CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
and 1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024
APRIL 17, 2018, 5:30 PM

Call to Order
Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville Peace Officers Association; Public Safety Support Unit; Porterville City Employees Association; Management & Confidential Series; Fire Officer Series; Porterville City Firefighters Association; and Unrepresented Management Employees.
2 - Government Code Section 54956.95 – Liability Claim: Claimant: Richard Gonzalez. Agency claimed against: City of Porterville.
3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiff.
4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

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

Pledge of Allegiance Led by Mayor Pro Tem Brian Ward
Invocation

PROCLAMATIONS

Volunteer Appreciation Week - April 15-21, 2018
Iris Festival Day - April 28, 2018

AB 1234 REPORTS

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

1. Local Agency Formation Commission (LAFCO) - April 4, 2018

2. Tulare County Association of Governments (TCAG) "One Voice Trip" - April 9-12, 2018

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 - April 5, 2018
2. Library & Literacy Commission - April 10, 2018
3. Arts Commission - March 28, 2018
4. Animal Control Commission
5. Youth Commission - April 9, 2018
6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Community Spring Clean-Up Event
2. Water Conservation Phase IV Status Update

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. City Council Minutes of March 20, 2018, and April 3, 2018

Re: Considering approval of the draft minutes of March 20, 2018, and April 3, 2018.

2. Purchase of Real Property - APN 261-122-007

Re: Considering adoption of a resolution approving the use of the Capital Construction/Improvement designated fund for the acquisition of APN 261-122-007.

3. Amendment of Purchasing Source to Equip New Type 1 Engine

Re: Considering authorization to use NPPGov contracts to acquire materials needed to equip the new Type 1 Fire Engine.

4. **Award of Contract to Replace Roof and HVAC at Fire Station #2**
Re: Considering award of contracts to D. Garrison Roofing Company of Tulare in the amount of $14,555 and Zone Air Conditioning of Porterville in the amount of $27,100 for completion of the re-roof and replacement of the HVAC unit at Fire Station #2.

5. **Award of Contract - Sewer Annexation Area 456A, 456B, & 456C**
Re: Considering award of a construction contract in the amount of $1,340,000 to Floyd Johnston Construction for the installation of new sewer infrastructure in Annexation Areas 456A, 456B, and 456C.

6. **Authorization to Distribute Request for Proposals for Affordable Housing Development**
Re: Considering authorization to distribute a Request for Proposals for the development of affordable housing to be located at 87 S. G Street.

7. **Authorization to Negotiate a Contract - Architectural Design and Construction Assistance Services for the Animal Shelter Facility (185 N "D" Street)**
Re: Considering authorization to negotiate a contract for architectural design and construction assistance services for the animal shelter facility to be located at 185 N. D Street.

8. **Approval of Funding Agreement with the Department of Water Resources (DWR) for the Connection of Drought-Impacted Homes in Seven Areas within the City's Boundaries**
Re: Considering approval of a Funding Agreement with DWR for the connection of properties within City limits that are currently participating in the County's Household Tank Program; and authorization to negotiate contracts with Self Help Enterprises and Community Services and Employment Training, Inc. for work to be done on private properties.

9. **Approval of SB1 Project List for Fiscal Year 2018/2019**
Re: Considering approval of the FY 2018/19 SB1 project list and resolution for the use of RMRA funds.

10. **Authorization for Out-of-State Travel**
Re: Considering authorization of out-of-state travel by two City of Porterville Fire Department personnel to the Rosenbauer America Factory, located in South Dakota for the final inspection of the Type 1 fire engine purchased by the City and to drive the engine back to Porterville.

11. **Approval for Community Civic Event - Porterville Exchange Club - Champions for the Prevention of Child Abuse - May 19, 2018**
Re: Considering approval of an event beginning at Zalud Park and continuing on the Rails to Trails Parkway to North Grand Avenue and returning back to Zalud Park, to take place on Saturday, May 19, 2018, from 7:00 a.m. to 10:00 a.m.

12. **Approval for Community Civic Event - Tulare County Jr. Livestock Show and Community Fair - Porterville Fair - May 9-13, 2018**
Re: Considering approval of an event to take place on the City of Porterville's ten acre site next to the fairgrounds during the annual fair, from Wednesday, May 9, 2018, to Sunday, May 13, 2018.

13. Status and Review of Declaration of Local Emergency
Re: Consideration of the continuance of the Declaration of Local Emergency.

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

PUBLIC HEARINGS

14. Modification to Conditional Use Permit 4-97 for the Cellar Steak House
Re: Consideration of a resolution approving a modification to the current Type 47 license to a Type 50 Club at 244 N. Main Street.

15. Conditional Use Permit for Parking Reduction for 20 Multi-family residential units at the southwest corner of Morton Avenue and Kessing Street
Re: Consideration of a resolution approving Conditional Use Permit (PRC 2017-044-C) to allow a reduced number of parking spaces for the development of 20 two-bedroom multi-family residential units at the southwest corner of Morton Avenue and Kessing Street.

16. CDBG Action Plan 2018/2019
Re: Considering approval of the 2018/2019 Action Plan with Program Models, and proposed use of Community Development Block Grant Funds.

17. Mitigated Negative Declaration for the Tule River Parkway Phase III
Re: Consideration of a resolution approving the Mitigated Negative Declaration of environmental effect for the Tule River Parkway Project, Phase III.

18. Public Hearing to Consider Moving Into Phase III of the City's Water Conservation Plan
Re: Consideration of the transition from Phase IV to Phase III of the City's Water Conservation Plan.

SCHEDULED MATTERS

19. Military Banner Program Banner Location Designation
Re: Consideration of location for placement of new military banners as the program expands past its current location on Main Street between Morton and Olive Avenues.

20. Scheduling of City Council Priority Project and Preliminary Budget Study Session for Fiscal Year 2018-2019
Re: Considering approval of the scheduling of the City Council Priority Projects and Preliminary Budget Study Session for the 2018-2019 fiscal year on Tuesday, May 8, 2018.

Adjourn 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 AND
1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024
APRIL 17, 2018

Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-21. Consideration of Tenant for Villa Siena Commercial Space

Re: Consideration of the transfer of the Villa Siena commercial parcel from TPC Commercial, LLC to Rural Ag Insurance Services, LLC, for the establishment and operation of a professional office space.

Adjourn 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 May 1, 2018.

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

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

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: 1. Community Spring Clean-Up Event

SOURCE: Public Works

COMMENT: To encourage property maintenance and beautification, the City sponsors two clean-up events every year; one in the Spring and one in the Fall. These events offer City residential refuse customers free disposal of general trash, bulky items, woodwaste, yard clippings, and e-waste at the City's Corporation Yard. City residents are required to bring a current City of Porterville refuse bill as proof of residency. Business or commercial waste are not allowed. Trailers will be limited to no longer than ten feet and participants will be required to unload their own vehicle. Items not accepted will include: mattress and box springs, tires, refrigerators, and any type of hazardous waste.

The next clean-up event is scheduled for Saturday, April 21, 2018, as approved by Council at the February 6, 2018, Council Meeting. This event will be from 8:00 a.m. until 2:00 p.m. As in the past, the events are open to all residents receiving City residential refuse service. Cost for this event is funded through the Solid Waste Operating Budget.

RECOMMENDATION: Informational item only

ATTACHMENTS: 1. 2018 Spring Clean-Up Flyer

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Spring Clean-Up Free Disposal Event

Clean-Up Event Guidelines:

- **A current City of Porterville water/refuse bill will be required as proof of residency. <u>NO EXCEPTIONS</u>**

- **Residential customers only. No business or commercial waste allowed.**
- **All metal and wood should be separated for faster unloading.**
- **Trailers will be limited to no longer than 10 feet.**
- **Participants will be required to unload their own vehicle.**

<u>Not</u> <u>Accepted</u>: **Mattress/Box Springs**
Tires
Refrigerators
Paint, oil, batteries or any type of hazardous waste (see below)

When:	Saturday, April 21, 2018 from 8:00 am - 2:00 pm
Where:	City Corporation Yard – 555 N. Prospect Street
Who:	Residents located within the City limits of Porterville
Accepted:	Household trash, furniture, yard waste, scrap metal, E-waste

For more information, contact the City's Refuse Division at 782-7513.

Hazardous Waste

Tulare County Environmental Health will be holding a Household Hazardous Waste collection event on Sat. April 21st, at the County Fire Station located at 22315 Ave. 152 (West Olive Ave.) from 8am - 12pm.

Evento de Limpieza Primaveral y Disposición Gratis

Reglas del evento de limpieza otoñal gratis:

- **Una factura actual de agua/basura de la Ciudad de Porterville será requerida como prueba de residencia.**
- **Solamente clientes residenciales. No se permite basura de negocios o de comercios.**
- **Todo metal y madera deben estar separados para acelerar la descarga.**
- **Los remolques se limitaran a no más de 10 pies.**
- **Los participantes deberán descargar su propio vehículo.**

<u>No</u> <u>Aceptado</u>: **Colchon/y somier**
Llantas
Refrigeradores
pintura, aceite, pilas/baterías o cualquier tipo de desechos peligrosos

Cuando:	Sábado, 21 de abril a partir de las 8:00 de la mañana hasta las 2:00 de la tarde
Donde:	Yarda de Corporation de la Ciudad, 555 N. Prospect (al lado del Centro de Reciclaje)
Quien:	Residentes ubicados dentro de los límites de la Ciudad de Porterville
Aceptado:	Basura del hogar, muebles, artículos grandes, basura de yarda, chatarra

Para más información, llame a la división de basura de la Ciudad al 782-7513.

Desechos Peligrosos

El departamento de Salud Ambiental del Condado de Tulare llevara a cabo un evento de colección de desechos peligrosos del hogar el sábado, 21 de abril en la estación de bomberos del Condado, ubicada en la 22315 Avenida 152 (West Olive Ave.) de 8:00 de la mañana hasta la 12:00 de la tarde.

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: 2. Water Conservation Phase IV Status Update

SOURCE: Public Works

COMMENT: The City of Porterville has continued to implement an active water conservation approach; both conserving and providing flexibility to the community. The City transitioned from Phase III to Phase IV of the City's Water Conservation Plan, which became effective December 1, 2017. The Water Conservation Plan applies to all municipal water users within the city limits or not. As part of the Phase IV implementation, the City has reduced watering days to a one day per week watering schedule based on property address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday. Watering of an outdoor landscape is prohibited during, and within 48 hours after, measurable rainfall, which is defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to $500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of March 2018 show that a total of 8 Notice of Violations were issued for water wasting; 2 resulted in an Administrative Citation.

Water production for March 2018 shows a 5% decrease from the 5-year average. The production for the month of March 2018 was 170 million gallons, which when compared to the production for the month of March 2013 of 209 million gallons, equates to a 18.7% decrease on system production. Residential consumption for March 2018 was 70.12 gallons per capita per day (GPCD).

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. City Staff will be evaluating conservation totals in two formats: 1. Calculate the cumulative conservation totals for production as compared to production in 2013; and 2. Calculate cumulative conservation totals in relation to GPCD, in efforts to evaluate population growth impacts on production as compared to 2013. The cumulative total of Production for the City of Porterville's conservation efforts will reflect June 2015 through March 2018. Porterville's cumulative total Production

conservation through March 2018 is 24.47%. The cumulative total of GPCD for the City of Porterville's conservation efforts will reflect June 2015 through March 2018. Porterville's cumulative total GPCD conservation through March 2018 is 25.1%.

Under the February 2, 2016, emergency regulation, the City of Porterville received a revised conservation standard of 28% with an additional 2% reduction for climate adjustment, making the City's conservation standard 26%. After reviewing the Water Board's Self-Certification criteria for drought impacts to water supplies, the City of Porterville Council approved maintaining a self-imposed standard of 26%. The continuation of the current conservation goals keep a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three years of supply under drought conditions, meets the minimum 20% conservation standard defined in the City's Urban Water Management Plan, and assists the City toward meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. Proposed permanent regulations, will require agency reporting to continue monitoring the performance of urban water conservation, with a preparedness to return back to a conservation standard if necessary.

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Monthly Production Status March 2018
2. Monthly Production Status GPCD March 2018
3. Drought Response Phase IV Flyer

Appropriated/Funded:

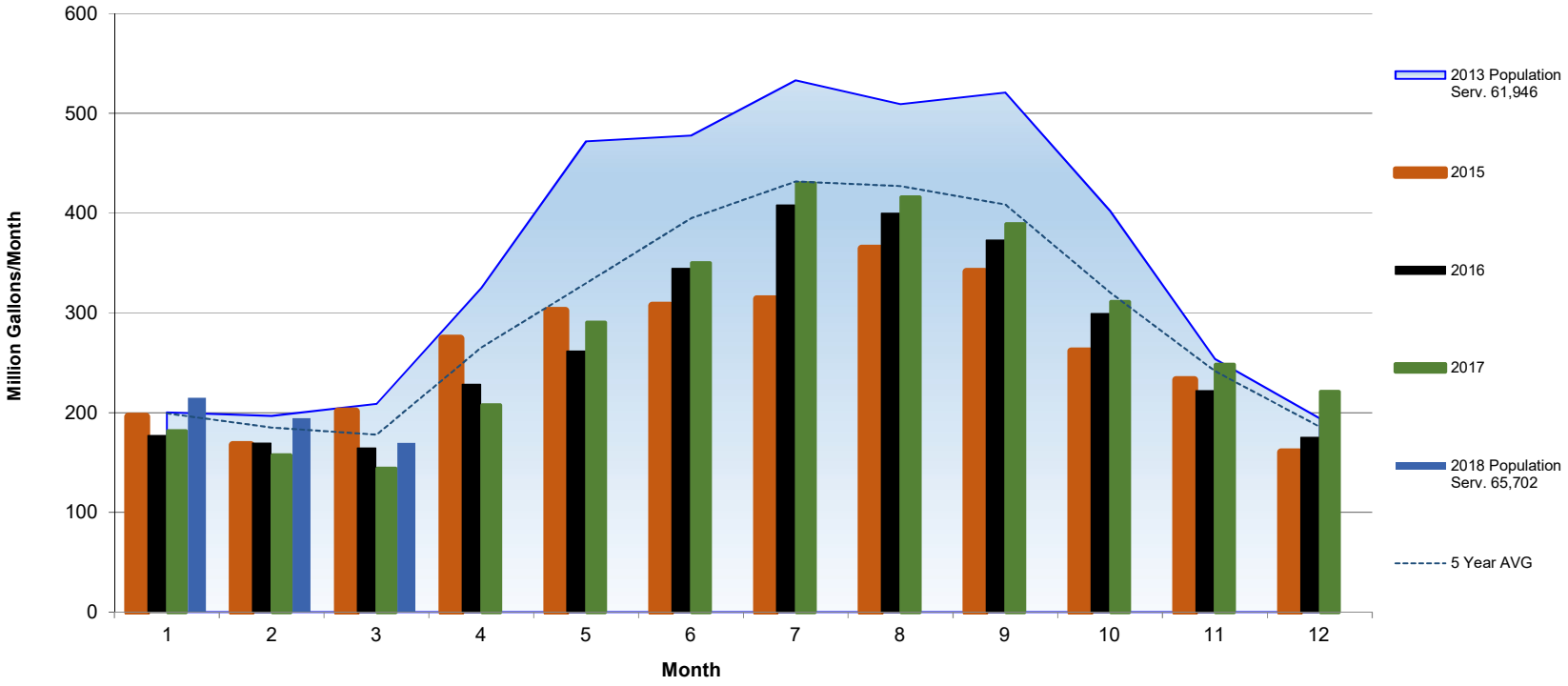
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Monthly Production Status & Cumulative Total June 2015 Through March 2018 Production Comparison to 2013 & 5 Year Average

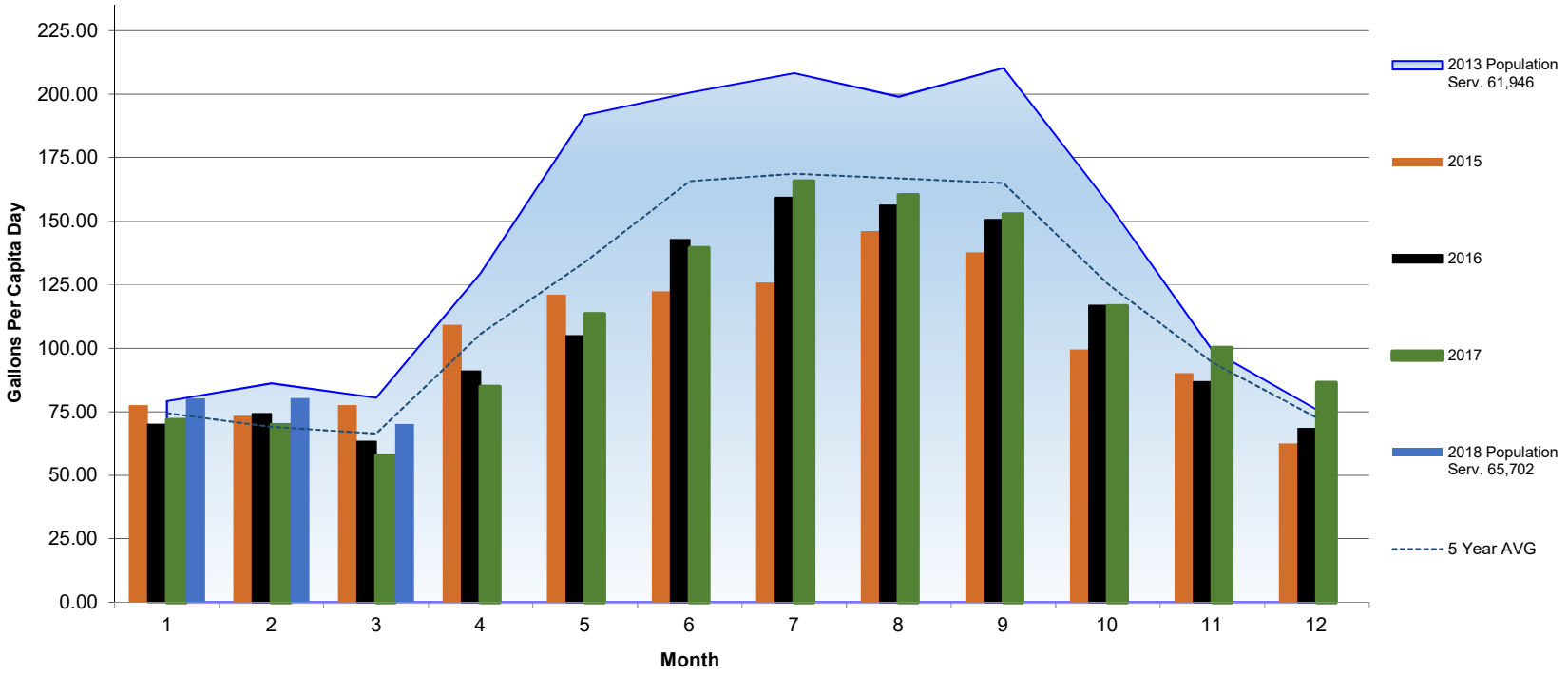


Production Cumulative Total 24.5%

2015	-2%	-15%	-4%	-16%	-36%	-36%	-41%	-28%	-35%	-35%	-8%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-28%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-20%	-31%	-36%	-38%	-27%	-19%	-18%	-25%	-23%	-2%	14%
2018	7%	-1%	-19%									

Percent Comparison to 2013 Production

Monthly Production Status & Cumulative Total June 2015 Through March 2018 Gallon Per Capita Day Comparison to 2013 & 5 Year Average



GPCD Cumulative Total 25.1%

2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
2018	1%	-7%	-13%									

Percent Comparison to 2013 Production

DROUGHT RESPONSE Phase IV

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed ONE day a week to water lawns and landscapes. No watering allowed Monday through Fridays.

Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

No watering outdoor landscapes during and within 48 hours after measurable rainfall (>0.01 inches).

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 IV water conservation regulations could result in citations with fines up to $500.

DROUGHT RESPONSE PHASE IV

The City of Porterville has adopted Phase IV of its Drought Response Plan. As part of the Phase IV plan, the City has restricted watering days to one day per week, based on address.

Mandatory Odd/Even Watering Schedule

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

Odd Address Even Address

Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, your watering day is Sunday *only*.

Violation Level	Citation Amount
First Violation	**Warning** Only
Second Violation	**$100** Fine
Third Violation	**$200** Fine
Fourth Violation	**$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

NO WATERING
MONDAY THROUGH FRIDAY.

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: City Council Minutes of March 20, 2018, and April 3, 2018

SOURCE: Administrative Services

COMMENT: Staff has prepared the draft Minutes of March 20, 2018, and April 3, 2018, for the Council's review and consideration.

RECOMMENDATION: That the Council approve the draft Minutes of March 20, 2018, and April 3, 2018.

ATTACHMENTS:

1. 03-20-2018 Draft Minutes
2. 04-03-2018 Draft Minutes

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA and
RONALD REAGAN UCLA MEDICAL CENTER, 757 WESTWOOD PLAZA, RM 7625
LOS ANGELES, CA 90095
MARCH 20, 2018, 5:30 PM

Called to Order at 5:32 p.m.
Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council member Cameron Hamilton, Mayor Pro Tem Brian Ward, Mayor Milt Stowe (participated via Facetime)

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 645 N. Prospect Street, Porterville, CA. Agency Negotiator: Patrice Hildreth and Jenni Byers. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.
2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 269-120-010. Agency Negotiator: Patrice Hildreth and Mike Reed. Negotiating Parties: City of Porterville and Thomas O'Sullivan. Under Negotiation: Terms and Price.
3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville Peace Officers Association; Public Safety Support Unit; Porterville City Employees Association; Management & Confidential Series; Fire Officer Series; Porterville City Firefighters Association; and Unrepresented Management Employees.
4 - Government Code Section 54956.95 – Liability Claim: Claimant: Jimmy Sanders. Agency claimed against: City of Porterville.
5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
6 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

6:38 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-4, as follows:
A-4. On a MOTION made by Mayor Pro Tem Brian Ward, and SECONDED by Council Member Cameron Hamilton the City Council unanimously rejected the claim submitted by Jimmy Sanders.

Documentation: 01-032018
Disposition: Claim Rejected.

Pledge of Allegiance Led by Council Member Martha Flores

Invocation – one individual participated.

PRESENTATIONS

Employee of the Month - Claudia Calderon

AB 1234 REPORTS

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

1. Special Tulare County Economic Development Corp. (TCEDC) - March 14, 2018
   Council Member Reyes reported on action to approve requesting of two additional Opportunity Zones for the Cities of Exeter and Woodlake.

2. SJVAPCD Governing Board meeting - March 15, 2018
   Council Member Reyes reported on action an informational items, noting an improvement in the Annual Air Toxics Report for 2017.

3. Tulare County City Selection Committee - March 19, 2018
   Council Member Flores reported on the selection of Phil Cox.

4. Tulare County Association Of Governments (TCAG) - March 19, 2018
   Council Member Flores reported on action items, project updates, and informational items.

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 - March 1, 2018
Commissioner Uresti thanked Bank of the Sierra for the new play equipment at the Sports Complex; reported on Eagle Scout Project at Zalud Park, the Annual Fishing Derby, and the Annual Step Up Banner Contest; invited everyone to attend the Annual Wall of Fame Ceremony and the Annual Kids Fest and Egg Hunt.

2. Library & Literacy Commission - March 13, 2018
Commissioner LaVonne reported on the new partnership between the Library and Literacy Commission and the Internnect Program who would be working with High School students to come up with conceptual designs for a future library; the formation of a subcommittee with Friends of the Library in order to participate in Capital Campaigning for a new library facility; Library Stats; Staff's attendance at local community events; and invited the Council and Community to participate in Easter Bunny pictures at the Library.

3. Arts Commission - February 28, 2018 – no report given.

4. Animal Control Commission – no report given.

5. Youth Commission - March 12, 2018 – no report given.

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

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

2. Battery-electric Transit Buses Update

ORAL COMMUNICATIONS

- Earl Allen, Porterville, stated that he had written a letter to the Council requesting that it consider the renaming of Division Street to Unity Street in the spirit of unifying the community.
- Ellen Nichols, Porterville, stated that the street sweeper had been by her home and left debris on her sidewalk area, and expressed her dissatisfaction with staff's remedying of the situation.
- John Duran, Porterville, requested that the City provide more notice of its meetings; spoke of traffic congestion at school drop off areas; and stated that he was not supportive of the Council's hiring of a tax measure consultant.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-11, noting the amendment made to Item No. 6, Section 1, to read "the term of this license shall be three years commencing May 15, 2018." The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 6, 2018, AND MARCH 13, 2018

Recommendation: That the Council approve the draft Minutes of March 6, 2018, and March 13, 2018.

Documentation: M.O. 02-032018
Disposition: Approved.

2. PURCHASE OF REAL PROPERTY APN 240-04-014

Recommendation: That the City Council adopt a resolution for the purchase of a portion of APN 240-040-014 and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 10-2018
Disposition: Approved.

3. PURCHASE OF REAL PROPERTY APN 240-310-001

Recommendation: That the City Council adopt a resolution for the purchase of a portion of APN 240-310-001 and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 11-2018
Disposition: Approved.

4. AUTHORIZATION FOR EMERGENCY WASTEWATER TREATMENT FACILITY ENGINE REPLACEMENT

Recommendation: That the City Council:
1. Authorize the wastewater treatment facility loader engine replacement by Pape Machinery at a not to exceed amount of $23,451.19;
2. Authorize the Finance Director to issue a purchase order to Pape Machinery; and
3. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-032018
Disposition: Approved.

5. AWARD ANAEROBIC DIGESTER CLEANING

Recommendation: That City Council:
1. Award the cleaning of digester #2 to Wastewater Solids Management Company for a not to exceed amount of $15,719.00, which includes taxes and ten percent contingency;
2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company in an amount not to exceed $15,719.00; and
3. Direct the Finance Director to make payment to Wastewater Solids Management Company upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-032018
Disposition: Approved.

6. MURRY PARK POOL CONCESSION LICENSE RENEWAL

Recommendation: That the City Council approve the renewal of the Murry Park Concession License with SM Transit for a three-year term.

Documentation: M.O. 05-032018
Disposition: Approved.

7. TRAVEL TO WASHINGTON D.C. FOR TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) "ONE VOICE TRIP" - APRIL 9-12, 2018

Recommendation: That the City Council authorize the travel of Council Member Flores and the City Manager to Washington D.C. as part of the TCAG "One Voice Trip"; and authorize the expenditure of City monies in support of the trip.

Documentation: M.O. 06-032018
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - GREATER PORTERVILLE COUNCIL OF SENIOR CITIZENS AND ROLLIN RELICS CAR CLUB - ROLLIN RELICS CAR SHOW - MAY 12, 2018

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Greater Porterville Council of Senior Citizens and the Rollin' Relics Car Club, subject to the stated requirements contained in the Application and Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 07-032018
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT - MONACHE HIGH SCHOOL AG/FFA - FARMER'S DAY AND 5K RUN - MARCH 31, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-032018
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT AND OPTIMIST CLUB - PORTERVILLE CELEBRATES READING - APRIL 14, 2018

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District and Porterville Optimist Club subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-032018
Disposition: Approved.

11. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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

Documentation: M.O. 10-032018
Disposition: Approved.

PUBLIC HEARINGS

12. REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION (PRC 2018-009-C)

Recommendation: That the City Council adopt the draft resolution approving the minor Conditional Use Permit (PRC 2018-009-C) for commercial crop cultivation subject to conditions of approval.

Acting City Manager Patrice Hildreth introduced the item, and Community Development Director Jenni Byers presented the staff report. During the report Ms. Byers communicated staff's request to amend Condition No. 4 in the draft resolution to read, "The applicant shall maintain a 20-foot wide drive aisle along the perimeter of the total planting area."

The Public Hearing opened at 7:11 p.m.

- Jeff Cowart, Quad Knof, expressed support of Staff's recommendation and made himself and Mr. Laux available for questions.
- Daniel Penaloza, Porterville resident, expressed his concerns regarding the proximity to school and potential environmental impact and believes the City should move forward after conducting a full Environmental Impact Review.
- Gary Laux, landowner, spoke of new law prohibiting pesticide spray within 1/2 mile of a school or a daycare during specific hours and days of the week and of the organic/natural pesticides that would be used.
- Angel Garcia, Tulare County resident, spoke in support of agriculture but expressed concerns regarding pesticides.
- Leticia Lopez, Woodville resident, expressed concerns regarding cross country runners who run in the area and requested an Environmental Impact Review.

- Robert Garcia, Porterville resident, spoke of his concerns regarding student and resident safety, especially during the afterschool activities and events and requested an Environmental Impact Review.
- Brock Neeley, asked that the condition to farm organically be incorporated into the Conditional Use Permit, as well as, a stipulation that farmers coordinate spraying with school activities and events.
- Ellen Nichols, requested a further definition of "organic farming."
- No name given, expressed concerns in light of the drought.
- Donna, Porterville resident, spoke in favor of an Environmental Impact Review.

The Public Hearing was closed at 7:26 p.m.

Mr. Laux elaborated on regulations and practices of organic farming and assured the Council and those in attendance that he would take the upmost caution when using pesticides.

Council Member Reyes asked for clarification on the proximity of the area to the school. Mayor Stowe reported that he had called the Department of Agriculture to address certain concerns he had regarding the spraying of pesticides near the school and that he was satisfied with the information received. Council Member Flores, speaking as a former school district employee assured everyone that farmers were required to notify schools of every pesticide used on the orchards. Council Member Hamilton expressed his support of Mr. Laux and his farming practices.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Mayor Milt Stowe that the City Council adopt the draft resolution approving the minor Conditional Use Permit (PRC 2018-009-C) for commercial crop cultivation subject to conditions of approval, as amended by Staff in regards to Condition No. 4. The motion carried unanimously.

Documentation: Resolution No. 12-2018
Disposition: Approved. Amended

13. PUBLIC HEARING TO RECEIVE PUBLIC INPUT CONCERNING DISTRICT MAPS FOR CITY COUNCIL ELECTION DISTRICT BOUNDARIES AND THE SEQUENCING OF ELECTIONS

Recommendation: That the City Council conduct the first of two public hearings to receive comments to consider the three proposed district maps depicting City Council district boundaries and the sequencing of elections; and provide direction to staff.

Acting City Manager Patrice Hildreth introduced the item and presented the staff report. Shalice Tilton, National Demographics Corporation (NDC), provided additional information to the Council regarding the proposed Districts Maps.

The Public Hearing was opened at 7:53 p.m.

- Edith LaVonne, thanked Council and staff for getting the maps and figures out soon enough for the public to review; spoke in favor of the green map, with yellow as her second choice; and voiced opposition to the purple map.
- Juan Duran, asked for Council and staff to provide the preliminary information in reference to the districts and thanked the Council for moving in this direction.

City Attorney Julia Lew described the timeline the City was required to adhere to.

The Public Hearing was closed at 7:58 p.m.

Council Members spoke of their map preferences, which included Green followed by Yellow; and expressed a need for more public input before making a final decision. During discussion it was noted that the sequencing of elections on the proposed maps were incorrect, and Ms. Tilton indicated that those errors could be corrected to coincide with current council member terms and seemed to be a result of her having an incorrect address.

COUNCIL ACTION: MOVED by Mayor Pro Tem Brian Ward, SECONDED by Council Member Martha Flores that the City Council designate Green and Yellow maps as the Focus Maps, amending the sequencing of elections to coincide with current Council terms. The motion carried unanimously.

Documentation: M.O. 11-032018
Disposition: Approved.

SCHEDULED MATTERS

14. AUTHORIZATION FOR TRAVEL BY CITY REPRESENTATIVES TO WASHINGTON D.C. TO MEET WITH CONGRESMAN MCCARTHY REGARDING THE RELOCATION OF EAGLE MOUNTAIN CASINO

Recommendation: That the City Council:
1. Authorize the travel of Council Member Monte Reyes and Fire Chief Dave LaPere to Washington D.C.; and
2. Appropriate $5,000 from the Special Purposes Fund for anticipated travel expenses.

Acting City Manager Patrice Hildreth introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council authorize the travel of Council Member Monte Reyes and Fire Chief Dave LaPere to Washington D.C. and appropriate $5,000 from the Special Purposes Fund for anticipated travel expenses. The motion carried unanimously.

Documentation: M.O. 12-032018
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores wished everyone a happy Easter.
- Council Member Hamilton announced that he would regrettably not be able to attend the Wall of Fame ceremony and requested that Acting City Manager Patrice Hildreth speak on his behalf.
- Council Member Reyes spoke of his experience riding a GreenPower bus; and thanked the Fire Department for its response to a recent fire at a neighbor's home.
- Vice Mayor Ward stated that he hoped everyone had a happy St. Patrick's Day; spoke regarding Council Member Reyes voting for Item No. 14; and wished everyone a happy Easter holiday.
- Mayor Stowe stated that he could not wait to see the electric buses in use; and indicated that he was still waiting for a heart.
- Acting City Manager Patrice Hildreth extended an invitation to the Wall of Fame ceremony on Friday.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:23 p.m. to the meeting of April 3, 2018.

_____
Luisa M. Zavala, Deputy City Clerk

SEAL

_____
Brian E. Ward, Mayor Pro Tem

CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, POTERVILLE, CA and
RONALD REAGAN UCLA MEDICAL CENTER, 757 WESTWOOD PLAZA, RM 7625
LOS ANGELES, CA 90095
APRIL 3, 2018, 5:30 PM

Called to Order at 5:30 p.m.
Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Mayor Pro Tem Brian Ward, and Mayor Stowe (participated via Facetime)

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: 253-171-003 and 253-171-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Smith's Enterprises. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville Peace Officers Association; Public Safety Support Unit; Porterville City Employees Association; Management & Confidential Series; Fire Officer Series; Porterville City Firefighters Association; and Unrepresented Management Employees.

3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Greg L. Woodard and Cinda D. Woodard, Trustees of the Woodard Family Revocable Trust of August 10, 2006, Tulare County Superior Court Case No. 273165.

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

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

6:40 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action had taken place in Closed Session.

The Pledge of Allegiance was led by Council Member Monte Reyes.
Invocation – one individual participated.

PRESENTATIONS

Employee of the Month - Shauna Biagio

AB 1234 REPORTS

1. COUNCIL OF CITIES - MARCH 21, 2018
   City Manager Lollis indicated that no one from the City had attended, but reported on correspondence received regarding coordination of water schedules by local jurisdictions.

STAFF INFORMATONAL REPORTS

None

ORAL COMMUNICATIONS

- John Coffee, Porterville, spoke in opposition of Item No. 17 and requested that it be pulled from consideration.
- Teresa Delarosa, Porterville, wished the Mayor well; asked why the Council would consider such an ordinance; and spoke of negative consequences to the community.
- Elena Barragan, Leadership Porterville Class of 2018, spoke regarding Item 20 and communicated the preferences of class members as it pertained to the proposed designs; and thanked those they had and would continue to work with to move the project forward.
- Maricela Sanchez, ACLU Northern California, spoke in opposition to Item No. 17, which she described as an offensive endorsement of President Trump's anti-immigrant agenda.
- Sarah Villicana-maas, Salinas, stated that she was a former Porterville resident, and spoke in opposition to Item No. 17, which she believed would alienate members of the community.
- Daniel Penaloza, spoke in opposition to Item No. 17, and in addition spoke of bulletins sent to local law enforcement agencies regarding SB 54.
- Brock Neeley, Porterville, provided a list of pending court cases, a screenshot of Council Member Hamilton's Facebook page, and mass shooting statistics; spoke in opposition to Item No. 17; and threatened a lawsuit would be forthcoming if an ordinance was considered.
- Ellen Nichols, Porterville, spoke against district elections; and stated that she had no map preference.
- Roberto Delarosa, Porterville, requested that the Council remove Item No. 17 for the security of the community.
- Jennifer Rojas, Services, Immigration Rights and Education Network, requested that Item No. 17 be removed.
- John Duran, Porterville, spoke in favor of district elections; voiced opposition to drawing district lines to accommodate the currently seated council members; and promised a lawsuit if the Council selected the Purple 2 map.
- Leticia Lopez, spoke in opposition of Item No. 17, and stated that the item was contradictory to Council's resolution in support of Deferred Action Childhood Arrivals.
- Earl Allen, Porterville, spoke of his proposal to change the name of Division Street to Unity Street.
- Ann Marie Wagstaff voiced her opposition to Item No. 17; and stated that the proposed ordinance would result in a fear to give back to the community.
- Roberto Delarosa provided a copy of an e-mail he had sent to the Council in opposition

of Item No. 17.

- Art Rodriguez spoke in opposition to Item No. 17, which he described as distasteful and bigoted.
- Gerry Hall, Porterville, stated that local law enforcement had made it clear that they were not Immigration and Customs Enforcement (ICE); spoke of procedures in place to become a legal citizen; and spoke against racially divisive comments.
- Lisa Smith asked that the Council remove Item No. 17; spoke of an incident in Santa Cruz involving Immigration and Customs Enforcement; and asked that the Council not use City funds for federal issues.
- Raul Garcia requested that Item No. 17 not move forward; and stated that illegal immigrants would be fearful to seek services if the ordinance was adopted.
- Susan Queen voiced frustration that the item was being addressed as a race issue when it was a legal issue of illegal immigration and ICE's enforcement of federal laws.
- Joshua Sulier spoke against Item No. 17 because it would cause fear in the immigrant community and a costly lawsuit would surely follow.
- Ron Irish, Porterville, stated that he was proud the Council was willing to discuss this type of issue at a public meeting.
- Claudia Delarosa, spoke in favor of Item No. 9, and requested that Item No. 17 be removed.
- Ricardo Franco, Fresno, urged the Council to remove Item No. 17 on behalf of the children who would likely be effected; and spoke of his own childhood experience during the Proposition 187 initiative.
- Greg Shelton, Porterville, spoke of the concept of nullification; and stated that he was not for or against Item No. 17, but supported its discussion.
- Barry Caplan, Porterville, communicated well wishes to the Mayor; stated that each member of the Council took an oath to defend the Constitution of the State of California; and requested that Item No. 17 not move forward.

CONSENT CALENDAR

Council Member Hamilton requested that Item No. 17 be pulled to allow time for research.

Council Member Reyes stated that he would be abstaining from voting on Item Nos. 12 and 15 due to conflicts pertaining to financial interest; and Council Member Hamilton indicated he would be abstaining from Item No. 6 due to a conflict pertaining to real property.

There were no items pulled from the Consent Calendar for discussion. Mayor Stowe did not participate in the vote for Consent Calendar due to technical difficulties with his Facetime connection.

COUNCIL ACTION: MOVED by Mayor Pro Tem Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-16, with noted abstentions.

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

1. AUTHORIZATION TO PURCHASE POLICE VEHICLE

Recommendation: That the City Council:

1. Authorize Police Staff to identify and enter negotiations for the purchase of a Police Vehicle in an amount not to exceed 30,000, as set forth above; and
2. Authorize payment upon satisfactory delivery of the vehicle.

Documentation: M.O. 01-040318
Disposition: Approved.

2. AUTHORIZATION TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT, HAND-HELD RADIOS, FIRE HOSE AND SELF CONTAINED BREATHING APPARATUS CYLINDERS

Recommendation: That the City Council authorize the purchase of Fire Department Equipment from the defined accounts.

Documentation: M.O. 02-040318
Disposition: Approved.

3. AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS FOR ON-CALL CONSULTING SERVICES AND A RESOLUTION AFFIRMING THE USE OF CALTRANS PROCEDURES FOR THE PROCUREMENT OF CONSULTANTS ON STATE OR FEDERALLY FUNDED PROJECTS

Recommendation: That the City Council:

1. Authorize staff to distribute a Request for Qualifications for On-Call Consulting Services; and
2. Approve the draft resolution affirming the use of Caltrans procedures for the procurement of consultants on State or federally funded projects.

Documentation: M.O. 03-040318; and Resolution No. 13-2018
Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS FOR VARIOUS CONCRETE AND ADA IMPROVEMENT PROJECTS

Recommendation: That City Council:

1. Approve staffs 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 $36,801.40 from Local Transportation Funds to fully fund this project.

Documentation: M.O. 04-040318
Disposition: Approved.

5. INTENT TO SET A PUBLIC HEARING MOVING TO PHASE III OF THE CITY'S WATER CONSERVATION PLAN

Recommendation: That City Council direct the City Clerk to notice a Public Hearing to discuss the transition from Phase IV to Phase III of the Water Conservation Plan during the April 17, 2018 meeting.

Documentation: M.O. 05-040318
Disposition: Approved.

6. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - REMOVE DIAGONAL PARKING ON S. HOCKETT STREET

Recommendation: That City Council:

1. Approve the proposed Resolution amending Section 23-2 of Traffic Resolution No. 10-2001; and
2. Direct the Public Works Director to direct the City Engineer to implement marked parallel parking on the west side of Hockett Street between Vine Avenue and Olive Avenue in accordance with current standards.

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

Documentation: Resolution No. 14-2018
Disposition: Approved.

7. AUTHORIZATION TO ACCEPT FY 2017/18 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF $32,977

Recommendation: That the City Council authorize acceptance of FY 2017/18 State Homeland Security Grant funds in the amount of $32,977 to be used for the replacement of an extrication system.

Documentation: M.O. 06-040318
Disposition: Approved.

8. REQUEST FOR WILL SERVE LETTER TO EXTEND WATER SERVICES TO COUNTY LAND DIVISION PROJECT AT 1796 E. SPRINGVILLE DRIVE (CLINTON & CATHY M. JOHNSON)

Recommendation: That the City Council:

1. Direct staff to prepare a will serve letter on behalf of the property owner, Clinton & Cathie Johnson;
2. Require the Tulare County RMA to place a statement on the final Parcel Map that fully discloses to current and future property owners that the property is encumbered by an existing recorded deed restriction; and

3. Direct the Public Works Director to install a residential water service to the newly created parcel at 1796 E. Springville Drive once the final Parcel Map records and the Department of Water Resources conveys the East Porterville Water System to the City of Porterville.

Documentation: M.O. 07-040318
Disposition: Approved.

9. WILDPLACES MURAL MAINTENANCE AGREEMENT RENEWAL

Recommendation: That the City Council authorize renewal of the mural maintenance agreement between the City of Porterville and WildPlaces.

Documentation: M.O. 08-040318
Disposition: Approved.

10. POLICE OFFICER CADET CLASSIFICATION APPROVAL

Recommendation: That the City Council:

1. Approve the creation of a new Police Officer Cadet Classification at Range 150;
2. Authorize the allocation of four (4) Police Officer Cadet positions to the City's Allocation Schedule; and
3. Authorize Administrative Services staff to amend such personnel documents as may be necessary to effectuate said change.

Documentation: M.O. 09-040318
Disposition: Approved.

11. REQUEST FOR PROCLAMATION ARBOR DAY - APRIL 27, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 27, 2018, as "Arbor Day" in the city of Porterville.

Documentation: M.O. 10-040318
Disposition: Approved.

12. REQUEST FOR PROCLAMATION - IRIS FESTIVAL DAY - APRIL 28, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 28, 2018, as "Iris Festival Day."

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

Documentation: M.O. 11-040318

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - VOLUNTEER APPRECIATION WEEK - APRIL 15-21, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 15-21, 2018, as "Volunteer Appreciation Week" in the city of Porterville.

Documentation: M.O. 12-040318
Disposition: Approved.

14. REQUEST FOR PROCLAMATION - CHILD ABUSE PREVENTION AND AWARENESS MONTH APRIL 2018

Recommendation: That the City Council consider approval of the request to proclaim April 2018, as "Child Abuse Prevention and Awareness Month" in Porterville.

Documentation: M.O. 13-040318
Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - 20TH ANNUAL PORTERVILLE IRIS FESTIVAL - APRIL 28, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

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

Documentation: M.O. 14-040318
Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA- AMERICANA - CINCO DE MAYO PARADE AND FIESTA DOMINGUERA MAY 5-6, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 15-040318
Disposition: Approved.

17. CITY COUNCIL MEMBER REQUESTED ITEM ON APRIL 17, 2018 AGENDA - CONSIDER AN ORDINANCE TO EXEMPT THE CITY OF PORTERVILLE FROM THE CALIFORNIA VALUES ACT, AND INSTEAD COMPLY WITH FEDERAL LAW AND THE U.S. CONSTITUTION

Recommendation: That the City Council approve Council Member Hamilton's request to add an item on the April 17, 2018 agenda to consider an ordinance to exempt the City of Porterville from the California Values Act, and instead comply with federal law and the U.S. Constitution.

Documentation: None
Disposition: Item removed until further notice.

The Council took a ten minute recess at 7:59 p.m. During the break, Mayor Stowe's Facetime connection was reestablished, and he rejoined the meeting.

PUBLIC HEARINGS

18. PUBLIC HEARING TO RECEIVE PUBLIC INPUT CONCERNING DISTRICT MAPS FOR CITY COUNCIL ELECTION DISTRICT BOUNDARIES AND THE SEQUENCING OF ELECTIONS

Recommendation: That the City Council conduct the public hearing to receive commentary and consider three proposed district maps depicting City Council district boundaries and sequencing of elections and provide direction to staff.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

The Public Hearing was opened at 8:27 p.m.

- Brock Neeley, Porterville, spoke in favor of the Green Map due to it being the most balanced demographically.
- Barry Caplan, Porterville, inquired about additional public hearings; and stated that he did not think the proposed maps should have been drawn to accommodate the currently seated council members.
- Jerry Hall, Porterville, spoke in support of the Green Map.
- John Duran, Porterville, spoke in favor of district elections; voiced opposition to drawing district lines to accommodate the currently seated council members; and promised a lawsuit if the Council selected the Purple 2 map.
- Art Rodriguez apologized for the way he addressed Council Member Hamilton during Oral Communications.
- Daniel Penaloza spoke in favor of the Green Map.

The Public Hearing was closed at 8:36 p.m.

Staff addressed comments made with regard to the drawing of the maps, noting that one of the many criteria taken into consideration when drawing maps was continuity of office for current Council Members so as to respect voters' wishes. They also spoke of timelines associated

with district adoption, and the upcoming election. Members of the Council then communicated their map preference, which had not changed since the last meeting.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve moving forward with the Green Map and scheduling of consideration of an ordinance adopting district elections, district boundaries, and sequencing. The motion carried unanimously.

Documentation: M.O. 16-040318
Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF PARTNERSHIP WITH SIERRA VIEW MEDICAL CENTER FOR PROPOSED 2018 FARMERS MARKET

Recommendation: That the City Council consider the City's partnership with Sierra View Medical Center for the proposed 2018 Farmer's Market. City Manager Lollis introduced the item and presented the staff report.

City Manager Lollis introduced the item and presented the staff report. Following the report, Mayor Pro Tem Ward communicated that his concerns from last year were still concerns.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the partnership with Sierra View Medical Center for the proposed 2018 Farmer's Market.

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

Documentation: M.O. 17-040318
Disposition: Approved.

20. CONSIDERATION OF DESIGNS FOR DROUGHT TOLERANT EXHIBITION GARDEN

Recommendation: That the City Council review the presented designs and select the preferred alternative.

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

Discussion followed regarding the differences in design options, the informational kiosk, parking and the existing trees.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council approve Design Option 1. The motion carried unanimously.

Documentation: M.O. 18-040318
Disposition: Approved.

21. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

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

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 19-040318
Disposition: Approved.

ORAL COMMUNICATIONS

- John Coffee, Porterville, thanked all those involved in the planning for the drought tolerant exhibition garden, and requested that the Council require local retailers to stock the plants.

OTHER MATTERS

- Council Member Flores stated that she hoped everyone had a great Easter; and extended her condolences to the Beltran and Salomon families who lost loved ones over the Easter holiday.
- Council Member Hamilton stated that he wanted to go home and watch the Mayor on the 10 o'clock news.
- Council Member Reyes spoke of his attendance at a recognition dinner for Dr. Myron Lord's contributions to the Porterville Academy of Health Sciences.
- Mayor Stowe reported that he had a very happy Easter.
- 'Mayor Pro Tern Ward spoke of his attendance at the Wall of Fame Ceremony and an Arts Education Forum.
- City Manager Lollis spoke of a successful Kids Fest, the commencement of Music on Main Street, and upcoming trips; and thanked Administrative Services Director Patrice Hildreth and staff for taking care of things while he was on vacation.

CLOSED SESSION

None

ADJOURNMENT

The City Council adjourned at 9:16 p.m. to the meeting of April 17, 2018.

_____

Luisa M. Zavala, Deputy City Clerk

SEAL

_____

Brian E. Ward, Mayor Pro Tem

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Purchase of Real Property - APN 261-122-007

SOURCE: Finance

COMMENT: On October 17, 2017, the City Council and the Successor Agency to the Porterville Redevelopment Agency ("Successor Agency") authorized staff to begin the negotiation process for the City of Porterville to acquire real property identified in the Long Range Property Management Plan, APN 261-122-007, located at 14 North Main (site of former Porterville Hotel), for the appraised value of $220,000. On January 16, 2018, City Council adopted Resolution 02-2018 and authorized staff to implement the Purchase and Sale Agreement. The Successor Agency subsequently submitted the agreement to the Oversight Board and the California Department of Finance. On January 25, 2018, the Oversight Board adopted Resolution No. 2018-03 approving the Purchase and Sale Agreement. The Department of Finance took no action on the Oversight Board Resolution as the disposition of property is governed by the approved Long Range Property Management Plan.

At this time, staff is requesting City Council's approval to use funds from the the Capital Construction/Improvement Designated Fund in the General Fund to purchase said property. The fund was established on April 3, 2012, by Ordinance 1787 for the exclusive purpose of providing funds to support new capital construction and/or improvement projects as identified in the City's 10-year Capital Improvement Plan with appropriations requiring formal City Council action. As outlined in Chapter 2, Article VI, Section 2-31.7 of the Porterville Municipal Code, a formal City Council action shall require adoption of a Resolution which shall include one or more findings that the appropriation is within the intent and purpose of the designated fund whether or not explicitly stated in the Ordinance.

RECOMMENDATION: That the City Council adopt the draft Resolution approving the use of the Capital Construction/Improvement designated fund for the acquisition of APN 261-122-007.

ATTACHMENTS: 1. Draft Resolution

Appropriated/Funded: MB

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ___-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE CAPITAL CONSTRUCTION / IMPROVEMENT DESIGNATED FUND FOR THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS APN 261-122-007

WHEREAS: The City Council, the Successor Agency to the Porterville Redevelopment Agency and the Oversight Board to the Successor Agency of the Porterville Redevelopment Agency have approved the Purchase and Sale Agreement between the City of Porterville and the Successor Agency for the purchase and sale of real property located at 14 North Main Street, Parcel No. 261-122-007 in accordance with the Long Range Property Management Plan; and

WHEREAS: The City of Porterville Municipal Code Section 2-31.4, established the Capital Construction / Improvement Designated Fund for the exclusive purpose of providing funds to support new capital construction and / or improvement projects as identified in the City's 10-year Capital Improvement Plan; and

WHEREAS: The purchase of real property Parcel No. 261-122-007 will enable the City to take a longer and more flexible approach to the eventual development of the property;

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council of the City of Porterville make a finding that the purchase of real property Parcel No. 261-122-007 is within the intent and purpose of the Capital Construction / Improvement Designated Fund; and

2. That the City Council of the City of Porterville does hereby approve and authorize the appropriation of $220,000 from the Capital Construction / Improvement Designated Fund for the purchase of said real property.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

_____
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Amendment of Purchasing Source to Equip New Type 1 Engine

SOURCE: Fire

COMMENT: At the meeting of April 18, 2017, the City Council authorized the purchase of a Type 1 Engine, which will soon be delivered and will need to be equipped. At the time Council authorized purchase of the engine, staff requested authorization to equip the new engine at a cost of $90,000 through the National Joint Powers Alliance (NJPA). While the NJPA is frequently used for purposes of purchasing engines and other large equipment, it is not a source for field equipment, which includes such things as fire hose, nozzles, breathing apparatus, and other tools that are required to put the vehicle into service. A similar organization to NJPA, NPPGov, provides the same sort of purchase list based on competitive solicitations of national equipment manufacturers and retailers. Fire Rescue GPO is a program of NPPGov, which allows fire departments access to publicly solicited contracts specific to the industry. The contracts are competitively solicited by a lead agency in accordance with government purchasing regulations. The contracts include "piggybacking" language allowing utilization by NPPGov members nationwide. In order to make use of this option, the Porterville Fire Department will register with NPPGov; registration costs nothing, and will allow the Department to make use of the contracts managed by NPPGov.

Using the publicly solicited contracts through NPPGov's Fire Rescue GPO, the estimated cost to equip the engine remains the same as estimated when originally approved.

RECOMMENDATION: That the City Council authorize the use of NPPGov contracts to acquire materials needed to equip the new Type 1 Fire Engine.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Item No. 3.

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Award of Contract to Replace Roof and HVAC at Fire Station #2

SOURCE: Fire

COMMENT: At the meeting of February 6, 2018, staff reported to the City Council that despite best efforts, no bids were received to complete the necessary re-roof and replacement of HVAC equipment at Fire Station #2. The nature and size of these projects do create a challenge when attempting to secure bids as the companies that typically respond to advertised bids are seeking larger and higher priced contracts. As allowed through Section 61 of the City Charter, the City Council, by a four-fifths (4/5) vote of all of its members, determined and declared that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market. The Council adopted a resolution to this effect, and directed staff to move forward to receive bids to complete the work at Fire Station #2 in a timely manner.

Bids were received from two contractors, one bid for the re-roof, and one bid for the HVAC equipment. D. Garrison Roofing Co. Inc. proposes to complete the re-roof project for the total amount of $14,555. Zone Air Conditioning LLC's bid to replace the HVAC equipment is $27,000. Contracts would be secured with each contractor independently of each other using the City's standard contract language. Both contractors are licensed, bonded, and insured, and have active business licenses with the City of Porterville.

The total cost of the project is $41,655, which is just slightly less than the $42,487 Engineer's Estimate. Construction management will be overseen through the building permit process and by Fire Department management. Funding for the project is the Fire Department's equipment replacement fund.

RECOMMENDATION: That the City Council authorize staff to negotiate contracts with D. Garrison Roofing Company of Tulare and Zone Air Conditioning of Porterville to complete the re-roof and replacement of the HVAC unit at Fire Station #2 as identified in the bids submitted.

ATTACHMENTS:
1. Resolution No. 03A-2018
2. Bid proposals

Appropriated/Funded: MB

Item No. 4.

Review By:

Department Director:

Dave LaPere, Fire Chief

Final Approver: John Lollis, City Manager

RESOLUTION NO. 03A-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE PROCUREMENT OF LABOR AND MATERIALS THROUGH AN OPEN MARKET PROCESS FOR THE REROOF AND HVAC REPLACEMENT PROJECTS AT FIRE STATION #2

WHEREAS: the "City's" Fire Station #2 is in need of repairs that include the replacement of existing HVAC units and a reroof; and

WHEREAS: the "City" has attempted to procure bids through a competitive bid process as required by Section 61 of the City Charter; and

WHEREAS: the "City" did not receive any bids for either the reroof or the HVAC replacement projects; and

WHEREAS: re-advertising for bids is not anticipated to generate an improved response from the previous formal bidding process due to the nature and size of the projects; and

WHEREAS: Section 61 of the City Charter allows the City Council to declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

NOW, THEREFORE BE IT HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Porterville, State of California, that City Staff may seek labor and materials through an open market process directly from at least three (3) contractors for each project and shall proceed with contracting to have the work completed.

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 6th day of February, 2018.

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 a meeting of the Porterville City Council duly called and held on the 6th day of February, 2018.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	FLORES
AYES:	X		X	X	X
NOES:					
ABSTAIN:					
ABSENT:		X			

JOHN D. LOLLIS, City Clerk

Luisa M. Zavala

By: Luisa M. Zavala, Deputy City Clerk

D. GARRISON
Roofing Co. Inc

Contractors License No. 465043
244 West Lois Ave
Tulare, California 93274
(559)688-7990
Fax(559)688-7990
E-mail: dgarison@aol.com
www.dgarrisonroofing.com

PROPOSAL

In the State of California: Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the Registrar of the board whose address is:

Contractors' State License Board
9835 Goethe Road, Sacramento, CA 95827
Mailing Address:

Submitted
Fire Station

500 North Newcomb

Porterville, Ca

Job Name/No.: Porterville Fire Station

Phone: 782-7530 Date: 2/15/18 Job Location: 500 North Newcomb

Architect: N/A Date of Plans: N/A

We hereby submit specifications and estimates for:
Tear off existing roof down to the sheeting, haul off all debris, then replace with one layer of 1/4" securock, then mechanically attach 60 mil TPO single ply roofing membrane, all new roof jacks, remove tile and install roofing underneath and install tile back to working order.
Exclude any sheet metal work, reglets or counter flashing

We Propose hereby to furnish material and labor – complete in accordance with above specifications, for the sum of Fourteen Thousand Five Hundred and Fifty Five Dollars ($ 14,555.00).
Payment to be made as follows:
Upon Job Completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. 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.

Authorized signature: Doug Garrison

Note: This proposal may be withdrawn by us if not accepted within 15 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.

Signature _____ Date _____ Signature _____ Date _____

BY THE ABOVE SIGNATURE, CUSTOMER AGREES TO AND ACKNOWLEDGES THE FOLLOWING WARRANTY LIMITATIONS AND LIMITATIONS OF THE DUTY TO DEFEND:

1. D.Garrison Roofing Company, Inc. provides only a limited warranty of five (5) years for any defects in workmanship on the job performed. This is the only warranty provided by D.Garrison Roofing Company, Inc. and it is the only guarantee. There is no other warranty, express or implied, given by D.Garrison Roofing, Inc. to customer. Customer hereby waives any implied warranty of merchantability or fitness for a particular purpose and accepts the manufacturer's warranty on materials, which customer confirms customer chose, as the sole materials warranty. Customer acknowledges the D.Garrison Roofing Company, Inc. does not guarantee the warranty provided by the manufacture, unless agreed upon by owner. Notwithstanding any contrary provision in any other contract documents, the following provisions limiting D.Garrison Roofing Company's obligation, if any, related to mold or fungus, to defend, hold harmless or indemnify customer from claims shall control.

   D.Garrison Roofing Company, Inc. provides no warranty, expressed or implied that the roofing system installed by it or its subcontractor will provide a finished structure free from mold or fungus or the potential that mold or fungus may grow on any portion thereof. Customer acknowledges that mold and fungus growth is a natural condition which occurs as a result of moisture and moisture may become evident from any number of sources exclusive of the roofing system. Customer agrees to periodically inspect all portions of the roofing system in addition to the attic, crawl space and other portions of the structure, whether or not accessible, for the development of moisture and either the potential for or actual growth of mold and fungus and if customer finds moisture or the potential for actual growth of mold and fungus, customer shall promptly mitigate any damage related thereto by finding the moisture source, stopping the accumulation of moisture and cleaning and removing mold or fungus which might be found. D.Garrison Roofing Company, Inc. shall have no obligation to inspect or investigate moisture conditions after the one year limited warranty, set forth above.

   D.Garrison Roofing Company, Inc. shall have no obligation or duty to defend, hold harmless or indemnify customer for any claim asserting property damage or personal injury arising out of moisture conditions or the accumulation of mold or fungus discovered after the one year limited warranty period, set forth above.

ADDITIONAL INSURED ADVISORY

As a responsible contractor we routinely provide evidence of insurance for jobs that we are fortunate enough to be involved. This evidence often is in the form of an "additional insured endorsement". As you are aware, legal wording on these documents has changed over the years as liability claims have become increasingly problematic. Losses have continued to cover more thing and over longer periods of time than ever before. D.Garrison Roofing Co, Inc. will issue our standard additional insured endorsement with the wording provided by our insurance carrier. If terms other than our standard, we will attempt to comply. In the event our complying with your request results in any additional premium, we will add such amount to our final billing. If you have any questions regarding this situation, please bring them to our attention so that we can reply promptly.

CONTRACTORS STATE LICENSE BOARD

Contractor's License Detail for License # 465043

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.
Per B&P 7071.17 , only construction related civil judgments reported to the CSLB are disclosed.
Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.
Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Data current as of 2/9/2018 1:54:47 PM

Business Information

D GARRISON ROOFING COMPANY INC
244 WEST LOIS AVENUE
TULARE, CA 93274
Business Phone Number:(559) 688-7990

Entity	Corporation
Issue Date	10/31/1984
Reissue Date	01/07/2016
Expire Date	**01/31/2020**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

C39 - ROOFING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with AMERICAN CONTRACTORS INDEMNITY COMPANY.
Bond Number: 100295034
Bond Amount: $15,000
Effective Date: 01/07/2016
Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual DOUGLAS PAUL GARRISON certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 01/07/2016

Workers' Compensation

This license has workers compensation insurance with the CALIFORNIA INSURANCE COMPANY
Policy Number:4686779702
Effective Date: 03/29/2016
Expire Date: 03/29/2018
Workers' Compensation History

BID PROPOSAL FOR
FIRE STATION #2 HVAC REPLACEMENT
PROJECT NO: 89-9061-88
BID NO.: 17/18 – CP1867

TO THE PURCHASING AGENT
City of Porterville
291 N. Main Street
Porterville, CA 93257

We, the undersigned bidder, having carefully examined the location of hereinafter described work and the plans and project manual thereof, thereby propose to furnish, all in strict accordance with said plans and project manual, all the materials, labor and equipment necessary for the completion of this project for the price set forth in the following bid, to wit:

BID

ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE (in figures)	AMOUNT (in figures)
1.	1	LS	Flashings, HVAC Curb, ect.	$ 500	$ 1000
2.	1	LS	HVAC removal and replacement (Labor)	$ 9200	$ 9200
3.	1	LS	HVAC equipment (Materials)	$ 15,400	$ 15 400
4.	1	LS	T-24 Energy Calculations	$ 1500	$ 1500
			TOTAL **BID** (Figures)		$27,100

Total amount of **BID** Twenty Seven Thousand one hundred Dollars

and NO Cents (Words)

(Amount to be shown in both words and figures. In case of discrepancy between words and figures, the words shall prevail.)

We, the undersigned, as bidder, declare that we have thoroughly examined all the Contract documents herein contained and that this proposal is made without collusion with any other person, firm or corporation.

And we agree, if this proposal is accepted, that we will contract with the City of Porterville in the form of the Articles of Agreement to provide all labor and materials and all other expenses of whatever nature necessary to comply with the drawings and Contract provisions contained herein or reasonably implied thereby or as necessary to complete the work in the manner and within the

time specified and according to the requirements and to the reasonable satisfaction of the Engineer; to pay all charges of freight, taxes, transportation and hauling; to indemnify the City and the Engineer against any loss or damage arising from any act of the undersigned as Contractor; and that we will take in full payment therefore the sums as shown on the Bid Proposal and made a part hereof.

And we further agree, if this Proposal is accepted, to sign the Articles of Agreement and to furnish the required bonds of a surety satisfactory to the City within ten (l0) calendar days from the date notified by the City Clerk of award of contract; and if the undersigned shall fail to contract as aforesaid, it shall be understood that he/she has abandoned the Contract, and that, therefore, this Proposal shall be null and void and the certified check or bond accompanying this Proposal becomes the property of the City.

The undersigned certifies that he/she has a valid license as Contractor in the State of California, the classification and number of which are C-20 885323. The license expiration date is 2020. The representations made herein are made under penalty of perjury.

Witness our hands this 6 day of March, 2018.

Signature of bidder, with business name, address and telephone number:

(1) Zone Air Conditioning LLC
BIDDING FIRM

(2) Corp.
Corp, Individual, Partner, Other

(3) 11597 Rd 248
Business Address

Portervile CA. 93257
City, State and Zip Code

559-782-9311
Area Code and Telephone Number

(4)
Signature of Authorized Person

Renee Congoria
Type/Print Authorized Person Name

(PLEASE SEE THE INSTRUCTIONS ON FOLLOWING PAGE REGARDING SIGNATURE)

(1) If bidder is an individual, enter name here in style used in business; if a joint venture, exact names of entities joining in the venture; if a partnership, the correct trade style of partnership if a corporation, the exact name of the corporation under which it is incorporated.

(2) If bidder is other than an individual, identify here its character, i.e. joint venture, partnership, corporation (including state of incorporation) etc. If bidder is an individual operating under a trade name, state "an individual dba" (trade name in full).

(3) State on this line the address to which all communications and notices regarding the Bid proposal and any contract awarded hereunder are to be addressed.

(4) If bidder is a joint venture, signature must be by one of the joint ventures and if one or both of the joint venture's is a partnership or a corporation each participating partnership must sign by a general partner, and each corporation by an authorized officer or employee; if a partnership, by a general partner; if a corporation, by an authorized officer or employee. The title of the person signing must appear after his signature. Where bidder is a partnership or a corporation, the names of all other general partners, or the names of the president and secretary of the corporation and their business addresses must be shown below:

_____ _____

_____ _____

_____ _____

NOTE: All signatures must be typewritten under written signature.

NOTE: All addresses must be complete with Street number, City and State.

SUBCONTRACTORS: Pursuant to the provisions of Sections 4100 to 4113 inclusive, of the Public Contract Code of the State of California, the undersigned hereby designates below, for the project, opposite various portions of the work, the names and locations of the places of business of **each, and every**, subcontractor who will perform work or labor in the amount in excess of one-half of one percent (½ of l%) of the amount of the total bid. All work not listed below shall be performed by the undersigned bidder. It is understood that the bidder, if awarded the contract, shall not substitute any subcontractor in place of the subcontractors herein designated subcontractor, or sublet or subcontract any of the work as to which a subcontractor is not herein designated without the consent of the City and approval of the Engineer. The subletting or subcontracting of any work for which there was no subcontractor designated in the original bid may be permitted upon written consent of the City Engineer. (List one firm only for each portion of work.)

Name & Address	License #	**Bid Item & Description of Work Assigned to Sub**	**Percent of Bid Item**

TOTAL PERCENTAGE OF WORK ASSIGNED TO SUBCONTRACTORS: Ø %

Signature of Bidder

Owner

Title

REFERENCES

The following are the names, addresses, and phone numbers for three public agencies for which BIDDER has performed similar work within the past two years:

DAY CO. CONT. 881 W. MORTON AVE #D 782-3689
CITY of PORTERVILLE 291 N. MAIN ST.

DESIGNATION OF SURETIES

The following are the names, addresses, and phone numbers for all brokers and sureties from whom BIDDER intends to procure insurance and bonds:

GDI CURTIN ALKIER INSURANCE SERVICES 559-544-4400

NON-COLLUSION AFFIDAVIT

TO THE CITY OF PORTERVILLE:

The undersigned, in submitting a bid for performing the following work by contract, being duly sworn, deposes and says:

That he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Work to be done: Furnish to the City all labor, materials, equipment transportation and services for the construction of the HVAC Units replacement for Fire House #2.

Zone Air Conditioning LLC
Bidder's Name

Signature ~~of Bidder~~

Owner
Title

11597 Rd 248 Porterville
Business Address

11597 Rd 248
Place of Residence

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 Tulare

Subscribed and sworn to before me this _____ day of _____, 20__ by

_____ Proved to me on the basis of satisfactory

evidence to be the person who appears before me.

_____
Signature of Notary Public
(Note: this is a Jurat)

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Award of Contract - Sewer Annexation Area 456A, 456B, & 456C

SOURCE: Public Works

COMMENT: On April 10, 2018, staff received five (5) bids for the Island Annexation Sewer Project - Area 456A, B, & C. The proposed project is to be the next part of the 2006 island annexation areas to receive new sewer infrastructure. Annexation Area 456A is generally located south of Highway 190 and west of Jaye Street. Annexation Areas 456B and 456C is generally bound by Olive Avenue on the north, Jaye Street on the east, Highway 65 on the west, and the Tule River on the south.

The proposed project includes 5,596 lineal feet (1.06 miles) of 8" and 6" diameter sewer mains, 13 sewer manholes and 214 sewer laterals. Construction sequencing will be essential throughout the project and specified as such so as to maintain access and minimize the inconvenience within the neighborhoods affected by this project.

The bids are as follows:

Contractor	Amount
1. Floyd Johnston Const. Clovis, CA	$1,230,000.00
2. 99 Pipeline Porterville, CA	$1,399,279.00
3. Dawson Mauldin Const. Inc Huntington Beach, CA	$1,549,029.88
4. Todd Companies Visalia, CA	$1,596,416.07
5. Bill Nelson Fresno, CA	$1,796,577.00

Staff has found the low bidder acceptable. The Engineer's estimate of probable cost for construction is $1,363,117. The lowest responsive bid is $1,230,000 which is 9.76% below the Engineer's estimate.

The project also includes an Add Alternate for an area located in east Henderson east of Plano Street. For a period of time City staff have been working with the property owners and residents of this small community (5 parcels) and have shown interest in the construction of a sewer main that would service their homes. The property owners have shown willingness to participate in the formation of a sewer district. Easements have been prepared and have been signed or are ready to be signed by the property owners. One of the property owners has had difficulties with their septic system and was having to pump constantly to avoid spillage. After examination of the area staff determined for a minimal amount of money the area in east Henderson could be added to the project as an add alternate and would still be within the available project funds.

The Add Alternate which adds an additional $110,000.00 would put the entire project at a total of $1,340,000.00. The base bid amount plus the Add Alternate is still 1.69% below the Engineer's Estimate. An additional $134,000 is necessary for construction contingency (10%). It is anticipated that $130,000.00 is required for construction management, quality control and inspection services (9.54%) for a total estimated project cost of $1,604,000.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this project. The stated funding source was approved in the 2017/18 Annual Budget.

RECOMMENDATION: That City Council:

1. Award the Island Annexation Sewer Project, Area 456A 456B and 456C, to Floyd Johnston Construction in the amount of $1,340,000.00 which includes the Add Alternate;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 9.54% for construction management, quality control and inspection.

ATTACHMENTS:

1. Locator Map 456A
2. Locator Map 456B
3. Locator Map 456C
4. Locator Map - E Henderson Sewer

Appropriated/Funded: MB

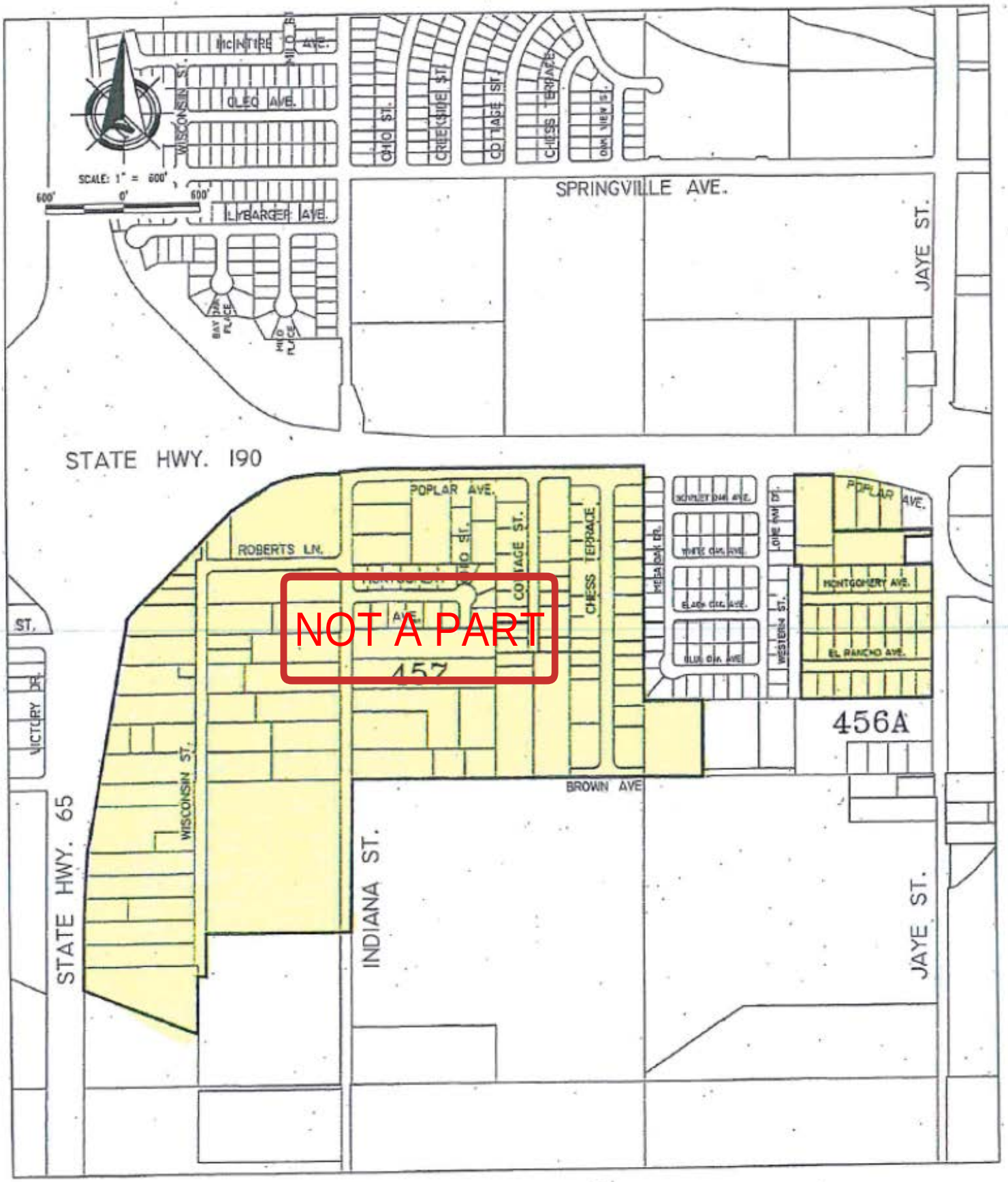
Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

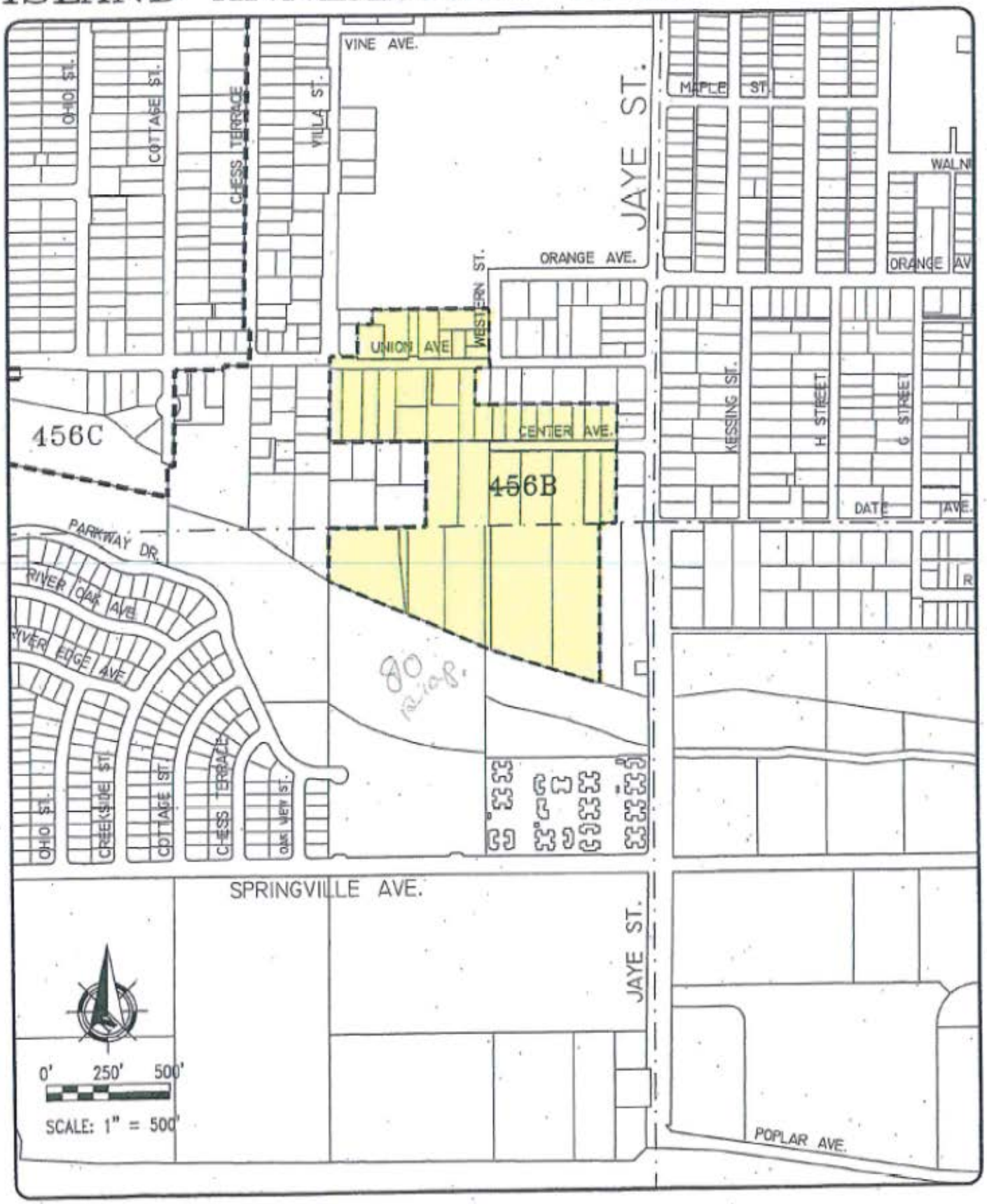
Item No. 5.



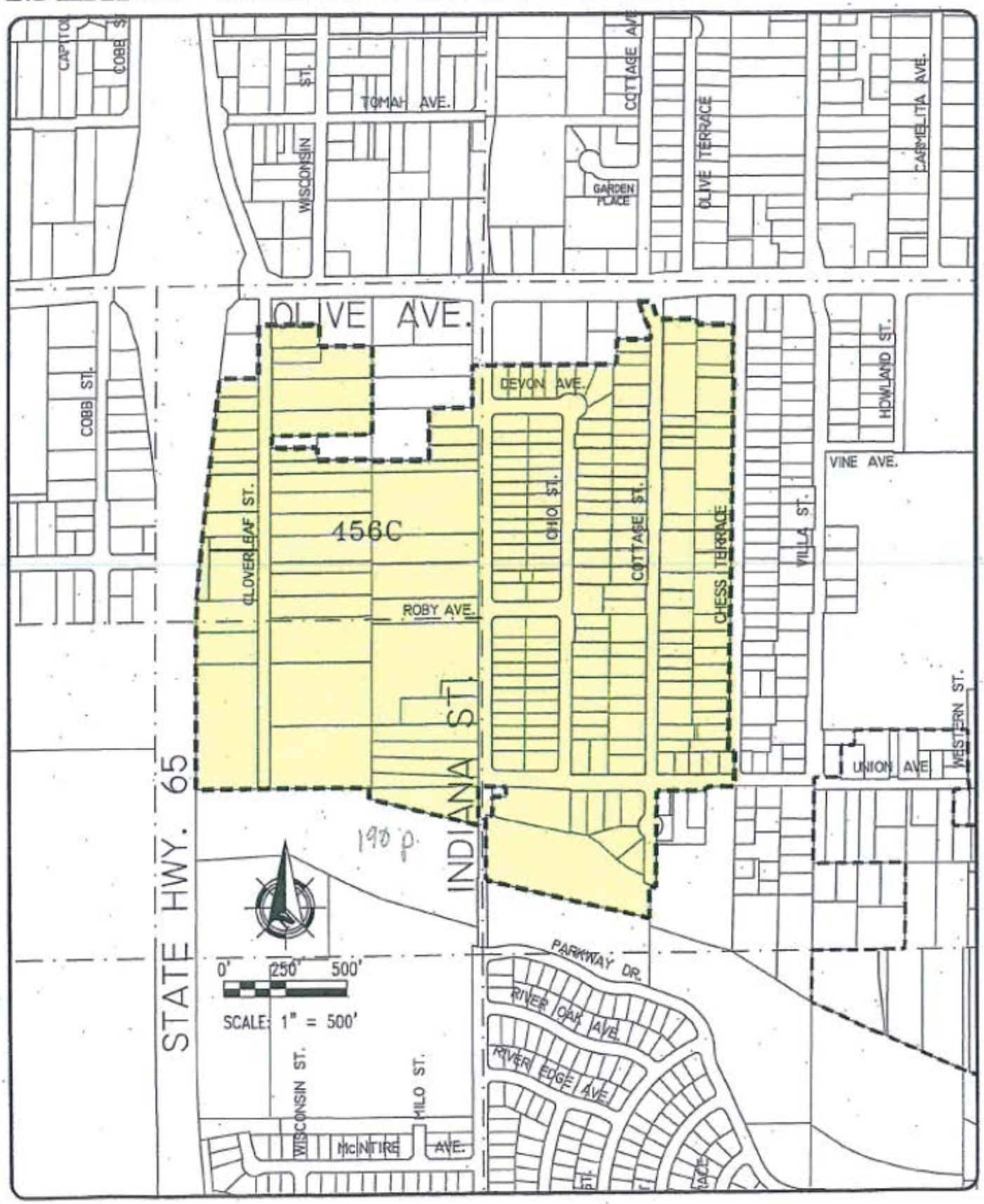
PROJECT BOUNDARIES

ISLAND ANNEX. 456A & 457

ISLAND ANNEXATION 456B



ISLAND ANNEXATION 456C



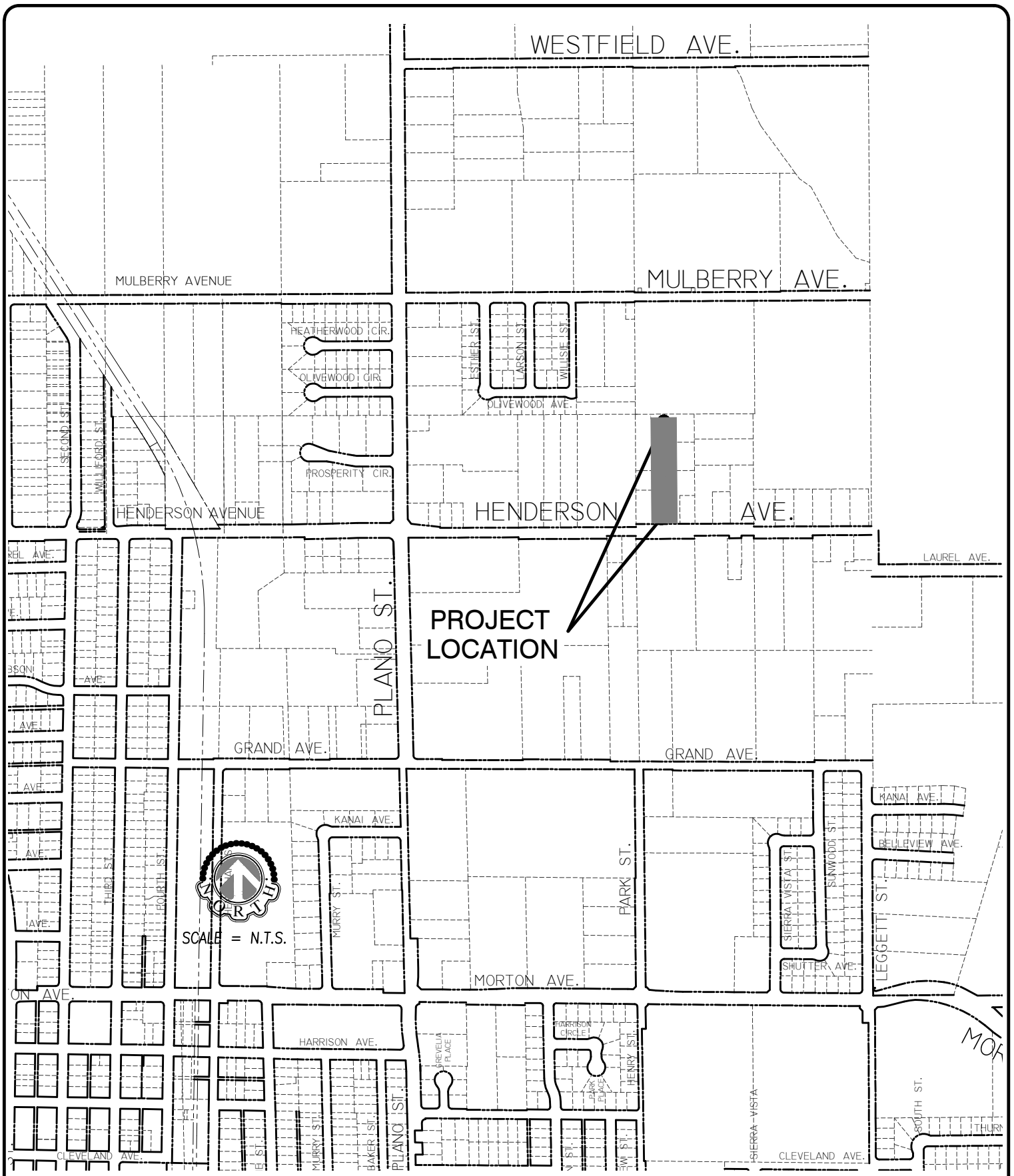


EXHIBIT "B"

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

EAST HENDERSON SEWER ANNEXATION PROJECT

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

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Authorization to Distribute Request for Proposals for Affordable Housing Development

SOURCE: Community Development

COMMENT: On June 5, 2015, City Council authorized staff to submit an application to the county of Tulare to purchase a tax defaulted property; Assessor Parcel Number 260-193-006, situs address of 87 S. G Street. The property is zoned RS-2 (Low Density Residential). The property was purchased using Community Development Block Grant (CDBG) Funds. The purpose and intended use of the City's purchase of the property was to abate the substandard conditions and to make the site available for low-income housing.

An inspection of the structure resulted in the determination that lead and asbestos contaminants were present. The structure was in such poor condition that it was condemned; the Building Official determined that demolition would be required, yielding vacant land in an established single-family neighborhood. A substantial amendment was completed for the CDBG 2015 Consolidated Plan to add the Clearance and Disposition Projects to allow for clearance of the contaminants and to allow donation of the vacant land to a non-profit developer to construct affordable housing.

A Request for Proposals is required to select the non-profit developer for the construction of the affordable housing. The services to be rendered under this contract would include construction of an affordable house to be sold to an eligible household. Conditions, Covenants and Restrictions will run with the property until the residential unit is completed and the property is sold to an eligible family. The selected developer must demonstrate experience completing projects of similar size and scope; submit a proposed project; and demonstrate developer capacity and financial capacity to complete the project in an aggressive timeline and with no other subsidy from the City of Porterville, other than the donation of the land. Preferential points will be awarded for those respondents who demonstrate they are a Minority Owned Business Enterprise/Women Owned Business Enterprise and/or Section 3 Business and/or a Local Business.

The term of the agreement would end on June 30, 2019, unless an extension is needed to complete the construction of the dwelling. Anticipated donation would be 30 days from award of RFP or clearance of property, whichever is later.

RECOMMENDATION: That City Council:
1. Authorize staff to distribute a Request for Proposals to donate vacant land for development of affordable housing; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

ATTACHMENTS:
1. Draft Land Donation RFP
2. Locator Map 260-193-006 87 S. G

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

REQUEST FOR PROPOSAL
RFP No.17/18SR1871

Development of Single Family Affordable Housing Unit

Submittal:	Two unbound originals and one PDF version must be received by: **4:00 p.m., May 25, 2018**
Addressed to:	Community Development Department City of Porterville 291 N. Main Street Porterville, CA 93257 Attention: Jennifer M. Byers
Mark envelope:	RFP No. 17/18SR1871 Development of Single Family Affordable Housing Unit

Proposals received after the time and date stated above shall be returned unopened to the proposer.

INQUIRIES:

Proposal forms may be inspected and electronically downloaded with no cost, at the Public Purchase website, https://www.publicpurchase.com. No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. ***No bid shall be received from an individual or company that is not an official proposal holder and has not registered and accessed the proposal documents from the Public Purchase website***. **Questions regarding this project are due no later than May 11, 2018.**

CITY OF PORTERVILLE

REQUEST FOR PROPOSAL
RFP 17/18SR1871

Development of Single Family Affordable Housing Unit

Proposal forms may be inspected and electronically downloaded with no cost, at the Public Purchase website, https://www.publicpurchase.com. No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. No bid shall be received from an individual or company that is not an official proposal holder and has not registered and accessed the proposal documents from the Public Purchase website.

The City hereby affirmatively ensures that Minority Business Enterprises and Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of race, color, national origin, ancestry, handicap, gender, religion or sexual orientation in any consideration leading to the award of contract.

No qualified disabled person shall, on the basis of disability, be excluded from participating in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity leading to the award of a contract.

The right is reserved by the City of Porterville to reject any or all proposals, to waive any irregularities or informalities not affected by law, to evaluate the proposals submitted and to award the contract according to the proposal which best serves the interests of said City.

Publication Dates: April 20, 2018

April 27, 2018

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Exhibit A – Application
Exhibit B – Parcel Map
Exhibit C – Locator Map
Exhibit D – Sample CC&Rs

DEFINITIONS

For the purposes of this RFP No. 17/18SR1871, the following terms shall have the meanings indicated:

1. "City" means the City of Porterville
2. "City Council" Or "Council" means the City Council of the City of Porterville
3. "Contractor" "Developer" are used interchangeable in this document and means the person, firm, or corporation or other entity submitting a proposal in response to the Request for Proposal.
4. "Proposal" means an individual's or entity's offer in response to this Request for Proposal.
5. "RFP" means Request for Proposal 17/18SR1871.
6. "Land Donation", "Award", are used interchangeably throughout this document and means the Donation of 87 S. G St for development of an Affordable Single Family Home to be occupied after construction by a Low-Moderate income family.
7. "Contract" means the provisions and restrictions set forth in the CC&R's
8. "Initial owners" means the contractor who is awarded the RFP and whom the City will donate the cleared property to.
9. "Subsequent owners" means the eligible household whom the property is sold to following the completion of construction.

I. PURPOSE

The City of Porterville is requesting proposals from qualified and experienced non-profit housing developers to develop vacant land for a single family dwelling for affordable housing. In accordance with the U.S. Department of Housing and Urban Development (HUD) requirements and all applicable HUD guidelines. Once constructed the dwelling unit must be sold at an "affordable price" to income-qualified, first-time homebuyers.

It is the intent of the City to enter into an agreement for the donation and development of the project site. The subject parcel awarded will be donated to the successful party. Covenants, Conditions and Restrictions (CC&Rs) will be placed on the property. A copy of the CC&Rs are attached as Exhibit D.

No other funds/subsidy/funding is available. All pre-development, plans, entitlements, construction costs will be borne by the successful party. If request for additional funds is made in the application, application will be deemed "non-responsive" and not considered.

Proposal forms may be inspected and electronically downloaded with no cost, at the Public Purchase website, https://www.publicpurchase.com. No copies of said documents will be provided by the City. All addenda and correspondence during the bid process will be handled electronically through the Public Purchase website. No bid shall be received from an individual or company that is not an official proposal holder and has not registered and accessed the proposal documents from the Public Purchase website.

Any revisions to the Request for Proposals will be issued and distributed as addenda. Proposers are encouraged to submit any questions or items for clarification in writing to the above mentioned website no later than May 11, 2018.

II. BACKGROUND
City of Porterville

The City of Porterville is located in the southeastern portion of Tulare County, in the San Joaquin Valley region of California. Located at the intersection of State Routes 190 and 65, Porterville is midway between Fresno (68 miles north) and Bakersfield (45 miles south), in the southeastern corner of Tulare County. The City of Porterville has a population of approximately 59,908 but serves as the trade and cultural center for approximately 120,000 people. The economy is a mixture of agri-business, light industry and commercial enterprise.

CDBG Land Acquisition/Disposition Program

The City's Community Development Department (CDD) is responsible for preparing and implementing a Five-year Consolidated Plan which includes identifying the needs of the community and carrying out various projects and programs with the use of U. S. Department of Housing and Urban Development (HUD) funding, which includes Community Development Block Grant (CDBG) and HOME Investment Partnership funding.

Through the Land Acquisition Program, identified in the 2015 Consolidated Plan, a property was purchased to meet one of the identified needs of the community. In this instance, the structure had to be cleared of asbestos and lead contaminants. It required the demolition of the existing structure, yielding vacant land in an established single-family neighborhood. Once cleared, the property will be donated through the Disposition Program, also identified in the 2015 Consolidated Plan Substantial Amendment, for the development of an affordable housing unit; in order to fulfill the goal of affordable housing.

III. SCOPE OF SERVICES

The Construction of a single family residential unit with two car garage, for the establishment of affordable owner occupied homeownership utilizing a property donated from the City of Porterville.

A. Successful developer/contractor will be required to take title to the subject parcel.
B. Affordable Housing Criteria. An "Affordable Price" means the monthly Principal, Interest, Taxes and Insurance (PITI) does not exceed 35% of the households' gross monthly income. The maximum sales price should not exceed $196,000.

   An "Income-Qualified" household is a household whose annual income is between 30% and 80% of the Area Median Income (AMI). The following chart is an example of the 2017 AMI Limits for the City of Porterville issued by HUD. However, at the time of household selection the most current income limits available must be used.

2017 Area Median Income for the City of Porterville

HH Size	1	2	3	4	5	6	7	8
50% AMI	$21,000	$24,000	$27,000	$29,950	$32,350	$34,750	$37,150	$39,550
80% AMI	$33,550	$38,350	$43,150	$47,900	$51,750	$55,600	$59,400	$63,250

C. A requirement that the initial owner execute and provide to the City for recording in the public records of Tulare County a land use restriction on the property requiring that the property be owner occupied as a primary residence and used for affordable housing purposes. Such land use restriction shall also contain a covenant prohibiting the initial owner's transfer or conveyance of the property prior to the completion of the project;
D. A requirement that the initial owner commence construction of affordable housing on the property within 120 days of the donation, unless such time is extended by the City of Porterville.
E. A requirement that the Entity complete construction of the affordable housing in accordance with the project plans and specification submitted in the initial owner's response to the RFP, as applicable, by June 30, 2019; unless extended by the City of Porterville.
F. Requires the property to be owner-occupied as a primary residence and used for affordable housing purposes.
G. Property is subject to possibility of reverter. In the event that developer fails to a) commence construction of the Project on or before the construction commencement date and any applicable extensions granted by the City, b) fails to substantially complete the project on or before the construction completion date of June 30, 2019 and beyond any applicable cure periods, and/or c) abandons the project beyond the applicable cure periods, the property will automatically revert back to the City.
H. The project shall be required to comply with State Laws, the City of Porterville Development Ordinance (PDO), adopted Building Codes and all other applicable laws and ordinances.
I. Development must be consistent with all applicable Citywide Design Guidelines and blend into the neighborhood in which it is located.

IV. PROJECT SITE

Assessor Parcel Number	Street Address	Gross Size	See Exhibits B and C for
260-193-006	87 S. G St. Porterville CA 93257	7244± sq ft	Parcel Map and Locator Map

V. PROPOSAL REQUIREMENTS

Should the developer have concerns about meeting any requirements of this RFP, the developer shall include a clearly labeled subsection with individual Statements specifically identifying the concerns and exceptions. Though the developer may submit a proposal organized according to its preference, it must be clear and concise. The proposal must contain the following:

A. A Cover page containing the Developer's name, address, and the name and address of a person who may be contacted for additional information concerning the Project Proposal;
B. Application (Exhibit A) including all required attachments/references to the application.
    1. Conceptual Site Plan for Lot
        a. The Site Plan must:
            i. Be To Scale
            ii. Accurately Reflect the Project Site
            iii. Depicts a Project Requiring **NO** Variances from City Development Standards
    2. Conceptual Elevations

a. Elevations must:
   i. Elevations contain a minimum of two finish materials
   ii. Elevations blend with or compliment the surrounding neighborhood
   iii. Must comply Section 201.04, Supplemental Regulations, of the Porterville Development Ordinance for single-family residential development

3. Conceptual Floor Plan is provided
4. Conceptual landscaping plan consistent with Chapter 303, Landscaping, of the Porterville Development Ordinance and Chapter 25, Article I, Division 6 of the Municipal Code.
5. Project Timeline and schedule for the initiation and completion of the Project.
6. A description of the general plans for financing the Project, including the sources of funds and proposed Project Budget.
7. A description of available programs, if any, to assist potential low income and moderate homebuyers in purchasing the affordable housing from the Developer.

C. Applicant must be a Non-profit Affordable Housing Developer

D. Signed Certifications indicating the following:
   1. Developer will enter into a Development and Disposition Agreement with the City of Porterville for completion of the awarded project.
   2. That firm has sufficient liquid assets to complete the project in a timely manner and consistent with all City of Porterville Requirements
   3. That the completed structure/property is required to be sold at an "affordable" price to households whose income is below the 80% of the Area Median Income (AMI).
   4. That the awarded developer will take title to the subject site.
   5. That the awarded developer consents to the recordation of Covenants, Conditions and Restrictions (CC&Rs) which will ensure compliance with the affordability of the subject site.
   6. If awarded developer fails to comply with the terms of the CC&Rs, developer will be financially responsible for the re-payment of Equity left in the project (market rate of the land minus purchase price), and/or the awarded developer may be subject to any other remedy available to the City per the terms of the CC&Rs and applicable law.
   7. No other funds/subsidy/funding is available from the City of Porterville other than the donation of the vacant land. If additional funds are requested as part of this proposal, application will be deemed "non-responsive" and will not be considered.

The City Of Porterville reserves the right to request additional material or information from the Developer as needed.

VI. INSTRUCTIONS AND SCHEDULE FOR SUBMITTAL OF PROPOSALS

All proposals shall be signed and sealed by a duly authorized representative of the Company. The name and mailing address of the individual executing the proposal must be provided.

The City of Porterville is not liable for any costs incurred by any company in relation to the preparation or submittal of proposals. Pre-agreement expenses include, but are not limited to, expenses by company in: preparing a proposal or related information in response to RFP; negotiations with City on any matter related to this RFP; and costs associated with interviews, meetings, travel or

presentations. Additionally, City shall not be liable for expenses incurred as a result of City's rejection of any proposals made in response to this RFP.

Submittal:	Two unbound originals and one PDF version must be received by: **4:00 p.m., May 25, 2018**.
Addressed to:	Community Development Department Attention: Jennifer M. Byers City of Porterville 291 N. Main Street Porterville, CA 93257
Mark envelope:	RFP No. 17/18SR1871 Development of Single Family Affordable Housing Unit

Proposals received after the time and date stated above shall be returned unopened to the proposer.

VII. PUBLIC RECORDS

All qualifications/proposals submitted in response to this RFP become the property of the City and under the Public Records Act (Government Code § 6250 et. seq.) are public records, and as such may be subject to public review at least ten days before selection and award.

If a Company claims a privilege against public disclosure for trade secret or other proprietary information, such information must be clearly identified in the proposal. Note that under California law, price proposal to a public agency is not a trade secret.

VIII. EVALUATION PROCESS AND SELECTION CRITERIA

The City will conduct the selection process. The City is the final decision-maker regarding this selection, and it reserves the right to reject any or all responses or to terminate development negotiations at any time. Evaluation and selection of proposals will be based on the information requested in this RFP. Brochures or other promotional presentations beyond that are sufficient to submit a complete and effective proposal are not desired. Elaborate artwork, expensive paper or binders, and expensive visuals are not necessary.

Responses to this RFP will be initially reviewed and evaluated by the Community Development Financial Assistance Review Committee (CDFARC).

CDFARC will issue recommendations to the City Council. The City reserves the right to request clarification or additional information from individual respondents and to request some or all respondents to make presentations to City staff, community groups, or others. As part of the evaluation process, the City expects to interview some, but not necessarily all, of the developers submitting proposals.

The selection of a qualified developer will be based generally upon their credentials, relevant experience, financial capacity, willingness to carry out the Housing Project in a careful and

coordinated manner with the full collaboration of the City with no subsidy from the City of Porterville, other than the donation of the land**.**

A. Proposals will be reviewed and scored on a competitive basis using the evaluation criteria below:

1. Development Team with demonstrated experience completing projects of similar size and scope. (20 points possible)

2. Proposed Project: Site Plan, Elevations, Floor Plan and Landscape Plan/Plant Palette (15 points possible)

3. Developer Capacity: Design, Construction and Re-Sale to Qualified Household, and Timeline (20 points possible)

4. Demonstrated Financial Capacity to complete the project City with no subsidy from the City of Porterville, other than the donation of the land, Development Budget, Profit and Loss Statement (45 points possible)

Maximum Points Available: 100

Five additional preferential points will be awarded to those respondents who demonstrate they are:

- ❑ Minority Owned Business Enterprise/Women Owned Business Enterprise Participation and/or
- ❑ Section 3 Participation and/or
- ❑ Local Businesses

B. Timeline for award

The award, if made, will be made within (30) days from proposal closing date or (30) days from clearance final inspection. Proposer agrees and so stipulates in submitting this proposal, as though stated therein that:

1. Proposer is an independent contractor, not an employee, agent, or officer of the City.
2. Contract, should it be awarded, shall be interpreted, construed, and given effect in all respects according to the laws of the State of California.
3. Should contractor be awarded contract, contractor shall not assign contract, or any part thereof, or any moneys due or to become due thereunder, without prior consent of the City.
4. Proposer shall indemnify and hold harmless the City, its officers, officials, employees, and agents from and against all claims, damages, losses, and expenses caused in whole or in part by any negligent act or omission of the contractor, its Contractors, subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct by the City.
5. Proposer shall hold the City harmless from liability of any nature or kind, including cost and expenses for infringement or use of any copyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract.

6. Proposer warrants that no gratuities, in the form of gifts, entertainment, or otherwise, were offered or given by the contractor, to any officer or employee of the City with a view toward securing the contract or securing favorable treatment with respect to any determination concerning the performance of the contract. For breach or violation of this warranty, the City shall have the right to terminate the contract, either in whole or in part. The rights and remedies of the City provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under the contract.

IX. EXAMINATION OF CONTRACT REQUIREMENTS AND ACCEPTANCE OF PROPOSAL CONTENT

Before submitting a proposal, contractors must satisfy themselves by personal examination of the proposal requirements and other contract documents, and by any other means as they may believe necessary, as to the actual conditions, requirements, and difficulties under which the work must be performed and to verify any representations made by the City of Porterville, upon which the offer or will rely.

The submission of a proposal shall be considered conclusive evidence that the contractor has carefully investigated all conditions that affect, or may at some future date affect, the performance of services covered by this solicitation, and is satisfied as to the character, quality, and quantities of work to be performed and as to the requirements of the proposal. Submission of a proposal shall also be evidence that the contractor is familiar with directives that in any way affect prosecution of the work or persons engaged or employed in the work.

No contractor shall at any time after submission of a proposal make any claim or assertion that there was any misunderstanding or lack of information regarding the nature or amount of work necessary for satisfactory performance under the contract. If the contractor receives an award as a result of this Request for Proposals, failure to have made such investigations and examinations will in no way relieve the contractor from its obligations to comply in every detail with all provisions and requirements of the contract documents, nor will a plea of ignorance of such conditions and requirements be accepted as a basis for claim whatsoever by the contractor for additional compensation. Any errors, omissions, or discrepancies found in the specifications or other contract documents shall be called to the attention of the City and clarified prior to the submission of proposals.

Should the contractor feel there has been a supplemental or oral modification, it shall be their responsibility to verify said modification in writing prior to submission of the proposal.

The contents of the proposal of the successful contractor shall become contractual obligations if procurement action ensues. Failure to accept these obligations in a contractual agreement shall result in cancellation of award.

A. WITHDRAWAL OF PROPOSALS

Any proposal may be withdrawn at any time prior to the time fixed in the public notice for the receipt of proposals, only by written request for the withdrawal of the proposal filed with the Community Development Department. The request shall be executed by the contractor or their duly authorized representative. The withdrawal of a proposal does not prejudice the right of the

contractor to file a new proposal. No proposal may be withdrawn after the time fixed in the public notice for the receipt of proposals.

B. REJECTION OF PROPOSALS

Failure to meet the requirements of the RFP may be cause for rejection of the proposal. The City may reject the proposal if it is deemed incomplete, contains irregularities of any kind or is offered conditionally. The City reserves the right to reject any and all proposals without cause and to waive information and minor irregularities in any proposal received. The proposal is to be prepared in such a way as to provide a straightforward, concise delineation of the information requested. Proposals which contain false or misleading statements, or which do not support an attribute or condition claimed by the contractor, may be cause for rejection of the proposal. If, in the opinion of the City, such information was intended to mislead the City in its evaluation of the proposal, it will be cause for rejection of the proposal.

C. RIGHT TO REQUIRE PERFORMANCE

The failure of the City at any time to require performance by the contractor of any provisions hereof shall in no way affect the right of the City thereafter to enforce the same. Nor shall waiver by the City of any breach of any provision hereof be taken or held to be waiver of any succeeding breach of such provision or as a waiver of any provision itself.

D. ETHICS IN PUBLIC CONTRACTING

Each contractor, by submitting a proposal, certifies that it is not a party to any collusive action or any action that may be in violation of the Sherman Antitrust Act by submitting a proposal, the contractor certifies that its proposal was made without fraud; that it has not offered or received any kickbacks or inducements from any other contractor in connection with the request for proposal; and that it has not conferred on any public employee, public member or public official having responsibility for this procurement transaction, any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value.

The contractor further certifies that no relationship exists between itself and the City or another person or organization that interferes with fair competition or constitutes a conflict of interest with respect to a contract with the City of Porterville.

Prior to the award of any contract, the potential Consultant may be required to certify in writing to the Purchasing Division that no relationship exists between the contractor and any City employee, officer, official or agent that interferes with fair competition or is a conflict of interest with respect to a contract with the City of Porterville.

More than one proposal from an individual, firm, partnership, corporation or association under the same or different names may be rejected. Reasonable grounds for believing that a contractor has interest in more than one proposal for the work solicited may result in rejection of all proposals in which the contractor is believed to have an interest.

E. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of the contract, contractor agrees to the following:

1. Proposer shall comply with all the requirements, when applicable, of the California Fair Employment Practice Commission and provisions of, when applicable, all Federal, State of California, County of Tulare and City of Porterville laws and ordinances related to employment practices.
2. Proposer shall not discriminate against any employee or applicant for employment on the basis of race, religion, color, gender, age, handicap, national origin or ancestry, except when such a condition is a bona fide occupational qualification reasonably necessary for the normal operations of the contractor. The contractor agrees to post in conspicuous places, visible to the employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
3. Proposer, in all solicitations or advertisements for employees, placed by, or on behalf of the contractor, shall state that contractor is an Equal Opportunity Employer.

F. VENUE

Any contract resulting from this solicitation shall be governed by, and construed in accordance with, the laws of the State of California. Venue for any litigation arising out of the contract will be vested in Tulare County, California.

G. PROPRIETARY INFORMATION

The proposals received shall become the property of the City of Porterville and are subject to public disclosure. Proposal prices and information submitted by contractors will be made available to contractors after City Council has approved award of contract. Proposers are to indicate any restrictions on the use of data contained in their responses. Those parts of a proposal which are defined by the contractor as business or trade secrets, as that term is defined in California Government Code, Section 6254.7, and are reasonably marked as “Trade Secrets”, “Confidential” or “Proprietary” shall only be disclosed to the public if such disclosure is required or permitted under the California Public Records Act or otherwise by law. Proposers who indiscriminately and without justification identify most, or all, of their proposal as exempt from disclosure may be deemed non-responsive.

Exhibit A – Application
Exhibit B – Parcel Map
Exhibit C – Locator Map
Exhibit D – Sample CC&Rs

Exhibit A: Application

City of Porterville Request for Proposals
291 N Main St. Porterville CA 93257

Development of Vacant Property with Single Family Residence

Respondent/Company Name: _____

Contact Person (please print): _____

Address: _____

Phone Number: _____

E-Mail: _____

This Application is for Development of the Following Parcel: APN 260-193-006

Development Team

Project Manager: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-Mail: _____

Architect: _____
Lic..# _____ Exp. Date: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-Mail: _____
ATTACH: 3 Examples of projects of similar size and scope (photos/address)

Engineer: _____
Lic. # _____ Exp. Date: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-Mail: _____
ATTACH: 3 Examples (photographs & address) of new Single Family Construction Number of years of experience

Contractor: _____

Lic. # _____ Exp. Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ E-Mail: _____

ATTACH: 3 Examples (photographs & address) of new Single Family Construction Number of years of experience

Real Estate Agent: _____

Lic. # _____ Exp. Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ E-Mail: _____

ATTACH: 3 References for first-time homebuyers

Assessor Parcel #	**Street Address**	**Total Dev. Cost**	**Source & Amt. of Funding**

Project Description

ATTACH THE FOLLOWING:

- Conceptual Site Plan For Lot
- The Site Plan must:
  - Be To Scale
  - Accurately Reflect the Project Site
  - Depicts a Project Requiring **NO** Variances from City Development Standards
- Conceptual Elevations
- Elevations must:
  - Elevations contain a minimum of two finish materials
  - Elevations blend with or compliment the surrounding neighborhood
  - Must comply Section 201.04, Supplemental Regulations, of the Porterville Development Ordinance for single-family residential development
- Conceptual Floor Plan is provided
- Conceptual landscaping plan consistent with Chapter 303, Landscaping, of the Porterville Development Ordinance and Chapter 25, Article I, Division 6 of the Municipal Code. Conceptual Site Plan for Lot
- Floor Plan must:
  - Be To Scale
- Conceptual Landscaping/Plant Palette is provided Plan/Plant Selection is drought tolerant
- Project Timeline and schedule for the initiation and completion of the Project.

- A description of the general plans for financing the Project, including the sources of funds and proposed Project Budget.
- A description of available programs, if any, to assist potential low income and moderate homebuyers in purchasing the affordable housing from the Developer.

Developer Capacity (additional pages may be submitted if more space is needed)
Explain the timing of construction:

1. Is your firm currently working on other projects?

    a. If yes, how many and what type?

    b. If yes, will the current project cause a delay in the start of this project?

    c. If yes, how long?

2. Will this project require you to hire additional staff?

    a. If yes, how many and what type?

    b. If yes, will you participate in Section 3?

Financial Capacity

1. Attach Proof of Financial Capacity
   For Example: Letter of Credit from a Bank, Letter of Credit from a Credit Card showing sufficient capacity to complete project, Bank Statement showing sufficient cash-on-hand to complete the project.
2. Other Proof:
   - ❑ Following Development Budget (Attached) is Completed and attached
   - ❑ Following Profit & Loss Statement is Completed and attached
   - ❑ Attach proof of sufficient liquid funds to move the project forward including payment for pre-dev. costs.

Development Budget- COST

ITEM	COST
Acquisition	
Land Acquisition	
Escrow/Closing/Title Cost	
Total Unit Construction	
Other Construction	
Landscaping	
Permits/Impact/School Fees	
Clearance and Demolition	
Utility Connections & Tap Fees	
Contingency	
Infrastructure	
Street and Sidewalks	
Water and Sewer	
Storm water & Drainage	
Professional Fees	
Site Planning	
Architecture & Engineering	
Consultant	
Survey	
Environmental	
Organization Expense	
Finance Costs	
Construction Loan Interest	
Construction Origination	
Appraisal	
Construction Insurance	
Property Taxes	
Soft Costs	
Marketing	
Other	
Disposition/Sale Costs	

Escrow/Closing/Title Cost	
Real Estate Agent Commission	
TOTAL DEVELOPMENT COST	

NO LOCAL SUBSIDY WILL BE PROVIDED OTHER THAN THE DONATION OF LAND

Development Budget - REVENUE

REVENUE		**PRICE**
	Sale of Housing Unit	
	Less Selling costs (8%)	
	Total Revenue	

COST	Property Acquisition	
	Unit Construction	
	Other Construction	
	Infrastructure	
	Professional Fees	
	Finance Costs	
	Soft Costs	
	Developer Fee	
	Other	
	Other	
	Other	
	Total cost	

TOTAL REVENUE	
- TOTAL COSTS	
= PROFIT (LOSS)	

ANY PROPOSAL WITH A LOSS/GAP WILL BE DEEMED <u>NON-RESPONSIVE</u> AND <u>WILL NOT BE CONSIDERED</u>

Developer will keep any profit from the sale of the developed properties

Certifications
If Selected, I Agree and Certify:

YES	NO	
		To enter into a Development and Disposition Agreement with the City of Porterville for completion of the awarded project.
		That my firm has sufficient liquid assets to complete the project in a timely manner and consistent with all City of Porterville Requirements
		That the completed structure/property is required to be sold at an "affordable" price to households whose income is below the 80% of the Area Median Income (AMI).* Below are the 2017 income limits, however if project is completed in 2018, and new AMI has been released by HUD, those limits shall be used.

HH Size	1	2	3	4	5	6	7	8
50% AMI	$21,000	$24,000	$27,000	$29,950	$32,350	$34,750	$37,150	$39,550
80% AMI	$33,550	$38,350	$43,150	$47,900	$51,750	$55,600	$59,400	$63,250

		That my firm will take title to the subject site.
		That my firm consents to the recordation of Covenants, Conditions and Restrictions (CC&Rs) which will ensure compliance with the affordability of the subject site.
		If my firm fails to comply with the terms of the CC&Rs, my firm will be financially responsible for the re-payment of Equity left in the project (market rate of the land minus purchase price) and/or may be subject to any other remedy available to the City per the terms of the CC&Rs and applicable law
		No other funds/subsidy/funding is available from the City of Porterville other than the donation of the vacant land. If additional funds are requested as part of this proposal, application will be deemed "non-responsive" and will not be considered.
		If I have any questions regarding this Request for Proposals, application or the project in general I will contact the City of Porterville Staff at (559)782-7460 or via e-mail at housing@ci.porterville.ca.us
		My firm is a Minority Owned Business Enterprise/Women Owned Business Enterprise

Name :_____ (print please)

Signature:_____ Date:_____

Exhibit B –Plot Map

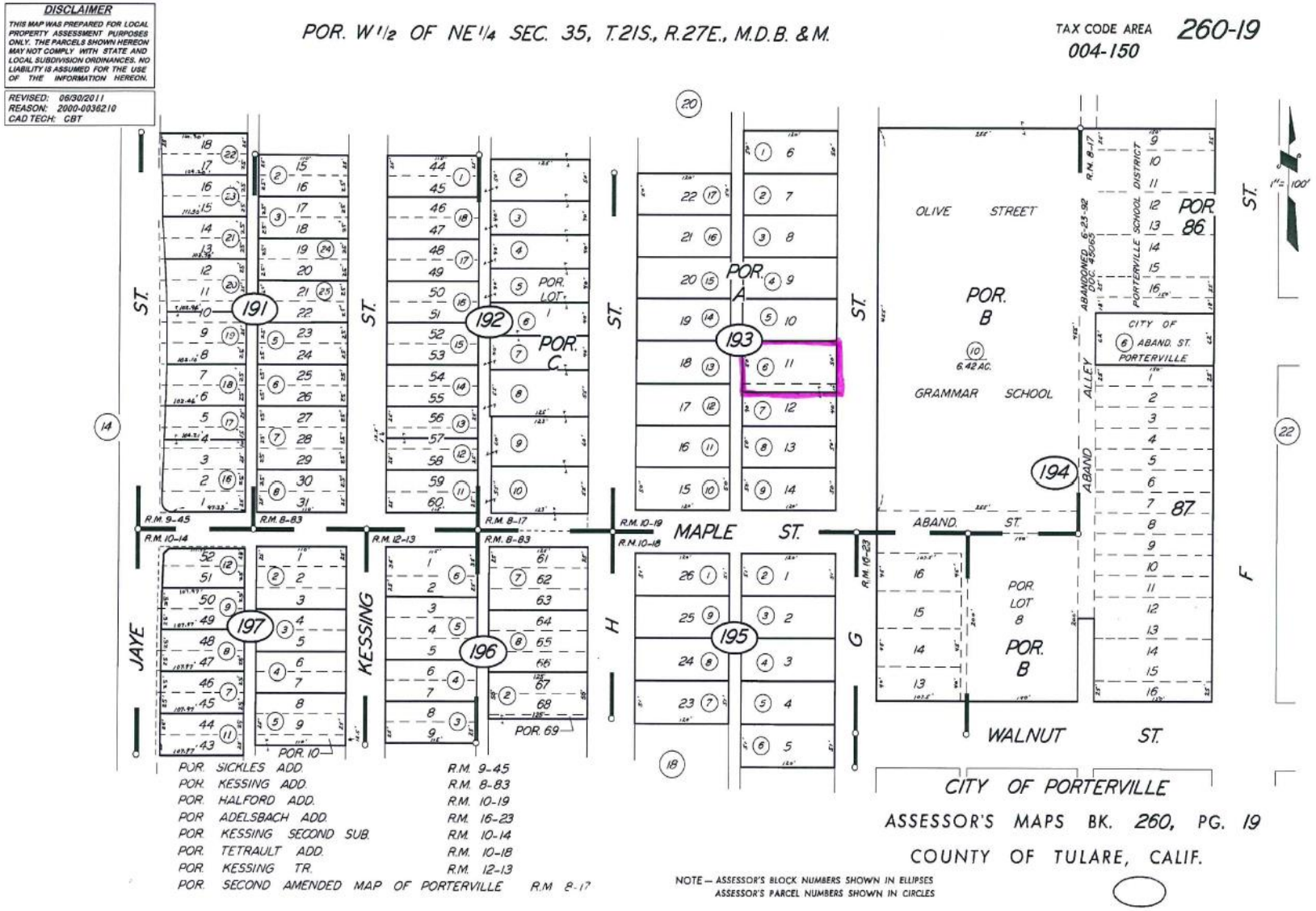


Exhibit C – 87 S. G St, Porterville CA Project Locator Map

Exhibit D: Sample CC & R's

WHEN RECORDED MAIL TO

City of Porterville
291 N. Main St.
Porterville, CA 93258

Attention: Comm. Dev. Dept

APN: <<260-193-006 >>
Exempt Per Gov't Code 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AGREEMENT AND COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING REAL PROPERTY INCLUDING RESALE RESTRICTION, AFFORDABILITY AND OWNER OCCUPANCY REQUIREMENTS

THIS AGREEMENT AND COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING REAL PROPERTY INCLUDING RESALE RESTRICTION, AFFORDABILITY AND OWNER OCCUPANCY REQUIREMENTS ("CC&R's") is entered into this day of _____, 20___ (the "Effective Date"), by and between the CITY OF PORTERVILLE, a municipal corporation, ("City") and _____, as ("Owners"), with reference to the following facts:

RECITALS

WHEREAS, the City is a California municipal corporation which has received funds from the United States Department of Housing and Urban Development, Community Development Block Grant for the purpose of providing decent, safe, sanitary and affordable housing for low and moderate income households in the City;

WHEREAS, the City desires to increase, improve and preserve affordable homeownership opportunities available to low, moderate and middle income households within the City;

WHEREAS, to promote this goal, the City has established the Land Acquisition, Clearance and Disposition Projects as part of the 2015 CDBG Consolidated Plan and substantial amendment, pursuant to which the City will donate a property to be developed as a single-family home for a qualified low, moderate and middle income household;

WHEREAS, the Owners are the initial owners of the certain real property known as (the "Property"), which is described on Exhibit B attached hereto and incorporated herein by reference;

WHEREAS, the City and the Owners have agreed to impose certain continuing obligations related to and on the Property;

WHEREAS, the Owners agree for themselves, their successors and assigns, that the Property is to be owner-occupied residence by a qualified low, moderate or middle income household following

the completion of construction; and

WHEREAS, the City has an interest in insuring that the Property funded by the Program is properly maintained and remains attractive.

NOW, THEREFORE, in consideration of the promises contained below and other good and sufficient consideration, the receipt of which is hereby acknowledged, the City and the Owners agree that the Property against which these covenants, conditions and restrictions are recorded shall be held, sold and conveyed subject to the following covenants, conditions and restrictions.

1) City of Porterville Supports Affordable Housing. The City supports Affordable Housing for low, moderate and middle-income residents within the City of Porterville as set forth in regulations published in 24 Code of Federal Regulations Part 92.

2) Definitions. For purposes of this Agreement, the following definitions shall apply:

   a) Low Income: A family whose income does not exceed (50%) of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than (50%) of the median income for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

   b) Moderate Income: A family whose income does not exceed (80%) of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than (80%) of the median income for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

   c) Eligible Household: A household whose annual income does not exceed eighty percent (80%) of area median income for Porterville County, adjusted for family size.

   d) Affordable Housing Cost: means no more than (35%) of Annual Income. For purposes of determining Affordable Housing Cost, an estimate of the following housing costs for the upcoming twelve months shall be included:

      i) principal and interest payments on the mortgage loan, including rehabilitation loans;
      ii) mortgage loan insurance fees;
      iii) property taxes and assessments;
      iv) fire and casualty insurance; and
      v) homeowner association fees.

   e) Owners: Means the current owners of the Property who have acquired the same from the City and the subsequent purchaser.

f) Initial Equity: Means the difference between the Fair Market Value of the Property as determined by an FHA-style appraisal and the final sales price amount of $0, paid by the initial owners.

3) Disclosure Requirements. Prior to the execution of a purchase and sale agreement between the Owner and any subsequent purchaser of the Property, and prior to the execution of a purchase, the then current Owners or its successor, or its assigns (as may be applicable) shall disclose, in writing, to the purchaser the fact that the Property is burdened by these certain "Covenants, Conditions and Restrictions (CC&R's) affecting real property.

4) Resale Restriction. The Property may be sold by the initial owners only to an eligible household at an affordable housing cost following the completion of construction as their principal place of residence. Transfer or conveyance of the property from the initial owner is prohibited, prior to the completion of the project

5) Owner - Occupancy. Initial owners hereby agree that subsequent owners will occupy the property as owner's primary residence. Owner's attempt to rent or actual rental of the property for any purpose shall be a material breach of these CC&R's and shall entitle City to exercise all available legal and equitable remedies.

6) It is expressly understood, acknowledged, and covenanted by the Owners for itself, its successors and assigns, that the property or any part thereof shall only be used and maintained for owner-occupied Single Family Residence. Therefore, the Owners, its successor or its assigns, shall not rent, lease, or sublease the Property (including any improvement or fixture thereto), or otherwise transfer or attempt to transfer a tenancy or leasehold interest in the Property (including any improvement or fixture thereto) or any part thereof.

7) City and Owners acknowledge that this owner-occupancy covenant is a condition to and consideration for Owners eligibility for the Land Acquisition Project. In administering the Land Acquisition Project, City is implementing the objective of increasing the ratio of decent, safe and sanitary owner-occupied single-family residences to rental property throughout the City. In furtherance of this public use and purpose, Owners for itself and its successors and assigns, also agrees not to rent, lease, license or otherwise permit a non-owner of the Property to take possession and control thereof. Owners and its successors in interest agree and consent that this owner-occupancy restriction may be enforced by the City through specific performance.

8) Sale to Eligible Household at Affordable Housing Cost. If the Property is sold by the Owners to a Buyer who is an Eligible Household and the Sale Price does not exceed an Affordable Housing Cost any outstanding loans due to and/or liens in favor of the City are still due and payable.

9) Maintenance of Property:
   a) The Owners agree for itself, its successors and assigns that they shall maintain the Property, dwelling unit, improvements, landscaping and fixtures in good repair and shall keep the Property free from any accumulation of debris or waste materials, consistent with the customary practice and so as not to create a nuisance or violate any provision of the City of Porterville Municipal Code.

b) All exterior painted surfaces shall be maintained at all times in a clean and presentable manner, free from chipping, cracking and defacing marks. Any such defacing marks shall be cleaned or removed within the time as set forth in subparagraph (d) below.

c) The Owners shall at all times maintain the front exterior, visible side exteriors and yard in a clean, safe and presentable manner, free from defacing marks or any disrepair. The Owners shall maintain and/or repair the front exterior or rear or visible side yard and exterior of the dwelling unit.

d) All graffiti and defacement of any type, including marks, words and pictures, must be removed and any necessary painting or repair completed within one week of their creation or within one week after notice to Owners.

e) All driveways must be paved and maintained with impervious material in accordance with the City Municipal Code

10) Remedies for Breach: Upon breach of any of these CC&R's, the City may exercise any and all remedies available to it at law or equity. These remedies include, without limitation, an action for injunctive relief or specific performance.

In the event of a breach of the covenant regarding maintenance of the Property, as set forth in Section 9 of this Agreement, the City Manager, or designee, shall give written notice to the Property Owners (as listed on the last equalized tax assessment roll) describing the conditions constituting the breach, demanding that such conditions be corrected, and notifying the Owners of the City's intention to enter upon the Property to correct such conditions. At any time within (15) calendar days following the giving of the notice described in the previous sentence, the Owners may request, in writing, a hearing to determine whether the conditions of the Property or the dwelling unit constitute a breach of Section 9 of this Agreement. This hearing shall be held within (30) calendar days following the City's receipt of written request from the Owners and shall be held before the City Manager, or designee. At this hearing, the Owners shall be allowed to introduce evidence in support of their position and shall have the right to question those witnesses and evidence against them. A transcript or electronic recording of the hearing may be made. At the end of this hearing, the City Manager, or designee, shall make a finding, based upon substantial evidence in the record of the hearing, as to whether the conditions of the dwelling unit or Property constitute a breach of the terms of Section 9 of this Agreement. The decision of the City Manager shall be final and there shall be no right of appeal to the City Council.

If the City Manager, or designee, finds that the conditions of the dwelling unit or the Property constitute a breach of Section 9 of this Agreement, then the City shall so notify the Owners in writing and the Owners shall have five calendar days following this written notice to correct or abate such breach. If the conditions are not corrected to the reasonable satisfaction of the City Manager, then the City, its employees or its agents may enter upon the Property to remedy and abate the conditions creating the breach. The City shall be entitled to recover its costs of remedying the conditions creating the breach, including without limitation, administrative, overhead, and engineering costs. Such costs shall become a lien upon the Property pursuant to Civil Code section 2881, immediately due and payable, and the City may collect such costs through the appropriate civil proceedings

The provisions of this Section 14 are supplemental to all other legal rights and remedies available to either the City.

11) City as Beneficiary. The City is the beneficiary of the terms and provisions of these CC&R's running with the land, both for and in its own right, and for the purposes of protecting the interests of the community and other parties, public or private, for whose benefit these CC&Rs running with the land have been provided. These CC&R's shall run in favor of the City without regard to whether the City has been, remains, or is an owner or has any interest in the Property or in any other parcel in the City. The City shall have the right, but not the obligation, to exercise all rights and remedies and to maintain any actions at law or in equity or any other proceedings to enforce these CC&R's. Until the Owner builds and sells the property at an affordable price to an eligible household.

12) No waiver. The failure of the City to enforce any one or more of the covenants, conditions and restrictions contained herein on any one or more occasions shall not constitute a waiver of the City's right to enforce the covenants, conditions and restrictions in the future.

13) Noncompliance. In the event of noncompliance with any provision under these CC&R's, the City may take any and all enforcement actions provided for by any provision of the Porterville Municipal Code or exercise any other remedy under the law to which the City may be entitled. Should the City bring an action to enforce the terms of these CC&R's, the prevailing party shall be entitled to costs of suit, including reasonable attorneys' fees.

14) Deemed Consent. Any person who now or hereafter owns or acquires any right, title or interest in or to the Property shall be deemed to have consented and agreed to every covenant, condition and restriction contained herein whether or not any reference to these CC&R's is contained in the instrument by which such person acquired an interest in the Property.

15) Counterparts. These CC&R's may be executed in two or more identical counterparts. If so executed, each of such counterparts shall, collectively, constitute one original CC&R's. In making proof of these CC&R's, it shall not be necessary to produce or account for more than one such counterpart.

16) City. The individuals executing these CC&R's and the instruments referenced herein on behalf of Owners each represent and warrant that they have the legal power, right and actual City to bind Owners to the terms and conditions hereof and thereof.

IN WITNESS WHEREOF, the parties have caused these CC&R's to be executed as of the day and year first written above

By: _____, John D. Lollis, City Clerk

By: _____, Brian D. Ward, Mayor Pro Tem

Approved as to Form:

By: _____, Julia Lew, City Attorney

CITY:
CITY OF PORTERVILLE, a municipal corporation By:

_____
Jennifer M. Byers
Community Development Director
Attest:

OWNERS:
By**:** _____

APN 260-193-006

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Authorization to Negotiate a Contract - Architectural Design and Construction Assistance Services for the Animal Shelter Facility (185 N "D" Street)

SOURCE: Public Works

COMMENT: On March 2, 2018, staff received four (4) Statement of Qualifications for the architectural design and construction assistance services for the Animal Shelter Facility (185 N. "D" Street) Project. The proposals were ranked in accordance with the "Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services" adopted by City Council (Resolution # 16-2001). Staff reviewed and rated (the lowest score being the highest ranking) the proposals according to the aforementioned policy, with the following results:

1. Raina Alomar Design	6 pts
2. Rauhaus, Freedenfeld & Assoc.	10 pts
3. Wald, Ruhnke & Dost	11 pts
4. Klassen Corporation	20 pts

Staff is expecting consultant fees to range from $300,000 to $500,000, once there is a full understanding of the design scope. Staff will seek City Council approval of a Service Agreement at a later meeting.

Initial funding source for this project is the Building Construction Fund as programmed in the FY2017-2018 capital improvements budget.

RECOMMENDATION: That City Council:
1. Authorize staff to define a scope of professional services and negotiate a contract with Raina Alomar Design; and
2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Raina Alomar Design.

ATTACHMENTS: 1. Animal Shelter Locator Map

Appropriated/Funded: MB

Review By:

Department Director:

Item No. 7.

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

A Division of the Community Development Department

Geographic Information Systems

Porterville Animal Shelter
185 North D Street
Project Locator Map

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Approval of Funding Agreement with the Department of Water Resources (DWR) for the Connection of Drought-Impacted Homes in Seven Areas within the City's Boundaries

SOURCE: Public Works

COMMENT: On January 18, 2018, the City received an official letter of funding from DWR for the connection of properties within City limits that are currently participating in the County's Household Tank Program. The City has since received the agreement for said funding that requires Council's approval and authorization for the Public Works Director to sign on behalf of the City. Per the agreement, the funding for all work shall not exceed $2,812,946 and the work shall include water main extentions, home connections, well destructions, and all necessary tasks to complete the home connections for the project.

The required work on private properties to complete connections is to be completed and coordinated by Self Help Enterprises (SHE) and Community Services and Employment Training Incorporated (CSET). Staff respectfully requests Council authorization to begin contract negotiations with both companies SHE and CSET for said work.

RECOMMENDATION: That the City Council:

1. Approve the funding agreement with DWR;
2. Authorize the Public Works Director to execute the funding agreement with DWR; and
3. Authorize staff to begin contract negotiations with SHE and CSET for the required work on private properties.

ATTACHMENTS:

1. Project Locator Maps
2. DWR Agreement 4600012412

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Item No. 8.

Item No. 8.

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

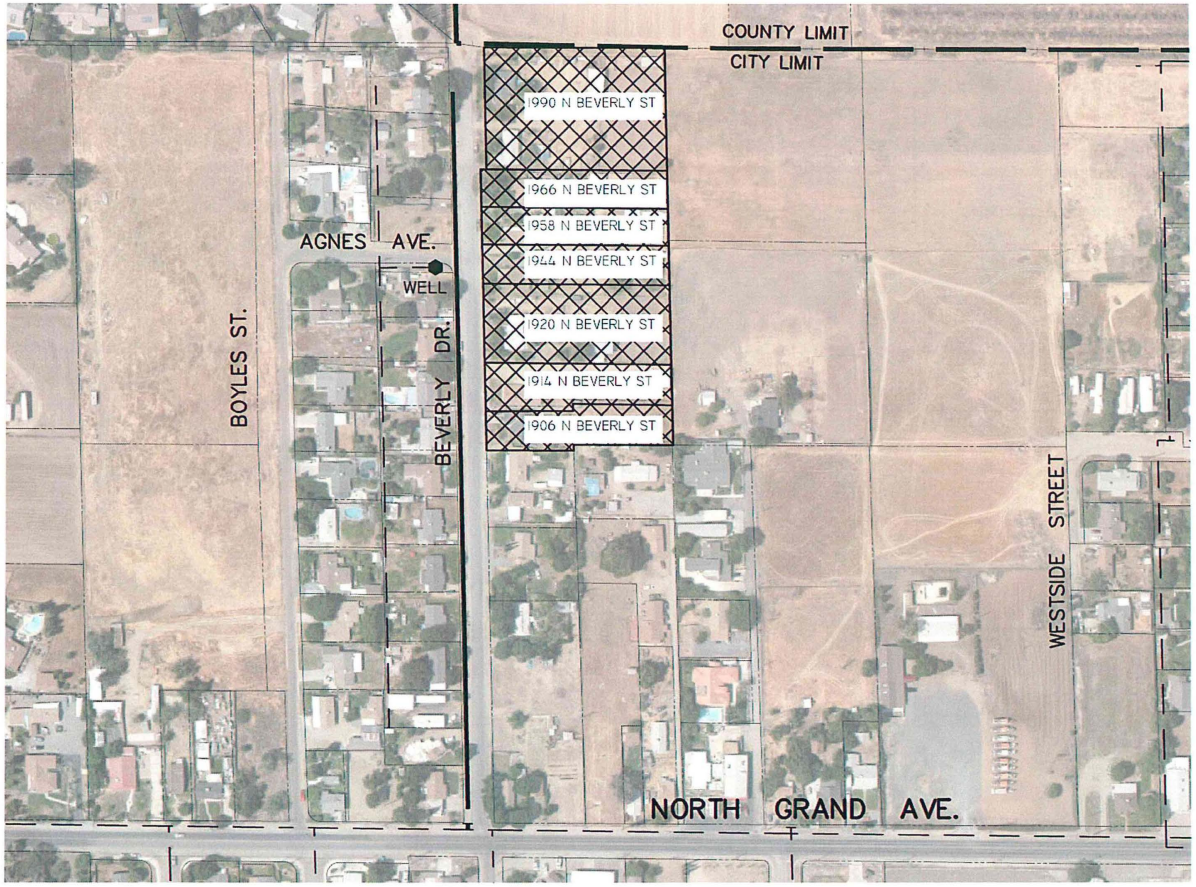
DESIGNED BY INC/CAL DATE 9/10/2017
DRAWN BY CAL DATE 9/10/2017
CHECKED BY INC DATE 9/10/2017

REVIEWED BY _____ CITY ENGINEER DATE
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE

REVISION NO.	DATE

WATER INFRASTRUCTURE
FOURTH ST. AND GIBBONS AVE.

SHEET 1 OF 1



LEGEND

EXISTING WATER MAIN

PROPOSED WATER MAIN

0' 100' 200' 400'

SCALE: 1" = 200'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

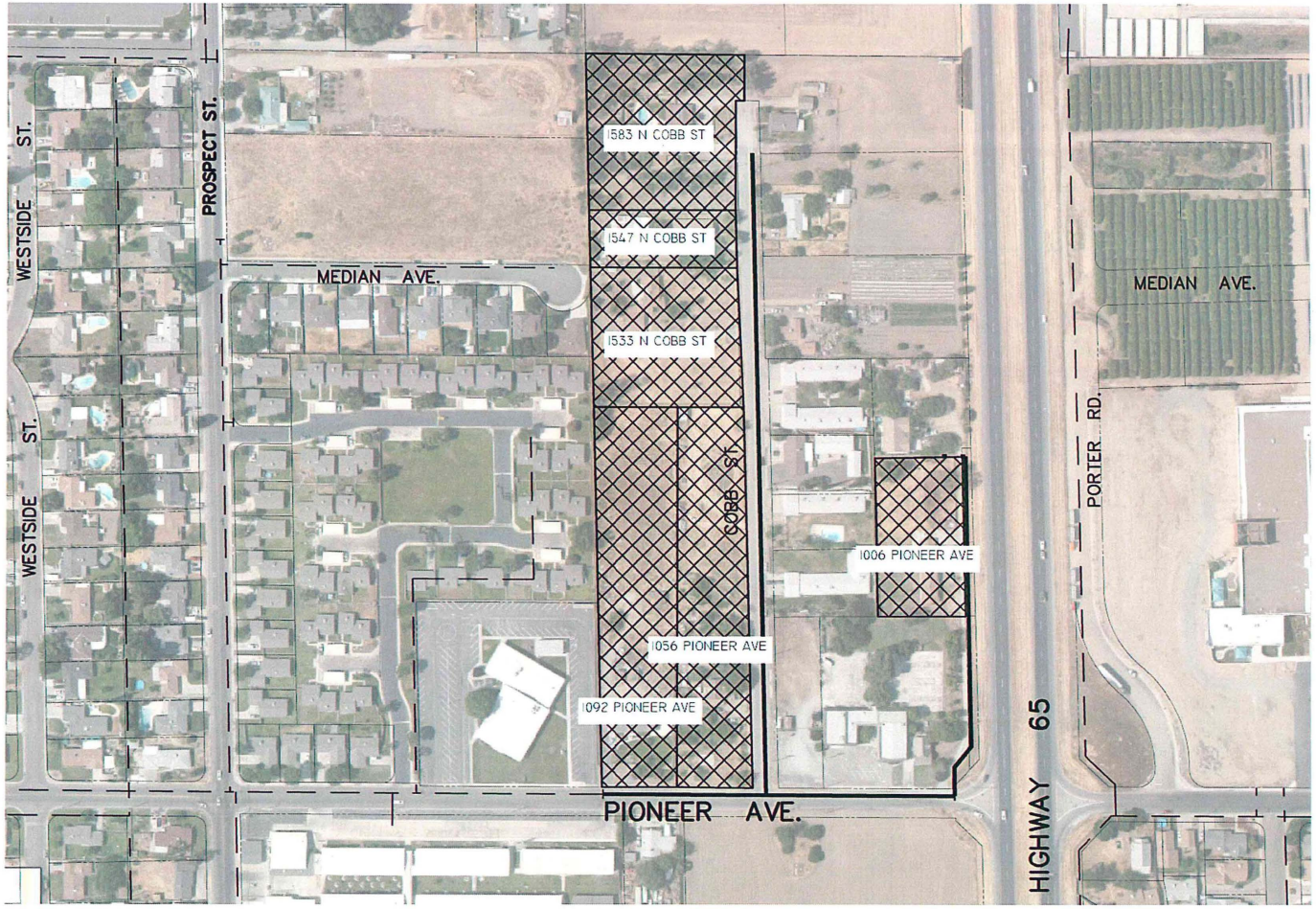
DESIGNED BY INC/CAL DATE 9/19/2017
DRAWN BY CAL DATE 9/19/2017
CHECKED BY INC DATE 9/19/2017

REVIEWED BY _____ CITY ENGINEER DATE _____
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE _____

REVISION NO.	DATE

WATER INFRASTRUCTURE
BEVERLY DRIVE

SHEET 1 OF 1



LEGEND

EXISTING WATER MAIN

PROPOSED WATER MAIN

N

0' 100' 200' 400'

SCALE: 1" = 200'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

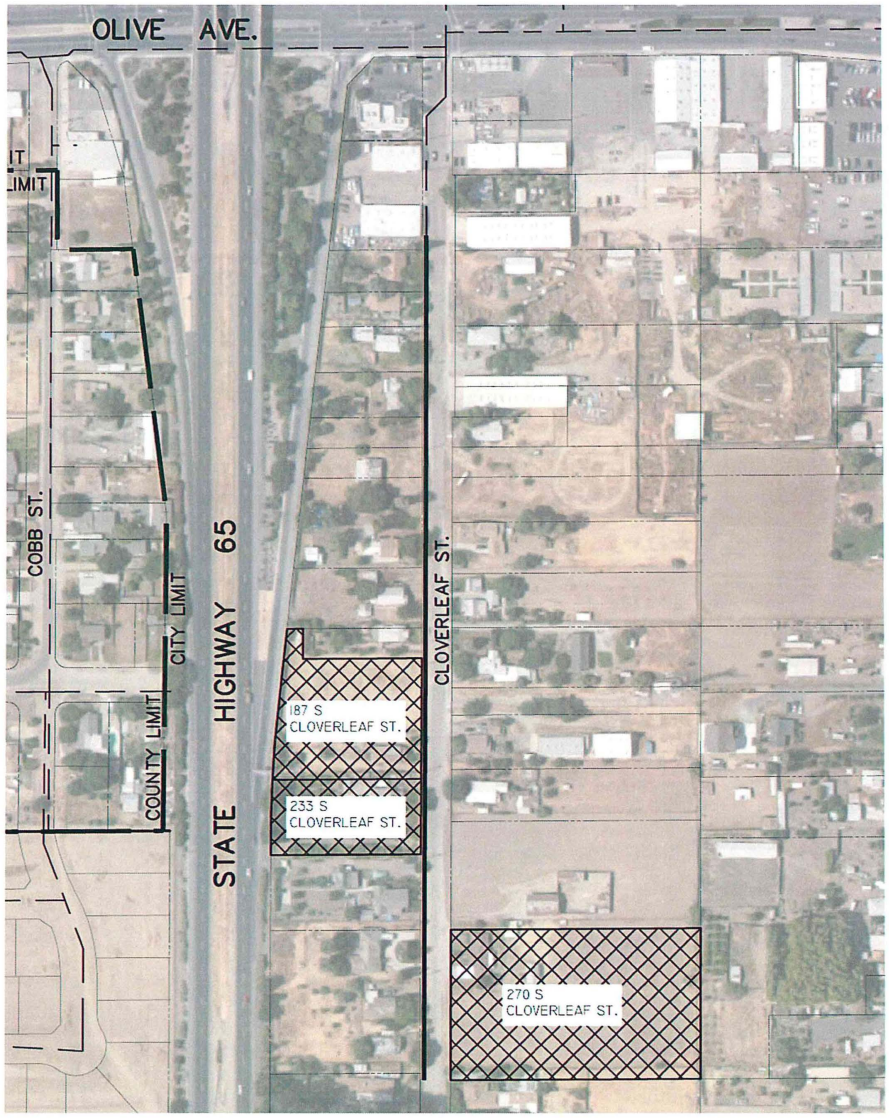
DESIGNED BY DC/CAL DATE 9/19/2007
DRAWN BY CAL DATE 9/19/2007
CHECKED BY DC DATE 9/19/2007

REVIEWED BY _____ CITY ENGINEER DATE _____
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE _____

REVISION NO.	DATE

WATER INFRASTRUCTURE
COBB ST. AND PIONEER AVE.

SHEET 1 OF 1



LEGEND

EXISTING WATER MAIN

PROPOSED WATER MAIN

0' 100' 200' 400'

SCALE: 1" = 200'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

DESIGNED BY DC/CAI DATE 9/19/2017
DRAWN BY CAI DATE 9/19/2017
CHECKED BY DC DATE 9/19/2017

REVIEWED BY _____ CITY ENGINEER DATE
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE

REVISION NO.	DATE

WATER INFRASTRUCTURE
CLOVERLEAF ST. AND OLIVE AVE.

SHEET 1 OF 1

LEGEND

EXISTING WATER MAIN

PROPOSED WATER MAIN

N

0' 100' 200' 400'

SCALE: 1" = 200'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

DESIGNED BY DC/CAL DATE 9/19/2017
DRAWN BY CAL DATE 9/19/2017
CHECKED BY DC DATE 9/19/2017

REVIEWED BY _____ CITY ENGINEER DATE
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE

REVISION NO.	DATE

WATER INFRASTRUCTURE
VILLA AVENUE

SHEET 1 OF 1

LEGEND

EXISTING WATER MAIN

PROPOSED WATER MAIN

N

0' 125' 250' 500'

SCALE: 1" = 250'

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

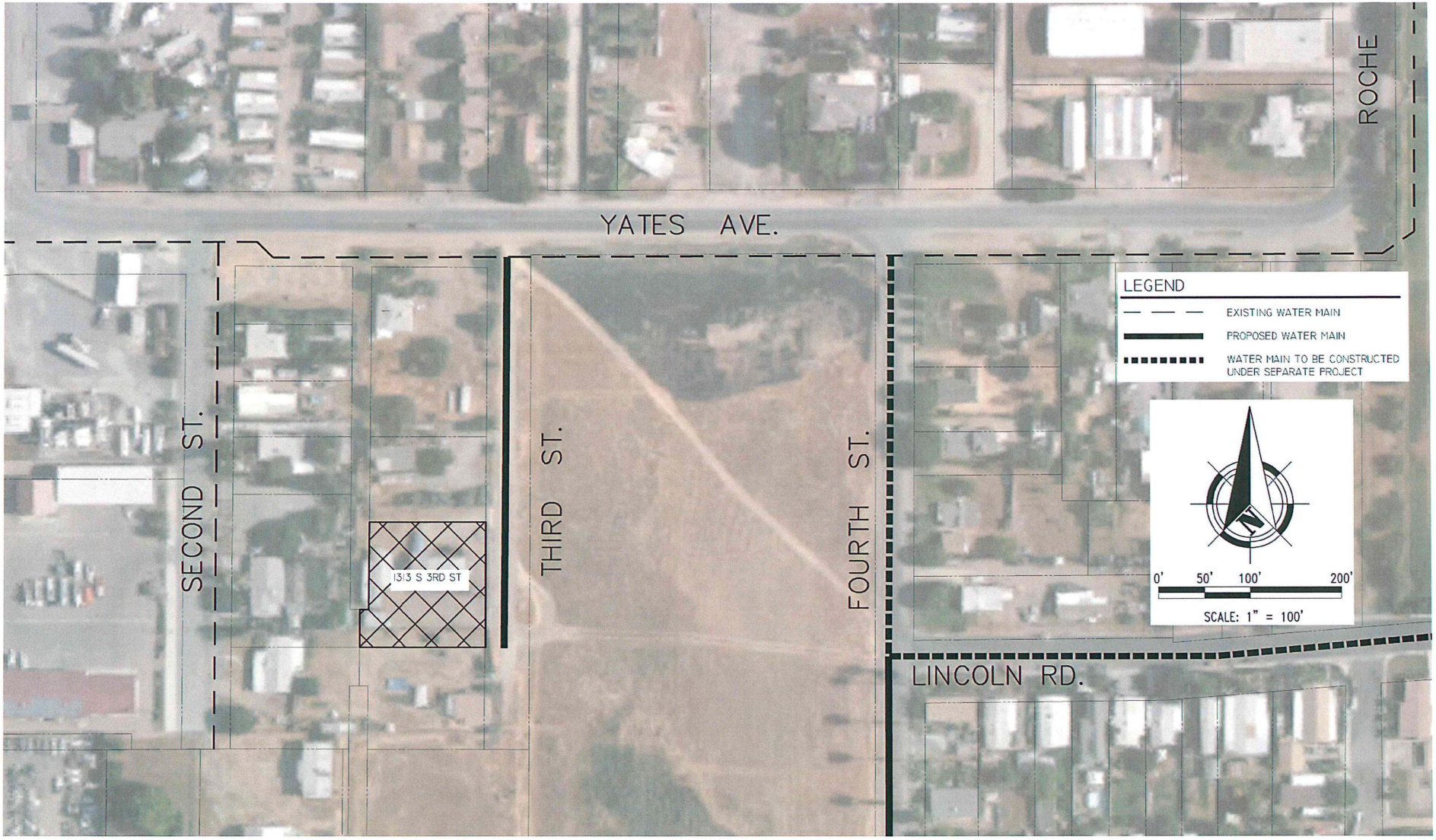
DESIGNED BY DC/CAL DATE 9/30/2017
DRAWN BY CAL DATE 9/30/2017
CHECKED BY DC DATE 9/30/2017

REVIEWED BY _____ CITY ENGINEER DATE
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE

REVISION NO.	DATE

WATER INFRASTRUCTURE
LIME STREET

SHEET 1 OF 1



CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 (559)782-7462

DESIGNED BY DC/CAL DATE 9/10/2007
DRAWN BY CAL DATE 9/10/2007
CHECKED BY DC DATE 9/10/2007

REVIEWED BY _____ CITY ENGINEER DATE
APPROVED BY _____ PUBLIC WORKS DIRECTOR DATE

REVISION NO.	DATE

WATER INFRASTRUCTURE
THIRD STREET

SHEET 1 OF 1

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES

Agreement Number: 4600012412

FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES AND CITY OF PORTERVILLE

A PART OF THE EMERGENCY DROUGHT FUNDING ASSISTANCE PROGRAM
PURSUANT TO
ITEM 3860-101-0001 OF THE BUDGET ACT OF 2014

FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA (DEPARTMENT OF WATER RESOURCES)
AND
CITY OF PORTERVILLE
4600012412
ITEM 3860-101-0001 OF THE BUDGET ACT OF 2014

THIS FUNDING AGREEMENT is entered into by and between the Department of Water Resources of the State of California, herein referred to as the "State" and the City of Porterville, an incorporated city located in Tulare County, in the State of California, duly organized, existing, and acting pursuant to the laws thereof, herein referred to as the "Funding Recipient", which parties do hereby agree as follows:

1) PURPOSE. State shall provide funding from Item 3860-101-0001 of the Budget Act of 2014 to Funding Recipient to assist in financing the City of Porterville Drought Areas Water Supply Project, herein referred to as the "Project."

2) TERM OF FUNDING AGREEMENT. The term of this Funding Agreement begins on January 18, 2018, and terminates on December 31, 2019. Execution date is the date the State signs this Funding Agreement indicated on page 8.

3) FUNDING AMOUNT. The maximum amount payable by the State under this Agreement shall not exceed $2,812,946.00.

4) FUNDING RECIPIENT'S RESPONSIBILITY. Funding Recipient and its representatives shall:

   1. Faithfully and expeditiously perform or cause to be performed all Project work as described in Exhibit A (Work Plan) and in accordance with Project Exhibit B (Budget) and Exhibit C (Schedule).
   2. Accept and agree to comply with all terms, provisions, conditions, and written commitments of this Funding Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and statements made by Funding Recipient in the application, documents, amendments, and communications filed in support of its request for financing.
   3. Comply with all applicable California laws and regulations.
   4. Implement the Project in accordance with applicable provisions of the law.
   5. Fulfill its obligations under the Funding Agreement and be responsible for the performance of the Project.

5) BASIC CONDITIONS. State shall have no obligation to disburse money for a project under this Funding Agreement until Funding Recipient has satisfied the following conditions:

   1. For the term of this Funding Agreement, Funding Recipient submits timely Quarterly Progress Reports as required by Paragraph 13, "Submission of Reports."
   2. Funding Recipient submits all deliverables as specified in Paragraph 13 of this Funding Agreement and in Exhibit A.
      a. Prior to the commencement of construction or implementation activities, Funding Recipient shall submit the final plans and specifications certified by a California Registered Professional as to compliance for each approved project as listed in Exhibit A of this Funding Agreement.

b. Prior to any work that is subject to the California Environmental Quality Act (CEQA) and/or environmental permitting shall not proceed under this Funding Agreement until the Funding Recipient has provided the State's Project Manager, identified in Paragraph 17, a copy of any necessary environmental permits, and a copy of the CEQA Notice of Exemption filed with the State Clearinghouse.

6) DISBURSEMENT OF FUNDS. State will disburse to Funding Recipient the amount approved. Notwithstanding any other provision of this Funding Agreement, no disbursement shall be required at any time or in any manner which is in violation of, or in conflict with, federal or state laws, rules, or regulations. Any and all money disbursed to Funding Recipient under this Funding Agreement and any and all interest earned by Funding Recipient on such money shall be used solely to pay Eligible Project Costs.

7) ELIGIBLE PROJECT COST. Funding Recipient shall apply State funds received only to eligible Project Costs in accordance with applicable provisions of the law and Exhibit B. Eligible Project Costs include the reasonable costs of studies, engineering, design, land and easement acquisition, legal fees, preparation of environmental documentation, environmental mitigations, monitoring, and Project construction. Reasonable administrative expenses may be included as Project Costs and will depend on the complexity of the project preparation, planning, coordination, construction, acquisitions, implementation, and maintenance. Costs that are not eligible for reimbursement include but are not limited to the following items:

1. Costs incurred prior to the date of January 18, 2018.
2. Operation and maintenance costs, including post Project performance and monitoring costs.
3. Purchase of equipment not an integral part of the Project.
4. Establishing a reserve fund.
5. Monitoring and assessment costs for efforts required after Project is complete.
6. Replacement of existing funding sources for ongoing programs.
7. Support of existing agency requirements and mandates (e.g., punitive regulatory agency requirement).
8. Purchase of land in excess of the minimum required acreage necessary to operate as an integral part of a Project, as set forth and detailed by engineering and feasibility studies, or land purchased prior to the execution date of this Agreement.
9. Payment of principal or interest of existing indebtedness or any interest payments unless the debt is incurred after execution of this Funding Agreement, the State agrees in writing to the eligibility of the costs for reimbursement before the debt is incurred, and the purposes for which the debt is incurred are otherwise eligible costs.
10. Overhead not directly related to Project costs.

All invoices submitted shall be accurate and signed under penalty of perjury. Any and all costs submitted pursuant to this Funding Agreement shall only be for the tasks set forth herein. Any eligible costs for which the Funding Recipient is seeking reimbursement shall not be reimbursed from any other source. Double or multiple billing for time, services, or any other eligible cost is illegal and constitutes fraud. Any suspected occurrences of fraud, forgery, embezzlement, theft, or any other misuse of public funds may result in suspension of disbursements of funds and/or termination of this Agreement requiring the repayment of all

funds disbursed hereunder. Additionally, suspected incidents of the misuse of public funds may be referred to the Attorney General's Office or the appropriate district attorney's office for criminal prosecution or the imposition of civil liability. (Civ. Code, §§ 1572-1573; Pen. Code, §§ 470, 489-490.)

8) METHOD OF PAYMENT. After the disbursement requirements in Paragraph 5 "Basic Conditions" are met, State will disburse the whole or portions of State funding to Funding Recipient, following receipt from Funding Recipient via US mail or Express mail delivery of a "wet signature" invoice for costs incurred, including Cost Share, and timely Quarterly Progress Reports as required by Paragraph 13, "Submission of Reports." Payment will be made no more frequently than monthly, in arrears, upon receipt of an invoice bearing the Funding Agreement number. State will notify Funding Recipient, in a timely manner, whenever, upon review of an Invoice, State determines that any portion or portions of the costs claimed are not eligible costs or is not supported by documentation or receipts acceptable to State. Funding Recipient may, within thirty (30) calendar days of the date of receipt of such notice, submit additional documentation to State to cure such deficiency(ies). If Funding Recipient fails to submit adequate documentation curing the deficiency(ies), State will adjust the pending invoice by the amount of ineligible or unapproved costs.

   Invoices submitted by Funding Recipient shall include the following information:

   1. Costs incurred for work performed in implementing the Project during the period identified in the particular invoice.
   2. Costs incurred for any interests in real property (land or easements) that have been necessarily acquired for a project during the period identified in the particular invoice for the implementation of the Project.
   3. Invoices shall be submitted on forms provided by State and shall meet the following format requirements:
      a. Invoices must contain the date of the invoice, the time period covered by the invoice, and the total amount due.
      b. Invoices must be itemized based on the categories specified in Exhibit B. The amount claimed for salaries/wages/consultant fees must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = the total amount claimed).
      c. One set of sufficient evidence (i.e., receipts, copies of checks, time sheets) must be provided for all costs included in the invoice.
      d. Each invoice shall clearly delineate those costs claimed for reimbursement from the State's funding amount, as depicted in Paragraph 3, "Funding Amount."
      e. Original signature and date (in ink) of Funding Recipient's Project Representative. Submit the original "wet signature" copy of the invoice form to the State's Project Manager identified in Paragraph 17.

9) WITHHOLDING OF DISBURSEMENTS BY STATE. If State determines that the Project is not being implemented in accordance with the provisions of this Funding Agreement, or that Funding Recipient has failed in any other respect to comply with the provisions of this Funding Agreement, and if Funding Recipient does not remedy any such failure to State's satisfaction, State may withhold from Funding Recipient all or any portion of the State funding and take any other action that it deems necessary to protect its interests. Where a portion of the State funding has been disbursed to the Funding Recipient and State notifies Funding Recipient of its

decision not to release funds that have been withheld pursuant to Paragraph 10, the portion that has been disbursed shall thereafter be repaid immediately with interest at the California general obligation bond interest rate at the time the State notifies the Funding Recipient, as directed by State. State may consider Funding Recipient's refusal to repay the requested disbursed amount a contract breach subject to the default provisions in Paragraph 10, "Default Provisions." If State notifies Funding Recipient of its decision to withhold the entire funding amount from Funding Recipient pursuant to this paragraph, this Funding Agreement shall terminate upon receipt of such notice by Funding Recipient and the State shall no longer be required to provide funds under this Funding Agreement and the Funding Agreement shall no longer be binding on either party.

10) DEFAULT PROVISIONS. Funding Recipient will be in default under this Funding Agreement if any of the following occur:

1. Substantial breaches of this Funding Agreement, or any supplement or amendment to it, or any other agreement between Funding Recipient and State evidencing or securing Funding Recipient's obligations;
2. Making any false warranty, representation, or statement with respect to this Funding Agreement or the application filed to obtain this Funding Agreement;
3. Failure to operate or maintain project in accordance with this Funding Agreement.
4. Failure to make any remittance required by this Funding Agreement.
5. Failure to submit timely progress reports.
6. Failure to routinely invoice State.

Should an event of default occur, State shall provide a notice of default to the Funding Recipient and shall give Funding Recipient at least ten (10) calendar days to cure the default from the date the notice is sent via first-class mail to the Funding Recipient. If the Funding Recipient fails to cure the default within the time prescribed by the State, State may do any of the following:

1. Declare the funding be immediately repaid, with interest, which shall be equal to State of California general obligation bond interest rate in effect at the time of the default.
2. Terminate any obligation to make future payments to Funding Recipient.
3. Terminate the Funding Agreement.
4. Take any other action that it deems necessary to protect its interests.

11) PERMITS, LICENSES, APPROVALS, AND LEGAL OBLIGATIONS. Funding Recipient shall be responsible for obtaining any and all permits, licenses, and approvals required for performing any work under this Funding Agreement, including those necessary to perform design, construction, or operation and maintenance of the Project. Funding Recipient shall be responsible for observing and complying with any applicable federal, state, and local laws, rules or regulations affecting any such work, specifically those including, but not limited to, environmental, procurement, and safety laws, rules, regulations, and ordinances. Funding Recipient shall provide copies of permits and approvals to State.

12) RELATIONSHIP OF PARTIES. Funding Recipient is solely responsible for design, construction, and operation and maintenance of projects within the work plan. Review or approval of plans, specifications, bid documents, or other documents by State is solely for the purpose

of proper administration of funds by State and shall not be deemed to relieve or restrict responsibilities of Funding Recipient under this Funding Agreement.

13) SUBMISSION OF REPORTS. The submittal and approval of all reports is a requirement for the successful completion of this Funding Agreement. Reports shall meet generally accepted professional standards for technical reporting and shall be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to State. All reports shall be submitted to the State's Project Manager identified in Paragraph 17. If requested, Funding Recipient shall promptly provide any additional information deemed necessary by State for the approval of reports. Reports shall be presented in the formats described in the applicable portion of Exhibit F. The timely submittal of reports is a requirement for initial and continued disbursement of State funds. Submittal and subsequent approval by the State, of a Project Completion Report is a requirement for the release of any funds retained for such project.

1. Quarterly Progress Reports: Funding Recipient shall submit Quarterly Progress Reports to meet the State's requirement for disbursement of funds. Quarterly Progress Reports shall be submitted to the State's Project Manager. Quarterly Progress Reports shall, in part, provide a brief description of the work performed, Funding Recipients activities, milestones achieved, any accomplishments and any problems encountered in the performance of the work under this Funding Agreement during the reporting period. The first Quarterly Progress Report should be submitted to the State no later than one quarter (3 months) after the execution of this agreement with future reports then due on successive three-month increments based on the invoicing schedule and this date.

2. Project Completion Reports: Funding Recipient shall submit to State certification of final Project completion by a registered professional, consistent with Standard Condition D.16, "FINAL INSPECTIONS AND CERTIFICATION OF REGISTERED PROFESSIONAL". A Department of Water Resources (DWR) "Certification of Project Completion" form will be provided by the State.

14) OPERATION AND MAINTENANCE OF PROJECT. For the useful life of construction and implementation projects and in consideration of the funding made by State, Funding Recipient agrees to ensure or cause to be performed the commencement and continued operation of the Project, and shall ensure or cause the Project to be operated in an efficient and economical manner; shall ensure all repairs, renewals, and replacements necessary to the efficient operation of the same are provided; and shall ensure or cause the same to be maintained in as good and efficient condition as upon its construction, ordinary and reasonable wear and depreciation excepted. The State shall not be liable for any cost of such maintenance, management, or operation. Funding Recipient or their successors may, with the written approval of State, transfer this responsibility to use, manage, and maintain the property. For purposes of this Funding Agreement, "useful life" means period during which an asset, property, or activity is expected to be usable for the purpose it was acquired or implemented; "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance, and similar expenses, and "maintenance costs" include ordinary repairs and replacements of a recurring nature necessary for capital assets and basic structures and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures. Refusal of Funding Recipient to ensure operation and maintenance of the projects in accordance with this provision may, at the option of State, be considered a breach of this Funding Agreement and may be treated as default under Paragraph 10, "DEFAULT PROVISIONS."

15) NOTIFICATION OF STATE. Funding Recipient shall promptly notify State, in writing, of the following items:

1. Events or proposed changes that could affect the scope, budget, or work performed under this Funding Agreement. Funding Recipient agrees that no substantial change in the scope of the Project will be undertaken until written notice of the proposed change has been provided to State and State has given written approval for such change. Substantial changes generally include changes to the scope of work, schedule or term, and budget.
2. Any public or media event publicizing the accomplishments and/or results of this Funding Agreement and provide the opportunity for attendance and participation by State's representatives. Funding Recipient shall make such notification at least 14 calendar days prior to the event.
3. Final inspection of the completed work on the Project by a Registered Professional, in accordance with Standard Condition D.16, "FINAL INSPECTIONS AND CERTIFICATION OF REGISTERED PROFESSIONAL." Funding Recipient shall notify the State's Project Manager of the inspection date at least 14 calendar days prior to the inspection in order to provide State the opportunity to participate in the inspection.

16) NOTICES. Any notice, demand, request, consent, or approval that either party desires or is required to give to the other party under this Funding Agreement shall be in writing. Notices may be transmitted by any of the following means:

1. By delivery in person.
2. By certified U.S. mail, return receipt requested, postage prepaid.
3. By "overnight" delivery service; provided that next-business-day delivery is requested by the sender.
4. By electronic means.
5. Notices delivered in person will be deemed effective immediately on receipt (or refusal of delivery or receipt). Notices sent by certified mail will be deemed effective given ten (10) calendar days after the date deposited with the U. S. Postal Service. Notices sent by overnight delivery service will be deemed effective one business day after the date deposited with the delivery service. Notices sent electronically will be effective on the date of transmission, which is documented in writing. Notices shall be sent to the below addresses. Either party may, by written notice to the other, designate a different address that shall be substituted for the one below.

17) PROJECT REPRESENTATIVES. The Project Representatives during the term of this Funding Agreement are as follows:

Department of Water Resources	City of Porterville
Kevin Faulkenberry	Michael K. Reed
Chief, South Central Regional Office	Public Works Director
California Department of Water Resources	City of Porterville
3374 E. Shields Avenue	291 North Main Street
Fresno, CA. 93726	Porterville, CA 93257
Phone: (559) 230-3320	Phone: (559) 782-7462
Email: Kevin.Faulkenberry@water.ca.gov	Email: Mreed@ci.porterville.ca.us

Direct all inquiries to the Project Manager:

Department of Water Resources	City of Porterville
Steve Doe	Michael K. Reed
Chief, Special Investigations Branch	Public Works Director
California Department of Water Resources	City of Porterville
3374 E. Shields Ave	291 North Main Street
Fresno, CA 93726	Porterville, CA 93257
Phone: (559) 230-3348	Phone: (559) 782-7462
Email: Steve.Doe@water.ca.gov	Email: Mreed@ci.porterville.ca.us

Either party may change its Project Representative or Project Manager upon written notice to the other party.

18) STANDARD PROVISIONS. The following Exhibits are attached and made a part of this Funding Agreement by this reference:

Exhibit A – Work Plan

Exhibit B – Budget

Exhibit C – Schedule

Exhibit D – Standard Conditions

Exhibit E – Report Formats and Requirements

Exhibit F – State Audit Document Requirements for Funding Recipients

IN WITNESS WHEREOF, the parties hereto have executed this Funding Agreement.

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

_____
Kevin Faulkenberry
Chief, South Central Regional Office

Date_____

City of Porterville

_____
Michael Reed
Public Works Director

Date_____

Approved as to Legal Form and Sufficiency

Tom Brock for
Cathy Crothers
Assistant Chief Counsel

Date 3-28-18

EXHIBIT A
WORK PLAN

Scope of Work

Project Description

The purpose of this funding is for the City of Porterville to effectuate the connection of drought-impacted homes in seven areas, within the City's boundaries, to the City's water distribution system. The project comprises water main extensions, home connections, well destructions, and all necessary tasks to complete the home connections.

Work Plan

Task 1 – Environmental

Obtain environmental permitting as required and conduct environmental monitoring, including cultural and biological monitoring during construction and/or any environmental mitigation, as required.

Deliverables: Environmental documentation as required.

Task 2 – Engineering Design

- Develop plans and drawings
- Perform engineering analysis
- Determine quantities of materials needed
- Provide construction/ deliverables schedule (can include delivery requirements and specifications, schedules, and deadlines)
- Address traffic management
- Plan staging and site logistics
- Develop QA/QC Plan
- Develop project budget

The City shall provide design plans, specifications and costs at 60%, 95% and 100% design stage to DWR for review. At each stage, the City shall receive approval from DWR before proceeding with the next stage of the design.

Deliverables: Design plans, specifications and costs at 60%, 95% and 100%.

Task 3 – Easements

- Identify right-of-way needs
- Notify the public and property owners
- Acquire necessary parcels/ property

Deliverables: Easement documentation as necessary.

Task 4 - Water System Construction

- Bid coordination, job walks and awards to subcontractors
- Source needed equipment
- Source materials
- Obtain permitting
- Establish traffic control
- Secure staging location
- Install all necessary plumbing to design specifications, including all needed PVC piping, City required piping, blow off valves, tapping sleeves, fittings, appurtenances, gate valves, butterfly valves, tees, etc.)
- Remove and replace landscaping, fencing, and concrete at each water service area and fire hydrant
- Furnish and install AC pavement and aggregate base for water main trench patch
- Furnish and install AC pavement and aggregate base for water service trench patch
- Monitor construction work and verify completion
- Review change orders
- Monitor compliance with environmental permits
- Perform all works necessary for complete construction

Deliverables: Constructed water system facilities, permits, and as-built drawings.

Task 5 – Well Destruction

- Bid coordination, job walks and awards to subcontractors
- Source needed equipment
- Source materials
- Obtain permitting
- Perform on-site pre-inspection to estimate materials and work
- Dry well verification & locating
- Determine, purchase, install, and test backflow valve if domestic well is not abandoned

Deliverables: Documentation on well destruction.

Task 6 – Project Management

This task includes preparation of Project required documents, Project quality assurance and quality control (QAQC), responding to inquiries from home owners, DWR – City correspondence and other work tasks associated with the projects. It also includes reporting to the State of the progress of each project. The City shall provide at a minimum quarterly progress reports to DWR. It includes review of invoices, payment of contractor invoices, and preparation of funds requests to State agencies.

Deliverables: Invoices, reports, and other documentation as necessary.

EXHIBIT B
BUDGET ESTIMATE

Task No.	Description of Tasks	Sub-Total
1	Environmental	$65,000.00
2	Engineering Design	$290,000.00
3	Easements	$37,000.00
4	Water System Construction	$2,135,200.50
5	Well Destruction	$84,000.00
6	Project Management	$201,745.50
Total		$2,812,946.00

EXHIBIT C
ESTIMATED SCHEDULE

Task No.	Description of Tasks	Start	Finish
1	Environmental	01/18/2018	12/31/2019
2	Engineering Design	01/18/2018	12/31/2019
3	Easements	01/18/2018	12/31/2019
4	Water System Construction	01/18/2018	12/31/2019
5	Well Abandonment	01/18/2018	12/31/2019
6	Project Management	01/18/2018	12/31/2019

Exhibit D

STANDARD CONDITIONS

D.1) ACCOUNTING AND DEPOSIT OF FUNDING DISBURSEMENT:

a) Separate Accounting of Funding Disbursements and Interest Records: Funding Recipient shall account for the money disbursed pursuant to this Funding Agreement separately from all other Funding Recipient funds. Funding Recipient shall maintain audit and accounting procedures that are in accordance with generally accepted accounting principles and practices, consistently applied. Funding Recipient shall keep complete and accurate records of all receipts, disbursements, and interest earned on expenditures of such funds. Funding Recipient shall require its contractors or subcontractors to maintain books, records, and other documents pertinent to their work in accordance with generally accepted accounting principles and practices. Records are subject to inspection by State at any and all reasonable times.

b) Disposition of Money Disbursed: All money disbursed pursuant to this Funding Agreement shall be deposited, administered, and accounted for pursuant to the provisions of applicable law.

c) Remittance of Unexpended Funds: Funding Recipient shall remit to State any unexpended funds that were disbursed to Funding Recipient under this Funding Agreement and were not used to pay Eligible Project Costs within a period of sixty (60) calendar days from the final disbursement from State to Funding Recipient of funds or, within thirty (30) calendar days of the expiration of the Funding Agreement, whichever comes first.

D.2) ACKNOWLEDGEMENT OF CREDIT: Funding Recipient shall include appropriate acknowledgement of credit to the State when promoting the Project or using any data and/or information developed under this Funding Agreement.

D.3) AMENDMENT: This Funding Agreement may be amended at any time by mutual agreement of the Parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests by the Funding Recipient for amendments must be in writing stating the amendment request and the reason for the request. State shall have no obligation to agree to an amendment.

D.4) AMERICANS WITH DISABILITIES ACT: By signing this Funding Agreement, Funding Recipient assures State that it complies with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C., 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

D.5) APPROVAL: This Agreement is of no force or effect until signed by all parties to the agreement. Funding Recipient may not submit invoices or receive payment until all required signatures have been obtained.

D.6) AUDITS: State reserves the right to conduct an audit at any time between the execution of this Funding Agreement and the completion of the Project, with the costs of such audit borne by State. After completion of the Project, State may require Funding Recipient to conduct a final audit to State's specifications, at Funding Recipient's expense, such audit to be conducted by and a report prepared by an independent Certified Public Accountant. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may elect to pursue any remedies provided in Paragraph 10 or take any other action it deems necessary to protect its interests.

Pursuant to Government Code section 8546.7, the Funding Recipient shall be subject to the examination and audit by the State for a period of three years after final payment under this Funding Agreement with respect of all matters connected with this Funding Agreement, including but not limited to, the cost of administering this Funding Agreement. All records of Funding Recipient or its contractor or subcontractors shall be preserved for this purpose for at least three (3) years after Project completion or final billing, whichever comes later.

D.7) CEQA: Activities funded under this Funding Agreement must be in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) including the determination that the Project is exempt. Information on CEQA may be found at the following webpages:

Environmental Information: http://www.opr.ca.gov/m_ceqa.php
State Clearinghouse Handbook: http://opr.ca.gov/docs/SCH_Handbook_2012.pdf

D.8) CHILD SUPPORT COMPLIANCE ACT: For any Funding Agreement in excess of $100,000, the Funding Recipient acknowledges in accordance with Public Contract Code section 7110, that:

a) The Funding Recipient recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with § 5200) of Part 5 of Division 9 of the Family Code; and

b) The Funding Recipient, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

D.9) CLAIMS DISPUTE: Any claim that the Funding Recipient may have regarding performance of this Agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the DWR Project Representative, within thirty (30) days of the Funding Recipient's knowledge of the claim. State and Funding Recipient shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.

D.10) COMPETITIVE BIDDING AND PROCUREMENTS: Funding Recipient shall comply with all applicable laws and regulations regarding securing competitive bids and undertaking competitive negotiations in Funding Recipient's contracts with other entities for acquisition of goods and services and construction of public works with funds provided by State under this Funding Agreement.

D.11) COMPUTER SOFTWARE: Funding Recipient certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Funding Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.

D.12) CONFLICT OF INTEREST: All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are

not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411, for State conflict of interest requirements.

D.13) DELIVERY OF INFORMATION, REPORTS, AND DATA: Funding Recipient agrees to expeditiously provide throughout the term of this Funding Agreement, such reports, data, information, and certifications as may be reasonably required by State.

D.14) DISPOSITION OF EQUIPMENT: Funding Recipient shall provide to State, not less than 30 calendar days prior to submission of the final invoice, an itemized inventory of equipment purchased with funds provided by State. The inventory shall include all items with a current estimated fair market value of more than $5,000.00 per item. Within 60 calendar days of receipt of such inventory State shall provide Funding Recipient with a list of the items on the inventory that State will take title to. All other items shall become the property of Funding Recipient. State shall arrange for delivery from Funding Recipient of items that it takes title to. Cost of transportation, if any, shall be borne by State.

D.15) DRUG-FREE WORKPLACE CERTIFICATION: Certification of Compliance: By signing this Funding Agreement, Funding Recipient, its contractors or subcontractors hereby certify, under penalty of perjury under the laws of State of California, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and have or will provide a drug-free workplace by taking the following actions:

a) Publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees, contractors, or subcontractors for violations, as required by Government Code section 8355(a)(1).

b) Establish a Drug-Free Awareness Program, as required by Government Code section 8355(a)(2) to inform employees, contractors, or subcontractors about all of the following:

   i) The dangers of drug abuse in the workplace,

   ii) Funding Recipient's policy of maintaining a drug-free workplace,

   iii) Any available counseling, rehabilitation, and employee assistance programs, and

   iv) Penalties that may be imposed upon employees, contractors, and subcontractors for drug abuse violations.

c) Provide, as required by Government Code section 8355(a)(3), that every employee, contractor, and/or subcontractor who works under this Funding Agreement:

   i) Will receive a copy of Funding Recipient's drug-free policy statement, and

   ii) Will agree to abide by terms of Funding Recipient's condition of employment, contract or subcontract.

D.16) FINAL INSPECTIONS AND CERTIFICATION OF REGISTERED PROFESSIONAL: Upon completion of the Project, Funding Recipient shall provide for a final inspection and certification by a California Registered Civil Engineer or Geologist that the Project has been completed in accordance with submitted final plans and specifications and any modifications thereto and in accordance with this Funding Agreement.

D.17) FUNDING RECIPIENT COMMITMENTS: Funding Recipient accepts and agrees to comply with all terms, provisions, conditions and commitments of this Funding Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and

statements made by the Funding Recipient in the application, documents, amendments, and communications filed in support of its request for funding.

D.18) GOVERNING LAW AND VENUE: This Funding Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. The State and the Funding Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California. The Funding Recipient hereby waives any existing sovereign immunity for the purposes of this Agreement.

D.19) INDEMNIFICATION: Funding Recipient shall indemnify and hold and save the State, its officers, agents, and employees, free and harmless from any and all liabilities for any claims and damages (including inverse condemnation) that may arise out of the Project and this Agreement, including, but not limited to any claims or damages arising from planning, design, construction, maintenance and/or operation of levee rehabilitation measures for this Project and any breach of this Agreement. Funding Recipient shall require its contractors or subcontractors to name the State, its officers, agents and employees as additional insureds on their liability insurance for activities undertaken pursuant to this Agreement.

D.20) INDEPENDENT CAPACITY: Funding Recipient, and the agents and employees of Funding Recipients, in the performance of the Funding Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State.

D.21) INSPECTION OF BOOKS, RECORDS, AND REPORTS: During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of either party pertaining to this Funding Agreement or matters related hereto. Each of the parties hereto shall maintain and shall make available at all times for such inspection accurate records of all its costs, disbursements, and receipts with respect to its activities under this Funding Agreement. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may withhold disbursements to Funding Recipient or take any other action it deems necessary to protect its interests.

D.22) INSPECTIONS OF PROJECT BY STATE: State shall have the right to inspect the work being performed at any and all reasonable times during the term of the Funding Agreement. This right shall extend to any subcontracts, and Funding Recipient shall include provisions ensuring such access in all its contracts or subcontracts entered into pursuant to its Funding Agreement with State.

D.23) LABOR CODE COMPLIANCE: The Funding Recipient agrees to be bound by all applicable provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from this Agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current DIR requirements may be found at: http://www.dir.ca.gov/lcp.asp. For more information, please refer to DIR's Public Works Manual at: http://www.dir.ca.gov/dlse/PWManualCombined.pdf. Additionally, the Funding Recipient is aware and in compliance with Labor Code requirements set forth in Labor Code, title 4, division 4 (commencing with section 3700) regarding workers' compensation and insurance.

D.24) MODIFICATION OF OVERALL WORK PLAN: At the request of the Funding Recipient, the State may at its sole discretion approve non-material changes to the portions of Exhibit A which

concern the budget and schedule without formally amending this Funding Agreement. Non-material changes with respect to the budget are changes that only result in reallocation of the budget and will not result in an increase in the amount of the State Funding Agreement. Non-material changes with respect to the Project schedule are changes that will not extend the term of this Funding Agreement. Requests for non-material changes to the budget and schedule must be submitted by the Funding Recipient to the State in writing and are not effective unless and until specifically approved by the State's Program Manager in writing.

D.25) NONDISCRIMINATION: During the performance of this Funding Agreement, Funding Recipient and its contractors or subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex (gender), sexual orientation, race, color, ancestry, religion, creed, national origin (including language use restriction), pregnancy, physical disability (including HIV and AIDS), mental disability, medical condition (cancer/genetic characteristics), age (over 40), marital status, and denial of medial and family care leave or pregnancy disability leave. Funding Recipient and its contractors or subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Funding Recipient and its contractors or subcontractors shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code, §12990 (a-f) et seq.) and the applicable regulations promulgated there under (California Code of Regulations, tit. 2, § 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission are set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Funding Recipient and its contractors or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. Funding Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Funding Agreement.

D.26) OPINIONS AND DETERMINATIONS: Where the terms of this Funding Agreement provide for action to be based upon, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.

D.27) PERFORMANCE AND ASSURANCES: Funding Recipient agrees to faithfully and expeditiously perform or cause to be performed all Project work as described in the Scope of Work and to apply State funds received only to Eligible Project Costs in accordance with applicable provisions of the law.

D.28) PROHIBITION AGAINST DISPOSAL OF PROJECT WITHOUT STATE PERMISSION: The Funding Recipient shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of any real or other property necessarily connected or used in conjunction with the Project, or with Funding Recipient's service of water, without prior permission of State. Funding Recipient shall not take any action, including but not limited to actions relating to user fees, charges, and assessments that could adversely affect the ability of Funding Recipient meet its obligations under this Funding Agreement, without prior written permission of State. State may require that the proceeds from the disposition of any real or personal property be remitted to State.

D.29) REMEDIES NOT EXCLUSIVE: The use by either party of any remedy specified herein for the enforcement of this Funding Agreement is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.

D.30) RETENTION: The State, at its discretion, may withhold ten percent (10%) of the funds requested by the Funding Recipient for reimbursement of Eligible Project Costs until the Project is completed and Final Report is approved. Withheld funds may be released upon completion of milestones identified in the Scope of Work.

D.31) RIGHTS IN DATA: Funding Recipient agrees that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes and other written or graphic work produced in the performance of this Funding Agreement shall be made available to the State and shall be in the public domain to the extent to which release of such materials is required under the California Public Records Act. (Gov. Code, § 6250 et seq.) Funding Recipient may disclose, disseminate and use in whole or in part, any final form data and information received, collected and developed under this Funding Agreement, subject to appropriate acknowledgement of credit to State for financial support. Funding Recipient shall not utilize the materials for any profit-making venture or sell or grant rights to a third party who intends to do so. The State shall have the right to use any data described in this paragraph for any public purpose.

D.32) SEVERABILITY: Should any portion of this Funding Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Funding Agreement shall continue as modified.

D.33) SUSPENSION OF PAYMENTS: This Funding Agreement may be subject to suspension of payments or termination, or both, and Funding Recipient may be subject to debarment if the State determines that:

a) Funding Recipient, its contractors, or subcontractors have made a false certification, or

b) Funding Recipient, its contractors, or subcontractors violates the certification by failing to carry out the requirements noted in this Funding Agreement.

D.34) SUCCESSORS AND ASSIGNS: This Funding Agreement and all of its provisions shall apply to and bind the successors and assigns of the parties. No assignment or transfer of this Funding Agreement or any part thereof, rights hereunder, or interest herein by the Funding Recipient shall be valid unless and until it is approved by State and made subject to such reasonable terms and conditions as State may impose.

D.35) TERMINATION BY FUNDING RECIPIENT: Subject to State approval which may be reasonably withheld, Funding Recipient may terminate this Agreement and be relieved of contractual obligations. In doing so, Funding Recipient must provide a reason(s) for termination. Funding Recipient must submit all progress reports summarizing accomplishments up until termination date.

D.36) TERMINATION FOR CAUSE: Subject to the right to cure under Paragraph 10, the State may terminate this Funding Agreement and be relieved of any payments should Funding Recipient fail to perform the requirements of this Funding Agreement at the time and in the manner herein, provided including but not limited to reasons of default under Paragraph 10.

D.37) TERMINATION WITHOUT CAUSE: The State may terminate this Agreement without cause on 30 days advance written notice. The Funding Recipient shall be reimbursed for all reasonable expenses incurred up to the date of termination.

D.38) THIRD PARTY BENEFICIARIES: The parties to this Agreement do not intend to create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or any duty, covenant, obligation or understanding established herein.

D.39) TIMELINESS: Time is of the essence in this Funding Agreement.

D.40) TRAVEL: Any reimbursement for necessary travel and per diem shall be at rates not to exceed those set by the California Department of Human Resources. These rates may be found at http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx. Reimbursement will be at the State travel and per diem amounts that are current as of the date costs are incurred by the Funding Recipient. No travel outside the State of California shall be reimbursed unless prior written authorization is obtained from the State.

D.41) WAIVER OF RIGHTS: None of the provisions of this Funding Agreement shall be deemed waived unless expressly waived in writing. It is the intention of the parties here to that from time to time either party may waive any of its rights under this Funding Agreement unless contrary to law. Any waiver by either party of rights arising in connection with the Funding Agreement shall not be deemed to be a waiver with respect to any other rights or matters, and such provisions shall continue in full force and effect.

Exhibit E

REPORT FORMATS AND REQUIREMENTS

The following reporting formats should be utilized. Please obtain State approval prior to submitting a report in an alternative format.

PROGRESS REPORTS

Progress reports shall generally use the following format. This format may be modified as necessary to effectively communicate information.

PROJECT STATUS

For each project, describe the work performed during the time period covered by the report including but not limited to:

PROJECT INFORMATION

- Legal matters
- Engineering Evaluations
- Environmental matters
- Status of permits, rights-of-way, rights of entry, and approvals as may be required by other State, federal, and/or local agencies
- Major accomplishments during the quarter (i.e. tasks completed, milestones met, meetings held or attended, press releases, etc.)
- Issues/concerns that have, will, or could affect the schedule or budget, with a recommendation on how to correct the matter
- Describe differences between the work performed and the work outlined in the Overall Work Plan, including change orders
- Estimate the percentage completion of the overall Project
- Identify key issues that need to be resolved
- Photos documenting progress

COST INFORMATION

- Provide a list showing all Project costs incurred during the time period covered by the report by the Funding Recipient and each contractor working on the Project and which of these costs are Eligible Project Costs
- A discussion on how the actual budget is progressing in comparison to the Project budget included in the Overall Work Plan
- A list of any changes approved to the budget in accordance with Funding Agreement and a revised budget, by task, if changed from latest budget in the Overall Work Plan

SCHEDULE INFORMATION

- A schedule showing actual progress verses planned progress
- A discussion on how the actual schedule is progressing in comparison to the original or last reported schedule
- A list of any changes approved to the Schedule in accordance with Funding Agreement and a revised schedule, by task, if changed from latest reported schedule

Exhibit F

STATE AUDIT DOCUMENT REQUIREMENTS FOR FUNDING RECIPIENTS

The following provides a list of documents typically required by State Auditors and general guidelines for Funding Recipients. List of documents pertains to both State funding and Funding Recipient's Funding Match and details the documents/records that State Auditors would need to review in the event of this Funding Agreement is audited. Funding Recipients should ensure that such records are maintained for each funded project.

State Audit Document Requirements

Internal Controls

1. Organization chart (e.g., Agency's overall organization chart and organization chart for the State funded Program/Project).
2. Written internal procedures and flowcharts for the following:
   a) Receipts and deposits
   b) Disbursements
   c) State reimbursement requests
   d) Expenditure tracking of State funds
   e) Guidelines, policy, and procedures on State funded Program/Project
3. Audit reports of the Agency internal control structure and/or financial statements within the last two years.
4. Prior audit reports on the State funded Program/Project.

State Funding:

1. Original Funding Agreement, any amendment(s) and budget modification documents.
2. A listing of all bond-funded grants, loans, or subventions received from the State.
3. A listing of all other funding sources for each Program/Project.

Contracts:

1. All subcontractor and consultant contracts and related or partners documents, if applicable.
2. Contracts between the Agency and member agencies as related to the State funded Program/Project.

Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the Funding Agreement.
2. Documentation linking subcontractor invoices to State reimbursement, requests and related Funding Agreement budget line items.
3. Reimbursement requests submitted to the State for the Funding Agreement.

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.
2. Deposit slips (or bank statements) showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grants or loans.
4. Bank statements showing the deposit of the receipts.

Accounting Records:

1. Ledgers showing entries for funding receipts and cash disbursements.
2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to requests for Funding Agreement reimbursement.

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

1. List of all contractors and Agency staff that worked on the State funded Program/Project.
2. Payroll records including timesheets for contractor staff and the Agency personnel who provided services charged to the program

Project Files:

1. All supporting documentation maintained in the Project files.
2. All Funding Agreement related correspondence.

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Approval of SB1 Project List for Fiscal Year 2018/2019

SOURCE: Public Works

COMMENT: In April of 2017, the Legislature passed and the Governor signed Senate Bill 1 (SB1), which was enacted to address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system.

The new legislation created new funding in to the Road Maintenance and Rehabilitation Account (RMRA), which will be made available for local streets and roads projects prioritized for expenditure on basic road maintenance and rehabilitation projects. RMRA funding must be used for projects "that include, but are not limited to," the following:

a. Road maintenance and rehabilitation
b. Safety projects
c. Railroad grade separations
d. Traffic control devices
e. Complete streets components, including "active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project

RMRA funds may also be used to satisfy a match requirement in order to obtain state or federal funds for eligible projects.

Local agencies are required to submit a yearly project list to the California Transportation Commission (CTC) to show where RMRA funds will be spent. The project list must be approved by resolution through the agency's governing body. Failure to submit a project list will cause the City to lose that year's apportionment. The City will submit an annual report of completion to the CTC to show that RMRA funds were spent properly.

For fiscal year 2018/2019, the City is expected to receive an apportionment of about $994,835 of RMRA funds. The City can expect to receive around $1,000,000 of RMRA funds per fiscal year. To receive RMRA allocation, the City is required to sustain a Maintenance of Effort (MOE) by spending at least the annual average of its general fund expenditures for streets and transportation purposes during the 2009/10, 2010/11, and 2011/12 fiscal years. The MOE amount required to be spent by the City of Porterville each fiscal year to receive

its RMRA funds apportionment is $693,653.

For FY 2018/2019, staff recommends that RMRA funds be allocated to the projects listed in the attached Resolution as their designs are nearing completion and will be ready to construct between summer 2018 and spring 2019.

RECOMMENDATION: That the City Council:
1. Accept staff's recommendation and adopt the Resolution for the SB1 project list for Fiscal Year 2018/2019;
2. Authorize the City Clerk to record the attached Resolution; and
3. Authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2018/2019 RMRA apportionment.

ATTACHMENTS:
1. RMRA FY 2018-2019 Estimate per city
2. SB1 RESOLUTION FY 18-19

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

Local Streets and Roads - Projected FY2018-19 Revenues

Based on State Dept of Finance statewide revenue projections as of January 11, 2018

Estimated 11 Jan 2018	Highway Users Tax Acct (HUTA)[1] Streets & Highways Code					new SB1 Loan Repayment[6]	TOTAL HUTA	new SB1 Road Maintnc Rehab Acct[7]	TOTAL
	Sec2103[5]	Sec2105[3]	Sec2106[3]	Sec2107[3]	Sec2107.5[4]				
SONOMA COUNTY									
CLOVERDALE	68,471	51,418	37,211	63,795	2,000	10,153	233,048	148,309	381,357
COTATI	55,752	41,867	31,191	51,944	2,000	8,267	191,021	120,759	311,780
HEALDSBURG	90,466	67,936	47,623	84,288	3,000	13,415	306,728	195,951	502,679
PETALUMA	467,211	350,854	225,961	435,306	7,500	69,279	1,556,111	1,011,989	2,568,100
ROHNERT PARK	322,511	242,191	157,465	300,487	6,000	47,823	1,076,478	698,567	1,775,045
SANTA ROSA	1,355,450	1,017,880	646,421	1,262,887	10,000	200,990	4,493,628	2,935,933	7,429,561
SEBASTOPOL	58,105	43,634	32,305	54,137	2,000	8,616	198,798	125,857	324,655
SONOMA	84,248	63,267	44,680	78,495	3,000	12,493	286,183	182,484	468,667
WINDSOR	209,843	157,582	104,132	195,513	6,000	31,116	704,186	454,524	1,158,710
STANISLAUS COUNTY									
CERES	366,111	274,933	161,193	341,110	6,000	54,288	1,203,635	793,005	1,996,640
HUGHSON	56,204	42,207	28,809	52,366	2,000	8,334	189,919	121,739	311,658
MODESTO	1,648,935	1,238,274	709,180	1,536,331	10,000	244,509	5,387,229	3,571,629	8,958,858
NEWMAN	85,598	64,280	41,365	79,752	3,000	12,693	286,688	185,407	472,094
OAKDALE	174,116	130,753	79,178	162,226	5,000	25,818	577,092	377,140	954,232
PATTERSON	174,262	130,863	79,240	162,362	5,000	25,840	577,567	377,455	955,022
RIVERBANK	188,675	141,686	85,397	175,791	5,000	27,977	624,527	408,675	1,033,202
TURLOCK	558,735	419,584	243,476	520,580	7,500	82,851	1,832,726	1,210,232	3,042,958
WATERFORD	68,279	51,274	33,967	63,616	2,000	10,125	229,261	147,893	377,154
SUTTER COUNTY									
LIVE OAK	66,209	49,720	32,870	61,688	2,000	9,818	222,304	143,410	365,713
YUBA CITY	517,075	388,299	224,018	481,764	7,500	76,673	1,695,330	1,119,995	2,815,325
TEHAMA COUNTY									
CORNING	58,749	44,118	30,754	54,737	2,000	8,712	199,071	127,252	326,323
RED BLUFF	107,915	81,039	52,475	100,546	3,000	16,002	360,978	233,747	594,724
TEHAMA	3,274	2,458	6,246	3,050	1,000	485	16,514	7,091	23,605
TRINITY COUNTY									
TULARE COUNTY									
DINUBA	190,600	143,132	79,603	177,584	5,000	28,263	624,181	412,843	1,037,024
EXETER	84,218	63,244	37,852	78,467	3,000	12,488	279,268	182,417	461,686
FARMERSVILLE	86,234	64,758	38,644	80,345	3,000	12,787	285,768	186,785	472,553
LINDSAY	99,543	74,752	43,867	92,746	3,000	14,761	328,669	215,613	544,282
PORTERVILLE	459,291	344,907	185,054	427,927	7,500	68,105	1,492,785	994,835	2,487,620
TULARE	495,731	372,271	199,355	461,878	7,500	73,508	1,610,244	1,073,764	2,684,007
VISALIA	1,020,817	766,587	405,432	951,107	10,000	151,370	3,305,312	2,211,112	5,516,424
WOODLAKE	59,554	44,722	28,173	55,487	2,000	8,831	198,768	128,996	327,764
TUOLUMNE COUNTY									
SONORA	37,589	28,228	31,405	35,022	1,000	5,574	138,818	81,419	220,238

RESOLUTION NO. ___ - 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2018-19
FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

WHEREAS: Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS: SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Porterville, hereinafter referred to as the "City," are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS: the "City" must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS: the "City", will receive an estimated $994,835 in RMRA funding in Fiscal Year 2018-19 from SB 1; and

WHEREAS, this is the second year in which the "City" is receiving SB 1 funding and will enable the "City" to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS: the "City" has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS: the "City" used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS: the funding from SB 1 will help the "City" maintain and rehabilitate 216 miles of streets/roads, 16 bridges, add active transportation infrastructure throughout the "City" this year and hundreds of similar projects into the future; and

WHEREAS: the 2016 California Statewide Local Streets and Roads Needs Assessment found that the "City's" streets and roads are in an "at higher risk" condition and this revenue will help us increase the overall quality of our road system and over the next decade will help bring our streets and roads into an "at lower risk" to "good" condition; and

WHEREAS: the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The foregoing recitals are true and correct.
2. The fiscal year 2018-19 list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include:

   a. Henderson Avenue Cold Foam In-Place Recycling Project
   Reconstruction of asphalt section of four-lane arterial roadway, 0.5 miles in length and 64 feet of width
   Located between Indiana Street and Jaye Street
   Estimated Useful Life between 15-20 years
   Anticipated Year of Construction is fall 2018

   b. Plano Street Microsurfacing Project
   Rehabilitation of asphalt surface of four-lane arterial roadway, two miles in length and 64 feet of width
   Located between State Route 190 and Henderson Avenue
   Estimated Useful Life between 7-10 years
   Anticipated Year of Construction is summer of 2018

   c. Henderson Avenue Reconstruction Project
   Reconstruction of roadway section of four-lane arterial roadway, 0.35 miles in length and 64 feet of width
   Located between Second Street and Plano Street
   Estimated Useful Life between 15-20 years
   Anticipated Year of Construction is spring 2019

   d. Henderson Avenue Rehabilitation Project
   Rehabilitation of asphalt surface of four-lane arterial roadway, 0.5 miles in length and 64 feet of width
   Located between Balmayne Drive and Patsy Street
   Estimated Useful Life between 15-20 years
   Anticipated Year of Construction is fall of 2018

   e. Newcomb Street Reconstruction Project
   Reconstruction of roadway section of four-lane arterial roadway, 0.5 miles in length and 64 feet of width
   Located between Olive Avenue and Morton Avenue
   Estimated Useful Life between 15-20 years
   Anticipated Year of Construction is spring 2019

PASSED, APPROVED, and ADOPTED this 17th day of April, 2018.

_____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

_____
By: Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Authorization for Out-of-State Travel

SOURCE: Fire

COMMENT: Pursuant to City policy and past practice, an agenda item was presented to Porterville City Council on April 18, 2017, for authorization to purchase a Type 1 fire engine. Included in Consent Item #3 Authorization to Purchase were two trips by two City of Porterville Fire Department personnel to the Rosenbauer America Factory, located in South Dakota. The travel is required for a pre-construction meeting and a final inspection, which is included in the price of the engine. In the past, three trips were required; one trip has been replaced with a video inspection at the mid-point to reduce travel. If approved, two Fire Department personnel, an Officer and an Engineer, would be traveling to South Dakota in early May, 2018, for the purpose of a final inspection and to drive the engine to Porterville.

RECOMMENDATION: That the City Council authorize out-of-state travel by two City of Porterville Fire Department personnel to the Rosenbauer America Factory, located in South Dakota for the final inspection of the Type 1 fire engine purchased by the City and to drive the engine back to Porterville.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Approval for Community Civic Event - Porterville Exchange Club - Champions for the Prevention of Child Abuse - May 19, 2018

SOURCE: Finance

COMMENT: The Porterville Exchange Club is requesting approval to hold their event, Champions for the Prevention of Child Abuse, consisting of a 3-mile run and a 1-mile walk for adults and a 1/2-mile kids' race beginning at Zalud Park and continuing on the Rails to Trails parkway to North Grand Avenue and returning back to Zalud Park. The event will be held on Saturday, May 19, 2018, from 7:00 a.m. to 10:00 a.m.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application and agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Exchange Club subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Amplifier Permit and Certificate of Liability Insurance.

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?

Application date: MARCH 13, 2018 3/15/18 Event date: MAY 19, 2018

Event time: 0700 - 1000

Name of Event: CHAMPIONS FOR THE PREVENTION OF CHILD ABUSE

Sponsoring organization: EXCHANGE CLUB Phone #

Address: 298 N D ST

Authorized representative: RICK CARRILLO Phone # 789-4469

Address: 350 N. D ST PORTERVILLE CA

Event chairperson: FELIPE MARTINEZ Phone # 350-3003

195 W. PUTNAM AVE PORTERVILLE CA

Location of event RAILS TO TRAILS STRATHMORE TO ZALUA PARK

(Location map must be attached)

Type of event: 3 MILE RUN / RACE 1 MILE WALK

1/2 MILE KIDS RACE

Non-profit organization status: 501 (c)(3) BL# 002586

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): NONE Street sweeping Yes ____ No ✓

Police protection Yes ____ No ✓ Refuse pickup Yes ____ No ✓

Other: ____

Parks facility application required: Yes ✗ No ____ Attached ____

Assembly permit required: Yes ____ No ✗ Attached ____

STAFF COMMENTS (list special requirements or conditions for event):

Appr.	Deny		
____	____	Bus. Lic. Spvr.	____
____	____	Pub. Works Dir	____
____	____	Comm. Dev. Dir.	____
____	____	Field Svcs. Mgr.	____
____	____	Fire Chief	____
____	____	Parks Dir.	____
____	____	Police Chief	____
____	____	Admin. Svcs. Dir.	____

fmis@att.net

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred ($100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

_____ **Authorized Representative Initial**

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

_____ **Authorized Representative Initials**

Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

_____ **Authorized Representative Initials**

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses. _____ **Authorized Representative Initials**

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

_____ **Authorized Representative Initials**

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

PORTERVILLE EXCHANGE CLUB				3/9/19
(Name of Organization)		(Signature)		(Date)

CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: CHAMPIONS FOR THE PREVENTION OF CHILD ABUSE

Sponsoring organization: PORTERVILLE EXCHANGE CLUB

Location: RAILS TO TRAILS / ZALUD PARK Event date: 5/19/18 Event time: 0700

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

Vendor name		Address/Telephone		Business License required?		Type of Activity
NONE						

*Municipal Code 15-20(E) Community Civic Events (16): *Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.*

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: CHAMPIONS FOR THE PREVENTION OF CHILD ABUSE

Sponsoring organization: PORTERVILLE EXCHANGE CLUB

Event date: 5/19/18 Hours: 0700-1000

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
HENDERSON AVE.	AT RAILS TO TRAILS E/B	AND W/B INTERMITTENTLY	CROSSING GUARD
WESTFIELD AVE.	AT RAILS TO TRAILS E/B	AND W/B INTERMITTENTLY	CROSSING GUARD

Sidewalks	From	To	Activity

Parking lots and spaces	Location	Activity
NORTH PARKING LOT	ZALUD PARK	BOOTH / STAGING
NORTH BASEBALL FIELD	ZALUD PARK	BOOTH / STAGING
		START / FINISH LINE

Requirements for Community Civic Event
Porterville Exchange Club
Champions for the Prevention of Child Abuse
May 19, 2018

Finance Director: *M. Bemis*	
Assistant City Engineer: *J. Sanchez*	
Community Development Manager: *J. Phillips*	
Field Services Manager *M. Knight*	No comments.
Battalion Chief of Operations: *R. Land*	
Parks and Leisure Services Director: *D. Moore*	Vehicles permitted to unload/load in the park. No parking on the grass.
Police Lieutenant: *R. Standridge*	Please see Exhibit B. Porterville
Administrative Services Director: *P. Hildreth*	See Exhibit A, page 2.

Requirements for Community Civic Event

Sponsor:	Porterville Exchange Club
Event:	Champions for the Prevention of Child Abuse
Event Chairman:	Felipe Martinez
Location:	Zalud Park
Date of Event:	May 19, 2018
Time of Event:	7:00 a.m. to 10:00 a.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Exchange Club provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A:VII, and the insurance company must be an "admitted" insurer in the State of California.

PORTERVILLE POLICE DEPARTMENT

Conditions/Requirements for Special Event

Porterville Exchange Club Child Abuse Prevention Run
May 19, 2018

- Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- Event staff on the race route should wear highly visible attire.
- Participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and/or assistance, with the goal of ensuring a safe event. Please contact Lieutenant Josh Maniss at 782-7410 if you have any questions or require further assistance.

Rich Standridge, Lieutenant
Porterville Police Department

Exhibit B

CITY OF PORTERVILLE

OUTSIDE AMPLIFIER PERMIT

(City Ordinances #18-9 & 18-14)

This application must be submitted ten *(10)* days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: _____

_____

2 Address where amplification equipment is to be used: _____

3 Names and addresses of all persons who will use or operate the amplification equipment: _____

_____

4 Type of event for which amplification equipment will be used: _____

_____

5 Dates and hours of operation of amplification equipment: _____

_____

6 A general description of the sound amplifying equipment to be used: _____

_____

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort ,

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

NOT REQUESTED
Signature of Applicant _____ *Date* _____

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee _____ *Date* _____

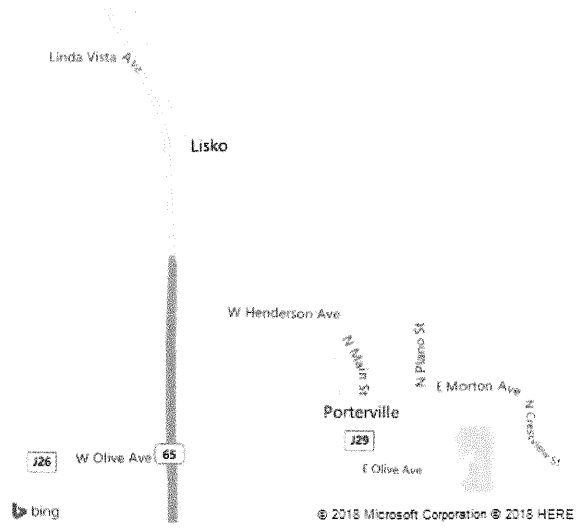
bing maps

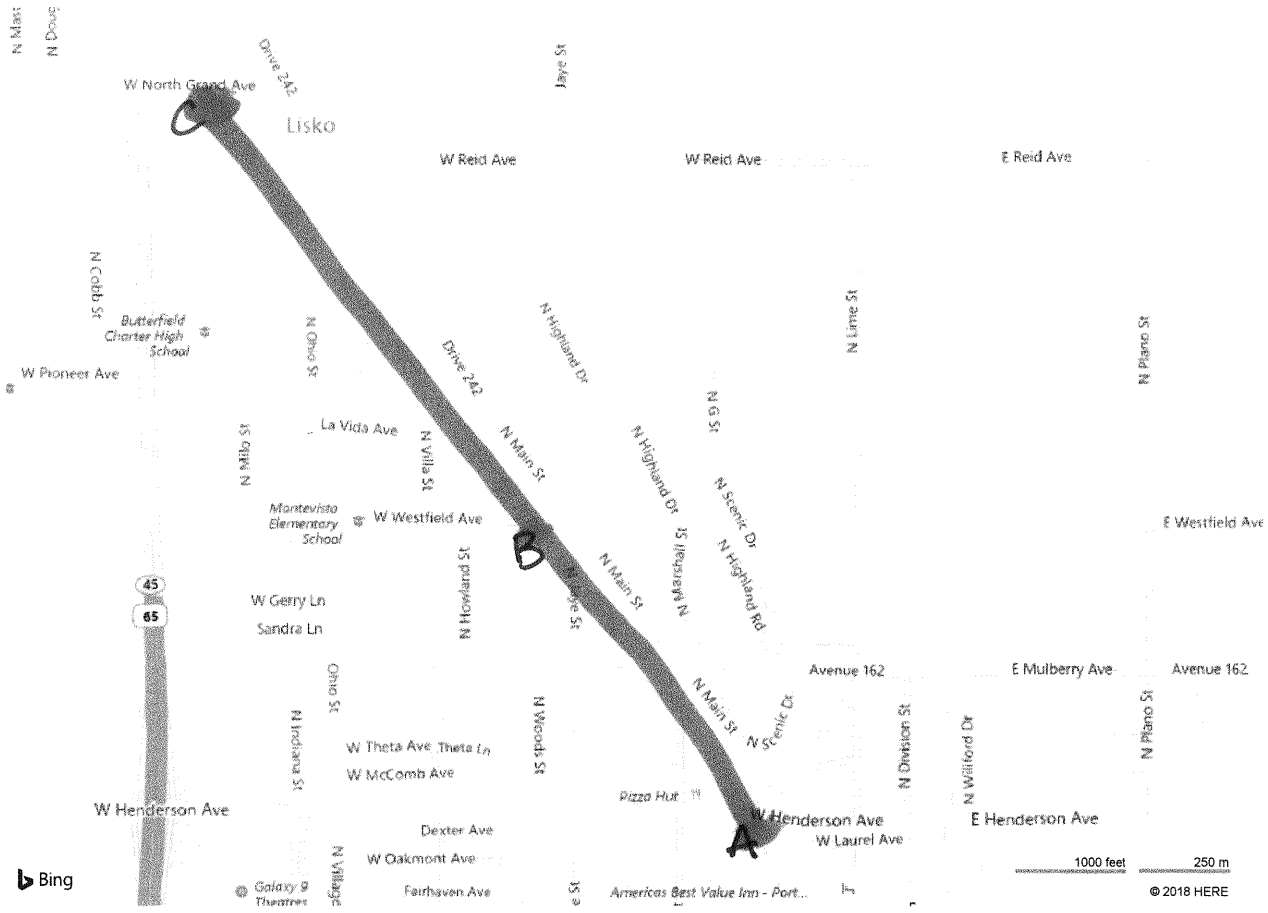
Notes

The run / walk routes will both begin at Zalud Park (A)

The walk route will cross Henderson Avenue northbound, then U-turn prior to reaching Westfield Avenue (B).

The run route will cross Henderson Avenue northbound then Westfield as well, turning back prior to North Grand Avenue (C) and returning to Zalud Park.





NATIO-9 OP ID: KY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/06/2018

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

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

PRODUCER
Stapleton Insurance & Risk Mgt
PO Box 1118
Sylvania, OH 43560
Craig Kachmarik, CIC

CONTACT NAME: Craig Kachmarik, CIC
PHONE (A/C, No, Ext): 419-882-0016 FAX (A/C, No): 419-882-3911
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Philadelphia Insurance Company	23850
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Affiliated Exchange Clubs &
Districts of the National
Exchange Club
3050 W. Central Ave.
Toledo, OH 43606

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK1670763	07/01/2017	07/01/2018	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ NO COVERAGE
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			PHPK1670763	07/01/2017	07/01/2018	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS / X NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB / OCCUR			PHUB588671	07/01/2017	07/01/2018	EACH OCCURRENCE	$ 2,000,000
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 2,000,000
	DED X RETENTION $ 10,000							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N	N / A					E.L. EACH ACCIDENT	$
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

EVENT & DATE: Champions for Prevention of Child Abuse 05-19-2018
CLUB: Exchange Club of Porterville
City of Porterville is included as an additional insured for general liability / Participants are Excluded
*Sucessor Agency for the Cityof Porterville Redevelopment

CERTIFICATE HOLDER

PORTE-1

City of Porterville
Sucessor Agency for the City
of Porterville Redevelopment*
291 N. Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Kyle L. Southward

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

GENERAL LIABILITY DELUXE ENDORSEMENT: HUMAN SERVICES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE

It is understood and agreed that the following extensions only apply in the event that no other specific coverage for the indicated loss exposure is provided under this policy. If such specific coverage applies, the terms, conditions and limits of that coverage are the sole and exclusive coverage applicable under this policy, unless otherwise noted on this endorsement. The following is a summary of the Limits of Insurance and additional coverages provided by this endorsement. For complete details on specific coverages, consult the policy contract wording.

Coverage Applicable	Limit of Insurance	Page #
Extended Property Damage	Included	2
Limited Rental Lease Agreement Contractual Liability	$50,000 limit	2
Non-Owned Watercraft	Less than 58 feet	2
Damage to Property You Own, Rent, or Occupy	$30,000 limit	2
Damage to Premises Rented to You	$1,000,000	3
HIPAA	Clarification	4
Medical Payments	$20,000	5
Medical Payments – Extended Reporting Period	3 years	5
Athletic Activities	Amended	5
Supplementary Payments – Bail Bonds	$5,000	5
Supplementary Payment – Loss of Earnings	$1,000 per day	5
Employee Indemnification Defense Coverage	$25,000	5
Key and Lock Replacement – Janitorial Services Client Coverage	$10,000 limit	6
Additional Insured – Newly Acquired Time Period	Amended	6
Additional Insured – Medical Directors and Administrators	Included	7
Additional Insured – Managers and Supervisors (with Fellow Employee Coverage)	Included	7
Additional Insured – Broadened Named Insured	Included	7
Additional Insured – Funding Source	Included	7
Additional Insured – Home Care Providers	Included	7
Additional Insured – Managers, Landlords, or Lessors of Premises	Included	7
Additional Insured – Lessor of Leased Equipment	Included	7
Additional Insured – Grantor of Permits	Included	8
Additional Insured – Vendor	Included	8
Additional Insured – Franchisor	Included	9
Additional Insured – When Required by Contract	Included	9
Additional Insured – Owners, Lessees, or Contractors	Included	9
Additional Insured – State or Political Subdivisions	Included	10

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Duties in the Event of Occurrence, Claim or Suit	Included	10
Unintentional Failure to Disclose Hazards	Included	10
Transfer of Rights of Recovery Against Others To Us	Clarification	10
Liberalization	Included	11
Bodily Injury – includes Mental Anguish	Included	11
Personal and Advertising Injury – includes Abuse of Process, Discrimination	Included	11

A. Extended Property Damage

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **a.** is deleted in its entirety and replaced by the following:

a. Expected or Intended Injury

"Bodily injury" or property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property.

B. Limited Rental Lease Agreement Contractual Liability

SECTION I – COVERAGES, COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions**, Paragraph **b. Contractual Liability** is amended to include the following:

(3) Based on the named insured's request at the time of claim, we agree to indemnify the named insured for their liability assumed in a contract or agreement regarding the rental or lease of a premises on behalf of their client, up to $50,000. This coverage extension only applies to rental lease agreements. This coverage is excess over any renter's liability insurance of the client.

C. Non-Owned Watercraft

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY, Subsection **2. Exclusions,** Paragraph **g. (2)** is deleted in its entirety and replaced by the following:

(2) A watercraft you do not own that is:

(a) Less than 58 feet long; and

(b) Not being used to carry persons or property for a charge;

This provision applies to any person, who with your consent, either uses or is responsible for the use of a watercraft. This insurance is excess over any other valid and collectible insurance available to the insured whether primary, excess or contingent.

D. Damage to Property You Own, Rent or Occupy

SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE

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LIABILITY, Subsection **2. Exclusions**, Paragraph **j. Damage to Property**, Item **(1)** is deleted in its entirety and replaced with the following:

(1) Property you own, rent, or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property, unless the damage to property is caused by your client, up to a $30,000 limit. A client is defined as a person under your direct care and supervision.

E. Damage to Premises Rented to You

1. If damage by fire to premises rented to you is not otherwise excluded from this Coverage Part, the word "fire" is changed to "fire, lightning, explosion, smoke, or leakage from automatic fire protective systems" where it appears in:

   a. The last paragraph of **SECTION I – COVERAGES, COVERAGE A BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, Subsection **2. Exclusions**; is deleted in its entirety and replaced by the following:

      Exclusions **c.** through **n.** do not apply to damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner. A separate limit of insurance applies to this coverage as described in **SECTION III – LIMITS OF INSURANCE**.

   b. **SECTION III – LIMITS OF INSURANCE**, Paragraph 6. is deleted in its entirety and replaced by the following:

      Subject to Paragraph 5. above, the Damage To Premises Rented To You Limit is the most we will pay under Coverage A for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems while rented to you or temporarily occupied by you with permission of the owner.

   c. **SECTION V – DEFINITIONS**, Paragraph 9.a., is deleted in its entirety and replaced by the following:

      A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning, explosion, smoke, or leakage from automatic fire protective systems to premises while rented to you or temporarily occupied by you with permission of the owner is not an "insured contract";

2. **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**, Subsection **4. Other Insurance**, Paragraph **b. Excess Insurance**, **(1) (a) (ii)** is deleted in its entirety and replaced by the following:

   That is insurance for fire, lightning, explosion, smoke, or leakage from automatic fire protective systems for premises rented to you or temporarily occupied by you with permission of the owner;

3. The Damage To Premises Rented To You Limit section of the Declarations is amended to the greater of:

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a. $1,000,000; or

b. The amount shown in the Declarations as the Damage to Premises Rented to You Limit.

This is the most we will pay for all damage proximately caused by the same event, whether such damage results from fire, lightning, explosion, smoke, or leaks from automatic fire protective systems or any combination thereof.

F. HIPAA

SECTION I – COVERAGES, COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY, is amended as follows:

1. Paragraph **1. Insuring Agreement** is amended to include the following:

   We will pay those sums that the insured becomes legally obligated to pay as damages because of a "violation(s)" of the Health Insurance Portability and Accountability Act (HIPAA). We have the right and the duty to defend the insured against any "suit," "investigation," or "civil proceeding" seeking these damages. However, we will have no duty to defend the insured against any "suit" seeking damages, "investigation," or "civil proceeding" to which this insurance does not apply.

2. Paragraph **2. Exclusions** is amended to include the following additional exclusions:

   This insurance does not apply to:

   a. **Intentional, Willful, or Deliberate Violations**

      Any willful, intentional, or deliberate "violation(s)" by any insured.

   b. **Criminal Acts**

      Any "violation" which results in any criminal penalties under the HIPAA.

   c. **Other Remedies**

      Any remedy other than monetary damages for penalties assessed.

   d. **Compliance Reviews or Audits**

      Any compliance reviews by the Department of Health and Human Services.

3. **SECTION V – DEFINITIONS** is amended to include the following additional definitions:

   a. "Civil proceeding" means an action by the Department of Health and Human Services (HHS) arising out of "violations."

   b. "Investigation" means an examination of an actual or alleged "violation(s)" by HHS. However, "investigation" does not include a Compliance Review.

   c. "Violation" means the actual or alleged failure to comply with the regulations included in the HIPAA.

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G. Medical Payments – Limit Increased to $20,000, Extended Reporting Period

If **COVERAGE C MEDICAL PAYMENTS** is not otherwise excluded from this Coverage Part:

1. The Medical Expense Limit is changed subject to all of the terms of **SECTION III - LIMITS OF INSURANCE** to the greater of:

   a. $20,000; or
   b. The Medical Expense Limit shown in the Declarations of this Coverage Part.

2. **SECTION I – COVERAGE, COVERAGE C MEDICAL PAYMENTS**, Subsection **1. Insuring Agreement**, a. (3) (b) is deleted in its entirety and replaced by the following:

   (b) The expenses are incurred and reported to us within three years of the date of the accident.

H. Athletic Activities

SECTION I – COVERAGES, COVERAGE C MEDICAL PAYMENTS, Subsection **2. Exclusions**, Paragraph **e. Athletic Activities** is deleted in its entirety and replaced with the following:

e. Athletic Activities

To a person injured while taking part in athletics.

I. Supplementary Payments

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS - COVERAGE A AND B are amended as follows:

1. b. is deleted in its entirety and replaced by the following:

1. b. Up to $5000 for cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which the Bodily Injury Liability Coverage applies. We do not have to furnish these.

1.d. is deleted in its entirety and replaced by the following:

1. d. All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to $1,000 a day because of time off from work.

J. Employee Indemnification Defense Coverage

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS – COVERAGES A AND B the following is added:

We will pay, on your behalf, defense costs incurred by an “employee” in a criminal proceeding occurring in the course of employment.

The most we will pay for any “employee” who is alleged to be directly involved in a criminal proceeding is $25,000 regardless of the numbers of “employees,” claims or “suits” brought or persons or organizations making claims or bringing “suits.

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K. Key and Lock Replacement – Janitorial Services Client Coverage

SECTION I – COVERAGES, SUPPLEMENTARY PAYMENTS – COVERAGES A AND B is amended to include the following:

We will pay for the cost to replace keys and locks at the "clients" premises due to theft or other loss to keys entrusted to you by your "client," up to a $10,000 limit per occurrence and $10,000 policy aggregate.

We will not pay for loss or damage resulting from theft or any other dishonest or criminal act that you or any of your partners, members, officers, "employees", "managers", directors, trustees, authorized representatives or any one to whom you entrust the keys of a "client" for any purpose commit, whether acting alone or in collusion with other persons.

The following, when used on this coverage, are defined as follows:

a. "Client" means an individual, company or organization with whom you have a written contract or work order for your services for a described premises and have billed for your services.

b. "Employee" means:

(1) Any natural person:

(a) While in your service or for 30 days after termination of service;

(b) Who you compensate directly by salary, wages or commissions; and

(c) Who you have the right to direct and control while performing services for you; or

(2) Any natural person who is furnished temporarily to you:

(a) To substitute for a permanent "employee" as defined in Paragraph **(1)** above, who is on leave; or

(b) To meet seasonal or short-term workload conditions;

while that person is subject to your direction and control and performing services for you.

(3) "Employee" does not mean:

(a) Any agent, broker, person leased to you by a labor leasing firm, factor, commission merchant, consignee, independent contractor or representative of the same general character; or

(b) Any "manager," director or trustee except while performing acts coming within the scope of the usual duties of an "employee."

c. "Manager" means a person serving in a directorial capacity for a limited liability company.

L. Additional Insureds

SECTION II – WHO IS AN INSURED is amended as follows:

1. If coverage for newly acquired or formed organizations is not otherwise excluded from this

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Coverage Part, Paragraph **3.a.** is deleted in its entirely and replaced by the following:

a. Coverage under this provision is afforded until the end of the policy period.

2. Each of the following is also an insured:

a. **Medical Directors and Administrators** – Your medical directors and administrators, but only while acting within the scope of and during the course of their duties as such. Such duties do not include the furnishing or failure to furnish professional services of any physician or psychiatrist in the treatment of a patient.

b. **Managers and Supervisors** – Your managers and supervisors are also insureds, but only with respect to their duties as your managers and supervisors. Managers and supervisors who are your "employees" are also insureds for "bodily injury" to a co-"employee" while in the course of his or her employment by you or performing duties related to the conduct of your business.

This provision does not change Item 2.a.(1)(a) as it applies to managers of a limited liability company.

c. **Broadened Named Insured** – Any organization and subsidiary thereof which you control and actively manage on the effective date of this Coverage Part. However, coverage does not apply to any organization or subsidiary not named in the Declarations as Named Insured, if they are also insured under another similar policy, but for its termination or the exhaustion of its limits of insurance.

d. **Funding Source** – Any person or organization with respect to their liability arising out of:

(1) Their financial control of you; or

(2) Premises they own, maintain or control while you lease or occupy these premises.

This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

e. **Home Care Providers** – At the first Named Insured's option, any person or organization under your direct supervision and control while providing for you private home respite or foster home care for the developmentally disabled.

f. **Managers, Landlords, or Lessors of Premises** – Any person or organization with respect to their liability arising out of the ownership, maintenance or use of that part of the premises leased or rented to you subject to the following additional exclusions:

This insurance does not apply to:

(1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or

(2) Structural alterations, new construction or demolition operations performed by or on behalf of that person or organization.

g. **Lessor of Leased Equipment – Automatic Status When Required in Lease Agreement With You** – Any person or organization from whom you lease equipment when you and such person or organization have agreed in writing in a contract or agreement that such person or organization is to be added as an additional insured on your policy. Such person or

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organization is an insured only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

A person's or organization's status as an additional insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after the equipment lease expires.

h. **Grantors of Permits** – Any state or political subdivision granting you a permit in connection with your premises subject to the following additional provision:

(1) This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with the premises you own, rent or control and to which this insurance applies:

(a) The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures;

(b) The construction, erection, or removal of elevators; or

(c) The ownership, maintenance, or use of any elevators covered by this insurance.

i. **Vendors** – Only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business, subject to the following additional exclusions:

(1) The insurance afforded the vendor does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

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Recovery Against Others To Us is deleted in its entirety and replaced by the following:

If the insured has rights to recover all or part of any payment we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them.

Therefore, the insured can waive the insurer's rights of recovery prior to the occurrence of a loss, provided the waiver is made in a written contract.

P. Liberalization

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, is amended to include the following:

If we revise this endorsement to provide more coverage without additional premium charge, we will automatically provide the additional coverage to all endorsement holders as of the day the revision is effective in your state.

Q. Bodily Injury – Mental Anguish

SECTION V – DEFINITIONS, Paragraph **3.** Is deleted in its entirety and replaced by the following:

"Bodily injury" means:

a. Bodily injury, sickness or disease sustained by a person, and includes mental anguish resulting from any of these; and

b. Except for mental anguish, includes death resulting from the foregoing (Item **a.** above) at any time.

R. Personal and Advertising Injury – Abuse of Process, Discrimination

If **COVERAGE B PERSONAL AND ADVERTISING INJURY LIABILITY COVERAGE** is not otherwise excluded from this Coverage Part, the definition of "personal and advertising injury" is amended as follows:

1. **SECTION V – DEFINITIONS**, Paragraph 14.b. is deleted in its entirety and replaced by the following:

   b. Malicious prosecution or abuse of process;

2. **SECTION V – DEFINITIONS**, Paragraph 14. is amended by adding the following:

   Discrimination based on race, color, religion, sex, age or national origin, except when:

   a. Done intentionally by or at the direction of, or with the knowledge or consent of:

   (1) Any insured; or

   (2) Any executive officer, director, stockholder, partner or member of the insured;

   b. Directly or indirectly related to the employment, former or prospective employment, termination of employment, or application for employment of any person or persons by an insured;

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c. Directly or indirectly related to the sale, rental, lease or sublease or prospective sales, rental, lease or sub-lease of any room, dwelling or premises by or at the direction of any insured; or

d. Insurance for such discrimination is prohibited by or held in violation of law, public policy, legislation, court decision or administrative ruling.

The above does not apply to fines or penalties imposed because of discrimination.

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(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Sub-paragraphs **(d)** or **(f)**; or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization, from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing.

j. **Franchisor –** Any person or organization with respect to their liability as the grantor of a franchise to you.

k. **As Required by Contract –** Any person or organization where required by a written contract executed prior to the occurrence of a loss. Such person or organization is an additional insured for "bodily injury," "property damage" or "personal and advertising injury" but only for liability arising out of the negligence of the named insured. The limits of insurance applicable to these additional insureds are the lesser of the policy limits or those limits specified in a contract or agreement. These limits are included within and not in addition to the limits of insurance shown in the Declarations

l. **Owners, Lessees or Contractors –** Any person or organization, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole or in part, by:

(1) Your acts or omissions; or

(2) The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured when required by a contract.

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

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

(a) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

(b) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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m. State or Political Subdivisions – Any state or political subdivision as required, subject to the following provisions:

(1) This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit, and is required by contract.

(2) This insurance does not apply to:

(a) "Bodily injury," "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard."

M. Duties in the Event of Occurrence, Claim or Suit

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, Paragraph **2.** is amended as follows:

a. is amended to include:

This condition applies only when the "occurrence" or offense is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

b. is amended to include:

This condition will not be considered breached unless the breach occurs after such claim or "suit" is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership; or

(3) An executive officer or insurance manager, if you are a corporation.

N. Unintentional Failure To Disclose Hazards

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 6. Representations is amended to include the following:

It is agreed that, based on our reliance on your representations as to existing hazards, if you should unintentionally fail to disclose all such hazards prior to the beginning of the policy period of this Coverage Part, we shall not deny coverage under this Coverage Part because of such failure.

O. Transfer of Rights of Recovery Against Others To Us

SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, 8. Transfer of Rights of

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CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Approval for Community Civic Event - Tulare County Jr. Livestock Show and Community Fair - Porterville Fair - May 9-13, 2018

SOURCE: Finance

COMMENT: The Tulare County Jr. Livestock Show and Community Fair is requesting approval to set up this year's carnival on the City of Porterville's ten acre site next to the fair grounds during the annual fair, from Wednesday, May 9, 2018, to Sunday, May 13, 2018.

At the April 15, 2014 Council meeting, a request was made by the Tulare County Junior Livestock Show and Community Fair ("Fair") Board, for a one-year exception to the terms of the License and Development Agreement regarding the sale and consumption of alcoholic beverages during the fair. The exception requested is to allow the patrons of the fair to purchase and consume alcoholic beverages outside the established Adult Refreshment Area (beer garden). The City Council approved the request by authorizing the Police Chief to work directly with the Fair. Exhibit B incorporates the conditions and requirements by the Porterville Police Department for the establishment of the beer garden and the sale and consumption of alcoholic beverages inside and outside the confines of the beer garden.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended. It has been routed according to the ordinance regulations and reviewed by all of the departments involved. All requirements are listed on the attached application and agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

ATTACHMENTS:

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Outside Amplifier Permit, Map, and Certificate of Liability Insurance.

Appropriated/Funded:

Review By:

Item No. 12.

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

Info@PortervilleFair.com

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us

(Incomplete applications can delay permit process)

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? *Event Flyer?* YES *E-mail address?* YES *Website?* YES

Application date: 3/29/18 Event date: May 9-13, 2018

Event time: 5/9 & 5/10 4pm-11pm 5/11 4pm-12Am 5/12 12pm-12am 5/13 12pm-11pm

Name of Event: Porterville Fair

Sponsoring organization: ~~Tulare County Selvst's Council~~ (Fair) Phone # 781-6582

Address: 2700 W. Teapot Dome Ave.

Authorized representative: Susie Godfrey, Manager Phone # 781-6582

Address: 2700 W. Teapot Dome Ave.

Event chairperson: Mitch Brown Phone # 333-2994

Location of event

(Location map must be attached)

Type of event: Community Fair

Non-profit organization status: 501(c)3 BL#00358

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): Yes (16) Street sweeping Yes ____ No X

Police protection Yes X No ____ Refuse pickup Yes X No ____

Other:

Parks facility application required: Yes ____ No X Attached ____

Assembly permit required: Yes ____ No X Attached ____

STAFF COMMENTS (list special requirements or conditions for event):

Appr.	Deny		
____	____	Bus. Lic. Spvr.	
____	____	Pub. Works Dir	
____	____	Comm. Dev. Dir.	
____	____	Field Svcs. Mgr.	
____	____	Fire Chief	
____	____	Parks Dir.	
____	____	Police Chief	
____	____	Admin. Svcs. Dir.	

CITY OF PORTERVILLE

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at www.ci.porterville.ca.us/govt/CityClerk/, Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred ($100) for the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

SG **Authorized Representative Initial**

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

*Fraternal Order of Eagles Robert Keeley 359-3077 *NA **Authorized Representative Initials**

Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org. SG **Authorized Representative Initials**

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses. SG **Authorized Representative Initials**

Toilet rental service: Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

SG **Authorized Representative Initials**

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

Porterville Fair	Susie Crosby	3/29/18
(Name of Organization)	(Signature)	(Date)

CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Fair

Sponsoring organization: Porterville Fair

Location: 2700 W. Teapot Dome Ave Event date: 5/9-13/18 Event time: 5/9 & 5/10 - 4PM-11PM, 5/11 - 4PM - 12AM, 5/12 - 12PM - 12AM, 5/13 - 12PM - 11PM

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION**. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations per *City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

Vendor name	Address/Telephone	Business License required?	Type of Activity
To be provided upon completion of booking.			

*Municipal Code 15-20(E) Community Civic Events (16): *Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.*

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Fair

Sponsoring organization: Porterville Fair

Event date: May 9-13 2018 Hours: 6AM-11PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity

None

Sidewalks	From	To	Activity

Parking lots and spaces	Location	Activity

Requirements for Community Civic Event
Tulare County Jr. Livestock Show and Community Fair
Porterville Fair
May 9-13, 2018

Finance Director: *M. Bemis*	
City Engineer: *J. Sanchez*	
Community Development Manager: *J. Phillips*	
Field Services Manager: *M. Knight*	
Battalion Chief of Operations: *R. Land*	
Parks and Leisure Services Director: *D. Moore*	No comments.
Police Lieutenant: *R. Standridge*	See attached Exhibit B.
Administrative Services Director: *P. Hildreth*	Please see revised requirements in Exhibit A, page 2. The City will review the contract between the Fair and carnival vendor.

Requirements for Community Civic Event

Sponsor:	Tulare County Jr. Livestock Show and Community Fair
Event:	Porterville Fair
Event Chairman:	Mitch Brown
Location:	2700 W. Teapot Dome Ave.
Date of Event:	May 9-13, 2018

RISK MANAGEMENT: Conditions of Approval

That the Tulare County Jr. Livestock Show and Community Fair provide a Certificate of Commercial General Liability Insurance Coverage at least as broad as Insurance Services Office form CG 00 01, evidencing coverage of not less than $2,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Officials, Employees, Agents, and Volunteers as Additional Insured for bodily injury and property damage, including without limitation, blanket contractual liability arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event. Applicant's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10.

A Certificate of Liquor Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence and having the appropriate Endorsement naming the City of Porterville, its Officers, Officials, Employees, Agents, and Volunteers as Additional Insured for bodily injury and property damage, including without limitation, blanket contractual liability arising from, or in connection with, the Permittee's operation of a beer garden. Applicant's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies <u>not</u> acceptable); the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an "admitted' insurer in the State of California

CITY OF PORTERVILLE
Community Civic Event Application

Porterville Fair- May 09 -13, 2018

Proposed Conditions/Requirements

- A Beer Garden shall be established as the primary location for the sales and consumption of alcoholic beverages. A minimum of two (2) security guards shall be assigned to control the Beer Garden while it is in operation. No persons under the age of 21 shall be allowed to enter the Beer Garden and no alcoholic beverages shall leave the Beer Garden except by patrons wearing authorized wristbands or on carts authorized for the sales of alcoholic beverages in other designated areas of the fairgrounds.

- Patrons wishing to purchase and consume alcohol inside or outside the confines of the Beer Garden must have an authorized wristband clearly displayed on one wrist in order to purchase and consume alcoholic beverages.

- Alcoholic beverages may only be purchased, possessed or consumed in certain areas when outside the confines of the Beer Garden. At no time shall alcoholic beverages be possessed or consumed within the area designated as ±Kiddy Land≤=or areas set aside for the entertainment of small children.

- Porterville Fair officials shall have been granted a temporary license to sell alcohol from the CA Dept. of Alcoholic Beverage Control.

- Porterville Fair officials will meet with Police Dept. Lt. Maniss (559-782-7410 or 559-782-7400) to coordinate and schedule appropriate number of law enforcement officers to provide security, police the fairgrounds, and ensure safety during the fair event.

- An Outside Amplifier Permit has been approved and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of the neighborhoods or businesses surrounding the area.

- Amplified music shall not continue after 12:00 midnight.

- Porterville Fair officials shall reserve ±no less≤ than two (2) parking spaces for on-duty police vehicles ±at≤=the front (main) entrance to the fair and the same amount ±at≤=the rear entrance to the fair. This will guarantee the officers working the event will have immediate access to their vehicles to acquire equipment or detain/transport prisoners and shall not detract from the number of similar spaces needed for the staging of emergency equipment and crews inside the fairgrounds.

Rich Standridge, Lieutenant
Porterville Police Department
(559) 782-7424

Exhibit B

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten *(10)* days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: Porterville Fair
2700 W. Teapot Dome Ave, Porterville, CA 93257

2 Address where amplification equipment is to be used: Same

3 Names and addresses of all persons who will use or operate the amplification equipment: Rio Productions
Paul Serpa (owner) 1129 Batavia St., Tulare, CA 93274

4 Type of event for which amplification equipment will be used: Music on Bud & Rotary Stages

5 Dates and hours of operation of amplification equipment: May 9-13, 2018 - no later than 12:00 Am - midnight

6 A general description of the sound amplifying equipment to be used: Microphones, speakers and sound amplification equipment

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Susie Godfrey — 3/29/18
Signature of Applicant — *Date*

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

4-6-18
City of Porterville, Chief of Police/Designee — *Date*

Google Maps

Imagery ©2018 Google, Map data ©2018 Google 2000 ft

PORTFAI-01 MHERNANDEZ

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 03/28/2018

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

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

PRODUCER License # 0D44424
Walter Mortensen Insurance / INSURICA
126 N. Main Street
Porterville, CA 93257

CONTACT NAME: Mayra Hernandez
PHONE (A/C, No, Ext): (559) 784-5113 FAX (A/C, No):
E-MAIL ADDRESS: Mayra.Hernandez@INSURICA.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Scottsdale Indemnity Company	15580
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Porterville Fair
2700 W. Teapot Dome Ave.
Porterville, CA 93257

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR			KKI0000021257500	10/01/2017	10/01/2018	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 0
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 0
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 5,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate Holder is an Additional Insured with respect to General Liability if required or agreed to in a written contract subject to all provisions and limitations of the policy, per attached form CG2026 04/13

CERTIFICATE HOLDER

City of Porterville
Successor Agency to the Porterville Redevelopment Agency
291 N. Main St.
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):
SPONSORS; CO-PROMOTERS; MANAGERS OR LESSORS OF PREMISES; MORTGAGEES, ASSIGNEES OR RECEIVERS; INTERESTS FROM WHOM LAND HAS BEEN LEASED. WITH RESPECT TO AN ADDITIONAL INSURED OWNER AND/OR LESSOR OF PREMISES, THIS INSURANCE DOES NOT APPLY TO STRUCTURAL ALTERATIONS, NEW CONSTRUCTION OR DEMOLITION OPERATIONS PERFORMED BY OR FOR THAT PERSON(S) OR ORGANIZATION(S); ANY DESIGN DEFECT OR STRUCTURAL MAINTENANCE OF THE PREMISES; OR ANY PREMISES DEFECT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

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

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

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

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

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

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

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

©Insurance Services Office, Inc., 2012

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/09/2018

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

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

PRODUCER

Armstrong Fairway Insurance Agency
17072 Silica Dr. #103
Victorville, CA 92395
License #: OI29627

CONTACT NAME: Mimi Rosas
PHONE (A/C, No, Ext): (760)245-2561 FAX (A/C, No): (760)245-2637
E-MAIL ADDRESS: Mimi@armstrong-fairway.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Mercury Casualty Company - 11908	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED

Fraternal Order Of Eagles Porterville #1351/Ladies Auxiliar
P.O. Box 989
Porterville, CA 93257

COVERAGES CERTIFICATE NUMBER: 00000000-0 REVISION NUMBER: 1

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			CCP0023804	12/01/2017	12/01/2018	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH)	N / A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is hereby listed as Additional Insured.

CERTIFICATE HOLDER

City of Porterville
Successors Agency to the City Redevelopment Agency
291 N. Main St
Porterville, CA 93527

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(MRR)

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SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

At its last meeting on April 3, 2018, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Twenty (20) residences within the city have been determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences given the State is expected to end its drought emergency funding. The State has committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has committed to continue the household tank program locally.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its 80 residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at is meeting on December 20, 2016. City staff is currently working with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new

connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to $2.81 million in funding until December 31, 2019.

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

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and

B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and

C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and

D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of $1; and

E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and

F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and

G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and

H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:

   A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.

   B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.

   C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.

   D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of $1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.

   E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrel Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.

9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY _____
Mike Ennis Chairman,
Board of Supervisors

ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____ for LMT
Deputy
20151902

CITY OF PORTERVILLE

BY _____
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY _____
John Lollis, City Manager

Approved as to Form

BY _____
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary

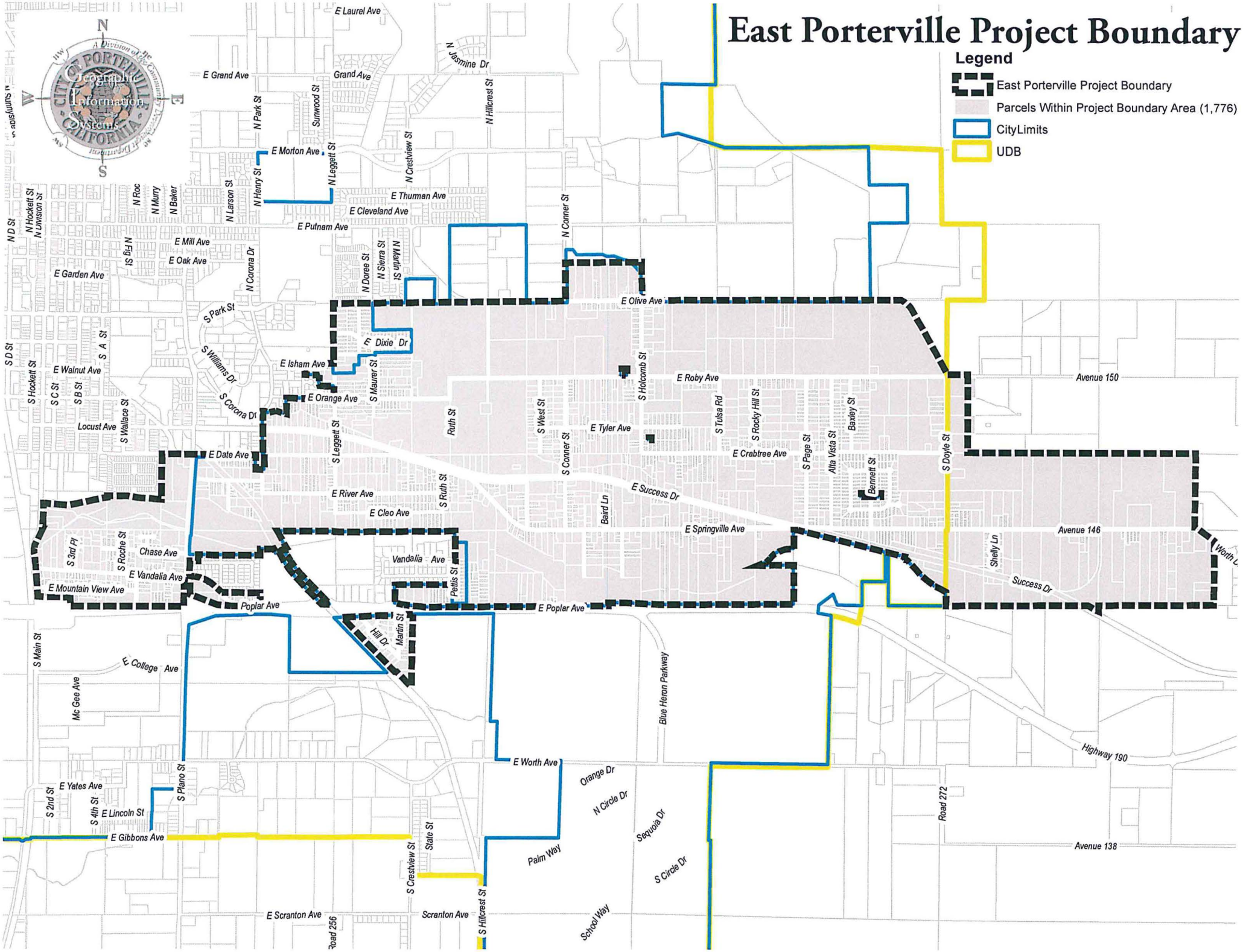


EXHIBIT 'B'

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).

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 21st day of October, 2014.

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 21st day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X		X	X	X
NOES:		X			
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

Luisa M. Zavala

By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY Luisa Zavala

Luisa Zavala, Deputy City Clerk

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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction.

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.

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, information as needed to define a deed restriction specific to land use and zoning, 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 deed restriction specific to land use and zoning 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 cost.
    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 cost.
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 fund a fair share of 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 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 fund a fair share of 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 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.

3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties

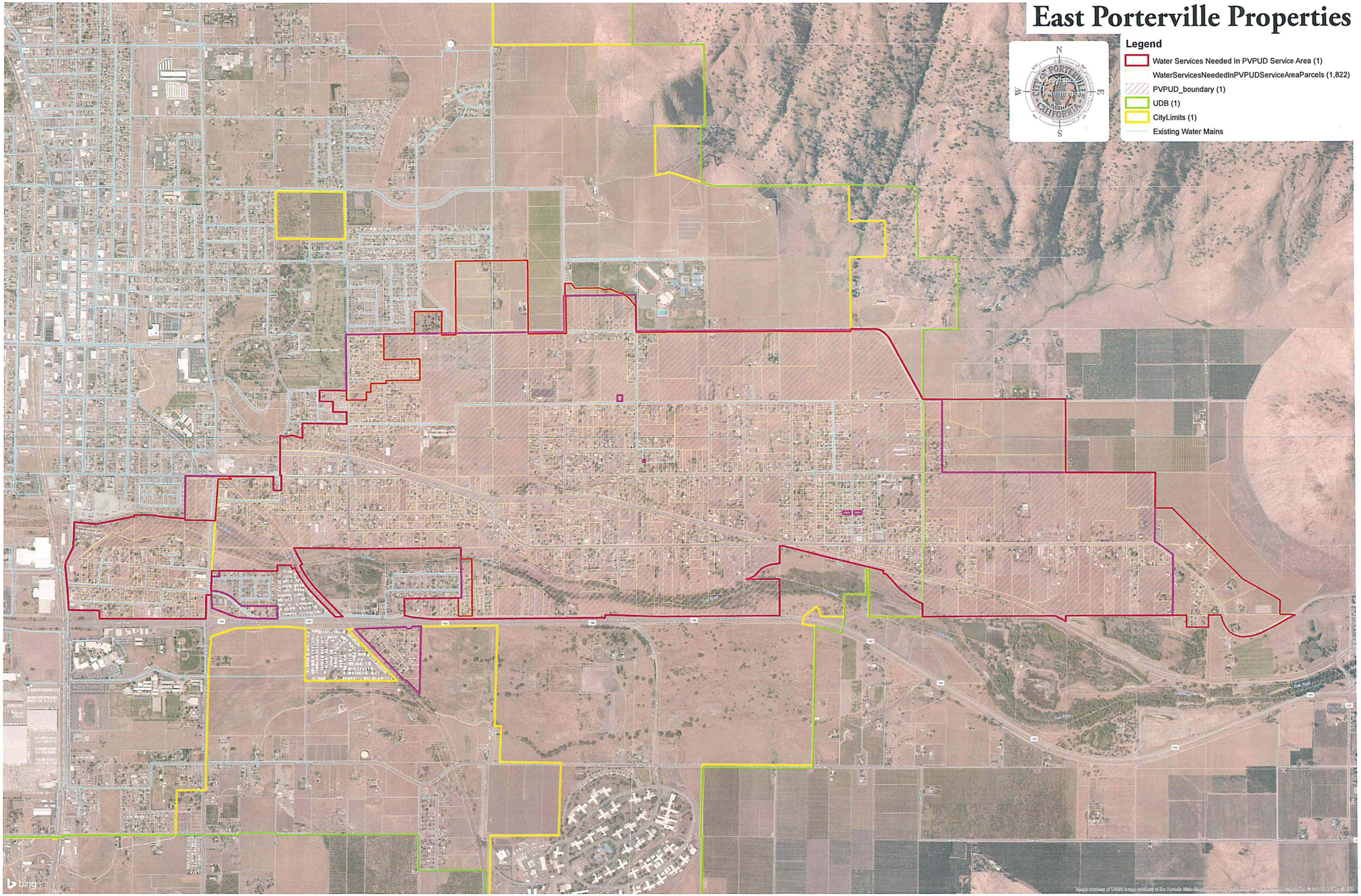


Exhibit B

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 19th day of April, 2016.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	REYES	WARD	STOWE	HAMILTON	GURROLA
AYES:	X	X	X	X	
NOES:					
ABSTAIN:					
ABSENT:					X

JOHN D. LOLLIS, City Clerk

Luisa Zavala

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'

OLIVE AVENUE
176±
302±
245±
TULE RIVER
N
SCALE: 1" =50'

EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	$1,526.00
5	Ph. 1 Preconstruction Meeting	$1,357.43
	Total:	**$3,351.43**

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	$5,000.00
Task 4.4	SCE Costs	$15,000.00
	Total:	**$108,326.00**

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the "Parties"

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

_____

_____

State Water Resources Control Board

_____

_____

California Office of Emergency Services

_____

_____

County of Tulare

_____

_____

City of Porterville

_____

_____

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study

Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of

Emergency Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the "Parties"

This Amendment No.1to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources	State Water Resources Control Board
_____	_____

California Office of Emergency Services

County of Tulare

City of Porterville

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

NOV 29 2017

RECEIVED
DEC 04
CITY OF PORTERVILLE
CITY MANAGER

The Honorable Milt Stowe
Mayor of City of Porterville
291 North Main Street
Porterville, CA 93257

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,

James Maughan, Assistant Deputy Director
Division of Financial Assistance

cc: See next page

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF WATER RESOURCES
SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 3
FRESNO, CA 93726-6913

RECEIVED
JAN 22 2018
City of Porterville
Public Works Dept

January 18, 2018

Mr. Michael K. Reed
Public Works Director
City of Porterville
291 North Main Street
Porterville, California 93257

Approval of Funding from Local Assistance Funds to the City of Porterville for the County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of $2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at Steve.Doe@water.ca.gov or by phone at (559) 230-3348.

Sincerely,

Kevin Faulkenberry, Chief
South Central Region Office

Executive Department

State of California

EXECUTIVE ORDER B-40-17

WHEREAS California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

WHEREAS the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

WHEREAS the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

WHEREAS the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

WHEREAS the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

WHEREAS water content in California's mountain snowpack is 164 percent of the season average; and

WHEREAS Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

WHEREAS despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

WHEREAS our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

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, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

I FURTHER ORDER THAT:

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.

2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.

3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

MAINTAINING CONSERVATION AS A WAY OF LIFE

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:

    - Hosing off sidewalks, driveways and other hardscapes;
    - Washing automobiles with hoses not equipped with a shut-off nozzle;
    - Using non-recirculated water in a fountain or other decorative water feature;
    - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
    - Irrigating ornamental turf on public street medians.

5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.

7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.

8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.

9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.

10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.

12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.

13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water

shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.

15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.

16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

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 of 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 7th day of April 2017.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Modification to Conditional Use Permit 4-97 for the Cellar Steak House

SOURCE: Community Development

BACKGROUND: On June 3, 1997, City Council adopted Resolution 62-97 approving Conditional Use Permit 4-97 to allow the expansion of the area in which the sale of alcoholic beverages would be allowed under a Type 47 On-Sale General (beer, wine, and distilled spirits in conjunction with a bona-fide eating establishment) to include the basement and the ground floor of a 7,200± square foot building at 244 N. Main Street. In March of 2018, the applicant requested a modification to Conditional Use Permit 4-97 to upgrade the Type 47 On-Sale General to a type 50 On-Sale General for Club. The property is zoned DR-N (Downtown Retail North of Olive) with the general plan land use designation as Downtown Retail.

COMMENT: The applicants met with the Project Review Committee on March 28, 2018. While the applicant is requesting a modification to the current Type 47 license to a Type 50 Club, the applicant has indicated they plan to continue the restaurant component. The Cellar would provide live entertainment and dancing. The applicant has indicated establishing a broad window, within which the restaurant would operate. At this time, the hours requested would be 24 hours a day, seven days a week. Staff has included in the draft resolution proposed conditions for the facility to operate and be maintained so as not to be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity, including a condition that any violations relating to the sales or consumption of alcohol and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit. As the Cellar has three entry points, the Police Department has additionally requested that at least three security staff and management is on the premises at all times during the hours of operation. Security must check patrons identification at all entry and exits. Furthermore the Police Department recommends that after 10 p.m. all patrons must be over 21 years of age. In compliance with the California Department of Alcoholic Beverage Control (ABC), only food may be served after 2 a.m. All activities would be confined to the interior of the building.

ABC allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 licenses for alcohol sales; twelve on-sale and seven off-sale. One of the existing on-sale licenses is the Cellar’s current Type 47 on-sale license. The modification of the license does not result in additional licenses.

ANALYSIS: The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N. The DR-N designation is intended to maintain the pedestrian- and transit- oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville's Downtown. The proposed modification for a club, with the service of food would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

The modification of the Conditional Use Permit to allow nightclub activities would not become effective until the space used for nightclub activities meets all applicable building and fire code requirements, as discussed in the applicant's meeting with the Project Review Committee. Improvements include such details as exit illumination and fire sprinklers. The continued intermittent use of the basement for private parties may be continued, but if in the future should the nightclub activities were to expand, that area would also need to be brought up to compliance with relevant building and fire codes.

ENVIRONMENTAL REVIEW: On April 3, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council consider the draft resolution approving Modification #1 to Conditional Use Permit 4-97.

ATTACHMENTS:

1. Resolution 62-97
2. Locator Map
3. Floor Plan
4. Existing licenses in Census Tract 38.02
5. Draft Resolution

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. 62-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 4-97 TO ALLOW EXPANSION OF THE AREA IN WHICH THE SALE OF ALCOHOLIC BEVERAGES WILL BE ALLOWED UNDER A TYPE 47 ON-SALE LICENSE WITHIN A 4,800 SQUARE FOOT RESTAURANT PORTION OF A 7,200 SQUARE FOOT BUILDING LOCATED AT 244 NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 1997, conducted a public hearing to consider Conditional Use Permit 4-97 being a request to allow the sale of alcoholic beverages within a 4,800± square foot portion (basement and ground floor) of a 7,200± square foot building under a Type 47 on-sale license in conjunction with the operation of a restaurant located in the C-2 (Central Commercial) zone at 244 North Main Street; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan.

2. That the design and operation of the proposed project are consistent with the General Plan.

3. That the proposed use is not likely to cause substantial environmental damage.

4. That pursuant to Class 23, Section 15323 of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the expansion of the sale of alcoholic beverages into an additional 2,400± square foot portion (the ground floor) of a 7,200± square foot building under a Type 47 on-sale license in conjunction with the operation of a restaurant is Categorically Exempt.

5. That the proposed location of the project and the conditions under which it will be operated or maintained

will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

6. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

7. That the proposed sale of alcoholic beverages under an on-sale license is allowed in the C-2 zone subject to the approval of a Conditional Use Permit.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-97 subject to the following conditions:

1. The hours and days of operation during which alcoholic beverages may be sold under the on-sale license shall be from 11:00 a.m. to 10:00 p.m. seven (7) days a week.

2. That any future change in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

3. All alcoholic beverages sold under the on-sale license must be consumed on the premises. The sale of alcoholic beverages on a "take out" basis shall be expressly prohibited.

4. A maximum seating capacity of 157 persons shall be maintained.

Virginia R. Gurrola, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

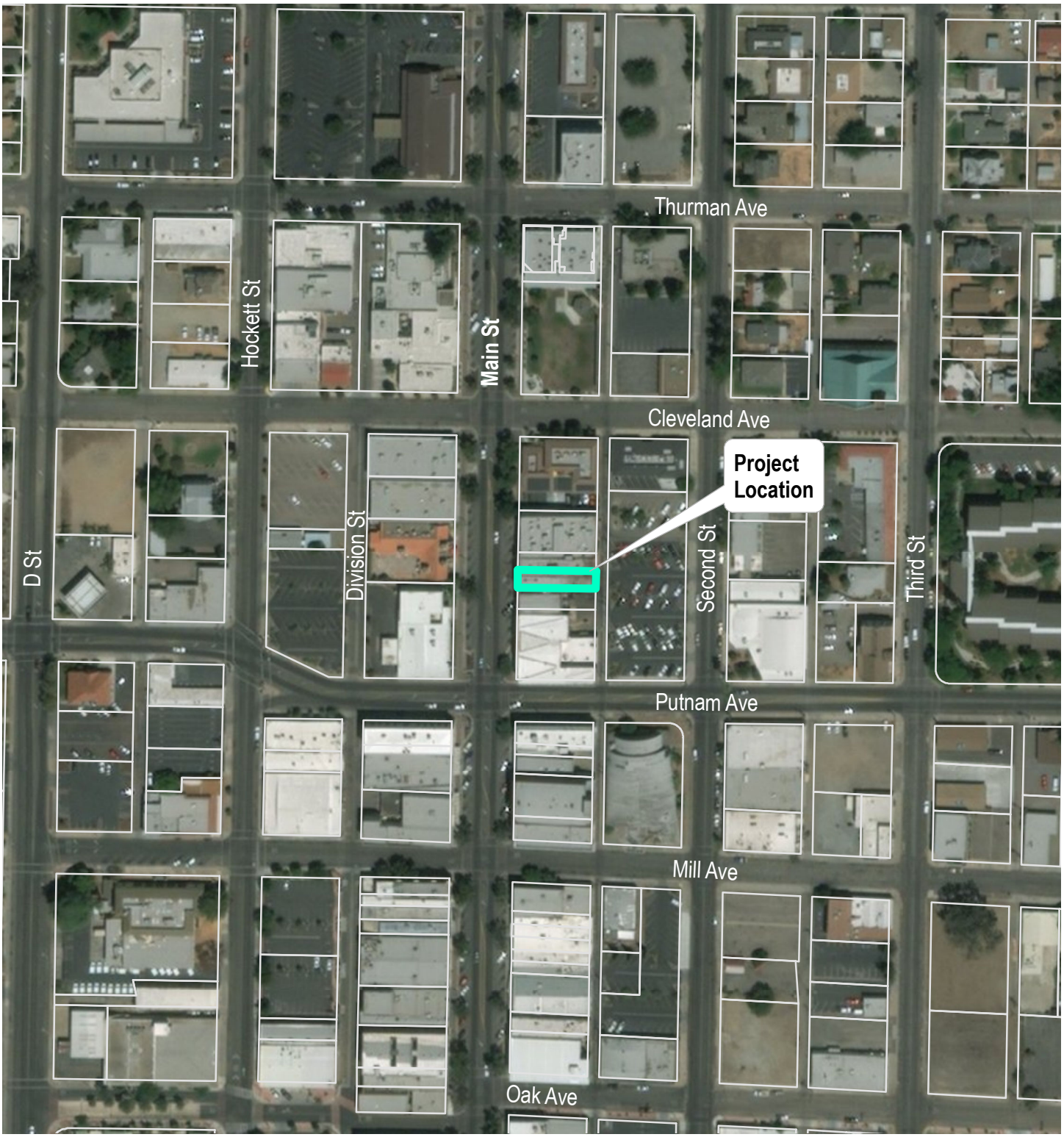
I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 3rd day of June, 1997.

THAT said resolution was duly passed adopted by the following vote:

Councilmen:	IRISH	GIBBONS	LEAVITT	CHOATE	GURROLA
AYES:	X	X		X	X
NOES:					
ABSENT:			X		
ABSTAIN:					

C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk

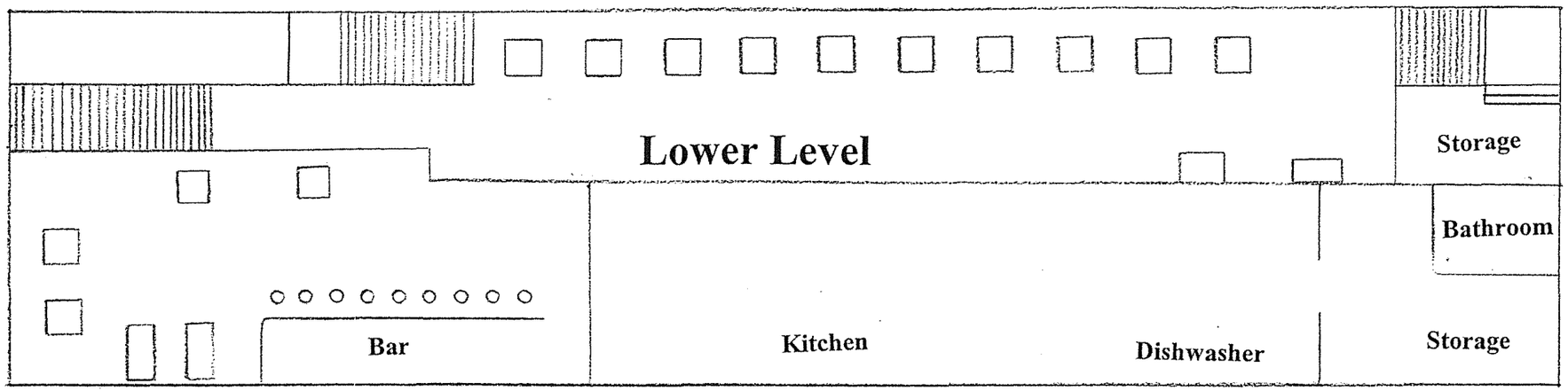


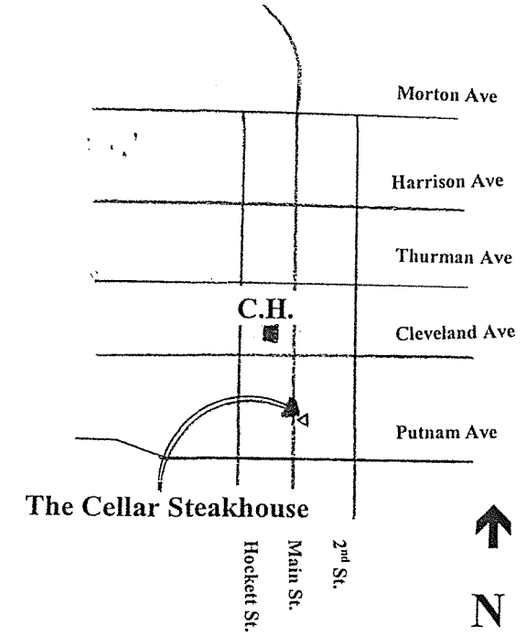
A Division of the Community Development Department

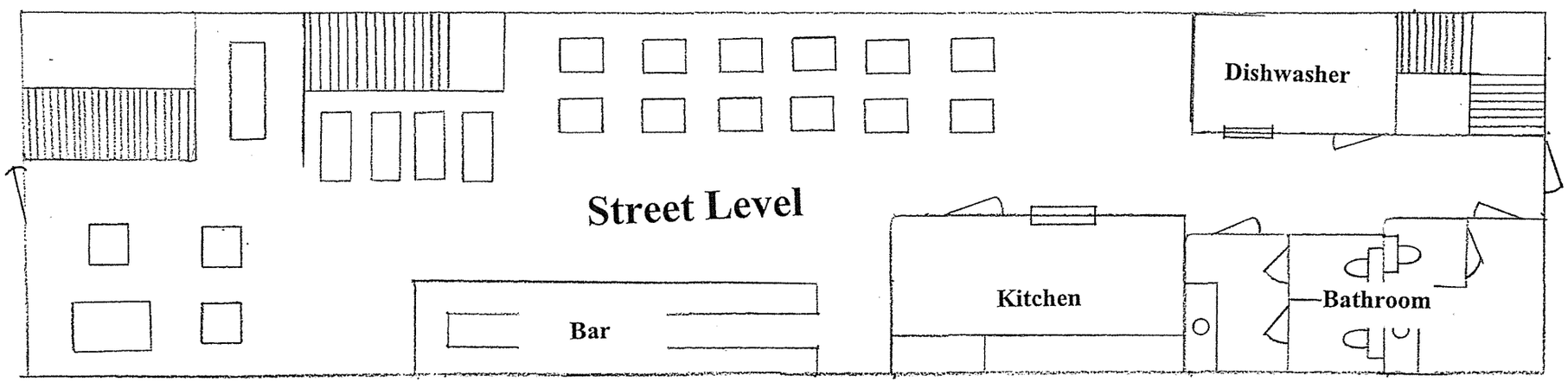
Geographic Information Systems

PRC 2018-018
The Cellar- MOD of CUP 62-97
@ 244 N. Main St
Project Locator Map
1" = 200ft

The Cellar Steak House



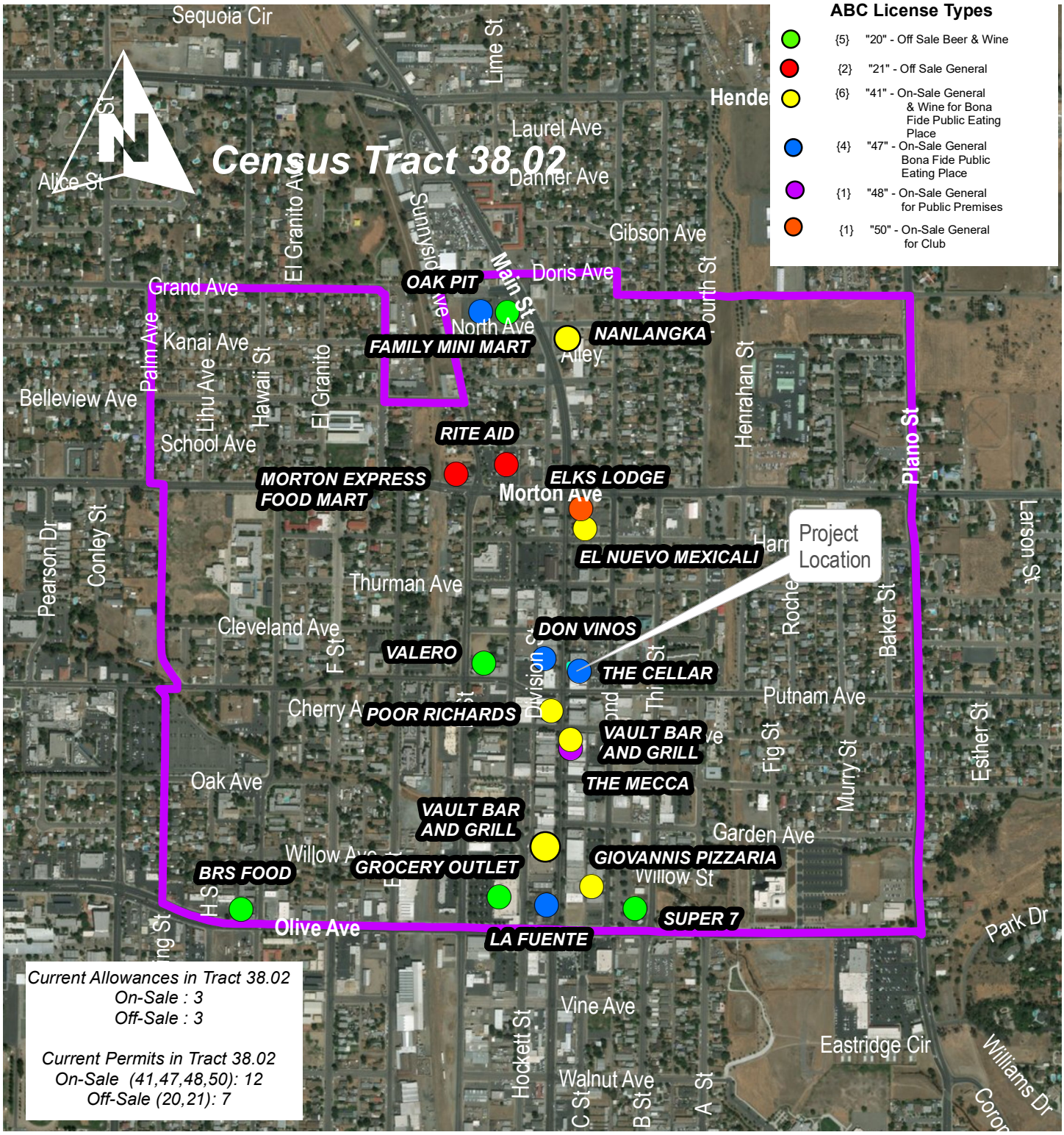




Madie E. McCullar &
Carol R. Wheat
244 ½ Main Street
Porterville, CA 93257

1" = 10'

N



A Division of the Community Development Department

Geographic Information Systems

PRC 2018-018
The Cellar - Mod of CUP 62-97
@ 244 N. Main St
ABC Permit Map

RESOLUTION NO. ____-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF MODIFICATION #1 TO CONDITIONAL USE PERMIT 4-97 (PRC 2018-018-M) FOR A PROPOSED UPGRADE FROM A TYPE 47 ON-SALE GENERAL TO A TYPE 50 ON-SALE GENERAL FOR CLUB LOCATED AT THE CELLAR STEAK HOUSE, 244 N. MAIN STREET

WHEREAS: On June 3, 1997, City Council adopted Resolution 62-97 approving Conditional Use Permit 4-97 to allow the expansion of the area in which the sale of alcoholic beverages would be allowed under a Type 47 On-Sale License (beer, wine, and distilled spirits in conjunction with a bona-fide eating establishment) to include the basement and the ground floor of a 7,200± square foot building at 244 N. Main Street; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of April 17, 2018, conducted a public hearing to consider Modification #1 to Conditional Use Permit 4-97 (PRC 2018-018-M) to allow for the upgrade of a Type 47 On-Sale General to a Type 50 On-Sale General for a Club located at the Cellar Steak House, 244 N. Main Street; and

WHEREAS: On April 5, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the "General Rule" exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. 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.

   The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N (Downtown Retail - North of Olive Avenue). The DR-N designation is intended to maintain the pedestrian-and transit-oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville's Downtown. The proposed modification for a club, with the service of food, would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol on premises, in association with the Type 50 on-sale license shall be exclusively confined to the interior of the building.

Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.

4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 license for alcohol sales: twelve on-sale and seven off-sale. One of the existing on-sale licenses is the Cellar's current Type 47 on-sale license. The modification of the license does not result in additional licenses.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 62-97 (PRC 2018-018-M) subject to the following conditions:

1. Any violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol may result in revocation of the Conditional Use Permit.

2. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

3. This modification to allow nightclub activities shall not become effective until the ground floor, identified for use for nightclub activities, meets all applicable California Building and Fire Code requirements, including but not limited to the installation of automatic fire sprinklers.

4. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.

5. Hours of operation are defined as 24 hours a day, seven days per week. The hours of operation during which alcoholic beverages may be sold shall be in compliance with the Department of Alcoholic Beverage Control.

6. At least three security staff and management shall be on the premises at all times during the hours of operation.

7. After 10 p.m., all patrons must be over 21 years of age. The applicant/manager shall have policies and procedures in place that ensure all patrons under 21 years of age have exited the establishment prior to 10 p.m., and that all patrons entering after 10 p.m. are 21 years of age or older.

8. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

9. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.

10. At all times, the facility shall be operated and maintained to comply with State Laws, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

11. All activities associated with the proposed use shall be exclusively confined to the interior of the building.

12. The applicant/owner shall maintain all exterior lighting in compliance with the Porterville Municipal Code and to the satisfaction of the Police Chief.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

_____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

SUBJECT: Conditional Use Permit for Parking Reduction for 20 Multi-family residential units at the southwest corner of Morton Avenue and Kessing Street

SOURCE: Community Development

BACKGROUND: The proposed project is located on the southwest corner of Morton Avenue and Kessing Street. The project applicants first met with the Project Review Committee (PRC) on September 20, 2017, proposing an eight-unit apartment complex at 369 N. Kessing Street. The applicant resubmitted a reconfiguration of the project which included the parcel immediately to the north and a total of 20 two-bedroom units (APNs 252-240-005 and 021).

COMMENT: The development of 20 two-bedroom units would require 47 parking spaces per the Development Code. This accounts for two spaces per two-bedroom unit and one guest parking space per every three units. The development as proposed with 36 spaces is under-parked by eleven spaces. The project site has a General Plan land use designation of High Density Residential and is zoned RM-3 (High Density Residential).

ANALYSIS: The project site is outside of any parking districts and so is not able to take advantage of the flexibility provided to that district. However, Section 304.06 of the Development Code provides for reductions in parking in certain situations. Section 304.06(c) allows for a reduction of parking with approval of a minor Conditional Use Permit. The criteria for approval include consideration of special conditions. In this case, the subject development includes unique characteristics that could support a parking reduction.

First, the site is located immediately west of Bartlett Middle School. The entrance to the school is located on North G Street. Because of this, Kessing Street has significantly more street frontage than would typically be associated with a multi-family development of similar unit numbers. While supplanting on-site parking with off-site parking is not recommended by the Code, nor one of the proposed criteria for approval, the site configuration is so significantly different, it merits consideration. Secondly, the project site is conveniently located adjacent to several Porterville Transit stops on both the north and south side of Morton Avenue, which may likely reduce necessary vehicle trips.

The project site has a General Plan land use designation of High Density Residential and is zoned RM-3 (High Density Residential). Table 201.03 of the Porterville Development Ordinance allows for a maximum density of 30 units per

acre, with a minimum density requirement of 10 units per net acre. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan. The General Plan and the Housing Element calls for support of high density residential development, to provide housing options and opportunities for low and moderate income households. The proposed development suits the density requirement of 10 units per acre, with a proposed density of 17 units per acre. Further, the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the 2030 General Plan.

ENVIRONMENTAL REVIEW:

The proposed project, including the requested entitlement to reduce the required number of parking spaces, is exempt from the California Environmental Quality Act pursuant to Section 15332, In-Fill Development, of the California Code of Regulations.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-044-C).

ATTACHMENTS:

1. Locator Map
2. Kessing Apts Site Plan
3. Elevations
4. Transit Bus Stop Map
5. Draft Resolution

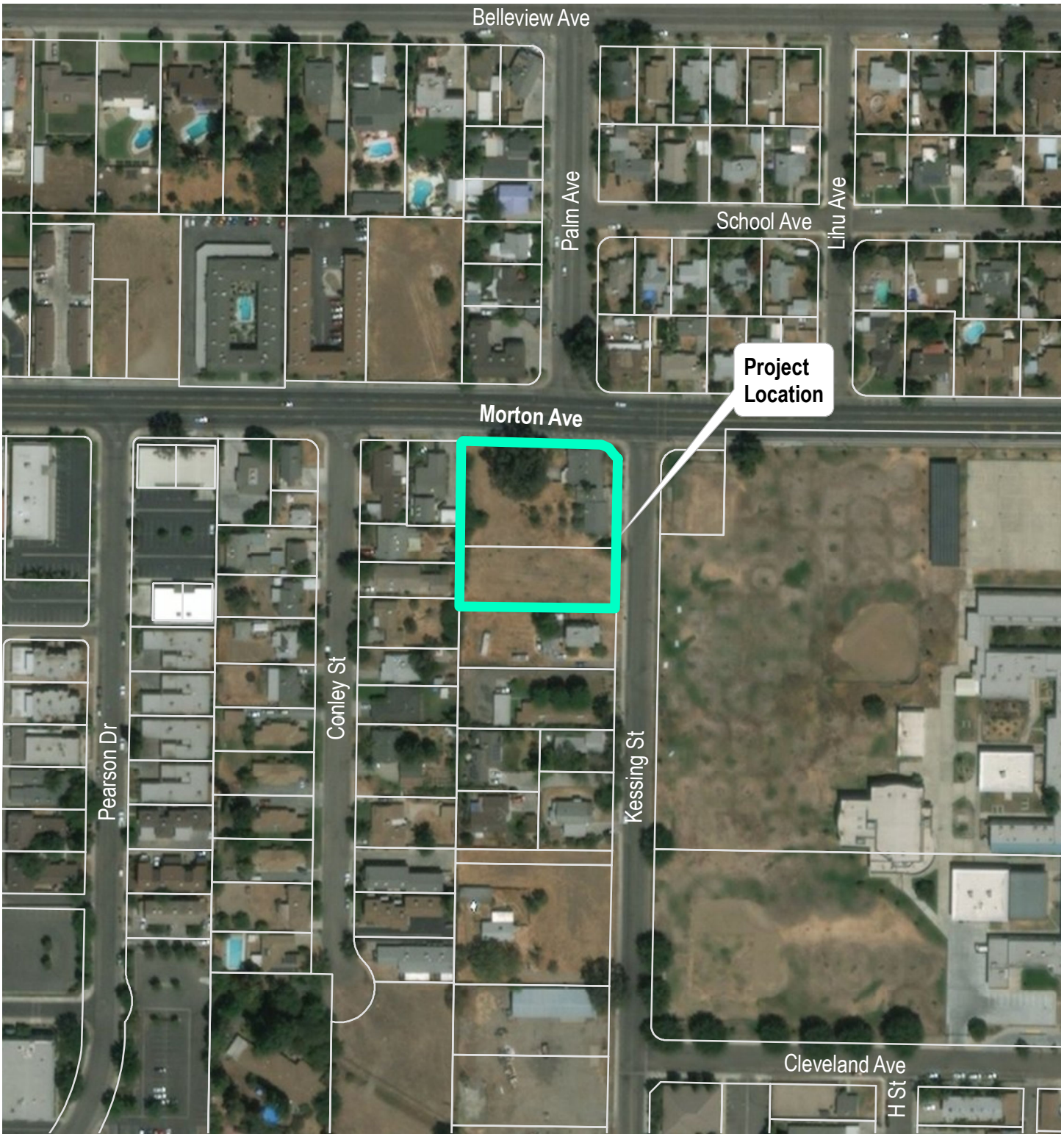
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

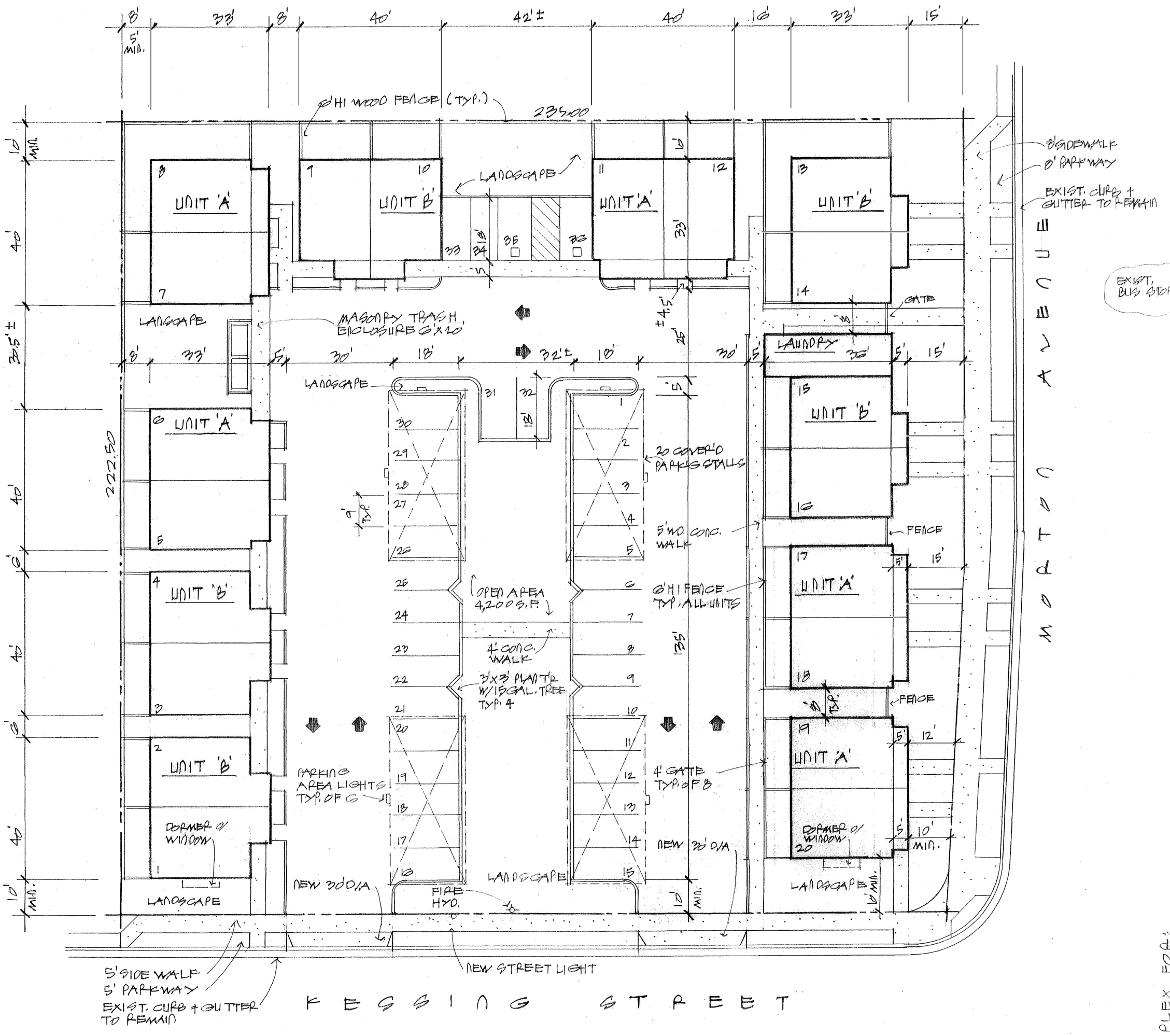
Final Approver: John Lollis, City Manager



A Division of the Community Development Department

Geographic Information Systems

PRC 2017-044
20 Unit Apartment Complex
@ Kessing and Morton
Project Locator Map
1" = 200ft



GARY WEAVER DRAFTING

CASTILLO / SCHULER

NEW APARTMENT COMPLEX FOR:

EXIST. BUS STOP

SITE PLAN 1" = 20'

A.P.N. 252-240-005 & 021 (PROPOSED LOT LINE ADJUSTMENT)

OCCUPANCY CLASS R-2

ZONE RM-3

TYPE OF CONST V-B

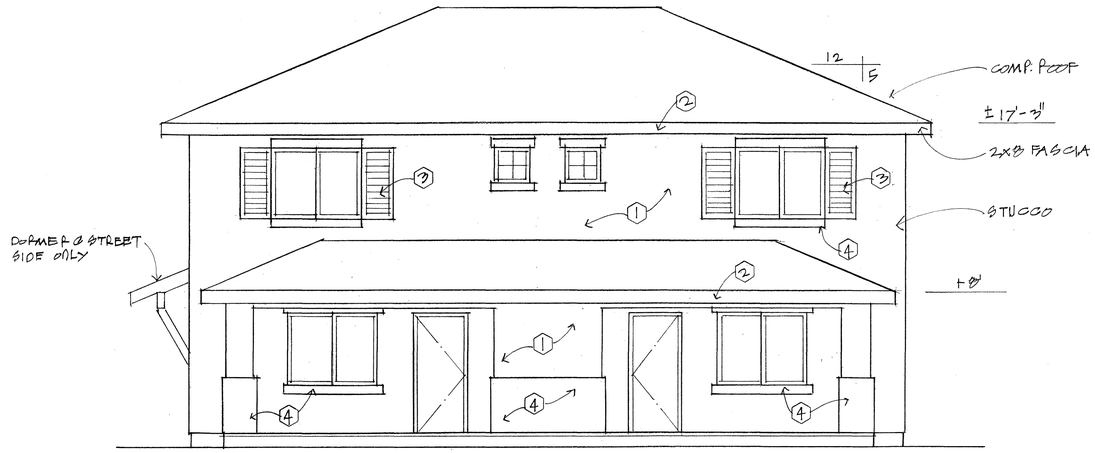
LOT SIZE 52,170 S.F.

BUILDING SIZE UNIT 'A' 1300 S.F. (5) = 6,500 S.F.
UNIT 'B' 1220 S.F. (5) = 6,100 S.F.
12,600 S.F.
LAUNDRY 330 S.F.
BUILDABLE AREA 24% 12,930 S.F.

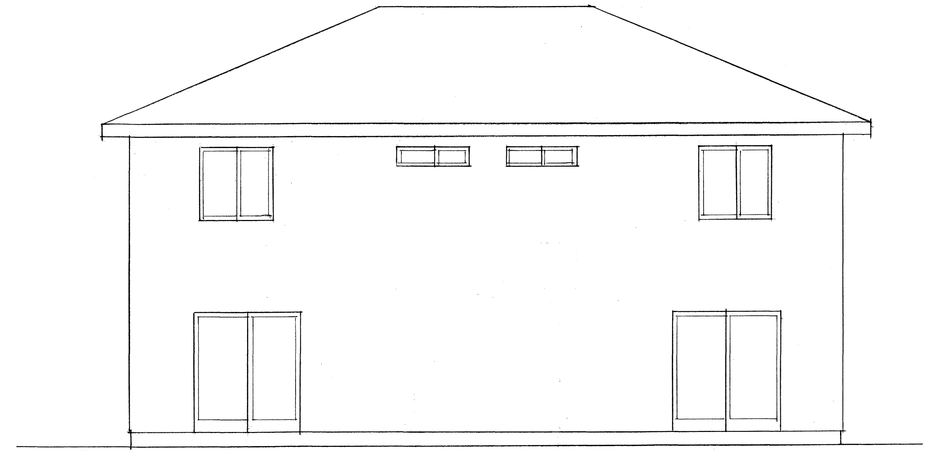
ON SITE PARKING 47 STALLS REQ'D 36 PROVIDED

- LANDSCAPE & IRRIGATION PLAN TO BE PROVIDED
- MIN. AMOUNT OF RUNOFF MUST BE CONTAINED ON SITE
- EXIST. DRIVE APPROACH'S TO BE REMOVED

1



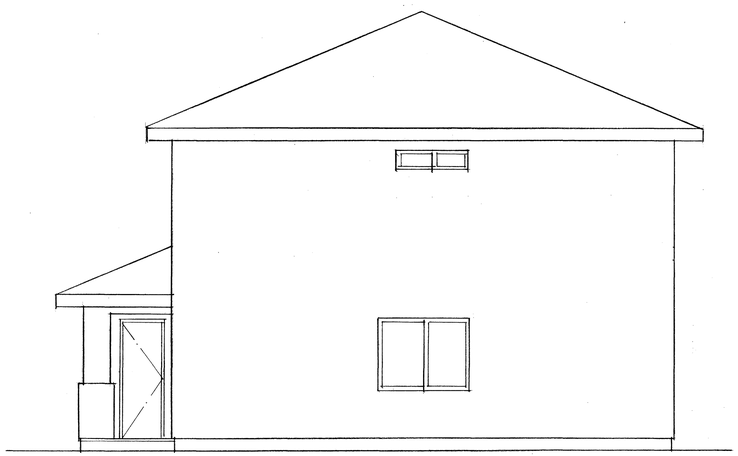
FRONT ELEVATION UNIT 'A' 1/4" = 1'-0"



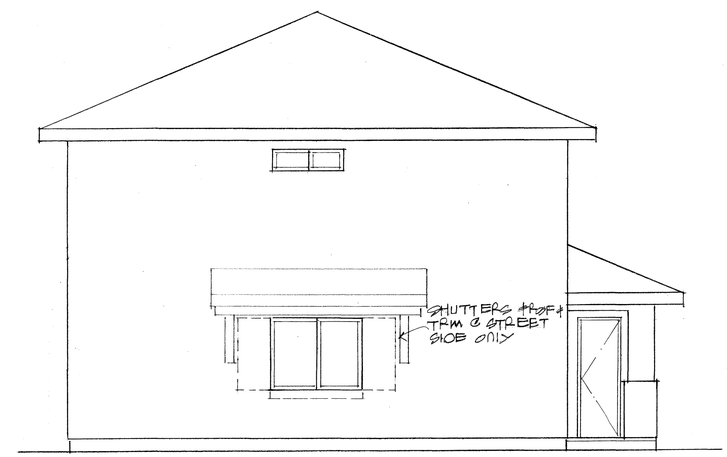
BACK ELEVATION UNIT 'A'

BEHR EXT. COLORS

1	RIVERIA BEACH	PPU7-07
2	TRIBAL POTTERY	PPU3-14
3	DUSTY OLIVE	PPU8-20
4	ULTRA PURE WHITE	1850



SIDE ELEVATION UNIT 'A'



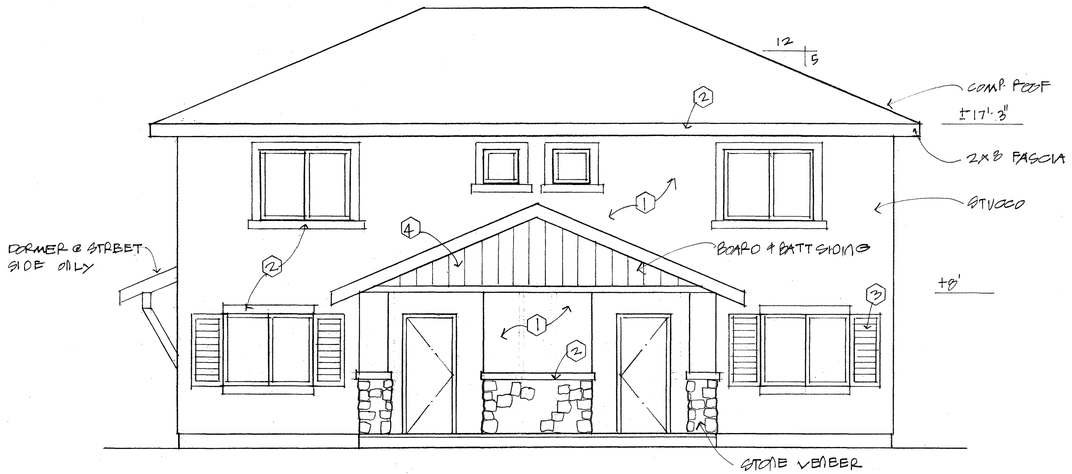
SIDE ELEVATION UNIT 'A'

GARY WEAVER DRAFTING

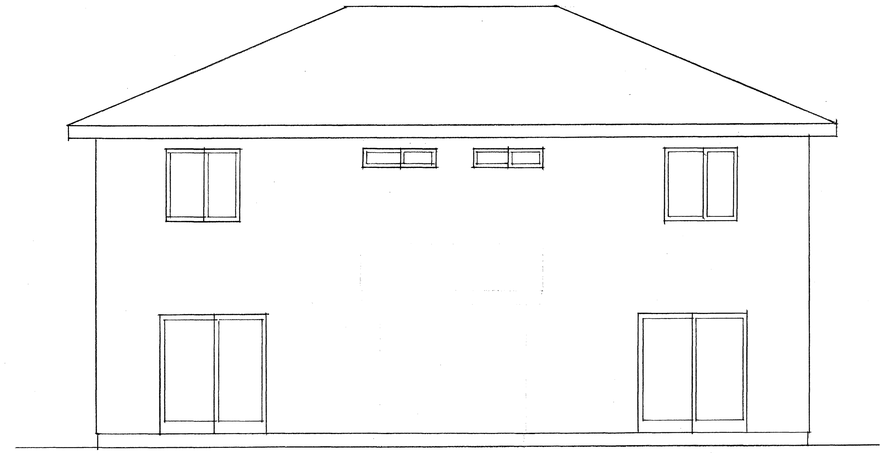
CASTILLO / SCHULER

NEW APARTMENT COMPLEX FOR:

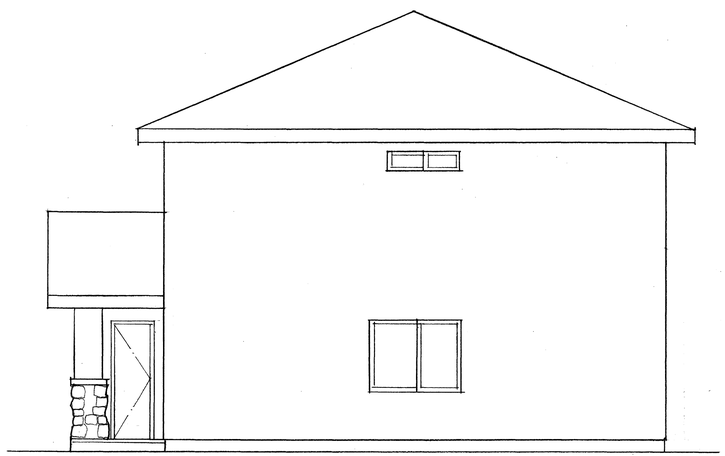
3



FRONT ELEVATION UNIT 'B' 1/4"=1'-0"



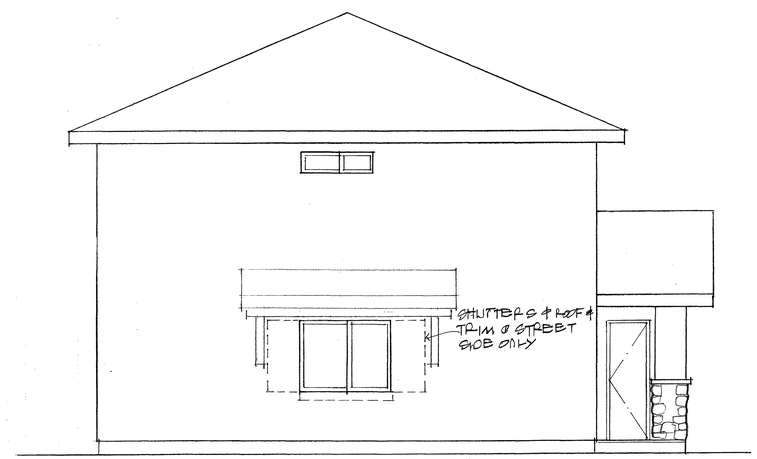
BACK ELEVATION UNIT 'B'



SIDE ELEVATION UNIT 'B'

BEHR EXT. COLORS

1	HUNTERS HALLOW	MQ3-21
2	BELL TOWER	MQ3-15
3	BLACK EVERGREEN	MQ6-44
4	RIVERA BEACH	PPU7-07



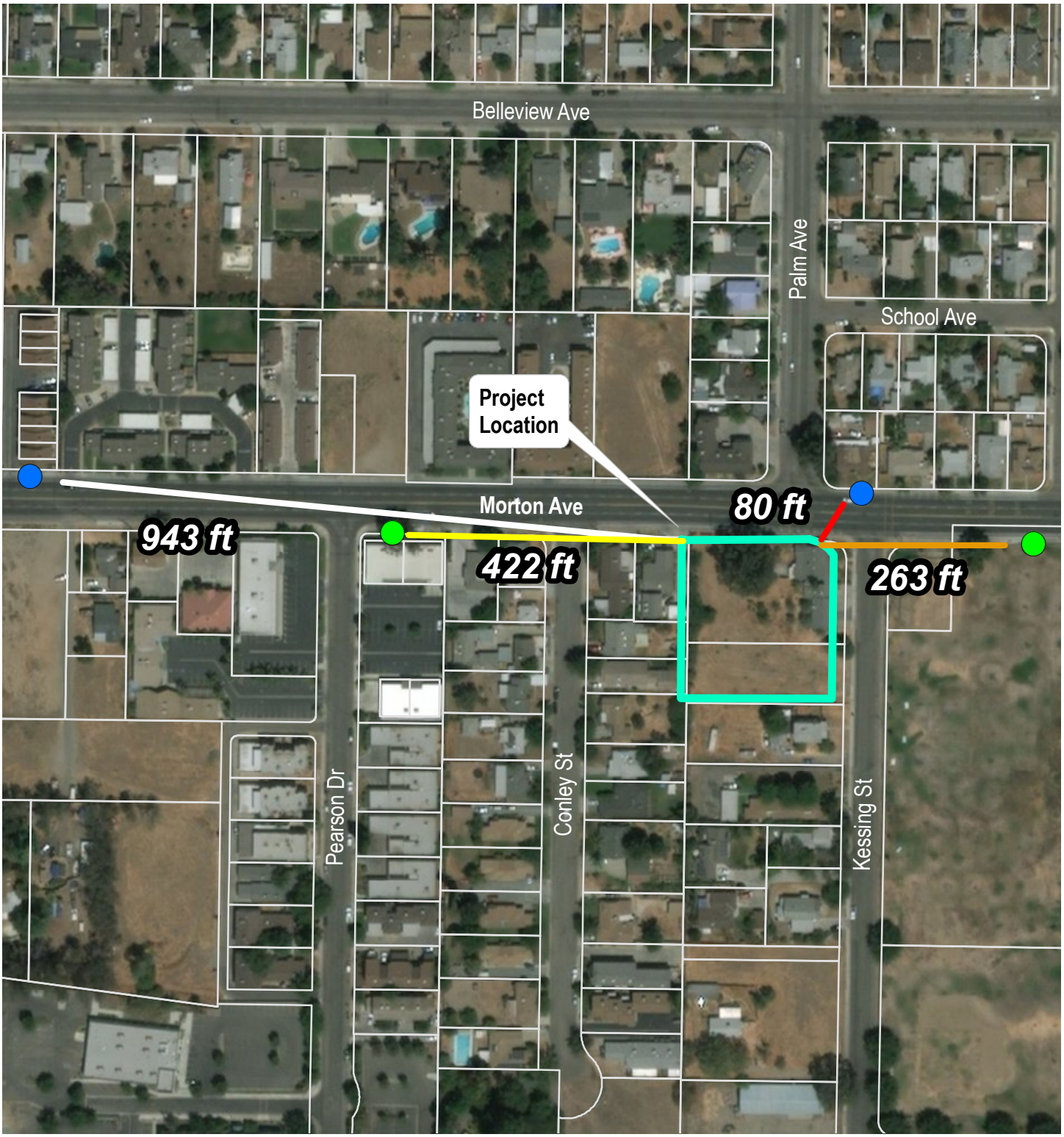
SIDE ELEVATION UNIT 'B'

GARY WEAVER DRAFTING

CASTILLO / SCHULER

NEW APARTMENT COMPLEX FOR:

4



A Division of the Community Development Department

Geographic Information Systems

PRC 2017-044
20 Unit Apartment Complex
@ Kessing and Morton
Transit Stops Map
1" = 200ft

RESOLUTION NO. ___-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT (PRC 2017-044-C) TO ALLOW A REDUCED NUMBER OF PARKING SPACES FOR THE DEVELOPMENT OF 20 MULTI-FAMILY RESIDENTIAL UNITS

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 17, 2018, conducted a public hearing to consider Conditional Use Permit (PRC 2017-044-C), a request to allow a reduced number of parking spaces for the development of 20 two-bedroom multi-family residential units. The project is located at the southwest corner of Morton Avenue and Kessing Street (APNs 252-240-005 and 021); and

WHEREAS: The project site has a General Plan land use designation of High Density Residential and is zoned RM-3 (High Density Residential); and

WHEREAS: The development of 20 units as proposed would require 47 parking spaces per the Development Code. The development as proposed with 36 spaces is under-parked by eleven spaces; and

WHEREAS: The project site is outside of any parking districts and is not able to take advantage of the flexibility provided to those districts. However, Section 304.06 of the Development Code provides for reductions in parking in certain situations. Section 304.06(c) allows for a reduction of parking with approval of a minor Conditional Use Permit. The criteria for approval include consideration of special conditions; and

WHEREAS: In this case, the subject development includes unique characteristics that call for the support of a parking reduction. First, the site is located immediately west of Bartlett Middle School. The entrance to the school is located on North G Street. Because of this, Kessing Street has significantly more street frontage than would typically be associated with a multi-family development of similar unit numbers. While supplanting on-site parking with off-site parking is not recommended by the Code, nor one of the proposed criteria for approval, the site configuration is so significantly different, it merits consideration. Secondly, the project site is conveniently located adjacent to several Porterville Transit stops on both the north and south side of Morton Avenue, which may likely reduce necessary vehicle trips; and

WHEREAS: The project site has a General Plan land use designation of High Density Residential and is zoned RM-3 (High Density Residential). Table 201.03 of the Porterville Development Ordinance allows for a maximum density of 30 units per acre, with a minimum density requirement of 10 units per net acre. The 20 apartment units on 1.2 acres are consistent with goals identified in the city's Housing Element; and

WHEREAS: Pursuant to Section 15332 of the California Environmental Quality Act, the project is categorically exempt as In-Fill development; and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan. The General Plan designates the subject site as High Density Residential, and the Housing Element calls for support of high density residential development, to provide housing options and opportunities for low and moderate income households. The proposed development suits the minimum density requirement of 10 units per net acre with a proposed density of 17 units per acre. Further, the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the 2030 General Plan.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the RM-3 (High Density Residential) zone district, and conforms in all significant respects with the General Plan and the Development Ordinance, except as specifically identified as the purpose of this Conditional Use Permit inasmuch as relates to parking.

3. The design of the project is not likely to cause substantial environmental damage. The subject site is surrounded by existing development, as well as having a single family residence on one of the parcels.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2017-044-C) to allow development of 20 multi-family residential units, subject to the following conditions:

1. Upon approval of the conditional use permit, any future change in the proposed development which substantially alters the conditions or nature of this permit will require approval by the City Council.

2. At all times, the development shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

3. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two years after the date of approval if the development of the subject site is not active or actively pursued.

4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations. /In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

_____
Brian E. Ward, Mayor Pro Tem

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

SUBJECT: CDBG Action Plan 2018/2019

SOURCE: Community Development

COMMENT: The U.S. Department of Housing and Urban Development (HUD) requires all Community Development Block Grant (CDBG) entitlement cities to prepare a three- or five-year Consolidated Plan. Porterville's 2015 Five-Year Consolidated Plan was adopted by the City Council on June 16, 2015, and subsequently submitted to and approved by HUD. This 2018/2019 Action Plan reflects the fifth and last year investment plan within the scope of the Consolidated Plan. Action Plans need to be submitted to HUD 45 days before the start of the program year. HUD has sent out a memo informing entitlement jurisdictions that; "Congress has not completed the appropriations process for HUD's FY 2018 appropriation. At this time, HUD cannot predict when its FY 2018 appropriations bill will be enacted and when it will be able to announce FY 2018 allocation amounts. Thus, HUD cannot say how many grantees – or which program year start dates – will be subject to these revised procedures. Similarly, HUD cannot provide estimated FY 2018 allocation amounts for grantees to use for planning purposes in developing annual action plans." Despite allocations not being announced yet, the City is still required to go through the mandated process, but may delay submission of its consolidated plan or action plan to HUD until 60 days after the date allocations are announced, or until August 16, 2018 (whichever comes first). This delay will give a grantee time to revise its action plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

The Action Plan, (Exhibit A to the draft resolution), identifies activities the City would undertake during the next year to address priority needs of lower income households. Proposed activities are designed to benefit lower income households by maintaining affordable housing, achieving public housing improvements, removing barriers to affordable housing, evaluating and reducing lead-based hazards, reducing the number of households with incomes below the poverty line, improving job availability, enhancing the institutional structure to address the needs of lower income households, addressing obstacles to meeting underserved needs, and enhancing coordination between public and private housing and social service agencies.

The Action Plan presents ongoing and proposed CDBG funded programs for the Fiscal Year beginning July 1, 2018, through June 30, 2019. Staff has, for estimate purposes, used the 2017/2018 entitlement amount of $646,000 as the 2018/2019 estimate to implement the Action Plan for a variety of programs and

projects accompanied by program income generated by the First-Time Low Income Home Buyer Program, the Owner Occupied Housing Rehabilitation and Public Utility Program, and the Business Assistance Loan Program.

The table below provides an overview of the entitlement funding allocation as presented to the Citizens Advisory and Housing Opportunity Committee.

Section 108 Debt Service	$ 301,377.60
Administration	$ 128,554.00
City-Operated Youth Center	$ 89,866.00
Parks Improvement Program	$ 80,000.00
Clearance	$ 20,000.00
Homebuyer Education	$ 450.00
Shelter Plus Care Voucher Program	$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	$ 5,000.00
Housing Rehabilitation and Public Utilities Loan Program	$ 5,752.40
Total Funding	$ 646,000.00

Providing ongoing youth activities is a high priority within the community. The City's Parks & Leisure Services Department has been operating the City's Youth Center since 1997 and has been located at the Heritage Center for 12 years. Anticipated CDBG funding to the Parks & Leisure Services Department to administer the ongoing youth recreational program, inclusive of new program elements within Census Tract 41, is $89,866. The Parks & Leisure Services proposal and budget for operating the Youth Center is included in the Action Plan, Section VIII. Additionally, this is the fifth year of $15,000 being pledged to be expended as match for the Shelter + Care Program vouchers awarded through the Continuum of Care to address homelessness in the community; and the third year that $5,000 entitlement funds are awarded to the Continuum of Care on Homelessness to assist with Project Homeless Connect and Point in Time Survey and the writing of applications for HUD funding. These three programs together will make up the allowed 15% allocation of the annual entitlement for public service projects.

In 2005/06, the City completed the construction of the Heritage Center building in Census Tract 41 utilizing Section 108 loan funds. Additional improvements, including the development of the parking lot for the future ball fields, utilized the remaining loan funds. Using CDBG-R stimulus funds, along with other grant sources, construction was completed on the Rails to Trails Project that runs adjacent to the Heritage Center. The entitlement allocation for debt payments on the Section 108 loan in 2018/19 will be $301,377.60 or 46.65% of the anticipated entitlement allocation.The total debt will be paid in 2023/24.

Administration of the CDBG program will be allocated $128,544 which is the allowed 20% of the entitlement, plus an additional 20% of anticipated program income for the year.

Entitlement funds in the amount of $5,752.40 are being designated to the

Housing Rehabilitation and Public Utilities Loan Program (HRLP) including a the component to assist disabled and elderly homeowners with wheelchair ramp construction projects to assist low to moderate income homeowners to make health and safety, code violation repairs, install an ADA ramp or connect to public utilities. Any unexpended entitlement funds from prior years' allocations and program income will also be used to fund this program.

Park Improvement Program will be allocated $80,000 to add new or improved amenities at Zalud and Murry Parks. Additionally any unexpended entitlement funds will also carry over.

Clearance Program will be allocated $20,000 to clear existing or newly acquired land for development of affordable housing purchased through the Land Acquisition Program. Additionally any unexpended entitlement funds will also carry over.

The First Time Homebuyer Education Program will be allocated $450 as this and the First Time Low-Income Home Buyer Program (FTHB) will be mostly funded from a HOME grant, unexpended entitlement funds and program income.

Business Assistance Programs, Land Acquisition and Disposition Programs will utilize unexpended entitlement and Program Income funds from previous years' allocations.

On February 15, 2018, the first community meeting was held to bring recommendations and comments from the community before the CDBG Citizens' Advisory and Housing Opportunity Committee (Committee). On February 27, 2018, the Committee held the first public hearing to consider the proposed projects for the 2018/2019 Action Plan. The Committee unanimously recommended approval of the proposed Action Plan, as presented. Public notices were published both in English and Spanish for the above mentioned public hearing. A public notice was also published in English and Spanish announcing the thirty-day comment and review period which ends April 17, 2018. No written comments have been yet received from the public.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the 2018/2019 Action Plan with Program Models, and proposed use of Community Development Block Grant Funds; and
2. Direct staff to submit the 2018/2019 Action Plan to HUD.

ATTACHMENTS: 1. CDBG Action Plan Draft Resolution

Appropriated/Funded:

Review By:

Department Director:
Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO ___-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING THE 2018-2019 ACTION PLAN, ACCOMPANYING PROGRAM MODELS AND PROPOSED USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby approve the 2018-2019 Action Plan with Program Models, attached as Exhibit A, and proposed use of Community Development Block Grant Funds with a 2018 Program Year Entitlement Allocation as follows:

Section 108 Debt Service	$ 301,377.60
Administration	$ 128,554.00
City-Operated Youth Center	$ 89,866.00
Parks Improvement Program	$ 80,000.00
Clearance	$ 20,000.00
Homebuyer Education	$ 450.00
Shelter Plus Care Voucher Program	$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	$ 5,000.00
Housing Rehabilitation and Public Utilities Loan Program	$ 5,752.40
Total Funding	$ 646,000.00

PASSED, APPROVED AND ADOPTED this 17th day of April, 2018.

_____
Brian E. Ward, Mayor Pro Tem

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE

COMMUNITY DEVELOPMENT BLOCK GRANT

2018-2019 ACTION PLAN

ENTITLEMENT APPLICATION

1 ST DRAFT

February 2018

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Porterville (City) is an entitlement jurisdiction that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to invest in local communities.

The City receives HUD funding under the Community Development Block Grant (CDBG) Program, which is designed to assist low- and moderate-income (LMI) households.

The primary objective of the CDBG program is to develop viable communities through the provision of decent housing, a suitable living environment, and expanded economic opportunities. CDBG grantees are eligible to use the resources they receive for Planning and Administration, Public Services, Community and Economic Development, Capital Improvement Projects (CIP) Public Facilities/Infrastructure, and CIP Housing Rehabilitation. Planning and Administration costs include staffing, preparation of the Consolidated Plan, general management, oversight and coordination. Public Service projects provide social services and/or other direct support to individuals and households in need of assistance. Community and Economic Development projects are focused on assisting businesses and organizations with small business loans, façade improvements, and other initiatives. CIP Public Facilities/Infrastructure projects are those which aim to improve public facilities and infrastructure. CIP Housing Rehabilitation projects are for housing rehabilitation improvements of single and multi-unit housing. The City anticipates approximately $646,000 in CDBG funding for FY 2018/2019. All totals were estimated based on last years' allocation as HUD had not announced 2018/2019 allocations at the time of public hearing, totals for programs were adjusted based on the actual allocation received per contingency descriptions in AP-35.

2. Summarize the objectives and outcomes identified in the Plan

The Action Plan incorporates outcome measures identified in the Consolidated Plan. Activities are selected in accordance with the Federal Register Notice dated March 7, 2006, which require the following Performance Measure Objectives/Outcomes to be associated with each activity funded:

<u>General Objective Categories: Activities will meet one of the following</u>:

Decent Housing (DH)
A Suitable Living Environment (SL)
Economic Opportunity (EO)

Outcome Categories: Activities will meet one of the following:

Availability/Accessibility
Affordability
Sustainability

1	**Goal Name**	Affordable Housing
	Goal Description	Assist in the creation and preservation of affordable housing opportunities.
2	**Goal Name**	Homelessness
	Goal Description	Supportive activities to prevent and end homelessness
3	**Goal Name**	Strengthening Neighborhoods
	Goal Description	Support activities that strengthen neighborhoods. **Land Acquisition**: General Objective: A Suitable Living Environment Outcome: Sustainability **Parks Improvement**: General Objective: A Suitable Living Environment Outcome Categories: Availability/Accessibility
4	**Goal Name**	Economic Development
	Goal Description	Expand economic development and employment opportunity programs.

Goals and Objectives Table

3. Evaluation of past performance

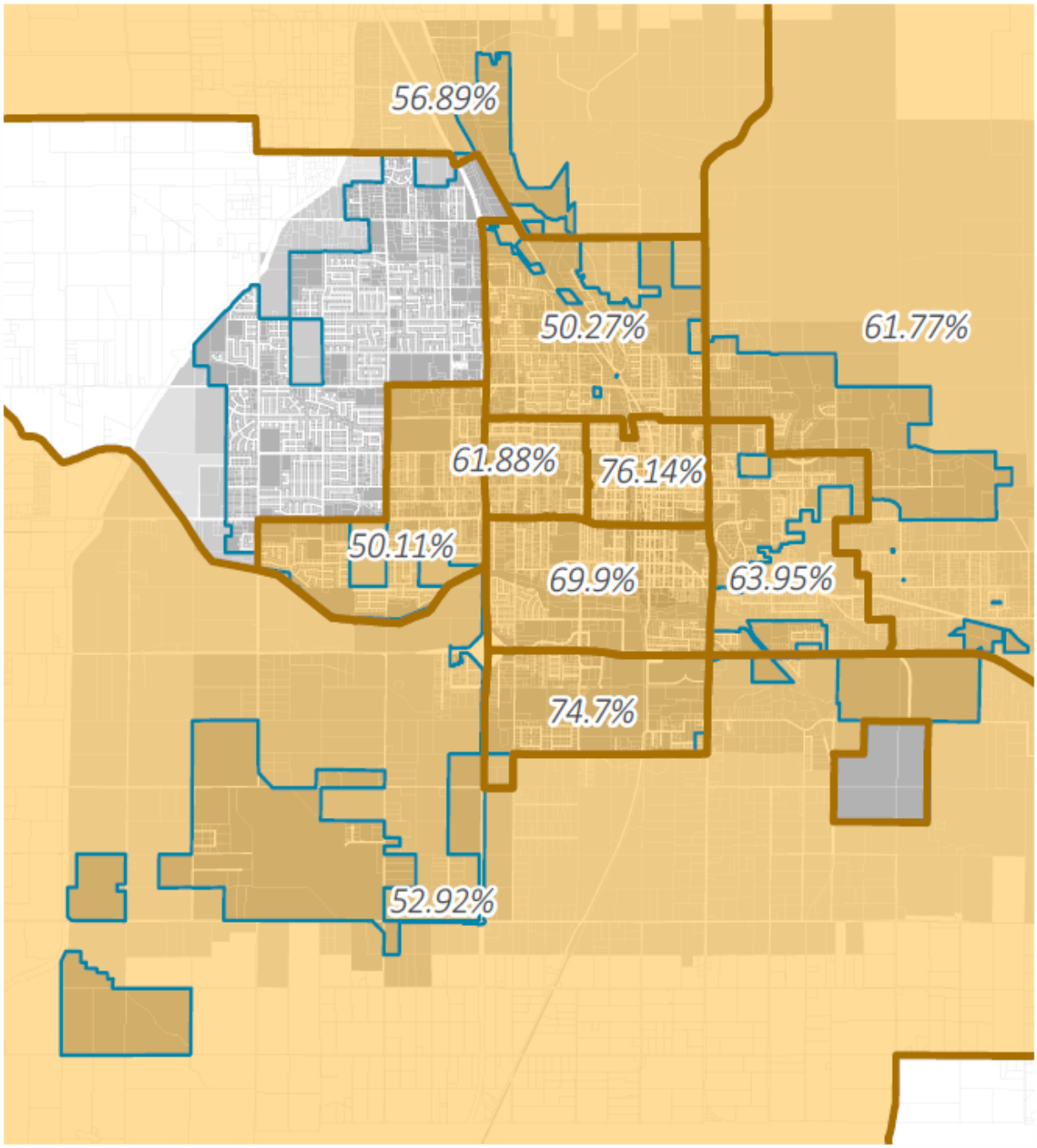
The City is responsible for ensuring compliance with all rules and regulations associated with the CDBG entitlement grant programs. The City's Annual Action Plans and Comprehensive Annual Performance and Evaluation Reports (CAPER) have provided many details about the goals, projects and programs completed by the City since 1982.

The City recognizes that the evaluation of past performance is critical to ensure the City and its subrecipients are implementing activities effectively and that those activities align with the City's overall strategies and goals. The performance of programs and systems are evaluated annually.

Goals for future projects were set in the 2015-2020 Consolidated Plan, by evaluating the success of existing programs as well as evaluating the needs that exist in the community. With 44.48 percent of entitlement funding received applied to the Section 108 loan, there is a limited amount of discretionary funding available for large projects. The City will continue funding salaries for the very successful Youth

Center, and the Shelter-Plus-Care Program, and as more funding becomes available the City will look for ways to improve living conditions, eliminate slum and blight, and improve public facilities.

A City of Porterville Map is included with the overlapping Low Mod Income Areas identified in the Census.



City of Porterville Low/Mod Area Map

City of Porterville Low Mod Area Map

4. Summary of Citizen Participation Process and consultation process

To maximize participation in the preparation of the 2018/2019 Action Plan, the City held a community meeting, designed and administered a community needs survey, held two public hearings, conducted outreach by email, social media and committee meetings. The purpose is to inform and seek input on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2018/2019. Views obtained during this hearing were considered for the final Action Plan. There was a total of 13 attendees at the community meeting. Approximately 100 attendees were present at the two public hearings. 677 e-mails were sent and 608 people were reached on social media, information was posted on the TV monitor in front of the Finance window at City Hall as well as the digital sign located on Prospect St. by the Veteran's Park. 87 survey responses were received.

5. Summary of public comments

Community Meeting February 15, 2018

Community feedback received during the community meeting and surveys prior to the first public hearing, for continued support for Housing Programs, Public Services Programs, Business Assistance Programs, and Community Benefit Programs. Support for new park improvement projects, homeless services, and youth services were also noted in the surveys completed at the meeting. All feedback was gathered and will be presented to the CDBG Citizens participation and housing advisory committee on February 27, 2018.

CDBG Advisory and Housing Committee Meeting and Public Hearing February 27, 2018

No Public Comment was received.

Public Hearing April 17, 2018

This section will be updated once meeting takes place.

6. Summary of comments or views not accepted and the reasons for not accepting them

This section will be updated once 30 day comment period is over.

7. Summary

The 2018/19 Action plan follows the established 2015-2020 Goals, and takes into account new comments from the Community Development Block Grant Advisory and Housing Opportunity Committee recommendation to City Council as well as any other public comments received during the development of the plan.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lea Agency	Porterville, CA	Community Development Department
CDBG Administrator	Porterville, CA	Community Development Department

Table 1 – Responsible Agencies

Narrative (optional)

The City of Porterville (City) is the Lead Agency for the United States Department of Housing and Urban Development (HUD) entitlement programs. The City's Department of Community Development is responsible for administering the funds it receives under the Community Development Block Grant (CDBG).

Consolidated Plan Public Contact Information

Community Development Department
Jennifer M. Byers
Community Development Director
291 N. Main Street
Porterville, CA 93257
(559) 782-7460

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City launched a comprehensive public engagement strategy to consult with stakeholders of the City to prioritize needs, set goals, and inform strategies for the implementation of the 2018/2019 Action Plan. The City's outreach effort focused on engaging community residents, beneficiaries of entitlement funds, and stakeholders of the City. The City held a community meeting to introduce the Annual Action Plan Planning process to meeting participants and gather information regarding the community's top priorities. The City also conducted a Community Survey to gather input from community residents and stakeholders of the City. The survey asked to identify the greatest needs and priorities in the City that could be addressed through entitlement funding programs and to provide feedback on the use of those funds and to comment on existing programs.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

City staff works collaboratively with public officials, City departments, community residents and stakeholders, and beneficiaries of entitlement funds to craft the priorities and strategies included in this Action Plan. The City facilitated a community outreach and engagement effort to further strengthen the dialogue between public and assisted housing providers and private and governmental health, mental health and service agencies that receive federal funding. The City held a community meeting to prompt discussions on the City's top community needs and approaches to addressing them.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Kings and Tulare County Continuum of Care (Alliance) is comprised of a group of service providers, advocates, public agencies, and homeless individuals to address the needs of the homeless population in the Kings and Tulare County regions. The City is an active participant in monthly Alliance meetings, which are intended to enhance coordination, share information on best practices, and develop a better understanding of the needs of the homeless population in jurisdictions across both counties. The Alliance recently implemented Every Door Open, a coordinated entry and assessment system to serve Kings and Tulare counties. Every Door Open is designed to help individuals at-risk of or currently experiencing homelessness. The coordinated entry and assessment system prioritizes the most vulnerable homeless individuals, including the chronically homeless, families with children, veterans, and unaccompanied youth.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Not applicable. The City does not receive Emergency Solutions Grant Funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	This section will be updated at end of comment 30 day comment period
	Agency/Group/Organization Type	
	What section of the Plan was addressed by Consultation?	
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	

Identify any Agency Types not consulted and provide rationale for not consulting

This section will be updated at end of comment 30 day comment period

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Kings/Tulare Homeless Alliance	Connecting the Dots is a Ten-Year Plan to prevent and end homelessness in the Kings and Tulare County region. This effort is aligned with the Strategic Plans goal to support activities that prevent and end homelessness.
San Joaquin Valley Fair Housing and Equity Assess	California Coalition for Rural Housing	The FHEA provides an overview of racial and economic segregation patterns in the City and describes its impact on residential mobility. The report also includes a set of recommendations to promote integration in the City and lessen the negative consequences generated as a result of segregation identified within the report. Both plans focus on supporting and promoting the creation of affordable housing opportunities for LMI and special needs households.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
City of Porterville General Plan Housing Element	City of Porterville	The Housing Element identifies the housing needs of the community, goals and objectives to address those needs, and outlines the communities' efforts to pursue specific policies and programs to achieve its goals and objectives. The Strategic Plan supports the Housing Elements plan to ensure that there is an adequate supply of affordable housing to meet the current and future needs of the population.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

Many organizations will be consulted at community meetings or by email to engage them in providing feedback.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

To maximize participation in the preparation of the 2018/2019 Action Plan, the City held a community meeting, designed and administered a community survey, held two public hearings, conducted outreach by email, social media and committee meetings, to inform and seek input on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities, and actions for addressing those needs during FY 2018/2019. Views obtained during this hearing were considered for the final Action Plan. There was a total of 12 attendees at the community meeting. One Survey post on Social Media has reached 1852 people and received 15 shares as of April 10, 2018. Another reached 912 people. Additional stats will be updated to reflect complete outreach after 30 day comment period ends in order to provide a full picture of the outreach efforts.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
1	Public Meeting	Non-targeted/broad community	12 Participants attended	Feedback included reinforcement of the need for affordable housing programs, youth programs, economic development, homeless programs.	Summary of comments attached in Appendices No comments were rejected, all were considered.	N/A
2	1st Public Hearing	Non-targeted/broad community	2 participants 6 CDBG Advisory Board Members 6 Staff Members	Public had no comments. Committee was presented with public comments received during community meeting and discussed continuation of current programs as well as funding allocations.	No comments were rejected.	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

Since HUD had not announced the new funding allocations; the City is used contingency language to estimate totals based on prior year

entitlement allocation. The Program income is an estimate based on expected debt payments from current outstanding loans.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	Public - Federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services Clearance Disposition	Will be updated once it is announced. It is estimated around 646,000	48,951	668,054.69	1,363,005.69	1,363,005.69	CDBG funds will be used for public improvements, economic development, and public services that benefit low income and special needs households.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The amounts in Priority Table for Expected Amount Available are estimates based on expenditure projections through 6/30/2018 and of anticipated grant from HUD.

The City of Porterville is proactive in prioritizing the needs of the community. Staff continues to dedicate time, collaborating with non-profit agencies through the Homeless Alliance whose main target is to house homeless individuals. The City uses $15,000 in CDBG funds to contribute to the hiring of a social worker for the Shelter-Plus-Care Program administered by Family Services of Visalia. When available, funds will also be allocated to the Alliance to continue the efforts to end homelessness. Staff works closely with local non-profit agencies using an active referral system where a pool of resources is made available to those in need. City staff continuously promotes the housing programs through various methods as well as within several faith-based organizations. When available, the City uses state funding, such as HOME and CalHome in conjunction with CDBG funds to create safe and suitable living environments for the low- and moderate- income members of the Porterville community.

Leverage, in the context of entitlement funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's HUD Programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

As previously discussed, in addition to its annual CDBG entitlement, the City anticipates annual HOME Investment Partnerships Program (HOME) funds will be available to meet the goals of the Consolidated Plan. HOME funding is intended to be used for various housing-related programs and activities. HOME funds are generally used to address the housing needs of jurisdictions through the preservation or creation of affordable housing. New construction, housing rehabilitation, assistance to homebuyers, and tenant-based rental assistance are all eligible uses of HOME funds. The City's HOME dollars come from program income and a new HOME Grant received in FY 2016/17. These funds will be used to meet affordable housing needs. HOME PI is a result of payments received by the City for First Time Homebuyer Loans made in the past with State HOME grants. The First Time Homebuyer Loan Program will only be allocated $450 of New CDBG Entitlement funds, as there are funds available for this program from HOME PI and the new HOME grant awarded to the City. The City of Porterville discloses any and all funding available for the priorities identified in the Con Plan and Action Plan to explain how those goals are met despite not allocating any new CDBG Entitlement or expected CDBG PI to a specific program.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

During Fiscal Year 2014-2015 the Successor Agency to the Porterville Redevelopment Agency acquired a property located at the corner of Olive

Avenue and Main Street in downtown Porterville. The property was the former site of the Porterville Hotel; a fire destroyed the abandoned building, and the land is now vacant. The Agency's intent is to market the property and find a developer willing to create new retail and office space in the downtown business corridor. The desired outcome of the project would be retail opportunities leading to job creation.

The City also owns approximately seven acres of property located at the Jaye Street Industrial Complex. These properties are marketed in cooperation with the Tulare County EDC for recruitment of manufacturing and industrial uses to Porterville. The desired outcome of these projects is job creation.

Discussion

Below is a list of potential financial resources considered a part of the City's overall financial plan to address priority needs and specific objectives identified in the Consolidated Plan. The number and availability of these programs to assist cities is limited, and funding for new projects is unpredictable. The following programs are local, state, and federal programs. None of these are managed locally by the City through funds accessed directly from HUD:

- Housing Authority of Tulare County (HATC): HATC is a public housing authority with jurisdiction within the City and the County. It administers federal and state funds for its public housing projects and government-assisted housing units, such as the Section 8 Housing Choice Voucher Program and Veterans Affairs Supportive Housing (VASH) vouchers.
- Low-Income Housing Tax Credit Program (LIHTC): The LIHTC program provides federal and state tax credits for private developers and investors who agree to set aside all or an established percentage of their rental units for low-income households for no less than 30 years. Tax credits may also be utilized on rehabilitation projects, contributing to the preservation program. The program begins when developers and investors apply for an allocation of tax credits from the California Tax Credit Allocation Committee (CTCAC). Tax credits are awarded on a competitive basis at varying times. Compliance is monitored according to Internal Revenue Service (IRS) rules and regulations. Multi-Family Housing Program: If California's Housing and Community Development Department awards Multi-Family Housing Program loans to assist rental housing developments affordable to low-income households in the City, the City will assist the developers with identifying local funding.
- National Housing Trust Fund (HTF): States and state-designated entities are eligible grantees for the HTF. HUD will allocate HTF funds by formula annually. A State must use at least 80 percent of each annual grant for rental housing; up to 10 percent for homeownership; and

up to 10 percent for the grantee's reasonable administrative and planning costs.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2015	2019	Affordable Housing	Citywide	Affordable Housing Community Services, Public Facilities, Public	CDBG: $247,354	Public service activities for Low/Moderate Income Housing Benefit: 60 Households Assisted Homeowner Housing Added: 1 Household Housing Unit Homeowner Housing Rehabilitate: 4 Households Housing Unit Direct Financial Assistance to Homebuyers: 1 Households Assisted
2	Homelessness	2015	2019	Homeless	Citywide	Homelessness	CDBG: $20,000	Public service activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 2 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Strengthening Neighborhoods	2015	2019	Non-Homeless Special Needs Non-Housing Community Development	Citywide	Economic Development	CDBG: $491,815.65	Parks improvement 15,415 persons Youth: 100 persons
4	Economic Development	2015	2019	Non-Housing Community Development	Citywide	Economic Development	CDBG: $603,835.79	Jobs created/retained: 1 Jobs Businesses assisted: 1 Businesses Assisted

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Affordable Housing
	Goal Description	Assist in the creation and preservation of affordable housing opportunities.
2	**Goal Name**	Homelessness
	Goal Description	Supportive activities to prevent and end homelessness
3	**Goal Name**	Strengthening Neighborhoods
	Goal Description	Support activities that strengthen neighborhoods. **Land Acquisition**: General Objective: A Suitable Living Environment Outcome: Sustainability **Parks Improvement**: General Objective: A Suitable Living Environment Outcome Categories: Availability/Accessibility

4	**Goal Name**	Economic Development
	Goal Description	Expand economic development and employment opportunity programs.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

Please refer to Goal Outcome Indicators.

AP-35 Projects – 91.220(d)

Introduction

The Consolidated Plan goals below represent high priority needs for the City and serve as the basis for the strategic actions the City will use to meet these needs. The goals, listed in no particular order are:

1. Assist in the creation and preservation of affordable housing opportunities
2. Support activities to prevent and end homelessness
3. Support activities that strengthen neighborhoods.
4. Expand economic development and employment opportunity programs.

#	Project Name
1	CDBG Planning and Administration
2	City-Operated Youth Center
3	Shelter Plus Care Program for the Homeless
4	First Time Low-Income Homebuyer Program
5	Homebuyer Education
6	Owner Occupied Housing Rehabilitation & Public Utilities Loan Program
7	Business Assistance Programs
8	Section 108 Loan Repayment
9	Parks Improvement Program
10	Land Acquisition
11	Continuum of Care
12	Disposition
13	Clearance

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocations are based on community needs assessment established in the Five Year Consolidated Plan 2015-2020. Additionally, public comment is sought annually for any other community needs or for support of current allocations.

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	**Project Name**	**CDBG Planning and Administration**
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing Homelessness Community Services, Public Facilities, Public Economic Development
	Funding	CDBG: $138,305.00
	Description	A portion of the CDBG entitlement allocation will be used for reasonable planning and administrative costs associated with the administration of the CDBG funds and other related federal requirements. Administration funds will support oversight activities of the housing department, legal services from the City Attorney's Office, and environmental reviews. The actual amount is based on an estimated amount dependent on anticipated Program Income for FY 2018/19. **Contingency Allocation Language Used in Public Comment and Public hearing**: up to 20% of Grant allocation plus up to 20% of current years' expected PI. **Carry Over:** $0 is anticipated carryover from PY 2017/18, however if there is any carryover, it shall remain in Administration.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	291 N Main St. Porterville CA
	Planned Activities	CDBG Planning and Administration
2	**Project Name**	**City-Operated Youth Center**
	Target Area	Citywide

	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: $89,866
	Description	A Portion of the CDBG entitlement allocation will be used for the Heritage Center. Youth services and the provision of youth activities is a high priority for the City. The Youth Center is a free, drop-in recreation program that meets this need within the City's lowest income areas. The program prevents and diverts youth ages 10-18 from negative behavior and surrounds them in a positive and productive environments. The actual amount is based on an estimated amount dependent on anticipated Program Income for FY 2016/17. **Contingency Allocation Language Used in Public Comment and Public hearing**: up to 15% of Grant allocation plus 15% of prior year (17/18) PI. (Excluding $20,000 which will be allocated to other Public Service Programs: Shelter + Care program for the Homeless, Kings Tulare Continuum of Care and $450 for Homebuyer Education) $89,866 is estimated using this formula, based on last years' CDBG Entitlement Grant. **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	100 Households Assisted
	Location Description	256 E. Orange Ave, Porterville CA 93257
	Planned Activities	A few program objectives include: enhancing self-esteem, building leadership skills, and learning teamwork and the ability to cooperate with others. A sample of the activities for the youth include: participation in City athletic leagues, homework tutoring, arts & crafts, cooking classes, community service projects, and an assortment of video and traditional games. If building is purchased, this activity may change location, and Action Plan will be updated once that takes place.
3	**Project Name**	**Shelter Plus Care Program for the Homeless**
	Target Area	Citywide

	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: $15,000
	Description	A portion of the CDBG entitlement allocation will be used for the S+C voucher program. It functions like a Section 8 voucher; the clients pays 30% of their income towards housing, and the remaining balance of the Fair-Market rent is paid by the voucher. All of the units in the program are existing scattered site market rate apartments. The program requires a dollar for dollar match of supportive services for each dollar of housing provided through the S+C voucher, and Family Services has committed to providing the balance of the services. **Contingency Allocation Language Used in Public Comment and Public hearing**: $15,000 granted it does not exceed the 15% public service Cap. Carry Over: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	At least two very low or extremely low income families/individuals will benefit from this program in FY 2018-19. Five vouchers are assigned to each of the participating cities, and the remaining vouchers will be available based on need.
	Location Description	Citywide
	Planned Activities	The City of Porterville executed a subrecipient agreement with Family Services of Tulare County to administer this voucher program that provides services within the City of Porterville with the City funding up to $15,000 annually for the case manager services.
4	**Project Name**	**First Time Low-Income Homebuyer Program**
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: $35,247

	Description	CDBG program income funds will be used to facilitate movement of low-income, renter households into the home ownership category with affordable mortgages through a revolving loan program. **Contingency Allocation Language Used in Public Comment and Public hearing**: $14,400 is anticipated New PI from debt repayment of home loans that will be returned to the RL fund to continue to operate the CDBG FTHB loan program. Carry Over: $20,846.90 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall remain in the RL fund to continue the FTHB Loan Program.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	1
	Location Description	Citywide
	Planned Activities	Using CDBG program income, the City plans to assist in the purchase of newly constructed or existing homes.
5	**Project Name**	**Homebuyer Education**
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: $450

	Description	CDBG new entitlement funds will be used to prepare low-income renter households for the responsibilities and challenges of homeownership which will facilitate the use of the City's First Time Homebuyer Low Income Loan Program. The City is requiring this eight to nine hour training course as a prerequisite to applying for City assistance in the purchase of their first home. **Contingency Allocation Language Used in Public Comment and Public hearing**: $450 will be allocated for PY 2018/19 Carry Over: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program. This program continues, however it will be mostly funded with HOME Admin funds; unless there is additional CDBG funds available from the public services cap that can be allocated to this project. In that case no more than $2000 will be allocated.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	60
	Location Description	291 N. Main St. Porterville CA 93257
	Planned Activities	The curriculum includes, but is not limited to the following topics: advantages/disadvantages of homeownership, what the applicant can afford, developing budgets, determining debt ratios, explanation of the loan process, down payments, and closing costs, selection of a real estate agent, selection of property, lead base paint visual assessment certification, writing an offer, the escrow process, and maintenance of the home. Using the funding allocation, the City plans to provide this homebuyer education course free of charge to qualified low income persons.
6	**Project Name**	**Owner Occupied Housing Rehabilitation & Public Utilities Loan Program**
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: $28,768.40

	Description	Using New Entitlement and program income funds the City will participate in a meaningful and effective housing rehabilitation program including connection to City water and/or sewer service, to assist low- and moderate-income homeowners and to supplement previous funding allocated over the past 29 years to Housing Rehabilitation Loan Program (HRLP) **Contingency Allocation Language Used in Public Comment and Public hearing**: $5,752.40 (estimate based on remaining New Entitlement Grant after all other projects have been funded using last years' allocation, this total will be updated once HUD announces the 2018/2019 Entitlement Grant) If grant amount is lower and this activity does not get any funding from New CDBG Entitlement, an estimated $9,600 from anticipated PI, will be allocated for PY 2018/19. **Carry Over:** $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be carried over into the RL fund to continue funding the Owner Occupied Housing Rehabilitation Program.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Four households
	Location Description	Citywide
	Planned Activities	Once an applicant is income qualified, an inspection of the premises is made to identify building code deficiencies, applicable lead-based paint mitigations, and zoning violations. For water and/or sewer connection feasibility, verification will be performed by the City's Engineering Department. The applicant is then counseled as to the extent and cost of the work covered by a rehabilitation loan, the process of selecting a contractor, and maintaining an equity reserve after rehabilitation construction. A systemized program evaluating work completed through on-site inspections and progress payment issuance is administered by the City to assure that abuses of the program do not occur. Final payment is held until the City Chief Building Inspector, Rehabilitation Specialist, and homeowner have indicated completion and satisfaction with the work.
7	**Project Name**	**Business Assistance Programs**
	Target Area	Citywide

	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: $603,835.79
	Description	Program Income and Old Entitlement will be used for the Business Assistance Programs. Large Business Assistance Program (LBAP) Revolving Loan Fund: The main objective of this program is to provide financing options to industrial/commercial businesses for the retention and expansion of the job market within the City of Porterville. Small Business Assistance Program (SBAP) Revolving Loan Fund: The main objective of this program is to provide "gap" funding for small businesses that are either just starting business in Porterville or are trying to expand their business. **Contingency Allocation Language Used in Public Comment and Public hearing**: $0 will be allocated for PY 2018/19 **Carry Over:** $603,835.79 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be carried over into the RL fund to continue funding the Business Assistance Loan Programs as the City continues to accept and review applications for those programs.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	One small and one large business
	Location Description	Citywide
	Planned Activities	Large Business Assistance Program (LBAP), Commercial and Industrial Development. This program will provide financial assistance in the amount of $50,000 or greater. The goal of the LBAP is to encourage businesses to expand which will lead to increase business activity, job sustainability, and job creation. Small Business Assistance Program (SBAP): SBAP assistance is a minimum of $1,000 and a maximum of $50,000 and will be directed towards businesses that have the greatest potential for long-term job creation. One of the goals of the program is to encourage business owner to partake in facade improvements, which will lead to increased business activity.
	Project Name	**Section 108 Loan Repayment**

8	**Target Area**	Citywide
	Goals Supported	Strengthening Neighborhoods Economic Development
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: $301,377.60
	Description	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center. **Contingency Allocation Language Used in Public Comment and Public hearing**: Debt repayment, this will be paid before any other allocations are made to meet the debt agreement. Carry Over: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be moved to the FTHB Loan Program.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	The center is located in Census Tract 41
	Planned Activities	CDBG Entitlement funds are allocated to provide the annual debt service payment on the Section 108 loan for the Heritage Center which housed the City-Operated Youth Center.
9	**Project Name**	**Parks Improvement Program**
	Target Area	Citywide
	Goals Supported	Strengthening Neighborhoods
	Needs Addressed	Community Services, Public Facilities, Public
	Funding	CDBG: $100,572.00

	Description	The main objective of this program is to add or increase access to amenities and improve infrastructure at both Murry Park and Zalud Parks in order to continue to keep the park as a safe, clean, and attractive recreation facility. **Contingency Allocation Language Used in Public Comment and Public hearing**: $80,000 will be allocated for PY 2018/19 **Carry Over**: $20,572 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding park improvement projects at the designated parks.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	15415
	Location Description	Murry Park and Zalud park are in Census Tracts 39.01 and 37 respectively, but also serve 38.01, 38.02 and 41.01
	Planned Activities	Using previous entitlement and Program income the City plans to continue making improvements to Murry Park and Zalud Park.
10	**Project Name**	**Land Acquisition**
	Target Area	Citywide
	Goals Supported	Affordable Housing Strengthening Neighborhoods
	Needs Addressed	Affordable Housing
	Funding	CDBG: $15,000

	Description	The City may utilize CDBG funds for acquisition of real property to be used for the purpose of Low/Mod Housing Benefit. The property if ready to donate for rehabilitation, will be donated to a non-profit which currently has a program for rehabilitation, or construction of homes to be purchased by Low/Mod households. Using old entitlement the city will utilize CDBG funds for acquisition of real property which its primary purpose will be to provide Low/Mod Housing. This funding was obligated in FY 15/16 and is a carry over to FY 17/18. **Contingency Allocation Language Used in Public Comment and Public hearing**: $0 will be allocated for PY 2018/19 Carry Over: $15,000 is anticipated carryover from PY 2017/18, as no new land acquisition project has been secured and it shall remain available for this purpose as the City continues to secure a new project.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	One Low/Mod Income family
	Location Description	Citywide
	Planned Activities	The intent of acquiring real property is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing if the current building cannot be rehabilitated
11	**Project Name**	**Continuum of Care**
	Target Area	Citywide
	Goals Supported	Homelessness
	Needs Addressed	Homelessness
	Funding	CDBG: $5,000

	Description	The Kings/Tulare Homeless Alliance (formerly Kings/Tulare Continuum of Care on Homelessness) is a consortium of partners working to address the housing and supportive service needs of the homeless population located in the Kings and Tulare County region, through the annual Project Homeless Connect and the Point-In-Time survey. **Contingency Allocation Language Used in Public Comment and Public hearing**: $5,000 granted it does not exceed the 15% public service Cap. **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	No specific location has been set at this time.
	Planned Activities	Project Homeless Connect, is a homeless resource fair that brings services to the homeless and at risk of homelessness in one location as a one stop shop. A few years ago it was paired to coincide with the Point In Time (PIT) Census time frame, in order to allow the Continuum of Care to collect more data to help address the homeless needs in a more efficient way. Although the PIT is completed during the resource fair, it is not mandatory for attendees to partake in it, as the main focus of the event is to bring the needed resources to the homeless community in one location.
12	**Project Name**	**Clearance**
	Target Area	Citywide
	Goals Supported	Affordable Housing Strengthening Neighborhoods
	Needs Addressed	Affordable Housing
	Funding	CDBG: $40,000

	Description	The City may utilize CDBG funds for clearance of real property to be used for the purpose of Low/Mod Housing Benefit. **Contingency Allocation Language Used in Public Comment and Public hearing**: $20,000 will be allocated for PY 2018/19 Carry Over: $20,000 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding Clearance projects for future Land Acquisition Projects. If Clearance activity takes place before 6/30/2018 for current project, the $20,000 will be allocated to either Parks Improvement or Housing Rehabilitation, whichever has the lowest balance on 6/30/2018.
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	1 Low/Mod Family
	Location Description	87 S. G St, Porterville CA 93257
	Planned Activities	The intent of clearance activity is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing.
13	**Project Name**	**Disposition**
	Target Area	Citywide
	Goals Supported	Affordable Housing Strengthening Neighborhoods
	Needs Addressed	Affordable Housing
	Funding	CDBG: $3,000
	Description	The City may utilize CDBG funds for disposition of real property to be used for the purpose of Low/Mod Housing Benefit. **Contingency Allocation Language Used in Public Comment and Public hearing**: $0 will be allocated for PY 2018/19 Carry Over: $3000 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding Disposition projects for future Land Acquisition Projects.

	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	1 Low/Mod Family
	Location Description	87 S. G St, Porterville CA 93257
	Planned Activities	The intent of disposition activity is to benefit Low/Mod Housing, by donating it to a non-profit that will build Low/Mod housing.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City has not established specific target areas to focus the investment of entitlement funds.

Geographic Distribution

Target Area	Percentage of Funds
Citywide	100

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Not applicable.

Discussion

Please see discussion above.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Although entitlement resources are limited, the City does anticipate expending a significant portion of its CDBG entitlement on the preservation and provision of affordable housing. A detailed discussion of how HUD entitlements will be used to support community and economic development needs within the City is provided in AP-35, with the number of households to be assisted itemized by goal.

One Year Goals for the Number of Households to be Supported	
Homeless	2
Non-Homeless	6
Special-Needs	0
Total	8

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	2
The Production of New Units	1
Rehab of Existing Units	4
Acquisition of Existing Units	1
Total	8

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

Please see discussions above.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of Tulare County of Tulare (HATC) was established in 1945 and is committed to providing rental housing assistance to LMI households, seniors, the disabled, and special-needs populations throughout the region. The agency administers various housing assistance programs, including the public housing program, housing choice voucher program, farm labor program, and senior housing program. HATC currently provides affordable and well-maintained rental housing to over 5,000 households countywide.

Additionally, HATC is a participant of HUD's Moving to Work (MTW) demonstration program, which grants participating public housing authorities (PHAs) the ability to test innovative approaches to delivering housing assistance to households in need. MTW is a HUD effort to build and support innovative programs that enhance the efficacy of PHAs. HATC has capitalized on the organizational and procedural flexibility it has gained through MTW to become a more efficient agency.

Actions planned during the next year to address the needs to public housing

HATC will continue to own and manage 110 units in the City of Porterville. According to HATC, there is no plan to purchase additional public housing units, nor is there a plan to remove any units from its inventory. In the Fiscal Year 2017 - 2018, HATC projected to invest a total of $166,565 in Capital Fund improvements for its Public Housing Stock located in the City of Porterville. The noted expenditures will cover maintenance and rehabilitation in public-housing units within the City of Porterville. Capital Fund expenditures will cover a large range of projects, including roofing replacement, landscaping improvements, carpet replacement along with Air Conditioning and Heating unit improvements.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HATC is proactive in the inclusion of public-housing residents in the policy making process. An equitable and transparent policy making process that includes the opinions of public housing residents is achieved through the participation of two tenant commissioners on the HATC Board. Furthermore, HATC has installed a Resident Counsel, which is made up of five residents from all of HUD funded programs (Multifamily Housing, LIHTC, HOME, Section 8 Housing Choice Vouchers and public-housing). The Resident Counsel works with HATC staff on evaluating the effectiveness and efficiency of HATC rental assistance programs. This provides members the opportunity to provide input on necessary program modifications.

A vital driving factor in the implementation of HATC programs is the promotion of tenant self-sufficiency. HATC views the goal of homeownership for program participants as one of the long term goals for all of our clients. HATC staff works with tenants to effectively provide them with the necessary resources to

achieve homeownership and its Annual Re-Examination Notice provides public-housing participants with an extensive referral list that provides assistance with homeownership. This list includes programs managed by: CSET, City of Porterville, Habitat for Humanity, CalHFA, and Self Help Enterprises. HATC's program coordinator works with any interested public housing tenant in order to effectively inform them of all the different programs that are available to them. Effective collaboration between the agency and other public and nonprofit agencies is imperative to help promote homeownership among all of its tenants. Lastly, the agency has consistently been a sponsor and active participant of the Tulare County Housing Resource Fair, an event that provides participants the opportunity to access available public/private programs to purchase their first home.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

Please see discussions above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

As previously discussed, the Alliance is a consortium of partners working to address the housing and supportive service needs of the homeless population located in the Kings and Tulare County region.

The bi-county region's 10 year plan to end homelessness, Connecting the Dots, was developed by the Alliance in 2010. The goals of the Plan include:

Create and implement action steps to reduce and prevent future homelessness; Form and/or expand the collaborations needed to successfully develop new housing units and connect homeless individuals with services; Capitalize on existing resources and leverage new sources of funding in order to be efficient in addressing the needs of at-risk and homeless community members; Expand the capacity of local agencies by utilizing existing best practices and educating on the effectiveness of a Housing First model; Be proactive in the Alliance's approach to addressing homelessness.

To accomplish these goals, the Plan objectives are organized into three strategic categories: 1) Housing; 2) Supportive Services and Income Supports; and 3) Prevention and Outreach.

As a result, the Alliance has started using a Coordinated Entry System (Every Door Open) "It is based on national best practices and is consistent with federal guidelines, which ensure that our most vulnerable neighbors are receiving the limited housing resources in our community. Every Door Open directs households who are at-risk of becoming homeless or are currently experiencing homelessness, to seek assistance through a Housing Navigator, partner agency, or through 2-1-1. Households are evaluated through the Vulnerability Index Service Prioritization Decision Assistance Tool (VI-SPDAT). Assistance is prioritized for households who have been literally homeless for long periods of time and have high service needs." https://www.kthomelessalliance.org/point-in-time-1/

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

On an annual basis, the Alliance conducts a Point in Time (PIT) count in conjunction with the Project Homeless Connect (PHC) event. Through these two events, the Alliance is able to acquire a snapshot of the adults, children in households and unaccompanied youth living in the City who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless. The City contributes CDBG funds to support the Alliance efforts and City staff participates in the annual bi-

county PIT count.

The Alliance has a three-prong street outreach approach, which includes events such as PHC and the PIT Count, coordination with law enforcement for referrals of street homeless, and coordination with programs serving daily meals, which is an opportunity to identify clients in need of emergency services.

PHC is a national best practice that is a one-stop-shop of comprehensive support services for people experiencing homelessness. Guests attending the event are partnered with volunteers who assist in identifying and accessing necessary resources.

Addressing the emergency shelter and transitional housing needs of homeless persons

Although the City's CDBG funding is limited to directly contribute to applicable programs, a high priority is given to the need of providing permanent support housing, emergency shelters and transitional housing, as well as, substance abuse treatment, case management, mental health care, life skills training, etc. through collaboration with the Alliance and its members. Being an active participant in the Alliance, the City plays an important part in the strategic planning for the organization and for applications for funding resources. The City will continue to support the efforts of the Alliance and will continue cooperating with the operators of the Central Valley Family Crisis Center, Salvation Army, Red Cross, the PAAR Center, Porterville Area Coordinating Council and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

In 2012 the City partnered with the City of Tulare and the City of Visalia to submit a HUD application for 10-15 housing vouchers for the homeless through the Shelter Plus Care program. This was an expansion of the successful Shelter Plus Care program administered by the City of Tulare and Family Services of Tulare County. Implementation of the grant is now in its seventh year and has proven to be extremely successful in housing chronically homeless. Each city pledged $15,000 annually for five years to fund a case manager to serve the three cities, and is renewable yearly thereafter. Family Services of Tulare County will continue to be the administering agency with assistance in Porterville from Central California Family Crisis Center. Consequently, the FY 2018-2019 Action Plan allocates $15,000 for the eight year to this program. The objective for this project/outcome for this program is "availability/accessibility for the

purpose of providing decent affordable housing."

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City will continue its efforts to combat homelessness by awarding funding to the Alliance to assist in Project Homeless Connect, and the Point-In-Time homeless census. The City will also continue to support applications for HUD funding, and providing technical assistance and training local agencies that serve the homeless. In addition, the City will sponsor Project Homeless Connect for the 11th consecutive year. The objective for this project/outcome is "availability/accessibility for the purpose of providing decent affordable housing."

Discussion

Please see discussion above.

One year goals for the number of households to be provided housing through the use of HOPWA for:
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The disparity between income and housing costs stand as the greatest barriers for households seeking to obtain affordable housing in the City. Other barriers to affordable housing in the City may include permit and development impact fees, building codes, and off-street parking standards stand, as these public policies may negatively affect the development of affordable housing and residential investment in jurisdictions across the state.

Permit and Development Impact Fees: As with many other jurisdictions across California, the City collects permit and development impact fees to offset the administrative and service costs generated from these projects, such as processing permits and building inspections. California law requires that City-enforced fees be reasonable and relative to the cost of providing specific services. These fees, however, may limit the supply of affordable housing produced due to the additional costs associated with housing construction.

Building Codes: Building codes set guidelines that identify minimum standards to ensure that building and non-building structures protect the health and safety of the community. Local building codes, however, often mandate that costly improvements be made to meet regulation requirements. The City adopted the 2016 California Building Code (CBC), which is grounded on the International Building Code. The City's building codes prove to be in line with those of other California jurisdictions and do not have significant negative consequences on the development of affordable housing in the City.

Off-street Parking Standards: Parking standards for housing units may stand as a limitation to the development of affordable housing, as these requirements increase development costs and diminish the availability of land for additional units. According to Development Ordinance Section 304.04, the City Council shall have the authority to allow a reduction in the number of required multi-family parking spaces, if a developer can demonstrate that the project will not generate a need for as much parking as such a project designed for a general market.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City through its Certificates of Participation, California Infrastructure loans, and other funding sources strives to provide new wells, major sewer and water trunk connections, and expansion of the Wastewater Treatment Facility to accommodate residential growth, and ensure maintenance of affordable housing.

Notwithstanding this fact, the City will continue to evaluate its zoning ordinance and general plan policies to ensure no undue hardship is created in the development of LMI housing. Specifically, the adopted

Housing Element establishes, as one of its action plan goals, "to reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households."[1] To accomplish this goal, zoning ordinances have been adopted to ensure that the City is compliant with second unit law and global warming solutions and will include green building material incentives or alternative to construction materials.

Additionally, the Development Ordinance addresses the following:

- Minimum lot sizes and densities consistent with the Plan's land use classifications;
- Development standards that permit townhouses and zero-lot line attached or detached single-family dwellings on sites designated for low-medium, medium, or medium-high densities;
- Development standards that permit second units, small family daycares, and residential care homes in neighborhoods in accordance with State law;
- Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets;
- Provisions for emergency shelters, transitional housing, supportive housing, and residential care facilities for six or fewer persons;
- Provisions for Single-Room Occupancy units; and
- Provisions for farmworker housing

The Housing Element also addresses other actions to be taken to preserve the existing housing stock, conserve existing affordable housing opportunities, provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs, identify and encourage mixed-use and infill development, and ensure adequate services to infrastructure and housing.

Moreover, through its First Time Low Income Home Buyers Assistance Program, the City has attempted to mitigate one of the greatest barriers to affordable housing, namely the need for a substantial down payment. It is the City's intent to continue this program with program income funds during the FY 2018/2019 and a new HOME grant received in fiscal year 2016/17. The City will apply for future grant opportunities as they arise.

Discussion

Governmental constraints to the production of housing are minimal in Porterville. In sum, the City's land use regulations, expedited permit processing, and relatively low development fees serve to encourage the construction of lower-cost dwelling units compared to other Central Valley communities. This conclusion is supported by the following facts:

- The City allows for a broad range of residential densities, up to 30 dwelling units per acre, and in no way discourages proposals for higher density housing through burdensome permit processes

or exactions.

- Expedited permit processing times. In 2008, the City of Porterville updated the project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where the previous process took at least three (3) weeks.
- City fees are relatively low, and there are minimal development exactions.
- Most residential zones allow for alternative housing types, including mobile homes, second dwelling units, and group homes.
- Zoning and parking standards are not overly restrictive; the minimum single family lot size is sufficient to induce homebuilders to construct single family dwelling units for low- and moderate-income first-time home buyers.

AP-85 Other Actions – 91.220(k)

Introduction

This section discusses the City's efforts in addressing the underserved needs, expanding and preserving affordable housing, reducing lead-based paint hazards, and developing institutional structure for delivering housing and community development activities.

Actions planned to address obstacles to meeting underserved needs

Please see activities in AP-35 to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to foster and maintain affordable housing

Please see AP-15 for actual and potential housing resources available, and AP-35 for activities that will be funded to address the housing and community development needs in the City. Also, please see AP-75 regarding potential actions to address barriers to meet the City's affordable housing needs.

Actions planned to reduce lead-based paint hazards

While the City of Porterville currently does not directly oversee a lead based paint (LBP) eradication program unless it is in conjunction with CDBG, HOME, or CalHome funded owner occupied housing rehabilitation projects. However the City is exploring the possibility of applying for a LBP abatement grant directly from HUD.

All properties being rehabilitated or acquired for affordable housing are inspected for LBP. No federally funded rehabilitation is allowed to occur without due screening for LBP hazards. The City conducts visual assessment, paint testing or risk assessment on all of its projects. Lead hazard reduction activities include paint stabilization, interim controls, standard treatments, lead abatement, safe work practices and clearance to confirm that no LPB hazards remain when work is complete.

Actions planned to reduce the number of poverty-level families

The City, in its continuing effort to reduce poverty, is implementing the following goal in an effort to increase family self-sufficiency through economic development:

- Expand economic development and employment opportunity programs.

Additionally, the City has identified areas that must be addressed to achieve long-term economic

prosperity, which include the following:

- Responding to and preventing any issues that could be raised as a result of the drought, which has affected many households in the City and surrounding areas.
- Ensuring that land within the City is "shovel ready" and available for development.
- Educating and training the City's workforce to continue to fill any new jobs that may be coming into the City.

The City will continue to work with the HATC to support the maintenance of adequate Section 8 Vouchers and other public housing within the City in proportion to the City's LMI population. The City will also be working closely with the Tulare County Economic Development Corporation, Tule River Economic Development, CSET, Proteus, and Workforce Investment Board (WIB), to facilitate and enhance economic workforce development opportunities in the City. Additionally, Community Development Department staff will continue to work closely with the Economic Development Division to administer the CDBG-funded Business Assistance Program and Small Business Revolving Loan Fund.

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless and low- and moderate-income populations. Further, the City will continue to evaluate its delivery system and those of the agencies it works with to see if improvements can be made. The City anticipates that at least one (1) household will qualify for the purchase of a home under the City's First Time Low-Income Homebuyer Program funded with CDBG, HOME or CalHome funds.

Actions planned to develop institutional structure

The City will continue to work closely with, and in support of, the community service providers in meeting the special needs of its homeless and LMI populations. The City will also continue to participate in the Kings/Tulare Continuum of Care to ensure coordination and implementation of the strategic plan. Coordination with local lending institutions assisting lower income first time home buyers will be continued through public meetings and periodic Housing Fairs and/or Workshops. The City will also be working with the lenders to research various lending programs for approval to use with the City's assistance programs. Additionally, Community Development Department staff will continue to work closely with the Parks and Leisure Services Department to administer the ongoing youth recreational programs. The provision of youth activities is a high priority within the community. The Youth Center is a free, drop-in recreation program that meets this need within the City's lowest income areas. The program prevents and diverts youth ages 10-18 from negative behavior and surrounds them in a positive and productive environment. A few program objectives include: enhancing self-esteem, building leadership skills, and learning teamwork and the ability to cooperate with others. A sample of the activities for the youth include: participation in City athletic leagues, homework tutoring, arts & crafts, cooking classes,

community service projects, and an assortment of video and traditional games.

Actions planned to enhance coordination between public and private housing and social service agencies

The City benefits from a strong jurisdiction and region-wide network of housing, homeless and community development partners, such as the Kings/Tulare Continuum of Care, Porterville Unified School District, and HATC. To improve intergovernmental and private sector cooperation, the City will continue to participate with other local jurisdictions and developers in sharing information and resources.

As discussed in AP-65, one successful example of coordination includes the Shelter Plus Care program. In 2012 the City partnered with the City of Tulare and the City of Visalia to submit a HUD application for 10-15 housing vouchers for the homeless through the Shelter Plus Care program. This was an expansion of the successful Shelter Plus Care program administered by the City of Tulare and Family Services of Tulare County. Implementation of the grant is now in its fifth year and has proven to be extremely successful in housing chronically homeless. Each city pledged $15,000 annually for five years to fund a case manager to serve the three cities, and renewable yearly thereafter. Family Services of Tulare County will continue to be the administering agency with assistance in Porterville from Central California Family Crisis Center. Consequently, the FY 2016-2017 Action Plan allocates $15,000 for the fifth year to this program. The objective for this project/outcome for this program is "availability/accessibility for the purpose of providing decent affordable housing." The city plans to renew this program for additional years.

In addition to the actions listed above, the City will continue to be an active participant in the Alliance. The City plays an important part in the strategic planning for the organization and for applications for funding resources. The City will continue to support the efforts of the Alliance and will continue cooperating with the operators of the Central Valley Family Crisis Center, Salvation Army, Red Cross, the PAAR Center, Porterville Area Coordinating Council and other such facilities within the City in providing adequate facilities to meet the emergency and transitional housing needs of the homeless and those threatened with homelessness. One focus is youth exiting from the foster care system. The City will work closely with the Alliance in reaching out to this vulnerable group.

2017 the City Of Porterville joined a newly formed Tulare County Task force on Homelessness. "The purpose of the Tulare County Task Force on Homelessness is to advice and assist the Tulare County Health & Human Services Agency in the Agency's efforts to address homelessness issues affecting the community and to report to the Tulare County Board of Supervisors on a periodic basis. The Task Force is focused on identifying, developing, and implementing innovative strategies. The Task Force is intended to serve as the platform for coordinating existing local services and programs for homeless populations, leading to an increase in service delivery efficiency and overall reduction of homelessness in Tulare County."-tchhsa.org The taskforce members are comprised of representatives from five local jurisdictions, Tulare County Board of Supervisors, Faith Community, Community Partner, Law Enforcement, Tulare County HHSA, Kings/Tulare Homeless Alliance, Community Action Agency, Transit Authority, and the Tulare County Farm Bureau.

The City actively participates in Chamber of Commerce events to network and promote its programs,

including the Business Assistance Program by:

- Hosting/Presenting at First Friday Coffee, which is a networking opportunity and then a formal presentation of the City programs.
- Active member of the Business and Development Committee which consists of small businesses.
- Business After Hours networking events
- Business Showcase of Porterville- Set up booth at event
- Various other networking events held by the Chamber of Commerce

The City also:

- Meets with private industry businesses and developers on a constant basis.
- Attends events where information is given to the general public.
- Attend conferences with the international council of shopping centers to recruit new retail to come to Porterville and market the Business Assistance Program as an added incentive to bring the jobs to Porterville.
- Member of the Tulare County Association of Realtors
- Speak before college members of the entrepreneurship group
- Distributes Flyers on the programs
- Posts information on the City Website
- Hosts a social media page: Choose Porterville to promote the programs and market Porterville as a place to do business.

Discussion

Please see discussions above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

The following provides additional information about the CDBG program income and program requirements.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**0**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	0
3. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

Discussion

AP-35 describes how current and new PI will be allocated.

APPENDIX 1:

PROPOSED BUDGET 30 DAY COMMENT

PROPOSED CDBG BUDGET
18/19 ACTION PLAN

PROGRAM	2018/2019 Entitlement Allocation $646,000	Anticipated Program Income 2018/2019	Expected carry over	Estimated Total Program Funds Available for 2018/2019	Contingency Allocation Plan Per project which will be presented at 2nd public hearing and 30 day comment period.
Administration	$128,554	20% of total PI Received $9,751	$0	$138,305.00	**Allocation amount:**up to 20% of Grant allocation plus up to 20% of current years' expected PI. **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if there is any carryover, it shall remain in Administration.
City -Operated Youth Center	$89,866	includes 15% of total PI Received prior year	$0	$89,866	**Allocation amount**: up to 15% of Grant allocation plus 15% of prior year (17/18) PI. (Excluding $20,000 which will be allocated to other Public Service Programs: Shelter + Care program for the Homeless, Kings Tulare Continuum of Care and $450 for Homebuyer Education) $89,866 is estimated using this formula, based on last years' CDBG Entitlement Grant. **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
Shelter Plus Care Program for the Homeless	$15,000 Part of 15% Public Service	$0	$0	$15,000	**Allocation amount:** $15,000 granted it does not exceed the 15% public service Cap. Carry Over: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
Kings Tulare Continuum of Care	$5,000 Part of 15% Public Service	$0	$0	$5,000	**Allocation amount:** $5,000 granted it does not exceed the 15% public service Cap. **Carry Over:** $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program.
First Time Low Income Homebuyer	$0	$14,400	PI: $20,846.90	$35,247	**Allocation amount:** $14,400 is anticipated New PI from debt repayment of home loans that will be returned to the RL fund to continue to operate the CDBG FTHB loan program. **Carry Over:** $20,846.90 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall remain in the RL fund to continue the FTHB Loan Program.
Homebuyer Education Program	$450	$0	$0.00	$450	**Allocation amount:** : $450 will be allocated for PY 2018/19 **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be allocated to Owner Occupied Housing Rehabilitation Program. This program continues, however it will be mostly funded with HOME Admin funds; unless there is additional CDBG funds available from the public services cap that can be allocated to this project. In that case no more than $2000 will be allocated.
Owner Occupied Housing Rehab	$5,752.40	$9,600	Ent: $0.00 PI: $0.00	$15,352.40	**Allocation amount:** $5,752.40 (estimate based on remaining New Entitlement Grant after all other projects have been funded using last years' allocation, this total will be updated once HUD announces the 2018/2019 Entitlement Grant) If grant amount is lower and this activity does not get any funding from New CDBG Entitlement, an estimated $9,600 from anticipated PI, will be allocated for PY 2018/19. **Carry Over**: $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be carried over into the RL fund to continue funding the Owner Occupied Housing Rehabilitation Program.
Parks Improvement Program	$80,000.00	$0	$20,572.00	$100,572.00	**Allocation amount:** $80,000 will be allocated for PY 2018/19 **Carry Over:** $20,572 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding park improvement projects at the designated parks.
Land Acquisition	$0	$0	$15,000	$15,000	**Allocation amount:** $0 will be allocated for PY 2018/19 **Carry Over:** $15,000 is anticipated carryover from PY 2017/18, as no new land acquisition project has been secured and it shall remain available for this purpose as the City continues to secure a new project.
Clearance	$20,000.00	$0	$20,000.00	$40,000.00	**Allocation amount**: $20,000 will be allocated for PY 2018/19 **Carry Over**: $20,000 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding Clearance projects for future Land Acquisition Projects. If Clearance activity takes place before 6/30/2018 for current project, the $20,000 will be allocated to either Parks Improvement or Housing Rehabilitation, whichever has the lowest balance on 6/30/2018.
Disposition	$0.00	$0	$3,000.00	$3,000.00	**Allocation amount:** $0 will be allocated for PY 2018/19 **Carry Over:** $3000 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be remain in this project to continue funding Disposition projects for future Land Acquisition Projects.
Business Assistance Program	$0.00	$15,200	Ent: SBA & LBA $161,443.61 $244,307.63 PI: SBA & LBA $98,404.42 $84,480.13	$603,835.79	**Allocation amount:** $0 will be allocated for PY 2018/19 **Carry Over**: $603,835.79 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be carried over into the RL fund to continue funding the Business Assistance Loan Programs as the City continues to accept and review applications for those programs.
Section 108 Debt Service	$301,377.60	$0	$0.00	$301,377.60	**Allocation amount:** Debt repayment, this will be paid before any other allocations are made to meet the debt agreement. **Carry Over:** $0 is anticipated carryover from PY 2017/18, however if any carryover remains on 6/30/2018 it shall be moved to the FTHB Loan Program.
Total	$646,000.00	$48,951	$668,054.69	1,363,005.69	

All totals all programs will be adjusted based on the actual CDBG allocation for 2018-19 per contingency descriptions. Anticipated based on last years allocation, if this total changes contingencies outlined in this section and int the AP 38 will be followed.

APPENDIX 2:
PUBLIC COMMENT SUMMARY

CATEGORY	CURRENT PROGRAM VOTES	PROGRAM	NEW PROGRAM Votes	COMMENTS/NEW PROGRAM SUGGESTIONS
Public Services	5	Homeless Assisstance	1	Portable showers
			1	Laundrymat vouchers
			2	More street outreach
			1	Own living section
			3	Vendor agreement for washing clothes
			1	Porta potties
	6	Youth Services	1	programs for youth
			1	Transportation for families to medical appointments (VCH etc)
			2	Assistance with free transportation for adults and children
Economic Development	1	Large Business Loans		
	7	Small Business Loans	1	Concentration on revitalization of downtown area (Main Street)
Housing	2	Housing Rehabilation		
	1	Homebuyer Assistance		
	1	Homebuyer Education		
Community Improvment	4	Blight Removal		
	5	Parks Improvement		
	4	Land Aquisition For Affordable Housing	3	Tiny houses for homeless w/case management by provider
New Programs			1	Mental Health (Homeless)

APPENDIX 3:
CITIZINS PARTICIPATION PLAN
&
PUBLIC NOTICES

CITY OF PORTERVILLE

2018/19 CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE PARTICIPATION PLAN

Citizen Participation Plan

Introduction

The City of Porterville (City) is a federal entitlement jurisdiction that receives federal grant funding from the U.S. Department of Housing and Urban Development (HUD).

The City receives federal entitlement grant funding for the following programs:

- Community Development Block Grants (CDBG)
- Home Investment Partnership Act (HOME)

As an entitlement jurisdiction, the City is required to prepare:

- A Five Year Consolidated Plan (Consolidated Plan) that includes a Citizen Participation Plan (CPP)
- An annual Action Plan (Action Plan)
- An annual Consolidated Annual Performance Evaluation Report (CAPER)

Under HUD's Code of Final Regulations for the Consolidated Plan (24 CFR Part 91 Sec. 91.105), the City must adopt a Citizen Participation Plan that sets forth the City's policies and procedures for citizen participation in the planning, execution, and evaluation of the Consolidated Plan, Action Plans, and CAPER. This CPP provides guidelines for the City to provide and encourage public participation by residents, community stakeholders, and grant beneficiaries in the process of drafting, implementing, and evaluating the Consolidated Plan and related documents. The citizen participation process includes outreach, public hearings, community forums, and opportunities for comment.

Definitions

- **Action Plan (Action Plan):** The Action Plan summarizes the activities that will be undertaken in the upcoming Fiscal Year (FY) to meet the goals outlined in the Consolidated Plan. The Action Plan also identifies the federal and non-federal resources that will be used to meet the goals of the approved Consolidated Plan.
- **Citizen Participation Plan (CPP):** The CPP provides guidelines by which the City will promote engagement in the planning, implementation, and evaluation of the distribution of federal funds as outlined in the Consolidated Plan, Action Plan, and CAPERs.
- **Community Development Block Grant (CDBG):** HUD's CDBG program provides communities with resources to address a wide range of housing and community development needs that benefit very low and low income persons and areas.
- **Consolidated Annual Performance Evaluation Report (CAPER):** The CAPER assesses the City's annual achievements relative to the goals in the Consolidated Plan and proposed activities in the Action Plan. HUD requires the City to prepare a CAPER at the end of each fiscal year.

ATTACHMENT 1

- **Department of Housing and Urban Development (HUD):** HUD is the federal government agency that creates and manages programs pertaining to federal home ownership, affordable housing, fair housing, homelessness, and community and housing development.
- **Displacement:** Displacement refers to the involuntary relocation of individuals from their residences due to housing development and rehabilitation activities paid for by federal funds.
- **Eligible Activity:** Activities that are allowable uses of the CDBG funds covered by the CPP as defined in the Code of Federal Regulations Title 24 for HUD.
- **Entitlement Jurisdiction:** A city with a population of at least 50,000, a central city of a metropolitan area, or a qualified urban county with a population of at least 200,000 that receives grant funding from HUD.
- **Five Year Consolidated Plan (Consolidated Plan):** HUD requires entitlement jurisdictions to prepare a Consolidated Plan every five years. The Consolidated Plan is a strategic plan that identifies housing, economic, and community development needs and prioritizes funding to address those needs over a five-year period.
- **Low and Moderate Income (LMI):** As defined annually by HUD, Low and Moderate Income (LMI) is 0-80 percent of area median family income (AMI) for a jurisdiction, with adjustments for smaller or larger families. This includes those individuals presumed by HUD to be principally LMI (abused children, battered spouses, elderly persons, severely disabled adults, homeless persons, illiterate adults, persons living with AIDS and migrant farm workers). HUD utilizes three income levels to define LMI households:
    - Extremely low income: Households earning 30 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
    - Very low income: Households earning 50 percent or less than the AMI (subject to specified adjustments for areas with unusually high or low incomes)
    - Low and moderate income: Households earning 80 percent or less than the AMI (subject to adjustments for areas with unusually high or low incomes or housing costs)
- **Public Hearing:** Public hearings are designed to provide the public the opportunity to make public testimony and comment. Public hearings related to the Consolidated Plan are to be advertised in local newspapers and made accessible to non-English speakers and individuals with disabilities.
- **Substantial Amendments:** Amendments are considered "Substantial" whenever one of the following is proposed:
    - A change in the allocation priorities or a change in the method of fund distribution
    - A substantial change which increases or decreases the amount allocated to a category of funding within the City's entitlement grant programs by 25 percent
    - To implement an activity using CDBG funds for new programs that were not described in the Consolidated Plan

- To change the purpose or intended beneficiaries of an activity approved for CDBG funding, e.g., instead of primarily benefitting lower income households the activity instead proposes to benefit mostly moderate income households

Roles, Responsibilities, and Contact Information

The City is a federal entitlement jurisdiction and is a recipient of grant funding from the federal government.

The City's Charter established a council and manager form of government. Porterville's City Council is the elected legislative body of the City and is responsible for approving its Consolidated Plan, Action Plans, Substantial Amendments, and CAPERs prior to their submission to HUD.

It is the intent of the City to provide for and encourage citizen participation, with particular emphasis on participation by lower income persons who are beneficiaries of, or impacted by, entitlement-funded activities. The City encourages participation in all stages of the Consolidated Planning process by all residents, including minorities and non-English speaking persons, as well as persons with mobility, visual or hearing impairments, and residents of assisted housing developments and recipients of tenant-based assistance.

In general, hearings will be held at City Hall due to its central location, convenient access, and disability accessibility. Translation services will be provided when there is an indication that non-English speaking persons will be attending. Other reasonable accommodations will be provided on a case-by-case basis.

The General Contact Information for the City's HUD Entitlement Programs is:

Jennifer M. Byers
Community Development Director
jbyers@ci.porterville.ca.us
291 N. Main Street
Porterville, CA 93257

Citizen Participation Policies

Public Hearings

The City will hold public hearings for Consolidated Plans, Annual Action Plans, CAPERs, amendments made to the CPP, and Substantial Amendments.

The Consolidated Plans, Annual Action Plans, CPP amendments, and Substantial Amendments require two public hearings. One required hearing is a City-staffed community meeting and one required hearing is before City Council for document adoption. The CAPER requires one hearing before City Council for document adoption.

Community hearings will be held in a community space with consideration for the convenience to beneficiaries of the entitlement program resources.

The City Council public hearings will be held at City Hall Council Chambers located at 291 N. Main Street, Porterville, CA 93257. Listening devices, interpretation services, and other assistance to disabled persons or those with limited English proficiency will be provided upon request, ranging up to five business days prior notification to the City Clerk. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging up to five business days. For this reason, it is important to provide as much advance notice as possible to ensure availability. Assistive Listening Devices (ALDs) are available upon request.

Notice of Hearings and Review Periods

To allow the public time to provide comments prior to the submission of approved documents to HUD, the City will hold a minimum 30-day public review and comment period for the Consolidated Plan, Action Plan, and Substantial Amendment. The City will establish a public review period of at least 15 days for each CAPER and amendments to the CPP. Copies of the draft plans will be available to the public at the Community Development Department, 291 N. Main Street, Porterville, CA 93257.

The City will place public notices at City Hall (291 N. Main Street), the Porterville Library (41 W. Cleveland Avenue), online through the City's website (www.ci.porterville.ca.us), and through advertisement in a local newspaper of general circulation in advance of a 30-day public review and comment period.

To ensure that the public, including minorities, persons with limited English proficiency, persons with disabilities, residents of public housing, and LMI residents are able to participate in the public review process, the City will provide residents, public agencies, and other stakeholders with notices on applicable public review periods and public hearings that adhere to the following:

- The notices will be published prior to the start of the public comment period and at least fifteen (15) days before the final public hearing and will include information regarding how to request accommodation and services available for persons with disabilities who wish to attend the public hearings.
- The notices will be distributed to persons and agencies on the contact list maintained by the City for those parties expressing interest in receiving information and updates related to the City's Consolidated Plan, Action Plan, CAPER, Substantial Amendments and CPP. Interested parties may request to be added to this contact list by sending an email to housing@ci.porterville.ca.us, by calling (559) 782-7460 or by writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257.
- The notices will be distributed through a variety of methods, including e-mail, newspaper publications and the City's website at www.ci.porterville.ca.us. The notices will include information on how to obtain a copy of the draft documents and scheduled hearing dates, times, and locations.

The public may file comments on draft plans in writing to the Community Development Department, 291 N. Main Street, Porterville, CA 93257; via email to Jennifer Byers at jbyers@ci.porterville.ca.us or Claudia Calderon at ccalderon@ci.porterville.ca.us; or by phone at (559) 782-7460. Comments may also be submitted in person at the Community Development Department, 291 N. Main Street, Porterville, CA 93257, Monday through Friday during business hours, and during the Council adoption hearing.

When necessary or applicable, the City may combine notices complying with several individual requirements into one comprehensive notice for dissemination and publication.

Comments/Complaints on Adopted Plans

Comments or complaints from residents, public agencies, and other stakeholders regarding the adopted Consolidated Plan or related amendments and performance reports may be submitted in writing or verbally to the General Contact at the Community Development Department, 291 N. Main Street, Porterville, CA 93257. Written comments or complaints will be referred to appropriate City staff for consideration and response. The City will attempt to respond to all comments or complaints within fifteen (15) business days and maintain a correspondence file for this purpose.

Availability of Draft and Approved Documents

The draft and final versions of the Consolidated Plan, Action Plan, CAPER, all related amendments, records, and regulations will be available online at the City's website: www.ci.porterville.ca.us. Hard copies of all documents will be available at the Community Development Department, 291 N. Main Street, Porterville, CA 93257 and upon written request. If the City is unable to provide immediate access to the documents requested, it will make every effort to provide the documents and reports within 15 business days from the receipt of the request.

During the 30-day public review and comment period, copies of the document will be available to the public for review at City Hall (291 N. Main Street), the Porterville Library (41 W. Thurman Avenue), and through the City's website at www.ci.porterville.ca.us.

Displacement Policy

As part of the CPP, the City must maintain a displacement policy. Displacement refers to the involuntary relocation of individuals from their residence due to housing development and rehabilitation paid for with federal funds. The City will continue to use existing federal and state relocation guidelines, as applicable, to minimize displacement and to alleviate the problems caused by displacement. Both the federal government and the State of California have specific requirements dictating the amount of benefits and assistance that must be provided to lower income persons and households relocated from their homes as a result of displacement. Depending on the funding source, displaced persons may be offered one or more of the following:

- A rent subsidy for another unit
- A cash payment to be used for rent or a down payment on the purchase of a dwelling unit
- Moving and related expenses

The City's rehabilitation programs may also incur relocation issues when they provide minor additions to existing dwellings in order to address overcrowding. Any temporary relocation costs are included in the rehabilitation loan package offered to clients.

Technical Assistance

The City will, to the extent feasible, respond to requests for technical assistance from entities representing LMI groups who are seeking federal entitlement funding in accordance with grant procedures. This may include, but is not limited to, providing information regarding how to fill out

applications, other potential funding sources, and referrals to appropriate agencies within and outside the City. "Technical assistance," as used here, does not include the provision of funds to the entities requesting such assistance. Assistance will also be provided by Community Development Department staff to interested individuals and resident groups who need further explanation on the background and intent of the Housing and Community Development Act, interpretation of specific HUD regulations, and project eligibility criteria for federal grants.

This plan describes how the City of Porterville will involve citizens in the planning, implementation, and assessment of the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs. The funds must be used for projects which benefit low- and moderate-income persons and/or aid in the elimination or prevention of slum and blight. These programs are intended to assist cities in undertaking neighborhood improvement, economic development, and homeowner assistance programs. Program regulations give ultimate responsibility for the design and implementation of the program to local elected officials, and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

ADVISORY COMMITTEE

To ensure that Porterville residents are given a full opportunity to participate in the Program, a Citizens' Advisory Committee was established in 1981 to function in an advisory capacity to the Mayor and Council regarding program design, implementation, and assessment. This Committee consists of seven (7) residents of the City, appointed annually by the Mayor and City Council. Citizens and civic organizations are urged to make recommendations on allocation of the City's multi-purpose Community Development Block Grant since 1981/82. The Committee has provided direction in establishing the Housing Rehabilitation Loan Program (HRLP), and other worthwhile projects under CDBG Entitlement Cities and Home Programs which have benefitted low- and moderate-income households within the city of Porterville. In addition to the HRLP, the Committee has recommended the establishment of several revolving loan funds since 1982, including the Sewer and Water Connection Fund, the Public Utilities Revolving Loan Fund (merged in 2012 with HRLP), the First Time Low-Income Homebuyer Program and the Business Assistance Program. The Committee has also recommended the allocation of funds toward remodeling the Santa Fe Plaza Senior Citizens Center, and inventory of Industrial Land Resources, the Low-Income Residential Smoke Detector Installation Program, and the Porterville Enterprise Zone Area Infrastructure Improvement Program, the rehabilitation of the Porterville and Glennwood Hotels, the opening of the Porterville Youth Center, and four targeted Curb, Gutter Sidewalk, and Street Light, Neighborhood Improvement Projects, Lime Street Park Improvement Project, and Santa Fe Facility Improvement Project. In addition, the Committee has supported the establishment of economic development programs and public improvement activities such as the completion of the Heritage Center with Section 108 Loan Guarantee funds. Several years ago, the Committee recommended the establishment of the Homebuyer Education Program and the Murry Park Improvement Project. An expansion to the Park Improvement Program was approved in 2010 to include the Lime Street Neighborhood Park and in 2013, the Extension of Murry Park was included and is currently underway.

The City has taken steps to secure the services of concerned individuals to form the Advisory Committee for the purposes of program model design, implementation, assessment, and development of the Community Development Block Grant Program under the Entitlement Cities

criteria. The City places particular emphasis on obtaining representation of low- and moderate-income persons residing in slum and blight areas, members of minority groups, the elderly and persons with disabilities, and residents of areas where use of funds are proposed. In continuing its efforts to serve the needs of the public, the City Council has expanded the role of the Committee to incorporate efforts to expand housing opportunities, thereby changing the name to the Citizens' Advisory and Housing Opportunity Committee.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the Community Development Block Grant Program, including the development of the consolidated plan, inclusive of the annual action plan, substantial amendments to the plan, program implementation, assessment of performance, and design of the citizen participation plan. Mechanisms for the citizen involvement include: The Citizens' Advisory and Housing Opportunity Committee, public hearings and ad hoc community meetings, individual citizen efforts in the form of comments, complaints, or inquiries submitted directly to the Mayor and/or Community Development Department, located in City Hall, 291 N. Main Street, or by telephone, (559) 782-7460.

Public Hearings

At least two (2) public hearings, open to the entire community, will be held annually. The hearings will provide an opportunity for citizens to identify community development needs, proposed projects, and assist in the development of an overall strategy for Porterville. The hearings will also be used to solicit comments on the citizen participation plan more sensitive to local needs and realign the plan with changes in Federal regulations, and to review the HUD annual community assessment, if available. The hearings are typically held in February or March and April or May of each program year.

Consolidated Plan

Participation in the development of the consolidated plan, inclusive of the annual action plan, will occur as follows: at least one (1) public hearing will be held before the proposed consolidated plan is published for comment. Before the City adopts a consolidated plan, the City will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken, including the amount that will benefit persons of very low and low income.

The City will ensure that plans will be available to minimize the displacement of persons and to assist any persons displaced according to Federal regulation standards.

A summary of the proposed use of CDBG funds and, when applicable, HOME funds, will be made available in Spanish, which is predominate non-English language spoken in Porterville, at all public hearings.

Advisory Committee proposals and comments, with regard to development of the consolidated plan, will be obtained at Committee meetings or hearings scheduled either at the request of Committee members or program officials. The public is invited to attend these meetings.

The public will be notified of the period, not less than thirty (30) days, in which to receive comments from citizens on the consolidated plan. Any comments or views of citizens received in writing or orally

at the public meetings will be considered. A summary of these comments or views, and a summary of any comments or views not accepted and the reasons, therefore, will be attached to the final consolidated plan.

Amendments

In the case of proposed substantial amendments to the consolidated plan, the City shall provide reasonable notice and an opportunity to comment on substantial amendments. The public will be notified of the period, not less than thirty (30) days, in which to receive comments on the substantial amendments before the amendment is implemented. The meetings regarding the proposed amendments are not required to be public hearings, but will be open to the public to attend. The City will consider any comments or views of citizens received in writing, or orally, at public hearings, if any, in preparing the substantial amendment of the consolidated plan. A summary of these comments or views, and a summary of any comments or views not accepted, and the reasons therefore, will be attached to the substantial amendment of the consolidated plan.

Amendments to the plan will be necessary whenever one of the following decisions is made:

1) To make a substantial change in the allocation priorities or a substantial change in the method of distribution of funds;

2) To carry out an activity using funds from any program covered by the consolidated plan (including program income) not previously described in the consolidated plan; or

3) To substantially change the purpose, scope, location, or beneficiaries of an activity.

Performance Report

Reasonable notice and an opportunity to comment on performance reports will be given to the public. The public will be notified of the period, not less than fifteen (15) days, in which to receive comments from citizens on the performance report that is to be submitted to HUD before its submission. Any comments or views of citizens received in writing or orally at public meetings will be considered, and a summary of the comments and views will be attached to the performance report.

Citizen Participation Plan

The Annual Action Plan includes noticing and public hearings. All meetings and hearings are publicized in accordance with applicable HUD, state and local regulations. Specifically the Action Plan includes community meetings, public noticing for 30 days, and a public hearing. The City will provide citizens a reasonable opportunity to comment on amendments or revisions to the citizen participation plan and will make the plan public.

Other Method of Participation

Informal, individual contact with citizens, initiated either by citizens or program officials, will also provide input to the consolidated plan. For example, an individual may contact the Community Development Department at (559) 782-7460 to request consideration of a special project; or program officials may seek the opinion of local business persons as to the need for commercial revitalization.

Program officials will also be available to advise citizens of the procedures for filing objections to the consolidated plan with the U.S. Department of Housing and Urban Development Area Office. Citizen participation in program implementation will occur primarily through consultation with the Citizens' Advisory and Housing Opportunity Committee. Citizens will be asked to review and comment on specific strategies for approved projects. They will also meet to review any substantial program amendments. All such changes will be discussed with the committee and their comments considered prior to the City taking final action. These meetings will be held on an as-needed basis.

Program assessment activities by citizens will occur in a variety of ways. Citizens will have the opportunity to comment on the City's performance for the prior program year during the public hearings for the consolidated and action plan adoption. The public will also be notified of the public comment period for the annual performance report before its submission to HUD.

The Citizens' Advisory and Housing Opportunity Committee shall function as a forum for public participation in the City's efforts to affirmatively further fair housing. Prior to the submission of the consolidated plan, the Committee shall discuss and recommend for Council adoption suggested methods of furthering fair housing. As part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of the program performance throughout the program year.

Public comments or complaints regarding the consolidated plan, substantial amendments to the Plan, the Performance Report, or the Citizen Participation Plan should be submitted in writing to the Community Development Director, City of Porterville, 291 N. Main Street, Porterville CA 93257. If a public hearing is held, comments should be submitted within fifteen (15) working days from the date of the public hearing. A timely, substantive written response will be provided by the City within fifteen (15) working days. If the response is unsatisfactory, correspondence may then be addressed directly to the Mayor, City of Porterville, 291 N. Main Street, Porterville, CA 93257. The Mayor shall respond within fifteen (15) working days. If the citizen is still dissatisfied, he/she should write to the U.S. Department of Housing and Urban Development Area Office, 1 Sansome Street, Suite 1200, San Francisco, CA 94104, requesting investigation of the issue. Program staff will also be available during normal business hours to respond to citizen inquires.

TECHNICAL ASSISTANCE

Citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents may propose their own specific program(s). The proposal for a specific program should include the program's design, its budget, and the scope of proposed activities. Also, the proposal should identify the specific individuals anticipated to carry out activities and provide a summary of their experience and training.

Technical assistance which may be provided by City staff is limited to proposals that are considered eligible uses of CDBG funds, and not intended to assist citizen organizations, non-profit organizations, and groups of low/moderate income persons or target area residents applying for funding from other grant sources. The Citizens' Advisory and Housing Opportunity Committee may direct staff to provide technical assistance that may consist of staff or local expert presentations, informational handouts, research of a specific issue, or other short-term efforts.

PUBLIC INFORMATION

The City will also undertake the following public information efforts to promote citizen participation:

- The public noticing pertaining to the community meetings, Council work session and public hearing are published in both English and Spanish. Public notices of all public hearings will be published in the *Porterville Recorder* and *Noticiero Semanal* at least ten (10) days before the scheduled hearing and fifteen (15) days prior to the final public hearing. These notices will indicate the date, time, location, and topics to be considered. Upon notification, arrangements will be made by the City to accommodate persons with disabilities. The public notices also will be made available in the form of press releases and as a public service announcement to local radio stations. Public hearing notices will indicate that summary statements of projected use of CDBG and/or HOME funds will be available in Spanish, the predominant non-English language spoke within the city. Additionally efforts will be made by providing notices to our local non-profit partners to share and publish for public viewing, and publishing on the City website which includes the Agenda and meeting minutes.
- Notices will also be published in the *Porterville Recorder* to notify the public of the period, not less than thirty (30) days for the consolidated plan or substantial amendments to the plan, or fifteen (15) days for the performance report, in which to receive comments from citizens before submission of the plan or report to HUD. All notices will include information that complete copies of the proposed plan or report will be available for public review at City Hall (291 N. Main Street) or at the City Library (41 W. Thurman Avenue). A reasonable number of free copies of the plan or report will be provided to citizens and groups that request it.
- Orientation information will be provided at the first public hearing conducted by the Citizens' Advisory and Housing Opportunity Committee. City staff will make a presentation which covers: the total amount of funds available and the basis for award; the range of eligible activities and those previously funded in the community; the planning process and the schedule of meetings and hearings, the role of citizens in the program, a summary of other important program requirements, such as: environmental policies, fair housing provisions, and contracting procedures. Some of these topics will be covered in written materials.
- A public file containing program documentation for the preceding five (5) years will be available for review at City Hall during normal business hours. Included will be copies of the Consolidated Plan, Environmental Review Record, the Citizen Participation Plan, and the Consolidated Annual Performance Evaluation Report. Other program documents are also available for citizen review on request at City Hall, consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality. Upon request, materials will be made available in a form accessible to persons with disabilities.

[Unverified Sender] Re: CDBG Annual Action plan - Spanish

Recorder Legals

Mon 2/5/2018 10:27 AM

To:Christina Tank <ctank@ci.porterville.ca.us>;

ACCT NO. 19-3025-21		
NET AMT. $314.57		
ANTH DEPT.	P.A.	PIN.
A/P DATE		

Hi Christina,
Confirm, Scheduled for both and cost for English Ad is $292.13 and for Spanish is $314.57. Thank-you

On 2/5/18, Christina Tank <ctank@ci.porterville.ca.us> wrote:
> Good morning,
>
>
> Attached is the word version of the fax I sent over. Please reply with
> confirmation and final cost. Thanks!
>
>
> Christina Tank, Administrative Assistant
>
> Community Development Department
>
> City of Porterville
>
> 291 N. Main Street
>
> Porterville, CA 93257
>
> (559) 782-7460
>
> (559) 781-6437 fax
>
> ctank@ci.porterville.ca.us
>
>
> This e-mail (and attachments, if any) may be subject to the California
> Public Records Act, and as such may therefore be subject to public
> disclosure unless otherwise exempt under the Act.
>

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Teresa (Terry) Jasso
Classified/Legal Advertising Dept.
The Porterville Recorder
(559) 784-5000 ext. 1031
This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: February 5, 2018

PUBLIC MEETING DATE: February 28, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: February 10, 2018

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

Budget Acct. No: 19-3025-21

___ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

___ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

_X_ TO BE ADVERTISED IN LEGAL SECTION

Please reply with confirmation of dates and cost to Christina Tank at ctank@ci.porterville.ca.us

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

_X_ Send Tear Sheets

___ Send Declaration of Publication

AVISO DE REUNIÓN PÚBLICA
Plan de CDBG Anual de Acción

Por este medio se notifica que el Comité Consejero de la Ciudad de Porterville y el Comité de Oportunidad de Viviendas tendrá una reunión pública el 27 de Febrero de 2018 a las 5:30 p.m. en el Salón de Conferencias Coleman del Ayuntamiento, situado en la calle 291 North Main, para obtener los puntos de vista de los ciudadanos, agencias pública y otras grupos interesadas en las necesidades de las viviendas de la ciudad y el desarrollo de la comunidad, así como el uso propuesto de los fondos para alcanzar los objetivos, las prioridades y acciones y para enfrentar las necesidades de casas durante el año fiscal de 2018/19 y revisar la actuación del programa durante el año fiscal de 2017/18.

El Departamento de Casas y Desarrollo Urbano (HUD) requiere que cada jurisdicción que recibe subvenciones formuladas a través de su Programa de concesión para el Desarrollo de la Comunidad (CDBG), prepara un Plan de Acción para el próximo año fiscal. El Plan de Acción identifica las actividades que la jurisdicción ejercerá separadamente, o en conjunción con otras agencias públicas y privadas, durante el próximo año.

La Ciudad anticipa recibir aproximadamente una beca CDBG por la cantidad de $646,000.

Esta es la oportunidad para que el Comité y el Público den su opinión preliminar para el desarrollo del borrador del Plan de Acción que será presentado al Comité una segunda vez en una reunión pública que se llevara a cabo en Mayo. En ese tiempo el Comité dará sus recomendaciones al Concilio de la Ciudad para la aprobación del Plan de Acción y someterlo a HUD.

Los puntos de vista obtenidos durante este aviso serán incluidos en el Plan de Acción. El programa para desarrollar el Plan de Acción es:

15 de Febrero de 2018	Se Llevar a cabo una reunión comunitaria y de partes interesadas, buscando la contribución del público para el Plan de Acción 2017/2018.
27 de Febrero de 2018	Reunión pública del Comité Consejero para CDBG y el Comité de Oportunidad de Viviendas
19 de Marzo de 2018	Publicación de un resumen del Plan de Acción propuesto y aviso de la reunión pública delante del Concilio de la Ciudad. Esto inicia un plazo de 30 días para someter comentarios respecto a las actividades y asignaciones de fondos presentados en el propuesto Plan de Acción.
17 de Abril de 2018	Último día para recibir comentarios que deban ser incorporados en el Plan de Acción que se presentará al Concilio de la Ciudad.
17 de Abril de 2018	Conducir un segunda reunión pública, como se indica anteriormente, ante el Concilio de la Ciudad. Durante esta reunión, el Concilio de la Ciudad considerará la incorporación de cualquier comentario recibido.
5 de Mayo de 2018	El Plan de Acción será entregado a HUD después de la reunión del 18 de Abril de 2017.

Las personas interesadas en este asunto pueden presentarse y ser escuchadas en las audiencias. Las personas de bajos y moderados recursos, personas con discapacidades y personas mayores, miembros de grupos minoritarios y personas residentes en las áreas donde las actividades del programa CDBG, están alentados particularmente a asistir.

Para más información sobre el Plan de Acción, por favor póngase en contacto con Jenni Byers al (559) 782-7460.

En conformidad con la Ley de Americanos con Discapacidades, y la ley de California Ralph M. Brown, si usted necesita asistencia para participar en esta reunión, o si quiere acceso a la agenda y/o los documentos, por favor llame a Patrice Hildreth, Chief Deuty City Clerk al teléfono (559) 782-7442. Si le notifica con 48 horas, (dos días), de anticipación a la fecha de la reunión, la Ciudad hará los arreglos más razonables para asegurarle la accesibilidad a dicha reunión incluyendo servicios auditivos, por favor llame a TTY: 1-800-735-2929 o 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Orden Ejecutiva 13166, Sección 504 del la Ley de Rehabilitación de 1973 e implementación de regulaciones de CFR 8.4 y 8.6)

FECHA: 5 de febrero de 2018
Jennifer M. Byers
Directora de Dpto. de Desarrollos Comunitarios

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MFP

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02/05/2018 08:51
[2N7_1000.006.001] [2N4_1100.001.002] [2N4_7000.005.028]

Job No.: 073144 Total Time: 0°00'38" Page: 003

Complete

Document: **scan20180205085001**

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: February 5, 2018

PUBLIC MEETING DATE: February 28, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: February 10, 2018

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	02/05/18 08:50	**Porterville Recorder**	0°00'38"	FAX	OK	200x100 Normal/On

[L7J3700410]

In the Superior Court of the State of California
In and for the County of Tulare

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville Citizens' Advisory and Housing Opportunity Committee will hold a public hearing on February 27, 2018 at 5:30 p.m., in the Coleman Conference Room of City Hall, 291 North Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2018/19 and review of program performance conducted during Fiscal Year 2017/18.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its Community Development Block Grant Program (CDBG) to prepare an Action Plan for the next fiscal year. The Action Plan identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year.

The City anticipates receiving an Entitlement Grant of approximately $646,000.

This is the opportunity for the Committee and the Public to have preliminary input on the development of the draft Action Plan that will then be brought to the Committee at a second Public Hearing in April. At that time, the Committee will make recommendations to the City Council for approval and submittal to HUD.

Views obtained during this hearing will be considered for inclusion in the Action Plan to be presented to the City Council. The schedule for developing the Action Plan is:

February 15, 2018?Conduct a Community and Stakeholder Meeting, seeking public input for 2018/2019 Action Plan.

February 27, 2018?Community Development Block Grant Citizens' Advisory and Housing Opportunity Committee meeting and 1st public hearing.

March 19, 2018?Publication of a summary of the proposed Action Plan and notice of a second public hearing before the City Council. This initiates a 30-day time frame for submission of comments regarding the activities and funding allocations identified in the proposed Action Plan.

April 17, 2018 Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.

April 17, 2018 Conduct the second public hearing identified above before the City Council. During this meeting, the City Council will consider incorporating any comments received.

May 5, 2018 The final Action Plan will be submitted to HUD after the April 17, 2018 public hearing.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed are particularly encouraged to attend.

State of California SS.

County of Tulare

Declarant says:

That at all times herein mentioned Declarant is and was a resident of said County of Tulare, over the age of twenty-one years; not a party to nor interested in the within matter; that Declarant is now and was at all times herein mentioned the Principal Clerk of the Porterville Recorder, a daily newspaper, which said newspaper was adjudged a newspaper of general circulation on October 15, 1951, by Superior Court Order No. 42369 as entered in Book 57 Page 384 of said Court; and that said newspaper is printed and published every day except Sunday published LEGAL NOTICE TO PUBLIC NOTICE in said newspaper Feb 12, 2018 and that such publication was made in the regular issues of said paper (and not in any supplemental edition or extra there of). I declare under penalty of perjury that the forgoing is true and correct. Executed Feb 12, 2018 at Porterville, California.

Teresa Jasso

Declarant

For more information about the Action Plan, please contact Jenni Byers at (559) 782-7460.

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 the agenda or the documents, please contact the Deputy City Clerk, (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, including oral interpretation services. For persons with hearing impairments, please call TTY: 1-800-735-2929 or 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Executive Order 13166, Section 504 of the Rehabilitation Act of 1973 and implementing regulations at CFR 8.4 and 8.6)

DATED: February 5, 2018
Jennifer M. Byers
Community Development Director

00072279
Feb 12 1-t

[Unverified Sender] Re: CDBG Annual Action plan - Spanish

ACCT NO.	19-3025-21	
NET AMT.	$292.13	
AUTH. DEPT.	P.A.	PIN.
A/P DATE		

Recorder Legals

Mon 2/5/2018 10:27 AM

To:Christina Tank <ctank@ci.porterville.ca.us>;

Hi Christina,
Confirm, Scheduled for both and cost for English Ad is $292.13 and for Spanish is $314.57. Thank-you

On 2/5/18, Christina Tank <ctank@ci.porterville.ca.us> wrote:
> Good morning,
>
>
> Attached is the word version of the fax I sent over. Please reply with
> confirmation and final cost. Thanks!
>
>
> Christina Tank, Administrative Assistant
>
> Community Development Department
>
> City of Porterville
>
> 291 N. Main Street
>
> Porterville, CA 93257
>
> (559) 782-7460
>
> (559) 781-6437 fax
>
> ctank@ci.porterville.ca.us
>
>
> This e-mail (and attachments, if any) may be subject to the California
> Public Records Act, and as such may therefore be subject to public
> disclosure unless otherwise exempt under the Act.
>

--

Teresa (Terry) Jasso
Classified/Legal Advertising Dept.
The Porterville Recorder
(559) 784-5000 ext. 1031
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CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: February 5, 2018

DATE(S) TO BE PUBLICIZED: February 12, 2018

PUBLIC MEETING DATE: February 28, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

Budget Acct. No: 19-3025-21

___ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

___ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

_X_ TO BE ADVERTISED IN LEGAL SECTION

Please reply with confirmation of dates and cost to Christina Tank at ctank@ci.porterville.ca.us

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

_X_ Send Tear Sheets

___ Send Declaration of Publication

NOTICE OF PUBLIC HEARING
Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville Citizens' Advisory and Housing Opportunity Committee will hold a public hearing on February 27, 2018 at 5:30 p.m., in the Coleman Conference Room of City Hall, 291 North Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2018/19 and review of program performance conducted during Fiscal Year 2017/18.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its Community Development Block Grant Program (CDBG) to prepare an Action Plan for the next fiscal year. The Action Plan identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year.

The City anticipates receiving an Entitlement Grant of approximately $646,000.

This is the opportunity for the Committee and the Public to have preliminary input on the development of the draft Action Plan that will then be brought to the Committee at a second Public Hearing in April. At that time, the Committee will make recommendations to the City Council for approval and submittal to HUD.

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April 17, 2018	Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.
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May 5, 2018	The final Action Plan will be submitted to HUD after the April 17, 2018 public hearing.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of

low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed are particularly encouraged to attend.

For more information about the Action Plan, please contact Jenni Byers at (559) 782-7460.

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DATED: February 5, 2018
Jennifer M. Byers
Community Development Director

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02/05/2018 08:59
[2N7_1000.006.001] [2N4_1100.001.002] [2N4_7000.005.028]

Job No.: 073149 Total Time: 0°00'31" Page: 003

Complete

Document: **scan20180205085845**

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: February 5, 2018

DATE(S) TO BE PUBLICIZED: February 12, 2018

PUBLIC MEETING DATE: February 28, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	02/05/18 08:59	**Porterville Recorder**	0°00'31"	FAX	OK	200x100 Normal/On

[L7J3700410]

ISOS ASIFICADOS

Oprime 784-5000 ext. #3

Se le avisa que no todos los publicadores hablan Español. Por favor tenga un intérprete sí no habla inglés.

Personales

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eriff Dept. - 782-9650

are Co. Animal Control
636-4050

en's Shelter - 784-0192

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s! Se acepta Sección 8
783-8207

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PUBLIC NOTICE

AVISO DE REUNIÓN PÚBLICA

Plan de CDBG Anual de Acción

Por este medio se notifica que el Comité Consejero de la Ciudad de Porterville y el Comité de Oportunidad de Viviendas tendrá una reunión pública el 27 de Febrero de 2018 a las 5:30 p.m. en el Salón de Conferencias Coleman del Ayuntamiento, situado en la calle 291 North Main, para obtener los puntos de vista de los ciudadanos, agencias pública y otras grupos interesadas en las necesidades de las viviendas de la ciudad y el desarrollo de la comunidad, así como el uso propuesto de los fondos para alcanzar los objetivos, las prioridades y acciones y para enfrentar las necesidades de casas durante el año fiscal de 2018/19 y revisar la actuación del programa

PUBLIC NOTICE

durante el año fiscal de 2017/18.

El Departamento de Casas y Desarrollo Urbano (HUD) requiere que cada jurisdicción que recibe subvenciones formuladas a través de su Programa de concesión para el Desarrollo de la Comunidad (CDBG), prepara un Plan de Acción para el próximo año fiscal. El Plan de Acción identifica las actividades que la jurisdicción ejercerá separadamente, o en conjunción con otras agencias públicas y privadas, durante el próximo año.

La Ciudad anticipa recibir aproximadamente una beca CDBG por la cantidad de $646,000.

Esta es la oportunidad para que el Comité y el Público den su opinión preliminar para el desarrollo del borrador del Plan de Acción que será presentado al Comité una segunda vez en una reunión pública que se llevara a cabo en Mayo. En ese tiempo el Comité dará sus recomendaciones al Concilio de la Ciudad para la aprobación del Plan de Acción y someterlo a HUD.

Los puntos de vista obtenidos durante este aviso serán incluidos en el Plan de Acción. El programa para desarrollar el Plan de Acción es:

15 de Febrero de 2018 Se Llevar a cabo una reunión comunitaria y de partes interesadas, buscando la contribución del público para el Plan de Acción

PUBLIC NOTICE

2017/2018.

27 de Febrero de 2018?Reunión pública del Comité Consejero para CDBG y el Comité de Oportunidad de Viviendas

19 de Marzo de 2018 Publicación de un resumen del Plan de Acción propuesto y aviso de la reunión pública delante del Concilio de la Ciudad. Esto inicia un plazo de 30 días para someter comentarios respecto a las actividades y asignaciones de fondos presentados en el propuesto Plan de Acción.

17 de Abril de 2018 Último día para recibir comentarios que deban ser incorporados en el Plan de Acción que se presentará al Concilio de la Ciudad.

17 de Abril de 2018 Conducir un segunda reunión pública, como se indica anteriormente, ante el Concilio de la Ciudad. Durante esta reunión, el Concilio de la Ciudad considerará la incorporación de cualquier comentario recibido.

5 de Mayo de 2018 El Plan de Acción será entregado a HUD después de la reunión del 18 de Abril de 2017.

Las personas interesadas en este asunto pueden presentarse y ser escuchadas en las audiencias. Las personas de bajos y moderados recursos, personas con discapacidades y personas mayores, miembros de grupos minoritarios y personas residentes en las áreas donde las ac-

PUBLIC NOTICE

tividades del programa CDBG, están alentados particularmente a asistir.

Para más información sobre el Plan de Acción, por favor póngase en contacto con Jenni Byers al (559) 782-7460.

En conformidad con la Ley de Americanos con Discapacidades, y la ley de California Ralph M. Brown, si usted necesita asistencia para participar en esta reunión, o si quiere acceso a la agenda y/o los documentos, por favor llame a Patrice Hildreth, Chief Deuty City Clerk al teléfono (559) 782-7442. Si le notifica con 48 horas, (dos días), de anticipación a la fecha de la reunión, la Ciudad hará los arreglos más razonables para asegurarle la accesibilidad a dicha reunión incluyendo servicios auditivos, por favor llame a TTY: 1-800-735-2929 o 1-800-735-2922. (28 CFR 35.102 - 35.104 ADA Title II and Title VI of the Civil Rights Acts of 1964, Orden Ejecutiva 13166, Sección 504 del la Ley de Rehabilitación de 1973 e implementación de regulaciones de CFR 8.4 y 8.6)

FECHA: 5 de febrero de 2018
Jennifer M. Byers
Directora de Dpto. de Desarrollos Comunitarios
00072280
Feb 9 1-t

[Unverified Sender] Re: Fw: 2nd Public Notice

ACCT NO. 19-3025-21		
NET AMT. P471.10		
AUTH. DEPT.	P.A.	PIN.
A/P DATE		

Recorder Legals

Tue 3/13/2018 3:15 PM

To:Christina Tank <ctank@ci.porterville.ca.us>;

Your two notices have been scheduled for March 16, 2018 as requested.

Porterville Recorder - $471.10
Noticiero Semanal - $496.75

Please let me know if you need anything else.

On 3/13/18, Christina Tank <ctank@ci.porterville.ca.us> wrote:
> Attached are the word versions of the two I just sent over. Please reply
> with separated English and Spanish Cost and confirmation of dates. Thanks!
>
>
> Christina Tank, Administrative Assistant
>
> Community Development Department
>
> City of Porterville
>
> 291 N. Main Street

>

> Porterville, CA 93257
>
> (559) 782-7460
>
> (559) 781-6437 fax
>
> ctank@ci.porterville.ca.us
>
>
> This e-mail (and attachments, if any) may be subject to the California
> Public Records Act, and as such may therefore be subject to public
> disclosure unless otherwise exempt under the Act.
>

--

Teresa (Terry) Jasso
Classified/Legal Advertising Dept.
The Porterville Recorder
(559) 784-5000 ext. 1031

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: March 13, 2018

DATE(S) TO BE PUBLICIZED: March 16, 2018

PUBLIC MEETING DATE: April 17, 2018

AUTHORIZED BY: Julie Phillips

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

Budget Acct. No: 19-3025-21

___ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

___ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

_X_ TO BE ADVERTISED IN LEGAL SECTION

Please reply with confirmation of dates and cost to Christina Tank at ctank@ci.porterville.ca.us

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

_X_ Send Tear Sheets

___ Send Declaration of Publication

NOTICE OF PUBLIC HEARING
Annual CDBG Action Plan

NOTICE IS HEREBY GIVEN that the City of Porterville will hold a second public hearing during the regularly scheduled City Council Meeting on April 17, 2018 at 6:30 p.m. or as soon thereafter, in the Council Chambers of City Hall, 291 North Main Street, to obtain the views of citizens, public agencies, and other interested parties on the City's housing and community development needs and proposed use of funds to achieve objectives, priorities and actions for addressing those needs during Fiscal Year 2018/19.

The Department of Housing and Urban Development (HUD) requires each jurisdiction that receives formula grants through its Community Development Block Grant Program (CDBG) to prepare an Action Plan for the next fiscal year. The Action Plan identifies activities the jurisdiction will undertake separately, or in conjunction with other public and private agencies, during the next year to address priority needs and local objectives established in the Five Year Consolidated Plan that will meet the National Objectives of HUD to provide benefit to Low- and Moderate-Income persons or aid in the prevention or elimination of slum or blight.

HUD has not announced the Entitlement Grant for 2018/2019. However, based on prior year allocations the City anticipates receiving an Entitlement Grant of approximately $646,000. Funding recommendations are as follows for ongoing and proposed CDBG funded programs and the Draft Action Plan has incorporated contingencies which take into consideration a decrease or increase in this amount:

Section 108 Debt Service	$ 301,377.60
Administration	$ 128,554.00
City-Operated Youth Center	$ 89,866.00
Shelter Plus Care Voucher Program	$ 15,000.00
Kings/Tulare Continuum of Care on Homelessness	$ 5,000.00
Housing Rehabilitation and Public Utilities Loan Program	$ 5,752.40
Parks Improvement Program	$ 80,000.00
Clearance	$ 20,000.00
Homebuyer Education Program	$ 450.00

The First Time Low-Income Home Buyer Program (FTHB) will be funded from a HOME grant, unexpended entitlement funds and program income.

Business Assistance Programs, Land Acquisition, and Disposition Programs will utilize unexpended entitlement and Program Income funds from previous years' allocations.

Views obtained during this hearing will be considered for inclusion in the Action Plan to be presented to the City Council. The remaining schedule for developing the Action Plan is:

March 16, 2018	Publication of a summary of the proposed Action Plan and notice of the public hearing before the City Council. This initiates a 30-day time frame for submission of comments regarding the activities and funding allocations identified in the proposed Action Plan.
April 17, 2018	Last day to receive comments to be incorporated in draft Action Plan to be submitted to the City Council.
April 17, 2018	Conduct the public hearing identified above before the City Council. During this meeting, the City Council will consider incorporating any comments received.
May 5, 2018	Final Action Plan will be submitted to HUD after the April 17, 2018 public hearing, if HUD has announced the Entitlement Grant, otherwise submission will take place as soon as Entitlement Grant is announced.

The proposed Action Plan will be available for examination for 30 days commencing March 16, 2018 and concluding on April 17, 2018, at 5:00 p.m., at the following locations:

Porterville City Hall
Community Development Department
291 N. Main Street
Porterville, CA 93257

Porterville City Library
41 West Thurman Street
Porterville, CA 93257

The Action Plan will also be available on the City website, www.porterville.ca.us under Community Development Department.

Any and all persons interested in this matter may appear and be heard at the Hearing. Persons of low- and moderate-income, disabled and elderly persons, members of minority groups, and persons residing in areas where Community Development Block Grant Program activities are proposed are particularly encouraged to attend.

For more information about the Action Plan, please contact Jenni Byers at (559) 782-7460.

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 the 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. (28 CFR 35.102-35.104 ADA Title II)

DATED: March 12, 2018
Jennifer M. Byers
Community Development Director

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MFP

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Document: **scan20180313115526**

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: March 13, 2018

DATE(S) TO BE PUBLICIZED: March 16, 2018

PUBLIC MEETING DATE: April 17, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): PORTERVILLE RECORDER

SUBJECT: Annual CDBG Action Plan

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	03/13/18 11:55	**Porterville Recorder**	0°00'31"	FAX	OK	200x100 Normal/On

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[Unverified Sender] Re: Fw: 2nd Public Notice

ACCT NO. 19-3025-21		
NET AMT. $496.75		
AUTH. DEPT.	P.A.	PIN.
A/P DATE		

Recorder Legals

Tue 3/13/2018 3:15 PM

To:Christina Tank <ctank@ci.porterville.ca.us>;

Your two notices have been scheduled for March 16, 2018 as requested.

Porterville Recorder - $471.10
Noticiero Semanal - $496.75

Please let me know if you need anything else.

On 3/13/18, Christina Tank <ctank@ci.porterville.ca.us> wrote:
> Attached are the word versions of the two I just sent over. Please reply
> with separated English and Spanish Cost and confirmation of dates. Thanks!
>
>
> Christina Tank, Administrative Assistant
>
> Community Development Department
>
> City of Porterville
>
> 291 N. Main Street

>

> Porterville, CA 93257
>
> (559) 782-7460
>
> (559) 781-6437 fax
>
> ctank@ci.porterville.ca.us
>
>
> This e-mail (and attachments, if any) may be subject to the California
> Public Records Act, and as such may therefore be subject to public
> disclosure unless otherwise exempt under the Act.
>

--

Teresa (Terry) Jasso
Classified/Legal Advertising Dept.
The Porterville Recorder
(559) 784-5000 ext. 1031

This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: March 13, 2018

PUBLIC MEETING DATE: April 27, 2018

AUTHORIZED BY: Julie Phillips

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: March 16, 2018

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

Budget Acct. No: 19-3025-21

___ TO BE ADVERTISED IN THE DISPLAY ADVERTISING SECTION

___ TO BE ADVERTISED IN CLASSIFIED SECTION - SPECIAL NOTICES

_X_ TO BE ADVERTISED IN LEGAL SECTION

Please reply with confirmation of dates and cost to Christina Tank at ctank@ci.porterville.ca.us

City of Porterville
Finance Dept./Accounts Payable
291 N. Main St.
Porterville, CA 93257

_X_ Send Tear Sheets

___ Send Declaration of Publication

AVISO DE REUNIÓN PÚBLICA
PLAN ANUAL DE ACCIÓN CDBG

Por este medio se notifica que la Ciudad de Porterville tendrá una segunda reunión pública el 17 de Abril de 2018 a las 6:30 p.m. o al poco tiempo después, en la sala del Concilio de la Ciudad en 291 North Main, para obtener los puntos de vista de los ciudadanos, agencias pública y otras grupos interesadas en las necesidades de las viviendas de la ciudad y el desarrollo de la comunidad, así como el uso propuesto de los fondos para alcanzar los objetivos, las prioridades y acciones y para enfrentar las necesidades de casas durante el año fiscal de 2018/19.

El Departamento de Viviendas y Desarrollo Urbano (HUD) requiere que cada jurisdicción que recibe subvenciones formuladas a través de su Programa de concesión para el Desarrollo de la Comunidad (CDBG), prepare un Plan de Acción para el próximo año fiscal. El Plan de Acción identifica las actividades que la jurisdicción ejercerá separadamente, o en conjunción con otras agencias públicas y privadas, durante el próximo año para responder a las necesidades prioritarias, los objetivos locales establecidos en el Plan Consolidado de Cinco Años que llenara los objetivos nacionales de HUD para proveer beneficio a personas de ingresos bajos y moderados y para asistir en la prevención o eliminación de barrios sucios y desertización urbana.

HUD no ha anunciado la beca para el año 2018/19. Sin embargo, basado en la cantidad del año pasado, la Ciudad anticipa recibir aproximadamente una beca CDBG por la cantidad de $646,000. Las recomendaciones para los fondos de los programas existentes y propuestos, son las siguientes, y el borrador del Plan de Acción ha incorporado contingencias que toman en cuenta un aumento o descenso en esta cantidad:

Sección 108 Servicios de Deudas	$ 301,377.60
Administración	$ 128,554.00
Centro de Juventud operado por la ciudad	$ 89,866.00
Programa de Bono para Refugio y Más	$ 15,000.00
Kings/Tulare Continuo de Atención sobre Personas Desamparadas	$ 5,000.00
Programa de Rehabilitación y Conexión a Utilidades Publicas a Viviendas Ocupadas por el Dueño	$ 5,752.40
Mejoramiento de Parques	$ 80,000.00
Limpieza	$ 20,000.00
Educación para Compradores de Casa	$ 450.00

El de Comprador de Casa de Bajos Ingresos por Primera Vez (FTHB) serán financiados con una subvención de fondos HOME, fondos anteriores no utilizados e ingresos del programa.

Los Programas de Asistencia al Negocio, los Programas de Adquisición de Tierras y Disposición, utilizarán los fondos no utilizados y los fondos del Programa de Ingresos de asignaciones de años anteriores.

Los puntos de vista obtenidos durante este aviso serán incluidos en el Plan de Acción para ser presentados al Concilio de la Ciudad. El horario restante para desarrollar el Plan de Acción es:

16 de Marzo de 2018	Publicación de un resumen del Plan de Acción propuesto y aviso de la reunión pública delante del Concilio de la Ciudad. Esto inicia un plazo de 30 días para someter comentarios respecto a las actividades y asignaciones de fondos presentados en el propuesto Plan de Acción.
17 de Abril de 2018	Último día para recibir comentarios que deban ser incorporados en el Plan de Acción que se presentará al Concilio de la Ciudad.
17 de Abril de 2018	Conducir reunión pública, como se indica anteriormente, ante el Concilio de la Ciudad. Durante esta reunión, el Concilio de la Ciudad considerará la incorporación de cualquier comentario recibido.
5 de Mayo de 2018	Plan de Acción Final será sometido a HUD después de la reunión del 17 de Abril, 2018, si HUD anuncia antes los fondos de beca, si no el plan será entregado en cuanto se anuncie la Beca.

El Plan de Acción propuesto estará disponible para examinar por 30 días a partir del 16 de marzo del 2018 y concluirá el 17 de Abril de 2018 a las 5:00 p.m. en las siguientes localidades.

Porterville City Hall

Porterville City Library

Community Development Department
291 N. Main Street
Porterville, CA 93257

41 West Thurman Street
Porterville, CA 93257

El Plan de Acción también estará disponible en la página de internet de la ciudad www.porterville.ca.us bajo Departamento de Desarrollos Comunitarios (Community Development Department).

Las personas interesadas en este asunto pueden presentarse y ser escuchadas en las audiencias. Las personas de bajos y moderados recursos, personas con discapacidades y personas mayores, miembros de grupos minoritarios y personas residentes en las áreas donde las actividades del programa CDBG, están alentados particularmente a asistir.

Para más información sobre el Plan de Acción, por favor póngase en contacto con Jenni Byers al (559) 782-7460.

En conformidad con la Ley de Americanos con Discapacidades, y la ley de California Ralph M. Brown, si usted necesita asistencia para participar en esta reunión, o si quiere acceso a la agenda y/o los documentos, por favor llame a la oficina de la secretaria del ayuntamiento al (559) 782-7464. Si le notifica con 48 horas, (dos días), de anticipación a la fecha de la reunión, le dará a la Ciudad tiempo para hacer los arreglos más razonables para asegurarle la accesibilidad a dicha reunión incluyendo servicios auditivos. (28 CFR 35.102 - 35.104 ADA Title II)

FECHA: 12 de Marzo de 2018
Jennifer M. Byers
Directora de Dpto. de Desarrollos Comunitarios

Send Result Report

MFP

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CITY OF PORTERVILLE
ADVERTISING REQUEST

DATE: March 13, 2018

PUBLIC MEETING DATE: April 27, 2018

AUTHORIZED BY:

ORDERING DEPT.: Community Development PHONE #: 782-7460 FAX #: 781-6437

PUBLICATION (NAME): NOTICIERO SEMANAL

DATE(S) TO BE PUBLICIZED: March 16, 2018

SUBJECT: PLAN ANUAL DE ACCIÓN CDBG

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
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CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Mitigated Negative Declaration for the Tule River Parkway Phase III

SOURCE: Community Development

BACKGROUND:

The Tule River Parkway Master Plan (January 30, 1992) was adopted by the City of Porterville and established a goal and implementation framework for an approximately 6.8-mile regional river park and habitat preserve along the Tule River. The primary goals of the Tule River Parkway Trail are to: Promote opportunistic and incremental phased development of a regional parkway corridor adjacent to the Tule River; Provide a guide to coordinate park land acquisition, improve habitat, develop potential long-range solutions for clearing undesirable non-native vegetation and debris, supervise development and maintenance, and strive for property and user safety/security; and Promote riparian or oriented-conservation, open space recreation and park opportunities along the Tule River and encourage public access while minimizing negative impacts to natural habitat. Phase 1, the portion of trail from State Route 65 to Jaye Street, was constructed in 2002 and included a Park and Ride facility. In 2005, Phase II, the mile-long segment of the Trail between Jaye and Main Streets was constructed. Phase III of the Tule River Parkway Master Plan would extend the existing Class I Bicycle and Pedestrian Trail along the Tule River between Main and Plano Streets.

COMMENT: The Project site is located in the eastern part of the City of Porterville and is largely undisturbed land. The boundaries of Phase III are between Main and Plano Streets, along the southern bank of the Tule River, a distance of approximately one-half mile. The site is surrounded by urban areas that provide a mix of land uses and General Plan Designations, including medium-density residential, high density residential, downtown mixed use, retail centers, neighborhood commercial, industrial and commercial recreation. The site is immediately south of the Downtown District Boundary.

ANALYSIS: The proposed Project includes construction of approximately 3,000 feet of a 10-foot-wide asphaltic concrete paved trail, a pedestrian bridge, and a vehicular bridge, and a number of improvements within a 30-foot-wide corridor centered on the proposed trail, including tree and vegetation removal, soil scarification, regrading of shoulders and surfaces, and installation of solar lights, trail signage, markings, and retaining walls.

The proposed pedestrian bridge will be constructed at the trail's crossing of the Poplar Ditch Spillway, approximately 600 feet east of South Main Street and will

be approximately 10 feet wide. The proposed vehicular bridge will be approximately 20 feet wide and will cross the Poplar Ditch at the east end of the project. The function and necessity of the latter bridge is to provide access for maintenance/emergency purposes; bollards will be installed at each end of the bridge to restrict all other traffic but still allow access by bicycles and pedestrians. Both bridges will be end-supported and free-spanning, with no supporting elements to be constructed within the waterways. Although both waterways may be temporarily disturbed within a 30-foot-wide construction zone centered on the proposed bridge alignment, neither will experience permanent impacts below the ordinary high water (OHW) mark. As the proposed Project is within the 100-year flood zone, cut and fill will be balanced within the floodway to result in a positive or no net change in flood carrying capacity of the drainage-way.

Solar lighting fixtures will be installed approximately every 100 feet along the proposed trail, 24 inches from the trail's edge within 30-inch-wide concrete footings poured to an anticipated depth of 54 inches. Trail signage will be installed at the west end of the project where the proposed trail meets the existing trail, and at the proposed vehicular bridge. Retaining walls of 4- and 6-feet height will be installed on either side of the trail adjacent to the Tule River, approximately 25 feet east of South Main Street. Three temporary staging areas totaling approximately 2.56 acres are proposed: two west of South Main Street and one east of South Main Street. The proposed Project will be constructed in one phase and is consistent with the General Plan as well as the Tule River Parkway Master Plan.

ENVIRONMENTAL REVIEW:

The environmental document involved preparation of numerous technical studies, such as a Cultural Resources Survey, CalEEMod Air Quality analysis, and Biological Evaluation which included a Habitat Suitability Assessment and Wetland Delineation. Mitigation measures include best management practices to avoid impacts through scheduling, and preconstruction surveys, as well as consistent attention during disturbance activities, so in the unlikely event of discovery, proper technicians can be called to record resources as needed.

On March 14, 2018, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate to evaluate the proposed project as described above and is attached as an Exhibit to the Draft Resolution (Attachment 3). The Initial Study has been transmitted to the State Clearinghouse (SCH# 2018031055), interested agencies, groups, and individuals for review and comment. The review period ran for 30 days from March 17, 2018, through April 17, 2017. To date, only one comment on the environmental document was received from the Department of Transportation, District 6 (Caltrans), and is attached. Caltrans affirmed that the proposed project does not result in significant adverse impacts on the State Highway System, that the project encourages and promotes California's goals to triple bicycling and double walking by 2020, and that the project meets the mobility objectives of the Toward an Active California State Bicycle and Pedestrian Plan. No modifications to the project nor the environmental analysis are warranted as a result of the comment received.

RECOMMENDATION: That the City Council adopt the resolution approving the Mitigated Negative Declaration of environmental effect for the Tule River Parkway Project, Phase III.

ATTACHMENTS:

1. Project Location
2. Comment Letter from Caltrans
3. Draft Resolution

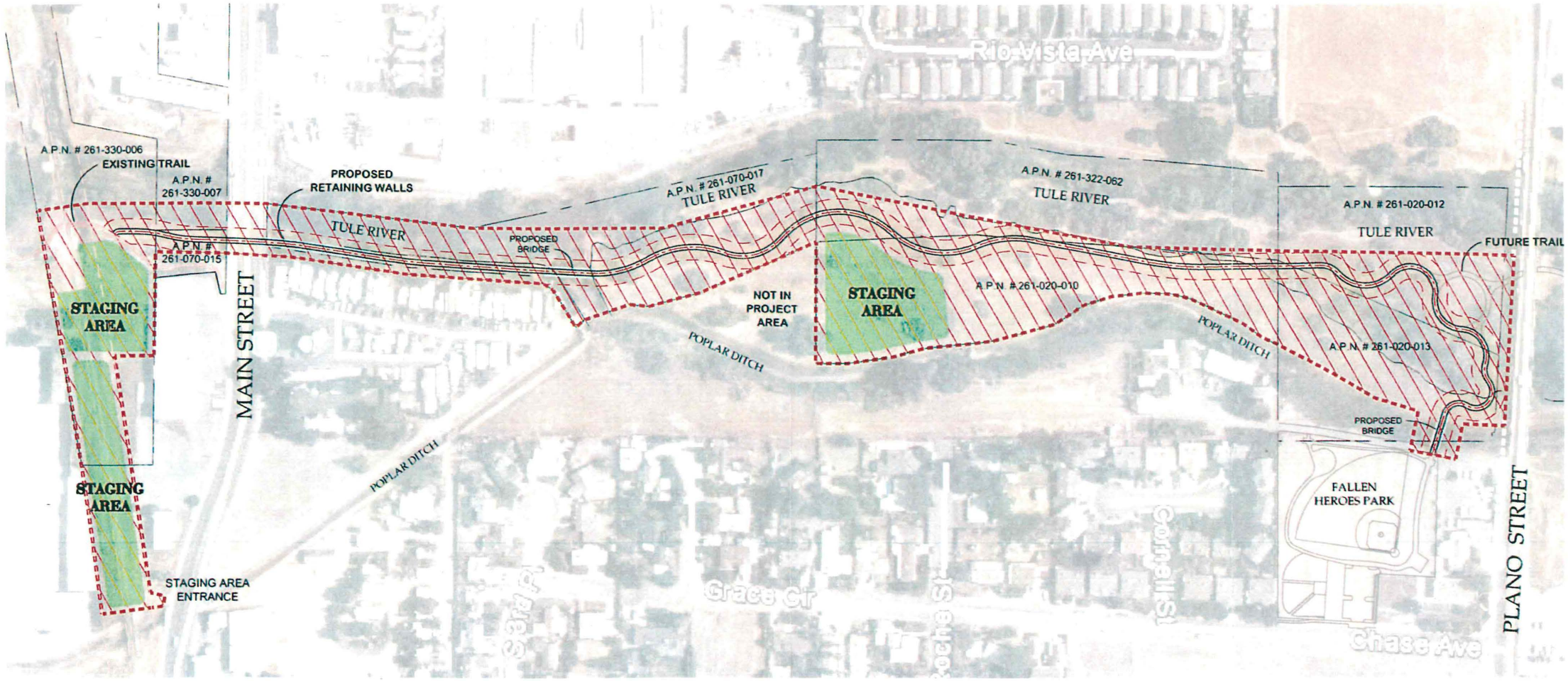
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



LEGEND

- AREA OF POTENTIAL EFFECTS
- PROPOSED TRAIL AND 50' CORRIDOR
- PROPOSED STAGING AREAS
- TOP OF BANK
- EXISTING R.R. R.O.W.

SIGNATURES

CALTRANS DISTRICT 6 LOCAL ASSISTANCE ENGINEER DATE

CALTRANS DISTRICT 6 PROFESSIONALLY QUALIFIED STAFF DATE

0 200 400 800

SCALE: 1"=200'

NORTH

CITY OF PORTERVILLE
ENGINEERING DIVISION

DESIGN BY	
DRAWN BY	
CHECKED BY	
DATE	

CITY ENGINEER DATE

PUBLIC WORKS DIRECTOR R.C.E. DATE

REVISION NO. DATE

TULE RIVER PARKWAY – PHASE III
PROJECT # 89-9439
PROJECT LOCATION MAP / AREA OF POTENTIAL EFFECTS (APE)

SHEET 1 OF 1

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

Making Conservation a California way of life.

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Community Development Department

March 30, 2018

06-TUL-190-16.72
2135-IGR/CEQA
MND
TULE RIVER PARKWAY PHASE III
SCH # 2018031055

Ms. Jennifer Byers
Director - Community Development
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 Tulare River Parkway - Phase III, which is proposing a ½-mile extension of the existing Class 1 bicycle and pedestrian trail. The project includes construction of approximately 3,000 feet of a 10-foot wide asphalt concrete paved trail, a pedestrian bridge, a vehicular bridge, and a number of improvements within a 30-foot-wide corridor centered on the proposed trail, including tree and vegetation removal, soil scarification, regrading of shoulders and surfaces, and installation of solar lights, trail signage, markings, and retaining walls.

The project site is located along the south side of the Tule River, between Main Street and Plano Street, approximately ¼-mile northeast of the State Route (SR) 190 and Main street interchange (IC).

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development -Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The proposed Phase III project will not impact the State Highway System.

2. The Tule River Parkway - Master Plan, encourages and promotes California's goal to triple bicycling and double walking by 2020.

3. The proposed Phase III project meets the mobility objective outlined on page 23 of the Toward an Active California State Bicycle and Pedestrian Plan to increase walking and bicycling in California (http://www.dot.ca.gov/activecalifornia/documents/Lo-Res_Final_ActiveCA.pdf):

   Mobility -
   - M1: Connected & Comfortable Networks: Develop local and regional networks of high-quality bicycle and pedestrian facilities for all ages and abilities,
   - M2: Multimodal Access: Integrate bicycle and pedestrian needs in planning and design of multimodal transportation systems and services,
   - M3: Efficient Land Use & Development: Support regional and state efforts to integrate land use and transportation planning to maximize the effectiveness of active transportation investments,
   - M4: Network & Travel Data: Develop consistent, high-quality data on bicycle and pedestrian travel and facilities,
   - M5: Statewide & Regional Trails: Support low-stress or physically separated pedestrian and bicycle trail routes of statewide or regional significance for tourism, recreation, and utilitarian transportation,
   - M6: Encouragement: Promote bicycling and walking for everyday transportation, recreation, improved health, and active living

If you have any other questions, please call me at (559) 488-7396.

Sincerely,

DAVID DEEL
Associate Transportation Planner
Transportation Planning - North

RESOLUTION NO. ___-2018

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 TULE RIVER PARKWAY PHASE III PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of April 17, 2018, conducted a public hearing to consider approval of the Mitigated Negative Declaration which evaluates the environmental impacts of the proposed Tule River Parkway Phase III project; and

WHEREAS: The City proposes to construct approximately 3,000 feet of a 10-foot-wide asphaltic concrete paved trail, a pedestrian bridge, and a vehicular bridge, and a number of improvements within a 30-foot-wide corridor centered on the proposed trail, including tree and vegetation removal, soil scarification, regrading of shoulders and surfaces, and installation of solar lights, trail signage, markings, and retaining walls; and

WHEREAS: On March 14, 2018, 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 with the implementation of 25 defined mitigation measures related to Biological Resources, Cultural Resources and Noise; and

WHEREAS: The Initial Study was transmitted to the State Clearinghouse (SCH# 2018031055), interested agencies, groups, and individuals for review and comment. The review period ran for 30 days from March 17, 2018, through April 17, 2017. One comment on the environmental document was received from the Department of Transportation, District 6 (Caltrans). Caltrans affirmed that the proposed project does not result in significant adverse impacts on the State Highway System, that the project encourages and promotes California's goals to triple bicycling and double walking by 2020, and that the project meets the mobility objectives of the Toward an Active California State Bicycle and Pedestrian Plan. No modifications to the project nor the environmental analysis are warranted as a result of the comment received.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. That an Initial Study for 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 for thirty days, from March 17, 2018, to April 17, 2018.

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 Initial Study (attached hereto as Exhibit "A") were incorporated into a Mitigation Monitoring Program.

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 FURTHERED RESOLVED: That the City Council does hereby approve the Mitigated Negative Declaration for the Tule River Parkway Phase III and the included Mitigation Monitoring Program.

PASSED, APPROVED, AND ADOPTED this 17th day of April, 2018.

_____
Brian E. Ward, Mayor Pro Tem

ATTEST:
John D. Lollis, City Clerk

BY _____
Patrice Hildreth, Chief Deputy City Clerk

MITIGATED NEGATIVE DECLARATION

Tule River Parkway Phase III

March 2018

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

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Chapter 1

INTRODUCTION

INTRODUCTION

1.1 Project Summary

This document is the Initial Study/Mitigated Negative Declaration for the potential environmental effects of the City of Porterville's (City) Class I Bicycle & Pedestrian Trail (Project). The City intends to extend it's existing Class I Bicycle & Pedestrian Trail along the Tule River approximately 3,000 feet to the east, between Main and Plano Streets.

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

PROJECT DESCRIPTION

Project Description

2.1 Project Background

The Tule River Parkway Master Plan (January 30, 1992) was adopted by the City of Porterville and established a goal and implementation framework for an approximately 6.8-mile regional river park and habitat preserve along the Tule River. In February 1998, the City approved construction of a bicycle and pedestrian path for the State Highway 65 to Indiana and Tule River to 190 portions of the Trail Project and construction for those portions were completed in 2000. The City prepared and approved a CEQA Categorical Exemption and a NEPA Categorical Exclusion (with concurrence by Caltrans) for the Indiana to Jaye Streets portion of the project in March 1996 and construction was completed in 2002. A Park and Ride facility was also constructed as a feature of the parkway. In early 2002, the City prepared and adopted a CEQA Mitigated Negative Declaration for the construction of the mile-long segment of the Trail between Jaye and Main Streets with construction completed in 2005.

2.2 Objectives

The following are the primary goals of the City of Porterville's Bicycle & Pedestrian Trail Project (Project):

- Promote opportunistic and incremental phased development of a regional parkway corridor adjacent to the Tule River.
- Provide a guide to coordinate park land acquisition, improve habitat, develop potential long-range solutions for clearing undesirable non-native vegetation and debris, supervise development and maintenance, and strive for property and user safety/security.
- Promote riparian or oriented-conservation, open space recreation and park opportunities along the Tule River and encourage public access while minimizing negative impacts to natural habitat.

2.3 Location

The proposed Project is located in the City of Porterville in Tulare County (see Figure 1). The Tule River traverses the City from Success Dam east of the City to the Friant-Kern Canal west of the City. The proposed Project site is between Main and Plano Streets, along the southern bank of the Tule River, a distance of approximately one-half mile and is bordered by mostly urban uses.

2.4 Setting and Surrounding Land Use

The Project site is located in the eastern part of the City of Porterville and is currently largely undisturbed land, as seen in Figure 2. The site is located along the southern bank of the Tule River, surrounded by urban areas that provide a mix of land uses and General Plan Designations, including medium-density residential, high density residential, downtown mixed use, retail centers, neighborhood commercial, industrial and commercial recreation. The site is immediately south of the Downtown District Boundary.

Figure 1
Regional Map

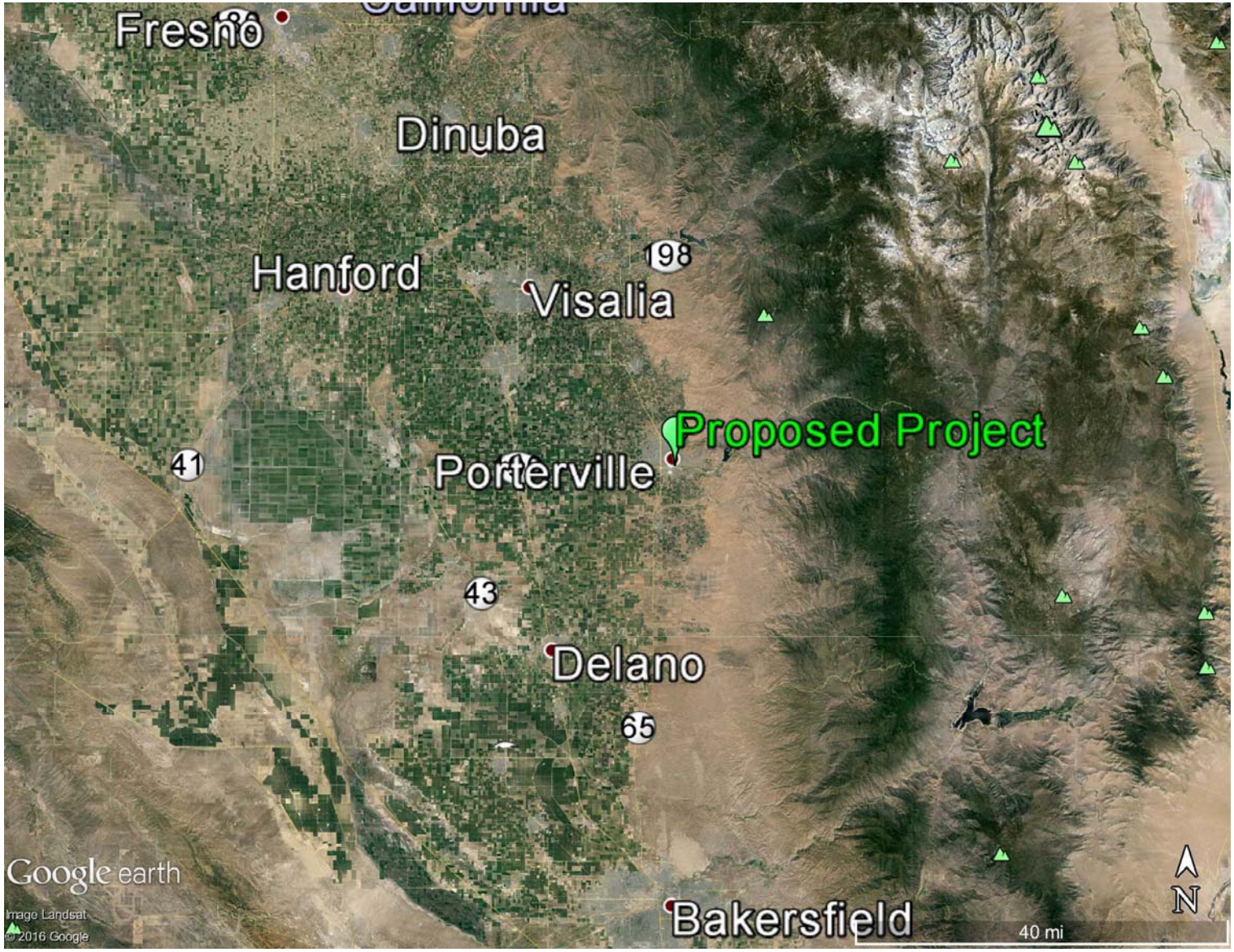
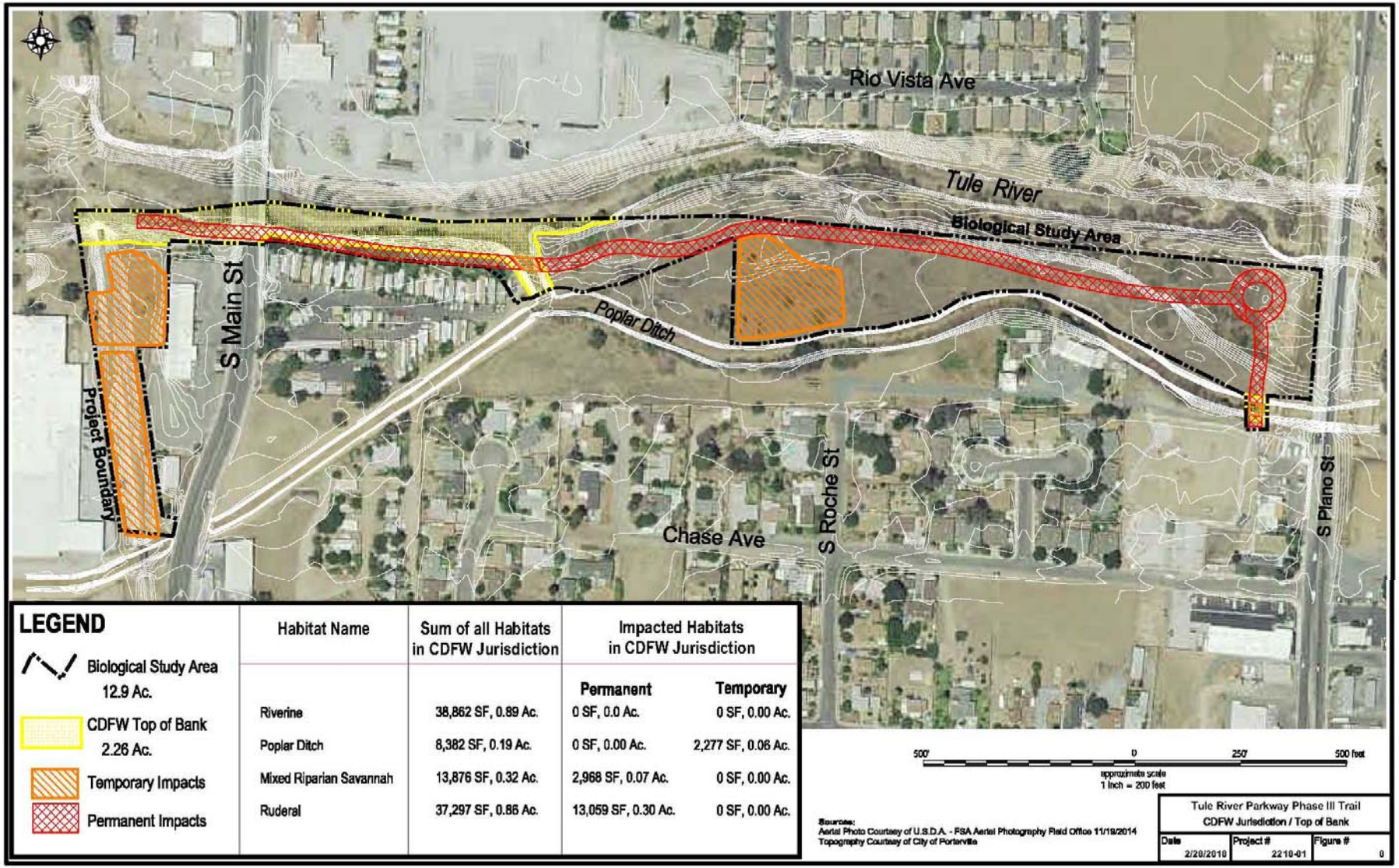


Figure 2
Site Aerial and Existing Habitat Map



Habitat Name	Sum of all Habitats in CDFW Jurisdiction	Impacted Habitats in CDFW Jurisdiction	
		Permanent	Temporary
Riverine	38,862 SF, 0.89 Ac.	0 SF, 0.0 Ac.	0 SF, 0.00 Ac.
Poplar Ditch	8,382 SF, 0.19 Ac.	0 SF, 0.00 Ac.	2,277 SF, 0.06 Ac.
Mixed Riparian Savannah	13,876 SF, 0.32 Ac.	2,968 SF, 0.07 Ac.	0 SF, 0.00 Ac.
Ruderal	37,297 SF, 0.86 Ac.	13,059 SF, 0.30 Ac.	0 SF, 0.00 Ac.

2.5 Project Description

City of Porterville intends to implement a part of the Tule River Parkway Master Plan.[1] The proposed Project focuses on the approximately one-half mile portion of the Parkway between Main and Plano Streets, where it would extend the existing Class I Bicycle and Pedestrian Trail along the Tule River.

The proposed Project includes construction of approximately 3,000 feet of a 10-foot-wide asphaltic concrete paved trail, a pedestrian bridge, and a vehicular bridge, and a number of improvements within a 30-foot-wide corridor centered on the proposed trail, including tree and vegetation removal, soil scarification, regrading of shoulders and surfaces, and installation of solar lights, trail signage, markings, and retaining walls.

The proposed pedestrian bridge will be constructed at the trail's crossing of the Poplar Ditch Spillway, approximately 600 feet east of South Main Street and will be approximately 10 feet wide.

The proposed vehicular bridge will be approximately 20 feet wide and will cross the Poplar Ditch at the east end of the project. The function and necessity of the latter bridge is to provide access for maintenance/emergency purposes; bollards will be installed at each end of the bridge to restrict all other traffic but still allow access by bicycles and pedestrians. Both bridges will be end-supported and free-spanning, with no supporting elements to be constructed within the waterways. Although both waterways may be temporarily disturbed within a 30-foot-wide construction zone centered on the proposed bridge alignment, neither will experience permanent impacts below the ordinary high water (OHW) mark. Compacted soil cut and fill slopes will be recommended to be held to a maximum of 3:1 and will be vegetated by seeding or planting. All slopes over 3:1 will be riprapped with a maximum slope of 1:1. As the proposed Project is within the 100-year flood zone, cut and fill will be balanced within the floodway to result in a positive or no net change in flood carrying capacity of the drainage-way.

Solar lighting fixtures will be installed approximately every 100 feet along the proposed trail, 24 inches from the trail's edge within 30-inch-wide concrete footings poured to an anticipated depth of 54 inches. Trail signage will be installed at the west end of the project where the proposed trail meets the existing trail, and at the proposed vehicular bridge. Retaining walls of 4- and 6-feet height will be installed on either side of the trail adjacent to the Tule River, approximately 25 feet

[1] Jardin Landscape Architecture. Tule River Parkway Master Plan. January 30, 1992.

east of South Main Street. Three temporary staging areas totaling approximately 2.56 acres are proposed: two west of South Main Street and one east of South Main Street (see Figure 3).

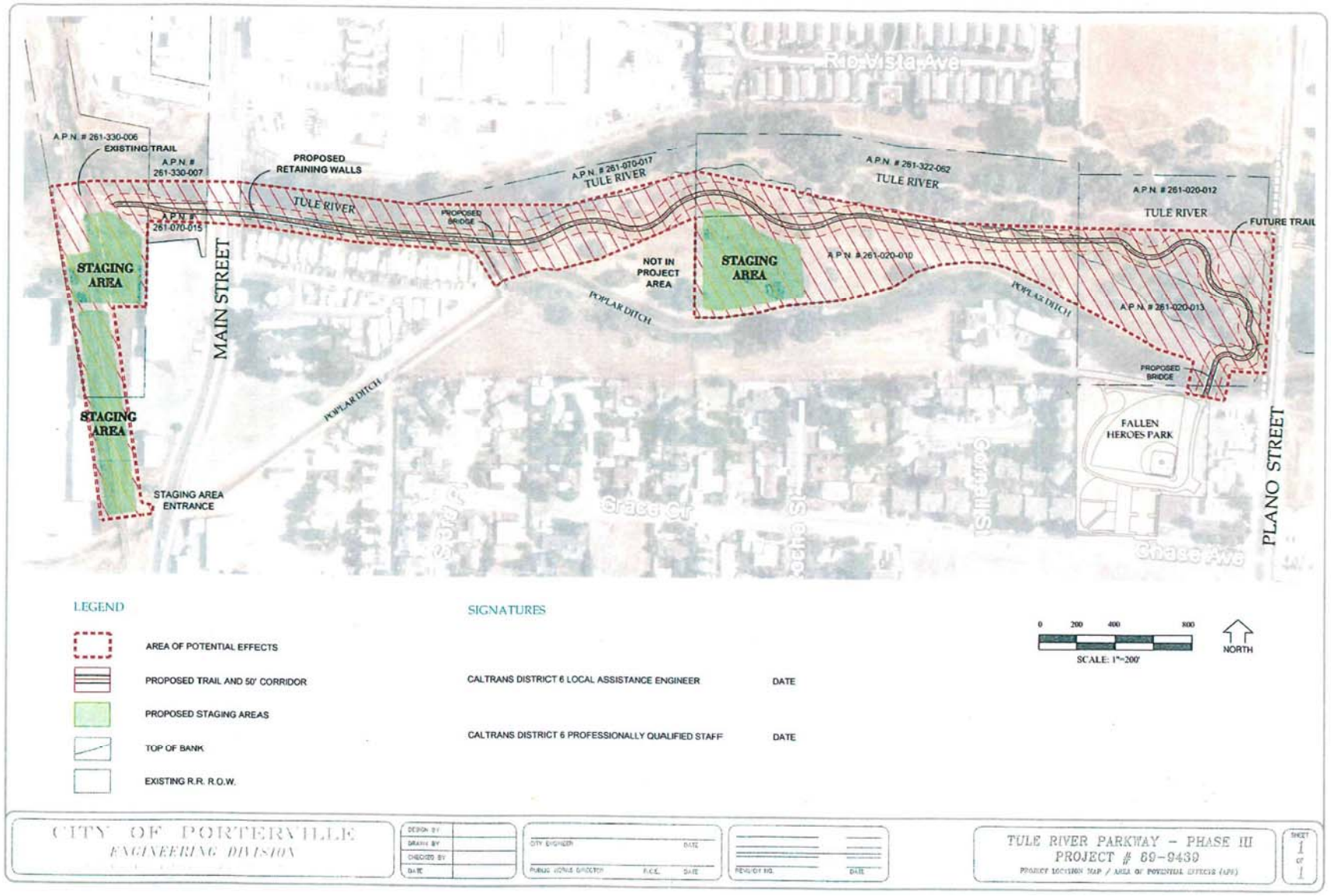
The proposed Project will be constructed in one phase and is consistent with the General Plan as well as the Tule River Parkway Master Plan.

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 Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board
- The approval of a Preliminary Environmental Scoping Form and Categorical Exclusion with tech studies under 23 CFR 771 activity (c) (3) by the California Department of Transportation
- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Section 404 Compliance with the Army Corps of Engineering
- Section 401 Compliance with the Regional Water Quality Control Board
- Section 1602 Streambed Alteration Agreement from California Department of Fish & Wildlife
- Encroachment Permit from the Central Valley Flood Protection Board
- Compliance with other federal, state and local requirements.

Figure 3
Site Plan



Chapter 3

IMPACT ANALYSIS

Initial Study Checklist

3.1 Environmental Checklist Form

Project title:

City of Porterville Tule River Parkway Phase III Project

Lead agency name and address:

City of Porterville
291 North Main Street
Porterville, CA 93257

Contact person and phone number:

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

Project location:

The proposed Project is located in the City of Porterville in Tulare County (see Figure 1). The Tule River traverses the City from Success Dam east of the City to the Friant-Kern Canal west of the City. The proposed Project site is between Main and Plano Streets, along the southern bank of the Tule River, a distance of approximately one-half mile.

Project sponsor's name/address:

City of Porterville
291 North Main Street
Porterville, CA 93257

General plan designation:

The proposed Project will be along the banks of the Tule River and is designated as Parks & Recreation and Industrial.

Zoning:

RM-2 (Medium Density Residential)
RM-3 (High Density Residential)
IG (General Industrial)

Description of project:

See Section Two – Project Description.

Surrounding land uses/setting:

The Project site is located in the eastern part of the City of Porterville and is along the Tule River. Varying land uses surround the proposed Project site, including residential, commercial, and recreational uses along the Tule River.

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
- San Joaquin Valley Air Pollution Control District
- Central Valley Regional Water Quality Control Board
- U.S. Army Corps of Engineers
- California Department of Fish and Wildlife
- Central Valley Flood Protection Board
- California Department of Transportation

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The City of Porterville has not received any project-specific requests from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the City of Porterville.

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 and Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality
☐ Land Use / Planning	☐ Mineral Resources	☐ Noise
☐ Population / Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Tribal Cultural Resources	☐ 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.

for Jennifer M. Byers — 3/14/18 Date

Community Development Director

City of Porterville

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?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SETTING

Environmental Setting

The proposed Project site is located on the San Joaquin Valley floor in the southcentral portion of the City of Porterville, California. The proposed Project is along the Tule River between Main Street and Plano Street. Poplar Ditch is immediately south of Tule River and a residential neighborhood is immediately south of that. To the north is a commercial and industrial area along with residential development. A commercial development, including a Home Depot is to the west while residential and commercial development is to the east. The Tule River is considered a scenic resource by the Porterville 2030 General Plan. State Routes (SR) in the proposed Project vicinity include 99, 65, 190, 137.

Regulatory Setting

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.
- OSC-I-27: Protect and enhance the natural habitat features of the Tule River and open space corridors within the Planning Area.

RESPONSES

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

Less than Significant Impact. The proposed Project includes implementation of a parkway plan intended to preserve and enhance the natural environment along the Tule River. Proposed Project construction will include a 10-foot wide pathway, two pedestrian bridges over the Poplar Bridge Diversion, a 20-foot wide vehicular bridge, and associated signage and lighting. The trail will conform to the existing trail system immediately to the west so the proposed Project will be visually compatible with the surrounding area.

The City of Porterville General Plan does identify the Tule River as a scenic vista, which is generally considered a view of an area that has remarkable scenery or a resource that is indigenous to the area. The proposed Project would not deter from the scenic vista, as the Project involves extending the existing trail system to the east. The trial system will be designed to blend in with its surroundings to create as minimal visual impact as possible.

Construction activities will occur over a six 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 0.25 miles southeast 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. Site construction will include a trail system, two pedestrian bridges over the Poplar Ditch Diversion, a 20-foot wide vehicular bridge, and associated lighting and signage along the trail. No other structures will be constructed as a part of the Project. The proposed Project is implementation of a parkway plan and site is located in an area that is substantially surround by urban uses and will not result in a use that is visually incompatible with the surrounding area.

As such, the proposed Project will not substantially degrade the existing visual character or quality of the area or its surroundings.

The impact will be ***less than significant***.

Mitigation Measures: None are required.

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

Less Than Significant Impact. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as "light trespass." Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

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

using only the level of light necessary, and by using cutoff type fixtures or shielded light fixtures, or a combination of fixture types.

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

Currently the sources of light in the project area are from street lights, the vehicles traveling along the bridges at Plano and Main Streets, and lighting from the commercial and residential areas to the north and south of the Tule River. The proposed Project would include safety lighting along the Trail that would be shielded and cast downward, thereby providing lighting at the ground level for safety while reducing glare to adjacent properties. Such lighting would be subject to the requirements of the Porterville Development Ordinance 300.07, which ensures that outdoor lighting does not produce obtrusive glare onto the public right-of-way or adjoining properties. Accordingly, the Project would not create substantial new sources of light or glare. Potential impacts are ***less than significant***.

Mitigation Measures: None are required.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SETTING

Environmental Setting

The Project site is located in an area of the City considered other land by the State Farmland Mapping and Monitoring Program.[1] No *Prime Farmland, Unique Farmland, or Farmland of Statewide Importance* or land under the Williamson Act contracts occurs in the Project area.

Regulatory Setting

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 along the Tule River within the City which is considered other 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

[1] California Department of Conservation. California Important Farmland Finder. https://maps.conservation.ca.gov/dlrp/ciff/. Accessed January 2018.

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?	☐	☐	☒	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

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 or Air District). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) have been established for the following criteria pollutants: carbon monoxide (CO), ozone (O_3), sulfur dioxide (SO_2), nitrogen dioxide

(NO_2), particulate matter (PM_{10} and $PM_{2.5}$), and lead (Pb). The CAAQS also set standards for sulfates, hydrogen sulfide, and visibility.

Air quality plans or attainment plans are used to bring the applicable air basin into attainment with all state and federal ambient air quality standards designed to protect the health and safety of residents within that air basin. Areas are classified under the Federal Clean Air Act as either "attainment", "non-attainment", or "extreme non-attainment" areas for each criteria pollutant based on whether the NAAQS have been achieved or not. Attainment relative to the State standards is determined by the California Air Resources Board (CARB). The San Joaquin Valley is designated as a State and Federal extreme non-attainment area for O_3, a State and Federal non-attainment area for $PM_{2.5}$, a State non-attainment area for PM_{10}, and Federal and State attainment area for CO, SO_2, NO_2, and Pb.[2]

<u>Regulatory Setting</u>

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_2), sulfur dioxide (SO_2), ozone (O_3), particulate matter (PM_{10} and $PM_{2.5}$), and lead (Pb).

State

California Air Resources Board

The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen Sulfide (H_2S), and vinyl chloride.

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[2] San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. http://www.valleyair.org/aqinfo/attainment.htm. Accessed February 2018.

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 Air District 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 the Air District[3]

	Federal Standard	California Standard
Ozone	0.075 ppm (8-hr avg)	0.07 ppm (8-hr avg) 0.09 ppm (1-hr avg)
Carbon Monoxide	9.0 ppm (8-hr avg) 35.0 ppm (1-hr avg)	9.0 ppm (8-hr avg) 20.0 ppm (1-hr avg)
Nitrogen Dioxide	0.053 ppm (annual avg)	0.30 ppm (annual avg) 0.18 ppm (1-hr avg)
Sulfur Dioxide	0.03 ppm (annual avg) 0.14 ppm (24-hr avg) 0.5 ppm (3-hr avg)	0.04 ppm (24-hr avg) 0.25 ppm (1hr avg)
Lead	1.5 µg/m3 (calendar quarter) 0.15 µg/m3 (rolling 3-month avg)	1.5 µg/m3 (30-day avg)
Particulate Matter (PM10)	150 µg/m3 (24-hr avg)	20 µg/m3 (annual avg) 50 µg/m3 (24-hr avg)
Particulate Matter (PM2.5)	15 µg/m3 (annual avg)	35 µg/m3 (24-hr avg) 12 µg/m3 (annual avg)

µg/m3 = micrograms per cubic meter

Additional State regulations include:

CARB Portable Equipment Registration Program – This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their

[3] San Joaquin Valley Air Pollution Control District. Ambient Air Quality Standards & Valley Attainment Status. http://www.valleyair.org/aqinfo/attainment.htm. Accessed February 2018.

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_{10} Prohibitions) – This regulation, a series of eight regulations, is designed to reduce PM_{10} 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_{10}[4]

The following are required to be implemented at all construction sites:
All disturbed areas, including storage piles, which are not actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative
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
All land clearing, grubbing, scraping, excavation, land leveling, grading cut and fill, and demolition activities during construction shall be effectively controlled of fugitive dust emissions utilizing application of water or pre-soaking.
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of container shall be maintained.
All operations shall limit, or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site at the end of each workday.
Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Porterville General Plan Policies

- OSC-G-9: Improve and protect Porterville's air quality by making air quality a priority in land use and transportation planning and in development review.
- OSC-I-59: Require preparation of a Health Risk Assessment for any development subject to the Air Toxics "Hot Spots" Act.
- OSC-I-61: Coordinate air quality planning efforts with other local, regional and State agencies.

[4] San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. http://www.valleyair.org/rules/1ruleslist.htm#reg8. Accessed February 2017.

- 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 $PM_{2.5}$. The SJVAB is designated nonattainment of state PM_{10}. 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_{10} Maintenance Plan and Request for Redesignation; and
- 2008 $PM_{2.5}$ Plan.

Because of the region's non-attainment status for ozone, $PM_{2.5}$, and PM_{10}, if the project-generated emissions of either of the ozone precursor pollutants (ROG or NOx), PM_{10}, or $PM_{2.5}$ were to exceed the SJVAPCD's significance thresholds, then the project uses would be considered to conflict with the attainment plans. In addition, if the project uses were to result in a change in land use and corresponding increases in vehicle miles traveled, they may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans.

As discussed in Impact c), below, predicted construction and operational emissions would not exceed the SJVAPCD's significance thresholds for ROG, NOx, PM_{10}, and $PM_{2.5}$. 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. 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[5], the pollutants of concern for localized impacts are CO and fugitive PM_{10} dust from construction. Ozone and PM_{10} exhaust impacts are addressed under Impact c), below. The proposed Project would not result in localized CO hotspots or PM_{10} 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_{10}

Localized PM_{10} would be generated by proposed 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) lists additional measures that may be required of very large projects or projects close to sensitive receptors.[6] 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_{10} 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_{10} 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.

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[5] San Joaquin Valley Air Pollution Control District. Air Quality Plans. Ozone Plans, 8-hour ozone standard. https://www.valleyair.org/Air_Quality_Plans/Ozone_Plans.htm. Accessed January, 2018.
[6] San Joaquin Valley Air Pollution Control District. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Accessed February 2018.

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_{10} and $PM_{2.5}$. Therefore, the pollutants of concern for this impact are ozone precursors, regional PM_{10}, and $PM_{2.5}$. 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 annual significance thresholds to be used for the Project for construction and operational emissions are as follows[7]:

- 100 tons per year CO;
- 10 tons per year NOx;
- 10 tons per year ROG;
- 27 tons per year SOx;
- 15 tons per year PM_{10}; and
- 15 tons per year $PM_{2.5}$.

The estimated annual operational emissions are shown below. The California Emissions Estimator (CalEEMod), Version 2016.3.2, was used to estimate construction and operational (vehicle trips) emissions resulting from the proposed Project.

The modeling results are provided in Table 3 and the CalEEMod output files are provided in Appendix A.

[7] San Joaquin Valley Air Pollution Control District. March 19, 2015. Guide for Assessing and Mitigating Air Quality Impacts. http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf. Page 80. Accessed February 2018.

Table 3
Proposed Project Construction and Operation Emissions

	ROG (tons/year)	NO_x (tons/year)	PM10 (tons/year)	PM2.5 (tons/year)	CO2 (tons/year)	SOx (tons/year)
Total Project Construction Emissions	0.1090	1.1769	0.1346	0.0916	114.4250	0.0000
Total Project Operation and Area Emissions	0.0000	0.0811	0.0182	0.0000	29.4114	0.0000
Total Project Emissions	**0.1090**	**1.258**	**0.1528**	**0.0916**	**143.8364**	**0.0000**
Threshold of Significance	10	10	15	15	100	27

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_{10}, carbon monoxide, diesel particulate matter, or hazardous pollutants, naturally occurring asbestos, or valley fever, as discussed below.

Localized PM_{10}

As shown in Response III-b, above, the Project would not generate a significant impact for construction-generated, localized PM_{10}. Therefore, the Project would not expose sensitive receptors to unhealthy levels of PM_{10}.

PM Hotspot

A $PM_{2.5}$ and PM_{10} Hotpot 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 ultrafmafic 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. <u>Create objectionable odors affecting a substantial number of people?</u>

Less than Significant Impact. If the proposed Project were to result in a sensitive odor receptor being located in the vicinity of an undesirable odor generator, the impact would be considered significant. The SJVAPCD regulates odor sources through its nuisance rule, Rule 4102, but has no quantitative standards for odors. The SJVAPCD presents a list of project screening trigger levels for potential odor sources in its GAMAQI, which is displayed in Table 4. If the project were to result in sensitive receptors being located closer to an odor generator in the list in Table 4 than the recommended distances, a more detailed analysis including a review of SJVAPCD odor complaint records is recommended.

Table 4
Screening Levels for Potential Odor Sources[8]

Odor Generator	Distance (Miles)
Wastewater Treatment Facilities	2
Sanitary Landfill	1
Transfer Station	1
Composting Facility	1
Petroleum Refinery	2
Asphalt Batch Plant	1
Chemical Manufacturing	1
Fiberglass Manufacturing	1
Painting/Coating Operations (e.g., auto body shop)	1
Food Processing Facility	1
Feed Lot/Dairy	1
Rendering Plant	1

Significant odor problems are defined as:

- More than one confirmed complaint per year averaged over a three year period; or
- Three unconfirmed complaints per year averaged over a three-year period.

The proposed Project includes extending the existing trial system along the Tule River. This land use are not considered sources of objectionable odors. 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.

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[8] San Joaquin Valley Air Pollution Control District. Current District Rules and Regulations. http://www.valleyair.org/rules/1ruleslist.htm#reg8. Accessed February 2018.

IV. BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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?	☐	☐	☒	☐

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 area is located on the south side of the City of Porterville, on the eastern edge of the San Joaquin Valley, which is in the southernmost basin of the Central Valley of California. The Project area comprises portions of the Tule River, the Poplar Ditch and associated spillway, and surrounding mixed riparian savannah and ruderal areas.

Live Oak Associates performed a field survey for the proposed Project site in December of 2017. The findings of the field survey are detailed below and the full report is provided as Appendix B of this Initial Study.

Physical Conditions

Topographically, the Project area is relatively level, with elevations ranging from 445 feet within the Tule River channel to approximately 460 feet along the banks and terraces, National Geodetic Vertical Datum (NGVD). The Project area, like most of California, has a Mediterranean climate with cool, somewhat moist winters and hot dry summers. Precipitation falls in the form of rain between October and May, with the heaviest amounts in December, January, February, and March. Annual precipitation is approximately 11.5 inches.[9]

The Project area is generally bounded by the Tule River to the north and the Poplar Ditch to the south and contains portions of both channels. The Project area also includes the Poplar Ditch Spillway, which directs excessive flows in the Poplar Ditch into the Tule River. The Tule River originates high in the

[9] Natural Environment Study for the Tule River Parkway Phase III Trail prepared by Live Oak Associates. February 2018. See Appendix B. Page 14.

Sierra Nevada as three major drainages, the North, Middle, and South Forks. These drainages converge in the foothills above Success Dam, which impounds water approximately five miles upstream of the proposed Project area. Downstream of the Project site, the Tule River historically flowed into Tulare Lake; however, agricultural diversions have eliminated the lake and greatly degraded the Tule River itself. The Poplar Ditch originates at the Tule River approximately two miles upstream of the Project site and flows into the Friant-Kern Canal approximately five miles downstream of the Project site.

Two soil mapping units, Tujunga sand and "water," have been identified within the Project area.[10] Tujunga sand occurs in floodplains, drainage ways and alluvial fans derived from granite. These sandy soils are somewhat excessively drained and considered to be hydric (NRCS 2011). Hydric soils are formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper profile. The "water" mapping unit refers to riverine habitat associated with the Tule River.

The reach of the Tule River within the Project area is heavily influenced by urban activities. The river channel and associated floodplain experience high levels of human disturbance from homeless encampments, off-road vehicle/bicycle/foot traffic, human-caused wildfire, and littering/dumping, all of which were observed within the Project area during the field survey.

Biological Habitats

Four biotic habitats have been identified within the proposed Project area, comprising mixed riparian savannah, ruderal/developed, riverine, and Poplar Ditch.[11]

Mixed Riparian Savannah

A majority (7.02 acres) of the Project area consists of sparse mixed riparian savannah of the Fremont cottonwood forest alliance (*Populus fremontii – Salix exigua* Series). The majority of this habitat is located in upland areas; however, in the western portion of the Project area, a small area of mixed riparian savannah was identified below the top of the banks of the river's alluvial floodplain. At the time of the field survey, most of the Project site's mixed riparian savannah habitat lacked a riparian overstory, and was characterized by plant species found in annual grassland habitats. Upland areas were dominated by ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), Bermuda grass (*Cynodon dactylon*), prickly

[10] Natural Environment Study for the Tule River Parkway Phase III Trail prepared by Live Oak Associates. February 2018. See Appendix B. Page 15.
[11] Ibid.

lettuce (*Lactuca serriola*), annual sunflower (*Helianthus annuus*), telegraph weed (*Heterotheca grandiflora*) and stinking gourd (*Cucurbita foeditissima*).

Ruderal / Developed

Ruderal / developed areas, or lands heavily influenced by human activities, were limited to the paved and unpaved roads and road shoulders within the western end of the Project area (4.89 acres). Such areas consisted of the South Main Street bridge and underlying artificial substrate, the existing Tule River Parkway trail, road rights-of-way along the adjacent mobile home park, and the gravel service road and shoulders. This land use is characterized by low plant and animal species diversity.

At the time of the field surveys, ruderal / developed areas of the Project area contained little to no vegetation due to the high level of disturbance and/or the presence of hardscape. What vegetation that did occur in this area consisted of grasses and forbs found in adjacent mixed riparian savannah habitat, as well as silverleaf nightshade (*Solanum eleagnifolium*), red-root amaranth, ragweed (*Ambrosia acanthocarpa*), Canada horseweed (*Erigeron canadensis*), and Russian thistle (*Salsola tragus*). The existing trail was lined with ornamental London plane trees (*Platanus × acerifolia*). Several mature Valley oaks (*Quercus lobata*) were located adjacent to and overhanging ruderal habitat associated with one of the proposed staging areas west of South Main Street.

Riverine

Riverine habitat accounted for approximately 0.89 acres of the Project area, consisting of the Tule River channel. The inundation period of the Tule River is highly variable from season to season and from year to year, because the amount of flow is highly regulated by the USACE, the federal agency responsible for releasing water from Success Dam. Although water was observed in the Tule River channel within the Project area at the time of the field survey, this portion of the channel typically sustains only seasonal flows, and during some years, no flows at all. Emergent vegetation that was observed in the river included water smartweed (*Polygonum* sp.), broadleaved cattail (*Typha latifolia*), tall umbrella sedge (*Cyperus eragrostis*), and duckweed (*Lemna* sp.) A mix of native and non-native hydrophytes lined the river bank and included giant reed, curly dock (*Rumex crispus*), rough cocklebur (*Xanthium strumarium*), water primrose (*Ludwigia peploides*), Johnson grass (*Sorghum halapense*), barnyard grass (*Echinochloa crus-galli*), and hairy willowherb (*Epilobium ciliatum*.

Poplar Ditch

The Project area contains approximately 0.19 acre of the Poplar Ditch and an associated spillway. The Poplar Ditch is an artificial waterway that conveys flows from the Tule River to the Friant-Kern Canal. It passes through the Project area for a distance of approximately 50 feet, where it is characterized by a

meandering, earthen channel approximately 40 feet wide. At the time of the December 2017 field survey, the Poplar Ditch was inundated up to several feet. Below the ordinary high water mark, the ditch was densely vegetated with a mix of native and non-native forbs such as red brome, ripgut brome, annual sunflower, water primrose, water smartweed (*Polygonum* sp.), white-stem hedge nettle (*Stachys albens*), seep monkeyflower (*Erythranthe guttata*), mugwort (*Artemesia douglasiana*), and curly dock. Several ornamental trees occurred within the banks of the Poplar Ditch, including white mulberry, edible fig (*Ficus carica*), almond (*Prunus dulcis*), and Japanese privet (*Ligustrum japonicum*). Some areas were densely covered by California grape (*Vitis californica*) vines.

Regional Species, Habitats and Natural Communities of Concern

The *California Natural Diversity Data Base* was queried for special status species occurrences in the nine USGS 7.5-minute quadrangles containing and surrounding the proposed Project area (*Porterville, Cairns Corner, Lindsay, Frazier Valley, Woodville, Success Dam, Sausalito School, Ducor,* and *Fountain Springs*). An official species list was obtained using the USFWS Information for Planning and Consultation (IPaC) system for federally listed species with the potential to be affected by the Project. These species, and their potential to occur within the Project area, are listed in Table 5. [12]

Special status species occurrences within 3.1 miles of the proposed Project area are depicted in Figure 5 of Appendix B. San Joaquin kit fox occurrences within 10 miles of the Project area are depicted in Figure 6 of Appendix B.

Table 5
Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to occur in the Project Area.

Species	Status	Habitat	Occurrence in the Project area/Rationale
Earlimart Orache (*Atriplex cordulata* var. *erecticaulis*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands between 230 and 395 ft. in elevation. Blooms August-September.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline. Moreover, the project area is located just above the elevational range for this species.
Lost Hills Crownscale	CNPS 1B.2	Occurs in chenopod scrub, valley and foothill grasslands, and vernal pools	**A.** Suitable habitat for this species is absent from the project area

[12] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Table 1. See Appendix B.

(*Atriplex coronata* var. *vallicola*)		on alkaline soils, between 164 and 2,080 ft. in elevation. Blooms April–August.	and adjacent lands. Soils are not alkaline.
Brittlescale (*Atriplex depressa*)	CNPS 1B.2	Occurs in alkali soils in barren areas within alkali grassland, meadow and scrub at elevations up to 1,000 ft. in elevation. Occasionally found around vernal pools. Blooms April-October.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
Lesser Saltscale (*Atriplex minuscula*)	CNPS 1B.1	Occurs in widely scattered locations of California's Central Valley with alkaline soils in chenopod scrub, valley grasslands, and vernal pools between 35 and 855 ft. in elevation. Blooms May-October.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
Vernal Pool Smallscale (*Atriplex persistens*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands of the San Joaquin Valley, between 130 and 330 ft. in elevation. Blooms August-October.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
Subtle Orache (*Atriplex subtilis*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands of the San Joaquin Valley, between 130 and 330 ft. in elevation. Blooms August-October.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
California Jewelflower (*Caulanthus californicus*)	FE, SE, CNPS 1B.1	Occurs in sandy, chenopod scrub, pinyon and juniper woodland, and valley and foothill grassland up to 3,280 ft. in elevation. Blooms February-May.	**A.** Habitats of the project area and adjacent lands are extremely marginal for this species. The closest known occurrence of this species is a 1981 sighting at Pixley Vernal Pool Preserve approximately 12 miles southeast of the project area;

			that site has since been invaded by exotic grasses and the population is possibly extirpated.
Springville Clarkia (*Clarkia springvillensis*)	FT, SE, CNPS 1B.2	Occurs in Chaparral, Cismontane Woodland, Valley and Foothill Grasslands with granitic soil between 985 and 2,430 ft. in elevation. Blooms May-July.	**A.** The project area is below the elevational range for this species. Habitat is extremely marginal due to the relatively disturbed nature of the site. The closest known occurrence of this species is located outside of Lewis Preserve 4 miles north of the project area from an unknown date.
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B.2	Occurs in alkaline soils in cismontane woodland and valley and foothill grasslands below 2,500 ft. in elevation. Blooms March-June.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
Spiny-Sepaled Button-Celery (*Eryngium spinosepalum*)	CNPS 1B.2	Occurs in vernal pools, swales and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin between 330 and 840 ft. in elevation. Blooms April-May.	**A.** Although marginal habitat is present for this species, dried remains of this perennial would have been seen during the field surveys, if present. The closest known occurrence of this species was a 1954 population located in a seasonal pool approximately 8 miles northeast of the project area.

Species	**Status**	**Habitat**	**Occurrence in the Project area/Rationale**
Striped Adobe-Lily (*Fritillaria striata*)	ST, CNPS 1B.1	Occurs in heavy clay soils of cismontane woodland and valley and foothill grassland between 1,150 and 2,920 ft. in elevation. Blooms February-April.	**A.** This species has a strong affinity for heavy clay adobe soils, which are not present within the project area. The closest known occurrence of this species is a population identified approximately 1.2 miles north of the project area in 1927; this habitat has since been plowed

			for agriculture and the population is considered extirpated.
Madera Leptosiphon (*Leptosiphon serrulatus*)	CNPS 1B.2	Occurs in openings in cismontane woodland between 980 and 1,400 ft. in elevation. Blooms April-May	**A**. Habitats of the project area and adjacent lands are marginal for this species. Moreover, the project area is situated outside of this species' elevational range. The closest known occurrence of this species is a population identified approximately 4 miles southeast of the project area in 1935.
Calico Monkeyflower (*Diplacus pictus*)	CNPS 1B.2	Occurs around granitic outcrops or gooseberry shrubs in broadleaf upland forest and cismontane woodland in granitic soils between 330 and 4270 ft. in elevation. May occur in disturbed areas. Blooms March-May.	**A.** Suitable habitat for this species is absent from the project area and adjacent lands. The closest known occurrence of this species is a population identified approximately 4 miles northeast of the project area, in the Sierra Nevada foothills, in 1983.
San Joaquin Woollythreads (*Monolopia congdonii*)	FE, CNPS 1B.2	Occurs in sandy soils in shadscale scrub and valley grassland, between 195 and 2,460 ft. in elevation. Blooms February-May.	**A.** Habitats of the project area and adjacent lands are extremely marginal for this species. The closest known occurrence of this species is a population identified along Deer Creek, approximately 5 miles southeast of the project area, in 1881.
San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*)	FT, SE, CNPS 1B.1	Occurs in foothill grasslands in heavy clay soils of the Porterville and Centerville series, between 300 and 2,625 ft. in elevation. Blooms March-April.	**A.** Suitable heavy clay soils of the Porterville and Centerville series are absent from the project area. The closest known occurrences of this species are populations identified on Cibo clay soils approximately 2.3 and 3 miles north of the project area in 1990 and 1988, respectively.

California Alkali Grass (*Puccinellia simplex*)	CNPS 1B.2	Occurs in alkaline, vernally mesic; sinks, flats, and lakes in chenopod scrub, meadows and seeps, valley and foothill grassland, and vernal pools between 45 and 2,920 ft. in elevation. Blooms March-May.	**A**. Suitable habitat for this species is absent from the project area and adjacent lands. Soils are not alkaline.
Keck's Checkerbloom (*Sidalcea keckii*)	FE, CNPS 1B.1	Occurs in cismontane woodland and valley and foothill grassland habitat with serpentine and/or clay soils between 525 and 2,230 ft. in elevation. Blooms April-May.	**A.** Habitat and soils required by this species are absent from the project area. The closest known occurrence of this species is a 1992 observation located approximately 5 miles southeast of the project area; that site has since been converted into an orange grove and the population is considered extirpated.

Species	**Status**	**Habitat**	**Occurrence in the Project Area/Rationale**
Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)	FT	Occurs in vernal pools, clear to tea-colored water in grass or mud-bottomed swales, and basalt depression pools.	**A.** Vernal pool habitat is absent from the project area. The closest known occurrences of this species were documented in vernal pools 1.7 and 2.5 miles southwest of the project area in 2002.
Delta Smelt (*Hypomesus transpacificus*)	FT	This slender-bodied fish is endemic to the San Francisco Bay and Sacramento-San Joaquin Delta upstream through Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties.	**A.** The project area is located outside of the range of this species.

California Red-Legged Frog (*Rana aurora draytonii*)	FT	Perennial rivers, creeks and stock ponds of the Coast Range and northern Sierra foothills with overhanging vegetation.	**A.** Perennial aquatic habitat required by this species is absent from the project area. Moreover, the project area is located outside of the current known range of this species.
California Tiger Salamander (CTS) (*Ambystoma californiense*)	FT	Requires vernal pools for breeding and rodent burrows in annual grasslands for refuge.	**A.** The project area is located well south of this species' range in the San Joaquin Valley. The closest known occurrence of CTS is over 30 miles northwest of the project area.
Blunt-Nosed Leopard Lizard (*Gambelia silus*)	FE, SE, SFP	Frequents grasslands, alkali meadows and chenopod scrub of the San Joaquin Valley from Merced south to Kern County.	**A.** Suitable habitat for this species is absent from the project area. The closest known occurrence of this species is located 19 miles southwest of the project area from 1974.
Giant Garter Snake (*Thamnophis gigas*)	FT, ST	Occurs in marshes, sloughs, drainage canals, irrigation ditches, rice fields, and adjacent uplands. Prefers locations with emergent vegetation for cover and open areas for basking. GGS use small mammal burrows and soil crevices adjacent to aquatic habitats for overwintering and, in the summer, to escape excessive heat.	**A.** The project area is located outside of the current known range of this species. The project area is located over 50 miles from the closest historical or modern occurrence of this species.
Swainson's Hawk (*Buteo swainsoni*)	ST	This breeding migrant to California nests in mature trees in riparian areas and oak savannah, and occasionally in lone trees at the margins of agricultural fields. Requires adjacent suitable foraging areas	**HP.** Suitable nesting and foraging habitat for this species is present within the project area. However, Swainson's hawks are uncommon along the eastern margin of the San Joaquin Valley, and are unlikely to occur in municipal Porterville, where the project area is situated. The nearest known nest

		such as grasslands or alfalfa fields supporting rodent populations.	was documented approximately 8 miles northwest of the project area in 2017 (Hansen 2017).
California Condor *(Gymnogyps californianus)*	FE, SE, SFP	Scavenge for carrion in habitats ranging from Pacific beaches to mountain forests and meadows. They nest in caves on cliff faces in mountains up to 6,000 ft. in elevation. Their size makes take-off difficult, leading them to use high perches for easier take-offs.	**A**. Nesting habitat is absent from the project area. Foraging habitat is marginal. The closest known occurrence of this species is located at a known roosting area within the Blue Ridge Condor Area approximately 15 miles northeast of the project area from 1976.
Tipton Kangaroo Rat *(Dipodomys nitratoides nitratoides)*	FE, SE	Inhabits valley saltbrush scrub, valley sink scrub, and grassland habitats located from the Valley floor to 300 ft in elevation.	**A**. Habitats of the project area are marginal for this species. Moreover, the project area is located at the eastern limit of the current known range of this species. The closest known occurrence of this species is approximately 12 miles northwest of the project area from 1943.
San Joaquin Kit Fox *(Vulpes macrotis mutica)*	FE, ST	Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (4 to 10 inches in diameter) ground squirrel burrows as denning habitat.	**HP**. The project area contains marginally suitable denning and foraging habitat for this species; however, the highly developed surrounding lands reduce the likelihood that this species would occur within the project area. Moreover, modern kit fox occurrences in the project vicinity are scarce. The closest occurrences of this species are approximately 2.3 miles north and 2.6 miles south of the project area from the 1970s. At most, this species could occasionally pass through and/or forage within the

			project area on the way to more suitable habitat elsewhere.

Species	Status	Habitat	Occurrence in the Project Area/Rationale
Western Spadefoot *(Spea hammondii)*	SSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1200 ft. of aquatic habitat.	**A.** Breeding habitat is absent from the project area. Two wetland areas that could serve as suitable breeding habitat are located south and east of the project area; however, these wetlands are separated from the project area by numerous anthropogenic barriers. There are no local occurrences of this species, historical or modern. The closest known occurrence was documented approximately 11 miles southwest of the project area within the Pixley Vernal Pool Preserve in 1978.
Foothill Yellow-Legged Frog *(Rana boylii)*	SSC	Frequents rocky streams and rivers with open, sunny banks in forests, chaparral, and woodlands. Occurs from sea level to 2,040 meters in elevation.	**A.** Perennial aquatic habitat required by this species is absent from the project area. Although the project area is located within the current known range of this species, all local occurrences of this species are in the Sierra Nevada foothills east of the project area. The closest known occurrence of this species is a 1940 observation on the Middle Fork of the Tule River approximately 14 miles northeast of the project area.
Northern California Legless Lizard *(Anniella pulchra)*	SSC	Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and	**HP**. Although the project area contains marginally suitable habitat for this species, the highly disturbed surrounding lands make it unlikely that this species would

		stream terraces with sycamores, cottonwoods, or oaks. Requires moist soils. Sometimes found in suburban gardens in southern California.	occur within the project area. An occurrence was documented in the general vicinity of Porterville in the 1940s; however, specific locational information is unknown. The closest known occurrence of this species is a 2015 observation within the riparian habitat of the Yaudanchi Ecological Reserve approximately 2 miles east of the project area.
Tricolored Blackbird *(Agelaius tricolor)*	SSC, SCE	Breeds in colonies near fresh water, primarily emergent wetlands, with tall thickets. Forages in grassland and cropland habitats.	**HP**. The dense riparian thickets and cattail stands within and adjacent to the project area offer suitable colonial breeding habitat for this species. This species could potentially forage across the entire project area A tricolored blackbird colony was documented just below the Success Lake Dam, approximately 5 miles east of the project area, in 1971. More recently, in 2014, a colony was documented foraging in grassland and nesting in a milk thistle thicket approximately 6 miles northeast of the project area.
Pallid Bat *(Antrozous pallidus)*	SSC	Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees and buildings.	**HP**. Suitable foraging and roosting habitat for this species is present within the project area. The closest known occurrence of this species is approximately 5.5 miles southeast of the project area, recorded in 1946.
Townsend's Big-eared bat *(Corynorhinus townsendii)*	SSC	Primarily a cave-dwelling bat that may also roost in buildings. Occurs in a variety of habitats.	**HP**. Suitable roosting habitat for this species is absent from the project area. This species may forage over the project area. The closest known occurrence of this species is at Porterville Mine, approximately 3

			miles northeast of the project area, recorded in 1988.
Western Mastiff Bat *(Eumops perotis californicus)*	SSC	Frequents open, semi-arid to arid habitats, including conifer, and deciduous woodlands, coastal scrub, grasslands, palm oasis, chaparral and urban. Roosts in cliff faces, high buildings, trees and tunnels.	**HP**. Suitable foraging and roosting habitat for this species is present within the project area. The closest known occurrence of this species is around Lake Success, approximately 6 miles northeast of the project area, recorded in 1994.
American Badger *(Taxidea taxus)*	SSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	**HP**. The project area contains potentially suitable denning and foraging habitat for this species. It is possible that this species could occasionally pass through and/or forage within the project area on the way to more suitable habitat elsewhere. The closest known occurrence of this species is approximately 3.5 miles southeast of this project area from an unknown date.

Absent [A] - No habitat present and no further work needed.

Habitat Present [HP] - Habitat is or may be present. The species may be present.

Present [P] - Species is present

Critical Habitat [CH] - Project footprint is located within a designated critical habitat unit, but does not necessarily mean that appropriate habitat is present.

Status: - Federal Endangered (FE); Federal Threatened (FT); State Endangered (SE); State Threatened (ST); State Candidate Endangered (SCE); State Fully Protected (SFP); State Rare (SR); State Species of Special Concern (SSC); California Native Plant Society (CNPS)

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. <u>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?</u>

Less than Significant Impact with Mitigation. A total of 18 special-status animal species were identified as potentially occurring in the vicinity of the proposed Project area (see Table 5 and Appendix B). Based on the lack of suitable habitat and/or significant distance between the Project area and known populations, ten of the 18 species can be considered absent from the Project area.[13] Eight of the 18 special-

[13] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 41 and 42. See Appendix B.

status animal species listed in Table 5 could potentially occur within the proposed Project area; these species are the Swainson's hawk (*Buteo swainsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), northern California legless lizard (*Anniella pulchra*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*) and American badger (*Taxidea taxus*).

Swainson's hawk

Permanent impacts from the Project will encompass approximately 2.11 acres, portions of which are suitable for Swainson's hawk foraging. The remainder of the Project area will experience temporary impacts, or no impacts at all, and will remain available to this species.

Swainson's hawk is not expected to nest within or adjacent to the proposed Project area; therefore, the Project does not have the potential to result in injury or mortality of nesting Swainson's hawks, or disturbance leading to nest abandonment.[14] In the unlikely event that Swainson's hawks are foraging within the Project area at the time of construction, individual hawks may be disturbed, possibly to the point of shifting their use to habitats outside of the Project area. Swainson's hawks would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile and would be expected to simply fly away from construction-related disturbance.

Given the small area of permanent Project impacts and the relatively low probability of Swainson's hawk occurrence within the Project area, Swainson's hawk individuals and populations would not be significantly impacted from Project-related loss of foraging habitat.

San Joaquin Kit Fox

The potential for SJKF occurrence in the proposed Project area is considered to be quite low.[15] In the highly unlikely event that kit foxes take up residence on the proposed Project area prior to construction or pass through the Project area during construction, individuals of this species may be vulnerable to construction-related injury or mortality.

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the Project area will experience temporary impacts, or no impacts at all, and will remain available to this species, in the unlikely event that they occur in the Project vicinity. Given the small area of permanent Project impacts and the relatively low probability of SJKF occurrence within the Project area, SJKF individuals and populations would not be significantly impacted from Project-related loss of habitat.

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[14] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 43. See Appendix B.

[15] Ibid. Page 45.

Implementation of **BIO-1** through **BIO-5** will ensure potential impacts would remain less than significant.

Northern California Legless Lizard

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the Project area will experience temporary impacts, or no impacts at all, and will remain available to this species in the unlikely event that they occur here. Given the small area of permanent Project impacts and the relatively low probability of northern California legless lizard occurrence within the Project area, individuals and populations of this species would not be adversely affected from Project-related loss of habitat.[16]

Given the small area of permanent Project impacts and the relatively low probability of northern California legless lizard occurrence within the Project area, the Project will not contribute meaningfully to cumulative impacts on this species; however, implementation of **BIO-6** and **BIO-7** will ensure that impacts remain less than significant.

Tricolored Blackbird

In the event that tricolored blackbirds are nesting within or adjacent to the proposed Project area at the time of construction, individuals of this species may be vulnerable to construction-related injury or mortality, or to construction-related disturbance leading to nest abandonment. Tricolored blackbirds would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile foragers and would be expected to simply fly away from construction-related disturbance.[17]

Permanent impacts from the Project will encompass approximately 2.11 acres, portions of which are suitable for tricolored blackbird foraging and nesting. The remainder of the Project area will experience temporary impacts, or no impacts at all, and will remain available to this species, should it occur here. Given the small area of permanent Project impacts, individuals and populations of this species would not be adversely affected from Project-related loss of habitat.

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[16] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 43. See Appendix B.
[17] Ibid. Page 49

Given the small area of permanent Project impacts, the Project will not contribute meaningfully to cumulative impacts on the tricolored blackbird; however, incorporation of **BIO-8**, **BIO-9** and **BIO-10** will ensure impacts remain less than significant.

American Badger

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the Project area will experience temporary impacts, or no impacts at all, and will remain available to the American badger, in the unlikely event that individuals of this species occur in the Project vicinity. Given the small area of permanent Project impacts and the relatively low probability of badger occurrence within the Project area, badger individuals and populations would not be adversely affected from Project-related loss of habitat.[18] However, in the unlikely event that one or more American badgers take up residence in the proposed Project area prior to construction or pass through the Project area during construction, individuals of this species may be vulnerable to construction-related injury or mortality. To ensure impacts remain less than significant, implementation of **BIO-11** and **BIO-12** will be required.

Nesting Birds

Generally speaking, birds are not vulnerable to construction-related injury or mortality while foraging because they are highly mobile foragers and simply fly away when disturbed. Permanent Project-related impacts will encompass approximately 2.11 acres, all of which would be suitable for nesting and/or foraging by one or more bird species protected under California Fish and Game Code. The remainder of the proposed Project area will experience temporary impacts, or no impacts at all, and will remain available to native birds. Given the small area of permanent Project impacts, Project-related loss of habitat is not expected to adversely affect native bird populations.[19]

In the event that avian species are nesting within or adjacent to the proposed Project area at the time of construction, construction activities could result in nest abandonment and/or direct mortality to individual birds. Project activities that injure or kill native birds or lead to nest abandonment would violate the

[18] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 52. See Appendix B.
[19] Ibid. Page 54.

California Fish and Game Code. As such, implementation of **BIO-13**, **BIO-14** and **BIO-15** will ensure that potential impacts would remain less than significant.

Bats

A variety of native bat species, including the Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat, and western mastiff bat, all California Species of Special Concern, could forage over or within the BSA. However, bats are generally not vulnerable to construction-related mortality while foraging.

Permanent Project-related impacts will encompass approximately 2.11 acres, portions of which are suitable for roosting by the pallid bat and western mastiff bat, and for foraging by all three special status bat species considered in this analysis. The proposed Project will not result in loss of foraging habitat for the Townsend's big-eared bat or western mastiff bat because both species forage in flight, and will continue to be able to do so following Project implementation. The Project will result in a negligible loss of foraging habitat for the pallid bat and roosting habitat for the pallid bat and western mastiff bat.[20]

Although no impacts are proposed to the existing bridge over the Poplar Ditch, the Project will remove all vegetation, including trees potentially suitable for roosting by the pallid bat, western mastiff bat, and various other native bat species, within the 30-foot-wide footprint around the trail alignment. Any bats roosting in these trees have the potential to be injured or killed as a result of project activities. As such, implementation of **BIO-16**, **BIO-17** and **BIO-18** will ensure any impacts remain less than significant.

As such, potential impacts to sensitive species will remain ***less than significant with mitigation incorporation.***

Mitigation Measures:

BIO-1: ***Pre-construction Surveys.*** Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS 2011 *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During*

[20] Ibid. Page 56.

Ground Disturbance (see Appendix G). The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.

BIO-2: ***Avoidance.*** Should an active kit fox den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.

BIO-3: ***Minimization.*** Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of Project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.

BIO-4: ***Employee Education Program.*** Prior to the start of construction, the City will retain a qualified biologist to conduct a tailgate meeting that will include a hand out with all of the training information included in it or conduct a Power Point presentation prepared by a qualified biologist to train all construction staff that will be involved with the Project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during Project construction and implementation. The Project manager will use prepared training material to train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the Project.

BIO-5: ***Mortality Reporting.*** In case of the accidental death or injury of a San Joaquin kit fox during Project-related activities, the City will contact Caltrans and Caltrans will notify The Sacramento Field Office of the USFWS. The City will notify the CDFW, directly. All notifications will be submitted in writing within three working days of incident.

Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

BIO-6: ***Pre-construction Surveys.*** Pre-construction reptile surveys shall be conducted by a qualified biologist 24 hours prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the northern California legless lizard. The primary objective of the survey is to capture and relocate any northern California legless lizards encountered.

BIO-7: ***Relocation.*** All northern California legless lizards encountered will be captured (to the extent feasible), placed in a ventilated container that is sufficiently sealed to prevent escape, and relocated to an area within the BSA that is not in an area to be temporarily or permanently impacted.

BIO-8: ***Avoidance.*** If feasible, Project construction will occur outside of the avian nesting season, typically defined as February 1st through August 31st. If construction takes place entirely outside of the nesting season, impacts to nesting tricolored blackbirds will be absent and no other action is necessary.

BIO-9: ***Pre-construction Surveys.*** If Project construction must occur during the nesting season, a pre-construction survey shall be conducted by a qualified biologist for nesting tricolored blackbirds within 15 days of the onset of construction. All suitable habitats of the BSA will be covered during this survey.

BIO-10: ***Establish Buffers.*** If active nests are identified within or near construction zones, an appropriate construction-free buffer will be established around the nests (as determined by a qualified biologist) and maintained until the nesting season is over, or until the biologist determines the nests are no longer active.

BIO-11: ***Pre-construction Surveys.*** Pre-construction surveys shall be conducted 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the American badger. The primary objective is to identify badger habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by badgers.

BIO-12: ***Avoidance.*** Should an active badger den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den until a qualified biologist has determined that the den is vacated or until the animal has been

humanely evicted by a qualified biologist and the den collapsed. Should an active natal den be identified during the preconstruction surveys, a suitable disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.

BIO-13: ***Avoidance.*** In order to avoid impacts to nesting birds, Project construction will take place between September 1 and January 31, outside of the typical avian nesting season.

BIO-14: ***Pre-construction Surveys.*** If Project construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 15 days of the onset of these activities.

BIO-15: ***Establish Buffers.*** Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.

BIO-16: ***Avoidance.*** To avoid potential impacts to maternity bat roosts, tree removal should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.

BIO-17: ***Pre-construction Surveys.*** If tree removal is to occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey trees for the presence of bats within 30 days prior to their removal. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.

BIO-18: ***Minimization.*** If a non-breeding bat roost is found in disturbance areas, the individuals will be humanely evicted via two-stage removal of trees, under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.

BIO-19: ***Avoidance of Maternal Roosts.*** If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in

place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.

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 with Mitigation. Ruderal/developed lands occupy much of the site and are not considered sensitive habitats; however, the proposed Project includes two natural communities of special concern, mixed riparian savannah and riverine.

The project area contains approximately 0.89 acres of riverine habitat in the form of the Tule River; however, the no impacts will occur to this habitat as the proposed Project will be constructed entirely outside of this habitat.

The pedestrian trail has been designed to bypass most mature riparian trees; however, the proposed Project will permanently impact approximately 1.36 acres, and temporarily impact approximately 1.05 acres, of mixed riparian savannah habitat. Permanent impacts will result from construction of the trail, while temporary impacts will result from project activities within the easternmost staging area (see Figure 3 of Appendix B). With the incorporation of **BIO-20**, permanent impacts to 1.36 acres, and temporary impacts to 1.05 acres, of mixed riparian savannah associated with Project construction are not expected to make a meaningful contribution to cumulative impacts to local riparian habitats.[21]

As such, any impacts would be ***less than significant with mitigation.***

Mitigation Measures:.

BIO-20: Should any native riparian trees greater than 4 inches in diameter at breast height (DBH) be impacted by the project, the CDFW may require compensation through the Streambed Alteration permitting process. Compensation typically includes on-site replacement at a ratio of 3:1 for native riparian trees between 4 and 24 inches DBH and 10:1 for native

[21] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 37. See Appendix B.

riparian trees greater than 24 inches DBH. Preparation of a riparian restoration plan may be deemed necessary, and would outline specific planting scenario, success criteria, contingency planting or monitoring requirements that may be called for in the Section 1602 streambed alteration agreement. Species chosen for the plant pallete would include native riparian trees such as valley oaks, Oregon ash and Fremont's cottonwoods. Seed and cuttings will be gathered from the area. These trees will be planted as container plants and/or cuttings. All planting material will be installed in the late fall or early winter.

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 with Mitigation. As part of the proposed Project, retaining walls will be installed just east of South Main Street, where the trail will traverse the river's steep upper banks, which will prevent sedimentation from flowing into the Tule River.

Project construction will take place entirely outside of the Ordinary High Water (OHW) mark of the Tule River, with no temporary or permanent impacts proposed for Corps- and RWQCB-jurisdictional areas associated with this water feature. The proposed bridges over the Poplar Ditch and Poplar Ditch Spillway will clear-span the channel, with footings installed outside of OHW; therefore, there will be no permanent impacts to Corps- and RWQCB-jurisdictional areas associated with these waterways. The Project will not result in any permanent impacts to waters of the U.S./State, as determined by the Natural Environment Study prepared for this Project, as seen in Appendix B. Temporary impacts within OHW of the Poplar Ditch and spillway may occur within a 30-foot-wide disturbance corridor centered on the proposed bridge alignments, encompassing a total of 0.06 acre. Implementation of BIO-x and BIO-x will ensure potential impacts remain ***less than significant***.

Mitigation Measures:

BIO-21: The City shall obtain a Stream Alteration Agreement from California Department of Fish and Wildlife and comply with all conditions of this agreement.

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. The Tule River channel is expected to function as a movement corridor for a variety of native terrestrial wildlife species. The channel provides a corridor between natural habitats of the Sierra Nevada foothills and the Tulare Basin, including the Pixley National Wildlife Refuge and Elk Bayou. The ephemeral flows within the Tule River and Poplar Ditch support no anadromous fish populations. When water is released from Lake Success, it is possible that non-native fish could be washed downstream and pass through the Project area via either the Tule River or Poplar Ditch. Likewise, it is possible that non-native fish from perennial waters downstream could move up into the Project area when water is present. However, there would be no opportunities for fish passage during dry periods, which occur frequently.[22] 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 within the Yaudanchi

[22] Natural Environment Study for the Tule River Parkway Phase III Trail. March 1, 2018. Page 47. See Appendix B.

Ecological Reserve, which is an area established in 1975 to protect a heron and egret rookery. The preserve is owned by the California Department of Developmental Services and managed by the California Department of Fish and Wildlife. As part of the management strategy, CDFW plans to restore native habitat, remove invasive tree species, conduct trail maintenance and erect educational signage[23], which is in line with the intent of the proposed Project. As such, any impacts would be ***less than significant***.

Mitigation Measures: None are required.

[23] City of Porterville General Plan. Open Space and Conservation Element. Page 131.

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?	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

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.

An archaeological survey was completed by PanGIS, Inc., and is provided in Appendix C of this document. A record search was conducted to determine if any historic properties or archaeological resources listed or potentially eligible for listing on the National Register of Historic Places were present within or immediately adjacent to the area of potential interest (APE). The record search request was submitted by PanGIS, Inc., Senior Archaeologist/Historian Douglas Mengers to the Southern San Joaquin Valley Information Center (SSJVIC) on December 27, 2017, and was fulfilled on January 8, 2018.

Materials consulted by the SSJVIC included prehistoric and historic archaeological resource and report databases, OHP Historic Properties Directory, National Register of Historic Places (NRHP), California Register of Historical Resources, California Historical Landmark, California Historical Points of Interest, California Inventory of Historic Resources, and Archaeological Determinations of Eligibility. The record search area included a 1.0-mile buffer of the APE for most resources; historic residences within the Porterville Historic District 0.5 miles north of the proposed Project area were not included in the record search.

PanGIS also consulted the Caltrans Bridge Survey and historical maps of the project area including the General Land Office original survey map (1855), historical topographic maps (USGS 1:62,500 Porterville 1929 and 1942; USGS 1:24,000 Porterville 1951 and 1969), and historic aerial photographs (1963, 1969, 1994, 2005, 2009, 2010, and 2012).

The SSJVIC record search indicated that no portion of the APE has been subjected to an intensive pedestrian survey within the past five years. Earlier surveys of the APE were conducted in 1975 (TU-00630, ~10% coverage) and 1996 (TU-00419, ~80% coverage). An additional 24 reports were identified outside of the APE but within the one-mile search buffer.

The record search identified four resources within the APE, all of which are historical or built environment resources. Eight additional resources are located outside of the APE but within the one-mile search buffer. Except for the Porterville Historic District (P-54-004700), none of these resources are within 500 meters of the APE.

The Native American Heritage Commission reported that no records were found in the Sacred Lands File in the proposed 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 area listed in or eligible for listing in the National Register of Historic Places are considered eligible for listing in the CRHR, and thus are significant historical resources for the purpose of CEQA (PRC Section 5024.1(d)(1)).

Public Resources Code §5097.5

California Public Resources Code §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.

Senate Bill 18

SB 18 requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space.

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. 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.***

CUL-1: The following measures shall be implemented:

- Before initiation of construction or ground-disturbing activities associated with the Project, the City shall require all construction personnel to be alerted to the possibility of buried cultural resources, including historic, archeological and paleontological resources;
- The general contractor and its supervisory staff shall be responsible for monitoring the construction Project for disturbance of cultural resources; and
- If a potentially significant historical, archaeological, or paleontological resource, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains or trash deposits are encountered during subsurface construction activities (i.e., trenching, grading), all construction activities within a 100-foot radius of the identified potential resource shall cease until a qualified archaeologist evaluates the item for its significance and records the item on the appropriate State Department of Parks and Recreation (DPR) forms. The archaeologist shall determine whether the item requires further study. If, after the qualified archaeologist conducts appropriate technical analyses, the item is determined to be significant under California Environmental Quality Act, the archaeologist shall recommend feasible mitigation measures, which may include avoidance, preservation in place or other appropriate measure, as outlined in Public

Resources Code section 21083.2. The City of Porterville shall implement said measures.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation. The possibility exists that subsurface construction activities may encounter undiscovered archaeological resources. This would be a potentially significant impact. Implementation of Mitigation Measure CUL-1 would require inadvertently discovery practices to be implemented should previously undiscovered archeological resources be located. As such, impacts to undiscovered archeological resources would be ***less than significant with mitigation incorporation.***

c. 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***.

Mitigation Measures

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.

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:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
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	☐	☐	☒	☐

	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

The proposed Project is located in the southeastern San Joaquin Valley at the base of the Sierra Nevada Mountains. The Valley floor is occupied by extensive, flat alluvial fans. Two soil mapping units, Tujunga sand and "water," have been identified within the proposed Project site.[24] Tujunga sand occurs in floodplains, drainage ways and alluvial fans derived from granite. These sandy soils are somewhat excessively drained and considered to be hydric. Hydric soils are formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper profile. The "water" mapping unit refers to riverine habitat associated with the Tule River.

Regulatory Setting

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.

[24] Tule River Parkway Phase III Trail Natural Environment Study. Prepared by Live Oak Associates, Inc. See Appendix B. Page 15.

- 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 proposed 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.

Project related bridge construction will conform to the latest standards for seismic design as adopted by the Uniform Building Code. Therefore, 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 proposed Project site is located on relatively flat topography and is not located adjacent to any steep slopes or areas that would otherwise be subject to landslides. Therefore, the impact is ***less than significant***.

Mitigation Measures: None are required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The bedrock is present at relatively shallow depths beneath the eastern end of Porterville. The soil in the proposed 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 urban area and does not include any Project features that would result in soil erosion or loss of topsoil. The proposed Project will be designed with slopes designed to minimize erosion and slopes greater than 3:1 will be riprapped with a maximum slope of 1:1. 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 proposed 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. The proposed Project does not include the use of septic systems or any alternative waste water disposal system. 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
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

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_2), methane (CH_4), ozone, Nitrous Oxide (NO_x), and chlorofluorocarbons. Human-caused emissions of these GHGs in excess of natural ambient concentrations are considered responsible for enhancing the greenhouse effect. GHG emissions contributing to global climate change are attributable, in large part, to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation. Global climate change is, indeed, a global issue. GHGs are global pollutants, unlike criteria pollutants and TACs (which are pollutants of regional and/or local concern). Global climate change, if it occurs, could potentially affect water resources in California. Rising temperatures could be anticipated to result in sea-level rise (as polar ice caps melt) and possibly change the timing and amount of precipitation, which could alter water quality. According to some, climate change could result in more extreme weather patterns; both heavier precipitation that could lead to flooding, as well as more

extended drought periods. There is uncertainty regarding the timing, magnitude, and nature of the potential changes to water resources as a result of climate change; however, several trends are evident.

Snowpack and snowmelt may also be affected by climate change. Much of California's precipitation falls as snow in the Sierra Nevada and southern Cascades, and snowpack represents approximately 35 percent of the state's useable annual water supply. The snowmelt typically occurs from April through July; it provides natural water flow to streams and reservoirs after the annual rainy season has ended. As air temperatures increase due to climate change, the water stored in California's snowpack could be affected by increasing temperatures resulting in: (1) decreased snowfall, and (2) earlier snowmelt.

Regulatory Setting

Federal

"On December 7, 2009, Administrator Lisa Jackson signed a final action, under Section 202(a) of the Clean Air Act, finding that six key well-mixed greenhouse gases constitute a threat to public health and welfare, and that the combined emissions from motor vehicles cause and contribute to the climate change problem."[25] "The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases — carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6) — in the atmosphere threaten the public health and welfare of current and future generations."[26]

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_2-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.

[25] U.S. Environmental Protection Agency. Climate Change. Climate Change Regulatory Initiatives. Web Archive. https://archive.epa.gov/epa/climatechange/climate-change-regulatory-initiatives.html. Accessed January 2018.
[26] U.S. Environmental Protection Agency. Greenhouse Gas Emissions. Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act. https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean. Accessed January 2018.

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_2 per year to report and verify their GHG emissions from combustion of both fossil fuels and biomass-derived fuels.

The First Update to the Scoping Plan was approved by the Board on May 22, 2014, and builds upon the initial Scoping Plan with new strategies and recommendations. The First Update identifies

opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The First Update defines ARB's climate change priorities for the next five years, and also sets the groundwork to reach long-term goals set forth in Executive Orders S-3-05 and B-16-2012. The Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the initial Scoping Plan. It also evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use.[27]

"In 2016, the Legislature passed SB 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. ARB is moving forward with a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32."[28]

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.

[27] California Air Resources Board. First Update to the AB 32 Scoping Plan. https://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm. Accessed December 2017.
[28] California Air Resources Board. AB 32 Scoping Plan. https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm. Accessed December 2017.

RESPONSES

a, b. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

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 (CO2) per year. As shown in Table 3, Proposed Project Construction and Operation Emissions, Project operation is estimated to produce 29.3647 MT/year of CO2. Emissions from construction would be temporary; however, to account for the construction emissions, the emissions were amortized based on the life of the project (50 years) and added to the operational emissions. Therefore, the proposed Project would generate an estimated 31.6693 MT/year of CO2 (combined construction and operational totals). This represents less than 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. Therefore, construction-generated GHGs are ***less than significant.***

Mitigation Measures: None are required.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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	☐	☐	☐	☒

	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 proposed Project site is located in the eastern portion of the City, along the southern bank of the Tule River.

The nearest residences are approximately 75 feet to the south of the western portion of the proposed Project site. The Project site is approximately 3.0 miles northeast of the Porterville Municipal Airport. Fresno-Yosemite International Airport is the closest regional airport to the proposed Project site, approximately 60 miles northwest.

The Teapot Dome Landfill plant is approximately five miles southwest of the proposed Project site, while the Porterville Wastewater Treatment Plant is located approximately 2.75 miles to the northwest.

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 Uniform 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. This impact is associated with hazards caused by the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Proposed Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the proposed Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the project site. Therefore, no significant impacts would occur during construction activities. No hazardous materials are anticipated to be utilized during Project operation. 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.

c. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. See Response a. above. Any accumulated hazardous construction or operational wastes will be collected and transported away from the site in compliance with all federal, state and local regulations. Any impacts would be ***less than significant***.

Mitigation Measures: None are required.

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. The site is approximately 0.3 miles north of Porterville College and 0.3 miles south of Santa Fe Elementary School. Any impacts would be ***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 complied pursuant to Government Code Section 65962.5 (Geotracker and DTSC Envirostor databases – accessed in May 2016). The nearest Department of Toxic Substances Control listed site is the So Cal Gas/Porteville MGP approximately 0.3 miles northwest of the proposed Project site. There 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 five 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 proposed Project site will be accessible via Main and Plano Streets, as seen Figure 3, which are not a part of the City's emergency response plan or emergency evacuation plan. As such, the Project 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?

Less Than Significant. There are no wildlands on or near the Project site as the site is surrounded by urban uses. Any impacts would be ***less than significant***.

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?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or	☐	☐	☒	☐

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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
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?	☐	☐	☒	☐
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

SETTING

Environmental Setting

The Tule River is one of the principal watercourses in Tulare County. Under normal conditions, discharge in the Tule River is regulated by Success Dam, located approximately five miles upstream of the City. Porter Slough is a natural distributary of the Tule River and flows through the center of the City. It originates from the Tule River approximately four miles upstream from the City, and returns to the river approximately 17 miles below its point of origin. The Tule River waters originate primarily from rain and snowmelt in the Sierra Nevada and has good to excellent water quality.

Lake Success was formed by construction of Success Dam in 1961 and is managed by the U.S. Army Corps of Engineers. The lake provides flood prevention, storage of irrigation water, and a variety of recreational activities.

Seven ditch companies divert water from the Tule River and/or Porter Slough at points within the City and its immediate area: Pioneer, Campbell-Moreland, Porter Slough, Vandalia, Poplar, Hubbs-Miner, and Woods-Central. In addition to delivering water for irrigation, these ditches also provide extra capacity to carry peak flood flows and urban storm water runoff.

The City 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 City of Porterville (and 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 greater San Joaquin Valley Groundwater Basin. According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure.

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 proposed Project includes the construction of a bicycle and pedestrian trail, two pedestrian bridges over the Poplar Ditch Diversion and a vehicular bridge over the Poplar Ditch Diversion. Once constructed, there will be no water usage onsite. 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.

In addition to the SWPPP, the City will be required to obtain Section 404 compliance with the U.S. Army Corps of Engineering, Section 401 Compliance with the Regional Water Quality Control Board, Section 1602 Streambed Alteration Agreement from California Department of Fish & Wildlife and an Encroachment Permit from the Central Valley Flood Protection Board. These permits will ensure that

BMP measures are in place to prevent unnecessary drainage into the Tule River or Poplar Ditch Diversion during the construction period.

As such, the proposed Project will not violate any water quality standards and will not impact waste discharge requirements. The impact will be ***less than significant***.

Mitigation Measures: None are required.

b. Substantially 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)?

Less than Significant Impact. The City of Porterville (and 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 greater San Joaquin Valley Groundwater Basin. According to the City's General Plan EIR, wells in and around the city have shown a moderate groundwater level decline of about 0.75 feet per year over the past 20 years. The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue and the distribution system is operated under pressure.

According to the City's General Plan, Urban Water Management Plan (UWMP), and personal communication with the City Engineer, future demand within the City planning area can be met with continued groundwater pumping, surface water purchases and conservation measures. Therefore, the proposed Project will not result in additional groundwater use that was not already accounted for in the City's UWMP. Additionally, minimal amounts of water will be required for construction and project operation will not require the use of water. As such, there is a ***less than significant impact*** to this impact area.

Mitigation Measures: None are required.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. See response a) above, 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-a. 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. Implementation of the proposed Project will not require expansion of the City's existing stormwater system, nor will it result in additional sources of polluted runoff. 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 proposed Project involves the construction of a bicycle and pedestrian trail. No new housing is associated with the proposed 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 proposed Project includes a bicycle and pedestrian trail along the Tule River, which is within the 100-year flood zone. Improvements to the trail include a 10-foot wide asphaltic concrete paved trail, a pedestrian bridge and a vehicular bridge, tree and vegetation removal, soil scarification and installation of solar lights, trail signage, markings and retaining walls. 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 one-half mile 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. The proposed Project includes the extension of an existing trail, and the construction of a pedestrian bridge and vehicular bridge along and across the Tule River. 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

SETTING

Environmental Setting

The proposed Project site is located in the eastern part of the City of Porterville and is currently an undisturbed riparian area along the southern bank of the Tule River (see Figure 2).

The site is designated by the General Plan as Park & Recreation area and is surrounded by Medium-Density Residential, High Density Residential, Downtown Mixed Use, Retail Centers, Neighborhood Commercial, Industrial and Commercial Recreation. The site is immediately south of the Downtown District Boundary.

The site is currently zoned RM-2 (Medium Density Residential), RM-3 (High Density Residential) and IG (General Industrial) with a General Plan Designation of Industrial and Parks and Recreation. General Plan Designation, land use and zoning surrounding the site are identified in Table 6.

Table 6
Existing Land Use, General Plan Designation and Zoning

Location	Existing Land Use	Current Zoning Classification	General Plan Designation
North	Single family residential, commercial	Medium Density Residential (DRM-2), Retail Centers (CR), Mixed Use (D-MX)	Medium Density Residential, Parks and Recreation, Retail Center, Downtown Mixed Use
South	Single family residential, baseball park	Medium Density Residential (RM-2), Parks and Public Recreational Facilities (PK), Neighborhood Commercial (CN), General Industrial (IG)	Neighborhood Commercial, Parks and Recreation, Medium Density Residential, Retail Center, Industrial
East	Plano Street, Single family residential, commercial	Commercial Recreation (REC)	Commercial Recreation
West	Main Street and commercial	General Industrial (IG)	Industrial

Existing land uses in City of Porterville have been organized into generalized categories that are summarized below on Table 7. City of Porterville has a 2030 General Plan planned build-out of approximately 36,341 acres in size, equivalent to approximately 56.6 square-miles.

Table 7
Existing Land Use: City of Porterville Planning Area (2005)[29]

Generalized Land Use Category	Total	Percentage
Agriculture/Rural/Conservation	21,270	59%
Single Family Residential	4,760	13%
Multi Family Residential	240	1%
Retail Shopping	80	0%
Commercial	760	2%
Industrial	350	1%
Public/Quasi-Public	2,630	7%
Vacant	3,590	10%
Unclassified (Roads, water, etc)	2,661	7%
Total Area	36,341	100%

[29] City of Porterville Land Use Element

Regulatory Setting

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.

Local

Porterville General Plan Policies

- LU-I-20: Establish standards for pedestrian-oriented design in neighborhood centers.
- LU-I-21: Prohibit new strip commercial developments.
- LU-I-22: Promote and support the revitalization and infill development in existing retail shopping centers.
- LUI-23: Establish an incentive program that will provide for density and FAR bonuses for mixed-use development that includes amenities for public benefit, such as workforce housing, pedestrian-oriented facilities (outdoor seating, plazas, weather protection, transit waiting areas), historic preservation, cultural facilities, public art and water features, and open space preservation.
- LU-I-24: Allow supporting retail, business services and other complementary uses in Professional Office districts.

RESPONSES

a. Physically divide an established community?

No Impact. The Project is located within the eastern portion of the City of Porterville and includes the extension of an existing pedestrian trail. The proposed Project site is currently riparian habitat heavily influenced by urban activities. The construction and operation of the Project would not cause any land use changes in the surrounding vicinity nor would it divide an established community. ***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?

No Impact. The site is currently zoned RM-2 (Medium Density Residential), RM-3 (High Density Residential) and IG (General Industrial) with a General Plan Designation of Industrial and Parks and Recreation. As the proposed Project follows the southern bank of the Tule River, the Project does not involve any change to, or conflict with, applicable land use plans, policies, or regulations. There is ***no impact.***

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 Beatle 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

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 General Plan Planning Area, are within mineral resource zones. Tule River contains various State-classified mineral resource zones (MRZ-2a, MRZ-2b, and MRZ-3a). The proposed Project is located on land classified as MRZ-2b. While this area was once suitable for mining operations, it is now surrounded by urban development.

Regulatory Setting

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?

Less Than Significant. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is included in the MRZ-2b State classified mineral resource zone. While this area was once suitable for mining operations, it is now surrounded by urban development. The lands immediately adjacent to the Tule River are afforded protection by State and federal regulations and are designated as parks or conservation areas and are not subject to future urban development. Therefore, there is a ***Less Than Significant Impact*** to Mineral Resources.

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?

Less Than Significant Impact. As shown in Figure 6-3 of the 2030 General Plan, the proposed Project area is included in the MRZ-2b State classified mineral resource zone. While this area was once suitable for mining operations, it is now surrounded by urban development. The lands immediately adjacent to the Tule River are afforded protection by State and federal regulations and are designated as parks or conservation areas and are not subject to future urban development. Therefore, there is a ***Less Than Significant Impact*** to Mineral Resources.

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?	☐	☒	☐	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SETTING

Environmental Setting

The Project site is located in the eastern part of the City of Porterville and is currently a riparian corridor along the Tule River. See Figure 3 – Aerial Map. The site is located in an urban area that provides a mix of land uses. Porterville College is approximately 0.3 miles to the south while Santa Fe Elementary School is approximately 0.3 miles to the north. The Tule River Pedestrian Trail is to the west of the proposed Project site while the majority of the site is surrounded by single family residential uses.

Regulatory Setting

Federal

The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 0.5 PPV without experiencing structural damage[32]. The FTA has identified the human annoyance response to vibration levels as 80 RMS.

State

The California 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 8 below.

Table 8
Land Use Compatibility for Community Noise Environment

Land Use Category	Community Noise Exposure, L_{dn} or CNEL dB			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low density single family, duplex,	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Residential – Multiple family	<65 (<45 Interior)	65 to 70	70 to 75	>75 (>45 Interior)
Schools, libraries, churches, hospitals, nursing	<70	60 to 75	70 to 80	>80
Industrial, manufacturing, utilities, agriculture	<75	70 to 80	75 to 85	No levels identified

Normally acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally unacceptable – New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly unacceptable – New construction or development should generally not be undertaken.

Porterville General Plan Policies

- N-G-1: Minimize vehicular and stationary noise levels and noise from temporary activities.
- N-G-2: Ensure that new development is compatible with the noise environment.
- N-G-5: Reduce noise intrusion generated by miscellaneous noise sources through conditions of approval to control noise-generating activities.

- N-I-7: Require noise from existing mechanical equipment to be reduced by soundproofing materials and sound-deadening installation.

RESPONSES

a. 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 With Mitigation. The major noise sources in Porterville are related to roadways and vehicle traffic.[30] The proposed Project area is directly north of an established noise contour (State Route 190) for noise levels greater than 55 and 60 dB and when future 2030 conditions are projected, the proposed Project site is within the 55 and 60 dB noise contour.[31]

The site itself is located in an intense urban area adjacent to roadways that are heavily travelled. Noise from the proposed Project will be similar to existing conditions as no new noise sources will be constructed, with the exception of the vehicular bridge across the Poplar Ditch. Because of its location at a heavily used arterial and its location near a noise contour, it is not expected that the proposed Project will result in a discernable increase in noise to surrounding land uses.

Proposed Project construction related activities will involve temporary noise sources and are anticipated to last approximately six 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 9, 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 9
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

[30] City of Porterville Draft Environmental Impact Report 2030 General Plan. November 2007. Page 97.
[31] Ibid. Pages 101 and 103.

Type of Equipment	dBA at 50 ft	
Grader	85	75
Truck	91	75

The City of Porterville's General Plan Noise Element (2008) sets the standard noise threshold of 60 dBA at the exterior of nearby residences; however, it does not identify a short-term, construction-noise-level threshold. The distinction between short-term construction noise impacts and long-term operational noise impacts is a typical one in both CEQA documents and local noise ordinances, which generally recognize the reality that short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. A more severe approach would be impractical and might preclude the kind of construction activities that are to be expected from time to time in urban environments. Most residents of urban areas recognize this reality and expect to hear construction activities on occasion.

Although impacts are considered less than significant, implementation of Mitigation Measure **NO-1** and **NO-2** will ensure that impacts remain ***less than significant with mitigation incorporation.***

Mitigation Measures:

NO-1: Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).

NO-2: The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.

b. <u>Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</u>

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 includes clearing

vegetation, constructing a pedestrian bridge and vehicular bridge across the Tule River and the Poplar Ditch, creating a 10-foot wide pedestrian trail and erecting signage and lighting along that trail.

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 10 describes the typical construction equipment vibration levels.

Table 10
Typical Construction Vibration Levels

Equipment	VdB at 25 ft
Small Bulldozer	58
Jackhammer	79

Vibration from construction activities will be temporary and not exceed the FTA threshold for the nearest residences which are located approximately 25 feet south of the western portion of the proposed Project. The impact will be ***less than significant***.

Mitigation Measures: None are required.

c-d. <u>A substantial temporary, periodic, or permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</u>

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.

e-f) <u>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, public use airport, or private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</u>

No Impact. The proposed Project is outside the Porterville Municipal Airport's land use plan and is approximately 3.5 miles southwest of the site. There is ***no impact.***

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
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 associated with the proposed Project. The proposed Project includes extending the existing Tule River trail system to the east. 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. No houses will be removed as a part of the proposed Project. There is ***no impact*** to housing.

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:

	Potentially Significant Impact	Less than Significant 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?	☐	☐	☒	☐
Police protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

SETTING

Environmental Setting

The nearest fire station is the Porterville Fire Department which is approximately one mile north of the proposed Project site. The Tulare County Doyle Colony Fire Station #20 is approximately 1.5 miles to the east of the site. The Porterville Police Department is located just over one-mile northeast of the proposed Project site at 350 N D Street.

The Teapot Dome Landfill plant is approximately 5.3 miles southwest of the proposed Project site, while the Porterville Wastewater Treatment Plant is located just over two miles to the northwest of the site.

The site is approximately 0.3 miles north of Porterville College and 0.3 miles south of Santa Fe Elementary School.

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 2007 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 proposed Project site will continue to be served by the City of Porterville fire department. 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. 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 is within the land use and growth projections identified in the City's General Plan and other infrastructure studies. 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:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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.[32]

[32] City of Porterville 2030 General Plan. 2007. Chapter 5- Parks, Schools & Community Facilities. Page 91.

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

Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☒

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 proposed Project site is located within the southern portion of the City of Porterville, along the southern alignment of the Tule River between Plano and Main Streets. The site is approximately 0.25 miles north of State Route 190 and 1.2 miles to the east of State Route 65.

The nearest airport to the proposed Project site is the Porterville Municipal Airport, which is located approximately 3.5 miles 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".

The segment of SR 190 in the proposed project vicinity is designated as Segment 3. SR 190 is classified by Caltrans as rural except for the portion in Porterville which 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

<u>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?</u>

Less than Significant Impact. The proposed Project includes the extension of the existing Tule River Trail by constructing a 10-foot wide path, a pedestrian bridge, a vehicular bridge, lighting, signage, and various other improvements to the Tule River corridor. Construction activities will be completed within a six month time period and will generate approximately 15 construction related trips per day. Once completed, the trail 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 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 3.5 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 associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is ***no impact.***

Mitigation Measures: None are required.

e. Result in inadequate emergency access?

No Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is ***no impact.***

Mitigation Measures: None are required.

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?

No Impact. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. See also Response XVI-a. There is ***no impact.***

Mitigation Measures: None are required.

XVII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☒	☐
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☐

SETTING

Federal

The National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established federal regulations for the purpose of protecting significant cultural resources. The legislation established the National Register of Historic Places and the National Historic Landmarks Program. It mandated the establishment of the State Historic Preservation Office (SHPO), responsible for implementing statewide historic preservation programs in each state. A key aspect of SHPO responsibilities include surveying, evaluating and nominating significant historic buildings, sites, structures, districts and objects to the National Register. The NHPA also established requirements for federal agencies to consider the effects of proposed federal Projects on historic properties (Section 106, NHPA). Federal agencies and recipients of federal funding are required to initiate consultation with the SHPO as part of the Section 106 review process.[33]

State

California State Office of Historic Preservation (OHP)

The California State Office of Historic Preservation (OHP) is responsible for administering federally and state mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), appointed by the governor, and the State Historical Resources Commission, a nine-member state review board appointed by the governor.

Among OHP's responsibilities are identifying, evaluating, and registering historic properties; and ensuring compliance with federal and state regulations. The OHP administers the State Register of Historical Resources and maintains the California Historical Resources Information System (CHRIS) database. The CHRIS database includes statewide Historical Resources Inventory (HRI) database. The records are maintained and managed under contract by eleven independent regional Information Centers. Tulare, Fresno, Kern, Kings and Madera counties are served by the Southern San Joaquin Valley

[33] Advisory Council on Historic Preservation, National Historic Preservation Program: Overview, http://www.achp.gov/overview.html, accessed February 2017

Information Center (Center), located in Bakersfield, CA. The Center provides information on known historic and cultural resources to governments, institutions and individuals.[34]

A historical resource may be eligible for inclusion in the California Register of Historical Resources (CRHR) if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important to our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.[35]

Tribal Consultation Requirements: SB 18 (Burton, 2004) [36]

On September 29, 2004, Governor Schwarzenegger signed Senate Bill 18, Tribal Consultation Guidelines, into law. This bill amended Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.2 to, the Government Code, relating to traditional tribal cultural Places. SB 18, enacted March 1, 2005, creates a mechanism for California Native American Tribes to identify culturally significant sites that are located within public or private lands within the city or county's jurisdiction. SB 18 requires cities and counties to contact, and offer to consult with, California Native American Tribes before adopting or amending a General Plan, a Specific Plan, or when designating land as Open Space, for the purpose of protecting Native American Cultural Places (PRC 5097.9 and 5097.993). The Native American Heritage Commission (NAHC) provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe.

Tribal Consultation Requirements: AB 52 (Gatto, 2014)[37]

This bill was approved by Governor Brown on September 25, 2014 and became effective July 1, 2015. This bill amended Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09,

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[34] California Office of Historic Preservation, Mission and Responsibilities, http://ohp.parks.ca.gov/?page_id=1066, Accessed February 2018

[35] California Office of Historic Preservation, California Register: Criteria for Designation, http://www.ohp.parks.ca.gov/?page_id=21238. Accessed February 2018

[36] Senate Bill No. 18, Chapter 905, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18, Accessed February 2018

[37] Assembly Bill No. 52, Chapter 532, http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52, accessed February 2018

21084.2, and 21084.3 to, the Public Resources Code, relating to Native Americans. The bill specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. This bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated (can be a tribe anywhere within the State of California) with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

Existing law establishes the Native American Heritage Commission (NAHC) and vests the commission with specified powers and duties. This bill required the NAHC to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within the geographic area in which the tribe is traditionally and culturally affiliated, the contact information of those agencies, and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

The NAHC provides protection to Native American burials from vandalism and inadvertent destruction, provides a procedure for the notification of most likely descendants regarding the discovery of Native American human remains and associated grave goods, brings legal action to prevent severe and irreparable damage to sacred shrines, ceremonial sites, sanctified cemeteries and place of worship on public property, and maintains an inventory of sacred places.[38]

The NAHC performs a Sacred Lands File search for sites located on or near the Project site upon request. The NAHC also provides local governments with a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect. As indicated on the NAHC's letter dated January 12, 2018, a Sacred Lands File check indicated negative results (that is, Sacred Lands were not identified) for the Project location (See Appendix C). An opportunity has been provided to Native American tribes listed by the Native American Heritage Commission during the CEQA process as required by AB 52. No Project-specific responses were received by the City in response to the consultation request within the mandatory response time-frames; therefore, this Initial Study has been completed consistent and compliant with AB 52.

[38] Native American Heritage Commission, About the Native American Heritage Commission, http://nahc.ca.gov/about/, accessed February 2018

RESPONSES

a-i, a-ii. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k) or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant Impact. A Tribal Cultural Resource (TCR) is defined under Public Resources Code section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included and that is listed or eligible for inclusion in the California Register of Historic Resources or in a local register of historical resources, or if the City of Porterville, acting as the Lead Agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. As discussed above, under Section V, Cultural Resources, criteria (b) and (d), no known archeological resources, ethnographic sites or Native American remains are located on the proposed Project site. As discussed under criterion (b) implementation of Mitigation Measure CULT-1 would reduce impacts to unknown archaeological deposits, including TCRs, to a less than significant level. As discussed under criterion (d), compliance with California Health and Safety Code Section 7050.5 would reduce the likelihood of disturbing or discovering human remains, including those of Native Americans. Any impacts to TCR would be considered ***less than significant***.

Mitigation Measures: No additional measures are required.

XVIII. 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?	☐	☐	☐	☒
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐

g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

SETTING

Environmental Setting

The Teapot Dome Landfill plant is approximately 5.3 miles southwest of the proposed Project site, while the Porterville Wastewater Treatment Plant is located just over two miles to the northwest of the site.

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 (NDPES) 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?

No Impact. The proposed Project includes the extension of the existing Tule River Trail. There will be no wastewater discharge from the Project and as such, will have no impact to the wastewater treatment facility. There is ***no impact.***

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 a, above. The proposed 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 extension of the existing Tule River Pedestrian Trail. As the new paved trail be only ten feet wide, the vast majority of the Project site will be left impervious and as such, drainage patterns in the Project area will not change. A Storm Water Pollution Prevention Plan (SWPPP) will be in place during construction and a copy of that SWPPP will be retained on-site during construction. Impacts would be ***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 trail extension. 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 Impact 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 f, above. 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.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporation	Less than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

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 With Mitigation. 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 With Mitigation. 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

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 Class I Bicycle & Pedestrian Trail Project (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)
BIO-1 *Pre-construction Surveys.* Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS 2011 *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (see Appendix G). The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.	City of Porterville	Prior to construction	City of Porterville	
BIO-2 *Avoidance.* Should an active kit fox den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.	City of Porterville	Prior to and during construction	City of Porterville	
BIO-3 *Minimization*. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes.	City of Porterville	During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Minimization measures include but are not limited to: restriction of Project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.				
BIO-4 *Employee Education Program*. Prior to the start of construction, the City will retain a qualified biologist to conduct a tailgate meeting that will include a hand out with all of the training information included in it or conduct a Power Point presentation prepared by a qualified biologist to train all construction staff that will be involved with the Project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during Project construction and implementation. The Project manager will use prepared training material to	City of Porterville	Prior to and During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the Project.				
BIO-5 *Mortality Reporting.* In case of the accidental death or injury of a San Joaquin kit fox during Project-related activities, the City will contact Caltrans and Caltrans will notify The Sacramento Field Office of the USFWS. The City will notify the CDFW, directly. All notifications will be submitted in writing within three working days of incident. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-6 *Pre-construction Surveys.* Pre-construction reptile surveys shall be conducted by a qualified biologist 24 hours prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the northern California legless lizard. The primary objective of the survey is to capture and relocate any northern California legless lizards encountered.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-7 *Relocation.* All northern California legless lizards encountered will be captured (to the extent feasible), placed in a ventilated container that is sufficiently sealed to prevent escape, and relocated to an area within the BSA that is not in an area to be temporarily or permanently impacted.	City of Porterville	Prior to and During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-8 *Avoidance.* If feasible, Project construction will occur outside of the avian nesting season, typically defined as February 1st through August 31st. If construction takes place entirely outside of the nesting season, impacts to nesting tricolored blackbirds will be absent and no other action is necessary.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-9 *Pre-construction Surveys.* If Project construction must occur during the nesting season, a pre-construction survey shall be conducted by a qualified biologist for nesting tricolored blackbirds within 15 days of the onset of construction. All suitable habitats of the BSA will be covered during this survey.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-10 *Establish Buffers.* If active nests are identified within or near construction zones, an appropriate construction-free buffer will be established around the nests (as determined by a qualified biologist) and maintained until the nesting season is over, or until the biologist determines the nests are no longer active.	City of Porterville	Prior to and During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-11 *Pre-construction Surveys.* Pre-construction surveys shall be conducted 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the American badger. The primary objective is to identify badger habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by badgers.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-12 *Avoidance.* Should an active badger den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den until a qualified biologist has determined that the den is vacated or until the animal has been humanely evicted by a qualified biologist and the den collapsed. Should an active natal den be identified during the preconstruction surveys, a suitable disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-13 *Avoidance.* In order to avoid impacts to nesting birds, Project construction will take place between September 1 and January 31, outside of the typical avian nesting season.	City of Porterville	Prior to and During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-14 *Pre-construction Surveys*. If Project construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 15 days of the onset of these activities.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-15 *Establish Buffers*. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-16 *Avoidance.* To avoid potential impacts to maternity bat roosts, tree removal should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-17 *Pre-construction Surveys*. If tree removal is to occur between April 1 and September 30 (general maternity bat	City of Porterville	Prior to and During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
roost season), a qualified biologist will survey trees for the presence of bats within 30 days prior to their removal. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.				
BIO-18 *Minimization.* If a non-breeding bat roost is found in disturbance areas, the individuals will be humanely evicted via two-stage removal of trees, under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-19 *Avoidance of Maternal Roosts.* If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.				

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
BIO-20 Should any native riparian trees greater than 4 inches in diameter at breast height (DBH) be impacted by the project, the CDFW may require compensation through the Streambed Alteration permitting process. Compensation typically includes on-site replacement at a ratio of 3:1 for native riparian trees between 4 and 24 inches DBH and 10:1 for native riparian trees greater than 24 inches DBH. Preparation of a riparian restoration plan may be deemed necessary, and would outline specific planting scenario, success criteria, contingency planting or monitoring requirements that may be called for in the Section 1602 streambed alteration agreement. Species chosen for the plant pallete would include native riparian trees such as valley oaks, Oregon ash and Fremont's cottonwoods. Seed and cuttings will be gathered from the area. These trees will be planted as container plants and/or cuttings. All planting material will be installed in the late fall or early winter.	City of Porterville	Prior to and During construction	City of Porterville	
BIO-21 The City shall obtain a Stream Alteration Agreement from California Department of Fish and Wildlife and comply with all conditions of this agreement.	City of Porterville	Prior to and During construction	City of Porterville	
CUL-1 The City shall require that the provisions of Senate Bill 18, which requires consultation with California Native American Tribes, be completed prior to initiation of construction or ground-disturbing activities associated with the Project. ▪ 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	City of Porterville	Prior to and during construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
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				

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
Resources Code section 21083.2. The City of Porterville shall implement said measures.				
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.	City of Porterville	During construction	City of Porterville	
NO-1 Construction activities shall be limited to between 6:00 A.M. and 9:00 P.M. Monday through Friday and between 7:00 A.M. and 5:00 PM on Saturday or Sunday to avoid noise-sensitive hours of the day. Construction activities shall be prohibited on holidays (President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Day, and New Year's Day).	City of Porterville	During construction	City of Porterville	

Mitigation Measure	Party responsible for Implementing Mitigation	Implementation Timing	Party responsible for Monitoring	Verification (name/date)
NO-2 The construction contract shall require the construction contractor to ensure that construction equipment noise is minimized by muffling and shielding intakes and exhaust on construction equipment (in accordance with the manufacturer's specifications) and by shrouding or shielding impact tools.				

Chapter 5

Preparers

LIST OF PREPARERS AND REFERENCES

List of Preparers

City of Porterville

- Julie D. Phillips, AICP, Community Development Manager
- Jenni Byers, Community Development Director
- Javier Sanchez, Acting City Engineer

Crawford & Bowen Planning, Inc.

- Travis Crawford, AICP, Principal Environmental Planner
- Emily Bowen, LEED AP, Principal Environmental Planner

Live Oak Associates, Inc.

- Wendy Fisher, Senior Project Manager
- Anna Godinho, Staff Ecologist

PanGIS, Inc.

- Douglas Mengers, M.A., RPA, Senior Archaeologist/Historian

Appendix A

CalEEMod Output Files

River Parkway Bike Path Phase III

San Joaquin Valley Unified APCD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
City Park	2.70	Acre	2.70	117,612.00	0

1.2 Other Project Characteristics

Urbanization	Rural	**Wind Speed (m/s)**	2.7	**Precipitation Freq (Days)**	45
Climate Zone	7			**Operational Year**	2019
Utility Company					
CO2 Intensity (lb/MWhr)	0	**CH4 Intensity (lb/MWhr)**	0	**N2O Intensity (lb/MWhr)**	0

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - The trail includes 2.61 acres of temporary disturbance during construction and 2 acres of permanent disturbance.

Construction Phase - construction schedule has been modified.

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	22.00
tblConstructionPhase	NumDays	6.00	22.00
tblConstructionPhase	NumDays	10.00	20.00
tblConstructionPhase	NumDays	3.00	42.00
tblConstructionPhase	PhaseEndDate	5/28/2018	5/30/2018
tblConstructionPhase	PhaseEndDate	6/8/2018	8/30/2018
tblConstructionPhase	PhaseEndDate	4/26/2019	9/30/2018
tblConstructionPhase	PhaseEndDate	5/31/2018	7/30/2018
tblConstructionPhase	PhaseStartDate	6/1/2018	8/1/2018
tblConstructionPhase	PhaseStartDate	4/13/2019	9/1/2018
tblConstructionPhase	PhaseStartDate	5/29/2018	6/1/2018
tblGrading	AcresOfGrading	11.00	3.00
tblGrading	AcresOfGrading	63.00	4.50
tblProjectCharacteristics	UrbanizationLevel	Urban	Rural

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2018	0.1090	1.1769	0.6987	1.2600e-003	0.0773	0.0572	0.1346	0.0387	0.0529	0.0916	0.0000	114.4250	114.4250	0.0323	0.0000	115.2320
Maximum	**0.1090**	**1.1769**	**0.6987**	**1.2600e-003**	**0.0773**	**0.0572**	**0.1346**	**0.0387**	**0.0529**	**0.0916**	**0.0000**	**114.4250**	**114.4250**	**0.0323**	**0.0000**	**115.2320**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2018	0.1090	1.1769	0.6987	1.2600e-003	0.0773	0.0572	0.1346	0.0387	0.0529	0.0916	0.0000	114.4248	114.4248	0.0323	0.0000	115.2319
Maximum	**0.1090**	**1.1769**	**0.6987**	**1.2600e-003**	**0.0773**	**0.0572**	**0.1346**	**0.0387**	**0.0529**	**0.0916**	**0.0000**	**114.4248**	**114.4248**	**0.0323**	**0.0000**	**115.2319**

	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**	**N20**	**CO2e**
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**5-1-2018**	**7-31-2018**	0.8385	0.8385
2	**8-1-2018**	**9-30-2018**	0.4545	0.4545
		Highest	0.8385	0.8385

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.1100e-003	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-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
Mobile	8.0700e-003	0.0811	0.0799	3.2000e-004	0.0178	4.2000e-004	0.0182	4.7800e-003	4.0000e-004	5.1800e-003	0.0000	29.3647	29.3647	2.2400e-003	0.0000	29.4207
Waste						0.0000	0.0000		0.0000	0.0000	0.0467	0.0000	0.0467	2.7600e-003	0.0000	0.1157
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**9.1800e-003**	**0.0811**	**0.0799**	**3.2000e-004**	**0.0178**	**4.2000e-004**	**0.0182**	**4.7800e-003**	**4.0000e-004**	**5.1800e-003**	**0.0467**	**29.3647**	**29.4114**	**5.0000e-003**	**0.0000**	**29.5365**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	1.1100e-003	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-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
Mobile	8.0700e-003	0.0811	0.0799	3.2000e-004	0.0178	4.2000e-004	0.0182	4.7800e-003	4.0000e-004	5.1800e-003	0.0000	29.3647	29.3647	2.2400e-003	0.0000	29.4207
Waste						0.0000	0.0000		0.0000	0.0000	0.0467	0.0000	0.0467	2.7600e-003	0.0000	0.1157
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**9.1800e-003**	**0.0811**	**0.0799**	**3.2000e-004**	**0.0178**	**4.2000e-004**	**0.0182**	**4.7800e-003**	**4.0000e-004**	**5.1800e-003**	**0.0467**	**29.3647**	**29.4114**	**5.0000e-003**	**0.0000**	**29.5365**

	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	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	5/1/2018	5/30/2018	5	22	
2	Site Preparation	Site Preparation	6/1/2018	7/30/2018	5	42	
3	Grading	Grading	8/1/2018	8/30/2018	5	22	
4	Paving	Paving	9/1/2018	9/30/2018	5	20	

Acres of Grading (Site Preparation Phase): 4.5

Acres of Grading (Grading Phase): 3

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Paving	Cement and Mortar Mixers	1	8.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	8.00	130	0.42
Paving	Rollers	2	8.00	80	0.38
Demolition	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	7.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Grading	Graders	1	8.00	187	0.41
Paving	Paving Equipment	1	8.00	132	0.36
Site Preparation	Scrapers	1	8.00	367	0.48

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	5	13.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0273	0.2680	0.1662	2.7000e-004		0.0158	0.0158		0.0148	0.0148	0.0000	23.8615	23.8615	6.0500e-003	0.0000	24.0127
Total	**0.0273**	**0.2680**	**0.1662**	**2.7000e-004**		**0.0158**	**0.0158**		**0.0148**	**0.0148**	**0.0000**	**23.8615**	**23.8615**	**6.0500e-003**	**0.0000**	**24.0127**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0300e-003	7.9000e-004	7.7300e-003	2.0000e-005	1.7800e-003	1.0000e-005	1.7900e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.6807	1.6807	6.0000e-005	0.0000	1.6822
Total	**1.0300e-003**	**7.9000e-004**	**7.7300e-003**	**2.0000e-005**	**1.7800e-003**	**1.0000e-005**	**1.7900e-003**	**4.7000e-004**	**1.0000e-005**	**4.8000e-004**	**0.0000**	**1.6807**	**1.6807**	**6.0000e-005**	**0.0000**	**1.6822**

3.2 Demolition - 2018

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0273	0.2680	0.1662	2.7000e-004		0.0158	0.0158		0.0148	0.0148	0.0000	23.8615	23.8615	6.0500e-003	0.0000	24.0126
Total	**0.0273**	**0.2680**	**0.1662**	**2.7000e-004**		**0.0158**	**0.0158**		**0.0148**	**0.0148**	**0.0000**	**23.8615**	**23.8615**	**6.0500e-003**	**0.0000**	**24.0126**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0300e-003	7.9000e-004	7.7300e-003	2.0000e-005	1.7800e-003	1.0000e-005	1.7900e-003	4.7000e-004	1.0000e-005	4.8000e-004	0.0000	1.6807	1.6807	6.0000e-005	0.0000	1.6822
Total	**1.0300e-003**	**7.9000e-004**	**7.7300e-003**	**2.0000e-005**	**1.7800e-003**	**1.0000e-005**	**1.7900e-003**	**4.7000e-004**	**1.0000e-005**	**4.8000e-004**	**0.0000**	**1.6807**	**1.6807**	**6.0000e-005**	**0.0000**	**1.6822**

3.3 Site Preparation - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.3900e-003	0.0000	2.3900e-003	2.6000e-004	0.0000	2.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0399	0.4960	0.2677	5.2000e-004		0.0200	0.0200		0.0184	0.0184	0.0000	47.0254	47.0254	0.0146	0.0000	47.3914
Total	**0.0399**	**0.4960**	**0.2677**	**5.2000e-004**	**2.3900e-003**	**0.0200**	**0.0224**	**2.6000e-004**	**0.0184**	**0.0187**	**0.0000**	**47.0254**	**47.0254**	**0.0146**	**0.0000**	**47.3914**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2100e-003	9.3000e-004	9.0900e-003	2.0000e-005	2.0900e-003	2.0000e-005	2.1000e-003	5.5000e-004	1.0000e-005	5.7000e-004	0.0000	1.9746	1.9746	7.0000e-005	0.0000	1.9763
Total	**1.2100e-003**	**9.3000e-004**	**9.0900e-003**	**2.0000e-005**	**2.0900e-003**	**2.0000e-005**	**2.1000e-003**	**5.5000e-004**	**1.0000e-005**	**5.7000e-004**	**0.0000**	**1.9746**	**1.9746**	**7.0000e-005**	**0.0000**	**1.9763**

3.3 Site Preparation - 2018

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.3900e-003	0.0000	2.3900e-003	2.6000e-004	0.0000	2.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0399	0.4960	0.2677	5.2000e-004		0.0200	0.0200		0.0184	0.0184	0.0000	47.0254	47.0254	0.0146	0.0000	47.3914
Total	**0.0399**	**0.4960**	**0.2677**	**5.2000e-004**	**2.3900e-003**	**0.0200**	**0.0224**	**2.6000e-004**	**0.0184**	**0.0187**	**0.0000**	**47.0254**	**47.0254**	**0.0146**	**0.0000**	**47.3914**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.2100e-003	9.3000e-004	9.0900e-003	2.0000e-005	2.0900e-003	2.0000e-005	2.1000e-003	5.5000e-004	1.0000e-005	5.7000e-004	0.0000	1.9746	1.9746	7.0000e-005	0.0000	1.9763
Total	**1.2100e-003**	**9.3000e-004**	**9.0900e-003**	**2.0000e-005**	**2.0900e-003**	**2.0000e-005**	**2.1000e-003**	**5.5000e-004**	**1.0000e-005**	**5.7000e-004**	**0.0000**	**1.9746**	**1.9746**	**7.0000e-005**	**0.0000**	**1.9763**

3.4 Grading - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0678	0.0000	0.0678	0.0366	0.0000	0.0366	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0237	0.2672	0.1142	2.3000e-004		0.0129	0.0129		0.0118	0.0118	0.0000	20.7311	20.7311	6.4500e-003	0.0000	20.8925
Total	**0.0237**	**0.2672**	**0.1142**	**2.3000e-004**	**0.0678**	**0.0129**	**0.0807**	**0.0366**	**0.0118**	**0.0484**	**0.0000**	**20.7311**	**20.7311**	**6.4500e-003**	**0.0000**	**20.8925**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.9000e-004	6.1000e-004	5.9500e-003	1.0000e-005	1.3700e-003	1.0000e-005	1.3800e-003	3.6000e-004	1.0000e-005	3.7000e-004	0.0000	1.2929	1.2929	4.0000e-005	0.0000	1.2940
Total	**7.9000e-004**	**6.1000e-004**	**5.9500e-003**	**1.0000e-005**	**1.3700e-003**	**1.0000e-005**	**1.3800e-003**	**3.6000e-004**	**1.0000e-005**	**3.7000e-004**	**0.0000**	**1.2929**	**1.2929**	**4.0000e-005**	**0.0000**	**1.2940**

3.4 Grading - 2018

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0678	0.0000	0.0678	0.0366	0.0000	0.0366	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0237	0.2672	0.1142	2.3000e-004		0.0129	0.0129		0.0118	0.0118	0.0000	20.7311	20.7311	6.4500e-003	0.0000	20.8924
Total	**0.0237**	**0.2672**	**0.1142**	**2.3000e-004**	**0.0678**	**0.0129**	**0.0807**	**0.0366**	**0.0118**	**0.0484**	**0.0000**	**20.7311**	**20.7311**	**6.4500e-003**	**0.0000**	**20.8924**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	7.9000e-004	6.1000e-004	5.9500e-003	1.0000e-005	1.3700e-003	1.0000e-005	1.3800e-003	3.6000e-004	1.0000e-005	3.7000e-004	0.0000	1.2929	1.2929	4.0000e-005	0.0000	1.2940
Total	**7.9000e-004**	**6.1000e-004**	**5.9500e-003**	**1.0000e-005**	**1.3700e-003**	**1.0000e-005**	**1.3800e-003**	**3.6000e-004**	**1.0000e-005**	**3.7000e-004**	**0.0000**	**1.2929**	**1.2929**	**4.0000e-005**	**0.0000**	**1.2940**

3.5 Paving - 2018

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0141	0.1425	0.1198	1.8000e-004		8.5000e-003	8.5000e-003		7.8400e-003	7.8400e-003	0.0000	16.0957	16.0957	4.9200e-003	0.0000	16.2186
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0141**	**0.1425**	**0.1198**	**1.8000e-004**		**8.5000e-003**	**8.5000e-003**		**7.8400e-003**	**7.8400e-003**	**0.0000**	**16.0957**	**16.0957**	**4.9200e-003**	**0.0000**	**16.2186**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0800e-003	8.3000e-004	8.1100e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.7630	1.7630	6.0000e-005	0.0000	1.7645
Total	**1.0800e-003**	**8.3000e-004**	**8.1100e-003**	**2.0000e-005**	**1.8600e-003**	**1.0000e-005**	**1.8800e-003**	**5.0000e-004**	**1.0000e-005**	**5.1000e-004**	**0.0000**	**1.7630**	**1.7630**	**6.0000e-005**	**0.0000**	**1.7645**

3.5 Paving - 2018

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0141	0.1425	0.1198	1.8000e-004		8.5000e-003	8.5000e-003		7.8400e-003	7.8400e-003	0.0000	16.0956	16.0956	4.9200e-003	0.0000	16.2185
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0141**	**0.1425**	**0.1198**	**1.8000e-004**		**8.5000e-003**	**8.5000e-003**		**7.8400e-003**	**7.8400e-003**	**0.0000**	**16.0956**	**16.0956**	**4.9200e-003**	**0.0000**	**16.2185**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0800e-003	8.3000e-004	8.1100e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.7630	1.7630	6.0000e-005	0.0000	1.7645
Total	**1.0800e-003**	**8.3000e-004**	**8.1100e-003**	**2.0000e-005**	**1.8600e-003**	**1.0000e-005**	**1.8800e-003**	**5.0000e-004**	**1.0000e-005**	**5.1000e-004**	**0.0000**	**1.7630**	**1.7630**	**6.0000e-005**	**0.0000**	**1.7645**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	8.0700e-003	0.0811	0.0799	3.2000e-004	0.0178	4.2000e-004	0.0182	4.7800e-003	4.0000e-004	5.1800e-003	0.0000	29.3647	29.3647	2.2400e-003	0.0000	29.4207
Unmitigated	8.0700e-003	0.0811	0.0799	3.2000e-004	0.0178	4.2000e-004	0.0182	4.7800e-003	4.0000e-004	5.1800e-003	0.0000	29.3647	29.3647	2.2400e-003	0.0000	29.4207

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
City Park	5.10	61.43	45.20	46,554	46,554
Total	5.10	61.43	45.20	46,554	46,554

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
City Park	14.70	6.60	6.60	33.00	48.00	19.00	66	28	6

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
City Park	0.492402	0.034496	0.167383	0.136948	0.023406	0.006040	0.021602	0.106741	0.001802	0.001770	0.005495	0.001006	0.000911

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	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
NaturalGas Unmitigated	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

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**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**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
City Park	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**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**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
City Park	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.1100e-003	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-005
Unmitigated	1.1100e-003	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-005

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-005
Total	**1.1100e-003**	**0.0000**	**3.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**5.0000e-005**	**5.0000e-005**	**0.0000**	**0.0000**	**5.0000e-005**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	1.1100e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	3.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	5.0000e-005	5.0000e-005	0.0000	0.0000	5.0000e-005
Total	**1.1100e-003**	**0.0000**	**3.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**5.0000e-005**	**5.0000e-005**	**0.0000**	**0.0000**	**5.0000e-005**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 3.217	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
City Park	0 / 3.217	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0467	2.7600e-003	0.0000	0.1157
Unmitigated	0.0467	2.7600e-003	0.0000	0.1157

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.23	0.0467	2.7600e-003	0.0000	0.1157
Total		**0.0467**	**2.7600e-003**	**0.0000**	**0.1157**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
City Park	0.23	0.0467	2.7600e-003	0.0000	0.1157
Total		**0.0467**	**2.7600e-003**	**0.0000**	**0.1157**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Appendix B

Natural Environment Study

Tule River Parkway Phase III Trail

Natural Environment Study

CITY OF PORTERVILLE
TULARE COUNTY, CALIFORNIA
Porterville 7.5 minute Quadrangle
Township 21 South, Range 27 East, Sections 35-36
Caltrans District 6
CML-5122(083)

March 2018

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Natural Environment Study

TULE RIVER PARKWAY PHASE III TRAIL
CITY OF PORTERVILLE
TULARE COUNTY, CALIFORNIA

STATE OF CALIFORNIA
Department of Transportation
and City of Porterville

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District 6
Environmental Analysis, Planning and Local Programs

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Summary

The City of Porterville, in cooperation with the California Department of Transportation, intends to construct an extension of the existing Class I Bicycle and Pedestrian Trail along the Tule River (Project). The proposed Project will occur within an area of approximately 13.0 acres, hereafter referred to as the Biological Study Area or BSA. The Project will result in approximately 2.11 acres of permanent impacts comprising approximately 3,000 linear feet of asphaltic concrete trail and associated improvements within a 30-foot-wide footprint, a vehicular bridge across the Poplar Ditch, and a pedestrian bridge crossing the Poplar Ditch Spillway. The project will result in approximately 2.62 acres of temporary impact resulting from staging areas (2.56 acres) and construction zones within the Poplar Ditch and Poplar Ditch Spillway at the location of the bridge crossings (0.06 acre).

The BSA comprises ruderal road shoulders and rights-of-way, a section of the ruderal existing trail, portions of the Poplar Ditch and associated spillway, and the Tule River corridor, which includes both the river channel and sparse mixed riparian savannah. Riparian habitat of the BSA supports scattered riparian trees and shrubs, as well as an understory of native and non-native grasses and forbs.

The BSA does not provide suitable habitat for any of the seventeen (17) special-status plant species that have been documented in the region. Protocol-level surveys are not warranted for any of these species.

The BSA provides potential habitat for eight (8) of the 28 special status animal species that have been documented in the region: San Joaquin kit fox (*Vulpes macrotis mutica*), northern California legless lizard (*Anniela pulchra*), American badger (*Taxidea taxus*), Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), and western mastiff bat (*Eumops perotis californicus*). The Project is not expected to adversely affect the Swainson's hawk or Townsend's big-eared bat, but has some potential to impact the remaining six (6) species. A combination of preconstruction surveys, avoidance of active dens, burrows, nests, and roosting locations, implementation of take minimization

measures during construction, and environmental training of construction personnel are proposed to avoid and/or reduce impacts to these six (6) species.

The BSA provides potential nesting habitat for a number of native birds that are protected under the California Fish and Game Code. Preconstruction surveys prior to any work occurring during the nesting season and avoidance of active nests are proposed to minimize Project effects on nesting birds.

In addition to the pallid bat, Townsend's big-eared bat, and western mastiff bat, a number of common bat species have the potential to roost in the scattered riparian trees and under the existing bridge immediately adjacent to the BSA. Preconstruction surveys and appropriate exclusion measures are proposed to avoid construction-related bat mortality.

The BSA includes two natural communities of special concern, mixed riparian savannah and riverine. Impacts to these communities will be minimized and mitigated through planting of replacement trees and shrubs, construction of retaining walls along a short reach of the Tule River to prevent scouring from flood events, the acquisition of Clean Water Act permits and a Streambed Alteration Agreement, and strict adherence to the protective measures of these permits.

The BSA includes portions of the Tule River, Poplar Ditch, and Poplar Ditch Spillway, all of which fall under the jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Wildlife, and the Central Valley Flood Protection Board. The Project will result in temporary and permanent impacts to these jurisdictional areas and will require a Clean Water Act Section 401 Water Quality Certification, Clean Water Act Section 404 Nationwide Permit, a Streambed Alteration Agreement, and an encroachment permit prior to construction.

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Chapter 1 – Introduction

This Natural Environment Study (NES) report has been prepared for the Tule River Parkway Phase III Trail (Project), a collaborative effort by the City of Porterville (City) and the California Department of Transportation (Caltrans) to construct an extension of the existing Class I Bicycle and Pedestrian Trail along the Tule River. The Project's primary objective is to provide opportunities for public recreation.

This NES report evaluates the Project's potential impacts on biological resources, and proposes mitigation measures to avoid or reduce the magnitude of these impacts. This NES report generally follows the outline of the October 13, 2014 template found on the Caltrans Standard Environmental Reference web site (http://www.dot.ca.gov/ser).

1.1 Project Location

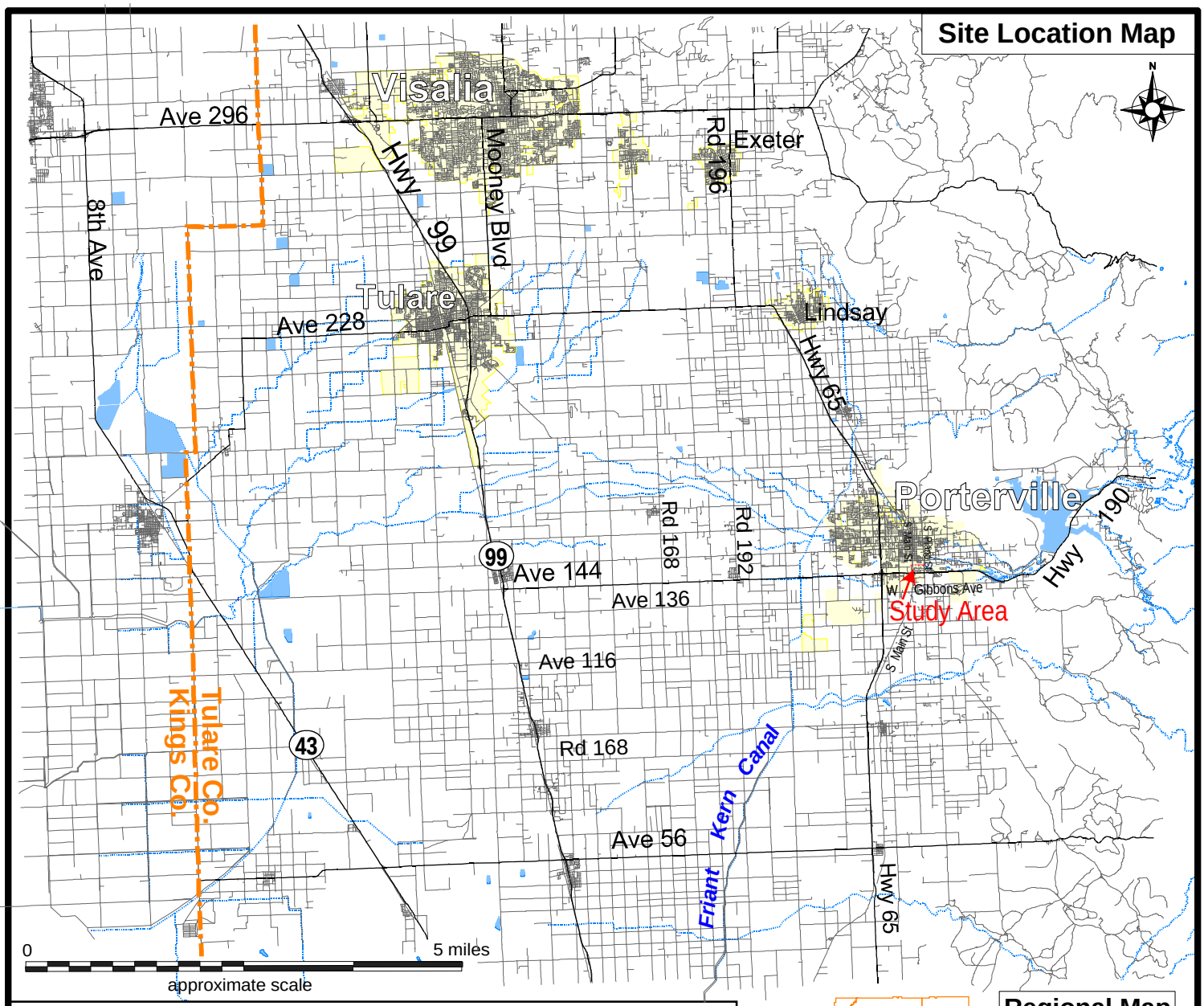
The Project is located in the City of Porterville, Tulare County, California. It is generally bounded by the Tule River to the north and the Poplar Ditch to the south. It extends west from South Plano Street past South Main Street to the old Southern Pacific Railroad alignment, then south to the Poplar Ditch (Figure 1). The site can be found on the Porterville U.S. Geological Survey (USGS) 7.5 minute quadrangle in Section 35 and 36 of Township 21 South, Range 27 East, Mount Diablo Base and Meridian (Figure 2).

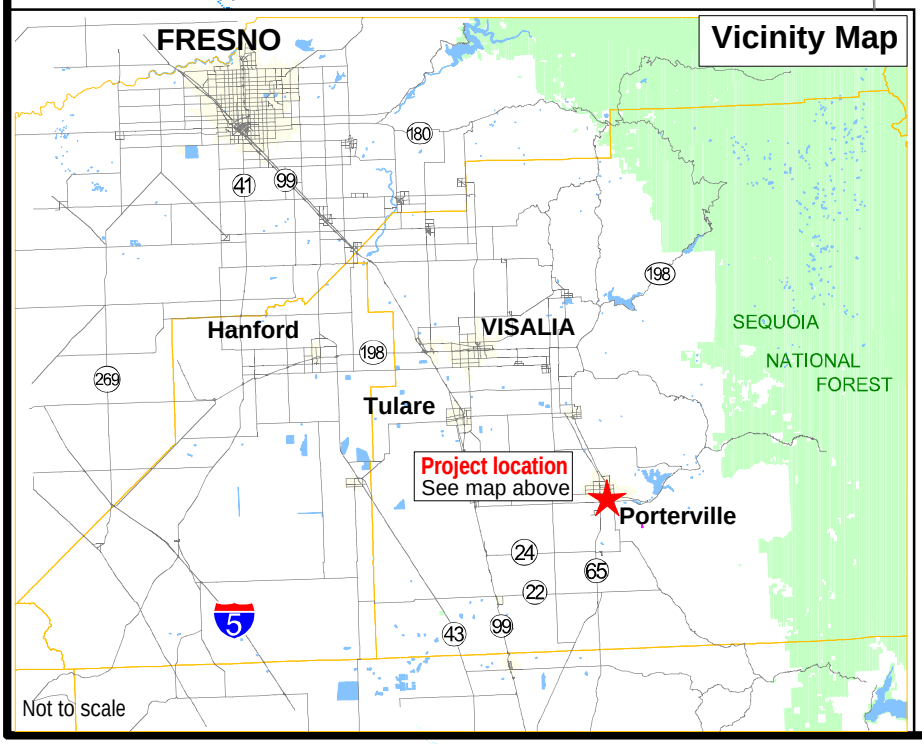
1.2 Project History

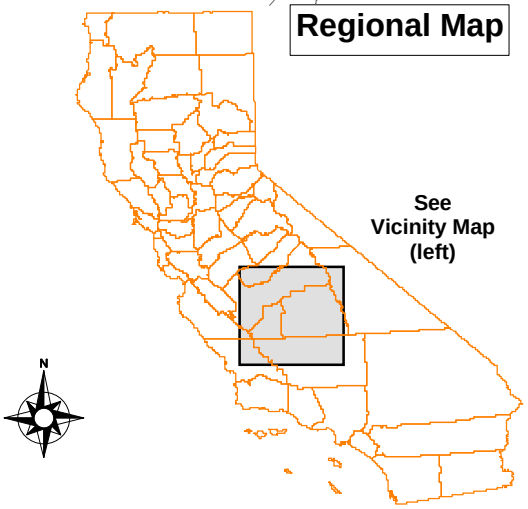
The purpose of the Project is to construct an extension of the existing Class 1 Bicycle and Pedestrian Trail along the Tule River. The all-purpose trail will be used by pedestrians, bicycles, and for maintenance/emergency purposes.

1.3 Project Description

The Project is the extension of an existing bicycle/pedestrian trail along the Tule River. It will entail construction of approximately 3,000 feet of a 10-foot-wide asphaltic concrete paved trail, a pedestrian bridge, and a vehicular bridge, and a number of improvements within a 30-foot-wide corridor centered on the proposed trail, including



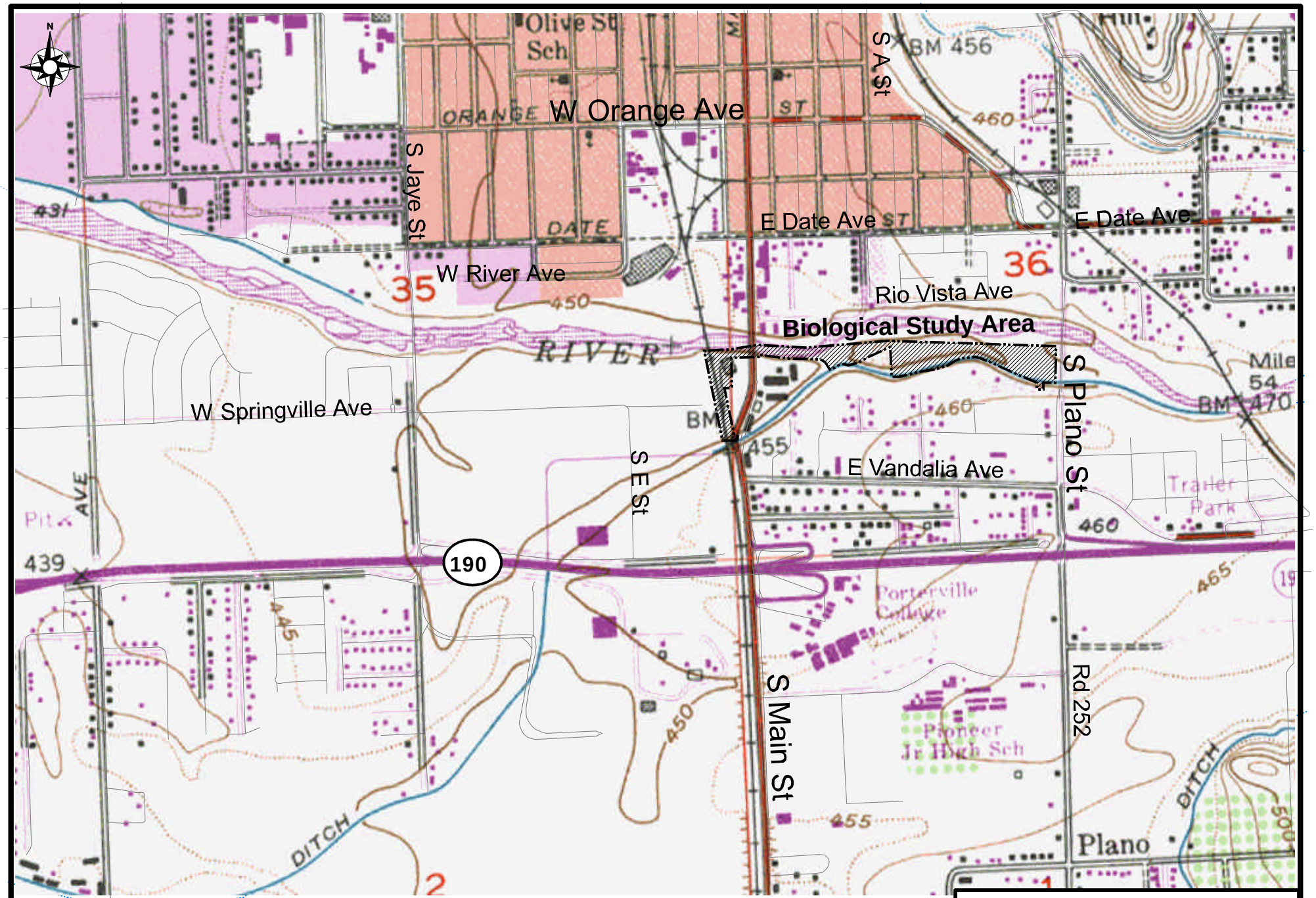




Tule River Parkway Phase III Trail

Site / Vicinity Map

Date	Project #	Figure #
2/15/2018	2218-01	1



From USGS
Porterville 7.5' Quadrangle 1969

1 mile 0 1 mile
approximate scale

Tule River Parkway Phase III Trail
U.S.G.S. Quadrangle

Date	Project #	Figure #
2/15/2018	2218-01	2

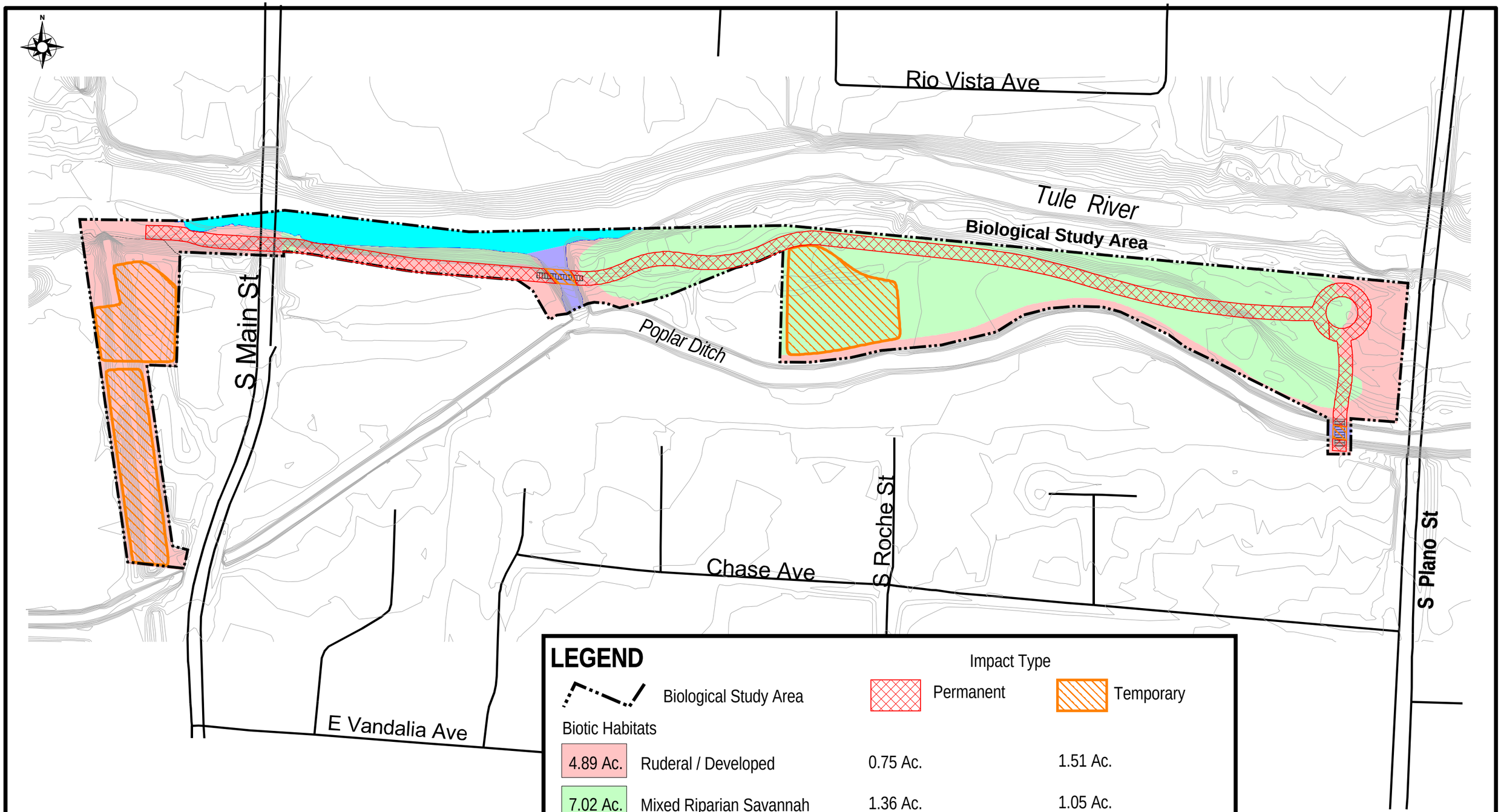
tree and vegetation removal, soil scarification, regrading of shoulders and surfaces, and installation of solar lights, trail signage, markings, and retaining walls.

The proposed pedestrian bridge will be constructed at the trail's crossing of the Poplar Ditch Spillway, approximately 600 feet east of South Main Street. It will be approximately 10 feet wide. The proposed vehicular bridge will be approximately 20 feet wide, and will cross the Poplar Ditch at the east end of the project. The function and necessity of the latter bridge is to provide access for maintenance/emergency purposes; bollards will be installed at each end of the bridge to restrict all other traffic but still allow access by bikes and pedestrians. Both bridges will be end-supported and free-spanning, with no supporting elements to be constructed within the waterways. Although both waterways may be temporarily disturbed within a 30-foot-wide construction zone centered on the proposed bridge alignment, neither will experience permanent impacts below the ordinary high water (OHW) mark.

Solar lighting fixtures will be installed approximately every 100 feet along the proposed trail, 24 inches from the trail's edge within 30-inch-wide concrete footings poured to an anticipated depth of 54 inches. Trail signage will be installed at the west end of the project where the proposed trail meets the existing trail, and at the proposed vehicular bridge. Retaining walls approximately 4- and 6-feet in height will be installed on either side of the trail along a steep bank adjacent to the Tule River, approximately 25 feet east of South Main Street. Three temporary staging areas totaling approximately 2.56 acres are proposed: two west of South Main Street and one east of South Main Street. An overview of the Project's site plans is provided in Appendix A.

The Project will occur within an area of approximately 13.0 acres, hereafter referred to as the Biological Study Area or BSA. Project activities will result in approximately 2.62 acres of temporary impact consisting of the three staging areas and the 30-foot-wide construction zone within the Poplar Ditch and Poplar Ditch Spillway at the location of the two bridge crossings. The Project will result in approximately 2.11 acres of permanent impacts consisting of the 30-foot-wide corridor within which all improvements will be constructed, excluding the Poplar Ditch and Poplar Ditch Spillway (Figure 3).

The earliest start date of the Project is May 7, 2018, or as soon as permitting is complete.



LEGEND

Biological Study Area

Impact Type: Permanent / Temporary

Biotic Habitats

		Permanent	Temporary
4.89 Ac.	Ruderal / Developed	0.75 Ac.	1.51 Ac.
7.02 Ac.	Mixed Riparian Savannah	1.36 Ac.	1.05 Ac.
0.89 Ac.	Riverine	0.00 Ac.	0.00 Ac.
0.19 Ac.	Poplar Ditch	0.00 Ac.	0.06 Ac.

500' 0 250' 500 feet

approximate scale
1 inch = 200 feet

Sources:
Topography Courtesy of City of Porterville

Tule River Parkway Phase III Trail
Habitat Impacts

Date	Project #	Figure #
2/28/2018	2218-01	3

Chapter 2 – Study Methods

2.1 Regulatory Requirements

2.1.1 THREATENED AND ENDANGERED SPECIES

State and federal "endangered species" legislation has provided the California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the CDFW and USFWS if activities associated with a proposed Project will result in the "take" of a species listed under the state or federal Endangered Species Acts. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3).

2.1.2 CRITICAL HABITAT

The USFWS often designates areas of "critical habitat" when it lists species as threatened or endangered. Critical habitat is defined by section 3(5)(A) of the federal Endangered Species Act as "(i) The specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species." The Act goes on to define "conservation" as "the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which listing under the Act is no longer necessary."

The designation of a specific area as critical habitat does not directly affect its ownership. Federal actions that result in destruction or adverse modification of critical habitat are, however, prohibited in the absence of prior consultation with the USFWS according to provisions of the act. Furthermore, recent appellate court cases require that federal

actions affecting critical habitat promote the recovery of the listed species protected by the critical habitat designation.

2.1.3 MIGRATORY BIRDS

The Federal Migratory Bird Treaty Act (FMBTA: 16 USC 703-712) prohibits killing, possessing, or trading in any bird species covered in one of four international conventions to which the United States is a party, except in accordance with regulations prescribed by the Secretary of the Interior. The name of the act is misleading, as it actually covers almost all birds native to the United States, even those that are non-migratory. The FMBTA encompasses whole birds, parts of birds, and bird nests and eggs.

Although the USFWS and its parent administration, the U.S. Department of the Interior, have traditionally interpreted the FMBTA as prohibiting incidental as well as intentional "take" of birds, a January 2018 legal opinion issued by the Department of the Interior now states that incidental take of migratory birds while engaging in otherwise lawful activities is permissible under the FMBTA. However, California Fish and Game Code makes it unlawful to take or possess any non-game bird covered by the FMBTA (Section 3513), as well as any other native non-game bird (Section 3800), even if incidental to lawful activities.

2.1.4 BIRDS OF PREY

Birds of prey are protected in California under provisions of the Fish and Game Code (Section 3503.5), which states that it is unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks and eagles) or Strigiformes (owls), as well as their nests and eggs. The bald eagle and golden eagle are afforded additional protection under the federal Bald and Golden Eagle Protection Act (16 USC 668), which makes it unlawful to kill birds or their eggs.

2.1.5 NESTING BIRDS

In California, protection is afforded to the nests and eggs of all birds. California Fish and Game Code (Section 3503) states that it is "unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Breeding-season disturbance that causes nest

abandonment and/or loss of reproductive effort is considered a form of "take" by the CDFW.

2.1.6 JURISDICTIONAL WATERS

Jurisdictional waters include rivers, creeks, and drainages with a defined bed and bank that may carry at most ephemeral flows, lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), CDFW, and the California Regional Water Quality Control Board (RWQCB).

The USACE regulates the filling or grading of jurisdictional waters under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high water marks" on opposing channel banks. All activities that involve the discharge of fill into jurisdictional waters are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the RWQCB issues a Section 401 certification (or waiver of such certification) that the proposed activity will meet state water quality standards.

The filling of isolated wetlands, over which the USACE has disclaimed jurisdiction, is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit. All Projects requiring federal money must also comply with Executive Order 11990 (Protection of Wetlands).

CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2003). Activities that would disturb these waters are regulated by the CDFW via a Stream Alteration Agreement. Such an agreement typically stipulates that certain measures will be implemented which protect the habitat values of the drainage in question.

2.2 Studies Required and/or Completed

Live Oak Associates, Inc. (LOA) identified potential biological resource issues associated with the proposed Project through a review of existing information and two field surveys. The field surveys were conducted in support of a habitat suitability assessment and wetland delineation, as discussed in the following sections.

2.2.1 HABITAT SUITABILITY ASSESSMENT

LOA conducted a habitat suitability assessment for plant and animal species that are listed under the state or federal Endangered Species Acts, subject to consideration under the California Environmental Quality Act (CEQA), and/or protected by law. The field surveys entailed walking through the BSA while identifying principal land uses and biotic habitats, identifying plant and animal species encountered, and assessing the suitability of the BSA's habitats for special status species. The survey was conducted at a reconnaissance level sufficient to generally describe the biotic resources of the BSA. Intensive surveys for special status plants and animals were not conducted.

An analysis of potential Project impacts on biological resources was subsequently prepared using the following sources: *USFWS Information for Planning and Consultation* (IPaC) (USFWS 2018), the *California Natural Diversity Database* (CNDDB) (CDFW 2018); the *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2018); and manuals and references related to plants and animals of California's Central Valley.

A list of terrestrial vertebrates observed and/or expected to use the BSA are presented in Appendix B. A comprehensive list of vascular plants observed during the field visit is provided in Appendix C.

2.2.2 WETLAND DELINEATION

A delineation of potential jurisdictional waters was completed concurrently with preparation of this NES (LOA 2018). LOA field investigators used aerial photography, a USGS topographic map, and Project disturbance boundaries to guide the survey effort, which was conducted on foot. The boundaries of likely jurisdictional waters were

mapped in the field using a Trimble Geo XT GPS unit. LOA prepared the maps depicting likely jurisdictional waters using information collected in the field and 1-foot topographical contour lines.

The study was consistent with guidelines found in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987), *Minimum Standards for Acceptance of Preliminary Wetland Delineations* (USACE 2001), and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008).

2.3 Project Work Limits and the Biological Study Area

The Project work limit includes all areas of potential permanent and temporary impacts where ground disturbance will occur, including temporary construction and staging areas for the proposed Project (see Figure 3). The BSA includes a sufficient buffer around the Project work limit to accommodate any changes to Project work limits and Project design that may occur.

2.4 Personnel and Survey Dates

Surveys were conducted on December 18, 2017 and February 27, 2018 by LOA plant ecologist Wendy Fisher. During the December 18 survey, Ms. Fisher was assisted in the field by LOA ecologist Anna Godinho. Ms. Fisher has 20 years of experience conducting habitat suitability assessments and delineating wetlands. She has completed many dozens of wetland delineations across central California that have been verified by the USACE.

2.5 Agency Coordination and Professional Contacts

No agency consultation and coordination has happened to date for the proposed Project.

2.6 Limitations That May Influence Results

No limitations that would influence the results of this NES were encountered.

Chapter 3 – Results: Environmental Setting

This chapter describes the existing conditions of the BSA and surrounding lands. The BSA is here defined as the 13.0-acre area within which all biological investigations occurred and all proposed Project impacts will be contained.

3.1 Description of the Existing Biological and Physical Conditions

3.1.1 STUDY AREA

The BSA is located on the south side of the City of Porterville, on the eastern edge of the San Joaquin Valley, which is in the southernmost basin of the Central Valley of California (see Figure 1). The BSA comprises portions of the Tule River, the Poplar Ditch and associated spillway, a short section of existing trail and surrounding mixed riparian savannah/annual grassland and ruderal areas.

The reach of the Tule River within the BSA is heavily influenced by urban activities. The river channel and associated floodplain experience high levels of human disturbance from homeless encampments, off-road vehicle/bicycle/foot traffic, human-caused wildfire, and littering/dumping, all of which were observed within the BSA during the field surveys.

3.1.2 PHYSICAL CONDITIONS

Topographically, the BSA is relatively level, with elevations ranging from 445 feet within the Tule River channel to approximately 460 feet along the banks and terraces, National Geodetic Vertical Datum (NGVD) (see Figure 2). The BSA, like most of California, has a Mediterranean climate with cool, somewhat moist winters and hot dry summers. Precipitation falls in the form of rain between October and May, with the heaviest amounts in December, January, February, and March. Annual precipitation is approximately 11.5 inches.

The BSA is generally bounded by the Tule River to the north and the Poplar Ditch to the south, and contains portions of both channels. The BSA also includes the Poplar Ditch Spillway, which directs excessive flows in the Poplar Ditch into the Tule River. The Tule River originates high in the Sierra Nevada as three major drainages, the North,

Middle, and South Forks. These drainages converge in the foothills above Success Dam, which impounds water approximately 5 miles upstream of the BSA. Downstream of the BSA, the Tule River historically flowed into Tulare Lake; however, agricultural diversions have eliminated the lake and greatly degraded the Tule River itself. Although water was observed in the river channel during the field surveys, review of aerial photography reveals that this reach of the river typically sustains only seasonal flows, and during dry years, no flows at all. The Poplar Ditch originates at the Tule River approximately two miles upstream of the BSA and flows into the Friant-Kern Canal approximately five miles downstream of the BSA.

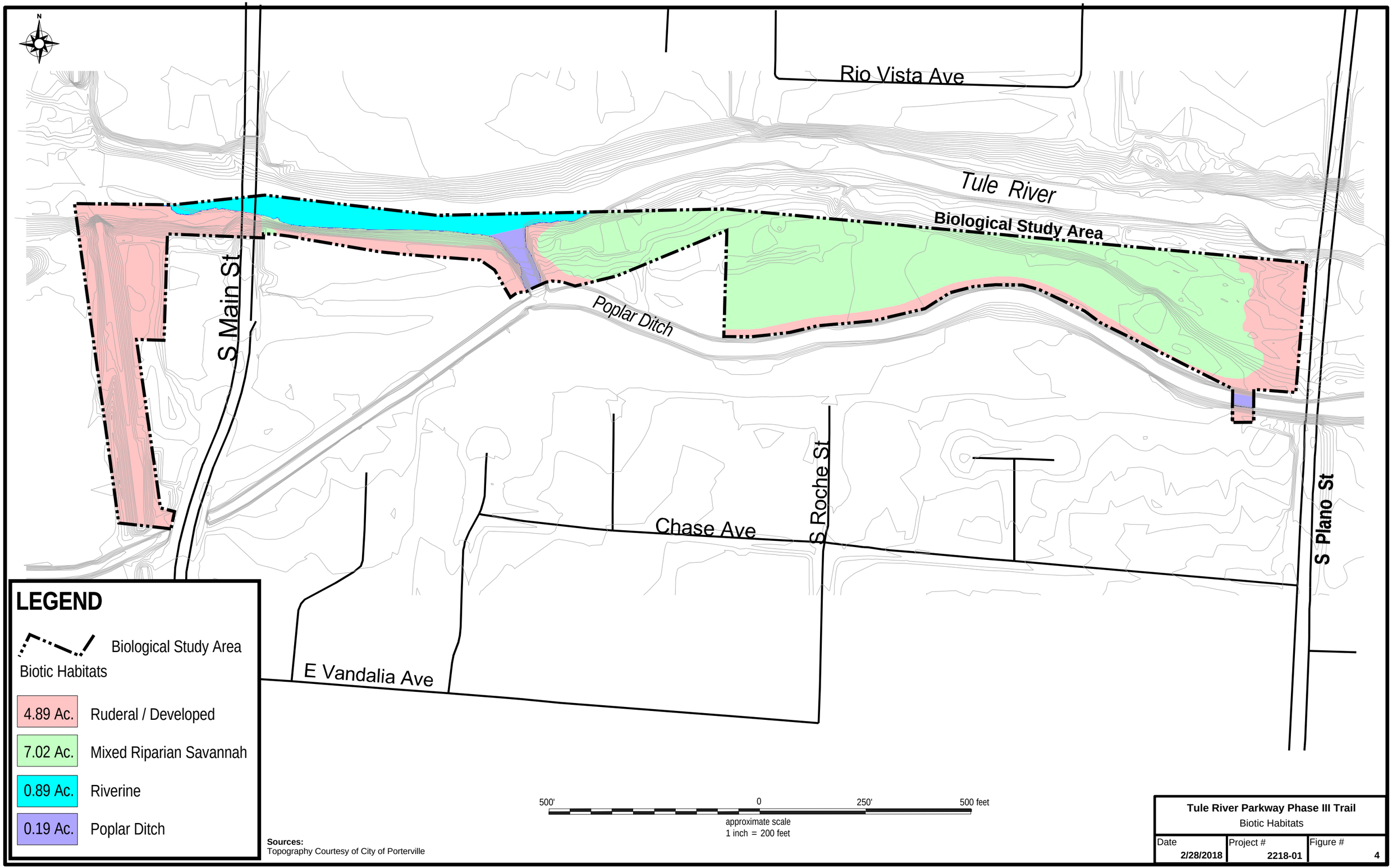
Two soil mapping units, Tujunga sand and "water," have been identified within the BSA (NRCS 2018). Tujunga sand occurs in floodplains, drainage ways and alluvial fans derived from granite. These sandy soils are somewhat excessively drained and considered to be hydric (NRCS 2011). Hydric soils are formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper profile. The "water" mapping unit refers to riverine habitat associated with the Tule River.

3.1.3 BIOLOGICAL CONDITIONS IN THE BIOLOGICAL STUDY AREA

Four biotic habitats have been identified within the BSA, comprising mixed riparian savannah, ruderal/developed, riverine, and Poplar Ditch (Figure 4).

3.1.3.1 Mixed Riparian Savannah

The majority (7.02 acres) of the BSA consists of sparse mixed riparian savannah of the Fremont cottonwood forest alliance (*Populus fremontii – Salix exigua* Series) (Sawyer et al 2018). At the time of the field surveys, the BSA's sparse mixed riparian savannah habitat contained an overstory of decadent to middle-aged native and non-native trees and shrubs, many of which are considered to be riparian species. In areas that lacked a riparian overstory and in the understory of areas vegetated with riparian woody plants, it was characterized by plant species found in ruderal annual grassland habitats of California's central valley. Upland areas were dominated by ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), Bermuda grass (*Cynodon dactylon*), prickly lettuce (*Lactuca serriola*), annual sunflower,(*Helianthus annuus*),



Sources:
Topography Courtesy of City of Porterville

Tule River Parkway Phase III Trail
Biotic Habitats

Date	Project #	Figure #
2/28/2018	**2218-01**	**4**

telegraph weed (*Heterotheca grandiflora*) and stinking gourd (*Cucurbita foeditissima*). Where present, the riparian canopy was dominated by decadent Fremont's cottonwoods (*Populus fremontii*), middle-aged Goodding's black willow (*Salix gooddingii*), and the occasional western sycamore (*Platanus racemosa*). The midstory canopy layer consisted of native riparian shrubs such as sandbar willow (*Salix exigua*) and blue elderberry (*Sambucus nigra* ssp. *canadensis*) and non-native species such as giant reed (*Arundo donax*), tree tobacco (*Nicotiana glauca*), and white mulberry (*Morus alba*). Red-root amaranth (*Amaranthus retroflexus*), Virgin's bower (*Clematis ligusticifolia*), and Himalayan blackberry (*Rubus armeniacus*) were perennials commonly observed in the understory. Habitat for a diversity of native and non-native spring-flowering forbs is present, but many species could not be observed or identified during the winter surveys.

The structural complexity of mixed riparian savannahs generally supports a great diversity of wildlife. However, the sporadic, fragmented nature of these groups of trees due to existing human impact have created habitat conditions unlike less disturbed dense riparian habitat with multiple canopy layers. Nonetheless, fruit-bearing plants like elderberry and blackberry are a good food source for vertebrates and invertebrates alike. Amphibians expected to occur in this habitat include the Sierran tree frog (*Pseudacris regilla*) and western toad (*Bufo boreas*), both of which may breed in adjacent waterways and disperse through the mixed riparian savannah during the winter and spring. Rodent burrows observed in this habitat at the time of the field surveys provide suitable aestivation (oversummering) habitat for western toads. Common reptile species likely to forage and seek cover within the mixed riparian savannah of the BSA include common side-blotched lizards (*Uta stansburiana*), western fence lizards (*Scleloporus occidentalis*), western whiptails (*Aspidoscelis tigris*), gopher snakes (*Pituophis melanoleucus*), common kingsnakes (*Lampropeltis getulus*), and western rattlesnakes (*Crotalus viridis*).

Riparian areas (even if sparse and disturbed) attract a relatively large number of avian species that seek cover, forage, and nest in the various canopy layers. Resident species expected in this habitat include the western scrub-jay (*Aphelocoma coerulescens*) (observed), northern flicker (*Colaptes chrysoides*) (observed), house wren (*Troglodytes*

aedon) (observed), common yellowthroat (*Geothlypis trichas*), lesser goldfinch (*Spinus psaltria*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), and black phoebe (*Sayornis nigricans*) (observed). Resident raptors expected in this habitat include red-shouldered hawks (*Buteo lineatus*) (observed), red-tailed hawks (*Buteo jamaicensis*) (observed), Cooper's hawks (*Accipiter cooperii*), and great horned owls (*Bubo virginianus*). The white-crowned sparrow (*Zonotrichia leucophrys*) and yellow-rumped warbler (*Setophaga coronata*), both observed during the field surveys, are expected to occur in this habitat during the winter months. Summer migrants expected to breed in riparian habitats of the BSA include Bullock's orioles (*Icterus bullockii*), and western kingbird (*Tyrannis verticalis*), among others.

The mixed riparian savannah of the BSA is likely used by a variety of rodents including the California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), California vole (*Microtus californicus*), deer mouse (*Peromyscus maniculatus*) and house mouse (*Mus musculus*). At the time of the field surveys, a number of rodent burrows of various sizes were observed within this habitat, in areas not trampled by humans. The BSA's mixed riparian savannah may also be used by small mammalian carnivores adapted to anthropogenic disturbance, such as the striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and Virginia opossum (*Didelphis virginiana*). Various species of bat may forage in or over the riparian habitat. The influence of urban development is expected to preclude the use of this habitat, and the BSA as a whole, by larger mammals such as the coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*) and bobcat (*Lynx rufus*).

3.1.3.2 Ruderal / Developed

Ruderal/developed areas, or lands heavily influenced by human activities, were limited to the trails, paved and unpaved, roads and road shoulders, and disturbed parts of the alluvial floodplain within the BSA (4.89 acres). Such areas consisted of the South Main Street bridge and underlying artificial substrate, areas in and adjacent to the existing Tule River Parkway trail (above OHW), areas adjacent to the Poplar Ditch Spillway and the social trail paralleling Poplar Ditch, road rights-of-way along the adjacent mobile home park, and the gravel service road and shoulders. This land use is characterized by low plant and animal species diversity.

At the time of the field surveys, ruderal/developed areas of the BSA contained little to no vegetation due to the high level of disturbance and/or the presence of hardscape. What vegetation that did occur in this area consisted of grasses and forbs found in adjacent mixed riparian savannah habitat, as well as wild oats (*Avena fatua*), silverleaf nightshade (*Solanum eleagnifolium*), red-root amaranth, western ragweed (*Ambrosia acanthocarpa*), Canada horseweed (*Erigeron canadensis*), and Russian thistle (*Salsola tragus*). The existing trail was lined with ornamental London plane trees (*Platanus × acerifolia*), eastern redbud (*Cercis canadensis*), and Valley oak (*Quercus lobata*).

Although the wildlife habitat value of ruderal lands within the BSA is relatively low, these lands can support some wildlife species. Amphibians such as the Sierran tree frog and western toad may disperse through ruderal lands during the winter and spring. Common reptiles such as the western fence lizard and Pacific gopher snake could potentially use ruderal habitats of the BSA. Mourning doves (*Zenaida macroura*) (observed), northern mockingbirds (*Mimus polyglottos*), and house finches (*Carpodacus mexicanus*) could be expected to occur on these ruderal lands, as could the disturbance-tolerant killdeer (*Charadrius vociferous*) (observed), which often nests on gravel or bare ground. Raptors such as the red-tailed hawk and American kestrel (*Falco sparverius*), both observed during the field surveys, commonly forage over open areas, and could be expected to hunt in ruderal areas of the BSA. Larger trees in these areas could be used for nesting by large raptors and songbirds.

Small mammals that would be expected to occur on ruderal lands of the BSA include California ground squirrels, Botta's pocket gophers, California voles, and deer mice. At the time of the field surveys, several California ground squirrel burrows were observed in ruderal areas of the BSA. Mammalian predators with the potential to occur on ruderal lands of the site include disturbance-tolerant species such as the raccoon and Virginia opossum.

3.1.3.3 Riverine

Riverine habitat accounted for approximately 0.89 acre of the BSA, consisting of the Tule River channel. The inundation period of the Tule River is highly variable from season to season and from year to year, because the amount of flow is highly regulated by

the USACE, the federal agency responsible for releasing water from Success Dam. Although water was observed in the Tule River channel within the BSA at the time of the field surveys, this portion of the channel typically sustains only seasonal flows, and during some years, no flows at all. The banks of the southern riverbank (particularly in the western portion of the BSA) were generally highly eroded with upland soils and vegetation sloughing off into the bed of the river. Emergent vegetation that was observed in the river included water smartweed (*Polygonum* sp.), broadleaved cattail (*Typha latifolia*), water cress (*Nasturtium officinale*), tall umbrella sedge (*Cyperus eragrostis*), white-stem hedge nettle (*Stachys albens*) and duckweed (*Lemna* sp.). A mix of native and non-native hydrophytes lined the river bank and included giant reed, curly dock (*Rumex crispus*), rough cocklebur (*Xanthium strumarium*), water primrose (*Ludwigia peploides*), Johnson grass (*Sorghum halapense*), barnyard grass (*Echinochloa crus-galli*), and hairy willowherb (*Epilobium ciliatum*).

The highest diversity of amphibians within the BSA would occur in the riverine habitat. Numerous bullfrogs (*Rana catesbeiana*), western toads, and Sierran treefrogs would breed in this habitat. Common garter snakes (*Thamnophis sirtalis*) would forage in this habitat for amphibians, small birds and small mammals. Although the Tule River does not support self-sustaining fish populations due to intermittent flows, certain non-native species occurring in Lake Success may occasionally be washed down the Tule River into the BSA during water releases. Likewise, non-native fish from perennial waters downstream could move up the Tule River into the BSA when water is present. Non-native fish that may occur in the BSA's riverine habitat from time to time include bluegill (*Lepomis macrochirus*), common carp (*Cyprinus carpio*), green sunfish (*Lepomis cyanellus*), and western mosquitofish (*Gambusia affinis*), to name a few.

A large number of birds are expected to occur in the riverine habitat of the BSA, particularly when water is present. Many of these species would seek the cover of the adjacent mixed riparian savannah, but forage in and over the riverine habitat. Belted kingfishers (*Megaceryle alcyon*) commonly forage for small fish from perches on overhanging tree branches. Black phoebes may forage for insects over the river from perches in riparian bushes growing from the bank. Red-winged blackbirds (*Agelaius phoeniceus*) may nest in cattails and bulrushes growing along the river. Wading birds

common in this habitat include great blue herons, green herons (*Butorides striatus*), great egrets, and cattle egrets (*Bubulcus ibis*). Mallards (*Anas platyrhynchos*) (observed) and American coots (*Fulica americana*) would be expected within the riverine habitat of the BSA. The river would be used by a diversity of migratory waterfowl between the months of November and March, when water is present.

Mammals, although somewhat common to the mixed riparian savannah adjacent to the Tule River, would not be common within the channel, when inundated. The riverine habitat nonetheless provides drinking water and foraging habitat for many species. A number of species of bats are attracted to the aquatic habitat of creeks and rivers, because these habitats sustain large insect populations on which bats feed. Ornate shrews (*Sorex ornatus*) would be common in dense herbaceous vegetation along the river's edge. At the time of the December field survey, raccoon tracks were observed in the damp sand along the river.

3.1.3.4 Poplar Ditch

The BSA contains approximately 0.19 acre of the Poplar Ditch and an associated spillway. The Poplar Ditch is an artificial waterway that conveys flows from the Tule River to the Friant-Kern Canal. It passes through the BSA for a distance of approximately 50 feet, where it is characterized by a meandering, earthen channel approximately 40 feet wide. At the time of the December 2017 field survey, the Poplar Ditch was inundated up to several feet. During the February field survey, it was mostly dry. Below the ordinary high water mark, the ditch was densely vegetated with a mix of native and non-native forbs such as red brome, ripgut brome, annual sunflower, water primrose, water smartweed (*Polygonum* sp.), white-stem hedge nettle, seep monkeyflower (*Erythranthe guttata*), mugwort (*Artemesia douglasiana*), and curly dock. Several ornamental trees occurred within the banks of the Poplar Ditch, including white mulberry, edible fig (*Ficus carica*), almond (*Prunus dulcis*), and Japanese privet (*Ligustrum japonicum*). Some areas were densely covered by California grape (*Vitis californica*) vines.

The Poplar Ditch Spillway is a man-made overflow channel that traverses the BSA from north to south near the BSA's center. The function of the spillway is to direct waters from

the Poplar Ditch to the Tule River in the event that flows are maximum and the Poplar Ditch cannot accept flows down the channel. The spillway was partly dry at the time of the December 2017 field survey and completely dry during the February 2018 survey. It was separated from the Poplar Ditch by a concrete foundation at its origin to the south. The spillway was lined in its entirety by rip-rap, and contained large woody debris, and refuse such as shopping carts, tires, and appliances. Where present, vegetation within the spillway channel consisted of hydrophytic plants such as carpetweed (*Mollugo verticullata*), curly dock, and Timothy grass (*Phleum pratense*). A mix of native and non-native trees and shrubs occurred along the banks of the channel, including a western sycamore tree, castorbean (*Ricinus communis*), and tree tobacco.

Amphibian use of the Poplar Ditch and associated spillway is expected to be very similar to that of the adjacent Tule River channel. A mature bullfrog was observed in the spillway at the time of the December field survey. During dry periods, reptile use of the ditch and spillway would be similar to that described for other land use types of the BSA. Fish that may occur in the ditch and spillway when water is present include the species discussed for the BSA's riverine habitat.

Many of the resident and migrant songbirds discussed for the other land use types could nest in the trees and shrubs along the banks of the Poplar Ditch and spillway. The sycamore tree along the spillway could be used for nesting by large raptors such as the red-tailed hawk and great-horned owl, or by woodpeckers including the acorn woodpecker (*Melanerpes formicivorus*) and northern flicker. Wading birds discussed for the BSA's mixed riparian savannah and riverine habitats would be likely to forage in the ditch and spillway from time to time.

The small mammal and mammalian predator species discussed for other habitat types would have the potential to use the ditch and spillway as a water source or forage along its banks, as well. The existing bridge over the Poplar Ditch has the potential to be used for nesting by the black phoebe and cliff swallow (*Petrochelidon pyrrhonota*) and roosting by various bat species.

3.1.4 HABITAT CONNECTIVITY

Wildlife movement corridors are routes that animals regularly and predictably follow during seasonal migration, dispersal from native ranges, daily travel within home ranges, and inter-population movements. Movement corridors in California are typically associated with valleys, ridgelines, and rivers and creeks supporting riparian vegetation. Certain features of the study area have the potential to function as movement corridors for resident and migratory fish and wildlife species.

The Tule River channel is expected to function as a movement corridor for a variety of native terrestrial wildlife species. The channel provides a corridor between natural habitats of the Sierra Nevada foothills and the Tulare Basin, including the Pixley National Wildlife Refuge and Elk Bayou. The ephemeral flows within the Tule River and Poplar Ditch support no anadromous fish populations. When water is released from Lake Success, it is possible that non-native fish could be washed downstream and pass through the BSA via either the Tule River or Poplar Ditch. Likewise, it is possible that non-native fish from perennial waters downstream could move up into the BSA when water is present. However, there would be no opportunities for fish passage during dry periods, which occur frequently.Riparian habitat outside of the top of the banks along each of these waterways, may function as a movement corridor for a variety of native terrestrial wildlife species as well.

3.2 Regional Species and Habitats and Natural Communities of Concern

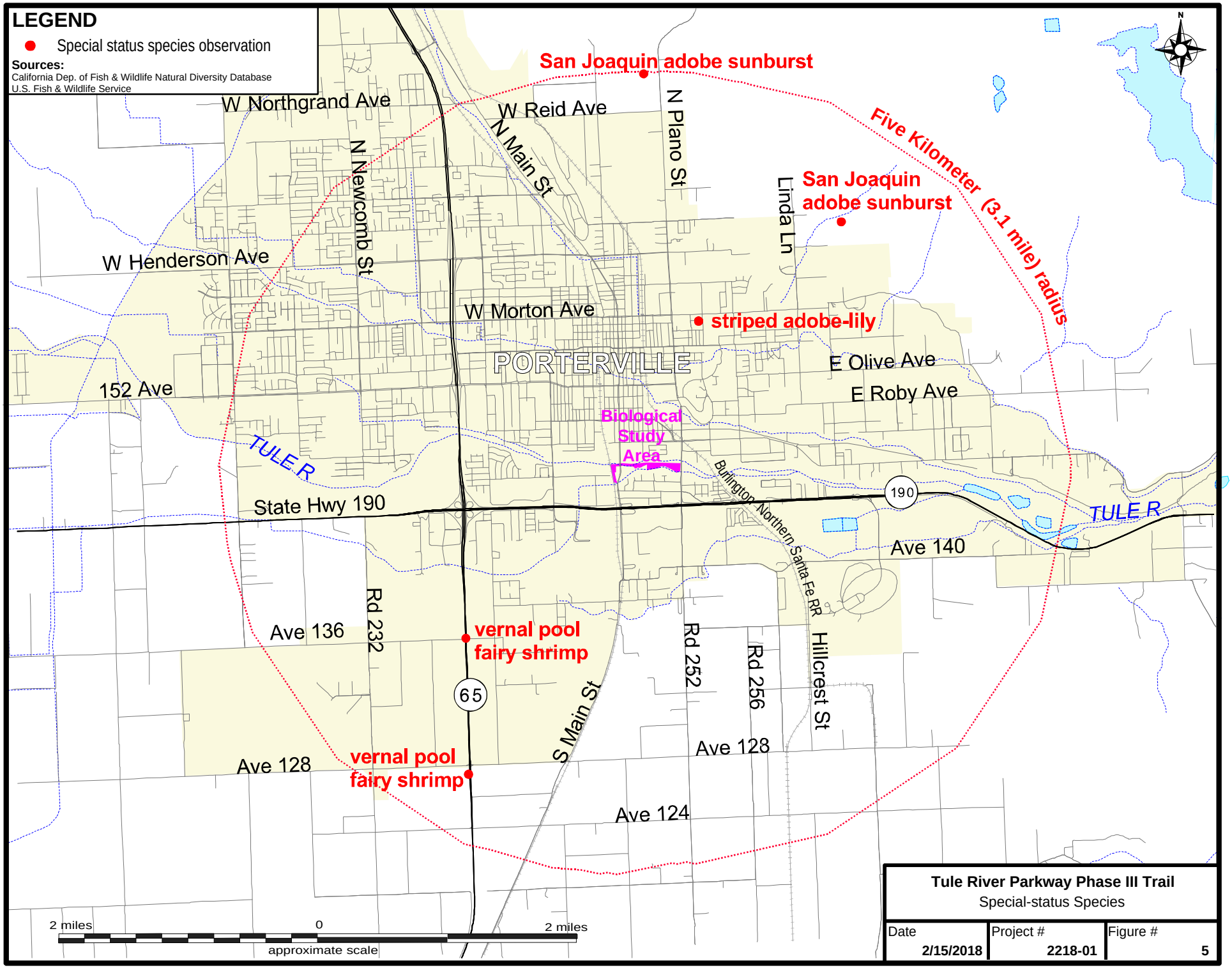
Sensitive habitats may include the following: 1) any native habitats of limited distribution (i.e. wetlands of various types, riparian habitat, native grasslands, etc.); 2) any native habitats used by state or federally listed threatened or endangered species; 3) habitats supporting particularly high concentrations of native plants and animals; and 4) habitats that are within the jurisdiction of one or more state and federal resource agencies (i.e. wetlands, endangered species habitat, etc.).

A number of species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these

species occupy are converted to agricultural and urban uses. A sizable number of native plants and animals have been formally designated as "threatened" or "endangered" under state and federal endangered species legislation. Others have been designated as candidates for such listing. Still others have been designated as "species of special concern" by the CDFW. The California Native Plant Society (CNPS) has developed its own set of lists of native plants considered rare, threatened, or endangered (CNPS 2018). Collectively, these plants and animals are referred to as "special status species."

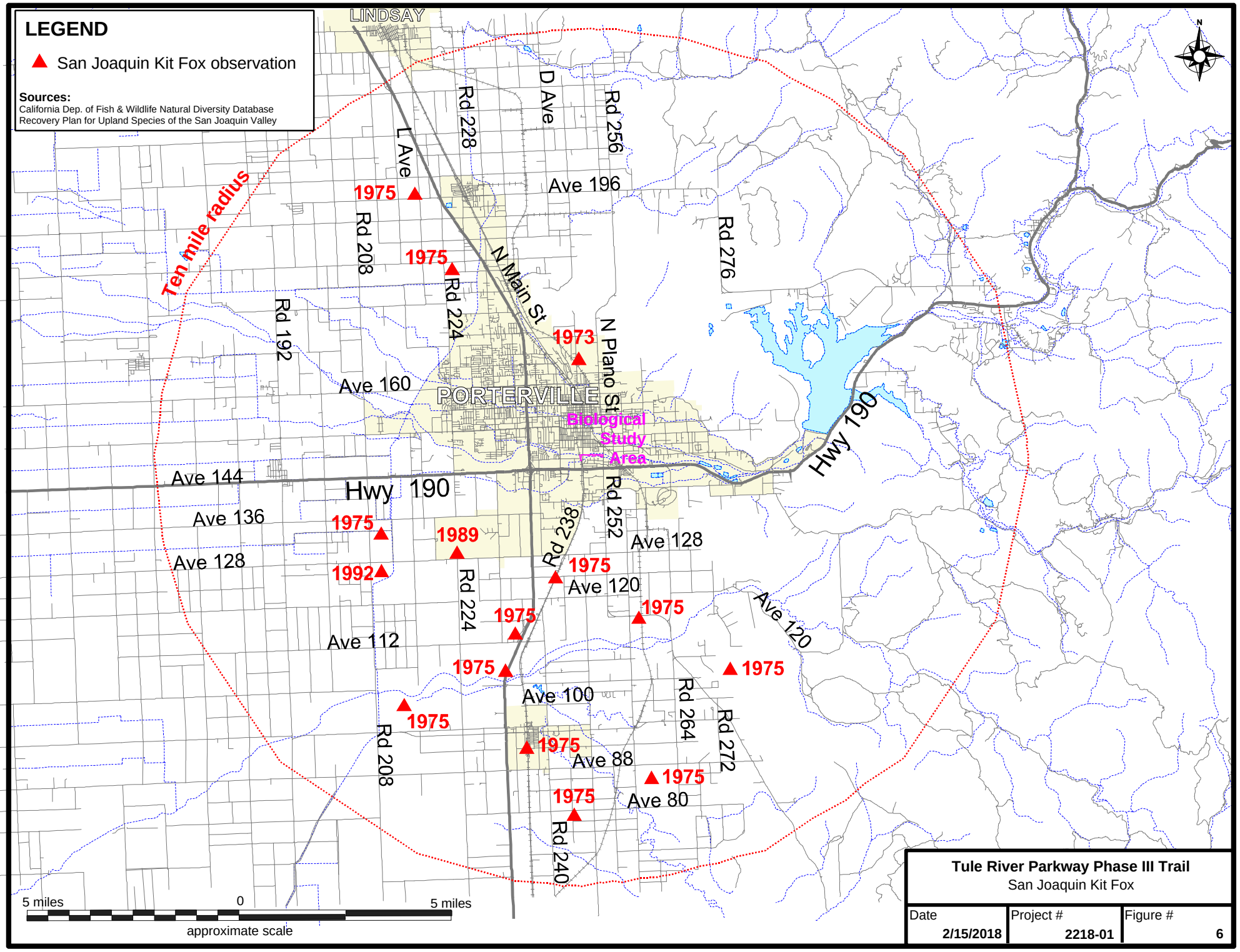
The *California Natural Diversity Data Base* (CNDDB; CDFW 2018) was queried for special status species occurrences in the nine USGS 7.5-minute quadrangles containing and surrounding the BSA (*Porterville, Cairns Corner, Lindsay, Frazier Valley, Woodville, Success Dam, Sausalito School, Ducor,* and *Fountain Springs*) (see Appendix E). An official species list was obtained using the USFWS Information for Planning and Consultation (IPaC) system for federally listed species with the potential to be affected by the Project (USFWS 2018) (see Appendix F). These species, and their potential to occur within the BSA, are listed in Table 1 on the following pages. Sources of information for this table included the CNDDB, LOA survey results, *California's Wildlife, Volumes I, II, and III* (Zeiner et. al 1988-1990), and *The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2018).

Special status species occurrences within 3.1 miles of the BSA are depicted in Figure 5. San Joaquin kit fox occurrences within 10 miles of the BSA are depicted in Figure 6.



Tule River Parkway Phase III Trail
Special-status Species

Date	Project #	Figure #
2/15/2018	2218-01	5



Tule River Parkway Phase III Trail
San Joaquin Kit Fox

Date	Project #	Figure #
2/15/2018	2218-01	6

Table 1: Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to Occur in the Project Area.

Special Status Plant Species

Species	Status	Habitat	Occurrence in the BSA/Rationale
Earlimart Orache (*Atriplex cordulata* var. *erecticaulis*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands between 230 and 395 ft. in elevation. Blooms August-September.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline. Moreover, the BSA is located just above the elevational range for this species.
Lost Hills Crownscale (*Atriplex coronata* var. *vallicola*)	CNPS 1B.2	Occurs in chenopod scrub, valley and foothill grasslands, and vernal pools on alkaline soils, between 164 and 2,080 ft. in elevation. Blooms April–August.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Brittlescale (*Atriplex depressa*)	CNPS 1B.2	Occurs in alkali soils in barren areas within alkali grassland, meadow and scrub at elevations up to 1,000 ft. in elevation. Occasionally found around vernal pools. Blooms April-October.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Lesser Saltscale (*Atriplex minuscula*)	CNPS 1B.1	Occurs in widely scattered locations of California's Central Valley with alkaline soils in chenopod scrub, valley grasslands, and vernal pools between 35 and 855 ft. in elevation. Blooms May-October.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Vernal Pool Smallscale (*Atriplex persistens*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands of the San Joaquin Valley, between 130 and 330 ft. in elevation. Blooms August-October.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Subtle Orache (*Atriplex subtilis*)	CNPS 1B.2	Occurs in alkaline soils of valley and foothill grasslands of the San Joaquin Valley, between 130 and 330 ft. in elevation. Blooms August-October.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
California Jewelflower (*Caulanthus californicus*)	FE, SE, CNPS 1B.1	Occurs in sandy, chenopod scrub, pinyon and juniper woodland, and valley and foothill grassland up to 3,280 ft. in elevation. Blooms February-May.	**A.** Habitats of the BSA and adjacent lands are extremely marginal for this species. The closest known occurrence of this species is a 1981 sighting at Pixley Vernal Pool Preserve approximately 12 miles southeast of the BSA; that site has since been invaded by exotic grasses and the population is possibly extirpated (CDFW 2018).
Springville Clarkia (*Clarkia springvillensis*)	FT, SE, CNPS 1B.2	Occurs in Chaparral, Cismontane Woodland, Valley and Foothill Grasslands with granitic soil between 985 and 2,430 ft. in elevation. Blooms May-July.	**A.** The BSA is below the elevational range for this species. Habitat is extremely marginal due to the relatively disturbed nature of the site. The closest known occurrence of this species is located outside of Lewis Preserve 4 miles north of the BSA from an unknown date (CDFW 2018).
Recurved Larkspur (*Delphinium recurvatum*)	CNPS 1B.2	Occurs in alkaline soils in cismontane woodland and valley and foothill grasslands below 2,500 ft. in elevation. Blooms March-June.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Spiny-Sepaled Button-Celery (*Eryngium spinosepalum*)	CNPS 1B.2	Occurs in vernal pools, swales and valley and foothill grasslands of the San Joaquin Valley and the Tulare Basin between 330 and 840 ft. in elevation. Blooms April-May.	**A.** Although marginal habitat is present for this species, dried remains of this perennial would have been seen during the field surveys, if present. The closest known occurrence of this species was a 1954 population located in a seasonal pool approximately 8 miles northeast of the BSA.

Table 2: Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to Occur in the Project Area.

Special Status Plant Species

Species	Status	Habitat	Occurrence in the BSA/Rationale
Striped Adobe-Lily (*Fritillaria striata*)	ST, CNPS 1B.1	Occurs in heavy clay soils of cismontane woodland and valley and foothill grassland between 1,150 and 2,920 ft. in elevation. Blooms February-April.	**A.** This species has a strong affinity for heavy clay adobe soils, which are not present within the BSA. The closest known occurrence of this species is a population identified approximately 1.2 miles north of the BSA in 1927; this habitat has since been plowed for agriculture and the population is considered extirpated.
Madera Leptosiphon (*Leptosiphon serrulatus*)	CNPS 1B.2	Occurs in openings in cismontane woodland between 980 and 1,400 ft. in elevation. Blooms April-May	**A**. Habitats of the BSA and adjacent lands are marginal for this species. Moreover, the BSA is situated outside of this species' elevational range. The closest known occurrence of this species is a population identified approximately 4 miles southeast of the BSA in 1935.
Calico Monkeyflower (*Diplacus pictus*)	CNPS 1B.2	Occurs around granitic outcrops or gooseberry shrubs in broadleaf upland forest and cismontane woodland in granitic soils between 330 and 4270 ft. in elevation. May occur in disturbed areas. Blooms March-May.	**A.** Suitable habitat for this species is absent from the BSA and adjacent lands. The closest known occurrence of this species is a population identified approximately 4 miles northeast of the BSA, in the Sierra Nevada foothills, in 1983.
San Joaquin Woollythreads (*Monolopia congdonii*)	FE, CNPS 1B.2	Occurs in sandy soils in shadscale scrub and valley grassland, between 195 and 2,460 ft. in elevation. Blooms February-May.	**A.** Habitats of the BSA and adjacent lands are extremely marginal for this species. The closest known occurrence of this species is a population identified along Deer Creek, approximately 5 miles southeast of the BSA, in 1881.
San Joaquin Adobe Sunburst (*Pseudobahia peirsonii*)	FT, SE, CNPS 1B.1	Occurs in foothill grasslands in heavy clay soils of the Porterville and Centerville series, between 300 and 2,625 ft. in elevation. Blooms March-April.	**A.** Suitable heavy clay soils of the Porterville and Centerville series are absent from the BSA. The closest known occurrences of this species are populations identified on Cibo clay soils approximately 2.3 and 3 miles north of the BSA in 1990 and 1988, respectively.
California Alkali Grass (*Puccinellia simplex*)	CNPS 1B.2	Occurs in alkaline, vernally mesic; sinks, flats, and lakes in chenopod scrub, meadows and seeps, valley and foothill grassland, and vernal pools between 45 and 2,920 ft. in elevation. Blooms March-May.	**A**. Suitable habitat for this species is absent from the BSA and adjacent lands. Soils are not alkaline.
Keck's Checkerbloom (*Sidalcea keckii*)	FE, CNPS 1B.1	Occurs in cismontane woodland and valley and foothill grassland habitat with serpentine and/or clay soils between 525 and 2,230 ft. in elevation. Blooms April-May.	**A.** Habitat and soils required by this species are absent from the BSA. The closest known occurrence of this species is a 1992 observation located approximately 5 miles southeast of the BSA; that site has since been converted into an orange grove and the population is considered extirpated.

Table 3: Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to Occur in the Project Area.

State and Federally Listed Animal Species

Species	Status	Habitat	Occurrence in the BSA/Rationale
Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)	FT	Occurs in vernal pools, clear to tea-colored water in grass or mud-bottomed swales, and basalt depression pools.	**A.** Vernal pool habitat is absent from the BSA. The closest known occurrences of this species were documented in vernal pools 1.7 and 2.5 miles southwest of the BSA in 2002.
Delta Smelt (*Hypomesus transpacificus*)	FT	This slender-bodied fish is endemic to the San Francisco Bay and Sacramento-San Joaquin Delta upstream through Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties.	**A.** The BSA is located outside of the range of this species.
California Red-Legged Frog (*Rana aurora draytonii*)	FT	Perennial rivers, creeks and stock ponds of the Coast Range and northern Sierra foothills with overhanging vegetation.	**A.** Perennial aquatic habitat required by this species is absent from the BSA. Moreover, the BSA is located outside of the current known range of this species.
California Tiger Salamander (CTS) (*Ambystoma californiense*)	FT	Requires vernal pools for breeding and rodent burrows in annual grasslands for refuge.	**A.** The BSA is located well south of this species' range in the San Joaquin Valley. The closest known occurrence of CTS is over 30 miles northwest of the BSA.
Blunt-Nosed Leopard Lizard (*Gambelia silus*)	FE, SE, SFP	Frequents grasslands, alkali meadows and chenopod scrub of the San Joaquin Valley from Merced south to Kern County.	**A.** Suitable habitat for this species is absent from the BSA. The closest known occurrence of this species is located 19 miles southwest of the BSA from 1974.
Giant Garter Snake (*Thamnophis gigas*)	FT, ST	Occurs in marshes, sloughs, drainage canals, irrigation ditches, rice fields, and adjacent uplands. Prefers locations with emergent vegetation for cover and open areas for basking. GGS use small mammal burrows and soil crevices adjacent to aquatic habitats for overwintering and, in the summer, to escape excessive heat.	**A.** The BSA is located outside of the current known range of this species. The BSA is located over 50 miles from the closest historical or modern occurrence of this species.
Swainson's Hawk (*Buteo swainsoni*)	ST	This breeding migrant to California nests in mature trees in riparian areas and oak savannah, and occasionally in lone trees at the margins of agricultural fields. Requires adjacent suitable foraging areas such as grasslands or alfalfa fields supporting rodent populations.	**HP.** Suitable nesting and foraging habitat for this species is present within the BSA. However, Swainson's hawks are uncommon along the eastern margin of the San Joaquin Valley, and are unlikely to occur in municipal Porterville, where the BSA is situated. The nearest known nest was documented approximately 8 miles northwest of the BSA in 2017 (Hansen 2017).
California Condor (*Gymnogyps californianus*)	FE, SE, SFP	Scavenge for carrion in habitats ranging from Pacific beaches to mountain forests and meadows. They nest in caves on cliff faces in mountains up to 6,000 ft. in elevation. Their size makes take-off difficult, leading them to use high perches for easier take-offs.	**A**. Nesting habitat is absent from the BSA. Foraging habitat is marginal. The closest known occurrence of this species is located at a known roosting area within the Blue Ridge Condor Area approximately 15 miles northeast of the BSA from 1976.

Table 4: Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to Occur in the Project Area.

State and Federally Listed Animal Species

Species	Status	Habitat	Occurrence in the BSA/Rationale
Tipton Kangaroo Rat (*Dipodomys nitratoides nitratoides*)	FE, SE	Inhabits valley saltbrush scrub, valley sink scrub, and grassland habitats located from the Valley floor to 300 ft in elevation.	**A.** Habitats of the BSA are marginal for this species. Moreover, the BSA is located at the eastern limit of the current known range of this species. The closest known occurrence of this species is approximately 12 miles northwest of the BSA from 1943.
San Joaquin Kit Fox (*Vulpes macrotis mutica*)	FE, ST	Frequents desert alkali scrub and annual grasslands and may forage in adjacent agricultural habitats. Utilizes enlarged (4 to 10 inches in diameter) ground squirrel burrows as denning habitat.	**HP.** The BSA contains marginally suitable denning and foraging habitat for this species; however, the highly developed surrounding lands reduce the likelihood that this species would occur within the BSA. Moreover, modern kit fox occurrences in the project vicinity are scarce. The closest occurrences of this species are approximately 2.3 miles north and 2.6 miles south of the BSA from the 1970s. At most, this species could occasionally pass through and/or forage within the BSA on the way to more suitable habitat elsewhere.

State Species Of Special Concern

Species	Status	Habitat	Occurrence in the BSA/Rationale
Western Spadefoot (*Spea hammondii*)	SSC	Mainly occurs in grasslands of San Joaquin Valley. Vernal pools or other temporary wetlands are required for breeding. Aestivates in underground refugia such as rodent burrows, typically within 1200 ft. of aquatic habitat.	**A.** Breeding habitat is absent from the BSA. Two wetland areas that could serve as suitable breeding habitat are located south and east of the BSA; however, these wetlands are separated from the BSA by numerous anthropogenic barriers. There are no local occurrences of this species, historical or modern. The closest known occurrence was documented approximately 11 miles southwest of the BSA within the Pixley Vernal Pool Preserve in 1978.
Foothill Yellow-Legged Frog (*Rana boylii*)	SSC	Frequents rocky streams and rivers with open, sunny banks in forests, chaparral, and woodlands. Occurs from sea level to 2,040 meters in elevation.	**A.** Perennial aquatic habitat required by this species is absent from the BSA. Although the BSA is located within the current known range of this species, all local occurrences of this species are in the Sierra Nevada foothills east of the BSA. The closest known occurrence of this species is a 1940 observation on the Middle Fork of the Tule River approximately 14 miles northeast of the BSA.

Table 5: Listed, Proposed Species, Natural Communities, and Critical Habitat Potentially Occurring or Known to Occur in the Project Area.

State Species Of Special Concern

Species	Status	Habitat	Occurrence in the BSA/Rationale
Northern California Legless Lizard (*Anniella pulchra*)	SSC	Occurs in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Requires moist soils. Sometimes found in suburban gardens in southern California.	**HP.** Although the BSA contains marginally suitable habitat for this species, the highly disturbed surrounding lands make it unlikely that this species would occur within the BSA. An occurrence was documented in the general vicinity of Porterville in the 1940s; however, specific locational information is unknown. The closest known occurrence of this species is a 2015 observation within the riparian habitat of the Yaudanchi Ecological Reserve approximately 2 miles east of the BSA.
Tricolored Blackbird (*Agelaius tricolor*)	SSC, SCE	Breeds in colonies near fresh water, primarily emergent wetlands, with tall thickets. Forages in grassland and cropland habitats.	**HP.** The dense riparian thickets and cattail stands within and adjacent to the BSA offer suitable colonial breeding habitat for this species. This species could potentially forage across the entire BSA. A tricolored blackbird colony was documented just below the Success Lake Dam, approximately 5 miles east of the BSA, in 1971. More recently, in 2014, a colony was documented foraging in grassland and nesting in a milk thistle thicket approximately 6 miles northeast of the BSA.
Pallid Bat (*Antrozous pallidus*)	SSC	Roosts in rocky outcrops, cliffs, and crevices with access to open habitats for foraging. May also roost in caves, mines, hollow trees and buildings.	**HP.** Suitable foraging and roosting habitat for this species is present within the BSA. The closest known occurrence of this species is approximately 5.5 miles southeast of the BSA, recorded in 1946.
Townsend's Big-eared bat (*Corynorhinus townsendii*)	SSC	Primarily a cave-dwelling bat that may also roost in buildings. Occurs in a variety of habitats.	**HP.** Suitable roosting habitat for this species is absent from the BSA. This species may forage over the BSA. The closest known occurrence of this species is at Porterville Mine, approximately 3 miles northeast of the BSA, recorded in 1988.
Western Mastiff Bat (*Eumops perotis californicus*)	SSC	Frequents open, semi-arid to arid habitats, including conifer, and deciduous woodlands, coastal scrub, grasslands, palm oasis, chaparral and urban. Roosts in cliff faces, high buildings, trees and tunnels.	**HP.** Suitable foraging and roosting habitat for this species is present within the BSA. The closest known occurrence of this species is around Lake Success, approximately 6 miles northeast of the BSA, recorded in 1994.
American Badger (*Taxidea taxus*)	SSC	Found in drier open stages of most shrub, forest and herbaceous habitats with friable soils.	**HP.** The BSA contains potentially suitable denning and foraging habitat for this species. It is possible that this species could occasionally pass through and/or forage within the BSA on the way to more suitable habitat elsewhere. The closest known occurrence of this species is approximately 3.5 miles southeast of this BSA from an unknown date.

Absent [A]	- No habitat present and no further work needed.
Habitat Present [HP]	- Habitat is or may be present. The species may be present.
Present [P]	- Species is present
Critical Habitat [CH]	- Project footprint is located within a designated critical habitat unit, but does not necessarily mean that appropriate habitat is present.
Status:	- Federal Endangered (FE); Federal Threatened (FT); State Endangered (SE); State Threatened (ST); State Candidate Endangered (SCE); State Fully Protected (SFP); State Rare (SR); State Species of Special Concern (SSC); California Native Plant Society (CNPS)

Chapter 4 – Results: Biological Resources, Discussion of Impacts and Mitigation

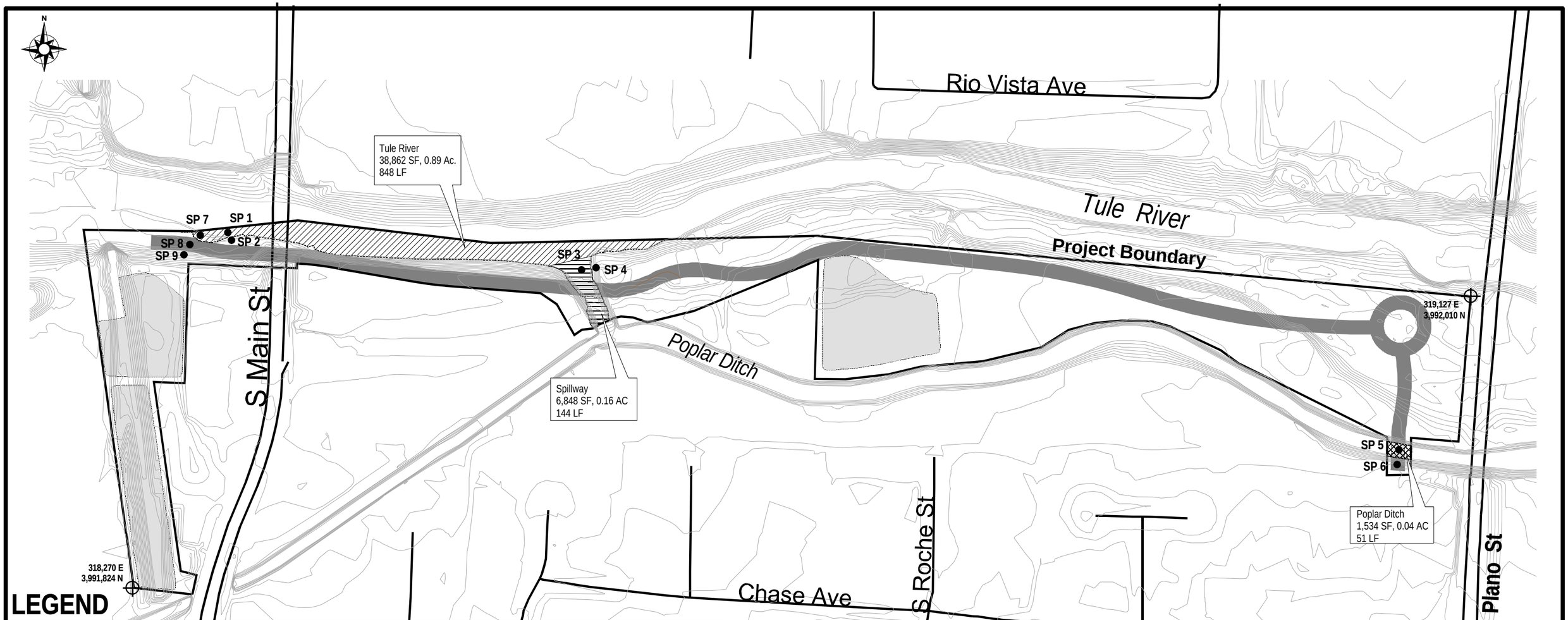
4.1 Habitats and Natural Communities of Special Concern

Ruderal/developed lands occupy much of the site and are not considered sensitive habitats. These habitats of the site are not of significant importance to regional wildlife populations, and are not considered natural communites of special concern. The mixed riparian savannah (more formally, *Populus fremontii – Salix exigua* association) and riverine habitats that are present within the BSA are considered natural communities of special concern, and could serve as wildlife movement corridors. Impacts to these habitats will be discussed in further detail in the following sections.

The BSA contains areas within the jurisdiction of the USACE, RWQCB, and/or CDFW (Figures 7 and 8, Table 2). Jurisdictional water issues are addressed in further detail in the following sections.

Table 2. Project Impacts to Jurisdictional Waters

Habitat Type / Waterway	Acreage of Impact within OHW (USACE Jurisdiction)		Acreage of Impact below TOB (CDFW Jurisdiction)	
	Permanent	Temporary	Permanent	Temporary
Riverine (Tule River)	0	0	0	0
Poplar Ditch	0	0.02	0	0.02
Poplar Ditch Spillway	0	0.04	0	0.04
Mixed Riparian Savannah	0	0	0.07	0
Ruderal/Developed	0	0	0.30	0
Total	0	0.06	0.37	0.06



LEGEND

Tributary Waters (areas below Ordinary High Water)

		Impacts: Temporary	Impacts: Permanent
Tule River	0.89 Ac., 848 LF	0.00 Ac., 0 LF	0.00 Ac., 0 LF
Spillway of Poplar Ditch	0.16 Ac., 144 LF	0.04 Ac., 30 LF	0.00 Ac., 0 LF
Poplar Ditch	0.04 Ac., 51 LF	0.02 Ac., 30 LF	0.00 Ac., 0 LF

Other Features

Project A.P.E.

SP 6 Sample Points

Ordinary High Water Line

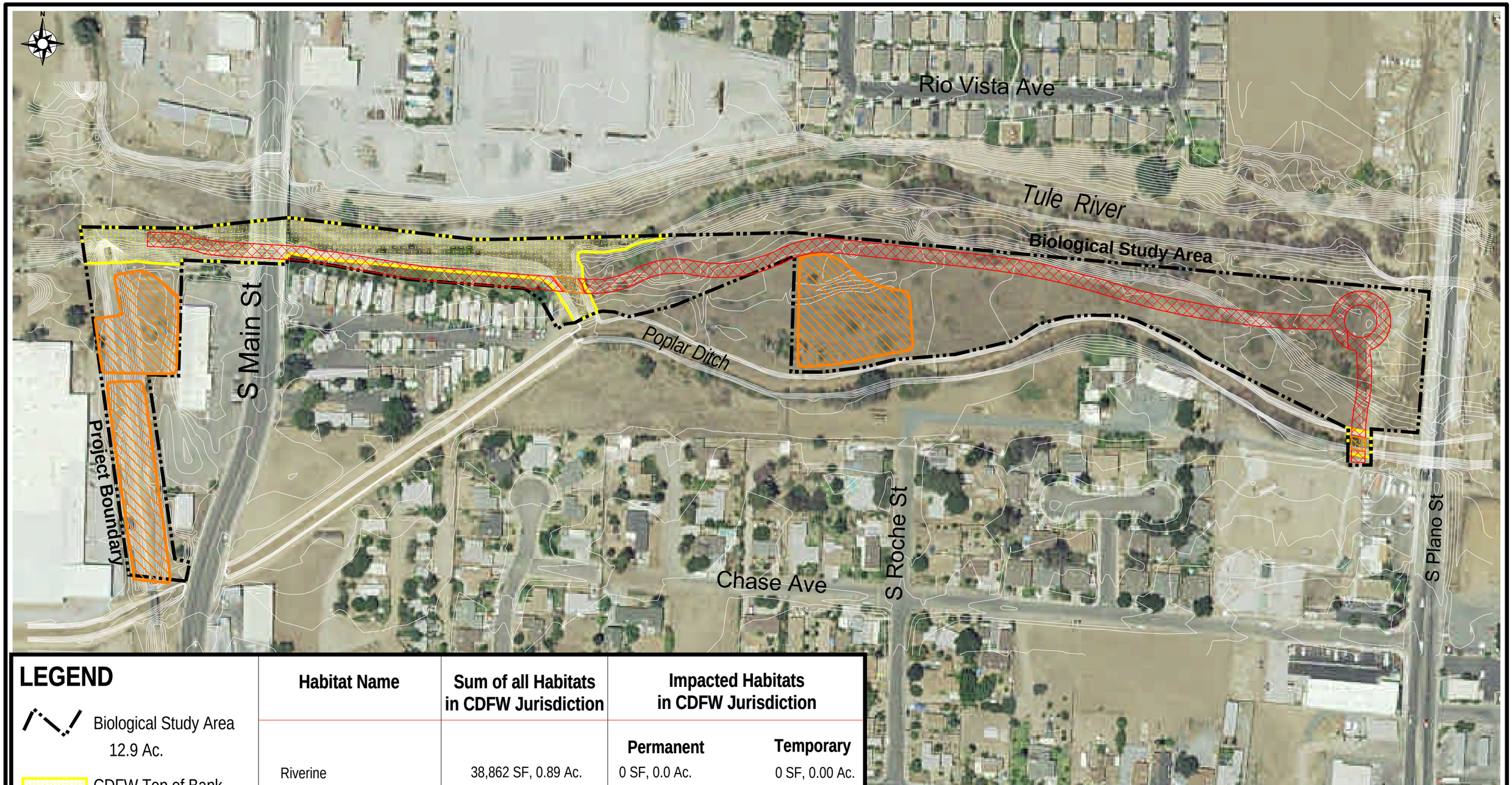
500' 0 250' 500 feet

approximate scale
1 inch = 200 feet

Source:
Topographic Base courtesy Tulare County Dept of Public Works
Universal Transverse Mercator Coordinate System Zone 11, NAD83 / NAVD 1988

Tule River Parkway Phase III Trail
Waters of the U.S.

Date	Project #	Figure #
2/28/2018	2218-01	7



LEGEND

- Biological Study Area 12.9 Ac.
- CDFW Top of Bank 2.26 Ac.
- Temporary Impacts
- Permanent Impacts

Habitat Name	Sum of all Habitats in CDFW Jurisdiction	Impacted Habitats in CDFW Jurisdiction	
		Permanent	Temporary
Riverine	38,862 SF, 0.89 Ac.	0 SF, 0.0 Ac.	0 SF, 0.00 Ac.
Poplar Ditch	8,382 SF, 0.19 Ac.	0 SF, 0.00 Ac.	2,277 SF, 0.06 Ac.
Mixed Riparian Savannah	13,876 SF, 0.32 Ac.	2,968 SF, 0.07 Ac.	0 SF, 0.00 Ac.
Ruderal	37,297 SF, 0.86 Ac.	13,059 SF, 0.30 Ac.	0 SF, 0.00 Ac.

Sources:
Aerial Photo Courtesy of U.S.D.A. - FSA Aerial Photography Field Office 11/19/2014
Topography Courtesy of City of Porterville

Tule River Parkway Phase III Trail
CDFW Jurisdiction / Top of Bank

Date	Project #	Figure #
2/28/2018	2218-01	8

4.1.1 MIXED RIPARIAN SAVANNAH

4.1.1.1 Survey Results

Mixed riparian savannah was the most prevalent habitat within the BSA, encompassing approximately 7.02 acres of the site (see Figure 4). Section 3.1.3.1 provides a description of this habitat.

4.1.1.2 Project Impacts

The project will permanently impact approximately 1.36 acres, and temporarily impact approximately 1.05 acres, of mixed riparian savannah habitat. Permanent impacts will result from construction of the trail, while temporary impacts will result from project activities within the easternmost staging area (see Figure 3). It is anticipated that most of the impacts within this habitat will affect the annual grassland understory, and very little tree pruning or removal required. Though not quantified at the time this report was prepared, impacts to individual mature riparian trees greater than 4 inches in diameter at breast height (DBH) could result from project implementation, but are expected to be minimal, if any. The relatively small project impact area and relatively disturbed nature of the project site will have minimal effects (if any) on function as a wildlife movement corridor. The site will function in much the same manner as it does now, after the project is complete. Birds using the Pacific flyway will continue to do so following project development.

4.1.1.3 Avoidance and Minimization Efforts

The trail has been designed to bypass most mature riparian trees. The need for impacts to individual trees will be known during staking of the alignment. If necessary, construction monitoring will be conducted to document all mature trees greater than 4 inches DBH that cannot be avoided. Those trees with canopies overlapping areas to be permanently or temporarily impacted will be protected. Avoidance buffers (construction fencing) will be installed at the edge of canopy where canopies overlap impact areas.

4.1.1.4 Compensatory Mitigation

Should any native riparian trees greater than 4 inches in DBH be impacted by the project, the CDFW may require compensation through the Streambed Alteration permitting process. Compensation typically includes on-site replacement at a ratio of 3:1 for native riparian trees between 4 and 24 inches DBH and 10:1 for native riparian trees greater than 24 inches DBH. Preparation of a riparian restoration plan may be deemed necessary, and would outline specific planting scenario, success criteria, contingency planting or monitoring requirements that may be called for in the Section 1602 streambed alteration agreement. Species chosen for the plant pallete would include native riparian trees such as valley oaks, Oregon ash and Fremont's cottonwoods. Seed and cuttings will be gathered from the area. These trees will be planted as container plants and.or cuttings. All planting material will be installed in the late fall or early winter.

4.1.1.5 Cumulative Impacts

Permanent impacts to 1.36 acres, and temporary impacts to 1.05 acres, of mixed riparian savannah associated with Project construction are not expected to make a meaningful contribution to cumulative impacts to local riparian habitats.

4.1.2 RIVERINE

4.1.2.1 Survey Results

The BSA contains approximately 0.89 acre of riverine habitat in the form of the Tule River (see Figure 4). The biotic characteristics of this habitat are described in detail in Section 3.1.3.3 of this document.

4.1.2.2 Project Impacts

The Project will not result in any impacts to riverine habitat, temporary or permanent (Table 2 and Figure 7). The Project will be constructed entirely outside of this habitat.

4.1.2.3 Avoidance and Minimization Measures

None required; however, the Project will prevent sedimentation of the BSA's riverine habitat with the installation of retaining walls just east of South Main Street, where the trail will traverse the steep upper banks of the Tule River.

The City will obtain a Streambed Alteration Agreement from the CDFW for proposed impacts below the top of bank of the Tule River, and will comply with all of the conditions of this agreement, which are expected to include measures to prevent indirect impacts to the BSA's riverine habitat including erosion and pollution.

4.1.2.4 Compensatory Mitigation

None required.

4.1.2.5 Cumulative Impacts

Because no impacts to riverine habitat will occur as a result of the Project, the Project will not contribute to cumulative impacts to this habitat type.

4.1.3 USACE AND RWQCB JURISDICTIONAL AREA

A jurisdictional waters investigation conducted by LOA in December 2017 and February 2018 found that the BSA contains three water features subject to the jurisdiction of the USACE and RWQCB: Tule River, Poplar Ditch, and Poplar Ditch Spillway. The biotic characteristics of these areas are described in detail in Chapter 3 of this document. The areas within the channel below OHW would fall under the jurisdiction of the USACE and RWCQB.

4.1.3.1 Survey Results

The limits of jurisdiction were delineated to the extent of OHW, which was determined by field observations and the examination of 1-foot topographical contour lines overlaid on aerial imagery. The total area within the BSA of waters of the U.S. subject to USACE jurisdiction and waters of the State subject to RWQCB jurisdiction is 1.09 acres (see Figure 7).

4.1.3.2 Project Impacts

The Project will not result in any permanent impacts to waters of the U.S./State (see Table 2 and Figure 7). Project construction will take place entirely outside of the OHW mark of the Tule River, with no temporary or permanent impacts proposed for Corps- and RWQCB-jurisdictional areas associated with this water feature. The proposed bridges over the Poplar Ditch and Poplar Ditch Spillway will clear-span the channel, with

footings installed outside of OHW; therefore, there will be no permanent impacts to Corps- and RWQCB-jurisdictional areas associated with these waterways. Temporary impacts within OHW of the Poplar Ditch and spillway may occur within a 30-foot-wide disturbance corridor centered on the proposed bridge alignments, encompassing a total of 0.06 acre.

4.1.3.3 Avoidance and Minimization Efforts

Because there will be no impacts to the Tule River below OHW, avoidance and minimization efforts are not required for this water feature; however, the Project will prevent sedimentation of the river with the installation of retaining walls just east of South Main Street, where the trail will traverse the river's steep upper banks.

The City will consult with the USACE and RWQCB to determine whether a 404 Clean Water Act permit and 401 Water Quality Certification are required for temporary impacts to the Poplar Ditch and Poplar Ditch Spillway. If required, the City will obtain these permits and comply with all of the conditions within. It is anticipated that the project will qualify for a 404 Nationwide (NW) 14 permit (linear transportation projects). The threshold of impact to qualify for this NW is ½ acre, well over the anticipated 0.06 acre of anticipated temporary impact.

4.1.3.4 Compensatory Mitigation

If required, the City will pay in-lieu fees to the USACE in-lieu fee fund as a condition of their Nationwide Permit.

4.1.3.5 Cumulative Impacts

Because no permanent impacts to Waters of the U.S./State will occur as a result of the Project, the Project will not contribute to cumulative impacts to these waters.

4.1.4 CDFW 1602 JURISDICTIONAL AREA

A jurisdictional waters investigation conducted by LOA during the winter of 2017-2018 found that the BSA contains three CDFW 1602 jurisdictional water features: Tule River, Poplar Ditch and Poplar Ditch Spillway. The biotic characteristics of these areas are

described in detail in Chapter 3 of this document. The areas below the top of bank (TOB) would fall under CDFW jurisdiction.

4.1.4.1 Survey Results

The limits of CDFW jurisdiction were delineated to the extent of the TOB of the Tule River floodplain, Poplar Ditch, and the Poplar Ditch Spillway, which was determined by the City of Porterville and provided to LOA. The total area of CDFW 1602 jurisdiction within the BSA is 2.26 acres (Figure 8). CDFW-jurisdictional areas were identified in all four biotic habitats of the BSA. Portions of the mixed riparian savannah and ruderal/developed habitats are located below the TOB of the Tule River, Poplar Ditch, and/or Poplar Ditch Spillway and would therefore fall under CDFW jurisdiction.

4.1.4.2 Project Impacts

Approximately 0.37 acres of permanent impact to areas within CDFW 1602 jurisdiction will result from the installation of approximately 500 feet of paved trail and other improvements in ruderal/developed and mixed riparian savannah habitat below the TOB of the Tule River and the placement of bridge footings in ruderal/developed habitat below TOB at the Poplar Ditch Spillway (see Figure 8 and Table 2). Approximately 0.06 acre of CDFW-jurisdictional areas associated with the Poplar Ditch and spillway may be temporarily impacted during construction of the bridges over those waterways.

4.1.4.3 Avoidance and Minimization Efforts

The City will obtain a Stream Alteration Agreement from CDFW and comply with all conditions of this agreement, potentially including preparation of a riparian mitigation and monitoring plan, as discussed above under Section 4.1.1.3.

4.1.4.4 Compensatory Mitigation

Should any native riparian trees greater than 4 inches in DBH be documented during preconstruction surveys within the path of construction, the CDFW may require compensation through the Streambed Alteration permitting process. Compensation typically includes on-site replacement at a ratio of 3:1 for trees between 4 and 24 inches DBH and 10:1 for trees greater than 24 inches DBH. Preparation of a riparian mitigation

and monitoring plan would outline the planting scenario, success criteria, contingency monitoring, and mitigation monitoring requirements.

4.1.4.5 Cumulative Impacts

Permanent impacts to 0.37 acres of CDFW-jurisdictional waters are not expected to make a meaningful contribution to cumulative impacts to local CDFW jurisdictional waters.

4.2 Special Status Plant Species

A total of 17 special-status plant species were identified as potentially occurring in the vicinity of the BSA (Table 1; Appendix E and F). Based on the lack of suitable habitat (i.e., vernal pools; clay, alkaline sandstone, or shale soils; chaparral; and cismontane woodland), none of the 17 special-status plant species listed in Table 1 have the potential to occur within the BSA. No avoidance, minimization, or compensatory mitigation measures are required.

4.3 Special Status Animal Species Occurrences

A total of 18 special-status animal species were identified as potentially occurring in the vicinity of the BSA (Table 1; Appendix E and F). Based on the lack of suitable habitat and/or significant distance between the BSA and known populations, ten (10) of the 18 species can be considered absent from the BSA. Eight (8) of the 18 special-status animal species listed in Table 1 could potentially occur within the BSA; these species are the Swainson's hawk (*Buteo swainsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), northern California legless lizard (*Anniella pulchra*), tricolored blackbird (*Agelaius tricolor*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis californicus*) and American badger (*Taxidea taxus*). An analysis of potential Project impacts and avoidance and minimization measures for each of these species follows.

4.3.1 SWAINSON'S HAWK

Swainson's hawks are large, long-winged, broad-tailed hawks with a high degree of mate and territorial fidelity. They are breeding season migrants to California, arriving at their nesting sites in March or April. The young hatch sometime between March and July and

fledge 4 to 6 weeks later. By October, most birds have left for wintering grounds in South America. In the Central Valley, Swainson's hawks typically nest in large trees along riparian systems, but may also nest in oak groves, or lone, mature trees in agricultural fields or along roadsides. Nest sites are typically located adjacent to suitable foraging habitat. Swainson's hawks forage in large, open fields with abundant prey, including grasslands or lightly grazed pastures, alfalfa and other hay crops, and certain grain and row croplands. Their designation as a California Threatened species is based on population decline due in part to loss of foraging habitat to urban development (CDFG 1994).

4.3.1.1 Survey Results

Swainson's hawks were not observed during the field surveys. The closest known nesting occurrence was documented in a cork oak approximately 8 miles northwest of the BSA adjacent to the Friant-Kern Canal in 2017 (Hansen 2017). The CNDDB also lists two occurrences approximately 15 miles northwest of the BSA; one was documented in a large oak on the north side of Outside Creek adjacent to grain fields in 2000, and the other was documented in a eucalyptus tree adjacent to Inside Creek surrounded by orchards less than a mile from James K Herbert Wetland Prairie Preserve in 2008. All three occurrences are in locations that are essentially rural, and are primarily adjoined by agricultural fields and other suitable foraging habitats. By contrast, the BSA is located within a matrix of development associated with the City of Porterville. Although the mature riparian and residential trees within and adjacent to the BSA are structurally suitable for nesting by Swainson's hawks, high levels of anthropogenic disturbance is expected to preclude Swainson's hawk nesting on site.

Because Swainson's hawks are known to nest in the region, there is some potential for individuals of this species to fly over the BSA from time to time. Should Swainson's hawks occur in the project vicinity, they could conceivably forage within the BSA. At the time of the field surveys, the BSA appeared likely to support sufficient prey for this species, and vegetative characteristics were compatible with Swainson's hawk foraging strategies. The BSA's proximity to South Plano Street, South Main Street, and residential and industrial development somewhat reduce the chances that it would be foraged upon, however.

4.3.1.2 Project Impacts

As discussed, the Swainson's hawk is not expected to nest within or adjacent to the BSA; therefore, the Project does not have the potential to result in injury or mortality of nesting Swainson's hawks, or disturbance leading to nest abandonment. In the unlikely event that Swainson's hawks are foraging within the BSA at the time of construction, individual hawks may be disturbed, possibly to the point of shifting their use to habitats outside of the BSA. Swainson's hawks would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile and would be expected to simply fly away from construction-related disturbance.

Permanent impacts from the Project will encompass approximately 2.11 acres, portions of which are suitable for Swainson's hawk foraging. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to this species. Given the small area of permanent Project impacts and the relatively low probability of Swainson's hawk occurrence within the BSA, Swainson's hawk individuals and populations would not be adversely affected from Project-related loss of foraging habitat.

4.3.1.3 Avoidance and Minimization Efforts

The Project is not expected to adversely affect Swainson's hawk individuals or populations. No avoidance and minimization efforts are required.

4.3.1.4 Compensatory Mitigation

Since the Project will not result in substantial loss of habitat for the Swainson's hawk, and because Swainson's hawks are unlikely to occur in the BSA in the first place, no compensatory mitigation is warranted.

4.3.1.5 Cumulative Impacts

Given the small area of permanent Project impacts and the relatively low probability of Swainson's hawk occurrence within the BSA, the Project will not contribute meaningfully to cumulative impacts on this species.

4.3.2 SAN JOAQUIN KIT FOX

By the time the San Joaquin kit fox (SJKF) was listed as federally endangered in 1967 and California threatened in 1971, it had been extirpated from much of its historic range. The smallest North American member of the dog family (Canidae), the kit fox historically occupied the dry plains of the San Joaquin Valley, from San Joaquin County to southern Kern County (Grinnell et al. 1937). Local surveys, research projects, and incidental sightings indicate that kit fox currently occupy available habitat on the San Joaquin Valley floor and in the surrounding foothills. Core SJKF populations are located in the natural lands of western Kern County, the Carrizo Plain Natural Area in San Luis Obispo County, and the Ciervo-Panoche Natural Area in western Fresno and eastern San Benito Counties (USFWS 1998).

The SJKF prefers habitats of open or low vegetation with loose soils. In the southern and central portion of the Central Valley, kit fox are found in valley sink scrub, valley saltbrush scrub, upper Sonoran subshrub scrub, and annual grassland (USFWS 1998). Kit fox may also be found in grazed grasslands, urban settings, and in areas adjacent to tilled or fallow fields (USFWS 1998). They require underground dens to raise pups, regulate body temperature, and avoid predators and other adverse environmental conditions (Golightly and Ohmart 1984). In the central portion of their range, they usually occupy burrows excavated by small mammals such as California ground squirrels. The SJKF is primarily carnivorous, feeding on black-tailed hares, desert cottontails, rodents, insects, reptiles, and some birds.

4.3.2.1 Survey Results

Burrowing rodent activity was observed sporadically throughout the BSA, suggesting potential denning and foraging opportunities for the SJKF. Burrows of suitable size for secondary occupation by the SJKF were occasionally observed within the mixed riparian savannah of the BSA. However, the BSA is surrounded by busy roads and development associated with the City of Porterville. While the BSA itself could theoretically be used by kit foxes, high levels of human disturbance minimize this species' potential to occur in the Project vicinity in the first place. At most, kit foxes would be expected to occasionally pass through the Project vicinity on the way to more suitable habitat elsewhere, possibly stopping to forage within the BSA.

Modern occurrences of the SJKF in the Project vicinity are scarce. The CNDDB lists 15 occurrences of this species within 10 miles of the BSA (see Figure 6); the most recent of these is from more than 25 years ago, and all but two are from the 1970s. The nearest kit fox core populations are located approximately 75 miles and 100 miles from the BSA in the natural lands of western Kern County and the Ciervo-Panoche Natural Area, respectively. Overall, the potential for SJKF occurrence in the BSA is considered to be quite low.

4.3.2.2 Project Impacts

In the highly unlikely event that kit foxes take up residence on the BSA prior to construction or pass through the BSA during construction, individuals of this species may be vulnerable to construction-related injury or mortality.

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to this species, in the unlikely event that they occur in the Project vicinity. Given the small area of permanent Project impacts and the relatively low probability of SJKF occurrence within the BSA, SJKF individuals and populations would not be adversely affected from Project-related loss of habitat.

4.3.2.3 Avoidance and Minimization Efforts

> ***Pre-construction Surveys.*** Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the San Joaquin kit fox. These surveys will be conducted in accordance with the USFWS 2011 *Standardized Recommendations for Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (see Appendix G). The primary objective is to identify kit fox habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by kit foxes through use of remote monitoring techniques such as motion-triggered cameras and tracking medium. If an active kit fox den is detected within or immediately adjacent to the area of work, the USFWS and CDFW shall be contacted immediately.
>
> ***Avoidance.*** Should an active kit fox den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den in consultation with the USFWS and CDFW, to be maintained until a qualified biologist has determined that the den is no longer occupied. Known kit fox dens may not be destroyed until they have been vacant for a period of at least

three days, as demonstrated by use of motion-triggered cameras or tracking medium, and then only after obtaining take authorization from the USFWS.

Minimization. Construction activities shall be carried out in a manner that minimizes disturbance to kit foxes. Minimization measures include, but are not limited to: restriction of Project-related vehicle traffic to established roads, construction areas, and other designated areas; inspection and covering of structures (e.g., pipes), as well as installation of escape structures, to prevent the inadvertent entrapment of kit foxes; restriction of rodenticide and herbicide use; and proper disposal of food items and trash.

Employee Education Program. Prior to the start of construction, the City will retain a qualified biologist to conduct a tailgate meeting that will include a hand out with all of the training information included in it or conduct a Power Point presentation prepared by a qualified biologist to train all construction staff that will be involved with the Project on the San Joaquin kit fox. This training will include a description of the kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of the measures being taken to reduce impacts to the species during Project construction and implementation. The Project manager will use prepared training material to train any additional construction staff that were not in attendance at the first meeting, prior to starting work on the Project.

Mortality Reporting. In case of the accidental death or injury of a San Joaquin kit fox during Project-related activities, the City will contact Caltrans and Caltrans will notify The Sacramento Field Office of the USFWS. The City will notify the CDFW, directly. All notifications will be submitted in writing within three working days of incident. Notification must include the date, time, location of the incident or of the finding of a dead or injured animal, and any other pertinent information.

4.3.2.4 Compensatory Mitigation

Since the Project will not result in substantial loss of habitat for the San Joaquin kit fox, and because SJKF are unlikely to occur in the BSA in the first place, no compensatory mitigation is warranted.

4.3.2.5 Cumulative Impacts

Given the small area of permanent Project impacts and the relatively low probability of SJKF occurrence within the BSA, the Project will not contribute meaningfully to cumulative impacts on this species.

4.3.3 NORTHERN CALIFORNIA LEGLESS LIZARD

The northern California legless lizard (*Aniella pulchra*) is a California Species of Special Concern that occurs from the southern edge of the San Joaquin River in northern Contra Costa County south to Ventura County, and in scattered locations in the San Joaquin Valley, along the southern Sierra Nevada mountains, and on the desert side of the Tehachapi mountains and part of the San Gabriel Mountains. This species occurs primarily in areas with sandy soils under the sparse vegetation of beaches, chaparral, or pine-oak woodland; or sycamores, cottonwoods, or oaks that grow on stream terraces (Gorman 1957, Cunningham 1959, Banta and Morafka 1968, Stebbins 1985). The legless lizard is fossorial, constructing and inhabiting burrows in loose soil with a high sand fraction (Miller 1944, Stebbins 1954). It is often found under, or in the close vicinity of surface objects such as logs, rocks, and old boards (Miller 1944, Gorman 1957, Banta and Morafka 1968). Soil moisture is essential for this species.

4.3.3.1 Survey Results

Surveys required to detect this species were not conducted. Modern and historical occurrences of this species are known from the Project vicinity; an occurrence within the vicinity of Porterville dates back to the 1940s (CDFW 2018). The CNDDB lists three occurrences along the Tule River upstream of the BSA toward the Sierra Nevada foothills. The closest of these is a 2015 observation within the riparian habitat of the Yaudanchi Ecological Reserve approximately two miles east of the BSA. Although the BSA contains marginally suitable habitat for this species, the highly disturbed surrounding lands make it unlikely that this species would occur with the BSA.

4.3.3.2 Project Impacts

Certain ground-disturbing Project activities, including grading, excavation, and movement of existing rock-slope protection, have the potential to harm individual northern California legless lizards, in the unlikely event they are found within the BSA at the time of construction. Any such impacts would be minimal, and are not expected to adversely affect local populations of this species.

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to this species in the unlikely event that they occur here. Given the small area of permanent Project impacts and the relatively low probability of northern California legless lizard occurrence within the BSA, individuals and populations of this species would not be adversely affected from Project-related loss of habitat.

4.3.3.3 Avoidance and Minimization Efforts

Pre-construction Surveys. Pre-construction reptile surveys shall be conducted by a qualified biologist 24 hours prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the northern California legless lizard. The primary objective of the survey is to capture and relocate any northern California legless lizards encountered.

Relocation. All northern California legless lizards encountered will be captured (to the extent feasible), placed in a ventilated container that is sufficiently sealed to prevent escape, and relocated to an area within the BSA that is not in an area to be temporarily or permanently impacted.

4.3.3.4 Compensatory Mitigation

Since the Project will not result in substantial loss of habitat for the northern California legless lizard, and because this species is unlikely to occur in the BSA in the first place, no compensatory mitigation is warranted.

4.3.3.5 Cumulative Impacts

Given the small area of permanent Project impacts and the relatively low probability of northern California legless lizard occurrence within the BSA, the Project will not contribute meaningfully to cumulative impacts on this species.

4.3.4 TRICOLORED BLACKBIRD

Tricolored blackbirds are a candidate for listing as endangered under the California Endangered Species Act, and are additionally designated a California Species of Special Concern. Populations of this species have declined primarily due to losses of both breeding and foraging habitats resulting from water diversions and large-scale agricultural and urban land conversions (Tricolored Blackbird Working Group 2007). Tricolored blackbirds are colonial nesters that possess three requirements for breeding:

open accessible water, a secure substrate in which to place their nests, and suitable nearby foraging areas that provide adequate food sources. Most colonies are located in freshwater marsh dominated by cattails (*Typha* ssp.) or tules (*Schoenophectus* ssp.), though some colonies have been found in thistles (*Cirsium* ssp.), stinging nettle (*Urtica* ssp.) willows (*Salix* ssp.) and Himalayan blackberry (*Rubus armeniacus*). Ideal foraging conditions are created when land management activities keeps vegetation at a height of less than 15 cm.

4.3.4.1 Survey Results

Tricolored blackbirds were not observed during the field surveys. However, the dense, riparian thickets and cattail stands within and adjacent to the BSA offer suitable colonial breeding habitat for this species, and the short non-native grasses of the BSA's mixed riparian savannah are compatible with tricolored blackbird foraging strategies. A 1971 colony was documented just below the Success Lake Dam approximately five miles east of the BSA. Another colony was documented foraging in grassland and nesting in a milk thistle thicket approximately six miles northeast of the BSA in 2014.

Because tricolored blackbird colonies are known to occur in the region, there is some potential for individuals of this species to fly over the BSA from time to time. Should tricolored blackbirds occur in the Project vicinity, they could conceivably forage or nest within the BSA. The BSA's location within municipal Porterville and proximity to residential and industrial development somewhat reduce the chances that it would be used by this species, however.

4.3.4.2 Project Impacts

In the event that tricolored blackbirds are nesting within or adjacent to the BSA at the time of construction, individuals of this species may be vulnerable to construction-related injury or mortality, or to construction-related disturbance leading to nest abandonment. Tricolored blackbirds would not be vulnerable to construction-related injury or mortality while foraging because they are highly mobile foragers and would be expected to simply fly away from construction-related disturbance.

Permanent impacts from the Project will encompass approximately 2.11 acres, portions of which are suitable for tricolored blackbird foraging and nesting. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to this species, should it occur here. Given the small area of permanent Project impacts, individuals and populations of this species would not be adversely affected from Project-related loss of habitat.

4.3.4.3 Avoidance and Minimization Efforts

Avoidance. If feasible, Project construction will occur outside of the avian nesting season, typically defined as February 1st through August 31st. If construction takes place entirely outside of the nesting season, impacts to nesting tricolored blackbirds will be absent and no other action is necessary.

Pre-construction Surveys. If Project construction must occur during the nesting season, a pre-construction survey shall be conducted by a qualified biologist for nesting tricolored blackbirds within 15 days of the onset of construction. All suitable habitats of the BSA will be covered during this survey.

Establish Buffers. If active nests are identified within or near construction zones, an appropriate construction-free buffer will be established around the nests (as determined by a qualified biologist) and maintained until the nesting season is over, or until the biologist determines the nests are no longer active.

4.3.4.4 Compensatory Mitigation

Since the Project will not result in substantial loss of habitat for the tricolored blackbird, no compensatory mitigation is warranted.

4.3.4.5 Cumulative Impacts

Given the small area of permanent Project impacts, the Project will not contribute meaningfully to cumulative impacts on the tricolored blackbird.

4.3.5 AMERICAN BADGER

The American badger is a burrowing member of the mink family that resides in grasslands, savannahs and prairies throughout much of the western United States. Badgers prey primarily on small mammals including ground squirrels, pocket gophers, and mice, which they capture by digging out the animals' burrows. Adult badgers are primarily nocturnal, foraging at night and remaining underground in sleeping dens during the day. Badgers may reuse sleeping dens, or dig a new sleeping den each day. Both

sleeping dens and natal dens are dug in dry, friable soils with sparse overstory cover. While badgers rarely remain in a sleeping den for more than a day, natal dens may be used for a period of 4-8 weeks as the female gives birth to and raises her young. Badgers mate in late summer to early fall, and the young are born in natal dens in March and April. Male badgers can maintain a home range of up to 1,500 acres.

4.3.5.1 Survey Results

Burrows of suitable size for secondary occupation by the American badger were observed within the mixed riparian savannah habitat of the BSA; however, the BSA is surrounded by busy roads and development associated with the City of Porterville. While the BSA itself could theoretically be used by the American badger, high levels of human disturbance minimize this species' potential to occur in the Project vicinity in the first place. At most, badgers would be expected to occasionally pass through the Project vicinity en route to more suitable habitat elsewhere, possibly stopping to forage within the BSA. The nearest known occurrence of this species was documented approximately 3.5 miles to the southeast of the BSA from an unknown date.

4.3.5.2 Project Impacts

In the unlikely event that one or more American badgers take up residence on the BSA prior to construction or pass through the BSA during construction, individuals of this species may be vulnerable to construction-related injury or mortality.

Permanent impacts from the Project will encompass approximately 2.11 acres. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to the American badger, in the unlikely event that individuals of this species occur in the Project vicinity. Given the small area of permanent Project impacts and the relatively low probability of badger occurrence within the BSA, badger individuals and populations would not be adversely affected from Project-related loss of habitat.

4.3.5.3 Avoidance and Minimization Efforts

> ***Pre-construction Surveys.*** Pre-construction surveys shall be conducted 30 days prior to the beginning of ground disturbance, construction activities, and/or any Project activity likely to impact the American badger. The primary objective is to

identify badger habitat features (e.g. potential dens and refugia) within the BSA and evaluate their use by badgers.

Avoidance. Should an active badger den be detected within or immediately adjacent to the area of work, a disturbance-free buffer will be established around the den until a qualified biologist has determined that the den is vacated or until the animal has been humanely evicted by a qualified biologist and the den collapsed. Should an active natal den be identified during the preconstruction surveys, a suitable disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.

4.3.5.4 Compensatory Mitigation

Since the Project will not result in substantial loss of habitat for the American badger, and because badgers are unlikely to occur in the BSA in the first place, no compensatory mitigation is warranted.

4.3.5.5 Cumulative Impacts

Given the small area of permanent Project impacts and the relatively low probability of American badger occurrence within the BSA, the Project will not contribute meaningfully to cumulative impacts on this species.

Chapter 5 – Conclusions and Regulatory Determinations

5.1 Federal Endangered Species Act Consultation Summary

Federal Endangered Species Act Consultation with the USFWS or NOAA's National Marine Fisheries Service has not occurred. The official species list from the USFWS (IPAC 2018) includes nine federally listed species that occur regionally, including SJKF, Tipton kangaroo rat, blunt-nosed leopard lizard, giant garter snake, California red-legged frog, Delta smelt, vernal pool fairy shrimp, San Joaquin adobe sunburst, and Springville clarkia (Appendix F). The only species for which habitat is present within the BSA is the SJKF. The avoidance and minimization measures outlined in Section 4.3.2 are anticipated to result in a not-likely to adversely affect determination for this species by the USFWS.

5.2 Essential Fish Habitat Consultation Summary

Essential Fish Habitat is absent from the BSA. Essential Fish Habitat consultation with the NOAA Fisheries is not warranted.

5.3 California Endangered Species Act Consultation Summary

California Endangered Species Act Consultation with CDFW has not occurred.

5.4 Wetlands and Other Waters Coordination Summary

A preliminary wetland delineation report and map is being prepared by LOA concurrently with this NES (LOA 2018). The preliminary delineation has identified 1.09 acres of Waters of the U.S./State within the BSA. Approximately 2.26 acres of the BSA are likely to fall under the jurisdiction of the CDFW. No wetlands or waters coordination has occurred, though acquisition of a 404 Nationwide Permit from the USACE and 401 Water Quality Certification from the RWQCB may be necessary, and the City will need to obtain a Streambed Alteration Agreement from CDFW and an encroachment permit from the CVFPB.

5.5 Invasive Species

Trail construction would occur within areas that currently support some non-native invasive plants, including rough cocklebur, black mustard (*Brassica nigra*), giant reed,

ripgut brome, soft chess (*Bromus hordeaceus*), and Bermuda grass. Given the current level of infestation, implementation of the proposed Project is not expected to result in the further introduction, establishment, and spread of new invasive weeds in Tulare County. Therefore, no coordination with the Tulare County Agricultural Commissioner's office is required.

5.6 Other

5.6.1 NESTING BIRDS

Native non-game birds and nesting birds are afforded protections under California Fish and Game Code (see Sections 2.1.3, 2.1.4, and 2.1.5). Project activities that injure or kill birds or lead to nest abandonment would, in most cases, violate state laws.

5.6.1.1 Survey Results

The entire BSA provides nesting and foraging habitat for native birds.

5.6.1.2 Project Impacts

In the event that avian species are nesting within or adjacent to the BSA at the time of construction, construction activities could result in nest abandonment and/or direct mortality to individual birds. Project activities that injure or kill native birds or lead to nest abandonment would violate the California Fish and Game Code.

Generally speaking, birds are not vulnerable to construction-related injury or mortality while foraging because they are highly mobile foragers and simply fly away when disturbed.

Permanent Project-related impacts will encompass approximately 2.11 acres, all of which would be suitable for nesting and/or foraging by one or more bird species protected under California Fish and Game Code. The remainder of the BSA will experience temporary impacts, or no impacts at all, and will remain available to native birds. Given the small area of permanent Project impacts, Project-related loss of habitat is not expected to adversely affect native bird populations.

5.6.1.3 Avoidance and Minimization Efforts

Avoidance. In order to avoid impacts to nesting birds, Project construction will take place between September 1 and January 31, outside of the typical avian nesting season.

Pre-construction Surveys. If Project construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 15 days of the onset of these activities.

Establish Buffers. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.

5.6.2 BATS

All bats are protected under Fish and Game Code.

5.6.2.1 Survey Results

Protocol level surveys necessary to detect these species were not conducted. The BSA contains roosting habitat for two California Species of Special Concern, the pallid bat (*Antrozous pallidus*) and the western mastiff bat (*Eumops perotis* spp. *californicus*), as well as a number of common bat species in the riparian tree cavities and the existing bridge over the Poplar Ditch. The closest known occurrence of the pallid bat was approximately 5.5 miles southeast of the BSA in 1946. The closest known occurrence of the western mastiff bat was in the vicinity of Lake Success, approximately six miles northeast of the BSA, in 1994.

5.6.2.2 Project Impacts

Although no impacts are proposed to the existing bridge over the Poplar Ditch, the Project will remove all vegetation, including trees potentially suitable for roosting by the pallid bat, western mastiff bat, and various other native bat species, within the 30-foot-wide footprint around the trail alignment. Any bats roosting in these trees have the potential to be injured or killed as a result of project activities.

A variety of native bat species, including the Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat, and western mastiff bat, all California Species of Special

Concern, could forage over or within the BSA. However, bats are generally not vulnerable to construction-related mortality while foraging.

Permanent Project-related impacts will encompass approximately 2.11 acres, portions of which are suitable for roosting by the pallid bat and western mastiff bat, and for foraging by all three special status bat species considered in this analysis. The Project will not result in loss of foraging habitat for the Townsend's big-eared bat or western mastiff bat because both species forage in flight, and will continue to be able to do so following Project implementation. The Project will result in a negligible loss of foraging habitat for the pallid bat and roosting habitat for the pallid bat and western mastiff bat. Project-related loss of habitat is not expected to adversely affect individuals or populations of these species.

5.6.2.3 Avoidance and Minimization Efforts

Avoidance. To avoid potential impacts to maternity bat roosts, tree removal should occur outside of the period between April 1 and September 30, the time frame within which colony-nesting bats generally assemble, give birth, nurse their young, and ultimately disperse.

Pre-construction Surveys. If tree removal is to occur between April 1 and September 30 (general maternity bat roost season), a qualified biologist will survey trees for the presence of bats within 30 days prior to their removal. The biologist will look for individuals, guano, and staining, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no bats are observed to be roosting or breeding, then no further action would be required, and construction could proceed.

Minimization. If a non-breeding bat roost is found in disturbance areas, the individuals will be humanely evicted via two-stage removal of trees, under the direction of a qualified biologist to ensure that no harm or "take" of any bats occurs as a result of construction activities.

Avoidance of Maternal Roosts. If a maternity colony is detected during pre-construction surveys, a disturbance-free buffer will be established around the colony and remain in place until a qualified biologist determines that the nursery is no longer active. The disturbance-free buffer will range from 50 to 100 feet as determined by the biologist.

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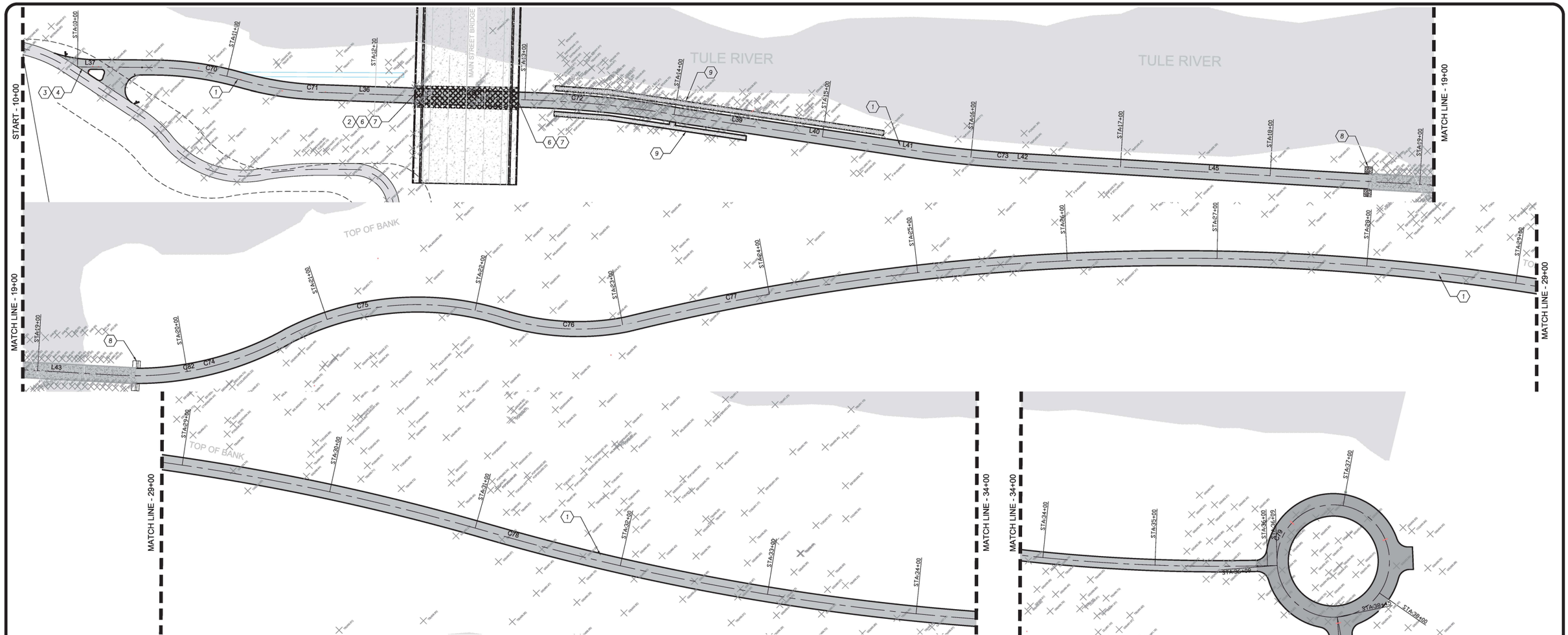
Appendix A – Site Plan



LEGEND

- MATCH LINE
- RIGHT-OF-WAY LINE
- (3" G) EXISTING 3" GAS LINE
- (2" G) EXISTING 2" GAS LINE
- G EXISTING GAS LINE SIZE UNKNOWN
- EXISTING SANITARY SEWER LINE
- (AT&T) EXISTING AT&T UTILITY LINE
- IR EXISTING IRRIGATION LINE
- EXISTING WATER LINE
- PROPOSED SAW CUT LINE
- DEMO: CONCRETE TO BE REMOVED AND DISPOSED OF
- DEMO: EXISTING PAVEMENT TO BE REMOVE AND DISPOSED OF
- GRADING: EXISTING NATIVE SOIL TO BE CLEAR AND GRUB
- NEW CONSTRUCTION: 10'-0" WIDE TRAIL WITH 2" ABC OVER 4" CLASS II AB
- NEW CONSTRUCTION: 20'-0" WIDE TRAIL WITH 4" ABC OVER 6" CLASS II AB
- TRAIL SIGN
- TREE
- EXISTING CHAIN LINK FENCE
- NEW SOLAR LIGHT LOCATIONS

0' 15' 30' 60'
SCALE: 1" = 30'

811 Know what's below. Call before you dig.

CONSTRUCTION DEMOLITION NOTES

1. REMOVE EXISTING VEGETATION AND SCARIFY SOIL WITHIN TRAIL ALIGNMENT. CLEAR SOIL INCLUDING DEBRIS AND ORGANIC MATERIALS SUCH AS CONCRETE, ASPHALT, UNSUITABLE DIRT AND TREE ROOTS.
2. REMOVE EXISTING CONCRETE.
3. REMOVE EXISTING ASPHALT FOR 2'-0" PAVE OUT.
4. SAW CUT EXISTING ASPHALT/CONCRETE FOR NEW TRAIL TRANSITION.
5. REMOVE EXISTING TREES AND SHRUBS WITH IN TRAIL ALIGNMENT.
6. REMOVE EXISTING CONCRETE FLAT WORK WITHIN TRAIL ALIGNMENT, BELOW THE MAIN STREET BRIDGE.
7. REMOVE EXISTING RIPRAP WITHIN TRAIL ALIGNMENT, BELOW THE MAIN STREET BRIDGE.
8. EXCAVATE AREA FOR BRIDGE FOUNDATION.
9. EXCAVATE AREA FOR RETAINING WALL FOUNDATION.

CUT/FILL SUMMARY

NAME	CUT FACTOR	FILL FACTOR	2-D AREA (SF)	CUT (CY)	FILL (CY)	NET (CY)
PROPOSED SURFACE	1.00	1.00	166091.00	2891.00	3945.00	1054.00
TOTALS:			166091.00	2891.00	3945.00	1054.00

LINE TABLE: ALIGNMENTS

LINE #	LENGTH	DIRECTION
L37	51.33	S89° 34' 14.71"E
L36	143.27	S87° 54' 39.93"E
L38	143.27	S87° 54' 39.93"E
L39	153.91	S81° 32' 36.35"E
L41	153.91	S81° 32' 36.35"E
L42	206.23	S86° 37' 12.19"E
L45	206.23	S86° 37' 12.19"E
L43	122.87	S86° 42' 55.76"E
L44	62.22	S0° 03' 04.16"E

CURVE TABLE: ALIGNMENTS

CURVE #	RADIUS	Δ	LENGTH	TANGENT
C70	214.38	26.7258	57.97	29.16
C71	218.00	26.2825	57.20	28.77
C72	654.00	8.7608	95.26	47.71
C74	208.00	27.5460	117.36	60.29
C75	189.00	30.3152	147.32	77.63
C76	169.00	33.9028	81.93	41.79
C77	1544.50	3.7097	808.50	413.74
C78	1603.22	3.5738	497.99	251.01
C73	793.00	7.2252	67.18	33.61
C82	208.00	27.5460	117.36	60.29
C79	50.00	114.5916	235.97	49.66
C80	343.00	16.7043	126.13	63.79
C81	283.62	20.2013	58.29	29.25

CITY OF PORTERVILLE

ENGINEERING DIVISION

291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 782-7462

DESIGN BY	LC
DRAWN BY	LC
CHECKED BY	JS
DATE	12/12/2017

CITY ENGINEER R.C.E. DATE

PUBLIC WORKS DIRECTOR DATE

REVISION NO. DATE

REGISTERED PROFESSIONAL ENGINEER JAVIER SANCHEZ NO. 70356 CIVIL STATE OF CALIFORNIA

TULE RIVER PARKWAY – PHASE III
TRAIL FEATURES & ALIGNMENT
DEMOLITION PLAN

SHEET C2.0 OF C5.8

Appendix B – Terrestrial Vertebrate List

TERRESTRIAL VERTEBRATES THAT POTENTIALLY OCCUR ON THE BSA

The species listed below are those that may reasonably be expected to use the habitats of the BSA routinely or occasionally. The list was not intended to include birds that are vagrants or occasional transients. Terrestrial vertebrate species observed in or adjacent to the BSA during the December 2017 and February 2018 field surveys have been noted with an asterisk.

CLASS: AMPHIBIA
ORDER: ANURA (Frogs and Toads)
FAMILY: BUFONIDAE (True Toads)
Western Toad (*Bufo boreas*)
FAMILY: HYLIDAE (Treefrogs and Relatives)
Sierran Tree Frog (*Pseudacris regilla*)
FAMILY: RANIDAE (True Frogs)
American Bullfrog (*Lithobates catesbeianus*)
CLASS: REPTILIA (Reptiles)
ORDER: SQUAMATA (Lizards and Snakes)
SUBORDER: SAURIA (Lizards)
FAMILY: PHRYNOSOMATIDAE
Western Fence Lizard (*Sceloporus occidentalis*)
Side-blotched Lizard (*Uta stansburiana*)
FAMILY: TEIIDAE (Whiptails and relatives)
Western Whiptail (*Cnemidophorus tigris*)
SUBORDER: SERPENTES (Snakes)
FAMILY: COLUBRIDAE (Colubrids)
Glossy Snake (*Arizona elegans*)
Gopher Snake (*Pituophis melanoleucus*)
Common Kingsnake (*Lampropeltis getulus*)
Long-nosed Snake (*Rhinocheilus lecontei*)
Common Garter Snake (*Thamnophis sirtalis*)
FAMILY: VIPERIDAE (Vipers)
Western Rattlesnake (*Crotalus viridis*)

CLASS: AVES (Birds)
ORDER: GAVIIFORMES (Loons)
FAMILY: PODICIPEDIDAE (Grebes)
Western Grebe (*Aechmopohorus occidentalis*)
ORDER: ANSERIFORMES (Waterfowl)
FAMILY: ANATIDAE (Dabbling ducks)
*Mallard (*Anas platyrhynchos*)
ORDER: CICONIIFORMES (Herons, Storks, Ibises and Relatives)
FAMILY: ARDEIDAE (Herons and Bitterns)
Great Blue Heron (*Ardea herodias*)
Green Heron (*Butorides virescens*)
Great Egret (*Ardea alba*)

Cattle Egret (*Bubulcus ibis*)
Snowy Egret (*Egretta thula*)
Black-crowned Night-heron (*Nycticorax nycticorax*)
FAMILY: CATHARTIDAE (American Vultures)
Turkey Vulture (*Cathartes aura*)
ORDER: FALCONIFORMES (Vultures, Hawks, and Falcons)
FAMILY: ACCIPITRIDAE (Hawks, Old World Vultures, and Harriers)
*Red-tailed Hawk (*Buteo jamaicensis*)
Ferruginous Hawk (*Buteo regalis*)
Sharp-Shinned Hawk (*Accipiter striatus*)
Cooper's Hawk (*Accipiter cooperii*)
*Red-Shouldered Hawk (*Buteo lineatus*)
FAMILY: FALCONIDAE (Caracaras and Falcons)
*American Kestrel (*Falco sparverius*)
Merlin (*Falco columbarius*)
ORDER: GALLIFORMES (Megapodes, Currassows, Pheasants, and Relatives)
FAMILY: ODONTOPHORIDAE (New World Quails)
California Quail (*Callipepla californica*)
ORDER: CHARADRIIFORMES (Shorebirds, Gulls, and relatives)
FAMILY: CHARADRIIDAE (Plovers and relatives)
*****Killdeer (*Charadrius vociferus*)
FAMILY: RECURVIROSTRIDAE (Avocets and Stilts)
Black-Necked Stilt (*Himantopus mexicanus*)
FAMILY: COLOPACIDAE (Sandpipers and Relatives)
Greater Yellowlegs (*Tringa melanoleuca*)
Long-Billed Curlew (*Numenius americanus*)
Least Sandpiper (*Calidris minutilla*)
ORDER: COLUMBIFORMES (Pigeons and Doves)
FAMILY: COLUMBIDAE (Pigeons and Doves)
Eurasian Collared Dove (*Streptopelia decaocto*)
*Mourning Dove (*Zenaida macroura*)
ORDER: STRIGIFORMES (Owls)
FAMILY: TYTONIDAE (Barn Owls)
Common Barn Owl (*Tyto alba*)
FAMILY: STRIGIDAE (Typical Owls)
Great Horned Owl (*Bubo virginianus*)
Western Screech Owl (*Otus kennicottii*)
ORDER: CAPRIMULGIFORMES (Goatsuckers and relatives)
FAMILY: CAPRIMULGIDAE (Goatsuckers)
Lesser Nighthawk (*Chordeiles acutipennis*)
ORDER: APODIFORMES (Swifts and Hummingbirds)
FAMILY: TROCHILIDAE (Hummingbirds)
Black-chinned Hummingbird (*Archilochus alexandri*)
*Anna's Hummingbird (*Calypte anna*)
Rufous Hummingbird (*Selasphorus rufus*)
ORDER: CORACIIFORMES
FAMILY: ALCEDINIDAE (Kingfishers)
Belted Kingfisher (*Megaceryle alcyon*)

ORDER: PICIFORMES (Woodpeckers and relatives)
FAMILY: PICIDAE (Woodpecker and Wrynecks)
*Northern Flicker (*Colaptes chrysoides*)
Acorn Woodpecker (*Melanerpes formicivorus*)
Downy Woodpecker (*Picoides pubescens*)
Nuttall's Woodpecker (*Picoides nuttallii*)
ORDER: PASSERIFORMES (Perching Birds)
FAMILY: TYRANNIDAE (Tyrant Flycatchers)
*Black Phoebe (*Sayornis nigricans*)
Say's Phoebe (*Sayornis saya*)
Ash-Throated Flycatcher (*Myiarchus cinerascens*)
Western Kingbird (*Tyrannus verticalis*)
FAMILY: CORVIDAE (Jays, Magpies, and Crows)
*Western Scrub Jay (Aphelocoma coerulescens)
American Crow (*Corvus brachyrhynchos*)
*Common Raven (*Corvus corax*)
FAMILY: HIRUNDINIDAE (Swallows)
Cliff Swallow (*Hirundo pyrrhonota*)
Barn Swallow (*Hirundo rustica*)
Tree Swallow (*Tachycineta bicolor*)
FAMILY: TROGLODYTIDAE (Wrens)
*House Wren (*Troglodytes aedon*)
Rock Wren (*Salpinctes obsoletus*)
Bewick's Wren (*Thryomanes bewickii*)
FAMILY: REGULIDAE (Kinglets)
Ruby-crowned Kinglet (*Regulus calendula*)
FAMILY: TURDIDAE
Western Bluebird (*Sialia mexicana*)
American Robin (*Turdus migratorius*)
FAMILY: MIMIDAE (Mockingbirds and Thrashers)
Northern Mockingbird (*Mimus polyglottos*)
FAMILY: STURNIDAE (Starlings)
European Starling (*Sturnus vulgaris*)
FAMILY: MOTACILLIDAE (Wagtails and Pipits)
American Pipit (*Anthus rubescens*)
FAMILY: PARULIDAE (Wood Warblers and Relatives)
Orange-crowned Warbler (*Vermivora celata*)
*Yellow-rumped Warbler (*Dendroica coronata*)
Common Yellowthroat (*Geothlypis trichas*)
FAMILY: EMBERIZIDAE (Sparrows)
Lark Sparrow (*Chondestes grammacus*)
Savannah Sparrow (*Passerculus sandwichensis*)
Golden-crowned Sparrow (*Zonotrichia atricapilla*)
*White-crowned Sparrow (*Zonotrichia leucophrys*)
FAMILY: ICTERIDAE (Blackbirds, Orioles and Allies)
Red-winged Blackbird (*Agelaius phoeniceus*)
Western Meadowlark (*Sturnella neglecta*)
Brewer's Blackbird (*Euphagus cyanocephalus*)

Brown-headed Cowbird (*Molothrus ater*)
Bullock's Oriole (*Icterus bullocki*)
FAMILY: FRINGILLIDAE (Finches)
House Finch (*Carpodacus mexicanus*)
Lesser Goldfinch (*Carduelis psaltria*)
FAMILY: PASSERIDAE (Old World Sparrows)
House Sparrow (*Passer domesticus*)

CLASS: MAMMALIA (Mammals)
ORDER: DIDELPHIMORPHIA (Marsupials)
FAMILY: DIDELPHIDAE (Opossums)
Virginia Opossum (*Didelphis virginiana*)
ORDER: INSECTIVORA (Insectivores)
Ornate Shrew (*Sorex ornatus*)
ORDER: CHIROPTERA (Bats)
FAMILY: VESPERTILIONIDAE (Evening Bats)
Yuma Myotis (*Myotis yumanensis*)
California Myotis (*Myotis californicus*)
Western Pipistrelle (*Pipistrellus hesperus*)
Big Brown Bat (*Eptesicus fuscus*)
FAMILY: MOLOSSIDAE (Free-tailed Bat)
Mexican Free-tailed Bat (*Tadarida brasiliensis*)
ORDER: LAGOMORPHA (Rabbits, Hares, and Pikas)
FAMILY: LEPORIDAE (Rabbits and Hares)
Desert Cottontail (*Sylvilagus audubonii*)
ORDER: RODENTIA (Rodents)
FAMILY: SCIURIDAE (Squirrels, Chipmunks, and Marmots)
California Ground Squirrel (*Spermophilus beecheyi*)
FAMILY: GEOMYIDAE (Pocket Gophers)
Botta's Pocket Gopher (*Thomomys bottae*)
FAMILY: HETEROMYIDAE (Pocket Mice and Kangaroo Rats)
California Pocket Mouse (*Chaetodipus californicus*)
San Joaquin Pocket Mouse (*Perognathus inornatus*)
FAMILY: MURIDAE (Old World Rats and Mice)
Deer Mouse (*Peromyscus maniculatus*)
House Mouse (*Mus musculus*)
California Vole (*Microtus californicus*)
ORDER: CARNIVORA (Carnivores)
FAMILY: PROCYONIDAE (Raccoons and relatives)
Raccoon (*Procyon lotor*)
FAMILY: MEPHITIDAE (Skunks)
Striped Skunk (*Mephitis mephitis*)
FAMILY: FELIDAE (Cats)
*Domestic cat (*Felis catus*)

Appendix C – Vascular Plant List

VASCULAR PLANTS OF THE BSA

The vascular plant species listed below were observed within the BSA during a site survey conducted by Live Oak Associates, Inc. along the Tule River Parkway, on December 18, 2017. The U.S. Fish and Wildlife Service wetland indicator status of each plant has been shown following its common name.

OBL - Obligate
FACW - Facultative Wetland
FAC - Facultative
FACU - Facultative Upland
UPL - Upland
NR - No review
NA - No agreement

ADOXACEAE – Elder Family		
Sambucus nigra ssp. *canadensis*	Blue Elderberry	UPL
AMARATHACEAE- Amaranth Family		
Amaranthus retroflexus	Red-root Amaranth	FACU
ASTERACEAE – Sunflower Family		
Ambrosia acanthocarpa	Ragweed	UPL
Artemesia douglasiana	Mugwort	FAC
Erigeron canadensis	Canada Horseweed	FACU
Lactuca serriola	Prickly Lettuce	FACU
Helianthus annuus	Annual Sunflower	FACU
Heterotheca grandiflora	Telegraph Weed	UPL
Picris helminthioides	Prickly Ox Tongue	UPL
Sonchus oleraceus	Sow Thistle	UPL
Xanthium spinosum	Spiny Cocklebur	FACU
Xanthium strumarium	Rough Cocklebur	FAC
BORAGINACEAE – Borage Family		
Amsinckia sp.	Fiddleneck	UPL
BRASSICACEAE – Mustard Family		
Brassica nigra	Black Mustard	UPL
Capsella bursa-pastoris	Shepherd's Purse	FACU
Lepidium latifolium	Broad-leaf Pepperwort	FAC
Nasturtium officinale	Watercress	OBL
Sisymbrium altissimum	Tall Hedge Mustard	FACU
CARYOPHYLLACEAE – Carnation Family		
Spergularia sp.	Sandspurrey	-
Stellaria media	Chickweed	FACU
CHENOPODIACEAE – Goosefoot Family		
Salsola tragus	Russian Thistle	FACU
CUCURBITACEAE – Cucumber Family		
Cucurbita foeditissima	Stinking Gourd	UPL

CYPERACEAE – Umbrella Sedge Family		
Cyperus sp.	Umbrella Sedge	FACW
EUPHORBIACEAE – Spruge Family		
Croton setiger	Turkey Mullein	UPL
Ricinus communis	Castor Bean	FACU
FAGACEAE – Oak Family		
Quercus lobata	Valley Oak	FACU
GERANIACEAE – Geranium Family		
Erodium cicutarium	Cut-leaved Filaree	UPL
LAMIACEAE – Mint Family		
Stachys albens	White-stem Hedge Nettle	OBL
LEGUMINOSEAE – Legume Family		
Cercis canadensis	Eastern Redbud	UPL
Cercis occidentalis	Western Redbud	UPL
Melilotus indicus	Indian SweetClover	FACU
LEMNACEAE – Duckweed Family		
Lemna sp.	Duckweed	OBL
MALVACEAE – Mallow Family		
Malva parviflora	Mallow	UPL
MOLLUGINACEAE – Carpetweed Family		
Mollugo verticullata	Carpetweed	OBL
MORACEAE – Mulberry Family		
Ficus carica	Edible Fig	FACU
Morus sp.	Mulberry	UPL
OLEACEAE – Olive Family		
Ligustrum japonicum	Japanese Privet	UPL
ONAGRACEAE – Willow Herb Family		
Epilobium brachycarpum	Perennial Willow Herb	UPL
Ludwigia peploides	Water Primrose	OBL
PHRYMACEAE – MonkeyFlower Family		
Erythranthe guttata	Seep Mokey Flower	OBL
PLATANACEAE – Sycamore Family		
Platanus x acerfolia	Ornamental Sycamore	UPL
Platanus racemosa	Western Sycamore	FAC
POACEAE – Grass Family		
Arundo donax	Giant Reed	FACW
Avena fatua	Wild Oats	UPL
Bromus diandrus	Ripgut Brome	UPL
Bromus hordeaceus	Soft Chess	FACU
Bromus rubens	Red Brome	UPL
Cynodon dactylon	Bermuda Grass	FACU
Echinochloa crus-galli	Barnyard Grass	FACW
Hordeum murinum ssp. *leporinum*	Foxtail Barley	FACU
Phleum pratense	Timothy Grass	FACU
Polypogon monspeliensis	Rabbit's Foot Grass	FACW
Sorghum halepense	Johnson Grass	FACU
POLYGONACEAE – Smartweed Family		
Eriogonum deflexum	Flatcrown Buckwheat	UPL

Polygonum sp.	Water Smartweed	FACW or OBL
Rumex crispus	Curly Dock	FAC
RANUNCULACEAE – Buttercup Family		
Clematis ligusticifolia	Virgin's Bower	FACU
ROSACEAE – Rose Family		
Prunus dulcis	Almond	UPL
Rubus armeniacus	Himalayan Blackberry	FAC
Rubus ursinus	California Blackberry	FAC
SALICACEAE – Willow Family		
Populus fremontii	Fremont's Cottonwood	UPL
Salix exigua	Sandbar Willow	FACW
Salix gooddingii	Goodding's Black Willow	FACW
SOLANACEAE – Potato Family		
Datura stramineum	Jimson Weed	UPL
Nicotiana glauca	Tree Tobacco	FAC
Solanum eleagnifolium	Silverleaf Nightshade	UPL
TYPHACEAE – Cattail Family		
Typha latifolia	Broadleaved Cattail	OBL
ULMACEAE – Elm Family		
Ulmus americana	American Elm	UPL
URTICACEAE – Nettle Family		
Urtica dioica	Stinging Nettle	FAC

Appendix D – Site Photographs

Photo 1 (above): The Poplar Ditch Spillway inlet. **Photo 2 (below):** Woody debris and riprap within the Poplar Ditch Spillway.

Photo 3 (above): Looking east at the ruderal trail and adjacent mixed riparian savannah to the north of Poplar Ditch . **Photo 4 (below):** Existing bridge across the Poplar Ditch adjacent to the Biological Study Area.

Photo 5 (above): Mixed riparian savannah habitat of the Biological Study Area showing shrubby upland and with non-native weedy understory. **Photo 6 (below):** One of many homeless encampments and debris within the Biological Study Area.

Photo 7 (above): Small mammal burrows centrally located within the mixed riparian savannah habitat of the Biological Study Area. **Photo 8 (below):** Location of proposed 20-foot-wide vehicular bridge over the Poplar Ditch near South Plano Street.

Photo 9 (above): Recently burned area within the Biological Study Area. **Photo 10 (below):** Fremont's cottonwood (*Populus fremontii*) trees along the Tule River.

Photo 11 (above): Tule thicket at the proposed location of the retaining wall along the Tule River. **Photo 12 (below):** Existing Tule River Parkway trail lined with London plane tree (*Plantanus* × *acerifolia*) adjacent to the Biological Study Area.

Photo 13 (above): Tule River at the west end of the Project where it will connect to the existing trail. **Photo 14 (below):** Looking south at the location of the proposed retaining wall along the Tule River and mobile home park in the background.

Photo 15 (above): Riprap and existing concrete trail under South Main Street bridge.
Photo 16 (below): Looking south at the location of the proposed staging areas west of South Main Street, consisting of a dirt and gravel service road and road shoulders.

Photo 17 (above): One of several mature Valley oaks within one of the proposed staging areas west of South Main Street. **Photo 18 (below):** Mixed riparian savannah along the Tule River and residential development in the background.

Photo 19: Mixed shrubby and herbaceous understory along the Tule River at the Poplar Ditch Spillway outlet.

Appendix E – CNDDB Species List

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Porterville (3611911) OR Cairns Corner (3611922) OR Lindsay (3611921) OR Frazier Valley (3611828) OR Woodville (3611912) OR Success Dam (3611818) OR Sausalito School (3511982) OR Ducor (3511981) OR Fountain Springs (3511888))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
Anniella pulchra northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
Antrozous pallidus pallid bat	AMACC10010	None	None	G5	S3	SSC
Atriplex cordulata var. erecticaulis Earlimart orache	PDCHE042V0	None	None	G3T1	S1	1B.2
Atriplex coronata var. vallicola Lost Hills crownscale	PDCHE04250	None	None	G4T2	S2	1B.2
Atriplex depressa brittlescale	PDCHE042L0	None	None	G2	S2	1B.2
Atriplex minuscula lesser saltscale	PDCHE042M0	None	None	G2	S2	1B.1
Atriplex persistens vernal pool smallscale	PDCHE042P0	None	None	G2	S2	1B.2
Atriplex subtilis subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
Bombus crotchii Crotch bumble bee	IIHYM24480	None	None	G3G4	S1S2	
Branchinecta lynchi vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
Caulanthus californicus California jewelflower	PDBRA31010	Endangered	Endangered	G1	S1	1B.1
Clarkia springvillensis Springville clarkia	PDONA05120	Threatened	Endangered	G2	S2	1B.2
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Delphinium recurvatum recurved larkspur	PDRAN0B1J0	None	None	G2?	S2?	1B.2
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
Diplacus pictus calico monkeyflower	PDSCR1B240	None	None	G2	S2	1B.2

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Dipodomys nitratoides nitratoides Tipton kangaroo rat	AMAFD03152	Endangered	Endangered	G3T1T2	S1S2	
Eryngium spinosepalum spiny-sepaled button-celery	PDAPI0Z0Y0	None	None	G2	S2	1B.2
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
Fritillaria striata striped adobe-lily	PMLIL0V0K0	None	Threatened	G2?	S2?	1B.1
Gymnogyps californianus California condor	ABNKA03010	Endangered	Endangered	G1	S1	FP
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Leptosiphon serrulatus Madera leptosiphon	PDPLM09130	None	None	G3	S3	1B.2
Lytta hoppingi Hopping's blister beetle	IICOL4C010	None	None	G1G2	S1S2	
Lytta molesta molestan blister beetle	IICOL4C030	None	None	G2	S2	
Lytta morrisoni Morrison's blister beetle	IICOL4C040	None	None	G1G2	S1S2	
Monolopia congdonii San Joaquin woollythreads	PDASTA8010	Endangered	None	G2	S2	1B.2
Northern Claypan Vernal Pool Northern Claypan Vernal Pool	CTT44120CA	None	None	G1	S1.1	
Perognathus inornatus San Joaquin Pocket Mouse	AMAFD01060	None	None	G2G3	S2S3	
Pseudobahia peirsonii San Joaquin adobe sunburst	PDAST7P030	Threatened	Endangered	G1	S1	1B.1
Puccinellia simplex California alkali grass	PMPOA53110	None	None	G3	S2	1B.2
Rana boylii foothill yellow-legged frog	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Senecio aphanactis chaparral ragwort	PDAST8H060	None	None	G3	S2	2B.2
Sidalcea keckii Keck's checkerbloom	PDMAL110D0	Endangered	None	G2	S2	1B.1
Spea hammondii western spadefoot	AAABF02020	None	None	G3	S3	SSC
Sycamore Alluvial Woodland Sycamore Alluvial Woodland	CTT62100CA	None	None	G1	S1.1	
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Vulpes macrotis mutica	AMAJA03041	Endangered	Threatened	G4T2	S2	
San Joaquin kit fox						

Record Count: 40

Appendix F – IPAC Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To: January 05, 2018
Consultation Code: 08ESMF00-2018-SLI-0807
Event Code: 08ESMF00-2018-E-02396
Project Name: Tule River Trail BE

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to

utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2018-SLI-0807

Event Code: 08ESMF00-2018-E-02396

Project Name: Tule River Trail BE

Project Type: LAND - CREATION

Project Description: Biological evaluation of proposed Tule River Trail Phase III impact area.

Project Location:

Approximate location of the project can be viewed in Google Maps:
https://www.google.com/maps/place/36.05508867576503N119.00850074819576W

Counties: Tulare, CA

Endangered Species Act Species

There is a total of 9 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

Mammals

NAME	STATUS
San Joaquin Kit Fox *Vulpes macrotis mutica* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2873	Endangered
Tipton Kangaroo Rat *Dipodomys nitratoides nitratoides* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7247	Endangered

Reptiles

NAME	STATUS
Blunt-nosed Leopard Lizard *Gambelia silus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/625	Endangered
Giant Garter Snake *Thamnophis gigas* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp *Branchinecta lynchi* There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened

Flowering Plants

NAME	STATUS
San Joaquin Adobe Sunburst *Pseudobahia peirsonii* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2931	Threatened
Springville Clarkia *Clarkia springvillensis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8309	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

U.S. FISH AND WILDLIFE SERVICE STANDARDIZED RECOMMENDATIONS FOR PROTECTION OF THE ENDANGERED SAN JOAQUIN KIT FOX PRIOR TO OR DURING GROUND DISTURBANCE

Prepared by the Sacramento Fish and Wildlife Office
January 2011

INTRODUCTION

The following document includes many of the San Joaquin kit fox (*Vulpes macrotis mutica*) protection measures typically recommended by the U. S. Fish and Wildlife Service (Service), prior to and during ground disturbance activities. **However, incorporating relevant sections of these guidelines into the proposed project is not the only action required under the Endangered Species Act of 1973, as amended (Act) and does not preclude the need for section 7 consultation or a section 10 incidental take permit for the proposed project.** Project applicants should contact the Service in Sacramento to determine the full range of requirements that apply to your project; the address and telephone number are given at the end of this document. Implementation of the measures presented in this document may be necessary to avoid violating the provisions of the Act, including the prohibition against "take" (defined as killing, harming, or harassing a listed species, including actions that damage or destroy its habitat). These protection measures may also be required under the terms of a biological opinion pursuant to section 7 of the Act resulting in incidental take authorization (authorization), or an incidental take permit (permit) pursuant to section 10 of the Act. The specific measures implemented to protect kit fox for any given project shall be determined by the Service based upon the applicant's consultation with the Service.

The purpose of this document is to make information on kit fox protection strategies readily available and to help standardize the methods and definitions currently employed to achieve kit fox protection. The measures outlined in this document are subject to modification or revision at the discretion of the Service.

IS A PERMIT NECESSARY?

Certain acts need a permit from the Service which includes destruction of any known (occupied or unoccupied) or natal/pupping kit fox dens. Determination of the presence or absence of kit foxes and /or their dens should be made during the environmental review process. All surveys and monitoring described in this document must be conducted by a qualified biologist and these activities do not require a permit. A qualified biologist (biologist) means any person who has completed at least four years of university training in wildlife biology or a related science and/or has demonstrated field experience in the identification and life history of the San Joaquin kit fox. In addition, the biologist(s) must be able to identify coyote, red fox,

SUBJECT: Public Hearing to Consider Moving Into Phase III of the City's Water Conservation Plan

SOURCE: Public Works

COMMENT: The City of Porterville's Water Conservation Plan is structured in an effort to provide conservation results, reducing the overall residential consumption and continue to provide uninterrupted services to the community without compromising the operation of the City water distribution system. The City has been operating through the winter months in Phase IV of the City's Water Conservation Plan. As part of the Phase IV implementation, the City reduced watering days through the winter months, to a one day per week watering schedule, based on address. If an address ends with an "odd" number, the watering day is Saturday; if an address ends with an "even" number, the watering day is Sunday. Watering is prohibited between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m., with no watering allowed Monday, Tuesday, Wednesday, Thursday or Friday.

Conservation reduction guidelines presented in past Executive Orders and subsequent regulations adopted by the State Water Resources Control Board encourage conservation as a way of life. Taking into consideration the State Waterboards Self-Certification criteria for the City of Porterville, Council approved maintaining a self imposed conservation standard of 26% less than the production of 2013.The continuation of the current conservation goals keep a standardized message that the City has worked to develop in public outreach, provides resiliency and capacity to ensure three years of supply under drought conditions, meet the minimum 20% conservation standard defined in the City's Urban Water Management Plan, and assists the City toward meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

In response, the City of Porterville has developed a Conservation Plan that has been effective while still allowing some flexibility throughout the community. The City's Conservation Plan is an Odd/Even watering schedule composed of Five Phases; Phase I, is Voluntary 3-Day Watering week Schedule; Phase II, is Mandatory 3-Day Watering week Schedule; Phase III, is Mandatory 2-Day Watering week Schedule; Phase IV, is Mandatory 1-Day Watering week Schedule; and Phase V, is a No Outdoor Watering schedule.

Through the implementation of mandatory conservation, the City of Porterville has been able to maintain a cumulative conservation total reduction of 25% (June 2015 through March 2018). In order to maintain conservation reductions,

while providing flexibility to our citizens, it is staff's recommendation that we evaluate seasonal changes in the temperature and the need to transition from Phase IV to Phase III of the City's Water Conservation Plan (a Mandatory odd/even 2-day watering week schedule). Staff recommends Council conduct a Public Hearing to discuss the moving to Phase III of the City's Water Conservation Plan adding an additional day to the watering schedule for outdoor landscape. Phase III is a Mandatory odd/even 2-day watering week schedule, odd addresses would be allowed to water on Tuesday & Saturday and even addresses on Wednesday & Sunday. The City's Water Conservation Plan applies to all water users within the City's service area. Recommendation is to commence with Phase III effective June 1, 2018, and continue this watering schedule through the summer and fall months until November 30, 2018. On December 1, 2018, the City would then transition back to Phase IV of the City's Water Conservation Plan (a Mandatory 1-day watering week schedule).

RECOMMENDATION: That City Council:

1. Conduct the Public Hearing to consider transitioning from Phase IV to Phase III of the City's Water Conservation Plan effective June 1, 2018; and
2. Consider directing staff to transition back to Phase IV commencing December 1, 2018.

ATTACHMENTS:

1. Drought Response Phase IV Flyer
2. Drought Response Phase III Flyer
3. Monthly Production Status GPCD March 2018
4. Average Standing Water Level & Production Capacity

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

DROUGHT RESPONSE Phase IV

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed ONE day a week to water lawns and landscapes. No watering allowed Monday through Fridays.

Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

No watering outdoor landscapes during and within 48 hours after measurable rainfall (>0.01 inches).

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 IV water conservation regulations could result in citations with fines up to $500.

DROUGHT RESPONSE PHASE IV

The City of Porterville has adopted Phase IV of its Drought Response Plan. As part of the Phase IV plan, the City has restricted watering days to one day per week, based on address.

Mandatory Odd/Even Watering Schedule

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

Odd Address Even Address

Outdoor Watering is Prohibited

ODD NUMBER ADDRESSES

If your address ends with an "odd" number, 1, 3, 5, 7, or 9, your watering day is Saturday *only*.

OR

EVEN NUMBER ADDRESSES

If your address ends with an "even" number, 0, 2, 4, 6, or 8, your watering day is Sunday *only*.

Violation Level	Citation Amount
First Violation	**Warning** Only
Second Violation	**$100** Fine
Third Violation	**$200** Fine
Fourth Violation	**$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

NO WATERING
MONDAY THROUGH FRIDAY.

DROUGHT RESPONSE Phase III

Mandatory Odd/Even Watering Schedule, based on address. Residents will be allowed TWO days a week to water lawns and landscapes. No watering allowed on Mondays, Thursdays, and Fridays.

Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

No watering outdoor landscapes during and within 48 hours after measurable rainfall.

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 III water conservation regulations could result in citations with fines up to $500.

DROUGHT RESPONSE PHASE III

The City of Porterville has adopted Phase III of its Drought Response Plan. As part of the Phase III plan, the City has restricted watering days to two 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	DO NOT WATER	DO NOT WATER	OK TO WATER	OK TO WATER
---	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 and Saturday *only*.

OR

EVEN NUMBER ADDRESSES

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

Violation Level	Citation Amount
First Violation	**Warning** Only
Second Violation	**$100** Fine
Third Violation	**$200** Fine
Fourth Violation	**$500** Fine

Mandatory
Odd/Even Watering Schedule

Excessive water runoff prohibited

The washing of sidewalks and driveways is prohibited

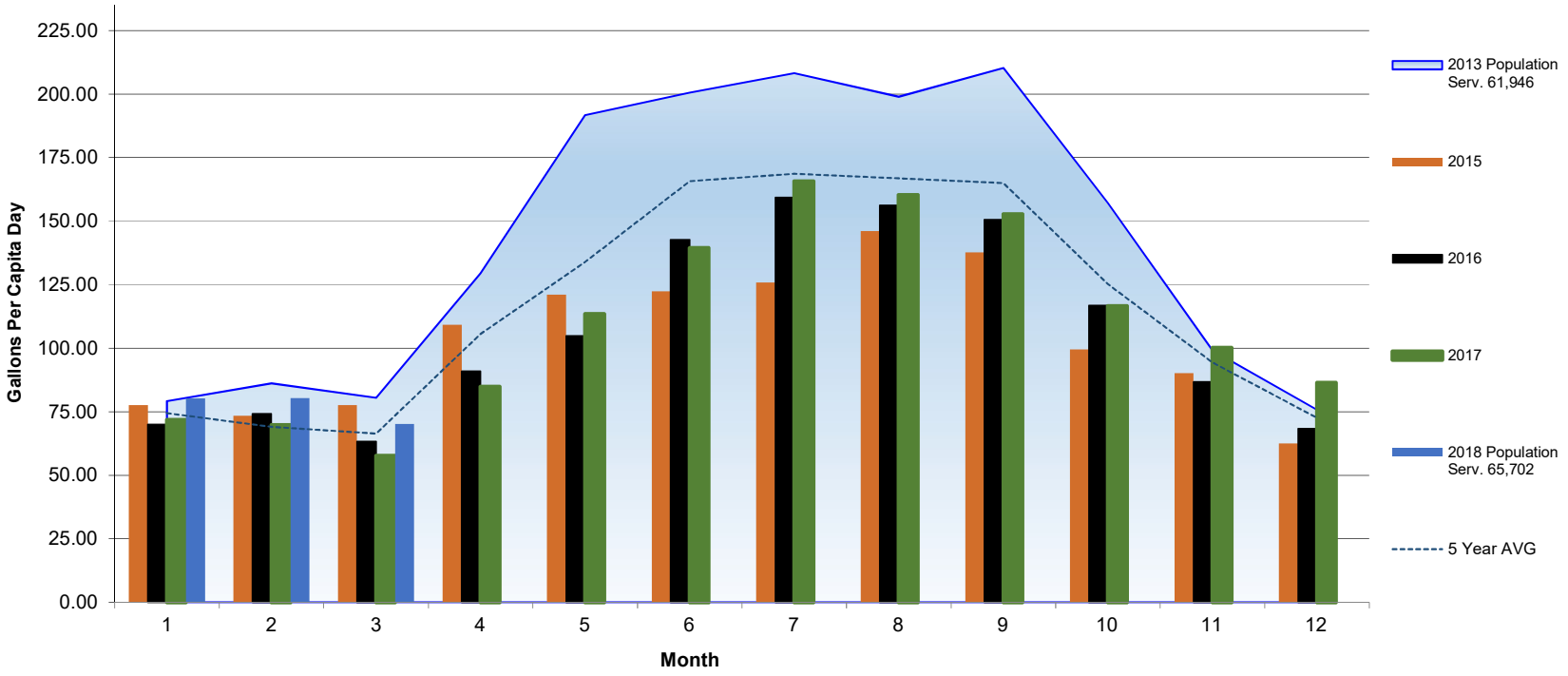
Vehicles shall only be washed on designated watering days and with hoses equipped with a shut-off nozzle

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

NO WATERING ON MONDAYS, THURSDAYS, AND FRIDAYS.

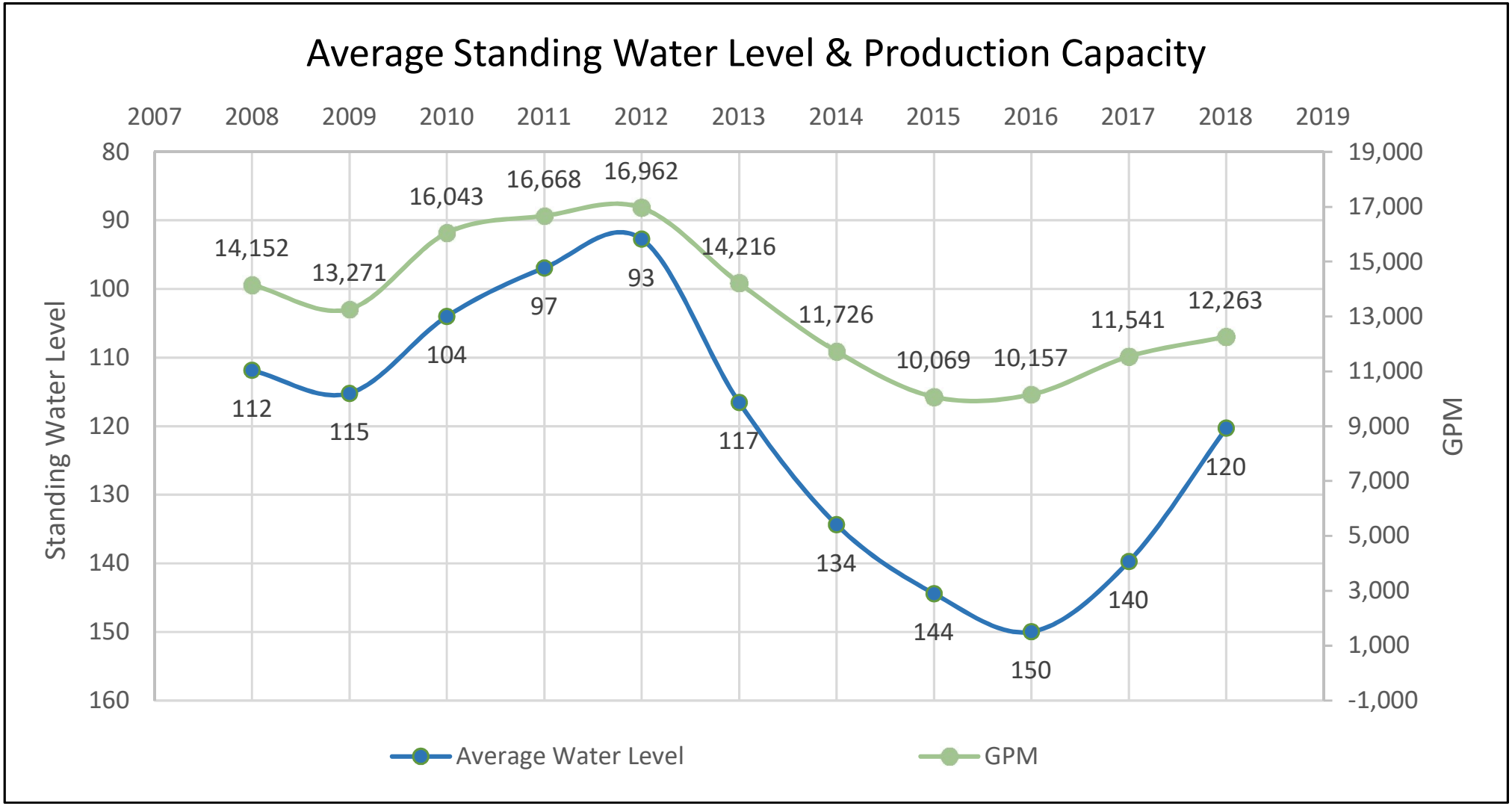
Monthly Production Status & Cumulative Total June 2015 Through March 2018 Gallon Per Capita Day Comparison to 2013 & 5 Year Average



GPCD Cumulative Total 25.1%

2015	-2%	-15%	-4%	-16%	-37%	-39%	-40%	-27%	-35%	-37%	-9%	-18%
2016	-12%	-14%	-21%	-30%	-45%	-29%	-24%	-21%	-28%	-26%	-13%	-10%
2017	-9%	-19%	-28%	-34%	-41%	-30%	-20%	-19%	-27%	-26%	1%	14%
2018	1%	-7%	-13%									

Percent Comparison to 2013 Production


Average Standing Water Level & Production Capacity
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
Standing Water Level
80
90
100
110
120
130
140
150
160
GPM
19,000
17,000
15,000
13,000
11,000
9,000
7,000
5,000
3,000
1,000
-1,000
14,152
13,271
16,043
16,668
16,962
14,216
11,726
10,069
10,157
11,541
12,263
112
115
104
97
93
117
134
144
150
140
120
Average Water Level
GPM

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Military Banner Program Banner Location Designation

SOURCE: Parks and Leisure Services

COMMENT: City Council initiated the military banner program in 2016. The program was created for the Porterville area as a way to honor both current and past military personnel for their service to the nation and community. The banners act as a public expression of gratitude that pays tribute to the courage, commitment, and heroism displayed by individuals who have served in the United States Armed Forces.

Family members and loved ones may nominate a military hero to be honored with a banner that shows the individual's name, photo and branch of service. The banners are prominently displayed Memorial Day through Veterans Day. To qualify for the military banner program, the honoree must be a current or past member of the United States Armed Forces and a current or past resident within the Porterville area. The cost of a banner is currently $105. City Council sponsors those honorees that were killed in action.

Staff is honored to report that 127 new banners are being added this year, bringing the total number of banners being displayed to 240. Banners that are displayed for at least a second year are placed in the same location as the year(s) prior. This year, there is space for 54 new banners on Main Street between Morton and Olive, with 73 remaining in need of a new designated area. Staff has provided City Council a map on which options have been developed remaining in the Downtown area, or Council may determine another location. The Parks and Leisure Services Commission recommended Henderson to Morton on Main, Olive between E Street and 3rd Street, and Main between Olive and Vine as the preferred options. The Commission also recommended that Council consider the location of the 2019 banners be displayed around Veterans Park.

RECOMMENDATION: That the City Council designate the location of new military banners as the program expands past its current location on Main Street between Morton and Olive Avenues.

ATTACHMENTS: 1. 2018 Map Options

Appropriated/Funded:

Review By:

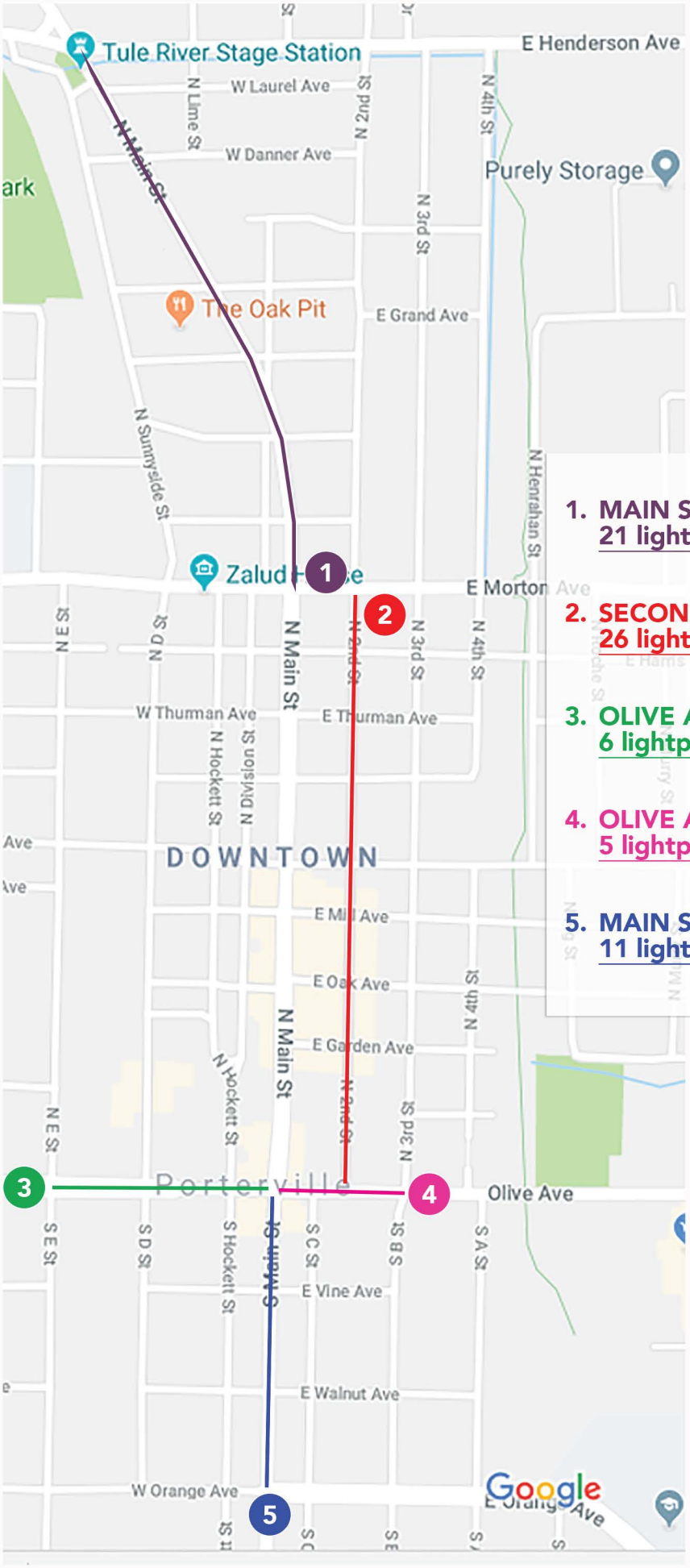
Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

MILITARY BANNER PROGRAM

Expansion Options



1. **MAIN ST., between Morton Ave. & Henderson Ave.**
   21 lightpoles

2. **SECOND ST., between Olive Ave. & Morton Ave.**
   26 lightpoles

3. **OLIVE AVE., between Main St. & E St.**
   6 lightpoles (one in median)

4. **OLIVE AVE., between Main St. & 3rd St.**
   5 lightpoles

5. **MAIN ST., between Olive Ave. & Orange Ave.**
   11 lightpoles

CITY COUNCIL AGENDA – APRIL 17, 2018

SUBJECT: Scheduling of City Council Priority Project and Preliminary Budget Study Session for Fiscal Year 2018-2019

SOURCE: Finance

COMMENT: In preparation for the upcoming 2018-2019 fiscal year, staff requests that the City Council schedule a Priority Projects and Preliminary Budget Study Session, which staff proposes to be scheduled for Tuesday, May 8th, beginning at 5:30 PM in Council Chambers.

Staff also requests Council's direction in the development of Priority Projects. The Council may recall in preparation for the current year's Priority Projects, the Council permitted each Member of Council be allowed to submit three (3) priorities for the Council to consider at the Study Session. The adopted current fiscal year Priority Projects are provided as an attachment.

RECOMMENDATION: That the City Council:
1. Approve the scheduling of its Priority Project and Preliminary Budget Study Session for the 2018-2019 fiscal year for Tuesday, May 8, 2018, beginning at 5:30 PM in Council Chambers; and
2. Provide direction as to preparation in the development of next year's Priority Projects.

ATTACHMENTS: 1. City Council Priority Projects: 2017-2018

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

2017-2018 City Council Priority Projects

Mayor Stowe:

1. Tertiary Treatment
2. Street Improvements
3. Recreation Facility

Vice Mayor Ward:

1. Library Remodel
2. Sports Complex Completion
3. Arterial Streets Exceed 70 PCI
4. Community Recreation Center
5. Henry Street Park Improvements

Councilmember Flores:

1. Villa Street Bridge – Slough Crossing
2. Westwood Bridge
3. Union Avenue Reconstruction – Indiana to Jaye Streets

Councilmember Hamilton:

1. Henry Street Park Improvements
2. Animal Shelter Facility
3. Community Garden – Southeast Corner of D Street/Morton Avenue

Councilmember Reyes:

1. Henderson Avenue Reconstruction – Villa to Plano Streets
2. Union Avenue Reconstruction – Indiana to Jaye Streets
3. Murry Park Disc Golf Course

SUBJECT: Consideration of Tenant for Villa Siena Commercial Space

SOURCE: Community Development

COMMENT: On September 30, 2010, the Porterville Redevelopment Agency signed, as a third party beneficiary, an Easement Maintenance and Use Agreement associated with the development project commonly known as Villa Siena (Attachment 1). The development is located at the southeast corner of Putnam Avenue and E Street and is zoned D-MX (Downtown Mixed Use) with a General Plan Land Use Designation of Downtown Mixed Use.

Pursuant to the covenants, the Redevelopment Agency, now the Successor Agency to the Porterville Redevelopment Agency, maintains authority to approve the transfer of the commercial property from TPC Commercial to a buyer.

As written in the recorded document:

1.2 Agency Consideration of Requested Transfer. Agency agrees that it will not unreasonably withhold approval of a request made pursuant to this Section 1, provided (a) Owner delivers written notice to Agency requesting such approval, and (b) the proposed assignee or transferee possesses comparable operational experience and capability, and reasonable net worth and resources, as the proposed transferor or assignor, and (c) the assignee or transferee assumes the obligations of Owner under these Restrictive Covenants (and, to the extent applicable, the AHA) in a form which is reasonably acceptable to Agency. Such notice shall be accompanied by evidence regarding the proposed assignee's or purchaser's qualifications and experience and its financial commitments and resources sufficient to enable Agency to evaluate the proposed assignee or purchaser pursuant to the criteria set forth in this Section 1.2. Agency shall approve or disapprove the request within thirty (30) days of its receipt of Owner's notice and all information and materials required herein. In no event, however, shall Agency be obligated to approve the assignment or Transfer of these Restrictive Covenants or the Commercial Parcel Deed of Trust in favor of Agency and recorded against the Commercial Parcel concurrently herewith, except to an approved Transferee of Owner's Rights in and to the Commercial Parcel and Commercial Space.

In April 2017, TPC Commercial submitted a request in compliance with Section 1.2 of the Restrictive Covenants for a dentist's office. Unfortunately, that negotiation fell through, but at this time another potential buyer is interested in

the commercial space. Scott Hyder, with Rural Ag Insurance Services, LLC, has contacted staff with an interest in relocating his business to this location. He anticipates using most, but not all of the office space for his business, with plans in the future to lease out the remaining space for a compatible business model. All users and tenants would be subject to the remaining terms in the recorded restrictive covenants.

The shell and core building on the commercial parcel has been vacant since it was constructed in 2012, and City staff have been approached by numerous potential businesses to open in this location. However, the restrictive covenants identify that specific uses are prohibited, and the acquisition and use of the property by Rural Ag Insurance Services is one of the allowed uses. Staff supports the proposed use in that professional offices are a permitted use in the D-MX zone district, the use complies with the restrictive covenants.

RECOMMENDATION: That the Successor Agency to the Porterville Redevelopment Agency approve the transfer of the Villa Siena commercial parcel from TPC Commercial, LLC to Rural Ag Insurance Services, LLC, for the establishment and operation of a professional office space.

ATTACHMENTS:

1. Locator Map
2. Restrictive Covenants
3. Letter Requesting Approval of Transfer

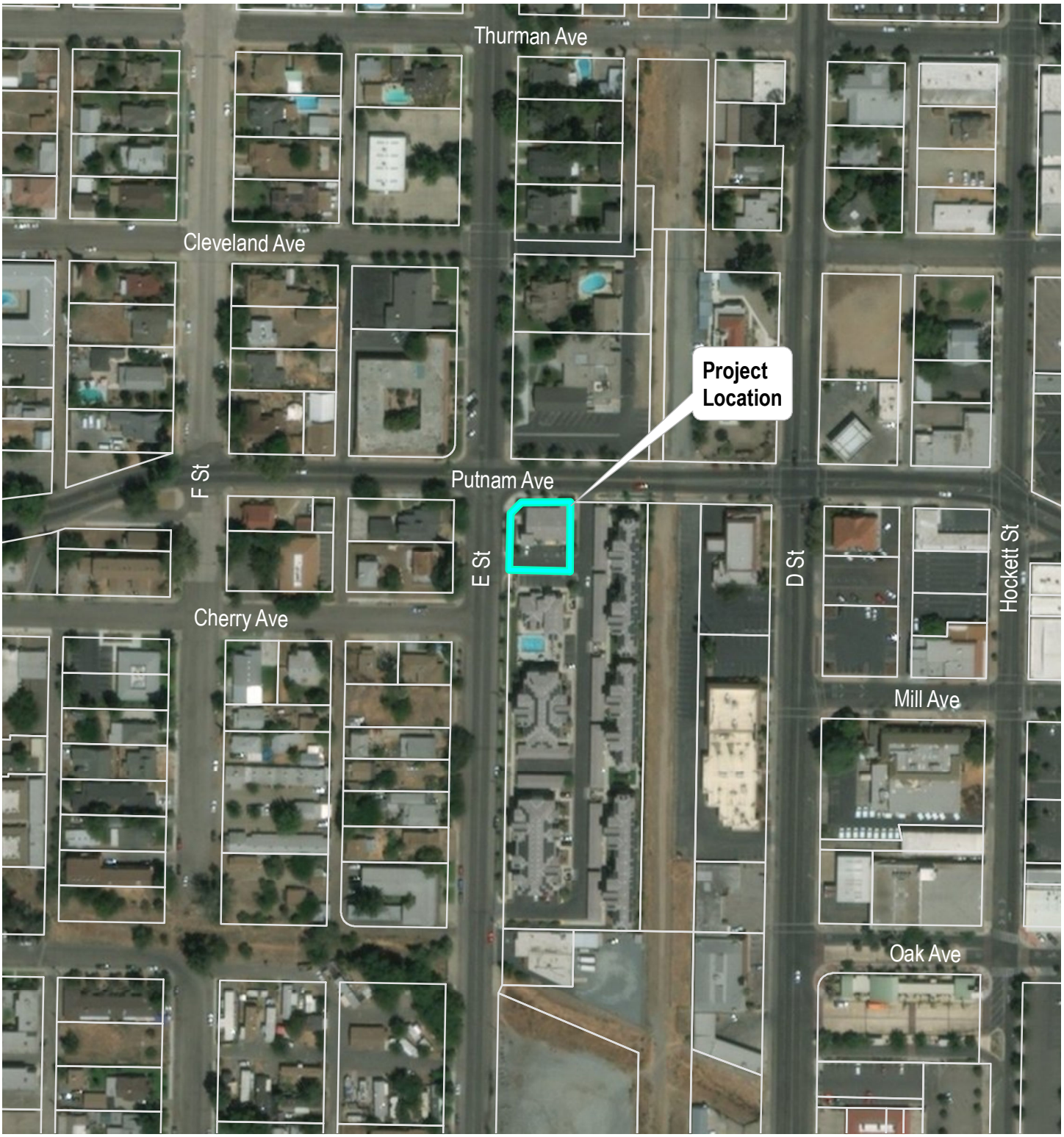
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



A Division of the Community Development Department

Geographic Information Systems

Villa Siena Commercial Space Project Locator Map

19

RECORDING REQUESTED BY:
CHICAGO TITLE CO.
42115625-AKlcw

2010-0064185

Free

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Porterville Redevelopment Agency
291 North Main Street
Porterville, California 93257
Attention: Executive Director

Recorded
Official Records
County of
Tulare
GREGORY B. HARDCASTLE
Clerk Recorder

REC FEE 0.00

PB
08:00AM 19-Oct-2010 Page 1 of 23

This document is exempt from the payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

RESTRICTIVE COVENANTS
(Villa Siena Commercial Space)

These **RESTRICTIVE COVENANTS (Villa Siena Commercial Space)** ("Restrictive Covenants") are made as of September 30, 2010 ("Date of Restrictive Covenants") by and between **TPC COMMERCIAL, LLC**, an Idaho limited liability company ("Owner") and **PORTERVILLE REDEVELOPMENT AGENCY**, a public body, corporate and politic ("Agency").

RECTIALS

A. Agency and Residential Parcel Owner entered into that certain Affordable Housing Agreement dated as of April 7, 2009 ("Original Agreement") with respect to certain real property located in the City of Porterville ("City"), County of Tulare, State of California, described therein ("Site"). The Original Agreement was amended on February 1, 2010 ("First Amendment"), August 6, 2010 ("Second Amendment"), and again concurrently herewith ("Third Amendment").

B. Concurrently with the Third Amendment and these Restrictive Covenants, Agency, Residential Parcel Owner and Owner entered into that certain Assignment and Amendment of Affordable Housing Agreement (Commercial Space) ("Assignment") to provide for the conveyance by Residential Parcel Owner to Owner of a portion of the Site referred to therein and herein as the "Commercial Parcel" and assignment by Residential Parcel Owner and assumption by Owner of all obligations under the AHA relating to the Commercial Space (defined in the AHA). The Original Agreement, First Amendment, Second Amendment, Third Amendment, and Assignment are referred to herein collectively as the "AHA."

C. The Commercial Parcel is legally described in Attachment No. 1, which is attached hereto and incorporated herein by this reference.

D. The AHA provides for, among other things, the development and operation of the Commercial Space on the Commercial Parcel.

E. All initially capitalized terms used herein and not expressly defined have the meanings set forth in the AHA.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Agency hereby agree as follows:

1. Transfers of Interest in Commercial Parcel or AHA.

1.1 Prohibition Against Transfer. The qualifications and identity of Owner are of particular concern to Agency. It is because of those qualifications and identity that Agency has entered into these Restrictive Covenants with Owner. For the period commencing upon the Date of Restrictive Covenants and until the issuance of the Commercial Space Certificate of Completion and Release of Construction Covenants, no Transferee (defined below) shall acquire any rights or powers under these Restrictive Covenants, nor shall Owner make any Transfer (defined below) of the whole or any part of the Commercial Parcel or the Commercial Space without the prior written approval of Agency, which approval may be granted or withheld in the sole and absolute discretion of Agency. Following the issuance of the Commercial Space Certificate of Completion and Release of Construction Covenants, any Transfer shall be governed by Sections 1.2 and 1.3.

1.2 Agency Consideration of Requested Transfer. Agency agrees that it will not unreasonably withhold approval of a request made pursuant to this Section 1, provided (a) Owner delivers written notice to Agency requesting such approval, and (b) the proposed assignee or transferee possesses comparable operational experience and capability, and reasonable net worth and resources, as the proposed transferor or assignor, and (c) the assignee or transferee assumes the obligations of Owner under these Restrictive Covenants (and, to the extent applicable, the AHA) in a form which is reasonably acceptable to Agency. Such notice shall be accompanied by evidence regarding the proposed assignee's or purchaser's qualifications and experience and its financial commitments and resources sufficient to enable Agency to evaluate the proposed assignee or purchaser pursuant to the criteria set forth in this Section 1.2. Agency shall approve or disapprove the request within thirty (30) days of its receipt of Owner's notice and all information and materials required herein. In no event, however, shall Agency be obligated to approve the assignment or Transfer of these Restrictive Covenants or the Commercial Parcel Deed of Trust in favor of Agency and recorded against the Commercial Parcel concurrently herewith, except to an approved Transferee of Owner's rights in and to the Commercial Parcel and Commercial Space.

1.3 Approval of Financing or Refinancing. Agency Executive Director shall have the right to review all documents related to and to approve or disapprove any assignment for financing purposes and/or refinancing of any loan secured by the Commercial Parcel and/or Commercial Space and, as and if applicable, any other debt secured by Owner's interest in the Commercial Parcel and/or Commercial Space, which refinancing will: (a) increase the interest rate applicable to such debt, or (b) increase the outstanding principal amount of such debt, or (c) cause or require the release or withdrawal of cash or equity from any part of the Commercial Parcel and/or Commercial Space, or (d) extend the term of repayment of such debt, or (e) otherwise increase the aggregate annual debt service payments on such loan. Agency Executive Director shall reasonably consider any such proposed refinancing based on an economic evaluation conducted by Agency's economic consultant that analyzes the effect of the proposed refinancing on (i) the ability of Owner to repay in full any debt or other liens against the Commercial Parcel and/or Commercial Space as such payment becomes due and (ii) the availability of Refinancing Net Proceeds to be paid to the Agency pursuant to Section 1.5. This Section 1.3 shall terminate and be of no further force and effect upon the conveyance of the Commercial Parcel and the Commercial Space by Owner or an approved successor or assign of Owner to a person or entity that is not an Affiliate (defined in Section 1.6) of either Owner or Caleb J. Roope; provided that such conveyance has been approved in writing by Agency pursuant to Section 1.2.

1.4 Successors and Assigns. These Restrictive Covenants shall run with the land, and all of the terms, covenants and conditions of these Restrictive Covenants shall be binding upon Owner and the permitted successors and assigns of Owner. Whenever the term "Owner" is used in these Restrictive Covenants, such term shall include any other permitted successors and assigns as herein provided. Any Transferee under this Section 1 shall, prior to or concurrently with the transfer or assignment of Owner's rights and obligations under these Restrictive Covenants or otherwise relating to the Commercial Space, execute an Assignment and Assumption Agreement in a form reasonably acceptable to Agency requiring such Transferee to assume each and every obligation of Owner under the AHA (to the extent applicable) and these Restrictive Covenants. After such Transfer or assignment, all rights and obligations of the transferor Owner shall be assumed by the Transferee and the transferor Owner shall not incur any liability or have any obligation under these Restrictive Covenants accruing after the date of such Transfer or assignment.

1.5 Transfer Net Proceeds; Refinancing Net Proceeds. In the event Owner Transfers all or any portion of the Commercial Space and/or the Commercial Parcel, subject to and with Agency's consent as provided in this Section 1, Owner shall pay to Agency fifty percent (50%) of any Transfer Net Proceeds (defined below) received by Owner in connection with the Transfer. In the event Owner makes an assignment for financing purposes and/or refinances any debt secured by the Commercial Space and/or the Commercial Parcel, subject to and with Agency's consent as provided in this Section 1, Owner shall pay to Agency fifty percent (50%) of any Refinancing Net Proceeds (defined below) received by Owner in connection with such assignment for financing purposes and/or refinancing. This Section 1.5 shall terminate and be of no further force and effect upon the conveyance of the Commercial Parcel and the Commercial Space by Owner or an approved successor or assign of Owner to a person or entity that is not an Affiliate (defined in Section 1.6) of either Owner or Caleb J. Roope; provided that such conveyance has been approved in writing by Agency pursuant to Section 1.2.

1.6 Definitions. For purposes of these Restrictive Covenants, the following terms have the meanings set forth below:

(a) As used herein, "Affiliate" means any person or entity directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with Owner and/or Caleb J. Roope, which shall include each of the constituent partners or members of Owner's limited liability company. The term "control," as used in the immediately preceding sentence, means, with respect to a person that is a corporation, the right to exercise, directly or indirectly, at least 50% of the voting rights attributable to the shares of the controlled corporation, and, with respect to a person that is not a corporation, the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of the controlled person.

(b) As used herein, "Transfer" means any total or partial sale, transfer, conveyance, assignment, subdivision, financing, refinancing; but specifically excluding any space lease or sublease.

(c) As used herein, "Transferee" means a voluntary or involuntary successor to Owner's interest in the AHA, these Restrictive Covenants, the Commercial Space and/or the Commercial Parcel.

(d) As used herein, "Transfer Net Proceeds" shall mean the proceeds of any Transfer, in whole or in part, of Owner's interest in the Commercial Parcel and/or Commercial

Space, net of: (i) reasonable and customary costs and expenses incurred in connection with such transfer, (ii) the total of actual hard costs of construction of the Commercial Space paid by Owner, including assumed profit, overhead, and general conditions of fourteen percent (14%) of such actual hard construction costs, (iii) the total of actual soft construction costs paid by Owner for construction of the Commercial Space, including the Residual Receipts Termination Fee paid by Owner to Agency pursuant to the Assignment, (iv) repayment of loans made by Owner to the Commercial Space for operating deficits in excess of available Commercial Space revenues, (v) priority return of twelve percent (12%) simple interest on total capital invested by the Owner, including Owner's capital contributions to expenses listed under items (ii), (iii), and (iv) below, and (vi) repayment of principal and interest owing under loans provided by third parties (that are not Affiliates of Caleb J. Roope or Owner), secured by the Commercial Parcel and approved by the Agency pursuant to Section 1.3.

(e) As used herein, "Refinancing Net Proceeds" shall mean the proceeds of any approved financing or refinancing of any financing secured by the Commercial Parcel, net of: (i) reasonable and customary costs and expenses incurred in connection with the refinancing, (ii) the total of actual hard costs of construction of the Commercial Space paid by Owner, including assumed profit, overhead, and general conditions of fourteen percent (14%) of such actual hard construction costs, (iii) the total of actual soft construction costs paid by Owner for construction of the Commercial Space, including the Residual Receipts Termination Fee paid by Owner to Agency pursuant to the Assignment, (iv) repayment of loans made by Owner to the Commercial Space for operating deficits in excess of available Commercial Space revenues, (v) priority return of twelve percent (12%) simple interest on total capital invested by the Owner, including Owner's capital contributions to expenses listed under items (ii), (iii), and (iv) below, and (vi) repayment of principal and interest owing under loans provided by third parties (that are not Affiliates of Caleb J. Roope or Owner), secured by the Commercial Parcel and approved by the Agency pursuant to Section 1.3.

2. Hazardous Materials.

2.1 As-Is Condition; Exceptions. The Commercial Parcel was conveyed by Agency to Residential Parcel Owner and by Residential Parcel Owner to Owner in an "as is" physical and environmental condition, with no warranty, express or implied, by Agency as to the condition of any existing improvements, the soil, its geology, the presence of known or unknown faults or Hazardous Materials or toxic substances, and it shall be the sole responsibility of Owner at its expense to investigate and determine the physical and environmental conditions of the Commercial Parcel. The parties acknowledge and agree that prior to Agency's acquisition of the Commercial Parcel from the prior owner thereof, Residential Parcel Owner had a full, complete, and adequate opportunity to investigate the environmental and physical condition of the Commercial Parcel, including conducting Phase I and Phase II environmental investigations and reviewing all reports prepared in connection therewith, and by entering into these Restrictive Covenants, Owner has approved the condition of the Commercial Parcel and hereby accepts all responsibility for the condition of the Commercial Parcel as between Agency and Owner. It shall be the sole responsibility and obligation of Owner to take such action as may be necessary to place the physical and environmental condition of the Commercial Parcel in a condition entirely suitable for the purposes set forth in these Restrictive Covenants.

2.2 Release of Agency. Owner hereby waives, releases and discharges forever Agency and City, and their respective employees, volunteers, directors, officers, agents and representatives, from all present and future claims, demands, suits, legal and administrative

proceedings and from all liability for damages, losses, costs, liabilities, fees and expenses, present and future, arising out of or in any way connected with the physical and environmental condition of the Commercial Parcel, any Hazardous Materials on or under the Commercial Parcel, or the existence of Hazardous Materials contamination due to the generation of Hazardous Materials from the Commercial Parcel, however they came to be placed there, except that arising out of the gross negligence or willful misconduct of Agency or City or their respective employees, volunteers, directors, officers, agents or representatives.

Owner acknowledges that it is aware of and familiar with the provisions of Section 1542 of the California Civil Code which provides as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

As such relates to this Section 2.2, Owner hereby waives and relinquishes all rights and benefits which it may have under Section 1542 of the California Civil Code.

2.3 Owner Precautions. Owner shall take all necessary but reasonable precautions to prevent the release into the environment of any Hazardous Materials which are located in, on or under the Commercial Parcel. Such precautions shall include compliance with all Governmental Requirements with respect to Hazardous Materials. In addition, Owner shall install and utilize such equipment and implement and adhere to such procedures as are consistent with commercially reasonable standards as respects the disclosure, storage, use, removal and disposal of Hazardous Materials.

2.4 Owner Indemnity Re Hazardous Material. Owner hereby agrees and hereby shall indemnify, defend (with counsel reasonably acceptable to Agency and City) and hold Agency and City harmless from and against any claim, action, suit, proceeding, loss, cost, damage, liability, deficiency, fine, penalty, punitive damage, or expense (including, without limitation, reasonable attorneys' fees), resulting from, arising out of, or based upon (i) the presence, release, use, generation, discharge, storage or disposal of any Hazardous Materials on, under, in or about, or the transportation of any such Hazardous Materials to or from the Commercial Parcel, or (ii) the violation, or alleged violation, of any statute, ordinance, order, rule, regulation, permit, judgment or license relating to the use, generation, release, discharge, storage, disposal or transportation of Hazardous Materials on, under, in or about, to or from, the Commercial Parcel. This indemnity shall include, without limitation, any damage, liability, fine, penalty, or expense arising from or out of any claim, action, suit or proceeding for personal injury (including sickness, disease or death), tangible or intangible property damage, compensation for lost wages, business income, profits or other economic loss, damage to the natural resource or the environment, nuisance, contamination, leak, spill, release or other adverse effect on the environment. At the request of Owner, Agency shall cooperate with and assist Owner in its defense of any such claim, action, suit, proceeding, loss, cost, damage, liability, deficiency, fine, penalty, punitive damage, or expense; provided that Agency shall not be obligated to incur any expense in connection with such cooperation or assistance.

2.5 Definitions. As used herein, the following terms have the meanings set forth below:

(a) **"Governmental Requirements"** means all laws, ordinances, statutes, codes, rules, regulations, orders, and decrees of the United States, the State of California, the County, the City, or any other political subdivision in which the Commercial Parcel is located, and of any other political subdivision, agency, or instrumentality exercising jurisdiction over Owner or the Commercial Parcel.

(b) **"Hazardous Materials"** means any substance, material, or waste which is or becomes regulated by any local governmental Agency, the County, the State of California, regional governmental authority, or the United States Government, including, but not limited to, any material or substance which is (i) defined as a "hazardous waste," "extremely hazardous waste," or "restricted hazardous waste" under Section 25115, 25117 or 25122.7, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law)), (ii) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act), (iii) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Section 25501 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), (iv) defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances), (v) petroleum, (vi) friable asbestos, (vii) polychlorinated biphenyls, (viii) designated as "hazardous substances" pursuant to Section 311 of the Clean Water Act (33 U.S.C. §1317), (ix) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq. (42 U.S.C. §6903) or (x) defined as "hazardous substances" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq. Notwithstanding the foregoing, "Hazardous Materials" shall not include such products in quantities as are customarily used in the construction, maintenance, development or management of mixed use residential and commercial developments or associated buildings and grounds, or typically used in residential and commercial activities in a manner typical of other developments comparable to the Project, including without limitation alcohol, aspirin, tobacco and saccharine.

3 **Owner's Indemnity Re Liabilities**. Except as set forth in Section 2, *et seq.*, above with respect to Hazardous Materials, Owner shall, at its expense, defend (with counsel reasonably acceptable to Agency), indemnify, and hold harmless Agency and its officers, directors, volunteers, agents, employees and representatives from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature arising out of, any third party claim in connection with, or relating in any manner to any act or omission of Owner or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with or arising from Owner's performance or failure to perform its obligations under the AHA and these Restrictive Covenants, Owner's ownership or operation of the Commercial Parcel and/or the Commercial Space, or the development of the Commercial Space, or challenges to the approval, validity, applicability, interpretation or implementation of the AHA and these Restrictive Covenants, except that arising from the gross negligence or willful misconduct of Agency or its officers, directors, volunteers, agents, employees or representatives.

4. **Development of Commercial Space**. Owner shall diligently develop the Commercial Parcel with the Commercial Space in compliance with all Governmental Requirements (defined above), in substantial conformance with the approved Entitlement and Plans (defined in the

AHA) and within the time periods set forth in the Schedule of Performance attached to the AHA, as amended by the Third Amendment.

4.1 Prevailing Wages. With respect to the development of the Commercial Space as set forth in the AHA but only to the extent required by applicable law, Owner and its contractors and subcontractors shall pay prevailing wages and employ apprentices in compliance with Health and Safety Code Sections 33423 through 33426, and Labor Code Section 1770, et seq., and shall be responsible for the keeping of all records required pursuant to Labor Code Section 1776, complying with the maximum hours requirements of Labor Code Sections 1810 through 1815, and complying with all regulations and statutory requirements pertaining thereto. Such requirements are set forth in greater detail in Attachment No. 13 to the Original Agreement. Upon the request of Agency, Owner shall certify to the Agency that it is in compliance with the requirements of this Section 4.1.

Owner shall indemnify, protect, defend (with counsel reasonably acceptable to Agency) and hold harmless Agency and its officers, directors, volunteers, representatives, employees, contractors and agents, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Commercial Space, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Owner with the Prevailing Wage Law; (2) the implementation of Labor Code Section 1781, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Owner to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Commercial Space, including, without limitation, any and all public works (as defined by applicable law), Owner shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.1, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of the AHA and shall continue after completion of the development of the Commercial Space by Owner.

5. Insurance Requirements. Owner shall take out and maintain or shall cause its contractor to take out and maintain: (a) a commercial general liability policy in the amount of not less than One Million Dollars ($1,000,000) per occurrence for bodily injury, personal injury and property damage, with a general aggregate limit of Two Million Dollars ($2,000,000), (b) a comprehensive automobile liability policy in not less than the amount of One Million Dollars ($1,000,000) combined single limit, and (c) a policy of all-risk property insurance in an amount not less than one hundred percent (100%) of the full insurable value of the Commercial Space owned by Owner. The required amount of insurance shall be subject to increases as Agency may reasonably require from time to time, but not more frequently than every twelve (12) months. Such policies shall protect Owner and Agency from claims for such damages, and be issued by an insurance carrier qualified to do business in the State of California. Such policy or policies shall be written on an occurrence form. Owner shall also furnish or cause to be furnished to Agency evidence satisfactory to Agency that Owner and any contractor with whom it has contracted for the performance of work on the Commercial Space or otherwise pursuant to these Restrictive Covenants carries workers' compensation insurance as required by law. Prior to the commencement of the construction of the Commercial Space, Owner shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier

setting forth the general provisions of the insurance coverage. This countersigned certificate shall name Agency and its officers, agents, and employees as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status, which shall be provided as a separate endorsement attached to the certificate. The certificate and separate endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify Agency of any material change, cancellation or termination of the coverage at least ten (10) days in advance of the effective date of any such material change, cancellation or termination, and to notify Agency within ten (10) days of Owner's failure to pay any premium when due. Coverage provided hereunder by Owner shall be primary insurance and not be contributing with any insurance maintained by Agency, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of Agency. The required certificate shall be furnished by Owner prior to the commencement of the development of the Commercial Space. Notwithstanding anything to the contrary set forth herein or in the AHA, in the event the Commercial Space is used for purposes other than professional offices, the City's Risk Manager shall have the right (but no obligation) to review and reasonably revise the insurance requirements under this Section 5.

5.1 Obligation to Repair and Restore Damage Due to Casualty Covered by Insurance. Subject to Section 5.2 below, if, prior to the issuance by Agency of the Certificate of Occupancy for the Commercial Space by City, any portion of the Commercial Space shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by Owner, Owner shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Commercial Space to substantially the same condition as the Commercial Space is required to be developed pursuant to the AHA and these Restrictive Covenants, if and to the extent the insurance proceeds are sufficient to cover the actual cost of repair, replacement, or restoration, and Owner shall complete the same as soon as possible thereafter so that the Commercial Space can be occupied in accordance with the AHA and these Restrictive Covenants. Subject to force majeure delays pursuant to Section 5.3 below, in no event shall the repair, replacement, or restoration period exceed two (2) years from the date Owner obtains insurance proceeds unless Agency's Executive Director, in his or her reasonable discretion, approves a longer period of time. Agency shall cooperate with Owner, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then-existing laws of any other governmental agencies with jurisdiction over the Commercial Space do not permit the repair, replacement, or restoration, Owner may elect not to repair, replace, or restore the Commercial Space by giving notice to Agency (in which event Owner will be entitled to all insurance proceeds but Owner shall be required to remove all debris from the applicable portion of the Commercial Space) or Owner may reconstruct such other improvements on the site of the destroyed Commercial Space as are consistent with applicable land use regulations and approved by City, Agency, and other governmental agencies with jurisdiction.

5.2 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If, prior to the issuance by City of the Certificate of Occupancy for the Commercial Space, any portion of the Commercial Space is completely destroyed or substantially damaged by a casualty which Owner is not required to (and has not) insured against, then Owner shall not be required to repair, replace, or restore such improvements and may elect not to do so by providing Agency with written notice of election not to repair, replace, or restore within ninety (90) days after such substantial damage or destruction. As used in this Section 5.2, "substantial damage" caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which

is fifteen percent (15%) or more of the replacement cost of the improvements comprising the Commercial Space. In the event Owner does not timely elect not to repair, replace, or restore the Commercial Space as set forth in the first sentence of this Section 5.2, Owner shall be conclusively deemed to have waived its right not to repair, replace, or restore the Commercial Space and thereafter Owner shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Commercial Space in accordance with Section 5.1 above.

5.3 Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in these Restrictive Covenants shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, acts of terrorism, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that Agency's acts or failure to act shall not excuse performance of Agency hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

6. Covenant to Develop, Use and Operate the Commercial Parcel in Accordance with Redevelopment Plan, Land Use Approvals, and these Restrictive Covenants. Until expiration of the Term hereof, Owner covenants and agrees for itself and its successors, assigns, and every successor in interest to the Commercial Parcel or any part thereof that Owner and such successors and assignees, shall use and operate the Commercial Parcel in accordance with the Redevelopment Plan, the Entitlement, the Plans, and these Restrictive Covenants, and shall construct and complete the Commercial Space in accordance with the Entitlement, the Plans and the Schedule of Performance.

7. Restrictive Covenants.

7.1 Restriction on Hours of Operation. Owner shall not permit any use of the Commercial Space (other than as an ancillary use supporting the Housing Project (defined in the AHA) that does not require the use of the shared parking spaces, as expressly permitted by the Agency and City, except Monday through Friday (excluding holidays) during the hours of 8:00 a.m. through 6:00 p.m.

7.2 Easement Maintenance and Use Agreement. Owner hereby acknowledges and agrees to comply with (and cause any and all tenants and occupants of the Commercial Space to comply with) that certain Easement Maintenance and Use Agreement by and between Owner and Residential Parcel Owner, affecting the Commercial Parcel and the remainder of the Site, which is recorded against the entire Site in the official records of Tulare County concurrently herewith.

7.3 Specified Uses Prohibited. Owner and Agency hereby acknowledge and agree that the Commercial Space is contemplated to be leased for use as a medical office, medical clinic, other professional office use, or other use that is expressly approved in writing by the Agency, which approval shall not be unreasonably conditioned, withheld or delayed. Notwithstanding

anything to the contrary set forth herein or in the AHA, in no event shall the use or operation of the Commercial Space by Owner and/or Owner's successors, assigns, or lessees at any time include establishments selling alcohol, adult-oriented retail, services catering mainly to adults, smoke shops and discount tobacco product stores, tattoo or body piercing establishments, single price overstock or discount stores, second hand or thrift stores, check cashing facilities, payday loan facilities, rent-to-own businesses, massage or acupressure services, pawn shops, water services, liquor stores, bars or taverns, dance halls, billiard halls, arcades, dog grooming shops, frozen food lockers, furriers and fur storage, hotels, launderette services, taxidermists, or taxi stands. In addition, in no event shall the Commercial Space be used or operated by Owner and/or Owner's successors, assigns, or lessees at any time for any purpose that requires a conditional development or use permit pursuant to the Porterville Municipal Code unless first approved by the Agency, which approval shall be in the Agency's sole and absolute discretion.

8. Maintenance. Owner shall maintain the Commercial Space, or shall cause the Commercial Space to be maintained, in a decent, safe and sanitary manner, and in accordance with the standard of maintenance of first class commercial developments within Tulare County, California. If at any time Owner fails to maintain the Commercial Space in accordance with these Restrictive Covenants and such condition is not corrected within five business days after written notice from Agency with respect to debris and waste material, or 30 days after written notice from Agency with respect to general maintenance, landscaping and building improvements, then Agency, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Commercial Space and perform all acts and work necessary to protect, maintain, and preserve the Commercial Space, and to attach a lien upon the Commercial Space and the Commercial Parcel, or to assess the Commercial Space and the Commercial Parcel, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by Agency and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Owner to Agency upon demand. Owner shall also comply at all times with the graffiti abatement policies and rules set forth in Article II of Chapter 18 of the City of Porterville Municipal Code.

8.1 Failure to Maintain Commercial Space. In the event Owner does not maintain the Commercial Space and the Commercial Parcel in the manner set forth herein, Agency and/or City shall have the right to maintain such Commercial Space and the Commercial Parcel, or to contract for the correction of such deficiencies, after written notice to Owner. However, prior to taking any such action, Agency agrees to notify Owner in writing to specify the deficiencies and the actions required to be taken by Owner to cure the deficiencies. Upon notification of any maintenance deficiency, Owner shall have 30 days within which to correct, remedy or cure the deficiency. If the written notification states the problem is urgent relating to the public health and safety of City, then Owner shall have 48 hours to rectify the problem.

In the event Owner fails to correct, remedy, or cure or has not commenced correcting, remedying or curing such maintenance deficiency after notification and after the period of correction has lapsed, then City and/or Agency shall have the right to maintain the Commercial Space and the Commercial Parcel. Owner agrees to pay Agency and City such reasonable charges and costs. Until so paid, Agency and/or City, as applicable, shall have a lien on the Commercial Parcel for the amount of such reasonable charges or costs, which lien shall be perfected by the recordation of a "Notice of Claim of Lien" against the Commercial Parcel. Upon recordation of a Notice of a Claim of Lien against the Commercial Parcel, such lien shall constitute a lien on the fee estate in and to the Commercial Parcel prior and superior to all after recorded monetary liens. Any such lien shall be

subject and subordinate to any lease or sublease of the interest of Owner in the Commercial Parcel or any portion thereof and to any easement affecting the Commercial Parcel or any portion thereof entered into at any time (either before or after) the date of recordation of such a Notice. Any lien in favor of Agency created or claimed hereunder is expressly made subject and subordinate to any mortgage or deed of trust made in good faith and for value, recorded as of the date of the recordation of the Notice of Claim of Lien describing such lien as aforesaid, and no such lien shall in any way defeat, invalidate, or impair the obligation or priority of any such mortgage or deed of trust, unless the mortgage or beneficiary thereunder expressly subordinates his interest, of record, to such lien. No lien in favor of Agency created or claimed hereunder shall in any way defeat, invalidate, or impair the obligation or priority of any lease, sublease or easement unless such instrument is expressly subordinated to such lien. Upon foreclosure of any mortgage or deed of trust made in good faith and for value and recorded prior to the recordation of any unsatisfied Notice of Claim of Lien, the foreclosure purchaser shall take title to the Commercial Parcel free of any lien imposed by Agency that has accrued up to the time of the foreclosure sale, and upon taking title to the Commercial Parcel, such foreclosure purchaser shall only be obligated to pay costs associated with these Restrictive Covenants accruing after the foreclosure purchaser acquires title to the Commercial Parcel. Owner acknowledges and agrees City and Agency may also pursue any and all other remedies available in law or equity. Owner shall be liable for any and all attorneys' fees, and other legal costs or fees incurred in collecting said maintenance costs.

9. Management of the Commercial Space.

9.1 Property Manager. Owner shall manage or cause the Commercial Space, and all appurtenances thereto that are a part of the Commercial Space, to be managed in a prudent and business-like manner, consistent with good property management standards for other comparable high quality, well-managed commercial developments in Tulare County, California. Owner may contract with a property management company or property manager to operate and maintain the Commercial Space in accordance with the terms of this Section 9.1 ("Property Manager"); provided, however, the selection and hiring of the Property Manager (and each successor or assignee) is and shall be subject to prior written approval of Agency's Executive Director (or designee) in his or her reasonable discretion. Owner may contract with separate Property Managers for the management of the Housing Project and the Commercial Space. Owner shall conduct due diligence and background evaluation of any potential third party Property Manager or property management company to evaluate experience, references, credit worthiness, and related qualifications as a Property Manager. Any proposed Property Manager hired by Owner to manage the Commercial Space shall have significant and relevant prior experience with commercial properties comparable to the Commercial Space. The references and credit record of any such Property Manager/company shall be investigated (or caused to be investigated) by Owner prior to submitting the name and qualifications of such proposed Property Manager to the Executive Director for review and approval. A complete and true copy of the results of such background evaluation shall be provided to the Executive Director. Approval of a Property Manager by Agency's Executive Director shall not be unreasonably delayed but shall be in his or her reasonable discretion, and Agency Executive Director shall use good faith efforts to respond as promptly as practicable in order to facilitate effective and ongoing property management of the Commercial Space. Furthermore, the identity and retention of any approved Property Manager shall not be changed without the prior written approval of the Executive Director (or designee), which approval shall not be unreasonably withheld, conditioned or delayed, but shall be in his or her reasonable discretion. The selection by Owner of any new Property Manager also shall be subject to the foregoing requirements.

9.2 Management Plan. Prior to and as a condition precedent to issuance of the Commercial Space Certificate of Completion and Release of Construction Covenants, Owner shall prepare and submit to the Executive Director for review and approval a management plan which includes a detailed plan and strategy for long term marketing, operation, maintenance, repair and security of the Commercial Space, including the method of selection of tenants, rules and regulations for tenants, and other rental policies for the Commercial Space ("Management Plan"). Executive Director approval of the Management Plan shall not be unreasonably withheld or delayed. Subsequent to approval of the Management Plan by the Executive Director the ongoing management and operation of the Commercial Space shall be in compliance with the approved Management Plan. During the Term of these Restrictive Covenants, Owner and Property Manager may from time to time submit to the Executive Director proposed amendments to the Management Plan, which are also subject to the prior written approval of the Executive Director.

9.3 Gross Mismanagement. During the Affordability Period, and in the event of "Gross Mismanagement" (as that term is defined below) of the Commercial Space or any part thereof, Executive Director and/or Agency shall have and retain the authority to direct and require any condition(s), acts, or inactions of Gross Mismanagement to cease and/or be corrected immediately, and further to direct and require the immediate removal of the Property Manager and replacement with a new qualified and approved Property Manager, if such condition(s) is/are not ceased and/or corrected after expiration of thirty (30) days from the date of written notice from Executive Director. If Owner or Property Manager has commenced to cure such Gross Mismanagement condition(s) on or before the 20th day from the date of written notice (with evidence of such submitted to the Executive Director), but has failed to complete such cure by the 30th day (or such longer period if the cure cannot reasonably be accomplished in thirty (30) days as reasonably determined by the non-defaulting party), then Owner or Property Manager shall have an additional 10 days to complete the cure of Gross Mismanagement condition(s). If such condition(s) do persist beyond such period, Executive Director shall have the sole and absolute right to immediately and without further notice to Owner (or to Property Manager or any other person/entity) replace the Property Manager with a new property manager of the Executive Director's selection at the sole cost and expense of Owner. If Owner takes steps to select a new Property Manager that selection is subject to the requirements set forth above for selection of a Property Manager.

For purposes of these Restrictive Covenants, the term "Gross Mismanagement" shall mean management of the Commercial Space or any part thereof in a manner which violates the terms and/or intention of these Restrictive Covenants or the AHA with respect to operation of a high quality commercial facility, and shall include, but is not limited to, any one or more of the following:

(a) Operating any portion of the Commercial Space in violation of these Restrictive Covenants;

(b) Failing to timely maintain the Commercial Space in accordance with the Management Plan and the manner prescribed herein;

(c) Fraud or embezzlement of Commercial Space funds;

(d) Failing to fully cooperate with the Porterville Police Department or other local law enforcement agency(ies) with jurisdiction over the Commercial Space and/or the Commercial Parcel, in maintaining a crime-free environment within the Commercial Space;

(e) Failing to fully cooperate with the Porterville Fire Department Code Enforcement Division or other local public safety agency(ies) with jurisdiction over the Commercial Space and/or the Commercial Parcel, in maintaining a safe environment within the Commercial Space; and

(f) Failing to fully cooperate with the Porterville Community Development Department and Public Works Department or other local health and safety enforcement agency(ies) with jurisdiction over the Commercial Space and/or the Commercial Parcel, in maintaining a safe environment within the Commercial Space.

Notwithstanding the requirements of the Property Manager to correct any condition of Gross Mismanagement as described above, Owner is obligated and shall use its best efforts to correct any defects in property management or operations at the earliest feasible time and, if necessary, to replace the Property Manager as provided above. Owner shall include advisement and provisions of the foregoing requirements of these Restrictive Covenants within any contract between Owner and its Property Manager.

9.4 Code Enforcement. Owner acknowledges and agrees that Agency, City, and their employees and authorized agents, shall have the right to conduct code compliance and/or code enforcement inspections of the Commercial Space, both exterior and interior, at reasonable times and upon reasonable notice (not less than 48 hours prior notice, except in an emergency) to Owner and/or an individual tenant. If such notice is provided by City or Agency representative(s) to Owner, then Owner (or its Property Manager) shall immediately and directly advise the affected tenants of such upcoming inspection and cause access to the area(s) and/or units of the Commercial Space to be made available and open for inspection. Owner shall include express advisement of such inspection rights within the lease/rental agreements for each separately-leased portion of the Commercial Space and/or the Commercial Parcel in order for each and every tenant to be aware of this inspection right.

10. Nondiscrimination. Owner covenants by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, physical or mental disability or medical condition, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Commercial Space or the Commercial Parcel, nor shall Owner itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Commercial Space or the Commercial Parcel. The foregoing covenants shall run with the land and remain in effect for perpetuity.

All deeds, leases or contracts with respect to the Commercial Space or the Commercial Parcel shall contain or be subject to substantially the following nondiscrimination or nonsegregation clauses:

10.1 In deeds: "The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any

person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

10.2 In leases: "The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

"That there shall be no discrimination against or segregation of any person or group of persons, on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself or herself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

10.3 In contracts: "There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises which are the subject of these Restrictive Covenants, nor shall the grantee or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

11. Owner's Representations, Warranties and Covenants. Owner hereby makes the representations, warranties and covenants contained below in this Section 10. All of the representations and warranties set forth in this Section 10 are effective as of the Date of Restrictive Covenants, are true in all material respects as of the Date of Restrictive Covenants, and shall be true in all material respects as of the date these Restrictive Covenants are recorded against the Commercial Parcel, and each shall survive the execution of these Restrictive Covenants without limitation as to time.

11.1 Owner is a duly organized Idaho limited liability company, in good standing under the laws of the State of California, and is authorized to carry on its business in California as such business is now conducted and to own and operate its properties and assets now owned and being operated by it, and as set forth in and anticipated by the AHA and these Restrictive Covenants. Owner has full right, power and lawful authority to enter into the AHA and these Restrictive Covenants and the execution and delivery of the AHA and these Restrictive Covenants by Owner has been fully authorized by all requisite actions on the part of Owner. Owner has provided Agency with true and correct copies of documentation reasonably acceptable to the Agency, designating the party authorized to execute the AHA and these Restrictive Covenants on behalf of Owner.

11.2 Owner's execution, delivery and performance of its obligations under the AHA and these Restrictive Covenants will not (to the best of Owner's knowledge) violate any applicable laws, regulations, or rules, nor to the best of Owner's knowledge after due inquiry will it constitute a breach or default under any contract, agreement, or instrument to which Owner is a party, or any judicial or regulatory decree or order to which Owner is a party or by which it is bound.

11.3 Owner has not made an assignment for the benefit of creditors, filed a petition in bankruptcy, been adjudicated insolvent or bankrupt, petitioned a court for the appointment of any receiver of or trustee for it or any substantial part of its property, or commenced any proceeding relating to Owner under any reorganization, arrangement, readjustment of debt, dissolution, or liquidation law or statute of any jurisdiction, whether now or later in effect. There has not been commenced nor is there pending against Owner any proceeding of the nature described in the first sentence of this Section 11.3. No order for relief has been entered with respect to Owner under the Federal Bankruptcy Code.

11.4 All documents, instruments, and other information delivered by Owner to Agency pursuant to the AHA and these Restrictive Covenants are, to the best of Owner's knowledge, true, accurate, correct and complete in all material respects.

11.5 The Assignment and all documents to be delivered by Owner pursuant to the Assignment (including these Restrictive Covenants), when executed by Owner and delivered, shall constitute the legal, valid and binding obligation of Owner. Owner has taken all legally required actions, and no further consent, approval, or authorization of any third person is required with respect to Owner's execution, delivery, and performance of the AHA (pursuant to this Assignment) and these Restrictive Covenants, other than consents, approvals, and authorizations which have already been unconditionally given.

11.6 Owner shall, upon learning of any fact or condition which would cause any of the warranties and representations in this Section 11 not to be true as of the Date of Restrictive Covenants and the date these Restrictive Covenants are recorded against the Commercial Parcel, immediately give written notice of such fact or conditions to Agency.

Each of the foregoing items set forth in Sections 11.1 through 11.6, inclusive, shall be deemed to be ongoing representations, warranties and covenants.

12. Rights of Access. At any time during the construction of the Commercial Space or after completion of construction if Agency has reason to believe that Owner is in breach of any provisions of these Restrictive Covenants, but subject to the rights of any tenant of the Commercial Space under its lease, representatives of Agency and City shall have the right of access to the Commercial Parcel, without charges or fees, at all reasonable times, upon not less than three (3) business days prior written notice from Agency or City to Owner, for the purposes of verifying Owner's compliance with these Restrictive Covenants, including but not limited to, the inspection of the work being performed in constructing the Commercial Space, and so long as Agency and City representatives comply with all safety rules and do not unreasonably interfere with the work of Owner. Agency and City shall conduct the entry and inspections in a manner that causes the least possible disturbance to the work in progress or the operation of the Commercial Space. If Agency or City disturbs the Commercial Space in the course of such entry and inspection, Agency or City, as applicable, shall, following the entry and inspection, restore the Commercial Space to the condition it was in immediately prior to the entry and inspection. Owner acknowledges that neither Agency nor

City is under any obligation to supervise, inspect, or inform Owner of the progress of construction, and Owner shall not rely upon Agency or City therefor. Any inspection by Agency and/or City is entirely for their purposes in determining whether Owner is in compliance with the AHA (to the extent applicable) and these Restrictive Covenants and is not for the purpose of determining or informing Owner of the quality or suitability of construction. Owner shall rely entirely upon its own supervision and inspection in determining the quality and suitability of the materials and work, and the performance of architects, subcontractors, and material suppliers. Agency's and City's rights hereunder are subject to the rights of tenants in possession; provided, Owner shall include express advisement of such rights within the lease/rental agreement for each separately-leased portion of the Commercial Space and/or Commercial Parcel in order for each and every tenant to be aware of this access right.

13. Miscellaneous Provisions.

13.1 If any provision of these Restrictive Covenants or portion thereof, or the application to any person or circumstances, shall to any extent be held invalid, inoperative or unenforceable, the remainder of these Restrictive Covenants, or the application of such provision or portion thereof to any other persons or circumstances, shall not be affected thereby; provided, that if any material terms or provisions of these Restrictive Covenants are rendered invalid, void and/or unenforceable, or due to changes in the law such terms or provisions would materially alter the terms of the transactions contemplated herein, the parties agree to meet and negotiate in good faith to attempt to reform these Restrictive Covenants to accomplish the intent of the parties.

13.2 These Restrictive Covenants shall be construed in accordance with the laws of the State of California.

13.3 These Restrictive Covenants shall be binding upon and inure to the benefit of the successors and assigns of Owner.

13.4 In the event action is instituted to enforce any of the provisions of these Restrictive Covenants, the prevailing party in such action shall be entitled to recover from the other party thereto as part of the judgment, reasonable attorney's fees, expert witness fees, and costs.

14. Breaches and Defaults. Subject to force majeure pursuant to Section 5.3, failure or delay by either party to perform any material term or provision of these Restrictive Covenants (a "Breach") following written notice and failure to cure as described hereafter constitutes a "Default" under these Restrictive Covenants.

The nondefaulting party shall give written notice of any Breach to the party in Breach, specifying the Breach complained of by the nondefaulting party ("Notice of Default"). Delay in giving such Notice of Default shall not constitute a waiver of any Breach nor shall it change the time of Breach. Upon receipt of the Notice of Default, the party in Breach shall promptly commence to cure the identified Breach at the earliest reasonable time after receipt of the Notice of Default and shall complete the cure of such Breach not later than thirty (30) days after receipt of the Notice of Default, or if such Breach cannot reasonably be cured within such thirty (30) day period, then as soon thereafter as reasonably possible, provided that the party in Breach shall diligently pursue such cure to completion ("Cure Period"). Failure of the party in Breach to cure the Breach within the Cure Period set forth above shall constitute a "Default" hereunder.

Any failure or delay by either party in asserting any of its rights and remedies as to any Breach or Default shall not operate as a waiver of any Breach or Default or of any such rights or remedies. Delays by either party in asserting any of its rights and remedies shall not deprive either party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

15. Remedies.

15.1 Institution of Legal Actions. Either party may institute legal action to cure, correct, or remedy any Default, to recover damages for any Default, or to obtain any other remedy consistent with the purpose of these Restrictive Covenants including actions for specific performance. Such legal actions must be instituted in the Superior Court of the County of Tulare, State of California or in the Federal District Court in the Eastern District of California.

15.2 Acceptance of Service of Process. In the event that any legal action is commenced by Owner against Agency, service of process on Agency shall be made by personal service upon the Executive Director or Chairman of Agency, or in such other manner as may be provided by law. In the event that any legal action is commenced by Agency against Owner, service of process on Owner shall be made by personal service upon Owner or in such manner as may be provided by law, and shall be valid whether made within or without the State of California.

15.3 Rights and Remedies are Cumulative. Except as otherwise expressly stated in these Restrictive Covenants, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same Default or any other Default by the other party.

16. Effect of Restrictive Covenants. The covenants and agreements established in these Restrictive Covenants shall, without regard to technical classification and designation, run with the land and be binding on each owner of the Commercial Parcel and any successor in interest to the Commercial Parcel, or any part thereof (including each parcel thereof), for the benefit of and in favor of Agency, its successor and assigns, and the City of Porterville, for the term specified herein.

17. Recordation. These Restrictive Covenants shall be recorded against the Commercial Parcel by Agency in the official records of Tulare County.

18. Interpretation. While the AHA remains in effect with respect to the Commercial Parcel and the Commercial Space, in the event of any conflict or inconsistency between the terms and conditions of these Restrictive Covenants and the AHA, the terms and conditions of these Restrictive Covenants shall prevail.

19. Third Party Beneficiary. The City of Porterville is an intended third party beneficiary of these Restrictive Covenants. Other than the City, no third party beneficiaries are intended, and the only parties who are entitled to enforce the provisions of these Restrictive Covenants are Agency, City, Owner and their respective successors and assigns.

20. Term. The "Term" of these Restrictive Covenants shall commence on the Date of Restrictive Covenants and shall expire on the date that is fifty-five (55) years from the date of the City's issuance of a final certificate of occupancy for the Commercial Space and the Housing Project.

The Covenants contained in Sections 1 (but not Sections 1.3 and 1.5, which shall terminate as set forth therein), 5, 6, 7, 8, 9, 11 and 12 shall remain in effect until the expiration of the Term of these Restrictive Covenants. The Covenants described in Section 4 shall remain in effect until Agency issues the Commercial Space Certificate of Completion and Release of Construction Covenants. The Covenants described in Sections 2, 3 and 10 shall remain in effect in perpetuity.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have executed these Restrictive Covenants as of the Date of Restrictive Covenants.

COMMERCIAL PARCEL OWNER:

TPC COMMERCIAL, LLC, an Idaho limited liability company

By: _____
Caleb J. Roope, Manager

AGENCY:

PORTERVILLE REDEVELOPMENT AGENCY, a public body, corporate and politic

By: _____
John Lollis, Executive Director

ATTEST:

_____
Agency Secretary

IN WITNESS WHEREOF, the parties hereto have executed these Restrictive Covenants as of the Date of Restrictive Covenants.

COMMERCIAL PARCEL OWNER:

TPC COMMERCIAL, LLC, an Idaho limited liability company

By: _____
Caleb Y. Roope, Manager

AGENCY:

PORTERVILLE REDEVELOPMENT AGENCY, a public body, corporate and politic

By: _____
John Lollis, Executive Director

ATTEST:

_____
Agency Secretary

STATE OF ~~CALIFORNIA~~ IDAHO)
) ss.
COUNTY OF ADA)

On SEPTEMBER 28, 2010, before me, PETER VAN DORNE, Notary Public,
(Print Name of Notary Public)

personally appeared CALEB ROOPE

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.

PETER VAN DORNE NOTARY PUBLIC STATE OF IDAHO

WITNESS my hand and official seal.

Signature of Notary Public

COMMISSION EXPIRES 7/26/2011

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ Individual
- ☐ Corporate Officer

Title(s)

- ☐ Partner(s) ☐ Limited ☐ General
- ☐ Attorney-In-Fact
- ☐ Trustee(s)
- ☐ Guardian/Conservator
- ☐ Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title Or Type Of Document

Number Of Pages

Date Of Documents

Signer(s) Other Than Named Above

STATE OF CALIFORNIA)
) ss.
COUNTY OF Tulare)

On Sept. 30, 2010, before me, Luisa M. Herrera, Notary Public,
(Print Name of Notary Public)

personally appeared John D. Lollis and Patricia Hildreth

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.

LUISA M. HERRERA
Commission # 1875205
Notary Public - California
Tulare County
My Comm. Expires Dec 31, 2013

WITNESS my hand and official seal.

Luisa M. Herrera
Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ Individual
- ☐ Corporate Officer

Title(s)

- ☐ Partner(s) ☐ Limited ☐ General
- ☐ Attorney-In-Fact
- ☐ Trustee(s)
- ☐ Guardian/Conservator
- ☐ Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Restrictive Covenants
Title Or Type Of Document

20
Number Of Pages

9/30/2010
Date Of Documents

Caleb J. Roope
Signer(s) Other Than Named Above

ATTACHMENT NO. 1

LEGAL DESCRIPTION OF COMMERCIAL PARCEL

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel 1

Parcel 2 of Parcel Map No. 5004 recorded September 29, 2010 in Book 51 Page 10 of Parcel Maps, Tulare County Records.

Excepting therefrom all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to the grantor, its successors and assigns, but without entering upon or using the surface of the property, and in such manner as not to damage the surface of the property, or to interfere with the use thereof by the grantee, its successors and assigns, as reserved in there deed recorded July 23, 1998 as Document No. 1998-0051538 of Official Records.

Parcel 2

An easement for ingress, egress and parking over Parcel 1 of Parcel Map No. 5004 recorded September 29, 2010 in Book 51 Page 10 of Parcel Maps as contained in Parcel Map No. 5004 and as further described in a document entitled "Easement Maintenance and Use Agreement" by and between Porterville Housing Partners, L.P., a California limited partnership and TPC Commercial, LLC, an Idaho limited liability company recorded Oct 19, 2010 as document no. 2010-0064179 Tulare County Records.

APN: 252-193-004, 252-193-005

RURAL AG
INSURANCE SERVICES, LLC
Specializing in Farm & Ranch Insurance

April 3, 2018

Jason Ridenour & Julie Phillips
Porterville Redevelopment Agency
291 N. Main Street
Porterville, CA 93257

RE: Commercial building at 131 W. Putnam Ave. (Villa Sienna Complex)

Jason & Julie,

We, Scott & Kirsten Hyder, are currently in escrow to purchase the commercial building located at 131 W. Putnam Avenue in Porterville. It is to our understanding that the transfer of ownership must be approved by the Porterville Redevelopment Agency. Please accept this letter as notice that we are seeking Agency approval for this transfer.

We own a local insurance agency here in town. Established in 1998, Rural Ag Insurance Services, LLC has been servicing the insurance needs for local farms, ranches, and businesses. The agency sells all types of insurance including farm/ranch insurance, crop insurance, home, auto, workers comp, commercial, health, and life.

Our plans are to move our agency office to this new location. After the tenant improvements are completed, we will occupy about 2,000 square feet of the building and the remaining square footage will remain vacant until we find a suitable tenant for that space.

Thank you for your consideration. Feel free to give us a call if you have any questions and/or concerns.

Respectfully,

Scott Hyder

Scott Hyder

323 North "D" Street • Porterville, CA 93257 • (559) 782-3696 • Fax: (559) 782-0533
www.RuralAgIns.com
Lic. #0E44219