



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 3, 2022, 5:30 PM**

Pursuant to the provisions of Assembly Bill 361, signed into law by Governor Newsom on September 16, 2021, and in an effort to protect public health and slow the rate of transmission of COVID-19, the City of Porterville is allowing for and encouraging electronic participation at City Council Meetings. Until further notice, Porterville City Council Meetings will be live streamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJwA>

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

Topic: City of Porterville - City Council Meeting of May 3, 2022

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/83609250202?pwd=ZktqMjZqQXNlTWlHNWtWY0lwZGFGHQT09>

Or via Telephone: **1-669-900-6833** Webinar ID: **836 0925 0202** Passcode: **606535**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association, Public Safety Support Unit, Porterville City Employees Association, Porterville City Firefighters Association, Fire Officer Series, and all unrepresented management employees.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 248-043-018, 248-043-016, 248-043-015, 248-043-014. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Invia Investments, LLC. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 248-044-002, 248-034-024, 248-021-025, 248-021-026, 248-021-027. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.

4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN:253-050-081 and 253-050-090. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.

5 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-160-064, 253-160-065, 253-160-068, 253-160-069, 253-160-070, 261-125-018 and 261-125-020. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.

6 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 261-130-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners II, L.P. Under Negotiation: Terms and Price.

7 - Government Code Section 54956.95 – Liability Claim: Claimant: Salvador Garcia. Agency claimed against: City of Porterville.

8 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Nine (9) cases in which facts are not yet known to potential plaintiff.

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

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

Pledge of Allegiance Led by Council Member Tate

Invocation

PRESENTATIONS

Retirement of Officer Locke's K9 Partner, "Jace"
Retirement of Officer Holt's K9 partner, "Jasper"
Employee of Month

ORAL COMMUNICATIONS

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

AB 1234 REPORTS

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

1 - Tulare County Association of Governments (TCAG)/Tulare County Transportation Authority (TCTA) - April 18, 2022

- 2 - Tulare County Homeless Task Force - April 20, 2022
- 3 - San Joaquin Valley Air Pollution Control District (SJVAPCD) Board - April 21, 2022
- 4 - Tulare County Economic Development Corporation (TCEDC) - April 27, 2022
- 5 - City Internal Audit Committee - April 27, 2022
- 6 - Eagle Mountain Casino Relocation Committee - April 28, 2022
- 7 - Cal Cities Policy Committee - April 28, 2022
- 8 - Arbor Day - April 29, 2022

REPORTS

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

I. Staff Informational Reports

- Street Performance Measure Quarterly Report FY 2021-2022 (January - March 2022)
- Building Permit Activity Quarterly Report FY 2021-22 (January - March 2022)
- Charitable Car Washes Quarterly Report Calendar Year 2022
- OHV Park Quarterly Report FY 2021-2022 (January - March 2022)
- Golf Course Quarterly Report FY 2021-2022 (January - March 2022)
- Code Enforcement Quarterly Report FY 2021-2022 (January - March 2022)
- City Council Member Appointments Attendance Quarterly Report FY 2021-2022 (January - March 2022)
- City Commission and Committee Attendance Quarterly Report FY 2021-2022 (January - March 2022)

CONSENT CALENDAR

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

1. **Authorization to Purchase Police Department Ammunition**
Re: Consideration to authorize the purchase of Police Department ammunition from Dooley Enterprises, Inc. and San Diego Police Equipment Co. Inc. in the amount of \$17,859.73.
2. **Authorize the Sale of Retired Police Service Dog "Jasper" and the Purchase of Police Service Dogs and Associated Training**
Re: Consider approval of the sale of "Jasper" and the security kennel to Officer Anthony Holt for the amount of \$1.00; and authority to enter into an agreement with Top Dog Training Center for the purchase of two police service dogs and related training for the amount of \$28,491.25.

3. **Renovation of Police Department Facility Corridor Walls**
Re: Consider to authorize staff to enter into an agreement with Sequoia Painting, LLC for the removal of material lining the interior walls, to include refinishing and painting of affected areas, at a cost of \$12,404.68 including a ten percent (10%) contingency for potential unforeseen costs.
4. **Authorization to Purchase a Copy Machine for the Temporary Library**
Re: Consider authorization of the purchase of a copy machine for the temporary library from California Buisness Machines utilizing fire insurance funds in the amount of \$8,939.00, plus the applicable sales tax.
5. **Authorization to Purchase an Outside Book Drop for the Temporary Library**
Re: Consider approval of the purchase of an outside book drop for the temporary library from Demco utilizing fire insurance funds in the amount of \$5,304.38, plus the applicable sales tax.
6. **CVIN/Vast Network Connection at Temporary Library**
Re: Consider authorizing staff to initiate work to be contracted through the San Joaquin Valley Library System for the temporary library facility located at 50 West Olive Suite B; and authorize staff to process San Joaquin Valley Library System billing utilizing fire insurance funds.
7. **Authorization to Advertise for Bids - Drilling Phase of Well No. 34 Project**
Re: Consideration of the council to accept Staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the Drilling Phase of Well No. 34 Project generally located north of the Porter Slough to the west of the Windsor Court Subdivision.
8. **Application for State Off-Highway Vehicle Grant Funds**
Re: Consider adoption of a draft Resolution approving the application for State-Off Highway Vehicle Grant Funds.
9. **Authorization to Apply for Active Transportation Program (ATP) Grant Funds**
Re: Considering authorization to apply for Cycle 6 ATP grant funds for improvements to existing bike and pedestrian facilities in the community.
10. **Approval of Addendum No. 1 to Agreement with Porterville Unified School District Concerning the YES Program**
Re: Consider approval of Addendum No. 1 to the Agreement concerning updates to job classifications for operational personnel in the YES Program.
11. **Renewal of Airport Lease Agreement - Lot No. 45**
Re: Consider approval of the extension of the Lease Agreement between the City of Porterville and Aircraft 445, LLC for Lot No. 45 at the Porterville Municipal Airport for a term of ten (10) years.
12. **Transportation Art Maintenance Agreement with Caltrans for Westwood Street and State Route 190 Roundabout**
Re: Consider approval of the draft Transportation Art Maintenance Agreement with the California Department of Transportation.
13. **Intent to Set a Public Hearing to Transition to Phase III of the City's Water Conservation Plan**

Re: Consider approval to schedule a Public Hearing on May 17, 2022, to consider the transition from Phase IV to Phase III of the City's Water Conservation Plan.

14. Consideration of Sierra Valley Tentative Subdivision Map Extension

Re: Consider adoption of the draft Resolution approving the 24-month extension for the Sierra Valley Tentative Subdivision Map.

15. West Putnam School Grant Deed of Dedication

Re: Consider acceptance of the Grant Deed of Dedication from Porterville Unified School District for a three-foot dedication along the southern frontage of West Putnam Elementary School adjacent to Thurman Avenue.

16. Acceptance of a Deed of Easement from the United States Department of Agriculture Forest Service - Henrahan Street

Re: Consideration of the council to accept the street easement from the United States Department of Agriculture Forest Service for a five-foot street easement along the eastern property line of the new Forestry Service development at the corner of East Morton Avenue and North Henrahan Street.

17. Financial Status Reports

Re: Consideration of the City Council to accept the Financial Status Reports.

18. Quarterly Investment Portfolio

Re: Consideration of the council to accept the quarterly Investment Portfolio Summary Report.

19. Community Civic Event - Tulare County Junior Livestock Show and Community Fair - Porterville Fair - May 11-15, 2022

Re: Consider approval of the Community Civic Event application from the Tulare County Jr, Livestock Show and Community Fair, to hold the Porterville Fair from May 11th to May 15, 2022, located at the City's ten (10) acre site next to the fairgrounds during the annual Porterville Fair at 2600 W. Teapot Dome Avenue.

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

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

21. Status and Review of Local Emergency: Drought

Re: Considering approval 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

22. Consideration of Mitigated Negative Declaration for Union Avenue Reconstruction Project

Re: Consider approval of the draft Resolution approving the Mitigated Negative Declaration of Environmental Impact for the Union Avenue Reconstruction Project generally located between Indiana and Jaye Streets, approximately one-half mile in length.

SCHEDULED MATTERS

23. Fallen Heroes Memorial Wall

Re: Consideration to adopt the draft Fallen Heroes Memorial Wall Policy.

24. 2022 KJUG Free Summer Concert Series

Re: Consider approval of City sponsorship of the 2022 KJUG Free Summer Concert Series with concert dates proposed for May 26, June 7 and June 21, 2022, at an expense of \$6,750.

25. Authorization To Obtain a Confidential Issuer Credit Rating from S&P's Global Ratings

Re: Consideration of a draft Resolution to authorize obtaining a confidential issuer credit rating from S&P's Global Ratings for a fee of \$15,000, including ongoing annual surveillance, for likely future capital project financing.

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 17th, 2022

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 – MAY 3, 2022

SUBJECT: Street Performance Measure Quarterly Report FY 2021-2022 (January - March 2022)

SOURCE: Engineering and Project Management

COMMENT: The purpose of this staff report is to provide City Council with an update on progress made on street reconstruction, overlay, micro-surfacing, and pothole repair efforts for the third quarter of FY 2021-2022 (January - March 2022). For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category for the fiscal year. The black overlaid bar represents the quantity of work accomplished to date.

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

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Streets Performance Measure Quarterly Report (January - March 2022)

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

3rd QUARTER REPORT - July 1, 2021 - March 31, 2022



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Building Permit Activity Quarterly Report FY 2021-22 (January - March 2022)

SOURCE: Engineering and Project Management

COMMENT: Building Permit Activity – 3rd Quarter Report (January, February, March)

The Building Permit Activity Report (BPAR) presented herein to the City Council covers the months of January, February and March 2022. The two main categories include new residential permits issued and new commercial permits issued.

3rd Quarter of FY 2021/2022 compared to 3rd Quarter of FY 2020/2021

New residential permits issued during the 3rd quarter of 2021/22 (22) showed a 15.38% decrease from the 3rd quarter of 2020/21 (26). New commercial permits issued during the 3rd quarter of 2021/22 (3) showed a 50% increase from the 3rd quarter of 2020/21 (2).

Year-to-Date (July 2021 to March 2022)

New residential permits issued this fiscal year (92) are down 2.1% compared to the same period last fiscal year (94). New commercial permits issued this fiscal year (9) are up 125% from the 3rd quarter of 2020/21 (4).

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Building Activity Report - January 2022
2. Building Activity Report - February 2022
3. Building Activity Report - March 2022

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2020 - 1/31/2021 AND
7/1/2021 - 1/31/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	JANUARY 2022	JANUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	JANUARY 2022	JANUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	JANUARY 2022	JANUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	7	6	77	74	1,705,179	1,403,712	36,014,011	16,089,155	14,784.93	12,693.23	204,495.75	165,812.97
NEW COMM	0	0	6	2	0	0	4,751,000	3,750,000	0.00	0.00	34,053.87	9,137.60
RESID IMROV	9	8	56	64	161,500	138,070	986,653	644,205	5,279.70	3,805.50	29,109.95	21,336.04
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	34	13	192	238	746,664	196,118	3,968,299	3,431,857	9,167.05	4,404.77	52,548.25	60,009.45
ELECT	46	38	393	251	803,383	653,809	7,341,687	6,757,249	9,173.00	7,300.00	79,514.00	48,208.00
PLUMB	36	59	502	408	178,367	62,706	1,207,547	657,202	5,588.00	8,503.00	75,337.00	58,700.00
TOTALS	132	124	1,226	1,037	3,595,093	2,454,415	54,269,197	31,329,668	43,992.68	36,706.50	475,058.82	363,204.06

	NEW DWELLING UNITS TOTALS			
	JANUARY 2022	JANUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	7	6	74	70
MULTI FAMILY	0	0	81	11
TOTAL	7	6	155	81

CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2020 - 2/28/2021 AND
7/1/2021 - 2/28/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	FEBRUARY 2022	FEBRUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	FEBRUARY 2022	FEBRUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	FEBRUARY 2022	FEBRUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	9	5	86	79	2,145,710	977,482	38,159,721	17,066,637	17,967.68	10,602.26	222,463.43	176,415.23
NEW COMM	0	2	6	4	0	3,156,542	4,751,000	6,906,542	0.00	5,453.18	34,053.87	14,590.78
RESID IMROV	4	13	60	77	33,954	173,017	1,020,606	817,222	1,900.76	8,159.78	31,010.71	29,495.82
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	23	34	215	272	634,762	437,313	4,603,061	3,869,170	6,585.01	8,507.00	59,133.26	68,516.45
ELECT	41	45	434	296	785,948	705,138	8,127,636	7,462,387	7,989.00	9,541.00	87,503.00	57,749.00
PLUMB	37	50	539	458	153,692	81,204	1,361,239	738,406	5,244.00	6,545.00	80,581.00	65,245.00
TOTALS	114	149	1,340	1,186	3,754,067	5,530,696	58,023,264	36,860,363	39,686.45	48,808.22	514,745.27	412,012.28

	NEW DWELLING UNITS TOTALS			
	FEBRUARY 2022	FEBRUARY 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	9	5	83	75
MULTI FAMILY	0	0	81	11
TOTAL	9	5	164	86

CHIEF BUILDING OFFICIAL

CITY OF PORTERVILLE - BUILDING DIVISION
REPORT FOR THE PERIODS OF
7/1/2020 - 3/31/2021 AND
7/1/2021 - 3/31/2022

PERMIT	NUMBER OF PERMITS ISSUED				ACTUAL VALUATION OF PERMITS ISSUED				BUILDING FEES TOTALS FOR PERMITS ISSUED			
	MARCH 2022	MARCH 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2022	MARCH 2021	THIS YEAR TO DATE	LAST YEAR TO DATE	MARCH 2022	MARCH 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
NEW RESID	6	15	92	94	1,339,650	3,850,524	39,499,371	20,917,161	12,428.47	30,816.79	234,891.90	207,232.02
NEW COMM	3	0	9	4	600,000	0	5,351,000	6,906,542	1,676.10	0.00	35,729.97	14,590.78
RESID IMROV	6	5	66	82	57,450	61,600	1,078,056	878,822	1,596.00	1,895.51	32,606.71	31,391.33
COMM IMPROV	0	0	0	0	0	0	0	0	0.00	0.00	0.00	0.00
OTHER	40	37	255	309	809,797	562,275	5,412,858	4,431,445	9,831.00	8,094.35	68,964.26	76,610.80
ELECT	69	79	503	375	1,656,529	1,460,039	9,784,165	8,922,426	14,225.00	15,730.00	101,728.00	73,479.00
PLUMB	33	48	572	506	113,969	78,443	1,475,209	816,849	4,214.00	6,882.00	84,795.00	72,127.00
TOTALS	157	184	1,497	1,370	4,577,395	6,012,881	62,600,659	42,873,245	43,970.57	63,418.65	558,715.84	475,430.93

	NEW DWELLING UNITS TOTALS			
	MARCH 2022	MARCH 2021	THIS YEAR TO DATE	LAST YEAR TO DATE
SINGLE FAMILY	6	15	89	90
MULTI FAMILY	0	0	81	11
TOTAL	6	15	170	101

CHIEF BUILDING OFFICIAL

ARTICLE VI. CHARITABLE CAR WASH PERMIT PROCEDURE

SECTION:

15-70: Definitions

15-71: Permit Required For Charitable Car Wash

15-72: Application For Permit

15-73: Issuance And Form Of Permit

15-74: Term Of Permit

15-75: Nontransferability Of Permit

15-76: Manner Of Car Wash

15-77: Fundraising As A Business

15-78: Revocation Of Permit

15-79: Violations

15-80: Car Washing As A Business

15-70: DEFINITIONS:

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

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

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

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

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

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

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

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

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

15-71: PERMIT REQUIRED FOR CHARITABLE CAR WASH:

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

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

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

15-72: APPLICATION FOR PERMIT:

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

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

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

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

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

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

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

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

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

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

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

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

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

15-73: ISSUANCE AND FORM OF PERMIT:

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

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

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

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

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

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

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

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

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

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

15-74: TERM OF PERMIT:

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

15-75: NONTRANSFERABILITY OF PERMIT:

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

15-76: MANNER OF CAR WASH:

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

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

or others.

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

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

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

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

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

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

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

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

15-77: FUNDRAISING AS A BUSINESS:

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

15-78: REVOCATION OF PERMIT:

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

15-79: VIOLATIONS:

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

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

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

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

15-80: CAR WASHING AS A BUSINESS:

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



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: OHV Park Quarterly Report FY 2021-2022 (January - March 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report of ridership participation at the Porterville OHV Park for informational purposes. The report reflects the third quarter of Fiscal Year 2021/2022.

RECOMMENDATION: Informational Only

ATTACHMENTS: 1. OHV Park Quarterly Report (January - March 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Porterville OHV Ridership

	Jan-21	Jan-22	Feb-21	Feb-22	Mar-21	Mar-22
Riders	300	160	255	308	95	112
Revenue	\$6,740.00	\$3,620.00	\$5,465.00	\$7,040.00	\$1,845.00	\$2,690.00
Days Open	13	11	13	10	7	5



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Golf Course Quarterly Report FY 2021-2022 (January - March 2022)

SOURCE: Parks and Leisure Services

COMMENT: At the request of the City Council, staff is providing a report of participation at the Porterville Golf Course for informational purposes. The report reflects the third quarter of Fiscal Year 2021/2022.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Golf Course Quarterly Report (January - March 2022)

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

PORTERVILLE GOLF COURSE STATISTICS

	Jan-21	Jan-22	Feb-21	Feb-22	Mar-21	Mar-22
Golfers	2423	2195	2179	2219	2796	2455
Repeat 9/Twilight	1314	1350	1325	1327	1653	1533
Tickets Used	1001	829	783	860	997	908
Passes Sold	32	28	31	35	34	31
Carts	1730	935	1579	878	2140	1063
Total	\$ 18,650.00	\$ 20,845.00	\$ 17,232.00	\$20,843.00	\$ 22,364.00	\$ 23,249.00

FOOTGOLF

	Jan-21	Jan-22	Feb-21	Feb-22	Mar-21	Mar-22
18-hole adult	0	0	0	0	0	2
18-hole youth	0	0	0	0	0	0
Cart rental	0	0	0	0	0	0
Ball rental	0	0	0	0	0	0
Party	0	0	0	0	0	0
Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20.00

GRAND TOTAL	\$18,650.00	\$20,845.00	\$17,232.00	\$20,843.00	\$22,364.00	\$23,269.00
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- * **Repeat 9:** Additional 9 rounds after first 9
- * **Twilight:** Afternoon discount rate
- * **Tickets:** Surcharge with monthly play pass \$1.00 9-hole, \$2.00 18-hole
- * **Passes:** Monthly Passes sold



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Code Enforcement Quarterly Report FY 2021-2022 (January - March 2022)

SOURCE: Fire

COMMENT: This informational report utilizes data from the “myPorterville” application for tracking code enforcement activity between January 1 and March 31, 2022. During the 3rd quarter of fiscal year 2021/2022, each Department of the City contributed towards recording 486 code enforcement issues. Of these, 334 were corrected and 152 were continued into the 4th quarter of 2021/2022 for additional corrective action. The Code Enforcement Division issued eighteen (18) Administrative Citations.

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

RECOMMENDATION:

ATTACHMENTS: 1. Code Enforcement Quarterly Report (January - March 2022)

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Code Enforcement Report, Quarter 3, FY 21-22

Q3 Code Enforcement Activity	# Requests	# Completed	% Closed
Abandoned Vehicle (Street)	12	12	100.00%
Animals- barking dogs	15	15	100.00%
Animals- keeping too many or unauthorized species	4	4	100.00%
Animals- roosters	2	2	100.00%
Building Department/ Permits	19	2	10.53%
Business License Inquiries	2	0	0.00%
CEO, Business License	4	4	100.00%
CEO, Shopping Carts	35	35	100.00%
CEO, Sign Removal	19	19	100.00%
Code Enforcement, General	15	8	53.33%
Community Development, General or MULTIPLE violations	11	0	0.00%
Engineering	3	1	33.33%
Fences and freestanding walls	1	0	0.00%
Fire Hazard	1	1	100.00%
Fire Lane Blocked	1	1	100.00%
Fireworks	1	1	100.00%
Garbage Collection/ Illegal Dumping	8	1	12.50%
Graffiti	4	4	100.00%
Health Hazard	2	0	0.00%
Housing Issue (Structure Related)	1	0	0.00%
Itinerant Vendor, Solicitor, Peddler	21	21	100.00%
Landscaping/trees- private property	8	0	0.00%
Meter Request	84	44	52.38%
Neglected property/trash & debris	15	2	13.33%
Noise Complaint	2	2	100.00%
Outdoor Storage	5	1	20.00%
Parking Issue	3	3	100.00%
Parks	1	1	100.00%
Police/ Traffic Enforcement	30	30	100.00%
Potholes	20	19	95.00%
Refuse Can Replacement / Repair	11	11	100.00%
Refuse Tracking	1	1	100.00%
Report Leak	26	18	69.23%
Sidewalk Condition	5	2	40.00%
Signs- Temporary	1	0	0.00%
Stop Light Issue	8	8	100.00%
Street Sweeping	1	1	100.00%
Transit Department	2	0	0.00%
Vehicles- inoperable vehicles	16	11	68.75%
Vehicles- Parked on lawn	2	1	50.00%
Vehicles- RVs/boats/etc	9	2	22.22%
Water Waste	5	3	60.00%
Water Waste Admin Cite	4	4	100.00%
Water Waste NOV	13	13	100.00%
Weed Abatement	28	21	75.00%
Yard Sales, Frequent	5	5	100.00%
Q3 Total	486	334	64.69%

Administrative Citations	Q1	Q2	Q3	Q4	Total
\$100	45	10	13		\$6,800
\$200	7	3	2		\$2,400
\$500	25	6	2		\$16,500
\$1,000	3	0	0		\$3,000
\$2,500	40	0	1		\$102,500
FY 21-22 Total Assesment	120	19	18		\$131,200

Shopping Carts	Q1	Q2	Q3	Q4	Total
Collected	29	17	87		133
Disposed (Lbs.)	940	0	0		940

Private Property Vehicle Abatements	Q1	Q2	Q3	Q4	Total
Voluntary Abatement	13	25	26		64
Certified Voluntary Abatement	0	0	0		0
Towed	5	14	7		26
Total Vehicles Abated	18	39	33		90

Weed Abatement	Q1	Q2	Q3	Q4	Total
Properties Noticed	10	0	1679		1689
Completed by Owner	12	0	21		33
Assigned to Contractor (private)	6	0	0		6
Assigned to Contractor (city owned)	6	3	1		10
Completed by Contractor	12	3	1		16
Admin Citations	14	0	0		14



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: City Council Member Appointments Attendance Quarterly Report FY 2021-2022 (January - March 2022)

SOURCE: Administrative Services

COMMENT: At its meeting on January 21, 2020, the City Council directed staff to prepare a quarterly report on Council Member attendance at meetings of boards to which Council Members were appointed. This report represents attendance at meetings during the third quarter of FY 2021-2022 (January through March, 2022).

RECOMMENDATION: Information Only

ATTACHMENTS:

1. Quarterly Report (January 1, 2022 through February 15, 2022)
2. Quarterly Report (February 16, 2022 through March 31, 2022)

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

City Council Attendance - FY 2021-2022 Third Quarter Report

From 1/1/22 through 2/15/22 (Council Reorganization took place 2/15/22)

Committee/Board	Member/Alternate	JANUARY	FEBRUARY
Ad Hoc Committee- COVID-19	Monte Reyes-Member Kellie Carrillo - Member		2/8 P 2/8 P
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Monte Reyes - Member Lawana Tate-Member		
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member		
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member		
Council of Cities	Martha Flores - Member Milt Stowe - Member		
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Monte Reyes - Member Michael Knight-Alternate	1/6 P	2/3 P
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member	1/6 P 1/6 P	2/3 P 2/3 P
Joint City/School District Committee	Milt Stowe-Member Kellie Carrillo-Member		
Local Initiatives Navigation Center Committee (LINC)	Lawana Tate - Member Claudia Calderon -Alternate		2/2 P
Porterville Area Development Authority (PADA)	Monte Reyes - Member Milt Stowe - Member	1/21 P 1/21 P	
PDC Advisory Board	John Lollis - Member Mayor - Alternate		
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Monte Reyes - Member	1/20 A	
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Monte Reyes - Alternate		
San Joaquin Valley REAP Committee	Martha Flores- Member	1/21 P	
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Milt Stowe - Alternate	1/24 P	
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member	1/20 P	
Tulare County City Selection Committee	Mayor (Pro Tem) - City Member Designee - Alternate	1/19 P	
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate	1/26 P	
Tulare County Regional Transit Agency (TCRTA)	Monte Reyes - Member Milt Stowe - Alternate	1/10 P, 1/24 P	
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate	1/19 P	
Tule River Improvement JPA	Monte Reyes - Member Michael Knight-Alternate	1/10 P	

P = Present A = Absent

City Council Attendance - FY 2021-2022 Third Quarter Report

From 2/16/22 through 3/31/22 (Council Reorganization took place 2/15/22)

Committee/Board	Member/Alternate	FEBRUARY	MARCH
Ad Hoc Committee- COVID-19	Kellie Carrillo-Member Lawana Tate - Member		3/8 P, 3/30 P 3/8 P, 3/30 P
Ad Hoc Committee - Proposition 64 Regulation of Marijuana	Monte Reyes - Member Lawana Tate-Member	2/23 P 2/23 P	
Ad Hoc Library Facility Planning Committee	Kellie Carrillo - Member	2/17 P	
Ad Hoc Committee - Provision of Local Water Services	Kellie Carrillo - Member Lawana Tate - Member		
Council of Cities	Martha Flores - Member Milt Stowe - Member		3/16 P 3/16 P
Eastern Tule Groundwater Sustainability Agency JPA (ETGSA)	Monte Reyes - Member Michael Knight-Alternate		3/3 P
Internal City Audit Committee	Martha Flores - Member Kellie Carrillo - Member		3/3 P 3/3 P
Joint City/School District Committee	Milt Stowe-Member Kellie Carrillo-Member		
Local Initiatives Navigation Center Committee (LINC)	Lawana Tate - Member Claudia Calderon -Alternate		3/2 P
Mighty190 Committee	Kellie Carrillo - Member Lawana Tate - Member	2/16 P 2/16 P	
Porterville Area Development Authority (PADA)	Monte Reyes - Member Milt Stowe - Member	2/25 P 2/25 P	3/18 P 3/18 P
PDC Advisory Board	John Lollis - Member Mayor - Alternate		
San Joaquin Valley Air Pollution Control District ("SJVAPCD") Board	Monte Reyes - Member	2/17 P	3/17 P
San Joaquin Valley Special City Selection Committee	Milt Stowe - Member Monte Reyes - Alternate		
San Joaquin Valley REAP Committee	Martha Flores- Member		
Tulare County Association of Governments/Tulare County Transportation Authority (TCAG/TCTA)	Martha Flores - Member Milt Stowe - Alternate	2/25 P, 2/28 P	3/21 P
Tulare County Association of Governments (TCAG) - Sustainable Corridors Committee	Martha Flores - Member		
Tulare County City Selection Committee	Mayor (Pro Tem) - City Member Designee - Alternate		3/16 P
Tulare County Economic Development Corporation (TCEDC)	Martha Flores - Member John Lollis - Alternate	2/23 P	3/23 P
Tulare County Regional Transit Agency (TCRTA)	Monte Reyes - Member Milt Stowe - Alternate Martha Flores - Mayor Pro Tem	2/28 P	
Tulare County Taskforce on Homelessness	Martha Flores - Member Claudia Calderon - Alternate	2/16 P	3/16 P
Tule River Improvement JPA	Monte Reyes - Member Michael Knight-Alternate		

P = Present A = Absent



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: City Commission and Committee Attendance Quarterly Report FY 2021-2022
(January - March 2022)

SOURCE: Administrative Services

COMMENT: Staff herein provides for the City Council's information the attendance reports as of the Third Quarter FY 2021-22 for the following City Commissions and Committees:

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

RECOMMENDATION: Informational Only

ATTACHMENTS:

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

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

**Animal Control Commission
Attendance Records**

31-Mar-22

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

*Meeting cancelled due to lack of quorum.

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

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

*Meeting cancelled due to lack of quorum.

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

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

*Meeting cancelled due to lack of quorum.

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

	2020 14-Jan	2020 25-Feb	2020 11-Mar	2020 Apr	2020 May	2020 June	2020 July	Notes:
Florenza Pizanis	P	P	A	No meetings held due to COVID.				
Jerry Hall	P	A	P					
Kathy Guinn	P	P	P					
Kat Harris	A	P	P					
Vacant								

*Meeting cancelled due to lack of quorum.

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

	2019 10-Jun	2019 8-Jul	2019 12-Aug	2019 9-Sep	2019 14-Oct	2019 11-Nov	2019 9-Dec	Notes:
Florenza Pizanis	*	P	A	P	P	**	**	
Valerie Simonich	*	P	P	P	A	**	**	
Jerry Hall	*	A	P	P	A	**	**	
Kathy Guinn	*	P	P	A	P	**	**	
Kat Harris				P	P	**	**	

*Meeting cancelled due to lack of quorum.

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

**Arts Commission
Attendance Records**

As of March 31, 2022

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

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

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

* No meeting held due to lack of quorum.

** No meeting due to scheduling.

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

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

* No meeting due to lack of quorum.

** Meeting Cancelled

LIBRARY & LITERACY COMMISSION - Attendance Record

As of March 31, 2022

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

= Summer Hiatus

** = No meeting held

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

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

	2019 Mar	2019 Apr	2019 May	2019 June	2019 July	2019 Aug	2019 Sept	2019 Oct	2019 Nov	2019 Dec	
Catherine May	E	E	P			P	E	P	P	P	
Allan Bailey	P	E	E			P	P	P	P		Resigned 11/19.
Esther Figueroa	P	P	P			A	P	P	P	P	
Tamara Bishop-Mitchell	P	P	P			P	P	E			Resigned 11/19.
Edith La Vonne	P	P	P			P	P	P	P	P	
Jennifer Biagio	E	P	E			P	E	E	P	P	
Patience Christenson	E	E	E			P	P	P	P	P	
Kim Baumgardner									P	P	Appointed 11/19.
Susan Uptain									P	P	Appointed 11/19.
Leslie Pelon										P	Appointed 12/19.

	2018 May	2018 June	2018 July	2018 Aug	2018 Sept	2018 Oct	2018 Nov	2018 Dec	2019 Jan	2019 Feb	
Catherine May	P			P	P	P	P	P	P	P	
Allan Bailey	P			P	P	P	P	P	E	P	
Esther Figueroa	P			P	E	E	P	P	P	P	
Tamara Bishop-Mitchell	P			P	P	P	P	P	P	P	
Edith La Vonne	P			P	P	P	E	P	P	P	
Jennifer Biagio	E			E	E	E	E	P	P	E	
Patience Christenson	P			E	E	E	P	E	P	P	

Parks & Leisure Services Commissioner's Record of Attendance

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

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

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

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

Parks & Leisure Services Commissioner's Record of Attendance

	2019 July	2019 Aug	2019 Sept	2019 Oct	2019 Nov	2019 Dec	2020 Jan	2020 Feb	2020 Mar	2020 Apr	2020 May	2020 June
Rocco Calantone	**	**	P	P								
Richard Rankin	**	**	P	P								
Rachel Lucero	**	**	A	A								
Carrol Land	**	**	P	P								
Phillip Duncan	**	**	A	P	P	P	P	P	P			
Diane Graybehl	**	**	P	P	P	P	E	P	P			
Kieran Daly	**	**	P	E	P	P	P	P	A			
Janet Uresti	**	**	P	P	P	P	P	P	P			
Tom Fiormonti					P	P	P	P	P			
Jason Gurrola					P	P	P	P	E			
Jason Pommier					P	E	P	P	P			

**No meeting held. * Due to lack of quorum, an informal discussion only took place.
P = Present; E = Excused Absence; A = Absent; T = Tardy

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

31-Mar-22

	2020 23-Sep	2020 18-Nov	2021 26-May	2021 25-Aug	2021 17-Nov	2022 24-Feb	
John Simonich	P	P	P	P	A	P	<i>Term expires 5/2022</i>
Margaret Stinson	P	P	P	P	P	P	<i>Term expires 5/2024</i>
Russell "Buck" Fletcher	A	P	P	A	A	A	<i>Term expires 5/2022</i>
John Billiou	P	P	P	P	P	P	<i>Term expires 5/2022</i>
Jerry Hall	A	P	A	A	P	P	<i>Term expires 5/2022</i>
Janice Kovars	P	P	P	P	A	P	<i>Term expires 5/2024</i>
Shawn Byars	P	A	P	P	P	P	<i>Term expires 5/2022</i>
Joshua Sulier	P	P	P	P	P	P	<i>Term expires 5/2024</i>
Angela Dennis			P	P	P	P	<i>Apptd 12/20; Term exp 5/2024</i>
<i>Vacant</i>							

* Meeting cancelled

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

* Meeting cancelled

	2017 28-Feb	2017 23-May	2017 29-Aug	2017 14-Nov	2018 Feb 13*	2018 10-May	2018 28-Aug	
John Simonich	P	A	A	P	P	A	P	
Margaret Stinson	P	P	P	P	A	P	P	
Kathleen "Kat" Harris	P	P	P	P	A	P	P	
Russell "Buck" Fletcher	P	A	P	A	A	P	P	
Titus Moore								<i>Resigned</i>
Richard Stadtherr								<i>Appointment rescinded 2/21</i>
John Angell	P	P	A	P	A	P	P	<i>Appointed 2/7</i>
Mike Boudreaux Sr.	P	P	P	P	P	P	A	<i>Appointed 2/7</i>
Jerry Claborn	P	P	P	P	P	P		<i>Term ended</i>
Virginia Gurrola	P	P	P	P	P	P	P	<i>Appointed 2/21</i>
John Billiou			A	A	A	A	P	<i>Appointed 7/17</i>
Jerry Hall							P	<i>Appointed 7/18</i>
Janice Kovars							P	<i>Appointed 7/18</i>

* No meeting was held due to lack of quorum.

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

As of March 31, 2022

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

* No meeting was held due to COVID.

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

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

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



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization to Purchase Police Department Ammunition

SOURCE: Police

COMMENT:

The Porterville Police Department has experienced significantly delayed deliveries of ammunition. This has impacted the Department's monthly range training and has required modification of range training in order to conserve ammunition. This has not impacted the range qualifications, but supplemental force training options are being used. In addition, the Department also sends personnel to training where ammunition stock must be provided for the required training. Due to the ongoing issue of ammunition supplies, staff has sought out two separate vendors who can meet the demand and supply ammunition in a timely manner.

Department staff have obtained quotes from Dooley Enterprises, Inc. and San Diego Police Equipment Co Inc. Staff recently ordered a limited quantity of ammunition from these vendors to meet immediate training needs and would like to continue utilizing said businesses for Department ammunition needs.

Due to the ongoing issue of supply/demand related to the manufacturing and distribution of ammunition, staff is requesting to initiate an ammunition purchase for the current fiscal year. This will ensure an adequate stock of ammunition at any given time to meet the Department's needs, even with the consideration of delivery delays. In addition, both Dooley Enterprises, Inc. and San Diego Police Equipment Co. Inc. can provide the requested amount of ammunition, with some delays in certain calibers anywhere from 6-12 months to fulfill the order.

Due to the national ammunition shortage and the immediacy of this purchase, quotes were only sought from the Department's current ammunition vendors.

Those quotes were as follows:

Dooley Enterprises, Inc.

\$13,251.41

6-12 month backorder for 9mm 124gr. Full Metal Jacket.

San Diego Police Equipment Co. Inc.

\$4,608.32

4-6 months back order for .223 62GR.

3-4 months back order for Federal HST 9MM 147GR

Based on the above information, the Department is requesting City Council approval to purchase ammunition from these vendors.

Funds are available in the Department's current operating budget.

RECOMMENDATION: That the City Council:

1. Authorize the purchase of Police Department ammunition from Dooley Enterprises, Inc. and San Diego Police Equipment Co. Inc. in the amount of \$17,859.73 and;
2. Authorize payment to the vendor upon receipt of the listed ammunition.

ATTACHMENTS:

1. San Diego Police Equipment Co. Inc. Quote
2. Dooley Enterprises, Inc. Quote

Appropriated/Funded:

Review By:

Department Director:
Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager

QUOTE #: 018473

Price Quote

QUOTE DATE: 02/17/2022

TERMS: Net 30

Cust. ID #: 000443

Type: FET OUT - Agency

Ship To: PORTERVILLE POLICE DEPT.

JESUS GALLARDO

350 NORTH D STREET

PORTERVILLE, CA 93257

PHONE: (559) 782-7404 FAX: (559) 784-1070



Here are the requested prices:

PRICES ARE PER THOUSAND

QUANTITY	SYMBOL	DESCRIPTION	PRICE	EXTENSION
5.000	USA40SWVP	40 S&W 165gr. Full Metal Jacket (value pack)	\$323.00	\$1,615.00
20.000	W2231000	223 55 gr FMJ USA (1000 rd bulk pack)	\$438.00	\$8,760.00
5.000	USA9MM	9mm 124gr. Full Metal Jacket	\$272.00	\$1,360.00
			\$0.00	\$0.00
			\$0.00	\$0.00

NOTES:

Hi Jesus,

See above for the price quote requested and call me if you have any questions.
Ammo is currently available and can be shipped immediately after order finalization.

Thank you,
Veronica

SUBTOTAL: \$11,735.00

TAX RATE: 9.250%

TAX*: \$1,085.49

SHIPPING: \$430.92

TOTAL: \$13,251.41**Quote is for official department use only**

To proceed with order as quoted, please confirm the shipping details above, and sign & complete below:

PO# (if appl.) _____

Authorized By _____

Date _____

Name & Title _____



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorize the Sale of Retired Police Service Dog "Jasper" and the Purchase of Police Service Dogs and Associated Training

SOURCE: Police

COMMENT: On April 5, 2022, the City retired "Jace," one of the Police Department's police service dogs. The Department is currently operating with two police service dogs, leaving two of the Department's patrol shifts without an on-duty service dog.

Additionally, one of the current police service dogs, "Jasper," is now almost eight years old and has worked as a police service dog with two different handlers. This is approximately the standard work-life expectancy for a police service dog and "Jasper" is beginning to experience minor health issues related to his life as a police service dog.

"Jasper" has reached an age and health condition wherein service as a police service dog is not in the best interest of either the Department or "Jasper." These factors significantly increase his chances of being injured while on-duty as well as his chances of being physically impacted due to the Department's stringent training program. Also, there is an increasing potential that "Jasper" might not be able to perform at a peak level when needed. Because "Jasper" is no longer able to perform as a police service dog, the fair market value of "Jasper" is \$1.00.

When a police service dog retires, the two options available are to either euthanize the animal or enter into a contract to sell it to a person who has advanced training and experience in handling police service dogs and who is willing to assume all liability for the animal upon the sale. Officer Anthony Holt is "Jasper's" handler and has a vast amount of experience of handling police service dogs and is willing to assume all liability for the animal. As such, he has requested to purchase "Jasper." In addition, the Department would also like to include the 10' x 10' security kennel which houses "Jasper." The kennel is familiar to the K-9 and would be used to secure "Jasper" when the handler is away.

In addition, in March of this year, one of the Department's K-9 handlers left to work for another law enforcement agency. This left a third vacancy within the Department K-9 Unit. The third K-9, "Neith" has been kenneled at Top Dog Training Center to await the selection of his new handler.

Top Dog Training Center is the Department's current police service dog vendor and trainer, and the only police service dog kennel in Tulare County that provides a selection of police service dogs and associated training for the needs of the Department. Top Dog Training Center supplies police service dogs to agencies throughout the State of California, including most agencies in Tulare County, and at a much lower expense than providers located outside of the area.

The Department's police service dog specialists recently visited the vendor to evaluate police service dogs and obtain pricing for two new police service dogs and associated training for three new handlers. The Department would like to enter into an agreement with Top Dog Training Center to acquire two police service dogs and necessary training for three dog handlers. With the addition of the two new K-9's, and with the additional training for "Neith's" new handler, the Department will have all four of its allocated canine teams in service.

This vendor provides a full guarantee against any congenital health defects for two years after the date of purchase and additionally guarantees the dog for non-health service-related problems for one year.

The total cost for the police service dogs and the related training is \$28,491.25. Funds for this purchase are available in the Department's donation account.

RECOMMENDATION: That the City Council:

1. Approve the sale of "Jasper" and the security kennel to Officer Anthony Holt for the amount of \$1.00 and authorize the Mayor to execute the agreement for said sale; and
2. Approve the purchase of two new police service dogs and related training for three new canine handlers from Top Dog Training Center in the amount of \$28,491.25, and authorize the Chief of Police to enter into an agreement with Top Dog Training Center to acquire said service dogs and training.

ATTACHMENTS:

1. Officer Holt K-9 Purchase Agreement
2. Top Dog Training Center Patrol K-9 Quote
3. Top Dog Training Center Patrol K-9 Training Quote
4. Top Dog Training Center Detection K-9 Quote
5. Top Dog Training Center K-9 Detection Training Quote

Appropriated/Funded: JR for MB

Review By:

Department Director:
Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

CANINE (K-9) PURCHASE AGREEMENT

This Agreement between the City of Porterville ("City") and Officer Anthony Holt ("Officer") is made with reference to the following findings:

- A. Officer is assigned to the Patrol Division which includes being a K-9 Handler.
- B. Officer was, in conjunction with his assignment as a K-9 Handler, given the care, custody and control of a police dog named "Jasper" ("Dog"). Because of the extraordinary amount of time a handler spends with his canine partner, a strong mutual bond is developed between the handler and his canine. Furthermore, the Dog has been specially trained to assist officers in law enforcement tasks, and to respond to commands issued specifically by the Officer.
- C. The average working life expectancy for a police service dog is five years. Jasper was purchased and has been in either training or working for this department for almost 6 years. Given the above factors, further service of the Dog to the City is of minimal monetary value.
- D. Due to the findings in Sections A through C, the City desires to sell the Dog to the Officer, pursuant to the terms set forth herein.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

- 1. City hereby sells the Dog to the Officer for the sum of one dollar (\$1.00). The City is also providing the Officer with the Dog's kennel and carrier at no additional cost to Officer.
- 2. Officer agrees and hereby assumes ownership and full responsibility for the care, maintenance, securing, food, housing, medical needs and expenses, and any and all other expenses that result from or arise out of Officer's ownership of the Dog. City shall have no further responsibility or liability for the Dog or Dog's care. Officer understands that City has made no representations concerning the health or condition of the Dog and accepts the Dog "as is." Officer acknowledges that any dog's behavior is subject to change, including but limited to a change in personality, health, or character, and also including aggression, and therefore Officer hereby assumes all risk of any kind related to the actions or behavior of said Dog, including but not limited to acts of aggression. In acknowledgment of this, Officer hereby releases City from any liability for behavioral actions of the Dog or the direct or indirect consequences thereof.

3. To the fullest extent permitted by law, Officer agrees to hold harmless, indemnify and defend the City, its officers, employees, agents and volunteers, from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation, arising out of Officer's ownership or control of the Dog, or Dog or Officer's actions with Dog outside the course and scope of employment, and including the City's active or passive negligence, except for such loss or damage arising from the sole negligence or willful misconduct of the City.

4. Officer gives up and waives any right he may have on behalf of himself and his heirs, assigns, and successors for any loss, injury, damage, claim, or liability arising out of or in any way related to Officer's ownership and possession of the Dog.

5. This agreement constitutes the entire understanding of the parties and may only be amended by mutual written agreement executed by the parties.

Date: _____

OFFICER

Anthony Holt

CITY OF PORTERVILLE

Martha Flores, Mayor



To: **City of Porterville
Police Department
350 N. D Street
Porterville, CA 93257**

Top Dog Training Center, 5922 W. Clinton Avenue, Visalia, Ca 93291
Phone 559-802-7297



To: **City of Porterville
Police Department
350 N. D Street
Porterville, CA 93257**

Top Dog Training Center, 5922 W. Clinton Avenue, Visalia, Ca 93291
Phone 559-802-7297



To: **City of Porterville
Police Department
350 N. D Street
Porterville, CA 93257**

Top Dog Training Center, 5922 W. Clinton Avenue, Visalia, Ca 93291
Phone 559-802-7297



To: **City of Porterville
Police Department
350 N. D Street
Porterville, CA 93257**

Top Dog Training Center, 5922 W. Clinton Avenue, Visalia, Ca 93291
Phone 559-802-7297



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Renovation of Police Department Facility Corridor Walls

SOURCE: Police

COMMENT: The Police Department facility has undergone recent modifications and rehabilitation to include removing portions of the facility carpet for a polished concrete surface. This has created an aesthetically appealing setting, while at the same time inducing a more safe and sanitary environment. Currently, the Department facility has a fabric-like material which lines the lower portion of the walls throughout the common corridors. This material has been present since the construction of the building in 1989 and it has become worn, dirty and faded over time. The updating of the antiquated material on the walls would help make it environmentally safe for employees and community members while at the Department facility, as well as make it aesthetically pleasing.

Department staff has determined that removing the fabric material from the walls will continue the modernization of the Department facility and improve sanitary conditions inside the Department. Removing the material will require a process to include removal of the material, sanding of the existing adhesive, and texturing and painting of the affected areas to match.

In researching various vendors, Department staff were able to acquire quotes from two vendors, while a third vendor was contacted but was non-responsive. The quotes are as follows:

Sequoia Painting, LLC: \$12,404.68

Josue's Painting Inc.: \$19,500

Matthew Gifford Painting: Non-Responsive

In consideration of the quotes provided, Sequoia Painting, LLC, provided the lowest quote for the project at a cost of \$12,404.68.

Based on the above information, the Department is requesting City Council approval to enter into an agreement with Sequoia Painting, LLC, for the requested modifications. Funds are available in Department's Asset Forfeiture accounts.

RECOMMENDATION: That the City Council:

1. Authorize staff to enter into an agreement with Sequoia Painting, LLC for the removal of material lining the interior walls, to include refinishing and painting of affected areas at a

cost of \$12,404.68. Staff is further requesting a ten percent (10%) contingency for the total cost due to potential unseen issues.
2. Authorize payment to the vendor upon completion of the project.

ATTACHMENTS: 1. Sequoia Painting, LLC Quote
 2. Josue's Painting Inc. Quote

Appropriated/Funded:

Review By:

Department Director:
Jake Castellow, Chief of Police

Final Approver: John Lollis, City Manager

Sequoia Painting, LLC
1125 A Roseburg Ct.
Visalia, CA 93291
+1 5592018367

Estimate



ADDRESS
Porterville P.D. 350 N D Street Porterville, Ca

ESTIMATE #	DATE	
1805	04/20/2022	

PROJECT
Interior

ESTIMATOR
Cody Roberts

SERVICE	SCOPE	AMOUNT
Commercial Interior	Inclusions: Texture and prime lower portion of hallway walls where carpet was removed Mask all adjacent surfaces to protect while work is being performed Sand surface to remove any remaining glue All areas where top layer of gypsum board was damaged in the removal of carpet will be coated with peel stop primer Section of wall to be textured will first be floated and sanded Texture wall matching existing texture PVA prime new textured walls	3,230.10
Commercial Interior	Inclusions: Paint walls in hallway Mask adjacent surfaces to protect while work is being performed Blue stripe and border trim on top and bottom of blue stripe will be masked off and protected Blue out coves will remain blue Protect and paint around murals Fill any nail holes that may be present prior to painting Paint walls scheduled for paint with 2 coats Sherwin Williams interior paint Exclusions: Moving of furniture and decorations Areas not listed in inclusions Repainting of murals Blue stripe Blue outcoves Payment and performance bond Prevailing Wages	4,471.00
Hollow Metal Frames	Inclusions: Prep and paint door frames in areas where walls are being painted approx. 38 Degrease and sand surfaces as needed Paint frames 2 coats Sherwin Williams DTM Exclusions: Any door frames not adjacent to hallway walls being painted	2,155.36
Hollow Metal Doors	Inclusions: Prep and paint metal doors in areas where walls are being painted approx. 7	668.22

SERVICE	SCOPE	AMOUNT
Commercial Interior	Degrease and sand surfaces as needed Paint doors 2 coats Sherwin Williams DTM Exclusions: Any doors not adjacent to hallway walls being painted Stain grade doors Inclusions: Paint ceiling and skylight openings above raised planter area	1,000.00
Commercial Interior	Mask adjacent surfaces to protect while work is being performed Paint surfaces scheduled for paint with 2 coats Sherwin Williams interior paint Inclusions: Prep and paint window frames in areas where walls are being painted (hallway side only)	880.00
Commercial Interior	Mask adjacent surfaces to protect while work is being done Degrease and sand surfaces as needed Paint window frames 2 coats Sherwin Williams DTM The sum of lines 1-6 of this estimate will take approximately 175 labor hours to complete	0.00

Contractor License #1062110
 DIR Registration #1000562305

TOTAL

\$12,404.68

Addenda's noted in bid: None
 hereby proposes to furnish all labor, material, equipment and license, FOB job-site.
 This price is to cover all expenses incurred in performing the work listed in the above description
 Here at Sequoia Painting LLC, we require a 10% non-refundable deposit prior to start date on all residential projects. Consult with administration upon commercial project deposit requirements
 This bid is good for 45 days

Accepted By

Accepted Date



=

559-827-3775/510-634-2059

Josues.painting@yahoo.com

LIC # 1065892

Porterville Police Department
350 N. D St
Porterville, CA 93257

Proposal

Date: 04/12/2022

Interior Paint

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

1. Paint Hallways Walls
2. Drywall Texture Hallways

Nota (1 coat of primer and 2 coat of paint)

- 1- Work to be professional, clean up at final of each day and dispose of all trash from the work.
- 2- Estimate includes labor and material.

Total estimate \$19,500.00

- **Terms as follow:** 3 payments, 20% (**first payment**) on the day the contract is signed, 40% (**second payment**) first day of work, (**third payment**) balance due when job is complete.
- This proposal shall remain into effect for 30 days from the date of this proposal.

Exclusions:

Any alternations or deviation from above specifications involving extra cost will be executed only upon written order and will become an extra charge over and above the estimate. Agreements contingent upon strikes, accident, or delays beyond our control.

Signature: _____ **Date** _____

ACCEPTANCE OF PROPOSAL

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

Date _____ **Signature:** _____



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization to Purchase a Copy Machine for the Temporary Library

SOURCE: Parks and Leisure Services

COMMENT: Preparations for the opening of the temporary library located at 50 W. Olive Avenue, Suite B continue to progress. The furniture installation should be completed in early May. The equipment lost in the fire included a copy machine. Staff worked on a quote with established City vendor California Business Machines for a copy machine. Although Kyocera prices increased significantly in October 2021, California Business Machines was able to hold the price at the same \$8,144, plus tax, which was quoted two years ago. The staff did add the fax kit to the quote, which brings the total to \$8,939.00, plus tax. California Business Machines anticipates the equipment shipping and delivery within thirty (30) days or less.

RECOMMENDATION: That the City Council authorize the purchase of a copy machine for the temporary library from California Business Machines utilizing fire insurance funds in the amount of \$8,939.00, plus the applicable sales tax.

ATTACHMENTS: 1. California Business Machines Quote

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

California Business Machines

PROPOSAL for Vikki Cervantes, City Librarian

City of Porterville, Library

April 22, 2022



KYOCERA TASKalfa 6054ci COLOR DIGITAL IMAGING SYSTEM

FEATURES:

- 60 PAGES PER MINUTE (Color and Black & White)
- STANDARD NETWORK PRINT, COPY, SCAN AND NETWORK FAX
- NEW 10.1" COLOR TOUCH SCREEN PANEL
- USB HOST INTERFACE / PRINT FROM AND SCAN TO USB MEMORY DEVICES
- APP WHICH ALLOWS YOU TO PRINT FROM AND SCAN TO APPLE & ANDROID DEVICES
- KYOCERA'S HyPAS ALLOWS ACCESS TO MANY POWERFUL BUSINESS APPLICATIONS
- APPLE AIRPRINT/GOOGLE CLOUD PRINT/KYOCERA MOBILE PRINT
- 320 SHEET DUAL SCAN DOCUMENT PROCESSOR (Scans Up to Images Per Minute)
- 1,000 SHEET ALL POSITION STAPLING FINISHER
- STACKLESS DUPLEX UNIT (Up to 999 2-Sided Copies Per Scan)
- 5 WAY PAPER FEED (4,150 Sheets)
- 2-500 SHEET USER ADJUSTABLE DRAWERS (Up to 140 Lb. Index Stock)
- 150 SHEET MULTI-PURPOSE ADJUSTABLE BYPASS (Up to 110 Lb. Cover Stock)
- DUAL-1,500 SHT LETTER SIZE DRAWERS
- 1200 X 1200 DPI UNENHANCED PRINT RESOLUTION; 4800 X 1200 ENHANCED RESOLUTION
- UP TO 12" X 18" PAPER SIZE / BANNER PRINTS UP TO 12" X 48"
- POSTER MODE



CASH PURCHASE

\$8,939 Plus Tax

***INCLUDED:**

- SET-UP, DELIVERY, NETWORK INSTALLATION, INSTRUCTION, AND CUSTOM SURGE AND NOISE PROTECTION.
- A COMPREHENSIVE MAINTENANCE AGREEMENT INCLUDING ALL PARTS, LABOR, AND SUPPLIES, (Except Paper and Staples), IS AVAILABLE FOR \$0.0085 B&W AND \$0.049 Color Pages

**4260 N. FRESNO STREET, FRESNO, CA 93726
TERI BRYMER / 225-5571 DIRECT**



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization to Purchase an Outside Book Drop for the Temporary Library

SOURCE: Parks and Leisure Services

COMMENT: As the interior portion of the temporary library, located at 50 W. Olive Ave. Suite B progresses, one component of the exterior of the building lost in the library fire essential to operations is a book drop. An exterior book drop enables patrons the convenience of depositing their books without entering the facility and during non-operational hours. Staff has attached the quote received from an ongoing library vendor to the City, Demco, for \$5,304.38. The book drop is made from strong, military-grade aluminum alloy. Its thick powder coat paint finish has industrial grade anti-graffiti and antimicrobial clear top coat. The book drop is extremely weather resistant, fire suppressant, ADA compliant and theft deterrent. Demco was the only vendor contacted by staff who was able to give a nominal discount of six percent (6%) and guarantee product delivery within thirty (30) days.

RECOMMENDATION: That the City Council authorize the purchase of an outside book drop for the temporary library located at 50 W. Olive Ave., Suite B, from Demco utilizing fire insurance funds in the amount of \$5,304.38, plus the applicable sales tax.

ATTACHMENTS: 1. Demco Quote

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



P.O. Box 7488
Madison, WI 53707-7488
PH 800-356-1200 FAX 800-245-1329

QUOTATION

Reference: G2112064
Contract/Bid ID: CTL003
Today: 4/22/22
Quote Expiration Date: 5/22/22

NAME: Porterville Public Library
CONTACT: VIKKI CERVANTES
PHONE: 559-782-7495
EMAIL: vikki.cervantes@sjvls.org

Line	Qty	Product	Product Description	Colors/Finished/Options	Unit Price	Discount	Ext Total
------	-----	---------	---------------------	-------------------------	------------	----------	-----------

1	1	P13657680	Kingsley 50 C-Series Outdoor System 53-1/4"Hx30"Wx43-1/8"D	Paint Color Luster	5,199.99	6%	4,888.00
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Door on the right side of the
return slot
PLEASE NOTE: This item may not be returned unless damaged or defective.

Order Subtotal	4,888.00
*Shipping/Processing	416.38
Sales Tax	Exempt
Grand Total	5,304.38

*Delivery Provisions: This quote has been specifically prepared to deliver with:
Tailgate Delivery : 416.38

Order Provisions: Please note the attached freight terms.

BILL TO:

Porterville Public Library
15 E Thurman Ave
Suite B
Porterville CA 93257-3652

SHIP TO:

Vikki Cervantes
Porterville Public Library
50 W Olive Suite B
Porterville CA 93257

CONTACT:

VIKKI CERVANTES
PORTERVILLE PUBLIC LIBRARY
15 E THURMAN AVE STE B
PORTERVILLE CA 93257-3704



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: CVIN/Vast Network Connection at Temporary Library

SOURCE: Parks and Leisure Services

COMMENT: Staff was informed in March 2022 that the CVIN/VAST network connection was not included in the previous request that was approved by City Council at its meeting on January 18, 2022 for the technology infrastructure at the temporary library. The City Library's network is solely procured through the City's cooperative agreement with the San Joaquin Valley Library System (SVJLS). Since the 1980's, the computer network and support for the City's Library has been provided directly from SVJLS.

Currently, SVJLS has received a quote of \$55,837.19 from CVIN/VAST to build out the network connection. CENIC is absorbing the equipment, maintenance, and installation cost of \$20,503.86. SVJLS is in the process of submitting, on behalf of the City's library jurisdiction, a California State Library Broadband Grant that will cover the circuit deployment fee of \$6,333.33. Staff anticipates the project to be \$29,000, plus tax. SVJLS would charge all associated costs to the City's technology reserve account, and then bill the City so that funds would go back to the City's technology reserve account.

RECOMMENDATION: That the City Council:

1. Authorize staff to initiate work to be contracted through the San Joaquin Valley Library System for network connection for the temporary library facility; and
2. Authorize staff to process San Joaquin Valley Library System billing utilizing fire insurance funds.

ATTACHMENTS:

1. CENIC Quote
2. City Council Agenda Staff Report: January 18, 2022

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

Items to Consider While Reviewing Quotes

- Pricing does **NOT** include applicable taxes, surcharges, and fees. These costs may vary and will be included in invoices at CENIC's *actual cost*.
- If an Out of Band line is required, Associate must provide a phone line for OOB or allow CENIC to order one and be reimbursed for both the one-time installation and ongoing monthly recurring costs.
- Annual Recurring Costs (ARC) items are invoiced annually.
- Non-Recurring Costs (NRC) items are one-time costs billed upon execution of contract.
- Monthly Recurring Costs (MRC) items are billed quarterly, first billing will occur after handoff.
 - oE-rate discount: percent discount indicated is an estimate based on data available at the time the quote was generated.
 - oActual discount percentage will be identified by USAC at a later point. E-rate and CTF reimbursements are dependent upon the continued funding of these programs. CENIC/Broadband Access Administrator cannot guarantee the E-rate and CTF discounts, and these discounts are subject to change. E-rate % noted is based on current FY estimate and CTF is a 50% discount of the remaining cost after E-rate has been applied.
 - oDue to the consortial nature of CENIC's E-rate application, the E-rate discount level may not be finalized until next Spring of the following year (late March or early April).
- E-rate Costs may take up to 18 months to activate due to USAC processing time. Please budget for the full undiscounted costs for the initial period.



Associate: SJVLS - Porterville Temporary Library Relocation
Budget Summary Description: 1 G Porterville HQ to FRES1
Quote Date: 4/22/2022
Quote Expiration: July 21, 2022
Contract Number:

Line Item		NRC Non-Recurring Cost	MRC Monthly Recurring Cost	ARC Annual Recurring Cost	Term Length
[1]	1 Equipment	\$20,503.86			
	2 Equipment Maintenance			\$2,015.34	
	3 Facilities	\$1,000.00			
[2]	4 Circuit deployment Fee	\$6,333.33			
	5 Circuit	\$28,000.00			
Total		\$55,837.19	\$0.00	\$2,015.34	
Annual Cost		\$2,015.34			
Discounted Annual Cost		\$2,015.34			
Total for Year 1		\$57,852.53			
Discounted Annual Cost Year 1		\$51,519.20			

[1] CENIC pays for equipment, maintenance and installation of initial CalREN connection.

[2] The California State Library requested, and received funding through the Budget Act of 2021, AB 128, Chapter 21, 2021 Statute, to pay for Circuit Deployment Fees (CDF) on behalf of public libraries connecting to CalREN. The full text can be found here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB128



					*Pricing does not include applicable taxes, surcharges, and fees. These costs may vary and will be included in invoices at CENIC's actual cost.				E-rate discount: percent discount indicated is an estimate based on data available at the time the quote was generated. Actual discount percentage will be identified by the E-rate authorities at a later point					
	LOC A	LOC Z	Carrier Info						CENIC - Cross Connect		E-rate Discount		Total Discounted MRC (CTF & E-rate)*	Total Discounted NRC*
Site Name	Site Name	Service Provider	Service Type	Requested Bandwidth	Est Contract End Date	Non Recurring Cost*	MRC for 5 year term*	Add'l MRC (e.g. Collector Circuit)	NRC	MRC	Discounted NRC*	Discounted MRC*	\$0.00	\$28,000.00
Porterville Library	CalREN (FRES1)	Vast (CVIN)	Lit Circuit	1 Gbps	7/1/2027	\$28,000.00	\$0.00				\$28,000.00	\$0.00		



CITY COUNCIL AGENDA – JANUARY 18, 2022

SUBJECT: Authorization of Technology Infrastructure for the Temporary Library Facility

SOURCE: Parks and Leisure Services

COMMENT: As a next step to facilitate technology infrastructure at the temporary library location, staff is seeking the City Council's approval to move forward with the San Joaquin Valley Library System (SVLS) for the purchase of computers and peripheral equipment. The project would also include installing network cabling from the street into the facility.

The City's membership with the library cooperative, SVLS, allows the City the opportunity to apply for federal E-rate funding to mitigate technology expenses incurred by public libraries. The E-rate consultant for SVLS was able to get the temporary library facility eligible for E-rate discounts, which is administered directly through SVLS. The infrastructure of setting up the network coming into the building from the street is estimated to cost \$38,363.58, before discounts are applied. SVLS has not received an updated quote, but staff has included the quote previously received for a better understanding of the scope of work.

The previous existing computer and network support for the City has been provided directly from SVLS since the late 1980's. SVLS orders computer equipment and sets up the imaging that the City utilizes for public and staff use. The staff has prepared the order with SVLS and has attached the quotes. The order total is estimated to be \$39,857.45. Please note the quote is subject to change due to limited and ever-changing inventory. SVLS would charge all associated costs to the City's Technology Reserve Account, and then bill the City so that funds would go back to Porterville's Technology Reserve. SVLS would also disperse E-rate discounts into the Technology Reserve account.

RECOMMENDATION: That the City Council:

1. Authorize staff to initiate work to be contracted through the San Joaquin Valley Library System for the temporary library facility; and
2. Authorize staff to process San Joaquin Valley Library System billing utilizing fire insurance funds.

ATTACHMENTS:

1. Quote: Network Infrastructure
2. Quote: Peripherals
3. Quote: Computers

4. Quote: Monitors

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization to Advertise for Bids - Drilling Phase of Well No. 34 Project

SOURCE: Engineering and Project Management

COMMENT: The Plans and Project Manual have been prepared for the Well No. 34 Project (Phase 1 - Drilling Phase). The well is located north of the Porter Slough to the west of the Windsor Court Subdivision. This well is being drilled as a required part of the consolidation of the Central Mutual Water Company to meet water quality requirements and system demands. This is the first phase of the well project and consists of the drilling of a 710-foot-deep pilot hole, conducting geophysical logging and water quality sampling in the pilot hole, reaming the pilot hole, and constructing a 690-foot-deep production well utilizing the reverse rotary drilling method.

The well is located on City-owned property and is part of the overall consolidation agreement with the State Water Resources Control Board Division of Drinking Water consolidation completion plan which includes; a new City-owned production well (Well No. 34), distribution mains to provide water service to each customer served by Akin Water Company and Central Mutual Water Company, water meters, and fire hydrants.

The City's consultant, Dee Jaspar & Associates, has prepared the Estimate of Probable Cost and the amount is \$917,235. An additional \$91,723 is necessary for construction contingency (10%). It is anticipated that an additional \$91,723 is required for construction management, quality control, and construction surveying (10%), for a total of \$1,100,681. Dee Jaspar and Associates was approached by staff to handle the construction management for this project as they did the design for this project and are familiar with the City's water system and well implementation; Dee Jaspar and Associates is listed on the City's On-Call Engineering and Surveying Services Consultant List, adopted by MO 04-041922. The agreed upon price for their work is \$57,906 and this amount is included in the previously detailed totals.

Funding is provided by reimbursement of the State Water Resources Control Board and the funding agreement was approved by Council on June 1, 2021.

RECOMMENDATION: That City Council:

1. Approve Staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

ATTACHMENTS: 1. Engineer's Estimate

2. Locator Map

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager



DEE JASPAR & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS

2730 Unicorn Road, Bldg. A
Bakersfield, CA 93308
PHONE (661) 393-4796
FAX (661) 393-4799

April 19, 2022

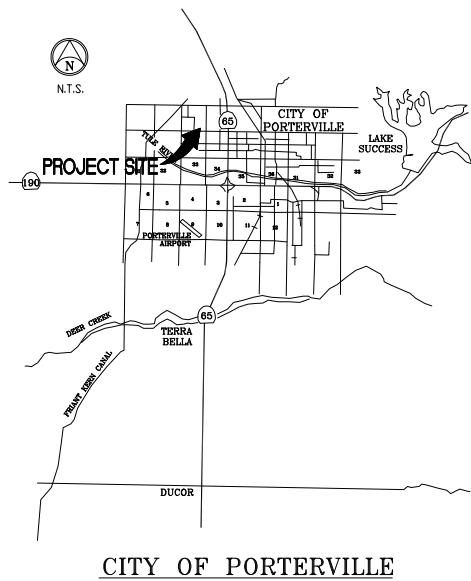
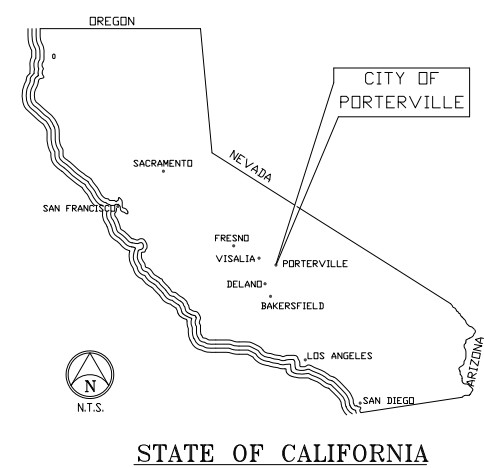
City of Porterville
Drilling of a Municipal Water Well
Well No. 34

Engineer's Cost Estimate

<i>Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Price</i>	<i>Amount</i>
1	Mobilization, Demobilization, Clean-up	1	LS	\$75,000	\$75,000
2	36" Conductor Casing	50	LF	\$1,000	\$50,000
3	18" dia. Pilot Hole Construction	660	LF	\$150	\$99,000
4	Formation Sampling	6	EA	\$20,000	\$120,000
5	Ream Pilot Hole to 28" Diameter	660	LF	\$150	\$99,000
6	16" I.D. x 5/16" HSLA Blank Casing	290	LF	\$300	\$87,000
7	16" I.D. x 5/16" COR-TEN Perforated Casing	400	LF	\$375	\$150,000
8	4" Gravel Feed Tube	250	LF	\$30	\$7,500
9	2" Sounding Tube	275	LF	\$28	\$7,700
10	Gravel Envelope (SRI 4x16)	465	LF	\$110	\$51,150
11	Cement Seal	245	LF	\$80	\$19,600
12	Swabbing & Air Lifting	80	HRS	\$450	\$36,000
13	Pumping & Surging	60	HRS	\$350	\$21,000
14	Production Testing	24	HRS	\$350	\$8,400
15	Well Video	1	LS	\$2,500	\$2,500
Subtotal					\$833,850
10% Contingency					\$83,385
Total					\$917,235

WELL NO. 34 FACILITY

DRILLING OF A MUNICIPAL WATER WELL



VICINITY MAP
SCALE: NTS



DESIGNED BY RCE 60960
CURTIS SKAGGS (12-31-22)

REVIEWED BY: MICHAEL L. KNIGHT
DIRECTOR OF PUBLIC WORKS

CITY OF PORTERVILLE
TULARE COUNTY, CALIFORNIA



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Application for State Off-Highway Vehicle Grant Funds

SOURCE: Parks and Leisure Services

COMMENT: Staff has prepared a State Off-Highway Vehicle (OHV) Grant Funds application for the 2022-2023 fiscal year grant cycle. The process entails an online preliminary application and the ability for the public to review and comment on the preliminary application, March 8 - May 2, 2022. In addition, State OHV personnel review the preliminary application and provide comments on its completeness and accuracy. Staff is then given the opportunity to revise the preliminary application, only for purposes of responding to public and State comments, prior to confirming the submission of a final application.

The preliminary Ground Operations application is for \$136,588, of which \$101,031 is the grant request amount and \$35,557 would come from a local match. The Ground Operations activity is for the annual ongoing maintenance and operations of the facility, including contractual management, equipment, materials and supplies.

The Ground Operations activities are for one year, commencing October 1, 2022. The local match for the proposed grant is comprised of volunteer efforts and gate admissions revenue. The final application submission must be made by June 6, 2022, and the results of the competitive scoring will be known by August 1, 2022.

RECOMMENDATION: That the City Council adopt the draft Resolution approving the application for State Off-Highway Vehicle Grant Funds.

ATTACHMENTS:

1. Draft Resolution
2. OHV Park Locator Map

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager

RESOLUTION NO.: _____-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF
CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY
VEHICLE GRANT FUNDS**

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law Enforcement, Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval to receive grant funding from the Off-Highway Motor Vehicle Grant funds; and

WHEREAS, this Project appears on, or is in conformance with, this jurisdiction's adopted general or master plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby:

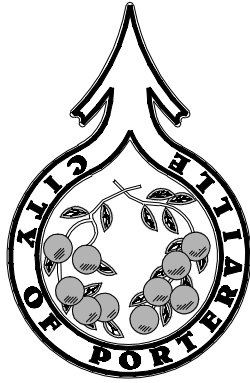
1. Approves the receiving of grant funding from the Off-Highway Vehicle Grant or Cooperative Agreement; and
2. Certifies that this agency understands its legal obligations to the State upon approval of the Grant; and
3. Certifies that this agency understands the California Public Resources Code requirement that Acquisition and Development Projects be maintained to specific conservation standards; and
4. Certifies that the Project will be well-maintained during its useful life; and
5. Certifies that this agency will implement the Project with diligence once funds are available and the Applicant has reviewed, understands, and agrees with the Project Agreement; and
6. Certifies that this agency will provide the required matching funds; and
7. Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and
8. Appoints the Director of Parks & Leisure Services as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

Passed, Approved and Adopted this 3rd day of May, 2022.

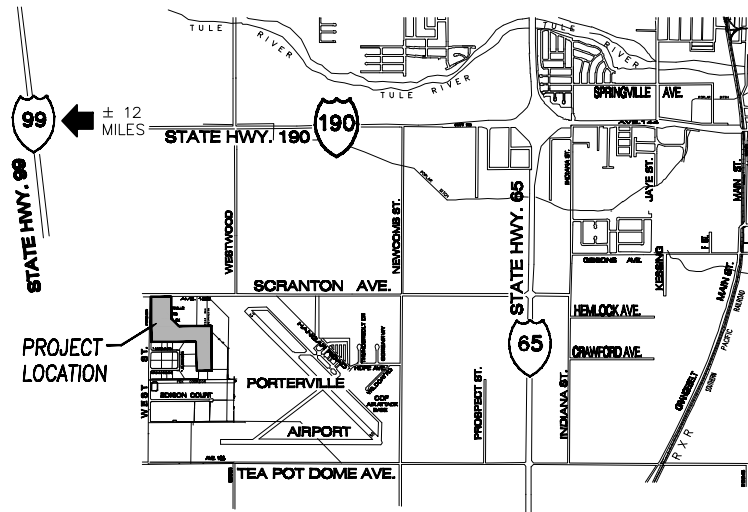
By: _____
Martha A. Flores, Mayor

Attest:
John D. Lollis, City Clerk

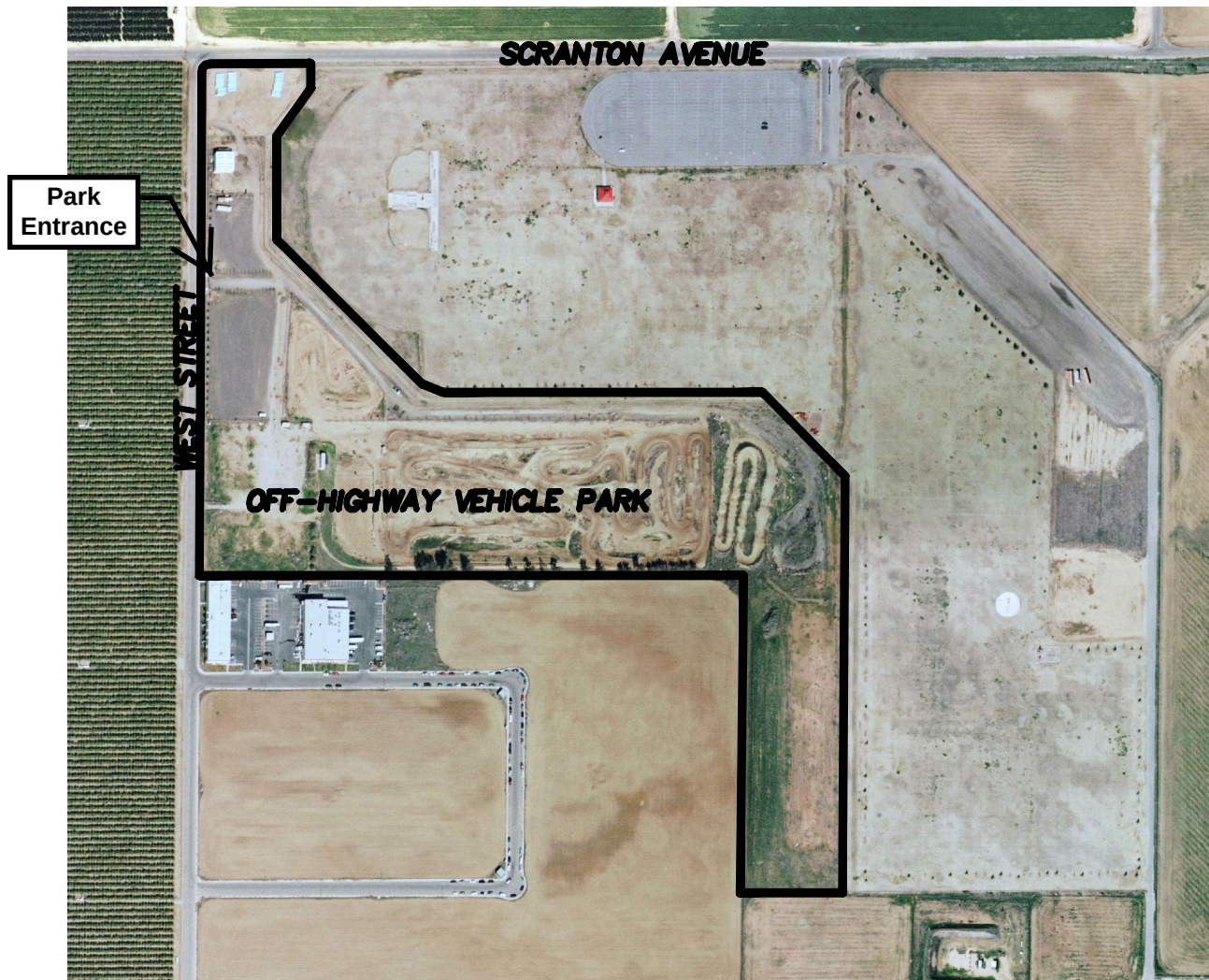
Patrice Hildreth, Chief Deputy City Clerk



SCALE 1" = 500'



VICINITY MAP (no scale)



AERIAL MAP

CITY OF PORTERVILLE
ENGINEERING DIVISION

LOCATOR MAP

CITY ENGINEER

06-15-09
DATE

REV.



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization to Apply for Active Transportation Program (ATP) Grant Funds

SOURCE: Community Development

COMMENT: The Active Transportation Program (ATP) is a competitive statewide program created to encourage increased use of active modes of transportation, such as biking and walking. The City was successful in its ATP application for 2021's Cycle 5, which awarded the City \$7.1M for the construction of the Butterfield Stage Corridor, a transportation corridor for non-motorized users that utilizes former Union Pacific Railroad right of way between College Avenue to the south and W. North Grand Avenue to the north. On March 21, 2022, the California Transportation Commission released a Call for Projects for ATP Cycle 6 grant funds, with an application filing deadline of June 15, 2022.

The goals of the ATP include, but are not limited to, increasing the proportion of trips accomplished by walking and biking, increasing the safety and mobility of non-motorized users, advancing efforts of regional agencies to achieve greenhouse gas reduction goals, enhancing public health, and providing a broad spectrum of projects to benefit many types of users including disadvantaged communities. Staff has reviewed the adopted 2023 ATP Guidelines and has identified two projects that are consistent with the goals of the program.

Project 1

The design and installation of a High intensity Activiated crossWalK (HAWK) to improve the safety of pedestrian crossings. HAWK pedestrian crossings are appropriate for high-speed or wide-crossing conditions, and provide drivers with multiple cues to call attention to the potential presence of pedestrians.

When activated, the HAWK uses a red indication to inform drivers to stop, which provides an opportunity for pedestrians to cross a major roadway. The installation of these beacon crossings on the existing Santa Fe Byway at Olive Avenue and Morton Avenue will increase the safety of facility users and compliment the improvements to be accomplished with recently awarded Clean CA grant funds. Other street crossing enhancements along the trail may be warranted upon further evaluation by staff and will be included as part of the project application. In addition, a HAWK crossing is being proposed on Plano Street at Chase Avenue to allow for a protected crossing adjacent to the Tule River Parkway and Fallen Heroes Park.

Project 2

The installation of solar lighting on the Tule River Parkway between State Route 65 and Plano Street has been identified as a potential ATP project as it

would increase the safety of users and extend use of the existing facility to include early morning and evening hours. This improvement has the ability to increase the use and functionality of the Tule River Parkway.

At this time, staff is seeking authorization to apply for Cycle 6 ATP funds for the aforementioned projects, which, if awarded, would enhance two existing bike and pedestrian facilities in the community.

RECOMMENDATION: That that City Council authorize staff to apply for Cycle 6 ATP funds for the HAWK Pedestrian Crossings Project and the Tule River Parkway Solar Lighting Project.

ATTACHMENTS:

1. HAWK Locator Map
2. Solar Lighting Locator Map
3. Adopted 2023 ATP Guidelines

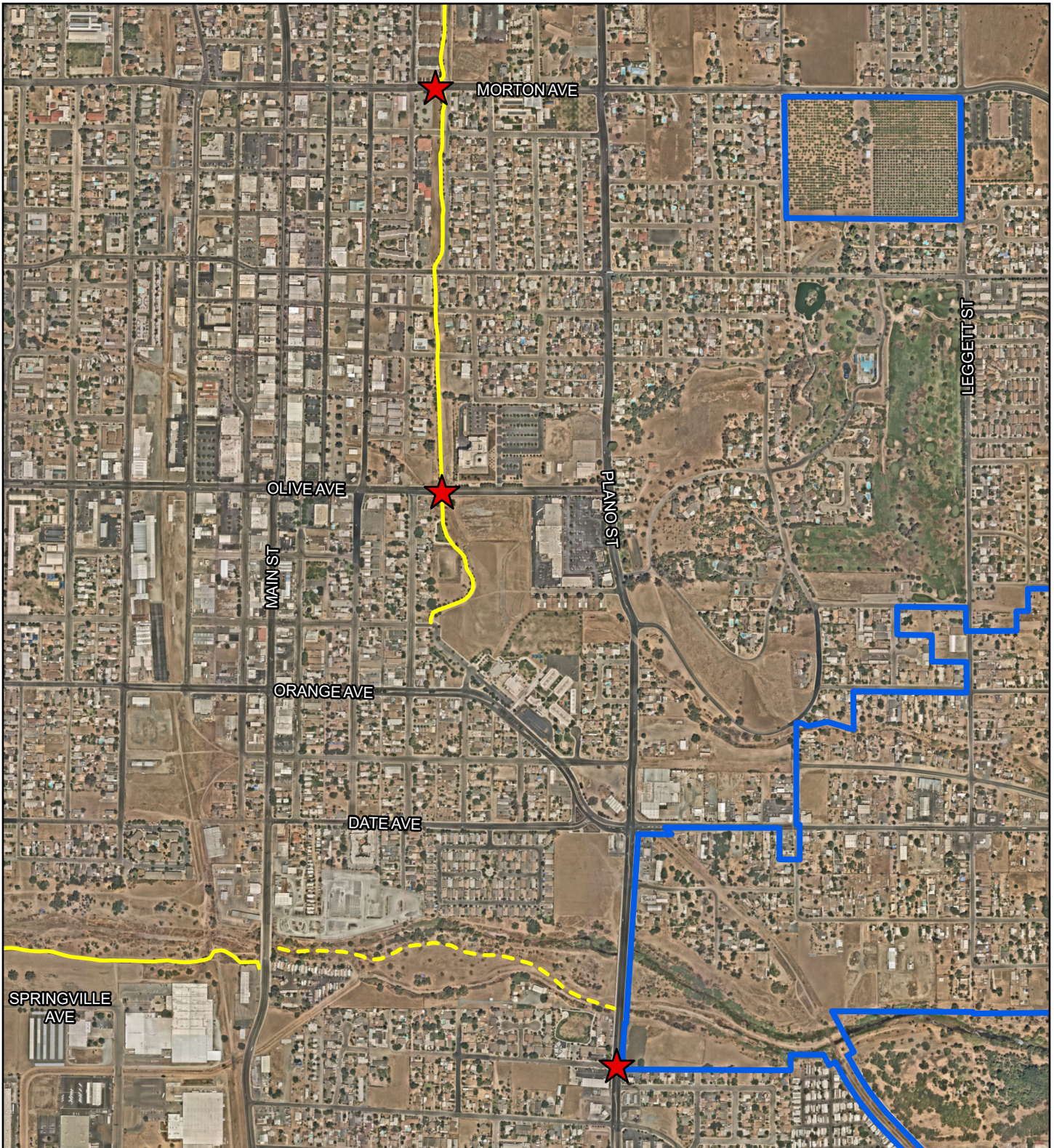
Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

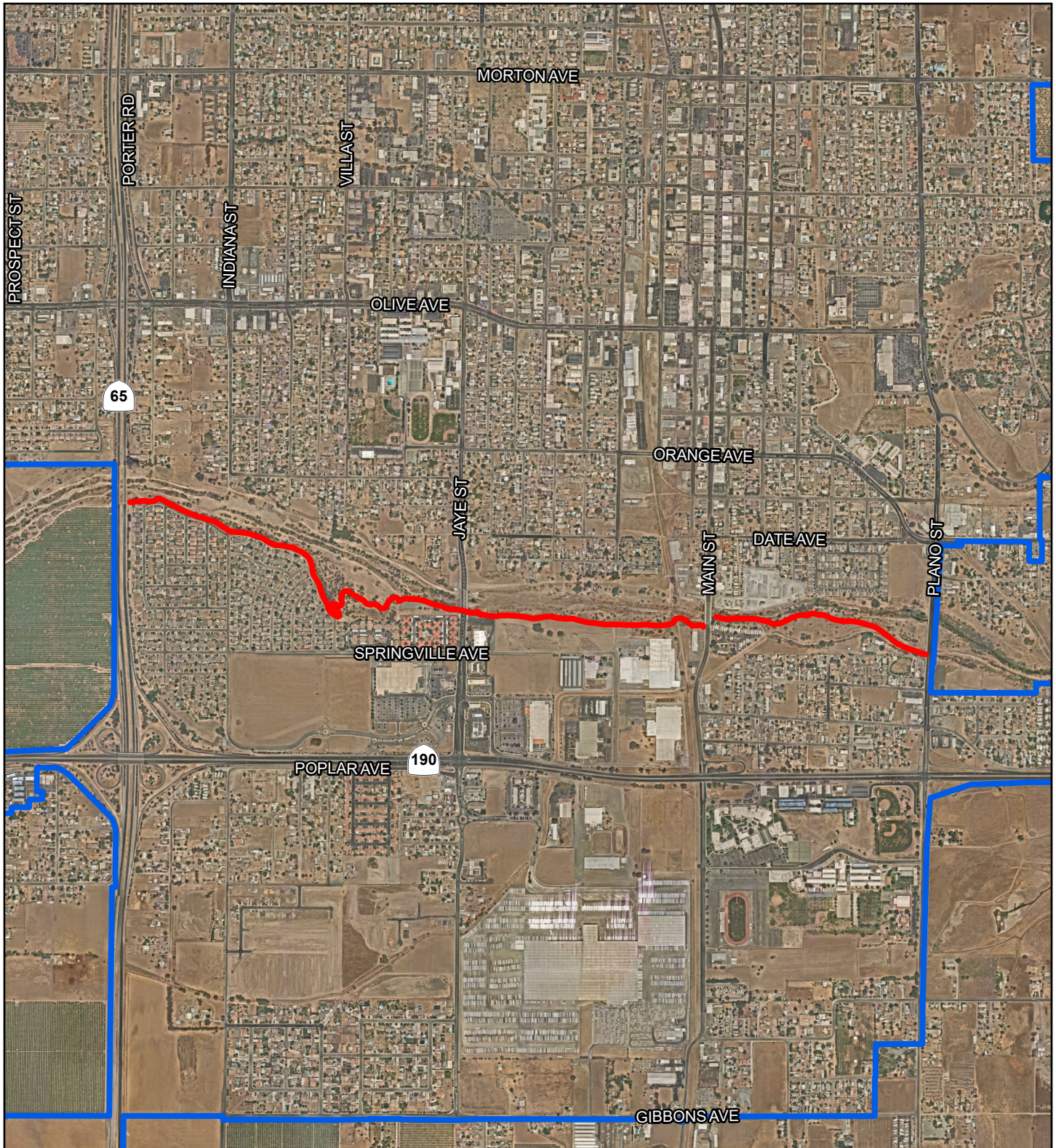
HAWK Locator Map



- ★ Project Location
 — Trails
 - - Trails (In Construction Phase)
- City Limits
 1 in = 1,000 feet



Solar Lighting Locator Map



-  Project Location
-  City Limits

1 in = 1,600 feet



2023

ACTIVE TRANSPORTATION PROGRAM

GUIDELINES

Adopted March 16, 2022
Resolution G-22-30



CALIFORNIA TRANSPORTATION COMMISSION

2023 ACTIVE TRANSPORTATION PROGRAM GUIDELINES

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I. Introduction

1. Background

The Active Transportation Program (ATP) is a competitive statewide program created to encourage increased use of active modes of transportation, such as biking and walking. Senate Bill 99 (Chapter 359, Statutes of 2013) and Assembly Bill 101 (Chapter 354, Statutes of 2013) created the ATP, and Senate Bill 1 (SB 1) (Chapter 2031, statutes of 2017) directs additional funding from the Road Maintenance and Rehabilitation Account to the ATP.

These guidelines describe the policy, standards, criteria, and procedures for the development, adoption, and management of the ATP. The guidelines were developed in consultation with the ATP workgroup. The workgroup includes representatives from the California Department of Transportation (Caltrans), other government agencies, and active transportation stakeholder organizations with expertise in pedestrian and bicycle issues, including Safe Routes to School programs.

The California Transportation Commission (Commission) may amend the ATP guidelines after conducting at least one public hearing. The Commission must make a reasonable effort to amend the guidelines prior to a call for projects or may extend the deadline for project submission to comply with the amended guidelines.

2. Program Purpose and Goals

Pursuant to statute, the purpose of the program is to encourage increased use of active modes of transportation, such as biking and walking. The goals of the ATP are to:

- Increase the proportion of trips accomplished by biking and walking.
- Increase the safety and mobility for nonmotorized users.
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009).
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, projects eligible for Safe Routes to School Program funding.
- Ensure that disadvantaged communities fully share in the benefits of the program.
- Provide a broad spectrum of projects to benefit many types of active transportation users.

In addition to the goals listed in statute, the ATP will also consider state goals and provisions set forth in the Climate Action Plan for Transportation Infrastructure (CAPTI).

3. Program Schedule

Each program must be adopted not later than the date designated in statute of each odd-numbered year; however, the Commission may alternatively elect to adopt a program annually. The following schedule lists the major milestones for the development and adoption of the 2023 ATP:

ATP Milestones	Date
Draft ATP Guidelines presented to Commission	January 26-27, 2022
Draft ATP Fund Estimate presented to Commission	January 26-27, 2022
Commission hearing and adoption of ATP Guidelines	March 16-17, 2022
Commission adopts ATP Fund Estimate	March 16-17, 2022
Call for projects	March 16-17, 2022
Scoring rubrics posted to Commission website	March 29, 2022
Large MPOs submit optional guidelines to Commission	May 13, 2022
Commission approves or rejects MPO guidelines	June 29-30, 2022
Project application deadline	June 15, 2022
Staff recommendations for Statewide and Small Urban and Rural components and Quick-Build Pilot Program posted	October 21, 2022
Commission adopts Statewide and Small Urban and Rural components and Quick-Build Pilot Program	December 7-8, 2022
Projects not programmed distributed to large MPOs based on location	December 2022
Deadline for MPO <u>Draft</u> project programming recommendations to the Commission	February 20, 2023
Deadline for MPO <u>Final</u> project programming recommendations to the Commission	April 21, 2023
Recommendations for MPO component posted	May 12, 2023
Commission adopts MPO selected projects	June 2023*

* Exact date will coincide with the Commission's adopted 2023 meeting calendar.

II. Funding Overview

4. Funding Source

ATP is funded from various federal and state funds appropriated in the annual Budget Act:

- 100% of the federal Transportation Alternative Program funds, except for federal Recreation Trail Program funds appropriated to the Department of Parks and Recreation.
- \$21 million of federal Highway Safety Improvement Program funds or other federal funds
- State Highway Account funds.
- Road Maintenance and Rehabilitation Account (SB 1) funds.

In addition to furthering the purpose and goals of this program, all ATP projects must meet eligibility requirements specific to at least one ATP funding source.

The Commission expects that the Infrastructure Investment and Jobs Acts could direct additional funding to the Active Transportation Program. This funding would supplement existing Active Transportation Program funds and be distributed and administered in accordance with the 2023 Active Transportation Program Guidelines and any federal requirements. If this funding becomes available, the 2023 Active Transportation Program Fund Estimate will be amended to reflect new funding levels.

The Governor's Proposed Budget for fiscal year 2022-23 includes a potential Active Transportation Program augmentation. If approved as part of the final fiscal year 2022-23 State Budget, Commission staff will develop supplemental program guidelines in consultation with the Active Transportation Program stakeholder workgroup. The supplemental guidelines will describe the policies and procedures for the administration of the funding augmentation.

5. Programming Cycle

Each ATP programming cycle will include four years of funding. New programming capacity for the 2023 ATP will be for state fiscal years 2023-24, 2024-25, 2025-26, and 2026-2027.

6. Distribution

State and federal law segregate the ATP into multiple, overlapping components. The ATP Fund Estimate must indicate the funds available for each of the program components. Consistent with these requirements, the ATP funds must be distributed as follows:

- 1) Forty percent to Metropolitan Planning Organizations (MPO) in urban areas with populations greater than 200,000.
 - These funds must be distributed based on total MPO population. The funds programmed and allocated under this paragraph must be selected through a competitive process by the MPOs in accordance with these guidelines.
 - Projects selected by MPOs may be in large urban, small urban, or rural areas.
 - A minimum of 25% of the funds distributed to each MPO must benefit disadvantaged communities.
 - The following statutory requirements apply specifically to the Southern California Association of Governments (SCAG):
 - SCAG must consult with county transportation commissions, the Commission, and Caltrans in the development of competitive project selection criteria.
 - The criteria used by SCAG should include consideration of geographic equity, consistent with program objectives.
 - SCAG must place priority on projects that are consistent with plans adopted by local and regional governments within the county where the project is located.
 - SCAG must obtain concurrence from the county transportation commissions.
- 2) Ten percent to small urban and rural areas with populations of 200,000 or less. Projects are competitively awarded by the Commission in these regions. Federal law segregates the Transportation Alternative Program into separate small urban and rural competitions based upon their relative share of the state population.
 - Small urban areas are those with populations of 5,001 to 200,000. Rural areas are those with populations of 5,000 or less.
 - A minimum of 25% of the funds in the Small Urban and Rural programs must benefit disadvantaged communities.
 - If a project is eligible for the MPO component, it cannot be eligible for funding in the Small Urban and Rural component.
- 3) Fifty percent to projects competitively awarded by the Commission on a statewide basis.
 - A minimum of 25% of the funds in the statewide competitive program must benefit disadvantaged communities.
 - A portion of statewide component funding is used to fund the Active Transportation Resource Center, which is administered by Caltrans and provides statewide technical assistance and support to all current and potential ATP applicants. Typical Active Transportation Resource Center activities include:

- Providing technical assistance, training, resources, and tools to help agencies, especially those in disadvantaged communities, deliver existing and future projects and to strengthen community involvement in future projects.

7. Matching Requirement

The Commission does not require a funding match for ATP. Large MPOs, in administering a competitive selection process, may require a funding match for projects selected through their competitive process.

8. Leveraging Funds

The Commission encourages the leveraging of additional funds for a project by considering leveraging in the evaluation criteria for the medium and large infrastructure projects. Leveraged funds are a financial commitment toward the cost of a project from a different funding source. However, applicants are not required to leverage funds.

The Commission will only consider cash funds for leveraging. Funds expended by the local agency for the Project Approval and Environmental Document (PA&ED), Plans, Specifications, and Estimates (PS&E), and Right-of-Way (R/W) phases will be considered for leveraging even if the funds were expended before the application deadline.

Except for State Transportation Improvement Program funding, the Commission will only consider funds that are not allocated by the Commission on a project-specific basis as eligible funds for leveraging points. The Commission will not consider in-kind or non-infrastructure funds as eligible for leveraging.

Tribes typically have limited access to other transportation funds that can be used for leveraging. Therefore, applications for the 2023 ATP submitted by Tribal Governments (federally recognized Native American Tribes) and projects within federally recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria) will be awarded full leveraging points on the corresponding application type.

Applicants must provide a complete (phase-by-phase) project funding plan through construction that demonstrates that the ATP and leveraged funding in the plan (local, federal, state, private sources) is reasonably expected to be available and sufficient to complete the project. Additionally, applicants must attach a signed letter of commitment indicating the amounts and sources of leveraged funds. Applicants may also include other documentation to substantiate leveraging, including meeting minutes from a governing body, a budget sheet, a board or council resolution, etc.

9. Funding for Active Transportation Plans in Disadvantaged Communities

Funding from the ATP may be used to fund the development of community-wide active transportation plans, including bicycle, pedestrian, safe routes to schools, or comprehensive active transportation plans. All plans must be within a disadvantaged community or, for area-wide plans, encompass at least one disadvantaged community. A list of the components that must be included in an active transportation plan can be found in Appendix A.

The Commission intends to set aside up to 2% of the funds in the statewide and small urban and rural competitive components for funding active transportation plans in predominantly disadvantaged communities. In administering its portion of the program, a large MPO may make up to 2% of its funding available for active transportation plans in disadvantaged communities within the MPO boundaries.

10. Reimbursement

The ATP is a reimbursement program for eligible costs incurred. For an item to be eligible for ATP reimbursement, that item's primary use or function must meet the ATP purpose and at least one of the ATP goals. Reimbursement is requested through the invoice process detailed in the Local Assistance Procedures Manual, Chapter 5, Invoicing. Costs incurred prior to Commission allocation and, for federally funded projects, Federal Highway Administration project approval (i.e., Authorization to Proceed), are not eligible for reimbursement.

III. Eligibility

11. Eligible Applicants

The following entities within the State of California are eligible to apply for ATP funds:

- 1) Local, Regional, or State Agencies. Examples include city, county, MPO*, and Regional Transportation Planning Agency.
- 2) Caltrans.*
 - Caltrans nominated projects must be coordinated and aligned with local and regional priorities. Caltrans is required to submit documentation that local communities are supportive of and have provided feedback on the proposed Caltrans ATP project.
 - Caltrans must submit documentation to support the need to address the project with ATP funds, rather than other available funding sources such as the State Highway Operations and Protection Program (SHOPP).
- 3) Transit Agencies. Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.

- 4) Natural Resources or Public Land Agencies. Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
 - State or local park or forest agencies.
 - State or local fish and game or wildlife agencies.
 - Department of the Interior Land Management agencies.
 - U.S. Forest Service.
- 5) Public schools or school districts.
- 6) Tribal Governments – federally recognized Native American Tribes.
 - For funding awarded to a tribal government, a fund transfer to the Bureau of Indian Affairs (BIA) may be necessary.
 - A tribal government may also partner with another eligible entity to apply if desired.
- 7) Private nonprofit tax-exempt organizations that are responsible for the management of public lands may only apply with projects eligible for [Recreational Trails Program](#) funds. Eligible project types include recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails. Projects must benefit the general public, not only a private entity.
- 8) Any other entity with responsibility for oversight of transportation or recreational trails that the Commission determines to be eligible. Eligibility should be established with Commission staff before the application deadline.

** Caltrans and MPOs, except for MPOs that are also regional transportation planning agencies, are not eligible project applicants for the federal Transportation Alternative Program funds appropriated to ATP. Therefore, funding awarded to projects submitted directly by Caltrans and MPOs are limited to other ATP funds. Caltrans and MPOs may partner with an eligible entity to expand funding opportunities.*

12. Partnering with Implementing Agencies

Applicants and/or implementing agencies must be able to comply with all the federal and state laws, regulations, policies, and procedures required to enter into a Local Administering Agency-State Master Agreement (Master Agreement). Refer to the Local Assistance Procedures Manual, Chapter 4, Agreements, for guidance and procedures on Master Agreements. The Commission requires project Baseline Agreements (see Section 27) for ATP projects with a total project cost (all funds) of \$25 million or greater or a total programmed amount of \$10 million or greater of ATP funds.

Eligible applicants that are unable to apply for ATP funds or that are unable to enter into a Master Agreement with the State must partner with an eligible applicant that can implement the project. In addition, eligible applicants that are unfamiliar with the

requirements to administer a Federal-Aid Highway Program project are encouraged to partner with an eligible applicant that can implement the project.

If another entity agrees to be the implementing agency and assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement (e.g., letter of intent) must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the first request for allocation. The implementing agency will be responsible and accountable for the use and expenditure of program funds.

13. Eligible Projects

All projects eligible for programming must be selected through a competitive process and must meet one or more of the ATP goals. See Appendix B for example projects.

The Commission encourages applicants to apply for projects that provide a transformative benefit to a community or a region. The Commission hopes to fund one or more large transformative projects that significantly expand the active transportation opportunities in a community or a region.

- 1) Infrastructure Projects: Capital projects that will further the goals of the ATP. This typically includes the environmental, design, right-of-way, and construction phases of a capital (facilities) project. A new infrastructure project will not be programmed without a complete Project Study Report (PSR) or PSR equivalent.
 - The application will be considered a PSR equivalent if it defines and justifies the project scope, cost, and schedule. Though the PSR or equivalent may focus on the project phases proposed for programming, it must provide at least a preliminary estimate of costs for all phases. PSR guidelines are posted on the State Transportation Improvement Program (STIP) page of the [Commission's website](#) under "Background Information".
 - Further guidance can be found in the Caltrans [Project Development Procedures Manual](#).
 - The Commission expects collaboration and cooperation between the implementing agency and Caltrans for all projects on the state highway system. Applicants who are applying with projects on the state highway system should attach a completed State Highway System Project Impact Assessment Form to the application. This form can be obtained from the [Caltrans 2023 Active Transportation Program website](#).
- 2) Plans: The development of a community-wide bicycle, pedestrian, safe routes to school, or active transportation plan that encompasses or is predominately located in a disadvantaged community. See Appendix A for Plan Project Guidance.
 - The first priority for the funding of plans will be for eligible applicants that have neither a bicycle plan, a pedestrian plan, a safe routes to schools plan, nor a comprehensive active transportation plan.

- The second priority for the funding of plans will be for eligible applicants that have a bicycle plan, pedestrian plan, or safe routes to school plan but not all.
 - The third priority for the funding of plans will be for updates to an active transportation plan that is more than five years old.
 - The lowest priority for the funding of plan will be for updates to an active transportation plan that is five years old or less.
- 3) Non-infrastructure (NI) Projects: Education and encouragement programs that further the goals of the ATP. See Appendix B for example NI activities.
- NI projects are not limited to those benefiting school students.
 - NI projects can be start-up programs or new components of existing programs.
 - The Commission intends to focus NI funding on start-up projects. A project is considered to be a start-up when no program currently exists.
 - A project with components added to an existing program must demonstrate how the original program is continuing without ATP funding.
 - All NI projects must demonstrate how the program is sustainable and will be continued after ATP funding is exhausted.
 - ATP cannot fund existing or ongoing program operations.
- 4) Infrastructure projects with non-infrastructure components: These are capital projects that include an education or encouragement component. The non-infrastructure component should be mentioned throughout the application and enhance the infrastructure project.
- 5) Quick-Build Project Phase II Pilot Program: The Commission will consider a small number of quick-build projects for the 2023 ATP as a phase II pilot. Quick-build projects are interim capital infrastructure projects that further the goals of the ATP. These projects require construction, and are built with durable, low to moderate cost materials but last from one year to five years. See Appendix D for additional details.

14. Eligibility Screening Criteria

Applications will receive an initial screening by the Commission for completeness and eligibility, before being evaluated. Incomplete or ineligible applications will not be evaluated. Before evaluation, project applications will be screened for the following:

- Consistency with an adopted regional transportation plan.
- Use of appropriate application.
- Supplanting Funds: a project that is already fully funded will not be considered for funding in the ATP. ATP funds cannot be used to supplant other committed funds.

- Eligibility of project: the project must be one of the five types of projects listed in Section 13 of these guidelines.
- With the exceptions outlined in Section 25 and applicants using the large infrastructure application, an applicant applying for pre-construction phases must also apply for funding in the construction phase.
- Request of at least the minimum request amount as outlined in Section 15 of these guidelines.
- Projects that are already fully funded or projects that are a capital improvement required as a condition for private development approval or permits are not eligible for ATP funding.
- A project applicant found to have purposefully misrepresented information that could affect a project's score may result in the applicant being excluded from the program for the current cycle and the following cycle.

Projects that are screened out because of the above listed criteria will not be considered eligible for the ATP and will not be evaluated or given a score. Applicants with projects that are screened out will be notified as soon as non-eligibility has been determined.

15. Minimum Request for Funds

To maximize the effectiveness of program funds and to encourage the aggregation of small projects into one larger comprehensive project, the minimum request for ATP funds that will be considered is \$250,000. This minimum does not apply to non-infrastructure projects, safe routes to school projects, recreational trail projects, plans, and quick-build pilot projects.

MPOs, in administering a competitive selection process, may use a different minimum funding size. Use of a minimum project size greater than \$500,000 must be approved by the Commission prior to the MPOs call for projects.

16. Project Type Requirements

SB 99 specifies that at least 25% of funds must benefit disadvantaged communities within each of the program components. However, the ATP also includes other project types that must meet certain requirements. Below is an explanation of the requirements specific to the project types listed in SB 99.

A. Disadvantaged Communities

For a project to contribute toward the disadvantaged communities funding requirement, the project must clearly demonstrate, with verifiable information, a direct, meaningful, and assured benefit to a disadvantaged community as defined using the criteria outlined below. A project is considered beneficial if it fulfills an important need of a disadvantaged community in a way that provides a significant value. The project's benefits must primarily target a disadvantaged community while avoiding substantial burdens on that community.

MPOs, in administering a competitive selection process, may use different criteria for determining which projects benefit disadvantaged communities if the criteria are approved by the Commission prior to an MPOs call for projects.

It is incumbent upon the applicant to clearly articulate how the project benefits the disadvantaged community; there is no presumption of benefit, even for projects located within a disadvantaged community. For a project to qualify as directly benefiting a disadvantaged community, the project must:

- Be located within, or be within reasonable proximity to, the disadvantaged community served by the project,
- Have a direct connection to the disadvantaged community, or
- Be an extension or a segment of a larger project that connects to or is directly adjacent to the disadvantaged community.

To qualify as a disadvantaged community, the community served by the project must meet at least one of the following criteria:

- Median Household Income: (Table ID B19013) is less than 80% of the statewide median based on the most current Census Tract (ID 140) level data from the 2015-2019 American Community Survey (<\$60,188). Communities with a population of less than 15,000 may use data at the Census Block Group (ID 150) level. Unincorporated communities may use data at the Census Place (ID 160) level. Data is available at the [United States Census Bureau Website](#).
- CalEnviroScreen: An area identified as among the most disadvantaged 25% in the state according to the CalEPA and based on the California Communities Environmental Health Screening Tool 4.0 (CalEnviroScreen 4.0) scores (score must be greater than or equal to 40.05). The mapping tool can be found [here](#) and the list can be found under "[SB 535 List of Disadvantaged Communities](#)".
- National School Lunch Program: At least 75% of public-school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program for the 2019-2020 school year. Data is available at the [California Department of Education website](#). Applicants using this measure must indicate how the project benefits the school students in the project area. The project must be located within two miles of the school(s) represented by this criteria.
- Healthy Places Index: The Healthy Places Index includes a composite score for each census tract in the State. The higher the score, the healthier the community conditions based on 25 community characteristics. The scores are then converted to a percentile to compare it to other tracts in the State. A census tract must be in the 25th percentile or less to qualify as a disadvantaged community. The live map and the direct data can both be found on the California Healthy Places Index website.
- Native American Tribal Lands: Projects located within Federally Recognized Tribal Lands (typically within the boundaries of a Reservation or Rancheria) and

projects submitted by tribal governments (Federally Recognized Native American Tribes).

- Other: If an applicant believes that the project benefits a disadvantaged community, but the project does not meet the aforementioned criteria due to a lack of accurate information, the applicant may submit another means of qualifying for consideration. Commission staff will assess and score this question for applicants using the “Other” category to qualify as a disadvantaged community. Suggested alternatives that can be submitted under this category include:
 - Census data that represents a small neighborhood or unincorporated area. The applicant must submit for consideration a quantitative assessment, such as a survey, to demonstrate that the community’s median household income is at or below 80% of the state median household income.
 - CalEnviroScreen data that represents a small neighborhood or unincorporated area. The applicant must submit for consideration an assessment to demonstrate that the community’s CalEnviroScreen score is at or above 40.05.
 - A Regional Definition such as “environmental justice communities,” “equity priority communities,” or “communities of concern.” The Regional Definition must have been developed through a robust public outreach process that includes the input of community stakeholders and must be stratified based on severity. A regional definition of disadvantaged communities must be adopted as part of a regular four-year cycle adoption of a Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS) by an MPO or RTPA per obligations with Title VI of the Federal Civil Rights Act of 1964. A regional definition of disadvantaged communities must be used for the region’s broader planning purposes rather than only to apply for ATP funding.

B. Safe Routes to School Projects

For a project to qualify for a Safe Routes to School designation, the project must directly increase safety and convenience for public school students to walk and/or bike to school. Safe Routes to Schools infrastructure projects must be located within two miles of a public school or within the vicinity of a public school bus stop, and the school community, including students, parents, caregivers, teachers, and staff, must be the intended beneficiaries of the project. For Safe Routes to School non-infrastructure, the program must benefit school students, parents, caregivers, teachers, and/or staff and primarily be based at the school.

C. Recreational Trails Projects

Trail projects that are *primarily* recreational should meet the federal requirements of the [Recreational Trails Program](#), as such projects may not be eligible for funding from other sources. However, trails that serve active transportation purposes (such

as multi-use paths, Class I bikeways, etc.) are fully eligible in the ATP and need not meet the Recreational Trails Program requirements.

IV. Project Application

ATP project applications will be available at the Caltrans [Local Assistance website](#).

There are five different applications available for applicants to complete depending on the project type and size. It is incumbent on the applicant to complete the application appropriate for their project. Applicants applying for infrastructure projects must utilize the application type based on the entire project cost, not the ATP request amount. All eligible projects must apply with one of the following application types. Applications for plans may not be combined with applications for infrastructure or non-infrastructure projects. Applications for the 2023 ATP Quick-Build Project Phase II Pilot Program must be submitted in the manner outlined in Appendix D.

The five application types are:

A. Large Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of greater than \$10 million will be considered a large project and must use the Large Project application. Caltrans and Commission staff may conduct onsite field reviews on a selection of projects that qualify as large projects. Field reviews are not indicative of the project's likelihood of receiving funding.
- Projects that qualify for the large application do not need to apply for construction and may apply for pre-construction phases only.

B. Medium Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of more than \$3.5 million and up to \$10 million will be considered a medium project and must use the Medium Project application.

C. Small Project, Infrastructure only or Infrastructure/Non-infrastructure:

- Projects with a total project cost of \$3.5 million or less will be considered a small project and must use the Small Project application.

D. Non-infrastructure only.

E. Plan.

- Applicants can only apply for a plan with the Plan application. This application cannot be combined with any other type of project. Plan projects must be within or encompass a disadvantaged community.

17. Application Submittal Requirements

Information on how to submit electronic project applications will be posted prior to the call for projects at the Commission's [website](#) and Caltrans Local Assistance [website](#). Applicants to the 2023 Active Transportation Program are not required to submit hardcopies to the Commission.

The Commission requires:

- All project applications must include the signature of the Chief Executive Officer or other officer authorized by the applicant's governing board.
- Projects that will be implemented by an agency other than the applicant must submit documentation of the agreement between the project applicant and the implementing agency with the project application.
- A project application must also include documentation of all other funds committed to the project.
- All applications for projects within 500 feet of a freeway or roadway with a traffic volume over 125,000 annual average daily traffic (AADT) must include a description of any project design elements intended to minimize exposure to air pollution and an explanation of the circumstances that make locating project components in close proximity to heavily travelled freeways or roadways unavoidable or an explanation of why this location was chosen. This item will not be scored.

In addition to submitting a project application to the Commission, a copy must also be sent to the agencies listed below. These agencies may require a hardcopy or electronic version. Check with the agency for their preference.

- Regional Transportation Planning Agency or County Transportation Commission within which the project is located.
- The MPO (a contact list can be found at the [Transportation Planning Website](#).)

V. Project Selection Process

The ATP has a sequential selection process. Commission staff will first select projects to be recommended for funding in the statewide component based on score, eligibility and deliverability, and program capacity. Then each of the remaining projects will be eligible for funding in either the small urban and rural component or the MPO component based on project location. Commission staff will next select projects to be recommended for funding in the small urban and rural component based on score, eligibility and deliverability, and program capacity. Projects located within the boundaries of one of the ten largest MPOs must be considered for funding in the MPO component if the project was not selected for funding in the statewide component. Each of the ten largest MPOs will select projects to be recommended for funding as described

in Section 21. The Commission will consider and vote whether to adopt the recommendations made in the statewide, small urban and rural, and MPO components.

18. Project Evaluation Committee

Commission staff will form a multidisciplinary project evaluation committee to assist in evaluating project applications. In forming the project evaluation committee, staff will seek participants with expertise in bicycling and pedestrian transportation, expertise in Safe Routes to Schools projects, and expertise in projects benefiting disadvantaged communities. Additionally, staff will seek a geographically balanced representation from state agencies, large MPOs, regional transportation planning agencies, local jurisdictions in small urban and rural areas, and non-governmental organizations. Priority for participation in the evaluation committee will be given to those who do not represent a project applicant or will not benefit from any submitted projects. Except for Caltrans, no more than two evaluators from one agency will be chosen to ensure a broader representation of evaluators. If more than two individuals from an agency would like to be evaluators, excess volunteers will be placed on the alternate list and asked to be evaluators should positions become available. Consultants will not be considered for participation in the evaluation committee.

Commission and Caltrans staff will collaborate with the Department of Parks and Recreation to review and select projects to be funded with federal Recreational Trails Program funds.

A. Project Evaluation Process

All eligible project applications received will be evaluated by an evaluator team comprised of two volunteers, one from northern California and one from southern California, if possible. All evaluators are required to participate in an ATP evaluator training and sign a conflict of interest form before receiving applications to review. The conflict of interest form requires the potential evaluator to certify that they can and will review project applications objectively, and to list any projects that could present a potential conflict. In addition to their named conflicts, evaluators will not be assigned applications from any applicant located within the county or counties) where they live and work. Evaluator team members agree on consensus scores by question for each application based on the Scoring Rubric developed by Commission staff, Caltrans, and the ATP workgroup. Evaluators submit consensus score forms to Commission staff. Evaluators must include meaningful comments on each consensus score form that explain the given consensus scores. Any consensus score forms without meaningful comments will be returned to the evaluator team for completion.

Simultaneously with evaluator team scoring, Commission staff will read and score every application to provide a check score for evaluators. Every consensus score is compared to the check score. This process allows for Commission staff to identify errors or discrepancies with scoring. Commission staff will meet with every team to discuss their scores, even if there are no issues.

B. Scoring Rubrics

Each application type has a complementary scoring rubric that outlines the scoring criteria for each question. Evaluator teams must use the correct scoring rubric when reviewing an application. The scoring rubrics provide a consistent framework, ensuring that projects are evaluated on the same standards. The Commission anticipates publishing a scoring rubric for each project application type by March 29, 2022 to allow applicants to utilize the rubric when writing applications.

19. Project Selection Between Applications with the Same Score

If two or more project applications receive the same score and it is the funding cut-off score, the following criteria will be used to determine which project(s) will be funded in the following priority order:

- 1) Project readiness including, but not limited to, completed environmental documents.
- 2) Highest score on the highest point value question (questions with the highest point value may vary by application type).
- 3) Highest score on the second highest point value question.

20. Scoring Criteria

Proposed projects will be scored and ranked based on applicant responses to the scoring topics below. The chart below references the scoring topics and points allotted to the different types of applications, as well as the maximum number of points allowed for each scoring topic by application type. If a scoring topic is left blank, it is not applicable to that application type.

Infrastructure Only (Inf.), Infrastructure & Non-Infrastructure (I + NI), Non-Infrastructure Only, and Plan Application Scoring Criteria:

Scoring Topic	Large Inf. /I + NI	Medium Inf. /I + NI	Small Inf. /I + NI	Plan	Non-Infrastructure Only
Benefits to Disadvantaged Communities (DAC)	10	10	10	30	10
Need	38	40	52	20	40
Safety	20	25	25		10
Public Participation & Planning	10	10	10	25	15
Scope and Plan Layout Consistency and Cost Effectiveness	7				
Scope and Plan Layout Consistency		5	3		10
Context Sensitive & Innovation	5	5			5
Transformative Projects	5				
Evaluation and Sustainability					10
Leveraging	5	5			
Implementation & Plan Development				25	
Corps	(0 or -5)	(0 or -5)	(0 or -5)		(0 or -5)
Past Performance	0 to -10	0 to -10	0 to -10	0 to -10	0 to -10
Total	100	100	100	100	100

A. Benefit to Disadvantaged Communities. The benefit provided to the disadvantaged community affected by the project. The score will be impacted by the project location in relation to the disadvantaged community, the severity, and the direct benefit the project will provide. Applicants must also explain how anti-displacement policies and actions are being implemented to discourage gentrification of the community being impacted by the project. If displacement is not an issue, applicants must explain why it is not a concern for the community.

B. Need. Potential for increased walking and bicycling, especially among students, including the identification of walking and bicycling routes to and from schools, transit facilities, community centers, health care facilities, employment centers,

and other destinations; potential to promote equity of access to shared public infrastructure for people of all ages and varying abilities; and potential to increase and improve the connectivity and mobility of non-motorized users..

- C. Safety.** Potential for reducing the number and/or rate or the risk of pedestrian and bicyclist fatalities and injuries, including the identification of safety hazards for pedestrians and bicyclists, with consideration of safety concerns for students, older adults, and persons with disabilities.
- D. Public Participation and Planning.** Identification of the community-based public participation process that culminated in the project proposal, which may include noticed meetings and consultation with local stakeholders. Project applicants must clearly articulate how the local participation process (including the participation of disadvantaged community stakeholders and community-based organizations) resulted in the identification and prioritization of the proposed project. If there is significant opposition to the project, applicants should summarize any major points of concern raised by the opposition and provide a response. Additionally, for large infrastructure and large infrastructure/non-infrastructure combination projects, applicants will be awarded points for the inclusion of the project in an adopted active transportation plan or similar plan. Eligible plans must be developed through a comprehensive public process.
- E. Scope and Plan Layout Consistency and Cost Effectiveness.** Evidence that the application, scope, and plan layout are consistent with one another and depict what is being proposed. A project's cost effectiveness is the relative costs of the project in comparison to the project's benefits.
- F. Scope and Plan Layout Consistency.** Evidence that the application, scope, and plan layout are consistent with one another and depict what is being proposed.
- G. Implementation and Plan Development.** Specific to applicants using the "plan" application form. Evidence that the plan will lead to implementation of the identified projects.
- H. Context-Sensitive Bikeways/Walkways and Innovative Project Elements.** The "recognized best" solutions appropriate for the local community context will be considered. Applicants should discuss how the project advances a lower stress environment or a low-stress network. Additionally, applicants should provide a description of the innovative features of the project or explain why the context of the project best lends itself to standard treatments/features.
- I. Transformative Projects.** Evidence of the transformative nature of the project will help to inform the score. Applicants should describe how nearby projects and local policies and ordinances will contribute to the project's transformative nature. In addition, applicants should address the potential for the project to support existing and planned housing, especially affordable housing, and how the project will advance local transportation and land use goals. Applicants are encouraged to apply for the California Department of Housing and Community Development's

(HCD) [Prohousing Designation Program](#) and to describe how local policies align with prohousing criteria. If housing is not an issue for the community, the applicant should explain why it is not a concern.

J. Evaluation and Sustainability. How will the effectiveness of the program be measured and sustained after completion?

K. Leveraging. Leveraging of non-ATP funds (excluding in-kind contributions) on the ATP project scope proposed.

L. Corps. Use of the California Conservation Corps or a certified local community conservation corps, as defined in Section 14507.5 of the Public Resources Code, as partners to undertake or construct applicable projects in accordance with Section 1524 of Public Law 112-141. Points will be deducted if an applicant does not seek corps participation or if an applicant intends not to utilize a corps in a project in which the corps can participate. An exception applies for applicants using the Plan application type.

a. General information and instructions for consulting with the Corps on ATP projects can be found at the [California Conservation Corps website](#) or at the [California Association of Local Conservation Corps website](#).

b. The California Conservation Corps can be contacted at atp@ccc.ca.gov.

c. Certified local community conservation corps can be contacted at inquiry@atpcommunitycorps.org.

d. Direct contracting with the California Conservation Corps or a certified local community conservation corps without bidding is permissible provided that the implementing agency demonstrates cost effectiveness per 23 CFR 635.204 and obtains approval from Caltrans. A copy of the agreement between the implementing agency and the proposed conservation corps must be provided to Caltrans.

e. Funded projects will be required to report on the use of the California Conservation Corps or a certified local community conservation corps as noticed in the application.

M. Past Performance. Applicant's performance on past ATP projects. Points will be deducted for non-use of the Corps as committed to in a past ATP award; adverse audit findings on a past ATP project that are the fault of the applicant; or failure of any past ATP project.

21. MPO Competitive Project Selection

Projects not selected for programming in the statewide competition must be considered by the MPOs in administering a competitive selection process.

An MPO may delegate its project selection to the Commission if it uses the Commission's statewide competition project selection criteria, weighting, minimum project size, match requirement, and definition of disadvantaged communities.

An MPO, with Commission approval, may use a different project selection criteria or weighting, minimum project size, match requirement, and/or definition of disadvantaged communities for its competitive selection process. Use of a minimum project size of \$500,000 or less, or different match requirement than in the statewide competitive program does not require prior Commission approval.

An MPO may also elect to have a supplemental MPO-specific call for projects. The projects received in this call must be considered along with those not selected for funding in the statewide competitive program. As part of the supplemental call for projects, MPOs may allow applicants to down-scope or provide a scalability plan for statewide-submitted projects. An MPO may recommend a quick-build project for programming; however, all quick-build project applications must be submitted in the manner outlined in Appendix D. MPOs that choose to administer a competitive selection process must use a multidisciplinary advisory group, similar to the Project Evaluation Committee described in Section 18, to assist in evaluating project applications. The Commission will provide a checklist to the MPOs that includes what the MPO must submit with its programming recommendations to the Commission, including:

- List of the members of its multidisciplinary advisory group.
- Description of unbiased project selection methodology.
- Programming template provided by Caltrans and Commission staff with the following elements:
 - List of all projects evaluated and regional competition scores
 - Projects recommended with implementing agency name, project name, county, total project cost, request amount, fiscal years, phases, state only funding requests, state and federal funding split, and amount benefiting disadvantaged communities.
 - Project type designations such as Non-infrastructure, Safe Routes to School, etc.
- Board resolution approving the program of projects.
- Project Programming Requests (PPRs).
- Copies of all applications received by the MPO if the MPO conducted a supplemental call for projects. Applications that were submitted to a supplemental call for projects that were recommended for programming by an MPO will not be considered for programming unless the application is received by February 20, 2023. Commission staff and Caltrans staff will review all applications for eligibility and deliverability.

The Commission also may require each MPO to participate in a teleconference between Commission staff, Caltrans staff, and MPO staff to review submittal completeness and accuracy.

If Commission staff determines that an MPO submittal is not complete or accurate enough for Commission staff approval, then Commission staff may elect to postpone consideration of that MPO's program until the submittal is deemed complete and accurate.

VI. Programming

22. Program of Projects

Following at least one public hearing, the Commission will adopt a program of projects for the ATP in each odd-numbered year by the deadline established in statute. The ATP must be developed consistent with the fund estimate. Projects programmed by the Commission in ATP will not be given priority in other programs under the Commission's purview.

If the program of projects adopted by the Commission does not program the full capacity identified in the fund estimate for a given fiscal year, the balance will remain available to advance programmed projects. Subject to the availability of funds, a balance not programmed in one fiscal year will carry over and be available for projects in the following fiscal year.

The program of projects for each fiscal year will include, for each project, the amount to be funded from the ATP and the estimated total cost of the project. In the case of a large project delivered in segments, the program of projects will include the total cost of the segment for which ATP funds are requested.

Project costs in the ATP will include costs for each of the following phases:

- project approval and environmental document (PA&ED);
- plans, specifications, and estimates (PS&E);
- right-of-way (R/W);
- construction (CON); and
- construction non-infrastructure (CON-NI), if applicable.

For projects anticipated to be delivered using the design-build or design-sequencing contracting method, the construction phase may include costs for design and right-of-way. The cost of each project phase will be listed in the ATP no earlier than in the fiscal year in which the particular project phase can be implemented.

Projects from prior cycles that are found to not meet Project Study Report (PSR) equivalency will be required to take corrective action prior to allocation of funds.

23. Performance Metrics

Successful projects must submit the required performance metric data as noted below. The Commission may delete a project for which no performance metric data is received. The Commission will not consider approval of a project allocation for projects that have not submitted the required performance metric data.

A. Interim Count Methodology Guidance

The Interim Count Methodology Guidance (Interim Guidance) was developed by Caltrans in collaboration with the ATP Technical Advisory Committee. The Interim Guidance is intended to guide ATP applicants and project awardees in meeting the minimum expectations for conducting user counts, surveys, and evaluation requirements for active transportation projects funded through the ATP. The Interim Guidance covers various topics that represent central steps to ensure that ATP applicants and awardees can provide consistent and uniform project-user data. Topics include determining the type of count data collection needed, as well as how to determine count locations and estimating the total volume within the project limits.

The Count Guidance must be used for all ATP-funded projects that receive a construction phase allocation from the Commission. The [Interim Count Methodology Guidance](#) is available on the Caltrans website. The timeframes for conducting user counts are outlined in Section 4 of Interim Count Methodology Guidance.

B. Affordable Housing and Sustainable Communities Benefits Calculator

To further show the benefits of the ATP funding, Commission staff will utilize the analysis provided by the [Affordable Housing and Sustainable Communities Benefits Calculator](#). This tool estimates outputs such as vehicle miles traveled, air pollution, and greenhouse gas reductions for new facilities and bike shares. Successful applicants, including those with MPO-selected projects, must submit the relevant data to Commission and Caltrans within six months of programming.

24. State Only Funding Designation

Some of the funds in the ATP are federal funds. ATP projects programmed as part of the statewide and small urban and rural competitions with capital construction values of \$1,000,000 or more in ATP funding must be federal-aid eligible. Refer to the update to the Federal-Aid Project Funding Guidelines for more information. Agencies may request State only funding at the time of application. Such a request does not guarantee a State only funding designation.

In the MPO component, it is the responsibility of each MPO to designate projects for State only funding when submitting their programming recommendation. The recommendations are not to exceed the allotted State only funds specified in the adopted 2023 ATP Fund Estimate. If a project is not designated for State only funds in the adopted MPO component, and later requires State only funding, the MPO must

modify the State only fund designations among all its programmed projects so that the State only fund designations do not exceed the allotment in the adopted 2023 ATP Fund Estimate. The MPO must inform Caltrans of any changed State only funding designations before submitting an allocation request for any affected project and inform the Commission which State only funded project(s) will be converted to federal funds.

All programmed quick-build projects will be designated for State only funding.

25. Committed / Uncommitted Funds

The Commission will program and allocate funding to projects in whole thousands of dollars and will include a project only if it is fully funded from a combination of ATP funds and other committed funds. The Commission will only propose to fund projects with uncommitted funds in the following two situations:

- The project is at the funding cut-off for an MPO in their MPO component and there are not enough available funds in that MPO's program to fund the full project. The applicant must demonstrate how it intends to fund the construction of a useable segment, consistent with the project application.
- Projects that fall into the large infrastructure category as defined in the Project Application, Section IV of these Guidelines. The applicant must demonstrate the means by which it intends to fund the construction of a useable segment, consistent with the project application.

Uncommitted funds may only be from a future cycle of the ATP, the Local Partnership Program (formulaic or competitive), or a federal discretionary grant program. The applicant must indicate its plan for securing a funding commitment; explain the risk of not securing that commitment, and its plan for securing an alternate source of funding should the commitment not be obtained. If a project with uncommitted funds is programmed, all funding commitments for that phase must be secured prior to July 1 of the fiscal year in which the project is programmed, or the project will be removed from the program.

The Commission will regard funds as committed when they are programmed by the Commission or when the agency with discretionary authority over the funds has made its commitment to the project by ordinance or resolution. For federal formula funds, including Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and federal formula transit funds, the commitment may be by Federal approval of the Federal Statewide Transportation Improvement Program. For federal discretionary funds, the commitment may be by federal approval of a full funding grant agreement or by grant approval.

26. Contingency List

The Commission may identify a contingency list of projects to be amended into the program in the event a programmed project has returned award savings or is deleted

from the program. This contingency list will be in effect only until the adoption of the next programming cycle.

27. Baseline Agreements

In accordance with the SB 1 Accountability and Transparency Guidelines, the Commission requires Baseline Agreements for ATP projects with a total project cost of \$25 million or greater (all funds) or a total programmed amount of \$10 million or greater in ATP funds, including large infrastructure projects that are programmed with ATP funds in pre-construction phases only and that meet these thresholds. Baseline agreements establish the agreed upon benefits, project scope, schedule, and cost of a project for which the Commission has approved funding. These agreements provide a foundation for project monitoring and reporting and identify the agency responsible for reporting on the progress made towards the implementation of the project.

The Commission will approve baseline agreements at a regular Commission meeting within four months after a project has been adopted into the ATP except in instances in which a project has not received environment clearance at the time of programming. Projects that have not received environmental clearance at the time of programming will be expected to have a baseline agreement approved within six months after the Lead Agency files a notice of exemption or files a notice of determination pursuant to the California Environmental Quality Act.

The following documents must be completed and submitted to Caltrans as part of the baseline agreement package:

- A signed baseline agreement
- An approved ATP application
- A completed Project Programming Request (PPR)
- Completed environmental documents (CEQA and NEPA, if required)
- A completed Benefits Form

The Commission may delete a project for which no baseline agreement is executed. The Commission will not consider approval of a project allocation, except for the environmental project phase and the non-infrastructure project phase for infrastructure/non-infrastructure combination projects, without an approved baseline agreement. The SB 1 Accountability and Transparency Guidelines are available on the Commission's website.

VII. Program / Project Amendments

28. Amendment Requests

Implementing agencies who wish to request project amendments must obtain approval from all partner and funding entities before submitting these requests to the

Commission. Implementing agencies must submit amendment requests in a timely manner and include documentation that supports the requested change and its impact on the scope, cost, schedule, public support, and benefits.

Caltrans shall coordinate all amendment requests and utilize the Project Programming Request (PPR) form to help document the change. Implementing agencies must notify Caltrans in writing of proposed project amendments.

Project amendments will be considered for ATP as follows:

- Scope Changes – the Commission may consider changes to the scope of the project only as described below.
- Funding Distribution Changes – the Commission may consider a request to move funds between phases after a project has been programmed only as described below.

Project Segmenting – the Commission may consider a request to segment a project into two or more segments only as described in subsection C below.

Schedule changes to a project will not be considered, however, time extensions are allowed as specified in Section 31. The ATP will not fund any cost increases to a project, except for Caltrans implemented projects as outlined in Section VIII. If there is a change in the cost estimate, the implementing agency must notify Caltrans as soon as possible. The written notification should explain the change and the plan to cover the increase.

A. Scope Changes

The Commission will consider changes to the approved scope submitted in the project application to assist agencies in implementing their ATP projects and maximize the overall benefits of the ATP. An agency requesting a scope change must submit a request to Caltrans that includes the following:

- An explanation of the proposed scope change.
- The reason for the proposed scope change.
- The impact the proposed scope change would have on the overall cost of the project.
- An estimate of the impact the proposed scope change would have on the potential of the project to increase walking and bicycling as compared to the benefits identified in the project application (increase or decrease in benefit).
- An estimate of the impact the proposed scope change would have on the potential of the project to increase the safety of pedestrians and bicyclists as compared to the benefits identified in the project application (increase or decrease in benefit).

- An estimate of the impact of the proposed scope change on benefits to disadvantaged communities, if applicable (increase or decrease in benefit).
- An explanation of the methodology used to develop the estimates.
- Evidence of public support for the new scope.
- Revalidation of the environmental document(s), if needed.
- How the scope change impacts the project schedule.
- For projects in which the original ATP scope has been or will be completed through a different project or funding source, the implementing agency must submit an explanation of the overlapping scopes of the projects and/or change in funding source. If the scope change is approved, the agency must continue to report on any items that were in the original ATP scope but were or will be completed through a different project or funding source.
- Identification of any funding sources used to complete the project that were not included in the project application.
- Identification of any savings expected due to a reduced or modified scope.
- An explanation of how the scope change affects the project budget, and how increases will be funded, or savings will be utilized.
- For projects programmed in the Metropolitan Planning Organization (MPO) component, evidence of MPO approval and the MPO rationale for their approval.

Caltrans will review the proposed scope change and forward the proposal along with Caltrans' written analysis and recommendation to the Commission for the Commission's consideration.

Commission staff may accept or deny minor scope changes and will present those that are accepted to the Commission as a part of the project allocation request. Minor scope changes are those that stay true to the project proposed in the application, with little or no impact to project benefits, strong public support, or increase the benefits of the project. If Commission staff denies approval of a minor scope change request, Caltrans, in collaboration with the requesting agency, may resubmit the scope change request as a major scope change for the Commission's consideration.

Caltrans will present recommendations to approve or disapprove major scope changes to the Commission as a project amendment agenda item at a regularly scheduled Commission meeting. Commission staff may recommend denying a scope change if the request dramatically changes the project scope and intent from what was approved in the application, or if there is a loss in benefits. The Commission may approve or deny the scope change request, regardless of staff and Caltrans' recommendations.

Scope change requests must be submitted as soon as practicable following identification of the needed change, and prior to the allocation of any additional project phases. Scope change requests must be submitted prior to an agency requesting the

allocation of construction funds, except in instances where there are contract bid cost savings, as described in Section 36 of these Guidelines.

B. Funding Distribution Changes

Agencies may request to move fund amounts between programmed phases, including Project Approval and Environmental Document (PA&ED), Plans, Specs and Estimates (PS&E), Right of Way (RW) and Construction (CON). Moving funds between phases will not increase the total programmed amount. The agency must show that the project remains fully funded and that the benefits of the project will remain the same or increase. All Funding Distribution Change requests must be considered by the Commission for approval.

When preparing a request for a Funding Distribution Change, agencies should consider the following:

- The request must be made prior to the state fiscal year in which the funds have been programmed.
- The funds that are part of the request cannot have been allocated.
- Funds programmed in construction cannot be moved out of construction.
- An agency may only request a Funding Distribution Change once during the life of the project. Agencies should consider waiting until after the environmental review has been completed to submit a Funding Distribution Change.

The notification to Caltrans must include:

- A revised Project Programming Request that outlines the proposed Funding Distribution Change.
- The reason for the proposed Funding Distribution Change.
- The impact the proposed change would have on the overall cost of the project. The project must remain fully funded.
- A discussion of whether the Funding Distribution Change will affect the benefit of the project as described in the project application.

C. Project Segmenting

The Commission will consider project segmenting requests that aid in the overall delivery of the project.

When preparing a request to segment a project, agencies should consider the following:

- In segmenting a project, phases or segments may not be reprogrammed to later years.
- An agency may only request to segment a project once during the life of a project.

- Segmenting must be approved prior to construction allocation. An allocated phase cannot be segmented.

An agency wishing to segment a project must submit a request to Caltrans that includes the following:

- An explanation of the proposed project segmentation.
- The reason for the proposed project segmentation.
- A map clearly showing each project segment or phase.
- Separate PPRs for each project segment.

Caltrans will review the proposed project segmenting request and forward the proposal along with Caltrans' written analysis and recommendation to Commission staff for the Commission's consideration.

VIII. Allocations

When an agency is ready to implement a project or project phase, the agency will submit an allocation request to Caltrans. The typical time required, after receipt of the request, to complete Caltrans review and recommendation and Commission allocation is 60 days.

Caltrans will review the request and determine whether or not to recommend the request to the Commission for action. The recommendation will include a determination of project readiness, the availability of appropriated funding, the availability of all identified and committed supplementary funding, and the consistency with the project's Baseline Agreement, if applicable. When Caltrans develops its construction allocation recommendation, the Commission expects Caltrans to verify that a project's plans specifications and estimate are complete, and match the application scope or approved scope amendment, environmental and right-of-way clearances are secured, and all necessary permits and agreements are executed. The Commission will only consider an allocation of construction funds to projects that are ready to advertise. Projects using the design-build or design-sequencing contracting methods shall be considered ready for allocation upon completion of environmental clearance. Readiness for projects to be transferred to the Bureau of Indian Affairs (BIA) or Federal Transit Administration (FTA) shall be consistent with BIA's or FTA's definition of readiness for transfer.

In compliance with Section 21150 of the Public Resources Code, the Commission will not allocate funds for a non-infrastructure project or plan, or for design, right-of-way, or construction of an infrastructure project, prior to documentation of environmental clearance under the California Environmental Quality Act (CEQA). As a matter of policy, the Commission will not allocate funds, other than for the environmental phase, for a federally funded project prior to documentation of environmental clearance under the National Environmental Policy Act (NEPA). Exceptions to this policy may be made in instances where federal law allows for the acquisition of right-of-way prior to completion of NEPA review.

The Commission will approve the allocation in whole thousands of dollars and only if the allocation is necessary to implement the project as included in the adopted ATP. The ATP does not fund cost increases. If there is a cost increase to the project, the implementing agency must submit an updated PPR form that identifies the cost increase and the fund source that will cover the cost increase. If funding is not identified to cover the cost increase, the project component will be lapsed. Caltrans implemented projects are the only exception to this provision. The Commission will consider funding a cost increase for Caltrans implemented projects if all other cost saving measures, such as scope modifications, have been exhausted and the project cannot proceed without additional funds. The additional funds will be apportioned from the subsequent ATP cycle. Caltrans cost increase requests must be approved by the Commission in the same manner as project cost increases for other Commission programs.

Applicants that have partnered with an implementing agency must include a copy of the Memorandum of Understanding or Interagency Agreement between the project applicant and implementing agency with the allocation request.

The Commission will consider the allocation request if the funds are available and the allocation is necessary to implement the project as included in the adopted ATP. All allocations are dependent on the availability of ATP funds. If there are insufficient program funds to approve an allocation, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension.

To ensure the timely use of all program funds, the Commission will, contingent upon availability, advance allocate funds to projects programmed in a future fiscal year on a first-come, first-served basis. Should requests for advance allocations exceed available capacity, the Commission will give priority to projects programmed in the current year.

Allocation requests for a project in the MPO selected portion of the program must include a recommendation by the MPO.

Any scope change requests must be presented to Caltrans for consideration prior to allocation in the manner described in Section 28.

29. Bureau of Indian Affairs (BIA)/Federal Transit Administration (FTA) Transfers

An implementing agency may request to transfer programmed ATP funds to Bureau of Indian Affairs (BIA) or the Federal Transit Administration (FTA) if the BIA or FTA has greater expertise to administer a project, or if there may be cost savings associated with a project that has multiple components. The implementing agency shall notify Caltrans as early as possible following programming, so that funding eligible for transfer from Federal Highway Administration (FHWA) to the BIA or FTA can be assigned in a timely manner to the project. Caltrans shall make a recommendation to the Commission regarding the readiness of the project for allocation using the same criteria used by the BIA or FTA. The implementing agency should submit the BIA or FTA transfer form to Caltrans along with their allocation request. Caltrans shall add a "BIA Transfer" or "FTA Transfer" notation to the vote box for projects that will require a BIA or FTA Transfer.

IX. Project Delivery

30. Letter of No Prejudice

The Commission will consider approval of a Letter of No Prejudice to advance a project programmed in the ATP. Approval of the Letter of No Prejudice will allow the agency to begin work and incur eligible expenses prior to allocation. The Letter of No Prejudice Guidelines are available on the Commission's website.

31. Timely Use of Funds

ATP allocations are requested by project phase, Environmental Phase (PA&ED), Design Phase (PS&E), Right-of-Way Phase (R/W), Construction Phase (CON), and Construction Non-Infrastructure (CON-NI), as applicable. Each allocation must be requested in the fiscal year that the phase is programmed. When programmed funds are not allocated within the fiscal year programmed or within the time allowed by an approved extension, the funds will lapse, and the phase will be deleted from the Active Transportation Program.

The Commission may extend the deadline only once for each allocation phase and only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months. If extraordinary issues exist that require a longer extension, the implementer may request up to 20 months for allocation only. Extension requests for a project in the MPO selected portion of the program must include a recommendation by the MPO, consistent with the preceding requirements.

Funds allocated for Project Approval and Environmental Document (PA&ED), Plans, Specifications, and Estimates (PS&E), and Right-of-Way (R/W) costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The implementing agency must invoice Caltrans for these costs no later than 180 days after the expenditure or completion deadline.

Construction contracts must be awarded and executed within six months of construction allocation. The Commission may extend the contract award deadline only once if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed twelve months.

After award of the contract, the implementing agency has up to 36 months to complete (accept) the contract. At the time of construction fund allocation, the implementing agency may request, and the Commission may approve extending the deadline for completion of work and the liquidation of funds if necessary to accommodate the proposed expenditure plan for the project.

The Commission may extend the deadlines for expenditures for project development or right-of-way, or for contract completion no more than one time, only if it finds that an unforeseen and extraordinary circumstance beyond the control of the responsible agency has occurred that justifies the extension. The extension will not exceed the period of delay directly attributed to the extraordinary circumstance and cannot exceed more than 12 months for project completion and 12 months for expenditure.

Except for the allocation of funds, the request to extend the deadline for any of the above must be received by Caltrans prior to the expiration date. For allocation of funds, the time extension must be approved by the Commission by June 30th of the year the funds are programmed; otherwise the funds will lapse.

Projects with a right-of-way phase programmed must commence the right-of-way phase within ten years of receiving Project Approval and Environmental Document and/or Plans, Specifications, and Estimates funding through ATP, and must commence construction within ten years of receiving right-of-way funding through ATP. Projects without a right-of-way phase programmed must commence construction within ten years of receiving Project Approval and Environmental Document and Plans, Specifications, and Estimates funding through ATP. Otherwise, the implementing agency must repay the ATP funds and the repaid funds may be made available for redistribution in the subsequent programming cycle.

If there are insufficient funds, the Commission may delay the allocation of funds to a project until the next fiscal year without requiring an extension. It is incumbent upon the implementing agency to develop accurate project cost estimates. If the amount of a contract award is less than the amount allocated, or if the final cost of a phase is less than the amount allocated, the savings generated will not be available for future programming.

Caltrans will track the delivery of ATP projects and submit to the Commission the required reports showing the delivery of each project phase.

32. Delivery Deadline Extensions

The Commission may extend a delivery deadline, as described in Section 31, upon the request of the implementing agency. No deadline may be extended more than once. However, there are separate deadlines for allocations, contract award, expenditures, and project completion. Each project phase has its own deadline. The Commission may consider the extension for each deadline separately.

All requests for project delivery deadline extensions shall be submitted directly to Caltrans for processing prior to the expiration date. The extension request should describe the specific circumstance that justifies the extension and identify the delay directly attributable to the circumstance. Caltrans will review and prepare a written analysis of the proposed extension requests and forward the written analysis and recommendation to the Commission for action.

33. Federal Requirements

Unless fully programmed for state-only funding, project applicants must comply with the provisions of Titles 23 and 49 of the U.S. Code of Federal Regulations and with the processes and procedures for federally funded projects contained in the Caltrans Local Assistance Procedures Manual and the Master Agreement with Caltrans. Below are examples of federal requirements that must be met when administering ATP projects.

- National Environmental Policy Act (NEPA) compliance and documentation is required on all projects. Refer to the Local Assistance Procedures Manual, Chapter 6: Environmental Procedures, for guidance and procedures on complying with NEPA and other federal environmentally related laws.
- Project applicants may not proceed with the final design of a project or request “Authorization to proceed with Right-of-Way” or “Authorization to proceed with Construction” until Caltrans has signed a Categorical Exclusion, a Finding of No Significant Impact, or a Record of Decision. Failure to follow this requirement will make the project ineligible for federal reimbursement.
- If the project requires the purchase of right of way (the acquisition of real property), the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 apply. For more information, refer to the Local Assistance Procedures Manual, Chapter 13, Right of Way.
- If the project applicant requires the consultation services that include but are not limited to the services of architects, landscape architects, land surveyors, or engineers, the procedures in the Chapter 10, Consultant Selection, of the Local Assistance Procedures Manual must be followed. The naming of a partner in the application does not negate this requirement.
- Contract documents are required to incorporate applicable federal requirements such as Davis Bacon wage rates, competitive bidding, Disadvantaged Business Enterprises/Equal Employment Opportunity provisions, etc. For more information, refer to the Local Assistance Procedures Manual, Chapter 9, Civil Rights and Disadvantaged Business Enterprises, and Chapter 12, Plans, Specifications & Estimate.
- Failure to comply with federal requirements may result in the repayment of ATP funds to the State.

34. Design Standards

Streets and Highways Code Section 891 requires that all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted utilize all minimum safety design criteria established by Caltrans, except that an agency may utilize other minimum safety design criteria if specific conditions are met, as described in Streets and Highways Code Section 891(b). The Caltrans Local Assistance Procedures Manual, Chapter 11, Design Guidance, describes statewide design standards, specifications, procedures, guides,

and references that are acceptable in the geometric, drainage, and structural design of Local Assistance projects.

For capital projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

All facilities constructed using ATP funds cannot revert to non-ATP use for a minimum of 20 years or its actual useful life as documented in the project application, whichever is less, without the approval of the Commission. The exception to this is ATP-funded quick-build projects.

35. Project Inactivity

Once funds for a project are encumbered, project applicants are expected to invoice on a regular basis (for federal funds, see 23 CFR 630.106 and the Caltrans' Inactive Obligation Policy). Failure to do so will result in the project being deemed "inactive" and subject to de-obligation if proper justification is not provided.

36. Project Cost Savings

Savings at contract bid may be used to expand the scope of the project only if the expanded scope provides additional quantifiable active transportation benefits. The expanded scope must be approved by Commission staff prior to contract award. All other contract bid savings will be returned proportionally.

Savings at project completion must be returned proportionally except when an agency has, subsequent to project programming, committed additional funds to the project to fund a cost increase. In such instances, savings at project completion may be returned to other fund types first, until the proportions match those at programming. Any additional savings at project completion must be returned proportionally.

Any amount allocated for environmental may also be expended for design. In addition, a local agency may expend an amount allocated for environmental, design, right of way, construction (infrastructure) or construction (non-infrastructure) for another allocated project phase, provided that the total expenditure shifted to a phase in this way is not more than 20 percent of the amount actually allocated for either phase. This means that the amount transferred by a local agency from one phase to another may be no more than 20 percent of whichever of the phases has received the smaller allocation from the Commission.

If an implementing agency requests an allocation of funds in an amount that is less than the amount programmed, the balance of the programmed amount may be allocated to a programmed project advanced from a future fiscal year. Project savings, including

savings from projects programmed in the MPO component, will return to the overall ATP and be available to a programmed project advanced from a future fiscal year.

37. Project Cancellation

If an implementing agency elects to cancel a project, the agency must cease all invoicing and relinquish any remaining funds to the program.

Project cancellations in the Project Approval and Environmental Document (PA&ED), Plans, Specifications, and Estimates (PS&E), and Right-of-Way (R/W) phases require repayment of the reimbursed ATP funds if the investment does not result in a physical improvement within ten years. Project cancellations directly related to compliance with another federal and/or state law, such as NEPA and CEQA, do not require repayment. If an implementing agency feels repayment is not required on a project canceled in the PA&ED, PS&E or R/W phase, the implementing agency must submit a written request to Caltrans. Caltrans will review the request, obtain FHWA concurrence for federally funded projects, and forward the request and a written recommendation to the Commission staff for the Commission's consideration.

38. Project Reporting

The purpose of all required reports is to ensure that the project is executed on time and within budget, and that it delivers the scope and benefits identified in the project application. The ATP adheres to the program accountability requirements set forth in the SB1 Accountability and Transparency Guidelines. The reporting provisions specified in the SB 1 Accountability and Transparency Guidelines apply to all projects programmed in the ATP.

All implementing agencies must submit regular progress reports, a completion report, and a final delivery report to Caltrans. Implementing agencies should refer to the [Local Assistance website](#) for details. Implementing agencies must submit photographs of the completed project as part of the Completion Report. Photos showing people using the completed facility are best. If there are recognizable faces in the photos, the agency must include a photo release waiver with the report. Photographs of the completed project should be at least 300 dots per inch (DPI). Implementing agencies will also be encouraged to submit photographs of the project with progress reports when significant project milestones are achieved.

An agency implementing a project in the MPO selected portion of the program is required to also submit copies of all of its reports to the MPO. However, all agencies are encouraged to submit copies of their reports to their MPO or RTPA.

Projects with a Bureau of Indian Affairs or Federal Transit Administration transfer must comply with the reporting requirements set forth by the Bureau of Indian Affairs or the Federal Transit Administration.

39. Audits

The audit requirements outlined in the SB 1 Accountability and Transparency Guidelines apply to all projects programmed in the ATP.

X. Roles and Responsibilities

40. California Transportation Commission (Commission)

The Commission responsibilities include:

- Adopting guidelines and policies for the ATP.
- Adopting the ATP fund estimate.
- Evaluating, scoring, and ranking projects, including forming and facilitating the Project Evaluation Committee.
- In consultation with regional agencies and Caltrans, recommending and adopting a program of projects, including:
 - The statewide component of ATP,
 - The small urban & rural component of ATP, and
 - The MPO-selected component of the program based on the recommendations of the MPOs.
 - Ensuring that at least 25% of the funds benefit disadvantaged communities.
- Maintaining a contingency list of projects to be amended into the program in the event a programmed project is delivered under the programmed amount or if a project fails, approving and recommending such amendments for Commission approval. This contingency list will be in effect only until the adoption of the next statewide program.
- Posting recommendations and final adopted list of approved projects on the Commission's website.
- Allocating funds to projects.
- Publishing a Status Report of the ATP annually to increase the transparency of the program and show the progress of the programmed projects.
- Reviewing project amendment requests and recommending approval or denial to the Commission.
- Evaluating the program and reporting to the legislature.

41. California Department of Transportation (Caltrans)

Caltrans has the primary responsibility for the administration of the adopted ATP. Responsibilities include:

- Preparing and providing statewide program and procedural guidance. Conducting outreach through various networks such as, but not limited to, the ATP website, and at conferences, meetings, or workgroups.
- Developing and providing program training.
- Soliciting project applications for the program.
- Performing eligibility and deliverability reviews of ATP projects at the Commission's request and inform the Commission of any identified issues in writing and before consensus scores are submitted by the evaluators.
- Assisting as needed in functions such as facilitating project evaluation teams and evaluating applications.
- Notifying successful applicants of their next steps after each call for projects.
- Recommending project allocations (including funding type) to the Commission.
- Making project amendment recommendations to the Commission.
- Tracking and reporting on project implementation, including project completion.
- Creating reports required by the Commission and solicit implementing agencies to submit required reports in a timely manner.
- Performing audits of selected projects in accordance with generally accepted government auditing standards.
- Serving as the main point of contact in project implementation, including administering the contract(s) for the Active Transportation Resource Center.

42. Metropolitan Planning Organizations (MPOs) With Large Urbanized Areas

MPOs with large urbanized areas are responsible for overseeing a competitive project selection process in accordance with these guidelines. The responsibilities include:

- Ensuring that at least 25% of the funds in each MPO benefit disadvantaged communities.
- If using different project selection criteria or weighting, minimum project size greater than \$500,000, match requirement, or definition of disadvantaged communities for its competitive selection process, the MPO must obtain Commission approval prior to the MPO's call for projects.
- If electing to have a supplemental MPO specific call for projects, the projects within the MPO boundaries that were not selected through the statewide competition must be considered along with those received in the supplemental call for projects. An MPO must notify the Commission of their intent to have a supplemental call no later than the application deadline.
- An MPO electing to have a supplemental MPO specific call for projects must submit copies of all applications received by the MPO. Projects recommended for

programming by an MPO will not be considered for funding unless the application is received by the designated deadline.

- In administering a competitive selection process, an MPO must use a multidisciplinary advisory group to assist in evaluating project applications.
- In administering a competitive selection process, an MPO must explain how the projects recommended for programming by the MPO include a broad spectrum of projects to benefit pedestrians and bicyclists. The explanation must include a discussion of how the recommended projects benefit students walking and cycling to school.
- An MPO choosing to use the same project selection criteria and weighting, minimum project size, match requirement, and definition of disadvantaged communities as used by the Commission for the statewide competition may delegate its project selection to the Commission. An MPO delegating its project selection to the Commission must notify the Commission by the application deadline and may not conduct a supplemental call for projects.
- If electing to have a contingency list of projects to be amended into the program in the event a programmed project is delivered for less or fails, approving and recommending such amendments for Commission approval. This contingency list will be provided to the Commission and will be in effect only until the adoption of the next statewide program.
- Recommend allocation requests for a project in the MPO selected portion of the program.
- Determining which projects to advance and make that recommendation to the Commission in consultation with Commission staff and Caltrans.
- Submitting an annual assessment of its portion of the program in terms of its effectiveness in achieving the goals of ATP.

In addition, the Southern California Association of Governments (SCAG) must follow the statutory requirements applying specifically to them as outlined in Section 6 of these guidelines.

43. Regional Transportation Planning Agencies (RTPAs) Outside an MPO with Large Urbanized Areas and MPOs without Large Urbanized Areas

The Regional Transportation Planning Agencies and MPOs (outside the ten large MPOs) may make recommendations or provide input to the Commission regarding the projects within their boundaries that are applying for ATP funding.

44. Project Applicant

Project applicants nominate ATP projects for funding consideration by submitting an application by the deadline. If awarded ATP funding for a submitted project, the project applicant (or partnering implementing agency if applicable) has contractual

responsibility for carrying out the project to completion and complying with reporting requirements in accordance with federal, state, and local laws and regulations, and these guidelines.

For infrastructure projects off the state highway system, the project applicant will be responsible for the ongoing operations and maintenance of the facility. If another entity agrees to assume responsibility for the ongoing operations and maintenance of the facility, documentation of the agreement must be submitted with the project application, and a copy of the Memorandum of Understanding or Interagency Agreement between the parties must be submitted with the request for allocation.

For all projects receiving SB 1 funds, the implementing agency must include signage stating that the project was made possible by SB 1 – The Road Repair and Accountability Act of 2017. The signage should be in compliance with applicable federal or state law, and Caltrans' manual and guidelines, including but not limited to the provisions of the California Manual on Uniform Traffic Control Devices.

XI. Program Evaluation

The Active Transportation Program will be evaluated for its effectiveness in increasing the use of active modes of transportation in California. Applicants that receive funding for a project must collect and submit data to Caltrans as described in the "Project Reporting" section.

The Commission will include in its annual report to the Legislature a discussion on the effectiveness of the program in terms of planned and achieved improvement in mobility and safety and timely use of funds, and will include a summary of its activities relative to the administration of ATP including projects programmed, projects allocated, projects completed to date by project type, projects completed to date by geographic distribution, projects completed to date by benefit to disadvantaged communities, and projects completed to date with the California Conservation Corps or certified local community conservation corps.

XII. Appendix A

Active Transportation Plan for Disadvantaged Communities Guidance for Plans

A city, county, county transportation commission, regional transportation planning agency, MPO, school district, or transit district may prepare an active transportation plan (bicycle, pedestrian, safe-routes-to-school, or comprehensive). An active transportation plan prepared by a city or county may be integrated into the circulation element of its general plan or a separate plan which is compliant or will be brought into compliance with the Complete Streets Act, Assembly Bill 1358 (Chapter 657, Statutes of 2008). An active transportation plan must include, but not be limited to, the following components or explain why the component is not applicable:

- A. **Mode Share:** The estimated number of existing bicycle trips and pedestrian trips in the plan area, both in absolute numbers and as a percentage of all trips, and the estimated increase in the number of bicycle trips and pedestrian trips resulting from implementation of the plan.
- B. **Description of Land Use/Destinations:** A map and description of existing and proposed land use and settlement patterns which must include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, major employment centers, major transit hubs, and other destinations. Major transit hubs must include, but are not limited to, rail and transit terminals, and ferry docks and landings.
- C. **Pedestrian Facilities:** A map and description of existing and proposed pedestrian facilities, including those at major transit hubs and those that serve public and private schools.
- D. **Bicycle Facilities:** A map and description of existing and proposed bicycle transportation facilities including those at major transit hubs and those that serve public and private schools.
- E. **Bicycle Parking:** A map and description of existing and proposed end-of-trip bicycle parking facilities. Include a description of existing and proposed policies related to bicycle parking in public locations, private parking garages and parking lots and in new commercial and residential developments. Also include a map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These must include, but not be limited to, bicycle parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.
- F. **Wayfinding:** A description of existing and proposed signage providing wayfinding along bicycle and pedestrian networks to designated destinations.

- G. Non-Infrastructure: A description of existing and proposed bicycle and pedestrian education and encouragement programs conducted in the area included within the plan.
- H. Collision Analysis: The number and location of collisions, serious injuries, and fatalities suffered by bicyclists and pedestrians in the plan area, both in absolute numbers and as a percentage of all collisions and injuries, and a goal for collision, serious injury, and fatality reduction after implementation of the plan.
- I. Equity Analysis: Identify census tracts that are considered disadvantaged or low-income and identify bicycle and pedestrian needs of those disadvantaged or low-income residents, including lack connectivity to key destinations, mobility challenges, public health concerns, and safety issues.
- J. Community Engagement: A description of the extent of community involvement in development of the plan, including disadvantaged and underserved communities.
- K. Coordination: A description of how the active transportation plan has been coordinated with neighboring jurisdictions, including school districts within the plan area, and is consistent with other local or regional transportation, air quality, housing or energy conservation plans, including, but not limited to, general plans and a Sustainable Community Strategy in a Regional Transportation Plan, and local or regional housing plans or process improvements that are adopted or in development.
- L. Prioritization: A description of the projects and programs proposed in the plan and a listing of their priorities for implementation, including the methodology for project prioritization and a proposed timeline for implementation.
- M. Funding: A description of future financial needs for projects and programs that improve safety and convenience for bicyclists and pedestrians in the plan area. Include anticipated cost, revenue sources and potential funding for bicycle and pedestrian uses.
- N. Implementation: A description of steps necessary to implement the plan and the reporting process that will be used to keep the adopting agency and community informed of the progress being made in implementing the plan.
- O. Maintenance: A description of the policies and procedures for maintaining existing and proposed bicycle and pedestrian facilities, including, but not limited to, the maintenance of smooth pavement, ADA level surfaces, freedom from encroaching vegetation, maintenance of traffic control devices including striping and other pavement markings, and lighting.
- P. Resolution: A resolution showing adoption of the plan by the city, county, or district. If the active transportation plan was prepared by a county transportation commission, regional transportation planning agency, MPO, school district or

transit district, the plan should indicate the support via resolution of the city(s) or county(s) in which the proposed facilities would be located.

A city, county, school district, or transit district that has prepared an active transportation plan may submit the plan to the county transportation commission or transportation planning agency for approval. The city, county, school district, or transit district may submit an approved plan to Caltrans in connection with an application for funds for active transportation facilities which will implement the plan.

XIII. Appendix B

Example Projects

This is a list of projects considered generally eligible for ATP funding. It is not intended to be comprehensive; other types of projects that are not on this list may also be eligible if they further the goals of the program. Individual components or elements of an otherwise eligible project may not be eligible.

Infrastructure Projects:

- Development of new bikeways and walkways that improve mobility, access, or safety for non-motorized users.
- Improvements to existing bikeways and walkways, which improve mobility, access, or safety for non-motorized users.
 - Elimination of hazardous conditions on existing bikeways and walkways.
 - Preventative maintenance of bikeways and walkways with the primary goal of improving the active transportation operations/usability extending the service life of the facility.
- Installation of traffic control devices to improve the safety of pedestrians and bicyclists.
- Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.
- Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and school bus stops.
- Safe routes for seniors projects that increase walking and biking among older adults and create routes that connect to activities that improve quality of life.
- Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings for the benefit of the public.
- Bicycle-carrying facilities on public transit, including rail and ferries.
- Establishment or expansion of a bike share program.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails.
- Bicycle highways that provide fast, direct connections between major destinations, aimed primarily at commuters.
- Complete low-stress bicycle networks that connect key community destinations through low-speed, low-traffic streets, separated paths, and protected bikeways.
- For quick-build projects, please refer to Appendix D.

Plan Projects:

- Development of a community-wide bike, pedestrian, safe routes to schools, or active transportation plan in a disadvantaged community.

Non-Infrastructure Projects:

- Education and encouragement programs to increase bicycling, walking, or other non-motorized rolling. Program activities could include any of the following: development and implementation encouragement days, such as bike-to-work, bike-to-school, walk-to-work, and walk-to-school days.
- Conducting pedestrian and bicycle safety education programs, such as bike rodeos, mock cities, classroom or physical education curriculum about walking and biking, school or community-wide bicycle clinics, etc.
- Development of community walking and biking maps, including school route/travel plans.
- Development and implementation of walking school bus or bike train programs.
- Demonstration projects or events directly linked to the promotion of a new infrastructure project or designed to promote walking and biking on a daily basis.
- Building community partnerships that emphasize activities directly related to improving pedestrian and bicyclist safety.
- School crossing guard training.
- Conducting NI program evaluation (such as administering surveys, evaluating knowledge or improved skills, or tracking participation)
- Conducting walkability and/or bikeability audits.

XIV. Appendix C

Active Transportation Program Guidelines California Conservation Corps and Certified Local Community Conservation Corps

These guidelines are the policies and procedures specific to the most recently adopted Active Transportation Program (ATP) that is directed to the California Conservation Corps and certified Local Community Conservation Corps. The final fiscal year for California Conservation Corps and certified Local Community Conservation Corps was fiscal year 2021-22. The 2023 Active Transportation Program does not direct any funding to the California Conservation Corps and Certified Local Community Conservation Corps.

Authority and Purpose

Senate Bill 1 (Beall, Chapter 5, Statutes of 2017), signed by the Governor on April 28, 2017, directs \$100 million annually from the Road Maintenance and Rehabilitation Account to the ATP beginning in the 2017-18 fiscal year. In addition, Assembly Bill 97 (Ting, Chapter 14, Statutes of 2017) directs \$4 million of the \$100 million annually, beginning in the 2017-18 fiscal year for the next five years, to the California Conservation Corps for active transportation projects to be developed and implemented by the California Conservation Corps and certified Local Community Conservation Corps. The availability of these funds is subject to annual appropriation by the Legislature. Not less than 50% of these funds shall be in the form of grants to certified Local Community Conservation Corps, as defined in Section 14507.5 of the Public Resources Code. Unless otherwise specified in these guidelines, the Commission will follow the most recently adopted [ATP Guidelines](#)..

Active Transportation Program Goals

The purpose of ATP is to encourage increased use of active modes of transportation by achieving the following goals:

- Increase the proportion of trips accomplished by biking and walking,
- Increase safety and mobility for non-motorized users,
- Advance the active transportation efforts of regional agencies to achieve greenhouse gas reduction goals, pursuant to Senate Bill 375 (of 2008) and Senate Bill 341 (of 2009),
- Enhance public health,
- Ensure that disadvantaged communities fully share in the benefits of the program and provide a broad spectrum of projects to benefit many types of active transportation users.

Eligible Project Types

Eligible projects include projects that meet the goals of ATP as listed above and may be part of an existing bicycle or pedestrian transportation plan, safe routes to school plan, active transportation plan for disadvantaged communities, or multi-use or recreational trail plan. Examples of typical project work can be found in the Commission's [ATP Guidelines](#).

The California Conservation Corps and certified Local Community Conservation Corps will consider, but not be limited to, projects with the following elements:

- Repair, remove and replace sidewalks
- Sign installation
- Irrigation
- Landscaping
- Demolition and deconstruction
- Tree planting
- Trail construction
- Bike locker and bike rack installation
- Fencing
- Outreach and education

When the California Conservation Corps or a certified Local Community Conservation Corps elect to partner with an ATP eligible applicant to implement the project, the California Conservation Corps and/or certified Local Community Conservation Corps will only consider those projects where at least 75% of the project cost includes items where the California Conservation Corps and/or certified Local Community Conservation Corps can participate.

Minimum and Maximum Request for Funds

The minimum request for ATP funds by the California Conservation Corps and certified Local Community Conservation Corps that will be considered is \$50,000. The maximum requests for funds will not exceed the available levels of funding for each fiscal year.

Co-Applicants

The California Conservation Corps or a certified Local Community Conservation Corps can serve as the lead applicant or may partner with an entity that will serve as the lead applicant and implementing agency, and therefore the partnering agency assumes responsibility for the ongoing operations and maintenance of the facility/project. Documentation of the agreement between the California Conservation Corps or a certified Local Community Conservation Corps and the partnering agency (e.g., letter of intent) must be submitted with the project application(s).

Eligible co-applicants include:

- Local, Regional or State Agencies (e.g. city, county, Metropolitan Planning Organization, and Regional Transportation Planning Agency)
- Caltrans
- Transit Agencies (any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration)
- State or Local Park or Forest Agencies
- State or Local Fish and Wildlife Agencies
- Department of Interior Land Management Agencies
- U.S. Forest Service
- Tribal Governments
- Private nonprofit tax-exempt organizations eligible for Recreational Trails Program funds. These program funds can only be used for projects such as recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails. Projects must benefit the general public, and not only a private entity
- Any other entity with responsibility for oversight of transportation or recreational trails that the Commission determines to be eligible

Project Selection Criteria

The project selection process carried out by the Corps will adhere to and conform to the Commission schedule for each ATP funding cycle. Projects will be selected by the Corps on a competitive basis and will be scored and ranked on the basis of applicant response to the following criteria:

- Projects can commence construction within six months of an award and shall be completed within two years from the project start date.
- Benefit to disadvantaged communities - a minimum of 25% of all California Conservation Corps and certified Local Community Conservation Corps proposals that are approved must benefit a Disadvantaged Community as defined by median household income, CalEnviroScreen, or Free or Reduced Priced School Meals as defined in the ATP Guidelines.
- Ability to further the goals of ATP.
 - Ability to leverage other funds.

Project Selection Process

Applicants must submit an electronic version of the complete grant application package to the California Conservation Corps by the annual deadline reflected in these

guidelines. Application packages will be reviewed for completeness and eligibility and evaluated by a review committee using established criteria. The review committee will consist of separate and designated teams of California Conservation Corps and certified Local Community Conservation Corps representatives.

The California Conservation Corps must submit funding recommendations to the Caltrans ATP Managers for review. The recommendations must include a substitution list of projects that will be considered for funding in the event projects from the recommended funding list are unable to proceed. The projects recommended for funding must also provide a Project Programming Request (PPR) form and the following information must be provided: project name, lead agency, partnering agency, project location, project description/scope, cost estimate, delivery schedule, project score from competitive review process.

Caltrans ATP Managers will review the project list and make a recommendation to Commission staff for approval. Commission approval of the list of projects recommended for funding is required prior to the lump-sum allocation of funding to Caltrans.

In the event a project is removed, or savings are generated from the funding list, a project from the substitution list may be awarded as long as there is sufficient capacity to allow this substitution. Project substitution must be reported to the Commission. The California Conservation Corps administers the program of projects approved by the Commission and is responsible for reporting on the program pursuant to Section XI of the 2021 Active Transportation Program Guidelines.

Environmental Review

Pursuant to Public Resources Code Sections 21102 and 21150, the Commission must consider the environmental impacts of a project prior to making an allocation of funds. California Environmental Quality Act (CEQA) compliance documentation for the proposed California Conservation Corps and certified Local Community Conservation Corps projects must be provided as follows:

For projects that are exempt from CEQA, documentation of the exemption must be provided with the project application and included with funding recommendations submitted to Caltrans ATP Managers for review. Project lists being submitted to the Commission for consideration of a lump sum allocation must cite the date the CEQA exemption was cleared.

For projects that are not exempt from CEQA, and for which an environmental document has been prepared and approved, documentation of the CEQA clearance must be provided with the project application. The Commission must consider the environmental document and approve the project for future funding via the issuance of an e-resolution. E-resolutions must be obtained at a Commission meeting that is either prior to, or concurrent with, the lump sum allocation request.

For more information on the process by which to obtain an e-resolution see the Commission [website](#). Allocation requests will be brought forward for Commission consideration by Caltrans Local Assistance.

If the project is subject to the National Environmental Policy Act (NEPA) it is the Commission's policy that documentation of NEPA clearance is provided with the project application and prior to allocation of funds.

Allocation

The California Conservation Corps' list of projects recommended for funding will be submitted for approval and lump sum allocation by the Commission pursuant to the schedule identified in these guidelines and in accordance with this section.

The Commission will allocate the funds to Caltrans as a lump-sum and Caltrans will sub-allocate funding to the California Conservation Corps.

For projects exempt from CEQA, at the time of allocation, the date of the CEQA exemption determination by the lead agency must be noted in the list of projects being approved for allocation.

For projects not exempt from CEQA, and for which an environmental document has been prepared and approved, an e-resolution must be issued by the Commission prior to the list of projects being approved for allocation pursuant to Section IX of the 2021 Active Transportation Program Guidelines.

The Commission's expectation is that consistent with the requirements of the overall Active Transportation Program, the Corps will administer these funds to the recipients on a reimbursement basis. The availability of these funds is subject to annual appropriation by the Legislature. The California Conservation Corps will submit an allocation request to Caltrans. The California Conservation Corps is responsible for the expenditures of all allocated funds. Costs incurred prior to Commission allocation are not eligible for reimbursement.

Reporting

The California Conservation Corps is required to submit semi-annual project status reports for the program as well as project completion reports within six months of construction contract acceptance or the project becoming operable (open to the public) and a final delivery report within 180 days of the conclusion of all remaining project activities to Caltrans. Refer to the most recent Commission [ATP Guidelines](#) for reporting requirements.

XV. Appendix D

Guidance for the 2023 ATP Quick-Build Project Phase II Pilot Program

The 2023 ATP will include a phase II pilot program for quick-build projects. The 2021 ATP included a Quick-Build Project Pilot Program to which eight projects were programmed, totaling \$4,400,000 in ATP funding. The phase II pilot program will allow the Commission to refine quick-build project evaluation criteria and reporting requirements and address delivery issues. The Commission anticipates dedicating a maximum of \$7,000,000 to quick-build projects in the 2023 ATP. The Commission may select several quick-build projects, or none.

Quick-build projects are interim capital improvement projects that further the goals of the ATP. These projects require minor construction activities and are typically built with durable, low to moderate cost materials, and last from one year to five years. These projects have moderate design flexibility to anticipate adjustments that may occur based on community feedback. The purpose of a quick-build project is to immediately implement safety needs, allowing a community to benefit quickly from improvements made, and/or allow the people of a community affected by the project to provide input and test the project improvements before they are permanently constructed.

Quick-build projects are distinguished from temporary demonstration projects by the types of materials used and the intended duration of the project. In addition, quick-build projects have a data collection and study period that lasts from the beginning of the project through completion. Unlike traditional capital projects, quick-build projects can be adjusted; they can be changed based on community input and further technical analysis over time. If the quick-build project is successful, it will later be made permanent. If it is not successful, it can be easily deconstructed. Quick-build projects are intended to remain in place until capital upgrades are possible. All quick-build projects considered for funding in the ATP are expected to collect data to inform the approach for the project. Objective metrics are an important part of the process, both for making necessary adjustments and demonstrating success. Examples of data that can be collected are: surveys to show how many customers get to key destinations within the project area without cars; analyzed sales tax data to show faster-than-average retail growth on redesigned streets; number of collisions and injuries before and after the quick-build project; and vehicle speeds, volumes and travel times.

Quick-build projects considered for funding in the ATP must be supported by the jurisdiction in which they are located. Government leadership and involvement is required.

Funding Overview

ATP funding is available for the construction phase only. If the project is expected to be delivered using the design-build method, the applicant may include the cost of design in the construction phase. Applicants must specify the delivery method that they wish to

use in the application. The project must have environmental clearance or categorical exemption at the time of application. A project that is in a plan that cleared CEQA qualifies.

Funding will be available for programming in fiscal years 2022-23, 2023-24, and 2024-25.

Reporting Requirements

Quick-build projects must adhere to reporting requirements set forth in the ATP guidelines. Funded quick-build projects will be required to attach a new layout plan with each report that is submitted. Quick-build projects are not required to submit reports in CalSMART; however, quarterly reports are required, and more frequent reports and updates may be required if requested. Implementing agencies will be required to submit a Completion Report that includes photographs of project layouts and a narrative on project outcomes and lessons learned. If there are recognizable faces in the photos, the agency must include a photo release waiver with the report. Instructions on what to report on, where and when to submit reports will be provided to successful quick-build project applicants.

Time Extensions

The Commission will only consider quick-build project time extensions in extraordinary circumstances. Implementing agencies may request to extend a delivery deadline as described in Section 31 of these Guidelines. Approved time extensions are limited to three months per delivery deadline.

Scope Changes

Quick-build projects are expected to be flexible and to change based on community testing and feedback. Implementing agencies must submit new project layouts during each reporting period to reflect adjustments made based on community feedback. Quick-build projects that propose to make substantial changes that differ significantly from the anticipated project scope must follow the Project Amendment process outlined in Section 28 of these guidelines. Substantial changes include but are not limited to a change in project location or the removal of the project. Implementing agencies should inform Caltrans of any potentially significant changes.

Application Requirements

To be considered for the phase II pilot program, applicants must submit a project nomination to Commission staff. The nomination form and attachments can be found on the [Commission website](#). Project nominations must be postmarked by the deadline specified in the ATP guidelines. Applicants must submit one (1) electronic copy of the nomination package by June 15, 2022. Applications should be sent via e-mail to ATP@catc.ca.gov.

The project nomination should include the following information and be organized in the following order:

1) Cover Letter

2) Applicant Information

- a) Implementing agency's name
- b) Implementing agency's address
- c) Implementing agency's contact person and title
- d) Implementing agency's phone number and email address
- e) Does the implementing agency have a master agreement with Caltrans?

3) Project Information.

- a) Project Name
- b) Project Description (summary of anticipated project scope)
- c) Project Location (Attach a map)
- d) Total Project Cost
- e) Project Layout Plan(s)
 - i) Project Map/Plans showing existing conditions and the initial project layout. Applicants are encouraged to provide additional examples of potential layouts that show that the project is flexible and can be adjusted based on community feedback.
- f) Anticipated project duration (Start and end dates of the quick-build project)
- g) List of project partners (Attach support letters, if applicable)
- h) Project schedule
- i) Contracting Plan:
 - i) Quick-build projects may not be compatible with traditional contracting processes. What is the plan for contracts or other solutions?
- j) Maintenance Plan for the project:
 - i) What is the plan for the time, funding, and equipment needed for replacing damaged materials or other required maintenance?
- k) What are the right-of-way impacts, if any?
- l) Is the project in an approved plan reviewed for CEQA compliance?
 - i) If no, has the project received CEQA approval?

4) ATP Project Programming Request (PPR) (Attachment)

5) Project Cost Estimate (Attachment): The cost estimate should include items in the anticipated project scope and potential design alternatives. Items should not be

counted more than once if included in more than one design alternative. For quick-build projects, materials can be adjusted based on community input during the design and testing process.

- 6) Provide a narrative addressing the following items in no more than 4 pages:
- a) Statement of project need: Describe the issue(s) that this project will address. How will the proposed project benefit the non-motorized users? What is the project's desired outcome?
 - b) Describe the project location's history of pedestrian and bicycle collisions and any other safety concerns which this project will mitigate. (Attach a collision heat map if applicable.) If the applicant is trying to direct bike/walk traffic away from dangerous areas, data from nearby locations/corridors may be used.
 - c) Describe the community based public participation process that culminated in the project. Include discussions of:
 - i) Who was engaged in the identification and development of this project? How were they engaged? Describe the type, extent, and duration of outreach and engagement conducted to relevant stakeholders.
 - ii) How will the project serve as an engagement strategy? Address how the engagement will entice potential users to experience the project. How will stakeholders continue to be engaged throughout the duration of the project? How will users provide input into design modifications and how will these suggestions be used to inform changes?
 - d) Referencing the potential project layout plan(s), describe the anticipated scope of the quick-build project and potential ways in which the project can be adjusted to address community feedback.
 - e) How will the effectiveness of the project be measured?
 - i) Discuss the data collection methods that will be used to refine the approach for the currently planned project or future projects.
 - ii) Discuss the effectiveness measures that will be evaluated (public support, mode shift, safety, etc.) and the tools that will be used (such as surveys, counts, observations, etc.) to quantify the success.
 - f) Describe how your project will transform the non-motorized environment.
 - g) Describe your agency's long-term plan for the quick-build project. How will it inform future capital infrastructure projects?

Evaluation Process

Commission staff and Quick-Build Technical Advisory Committee members will evaluate the quick-build project submittals. Commission staff will use the following criteria to evaluate the quick-build project submittals:

Scoring Topic	Subtopics	Points
Need & Safety	Evidence that will benefit non-motorized users, including students, older adults, and disadvantaged communities.	25
	Evidence that the project will quickly address an urgent safety need.	20
Community Engagement & Interagency Support	Evidence of community engagement in the identification and initial planning of the project.	8
	Evidence of planned continuous community engagement for the duration of the project, including a process for testing project configurations and integrating community feedback.	8
	Evidence of support from critical partners such as public works departments, transportation departments, transit agencies, emergency services, community groups, and business associations.	5
Project Flexibility	Evidence that the project scope is flexible and adjustable based on community testing and feedback.	9
Performance Metrics	Evidence of how the quick-build project's progress and performance will be measured.	7
Potential for Permanent Project	Evidence of how the quick-build project will provide the foundation for a potential permanent infrastructure project.	3
Funding Strategy	Evidence of a long-term funding strategy for a permanent project in place.	3
Maintenance Strategy	Evidence of a maintenance strategy in place.	3
Project Readiness	Project can be implemented quickly to address an immediate need	9
TOTAL		100

Quick-Build Project Examples

Quick-build projects could include elements such as:

- Protected intersections using painted curb extensions, temporary refuges, and pavement markings.
- Planter, parking, or delineator protected bike lanes.
- Temporary transit platforms.
- Interim shared space using barricades.

Resources

- Active Transportation Resource Center: [2021 Active Transportation Symposium Panel Discussion on Quick-Build Projects](#)
- California Bicycle Coalition and Alta Planning + Design: [Quick-Build Guide - How to Build Safer Streets Quickly and Affordably](#)
- City of Burlington Public Works: [Quick Build Design + Material Standards](#)
- Tactical Urbanist's Guides: [Tactical Urbanism Materials and Design Guide](#)
- People for Bikes: [Quick Build for Better Streets](#)

XVI. Appendix E

Links throughout Guidelines

Eligibility

- Project Study Report (PSR) Guidelines: <https://catc.ca.gov/programs/state-transportation-improvement-program>
- Caltrans 2023 Active Transportation Program Website: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/cycle6>
- Caltrans Project Development Procedures Manual: <http://www.dot.ca.gov/design/manuals/pdpm.html>
- United States Census Bureau: https://data.census.gov/cedsci/?intcmp=aff_cedsci_banner
- SB 535 List of Disadvantaged Communities: <http://www.calepa.ca.gov/EnvJustice/GHGInvest/>
- California Department of Education: <http://www.cde.ca.gov/ds/sd/sd/files/sp.asp>
- Health Places Index Live Map: <https://map.healthyplacesindex.org/>
- Healthy Places Index Report and Data: <https://healthyplacesindex.org/data-reports/>
- Recreational Trails Program: http://www.fhwa.dot.gov/environment/recreational_trails/

Project Application

- Caltrans Local Assistance Website: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/general-and-technical-information>
- Interim Count Methodology Guidance: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/general-and-technical-information>
- Commission Website: <https://catc.ca.gov/programs/active-transportation-program>

Appendix D

- 2021 Active Transportation Symposium Panel on Quick-Build Projects: <https://caatpresources.org/1600>
- California Bicycle Coalition and Alta Planning + Design Quick-Build Guide: <https://altago.com/wp-content/uploads/Quick-Build-Guide-White-Paper-2020-1.pdf>
- City of Burlington Public Works Quick-Build Guide: https://www.burlingtonvt.gov/sites/default/files/QUICK_BUILD%20GUIDE_0.pdf
- Tactical Urbanist's Guides: <http://tacticalurbanismguide.com/guides/>
- People for Bikes Quick-Build Guide: <https://www.peopleforbikes.org/reports/quick-builds-for-better-streets-a-new-project-delivery>



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Approval of Addendum No. 1 to Agreement with Porterville Unified School District Concerning the YES Program

SOURCE: Administrative Services

COMMENT: The Porterville Unified School District (PUSD) is proposing changes to the Youth Experiencing Success (YES) program. The YES program is the Kindergarten-8th grade after-school program implemented by the City in partnership with PUSD. The part-time employees are hired by the City and wages are fully reimbursed by PUSD. PUSD has just renewed a three-year grant of \$2.5 million with the California Department of Education, and part of that process includes uploading and maintaining accurate records for audit.

In an effort to remain compliant with the California Department of Education's requirements, PUSD is proposing updates to job titles, job descriptions, and salary ranges within the YES program. The existing job descriptions contain outdated language that no longer pertains to the actual duties of the employees. PUSD has conducted an audit and updated each classification accordingly. Attached for the City Council's reference is the current Agreement between the City and PUSD, the proposed Addendum No. 1 to said Agreement with the proposed new job classifications, and the proposed Pay Schedule.

RECOMMENDATION: That the City Council approve the draft Addendum No. 1 to the Agreement Between the City of Porterville and Porterville Unified School District Regarding Youth Experiencing Success (YES) Program.

ATTACHMENTS:

1. City and PUSD YES Program Agreement
2. Draft Agreement Addendum No. 1
3. Proposed YES Program Salary Schedule

Appropriated/Funded:

Review By:

Department Director:
Patrice Hildreth, Deputy City Manager

Final Approver: John Lollis, City Manager

AGREEMENT
BETWEEN CITY OF PORTERVILLE AND
PORTERVILLE UNIFIED SCHOOL DISTRICT REGARDING
YOUTH EXPERIENCING SUCCESS (YES) PROGRAM

This Agreement (AGREEMENT) is entered into between the City of Porterville (CITY) and the Porterville Unified School District (PUSD) for the Youth Experiencing Success (YES) after school Program. The CITY and PUSD hereinafter may be referred to collectively as the “Parties” or in the singular as “Party,” as the context requires.

RECITALS

The CITY and PUSD have entered into the AGREEMENT with reference to the following facts and circumstances:

WHEREAS, PUSD and the CITY have an interest in working collaboratively to provide an after school program (“Program”) in elementary and middle schools that promotes educational and enrichment opportunities for youth; and,

WHEREAS, PUSD receives funding from the After School Education and Safety (“ASES”) Program for three middle schools and ten elementary schools to implement an after school educational and enrichment program.

NOW, THEREFORE, in consideration of the mutual commitments contained herein, the Parties hereby agree as follows:

A. TERM

1. The term of this AGREEMENT shall be for a period of three (3) years from the date of the Parties signing. This AGREEMENT may be extended for an additional three (3) years under the terms and conditions below commencing on the expiration date with mutual agreement of both Parties.
2. The Program shall run weekdays during the school year 1:30 p.m. to 6:00 p.m., and may also include a different schedule due to minimum days, weekend, or sessions that occur on breaks such as winter, spring, or summer.
3. Any party may withdraw from this AGREEMENT by giving written notice of its intent to withdraw at least ninety (90) calendar days in advance of the effective withdrawal date and upon completion of any operational commitments.

4. At the conclusion of this AGREEMENT, or at any time the AGREEMENT is cancelled or nullified, all equipment and related supplies shall revert to the Party who originally contributed the item to the Program.

B. OPERATIONAL PERSONNEL

The Program consists of six (6) operational job classifications that work on-site at assigned school campuses, as listed below (Operational Personnel). These operational personnel do not include administrative personnel that directly and/or indirectly administer the Program. The job descriptions for the operational job classifications are attached hereto and incorporated herein as Exhibit A.

- After School Assistant II
- After School Assistant III
- After School Site Assistant
- After School Site Supervisor
- Y.E.S. Campus Supervisor
- Y.E.S. After School Gardener

Any modifications or additions to the six operational positions or job descriptions identified herein must be mutually approved in writing by the CITY and PUSD, unless so required by law.

C. RESPONSIBILITIES

PUSD shall:

1. Provide school site facilities and ample space for the Program to operate, including classroom space and storage space.
2. Provide all curriculum, equipment and supplies needed for the Program.
3. Provide Program registration forms which meet both PUSD and CITY requirements and needs.
4. Recalculate annual Operational Personnel costs and Program costs as part of the annual budget development, and submit annually to CITY by April 15th.
5. Reimburse CITY 109% of all Operational Personnel costs, excluding the City Administrative personnel costs associated with administering and staffing the Program.
6. Reimburse CITY for any and all Workers Compensation claims costs for all Operational Personnel, upon receipt of a detailed reconciliation of costs which will be provided by the CITY on an annual basis. PUSD will make deposits through payroll throughout the year. If said deposits collected from PUSD are not sufficient to cover the actual costs, said deficiencies will become due and payable. If said PUSD deposit amounts exceed actual Workers Compensation claims costs for YES Program operational personnel for that year, the excess shall be credited to PUSD. PUSD's obligation shall continue beyond the termination date of this

AGREEMENT, concerning all costs for claims that occurred prior to this AGREEMENT'S termination.

7. Reimburse CITY for all costs associated with California Public Employee Retirement System (CalPERS) contributions for those Operational Personnel who are also PUSD employees enrolled in CalPERS. PUSD's obligation shall continue beyond the termination date of this AGREEMENT, concerning all costs for operations that occurred prior to this AGREEMENT'S termination.
8. Have at least one PUSD representative present for all Operational Personnel interviews.
9. Maintain effective communication with CITY regarding Operational Personnel performance.
10. Coordinate daily operational personnel substitutes, as needed.
11. Conduct monthly staff meetings/trainings in coordination with CITY.
12. Provide CITY with a written request for any Program expansion or modifications to staffing at least thirty (30) days prior to the desired effective date with the understanding that the CITY will respond in writing within thirty (30) days of receipt. The request shall include a brief explanation and the amount of the proposed budget adjustment. Said changes shall not be authorized unless agreed upon in writing by both Parties.
13. Comply with requirements of the USDA and PUSD Student Nutrition Services if providing and administering daily meals.
14. Assist in coordinating custodial needs of the Program.

CITY shall:

1. Have final authority in the hiring of its employees.
2. Invoice PUSD on a quarterly basis for CITY-incurred employees and Program costs as agreed.
3. Administer hiring process, which includes application review; DOJ Live Scan scheduling and monitoring; drug/alcohol screen; TB test; conditional offer of employment and associated payroll transaction; and new employee orientation.
4. Administer ongoing recruitment activities.
5. Complete injury/accident report forms for all work-related injuries.
6. Track employee hours for healthcare coverage pursuant to the requirements of the Affordable Care Act, and sick leave in accordance with State law.
7. Administer all workers compensation claims.
8. Track and process annual merit increases.
9. Maintain NCLB units data.
10. Prepare staff reports and memoranda to City Council pertaining to PUSD requests to modify Program which result in a budget adjustment.
11. Attend monthly staff meetings conducted by PUSD.

D. MODIFICATION AND ASSIGNMENT

This AGREEMENT may be modified at any time by written agreement of the Parties. Written modifications shall require prior approval by the City Council and the Porterville Unified School District Board, unless authority for such modifications has been expressly delegated to others acting on their behalf. Assignment of responsibilities under this AGREEMENT by any of the Parties shall be effective only upon prior written consent of the other Party, which shall not be unreasonably withheld.

E. NO GRANT OF AGENCY

Except as the Parties may specify in writing, neither Party shall have authority, express or implied, to act on behalf of the other Party in any capacity whatsoever as an agent. Neither Party shall have any authority, express or implied, pursuant to this AGREEMENT, to bind the other Party to any obligation whatsoever.

F. INDEMNIFICATION PROVISION

To the fullest extent permitted by law, and unless otherwise specified in this AGREEMENT, each party agrees to indemnify, defend and hold harmless the other party and its officers, agents, employees, and volunteers from and against any and all claims, actions, liabilities, and related to the indemnifying Party's negligence, recklessness, or willful misconduct, except where and to the extent caused by the active negligence or willful misconduct of the other. This provision shall survive the term of the AGREEMENT.

G. VENUE

The Parties agree that this AGREEMENT is entered into and is to be performed in Tulare County, California.

H. AMBIGUITIES

Each Party and its legal counsel have participated fully in the review and revision of this AGREEMENT. Any rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not apply in interpreting this AGREEMENT. The language in this AGREEMENT shall be interpreted as to its fair meaning and not strictly for or against any Party.

The individuals signing below have the authority to commit the Party they represent to the terms of this AGREEMENT, and do so commit by signing.

CITY OF PORTERVILLE



Monte Reyes, Mayor

6-15-2021

DATE

ATTEST:



John D. Lollis, City Clerk

06/17/21

DATE

APPROVED AS TO FORM:



Julia Lew, City Attorney

6/17/21

DATE

PORTERVILLE UNIFIED SCHOOL DISTRICT

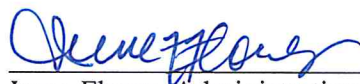


Nate Nelson, Superintendent

5-28-21

DATE

ATTEST:



Irene Flores, Administrative Assistant

5-28-21

DATE

CITY OF PORTERVILLE

AFTER SCHOOL ASSISTANT II

\$15.00 per hour

JOB SUMMARY:

Under general supervision, will assist in supervision and tutorial programs, activities, special events, and other related duties as assigned.

REPRESENTATIVE DUTIES:

1. Establish and supervise tutorial programs.
2. Assist supervisor in related duties.
3. Maintain a professional and positive manner at all times with staff, patrons, and supervisor.
4. Adhere to and enforce all safety Rules and Regulations, policies and procedures.

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar and mathematical concepts. Knowledge of children's games, youth athletics, and craft activities.

Education:

High school diploma or GED; college units preferred; experience in supervising youth, athletic events and arts/crafts activities; and experience in early childhood development is desirable.

Ability to:

Plan and implement lesson plans, supervise activities; maintain a safe environment for students; exercise good judgment in dealing with sensitive interpersonal matters; carry out instructions; meet deadlines; communicate effectively in verbal and written form; be organized; work a flexible schedule; and adhere to Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

AFTER SCHOOL ASSISTANT III

\$16.50 – \$18.00 per hour

JOB SUMMARY:

After School Assistants work directly with an assigned group of students to provide a safe, responsible, and well-supervised expanded learning program. The After School Assistants will set positive examples as a role models for the students they will be mentoring.

REPRESENTATIVE DUTIES:

1. Assist in leadership at program sites.
2. Assist Site Supervisor and Site Assistant in supervision of program.
3. Communicate with supervisors, parents, participants, school districts representatives and staff members in a professional and positive manner at all times.
4. Adhere to and enforce all safety Rules and Regulations, policies and procedures.
5. Assist in maintaining accurate records and precise reports.
6. Perform a variety of tasks incidental to the operation of the programs.

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar and mathematical concepts; behavior management; Knowledge of appropriate relationships and ability to perceive student's needs. Applicant must know how to constructively guide students; knowledge of basic computer use; effectively interact with students and co-workers; structure time efficiently; and have patience to deal with disruptive behavior.

Education:

Must possess an AA degree, 48 college units (from an accredited college), or pass the academic proficiency test (NCLB).

Ability to:

Plan and implement lesson plans, supervise activities; maintain a safe environment for students; exercise good judgment in dealing with sensitive interpersonal matters; carry out instructions; meet deadlines; communicate effectively in verbal and written form; be organized; work a flexible schedule; and adhere to Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

AFTER SCHOOL SITE ASSISTANT

\$18.50 - \$20.00 per hour

JOB SUMMARY:

Under general direction, the Site Assistant is responsible for assisting the Site Supervisor in performing the on-site supervision of program staff and volunteers; facilitate various activities that promote physical activity, nutrition, and hands on enrichment activities; and engage and support school-aged children and families in our community.

REPRESENTATIVE DUTIES:

1. Assist the Site Supervisor in leadership at various program sites.
2. Schedule and supervise program assistants.
3. Communicate with supervisors, parents, participants, school districts representatives and staff members in a professional and positive manner at all times.
4. Assist with planning and designing appropriate educational/recreational activities for students.
5. Help enforce personnel policies.
6. Maintain accurate records and precise reports.
7. Perform a variety of tasks incidental to the operation of the programs.

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar and mathematical concepts; behavior management; Knowledge of appropriate relationships and ability to perceive student's needs. Applicant must know how to constructively guide students; basic computer and printer knowledge; effectively interact with students and co-workers; structure time efficiently; and have patience to deal with disruptive behavior.

Education:

Must possess an AA degree, 48 college units (from an accredited college), or pass the academic proficiency test (NCLB). Experience organizing and supervising youth and adults.

Ability to:

Establish and maintain cooperative working relationships with staff, children and adults; establish and maintain a safe and healthy environment for students involved in activities, programs and classes; communicate effectively in verbal and written form; exercise good judgment in dealing with sensitive interpersonal matters; meet program deadlines; be organized and work a flexible schedule; and adhere to the Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



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CITY OF PORTERVILLE

AFTER SCHOOL SITE SUPERVISOR

\$25.00 - \$26.50 per hour

JOB SUMMARY:

Under general direction, the Site Supervisor is responsible for performing the on-site supervision of the program, staff, and volunteers; facilitating various activities that promote physical activity, nutrition, and hands-on enrichment activities; and engage and support school-aged children and families in our community.

REPRESENTATIVE DUTIES:

1. Provide leadership at program sites.
2. Schedule and supervise program assistants.
3. Communicate with supervisors, parents, students, school districts representatives and staff members in a professional and positive manner at all times.
4. Assist in planning and designing appropriate educational/recreational activities.
5. Enforce personnel policies.
6. Maintain accurate records and precise reports.
7. Perform a variety of tasks incidental to the operation of the programs.

QUALIFICATIONS GUIDELINE:

Skills/Knowledge:

Use of proper English grammar and mathematical concepts; behavior management; knowledge of appropriate relationship and ability to perceive student's needs. Applicant must know how to guide students constructively; basic computer and printer knowledge; effectively interact with students and co-workers; structure time efficiently; and has patience to deal with disruptive behavior.

Education:

Must possess an AA degree, 48 college units (from an accredited college), or pass academic proficiency test (NCLB). Experience organizing and supervising youth and adults.

Ability to:

Establish and maintain cooperative working relationships with staff, children and adults; establish and maintain a safe and healthy environment for students involved in activities, programs and classes; communicate effectively in verbal and written form; exercise good judgment in dealing with sensitive interpersonal matters; meet program deadlines; and be organized and work a flexible schedule; and adhere to the Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



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CITY OF PORTERVILLE
Y.E.S Campus Supervisor
\$15.81 – \$19.00 per hour

JOB SUMMARY:

Under general supervision, will assist in supervision and monitor student behavior at an assigned school campus; and other related duties as assigned.

REPRESENTATIVE DUTIES:

1. Perform campus and parking lot control and monitor after school events and activities.
2. Monitor and direct student activities in hallways, restrooms, etc.
3. Controls, monitors, and directs unauthorized persons on campus.
4. Counsel and advise students regarding violation of rules and regulations.
5. Performs a variety of behavior management and behavior shaping functions using positive behavior interventions and supports.
6. May contact appropriate law enforcement agencies in consultation with the Site Supervisor and/or Director to maintain the safety of the campus.

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar; know the school rules and policies; crowd control procedures and the detection and identification of drugs and improper substances; safe campus supervision methods and procedures.

Education:

High school diploma or GED; college units preferred; experience in supervising youth, athletic events and arts/crafts activities; and experience in early childhood development is desirable.

Ability to:

Perform effectively and efficiently in situations requiring tact, diplomacy, and good judgement; enforce campus rules and regulations; exercise good judgment in dealing with sensitive interpersonal matters; carry out instructions; meet deadlines; communicate effectively in verbal and written form; be organized; work a flexible schedule; and adhere to Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, physical, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

Y.E.S After School Gardener

\$15.40 – \$18.40 per hour

JOB SUMMARY:

Under general supervision, employee will work closely with the school and community stakeholders to maintain the school garden with the assistance of students, parents, and volunteers.

REPRESENTATIVE DUTIES:

1. Support the school garden to design, build, and plant fruit and vegetable gardens.
2. Work closely with school administration and community stakeholders.
3. Maintain garden with the assistance of students, parents, volunteer including: planting, weeding, watering, and harvesting as required.
4. Manage and maintain all garden equipment.

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar; know the school rules and policies; knowledge of gardening and horticulture preferred.

Education:

High school diploma or GED; college units preferred; experience in gardening; and experience in early childhood development is desirable.

Ability to:

Know the school rules and policies; must be able to lift and carry up to 40 pounds without accommodation; require frequent standing, walking, bending, stooping, kneeling, reaching, and squatting; must be able to work outdoors in all conditions; ensure student planted fruit and vegetable gardens survive and thrive during the school year and throughout the summer.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, physical, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

ADDENDUM NO. 1
TO AGREEMENT BETWEEN CITY OF PORTERVILLE AND
PORTERVILLE UNIFIED SCHOOL DISTRICT REGARDING
YOUTH EXPERIENCING SUCCESS (YES) PROGRAM

This Addendum No. 1 is made a part of the Agreement Between City of Porterville and Porterville Unified School District Regarding Youth Experiencing Success (YES) Program entered into on June 17, 2021.

1. Commencing on May 3, 2022, Section B – Operation Personnel of the Agreement shall be deleted in its entirety, and replaced with the following:

The Program consists of five (5) operational job classifications that work on-site at assigned school campuses, as listed below (Operational Personnel). These operational personnel do not include administrative personnel that directly and/or indirectly administer the Program. The job descriptions for the operational job classifications are attached hereto and incorporated herein as Exhibit A.

- Expanded Learning Tutor I
- Expanded Learning Tutor II
- Expanded Learning Site Assistant
- Expanded Learning Site Supervisor
- Expanded Learning Site Gardener

2. All other terms as outlined in the Agreement and not inconsistent with this Addendum, shall remain in full effect.

IN WITNESS WHEREOF, the parties have executed this Addendum No. 1 on May ____, 2022.

CITY OF PORTERVILLE

PORTERVILLE UNIFIED SCHOOL DISTRICT

Martha A. Flores, Mayor

Nate Nelson, Superintendent

DATE: _____

DATE: _____

ATTEST:

ATTEST:

John D. Lollis, City Clerk

Irene Flores, Administrative Assistant

DATE: _____

DATE: _____

APPROVED AS TO FORM

Julia M. Lew, City Attorney

CITY OF PORTERVILLE EXPANDED LEARNING TUTOR I

\$15.00 per hour/minimum wage

JOB SUMMARY:

Under the direction of the Site Supervisor, the program tutor supervises a group of 20 students, assisting them with homework help and providing enrichment and Recreation activities. As a team member, the Expanded Learning Tutor plans and delivers after-school curricula, considers age appropriate developmental needs and interests.

REPRESENTATIVE DUTIES:

1. Responsible for notifying and reporting any problems or concerns to the Site Supervisor
2. Have effective leadership skills and ability to respond calmly and appropriately to unexpected situations
3. Conducts a group homework session
4. Responsible for supervision of students
5. Prepares for class each day; has all supplies ready
6. Ensures a safe environment for all students
7. Be familiar and enforce school and program behavior policies and safety procedures
8. Assist supervisor in related duties
9. Perform duties with constant interruptions, plan and organize work, meet all deadlines
10. Communicate effectively and respectfully
11. Maintain a professional and positive manner at all times with staff, patrons, and supervisor
12. Work independently and constructively contribute to a collaborative team
13. Attend monthly meetings and trainings
14. Other duties as assigned

QUALIFICATIONS GUIDELINE:**Skills/knowledge:**

Use of proper English grammar and mathematical concepts.

Education:

High school diploma or GED; experience in supervising youth, recreational and arts/crafts activities; and experience in childhood development is desirable.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

EXPANDED LEARNING TUTOR II

\$16.50-\$18.00

JOB SUMMARY:

Under the direction of the Site Supervisor, the program tutor supervises a group of 20 students, assisting them with homework help and providing enrichment and Recreation activities. As a team member, the Expanded Learning Tutor plans and delivers after-school curricula, considers age appropriate developmental needs and interests.

REPRESENTATIVE DUTIES:

1. Responsible for notifying and reporting any problems or concerns to the Site Supervisor
2. Have effective leadership skills and ability to respond calmly and appropriately to unexpected situations
3. Conducts a group homework session
4. Responsible for supervision of students
5. Prepares for class each day; has all supplies ready
6. Ensures a safe environment for all students
7. Be familiar and enforce school and program behavior policies and safety procedures
8. Assist supervisor in related duties
9. Perform duties with constant interruptions, plan and organize work, meet all deadlines
10. Communicate effectively and respectfully
11. Maintain a professional and positive manner at all times with staff, patrons, and supervisor
12. Work independently and constructively contribute to a collaborative team
13. Attend monthly meetings and trainings
14. Other duties as assigned

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar and mathematical concepts.

Education:

High school diploma or GED; 48 college units or take and pass the TCOE Instruction Aide exam; experience in supervising youth, recreational and arts/crafts activities; and experience in childhood development is desirable.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

EXPANDED LEARNING SITE ASSISTANT

\$18.50 - \$20.00 per hour

JOB SUMMARY:

Under the direction of the Site Supervisor and the Program Director, the Site Assistant is responsible for assisting the Site Supervisor in performing the on-site supervision of program staff and volunteers; facilitate various activities that promote physical activity, nutrition, and hands on enrichment activities; and engage and support school-aged children and families in our community.

REPRESENTATIVE DUTIES:

1. Responsible for notifying and reporting any problems or concerns to the Site Supervisor and the Program Director
2. Have effective leadership skills and ability to respond calmly and appropriately to unexpected situations
3. Responsible for supervision of students
4. Assist the Site Supervisor in leadership at various program sites
5. Train and supervise Expanded Learning Tutors
6. Communicate with supervisors, parents, participants, school districts representatives and staff members effectively and respectfully at all times
7. Assist with planning and designing appropriate educational/recreational activities for students
8. Help enforce personnel and safety policies
9. Maintain accurate records and precise reports
10. Perform a variety of tasks incidental to the operation of the program
11. Be familiar and enforce school and program behavior policies and safety procedures
12. Perform duties with constant interruptions, plan and organize work, meet all deadlines
13. Maintain a professional and positive manner at all times with staff, patrons, and supervisor
14. Work independently and constructively contribute to a collaborative team
15. Attend monthly meetings and trainings
16. Other duties as assigned

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar and mathematical concepts; must know all the job duties of the Site Supervisor; Knowledge of appropriate relationships and ability to perceive student's needs. Applicant must know how to constructively guide students; basic computer and printer knowledge; effectively interact with students and co-workers; structure time efficiently; and have patience to deal with disruptive behavior.

Education:

Must possess an AA degree, 48 college units (from an accredited college), or take and pass the TCOE Instruction Aide exam

Ability to:

Establish and maintain cooperative working relationships with staff, children and adults; establish and maintain a safe and healthy environment for students involved in activities, programs and classes; communicate effectively in verbal and written form; exercise good judgment in dealing with sensitive interpersonal matters; be organized and work a flexible schedule; and adhere to the Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



Revised 2/8/22

The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition,

Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

EXPANDED LEARNING SITE SUPERVISOR

\$25.00 - \$26.50 per hour

JOB SUMMARY:

Under the direction of the Program Director, the Site Supervisor is responsible for performing the on-site supervision of the program, staff, and volunteers; facilitating various activities that promote physical activity, nutrition, and hands-on enrichment activities; and engage and support school-aged children and families in our community.

REPRESENTATIVE DUTIES:

1. Responsible for notifying and reporting any problems or concerns to the Program Director
2. Have effective leadership skills and ability to respond calmly and appropriately to unexpected situations
3. Responsible for supervision of students
4. Assist the Program Director in leadership at various program sites
5. Train and supervise Expanded Learning Tutors
6. Communicate with supervisors, parents, participants, school districts representatives and staff members effectively and respectfully at all times
7. Assist with planning and designing appropriate educational/recreational activities for students
8. Help enforce personnel and safety policies
9. Maintain accurate records and precise reports
10. Perform a variety of tasks incidental to the operation of the program
11. Be familiar and enforce school and program behavior policies and safety procedures
12. Perform duties with constant interruptions, plan and organize work, meet all deadlines
13. Maintain a professional and positive manner at all times with staff, patrons, and supervisor
14. Work independently and constructively contribute to a collaborative team
15. Attend monthly meetings and trainings
16. Other duties as assigned

QUALIFICATIONS GUIDELINE:

Skills/Knowledge:

Use of proper English grammar and mathematical concepts; must know all the job duties of an Expanded Learning Site Supervisor; Knowledge of appropriate relationships and ability to perceive student's needs. Applicant must know how to constructively guide students; basic computer and printer knowledge; effectively interact with students and co-workers; structure time efficiently; and have patience to deal with disruptive behavior.

Education:

Must possess an AA degree, 48 college units (from an accredited college), or take and pass the TCOE Instruction Aide exam

Ability to:

Establish and maintain cooperative working relationships with staff, children and adults; establish and maintain a safe and healthy environment for students involved in activities, programs and classes; communicate effectively in verbal and written form; exercise good judgment in dealing with sensitive interpersonal matters; be organized and work a flexible schedule; and adhere to the Rules and Regulations set forth by the City of Porterville.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

CITY OF PORTERVILLE

EXPANDED LEARNING GARDENER

\$16.50 – \$18.00 per hour

JOB SUMMARY:

Under the direction of the Site Supervisor and the Program Director, employee will work closely with the school and community stakeholders to maintain the organic school garden with the assistance of students, and volunteers.

REPRESENTATIVE DUTIES:

1. Responsible for notifying and reporting any problems or concerns to the Site Supervisor and the Program Director
2. Have effective leadership skills and ability to respond calmly and appropriately to unexpected situations
3. Responsible for supervision of students
4. Prepares for garden each day; has all supplies ready
5. Ensures a safe environment for all students
6. Be familiar and enforce school and program behavior policies and safety procedures
7. Perform duties with constant interruptions, plan and organize work, meet all deadlines
8. Communicate effectively and respectfully with Site Supervisor and Program Director
9. Maintain a professional and positive manner at all times with staff, patrons, and supervisor
10. Work independently and constructively contribute to a collaborative team
11. Support the school garden to design, build, and plant fruit and vegetable gardens.
12. Work closely with school administration and community stakeholders.
13. Maintain an organic garden with the assistance of students, including: planting, weeding, watering, and harvesting as required.
14. Manage and maintain all garden equipment.
15. Other duties as assigned

QUALIFICATIONS GUIDELINE:

Skills/knowledge:

Use of proper English grammar; knowledge of gardening and horticulture preferred.

Education:

High school diploma or GED; 48 college units preferred; experience in gardening; and experience in childhood development is desirable.

Ability to:

Must be able to lift and carry up to 40 pounds without accommodation; require frequent standing, walking, bending, stooping, kneeling, reaching, and squatting; must be able to work outdoors in all conditions; ensure student planted fruit and vegetable gardens survive and thrive during the school year and throughout the summer.

Special Requirements:

May require working varied schedule of hours. Possible travel throughout the city on occasion. Ability to obtain and maintain a valid California Driver's License – Class C.

Special Conditions:

Prior to appointment candidates must pass a background check, physical, drug/alcohol screen, and a TB test.



The City of Porterville is an equal opportunity employer (EEO) and is compliant with the Americans with Disabilities Act (ADA). If you believe you need accommodation under the ADA in the testing process for any position for which you intend to apply, please contact the Human Resources Division at (559) 782-7441 to request such accommodation. The City prohibits discrimination on the basis of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, Acquired Immune Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, veteran status, height, weight, or any other basis protected by law.

Proposed Salary Schedule

<u>Position</u>	<u>Rate</u>
Expanded Learning Tutor I.....	\$15.00/hour
Expanded Learning Tutor II	\$16.50 – \$18.00/hour
Expanded Learning Site Assistant.....	\$18.50 - \$20.00/hour
Expanded Learning Site Supervisor.....	\$25.00 – \$26.50/hour
Expanded Learning Gardener.....	\$15.40 - \$18.40/hour



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Renewal of Airport Lease Agreement - Lot No. 45

SOURCE: Finance

COMMENT: Aircraft 445, LLC is the current leaseholder of Lot No. 45 at the Porterville Municipal Airport. The current lease expires on June 30, 2022. The City has received a request from Thomas J. O'Sullivan, Member of Aircraft 445, LLC, dated March 31, 2022, to renew the lease for a period of ten (10) years. The lot is approximately 5,180 square feet in area and will rent for a rate of \$0.358 per square foot per year, with an annual adjustment according to the change in the Consumer Price Index, beginning on January 1, 2023 and each January 1 thereafter. The lease will begin on July 1, 2022 and expire on June 30, 2032. The hangar will be utilized for the parking and storage of aircraft.

RECOMMENDATION: That the City Council approve the extension of the Lease Agreement between the City and Aircraft 445, LLC for Lot No. 45 at the Porterville Municipal Airport for a term of ten (10) years.

ATTACHMENTS:

1. Draft Lease Agreement
2. Letter of Request dated March 31, 2022
3. Locator Map

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT (“Lease”), executed at Porterville, California the first day of July, 2022, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and Aircraft 445, LLC, hereinafter referred to as “Lessee.”

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 45 at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence on July 1, 2022, both parties having executed the same, and shall terminate on June 30, 2032, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Notwithstanding the stated term of the Lease, the City may terminate this Lease at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee. The market value of such improvements shall be determined by a board of appraisers consisting of one appraiser appointed by the council, and a lessee appraiser appointed by the lessee. The parties will follow Charter Section 68 concerning the

determination of the value of the improvements.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Finance Director, City of Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such place or places as may be designated from time to time by City, a rental rate of \$0.358 per square foot per year. Inasmuch as the lease site (See Exhibit "A" attached) contains approximately 5,180 square feet of land area, said rental rate will be \$1,854.44 annually, or \$154.54 per month, payable in advance.

Beginning January 1, 2023, and each January 1 thereafter for the term of this Lease, the rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco CPI and the Los Angeles CPI as published for October of the prior year. The CPI index will be "All Urban Consumers."

4. Purpose: This Lease is made for the purpose of operating an existing aircraft hangar to be used for the parking and storage of aircraft and other activities incidental thereto. Lessee shall not use the premises or any part thereof or permit them to be used for any purpose or purposes other than stated above. The City reserves the right to conduct on-site inspections for the purpose of compliance with Building Code, Fire Code, and Zoning Ordinance. Lessee shall not do or permit any act or thing to be done upon the premises which constitutes a nuisance or which may disturb the quiet enjoyment of City or any tenant of City on adjacent neighboring property.

Lessee further agrees that, within 72 hours from receiving written notice by the City that a nuisance exists, to abate or otherwise cause said nuisance to be cured.

In the event Lessee has not (a) taken corrective action within 72 hours, or (b) filed an appeal with the City Council, City of Porterville, within 72 hours, then City may enter and abate said nuisance at the expense of Lessee without any liability whatsoever to City for monetary loss or anticipated profits of Lessee or others.

Said appeal to the City Council must be made in writing and be received by the City Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice

of said nuisance.

5. Right of Ingress and Egress: Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

6. Condition of Premises: Lessee has inspected the demised premises and knows the extent and condition thereof and accepts same in its present condition, subject to and including all defects, latent and/or patent.

7. Alteration: Lessee shall make no structural modifications to existing structures or make permanent improvements or additions in or on the demised premises without the written consent of the City Airport Manager first being obtained.

8. Maintenance: Lessee agrees to keep the improvements in a good state of repair by periodic maintenance and painting as the same are required and to keep the grounds of Lessee in a good state of maintenance and repair. During the term of this Lease, the City Airport Manager shall have the right to notify Lessee in writing wherein Lessee has failed to maintain said structure and improvements in a good state of repair. Lessee shall make such corrections in the time and manner prescribed by said Airport Manager, or in the event Lessee disagrees, Lessee shall have the right to appeal within fifteen (15) days from date of notice from said Airport Manager to the City Council concerning the request for maintenance made to Lessee by said Airport Manager; it being understood and agreed that the decision of the City Council shall be final.

9. Utilities: Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall

include, but is not limited to, telephone, electrical, water , sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.

10. Utility Extension or Modification: Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

11. Taxes and Assessments: Lessee understands that the Lease of the premises creates a possessory interest subject to taxation by the County of Tulare. Lessee agrees to pay all taxes and /or assessments levied by any governmental agency upon any interest acquired by Lessee under the terms of this Lease.

12. Compliance with Law: Lessee shall, at its expense, promptly comply with any and all laws, ordinances, rules, regulations, requirements, and order whatever, present or future, of the national, state, county or city government which may in any way apply to the use, maintenance or occupation of, or operations on the premises.

13. Liens and Encumbrances: Lessee shall keep the premises and all structures and improvements situated thereon free from any liens or encumbrances arising out of any work performed, material furnished, or obligations incurred by Lessee, or from any other cause.

14. Negation of Partnership: City shall not become or be deemed a partner or joint venturer with Lessee or associate in any relationship with Lessee's operations thereon. City reserves all rights in and with respect to the premises, not inconsistent with Lessee's use of the premises as in this Lease provided, including (without limiting the generality of the foregoing) the right of City to enter upon the premises for the purpose of installing, using, maintaining, renewing, and replacing such underground oil, gas, water, sewer, and other pipelines, and such underground or aboveground telephone, telegraph, and electric power conduits or lines as City may deem desirable in connection with the development or use of any other property in the neighborhood of the premises. City shall compensate Lessee for any and all damage to Lessee's improvement and personal property caused by the exercise of the rights reserved in this paragraph.

15. Indemnification: Lessee agrees to indemnify, defend (upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses,

costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the conducting or operation of Lessee's business on the demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over.

16. Liability Insurance: Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee's (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee's aircraft insurance policy or policies in the amount of not less than TWO MILLION DOLLARS (\$2,000,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City's option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this Lease. The limits of insurance coverage set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.

17. Nondiscrimination: Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, ancestry, disability, gender, age, religion, sexual orientation or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on,

over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, ancestry, disability, gender, age, religion, sexual orientation or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally - Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

In the event of breach of any of the above nondiscriminatory covenants, City shall have the right to terminate this Lease and to re-enter and repossess the demised premises and the facilities thereon and hold the same as if the Lease had never been made or issued.

Lessee agrees that it shall insert the above nondiscrimination provisions in any sublease or other agreement by which Lessee grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises herein leased.

18. Improvement of Land Area: City reserves the right to further develop or improve the landing area of the airport as it sees fit regardless of the desires or views of Lessee and without interference or hindrance.

19. Maintenance of Landing Area: City reserves the right to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard; providing further, City shall keep and maintain in a safe and operable condition the taxiways, runways (including the lighting thereof) and roadways on the airport during such hours and to such extent as City may determine is reasonably required for the operation of the airport.

20. Lease Subordinate to Agreements with the United States Government:
This Lease shall be subordinate to the provisions and requirements of any existing or future agreement

between the City and the United States relative to the development, operation or maintenance of the airport.

21. Non-Exclusive Right: It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

22. Rights of United States Government: This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation, or taking over of said airport.

23. Notices: All notices herein provided to be given, or which may be given, by either party to the other shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service, Registered or Certified, postage prepaid and addressed as follows:

To the Lessee: Aircraft 445, LLC
 Attn: PJO Holdings
 17837 1st Ave. S #428
 Normandy Park, WA 98148

To the City: Airport Manager
 City of Porterville
 291 N. Main Street
 Porterville, CA 93257

The address to which the notices shall be or may be mailed, as aforesaid, to either party shall or may be changed by written notice given by such party to the other, as hereinbefore provided, but nothing herein contained shall preclude the giving of any such notice by personal service.

24. Authorized Agent of the City: The Airport Manager of the City of Porterville is the duly authorized agent of the City for purposes of this Lease; and as to any obligations assumed herein by Lessee, they shall be performed to the satisfaction of said Airport Manager.

25. Assignment and Subletting: This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto. Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part

thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation to the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

26. Hypothecation: Lessee may, with the consent of the City, give, assign, transfer, mortgage, hypothecate, grant control of, or encumber Lessee's interest under this Lease and the leasehold estate so created to a bona-fide lender on the security of the leasehold estate. Any such bona-fide lender shall have the right at any time during the term of the loan and while this Lease is in full force and effect:

(a) To do any act or thing required of Lessee in order to prevent a forfeiture of Lessee's rights hereunder, and all such acts or things so done shall be as effective to prevent a forfeiture of Lessee's rights hereunder by Lessee.

(b) To succeed to the interest of Lessee hereunder and thereafter at such lender's option to convey, assign or sublease the interest or title to said leasehold estate to another person acceptable to City, subject to all the terms, conditions, and covenants of this Lease. Two (2) copies of any and all security devices or instruments shall be filed with City's Airport Manager prior to the effective date thereof, and Lessee shall give Airport Manager prior written notice of any changes or amendments thereto.

Any bona-fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee's improvements under said hypothecation from the demised premises, subject only to the restriction that in the event of such removal, the demised premises herein above described be restored by Lessee

to a condition satisfactory to the City's Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.

27. Breach by Lessee: In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney's fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee's right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

28. Waiver of Breach: The waiver by City of any breach by Lessee of any provision contained herein shall not be deemed to be a waiver of such provision, or a waiver of any breach of any other provision contained herein.

29. Bankruptcy: In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee's rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee's rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term "Lessee,"

as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each partner of any partnership who is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

30. Quiet Possession: Notwithstanding any other provision in this Lease, City covenants that Lessee, on paying the rent and performing the covenants herein contained, shall and may peaceably and quietly have and enjoy the demised premises for the term hereof.

31. Surrender of Premises: On the last day of said term, or extension thereof, or sooner termination of the Lease, Lessee will peaceably and quietly leave, surrender, and yield up to the City the demised premises in as good condition and repair as at the commencement of Lessee's occupancy, reasonable use and wear thereof, and damage by earthquake, public calamity, by the elements, by acts of God, or by fire or other circumstances over which Lessee has no control, excepted.

32. Removal of Improvement at Termination: Upon the termination of this Lease, or any holding over, for any reason other than Lessee's failure to perform its obligations under the terms and conditions of this Lease, Lessee shall have the right at Lessee's sole cost and expense, to remove all improvements and/or furniture, furnishings, equipment, and fixtures of whatsoever kind or nature placed of the demised premises by Lessee or its contractors so long as they could be removed without damage or disfigurement to the demised premises. Full restoration of the demised premises as it existed prior to the construction of said improvements or the installation of said furniture, furnishings, equipment, and fixtures shall be made by Lessee. If after the termination of this Lease Lessee has not removed said improvements, furniture, furnishings, equipment, and fixtures, the City shall have the option to claim the ownership thereof or to remove same and restore the demised premises as set forth above at the expense of Lessee. Said expense shall also include consideration for the additional time Lessee or its improvements occupy the premises beyond the termination date and disallow the City's total utilization of the premises pursuant to its ownership of the property.

In the event of a termination by City of this Lease because of Lessee's failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security

for the amount of its costs, expense, loss and damage accruing from Lessee's failure to perform and thereupon the Lessee shall have the right to remove the said improvements.

33. Incorporation of Prior Agreements and Amendments: This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

34. Severability: The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction shall in no way affect the validity of any other provision hereof.

35. Construed Pursuant to California Law: The parties hereto agree that the provisions of this Lease will be construed pursuant to the laws of the State of California.

36. Venue: If either Lessee or City initiates an action to enforce the terms hereof or declare rights hereunder, including actions on any bonds and/or surety agreements, the parties agree that the venue thereof shall be the County of Tulare, State of California. Lessee hereby waives any rights he might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

37. Covenants and Conditions: Each provision of this Lease performable by Lessee shall be deemed both a covenant and a condition.

38. Captions: The use of Paragraph headings in this Lease is solely for convenience, and they shall be wholly disregarded in the construction of this Lease.

39. Time of Essence: Time is hereby expressly declared to be the essence of this Lease and of each and every provision thereof, and each such provision is hereby made and declared to be a material, necessary, and essential part of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE

LESSEE

By: _____
Martha A. Flores, Mayor

By: _____
Thomas J. O’Sullivan, Member
Aircraft 445, LLC

ATTEST:

By: _____
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: _____
Julia M. Lew, City Attorney

AIRCRAFT 445
1279 W. HENDERSON AVE., #340
PORTERVILLE, CA 93257
(559) 781-5999

March 31, 2022

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

Attn: Janie Rodriguez

Re: Lease Agreement – Lot 45 Porterville Municipal Airport

Dear Ms. Rodriguez:

Please be advised that we are requesting a 10-year extension of our lease of Lot 45 at the Porterville Municipal Airport. The tail number for the aircraft to be stored is N397PM.

In addition, we would like to change our mailing address regarding this lease. Please use the following address information:

17837 1st Ave. S #428
Normandy Park, WA 98148
Attn: PJO Holdings

Email Address: phil@pjoholdings.com

Thank you,



Thomas J. Sullivan, Member

AIRPORT LEASE SITES



TAXIWAY

TAXIWAY

HANGAR ROAD

HOPE ROAD

THUNDERBOLT DR.

ADMIN.
BLD.

44A 44B 44C

40	41	42	43
36	37	38	39

45

46A 46B 46C 46D

35

47

50

A B C 34 D E F

33

32A B C

31C

31A

31B

30B

30A1

30A2

30A3



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Transportation Art Maintenance Agreement with Caltrans for Westwood Street and State Route 190 Roundabout

SOURCE: Community Development

COMMENT: The California Department of Transportation (Caltrans) is finalizing the design of a roundabout to be constructed at the intersection of State Route (SR) 190 and Westwood Street. City staff has been coordinating with the Tulare County Association of Governments (TCAG) and Caltrans for the thematic design of the roundabout to be an entry feature to Porterville, as well as to include artwork that is reflective of the scenic offerings along SR190 in a desire to promote tourism in line with the efforts of the Mighty 190 Committee. The Mighty 190 Committee was formed in 2016, with the goal of increasing awareness and enhancing local tourism opportunities in southeastern Tulare County along SR 190.

With TCAG's assistance, Caltrans has embraced the concept of the Mighty 190 and has included artwork that is representative of the local region within the scope of the Westwood Street roundabout, and has incorporated as well an entry sign in the design of the roundabout. A double-sided piece of transportation art measuring approximately fourteen (14) feet in height by nine feet and two inches in width is being proposed for the northeast corner of the proposed roundabout. The artwork proposes to feature a Giant Sequoia made of bronze corten steel with a full color porcelain enamel Mighty 190 shield, and two painted steel eagles in the tree. The proposed design is included as an attachment as well as Exhibit A to the attached draft agreement. Caltrans has also proposed to have PORTERVILLE spelled out in bold letters on the raised concrete improvements within the roundabout as an entry sign. To facilitate the inclusion of the transportation art in the roundabout, Caltrans has requested that the City enter into a Transportation Art Maintenance Agreement. The Transportation Art Maintenance Agreement outlines that the City will be responsible for the maintenance of the proposed transportation artwork.

RECOMMENDATION: That the City Council:

1. Approve the draft Transportation Art Maintenance Agreement with the California Department of Transportation ; and
2. Authorize the Mayor and City Manager to sign the draft Transportation Art Maintenance Agreement as proposed

by the California Department of Transportation.

- ATTACHMENTS:
1. Draft Transportation Art Maintenance Agreement
 2. Proposed Transportation Art
 3. Locator Map
 4. Caltrans Transportation Art Proposal Westwood Roundabout Application

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

**TRANSPORTATION ART MAINTENANCE AGREEMENT
WITH CITY OF PORTERVILLE**

THIS AGREEMENT is made effective this _____ day of _____, 20__, by and between the State of California, acting by and through the Department of Transportation, hereinafter referred to as "STATE" and the City of Porterville; hereinafter referred to as "CITY"; and collectively referred to as "PARTIES".

SECTION I

RECITALS

1. WHEREAS, the PARTIES desire to work together to allocate their respective obligations relative to the Transportation Art constructed at the northeast corner of State Route 190 and Westwood Street within STATE's right of way; and
2. WHEREAS, this AGREEMENT addresses CITY's responsibilities for maintaining the Transportation Art, hereinafter referred to as "ART" placed within the State Highway right of way on State Route 190 at postmile 13.45 in the County of Tulare, as shown in EXHIBIT A, entitled "TRANSPORTATION ART LOCATION," attached hereto and incorporated herein; and
3. WHEREAS, the PARTIES desire to clarify the division of maintenance responsibilities as defined in Section 27 of the California Streets and Highway Code that include, but are not limited to, providing emergency repair and maintenance of ART at the locations shown in EXHIBIT A; and

AGREEMENT

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. In consideration of the mutual covenants and promises herein contained, CITY and STATE agree as follows:
 - 1.1. When a change to this AGREEMENT is necessary, the PARTIES will execute a formal amendment in writing by and through their authorized representatives.
 - 1.2. PARTIES agree maintenance responsibilities include, but are not limited to, inspection, providing emergency repair, and maintenance as defined in Section 2.9 below, (collectively hereinafter "MAINTAIN/MAINTENANCE") of ART as shown in EXHIBIT A.
 - 1.3. EXHIBIT A consists of image ART within STATE's right of way, where ART will be

located, what that ART involves, and the responsibilities of CITY to MAINTAIN in accordance with this AGREEMENT.

2. CITY's obligations hereunder, at CITY's expense, include the following:

2.1. CITY shall MAINTAIN ART conforming to the plans pre-approved by STATE.

2.2. CITY shall submit the final form of the plans for ART to STATE's District Permit engineer for review and approval and will obtain and have in place a valid necessary Encroachment Permit prior to the start of any work within STATE's right of way. All proposed ART must meet STATE's standards as outlined in Caltrans Project Development Procedures Manual, Chapter 29, Section 9 (dated 05/24/2018).

2.3. CITY shall schedule routine MAINTENANCE of ART to ensure a neat and attractive appearance. CITY shall coordinate said MAINTENANCE with STATE prior to the start of any work.

2.4. An Encroachment Permit rider may be required for any changes to the scope of work allowed by this AGREEMENT prior to the start of any work within STATE's right of way.

2.5. CITY is required to annually obtain an Encroachment Permit to perform work within STATE's right of way over a set 12-month period. This Encroachment Permit must be active prior to the start of any work within STATE's right of way. Work performed by CITY includes, but is not limited to the installation, MAINTENANCE, restoration or removal of ART. A permit fee will be required of CITY's third-party successors. CITY agrees that it shall remain subject to the terms and conditions on this AGREEMENT until termination of this AGREEMENT or until ART has been removed from STATE right of way in its entirety, whichever is later.

2.6. CITY shall replace or repair damaged ART when observed or within thirty (30) calendar days of being notified in writing by STATE.

2.7. CITY shall remove ART and restore STATE owned areas to a safe and attractive condition acceptable to STATE, in the event this AGREEMENT is terminated as set forth herein.

2.8. CITY shall expeditiously MAINTAIN, replace, repair, remove, or restore ART if it has become unsightly.

- 2.9. CITY will MAINTAIN, at CITY's expense, ART as shown on EXHIBIT A for as long as it remains in place. This includes but is not limited to: graffiti removal and restoration work to maintain the integrity of the permitted ART, and removal of overgrown vegetation surrounding ART including the immediate area CITY uses as a means of access to maintain ART. Graffiti removal must conform to applicable STATE policies and guidance existing at the time CITY performs work and shall require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices must protect air and water quality as required by law. Should ART be removed, for whatever reason, CITY, at no cost to the STATE, shall return the area where ART was in place to its original condition.
- 2.10. No work will be performed from the freeway or adjacent roadside, unless approved by STATE in a separate Encroachment Permit. All work will be conducted from the local road or the sidewalk with CITY being responsible for traffic operations and control (closures) in the area.
- 2.11. Other than STATE-approved ART, no alteration of the existing freeway structure or any other highway facility, including signage, will be permitted, unless pre-approved in writing by STATE. No landscaping, other than overgrown vegetation (Section 2.9), shall be removed to accommodate ART unless approved by STATE.
- 2.12. All work in connection with installation, MAINTENANCE, restoration, or removal, of ART; or, more generally, for the benefit of CITY, will be done at no cost to STATE.
- 2.13. CITY shall remove ART whenever, in the opinion of STATE, it creates a maintenance or operational concern, such as, prevents ongoing maintenance, or causes an undue distraction. In the event CITY fails to remove ART in a timely manner, STATE may remove ART thirty (30) calendar days following written notification to CITY, and STATE will bill CITY for all costs of its removal and for the restoration of STATE-owned areas to their original condition.
- 2.14. CITY may remove part or all of ART thirty (30) days following notification to STATE. CITY shall remove ART and restore STATE-owned areas to a safe and attractive condition acceptable to STATE.
- 2.15. CITY is required to obtain from artist, or any party CITY contracts with for the ART, a signed, notarized and executed Caltrans Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork Agreement which assigns all copyright interests in the ART to STATE
- 2.16. CITY shall maintain all rights and obligations under this AGREEMENT with artists or any party it contracts with for ART in order to fulfill CITY's obligations under this

AGREEMENT. These rights and obligations include, but are not limited to, the ability to repair or restore ART, remove ART, and clean ART.

2.17. ART located within STATE right-of-way becomes property of the STATE.

3. STATE shall have the following obligations and rights under this AGREEMENT:

- 3.1. Provide CITY with timely written notice when it has determined that ART requires maintenance, repair, or removal. However, the non-receipt of notice does not excuse CITY from MAINTENANCE responsibilities assumed under this AGREEMENT. ART which in the opinion of STATE becomes a safety or operational concern, will be removed, at no cost to STATE, by CITY.
- 3.2. Provide CITY the necessary Encroachment Permit from STATE's District 6 Encroachment Permit Office on an annual basis to perform CITY maintenance responsibilities prior to CITY's entering STATE right of way. This permit will be issued at no cost to CITY.
- 3.3. Provide CITY's contractor and ART artist(s) an Encroachment Permit from STATE prior to the start of any work within STATE's right of way. This permit will be issued at no cost to CITY's contractor and for ART artist(s).
- 3.4. STATE reserves the right to remove ART, partially or in its entirety, or alter parts thereof due to emergency, construction, rehabilitation, or other necessary activities affecting these transportation facilities without any obligation, compensation to, or approval of CITY.
- 3.5. STATE reserves the right to remove or alter any ART that presents an immediate safety hazard to the public, as determined by STATE, without delay or advance notification to CITY.
- 3.6. STATE will not be responsible for the cost of any maintenance, repair, restoration, or replacement of ART which is damaged by anything STATE does or does not do in the course of STATE's duty related to highway operation and activities. STATE will not be responsible for any damages caused by any damages caused by any vandalism or accidents on the roadway.
- 3.7. STATE will notify CITY thirty (30) days in advance of any planned work that may impact the ART. If the work required is due to a public safety hazard, this notification period does not apply, and STATE will notify CITY as soon as practicable of the planned or performed work.

4. LEGAL RELATIONS AND RESPONSIBILITIES

- 4.1. Nothing within the provisions of this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or to affect the legal liability of a PARTY to the Agreement by imposing any standard of care with respect to the operation and maintenance of STATE highways and local facilities different from the standard of care imposed by law.
- 4.2. If during the term of this AGREEMENT, CITY should cease to MAINTAIN the ART to the satisfaction of STATE as provided by this AGREEMENT; or if in the opinion of the STATE the ART creates an unsatisfactory condition, STATE may either undertake to remedy this condition, or itself remove ART on behalf of CITY, at CITY's expense. Alternatively, the STATE may direct CITY to remove ART at CITY'S sole expense and restore STATE'S right of way to its prior or a safe operable condition. CITY hereby agrees to pay said STATE expenses, within thirty (30) days of receipt of billing by STATE. However, prior to STATE performing any steps to MAINTAIN, remedy the unsatisfactory condition, or remove ART; STATE will provide written notice to CITY to cure the default, or remove the ART and CITY will have thirty (30) days within which to affect that cure, or remove the ART.
- 4.3. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CITY under or in connection with any work, authority or jurisdiction conferred upon CITY under this Agreement. It is understood and agreed that CITY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by CITY under this Agreement.

5. PREVAILING WAGES:

- 5.1. Labor Code Compliance- If the work performed under this Agreement is done under contract and falls within the Labor Code section 1720(a)(1) definition of a "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771. CITY must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. CITY agrees to include prevailing wage requirements in its contracts for public works. Work performed by CITY's own forces is exempt from the Labor Code's Prevailing Wage requirements.

5.2. Requirements in Subcontracts - CITY shall require its contractors to include prevailing wage requirements in all subcontracts when the work to be performed by the subcontractor under this Agreement is a "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY's contracts.

6. INSURANCE

6.1. CITY is self-insured. CITY agrees to deliver evidence of self-insured coverage providing general liability insurance, coverage of bodily injury liability and property damage liability, naming STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certification of self-insurance letter ("Letter of Self-Insurance"), satisfactory to STATE, certifying that CITY meets the coverage requirements of this section. This Letter of Self-Insurance shall also identify the ART location as depicted in EXHIBIT A. CITY shall deliver to STATE the Letter of Self-Insurance with a signed copy of this AGREEMENT. A copy of the executed Letter of Self-Insurance shall be attached hereto and incorporate as Exhibit B.

6.2. SELF-INSURED using Contractor - If the work performed under this AGREEMENT is done by CITY's contractor(s), CITY shall require its contractor(s) to maintain in force, during the term of this AGREEMENT, a policy of general liability insurance, including coverage of bodily injury liability and property damage liability, naming STATE, its officers, agents and employees as the additional insured in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. Coverage shall be evidenced by a certificate of insurance in a form satisfactory to the STATE that shall be delivered to the STATE with a signed copy of this Agreement.

7. TERMINATION - This Agreement may be terminated by mutual written consent by PARTIES or by STATE for cause. CITY's failure to comply with the provisions of this Agreement may be grounds for a Notice of Termination by STATE.

8. TERM OF AGREEMENT - This Agreement shall become effective on the date first shown on its face sheet and shall remain in full force and effect until amended or terminated as set forth in Article 7 above.

PARTIES are empowered by Streets and Highways Code Section 114 and 130 to enter into this Agreement and have delegated to the undersigned the authority to execute this Agreement on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this Agreement.

IN WITNESS WHEREOF, the PARTIES hereto have set their hands and seals the day and year first above written.

THE CITY OF PORTERVILLE

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: _____
Mayor/Chairmen

TOKS OMISHAKIN
Director of Transportation

Initiated and Approved

By: _____
City Manager

By: _____
Deputy District Director
Maintenance District

ATTEST:

By: _____
City Clerk

As to Form and Procedure:

By: _____
City Attorney

By: _____
Attorney
Department of Transportation

EXHIBIT A

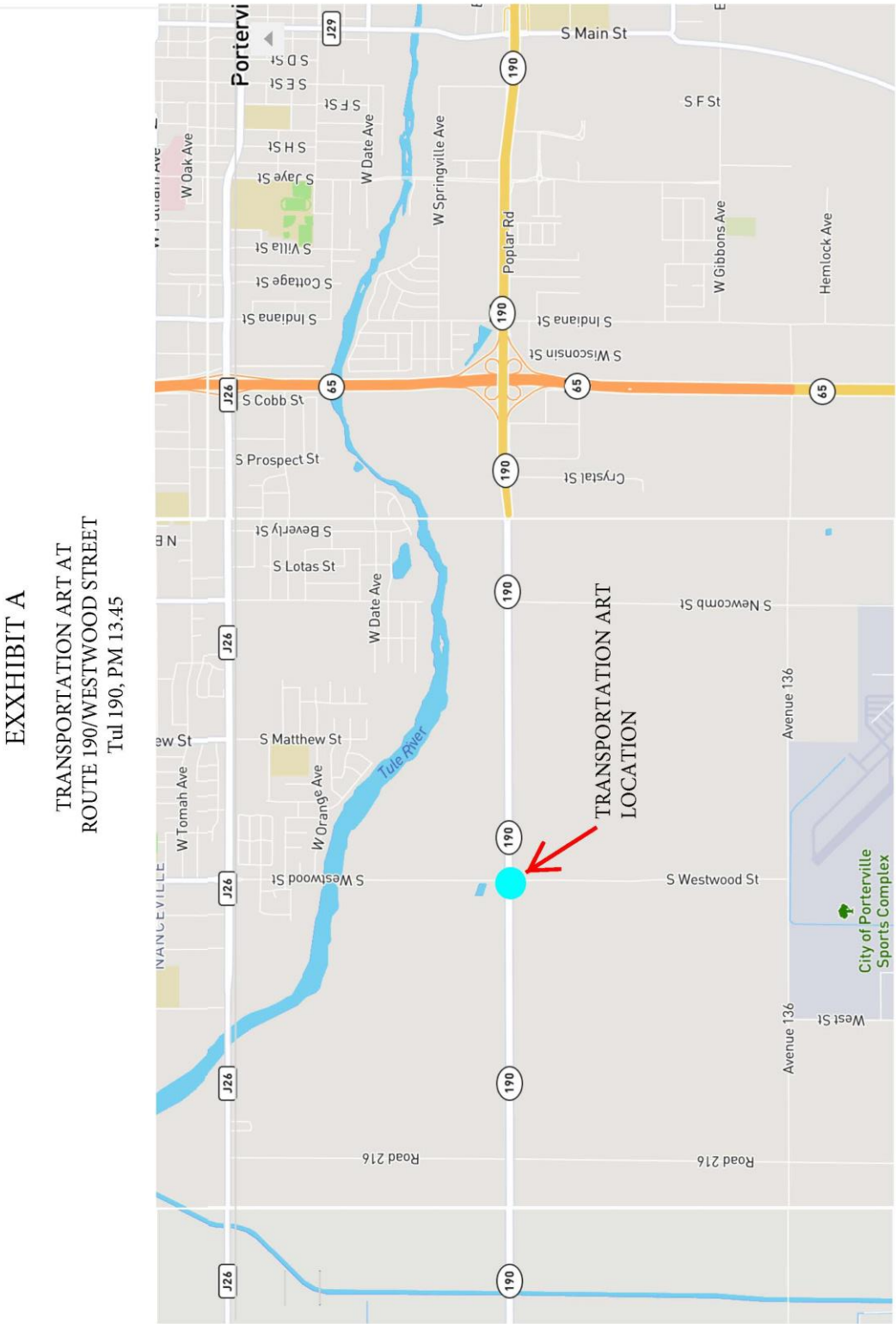


EXHIBIT A

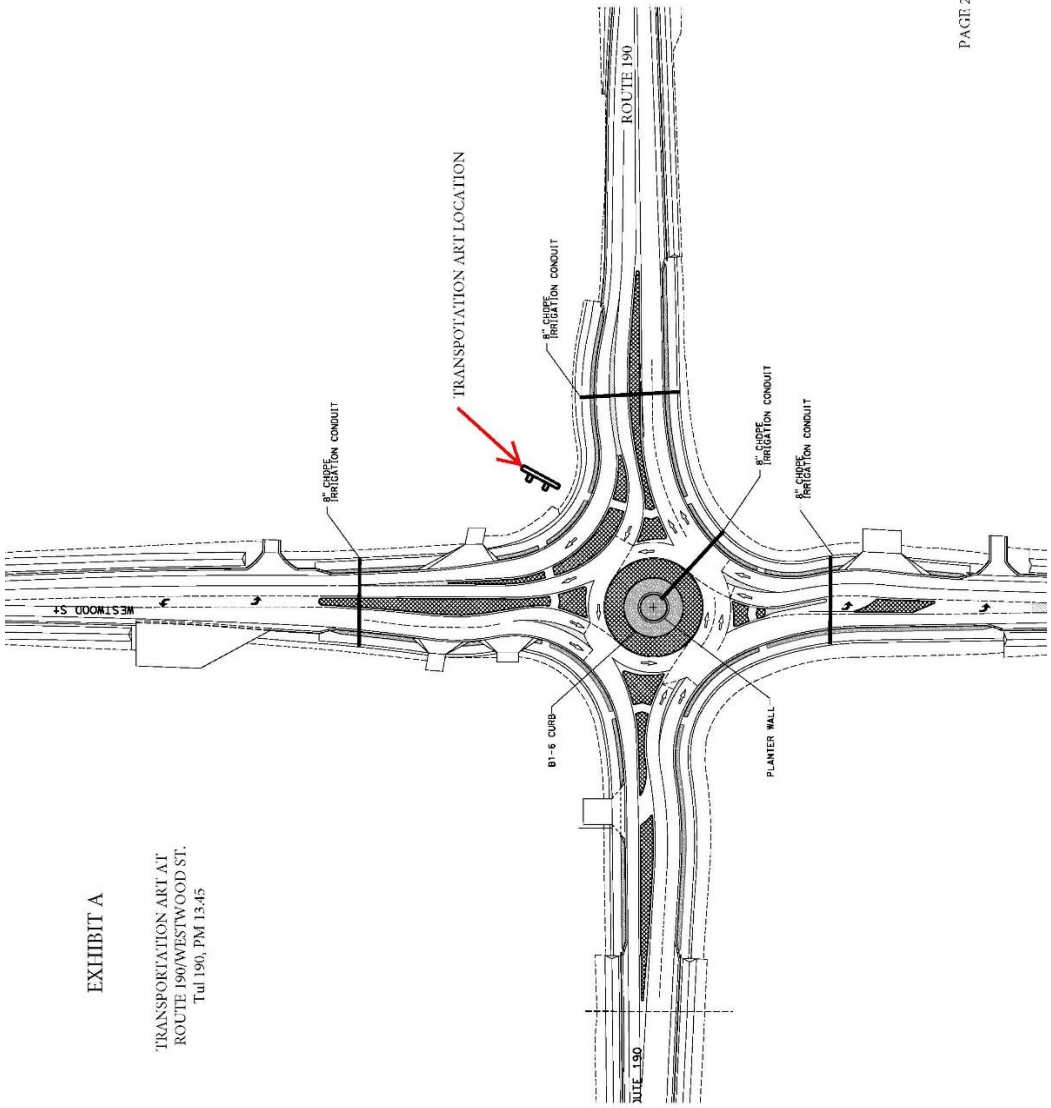


EXHIBIT A
TRANSPORTATION ART AT
ROUTE 190/WESTWOOD ST.
Tul 190, PM 13.45

EXHIBIT A

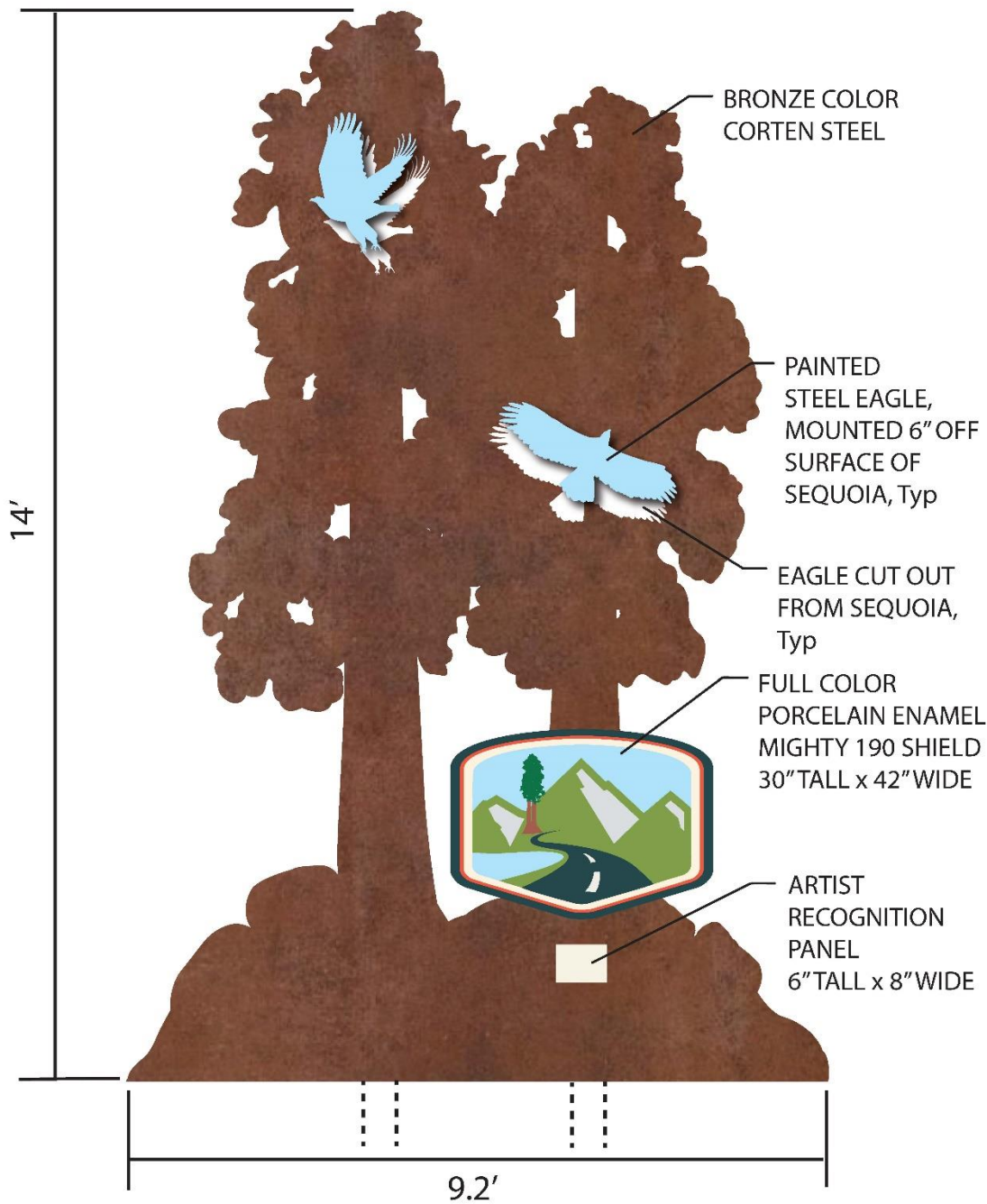


EXHIBIT A

TRANSPORTATION ART
AT
ROUTE 190/WESTWOOD STREET
Tul 190, PM 13.45

EXHIBIT B – LETTER OF CERTIFICATE OF CITY OF PORTERVILLE STATEMENT OF SELF INSURANCE

Department of Transportation
1352 W. Olive Avenue
Fresno, CA 93728-4067
ATTN: Daniel Lum

_____20__

RE: Statement of Self Insurance for CITY OF PORTERVILLE Related to Transportation Art Maintenance Agreement with State of California Department of Transportation ("STATE") for the ART along Highway Route 190 at Westwood Street (PM 13.45)

Dear Mr. Lum,

The purpose of this letter is to certify that the CITY is self-insured and self-funded covering third-party claims arising out of its general operations (for example, commercial general liability and automobile liability insurance). Further the CITY is self-insured covering workers' compensation claims and has received the consent of the State Department of Industrial Relations to do so.

Each fiscal year, as a part of its budgetary process, the CITY appropriates funds specifically to satisfy valid third-party claims and workers' compensation claims, which may be brought against the CITY.

The CITY certifies its self-insured, general liability coverage for bodily injury liability and property damage liability, meets the required coverage amounts in section 6.1 (INSURANCE) of the Maintenance Agreement, specifically general liability insurance, coverage of bodily injury liability and property damage liability in an amount of \$1 million per occurrence and \$2 million in aggregate and \$5 million in excess. The CITY further represents that regarding any claims made in connection with the Maintenance Agreement by the STATE, the STATE will be first-in-line regarding the reserved, self-insured amounts.

If you need any additional information regarding this letter, please direct those inquiries through my office.

Sincerely,

FINANCE MANAGER

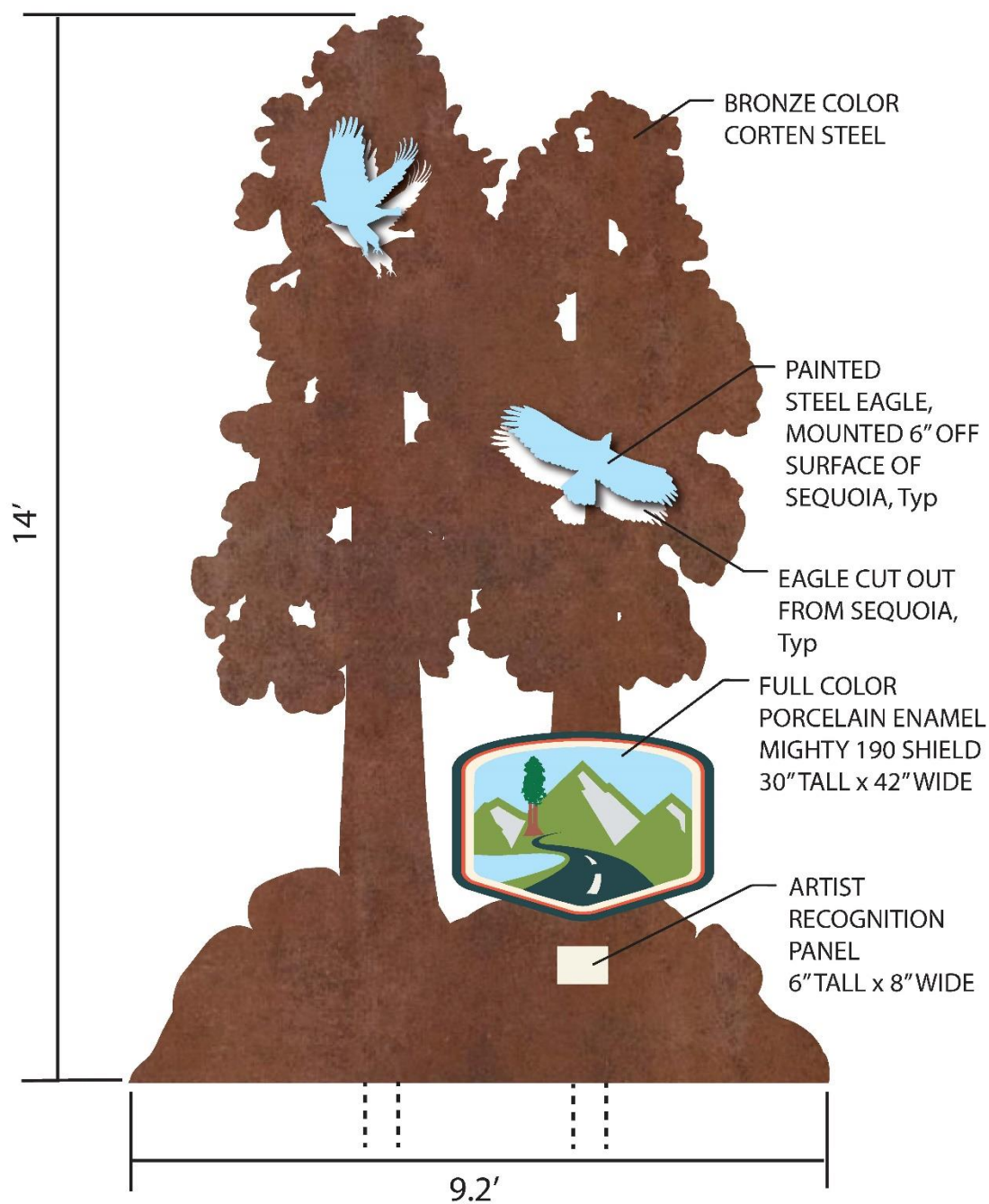
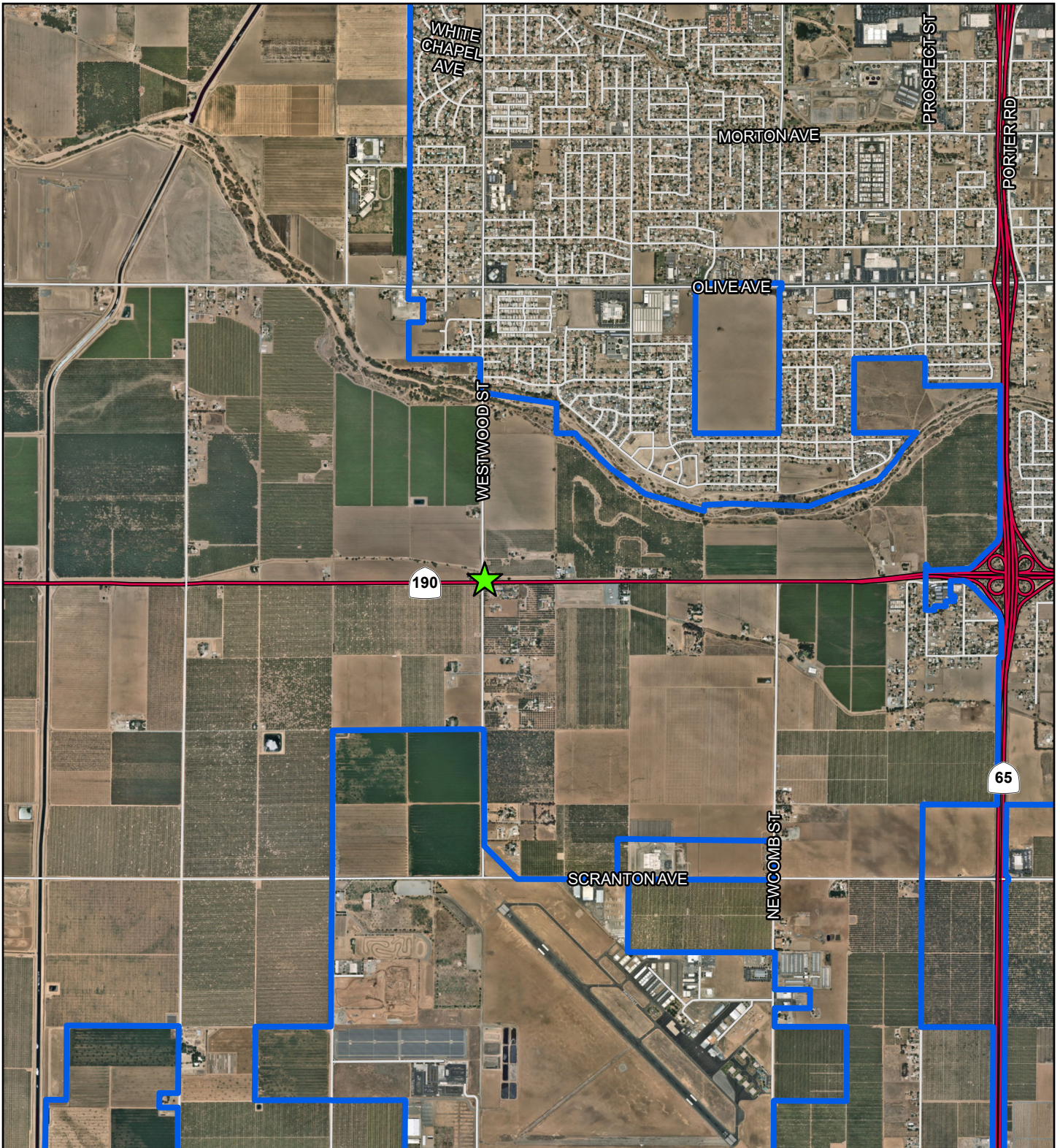


EXHIBIT A

TRANSPORTATION ART
AT
ROUTE 190/WESTWOOD STREET
Tul 190, PM 13.45

Transportation Art Locator Map



★ Project Location

City Limits

1 in = 2,500 feet





Revised (01_14_2020)

TRANSPORTATION ART PROPOSAL INSTRUCTIONS

Use Adobe Reader "Fill and Sign" tool to complete the form

- The Transportation Art Proposal (TAP) must be submitted for review and approval with the district Transportation Art Coordinator (coordinator) prior to submittal of Caltrans Encroachment Permit Application.
- **Applicants must be a public agency.** The public agency may be a city, county, incorporated town, tribal government, or non-federally recognized tribe representing the area in which the transportation art or community identification will be installed. The proposal must be completed in its entirety and signed by an official who is authorized by the public agency to commit the required local resources for the installation and maintenance of the proposed project.
- If a proposal is submitted for multiple locations under one project at the same time, the Cover Sheet should indicate the project's priority to assist Caltrans in conducting timely reviews.
- **Submit 1 electronic copy for preliminary review.** Please see <https://dot.ca.gov/programs/traffic-operations/ep> for Encroachment Permit submittal requirements once TAP has been approved for processing.
- Do not attach a separate cover. Place the Cover Sheet of the TAP on top and follow instructions for attachments. Any attachments should clearly identify the project name, location and related section of proposal. Attachments should be in a reproducible format, sized at 8.5" x 11". Drawings/maps should not exceed 11" x 17" (folded accordion style), but 8.5" x 11" is preferred. Photographs or photo simulations should be large enough to show overall composition of the Transportation Art in context with the proposed location. Additional photographs, drawings or photo simulations may be requested by the district coordinator to show detail that would allow Caltrans to evaluate suitability for installation within the State right-of-way.
- Upon district coordinator approval of the draft TAP, including draft Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork (Caltrans Copyright Assignment, CCA), Local Agency Agreement (LAA), and Project Specific Maintenance Agreement (PSMA), the coordinator will advise the applicant to submit the proposal to the Caltrans District Encroachment Permit Office for processing as an encroachment permit application. The applicant must provide any additional information and clearances requested by the Permits Office before approval of the encroachment permit.
- Please contact your district coordinator with any specific questions.



Revised (01_16_2020)

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Revised (01_16_2020)

TRANSPORTATION ART PROPOSAL (TAP)

COVER SHEET

Public Agency: City of Porterville

☐ **Stand-Alone Project**

☒ **Associated with a Capital Project EA:** 06-0Q432
(Check applicable box)

Official Project Name (must match on all documents):

Porterville Intersection Improvements Project

City: Porterville County: Tulare County

Local Cross Street Name: Westwood Rd.

State Highway / Route: SR 190 Post Mile / Bridge No.: PM 13.45 /

Public Agency Responsible Contact Person

Name: Jason Ridenour

Title: Community Development Director, City of Porterville

Mailing Address:

291 N Main Street

Porterville, CA 93257

Phone: (559) 782-7460 Email: jridenour@ci.porterville.ca.us

Nature of Transportation Art:

Mural (Painting)

Mosaic

☒ Statue or Sculpture (Freestanding)

Other (Explain)

Proposed Installation Date:

(Check one below)

☒ **Permanent installation**

(Projected lifespan): years

Temporary installation

(Removal date):



Revised (01_16_2020)

(Caltrans Office Use)

Permit Engineering Evaluation Report (PEER) required: _____Yes ☒ No

(If "Yes," see Exhibit F-____)

TABLE OF CONTENTS:

Cover Sheet

Applicant Certification

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

Exhibit A - Local Agency Agreement

Exhibit B - Final Artwork

Exhibit C - Material Object

Exhibit D - Project

Exhibit E - Preliminary Works

Exhibit F - Transportation Art Proposal

Project Specific Maintenance Agreement

Attachment A - Proof of Insurance



Revised (01_16_2020)

Transportation Art Proposal

APPLICANT CERTIFICATION

This serves as the official document fulfilling the requirements of Caltrans Project Development Procedures Manual (PDPM) described on pages 29-87 and 29-88.

I certify that the _____ - (**Public Agency Applicant**) approves of the proposed transportation art or community identification project, and is the responsible public agency representing the community where the transportation art or community identification will be installed. The _____ - (**Public Agency Applicant**) will adhere to and remain in compliance with Caltrans' rules, regulations and any additional restrictions Caltrans may apply to the transportation art or community identification project, including:

- All costs associated with the design, engineering, testing, construction and installation of the proposed transportation art including labor, materials, supplies, and traffic control, maintenance and removal.
- Obtaining and documenting local community support and acceptance for the transportation art project.
- Providing an executed and notarized CCA containing terms and conditions between Caltrans and the artist(s).
- Executing a PSMA with Caltrans detailing regular maintenance and removal of the transportation art at the end of its projected lifespan, or when requested by Caltrans, and returning the site to a condition as good as or better than at the start of the project.
- Providing a Local Agency Agreement (LAA) containing indemnification language acceptable to Caltrans, between _____ - (**Public Agency Applicant**) and the artist(s).
- Providing the name and current contact information of each responsible person who will be working within the State highway right-of-way to install, maintain, rehabilitate or remove the transportation art or community identification.

By signing below, I confirm that I have the authority to act as the signatory for _____ - (**Public Agency Applicant**) and that the statements above are true to my knowledge.

Signature: _____ Date: _____

Print Name: _____ Title: _____



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

(Place contract behind this sheet. **Exhibit A-F** cover sheets and descriptions follows.)



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT A

Provide a copy of all agreements between the artist(s) and the public agency pertaining to ownership, copyrights, installation, operation, maintenance and removal of the transportation art or community identification, referred to as the **Local Agency Agreement (LAA)**. The LAA must include Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork by reference, and specifically state the following:

"Artist hereby agrees that all copyright interests, title, and ownership in the Artwork shall be owned by the California Department of Transportation (Caltrans). Artist acknowledges that by signing, executing and notarizing Caltrans Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork agreement, which is hereby incorporated by reference and made part of this Agreement and attached as **Exhibit __**, Artist has conveyed, transferred, and irrevocably assigns to Caltrans, the Artists' entire and exclusive copyright interests under federal and state copyright laws."



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT B

Final artwork official project name: Mighty 190 as described in the Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork, is incorporated by reference, and includes all items included in **Material Object** and **Preliminary Works**. (No *item* is required to be inserted behind **Exhibit B**.)



Revised (01_16_2020)

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Revised (01_16_2020)

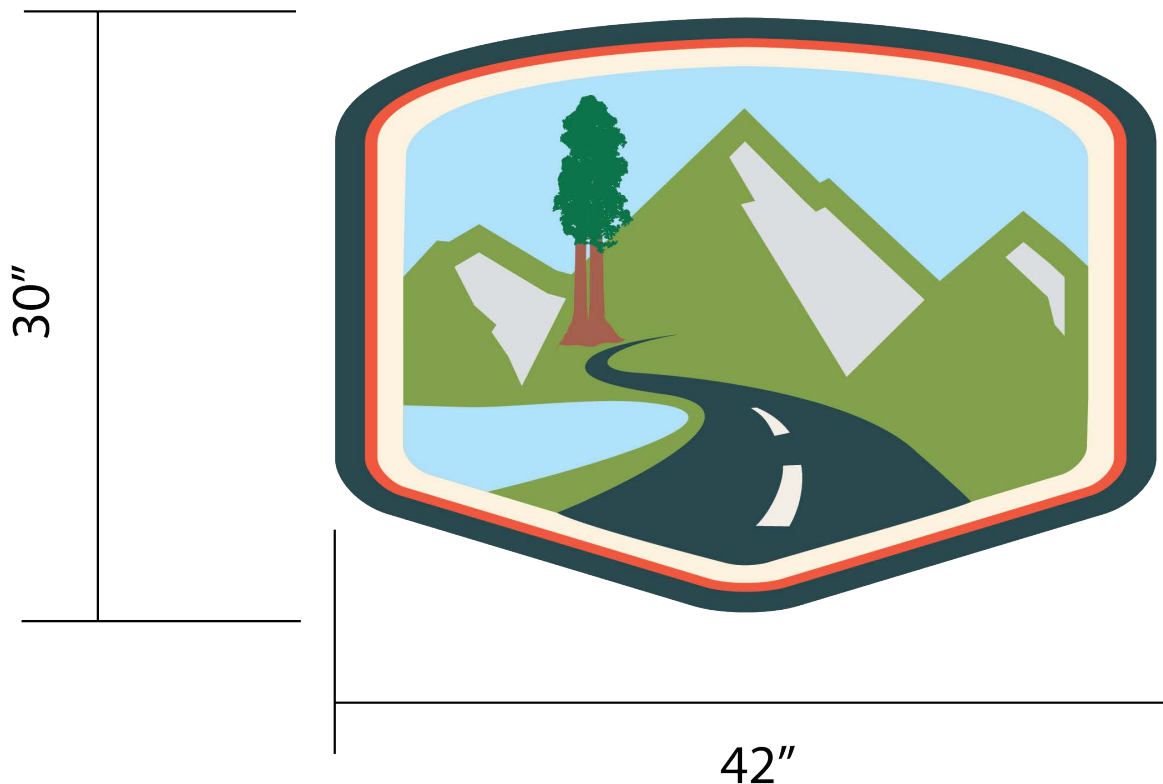
Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT C

Material Object is the tangible visual Final Artwork. Photographs of the Material Object are to be added as **Exhibit C** upon completion of the installation.

Estimated completion date: 10/01/2024

Actual completion date: _____





Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT D

Project refers to the items processed to approve this Transportation Art Proposal (TAP). Please fill out **Exhibit D** checklist and include supplemental attachments as needed. Supplemental items added to **Exhibit D** shall be named accordingly: **Exhibit D-1**, **Exhibit D-2**, **Exhibit D-3**, etc.



Exhibit D-1



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT D

Checklist 1 of 1

Included	N/A	
		Written evaluation of alternate locations outside the highway right-of-way. For freestanding Transportation Art (sculptures) only. Exhibit D - __
✓		Description of Transportation Art content, size, and material types. Content: (Emotional or intellectual message) Size: <u>30"T x 42" W</u> Material Type: <u>Porcelain Enamel</u> Exhibit D - <u>1</u>
		Structural Plans, Installation Plans, and Details stamped and signed by a California licensed engineer - for all art that is freestanding, new structures, or any modifications of existing Caltrans' structures. Exhibit D - __
		Installation Plans. If engineered, must be signed and stamped by California licensed engineer. Exhibit D - __
		Traffic Control Plans and Specifications. May use Caltrans standard plans if applicable or supply their own California licensed engineer stamped plans. Exhibit D - __
		Reproducible drawings, sketches, photographs, or other appropriate renditions of visual Final Art to be installed. (Does not include Preliminary Work.) Exhibit D - __



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT E

EXHIBIT E

Preliminary Works are any sketches, drawings, drafts, concepts, models, or other renditions that were used to develop the **Final Artwork**. Include copies or photographs of all **Preliminary Works** used as **Exhibit E**.



Preliminary Design



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork
EXHIBIT F

EXHIBIT F

This **Transportation Art Proposal** is **Exhibit F** of the Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork.

Please answer the following questions and fill out the **Exhibit F** checklist. Include supplemental attachments as needed. Supplemental items added to **Exhibit F** shall be named accordingly: **Exhibit F-1**, **Exhibit F-2**, **Exhibit F-3**, etc.

Does the Transportation Art:	Yes	No
Contain text?		X
Display symbols or icons such as flags, logos, or commercial symbols, except as allowed in Sub-article "Sponsor Recognition" in the PDPM Chapter 29, Section 9, Article 1?		X
Make use of or simulate colors or combinations of colors reserved for official traffic control devices described in the <u>California Manual on Uniform Traffic Control Devices</u> ?		X
Imitate, obscure, or interfere with traffic control devices?		X
Include illumination (such as blinking or intermittent lights) that impairs the vision of or distracts transportation system users?		X
Conform to provisions of the <u>California Outdoor Advertising Act</u> ?		X
Interfere with airspace above the roadway?		X
Simulate movement or include moving elements (kinetic art)?		X
Include reflective or glaring surface finishes?		X
Restrict sight distances?		X
Include images that may be distracting?		X



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 1 of 4

Included	N/A	
		Artist(s) resume and background. Exhibit F-__
		Art which includes paint or stain must adhere to the following: ➤ Paint used on structures should not fill or obscure cracks. Latex or other flexible type paints may be used on concrete structures only with written permission from the Headquarters Division of Maintenance-Structure Maintenance and Investigations. ➤ Painting of steel structures will only be permitted with written permission from the Headquarters Division of Maintenance-Structure Maintenance and Investigations. ➤ Painted art should avoid load-carrying, stress-bearing structural members including, but not limited to bridge girders, soffits, columns, and piers. Wing walls and abutments are preferred locations for painted art. ➤ Artwork must not hinder inspection of bridges, retaining walls, and other structures. ➤ To facilitate Caltrans' inspection, mural art may be placed on removable panels. ➤ Chipping, blasting, or modifying existing concrete surfaces is prohibited, unless required by Division of Maintenance-Structure Maintenance and Investigations. Include paint or stain specifications and protective coating specifications if it is included. Exhibit F - __
		Proposed Construction Schedule. Exhibit F-__



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 2 of 4

Included	N/A	
		Environmental Documentation or Notice of Exemption. Exhibit F-__
		Permit Engineering Evaluation Report (PEER) - attach if indicated as needed on the TAP Cover Sheet. Exhibit F-__
		Proposed Location Plans , showing topography, and dimensions and offsets to right-of-way lines, edge of pavement, centerline, and the clear recovery zone. Exhibit F-__
		Railroad Right-of-Way - does any part of the project encroach on, cross, or exists within 25 feet of a railroad right-of-way? If so, describe the nature of encroachment, the impact, and whether an agreement or permit is in place between the railroad and the public agency that covers the encroachment. Exhibit F-__
		Proposed Cost Estimate and valuation of the completed artwork. Exhibit F-__
		Soil Disturbance - if the project requires the disturbance of soil, estimate the area of disturbance (SQFT or Acres) and describe the nature of disturbance. Estimated Disturbed Area: _____SQFT/Acres Exhibit F-__



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 3 of 4

Included	N/A	
		Utility Plan - if any part of the project affects existing utilities, describe the type and owner of utility affected and how they will be impacted or mitigated. Exhibit F-__
		Proposed Lighting Plans signed by a California licensed electrical engineer, and non-State supplied source of electrical power. Exhibit F-__
		Freestanding Sculpture- is any part of the project within 52 feet of the edge of traveled way of a State highway, expressway, or freeway? ____YES ____NO If "Yes", submit approved Caltrans Design Exception Fact Sheet for change in setback of Discretionary Fixed Object (HDM 309.1(2)(b)) and provide a traffic control plan for review and, unless it is made breakaway or shielded behind existing guardrail, barrier, or other safety device. Exhibit F-__
		Sponsor Recognition may be included; such as the name, identifying logo, or symbol of the artist, public agency, and/or financial sponsor(s). It must be unobtrusive, discrete, and not appear to be an integral part of the object. It may be placed on or adjacent to the transportation art and is not considered to be "text". Caltrans retains sole discretion for determining the appropriate size, content, colors, and other elements of this recognition. If including Sponsor Recognition, include exhibit that clearly shows what the recognition will look like, what it says, how it's applied, and where it will be located. Exhibit F-__



Revised (01_16_2020)

Transportation Art Proposal

Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork

EXHIBIT F

Checklist 4 of 4

		Sponsor Recognition Disclaimer Statement - if Sponsor Recognition is included, must add a disclaimer statement that Caltrans does not endorse the sponsor's products and/or services and that the sponsor's name only appears as a reference as the source of sponsorship. This disclaimer must be placed in a conspicuous manner adjacent to the sponsor's name. Exhibit F-__
		Project Construction Specifications. Exhibit F-__
		Draft Maintenance Agreement-Prior to the issuance of the Project Specific Maintenance Agreement (PSMA), provide a brief description of the long-term maintenance plan and schedule. Discuss regular cleaning, graffiti removal, damage repair, removal of art (if necessary), and other work as required. Exhibit F-__
		Community Review and Pubic Agency Resolution. The signed Cover Sheet of the Transportation Art Proposal, plus the pending Project Specific Maintenance Agreement (PSMA) are considered adequate documentation for Public Agency commitment in lieu of issuing an adopted resolution. When the Transportation Art Proposal is determined to be a Qualified Proposal by the Caltrans District Transportation Art Coordinator, the Local Agency should schedule a Community Review, secure and document community acceptance. Exhibit F-__



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Project Specific Maintenance Agreement (PSMA)

(Place contract and its attachments behind this sheet. Although a draft PSMA is enough for the TAP review, an Encroachment Permit will not be issued without the final executed PSMA in place.)



Revised (01_16_2020)

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Revised (01_16_2020)

Transportation Art Proposal

Project Specific Maintenance Agreement (PSMA)

ATTACHMENT A

ATTACHMENT A

Proof of Insurance is required via Section 15 of the PSMA. Please attach a certificate of insurance as **ATTACHMENT A**.



Revised (01_16_2020)

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CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Intent to Set a Public Hearing to Transition to Phase III of the City's Water Conservation Plan

SOURCE: Public Works

COMMENT: The City's Water Conservation Plan is structured in an effort to provide conservation results, reducing the overall residential consumption and continuing to provide uninterrupted services to the community without compromising the operation of the City's 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 the past by State Governor 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, the City Council approved maintaining the current imposed conservation standard of twenty-six percent (26%) less than the production of the 2013 calendar year. The continuation of the current conservation goal keeps 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, also meets the minimum twenty percent (20%) conservation standard defined in the City's Urban Water Management Plan, and assists the City in meeting the requirements of the Sustainable Groundwater Management Act (SGMA).

In response, the City 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 a Voluntary 3-Day Watering week Schedule; Phase II is a Mandatory 3-Day Watering week Schedule; Phase III is a 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 has been able

to maintain a cumulative conservation total reduction of 24.5% Gallons Per Capita Per Day (June 2015 through March 2022). In order to maintain conservation reductions, while providing flexibility to local residents, it is staff's recommendation to evaluate seasonal changes in temperature and the need to transition from Phase IV to Phase III of the City's Water Conservation Plan. Staff recommends Council consider setting a Public Hearing for May 17, 2022, to determine the transition to Phase III of the City's Water Conservation Plan (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: That the City Council direct the City Clerk to notice a Public Hearing to discuss the transition from Phase IV to Phase III of the City's Water Conservation Plan at its meeting on May 17, 2022.

ATTACHMENTS: 1. Drought Response Phase III Flyer
 2. Drought Response Phase IV Flyer

Appropriated/Funded:

Review By:

Department Director:
Michael Knight, Public Works Director

Final Approver: John Lollis, City Manager



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.**



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 – MAY 3, 2022

SUBJECT: Consideration of Sierra Valley Tentative Subdivision Map Extension

SOURCE: Community Development

COMMENT: The Sierra Valley Tentative Subdivision Map 2-2010 was approved on December 7, 2010, with the adoption of Resolution 126-2010. The location of the approved map is generally located on the east side of North Main Street between Westfield Avenue and the southerly Intersection of Highland Drive and Marshall Street.

As a result of the series of legislative map extensions approved by the California legislature and the City Council, including Assembly Bills (208, 116, 1303, and 1561), and Resolution 03-2019, this map has received nine years and six months of extensions. It is noteworthy that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision Ordinances, now known as the Development Code since the approval of the tentative subdivision map. Due to the fact that Sierra Valley Tentative Subdivision Map 2-2010 was not adopted as a vested tentative map, the subsequent development will be held to the new design and development standards of the City.

The applicant has submitted a request to extend the life of the Sierra Valley Tentative Subdivision Map 2-2010 for an additional twenty-four (24) months. The subdivision map is currently set to expire on July 15, 2022. Government Code Section 66452.26 allows the Council to grant a discretionary extension of time, in addition to discretionary extension under Government Code Section 66452.6(e) and not to exceed twenty-four (24) months, for an approved tentative map if the expiration date of said approved tentative map was extended pursuant to Government Code Section 66452.25 (AB 1303).

The subject map meets the criteria under Section 66452.6(e) of the California Government Code, and the applicant has requested that the Council extend the expiration date of the Sierra Valley Tentative Subdivision Map 2-2010 for an additional twenty-four (24) months. The tentative subdivision map was previously evaluated for environmental concerns and the Council approved Resolution 125-2010. Therefore, no further environmental review is required. Approval of the time extension will allow the applicant an opportunity to keep the map active and be able to develop the subdivision.

RECOMMENDATION: That the City Council adopt the draft Resolution approving the 24-month extension for the Sierra Valley Tentative Subdivision

Map.

ATTACHMENTS:

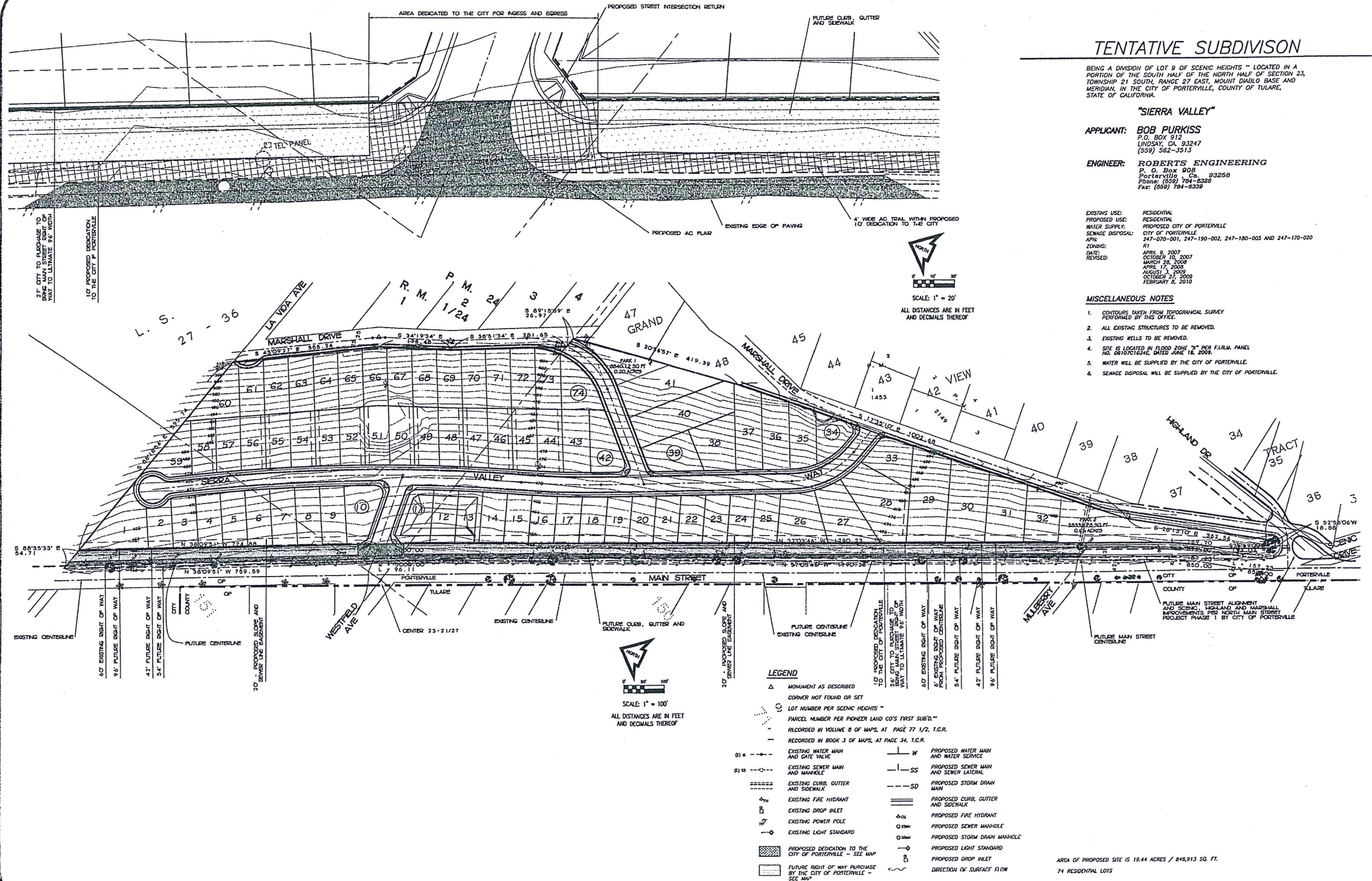
1. Sierra Valley Tentative Subdivision Map
2. Draft Resolution
3. Resolution 125-2010
4. Resolution 126-2010
5. Resolution 03-2019

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager



RESOLUTION NO. ____-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING OF A 24-MONTH EXTENSION OF TIME FOR THE SIERRA VALLEY
TENTATIVE SUBDIVISION MAP 2-2010, THAT 22± ACRE SITE GENERALLY
LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN WESTFIELD
AVENUE AND THE SOUTHERLY INTERSECTION OF HIGHLAND DRIVE AND
MARSHALL STREET

WHEREAS: On December 7, 2010 the City Council of the City of Porterville adopted a Mitigated Negative Declaration of environmental impact for the Sierra Valley Tentative Subdivision Map 2-2010 (“Sierra Valley Tentative Map”) via resolution 125-2010; and

WHEREAS: On December 7, 2010, the City Council of the City of Porterville approved the Sierra Valley Tentative Map via Resolution 126-2010, said map being valid for an initial period of twenty-four (24) months through December 7, 2012; and

WHEREAS: Legislative extensions pursuant to Assembly Bills 208, 216, and 1303 extended the life of the Sierra Valley Tentative Map for a total of six (6) years of legislative extensions through December 7, 2018; and

WHEREAS: Government Code Section 66452.6(e) allows the City Council to grant discretionary extensions to the life of an approved tentative map for a period or periods not to exceed a total of six (6) years; and

WHEREAS: Pursuant to Government Code Section 66452.6(e) and acting on a timely submitted application, on January 15, 2019 the City Council of the City of Porterville approved a twenty-four (24)-month extension for the Sierra Valley Tentative Map via Resolution 03-2019, extending the map through January 15, 2021; and

WHEREAS: Assembly Bill 1561 provided an automatic extension to the map of eighteen (18) months through July 15, 2022; and

WHEREAS: Government Code Section 66452.26 allows the City Council to grant a discretionary extension of time, in addition to discretionary extension under Government Code Section 66452.6(e) and not to exceed 24 months, for an approved tentative map if the expiration date of said approved tentative map was extended pursuant to Government Code Section 66452.25 (AB 1303).

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a twenty-four (24)-month extension of time for Sierra Valley Tentative Map pursuant to Government Code Section 66452.6(e) and that the conditions specified in City Council Resolutions 125-2010 and 126-2010 shall remain in full force and effect except where and update to General Plan and Development Code would result in changes. Said extension of time shall commence July 15, 2022 and shall expire on July 15, 2024.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2022.

By: _____
Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 125 -2010

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 SIERRA VALLEY TENTATIVE
SUBDIVISION 2-2010

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2010 conducted a public hearing to consider Sierra Valley Tentative Subdivision Map 2-2010, but continued a public hearing to December 7, 2010 to allow for Councilman Brian Ward to return and vote on the item; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 7, 2010 considered approval of Sierra Valley Tentative Subdivision Map 2-2010 (Exhibit A); being a division of a 22± parcel into 74 single family residential lots generally located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street; and

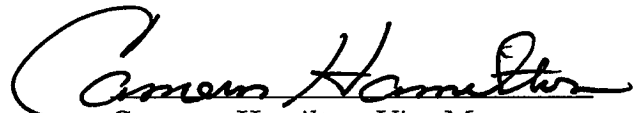
WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Mitigated Negative Declaration (Exhibit B) was prepared for the project in accordance with the California Environmental Quality Act; and
2. That the proposed project could have a significant effect on the environment, but through implementation of mitigation measures, the impact will be reduced to less than significant; and
3. That the City Council of the City of Porterville is the decision-making body for the project; and
4. That on October 27, 2010 the Mitigated Negative Declaration prepared for this project was made available for the 20 day public review and comment period; and
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as (Exhibit C); and
6. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the project; and

7. That the project may proceed subsequent to approval and/or conditional approval of the Fish and Wildlife Service relative to said projects potential environmental implications; and
8. That the environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.

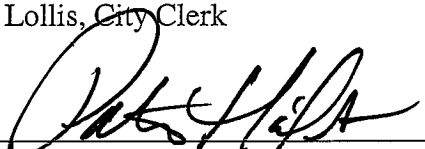
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map as described herein.

PASSED, APPROVED, AND ADOPTED this 7th day of December, 2010.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

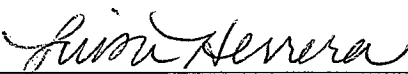
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 regular meeting of the Porterville City Council duly called and held on the 7th day of December, 2010.

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

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X			X
NOES:					
ABSTAIN:			X	X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 126 -2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
SIERRA VALLEY TENTATIVE SUBDIVISION MAP 2-2010 FOR THAT 22± ACRE SITE
GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN
WESTFIELD AVENUE AND THE SOUTHERLY INTERSECTION OF HIGHLAND DRIVE
AND MARSHALL STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 16, 2010 conducted a public hearing to consider Sierra Valley Tentative Subdivision Map 2-2010, but continued a public hearing to December 7, 2010 to allow for Councilman Brian Ward to return and vote on the item; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 7, 2010 considered approval of Sierra Valley Tentative Subdivision Map 2-2010 (Exhibit A), being a division of a 22± parcel into 74 single family residential lots generally located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street; and

WHEREAS: The Parcel Map Committee on November 14, 2007, reviewed and discussed concerns and conditions that should be addressed before the City Council. Conditions developed as a result of this meeting and subsequent staff review have been discussed with the applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.
2. That the site is physically suitable for the type and density of the proposed development.
3. That the Mitigated Negative Declaration (Exhibit B) prepared for this project is in compliance with the California Environmental Quality Act indicating that such will not have a significant effect on the environment.
4. That the design of the project, or proposed improvements, is not likely to cause substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.
6. That the standards of population density, site area dimensions, site coverage, yard spaces, heights 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 parcels 29, 37, 40, and 41 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 b of the Subdivision Ordinance. Parcel 29 has a depth of 242 feet, Parcel 37 has a depth of 213 feet and Parcels 40 and 41 have a depth of 250 feet, therefore a subdivision exception is required..

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council makes the following findings as they relate to the excessive lots depths designed within this subdivision:

- A. That the special circumstances or conditions affecting the property are the irregular shape of the site and topography, especially as it narrows on the southeast corner of the site and design of the subdivision. No other configuration or design was feasible to eliminate the excessive lot depths for Parcels 29, 37, 40, & 41.
- B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that the exception will allow the remaining portion of the property to be subdivided pursuant to City standards.
- C. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated. The exception will allow Parcel 29 to have a lot depth of 62± feet more than the allowed maximum of 180 feet. Parcel 37 would have a lot depth of 33± feet more than the allowed maximum of 180 feet. Parcels 40 and 41 would have a lot depth of 70± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community.
- D. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.
- E. That the granting of the exceptions is consistent with the General Plan. Any exception may be granted subject to reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter. The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and

Subdivision Ordinance and is consistent with the density allowed by the General Plan.

WHEREAS: On October 27, 2010, the City of Porterville City Council accepted as complete a Mitigated Negative Declaration for the proposed tentative subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Sierra Valley Tentative Subdivision Map 2-2010 subject to the following conditions:

SITE SPECIFIC CONDITIONS:

1. That the project shall comply with the Mitigated Negative Declaration (Exhibit A) and Mitigation Monitoring Plan (Exhibit B) throughout the development and construction of the subdivision.
2. Lots 1-36 are dual frontage lots and will be restricted to primary access from Sierra Valley Way street frontage. For setback purposes, the front yard of each of these lots will be along Sierra Valley Way.
3. The developer/applicant shall execute an irrevocable offer of dedication for a potential street connection from the Sierra Valley Way cul-de-sac to the northern property. The dedication shall be clearly shown and identified on the Final Map.
4. Due to the adopted N. Main Street alignment plan, the developer/applicant shall construct improvements in the following manner:
 - a. Construct curb, gutter, sidewalk, drainage ditch, cut slope, and block wall as shown on the preliminary design plans on file at the City of Porterville.
 - b. There shall be a deceleration lane and an acceleration lane to turn into the residential area. Committed turn lanes would assist in traffic congestion and reduce the possibility of traffic accidents. Extend the existing road easterly to provide for safe parking (8 feet of parking and a 4' shoulder) along full frontage, except at the entrance into the subdivision. The street shall be widened at the entrance to accommodate a south bound left hand turn pocket and a north bound deceleration lane. These lanes shall be a minimum of 100 feet in length. No Parking will be allowed along the deceleration lane.
 - c. Construct another drainage ditch along the new edge of pavement that directs the storm water to the City's drainage system, therefore creating two parallel drainage ditches.
 - d. Install a landscaping and an irrigation system along the full frontage in the areas left vacant by the construction of the herein described public improvements. These improvements will create a vacant area between the edge of pavement and

the new curb. They will also create another vacant area between the back of sidewalk and the block wall. A landscape and irrigation plan shall be prepared by a Licensed Landscape Architect and delivered to the City for review as part of the improvement plans.

- e. Provide pavement markings and additional pavement, full structural section, necessary to accommodate a southbound left turning movement at the Westfield Street intersection.
5. The applicant/developer shall provide an irrevocable offer of dedication to the City for the pocket park parcels for recreational open space. The recreational open space areas shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years.

STANDARD CONDITIONS:

6. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code section 66020(a). You have 90 days from the date fees are paid to file a written protest.
7. Unless otherwise stated herein, the developer/applicant shall comply with the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Revised 8-20-02), the Caltrans Traffic Manual, and the Porterville Circulation Element.
8. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23). In accordance with City Council's adopted North Main Street alignment plan, about 16 feet of additional right of way dedication is required along the westerly development boundary. An adjoining 20' wide easement shall also be dedicated easterly of the right of way dedication. Graded slope, drainage and Public Utilities is the purpose of the easement.
9. The developer/applicant shall provide and show all required utility easements on the Final Map.

10. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is desirable to allow access. Access rights shall be relinquished along the full North Main Street frontage and Lots 33 through 36 fronting Marshall Drive.
11. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.
12. Prior to approval of the improvement plans, the developer/ applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in said annex to the district: (1) Lighting, (2) Public Landscaping along N. Main Street (3) Public walls/fences (4) Public Pocket Parks (5) Temporary on-site or off-site drainage reservoir, if any, etc.
13. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
 - a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
 - b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix Chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
 - c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.
14. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
15. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

16. Prior to start of grading on any unit, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615 for all wells that will remain in service.
17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use. The developer/applicant shall communicate, in writing, with the irrigation company of record discussing the proposed development and determines if the development will have any impact on their facilities. Copies of the written correspondences shall be delivered via certified mail with a copy to the City. The ditch company known to have ditches crossing the property is the Sunnyside Ditch Company, managed by Vandalia Irrigation District.
18. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).
19. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.
20. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).
21. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

22. The developer/applicant shall construct or provide surety for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed subdivision lots except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.
23. Building or foundation permits shall not be issued until all of the following items are accepted as complete:
 - a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;
 - b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);
 - c. Street base rock for accessibility by the public safety officials and building inspectors;
 - d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;
 - e. Lot corners are marked;
 - f. Fire hydrants are accepted by the Fire Department and the Engineering Division.
24. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. There are significant improvements, property acquisitions and other issues involved in implementing the Strom Drain Master Plan or the N. Main Street improvement plans on file with the City. Should it become unreasonable to implement the Storm Drain Master Plan upon development of the proposed subdivision, the developer/applicant may provide on-site or off-site temporary drainage reservoirs in accordance with City Standards.

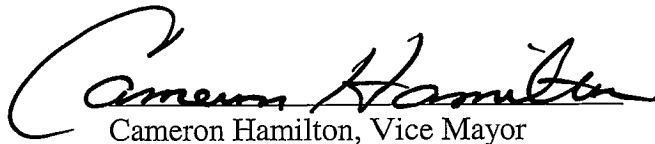
25. The developer/applicant shall construct a concrete drainage swale, replacing the existing ditch along the easterly boundary, if in the opinion of the City Engineer it becomes an integral part of the development's drainage system. The hillside runoff, specifically along the easterly project boundary, shall be captured by a concrete swale, barrier curbs and gutters, or other means acceptable to the City Engineer and directed to the City's drainage system.
26. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.
27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.
28. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.
30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.
32. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

33. The developer/applicant shall provide an internal street pattern that will serve the adjacent properties. The developer applicant shall provide a bulb at the north end of Marshall Drive that provides turning movements for the City emergency vehicles and refuse vehicles. Templates illustrating the turning movements within the proposed bulb are required prior to approval of the Tentative Map. The map shall be modified, if required, to meet City standards.
34. The developer/applicant shall constructed frontage improvements along Marshall Drive, specific to Lots 60 through 74 in accordance with Section 21-23 of the Subdivision Ordinance.
35. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.
36. Sewer mains shall be accessible for maintenance within a public ways. The public ways shall be improved to City Street or Alley Standards. A homeowners association or other acceptable associations, complying with state and local regulations, shall be formed for the purpose of maintaining the sewer system in perpetuity as presently proposed (backyard services). Association documents shall be submitted to the City for review and approval. Approval of improvement plans is contingent upon the approval of the association documents.
37. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).
38. Prior to acceptance of improvements, the developer/applicant shall provide street lights throughout the development, including Main Street, on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
39. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.
40. The developer/applicant shall construct water main(s) along the frontages of the proposed development, as depicted in the Water Master Plan.
41. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

42. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be approved by the City prior to construction.
43. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
44. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.
45. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Main Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Main Street.
46. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the recreational open space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.
47. The project must comply with latest applicable codes.
48. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
49. Additional fire hydrants will be required. Hydrants are to be placed at corner lots where ever possible. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
50. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
51. Fire hydrant spacing shall be as follows:
 In Residential development, one hydrant shall be installed at 500-foot intervals.
52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

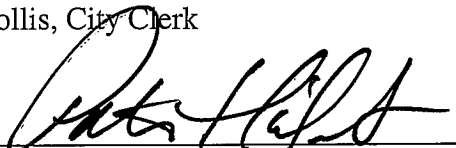
53. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix III-B Table A-III-B-1, Note Number 3.
54. Hydrants are not to be placed within the bulb of a cul-de-sac but shall not be placed more than 250 feet from the end of any road.
55. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
56. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.
57. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
58. Slopes of residential driveways shall not exceed 15%. Slopes exceeding 10% grade shall be concrete.
59. Grades for streets shall be as follows: Primary Arterials shall be no steeper than 8 %, Secondary Arterials shall not be steeper than 10% grade, Local Streets shall not be steeper than 12% grade, Loaded Local Streets shall not be steeper than 8% grade, and Intersections shall be at 6% grade or less.

PASSED, APPROVED, AND ADOPTED this 7th day of December, 2010.


Cameron Hamilton, Vice Mayor

ATTEST:

John Lollis, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

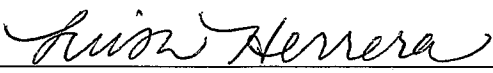
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

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 regular meeting of the Porterville City Council duly called and held on the 7th day of December, 2010.

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

Council:	MCCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X	X			X
NOES:					
ABSTAIN:			X	X	
ABSENT:					

JOHN D. LOLLIS, City Clerk


By: Luisa Herrera, Deputy City Clerk

RESOLUTION NO. 03-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF
A 24 MONTH EXTENSION OF TIME FOR SIERRA VALLEY SUBDIVISION MAP
GENERALLY LOCATED ON THAT SITE
NORTH OF HIGHLAND AVENUE AND EAST OF MAIN STREET

WHEREAS: On December 7, 2010, the City Council of the City of Porterville adopted a Mitigated Negative Declaration of environmental impact for the Sierra Valley Tentative Subdivision map, and subsequently adopted a Tentative Subdivision Map for the Sierra Valley Subdivision;

WHEREAS: Due to legislative extensions granted to the Sierra Valley Subdivision through Assembly Bills 208, 116, and 1303, the map life was continued through December 7, 2018. In November, 2018, the applicant requested an extension of the tentative map. In accordance with Government Code Section 66452.6(e), submittal of this request automatically extends the life of the map for sixty days, or until such time that the extension is approved, conditionally approved, or denied;

WHEREAS: The Porterville City Council at its regularly scheduled meeting of January 15, 2019, considered a 24 month extension of time request for the Sierra Valley Subdivision Map;

WHEREAS: Section 66452.6 (e) of the State Map Act allows the City Council to grant extension of time for tentative map (both subdivision and parcel maps) for a period not to exceed a total of six years;

WHEREAS: As a result of the series of legislative map extensions approved by the California legislature through Assembly Bills 208, 116, and 1303, this map has received six years of legislative extensions. While these do not count towards the statutory limit of six years identified in §66452.6(e) of the Government Code, it is noteworthy in that the City has adopted a new General Plan and approved a comprehensive revision of the zoning and subdivision ordinances, now known as the Development Code. Because Sierra Valley was not a vested tentative map, the subsequent development will be held to the new design and development standards of the City; and

WHEREAS: The extension of time will allow the developer an opportunity to keep the map active and fulfill the development requirements for the proposed subdivision.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve a 24 month extension of time for Sierra Valley Subdivision Map ("Exhibit A") and that the conditions specified in City Council Resolutions 125-2010 and 126-2010 shall remain in full force and effect except where the updated General Plan and Development Code would result in changes. Said extension of time shall commence January 15, 2019, and shall expire on January 15, 2021.

PASSED, APPROVED AND ADOPTED this 15th day of January, 2019.


Martha A. Flores, 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 15th day of January 2019.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa Zavala, Deputy City Clerk



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: West Putnam School Grant Deed of Dedication

SOURCE: Engineering and Project Management

COMMENT: The City has requested a three-foot dedication from Porterville Unified School District (PUSD) along the southern frontage of West Putnam Elementary School adjacent to Thurman Avenue. The three-foot dedication is to update the current width of the road to City Standard local standard width. As part of the Newcomb Street Reconstruction project, the City will be installing sidewalks and driveways along the frontage of West Putnam Elementary School. In order to properly comply with ADA standards, the additional three-foot dedication was necessary in order to get a path around the proposed driveways. PUSD is in agreement to dedicate the right of way. The only condition is that the City would be agreeable to a fence relocation agreement. The fence relocation will not take place until Thurman Avenue is fully reconstructed. The proposed improvements along Thurman Avenue as part of the Newcomb Street Reconstruction project is not a full reconstruction of Thurman Avenue. The Newcomb Street Project entails installing a sidewalk adjacent to the curb in order to match the existing improvements that are currently in place, and to provide a pedestrian path along Thurman Avenue from Newcomb Avenue to West Putnam Elementary School.

RECOMMENDATION: That the City Council:

1. Accept the Grant Deed of Dedication from Porterville Unified School District along with approval of the agreement;
2. Authorize the City Engineer to sign the Grant Deed of Dedication;
3. Authorize the Mayor to sign the fence relocation agreement; and
4. Authorize the City Clerk to record the signed Grant of Dedication to Porterville Unified School District.

ATTACHMENTS:

1. Grant Deed of Dedication
2. Draft Agreement for Relocation of Fence

Appropriated/Funded:

Review By:

Department Director:

Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:**

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

**NO FEE PURSUANT TO GOVERNMENT
SECTION 27383**

Space above this line for Recorder's Use

GRANT DEED
(DEDICATION)

Atlas Sheet	Section	Township	Range	Street/Avenue
F 5	27	T 21 S	R 27 E	Tomah Ave.

PORTERVILLE SCHOOL DISTRICT, A CALIFORNIA PUBLIC SCHOOL DISTRICT, DEDICATES to the CITY OF PORTERVILLE, a Municipal Corporation, all that real property for public street and underground utilities, in the City of Porterville, County of Tulare, State of California, described as:

See Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof by
reference, consisting of two pages.

Dated this _____ day of _____, 2021.

Porterville School District, a California Public School District

Brad Rohrbach, Assistant Superintendent Business Services

STATE OF CALIFORNIA

County of _____

$$\left. \begin{array}{l} \text{ } \\ \text{ } \end{array} \right\} \text{SS}$$

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

On this the _____ day of _____ 20____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____, Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

THIS IS TO CERTIFY, That pursuant to the authority conferred by City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the public and City Council of the City of Porterville consents to the acceptance for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, 2021.

Daniel Cervantez, RCE #75530, City Engineer

STATE OF CALIFORNIA

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

County of _____

On this the _____ day of _____ 20____, before me, _____,
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

EXHIBIT 'A'

TOMAH AVE. ADDITIONAL RIGHT OF WAY DEDICATION

Lane Engineers, Inc. Job No. 21285
December 3, 2021

ADDITIONAL RIGHT OF WAY DEDICATION: (POR. APN 251-270-008)

A portion of the NW1/4 of the SE1/4 of the SW1/4 of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

Beginning at the Southwest corner of Lot 12 of Tract No. 17, recorded in Volume 19 of Maps, at Page 51, T.C.R., said Point of Beginning being on the North right of way line of Tomah Avenue, being 25.00 feet North of the centerline of said Tomah Avenue as measured at right angles thereto;

Thence South 89°31'15" West 525.77 feet along said North right of way line to a point on the West line of the parcel of land conveyed to R.O. Palmer and Mary Anna Palmer, his wife, by deed dated May 30th, 1945 in Book 1125, Page 187 of Official Records;

Thence North 00°24'53" East 3.00 feet along said West line;

Thence North 89°31'15" East 525.78 feet to the West line of said Lot 12;

Thence South 00°27'34" West 3.00 feet along said West line to the Point of Beginning;

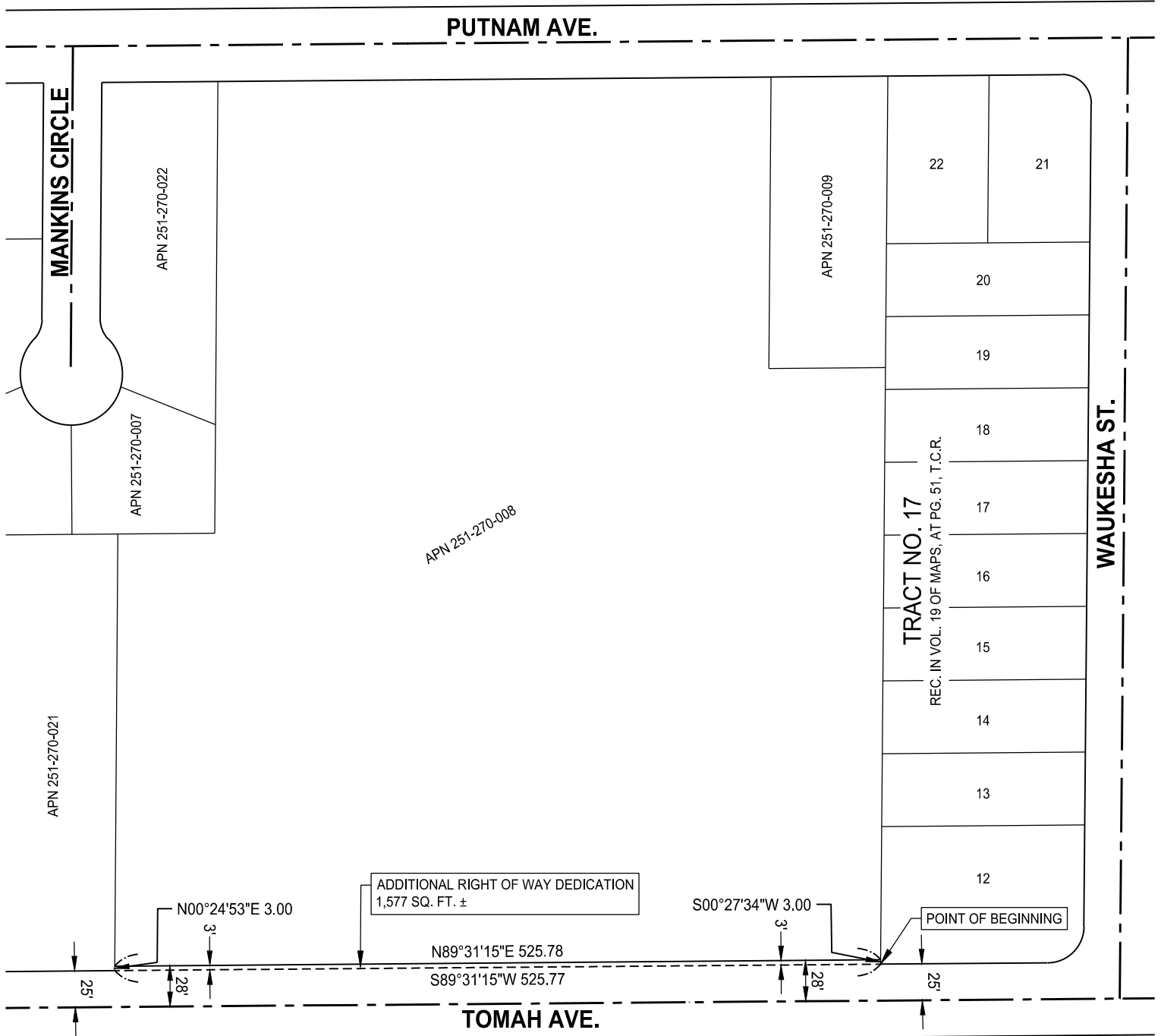
CONTAINING 1,577 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO.

EXHIBIT B

SCALE: 1" = 100'

TOMAH AVE. ADDITIONAL RIGHT OF WAY DEDICATION



RECORDING REQUESTED BY:)
Porterville Unified School District:)
)
WHEN RECORDED RETURN TO:)
LOZANO SMITH)
Attn: Ruth E. Mendyk)
7404 N. Spalding Ave.)
Fresno, CA 93720)
)

[For Recorder's Use Only]

Exempt from recording fees per Gov. Code §27383

**AGREEMENT FOR RELOCATION OF FENCE
AT WEST PUTNAM ELEMENTARY SCHOOL, PORTERVILLE, CA
APN 251-270-008**

This Agreement ("Agreement") is made and entered into _____, 2022 ("Effective Date") between the City of Porterville, a California municipal corporation ("City") and Porterville Unified School District, a California public school district ("District"), pursuant to the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. District operates an elementary school known as West Putnam Elementary School on District-owned property located at 1345 West Putnam Avenue in the City of Porterville, Tulare County, California, bearing Assessor's Parcel Number 251-270-008 ("Property").
- B. City desires to acquire an easement from District in and over the Property for the future widening of Tomah Avenue on the south side of the Property (the "Easement").
- C. District has agreed to dedicate the Easement to the City by the adoption of Resolution No. 7 by the District's Board of Trustees on January 13, 2022, entitled a "Resolution Conveying Easement in Real Property for use by the City of Porterville."
- D. District's agreement to dedicate the Easement is on the condition that the City will be responsible for relocating the existing fence on the south side of the Property, along the Tomah Avenue right of way (the "Fence") at City's own expense.
- E. City is agreeable to be responsible for relocating the Fence at its own expense.

NOW, THEREFORE, City and Licensee agree as follows:

AGREEMENT

1. Relocation of Fence. The City shall be responsible for the relocation of the Fence at the time that it undertakes the widening of Tomah Avenue at no cost to the District. The Fence shall

be relocated or replaced with fencing of similar height and style as the existing fence along the edge of the City Easement, unless otherwise agreed to by the Parties.

2. Mutual Cooperation. City and District agree to cooperate with each other and with such contractor or contractors that are engaged to relocate or reconstruct the Fence. District agrees to grant a license or right of entry as needed to complete the relocation or reconstruction project. City agrees that all statutes, ordinances, regulations, and requirements applicable to the performance of public works on school district property shall be complied with to the extent they are applicable to the relocation or reconstruction of the Fence, including, but not limited to fingerprinting requirements as currently found in Education Code section 45125.2. Both parties shall cooperate to minimize any disruption to school activities on the Property during the relocation or reconstruction of the Fence.

3. Indemnity and Defense. City and District mutually agree to indemnify and hold harmless the other party from and against all causes of action, actions, damages, losses, expenses, including reasonable attorney fees and costs that arise from the actions of each party's own officers and employees while engaged in the activities contemplated under the terms of this Agreement.

4. No Property Interest Created. This Agreement does not create any interest for either party in any property owned or maintained by the other party, and is not coupled with any property interest or other interest.

5. Amendments. This Agreement shall not be modified or amended in any way except in writing signed by the parties hereto.

6. Entire Agreement. This Agreement contains all the agreements of the parties concerning the subject matter hereof, and shall be construed as a whole according to its fair meaning and not strictly for or against either of the parties who have jointly prepared this Agreement.

7. Severability. The unenforceability, invalidity, or illegality of any provision of this Agreement shall not render the other provisions unenforceable, invalid, or illegal.

8. Governing Law. This Agreement is made under and shall be construed in accordance with the laws of the State of California. Venue for any action pursuant to this Agreement shall be the appropriate court in Tulare County, California.

9. Time of Essence. Time is of the essence with respect to the obligations of each party under this Agreement.

10. Recording of Agreement. This Agreement, or a Short Form memorandum of this Agreement, may be recorded in the Tulare County Recorder's Office on the Property.

11. Voluntary Agreement; Authority to Execute. City and District each represent that they have read this Agreement in full and understand and voluntarily agree to all provisions herein. The parties further declare that prior to signing this Agreement they each had the opportunity to

apprise themselves of relevant information, through sources of their own selection, including consultation with counsel of their choosing if desired, in deciding whether to execute this Agreement. The signatories to this Agreement represent that they have the proper authority to execute this Agreement on behalf of the respective party.

12. Counterparts. This Agreement may be executed in any number of counterparts, all of which, taken together, shall constitute the same instrument. A copy, original or facsimile with all signatures appended together shall be deemed a fully executed Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

CITY:

CITY OF PORTERVILLE, a California
municipal corporation

DISTRICT:

PORTERVILLE UNIFIED SCHOOL
DISTRICT, a California public school
district

By: _____

By: _____



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Acceptance of a Deed of Easement from the United States Department of Agriculture Forest Service - Henrahan Street

SOURCE: Engineering and Project Management

COMMENT: The City requested a five-foot street easement from the United States Department of Agriculture Forest Service along the eastern property line of the new Forestry Service development at the corner of East Morton Avenue and North Henrahan Street. The five-foot easement is to bring the street to current local street standard width. The Forestry Service is to install public improvements to City Standards along North Henrahan Street and at the corner of East Morton Avenue and North Henrahan Street as a condition of their development.

RECOMMENDATION: That City Council:

1. Accept the street easement from the United State Department of Agriculture Forest Service; and
2. Authorize the City Engineer to execute the required Federal permit for the easement.

ATTACHMENTS:

1. Public Road Easement Permit - Draft
2. Easement Exhibits A & B

Appropriated/Funded:

Review By:

Department Director:
Javier Sanchez, Engineering & Project Management Director

Final Approver: John Lollis, City Manager

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

**PUBLIC ROAD EASEMENT
Act of October 13, 1964, (P.L. 88-657)
36 CFR 251.50, et seq**

THIS EASEMENT dated this day April 23, 2022, from the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to CITY OF PORTERVILLE, hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a road/walkway over certain lands or assignable easements owned by the United States in the County of Tulare State of California, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee an easement for a public road and sidewalk along and across a strip of land, hereinafter defined as the right-of-way (over and across the following described lands in the County of Tulare State of California, Sec. 25, T. 21 S., R. 27 E., MT. DIABLO MERIDIAN, as described on exhibit A, B attached hereto).

The word "easement" when used herein means said strip of land whether or not there is an existing road or sidewalk located thereon. Except where it is defined more specifically, the word "walkway" shall mean roads or walkways now existing or hereafter constructed on the easement or any segment of such roads or walkways.

The easement is shown and specifically described on the plat attached hereto and made a part hereof.

Forest road and Trail act permit/public walkway and road

Location: 200 East Morton Avenue, Porterville, CA 93257

A. Grantee shall operate described property

B. USFS has the right to judicial enforcement

Attachment's: EXHIBIT A, additional right of way. B, Map.

This grant is made subject to the following terms, provisions, and conditions:

1. Outstanding valid claims, if any, existing on the date of this grant.
2. The easement herein granted is limited to use of the described easement for the purpose of construction, operation, and maintenance of a road/walkway and does not include the grant of any rights for non-road/walkway purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the easement for non-road/walkway purposes when such use would interfere with the free flow of traffic or impair the full use and safety of the road/walkway; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the easement outside of construction limits.
3. The design and construction of the walkway project situated on this easement shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor. 4. Any reconstruction of the walkway situated on this easement shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.
5. Consistent with highway safety standards, the Grantee shall:

a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the easement outside of construction limits.

b. Provide for the prevention and control of soil erosion within the easement and adjacent lands that might be affected by the construction operation, or maintenance of the walkway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the walkway. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.

6. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for highway-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.

7. The Grantee shall maintain the easement clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the easement to be chemically treated.

8. The Grantee does by the acceptance of this document covenant and agree for itself, its assigns, and its successors in interest to the property here granted or any part thereof, that the covenant set forth below shall attach to and run with the land:

a. That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public road/walkway, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date of this document to the end that no person in the United States shall, on the grounds of race, sex, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

b. That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land therein conveyed.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by law.

9. **SURVEY AND MANAGE SPECIES AND THEIR HABITAT** The survey and manage standards and guidelines were established in the 1994 Northwest Forest Plan amendments to all Forest Service land management plans in western Oregon and Washington and northern California, as amended by the January 2001 Record of Decision (2001 ROD). The list of survey and manage species in the 2001 ROD, for which the standards and guidelines apply, has been amended and is subject to periodic amendment by the Forest Service. The holder/lessee shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on survey and manage species or their habitat affected by the authorized use and occupancy. The location of sites within the area occupied by survey and manage species or their habitat shall be shown on a map in an appendix to this permit/lease and may be shown on the ground. Discovery by the holder/lessee or the Forest Service of other sites within the permit/lease area containing survey and manage species or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

10. **SITE DEVELOPMENT SCHEDULE** (C-1).

The holder shall prepare by Enter date a schedule for the progressive development and installation of facilities on the permitted site. This schedule shall be made a part of this authorization. The holder may accelerate the scheduled date for installation of any improvement authorized, provided the other scheduled priorities are met and that all priority installations authorized are completed to the satisfaction of the Forest Service and ready for public use prior to the scheduled due date.

All required plans and specifications for site improvements, and structures included in the development schedule shall be properly certified and submitted to the Forest Service at least forty-five (45) days before the construction date stipulated in the development schedule.

11. **SITE PLAN** (C-2).

The holder shall prepare site plans to show the location of all buildings, service areas, roads, and structures. Such plans shall be on a scale of Enter scale with Enter number foot contour intervals. The holder is encouraged to consult with the Authorized Officer during the preparation of the site plan to ensure that it is adequate. No construction shall be undertaken by the holder prior to site plan approval.

IN WITNESS WHEREOF, the Grantor, by its, Forest Service, has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 FR 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By: _____
James Bacon, Public Services Director
Forest Service, Region 5 Regional Office
Department of Agriculture

Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

EXHIBIT A
NORTH HENRAHAN ADDITIONAL
RIGHT OF WAY
CITY OF PORTERVILLE
24 FEBRUARY 2022

ALL THAT PORTION OF SUBDIVISION DESIGNATED "THE WILLIAM DUNCAN SUBDIVISION" AS SHOWN ON THE OFFICIAL PLAT BOOK 17 OF MAPS, PAGE 36 RECORDED IN THE OFFICE OF THE RECORDER OF TULARE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHWEST CORNER OF THAT RIGHT OF WAY EASEMENT AS DESCRIBED IN THAT DEED RECORDED IN BOOK 3789 PAGE 571 OF OFFICIAL RECORDS OF TULARE COUNTY, CALIFORNIA, SAID CORNER ALSO BEING THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING NORTH 00°56'29" EAST, 253.63 FEET TO THE NORTHWEST CORNER OF LOT 16 AS SHOWN ON SAID SUBDIVISION MAP;

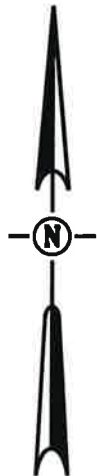
THENCE ALONG THE NORTH LINE OF SAID LOT 16 SOUTH 89°37'53" EAST, 5.00 FEET;

THENCE SOUTH 00°56'29" WEST, 262.67 FEET;

THENCE SOUTH 53°07'09" EAST, 18.75 FEET TO A POINT AT THE END OF A CURVE AS DESCRIBED IN SAID DEED;

THENCE ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°30'21" AND HAVING A LENGTH OF 31.59 FEET, ALSO HAVING A CHORD BEARING NORTH 44°19'25" WEST, 28.41 FEET, TO THE SAID POINT OF BEGINNING. SAID ADDITIONAL RIGHT OF WAY CONTAINING 1365.94 SQUARE FEET (0.03 ACRES), MORE OR LESS.





1" = 40'

SEQUOIA NATIONAL
FOREST SERVICE
APN: 253-050-030

LEGEND

(R) RADIAL

R/W RIGHT OF WAY

NW CORNER
LOT 16,
17 MAPS 36

NORTH HENRAHAN

CITY OF PORTERVILLE
ADDITIONAL RIGHT OF WAY
1365.94 SQ. FT.
(0.03 ACRES)

17 MAPS 36

SEQUOIA NATIONAL
FOREST SERVICE
APN: 253-050-030

EXHIBIT "B" NORTH HENRAHAN ADDITIONAL RIGHT OF WAY CITY OF PORTERVILLE 24 FEBRUARY 2022

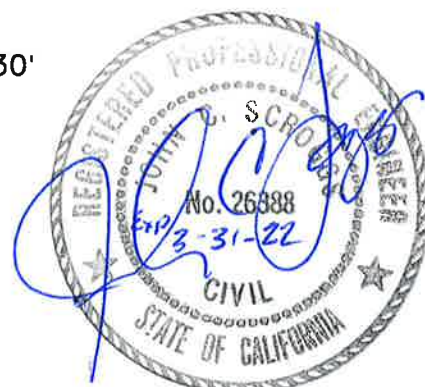
POINT OF
BEGINNING

R=20.00'
 $\Delta=90^{\circ} 30' 21''$
L=31.59'

S53° 07' 09" E 18.75' S. 3-9-22

N00° 25' 24" E (R)

EAST MORTON AVENUE



CONSULTING

KASL

ENGINEERS

CIVIL - WATER RESOURCES - SURVEYING

7777 Greenback Lane
Suite 104
Citrus Heights, CA 95610
Tel. (916) 722-1800
Fax (916) 722-4595



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Financial Status Reports

SOURCE: Finance

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

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

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

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

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

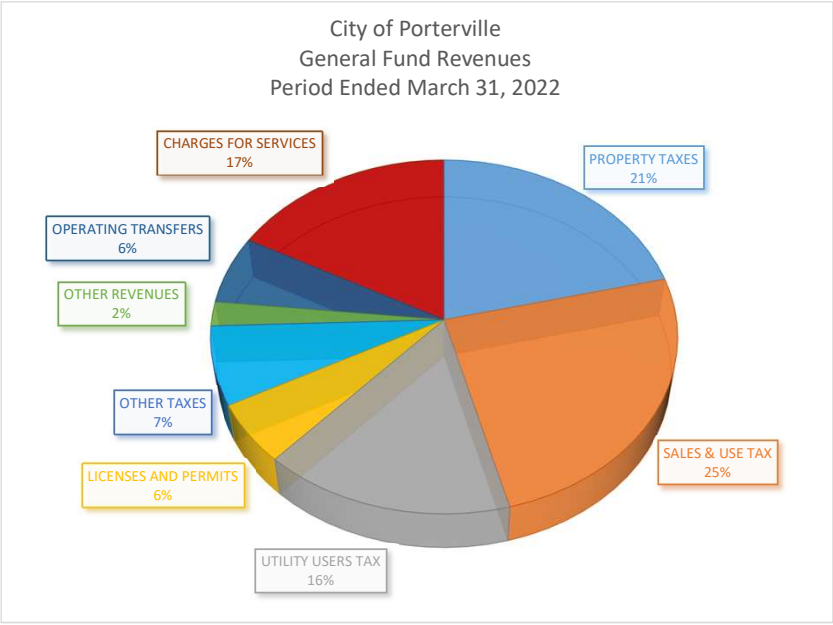
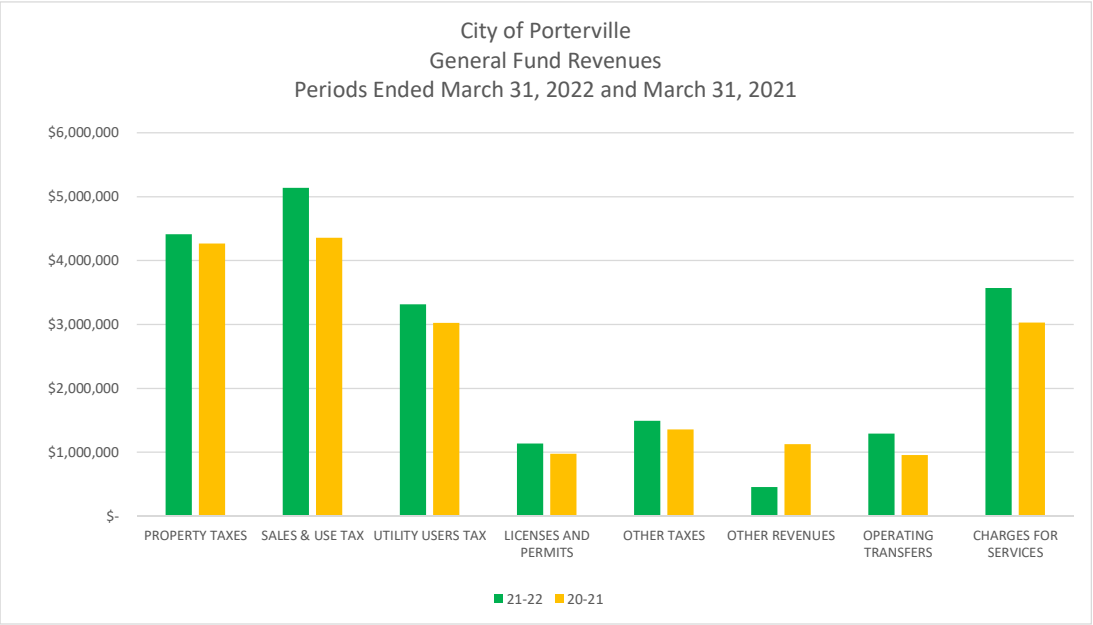
Final Approver: John Lollis, City Manager

CITY OF PORTERVILLE

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

REVENUE SOURCE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2020-2021 ESTIMATED REVENUE	2020-2021 YEAR-TO-DATE REVENUE	% OF ESTIMATE
PROPERTY TAXES	\$ 8,083,000	\$ 4,413,916	54.61%	\$ 7,697,000	\$ 4,267,754	55.45%
OTHER TAXES:						
SALES AND USE TAX	6,771,812	4,835,428	71.41%	5,500,000	4,220,829	76.74%
UTILITY USERS TAX	4,000,000	3,315,493	82.89%	3,700,000	3,027,014	81.81%
TRANSIENT OCCUPANCY TAX	575,000	431,961	75.12%	400,000	384,052	96.01%
PROPERTY TRANSFER TAX	105,000	122,079	116.27%	97,000	52,893	54.53%
FRANCHISE TAX	1,651,134	859,818	52.07%	1,631,134	862,272	52.86%
SALES TAX - PUBLIC SAFETY	260,000	304,822	117.24%	260,000	137,243	52.79%
LICENSES AND PERMITS:						
BUSINESS AND OTHER LICENSES	437,100	489,907	112.08%	414,300	422,923	102.08%
CONSTRUCTION PERMITS	620,000	649,803	104.81%	575,000	554,062	96.36%
REVENUE FROM AGENCIES-TAXES:						
VEHICLE LICENSE FEES	43,000	68,820	160.05%	48,000	43,753	91.15%
SALES TAX, MEASURE R	100,000	-	-	100,000	-	-
OTHER TAXES	24,000	10,858	45.24%	24,000	12,439	51.83%
REVENUE FROM AGENCIES-GRANTS	155,000	57,733	37.25%	287,514	822,013	285.90%
USE OF MONEY AND PROPERTY	397,414	276,751	69.64%	382,000	237,016	62.05%
FINES AND FORFEITURES	22,200	26,792	120.68%	26,200	19,786	75.52%
CHARGES FOR SERVICES:						
PLANNING AND ENGINEERING	123,500	108,047	87.49%	160,000	130,390	81.49%
POLICE	363,000	133,223	36.70%	411,000	134,965	32.84%
FIRE	26,500	147,820	557.81%	59,000	(45,410)	-76.97%
LIBRARY	10,000	101	1.01%	10,000	264	2.64%
RECREATIONAL	1,931,000	1,205,040	62.40%	2,540,300	894,841	35.23%
INTERDEPARTMENTAL	2,400,000	1,916,898	79.87%	2,350,000	1,892,318	80.52%
OTHER	21,590	61,297	283.91%	34,090	23,474	68.86%
OTHER REVENUES	59,000	95,489	161.85%	85,500	48,388	56.59%
SUBTOTALS	\$ 28,179,250	\$ 19,532,094	69.31%	\$ 26,792,038	\$ 18,143,278	67.72%
OPERATING TRANSFERS	1,254,945	856,011	68.21%	1,213,558	750,989	61.88%
DEBT SERVICE TRANSFERS	244,828	217,891	89.00%	223,889	206,689	92.32%
TOTALS	\$ 29,679,023	\$ 20,605,996	69.43%	\$ 28,229,485	\$ 19,100,956	67.66%

INSURANCE PROCEEDS - LIBRARY (RESTRICTED)	\$ -	4,853,082
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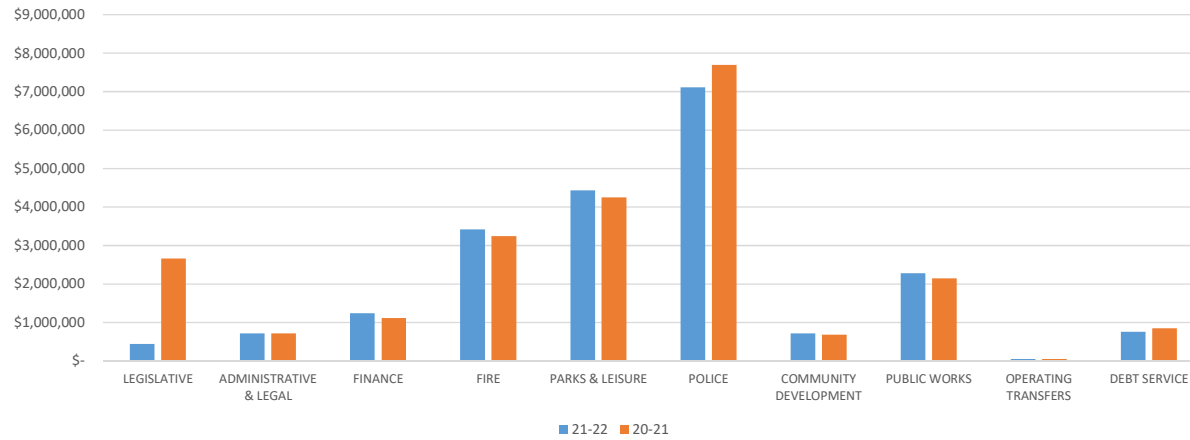


CITY OF PORTERVILLE

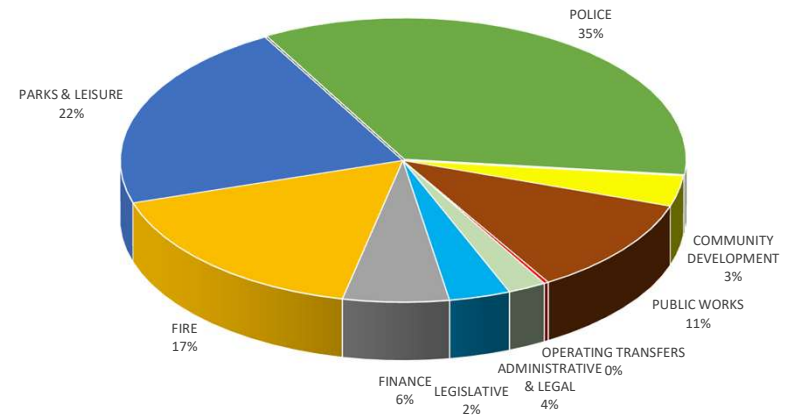
**EXPENDITURE STATUS REPORT - GENERAL FUND
FOR THE PERIODS ENDED
MARCH 31, 2022 AND MARCH 31, 2021**

	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF APPROP	2020-2021 AMENDED APPROP	2020-2021 YEAR-TO-DATE EXPEND	% OF APPROP
LEGISLATIVE:						
CITY COUNCIL	\$ 417,917	\$ 103,946	24.9%	\$ 222,917	\$ 179,935	80.7%
COMMUNITY PROMOTION	269,920	183,554	68.0%	268,955	122,653	45.6%
EMERGENCY - LIBRARY	580,000	158,185	-	-	1,637,837	-
EMERGENCY - COVID 19	-	-	-	-	718,192	-
ADMINISTRATIVE & LEGAL:						
CITY MANAGER	338,118	239,451	70.8%	327,263	238,375	72.8%
CITY CLERK	230,830	153,077	66.3%	270,708	143,814	53.1%
HUMAN RESOURCES	308,868	242,359	78.5%	292,017	235,682	80.7%
CITY ATTORNEY	225,000	81,097	36.0%	225,000	95,753	42.6%
FINANCE:						
FINANCE & ACCOUNTING	957,538	671,006	70.1%	887,389	611,452	68.9%
INFORMATION SERVICES	523,625	376,367	71.9%	505,518	291,507	57.7%
ADMINISTRATIVE SERVICES	337,510	191,245	56.7%	334,828	218,850	65.4%
POLICE PROTECTION	11,023,315	7,114,156	64.5%	11,167,031	7,695,657	68.9%
FIRE PROTECTION	4,078,865	3,414,428	83.7%	4,337,124	3,247,819	74.9%
COMMUNITY DEVELOPMENT:						
PLANNING & ZONING	685,514	472,317	68.9%	752,232	480,455	63.9%
ECONOMIC DEVELOPMENT	397,139	240,885	60.7%	489,407	206,698	42.2%
PUBLIC WORKS:						
ENGINEERING & BUILDING	1,553,852	1,140,692	73.4%	1,398,365	1,134,503	81.1%
STREET MAINTENANCE	517,194	436,767	84.4%	488,720	359,029	73.5%
SIGNALS, SIGNING & STRIPING	319,000	201,770	63.3%	344,010	208,245	60.5%
STREET LIGHTING	537,552	352,387	65.6%	513,563	361,450	70.4%
STORM DRAINS	90,343	101,861	112.7%	87,977	40,331	45.8%
PARKING LOTS	64,552	48,289	74.8%	58,398	45,290	77.6%
PARKS & LEISURE:						
PARK MAINTENANCE & OPERATION	2,472,875	1,879,600	76.0%	2,540,373	1,811,886	71.3%
STREET TREES & PARKWAYS	251,710	166,631	66.2%	237,893	153,355	64.5%
COMMUNITY CENTERS	100,000	(3,183)	-3.2%	131,425	6,631	5.0%
LEISURE SERVICES	349,023	267,558	76.7%	318,032	274,989	86.5%
LEISURE SERVICES - SPECIAL PROG	2,933,915	1,579,408	53.8%	2,488,308	1,415,488	56.9%
SWIMMING POOL	173,950	112,509	64.7%	166,325	82,524	49.6%
LIBRARY OPERATIONS	811,451	419,022	51.6%	869,013	494,335	56.9%
SPECIAL PROJECTS	24,775	12,445	50.2%	24,855	15,939	64.1%
SUB TOTALS	30,574,351	20,357,830	66.6%	29,747,646	22,528,675	75.7%
OPERATING TRANSFERS	79,000	51,750	65.5%	79,000	51,750	65.5%
DEBT SERVICE	1,634,345	758,131	46.4%	1,674,185	856,809	51.2%
	<u>\$ 32,287,696</u>	<u>\$ 21,167,711</u>	<u>65.6%</u>	<u>\$ 31,500,831</u>	<u>\$ 23,437,234</u>	<u>74.4%</u>

City of Porterville
General Fund Expenditures
Periods Ended March 31, 2022 and March 31, 2021



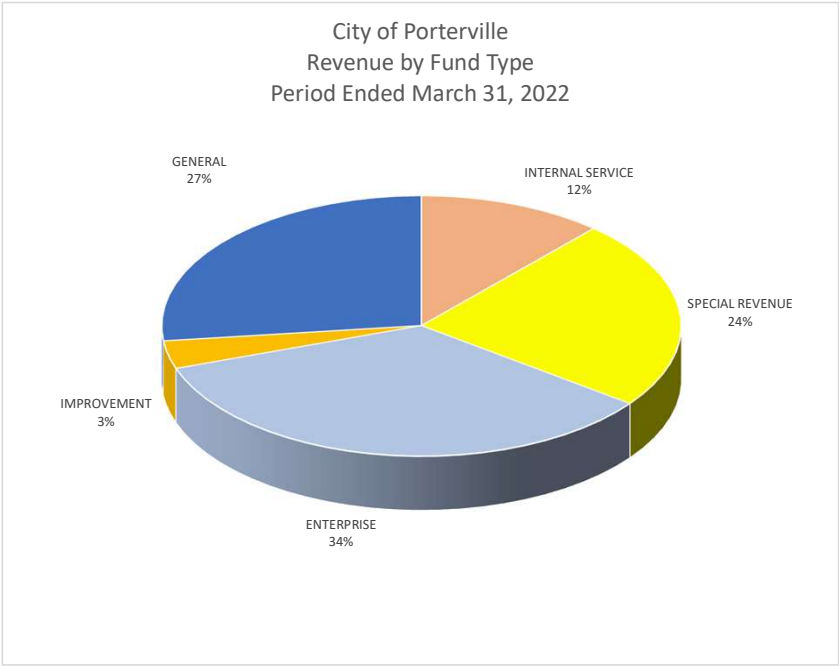
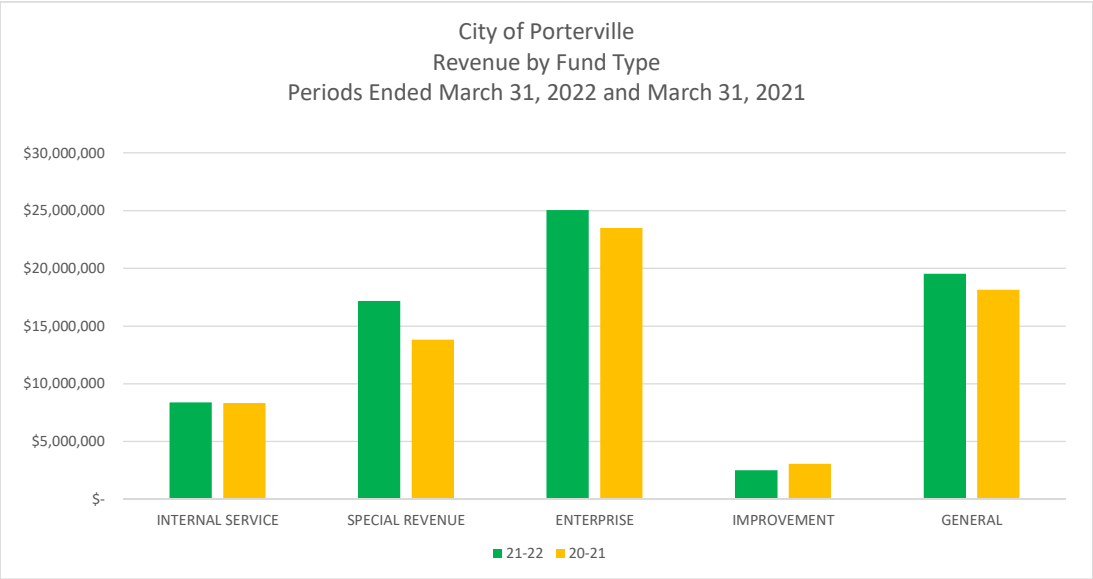
City of Porterville
General Fund Expenditures
Period Ended March 31, 2022



CITY OF PORTERVILLE

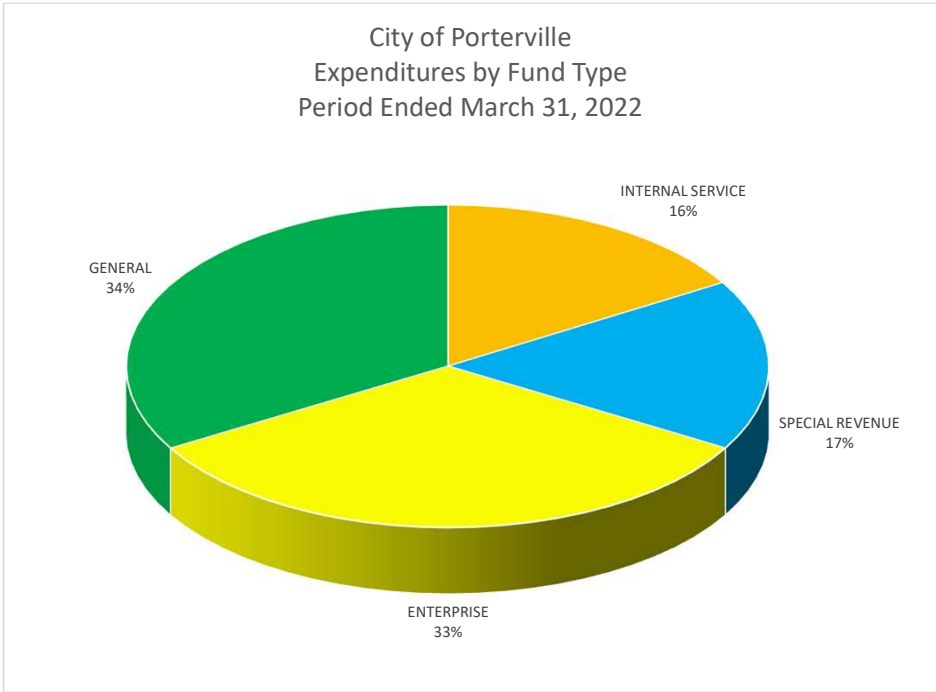
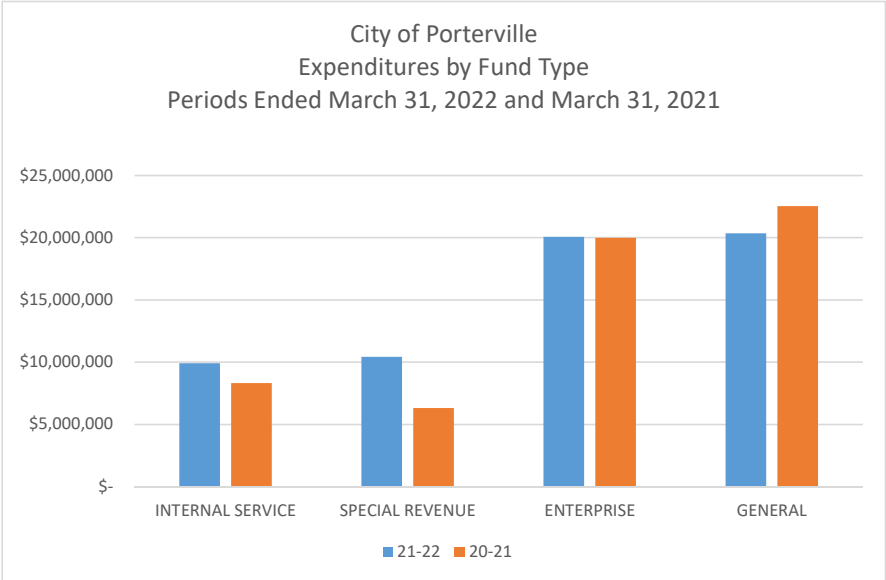
**REVENUE STATUS REPORT - ALL OTHER FUNDS
FOR THE PERIODS ENDED
MARCH 31, 2022 AND MARCH 31, 2021**

REVENUE SOURCE	2021-2022 ESTIMATED REVENUE	2021-2022 YEAR-TO-DATE REVENUE	% OF ESTIMATE	2020-2021 ESTIMATED REVENUE	2020-2021 YEAR-TO-DATE REVENUE	% OF ESTIMATE
MEASURE H SALES TAX	\$ 4,434,052	\$ 3,111,355	70.2%	\$ 3,606,000	\$ 2,713,697	75.3%
MEASURE I SALES TAX	8,923,104	6,270,948	70.3%	7,032,000	5,538,353	78.8%
AMERICAN RESCUE PLAN ACT	-	2,821,385	-	-	-	-
SPECIAL GAS TAX	4,218,347	2,438,955	57.8%	3,874,813	2,515,984	64.9%
LOCAL TRANSPORTATION FUNDS (LTF)	17,022,488	1,118,338	6.6%	12,443,621	1,000,579	8.0%
TRAFFIC SAFETY FUND	100,200	66,857	66.7%	100,400	40,011	39.9%
ZALUD ESTATE	5,850	4,298	73.5%	4,000	481	12.0%
COMMUNITY DEVELOPMENT BLOCK GRANT	2,022,126	400,161	19.8%	1,350,718	1,230,651	91.1%
TRANSIT	12,083,531	2,869,484	23.7%	13,190,646	1,773,916	13.4%
SPECIAL SAFETY GRANTS	299,784	158,926	53.0%	221,401	169,840	76.7%
SEWER OPERATING	7,141,345	5,470,790	76.6%	7,146,596	5,307,727	74.3%
REFUSE REMOVAL	6,150,866	4,875,135	79.3%	6,146,000	4,669,588	76.0%
AIRPORT OPERATIONS	1,533,553	1,621,620	105.7%	1,270,907	1,491,661	117.4%
GOLF COURSE	193,800	172,919	89.2%	165,800	177,842	107.3%
WATER OPERATING	12,985,280	10,029,222	77.2%	12,485,233	10,071,954	80.7%
RISK MANAGEMENT	7,445,716	5,619,348	75.5%	7,222,716	5,554,579	76.9%
EQUIPMENT MAINTENANCE	3,701,260	2,783,783	75.2%	3,788,000	2,782,842	73.5%
LANDSCAPE MAINTENANCE DISTRICT	154,753	86,971	56.2%	154,753	80,705	52.2%
WATER REPLACEMENT	14,466,321	720,684	5.0%	19,096,720	888,193	4.7%
SOLID WASTE RESERVE	923,442	669,003	72.4%	1,741,522	975,276	56.0%
SEWER REVOLVING	540,221	347,797	64.4%	379,000	425,751	112.3%
TRANSPORTATION DEVELOPMENT	215,000	279,591	130.0%	215,000	199,561	92.8%
PARK DEVELOPMENT	100,050	108,897	108.8%	75,050	97,082	129.4%
TREATMENT PLANT RESERVE	960,371	775,325	80.7%	625,000	778,419	124.5%
STORM DRAIN DEVELOPMENT	220,000	307,447	139.7%	175,000	224,339	128.2%
BUILDING CONSTRUCTION	1,000	1,286	128.6%	5,000	1,728	34.6%
TOTALS	\$ 105,842,460	\$ 53,130,525	50.2%	\$ 102,515,896	\$ 48,710,759	47.5%



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

	2021-2022 AMENDED APPROP	2021-2022 YEAR-TO-DATE EXPEND	% OF APPROP	2020-2021 AMENDED APPROP	2020-2021 YEAR-TO-DATE EXPEND	% OF ACTUAL
MEASURE H SALES TAX	\$ 4,241,135	\$ 3,078,275	72.6%	\$ 4,037,532	\$ 2,851,150	70.6%
MEASURE I SALES TAX	4,890,884	4,160,409	85.1%	4,641,728	3,011,510	64.9%
AMERICAN RESCUE PLAN ACT	-	2,758,180	-	-	-	-
ZALUD ESTATE	18,855	26,152	138.7%	18,455	7,752	42.0%
COMMUNITY DEVELOPMENT BLOCK GRANT	546,985	115,045	21.0%	831,420	158,210	19.0%
TRANSIT	12,083,531	3,053,576	25.3%	13,190,646	3,741,389	28.4%
SPECIAL SAFETY GRANTS	282,280	188,307	66.7%	456,959	182,759	40.0%
SEWER OPERATING	6,529,757	4,518,182	69.2%	6,528,245	4,502,789	69.0%
REFUSE REMOVAL	6,846,900	4,757,743	69.5%	7,237,196	4,827,506	66.7%
AIRPORT	1,407,844	1,222,579	86.8%	1,368,466	1,008,165	73.7%
GOLF COURSE	460,151	376,141	81.7%	439,313	350,343	79.7%
WATER OPERATING	8,104,376	6,126,267	75.6%	8,423,663	5,553,459	65.9%
RISK MANAGEMENT	7,988,321	7,188,044	90.0%	7,559,248	5,710,789	75.5%
EQUIPMENT MAINTENANCE	3,632,540	2,730,439	75.2%	3,866,661	2,602,192	67.3%
LANDSCAPE MAINTENANCE DISTRICT	192,995	131,352	68.1%	202,429	116,079	57.3%
TOTALS	\$ <u>57,226,554</u>	\$ <u>40,430,690</u>	70.7%	\$ <u>58,801,961</u>	\$ <u>34,624,091</u>	58.9%



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

	<u>FY 2021-22</u>	<u>FY 2020-21</u>
REVENUES		
Sales Tax - Measure H	\$ 3,089,743	2,701,497
Interest	17,425	12,200
Police Services	1,186	-
Contributions	3,000	-
TOTAL REVENUES	<u>3,111,355</u>	<u>2,713,697</u>
EXPENDITURES		
Police Department	1,308,057	1,307,094
Fire Department	1,370,378	1,304,767
Public Safety Station	124,730	29,394
Library & Literacy	275,110	209,894
TOTAL EXPENDITURES	<u>3,078,275</u>	<u>2,851,150</u>
CAPITAL PROJECTS		
Animal Shelter	<u>11,745</u>	<u>62,036</u>
TOTAL CAPITAL PROJECTS	<u>11,745</u>	<u>62,036</u>
REVENUE OVER/(UNDER) EXPENDITURES	\$ <u>21,335</u>	\$ <u>(199,488)</u>

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

	<u>FY 2021-22</u>	<u>FY 2020-21</u>
REVENUES		
Sales Tax - Measure I	\$ 6,184,381	\$ 5,460,753
Interest	84,982	77,600
Police Services	1,586	-
TOTAL REVENUES	<u>6,270,948</u>	<u>5,538,353</u>
EXPENDITURES		
Police Department	2,709,989	2,217,228
Fire Department	1,365,417	760,945
Streets Program	85,002	33,338
TOTAL EXPENDITURES	<u>4,160,409</u>	<u>3,011,510</u>
CAPITAL PROJECTS		
AC Pavement Repair/Overlay	253,388	126,038
Grand Ave Connection between 4th and Henrahan	9,893	43,401
Henderson Ave Reconstruction - 2nd to Plano	-	759,223
Medians Restoration Project	727	13,759
Miscellaneous Streets Project - N Kessing St	-	14,904
Montgomery Ave Reconstruction - Jaye to H	2,264	2,029
Pavement Management Program	26,735	215,519
PD Evidence Storage Facilities	63,483	13,500
Union - Indiana to Jaye	15,852	-
Villa St Reconstruction	20,030	-
TOTAL CAPITAL PROJECTS	<u>392,373</u>	<u>1,188,372</u>
REVENUE OVER/(UNDER) EXPENDITURES	<u>\$ 1,718,167</u>	<u>\$ 1,338,470</u>

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

<u>FUND</u>	<u>REVENUES</u>	<u>EXPENSES</u>	<u>3/31/2022 NET OPERATING PROFIT (LOSS)</u>	<u>3/31/2021 NET OPERATING PROFIT (LOSS)</u>
Zalud Estate	\$ 4,298	\$ (26,152)	\$ (21,854)	\$ (7,271)
Transit	\$ 2,869,484	\$ (3,053,576)	\$ (184,092)	\$ (1,967,473)
Sewer Operating	\$ 5,470,790	\$ (4,518,182)	\$ 952,608	\$ 804,938
Solid Waste	\$ 4,875,135	\$ (4,757,743)	\$ 117,393	\$ (157,918)
Airport	\$ 1,621,620	\$ (1,222,579)	\$ 399,041	\$ 483,497
Golf	\$ 172,919	\$ (376,141)	\$ (203,222)	\$ (172,501)
Water Operating	\$ 10,029,222	\$ (6,126,267)	\$ 3,902,955	\$ 4,518,495



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Quarterly Investment Portfolio

SOURCE: Finance

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

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

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

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

Appropriated/Funded:

Review By:

Department Director:
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

**CITY OF PORTERVILLE
PORTFOLIO SUMMARY AS OF MARCH 31, 2022**

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
1006	LOCAL AGENCY INVESTMENT FUND	\$ 38,930,823	\$ 38,930,823	0.320%	DAILY	DAILY	1
1007	CSJVRMA INVESTMENT FUND	7,223,476	7,171,391	1.240%	DAILY	DAILY	30
866	TULARE COUNTY INVESTMENT POOL	9,626,514	9,626,514	0.990%	DAILY	DAILY	30
	TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR	669,119	669,119	4.000%	1/15/2015	7/15/2037	5,585
	CORNERSTONE MAIN PARTNERS, L.P.	2,778,511	2,778,511	2.400%	12/12/2018	11/30/2038	6,088
3130AKXB7	FEDERAL HOME LOAN BANKS	1,975,000	1,858,240	0.580%	3/18/2021	2/11/2026	1,413
3130ALGJ7	FEDERAL HOME LOAN BANKS	975,000	916,149	1.000%	3/23/2021	3/23/2026	1,453
3133EMUK6	FEDERAL FARM CREDIT BANKS	1,000,000	948,910	1.050%	3/25/2021	3/25/2026	1,455
3130ALS62	FEDERAL HOME LOAN BANKS, STEPUP	1,000,000	948,430	0.750%	3/30/2021	3/30/2026	1,460
3130AM3R1	FEDERAL HOME LOAN BANKS	1,000,000	945,990	1.000%	4/29/2021	4/29/2026	1,490
3130ANUN8	FEDERAL HOME LOAN BANKS	2,000,000	1,898,120	1.040%	9/21/2021	9/21/2026	1,635
3130APCH6	FEDERAL HOME LOAN BANKS	1,000,000	935,020	1.125%	9/29/2021	9/29/2026	1,643
3130APDK8	FEDERAL HOME LOAN BANKS	1,000,000	942,160	1.100%	9/30/2021	9/30/2026	1,644
3130APG82	FEDERAL HOME LOAN BANKS	995,000	944,390	0.700%	10/28/2021	10/2/2026	1,646
3130ANM64	FEDERAL HOME LOAN BANKS	1,000,000	944,180	1.000%	8/26/2021	8/26/2026	1,609
3130ANUX6	FEDERAL HOME LOAN BANKS	1,000,000	943,510	1.100%	9/28/2021	9/28/2026	1,642
3130APCX1	FEDERAL HOME LOAN BANKS	1,000,000	951,610	1.250%	10/26/2021	10/26/2026	1,670
3130AQ7F4	FEDERAL HOME LOAN BANKS	1,500,000	1,442,670	1.600%	12/30/2021	12/30/2026	1,735
3130APDQ5	FEDERAL HOME LOAN BANKS	1,000,000	949,040	1.250%	10/28/2021	10/28/2026	1,672
3130APTJ4	FEDERAL HOME LOAN BANKS	1,000,000	949,320	1.250%	11/24/2021	11/24/2026	1,699
3130APU37	FEDERAL HOME LOAN BANKS	1,000,000	952,820	1.300%	11/24/2021	11/24/2026	1,699
3130AQ5Q2	FEDERAL HOME LOAN BANKS	2,000,000	1,916,980	1.500%	12/30/2021	12/30/2026	1,735
3130AQRM7	FEDERAL HOME LOAN BANKS	1,000,000	979,430	1.550%	2/25/2022	2/25/2025	1,062
3130AQRH8	FEDERAL HOME LOAN BANKS	1,000,000	964,750	2.000%	2/25/2022	2/25/2027	1,792
3130ARA76	FEDERAL HOME LOAN BANKS	2,000,000	1,958,680	2.250%	3/30/2022	3/30/2027	1,825
3130AQJ3	FEDERAL HOME LOAN BANKS	1,000,000	955,510	1.125%	1/26/2022	1/26/2026	1,397
3133ENNG1	FEDERAL FARM CREDIT BANKS	2,000,000	1,923,960	1.860%	2/8/2022	2/8/2027	1,775
89236TEC5	TOYOTA MOTOR CRD CORP	1,000,000	1,002,470	2.150%	9/8/2017	9/8/2022	161
037833DE7	APPLE INC NOTE	1,000,000	1,006,380	2.400%	1/16/2018	1/13/2023	288
084670BR8	BERKSHIRE HATHAWAY	1,000,000	1,007,010	2.750%	4/23/2018	3/15/2023	349
06406RAG2	BANK NEW YORK MELLON CORP MTN	1,000,000	1,013,920	3.500%	10/16/2018	4/28/2023	393
90331HNV1	US BANK ASSN MTN	1,000,000	1,013,830	3.400%	11/15/2018	7/24/2023	480
06747PML0	BARCLAYS BANK	1,000,000	996,640	3.000%	3/17/2020	10/17/2023	565
13605WVWV7	CANADIAN IMPERIAL BANK	1,000,000	952,390	2.500%	4/28/2020	4/10/2025	1,106
17298CK64	CITIGROUP INC	1,000,000	913,210	1.000%	8/28/2020	8/28/2025	1,246
89114TK84	TORONTO DOMINION BANK	2,000,000	1,874,660	1.050%	6/16/2021	3/16/2026	1,446
06368EWM0	BANK OF MONTREAL	2,000,000	1,882,052	1.220%	3/17/2021	3/17/2026	1,447
17290A3E8	CITIGROUP INC	1,000,000	945,540	1.250%	7/1/2021	7/1/2026	1,553
38150AHV0	GOLDMAN SACHS GROUP INC	1,000,000	935,260	1.400%	9/30/2021	9/30/2026	1,644
33767A2G5	CERTIFICATE OF DEPOSIT	249,000	249,217	2.100%	4/19/2017	4/19/2022	19
55266CVB9	CERTIFICATE OF DEPOSIT	249,000	249,291	1.950%	4/28/2017	4/28/2022	28
67054NAK9	CERTIFICATE OF DEPOSIT	249,000	250,036	2.300%	6/21/2017	6/21/2022	82
9819962K6	CERTIFICATE OF DEPOSIT	200,000	200,016	2.400%	4/19/2017	4/19/2022	19
795450D36	CERTIFICATE OF DEPOSIT	240,000	241,589	2.350%	8/23/2017	8/23/2022	145
06740KKD8	CERTIFICATE OF DEPOSIT	247,000	248,191	2.200%	7/12/2017	7/12/2022	103
33715LAP5	CERTIFICATE OF DEPOSIT	249,000	250,706	2.250%	9/28/2017	9/28/2022	181
62384RAB2	CERTIFICATE OF DEPOSIT	249,000	250,887	2.300%	10/12/2017	10/12/2022	195
01748DAY2	CERTIFICATE OF DEPOSIT	249,000	250,915	2.200%	11/3/2017	11/3/2022	217
61747MF63	CERTIFICATE OF DEPOSIT	246,000	249,139	2.650%	1/11/2018	1/11/2023	286
22239MAR9	CERTIFICATE OF DEPOSIT	249,000	252,137	2.600%	2/2/2018	2/2/2023	308
366526AR2	CERTIFICATE OF DEPOSIT	249,000	252,279	2.650%	2/16/2018	2/16/2023	322
819866AE4	CERTIFICATE OF DEPOSIT	249,000	252,678	2.800%	3/5/2018	3/6/2023	340
319141KL0	CERTIFICATE OF DEPOSIT	245,000	249,873	3.150%	6/6/2018	6/6/2023	432
74934YAH4	CERTIFICATE OF DEPOSIT	245,000	249,944	3.150%	6/20/2018	6/20/2023	446
17312QJ26	CERTIFICATE OF DEPOSIT	246,000	249,953	2.900%	4/11/2018	4/11/2023	376
25665QAX3	CERTIFICATE OF DEPOSIT	246,000	249,963	2.900%	4/13/2018	4/13/2023	378
91435LAG2	CERTIFICATE OF DEPOSIT	249,000	253,579	3.050%	5/14/2018	5/15/2023	410
080515CQ0	CERTIFICATE OF DEPOSIT	246,000	250,512	3.050%	5/16/2018	5/16/2023	411
90348JCW8	CERTIFICATE OF DEPOSIT	249,000	254,289	3.250%	6/13/2018	6/13/2023	439
74160NGF1	CERTIFICATE OF DEPOSIT	249,000	254,184	3.200%	6/22/2018	6/22/2023	448
45581EAX9	CERTIFICATE OF DEPOSIT	249,000	254,530	3.300%	6/30/2018	6/30/2023	456
31911QFK6	CERTIFICATE OF DEPOSIT	249,000	254,366	3.200%	8/10/2018	8/10/2023	497
499724AD4	CERTIFICATE OF DEPOSIT	249,000	254,598	3.250%	8/30/2018	8/30/2023	517
64017AAH7	CERTIFICATE OF DEPOSIT	245,000	250,735	3.300%	9/19/2018	9/19/2023	537

INVESTMENT OR CUSIP NUMBER	INSTITUTION	PURCHASE PRICE	MARKET VALUE	COUPON INTEREST RATE	PURCHASE DATE	MATURITY DATE	DAYS TO MATURITY
92891CBK7	CERTIFICATE OF DEPOSIT	249,000	255,068	3.350%	10/16/2018	10/16/2023	564
474067AQ8	CERTIFICATE OF DEPOSIT	249,000	255,051	3.350%	10/19/2018	10/19/2023	567
59452WAE8	CERTIFICATE OF DEPOSIT	249,000	255,491	3.450%	11/9/2018	11/9/2023	588
61760ASL4	CERTIFICATE OF DEPOSIT	245,000	251,782	3.550%	11/26/2018	11/24/2023	603
635573AL2	CERTIFICATE OF DEPOSIT	245,000	251,216	3.400%	12/26/2018	12/21/2023	630
15118RRHS	CERTIFICATE OF DEPOSIT	249,000	246,361	1.850%	8/30/2019	8/30/2024	883
938828BM1	CERTIFICATE OF DEPOSIT	249,000	247,237	2.000%	8/30/2019	8/30/2024	883
949495BC8	CERTIFICATE OF DEPOSIT	250,000	251,308	1.750%	2/21/2020	2/21/2023	327
05465DAK4	CERTIFICATE OF DEPOSIT	249,000	246,754	1.650%	3/26/2020	3/26/2024	726
87165FE42	CERTIFICATE OF DEPOSIT	249,000	232,529	1.100%	11/12/2021	11/12/2026	1,687
14042TEH6	CERTIFICATE OF DEPOSIT	249,000	233,876	1.250%	12/8/2021	12/8/2026	1,713
89235MMH1	CERTIFICATE OF DEPOSIT	249,000	233,866	1.250%	12/9/2021	12/9/2026	1,714
02589ABQ4	CERTIFICATE OF DEPOSIT	245,000	237,689	2.000%	3/9/2022	3/9/2027	1,804
39573LDA3	CERTIFICATE OF DEPOSIT	245,000	238,770	2.100%	3/15/2022	3/15/2027	1,810
856285F63	CERTIFICATE OF DEPOSIT	246,000	236,640	1.800%	1/31/2022	2/1/2027	1,768
70962LBE1	CERTIFICATE OF DEPOSIT	249,000	238,238	1.700%	2/18/2022	2/18/2027	1,785
1204	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	4/24/2018	4/24/2023	389
1248	CERTIFICATE OF DEPOSIT	250,000	250,000	1.100%	5/8/2020	5/8/2022	38
1281	CERTIFICATE OF DEPOSIT	250,000	250,000	2.800%	5/14/2018	5/14/2023	409
1282	CERTIFICATE OF DEPOSIT	250,000	250,000	3.000%	6/21/2018	6/21/2023	447
1283	CERTIFICATE OF DEPOSIT	250,000	250,000	1.591%	5/12/2020	5/12/2023	407
1285	CERTIFICATE OF DEPOSIT	250,000	250,000	2.650%	4/29/2018	4/29/2023	394
1286	CERTIFICATE OF DEPOSIT	250,000	250,000	3.100%	6/25/2018	6/25/2023	451
1303	CERTIFICATE OF DEPOSIT	250,000	250,000	1.100%	4/16/2021	4/16/2024	747
1309	CERTIFICATE OF DEPOSIT	249,000	249,000	1.100%	2/14/2022	2/14/2027	1,781
1310	CERTIFICATE OF DEPOSIT	249,000	249,000	2.100%	5/1/2017	5/2/2022	32
1311	CERTIFICATE OF DEPOSIT	250,000	250,000	2.110%	6/23/2017	6/23/2022	84
1312	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	7/26/2017	7/26/2022	117
1313	CERTIFICATE OF DEPOSIT	249,000	249,000	2.230%	7/11/2017	7/11/2022	102
1314	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	7/21/2017	7/21/2022	112
1315	CERTIFICATE OF DEPOSIT	249,000	249,000	2.350%	9/22/2017	9/22/2022	175
1316	CERTIFICATE OF DEPOSIT	250,083	250,083	2.600%	10/6/2017	10/6/2022	189
1317	CERTIFICATE OF DEPOSIT	249,000	249,000	2.428%	11/16/2017	11/16/2022	230
1318	CERTIFICATE OF DEPOSIT	249,000	249,000	2.500%	3/22/2018	3/22/2023	356
1319	CERTIFICATE OF DEPOSIT	250,000	250,000	0.500%	8/3/2021	5/3/2022	33
1320	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	9/12/2018	9/12/2023	530
1321	CERTIFICATE OF DEPOSIT	249,000	249,000	1.540%	5/16/2020	5/16/2022	46
1324	CERTIFICATE OF DEPOSIT	249,000	249,000	3.350%	1/11/2019	1/11/2024	651
1326	CERTIFICATE OF DEPOSIT	267,054	267,054	3.500%	1/29/2019	1/29/2024	669
1327	CERTIFICATE OF DEPOSIT	245,000	245,000	3.500%	2/28/2019	2/28/2024	699
1328	CERTIFICATE OF DEPOSIT	249,000	249,000	3.250%	3/22/2019	3/22/2024	722
1329	CERTIFICATE OF DEPOSIT	249,000	249,000	3.210%	4/9/2019	10/9/2023	557
1330	CERTIFICATE OF DEPOSIT	248,960	248,960	3.200%	5/24/2019	5/24/2024	785
1331	CERTIFICATE OF DEPOSIT	249,000	249,000	3.100%	5/7/2019	5/7/2024	768
1332	CERTIFICATE OF DEPOSIT	249,000	249,000	3.200%	6/4/2019	6/4/2024	796
1334	CERTIFICATE OF DEPOSIT	250,000	250,000	3.050%	7/31/2019	7/31/2024	853
1335	CERTIFICATE OF DEPOSIT	249,000	249,000	2.810%	9/11/2019	9/11/2024	895
1336	CERTIFICATE OF DEPOSIT	249,000	249,000	2.800%	9/17/2019	9/17/2024	901
1337	CERTIFICATE OF DEPOSIT	249,000	249,000	2.700%	11/1/2019	11/1/2024	946
1338	CERTIFICATE OF DEPOSIT	262,892	264,694	2.720%	10/15/2019	10/15/2024	929
1339	CERTIFICATE OF DEPOSIT	257,618	257,618	2.250%	12/26/2019	12/26/2024	1,001
1340	CERTIFICATE OF DEPOSIT	249,000	249,000	2.400%	12/5/2019	12/5/2024	980
1341	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/8/2020	1/8/2025	1,014
1342	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/17/2020	1/17/2025	1,023
1343	CERTIFICATE OF DEPOSIT	249,000	249,000	2.250%	1/24/2020	1/24/2025	1,030
1344	CERTIFICATE OF DEPOSIT	249,000	249,000	1.100%	11/18/2020	11/18/2023	597
TOTALS		\$ 120,788,050	\$ 119,034,481				

WEIGHTED AVERAGE RATE OF EARNINGS					% OF LIQUID PORTFOLIO HOLDINGS	WEIGHTED AVERAGE DAYS TO MATURITY
ONE YEAR HISTORY				CURRENT		
3/31/2021	6/30/2021	9/30/2021	12/31/2021	3/31/2022		
1.408%	1.172%	1.208%	1.222%	1.274%	46.181%	755

Comments:

Portfolio holdings as of March 31, 2022, are in compliance with the current Investment Policy. With 46.181% of the portfolio being held in liquid instruments, the cash needs of the City will be met. The next portfolio report will be calculated for the second calendar quarter ending June 30, 2022, and will be presented during the August 2, 2022 Council meeting.



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Community Civic Event - Tulare County Junior Livestock Show and Community Fair - Porterville Fair - May 11-15, 2022

SOURCE: Finance

COMMENT: The Tulare County Jr. Livestock Show and Community Fair ("Fair") is requesting approval to set up this year's carnival on the City's ten (10) acre site adjacent to the fairgrounds during the annual Porterville Fair, from Wednesday, May 11, 2022 to Sunday, May 15, 2022.

On April 15, 2014, the City Council approved the Fair Board's request to allow patrons of the fair to purchase and consume alcoholic beverages outside the established adult refreshment area (beer garden), authorizing the Police Chief to work directly with the Fair. Exhibit B incorporates the conditions and requirements of the Porterville Police Department for the establishment of a beer garden and the sale and consumption of alcoholic beverages inside and outside the confines of the beer garden.

This request is submitted in accordance with the Community Civic Events Ordinance No. 1526, as amended. The application has been routed according to the Ordinance regulations and reviewed by all of the City Departments involved. All requirements are listed on the attached application and agreement, Exhibit A and Exhibit B. The City Council's Ad Hoc Committee has reviewed the request and recommended approval of the event. Event organizers are required to adhere to all Federal, State and local guidelines and limitations pertaining to COVID-19.

RECOMMENDATION: That the City Council approve the Community Civic Event application from the Tulare County Jr. Livestock Show and Community Fair, to hold the Porterville Fair from May 11 to May 15, 2022, 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, Map, Exhibit A, Exhibit B, Outside 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? info@portervillefair.com Website? PortervilleFair.com

Application date: April 11, 2022 Event date: May 11-15, 2022
Event time: 5/11 & 5/12 4p-11p, 5/13 4p-12a, 5/14 12p-12a, 5/15 12p-11p

Name of Event: Porterville Fair

Sponsoring organization: Porterville Fair Phone # (559) 781-6582

Address: 2700 W. Teapot Dome Ave., Porterville, CA 93257

Authorized representative: Susie Godfrey Phone # (559) 781-6582

Address: 2700 W. Teapot Dome Ave., Porterville, CA 93257

Event chairperson: Mitch Brown Phone # (559) 333-2994

Location of event 2700 W. Teapot Dome Ave., Porterville, CA 93257

(Location map must be attached)

Type of event: Community Fair

Non-profit organization status: 501c3

(IRS Determination)

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

Barricades (quantity): (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)*

 **Authorized Representative Initials**

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.**

N/A **Authorized Representative Initials**

*Fraternal Order of Eagles-Robert Keeley (559)359-3077

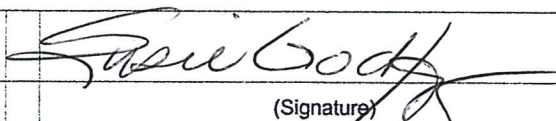
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health 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**

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.

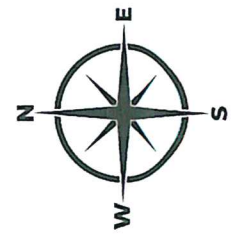
Porterville Fair		4/11/2022
(Name of Organization)	(Signature)	(Date)

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

Location: 2700 W. Teapot Dome Ave., Porterville, CA Event date: 5/11-5/15/2022 Event time: 5/14 12p-12a
5/15 12p-11p

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

Event date: May 11-15, 2022 Hours: 5/15 12p-11p



Requirements for Community Civic Event
Tulare County Jr. Livestock
Porterville Fair
May 11-15, 2022

City Engineer: <i>D. Cervantez</i>	No comments.
Community Development Director: <i>J. Ridenour</i>	No comments.
Public Works Director: <i>M. Knight</i>	No comments.
Fire Marshal: <i>C. Dignam</i>	Standard comments from Fire for Access, ride inspections, fire extinguishers, tarps and canopies.
Parks and Leisure Services Director: <i>D. Moore</i>	No comments.
Police Lieutenant: <i>R. Moore</i>	Please see Exhibit B.
Deputy City Manager: <i>P. Hildreth</i>	Risk Management requires: 1. A certificate of insurance as evidence of \$2M in commercial general liability coverage, with the City of Porterville named as an additional insured. The certificate must have the appropriate endorsement page attached; 2. Evidence that the City Of Porterville is named additional insured on the carnival ride vendor's liability coverage. Evidence shall be a certificate of insurance with the appropriate endorsement page. 3. That the event organizer comply with all federal, state, and local COVID-19 mandates.
Field Services Superintendent: <i>B. Spry</i>	Please have the organizers call the Field Service office at 782-7513 to set up refuse Service.
Field Services Superintendent – Streets: <i>J. Baeza</i>	No Comments.

Requirements for Community Civic Event

Sponsor: Tulare County Jr. Livestock
Event: Porterville Fair
Event Chairman: Susie Godfrey
Location: 2700 W Teapot Dome Ave, Porterville CA
Date of Event: May 11-15, 2022

RISK MANAGEMENT: Conditions of Approval

That the Tulare County Jr. Livestock provide a Certificate of Commercial General Liability Insurance Coverage 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 26.

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 26.

- A. 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 11 -15, 2022

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 California Department of Alcoholic Beverage Control.
- Porterville Fair officials will meet with Porterville Police Department Lieutenant Azevedo (559-782-7417 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.

Ron Moore, 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: 2700 W. Teapot Dome Ave., Porterville, Ca 93257
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Rio Productions, Paul Serpa
1129 Batavia St., Tulare, CA 93257
- 4 Type of event for which amplification equipment will be used: Music on Rotary Stage Nightly
- 5 Dates and hours of operation of amplification equipment: May 11-15, 2022 no later than 12am (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.

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.

Susan Godby
Signature of Applicant

April 11, 2022
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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/13/2022

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

K&K INSURANCE GROUP, INC.
P.O. BOX 2338
FORT WAYNE, IN 46801

CONTACT NAME: EVENTS & ATTRACTIONS

PHONE:

(A/C, No, Ext): 800-553-8368

FAX (A/C, No): 260-459-5624

E-MAIL:

ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: SCOTTSDALE INDEMNITY COMPANY

15580

INSURER B: NATIONAL CASUALTY COMPANY

11991

INSURER D:

INSURER E:

INSURER F:

INSURED

TULARE COUNTY JR LIVESTOCK (SEE KR-SP-1)
DBA: PORTERVILLE FAIR
2700 W TEAPOT DOME AVENUE
PORTERVILLE, CA 93257

COVERAGES

CERTIFICATE NUMBER: C140239

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	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ LIQUOR LIMITS - \$1,000,000/\$1,000,000 AGG GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☒ LOC OTHER:	Y		KKI0000025903900	10/1/2021 12:01 AM	10/1/2022 12:01 AM	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$300,000 MED EXP (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$10,000,000 PRODUCTS - COMP/OP AGG \$5,000,000 LEGAL LIAB TO PARTICIPANTS NC PROFESSIONAL LIABILITY
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			KKI0000025904000	10/1/2021 12:01 AM	10/1/2022 12:01 AM	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
B	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION			XKO0000025904100	10/1/2021 12:01 AM	10/1/2022 12:01 AM	EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below ☐ Y/N	N/A					PER STATUTE ☐ OTHER ☐ E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
	PARTICIPANT ACCIDENT						AD&D Primary Medical Excess Medical Weekly Indemnity

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

CERTIFICATE HOLDER IS ADDED AS ADDITIONAL INSURED, BUT ONLY FOR LIABILITY CAUSED, IN WHOLE OR IN PART, BY THE ACTS OR OMISSIONS OF THE NAMED INSURED. FAIR 5/11/22-5/15/22

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

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.ADDITIONAL
PERSON OR ORGANIZATION

INSURED

-

DESIGNATED

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

CITY OF PORTERVILLE

SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

291 N MAIN STREET

PORTERVILLE, CA 93257

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.



CITY COUNCIL AGENDA – MAY 3, 2022

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

SOURCE: City Manager's Office

COMMENT:

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

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

ATTACHMENTS: 1. Draft Resolution: AB 361 Local Emergency Remote Access

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION ____-2022

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Effective Date of Resolutions. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of June 2, 2022, or such time the Council adopts a subsequent Resolution in accordance with Government Code section 54953 (e)(3) to extend the time during which the legislative bodies of City of Porterville may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED, APPROVED, AND ADOPTED this 3rd day of May, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Status and Review of Local Emergency: Drought

SOURCE: City Manager's Office

COMMENT:

At its meeting of May 5, 2015, the City Council took action to approve a Resolution Declaring a Drought Emergency in the City of Porterville. At its meeting of April 19, 2022, the Council reviewed the status of existence of local emergency, and acted to continue its Resolution of local emergency.

Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide twenty-five percent (25%) reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a twenty-five (25%) reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016.

The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from thirty-two percent (32%) to twenty-six percent (26%), due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a

localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices.

On May 31, 2018, Governor Brown signed both AB 1668 (Friedman) and SB 606 (Hertzberg), which set permanent overall targets for indoor and outdoor water consumption. The legislation sets an initial limit for indoor water use of fifty-five (55) gallons per-person per-day in 2022, reducing to 52.5 gallons per-person per-day in 2025, and finally to fifty (50) gallons per-person per-day in 2030. The amount of residential outdoor use is yet-to-be determined, but will allow for varying regional climates. In addition, a standard for water loss due to leak rates in water system pipes will be established. As an urban water provider, the City will need to submit its plan for compliance for approval by the State Water Resources Control Board.

On March 5, 2021, Secretary Vilsack of the United States Department of Agriculture federally-designated Tulare County as a primary natural disaster area due to ongoing drought conditions. On April 21, 2021, Governor Newsom issued a State of Emergency Proclamation due to drought conditions, including Tulare County. On April 27, 2021, the Tulare County Board of Supervisors adopted a Resolution Proclaiming a Local Emergency due to severe drought conditions. On January 4, 2022, the State Water Resources Control Board adopted emergency regulations to supplement voluntary water conservation. On March 28, 2022, Governor Newsom issued Executive Order N-7-22, that requires the state's largest water providers (including the City of Porterville) to put in place "Level 2" of water shortage contingency plans, which the City is currently in "Level 4."

Initially within the city of Porterville, twenty-six (26) residences within the city were determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. The State has committed funding for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has continued the household tank program locally, through State Cleanup and Abatement Account (CAA) emergency funds.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the

East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide initial source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to five hundred (500) single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its eighty (80) residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately forty (40) homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional thirty (30) residences as part of the first immediate connections, for up to a total of seventy (70), which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at its meeting on Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016.

County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its

meeting on December 20, 2016. City staff continued to work with County staff toward the transfer of the well's ownership from the County to the City, which at its meeting on April 20, 2021, the Council approved the draft Transfer Agreement subject to the City Attorney's final form.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, twenty-three (23) of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible eight hundred (800) residences in East Porterville to the City's water system.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019. The authorization to advertise for bids for the water connection project was approved by the Council at its July 17th meeting, after which DWR reviewed the bid package for compliance and approved in December the package for advertisement. Council authorized award of the construction contract for approximately \$1.82 million at its meeting on January 15, 2019.

City staff conducted a pre-construction public outreach meeting with the affected residents on the status of the project on Thursday, April 4, 2019.

Council authorized the agreement with Self-Help Enterprises Inc. to provide the private residential connections at its meeting on July 2, 2019, and construction work began on the project. At its meeting on October 1, 2019, the Council accepted the public works segment of the project in the installation of water mains as complete, with Self-Help and CSET continuing to collaborate on the completion of the individual private connections and abandonment of private wells. City staff has recently been made aware that there may be a couple of additional residences whose wells are dry that are located along existing City water mains or may require further extension of water mains.

Staff is coordinating with State staff on addressing these new isolated needs.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the forty-one (41) connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water

lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30, 2019, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered. At its meeting on October 1, 2019, the Council directed staff to proceed with the amendment of the UDB to facilitate annexation, which a public meeting with the affected residents was conducted on Wednesday, October 9, 2019. At its meeting on April 21, 2020, the Council conducted a Public Hearing and approved Resolutions of approval of the environmental determination and amendment to the UDB to facilitate annexation. At its meeting on June 1, 2021, the Council approved the State Water Board funding agreement for the development of a City-owned production well, distribution mains and water meters to serve each customer, as well as fire hydrants. On July 20, 2021, the City received notification from the State Water Board that the Akin/Central Water Consolidation Project funding agreement had been formally approved and executed.

DDW has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves fourteen (14) residences and approximately forty-five (45) people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

DDW has further reported to the City that the Beverly Grand Mutual Water Company water system, located north of West North Grand Avenue, is experiencing problems with its existing well and water quality issues, and desires its connection to the City's system to serve the thirty-one (31) residences the system serves. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW has agreed to pay appropriate fees toward developing a capacity development project, which at its meeting of October 3, 2017, the Council approved a purchase agreement with Smee Homes, Inc. for the acquisition of property along the Tule River for the development of a new municipal well. At its meeting of October 1, 2019, the Council approved proceeding with the consolidation of the Beverly Grand water

system.

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

ATTACHMENTS:

1. City of Porterville Resolution Declaring Local Drought Emergency: May 5, 2015
2. United States Department of Agriculture Drought Natural Disaster Area Designation: March 5, 2021
3. State of California State of Emergency Proclamation: April 21, 2021
4. County of Tulare Drought Local Emergency Resolution: April 27, 2021
5. State Water Resources Control Board: Emergency Regulation - Water Conservation; January 4, 2022
6. Governor Newsom Executive Order N-7-22: March 28, 2022
7. State Water Resources Control Board Funding Agreement: Akin/Central Water Consolidation Project

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

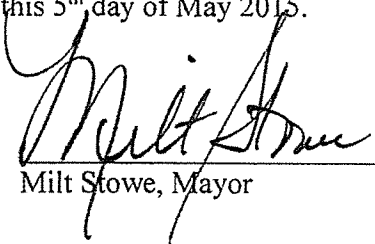
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

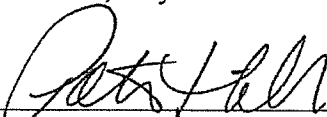
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

March 5, 2021

The Honorable Gavin Newsom
Governor
State of California
Sacramento, California 95814

Dear Governor Newsom:

In accordance with 7 CFR 759.5(a), I am designating 50 California counties as primary natural disaster areas due to a recent drought.

According to the U.S. Drought Monitor (see <http://droughtmonitor.unl.edu/>), these counties suffered from a drought intensity value during the growing season of 1) D2 Drought-Severe for 8 or more consecutive weeks or 2) D3 Drought-Extreme or D4 Drought-Exceptional.

In accordance with section 321(a) of the Consolidated Farm and Rural Development Act, additional areas of your state and adjacent states are named as contiguous disaster counties. Enclosed you will find documentation that provides a detailed list of all primary and contiguous counties impacted by this disaster.

A Secretarial disaster designation makes farm operators in primary counties and those counties contiguous to such primary counties eligible to be considered for certain assistance from the Farm Service Agency (FSA), provided eligibility requirements are met. This assistance includes FSA emergency loans. Farmers in eligible counties have 8 months from the date of a Secretarial disaster declaration to apply for emergency loans. FSA considers each emergency loan application on its own merits, taking into account the extent of production losses on the farm and the security and repayment ability of the operator.

Local FSA offices can provide affected farmers with further information.

Sincerely,

A handwritten signature in blue ink, reading "Tom J. Vilsack", is positioned above the printed name of the Secretary.

Thomas J. Vilsack
Secretary

Enclosure

Disaster Designation Areas for California and Contiguous States

Primary Counties:

California	(50)			
Alameda	Glenn	Marin	Riverside	Solano
Alpine	Humboldt	Mariposa	Sacramento	Sonoma
Amador	Imperial	Mendocino	San Bernardino	Stanislaus
Butte	Inyo	Merced	San Francisco	Sutter
Calaveras	Kern	Modoc	San Joaquin	Tehama
Colusa	Kings	Mono	San Mateo	Trinity
Contra Costa	Lake	Napa	Santa Clara	Tulare
Del Norte	Lassen	Nevada	Shasta	Tuolumne
El Dorado	Los Angeles	Placer	Sierra	Yolo
Fresno	Madera	Plumas	Siskiyou	Yuba

Contiguous Counties:

California	(8)		
Monterey	San Benito	San Luis Obispo	Santa Cruz
Orange	San Diego	Santa Barbara	Ventura

In addition, in accordance with section 321(a) of the Consolidated Farm and Rural Development Act, counties in adjacent states are named as contiguous disaster areas. Those states, counties, and numbers are:

Contiguous Counties in Adjacent States:

Arizona	(3)		
La Paz	Mohave	Yuma	
Nevada	(8)		
Clark	Esmeralda	Mineral	Washoe
Douglas	Lyon	Nye	Carson City
Oregon	(5)		
Curry	Josephine	Lake	
Jackson	Klamath		

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

State of Emergency Proclamation

WHEREAS climate change is intensifying the impacts of droughts on our communities, environment and economy, and California must therefore improve drought resiliency and prepare to respond to more frequent, prolonged, and intense dry periods; and

WHEREAS much of the West is experiencing severe to exceptional drought and California is in a second consecutive year of dry conditions, resulting in drought or near-drought throughout many portions of the State; and

WHEREAS these drought conditions can result in degraded water quality, fallowing of productive farmland, setbacks to vulnerable and rural communities through job losses and longer-lasting recoveries, significant impacts to tribal, commercial, and recreational salmon fisheries, constraints on access to traditional lifeways, loss of aquatic and terrestrial biodiversity, and ecosystem impacts; and

WHEREAS drought conditions vary across the State and some watersheds, including the Russian River and Klamath Basin, are extremely dry and are facing substantial water supply and ecosystem challenges; and

WHEREAS it is necessary to expeditiously mitigate the effects of the drought conditions within the Russian River Watershed, located within Mendocino and Sonoma counties, to ensure the protection of health, safety, and the environment; and

WHEREAS experience in the last drought has demonstrated the value of preparing earlier for potential sustained dry conditions, the need to improve our monitoring and forecasting capabilities, and many other lessons that are captured in the Administration's *Report to the Legislature on the 2012-2016 Drought*; and

WHEREAS the State and its many partners have strengthened drought resilience since the last drought including state investments in water management systems, implementation of the Sustainable Groundwater Management Act, establishment of the Safe and Affordable Fund for Equity and Resilience Program, development of the Administration's *Water Resilience Portfolio*, and continued water conservation by Californians whose current statewide urban water use is 16% lower than at the beginning of the last drought; and

WHEREAS state agencies have been actively responding to current drought conditions and preparing for the possibility of a third dry year including through convenings of the interagency drought team, which was established at my direction, to organize, focus, and track changing conditions, coordinate state agency responses, and work closely with partners across the State; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the drought conditions, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the drought conditions; and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of, the drought conditions within the Russian River Watershed, and under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions of the Russian River Watershed, located within Mendocino and Sonoma counties.

NOW THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Mendocino and Sonoma counties due to drought conditions in the Russian River Watershed.

IT IS HEREBY ORDERED THAT:

1. To further the success of California's water conservation efforts and increase our drought preparedness, state agencies shall partner with local water districts and utilities to make all Californians aware of drought, and encourage actions to reduce water usage by promoting the Department of Water Resources' Save Our Water campaign (<https://saveourwater.com>) and other water conservation programs.
2. To continue coordination with partners across the State for the potential of prolonged drought impacts, the Department of Water Resources, the State Water Resources Control Board (Water Board), the Department of Fish and Wildlife, and the Department of Food and Agriculture shall work with regional and local governments, including groundwater sustainability agencies, to identify watersheds, communities, public water systems, and ecosystems that may require coordinated state and local actions to address issues stemming from continued dry conditions, to ensure that we can respond to water shortages and protect people, natural resources and economic activity.
3. To continue partnership and coordination with Californian Native American tribes, state agencies shall engage in consultation, collaboration, and communication with California Native American tribes to assist them in necessary preparation and response to drought conditions on tribal lands and potential impacts to cultural and traditional resources within ancestral lands.
4. To prioritize drought response and preparedness resources, the Department of Water Resources, the Water Board, the Department of Fish and Wildlife and the Department of Food and Agriculture, in consultation with the Department of Finance, shall:
 - a. Accelerate funding for water supply enhancement, water conservation, or species conservation projects.
 - b. Identify unspent funds that can be repurposed to enable projects to address drought impacts to people, ecosystems, and economic activities.
 - c. Recommend additional financial support for water resilience infrastructure projects and actions for potential inclusion in the upcoming May Revision.

5. To increase resilience of our water supplies during drought conditions, the Department of Water Resources shall:
 - a. Work with counties to encourage reporting of household water shortages, such as dry residential wells, on the website the Department maintains for that purpose, to enable tracking of drought impacts.
 - b. Work with counties, and groundwater sustainability agencies as appropriate, to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner.
 - c. Work with agricultural water suppliers and agricultural water users to provide technical assistance, including implementation of efficient water management practices and use of technology such as the California Irrigation Management Information System.
 - d. Work with urban and agricultural water suppliers to encourage timely submittal by water districts and public posting of urban water management and water shortage contingency plans and agricultural water management and drought plans.
 - e. Accelerate updating the land subsidence data it is providing to support implementation of the Sustainable Groundwater Management Act.
6. To increase resilience of our water systems during drought conditions, the Water Board shall:
 - a. Use its authority, provide technical assistance, and where feasible provide financial assistance, to support regular reporting of drinking water supply well levels and reservoir water levels where the Water Board determines that there is risk of supply failure because of lowering groundwater levels or reservoir levels that may fall below public water system intakes.
 - b. Prioritize the permitting of public water systems that anticipate the need to activate additional supply wells where water quality is a concern and treatment installation needs to proceed to relieve a system's potential supply concerns.
 - c. Provide annual water demand data, information on water right priority, and other communications on water availability on its website.
 - d. Identify watersheds where current diversion data is insufficient to evaluate supply impacts caused by dry conditions, and take actions to ensure prompt submittal of missing data in those watersheds.
7. To address the acutely dry conditions in the Russian River Watershed, the Water Board shall consider:
 - a. Modifying requirements for reservoir releases or diversion limitations in that watershed to ensure adequate, minimal water supplies for critical purposes.
 - b. Adopting emergency regulations to curtail water diversions when water is not available at water rights holders' priority of right or to protect releases of stored water.

For purposes of carrying out this directive, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are suspended in the counties of Mendocino and Sonoma to the extent necessary to address the impacts of the drought in the Russian River Watershed. The Water Board shall identify the projects

eligible for the suspensions pursuant to this paragraph and maintain on its websites a list of the activities or approvals for which these provisions are suspended.

8. To ensure that equipment and services necessary for drought response in the Russian River Watershed can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to procurement, state contracts, and fleet assets, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended to the extent necessary to address the effects of the drought in the Russian River Watershed, located within Mendocino and Sonoma counties. Approval of the Department of Finance is required prior to the execution of any contract entered into pursuant to this provision.
9. To increase the resilience of our natural habitats to protect vulnerable species during drought conditions, the Department of Fish and Wildlife shall:
 - a. Evaluate and take actions to protect terrestrial and aquatic species and, wherever possible, work with water users and other parties on voluntary measures to protect species.
 - b. Work to improve State hatcheries and increase water use efficiency on State wildlife areas and ecological reserves to maintain habitat for vulnerable species.
 - c. Respond to human-wildlife interactions related to ongoing dry conditions and increase public messaging and awareness.
 - d. Work with commercial and recreational salmon fishing and tribal representatives to anticipate and develop strategies to mitigate and respond to salmon fishery impacts, with particular emphasis on addressing impacts to salmon fisheries in the Klamath Basin.
10. To support our agricultural economy and food security during drought conditions, the Department of Food and Agriculture shall:
 - a. Provide technical assistance to support conservation planning, on-farm water and energy conservation practices and technologies, including augmenting the State Water Efficiency and Enhancement Program.
 - b. Conduct an economic analysis of drought impacts to agriculture, including land use, jobs, and rural food economies, expanding on existing research done in the last drought to include thorough regional analysis especially in the Central Valley, and in the implementation of the Sustainable Groundwater Management Act and alternative land uses for fallowed land.
 - c. Maintain a web page with drought resources for farmers and ranchers, including the United States Department of Agriculture and other federal and state resources.
 - d. Work with federal agencies to assist Klamath Basin farmers and ranchers contending with reduced water supplies.
11. To ensure the potential impacts of drought on communities are anticipated and proactively addressed, the Department of Water Resources, in coordination with the Water Board, shall develop groundwater management principles and strategies to monitor, analyze, and minimize impacts to drinking water wells.
12. To provide critical information on the different drought conditions across the State, the Department of Water Resources, in consultation with the Department of Fish and Wildlife, the Department of Food and Agriculture,

and the Water Board, shall develop a California Drought Monitor by December 31, 2021, as recommended in the Administration's Report to the Legislature on the 2012-2016 Drought.

13. To prepare for potential salinity issues in the Delta, the Department of Water Resources, in consultation with the Water Board, the Department of Fish and Wildlife, the Delta Stewardship Council, and the Central Valley Flood Protection Board, shall initiate actions necessary to prepare for and address potential Delta salinity issues during prolonged drought conditions.

14. To prepare for potential impacts of drought conditions on species, the Water Board and the Department of Fish and Wildlife shall work with federal agency partners to manage temperature conditions for the preservation of fish in the Sacramento River downstream of Shasta Dam while balancing water supply needs.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21st day of April 2021



GAVIN NEWSOM
Governor of California

ATTEST:

DR. SHIRLEY WEBER
Secretary of State

RESOLUTION PROCLAIMING A LOCAL EMERGENCY BY THE BOARD OF SUPERVISORS COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF A)
LOCAL EMERGENCY DUE TO)
SEVERE DROUGHT CONDITIONS)

RESOLUTION NO. 2021-0290

WHEREAS, California's most recent drought spanning from approximately 2012 to 2018 required the proclamation of a Local Emergency by the County of Tulare from February 2014 to November 2019, as well as a Governor's State of Emergency and the combined resources of multiple local, state, and federal agencies, commercial entities, and non-profit organizations to mitigate; and

WHEREAS, over 3,000 failed or dry wells – including private domestic, community, and agricultural wells – were reported to Tulare County from 2014 to 2017 as a result of the prior drought, causing significant health, safety, and economic issues for Tulare County residents and businesses; and

WHEREAS, well over \$100 million in emergency relief and permanent infrastructure projects were expended to mitigate the effects of the prior drought; and

WHEREAS, a hydrological year ("water year") runs from October 1 to September 30 of the following year; and

WHEREAS, the current water year beginning October 1, 2020 is, to date, the third-driest on record, with potential to become the driest on record without significant additional precipitation which is unlikely to occur during the traditionally dry months; and

WHEREAS, the United States Drought Monitor shows that 94.51% of Tulare County is currently experiencing "Extreme Drought" (D3) conditions and the remaining 5.49% is in "Severe Drought" (D2) conditions, and the County of Tulare anticipates that these conditions will progress to "Exceptional Drought" (D4) conditions as occurred in the prior drought based on the current Southern Sierra snowpack measured at only 15% of historical average for April 1st, drastically reduced surface water allocations on the State Water Project and Central Valley Project, and correspondingly low water levels in local reservoirs; and

WHEREAS, surface water supply constraints create a demonstrable and unsustainable increase in demand for groundwater which is likely to cause additional dry wells for community water systems, private domestic wells, and agricultural wells, creating economic hardships and conditions of extreme peril to the health and safety of individuals within Tulare County requiring the combined forces of all levels of government to mitigate; and

WHEREAS, California Government Code section 8630 empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency; and

WHEREAS, Section 1-15-1005 of the Tulare County Ordinance Code defines "emergency" to include "the actual or threatened existence of conditions of disaster or of

extreme peril to the safety of persons and property within [Tulare] County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, earthquake, or other conditions, ... which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of [Tulare] County, requiring the combined forces of other political subdivisions to combat"; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said Tulare County due to drought which has created conditions of disaster and extreme peril to the safety of persons and property within the County, and that such conditions are or are likely to be beyond the control of the services, personnel, equipment, and/or facilities of this County, thus requiring the combined forces of other political subdivisions to combat; and

IT IS FURTHER PROCLAIMED that this local emergency is proclaimed pursuant to the California Emergency Services Act, California Government Code §8550 et seq.; and

IT IS REQUESTED that the Governor of the State of California find and proclaim Tulare County to be in a State of Emergency, and make available any and all material and financial support and resources necessary to combat the conditions of disaster, including but not limited to California Disaster Assistance Act funding for emergency protective measures and increased funding to relevant programs of the State Water Resources Control Board and Department of Water Resources; and

IT IS FURTHER REQUESTED that the Governor waive and all regulations and statutes that may hinder response to this emergency; and

IT IS PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of Tulare County shall be those prescribed by State law, by ordinances and resolutions of Tulare County, and by the Tulare County Operational Area Emergency Operations Plan, as approved by the Board of Supervisors.

UPON MOTION OF SUPERVISOR MICARI, SECONDED BY SUPERVISOR TOWNSEND, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD APRIL 27, 2021, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS



BY:


Deputy Clerk

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2022-0002**

**TO ADOPT AN EMERGENCY REGULATION
TO SUPPLEMENT VOLUNTARY WATER CONSERVATION**

WHEREAS:

1. On April 21, May 10, and July 8, 2021, Governor Newsom issued proclamations that a state of emergency exists in a total of 50 counties due to severe drought conditions and directed state agencies to take immediate action to preserve critical water supplies and mitigate the effects of drought and ensure the protection of health, safety, and the environment.
2. On October 19, 2021, Governor Newsom signed a proclamation extending the drought emergency statewide and further urging Californians to reduce their water use.
3. There is no guarantee that winter precipitation will alleviate the current drought conditions.
4. Many Californians have taken bold steps over the years to reduce water use; nevertheless, the severity of the current drought and uncertainty about Water Year 2022 require additional conservation actions from residents and businesses.
5. Water conservation is the easiest, most efficient, and most cost-effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances or that water rationing will be required.
6. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water.

7. Public information and awareness are critical to achieving conservation goals, and the Save Our Water campaign ([SaveOurWater.com](https://www.saveourwater.com)), run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response.
8. [SaveWater.CA.Gov](https://www.savewater.ca.gov) is an online tool designed to help save water in communities. This website lets anyone easily report water waste from their phone, tablet, or computer by simply selecting the type of water waste they see, typing in the address where the waste is occurring, and clicking send. These reports are filed directly with the State Water Resources Control Board (State Water Board or Board) and relevant local water supplier.
9. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated.
10. On October 19, 2021, the Governor suspended the environmental review required by the California Environmental Quality Act to allow State Water Board-adopted drought conservation emergency regulations and other actions to take place quickly to respond to emergency conditions.
11. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: “prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter’s priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports.”
12. On November 30, 2021, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board’s regularly scheduled January 4, 2022 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations.
13. The emergency regulation sets a minimum standard that many communities are already doing more but not everyone is taking these low-cost, easy to implement actions that can save significant amounts of water during a drought emergency.

14. Disadvantaged communities may require assistance in increasing water conservation, and state and local agencies should look for opportunities to provide assistance in promoting water conservation, including but not limited to translation of regulation text and dissemination of water conservation announcements into languages spoken by at least 10 percent of the people who reside in a water supplier's service area, such as in newspaper advertisements, bill inserts, website homepage, social media, and notices in public libraries.
15. The Board directs staff to consider the following in pursuing any enforcement of section 995, subdivision (b)(1)(A)-(F): before imposing monetary penalties, staff shall provide one or more warnings; monetary penalties must be based on an ability to pay determination, consider allowing a payment plan of at least 12 months, and shall not result in a tax lien; and Board enforcement shall not result in shutoff.
16. The Board encourages entities other than Board staff that consider any enforcement of this regulation to apply these same factors identified in resolved paragraph 15. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulation adopted by this resolution, and local agencies retain their enforcement discretion in enforcing the regulation, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, section 995, as appended to this resolution as an emergency regulation.
2. State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval.
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes.

4. This regulation shall remain in effect for one year after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions or unless the State Water Board renews the regulation due to continued drought conditions, as described in Water Code section 1058.5.
5. The State Water Board directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations.
6. Nothing in the regulation or in the enforcement provisions of the regulation precludes a local agency from exercising its authority to adopt more stringent conservation measures. Local agencies are encouraged to develop their own progressive enforcement practices to promote conservation.

CERTIFICATION

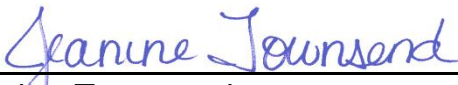
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 4, 2022.

AYE: Vice Chair Dorene D'Adamo
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Chair E. Joaquin Esquivel

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

ADOPTED TEXT OF EMERGENCY REGULATION

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 3.5. Urban Water Use Efficiency and Conservation

Article 2. Prevention of Drought Wasteful Water Uses

§ 995. Wasteful and Unreasonable Water Uses.

(a) As used in this section:

(1) "Turf" has the same meaning as in section 491.

(2) "Incidental runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility or system design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

(b)(1) To prevent the unreasonable use of water and to promote water conservation, the use of water is prohibited as identified in this subdivision for the following actions:

(A) The application of potable water to outdoor landscapes in a manner that causes more than incidental runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(B) The use of a hose that dispenses water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(C) The use of potable water for washing sidewalks, driveways, buildings, structures, patios, parking lots, or other hard surfaced areas, except in cases where health and safety are at risk;

(D) The use of potable water for street cleaning or construction site preparation purposes, unless no other method can be used or as needed to protect the health and safety of the public;

(E) The use of potable water for decorative fountains or the filling or topping-off of decorative lakes or ponds, with exceptions for those decorative fountains, lakes, or ponds that use pumps to recirculate water and only require refilling to replace evaporative losses;

(F) The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one fourth of one inch of rain. In determining whether measurable rainfall of at least fourth of one inch of rain occurred in a given area, enforcement may be based on records of the National Weather Service, the closest CIMIS station to the parcel, or any other reliable source of rainfall data available to the entity undertaking enforcement of this subdivision; and

(G) The use of potable water for irrigation of ornamental turf on public street medians.

(2) Notwithstanding subdivision (b)(1), the use of water is not prohibited by this section to the extent necessary to address an immediate health and safety need. This may include, but is not limited to, the use of potable water in a fountain or water feature when required to be potable because human contact is expected to occur.

(c)(1) To prevent the unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:

(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivisions (a) and (b) of the Civil Code;

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code; or

(C) Requiring an owner of a separate interest upon which water-efficient landscaping measures have been installed in response to a declared drought emergency, as described in section 4735, subdivisions (c) and (d) of the Civil Code, to reverse or remove the water-efficient landscaping measures upon the conclusion of the state of emergency.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (c)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

(d) To prevent the unreasonable use of water and to promote water conservation, any city, county, or city and county is prohibited from imposing a fine under any local maintenance ordinance or other relevant ordinance as prohibited by section 8627.7 of the Government Code.

(e) The taking of any action prohibited in subdivision (b), (c) or (d) is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) A decision or order issued under this section by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Section 8627.7, Government Code; Sections 102, 104, 105, 275, 350, 491, and 1122, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463; *Stanford Vina Ranch Irrigation Co. v. State of California* (2020) 50 Cal.App.5th 976.

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at [SaveOurWater.com](https://www.SaveOurWater.com) provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining “non-functional turf” (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

- 10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
- 11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
- 12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
- 13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

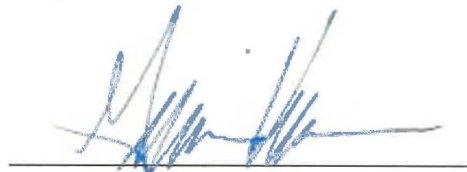
Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



DRINKING WATER CONSTRUCTION LOAN

AGREEMENT NO. SWRCB0000000000D2002017

by and between

CITY OF PORTERVILLE ("Recipient")

and

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ("State Water Board")



AKIN/CENTRAL WATER CONSOLIDATION PROJECT
5410010-018C AND 5400655-001C ("Project")

- Section 116760 et seq. of the Health and Safety Code and Resolution Nos. 2019-0065 and 2020-0022.

PROJECT FUNDING AMOUNT: \$4,787,664
PRINCIPAL FORGIVENESS COMPONENT: \$4,787,664

ESTIMATED REASONABLE PROJECT COST: \$4,787,664
ELIGIBLE WORK START DATE: JULY 1, 2016
ELIGIBLE CONSTRUCTION START DATE: SEPTEMBER 22, 2020
CONSTRUCTION COMPLETION DATE: OCTOBER 1, 2023
FINAL REIMBURSEMENT REQUEST DATE: APRIL 1, 2024
RECORDS RETENTION END DATE: OCTOBER 1, 2059

1. The State Water Board and the Recipient mutually promise, covenant, and agree to the terms, provisions, and conditions of this Agreement, including the following Exhibits, which are attached hereto or are incorporated by reference:
 - Exhibit A – Scope of Work and Schedule
 - Exhibit B – Specific Funding Provisions
 - Exhibit C – GENERAL TERMS AND CONDITIONS 2019-NOV
 - Exhibit D – Special Conditions
2. The following documents are also incorporated by reference:
 - the Drinking Water System Permit No. 03-12-06P-004;
 - the Davis-Bacon requirements found at:
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/davisbacon/2020_dwsrf_governmental_entities.pdf
3. Party Contacts during the term of this Agreement are:

State Water Board		City of Porterville	
Section:	Division of Financial Assistance		
Name:	Pete Stamas, Project Manager	Name:	Monte Reyes, Mayor
Address:	1001 I Street, 16th Floor	Address:	291 North Main Street
City, State, Zip:	Sacramento, CA 95814	City, State, Zip:	Porterville, CA 93257
Phone:	(916) 552-9983	Phone:	(559) 782-7499
Fax:		Fax:	
Email:	Pete.Stamas@waterboards.ca.gov	Email:	montereyes@portervilleca.gov

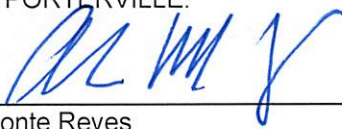
Each party may change its contact upon written notice to the other party. While Party Contacts are contacts for day-to-day communications regarding Project work, the Recipient must provide official communications and notices to the Division's Deputy Director.

4. Conditions precedent to this Agreement are set forth as follows:
 - (a) The Recipient must deliver an opinion of general counsel satisfactory to the State Water Board's counsel dated on or after the date that the Recipient signs this Agreement.
 - (b) The Recipient must deliver to the Division a resolution authorizing this Agreement and identifying its authorized representative by title.
 - (c) The Recipient must deliver to the Division a resolution certifying that its decision-making body reviewed and considered the Mitigated Negative Declaration filed by the State Water Board for the Akin Water Company Water Supply Project together with the Mitigation Monitoring and Reporting Program and reached its own conclusions on whether and how to approve the Project, pursuant to Section 15050 (b) of the CEQA Guidelines.
5. The Recipient represents, warrants, and commits to the following as of the Eligible Work Start Date and continuing thereafter for the term of this Agreement, which shall be at least until the Records Retention End Date:
 - (a) The Recipient agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents.
 - (b) The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized by the Recipient. Upon execution by both parties, this Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.

- (c) None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. The Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. The Recipient is able to pay its debts as they become due. The Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example but not necessarily limited to, general liability, automobile liability, workers compensation and employer liability, professional liability.
- (d) The Recipient is in compliance with all State Water Board funding agreements to which it is a party.

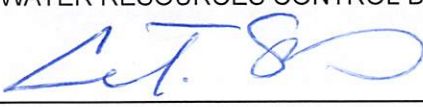
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CITY OF PORTERVILLE:

By: 
Name: Monte Reyes
Title: Mayor

Date: 6/1/2021

STATE WATER RESOURCES CONTROL BOARD:

By: 
Name: Leslie Laudon
Title: Deputy Director *for*
Division of Financial Assistance

Date: 7/15/21

EXHIBIT A – SCOPE OF WORK AND SCHEDULE

A.1. PROJECT PURPOSE AND DESCRIPTION.

The Project is for the benefit of the Recipient and has a Useful Life of at least 40 years. The funding under this Agreement shall be used to provide the residents of two small disadvantaged communities currently served by Akin Water Company (Akin WC) and Central Mutual Water Company (Central MWC) with a sustainable source of safe drinking water.

A.2. SCOPE OF WORK.

The Recipient agrees to do the following: consolidate with Akin WC and Central MWC. Recipient also agrees to construct a new production well, estimated to produce between 1,300 and 1,800 gallons per minute, to provide the needed source capacity for the consolidation of Akin WC, the consolidation of Central MWC, as well as satisfy the remainder of East Porterville residents' capacity needs.

The Recipient agrees to do the following for the Akin WC service area: construct approximately 1,500 feet of 8-inch waterline to provide water service to each customer currently served by Akin WC; install approximately three new fire hydrants and twenty-six new service laterals and meters; and destroy Akin WC's two existing wells.

The Recipient agrees to do the following for the Central MWC service area: construct approximately 1,400 feet of 6-inch waterline to provide water service to each customer currently served by Central MWC; install approximately four new fire hydrants and thirty-four new service laterals and meters; and destroy Central MWC's existing well.

Upon Completion of Construction, the Recipient must expeditiously initiate Project operations.

A.3 SIGNAGE

The Recipient must place a professionally prepared sign at least four feet tall by eight feet wide made of ¾ inch thick exterior grade plywood or other approved material in a prominent location on the Project site and must maintain the sign in good condition for the duration of Project implementation. The sign may include another agency's required information and must include, prominently displayed, the following disclosure statement and color logos (available from the Division):



"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board."

A.4 SCHEDULE.

Failure to provide items by the due dates indicated in the table below may constitute a material violation of this Agreement. The Project Manager may adjust the dates in the "Estimated Due Date" column of this table, but Critical Due Date adjustments will require an amendment to this Agreement. The Recipient

must complete and submit all work in time to be approved by the Division prior to the Project Completion Date. As applicable for specific submittals, the Recipient must plan adequate time to solicit, receive, and address comments prior to submitting the final submittal. The Recipient must submit the final Reimbursement Request prior to the Final Reimbursement Request Date set forth on the Cover Page.

ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE
EXHIBIT A – SCOPE OF WORK			
A.	ADDITIONAL SUBMITTAL(S) TO DIVISION		
1.	Final Plans and Specifications		September 1, 2021
2.	Final Budget Approval Package		February 1, 2022
3.	Completion of Construction	October 1, 2023	
B.	REPORTS		
1.	Progress Reports		Quarterly
2.	Final Inspection and Certification		October 1, 2023
3.	Project Completion Report		December 1, 2023
4.	As Needed Reports		TBD
EXHIBIT B – REIMBURSEMENTS, BUDGET DETAIL, AND REPORTING PROVISIONS			
A.	REIMBURSEMENTS		
1.	Reimbursement Requests		Quarterly
2.	Final Reimbursement Request	April 1, 2024	

The Recipient must award the prime construction contract and begin construction timely. The Recipient must deliver any request for extension of the Completion of Construction Date no less than 90 days prior to the Completion of Construction Date.

A.5 PROGRESS REPORTS.

The Recipient must provide a progress report to the Division each quarter, beginning no later than 90 days after execution of this Agreement. The Recipient must provide a progress report with each Reimbursement Request. Failure to provide a complete and accurate progress report may result in the withholding of Project Funds, as set forth in Exhibit B. A progress report must contain the following information:

- 1) A summary of progress to date including a description of progress since the last report, percent construction complete, percent contractor invoiced, and percent schedule elapsed;
- 2) A description of compliance with environmental requirements;
- 3) A listing of change orders including amount, description of work, and change in contract amount and schedule; and
- 4) Any problems encountered, proposed resolution, schedule for resolution, and status of previous problem resolutions.

A.6 SPECIAL REPORTS.

(a) The Recipient must submit a Project Completion Report to the Division with a copy to the appropriate District Office on or before the due date established by the Division and the Recipient at the time of final project inspection. The Project Completion Report must include the following:

- i. Description of the Project,
- ii. Description of the water quality problem the Project sought to address,
- iii. Discussion of the Project's likelihood of successfully addressing that water quality problem in the future, and
- iv. Summary of compliance with applicable environmental conditions.

(b) If the Recipient fails to submit a timely Project Completion Report, the State Water Board may stop processing pending or future applications for new financial assistance, withhold reimbursements under this Agreement or other agreements, and begin administrative proceedings.

(c) The Recipient must report Disadvantaged Business Enterprise (DBE) utilization to the Division on the DBE Utilization Report, State Water Board Form DBE UR334. The Recipient must submit such reports to the Division annually within ten (10) calendar days following October 1 until such time as the "Notice of Completion" is issued. The Recipient must comply with 40 CFR § 33.301 and require its contractors and subcontractors on the Project to comply.

A.7 FINAL PROJECT INSPECTION AND CERTIFICATION.

Upon completion of the Project, the Recipient must provide for a final inspection and must certify that the Project has been completed in accordance with this Agreement, any final plans and specifications submitted to the State Water Board, and any amendments or modifications thereto. If the Project involves the planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering, or other professionals, the final inspection and certification must be conducted by a California Registered Civil Engineer or other appropriate California registered professional. The results of the final inspection and certification must be submitted to the Project Manager.

EXHIBIT B – FUNDING AMOUNTS

B.1 ESTIMATED REASONABLE COST AND PROJECT FUNDS.

The estimated reasonable cost of the total Project is set forth on the Cover Page of this Agreement and is greater than or equal to the funding anticipated to be provided by the State Water Board under this Agreement. Subject to the terms of this Agreement, the State Water Board agrees to provide Project Funds not to exceed the amount of the Project Funding Amount set forth on the Cover Page of this Agreement.

B.2 RECIPIENT CONTRIBUTIONS.

(a) The loan component of this Agreement is forgiven. The estimated amount of principal that will be due to the State Water Board from the Recipient under this Agreement is Zero dollars and no cents (\$0.00).

(b) The Recipient must pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Project Funds are not sufficient to pay the Project Costs in full, the Recipient must nonetheless complete the Project and pay that portion of the Project Costs in excess of available Project Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.

(c) If the Recipient recovers funds from any responsible parties, the Recipient shall immediately notify the Division. The amount of this Agreement may be reduced to reflect the recovered funds.

B.3 VERIFIABLE DATA.

Upon request by the Division, the Recipient must submit verifiable data to support deliverables specified in the Scope of Work. The Recipient's failure to comply with this requirement may be construed as a material breach of this Agreement.

B.4 BUDGET COSTS

Budget costs are contained in the Summary Project Cost Table below:

LINE ITEM	TOTAL ESTIMATED COST	PROJECT FUNDING AMOUNT
Construction	\$3,194,720	\$3,194,720
Pre-Purchased Material/Equipment	\$0	\$0
Purchase of Land	\$0	\$0
Contingency	\$638,944	\$638,944
Allowances (Soft Costs)	\$954,000	\$954,000
TOTAL	\$4,787,664	\$4,787,664

The Division's Final Budget Approval and related Form 259 and Form 260 will document a more detailed budget of eligible Project Costs and Project funding amounts.

The Recipient is prohibited from requesting disbursement amounts that represent Recipient's mark-ups to costs invoiced or otherwise requested by consultants or contractors.

Reasonable indirect costs may be allowable upon approval by the Division.

B.5 LINE ITEM ADJUSTMENTS.

Upon written request by the Recipient, the Division may adjust the line items of the Summary Project Cost Table at the time of Division's Final Budget Approval. Upon written request by the Recipient, the Division may also adjust the line items of the Summary Project Cost Table as well as the detailed budget at the time of Recipient's submittal of its final claim. Any line item adjustments to the Summary Project Cost Table that are due to a change in scope of work will require an Agreement amendment. The sum of adjusted line items in both the Summary

Project Cost Table and the detailed budget must not exceed the Project Funding Amount. The Division may also propose budget adjustments.

Under no circumstances may the sum of line items in the budget approved through the Final Budget Approval process exceed the Project Funding Amount. Any increase in the Project Funding Amount will require an Agreement amendment.

B.6 REIMBURSEMENT PROCEDURE.

(a) Except as may be otherwise provided in this Agreement, reimbursements will be made as follows:

1. Upon execution and delivery of this Agreement by both parties, the Recipient may request immediate reimbursement of any eligible incurred costs as specified below through submission to the State Water Board of the Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed.
2. The Recipient must submit a Reimbursement Request for costs incurred prior to the date this Agreement is executed by the State Water Board no later than ninety (90) days after this Agreement is executed by the State Water Board. Late Reimbursement Requests may not be honored.
3. Additional Project Funds will be promptly disbursed to the Recipient upon receipt of Reimbursement Request Form 260 and Form 261, or any amendment thereto, duly completed and executed by the Recipient for incurred costs consistent with this Agreement, along with receipt of progress reports due under Exhibit A.
4. The Recipient must not request reimbursement for any Project Cost until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of reimbursement. Supporting documentation (e.g., receipts) must be submitted with each Reimbursement Request. The amount requested for Recipient's administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Reimbursement of Project Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed Reimbursement Request. Upon request by the Division, supporting documents for professional and administrative services must include the employees' names, classifications, labor rates, hours worked, and descriptions of the tasks performed. Reimbursement Requests submitted without supporting documents may be wholly or partially withheld at the discretion of the Division.
5. The Recipient must spend Project Funds within 30 days of receipt. If the Recipient earns interest earned on Project Funds, it must report that interest immediately to the State Water Board. The State Water Board may deduct earned interest from future reimbursements.
6. The Recipient shall not request a reimbursement unless that Project Cost is allowable, reasonable, and allocable.
7. Notwithstanding any other provision of this Agreement, no reimbursement shall be required at any time or in any manner which is in violation of or in conflict with federal or state laws, policies, or regulations.

(b) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Project Funding Amount until Project Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.

(c) Except as follows, construction costs and disbursements are not available until after the Division has approved the final budget form submitted by the Recipient. The Deputy Director of the Division may authorize the disbursement of up to ten percent (10%) of Project Funds for the reimbursement of eligible construction costs and pre-purchased materials prior to Division approval of the final budget form submitted by the Recipient. All other construction costs are not eligible for reimbursement until after this the Division has approved the final budget form submitted by the Recipient. Construction costs incurred prior to the Eligible Construction Start Date are not eligible for reimbursement.

B.7 REVERTING FUNDS AND DISENCUMBRANCE.

In the event the Recipient does not submit Reimbursement Requests for all funds encumbered under this Agreement by the Final Reimbursement Request Date, any remaining funds revert to the State. The State Water Board may notify the Recipient that the project file is closed, and any remaining balance will be disencumbered and unavailable for further use under the Agreement.

EXHIBIT C – GENERAL TERMS AND CONDITIONS 2019-NOV

GENERAL TERMS AND CONDITIONS 2019-NOV is incorporated by reference and is posted at
https://www.waterboards.ca.gov/water_issues/programs/grants_loans/general_terms.html

EXHIBIT D – SPECIAL CONDITIONS

1. Notwithstanding Exhibit C, the following terms have no meaning for the purposes of this Agreement:
 - Work Completion
 - Work Completion Date
2. Each capitalized term used in this Agreement has the following meaning:
 - "Allowance" means an amount based on a percentage of the accepted bid for an eligible project to help defray the planning, design, and construction engineering and administration costs of the Project.
 - "Authorized Representative" means the duly appointed representative of the Recipient as set forth in the certified original of the Recipient's authorizing resolution that designates the authorized representative by title.
 - "Completion of Construction" means the date, as determined by the Division after consultation with the Recipient, that the work of building and erection of the Project is substantially complete, and is established on the Cover Page of this Agreement.
 - "District Office" means District Office of the Division of Drinking Water of the State Water Board.
 - "Division of Drinking Water" means the Division of Drinking Water of the State Water Board.
 - "Eligible Construction Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which construction costs may be incurred and eligible for reimbursement hereunder.
 - "Eligible Work Start Date" means the date set forth on the Cover Page of this Agreement, establishing the date on or after which any non-construction costs may be incurred and eligible for reimbursement hereunder.
 - "Enterprise Fund" means the enterprise fund of the Recipient in which Revenues are deposited.
 - "Event of Default" means, in addition to the meanings set forth in Exhibit C, the occurrence of any of the following events:
 - a) A material adverse change in the condition of the Recipient, the Revenues, or the System, which the Division reasonably determines would materially impair the Recipient's ability to satisfy its obligations under this Agreement.
 - b) Failure to operate the System or the Project without the Division's approval;
 - "Final Budget Approval" means the Division-approved final budget for the Project, as set forth in Exhibit B.
 - "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.
 - "Initiation of Construction" means the date that notice to proceed with work is issued for the Project, or, if notice to proceed is not required, the date of commencement of building and erection of the Project.
 - "Net Revenues" means, for any Fiscal Year, all Revenues received by the Recipient less the Operations and Maintenance Costs for such Fiscal Year.
 - "Operations and Maintenance Costs" means the reasonable and necessary costs paid or incurred by the Recipient for maintaining and operating the System, determined in accordance with GAAP, including all

reasonable expenses of management and repair and all other expenses necessary to maintain and preserve the System in good repair and working order, and including all reasonable and necessary administrative costs of the Recipient that are charged directly or apportioned to the operation of the System, such as salaries and wages of employees, overhead, taxes (if any), the cost of permits, licenses, and charges to operate the System and insurance premiums; but excluding, in all cases depreciation, replacement, and obsolescence charges or reserves therefor and amortization of intangibles.

- "Reimbursement Request" means the Recipient's request for Project Funds from the State Water Board as set forth in Exhibit B.
- "Revenues" means, for each Fiscal Year, all gross income and revenue received or receivable by the Recipient from the ownership or operation of the System, determined in accordance with GAAP, including all rates, fees, and charges (including connection fees and charges) as received by the Recipient for the services of the System, and all other income and revenue howsoever derived by the Recipient from the ownership or operation of the System or arising from the System, including all income from the deposit or investment of any money in the Enterprise Fund or any rate stabilization fund of the Recipient or held on the Recipient's behalf, and any refundable deposits made to establish credit, and advances or contributions in aid of construction.
- "System" means all drinking water collection, transport, treatment, storage, and delivery facilities, including land and easements thereof, owned by the City of Porterville, or its successor agency, and all other properties, structures, or works hereafter acquired and constructed by the Recipient and determined to be a part of the System, together with all additions, betterments, extensions, or improvements to such facilities, properties, structures, or works, or any part thereof hereafter acquired and constructed.
- "Useful Life" means the economically useful life of the Project beginning at Project Completion and is set forth in Exhibit A.

3. Acknowledgements.

The Recipient must include the following acknowledgement in any document, written report, or brochure to be shared with the general public prepared in whole or in part pursuant to this Agreement:

"Funding for this project has been provided in full or in part under the Drinking Water State Revolving Fund, which may include capitalization funding from the United States Environmental Protection Agency through an agreement with the State Water Resources Control Board. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

4. Rates and Charges. The Recipient must, to the extent permitted by law, fix, prescribe and collect rates, fees and charges for the System during each Fiscal Year which are reasonable, fair, and nondiscriminatory and which will be sufficient to generate Revenues in the amounts necessary to cover Operations and Maintenance Costs, and must ensure that Net Revenues are in an amount necessary to meet its obligations under this Agreement. The Recipient may make adjustments from time to time in such fees and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates, fees and charges then in effect unless the Net Revenues from such reduced rates, fees, and charges will at all times be sufficient to meet the requirements of this section.
5. [RESERVED]
6. [RESERVED].

7. Environmental/Technical Special Conditions

Technical:

1. The Recipient shall submit its professional engineering services contract to the Division prior to disbursement of funds for costs incurred under such contract.
2. The Recipient shall not solicit bids, award a contract, or commence construction activities until final plans and specifications are approved by the Division of Drinking Water Tulare District Office Engineer and the Project Manager.
3. The Recipient must submit final consolidation agreements with Akin WC and Central MWC, in a form satisfactory to the Division, and receive written approval from the Project Manager to proceed before Project Funds may be disbursed for any Project Costs under the Agreement.
4. Upon completion of the Project the Recipient shall submit a water supply permit amendment request for review to the Division of Drinking Water Tulare District Office.

Environmental:

1. The documents identified below are incorporated by reference and the Recipient shall comply with the conditions and recommendations therein:
 - a. The Mitigation Monitoring and Reporting Program adopted by the State Water Board on June 16, 2016 for the Project. The Recipient shall implement all mitigation measures therein.
 - b. The letter dated February 12, 2020, from Patricia Cole of the United States Fish and Wildlife Service, San Joaquin Valley Division to Douglas E. Eberhardt of the United States Environmental Protection Agency, including, but not limited to, the following:
 - i. Implement Avoidance and Minimization Measures and Best Management Practices prior to and during construction activities to minimize and avoid effects to the San Joaquin kit fox.
 - c. The Mitigation Monitoring and Reporting Program adopted by the City of Porterville on April 21, 2020 for the Central Mutual Water Company Consolidation Project. The Recipient shall implement all mitigation measures therein.
2. In the Recipient's Quarterly Reports submitted pursuant to this Agreement, the Recipient shall include a discussion of the status of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
3. In the Recipient's Project Completion Report submitted pursuant to this Agreement, the Recipient shall include a discussion of its compliance with environmental measures identified in this Exhibit D, with separate sections clearly labeled and titled, discussing the status of Recipient's compliance.
8. [RESERVED].
9. Appointment of Receiver/Custodian. Upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the State Water Board under this Agreement, the State Water Board may make application for the appointment of a receiver or custodian of the Revenues, pending such proceeding, with such power as the court making such appointment may confer.
10. [RESERVED].
11. Damages for Breach of Federal Conditions. In the event that any breach of any of the provisions of this Agreement by the Recipient results in the failure of Project Funds to be used pursuant to the provisions of this Agreement, or if such breach results in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient must immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

12. [RESERVED].

13. Operation and Maintenance. The Recipient shall sufficiently and properly staff, operate, and maintain the facility and structures constructed or improved as part of the project throughout the term of this Agreement, consistent with the purposes of this Agreement. The Recipient assumes all operations and maintenance costs of the facilities and structures; the State Water Board shall not be liable for any cost of such maintenance, management or operation.

14. Insurance. The Recipient will procure and maintain or cause to be maintained insurance on the System and Project with responsible insurers, or as part of a reasonable system of self-insurance, in such amounts and against such risks (including damage to or destruction of the System or Project) as are usually covered in connection with systems similar to the System or Project. Such insurance may be maintained by a self-insurance plan so long as such plan provides for (i) the establishment by the Recipient of a separate segregated self-insurance fund in an amount determined (initially and on at least an annual basis) by an independent insurance consultant experienced in the field of risk management employing accepted actuarial techniques and (ii) the establishment and maintenance of a claims processing and risk management program. In the event of any damage to or destruction of the System or Project caused by the perils covered by such insurance, the net proceeds thereof shall be applied to the reconstruction, repair or replacement of the damaged or destroyed portion of the System or Project. The Recipient must begin such reconstruction, repair or replacement as expeditiously as possible, and must pay out of such net proceeds all costs and expenses in connection with such reconstruction, repair or replacement so that the same must be completed and the System and Project must be free and clear of all claims and liens. Recipient agrees that for any policy of insurance concerning or covering the construction of the Project, it will cause, and will require its contractors and subcontractors to cause, a certificate of insurance to be issued showing the State Water Board, its officers, agents, employees, and servants as additional insured; and must provide the Division with a copy of all such certificates prior to the commencement of construction of the Project.

15. Notice Events. Upon the occurrence of any of the following events, the Recipient must notify the Division's Deputy Director and Party Contacts by phone and email within the time specified below:

- a. The Recipient must notify the Division within 24 hours by phone at (916) 327-9978 and by email to DrinkingWaterSRF@waterboards.ca.gov of any discovery of any potential tribal cultural resource and/or archaeological or historical resource. Should a potential tribal cultural resource and/or archaeological or historical resource be discovered during construction or Project implementation, the Recipient must ensure that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the Division has determined what actions should be taken to protect and preserve the resource. The Recipient must implement appropriate actions as directed by the Division.
- b. The Recipient must notify the Division promptly of the occurrence of any of the following events:
 - i. Bankruptcy, insolvency, receivership or similar event of the Recipient, or actions taken in anticipation of any of the foregoing;
 - ii. Change of ownership of the Project (no change of ownership may occur without written consent of the Division);
 - iii. Loss, theft, damage, or impairment to Project;
 - iv. Events of Default, except as otherwise set forth in this section;

- v. A proceeding or action by a public entity to acquire the Project by power of eminent domain.
- vi. Any litigation pending or threatened with respect to the Project or the Recipient's technical, managerial or financial capacity or the Recipient's continued existence;
- vii. Consideration of dissolution, or disincorporation;
- viii. Enforcement actions by or brought on behalf of the State Water Board or Regional Water Board.
- ix. The discovery of a false statement of fact or representation made in this Agreement or in the application to the Division for this funding, or in any certification, report, or request for reimbursement made pursuant to this Agreement, by the Recipient, its employees, agents, or contractors;
- x. Any substantial change in scope of the Project. The Recipient must undertake no substantial change in the scope of the Project until prompt written notice of the proposed change has been provided to the Division and the Division has given written approval for the change;
- xi. Any circumstance, combination of circumstances, or condition, which is expected to or does delay Completion of Construction for a period of ninety (90) days or more;
- xii. Any Project monitoring, demonstration, or other implementation activities required in this Agreement;
- xiii. Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division;
- xiv. Any event requiring notice to the Division pursuant to any other provision of this Agreement.
- xv. Completion of work on the Project.
- xvi. The Recipient must promptly notify the Division and Party Contacts of cessation of all major construction work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
- xvii. The Recipient must promptly notify the Division and Party Contacts of the discovery of any unexpected endangered or threatened species, as defined in the federal Endangered Species Act. Should a federally protected species be unexpectedly encountered during implementation of the Project, the Recipient agrees to promptly notify the Division. This notification is in addition to the Recipient's obligations under the federal Endangered Species Act;
- xviii. The Recipient must promptly notify the Division and Party Contacts of Completion of Construction, and Project Completion;
- xix. The Recipient must promptly notify the Division and Party Contacts of the award of the prime construction contract for the Project; and the Recipient must promptly notify the Division and Party Contacts of Initiation of construction of the Project.

xx. The occurrence of a material breach or event of default under any Recipient obligation that results in the acceleration of principal or interest or otherwise requires immediate prepayment, repurchase or redemption.

xxi. [RESERVED].

16. Continuous Use of Project; No Lease, Sale, Transfer of Ownership, or Disposal of Project. The Recipient agrees that, except as provided in this Agreement, it will not abandon, substantially discontinue use of, lease, sell, transfer ownership of, or dispose of all or a significant part or portion of the Project during the Useful Life of the Project without prior written approval of the Division. Such approval may be conditioned as determined to be appropriate by the Division, including a condition requiring repayment of all disbursed Project Funds or all or any portion of all remaining funds covered by this Agreement together with accrued interest and any penalty assessments that may be due.
17. State Cross-Cutters. Recipient represents that, as applicable, it complies and covenants to maintain compliance with the following for the term of the Agreement:
- a) The California Environmental Quality Act (CEQA), as set forth in Public Resources Code 21000 et seq. and in the CEQA Guidelines at Title 14, Division 6, Chapter 3, Section 15000 et seq.
 - b) Water Conservation requirements, including regulations in Division 3 of Title 23 of the California Code of Regulations.
 - c) Monthly Water Diversion Reporting requirements, including requirements set forth in Water Code section 5103.
 - d) Public Works Contractor Registration with Department of Industrial Relations requirements, including requirements set forth in Sections 1725.5 and 1771.1 of the Labor Code.
 - e) Volumetric Pricing & Water Meters requirements, including the requirements of Water Code sections 526 and 527.
 - f) Urban Water Management Plan requirements, including the Urban Water Management Planning Act (Water Code, § 10610 et seq.).
 - g) Urban Water Demand Management requirements, including the requirements of Section 10608.56 of the Water Code.
 - h) Delta Plan Consistency Findings requirements, including the requirements of Water Code section 85225 and California Code of Regulations, title 23, section 5002.
 - i) Agricultural Water Management Plan Consistency requirements, including the requirements of Water Code section 10852.
 - j) Charter City Project Labor Requirements, including the requirements of Labor Code section 1782 and Public Contract Code section 2503.
 - k) The Recipient agrees that it will, at all times, comply with and require its contractors and subcontractors to comply with directives or orders issued pursuant to Division 7 of the Water Code.
18. Financial Management Systems. The Recipient must comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal government and tracking of Project funds to a level of expenditure adequate to establish that such funds have not been

used in violation of federal or state law or the terms of this Agreement. To the extent applicable, the Recipient is bound by, and must comply with, the provisions and requirements of the federal Single Audit Act of 1984 and 2 CFR Part 200, subpart F, and updates or revisions, thereto.

19. Access and Inspection. In addition to the obligations set forth in section 2 of the General Terms and Conditions incorporated in Exhibit C of this Agreement, the Recipient must ensure that the United States Environmental Protection Agency, the Office of Inspector General, any member of Congress, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during the term of the Agreement.
20. Fraud, Waste, and Abuse. The Recipient shall prevent fraud, waste, and the abuse of Project Funds, and shall cooperate in any investigation of such activities that are suspected in connection with this Agreement. The Recipient understands that discovery of any evidence of misrepresentation or fraud related to reimbursement requests, invoices, proof of payment of invoices, or other supporting information, including but not limited to double or multiple billing for time, services, or any other eligible cost, may result in referral to the Attorney General's Office or the applicable District Attorney's Office for appropriate action. The Recipient further understands that any suspected occurrences of false claims, misrepresentation, fraud, forgery, theft or any other misuse of Project Funds may result in withholding of reimbursements and/or the termination of this Agreement requiring the immediate repayment of all funds disbursed hereunder.
21. Disputes. The Recipient must continue with the responsibilities under this Agreement during any dispute. The Recipient may, in writing, appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute. This provision does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law. This section relating to disputes does not establish an exclusive procedure for resolving claims within the meaning of Government Code sections 930 and 930.4.
22. Additional Representations and Warranties. The Recipient makes the following representations and warranties:
 - a. [RESERVED].
 - b. The Recipient has not made any untrue statement of a material fact in its application for this financial assistance, or omitted to state in its application, a material fact that makes the statements in its application not misleading.
 - c. The Recipient agrees to fulfill all assurances, declarations, representations, and commitments in its application, accompanying documents, and communications filed in support of its request for funding under this Agreement.
 - d. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the Cover Page.

- e. Except as set forth in this paragraph, there are, as of the date of execution of this Agreement by the Recipient, no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which materially affect the financial condition or operations of the Recipient, the Revenues, and/or the Project.
 - f. There are no proceedings, actions, or offers by a public entity to acquire by purchase or the power of eminent domain any of the real or personal property related to or necessary for the Project.
 - g. The Recipient is duly organized and existing and in good standing under the laws of the State of California. Recipient must at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with state or federal audit disallowances.
 - h. Any financial statements or other financial documentation of Recipient previously delivered to the State Water Board as of the date(s) set forth in such financial statements or other financial documentation: (a) are materially complete and correct; (b) present fairly the financial condition of the Recipient; and (c) have been prepared in accordance with GAAP. Since the date(s) of such financial statements or other financial documentation, there has been no material adverse change in the financial condition of the Recipient, nor have any assets or properties reflected on such financial statements or other financial documentation been sold, transferred, assigned, mortgaged, pledged or encumbered, except as previously disclosed in writing by Recipient and approved in writing by the State Water Board.
 - i. The Recipient is current in its continuing disclosure obligations associated with its material debt, if any.
 - j. The Recipient has no conflicting or material obligations, except as set forth in this paragraph.
 - k. The Recipient legally possesses all real property rights necessary for the purposes of this Agreement, not subject to third party revocation, which rights extend at least to the Records Retention End Date of this Agreement, except as set forth in this paragraph.
 - l. The Recipient and its principals, to the best of the Recipient's knowledge and belief, are not presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized; nor have they engaged or permitted the performance of services covered by this Agreement from parties that are debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which this grant funding is authorized.
 - m. The Recipient possesses all water rights necessary for this Project.
23. Federal SRF Requirements. The Recipient acknowledges, warrants compliance with, and covenants to continuing compliance with the following federal terms and conditions for the Useful Life of the Project:
- a. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the Recipient shall not purchase "iron and steel products" produced outside of the United States on this Project. Unless the Recipient has obtained a waiver from USEPA on file with the State Water Board or unless this Project is not a project for the construction, alteration, maintenance or repair of a public water system or treatment work, the

Recipient hereby certifies that all "iron and steel products" used in the Project were or will be produced in the United States. For purposes of this section, the term "iron and steel products" means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. "Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

- b. The Recipient must include in full the Wage Rate Requirements (Davis-Bacon) language incorporated by reference in Section 2 of this Agreement in all construction contracts and subcontracts.
- c. The Recipient shall notify the State Water Board and the USEPA contact of public or media events publicizing the accomplishment of significant events related to this Project and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.
- d. The Recipient shall comply with applicable EPA general terms and conditions found at <http://www.epa.gov/ogd>.
- e. No Recipient may receive funding under this Agreement unless it has provided its DUNS number to the State Water Board.
- f. [RESERVED]
- g. The Recipient represents and warrants that it and its principals are not excluded or disqualified from participating in this transaction as such terms are defined in Parts 180 and 1532 of Title 2 of the Code of Federal Regulations (2 CFR). If the Recipient is excluded after execution of this Agreement, the Recipient shall notify the Division within ten (10) days and shall inform the Division of the Recipient's exclusion in any request for amendment of this Agreement. The Recipient shall comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR. Such compliance is a condition precedent to the State Water Board's performance of its obligations under this Agreement. When entering into a covered transaction as defined in Parts 180 and 1532 of 2 CFR, the Recipient shall require the other party to the covered transaction to comply with Subpart C of Part 180 of 2 CFR, as supplemented by Subpart C of Part 1532 of 2 CFR.
- h. To the extent applicable, the Recipient shall disclose to the State Water Board any potential conflict of interest consistent with USEPA's Final Financial Assistance Conflict of Interest Policy at <https://www.epa.gov/grants/epas-final-financial-assistance-conflict-interest-policy>. A conflict of interest may result in disallowance of costs.
- i. USEPA and the State Water Board have the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement.
- j. Where an invention is made with Project Funds, USEPA and the State Water Board retain the right to a worldwide, nonexclusive, nontransferable, irrevocable, paid-up license to practice the invention owned by the Recipient. The Recipient must utilize the Interagency Edison extramural invention reporting system at <http://Edison.gov> and shall notify the Division when an invention report, patent report, or utilization report is filed.

- k. The Recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this Agreement shall contain the Disclosure statement set forth in Exhibit A.
- l. The Recipient acknowledges that it is encouraged to follow guidelines established under Section 508 of the Rehabilitation Act, codified at 36 CFR Part 1194, with respect to enabling individuals with disabilities to participate in its programs supported by this Project.
- m. The Recipient, its employees, contractors and subcontractors and their employees warrants that it will not engage in severe forms of trafficking in persons, procure a commercial sex act during the term of this Agreement, or use forced labor in the performance of this Agreement. The Recipient must include this provision in its contracts and subcontracts under this Agreement. The Recipient must inform the State Water Board immediately of any information regarding a violation of the foregoing. The Recipient understands that failure to comply with this provision may subject the State Water Board to loss of federal funds. The Recipient agrees to compensate the State Water Board for any such funds lost due to its failure to comply with this condition, or the failure of its contractors or subcontractors to comply with this condition. The State Water Board may unilaterally terminate this Agreement if the Recipient that is a private entity is determined to have violated the foregoing.
- n. The Recipient certifies to the best of its knowledge and belief that:
 - i. No federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
 - ii. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions, and notify the State Water Board.
 - iii. The Recipient shall require this certification from all parties to any contract or agreement that the Recipient enters into and under which the Recipient incurs costs for which it seeks disbursements under this Agreement.
- o. The Recipient must comply with the following federal non-discrimination requirements:
 - i. Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP).
 - ii. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities.
 - iii. The Age Discrimination Act of 1975, which prohibits age discrimination.
 - iv. Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex.
 - v. 40 CFR Part 7, as it relates to the foregoing.
 - vi. Executive Order 13798, including, to the greatest extent practicable and to the extent permitted by law, the requirement to respect and protect the freedom of persons and organizations to engage in political and religious speech
 - vii. All applicable federal civil rights regulations, including statutory and national policy requirements (2 CFR section 200.300).

- p. Executive Order No. 11246. The Recipient shall include in its contracts and subcontracts related to the Project the following provisions:

"During the performance of this contract, the contractor agrees as follows:"(a) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(c) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(d) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(e) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(f) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(g) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

- q. The Recipient agrees to comply with the requirements of USEPA's Program for Utilization of Small, Minority and Women's Business Enterprises as set forth in this Agreement.
- r. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368. Except where the purpose of this Agreement is to remedy the cause of the violation, the Recipient may not procure goods, services, or materials from suppliers excluded under the federal System for Award Management: <http://www.sam.gov/>.
- s. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655. The Recipient must comply with the Act's implementing regulations at 49 CFR 24.101 through 24.105.
- t. The Recipient agrees that if its network or information system is connected to USEPA networks to transfer data using systems other than the Environmental Information Exchange Network or USEPA's Central Data Exchange, it will ensure that any connections are secure.
- u. All geospatial data created pursuant to this Agreement that is submitted to the State Water Board for use by USEPA or that is submitted directly to USEPA must be consistent with Federal Geographic Data Committee endorsed standards. Information on these standards may be found at www.fgdc.gov.
- v. If the Recipient is a water system that serves 500 or fewer persons, the Recipient represents that it has considered publicly-owned wells as an alternative drinking water supply.
- w. The Recipient represents that it is not a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and it is not a corporation that was convicted of a felony criminal violation under a Federal law within the preceding 24 months.
- x. The Recipient agrees to immediately notify the Project Manager in writing about any allegation of research misconduct involving research activities that are supported in whole or in part with EPA funds under this Project, including fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, or ordering, advising, or suggesting that subordinates engage in research misconduct.
- y. The Recipient agrees to comply with, and require all contractors and subcontractors to comply with, EPA's Scientific Integrity Policy, available at <https://www.epa.gov/osa/policy-epa-scientific-integrity>, when conducting, supervising, and communicating science and when using or applying the results of science. For purposes of this condition scientific activities include, but are not limited to, computer modelling, economic analysis, field sampling, laboratory experimentation, demonstrating new technology, statistical analysis, and writing a review article on a scientific issue.
- z. The Recipient shall not suppress, alter, or otherwise impede the timely release of scientific findings or conclusions; intimidate or coerce scientists to alter scientific data, findings, or professional opinions or exert non-scientific influence on scientific advisory boards; knowingly misrepresent, exaggerate, or downplay areas of scientific uncertainty; or otherwise violate the EPA's Scientific Integrity Policy. The Recipient must refrain from acts of research misconduct, including publication or reporting, as described in EPA's Policy and Procedures for Addressing Research Misconduct, Section 9.C, and must ensure scientific findings are generated and

disseminated in a timely and transparent manner, including scientific research performed by contractors and subcontractors.

- aa. The Recipient agrees to comply with the Animal Welfare Act of 1966 (7 USC 2131-2156). Recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training," available at <http://grants.nih.gov/grants/olaw/references/phspol.htm#USGovPrinciples>.
- bb. The Recipient certifies that no Project Funds will be used on:
 - i. Video surveillance or telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities), telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - ii. Telecommunications or video surveillance services produced by such entities;
 - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country; or
 - iv. Other telecommunications or video surveillance services or equipment in violation of [2 CFR 200.216](#).



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Consideration of Mitigated Negative Declaration for Union Avenue Reconstruction Project

SOURCE: Community Development

COMMENT: The City proposes to reconstruct a portion of Union Avenue between Indiana Street and Jaye Street, approximately one-half mile in length. The reconstruction would include the widening of Union Avenue to the standard width of fifty-six (56) foot right of way; improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Project activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities would involve property acquisition as necessary. The area of potential effect of the project is approximately 4.6 acres.

On March 23, 2021, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the Project. Mitigation measures were identified for Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Initial Study has been transmitted to the State Clearinghouse (SCH # 2022030708), as well as to interested agencies, groups, and individuals for review and comment. The review period ran for thirty (30) days from March 25, 2022, through April 25, 2022. At the time of this report, one comment was received from the San Joaquin Valley Air Pollution Control District. The comment made a recommendation to utilize the cleanest available off-road construction equipment, including the latest tier equipment to reduce the impacts from construction-related diesel exhaust emissions. The recommendation from the San Joaquin Valley Air Pollution Control District will be included in the construction bid documents.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution approving a Mitigated Negative Declaration of environmental impact; and
2. Direct staff to proceed with the Union Avenue Reconstruction Project

ATTACHMENTS:

1. Draft Resolution
2. Locator Map
3. Draft Initial Study/Mitigated Negative Declaration

4. SJVAPCD Comment Letter dated April 25, 2022

Appropriated/Funded:

Review By:

Department Director:
Jason Ridenour, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO. ____-2022

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
PROPOSED UNION AVENUE RECONSTRUCTION PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 03, 2022, conducted a public meeting to consider approval of a Mitigated Negative Declaration which evaluates the environmental impacts of the reconstruction of Union Avenue between Indiana and Jaye Streets approximately one-half mile in length, to provide safe, improved access to retail opportunities, job centers, housing and other facilities in the city. The reconstruction would include the widening of Union Avenue to the standard width of fifty-six (56) feet of right of way; improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Project activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities would involve property acquisition as necessary; and

WHEREAS: On March 23, 2022, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The proposed Project is consistent with the goals and policies of the Porterville 2030 General Plan. The project will facilitate the achievement of General Plan Guiding Policy C-G-1, to promote safe and efficient vehicular circulation as well as C-G-3 to make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks and employment centers and reduce total vehicle miles traveled per household to minimize vehicle emissions and save energy; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA).
2. The project will not create adverse environmental impacts on biological resources, cultural resources, or tribal cultural resources when mitigation measures are implemented and standards of the Development Ordinance and General Plan are maintained.
3. As the Lead Agency pursuant to CEQA, the City Council is the decision making body for the consolidation project.
4. On March 23, 2022, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project in

light of the studies prepared and with implementation of defined mitigation measures related to Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a 30 day review period from March 25, 2022 through April 25, 2022. At the time of writing the staff report, one comment was received from the San Joaquin Valley Air Pollution Control District. The comment made a recommendation to utilize the cleanest available off-road construction equipment, including the latest tier equipment to reduce the impacts from construction-related diesel exhaust emissions.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would occur to biological resources, cultural resources, and tribal cultural resources when the mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied. Mitigation measures to reduce impacts to less than significant were defined and have been incorporated in the Mitigation Monitoring Program which is attached as an exhibit to this resolution (Exhibit A).
6. That the environmental assessment and analysis prepared for this project supporting the Mitigation Negative Declaration reflects the independent judgement of the City of Porterville.
7. The development shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for the Union Avenue Reconstruction Project, and that the mitigation measures defined in Exhibit A shall be implemented with project execution.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2022.

Martha A. Flores, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

Chapter 4 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 Union Avenue Reconstruction Project in the City of Porterville. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City to ensure that individual mitigation measures have been complied with and monitored.

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Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
Biological Resources				
BIO-1: Operational Hours				
Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.	During Construction	City of Porterville	City of Porterville	
BIO-2: Avoidance				
The Project's construction activities shall occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	September 16 and January 31	City of Porterville	City of Porterville	
Cultural Resources				
CUL-1: Archaeological Remains				
Should archaeological remains or artifacts be unearthed during any stage of Project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the Project proponent shall abide by recommendations of the archaeologist.	During Construction	City of Porterville	City of Porterville	
CUL-2: Human Remains				
In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	During Construction	City of Porterville	City of Porterville	
Tribal Cultural Resources				
TRC-1: See MM CUL-1 and CUL-2				
	During Construction	City of Porterville	City of Porterville	

Union Ave Reconstruction Project

APE Locator Map



 Project Location

1 in = 400 feet





City of Porterville

Task Order No. 19

Union Avenue Reconstruction Project

Draft Initial Study / Mitigated Negative Declaration

March 2022

Prepared for:
City of Porterville
291 N Main Street
Porterville, CA 93257

Prepared by:
Provost & Pritchard Consulting Group
455 W. Fir Avenue
Clovis, CA 93611



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Acronyms and Abbreviations

AB	Assembly Bill
APE	Area of Potential Effect
AQP	Air Quality Plan
ASTM	American Society of Testing and Materials
BAU	business as usual
BPS	Best Performance Standards
Cal Fire	California Office of the State Fire Marshall
Cal/OSHA	California Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Modeling (software)
CAP	Climate Action Plan
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCAP	Climate Change Action Plan
CDFW	California Fish and Wildlife
CH ₄	Methane
City	City of Porterville
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO ₂	Carbon dioxide
COG	Council of Government
County	Tulare County
CRHR	California Register of Historical Resources
CVFPB	Central Valley Flood Protection Control Board
dBA	A-weighted decibels
DOGGR	Division of Oil, Gas and Geothermal Resources
DWQ	Department of Water Quality
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
GAMAQI	Guidelines for Assessing and Mitigating Air Quality Impacts

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GC	Government Code
GHG	Greenhouse Gas
GIS	Geographic Information System
IPaC	U.S. Fish and Wildlife Service's Information for Planning and Consultation system
IS	Initial Study
IS/MND.....	Initial Study/Mitigated Negative Declaration
km	kilometers
LSA	Lake and Streambed Alteration
MMRP	Mitigation Monitoring and Reporting Program
MND.....	Mitigated Negative Declaration
MRZ.....	Mineral Resource Zones
MTCO ₂ e	Metric tons of carbon dioxide equivalent
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
ND	Negative Declaration
NEPA	National Environmental Policy Act
NO _x	Nitrogen oxides
NRCS.....	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O ₃	Ozone
PM ₁₀	particulate matter 10 microns in size
PM _{2.5}	particulate matter 2.5 microns in size
ppb	parts per billion
ppm	parts per million
Project.....	Union Avenue Reconstruction Project
Reclamation	United States Bureau of Reclamation
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SJVAB.....	San Joaquin Valley Air Basin
SJVAPCD.....	San Joaquin Valley Air Pollution Control District
SO ₂	Sulfur Dioxide
SR	State Route
SWPPP.....	Storm Water Pollution Prevention Plan
SWRCB.....	State Water Resources Control Board
TAC	Toxic Air Contaminants

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Tons/Year.....	Tons per Year
UPRR.....	Union Pacific Railroad
USACE.....	United States Army Corps of Engineers
USDA.....	United States Department of Agriculture
USFWS.....	United States Fish and Wildlife Service
USGS.....	United States Geological Survey
µg/m ³	micrograms per cubic meter
VdB.....	vibration-velocity level

Chapter 1 Introduction

Provost & Pritchard Consulting Group (Provost & Pritchard) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Porterville (City) to address the potential environmental effects of the proposed Union Avenue Reconstruction Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et seq.* The City is the CEQA lead agency for this proposed Project.

The site and the Project are described in detail in the **Chapter 2 Project Description**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, *et seq.*)-- also known as the CEQA Guidelines--Section 15064 (a)(1) states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels. A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a ND or *mitigated* ND shall be prepared for a project subject to CEQA when either:

- a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b. The IS identified potentially significant effects, but:
 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed MND and IS is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed project *as revised* may have a significant effect on the environment.

1.2 Document Format

This IS/MND contains five chapters and three appendices, **Chapter 1 Introduction**, provides an overview of the Project and the CEQA process. **Chapter 2 Project Description**, provides a detailed description of Project components and objectives. **Chapter 3 Impact Analysis**, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible mitigation measures. If the 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 3** concludes with the Lead Agency's determination based upon this initial evaluation. **Chapter 4 Mitigation Monitoring and Reporting Program** (MMRP), provides the proposed mitigation measures, implementation

timelines, and the entity/agency responsible for ensuring implementation. **Chapter 5 References** provides a list of details of the resources used for reference material in this document.

The Road Construction Emissions Model, Biological Resources Information, and Cultural Resources Information, and are provided as technical **Appendix A**, **Appendix B**, and **Appendix C**, respectively, at the end of this document.

Chapter 2 Project Description

2.1 Project Background and Objectives

2.1.1 Project Title

City of Porterville Task Order No. 19
Union Avenue Reconstruction Project (Project)

2.1.2 Lead Agency/Project Proponent Name and Address

The City of Porterville
291 North Main Street
Porterville, CA 93257

2.1.3 Contact Person and Phone Number

Lead Agency Contact
City of Porterville Community Development
Jason Ridenour, Community Development Director
(559) 782-7460

CEQA Consultant
Provost & Pritchard Consulting Group
Briza G. Sholars, Senior Planner
(559) 449-2700

2.1.4 Project Location

The City of Porterville is located in the southeastern portion of the San Joaquin Valley, at the base of the foothills of the Sierra Nevada Mountains. The City is approximately 70 miles south of Fresno and 50 miles north of Bakersfield, in the south central portion of Tulare County. Visalia, the County seat, is approximately 30 miles to the northwest. (see **Figure 2-1**) Neighboring communities include Strathmore, Springville, Terra Bella, Tipton, Pixley, Woodville, Richgrove, and Lindsay. Sequoia National Park is approximately 50 miles to the northeast. Porterville is served by State Routes 65 and 190 and is approximately 17 miles east of State Route (SR) 99, a major San Joaquin Valley transportation arterial. Success Reservoir (Lake) and Dam are located on the Tule River approximately five miles east of Porterville. The proposed Project is for the road reconstruction of Union Avenue between Indiana and Jaye Streets. The total Area of Potential Effect (APE) is approximately one-half mile in length.

2.1.5 Latitude and Longitude

The coordinates for the centroid of the road reconstruction Project are: 36.033770 N. -119.014833 W.

2.1.6 General Plan Designation

The Project site is designated as road right-of-way. The adjacent land designations have been summarized in **Table 2-1** below and illustrated in **Figure 3-3**.

Table 2-1. Onsite and Adjacent General Plan Land Use Designations

Project Area	General Plan Designation
General Plan Land Use(Onsite):	ROW
General Plan Land Use (Adjacent lands):	North: Low and Medium Density Residential, Education
General Plan Land Use (Adjacent lands):	South: Medium Density Residential, Parks and Recreation
General Plan Land Use (Adjacent lands):	East: Medium Density Residential
General Plan Land Use (Adjacent lands):	West: Medium Density Residential, Low Density Residential, Parks and Recreation

2.1.7 Zoning

The Project area is zoned as road right-of-way. The adjacent land zoning designations have been summarized in **Table 2-2** below and illustrated in **Figure 3-4**.

Table 2-2. Onsite and Adjacent Zoning

Project Area	Zone District
Zoning (Onsite):	ROW
Zoning (Adjacent Lands):	North: RS-2 Low Density Residential, RM-2 Medium Density Residential, Public and Semi Public
Zoning (Adjacent Lands):	South: CG General and Service Commercial
Zoning (Adjacent Lands):	East: RM-2 Medium Density Residential
Zoning (Adjacent Lands):	West: RM-2 Medium Density Residential

2.1.8 Description of Project

2.1.8.1 Project Description

The City of Porterville proposes to reconstruct a portion of Union Avenue between Indiana and Jaye Streets, approximately one-half mile in length. The reconstruction would include the widening of Union Avenue to the standard width of 56 ft right of way; improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Project activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities may involve property acquisition as necessary. The APE is 4.6 acres.

No trees or vegetation will be removed as part of this Project or any of its activities.

2.1.8.2 Construction

Generally, construction would occur between the hours of 7 am and 5 pm, Monday through Friday, excluding holidays. This road reconstruction project would require temporary staging and storage areas for materials and equipment; all prospective staging areas are within the Project APE.

Reconstruction of the approximately one half-mile section of Union Avenue is anticipated to take approximately six months. Likely construction equipment would include excavators, backhoe, compaction rollers and work trucks.

Although construction is not expected to generate hazardous waste, field equipment used during construction has the potential to contain various hazardous materials such as diesel fuel, hydraulic oil, grease, solvents, adhesives, paints, and other petroleum-based products.

2.1.8.3 Maintenance

City staff would handle the ongoing future maintenance of the Project area and project related infrastructure.

2.1.9 Best Management Practices

The Project has incorporated standard Best Management Practices (BMPs) relating to air quality, hazardous materials, water quality, and traffic, as summarized below. All BMPs for the Project construction would be incorporated into the construction documents (plans and specifications), thereby contractually obligating contractors and subcontractors to adhere to these practices. These BMPs are not intended to serve as mitigation measures since they have been incorporated into the project description.

Table 2-3 Best Management Practices for Construction Activities

Best Management Practices for Construction Activities		
Air Quality – 1	SJVAPCD Regulation VIII Control Measures	1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
		2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
		3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
		4. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
		5. 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 the top of the container shall be maintained.
		6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
		7. 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.
		8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
		9. An owner/operator of any site with 150 or more vehicle trips per day, or 20 or more vehicle trips per day by vehicles with three or more axles shall implement measures to prevent carryout and trackout. ¹
Hazardous Materials – 1 <i>All construction projects</i>	Ensure Proper Vehicle and Equipment Fueling and Maintenance	1. <i>No fueling or servicing will be done in a waterway, unless equipment stationed in these locations is not readily relocated (i.e., pumps, generators).</i>
		2. For stationary equipment that must be fueled or serviced on-site, containment will be provided in such a manner that any accidental spill will

¹ (San Joaquin Valley Air Pollution Control District, 2021). Accessed September 23, 2021

Chapter 2 Project Description

Task Order No. 19 Union Avenue Reconstruction Project

Best Management Practices for Construction Activities		
		not be able to come in direct contact with soil, surface water, or the storm drainage system. - All fueling or servicing done at the job site will provide containment to the degree that any spill will be unable to enter any waterway or damage riparian vegetation. - All vehicles and equipment will be kept clean. Excessive build-up of oil and grease will be prevented. - All equipment will be inspected for leaks each day prior to initiation of work. Maintenance, repairs, or other necessary actions will be taken to prevent or repair leaks, prior to use. - If emergency repairs are required in the field, only those repairs necessary to move equipment to a more secure location will be done in a channel or flood plain.
Hazardous Materials – 2 <i>All construction projects</i>	Utilize Spill Prevention Measures	<i>Prevent the accidental release of chemicals, fuels, lubricants, and non-storm drainage water following these measures:</i> <i>Field personnel will be appropriately trained in spill prevention, hazardous material control, and clean-up of accidental spills;</i> <i>Equipment and materials for cleanup of spills will be available on site, and spills and leaks will be cleaned up immediately and disposed of according to applicable regulatory requirements;</i> <i>Field personnel will ensure that hazardous materials are properly handled and natural resources are protected by all reasonable means;</i> <i>Spill prevention kits will always be in close proximity when using hazardous materials (e.g., at crew trucks and other logical locations), and all field personnel will be advised of these locations; and,</i> <i>The work site will be routinely inspected to verify that spill prevention and response measures are properly implemented and maintained.</i>
Transportation/Traffic – 1 <i>Construction activities on or adjacent to public roads</i>	Incorporate Public Safety Measures	<i>Fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the City of Porterville, to give adequate warning to the public of the construction and of any dangerous conditions to be encountered as a result thereof.</i>
Water Quality – 1 <i>All construction projects</i>	Maintain Clean Conditions at Work Sites	<i>The work site, areas adjacent to the work site, and access roads will be maintained in an orderly condition, free and clear from debris and discarded materials on a daily basis. Personnel will not sweep, grade, or flush surplus materials, rubbish, debris, or dust into storm drains or waterways.</i> <i>For activities that last more than one day, materials or equipment left on the site overnight will be stored as inconspicuously as possible and will be neatly arranged. Any materials and equipment left on the site overnight will be stored to avoid erosion, leaks, or other potential impacts to water quality</i> <i>Upon completion of work, all building materials, debris, unused materials, concrete forms, and other construction-related materials will be removed from the work site.</i>
Water Quality – 2 <i>All construction projects</i>	Manage Sanitary and Septic Waste	<i>Temporary sanitary facilities will be located on jobs that last multiple days, in compliance with California Division of Occupational Safety and Health (Cal/OSHA) regulation 8 California Code of Regulations 1526. All temporary sanitary facilities will be located where overflow or spillage will not enter a watercourse directly (overbank) or indirectly (through a storm drain).</i>
Water Quality – 3 <i>All construction projects</i>	Storm Water Pollution Prevention Plan	<i>For construction activity covering more than one acre, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) and an</i>

Best Management Practices for Construction Activities

Order No. 2009-0009-DWQ Construction General Permit shall be obtained and implemented throughout construction.

2.1.10 Site and Surrounding Land Uses and Setting

The road reconstruction Project runs through the City and is surrounded by residential properties. See **Figure 3-3** and **Figure 3-4** for the general plan and zoning designations, respectively.

2.1.11 Other Public Agencies Whose Approval May Be Required

- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- California Department of Fish & Wildlife (CDFW)

2.1.12 Consultation with California Native American Tribes

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

The City of Porterville has received written correspondence from the Santa Rosa Rancheria Tachi Yokut Tribe and the Tule River Indian Tribe pursuant to Public Resources Code Section 21080.3.1 requesting notification of all proposed projects. A formal notification letter was sent to the Tribe on January 13, 2022. The City did not receive any further correspondence requesting consultation from the Tribes.

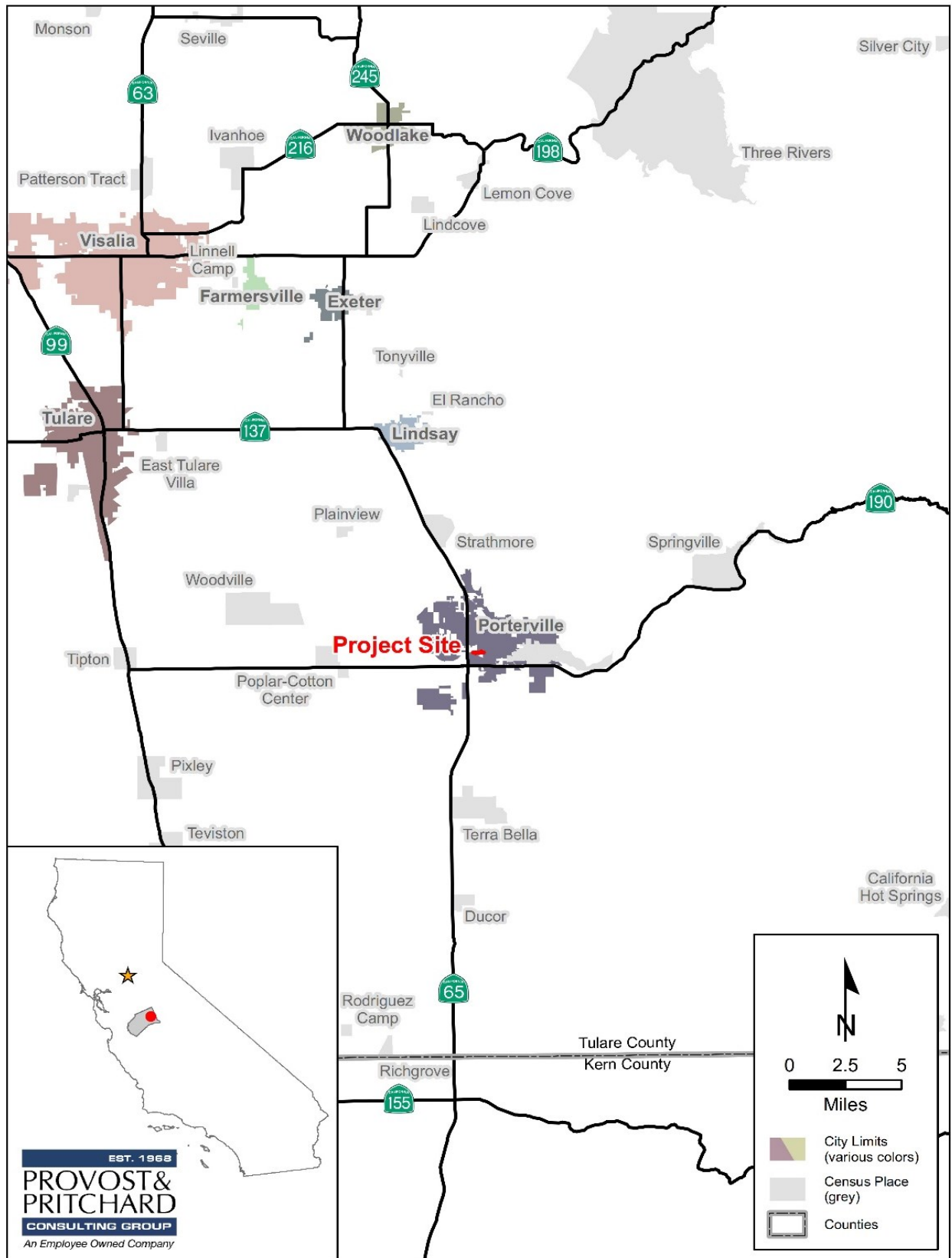


Figure 2-1. Regional Location Map

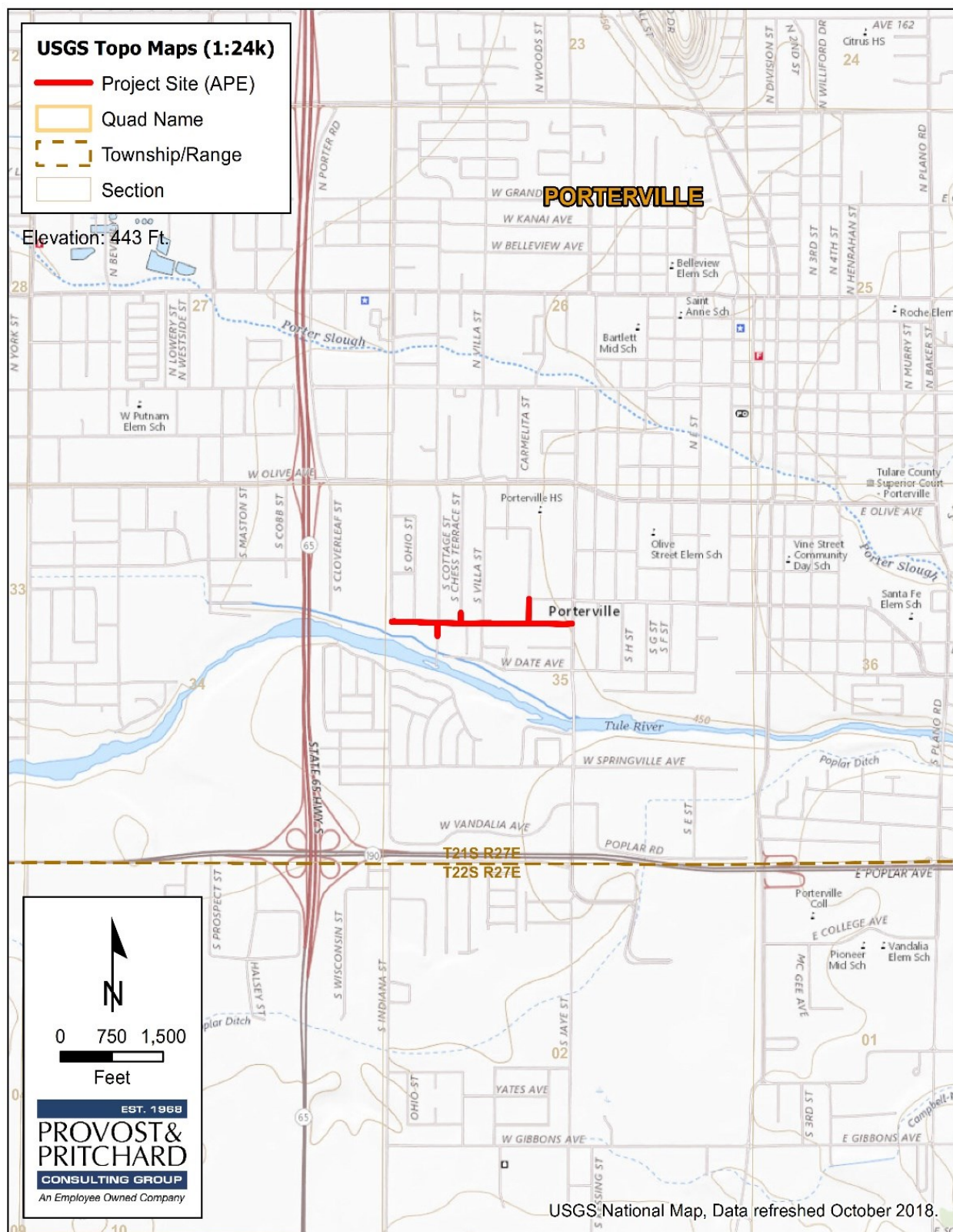


Figure 2-2. Topographic Quadrangle Map



Figure 2-3. Aerial /APE Map

Chapter 3 Impact Analysis

3.1 Environmental Factors Potentially Affected

As indicated by the discussions of existing and baseline conditions, and impact analyses that follow in this Chapter, environmental factors not checked below would have no impacts or less than significant impacts resulting from the project. Environmental factors that are checked below would have potentially significant impacts resulting from the project. Mitigation measures are recommended for each of the potentially significant impacts that would reduce the impact to less than significant.

- | | | |
|--|---|--|
| ☐ Aesthetics | ☐ Agriculture & Forestry Resources | ☐ Air Quality |
| ☒ Biological Resources | ☒ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use/Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population/Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☒ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☒ Mandatory Findings of Significance |

The analyses of environmental impacts here in **Chapter 3 Impact Analysis** 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 with 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)

3.2 Aesthetics

Table 3-1. Aesthetics Impacts

Aesthetics Impacts				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.2.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the southern portion of the San Joaquin Valley and sits at the base of the Sierra Nevada Mountains. Much of Porterville has views of the mountains and associated foothills to the east, surrounding urban development within the City, and agricultural landscapes to the north, west and south. There are no officially designated scenic resources within the City of Porterville, however eastward views to the Sierra Nevada foothills and mountains within the city are considered scenic vistas. The General Plan identifies the Tule River and Rocky Hill as prominent landmarks within the City and has adopted guiding policies around preserving these areas as open space. In addition, the General Plan considers the agricultural foundation of the City's development patterns, surrounding topography, and landscape important for both community identity, aesthetic value, and environmental quality. There are two designated Scenic Highways that are associated with Tulare County. SR 99 near Goshen/Sequoia National Park at mile post R3.8. SR 65 near Porterville/Route 27 near Death Valley Junction. Neither of these are in the vicinity of the Project nor will they be affected by Project activities.

The aesthetic character of the Project site and the surrounding area is road right of way (ROW), majority residential homes along the section of Union Avenue. **Figure 3-3** and **Figure 3-4** respectively, show all of the varying land use designations and zoning along the approximate one-half mile Project APE.

The City of Porterville's General Plan EIR, certified in November of 2007, addresses thresholds for potential significant adverse effects on visual resources². These thresholds state that a significant adverse effect on visual resources would occur in the event that a project would:

- Block panoramic views or views of significant landscape features or landforms as seen from public viewing areas;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;

² (City of Porterville General Plan DEIR, 2021). Page 57, Accessed September 23, 2021.

- Substantially degrade the existing visual character or quality of the study area and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. The Project and its activities would have no impact on any of the above thresholds.

3.2.2 Impact Assessment

a) Would the project have a substantial adverse effect on a scenic vista?

No Impact. There are no scenic vistas identified in the project area. There are no structures or facilities, habitable or otherwise, that are proposed as part of the road reconstruction Project that would impair views to a scenic vista. There would be no components of the Project that would cause obstruction to the general public view of natural features nor would the Project have an adverse effect on a scenic vista. There would be no impact.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. There are no identified scenic resources, trees, rock outcroppings, or historic buildings within the Project site. There have been three historic buildings identified within the one-quarter mile radius, however, the Project and its' activities would not have an impact on any of these structures. There are no State Scenic Highways within the Project's vicinity³. Therefore, the Project would have no impact on scenic resources.

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

No Impact. The Project site is located in an existing, developed, urban area of the City of Porterville, and roadways are part of the existing visual character in the area. The reconstruction activities and the outcome of the Project would not substantially degrade or interfere in any way the existing visual character or quality of public views of the site and its surroundings, but rather improve upon the character, quality, safety and visual nature of the surrounding area. Upgrading road reconstruction activities would include pavement, water, sewer and storm drain installation, curb, gutters, sidewalks, landscaped parkways, streetlights and possible utility relocation. The Project would not conflict with any applicable zoning or other regulations governing scenic quality. There would be no impact.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact. Streetlight equipment would be upgraded, replaced, or installed at various locations along Union Street and wherever needed. These streetlight equipment upgrades would be designed and implemented to City standards and comply with all applicable regulations as to not introduce any amount of significant glare or lighting nuisance to traffic or residents in the vicinity. Furthermore, the reconstruction activities along Union Avenue would be done during the day and additional light sources would not be necessary. Impacts would be considered less than significant.

³ (California Department of Transportation, 2021) Caltrans Scenic Highways. Accessed September 23, 2021
Provost & Pritchard Consulting Group • March 2022

3.3 Agriculture and Forestry Resources

Table 3-2. Agriculture and Forest Impacts

Agriculture and Forest Impacts				
Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	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?	☐	☐	☐	☒

3.3.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the southern portion of the San Joaquin Valley at the base of the Sierra Nevada foothills. The City is surrounded by agricultural farmland, as is much of Tulare County. Agriculture is one of the most prominent open space uses in the City of Porterville⁴. Agriculture also is an important contributor to the City's economy and character. California law requires that a General Plan address agricultural resources from both a soil conservation and open space perspective.

In order to determine the status of the Project site as being within lands considered an agricultural resource, the California State Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP) has been utilized. According to the FMMP, the entire Project site is located on urban, built up land. (Figure 3-1). No farmland would be taken out of production as a result of the road reconstruction Project for an existing roadway.

3.3.1.1 Farmland Mapping and Monitoring Program (FMMP):

The California DOC's 2012 FMMP is a non-regulatory program that produces "Important Farmland" maps and statistical data used for monitoring conversion of California's agricultural resources to non-agricultural uses. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. The Important Farmland maps identify eight land use categories, five of which

⁴ (City of Porterville, 2021) Chapter 6 Open Space & Conservation Element. Accessed September 24, 2021.

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are agriculture related: prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and grazing land – rated according to soil quality and irrigation status. Each is summarized below⁵:

- **PRIME FARMLAND (P):** Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply

needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **FARMLAND OF STATEWIDE IMPORTANCE (S):** Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture.

Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

- **UNIQUE FARMLAND (U):** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non- irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

- **FARMLAND OF LOCAL IMPORTANCE (L):** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

- **GRAZING LAND (G):** Land on which the existing vegetation is suited to the grazing of livestock. The minimum mapping unit for Grazing Land is 40 acres.

- **URBAN AND BUILT-UP LAND (D):** Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.

- **OTHER LAND (X):** Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

- **WATER (W):** Perennial water bodies with an extent of at least 40 acres.

3.3.2 Impact Assessment

a) Would the project 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 entire Project site has a Farmland Designation of Urban and Built Up land. There are no portions of the Project site along Union Avenue that are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) by the FMMP, as demonstrated in **Figure 3-1**. The Project would not convert Prime Farmland or Farmlands of any designation. There would be no impact.

⁵ (California Department of Conservation, 2019) Accessed September 23, 2021.

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b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is an approximate one-half mile stretch of Union Avenue, between Indiana and Jaye Streets in an urbanized area of the City Porterville. The entire Project APE is zoned Urban and Land Build Up. The Project area is not zoned for agricultural use nor is any part of the Project site under a Williamson Act contract. There would be no impact.

c) Would the project 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))? And

No Impact. The entire Project site and the immediate surrounding areas have not been designated as forest land or timberland, nor have they been zoned as such. There would be no impact.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site and immediate surrounding areas do not contain forest land and therefore, would not convert forest land to non-forest use. There would be no impact.

e) Would the project 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. The entire Project site and immediate surrounding areas do not contain farmland or forest lands of any kind. The location of the Project is entirely within an area of urban development, for an existing roadway and therefore, would not result in conversion of farmland or forest land to non-agricultural or to non-forest use. There would be no impact.

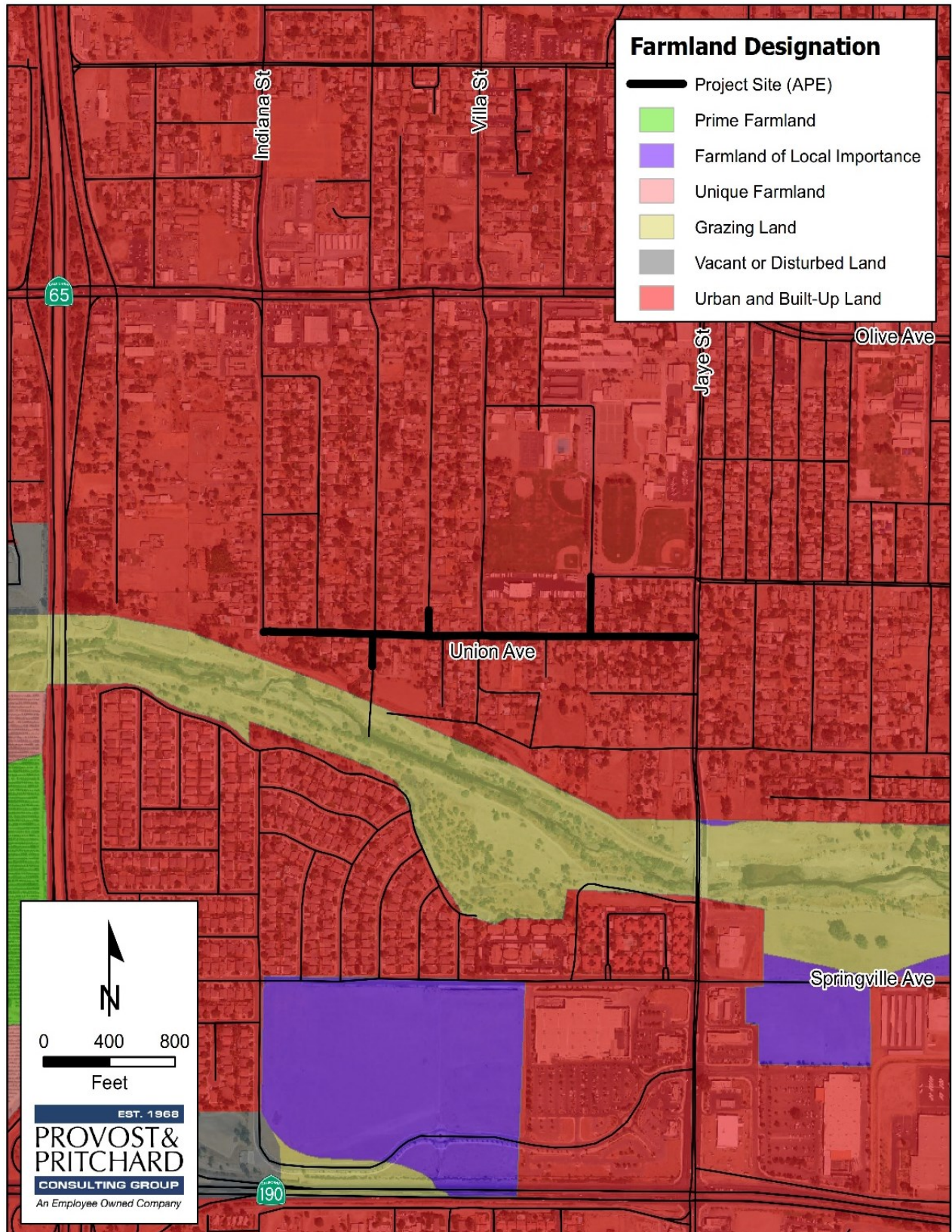


Figure 3-1. Farmland Designation Map

3.4 Air Quality

Table 3-3. Air Quality Impacts

Air Quality Impacts				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

3.4.1 Environmental Setting and Baseline Conditions

The Project is located in the San Joaquin Valley Air Basin (SJVAB or air basin). The San Joaquin Valley Air Pollution Control District (SJVAPCD) provides Guidelines for Assessing and Mitigating Air Quality Impacts (GAMAQI) for quantification of emissions and evaluation of potential impacts to air resources⁶ and Guidance for Land-Use Agencies in addressing greenhouse gas (GHG) Emission Impacts for New Projects under CEQA.⁷

3.4.1.1 Regulatory Attainment Designations

Under the California Clean Air Act (CCAA), the California Air Resources Board (CARB) is required to designate areas of the State as attainment, nonattainment, or unclassified with respect to applicable standards. An “attainment” designation for an area signifies that pollutant concentrations did not violate the applicable standard in that area. A “nonattainment” designation indicates that a pollutant concentration violated the applicable standard at least once, excluding those occasions when a violation was caused by an exceptional event, as defined in the criteria. Depending on the frequency and severity of pollutants exceeding applicable standards, the nonattainment designation can be further classified as serious nonattainment, severe nonattainment, or extreme nonattainment, with extreme nonattainment being the most severe of the classifications. An “unclassified” designation signifies that the data does not support either an attainment or nonattainment designation. The CCAA divides districts into moderate, serious, and severe air pollution categories, with increasingly stringent control requirements mandated for each category.

The EPA designates areas for ozone, CO, and NO₂ as “does not meet the primary standards,” “cannot be classified,” or “better than national standards.” For SO₂, areas are designated as “does not meet the primary standards,” “does not meet the secondary standards,” “cannot be classified,” or “better than national

⁶ (San Joaquin Valley Air Pollution Control District, 2015). Accessed September 2021.

⁷ (San Joaquin Valley Air Pollution Control District, 2009) Accessed September 2021.

standards.” However, the CARB terminology of attainment, nonattainment, and unclassified is more frequently used. The EPA uses the same sub-categories for nonattainment status: serious, severe, and extreme. In 1991, EPA assigned new nonattainment designations to areas that had previously been classified as Group I, II, or III for PM₁₀ based on the likelihood that they would violate national PM₁₀ standards. All other areas are designated “unclassified.”

The State and national attainment status designations pertaining to the SJVAB are summarized in **Appendix A**. The SJVAB is currently designated as a nonattainment area with respect to the State PM₁₀ standard, ozone, and PM_{2.5} standards. The SJVAB is designated nonattainment for the NAAQS 8-hour ozone and PM_{2.5} standards. On September 25, 2008, the EPA re-designated the San Joaquin Valley to attainment status for the PM₁₀ NAAQS and approved the PM₁₀ Maintenance Plan.

Table 3-4. Summary of Ambient Air Quality Standards and Attainment Designation

Pollutant	Averaging Time	California Standards*		National Standards*	
		Concentration*	Attainment Status	Primary	Attainment Status
Ozone (O ₃)	1-hour	0.09 ppm	Nonattainment/ Severe	–	No Federal Standard
	8-hour	0.070 ppm	Nonattainment	0.075 ppm	Nonattainment (Extreme)**
Particulate Matter (PM ₁₀)	AAM	20 µg/m ³	Nonattainment	–	Attainment
	24-hour	50 µg/m ³		150 µg/m ³	
Fine Particulate Matter (PM _{2.5})	AAM	12 µg/m ³	Nonattainment	12 µg/m ³	Nonattainment
	24-hour	No Standard		35 µg/m ³	
Carbon Monoxide (CO)	1-hour	20 ppm	Attainment/ Unclassified	35 ppm	Attainment/ Unclassified
	8-hour	9 ppm		9 ppm	
	8-hour (Lake Tahoe)	6 ppm		–	
Nitrogen Dioxide (NO ₂)	AAM	0.030 ppm	Attainment	53 ppb	Attainment/ Unclassified
	1-hour	0.18 ppm		100 ppb	
Sulfur Dioxide (SO ₂)	AAM	–	Attainment	--	Attainment/ Unclassified
	24-hour	0.04 ppm		--	
	3-hour	–		0.5 ppm	
	1-hour	0.25 ppm		75 ppb	
Lead (Pb)	30-day Average	1.5 µg/m ³	Attainment	–	No Designation/ Classification
	Calendar Quarter	–		--	
	Rolling 3-Month Average	–		0.15 µg/m ³	
Sulfates (SO ₄)	24-hour	25 µg/m ³	Attainment	No Federal Standards	
Hydrogen Sulfide (H ₂ S)	1-hour	0.03 ppm (42 µg/m ³)	Unclassified		
Vinyl Chloride (C ₂ H ₃ Cl)	24-hour	0.01 ppm (26 µg/m ³)	Attainment		
Visibility-Reducing Particle Matter	8-hour	Extinction coefficient: 0.23/km-visibility of 10 miles or more due to particles when the relative humidity is less than 70%.	Unclassified		

* For more information on standards visit: <https://ww3.arb.ca.gov/research/aqs/aqs2.pdf>

** No Federal 1-hour standard. Reclassified extreme nonattainment for the Federal 8-hour standard September 2020.

***Secondary Standard

Source: CARB 2015; SJV-APCD 2015

3.4.2 Methodology of Determining the Significance of Air Quality Impacts

Conclusions in this Air Quality Impact section rely on model calculations (The SacMetro Road Construction Emissions Model version 9.0.0), and that information found in the Air Quality Output Files ([Appendix A](#)). The sections below detail conclusions and recommendations based on the model calculations.

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD published the GAMAQI. This guidance document includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact to human health and welfare. The thresholds of significance are included in [Table 3-5](#) through [Table 3-6](#) to provide for a comparative significance determination.

Assessment of the significance of project air quality impacts may be considered on a regional or localized level. Determination of project impacts on achieving the goal of air quality plans and evaluating impacts related to emissions of criteria pollutants are considered on both regional and localized levels in this analysis. Evaluation of impacts to sensitive receptors considers the project's localized criteria pollutant emissions in this analysis. Sources of the project's localized criteria pollutant emissions would include: reactive organic gases (ROG), Nitrogen oxides (NO_x), PM_{2.5}, PM₁₀, CO, NO₂, and Toxic Air Contaminants (TACs) which include acetaldehyde, benzene, 1,3 butadiene, carbon tetrachloride, hexavalent chromium, paradichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter a complex mixture of substances.

3.4.2.1 Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Project were estimated using SacMetro Road Construction Emissions Model. The emissions modeling includes emissions generated by construction and grading equipment most commonly associated with the site work, equipment delivery, and vehicle, equipment, and worker fuel usage. Emissions were quantified based on anticipated construction schedules and construction equipment requirements that would occur over approximately six months. All remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in [Appendix A](#).

The SJVAPCD is responsible for controlling emissions primarily from stationary sources. However, the SJVAPCD also coordinates with the APCD's eight county Councils of Government (COGs) or Metropolitan Planning Organizations (MPOs) that are responsible for regional transportation planning and funding programs. The COG and MPO Transportation Planning Programs are used by SJVAPCD in its responsibilities in developing, updating, and implementing air quality attainment plans for the air basin. The SJVAPCD has adopted ozone plans and particulate matter plans for purposes of controlling harmful emissions and achieving attainment of state and national attainment standards. A project that would exceed established thresholds for criteria pollutants would be considered to have a significant impact on the implementation of air quality plans and would also constitute a cumulatively considerable net increase of criteria pollutants for which the air basin is in non-attainment.

Construction of the Project is expected to begin after Project approval with completion in 2022. The results of the emissions modeling for the Project are presented in [Table 3-5](#).

Table 3-5. Short-Term - Construction-Generated Emissions of Criteria Air Pollutants

Year	Annual Emissions (Tons/Year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
2022	0.25	2.48	2.25	0.13	0.10
Maximum Annual Proposed Project Emissions:	0.25	2.48	2.25	0.13	0.10
<i>SJVAPCD Significance Thresholds:</i>	10	10	100	15	15
<i>Exceed SJVAPCD Thresholds?</i>	No	No	No	No	No

3.4.2.2 Long-Term - Operational Emissions

The SacMetro Road Construction Emissions Model does not analyze operational emissions from vehicle traffic for roadway projects. Widening Union Avenue, improving Western Street and Cottage Street, and completing the connection of Chess Terrace to Union Avenue would provide safe, improved access to housing and other facilities in the City. The Project would increase the safety and security of the transportation system, reduce traffic congestion and vehicle delays, flooding, and provide street improvements. In addition, there are no stationary source emissions resulting from the proposed Project.

Because the Project does not add any additional lanes for traffic it would not increase mobile source emissions beyond what is currently occurring within the City and would not otherwise violate any air quality standards or significantly increase any criteria pollutant and would not expose sensitive receptors to substantial pollutant concentrations. Project-related impacts to air quality would be considered less than significant.

3.4.3 Screening Thresholds for Determining Impacts to Sensitive Receptors

Impacts to sensitive receptors would occur primarily during Project construction. Construction activities could produce short-term emissions that have the potential in large concentrations to contribute to cancer risk over a 70-year exposure period.

The SJVAB includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all applicable mitigation measures would require preparation of an ambient air quality analysis. The criteria pollutants of concern are NO_x, CO, PM₁₀, and PM_{2.5}. There is no localized emission standard for ROG and most types of ROG are not toxic and have no health-based standard, however, ROG was included for informational purposes only.

Table 3-6 lists the maximum daily air pollutant emissions generated by the Project during construction.

Table 3-6. Maximum Daily Air Pollutant Emissions During Construction

Maximum Daily Emissions by Year	Emissions (Pounds/Daily)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Construction 2022	5.30	55.25	46.54	2.66	2.18
Maximum Daily Proposed Project Emissions:	5.30	55.25	46.54	2.66	2.18
<i>SJVAPCD Screening Thresholds</i>	100	100	100	100	100

Table 3-6 demonstrates the Project's impacts as evaluated against SJVAPCD screening thresholds for criteria pollutant emissions used to determine significance in accordance with health-based standards would not exceed and would be considerably below the significance thresholds.

3.4.4 Impact Assessment

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The CEQA Guidelines indicate that a significant impact would occur if the Project would conflict with or obstruct implementation of the applicable air quality plan. The GAMAQI does not provide specific guidance on analyzing conformity with the Air Quality Plan (AQP). Therefore, when analyzing this Project the following criteria was used for determining Project consistency with the current AQPs:

1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs?

Whether this criterion is met is determined by comparison of Project emissions to the regional and localized thresholds identified by the SJVAPCD for regional and local air pollutants.

2. Will the project comply with applicable control measures set forth in the AQPs?

The primary control measures applicable to development projects in the SJVAPCD is the required compliance with *Regulation VIII-Fugitive PM₁₀ Prohibitions* and *Rule 9510-Indirect Source Review*.

Regional air quality impacts and attainment of standards are the result of cumulative impacts of all emission sources within the air basin. Individual projects are generally not large enough to contribute measurably to an existing violation of air quality standards. Therefore, the cumulative impact of the Project is important because it is based on its cumulative contribution combined with one or more other closely related past, present, and reasonably foreseeable probably future projects emitting similar emissions. Because of the region's non-attainment status for ozone, PM_{2.5}, and PM₁₀, if Project generated emission of either of the ozone precursor pollutants ROG, NO_x, PM₁₀, or PM_{2.5} would exceed the SJVAPCD's significance thresholds, then the Project would be considered to contribute to violations of the applicable standards and conflict with the attainment plans. As demonstrated in **Table 3-5** for construction-generated emissions, and discussed in Section 3.4.2.2, operational emissions of criteria pollutants would not exceed the SJVAPCD's significance thresholds. Therefore, the Project would not contribute to air quality violations in conflict with attainment plans.

As stated in No. 2 above, the AQP contains a number of control measures, including *Regulation VIII-Fugitive PM₁₀ Prohibitions* and *Rule 9510-Indirect Source Review* which are applicable to the Project. Both of these are adopted by the SJVAPCD and constitute enforceable requirements with which the Project must comply. The Project is expected to comply with all applicable SJVAPCD rules and regulations; therefore, the Project complies with the criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plans and the impact would be less than significant.

b) Would the project 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?

Less than Significant Impact. To result in a less than significant impact, the following criteria must be true:

1. Regional analysis: emission of non-attainment pollutants must be below the SJVAPCD's regional significance thresholds.

This is an approach recommended by the SJVAPCD in its GAMAQI.

2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations.
This is an approach consistent with Section 15130(b) of the CEQA Guidelines.
3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the non-attainment pollutants.

This approach correlates the significance of the regional analysis with health effects, consistent with the court decision in *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.

As discussed in impact question a) above, Project generated emissions are below the SJVAPCD's regional significance thresholds and the Project is consistent with current air quality attainment plans including control measures and regulations.

With respect to cumulative health impacts, the air basin is in non-attainment for ozone, PM_{2.5}, and PM₁₀ (state only), which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and persons with pre-existing respiratory or cardiovascular illnesses (the infirm)). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience adverse health effects. Since the air basin is already in non-attainment, it is considered to have an existing significant cumulative health impact without the Project. The issue is whether the Project's contribution to the existing violation of air quality standards is cumulatively considerable.

The SJVAPCD through its GAMAQI has determined that projects that exceed regional thresholds would have a cumulatively considerable health impact. As demonstrated in **Table 3-6**, the project would not exceed the SJVAPCD's significance thresholds and its cumulatively considerable impacts would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are those who are sensitive to air pollution, including children, the elderly, and the infirm. The SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest existing off-site sensitive receptors are single-family homes located on adjacent properties. Porterville High School is located at the north end of the work that will take place on Western Street.

As demonstrated in **Table 3-6**, during construction the Project would not exceed the SJVAPCD's thresholds established in accordance with health-based standard for determining significance of criteria pollutant emissions. As a result of the Project, traffic would not be increased on Union Avenue, or any of the connecting streets, and there would not be an increase in operational emissions. Therefore, in accordance with these standards, the Project would have a less than significant impact related to exposure of sensitive receptors to substantial pollutant concentrations.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roaster, asphalt batch plants, and rendering plants, among other uses. The Project does not include any of these activities or land uses. The Project would therefore have no impact with respect to generation of emissions leading to odors or other adverse or objectionable emissions.

3.5 Biological Resources

Table 3-7. Biological Resources Impacts

Biological Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 state or federally protected wetlands (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?	☐	☐	☐	☒

3.5.1 Environmental Setting and Baseline Conditions

The Project is located within the City of Porterville, which is located on the eastern edge of valley floor near the base of the Sierra Nevada foothills in Tulare County, California. This area is geographically situated in the lower San Joaquin Valley, part of the Great Valley of California (See **Figure 2-2**). The Valley is bordered by the Sierra Nevada Mountain Ranges to the east, the Coast Ranges to the west, the Klamath Mountains and Cascade Range to the north, and the Transverse Ranges and Mojave Desert to the south. The Project is located between Indiana and Jaye Streets. The majority of the Project is taking place in the street right of way which has years of heavy human disturbance and compaction.

Web Soil Survey (WSS) provides soil data and information produced by the National Cooperative Soil Survey. It is operated by the USDA Natural Resources Conservation Service (NRCS) and provides access to the largest natural resource information system in the world. NRCS has soil maps and data available online for more than

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95 percent of the nation's counties and anticipates having 100 percent in the near future. The site is updated and maintained online as the single authoritative source of soil survey information.

Soil surveys can be used for general farm, local, and wider area planning. Onsite investigation is needed in some cases, such as soil quality assessments and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center at the following link: [USDA Service Center](#) or your NRCS State Soil Scientist at the following link: [NRCS State Soil Scientist](#). A custom soils report was generated using the Natural Resources Conservation Service for the Project APE. The soils in the APE consist of San Emigdio loam and Tujunga sand. These soils are fine sands and considered well to somewhat excessively drained.

There is no tree or vegetation removal being proposed as part of the Project activities or implementation. The trees, bushes and existing vegetation is composed of typical residential urban landscaping. Possible trees and vegetation present include Palms trees, crepe myrtles, willows and various shrubs and bushes.

The APE is located in the San Joaquin Valley Tule Groundwater Basin 5.022.13. Watersheds, closest water sources and HUC should be discussed

Provost & Pritchard conducted desktop research and analysis of Project-related impacts to biological resources based on information describing biological resources already known to exist or with potential to exist within the Project site and surrounding areas or similar habitats. Sources of information used in preparation of this analysis included: the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB); the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system; the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Vascular Plants of California; CalFlora's online database of California native plants; the Jepson Herbarium online database (Jepson eFlora); the USFWS Environmental Conservation Online System (ECOS); the NatureServe Explorer online database; the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Plants Database; the CDFW California Wildlife Habitat Relationships (CWHR) database; the California Herps online database; and various manuals, reports, and references related to plants and animals of the San Joaquin Valley region.

A thorough search of the CNDDB for published accounts of special status plant and animal species was conducted for the *Porterville* 7.5-minute quadrangles that contains the Project site in its entirety, and for the eight surrounding quadrangles: *Frazier Valley*, *Lindsay*, *Cairns Corner*, *Success Dam*, *Sausalito School*, *Ducor*, *Woodville*, and *Fountain Springs*. An official species list was obtained using the USFWS IPaC system for federally-listed species with potential to be affected by the Project. These species and their potential to occur within the Area of Potential Effect (APE) are listed in **Table 3-8** and **Table 3-9** on the following pages.

Table 3-8. List of Special Status Animals with Potential to Occur Onsite and/or in the Vicinity.

Species	Status	Habitat	Occurrence on Project Site
American badger <i>(Taxidea taxus)</i>	CSC	Grasslands, savannas, and mountain meadows near timberline are preferred. Most abundant in drier open spaces of shrub and grassland. Burrows in soil.	Unlikely. Habitat within APE is highly disturbed and unsuitable for this species. There have been no recent observations within the APE with the closest observation at the Porterville Airport which is located approximately 2.6 miles southwest of the APE.

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Species	Status	Habitat	Occurrence on Project Site
blunt-nosed leopard lizard (<i>Gambelia sila</i>)	FE, CE, CFP	Inhabits semi-arid grasslands, alkali flats, low foothills, canyon floors, large washes, and arroyos, usually on sandy, gravelly, or loamy substrate, sometimes on hardpan. Often found where there are abundant rodent burrows in dense vegetation or tall grass. Cannot survive on lands under cultivation. Known to bask on kangaroo rat mounds and often seeks shelter at the base of shrubs, in small mammal burrows, or in rock piles. Adults may excavate shallow burrows but rely on deeper pre-existing rodent burrows for hibernation and reproduction.	Unlikely. Habitat within the APE is marginally suitable for this species due to high human disturbance and presence. There have been no recent observations near the APE.
California condor (<i>Gymnogyps californianus</i>)	FE, CE, CFP	Typically nests in cavities in canyon or cliff faces, but has also been recorded nesting in giant sequoias in Tulare County. Requires vast expanse of open savannah, grassland, and/or foothill chaparral in mountain ranges of moderate altitude. Forages up to 100 miles from roost/nest site.	Unlikely. This species has been reported nesting in Blue Ridge National Wildlife Refuge approximately 15 miles northeast of the Project APE; however, this species utilizes habitat less-than 3-miles outside of town as part of their foraging range.
Crotch bumble bee (<i>Bombus crotchii</i>)	CCE	Occurs throughout coastal California, as well as east to the Sierra-Cascade crest, and south in to Mexico. Food plant genera include <i>Antirrhinum</i> , <i>Phacelia</i> , <i>Clarkia</i> , <i>Dendromecon</i> , <i>Eschscholzia</i> , and <i>Eriogonum</i> .	Unlikely. Although the Project is located within the historical range of this species, suitable grassland habitat is absent from the APE due to disturbed and developed area and are generally unsuitable for this species.
northern California legless lizard (<i>Anniella pulchra</i>)	CSC	Found primarily underground, burrowing in loose, sandy soil. Forages in loose soil and leaf litter during the day. Occasionally observed on the surface at dusk and night.	Absent. Habitat within APE is highly disturbed and unsuitable for this species. There have been no recent observations near the APE. The last observation near the APE was April 2, 1940.
pallid bat (<i>Antrozous pallidus</i>)	CSC	Found in grasslands, chaparral, and woodlands, where it feeds on ground- and vegetation-dwelling arthropods, and occasionally takes insects in flight. Prefers to roost in rock crevices, but may also use tree cavities, caves, bridges, and other man-made structures.	Unlikely. Roosting habitat for this species is typically in the form of bridges, crossings, and trees. Date last seen July 13, 1946. There are no bridges or crossings located in the APE.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	FE, CT	Underground dens with multiple entrances in alkali sink, valley grassland, and woodland in valleys and adjacent foothills.	Unlikely. There has been only one reported occurrence of this species in the vicinity of the APE within the past 20 years. The disturbed and developed habitats of the APE make this area generally unsuitable for this species. and while it seems unlikely that a San Joaquin kit fox would find the APE suitable for denning, this species could pass through the site while foraging or during dispersal movements.

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Species	Status	Habitat	Occurrence on Project Site
Swainson's hawk (<i>Buteo swainsoni</i>)	CT	Nests in large trees in open areas adjacent to grasslands, grain or alfalfa fields, or livestock pastures suitable for supporting rodent populations.	Unlikely. Swainson's hawks are relatively uncommon in the eastern portion of the Valley floor. Typical nesting habitat is absent and frequent human disturbance may deter this species from nesting within or adjacent to the APE. This species could pass over the Project site while foraging or during migratory movements.
Tipton kangaroo rat (<i>Dipodomys nitratoide</i> <i>nitratoide</i>)	FE, CE	Burrows in soil. Often found in grassland and shrubland.	Unlikely. Project APE is too disturbed for this species. This species was last seen was October 25, 1943, 7 miles northeast of Tipton.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	CSC	Occurs in a variety of habitats, but prefers cool, dark roost sites, and are often found in caves and mines. They roost in the open, hanging from walls and ceilings. Western populations typically forage on moths in areas of dense foliage.	Unlikely. Roosting habitat for this species is typically in the form of bridges, crossings, and trees. This species has never been recorded east of the Friant-Kern Canal in Tulare County. Date last seen April 4, 1941, 5 miles southeast of Porterville. There are no bridges or crossings located in the APE.
tricolored blackbird (<i>Agelaius tricolor</i>)	CT, CSC	Nests colonially near fresh water in dense cattails or tules, or in thickets of riparian shrubs. Forages in grassland and cropland. Large colonies are often found on dairy farm forage fields.	Absent. Suitable roosting, water sources and foraging habitat is absent from the APE and adjacent lands. This species was last seen in 1971 in the vicinity of Success Lake Dam.
valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT	Lives in mature elderberry shrubs of the Central Valley and foothills. Adults are active March to June.	Unlikely. Suitable habitat in the form of elderberry shrubs are absent from the APE due to the heavy disturbance and human activities. There are no elderberry shrubs within the APE.
vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT	Occupies vernal pools, clear to tea-colored water, in grass or mud-bottomed swales, and basalt depression pools.	Absent. Suitable habitat is absent from the APE due to lacking the appropriate soil type for vernal pools. The APE consists of San Emigdio loam and Tujunga sandy soils which are both well to somewhat excessively drained. This species was last seen in 1941, 4 miles southeast of Porterville near the north bank of Deer Creek.
western mastiff bat (<i>Eumops perotis californicus</i>)	CSC	Found in open, arid to semi-arid habitats, including dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas, where it feeds on insects in flight. Roosts most commonly in crevices in cliff faces but may also use high buildings and tunnels.	Unlikely. Suitable roosting habitat is absent from the Project area and adjacent lands. At most, this species could forage nocturnally over the Project site. This species was last seen in October of 1994 near Lake Success.

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Species	Status	Habitat	Occurrence on Project Site
western spadefoot <i>(Spea hammondi)</i>	CSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Vernal pools or temporary wetlands, lasting a minimum of three weeks, which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	Unlikely. The APE is not located within the historic and current range of this species. This species was last seen April 1978, approximately 14 miles from the APE, southwest of Saucelito School in Terra Bella, CA.

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Table 3-9. List of Special Status Plants with Potential to Occur Onsite and/or in the Vicinity.

Species	Status	Habitat	Occurrence on Project Site
alkali-sink goldfields (<i>Lasthenia chrysantha</i>)	CNPS 1B	Found in vernal pool and wet saline flat habitats. Occurrences documented in the San Joaquin and Sacramento Valleys at elevations below 656 feet. Blooms February - April.	Unlikely. Habitat within APE is highly disturbed and currently void of any native vegetation. This species was last seen is March 20, 1973. Possibly “extirpated” from the APE.
brittlescale (<i>Atriplex depressa</i>)	CNPS 1B	Found in the San Joaquin Valley and Sacramento Valley in alkaline or clay soils, typically in meadows or annual grassland in at elevations below 1050 feet. Sometimes associated with vernal pools. Blooms June–October.	Absent. Suitable habitat is absent from the APE. This species was last seen is April 19, 1945, in the vicinity of Pixley.
calico monkeyflower (<i>Diplacus pictus</i> / <i>Mimulus pictus</i> / <i>Eunanus pictus</i>)	CNPS 1B	Found in the Sierra Nevada foothills and the Tehachapi mountains in bare, sunny, shrubby areas, and around granite outcrops within foothill woodland communities at elevations between 450 feet and 4100 feet. Blooms March – May.	Unlikely. Habitat within APE is highly disturbed and currently contains non-native vegetation typical of urban landscaping. The closest observations was in the saddle of Rocky Hill between elevation points 1593 and 1567, west of Lake Success and east of Porterville and was last observed April 26, 1983.
California alkali grass (<i>Puccinellia simplex</i>)	CNPS 1B	Found in the San Joaquin Valley and other parts of California in saline flats and mineral springs within valley grassland and wetland-riparian communities at elevations below 3000 feet. Blooms March–May.	Absent. Suitable habitat is absent from the APE. This species was last observed is March 25, 1998, 5.7 miles east of the Tulare Municipal Airport.
California jewelflower (<i>Caulanthus californicus</i>)	FE, CE, CNPS 1B	Found in the San Joaquin Valley and Western Transverse Ranges in sandy soils. Occurs on flats and slopes, generally in non-alkaline grassland at elevations between 230 feet and 6100 feet. Blooms February–April.	Absent. Suitable habitat is absent, and this species is presumed to be “extirpated” from Tulare County.
Chaparral ragwort (<i>Senecio aphanactis</i>)	CNPS 2B	Found in chaparral, cismontane woodland, and coastal scrub, typically within drying alkaline flats at elevations between 65–2800 feet. Blooms February–May.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.
Earlimart orache (<i>Atriplex cordulata</i> var. <i>erecticaulis</i>)	CNPS 1B	Found in the San Joaquin Valley in saline or alkaline soils, typically within valley and foothill grassland at elevations below 375 feet. Blooms August–September.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.
Keck’s checkerbloom (<i>Sidalcea keckii</i>)	FE, CNPS 1B	Occurs in cismontane woodland, valley and foothill grassland, typically on grassy slopes in clay soils at elevations between 275 feet – 1650 feet. Blooms April – May.	Absent. Typical soils and habitat are absent from the APE. Development and ongoing disturbance further make the APE unsuitable.
lesser saltscale (<i>Atriplex minuscula</i>)	CNPS 1B	Found in the San Joaquin Valley in sandy, alkaline soils in alkali scrub, valley and foothill grassland, and alkali sink communities at elevations below 750 feet. Blooms April–October.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.

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Species	Status	Habitat	Occurrence on Project Site
Lost Hills crownscale (<i>Atriplex coronata</i> var. <i>vallicola</i>)	CNPS 1B	Found in the San Joaquin Valley in dried ponds and alkaline soils in alkali scrub, valley and foothill grassland, and vernal pools at elevations below 2900 feet. Blooms April–September.	Absent. Suitable habitat is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.
Madera leptosiphon (<i>Leptosiphon serrulatus</i>)	CNPS 1B	Found in openings in foothill woodland, often yellow-pine forest, and chaparral at elevations between 1000 feet and 4300 feet. Blooms April – May.	Absent. Habitat within APE is unsuitable for this species and too highly disturbed to support the growth of this species. APE is outside known elevational range for this species. There have been no recent observations near the APE.
recurved larkspur (<i>Delphinium recurvatum</i>)	CNPS 1B	Occurs in poorly drained, fine, alkaline soils in grassland and alkali scrub communities at elevations between 100 feet and 2600 feet. Blooms March–June.	Absent. Suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the Project area unsuitable for this species.
San Joaquin adobe sunburst (<i>Pseudobahia peirsonii</i>)	FT, CE, CNPS 1B	Found in the San Joaquin Valley and the Sierra Nevada Foothills in bare dark clay soils in valley and foothill grassland and cismontane woodland communities at elevations between 325 feet and 2950 feet. Blooms March–May.	Unlikely. The APE has been previously disturbed and is mostly void of native plant life. Union Ave has some urban landscaping on adjacent private properties. There have been no recent observations near the APE.
San Joaquin woollythreads (<i>Monolopia congdonii</i>)	FE, CNPS 1B	Occurs in the San Joaquin Valley in sandy soils on alkaline or loamy plains in valley and foothill grassland and alkali scrub communities at elevations between 180 feet and 2750 feet. Blooms February–May.	Absent. The developed and disturbed environment of the APE are generally unsuitable for this species.
shining navarretia (<i>Navarretia nigelliformis</i> ssp. <i>radians</i>)	CNPS 1B	Found in cismontane woodland and valley and foothill grassland communities, sometimes in vernal pools. Occurs at elevations between 200 feet and 3200 feet. Blooms May – July.	Absent. The developed and disturbed environments of the APE are generally unsuitable for this species.
spiny-sepaed button-celery (<i>Eryngium spinosepalum</i>)	CNPS 1B	Found in the Sierra Nevada Foothills and the San Joaquin Valley. Occurs in vernal pools, swales, and roadside ditches. Often associated with clay soils in vernal pools within grassland communities. Occurs at elevations between 50 feet and 4160 feet. Blooms April–July.	Absent. Suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.
Springville clarkia (<i>Clarkia springvillensis</i>)	FT, CE, CNPS 1B	Endemic to the woodlands and grasslands of the southern portion of the Sierra Nevada range, occurring primarily in the Tule River watershed. Found at elevations between 690-7400 feet. Blooms in May.	Absent. Suitable habitat is absent, and the APE is outside of the altitudinal range of this species.
striped adobe-lily (<i>Fritillaria striata</i>)	CT, CNPS 1B	Found in the Sierra Nevada foothills in adobe soil within valley grassland and foothill woodland communities at elevations below 3300 feet. Blooms February – April.	Absent. Typical suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.

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Species	Status	Habitat	Occurrence on Project Site
subtle orache (<i>Atriplex subtilis</i>)	CNPS 1B	Found in the San Joaquin Valley in saline depressions in alkaline soils within valley and foothill grassland communities at elevations below 330 feet. Blooms June–October.	Absent. Suitable habitat for this species is absent from the APE. Development and ongoing disturbance further make the APE unsuitable for this species.

EXPLANATION OF OCCURRENCE DESIGNATIONS AND STATUS CODES FOR TABLES 3-10 & 3-11

Present:	Species observed on the site at time of field surveys or during recent past.
Likely:	Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible:	Species not observed on the site, but it could occur there from time to time.
Unlikely:	Species not observed on the site, and would not be expected to occur there except, perhaps, as a transient.
Absent:	Species not observed on the site, and precluded from occurring there due to absence of suitable habitat.

STATUS CODES

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CCT	California Threatened (Candidate)
FPT	Federally Threatened (Proposed)	CFP	California Fully Protected
FC	Federal Candidate	CSC	California Species of Special Concern
		CWL	California Watch List
		CCE	California Endangered (Candidate)
		CR	California Rare

CNPS LISTING

1A	Plants Presumed Extinct in California.	2	Plants Rare, Threatened, or Endangered in
1B	Plants Rare, Threatened, or Endangered in California and elsewhere.		California, but more common elsewhere.

3.5.2 Impact Assessment

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. Although it may be possible for some species to use the APE for foraging habitat, however it is not suitable or sustainable habitat due to the continued disturbance and human activity. The one-half mile of the APE does not adequately provide any regionally important habitat for any special-status species for the same reason. Most of this APE has been urbanized since the 1980's, thus limiting habitat availability adequate for wild animals for the last 40 years. It is also possible that some species of birds may nest in trees (left undisturbed during or it can happen in disturbed areas but far less likely) during nesting season, however this is highly unlikely in the APE. Implementation of the following mitigation measure below would reduce any impacts to less than significant..

3.5.2.1 Project-Related Impacts to Special Status Animal Species

Research literature indicates that 15 special status animal species have been documented in the APE, including: American badger (*Taxidea taxus*), blunt-nosed leopard lizard (*Gambelia sila*), California condor (*Gymnogyps californianus*), Crotch bumble bee (*Bombus crotchii*), northern California legless lizard (*Anniella pulchra*), pallid bat (*Antrozous pallidus*), San Joaquin kit fox (*Vulpes macrotis mutica*), Swainson's hawk (*Buteo swainsoni*), Tipton kangaroo rat (*Dipodomys nitratoide nitratoide*), Townsend's big-eared bat (*Corynorhinus townsendii*), tricolored blackbird (*Agelaius tricolor*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool fairy shrimp (*Branchinecta lynchi*), western mastiff bat (*Eumops perotis californicus*), and western spadefoot (*Spea hammondi*).

Species specific discussions are discussed thoroughly in the Biological Resources Information ([Appendix B](#)) and are summarized below. With corresponding mitigation measures the impacts to special status species including nesting birds would be reduced to less than significant.

BIO-1 (Operational Hours): Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.

BIO-2 (Avoidance): Construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.

Research literature indicates that 19 special status plant species have been documented in the Project vicinity, including brittlescale (*Atriplex depressa*), calico monkeyflower (*Diplacus pictus/Mimulus pictus/Eummanus pictus*), California alkali grass (*Puccinellia simplex*), California jewelflower (*Caulanthus californicus*), Chaparral ragwort (*Senecio aphanactis*), Earlimart orache (*Atriplex cordulata* var. *erecticaulis*), Keck's checkerbloom (*Sidalcea keckii*), lesser saltscale (*Atriplex minuscula*), Lost Hills crownscale (*Atriplex coronata* var. *vallicola*), Madera leptosiphon (*Leptosiphon serrulatus*), recurved larkspur (*Delphinium recurvatum*), San Joaquin adobe sunburst (*Pseudobahia perisonii*), San Joaquin woollythreads (*Monolopia congdonii*), shining navarretia (*Navarretia nigelliformis* ssp. *radians*), spiny-sepaed button-celery (*Eryngium spinosepalum*), Springville clarkia (*Clarkia springvillensis*), striped adobe-lily (*Fritillaria striata*), subtle orache (*Atriplex subtilis*), and vernal pool smallscale (*Atriplex persistens*). As explained in [Table 3-9](#), all of the aforementioned special status plant species are absent from the Project area due to past and ongoing disturbance and/or the absence of suitable habitat. Therefore, the implementation of the Project would have less than significant impact on individual plants or regional populations of these special status plant species. Mitigation measures are not warranted.

b) Would the project 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 Wildlife or U.S. Fish and Wildlife Service?

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impacts. There are no water sources within the APE, including wetlands. The closest water source is the Tule River located 0.30 miles southeast of the APE. The APE is located in an urbanized area surrounded by residential homes. The Project is not located on or near any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Also, the Project is not located on or near any State or federally protected wetlands. The Project APE does not contain soils that are suitable for vernal pools, the APE consists of San Emigdio loam and Tujunga sand which are well to somewhat excessively drained. Therefore, there will be no impacts. Mitigation measures are not warranted.

d) Would the project 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 Project area does not contain features that would be likely to function as a wildlife movement corridor. Furthermore, the Project is located in a region inundated by human disturbance which would discourage dispersal and migration. Therefore, implementation of the Project will have no impact on wildlife movement corridors, and mitigation is not warranted.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. There is no tree or vegetation removal proposed as part of the Project. The trees and vegetation that is currently existing in the APE belongs to the residents in the Project area and is comprised of typical urban landscaping. The City of Porterville does not currently have a tree preservation ordinance, however the

Project would take all necessary precautions and steps necessary to preserve biological resources throughout the duration of construction and into implementation of the Project. The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance that would be created in the future. The City of Porterville's General Plan has established the following policy that prohibits new and existing development to impact biological resources.

OSC-G-7 Protect habitat for special status species designated under State and Federal Law.

There would be no impact to any existing or future policies or ordinances protecting biological resources set forth by the City of Porterville.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project design would be consistent with the goals and policies of the City of Porterville 2030 General Plan. There are no known Habitat Conservation Plans or Natural Community Conservation Plans in the Project vicinity. There would be no impacts to local, regional, or State habitat conservation plans. Mitigation is not warranted

3.6 Cultural Resources

Table 3-10. Cultural Resources Impacts

Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.6.1 Environmental Setting and Baseline Conditions

Tulare County is an archaeologically and culturally significant area and has one of the densest Native American populations in North America. Archaeological sites associated with the Santa Rosa Rancheria Tachi Yokut exists throughout the County, particularly adjacent to existing and former natural water and food sources. Many Yokut sites have been located, and the potential for remaining undiscovered sites within the County is high.

Many of the historic resources in Porterville, which date back to the days of its founding in the late 1800s, are located near Downtown. The City's historic buildings reflect its changing role through time as a center of agriculture and commercial activities.⁸

3.6.1.1 Records Search

A records search from the Southern San Joaquin Valley Information Center (SSJVIC) of the California Historical Resources Information System (CHRIS), located at California State University, Bakersfield was conducted in May 2021. The SSJVIC records search includes a review of all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file. In addition, the California Points of Historical Interest (SPHI), the California Historical Landmarks (SHL), the California Register of Historical Resources (CAL REG), the National Register of Historic Places (NRHP), and the California State Built Environment Resources Directory (BERD) listings were reviewed for the above referenced APE and an additional ¼-mile radius. Due to the sensitive nature of cultural resources, archaeological site locations are not released. (**Appendix C**).

Additional sources included the State Office of Historic Preservation (SHPO) Historic Properties Directory, Archaeological Determinations of Eligibility, and the California Inventory of Historic Resources.

3.6.1.2 Native American Outreach

The Native American Heritage Commission (NAHC) in Sacramento was also contacted in May 2021. They were provided with a brief description of the Project and a map showing its location and requested that the NAHC perform a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient

⁸ (City of Porterville, 2021). Accessed September 23, 2021.

graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties. NAHC provide a current list of Native American Tribal contacts to notify of the project. The ten tribal representatives identified by NAHC were contacted in writing via United States Postal Service in a letter mailed May 26, 2021, informing each Tribe of the Project. No responses were received.

1. Big Sandy Rancheria of Western Mono Indians, Elizabeth D. Kipp, Chairperson
2. Dunlap Band of Mono Indians, Benjamin Charley Jr., Tribal Chair
3. Dunlap Band of Mono Indians, Dirk Charley, Tribal Secretary
4. Kern Valley Indian Community, Julie Turner, Secretary
5. Kern Valley Indian Community, Robert Robinson, Chairperson
6. Kern Valley Indian Community, Brandy Kendricks
7. Santa Rosa Rancheria Tachi Yokut Tribe, Leo Sisco, Chairperson
8. Tubatulabals of Kern Valley, Robert L. Gomez, Jr., Tribal Chairperson
9. Tule River Indian Tribe, Neil Peyron, Chairperson
10. Wuksache Indian Tribe/Eshom Valley Band, Kenneth Woodrow, Chairperson

3.6.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?; and

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less than Significant Impact with Mitigation Incorporated. A CHRIS records search, from the SSJVIC, was conducted in May 2021 and confirmed there have been no previous cultural resource studies conducted within the Project area. There have been nine cultural resource studies conducted within a one-half mile radius, TU-00419, 00446, 01061, 01131, 01140, 01201, 01213, 01252, and 01704. The search also confirmed that there are no recorded resources within the Project APE and it is unknown if any resources exist there. There are 14 recorded cultural resources within the one-half mile radius, P-54-003108, 003109, 003110, 003111, 003112, 003113, 003114, 003115, 003116, 003161, 003166, 003210, 004626, and 004700. These resources all consist of historic era buildings in Porterville Historic District 2 and an historic era railroad. It is unlikely that the Project has the potential to result in significant impacts or adverse effects to cultural or historical resources, such as archaeological remains, artifacts or historic properties. However, in the improbable event that cultural resources are encountered during Project construction, implementation of mitigation measure **CUL-1** outlined below, would reduce impacts to less than significant.

Mitigation Measure

CUL-1 (Archaeological Remains): Should archaeological remains or artifacts be unearthed during any stage of project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the project proponent shall abide by recommendations of the archaeologist.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated. The Project site is an existing roadway in the City of Porterville, specifically Union Avenue between Indiana and Jaye Streets. There is no evidence or record that the Project area has the potential to be an unknown burial site or the site of buried human remains. In the unlikely event of such a discovery, mitigation shall be implemented. With incorporation of mitigation measure

CUL-2 outlined below, impacts resulting from the discovery of remains interred on the Project site would be less than significant.

Mitigation Measure

CUL-2 (Human Remains): In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.

3.7 Energy

Table 3-11. Energy Impacts

Energy Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.7.1 Environmental Setting and Baseline Conditions

Southern California Edison provides electric service to Porterville residents. Natural gas service is primarily provided by the Southern California Gas Company. There are three major companies that provide communications services in Porterville: AT&T, Sprint, and Verizon. Charter Communications is the primary cable television and internet provider.

Construction equipment and construction worker vehicles operated during proposed Project construction would use fossil fuels. This increased fuel consumption would be temporary and would cease at the end of the construction activity. The Project would not have a residual permanent requirement for additional energy input. The marginal increases in fossil fuel use resulting from Project construction are not expected to have appreciable impacts on energy resources.

3.7.2 Impact Assessment

a) Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? And;

Less than Significant Impact. As discussed in [Section 3.4](#), the Project would not exceed any air emission thresholds during construction or operation. The upgrades to the existing streetlights would potentially involve the use LED bulbs, which are used for energy efficiency. The streetlights would use the existing power grid and power supply and would not require a new power source. Streetlight equipment would be upgraded, replaced, or installed at various locations along Union Street and wherever needed. The Project would comply with all applicable construction best management practices and would be required to complete a Storm Water Prevention Plan Program (SWPPP) as part of construction. Once completed, the Project would be mostly passive in nature and would not use an excessive amount of additional energy or be wasteful in energy use. The Project would not result in environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation. The impact would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. Energy use during operation would be similar to, or less than, existing conditions. Construction activities of the road reconstruction Project would require energy use, but this energy use would not be wasteful or inefficient, nor would it require new or expanded electric power or natural gas facilities. No features of the Project would conflict with or obstruct State or local plans for renewable energy or energy efficiency. There would be no impacts on energy use or State/local energy plans.

3.8 Geology and Soils

Table 3-12. Geology and Soils Impacts

Geology and Soils Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause 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 Uniform Building Code (1994) creating substantial direct or indirect 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 wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

3.8.1 Environmental Setting and Baseline Conditions

The City of Porterville sits on top of the alluvial fans of the Tule River and its distributaries. The alluvial fans are soft near the river and other waterways and firm in the north, northeast and downtown, areas as a transition to the granitic bedrock deposits in the foothills. The City of Porterville contains a wide variety of soil types which have a significant bearing on land planning and development. Porterville Clay is the most prominent soil type located within the City.⁹ While State and federal laws regulate soil quality, as indicated by the farmland classification system, local land use planning is important for limiting erosion potential.

⁹ (City of Porterville, 2021), Chapter 7 Public Health and Safety Element. Accessed September 23, 2021.

3.8.1.1 Geology and Soils

The Project is located in the City of Porterville, in the central section of California's Great Valley Geomorphic Province, or Central Valley. The Sacramento Valley makes up the northern third and the San Joaquin Valley makes up the southern two-thirds of the geomorphic province. Both valleys are watered by large rivers flowing west from the Sierra Nevada Range, with smaller tributaries flowing east into the valley from the Coast Ranges. Most of the surface of the Great Valley is covered by Quaternary (present day to 1.6 million years ago) alluvium. From the time the Valley first began to form, sediments derived from erosion of igneous and metamorphic rocks and consolidated marine sediments in the surrounding mountains have been transported into the Valley by streams. An analysis of the Project soils onsite was performed using the USDA Natural Resource Conservation Service (NRCS) Soil Survey of the Project site, **Table 3-13** below summarizes the soil characteristics.

3.8.1.2 Faults and Seismicity

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known faults cut through the site. The nearest unnamed fault is 4.7 miles south of the APE. The nearest named fault is the Mt. Poso fault, located 29.3 miles south of the Project APE. The San Andreas fault zone, Cholame-Carrizo section is 70 miles to the southwest.

3.8.1.3 Liquefaction

The potential for liquefaction, which is a phenomenon whereby unconsolidated and/or near-saturated soils lose cohesion and are converted to a fluid state as a result of severe vibratory motion, is dependent on soil types and density, depth to groundwater, and the duration and intensity of ground shaking. Although no specific liquefaction hazard areas have been identified in the county, this potential is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high-water table coincide. Liquefaction risk in the project area is very low. An analysis of the soils in the Project area was performed using the USDA NRCS soil survey of Tulare County. (See **Table 3-13**)

3.8.1.4 Soil Subsidence

Subsidence occurs when a large land area settles due to over-saturation or extensive withdrawal of ground water, oil, or natural gas. These areas are typically composed of open-textured soils that become saturated. These areas are high in silt or clay content.

The Project site is comprised of three main soil types, as shown in the table below. These soils are in the Project area are well drained and somewhat excessively drained. (See **Table 3-13**)

Table 3-13. Project Soil Characteristics

Map unit name	Parent Materials	Rating	Acres in APE	Percent of APE
San Emigdio loam, 0 to 2 percent slopes	Alluvium derived from granitoid and/or alluvium derived from sedimentary rock	Well drained	0.7	91.1%
Tujunga sand, 0 to 5 percent slopes	Alluvium derived from granitoid	Somewhat excessively drained	0.1	8.6%
Totals for Project Area			0.2	100%

3.8.1.5 Dam and Levee Failure

According to Figure 7-3 of the City of Porterville General Plan, the approximate half mile stretch of Union Avenue is located within the dam failure inundation zone for Lake Success¹⁰.

¹⁰ (City of Porterville, 2021). Chapter 7 Public Health and Safety Element. Accessed September 23, 2021

A breach or overflow event at Success Lake Dam could cause significant flooding in Porterville. This dam is overseen and maintained by the USACE and administered by the Sacramento District of the USACE's regional office located in Porterville. Through their work, Porterville is provided with flood safety, water resources, electricity, recreation, and camping. It includes a recreation area, located eight miles east of the City of Porterville in the western portion of the Sierra Nevada foothills.. It spans 3,490 feet across the Tule River and is 142 feet high. When full, the lake holds 82,000 acre-feet of water with a surface area of 2,450 acres.

3.8.1.6 Paleontological Resources

Impacts to fossil sites from construction activities include the progressive loss of exposed rock, along with the unauthorized collection of fossil materials. Such losses would be irreplaceable. The California Environment Quality Act (CEQA) requires that impacts to paleontological resources be assessed and mitigated on all discretionary projects, public, and private under CEQA Guidelines Section 8.16.2.2. The General Plan recognizes the significance of paleontological resources requires preserving these sites through policies and guidelines set forth in the City's General Plan.

3.8.1.7 Naturally Occurring Asbestos

Asbestos is a term used for several types of naturally-occurring fibrous minerals found in serpentine rock, and its parent material, ultramafic rock. These rock types are abundant in the Sierra foothills. Naturally-occurring asbestos (NOA) has been identified in Tulare County and ultramafic rocks have been generally mapped in the Porterville area. Figure 7-2 of the General Plan illustrates areas more likely to contain natural occurrences of asbestos.

Asbestos may be released from ultramafic and serpentine rock when it is broken or crushed. This can happen when land is graded for building or agriculture purposes, at quarrying operations, or when the soil is disturbed by other activities such as the digging of fire suppression trenches. It is also released naturally through weathering and erosion. Once released from the rock, asbestos can become airborne and may stay in the air for long periods of time. Airborne asbestos is classified as a human carcinogen. Exposure to asbestos can result in health ailments, such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing).¹¹

3.8.2 Impact Assessment

a) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

a-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.

a-ii) Strong seismic ground shaking?

Less than Significant Impact. The Project site and its vicinity are located in a developed area of the City of Porterville, traditionally characterized by relatively low seismic activity. The site is not located in an Alquist-Priolo Earthquake Fault Zone as established by the Alquist-Priolo Fault Zoning Act, Section 2622 of Chapter 7.5, Division 2 of the California Public Resources Code.

There are no known earthquake faults through or within the immediate Project area, strong ground shaking is unlikely, and the Project does not include any habitable structures. Additionally, the reconstruction efforts along Union Avenue would comply with the most recent seismic standards as set forth in the California Building

¹¹ (City of Porterville, 2021). Chapter 7 Public Health and Safety Element. Accessed September 23, 2021

Standards Code. Compliance with these standards are expected to ensure potential impacts related to strong seismic ground shaking and the impacts would be less than significant.

a-iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Seismic-related ground failures, such as ruptures, lateral spreading, ground lurching, seiches, or mudslides, are unlikely to occur in the City because of its relatively stable geologic formation and distance to active faults. However, the City's General Plan states that there is a moderate risk of liquefaction near the Tule River due to the hillside topography and soil slumping. Because the Project site is generally level and does not involve the construction of any habitable structures, the Project would not expose people or structures to potential substantial effects associated with seismic-related ground failure, including liquefaction. Therefore, this impact would be considered less than significant.

a-iv) Landslides?

No Impact. There are no known major geologic landforms that exist on or near the Project site that could result in a landslide event. The Project site topography is generally flat and Project activities would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Therefore, there would be no impacts.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. Earthmoving activities associated with the Project would include excavation, grading, and construction over an area of approximately one-half mile stretch of Union Avenue. These activities could expose soils to erosion processes however, the extent of erosion would vary depending on slope steepness/stability, vegetation/cover, concentration of runoff, and weather conditions. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, and construction of linear underground or overhead facilities associated with path construction, but does not include regular maintenance activities performed to restore the original lines, grade, or capacity of the overhead or underground facilities. The Construction General Permit requires the development of a SWPPP by a certified Qualified SWPPP Developer. Since the Project site has relatively flat terrain with a low potential for soil erosion and would comply with the State Water Resources Control Board (SWRCB) requirements, the Project's impacts would be less than significant.

c) Would the project 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?

Less than Significant Impact. As discussed in above, the potential for landslide or liquefaction is considered unlikely. Lateral spreading, subsidence, and collapse both on-site and off-site are also considered unlikely or less than significant for reasons previously discussed in these sections. Furthermore, the aforementioned physical properties of these soils make subsidence, liquefaction, lateral spreading, or other ground failure unlikely. Any impacts would be less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. The soil types within the Project area consist of two soil types as listed in **Table 3-13**. These soil types are characterized as being well-drained and somewhat excessively drained. The Project does not involve the construction of habitable structures and would not create substantial risks to life or property. Any impacts would be considered less than significant.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project would not require connection septic tank, or sewer system, nor would it wastewater disposal systems as the road reconstruction Project would not generate wastewater. There would be no impact.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Less than Significant Impact. No known paleontological resources exist within the Project area. The Project site is developed roadway within City limits. Construction activities associated with the Project are not expected to be conducted significantly below grade, at a level where they would have the potential to disturb any previously unknown paleontological resources or geologic features. Impacts would be less than significant.

3.9 Greenhouse Gas Emissions

Table 3-14. Greenhouse Gas Emissions Impacts

Greenhouse Gas Emissions Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?	☐	☐	☒	☐

3.9.1 Environmental Setting and Baseline Conditions

The Earth's climate has been warming for the past century. Experts believe this warming trend is related to the release of certain gases into the atmosphere. Greenhouse gases (GHG) absorb infrared energy that would otherwise escape from the Earth. As the infrared energy is absorbed, the air surrounding the Earth is heated. An overall warming trend has been recorded since the late 19th century, with the most rapid warming occurring over the past 35 years, with 16 of the 17 warmest years on record occurring since 2001. Not only was 2016 the warmest year on record, but eight of the 12 months that make up the year—from January through September, with the exception of June—were the warmest on record for those respective months. October, November, and December of 2016 were the second warmest of those months on record—in all three cases, behind records set in 2015.¹² Human activities have been attributed to an increase in the atmospheric abundance of greenhouse gases. The following is a brief description of the most commonly recognized GHGs.

3.9.1.1 Greenhouse Gases

Carbon dioxide (CO₂) is an odorless, colorless natural greenhouse gas. CO₂ is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic out gassing. Anthropogenic sources include the burning of coal, oil, natural gas, and wood.

Methane (CH₄) is a flammable greenhouse gas. A natural source of methane is the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle.

Nitrous oxide (N₂O), also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load.

Water vapor is the most abundant, and variable greenhouse gas. It is not considered a pollutant; in the atmosphere, it maintains a climate necessary for life.

Ozone (O₃) is known as a photochemical pollutant and is a greenhouse gas; however, unlike other greenhouse gases, ozone in the troposphere is relatively short-lived and, therefore, is not global in

¹² (National Aeronautics and Space Administration Warmest Year on Record, 2017). Accessed 14 September 2021.

nature. Ozone is not emitted directly into the atmosphere but is formed by a complex series of chemical reactions between volatile organic compounds, nitrogen oxides, and sunlight.

Aerosols are suspensions of particulate matter in a gas emitted into the air through burning biomass (plant material) and fossil fuels. Aerosols can warm the atmosphere by absorbing and emitting heat and can cool the atmosphere by reflecting light.

Chlorofluorocarbons (CFCs) are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were first synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. CFCs destroy stratospheric ozone; therefore, their production was stopped as required by the Montreal Protocol in 1987.

Hydrofluorocarbons (HFCs) are synthetic chemicals that are used as a substitute for CFCs. Of all the greenhouse gases, HFCs are one of three groups (the other two are perfluorocarbons and sulfur hexafluoride) with the highest global warming potential. HFCs are human-made for applications such as air conditioners and refrigerants.

Perfluorocarbons (PFCs) have stable molecular structures and do not break down through the chemical processes in the lower atmosphere; therefore, PFCs have long atmospheric lifetimes, between 10,000 and 50,000 years. The two main sources of PFCs are primary aluminum production and semiconductor manufacture.

Sulfur hexafluoride (SF₆) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It has the highest global warming potential of any gas evaluated. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

3.9.1.2 Effects of Climate Change

The impacts of climate change have yet to fully manifest. A hotter planet is causing the sea level to rise, disease to spread to non-endemic areas, as well as more frequent and severe storms, heat events, and air pollution episodes. Also affected are agricultural production, the water supply, the sustainability of ecosystems, and therefore the economy. The magnitude of these impacts is unknown.

Emissions of GHGs contributing to global climate change are largely attributable to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. GHG emissions are typically expressed in carbon dioxide-equivalents (CO₂e), based on the GHG's Global Warming Potential (GWP). The GWP is dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. For example, one ton of CH₄ has the same contribution to the greenhouse effect as approximately 21 tons of CO₂. Therefore, CH₄ is a much more potent GHG than CO₂.

3.9.2 Methodology

The SacMetro Road Construction Emissions Model ([Appendix A](#)) was prepared in September 2021. The sections below detail the methodology of the report and its conclusions.

3.9.2.1 Short-Term Construction-Generated Emissions

Short-term construction emissions associated with the Project were calculated using The SacMetro Road Construction Emissions Model, Version 9.0.0. Emissions' modeling was assumed to occur over an approximate six month period and covering a site area of approximately half of a mile of road widening on Union Avenue, improving Western Street and Cottage Street, and completing the connection of Chess Terrace to Union Avenue (4.6 acres). Remaining assumptions were based on the default parameters contained in the model. Modeling assumptions and output files are included in [Appendix A](#).

3.9.2.2 Long-Term Operational Emissions

The Project does not include any additional traffic lanes. It is not anticipated that there would be additional long-term operational emissions associated with the Project. Modeling assumptions and output files are included in [Appendix A](#).

3.9.3 Impact Assessment

3.9.3.1 Thresholds of Significance

In accordance with SJVAPCD's *CEQA Greenhouse Gas Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects*¹³, proposed projects complying with Best Performance Standards (BPS) would be determined to have a less-than-significant impact. Projects not complying with BPS would be considered less than significant if operational GHG emissions would be reduced or mitigated by a minimum of 29 percent, in comparison to business-as-usual (year 2004) conditions. In addition, project-generated emissions complying with an approved plan or mitigation program would also be determined to have a less-than-significant impact.

Bay Area Air Quality Management District's Thresholds for Significance: Bay Area Air Quality Management District's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce Statewide GHG emissions. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact, and would be considered significant. If mitigation can be applied to lessen the emissions such that the project meets its share of emission reductions needed to address the cumulative impact, the project would normally be considered less than significant. Although the proposed Project is not located in the Bay Area, the Bay Area Air Quality Management District's thresholds for significance are based on the Statewide AB 32 objectives, are scientifically supported and are more appropriate to assess potential impacts related to GHG emissions. For land use development projects, the threshold is compliance with a qualified GHG Reduction Strategy or annual emissions less than 1,100 metric tons per year (MT/yr) of CO₂e. For stationary source projects, such as those requiring a permit from a local air district to operate, the threshold is 10,000 MT/yr of CO₂e. Although the BAAQMD thresholds are generally intended for ongoing sources of emissions (e.g., manufacturing facilities, refineries), their use in CEQA is appropriate for construction projects that occur over a relatively short period and contribute a relatively low total amount of GHGs, as compared to a land use development project that would generate substantial annual emissions indefinitely.

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? And;

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact.

Short-Term Construction-Generated Emissions

Estimated construction-generated emissions are summarized in [Table 3-15](#). As indicated, construction of the Project would generate maximum annual emissions of approximately 422.85 MTCO₂e. Construction-related production of GHGs would be temporary and last approximately six months. These emissions are totaled and amortized over 30 years and added to the operational emissions in [Table 3-16](#) below.

¹³ (San Joaquin Valley Air Pollution Control District, 2009). Accessed September 8, 2021.

Table 3-15. Short-Term Construction-Generated GHG Emissions

Year	Emissions (MT CO ₂ e) ⁽¹⁾
2022	422.85
Amortized over 30 years	14.10

1. Emissions were quantified using the Road Construction Emissions Model. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

Long-Term Operational Emissions

The Project is not adding any additional lanes of travel along Union Avenue or the connecting streets. And is therefore not anticipated to have any additional long term operational emissions from vehicle traffic.

Estimated long-term operational emissions are summarized in **Table 3-16**.

Table 3-16. Long-Term Operational GHG Emissions

	Emissions (MT CO ₂ e) ⁽¹⁾
Estimated Annual Operation CO ₂ e Emissions	--
Amortized Construction Emissions	14.10
Total Estimated Annual Operational CO ₂ e Emissions	14.10
AB 32 Consistency Threshold for Land-Use Development Projects*	1,100
Exceed Threshold?	No

1. Emissions were quantified using the Road Construction Emissions Model. Refer to **Appendix A** for modeling results and assumptions. Totals may not sum due to rounding.

* As published in the Bay Area Air Quality Management District's CEQA Air Quality Guidelines. Available online at http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en Accessed July 2021.

The City does not have an adopted GHG plan or MT/yr thresholds for CO₂e. The San Joaquin Valley Air Pollution Control District (SJVAPCD) CEQA guidance for GHG emissions recommends that a project not be considered to have a significant impact if it complies with an applicable air quality plan, results in a 29% reduction from business as usual (BAU) GHG emissions (2004 levels), or implements applicable Best Performance Standards (BPS). The SJVAPCD metrics (reduction from BAU, implementation of BPS) are not appropriate for this Project. The thresholds provided by the Bay Area Air Quality Management District, while not in our area, are very stringent and based on Statewide AB 32 objectives. Because they are designed to avoid significant impacts from global climate change, which occurs at a global scale, they do not depend on site-specific characteristics. The City has determined that the Bay Area Air Quality Management District's thresholds are the most appropriate threshold for this Project, which has predominantly short-term construction emissions, and extremely low operational emissions (14.10 CO₂e). Any impacts would be less than significant.

3.10 Hazards and Hazardous Materials

Table 3-17. Hazards and Hazardous Materials Impacts

Hazards and Hazardous Materials Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

3.10.1 Environmental Setting and Baseline Conditions

3.10.1.1 Hazardous Materials

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code (GC) Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. DTSC's EnviroStor database provides DTSC's component of Cortese List data (DTSC, 2010). In addition to the EnviroStor database, the State Water Resources Control Board (SWRCB) Geotracker database provides information on regulated hazardous waste facilities in

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California, including underground storage tank (UST) cases and non-UST cleanup programs, including Spills-Leaks-Investigations-Cleanups (SLIC) sites, Department of Defense (DOD) sites, and Land Disposal program. A search of the DTSC EnviroStor database and the SWRCB Geotracker performed in July 2021 determined that there are no known active or open hazardous waste generators or hazardous material spill sites or cases within the Project site or immediate surrounding vicinity.

3.10.1.2 Airports

The closest airport is Porterville Municipal Airport which is located 2.5-miles southwest of the Project.

3.10.1.3 Emergency Response Plan

The City of Porterville does have an adopted Emergency Response Plan which is available at the local Fire Department.

3.10.1.4 Sensitive Receptors

Sensitive receptors within the Project's vicinity consist of various residential development along Union Avenue, various commercial and office spaces and Porterville High School that is 0.4 miles NE of the Project. No other identified concentrations of sensitive receptors, such as hospitals or nursing homes are within the Project's immediate vicinity that would be affected by project activities.

3.10.2 Impact Assessment

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? And;

b) Would the project 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? And;

Less than Significant Impacts. The construction phase of the Project would potentially involve hazardous materials generally associated with construction activities, such as diesel fuel, gasoline, grease, solvents, adhesives, paints, hydraulic fluid, oil, lubricants, and other petroleum-based products. However, standard construction and operational BMPs, as described in **Table 2-3**, would be followed. Any potential hazardous materials spills during construction would be addressed immediately and in accordance with industry best management practices, Occupational Safety and Health Administration (OSHA) requirements, federal and state regulations, and County requirements. Furthermore, a Stormwater Pollution Prevention Plan (SWPPP) would be employed to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirements of the Clean Water Act. Therefore, any impacts would be less than significant.

c) Would the project 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. Porterville High School is located 0.4 miles NE from the Project APE. In addition, the Project is adjacent to existing residential development. Construction of the Project would involve the use of hazardous materials associated with construction equipment, such as diesel fuel, lubricants, and solvents. However, the contractor would implement a SWPPP and would comply with all California Occupational Safety and Health Administration (Cal/OSHA) regulations regarding regular maintenance and inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. Furthermore, any potential accidental hazardous materials spills during construction are the responsibility of the contractor to immediately address in accordance with industry BMP and State and county regulations. The Project site is in a developed and established area in the City, adjacent to residential homes that are accustomed to emissions due to traffic in general.

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Other than those typically associated with construction, such as diesel fuel, gasoline, hydraulic fluid, oil, and lubricants, the transport or use of hazardous materials is not anticipated as part of the Project. The impact would be less than significant.

d) Would the project 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 Project does not involve land that is listed as a hazardous materials site pursuant to Government Code Section 65962.5 and is not included on a list compiled by the Department of Toxic Substances Control. Impacts would be less than significant.

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 or excessive noise for people residing or working in the project area?

No Impact. The Project is more than one mile away from the nearest airport, it's not located within an airport land use plan and is not constructing habitable structures for any permanent residents as part of the design. The Project would not result in a safety hazard or excessive noise from an airport for people residing or working in the project area. There would be no impact.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than significant Impacts. There would be concrete improvements installed where necessary along Union Avenue. The Project would not involve altering the position or direction of Union Avenue, therefore, the Project would not interfere in any way to any adopted emergency plan. There may be detours during reconstruction and improvement activities. These detours would be only during these improvements and reconstruction activities and temporary in duration. The impacts would be considered less than significant.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impacts. The Project site is not located in an area associated or at risk from wildland fires. All project related activities and construction would follow best management practices and safety processes in order to help minimize and avoid and potential risks to fires, wildland or otherwise. The practices include but are not limited to the Project having an ample supply and access to water as needed, such as water trucks and water packs for workers. The Project risks associated with wildfire are very low. The Project or its activities would not interfere with emergency response or evacuation plans, require fire-related infrastructure, or expose people, directly or indirectly, to significant risks associated with wildfire. The impacts would be less than significant.

3.11 Hydrology and Water Quality

Table 3-18. Hydrology and Water Quality Impacts

Hydrology and Water Quality Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

3.11.1 Environmental Setting and Baseline Conditions

The Project is located within the floor area of the San Joaquin Valley. The Valley is bordered by the Sierra Nevada Mountain Ranges to the east, the Coast Ranges to the west, the Klamath Mountains and Cascade Range to the north, and the Transverse Ranges and Mojave Desert to the south. Large groundwater basins underlay the Valley floor and are fed primarily from stormwater run-off from these mountain watersheds and other natural surface water recharge.

Like most of California, the San Joaquin Valley experiences a Mediterranean climate. Warm, dry summers are followed by cool, moist winters. Summer temperatures often reach above 90 degrees Fahrenheit, and the humidity is generally low. Winter temperatures are often below 60 degrees Fahrenheit during the day and rarely exceed 70 degrees. Precipitation falls in the form of rainfall yearly, most of which occurs between October and

March. Climactic and topographic features of the site are typical of those found in California's San Joaquin Valley. The Project site is located in an urbanized and developed area of the City of Porterville.

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.

Federal Emergency Management Agency (FEMA) Flood Zones: 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, the Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

State Water Resources Control Board: The SWRCB, headquartered 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 Project site is located within the Central Valley Regional Water Quality Control Board (CVRWQCB).

The CVRWQCB 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). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

3.11.2 Impact Assessment

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. In compliance with State regulations, all development within the Project area would be required to comply with State regulations adopted to reduce groundwater degradation. The Regional Water Quality Control Board (RWQCB) requires the preparation of a SWPPP for projects that exceed specified size limits. The Project may be required to obtain RWQCB approval of its SWPPP prior to construction. Therefore, the Project would have a less than significant impact through implementation of planned Project design features, compliance with any permitting requirements, and through compliance with adopted SWPPP regulations.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. The Project would not decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of any basin.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

c-i) result in substantial erosion or siltation on- or off-site;

c-ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

c-iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

c-iv) impede or redirect flood flows?

Less than Significant Impact. The Project would not substantially alter an existing drainage pattern of the site or area. In order to minimize runoff and erosion during construction activities a SWPPP may be implemented, and the contractor would be required to comply with all Cal/OSHA regulation regarding regular inspection of equipment, spill prevention, and spill remediation in order to reduce the potential for incidental release of pollutants or hazardous substances onsite. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). The street reconstruction would be designed so as not to substantially increase the rate or amount of surface runoff. Stormwater flows would be directed into storm drains in the nearby roadways. The street reconstruction would not impede or redirect flood flows. Impacts resulting from alterations to drainage patterns would be less than significant.

d) Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundations?

Less than Significant Impact. A breach or overflow event at Success Lake Dam could cause significant flooding in Porterville. This dam is overseen and maintained by the USACE and administered by the Sacramento District of the USACE's regional office located in Porterville. Through their work, Porterville is provided with flood safety, water resources, electricity, recreation, and camping. It includes a recreation area, located eight miles east of the City of Porterville in the western portion of the Sierra Nevada foothills.

The Project does not involve construction of any habitable structures or the storing of any pollutants on site. The Project would not have the potential to release pollutants due to inundations. Any impacts would be less than significant.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The reconstruction and widening of Union Avenue would not conflict with or obstruct implementation of any water quality control plan or sustainable groundwater management plan. There would be no impact.



Figure 3-2. FEMA Flood Map

3.12 Land Use and Planning

Table 3-19. Land Use and Planning Impacts

Land Use and Planning Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.12.1 Environmental Setting and Baseline Conditions

Much of the existing land use pattern found in the Planning Area can be traced back to Porterville's evolution as a valley agriculture center. Downtown Porterville is similar to many older Central Valley downtown districts, with a mixture of retail, public facilities, and older residential neighborhoods. Larger commercial, agriculture, and newer residential neighborhoods are located further out from the city center. Some industrial land is located adjacent to State Route 190 (SR 190) and Union Pacific Railroad. Parks and schools are distributed throughout residential neighborhoods within the city.¹⁴

The Project is in an area predominately designated and zoned as Low and Medium Density Residential. General Plan Land Use Designations and Zone Districts for the Project and surrounding areas are fully illustrated in, **Figure 3-3** and **Figure 3-4** respectively.

3.12.2 Impact Assessment

a) Would the project physically divide an established community?

No Impact. The Project would not physically divide an established community. The reconstruction of Union Avenue is to improve access to residents and improvement of travel conditions through the surrounding neighborhoods. The Project activities would not alter the direction or location of Union Avenue. There would be no impact.

b) Would the project cause a significant environmental conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The Project does not propose any land use or designation changes, it would not cause any conflicts, environmental or otherwise, with any land use plan, policy or regulation. There would be no impact.

¹⁴ (City of Porterville, 2021) Chapter 2 Land Use. Accessed September 26, 2021.

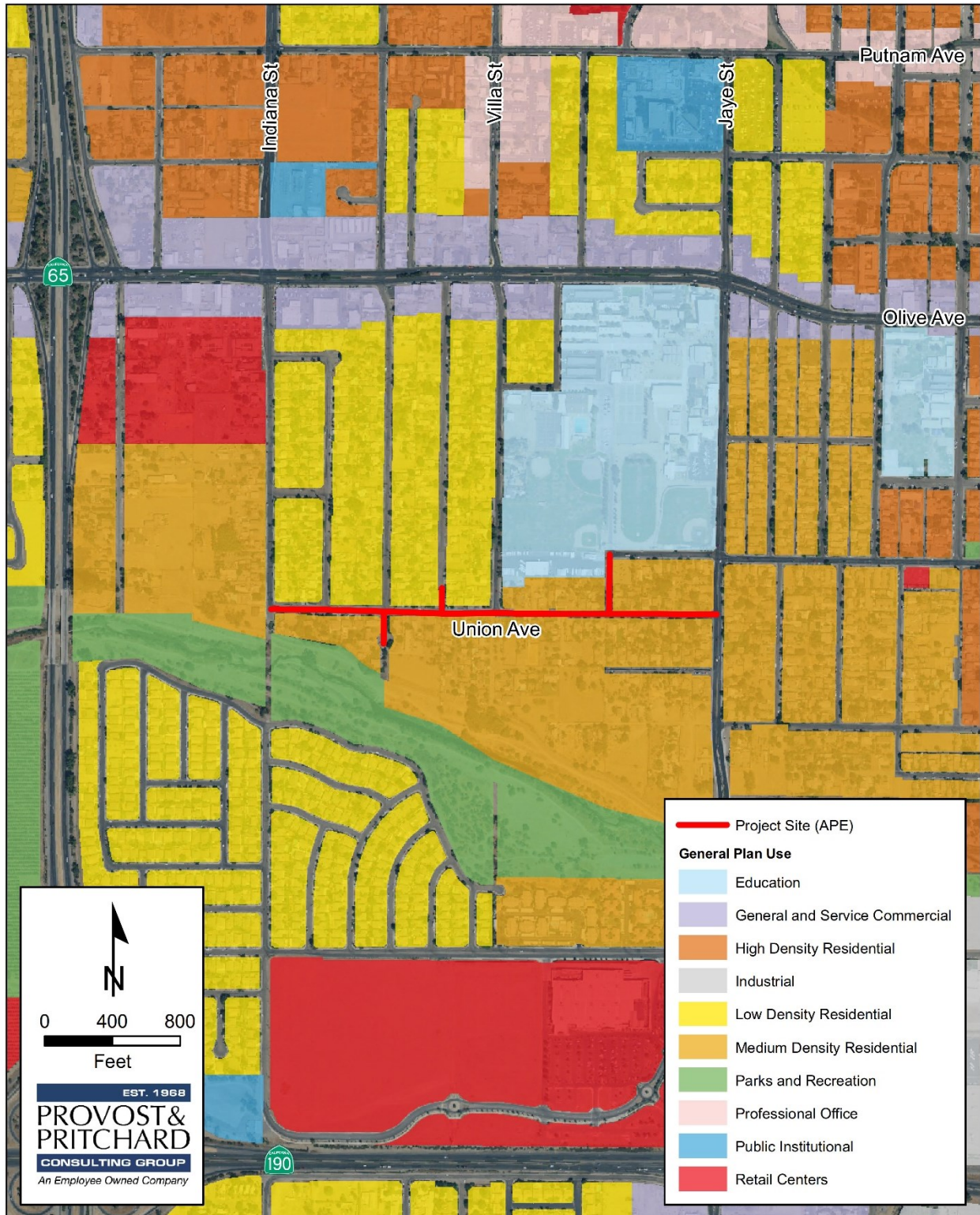


Figure 3-3. Tulare County General Plan Land Use Map

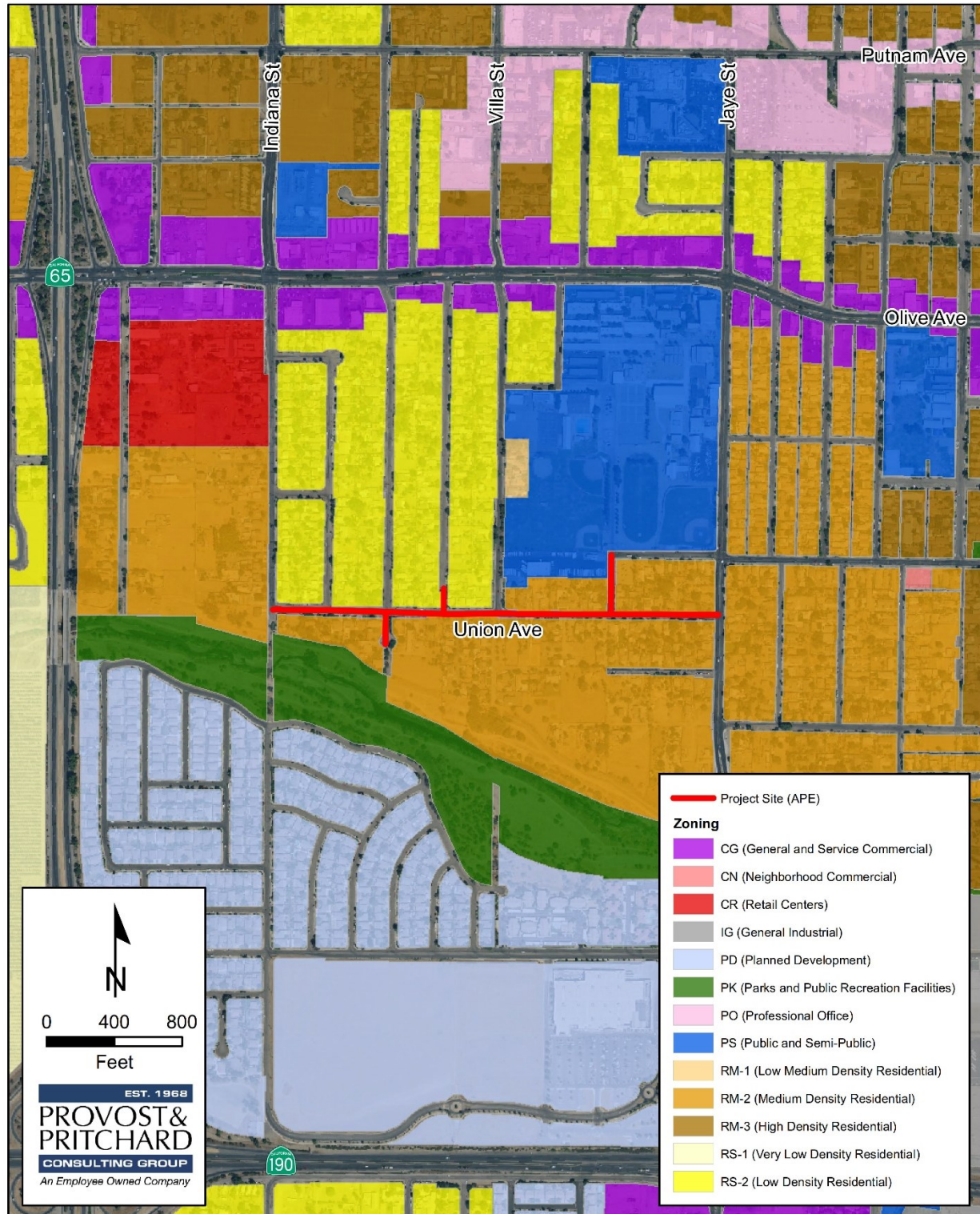


Figure 3-4. Tulare County Zoning Map

3.13 Mineral Resources

Table 3-20. Mineral Resources Impacts

Mineral Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?	☐	☐	☐	☒

3.13.1 Environmental Setting and Baseline Conditions

The Porterville 2030 General Plan outlines current significant mineral sources in Tulare County and within the planning area. The most significant mineral resources in Tulare County are sand, gravel, and crushed stone, used as sources for aggregate. The two major sources of aggregate are alluvial deposits (riverbeds, and floodplains), and hard rock quarries. Consequently, most Tulare County mines are located along rivers at the base of the Sierra foothills¹⁵. According to the Tulare County General Plan Background Report, all of the known potential mineral resource locations are mapped within the foothills and/or along major watercourses (Tule River).

California Department of Conservation's Division of Oil, Gas, and Geothermal Resources (DOGGR) maintains a database of oil wells in the Project. According to the DOGGR Well Finder there is one plugged, and dry oil well approximately 0.1 miles N from the Project APE.

The Project site is not delineated on a local land use plan as a locally important mineral recovery site. The site is existing developed

3.13.2 Impact Assessment

a) Would the project 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? And

No Impact. Although there are currently 25 mines permitted to operate in Tulare County, none of them are in or adjacent to the City of Porterville.¹⁶ As shown in Figure 6-3 of the 2030 General Plan, the Project area is not included in a State classified mineral resource zones. The Project nor its construction activities would not result in the loss of an available known mineral resource. There would be no impact.

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project site is not delineated on a local land use plan as a locally important mineral resource recovery site; therefore, the existence of the Project would not result in the loss of availability of any mineral resources. There would be no impact.

¹⁵ (City of Porterville, 2021), Chapter 6 Open Space and Conservation Element. Accessed September 23, 2021

¹⁶ (State of California, 2021) California Geologic Energy Management Division (CalGEM). Accessed September 23, 2021

3.14 Noise

Table 3-21. Noise Impacts

Noise Impacts				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.14.1 Environmental Setting and Baseline Conditions

The applicable noise standards governing the Project site may be found within policies outlined in the City of Porterville 2030 General Plan Noise Element¹⁷ and the City's Noise Ordinance.¹⁸ The major noise sources in the City of Porterville are related to roadways and vehicle traffic, including automobiles, tractors and other automated agricultural equipment. Other noise sources include industrial operations and overhead aircraft traveling to and from the airport.

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. Residential uses are located along the section of Project area of Union Avenue. Primary existing noise sources in the Project area are traffic noises from nearby and intersecting streets and other noise from motor vehicles generated by engine vibrations, the interaction between the tires and the road, and vehicle exhaust systems.

3.14.2 Impact Assessment

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant Impact. The Project is located in the City of Porterville in an established noise contour identified in Figure 9-2 of the City's General Plan Noise Element as having noise level greater than 55-60 dB. Noise generated from the Project would be during construction and would generally include noise from construction vehicles and equipment. During construction, noise from these activities would contribute to the noise environment in the immediate Project vicinity. Activities involved in construction would generate

¹⁷ (City of Porterville, 2021) Chapter 9 Noise Element. Accessed September 25, 2021.

¹⁸ (AmLegal, 2021) Porterville Code Noise Article IX, Accessed September 25, 2021

maximum noise levels, as indicated in **Table 3-22**, 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 control. Short-term noise from construction is inevitable and cannot be mitigated beyond a certain level. Thus, local agencies and residents frequently tolerate short-term noise at levels that they would not accept for permanent noise sources. All construction related activities would comply with the standards set forth by the City of Porterville General plan. Construction activities would take place during daylight hours between 7 a.m. and 7 p.m. on weekdays and 7 a.m. and 5 p.m. on weekends.

Table 3-22. Typical Construction Noise Levels¹⁹

Type of Equipment	dBA at 50 ft.	
	Without Feasible Noise Control	With Feasible Noise Control ¹
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75

¹ Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications.

Since the Project site is located within an area of other similar urbanized uses subject to construction and maintenance, and portions of it sit within an established noise contour, and is surrounded heavily traveled roadways, it would be expected that the Project would result in significant noise increase to surrounding land uses during normal business hours. The noise impacts would be temporary and would be considered less than significant.

b) Would the project result in generation of excessive ground borne vibration or ground borne noise levels?

Less than Significant Impact. Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings²⁰.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The vibration velocity level is reported in decibels relative to a level of 1×10^{-6} inches per second and is denoted as VdB. The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels²¹.

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. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there

¹⁹ (United States Department of Transportation, 2006) FHWA Construction Noise Handbook PDF. Accessed September 23, 2021.

²⁰ (United States Department of Transportation, 2018). Accessed September 25, 2021

²¹ (United States Department of Transportation, 2018). Accessed September 25, 2021.

are an infrequent number of events per day (FTA 2006). **Table 3-23** describes the typical construction equipment vibration levels.

Table 3-23. Typical Construction Vibration Levels²²

Equipment	VdB at 25 ft ²
Small Bulldozer	58
Jackhammer	79

Based on the typical vibration levels identified in the table above, any temporary vibration levels associated with construction activities are not expected to exceed the FTA threshold for the nearest residences which are located along the Project site on Union Avenue. All noise generated by the construction of the Project would be temporary in nature. The impact would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan. The Project is located approximately 2.5 miles away from Porterville Municipal Airport and would not involve any habitable structures, and would not expose people to excessive noise from nearby airports beyond baseline conditions in the area. Therefore, there would be no impact.

²² (United States Department of Transportation, 2018). Accessed September 25, 2021.

3.15 Population and Housing

Table 3-24. Population and Housing Impacts

Population and Housing Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned 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 people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.15.1 Environmental Setting and Baseline Conditions

According to the United States Census Bureau, Porterville is the third largest city in Tulare county, with an estimated population of 59,599 as of 2019. The City estimates a population growth rate of 37% by 2040, resulting in a population of 97,097 residents. Porterville's housing stock is currently made up of predominately single-family homes, with a homeownership rate of approximately 57%. The City of Porterville has an average household size of 3.39 which is slightly greater than the countywide average of 3.30. ²³

The land use designation and zoning for a majority of the Project area is Low Density Residential. Other land use and zoning include Medium/High Density Residential, Professional Office, General and Service Commercial.

3.15.2 Impact Assessment

a) Would the project induce substantial unplanned 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)? and

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impacts. The goal of the Project is not to induce population growth, but rather to provide street improvements, convenience and safe access to residents, and improve overall travel in the neighborhood. The Project would not encourage population growth directly or indirectly beyond that previously analyzed by the City of Porterville General Plan. No housing or habitable structures would be built, nor would any be removed. Implementation of the Project would not result in displacement of people or existing housing. There would be no impact.

²³ (United States Census Bureau, 2012) Tulare County, Porterville City. Accessed September 25, 2021.

3.16 Public Services

Table 3-25. Public Services Impacts

Public Services Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒

3.16.1 Environmental Setting and Baseline Conditions

Fire Protection: The Porterville Fire Department Station 1, would service the APE, is located less than one mile east of the APE.

Police Protection: The closest law enforcement is the City of Porterville Police Department, located less than one mile from the APE, and would provide primary police services to any incidents that happen within the Project area and City limits.

Schools: The closest school is Porterville High School, located approximately 390 feet southeast of the Project APE.

Parks: The closest park is Zalud Park located less than one mile northwest of the Project APE.

Landfills: The closest landfill to the project site is the Teapot Dome Landfill, a Mid Valley Disposal site, located approximately 5.8 miles southeast of the Project APE.

3.16.2 Impact Assessment

- 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:

No Impacts:

Fire Protection – The City of Porterville would continue provide fire protection services to the Project APE. Station 1 is the closest City of Porterville Fire Station and is located 1.5 miles NE from the Project APE. The Project would be required to comply with requirements of the City Fire Department/California Fire Code regarding access, water mains, hydrants, and review of engineering plans. Standard fire suppression conditions for streets are incorporated as part of the Project. The Project site has adequate emergency access from the various roads that intersect Union Avenue. Implementation of the Project would not adversely impact existing fire protection or emergency services within the City and would not require the construction of any additional fire protection facilities in Porterville. There would be no impact to fire protection services.

Police Protection – The Project area would continue to be served by the City of Porterville Police Department. Implementation of the Project would not result in a substantial increase in demand for police services. Any increase would be minimal compared to the number of officers currently employed by the Police Department and would not result in significant demand for additional police services or additional staffing. Implementation of the Project would not require the construction of new police facilities to serve the Project, nor would it create a negative impact to existing emergency response times and existing police protection service levels. There would be no impacts to police protection services.

Schools – The Project area lies within the Porterville Unified School District. Porterville High School is located 0.4 miles NE from the Project APE and would continue to serve the Project area. The widening and improvements along Union Avenue would not create any housing or encourage any population growth. There would be no increase in the demand for school services in the Project area. Additionally, the road improvements would provide safe and improved access to residents and improve travel through the neighborhoods located in the area, including Porterville High School located 0.4 miles NE of the Project APE. There would be no impact to schools.

Parks – The Project would not create a need for more parks, nor would the Project have any impacts to existing parks in the APE. The closest park is Zalud Park, located 1.7 miles NE of the APE. There would be no impact to parks.

Other public facilities – The Project is not growth inducing, and as such would not result in a significant increase in demand on other public facilities, such as library services, that have not already been planned for. There would be no impacts.

3.17 Recreation

Table 3-26. Recreation Impacts

Recreation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) 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?	☐	☐	☐	☒

3.17.1 Environmental Setting and Baseline Conditions

The City of Porterville provides several types of parks and facilities, as defined in the Porterville 2030 General Plan. In general, parks are defined by the general plan as land owned or leased by the City and used for public recreational purposes. The Porterville 2030 General Plan outlines several types of park facilities ranging in size from 0.1-acre pocket parks up to a 95 acre Sports Complex. Each park will fall into one of five categories: Pocket Park, Neighborhood Park, Community Park, Specialized Recreation, or Trails/Parkways. In total, the City of Porterville provides 15 parks for the community.

The closest park to the Project site is Zalud Park, which is located 1.7 miles NE of the APE.

3.17.2 Impact Assessment

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 closest park is Zalud Park, which is located 1.7 miles NE of the APE. The Project would not directly or indirectly increase the use of any parks or recreational facilities and would not affect the use of such parks that would cause substantial deterioration of the facilities at such parks. There would be no impact.

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 Project does not include or require the construction or expansion of parks or any recreational facilities and therefore, would not have an adverse physical effect on the environment. There would be no impact.

3.18 Transportation

Table 3-27. Transportation Impacts

Transportation Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)??	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

3.18.1 Environmental Settings and Baseline Conditions

The primary function of local streets is to provide direct access to adjacent properties. Neighborhood streets should provide two travel lanes, landscaped park strips, and sidewalks. On-street parking may be regulated. Bike lanes are usually not needed because neighborhood streets carry low traffic volumes and all neighborhood streets are considered to be bicycle friendly. ²⁴

Currently, the street environment is mostly auto oriented with roadways and discontinuous sidewalks. The City's General Plan states that all streets should be designed to accommodate pedestrians and bicyclists and new neighborhoods should be designed to be "pedestrian friendly", with wide sidewalks. The Project would improve Union Avenue for automobiles, bicyclists, and pedestrians alike. ²⁵

3.18.2 Impact Assessment

a) Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact. The Project would not conflict with the City of Porterville 2030 General Plan Update Circulation Element. The improvements and reconstruction along Union Avenue are intended to increase and improve circulation for the needs of future local and regional traffic. There would be no impact.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?

Less than Significant Impact. The purpose of the reconstruction and widening, is to provide improved and safer access to residents of Union Avenue and the surrounding neighborhoods. The Project and its activities would have a less than significant impact on vehicle miles travelled (VMT) as the Project does not propose on lengthening the street but widening to a standard 56 feet for improved travels and safety for autos, bicyclists and pedestrians in the area. The impacts would be considered less than significant.

²⁴ (City of Porterville, 2021) Chapter 4 Circulation Element. Accessed September 26, 2021.

²⁵ (City of Porterville, 2021) Chapter 4 Circulation Element. Accessed September 26, 2021.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? And

No Impact. There are no geometric design features or incompatible uses as part of the design or implementation of this project. The purpose of the Project is to improve traffic operations and transportation capacity by reconstructing and widening Union Avenue between Indiana and Jaye Streets to a standard of 56 feet. It would also help provide a safer vehicular, pedestrian, and bicycle crossing for residents and visitors. There would be no impact.

d) Would the project result in inadequate emergency access?

Less than Significant Impact. The Project would comply with the City Public Works Department development standards. This would ensure that the Project would not create inadequate emergency access, long term, for those living and working in the area. The construction would be temporary and no road closures are planned. The necessary precautions would be taken so there would minimum inconvenience to adjacent property owners, residents and to the travelling public, using approved traffic control signs prior to any construction activities. In addition, entering and exiting would be provided to property owners and residents throughout the duration of the construction period.

This is a road widening and improvement project and would not conflict with any adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities and there would be a less than significant impact to emergency vehicle access during construction.

3.19 Tribal Cultural Resources

Table 3-28. Tribal Cultural Resources Impacts

Tribal Cultural Resources Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 the 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 Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

3.19.1 Environmental Setting and Baseline Conditions

According to the Southern San Joaquin Valley Archaeological Information Center at California State University, Bakersfield, 45 archaeological sites have been documented within the Porterville Planning Area. The main village of the Yokuts, Chokowisho, was located near Murry Hill, north of Porter Slough until the mid-1850s. The Rocky Hill area contains numerous rock art and bedrock mortar sites, not all of which have been officially recorded. Most of these sites are from the prehistoric era and contain bedrock mortars, rock art (i.e. petroglyphs, or pictographs), human burials, village complexes, midden, and artifacts (i.e. projectile points, pestles, pottery, etc.). There are no archaeological sites in the Project APE that are currently listed on the National Register of Historic Places.

The Yokuts village of Trawoia contained human remains, bedrock mortars, pictographs, artifacts and extensive midden. Archaeologists considered this to be a very important site and recommended that it be protected. The site was compromised when the landowner constructed a dam which inundated the site.²⁶

Public Resources Code Section 21080.3.1, et seq. (codification of AB 52, 2013-14) requires that a lead agency, within 14 days of determining that it would undertake a project, must notify in writing any California Native

²⁶ (City of Porterville, 2021) Chapter 6 Open Space and Conservation Element. Accessed September 27, 2021.

American Tribe traditionally and culturally affiliated with the geographic area of the project if that Tribe has previously requested notification about projects in that geographic area. The notice must briefly describe the project and inquire whether the Tribe wishes to initiate request formal consultation. Tribes have 30 days from receipt of notification to request formal consultation. The lead agency then has 30 days to initiate the consultation, which then continues until the parties come to an agreement regarding necessary mitigation or agree that no mitigation is needed, or one or both parties determine that negotiation occurred in good faith, but no agreement would be made. The Tule River Indian Reservation is located approximately 15 miles to the east.

The Native American Heritage Commission (NAHC) in Sacramento was contacted in May 2021 and they were provided with a brief description of the Project and a map showing its location and requested a search of the Sacred Lands File to determine if any Native American resources have been recorded in the immediate APE. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes' accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties. NAHC provide a current list of Native American Tribal contacts to notify of the project. A Sacred Lands File search was performed by the NAHC with negative results. The ten tribal representatives identified by NAHC were contacted in writing via United States Postal Service in a letter May 26, 2021, informing each Tribal contact of the Project. No responses were received. (See [Section 3.6](#)).

3.19.2 Impact Assessment

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a-i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code section 5020.1(k), or

a-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 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 Impacts with Mitigation Incorporated. The City of Porterville received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe and the Tule River Indian Tribe pursuant to PRC § 21080.3.1 (AB 52) officially requesting notification of Projects within their geographic area of traditional and cultural affiliation. On January 13, 2022, the City sent the two Tribes a formal letter, that included a Project description and two maps. (See [Appendix C](#)). In accordance with the law, the letter provided 30 days from receipt of the letter to request consultation in writing. Neither tribe responded to the request for formal consultation with the City. Less than significant impacts, with mitigation incorporated, to tribal resources are expected. Mitigation Measures **CUL-1** and **CUL-2**, described above in [Section 3.6 Cultural Resources](#), are recommended in the event cultural materials or human remains are unearthed during excavation or construction.

3.20 Utilities and Service Systems

Table 3-29. Utilities and Service Systems Impacts

Utilities and Service Systems Impacts				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

3.20.1 Environmental Setting and Baseline Conditions

Utilities that service the Project area include water, solid waste (trash) management, and storm drainage. Water service, and solid waste collection would be provided by the City of Porterville. Storm-water run-off would be accommodated by the reconstruction of Union Avenue and would be directed to existing city storm drain facilities.

3.20.1.1 Water Supply

The City has historically relied on groundwater to supply municipal water to its residents. Water usage for Project construction would be minimal and limited to an as needed basis.

3.20.1.2 Wastewater Collection and Treatment

The City of Porterville Wastewater Treatment Facility (WWTF) is located at the southwest corner of West Grand Avenue and North Prospect Street. The sewer collection system consists of 150 miles of pipes, including 18 sewage lift stations and associated force mains.²⁷

²⁷ (City of Porterville, 2021) Public Utilities Element, page 191. Accessed September 27, 2021.

3.20.1.3 Landfills

Solid waste disposal services in Porterville are provided by the Tulare County Consolidated Waste Management Authority. Porterville's solid waste is currently disposed at Teapot Dome Landfill, located four miles outside of the City limits. As of 2004, the landfill was at 84.7 percent capacity and had an anticipated closure date of 2012.²⁸ Tulare County has indicated that they will not expand Teapot Dome Landfill. When it reaches capacity, the County anticipates setting up a transfer facility which would divert waste to either the Woodville or Visalia Landfills, both of which are below 50 percent capacity.

3.20.2 Impact Assessment

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? And

Less than Significant Impact. The Project would not exceed wastewater treatment requirements nor would it require new facilities or alteration of existing facilities for wastewater treatment. There would be no population increase related to the Project or habitable structures constructed and therefore, no anticipated increase in wastewater production. Impacts would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. The Project would have little to no effect on water supply due to the activities for the Project include reconstruction and widening of a one half mile long segment of Union Avenue between Indiana and Jaye Streets. The Project would not result in an increase of population density that would require an increase in water service utilizing ground water. Some water may be used for dust control during project activities. Impacts to water supplies would be less than significant.

c) Would the project 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. The Project would not result in population increase or involve habitable structures being built, and therefore, would not increase demands on the City's wastewater treatment system. The Project and all related construction activities would have no impact on any wastewater treatment providers in or around the Project area. There would be no impact.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? and

e) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impacts. Solid waste (trash) would be generated for a short-term period of construction. Construction contractors would be required to collect and carry out all solid waste and trash and dispose of at an approved landfill or recycling center. The City would be responsible to empty any trash receptacles on a regular basis based on scheduled pick-up days after the road reconstruction activities have been completed. The majority of the existing road materials will be taken to a nearby City facility so that they may be recycled and reused for future road repairs. In addition, any soils that cannot be redistributed will also be taken to a private landowner to be recycled and reused, avoiding any unnecessary use of the nearby landfill. The impacts would be less than significant.

²⁸ (City of Porterville, 2021) Public Utilities Element. Accessed September 27, 2021.

3.21 Wildfire

Table 3-30. Wildfire Impacts

Wildfire Impacts				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.21.1 Environmental Setting and Baseline Conditions

The City of Porterville is located in the south eastern part of the San Joaquin Valley, in close proximity to the foothills of the Sierra Nevada Mountain Range. The fire season between the months of May and October typically has over 100 days of temperatures in excess of 90 degrees Fahrenheit. Figure 7-4 of the Porterville 2030 General Plan, identifies that approximately 43% of the City is considered to have a moderate fire hazard, as classified by the California Department of Forestry and Fire Protection. The General Plan also identifies areas with the highest levels of risk are located in northeast sections of the planning area, due to the presence of wooded foothills. More recent data is provided by Cal Fire who produces California Fire Hazard Severity Zone Maps.

The City's Fire Department provides fire and life safety services for residents located within the city limits while the Tulare County Fire Department provides additional services for unincorporated areas. City fire dispatch is handled by the Police Department.²⁹

Urban uses, which can be subject to structural fires, are considered a greater threat to life and property than wildland fires. As a result, the City of Porterville requires all new development to meet or exceed the Uniform Fire Code Provisions, as outlined in the Porterville City Code: Chapter 12. This code addresses topography, geology, climate, and development conditions. New development is reviewed by the Public Works Department and Fire Department for adherence to these regulations. Porterville Fire Department, Station 1, is located less than one mile from the road reconstruction Project area. The Project is not located in a State Responsibility Area or lands classified as very high fire hazard severity zones.

²⁹ (City of Porterville, 2021) Chapter 7 Public Health and Safety. Accessed September 27, 2021.
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3.21.2 Impact Assessment

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan? and
- b) Due to slope, prevailing winds, and other factors exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? and
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? and
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impacts. The Project is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones. The nearest Very High classification of Fire Hazard Severity Zone (FHSZ) is 1.9 miles east of the APE. Additionally, there are no structures being considered or built as part of this Project, and the population would not increase because of this Project. Therefore, further analysis of the Project's potential impacts to wildfire are not warranted. There would be no impact.

3.22 CEQA Mandatory Findings of Significance

Table 3-31. Mandatory Findings of Significance Impacts

Mandatory Findings of Significance Impacts				
Does the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have the potential to substantially 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, substantially 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) 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) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

3.22.1 Impact Assessment

a) Does the project have the potential to substantially 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, substantially 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 Incorporated. Based on the analysis conducted in this Initial Study, impacts to Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Utility/Services Systems, and Wildfire would be less than significant. Potential impacts to Biological Resources, Cultural Resources, and Tribal Cultural Resources would be less than significant with implementation of mitigation measures as identified in the respective Impact Analyses in **Chapter 3** and as outlined in **Table 4-1**. Additionally, with implementation of the Best Management Practices for construction activities and obtaining the applicable permits and approvals required by State law, the Project's potential to degrade the quality of the environment, 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 protected species or eliminate important examples of the major periods of California history or prehistory would be less than significant with implementation of mitigation measures

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 with Mitigation Incorporated. As discussed above, impacts associated with the Project are incremental, temporary, and minor in nature, and would result in less than significant impacts to the environment with incorporation of all the recommended mitigation measures **CUL-1**, and **CUL-2**. Operation impacts have been found to be less than significant. The impact of this Project on the environment is minimal and therefore even if combined with past, present, and reasonably foreseeable future projects would not cause a significant cumulative impact. In addition, the mitigation measures determined would further reduce Project level impacts to less than significant, the Project would not have impacts that are cumulatively considerable.

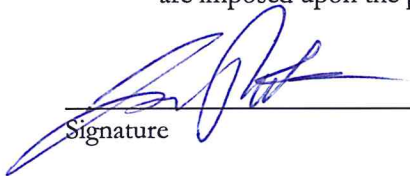
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less than Significant Impact. The Project would not result in substantial adverse effects on human beings, either directly or indirectly. With implementation of Best Management Practices, requirements and regulations of federal and State laws and local regulations, and the adoption and implementation of recommended mitigation measures during construction and maintenance of the Project, all identified impacts would be less than significant.

3.23 Determination: (To be completed by the Lead Agency)

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.



Signature

3/23/2022

Date

Jason Ridenour/Community Development Director

Chapter 4 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 Union Avenue Reconstruction Project in the City of Porterville. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

Table 4-1 presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, AIR-2 would be the second mitigation measure identified in the Air Quality analysis of the IS/MND.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of the monitoring of the mitigation measure. The fourth column, “Agency Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City to ensure that individual mitigation measures have been complied with and monitored.

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Table 4-1. Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program				
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Agency Responsible for Implementing Mitigation	Agency Responsible for Monitoring	Verification of Compliance (name/date)
Biological Resources				
BIO-1: Operational Hours				
Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.	During Construction	City of Porterville	City of Porterville	
BIO-2: Avoidance				
The Project's construction activities shall occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds.	September 16 and January 31	City of Porterville	City of Porterville	
Cultural Resources				
CUL-1: Archaeological Remains				
Should archaeological remains or artifacts be unearthed during any stage of Project activities, work in the area of discovery shall cease until the area is evaluated by a qualified archaeologist. If mitigation is warranted, the Project proponent shall abide by recommendations of the archaeologist.	During Construction	City of Porterville	City of Porterville	
CUL-2: Human Remains				
In the event that any human remains are discovered on the Project site, the Tulare County Coroner must be notified of the discovery (California Health and Safety Code, Section 7050.5) and all activities in the immediate area of the find or in any nearby area reasonably suspected to overlie adjacent human remains must cease until appropriate and lawful measures have been implemented. If the Coroner determines that the remains are not recent, but rather of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours to permit the NAHC to determine the Most Likely Descendent of the deceased Native American.	During Construction	City of Porterville	City of Porterville	
Tribal Cultural Resources				
TRC-1: See MM CUL-1 and CUL-2				
	During Construction	City of Porterville	City of Porterville	

Chapter 5 References

- AmLegal. (2021). *Porterville Code Library*. Retrieved from Porterville Code Library Article IX Noise: <https://codelibrary.amlegal.com/codes/portervilleca/latest/overview>
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Chapter 4 Mitigation Monitoring and Reporting Program

Task Order No. 19 Union Avenue Reconstruction Project

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Appendix A

Road Construction Emission Model

Daily Emission Estimates for -> Porterville TO 19 Union Street																																																								
Project Phases (Pounds)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)	SOx (lbs/day)	CO2 (lbs/day)	CH4 (lbs/day)	N2O (lbs/day)	CO2e (lbs/day)																																										
Grubbing/Land Clearing	1.25	11.38	11.76	0.82	0.52	0.30	0.52	0.46	0.06	0.03	2,452.82	0.60	0.05	2,482.77																																										
Grading/Excavation	5.30	46.54	55.25	2.66	2.36	0.30	2.18	2.12	0.06	0.10	9,934.31	2.89	0.13	10,043.88																																										
Drainage/Utilities/Sub-Grade	3.25	30.59	31.01	1.72	1.42	0.30	1.36	1.30	0.06	0.06	5,962.31	1.21	0.08	6,017.57																																										
Paving	1.60	18.95	14.77	0.80	0.80	0.00	0.70	0.70	0.00	0.03	3,217.56	0.77	0.08	3,259.57																																										
Maximum (pounds/day)	5.30	46.54	55.25	2.66	2.36	0.30	2.18	2.12	0.06	0.10	9,934.31	2.89	0.13	10,043.88																																										
Total (tons/construction project)	0.25	2.25	2.48	0.13	0.11	0.02	0.10	0.10	0.00	0.00	461.15	0.12	0.01	466.11																																										
Notes: Project Start Year -> 2022																																																								
Project Length (months) -> 6																																																								
Total Project Area (acres) -> 5																																																								
Maximum Area Disturbed/Day (acres) -> 0																																																								
Water Truck Used? -> Yes																																																								
<table><tr><td></td><td colspan="2">Total Material Imported/Exported Volume (yd³/day)</td><td colspan="4">Daily VMT (miles/day)</td></tr><tr><td>Phase</td><td>Soil</td><td>Asphalt</td><td>Soil Hauling</td><td>Asphalt Hauling</td><td>Worker Commute</td><td>Water Truck</td></tr><tr><td>Grubbing/Land Clearing</td><td>0</td><td>0</td><td>0</td><td>0</td><td>400</td><td>40</td></tr><tr><td>Grading/Excavation</td><td>0</td><td>0</td><td>0</td><td>0</td><td>1,000</td><td>40</td></tr><tr><td>Drainage/Utilities/Sub-Grade</td><td>0</td><td>0</td><td>0</td><td>0</td><td>760</td><td>40</td></tr><tr><td>Paving</td><td>0</td><td>2</td><td>0</td><td>30</td><td>600</td><td>40</td></tr></table>																Total Material Imported/Exported Volume (yd³/day)		Daily VMT (miles/day)				Phase	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck	Grubbing/Land Clearing	0	0	0	0	400	40	Grading/Excavation	0	0	0	0	1,000	40	Drainage/Utilities/Sub-Grade	0	0	0	0	760	40	Paving	0	2	0	30	600	40
	Total Material Imported/Exported Volume (yd³/day)		Daily VMT (miles/day)																																																					
Phase	Soil	Asphalt	Soil Hauling	Asphalt Hauling	Worker Commute	Water Truck																																																		
Grubbing/Land Clearing	0	0	0	0	400	40																																																		
Grading/Excavation	0	0	0	0	1,000	40																																																		
Drainage/Utilities/Sub-Grade	0	0	0	0	760	40																																																		
Paving	0	2	0	30	600	40																																																		
PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.																																																								
Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns G and H. Total PM2.5 emissions shown in Column I are the sum of exhaust and fugitive dust emissions shown in columns J and K.																																																								
CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.																																																								
Total Emission Estimates by Phase for -> Porterville TO 19 Union Street																																																								
Project Phases (Tons for all except CO2e. Metric tonnes for CO2e)	ROG (tons/phase)	CO (tons/phase)	NOx (tons/phase)	Total PM10 (tons/phase)	Exhaust PM10 (tons/phase)	Fugitive Dust PM10 (tons/phase)	Total PM2.5 (tons/phase)	Exhaust PM2.5 (tons/phase)	Fugitive Dust PM2.5 (tons/phase)	SOx (tons/phase)	CO2 (tons/phase)	CH4 (tons/phase)	N2O (tons/phase)	CO2e (MT/phase)																																										
Grubbing/Land Clearing	0.01	0.08	0.08	0.01	0.00	0.00	0.00	0.00	0.00	0.00	16.19	0.00	0.00	14.87																																										
Grading/Excavation	0.16	1.38	1.64	0.08	0.07	0.01	0.06	0.06	0.00	0.00	295.05	0.09	0.00	270.62																																										
Drainage/Utilities/Sub-Grade	0.06	0.61	0.61	0.03	0.03	0.01	0.03	0.03	0.00	0.00	118.05	0.02	0.00	108.09																																										
Paving	0.02	0.19	0.15	0.01	0.01	0.00	0.01	0.01	0.00	0.00	31.85	0.01	0.00	29.27																																										
Maximum (tons/phase)	0.16	1.38	1.64	0.08	0.07	0.01	0.06	0.06	0.00	0.00	295.05	0.09	0.00	270.62																																										
Total (tons/construction project)	0.25	2.25	2.48	0.13	0.11	0.02	0.10	0.10	0.00	0.00	461.15	0.12	0.01	422.85																																										
PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.																																																								
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CO2e emissions are estimated by multiplying mass emissions for each GHG by its global warming potential (GWP), 1, 25 and 298 for CO2, CH4 and N2O, respectively. Total CO2e is then estimated by summing CO2e estimates over all GHGs.																																																								
The CO2e emissions are reported as metric tons per phase.																																																								

Appendix B

Biological Resources Information

City of Porterville

Task Order No. 19

Union Avenue Reconstruction Project

Biological Resources Information

California Natural Diversity Database (CNDDDB) Report – Nine Quad Element Search

- A thorough search of the CNDDDB for published accounts of special status plant and animal species was conducted for the Porterville 7.5-minute quadrangles that contains the Project site in its entirety, and for the eight surrounding quadrangles: Frazier Valley, Lindsay, Cairns Corner, Success Dam, Sausalito School, Ducor, Woodville, and Fountain Springs.
- Report ran on May 30, 2021.
 - 15 special status animal species have been documented in the Area of Potential Effect (APE). The following mitigation measures will be implemented during all Project activities:
 - BIO-1 (Operational Hours): Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging nocturnally within work areas.
 - BIO-2 (Avoidance): Construction activities will occur, if feasible, between September 16 and January 31 (outside of nesting bird season) in an effort to avoid impacts to nesting birds..
 - 19 special status plant species have been documented in the Project.
 - Mitigation is not warranted for special status plants due to ongoing disturbance and/or absence of suitable habitat in the Project APE.

IPaC System - Explore Locations Resources

- Report ran on June 22, 2021.
- There are no critical habitats in the Project APE.

Natural Resource Conservation Services - Custom Soil Resource Report

- Report ran May 4, 2021.
 - Soils in the Project APE include San Emigdio loam and Tujunga sand.

California Natural Diversity Database Report – 9 Quad Element Search



Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad> IS >Porterville (3611911)> OR >Success Dam (3611818)> OR >Fountain Springs (3511888)> OR >Ducor (3511981)> OR >Sausalito School (3511982)> OR >Woodville (3611912)> OR >Cairns Corner (3611922)> OR >Lindsay (3611921)> OR >Frazier Valley (3611828))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
alkali-sink goldfields <i>Lasthenia chrysantha</i>	PDAST5L030	None	None	G2	S2	1B.1
American badger <i>Taxidea taxus</i>	AMAJF04010	None	None	G5	S3	SSC
blunt-nosed leopard lizard <i>Gambelia sila</i>	ARACF07010	Endangered	Endangered	G1	S1	FP
brittlescale <i>Atriplex depressa</i>	PDCHE042L0	None	None	G2	S2	1B.2
calico monkeyflower <i>Diplacus pictus</i>	PDSCR1B240	None	None	G2	S2	1B.2
California alkali grass <i>Puccinellia simplex</i>	PMPOA53110	None	None	G3	S2	1B.2
California condor <i>Gymnogyps californianus</i>	ABNKA03010	Endangered	Endangered	G1	S1	FP
California jewelflower <i>Caulanthus californicus</i>	PDBRA31010	Endangered	Endangered	G1	S1	1B.1
chaparral ragwort <i>Senecio aphanactis</i>	PDAST8H060	None	None	G3	S2	2B.2
Crotch bumble bee <i>Bombus crotchii</i>	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
Earlimart orache <i>Atriplex cordulata</i> var. <i>erecticaulis</i>	PDCHE042V0	None	None	G3T1	S1	1B.2
hoary bat <i>Lasiurus cinereus</i>	AMACC05030	None	None	G3G4	S4	
Hopping's blister beetle <i>Lytta hoppingi</i>	IICOL4C010	None	None	G1G2	S1S2	
Keck's checkerbloom <i>Sidalcea keckii</i>	PDMAL110D0	Endangered	None	G2	S2	1B.1
lesser saltscale <i>Atriplex minuscula</i>	PDCHE042M0	None	None	G2	S2	1B.1
Lost Hills crownscale <i>Atriplex coronata</i> var. <i>vallicola</i>	PDCHE04371	None	None	G4T3	S3	1B.2
Madera leptosiphon <i>Leptosiphon serrulatus</i>	PDPLM09130	None	None	G3	S3	1B.2
molestan blister beetle <i>Lytta molesta</i>	IICOL4C030	None	None	G2	S2	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Morrison's blister beetle <i>Lytta morrisoni</i>	IICOL4C040	None	None	G1G2	S1S2	
Northern California legless lizard <i>Anniella pulchra</i>	ARACC01020	None	None	G3	S3	SSC
Northern Claypan Vernal Pool <i>Northern Claypan Vernal Pool</i>	CTT44120CA	None	None	G1	S1.1	
pallid bat <i>Antrozous pallidus</i>	AMACC10010	None	None	G4	S3	SSC
recurved larkspur <i>Delphinium recurvatum</i>	PDRAN0B1J0	None	None	G2?	S2?	1B.2
San Joaquin adobe sunburst <i>Pseudobahia peirsonii</i>	PDAST7P030	Threatened	Endangered	G1	S1	1B.1
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	AMAJA03041	Endangered	Threatened	G4T2	S2	
San Joaquin pocket mouse <i>Perognathus inornatus</i>	AMAFD01060	None	None	G2G3	S2S3	
San Joaquin woollythreads <i>Monolopia congdonii</i>	PDASTA8010	Endangered	None	G2	S2	1B.2
shining navarretia <i>Navarretia nigelliformis ssp. radians</i>	PDPLM0C0J2	None	None	G4T2	S2	1B.2
spiny-sepaled button-celery <i>Eryngium spinosepalum</i>	PDAP10Z0Y0	None	None	G2	S2	1B.2
Springville clarkia <i>Clarkia springvillensis</i>	PDONA05120	Threatened	Endangered	G2	S2	1B.2
striped adobe-lily <i>Fritillaria striata</i>	PML10V0K0	None	Threatened	G1	S1	1B.1
subtle orache <i>Atriplex subtilis</i>	PDCHE042T0	None	None	G1	S1	1B.2
Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070	None	Threatened	G5	S3	
Sycamore Alluvial Woodland <i>Sycamore Alluvial Woodland</i>	CTT62100CA	None	None	G1	S1.1	
Tipton kangaroo rat <i>Dipodomys nitratoideus nitratoideus</i>	AMAFD03152	Endangered	Endangered	G3T1T2	S1S2	
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	AMACC08010	None	None	G4	S2	SSC
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	IICOL48011	Threatened	None	G3T2	S3	
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	ICBRA03030	Threatened	None	G3	S3	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
vernal pool smallscale <i>Atriplex persistens</i>	PDCHE042P0	None	None	G2	S2	1B.2
western mastiff bat <i>Eumops perotis californicus</i>	AMACD02011	None	None	G4G5T4	S3S4	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G2G3	S3	SSC

Record Count: 42

IPaC System - Explore Locations Resources

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

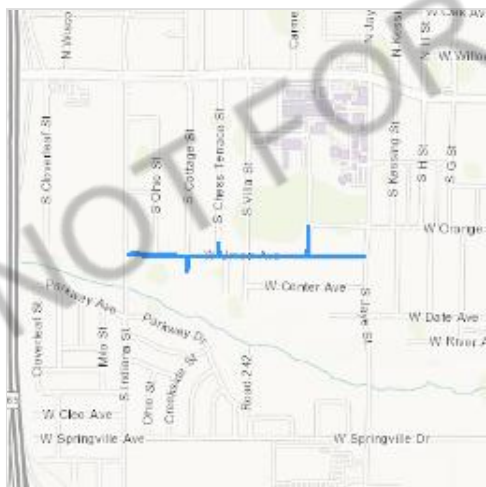
Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

NAME

City of Porterville TO19 Union Avenue Reconstruction

LOCATION

Tulare County, California



DESCRIPTION

None

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

 (916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

San Joaquin Kit Fox *Vulpes macrotis mutica***Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2873>**Tipton Kangaroo Rat** *Dipodomys nitratoide nitratoide***Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/7247>

Reptiles

NAME

STATUS

Blunt-nosed Leopard Lizard *Gambelia silus***Endangered**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/625>**Giant Garter Snake** *Thamnophis gigas***Threatened**

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/4482>

Amphibians

NAME

STATUS

California Red-legged Frog *Rana draytonii***Threatened**

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<https://ecos.fws.gov/ecp/species/2891>

Fishes

NAME

STATUS

Delta Smelt *Hypomesus transpacificus***Threatened**

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.<https://ecos.fws.gov/ecp/species/321>

Crustaceans

NAME

STATUS

Vernal Pool Fairy Shrimp *Branchinecta lynchi*

Threatened

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<https://ecos.fws.gov/ecp/species/498>

Flowering Plants

NAME

STATUS

San Joaquin Adobe Sunburst *Pseudobahia peirsonii*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2931>

Springville Clarkia *Clarkia springvillensis*

Threatened

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/8309>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>

- Nationwide conservation measures for birds

<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

California Thrasher *Toxostoma redivivum*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Jul 31

Clark's Grebe *Aechmophorus clarkii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Jan 1 to Dec 31

Costa's Hummingbird *Calypte costae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9470>

Breeds Jan 15 to Jun 10

Golden Eagle *Aquila chrysaetos*

Breeds Jan 1 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Lawrence's Goldfinch *Carduelis lawrencei*

Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Nuttall's Woodpecker *Picoides nuttallii*

Breeds Apr 1 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/9410>

Rufous Hummingbird *selasphorus rufus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Song Sparrow *Melospiza melodia*

Breeds Feb 20 to Sep 5

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Spotted Towhee *Pipilo maculatus clementae*

Breeds Apr 15 to Jul 20

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/4243>

Tricolored Blackbird *Agelaius tricolor*

Breeds Mar 15 to Aug 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3910>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Natural Resource Conservation Services - Custom Soil Resource Report



United States
Department of
Agriculture

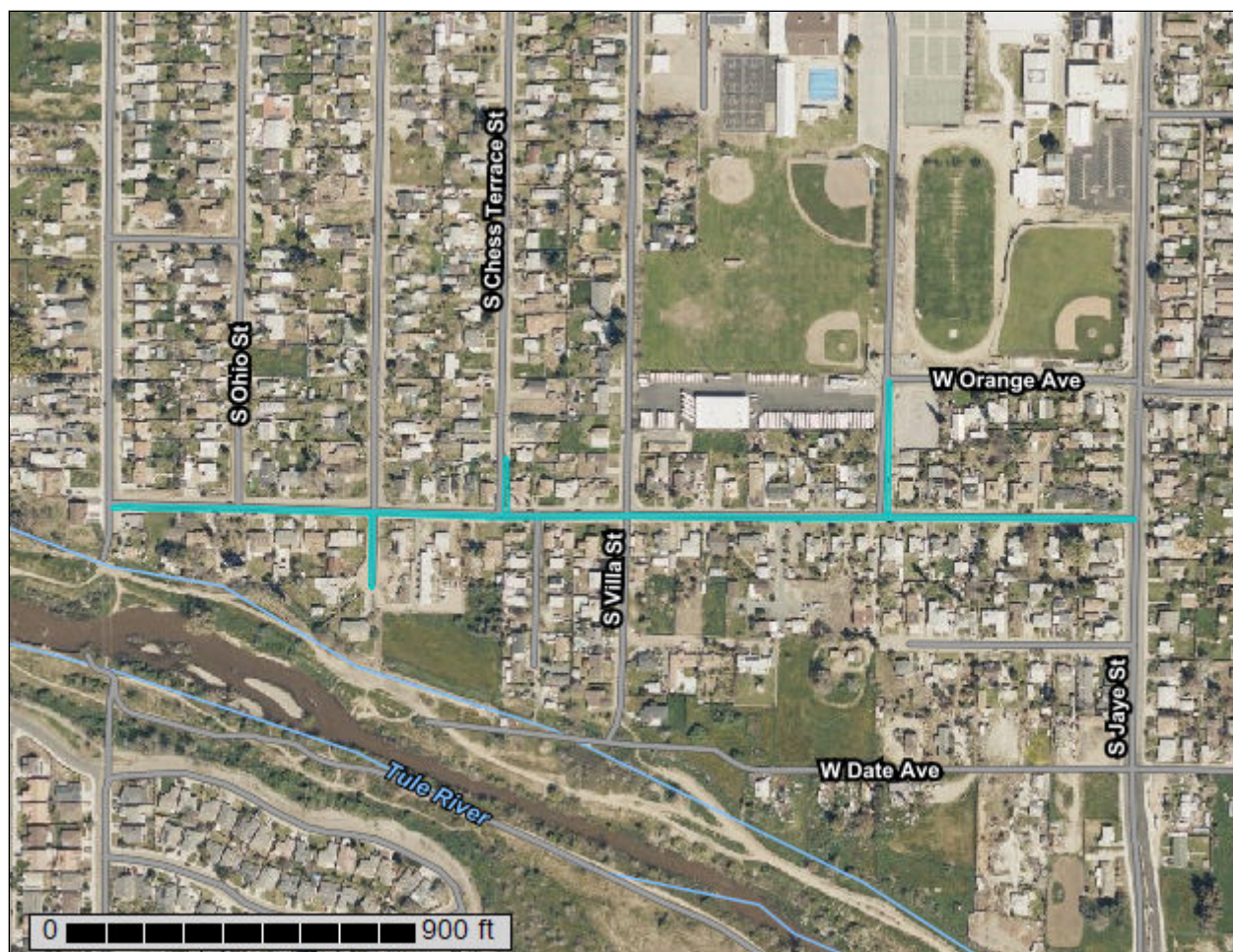
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Tulare County, California, Central Part

City of Porterville TO19 Union
Ave Alignment



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Tulare County, California, Central Part
Survey Area Data: Version 14, May 29, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 17, 2019—Mar 24, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
153	San Emigdio loam	0.7	91.1%
164	Tujunga sand	0.1	8.6%
Totals for Area of Interest		0.8	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Tulare County, California, Central Part

153—San Emigdio loam

Map Unit Setting

National map unit symbol: hkff
Elevation: 430 to 690 feet
Mean annual precipitation: 11 to 16 inches
Mean annual air temperature: 61 to 64 degrees F
Frost-free period: 320 to 325 days
Farmland classification: Prime farmland if irrigated

Map Unit Composition

San emigdio and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of San Emigdio

Setting

Landform: Alluvial fans
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granitoid and/or alluvium derived from sedimentary rock

Typical profile

Ap - 0 to 29 inches: loam
C - 29 to 66 inches: fine sandy loam, sandy loam, loam
C - 29 to 66 inches:
C - 29 to 66 inches:

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 5 percent
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water capacity: Very high (about 15.8 inches)

Interpretive groups

Land capability classification (irrigated): 1
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: A
Ecological site: R017XE118CA - CALCAREOUS LOAMY
Hydric soil rating: No

Minor Components

Honcut

Percent of map unit: 2 percent
Hydric soil rating: No

Tujunga

Percent of map unit: 2 percent
Hydric soil rating: No

Wyman

Percent of map unit: 2 percent
Hydric soil rating: No

Unnamed, salty

Percent of map unit: 2 percent
Hydric soil rating: No

Unnamed, finer subsoil

Percent of map unit: 2 percent
Hydric soil rating: No

164—Tujunga sand

Map Unit Setting

National map unit symbol: hkfs
Elevation: 10 to 2,500 feet
Mean annual precipitation: 10 to 25 inches
Mean annual air temperature: 59 to 64 degrees F
Frost-free period: 280 to 350 days
Farmland classification: Not prime farmland

Map Unit Composition

Tujunga and similar soils: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Tujunga

Setting

Landform: Alluvial fans
Landform position (two-dimensional): Footslope
Landform position (three-dimensional): Base slope
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from granitoid

Typical profile

A - 0 to 16 inches: sand
C - 16 to 60 inches: loamy sand, fine sand, sand
C - 16 to 60 inches:

Custom Soil Resource Report

C - 16 to 60 inches:

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water capacity: High (about 10.3 inches)

Interpretive groups

Land capability classification (irrigated): 3s

Land capability classification (nonirrigated): 6s

Hydrologic Soil Group: A

Ecological site: R017XE080CA - SANDY

Hydric soil rating: No

Minor Components

Honcut

Percent of map unit: 4 percent

Hydric soil rating: No

Unnamed, calcareous

Percent of map unit: 3 percent

Hydric soil rating: No

San emigdio

Percent of map unit: 3 percent

Hydric soil rating: No

References

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelpdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

United States Department of Agriculture, Soil Conservation Service. 1961. Land capability classification. U.S. Department of Agriculture Handbook 210. http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_052290.pdf

Appendix C

Cultural Resources Information

City of Porterville

Task Order 19 Union Avenue Reconstruction Project

Cultural Resources Information

Southern San Joaquin Valley California Information Center, CSU Bakersfield, California Historical Resources Information System: Record Search 21-162, dated May 24, 2021.

- There have been no previous cultural resource studies conducted within the project area.
- There have been nine cultural resource studies conducted within a one-half mile radius, TU-00419, 00446, 01061, 01131, 01140, 01201, 01213, 01252, and 01704.
- There are no recorded resources within the project area, and it is not known if any exist.
- There are 14 recorded cultural resources within the one-half mile radius, P-54-003108, 003109, 003110, 003111, 003112, 003113, 003114, 003115, 003116, 003161, 003166, 003210, 004626, and 004700. These resources all consist of historic era buildings in Porterville Historic District 2 and an historic era railroad.
- There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

Native American Heritage Commission (NAHC): Sacred Lands File & Native American Contacts List Request, dated May 26, 2021.

- A Record Search of the NAHC Sacred Lands File was completed for the Area of Potential Effect (APE) with negative results.
- A list of ten tribal contacts was provided, and letters to the ten tribal contacts were then mailed out May 26, 2021.
- No additional responses or additional cultural information were received by the City of Porterville.

AB 52 Consultation pursuant to Public Resource Code Section 21080.3.1

- The City of Porterville has received a letter from the Santa Rosa Rancheria Tachi Yokut Tribe and the Tule River Indian Tribe.
- The City of Porterville sent out a Tribal Consultation Notification Request Letter Pursuant to AB 52 to both Tribes via certified mail dated January 13, 2022, which included a Project Description, map of the APE and a Topo map.
- No correspondence has been received by the City of Porterville pursuant to the Tribal Consultation Notification Request Letter.

CHRIS – Record Search Results



To: Jacqueline Lancaster
Provost & Pritchard Consulting Group
130 N. Garden Street
Visalia, CA 93291

Record Search 21-181

Date: May 24, 2021

Re: City of Porterville, Union Avenue Reconstruction Project, between Indiana to Jaye Street

County: Tulare

Map(s): Porterville 7.5'

CULTURAL RESOURCES RECORDS SEARCH

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

The following are the results of a search of the cultural resource files at the Southern San Joaquin Valley Information Center. These files include known and recorded cultural resources sites, inventory and excavation reports filed with this office, and resources listed on the National Register of Historic Places, the OHP Built Environment Resources Directory, California State Historical Landmarks, California Register of Historical Resources, California Inventory of Historic Resources, and California Points of Historical Interest. Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area.

PRIOR CULTURAL RESOURCE STUDIES CONDUCTED WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

According to the information in our files, there have been no previous cultural resource studies conducted within the project area. There have been nine cultural resource studies conducted within a one-half mile radius, TU-00419, 00446, 01061, 01131, 01140, 01201, 01213, 01252, and 01704.

KNOWN/RECORDED CULTURAL RESOURCES WITHIN THE PROJECT AREA AND THE ONE-HALF MILE RADIUS

There are no recorded resources within the project area, and it is not known if any exist there. There are 14 recorded cultural resources within the one-half mile radius, P-54-003108, 003109, 003110, 003111, 003112, 003113, 003114, 003115, 003116, 003161, 003166, 003210, 004626, and 004700. These resources all consist of historic era buildings in Porterville Historic District 2 and an historic era railroad.

There are no recorded cultural resources within the project area or radius that are listed in the National Register of Historic Places, the California Register of Historical Resources, the California Points of Historical Interest, California Inventory of Historic Resources, or the California State Historic Landmarks.

COMMENTS AND RECOMMENDATIONS

We understand this project consists of the reconstruction of Union Avenue between Indian and Jaye Streets in the City of Porterville. Because the project area has already been developed with the existing road, no new cultural resources survey is recommended at this time. However, cultural resources may exist under the road asphalt. Therefore, we recommend an archaeological monitor be present during ground disturbance activities to identify any unearthed cultural resources and make the appropriate mitigation recommendations. A list of qualified consultants can be found at www.chrisinfo.org.

We also recommend that you contact the Native American Heritage Commission in Sacramento. They will provide you with a current list of Native American individuals/organizations that can assist you with information regarding cultural resources that may not be included in the CHRIS Inventory and that may be of concern to the Native groups in the area. The Commission can consult their "Sacred Lands Inventory" file to determine what sacred resources, if any, exist within this project area and the way in which these resources might be managed. Finally, please consult with the lead agency on this project to determine if any other cultural resource investigation is required. If you need any additional information or have any questions or concerns, please contact our office at (661) 654-2289.

By:

Celeste M. Thomson, Coordinator

Date: May 17, 2021

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.

NAHC – Sacred Lands File Search Results



NATIVE AMERICAN HERITAGE COMMISSION

May 26, 2021

Jackie Lancaster

Provost & Pritchard Consulting Group

Via Email to: JLancaster@ppeng.com

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

Re: City of Porterville TO19 Union Avenue Reconstruction Project, Tulare County

Dear Ms. Lancaster:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,

Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contacts List
May 26, 2021**

Big Sandy Rancheria of Western Mono Indians Elizabeth D. Kipp, Chairperson PO. Box 337 Auberry, CA 93602 lkipp@bsrnation.com (559) 374-0066 (559) 374-0055	Western Mono	Kern Valley Indian Community Brandy Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com (661) 821-1733 (661) 972-0445	Kawaiisu Tubatulabal
Dunlap Band of Mono Indians Benjamin Charley Jr., Tribal Chair P.O. Box 14 Dunlap, CA 93621 ben.charley@yahoo.com (760) 258-5244	Mono	Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P.O. Box 8 Lemoore, CA 93245 (559) 924-1278 (559) 924-3583 Fax	Tache Tachi Yokut
Dunlap Band of Mono Indians Dirk Charley, Tribal Secretary 5509 E. McKenzie Avenue Fresno, CA 93727 dcharley2016@gmail.com (559) 554-5433	Mono	Tubatulabals of Kern Valley Robert L. Gomez, Jr., Tribal Chairperson P.O. Box 226 Lake Isabella, CA 93240 (760) 379-4590 (760) 379-4592 Fax	Tubatulabal
Kern Valley Indian Community Julie Turner, Secretary P.O. Box 1010 Lake Isabella, CA 93240 (661) 340-0032 Cell	Kawaiisu Tubatulabal	Tule River Indian Tribe Neil Peyron, Chairperson P.O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov (559) 781-4271 (559) 781-4610 Fax	Yokuts
Kern Valley Indian Community Robert Robinson, Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com (760) 378-2915 Cell	Tubatulabal Kawaiisu	Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 kwood8934@aol.com (831) 443-9702	Foothill Yokuts Mono Wuksache

This list is current as of the date of this document and is based on the information available to the Commission on the date it was produced.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code, or Section 5097.98 of the Public Resources Code.

**This list is only applicable for contacting local Native Americans Tribes for the proposed:
City of Porterville TO19 Union Avenue Reconstruction Project, Tulare County.**

May 26, 2021

Big Sandy Rancheria of Western Mono Indians
Elizabeth D. Kipp, Chairperson
PO. Box 337
Auberry, CA 93602

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Kipp:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

Provost and Pritchard Consulting Group has requested a records search of the California Historic Resources Information System from the Southern San Joaquin Valley Information Center to identify any cultural resources within or adjacent to the Project Area. A search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed with negative results. The NAHC provided your name and address as a tribal contact that is culturally affiliated to the project area. If you have any information that you wish to share, or have questions or would like more information about the project, please do not hesitate to contact me by phone (559) 636-1166, email (jlancaster@ppeng.com), or send a letter to my attention. I would appreciate any information you might provide to assist us with our inventory efforts.

Be assured that any locations of archaeological sites, cemeteries, or sacred places will be treated confidentially, as required by law, and not disclosed in any document available to the general public.

Sincerely,



Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Kern Valley Indian Community
Julie Turner, Secretary
P.O. Box 1010
Lake Isabella, CA 93240

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Turner:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,

A handwritten signature in blue ink that reads "Jacqueline Lancaster". The signature is fluid and cursive, with the first name "Jacqueline" being more prominent than the last name "Lancaster".

Jacqueline Lancaster, Project Administrator

encl.: APE Map

May 26, 2021

Dunlap Band of Mono Indians
Dick Charley, Tribal Secretary
5509 E. McKenzie Avenue
Fresno, CA 93727

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Charley:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,



Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Dunlap Band of Mono Indians
Benjamin Charley, Jr., Chair
PO. Box 14
Dunlap, CA 93621

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Charley:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,

A handwritten signature in blue ink that reads "Jacqueline Lancaster". The signature is fluid and cursive, with the first name being more prominent.

Jacqueline Lancaster, Project Administrator

encl.: APE Map



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Fresno, CA 93711-6162
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Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Kern Valley Indian Community
Brandy Kendricks
30741 Foxridge Court
Tehachapi, CA 93561

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Ms. Kendricks:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

Provost and Pritchard Consulting Group has requested a records search of the California Historic Resources Information System from the Southern San Joaquin Valley Information Center to identify any cultural resources within or adjacent to the Project Area. A search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed with negative results. The NAHC provided your name and address as a tribal contact that is culturally affiliated to the project area. If you have any information that you wish to share, or have questions or would like more information about the project, please do not hesitate to contact me by phone (559) 636-1166, email (jlancaster@ppeng.com), or send a letter to my attention. I would appreciate any information you might provide to assist us with our inventory efforts.

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Sincerely,

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Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Kern Valley Indian Community
Robert Robinson, Chairperson
P.O. Box 1010
Lake Isabella, CA 93240

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Robinson:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,

A handwritten signature in blue ink that reads "Jacqueline Lancaster". The signature is fluid and cursive, with the first name being more prominent.

Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville, CA 93258

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Peyron:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

Provost and Pritchard Consulting Group has requested a records search of the California Historic Resources Information System from the Southern San Joaquin Valley Information Center to identify any cultural resources within or adjacent to the Project Area. A search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed with negative results. The NAHC provided your name and address as a tribal contact that is culturally affiliated to the project area. If you have any information that you wish to share, or have questions or would like more information about the project, please do not hesitate to contact me by phone (559) 636-1166, email (jlancaster@ppeng.com), or send a letter to my attention. I would appreciate any information you might provide to assist us with our inventory efforts.

Be assured that any locations of archaeological sites, cemeteries, or sacred places will be treated confidentially, as required by law, and not disclosed in any document available to the general public.

Sincerely,

A handwritten signature in blue ink that reads "Jacqueline Lancaster". The signature is fluid and cursive, with the first name being more prominent.

Jacqueline Lancaster, Project Administrator

encl.: APE Map

May 26, 2021

Tubatulabals of Kern Valley
Robert L. Gomez, Jr., Tribal Chairperson
P.O. Box 226
Lake Isabella, CA 93240

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Gomez:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,



Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Santa Rosa Rancheria Tachi Yokut Tribe
Leo Sisco, Chairperson
P.O. Box 8
Lemoore, CA 93245

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Sisco:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Jacqueline Lancaster, Project Administrator

encl.: APE Map



286 W. Cromwell Avenue
Fresno, CA 93711-6162
Tel: (559) 449-2700
Fax: (559) 449-2715
www.ppeng.com

May 26, 2021

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct.
Salinas, CA 93906

Subject: Notification for the Union Avenue Reconstruction Project in the City of Porterville, Tulare County, CA.

Dear Mr. Woodrow:

Provost and Pritchard Consulting Group, is providing cultural resources services in support of the City of Porterville Union Avenue Reconstruction Project.

The City of Porterville is processing an application for the above-referenced project. The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets, a length of 0.5 miles in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

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Sincerely,

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Jacqueline Lancaster, Project Administrator

encl.: APE Map

AB 52 Tribal Consultation



**Community Development
Department**

January 13, 2022

Santa Rosa Rancheria Tachi Yokut Tribe
Rueben Barrios Sr., Chairperson
P.O. Box 8
Lemoore, CA 93245

Subject: Notification pursuant to Assembly Bill 52 for Task Order No. 19 - Union Avenue
Reconstruction, Indiana to Jaye St Park Project in the City of Porterville, Tulare County,
CA.

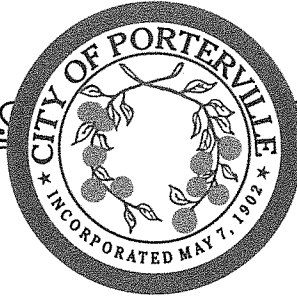
Dear Chairperson Barrios:

The City of Porterville is processing an application for the above-referenced project. The City is requesting your review to determine if formal consultation is appropriate pursuant to Public Resources Code Section 21080.3.1 (Assembly Bill 52). The project consists of the reconstruction of Union Avenue between Indiana and Jaye Streets in the City of Porterville. The proposed project would include the widening of Union Avenue to the standard width of 56 ft right of way, improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation. Some of these activities will involve property acquisition.

A copy of the Aerial/Area of Potential Effect map and Topographical map is attached for your reference. Pursuant to AB 52 the Tribe has 30 days to request formal consultation. Please feel free to contact me with any questions at (559) 782-7460 or jridenour@ci.porterville.ca.us.

Respectfully,

Jason Ridenour
Community Development Director
City of Porterville
Enclosures: Aerial/Area of Potential Effect map
Topographic Map



**Community Development
Department**

January 13, 2022

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589
Porterville, CA 93258

Subject: Notification pursuant to Assembly Bill 52 for Task Order No. 19 - Union Avenue Reconstruction, Indiana to Jaye St Park Project in the City of Porterville, Tulare County, CA.

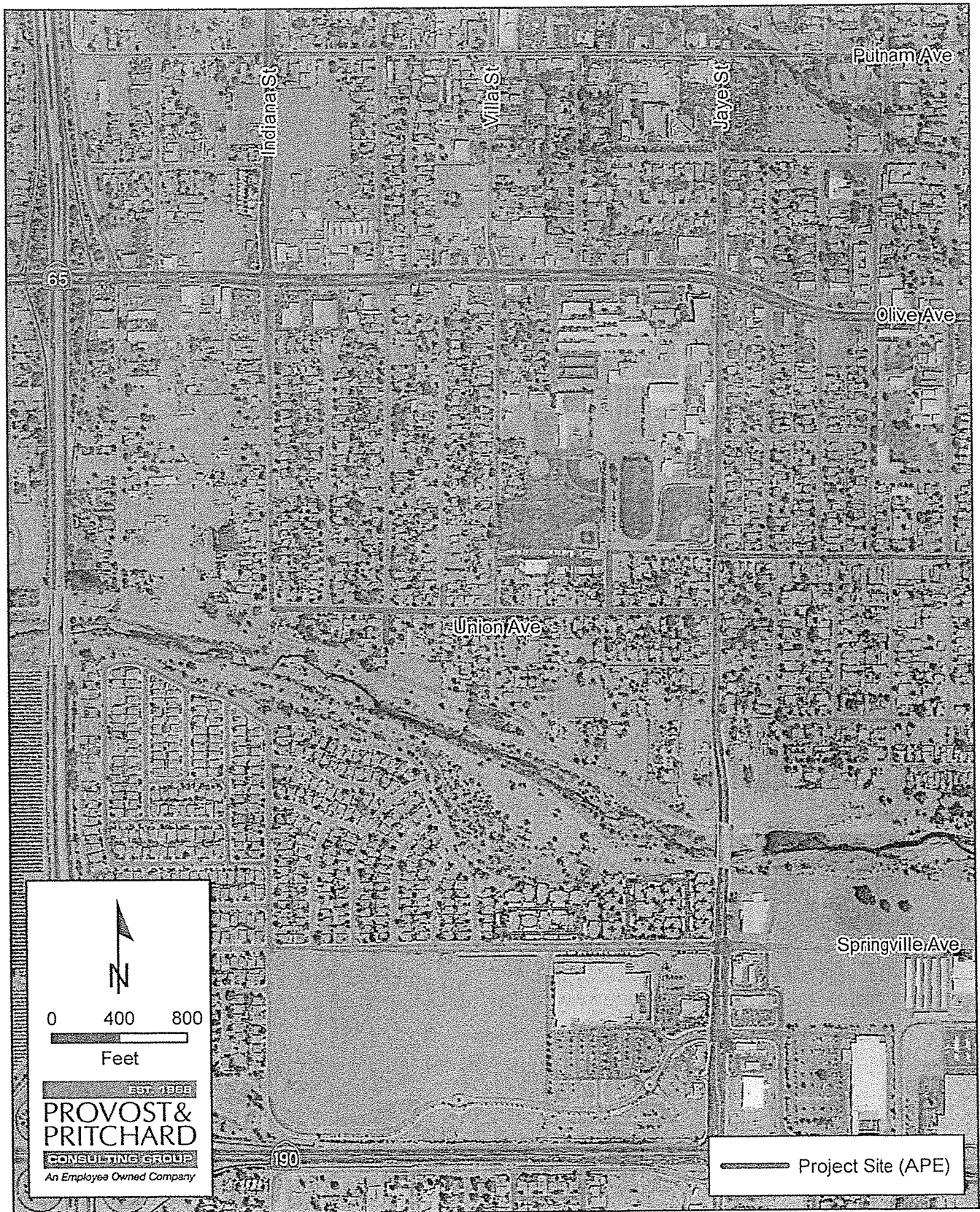
Dear Chairperson Peyron:

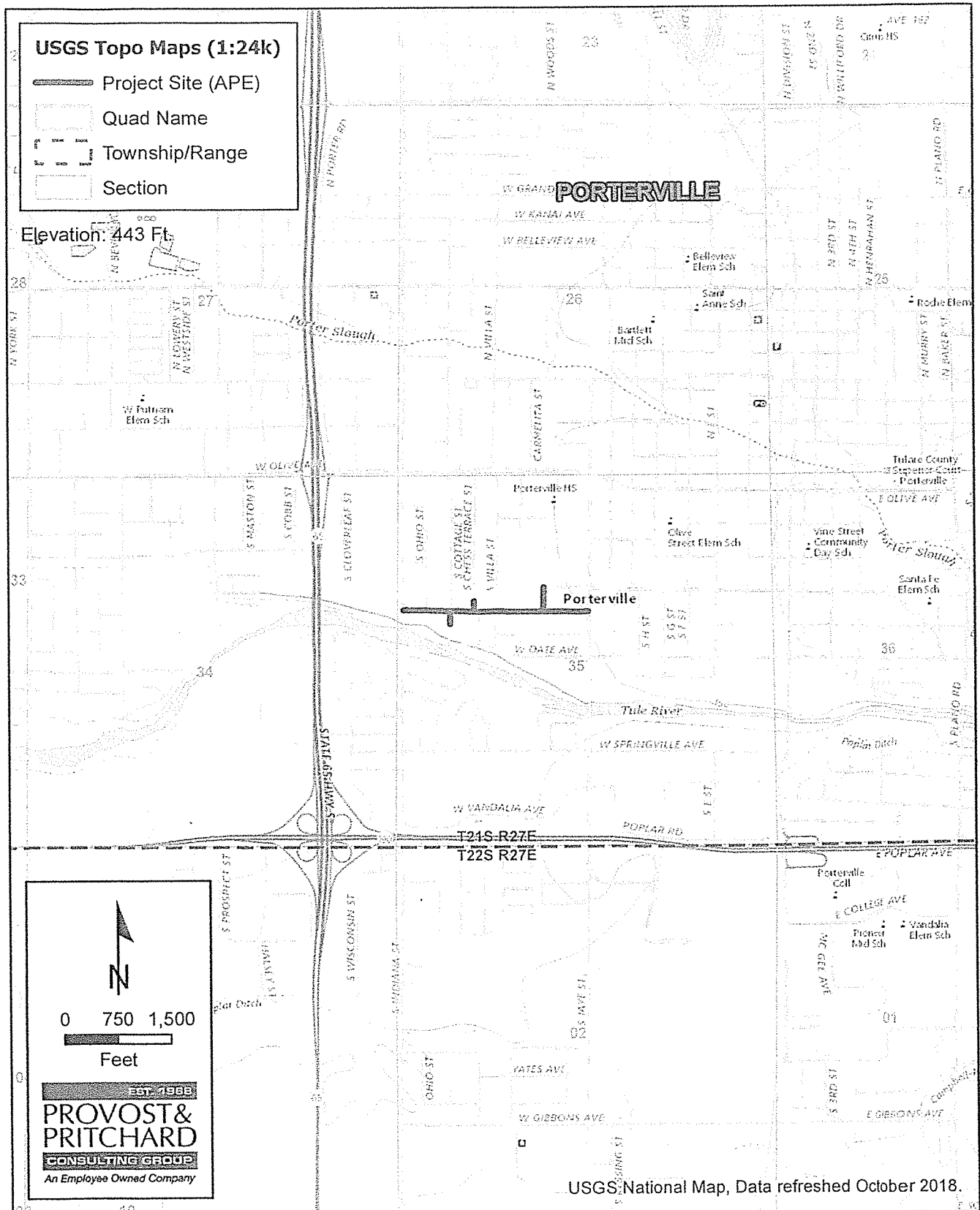
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Respectfully,

Jason Ridenour
Community Development Director
City of Porterville
Enclosures: Aerial/Area of Potential Effect map
Topographic Map







April 25, 2022

Jason Ridenour
City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Project: Union Avenue Reconstruction Project

District CEQA Reference No: 20220384

Dear Mr. Ridenour:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Union Avenue Reconstruction Project from the City of Porterville (City). Per the IS/MND, the Project consists of reconstruction of Union Avenue between Indiana and Jaye Streets approximately one-half mile in length. The reconstruction would include the widening of Union Avenue to the standard width of 56 feet right of way; improving Western Street to Orange Avenue to correct drainage issues, completing the connection of Chess Terrace to Union Avenue, and improving Cottage Street south of Union Avenue. Project activities include pavement; water, sewer, and storm drain installation; curb, gutters, sidewalks and landscaped parkways; streetlights, and possible utility relocation (Project). The Project is located in Porterville, CA.

The District offers the following comments regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM_{2.5}) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM₁₀, PM_{2.5} standards.

Based on information provided to the District, Project specific annual criteria pollutant emissions from construction and operation are not expected to exceed any of the significance thresholds as identified in the District's Guidance for Assessing

Samir Sheikh
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

and Mitigating Air Quality Impacts (GAMAQI):
<https://www.valleyair.org/transportation/GAMAQI.pdf>.

1a) Construction Emissions

Project construction air emissions are short-term emissions generated from construction activities such as mobile heavy-duty diesel off-road equipment and are expected to result in a less than significant impact on air quality. However the District recommends, to further lessen air quality impacts from construction-related diesel exhaust emissions, the City consider the feasibility of incorporating the below measure into the Project.

Recommended Measure: To reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment, including the latest tier equipment.

2) Health Risk Screening/Assessment

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

The IS/MND states in section 3.4.4 that “during construction the Project would not exceed the District’s thresholds established in accordance with health-based standard for determining significance of criteria pollutant emissions. As a result of the Project, traffic would not be increased on Union Avenue, or any of the connecting streets, and there would not be an increase in operational emissions. Therefore, in accordance with these standards, the Project would have a less than significant impact related to exposure of sensitive receptors to substantial pollutant concentrations.”

Although the Project criteria pollutant emissions from construction will not exceed the District’s significance thresholds, the Project may have the potential to result in health impacts to nearby receptors. Assessing potential health risk impact from a project is different from assessing the project’s potential impact from construction criteria pollutant emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or an HRA should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/ project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files

- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: hramodeler@valleyair.org
- Calling (559) 230-5900

Recommended Measure: Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://www3.arb.ca.gov/ch/handbook.pdf>.

3) District Rules and Regulations

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

3a) District Rule 9510 - Indirect Source Review

The District has reviewed the information provided and determined this Project is exempt under District Rule 9510 section 4.4.1; reconstruction of a development project that is damaged or destroyed, and is rebuilt to essentially the same use and intensity. Therefore, District Rule 9510 requirements and related fees do not apply to the Project.

3b) District Regulation VIII (Fugitive PM10 Prohibitions)

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII,

specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

3c) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

4) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Patrick Chimienti by e-mail at Patrick.Chimienti@valleyair.org or by phone at (559) 230-6139.

Sincerely,

Brian Clements
Director of Permit Services



For: Mark Montelongo
Program Manager



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Fallen Heroes Memorial Wall

SOURCE: Parks and Leisure Services

COMMENT: The Fallen Heroes Memorial Wall pays special tribute to local residents who have died in the line of duty during military or public safety service. The Wall is located within Fallen Heroes Park, 356 E. Chase Ave and has been open since November 2014. There are currently four names on the Wall. The first two individuals to be recognized were Cpl. Brett W. Land and Pfc. Alejandro J. Pardo, then following the tragic Library fire that occurred on February 2020, Capt. Ramon C. Figueroa and FF Patrick L. Jones' names were added to the Wall in 2020.

The Military Banner Program also honors military personnel killed in action. The information collected for that program has brought about the need to establish consistent regulations under which the City would add new honorees to the Fallen Heroes Memorial Wall. Over its past three meetings, the Military Banner Program Committee worked on developing a Fallen Heroes Memorial Wall Policy.

In order to qualify, the policy states:

1. The honoree must be military personnel who died in active service, foreign or domestic, or a peace officer, firefighter, or emergency medical technician who died in the line of duty.
2. The honoree must have been killed in action during military or public safety service on or after September 11, 2001.
3. The honoree must have been a current or past resident within the Porterville area as defined by the boundaries of the Porterville Unified School District.

Staff will research to determine if there are any additional individuals that meet the policy specifications and coordinate with respective family members for recognition on the Wall. The installation of plaques will coincide with the Memorial Day Holiday on an as-needed basis. At its meeting on March 8, 2022, the Military Banner Program Committee voted unanimously to recommend to the City Council approval of the draft Fallen Heroes Memorial Wall Policy.

RECOMMENDATION: That the City Council consider adoption of the draft Fallen Heroes Memorial Wall Policy.

ATTACHMENTS: 1. Draft Fallen Heroes Park Memorial Wall Policy

Item No. 23.

2. Fallen Heroes Memorail Wall

Appropriated/Funded:

Review By:

Department Director:
Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



FALLEN HEROES MEMORIAL WALL

PURPOSE

Located on the grounds of Fallen Heroes Park, the City of Porterville Fallen Heroes Memorial Wall pays special tribute to local residents who recently died in the line of duty during military or public safety service. The memorial wall is intended to honor those that paid the ultimate sacrifice defending our nation and community and contribute to the preservation of their memory. It is the purpose of this policy to establish regulations under which the City of Porterville would add new honoree plaques to the Fallen Heroes Memorial Wall.

ELIGIBILITY

To qualify:

- 1) The honoree must be military personnel who died in active service, foreign or domestic, or a peace officer, firefighter, or emergency medical technician who died in the line of duty.
- 2) The honoree must have been killed in action during military or public safety service on or after September 11, 2001.
- 3) The honoree must have been a current or past resident within the Porterville area as defined by the boundaries of the Porterville Unified School District.¹

APPLICATIONS

The City of Porterville will take applications on an ongoing basis. There is no cost to apply. By submitting an application, the applicant agrees that he or she has permission to use the service member's likeness and name on the Fallen Heroes Memorial Wall.

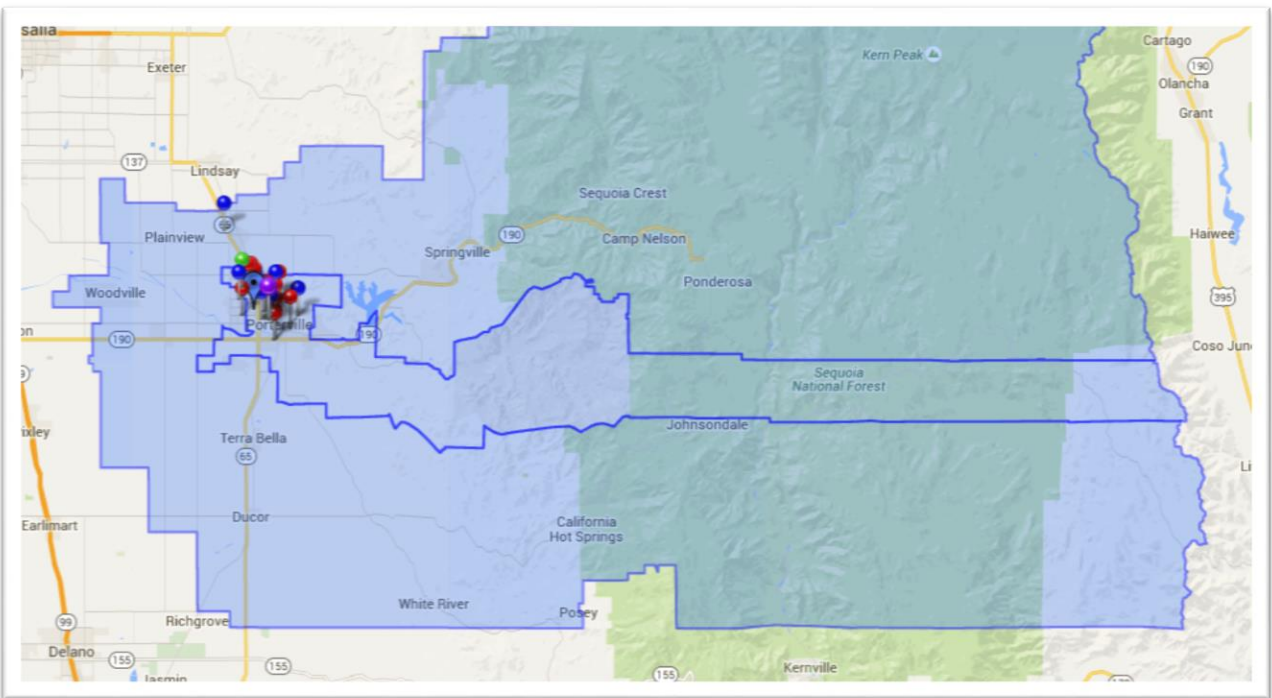
The application may be obtained online through the City of Porterville website or in-person at the Parks and Leisure Services office, 15 E. Thurman Ave., Suite A.

PROCESS

- Upon receipt of an application, the City of Porterville will commission a custom plaque designed with the service member's name and title as indicated on the application (example: *Cpl. Juan Carlos* or *FF Sarah Smith*). The City of Porterville is not responsible for misspellings submitted on the application.
- Installation of the plaque(s) will occur once a year to coincide with the Memorial Day holiday. Applications not submitted in time to produce the plaque will be held until the following recognition period.

- The City of Porterville shall make the final determination of the plaque location. Once a plaque is installed, it will not be removed unless determined by the City of Porterville.
- The City of Porterville will provide for the routine maintenance of the memorial wall and area surrounding the memorial.
- The City of Porterville reserves the right to deny an application if the requirements of the policy are not met.

1. Porterville Unified School District Boundaries



356

Capt James C. Hagan

Pvt Patrick L. Jones

Capt. Bruce W. Long

As we remember
our fallen heroes,
Their loss we still regret.
But they willingly died
for freedom's cause.
And we must never forget.
-Unknown-

Pvt. Okazaki J. Pardo



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: 2022 KJUG Free Summer Concert Series

SOURCE: City Manager's Office

COMMENT: With the Porterville Chamber of Commerce having previously served as the sponsor of the annual KJUG Free Summer Concert Series, at its meeting on July 20, 2021, the City Council made the determination for the City to sponsor and staff coordinate the 2021 KJUG Free Summer Concert Series at Centennial Park. Momentum Broadcasting (who operates FM 106.7 KJUG) has been in contact with the Chamber in regard to its interest in sponsoring the 2022 Free Summer Concert Series, which the Chamber has declined due to recent staffing changes. Momentum has approached the City to again sponsor and staff coordinate this year's KJUG Free Summer Concert Series at Centennial Park, with proposed concert dates on Thursday, May 26th, Tuesday, June 7th and Tuesday, June 21st.

The June concert dates would conflict with both of the Council's regular meeting schedule for the month, although there are several options to consider in relief: 1) schedule the concerts to be performed at a different City park; 2) schedule a Council meeting recess from 6:30 to 7:45 PM during the concert; or 3) reschedule the June Council meetings to a different day those weeks (e.g. Monday, June 6 and June 20).

The cost of sponsorship for the 2022 KJUG Free Summer Concert Series is \$6,750, which funds are available in the Council's Community Promotions account for funding.

RECOMMENDATION: That the City Council:

1. Consider sponsorship of the 2022 KJUG Free Summer Concert Series for concert dates on May 26, June 7 and June 21, 2022;
2. Authorize the expenditure of \$6,750 as the concert events sponsor from the Community Promotions fund; and
3. Consider options for the scheduling conflict with the June 7 and June 21 Council meetings.

ATTACHMENTS:

1. 2022 KJUG Free Summer Concert Series City Sponsorship Agreement

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager



2022

City of Porterville KJUG SUMMER CONCERT SERIES

City Sponsor

We are back and ready to kick off the 2022 season with our full line up of shows. The Free Summer Concert Series attracts Country Music Fans from all over the South Valley. It's an opportunity to see your favorite new country artist in an up-close concert venue. There is a total of 9 concerts for the Summer with 3 in Porterville at the Centennial Park, 3 in Hanford at the Civic Park, and 3 in Exeter at the one of its beautiful parks. Some of the past featured artists have been Lady Antebellum, Justin Moore, Cole Swindle, Scotty McCreery, & Brett Eldredge.

As a City Sponsor of KJUG's Annual Summer Concert Series, Porterville will receive the following for your city:

NAME ASSOCIATION:

- Affiliation with this highly successful radio promotion
- Affiliation with KJUG, one of the most recognized Country Stations in the US.

ADVERTISING:

Radio

- Name recognition in a minimum of 150 Shared Live and Recorded promotional announcements as sponsor (50 per show)
- Minimum of 300 mentions per concert directing listeners to Porterville for shows (100 per concert)

Print

- Logo displayed on posters
- Logo on side stage banners

Online

- Logo on event Landing Page
- Name recognition in a minimum of 150 Shared Live and Recorded streaming promotional announcements per show as sponsor, 50 per Series
- Minimum of 300 mentions per concert directing listeners to Porterville for shows (100 per concert)

Social Media Exposure- 50,000 followers

Summer Concert Series Net Investment: \$6,750*

**Payable 6 weeks prior to start of series*

First option to sponsor the 2023 Summer Concert Series (guaranteed until 02/01/2023).

Agreed to by: _____ Date: _____

Series: Porterville



CITY COUNCIL AGENDA – MAY 3, 2022

SUBJECT: Authorization To Obtain a Confidential Issuer Credit Rating from S&P's Global Ratings

SOURCE: City Manager's Office

COMMENT: As the City Council is aware from its annual Priority Project Study Session conducted on April 12, 2022, the City is in the midst of planning the implementation of an estimated \$60 million in capital facility and improvement projects over the next several years, including a new library, community recreation center, animal shelter facility, fire station remodels, and local parks development and improvements. Significant State grant funds have been applied for and the City selected for funding, including \$7.8 million in Proposition 68 and \$3.6 million in Clean California grant funds for the community recreation center. The City also has \$10 million in American Rescue Plan Act (ARPA) funds that may appropriate for general governmental purposes, including capital projects and improvements.

City staff is currently in negotiations for the purchase of property on Olive Avenue adjacent to City property for the location of the new library, with an estimated acquisition, design and construction cost of \$30 million for a proposed 40,000-square foot facility. Staff has applied for the maximum \$10 million in State Library Building Forward Infrastructure Program, which if awarded, combined with fire insurance proceeds would likely exceed \$20 million in funding for the new facility. As staff develops options for the Council to consider in funding options for the planned projects and improvements, the City's municipal advisor has recommended that the City obtain a confidential issuers credit rating from S&P's Global Ratings, which last provided a rating of "AA" to the City in 2015. Given the age of the rating, an updated rating of the City would be helpful in evaluating potential financing options and will likely be necessary. S&P Global Ratings has quoted \$15,000 for the confidential issuer credit rating, including annual credit surveillance updates.

RECOMMENDATION: That the City Council:

1. Adopt the draft Resolution to authorize obtaining a confidential issuer credit rating from S&P's Global Ratings for likely future project financing; and
2. Adopt the draft Resolution to authorize the expenditure of \$15,000 from the Special Purposes Reserve Fund.

ATTACHMENTS: 1. Draft Resolution: Confidential Issuer Credit Rating
Item No. 25.

2. Draft Resolution : Special Purposes Reserve Fund
3. Municipal Code Chapter 2, Article VI. Funds of the City

Appropriated/Funded:

Review By:

Department Director:
John Lollis, City Manager

Final Approver: John Lollis, City Manager

RESOLUTION ____-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING S&P GLOBAL RATINGS TO ASSIGN CONFIDENTIAL ISSUER
CREDIT RATING FOR THE CITY

WHEREAS, the City no longer has a current credit rating from S&P Global Ratings because its last publicly offered issue has been redeemed;

WHEREAS, it is desirable for the City to maintain an issuer credit rating from S&P Global Ratings in connection with future financings;

WHEREAS, an issuer credit rating is the rating agency's opinion of an entity's overall creditworthiness and is not tied to a specific debt instrument and many public entities use an issuer credit rating to convey to potential counterparties its view of their general creditworthiness;

WHEREAS, the fee for a local government issuer credit rating is \$15,000 and there is no ongoing surveillance fee;

WHEREAS, S&P Global Ratings will credit fifty percent (50%) of the issuer credit rating fee (\$7,500) toward any General Fund credit of the City that it rates within the next twelve (12) months;

WHEREAS, it is advisable for the City to request an issuer credit rating from S&P Global Ratings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE AS FOLLOWS:

SECTION 1. The Council hereby authorizes the City Manager to obtain a confidential issuer credit rating from S&P Global Ratings for a fee of \$15,000.

SECTION 2. Official Actions. The City Manager and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, which they, or any of them, may deem necessary or advisable in connection of obtaining an issuer credit rating from S&P Global Ratings. Whenever in this Resolution any officer of the City is directed to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

SECTION 3. Effective Date. This Resolution shall take effect from and after the date of its passage and adoption.

SECTION 4. Certification. The City Clerk shall certify to the passage and adoption hereof.

PASSED, APPROVED, AND ADOPTED this 3rd day of May, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION ____-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE SPECIAL PURPOSES
RESERVE FUND FOR S&P GLOBAL RATINGS TO ASSIGN A CONFIDENTIAL
ISSUER CREDIT RATING FOR THE CITY

WHEREAS, the City is currently planning to implement an estimated \$60 million in capital projects and improvements over the next several years;

WHEREAS, the need for financing to fully fund projects and improvements may be necessary;

WHEREAS, the City no longer has a current credit rating from S&P Global Ratings because its last publicly offered issue has been redeemed;

WHEREAS, it is desirable for the City to maintain an issuer credit rating from S&P Global Ratings in connection with potential future financings;

WHEREAS, the City of Porterville Municipal Code Section 2-31.6 established the Special Purposes Reserve Fund for the purpose of providing funds to support one-time city special events, projects, and/or purposes that benefit the community;

WHEREAS, the fee for a local government issuer credit rating is \$15,000 and there is no ongoing surveillance fee;

WHEREAS, S&P Global Ratings will credit fifty percent (50%) of the issuer credit rating fee (\$7,500) toward any General Fund credit of the City that it rates within the next twelve (12) months;

WHEREAS, it is advisable for the City to request an issuer credit rating from S&P Global Ratings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE AS FOLLOWS:

SECTION 1. The City Council make a finding that the securing of a confidential issuer credit rating by S&P Global Ratings for potential future project financing is within the intent and purpose of the Special Purposes Reserve Fund; and

SECTION 2. The City Council does hereby approve and authorize the appropriation of \$15,000 from the Special Purposes Reserve Fund for the securing a confidential issuer credit rating by S&P Global Ratings.

PASSED, APPROVED, AND ADOPTED this 3rd day of May, 2022.

Martha A. Flores, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____

Patrice Hildreth, Chief Deputy City Clerk

ARTICLE VI. FUNDS OF THE CITY ¹

SECTION:

2-31: Reserve And Designated Funds

2-31.1: "Budget Stabilization" Reserve Fund

2-31.2: "Catastrophic/Emergency" Reserve Fund

2-31.3: "Facility Deferred Maintenance/Equipment Replacement" Designated Fund

2-31.4: "Capital Construction/Improvement" Designated Fund

2-31.5: "Infrastructure Deferred Maintenance/Improvement" Designated Fund

2-31.6: "Special Purposes" Reserve Fund

2-31.7: "Formal City Council Action" For Appropriations

2-32: Special Gas Tax Street Improvement Fund; Created

2-33: Special Gas Tax Street Improvement Fund; Created; Monies Paid Into Fund

2-34: Special Gas Tax Street Improvement Fund; Created; Expenditure Of Monies In Fund

Notes

- ¹ 1. See charter sections 46, 47, 48 and 53.

2-31: RESERVE AND DESIGNATED FUNDS:

2-31.1: "BUDGET STABILIZATION" RESERVE FUND:

It shall be the policy of the city of Porterville to establish reserve funds that shall be used for the purpose to mitigate, should it occur, onetime annual budget revenue shortfalls (actual revenues less than projected revenues) due to changes in the economic environment and/or actions by the county/state/federal government that have a material effect on the city's revenues; and/or expenditures that will result in future efficiencies and/or budgetary savings. The "budget stabilization" reserve fund shall be maintained at a minimum of fifteen percent (15%) of general fund annual budgeted operating expenditures (excluding onetime expenditures), and may only be appropriated by formal city council action with not less than four-fifths ($\frac{4}{5}$) of those voting in agreement. If the city council takes action due to making a finding(s) of material effects as stated above, it shall include findings of material effects as further specified in section 2-31.7 of this article. Should the fund's balance fall below ten percent (10%) of annual budgeted operating expenditures, then a plan will be established to replenish the fund to the required level within three (3) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption hereof in an amount equal to fifteen percent (15%) of the budgeted general fund expenditures for fiscal 2011-2012. (Ord. 1787, 4-3-2012)

2-31.2: "CATASTROPHIC/EMERGENCY" RESERVE FUND:

It shall be the policy of the city of Porterville to establish reserve funds that shall be used for the purpose to mitigate costs associated with unforeseen emergencies, including natural disasters or catastrophic events. Should unforeseen and unavoidable events occur that require the expenditure of city resources beyond those provided for in the annual budget, formal city council action with not less than four-fifths ($\frac{4}{5}$) of those voting in agreement, is required of a budget amendment confirming the nature of the emergency and authorizing the appropriation of reserve funds. The "catastrophic/emergency" reserve fund shall be maintained at a minimum of ten percent (10%) of general fund annual budgeted operating expenditures (less onetime expenditures). Should the fund's balance fall below ten percent (10%) of annual budgeted operating expenditures, then a plan will be established to replenish the fund to the required level within five (5) fiscal years. An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption hereof in an amount equal to ten percent (10%) of the budgeted general fund expenditures for fiscal 2011-2012. (Ord. 1787, 4-3-2012)

2-31.3: "FACILITY DEFERRED MAINTENANCE/EQUIPMENT REPLACEMENT" DESIGNATED FUND:

It shall be the policy of the city of Porterville to establish designated funds that shall be used for the exclusive purpose of providing funds to support onetime city facility deferred maintenance and/or equipment replacement costs (excluding vehicles), such as, but not limited to, HVAC units, roofing, parking lot overlays, painting, plumbing, electrical, and doors/windows. The city council, by means of a resolution, may add, modify, or delete specific deferred maintenance or equipment replacement categories. The "facility deferred maintenance/equipment replacement" designated fund shall have no minimum balance, but shall accumulate funds until appropriated by formal city council action. The fund shall receive an allocation of one-third ($\frac{1}{3}$) of audited general fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption hereof in an amount equal to one-third ($\frac{1}{3}$) of the current unallocated reserve balance as of the date of adoption hereof after the funding of the budget stabilization reserve fund, the catastrophic/emergency reserve fund, and the initial funding of the special purpose reserve fund, have been deducted from the initial unallocated reserve fund balance. (Ord. 1787, 4-3-2012)

2-31.4: "CAPITAL CONSTRUCTION/IMPROVEMENT" DESIGNATED FUND:

It shall be the policy of the city of Porterville to establish designated funds that shall be used for the exclusive purpose of providing funds to support new capital construction and/or improvement projects as identified in the city's ten (10) year capital improvement plan. The "capital construction/improvement" designated fund shall have no minimum balance, but shall accumulate funds until appropriated by formal city council action. The fund shall receive an allocation of one-third ($\frac{1}{3}$) of audited general fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption hereof in an amount equal to one-third ($\frac{1}{3}$) of the current unallocated reserve balance as of the date of adoption hereof after the funding of the budget stabilization reserve fund, the catastrophic/emergency reserve fund, and the initial funding of the special purpose reserve fund, have been deducted from the initial unallocated reserve fund balance. (Ord. 1787, 4-3-2012)

2-31.5: "INFRASTRUCTURE DEFERRED MAINTENANCE/IMPROVEMENT" DESIGNATED FUND:

It shall be the policy of the city of Porterville to establish designated funds that shall be used for the exclusive purpose of providing funds to support onetime city infrastructure deferred maintenance and/or improvement costs, such as, but not limited to, streets/alleys, bridges, sewer, water, storm drain, and curb/gutter/sidewalk. The city council, by means of a resolution, may add, modify, or delete specific infrastructure deferred maintenance/improvement categories. The "infrastructure deferred maintenance/improvement" designated fund shall have no minimum balance, but shall accumulate funds until appropriated by formal city council action. The fund shall receive an allocation of one-third ($\frac{1}{3}$) of audited general fund unassigned fund balance (actual revenues more than actual expenditures). An initial balance shall be appropriated from the current unallocated reserve as of the date of adoption hereof in an amount equal to one-third ($\frac{1}{3}$) of the current unallocated reserve balance as of the date of adoption hereof after the funding of the budget stabilization reserve fund, the catastrophic/emergency reserve fund, and the initial funding of the special purpose reserve fund, have been deducted from the initial unallocated reserve fund balance. (Ord. 1787, 4-3-2012)

2-31.6: "SPECIAL PURPOSES" RESERVE FUND:

It shall be the policy of the city of Porterville to establish reserve funds as a line item of the annual city council budget that shall be used for the purpose of providing funds to support onetime city special events, projects, and/or purposes that benefit the community. The "special purposes" reserve fund shall be maintained at a minimum of one hundred thousand dollars (\$100,000.00), and may only be appropriated by formal city council action with four-fifths ($\frac{4}{5}$) of those voting in agreement. Should the fund's balance fall below one hundred thousand dollars (\$100,000.00) in a fiscal year, then the general fund will replenish the fund to the minimum required level at the beginning of the following fiscal year. An initial balance in the amount of one hundred thousand dollars (\$100,000.00) shall be appropriated from the current unallocated reserve as of the date of adoption hereof. (Ord. 1787, 4-3-2012)

2-31.7: "FORMAL CITY COUNCIL ACTION" FOR APPROPRIATIONS:

For the purposes of sections 2-31.1 through 2-31.6 of this article, formal city council action shall require adoption of a resolution. Said resolution shall contain the basis for a finding (or findings) of materiality if required by any provision in this article. Additionally, said resolution shall include finding(s) that the appropriation is within the intent and purpose of the designated and reserve funds including, where appropriate, one or more findings that the purpose of the appropriation is within the defined purpose of the designated and reserve funds whether or not explicitly stated in this article. (Ord. 1787, 4-3-2012)

2-32: SPECIAL GAS TAX STREET IMPROVEMENT FUND; CREATED:

To comply with the provisions of sections 2100 through 2127 of the Streets And Highways Code of the state with particular reference to section 2113 thereof, there is hereby created in the city treasury a special fund to be known as the "special gas tax street improvement fund". (Ord. 1537 § B9, 8-6-1996)

2-33: SPECIAL GAS TAX STREET IMPROVEMENT FUND; CREATED; MONIES PAID INTO FUND:

All monies received by the city from the state under the provisions of sections 2100 through 2127 of the Streets And Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways other than state highways shall be paid into the special gas tax street improvement fund. (Ord. 1537 § B10, 8-6-1996)

2-34: SPECIAL GAS TAX STREET IMPROVEMENT FUND; CREATED; EXPENDITURE OF MONIES IN FUND:

All monies in the special gas tax street improvement fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of sections 2100 through 2127 of the Streets And Highways Code of the state. (Ord. 1537 § B11, 8-6-1996)