associated with this Project. Therefore, there is *no impact*.

**Mitigation Measures:** None are required.

- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

**No Impact.** The Project site is not within a 100-year or 500-year flood zone, as shown on Figure 7-3 of the 2030 General Plan. No facilities are being proposed that would alter the existing drainage pattern of the area and therefore there is *no impact*.

**Mitigation Measures:** None are required.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**Less than Significant Impact.** Flows into the Tule River (located approximately 2.4 miles south 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.

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. 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 completion date of 2014–2015, 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. No impervious surfaces are being proposed. 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.

j. Inundation by seiche, tsunami, or mudflow?

**No Impact.** 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 tsunami. 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. *No impacts* would occur.

**Mitigation Measures:** None are required.

# X. 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. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

**Environmental Setting**

The proposed Project site is located in the northern portion of City of Porterville and is surrounded completely by rural urban uses. Porterville is located in Tulare County within the San Joaquin Valley. Tulare County lies south of the Sacramento-San Joaquin Delta, and is comprised of 4,863 square miles. The County is bordered by Fresno County to the north, Kings County to the west, Kern County to the south, and Inyo County to the east.

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on Table 4. 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 4**  
**Existing Land Use: City of Porterville Planning Area (2005)<sup>4</sup>**

<b>Generalized Land Use Category</b>	<b>Total</b>	<b>Percentage</b>
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%

The proposed Project site has been historically utilized for agriculture related uses and currently is an uncultivated fallow property. The site is surrounded by to the west, north and south by residential uses and State Route 65 and commercial land uses are to the east.

The site is zoned as Retail Centers (CR) and the land immediately to the north and west are also zoned as CR. RM-2 (Medium Density Residential) zoning is immediately to the south while State Route 65 is immediately to the east. East of State Route 65 is zoned as CG (General and Service Commercial). The nearest residences are approximately 30 feet to the west.

No forest or timber land is present at the proposed Project site or in the proposed Project vicinity.

**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).

*State*

The proposed Project is being evaluated pursuant to CEQA; however, there are no state regulations, plans, programs, or guidelines associated with land use and planning that are applicable to the proposed Project.

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<sup>4</sup> City of Porterville Land Use Element

*Local***Porterville General Plan Policies**

- LU-G-15: Promote clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency.
- LU-G-16: Discourage industrial development in locations where access and operations conflict with neighboring land uses.

**RESPONSES**a. Physically divide an established community?

**No Impact.** The Project is located within the northern limits of the City of Porterville. The proposed Project site is an existing vacant field. The construction and operation of a reservoir basin would not cause any land use changes in the surrounding vicinity nor would it divide an established community. The construction of the pipeline will occur completely in easements and will be underground. *No impacts* would occur as a result of this Project.

**Mitigation Measures:** None are required.

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?

**Less than Significant Impact.** The proposed Project will include two entitlement requests in order for the proposed Project to be approved by City Council. The City will request a General Plan Amendment for APN 243-210-065, to deviate from its existing “Retail Centers” land use designation to the proposed Public Institutional designation. The City will also request a Zone Change for the same parcel, to change the site zoning from Retail Centers to Public-Semi-Public. Any impacts are *less than significant*.

**Mitigation Measures:** None are required.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

**No Impact.** A review of the 2030 General Plan, Figure 6-4 (Special Status Species and Sensitive Vegetation) indicates the Project site is not within an adopted or proposed conservation plan area. The nearest such plan area is the Valley Elderberry Longhorn Beetle Conservation Area, located along the Tule River within the Yaudanchi Ecological Reserve. There would be *no impact* to an adopted or proposed conservation plan area.

**Mitigation Measures:** None are required.

# XI. 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"/>

## SETTING

**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; however, the eastern portion is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level.

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.

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 Project Area, are within mineral resource zones.

## **Regulatory Setting**

### *Federal*

There are no federal or local regulations pertaining to mineral resources relevant to the proposed Project.

### *State*

#### **California Surface Mining and Reclamation Act of 1975**

Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., ensures a continuing supply of mineral resources for the State.

In addition, the proposed Project is being evaluated pursuant to CEQA.

### *Local*

#### **Porterville General Plan Policies**

- 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-I-17: Require remediation and cleanup of sites contaminated with hazardous substances.

## **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?

**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. Therefore, there is *no impact*.

**Mitigation Measures:** None are required.

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 Project area is not included in a State classified mineral resource zones. Soil disturbance for the proposed Project would be limited to the 4.6 acre reservoir site and the 1,230 linear feet of pipeline to be installed. Therefore, there is *no impact*.

**Mitigation Measures:** None are required.

## XII. NOISE

**Would the project:**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project 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"/>

## SETTING

### Environmental Setting

The proposed Project site is currently vacant and surrounding land uses include residential and commercial, with State Route 65 running immediately east of the site. Existing noise levels around the site are mostly associated with traffic and associated activities. The eastern portion of the site is located within the State Route 65 established noise contour, as shown in Figure 9-2 of the City's General Plan Noise Element. The nearest sensitive noise receptor is a residential neighborhood located approximately 30 feet west of the Project site.

### 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<sup>32</sup>. The FTA has identified the human annoyance response to vibration levels as 80 RMS.

#### *State*

The California Noise Control Act was enacted in 1973 (Health and Safety Code § 46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff will work with the OPR to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

In addition, this proposed Project is being evaluated pursuant to CEQA.

#### *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 (Ldn). 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 5 below.

**Table 5  
Land Use Compatibility for Community Noise Environment**

Land Use Category	Community Noise Exposure, L <sub>dn</sub> or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
<b>Residential – Low density single family, duplex,</b>	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
<b>Residential – Multiple family</b>	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
<b>Schools, libraries, churches, hospitals, nursing</b>	<70	60 to 75	70 to 80	>80
<b>Industrial, manufacturing, utilities, agriculture</b>	<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. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**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. Much of the Project area, along with the area adjacent to the Project site is in an established noise contour (from HWY 65) as shown in Figure 9-2 of the City’s General Plan Noise Element. Minimal amounts of noise is anticipated to be generated during Project operation, as the reservoir basin will be supplied with water via underground pipes and the water in the basin will passively percolate into the underlying groundwater basin. Additionally, as part of the Project, and in accordance with City of Porterville Development Ordinance 300.10e, a six foot high block wall will be constructed along the north, west and south boundaries of the site, with would further buffer any noises generated by the Project from the surrounding residences.

Proposed Project construction related activities will involve temporary noise sources and are anticipated to last approximately four months. 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. Activities involved in construction will generate maximum noise levels, as indicated in Table 6, 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 6  
Typical Construction Noise Levels**

Type of Equipment	dBA at 50 ft	
	Without Feasible Noise Control	With Feasible Noise
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75

<b>Truck</b>	91	75
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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. The noise generated from the reservoir basin operations will not exceed the 65 dB Ldn during ongoing operation and maintenance. Any impacts would be *less than significant*.

**Mitigation Measures:** None are required.

b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**Less than Significant Impact.** 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 is the excavation of the reservoir basin and installation of associated pipeline to connect the reservoir basin to the exiting stormwater system

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 7 describes the typical construction equipment vibration levels.

**Table 7  
Typical Construction Vibration Levels**

<b>Equipment</b>	<b>VdB at 25 ft</b>
<b>Small Bulldozer</b>	58
<b>Jackhammer</b>	79

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences which are located approximately 30 feet west of the facility. The impact will be *less than significant*.

**Mitigation Measures:** None are required.

c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than Significant Impact.** See Response a. There will be no substantial permanent increase in ambient noise levels and therefore the impact is *less than significant*.

**Mitigation Measures:** None are required.

# XIII. POPULATION AND HOUSING

**Would the project:**

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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- 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)?
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

## SETTING

**Environmental Setting**

Over the past 30 years, 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. In 2006, the California Department of Finance (DOF) estimated the City with a population of 45,220 residents. In 2010, the City had an estimated population of 54,165 residents. In 2011 the City grew to 54,676 residents, while the City recorded an approximate population of 55,490 in 2012. According to the most recent California DOF report, the City currently is at approximately 55,490 residents, a 0.5 percent increase from 2012. 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**

The proposed Project is being evaluated pursuant to CEQA; however, there are no federal, state or local regulations, plans, programs, and guidelines associated with population or housing that are applicable to the proposed Project.

## 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)?

**No Impact.** There are no new homes or businesses associated with the Project and the project is outlined the City's existing Stormwater Master Plan. The Project will not require the City to hire any additional employees to maintain the reservoir basin. The proposed Project will not affect any regional population, housing, or employment projections anticipated by City policy documents. There is *no impact*.

**Mitigation Measures:** None are required.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**No Impact.** The Project will not displace any housing and therefore there is *no impact*.

**Mitigation Measures:** None are required.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**No Impact.** The Project will not displace any people and therefore there is *no impact*.

**Mitigation Measures:** None are required.

# XIV. PUBLIC SERVICES

**Would the project:**

	Less than Significant			
Potentially Significant Impact	With Mitigation Incorporation	Less than Significant Impact	No Impact	

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:

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SETTING

**Environmental Setting**

The nearest fire station is Porterville Fire Station 2, which is approximately 1.4 miles to the southwest of the proposed Project site. The Porterville Police Station is located approximately 2.5 miles southeast of the site at 350 N D Street.

The Teapot Dome Landfill plant is approximately six miles southwest of the proposed Project site, while the Porterville Wastewater Treatment Plant is located approximately 1.3 miles southwest. Porterville Charter High School and Sequoia Middle School are both located less than one mile to the west of the proposed Project site. Hayes Field (sports park) is approximately one mile south of the site, while Veteran's Park is approximately 1.4 miles southwest of the proposed 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 2013 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**

- LU-G-5: Promote sustainability in the design and development of public and private development projects.
- OSC-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.
- PHS-I-28: Ensure that new development incorporates safety concerns into the site, circulation, building design and landscaping plans.

## RESPONSES

- 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:

### Fire protection?

**Less than Significant Impact.** The Project site will continue to be served by the City of Porterville fire department. The reservoir basin will continually be maintained to keep the site weed free, which will decrease any potential fire hazards. No additional fire personnel or equipment is anticipated. The impact is *less than significant*.

### Police Protection?

**Less than Significant Impact.** The proposed Project will continue to be served by the City of Porterville police department. The facility has been designed to discourage unauthorized access by persons and vehicles through the use of perimeter fencing surrounding the property. A block wall along the north, west and southern borders of the Project site serve to screen views of the interior of the site. No additional police personnel or equipment is anticipated. The impact is *less than significant*.

### Schools?

**No Impact.** The direct increase in demand for schools is normally associated with new residential projects that bring new families with school-aged children to a region. The proposed Project does not contain any residential uses. The proposed Project, therefore, would not result in an influx of new students in the Project area and is not expected to result in an increased demand upon District resources and would not require the construction of new facilities. There is *no impact*.

### Parks?

**No Impact.** The Project would not result in an increase in demand for parks and recreation facilities because it would not result in an increase in population. Accordingly, the proposed Project would have *no impacts* on parks.

### Other public facilities?

**No Impact.** The proposed Project does not propose residential, commercial, or industrial development. The Project, therefore, would not result in increased demand for, or impacts on, other public facilities such as library services. Accordingly, *no impact* would occur.

**Mitigation Measures:** None are required.

# XV. RECREATION

**Would the project:**

	Less than Significant	With Mitigation	Less than Significant	No Impact
	Potentially Significant Impact	Incorporation	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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## SETTING

**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 295 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 2006 population of 45,220 residents, the City has a ratio of 5.1 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**

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?

**No Impact.** The proposed Project does not include the construction of residential uses and would not directly or indirectly induce population growth. Therefore, the proposed Project would not cause physical deterioration of existing recreational facilities from increased usage or result in the need for new or expanded recreational facilities. The Project would have no impact to existing parks.

**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?

**No Impact.** The proposed Project does not include the construction of residential uses and would not directly induce population growth. Therefore, the Project would not cause physical deterioration of existing recreational facilities from increased usage or result in the need for new or expanded recreational facilities. There is *no impact*.

**Mitigation Measures:** None are required.

# XVI. TRANSPORTATION/ TRAFFIC

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

**Would the project:**

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>e. Result in inadequate emergency access?</p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

- f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

**SETTING**

**Environmental Setting**

The Project site is located within the northern portion of the City of Porterville, less than one-tenth of a mile west of SR 65 and approximately three miles north of SR 190. The site is located approximately 760 south of W. North Grand Avenue. The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately 4.4 miles to the southwest of the site.

**Regulatory Setting**

*Federal*

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

*State*

**State of California Transportation Department Transportation Concept Reports**

Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans’ long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the “route concept” or beyond 20 years, for what is known as the “ultimate concept”.

State Route 190 is designated as Segment 3 in the proposed Project vicinity. Route 190 is classified by Caltrans as rural except for the portion in Porterville that is designated urban. The route is also predominately indicated as a Minor Arterial and Major Collector. Therefore, the Route Concept LOS of D has been assigned to the entire route. Segment 3 is a 4-lane expressway and there are no changes expected to this segment.

SR 65 is designated as Segment 7 in the vicinity of the proposed Project site and has a LOS of C. The route concept for Segment 7 of Route 65 is described by Caltrans as a two-lane expressway, with improvements potentially being a four-lane expressway over the next 10 years.

In addition, the proposed Project is being evaluated pursuant to CEQA.

### *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 an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

**Less than Significant Impact.** The proposed Project will consist of the construction and operation of a reservoir basin and associated pipeline and will not require any new roadway construction. A 200 foot portion of pipeline will be bore and jacked under State Route 65 (which will require consultation and

permitting through Caltrans). Construction related activities will be completed in a three to four month time period and will generate approximately 20 construction related trips per day. Once completed, the reservoir basin will not require any on-site operating staff; however, approximately once per week, the site will be regularly maintained. Construction related vehicle trips will be temporary and short term. Any permanent impact to local roadways will be *less than significant*.

**Mitigation Measures:** None are required.

b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

**Less than Significant Impact.** As shown in Response XVI-a., the proposed Project will have a *less than significant* impact on any existing level of service or other travel demand measures. The Project will not conflict with any congestion management programs, as none are applicable to the Project.

**Mitigation Measures:** None are required.

c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

**No Impact.** The Project site is approximately 4.4 miles northeast of the Porterville Municipal Airport. There are no characteristics of the Project that would have any impact on air traffic patterns. There is *no impact*.

**Mitigation Measures:** None are required.

d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**No Impact.** No roadway design features are associated with this proposed Project and the change in the existing land use will not result in an incompatible use with the surrounding area. There is *no impact*.

**Mitigation Measures:** None are required.

# XVII. UTILITIES AND SERVICE SYSTEMS

**Would the project:**

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- g. Comply with federal, state, and local statutes and regulations related to solid waste?

**SETTING**

**Environmental Setting**

The Teapot Dome Landfill plant is approximately six miles southwest of the proposed Project site. This landfill is one of three that serve all of Tulare County as well as parts of surrounding counties and they accept wood, green waste, and tires for recycling purposes in addition to solid waste.

**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-G-10: Reduce and conserve energy use in existing and new commercial, industrial, and public structures.
- OSC-I-41: Work with agricultural and industrial uses to ensure that water contamination and waste products are handled in a manner that protects the long-term viability of water resources.
- 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. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

**Less than Significant Impact.** The proposed Project includes the construction and operation of a reservoir basin and associated pipeline to connect the basin to the existing City stormwater system. There will be no wastewater discharge from the Project. Therefore, the impact is *less than significant*.

**Mitigation Measures:** None are required.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Less than Significant Impact.** See Response XVII-a. The Project will not require construction of any new water or wastewater facilities. Therefore, the impact is *less than significant*.

**Mitigation Measures:** None are required.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

**Less than Significant Impact.** The proposed Project includes the expansion of the existing City of Porterville stormwater system, as identified in the City of Porterville Stormwater Master Plan. Storm water will be managed as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP is retained on-site during construction. As a result, any impacts are *less than significant*.

**Mitigation Measures:** None are required.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

**No Impact.** There will be no water utilized to operate the reservoir basin. There is *no impact*.

**Mitigation Measures:** None are required.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**No Impact.** As described in Response XVII-a, the proposed Project will not generate any new source of wastewater. There is *no impact*.

**Mitigation Measures:** None are required.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**Less than Significant Impact.** Proposed Project construction and operation will generate minimal amounts of solid waste. Solid waste from the site during operation, as well as any construction debris that is not recycled will be received at the Teapot Dome Landfill. Any impacts will be *less than significant*.

**Mitigation Measures:** None are required.

g. Comply with federal, state, and local statutes and regulations related to solid waste?

**Less than Significant Impact.** See Response XVII-f. 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.

# XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

**Would the project:**

Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## 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 is not expected to 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 all potentially significant 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. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed Project would not 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). The impact is *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 is not expected to have substantial impact on human beings, either directly or indirectly. Mitigation measures have been incorporated in the Project design to reduce all potentially significant impacts to *less than significant*.

# Chapter 4

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## MMRP

# 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 Drainage Reservoir 18 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)
<p>BIO-1 To protect raptors and migratory song birds and to assist in avoiding take of avian species as required by Fish and Game Code Section 3503, 3503.5, and 3513, Project related activities will occur during the non-breeding season (September 16th through December 31st).</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	
<p>BIO-2 If Project related activities will occur during the breeding season (Jan 1 through Sept 15), the City of Porterville shall conduct nest surveys for nesting Swainson's hawks within ½ mile buffer around the Project site before starting any Project related activities following the survey methodology developed by the Swainson's hawk Technical Advisory Committee<sup>1</sup>. In the event that Swainson's hawk is detected, California Department of Fish &amp; Wildlife (CDFW) shall be consulted by the Applicant or the Applicant's consultant to discuss project implementation and take avoidance. If take cannot be avoided the City shall obtain an</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

<sup>1</sup> Swainson's Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>. Accessed October, 2014.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>Incidental Take Permit from CDWF for project related incidental take of Swainson's hawk.</p> <p>If other nesting raptors and migratory songbirds are identified, the following minimum no disturbance buffers shall be required:</p> <ul style="list-style-type: none"> <li>• 250 feet around active passerine (perching birds and songbirds) nests</li> <li>• 500 feet around active raptor nests</li> </ul> <p>These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined and CDFW has agreed in writing that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>				
<p>BIO-3 Vertical tubes such as chain link fencing poles can result in the entrapment and death of a variety of bird species. All vertical tubes such as chain link fencing poles shall be immediately capped at the time that they are installed to prevent avian fatalities.</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

Mitigation Measure	<b>Party responsible for Implementing Mitigation</b>	<b>Implementation Timing</b>	<b>Party responsible for Monitoring</b>	<b>Verification (name/date)</b>
<p>CUL-1</p> <ul style="list-style-type: none"> <li>▪ Before initiation of construction or ground-disturbing activities associated with the Project, the Project proponent for all Project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;</li> <li>▪ The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and</li> <li>▪ 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</li> </ul>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

Mitigation Measure	<b>Party responsible for Implementing Mitigation</b>	<b>Implementation Timing</b>	<b>Party responsible for Monitoring</b>	<b>Verification (name/date)</b>
other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.				
<p>CUL-2</p> <p>The City of Porterville 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>	City of Porterville	During construction	City of Porterville	

## Chapter 5

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# Preparers and References

# LIST OF PREPARERS AND REFERENCES

## List of Preparers

### **Crawford & Bowen Planning, Inc.**

- Travis Crawford, AICP, Principal Environmental Planner
- Emily Bowen, LEED AP, Principal Environmental Planner

## Persons and Agencies Consulted

### **City of Porterville**

- Julie Phillips, AICP, Community Development Manager
- Jennifer M. Byers, Interim Community Development Director
- Mike Reed, City Engineer

### **Petra Resource Management**

- David S. Whitley, Ph.D., RPA, Principal Investigator
- Peter A. Carey, M.A., RPA, Associate Archaeologist

### **California Historic Resources Information System**

- Celeste Thomson, Coordinator

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# Appendices

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# Appendix A

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## Air Quality Model Results

## Porterville Drainage Reservoir 18

### Tulare County, Annual

### 1.0 Project Characteristics

#### 1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Non-Asphalt Surfaces	4.60	Acre	4.60	200,376.00	0

#### 1.2 Other Project Characteristics

Urbanization	Rural	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	51
Climate Zone	7			Operational Year	2014

#### Utility Company

CO2 Intensity (lb/MW/hr)	0	CH4 Intensity (lb/MW/hr)	0	N2O Intensity (lb/MW/hr)	0
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### 1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	UrbanizationLevel	Urban	Rural

### 2.0 Emissions Summary



**2.2 Overall Operational**  
**Unmitigated Operational**

Category	tons/yr										MT/yr						
	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	
Area	0.9219	0.0000	4.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	8.0000e-005	8.0000e-005	0.0000	0.0000	0.0000	9.0000e-005
Energy	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	0.0000
Mobile	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	0.0000
Waste																	
Water																	
<b>Total</b>	<b>0.9219</b>	<b>0.0000</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>8.0000e-005</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>9.0000e-005</b>

**2.2 Overall Operational  
Mitigated Operational**

Category	tons/yr										MT/yr						
	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	
Area	0.9219	0.0000	4.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	8.0000e-005	8.0000e-005	0.0000	0.0000	0.0000	9.0000e-005
Energy	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	0.0000
Mobile	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	0.0000
Waste																	
Water																	
<b>Total</b>	<b>0.9219</b>	<b>0.0000</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>8.0000e-005</b>	<b>8.0000e-005</b>	<b>0.0000</b>	<b>0.0000</b>	<b>0.0000</b>	<b>9.0000e-005</b>

Percent Reduction	tons/yr										MT/yr						
	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	
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	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	1/1/2015	1/28/2015	5	20	
2	Site Preparation	Site Preparation	1/29/2015	2/4/2015	5	5	
3	Grading	Grading	2/5/2015	2/16/2015	5	8	
4	Building Construction	Building Construction	2/17/2015	1/4/2016	5	230	
5	Paving	Paving	1/5/2016	1/28/2016	5	18	
6	Architectural Coating	Architectural Coating	1/29/2016	2/23/2016	5	18	

**Acres of Grading (Site Preparation Phase): 0**

**Acres of Grading (Grading Phase): 4**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 300,564; Non-Residential Outdoor: 100,188 (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
Paving	Cement and Mortar Mixers	2	6.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Demolition	Excavators	3	8.00	162	0.38
Paving	Pavers	1	8.00	125	0.42
Paving	Rollers	2	6.00	80	0.38
Demolition	Rubber Tired Dozers	2	8.00	255	0.40
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Grading	Excavators	1	8.00	162	0.38
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Graders	1	8.00	174	0.41
Paving	Paving Equipment	2	6.00	130	0.36
Site Preparation	Rubber Tired Dozers	3	8.00	255	0.40
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	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	84.00	33.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Paving	8	20.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	17.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT

**3.1 Mitigation Measures Construction**

**3.2 Demolition - 2015**

**Unmitigated Construction On-Site**

Category	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
Off-Road	0.0451	0.4836	0.3607	4.0000e-004	0.0245	0.0245	0.0245	0.0229	0.0229	0.0229	0.0000	37.4413	37.4413	0.0102	0.0000	37.6544
<b>Total</b>	<b>0.0451</b>	<b>0.4836</b>	<b>0.3607</b>	<b>4.0000e-004</b>	<b>0.0245</b>	<b>0.0245</b>	<b>0.0245</b>	<b>0.0229</b>	<b>0.0229</b>	<b>0.0229</b>	<b>0.0000</b>	<b>37.4413</b>	<b>37.4413</b>	<b>0.0102</b>	<b>0.0000</b>	<b>37.6544</b>

**3.2 Demolition - 2015**  
**Unmitigated Construction Off-Site**

Category	tons/yr											MT/yr					
	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	
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	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	0.0000
Worker	8.6000e-004	1.3000e-003	0.0126	2.0000e-005	1.8600e-003	2.0000e-005	1.8700e-003	4.9000e-004	1.0000e-005	5.1000e-004	0.0000	1.6611	1.6611	1.0000e-004	0.0000	0.0000	1.6631
<b>Total</b>	<b>8.6000e-004</b>	<b>1.3000e-003</b>	<b>0.0126</b>	<b>2.0000e-005</b>	<b>1.8600e-003</b>	<b>2.0000e-005</b>	<b>1.8700e-003</b>	<b>4.9000e-004</b>	<b>1.0000e-005</b>	<b>5.1000e-004</b>	<b>0.0000</b>	<b>1.6611</b>	<b>1.6611</b>	<b>1.0000e-004</b>	<b>0.0000</b>	<b>0.0000</b>	<b>1.6631</b>

**Mitigated Construction On-Site**

Category	tons/yr											MT/yr				
	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
Off-Road	0.0451	0.4836	0.3607	4.0000e-004		0.0245	0.0245		0.0229	0.0229	0.0000	37.4412	37.4412	0.0102	0.0000	37.6544
<b>Total</b>	<b>0.0451</b>	<b>0.4836</b>	<b>0.3607</b>	<b>4.0000e-004</b>		<b>0.0245</b>	<b>0.0245</b>		<b>0.0229</b>	<b>0.0229</b>	<b>0.0000</b>	<b>37.4412</b>	<b>37.4412</b>	<b>0.0102</b>	<b>0.0000</b>	<b>37.6544</b>

**3.2 Demolition - 2015**  
**Mitigated Construction Off-Site**

Category	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
	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	8.6000e-004	1.3000e-003	0.0126	2.0000e-005	1.8600e-003	2.0000e-005	1.8700e-003	4.9000e-004	1.0000e-005	5.1000e-004	0.0000	1.6611	1.6611	1.0000e-004	0.0000	1.6631
<b>Total</b>	<b>8.6000e-004</b>	<b>1.3000e-003</b>	<b>0.0126</b>	<b>2.0000e-005</b>	<b>1.8600e-003</b>	<b>2.0000e-005</b>	<b>1.8700e-003</b>	<b>4.9000e-004</b>	<b>1.0000e-005</b>	<b>5.1000e-004</b>	<b>0.0000</b>	<b>1.6611</b>	<b>1.6611</b>	<b>1.0000e-004</b>	<b>0.0000</b>	<b>1.6631</b>

**3.3 Site Preparation - 2015**  
**Unmitigated Construction On-Site**

Category	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
	tons/yr															
	MT/yr															
Fugitive Dust					0.0452	0.0000	0.0452	0.0248	0.0000	0.0248	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0132	0.1422	0.1066	1.0000e-004		7.7200e-003	7.7200e-003		7.1000e-003	7.1000e-003	0.0000	9.3253	9.3253	2.7800e-003	0.0000	9.3837
<b>Total</b>	<b>0.0132</b>	<b>0.1422</b>	<b>0.1066</b>	<b>1.0000e-004</b>	<b>0.0452</b>	<b>7.7200e-003</b>	<b>0.0529</b>	<b>0.0248</b>	<b>7.1000e-003</b>	<b>0.0319</b>	<b>0.0000</b>	<b>9.3253</b>	<b>9.3253</b>	<b>2.7800e-003</b>	<b>0.0000</b>	<b>9.3837</b>

**3.3 Site Preparation - 2015**  
**Unmitigated Construction Off-Site**

Category	tons/yr										MT/yr					
	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
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	3.9000e-004	3.7900e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4983	0.4983	3.0000e-005	0.0000	0.4989
<b>Total</b>	<b>2.6000e-004</b>	<b>3.9000e-004</b>	<b>3.7900e-003</b>	<b>1.0000e-005</b>	<b>5.6000e-004</b>	<b>0.0000</b>	<b>5.6000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.4983</b>	<b>0.4983</b>	<b>3.0000e-005</b>	<b>0.0000</b>	<b>0.4989</b>

**Mitigated Construction On-Site**

Category	tons/yr										MT/yr					
	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
Fugitive Dust					0.0452	0.0000	0.0452	0.0248	0.0000	0.0248	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0132	0.1422	0.1066	1.0000e-004		7.7200e-003	7.7200e-003	7.1000e-003	0.0000	7.1000e-003	0.0000	9.3253	9.3253	2.7800e-003	0.0000	9.3837
<b>Total</b>	<b>0.0132</b>	<b>0.1422</b>	<b>0.1066</b>	<b>1.0000e-004</b>	<b>0.0452</b>	<b>7.7200e-003</b>	<b>0.0529</b>	<b>0.0248</b>	<b>7.1000e-003</b>	<b>0.0319</b>	<b>0.0000</b>	<b>9.3253</b>	<b>9.3253</b>	<b>2.7800e-003</b>	<b>0.0000</b>	<b>9.3837</b>

**3.3 Site Preparation - 2015**  
**Mitigated Construction Off-Site**

Category	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
	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	3.9000e-004	3.7900e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4983	0.4983	3.0000e-005	0.0000	0.4989
<b>Total</b>	<b>2.6000e-004</b>	<b>3.9000e-004</b>	<b>3.7900e-003</b>	<b>1.0000e-005</b>	<b>5.6000e-004</b>	<b>0.0000</b>	<b>5.6000e-004</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>1.5000e-004</b>	<b>0.0000</b>	<b>0.4983</b>	<b>0.4983</b>	<b>3.0000e-005</b>	<b>0.0000</b>	<b>0.4989</b>

**3.4 Grading - 2015**  
**Unmitigated Construction On-Site**

Category	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
	tons/yr															
	MT/yr															
Fugitive Dust					0.0262	0.0000	0.0262	0.0135	0.0000	0.0135	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0153	0.1617	0.1067	1.2000e-004	9.3100e-003	9.3100e-003	9.3100e-003	8.5700e-003	0.0000	8.5700e-003	0.0000	11.3544	11.3544	3.3900e-003	0.0000	11.4256
<b>Total</b>	<b>0.0153</b>	<b>0.1617</b>	<b>0.1067</b>	<b>1.2000e-004</b>	<b>0.0262</b>	<b>9.3100e-003</b>	<b>0.0355</b>	<b>0.0135</b>	<b>8.5700e-003</b>	<b>0.0220</b>	<b>0.0000</b>	<b>11.3544</b>	<b>11.3544</b>	<b>3.3900e-003</b>	<b>0.0000</b>	<b>11.4256</b>

**3.4 Grading - 2015**  
**Unmitigated Construction Off-Site**

Category	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
	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	3.4000e-004	5.2000e-004	5.0600e-003	1.0000e-005	7.4000e-004	1.0000e-005	7.5000e-004	2.0000e-004	1.0000e-005	2.0000e-004	0.0000	0.6644	0.6644	4.0000e-005	0.0000	0.6653
<b>Total</b>	<b>3.4000e-004</b>	<b>5.2000e-004</b>	<b>5.0600e-003</b>	<b>1.0000e-005</b>	<b>7.4000e-004</b>	<b>1.0000e-005</b>	<b>7.5000e-004</b>	<b>2.0000e-004</b>	<b>1.0000e-005</b>	<b>2.0000e-004</b>	<b>0.0000</b>	<b>0.6644</b>	<b>0.6644</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.6653</b>

**Mitigated Construction On-Site**

Category	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
	tons/yr															
	MT/yr															
Fugitive Dust					0.0262	0.0000	0.0262	0.0135	0.0000	0.0135	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0153	0.1617	0.1067	1.2000e-004		9.3100e-003	9.3100e-003		8.5700e-003	8.5700e-003	0.0000	11.3544	11.3544	3.3900e-003	0.0000	11.4256
<b>Total</b>	<b>0.0153</b>	<b>0.1617</b>	<b>0.1067</b>	<b>1.2000e-004</b>	<b>0.0262</b>	<b>9.3100e-003</b>	<b>0.0355</b>	<b>0.0135</b>	<b>8.5700e-003</b>	<b>0.0220</b>	<b>0.0000</b>	<b>11.3544</b>	<b>11.3544</b>	<b>3.3900e-003</b>	<b>0.0000</b>	<b>11.4256</b>

### 3.4 Grading - 2015

#### Mitigated Construction Off-Site

Category	tons/yr											MT/yr				
	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
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	3.4000e-004	5.2000e-004	5.0600e-003	1.0000e-005	7.4000e-004	1.0000e-005	7.5000e-004	2.0000e-004	1.0000e-005	2.0000e-004	0.0000	0.6644	0.6644	4.0000e-005	0.0000	0.6653
<b>Total</b>	<b>3.4000e-004</b>	<b>5.2000e-004</b>	<b>5.0600e-003</b>	<b>1.0000e-005</b>	<b>7.4000e-004</b>	<b>1.0000e-005</b>	<b>7.5000e-004</b>	<b>2.0000e-004</b>	<b>1.0000e-005</b>	<b>2.0000e-004</b>	<b>0.0000</b>	<b>0.6644</b>	<b>0.6644</b>	<b>4.0000e-005</b>	<b>0.0000</b>	<b>0.6653</b>

### 3.5 Building Construction - 2015

#### Unmitigated Construction On-Site

Category	tons/yr											MT/yr				
	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
Off-Road	0.4171	3.4234	2.1369	3.0600e-003		0.2413	0.2413		0.2269	0.2269	0.0000	278.1535	278.1535	0.0698	0.0000	279.6191
<b>Total</b>	<b>0.4171</b>	<b>3.4234</b>	<b>2.1369</b>	<b>3.0600e-003</b>		<b>0.2413</b>	<b>0.2413</b>		<b>0.2269</b>	<b>0.2269</b>	<b>0.0000</b>	<b>278.1535</b>	<b>278.1535</b>	<b>0.0698</b>	<b>0.0000</b>	<b>279.6191</b>

**3.5 Building Construction - 2015**  
**Unmitigated Construction Off-Site**

Category	tons/yr										MT/yr					
	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
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	0.0559	0.3931	0.5699	8.2000e-004	0.0220	7.0900e-003	0.0291	6.3100e-003	6.5100e-003	0.0128	0.0000	74.7780	74.7780	7.2000e-004	0.0000	74.7931
Worker	0.0549	0.0829	0.8069	1.3700e-003	0.1186	1.0200e-003	0.1196	0.0315	9.2000e-004	0.0325	0.0000	106.0426	106.0426	6.2500e-003	0.0000	106.1739
<b>Total</b>	<b>0.1108</b>	<b>0.4760</b>	<b>1.3768</b>	<b>2.1900e-003</b>	<b>0.1406</b>	<b>8.1100e-003</b>	<b>0.1487</b>	<b>0.0378</b>	<b>7.4300e-003</b>	<b>0.0453</b>	<b>0.0000</b>	<b>180.8206</b>	<b>180.8206</b>	<b>6.9700e-003</b>	<b>0.0000</b>	<b>180.9670</b>

**Mitigated Construction On-Site**

Category	tons/yr										MT/yr					
	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
Off-Road	0.4171	3.4234	2.1369	3.0600e-003		0.2413	0.2413		0.2269	0.2269	0.0000	278.1532	278.1532	0.0698	0.0000	279.6188
<b>Total</b>	<b>0.4171</b>	<b>3.4234</b>	<b>2.1369</b>	<b>3.0600e-003</b>		<b>0.2413</b>	<b>0.2413</b>		<b>0.2269</b>	<b>0.2269</b>	<b>0.0000</b>	<b>278.1532</b>	<b>278.1532</b>	<b>0.0698</b>	<b>0.0000</b>	<b>279.6188</b>

**3.5 Building Construction - 2015**  
**Mitigated Construction Off-Site**

Category	tons/yr										MT/yr					
	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
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	0.0559	0.3931	0.5699	8.2000e-004	0.0220	7.0900e-003	0.0291	6.3100e-003	6.5100e-003	0.0128	0.0000	74.7780	74.7780	7.2000e-004	0.0000	74.7931
Worker	0.0549	0.0829	0.8069	1.3700e-003	0.1186	1.0200e-003	0.1196	0.0315	9.2000e-004	0.0325	0.0000	106.0426	106.0426	6.2500e-003	0.0000	106.1739
<b>Total</b>	<b>0.1108</b>	<b>0.4760</b>	<b>1.3768</b>	<b>2.1900e-003</b>	<b>0.1406</b>	<b>8.1100e-003</b>	<b>0.1487</b>	<b>0.0378</b>	<b>7.4300e-003</b>	<b>0.0453</b>	<b>0.0000</b>	<b>180.8206</b>	<b>180.8206</b>	<b>6.9700e-003</b>	<b>0.0000</b>	<b>180.9670</b>

**3.5 Building Construction - 2016**  
**Unmitigated Construction On-Site**

Category	tons/yr										MT/yr					
	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
Off-Road	3.4100e-003	0.0285	0.0185	3.0000e-005		1.9700e-003	1.9700e-003		1.8500e-003	1.8500e-003	0.0000	2.4215	2.4215	6.0000e-004	0.0000	2.4342
<b>Total</b>	<b>3.4100e-003</b>	<b>0.0285</b>	<b>0.0185</b>	<b>3.0000e-005</b>		<b>1.9700e-003</b>	<b>1.9700e-003</b>		<b>1.8500e-003</b>	<b>1.8500e-003</b>	<b>0.0000</b>	<b>2.4215</b>	<b>2.4215</b>	<b>6.0000e-004</b>	<b>0.0000</b>	<b>2.4342</b>

**3.5 Building Construction - 2016**  
**Unmitigated Construction Off-Site**

Category	tons/yr											MT/yr				
	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
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	4.3000e-004	3.0000e-003	4.6000e-003	1.0000e-005	1.9000e-004	5.0000e-005	2.5000e-004	6.0000e-005	5.0000e-005	1.0000e-004	0.0000	0.6478	0.6478	1.0000e-005	0.0000	0.6479
Worker	4.2000e-004	6.4000e-004	6.1500e-003	1.0000e-005	1.0400e-003	1.0000e-005	1.0500e-003	2.8000e-004	1.0000e-005	2.8000e-004	0.0000	0.8950	0.8950	5.0000e-005	0.0000	0.8960
<b>Total</b>	<b>8.5000e-004</b>	<b>3.6400e-003</b>	<b>0.0108</b>	<b>2.0000e-005</b>	<b>1.2300e-003</b>	<b>6.0000e-005</b>	<b>1.3000e-003</b>	<b>3.4000e-004</b>	<b>6.0000e-005</b>	<b>3.8000e-004</b>	<b>0.0000</b>	<b>1.5428</b>	<b>1.5428</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>1.5439</b>

**Mitigated Construction On-Site**

Category	tons/yr											MT/yr				
	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
Off-Road	3.4100e-003	0.0285	0.0185	3.0000e-005	1.9700e-003	1.9700e-003	1.9700e-003	1.8500e-003	1.8500e-003	1.8500e-003	0.0000	2.4215	2.4215	6.0000e-004	0.0000	2.4342
<b>Total</b>	<b>3.4100e-003</b>	<b>0.0285</b>	<b>0.0185</b>	<b>3.0000e-005</b>	<b>1.9700e-003</b>	<b>1.9700e-003</b>	<b>1.9700e-003</b>	<b>1.8500e-003</b>	<b>1.8500e-003</b>	<b>1.8500e-003</b>	<b>0.0000</b>	<b>2.4215</b>	<b>2.4215</b>	<b>6.0000e-004</b>	<b>0.0000</b>	<b>2.4342</b>

**3.5 Building Construction - 2016**

**Mitigated Construction Off-Site**

Category	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
	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	4.3000e-004	3.0000e-003	4.6000e-003	1.0000e-005	1.9000e-004	5.0000e-005	2.5000e-004	6.0000e-005	5.0000e-005	1.0000e-004	0.0000	0.6478	0.6478	1.0000e-005	0.0000	0.6479
Worker	4.2000e-004	6.4000e-004	6.1500e-003	1.0000e-005	1.0400e-003	1.0000e-005	1.0500e-003	2.8000e-004	1.0000e-005	2.8000e-004	0.0000	0.8950	0.8950	5.0000e-005	0.0000	0.8960
<b>Total</b>	<b>8.5000e-004</b>	<b>3.6400e-003</b>	<b>0.0108</b>	<b>2.0000e-005</b>	<b>1.2300e-003</b>	<b>6.0000e-005</b>	<b>1.3000e-003</b>	<b>3.4000e-004</b>	<b>6.0000e-005</b>	<b>3.8000e-004</b>	<b>0.0000</b>	<b>1.5428</b>	<b>1.5428</b>	<b>6.0000e-005</b>	<b>0.0000</b>	<b>1.5439</b>

**3.6 Paving - 2016**

**Unmitigated Construction On-Site**

Category	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
	tons/yr															
	MT/yr															
Off-Road	0.0162	0.1651	0.1131	1.7000e-004		9.9600e-003	9.9600e-003		9.1800e-003	9.1800e-003	0.0000	15.5310	15.5310	4.5600e-003	0.0000	15.6268
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>0.0162</b>	<b>0.1651</b>	<b>0.1131</b>	<b>1.7000e-004</b>		<b>9.9600e-003</b>	<b>9.9600e-003</b>		<b>9.1800e-003</b>	<b>9.1800e-003</b>	<b>0.0000</b>	<b>15.5310</b>	<b>15.5310</b>	<b>4.5600e-003</b>	<b>0.0000</b>	<b>15.6268</b>

**3.6 Paving - 2016**  
**Unmitigated Construction Off-Site**

Category	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
	tons/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	8.9000e-004	1.3600e-003	0.0132	3.0000e-005	2.2300e-003	2.0000e-005	2.2500e-003	5.9000e-004	2.0000e-005	6.1000e-004	0.0000	1.9178	1.9178	1.0000e-004	0.0000	1.9200
<b>Total</b>	<b>8.9000e-004</b>	<b>1.3600e-003</b>	<b>0.0132</b>	<b>3.0000e-005</b>	<b>2.2300e-003</b>	<b>2.0000e-005</b>	<b>2.2500e-003</b>	<b>5.9000e-004</b>	<b>2.0000e-005</b>	<b>6.1000e-004</b>	<b>0.0000</b>	<b>1.9178</b>	<b>1.9178</b>	<b>1.0000e-004</b>	<b>0.0000</b>	<b>1.9200</b>

**Mitigated Construction On-Site**

Category	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
	tons/yr															
Off-Road	0.0162	0.1651	0.1131	1.7000e-004		9.9600e-003	9.9600e-003		9.1800e-003	9.1800e-003	0.0000	15.5310	15.5310	4.5600e-003	0.0000	15.6268
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
<b>Total</b>	<b>0.0162</b>	<b>0.1651</b>	<b>0.1131</b>	<b>1.7000e-004</b>		<b>9.9600e-003</b>	<b>9.9600e-003</b>		<b>9.1800e-003</b>	<b>9.1800e-003</b>	<b>0.0000</b>	<b>15.5310</b>	<b>15.5310</b>	<b>4.5600e-003</b>	<b>0.0000</b>	<b>15.6268</b>

**3.6 Paving - 2016**

**Mitigated Construction Off-Site**

Category	tons/yr										MT/yr					
	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
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	8.9000e-004	1.3600e-003	0.0132	3.0000e-005	2.2300e-003	2.0000e-005	2.2500e-003	5.9000e-004	2.0000e-005	6.1000e-004	0.0000	1.9178	1.9178	1.0000e-004	0.0000	1.9200
<b>Total</b>	<b>8.9000e-004</b>	<b>1.3600e-003</b>	<b>0.0132</b>	<b>3.0000e-005</b>	<b>2.2300e-003</b>	<b>2.0000e-005</b>	<b>2.2500e-003</b>	<b>5.9000e-004</b>	<b>2.0000e-005</b>	<b>6.1000e-004</b>	<b>0.0000</b>	<b>1.9178</b>	<b>1.9178</b>	<b>1.0000e-004</b>	<b>0.0000</b>	<b>1.9200</b>

**3.7 Architectural Coating - 2016**

**Unmitigated Construction On-Site**

Category	tons/yr										MT/yr					
	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
Archit. Coating	1.3931					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	3.3200e-003	0.0214	0.0170	3.0000e-005	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	0.0000	2.2979	2.2979	2.7000e-004	0.0000	2.3036
<b>Total</b>	<b>1.3964</b>	<b>0.0214</b>	<b>0.0170</b>	<b>3.0000e-005</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>0.0000</b>	<b>2.2979</b>	<b>2.2979</b>	<b>2.7000e-004</b>	<b>0.0000</b>	<b>2.3036</b>

**3.7 Architectural Coating - 2016**  
**Unmitigated Construction Off-Site**

Category	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
	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	7.6000e-004	1.1600e-003	0.0112	2.0000e-005	1.8900e-003	2.0000e-005	1.9100e-003	5.0000e-004	1.0000e-005	5.2000e-004	0.0000	1.6302	1.6302	9.0000e-005	0.0000	1.6320
<b>Total</b>	<b>7.6000e-004</b>	<b>1.1600e-003</b>	<b>0.0112</b>	<b>2.0000e-005</b>	<b>1.8900e-003</b>	<b>2.0000e-005</b>	<b>1.9100e-003</b>	<b>5.0000e-004</b>	<b>1.0000e-005</b>	<b>5.2000e-004</b>	<b>0.0000</b>	<b>1.6302</b>	<b>1.6302</b>	<b>9.0000e-005</b>	<b>0.0000</b>	<b>1.6320</b>

**Mitigated Construction On-Site**

Category	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
	tons/yr															
	MT/yr															
Archit. Coating	1.3931					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	3.3200e-003	0.0214	0.0170	3.0000e-005	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	1.7700e-003	0.0000	2.2979	2.2979	2.7000e-004	0.0000	2.3036
<b>Total</b>	<b>1.3964</b>	<b>0.0214</b>	<b>0.0170</b>	<b>3.0000e-005</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>1.7700e-003</b>	<b>0.0000</b>	<b>2.2979</b>	<b>2.2979</b>	<b>2.7000e-004</b>	<b>0.0000</b>	<b>2.3036</b>



**4.2 Trip Summary Information**

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Other Non-Asphalt Surfaces	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

**4.3 Trip Type Information**

Land Use	Miles						Trip %				Trip Purpose %			
	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	H-S or C-C	H-W or C-W	H-O or C-NW	Primary	Diverted	Pass-by		
Other Non-Asphalt Surfaces	14.70	6.60	6.60	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0		

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.408999	0.071178	0.163258	0.196144	0.057919	0.008335	0.018354	0.062533	0.001936	0.001543	0.006293	0.001241	0.002268

**5.0 Energy Detail**

Historical Energy Use: N

**5.1 Mitigation Measures Energy**

## Road Construction Emissions Model, Version 7.1.5.1

Emission Estimates for -> Drainage Reservoir 18				Total	Exhaust	Fugitive Dust	Total	Exhaust	Fugitive Dust	
Project Phases (English Units)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)	PM10 (lbs/day)	PM10 (lbs/day)	PM2.5 (lbs/day)	PM2.5 (lbs/day)	PM2.5 (lbs/day)	CO2 (lbs/day)
Grubbing/Land Clearing	2.1	12.5	21.8	3.5	1.0	2.5	1.4	0.9	0.5	2,475.2
Grading/Excavation	11.2	53.6	126.4	8.7	6.2	2.5	6.1	5.5	0.5	13,104.8
Drainage/Utilities/Sub-Grade	6.5	30.8	57.8	6.0	3.5	2.5	3.7	3.2	0.5	5,938.3
Paving	3.3	16.6	27.8	1.9	1.9	-	1.7	1.7	-	3,028.4
Maximum (pounds/day)	11.2	53.6	126.4	8.7	6.2	2.5	6.1	5.5	0.5	13,104.8
Total (tons/construction project)	0.2	1.2	2.5	0.2	0.1	0.1	0.1	0.1	0.0	264.7

Notes: Project Start Year -> 2015  
 Project Length (months) -> 3  
 Total Project Area (acres) -> 1  
 Maximum Area Disturbed/Day (acres) -> 0  
 Total Soil Imported/Exported (yd<sup>3</sup>/day)-> 417

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.

Emission Estimates for -> Drainage Reservoir 18				Total	Exhaust	Fugitive Dust	Total	Exhaust	Fugitive Dust	
Project Phases (Metric Units)	ROG (kgs/day)	CO (kgs/day)	NOx (kgs/day)	PM10 (kgs/day)	PM10 (kgs/day)	PM10 (kgs/day)	PM2.5 (kgs/day)	PM2.5 (kgs/day)	PM2.5 (kgs/day)	CO2 (kgs/day)
Grubbing/Land Clearing	1.0	5.7	9.9	1.6	0.5	1.1	0.6	0.4	0.2	1,125.1
Grading/Excavation	5.1	24.4	57.5	3.9	2.8	1.1	2.8	2.5	0.2	5,956.7
Drainage/Utilities/Sub-Grade	2.9	14.0	26.3	2.7	1.6	1.1	1.7	1.4	0.2	2,699.2
Paving	1.5	7.5	12.6	0.9	0.9	-	0.8	0.8	-	1,376.5
Maximum (kilograms/day)	5.1	24.4	57.5	3.9	2.8	1.1	2.8	2.5	0.2	5,956.7
Total (megagrams/construction project)	0.2	1.1	2.3	0.2	0.1	0.1	0.1	0.1	0.0	240.1

Notes: Project Start Year -> 2015  
 Project Length (months) -> 3  
 Total Project Area (hectares) -> 0  
 Maximum Area Disturbed/Day (hectares) -> 0  
 Total Soil Imported/Exported (meters<sup>3</sup>/day)-> 319

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.

Appendix B

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CNDDDB Results

Element_Type	Scientific_Name	Common_Name	Element_Code	Federal_Status	State_Status	CDFW_Status	CA_Rare_Plant_Rank
Animals - Amphibians	Rana boylei	foothill yellow-legged frog	AAABH01050	None	None	SSC	-
Animals - Amphibians	Spea hammondi	western spadefoot	AAABF02020	None	None	SSC	-
Animals - Birds	Buteo swainsoni	Swainson's hawk	ABNKC19070	None	Threatened	-	-
Animals - Birds	Gymnogyps californianus	California condor	ABNKA03010	Endangered	Endangered	-	-
Animals - Birds	Athene cunicularia	burrowing owl	ABNSB10010	None	None	SSC	-
Animals - Crustaceans	Branchinecta lynchi	vernal pool fairy shrimp	ICBRA03030	Threatened	None	-	-
Animals - Insects	Desmocerus californicus dimorphus	valley elderberry longhorn beetle	IICOL48011	Threatened	None	-	-
Animals - Insects	Lytta hoppingi	Hopping's blister beetle	IICOL4C010	None	None	-	-
Animals - Insects	Lytta molesta	molestan blister beetle	IICOL4C030	None	None	-	-
Animals - Insects	Lytta morrisoni	Morrison's blister beetle	IICOL4C040	None	None	-	-
Animals - Mammals	Vulpes macrotis mutica	San Joaquin kit fox	AMAJA03041	Endangered	Threatened	-	-
Animals - Mammals	Dipodomys nitratoideus nitratoideus	Tipton kangaroo rat	AMAFD03152	Endangered	Endangered	-	-
Animals - Mammals	Perognathus inornatus inornatus	San Joaquin pocket mouse	AMAFD01061	None	None	-	-
Animals - Mammals	Eumops perotis californicus	western mastiff bat	AMACD02011	None	None	SSC	-
Animals - Mammals	Taxidea taxus	American badger	AMAJF04010	None	None	SSC	-
Animals - Mammals	Antrozous pallidus	pallid bat	AMACC10010	None	None	SSC	-

Animals - Mammals	<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	SSC	-
Animals - Mammals	<i>Lasiurus cinereus</i>	hoary bat	AMACC05030	None	None	-	-
Community - Terrestrial	Northern Claypan Vernal Pool	Northern Claypan Vernal Pool	CTT44120CA	None	None	-	-
Community - Terrestrial	Sycamore Alluvial Woodland	Sycamore Alluvial Woodland	CTT62100CA	None	None	-	-
Plants - Vascular	<i>Eryngium spinosepalum</i>	spiny-sepaled button-celery	PDAP10Z0Y0	None	None	-	1B.2
Plants - Vascular	<i>Oreonana purpurascens</i>	purple mountain-parsley	PDAP11G020	None	None	-	1B.2
Plants - Vascular	<i>Pseudobahia peirsonii</i>	San Joaquin adobe sunburst	PDAST7P030	Threatened	Endangered	-	1B.1
Plants - Vascular	<i>Azolla microphylla</i>	Mexican mosquito fern	PPAZO01030	None	None	-	4.2
Plants - Vascular	<i>Caulanthus californicus</i>	California jewelflower	PDBRA31010	Endangered	Endangered	-	1B.1
Plants - Vascular	<i>Atriplex cordulata</i> var. <i>erecticaulis</i>	Earlimart orache	PDCHE042V0	None	None	-	1B.2
Plants - Vascular	<i>Atriplex coronata</i> var. <i>vallicola</i>	Lost Hills crownscale	PDCHE04250	None	None	-	1B.2
Plants - Vascular	<i>Atriplex depressa</i>	brittlescale	PDCHE042L0	None	None	-	1B.2
Plants - Vascular	<i>Atriplex minuscula</i>	lesser saltscale	PDCHE042M0	None	None	-	1B.1
Plants - Vascular	<i>Atriplex persistens</i>	vernal pool smallscale	PDCHE042P0	None	None	-	1B.2
Plants - Vascular	<i>Atriplex subtilis</i>	subtle orache	PDCHE042T0	None	None	-	1B.2
Plants - Vascular	<i>Convolvulus simulans</i>	small-flowered morning-glory	PDCON05060	None	None	-	4.2
Plants - Vascular	<i>Fritillaria striata</i>	striped adobe-lily	PMLILOV0K0	None	Threatened	-	1B.1

Plants - Vascular	<i>Sidalcea keckii</i>	Keck's checkerbloom	PDMAL11 0D0	Endanger ed	None	-	1B.1
Plants - Vascular	<i>Clarkia exilis</i>	slender clarkia	PDONA05 0G0	None	None	-	4.3
Plants - Vascular	<i>Clarkia springvillensis</i>	Springville clarkia	PDONA05 120	Threatene d	Endangered	-	1B.2
Plants - Vascular	<i>Mimulus pictus</i>	calico monkeyflower	PDSCR1B 240	None	None	-	1B.2
Plants - Vascular	<i>Mimulus pictus</i>	calico monkeyflower	PDSCR1B 240	None	None	-	1B.2
Plants - Vascular	<i>Leptosiphon serrulatus</i>	Madera leptosiphon	PDPLM09 130	None	None	-	1B.2
Plants - Vascular	<i>Eriogonum twisselmannii</i>	Twisselmann's buckwheat	PDPGN08 610	None	Rare	-	1B.2
Plants - Vascular	<i>Delphinium hansenii</i> ssp. <i>ewanianum</i>	Ewan's larkspur	PDRAN0B 0T2	None	None	-	4.2
Plants - Vascular	<i>Delphinium inopinum</i>	unexpected larkspur	PDRAN0B 0W0	None	None	-	4.3
Plants - Vascular	<i>Delphinium recurvatum</i>	recurved larkspur	PDRAN0B 1J0	None	None	-	1B.2

Cairns Corner  
 Lindsay  
 Frazier Valley  
 Woodville  
 Porterville  
 Success Dam  
 Sausalito School  
 Ducor  
 Fountain Springs

Appendix C

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Cultural Resources Study

# **PHASE I SURVEY, DRAINAGE BASIN 18 PROJECT, PORTERVILLE, TULARE COUNTY, CALIFORNIA**

*Prepared for:*

Ms. Emily Bowen  
Principal Environmental Planner  
Crawford & Bowen Planning, Inc.  
113 N. Church Street, Suite 302  
Visalia, CA 9329

*Prepared by:*

Peter A. Carey, M.A., RPA  
Associate Archaeologist

*and*

David S. Whitley, Ph.D., RPA  
Principal Investigator

Petra Resource Management  
20424 West Valley Blvd., Suite A  
Tehachapi, California 93561

December 2014

PN 23420.00

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## MANAGEMENT SUMMARY

An intensive Phase I cultural resources survey was conducted for the Drainage Basin 18 project, near Porterville, Tulare County, California. This study was conducted by Petra Resource Management, with David S. Whitley, Ph.D., RPA, serving as principal investigator. Background studies and fieldwork for the survey were completed in November 2014. The study was undertaken to assist with California Environmental Quality Act (CEQA) compliance. The City of Porterville will serve as the lead agency.

A records search of site files and maps was conducted on November 25, 2014, at the Southern San Joaquin Valley Archaeological Information Center (AIC), California State University, Bakersfield. A search of the Native American Heritage Commission (NAHC) *Sacred Lands File* was completed on December 19, 2014. These investigations determined that the study area had not been previously surveyed in its entirety. No sacred sites or traditional cultural places had been identified within or adjacent to the study area.

The Phase I survey fieldwork was conducted in November 2014, with parallel transects spaced at 15-meter (m.) intervals along the proposed 1,230 foot (ft) storm drain route with a buffer of 50-ft. on each side of the pipeline route, and an approximately 4.34-acre area for the water basin. The total survey area was about 4.48-acres.

No significant historical resources or properties were discovered within the study area. Based on these findings, the construction of the pipeline and basin does not have the potential to result in adverse impacts to significant historical resources or properties, and no additional cultural resource studies are recommended.

# 1. INTRODUCTION AND REGULATORY CONTEXT

Petra Resource Management (Petra) was retained by Crawford and Bowen Planning, Visalia, to conduct an intensive Phase I cultural resources survey for the Drainage Basin 18 project study area, near Porterville, Tulare County, California. The project consists of the construction of a storm drain and basin.

The purpose of this archaeological investigation was to assist with compliance with the California Environmental Quality Act (CEQA) for development of the above location. The investigation was undertaken, specifically, to ensure that significant impacts to historical resources do not occur as a result of the construction of the pipeline.

This current included:

- A background records search and literature review to determine if any known archaeological sites were present in the project zone and/or whether the area had been previously and systematically studied by archaeologists;
- A search of the NAHC *Sacred Lands File* to determine if any traditional cultural places or cultural landscapes have been identified within the area;
- An on-foot, intensive inventory of the study area to identify and record previously undiscovered cultural resources and to examine known sites; and
- A preliminary assessment of any such resources found within the subject property.

This study was conducted by Petra, of Tehachapi, California, in November 2014. David S. Whitley, Ph.D., RPA, served as principal investigator, and Peter A. Carey, M.A., RPA, Associate Archaeologist, conducted the fieldwork.

This manuscript constitutes a report on the Phase I survey. Subsequent chapters provide background to the investigation, including historic context studies; the findings of the archival records search; a summary of the field surveying techniques employed; and the results of the fieldwork. We conclude with management recommendations for the pipeline project area.

## 1.1 Project Location

The project area is located at the northern limits of Porterville about 20-miles (mi.) southeast of Visalia, Tulare County, California. This places it next to the western foothills of the Sierra Nevada mountain range on the southeastern end of the San Joaquin Valley, which is a large interior and relatively low-lying valley that drains northwards to the San Francisco Bay. While the study area is a significant distance from the Pacific Ocean, elevation is only approximately 425-ft. above mean seal level (amsl). The project study area is located adjacent to Highway 65. A portion of the proposed storm drain route crosses Highway 65 north of Grand Avenue in Porterville.

The proposed basin and storm drain project will total approximately 4.48-acres in Section 15 in Township 21 South, Range 27 East (T27S/R22E) of the Porterville United States Geological Survey (USGS) quadrangle on the Mount Diablo Base and Meridian (MDBM; Figure 1).

## 1.2 Project Description

The City of Porterville in Tulare County, California will expand their storm drain system near Highway 65. The proposed project primarily entails excavation of a proposed 4.34 acre reservoir basin and the installation of a new 1,230-ft linear pipe that will connect the basin to the existing storm drain system (Figure 1).

## 1.3 Regulatory Context

### 1.3.1 CEQA

CEQA is applicable to discretionary actions by state or local lead agencies. Under CEQA, lead agencies must analyze impacts to cultural resources. Significant impacts under CEQA occur when “historically significant” or “unique” cultural resources are adversely affected, which occurs when such resources could be altered or destroyed through project implementation. Historically significant cultural resources are defined by eligibility for or by listing in the California Register of Historical Resources (CRHR; see PRC § 5024.1, Title 14 CCR, Section 4852 and § 15064.5(a)(3)).

Significant cultural resources are those archaeological resources and historical properties that:

- (A) Are associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- (B) Are associated with the lives of persons important in our past;
- (C) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- (D) Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA are those that represent:

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

Preservation in place is the preferred approach under CEQA to mitigating adverse impacts to significant or unique cultural resources.

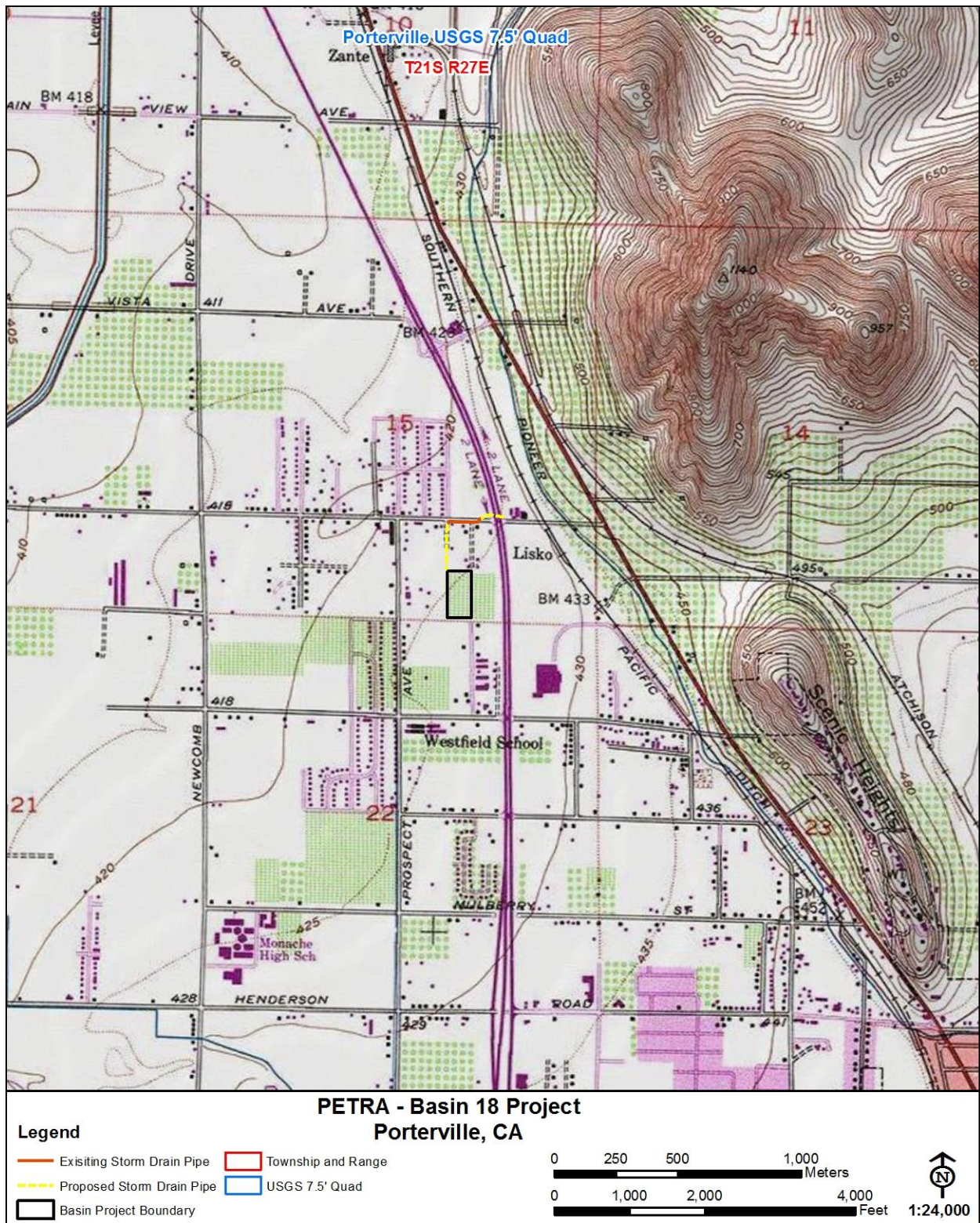


Figure 1. Location of the Basin 18 Project study area, Tulare County, California.

## 2. ENVIRONMENTAL AND CULTURAL BACKGROUND

### 2.1 ENVIRONMENTAL BACKGROUND

At the time of the study, the Basin 18 study area consisted of a barren dirt field, a gravel road adjacent to residential properties, and a section of Highway 65 just north of Grand Avenue (Figures 2-4). Although this location currently may be characterized as a dry open valley margin, the study area is located along the Tule River. Prior to development, the region would have been a low lying, water rich area characterized by sloughs, marshes and swamps. While occasionally inundated by floodwaters, in most years the region would have been marshy during the winter rainy season.

Historical and recent land-use has thus changed the vegetation that was once present within and near the project area. It is likely that Riparian Woodlands were once found along drainages in the general vicinity. Although the project area may have included the Valley Grassland community, depending upon drainage and seasonal storm systems, would have been present along the Tule River (see Schoenherr 1992). The study area, on the open flats of the San Joaquin Valley, is on an alluvial plain. The potential for subsurface archaeological deposits, given this geomorphological setting, is minimal as a result.



Figure 2. Basin 18 location overview, looking southeast.



Figure 3. Proposed storm drain route, looking north.



Figure 4. Proposed storm drain location crossing Highway 65, looking northeast.

## 2.3 ETHNOGRAPHIC CONTEXT

Penutian-speaking Yokuts tribal groups occupied the southern San Joaquin Valley region and much of the nearby Sierra Nevada. Ethnographic information about the Yokuts was collected primarily by Powers (1971, 1976 [originally 1877]), Kroeber (1925), Gayton (1930, 1948), Driver (1937), Latta (1977) and Harrington (n.d.). For a variety of historical reasons, existing research information emphasizes the central Yokuts tribes who occupied both the valley and particularly the foothills of the Sierra. The northernmost tribes suffered from the influx of Euro-Americans during the Gold Rush and their populations were in substantial decline by the time ethnographic studies began in the early twentieth century. In contrast, the southernmost tribes were partially removed by the Spanish to missions and eventually absorbed into multi-tribal communities on the Sebastian Indian Reservation (on Tejon Ranch), and later the Tule River Reservation and Santa Rosa Rancheria to the north. The result is an unfortunate scarcity of ethnographic detail on southern Valley tribes, especially in relation to the rich information collected from the central foothills tribes where native speakers of the Yokuts dialects are still found. Regardless, the general details of indigenous life-ways were similar across the broad expanse of Yokuts territory, particularly in terms of environmentally influenced subsistence and adaptation and with regard to religion and belief, which were similar everywhere.

This scarcity of specific detail is particularly apparent in terms of southern valley tribal group distribution. According to Kroeber (1925:478), the Tulamni occupied the edges of Buena Vista Lake and the southwestern end of the valley; the Hometwoli lived in and around Kern Lake to the east; the Tuhohi (or Chuxoxi) resided near the mouth of Kern River as it drained north into Tulare Lake; and Yauelmani territory comprised the southeastern side of the valley extending north into Bakersfield proper. The study area lies near the boundaries of these tribes, but its specific territorial affiliation is unclear.

Regardless of tribal affiliation, historical village distribution was similar across the region. Villages were typically located along lakeshores and major stream courses (as these existed circa AD 1800). Major historical winter-aggregation village locations on the west side of the San Joaquin Valley were typically located on higher ground above the sloughs, swamps and lakeshores, smaller, summer-dispersal camps may have been located on slight rises on the valley floor. Villages on the east side, in contrast, are adjacent to rivers and streams flowing out the Sierra Nevada to the east.

Most Yokuts groups, regardless of specific tribal affiliation, were organized as a recognized and distinct tribelet; a circumstance that almost certainly pertained to the tribal groups noted above. Tribelets were land-owning groups organized around a central village and linked by shared territory and descent from a common ancestor. The population of most tribelets ranged from about 150 to 500 peoples (Kroeber 1925).

Each tribelet was headed by a chief who was assisted by a variety of assistants, the most important of whom was the *winatum*, a herald or messenger and assistant chief. A shaman also served as religious officer. While shamans did not have any direct political authority, as Gayton (1930) has illustrated, they maintained substantial influence within their tribelet.

Shamanism is a religious system common to most Native American tribes. It involves a direct and personal relationship between the individual and the supernatural world enacted by entering a trance or hallucinatory state usually based on the ingestion of psychotropic plants, such as jimsonweed or more typically native tobacco. Shamans were considered individuals with an unusual degree of supernatural power, serving as healers or curers, diviners, and controllers of natural phenomena such as rain or thunder. Shamans also produced the rock art of this region, depicting the visions they experienced in vision quests believed to represent their spirit helpers and events in the supernatural realm (Whitley 1992, 2000).

The centrality of shamanism to the religious and spiritual life of the Yokuts was demonstrated by the role of shamans in the yearly ceremonial round. The ritual round, performed the same each year, started in the spring with the jimsonweed ceremony, followed by rattlesnake dance and (where appropriate) first salmon ceremony. After returning from seed camps, fall rituals began in the late summer with the mourning ceremony, followed by first seed and acorn rites and then bear dance (Gayton 1930:379). In each case, shamans served as ceremonial officials responsible for specific dances involving a display of their supernatural powers (Kroeber 1925).

Subsistence practices varied from tribelet to tribelet based on the environment of residence. Throughout Native California, and Yokuts territory in general, the acorn was a primary dietary component, along with a variety of gathered seeds. Valley tribes augmented this resource with lacustrine and riverine foods, especially fish and wildfowl. As with many Native California tribes, the settlement and subsistence rounds included the winter aggregation into a few large villages, where stored resources, like acorns, served as staples, followed by dispersal into smaller camps, often occupied by extended families, where seasonally available resources would be gathered and consumed.

Although population estimates vary and population size was greatly affected by the introduction of Euro-American diseases and social disruption, the Yokuts were one of the largest, most successful groups in Native California. Cook (1978) estimates that the Yokuts region contained 27 percent of the aboriginal population in the state at the time of contact; other estimates are even higher.

## **2.4 PREHISTORIC CONTEXT**

The southern San Joaquin Valley region has received minimal archaeological attention compared to other areas of the state. In part, this is because the majority of California archaeological work has concentrated in the Sacramento Delta, Santa Barbara Channel and central Mojave Desert areas (see Moratto 1984). Although knowledge of the region's prehistory is limited, enough is known to determine that the archaeological record is broadly similar to south-central California as a whole (see Gifford and Schenk 1926; Hewes 1941; Wedel 1941; Fenenga 1952; Elsasser 1962; Fredrickson and Grossman 1977; Schiffman and Garfinkel 1981). Based on these sources, the general prehistory of the region can be outlined as follows.

Initial occupation of the region occurred at least as early as the *Paleoindian Period*, or prior to about 10,000 YBP (years before present). Evidence of early use of the region is indicated by characteristic fluted and stemmed points found around the margin of Tulare Lake, in the foothills

of the Sierra, and in the Mojave Desert proper. (In each case, these are locations many miles distant from the study area.)

Both fluted and stemmed points are particularly common around lake margins, suggesting a terminal Pleistocene/early Holocene lakeshore adaptation similar to that found throughout the far west at the same time; little else is known about these earliest peoples. Additional finds consist of a Clovis-like projectile point discovered in a flash-flood cut-bank near White Oak Lodge in 1953 on Tejon Ranch (Glennan 1987a, 1987b). More recently, a similar fluted point was found near Bakersfield (Zimmerman et al. 1989), and a number are known from the Edwards Air Force Base and Boron area of the western Mojave Desert. Although human occupation of the state is well-established during the Late Pleistocene, relatively little can be inferred about the nature and distribution of this occupation with a few exceptions. First, little evidence exists to support the idea that these Paleo-Indians peoples were big-game hunters, similar to those found on the Great Plains. Second, the western Mojave Desert evidence suggests small, very mobile populations that left a minimal archaeological signature.

Substantial evidence for human occupation of California first occurs during the middle Holocene, roughly 7500 to 4000 YBP. This period is known as the *Early Horizon*, or alternatively as the Early Millingstone along the Santa Barbara Channel. In the south, populations concentrated along the coast with minimal visible use of inland areas. Adaptation emphasized hard seeds and nuts with tool-kits dominated by mullers and grindstones (manos and metates). Additionally, little evidence for Early Horizon occupation exists in most inland portions of the state, partly due to a severe cold and dry paleoclimatic period occurring at this time. Regardless of specifics, Early Horizon population density was low with a subsistence adaptation more likely tied to plant food gathering than hunting.

Environmental conditions improved dramatically after about 4000 YBP during the *Middle Horizon* (or Intermediate Period). This period known climatically as the Holocene Maximum (circa 3800 YBP) and was characterized by significantly warmer and wetter conditions than previously experienced. Archaeologically, it was marked by large population increase and radiation into new environments along coastal and interior south-central California and the Mojave Desert (Whitley 2000). In the Delta region to the north, this same period of favorable environmental conditions was characterized by the appearance of the Windmill culture which exhibited a high degree of ritual elaboration, especially in burial practices, and perhaps even rudimentary mound-building tradition (Meighan, personal communication, 1985). Along with ritual elaboration, Middle Horizon times experienced increasing subsistence specialization, perhaps correlating with the appearance of acorn processing technology. Penutian speaking peoples (including the Yokuts) are also posited to have entered the state roughly at the beginning of this period and, perhaps to have brought this technology with them (cf. Moratto 1984). Likewise it appears the so-called "Shoshonean Wedge" in southern California or the Takic speaking groups that include the Gabrielino/Fernandeño, Tataviam and Kitanemuk, may have moved into the region at this time, rather than at about 1500 BP as first suggested by Kroeber (1925).

Evidence for Middle Horizon occupation of interior south-central California is substantial. For example, in northern Los Angeles County along the upper Santa Clara River, to the south of the San Joaquin Valley, the Agua Dulce village complex indicates occupation extending back to the

Intermediate Period, when the population of the village may have been 50 or more people (King et al n.d.). Similarly, inhabitation of the Hathaway Ranch region near Lake Piru, and the Newhall Ranch near Valencia, appears to date to the Intermediate Period (W & S Consultants 1994). To the west, little or no evidence exists for pre-Middle Horizon occupation in the upper Sisquoc and Cuyama River drainages; populations first appear there at roughly 3500 YBP (Horne 1981). The Carrizo Plain, the valley immediately west of the San Joaquin, experienced a major population expansion during the Middle Horizon (W & S Consultants 2004; Whitley et al. 2007), and recently collected data indicates the Tehachapi Mountains region was first significantly occupied during the Middle Horizon (W & S Consultants 2006). A parallel can be drawn to the inland Ventura County region where a similar pattern has been identified (Whitley and Beaudry 1991), as well as the western Mojave Desert (Sutton 1988a, 1988b), the southern Sierra Nevada (W & S Consultants 1999), and the Coso Range region (Whitley et al. 1988). In all of these areas a major expansion in settlement, the establishment of large site complexes and an increase in the range of environments exploited appear to have occurred sometime roughly around 4,000 years ago. Although most efforts to explain this expansion have focused on local circumstances and events, it is increasingly apparent this was a major southern California-wide occurrence and any explanation must be sought at a larger level of analysis (Whitley 2000). Additionally, evidence from the Carrizo Plain suggests the origins of the tribelet level of political organization developed during this period (W & S Consultants 2004; Whitley et al. 2007). Whether this same demographic process holds for the southern San Joaquin Valley, including the study area, is yet to be determined.

The beginning of the *Late Horizon* is set variously at 1500 and 800 YBP, with a consensus for the shorter chronology. Increasing evidence suggests the importance of the Middle-Late Horizons transition (AD 800 to 1200) in the understanding of south-central California. This corresponds to the so-called Medieval Climatic Anomaly, a period of climatic instability that included major droughts and resulted in demographic disturbances across much of the west (Jones et al. 1999). It is also believed to have resulted in major population decline and abandonments across south-central California, involving as much as 90 percent of the interior populations in some regions including the Carrizo Plain (Whitley et al. 2007). It is not clear whether site abandonment was accompanied by a true reduction in population or an agglomeration of the same numbers of peoples into fewer but larger villages. What is clear is that Middle Period villages and settlements were widely dispersed across the landscape; many at locations that lack contemporary evidence of fresh water sources. Late Horizon sites, in contrast, are typically located where fresh water was available during the historical period, if not currently.

The subsequent Late Horizon can be best understood as a period of recovery from a major demographic collapse. One result is the development of regional archaeological cultures as the precursors to ethnographic Native California; suggesting that ethnographic life-ways recorded by anthropologists extend roughly 800 years into the past.

The position of southern San Joaquin Valley prehistory relative to patterns seen in surrounding areas is still somewhat unknown. The presence of large lake systems in the valley bottoms can be expected to have mediated some of the desiccation seen elsewhere. But, as the reconstruction of Soda Lake in the nearby Carrizo Plain demonstrates (see Whitley et al. 2007) environmental perturbations had serious impacts on lake systems too. Identifying certain of the prehistoric

demographic trends for the southern San Joaquin Valley and determining how these trends (if present) correlate with those seen elsewhere, is a current important research objective.

## 2.5 HISTORIC CONTEXT

The San Joaquin Valley had non-native visitors as early as 1772 with Father Garces as the first recorded Euro-American in the region. Jedediah Smith of New York led the first trapping and trading expedition from St. Louis, Missouri, across the Sierra Nevada into the San Joaquin Valley circa 1827 (Elliott 1883:81). Settlement, however, did not occur immediately after Smith's expedition, which might be attributed to the competition amongst fur companies whereby the locations of their travels were kept secret (Mitchell 1976:21). The first recorded non-native settler in the San Joaquin Valley was in 1835 (Elliott 1883:43). A Mexican Army expedition in the same year opened up the San Joaquin area to more than trappers (Elliott 1883:81). In March of 1844, General John C. Fremont's second expedition reached Sutter's Fort, having traveled the length of the San Joaquin Valley (Mitchell 1976:23).

Euro-American settlement of the San Joaquin Valley, however, was effectively initiated by the Gold Rush, with prospectors moving progressively southwards from the Sacramento foothills by the early-1850s. Although the interests of the miners emphasized the foothills and Sierras, their presence had two outcomes. First, the demographic and other pressures that resulted promoted unrest among Native American tribes, leading to the so-called Mariposa Indian War of 1850 – 1851. In 1851-1852, 18 treaties were signed between the U.S. government and tribal groups in the Central and San Joaquin Valleys. These designated specified reserve lands for Native Americans, but none of these treaties was ratified by the U.S. Senate, and the status of the local tribal groups ultimately was not resolved until after the Civil War. The influx of prospectors and miners into the region also promoted the development of a livestock industry, initially intended to satisfy a regional market (Mitchell 1976:36). Around this time, in 1852, Tulare County was created from the southern portion of Mariposa County (ESA 2010). The Southern Pacific Railroad was extended into Tulare County in 1872 and community members constructed numerous water conveyance systems throughout the county. These two things combined led to a population boom with productive farming activities (ESA 2010).

The early settlers primarily raised hogs, cattle, and grain, with grain gaining in importance over time over hogs. Neither hogs nor cattle were fenced until the 1872, restricting opportunities for framing. The livestock grazed on grasses, ate acorns from the abundant oaks, and then were driven to market. Ranching grew in response to the miners' intense demand for fresh meat, a demand so high that it depleted the herds north of San Luis Obispo and caused southern California ranchers to provide meat to the San Joaquin Valley (Mitchell 1976:35). Since hogs could be smoked or cured and brought to the hungry miners, they were preferred to cattle. The alternative was to drive the cattle directly to the mines, which took one month. Demand increased between 1850 and 1860 by nearly five times the 1850 price. With the amount of time it took to bring the herd up over the land and with the impending dangers of wild animals and the terrain, records indicate that local cattle ranching provided some relief. When the supply met and surpassed the demand by 1860, the increased heads of cattle deflated the record high prices (Mitchell 1976:35, 37). An overextended cattle market and floods in the 1860s forced a number of ranchers out of the business and into farming (Mitchell 1976:40). While cattlemen suffered in the 1860s, sheep ranchers were redeemed

by the wool requirement brought on by the blockades in the North during the Civil War. Despite the catastrophic effect of an 1864 drought, the cattle and sheep markets bounced back (Mitchell 1976:36).

In 1874, ranching and agriculture collided. The “No Fence Law” passed, despite some controversy, to “advance agriculture” over ranching. This allowed the development of large wheat ranches, dairying, deciduous and citrus fruit orchards, and other forms of agriculture by compelling the livestock owners to fence their stock. With its passage and an 1877 drought, a noticeable economic transition occurred in the San Joaquin Valley as ranchers increasingly chose grain farming (Mitchell 1976:40). The first steam thresher brought to the region in 1870 also aided the transition toward wheat cultivation (Mitchell 1976:63). While livestock remained important, the San Joaquin Valley became the nation’s main supplier of wheat from the 1870s to the 1890s when Minnesota exceeded its production. Wheat cultivation was “remote, abstract,” which historian Kevin Starr likened to “the cattle and sheep ranches of the Central Valley” (Starr 2007:150). With the importance of agriculture recognized by law, oak trees were removed to make way for more agriculture (Varner and Stuart 1975:17). Citrus and grapes were two major crops, but farmers also grew peaches, plums, figs, and olives with field crops of wheat, barley alfalfa, cotton, and potatoes. The study area and immediately surrounding region has remained an area of intense farming for over a century.

The ideal farming conditions led to the settlement of numerous cities and hamlets throughout the county. Tulare, Visalia, Porterville, and Hanford became the major cities of Tulare County and served the surrounding farms, dairies, and cattle ranches (ESA 2010). The city of Porterville was formed in 1870 after Royal Porter Putnam purchased 40 acres of land and divided it into lots. In 1902 the town was incorporated and contained a population of 2,906 residents. By the 1920’s the population increased to over 5,000 due to the economic growth and the presence of the Southern Pacific Railroad in the region. Industry contributed to the development and success of Porterville. Businesses such as Wal-Mart, Foster Farms, and Royalty Carpet Mills brought their business to Porterville (Porterville 2006). New highway construction and agricultural commerce continued to ensure Tulare County’s population growth. In 2007, the population of the County was estimated to be 429,000 (ESA 2010).

## **2.6 RESEARCH DESIGN**

Previous research in the south-central California region suggests a series of topics worthy of further research efforts. Although any given cultural resource management study may not be able to fully resolve these topics, due to limited scopes of work or the nature of the sites encountered or studied, it is nonetheless recognized that, where possible, these studies can contribute to the accumulation of the kinds of data that may help us better understand this region’s prehistory.

### **2.6.1 Terminal Middle Horizon Site Abandonment**

A significant prehistoric problem concerns the putative abandonment of village sites at the end of the Middle Horizon, which has been observed in a number of locations throughout south-central California (Whitley 2000; Whitley et al. 2007). Confirmation of this apparent pattern throughout

the region would help to define the geographical extent of this phenomenon. It further could help determine whether, at the end of the Middle Horizon, there was an overall reduction in population, or instead whether total population levels remained roughly constant while population concentrated in fewer, environmentally favorable locations.

### 3. ARCHIVAL RECORDS SEARCH

An archival records search was conducted at the California State University, Bakersfield, Southern San Joaquin Valley Archaeological Information Center (AIC), by AIC staff members to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the Basin 18 Project study area; (ii) if the project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the region of the field project was known to contain archaeological sites and to thereby be archaeologically sensitive. Additionally, a search of the NAHC *Sacred Lands File* was conducted in order to ascertain whether traditional cultural places or cultural landscapes had been identified within the APE. The results of the background studies are summarized here.

The records search at the AIC indicated that ten previous archaeological surveys had been completed that covered portions of the study area, primarily east of Highway 65 (Table 3.1). While no cultural resources were previously identified within the study area, four historical sites have been recorded within 0.5-mi. of the study area (Table 3.2). The NAHC *Sacred Lands File* did not indicate the presence of any cultural places within the project area.

Table 3.1 Survey reports within the APE.

Report No	Year	Author (s)/Affiliation	Title
TU-00153	1976	R.J. Cantwell/Archaeologist Consultant	Archaeological Survey Report, Avenue 170 from D-242 to State Highway 65
TU-00156	1976	R.J. Cantwell/Archaeologist Consultant	Archaeological Survey Report Diagonal Road 242 from Avenue 160 to Avenue 178
TU-00190	1977	R.J. Cantwell/Archaeologist Consultant	Archaeological and Historical Survey Report, Road 234 from Avenue 168 to Avenue 170
TU-00212	1978	R.J. Cantwell/Archaeologist Consultant	Archaeological Survey Report Sherwood Homes Inc., Mulberry Estates of Porterville Subdivision Tract #4
TU-00348	1980	Jane E. Kamplain/California State University Fresno, Laboratory of Archaeological/Cultural Resources Facility	Archaeological Reconnaissance of Saddleback Estates, Porterville, Tulare County, California
TU-00376	1986	Jim McManus and Terry Schuster/ Department of Transportation	Negative Archaeological Survey Report
TU-00447	1989	Lynn Riley and Glenn Gmoser/ Department of Transportation	Negative Archaeological Survey Report
TU-01053	2001	Shahira Ashkar and Jay Pawlek/ Jones and Stokes	Cultural Resources Inventory Report for the Proposed Widening of North Main Street, Porterville, Tulare County, California
TU-01396	2006	Hubert Switalski/AMEC Earth and Environmental, Inc.	Archaeological Survey Report for the Southern California Edison Company Replacement of 33 Deteriorated Power Poles on the Springville-Porterville-Strathmore 66 KV Transmission Line (WO 4205-0404), Near Porterville, Tulare County, California
TU-01638	2013	Robert Parr/Cal Heritage	Archaeological Survey Report for the Porterville Interconnection Project (IO 328108), Tulare County, California

Table 3.2 Resources within 0.5 miles of study area.

<b>Site No.</b>	<b>Description</b>
P-54-004015	Historic ceramic scatter
P-54-004354/CA-TUL-002655H	Historic canal structure (Pioneer Ditch)
P-54-004626/CA-TUL-002880H	Historic railroad structure
P-54-004632/CA-TUL-002885H	Historic trash scatter and railroad structure

## 4. METHODS AND RESULTS

The survey totaled approximately 4-acres, including both sections of storm drain installation and the location of Drainage Basin 18 (see Figure 1). The study area was examined by walking parallel transects along the storm drain route and across the Drainage Basin 18 location spaced at 15-m intervals. A close visual inspection of all ground surfaces was performed in order to identify surface artifacts, archaeological indicators (e.g., shellfish or animal bone), and/or archaeological deposits (e.g., organically enriched midden soil). Special attention was paid to rodent burrow back dirt piles, in the hope of identifying sub-surface soil conditions that might be indicative of archaeological features or remains. No cultural resources were collected during the survey. If encountered, the survey included a tabulation and recording of surface diagnostic artifacts, site sketch mapping, preliminary evaluation of site integrity, and site recording, following the California Office of Historic Preservation Instructions for Recording Historic Resources. A 50-ft. wide buffer was included to the project corridor.

Petra conducted limited archival research to assess the potential for existing and newly identified resources prior to survey. The study area was surveyed by Associate Archaeologist Peter A. Carey, M.A., RPA in November 2014 to assess the potential for cultural resources.

### 4.1 INVENTORY RESULTS

The study area was surveyed by Associate Archaeologist Peter A. Carey, M.A., RPA. Fieldwork was conducted in November 2014. The project area appears disturbed by modern construction and agricultural development. Houses, agricultural fields, roads, and utility installation has contributed to the disturbance. The new drainage basin lies in a currently unused field that has been previously graded. The new pipeline will run along paved and unpaved roads, near Highway 65. Sediment throughout the study area is sandy-silt alluvium with very few lithic clasts. Minimal surface vegetation was observed within the project area and nonnative plants appeared in the surrounding area, mostly as landscaping features. As a result, surface visibility was excellent during the pedestrian survey.

No cultural resources were identified during the survey. All exposed surfaces were closely inspected for the presence of artifacts, ecofacts, or cultural soils. No previously recorded sites are located within the immediate project area and no sites were revisited due to their location outside of the project corridor.

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## 5. SUMMARY AND RECOMMENDATIONS

An intensive Phase I archaeological survey were conducted for the Drainage Basin 18 Project study area, located in Porterville, Tulare County, California. A records search of site files and maps was conducted at the Southern San Joaquin Valley AIC and a search of the NAHC *Sacred Lands File* was completed. These investigations determined that the study area had not been previously surveyed in its entirety.

No Native American sacred sites or cultural landscapes had been identified within or immediately adjacent to the study area. Intensive Phase I survey of the approximately 4.48-acre study area failed to identify any significant prehistoric or historical resources.

### 5.1 RECOMMENDATIONS

An archival records search, background studies, and an intensive, on-foot surface reconnaissance Drainage Basin 18 Project study area, Tulare County, California, were conducted as part of a Phase I archaeological survey. No significant historical resources were found to be present within the study area. Development of this study area therefore does not have the potential to result in adverse impacts to cultural resources, and no additional archaeological work is recommended for it. It is recommended that an archaeologist be contacted in the unlikely event that archaeological resources are discovered during the construction or use of the pipeline.

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Appendix A  
Native American Heritage Commission (NAHC) *Sacred Lands*  
*File*

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

1550 Harbor Blvd., ROOM 100  
West SACRAMENTO, CA 95801  
(916) 373-3710  
Fax (916) 373-5471



December 19, 2014

David Whitley  
ASM Affiliates  
20424 West Valley Blvd., Ste A  
Tehachapi, CA 93561

Sent by Fax: (661) 823-7897  
Number of Pages: 2

Re: Basin 18, Porterville Project, Tulare County.

Dear Mr. Whitley,

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 373-3712.

Sincerely,

A handwritten signature in cursive script that reads "Katy Sanchez".

Katy Sanchez  
Associate Government Program Analyst

**Native American Contacts  
Tulare County  
December 16, 2014**

Santa Rosa Rancheria Tachi Yokut Tribe  
Rueben Barrlos Sr., Chairperson  
P.O. Box 8 Tache  
Lemoore , CA 93245 Tachi  
(559) 924-1278 Yokut  
(559) 924-3583 Fax

Santa Rosa Rancheria Tachi Yokut Tribe  
Lalo Franco, Cultural Coordinator  
P.O. Box 8 Tachi  
Lemoore , CA 93245 Tache  
(559) 924-1278 Ext. 5 Yokut  
(559) 924-3583 Fax

Tule River Indian Tribe  
Neil Peyron, Chairperson  
P.O. Box 589 Yokuts  
Porterville , CA 93258  
chairman@tulerivertribe-nsn.gov  
(559) 781-4271  
(559) 781-4610 Fax

Tule River Indian Tribe  
Kerri Vera, Environmental Department  
P.O. Box 589 Yokuts  
Porterville , CA 93258  
(559) 783-8892  
(559) 783-8932 Fax

Kern Valley Indian Council  
Robert Robinson, Co-Chairperson  
P.O. Box 401 Tubatulabal  
Weldon , CA 93283 Kawaiisu  
brobinson@iwvisp.com Koso  
(760) 378-4575 Home Yokuts  
(760) 549-2131 Work

Tule River Indian Tribe  
Joey Garfield, Tribal Archeological  
P.O. Box 589 Yokuts  
Porterville , CA 93258  
(559) 783-8892  
(559) 783-8932 Fax

Jennifer Malone  
637 E Lakeview Wukchumni  
Woodlake , CA 93286 Tachi  
Indianpopup@sbcglobal.net Yowlumni  
(559) 564-2146 Home  
(559) 280-0712 Cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7080.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed Basin 18, Porterville Project, Tulare County.



[www.candbplanning.com](http://www.candbplanning.com)



January 30, 2015

Julie Phillips  
City of Porterville  
Community Development Department  
Planning Division  
291 North Main Street  
Porterville, CA 93257

**Agency Project: Mitigated Negative Declaration - Drainage Reservoir 18**

**District CEQA Reference No: 20150051**

Dear Ms. Phillips:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of the construction and operation of a Storm Drain Basin south of West North Grand Avenue and west of State Route 65, in Porterville, CA. The proposed project is located on a 4.6 acre portion of a 9.514 acre parcel. ( APN 243-210-065) The project requires a General Plan Amendment and Zone Change to allow for the Storm Drain Basin land use on the selected parcel. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project does not meet the definition of a development project. Therefore, the District concludes that the proposed project is not subject to District Rule 9510 (Indirect Source Review).
3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified

Seyed Sadredin  
Executive Director/Air Pollution Control Officer

Northern Region  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region  
3494E Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

Asphalt, Paving and Maintenance Operations). The above list of rules is neither exhaustive nor exclusive.

More information regarding compliance with District rules and regulation can be obtained by:

- Visiting the District's website at <http://www.valleyair.org/rules/1ruleslist.htm> for a complete listing of all current District rules and regulation, or
- Visiting the District's website at [http://www.valleyair.org/busind/comply/PM10/compliance\\_PM10.htm](http://www.valleyair.org/busind/comply/PM10/compliance_PM10.htm) for information on controlling fugitive dust emissions

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Georgia Stewart, at (559) 230-5937.

Sincerely,

Arnaud Marjollet  
Director of Permit Services



For: Chay Thao  
Program Manager

AM: gs

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-7396  
FAX (559) 488-4088  
TTY 711  
www.dot.ca.gov



*Serious drought.  
Help save water!*

February 4, 2015

6-TUL-65-21.22 +/-  
2135-IGR/CEQA  
MND  
DRAINAGE RESERVOIR #18  
CITY OF PORTERVILLE  
SCH # 2015011023

Ms. Jennifer M. Byers  
Community Development Director  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

Dear Ms. Byers:

Thank you for the opportunity to review the Mitigated Negative Declaration (MND) for the Drainage Reservoir #18 project. The project proposes to construct and operate a new storm water runoff retention facility on the approximate 4.6 acre site. The project will install 470 feet of 36" pipeline along N. Grand Avenue and under State Route (SR) 65 to connect to the existing storm water line. The project is located in the southwest quadrant of the SR 65/ Grand Avenue intersection. Caltrans has the following comments:

1. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English units. The Permit Department and the Environmental Planning Branch will review and approved the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." (Revision: 02/23/05)
2. Encroachments are subject to removal by the Department in accordance with Sections 673 and 720 of the Streets and Highways Code.
3. The project site is adjacent to access control right of way (SR 65). Access from the State right-of-way is prohibited. The right-of-way fence shall remain unmodified and undisturbed.
4. An encroachment permit is required to repair the fence if damaged or modified.

5. A tunnel is defined as any jacked casing, liner plate, or wood lagging work that is 30" in diameter or larger. A Cal-OSHA permit and tunnel classification is required for tunnels.
6. The requirements of Caltrans Encroachment Permit Manual, Section 518 and Section 623 must be met for all tunneling and/or jacking operations. This manual may be found at: [http://www.dot.ca.gov/hq/traffops/developserv/permits/encroachment\\_permits\\_manual/index.html](http://www.dot.ca.gov/hq/traffops/developserv/permits/encroachment_permits_manual/index.html)
7. The bore and receiving pits shall be located outside State right-of-way.
8. Any work within the existing or proposed State right-of-way shall comply with State Standard Plans, Specifications and Special Provisions.
9. The highway drainage shall not be modified. Site runoff is not allowed into the State right-of-way without approval from the Department.
10. Existing concrete sidewalk that is damaged or broken (cracked) may need to be rehabilitated to comply with current ADA requirements or other applicable State or Federal law.
11. Work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Compliance with the Departments NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the issuance of an encroachment permit.

Please be advised that any future development adjacent to a State Route, whether the entitlement is deemed by the lead agency to be discretionary or ministerial should be sent to Caltrans for review. Please send a response to our comments prior to staff's recommendations to the Planning Commission and the City Council.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,

DAVID DEEL  
Associate Transportation Planner  
North Planning Branch

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 94236-0001  
(916) 653-5791



RECEIVED

FEB - 3 2015

FEB 6 2015

Ms. Julie Phillips, Project Manager  
City of Porterville  
291 North Main Street  
Porterville, California 93257

State of California  
Department of Water Resources

SCH# 2015011023 – Mitigated Negative Declaration for Drainage Reservoir 18  
Tulare County

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Dear Ms. Phillips:

We have reviewed your submittal entitled Notice of Intent to Adopt a Mitigated Declaration (Notice) for the above referenced project which describes the construction of a below grade drainage basin. The Notice indicates that the basin will be excavated below existing grade to a proposed maximum depth of 15 feet. The proposed storage capacity will be approximately 47 acre-feet. No above ground barrier will be created. Therefore, this project as described is not subject to State jurisdiction for dam safety.

As defined in Sections 6002 and 6003, Division 3 of the California Water Code, dams 25 feet or higher with a storage capacity of more than 15 acre-feet, and dams higher than 6 feet with a storage capacity of 50 acre-feet or more are subject to State jurisdiction. Dam height is defined as the vertical distance measured from the maximum possible water storage level to the downstream toe of the barrier.

If the design of the proposed basin is revised such that a jurisdictional dam is constructed, it will become subject to State jurisdiction for dam safety. In the event the proposed project becomes subject to State jurisdiction, a construction application, together with plans, specifications, and the appropriate fees must be filed with us. All dam safety related issues must be satisfactorily addressed prior to our approval of the application. Additionally, all work must be performed under the direction of a Civil Engineer registered in California.

If you have any questions or need additional information, you may contact Office Engineer Roberto Cervantes at (916) 227-4601 or me at (916) 227-4600.

Sincerely,

A handwritten signature in black ink that reads "Shawn O. Jones".

Shawn O. Jones, Regional Engineer  
Southern Region  
Field Engineering Branch  
Division of Safety of Dams

cc: (See attached list.)

**ATTACHMENT NO. 5C3**

cc: Ms. Nadell Gayou,  
Resources Agency Project Coordinator  
Environmental Review Section  
Division of Statewide Integrated Water Management  
901 P Street  
Sacramento, California 95814

Governor's Office of Planning and Research  
State Clearinghouse  
Post Office Box 3044  
Sacramento, California 95812-3044

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A  
MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT  
FOR THE DRAINAGE BASIN 18 PROJECT

WHEREAS: The project proposes to construct and operate a Storm Drain Basin south of W. North Grand Avenue and west of State Route 65 on a 4.6 acre portion of that 9.5± acre parcel identified as APN 243-210-065. The site is currently designated as Retail Centers in the Porterville General Plan, and is zoned CR- Retail Centers. To maintain consistency between land use and the designations, a General Plan Amendment and Zone Change will be processed to modify the area of the basin to Public/Institutional on the General Plan diagram and to zone the site as PS- Public Semi-Public; and

WHEREAS: On January 13, 2015, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in light of the studies prepared and with implementation of five defined mitigation measures related to Biological and Cultural Resources; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 17, 2015, conducted a public hearing to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the development of the proposed storm drain basin and associated General Plan Amendment and Zone Change from Retail Centers to Public and Semi-Public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran from January 16, 2015, to February 17, 2015. Three comment letters were received from public agencies: the San Joaquin Valley Air Pollution Control District, the California Department of Transportation, and the California Department of Water Resources. All three agencies affirmed and agreed with the information provided in the environmental document and support the project subject as identified in the document.
2. That the proposed project will not create adverse environmental impacts. The approved Mitigated Negative Declaration was evaluated in light of the prepared environmental initial study and comments from interested parties received during the review period.
3. That the mitigation measures contained in the Mitigated Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Exhibit A.

4. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project.
5. That the City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the Mitigated Negative Declaration for the Drainage Basin 18 Project and the Mitigation Monitoring Program attached hereto as Exhibit A.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

By: \_\_\_\_\_  
Milt Stowe, 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 Drainage Reservoir 18 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)
<p>BIO-1 To protect raptors and migratory song birds and to assist in avoiding take of avian species as required by Fish and Game Code Section 3503, 3503.5, and 3513, Project related activities will occur during the non-breeding season (September 16th through December 31st).</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	
<p>BIO-2 If Project related activities will occur during the breeding season (Jan 1 through Sept 15), the City of Porterville shall conduct nest surveys for nesting Swainson's hawks within ½ mile buffer around the Project site before starting any Project related activities following the survey methodology developed by the Swainson's hawk Technical Advisory Committee<sup>1</sup>. In the event that Swainson's hawk is detected, California Department of Fish &amp; Wildlife (CDFW) shall be consulted by the Applicant or the Applicant's consultant to discuss project implementation and take avoidance. If take cannot be avoided the City shall obtain an</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

<sup>1</sup> Swainson's Hawk Technical Advisory Committee. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. May 31, 2000. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>. Accessed October, 2014.

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>Incidental Take Permit from CDWF for project related incidental take of Swainson's hawk.</p> <p>If other nesting raptors and migratory songbirds are identified, the following minimum no disturbance buffers shall be required:</p> <ul style="list-style-type: none"> <li>• 250 feet around active passerine (perching birds and songbirds) nests</li> <li>• 500 feet around active raptor nests</li> </ul> <p>These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined and CDFW has agreed in writing that the birds have fledged and are no longer reliant upon the nest or parental care for survival.</p>				
<p>BIO-3 Vertical tubes such as chain link fencing poles can result in the entrapment and death of a variety of bird species. All vertical tubes such as chain link fencing poles shall be immediately capped at the time that they are installed to prevent avian fatalities.</p>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>CUL-1</p> <ul style="list-style-type: none"> <li>▪ Before initiation of construction or ground-disturbing activities associated with the Project, the Project proponent for all Project phases shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;</li> <li>▪ The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and</li> <li>▪ 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</li> </ul>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
<p>other appropriate measure, as outlined in Public Resources Code section 21083.2. The City of Porterville shall implement said measures.</p>				
<p>CUL-2                      The City of Porterville 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>	<p>City of Porterville</p>	<p>During construction</p>	<p>City of Porterville</p>	

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR THE GENERAL PLAN  
AMENDMENT FOR A 4.6± ACRE SITE DESCRIBED HEREIN GENERALLY LOCATED  
AT THE SOUTHWEST CORNER OF W. NORTH GRAND AND STATE ROUTE 65

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 17, 2015, conducted a public hearing to consider approval of a General Plan amendment from Retail Centers to Public/Institutional at the site of a proposed City owned storm water basin generally located at the southwest corner of W. North Grand Avenue and State Route 65, a portion of APN 243-210-065; and

WHEREAS: A Zone Change is also proposed to change the present zoning classifications of the subject site from CR (Retail Centers) to PS (Public and Semi-Public) contingent upon approval of the General Plan Amendment; and

WHEREAS: Development of the project area would be subject to the City's development standards and the General Plan Land Use Implementation Policies; and

WHEREAS: Approval of the General Plan Amendment and Zone Change would allow the project site to be developed as a storm basin as prescribed in the Storm Water Master Plan while maintaining consistency between the proposed land use and respective designations; and

WHEREAS: Approval of the General Plan Amendment and Zone Change furthers the goals and objectives of the General Plan and supporting documents, including the Storm Water Master Plan by providing land for civic uses such as infrastructure, as referenced in General Plan Policy LU-G-17; and

WHEREAS: On January 13, 2015, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the development of the proposed storm drain basin and associated General Plan Amendment and Zone Change from Retail Centers to Public/Institutional; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The proposed General Plan Amendment has identified as a requirement in order to maintain consistency between land use and applicable designations for the proposed development of Drainage Basin 18. The development of the storm drain basin is consistent with the General Plan and the Storm Drain Master Plan, but at

**ATTACHMENT NO. 7**

the time the General Plan Land Use Diagram was developed, specifying a site for such a public use would have been premature.

2. Based on review of project designs and by the very nature of the project, the proposed project serves to fulfill the goals of the General Plan as adopted, and the amendment of the land use designation on the subject parcel does not infringe on the goals of the General Plan to maintain transitions between types and intensities of land use.
3. That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran from January 16, 2015, to February 17, 2015.
4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General Plan Amendment from Retail Centers to Public/Institutional at the site of a proposed City owned storm water basin generally located at the southwest corner of W. North Grand Avenue and State Route 65, a portion of APN 243-210-065.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February, 2015.

By: \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING A ZONE CHANGE FROM CR (RETAIL CENTERS) TO PS (PUBLIC AND  
SEMI-PUBLIC) FOR THAT 4.6± ACRE SITE DESCRIBED HEREIN GENERALLY  
LOCATED AT THE SOUTHWEST CORNER OF WEST NORTH GRAND AVENUE AND  
STATE ROUTE 65

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 17, 2015, conducted a public hearing to approve findings and consider a Zone Change from CR (Retail Centers) to PS (Public and Semi-Public) for development of a master planned storm drain basin generally located at the southwest corner of West North Grand Avenue and State Route 65; and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change is consistent with the guiding and implementation policies of the adopted 2030 General Plan, particularly LU-G-17, which guides the City to provide sufficient land for civic and institutional uses such as water facilities and infrastructure to meet future demand; and

WHEREAS: Development of the basin would be subject to the City's development standards and the General Plan Land Use Implementation Policies, including but not limited to perimeter improvements; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in accordance with the California Environmental Quality Act and was transmitted to interested agencies and made available for public review and comment. The review period ran from January 16, 2015 to February 17, 2015; and

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-17: Provide sufficient land for civic and institutional uses such as police and fire services, water and sanitary facilities, infrastructure and other City services to meet future demand.
- b. Development of the basin would be subject to the City's development standards.

- c. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is contingent upon the approval of General Plan Amendment for Drainage Basin 18, to ensure consistency between the General Plan and Zoning.
- d. The subject Zone Change will not create adverse environmental impacts on the biological resources or adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, is hereby rezoned from CR (Retail Centers) to PS (Public and Semi-Public) for the parcel described herein as Assessor's Parcel Number 243-210-065, generally located at the southwest corner of W North Grand Avenue and State Route 65; and

Section 2: It is further ordained that all records 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 CR (Retail Centers) to PS (Public and Semi-Public) for the site described above, more particularly shown on the attached map as Exhibit "A"; and

Section 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 17<sup>th</sup> day of February, 2015.

By: \_\_\_\_\_  
Milt Stowe, Mayor

EST:  
D. Lollis, City Clerk

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

**ATTACHMENT NO. 8**

CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: CARGO CONTAINER APPLICATION - 1813 THUNDERBOLT DRIVE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: On March 4, 2014, City Council adopted Resolution 14-2014, which regulated the use of cargo containers. As a result of Resolution 14-2014, the City Council may approve or deny the use of cargo containers as temporary non-standard development for those who seek long-term use for more than three containers.

On January 20, 2015, City Council adopted Resolution 08-2015, which amended the previously adopted resolution to incorporate grandfathering clauses for pre-existing containers. The amended resolution also added language that allowed cargo containers located within industrial zones to be camouflaged.

On February 4, 2015, Mr. Ken Dewing, representing Endurequest Corporation, applied for a permit to temporarily use cargo containers located at 1813 Thunderbolt Drive. Zoning for 1813 Thunderbolt Drive is Airport Industrial (IA).

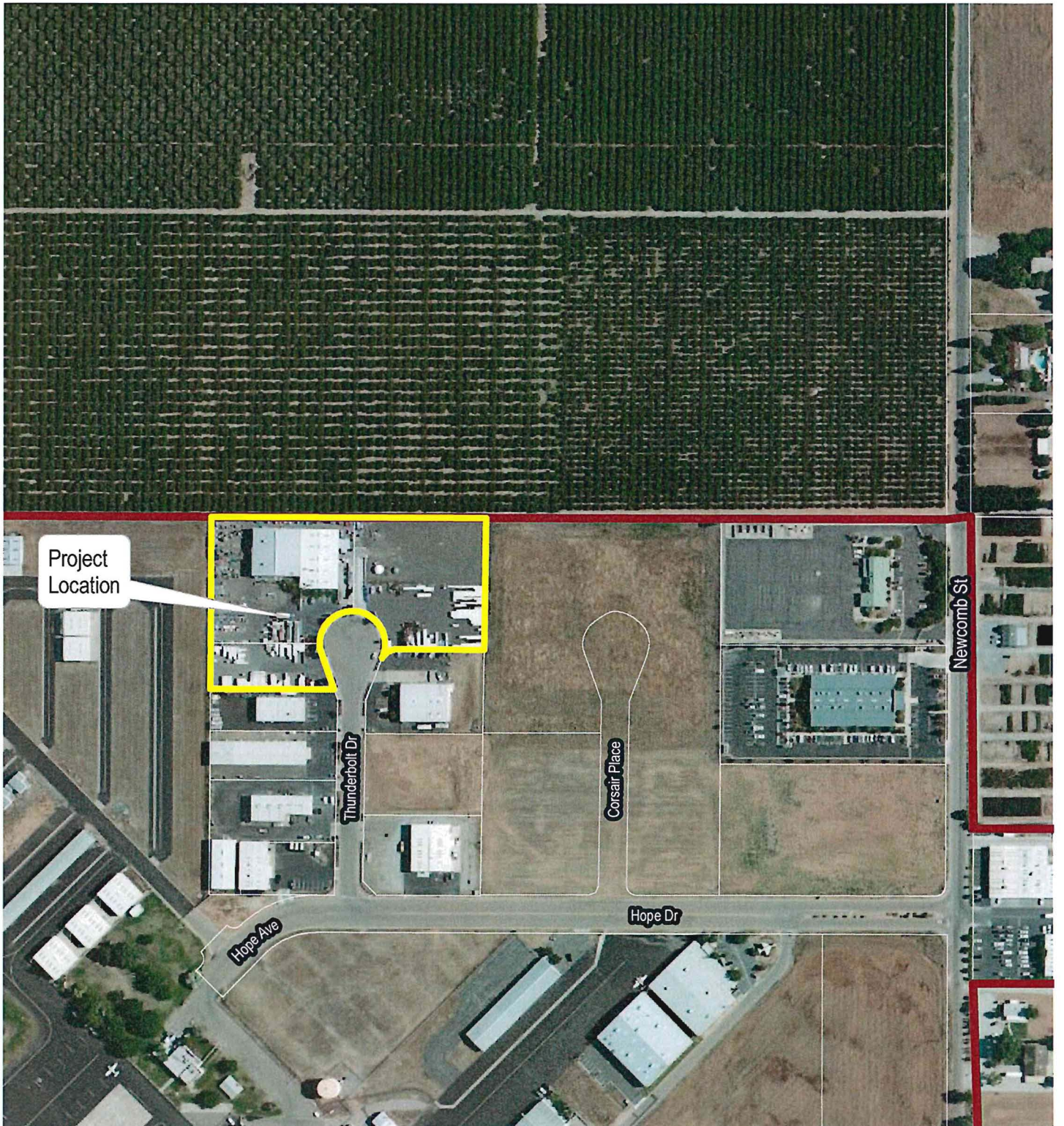
Endurequest Corporation is seeking approval from the City Council to allow the use of four cargo containers for long-term temporary use for a period of five years, beginning February 17, 2015, through February 17, 2020. The four cargo containers are located on the southeast portion of the parcel, are placed out of the path of circulation, do not take up required parking stalls, and do not encroach on any setback requirements, as indicated in Resolution 08-2015. The cargo containers are painted the same color as the main building, are behind a slatted chain link fence, and have landscaping to disguise their appearance. The cargo containers are used for storage of Endurequest's product line of portable sanitation products. Per Resolution 08-2015, cargo containers are to be removed as the five-year period concludes, or the applicant can re-apply for another five-year permit to continue the use.

RECOMMENDATION: That the City Council adopt the draft resolution approving the Cargo Container Permit to allow four cargo containers located at 1813 Thunderbolt Drive.

ATTACHMENTS:

1. Project location map
2. Site Plan
3. Resolution 08-2015
4. Draft Resolution with Site Plan

DD JB APPROPRIATED/FUNDED N/A CM J REPORT NO. 18



Project Location

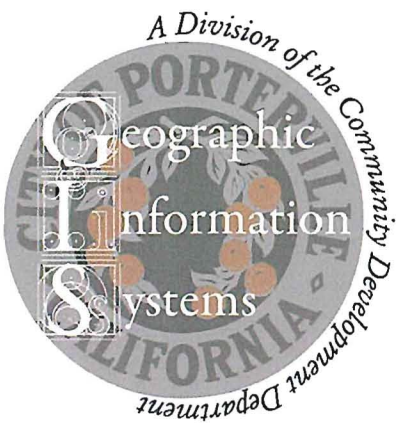
Thunderbolt Dr

Corsair Place

Hope Ave

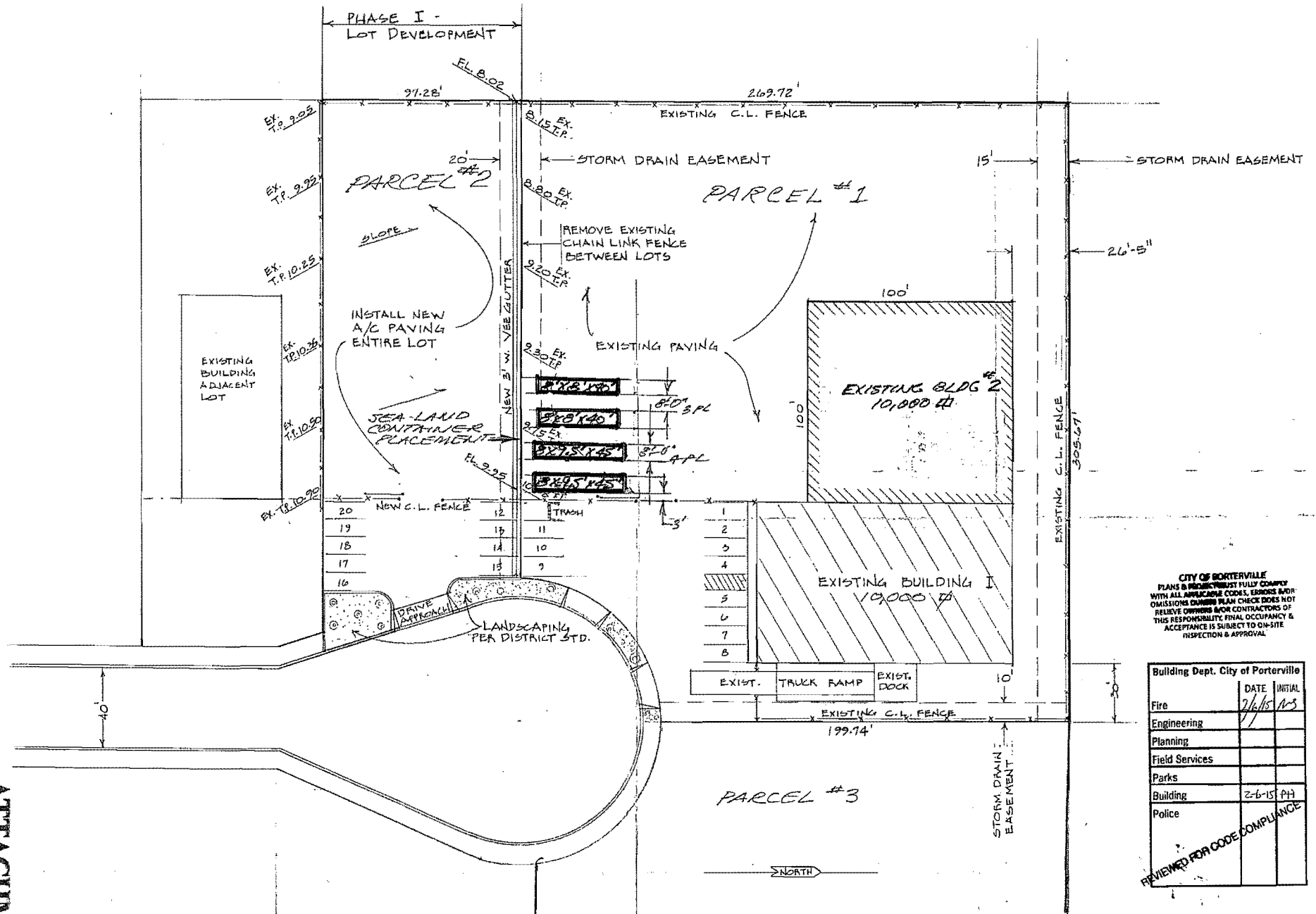
Hope Dr

Newcomb St



Endurequest Corp  
Cargo Containers  
1813 Thunderbolt Dr.  
Project Vicinity Map  
1" = 300 ft.

**ATTACHMENT NO. 1**



CITY OF PORTERVILLE  
PLANS & PROJECTIONS MUST FULLY COMPLY  
WITH ALL APPLICABLE CODES. ERRORS AND  
OMISSIONS DURING PLAN CHECK DOES NOT  
RELIEVE OWNERS AND CONTRACTORS OF  
THIS RESPONSIBILITY. FINAL OCCUPANCY &  
ACCEPTANCE IS SUBJECT TO ON-SITE  
INSPECTION & APPROVAL.

Building Dept. City of Porterville		
	DATE	INITIAL
Fire	2/6/15	AS
Engineering		
Planning		
Field Services		
Parks		
Building	2-6-15	PH
Police		

REVIEWED FOR CODE COMPLIANCE

SITE PLAN 1"=30'  
1812 THUNDERBOLT DRIVE  
PORTERVILLE, CA.

PROPOSED VACANT LOT PAVING FOR: ENDUREQUEST CORPORATION	
SCALE: 1"=30'	DRAWN BY: GL
DATE: 8/29/03	REVISION: 1
LAUBACHER CONSTRUCTION	
LIC. NO. 393580	

RESOLUTION NO. 08-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ADOPTING INTERPRETATIONS OF AMBIGUITY AND  
STATEMENTS OF CITY COUNCIL INTENT WITH REGARD TO  
TEMPORARY (CARGO/SHIPPING CONTAINERS),  
MOBILE AND PERMANENT DEVELOPMENT

WHEREAS: On October 12, 2004, and March 1, 2005, the City Council considered the status of a variety of non-standard building types including temporary buildings, long-term street vending, drive-through restaurant kiosks, etc.; and

WHEREAS: At that time, the City Council determined that the Municipal Code and the Development Ordinance allow for potential ambiguity in the interpretation of such issues as the appropriate application of the Municipal Code provisions for cargo/shipping containers for Temporary Building Permits, the Zoning Ordinance provisions for a Conditional Use Permit for Street Vending for more than five days at a single location, and the appropriate development standards to apply thereto to each; and

WHEREAS: On March 1, 2005, the City Council adopted Resolution 29-2005, providing an interpretation of ambiguity and statements of City Council intent with regard to temporary, mobile, and permanent development; and

WHEREAS: On November 5, 2013, and December 3, 2013, the City Council considered modifications to Resolution 29-2005 as it relates to cargo/shipping containers for nonresidential uses; and

WHEREAS: On December 3, 2013, the City Council adopted Resolution 82-2013 as it relates to cargo/shipping containers for nonresidential uses; and

WHEREAS: On February 4, 2014, the City Council considered further modifications to the use of cargo/shipping containers for nonresidential uses. Specifically, the Council directed that the Zoning Administrator would have authority to approve up to three cargo/shipping containers for a long term period, subject to compliance with the criteria defined in Resolution 82-2013 except as amended herein; and

WHEREAS: On March 4, 2014, the City Council considered the revised draft resolutions setting forth additional provisions for long term use of cargo/shipping containers as outlined in the previous paragraph; and

WHEREAS: on December 16, 2014, the City Council defined situations in which pre-existing cargo containers might be allowed to obtain the first five-year temporary term with no fee; and

WHEREAS: The City Council intends to provide guidance to City Staff and the development community with regard to the approved interpretation of such ambiguity in the City Code and Development Ordinance and to give an indication as to the likely standards of review

and intent of City Council in considering future development proposals and provide additional clarification relative to the temporary use of cargo/shipping containers.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby adopt statements of interpretation of ambiguity and statements of City Council intent as follows:

- 1) Permanent Commercial Buildings: In order to be considered a “permanent” commercial building, subject to complying with the Development Ordinance and applicable building and fire codes, and securing a building permit, a structure must be affixed to the ground through a foundation, foundation system or other similar means, except as described below. By this standard, cargo/shipping containers, catering trucks, and trailers would not be considered “permanent” commercial buildings. Modular buildings, sheds, pre-fabricated buildings, etc., may be considered to be permanent buildings provided they are affixed to foundations. Full development standards as required by City Code would apply in such cases.
- 2) Permanent Commercial Buildings – Exception for Food Vending Booths: Food vending booths, food or coffee kiosks, “hot-dog” stands, etc., without a foundation may be considered to be “permanent” provided the following conditions are met:
  - a) The type and location of the use is permitted by the Zoning Ordinance.
  - b) The type, location, and intensity of the use are included in all calculations of site improvement requirements, including parking calculations, etc.
  - c) The development is clearly accessory to the primary use of the site, and its hours of operation are limited to those of the primary use.
  - d) The development fully complies with adopted building codes, including fire protection and the requirements of State and Local Public Health authorities.
- 3) Permanent Commercial Buildings – Exception for Approved Temporary Buildings: Modular and similar buildings, whether on permanent foundations or not, may be approved by the City Council as temporary buildings. Site development standards for such cases shall be determined as described below.
- 4) Non-Standard Development as Accessory Use: Except for on-farm produce stands and cargo/shipping containers as specifically addressed herein, non-standard development will only be approved as an accessory to standard, permanent development on the same site, or on an adjacent related site. This will help to ensure that minimum site improvements are provided for commercial uses.
- 5) Use of Cargo/Shipping Containers as Temporary Non-Standard Development; Short Term: Where appropriate and necessary for short term use, the Zoning Administrator may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:

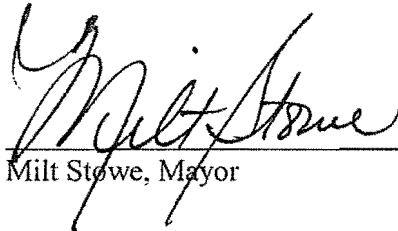
- a) The number of containers is limited to one per business or parcel, whichever results in fewer containers per site.
  - b) The cargo/shipping container shall not remain on site for longer than 100 days.
  - c) The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
  - d) The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off site or public streets; or in the case of containers located within industrial zoned properties, the cargo/shipping containers may be camouflaged as determined appropriate by the Zoning Administrator.
  - e) Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Ministerial Temporary Structure Permit. Use of cargo/shipping containers in manners not consistent with this section, may only be authorized by the City Council.
- 6) Use of Cargo/Shipping Containers as Temporary Non-Standard Development; Long Term - three (3) or fewer containers: Where appropriate and necessary for longer term use, the Zoning Administrator may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:
- a) The number of containers allowed shall not exceed three (3) containers.
  - b) The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by the Zoning Administrator. Extensions will not be permitted. However, the applicant may apply for another long term, administrative, permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.
  - c) The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including but not limited to, parking, loading areas, on-site circulation, and accessibility.
  - d) The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off site or public streets; or in the case of containers located within industrial zoned properties, the cargo/shipping containers may be camouflaged as determined appropriate by the Zoning Administrator.
  - e) Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Zoning Administrator permit application plus an initial fee for the first site visit and an annual fee applicable upon approval. The annual fee would apply for any year or portion thereof the container continues to be stored on site.
  - f) The Zoning Administrator may require additional conditions intended to ensure the use does not create blight.
  - g) In the following situations, the Zoning Administrator may issue a permit for up to five years of temporary use of cargo containers:

- i. If the cargo container was issued a written letter of approval from City staff, but was not placed on the site in a manner consistent with this resolution, the business may have the first five year period of a long term temporary permit free of charge, in the form of a written letter by the Zoning Administrator. At the end of the five year period, compliance must be reached before a new permit would be issued.
  - ii. In the event that the cargo container was issued a written letter of approval from City staff and was placed on a permanent foundation and meeting all conditions of this resolution, the business may have the first five year period of a long term temporary permit free of charge, with adequate documentation of approval, in the form of a written letter by the Zoning Administrator.
  - iii. If the cargo container was referenced within or otherwise approved as part of a building permit and placed on a permanent foundation and meeting all conditions of this resolution, the container may have the first five year period of a long term temporary permit free of charge, with adequate documentation of approval, in the form of a written letter by the Zoning Administrator.
- 7) Use of Cargo/Shipping Containers as Temporary Non-Standard Development; Long Term; more than three (3) containers: Where appropriate and necessary for longer term use, the Council may approve use of cargo/shipping containers in Commercial and Industrial zone districts associated with an existing development for additional storage capacity subject to the following specific criteria:
  - a) The number of containers allowed would be determined by Council.
  - b) The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by Council. Extensions will not be permitted. However, the applicant may apply for another long term, discretionary; permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.
  - c) The placement of the cargo/shipping container shall be such that it does not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
  - d) The placement of the cargo/shipping container shall not encroach into required setbacks, and must not be visible from off site or public streets; or in the case of containers located within industrial zoned properties, the cargo/shipping containers may be camouflaged as determined appropriate by the City Council.
  - e) Use of a cargo/shipping container may be granted subject to payment of an adopted fee for a Discretionary Temporary Structure Permit application with a monthly fee applicable upon approval and commencing at 100 days of use. The fee would apply for any month or portion thereof the container continues to be stored on site.
  - f) Council may require additional conditions intended to ensure the use does not create blight.
  - g) In the following situations, the Council may issue a permit for up to five years of temporary use of cargo containers:


- i. If the cargo container was issued a written letter of approval from City staff, but was not placed on the site in a manner consistent with this resolution, the business may have the first five year period of a long term temporary permit free of charge, in the form of a written letter by the Council. At the end of the five year period, compliance must be reached before a new permit would be issued.
  - ii. In the event that the cargo container was issued a written letter of approval from City staff and was placed on a permanent foundation and meeting all conditions of this resolution, the business may have the first five year period of a long term temporary permit free of charge, with adequate documentation of approval, in the form of a written letter by the Council.
  - iii. If the cargo container was referenced within or otherwise approved as part of a building permit and placed on a permanent foundation and meeting all conditions of this resolution, the container may have the first five year period of a long term temporary permit free of charge, with adequate documentation of approval, in the form of a written letter by the Council.
- 8) Time Limits Required for Non-Standard Development: Non-standard development may be approved by the City Council as either a “Temporary Building” or a “Street Vendor” as appropriate. In all such cases, approval will be for a limited period of time. The approval period will not typically exceed the reasonable period of time necessary to secure a permanent replacement. In some cases, a reasonable period of time may be granted to allow for market testing, “proof-of-concept”, etc. Site improvement standards for such development shall be determined by the City Council on a case-by-case basis using guidelines as established below.
- 9) Development Standards – Non-Standard Development: All non-standard development requires approval by the City Council with appropriate Conditions of Approval. Such development may require site improvements that differ from those required for permanent development. Staff reports for such proposals should identify both the proposed site improvements and the improvements that would be required for similar, permanent development.
- 10) Temporary Building Permits – Effect on Standards for Existing Conforming Development: Temporary buildings may be approved only with clear time limits, and with a finding by City Council that the development is to accommodate a time of business stress or emergency or a construction project. For this reason, the City Council may authorize such uses in circumstances that would cause an existing, conforming development to become non-conforming for the duration of the use. For example, a temporary modular building could be authorized to occupy required parking spaces in a commercial development. It is the intent of City Council to weigh such modifications against both the need and duration of the temporary building. Except in extraordinary cases, the City Council would not expect to authorize a permit that creates a non-conforming circumstance for a period longer than 90 days.

- 11) Conditional Use Permits for "Street Vending" – Effect on Standards for Existing Conforming Development - Conditional Use Permits for "Street Vending" for periods longer than five days do not require a finding of business stress or emergency. For that reason, such uses will not be permitted to cause an existing conforming development to become non-conforming.
- 12) Standards of Review – Non-Standard Development: It is the intent of City Council to consider the impact that proposed Temporary Building Permits and Conditional Use Permits for longer term street vending will have on other similar businesses. Such uses are intended to offer flexibility under unusual circumstances and will not be encouraged as a means to compete with businesses in permanent buildings by avoiding development standards that would otherwise apply.
- 13) Compliance with Zoning Ordinance and City Code – Non-Standard Development: None of the above shall be construed to permit non-standard development to violate the Zoning Ordinance or other provisions of City Code. No use may be authorized by a Temporary Building Permit or as a Conditional Use Permit for street vending that is not permitted by the underlying Zoning Classification. Such restriction includes limitations on outdoor sales where applicable.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of January, 2015

  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

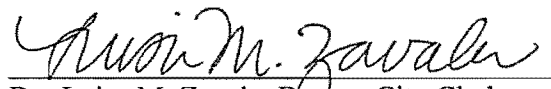
STATE OF CALIFORNIA )  
CITY OF PORTERVILLE ) SS  
COUNTY OF TULARE )

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 regular meeting of the Porterville City Council duly called and held on the 20<sup>th</sup> day of January, 2015.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

  
By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING THE USE OF CARGO CONTAINERS AS TEMPORARY NON-STANDARD  
DEVELOPMENT FOR LONG-TERM USE AT 1813 THUNDERBOLT DRIVE

WHEREAS: The applicant has applied for a Cargo Container Permit to utilize four (4) cargo containers for storage at 1813 Thunderbolt Drive; and

WHEREAS: Resolution 08-2015 authorizes the City Council, upon written application and site plan, to approve a Cargo Container permit for the use of more than three (3) cargo containers; and

WHEREAS: The applicant has worked with City staff to comply with the standards identified in Resolution 08-2015; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of February 17, 2015, considered approving the use of cargo containers as temporary non-standard development long-term use at 1813 Thunderbolt Drive.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby grant a permit for the use of four (4) cargo containers at 1813 Thunderbolt Drive with the following conditions:

1. The number of containers allowed would be determined by Council.
2. The time period requested shall be specified by the applicant. Final expiration of the permit shall be coterminous with the permit expiration date approved by Council. Extensions will not be permitted. However, the applicant may apply for another long-term, discretionary permit. Failure to obtain the renewed permit could result in Code Enforcement action and associated fines.
3. The placement of the cargo containers shall be such that they do not interfere with the permanent site improvements, including, but not limited to, parking, loading areas, on-site circulation, and accessibility.
4. The placement of the cargo containers shall not encroach into required setbacks, and should not be visible from off site or public streets, but may be camouflaged in an industrial zone.
5. Council may require additional conditions intended to ensure the use does not create blight.
6. The duration of the permit for the use of the four cargo containers is for five years beginning on February 17, 2015, and ending on February 17, 2020.

7. The uses shall be consistent with the site plan represented in Exhibit A attached hereto.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of February 2015.

By: \_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Manager

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: REQUEST FOR DIRECTION RELATED TO POTENTIAL SIGN ORDINANCE MODIFICATIONS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: Recently, City staff has encountered a variety of signage-related issues. The goal of this report is to request guidance on how, if, and when the City Council would like staff to bring forward proposed amendments to the Municipal Code as it pertains to signs.

Issue #1: Signage on Public Land

Off-site commercial signage is specifically prohibited in Section 305.06(c) of the Development Ordinance, but off-site non-commercial signage is allowable, subject to approval of the property owner, per Section 305.02(f) and (g). Section 305.07(h) notes that any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer. As a result of these code sections, staff has, in the past, not allowed signage on public land unless otherwise associated and permitted with an event. However, staff desires that the City's regulations as to signage located on public property be clarified.

Local regulation of signs must be consistent with the constitutionally protected First Amendment right to free speech. While cities can ban the posting of any and all signs on public property, cities cannot regulate based on the content of the signs ("content neutrality"). Requiring permits to erect signs on public property may be constitutional, provided that the process is governed by clear content-neutral guidelines that involve no official discretion. Currently, there is a case pending before the United States Supreme Court that is expected to provide guidance as to the precise meaning of "content neutrality." In the lower court decision, the 9<sup>th</sup> Circuit held that distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs are content-neutral. This is directly contrary to prior precedent that disallowed activity described by its subject matter. The Supreme Court decision is expected this May or June.

Issue #2: Outdoor Alcohol Advertisement

The City of Porterville requires a Conditional Use Permit in order to sell alcoholic beverages at restaurants and bars (on-sale) or stores (off-sale). Historically, under the "old" zoning ordinance that was effective from 1980 through 2010, Conditional Use Permits were only required for bars and nightclubs that did not include a bona fide eating establishment. All other alcohol-related uses (restaurants, grocery stores, convenience stores, etc.) were allowed by right. An amendment in 2004

DD JB Appropriated/Funded N/A CM J

Item No. 19

required that new off-sale businesses within 600 linear feet of a sensitive use must obtain a Conditional Use Permit.

A Conditional Use Permit allows a land use authority to use its quasi-judicial powers to approve a use not otherwise allowed in a zone district under specified conditions which assure that the use will not be detrimental to the public health, safety, and welfare, and will not impair the integrity of the zoned district.<sup>1</sup>One standard condition of approval typically used in previous alcohol-related Conditional Use Permits was the prohibition of outdoor signage. Because of the correlation of a Conditional Use Permit being associated with proximity to a sensitive use, it has been suggested by previous applicants that such conditions are only relevant when in the vicinity of such a sensitive use.

The 2010 Development Ordinance does not differentiate between on-sale or off-sale alcohol sales, except to provide locational restrictions for liquor stores. Because all alcohol-related uses now require a Conditional Use Permit, staff requests direction from Council on whether or not the prohibition of outdoor signage should be applied as a general assurance that the use will not be detrimental to the public health, safety, and welfare, and will not impair the integrity of the surrounding area.

#### Issue #3: Off-site signage and Mobile signage

As noted above, off-site commercial signage is prohibited in the Development Ordinance in Section 305.06. There are numerous specific prohibitions, including the following:

- (a) Animated, Flashing or Moving Signs
- (c) Billboards
- (j) Portable Signs
- (k) Posters
- (m) Signs Creating Traffic Hazards
- (n) Vehicle Displays

Currently, staff has noted many signs city-wide that are out of compliance with the prohibitions listed in this code, and has been working on city-wide compliance efforts associated with prohibited signs and unpermitted signs. At least one member of the Council has expressed interest in reconsidering the prohibitions on off-site signage, specifically mobile digital signage. Staff requests that the Council consider the current ordinance related to off-site commercial signage and, if the Council so chooses, provide direction to staff as to the extent of changes that should be brought back.

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<sup>1</sup>Definition excerpted from Curtin's Land Use and Planning Law, 2010

RECOMMENDATION: That the City Council consider the noted signage-related issues and provide direction to staff as to the extent and timing of possible code amendments.

ATTACHMENTS: Porterville Municipal Code, Chapter 21, Series 300, Chapter 305-Sign Ordinance

## Chapter 305 Signs

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Sections:

305.01	Purpose
305.02	Policies
305.03	Applicability
305.04	Design Principles
305.05	Exempt Signs
305.06	Prohibited Signs
305.07	General Standards
305.08	Sign Standards for Residential Districts
305.09	Sign Standards for Non-Residential Districts
305.10	Standards for Specific Types of Signs
305.11	Temporary Signs
305.12	Permits Required; Review Process
305.13	Master Sign Program
305.14	Nonconforming Signs
305.15	Abatement and Removal of Illegal Signs

### 305.01 Purpose

The purpose of this chapter is to establish regulations to ensure the orderly display of signs as a city-wide information system, consistent with State and Federal law. These regulations recognize the desire and need of each individual, business, firm or corporation to identify its place of residence, business or service, and realizing that the indiscriminate erection, location, illumination, coloring, size, and lack of proper maintenance of signs and advertising structures, constitutes a significant contributing factor detrimental to the well-being and continuing activity of a city's people and economy. Specifically, these regulations are intended to:

- (a) Assure that all signs and advertising structures are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality, and do not impair the view of nearby or adjacent signs;
- (b) Prohibit the installation and maintenance of signs or advertising structures that unduly distract motorists' attention from driving, and which detract from attention to traffic movement and to signs and signals promoting traffic safety;
- (c) Prevent the installation and maintenance of signs or advertising structures that individually or collectively have an injurious effect on the morale of the people and the economic well being of the City;
- (d) Assure that size and location of signs and advertising structures do not constitute an obstacle to effective fire protection and firefighting techniques; nor constitute a direct or potential danger to vehicular or pedestrian traffic, especially in the event of structural failure during the period of inclement weather and earthquakes or in the event of impaired vision due to improper size or location; and
- (e) Otherwise protect the public health, safety, morale, and promote the public welfare.

### 305.02 Policies

The policies and principles stated in this Section apply to all signs within the regulatory scope of this Chapter, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

- (a) **Permit Requirement.** Unless expressly exempted by a provision of this Chapter, or by other applicable law, signs within the regulatory scope of this Chapter may be displayed only pursuant to a permit issued by the City.
- (b) **Message Neutrality.** It is the City's policy to regulate signs in a constitutional manner, that is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.
- (c) **Regulatory Interpretations.** All regulatory interpretations of this Chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or wherever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.
- (d) **Substitution of Messages.** Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of the message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over any other noncommercial message. This provision does not create the right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message; and does not allow one particular on-site commercial message to be substituted for another without a permit.
- (e) **Rules for Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- (f) **Situs of Non-commercial Message Signs.** The onsite/offsite distinction applies only to commercial messages on signs.
- (g) **Property Owner's Consent.** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

- (h) **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter), or the ownership of sign structures.
- (i) **Sign Programs.** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the Approving Authority, may modify the rules stated herein as to sign size, height, number, illumination, spacing, orientation or other non-communication aspects of signs, but may not override or modify any of the Basic Policies stated in this Section. All the provisions of this Section shall automatically apply to and be deemed a part of any sign program after the date on which this provision is initially adopted.
- (j) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid, or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

### 305.03           **Applicability**

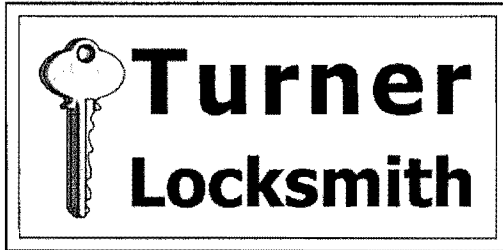
The requirements and development standards in this chapter apply to signs in all zoning districts, unless otherwise specified.

### 305.04           **Design Principles**

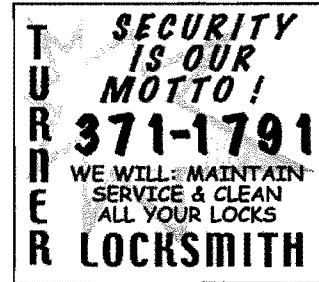
- (a) **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over "natural" boundaries or architectural features and obliterates parts of upper floors of buildings, or is detrimental to visual order is not permitted.
- (b) **Consistency with Area Character.** A sign shall be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. Where a sign is located in close proximity to a residential area, the sign shall be designed and located so it has little or no impact on adjacent residential neighborhoods.
- (c) **Legibility.** The proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.

FIGURE 305.04(C): LEGIBILITY OF SIGNS

This:



Not This:



This:



Not This:



- (d) **Finish.** Signs shall have finished edges with a clean, smooth, consistent surface. Lettering on the sign is to be of complementary size, proportion and font and either carved, routed, painted or applied.
- (e) **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.

**305.05 Exempt Signs**

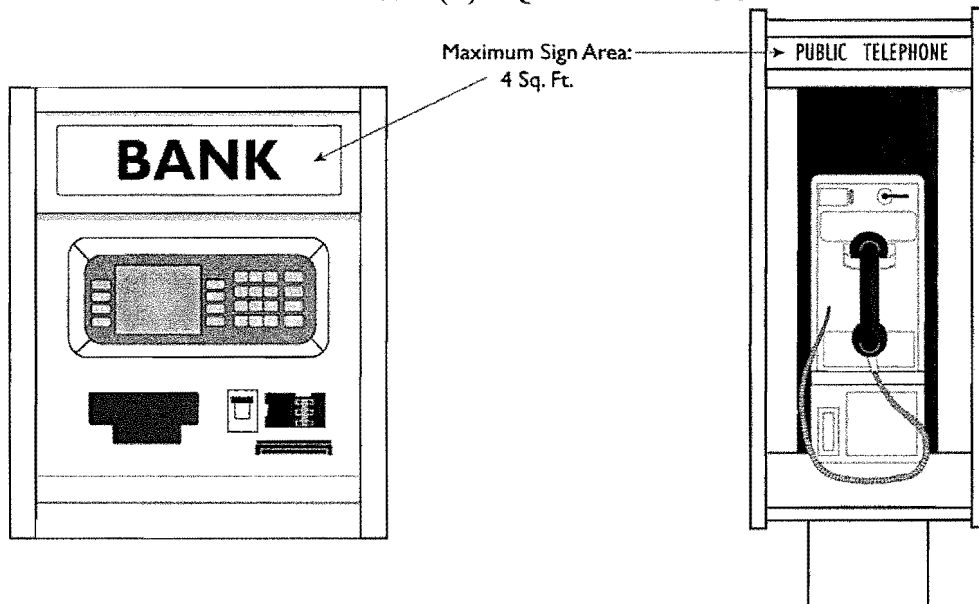
The following signs are exempt from the permit requirements of this chapter, and they do not count toward the total sign number or area limit for a site, provided that they conform to the specified standards and obtain building permits when required by law.

- (a) **Civic Signs.** Signs for historical or memorial buildings, when constructed of bronze or other incombustible materials or cut into any masonry surface and installed by a civic organization recognized by the City Council.
- (b) **Change of Business Signs.** A temporary attachment or covering of wood, plastic, or canvas over a permanent sign may be displayed no longer than thirty (30) days following the change of ownership or activity for which the sign is intended, or up to ninety (90) days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign.
- (c) **Construction Signs.** One (1) sign, with a maximum sign area of thirty-two (32) square feet, per street frontage on real property where construction, structural

alteration or repair is to take place, or is taking place. Construction signs shall be removed upon final building inspection.

- (d) **Equipment Signs.** Signs, not more than four (4) square feet in area, incorporated into displays, machinery or equipment by a manufacturer, distributor or vendor, such as signs customarily fixed to automated teller machines (ATMs), gasoline pumps, vending machines, menu boards and umbrellas.

FIGURE 305.05(D): EQUIPMENT SIGNS



- (e) **Flags.** Flags with the display of only noncommercial speech.
- (f) **Handbills.** Handbills, Advertising Circulars, Etc., must comply with the standards and licensing contained in Chapter 3, Article II, of the Porterville Municipal Code
- (g) **Identification Signs.** Signs on apartment houses, boarding or rooming houses or similar uses, not exceeding six (6) square feet in area.
- (h) **Information Signs.** Displays commemorating legal holidays, hours of operation, opened or closed, etc., not exceeding four (4) square feet in area.
- (i) **Name Plates.** Name plates and occupational signs denoting only the name and occupation of any occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area.
- (j) **Official Government Signs, Plaques, and Legal Notices.** Official notices issued by a court, public body or office and posted in the performance of a public duty; notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person given due legal notice; historical markers erected by a governmental body; or other signs required or authorized by law.

- (k) **Parking and Directional Signs.** On-site parking and directional signs for public or private developments, denoting the entrance, exit, and direction of traffic flow and not exceeding four (4) square feet in area per face, provided such signs are not prohibited or further regulated by other sections of this or any other ordinance of the City.
- (l) **Real Estate Offered for Sale, Rent or Lease (Off-site Directional).** Not more than one (1) off-site sign with a maximum size of twenty (20) square feet and a maximum height of eight (8) feet, Permission from the property owners of the site where the sign is placed is required. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental, or lease.
- (m) **Real Estate Offered for Sale, Rent or Lease (On-site).** Not more than one (1) on-site real estate sign with a maximum size of six (6) square feet (excluding rider signs no larger than a total of six (6) square feet) and a maximum height of six (6) feet in the R districts, and a maximum size of thirty-two (32) square feet and a maximum height of eight (8) feet in all other districts, shall be allowed per street frontage of a parcel. Such signs shall be removed within 5 days following close of escrow or finalization of sale, rental or lease.
- (n) **Reader Panels.** Permanent reader panels for public, charitable, or religious institutions provided said reader panels are located on the property to which such reader panels pertain and do not exceed twenty (20) square feet in total area per face nor more than ten (10) feet in height, and further provided said reader panels are located in such a manner as not to constitute a hazard to vehicular or pedestrian traffic. Electronic reader boards which otherwise comply with the signage requirements of the zone in which they are located, and do not include animation, characters, flashing, or similar rapid movements, and which are programmed to change messages no more frequently than once every three (3) seconds shall also be allowed as exempt signs for public, charitable or religious institutions.
- (o) **Sponsorship Signs.** One (1) sponsorship sign per business noting a business, which sponsors and contributes to the sports activities upon public premises, not to exceed thirty-six (36) square feet in area, per site shall be permitted for a period not to exceed ninety (90) days preceding the event or season. Such sign shall be removed within fifteen (15) days after the event or season.
- (p) **Transit Signs.** Bus stop flags and blades, passenger information, shelter, and bus stop bench advertisement displays as permitted by the Transit Advertising Policy.
- (q) **Warning Signs.** Non-commercial warning signs or no trespassing signs on private property posted no closer than one-hundred (100) feet apart nor exceeding two (2) square feet in area per sign.

### 305.06 Prohibited Signs

The following types of signs and devices are specifically prohibited:

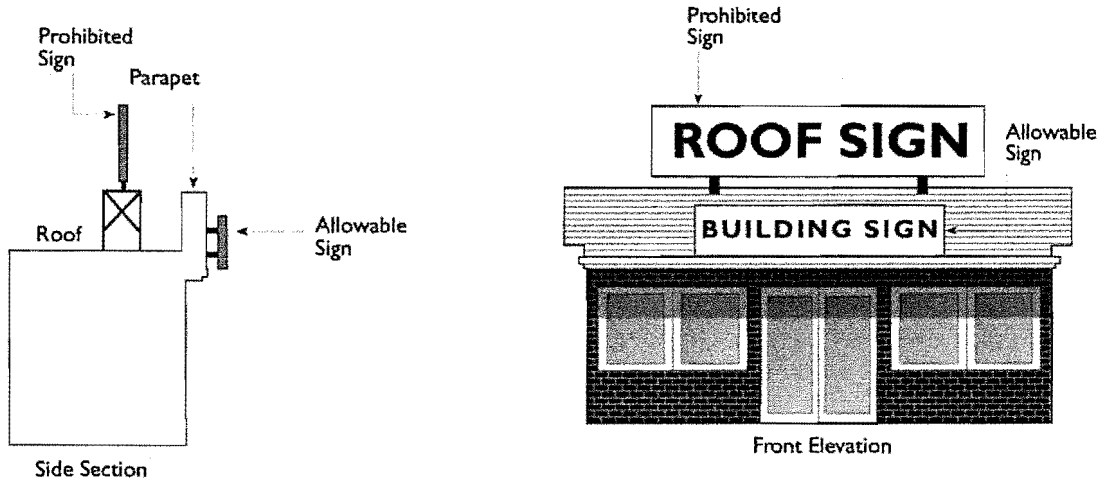
- (a) **Animated, Flashing or Moving Signs.** Signs that incorporate, flashing, moving, rotating, pulsating or intermittent lighting, with the exception of changeable copy

message center display signs and barber poles, except as allowed elsewhere in this chapter. Any sign that, because of brilliant lighting, interferes with the enjoyment of surrounding residential property or interferes with traffic, vehicular or pedestrian, is prohibited.

- (b) **Balloons, Banners, Streamers and Pennants.** Signs, balloons, banners, pennants, or any other advertising display constructed of cloth, canvas, light fabric, paper, cardboard, wallboard or other light materials, except awnings or as allowed for Automobile/Vehicle Sales and Leasing establishments, or in Section 305.11, Temporary Signs.
- (c) **Billboards.** Any sign directing attention to a business, service, or product that is not conducted, sold, produced, or offered by any use on the same lot, or which identifies by brand name a product which, although sold on the premises, does not constitute one (1) of the principal items for sale on the premises unless otherwise provided by the California Outdoor Advertising Act (Business and Professions Code Sections 5200 – 5486, inclusive).
- (d) **Emissions.** Signs that produce noise in excess of forty (40) decibels, excluding voice units at drive-through facilities, and signs that emit odor or visible smoke, vapor or particles.
- (e) **Fence Signs.** Signs attached or painted on fences or freestanding walls that are not part of a building, except for subdivision entry signs as allowed in Section 305.08 (b).
- (f) **Obscenities.** Signs that depict, describe or relate to “specified sexual activities” or “specified anatomical areas” as defined in Chapter 700, Terms and Definitions.
- (g) **Obstructions to Exits.** Signs erected, constructed or maintained which obstruct any firefighting equipment, fire escape, required exit or door opening intended as a means of egress, unless approved by the Fire Marshal.
- (h) **Obstructions to Driver Visibility.** Signs in corner cut-offs and lines of sight in accordance with the provisions of Section 300.16, Visibility at Driveways and Intersections.
- (i) **Obstructions to Ventilation.** Signs that interfere with any opening required for ventilation.
- (j) **Portable Signs.** Signs not permanently attached to, mounted upon or affixed to a building, structure or the ground, except as otherwise provided herein.
- (k) **Posters.** Posters of a temporary character that are tacked, painted, pasted or otherwise placed or affixed and made visible from a public way, on the walls of buildings, on barns, sheds, trees, fences, utility poles or other structures, sidewalks or patios, except as otherwise provided in this chapter. This section excludes signs placed in windows per Section 305.10 (e).

- (l) **Roof Signs.** Signs erected or painted upon, over or above the roof of a building or structure, or any sign affixed to the wall of a building so that it projects above the ridge line or top of parapet, except as allowed in this chapter.

FIGURE 305.06(L): ROOF SIGNS



- (m) **Signs Creating Traffic Hazards.** Signs that simulate in color, size or design any traffic control sign, signal or device, or that make use of words, symbols or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic. No sign, light or advertising structure shall be located in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, at any location where, by reason of the position, shape, color or movement may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (n) **Vehicle Displays.** Signs placed or displayed on vehicles parked in a conspicuous location with the primary purpose of on-site or off-site advertising of a commercial product or service, with the exception of vehicle identification signs.

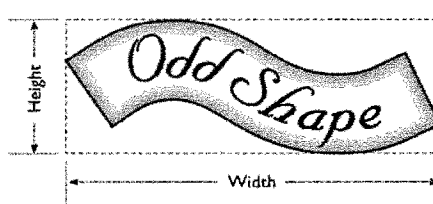
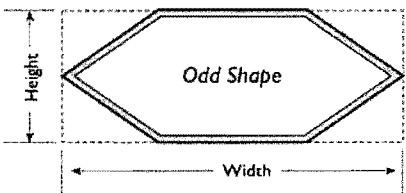
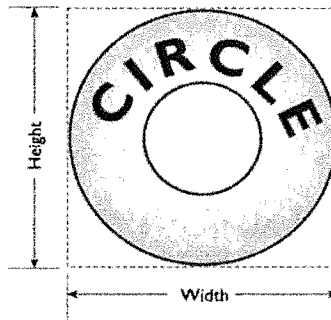
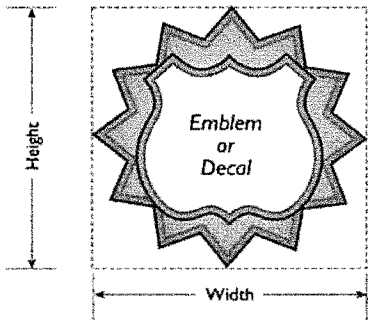
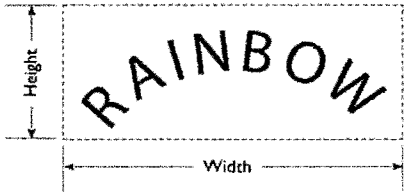
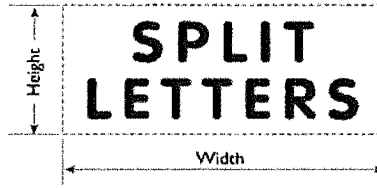
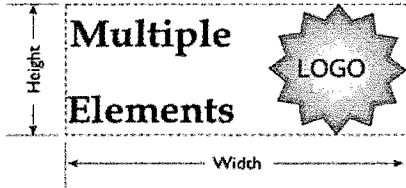
### 305.07 General Standards

This section establishes general physical standards and requirements. More detailed standards applicable to specific sign types (e.g. wall signs, awning signs) are in Section 305.10, Standards for Specific Sign Types. In addition to these general standards, all signs shall conform to the specifications of Municipal Code Chapter 3, Advertising and Signs.

- (a) **Maximum Allowable Sign Area.** All signs shall conform to the maximum area requirements specified in Table 305.09, unless a different limit is approved under a Master Sign Program.
- (b) **Measuring Sign Area.** Sign area includes the entire face of a framed sign, but does not include the supporting structure. Individual letters attached to a building shall be measured by the area enclosed by a continuous line outlining the perimeter of the words, emblems, and logos.

FIGURE 305.07(B): MEASURING SIGN AREA

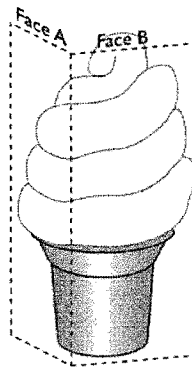
Sign Area = Height x Width



- (1) **Double-Faced Signs.** For double-faced signs, only one (1) side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.
- (2) **Multi-faced Signs.** The sign area of signs with three (3) or more sign faces shall be calculated as the sum of two (2) sign faces. Where the faces are not equal in size, the larger sign faces shall be used as the basis for calculating sign area.
- (3) **Three-dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides or sign faces.

**FIGURE 305.07(B)(3): THREE-DIMENSIONAL SIGNS**

Sign Area = Sum of Two Adjacent Sides



- (c) **Abandoned Signs.** Any sign, including its supporting structure, which no longer identifies the current occupant after a lapse of ninety (90) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located. When a wall sign is removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. Any signs not removed or made blank within this time shall be removed pursuant to the removal procedures set forth in this chapter.
- (d) **Building Frontage.** Building frontage shall be considered the wall of a building that faces and is roughly parallel with a public street, excluding an alley. The linear dimension of that building frontage shall be used to calculate allowable signage. Buildings with walls facing more than one public street shall be allowed signage for each building frontage in accordance with Table 305.09. Buildings located on interior lots (not on a corner) and that are oriented perpendicular to a public street shall be allowed signage based on the longer of the front or side building elevation. All, or a percentage, of the allowable sign area may be transferred to the other building elevations provided the sign area on any wall shall not exceed the maximum allowable for that wall in accordance with Table 305.09. For buildings that have no public street frontage, building frontage shall be determined by the Zoning Administrator.

- (e) **Changeable Copy.** Changeable copy shall cover no more than forty (40) percent of the total sign allowance for manually changeable signs. For electronic message center signs with copy that can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, the changeable portion of the sign shall cover no more than forty (40) percent of the total sign allowance. The following uses are exempt from this restriction: religious institutions, cinemas, government or civic signs, gas price signs at gas stations, indoor theaters, schools, and colleges.
- (f) **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines. Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
- (g) **Construction and Maintenance**
  - (1) Unless exempt, signs and supporting structures shall be installed in accordance with the latest adopted Building Code.
  - (2) All signs, together with all supporting structures, shall be maintained in the following manner:
    - a. Signs shall be kept free of rust, dirt and chipped, cracked or peeling paint.
    - b. All hanging, dangling, torn or frayed parts of signs shall be promptly repaired, and graffiti and unauthorized attachments shall be removed.
    - c. Failed, damaged, or blinking illumination shall be promptly replaced.
    - d. Sign areas shall be kept free and clear of all noxious substances, rubbish and weeds.
    - e. Discolored or faded panels on plastic faces shall be restored to their original condition and color.
- (h) **Encroachment into Public Street or Sidewalk.** Any sign projecting into a public right of way requires an encroachment agreement approved by the City Engineer.
- (i) **Illumination.** Channel letters, internally illuminated signs and neon signs are permitted. Bare bulbs visible from the public right of way are prohibited. On signs with external illumination, lights shall be provided with proper reflectors to concentrate the illumination on the area of the sign to prevent glare on the street or adjacent properties. All sign illumination shall adhere to the performance standards for lighting and glare in Chapter 306, Performance Standards.
- (j) **Materials.** Paper, cardboard, untreated plywood and other materials subject to rapid deterioration shall be limited to signs displayed for no more than (30) days

**305.08 Sign Standards for Residential Districts**

- (a) Religious facilities, multi-family residential projects, schools, civic uses and other nonresidential uses in R districts are allowed one (1) building-mounted sign and one (1) monument sign with a maximum cumulative sign area of thirty-two (32) square feet.
- (b) Residential subdivisions are allowed one (1) monument sign or wall sign per street frontage for entry into the subdivision. Each sign shall not exceed a maximum size of thirty-two (32) square feet.

**305.09 Sign Standards for Non-Residential Districts**

Signage in non-residential districts shall comply with the standards in Table 305.09 unless a different sign area allowed for a specific use is described elsewhere in this code. Buildings without clearly defined tenant space frontage shall share total sign area allowed per building as determined in Table 305.09. All properties in non-residential districts shall be allowed a minimum sign area of twenty (20) square feet.

<b>Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS</b>		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
DR-N, D-MX	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-PO	2	Awning and canopy
		Projecting
		Monument
		Window
D-PS	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Window
DR-D, DR-S	2	Awning and canopy
		Marquee
		Projecting
		Wall
		Window
D-GC	2	Awning and canopy
		Marquee
		Monument
		Projecting
		Wall
		Window

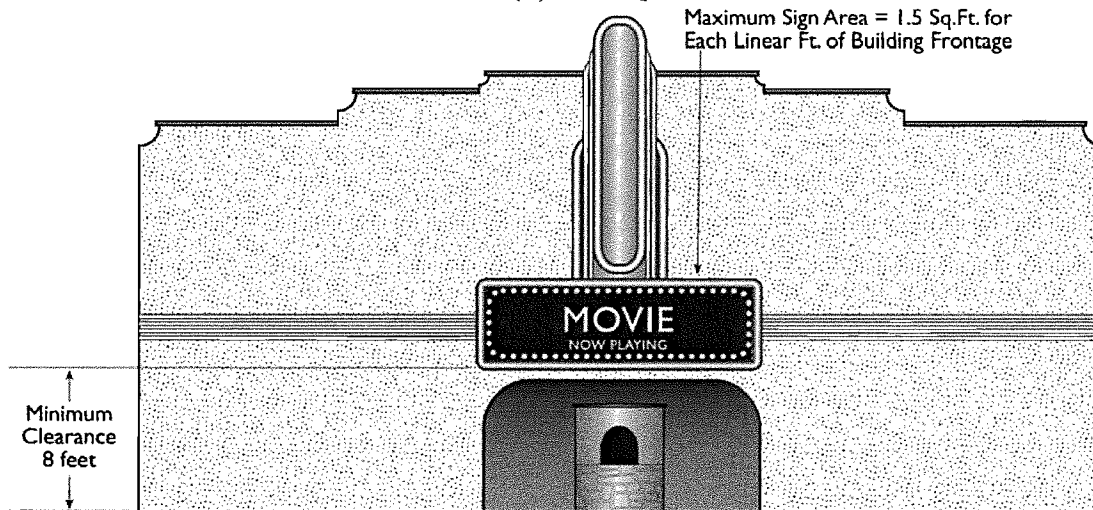
<b>Table 305.09: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICTS</b>		
<i>Zoning Districts (Frontage)</i>	<i>Sign Area Allowed (Sq. Ft. Per 1 Linear Ft. Of Building Frontage)</i>	<i>Permitted Sign Types</i>
CMX, CN, PO	1.5	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
CG, CR	3	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
IP, IG, IA	2	Awning and canopy
		Marquee
		Monument
		Freestanding
		Projecting
		Wall
		Window
REC, PK, PS	2	Awning and canopy
		Monument
		Freestanding
		Projecting
		Wall

**305.10 Standards for Specific Types of Signs**

- (a) **Awning and Canopy Signs.** Signs painted on awnings, canopies, arcades, or similar attachments or structures are allowed. Awning and canopy signs are subject to the specific zoning district standards and the following standards:

- (1) **Maximum Sign Area Per Awning or Canopy Sign:**
    - a. Downtown, CMX, and CN districts: twenty-four (24) square feet
    - b. CG, CR, and Employment districts: sixty (60) square feet
  - (2) **Sign Clearance.** Minimum of eight (8) feet.
  - (3) **Height Limit.** Twenty-five (25) feet.
  - (4) **Number of Signs.** Four (4) maximum per building façade, which includes any wall signs.
- (b) **Marquee Signs.** A sign permanently affixed to a marquee is allowed in conjunction with theaters, museums, galleries, and similar uses. Removable copy may be changed on the face of permitted marquee signs without securing a permit. Marquee signs are subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) marquee sign per site.
  - (2) **Maximum Sign Area Per Sign:** One and one-half (1.5) square feet per linear foot of building frontage.
  - (3) **Sign Clearance.** Minimum of eight (8) feet.

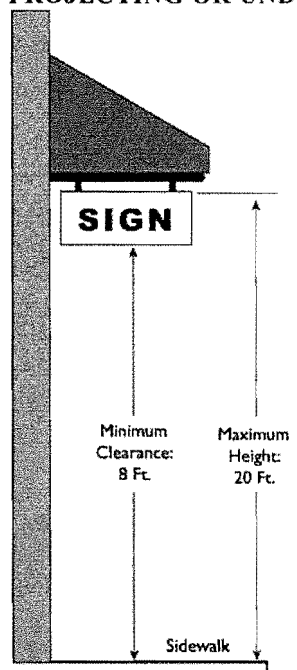
FIGURE 305.09(B): MARQUEE SIGNS



- (c) **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from the building wall are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) projecting sign per building façade or tenant space frontage.
  - (2) **Maximum Sign Area Per Sign:** Sixteen (16) square feet; except the maximum sign area per sign is eight (8) square feet when the sign is located under a canopy or awning.
  - (3) **Sign Clearance.** Minimum of eight (8) feet.

- (4) **Height.** A projecting sign shall be erected in such a manner as not to create a traffic hazard to vehicles or pedestrians. Projecting signs shall not extend higher than twenty (20) feet above ground level or above an eave or roof, whichever is lower.
- (5) **Projection**
  - a. A projecting sign cannot extend more than three (3) feet from the building to which it is attached.
  - b. An under-canopy sign, attached to and hanging from an awning or canopy shall be located completely under the canopy or awning and shall not project beyond its edge. An under-canopy sign shall not count towards the sign area allowed.

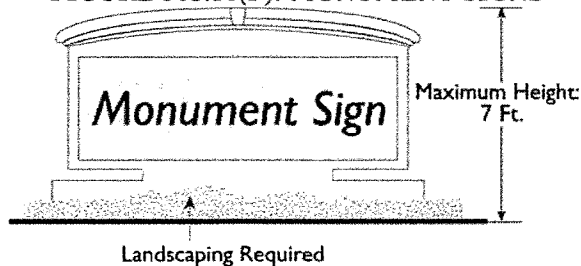
FIGURE 305.10(C): PROJECTING OR UNDER-CANOPY SIGNS



- (d) **Wall Signs.** Wall signs include any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a parapet or mansard roof. Wall signs attached to the fascia shall be channel letters and shall be architecturally consistent with other signage in the development. No wall sign may cover wholly or partially any required wall opening. Wall signs are also subject to the specific zoning district standards and the following standards:
  - (1) **Maximum Number of Signs.** Four (4) maximum per building façade or tenant space frontage, which includes any awning or canopy signs.
  - (2) **Maximum Sign Area Per Sign:** Three hundred (300) square feet.

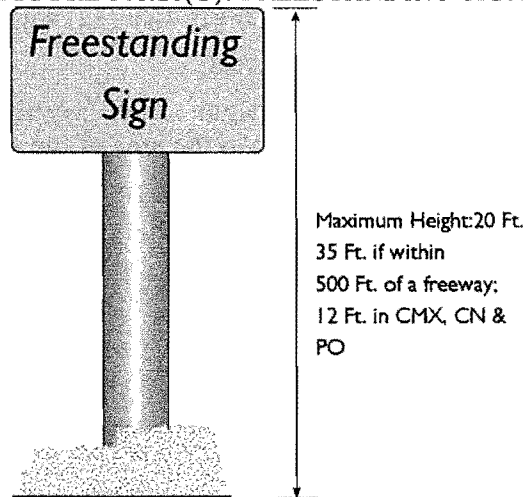
- (3) **Height.** Wall signs shall not be mounted or placed higher than the second story and shall not extend higher than the building wall upon which they are attached.
  - (4) **Coverage.** Wall sign copy shall not occupy more than seventy-five (75) percent of the length of the wall to which the sign is attached.
  - (5) **Projection.** Wall signs cannot extend more than twelve (12) inches beyond the face of the wall to which they are attached.
  - (6) **Design.** Wall signs shall be oriented to achieve balance composition and harmony with other architectural elements of a building façade.
- (e) **Window Signs.** Window signs painted or otherwise adhered directly onto a window are exempt from the permit requirements of this chapter and do not count towards the total sign area limit for a site, but are subject to the specific zoning district standards and the following standards:
- (1) **Coverage.** Window signs shall cover no more than fifty (50) percent of the total glass window area along each building façade.
  - (2) **Height.** Window signs shall not be mounted or placed on windows higher than the second story.
- (f) **Monument Signs.** Freestanding signs erected on the ground or on a monument base designed as an architectural unit are allowed, subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs.** One (1) monument sign per frontage per site.
  - (2) **Maximum Sign Area Per Sign:**
    - a. D-PO, D-PS, D-GC, CMX, and CN districts: thirty-two (32) square feet.
    - b. CG, CR, and Employment districts: sixty (60) square feet
    - c. PS, REC and PK districts: thirty-two (32) square feet.
  - (3) **Height.** A maximum of seven (7) feet.
  - (4) **Landscaping.** All monument signs shall require automatic irrigated landscaping at the base equivalent to the area of the sign copy.

FIGURE 305.10(F): MONUMENT SIGNS



- (g) **Freestanding Signs.** Freestanding signs are allowed subject to the specific zoning district standards and the following standards:
- (1) **Maximum Number of Signs:** One (1) freestanding sign per site.
  - (2) **Allowable Sign Area Per Sign.** The area of any freestanding sign shall be included in the maximum allowed sign area per Table 305.09.
  - (3) **Architectural Treatment.** Freestanding signs shall be architecturally compatible in style, finish and color with the adjacent building or development. Structural supports, poles, angle bars, iron pipes, I-beams or similar structural members shall be architecturally encased with finished metal cladding, stucco, or similar material at least one foot in diameter, subject to approval by the Zoning Administrator as to proportion and architectural compatibility.
  - (4) **Landscaping.** Freestanding signs shall be placed within a landscaped planter with at least twenty-four (24) square feet of planting area. As a condition of any permit for a pole sign, additional landscaping of the property may be required where needed to better integrate sign appearance with the site through scale and softening effects.
  - (5) **Height**
    - a. A maximum of twenty (20) feet; thirty-five (35) feet within five hundred (500) feet of a freeway right of way. Pole signs shall have a minimum clearance of fourteen (14) feet over parking lots and driveways, and eight (8) feet over interior pedestrian walkways.
    - b. A maximum of twelve (12) feet in the CMX, CN and PO zone districts.
  - (6) **Projection.** Freestanding signs shall not project beyond the property line.

**FIGURE 305.10(G): FREESTANDING SIGNS**



(h) **Other Sign Types**

- (1) **Center Identification Signs.** Center identification signs may be erected in the Commercial and Employment districts, subject to the following limitations:
  - a. *Allowable Areas.* The center shall consist of a commercial or industrial development with an integrated site and design plan creating a single unified development with three (3) or more uses.
  - b. *Area Not Counted.* The area of the sign shall not count towards the sign area allowed for the individual tenant space or building on the lot.
  - c. *Sign Area Allowed.* The maximum sign area may be no more than one (1) square foot for each linear foot of street frontage, but in no case shall the total sign area exceed two hundred (200) square feet. If more than one (1) entrance to the lot exists, the maximum sign area permitted will be divided among the number of entryways and signs requested.
  - d. *Sign Height.* The maximum sign height shall not exceed twenty (20) feet in the CMX, CN and PO zone districts; thirty-five (35) feet in all other Commercial and Employment zone districts.
  - e. *Sign Base.* The sign base is to be located within a planter box or planting area at least twenty-four (24) square feet in area and the design and location is to be approved by the Zoning Administrator.
- (2) **A-Frame/Sandwich Board Signs.** Temporary, portable A-frame or sandwich board signs may be erected in all nonresidential zone districts, subject to the following limitations:
  - a. *Area Not Counted.* The area of the sign shall not count towards the permissible sign area of the individual lot.
  - b. *Maximum Number of Signs.* One (1) A-frame/sandwich board sign per tenant space.
  - c. *Maximum Sign Area.* The total sign area shall not exceed a maximum of six (6) square feet per side.
  - d. *Location.* Such sign may encroach into the right of way up to two (2) feet from the property line provided there remains a five (5) foot wide walkable area when the sign is in place.
  - e. *Removal.* Such sign is to be removed during non-operational hours.

**305.11 Temporary Signs**

The following types of temporary signs are permitted, provided that they conform to the standards of this section:

- (a) **Commercial Banners, Handheld Signs, Portable Signs and Inflatable Signs:** Banners, handheld signs, portable signs and other similar temporary advertising devices shall be prohibited, except for business openings, special events,

promotional events and signs advertising a subdivision being developed in the City and are subject to the following:

- (1) A temporary sign permit shall be secured prior to the installation or display of any such sign. Issuance of a temporary sign permit may be contingent upon the overall permissible area available for temporary signs within a geographic area as identified in subsection (a)(6) of this section. In addition, the application would be reviewed in light of other temporary sign permit applications submitted for the same area, which may put such signs in conflict with subsection (a)(6) of this section.
  - (2) A temporary sign permit shall be granted for any one business or building for a period of three (3) calendar months. A temporary sign permit shall authorize the business to display a banner, handheld sign, portable sign or inflatable sign for the duration of the sign permit. A maximum of two (2) such signs may be permitted with a single application.
  - (3) No more than one temporary sign permit shall be in effect simultaneously for any business.
  - (4) Each business shall be limited to a maximum of four (4) temporary sign permits in any calendar year. A temporary sign is not intended to be in lieu of a permanent sign. A temporary sign permit shall not be permitted longer than one (1) year before a permanent sign is installed.
  - (5) Each business shall be limited to a maximum of one temporary sign permit for the purpose of advertising a "going out of business sale," or the equivalent in any calendar year.
  - (6) Unless otherwise authorized by a master sign program, freestanding temporary signs for multiple tenants of any one building, shopping center, office complex, or unified development shall be separated by a minimum of one hundred (100) feet.
  - (7) All banners, regardless of their ratio allowance of signage to linear building frontage, shall not exceed forty (40) square feet in size.
  - (8) A-frame signs are not considered temporary and as such do not apply to this section.
  - (9) No temporary sign shall be mounted on or above roofs or mansards or otherwise extend above a parapet wall or ridge line of a structure.
- (b) **Non-commercial Message Signs on Residential Uses.** On residential uses, non-illuminated temporary signs displaying non-commercial messages, with the size restrictions as specified in (c) below may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary or runoff election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.
- (c) **Non-commercial Message Signs on Commercial, Business, Industrial and Manufacturing Uses.** On commercial, business, industrial, and manufacturing uses, non-illuminated temporary signs displaying non-commercial messages, with

the size as specified below, may be displayed at any time. However, during the period of time beginning sixty (60) days before a general, special, primary, or run-off election, and ending fifteen (15) days after such election, the amount of display area may be doubled. Flags do not count toward the signage allowed under this provision.

- (1) **Permission Required.** Such temporary signs may be erected or placed on private property or in the public right of way provided that the permission of the legal owner, or in the case of public right of way the owner or tenant of that property immediately adjacent to the public right of way where the sign is placed, is first obtained. Said signs shall not require a sign permit.
  - (2) **Prohibited Locations**
    - a. Any location that would constitute a hazard to vehicular and pedestrian traffic.
    - b. Attached to any pole or structure supporting a traffic control sign or device, street tree or fire hydrant.
    - c. Placement within or on a roadway or on the sidewalk.
    - d. Within the public right-of-way abutting any public property including parklands or within City maintained landscaped parkways within public right of way.
  - (3) **Size Limitations in a Residential Zone District.** The following size limitations apply:
    - a. Four (4) square feet when located on private property with frontage on a local street as designated in the General Plan.
    - b. Eight (8) square feet when located on private property with frontage on an Arterial or Collector Street as designated in the General Plan.
  - (4) **Size Limitations in a Non-Residential Zone District.** The following size limitations apply:
    - a. Sixteen (16) square feet when located on private property.
    - b. Four (4) square feet when located within the public right of way.
  - (5) **Violations.** Violation to any of the above regulatory conditions shall be deemed a public nuisance and may be summarily abated as such; and each day that such violation continues shall be regarded as a new and separate offense.
- (d) **Subdivision Signs.** Signs advertising a subdivision being developed in the City are subject to the following requirements:
- (1) **On-Site Signs.** One (1) sign per street frontage with a maximum of three (3) temporary real estate subdivision signs may be permitted on the subdivision site in accordance with the following:
    - a. **Maximum Sign Area.** The maximum sign area may be no more than one hundred (100) square feet (total of all signs).

- b. *Height.* A maximum of ten (10) feet
  - c. *Duration.* Subdivision signs shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.
  - d. *Letter of Agreement.* A Letter of Agreement from the property owners giving the City right of entry to remove signs in the event the above stipulations are not complied with shall be submitted to the Zoning Administrator prior to the issuance of a sign permit. If at any time the property on which the signs are located is sold, the signs shall be removed, or a new Letter of Agreement shall be submitted from the buyer to permit the signs to remain and granting the City right to enter the property and remove the signs.
- (2) *Off-Site Signs.* Up to four (4) off-site directional real estate subdivision signs directing traffic to open houses and subdivisions involved in real estate sales may be permitted in any zone, provided that:
- a. *Maximum Sign Area.* The maximum sign area per sign may be no more than thirty-two (32) square feet.
  - b. *Height.* A maximum twelve (12) feet.
  - c. *Duration.* Said signs and advertising structures shall be removed twenty-four (24) months from the date the permit for same is issued, or when the last lot of the subdivision has been sold for the first time.
  - d. *Consent of Landowner.* A completed application form, including a notarized affidavit signed by each property owner of each site is required prior to issuance of a sign permit.

### **305.12 Permits Required; Review Process**

- (a) **Authority.** Unless otherwise stated, the Zoning Administrator shall review and approve all signs as specified in this chapter.
- (b) **Applicability.** Except for certain signs exempted in compliance with Section 305.05, Exempt Signs, no sign shall be erected, re-erected, constructed or altered (excluding change of copy on a can or cabinet sign) without Zoning Administrator approval and a building permit is issued by the Building Division.
- (c) **Applications for Filing, Processing and Review**
  - (1) *Applicant.* Sign owners or their designees shall apply for Building Permits for signs that require them.
  - (2) *Filing and Filing Fee.* Application for such permits shall be made upon forms furnished by the Zoning Administrator and accompanied by the required fee and working drawings adequate to show the location, construction and design, including colors, materials, lighting, electrical elements, and advertising copy, of the sign in accordance with applicable sign design guidelines and the linear footage of building frontage owned or leased by the business

(3) **Compliance with Standards.**

- a. Upon acceptance of a sign application, the Zoning Administrator shall review the request for compliance with the locational and operational standards identified in this chapter, and with any standards established in a Master Sign Program pursuant to Section 305.13, Master Sign Program.
  - b. The Zoning Administrator's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.
- (d) **Appeals.** Decisions by the Zoning Administrator may be appealed subject to the provisions of Chapter 612, Appeals.

**305.13 Master Sign Program**

- (a) **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance. It is not the intent of this section to be used solely to request relief from the sign regulations in order to circumvent any requirements or purpose of this chapter.
- (b) **Applicability.** A Master Sign Program may be processed for any development. However, shown below are examples of when a Master Sign Program may be most appropriate:
  - (1) Nonresidential developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities (e.g., shopping centers, malls, office complexes and industrial parks); or
  - (2) Developments with multiple structures with limited frontage or no frontage on a public street; or
  - (3) Businesses conducted primarily outside of a building; or
  - (4) New multi-family residential developments of one hundred (100) or more units, or
  - (5) Other developments where the strict application of the sign code unduly restricts the allowable signage that can be located on the parcel.
- (c) **Application.** Master Sign Program applications shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of total allowed sign area, and total proposed sign area, for the site.
- (d) **Allowable Modifications.** A Master Sign Program may provide for additional sign area and other deviations from the standards of this chapter, provided that the

Master Sign Program is consistent with the sections on design principles and general standards.

- (e) **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator, unless the signs are associated with a project that requires City Council review and approval; then the City Council shall review and approve it as part of the overall project approval.
- (f) **Required Findings.** In order to approve a Master Sign Program, the decision-making body shall find that all of the following are met, in addition to other applicable regulations in this section:
  - (1) The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
  - (2) Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification;
  - (3) Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access; and
  - (4) Use of the Master Sign Program provides a more desirable functional and aesthetic appearance than would otherwise be provided by standard code requirements.
- (g) **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.
- (h) **Revisions to Master Sign Programs.** Revisions to an approved Master Sign Program shall be approved by the Zoning Administrator.

#### **305.14 Nonconforming Signs**

- (a) All legal nonconforming signs are permitted to remain unless they are subject to a permit condition or development agreement providing for their removal after a fixed period of time.
- (b) Any changes to legal nonconforming signs or their structures in terms of location, orientation, size, or height other than routine maintenance and repair or change of sign copy shall require the signs to be brought into conformance with this chapter.
- (c) A legal nonconforming sign loses its legal nonconforming status when the activity, product, business, service, or other use which was being advertised has ceased or vacated the premises for one hundred eighty (180) days, at which time it shall be considered an abandoned sign, subject to the requirements of Section 305.07(c), Abandoned Signs.

### 305.15 Abatement and Removal of Illegal Signs

- (a) **Authority to Abate.** The City has the authority to abate illegal and abandoned signs.
- (b) **Illegal Signs in the Public Right-of-Way.** Illegal signs posted in the public right-of-way or upon public property may be removed by the Zoning Administrator or officer without notice or hearing. Signs shall be retained by the City for a period of not less than thirty (30) days if identifiable. Thereafter, any unclaimed signs may be discarded.
- (c) **Recovery of Costs.** When the City is required to remove illegal or abandoned signs in compliance with this chapter, the reasonable cost of the removal may be assessed against the owner of the sign(s).
- (d) **Sign Removal**
  - (1) Any sign, including its supporting structure, which no longer identifies the current occupant or products currently sold, or which otherwise fails to serve its original purpose, or is not maintained in a safe, presentable, and good condition, including the replacement of defective parts, painting, repainting, and cleaning, shall be removed by the owner of the property within 30 calendar days after written notice to do so from the Building Division.
  - (2) Any sign which the Building Division establishes as unsafe or unsecure shall be corrected or removed, together with all supporting structures, by the owner of the property upon which the sign is located within thirty (30) days after written notice by the Building Division.
  - (3) Such notice shall state the location of the sign, the nature of the violation, and/or the manner in which the sign constitutes a public nuisance. The notice also shall require the removal or other abatement of the sign before the date specified in the notice. Further, the notice shall state that failure to comply may result in the removal of the sign by the City and that the cost of such removal may be imposed on the owner of the property. The notice shall also include instructions for the filing of an appeal of the determination of the Zoning Administrator that the sign is in violation of this chapter or constitutes a public nuisance. Such notice shall be served by posting on the property on which the sign is located and by registered or certified mail delivery, postage prepaid to the owner of the property, and, if known, the owner of the sign.
  - (4) After the periods specified in paragraphs (1) and (2) above, the Building Division may cause such sign to be removed, and the cost of such removal shall become a lien against the property.
  - (5) If a hazardous condition exists, the condition shall be corrected forthwith upon notice by the Building Division.

If an appeal is received prior to the date specified in the notice, abatement proceedings shall be suspended, and any deadlines shall be suspended, pending the outcome of such appeal.



CITY COUNCIL AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: ASSISTANCE OPTIONS RELATED TO PROVISION OF WATER WITHIN COUNTY ISLANDS

SOURCE: Community Development Department – Planning Division

HISTORY: At a series of meetings through the fall of 2014, the City Council addressed and updated policies and procedures for annexation and municipal services. The Council identified the need to more proactively monitor extension of services outside the city limits and, with the new policy, required that annexation be attempted prior to approval of an Extraterritorial Service Agreement where such annexation is feasible.

In light of new policy and procedures, the extension of municipal services such as water into an area qualified as an island per Gov't Code Section 56375.3 can only be approved after annexation. The city of Porterville hosts the greatest number of unincorporated islands in Tulare County. At the Local Agency Formation Commission (LAFCo) meeting of February 4, 2015, the Commission approved a modification requested by the City of Porterville in concert with the recent annexation policy update. The modification to *Policy C-9: County Islands* redefined "substantially surrounded" from 65% surrounded to 51% surrounded. The city of Porterville now has six new areas that are considered islands per the provisions of Gov't Code §56375.3, for a total of 23 eligible islands, at a total of 773.4 acres. There are other substantially surrounded areas adjacent to or wholly surrounded by city limits, but those do not meet all the criteria of Gov't Code §56375.3.

In the recently approved Municipal Services Review (Tulare LAFCo, October 1, 2014), LAFCo recommended that the City continue to pursue the annexation of the remaining County islands, as administratively feasible, to establish a more definitive and organized city limit boundary. It was to assist in this goal that LAFCo approved the recent modification to Policy C-9.

COMMENT: In light of the City's and LAFCo's policies, any property within an island is required to annex prior to provision of water. Staff is noting an increased number of residents asking about how to initiate the process because they want to connect to City water before summer, and are anticipating that their wells are nearly dry. Staff has prepared cost breakdowns for individual property owners, and the most expensive component of the required process in each case is the California Environmental Quality Act (CEQA) document preparation, which is over half the total cost of annexation. Estimated at \$8,000 to \$10,000 for document preparation, this isn't considered terribly expensive as far as environmental compliance documents go, but is far more than an average property owner is able to pay.

DD JB Appropriated/Funded MB CM J Item No. 20

Looking for ways to reduce costs, staff has determined that efficiencies could be found to address all islands together, either for preparation of a single environmental document or by grouping islands into a smaller number of total applications. One resulting question then becomes how to share the cost of the document preparation and/or applications among parties that may not submit applications at or near the same time.

APPROACH: Staff has defined some conceptual approaches for Council's consideration. All concepts assume that the Council agrees that one environmental document can be prepared to address all eligible islands. Additionally, it is very important to note that all concepts exclude the six islands identified in the East Porterville area. The reason for this is that the City continues to work with the State to find funding to provide a new water source, either a well or otherwise, with the intent to identify a permanent solution to East Porterville's water problem. In order to avoid jeopardizing the coordination with the State, East Porterville must remain unincorporated. Until such time that the State and the City are able to work out an arrangement to provide a permanent solution to the water problem in East Porterville, it is recommended that the City defer possible annexation in that area.

The potential alternatives for assisting 17 remaining eligible islands, totaling approximately 675 acres, are as follows:

1. Establish a reimbursement agreement for CEQA costs. This option would function similar to how Public Works coordinates a reimbursement agreement for infrastructure, such as sewer trunk lines. A developer is required to fully fund extension of the trunk line, and then adjacent property owners benefitting from (connecting to) the trunk line within a defined time frame pay a proportional share that goes back to the initial developer.

This method would require the first annexation applicant to come up with the money - approximately \$10,000 to \$12,000 including County and State filing fees. In turn, any future island annexation application would pay a portion back to the initial applicant. With this option, rather than look at each island area individually, it would be best to group islands in an efficient manner to limit the number of shares - increasing the chances that all shares would be reimbursed. For example, the 17 eligible islands could be grouped into five applications, so the first person would pay in full, then the next would repay 1/5<sup>th</sup> the cost, the next 1/5<sup>th</sup>, etc. The risk to the initial applicant is that the City does not require island annexations unless property owners are requesting service, so the other shares may never materialize.

2. City Funded CEQA Document - For Reimbursement. If the Council chooses to fund the CEQA document, a fee could be established that applies only to eligible islands, and those future applications for annexation would reimburse the City as applications are submitted. It should be noted that environmental documents aren't valid forever. In time, CEQA laws change, physical settings

change, and the document may only be good for one to ten years before it needs to be updated.

3. City Funded CEQA Document – Without Reimbursement. Similar to Concept #2, the Council could choose to fund the CEQA document and not establish a fee for reimbursement. Supporting this concept is the fact that effort required to establish a fee and then monitor for reimbursement has an associated administrative cost of its own, which may not be that much less than the cost to pay for the subject environmental document. The same cautions apply here as in Concept #2: environmental documents aren't valid forever, and the document may only be good for one to ten years before it needs to be updated.
4. City Funded Island Annexation Effort. Similar to the effort undertaken in 2006, the City could select to initiate the annexation of all applicable islands. One concern here is that being annexed entitles property owners to water and other municipal services such as police and fire protection. It is relevant to note that a water study to identify the City's available water resources is still a few months from completion. That said, approximately 70% of those developed properties in the subject islands are already connected to City water, due to the City's past acquisition of private water systems.

Because the City would not be subject to its own fees, an annexation effort of this magnitude could be completed within five applications for a total estimated cost of \$70,000, which includes preparation of environmental documents, maps and legal descriptions, LAFCo application fees, and Board of Equalization fees. While this cost certainly must be considered, it is in the City's ultimate best interest to annex properties that receive municipal services, as well as gain the Utility Users Tax and property tax revenue for those properties. There is, arguably, a public benefit to proceeding with the annexation of these areas.

A reimbursement fee could be charged for those areas within islands still not yet connected to city services, if so desired. While such options would not result in full cost recovery, it would offset the City's initial expenditure. Conversely, the expense of establishing and monitoring such fees may make any reimbursement negligible. If so desired, staff could identify options related to this concept for consideration at a future meeting.

While annexation of already developed and distressed areas is an understandable concern, much of the time the City is already fiscally responsible for the infrastructure and services within those areas. Staff's position is that the most effective solution to the needs of the developed unincorporated communities within and surrounding the city limits is to annex the areas and manage land uses to the standards expected of the City of Porterville.

**RECOMMENDATION:** That the City Council consider the concepts outlined and provide direction to staff.

ATTACHMENTS:

1. Resolution 74-2014 defining objectives and policies for annexations and municipal services
2. Resolution 75-2014 establishing procedures for annexations and extension of municipal services
3. Map of eligible islands
4. Government Code Section 56375.3

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

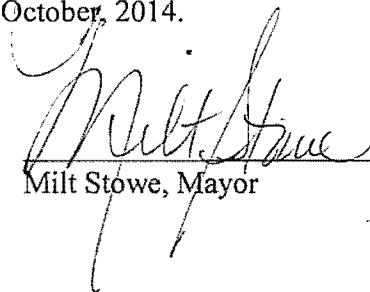
BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

**ATTACHMENT  
ITEM NO. 1**

2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 75 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF  
MUNICIPAL SERVICES

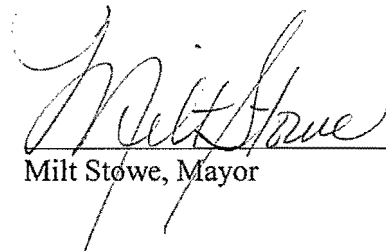
WHEREAS: The City Council of the City of Porterville, acknowledging that over time policies and procedures must be evaluated and reconsidered in light of changes to the regulatory environment and physical setting of the community, adopted a resolution defining objectives and policies for annexations and municipal services; and

WHEREAS: The evaluation of applications and service requests has long been delegated to staff, a practice that has the potential to lend itself to inconsistent implementation of succinctly defined procedures; and

WHEREAS: Local, regional, and state laws have changed since the Council's last review of policies and procedures related to annexations and extension of municipal services.

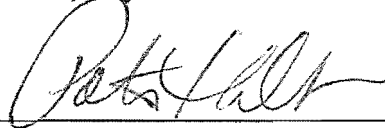
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define procedures to submit application for annexations and municipal services, and to have said application(s) processed as outlined in Exhibit "A," attached.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

**ATTACHMENT  
ITEM NO. 2**

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

## **ANNEXATION APPLICATION PROCEDURE**

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement (to be enacted only in the event of failed annexation attempt), Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCo staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the Development Agreement.

## **ANNEXATION EXEMPTION PROCEDURE**

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single-family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

**EXHIBIT A**

## EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, application for Development Agreement, and other materials as required with those applications respectively.
2. General Plan Consistency:
  - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
  - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and Covenants:
  - a. A Development Agreement must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's expense.
  - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's expense.
4. Time Limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections which necessitate the extension of one or more municipal facilities to property in order to make such connections shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and, as such, an extraterritorial service request cannot be denied; however, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council to approve an extraterritorial service connection:

- That the subject property is a previously developed single-family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.




## **EXEMPTIONS AND EXCEPTIONS**

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining



to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

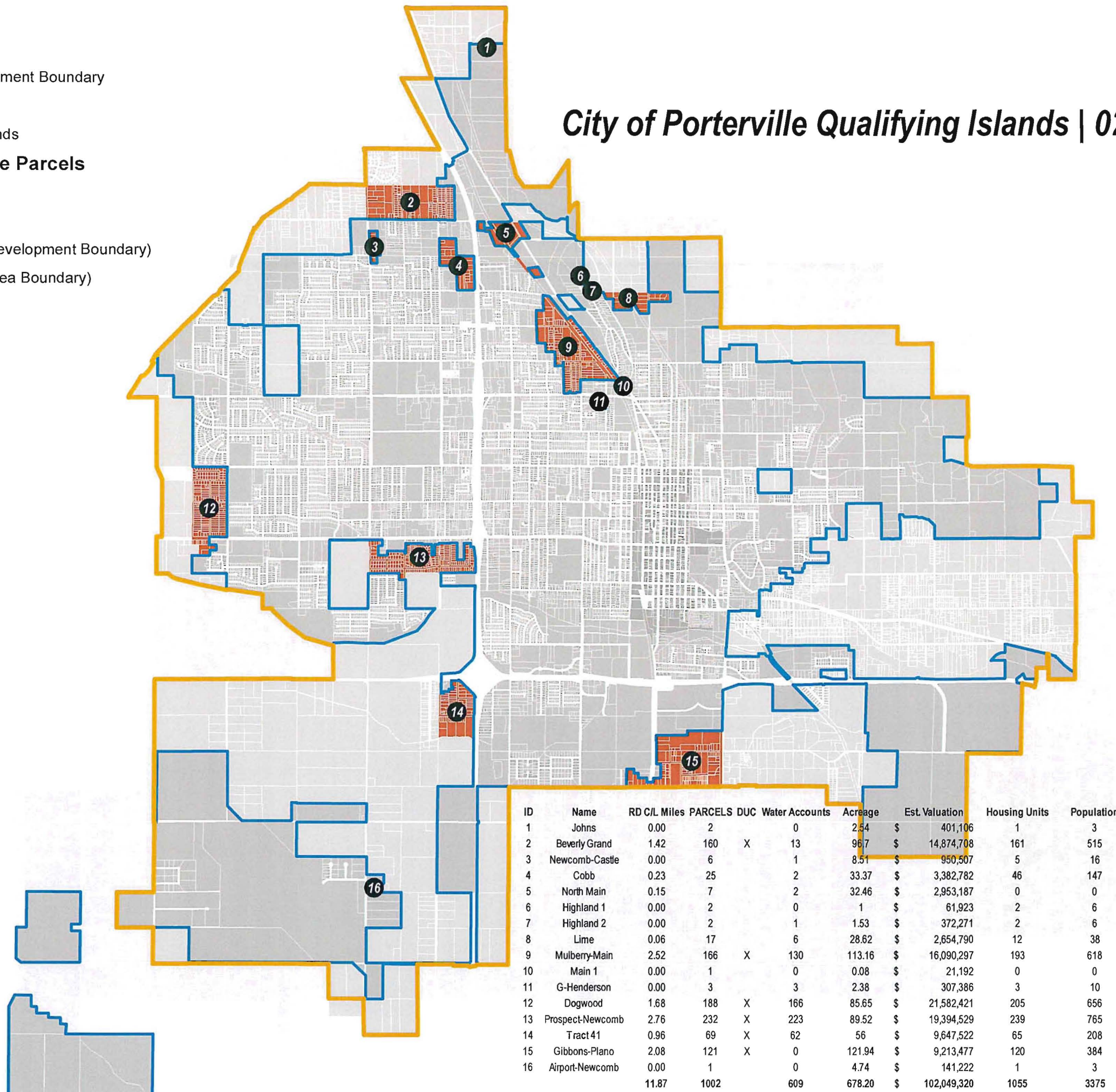
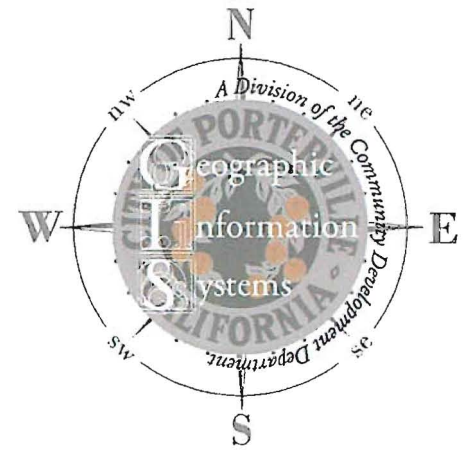
**Legend**

-  Urban Development Boundary
-  City Limits
-  Qualifying Islands

**City of Porterville Parcels**

-  DOWNTOWN
-  CITY
-  UDB (Urban Development Boundary)
-  UAB (Urban Area Boundary)
-  COUNTY

**City of Porterville Qualifying Islands | 02.11.2015**



**ATTACHMENT  
ITEM NO. 3**



## GOVERNMENT CODE - GOV

**TITLE 5. LOCAL AGENCIES [50001 - 57550]** (*Title 5 added by Stats. 1949, Ch. 81.*)

**DIVISION 3. CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000 [56000 - 57550]** (*Heading of Division 3 amended by Stats. 2001, Ch. 388, Sec. 1.*)

**PART 2. LOCAL AGENCY FORMATION COMMISSION [56300 - 56434]** (*Part 2 added by Stats. 1985, Ch. 541, Sec. 3.*)

**CHAPTER 3. Powers [56375 - 56388]** (*Chapter 3 added by Stats. 1985, Ch. 541, Sec. 3.*)

(a) In addition to those powers enumerated in Section 56375, a commission shall approve, after 56375.3. notice and hearing, the change of organization or reorganization of a city, and waive protest proceedings pursuant to Part 4 (commencing with Section 57000) entirely, if all of the following are true:

- (1) The change of organization or reorganization is initiated on or after January 1, 2000.
  - (2) The change of organization or reorganization is proposed by resolution adopted by the affected city.
  - (3) The commission finds that the territory contained in the change of organization or reorganization proposal meets all of the requirements set forth in subdivision (b).
- (b) Subdivision (a) applies to territory that meets all of the following requirements:
- (1) It does not exceed 150 acres in area, and that area constitutes the entire island.
  - (2) The territory constitutes an entire unincorporated island located within the limits of a city, or constitutes a reorganization containing a number of individual unincorporated islands.
  - (3) It is surrounded in either of the following ways:
    - (A) Surrounded, or substantially surrounded, by the city to which annexation is proposed or by the city and a county boundary or the Pacific Ocean.
    - (B) Surrounded by the city to which annexation is proposed and adjacent cities.
    - (C) This subdivision shall not be construed to apply to any unincorporated island within a city that is a gated community where services are currently provided by a community services district.
    - (D) Notwithstanding any other provision of law, at the option of either the city or the county, a separate property tax transfer agreement may be agreed to between a city and a county pursuant to Section 99 of the Revenue and Taxation Code regarding an annexation subject to this subdivision without affecting any existing master tax sharing agreement between the city and county.
  - (4) It is substantially developed or developing. The finding required by this paragraph shall be based upon one or more factors, including, but not limited to, any of the following factors:
    - (A) The availability of public utility services.
    - (B) The presence of public improvements.
    - (C) The presence of physical improvements upon the parcel or parcels within the area.

**ATTACHMENT**  
**ITEM NO. 41**  
2/11/2015

(5) It is not prime agricultural land, as defined by Section 56064.

(6) It will benefit from the change of organization or reorganization or is receiving benefits from the annexing city.

(c) Notwithstanding any other provision of this subdivision, this subdivision shall not apply to all or any part of that portion of the development project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code that as of January 1, 2000, meets all of the following requirements:

(1) Is unincorporated territory.

(2) Contains at least 100 acres.

(3) Is surrounded or substantially surrounded by incorporated territory.

(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(d) The Legislature finds and declares that the powers set forth in subdivision (a) for territory that meets all the specifications in subdivision (b) are consistent with the intent of promoting orderly growth and development pursuant to Section 56001 and facilitate the annexation of disadvantaged unincorporated communities, as defined in Section 56033.5.

*(Amended by Stats. 2013, Ch. 138, Sec. 1. Effective January 1, 2014.)*

COUNCIL AGENDA: FEBRUARY 17, 2015

SUBJECT: CONSIDERATION OF WATER RATE INCREASE

SOURCE: Public Works Department – Field Services Division

COMMENT: As was stated in both this and last year’s Budget messages, the City’s Water Development, Operations and Replacement Funds are declining to a point where maintenance and replacement projects are being deferred due to lack of funding. The purpose of the Water Operating and Replacement Fund is to ensure that the water supply and distribution system will have the capacity to serve its residents and allow for new development, as outlined in the City’s General Plan. The capacity and quality of the services provided by the Public Works Water Utilities significantly affect the quality of life enjoyed by those who live, work, and own property in Porterville.

In recent years, the Water Operating Fund has experienced a downward trend of revenue and an increase in expenses. The current drought conditions and water conservation efforts have further reduced water sales revenues. It is projected that the cash balance at the end of fiscal year 2014/2015 will have a shortfall of \$678,171. These trends are expected to continue as drought conditions persist, and potentially worsen, in the future.

The attached document (Document 1) shows the revenues and expenditures of the Water Operating Fund since 2009. The City charges a \$5 flat rate on a typical residential meter and charges 72¢ per 100 cubic feet of water. Document 1 also shows that the City can expect a \$678,171 deficit at the end of the fiscal year in the Water Operating Fund. Budget discussions are set to begin the latter part of this month, which present an opportune time for Council and staff to begin the process of prioritizing water main deficiencies for the purpose of developing a water main replacement program.

It is staff’s recommendation that the City Council consider a rate increase of \$5 on a typical residential meter, as well as an 18¢ water rate increase. A proportional increase on all other meters is also being recommended. Document 2 shows that the rate increase will have an immediate effect and, by the end of the 2015/2016 fiscal year, the City will experience a \$948,751 budget surplus. The suggested increases will augment the Water Operating Fund so that a meaningful “Water Main Replacement”

Dir. 281 Appropriated/Funded 7113 CM 2

Item No. 21

program can be developed. With the next fiscal year beginning July 1<sup>st</sup>, and in accordance with Proposition 218 legal requirements (which provides for at least a 45-day notice of a protest hearing for a proposed fee increase), staff recommends that the City Council consider the setting of a Public Hearing for no later than May 19, 2015.

RECOMMENDATION: That City Council:

1. Consider the scheduling of a Public Hearing for May 19, 2015, to consider a water rate increase; and
2. Direct the City Clerk to place the necessary public notice into the Porterville Recorder and direct the Utilities Division to place the necessary public notice on City utility invoices for the month of March 2015, announcing that a protest hearing, per requirements of Proposition 218, shall be held May 19, 2015, for consideration of a water rate increase.

ATTACHMENT: Water Fund Revenues and Expenses  
(Documents 1 & 2)

		Revenues & Expenditures History				
		2009/10 Actual	2010/2011 Actual	2011/2012 Actual	2012/2013 Actual	2013/2014 Actual
<b>FUND 34</b>	<b>WATER OPERATING FUND</b>					
	<b>Total Operating Revenues</b>	\$ 4,653,373	\$ 4,860,523	\$ 4,766,336	\$ 4,947,106	\$ 5,031,187
	<b>Total Operating Expense</b>	\$ 4,346,836	\$ 4,149,737	\$ 4,182,687	\$ 4,062,386	\$ 4,571,217
	<b>Operating Balance +/-</b>	\$ 306,537	\$ 710,786	\$ 583,649	\$ 884,720	\$ 459,970
<b>Cash Payments</b>	Bond payment 2002 COP	\$ 259,488	\$ 405,000	\$ 425,000	\$ 455,000	\$ 485,000
	2009 CIEDB	\$ -	\$ -	\$ 138,602	\$ 143,925	\$ 149,451
	2010 CIEDB	\$ -	\$ -	\$ 31,600	\$ 32,647	\$ 33,728
	<b>Total Cash Payment</b>	\$ 259,488	\$ 405,000	\$ 595,202	\$ 631,572	\$ 668,179
	<b>NET Revenue +/-</b>	\$ 47,049	\$ 305,786	\$ (11,553)	\$ 253,148	\$ (208,209)

		Revenues & Expenditures 2014/2015		Revenues & Expenditures Projected				
		2014/2015 BUDGETED	2014/2015 Year End Projection (Dec YTD)	2015/2016 PROJECTED BUDGET	2016/2017 PROJECTED BUDGET	2017/2018 PROJECTED BUDGET	2018/2019 PROJECTED BUDGET	2019/2020 PROJECTED BUDGET
<b>FUND 34</b>	<b>WATER OPERATING FUND</b>							
	<b>Total Operating Revenues</b>	\$ 4,906,000	\$ 4,463,901	\$ 4,400,235	\$ 4,400,235	\$ 4,400,235	\$ 4,400,235	\$ 4,400,235
	<b>Total Operating Expense</b>	\$ 4,639,774	\$ 4,437,038	\$ 4,495,000	\$ 4,626,900	\$ 4,660,438	\$ 4,795,647	\$ 4,832,560
	<b>Operating Balance +/-</b>	\$ 266,226	\$ 26,863	\$ (94,765)	\$ (226,665)	\$ (260,203)	\$ (395,412)	\$ (432,325)
<b>Cash Payments</b>	Bond payment 2002 COP	\$ 515,000	\$ 515,000	\$ 545,000	\$ 575,000	\$ 605,000	\$ 635,000	\$ -
	2009 CIEDB	\$ 155,190	\$ 155,190	\$ 161,149	\$ 167,337	\$ 173,763	\$ 180,436	\$ 187,364
	2010 CIEDB	\$ 34,844	\$ 34,844	\$ 35,997	\$ 35,997	\$ 35,997	\$ 35,997	\$ 35,997
	<b>Total Cash Payment</b>	\$ 705,034	\$ 705,034	\$ 742,147	\$ 778,335	\$ 814,761	\$ 851,433	\$ 223,362
	<b>NET Revenue +/-</b>	\$ (438,808)	\$ (678,171)	\$ (836,912)	\$ (1,005,000)	\$ (1,074,963)	\$ (1,246,845)	\$ (655,686)

		Revenues & Expenditures History				
		2009/10 Actual	2010/2011 Actual	2011/2012 Actual	2012/2013 Actual	2013/2014 Actual
<b>FUND 34</b>	<b>WATER OPERATING FUND</b>					
	Total Operating Revenues	\$ 4,653,373	\$ 4,860,523	\$ 4,766,336	\$ 4,947,106	\$ 5,031,187
	Total Operating Expense	\$ 4,346,836	\$ 4,149,737	\$ 4,182,687	\$ 4,062,386	\$ 4,571,217
	Operating Balance +/-	\$ 306,537	\$ 710,786	\$ 583,649	\$ 884,720	\$ 459,970
<b>Cash Payments</b>	Bond payment 2002 COP	\$ 259,488	\$ 405,000	\$ 425,000	\$ 455,000	\$ 485,000
	2009 CIEDB	\$ -	\$ -	\$ 138,602	\$ 143,925	\$ 149,451
	2010 CIEDB	\$ -	\$ -	\$ 31,600	\$ 32,647	\$ 33,728
	Total Cash Payment	\$ 259,488	\$ 405,000	\$ 595,202	\$ 631,572	\$ 668,179
	NET Revenue +/-	\$ 47,049	\$ 305,786	\$ (11,553)	\$ 253,148	\$ (208,209)

		Revenues & Expenditures 2014/2015		Revenues & Expenditures Projected				
		2014/2015 BUDGETED	2014/2015 Year End Projection (Dec YTD)	2015/2016 PROJECTED BUDGET	2016/2017 PROJECTED BUDGET	2017/2018 PROJECTED BUDGET	2018/2019 PROJECTED BUDGET	2019/2020 PROJECTED BUDGET
<b>FUND 34</b>	<b>WATER OPERATING FUND</b>							
	Total Operating Revenues	\$ 4,906,000	\$ 4,463,901	\$ 6,185,898	\$ 6,185,898	\$ 6,185,898	\$ 6,185,898	\$ 6,185,898
	Total Operating Expense	\$ 4,639,774	\$ 4,437,038	\$ 4,495,000	\$ 4,626,900	\$ 4,660,438	\$ 4,795,647	\$ 4,832,560
	Operating Balance +/-	\$ 266,226	\$ 26,863	\$ 1,690,898	\$ 1,558,998	\$ 1,525,460	\$ 1,390,251	\$ 1,353,338
<b>Cash Payments</b>	Bond payment 2002 COP	\$ 515,000	\$ 515,000	\$ 545,000	\$ 575,000	\$ 605,000	\$ 635,000	\$ -
	2009 CIEDB	\$ 155,190	\$ 155,190	\$ 161,149	\$ 167,337	\$ 173,763	\$ 180,436	\$ 187,364
	2010 CIEDB	\$ 34,844	\$ 34,844	\$ 35,997	\$ 35,997	\$ 35,997	\$ 35,997	\$ 35,997
	Total Cash Payment	\$ 705,034	\$ 705,034	\$ 742,147	\$ 778,335	\$ 814,761	\$ 851,433	\$ 223,362
	NET Revenue +/-	\$ (438,808)	\$ (678,171)	\$ 948,751	\$ 780,663	\$ 710,699	\$ 538,818	\$ 1,129,976
	Average Monthly Residential Bill		\$21.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00

SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

COMMENT: As has been reported at prior City Council meetings, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

At its last meeting on February 3<sup>rd</sup>, the City Council considered the Tulare Operational Area Task Requests (attached) received on January 20<sup>th</sup> from the County pursuant to Mutual Aid Agreement. The first Task Request was to continue to provide water delivery service by Mutual Aid Agreement for the next 120 days to the 300-gallon tanks that were previously placed by Porterville Area Coordinating Council. To date, a total of eighty (80) of these tanks are serviced by City staff and equipment on a weekly basis. The second Task Request was for the City to provide water for purchase to fill 1,500-gallon tanks for the next twelve (12) months in East Porterville, referred to as the County Household Tank Program. Both the City Council and staff expressed significant concerns relative to the provision of water, especially for the County Household Tank Program, without the commitment of a new water source to compensate for the expected impact to the City's water system. The City Council approved a 30-day extension of the current water delivery service, and deferred action on the County Household Tank Program pending the result of meetings to be conducted by City, County and State representatives toward securing a supporting new water source.

Pursuant to Council direction, a teleconference was conducted on Tuesday, February 10<sup>th</sup> involving City, County and State representatives. Through discussion, it was determined that the State could combine several funding sources to support the full-funding of a new water well to be dedicated to the City's water system. Given the funds cannot be used to purchase property, City and County representatives are evaluating several local County-owned properties to locate the new water well.

  
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Under the Task Request for the County Household Tank Program, County representatives have stated that a maximum of 2,000,000 gallons per month is requested to support the Program, though it may be up to nine (9) months before that volume of water would be necessary as the new tanks are located. A new well developed to City standards would be sufficient to support the requested volume of water, although the City may want to retain the ability to reduce the volume of water sales during the mid-summer months due to the City's water system experiencing its most taxing period, as well as the Governor's likely continued and/or enhanced mandated water conservation measures.

In a related matter, the City has been invited to participate in a Hearing conducted by Assemblymember Luis Alejo (D-Salinas) before the Assembly Environmental Safety & Toxic Materials Committee on Wednesday, February 18<sup>th</sup> in Sacramento. The purpose of the Hearing is for local non-profit, City, County and State representatives to specifically discuss the effects of the drought on the water supply in East Porterville, as well as the response to the emergency conditions in East Porterville. Mayor Stowe and Councilmember Gurrola have indicated their willingness to participate and represent the City at the Hearing, providing comment as to the City's participation and both short- and long-term proposals to address the water supply issues in East Porterville.

- RECOMMENDATION: That the City Council consider:
1. The request for continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least 90 days; and
  2. The request for purchase of potable water by Mutual Aid Agreement with the County effective January 20, 2015, for at least twelve (12) months.

- ATTACHMENTS:
1. Governor Executive Order B-26-14
  2. Tulare Operational Area SEMS Mission/Task Requests
  3. City Council Agenda Staff Report: February 3, 2014

**Executive Department**  
State of California

**EXECUTIVE ORDER B-26-14**

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats 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 combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

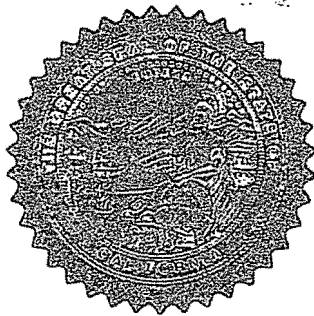
3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

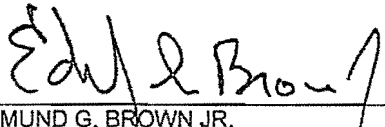
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive 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.

I FURTHER DIRECT 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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10<sup>th</sup> day of September 2014.



  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

  
DEBRA BOWEN  
Secretary of State





## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST **XTU-2015-LG-001**

To: **City of Porterville**

Date: **1/10/15**

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

1. **As of January 10, 2015:** Renew request XTU-2014-LG-001 to continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: **120 days**

County endeavours to replace the existing tanks with larger, potable water tanks, to be filled by commercial water haulers, prior to the end of the 120 day period of this request. Should such transition be incomplete at that time, this request may be renewed. Similarly, this request may be terminated prior to expiration should such transition be completed prior to expiration, and/or if the need has abated. Should the request be terminated prior to expiration, such termination shall occur at a time mutually agreed upon.

Should City of Porterville wish to cease performing the requested task, at least 15 days prior notice is requested.



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### XTU-2015-LG-001

#### COMPENSATION:

The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2015-LG-002

To: City of Porterville

Date: 1/20/15

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

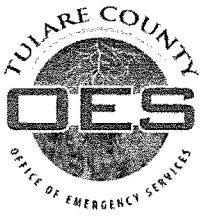
1. Provide potable water from City of Porterville municipal water system, to be purchased by County of Tulare and transported by its agents to residential tanks placed in nearby unincorporated areas as part of the County's Household Tank Program.
2. Establish parameters under which water will be provided, to include:
  - a. Cost per water unit
  - b. Equipment and administrative costs
  - c. Designated filling locations
  - d. Other desired provisions or restrictions

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: 12 months

This request may be renewed prior to expiration should the Household Tank Program continue to operate and require source water. This request may be terminated prior to expiration by County of Tulare should the need abate; such termination shall occur at a time mutually agreed upon.

City of Porterville may terminate performance of the requested tasks for any reason. Should City of Porterville wish to cease performing the requested task, at least 15 days prior written notice is requested.



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### **XTU-2015-LG-002**

#### COMPENSATION:

The **County of Tulare** shall reimburse the **City of Porterville** for **100%** of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The **County of Tulare** shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services

COUNCIL AGENDA: February 3, 2015


SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

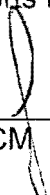
COMMENT: As has been reported at prior City Council meetings, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

As was also previously reported, City Council and staff representatives were invited to participate this past October in a coordination meeting with State and County representatives in regards to the long-term water needs and possible solutions in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week. The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could potentially fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as provide a water source for the filling of the 1,500-gallon tanks.

It has been reported by the County that there are now at least five hundred East Porterville residences whose wells are dry, and may increase to six hundred as drought conditions continue. However, since the coordination meeting in October, the City has not been asked to participate in any further coordination meetings, nor is it aware of any further efforts toward providing funding toward the discussed long-

  
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Item No. 20

term and permanent connection of approximately one hundred residences. However, the City was recently made aware by representatives of Self-Help Enterprises (County Contractor) that the size of the large individual water storage tanks has been increased from 1,500-gallons to 3,000-gallons, and that they are beginning to locate these tanks at residences in East Porterville. Referred to as the County Household Tank Program, the City received a Tulare Operational Area Task Request (attached) from the County on January 20<sup>th</sup> to provide water to fill the 3,000-gallon tanks for the next twelve (12) months pursuant to Mutual Aid Agreement. Although the Agreement states that the provision of water is subject to "Other desired provisions or restrictions," the City is not aware of any effort or funding to provide any additional water sources in support of this request. Staff has significant concerns in regards to the impact the provision of water to these tanks could have on the City's water system come the summer months.

In addition, the City also received from the County on January 20<sup>th</sup> a Tulare Operational Area Task Request (attached) to continue to provide water delivery service by Mutual Aid Agreement for the next 120 days to the 300-gallon tanks that were previously placed by Porterville Area Coordinating Council. To date, a total of sixty-five (65) of these tanks are serviced by City staff and equipment on a weekly basis. Under the County Household Tank Program, the County will be replacing the 300-gallon tanks with 3,000-gallon tanks, and requests the City continue its delivery service to the smaller tanks until they are replaced by the larger tank. The City is eligible for full reimbursement for appropriate expenses in providing assistance and support for drought-related activities, and is submitting reimbursement requests to the County for past activities.

- RECOMMENDATION: That the City Council consider:
1. The long-term planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
  2. The request for continuation of water delivery service by Mutual Aid Agreement with the County effective January 10, 2015, for at least 120 days; and
  3. The request for purchase of potable water by Mutual Aid Agreement with the County effective January 20, 2015, for at least twelve (12) months.

- ATTACHMENTS:
1. Governor Executive Order B-26-14
  2. Tulare Operational Area SEMS Mission/Task Requests
  3. City Council Agenda Staff Report: November 4, 2014

**Executive Department**  
**State of California**

**EXECUTIVE ORDER B-26-14**

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

**WHEREAS** on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

**WHEREAS** drought conditions have persisted for the last three years and the duration of this drought is unknown; and

**WHEREAS** many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

**WHEREAS** the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

**WHEREAS** additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats 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 combat; and

**WHEREAS** under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.,** Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

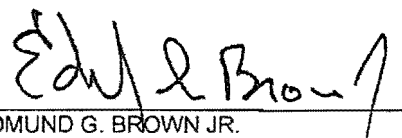
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive 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.

I FURTHER DIRECT 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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18<sup>th</sup> day of September 2014.





EDMUND G. BROWN JR.  
Governor of California

ATTEST:



DEBRA BOWEN  
Secretary of State



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2015-LG-002

To: City of Porterville

Date: 1/20/15

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

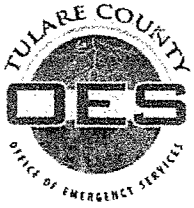
1. Provide potable water from City of Porterville municipal water system, to be purchased by County of Tulare and transported by its agents to residential tanks placed in nearby unincorporated areas as part of the County's Household Tank Program.
2. Establish parameters under which water will be provided, to include:
  - a. Cost per water unit
  - b. Equipment and administrative costs
  - c. Designated filling locations
  - d. Other desired provisions or restrictions

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: 12 months

This request may be renewed prior to expiration should the Household Tank Program continue to operate and require source water. This request may be terminated prior to expiration by County of Tulare should the need abate; such termination shall occur at a time mutually agreed upon.

City of Porterville may terminate performance of the requested tasks for any reason. Should City of Porterville wish to cease performing the requested task, at least 15 days prior written notice is requested.



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### XTU-2015-LG-002

#### COMPENSATION:

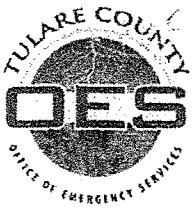
The County of Tulare shall reimburse the City of Porterville for 100% of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The County of Tulare shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2015-LG-001

To: City of Porterville

Date: 1/10/15

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

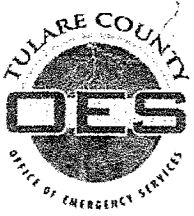
1. **As of January 10, 2015:** Renew request XTU-2014-LG-001 to continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: 120 days

County endeavours to replace the existing tanks with larger, potable water tanks, to be filled by commercial water haulers, prior to the end of the 120 day period of this request. Should such transition be incomplete at that time, this request may be renewed. Similarly, this request may be terminated prior to expiration should such transition be completed prior to expiration, and/or if the need has abated. Should the request be terminated prior to expiration, such termination shall occur at a time mutually agreed upon.

Should City of Porterville wish to cease performing the requested task, at least 15 days prior notice is requested.



## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### XTU-2015-LG-001

#### COMPENSATION:

The County of Tulare shall reimburse the City of Porterville for 100% of actual costs associated with this request, upon receipt of invoice(s) from the City of Porterville for services performed.

The County of Tulare shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services

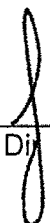
SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS


SOURCE: Administration


COMMENT: As has been reported at prior City Council meetings, Governor Brown recently issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

On Wednesday, October 15, 2014, City Council and staff representatives were invited to participate in a coordination meeting with State and County representatives in regards to the long-term water needs in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week (likely by Self-Help Enterprises). The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as to provide a water source for the filling of the 1,500-gallon tanks.

It was reported in the meeting by the County that there are at least four hundred East Porterville residences whose wells are dry, of which the City indicated that it would begin planning toward the initial

  
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connection of at least one hundred residences, focusing on the areas that meet the LAFCO definition of an "Island", which are most probable for future annexation into the city (please see attached proposed connection map). These areas are generally in the western most part of East Porterville, and also contain some of the largest clusters of residences currently without water.

As was reported at the October 21<sup>st</sup> City Council meeting, recognizing that the Council's funding authorization for providing water delivery service in coordination with the Porterville Area Coordinating Council would soon be expended, County representatives had requested that the City consider continuing this service by Mutual Aid Agreement with the County as long-term solutions are developed and put into effect. To ensure adequate funding was available to continue water delivery service, the Council authorized the continuation of water delivery service through Friday, November 7<sup>th</sup>. Under the Executive Order's funding authorization, and by Mutual Aid Agreement, effective Monday, November 10<sup>th</sup>, the City would be eligible for full reimbursement for appropriate expenses in providing assistance and support for drought-related activities, for a period of at least sixty (60) days. Please see the attached Tulare Operational Area Task Request.

To date, the PACC has currently placed sixty-five (65) 300-gallon water tanks at East Porterville residences, which is planned to increase to one hundred (100) by the end of this month. Currently, City staff and a water truck deliver water to each residence with a tank once per week, which requires two full days to fill the tanks, and will require at least an additional day of delivery as the additional tanks are placed.

On Thursday, October 16<sup>th</sup>, representatives from the Tulare County Farm Bureau, County of Tulare, and Cities of Exeter, Lindsay and Visalia met to discuss the need for Federal legislation to address the drought. It is desired that a "one voice" letter to Federal legislators would encourage the passage of the essential drought relief bills that are currently in committee in Washington, D.C. The Draft Letter is provided for the Council's consideration and approval of support.

- RECOMMENDATION: That the City Council consider:
1. The planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
  2. The continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and
  3. Approval of the Draft Letter requesting immediate action and support for Federal Drought Relief Legislation.

- ATTACHMENTS:
1. Governor Executive Order B-26-14
  2. East Porterville Proposed Connection Map
  3. Tulare Operational Area SEMS Mission/Task Request
  4. Draft Letter to Federal Legislators for Drought Relief Legislation

**Executive Department**  
State of California

**EXECUTIVE ORDER B-26-14**

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats 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 combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

**IT IS HEREBY ORDERED THAT:**

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

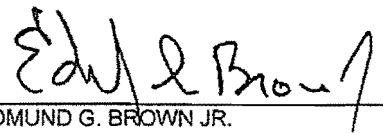
4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive 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.

I FURTHER DIRECT 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 to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 10<sup>th</sup> day of September 2014.








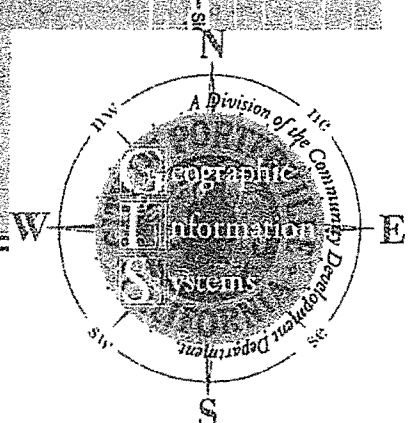
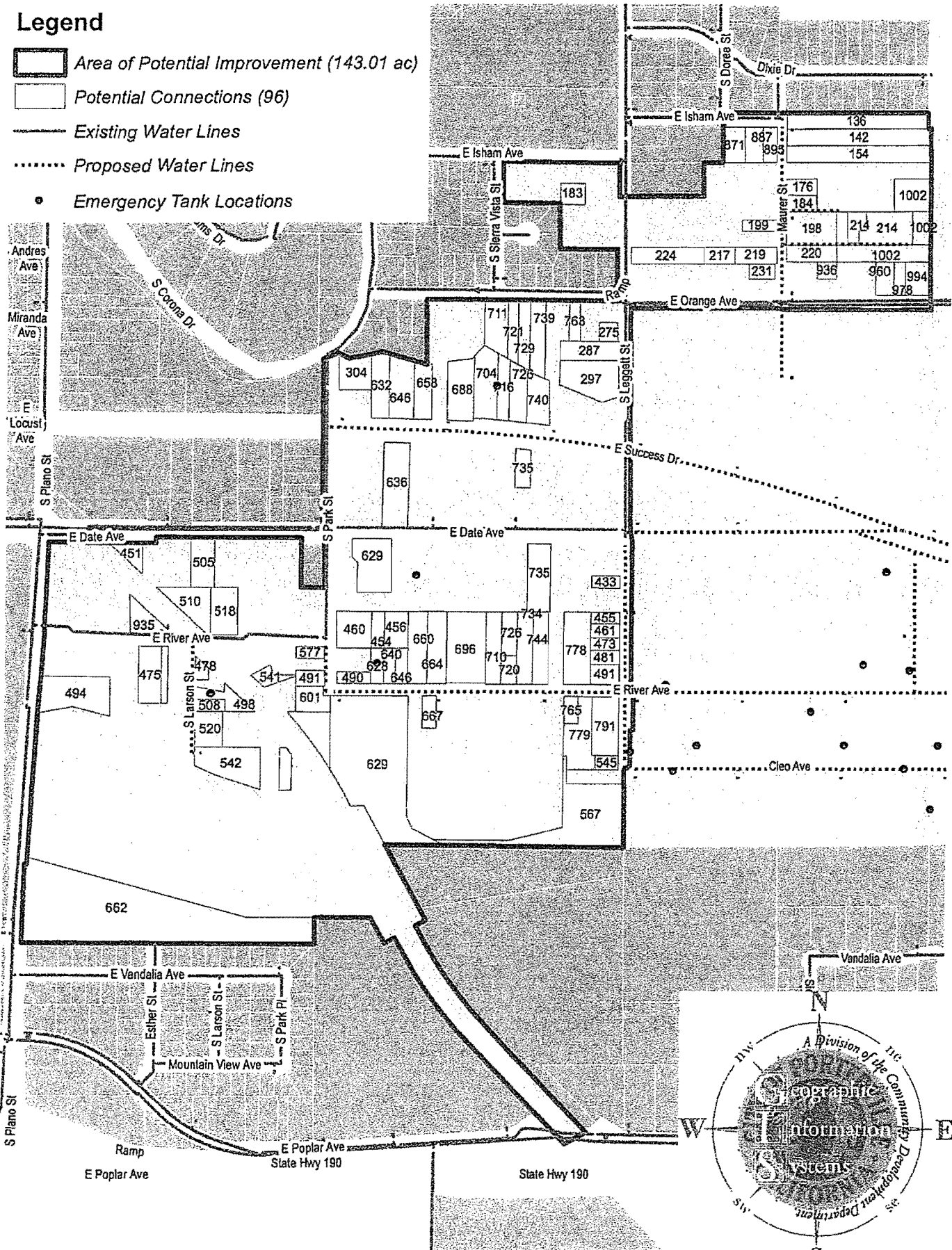
  
EDMUND G. BROWN JR.  
Governor of California

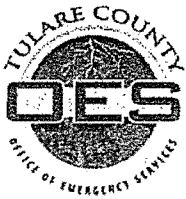
ATTEST:

  
DEBRA BOWEN  
Secretary of State

# Legend

-  Area of Potential Improvement (143.01 ac)
-  Potential Connections (96)
-  Existing Water Lines
-  Proposed Water Lines
-  Emergency Tank Locations





## Office of Emergency Services

5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

### TULARE OPERATIONAL AREA SEMS MISSION/TASK REQUEST XTU-2014-004-LG

To: City of Porterville

Date: 10/29/14

Pursuant to the California Master Mutual Aid Agreement (MMAA), the Tulare County Regional Emergency Management Mutual Aid Agreement ("TC EMMAA"), and in accordance with the Standardized Emergency Management System (SEMS), the County of Tulare, serving as the Tulare Operational Area, requests the following Mission / Task to be completed:

#### TASK(S) TO BE PERFORMED:

1. **As of November 10, 2014:** Continue utilizing City of Porterville water, personnel, and equipment to fill existing non-potable water tanks placed at individual homes by the Porterville Area Coordinating Council in the unincorporated area east of and immediately adjacent to the City of Porterville, commonly referred to as "East Porterville" or "Doyle Colony," for those homes where a signed waiver of liability has been obtained from the occupant by the City of Porterville.

#### DURATION & TERMINATION:

The recipient is requested to perform the task(s) above for: At least 60 days. This request is anticipated to be renewed prior to expiration, unless the need has abated; should the need abate prior to expiration, the request shall be terminated at such time as mutually agreed upon. Should City of Porterville wish to cease performing the requested task, at least 10 days prior notice is requested.

#### COMPENSATION:

The County of Tulare shall reimburse the City of Porterville for 100% of actual costs associated with this request. The County of Tulare shall claim such costs for disaster recovery from the State of California. This section supercedes Paragraph D of Section VI of the Tulare County Regional Emergency Management Mutual Aid Agreement, as the contingent



## Office of Emergency Services

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5957 South Mooney Boulevard, Visalia, California 93277  
(559) 624-7495 Telephone (559) 737-4692 Facsimile

reimbursement outlined therein has been found to be in conflict with State and Federal policies and regulations.

Please contact my office should you have any questions in regards to this request.

Sincerely,

Andrew Lockman  
Emergency Services Manager  
County of Tulare, Office of Emergency Services

DATE

**Re: Request for Immediate Action and Support for Federal Drought Relief Legislation**

Dear U.S. Senators and Members of the House of Representatives:

Tulare County constituents continue to remain very concerned about water reliability in the San Joaquin Valley and throughout California and supports the efforts of both the House and Senate to craft legislative proposals that can respond to our urgent and dire situation and develop comprehensive long term solutions.

The Valley's economy depends on healthy rural communities that can provide safe and reliable water supplies to their residents. These residents fuel the economy in the Valley by contributing to the agricultural workforce and beyond. The bills now in conference must address storage and short term relief in the immediate future, and long term solutions for more storage infrastructure and less environmental restriction.

We write to thank each of you for the effort you have made to address the dire water situation facing the State of California. The passage of S. 2198, the Emergency Drought Relief Act out of the U.S. Senate, and H.R. 3964, the Sacramento-San Joaquin Valley Emergency Water Delivery Act out of the U.S. House of Representatives, are significant and commendable milestones. The efforts you have taken are greatly appreciated. We are, however, acutely aware of the need for you to promptly resolve the differences between these bills before any legislation will become law. We also know that we are in urgent need of a change in law.

While the bills have been in conference the number of dry domestic wells in Tulare County has climbed to 724. That means more than 750 homes and more than 3,375 people are without water. The availability of surface water to curb groundwater pumping and recharge our aquifers is key to addressing the private well issue.

Therefore, we are asking each of you to work diligently and in good faith to bridge your differences. Failure will ensure that the current regulatory and policy regimes that were put in place to improve the health of the Delta and the Central Valley, but have actually done the opposite, will continue unchecked. As a result, more acreage will be fallowed further diminishing our ability to provide a safe and sustainable food supply and threatening our national security. In addition, the demands on food banks, existing high unemployment, the inability of families to pay utilities and stay in their homes, and the lack of job opportunity that already exists in disadvantaged communities will all be exacerbated.

A comprehensive solution should including the following key provisions:

**In the Short Term,**

- Immediate emergency relief from the Endangered Species Act
- Operate the State Water Project and Central Valley Project with maximum discretion and flexibility
- Cessation of restoration flows on the San Joaquin River until such a time surplus water exists beyond the needs of communities and industry

**In the Long Term,**

- Increase storage capacity within our existing reservoir systems
- Create new storage throughout the state
- Re-evaluate the current management plans to allow improved operational flexibility of our water projects

The signors below support a bipartisan effort from the House and the Senate to craft this comprehensive solution for immediate relief and long term solutions. Thereby securing a reliable water supply for our residents and to protect our robust agricultural economy. We respectfully ask for your collective help and influence to save our state from catastrophic losses.

Sincerely,

CITY COUNCIL AGENDA – FEBRUARY 17, 2015

SUBJECT: SELECTION OF NOMINEE FOR APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: There is currently a vacancy on the San Joaquin Valley Air Pollution Control District's (District) Governing Board that must be filled by a Council Member from a small City in Tulare County. Pursuant to the Health and Safety Code Section 40600.5, appointments to the District's Governing Board will be made by the San Joaquin Valley Special City Selection Committee (Committee). According to the procedures adopted by the Committee, the next step in the appointment process is for all cities within Tulare County to choose from candidates having applied for the vacant position. The following candidates have expressed an interest in the position:

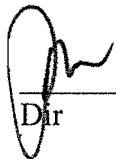
- Council Member Virginia Gurrola, City of Porterville
- Council Member Rudy Mendoza, City of Woodlake

The City Council must nominate their preferred candidate via City Council resolution to be forwarded to the Committee by February 27<sup>th</sup>, 2015, for appointment to the District's Governing Board.


Copies of the candidates' applications are attached for the Council's reference.

RECOMMENDATION: That the City Council:  
1.) Approve the draft resolution nominating their preferred candidate to the Committee for appointment to the District's Governing Board; and  
2.) Direct the City Clerk to forward a copy of the signed resolution to the District by February 27, 2015.

ATTACHMENT: 1. Candidate Applications  
2. Draft Resolution

  
Dir

N/A  
Approp./  
Funded

  
CM

Item No. 23



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT

Received  
JAN 14 2015  
Executive Office  
SJVAPCD

APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE  
ON GOVERNING BOARD OF  
THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

**Current Vacancies**

**Small City:** One member representing the cities with a population less than 100,000 from Tulare County. Councilmembers from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

<b>Applicant Name:</b>	Virginia Gurrola	
<b>Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):</b>	1441 W. Brian Ln, Porterville, CA. 93257	
<b>Mailing Address:</b>	SAME	
<b>Telephone:</b>	(559) 359-5632 Primary	(559) 781-2704 Alt.
<b>Email Address:</b>	Virginiagurrola@porterville.ca.gov	
<b>Applicant Signature:</b>		<b>Date:</b> 1-12-15

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. **Please limit candidate statement to no more than one page.** Please complete this application and return it by **January 15, 2015** to:

Sayed Sadredin  
Air Pollution Control Officer  
San Joaquin Valley APCD  
1990 E. Gettysburg Avenue, Fresno, CA, 93726

**San Joaquin Valley Air Pollution Control District Candidate Statement**  
**Virginia Gurrola, Councilmember for the City of Porterville**

I am submitting this notice of interest for the position as a city representative on the Governing Board of the San Joaquin Valley Air Pollution Control District. It will be a privilege to serve on the board representing the cities of Tulare County and humbly ask for your support. For your convenience I've provided a statement with my background and experience.

I was born and raised in Lindsay. Married for forty five years to Sal Gurrola and are the proud parents to three sons and nine grandchildren. Our family has lived in Porterville for over 30 years.

I graduated from Lindsay High School in 1969. At this time a college education was not attainable due to the cost of enrollment. In 1976 I enrolled at Porterville College and graduated with an AA degree, then began the commute to Cal State Bakersfield completing my BA degree in Public Administration.

Pursuing a career in education began as an instructional aide for Lindsay Unified School District before moving on to start my thirty seven years with Porterville College. Here I held various directorship positions with the Extended Opportunity Program and Services (EOPS); Financial Aid Department; Executive Director of the Porterville College Foundation; Matriculation Services; Admissions and Records. My advice to students is "an education is something that can never be taken from you!" I retired from Porterville College in 2013.

In 1995 I was elected on the Porterville City Council serving as Councilmember, Vice Mayor and Mayor until 2003. In 2012 I was elected back on to the city council and appointed Mayor. I currently serve as a councilmember. During my terms on council it's been a privilege to see the completion of the Sports Complex; widening of Main and Plano Street Bridges; the Heritage Center; the revitalization of the Orange-Date Street corridor; and the opening of Panera Bread.

My community involvement includes serving as Past President for the Family Crises Center (FCC). As a board member I am commitment to changing the lives of children who have been affected by issues of domestic violence, homelessness and substance abuse through my involvement on the FCC board. In addition I serve as the Vice President to the American Association of University Women (AAUW). The AAUW is an organization committed to the support of breaking through educational and economic barriers for women and girls to advance higher education.

**Currently a member on:**

San Joaquin Valley Special City Selection Committee  
Tulare County Transportation Planning Agency  
Tulare County Association of Governments

- Tulare County Mitigation Committee
- Rail Advisory Committee

**Served as a member on:**

President of the Comision Honorifica  
Secretary and member to Tulare County Integrated Waste Management Joint Powers  
League of California Cities State Policy Committee on Housing, Community, and Economic Development  
Tulare County Council of Cities  
Tulare County Business Incentive Zone Council  
City of Porterville Joint City/School Committee  
California Community College State Committees



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT

RECEIVED

APPLICATION FOR APPOINTMENT AS A CITY REPRESENTATIVE  
ON GOVERNING BOARD OF  
THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

IAN 14 2015  
CLERK OF THE BOARDS  
SJVAPCD

**Current Vacancies**

**Small City:** One member representing the cities with a population less than 100,000 from Tulare County. Councilmembers from Dinuba, Exeter, Farmersville, Lindsay, Porterville, Tulare and Woodlake are eligible to apply.

If you are an elected official on the council of the cities identified above, you may submit an application for appointment to the Governing Board of the San Joaquin Valley Air Pollution Control District.

<b>Applicant Name:</b>	RUDY MENDOZA	
<b>Residence Address (Must live within the boundaries of the San Joaquin Valley APCD):</b>	369 LEMONA STREET WOODLAKE CA 93286	
<b>Mailing Address:</b>		
<b>Telephone:</b>	(559) 303-4860 Primary	(559) 564-8055 Alt.
<b>Email Address:</b>	RUDY4WOODLAKE@YAHOO.COM	
<b>Applicant Signature:</b>		Date: 1-9-15

Please submit this form along with any other pertinent information (e.g., resume, candidate statement, education, experience) that you desire to be considered to the address below. **Please limit candidate statement to no more than one page.** Please complete this application and return it by **January 15, 2015** to:

Seyed Sadredin  
Air Pollution Control Officer  
San Joaquin Valley APCD  
1990 E. Gettysburg Avenue, Fresno, CA, 93726

#### **City of Woodlake - Mayor**

First elected to the Woodlake City Council in 2008, Mr. Mendoza is currently serving on his second term and has been reappointed as Mayor for the second consecutive two year term by his peers. The City of Woodlake is a Charter city with a population of 7,711 residents and an annual overall budget of twelve million dollars. The City of Woodlake provides Police protection with an independent fire district providing fire protection. The City of Woodlake currently employs 33 employees.

#### **Tulare County Association of Governments – Recent Past Vice Chairman Board of Governors**

The Tulare County Association of Governments (TCAG) is responsible for overseeing and planning transportation projects with the county and each of its cities, helping to bring tax money back home to fund bus service, road improvements, highway 99 widening and projects that will improve our air quality, and more.

#### **San Joaquin Valley Regional Policy Council – Member**

The Policy Council provides guidance on common interregional policy issues and also represents the San Joaquin Valley at public forums such as the California Transportation Commission, the Governor and his administration, and State and Federal legislative bodies that require a common voice from the San Joaquin Valley. The San Joaquin Valley Regional Policy Council consists of two elected officials and one alternate appointed from each of the regional planning agencies policy boards in the San Joaquin Valley.

#### **Tulare County Water Commission - Commissioner**

The Tulare County Water Commission is designed to examine a wide variety of water issues that impact Tulare County. The Water Commission serves as an advisory body to the Tulare County Board of Supervisors. The Commission is made up of local water experts including engineers, water district managers, elected officials and community activists.

#### **California Van Pool Authority – Board of Directors**

CalVans is a Joint Powers Public Transportation Agency comprised of a number of Local Transportation Planning Agencies. Each of the agencies appoints a representative to sit on the CalVans Board and represent their area. The Board Members serve as local representatives providing input and direction to the Agency.

#### **Local Area Formation Commission – Current Vice Chairman**

The Tulare County LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies which review ways to reorganize, simplify, and streamline governmental structure and preparing Spheres of Influence for each city and special district within each county. The Commission's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

#### **Small Business Development Center - Advisor**

The Fresno State Small Business Development Center (SBDC) provides one-on-one business consulting, workshops, research, and online learning services. The SBDC provides entrepreneurs and small businesses with high-quality education, consulting, support for innovation, access to information, and tools necessary to build successful sustainable businesses. The Visalia SBDC is affiliated with the Fresno State SBDC which is part of the UC Merced SBDC regional network.

RESOLUTION NO. \_\_\_\_-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
NOMINATED PREFERRED CANDIDATE TO THE SAN JOAQUIN VALLEY SPECIAL  
CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE SAN JOAQUIN  
VALLEY AIR POLLUTION CONTROL DISTRICT'S GOVERNING BOARD

WHEREAS, Health and Safety Code Section 40600.5 created a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board, and

WHEREAS, the Special City Selection Committee has adopted procedures for making their appointments, and there is currently a vacancy and a need to appoint a city council member representing a "small" city with a population of less than 100,000 from Tulare County to the District Governing Board, and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible candidates, and

WHEREAS, the vote to select a nominee took place as an item on the publicly noticed agenda and was discussed during the normal city council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Porterville nominates \_\_\_\_\_ to the Special City Selection Committee for appointment to the District Governing Board.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of February, 2015.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

SUCCESSOR AGENCY AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Health & Safety Code Section 34177(j), as modified by AB 1484, requires the Successor Agency to the Porterville Redevelopment Agency ("Successor Agency") to prepare a proposed Administrative Budget covering the upcoming six-month fiscal period, which will be July 1, 2015, through December 31, 2015, (i.e., concurrent with the Recognized Obligation Payment Schedule {"ROPS"} 15-16A) and submit it to the Oversight Board for approval. To date, the Successor Agency previously prepared and approved, and the Oversight Board reviewed and approved, Administrative Budgets through June 30, 2015.

Pursuant to the Dissolution Act (Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code), each ROPS includes a line item for the Successor Agency's Administrative Budget for the applicable period, and AB 1484, which amended the Dissolution Act on June 27, 2012, requires that the ROPS 15-16A for the period July 1, 2015, to December 31, 2015, shall be approved by the Successor Agency and Oversight Board and submitted to the Department of Finance ("DOF") by March 3, 2015.

The Administrative Budget is required to set forth all of the following: (1) Estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (2) Proposed sources of payment for the costs identified in paragraph (1); and (3) Proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity. AB 1X 26 specifies that successor agencies may spend up to \$250,000 of the former tax increment revenues for annual administrative expenses.

Under Section 34177(k) of the Dissolution Act, upon approval of the Administrative Budget by the Oversight Board, the Successor Agency will provide to the County of Tulare Auditor Controller the administrative cost estimates from the approved Administrative Budget that are to be paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund (RPTTF) for such period.

Pursuant to Section 34179(h) of the Dissolution Act, as amended by AB 1484, written notice and information about all actions taken by the Oversight Board must be provided to the DOF by electronic means and in a manner of DOF's choosing.

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APPROPRIATED/FUNDED

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ITEM NO. SA-1

An Oversight Board's action shall become effective five (5) business days after notice in the manner specified by the DOF, unless the DOF requests a review; provided, however, pursuant to Section 34177(m) as to each ROPS submitted to the DOF of which an Administrative Budget is a part, the DOF shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations on each ROPS submitted no later than 45 days after submittal.

RECOMMENDATION: That the Successor Agency adopt a Resolution approving the Administrative Budget for the period of July 1, 2015, through December 31, 2015 and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

ATTACHMENTS:

1. Proposed Administrative Budget
2. A Resolution of the Successor Agency to the Porterville Redevelopment Agency Approving the Administrative Budget Pursuant to Health & Safety Code Section 34177(j) and Directing Transmittal of the Administrative Budget to the Oversight Board

(Note that the action of the Oversight Board to approve the ROPS 15-16A shall not become effective for 45 days after the ROPS has been submitted to the DOF.)

SUCCESSOR AGENCY RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE ADMINISTRATIVE  
BUDGET PURSUANT TO HEALTH & SAFETY CODE SECTION 34177(j) AND  
DIRECTING TRANSMITTAL OF THE ADMINISTRATIVE BUDGET TO THE  
OVERSIGHT BOARD

WHEREAS, the Porterville Redevelopment Agency (“Agency”) was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* (“CRL”), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill IX 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code (“Dissolution Act”), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City of Porterville serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and, otherwise, unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, Section 34177(j) requires the Successor Agency to prepare a proposed administrative budget covering the upcoming six-month fiscal period, and submit it to the Oversight Board for approval; and

WHEREAS, pursuant to Section 34177(j), the Successor Agency’s “Administrative Budget” is required to include all of the following: (a) estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period; (b) proposed sources of payment for the costs identified in clause (a); and (c) proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity, such as the City; and

WHEREAS, the Administrative Budget, as approved by the Oversight Board, will be provided to the County of Tulare Auditor-Controller pursuant to Section 34177(k) so that the Successor Agency’s estimated administrative costs in the approved Administrative Budget will be

**ATTACHMENT**  
**ITEM NO. 2**

paid from property tax revenues deposited into the Redevelopment Property Tax Trust Fund for the applicable six-month period.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. Pursuant to the Dissolution Act, the Successor Agency hereby approves the proposed Administrative Budget in the form attached hereto as Exhibit A and incorporated herein by this reference. The City Manager and Successor Agency legal counsel are authorized to make such revisions to the Administrative Budget, as they deem appropriate, in order to ensure the proper and effective operation of the Successor Agency pursuant to the Dissolution Act.
3. The City Manager, or his authorized designees, are hereby authorized to transmit the Administrative Budget to the Oversight Board for approval.
4. Upon approval of the Administrative Budget by the Oversight Board, the City Manager, or his authorized designees, shall provide written notice and information about the Oversight Board's approval of the Administrative Budget to the State of California Department of Finance by electronic means, as directed by the Department of Finance, pursuant to Section 34179(h) and shall post the Administrative Budget on the Successor Agency's website.
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk on behalf of the Successor Agency shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 17<sup>th</sup> day of February, 2015.

By: \_\_\_\_\_  
Milt Stowe, Chair

ATTEST:  
John D. Lollis, Agency Secretary

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy Agency Secretary

SUCCESSOR AGENCY AGENDA: FEBRUARY 17, 2015

SCHEDULED MATTER

SUBJECT: REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As of February 1, 2012, the Porterville Redevelopment Agency ("Agency") was dissolved and the City Council assumed the responsibility of acting and serving as the governing body of the "Successor Agency," a separate legal entity from the City, pursuant to Parts 1.8 and 1.85 of Division 24 of the Health & Safety Code ("Dissolution Act"). The Dissolution Act requires the Successor Agency to administer the enforceable obligations of the former Agency and otherwise unwind the Agency's affairs subject, where applicable, to the review and approval by the seven-member Oversight Board.

On June 27, 2012, the Legislature passed, and the Governor signed, AB 1484. The primary purpose of AB 1484 is to make technical and substantive amendments to the Dissolution Act. Under AB 1484, a Successor Agency and its Oversight Board are required to submit the ROPS 15-16A by March 3, 2015, for the June 1<sup>st</sup> distribution of the semi-annual Redevelopment Property Tax Trust Fund (RPTTF) distribution.

Pursuant to Section 34177(l)(1) of the Dissolution Act, for each recognized obligation, the ROPS 15-16A shall identify one or more of the following sources of payment:

- (A) Low and Moderate Income Housing Fund.
- (B) Bond proceeds.
- (C) Reserve balances.
- (D) Administrative cost allowance.
- (E) The RPTTF, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.
- (F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the Oversight Board.

The draft ROPS 15-16A, included as Attachment No. 1, includes comparable listings of Enforceable Obligations as were set forth in the DOF-approved first,

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APPROPRIATED/FUNDED  CM 

ITEM NO. SA-2

second and third ROPS and subsequent ROPS 13-14B. The DOF approved the Finding of Completion for the Successor Agency. With this approval, the Successor Agency was allowed to place loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable obligation pursuant to the criteria in Health and Safety Code Section 34191.4. The Finding of Completion also allowed the Successor Agency to utilize remaining bond proceeds.

Section 34177(l)(2)(B) of the Dissolution Act requires the Successor Agency to submit the ROPS 15-16A to the Oversight Board for approval, and concurrently with the submission of the ROPS to the Oversight Board, the Successor Agency is required to transmit the ROPS 15-16A to the County Administrative Officer, the County Auditor-Controller, and the DOF. Section 34177(l)(2)(C) requires that, once the Oversight Board has approved the ROPS 15-16A, the ROPS 15-16A be sent to the County Auditor-Controller, the State Controller's Office, the DOF, and that the ROPS 15-16A be posted on the Successor Agency's website.

Section 34177(m) of the Dissolution Act requires the Successor Agency to complete the Third ROPS and each subsequent ROPS in the manner directed by the DOF. The DOF provides a pre-populated ROPS template and instructions for the ROPS 15-16A. Staff recommends that the Successor Agency review and approve the ROPS 15-16A as provided and authorize the Successor Agency's Executive Director, and/or the Finance Director, or their authorized designees, to also augment, modify, add or revise the ROPS 15-16A as may be necessary to comply with requirements imposed by the DOF.

RECOMMENDATION: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 15-16A for the period of July 1, 2015, through December 31, 2015, provided that should any modification be required to the ROPS 15-16A by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 15-16A to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 15-16A to the Oversight Board.

ATTACHMENTS:

1. Recognized Obligation Payment Schedule for the period of July 1, 2015, through December 31, 2015.
2. A Resolution of the Successor Agency to the Porterville Redevelopment Agency Approving the Recognized Obligation Payment Schedule (ROPS 15-16A) for the Period July 1, 2015, to December 31, 2015, Subject to Submittal to, and Review and Approval by, the Oversight Board and California Department of Finance pursuant to California Health & Safety Code, Division 24, Part 1.85, as amended

by Assembly Bill 1484; and Authorizing Posting and Transmittal Thereof.

(Note that the action of the Oversight Board to approve the ROPS 15-16A shall not become effective for 45 days after the ROPS has been submitted to the DOF.)

**Recognized Obligation Payment Schedule (ROPS 15-16A) - Summary**

Filed for the July 1, 2015 through December 31, 2015 Period

Name of Successor Agency: Porterville  
 Name of County: Tulare

<b>Current Period Requested Funding for Outstanding Debt or Obligation</b>		<b>Six-Month Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>		
<b>A Sources (B+C+D):</b>		<b>\$ 250,000</b>
B Bond Proceeds Funding (ROPS Detail)		250,000
C Reserve Balance Funding (ROPS Detail)		-
D Other Funding (ROPS Detail)		-
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>		<b>\$ 520,568</b>
F Non-Administrative Costs (ROPS Detail)		479,568
G Administrative Costs (ROPS Detail)		41,000
<b>H Current Period Enforceable Obligations (A+E):</b>		<b>\$ 770,568</b>

<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
I Enforceable Obligations funded with RPTTF (E):		520,568
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		(30,532)
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>		<b>\$ 490,036</b>

<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
L Enforceable Obligations funded with RPTTF (E):		520,568
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>		<b>520,568</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177 (m) of the Health and Safety code, I  
 hereby certify that the above is a true and accurate Recognized  
 Obligation Payment Schedule for the above named agency.

\_\_\_\_\_  
 Name  
 /s/ \_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Title  
 \_\_\_\_\_  
 Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 15-16A) FOR THE PERIOD JANUARY 1, 2015, TO JULY 1, 2015, SUBJECT TO SUBMITTAL TO, AND REVIEW AND APPROVAL BY, THE OVERSIGHT BOARD AND CALIFORNIA DEPARTMENT OF FINANCE PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AND AUTHORIZING POSTING AND TRANSMITTAL THEREOF

WHEREAS, the Porterville Redevelopment Agency (“Agency”) was established as a redevelopment agency, organized and existing under the California Community Redevelopment Law, Health & Safety Code Section 33000, et seq. (“CRL”), and was authorized to transact business and exercise powers of a redevelopment agency pursuant to action of the City Council of the City of Porterville (“City”); and

WHEREAS, Assembly Bill 1X 26 added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code (“Dissolution Act”), pursuant to which (1) all redevelopment agencies in California were dissolved on February 1, 2012, and (2) successor agencies were formed for the purpose of winding down the affairs of the former redevelopment agencies; and

WHEREAS, the Agency is now a dissolved redevelopment agency pursuant to the Dissolution Act; and

WHEREAS, by a resolution considered and approved by the City Council of the City at an open public meeting, the City Council chose to serve as the governing body of the Successor Agency to the dissolved Agency, a separate legal entity, under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and the City will perform the functions of the Successor Agency under the Dissolution Act to administer the enforceable obligations of the former Agency and otherwise unwind the Agency’s affairs, all subject to the review and approval by a seven-member Oversight Board (“Oversight Board”); and

WHEREAS, pursuant to Section 34171(h) of the Dissolution Act, a “Recognized Obligation Payment Schedule” means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each six-month fiscal period as provided in subdivisions (l) and (m) of Section 34177 of the Dissolution Act; and

WHEREAS, pursuant to subdivisions (l) and (m) of Section 34177 of the Dissolution Act, the City, acting as Successor Agency to the Agency, has prepared its Recognized Obligation Payment Schedule (“ROPS”) for the period covering July 1, 2015, through December 31, 2015, in the form attached to this Resolution as Exhibit A and incorporated herein by this reference; and

WHEREAS, pursuant to Section 34191.4 of the Health and Safety Code that with the Department of Finance’s approval of the Finding of Completion, the Successor Agency has placed loan agreements between the former redevelopment agency and the City on the ROPS as an enforceable obligation pursuant to the criteria in Health and Safety Code Section 34191.4 as well as allowing the Successor Agency to utilize remaining bond proceeds for projects; and

**ATTACHMENT  
ITEM NO. 2**

WHEREAS, by this Resolution, pursuant to Section 34177(1)(2)(B) of the Dissolution Act, as amended by AB 1484, the City Council, serving as and on behalf of the Successor Agency, approves the ROPS and authorizes the transmittal of the ROPS to the Oversight Board and concurrently to the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance; and

WHEREAS, pursuant to Section 34177(1)(2)(C) of the Dissolution Act, a copy of the ROPS shall be submitted to the County Auditor-Controller, the State Controller's Office, the State Department of Finance and shall be posted on the City's/Successor Agency's website promptly upon approval thereof by the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED BY THE SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY:

1. The above recitals are true and correct, are a substantive part of this Resolution, and are adopted as the findings of the Successor Agency.
2. The Successor Agency hereby approves the ROPS in the format provided by the State Department of Finance attached hereto as Exhibit A.
3. The City Manager or his authorized designees on behalf of the Successor Agency shall cause the ROPS to be transmitted concurrently to the Oversight Board, the County Administrative Officer, the County Auditor-Controller, and the State Department of Finance.
4. The City Manager or his authorized designees on behalf of the Successor Agency shall, upon approval of the ROPS by the Oversight Board, transmit the approved ROPS to the County Auditor Controller, the State Controller's Office, and the State Department of Finance, and shall cause the approved ROPS to be posted on the City's website.
5. This Resolution shall be effective immediately upon adoption.
6. The City Clerk, on behalf of the Successor Agency, shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 17th day of February, 2015.

By: \_\_\_\_\_  
Milt Stowe, Chair

ATTEST:  
John D. Lollis, Agency Secretary

\_\_\_\_\_  
Patrice Hildreth, Chief Deputy Agency Secretary