



**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 20, 2016, 5:30 PM**

Call to Order

Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiator: Patrice Hildreth and Jenni Byers. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.95 – Liability Claim: Claimant: Evangelina Gomez. Agency claimed against: City of Porterville.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Rachel Munoz. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., U.S. District Court Case No. 1:16-cv-01071-AWI-SAB.
- 5** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiff.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.
- 7** - Government Code Section 54957 - Public Employee Evaluation - Title: City Manager.
- 8** - Government Code Section 54957 - Public Employee Evaluation - Title: City Attorney.

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

Pledge of Allegiance Led by Council Member Hamilton

Invocation

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) - December 12, 2016

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - December 8, 2016
 2. Library & Literacy Commission - December 13, 2016
 3. Arts Commission
 4. Animal Control Commission - December 12, 2016
 5. Youth Commission - December 12, 2016
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III Status Update
 2. Porterville Animal Control Commission Memorandum - Funding the New Animal Shelter

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of December 15, 2015, and December 13, 2016**
Re: Considering approval of the draft Minutes of December 15, 2015, and December 13, 2016.

2. **Authorization to Purchase Two Picnic Shelters**
Re: Considering approval of the purchase and installation of two picnic shelters with CDBG Park Improvement Program funds from MRC GameTime not to exceed \$55,439.73.
3. **Authorization to Repair City Well 11**
Re: Considering approval of the repair of City Well 11, initiation of a Purchase Order and payment to Valley Pump & Dairy in an amount not to exceed \$25,475.
4. **Acceptance of Project - Lime Street and Laurel Avenue Sewer and Water Project**
Re: Considering acceptance of project from 99 Pipeline, Inc., and authorizing the filing of the Notice of Completion for the project consisting of the installation of new master plan sewer main, water main, sewer laterals, water services and the removal of existing water and sewer infrastructure along Lime Street from Laurel Avenue to Mulberry Avenue and along Laurel Avenue from Lime Street to Second Street.
5. **Intent to Vacate - Median Avenue and Milo Street**
Re: Considering approval of a resolution of intent to vacate Median Avenue and Milo Street; and the scheduling of a public hearing on February 7, 2017.
6. **Authorization to Enter into an Agreement for Provisions of Services With ePlan Solutions, Inc to Allow Electronic Plan Submittals**
Re: Considering approval of the Agreement for Provisions of Services with ePlan Solutions, Inc., an online service that allows construction plans to be submitted and reviewed electronically.
7. **Approval of the Eastern Tule Sustainable Groundwater Agency (GSA) Joint Power Agreement (JPA)**
Re: Considering approval of the amended Eastern Tule GSA Joint Powers Agreement.
8. **Assignment of Airport Lease - Lot 34B**
Re: Considering approval of the Assignment of Lease for Lot 34B between the City of Porterville and Mr. Bruce Kaiser to Dr. Donald Cornthforth; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.
9. **Renewal of Airport Lease Agreement - Lot 40**
Re: Considering approval of the Lease Agreement between the City of Porterville and Mr. Dana Gillespie and Mrs. Susan Peck for Lot 40 at the Porterville Municipal Airport.

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

PUBLIC HEARINGS

10. **Considering Approval of a Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a Private College, to be Located at 314 N. Main Street**
Re: Consideration of a resolution approving Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval with the additional requirement to not exceed 5,000 square feet.

SCHEDULED MATTERS

11. **Acceptance of the Supplemental Project Report for the Draft Project Approval & Environmental Document (PA & ED) Stage - State Route 190 Near Term Projects**
Re: Consideration of Caltrans' State Route 190 Draft Supplemental Project Report to the State Route 190 PA & ED; authorization to sign the Draft Supplemental Project Report to the State Route 190 PA & ED; and authorization to circulate the environmental document for the identified Near Term Projects, inclusive of the roundabout at the College Avenue/Plano Street intersection.
12. **Bid Results for the Garden Avenue Pedestrian Walkway Project**
Re: Considering award of contract to DOD Construction in the amount of \$607,635.00; the appropriation of additional Local Transportation Funds in the amount of \$111,465.57 needed to fund the project; and approval of payments in the amount of \$65,367.07 to SCE for costs associated with the installation of eighteen (18) new streetlights along the north side of Garden Avenue.
13. **Consideration of Modifications of Extraterritorial Service Agreements**
Re: Considering approval to postpone action on additional connections for new homes until after ownership of the system has transferred to the City; and authorization to begin drafting policies and procedures to be considered concurrent with the transfer of ownership to the City.
14. **Legislative Update Regarding Proposition 64**
Re: Consideration of new law that are subject to local regulation, and the City's current regulations concerning medical marijuana in light of the new laws regulating non-medical use.
15. **OHV Park Management Services**
Re: Consideration of OHV Park management services.
16. **Consider Administration of a Code Enforcement Resident Survey**
Re: Consideration of the administration of a Code Enforcement Resident Survey.

17. Status and Review of Declaration of Local Emergency

Re: Consideration of the continuance of the Declaration of Local Emergency.

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 January 17, 2016.

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 – DECEMBER 20, 2016

SUBJECT: 1. Water Conservation Phase III Status Update

SOURCE: Public Works

COMMENT: As Porterville has continued to implement an active water conservation approach, both conserving and providing flexibility to the community, the City has transitioned from Phase III to Phase IV of the City's Water Conservation Plan, which became effective December 1, 2016. The Water Conservation Plan applies to all municipal water users within or not within city limits. As part of the Phase IV implementation, the City has reduced watering days, 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. Watering of outdoor landscape is prohibited during, and within 48 hours after, measurable rainfall, which is defined as greater than 0.01 of an inch.

Violations of prohibited activities are considered infractions and are punishable by fines of up to \$500 for each day in which the violation occurs. Any peace officer or employee of a public agency charged with enforcing laws and authorized to do so by ordinance may issue a citation to the violator. The City of Porterville will be responding to enforcement by issuing a Notice of Violation for all witnessed occurrences and staff will be processing all reported issues. Enforcement statistics for the month of November 2016 show that a total of 10 Notice of Violations were issued for water wasting; none resulted in an Administrative Citation.

Water production for November 2016 shows a 11% reduction from the 5-year average. The production for the month of November 2016 was 222 million gallons, which when compared to the production for the month of November 2013 of 254 million gallons, equates to a 13% reduction. Residential consumption for November 2016 was 89.56 gallons per capita per day (GPCD).

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

Groundwater Management Act (SGMA).

The State Water Board continues to require monthly reporting to track what agencies are doing and how they perform throughout the year. During the extended regulation, agency reporting will continue to monitor performance of urban water conservation, with a preparedness to return back with a 25% state mandate early next year if necessary.

Compliance with individual water supplier conservation requirements is based on cumulative savings. Cumulative tracking means that conservation savings will be added together from one month to the next and compared to the amount of water used during the same months in 2013. The cumulative total for the City of Porterville's conservation efforts will reflect June 2015 through November 2016. Porterville's cumulative total conservation through November 2016 is 28.09%.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Monthly Production Status November 2016
 2. Drought Response Phase IV Flyer

Appropriated/Funded:

Review By:

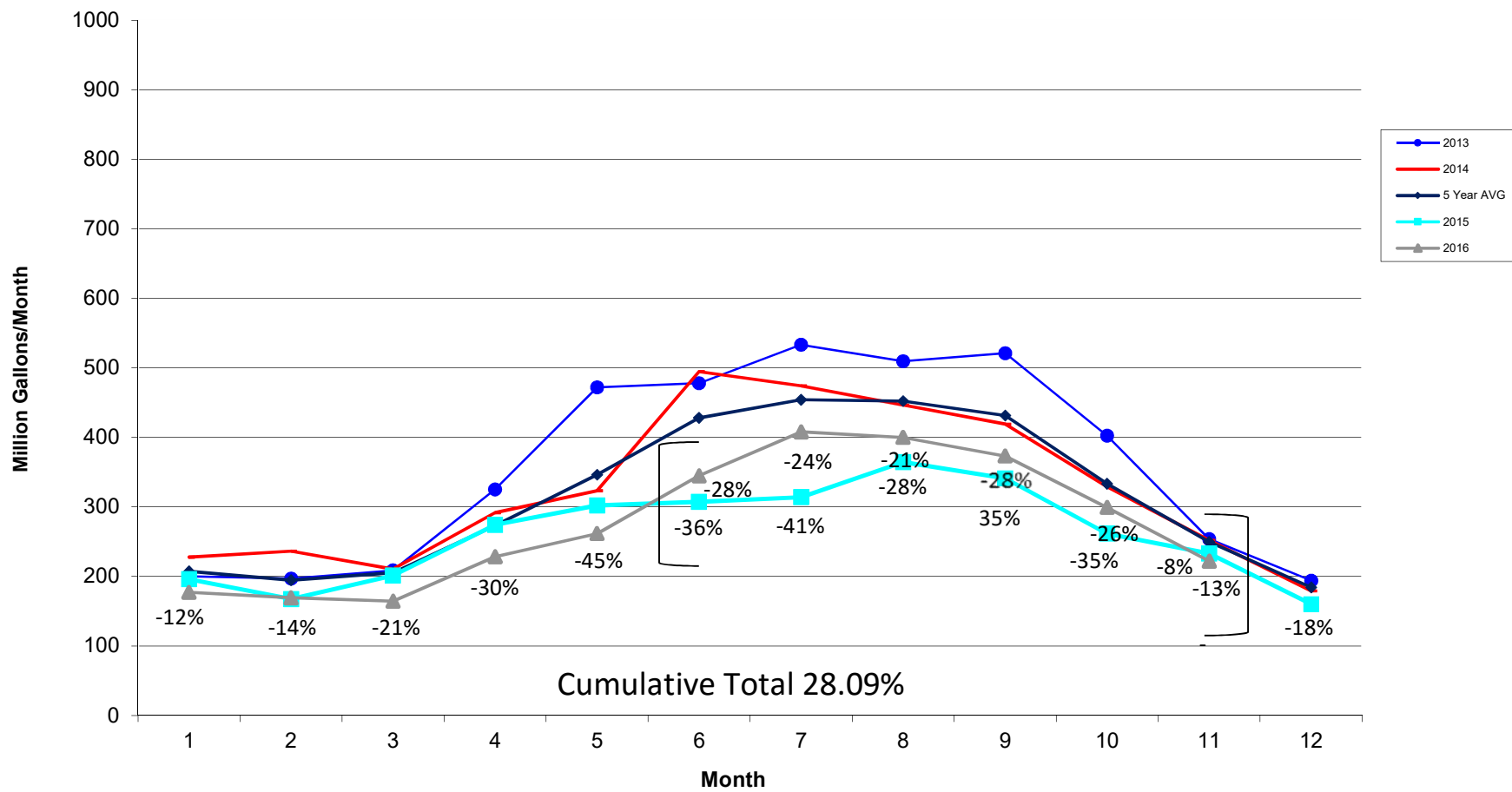
Department Director:

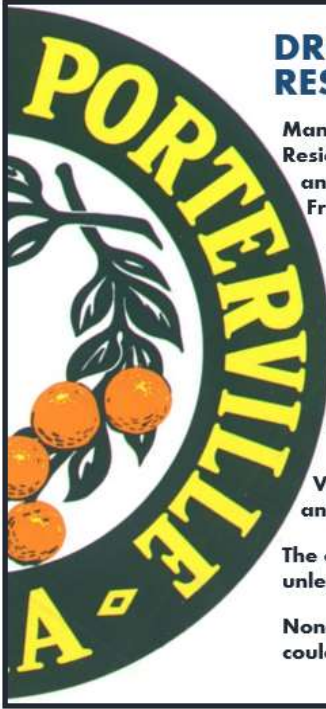
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Monthly Production Status

15/16 Production Comparison to 2013 & 5 Year Average





**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 – DECEMBER 20, 2016

SUBJECT: 2. Porterville Animal Control Commission Memorandum - Funding the New Animal Shelter

SOURCE: City Manager's Office

COMMENT: The Porterville Animal Control Commission has transmitted a memorandum to the City Manager, requesting that the City Council begin appropriating Measure H funds in the upcoming 2017-2018 fiscal year budget for the purpose of constructing a new local animal shelter.

RECOMMENDATION: Information Only

ATTACHMENTS: 1. Porterville Animal Control Commission Memorandum

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

Memo

To: City Manager
From: Porterville Animal Control Commission
cc: Lt. Contreras, PPD
Date: November 15, 2016
Re: Funding the New Animal Shelter

During the October 18, 2016 City Council meeting the City Attorney confirmed her understanding that animal control is clearly an item of public safety and that it is lawful and acceptable to use Measure H funds for animal control purposes. With this fact clearly established the Porterville Animal Control Commission is asking for the allocation of Measure H funds be set aside in the FY-2017/18 budget for the purpose of constructing the much-needed replacement animal shelter.

We do not have a specific amount in mind as previous estimates are obsolete, but a figure of \$3 million should “be in the ballpark” for initial planning purposes. With \$1.2 million already set aside this leaves a shortfall of approximately \$1.8 million.

Our recommendation is for the City to start setting aside \$500,000 to \$600,000 per year, and seeking estimates to nail down the final cost after two years. Around 2020 the City would be in a position to seek bids and award contracts for construction.

An alternative approach would be for the City to borrow the necessary funds while interest rates are still very low and use future Measure H allocations to repay the borrowing. In this case we could seek bids and start construction at a much earlier date.

The Commission looks forward to working with the Council on making this much-delayed necessity a reality and stands ready to work with you every step of the way.



CITY COUNCIL AGENDA – DECEMBER 20, 2016

- SUBJECT:** City Council Minutes of December 15, 2015, and December 13, 2016
- SOURCE:** Administrative Services
- COMMENT:** Staff has prepared the draft Minutes of December 15, 2015, and December 13, 2016, for the Council's review and consideration.
- RECOMMENDATION:** That the Council approve the draft Minutes of December 15, 2015, and December 13, 2016.
- ATTACHMENTS:**
1. Draft Minutes of December 15, 2015
 2. Draft Minutes of December 13, 2016

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Luisa Zavala, Deputy City Clerk

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 15, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property

Negotiators/Property: 1893 South Newcomb Street, No. 12. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.

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

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Hisham Mutae Taher. Agency claimed against: City of Porterville. (M.O. 01-121515)

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing

Litigation: Nuckols and Nuckols Farming v. City of Porterville et al., Tulare County Superior Court Case No. 261084.

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

6 - Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

7 - Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney.

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

City Attorney Lew stated that no reportable action took place during Closed Session.

Pledge of Allegiance Led by Council Member Reyes

Invocation – Council Member Gurrola participated.

PRESENTATIONS

Miss Porterville and Her Court

AB 1234 REPORTS

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

1. Local Agency Formation Commission (LAFCO) - December 2, 2015
Vice Mayor Hamilton reported on the commission's receipt of the Year-End Report, legislative updates, and the selection of a new Chair and Vice Chair.
2. Tulare County Association of Governments (TCAG) - December 7, 2015
Council Member Gurrola reported on presentations from cities regarding programs in place, and Measure R monies spent to date.
3. Tulare County Economic Development Corp. (TCEDC) - December 9, 2015
Council Member Reyes reported on a good turnout, report on presentation from City of Woodlake, and discussion of prospects.

REPORTS

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

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - December 3, 2015
Commissioner Moore reported on median improvements, the Youth Center Christmas Dinner, Zalud House Candlelight Tours, the upcoming New Year's Eve Gala, and presented the Punt Pass & Kick competition winner Anthony Valencia.
 2. Library & Literacy Commission - December 8, 2015
Chair Bailey spoke of discussion regarding the setting of Commission goals and introduction of the ABC Mouse learning program at the library for ages 2-7; and reported on recent library activities, events and patronage.
 3. Arts Commission – no report.
 4. Animal Control Commission - December 7, 2015
Chair Schwartzenberger reported on the Commissions selection of a new Chair (Schwartzenberger) and Vice Chair (Arthur); spoke of a Rescue from the Heart free vaccination event on January 23, 2016; a communicated the Commission's interest in distributing a quarterly newsletter regarding animal control services.
 5. Youth Commission - December 14, 2015 – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, reminded everyone to remember the reason for the season.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1-13. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 5, 2015

Recommendation: That the City Council approve the draft minutes of May 5, 2015.

Documentation: M.O. 01-121515

Disposition: Approved.

2. AWARD OF CONTRACT –ONE (1) COMPRESSED NATURAL GAS STREET SWEEPER

Recommendation: That the City Council:

1. Award the contract for one (1) new CNG Street Sweeper in the amount of \$295,833.55 to Municipal Maintenance Equipment, Inc.;
2. Authorize the Finance Director to appropriate an additional \$13,833.55 from the Public Works' Solid Waste Equipment Replacement Fund; and
3. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 02-121515

Disposition: Approved.

3. ACCEPTANCE OF PROJECT - MISCELLANEOUS REPAIR OF THE DOWNTOWN PARKING LOTS PROJECT

Recommendation: That City Council:

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

Documentation: M.O. 03-121515

Disposition: Approved.

4. ADDENDUM TO THE DEE JASPAR & ASSOCIATES DESIGN, CONSTRUCTION MANAGEMENT AND INSPECTION SERVICE AGREEMENT FOR WELL #32

Recommendation: That City Council:

1. Authorize the Acting Public Works Director to execute Addendum No. 2 to Dee Jaspar & Associates Service Agreement at an agreed upon fee of \$27,204 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount.

Documentation: M.O. 04-121515
Disposition: Approved.

5. CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
(CSCDA) OPEN PACE PROGRAM

Recommendation: That the City Council adopt the draft resolution opting into the California
Statewide Communities Development Authority
(CSCDA) Open PACE Program.

Documentation: Resolution No. 117-2015
Disposition: Approved.

6. CONSIDERATION TO TRANSFER CITY FEE TITLE PROPERTY TO CITY ROAD
RIGHT OF WAY (PIONEER AVENUE)

Recommendation: That the City Council:
1. Authorize the transition of City fee title property to Pioneer Avenue road
right of way; and
2. Authorize the Mayor and City Clerk to sign the draft resolution
executing the conversion Grant Deed.

Documentation: Resolution No. 118-2015
Disposition: Approved.

7. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 44C

Recommendation: That City Council approve the Lease Agreement between the City of
Porterville and Gillespie Ag Service for Lot 44C at the Porterville Municipal
Airport.

Documentation: M.O. 05-121515
Disposition: Approved.

8. RENEWAL OF AIRPORT LEASE - SPORTS COMPLEX PARKING

Recommendation: That City Council approve the renewal of the Lease Agreement between
the City of Porterville and the Airport Enterprise Fund and authorize the
Mayor to sign said Lease Agreement.

Documentation: M.O. 06-121515
Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE - SEWER OPERATING FUND

Recommendation: That City Council approve the renewal of the Lease Agreement between the City of Porterville Sewer Operating Fund and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement.

Documentation: M.O. 07-121515

Disposition: Approved.

10. AUTHORIZATION TO INCREASE DEPARTMENTAL CONTRIBUTIONS TOWARDS THE CITY'S SELF-FUNDED HEALTHCARE PLAN AND APPROVAL OF BUDGET ADJUSTMENTS

Recommendation: That the City Council authorize the increase in departmental contributions towards the City's self-funded healthcare plan effective January 1, 2016, and approve the necessary budget adjustments.

Documentation: M.O. 08-121515

Disposition: Approved.

11. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN -- PUBLIC SAFETY SUPPORT UNIT

Recommendation: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan for Public Safety Support Unit employees.

Documentation: Resolution No. 119-2015

Disposition: Approved.

12. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN -- UNREPRESENTED MANAGEMENT EMPLOYEES

Recommendation: That the City Council adopt the draft Resolution amending the Employee Pay and Benefit Plan pertaining to all Unrepresented Management Employees.

Documentation: Resolution No. 120-2015

Disposition: Approved.

13. CANCELLATION OF JANUARY 5, 2016, CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 5, 2016, City Council Meeting.

Documentation: M.O. 09-121515

Disposition: Approved.

PUBLIC HEARINGS

14. ADOPTION OF THE 5TH CYCLE HOUSING ELEMENT

- Recommendation: That the City Council:
1. Hold a Public Hearing;
 2. Adopt the draft Resolution approving a Negative Declaration for the 5th Cycle Housing Element;
 3. Adopt the draft Resolution approving the 5th Cycle Housing Element; and
 4. Direct staff to submit the approved 5th Cycle Housing Element to the California Department of Housing and Community Development for review and ratification.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The Public Hearing was opened at 7:09 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:09 p.m.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that City Council adopt the draft Resolution approving a Negative Declaration for the 5th Cycle Housing Element, adopt the draft Resolution approving the 5th Cycle Housing Element, and direct staff to submit the approved 5th Cycle Housing Element to the California Department of Housing and Community Development for review and ratification.

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

Documentation: Resolution No. 121-2015; 122-2015
Disposition: Approved.

15. MODIFICATION TO CONDITIONAL USE PERMIT 387 (PRC 2015-024M) FOR THE CHURCH OF CHRIST LOCATED AT 1000 N. NEWCOMB STREET

Recommendation: That the City Council adopt the draft Resolution approving the modification to Conditional Use Permit 387 (PRC 2015-024M) to allow the construction of a 3,000 square foot dining room, fellowship hall and storage room for the Church of Christ and to allow three cargo containers for the timeframe of December 15, 2015, through December 15, 2020.

City Manager Lollis introduced the item and, Community Development Associate Planner Fernando Rios presented the staff report. Following which, Council Member Ward asked for clarification on the extra storage containers being requested for the 5-year period.

The Public Hearing opened at 7:17 p.m.

- Mark Hillman, Hillman Building Design, explained that the building would not be larger because of the money constraints.

Council Member Gurrola asked how long the storage containers had been on the property. The Council discussed the reasoning behind the extra storage containers, and Community Development Director Jenni Byers confirmed that the storage containers would be moved and not be visible.

The Public Hearing closed at 7:19 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft Resolution approving the modification to Conditional Use Permit 387 (PRC 2015-024M). The motion carried unanimously.

Documentation: Resolution No. 123-2015

Disposition: Approved.

16. MESSAGE BUSINESS ORDINANCE

Recommendation: That the City Council approve the draft ordinance adopting regulations regarding massage businesses, and establishing a Registration Certificate for such businesses, waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. The Council discussed how this ordinance would prevent future problems and how businesses would be monitored. City Attorney Julia Lew indicated that the City would have backup from the State due to the new requirement of CMT Certifications.

The Public Hearing opened at 7:39 p.m.

- Vicki Hurt, massage therapist, spoke of the new license requirements as a hardship; and requested that existing therapists who were in good standing be grandfathered in.
- Diana Beltera, massage therapist, spoke of going back to school as a hardship; and requested a grandfather clause.

The Public Hearing closed at 7:42 p.m.

Ms. Phillips clarified that with the new revisions in the ordinance both massage therapists would be grandfathered in. Council Member Gurrola reiterated that the new ordinance was not meant to punish those who are in good standing as a business, but to prevent problems from those who could hurt the industry.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the draft ordinance adopting regulations regarding massage businesses, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING LICENSING REQUIREMENTS FOR MASSAGE BUSINESSES AND PRACTITIONERS, AND ESTABLISHING MASSAGE THERAPY AS A LAND USE ALLOWED IN SPECIFIC ZONE DISTRICTS, and establishing a Registration Certificate for such businesses. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1831

Disposition: Approved.

The Council took a 5 minute break at 7:45 p.m.

SCHEDULED MATTERS

17. MEDICAL CANNABIS UPDATE: DISPENSARIES AND PERSONAL CULTIVATION

Recommendation: That the City Council review the information provided herein, and if desired, provide direction to staff.

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

Police Chief Eric Kroutil spoke about concerns regarding medical marijuana dispensaries, such as: risk of burglary, entry and access, hours of operation, background checks for employees and operators, record keeping, chemical extraction, and law enforcement inspections. He also expressed concerns regarding the number of plants allowed under the current ordinance.

The Council discussed dispensaries at length, including but not limited to caregivers picking up or delivering medical marijuana for patients, testing requirements for product, safety concerns, odors and the limit on the number of dispensaries allowed within the city. Ms. Byers explained the amount of control the City would have over the medical marijuana dispensaries. The Council went on to discuss the pros and cons of dispensaries within the city.

City Attorney Julia Lew spoke of forthcoming regulations to implement the statutory scheme. She noted that there were competing initiatives, and spoke of the League's push for initiatives that would allow local government control pertaining to medical and recreational use. She added that because the City already regulated cultivation dual-licensing would be required, but if the Council wished to prohibit delivery and/or mobile dispensaries an ordinance would need to be adopted prior to 2018. In response to concerns raised by the Council, Ms. Lew indicated that

while the City could not regulate doctors who prescribe medical marijuana cards, the State had enacted much stricter controls as part of the package.

Council Member Ward spoke in support of permit deadlines, and discussion followed regarding avenues for eradicating plants and issuance of fines in instances of non-compliance.

The Council directed staff to amend the ordinance based on the recommendations by staff pertaining to the number of plants, cultivation on patient's primary residence, minor children on premises, and permit deadlines; and bring back for the Council's consideration.

Documentation: None

Disposition: Staff direction given.

18. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

Recommendation: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Authorize the termination of the Mutual Aid Request with Tulare County Office of Emergency Services in the filling of household tanks placed by the Porterville Area Coordinating Council.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Drought Emergency and authorize the termination of the Mutual Aid Request with Tulare County Office of Emergency Services for filling of household tanks placed by the Porterville Area Coordinating Council. The motion carried unanimously.

Documentation: M.O. 10-121515

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley suggested that security companies for dispensaries be required to have a license to operate in the city of Porterville.
- Will Lloyd read a holiday-themed poem.
- Lisa Noel, Porterville, inquired about the benefit of a dispensary in the City; stated that those who cannot grow their own medical cannabis should move to someplace where they can; and expressed concern regarding the wrong element being present in town.

OTHER MATTERS

- Council Member Gurrola wished staff a very Merry Christmas and Happy New Year, and stated that she was unable to attend the Employee Luncheon.

- Vice Mayor Hamilton spoke of a Sierra View Candlelight Vigil on Thursday evening, and wished everyone a Merry Christmas.
- Council Member Reyes shared that due to circumstances both positive and negative, he has been blessed with visiting family this year.
- Council Member Ward reminded everyone to remember the reason for the season.
- Mayor Stowe wished a Merry Christmas to all and stated that he would see staff on Thursday.
- City Manager Lollis reported that there was a fatal vehicle versus pedestrian accident in the vicinity of Newcomb Street and Putnam Avenue.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:09 p.m. to the meeting of January 19, 2016.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor

**ADJOURNED CITY COUNCIL MEETING
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 13, 2016, 5:30 PM**

Called to Order at 5:33 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

The Pledge of Allegiance was led by Mayor Milt Stowe.

Invocation – the Mayor participated.

ORAL COMMUNICATIONS

- Roberto Escudero, Yuliana Andrade, Robert Tree, Anthony Castillo, and Daniel Penaloza introduced themselves as Leadership Porterville Class of 2017 participants.
- Lois Innis encouraged the distribution of reusable bags in Porterville.
- Brock Neeley, Porterville, requested that the Council keep in mind availability when selecting a mayor; and read an excerpt from a June 25, 1978 speech made by Harvey Milk.
- Barry Caplan thanked Mr. Neeley for his comments; spoke of Council Member Gurrola's actions in support of equality; and spoke regarding the selection of a mayor.
- Ann Marie Wagstsaff stated that Council Member Gurrola was an inspiration and example of dedication and commitment to the community, and thanked her for her service.
- Susanna Aguilera-Marrero, Kings-Tulare Hispanic Chamber of Commerce, commended the Council, specifically Council Member Gurrola for her service.
- Donnette Silva Carter, Tulare Chamber of Commerce CEO, spoke of her return to the community and eagerness to work with community partners; and expressed her gratitude to Council Member Gurrola for her service and friendship.
- Maria Gonzalez thanked Council Member Gurrola for her friendship, example and guidance; and stated that it aided in her personal and professional development.
- Tomas Garcia thanked Council Member Gurrola and the entire Council for their service and dedication to East Porterville residents as it pertained to the drought.

Mayor Stowe recognized District Attorney Tim Ward and Judge Glade Roper who were both in attendance.

SCHEDULED MATTERS

1. ACCEPTANCE OF OFFICIAL CERTIFIED CANVASS OF VOTES FOR NOVEMBER 8, 2016 ELECTION AND APPOINTMENT OF CAMERON HAMILTON IN-LIEU OF ELECTION

Recommendation: That the City Council approve the draft resolution accepting the certified canvass of the November 8, 2016 Municipal General Election from the Tulare County Registrar of Voters; and appoint Cameron Hamilton to the one two-year term City Council office in-lieu of election.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve the draft resolution accepting the certified canvass of the November 8, 2016 Municipal Election from the Tulare County Registrar of Voters; and appoint Cameron Hamilton to the one two-year term City Council office in-lieu of election. The motion carried unanimously.

Documentation: Resolution No. 81-2016

Disposition: Approved.

2. RECOGNITION OF COUNCIL MEMBER VIRGINIA GURROLA

City Manager Lollis recognized Council Member Gurrola's service the past four years, and spoke of foundations established for future progress.

Mayor Stowe presented Virginia Gurrola with a plaque in recognition of her dedication service to the community of Porterville.

Ms. Gurrola recognized her family in the audience; spoke of the circumstances of her return to City Council; and thanked God, City staff for their hard work, City Manager Lollis for his leadership, and City Attorney Lew for her knowledge and counsel. She spoke of her experience on the Council, moving on and moving forward, and of spending time with her family. She concluded by reading a short poem; and thanking her fellow Council Members.

John Coffee, on behalf of the Tulare County Stonewall Democrats, presented a floral arrangement and expressed continued to Ms. Gurrola in all her future endeavors.

Council Members Ward and Reyes stated that it had been an honor and pleasure serving with Council Member Virginia, and thanked her for her dedication and commitment to the community.

Vice Mayor Hamilton indicated that he had learned a lot from Virginia; spoke of shared life experiences; and stated that she would be missed.

3. ADMINISTRATION OF OATH OF OFFICE AND PRESENTATION OF CERTIFICATES OF ELECTION TO NEW COUNCIL MEMBERS; AND SEATING OF NEW CITY COUNCIL

City Manager Lollis introduced the item and Judge Glad Roper who would be administering the Oath of Office to the newly elected members.

Oaths were administered and certificates of election presented to Council Members Cameron Hamilton, Brian Ward, Monte Reyes, and Martha Flores.

4. REORGANIZATION OF THE CITY COUNCIL

Mayor Stowe welcomed Council Member Flores, and introduced the item. Vice Mayor Hamilton nominated Milt Stowe for Mayor. Without objection, nominations were closed.

Council Member Ward stated that while he was pleased and grateful for Mayor Stowe's service these past two years, he was in support of rotation of Mayor and would therefore not be able to vote in favor.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council appoint Milt Stowe to serve as mayor.

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

Vice Mayor Hamilton nominated Council Members Reyes, Ward, and Flores to serve as vice mayor. Without objection, nominations were closed. At the direction of the Council, Deputy City Clerk Luisa Zavala distributed ballots to the Council for implementation of the McCracken voting method. They were subsequently collected and the votes were reported as follows:

- Mayor Stowe voted for Council Member Ward
- Council Member Ward voted for Council Member Flores
- Vice Mayor Hamilton voted for Council Member Ward
- Council Member Flores voted for Council Member Reyes
- Council Member Reyes voted for Council Member Ward

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Flores that the City Council appoint Council Member Ward to serve as vice mayor. The motion carried unanimously.

Disposition: M.O. 01-121316

Disposition: Mayor Stowe and Vice Mayor Ward appointed.

5. COUNCIL MEMBER APPOINTMENTS TO BOARDS AND COMMITTEES

City Manager Lollis introduced the item and presented the staff report. The Council reviewed the list of appointments dated January 20, 2015, for vacancies; and the following individuals were identified for appointment:

- Tulare County Association of Governments – Flores (member)
- Tulare River Improvement JPA – Mike Reed (alternate)
- Joint City/School Committee – Ward (member); Flores (member)

- Internal City Audit Committee – Flores (member)
- Council of Cities –Stowe (member); Ward (member)
- SJVAPCD Special City Selection Committee – Stowe (member); Reyes (alternate)
- SJVAPCD Citizens Advisory Committee – Reyes (member)
- SGMA/GSA – Hamilton (member); Reyes (alternate)

Council Member Flores inquired about the establishment of a healthcare committee, and expressed an interest in serving on such committee should one be established. City Manager Lollis spoke of past instances in which the City met with healthcare professionals to address issues such as West Nile virus, and Mayor Stowe spoke of a stakeholders committee of past.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward to approve amending the Appointments of Council Members to Various Committees & Boards dated January 20, 2015, to reflect the aforementioned appointments, and the removal of Consolidated Waste Management Authority, Indian Gaming Local Benefit Committee, and Ad Hoc Committee – Provision of Local Water Services from the list. The motion carried unanimously.

Documentation: M.O. 02-121316

Disposition: Approved.

ADJOURNMENT

The Council adjourned at 6:42 p.m. to the meeting of December 20, 2016.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Authorization to Purchase Two Picnic Shelters

SOURCE: Parks and Leisure Services

COMMENT: The City currently has one picnic shelter at Zalud Park, three at Murry Park, two at Fallen Heroes Park, and three at Veterans Park. There is a tremendous need for additional shelters within existing City parks. Picnic shelters get reserved from the public up to one year in advance and they all are reserved each weekend during spring and summer. In addition, all the shelters are reserved on the weekends in the fall and winter as well.

The City has an opportunity to purchase two new picnic shelters with funding from the CDBG Park Improvement Program. The previous Council approved purchase from this funding source was the Murry Park playground. The actual cost of that project was \$38,091.64 which was \$16,000 under the approved Council amount.

The first shelter would be for Murry Park at an existing slab of concrete that at one time was the park restroom. Picnic tables are currently in this location but have no shelter. The second picnic shelter would be installed at Zalud Park, adjacent to West Grand Avenue. The three quotes received for the two picnic shelters and estimated installation cost were as follows:

MRC Gametime - \$55,439.73
Ross Recreation Equipment - \$57,176.03
Recreation Republic - \$65,493.89

MRC Gametime participates in the US Communities government discount program which the City of Porterville has been a member of for several years. The cost of the picnic shelters are reduced due to the US Communities contract pricing. In the past, the City has purchased many other park-related items from MRC Gametime.

RECOMMENDATION: That the City Council authorize the purchase and installation of two picnic shelters with CDBG Park Improvement Program funds from MRC GameTime not to exceed \$55,439.73.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Authorization to Repair City Well 11

SOURCE: Public Works

COMMENT: The City of Porterville's Well No. 11, located on the south side of E. Garden Avenue, east of N. 4th Street, has experienced an operational failure.

Securing the services of a pump repair company is challenging, especially during unprecedented drought conditions. However, three (3) bids for the work were requested and one (1) of the bids were received; two (2) well companies were non-responsive. Bids were requested from the following local pump repair companies:

Company	Total	Availability
Valley Pump & Dairy Systems	\$ 23,159	Immediately
S.A. Camp Pump &Drilling Co.		Non-Responsive
Zim Industries		Non-Responsive

Valley Pump & Dairy Systems was the only bidder to respond. In addition, they are immediately available to start correcting all issues at City Well No. 11, at a cost not to exceed \$25,475 (inclusive of all parts, taxes, and labor and a 10% contingency). The total repair cost will be funded by the Water Operating Fund.

RECOMMENDATION: That City Council:

1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$25,475 for the repair of City Well No. 11; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

ATTACHMENTS:

1. Valley Pump & Dairy Systems Quote
2. City Well No. 11 Location

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Valley Pump & Dairy Systems

2280 S."K" Street Tulare CA. 93274

Tel. 559.686.2000 Fax# 559.686.4180

Quote

12/09/2016

Customer: City of Porterville - Well #11

Description: Install 50 hp Submersible pump and motor in existing well with
Submersible sand seperator.

Need by: _____

Amount	Description	Each	Cost
1	50 hp 480v Submersible motor		\$6,940.00
1	9 WALC 3 Stg. Pump End		\$5,130.00
1	PPS -325-G Pump Protection Carbon		\$4,135.00
1	PPS-G Submersible shell		\$1,840
1	Miscellaneous		350.00
Sub Total			\$18,395.00
Tax 8.5%			1,563.58
Labor			\$3,200
Total			\$23,158.58

Presented By: Nick Wilson

This Quote is good for 15 Days

Accepted By _____
Company: _____

City Well No. 11





CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Acceptance of Project - Lime Street and Laurel Avenue Sewer and Water Project

SOURCE: Public Works

COMMENT: 99 Pipeline, Inc., has completed the Lime Street and Laurel Avenue Sewer and Water Project per plans and specifications. The project consisted of installing new master plan sewer main, water main, sewer laterals, water services and the removal of existing water and sewer infrastructure. Infrastructure was installed along Lime Street from Laurel Avenue to Mulberry Avenue and along Laurel Avenue from Lime Street to Second Street.

Staff tracks construction costs of all Capital Improvement Projects and reports project construction expenditures when the project is accepted by City Council. On July 7, 2015, City Council authorized an expenditure of \$698,088 for construction, construction management, surveying, quality control, and inspection services for the Lime Street and Laurel Avenue Sewer and Water Project. The following itemizes the construction related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1. Final construction cost is \$556,420.21.
2. Construction management and quality control costs are \$63,433.08.

Total project construction costs equate to \$619,863.29, which is less than the \$698,088 overall budget approved by Council at time of award. Funding for the Lime Street and Laurel Avenue Sewer and Water Project is by the Sewer Revolving Fund and the Water Replacement Fund.

99 Pipeline, Inc., requests that the City Council accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

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

ATTACHMENTS: 1. Locator Map

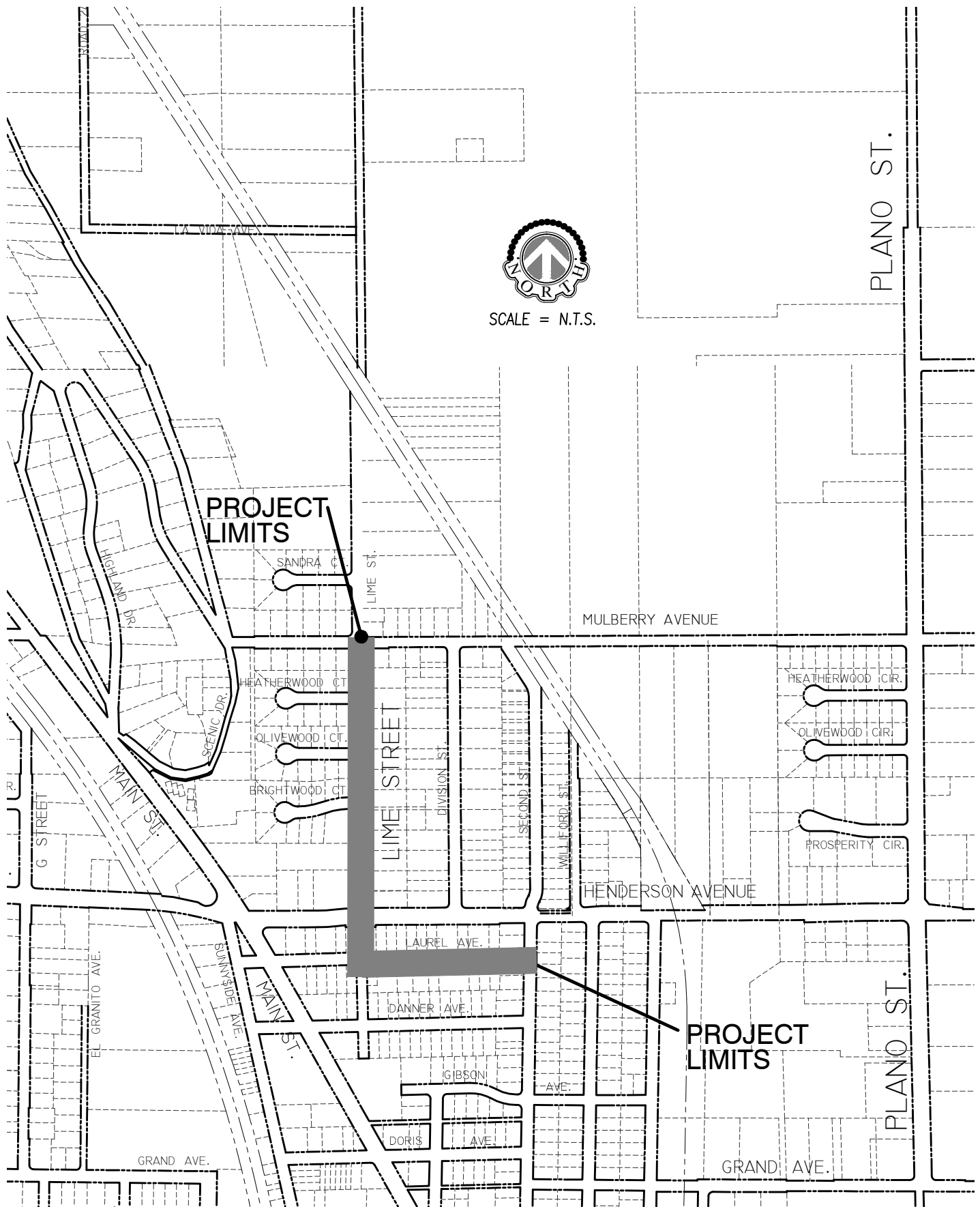
Appropriated/Funded: JR for MB

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager



CITY OF PORTERVILLE

ENGINEERING DIVISION

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

LIME AND LAUREL
SEWER AND WATER
PROJECT

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



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Intent to Vacate - Median Avenue and Milo Street

SOURCE: Public Works

COMMENT: On October 24, 2016, the City received a request from Porterville Unified School District (PUSD) to abandon Median Avenue and Milo Street as shown on Parcel Map No. 4078. PUSD has paid all applicable City fees for the proposed abandonment.

Median Avenue and Milo Street are undeveloped streets intended to service future parcels 2 through 17 as shown on Parcel Map No. 4078. Parcels fronting Median Avenue and Milo Street are zoned for residential development. Parcels 4 and 15 are currently being used for solar power generation and Parcels 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, and 17 are being actively farmed. PUSD owns all the land fronting Median Avenue and Milo Street on Parcel Map No. 4078 and PUSD's future plans for these parcels do not include residential development. PUSD will pursue a lot merger for Parcels 2 through 17. The City will require the lot merger(s) to occur prior to or simultaneously with the recording of the street abandonment.

Vacating Median Avenue and Milo Street will not affect other agencies or other utility companies. The City contacted AT&T, Charter Communications, Southern California Edison, and SoCalGas informing them of the proposed summary vacation of Median Avenue and Milo Street. Neither AT&T, Charter Communications, Southern California Edison, nor SoCalGas have existing utilities within Median Avenue or Milo Street. Additionally, said utility companies did not request additional reservations of rights within Median Avenue or Milo Street. There are currently no City utilities located within Median Avenue or Milo Street.

The City of Porterville has the rights to vacate the herein discussed Median Avenue and Milo Street. The vacation process will be conducted per Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

RECOMMENDATION: That the City Council:

1. Pass a resolution of intent to vacate Median Avenue and Milo Street;

2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and

3. Set the Council meeting of February 7, 2017, as the time and place for a public hearing.

ATTACHMENTS:

1. Resolution
2. Exhibit "A" - Legal Description
3. Exhibit "B" Map
4. Parcel Map No. 4078
5. PUSD Request for Abandonment Letter

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

RESOLUTION NO. _____ - 2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE MEDIAN AVENUE AND MILO STREET RELATED TO
PARCEL MAP NO. 4078

SECTION 1: On October 24, 2016, Porterville Unified School District (PUSD) formally requested the City to commence with street abandonment proceedings for Median Avenue and Milo Street as shown on Parcel Map No. 4078;

SECTION 2: PUSD has paid all applicable City fees for said abandonment;

SECTION 3: Median Avenue and Milo Street are undeveloped streets intended to serve several future parcels located adjacent to PUSD's Butterfield Charter High School;

SECTION 4: PUSD owns all the land fronting Median Avenue and Milo Street on Parcel Map No. 4078; and

SECTION 5: PUSD's future plans for said property do not include residential development as currently zoned; and

SECTION 6: PUSD will record a lot merger to remove all residential parcels in a manner consistent with City codes and regulations prior to or simultaneously with the street abandonment;

SECTION 7, The City currently has no existing (or planned) utilities within Median Avenue and Milo Street;

SECTION 8, The City contacted AT&T, Charter Communications, Southern California Edison, and SoCalGas informing them of the proposed intention to vacate Median Avenue and Milo Street. Neither AT&T, Charter Communications, Southern California Edison, nor SoCalGas have existing utilities within Median Avenue or Milo Street;

SECTION 9: The Council of the City of Porterville, California, pursuant to Division 9 Part 3, Section 8320, of Street and Highways Code of the State of California, does hereby resolve as follows, to-wit:

That it is the intention of the council of the City of Porterville to vacate Median Avenue and Milo Street on Parcel Map No. 4078;

SECTION 10: A map or plan of said public rights of way intended to be vacated, abandoned and closed to public use is on file in the office of the City Clerk of the City of Porterville, reference to which is hereby made;

SECTION 11: The vacation of Median Avenue and Milo Street, hereinafter described are necessary for present or prospective use, which is described in the legal description and shown on the map attached hereto, marked Exhibit "A" Legal Description and Exhibit "B" Map of all vacations and by reference made a part hereof.

SECTION 12: Notice is further given that on Tuesday, the 7th day of February, 2017, at 6:30 pm., or as thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said public rights of way.

PASSED, ADOPTED AND APPROVED this 20th day of December, 2016.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

Legal Description

Parcel 1— Median Avenue and Milo Street Road Right of Way Vacation

That portion of land designated as Median Avenue east of the east right of way line of State Highway 65 and that portion of land designated as Milo Street north of north right of way line of Pioneer Avenue as shown on Parcel Map 4078, recorded July 26, 1993 in Book 41, of Parcel Maps, at page 82, in the Office of the County Recorder of Tulare County.

END OF DESCRIPTION

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Survey Act,

Signature: _____

Licensed Land Surveyor

Date:



MEDIAN AVENUE AND MILO STREET VACATION MAP

EXHIBIT "B"

PIONEER LAND CO'S 2ND SUB
RM 3-23

LEGEND

3

PARCEL # PER
PARCEL MAP 4078

(R)

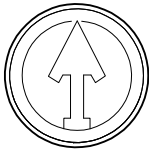
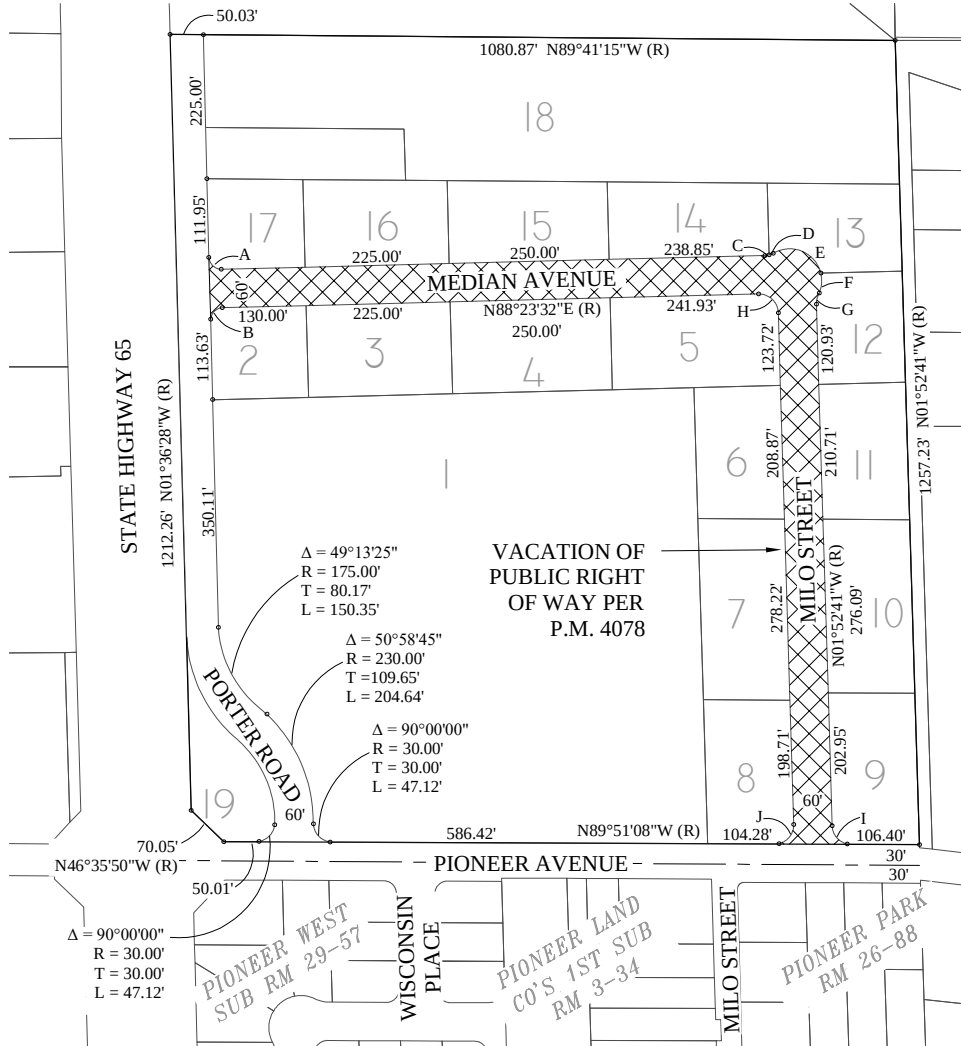
RECORD PER P.M. 4078



VACATION AREA
109,978 SQ. FT.

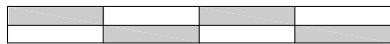
CURVE DATA

A: $\Delta = 90^{\circ}00'00''$ R = 30.00' T = 30.00' L = 47.12'	B: $\Delta = 90^{\circ}00'00''$ R = 30.00' T = 30.00' L = 47.12'
C: $\Delta = 12^{\circ}53'15''$ R = 50.00' T = 5.65' L = 11.25'	D: $\Delta = 12^{\circ}06'41''$ R = 50.00' T = 5.30' L = 10.57'
E: $\Delta = 102^{\circ}43'20''$ R = 50.00' T = 62.55' L = 89.64'	F: $\Delta = 37^{\circ}00'19''$ R = 50.00' T = 16.73' L = 32.29'
G: $\Delta = 24^{\circ}59'56''$ R = 50.00' T = 11.08' L = 21.82'	H: $\Delta = 89^{\circ}43'47''$ R = 30.00' T = 29.86' L = 46.98'
I: $\Delta = 87^{\circ}58'27''$ R = 30.00' T = 28.96' L = 46.06'	J: $\Delta = 92^{\circ}01'33''$ R = 30.00' T = 31.08' L = 48.18'



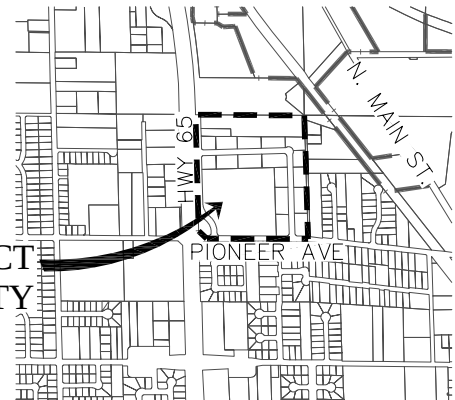
NORTH

0 150 300 600



SCALE: 1"=300'

SUBJECT
PROPERTY



VICINITY MAP



NORTH
NO SCALE

CITY OF PORTERVILLE

ENGINEERING DIVISION

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

That portion of the north half of the Northeast Quarter of Section 22, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California.

OWNER	CITY OF PORTERVILLE
APN	
AREA	109,978 +/- S.F.
ACRES	2.52 +/- AC.
SCALE	
DATE	11-28-2016
DRAWN BY	JEB
CHECKED BY	MKR

STATE OF CALIFORNIA } S.S.
COUNTY OF LOS ANGELES }

ON THIS 14th DAY OF JUNE IN THE YEAR 1993, BEFORE ME, TOMMY RALPH URIBE, A NOTARY PUBLIC IN AND FOR STATE, PERSONALLY APPEARED ALBERT J. GALEN, AS EXECUTOR OF THE ESTATE OF ALBERT LEVINSON

KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED 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.

WITNESS MY HAND

SIGNATURE Tommy Ralph Uribe EXP. 9-26-94NAME: TOMMY RALPH URIBE
PRINCIPAL PLACE OF BUSINESS: KERN COUNTYAlbert J. Galen
ALBERT J. GALEN - AS EXECUTOR OF THE ESTATE OF ALBERT LEVINSONJessica Lynn Parker
JESSICA LYNN PARKER - OWNERAnn Levinson Parker
ANN LEVINSON PARKER - OWNERAllan B. Lasher, Trustee
ALLAN B. LASHER - TRUSTEEMichael Parker
MICHAEL PARKER - OWNERSTATE OF CALIFORNIA } S.S.
COUNTY OF LOS ANGELES }

ON THIS 26th DAY OF SEPTEMBER IN THE YEAR 1992, BEFORE

ME, Reinaldo J. Javier, A NOTARY PUBLIC IN AND FOR SAID STATE,

PERSONALLY APPEARED MICHAEL PARKER,

KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED 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.

WITNESS MY HAND

SIGNATURE Reinaldo J. Javier EXP. 7-13-93NAME: Reinaldo J. Javier
PRINCIPAL PLACE OF BUSINESS, LOS ANGELES COUNTYSTATE OF CALIFORNIA } S.S.
COUNTY OF LOS ANGELES }

ON THIS 26th DAY OF September IN THE YEAR 1992, BEFORE

ME, Reinaldo J. Javier, A NOTARY PUBLIC IN AND FOR SAID STATE,

PERSONALLY APPEARED JESSICA LYNN PARKER AND ANN LEVINSON PARKER

KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY AND THAT BY THEIR SIGNATURE ON THE INSTRUMENT THE PERSONS OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE Reinaldo J. Javier EXP. 7-13-93NAME: Reinaldo J. Javier
PRINCIPAL PLACE OF BUSINESS, LOS ANGELES COUNTY

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE PARCEL MAP AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY FOR THE MAKING AND FILING OF SAID PARCEL MAP AS SHOWN WITHIN THE BLUE BORDER LINES HEREON. WE HEREBY DEDICATE THE ROAD AND PUBLIC UTILITY EASEMENTS AS SHOWN

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ALBERT LEVINSON ON JUNE, 1989. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

Glynn D. Parker
GLYNN D. PARKER L.S. 4631 (EXP. 9-30-96)

CITY ENGINEER'S STATEMENT

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

DATE: 4-16, 1993.
Harold L. Hill
HAROLD L. HILL R.G.E. 20186 CITY ENGINEERSTATE OF CALIFORNIA } S.S.
COUNTY OF LOS ANGELES }

ON THIS 26th DAY OF SEPTEMBER IN THE YEAR 1992, BEFORE

ME, Reinaldo J. Javier, A NOTARY PUBLIC IN AND FOR SAID STATE,

PERSONALLY APPEARED MICHAEL PARKER, AS ATTORNEY-IN-FACT FOR ANDREW ALLAN PARKER,

KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED 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.

WITNESS MY HAND

SIGNATURE Reinaldo J. Javier EXP. 7-13-93NAME: Reinaldo J. Javier
PRINCIPAL PLACE OF BUSINESS, LOS ANGELES COUNTYSTATE OF CALIFORNIA } S.S.
COUNTY OF LOS ANGELES }

ON THIS 16th DAY OF September IN THE YEAR 1992, BEFORE

ME, S. Leigh Taylor, A NOTARY PUBLIC IN AND FOR SAID STATE,

PERSONALLY APPEARED ALLAN B. LASHER, TRUSTEE, UNDER TRUST AGREEMENT DATED JUNE 8, 1979 FOR THE BENEFIT OF ANDREW ALLAN PARKER AND JESSICA LYNN PARKER, KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND SEAL

SIGNATURE S. Leigh Taylor EXP. 1/25/94NAME: S. Leigh Taylor
PRINCIPAL PLACE OF BUSINESS, LOS ANGELES COUNTY

PARCEL MAP NO. 4078

A DIVISION OF LOTS 179 AND 180 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION RECORDED IN VOLUME 3 OF MAPS AT PAGE 34 OFFICIAL RECORDS, SITUATED IN A PORTION OF THE NORTHEAST QUARTER CORNER OF SECTION 22, T. 21 S., R. 27 E. M.D.B. & M. IN THE CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

BY: CUESTA ENGINEERING
5055 CALIFORNIA AVENUE
SUITE 218
BAKERSFIELD, CALIFORNIA 93309
(805) 324-5500

CITY CLERK'S STATEMENT

THIS IS TO STATE AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE HELD ON THE 16th DAY OF April, 1991, AN ORDER WAS DULY AND REGULARLY MADE AND ENTERED APPROVING THIS MAP AND SUBDIVISION AND ACCEPTING SUBJECT TO IMPROVEMENTS, ON BEHALF OF THE PUBLIC, THE STREET DEDICATION AND PUBLIC UTILITIES EASEMENTS AS SHOWN AND INDICATED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHOWN UPON THIS MAP.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF PORTERVILLE THIS 16th DAY OF April, 1993.

BY: Ronald J. Masek
CITY CLERK

PLANNING DIRECTOR'S STATEMENT

I HEREBY STATE ON BEHALF OF THE PARCEL MAP COMMITTEE THAT THIS FINAL PARCEL MAP CONFORMS TO THE APPROVED TENTATIVE PARCEL MAP NO. 10-90 THIS 16th DAY OF April, 1993.

Ronald J. Masek
RONALD J. MASEK CITY PLANNER

COUNTY EXECUTIVE / CLERK'S STATEMENT

I, LOUIS J. FERNANDEZ, COUNTY EXECUTIVE/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, DO HEREBY STATE THAT SAID BOARD OF SUPERVISORS HAS APPROVED THE PROVISIONS MADE FOR THE PAYMENT OF TAXES AS PROVIDED IN THE DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED: 23rd DAY OF July, 1993LOUIS J. FERNANDEZ, EXECUTIVE/CLERK
BY: Diane Alonzo
DEPUTY

RECORDER'S STATEMENT

FEE NUMBER: 93-051547 FEE PAID: \$10.25FILED THIS 26th DAY OF JULY, 1993, AT 8:00 A.M. IN BOOK 41 OF PARCEL MAPS AT PAGE 82, AT THE REQUEST OF GLYNN D. PARKER.

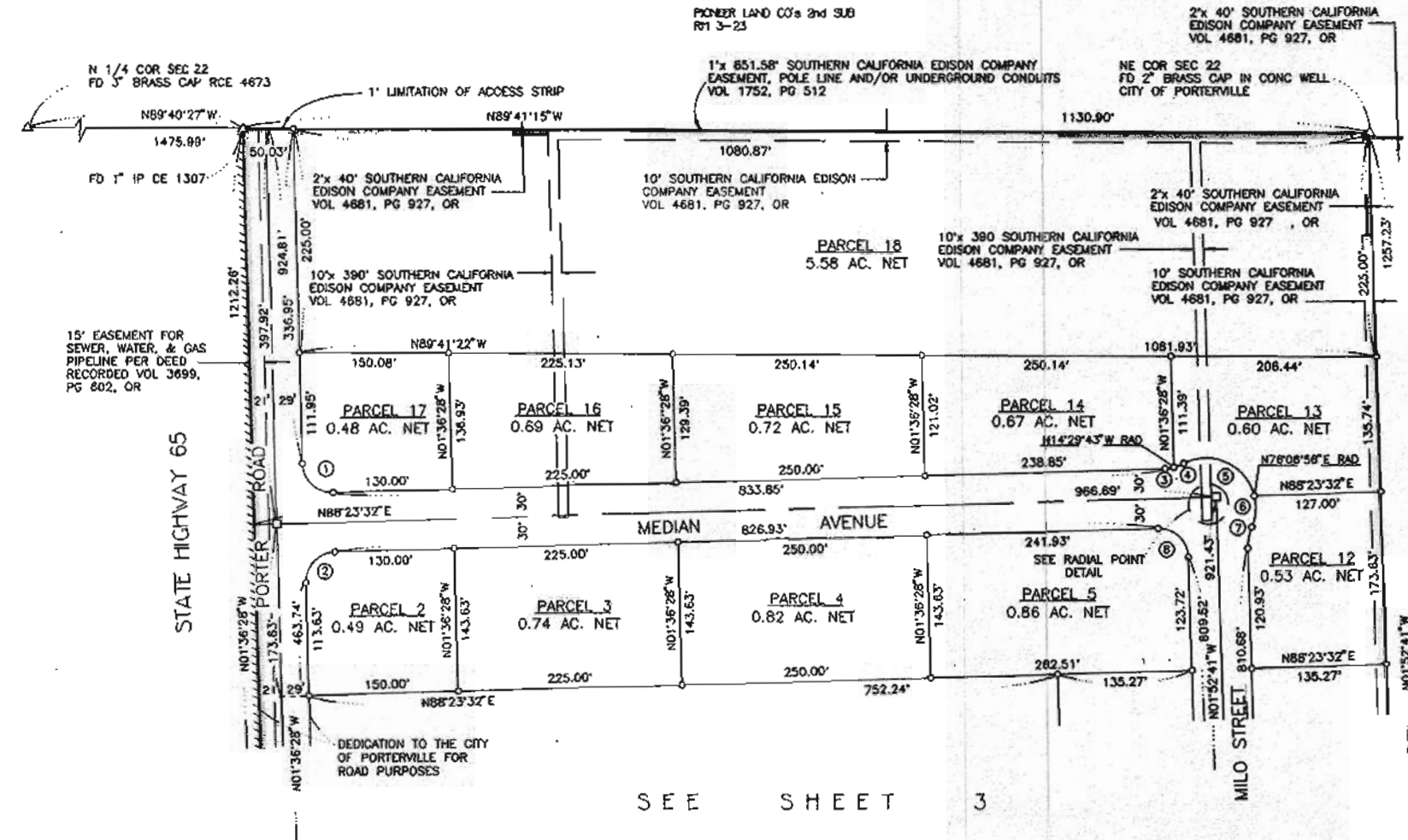
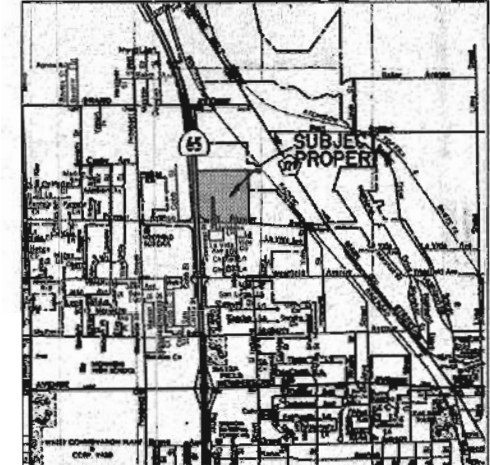
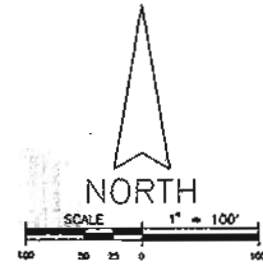
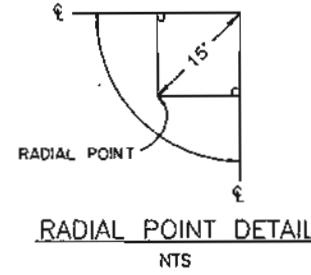
NADINE SVOBODA, COUNTY RECORDER

BY: Nancy Jordan
DEPUTY

PARCEL MAP NO. 4078

A DIVISION OF LOTS 179 AND 180 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION RECORDED IN VOLUME 3 OF MAPS AT PAGE 34 OFFICIAL RECORDS, SITUATED IN A PORTION OF THE NORTHEAST QUARTER CORNER OF SECTION 22, T. 21 S., R. 27 E. M.D.B. & M. IN THE CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

"IN ACCORDANCE WITH SECTION 86411.11 OF THE GOVERNMENT CODE, THE CONSTRUCTION OF CURB, GUTTER, SIDEWALK, SEWER WATER, STORM DRAIN, CONNECTION PAVEMENT, UNDERGROUND UTILITIES, ETC. FOR PARCEL NUMBERS 2 THROUGH 18 HAVE BEEN DEFERRED UNTIL SUCH TIME AS A PERMIT OR OTHER GRANT OF APPROVAL FOR DEVELOPMENT OF THE PARCEL IS ISSUED. SUCH CONSTRUCTION MAY BE PHASED WHEN ONLY A PORTION OF THE PARCELS SHOWN HEREIN RECEIVE SUCH APPROVAL. THE PHASED CONSTRUCTION SHALL CONSIST OF ALL IMPROVEMENTS RELATED TO THE SPECIFIC PARCELS PLUS THAT REQUIRED TO MAKE THE INSTALLED IMPROVEMENTS PROPERLY FUNCTION. THE OWNER OF ANY PARCEL THAT WILL GENERATE TRUCK TRAFFIC THAT WILL USE THE FRONTAGE ROAD, PRIOR TO CLOSURE OF PIONEER AVENUE TO THE HIGHWAY 65 ACCESS, AND THAT CAN NOT ACCESS PIONEER AVENUE EXISTING WEST BOUND WITHOUT ENTERING OPPOSING TRAFFIC LANES, SHALL CONSTRUCT A TEMPORARY ACCESS ROAD TO STANDARDS APPROVED BY THE CITY ENGINEER PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY. SAID TEMPORARY ACCESS ROAD SHALL BE LOCATED IN THE TEMPORARY ACCESS EASEMENT TO BE DEDICATED BY SEPARATE INSTRUMENT."



LEGEND

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF
- PARCEL BOUNDARY
 - FOUND AND ACCEPTED AS DESCRIBED
 - SET 5/8" x 18" REBAR w/ CAP TAGGED L.S. 4931
 - CITY OF PORTERVILLE STREET MONUMENT IN WELL
 - ACCESS RIGHTS RELINQUISHED PER DEED RECORDED IN BK 122 PG 576

BASIS OF BEARING

THE CENTERLINE OF PIONEER AVE. AS SHOWN ON PIONEER PARK SUBDIVISION AS RECORDED IN VOLUME 26 OF MAPS AT PAGE 88, TULARE COUNTY RECORDS, N. 89°51'08"W.

CURVE DATA

① Δ=90°00'00" R=30.00' T=30.00' L=47.12'	② Δ=90°00'00" R=30.00' T=30.00' L=47.12'	③ Δ=127°53'15" R=50.00' T=5.85' L=11.25'	④ Δ=120°41'11" R=50.00' T=5.30' L=10.57'
⑤ Δ=102°43'20" R=50.00' T=62.55' L=89.84'	⑥ Δ=37°00'15" R=50.00' T=16.73' L=32.29'	⑦ Δ=26°58'58" R=50.00' T=11.08' L=21.82'	⑧ Δ=89°43'47" R=30.00' T=29.86' L=46.98'

RECORDER'S STATEMENT

FEE NUMBER: 93-081247 FEE PAID: \$10.00
FILED THIS 20th DAY OF JULY, 1993, AT 8AM IN BOOK 41 OF PARCEL MAPS AT PAGE 82, AT THE REQUEST OF GLENN D. PARKER.

NADINE SVOBODA, COUNTY RECORDER

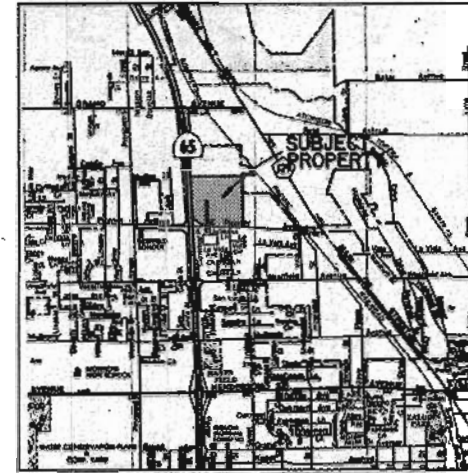
BY: *Henry Souders*
DEPUTY

EASI FILE CORP IRVINE CA
41-82
P.M. 4078

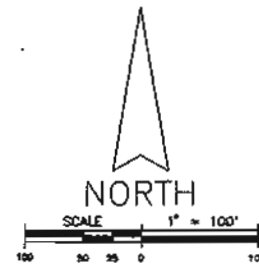
PARCEL MAP NO. 4078

A DIVISION OF LOTS 179 AND 180 OF PIONEER LAND COMPANY'S FIRST SUBDIVISION RECORDED IN VOLUME 3 OF MAPS AT PAGE 34 OFFICIAL RECORDS, SITUATED IN A PORTION OF THE NORTHEAST QUARTER CORNER OF SECTION 22, T. 21 S., R. 27 E. M.D.B. & M. IN THE CITY OF PORTERVILLE COUNTY OF TULARE, STATE OF CALIFORNIA.

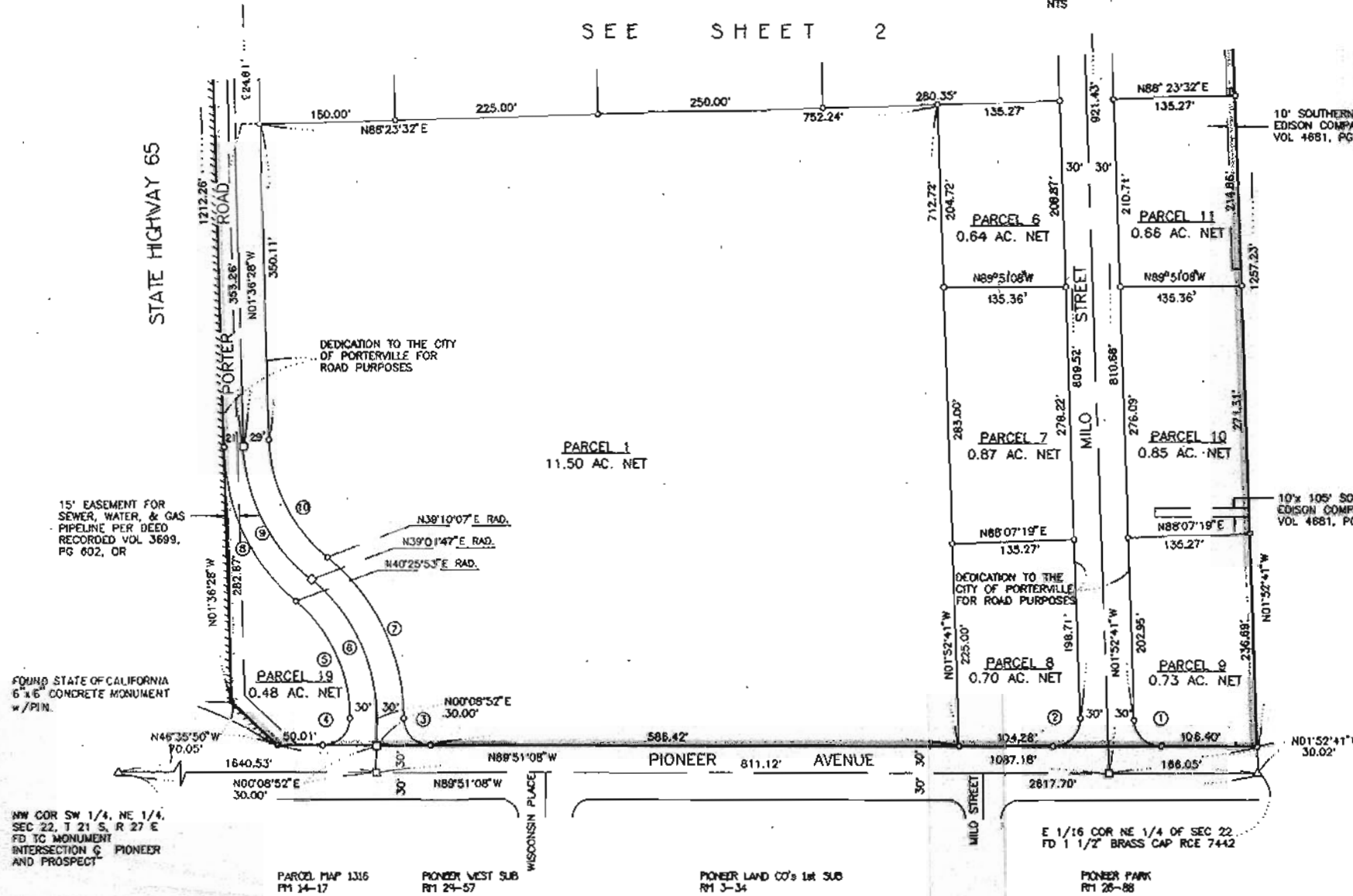
"IN ACCORDANCE WITH SECTION 65411.11 OF THE GOVERNMENT CODE, THE CONSTRUCTION OF CURB, GUTTER, SIDEWALK, SEWER WATER, STORM DRAIN, CONNECTION PAVEMENT, UNDERGROUND UTILITIES, ETC. FOR PARCEL NUMBERS 2 THROUGH 18 HAVE BEEN DEFERRED UNTIL SUCH TIME AS A PERMIT OR OTHER GRANT OF APPROVAL FOR DEVELOPMENT OF THE PARCEL IS ISSUED. SUCH CONSTRUCTION MAY BE PHASED WHEN ONLY A PORTION OF THE PARCELS SHOWN HEREIN RECEIVE SUCH APPROVAL. THE PHASED CONSTRUCTION SHALL CONSIST OF ALL IMPROVEMENTS RELATED TO THE SPECIFIC PARCELS PLUS THAT REQUIRED TO MAKE THE INSTALLED IMPROVEMENTS PROPERLY FUNCTION. THE OWNER OF ANY PARCEL THAT WILL GENERATE TRUCK TRAFFIC THAT WILL USE THE FRONTAGE ROAD, PRIOR TO CLOSURE OF PIONEER AVENUE TO THE HIGHWAY 65 ACCESS, AND THAT CAN NOT ACCESS PIONEER AVENUE EXITING WEST BOUND WITHOUT ENTERING OPPOSING TRAFFIC LANES, SHALL CONSTRUCT A TEMPORARY ACCESS ROAD TO STANDARDS APPROVED BY THE CITY ENGINEER PRIOR TO RECEIVING A CERTIFICATE OF OCCUPANCY. SAID TEMPORARY ACCESS ROAD SHALL BE LOCATED IN THE TEMPORARY ACCESS EASEMENT TO BE DEDICATED BY SEPARATE INSTRUMENT."



LOCATION MAP
NTS



SEE SHEET 2



LEGEND

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF
- PARCEL BOUNDARY
 - Δ FOUND AND ACCEPTED AS DESCRIBED
 - SET 5/8" x 18" REBAR w/ CAP TAGGED L.S. 4831
 - CITY OF PORTERVILLE STREET MONUMENT IN WELL
 - //// ACCESS RIGHTS RELINQUISHED PER DEED RECORDED IN BK102 PG 51P

BASIS OF BEARING

THE CENTERLINE OF PIONEER AVE. AS SHOWN ON PIONEER PARK SUBDIVISION AS RECORDED IN VOLUME 28 OF MAPS AT PAGE 88, TULARE COUNTY RECORDS, N. 89°51'08"W.

CURVE DATA

① Δ = 87°58'27" R = 30.00' T = 28.98' L = 46.08'	② Δ = 82°01'33" R = 30.00' T = 31.08' L = 48.18'	③ Δ = 90°00'00" R = 30.00' T = 30.00' L = 47.12'	④ Δ = 90°00'03" R = 30.00' T = 30.00' L = 47.12'	⑤ Δ = 49°42'59" R = 170.00' T = 78.76' L = 147.51'
⑥ Δ = 51°07'05" R = 200.00' T = 95.65' L = 178.44'	⑦ Δ = 50°38'45" R = 230.00' T = 109.65' L = 204.64'	⑧ Δ = 48°34'06" R = 225.00' T = 103.89' L = 194.68'	⑨ Δ = 49°21'45" R = 200.00' T = 91.91' L = 172.31'	⑩ Δ = 49°13'25" R = 175.00' T = 80.17' L = 160.35'

RECORDER'S STATEMENT

FEE NUMBER: 95-061547 FEE PAID: \$10.00

FILED THIS 26TH DAY of July, 1993, AT 8 A.M. IN BOOK 41 OF PARCEL MAPS AT PAGE 82, AT THE REQUEST OF GLENN D. PARKER.

NADINE SVOBODA, COUNTY RECORDER

BY: Henry J. Souders
DEPUTY

PORTERVILLE UNIFIED SCHOOL DISTRICT

Creating Opportunities: Changing Lives

DISTRICT BOARD OF TRUSTEES

LILLIAN DURBIN
President

HAYLEY BUETTNER
Vice President

SHARON GILL
Clerk

600 West Grand Avenue

Porterville, CA 93257
(559) 793-2400

KEN GIBBS, Ed.D.
DISTRICT SUPERINTENDENT
(559) 793-2455
(559) 793-1088 FAX

DISTRICT BOARD OF TRUSTEES

PAT CONTRERAS
Member

DAVID DePAOLI
Member

PETE LARA, JR.
Member

NATE NELSON, Ed.D.
Asst. Superintendent
Business Services
(559) 793-2450
(559) 781-8386 FAX

ANDREW BUKOSKY, Ed.D.
Asst. Superintendent
Human Resources
(559) 793-2480
(559) 791-0401 FAX

MARTHA STUEMKY, Ed.D.
Asst. Superintendent
Instructional Services
(559) 793-2452
(559) 793-1083 FAX

FELIPE MARTINEZ
Member

October 24, 2016

Mr. Michael Reed, Public Works Director
City of Porterville Public Works
291 North Main Street
Porterville, CA 93257

RECEIVED

OCT 31 2016

City of Porterville
Public Works Dept.

RE: Street Abandonment

Dear Mr. Reed:

This letter is a formal request by the Porterville Unified School District (PUSD) to commence street abandonment proceedings of Median Avenue and Milo Street as shown on Parcel Map No. 4078, recorded on July 26, 1993, in Book 41 of Parcel Maps, Page 82, Tulare County Records. PUSD's future plans for this property do not include residential development as intended by the original sub-divider, thus Median Avenue and Milo Street are no longer required. Following the street abandonment, a lot merger process will be pursued to remove the residential parcels.

Enclosed is a check payable to the City of Porterville in the amount of \$637.00 for the abandonment application fee. Should you have any questions, please feel free to contact Mr. Owen Fish, PUSD Facilities Director at 782-7061, or my office at 793-2455.

Sincerely,

Ken Gibbs, Ed.D.
Superintendent



KG/af
C: Owen Fish, Facilities Director
Nate Nelson, Asst. Supt., Bus. Serv
Enclosure
Cores.
COP - St. abandonment



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Authorization to Enter into an Agreement for Provisions of Services With ePlan Solutions, Inc to Allow Electronic Plan Submittals

SOURCE: Public Works

COMMENT: ePlan Solutions, Inc. is an online service that allows construction plans to be submitted and reviewed electronically. This service is available at no cost to the City and a nominal cost to the developers that choose to utilize it. The benefit of this service is that it allows developers to submit their plans online saving them travel time, costly printing and reprinting expenses, and it offers a plan check status that they can access at any time of the day. It is important to note that the developer only pays the fees one time per project. This means that if they are required to resubmit their plans, they are not charged additional fees for the same project.

The agreement for Provisions of Services will be valid from the date signed through December 31, 2017, and can be cancelled at any time. The main purpose of this agreement is to define the fees that ePlan Solutions, Inc. will be charging developers for their utilization of this service.

RECOMMENDATION: That City Council:

1. Approve the Agreement for Provisions of Services with ePlan Solutions, Inc.; and
2. Authorize the Mayor to sign the agreement.

ATTACHMENTS:

1. Agreement for Provisions of Service with ePlan Solutions, Inc

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

AGREEMENT FOR PROVISION OF SERVICES

This is a CONTRACT by and between City of Porterville, California, a political subdivision of the State of California, acting by and through its duly elected City Council (hereinafter referred to as the "CITY"), and e Plan Solutions, Inc., a Georgia business corporation (hereinafter referred to as "EPS"), for plan review services as described herein below.

WITNESSETH:

I. SCOPE OF SERVICES

EPS agrees to provide services to the CITY as stated on Exhibit A, which is attached hereto and by reference made a part hereof.

II. TRAINING TO BE PROVIDED TO CITY

EPS will also provide the CITY training for the use of EPS software. Training shall take place upon implementation of the software. Training services will generally familiarize end users of the applications with the functionality of the software for the purposes of electronic review. Training will be provided through internet (web meetings), site visits and telephonic communication, with up to 40 hours internet training to be conducted on weekdays between the hours of 8:00 a.m. and 5:00 p.m., at times mutually agreed upon by the parties.

III. TRAINING TO BE PROVIDED FOR "SOLICITORS" OF PLAN REVIEWS

EPS will also provide training for those submitting plan reviews to the CITY, who will hereinafter be referred to as "SOLICITORS". Web based training for the SOLICITORS of plan review will be provided up to once per quarter for the first year and then up to twice a year for the remaining years of this agreement, at times to be mutually agreed upon by the CITY and EPS. EPS shall be provided at least thirty (30) days advance notice of the dates on which the

CITY would like to schedule these sessions. These training sessions shall last up to two (2) hours and shall be conducted on weekdays between the hours of 8:00 a.m. and 5:00 pm. The CITY shall provide meeting areas for training for all on-site training.

IV. PROGRAM SUPPORT

EPS will provide program support through personal, internet, and telephonic means.

V. MAINTENANCE OF RECORDS

EPS shall maintain the electronic records of the CITY in a manner consistent with industry practices and standards. In addition, EPS will provide a separate off-site backup of submittal information. This backup will be conducted on Friday of each week. EPS shall deliver to the CITY data tables and document information on a bi-yearly basis of “Closed” projects. Unscheduled data transfers of data tables and document information shall be made available to the CITY within two days, upon written request. The information will be provided in multiple file formats, including, but not limited to, dwf, pdf, xls, doc, sql, and dbf. EPS will not be responsible to translate any data to alternate file formats. EPS’s liability shall be limited to the value of the services provided by EPS to the SOLICITOR for loss of data.

Restrictions on Submitted Plans

No plans or materials submitted to the EPS portal site may be copied, reproduced, republished, posted, sold, transmitted, distributed, or approved unless explicitly authorized in writing by the Plan (s) owner.

VI. OPERATIONS

EPS shall maintain the operation of the application and provide a minimum of 98% operation time. EPS will provide two days of notification prior to any expected downtime for the purposes of maintenance. EPS will not be liable for down time associated with third party services used for the purposes of connecting networks.

VII. INACCESSIBILITY OF WEB SITE

If at any time, a SOLICITOR of a plan review cannot access the web site for a period of over 24 hours, EPS will refund the SOLICITOR the plan review fee associated with the submittal. The 24 hours shall start upon notification of inaccessibility to EPS via email at support@eplansolution.com. EPS's liability in such an instance shall be limited to the refund of the plan review fee.

VIII. CONTRACT TERM

This CONTRACT shall commence on the ____ of the month of _____ of 2016 and shall terminate on the 31 of the month of December of 2017, at which time it shall become null and void unless it shall sooner have been terminated. Contract extensions or renewals shall be in a writing executed by both parties thirty (30) days prior to the expiration of the contract date.

IX. TERMINATION OF CONTRACT

The CITY may terminate this CONTRACT, by delivering to EPS, with at least thirty (30) days notice, a Notice of Termination specifying the effective date of termination. Under such circumstances, EPS shall provide the CITY all data associated with electronic reviews within thirty (30) days of receipt of the Notice of Termination.

EPS may terminate this CONTRACT, by delivering to the CITY, with at least thirty (30) days notice, a Notice of Termination specifying the effective date of termination. Unless such termination is for cause, EPS will provide the CITY with the source code for the application. The CITY shall not provide the source code to any third party for any purpose. EPS will provide the CITY all data associated with electronic reviews within thirty (30) days of receipt of the Notice of Termination. EPS would have cause to terminate this CONTRACT if the CITY breached any of the provisions of this agreement.

X. PAYMENT FOR SERVICES

Payment for the services rendered by EPS shall be in accordance with the schedule shown on Exhibit FS, which is attached hereto and by reference made a part hereof. Payments shall be made by the SOLICITOR and shall be made prior to the validation of the project by EPS. The CITY is not responsible for payment for services rendered by EPS.

XI. EPS NOT ASSOCIATED WITH AUTODESK, ADOBE, OR MICROSOFT

The CITY understands and acknowledges that EPS is not associated with Autodesk, Adobe, or Microsoft but will provide support for these products as requested, with its support limited to the knowledge base of EPS employees. EPS does not represent itself as an expert in any of the applications provided by the aforementioned software companies.

XII. PROHIBITED TRANSFERS OF SOFTWARE

The application of EPS software is proprietary to EPS and shall not be transferred in any manner by the CITY to any third party.

XIII. IDEMINIFICATION OF CITY FOR USE OF EPS

EPS agrees to indemnify the CITY for the use of the EPS digital plan review solutions for any claim or cause of action, including, but not limited to, attorney's fees, arising from the functionality and availability of the EPS service.

XIV. NOTICES

All notices required by this CONTRACT shall be in writing and sent by regular mail, certified mail, overnight courier, personal delivery, or facsimile (if confirmed by regular mail, certified mail, overnight courier, or personal delivery) to the addresses indicated herein below. Notice will be effective on the date shown on the delivery receipt or facsimile confirmation or, if sent by regular mail or where there is no written evidence of delivery, on actual receipt or refusal of receipt

For the purposes of this CONTRACT, any notices required to be sent to the parties hereof shall be mailed to the following respective addresses:

FOR EPS
Winston Morris, P.E.
e Plan Solutions, Inc.
2490 Copper Mill Trail
Cumming GA 30041

FOR THE CITY

XV. HEADINGS

The headings of sections and paragraphs, if any, to the extent used herein are for convenience and reference only, and in no way define, limit or describe the scope or intent of any provision hereof, and therefore will not be used in construing or interpreting the provisions hereof.

XVI. SOLE AND ENTIRE AGREEMENT

This CONTRACT constitutes the sole and entire agreement between the parties. No representations oral or written not incorporated herein shall be binding on the parties. No amendment or modifications of this CONTRACT shall be enforceable unless approved by both parties in writing.

IN WITNESS WHEREOF, the parties hereto have caused this CONTRACT to be executed by their authorized representative, on this 11 day of August, 2016.

CITY OF PORTERVILLE, CALIFORNIA

By: _____ (seal)

ATTEST

e PLAN SOLUTIONS, INC.

By:  (seal)
WINSTON MORRIS, Its President

EXHIBIT A

Description of Services

EPS is a solution for the purposes of on-line plan submittal, review, and permitting. The service will provide a location for applications to be completed and submitted, a location for the associated documents required for plan review to be uploaded and a location for associated communications to be stored.

The application process will meet the current application requirement by the CITY in a digital format and will look similar to the following. The digital application will closely mimic the current paper process, but do to database requirement may differ slightly. All information required by the CITY for the current application process will be made mandatory for the submittal of the digital application. See Exhibit B.

The document storage will be provided within a project page. Access to the project page will be authorized by the CITY and controlled with a username and password. Documents will be versioned as they are “checked in”. Document details will display those individuals and/or agencies required to provide reviews and their current status of review. See Exhibit C.

Communications will be stored within the same project page as the document storage. Communications may include, but not limited to general comments, email, site visits, meeting minutes, inspections, and memorandums of telephone conversations. Access will be provided to the same individuals with access to the project page. See Exhibit D.

EXHIBIT B Project Application

Project Information

Name *
Government Name *
Description

Property Location

Latitude *	Longitude *	
Address		
City	▼ Zip	
Land Lot	District	Section
Tax Parcel Number(s)		

Applicant

☐ Use Login Information	
First Name	Last Name
Company	
E-Mail	
Address	
City	▼ Zip
Phone	Fax

Owner

☐ Same As Applicant	
First Name	Last Name
Company	
E-Mail	
Address	
City	▼ Zip
Phone	Fax

Designer

☐ Same As Applicant	
First Name	Last Name
Company	
E-Mail	
Address	
City	▼ Zip
Phone	Fax

Permit Type:

Building

▼

 ⓘ

Project Details ⓘ

Submitted For	Designer Registration Number	Select One for ePs Fee Calculation
New Structure ▼		New Building ▼

Building Work Areas

Total New Work Sq. Ft.	Total Mezzanine Sq.Ft.	Enclosed Sq.Ft.	Unenclosed Sq.Ft.

EXHIBIT C

Project Page Documents Storage

[Project Files](#) 

For a new submittal, starting with submittal 2, select "New Submittal". To upload files for review, select Manage Files.

[Open Files](#) [Submittal 1](#) [Submittal 2](#)

Passed	Type	Size	Create Date	Name
✓		547 KB	2013-01-08	C-1.1 SITE PLAN.dwg
✓		729 KB	2013-01-08	C-2.1 GRADING PLAN.dwg
✓		2 MB	2013-01-08	C-4.0-4.3 ESPC PLAN.dwg

This fileset has passed review.

[Download All](#) [Checklists](#)

[New Submittal](#)

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[Departments](#)
[Chronological](#)

Department	Approved	Reviewed	Revision History
Signs	✓	✓	#2: Approved and Reviewed by Halstead, Melanie Previous Edited #3: Approved and Reviewed by Halstead, Melanie Previous Edited #4: Approved and Reviewed by Elzey, Jody This is a test ha Previous Edited #5: Approved and Reviewed by Halstead, Melanie Susan Purple stay OUT Previous Edited

File Revision Download:

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EXHIBIT D Communications

Project Communication

Add general comments, site visit information, inspection information, meeting minutes, and emails to the project communicator. In order to add a new communication, select "New Comment". Select the appropriate comment type, and complete the information and submit.

	Posted By	Date
	User, Regular	2013-01-13 14:09:48
User,		
The following location shall be used for communication with the city for all items with regard to plan review.		
		

Displaying 1 to 1 of 1 Comments.

Page: 1 2

New Comment



EXHIBIT FS

Plan Submittal Fee

Project Type	ePs Fee	Applicant Cost
	Land Disturbance Permit	
2	Grading Plan	\$ 25.00
1	Final Plat	\$ 100.00
1	Minor Subdivision Plat	\$ 25.00
1	Preliminary Plat	\$ 50.00
1	As-Built	\$ 50.00
2	Landscape Plan	\$ 10.00
2	Photometric Plan	\$ 10.00
	Building Plans	
	Residential	
2	New Construction	\$ 50.00
2	Addition Alteration	\$ 25.00
2	Other	\$ 25.00
	Commercial New Construction	
2	0 - 1,000 SF	\$ 50.00
2	1,000 - 10,000 SF	\$ 125.00
2	10,000 - 25,000 SF	\$ 150.00
2	Greater than 25,000 SF	\$ 175.00
	Commercial Addition/Alteration	
2	0 - 2,000 SF	\$ 50.00
2	2,000 - 10,000 SF	\$ 75.00
2	Greater than 10,000 SF	\$ 100.00
2	Fire Alarm, Sprinkler, or Hood Plans	\$ 25.00
2	Swimming Pool	\$ 25.00
2	Signs	\$ 10.00

See Project Life Cycle Definitions for description of project type.

PROJECT LIFE CYCLE DEFINITIONS

A Project Type 1 shall include the application and documents associated with the application for the purpose of obtaining approval from City of Porterville for Project Type 1 approval. Subsequent submittals of documents shall be considered part of the Project Type 1 review process. The Project Type 1 shall be closed at a time that no documents have been uploaded for review for a period of one calendar year.

A Project Type 2 shall include the application and documents associated with the application for the purpose of obtaining a Project Type 2 approval from City of Porterville. Subsequent submittals of documents and plan revisions shall be considered part of the Project Type 2. The Project Type 2 shall be closed when construction has terminated and/or at a time that no documents have been uploaded for review for a period of one calendar year after the termination of construction. An extension of six months will be granted upon receiving written request via email or letter prior to the expiration of one calendar year.



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Approval of the Eastern Tule Sustainable Groundwater Agency (GSA) Joint Power Agreement (JPA)

SOURCE: Public Works

COMMENT: The Sustainable Groundwater Management Act (SGMA) went into effect January 1, 2015. SGMA requires that local water agencies within all medium and high-priority sub-basins form one or more Groundwater Sustainability Agencies (GSA) to prepare a Groundwater Sustainability Plan (SGP). GSAs must be formed by June 30, 2017 and GSPs must be adopted by January 1, 2020. The Tule Sub-basin, as defined in Bulletin 118 is one such sub-basin.

Since late 2014, the public agencies in the Tule Sub-basin have been meeting to discuss the implementation of SGMA. In order to be in compliance with SGMA, all areas in a sub-basin must be covered by a GSA. If more than one GSA covers a sub-basin, a coordination agreement must be drafted and agreed upon by the GSAs.

Since 2015, the City of Porterville, Porterville Irrigation District, Saucelito Irrigation District, Teapot Dome Water District, Vandalia Water District, Terra Bella Irrigation District, Kern-Tulare Water District, and the County have been meeting to form the Eastern Tule GSA to cover each District, as well as lands within this portion of the county that are not within the governance of a water agency; these are referred to as "white areas" as they are represented as white (blank) on maps identifying the various water agencies in the Tule Sub-basin. The Council approved an MOU with the Eastern Tule Interested Parties late last year.

The Joint Power Agreement (JPA) document was approved in draft form by the Council during the November 15, 2016, meeting. Since that meeting the members of the JPA met to discuss additional details, which created minor changes. Most of the comments involved those from Tulare County and during the member meeting of November 17, 2016, all parties agreed to the minor edits. On December 6, 2016, the Tulare County Board of Supervisors approved the attached JPA. All parties have executed the agreement, except the City of Porterville. Following is the timeline for the JPA to become the exclusive GSA for their region.

December 12, 2016	JP Agreement executed by all members
January 19, 2017	JPA Board Meeting

January 26, 2017	JPA Board Meeting and Public Hearing
February 9, 2017	Notify DWR of election to become GSA
May 2017	Presumed exclusive GSA by DWR

While the GSA group has not discussed a budget, it is anticipated that initial costs will be similar to other GSAs. As such, it is anticipated that costs for City of Porterville participation in the GSA during this current fiscal year will be approximately \$10,000, which the Council authorized all SGMA related funding expenditures to be a component of the Water Operating Fund.

It should be noted, that these numbers are estimates and are not explicitly discussed in the Joint Powers Agreement. Actual costs may vary depending on the level of effort, professional services, and staffing necessary to meet the GSP regulations. To date, discussion on cost sharing have centered on an acreage percentage model. It is anticipated that FY 2019/2020 and beyond would be funded by fees levied by the GSA.

RECOMMENDATION: That City Council:

1. Approve the amended Eastern Tule GSA Joint Powers Agreement; and
2. Authorize the Mayor to sign the document.

ATTACHMENTS: 1. Eastern Tule JPA

Appropriated/Funded:

Review By:

Department Director:
Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

AGREEMENT TO FORM A JOINT POWERS AUTHORITY
EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY

THIS AGREEMENT (“Agreement”) is made _____, 2016, by and between COUNTY OF TULARE (“County”), CITY OF PORTERVILLE, PORTERVILLE IRRIGATION DISTRICT, SAUCELITO IRRIGATION DISTRICT, TEAPOT DOME WATER DISTRICT, VANDALIA WATER DISTRICT, TERRA BELLA IRRIGATION DISTRICT, and KERN-TULARE WATER DISTRICT (hereinafter referred to individually as “Member” and collectively as “Members”), in light of the following:

RECITALS

A. During September 2014, Governor Brown signed three bills (SB 1168, SB 1319, and AB 1739) into law creating the Sustainable Groundwater Management Act (“SGMA”).

B. SGMA authorizes the formation of an entity called a Groundwater Sustainability Agency (“GSA”), one or more of which are authorized to be responsible for implementing provisions of SGMA as to each groundwater basin and subbasin falling within the provisions of SGMA.

C. The Members overlie the Tule Subbasin (5-22.13 of the Department of Water Resources Bulletin 118 classifications) (“Subbasin”) of the San Joaquin Valley Basin, an unadjudicated groundwater basin, portions of which underlie the jurisdictional boundaries of each Member.

D. Each of the Members to this Agreement is a local government entity with either water supply, water management, or land use responsibilities within the Subbasin and is qualified individually to serve as a GSA under the provisions of SGMA.

E. Under SGMA, a combination of local agencies may elect to form a GSA through a joint powers agreement.

F. The Members intend by this Agreement to create a joint powers authority that will elect to become a GSA for their jurisdictional areas covering a portion of the Subbasin.

G. Under SGMA, each GSA will be responsible for assuming its regulatory role by June 30, 2017, and for submitting a Groundwater Sustainability Plan (“GSP”) to the Department of Water Resources by January 31, 2020.

H. The Members intend to work cooperatively with other GSAs in the Subbasin for purposes of developing a GSP and entering into a Coordination Agreement if necessary.

I. The Members desire, once successfully electing to be a GSA, to begin collecting and organizing data, engaging and retaining experts and consultants, and soliciting feedback from

beneficial users and users of groundwater and interested persons within the portion of the Subbasin subject to their jurisdiction, for the purpose of preparing a GSP and for the purpose of negotiating Coordination Agreements with the other GSAs in the Subbasin.

J. The Members intend by this Agreement to provide for the management and funding commitments reasonably anticipated to be necessary for the above purposes.

K. The Members intend by this Agreement to provide a framework for cooperative efforts for all entities and individuals within the Authority's jurisdictional area and to implement SGMA in the most effective, efficient, and fair way reasonably possible, and at the lowest reasonable cost.

L. The jurisdictional area of this Authority is intended to generally consist of all areas within the jurisdictional boundaries of the Members and will specifically be determined at the time a notice of intent to act as a GSA is filed with the Department of Water Resources. For the purposes of this Agreement only, the jurisdictional boundary of the County of Tulare will be defined to not include any areas that are within the jurisdictional boundaries of any other Member.

NOW THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Members hereby agree as follows:

ARTICLE I

GENERAL PROVISIONS

Section 1.01. Creation of Authority. Pursuant to California Government Code Section 6500 *et seq.*, there is hereby created a public entity to be known as the "Eastern Tule Groundwater Sustainability Agency" (hereinafter referred to as the "Authority"), which shall be a public entity separate and apart from the Members, and shall administer this Agreement.

Section 1.02. Purpose. The purposes of this Agreement are:

- (a) To create a Joint Powers Authority separate from its Members that will elect to be the GSA for a portion of the Subbasin and, subject to the limitations of this agreement, carry out the provisions of SGMA within the jurisdictional area of the GSA;
- (b) To develop, adopt, and implement a legally sufficient GSP covering those portions of the Subbasin that are within the jurisdictional boundaries of the GSA, subject to the limitations set forth herein, in order to implement SGMA's requirements and achieve sustainability goals outlined in SGMA; and
- (c) To enter into a Coordination Agreement or similar agreement with other GSAs in order to meet the sustainability requirements outlined in SGMA.

ARTICLE II

POWERS

(a) Section 2.01. Powers. The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of all powers authorized under SGMA and necessary to satisfy the requirements of SGMA, including but not limited to developing, adopting and implementing a GSP, subject to the right of Members to withdraw from the authority and seek to become GSAs as specified in Section 8.05. The Authority shall have the power to sue and be sued.

Section 2.02. Restrictions on the Exercise of Powers. Pursuant to Government Code Section 6509 *et seq.*, the powers of the Authority shall be exercised and restricted in the same manner as those imposed upon the Kern Tulare Water District. The Authority shall not have the power of eminent domain. Nothing in this Agreement shall modify or limit the police powers of Members, if any.

Section 2.03. Obligations of the Authority. No debt, liability or obligation of the Authority shall constitute a debt, liability or obligation of any of the Members, appointed members of the Board of Directors, or committee members.

Section 2.04. Water Right. The Authority shall not have the power to control, limit or empower a Member's rights and authorities over its own surface water supplies, facilities, operations, water management, water supply projects and financial affairs ("Water Supply Matters"). As provided in Water Code Section 10720.5 of SGMA, the Authority and all of its Members confirm that groundwater management under this Authority shall not modify rights or priorities to use or store groundwater consistent with Section 2 of Article X of the California Constitution and that any groundwater management plan adopted by the Authority shall not determine or alter surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.

ARTICLE III

GOVERNING BODY

Section 3.01. Governing Board. The Authority shall be administered by a Board of Directors ("Board"), composed of Directors and alternate Directors as described herein, to serve at the pleasure of their appointive governing body. All voting power of the Authority shall reside in the Board.

(a) The Board shall consist of Directors who shall be appointed as follows:

(1) One elected member of the governing body of each Member entity.

(2) One representative from a landowner and groundwater user in a “white area” (hereinafter referred to as “White Area Representative”), appointed by the County of Tulare Board of Supervisors. A “white area” is defined as such area where the County of Tulare is the only public agency with jurisdiction as defined by SGMA

(b) Each Member shall appoint one person, who is either an elected member of the governing body of the Member entity or on the staff of such Member entity, to serve as an alternate Director of the Board in the same manner as the Director is appointed by the Member. Any such alternates shall be empowered to cast votes in the absence of the regular Directors or, in the event of a conflict of interest preventing the regular Director from voting, to vote because of such conflict of interest.

(c) Directors and alternate Directors may be removed or replaced as follows:

(1) Members may be removed or replaced at any time by their governing board; and

(2) A Director who is no longer either an elected member of the governing body of the entity or on the staff of such entity that qualified such director to serve on the Board shall be deemed automatically removed from the Board.

Section 3.02. Meetings of the Board. The Board shall provide for calling and conducting its regular meetings and special meetings, in accordance with Government Code Section 54950 *et seq.*

Section 3.03. Minutes. The Secretary shall cause to be kept summary minutes of the meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the summary minutes to be forwarded to each Director and to each of the Members.

Section 3.04. Voting. Each Director shall have one vote.

Section 3.05. Quorum; Required Votes; Approval. A quorum of the Board for convening of any meeting shall consist of a majority of all Directors, or in the absence of a Director, such Director’s designated alternate. A quorum of the Board must be present at the time of any vote on any matter before the Board. An affirmative vote of at least a majority of all Directors, or designated alternate Director, present in a quorum of the Board, shall be required for any action of the Board. Notwithstanding the foregoing, approval of certain types of matters shall require the approval of two-thirds of the Directors of the Board. The items requiring approval of two-thirds of the Directors of the Board are: agenda items to approve or revise budgets, assessments, litigation, the hiring or termination of the chief executive officer, the adoption of bylaws, adoption of the GSP, the addition of new Members, the termination of Members, and amendments of this Agreement. Directors representing a Member who is delinquent in any past or present monetary contributions shall abstain from voting on all matters.

Section 3.06. Bylaws. The Board may adopt bylaws and governing regulations consistent with this Agreement, which may be amended from time to time, for the conduct of its meetings as are necessary for the purposes hereof.

ARTICLE IV

COMMITTEES

Section 4.01. Committee Formation. Committees shall be formed by the Board in order to advise the Board on matters that fall within the scope of the particular committee's assignment. Committees may be standing committees or *ad hoc* committees. The Board shall appoint one Director or alternate Director to be a member of and the Chair of each committee. Committees shall meet as often as directed by the Board or, if no such direction is given, as often as necessary, as determined by the Chair of the committee. Two standing committees shall be formed as soon as reasonably practical, but in no event later than one hundred and twenty (120) days of formation of the Authority. They are as follows:

- (a) Stakeholder Committee. Committee members shall fall within categories of interested persons or representatives of interested entities as described in SGMA. Committee members shall be appointed by the Board from among applicants.
- (b) Executive Committee. Each Director shall be entitled to appoint one staff member of the Member agency to be a member of the Executive Committee.

ARTICLE V

OFFICERS AND EMPLOYEES

Section 5.01. Chair and Vice-Chair. Each year the Board shall elect a Chair and a Vice-Chair from among the Directors. The Chair and the Vice-Chair shall serve at the pleasure of the Board and shall perform the duties normally required of said offices.

- (a) The Chair shall (1) preside at and conduct each meeting of the Board, (2) represent the Board as directed by the Board, (3) be an ex-officio member of each committee established by the Board, and (4) perform such other duties as may be imposed by said Board;
- (b) The Vice-Chair shall act and perform all of the Chair's duties in the absence of the Chair; and
- (c) The Chair or Vice-Chair shall sign all contracts and agreements as approved by the Board.

Section 5.02. Secretary. The Board shall appoint a Secretary from among the employees of the Authority, or if no such employees exist, a consultant. The Secretary shall serve at the

pleasure of the Board. The Secretary shall act on behalf of the Authority and perform such other duties as may be imposed by the Board. The Secretary shall sign agreements for the Authority when authorized by the Board.

Section 5.03. Treasurer and Auditor.

- (a) The County Treasurer shall be the depositary, shall have custody of all the money of the Authority from whatever source, and shall have the duties and obligations of the Treasurer as set forth in Government Code Sections 6505 and 6505.5. The County Treasurer shall be responsible for receiving quarterly reports from the Secretary and verifying the balance of this report with respect to the balance as maintained by the records of the County Auditor.
- (b) The County Auditor shall assure strict accountability of all receipts and disbursements of the Authority and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

Section 5.03. Officers in Charge of Records; Funds; and Accounts. Pursuant to Government Code Section 6505.1, the County Treasurer shall have charge of, handle and have access to all accounts, funds and money of the Authority and all records of the Authority relating thereto; and the Secretary shall have charge of, handle and have access to all other records of the Authority.

Section 5.04. Employees and Consultants. The Board may hire employees and consultants, including engineers, accountants and attorneys, to provide services to the Authority to accomplish the purposes of the Authority.

ARTICLE VI

ACCOUNTS AND REPORTS; FUNDS

Section 6.01. Accounts and Reports. The County Auditor shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times by the public and representatives of the Members. The County Auditor, within 120 days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Members.

Section 6.02. Annual Budget. The Board shall adopt a budget for the Authority. Members shall make contributions as set forth in the budgets adopted by the Board. A Director's affirmative vote to approve a budget does not constitute consent to finance or otherwise participate in any project or projects within that budget.

Section 6.03. Intention for Reimbursement for Expenditures from Grant Proceeds. It is the intention of the Members that the advancement of monies by any Members for expenses of the

operational needs of the Authority shall be reimbursed from the proceeds of grants, if grant funds are obtained and such reimbursement is allowable under the terms of any grant agreement.

Section 6.04. Assessment of Members. The Board may vote to assess Members for a share of costs incurred by the Authority or which are anticipated to be incurred by the Authority. All assessments shall be paid by Members within sixty (60) days of the approval of the assessment by the Board. Any Member or entity failing to timely pay an assessment shall lose its privilege to vote on any item presented to the Board, until such assessment is paid.

ARTICLE VII

Implementation of SGMA

Section 7.01 – Development of GSP. Unless otherwise provided under this section 7.01, the Authority shall develop the GSP for all areas within the jurisdictional boundary of the Members, as defined herein. Notwithstanding the foregoing, consistent with the provisions of SGMA pertaining to Management Areas, any Member or group of Members may propose its or their own chapter or provisions governing SGMA implementation within their respective boundaries or a Management Area managed in whole or in part by such Member(s) for inclusion by the Authority into the Authority's GSP. The Authority shall promptly review the proposed chapter or provisions for consistency with the Authority's GSP and to determine that it meets the requirements of SGMA. If the Authority determines by a vote of 75% of the Directors that a Member's proposed chapter or provisions is/are consistent with SGMA and the Authority's GSP, it shall incorporate such chapter or provisions into the Authority's GSP.

Section 7.02 – Implementation in Management Areas. Any Member (or group of Members) that has or have established a Management Area as part of the Authority's GSP may request to be assigned the primary responsibility of implementing SGMA and the Authority's GSP within its Management Area by giving written notice to the Authority, which notice may be given at any time. Upon receipt of such notice, the Authority and the requesting Member(s) shall develop a mutually acceptable agreement describing the respective roles and responsibilities of the Authority and the requesting General Member(s) with respect to such implementation.

ARTICLE VIII

MEMBERSHIP, TERM; WITHDRAWAL; TERMINATION

Section 8.01. Other Members. The Board may vote to approve other entities to be a Member of the Authority with representatives serving as Director and alternate Director on the Board. The Board may vote to remove any Member as a member of the Authority.

Section 8.02. Term. The Members hereby agree to establish the Authority to last in perpetuity. This Agreement may be rescinded and the Authority terminated by unanimous written consent of all Members.

Section 8.03. Withdrawal of Member. A Member may terminate its membership in the Authority at any time upon giving written notice of the withdrawal to the Authority which shall be effective one hundred eighty (180) days after such notice. Any Member who withdraws shall remain obligated to pay its share of all debts, liabilities, and obligations incurred or accrued prior to the effective date of such withdrawal.

Section 8.04. Disposition of Assets. Upon termination of the Authority, any assets shall be returned to the Members in the same proportion said Members have funded such reserves or surplus, in accordance with California Government Code Section 6512.

Section 8.05 Effect of Withdrawal On SGMA Status. Upon withdrawal or termination as a Member, whether occurring before or after June 30, 2017, it is contemplated the withdrawing or terminated Member would concurrently become (or designate) a GSA for the lands within its boundaries (or a Management Area managed in whole or in part by such Member), so that such lands of the withdrawing or terminated Member would continue to be subject to a GSA and if applicable a GSP and the powers of such withdrawing Member within its boundaries would not be limited by this Agreement. In the event that a Member provides notice of withdrawal either prior to or within 30 days after adoption of a GSP by the Authority, the Authority (i) shall not object to or interfere with the lands in the withdrawing or terminated Member's boundaries (or a Management Area managed in whole or in part by such Member) being in a GSA, as designated by such withdrawing or terminated Member, (ii) shall facilitate such transition to the extent necessary, and (iii) the Authority shall withdraw from managing the Subbasin as a GSA for that portion of the Basin within the boundaries of the withdrawing or terminated Member and so notify the Department of Water Resources. The withdrawing or terminated Member will also be entitled to copies of all documents, information, and material developed by the Authority and paid for in whole or in part by the Member prior to the Member's withdrawal or termination.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 9.01. Amendments. This Agreement may be amended by the Board at any time, or from time to time.

Section 9.02. Indemnification. The Authority shall indemnify, defend, and save harmless the Members, their officers, agents, and employees, and appointed members of the Board of Directors, their officers, agents, and employees, and committee members, their officers, agents, and employees, from and against any and all claims and losses whatsoever, occurring or resulting to persons, firms, or corporations furnishing or supplying work, services, materials or supplies to the Authority in connection with the performance of this Agreement, and, except as expressly provided by law, from any and all claims and losses accruing or resulting to any persons, firm or corporation, for damage, injury, or death arising out of or connected with the Authority's performance of its obligations under this Agreement. Nothing herein shall limit the right of the Authority to purchase insurance or to create a self-insurance mechanism to provide coverage for the foregoing indemnity.

In this regard, the Members do not intend hereby to be obligated either jointly or severally for the debts, liabilities or obligations of the Authority, except as may be specifically provided for in California Government Code Section 895.2 as amended or supplemented. Provided, however, if any Member(s) of the Authority are, under such applicable law, held liable for the acts or omissions of the Authority caused by negligent or wrongful act or omission occurring in the performance of this Agreement, such parties shall be entitled to contribution from the other Members so that after said contributions each Member shall bear an equal share of such liability,. This Section 9.02 does not apply to acts or omissions of a Member in implementing the GSP adopted by the Authority within such Member's boundaries managed in whole or in part by such Member.

Section 9.03. Insurance. The Authority shall obtain insurance for all Members, appointed members, and committee members, including but not limited to directors and officers liability insurance and general liability insurance containing policy limits in such amounts as the Board of Directors shall determine will be necessary to adequately insure against the risks of liability that may be incurred by the Authority.

Section 9.04. Severability. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

Section 9.05. Counterparts. This Agreement may be executed in one or more counterparts and may include multiple signature pages, all of which shall be deemed to be one instrument.

IN WITNESS WHEREOF, the Members hereto execute this Agreement on the date first written above.

COUNTY OF TULARE	CITY OF PORTERVILLE
By: _____	By: _____
PORTERVILLE IRRIGATION DISTRICT	SAUCELITO IRRIGATION DISTRICT
By: _____	By: _____
TEAPOT DOME WATER DISTRICT	VANDALIA WATER DISTRICT
By: _____	By: _____
TERRA BELLA IRRIGATION DISTRICT	KERN-TULARE WATER DISTRICT
By: _____	By: _____



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Assignment of Airport Lease - Lot 34B

SOURCE: Finance

COMMENT: Mr. Bruce Kaiser, current leaseholder of Lot 34B, has sold his hangar to Dr. Donald Cornforth. The new owner is requesting Council authorization to assume the existing lease between the City of Porterville and Mr. Bruce Kaiser commencing June 1, 2014 and expiring May 31, 2024.

RECOMMENDATION: That the City Council approve the Assignment of Lease for Lot 34B between the City of Porterville and Mr. Bruce Kaiser to Dr. Donald Cornthorh; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

ATTACHMENTS:

1. Locator Map
2. Assignment of Lease
3. Lessor's Consent to Assignment of Lease
4. Letter of Request
5. Bill of Sale

Appropriated/Funded:

Review By:

Department Director:

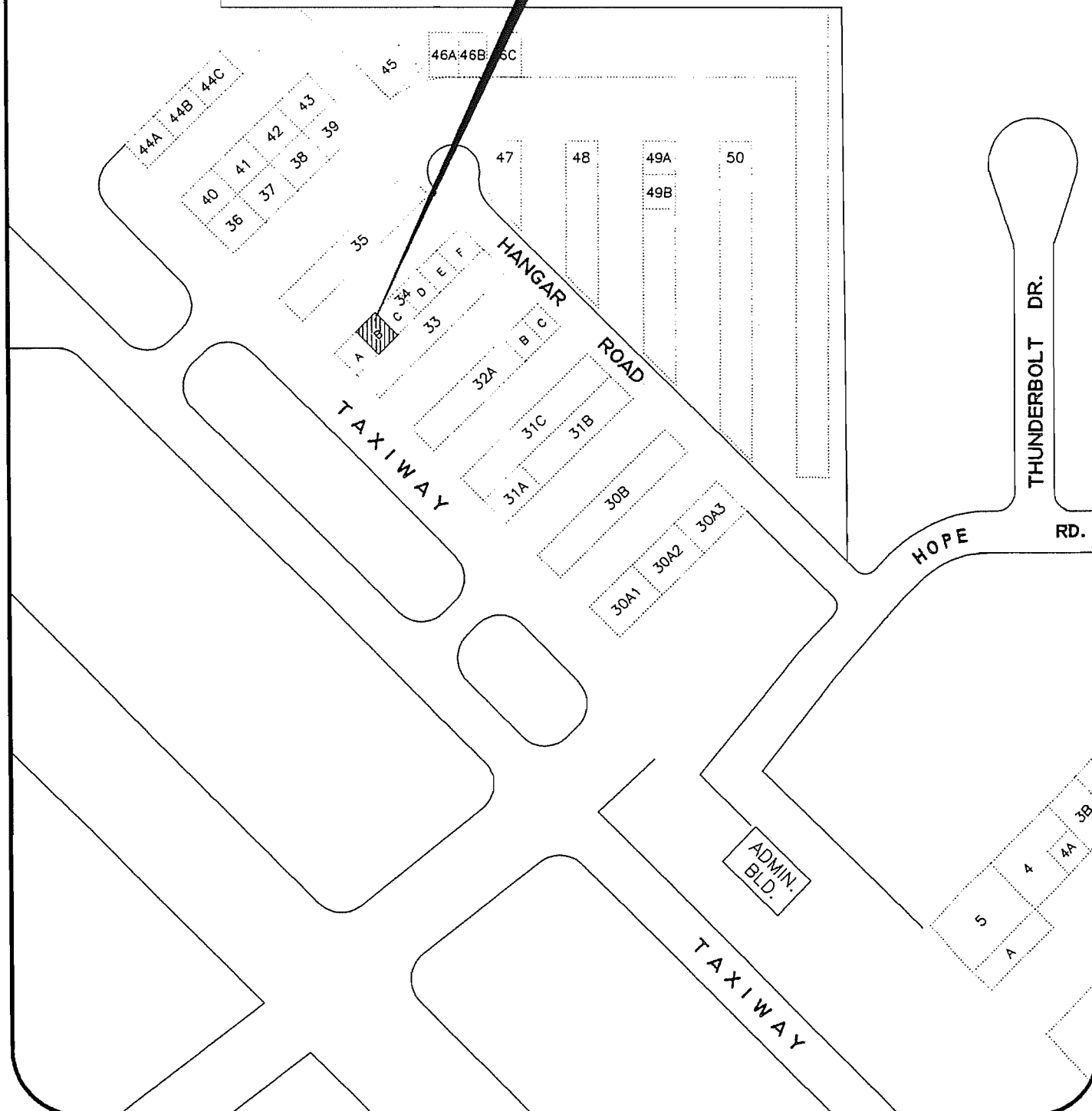
Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES



SUBJECT LOCATION



**ASSIGNMENT OF LEASE
PORTERVILLE MUNICIPAL AIRPORT**

THIS AGREEMENT, made this 20th day of December, 2016, by and between the Estate of Bruce Kaiser and its Executor, Thelma Voorheis, 2150 W. Tomah, Porterville, CA, owner of a hangar on Lot 34B at the Porterville Municipal Airport, as the Assignor, and Donald E. Cornforth, M.D., P.O. Box 2103, Bakersfield, CA 93303, as the Assignee.

In consideration of the mutual covenants herein contained, each act to be performed hereunder, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Effective December 20, 2016, Assignor hereby assigns, transfers and conveys to Assignee all of his right, title and interest as Lessee, in, to and under a certain Lease Agreement dated June 1, 2014 (hereinafter "Lease"), executed by and between the City of Porterville, as Lessor, and Bruce Kaiser, as Lessee, providing for the letting of certain premises located at the Porterville Municipal Airport, Porterville, California, being more particularly described as follows:

An airport hangar known as No. 34B, and containing a total area of approximately 2,350 square feet, and establishing an original Lease terminating May 31, 2024.

2. Effective December 20, 2016, Assignee hereby accepts and assumes all of the obligations, responsibilities and liabilities of Assignor under said Lease, and agrees to perform said Lease Agreement according to its terms, covenants and conditions, without exception, and Assignee understands and agrees that Landlord makes no warranty or representation that either Assignor or Assignee would be given an exclusive use in the Porterville Municipal Airport for the use thereof by Assignor and/or Assignee, except as provided in the Lease.

3. Upon execution of this Assignment of Lease and Landlord's consent hereto, the parties' Noticed Address shall be as set forth herein above. The parties further understand there is a \$150 assignment fee, payable to the City of Porterville, and the Assignee must provide proof of aircraft and hangar owner's liability insurance within thirty (30) days of Council approval.

4. Assignor hereby covenant said Lease as valid and existing and hereby warrant that Assignor is not in default as of the date of this Assignment.

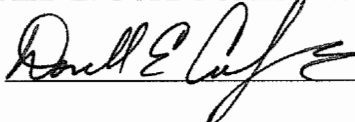
5. This Assignment shall be binding upon and shall inure to the benefit of the respective parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment of Lease as of the date first above written.

ASSIGNOR:
ESTATE OF BRUCE KAISER

BY: _____
Thelma Voorheis - Executor

ASSIGNEE:
DONALD E. CORNFORTH, M.D.

BY:  _____

**LESSOR'S CONSENT TO ASSIGNMENT OF LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT
AIRPORT HANGAR LOT NO. 34B**

The City of Porterville, a municipal corporation of the State of California, being the Landlord under the Lease for Airport Hangar Lot No. 34B, described in the foregoing Assignment, hereby consents to the foregoing Assignment of Lease upon the expressed condition, however, that there shall be no further assignment without the prior written consent of the Landlord.

Dated this 20th day of December, 2016.

CITY OF PORTERVILLE

BY: _____
Milt Stowe
MAYOR, CITY OF PORTERVILLE

"LESSOR"

ATTEST: _____
John Lollis, CITY CLERK

APPROVED AS TO FORM:

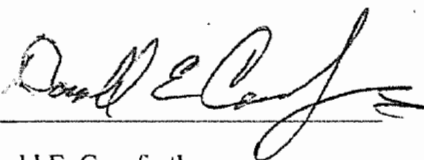
BY: _____
Julia Lew, City Attorney

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

Re: Airport Lease, Lot 34B

Attention: Janie Rodriguez

I purchased an aircraft hangar from Thelma Voorheis on 4/28/2016. The hangar is Lot 34B at Porterville Airport.



Donald E. Cornforth

11-22-2016

Date

BILL OF SALE

Airplane Hanger located at:
Lot 34B - Porterville Airport
Porterville, CA 93257

Esc. Officer: Naida Carlton
Escrow No.: FTKE-3011601276-NC

Effective Date: 4-28-2016

In consideration of the sum of Twenty Two Thousand And No/100 Dollars (\$22,000.00) receipt which is hereby acknowledged,

Thelma Voorheis

hereby sells and conveys to

Donald E. Conrforth, M.D., Inc., his executors, administrators and assigns airplane hanger
located at: Lot 34B - Porterville Airport, Porterville, CA 93257

Sellers for his heirs, executors and administrators, covenants and agrees to warrant and defend this sale of said property, goods, and chattels, against all and every person and persons claiming the same.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.


Thelma Voorheis

4-28-2016
Date



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Renewal of Airport Lease Agreement - Lot 40

SOURCE: Finance

COMMENT: Mr. Dana Gillespie and Mrs. Susan Peck are the current leaseholders of Lot 40 at the Porterville Municipal Airport. The lease expires December 31, 2016. We have received a request from Mr. Gillespie, dated November 17, 2016, to renew his lease for a period of ten (10) years. This lot is approximately 4,200 square feet in area and will rent for a rate of \$.307 per square foot with an annual adjustment according to the change in the Consumer Price Index. The Lease will begin on January 1, 2017 and expire on December 1, 2026.

RECOMMENDATION: That City Council approve the Lease Agreement between the City of Porterville and Mr. Dana Gillespie and Mrs. Susan Peck for Lot 40 at the Porterville Municipal Airport.

ATTACHMENTS:

1. Locator Map
2. Letter from Mr. Gillespie requesting renewal
3. Lease Agreement

Appropriated/Funded:

Review By:

Department Director:

Maria Bemis, Finance Director

Final Approver: John Lollis, City Manager

AIRPORT LEASE SITES



44A 44B 44C

SUBJECT LOCATION

40	41	42	43
36	37	38	39

45

46A 46B 46C

35

A B C 34 D E F

33

32A B C

31C

31A

31B

30B

30A1

30A2

30A3

47

48

49A

49B

50

TAXIWAY

TAXIWAY

HANGAR ROAD

HOPE ROAD

THUNDERBOLT DR.

ADMIN.
BLD.



November 17, 2016

Janie Rodriguez
City of Porterville Finance Department
291 N. Main Street
Porterville, CA 93257

RE: Lease Agreement for Lot 40 at the Porterville Municipal Airport

Dear Ms. Rodriguez,

I would like to extend the lease agreement for Lot 40 at the Porterville Municipal Airport for a term of ten years.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Gillespie", with a long, sweeping horizontal line extending to the right.

Dana Gillespie
President

LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of January, 2017, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and Dana Gillespie and Susan Peck, 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 40 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 January 1, 2017, both parties having executed the same, and shall terminate on December 31, 2026, 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 \$0.307 per square foot per year. Inasmuch as the lease site (See Exhibit "A" attached) contains approximately 4,200 square feet of land area, said rental rate will be \$1,289.40 annually, or \$107.45 per month, payable in advance.

Beginning January 1, 2018, 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 ONE MILLION DOLLARS (\$1,000,000). 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: Dana Gillespie
Susan Peck
15301 Road 192
Porterville, CA 93257

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 on 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.

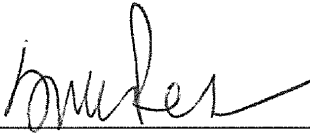
IN WITNESS WHEREOF, the parties hereto have executed this Lease on the day and year first herein above written.

CITY OF PORTERVILLE

LESSEE

By: _____
Milt Stowe, Mayor

By:  _____
Dana Gillespie

By:  _____
Susan Peck

ATTEST:

By: _____
John D. Lollis, City Clerk

APPROVED AS TO FORM:

By: _____
Julia M. Lew, City Attorney



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Considering Approval of a Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a Private College, to be Located at 314 N. Main Street

SOURCE: Community Development

COMMENT: The applicant is requesting approval of a Conditional Use Permit (CUP) to allow for San Joaquin Valley College (SJVC), a private college, in an existing two-story building located at 314 N. Main Street. Staff prepared a public hearing for the December 6, 2016, City Council meeting in the Porterville Recorder; however, the public hearing notice was not mailed to the property owners within a 300 foot radius of the project, as required by §601.05 of the Porterville Development Ordinance. Due to this noticing error, staff requested the item be pulled from consideration and given the opportunity to properly notice for the December 20, 2016 City Council meeting.

The site has a General Plan Land Use Designation of Downtown Retail and is zoned DR-N (Downtown Retail - North of Olive). In the DR-N zone district, colleges and trade schools, whether public or private, require a CUP with the additional requirement to not exceed 5,000 square feet.

The building was constructed in 2001, and originally designed for a medical office building, which was then utilized by Family Healthcare Network administrative offices and most recently occupied by Keller Williams Realty. The total area under consideration is approximately 7,800 square feet. As previously noted, in the DR-N zone district, colleges have a footnote of not being greater than 5,000 square feet. It is staff's policy to review projects based on the uses being proposed. For example, while the building is 7,800 square feet, actual classroom square footage is identified as 2,106 square feet with 1,200 square feet of that being located on the second floor. The remaining space is identified to be utilized for offices, faculty facilities, library, break rooms and restrooms. In accordance with §102.03 Rules of Interpretation, the Zoning Administrator has determined that the uses of the building can appropriately be split into instructional space and administrative space. Conversations with other private colleges further support this determination; administrative offices are often separate from satellite college campuses, and students could be required to drive to Bakersfield or Fresno for administrative tasks, such as financial aid or transcript requests. As a condition of approval, staff would recommend that instructional space be limited to less than 5,000 square feet at all times.

The site is located within Parking District 2 and would require 13 parking

spaces; however, Resolution 72-2000 allowed the construction of the building to utilize the public parking lot east of the building on Second Street and Thurman Avenue. Additionally, Porterville Transit has a transit stop on Second Street, adjacent to the parking lot.

On November 22, 2016, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15301, Class 1 Existing Facilities. No further environmental review is required.

RECOMMENDATION: That the City Council confirm the Zoning Administrator's determination which would limit instructional space to less than 5,000 square feet and adopt the draft resolution approving Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution
2. Site plan
3. Floor Plan
4. Parking District No. 2
5. Resolution 72-2000

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

RESOLUTION NO.____-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING CONDITIONAL USE PERMIT (PRC 2016-030-C) TO ALLOW
SAN JOAQUIN VALLEY COLLEGE, A PRIVATE COLLEGE,
TO BE LOCATED AT 314 NORTH MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of December 20, 2016, conducted a public hearing to consider Conditional Use Permit (PRC 2016-030-C), being a request to allow a 7,800± square-foot building to be utilized for San Joaquin Valley College (SJVC) a private college located at 314 N. Main Street, generally located on the northeast corner of Main Street and Thurman Avenue; and

WHEREAS: Pursuant to 202.02 Land Use Regulations of the Porterville Development Ordinance, a private college requires a conditional use permit with a footnote of not being greater than 5,000 square feet; and

WHEREAS: The Zoning Administrator, in accordance with §102.03 Rules of Interpretation, determined that the uses of the building could appropriately be split into instructional space and administrative space. While the building is 7,800 square feet, the actual classroom footprint is identified as 2,106 square feet; and

WHEREAS: Pursuant to Section 15301, Class 1 Existing Facilities of the California Environmental Quality Act, the project is exempt from the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Downtown Retail. The subject site is zoned DR-N (Downtown Retail - North of Olive) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.
2. That the site is physically suitable for the type of development proposed.
3. That the design of the project is not likely to cause substantial environmental damage. The subject site is developed with an existing building. As such, no endangered, threatened, or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.
5. That the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and

landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the 2030 General Plan.

6. That the project, as proposed, complies with all design standards of the Porterville Development Ordinance and the Downtown Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2016-030-C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street, subject to the following conditions:

1. Upon approval of the CUP, any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council.
2. At all times, the square footage of instructional space shall be limited to less than 5,000 square feet.
3. The facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, Downtown Design Guidelines, adopted Building Codes and all other applicable laws and ordinances.
4. Unless an extension of time is granted by the City Council, the CUP shall expire two years after the date of approval if the college is not active or actively pursued.
5. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.
6. When the building was originally constructed in 2001, parking was evaluated by City Council and approved by Resolution 72-2000, to provide 17 shared spaces between the two parcels. Staff has determined that this is consistent with the new use.
7. The submittal site plans did not reflect any changes in landscape, please note that any rehabilitation to the landscape area shall adhere to Ordinance 1830.
8. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
9. Signs require separate plan submittal and separate permit. Any proposed new signage shall adhere to Section 305 of the Porterville Development Ordinance and the Downtown Design Guidelines.
10. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans and

Standard Drawings, Standard Specifications for Public Works Construction (2015 Edition), and Standard Plans and Specifications (2015 Standards), except where they are in conflict with current access compliance regulations, the current California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

11. The developer/applicant shall pay all applicable fees according to the Municipal Code and State law. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
12. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
13. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
14. Offsite frontage improvement are triggered when the building permit valuations is over \$22,151 (Per City of Ordinance No. 1644 and adjusted annual by the Engineers New Record). In such a case, the developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full parcel frontage, except where they exist and are determined to be in good condition and in compliance with current accessibility standards in the opinion of the City Engineer (Ordinance No. 1306). Frontage improvements shall be limited to 20% of the building permit valuation. Existing frontage improvements were evaluated and determined that a portion of the improvements are non-compliant. An accessible path of travel across the Thurman Avenue driveway serving the property must be provided.
15. The transition from Thurman Avenue to the accessible pedestrian path on the west side of the building exceeds 5%. The developer/applicant shall construct a pedestrian path of travel from the City sidewalk to onsite walks in a manner that is compliant with current accessibility standards. The exit door at the southeast corner of the building currently only has stairs and must be provided a sloped/ramped entry. Additionally, the trash can located on the west side of the building restricts the accessible pedestrian path of travel to less than 4'0". Please relocate to the north side of the building.
16. The location(s) of detectable warning surfaces shown on the preliminary site plan is not required. Please work with the City Engineer to identify the appropriate location of detectable warnings for this project prior to submitting plans for a building permit.
17. The lip of the curb ramp located at the northwest corner of the building that provides access from the main building entrance to the accessible parking stall located north of the building exceeds 1/4 of an inch. The developer/applicant shall make transition from the sidewalk to the parking lot ADA compliant.
18. The developer/applicant shall design on-site water systems meeting the requirements of the

current California Plumbing and Fire Codes. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is the sole responsibility of the owner/builder.

19. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system, is required for monitoring actual water usage if the landscape area is 1000 square feet or more. The City will require payment of impact fees based on estimated usage and will monitor actual water usage for one year. The City will bill/credit the owner the difference between the estimated impact fees paid and the actual water usage.
20. The developer/applicant shall assure compliance with Section 7-8, Work Site Maintenance of the Standard Specifications. Applicable requirements from both San Joaquin Valley Unified Air Pollution Control District Regulation VIII, Fugitive PM10 Prohibitions and the California Green Code Standards must also be met. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection.
21. The developer/applicant shall not allow onsite runoff or debris outside of the limits of the property during construction. Applicable best management practices (BMPs) shall be implemented to protect the City's drainage system and inhibit vehicle track-out onto City streets. The improvement plans shall show the location of BMPs and areas designated for erosion and waste control. The developer/applicant shall remove and properly dispose of waste and spills deposited in the project area.
22. The developer/applicant shall submit three complete sets of plans, signed by a licensed Architect or Engineer, including two sets of energy calculations and structural calculations.
23. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
24. Plan submittals shall comply with all current applicable Codes.
25. Restrooms, main entrance/s, and paths of travel from the required accessible parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
26. Plan submittals shall include the installation of bike racks if the occupant load is ten or more as per California Green Code.
27. Plan submittals shall include the installation of Clean Air parking stall(s) if ten or more parking stalls are required for the project as per California Green Code.
28. Compliance forms and worksheets are required to be included on all plan submittals as per California Green Code.

29. The Building Official has designated the proposed construction to be a “B” Occupancy Classification.
30. A back-flow device is required on the water meter. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
31. A Knox box will be required. A “Grand Master” key that opens all locked areas including locked gates will also be required and placed inside the Knox Box. An application and ordering is available online at the Knox box web page (<http://www.knoxbox.com/>).
32. Fire extinguishers shall be installed in accordance with the Uniform Fire Code. The placement of extinguishers shall be subject to review by the Fire Department.
33. A fire monitoring system shall be installed on the interior of the structure near the fire alarm annunciator panel.
34. Emergency lighting is required when more than one exit is required.

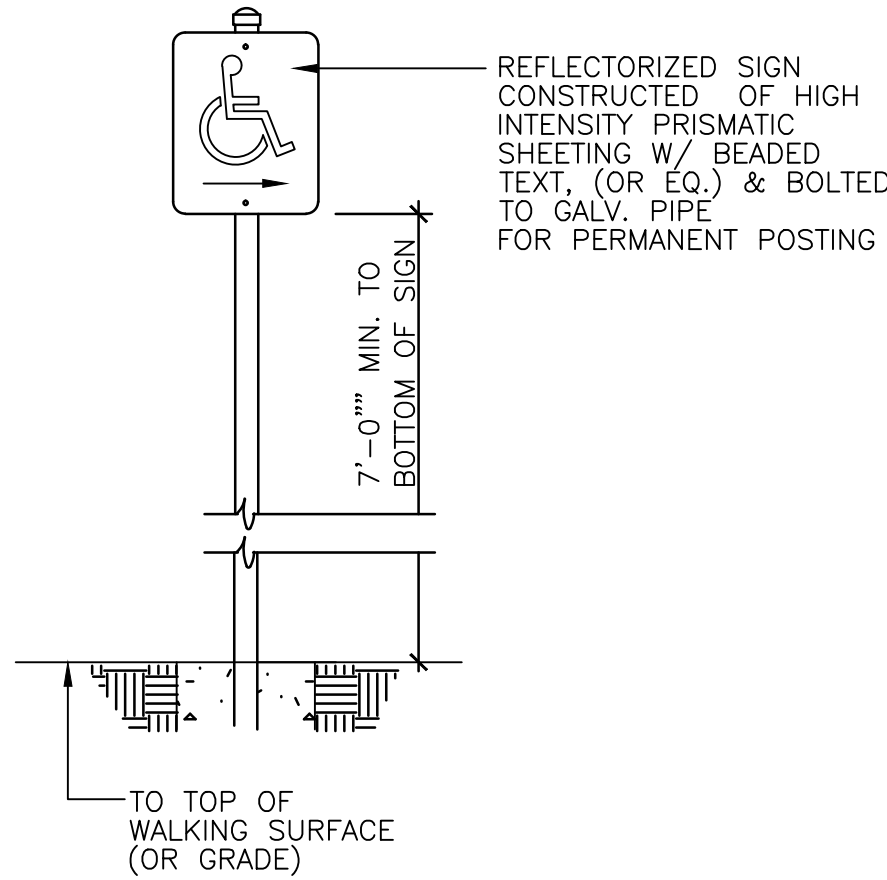
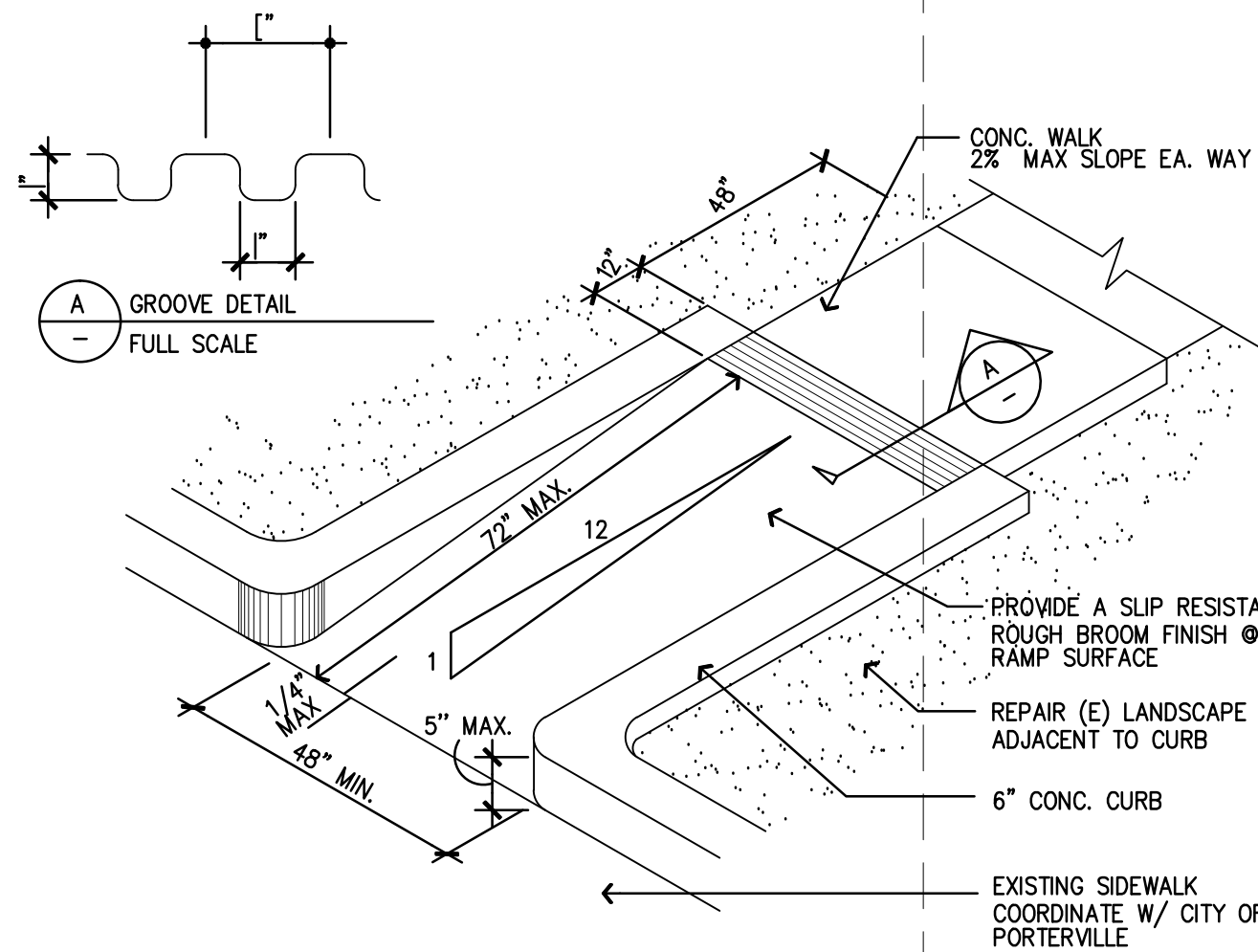
PASSED, APPROVED AND ADOPTED this 20th day of December, 2016.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

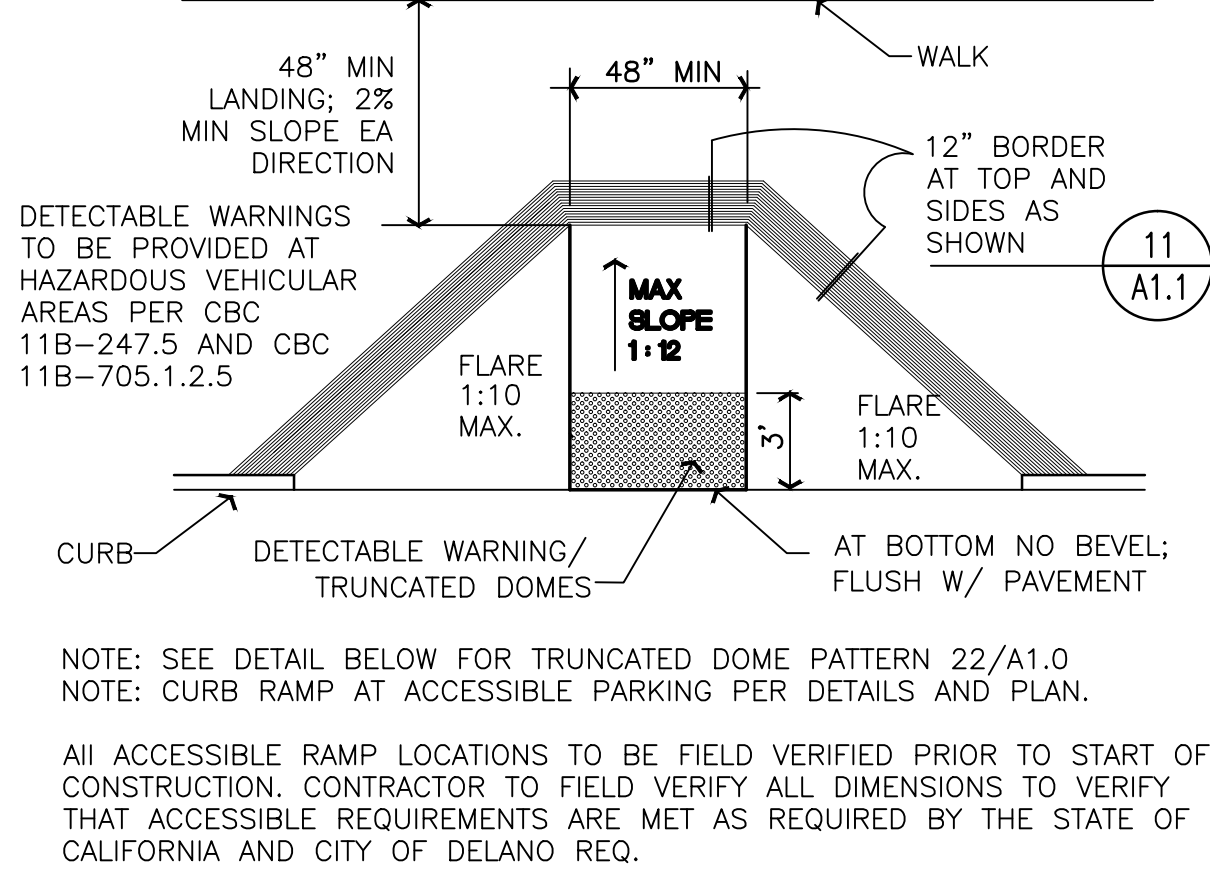


41 RAMP AT CONC. WALK

SCALE: N.T.S.

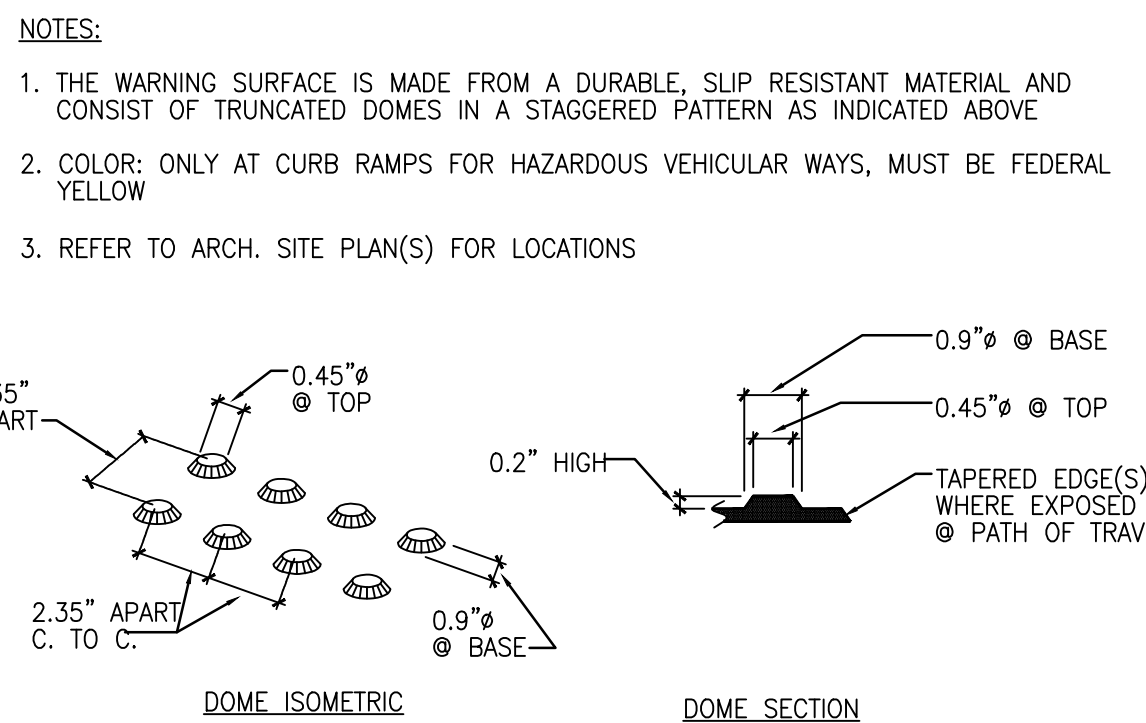
31 "ISA" SYMBOL ROUTE • PATH OF TRAVEL

SCALE: N.T.S.



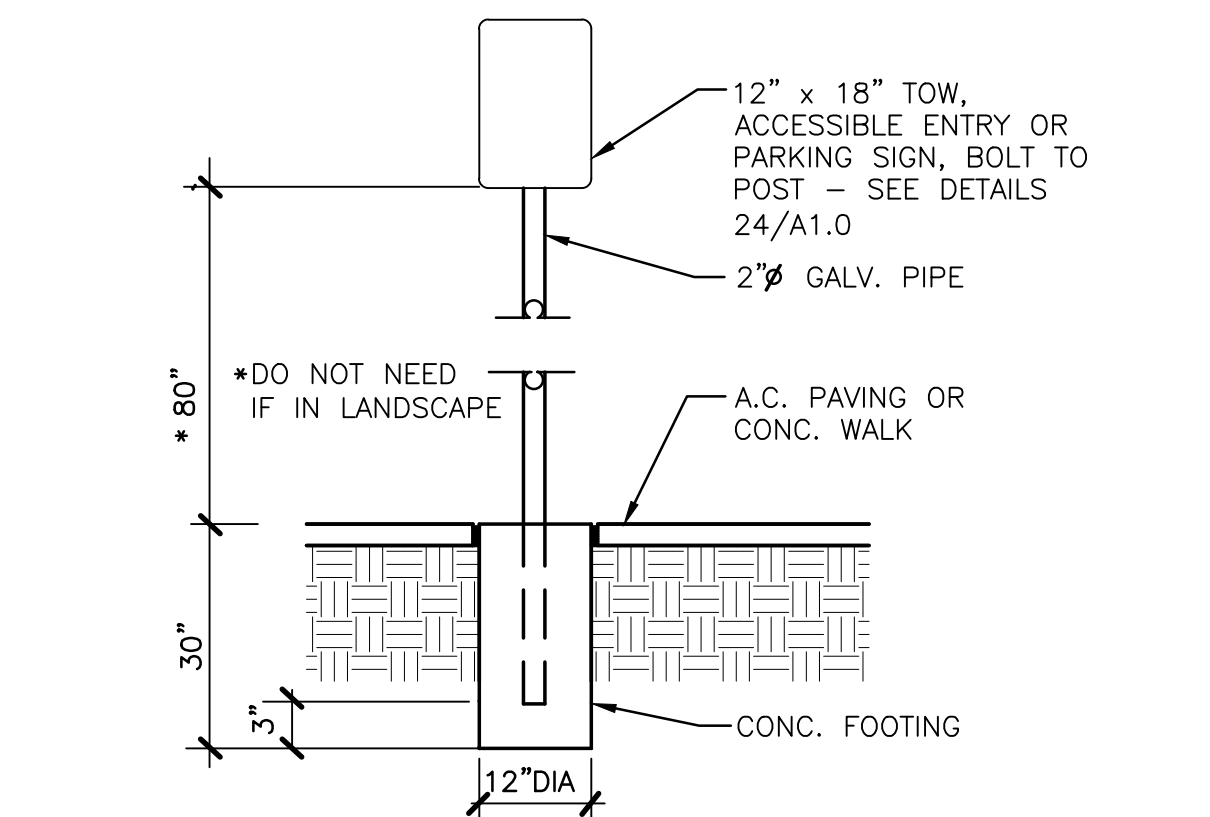
21 TRUNCATED DOME CURB RAMP FOR REFERENCE ONLY

SCALE: N.T.S.



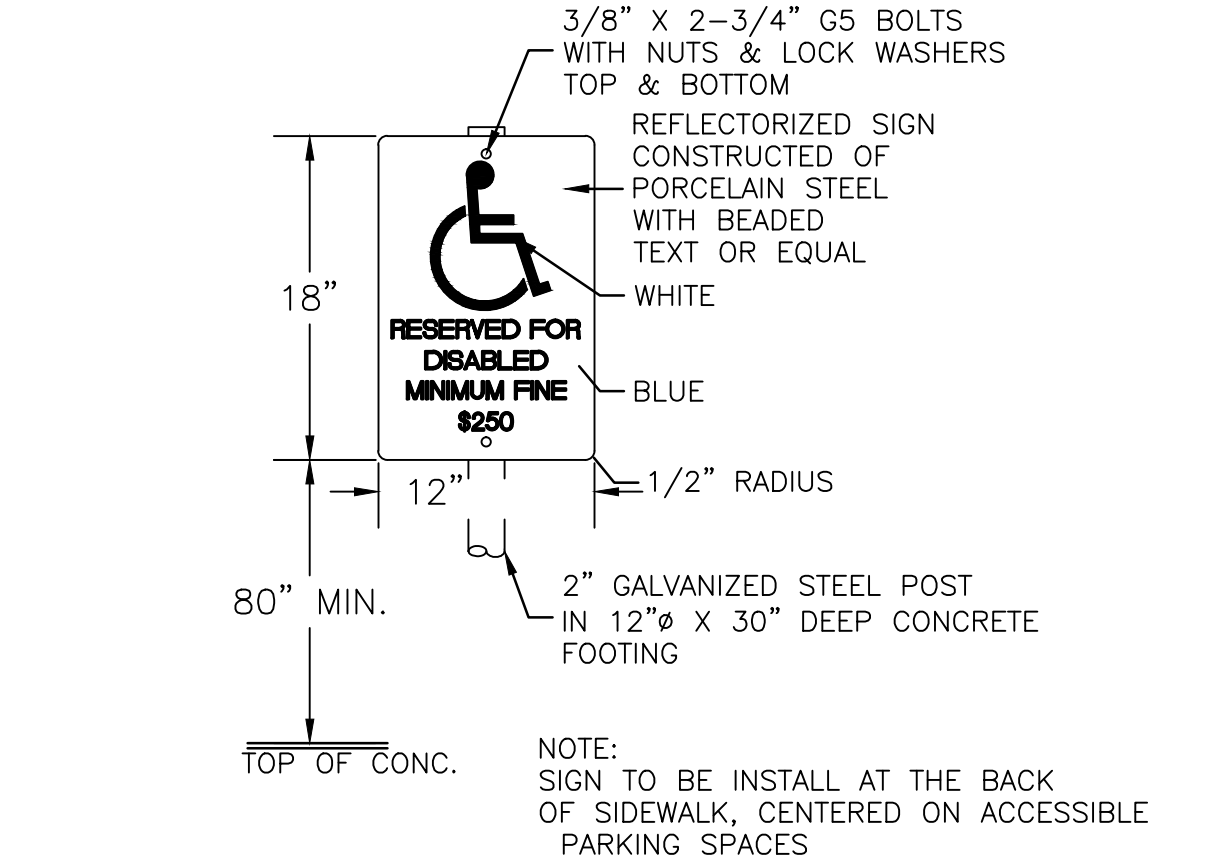
22 TRUNCATED DOMES

SCALE: N.T.S.



23 SIGN DETAIL

SCALE: N.T.S.



24 ACCESSIBILITY PARKING SIGN

SCALE: N.T.S.

- 1) CONTRACTOR SHALL BE RESPONSIBLE FOR THE PREVENTION OF WIND EROSION AND DUST WITHIN THE AREAS OF OPERATION. METHOD OF CONTROL SHALL BE SELECTED BY THE CONTRACTOR BUT SHALL SATISFY REQUIREMENTS.
- 2) AFTER THE COMPLETION OF THE CLEARING, GRADING, OR EXCAVATION PHASE, THE ENTIRE AREA OF DISTURBED SOIL SHALL BE TREATED TO REDUCE WIND PICK UP OF THE SOIL.
- 3) HAY BALES WILL BE PLACED AS AN EROSION CONTROL MEASURE AS DIRECTED BY THE CITY PUBLIC WORKS DEPARTMENT IF THE CONSTRUCTION IS NOT COMPLETED PRIOR TO OCTOBER 15 OF THE YEAR OF CONSTRUCTION.
- 4) INFORMATION PERTAINING TO EXISTING UNDERGROUND FACILITIES AS SHOWN HEREIN IS FOR INFORMATION PURPOSES ONLY. UTILITIES SHOWN IN PLAN VIEW MAY NOT BE SHOWN IN PROFILE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT "UNDERGROUND SERVICE ALERT" AT 1-800-642-2444 FOR LOCATION OF ALL UNDERGROUND FACILITIES. ALL UNDERGROUND UTILITIES SHOWN ON THESE PLANS WERE DELINEATED BASED ON THE BEST AS-BUILT INFORMATION AVAILABLE AT THE TIME. THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THE ACTUAL LOCATIONS OF THE CABLE TV., FIBER OPTIC, WATER, SEWER, DRAINAGE, OR OTHER UNDERGROUND FACILITIES IN THE FIELD PRIOR TO CONSTRUCTION AND SHALL NOTIFY THE ENGINEER IMMEDIATELY IN THE EVENT THAT POTENTIAL CONFLICTS OR INTERFACES ARE DISCOVERED.
- 5) ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION.
- 6) ACC. PARKING SPACE & ACCESS AISLE NOT TO EXCEED 2% SLOPE IN ANY DIRECTION
- 7) WHERE MORE THAN ONE ROUTE IS PROVIDED, ALL ROUTES MUST BE ACCESSIBLE CBC 11B-206.2.1

11 GENERAL NOTES

1. PROPERTY LINE
2. (E) BUILDING FOOTPRINT
3. (E) BUILDING FOOTPRINT - NOT A PART
4. (E) A.C. PARKING LOT
5. (E) MAIN ENTRY TO FACILITY.
6. (E) "SHARED" A.D.A. PARKING SPACE. VERIFY PARKING SIGNAGE MEETS DETAIL 24/A1.0 REQUIREMENTS.
7. (E) MAIN SWITCH GEAR LOCATION.
8. (E) TRANSFORMER PAD LOCATION..
9. (E) PARKING STALL MARKING
10. (N) "ISA" DIRECTIONAL SIGN RE: 31/A1.0
11. (N) DETECTABLE WARNING SURFACE RE: 22/A1.0
12. (N) TOW AWAY SIGN. RE: 21/A1.0
13. (E) "SHARED" TRASH ENCLOSURE
14. (E) STREET PARKING TO REMAIN
15. (E) TREE
16. (E) FIRE HYDRANT
17. (E) CONC. SIDEWALK
18. (E) DRIVE APPROACH TO BE REMODELED TO PROVIDE ADA ACCESSIBLE PATH OF TRAVEL ACROSS DRIVE. PROVIDE DETECTABLE WARNING SURFACE ON EITHER SIDE OF DRIVE.
19. (E) LANDSCAPE AREA
20. (E) BRICK PAVERS
21. (E) 6" CONC. CURB
22. (E) PATH OF TRAVEL
23. (E) CURB AND GUTTER
24. (E) STREET LIGHTS
25. (E) LOW PLANTER WALL
26. (E) SIGN
27. (E) CITY PARKING (SHARED)
28. (E) FIRE RISER/VALVE (FIELD VERIFY)
29. (E) BACKFLOW PREVENTER (FIELD VERIFY)
30. DESIGNATE PARKING SPACE AS LOW-EMITTING, FUEL-EFFICIENT, AND CARPOOL/VANPOOL PER CGBSC 5.106.5.2. PAINT IN PAINT USED FOR STALL STRIPPING "CLEAN AIR/VAN POOL/EV" AT BOTTOM EDGE OF STALL SO LOWER EDGE OF WORD ALIGN W/ STALL STRIPPING.
31. (N) BIKE RACK TO BE PROVIDED. PROVIDE ONE 2-SIDED RACK.
32. MOVE (E) TRASH CAN TO NORTH SIDE OF BUILDING AT SIDEWALK ADJACENT TO NEW BIKE RACKS.
33. GRIND LIP OF (E) SIDEWALK TRANSITION SO THAT INSTALLATION OF (N) DETECTABLE WARNING SURFACE IS NOT GREATER THAN 1/4" IN ELEVATION DIFFERENCE.
34. (N) RAMP. RE: 41/A-1.0

12 KEYNOTES

SPACE	AREA (SF)	PARKING REQ'D
CITY OF PORTERVILLE ZONING ORDINANCE		
FIRST FLOOR	3,842 SF	
SECOND FLOOR	3,686 SF	
TOTAL AREA	7,528 SF	30 (1/250)
TOTAL REQUIRED:		30 SPACES
TOTAL PROVIDED:		6 (ON SITE)

13 PARKING/LANDSCAPE CALCS

- NOTE: ALL EXISTING EXTERIOR DIMENSIONS ARE APPROX.
- < — < — ADA PATH OF TRAVEL (P.O.T.)
- — — — — PROPERTY LINE

14 LEGEND



314 N. MAIN STREET
PORTERVILLE, CA. 93257



1967 N. Oaks St.
Tulare, Ca. 93274

Contact: Alex Ceballos

Cell: 559 - 359 - 8789
alex@alexcaballos.com

Support from:
CalPolychitect.com
PlansOnWheels.com



ANDREW GOODWIN DESIGNS
875 EL CAPITAN WAY
SAN LUIS OBISPO, CA 93401
T: (805) 439-1611
WWW.ANDREWGOODWIN.US
ANDREW@ANDREWGOODWIN.US

Consultant



Issue/Revision:

Proj. No.: 2016-23 - SJVC PORTERVILLE		
No.	Date:	Description
01	08-26-16	C.U.P. SUBMITTAL
02	11-15-16	PROGRESS SET
03	11-28-16	1ST SUBMITTAL

RESTRICTED DRAWINGS
These drawings and specifications, as instrument of service, are and shall remain the property of the designer whether the project for which they are made is executed or not.
These drawings and specifications shall not be used by any person or entity on other projects, for additions to this, or completion of this project - when phased - without the written consent of A2 Designs LLC.

Title: Date:

SITE PLAN

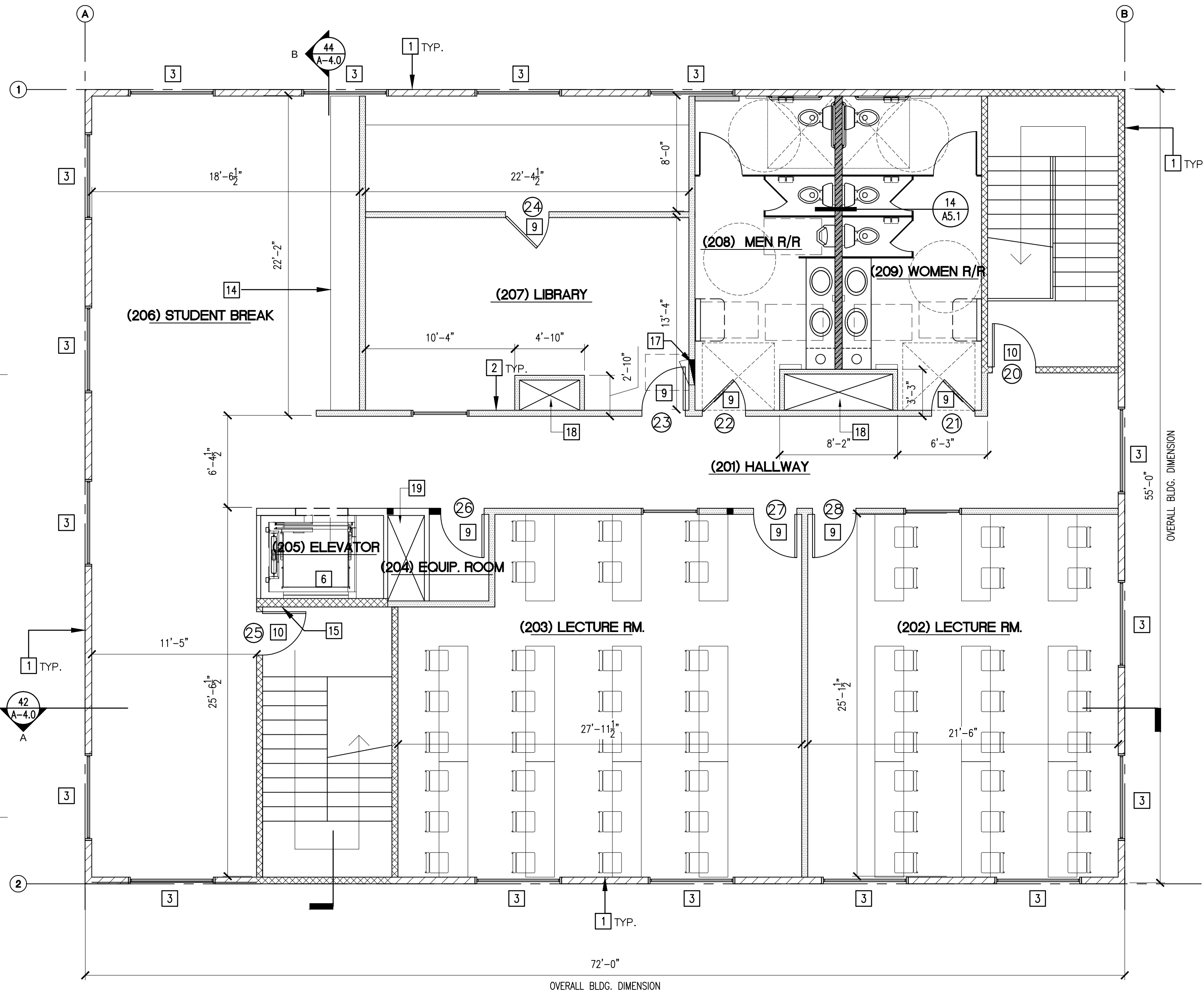
A-1.0

44 SITE PLAN

SCALE: 1/16"=1'-0"

24 ACCESSIBILITY PARKING SIGN

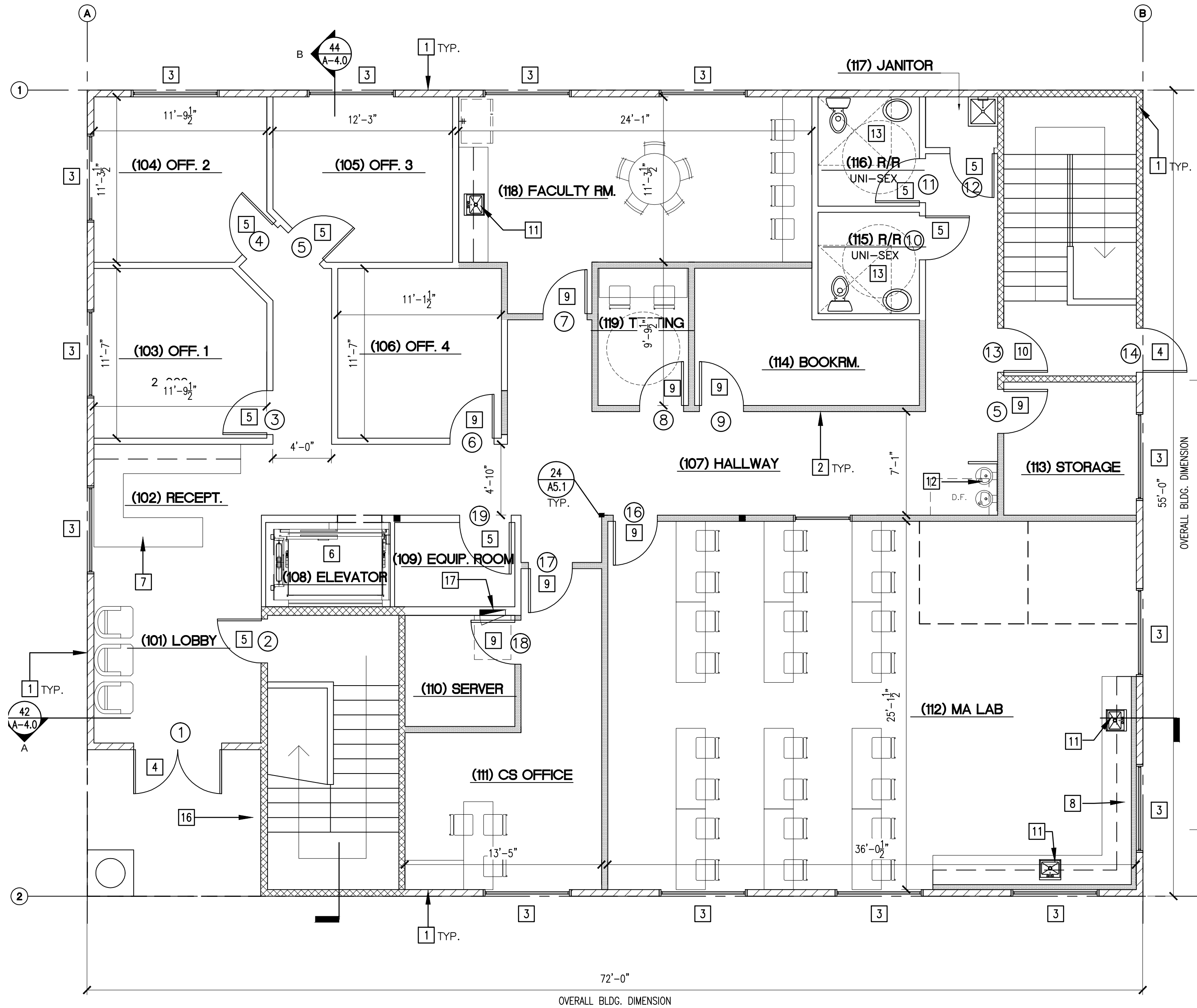
SCALE: N.T.S.



43 2ND LEVEL FLOOR PLAN

- FURNITURE PLACED FOR REFERENCE ONLY. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
- PROVIDE SILENCERS AND DOOR STOPS AT ALL DOORS. USE WALL STOPS ONLY. NO FLOOR MOUNT DOOR STOPS.
- PROVIDE PLUMBING PER ENGINEERED PLUMBING DRAWINGS AND SPECIFICATIONS.
- GENERAL CONTRACTOR TO PROVIDE NEW SIGNAGE AS REQUIRED TO COMPLY WITH APPLICABLE BUILDING CODES. ALL SIGNAGE SHALL CONFORM WITH ADA ACCESSIBILITY GUIDELINES, AND CBC INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR, CONTRAST AND RELIEF, FONT STYLE AND GRADE 2 BRAILLE REQUIREMENTS. AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER APPLICABLE CODE.
- CONTRACTOR TO SUBMIT MILLWORK SHOP DRAWINGS TO ARCHITECT FOR APPROVAL.
- ALL MILLWORK TO COMPLY W/ W.I.C. CUSTOM STANDARDS. PROVIDE MILLWORK GROMMETS FOR ACCESS TO ELECTRICAL DEVICES LOCATED UNDER COUNTER.
- PROVIDE BACKING AT CABINETS.
- MAIN FRONT DOORS SHALL BE READILY DISTINGUISHED AS LOCKED PER CBCB 1008.18.3.
- WATER USE REQ. ARE TO BE INCORPORATED PER CBCG CODE 5.303.
- ALL DOORS TO BE LOCKING WITH EXCEPTION OF RESTROOMS. COORDINATE LOCK TYPES WITH TENANT. AND THOSE REQUIRED TO REMAIN
- REQUIREMENTS FOR INDOOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS AND QUANTITIES OF AEROSOL PRODUCTS MUST COMPLY WITH THE CFC PER CBC 414.2.5
- LIBRARY BOOK STACKS SHALL BE A MAX. OF 54" ABOVE FINISH FLOOR UNLESS AN ATTENDANT IS AVAILABLE TO ASSIST PERSONS WITH DISABILITIES CBC 11B-225.2.3(1)

44 GENERAL NOTES



33 1ST LEVEL FLOOR PLAN

- (E) RESTROOM TO REMAIN. FINISH MATERIALS TO REMAIN AS REQUIRED, U.O.N. VERIFY ADA DIMENSIONS/REQUIREMENTS.
- (N) COUNTER FOR SEATING @ 36" H. PROVIDE ACCESSIBLE SPACE W/ COUNTER @ 34" H PER DETAILS 13,14/A5.0.
- ACCESS LADDER TO THE ROOF TO REMAIN.
- KNOX BOX BY ENTRY DOOR.
- ELECTRICAL PANEL. SEE ELECTRICAL DRAWINGS
- MODIFY EXISTING DUCT CHASE AS SHOWN
- EXISTING DUCT CHASE TO REMAIN AS IS

- EXISTING (E) INTERIOR WALL
- (E) EXTERIOR WALL TO REMAIN
- (N) INTERIOR WOOD STUD WALL
- 1 HR. RATED WALL ASSEMBLY PER EGRESS CODE
- (N) PLUMBING WALL

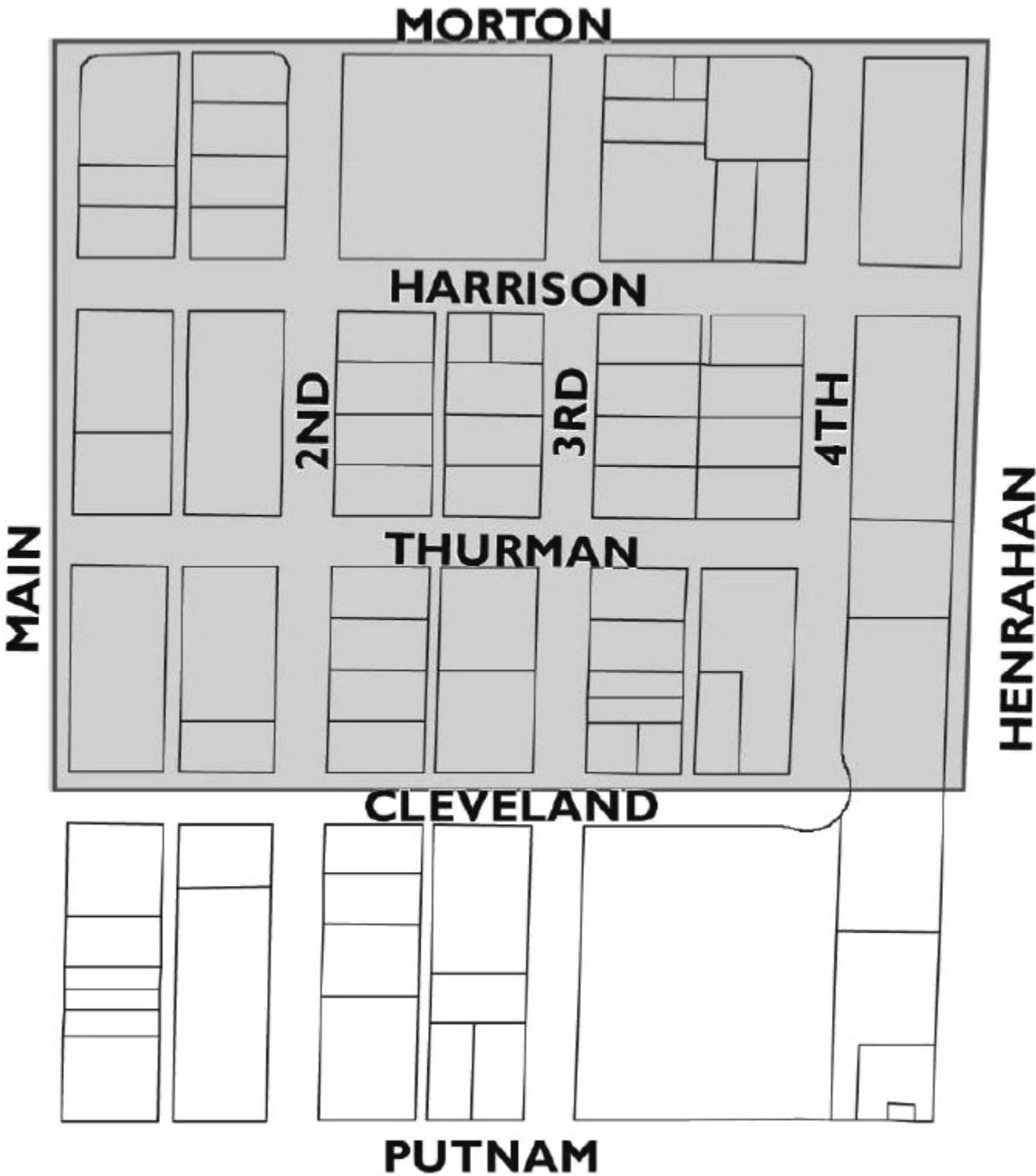
14 LEGEND

SCALE: 3/16"=1'-0"

- EXISTING EXTERIOR WALLS TO REMAIN. PROTEXT AND REPAIR EXTERIOR MATERIALS, AS NECESSARY.
- INT. WOOD STUD WALL W/ 5/8" TYPE X GYP BOARD EACH SIDE AND SOUND ATTENUATION BATT INSULATION. SEE FINISH PLAN.
- WINDOWS TO REMAIN.
- EXT. DOOR. TO REMAIN.
- INT. DOOR. TO REMAIN
- (E) ELEVATOR TO REMAIN.
- CUSTOM RECEPTION DESK. RE: DETAILS 13,14/A5.0
- BUILT-IN CASEWORK. SOLID SURFACE COUNTER W/ CABINETS BELOW AND ABOVE. RE: DETAILS 13,14/A5.0
- (N) INTERIOR DOOR. SEE DOOR SCHEDULE SHEET A6.0.
- (N) FIRE RATED DOOR. SEE DOOR SCHEDULE SHEET A6.0.
- SINGLE COMPARTMENT SINK. COORDINATE PLUMBING. SEE PLUMBING PLAN
- DRINKING FOUNTAIN HI & LOW - RE: 32/A5.1 & PLUMBING PLAN.

34 KEYNOTES

FIGURE 304.07(B): DOWNTOWN PARKING DISTRICT NO. 2



RESOLUTION NO. 72-2000

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE APPROVING A PROPOSED
PARKING PLAN WITHIN PARKING DISTRICT NO. 2 TO
ALLOW CONSTRUCTION OF A TWO-STORY, 7,800 SQ.FT.
OFFICE BUILDING ON A LOT WITH AN EXISTING COMMERCIAL
BUILDING ON THE NORTHEAST CORNER OF MAIN STREET
AND THURMAN AVENUE WITH A SHARED PARKING LOT
TO CONTAIN A TOTAL OF SEVENTEEN (17) PARKING SPACES

WHEREAS: Section 2306(A) of the Zoning Ordinance of the City of Porterville
authorizes the City Council to determine the minimum parking standards for new construction
within Parking District No. 2; and

WHEREAS: The City Council of the City of Porterville at its meeting of June 20, 2000,
considered the adequacy of a proposed parking plan for development of a two-story, 7,800 sq.ft.
office building on the northeast corner of Main Street and Thurman Avenue; and

WHEREAS: The proposed parking plan would provide a total of seventeen (17) on-site
parking spaces to serve the proposed office building and an existing commercial building on the
subject site; and

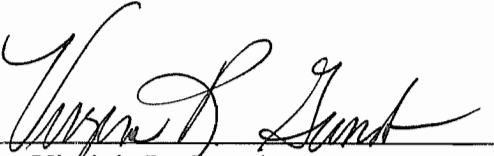
WHEREAS: The proposed project will generate a parking demand of twenty-one (21)
parking spaces in excess of the amount of on-site parking proposed ; and

WHEREAS: There is an existing, underutilized public parking lot immediately to the east
of the subject site which has the capacity to accommodate the excess parking demand generated
by the proposed project.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of

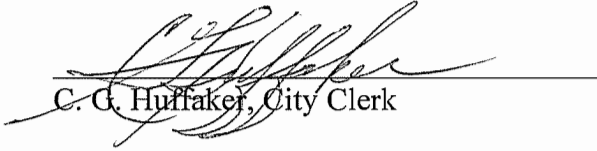
Porterville does hereby approve the proposed parking plan subject to the following conditions:

1. That construction of any facilities or buildings on the site shall conform substantially to the applicant's precise plot plans as approved, and incorporated herein by this reference as Exhibit "A".



Virginia R. Gurrola, Mayor

ATTEST:



C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
(SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 20th day of June, 2000.

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

Councilmen:	IRISH	WOODS	WILSON	LEAVITT	GURROLA
AYES:	X	X	X	X	X
NOES:					
ABSENT:					
ABSTAIN:					

C. G. HUFFAKER, City Clerk

By Georgia Hawley
Georgia Hawley, Deputy City Clerk



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Acceptance of the Supplemental Project Report for the Draft Project Approval & Environmental Document (PA & ED) Stage - State Route 190 Near Term Projects

SOURCE: Public Works

COMMENT: **Background:**

The City of Porterville updated its General Plan in 2008, establishing policies and implementation strategies to guide the City's growth over the next twenty plus years. A major component of the General Plan is establishing a comprehensive circulation network throughout the City and surrounding County areas. The Circulation Element of the General Plan responds to the requirements of Government Code §65302 (b), which requires the identification of the "location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan."

The preparation of the Circulation Element in concert with the Land Use Element forms the roadmap for growth of the community. The vision for the growth of Porterville was cast into the plan through a significant public participation process and is being implemented with each development and public works project constructed in the city. State Routes 65 and 190, within the Porterville area, are regional connectors linking Porterville with the surrounding areas of the County and other communities. This study focuses on the future improvements to the SR 190 corridor.

State Route 190 is the major east-west transportation corridor in Porterville. Extending from State Route 99 near Tipton at its westerly terminus to Quaking Aspen Camp near Ponderosa, State Route 190 provides Tulare County with a regional transportation corridor. The regional connectivity of State Route 190 intersects with facilities to extend Porterville's reach for importing and exporting goods beyond the region, throughout California, and beyond.

The importance of State Route 190 to the economic future and growth of Porterville cannot be overstated. Employment opportunities associated with agricultural exports and ease of access to other elements of the state highway system generate significant annual tax revenues and create jobs for the City. Tourism drawn to the Sequoia National Forest includes visitors to the Eagle Mountain Casino on the Tule River Indian Reservation, and is an additional

benefit to the local economy.

SR 190 Corridor Study

In April of 2013, California Department of Transportation (Caltrans) completed the SR 190 Corridor Study and the City Council, in concept, approved the Study. Caltrans reviewed the current function of SR 190 and considered different alternatives to accommodate the growth projected in the City's General Plan. The General Plan anticipated a series of improvements to SR 190, including new interchanges at Westwood Street, Hillcrest Street, and Road 284 (Reservation Road), and improvements to the interchange at Main Street. Grade separations considered in the General Plan were at Newcomb Street, Plano Street, and Indiana Street. A series of modeling efforts have resulted in projected needs for immediate improvements, interim improvements, and ultimate designs that would function through the term of the General Plan.

As a result of Caltrans' efforts, it was determined that the existing and projected traffic volumes are less than envisioned initially by the adopted Circulation Element of the General Plan. With this determination, Caltrans provided information based on a three (3) tiered approach. The tiered approach allows flexibility in implementing corridor improvements from the near future to ultimate designation. A brief description of the tiered concept follows:

1. Near Term Projects - Improvements along SR 190 that need immediate attention and planning.
2. Interim Projects - Improvements along SR 190 that will experience failures during the life of the General Plan (2030).
3. Ultimate Projects - Those projects defined by the General Plan that will effectively serve the City well beyond the current 2030 General Plan horizon.

The concept was presented at the December 12, 2012, City Council Study Session and later for approval by the Council on August 6, 2013. The necessary projects defined as **Near Term Projects** in the corridor study are as follows:

Location	Project Description
Westwood/SR 190 Intersection	Construct temporary improvements to improve access at this intersection. These improvements may entail a widened intersection controlled by a traffic signal or a roundabout.
Westbound Auxiliary Lane from Jaye Street to SR 65	Extend the existing outside lane for westbound SR 190 from Jaye Street to SR 65 northbound ramp.
Plano/SR 190 Intersection	Construct 4 lanes on Plano Street with dual left turn and dedicated right turn lanes on all approaches with new traffic signals.

Main/SR 190 Intersection	Signalize the Ramp Terminals at Main Street, construct dedicated left and right turn lanes for the eastbound off ramp.
--------------------------	--

In light of the passage of Amendment No. 3 to the 2006 ½ cent Transportation "Measure R" Expenditure Plan, TCAG requested that City Council accept the State Route Corridor Study and authorize TCAG to program the listed Near Term Projects in the upcoming State Transportation Improvement Program (STIP). In order to accomplish this, Caltrans had to prepare a Project Initiation Document (PID). This document is complete and approved by City Council during the March 18, 2014, meeting.

Project Initiation Document (PID)

A PID is a streamlined process using the Project Study Report-Project Development Support (PSR-PDS) as the baseline PID. The relatively new process will expedite the funding of projects through Project Approval and Environmental Document (PA&ED). It is also a necessary step in securing State and/or Measure R Regional funds. An approved PID is a requirement for any major work on the State Highway System (SHS) regardless of how it is funded.

Caltrans performed additional traffic analyses at each "Near Term" project location, which is common when preparing a PID. As previously stated, this document is the baseline document which allows for a smooth transition into PA&ED. A few modifications have come forth as part of the PID process. Project locations remain the same, but the following improvements are now being proposed:

* Plano/SR 190 Intersection: Review the feasibility of a roundabout via the Intersection Control Evaluation (ICE) guidelines. Initially it was felt the traffic volumes at this intersection would make a roundabout infeasible. However, the PID is now suggesting that a Traffic Signal may not be the best solution. An Intersection Control Evaluation (ICE) will voice the pros and cons between a Traffic Signal vs. a Roundabout at this intersection and will reveal the best option.

* Main/SR 190 Intersection: Signalized ramp terminals are being removed from the scope of work and replaced with the improvements necessary to widen the off-ramp to accommodate a designated right-turn lane onto northbound Main Street. This is a direct result of additional review and analysis at both ramp terminals, which determined the Main Street traffic volumes do not support traffic signals as defined in the SR 190 Corridor Study.

The project costs were also reviewed again as part of the PID preparation. The following is an estimate of the "Near Term" projects as they are now defined:

Locations	Capital Outlay Project Estimate
Westwood/SR 190 Intersection	\$5,230,000 - \$6,400,000
Westbound Auxiliary Lane from Jaye Street to SR 65	\$760,000 - \$925,000
Plano/SR 190 Intersection	\$7,040,000 - \$9,200,000
Main/SR 190 Intersection	\$715,000 - \$870,000
Total	\$13,745,000 - \$17,395,000

During same March 18, 2014, City Council meeting, authorization was given to Caltrans to prepare a Project Approval and Environmental Document, which is now complete in draft form. The next step in the process is to circulate the PA&ED for public feedback, which is part of a normal environmental review process and necessary before commencing with right-of-way acquisition, design and construction.

Project Approval and Environmental Documentation (PA&ED)

The draft PA&ED was approved by City Council during the meeting on October 12, 2015. Project locations and scope remain the same as initially described in the PID, except for the following improvements are now being proposed:

* Plano/SR 190 and Westwood/SR 190 Intersections: An Intersection Control Evaluation (ICE) was performed and the conclusion warranted multi-lane roundabouts at these two intersections. Initially it was felt the traffic volumes at the Plano/SR 190 intersection would make a roundabout infeasible and initially a single lane roundabout was anticipated at the Westwood/SR 190 intersection.

The ICE report recommends roundabouts because the analysis proves to move traffic through these intersections efficiently with the least amount of delay per vehicle, which result in the best level of service for existing traffic volumes and traffic volumes forecast for the year 2040. The roundabouts cost less to construct and maintain, as it would not require traffic signal operations and maintenance. The roundabout intersections also provides safety attributes, which have been documented to be superior to signalized intersections.

In addition, Caltrans states in the PA&ED document that; “A signalized intersection at Westwood Street and SR 190, and signalized intersection at Plano Street and SR 190 have been rejected because the Cultural Resources Unit would require additional extensive studies due to the project impact area’s proximity to the Tule River where there are known archeological sites. At the Plano Street and SR 190, the Hazardous Waste Unit would require more extensive studies to determine the level of the three Cortese sites. The study would be contracted out an approximate cost of \$100,000 and would require an additional 6 months to complete. Invasive permits would need to be acquired from 5 parcels. This will require time and there is always the chance that permission would not be granted. Per the Project Development procedures Manual (PDPM), it is Caltrans policy to avoid contaminated properties, if

possible, to have responsible parties accept responsibility for remediation, and to seek reimbursement from responsible parties when Caltrans must conduct a remediation as part of the project development process. One of the Cortese properties (Big D Mini Mart) has been uncooperative with Tulare County officials regarding the remediation process. This may pose a high risk to schedule and cost to the project during the acquisition process for this property.

The alternative (traffic signals) would require more right-of-way takes and utility relocations than the roundabout alternative and the potential displacement of residents.”

Updated PA & ED cost estimate, including Supplemental Project Report costs, is:

Capital Outlay Support:	\$7,252,000
Capital Outlay Construction:	\$15,043,000
Capital Outlay Right-of-Way:	\$2,256,000
Total:	\$24,551,000

Recent Public Comments and Revisions to Project Approval and Environmental Documentation (PA&ED)

During the public review process, Porterville College, Porterville Public School District and a residential property owner expressed concerns with the roundabout at the Plano Street/State Route 190 intersection and how the proposal would further impact peak congestion at the College Avenue/Plano Street intersection. Staff and Caltrans recognized the issue and proposed a roundabout at the College Avenue/Plano Street intersection, which has been favorably received by all the commenting agencies. The proposed improvements will increase the overall estimated costs by about \$6.4 million, which includes capital outlay support, construction and right of way.

The changes triggered an amendment to the original PA&ED and the reason why this subject is before the City Council once again. The Supplemental Project Report to the PA&ED must recirculated for public comment.

RECOMMENDATION: That the City Council:

1. Accept Caltrans' State Route 190 Draft Supplemental Project Report to the State Route 190 PA & ED;
2. Authorize the Acting Public Works Director to sign the Draft Supplemental Project Report to the State Route 190 PA & ED; and
3. Authorize circulation of the environmental document for the identified Near Term Projects, inclusive of the roundabout at the College Avenue/Plano Street intersection.

ATTACHMENTS:

1. Draft Supplemental Project Report to the Draft State Route 190 PA&ED Doc 01
2. Draft Supplemental Project Report to the Draft State Route 190 PA&ED Doc 02
3. Draft Supplemental Project Report to the Draft State Route 190 PA&ED Doc 03
4. Draft Supplemental Project Report to the Draft State Route 190 PA&ED Doc 04
5. Draft Supplemental Project Report to the Draft State Route 190 PA&ED Doc 05

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

Memorandum

*Serious drought.
Help save water!*

To: BRUCE TERRA
Division Chief
Transportation Programming

Date: December 9, 2016

File: 06-Tul-190-PM 13.1/17.3
1476-06-0Q4310
PI 0614000004
400.100 (Local)

From: ABDUL BAKER
Senior, Central Region Design 1 – Branch A

Subject: **SUPPLEMENTAL DRAFT PROJECT REPORT**

A Draft Project Report for the Porterville Intersection Improvement project was approved on October 27, 2015. This local reimbursed project proposes to construct intersection improvements along State Route (SR) 190 at various locations:

- Location 1 – construction of a dual-lane roundabout intersection at Westwood Street.
- Location 2 – extending the existing number 3 lane along westbound (WB) SR 190 from Jaye Street to the northbound (NB) SR 65 on-ramp by adding approximately 1,300 feet of travel way and shoulder.
- Location 3 – construction of a right-turn lane on the SR 190 eastbound (EB) off-ramp onto Main Street, and upgrading curb ramps for American with Disabilities Act (ADA) compliance.
- Location 4 – construction of a dual-lane roundabout intersection at Plano Street.

The October 2015 Initial Study with Proposed Negative Declaration was circulated to the public for comment from November 4, 2015 to December 4, 2015. Caltrans received comments from Porterville College and the Porterville Unified School District regarding current excessive delays and queuing at peak hour periods at the intersection of Plano Street and College Avenue. In response to these comments the City of Porterville requested that Caltrans District 6 Traffic Operations investigate how to maintain an acceptable level of service at that intersection. Traffic Operations explored alternatives that would mitigate the operational issues at the intersection of Plano Street and College Avenue and the Lake Heron driveway. Their recommendation was to construct a dual-lane roundabout that would maintain an acceptable level of service based on 2040 traffic volume at the Plano Street and College Avenue intersection.

This supplement is required to change the project's scope of work by adding an additional location:

- Location 5 – construction of a dual-lane roundabout intersection at Plano Street and College Avenue.

An executed cooperative agreement between the Department and the City of Porterville will be required prior to the commencement of the Plans, Specifications and Estimates (PS&E) phase. The project currently is scheduled to be constructed during the fiscal year 2019/20. The current total construction cost estimate is \$13,962,600 and the current Right of Way cost is \$2,046,155.

Approval for exceptions to advisory standards will be addressed in the final project report.

This memorandum serves as a supplement to the approved Draft Project Report for the above referenced project, originally signed on October 27, 2015.

Environmental

An updated Initial Study with proposed Negative Declaration to include the intersection at Plano Street and College Avenue has been prepared in accordance with Caltrans' environmental procedures, as well as state and federal regulations. A Categorical Exclusion will be prepared for National Environmental Policy Act compliance at project approval. (see Attachment D)

Right of Way

There are a total of 18 parcels that will be affected by this project. An updated Right of Way (R/W) Data Sheet dated November 16, 2016, with the new scope, limits of work, and costs has been prepared by the Right of Way Branch.

The total right of way and utility costs escalated to 2018 are estimated to be \$2,255,886; which includes acquiring approximately 5.23 acres and utility relocations. There are utilities poles within the project limits which will be relocated. All High Risk buried utilities will be positively identified by potholing during the design phase. A Longitudinal Encroachment Exception will be requested during the final project report for a utility pole located within the state right of way at location 2. At the Westwood Street intersection existing drive approaches will be upgraded and impacted irrigation facilities will be modified or relocated. Temporary Construction Easements (TCE) are anticipated at both Westwood Street and Plano Street locations. (see Attachment F)

Risk Register

The Project Development Team (PDT) has identified that the cost and schedule for environmental compliance is a high risk. The fluctuation of unit prices is a low risk and that the current schedule does not allow enough time between milestones. Begin design and R/W requirements is a medium risk to the project (see attachment I).

Funding and Programming

Funding

It has been determined that this project is eligible for federal-aid funding.

An executed cooperative agreement between the Department and the City of Porterville will be required prior to the commencement of the Plans, Specifications and Estimates (PS&E) phase. All PS&E work performed by the Department will be reimbursed by the City of Porterville, using Tulare County Transportation Authority Measure R funds.

Programming

The Tulare County Transportation Authority Measure R funds will be used to fund both capital and support costs for this project.

CAPITAL OUTLAY PROJECT ESTIMATE

Escalated Construction Capital: \$15,043,000

Escalated Right of Way Capital: \$2,256,000

CAPITAL OUTLAY SUPPORT ESTIMATE

Capital outlay support estimate for programming for PS&E and Construction phases from Tulare County Transportation Authority Measure R funds for this project is \$5,757,000 (escalated). Capital outlay support estimate for programming for Right of Way from Tulare County Transportation Authority Measure R funds for this project is \$1,495,000 (escalated).

Schedule

Project Milestones		Milestone Date (Month/Day/Year)
BEGIN ENVIRONMENTAL	M020	08/01/2014
BEGIN PROJECT	M040	08/01/2014
APPROVE DRAFT PROJECT REPORT	M100	
CIRCULATE DED EXTERNALLY	M120	12/22/2016
PA & ED	M200	02/28/2017
ROW REQUIREMENTS	M224	07/15/2017
REGULAR R/W	M225	12/15/2017
PS&E TO DOE	M377	02/01/2019
RIGHT OF WAY CERTIFICATION	M410	07/15/2019
READY TO LIST	M460	07/15/2019
HEADQUARTERS ADVERTISE	M480	08/05/2019
BIDS OPEN	M490	09/17/2019
AWARD	M495	10/15/2019
APPROVE CONTRACT	M500	10/31/2019
CONTRACT ACCEPTANCE	M600	03/01/2021
FINAL REPORT	M700	03/01/2022
END PROJECT	M800	08/01/2023

Recommendation

It is recommended that this Supplemental Draft Project Report be approved and authorization be granted to proceed with public release of the Draft Environmental Document (DED).

MICHAEL DENNISON, *PROJECT ENGINEER* Date

I have reviewed the right of way information contained in this Supplemental Draft Project Report and the Right of Way Data Sheet attached hereto, and found the data to be complete, current and accurate.

APPROVAL RECOMMENDED:

MICHAEL REED
PROJECT SPONSOR, CITY OF PORTERVILLE
Accepts Risks Identified in this Supplemental DPR and Attached Risk Register

APPROVAL RECOMMENDED:

CURT HATTON
PROJECT MANAGER

JAMIE LUPO
CENTRAL REGION DIVISION CHIEF, RIGHT OF WAY

APPROVAL:

SHARRI BENDER EHLERT
DISTRICT DIRECTOR
DISTRICT 6

DATE

Attachments:

- A. Project Location Map (1)
- B. Typical Cross Sections (6)
- C. Preliminary Layout (11)
- D. Environmental Document (114)
- E. Draft Project Report Cost Estimate (10)
- F. Right of Way Data Sheet (3)
- G. Storm Water Data Report, Title Sheet (1)
- H. Transportation Management Plan Data Sheet (4)
- I. Project Risk Register (1)
- J. Draft Project Report (120) – Approval Date 10/27/2015

CC:

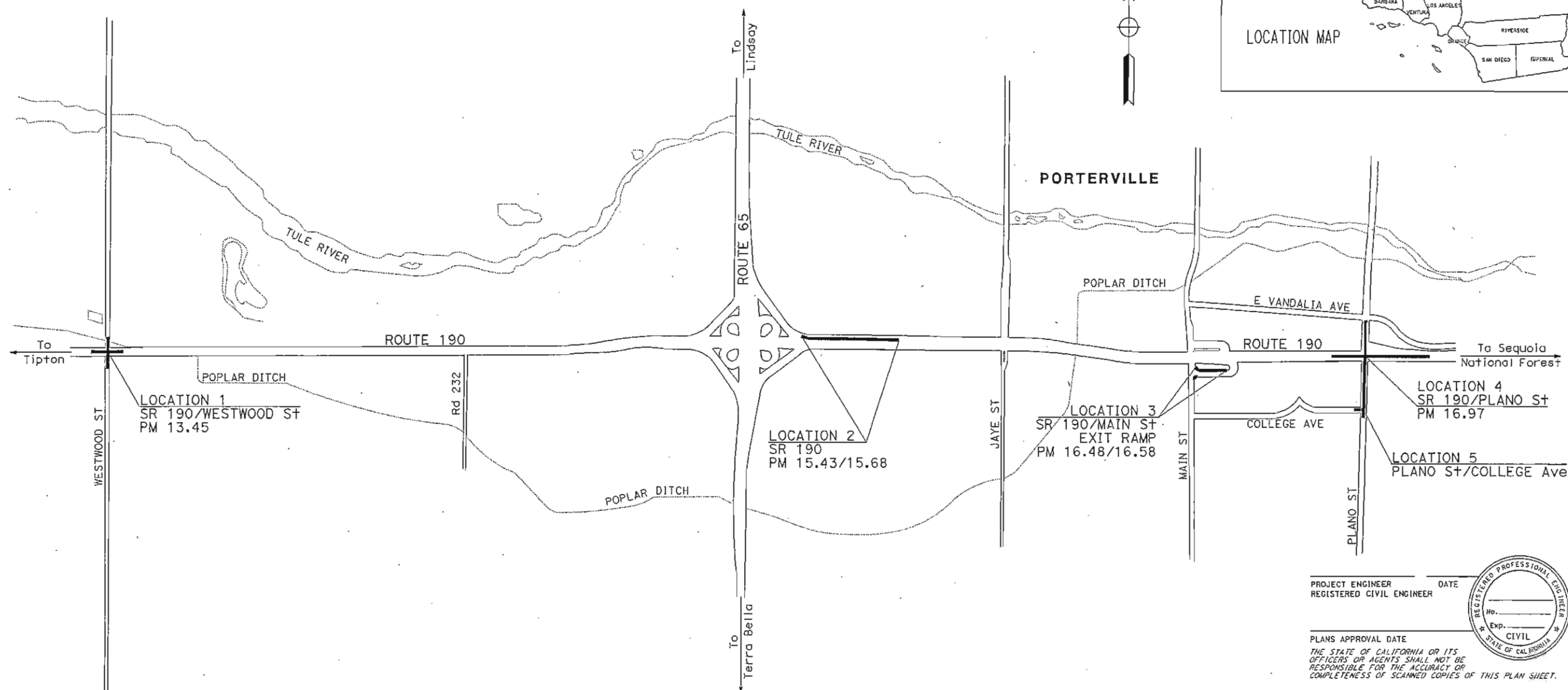
HQ Design Report Routing
HQ Division of Engineering Services (5)
HQ Environmental – Bob Pavlik
Project Manager – Curt Hatton
Design Manager – Abdul Baker (2)
Resident Engineer – (Held by Design)
District Maintenance – John Liu
District Traffic Management – Joel Aguilar
Regional Material Lab – Ted Mooradian
Regional Environmental – Diana Vargas
Regional Right of Way – Nick Dumas
District Planning – Steve Curti
Program/Project Management – Andrea Nason
District Survey – Hanna Kassis (electronic copy only)
HQ DES/OPPM – Peggy Lim
District Records – Victoria Pozuelo

ATTACHMENT A
Project Location Map

INDEX OF PLANS

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
ON ROUTE 190 IN TULARE COUNTY
FROM 0.3 MILE WEST OF WESTWOOD ROAD
TO 0.3 MILE EAST OF PLANO STREET

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2010



PROJECT ENGINEER
REGISTERED CIVIL ENGINEER

DATE

PLANS APPROVAL DATE

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OFFICERS OR AGENTS SHALL NOT BE
RESPONSIBLE FOR THE ACCURACY OR
COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



CONTRACT No. 06-0Q4310
PROJECT ID 0614000004

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES)
OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

ATTACHMENT B
Typical Cross Section

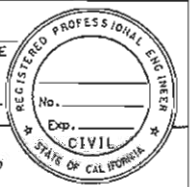
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2040 ADT	24,800
DHV	1,950
D	51%
% TRUCKS	9%
TI	11

2020 ADT	10,400
2040 ADT	20,000
DHV	1,600
D	100%
% TRUCKS	9%
TI	12

2020 ADT	5,300
2040 ADT	11,000
DHV	1,350
D	70%
% TRUCKS	5%
TI	9.5

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RTE 190/WESTWOOD STREET
PM 13.45

RTE 190/WESTWOOD STREET
PM 13.45

X-1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
06-DESIGN
06-14000004

NOTES:
1. FOR COMPLETE RIGHT OF WAY AND ACCURATE DATA, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.

DESIGN DESIGNATION	
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2040 ADT	5,500
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D	100%
% TRUCKS	8%
TI	9.5

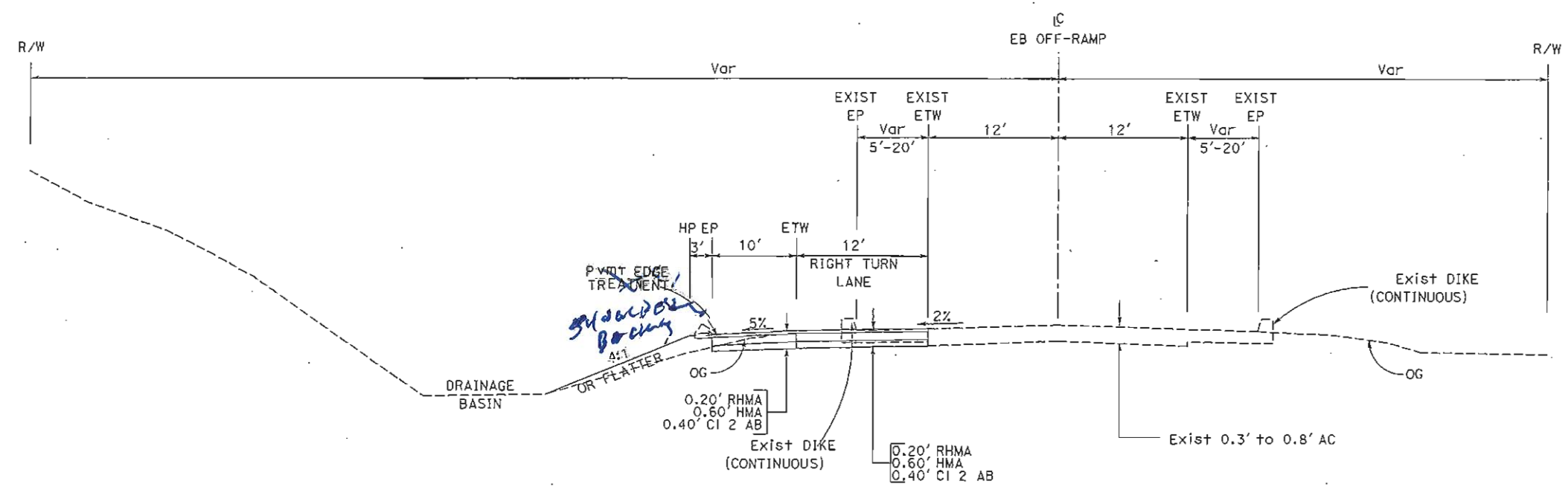
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06	Tul	190	R13.1/17.3		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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No.
Exp.
CIVIL
STATE OF CALIFORNIA



EB ROUTE 190 MAIN STREET OFF-RAMP
PM 16.52

TYPICAL CROSS SECTIONS
NO SCALE
X-3

DATE PLOTTED => 01-NOV-2016
TIME PLOTTED => 07:50
LAST REVISION 00-00-00

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
06	TUL	190	R13.1/17.3		

REGISTERED CIVIL ENGINEER	DATE
PLANS APPROVAL DATE	
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REGISTERED PROFESSIONAL ENGINEER

No. _____

Exp. _____

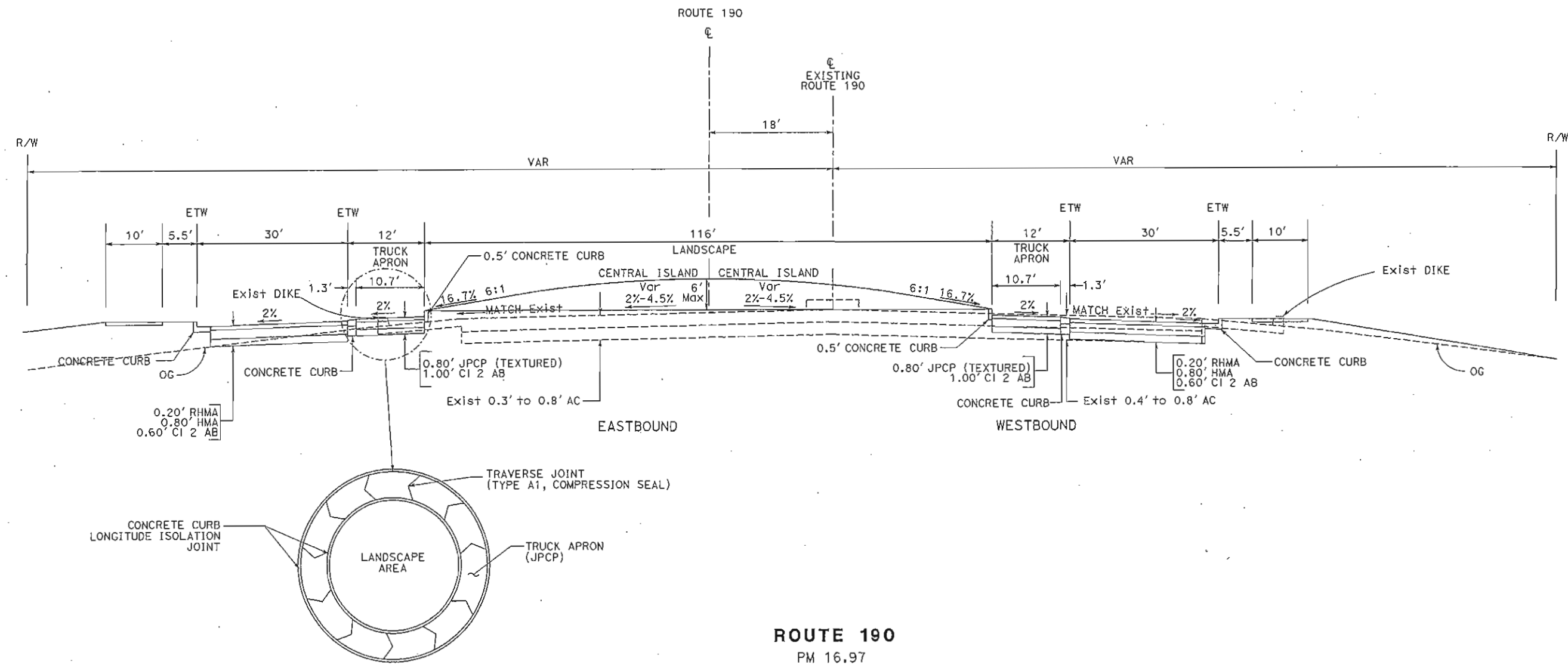
CIVIL

STATE OF CALIFORNIA

DESIGN DESIGNATION

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2040 ADT	40,000
DHV	3,000
D	54%
% TRUCKS	9%
TI	11.5

NOTES:
1. FOR COMPLETE RIGHT OF WAY AND ACCURATE DATA, SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.



TYPICAL CROSS SECTIONS
NO SCALE
X-4

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
06-DESIGN

BORDER LAST REVISED 7/2/2010

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RELATIVE BORDER SCALE
IS IN INCHES



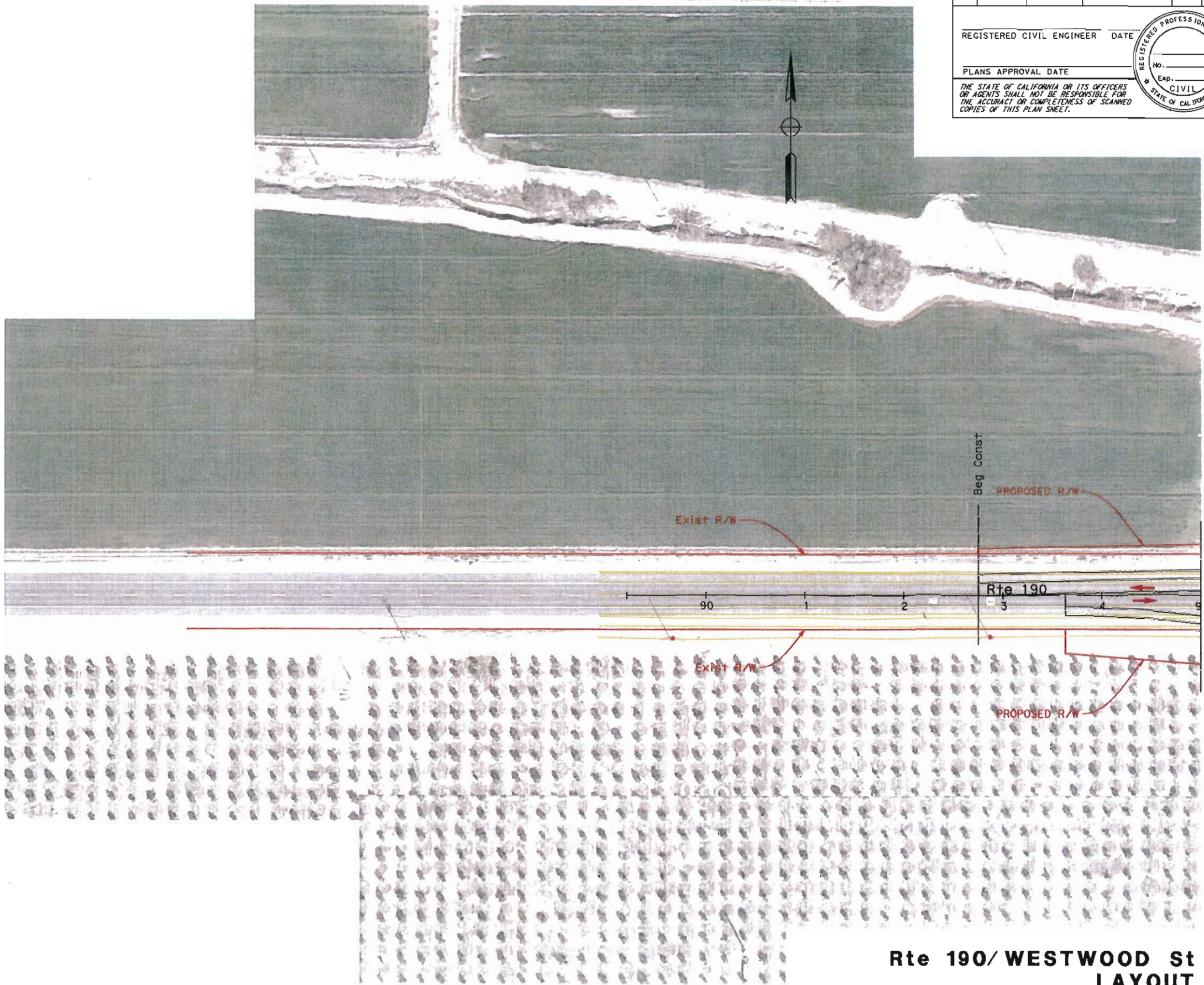
UNIT 1476

PROJECT NUMBER & PHASE

0614000004

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ATTACHMENT C
Preliminary Layout

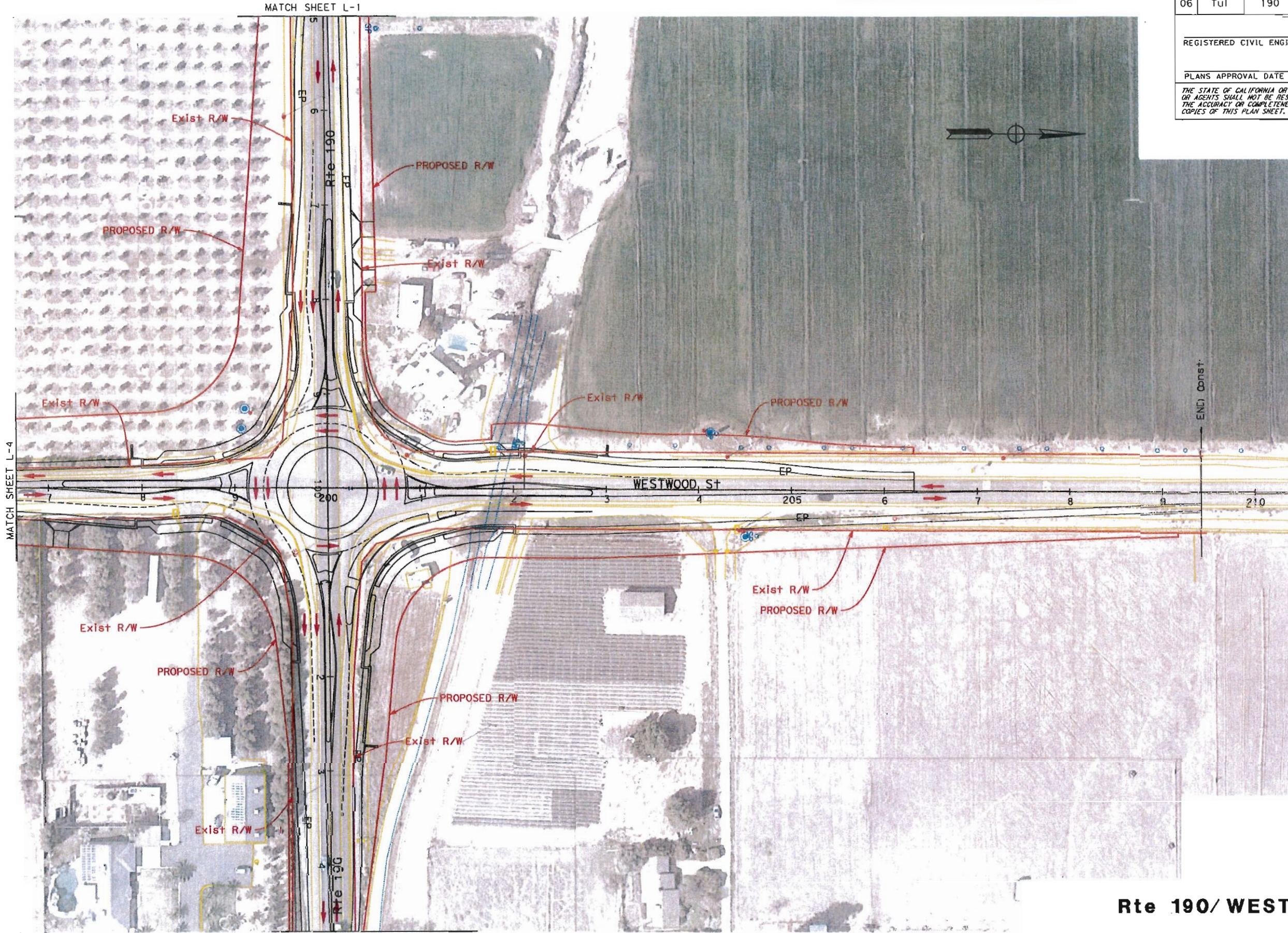


STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

FUNCTIONAL SUPERVISOR
ABDUL BAKER

CALCULATED-
DESIGNED BY
CHECKED BY

REVISED BY
DATE REVISED



**Rte 190/ WESTWOOD St
LAYOUT
L-2**

SCALE: 1"=50'

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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No.
Exp.
CIVIL
STATE OF CALIFORNIA

BORDER LAST REVISED 7/2/2010

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RELATIVE BORDER SCALE
IS IN INCHES

0 1 2 3

UNIT 1476

PROJECT NUMBER & PHASE

0614000004

LAST REVISION DATE PLOTTED => 10-NOV-2016
10-10-16 TIME PLOTTED => 07:59

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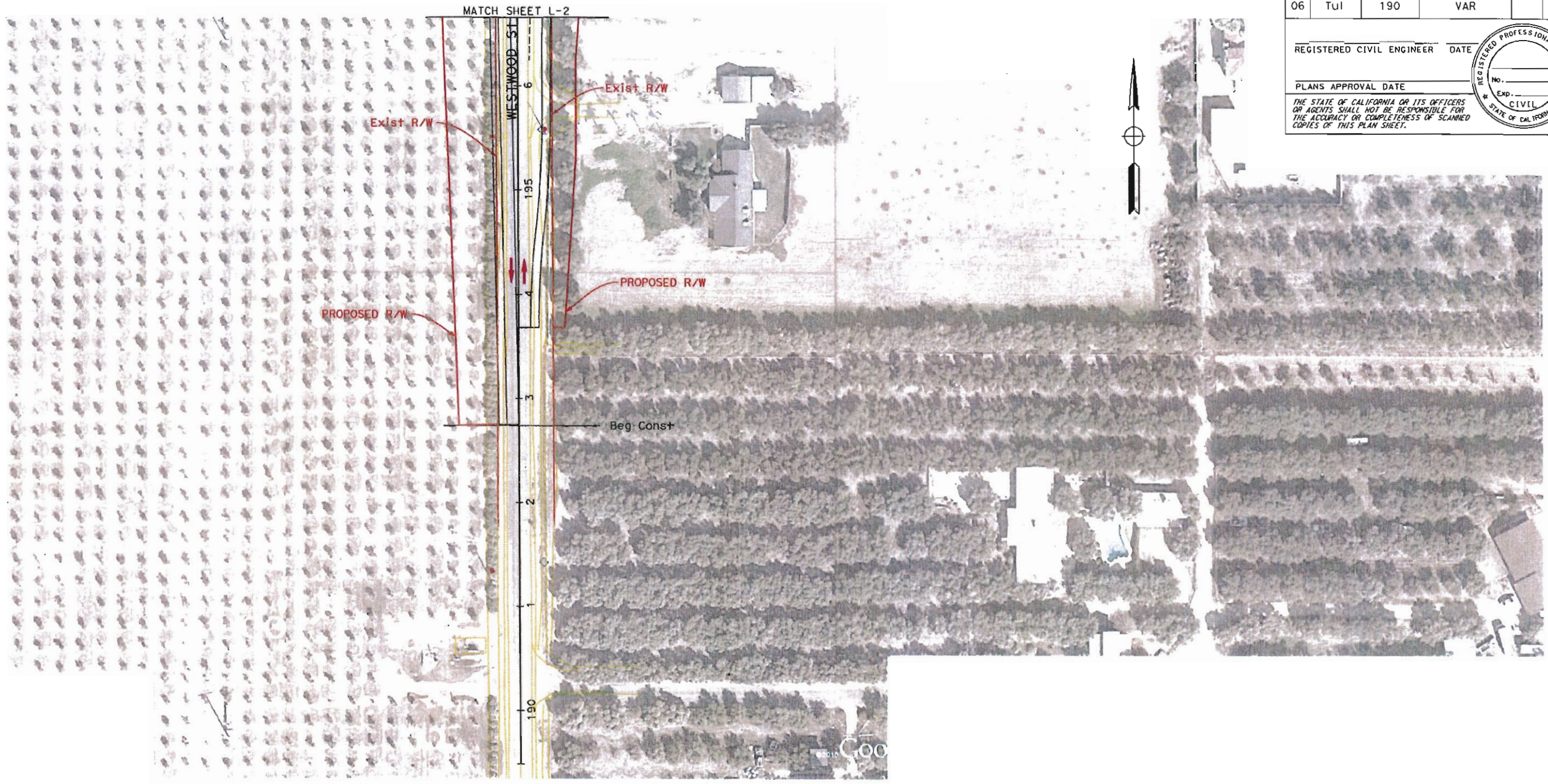
Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
06	Tul	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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No. _____
Exp. _____
CIVIL
STATE OF CALIFORNIA



**Rte 190/ WESTWOOD St
LAYOUT
L-4**

SCALE: 1"=50'

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TIME PLOTTED => 07:14
LAST REVISION 10-10-16



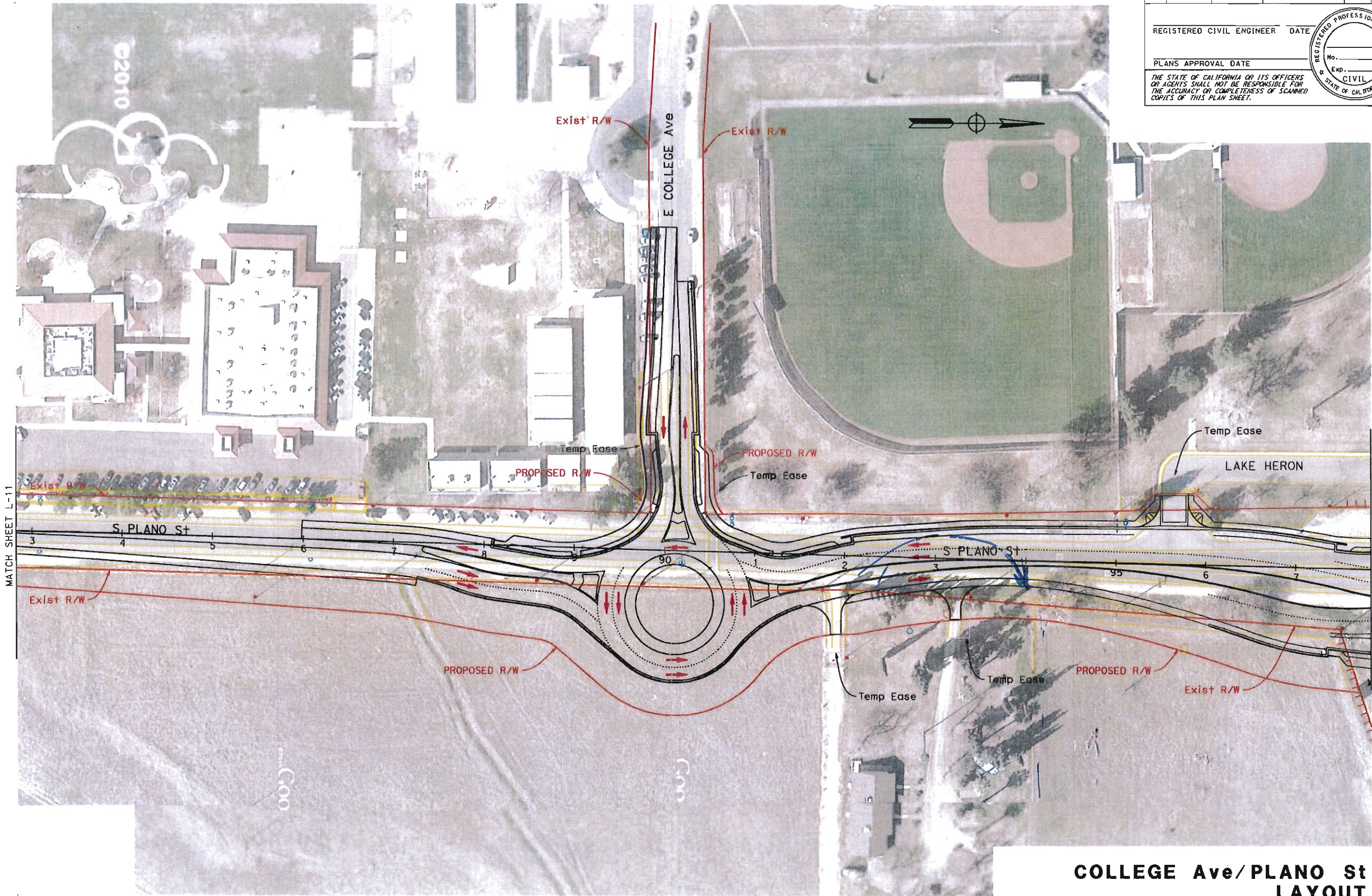
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
06	TUL	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER
No. _____
Exp. _____
CIVIL
STATE OF CALIFORNIA



COLLEGE Ave/PLANO St
LAYOUT
L-10

SCALE: 1"=50'

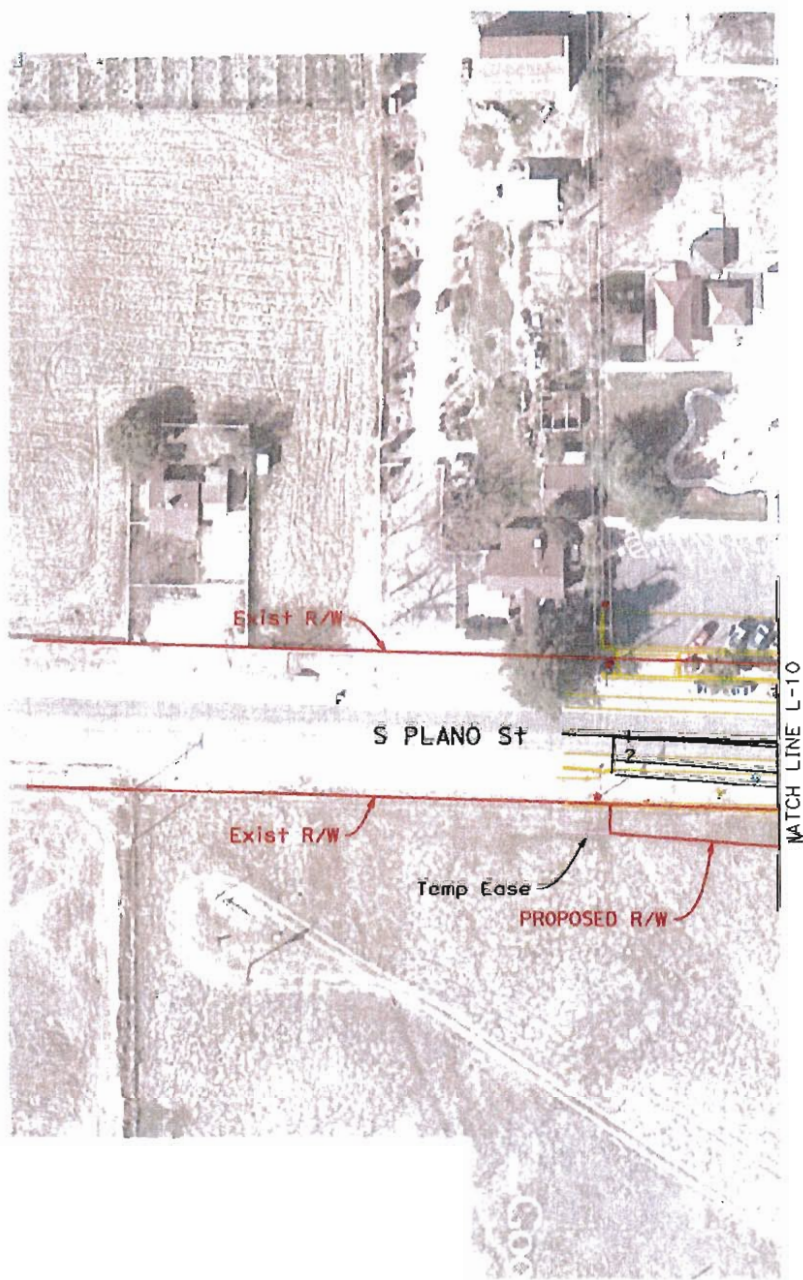
DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET NO.	TOTAL SHEETS
06	TUL	190	VAR		

REGISTERED CIVIL ENGINEER DATE

PLANS APPROVAL DATE

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REGISTERED PROFESSIONAL ENGINEER
No.
Exp.
CIVIL
STATE OF CALIFORNIA



COLLEGE Ave/ PLANO St

LAYOUT

L-11

SCALE: 1"=50'

ATTACHMENT D
Environmental Document



Porterville Intersection Improvements

RECIRCULATED INITIAL STUDY WITH PROPOSED NEGATIVE DECLARATION



On State Route 190 from 0.3 mile west of Westwood Street
to 0.3 mile east of Plano Street in Tulare County, California
06-TUL-190-PM 13.1/17.3
06-0Q4310/0614000004
SCH No.: 2015111006



Prepared by the
State of California Department of Transportation



The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 USC 327.

General Information About This Document

Please read this Initial Study. Additional copies of this document are available for review at the Caltrans district office at 1352 West Olive Avenue, Fresno, CA 93728 and the Porterville Public Library at 41 West Thurman Avenue, Porterville, CA 93257.

The document can also be accessed electronically at the following website:
<http://www.dot.ca.gov/dist6/environmental/envdocs/d6/>.

After comments are received from the public and reviewing agencies, Caltrans may
1) give environmental approval to the proposed project, 2) do additional environmental studies, or 3) abandon the project. If the project is given environmental approval and funding is appropriated, Caltrans could design and build all or part of the project.

Printing this document: To save paper, this document has been set up for two-sided printing (to print the front and back of a page). Blank pages occur where needed throughout the document to maintain proper layout of the sections and appendices.

For individuals with sensory disabilities, this document is available in Braille, in large print, on audiocassette, or on computer disk. To obtain a copy in one of these alternate formats, please write to or call Caltrans, Attn: Richard Putler, Sierra Pacific Environmental Analysis Branch, 855 M Street, Suite 200, Fresno, CA 93721; 559-445-5286 (Voice), or use the California Relay Service 1-800-735-2929 (TTY), 1-800-735-2929 (Voice), or 711.

Operational improvements on State Route 190 from 0.3 mile west of
Westwood Street to 0.3 mile east of Plano Street in Tulare County, California

**INITIAL STUDY
with Proposed Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation

11-30-2016
Date of Approval

Richard Putler
Richard Putler
Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation

- If you have any concerns about the project, please send your written comments to Caltrans by the deadline. Submit comments via U.S. mail to Caltrans at the following address:

Richard Putler, Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
- Submit comments via email to: richard.putler@dot.ca.gov.
- Submit comments by the deadline: January 20, 2017.



Proposed Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) proposes the following improvements along State Route 190 in west Porterville:

- Construction of a roundabout at Westwood Street at State Route 190.
- Construction of an auxiliary lane along westbound State Route 190 from Jaye Street to the northbound State Route 65 on-ramp by adding 1,300 feet of travel way and shoulder.
- Construction of a right-turn lane on the State Route 190 eastbound off-ramp onto Main Street, and upgrading ramps for Americans with Disabilities Act compliance.
- Construction of a roundabout at Plano Street at State Route 190.
- Construction of a roundabout at College Avenue and Plano Street.

Determination

This proposed Negative Declaration is included to give notice to interested agencies and the public that it is Caltrans' intent to adopt a Negative Declaration for this project. This does not mean that Caltrans' decision on the project is final. This Negative Declaration is subject to change based on comments received by interested agencies and the public.

Caltrans has prepared an Initial Study for this project and, pending public review, expects to determine from this study that the proposed project would not have a significant effect on the environment for the following reasons.

The proposed project would have no effect on: forest resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, tribal cultural resources, utilities and service systems.

In addition, the proposed project would have no significant effect on: agriculture resources, aesthetics, wetlands and other waters, and threatened and endangered species (San Joaquin kit fox) with the implementation of avoidance and minimization measures.

Richard Putler, Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation

Date



Project Description and Background

Project Title

Porterville Intersection Improvement Project

Project Location

On State Route 190, in Tulare County, from 0.3 mile west of Westwood Street to 0.3 mile east of Plano Street. See Figures 1-1 and 1-2 for the project's vicinity and location maps, respectively.

Project Update

The October 2015 Initial Study with Proposed Negative Declaration previously circulated to the public for comment from November 4, 2015 to December 4, 2015. Responses to comments received can be found in Appendix F of this document.

Caltrans received substantive comments from Porterville College and the Porterville Unified School District regarding current excessive delays and queuing at peak hour periods at the intersection of Plano Street and College Avenue. The City of Porterville requested that Caltrans District 6 Traffic Operations investigate how to maintain an acceptable level of service at that intersection. Traffic Operations explored alternatives that would address the operational issues at the intersection of Plano Street and College Avenue and the Lake Heron driveway. The construction of a dual-lane roundabout that would maintain an acceptable level of service based on 2040 traffic volume at the Plano Street and College Avenue intersection was recommended. An improvement at this location has been added to the project and is described in the next section, Description of Project, Location 5: Plano Street and College Avenue Intersection.

Description of Project

Purpose and Need

The project would address local development impacts in west Porterville with operational and intersection improvements along State Route 190. The purpose of the project is to provide channelization (a turn lane), eliminate merge movements and allow pedestrian movements at five locations along State Route 190.

The proposed project will be funded by the Tulare County Transportation Authority's Measure R funds for capital and support costs. Currently, the Tulare County Transportation Authority has authorized \$15,800,000 for the project. The project is anticipated to begin construction in the winter of 2018. Preliminary project plans are shown in Appendix A.

A total of approximately 3.9 acres of additional right-of-way and 0.5 acre of temporary construction easements would be required at locations 1, 4, and 5. Buried utilities would be identified by potholing during the Plans, Specifications, and Estimates phase.



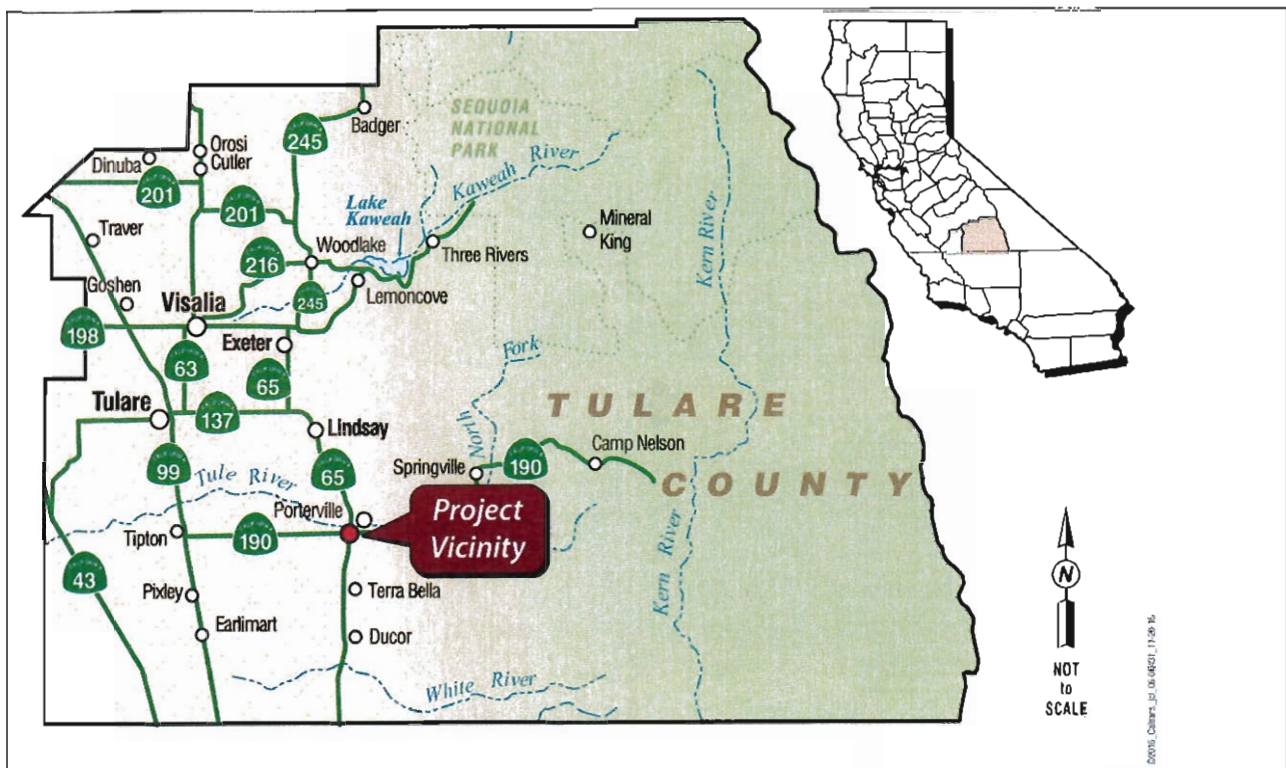


Figure 1-1 Project Vicinity Map



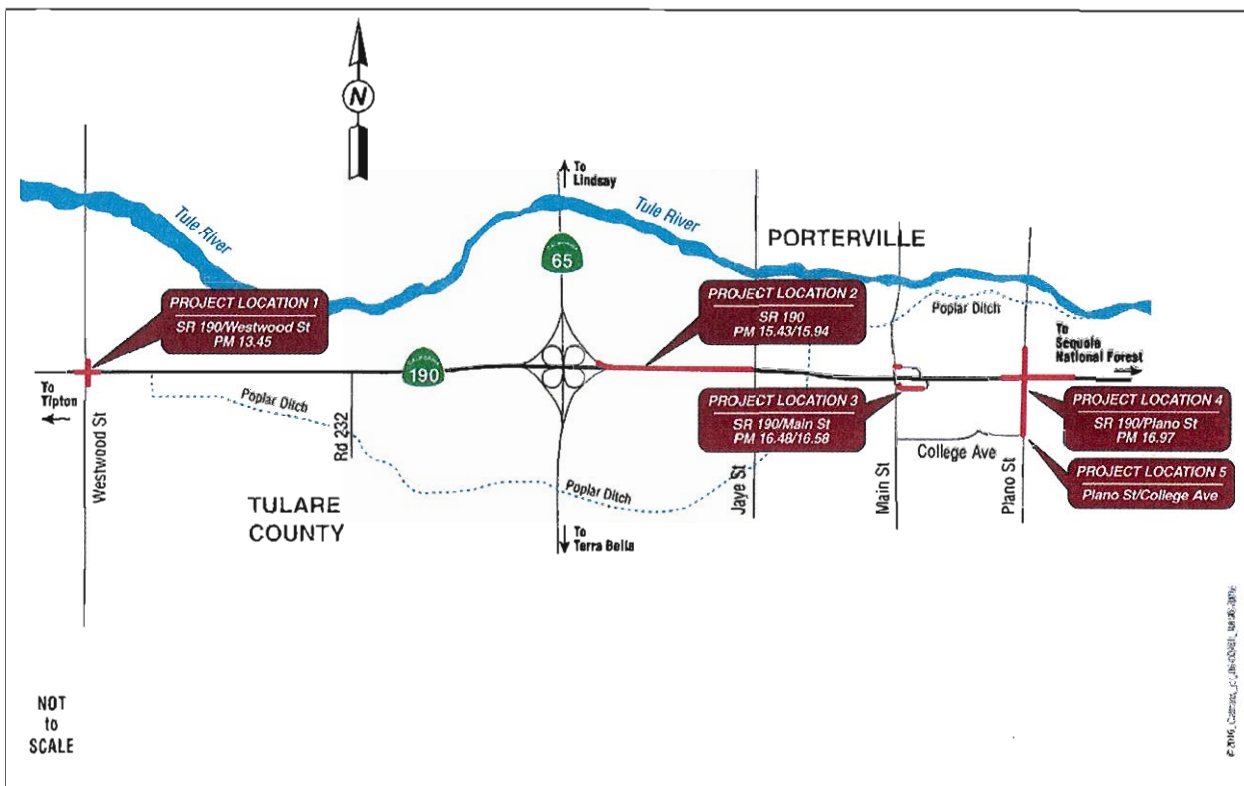


Figure 1-2 Project Location Map



Location 1: Westwood Street Intersection

State Route 190 is a two-lane conventional highway with an at-grade intersection at this location. The existing intersection is a four-way-stop-controlled intersection. The level of service at the intersection is currently at “E” for the afternoon peak hour and will deteriorate to “F” without the project, as shown in Table 1.1. This causes traffic congestion due to slower speeds and long traffic backups at the intersection, which is considered to be unacceptable for some drivers. As an indication of this, right-turn movements occur outside of the designated lane, on the right shoulder.

Table 1.1 Delay and Level of Service at State Route 190 at Westwood Street

Intersection Type	Year	Peak Hour Period	Level of Service	Delay in Seconds
Four-way stop (No-build)	2014	AM	D	33.6
		PM	E	42.3
	2030	AM	F	488.5
		PM	F	736.4
	2040	AM	F	918.5
		PM	F	1130.0
Roundabout	2030	AM	B	12.0
		PM	B	11.6
	2040	AM	D	32.7
		PM	C	22.7

Source: Operational Analysis, February 27, 2015 (District 6 Traffic Operations)
AM=morning PM=afternoon

A dual-lane roundabout with a right-turn bypass lane is proposed at this location to improve intersection operations. Drainage inlets would be installed to convey runoff to storage ditches. An irrigation culvert just north of the intersection would be widened for the proposed improvements. The project would provide a 10-foot-wide sidewalk at each corner of the intersection and splitter islands to accommodate pedestrian and bicycle traffic, respectively. Additional right-of-way, drive approach upgrades, and relocation of utility poles would be required at this location.

Location 2: Jaye Street to State Route 65

The District 6 Traffic Operations travel demand model indicates large peak hour traffic volumes due to commuter traffic traveling between the northern portion of Porterville and east Porterville via the State Route 65 freeway-to-freeway interchange. Currently, the outer lane (number 3 lane) on State Route 190 drops out and merges into two lanes west of Jaye Street; that leads to conflicts with traffic diverging right onto the northbound State Route 65 on-ramp.

To improve route continuity and eliminate merge movements associated with the westbound lane drop west of Jaye Street and subsequent diverging movements to the northbound State Route 65 on-ramp, the project would construct an auxiliary lane

along westbound State Route 190 from Jaye Street to the northbound State Route 65 on-ramp by adding 1,300 feet of travel way and shoulder. Work would consist of re-grading the side slope of a storage ditch and adjusting existing drainage inlets located in the drainage system running parallel on the north side of State Route 190.

Location 3: Main Street Eastbound Off-ramp Intersection

Direct and indirect traffic delays impact Porterville College and the downtown community due to left-turn and right-turn movements onto Main Street. Currently, this eastbound off-ramp exit is a shared left- and right-turn lane. Motorists experience difficulty negotiating turn movements onto Main Street as traffic volumes increase. The District 6 Traffic Operations office has determined that the traffic volumes are not sufficient to warrant adding signals.

To minimize queuing and delay on the approach, the project proposes a dedicated right-turn lane be constructed to separate the two turning movements. Curb ramps and sidewalk would be provided where needed to meet Americans with Disabilities Act requirements within the interchange.

Location 4: Plano Street Intersection

State Route 190 is a divided four-lane expressway with a signalized at-grade intersection at this location. Plano Street is a two-lane roadway. Traffic generators include the Walmart Distribution Center and Porterville College, both within close proximity to the intersection. The State Route 190 and Plano Street intersection level of service will degrade to "F" by 2030 without improvements, as shown in Table 1.2. Operational failure already occurs on the northbound approach where backed-up traffic and excessive delay occur in the morning for a short period. Without improvement, intersection delays and backed-up traffic will worsen as multiple approach movements fail.

Table 1.2 Delay and Level of Service at State Route 190 at Plano Street

Intersection Type	Year	Peak Hour Period	Level of Service	Delay in seconds
Four-way signalized stop (No-build)	2014	AM	D	40.2
		PM	D	53.8
	2030	AM	F	80.4
		PM	F	159.0
	2040	AM	F	197.2
		PM	F	310.9
Roundabout	2030	AM	B	10.6
		PM	B	13.1
	2040	AM	C	18.5
		PM	E	38.5

Source: Operational Analysis, February 27, 2015 (District 6 Traffic Operations)
AM=morning PM=afternoon

A dual-lane roundabout with right-turn bypass lanes is proposed at this location to improve operations in the intersection and on the approaches, and to provide for pedestrian movements. This would alleviate excessive delay and reduce the backup that occurs on some movements or that is expected in the future as development continues in the area. Within the intersection, the project would install inlets and culverts, and modify existing culverts, to convey runoff to storage ditches and storage areas. The project would provide a 10-foot-wide sidewalk at each corner of the intersection and splitter islands to accommodate pedestrian and bicycle traffic, respectively. Additional right-of-way and relocation of utility poles would be required at this location.

Location 5: Plano Street and College Avenue Intersection

The City of Porterville requested that Caltrans District 6 Traffic Operations investigate how to address current excessive delays and queuing at peak hour periods at this location and to maintain an acceptable level of service into the future. Traffic Operations explored alternatives to improve the operational issues at the Lake Heron driveway and the intersection of Plano Street and College Avenue. It was recommended that a dual-lane roundabout that would maintain an acceptable level of service based on 2040 traffic volume be constructed at the Plano Street and College Avenue intersection.

There are no non-standard features proposed. The proposed roundabout design will conform to the National Cooperative Highway Research Program Report 672 (Roundabout: An Informational Guide, Second Edition).

Storm water would sheet flow from the roadbed to the side storage ditches along Plano Street. Inlets and culverts to convey runoff to the proposed storage ditches would be installed within the intersection. Within the westerly quadrants of the roundabout, a 10-foot sidewalk will be provided to accommodate both bicycle and pedestrian traffic with Americans with Disabilities Act-compliant curb ramps and crosswalks. The splitter island will provide openings to accommodate pedestrians and a bicycle path. Aesthetic treatment and/or landscaping will be provided around and/or within the roundabout center median.

Surrounding Land Uses and Setting

The west end of the project at State Route 190 and Westwood Street is more rural in character. Land uses surrounding the highway include rural residential parcels and an industrial park (Walmart Distribution Center). The landscape becomes more urban between State Route 65 and Plano Street with land uses that include retail, commercial, residential, and education. The Porterville College campus is directly south and adjacent to State Route 190 between Main Street and Plano Street. Vandalia Elementary School, Plano Avenue Preschool, and Pioneer Middle School are all clustered on the southwestern quadrant of the College Avenue and Plano Street intersection.



Other Public Agencies Whose Approval is Required

Agency	Permit/Approval	Status
U.S. Fish and Wildlife Service	Endangered Species Act, Section 7—Consultation	A Biological Assessment evaluating the project's potential effects on the San Joaquin kit fox was submitted to the U.S. Fish and Wildlife Service to initiate informal consultation on November 4, 2015. A Letter of Concurrence was received on February 9, 2016. Caltrans requested a revised Letter of Concurrence on August 17, 2016, due to the addition of a third roundabout. A revised Letter of Concurrence was received on September 28, 2016.
U.S. Army Corps of Engineers	Clean Water Act Section 404 Permit for filling or dredging waters of the United States.	If required, application submission would occur 1 year before the Ready-to-List phase.
California Department of Fish and Wildlife	1600 Agreement for streambed alteration	If required, application submission would occur 1 year before the Ready-to-List phase.
Regional Water Quality Control Board	Clean Water Act Section 401 Water Quality Certification—Water Discharge Permit	If required, application submission would occur 1 year before the Ready-to-List phase.
State Water Resources Control Board	National Pollutant Discharge Elimination System general storm water construction permit—Notice of Intent/Notice of Termination	Application submission would occur during Ready-to-List and Post-Construction phases.



CEQA Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the project indicated no impacts. A NO IMPACT answer in the last column reflects this determination. Where a clarifying discussion is needed, the discussion either follows the applicable section in the checklist or is placed within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA—not NEPA—impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project, Forest Legacy Assessment Project, and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife 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 Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☒
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- 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?

While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans' determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

☐	☐	☐	☒
☐	☐	☐	☒
☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

XI. MINERAL RESOURCES: Would the project:

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?	☐	☐	☐	☒

XII. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

XV. RECREATION:

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?	☐	☐	☐	☒
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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	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?	☐	☐	☐	☒

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒

XVII. TRIBAL CULTURAL RESOURCES: 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) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) 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 Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒



Additional Explanations for Questions in the Impacts Checklist

I. Aesthetics (checklist questions b and c)

Affected Environment

The following discussion is based on the Revised Visual Impact Assessment, dated September 21, 2016.

Two landscape units exist within the project limits—Valley Rural/Agricultural and Urban/Residential/Commercial. Valley Rural/Agricultural can be viewed while traveling from west to east, at location 1 (post mile 13.1) along State Route 190 to approximately just west of State Route 65. The corridor is in a rural setting with scattered residential housing, farmland, orchards, and open space. In the rural areas, the roadway is a two-lane conventional highway. Overhead utility lines are visible on both sides of the highway. As motorists travel in an easterly direction, the foothills of the Sierra are visible and are considered a scenic resource.

State Route 190 transitions from a two-lane conventional highway to a four-lane expressway as it goes into the Urban/Residential/Commercial landscape. As motorists continue east on State Route 190 near State Route 65, land use is characterized by cinder-block perimeter walls on the south side of the route behind which residential subdivisions are located. Land uses also include large retail shopping centers, various other retail and commercial businesses, fast-food establishments, restaurants, and a school. Well-maintained highway planting exists at various locations in the urban segments.

The landform is generally flat, except for an overcrossing which provides a higher elevation at the State Route 190/State Route 65 interchange, and at the State Route 190/Main Street intersection. Highway planting consists of center median oleanders and numerous mature eucalyptus trees. The highway planting includes numerous tall trees, shrubs, and groundcover, which are visual amenities along the corridor. The California Streets and Highways Code (Section 263 - Scenic Highway System) lists State Route 190 as “Eligible Scenic” from post mile 15.2 (at State Route 65) in Porterville to the Tulare County line (post mile 87.6).

Within the project limits, State Route 190 is open to bicycle and pedestrian travel. Shoulder widths range from 0 to 12 feet. The Tulare County Association of Government’s Countywide Bicycle Transportation Plan lists this route from its beginning at State Route 99 to Balch Park Road, east of Springville (post mile R32.68), as a “Proposed Class II or Class III Bikeway.”

Environmental Consequences

The intersection improvements are not expected to alter the Eligible Scenic status of this segment of the highway. The proposed project at five locations will be compatible with the existing visual character of the rural and urban land uses within the corridor. The main visual resource changes associated with the proposed project include the roundabouts proposed at locations 1, 4, and 5. Other changes are

associated with improvements at locations 2 and 3, where some vegetation lining the highway corridor may be removed.

The District 6 Landscape Architecture office has determined that there will be no adverse visual impacts to the existing visual character, visual quality, or affected viewer groups as a result of the proposed project. Intersection improvements are common occurrences in urban and rural areas, within proximity to the project corridor, and therefore are not unexpected elements. Roundabouts are becoming more prevalent in roadway design, and the visual impacts to viewers are expected to be moderate, but not adverse.

The orchard trees and eucalyptus tree at location 1 are not considered scenic resources, and their removal would not be expected to cause adverse visual impacts. In fact, the removal will open up views of additional orchard trees. Trees will be removed at location 5 as needed with acquisition of right-of-way. The removal of the trees would have temporary visual impacts if replacement trees were planted on the property, and would not be expected to cause adverse visual impacts. At locations 2, 3, and 4, roadway planting and vegetation lining the highway corridor may be removed. Although vegetation may be removed, it is not expected to be a visually significant impact.

If intersection improvements are not implemented at any of the four proposed locations, there would be no visual impacts.

Avoidance, Minimization and/or Mitigation Measures

The Caltrans Highway Design Manual Chapter 100 allows for “a reasonable additional expenditure to aesthetically enhance transportation projects.” Caltrans policy on Context Sensitive Solutions (DP-22) also provides guidance on working with local communities to provide highway projects that are sensitive to the needs of the community. Landscaping, aesthetic treatments, and erosion control will be provided by Landscape Architecture staff during the Plans, Specifications, and Estimates phase of the project.

The proposed roundabouts at locations 1, 4, and 5 would receive textural treatments and/or landscaping to minimize impacts and provide visual consistency to the corridor. Landscape features would include a domed or mounded central island, between 3.5 to 6.0 feet high, to focus driver attention on the approach and through the roundabout alignment. The central island also provides a visual screen from the downstream alignment and other distractions. Lighting would be installed on the approaches and within the roundabout to enhance safety at night. The lighting standards would be designed for reduced light spillage to nearby residents.

The eastern portion of the project limits at State Route 65 near Porterville to the end of the route in Tulare County at post mile 87.6 is Eligible Scenic. The intersection improvements are not expected to alter the Eligible Scenic status of this segment of the highway. However, care must be taken to preserve any existing visual amenities

of the route and ensure that the proposed improvements at five locations do not interrupt the visual unity of the route.

Caltrans policy states consideration should be given to protecting and preserving existing vegetation (e.g., trees, specimen plants, diminishing native species or historical plantings) to the maximum extent feasible during the planning, design, and construction of transportation projects. The highway planting that will be removed or damaged as a result of the project at any of the four locations will require replacement.

The Highway Design Manual, Chapter 1000 Bikeway Planning and Design, states that the needs of non-motorized transportation are an essential part of all highway projects. The intersection improvements and roundabouts would include current maneuvering and access standards for pedestrians and bicyclists.

II. Agriculture Resources (checklist question a)

Affected Environment

The U.S. Department of Agriculture Farmland Conversion Impact Rating form AD-1006 was completed for the project in July 2015 (see Appendix B) for two locations where farmland would be affected. Caltrans proposes to acquire minor right-of-way from agricultural parcels at location 1—Westwood Street and State Route 190—and location 4—Plano Street and State Route 190.

Farmland surrounds the western end of the project area at location 1. The crops observed were citrus and olive trees, alfalfa, and strawberries during a field review in June 2015. Slivers from three agricultural parcels would be required to build the roundabout at Westwood Street and State Route 190.

The Vandalia Water District owns the property at the southeast corner of State Route 190 and Plano Street on the eastern portion of the project at location 4. The parcel was observed to be fallow during a field review in June 2015. The land is categorized as agricultural, but is shown on the City of Porterville 2030 General Plan Land use map as low-density residential. Adjacent land uses at this location include education (Porterville College campus), medium- to high-density residential, industrial, general commercial, and service commercial.

A total of four agricultural parcels would be affected by the proposed project. Farmland facilities, including water wells and irrigation ditches, may potentially be affected.

Soils at location 1 consist of Nord fine sandy loam (20.8%), Exeter loam (70.6%), and Tujunga loamy sand (8.7%). Nord fine sandy loam is considered prime; Exeter loam and Tujunga loamy sand are considered to be of statewide importance. Soil at location 4 consists of 100% San Emigdio loam, which is considered prime.

Environmental Consequences

The Farmland Conversion Impact Rating determines the relative value of farmland to be converted by using a formula that weighs farmland classification, soil characteristics, irrigation, acreage, creation of non-farmable land, availability of farm services, and other factors. For project sites where the site assessment points equal or exceed 160 in part VI of the form, Caltrans must consider alternative actions that could reduce adverse impacts such as alternative sites, minimization, or mitigation measures.

The site assessment rating for the project is 54 points, and the total points impact rating is 88 (see Appendix B). Approximately 3.09 acres of permanent new right-of-way would be converted from designated agricultural land, with approximately 2.13 acres being classified as unique farmland and 0.96 acre as farmland of local importance. Approximately 0.18 acre would be required for temporary construction easements at three of the four affected parcels. Two of the parcels requiring minor right-of-way acquisition for construction of the proposed project are under Williamson Act contract (see Table 1.1). None of the contracts would have to be canceled as a result of the project due to the size of the parcels.

Table 1.1 Agricultural Land Affected by the Proposed Project

Assessor Parcel Number	Williamson Act Contract	Proposed Acquisition (Acres)	Total Acres Before Acquisition
240-130-038	Yes	0.31	74.9
259-040-040	Yes	0.75	26.06
302-080-080	No	1.82	77.18
270-030-006	No	0.21	6.02

Avoidance, Minimization, and/or Mitigation Measures

No mitigation for farmland is necessary other than payment for the property and facilities being affected. Property owners would be compensated for any relocation of facilities, including irrigation wells and ditches, during the right-of-way acquisition process. Temporary easements are only for construction purposes; therefore, they would not be converted and will be returned to their original agricultural uses after completion of construction.

IV. Biological Resources (checklist questions a and c)

The following discussions of wetlands and other waters, and threatened and endangered species are based on the Natural Environment Study prepared in August 2015.

Wetlands and Other Waters

Affected Environment

This region historically hosted abundant grassland and wetland habitat, but within the last 100 years has become highly disturbed by intensive agriculture. The biological study area is dominated by agriculture and industrial land uses.

Just north of location 1 (Westwood Street and State Route 190), Poplar Ditch intersects Westwood Street. Poplar Ditch crosses underneath Westwood Street through two oval concrete culverts. The ditch is operated by the Lower Tule River Irrigation District, which draws water from the Tule River for agricultural irrigation. The ditch has potential jurisdiction under the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board.

Environmental Consequences

It is anticipated that approximately 0.09 acre of potential jurisdictional waters associated with Poplar Ditch would be impacted as a result of the roundabout construction. The estimated affected area is approximate, and Caltrans will work with the local irrigation district to determine the final design during the Plans, Specifications, and Estimates phase of the project.

The proposed work at Poplar Ditch includes removing existing headwalls, extending the two oval concrete culverts with cast-in-place concrete and constructing concrete headwalls. Concrete slope protection would be placed beyond the headwall within the existing channel. Then rock slope protection would be placed beyond the concrete slope protection within the channel of the canal. Three gate valves and irrigation pipes on the outlet side (west side of Westwood Street) would require relocation as a result of the culvert extension.

Avoidance, Minimization and/or Mitigation Measures

A wetland delineation will need to be performed and results submitted to the U.S. Army Corps of Engineers to determine if the Corps has jurisdiction over the affected segment of Poplar Ditch. If it is determined that the U.S. Army Corps of Engineers does have jurisdiction, then a U.S. Army Corps of Engineers Clean Water Act Section 404 permit as well as a Clean Water Act Section 401 certification from the Regional Water Quality Control Board would be required. Also, a 1600 Streambed Alteration Agreement from the California Department of Fish and Wildlife may be required for work within or adjacent to Poplar Ditch.

The 1600 Streambed Alteration Agreement and Clean Water Act Section 404 and 401 permits include terms, conditions, and provisions that are designed to minimize and avoid impacts to the waterway and would be included in the contractor bid package. The proposed project would also incorporate standard Caltrans Best Management Practices to prevent impacts related to degradation of water quality.

Threatened and Endangered Species

Affected Environment

Federal, State of California, and California Native Plant Society species lists are located in Appendix C. Caltrans Federal Endangered Species Act determinations are listed in Appendix D.

The biological study area was defined as the project impact area--the area to be directly affected—for each location and adjacent areas that may be indirectly affected by the proposed project. The biological study area encompassed the 3.5 miles of median where the proposed improvements would occur and the surrounding areas directly adjacent to the associated travel lanes.

The project is located along State Route 190 in the central portion of southwestern Tulare County. The project proposes improvements at five locations along State Route 190 (see Figure 1-2, Location Map). Location 1, at the west end of the project area, is surrounded mostly by agricultural fields. Locations 2, 3, 4, and 5 are east of location 1 and are surrounded mostly by suburban and/or residential landscapes.

The project locations are composed of paved areas, bare ground, weedy species, and/or landscape variety shrubs and trees growing along the Caltrans right-of-way. Ruderal habitat is commonly associated with unpaved highway shoulders, highway medians, and weedy areas around and between agricultural fields and other structures. The ruderal habitat in the study area is characterized by non-native weedy species, mostly grasses and Russian thistle (*Salsola tragus*). The surrounding suburban and residential areas within the project footprint area are regularly maintained by mowing.

A review of species lists from the California Natural Diversity Database, U.S. Fish and Wildlife Service, and the California Native Plant Society for the Tulare U.S. Geological Survey 7.5-minute quadrangle indicated that there is a potential for special-status animal and plant species to occur within or near the project area, including the San Joaquin kit fox (*Vulpes macrotis mutica*), a federally endangered and state threatened species.

In a letter dated November 4, 2015, Caltrans initiated informal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973 for the San Joaquin kit fox. Caltrans sent a letter dated August 17, 2016, to inform the U.S. Fish and Wildlife Service of a proposed modification to the project design. Caltrans determined that a total of 11.91 acres of ruderal, non-native grassland, and agricultural habitat within the project impact area would be permanently removed due to construction associated with the roundabouts—4.71 acres at location 1 and 6.08 acres at locations 4 and 5, the auxiliary lane (0.68 acre at location 2), and the additional lane (0.44 acre at location 3). There will also be temporary disturbance to 0.61 acre of ruderal, non-native grassland, and agricultural habitat from establishing temporary construction easements and access areas for project equipment and vehicles.

The U.S. Fish and Wildlife Service concurred with Caltrans' conclusion that the action may affect, but is not likely to adversely affect the San Joaquin kit fox because the potential for the action to affect the species is discountable. This conclusion is based on the results of recent surveys, the absence of observable sign within the action area, the impaired quality of the habitat, and the conservation measures proposed to reduce potential effects to the species. The U.S. Fish and Wildlife Service agreed with the effect determination in a letter of concurrence to Caltrans dated February 9, 2016 and in a revision to the letter of concurrence dated September 2016 (see Appendix E).

The following is a discussion about the breeding season, habitat requirements, and recorded occurrences of the San Joaquin kit fox.

San Joaquin Kit Fox (Vulpes macrotis mutica)

The San Joaquin kit fox is federally listed as endangered and state listed as threatened. It is the smallest canid species in North America and averages 31 inches long and about 12 inches tall at the shoulder. Kit foxes have a small, slim body, relatively long ears set close together, narrow nose, and a long bushy tail tapering slightly toward the black tip. They typically carry their tail low and straight. Coat color varies from buff, tan, grizzled or yellow-gray.

The San Joaquin kit fox is found in the southern half of the state in annual grassland or grassy open stages of vegetation dominated by scattered shrubs and brush. The fox is primarily carnivorous, feeding on desert cottontails, rodents, insects, reptiles, birds, bird eggs, and vegetation. San Joaquin kit foxes dig their own dens in open level areas with loose-textured soils supporting scattered, shrubby vegetation. They are active all year, mostly nocturnal but occasionally can be seen during the daytime in cool weather. Litters averaging 4 pups are born from February to April.

Most San Joaquin kit fox habitat has been converted to urban and agricultural development, especially within the San Joaquin Valley. Remaining habitat parcels are isolated and scattered. Predators of the San Joaquin kit fox are primarily large raptors, bobcats, coyotes, and feral or domestic dogs. Rodent control measures such as poisoning and trapping can reduce kit fox prey availability or result in secondary poisoning. In some areas, such as Bakersfield, San Joaquin kit foxes have adapted to urban environments and they can use human-made structures, including culverts, as burrows. In urban areas, kit foxes run a higher risk of mortality from vehicle collision and encounters with dogs.

The closest California Natural Diversity Database record of the San Joaquin kit fox is 3.1 miles southwest of the project area next to the California Aqueduct. The record dates from 1950. The Endangered Species Recovery Program classifies the habitat as "sub-optimal" for the San Joaquin kit fox, primarily due to the density of invasive vegetation such as Russian thistle (*Salsola tragus*). No designated critical habitat is present within the biological study area. The closest critical habitat for the San Joaquin kit fox is approximately 3.1 miles west of the project area.

Environmental Consequences

Based on observations made during a 2015 site visit, it was determined that the project area provides sub-optimal habitat for the San Joaquin kit fox. The habitat to be impacted consists of ruderal vegetation and agriculture, which provide a limited area that could be used by the San Joaquin kit fox. These areas are maintained and regularly disturbed, which would deter the San Joaquin fox from using the area. This was determined based on heavy highway traffic in this area, lack of foraging habitat, and lack of burrows.

Currently, the median does not have any barrier that would impede San Joaquin kit fox (or other mammal) passage. Temporary k-rail will be used during construction of the proposed project.

The total area to be impacted by the proposed project is estimated to be 10.937 acres. This is a small amount of ruderal and agricultural land, and there is abundant adjacent habitat that may be used by the San Joaquin kit fox. Construction activities may affect, but would not likely adversely affect the San Joaquin kit fox due to the limited nature of the proposed project and the sub-optimal habitat for the San Joaquin kit fox within the existing project limits.

Avoidance, Minimization, and/or Mitigation Measures

No compensatory mitigation is being proposed. The following measures would be implemented to avoid and/or minimize impacts to the San Joaquin kit fox:

- 1) Preconstruction surveys will be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Surveys for the San Joaquin kit fox and its dens will be performed throughout the project footprint as well as within 200 feet of the footprint.
- 2) A qualified biologist(s) will conduct an environmental awareness training program for all construction personnel (including employees, subcontractors, and contractor's representatives), covering the status of the San Joaquin kit fox, the importance of avoiding impacts to the species, and the penalties for not complying with minimization requirements. New construction personnel who are added to the project after the training is first conducted also will be required to take the training.
- 3) A qualified biologist(s) will be present onsite during initial ground-disturbing activities. The biologist(s) also will be available on-call when not present onsite.
- 4) Although no potential or known dens currently have been identified in the project area, disturbance to any potential or known dens that become established in the period leading up to the start of construction will be avoided.
 - a) Potential and atypical dens that are located at least 50 feet from construction will be protected with a 50-foot zone. Known dens that are located at least 100 feet from construction will be protected with a 100-foot zone. In instances

where 50-foot or 100-foot exclusion zones cannot be maintained, potential and/or known dens will be monitored. Once these dens are verified to be unoccupied, they will be blocked temporarily (via sandbagging or installation of a one-way door) for the duration of the project.

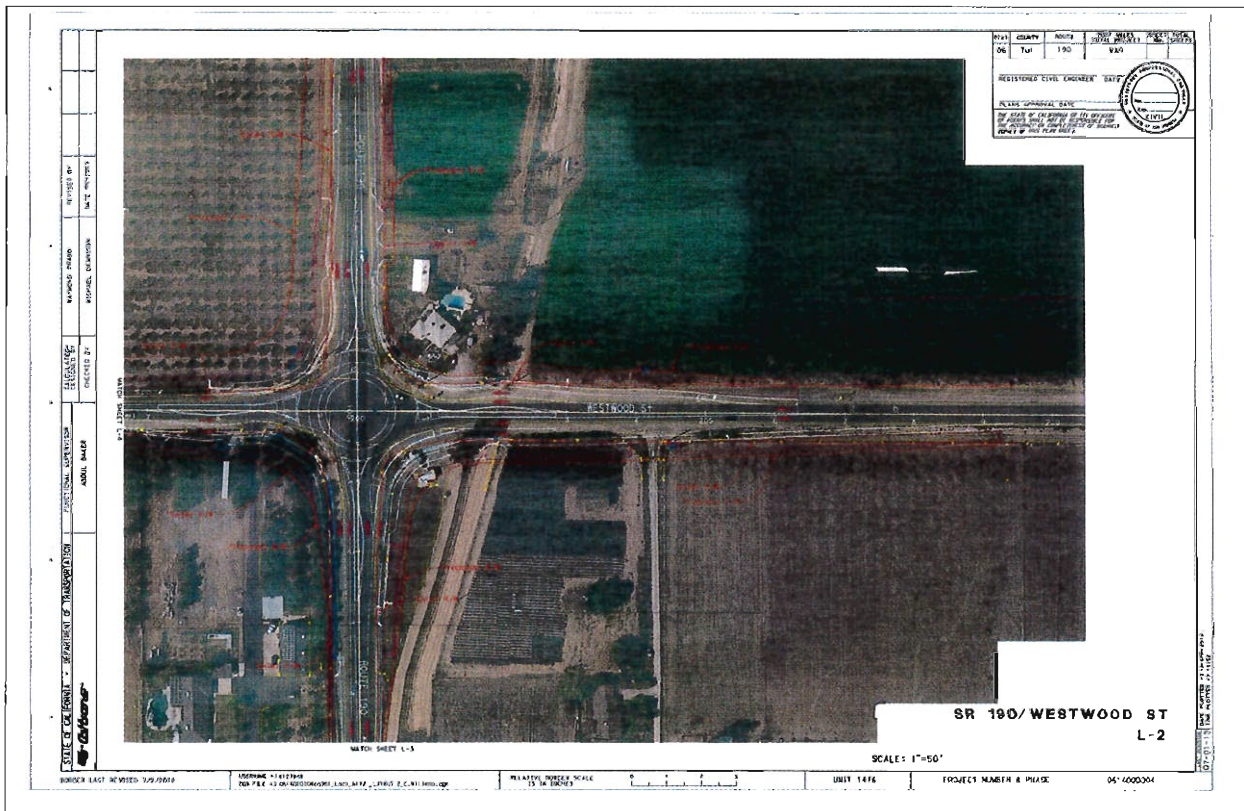
- b) If a natal/pupping den is discovered, either within the project footprint or within 200 feet of the footprint, Caltrans will notify the U.S. Fish and Wildlife Service immediately.
- 5) Temporary modified k-rail barriers will be installed that facilitate San Joaquin kit fox movement and passage across the roadways. Openings in the barriers will be spaced approximately every 140 feet, which corresponds to every seven 20-foot segment. Design options may include, but are not limited to:
- a) One 8-inch-diameter hole cast or bored into a typical rail segment.
 - b) A Type L passageway that offsets a segment of k-rail via a gap measuring a minimum of 6 inches.
 - c) A Type M passageway measuring 10 inches wide, with a thrie beam to connect and secure the two segments of concrete barrier located on either side of the passageway.
- 6) All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site to reduce the potential for attracting predator species.
- 7) No pets or firearms will be allowed on the project site.
- 8) All construction pipes, culverts, or similar structures stored onsite with a diameter of 4 inches or greater will be inspected for the San Joaquin kit fox prior to the structures being buried, capped, or moved. If a San Joaquin kit fox is discovered, that section of pipe will not be moved until the U.S. Fish and Wildlife Service has been contacted and the San Joaquin kit fox is allowed to leave without harassment.
- 9) To prevent the inadvertent entrapment of the San Joaquin kit fox during construction, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each work day or provided with escape ramps constructed of fill or wooden planks. These will be checked daily for the duration that they are covered. Prior to any holes or trenches being filled, they will be thoroughly inspected for trapped individuals.
- 10) The contractor would follow Caltrans Best Management Practices during construction.
- 11) Equipment parking, project access, equipment maintenance, and other project-related activities would occur within the existing Caltrans right-of-way.

- 12) Designated staging areas within previously disturbed areas would be pre-approved by a Caltrans Regional Biologist.
- 13) Standard special provisions for the San Joaquin kit fox will be included in the construction contract to minimize impacts.
- 14) All construction-related access must be kept within the project limits and to existing highways and associated paved/graded shoulders, or other designated areas clearly marked on the ground.
- 15) Project-related traffic will observe a 20-mile-per-hour speed limit except on roads or highways open for public use.

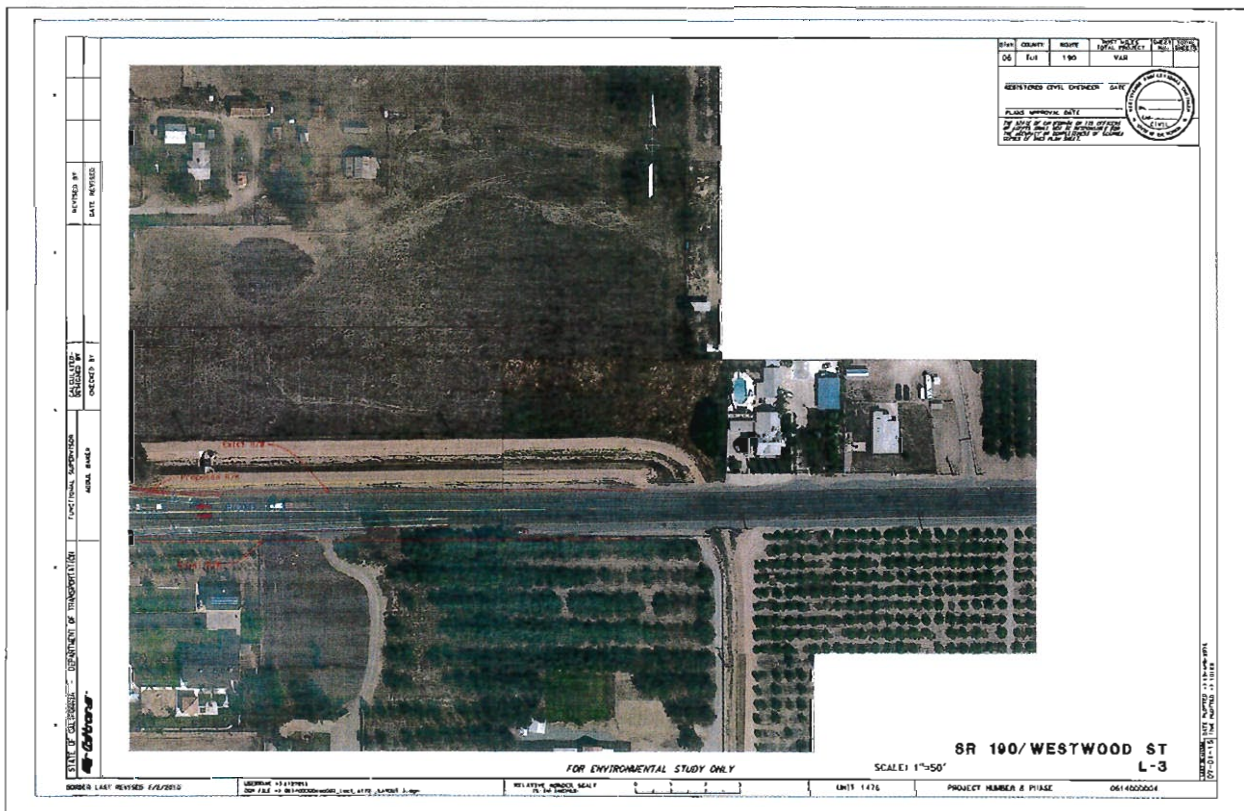
Appendix A Preliminary Design Plans









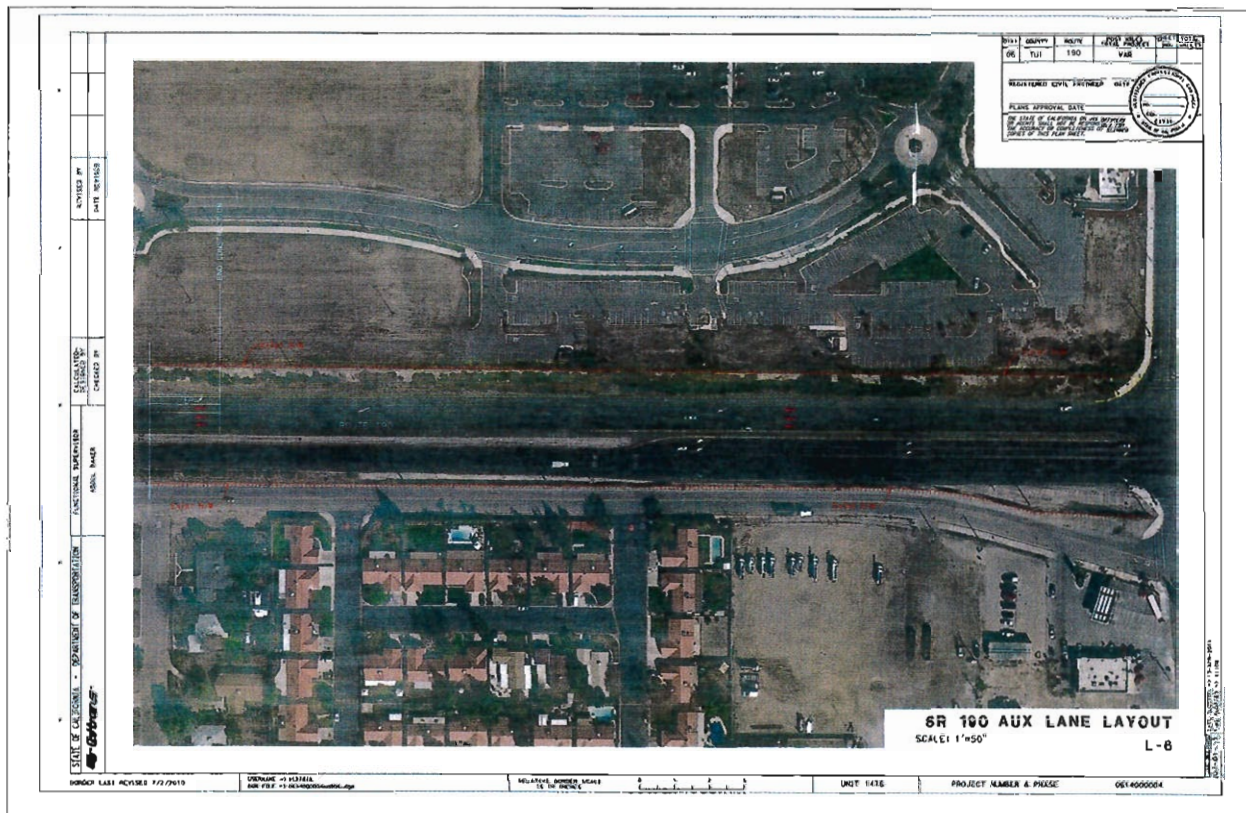






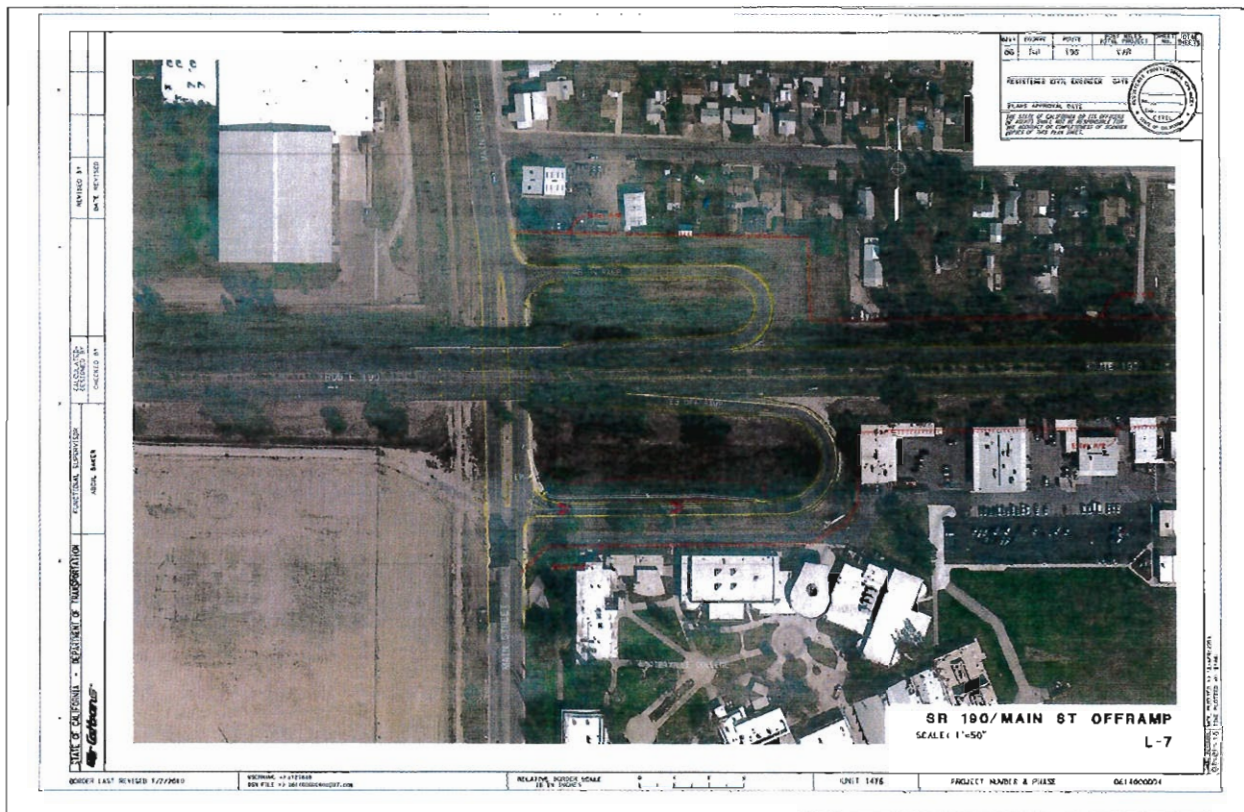








Appendix A Preliminary Design Plans



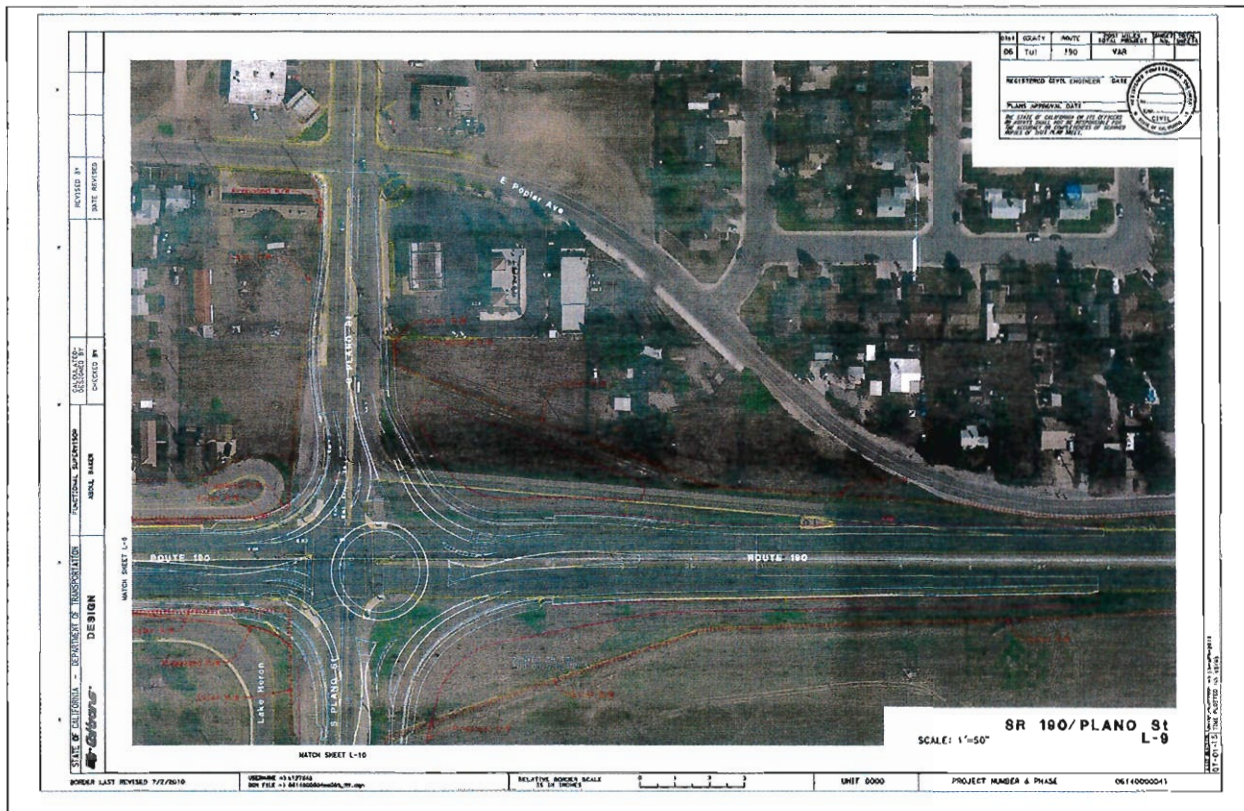


Appendix A Preliminary Design Plans

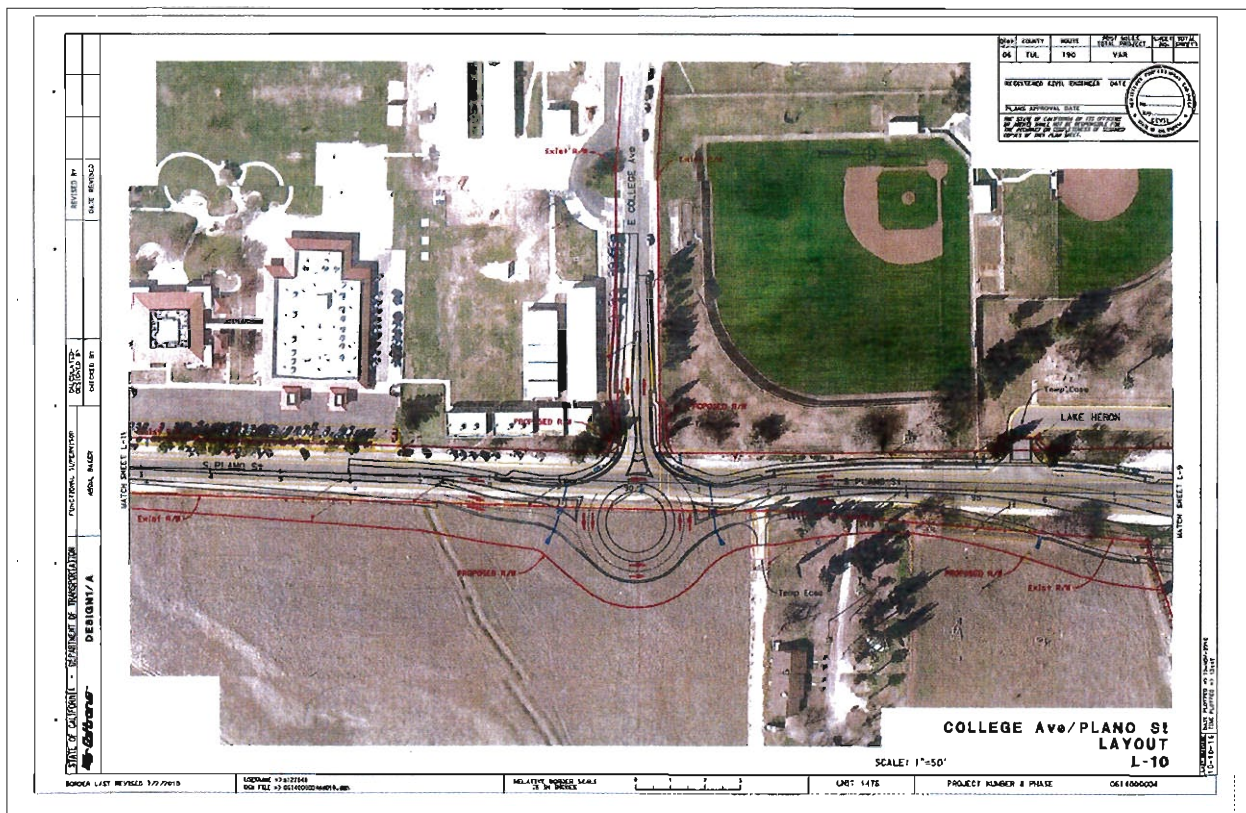




Appendix A Preliminary Design Plans

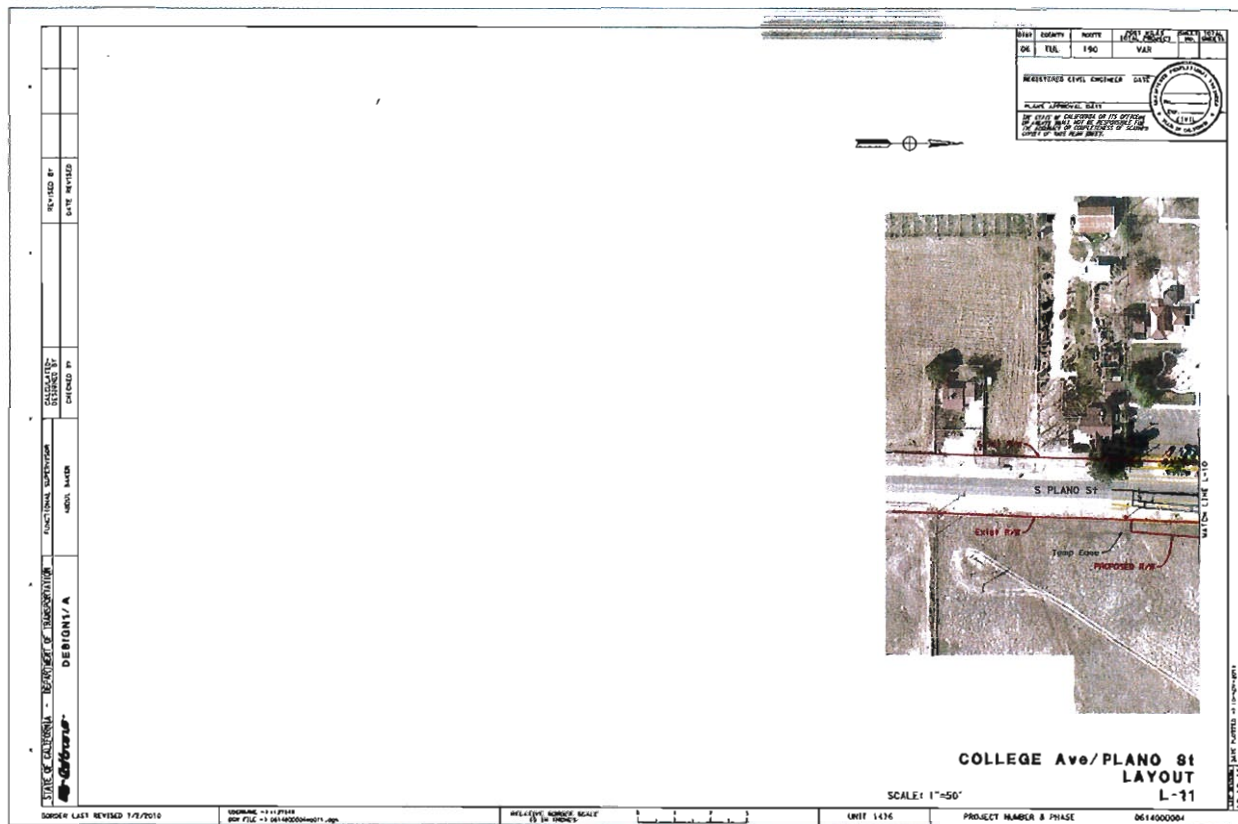








Appendix A Preliminary Design Plans





Appendix B Farmland Conversion Impact Rating

U.S. Department of Agriculture					
FARMLAND CONVERSION IMPACT RATING					
PART I (To be completed by Federal Agency)			Date Of Land Evaluation Request: 7/14/15		
Name of Project: Porterville Intersection Improvement			Federal Agency Involved: CA Dept. of Transportation		
Proposed Land Use: Transportation			County and State: Tulare, CA		
PART II (To be completed by NRCS)			Date Request Received By NRCS: 7/16/2015		Person Completing Form: Bradley Parnett
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)			YES ☒	NO ☐	
Major Crop(s): Grapes, Citrus, Alfalfa			Acres Irrigated: 550,342		Average Farm Size: 223
Farmable Land In Govt. Jurisdiction Acres: 638,789% 20.7			Amount of Farmland As Defined in FPPA Acres: 867,965% 28.1		
Name of Land Evaluation System Used: California Storle System			Name of State or Local Site Assessment System: None		Date Land Evaluation Returned by NRCS: 7/16/2015
PART III (To be completed by Federal Agency)			Alternative Site Rating		
A. Total Acres To Be Converted Directly			Site A	Site B	Site C
B. Total Acres To Be Converted Indirectly			3.09		
C. Total Acres In Site			3.09		
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland			0.2		
B. Total Acres Statewide Important or Local Important Farmland			2.9		
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted			0.00036		
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value			N/A		
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)			34		
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.6 b. For Corridor project use form NRCS-CPA-106)			Maximum Points	Site A	Site B
1. Area In Non-urban Use			(15)	2	
2. Perimeter In Non-urban Use			(10)	9	
3. Percent Of Site Being Farmed			(20)	2	
4. Protection Provided By State and Local Government			(20)	20	
5. Distance From Urban Built-up Area			(15)	1	
6. Distance To Urban Support Services			(15)	0	
7. Size Of Present Farm Unit Compared To Average			(10)	0	
8. Creation Of Non-farmable Farmland			(10)	0	
9. Availability Of Farm Support Services			(5)	2	
10. On-Farm Investments			(20)	17	
11. Effects Of Conversion On Farm Support Services			(10)	1	
12. Compatibility With Existing Agricultural Use			(10)	0	
TOTAL SITE ASSESSMENT POINTS			160	54	0
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)			100	34	0
Total Site Assessment (From Part VI above or local site assessment)			160	54	0
TOTAL POINTS (Total of above 2 lines)			200	88	0
Site Selected:			Date Of Selection:		
			Was A Local Site Assessment Used? YES ☐ NO ☐		
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:
(See Instructions on reverse side)					Form AD-1006 (03-02)



Appendix C Species Lists



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Endangered Species Act Species List

There are a total of 12 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the Has Critical Habitat column may or may not lie within your project area. See the Critical habitats within your project area section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
California red-legged frog (<i>Rana boylei</i>) Population: Wherever found	Threatened	Final designated	
Birds			
California condor (<i>Gymnogyps californianus</i>) Population: U.S.A. only, except where listed as an experimental population	Endangered	Final designated	
Southwestern Willow flycatcher (<i>Empidonax traillii extimus</i>) Population: Wherever found	Endangered	Final designated	
Crustaceans			
Vernal Pool fairy shrimp (<i>Branchinecta lynchi</i>) Population: Wherever found	Threatened	Final designated	
Fishes			
Delta smelt (<i>Hypomesus transpacificus</i>)	Threatened	Final designated	

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Appendix C Species Lists



United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Population: Wherever found			
Flowering Plants			
Keck's Checker-mallow (<i>Sidalcea keckii</i>) Population: Wherever found	Endangered	Final designated	
San Joaquin Adobe sunburst (<i>Pseudobulbium peirsonii</i>) Population: Wherever found	Threatened		
Springville clarkia (<i>Clarkia springvillensis</i>) Population: Wherever found	Threatened		
Mammals			
San Joaquin Kit fox (<i>Vulpes macrotis mutica</i>) Population: wherever found	Endangered		
Tipton kangaroo rat (<i>Dipodomys nitratoides nitratoides</i>) Population: Wherever found	Endangered		
Reptiles			
Blunt-Nosed Leopard Lizard (<i>Gambelia silus</i>) Population: Wherever found	Endangered		
Giant Garter snake (<i>Thamnophis gigas</i>) Population: Wherever found	Threatened		

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United States Department of Interior
Fish and Wildlife Service

Project name: 06-0Q431

Critical habitats that lie within your project area

There are no critical habitats within your project area.

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Appendix C Species Lists



Summary Table Report
California Department of Fish and Wildlife
California Natural Diversity Database



Query Criteria: IS (3611923)

Name (Scientific/Common)	CNDDB Ranks	Listing Status (Fed/State)	Other Lists	Elev. Range (ft.)	Total EO's	Element Occ. Ranks						Population Status		Presence		
						A	B	C	D	X	U	Historic > 20 yr	Recent ≤ 20 yr	Extant	Poss. Extirp.	Extirp.
<i>Andrena macswaini</i> An andrenid bee	G2 S2	None None		270 270	7 S:1	0	0	0	0	0	1	1	0	1	0	0
<i>Buteo swainsoni</i> Swainson's hawk	G5 S3	None Threatened	BLM, S-Sensitive IUCN, LC-Least Concern USFWS, BCC-Birds of Conservation Concern	270 275	2405 S:4	0	2	1	0	0	1	1	3	4	0	0
<i>Caulanthus californicus</i> California jewelflower	G1 S1	Endangered Endangered	Rare Plant Rank - 1B 1	285 285	63 S:1	0	0	0	0	1	0	1	0	0	0	0
<i>Pseudotsuga peirsonii</i> San Joaquin adobe sunburst	G1 S1	Threatened Endangered	Rare Plant Rank - 1B 1 SB, RSABG-Rancho Santa Ana Botanic Garden		47 S:1	0	0	0	0	1	0	1	0	0	0	0
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	G4T2 S2	Endangered Threatened		275 300	977 S:4	0	0	0	0	0	4	4	0	4	0	0

CNPS *California Native Plant Society*

Rare and Endangered Plant Inventory

Plant List

16 matches found. [Click on scientific name for details](#)

Search Criteria

Found in 9 Quads around 36119B3

Scientific Name	Common Name	Family	Lifeform	Rare Plant Rank	State Rank	Global Rank	Photo	State Listing Status	Federal Listing Status	Lowest Elevation	Highest Elevation	CA Endemic
Atriplex cordulata var. cordulata	hoarfescue	Chenopodiaceae	annual herb	1B.2	S2	G3T2	no photo available			0 m	560 m	yes
Atriplex cordulata var. erecticaulis	Earlman orache	Chenopodiaceae	annual herb	1B.2	S1	G3T1				40 m	100 m	yes
							2009 Robert E. Preston, Ph.D.					
Atriplex depressa	brittlescale	Chenopodiaceae	annual herb	1B.2	S2	G2				1 m	320 m	yes
							2009 Zoya Akulova					
Atriplex minuscula	lesser saltscale	Chenopodiaceae	annual herb	1B.1	S2	G2				15 m	200 m	yes
							2000 Robert E. Preston, Ph.D.					
Atriplex subvirens	subtle orache	Chenopodiaceae	annual herb	1B.2	S1	G1				40 m	100 m	yes
							2010 Robert E. Preston, Ph.D.					
Caulanthus californicus	California Jewelflower	Brassicaceae	annual herb	1B.1	S1	G1		CE	FE	61 m	1000 m	yes

Appendix C Species Lists

<u>Delphinium</u> <u>hansenii</u> ssp. <u>ewanianum</u>	Ewan's larkspur	Ranunculaceae	perennial herb	4.2	S3	G4T3		2010 David A. Tharp	60 m	600 m	yes	
<u>Delphinium</u> <u>insipidum</u>	unexpected larkspur	Ranunculaceae	perennial herb	4.3	S3	G3		2011 Debra L. Cook	1800 m	2800 m	yes	
<u>Delphinium</u> <u>recurvatum</u>	recurved larkspur	Ranunculaceae	perennial herb	18.2	S2?	G2?		2009 Alison M. Sheehy	3 m	750 m	yes	
<u>Eriogonum</u> <u>missillanum</u>	Twisselmann's buckwheat	Polygonaceae	perennial herb	18.2	S3	G3		2015 Debra L. Cook	CR	2375 m	2400 m	yes
<u>Eryngium</u> <u>spinosepalum</u>	spiny-sepal'd button-celery	Apiaceae	annual / perennial herb	18.2	S2	G2		2009 Cristian Singer	80 m	875 m	yes	
<u>Hordeum</u> <u>inflexidens</u>	vernal barley	Poaceae	annual herb	3.2	S3S4	G3G4			5 m	1000 m		

[illegible]



Appendix D Federal Endangered Species Act Determination

The following species list was obtained from the U.S. Fish and Wildlife Service on October 19, 2016, and summarizes the Federal Endangered Species Act effect determination for each species.

Species	Status ¹	Acreage of Habitat Impacts Permanent/Temporary	Species Impacts Expected After Avoidance, Minimization and/or Mitigation Measures	FESA Determination
Blunt-nosed leopard lizard	FE, SE	0/0	No, no habitat on-site.	No effect
California condor	FE	0/0	No, no habitat on-site	No effect
California jewel-flower	FE, SE	0/0	No, no habitat on-site	No effect
California red-legged frog	FT	0/0	No, no habitat on-site	No effect
Delta smelt	FT	0/0	No, no habitat on-site, not upstream of suitable habitat	No effect
Giant garter snake	FT	0/0	No, no habitat on-site	No effect
Keck's checkerbloom	FE, 1B.1	0/0	No, no habitat on-site	No effect
San Joaquin adobe sunburst	FT, SE, 1B.1	0/0	No, no habitat on-site	No effect
San Joaquin kit fox	FE, ST	0/0	Possible. Species not observed but may use site to cross.	May affect, not likely to adversely affect
Southwestern willow flycatcher	FE	0/0/	No , no habitat on-site	No effect
Springville clarkia	FT, SE, 1B.2	0/0	No, no habitat on-site	No effect
Tipton kangaroo rat	FE, SE	0/0	No, no habitat on-site	No effect
Vernal pool fairy shrimp	FT	0/0	No, no habitat on-site	No effect

(1) FE = Federal Endangered; FT = Federal Threatened; SE = State Endangered; ST = State Threatened; FP = Fully Protected; 1B.1 = Rare, threatened, or endangered in California and elsewhere/seriously endangered in California; 1B.2 = Rare, threatened, or endangered in California and elsewhere/fairly endangered in California



Appendix E U.S. Fish and Wildlife Letter of Concurrence



In Reply Refer to:
08ESMF00-
2016-I-0225

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846



SEP 2 2016

Dena Gonzalez
Chief, Central Region Biology Branch
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721

Subject: Revision to the Letter of Concurrence for the Porterville State Route 190
Operational Improvements Project, Tulare County, California (California
Department of Transportation 06-TUL-190-PM 13.1/17.3; EA 06-0Q431)

Dear Ms. Gonzalez:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) August 17, 2016 letter informing us of a proposed modification to the project design for the Porterville State Route 190 Operational Improvements Project (project) in Tulare County. Your letter was received in our office on August 23, 2016. On February 9, 2016, the Service issued a letter concurring with Caltrans' determination that the project may affect, but is not likely to adversely affect the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*).

According to your August 17, 2016 letter, as well as based on further discussion with you, a third roundabout has been added to the project design, which will increase the overall amount of permanently and temporarily affected habitat across the project extent by 2.06 acres (ac) and 0.23 ac, respectively. You have concluded that this addition will not change your original determination that the project may affect, but is not likely to adversely affect the San Joaquin kit fox. This is based on the small scale of the overall amount of additional impacts, as well as on the limited availability of habitat considered to be suitable for the species at the site of the new roundabout.

The remainder of this letter includes the text from our original February 9, 2016 concurrence letter. Text removed from our concurrence letter is shown by a strikethrough line and new text is shown by an underline; this convention is used throughout this letter:

Project Description

Caltrans proposes to conduct a series of operational improvements at four locations along State Route (SR) 190 spanning from 0.3-mile (mi) west of Westwood Street to 0.3-mi east of Plano Street in the City of Porterville in Tulare County. The proposed project intends to address local development impacts in west Porterville by providing channelization, eliminating merge movements, and allowing pedestrian access at these locations.

Location 1: To improve operations at the current four-way stop controlled intersection of SR 190 and Westwood Street (postmile [PM] 13.45), Caltrans proposes to construct a dual-lane roundabout with a right-turn bypass lane. Drainage inlets will be installed to convey runoff to storage ditches. It

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also will construct a 10-foot (ft.) wide sidewalk at each corner of the intersection, along with splitter islands, to accommodate bicycle and pedestrian traffic. Caltrans will acquire approximately 3.0 acres (ac) of additional right-of-way (ROW) and temporary construction easements, and will upgrade the drive approaches and relocate utility poles. Buried utilities will be identified by potholing during the Plans, Specifications, and Estimates phase of project design.

Caltrans also proposes to widen the Poplar Ditch irrigation culverts located just north of the intersection in order to accommodate the other improvements associated with the roundabout. Caltrans will remove the existing headwalls, extend the existing two oval concrete culverts (measuring approximately 6.5-ft. wide and 4-ft. high) with cast-in-place concrete, and construct new concrete headwalls. Caltrans then will place concrete slope protection beyond the headwalls within the existing canal channel, followed by rock slope protection beyond the concrete slope protection. Finally, it will relocate the three existing gate valves and irrigation pipes on the outlet side (west side of Westwood Street).

Location 2: Currently, the outermost lane (#3) on westbound SR 190 drops out and merges into two lanes west of Jaye Street, which leads to conflicts with traffic diverging right onto the northbound SR 65 on-ramp. To improve route continuity and eliminate merge movements associated with the lane drop, Caltrans will extend the existing #3 lane along westbound SR 190 from Jaye Street to the northbound SR 65 on-ramp by adding 1,300-ft. of additional travel way and shoulder.

Location 3: At present, the eastbound SR 190 off-ramp exit onto Main Street is a shared left- and right-turn lane, which leads to difficulty for drivers to negotiate turn movements as traffic volumes increase. To minimize queuing and delay on the approach, Caltrans will construct a dedicated right-turn lane at this off-ramp in order to separate the two turning movements. Curb ramps and sidewalks will be provided where needed to meet Americans with Disabilities Act requirements within the interchange.

Location 4: Caltrans proposes to construct a dual-lane roundabout with right-turn bypass lanes at the existing signalized intersection of SR 190 and Plano Street in order to improve operations at the intersection and on the approaches, and to facilitate pedestrian movement. The roundabout design will alleviate excessive delays and reduce queuing. Within the intersection, Caltrans proposes to install new inlets and culverts, and modify existing culverts to convey runoff to storage ditches and storage areas. It also will build a 10-ft wide sidewalk at each corner of the intersection, along with splitter islands, to accommodate bicycle and pedestrian traffic. Caltrans will acquire approximately 0.6 ac of additional ROW and temporary construction easements, and will relocate utility poles. Buried utilities will be identified by potholing during the Plans, Specifications, and Estimates phase of project design.

Location 5: Caltrans proposes to construct a dual-lane roundabout at the intersection of College Avenue and Plano Street in order to improve operations at the intersection and on the approaches, and to facilitate pedestrian movement. This new roundabout is located immediately south of the SR 190/ Plano Street intersection where Caltrans plans to construct the Location 4 roundabout. Caltrans will acquire approximately 0.701 ac of additional right-of-way (ROW) to accommodate the new roundabout design.

Staging Areas

Caltrans currently has identified ~~three~~ four areas as potential staging locations for project equipment and vehicles. These include 1) the north side of SR 190 between SR 65 and Jaye Street at Location 2;

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2) the off-ramp at Main Street at Location 3; and 3) east of the intersection of Plano Street and SR 190 within the Caltrans ROW at Location 4; and 4) in close proximity to the intersection of Plano Street and College Avenue within the ROW at Location 5. For the purpose of this project, all staging areas will occur within the project footprint, as described on pages 4-5 of this document under the **Action Area** heading. Any location the contractor uses for equipment and materials staging that is outside this area will need to be evaluated and may require Caltrans either to revise its informal consultation or initiate formal consultation.

K-rail

Temporary k-rail barriers will be installed on-site for the purposes of traffic control and safety, though details of their placement may change later depending on Caltrans' decisions during the final phases of project design. At present, Caltrans anticipates using k-rail in the following manner: At Locations 1 and 4, as well as at Location 5, the structures will be installed in phases that correspond with the area of the intersection in which work currently is being conducted. At Location 2, k-rail will be installed along the extent of the footprint, and at Location 3, the barriers will be placed along the existing ramps where widening will take place.

Scheduling

Caltrans anticipates beginning construction in 2018 and completing the project in 2024. It estimates that 80 nights of work will be needed for various activities, including grading, earthwork and removal of excess fill, base rock transportation, Hot Mixed Asphalt work, tie-in points, sign foundation work, and roadway striping; however, the number of nights also may change depending on Caltrans' decisions during the final phases of project design.

Avoidance and Minimization Measures

Caltrans and its contractor will implement the following measures to reduce the potential for effects to the San Joaquin kit fox. For the purpose of this consultation, a "qualified biologist," as referenced in this document, refers to an individual who, at a minimum, holds a four-year degree in a relevant biological field and who has demonstrated knowledge of, and experience with, the San Joaquin kit fox.

1. Preconstruction surveys will be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Surveys for the San Joaquin kit fox and its dens will be performed throughout the project footprint as well as within 200-ft. of the footprint.
2. A qualified biologist(s) will conduct an environmental awareness training program for all construction personnel (including employees, subcontractors, and contractor's representatives), covering the status of the San Joaquin kit fox, the importance of avoiding impacts to the species, and the penalties for not complying with minimization requirements. New construction personnel who are added to the project after the training is first conducted also will be required to take the training.
3. A qualified biologist(s) will be present on-site during initial ground-disturbing activities. The biologist(s) also will be available on-call when not present on-site.

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4. Although no potential or known dens currently have been identified in the project area, disturbance to any potential or known dens that become established in the period leading up to the start of construction will be avoided.
 - a. Potential and atypical dens that are located at least 50-ft. from construction will be protected with a 50-ft. zone. Known dens that are located at least 100-ft. from construction will be protected with a 100-ft. zone. In instances where 50-ft. or 100-ft. exclusion zones cannot be maintained, potential and/or known dens will be monitored; once these dens are verified to be unoccupied, they will be blocked temporarily (via sandbagging or installation of a one-way door) for the duration of the project.
 - b. If a natal/pupping den is discovered either within the project footprint or within 200-ft. of the footprint, Caltrans will notify the Service immediately.
5. Caltrans will install modified k-rail barriers that facilitate San Joaquin kit fox movement and passage across the roadways. Openings in the barriers will be spaced approximately every 140-ft. (which corresponds to every seven 20-ft. segments). Design options may include, but are not limited to:
 - a. One 8-inch diameter hole cast or bored into a typical rail segment;
 - b. A Type J passageway that off-sets a segment of k-rail via a gap measuring a minimum of 6-inches;
 - c. A Type M passageway measuring 10-inches wide, with a thrie beam to connect and secure the two segments of concrete barrier located on either side of the passageway.
6. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
7. No pets or firearms will be allowed on the project site.
8. All construction pipes, culverts, or similar structures stored on-site with a diameter of four inches or greater will be inspected for the San Joaquin kit fox prior to the structures being buried, capped, or moved. If a San Joaquin kit fox is discovered, that section of pipe will not be moved until the Service has been contacted and the San Joaquin kit fox is allowed to leave without harassment.
9. To prevent the inadvertent entrapment of the San Joaquin kit fox during construction, all excavated, steep-walled holes or trenches more than 2-ft. deep will be covered at the close of each work day or provided with escape ramps constructed of fill or wooden planks. These will be checked daily for the duration that they are covered. Prior to any holes or trenches being filled, they will be thoroughly inspected for trapped individuals.

Action Area

The action area is defined in 50 CFR § 402.02, as "all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action." The action area is composed of the project footprint (defined by Caltrans as the project impact area) for each of the ~~four~~ five construction locations situated along an approximately 3.5-mi segment of SR 190; the

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project footprints consist of portions of ruderal, agricultural, and developed lands, as well as non-native grassland and including a short segment of waterway, all of which will be impacted by intersection and roadway improvement activities and used for staging and access. The size of each footprint is as follows: Location 1 - 7.78 ac; Location 2 - 1.17 ac; Location 3 - 0.68 ac; and Location 4/Location 5 - ~~11.08~~ 14.43 ac. The action area also includes land extending approximately 200-ft. from the edge of each footprint, which will experience further-reaching effects of construction activities such as noise and visual disturbance.

Effects Analysis

Habitat Description

The action area is composed of various habitat types, including developed areas (pavement), landscaping, bare ground, non-native grassland, and ruderal and agricultural lands. The original natural vegetation in the action area has been significantly altered over time through urbanization. The suburban and residential areas surrounding each of the four footprints are maintained regularly by mowing. Given this degree of disturbance, the vegetation in the action area consists primarily of disturbance-favoring, invasive species like Russian thistle (*Salsola tragus*) and other non-native weedy species.

- The Location 1 intersection consists of paved segments of SR 190 and South Westwood Street; portions of ruderal habitat and bare ground within the ROW; and portions of agricultural land comprising orange trees, olive trees, and cane berries. Poplar Ditch extends under Westwood Street through the northwest and northeast quadrants of the intersection.
- Location 2 consists of a paved segment of SR 190, landscaped vegetation, bare ground, and a small amount of ruderal land within the ROW.
- Location 3 consists of a paved segment of the SR 190 off-ramp leading to South Main Street, plus disturbed areas with landscaped lawns and trees.
- The Location 4/Location 5 intersections consists of paved segments of SR 190, College Avenue, and South Plano Street, landscaping, bare ground, and a mixture of non-native grassland and ruderal areas within both the existing and newly proposed ROW.

Surveys

According to the California Natural Diversity Database (CNDDB, 2016)¹, there are no San Joaquin kit fox records identified within the action area. The closest two records are located approximately 1.8-mi south and 2.2-mi southwest of Location 1, and date from 1989 and 1975, respectively.

A Caltrans biologist conducted a reconnaissance survey of the project footprint on October 29, 2013; Caltrans biologists again visited the site on January 25, 2015 to review the potential for listed animals and plants to occur. From July 13-16, 2015 they also conducted spotlight surveys for the San Joaquin kit fox along local roads within 2-mi of the project area. Spotlight surveys took place between the hours of approximately 8:30pm - 1:30am. No individuals were observed. No individuals, dens, or associated sign were observed during any of the field visits and surveys.

¹ California Natural Diversity Database. 2016. Natural Heritage Division, California Department of Fish and Wildlife. RareFind 5. Sacramento, California. Accessed January 14, 2016.

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Habitat Impacts

There will be a total permanent loss of ~~9.85~~ 11.91 ac of ruderal, non-native grassland, and agricultural habitat due to construction associated with the roundabouts (4.71 ac at Location 1 and ~~4.02~~ 6.08 ac at Location 4/Location 5), the auxiliary lane (0.68 ac at Location 2), and the additional turning lane (0.44 ac at Location 3). There also will be temporary disturbance to ~~0.38~~ 0.61 ac of ruderal, non-native grassland, and agricultural habitat as a result of establishing temporary construction easements and access areas for project equipment and vehicles. Caltrans has determined the existing habitat in the action area to be low-quality for the San Joaquin kit fox because it is fragmented and highly disturbed. There may be some limited denning and foraging potential given that several areas consisting of non-native grassland are present (specifically at Location 4), and that California ground squirrel (*Otospermophilus beecheyi*) burrows were identified during the January 2015 field visit and rabbits were observed during the July 2015 spotlight surveys. However, because there is no limited suitable natural habitat present within ~~any of~~ the individual footprints, and what remains there is of such impaired quality, the loss of, and disturbance to, habitat in the project footprints is unlikely to result in adverse effects to the San Joaquin kit fox.

Temporary K-rail Barriers

Caltrans anticipates using modified temporary k-rail barriers on the project site, with openings spaced at approximately 140-ft. intervals in order to provide a degree of roadway permeability and a means for the San Joaquin kit fox potentially to move through the barriers. The action area is situated on the border of the Porterville/Lake Success satellite recovery area for the San Joaquin kit fox (Service, 2010)² so there is some potential for the species to occur in or move through the action area. Despite this, the presence on-site of these modified structures will be unlikely to adversely affect the San Joaquin kit fox given that each location footprint is small-scale (Location 1: extends approximately 0.31-mi along both Westwood Street and SR 190; Location 2: extends approximately 0.23-mi along SR 190; Location 3: extends approximately 0.08-mi along the SR 190 eastbound off-ramp; and Location 4/Location 5: extends approximately ~~0.28~~ 0.45-mi along Plano Street, 0.07-mi along College Avenue, and 0.37-mi along SR 190), so the barriers will be installed only within small restricted areas.

Other Construction Effects

Adverse effects to the San Joaquin kit fox from project-related equipment/vehicle strikes are unlikely to occur given the low likelihood for the species to be present in the action area and the implementation of the proposed avoidance and minimization measures such as preconstruction surveys, personnel training, and daily trash removal.

Determination

The Service concurs with Caltrans' conclusion that the action may affect, but is not likely to adversely affect the San Joaquin kit fox because the potential for the action to affect the species is discountable. This conclusion is based on the results of recent surveys, the absence of observable sign within the action area, the impaired quality of the habitat, and the conservation measures proposed to reduce potential effects to the species.

² U.S. Fish and Wildlife Service. 2010. San Joaquin Kit Fox (*Vulpes macrotis mulica*) 5-Year Review: Summary and Evaluation. Sacramento Fish and Wildlife Office, Sacramento, California. 122 pp.

Dena Gonzalez

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Closing Statement

These modifications do not change the conclusion of our February 9, 2016 concurrence letter: the action is not likely to adversely affect the San Joaquin kit fox. No further coordination with the Service under section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) is necessary at this time. This concludes our revision letter for the Porterville State Route 190 Operational Improvements Project.

If you have questions regarding this letter, please contact Jen Schofield (jen_schofield@fws.gov) or me (thomas_lecman@fws.gov) at the letterhead address, by email, or at (916) 414-6544.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Lecman', followed by a long horizontal flourish.

Thomas Lecman
Chief, San Joaquin Valley Division

cc:

Craig Bailey, California Department of Fish and Wildlife, Fresno, California



Appendix F Comments and Responses from First Circulation

This appendix contains the comments received during the public circulation and comment period for the previous draft environmental document from November 4, 2015 to December 4, 2015. A public notice was published in the *Porterville Recorder* on November 4, 2015 to announce the availability of the draft environmental document and offer the opportunity for a public hearing.

Caltrans received written comments from state and local agencies and the public. Substantive comments are numbered, and responses are provided immediately following the comments.

On January 26, 2016, the Project Development Team held a focused meeting to address concerns of commenters that made substantive comments on the project during the circulation of the draft environmental document. The meeting was held at the Porterville Unified School District office at 600 West Grand Avenue in Porterville, California. Those in attendance included:

- Caltrans staff—John Liu (District Deputy Director, Maintenance/Operations), Curt Hatton (Project Manager), Abdul Baker (Design Manager), Michael Dennison (Project Engineer), Ray Prado (Project Engineer), Kent Hagen (Senior Right-of-Way Agent), Michelle Ray (Senior Environmental Planner), and Som Phongsavanh (Associate Environmental Planner)
- City of Porterville staff—Michael Reed (Public Works Director), John Lollis (City Manager)
- Porterville Unified School District staff—Dr. John Snavely (Superintendent), Dr. Ken Gibbs (Assistant Superintendent/Business Services), Dr. Nate Nelson (Assistant Superintendent/Human Resources), Angel Valdez (Pioneer Middle School Principal), Laura Vera (Vandalia Elementary School Principal)
- Porterville College staff—Eric Middlestead (Associate Vice Chancellor of Construction and Facilities Planning/Kern Community College District), John Word (Maintenance & Operations Department Manager), Harry Tow (Quad Knopf)
- Property owners—Ken Rollans, Linda Fiorini, Clayton Fees, Gary Fees, Beverly Fees, Ila Fees

Written concerns Caltrans received from commenters were addressed at this meeting. Topics that were discussed included safety concerns of pedestrians and emergency responders that would use the proposed roundabout at Plano Street and State Route 190. Also discussed were the exiting of commuters from Porterville College and potential access restrictions to residential properties. Responses to these concerns are provided following the comment letters in this section. Other concerns raised by school officials were in regard to the traffic backups that regularly occur during the morning when students are dropped off by parents. Entrances to Porterville College, Vandalia Elementary School, and Pioneer Middle School all occur in close proximity to one another, along Plano Street just south of State Route 190.

Officials are concerned that a roundabout at State Route 190 and Plano Street may exacerbate this congestion issue.

Comment from the State Clearinghouse



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

December 3, 2015

Michelle Ray
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, CA 93721

Subject: Porterville Intersection Improvements
SCH#: 2015111006

Dear Michelle Ray:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on December 2, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,


Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Appendix F Comments and Responses from First Circulation

Document Details Report
State Clearinghouse Data Base

SCH# 2015111006
Project Title Porterville Intersection Improvements
Lead Agency Caltrans #8

Type	Neg Negative Declaration
Description	The proposed project would: -Construct a roundabout at Westwood Street at SR 190. -Extend the existing number 3 lane along westbound SR 190 from Jaye Street to the northbound SR 65 on-ramp with the addition of 1,300 feet of auxiliary lane and shoulder. -Construct a right turn lane on the SR 190 eastbound off-ramp onto Main Street, and upgrade ramps for ADA compliance. -Construct a roundabout at Plano Street at SR 190.

Lead Agency Contact

Name	Michelle Ray		
Agency	California Department of Transportation, District 6		
Phone	559-445-5286	Fax	
email			
Address	855 M Street, Suite 200		
City	Fresno	State CA	Zip 93721

Project Location

County	Tulare
City	Porterville
Region	
Lat / Long	36° 03' 04.5" N / -119° 04' 15.5" W
Cross Streets	On SR 190 from 0.3 mile west of Westwood Road to 0.3 mile east of Plano Street
Parcel No.	
Township	
Range	
Section	
Base	

Proximity to:

Highways	65, 145
Airports	Porterville Municipal Airport
Railways	
Waterways	Tule River, Poplar Ditch
Schools	Porterville College
Land Use	Rural res., very low to low density res., industrial park, retail, industrial, gen/service com., education, med. to hi. density res.

Project Issues Aesthetic/Visual; Biological Resources

Reviewing Agencies	Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics, California Highway Patrol; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission
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Date Received	11/03/2015	Start of Review	11/03/2015	End of Review	12/02/2015
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Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to the State Clearinghouse

Thank you for your comments and acknowledging Caltrans' compliance with California Environmental Quality Act requirements pursuant to State Clearinghouse guidelines. Caltrans has recorded the corresponding State Clearinghouse number for this project.

Comment from the Department of Conservation



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 18-01
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., Governor
John M. Lowrie, Assistant Director

November 23, 2015

VIA EMAIL: MICHELLE.RAY@DOT.CA.GOV

Ms. Michelle Ray, Senior Environmental Planner
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, CA 93721

Dear Ms. Ray:

**PORTERVILLE INTERSECTION IMPROVEMENT PROJECT, INITIAL STUDY WITH
PROPOSED NEGATIVE DECLARATION**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Initial Study with Proposed Negative Declaration for the Porterville Intersection Improvements Project submitted by the State Department of Transportation (Caltrans). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project.

Project Description

The proposed project is located on State Route 190 in Tulare County, from 0.3 mile west of Westwood Street to 0.3 mile east of Plano Street. The purpose of the proposed project is to provide channelization, eliminate merge movements and allow pedestrian movements at the following locations along State Route 190.

Location 1: Westwood Street Intersection

State Route 190 is a 2-lane conventional highway with an at-grade intersection at this location. The existing intersection is a 4-way stop controlled intersection. A dual-lane roundabout with a right-turn bypass lane is proposed at this location that would improve intersection operations.

Location 2: Jaye Street to State Route 65

Currently, the outer lane (number 3 lane) on State Route 190 drops out and merges into two lanes west of Jaye Street that leads to conflicts with traffic diverging right onto the northbound State Route 65 on-ramp. To improve route continuity and eliminate merge movements an auxiliary lane would be constructed along westbound State Route 190 from Jaye Street to the northbound State Route 65 onramp by adding 1,300 feet of travel way and shoulder. Work will consist of regrading the side slope of a storage ditch and adjusting existing drainage inlets located in the drainage system running parallel on the north side of State Route 190.

Location 3: Main Street Eastbound Off-ramp Intersection

Currently, this eastbound off-ramp exit is a shared left and right turn lane. Motorists experience difficulty negotiating turn movements onto Main Street as traffic volumes increase. To minimize queuing and delay on the approach, a dedicated right-turn lane is proposed to be constructed to

Ms. Michelle Ray
November 23, 2015
Page 2 of 3

separate the two turning movements. Curb ramps and sidewalk will be provided where needed to meet Americans with Disabilities Act requirements within the interchange.

Location 4: Plano Street Intersection

An early onset of operational failure is occurring currently on the northbound approach where queue blocking and excessive delay occur in the morning for a short period. A dual-lane roundabout with right-turn bypass lanes is proposed at this location to improve operations in the intersection and on the approaches, and to provide for pedestrian movements.

Agricultural Impacts

A total of four agricultural parcels would be affected by the proposed project. Approximately 3.09 acres of permanent new right-of-way would be converted from designated agricultural land with approximately 2.13 acres being classified as Unique Farmland and 0.96 acre as Farmland of Local Importance. Approximately 0.18 acre would be required for temporary construction easements at three of the four affected parcels. Two of the parcels requiring minor right-of-way acquisition for construction of the proposed project are under Williamson Act contract.

Public Acquisition Notification Process

The Williamson Act requires public agencies to notify the Director of the Department of the possibility of acquisition of Williamson Act contracted land for public improvements (Government Code (GC) §51291). Notice is required in the following instances:

1. Notice before making a decision to acquire property located in an agricultural preserve;
2. Notice within 10 days when the property is actually acquired;
3. Notice if the public entity proposes any significant changes to the acquisition; and
4. Notice after acquisition if the acquiring public agency decides not to acquire the property for the intended purpose.

Enclosed for your benefit is a copy of the Public Acquisition Notification Provisions of the Williamson Act, which we offer as a guide for the public process.

Department Comments

The Department reiterates that the Williamson Act statute specifically requires public agencies to notify the Director of the Department of Conservation before making a decision to acquire property located in an agricultural preserve for a public improvement project Government Code (GC) § 51291(b)).

Please note that Senate Bill 985 (Chapter 1018, Statutes of 1999), repealed provisions which allowed California Environmental Quality Act (CEQA) documents to provide the required notices and findings for public acquisition of agricultural preserve lands. As a result, this notification must be sent directly to the Director of the Department of Conservation and the local governing body responsible for the administration of the agricultural preserve, pursuant to GC § 51291.

Appendix F Comments and Responses from First Circulation

Ms. Michelle Ray
November 23, 2015
Page 3 of 3

In order for the Department of Transportation to meet the notice requirements and facilitate the project, it should directly notify the Director of the Department of Conservation of its intent to acquire parcels located in an agricultural preserve for the above mentioned project.

1

Thank you for the opportunity to provide comments on the Porterville Intersection Improvement Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions concerning our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or at farl.grundy@conservation.ca.gov.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

Enclosure



Department of Conservation Division of Land Resource Protection

Public Acquisition Notification Procedures A Step by Step Guide



The following information explains the public acquisition notification procedures for a public agency's acquisition of land located in an Agricultural Preserve and/or under a Land Conservation (Williamson) Act contract.

If you have additional questions, or suggestions for improvement of this document, please contact the Williamson Act Program at 916-324-0850.

A public acquisition is the acquisition of land located in an agricultural preserve by a public agency or person, acting on behalf of a public agency¹, for a public improvement². Land acquisition includes interests in real property, including partial interests such as utility and conservation easements.

When is a Notice Required?

Public Acquisition Notice is required whenever it appears that land within an agricultural preserve may be required by a public agency, or by a person (acting on behalf of a public agency) for a public use. The public agency or person shall advise the Director of the Department of Conservation (Department) and the local governing body (city/county) responsible for the administration of the agricultural preserve of its intention to consider the location of a public improvement within an agricultural preserve (GC § 51291(b)), or on property restricted by a Land Conservation Act contract.

Does the CEQA Process Constitute a Public Acquisition Notice?

No. Notice of the intention to acquire a property located in an agricultural preserve must be provided separately from a California Environmental Quality Act (CEQA) environmental notice.

The California Environmental Quality Act (CEQA) notice and review is a separate process and does not substitute for the notice of the intention to acquire a property located in an agricultural preserve. Senate Bill 985 (Johnston, statutes of 1999) clarified that CEQA notice does not equal the Public Acquisition Notification procedure stipulated in the Land Conservation Act³.

What are the Legal Requirements for a Public Acquisition Notice?

The requirement to notice occurs four times in the Land Conservation Act of 1965 statute.

1. Notice is required before making a decision to acquire property located in an agricultural preserve (GC §51290(b));

¹ Government Code § 51291(a)

² Government Code § 51290.5

³ Government Code § 51290 – § 51295

October 2014

2. Notice is required within 10 days of acquisition of the property (GC 51291(c));
3. Notice is required if the public entity proposes any significant changes to the acquisition, and
4. Notice is required after acquisition if the acquiring public agency decides not to acquire the property for the intended purpose (GC 51291(d)).

PUBLIC ACQUISITION NOTICE REQUIREMENTS

FIRST NOTICE - A public agency must notify:

1. The Director of the Department of Conservation,
2. The local jurisdiction (city/county) administering the agricultural preserve, when the public agency has the intention to acquire land in an agricultural preserve or a property restricted by Williamson Act contract for a public purpose⁴.

The first notice, must occur *before* the public agency makes a decision to acquire a property located in an agricultural preserve⁴. The first notice is required to be complete and accurate and should include the following information:

1. The public agency's explanation of its preliminary considerations of the findings of Government Code §51292 (a) and (b):
 - a. "The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (§51292(a))."
 - b. "There is no other land within or outside of the preserve on which it is reasonably feasible to locate the public improvement (§51292(b))."
2. A description of the agricultural preserve land it intends to acquire;
3. A copy of the Land Conservation Act contract on property that pertains to any land subject to the restrictions of such a contract between the local governing body, city or county, responsible for the administration of the agricultural preserve where the property to be acquired is located.

Things to Remember

- The Department of Conservation must be notified in advance of any proposed public acquisition and specific findings must be made (see number "1" under the heading first notice above).
- The public agency must review the Department's comments and provide any additional information requested by the Department to complete the administrative record before taking action to acquire the property.

Note: The Department will provide a comment in writing advising the public agency whether additional information is required or that the notice is sufficient and the administrative record is complete. In addition, Department staff may telephone or fax to request information to complete the notification process.

- The public agency must acquire the property via eminent domain or in lieu of eminent domain in order to make the contract null and void (Government Code §51295).
- The public agency is required to provide evidence that the acquisition actually occurred via eminent domain or in lieu of eminent domain (e.g., documents such as copies of

⁴ Government Code § 51291(b)

Department of Conservation

Public Acquisition – A Step by Step Guide

condemnation orders or a copy of the offer letter made to the landowner in lieu of eminent domain).

SECOND NOTICE

A second notice is required within 10 working days after acquisition⁵ (escrow has closed). The second notice shall include the following, if not previously provided due to some exemption in Government Code § 51290 – § 51295 (please state the applicable exemption in second notice):

1. The notice shall include a general explanation of the decision and the findings made pursuant to Government Code §51292.
2. A general description, in text or by diagram, of the agricultural preserve land acquired (a vicinity map is good); and
3. A copy of the applicable Land Conservation Act contract(s).

Note: If the information and documents, noted above, were provided to the Department in the first notice then the second notice need only list the documents as having been previously provided, and reference the date of the public agency's original letter to the Department. In cases where documentation is lacking or there are discrepancies in the information provided, the Department may request resubmission of the documentation to ensure that the administrative record is complete.

THIRD NOTICE

A third notice is required **if** there is a significant change in the public improvement that the public agency intends to locate on land that is acquired in an agricultural preserve for such a purpose. The public agency must provide notice to the Department and the local jurisdiction (city/county) regarding increases or decreases in the amount of land acquired; **OR**

THIRD / FOURTH NOTICE

A third/fourth notice is required if the public agency does not acquire the land it notified the Department it intended to acquire in the first notice and/or the public agency determines not to use the property it acquired for the purpose identified in the first notice. The land must be reenrolled under a contract that is as restrictive as the one it was under before the acquisition occurred (Government Code § 51295).

All notices should be sent to:

David Bunn, Director
Department of Conservation
c/o Division of Land Resource
Protection 801 K Street, MS 18-01
Sacramento, CA 95814-3528

⁵ Government Code § 51291(c)

Response to the Department of Conservation

Thank you for your comments on the project.

Response to comment 1: Caltrans will send a first notification to the Director of the Department of Conservation regarding Caltrans' plan to acquire land from an agricultural preserve pursuant to the requirements of Government Code §51291 (b). This notification will be submitted to the Director of the Department of Conservation prior to the right-of-way acquisition process.

Comment from the San Joaquin Valley Air Pollution Control District



DEC 04 2015

Michelle Ray
California Department of Transportation
Sierra Pacific Environmental Analysis Branch
855 M Street, Suite 200
Fresno, CA 93721

**Project: California Department of Transportation; Initial Study with Proposed
Negative Declaration – Porterville Intersection Improvements**

District CEQA Reference No: 20150965

Dear Ms. Ray:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of improvements along State Route 190 (Project) located in Porterville, CA. The District offers the following comments:

District Comments

- 1) The Initial Study claims that there is no impact on air quality. However, the Project includes the following:
 - "Construction of a roundabout at Westwood Street at State Route 190."
 - "Construction of an auxiliary lane along the State Route 190 from Jaye Street to the northbound State Route 65 on-ramp"
 - "Construction of a right turn lane on the State Route 190 eastbound off-ramp onto Main Street"
 - "Construction of a roundabout at Plano Street at State Route 190."

Based on the information above, construction activities will occur as a result of the Project improvements and there will be an impact on air quality. Therefore, the District recommends a discussion to support the determination of the impacts on air quality.

1

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1998 E. Gattysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34948 Flyover Court
Bakersfield, CA 93308-6725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org

www.healthyliving.com

Printed on recycled paper.

- 2) District Rule 9510 (Indirect Source Review) shall apply to any transportation or transit project where construction exhaust emissions equal or exceed two (2.0) tons of NOx or two (2.0) tons of PM10. The District has an established guidance when determining Indirect Source Review applicability for transportation projects. As such, projects with construction or a paved surface greater than 0.125 miles in length may result in emissions above two tons NOx and two tons PM10. Therefore, District Rule 9510 requirements and related fees may apply to the project referenced above. The District requires an Air Impact Assessment (AIA) application be submitted to the District for compliance with Rule 9510.

2

- 3) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

3

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Eric McLaughlin at (559) 230- 5808.

Sincerely,

Arnaud Marjollet
Director of Permit Services

for: 

Brian Clements
Program Manager

AM: em

Response to the San Joaquin Valley Air Pollution Control District (SJVAPCD)

Thank you for your comments on the project.

Response to comment 1: Preliminary studies performed in connection with the project indicated no impacts with regard to air quality. A “No Impact” answer in the last column of the CEQA Environmental Checklist, Section III, Air Quality, reflects this determination. Temporary air quality impacts are expected and will be minimized or avoided through Caltrans special provisions. Therefore, no further discussion was required.

Caltrans does not anticipate long-term impacts on air quality because:

1. This is not a capacity-increasing project.
2. A Particulate Matter Hot Spot was submitted on May 11, 2015 to the Interagency Consultation Partners, and they concluded that this was not a project of air quality concern.
3. The level of service and congestion will improve with the project.

Response to comment 2: Caltrans does not consider that the construction phase of the project is subject to District Rule 9510. Caltrans staff estimated construction emissions on the four segments of the Porterville Intersection Improvements project using the Sacramento Metro Air Pollution Control District Construction Emissions Tool (see pages following responses). The total project emissions of PM₁₀ was 0.4 ton and 0.2 ton for NO_x. Both of those amounts are well under the SJVAPCD Rule 9510 thresholds of 2 tons NO_x or 2 tons PM₁₀.

In addition, Caltrans and SJVAPCD staff met in 2008 and mutually agreed that projects that increase capacity would be held to the Rule 9510. Caltrans reviewed District Rule 9510, Section 4.0—Exemptions, which states the following for projects that do not increase single occupancy vehicle capacity:

4.4 The following shall be exempt from the requirements of this rule:

- 4.4.1 Reconstruction of any development project that is damaged or destroyed and is rebuilt to essentially the same use and intensity.
- 4.4.2 Transportation Projects that consist solely of:
 - 4.4.2.1 A modification of existing roads subject to District Rule 8061 that is not intended to increase single occupancy vehicle capacity, or,
 - 4.4.2.2 Transportation control measures included in a District air quality attainment plan.

Response to comment 3: Caltrans acknowledges the comment, and construction standard and non-standard specifications for dust control will be required by the contractor at the time of construction.

Road Construction Emissions Model, Version 7.1.1

Emission Estimates for -> Porterville (Main) Intersection Improvement											
Project Phases (English Units)	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)	CO2 (lbs/day)	
Grubbing/Land Clearing	0.1	0.7	0.9	5.2	0.0	5.2	1.1	0.0	1.1	296.9	
Grading/Excavation	0.1	0.8	1.6	5.3	0.1	5.2	1.1	0.0	1.1	591.4	
Drainage/Utilities/Sub-Grade	0.1	0.7	0.8	5.2	0.0	5.2	1.1	0.0	1.1	285.1	
Paving	0.1	0.7	0.4	0.0	0.0	-	0.0	0.0	-	211.4	
Maximum (pounds/day)	0.1	0.8	1.6	5.3	0.1	5.2	1.1	0.0	1.1	591.4	
Total (tons/construction project)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.4	
Notes: Project Start Year -> 2020 Project Length (months) -> 1 Total Project Area (acres) -> 1 Maximum Area Disturbed/Day (acres) -> 1 Total Soil Imported/Exported (yd ³ /day) -> 60 PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											
Emission Estimates for -> Porterville (Main) Intersection Improvement											
Project Phases (Metric Units)	ROG (kgs/day)	CO (kgs/day)	NOx (kgs/day)	Total PM10 (kgs/day)	Exhaust PM10 (kgs/day)	Fugitive Dust PM10 (kgs/day)	Total PM2.5 (kgs/day)	Exhaust PM2.5 (kgs/day)	Fugitive Dust PM2.5 (kgs/day)	CO2 (kgs/day)	
Grubbing/Land Clearing	0.0	0.3	0.4	2.4	0.0	2.4	0.5	0.0	0.5	135.0	
Grading/Excavation	0.1	0.4	0.7	2.4	0.0	2.4	0.5	0.0	0.5	268.6	
Drainage/Utilities/Sub-Grade	0.0	0.3	0.3	2.4	0.0	2.4	0.6	0.0	0.5	129.6	
Paving	0.0	0.3	0.2	0.0	0.0	-	0.0	0.0	-	96.1	
Maximum (kilograms/day)	0.1	0.4	0.7	2.4	0.0	2.4	0.5	0.0	0.5	268.6	
Total (megagrams/construction project)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.1	
Notes: Project Start Year -> 2020 Project Length (months) -> 1 Total Project Area (hectares) -> 0 Maximum Area Disturbed/Day (hectares) -> 0 Total Soil Imported/Exported (meters ³ /day) -> 46 PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											

Road Construction Emissions Model, Version 7.1.1

Emission Estimates for -> Porterville (Main Intersection Improvement)											
Project Phases (English Units)	ROG (lb/day)	CO (lb/day)	NOx (lb/day)	Total PM10 (lb/day)	Exhaust PM10 (lb/day)	Fugitive Dust PM10 (lb/day)	Total PM2.5 (lb/day)	Exhaust PM2.5 (lb/day)	Fugitive Dust PM2.5 (lb/day)	CO2 (lb/day)	
Grubbing/Land Clearing	0.1	0.7	0.9	5.2	0.0	5.2	1.1	0.0	1.1	296.9	
Grading/Excavation	0.1	0.8	1.6	5.3	0.1	5.2	1.1	0.0	1.1	591.4	
Drainage/Utilities/Sub-Grade	0.1	0.7	0.8	5.2	0.0	5.2	1.1	0.0	1.1	285.1	
Paving	0.1	0.7	0.4	0.0	0.0	-	0.0	0.0	-	211.4	
Maximum (pounds/day)	0.1	0.8	1.6	5.3	0.1	5.2	1.1	0.0	1.1	591.4	
Total (tons/construction project)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.4	
Notes: Project Start Year -> 2020 Project Length (months) -> 1 Total Project Area (acres) -> 1 Maximum Area Disturbed/Day (acres) -> 1 Total Soil Imported/Exported (yd ³ /day) -> 60 PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											
Emission Estimates for -> Porterville (Main Intersection Improvement)											
Project Phases (Metric Units)	ROG (kg/day)	CO (kg/day)	NOx (kg/day)	Total PM10 (kg/day)	Exhaust PM10 (kg/day)	Fugitive Dust PM10 (kg/day)	Total PM2.5 (kg/day)	Exhaust PM2.5 (kg/day)	Fugitive Dust PM2.5 (kg/day)	CO2 (kg/day)	
Grubbing/Land Clearing	0.0	0.3	0.4	2.4	0.0	2.4	0.5	0.0	0.5	135.0	
Grading/Excavation	0.1	0.4	0.7	2.4	0.0	2.4	0.6	0.0	0.6	269.6	
Drainage/Utilities/Sub-Grade	0.0	0.3	0.3	2.4	0.0	2.4	0.5	0.0	0.5	129.6	
Paving	0.0	0.3	0.2	0.0	0.0	-	0.0	0.0	-	96.1	
Maximum (kilograms/day)	0.1	0.4	0.7	2.4	0.0	2.4	0.6	0.0	0.6	269.6	
Total (megagrams/construction project)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.1	
Notes: Project Start Year -> 2020 Project Length (months) -> 1 Total Project Area (hectares) -> 0 Maximum Area Disturbed/Day (hectares) -> 0 Total Soil Imported/Exported (meters ³ /day) -> 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 H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											

Road Construction Emissions Model, Version 7.1.1

Emission Estimates for -> Porterville (Piano) Intersection Improvement											
Project Phases (English Units)	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)	CO2 (lbs/day)	
Grubbing/Land Clearing	0.2	1.5	1.5	10.1	0.1	10.0	2.1	0.1	2.1	416.4	
Grading/Excavation	0.3	1.9	4.1	10.2	0.2	10.0	2.2	0.1	2.1	1,325.8	
Drainage/Utilities/Sub-Grade	0.2	1.5	1.4	10.1	0.1	10.0	2.1	0.1	2.1	404.6	
Paving	0.2	1.5	1.0	0.1	0.1	-	0.0	0.0	-	330.9	
Maximum (pounds/day)	0.3	1.9	4.1	10.2	0.2	10.0	2.2	0.1	2.1	1,325.8	
Total (tons/construction project)	0.0	0.0	0.1	0.2	0.0	0.2	0.0	0.0	0.0	20.4	
Notes: Project Start Year -> 2020 Project Length (months) -> 2 Total Project Area (acres) -> 5 Maximum Area Disturbed/Day (acres) -> 1 Total Soil Imported/Exported (yd ³ /day) -> 178 PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											
Emission Estimates for -> Porterville (Piano) Intersection Improvement											
Project Phases (Metric Units)	ROG (kgs/day)	CO (kgs/day)	NOx (kgs/day)	Total PM10 (kgs/day)	Exhaust PM10 (kgs/day)	Fugitive Dust PM10 (kgs/day)	Total PM2.5 (kgs/day)	Exhaust PM2.5 (kgs/day)	Fugitive Dust PM2.5 (kgs/day)	CO2 (kgs/day)	
Grubbing/Land Clearing	0.1	0.7	0.7	4.6	0.0	4.5	1.0	0.0	0.9	189.3	
Grading/Excavation	0.1	0.8	1.9	4.6	0.1	4.5	1.0	0.0	0.9	802.8	
Drainage/Utilities/Sub-Grade	0.1	0.7	0.6	4.6	0.0	4.5	1.0	0.0	0.9	183.9	
Paving	0.1	0.7	0.4	0.0	0.0	-	0.0	0.0	-	150.4	
Maximum (kilograms/day)	0.1	0.8	1.9	4.6	0.1	4.5	1.0	0.0	0.9	802.8	
Total (megagrams/construction project)	0.0	0.0	0.1	0.2	0.0	0.2	0.0	0.0	0.0	18.5	
Notes: Project Start Year -> 2020 Project Length (months) -> 2 Total Project Area (hectares) -> 2 Maximum Area Disturbed/Day (hectares) -> 0 Total Soil Imported/Exported (meters ³ /day) -> 137 PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified. Total PM10 emissions shown in column F are the sum of exhaust and fugitive dust emissions shown in columns H and I. Total PM2.5 emissions shown in Column J are the sum of exhaust and fugitive dust emissions shown in columns K and L.											

Comment from Kern Community College District



FACILITIES AND CONSTRUCTION GROUP
2100 CHESTER AVENUE
BAKERSFIELD, CA 93301
(661) 336-5053 FAX (661) 336-5185

November 24, 2015

Michelle Ray, Senior Environmental Planner
Sierra Pacific Environmental Analysis Branch
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
Michelle.ray@dot.ca.gov

Re: Porterville Intersection Improvements, Initial Study with Proposed Negative Declaration,
State Route 190, Caltrans District 6, October 2015

Dear Ms. Ray:

Thank you for the opportunity to review the subject document.

The comments we offer here are not environmental comments but are related to apparent project design impacts on Porterville College's site and facilities. This project and its design have undoubtedly been reviewed in detail with the College in the past. Our comments are, therefore, probably duplicative to those which have already been discussed. However, it may be worth documenting them again, as a matter of record, during the environmental evaluation process.

With regard to the proposed State Route 190 improvements at Plano Street:

1. If the "Appendix A Preliminary Design Plans" are relatively accurate, it appears that the major College sign at the southwest corner of the intersection will have to be relocated.
2. The College's staff/service road entrance at the west side of Plano Street, south of State Route 190, currently experiences egress delays at peak traffic hours (the entrance is designated 'Lake Huron' drive on Caltrans Figures L-8, L-9 and L-10).

Egress to travel north, east or west is assisted during peak hours because of the Plano Street traffic gaps occasioned by traffic signalization at State Route 190. Such gaps will be nearly eliminated with the operation of the roundabout. Egress will be increasingly difficult as traffic increases as a result of community and College growth.

It is requested that Caltrans prepare and implement an adequate mitigation measure for this potential problem. One such measure would be to supplement the present exit with a mid-frontage exit and an acceleration lane on State Route 190.

1

2

3. An obvious problem is the depiction of Caltrans existing south right-of-way line as intersecting a number of buildings on the north edge of the campus site.

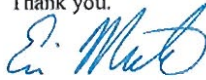
Caltrans advised that they are accurate in this matter. It is suggested that this be corrected by a quit-claim deed or other corrective legal instrument establishing an acceptable right-of-way line.

Other problems are apparently related to this right-of-way line – the loss of (small) landscaping trees to cut and fill operations and probable minor impacts on current solar-panel covered parking which is under construction.

3

It would be appreciated if you would refer these concerns to the appropriate person in your organization for response.

Thank you.



Eric Mittlestead
Associate Vice Chancellor of
Construction and Facilities Planning
Kern Community College District

\\college\do\Home\Kim Crews\2015-11-24 text for letter to Caltrans.docx

Response to the Kern Community College District

Thank you for your comments on the project.

Response to comment 1: It is anticipated that the red pillar sign and the concrete monument sign will need to be relocated. At the current phase of project design, it is assumed that the signs will be relocated in the general vicinity, possibly moved south-southeast to the outside of the proposed state right-of-way. Details on the relocation of the signs will be determined during the Plans, Specifications, and Estimates phase of the project.

Response to comment 2: The Intersection Control Evaluation dated July 10, 2015, recommended a roundabout at the State Route 190 and Plano Street intersection that satisfies the purpose and need of the project and is superior to the signalized intersection alternative, which was rejected. The evaluation shows that the roundabout would provide the least amount of delay per vehicle and best level of service for existing traffic volumes and traffic volumes forecast for the year 2040. Impacts to local streets in the vicinity of the Plano Street and State Route 190 intersection were accounted for in this evaluation.

Caltrans met with staff from Kern Community College District on January 26, 2016, to discuss concerns regarding exit delays during peak hour traffic, and Caltrans agreed to investigate alternatives that may improve the potential operational issues at the Lake Heron driveway and the intersection of College Avenue and Plano Street. Caltrans District 6 Traffic Planning recommended a dual-lane roundabout that would maintain an acceptable level of service based on 2040 traffic volume at Plano Street and College Avenue with the following lane configurations:

- One circulating lane in all directions
- Eastbound approach: 1 shared left/right lane
- Northbound approach: 1 shared left/through lane
- Southbound approach: 1 through lane and 1 right lane

For the driveway at Lake Heron on the west side of Plano, it is recommended to restrict turning movements to right-in and right-out only; a left-turn pocket at the driveway location on northbound Plano is optional. Two lanes on southbound Plano would be carried from the State Route 190/Plano Street roundabout all the way to the College Avenue intersection.

Caltrans presented these improvements to the City of Porterville and Kern Community College District staff at a follow-up meeting held on April 7, 2016. It was decided that the improvements south of the State Route 190 and Plano Street intersection would be added to the current scope of the project.

Response to comment 3: The existing right-of-way line has been revised as of December 7, 2015 by Caltrans District 6 Surveys. The existing right-of-way line runs next to the existing fence. Intersection improvements will remove small landscape trees and grass areas. The project requires replacement of all landscaping that is removed.

Comment from the Porterville Unified School District

PORTERVILLE UNIFIED SCHOOL DISTRICT			
<i>Creating Opportunities, Changing Lives</i>			
600 West Grand Avenue Porterville, CA 93257 (559) 793-2400			
DISTRICT BOARD OF TRUSTEES		DISTRICT BOARD OF TRUSTEES	
LILLIAN DURBIN President	JOHN SNAVELY, Ed.D. DISTRICT SUPERINTENDENT (559) 793-2456 (559) 793-1088 FAX		PAT CONTRERAS Member
HAYLEY BUETTNER Vice President			DAVID DePAOLI Member
SHARON GILL Clerk			PETE LARA, JR. Member
KEN GIBBS, Ed.D. Asst. Superintendent Business Services (559) 793-2450 (559) 791-8386 FAX	NATE NELSON, Ed.D. Asst. Superintendent Human Resources (559) 793-2480 (559) 791-0401 FAX	MARTHA STUEMKE, Ed.D. Asst. Superintendent Instructional Services (559) 793-2452 (559) 793-1083 FAX	FELIPE MARTINEZ Member

December 1, 2015

VIA FACSIMILE & US POSTAL MAIL

Caltrans
Attn: Michelle Ray
Senior Environmental Planner
Central Region Environmental Division
855 M Street, Suite 200
Fresno, CA 93721

RE: State Route 190 in Porterville

Dear Ms. Ray,

Porterville Unified School District would like to comment on the recent Negative Declaration prepared for the construction of a roundabout at Plano Street at State Route 190. Approximately two hundred students cross State Route 190 each day to attend Vandalia Elementary School and Pioneer Middle School. These students range from five years of age to twelve years of age.

Currently, they are served by a traffic light and cross walk at the intersection designated for the roundabout. Porterville Unified is very concerned regarding the safety of these students as they cross State Route 190 absent a traffic light. The majority of these students are English Language Learners, and will have had little or no exposure to roundabouts.

We would ask you to seriously consider an alternate method for the safe crossing of students at State Route 190 and Plano Street.

Sincerely,


Ken Gibbs
Assistant Superintendent
Business Services

AC/MS
Caltrans Map 15-10
Map Center 3 - Plano Roundabout

1

2

Response to the Porterville Unified School District

Thank you for your comments on the project.

Response to comment 1: Roundabouts have been successfully placed near schools throughout the country. Typically, there are no special controls needed near a school because the slow speeds of approaching traffic in a roundabout enhance pedestrian safety compared to traffic approaching a traffic signal. Currently, the elementary school students cross State Route 190 at Plano Street without any crossing guard. Because the proposed roundabout will have multiple lanes, Caltrans would place pedestrian hybrid beacons at the crossing.

Pedestrian hybrid beacons will be installed at all four legs of the roundabout to control traffic when pedestrians are inside the crosswalk. Because pedestrian hybrid beacons remain dark until activated by the pedestrian, they can help increase driver attention to pedestrians crossing the roadway. The pedestrian hybrid beacon's red signal indication requires motorists to stop.

Response to comment 2: On January 26, 2016, Caltrans staff met with Porterville Unified School District staff to discuss safety concerns of students crossing State Route 190 at Plano Street if a roundabout were in place. Porterville Unified School District staff was amenable to the proposal of installing pedestrian hybrid beacons at the crossing.

Comment from Ms. Julie Phillips, City of Porterville Community Development Manager



**Community Development
Department**

December 3, 2015

California Department of Transportation
ATTN: Michelle Ray, Senior Environmental Planner
Central Region Environmental Division
855 M Street, Suite 200
Fresno, CA 93721-2716

RE: Porterville Intersection Improvements (06-0Q43110/0614000004)

Ms. Ray,

Thank you for the opportunity to review the Initial Study with proposed Negative Declaration for the Porterville Intersection Improvements project. The City of Porterville is supportive of the proposed project, and has no comments in regard to the prepared environmental review.

Thank you,

Julie Phillips, AICP
Community Development Manager

Cc: John Lollis, City Manager
Michael K. Reed, Acting Public Works Director
Jennifer M. Byers, Community Development Director

Response to Ms. Julie Phillips, City of Porterville Community Development Manager

Thank you for your comments on the project. Caltrans appreciates and acknowledges your support for the proposed project.

Comment from the Lieutenant Duane Cornett, Tulare County Sheriff's Office

From: Duane Cornett <DCornett@co.tulare.ca.us>
Date: December 1, 2015 at 1:02:14 PM PST
To: <michelle.ray@dot.ca.gov>
Subject: Proposed negative declaration/Porterville Intersection Improvements

Ms. Ray,

Good afternoon. I am the station commander at the Tulare County Sheriff's Office, Porterville Substation. I am writing a response to the proposed improvements in the Porterville area. The main issue I see with the proposed roundabouts, especially at the Highway 190 and Plano intersection, is the potential of traffic clogging the roundabout if an emergency vehicle needs to get through on a Code 3 (lights and sirens) run. Vehicles already cause us enough heartache when we come up on them on a straight highway. Having them going through the roundabout and then trying to get around them in an emergency situation is going to prove to be even more difficult. Just my two cents and I hope the project goes well. Have a Merry Christmas and Happy New Year!

1

Lieutenant Duane Cornett
Tulare County Sheriff's Office
Commander-Porterville Substation
(559)782-9650 (main office)
(559)733-6218 (24 hr-Dispatch)

"Brevis Est Vitam, Carpe Diem"

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Response to Lieutenant Duane Cornett, Tulare County Sheriff's Office

Thank you for your comments on the project.

Response to comment 1: An emergency vehicle traveling through a roundabout has not been found to be an issue nationwide. Vehicles within the roundabout are to immediately exit. For a multilane roundabout, vehicles approaching or leaving the roundabout are to pull over to the right lane and stop, which would free one lane for the emergency vehicle to travel through.

Comment from Ms. Linda Fiorini

NOV. 19, 2015

CALTRANS, ATTENTION MICHELLE RAY,
SENIOR ENVIRONMENTAL PLANNER,
855 M. STREET, SUITE 200,
FRESNO, CA. 93721

I WOULD LIKE A PUBLIC HEARING
ON CONSTRUCTION OF A ROUNDABOUT AT
STATE ROUTE 190/PLANO STREET INTERSECTION

1

MINOR PERMANENT RIGHT-OF-WAY
ACQUISITION IS PROPOSED

WE OWNED PROPERTY AT 368 E. POPLAR RD.
PORTERVILLE, CA. 93257.

LINDA FIORINI

MY ADDRESS IS 1038 Rd 176 - TERRA BELLA
CA. 93270

PHONE (559) 784-3733

(559) 359-0746 - CELL

Response to Ms. Linda Fiorini

Thank you for your comments on the project.

Response to comment 1: Caltrans did not hold a public hearing during the comment period for the project due to the lack of requests from the public to hold one. Caltrans did hold a focused meeting with commenters on January 26, 2016, which you attended. At the meeting, you expressed concern about how access to your driveway along Plano Street would be affected by the project. Caltrans does not anticipate any impacts to your existing driveway along Plano Street. It is Caltrans policy to maintain existing driveways or provide access to all affected property owners.

Comment from Mr. Ken Rollans

From: Ken Rollans <pastorken@lwfchurchporterville.org>

Date: December 1, 2015 at 12:12:03 PM PST

To: <michelle.ray@dot.ca.gov>

Subject: proposed roundabout

Hello my name is Ken Rollans and I am the owner of the property at 910 Plano Street in Porterville. My question and concern relates to the roundabout proposed for the intersection of Plano and State Route 190. Since my property is just south of that intersection on the east side of the road, it looks like entrance into my property as you would travel south from the intersection may be blocked by the new lane construction. This would mean I would have to travel past my entrance and make a u-turn somewhere down past my entrance to enter my property. That is a great concern for there is really no place to make that u-turn and the traffic maybe hard to navigate and this would tremendously diminish my property value also. Thank you for hearing my concern and I will look for your response.
Ken Rollans 559-310-6885

1

Response to Mr. Ken Rollans

Thank you for your comments on the project.

Response to comment 1: Caltrans contacted you on April 13, 2016, to discuss your concerns regarding access to your property. Caltrans explained that a partnership with the City of Porterville will build roundabouts at both the State Route 190/Plano Street and College Avenue/Plano Street intersections and improve the operations of the area. Between State Route 190 and College Avenue on Plano Street, left-turn movements from the driveways will be eliminated and right-turn in/out movements will be permitted. Caltrans appreciates your understanding of the need for the project and your approval to proceed.



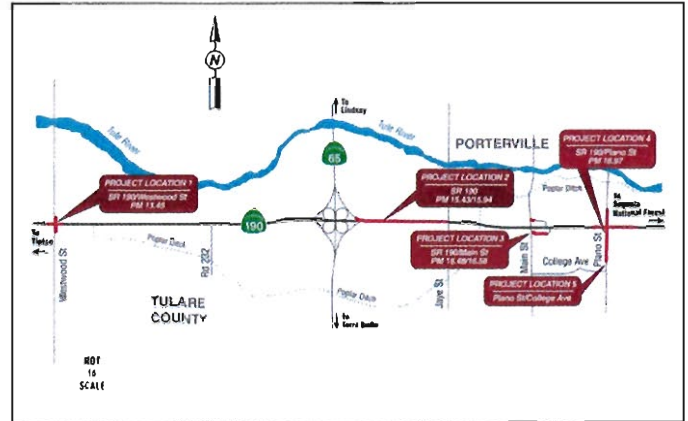
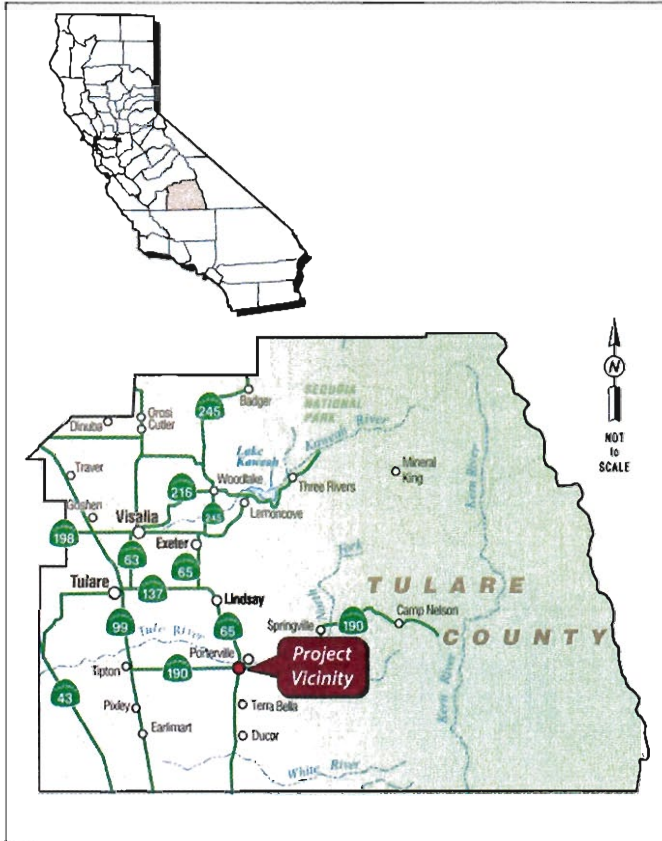
Appendix G List of Technical Studies Bound Separately

- Climate Change, August 2015
- Historic Property Survey Report, July 31, 2015
- Supplemental Historic Property Survey Report, November 2016
- Initial Site Assessment, June 11, 2015
- Location Hydraulic Report, November 14, 2014
- Natural Environment Study, August 2015
- Revised Visual Impact Assessment, September 21, 2016



Porterville Intersection Improvements

RECIRCULATED INITIAL STUDY WITH PROPOSED NEGATIVE DECLARATION



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<http://www.dot.ca.gov/d6/projects/>



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ATTACHMENT E
DPR Cost Estimate

PROJECT PLANNING COST ESTIMATE

EA: 06-0Q4310

EA: 06-0Q4310 PID: 614000004

PID: 614000004

District-County-Route: 06-Tul-190

PM: 13.1 - 17.3

Type of Estimate : Draft Project Report

Program Code : 400.1

Project Limits : PM13.1 - PM17.3

Project Description: Operational Improvements At Various Locations

Scope : Intersection Improvements; Auxiliary Lane; Right-Turn Lane; Curb Ramps

Alternative : Preferred

SUMMARY OF PROJECT COST ESTIMATE

	Current Year Cost	Escalated Cost
TOTAL ROADWAY COST	\$ 13,962,600	\$ 15,042,717
TOTAL STRUCTURES COST	\$ -	\$ -
SUBTOTAL CONSTRUCTION COST	\$ 13,962,600	\$ 15,042,717
TOTAL RIGHT OF WAY COST	\$ 2,046,155	\$ 2,255,886
TOTAL CAPITAL OUTLAY COSTS	\$ 16,009,000	\$ 17,299,000
PR/ED SUPPORT	\$ -	\$ -
PS&E SUPPORT	\$ -	\$ -
RIGHT OF WAY SUPPORT	\$ -	\$ -
CONSTRUCTION SUPPORT	\$ -	\$ -
TOTAL SUPPORT COST	\$ -	\$ -

TOTAL PROJECT COST	\$ 16,050,000	\$ 17,300,000
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If Project has been programmed enter Programmed Amount

Month / Year

Date of Estimate (Month/Year) 11 / 2016

Estimated Construction Start (Month/Year) 10 / 2019

Number of Working Days = 180

Estimated Mid-Point of Construction (Month/Year) 1 / 2020

Estimated Construction End (Month/Year) 6 / 2020

Number of Plant Establishment Days 365

Estimated Project Schedule

PID Approval	April-14
PA/ED Approval	January-17
PS&E	October-18
RTL	February-19
Begin Construction	October-19

Reviewed by District O.E.

Office Engineer

Date

Phone

Approved by Project
Manager

Project Manager

Date

Phone

(559) 243-3445

PROJECT COST ESTIMATE

EA: 06-0Q4310 PID: 614000004

I. ROADWAY ITEMS SUMMARY

	Section	Cost
1	Earthwork	\$ 686,900
2	Pavement Structural Section	\$ 4,535,100
3	Drainage	\$ 564,500
4	Specialty Items	\$ 305,600
5	Environmental	\$ 963,500
6	Traffic Items	\$ 1,773,800
7	Detours	\$ 267,100
8	Minor Items	\$ 454,900
9	Roadway Mobilization	\$ 955,200
10	Supplemental Work	\$ 481,900
11	State Furnished	\$ 345,200
12	Time-Related Overhead	\$ 382,100
13	Roadway Contingency	\$ 2,246,800
TOTAL ROADWAY ITEMS		\$ 13,962,600

Estimate Prepared By : Michael Dennison, Project Engineer 11/16/2016 (559) 243-3853
 Name and Title Date Phone

Estimate Reviewed By : Abdul Baker, Senior Design Engineer 11/17/2016 (559) 243-8037
 Name and Title Date Phone

By signing this estimate you are attesting that you have discussed your project with all functional units and have incorporated all their comments or have discussed with them why they will not be incorporated.

SECTION 1: EARTHWORK

Item code		Unit	Quantity		Unit Price (\$)		Cost
150770	Remove Asphalt Concrete Pavement (SQFT)	SQFT	22,315	x	1.25	= \$	27,894
153103	Cold Plane Asphalt Concrete Pavement	SQYD	4,539	x	5.00	= \$	22,695
153121	Remove Concrete (CY)	CY	187	x	400.00	= \$	74,800
160102	Clearing & Grubbing (LS)	LS	1	x	50,000.00	= \$	50,000
190101	Roadway Excavation	CY	34,117	x	10.00	= \$	341,170
190185	Shoulder Backing	TON	618	x	75.00	= \$	46,350
192037	Structure Excavation (Retaining Wall)	CY	105	x	130.00	= \$	13,650
193013	Structure Backfill (Retaining Wall)	CY	263	x	100.00	= \$	26,300
198010	Imported Borrow	CY	3,000	x	28.00	= \$	84,000

TOTAL EARTHWORK SECTION ITEMS	\$	686,900
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SECTION 2: PAVEMENT STRUCTURAL SECTION

Item code		Unit	Quantity		Unit Price (\$)		Cost
260203	Class 2 Aggregate Base	CY	11,048	x	47.00	= \$	519,256
390095	Replace Asphalt Concrete Surfacing	CY	2	x	1,500.00	= \$	3,000
390132	Hot Mix Asphalt (Type A)	TON	30,565	x	78.00	= \$	2,384,070
390137	Rubberized Hot Mix Asphalt (Gap Graded)	TON	7,799	x	95.00	= \$	740,905
394076	Place Hot Mix Asphalt Dike (Type E)	LF	2,656	x	2.50	= \$	6,640
397005	Tack Coat	TON	28	x	600.00	= \$	16,800
401050	Jointed Plain Concrete Pavement	CY	347	x	837.00	= \$	290,439
730070	Detectable Warning Surface	SQFT	789	x	36.00	= \$	28,404
731502	Minor Concrete (Miscellaneous Construction)	CY	1,091	x	500.00	= \$	545,500

TOTAL PAVEMENT STRUCTURAL SECTION ITEMS	\$	4,535,100
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PROJECT COST ESTIMATE

EA: 06-0Q4310 PID: 614000004

SECTION 3: DRAINAGE

Item code		Unit	Quantity		Unit Price (\$)		Cost
150809	Remove Culvert (LF)	LF	402	x	30.00	= \$	12,060
150820	Remove Inlet	EA	1	x	1,200.00	= \$	1,200
150859	Remove Asphalt Concrete Overside Drain	EA	17	x	550.00	= \$	9,350
394090	Place Hot Mix Asphalt (Miscellaneous Area)	SQYD	111	x	150.00	= \$	16,650
510090	Structural Concrete, Box Culvert	CY	162	x	1,200.00	= \$	194,400
510502	Minor Concrete (Minor Structure)	CY	34	x	2,100.00	= \$	71,400
520103	Bar Reinforcing Steel (Retaining Wall)	LB	5,020	x	1.80	= \$	9,036
520107	Bar Reinforcing Steel (Box Culvert)	LB	18,560	x	1.45	= \$	26,912
620800	Concrete Backfill (Pipe Trench)	CY	64	x	200.00	= \$	12,800
650014	18" Reinforced Concrete Pipe	LF	584	x	95.00	= \$	55,480
650018	24" Reinforced Concrete Pipe	LF	715	x	115.00	= \$	82,225
665024	24" Corrugated Steel Pipe (0.109" Thick)	LF	5	x	300.00	= \$	1,500
700615	Corrugated Steel Pipe Inlet	LF	5	x	500.00	= \$	2,500
705204	18" Concrete Flared End Section	EA	3	x	1,500.00	= \$	4,500
705206	24" Concrete Flared End Section	EA	7	x	1,500.00	= \$	10,500
707225	48" Precast Concrete Pipe Manhole	LF	5	x	800.00	= \$	4,000
721013	Rock Slope Protection (1/4T, Method B)	CY	99	x	150.00	= \$	14,850
721028	Rock Slope Protection (No. 2, Method B)	CY	42	x	300.00	= \$	12,600
723095	Rock Slope Protection (20 LB, CL 1, Method B)	CY	50	x	200.00	= \$	10,000
729011	Rock Slope Protection Fabric (Class 8)	SQYD	161	x	6.00	= \$	966
750001	Miscellaneous Iron and Steel	LB	4,184	x	2.50	= \$	10,460
750010	Manhole Frame and Cover	EA	1	x	1,100.00	= \$	1,100

TOTAL DRAINAGE ITEMS	\$	564,500
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SECTION 4: SPECIALTY ITEMS

Item code		Unit	Quantity		Unit Price (\$)		Cost
070030	Lead Compliance Plan	LS	1	x	2,000.00	= \$	2,000
080050	Progress Schedule (Critical Path Method)	LS	1	x	7,000.00	= \$	7,000
141120	Treated Wood Waste	LB	974	x	1.00	= \$	974
150608	Remove Chain Link Fence	LF	72	x	20.00	= \$	1,440
150620	Remove Gate	EA	5	x	300.00	= \$	1,500
150661	Remove Guardrail	LF	64	x	12.00	= \$	768
151531	Reconstruct Fence	LF	401	x	50.00	= \$	20,050
151534	Reconstruct Wood Fence	LF	326	x	35.00	= \$	11,410
151536	Reconstruct Fence (Type BW)	LF	2,088	x	15.00	= \$	31,320
151537	Reconstruct Fence (Type WM)	LF	646	x	10.00	= \$	6,460
151540	Reconstruct Chain Link Fence	LF	3,498	x	30.00	= \$	104,940
152255	Reset Mailbox	EA	5	x	300.00	= \$	1,500
152370	Relocate Mailbox	EA	2	x	300.00	= \$	600
156590	Remove Crash Cushion (Sand Filled)	EA	14	x	150.00	= \$	2,100
475010	Retaining Wall (Masonry Wall)	SQFT	1,579	x	40.00	= \$	63,160
801360	12' Metal Gate	EA	1	x	1,500.00	= \$	1,500
802520	6' Chain Link Gate (Type CL-6)	EA	2	x	1,100.00	= \$	2,200
810116	Survey Monument (Type D)	EA	5	x	850.00	= \$	4,250
832006	Midwest Guardrail System (Steel Post)	LF	949	x	32.00	= \$	30,368
839581	End Anchor Assembly (Type SFT)	EA	3	x	800.00	= \$	2,400
839584	Alternative In-Line Terminal System	EA	3	x	3,200.00	= \$	9,600

TOTAL SPECIALTY ITEMS	\$	305,600
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SECTION 5: ENVIRONMENTAL**5A - ENVIRONMENTAL MITIGATION**

Item code	Unit	Quantity		Unit Price (\$)		Cost
Biological Mitigation	LS	1	x	50,825.00	= \$	50,825
<i>Subtotal Environmental Mitigation</i>						<i>\$ 50,825</i>

5B - LANDSCAPE AND IRRIGATION

Item code	Unit	Quantity		Unit Price (\$)		Cost
Highway Planting	ACRE	0.61	x	52,000.00	= \$	31,611
Highway Planting (roundabout intersections)	ACRE	1	x	38,000.00	= \$	38,000
200114 Rock Blanket	SQFT	22,615	x	14.50	= \$	327,918
204099 Plant Establishment Work	LS	1	x	15,000.00	= \$	15,000
731530 Minor Concrete (Textured Paving)	CY	439	x	700.00	= \$	307,300
<i>Subtotal Landscape and Irrigation</i>						<i>\$ 719,828</i>

5C - EROSION CONTROL

Item code	Unit	Quantity		Unit Price (\$)		Cost
Erosion Control	LS	1	x	105000	= \$	105,000
<i>Subtotal Erosion Control</i>						<i>\$ 105,000</i>

5D - NPDES

Item code	Unit	Quantity		Unit Price (\$)		Cost
130100 Job Site Management	LS	1	x	45,000.00	= \$	45,000
130300 Prepare SWPPP	LS	1	x	8,000.00	= \$	8,000
130330 Storm Water Annual Report	EA	2	x	2,000.00	= \$	4,000
130620 Temporary Drainage Inlet Protection	EA	36	x	300.00	= \$	10,800
130730 Street Sweeping	LS	1	x	12,000.00	= \$	12,000
130900 Temporary Concrete Washout	LS	1	x	8,000.00	= \$	8,000
<i>Subtotal NPDES</i>						<i>\$ 87,800</i>

TOTAL ENVIRONMENTAL	\$ 963,500
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Supplemental Work for NPDES

066595 Water Pollution Control Maintenance Sharing*	LS	1	x	4,000.00	= \$	4,000
066596 Additional Water Pollution Control**	LS	1	x	4,000.00	= \$	4,000
066597 Storm Water Sampling and Analysis***	LS	1	x	1,200.00	= \$	1,200
<i>Subtotal Supplemental Work for NDPS</i>						<i>\$ 9,200</i>

*Applies to all SWPPPs and those WPCPs with sediment control or soil stabilization BMPs.

**Applies to both SWPPPs and WPCP projects.

*** Applies only to project with SWPPPs.

SECTION 6: TRAFFIC ITEMS**6A - Traffic Electrical**

Item code	Unit	Quantity	Unit Price (\$)	Cost
Lighting, Flashing Beacons and Remove existing Traffic Signal	LS	1 x	735,000.00 = \$	735,000
<i>Subtotal Traffic Electrical</i>				<i>\$ 735,000</i>

6B - Traffic Signing and Striping

Item code	Unit	Quantity	Unit Price (\$)	Cost
Roadside Signs	LS	1 x	75,000.00 = \$	75,000
120090 Construction Area Signs	LS	1 x	40,000.00 = \$	40,000
Pavement Delineation Items	LS	1 x	36,800.00 = \$	36,800
<i>Subtotal Traffic Signing and Striping</i>				<i>\$ 151,800</i>

6C - Traffic Management Plan

Item code	Unit	Quantity	Unit Price (\$)	Cost
128650 Portable Changeable Message Signs	LS	1 x	\$ 63,000 = \$	63,000
<i>Subtotal Traffic Management Plan</i>				<i>\$ 63,000</i>

6C - Stage Construction and Traffic Handling

Item code	Unit	Quantity	Unit Price (\$)	Cost
Traffic Handling Items including Detour	LS	1 x	300,000.00 = \$	300,000
Temp Traffic Signal, Lighting & Flashing Beacon	LS	1 x	200,000.00 = \$	200,000
120100 Traffic Control System	LS	1 x	324,000.00 = \$	324,000
<i>Subtotal Stage Construction and Traffic Handling</i>				<i>\$ 824,000</i>

TOTAL TRAFFIC ITEMS	\$ 1,773,800
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SECTION 7: DETOURS

Includes constructing, maintaining, and removal

Item code		Unit	Quantity		Unit Price (\$)		Cost
190101	Roadway Excavation	CY	4,183	x	10.00	= \$	41,830
190138	Roadway Excavation (Detour Removal)	CY	1,376	x	25.00	= \$	34,400
198010	Imported Borrow	CY	800	x	28.00	= \$	22,400
390132	Hot Mix Asphalt (Type A)	TON	2,159	x	78.00	= \$	168,402

TOTAL DETOURS	\$	267,100
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SUBTOTAL SECTIONS 1 through 7	\$	9,096,500
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SECTION 8: MINOR ITEMS**8A - Americans with Disabilities Act Items**

ADA Items	1.0%	\$	90,965
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8B - Bike Path Items

Bike Path Items	1.0%	\$	90,965
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8C - Other Minor Items

Other Minor Items	3.0%	\$	272,895
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Total of Section 1-7	\$	9,096,500	x	5.0%	= \$	454,825
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TOTAL MINOR ITEMS	\$	454,900
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SECTIONS 9: MOBILIZATION

Item code							
999990	Total Section 1-8	\$	9,551,400	x	10%	= \$	955,140

TOTAL MOBILIZATION	\$	955,200
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SECTION 10: SUPPLEMENTAL WORK

Item code		Unit	Quantity		Unit Price (\$)		Cost
066015	Federal Trainee Program	LS	1	x	3,200.00	= \$	3,200
066070	Maintain Traffic	LS	1	x	108,000.00	= \$	108,000
066094	Value Analysis	LS	1	x	10,000.00	= \$	10,000
066610	Partnering	LS	1	x	20,000.00	= \$	20,000
066670	Payment Adjustments For Price Index Fluctuations	LS	1	x	85,200.00	= \$	85,200
066919	Dispute Resolution Board	LS	1	x	7,500.00	= \$	7,500

<i>Cost of NPDES Supplemental Work specified in Section 5D</i>	= \$	9,200
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Total Section 1-8	\$	9,551,400	2.5%	= \$	238,785
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TOTAL SUPPLEMENTAL WORK	\$	481,900
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PROJECT COST ESTIMATE

EA: 06-0Q4310 PID: 614000004

SECTION 11: STATE FURNISHED MATERIALS AND EXPENSES

Item code		Unit	Quantity		Unit Price (\$)		Cost
066062	COZEEP Contract	LS	1	x	20,000.00	=	\$20,000
066063	Traffic Management Plan - Public Information	LS	1	x	11,000.00	=	\$11,000
066105	Resident Engineers Office	LS	1	x	72,000.00	=	\$72,000
066916	Annual Construction General Permit Fee	LS	1	x	3,325.00	=	\$3,325
Total Section 1-8		\$	9,551,400		2.5%	= \$	238,785

TOTAL STATE FURNISHED	\$345,200
-----------------------	-----------

SECTION 12: TIME-RELATED OVERHEAD

Total of Roadway and Structures Contract Items excluding Mobilization \$9,551,400 (used to calculate TRO)
Total Construction Cost (excluding TRO and Contingency) \$11,333,700 (used to check if project is greater than \$5 million excluding contingency)

Estimated Time-Related Overhead (TRO) Percentage (0% to 10%) = 4%

Item code		Unit	Quantity		Unit Price (\$)		Cost
090100	Time-Related Overhead	WD	180	X	\$2,123	=	\$382,100

TOTAL TIME-RELATED OVERHEAD	\$382,100
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Note: If the building portion of the project is greater than 50% of the total project cost, then TRO is not included.

SECTION 13: ROADWAY CONTINGENCY

Recommended Contingency: (Pre-PSR 30%-50%, PSR 25%, Draft PR 20%, PR 15%, after PR approval 10%, Final PS&E 5%)

Total Section 1-11 \$ 11,233,900 x 20% = \$2,246,780

TOTAL CONTINGENCY	\$2,246,800
-------------------	-------------

II. STRUCTURE ITEMS

DATE OF ESTIMATE	00/00/00		00/00/00		00/00/00
Name	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Bridge Number	57-XXX		57-XXX		57-XXX
Structure Type	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Width (Feet) [out to out]	0 LF		0 LF		0 LF
Total Length (Feet)	0 LF		0 LF		0 LF
Total Area (Square Feet)	0 SQFT		0 SQFT		0 SQFT
Structure Depth (Feet)	0 LF		0 LF		0 LF
Footing Type (pile or spread)	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Cost Per Square Foot	\$0		\$0		\$0
COST OF EACH	\$0		\$0		\$0

DATE OF ESTIMATE:	00/00/00		00/00/00		00/00/00
Name	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Bridge Number	57-XXX		57-XXX		57-XXX
Structure Type	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Width (Feet) [out to out]	0 LF		0 LF		0 LF
Total Length (Feet)	0 LF		0 LF		0 LF
Total Area (Square Feet)	0 SQFT		0 SQFT		0 SQFT
Structure Depth (Feet)	0 LF		0 LF		0 LF
Footing Type (pile or spread)	XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX		XXXXXXXXXXXXXXXXXXXX
Cost Per Square Foot	\$100		\$0		\$0
COST OF EACH	\$0		\$0		\$0

TOTAL COST OF BRIDGES	\$0
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TOTAL COST OF BUILDINGS	\$0
--------------------------------	------------

Structures Mobilization Percentage	10%	\$0
------------------------------------	-----	------------

Recommended Contingency: (Pre-PSR 30%-50%, PSR 25%, Draft PR 20%, PR 15%, after PR approval 10%, Final PS&E 5%)

Structures Contingency Percentage	10%	\$0
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TOTAL COST OF STRUCTURES	\$0
---------------------------------	------------

Estimate Prepared By: _____
 XXXXXXXXXXXXXXXXXXXX ----- Division of Structures

 Date

III. RIGHT OF WAY

Fill in all of the available information from the Right of Way data sheet.

A)	A1)	Acquisition, including Excess Land Purchases, Damages & Goodwill, Fees	\$	486,759
	A2)	SB-1210	\$	0
B)		Acquisition of Offsite Mitigation	\$	2,775
C)	C1)	Utility Relocation (State Share)	\$	1,448,765
	C2)	Potholing (Design Phase)	\$	11,000
D)		Railroad Acquisition	\$	0
E)		Clearance / Demolition	\$	70,426
F)		Relocation Assistance (RAP and/or Last Resort Housing Costs)	\$	1,875
G)		Title and Escrow	\$	24,555
H)		Environmental Review	\$	0
I)		Condemnation Settlements <u>0%</u>	\$	0
J)		Design Appreciation Factor <u>0%</u>	\$	0
K)		Utility Relocation (Construction Cost)	\$	0

L)

TOTAL RIGHT OF WAY ESTIMATE**\$2,046,155**

M)

TOTAL R/W ESTIMATE: Escalated**\$2,255,886**

N)

RIGHT OF WAY SUPPORT**\$0**

Support Cost Estimate Prepared By	Project Coordinator ¹	Phone
Utility Estimate Prepared By	Georgia Nevarez Utility Coordinator ²	(559) 445-6033 Phone
R/W Acquisition Estimate Prepared By	Cynthia Willems Right of Way Estimator ³	(559) 445-6117 Phone

Note: Items G & H applied to items A + B

¹ When estimate has Support Costs only² When estimate has Utility Relocation³ When R/W Acquisition is required

ATTACHMENT F
Right of Way Data Sheet

Memorandum

To: CURT HATTON

Date: 11/16/2016

Attn: ABDUL BAKER

File: CD 06 EA 004310

Alt ALT1-REV1

Co TUL RTE 190

ABDUL BAKER

DESCRIPTION:**PROJECT PROPOSES OPERATIONAL IMPROVEMENTS AT
VARIOUS LOCATIONS ALONG SR 190 CORRIDOR AT FIVE
LOCATIONS**From: Department of Transportation
Division of Right of Way Central Region

Subject: RIGHT OF WAY DATA SHEET

We have completed an estimate of the right of way costs for the
above-referenced project based on the Right of Way Data Sheet
Request Form dated 10/24/2016

The following assumptions and limiting conditions were identified:**Parcels**

This project proposes operational improvements at various locations along SR 190 two of the locations will require fee area and temporary construction easements. It is assumed that all properties will have continued access both during construction and in the after condition.

Utility**At Westwood Street:**

10 Electric Poles and 3 joint poles with electric and communications will need relocation. A canal will also be affected by this project due to the widening of Westwood Street.

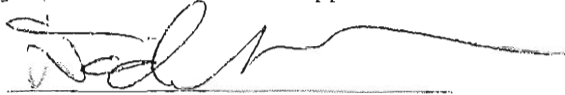
At Plano Street: 2 electric utility poles and 1 communication pole will need to be relocated. 1 fire hydrant at Vandolia Avenue and Plano Street will need relocation.

At Plano and College Avenue: 17 electric poles will need to relocate. Potholing is required at various locations along the project for cable and gas lines. It is estimated that 22 potholes will be needed for the project.

It is recommended that utility verification plans be provided by design so that utility verifications can be requested from the utility owners. Comply with USA alert requirements at all project locations, including at construction sign locations.

Right of Way Lead Time will require a minimum of 18 months after we receive Certified Appraisal Maps and/or Utility Conflict Plans, obtained necessary environmental clearance and applicable freeway agreements have been approved.

Recommended for approval by:


DAVID SHERMAN

Senior Right of Way Agent

(559) 445-6225

Right Of Way Cost Estimate	Current Year 2016	Contingency Rate	Right of Way Escalation Rate	Escalated Year 2018
Acquisition:	\$486,759	25%	5%	\$536,652
Mitigation:	\$2,775	25%	5%	\$3,059
State Share of Utilities:	\$1,459,765	25%	5%	\$1,609,391
Expert Witness:	\$0	25%	5%	\$0
Relocation Assistance:	\$1,875	25%	5%	\$2,067
Demolition and Clearance:	\$70,426	25%	5%	\$77,645
Title and Escrow:	\$24,555	25%	5%	\$27,072
Ad Signs:	\$0	25%	5%	\$0
Total Current Value:	\$2,046,155			\$2,255,886
If RW Cost Est fields are blank, Costs = \$0				

NOTE: above estimate includes railroad engineering in the amount of: \$0.00

Estimated Construction Contract Work (CCW): 20,000 R/W LEAD TIME/Mo. 18

Cost Break Down	
Pot Hole	11,000
Mitigation	
Land	0
Bank	0
Permit Fees	2,220

RR Involvement

Railroad Facilities or Right of Way Affected?	NA
Const/Maint Agreement:	NA
Service Contract Count:	0
Right of Entry:	NA
Clauses:	NA
Estimated Lead-time:	NA

Parcel Data

# of Parcel Type X:	0		
# of Parcel Type A: less than \$10,000 non-complex	12		
# of Parcel Type B: more than \$10,000 non-complex	6		
# of Parcel Type C: complex, special valuation	0		
# of Parcel Type D: most complex and time consuming	0	# of Duals Needed:	0
Totals:	18	Totals:	0

of Excess Parcels: 0

Misc R/W Work

# of RAP Displacements:	0
# of Clearance/Demos:	9
# of Const Permits:	0
# of Condemnations:	4

Utilities

U4-1: Owner Expense	3
U4-2: State Expense, Conventional no Fed Aid	
U4-3: State Expense, Freeway no Fed Aid	
U4-4: State Expense, both with Fed Aid	3
U5-7: Utility verification, no relocation/potholing	
U5-8: Utility verification, w/ some relocation/potholing	
U5-9: Utility verifications, relocation/potholing required	6

EA: 06-0Q4310

ALT: ALT1-REV1

Parcel Area

Total R/W Required:	5.23
Total Excess Area:	0

General Description of R/W and Excess Lands Required (zoning, use, major improvements, critical or sensitive parcels, etc.):

This project involves various types of parcels zoned Agricultural and Single-family Residence. Agricultural parcels have various uses of citrus, vines, irrigated row crop and vacant agricultural land. Required right of way consists of temporary construction easements (TCE) that will be required for the duration of five years and fee areas as well.

With the current project design there will be multiple impacts within our proposed right of way. Within the proposed right of way on the intersection of SR 190 and Westwood Street the following has been identified as being impacted; two irrigation wells, lift pump, submersible pump, private utility service poles, different types of property fencing, several mail box relocation, strawberry stand and three driveway reconstruction. Demolition of several trees, strawberry stand and fences will be required.

APN: 302-320-005 the existing driveway on Westwood Street will require to be moved to a new location just south of its current location on Westwood. Per PM this parcel in the after condition will be able to function in the same way as the before condition. With the new propose driveway ingress and egress of semi trucks with trailer will be able to enter and exit the property.

On the intersection of SR 190 and Plano Street there is fee and TCE required. Within the proposed right of way some property fencing will need to be replaced and relocation of mailboxes will be required. Porterville College currently has two college signs on the corner where fee and TCE is required. These two signs will be impacted one will be relocated onto the remainder and the concrete sign will need to be replaced with a new one. This intersection will also require demolition of trees and fences as well.

General Description of Utility Involvement:

Highway Tulare 190 pm 13.1 to 17.3 is designated "Expressway" in the project area. The project proposes to construct a roundabout to mitigate local development impacts in west Porterville that use Westwood Street at SR190, extend the existing number 3 lane at westbound Jaye Street to the northbound SR65 on ramp by adding 1,300 feet of travel way and shoulder, construct an eastbound off-ramp right-turn lane and handicap at Main Street off-ramp, construct a multi-lane roundabout at SR 190/ Plano Street intersection, and construct a roundabout at Plano Street/College Avenue intersection.

Is there a significant effect on assessed valuation:

No

Were any previously unidentified sites with hazardous waste or material found:

No

Are RAP displacements required:

No

of single family:

0

of multi-family:

0

of business/nonprofit:

0

of farms:

0

Sufficient replacement housing will be available without last resort housing:

N/A

Are material borrow or disposal sites required:

No

Are there potential relinquishments or abandonments:

No

Are there any existing or potential airspace sites:

No

Are environmental mitigation parcels required:

Yes

Data for evaluation provided by:

Estimator:

Cynthia Willems

11/10/2016

Railroad Liaison Agent:

SANDRA SIFUENTES

10/24/2016

Utility Relocation Coordinator:

Georgia Nevarez

11/14/2016

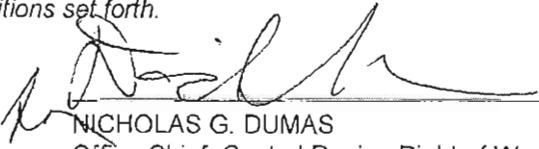
I have personally reviewed this Right of Way Sheet and all supporting information. I find this Data Sheet complete and current, subject to the limiting conditions set forth.

Date

ENTERED PMCS

11/16/2016

BY: SANDRA SIFUENTES


 NICHOLAS G. DUMAS

Office Chief, Central Region Right of Way

ATTACHMENT G
Storm Water Data Report-Title Sheet

APPENDIX E

Long Form - Storm Water Data Report



Dist.-County-Route: 06-Tul-190
 Post Mile Limits: 13.1/17.3
 Project Type: Local-Operational Improvements
 Project ID (or EA): 0614000004 (06-004310)
 Program Identification: 20.10.400.100 (Local)
 Phase: ☐ PID
☒ PA/ED
☐ PS&E

Regional Water Quality Control Board(s): Central Valley Region (5-Fresno)

Is the Project required to consider Treatment BMPs? Yes ☐ No ☒
 If yes, can Treatment BMPs be incorporated into the project? Yes ☐ No ☐

If No, a Technical Data Report must be submitted to the RWQCB
 at least 30 days prior to the projects RTL date.

List RTL Date: _____

Total Disturbed Soil Area: 21.34 acres Risk Level: 1

Estimated: Construction Start Date: 10/01/2019 Construction Completion Date: 06/01/20120

Notification of Construction (NOC) Date to be submitted: 09/01/2019

Erosivity Waiver Yes ☐ Date: _____ No ☒
 Notification of ADL reuse (if Yes, provide date) Yes ☐ Date: _____ No ☒
 Separate Dewatering Permit (if yes, permit number) Yes ☐ Permit # _____ No ☒

This Report has been prepared under the direction of the following Licensed Person. The Licensed Person attests to the technical information contained herein and the date upon which recommendations, conclusions, and decisions are based. Professional Engineer or Landscape Architect stamp required at PS&E.

Michael Dennison
 Michael Dennison, Registered Project Engineer

11/16/16
 Date

I have reviewed the stormwater quality design issues and find this report to be complete, current and accurate:

Curt Hatton
 Curt Hatton, Project Manager

11/16/16
 Date

Bill Moses (A. Mostafa)
 Bill Moses, Designated Maintenance Representative

11/17/16
 Date

Brad Cole
 Brad Cole, Designated Landscape Architect Representative

11/17/16
 Date

(Stamp Required for PS&E only)

James Espinosa
 District/Regional Design SW Coordinator or Designee

11/17/16
 Date



ATTACHMENT H
Transportation Management Plan Data Sheet

Department of Transportation
District 6

TRANSPORTATION MANAGEMENT PLAN DATA SHEET

06-Tul 190-PM 13.1/17.3

PORTERVILLE INTERSECTION IMPROVEMENTS

PROJECT/EA NO: 0614000004-0/0Q431

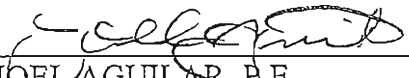
November 8, 2016

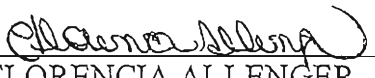
Prepared For: ABDUL BAKER, Design Senior
Office of Design I, Branch A

Prepared By: FLORENCIA ALLENGER

Concurred By:

Approved By:


JOEL AGUILAR, B.E.
District 6 – Traffic Management Chief


FLORENCIA ALLENGER
District 6 – TMP Manager

This Transportation Management Plan (TMP) data sheet is prepared in response to a request from Office of Design I, Branch A dated October 25, 2016.

Attached is the TMP Data Sheet for the above referenced project. Per Deputy Directive 60-R2, TMP must be considered at the early stage of all projects and activities performed on the State Highway System. The following items shall be included in the project initiation document (PID) and/or Project Report(PR):

- 1) The TMP Data Sheet shall be attached.
- 2) Any costs associated with the traffic impact mitigation measures listed in the TMP Data Sheet shall be included.
- 3) The following statements shall be included:

“Preliminary traffic impacts and mitigation for this project have been outlined in the attached Transportation Management Plan Data Sheet (TMP Data Sheet). Costs associated with the traffic impact mitigation measures listed in the TMP Data Sheet have been included in this documents estimate.”

“A TMP for this project is required and should be requested when the design is complete enough to determine specific traffic impacts, but yet early enough to make design changes/additions required for traffic mitigation.”

“Lane requirement charts and detailed TMP will be provided during PS&E stage.”

“Daytime work outside peak hours is anticipated for this project. Alternate one-way (reversing) traffic control will be implemented.”

If you have any questions, please feel free to contact Joel Aguilar at 559-779-6525 or Florencia Allenger at 559-488-4348.

Attachments:

- TMP Data Sheet

DISTRICT 6 - TRANSPORTATION MANAGEMENT PLAN

DATA SHEET

(TMP Elements and Costs)

CO/RT	TUL	190	PM	13.1/17.3	PROJ. NO.	0614000004
					EA. NO.	0Q431
PROJECT NAME	Porterville Intersection Improvements					
PROJECT LIMIT	On Route 190, in Tulare County, from 0.3 miles west of Westwood Road to 0.3 miles east of Plano Street					
PROJECT DESCRIPTION	Construct roundabout at Route 190 and Westwood Street. Construct auxilliary lane WB 190. On EB off-ramp to Main St. upgrade curb ramps and add right turn lane. Construct roundabout at Plano St/College Avenue.					

A) The project includes the following:
(Check all that applicable type of facility closures.)

- | | |
|--|---|
| ☒ Highway or Freeway Lanes | ☒ Freeway Off-ramps |
| ☒ Highway or Freeway Shoulders | ☐ Freeway On-ramps |
| ☐ Freeway Connectors | ☐ Local Streets |
| ☐ Full/Complete Freeway/Highway Closure | |

B) Are there any construction strategies that can restore existing number of lanes?

- ☒ No ☐ Yes (Check all applicable strategies.)
- ☐ Temporary Roadway Widening
Structure Involvement? ☐ Yes ☐ No (If yes, notify Project Manager)
- ☐ Lane Restriping (Temporary narrow lane widths)
- ☐ Roadway Realignment (Detour around work area)
- ☐ Median and/or Right Shoulder Utilization
- ☐ Use of HOV lane as Temporary Mixed Flow Lane
- ☐ Staging Alternatives (Explain Below)

C) Calculated Delay

(To be performed if construction strategies in Item B do not mitigate congestion resulting from Item A or on all projects along Interstate 5 and Route 99)

- | | |
|--|-----------------|
| 1. Estimated Maximum Individual delay | _____ minutes |
| 2. Existing or Acceptable Individual Vehicle Delay | _____ minutes |
| 3. Estimated Individual Vehicle Delay Requiring Mitigation | _____ minutes |
| 4. Estimate Delay Cost (Most Applicable) | |
| ☐ Extended Weekend Closure | |
| ☐ Weekly (7 days) | |
| 5. Estimated Duration of Project Related Delays | _____ # of Days |
| 6. Cost of Construction Related delays | _____ |

TMP Estimates based on X-Number of Working Days
requiring Lane/Shoulder/Ramp/Freeway/Highway Closures: 180 Working Days

Total Working Days to Construct the Project: 180 Working Days

TMP DATASHEET

PAGE 2 OF 2

Date: November 8, 2016
 Design Senior: Abdul Baker
 Branch: A

Office of Design: J

City/Rte: TUL 190
 PM: 13.1/17.3 190
 Project/EA No: 0614000004 0Q431

D) **Preliminary TMP Elements and cost:** (Identify all elements and estimated costs that will be used to mitigate congestion resulting from the proposed construction activities.)

1. Public Information (BEES #066063) ☐ Brochures & Mailers ☒ Press Release/Media Alerts \$11,000 ☐ Paid Advertisements ☐ Public Information Center/Kiosks ☐ Telephone Hotline ☒ Planned Lane Closure Website \$0 ☐ Project Website ☐ Public Meetings ☒ Freight Travel Information \$0 2. Motorist Information Strategies ☒ Traffic Radio Announcements \$0 ☐ Fixed CMS ☒ Portable CMS (BEES #128650) \$63,000 ☐ Temporary Motorist Information Signs ☐ Ground Mounted Signs (Detour) ☐ Dynamic Speed Message Sign ☐ Highway Advisory Radio ☒ CT Hwy Infom. Network (CHIN) \$0 3. Incident Management ☒ Transportation Management Center \$0 ☐ Traffic Management Team (TMT) ☐ Intelligent Transportation Systems ☐ Traff. Surveillance (Loop & CCTV) ☐ Helicopter Surveillance ☐ Tow/Freeway ☒ COZEEP (BEES #066062) \$20,000 4. Construction Strategies (In Addition to Elements Identified on Item B) ☒ Lane Requirement Chart \$0 ☒ Construction Staging \$0 ☒ Traffic Handling Plans \$0 ☐ Full Facility Closures ☒ Local Road Closures \$0 ☐ Lane Modifications ☐ One-Way Reversing Operation	4. Construction Strategies (In Addition to Elements Identified on Item B) ☐ Two-way Traffic On One Side ☒ Reversible Lanes \$0 ☒ Ramp/Connector Closure \$0 ☐ Night Work ☐ Extended Weekend Work ☐ Ped/Bicycle Access Improvements ☐ Maintain Business Access ☐ C + T Bidding ☐ Innovative Construction Techniques ☒ Coordination w/ Adj. Construction Site \$0 ☐ Speed Limit Reduction ☐ Traffic Screens 5. Demand Management ☐ HOV Lane/Ramps ☐ Variable Work Hours ☐ Telecommuting ☐ Truck/Heavy Vehicle Restrictions ☐ Rideshare Promotions ☐ Ramp Metering ☐ Transit Incentives ☐ Shuttle Services ☐ Ridesharing/Carpooling Incentives ☐ Park & Ride Promotion 6. Alternative Route Strategies ☐ Off-site Detours/Use of Alt. Rtes ☐ Signal Timing/Coord. Improvements ☐ Temporary Traffic Signals ☐ Signal Retiming ☐ Street/Intersection Improvements ☐ Turn Restrictions ☐ Parking Restrictions. 7. Other Considerations ☐ Application of New Technologies ☐ Other
--	--

TOTAL ESTIMATED COST OF TMP	\$94,000
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PROJECT NOTES:

1. Current dollar values used. Inflation was not factored into the estimate.
2. There are no noise restrictions / moratoriums for night work.
3. Traffic Control/Maintain Traffic costs was not provided. Please consult with the OE or construction office for this estimate.
4. Portable CMS specified for this project by this estimate is designed for congestion relief as outlined by DD-60.
 Portable CMS required for other purposes should be included under other specifications.
5. COZEEP specified for this project by this estimate is designated for congestion relief as outlined by DD-60.
 COZEEP required for other purposes should be included under other specifications.
6. The TMP is a living document that is subject to change if material changes take place in the final version of the project phase or if changes are required during construction to respond to excessive levels of congestion.

*The estimated cost will depend on the Design Engineer's and Office of Traffic Design's Estimate.

PREPARED BY: Florencia Allenger	OFFICE OF TRAFFIC OPERATIONS	DATE: November 8, 2016
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ATTACHMENT I
Project Risk Register

Project Risk Register

DIST- EA 06-0Q431						Project Name: SR 190 Operational Improvement		Project Manager: Curt Hatton						Date Created:	Last Updated:		
						Co - Rte - PM: Tul-190-R15.1/16.9		Telephone: (559) 243-3445						01/16/14	12/07/16		
ITEM	ID #	Status	Threat / Opport-unity	Category	Date Risk Identified	Risk Discription	Root Causes	Primary Objective	Risk Score	Cost/Time Impact Value	Risk Owner	Risk Trigger	Strategy	Response Actions with Pros & Cons	Adjusted Cost/Time Impact Value	WBS Item	Status Date and Review Comments
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
1	06-0Q431-01	Active	Threat	ENV	01/16/14	Cost and schedule for environmental compliance could be adversely impacted	Previously unknown cultural resources are encountered during PAVED	TIME	Probability 3=Med (20-39%) High Impact 8 =High		Richard Putler (559) 445-5286 Richard.Putler@dot.ca.gov	Unknown cultural resources encountered	AVOID	A course of action will be determined at that time		2.180 PREPARE AND APPROVE PROJECT REPORT AND FINAL ENVIRONMENTAL DOCUMENT Additional WBS	
2	06-0Q431-02	Retired	Threat	ENV	01/16/14	Additional studies, permits, and time for Poplar Ditch impacts	Poplar ditch is impacted	TIME	Probability 3=Med (20-39%) Med Impact 4 =Med		Richard Putler (559) 445-5286 Richard.Putler@dot.ca.gov	Impacts to ditch found in preliminary design	AVOID	Poplar Ditch is being impacted with little impacts to schedule		2.165 PERFORM ENVIRONMENTAL STUDIES AND PREPARE DRAFT ENVIRONMENTAL DOCUMENT	
3	08-0Q431-03	Retired	Opportunity	ENV	01/16/14	Reduced environmental schedule	Work at Plano street eliminated	TIME	Probability 3=Med (20-39%) High Impact 8 =High		Richard Putler (559) 445-5286 Richard.Putler@dot.ca.gov	Property at location is on the Cortese list which would impact the type of ED	ACCEPT	Preliminary design for a roundabout at this location will not impact Cortese property		2.165 PERFORM ENVIRONMENTAL STUDIES AND PREPARE DRAFT ENVIRONMENTAL DOCUMENT	
4	06-0Q431-04	Retired	Threat	ORG	01/16/14	PA&ED may require additional studies	PSR (PDS) format is a streamlined format and design alternatives not extensively studies at PSR phase	SCOPE	Probability 3=Med (20-39%) Med Impact 4 =Med		Curt Hatton (559) 243-3445 Curt.Hatton@dot.ca.gov	Due to lack of detail study during the PID phase	ACCEPT	Additional studies have not been found		0.100 PROJECT MANAGEMENT	
5	06-0Q431-05	Retired	Threat	DESIGN	07/24/15	Late or incomplete Survey File from Design	Lack of information added to the files	TIME	Probability 3=Med (20-39%) Med Impact 4 =Med		Abdul Baker (559) 243-8038 Abdul.Baker@dot.ca.gov	Comments from Surveys that files are incomplete	ACCEPT	Adjust Schedule		2.160 PERFORM PRELIMINARY ENGINEERING STUDIES AND DRAFT PROJECT REPORT	
6	06-0Q431-06	Active	Threat	DESIGN	07/24/15	Unit prices may fluctuate higher/lower than assumed due to volatility in oil and aggregate prices	Bids are Higher/Lower than estimated costs	COST	Probability 3=Med (20-39%) Med Impact 4 =Med		Abdul Baker (559) 243-8038 Abdul.Baker@dot.ca.gov	Future bid openings	ACCEPT	Increase unit prices in preliminary estimate		265 AWARDED AND APPROVED CONSTRUCTION CQNTRACT	
7	06-0Q431-07	Active	Threat	R/W	02/11/16	Delay in R/W Acquisition Process	Condemnation Required	TIME	Probability 3=Med (20-39%) High Impact 8 =High		Dave Sherman (559) 445-6225 Dave.Sherman@dot.ca.gov	Property owners do not agree to offers made for parcels	MITIGATE	Start ecquisition on risk parcels early in R/W process		4.225 OBTAIN RIGHT OF WAY INTERESTS FOR PROJECT RIGHT OF WAY CERTIFICATION	

Project Risk Register

DIST- EA 06-0Q431						Project Name: SR 190 Operational Improvement		Project Manager: Curt Hatton							Date Created:	Last Updated:	
						Co - Rte - PM: Tul-190-R15.1/16.9		Telephone: (559) 243-3445							01/16/14	12/07/16	
ITEM	ID #	Status	Threat / Opport-unlty	Category	Date Risk Identified	Risk Discription	Root Causes	Primary Objective	Risk Score	Cost/Time Impact Value	Risk Owner	Risk Trigger	Strategy	Response Actions with Pros & Cons	Adjusted Cost/Time Impact Value	WBS Item	Status Date and Review Comments
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
8	06-0Q431-08	Active	Threat	R/W	02/11/16	Additional utility relocation	Existing utilities in conflict that have not yet been identified	COST	Probability 3=Med (20-39%)		Dave Sherman	Uncover additional utilities in conflict upon interaction with utility companies	ACCEPT	Adjust design, if possible, to lessen the impact or allocate time/funds to eliminate conflict		4.200 UTILITY RELOCATION	
									Med		(559) 445-6226						
									Impact 4 =Med		Dave Sherman@dot.ca.gov						
9	06-0Q431-09	Active	Threat	DESIGN	11/01/16	As a result of the Design process for submitting maps to right of way being longer than anticipated, ROW mapping to surveys would be delayed.	Scheduled time between beginning design and RW requirements is not long enough	TIME	Probability 3=Med (20-39%)		Abdul Baker	RW mapping is delayed submitting to surveys	ACCEPT	Adjust Schedule		3.185 PREPARE BASE MAPS AND PLAN SHEETS DURING PS&E DEVELOPMENT	
									Med		(559) 243-8038						
									Impact 4 =Med		Abdul Baker@dot.ca.gov						
10	06-0Q431-10	Active	Threat	DESIGN	11/21/16	Advisory Design Exception for minimum spacing between ETW and access fencing	Required spacing is not available	TIME	Probability 3=Med (20-39%)		Abdul Baker	Fencing design does not fit in existing RW	ACCEPT	Adjust Schedule		3.230 PREPARE DRAFT PS&E	
									Med		(559) 243-8038						
									Impact 4 =Med		Abdul Baker@dot.ca.gov						
11	06-0Q431-11	Active	Threat	ENV	12/02/16	Public Meeting	Caltrans may receive multiple requests for a public hearing or public meeting.	TIME	Probability 2=Low (10-19%)		Richard Putler	One request for a meeting was received during the first circulation of the document.	ACCEPT	The PDT could hold a focused meeting with those commenters requesting a maeting. Depending on the number of requests and how substantive the comments are, it is up to the PDT to hold a public		2.175 CIRCULATE DRAFT ENVIRONMENTAL DOCUMENT AND SELECT PREFERRED PROJECT ALTERNATIVE	
									Low		(559) 445-5286						
									Impact 2 =Low		Richard Putler@dot.ca.gov						
12	06-0Q431-12	Active	Threat	ENV	12/02/16	National Environmental Policy Act (NEPA) Assignment MOU	Caltran's waiver of sovereign immunity expires by December 31, 2016	TIME	Probability 5=Very High (60-99%)		Richard Putler	Legislation needed to continue NEPA delegation hasn't been approved.	ACCEPT	Potential for programmatic approvals of federal CEs during lapse. Otherwise the issue will be addressed in the next legislative session at the beginning of 2017.		2.180 PREPARE AND APPROVE PROJECT REPORT AND FINAL ENVIRONMENTAL DOCUMENT	
									High		(559) 445-5286						
									Impact 16 =Very High		Richard Putler@dot.ca.gov						



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Bid Results for the Garden Avenue Pedestrian Walkway Project

SOURCE: Public Works

COMMENT: On December 8, 2016, staff received five (5) bids for the Garden Avenue Pedestrian Walkway Project. The proposed project includes the removal of existing concrete improvements and replacing them with new ADA access ramps, driveways, stamped concrete, parkway trees, nostalgic lights, and other pedestrian amenities for the Garden Avenue Pedestrian Walkway Project, located between Main Street and Fig Street. As part of the project, SCE will install fourteen (14) new nostalgic lights along the north side of Garden Avenue west of the Rails to Trails path, which SCE will provide and maintain. Underground conduit and hand holes will be installed by the construction contractor along with four (4) nostalgic LED lights between the Rails to Trails path and Fig Street, which the City must maintain.

The Engineer's Estimate of Probable Cost for construction was \$493,000. The low bid presented by DOD Construction of Bakersfield is \$607,635.00, which is 23.2% above the Engineer's Estimate. An additional \$60,763.50 is required for construction contingency (10%). It is anticipated that an additional \$30,200.00 is required for construction management, quality control, inspection services, and construction surveying (5%). Southern California Edison (SCE) lighting costs are \$65,367.07. The total estimated cost for the project is \$763,965.57.

The bids are as follows:

Contractor	Amount
1. DOD Construction Bakersfield, CA	\$607,635.00
2. MAC General Porterville, CA	\$641,314.49
3. Todd Companies Visalia, CA	\$669,630.06
4. Dawson-Mauldin Huntington Beach, CA	\$722,907.50
5. Avison Construction	\$758,226.00

Madera, CA

It is City Council's policy to reject all bids when the bid exceeds 10% of the Engineer's Estimate. Although the possibility exists that the City will receive favorable bids if re-advertised, there are no guarantees that the City will receive less costly bids, and will likely necessitate a change in scope in the design of the project. In addition, the re-advertisement of bids would put the project under time constraints, which would jeopardize the grant funding for the project.

An Active Transportation Program (ATP) federal grant is the primary funding source for the project. The ATP grant in the amount of \$232,000 requires that a contract be awarded by December 31, 2016 and no time extensions are available to the City. The City must provide a grant match in the amount of \$35,000 and is funded through Measure R Alternative Transportation Funds. Due to the project being "underfunded," having not received sufficient ATP grant funds to meet the typical 88.53% Federal and 11.47% City split, the City received additional Measure R Alternative Transportation Funds in the amount of \$165,000 to help cover construction costs. The City budgeted \$220,500 through Local Transportation Funds as part of its 2016/2017 fiscal year program to cover the remainder of the project. Due to higher than anticipated bids, the appropriation of additional Local Transportation Funds in the amount of \$111,465.57, which are available, is necessary to fully fund the project.

The higher than anticipated bids are due to the fact that the engineer's estimate took into account the possibility of a local C-8 concrete contractor submitting a bid on the project. A C-8 Contractor only does concrete work. Typically, concrete work done by a C-8 contractor compared to a Class A General Contractor usually comes in at a lower cost because they do the work themselves. However, no bids were received from a local C-8 Contractor. Staff believes that a local C-8 contractor did not submit a bid because they are not accustomed to filling out the additional Federal DBE forms that the funding source requires.

Staff is recommending award of the contract in order to not jeopardize losing the existing significant grant funding and any potential future funding. Funds for future ATP projects could be compromised by returning the grant funds as the City would have shown that it could not deliver the current project.

RECOMMENDATION:

That City Council:

1. Award the Garden Avenue Pedestrian Walkway Project to DOD Construction in the amount of \$607,635.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control and inspection;

4. Authorize the Finance Director to appropriate additional Local Transportation Funds in the amount of \$111,465.57 needed to fund the project; and

5. Authorize the City Engineer to sign the SCE applications and issue payments of \$54,347.40 and \$11,019.67 for each street light system.

ATTACHMENTS:

1. Locator Map
2. SCE Invoice-West
3. SCE Invoice-East

Appropriated/Funded: MB

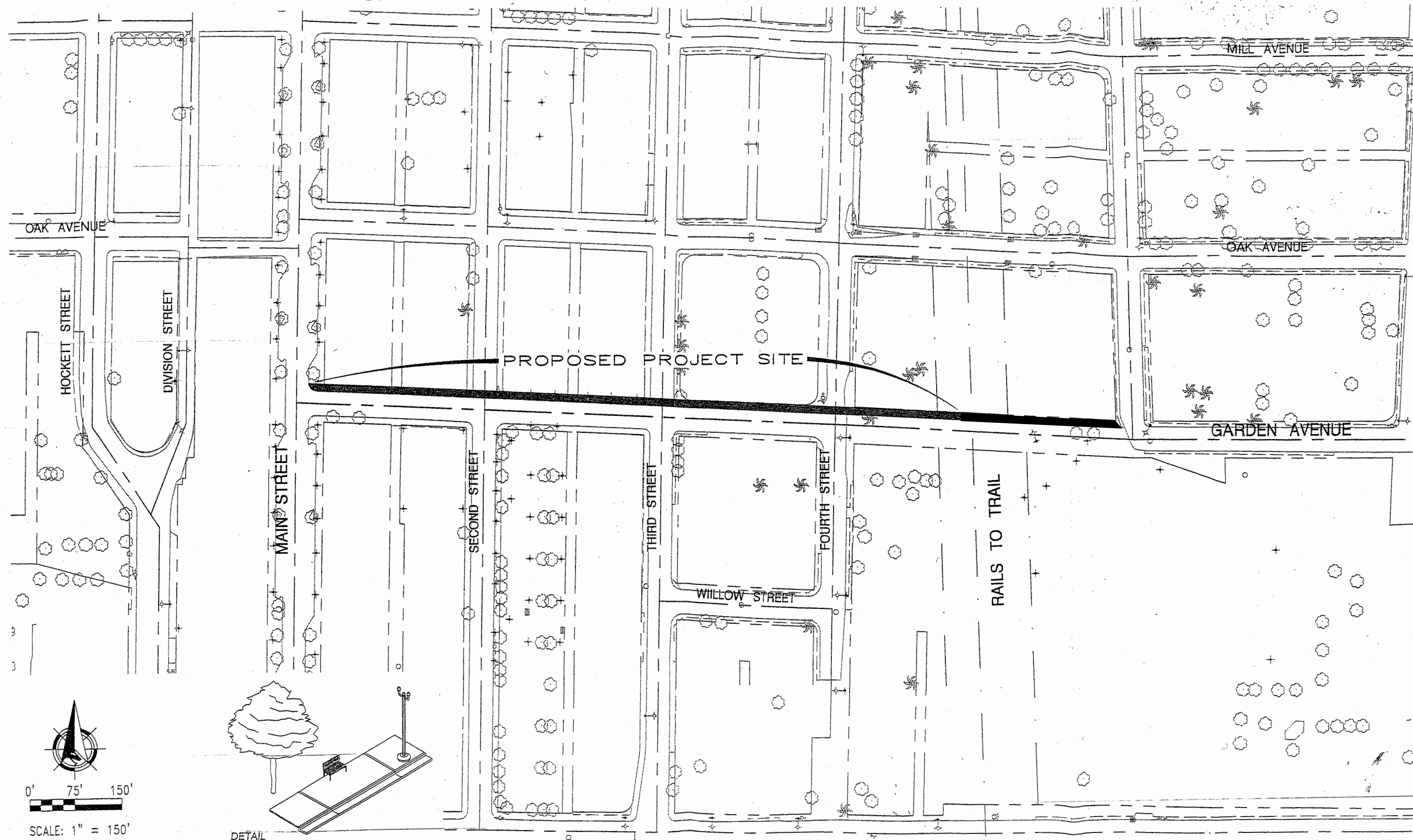
Review By:

Department Director:

Mike Reed, City Engineer

Final Approver: John Lollis, City Manager

GARDEN AVENUE, MAIN STREET TO FIG STREET



CITY OF PORTERVILLE
ENGINEERING DIVISION
 201 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 782-7482

DESIGN BY	XX
DRAWN BY	AV
CHECKED BY	BR
DATE	01-13-11

CITY ENGINEER	DATE
PUBLIC WORKS DIRECTOR	R.C.E. DATE

REVISION NO.	DATE
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PROPOSED ATP GRANT PROJECT

SHEET
 1
 OF
 1



291 N MAIN ST
PORTERVILLE CA 93257 3737

Document #	7590056129
Invoice #	258715
Invoice Term:	90 Days
Customer Name:	PORTERVILLE, CITY OF
Customer Email:	BRODRIGUEZ@CI.PORTERVILLE.CA.US
Invoice Date:	10/24/2016
SCE Contact:	Edward Garcia
Telephone:	
Install - Billing Option:	SCE INSTALL
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA 93274

Description	Amount
Service Request Number: 1696425 Project Description: TD764800; INSTALL 14 NOSTALGIC 200 WATT PER CITY REQUEST	
Project Location: MIAN ST & GARDEN AVE XSTRT PORTERVILLE CA 93257	
Design #: 537220 Design Description:	
Product #: 764800 - ST LT INSTALLATION	
LABOR: This amount represents the total SCE labor required to complete the work request. All applicable labor related overheads are included in the total SCE labor amount.fsdas	\$0.00
MATERIAL: This amount represents the total SCE material required to complete the work request. All applicable material related overheads are also included in the total SCE material amount.	\$0.00
OTHER: This amount represents the total SCE other costs required to complete the work request. In most cases, this other amount will consist of all additional requirements needed for completing the work request. This other amount typically consists of items such as Advance Energy Charge, SCE contractor work, rights check, and permits.	\$41,475.00
TOTAL LABOR, MATERIAL, OTHER:	\$41,475.00
CREDITS: This amount represents the total SCE credits required to complete the work request.	\$0.00
TOTAL CREDITS:	\$0.00
NET CONSTRUCTION BILLING:	\$41,475.00
TAX:	
1. ITCC on Applicant Furnished	
Tax Base (Taxable Amount):	\$17,035.90
Tax Rate:	22.00%
Tax Amount:	\$3,747.90
2. ITCC on Net Construction (Less Non Taxable Amount)	
Tax Base (Taxable Amount):	\$41,475.00
Tax Rate:	22.00%
Tax Amount:	\$9,124.50
TOTAL TAX:	\$12,872.40
DEPOSITS:	
Preliminary Design & Engineering Advance	\$0.00
Previous Payment	\$0.00
TOTAL DEPOSITS:	\$0.00
COMMENTS:	
* Enclosed are two copies of your invoice. Please return one copy of the invoice with your payment to Accounts Receivable in the enclosed return-addressed envelope. The other copy of the invoice is for your records. * All prices are applicable for a period of 90 days from this date and are subject to change thereafter. * All payments must be delivered by mail, an alternate postal method, or one of our electronic payment options. Walk-in payments are no longer accepted at any SCE location, including Accounts Receivable. * Please complete all applications and/or contracts and return to your planning office, using the enclosed return-addressed envelope. * If a street light work order is associated with this project, contracts for that project will be enclosed.	
TOTAL PROJECT INVOICE AMOUNT:	\$ 54,347.40



**SOUTHERN CALIFORNIA
EDISON***

An EDISON INTERNATIONAL Company

Southern California Edison Company

291 N MAIN ST
PORTERVILLE CA 93257 3737

Document #	7590057776
Invoice #	260488
Invoice Term:	90 Days
Customer Name:	PORTERVILLE, CITY OF
Customer Email:	MREED@CI.PORTERVILLE.CA.US
Invoice Date:	11/09/2016
SCE Contact:	Edward Garcia
Telephone:	
Install - Billing Option:	SCE INSTALL
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA 93257

Description	Amount
Service Request Number: 2239708 Project Description: TD1191942 LS1 & LS3 STREETLIGHT COMBO.	
Project Location: GARDEN AVE & 4TH STREET XSTRT PORTERVILLE CA 93257	
Design #: 861083 Design Description:	
Product #: 1191942 - ST LT INSTALLATION	
LABOR: This amount represents the total SCE labor required to complete the work request. All applicable labor related overheads are included in the total SCE labor amount.fsdffas	\$0.00
MATERIAL: This amount represents the total SCE material required to complete the work request. All applicable material related overheads are also included in the total SCE material amount.	\$0.00
OTHER: This amount represents the total SCE other costs required to complete the work request. In most cases, this other amount will consist of all additional requirements needed for completing the work request. This other amount typically consists of items such as Advance Energy Charge, SCE contractor work, rights check, and permits.	\$8,681.42
TOTAL LABOR, MATERIAL, OTHER:	\$8,681.42
CREDITS: This amount represents the total SCE credits required to complete the work request.	\$0.00
TOTAL CREDITS:	\$0.00
NET CONSTRUCTION BILLING:	\$8,681.42
TAX:	
1. ITCC on Applicant Furnished	Tax Base (Taxable Amount): \$3,151.40
	Tax Rate: 22.00%
	Tax Amount: \$693.31
2. ITCC on Net Construction (Less Non Taxable Amount)	Tax Base (Taxable Amount): \$7,477.00
	Tax Rate: 22.00%
	Tax Amount: \$1,644.94
TOTAL TAX:	\$2,338.25
DEPOSITS:	
Preliminary Design & Engineering Advance	\$0.00
Previous Payment	\$0.00
TOTAL DEPOSITS:	\$0.00
COMMENTS:	
* Enclosed are two copies of your invoice. Please return one copy of the invoice with your payment to Accounts Receivable in the enclosed return-addressed envelope. The other copy of the invoice is for your records. * All prices are applicable for a period of 90 days from this date and are subject to change thereafter. * All payments must be delivered by mail, an alternate postal method, or one of our electronic payment options. Walk-in payments are no longer accepted at any SCE location, including Accounts Receivable. * Please complete all applications and/or contracts and return to your planning office, using the enclosed return-addressed envelope. * If a street light work order is associated with this project, contracts for that project will be enclosed.	
TOTAL PROJECT INVOICE AMOUNT:	\$ 11,019.67



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Consideration of Modifications of Extraterritorial Service Agreements

SOURCE: Community Development

COMMENT: In 2014, the City Council updated the policies and procedures related to annexations and extensions of municipal services, including water. In 2015, in response to the on-going, severe drought and its impact on the unincorporated community of East Porterville, the City of Porterville partnered with the California Department of Water Resources and State Water Resources Control Board to assist in a long-term solution. As a result, in 2016, the Council amended the aforementioned procedure for properties within the East Porterville Feasibility Study project area to accommodate the variety of property sizes, and allow qualified properties to complete an Extraterritorial Service Agreement (ESA). Qualified properties have been defined by the State as developed, residential parcels. Vacant properties or non-residential properties are not permitted to connect, which is consistent with the City's policies.

Over the last six months, City and County staff have held a series of events for property owners within the East Porterville area to sign ESAs. To date, 590 properties have signed ESAs and of those, 300 are scheduled to be connected to water over the next few months. At the time that property owners meet with staff to sign the ESAs, they verbally received the following information:

“This is a contract between you as the property owner and the City of Porterville. This document allows the City to provide services beyond our jurisdictional boundary (city limits) and, with our project partners, we will ensure you have access to a permanent, safe, drinkable water supply. There are three conditions to this agreement, which will be recorded with the deed.

First, understand that at some point in the future, this area is likely to be annexed. It may be 20 to 30 years, or it may be much sooner if there's a proposed development project; we are not currently proposing any annexations in the East Porterville area. However, you need to understand that in signing this document, you waive your right to protest annexation in the future.

Second, if you want to modify your land use in the future, or if you want to change the way your property is used in a way that might increase the amount of water used – for example, many of these parcels are very large and people frequently have second homes in the back yard, or you might request a substantial remodel that adds more rooms – you must first come to the City Council and request approval. This is because the City does

not approve building permits in the County, and we need to keep record of how water demand might change so we know how much source capacity will be needed.

Lastly, the well or wells on the property will be abandoned. This is not just capping the well, but destroying the well. The cost of the well abandonment, as well as all costs associated with the project, will be paid on your behalf by the State. You will only be responsible for your water bill, and you won't start receiving water bills until you begin receiving water."

During presentation of this information, at the time property owners are signing these documents, at least a dozen property owners asked staff about what is necessary to allow expansion of their use. Many people reference their intent to bring on another house or manufactured home "now that we will have water". At that time, staff reiterated that the Council would have to make such decisions; staff presumed such requests would be into the future, after the project was completed. However, we are beginning to hear from property owners who are asking for permission to connect additional new residences even before the initial connection is installed. Even in the event that the State agencies are willing to negotiate modifications to the project, the source capacity provided as a part of this project is designed and calculated based on existing development, and has not been inflated to accommodate growth. Capacity for growth and new development has historically been the responsibility of the developer to provide. This is most frequently achieved through payment of impact fees; however, in the case of East Porterville, the State is not paying impact fees since wells are being developed instead. Conversely, staff works with the local development community as new projects are proposed to address the drought and resulting water capacity shortage; this often results in a need for extensive water supply assessments and in some cases, staff has found that in order to supply a new project, another well would need to be added to the City's system. In light of this, any "extra" capacity in the City's system should arguably be made available to water users (including new development) in the City.

The system is currently under the ownership of the State of California, and is a project of the Department of Water Resources and the State Water Resources Control Board. While the City of Porterville is certainly a key partner in the project, and will ultimately take ownership and responsibility for maintenance of the system, staff contends that to modify the objective of the program from emergency response and provision of service to existing residences could violate the terms of the Memorandum of Understanding recently approved by the Council. Staff recommends that no action on additional connections or new residences be considered until after ownership of the system transfers to the City of Porterville. However, consideration of measures that might be taken after that time could be initiated. For example, staff can, if Council so chooses, begin identifying terms and parameters of any future connections. Options might include allowing connections up to but not in excess of the total capacity provided by the State, with payment of fees; allowing connections, but not until the new fee structure that is currently in process is completed via the water master plan update; or limit connection of new residences to properties that

participated as a part of the State's drought response effort. Any of these ideas could be expanded upon and brought forward for consideration at a future meeting, if Council so directs.

RECOMMENDATION: That the City Council:

- 1) Postpone action on additional connections for new homes until after ownership of the system has transferred to the City; and
- 2) Direct staff to begin drafting policies and procedures to be considered concurrent with the transfer of ownership to the City.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Legislative Update Regarding Proposition 64

SOURCE: City Attorney

COMMENT: In November, the California voters passed Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act or "AUMA." The AUMA legalizes the non-medical use of marijuana by persons 21 years of age or older and allows the personal cultivation of up to six plants. The Act also creates a state regulatory and licensing system governing the commercial cultivation, testing, distribution, and manufacturing of non-medical marijuana and marijuana products. Much of the system mirrors the state laws now in place for medical marijuana (per "MMRSA") but with some major differences.

The City currently has regulations in place for medical marijuana cultivation and most recently adopted revisions to its regulations in June of this year. Now that Prop. 64 has passed, staff will be requesting that the City Council review the portions of the new law that are subject to local regulation and provide direction to staff concerning those areas of local control. Staff will also be requesting that the City's regulations concerning medical marijuana be reviewed in light of the new laws regulating non-medical use. The purpose of this report is to provide background information to the Council and answer any questions.

THE AUMA

Upon the passage by the voters, certain portions of Prop. 64 went into effect immediately. This means that the personal cultivation and use provisions took effect on November 9, 2016. Individuals may cultivate up to six living marijuana plants indoors - either inside the private residence or a fully enclosed greenhouse or structure that is secure and not visible from a public space - unless a city enacts regulations imposing a reasonable regulatory scheme that would preclude this activity until the individual complies with the city's regulations. A private residence includes a house, apartment unit, mobile home, or other dwelling unit. Bans by cities on this activity are no longer permitted. However, the City may regulate or ban all **outdoor** personal cultivation (at least until the California Attorney General makes a determination that non-medical use of marijuana is legal under federal law).

With regard to use of marijuana, the AUMA prohibits the smoking of marijuana in any public place **except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness as authorized by law**; where

smoking tobacco is prohibited; within 1,000 feet of a school, day care, or youth center while children are present; and while driving or riding in the passenger seat of any vehicle. There are also restrictions on possession, **and cities may prohibit possession and smoking in buildings owned, leased, or occupied by the city. Cities may also maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.**

All this stated, individuals may possess, process, transport, purchase or give away to persons 21 years or older marijuana (within the statutory limits) and these activities cannot be prohibited under local law.

Concerning local control of commercial nonmedical marijuana businesses, the AUMA sets up a comprehensive state regulatory system that covers the industry from "seed to sale," and all non-medical businesses will be required to have a state license. These activities will not be authorized/permitted under the new law until the licensing process is in place - and this is estimated to occur late in 2017. **The AUMA does not limit the authority of a city to adopt regulations that restrict or completely prohibit these businesses - if a city wishes to do so it should prior to the implementation of the State system.** State licenses cannot be issued to an applicant whose operations would violate local regulations, but the applicant is not required to provide evidence of a local license or permit to the State.

Local authorities will be responsible for enforcing any local regulations and can also enforce state regulations if that power has been delegated by the State.

Concerning the taxation of nonmedical marijuana, the AUMA adds a state excise tax of 15% on the privilege of purchasing nonmedical marijuana at retail, effective January 1, 2018, and also adds a tax of \$9.25/dry weight oz. (flowers) and 2.75/dry weight oz. (leaves) on the privilege of commercial cultivation. A portion of these funds will be available for local grants, but a city that bans cultivation (including outside personal cultivation), or the retail sale of marijuana, will not be eligible for those grants. Local governments are not precluded from imposing additional taxes, and the most common local excise tax imposed is a business license tax on dispensing, manufacturing, commercially cultivating, and commercially transporting. There are currently 55 cities with local marijuana taxes, with 37 of those having just been authorized in the November 2016 election. A city can also adopt a local transactions and use tax, if it has not already exceeded its limits per state law on this tax.

CITY REGULATION OF MEDICAL MARIJUANA

The City currently allows the locally permitted outdoor cultivation of 12 plants at locations where there are single family residences. Cultivation is not allowed in multi-family developments or mobile home parks. Once the City Council determines what it wishes to do with non-medical cultivation, it should consider whether to make adjustments to its regulations. Medical Cannabis cultivation or distribution facilities are currently prohibited within the city limits, and delivery

from such facilities outside the city limits are expressly prohibited.

Staff will be requesting that the City Council consider how it wishes to regulate personal cultivation and use, and commercial activities (within the proscribed areas of local control granted in the AUMA), and consider any corresponding changes to the city's regulations concerning medical marijuana. The City can adopt regulations on the personal activities consistent with the AUMA at any time, and should consider any proposed regulations on the commercial activities prior to implementation of the State licensing system (estimated to go into effect in late 2017).

RECOMMENDATION: That the City Council:

1. Review the portions of the new law that are subject to local regulation and provide direction to staff concerning those areas of local control; and
2. Direct staff to review the City's current regulations concerning medical marijuana in light of the new laws regulating non-medical use.

ATTACHMENTS: 1. Municipal Code - 301.23 Medical Cannabis Cultivation

Appropriated/Funded:

Review By:

Department Director:
Final Approver: Julia Lew, City Attorney

301.23: MEDICAL CANNABIS CULTIVATION:

A. Purpose And Intent:

1. The city council of the city of Porterville, based on evidence presented to it in the proceedings leading to the adoption of this chapter, hereby finds that the cultivation, preparation, and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current state statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increases in various types of crime due to outdoor grows, damage to buildings containing indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home invasion robberies and related crimes. Many of these impacts have fallen disproportionately on residential neighborhoods, but nonetheless also negatively impact properties in the commercial districts. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.
2. The city council also acknowledges that the voters of the state of California have provided a criminal defense to the cultivation, possession and use of medical cannabis for medical purposes under the compassionate use act, but that the compassionate use act does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the city.
3. The purpose and intent of this section is to regulate the cultivation, preparation and distribution of medical cannabis in a manner that protects the public health, safety, and welfare of the community and mitigates for the cost to the community of the oversight of these activities.

B. Interpretation And Applicability:

1. No part of this section shall be deemed to conflict with federal law as contained in the controlled substances act, 21 USC section 800 et seq., nor to otherwise permit any activity that is prohibited under that act or any other local, state, federal law, statute, rule or regulation. The cultivation, preparation, and distribution of medical cannabis in the city is controlled by the provisions of this section.
2. Nothing in this section is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
3. Nothing in this section is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.

4. Nothing in this section is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
5. Nothing in this section is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
6. All cultivation, preparation and distribution of medical cannabis within city limits shall be subject to the provisions of this section and other applicable provisions of this code, regardless of whether cultivation, preparation, or distribution existed or occurred prior to adoption of this section.

C. Definitions: For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACCESSORY STRUCTURE: A residential accessory structure shall include any uses that are customarily related to a residence, including garages, greenhouses, storage sheds, studios, and workshops. Any accessory structure must be compliant with section 301.01 of this article and any other applicable provisions of the municipal code.

DWELLING UNIT: A room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family.

MEDICAL CANNABIS (Also Known As MEDICAL MARIJUANA): Cannabis, including constituents of cannabis, THC and other cannabinoids, used as a physician recommended form of medicine or herbal therapy.

MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE: Any person, association, cooperative, affiliation, or collective of persons who provide education, referral, or network services, and/or facilitation or assistance in the cultivation, preparation or distribution of medical cannabis.

MEDICAL CANNABIS CULTIVATION AREA: The area allowed for the growing and preparation of medical cannabis.

MEDICAL CANNABIS CULTIVATION FACILITY: A facility at which medical cannabis is grown and harvested for supply to a medical cannabis preparation facility and/or a medical cannabis distribution facility.

MEDICAL CANNABIS DISTRIBUTION: The supply to a qualified patient by any person, including a primary caregiver, cooperative or collective, of medical cannabis that is not grown in the qualified patient's residence.

MEDICAL CANNABIS DISTRIBUTION FACILITY/DISPENSARY: Any facility or location where the primary purpose is to distribute medical cannabis as a medication upon recommendation by a physician and where medical cannabis is made available to or

distributed by or to a primary caregiver or a qualified patient in strict accordance with the compassionate use act of 1996³.

MEDICAL CANNABIS PREPARATION: Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.

MEDICAL CANNABIS PREPARATION FACILITY: A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.

QUALIFIED PATIENT: As defined in California Health And Safety Code section 11362.7 et seq., and as it may be amended from time to time.

RESIDENCE: A legal dwelling unit.

D. Severability: If any part of this section is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

E. Cultivation Generally: A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:

1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
2. No medical cannabis cultivation site shall be located within one hundred feet (100') of a sensitive use ("use, sensitive") as defined in article 700 of this chapter;
3. The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
4. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
5. Cultivation of medical cannabis for personal use shall occur only on the parcel occupied by a qualified patient and shall be for the exclusive use of the qualified patient and otherwise in conformance with this section (i.e., no collectives or cooperatives);
6. Cultivation of medical cannabis for personal use shall not displace required off street parking, or violate any other provisions of the Porterville municipal code;
7. Qualified patients shall have no more than the number of plants the patient is permitted under state law to have, provided that in no case shall any parcel/dwelling

- have more than twenty (20) plants; with not more than twenty (20) cultivated outdoors and/or twenty (20) cultivated indoors within an accessory structure;
8. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis cultivation is prohibited;
 9. There shall be no exterior evidence of medical cannabis cultivation occurring at the property from a public right of way;
 10. Medical cannabis cultivation is prohibited as a home occupation;
 11. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this code;
 12. Medical cannabis cultivation shall be an accessory use to a primary residential use on a property within the RS-1 and RS-2 zones, or at a single-family residence within the RM-1, RM-2 or RM-3 zones. Medical cannabis cultivation is not allowed in multi-family developments or in mobile home parks;
 13. The cultivation of medical cannabis shall not adversely affect the health or safety of the residents of the property on which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in article 306, "Performance Standards", of this series;
 14. Medical cannabis cultivation lighting shall not exceed one thousand two hundred (1,200) watts;
 15. The accessory structure(s) shall at all times meet the requirements of the latest adopted version of the California building, fire, mechanical, electrical and plumbing codes (collectively California codes);
 16. All electrical equipment used in the cultivation of medical cannabis (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California building, electrical, mechanical, plumbing or other state or local laws, rules and regulations;
 17. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the building division;
 18. If required by California building or fire code, the wall(s) adjacent to the cultivation area shall be constructed with five-eighths inch (⁵/₈") type X moisture resistant drywall;
 19. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
 20. Medical cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and shall not exceed a maximum height of five feet (5') for properties with a six foot (6') tall fence. In the

alternative, plants may grow to a maximum height of seven feet (7') if the area is fenced and screened to eight feet (8') in compliance with applicable development ordinance and California building code standards; and

21. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

F. Preparation: A qualified patient shall be allowed to prepare for personal use medical cannabis cultivated on the property or within his or her private residence or accessory structure. Preparation of medical cannabis cultivated at the residence shall be in conformance with the following standards:

1. Only medical cannabis cultivated at the residence in conformance with this section shall be allowed to be prepared for use at the residence;
2. The primary use of a dwelling unit shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis preparation shall remain at all times accessory to the residential use of the property;
3. The medical cannabis preparation shall be in compliance with the current adopted edition of the California codes;
4. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis preparation is prohibited;
5. The preparation of medical cannabis shall not adversely affect the health or safety of the residents, residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in article 306, "Performance Standards", of this series; and
6. Cultivation of medical cannabis for personal use shall not displace required off street parking, or violate any other provisions of the Porterville municipal code.

G. Preparation As Home Occupation Prohibited: Medical cannabis preparation is prohibited as a home occupation.

H. Sale: No sale or distributing of medical cannabis processed for personal use shall be allowed.

I. Individual Distribution Prohibited: Medical cannabis cultivated or processed for personal use as provided for in this section shall not be distributed to any person, cooperative or collective, unless as otherwise proscribed by this article.

J. Cultivation Permit:

1. Prior to commencing any medical cannabis cultivation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical cannabis cultivation is proposed to occur must obtain a medical cannabis cultivation permit from the community development director or his or her designee. The following information will be required with the initial permit application and subsequent permit extensions:
 - a. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the city.
 - b. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where medical cannabis will be cultivated.
 - c. The name of each qualified patient or primary caregiver who participates in the medical cannabis cultivation.
 - d. A copy of a current valid medical recommendation or county issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.
 - e. The physical site address of where the marijuana will be cultivated.
 - f. A signed consent form, acceptable to the city, authorizing city staff, including the police department authority, to conduct an inspection of the cultivation area without notice.
 - g. Proof that the applicant and any resident has had no drug related felony convictions within the past seven (7) years.
2. The initial permit shall be valid for no more than two (2) years and may be extended in increments of two (2) years.
3. To the extent permitted by law, any personal or medical information submitted with a medical cannabis cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this section.
4. The zoning administrator may, in his or her discretion, deny any application for a medical cannabis cultivation permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The zoning administrator shall deny any application for a medical cannabis permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this section. Failure to

comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension. The denial of any permit application, or permit extension, shall be subject to appeal pursuant to section 601.11, "Appeals", of this chapter.

5. The city may establish a fee or fees required to be paid upon filing of any application for permit(s) as provided by this section, which fees shall not exceed the reasonable cost of administering this section, including, but not limited to, review of applications for permits, monitoring and inspections, and enforcement costs. Said fee or fees shall be established by resolution of the city council.

K. Medical Cannabis Cultivation Or Distribution Facility/Dispensary: Medical cannabis distribution facilities or dispensaries are not a permitted use and are prohibited in any and all zoning designations or districts within the city limits.

L. Enforcement: Any violation of this section is subject to any and all penalties as prescribed in the Porterville municipal code, in addition to being subject to other remedies provided by law, including, but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.

M. Appeals: With the exception of the appeal process set forth in subsection J4 of this section for consideration of applications for permits, any other decisions made by the zoning administrator related to the application and enforcement of this section including, but not limited to, decisions to suspend, revoke or modify a permit, shall be subject to the appeal provisions set forth in article 612, "Appeals", of this chapter. (Ord. 1817, 10-7-2014)



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: OHV Park Management Services

SOURCE: Parks and Leisure Services

COMMENT: Friends of Kern Open Space (FOKOS) received authorization from City Council to manage OHV Park operations commencing January 1, 2016. The initial agreement was a six month term to coincide with the State OHV Park grant funding cycle. The City of Porterville did not receive a grant award for fiscal year 2016/17 but plans on submitting another application for the next grant cycle.

During City Council budget deliberations, Council extended the agreement with FOKOS for another six months with the funding to maintain track operations to come from the Parks and Leisure Services general fund. Upon conclusion of the six months, direction was given to staff to bring an item back to Council to evaluate the current state of the OHV Park.

Staff created a six month budget for the FOKOS from which to operate.

Estimated expenditures - \$43,536.97 (\$40,044.44 through 11/30/16)

Estimated revenue - \$10,706 (\$8,884.00 through 11/30/16)

Given these numbers, staff estimates that should the park remain open through June 2017, the added expense to the Parks and Leisure Services general fund budget will be \$40,000 beyond what it typically expends in the OHV Park budget.

OHV revenue and ridership the past four years:

	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17 (July-Nov)</u>
Revenue	\$39,290	\$30,461	\$15,356	\$8,884
Ridership	2,545	1,900	949	464

The Parks and Leisure Services Commission made a recommendation to the City Council on December 8, 2016, to extend the agreement with FOKOS another six months and then evaluate their performance. The Commission did acknowledge the additional \$40,000 to keep the OHV Park open through June 2017 will make it more difficult for the department to achieve its direction of ending the fiscal year at 94% of its budget. Alternatively, the Council may consider a shorter duration of operation, e.g. suspending operations until Spring/Summer 2017 when ridership traditionally increases, which would mitigate some expense.

RECOMMENDATION: That the City Council provide direction to staff on OHV Park management services.

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Consider Administration of a Code Enforcement Resident Survey

SOURCE: City Manager's Office

COMMENT: At its meeting on November 1st, Mayor Stowe requested that the City Council consider the administration of a Code Enforcement Resident Survey as a Scheduled Matter at its November 15th meeting, which the Council approved. As an example, Mayor Stowe provided a copy of a survey recently administered by the City of Morro Bay. At its November 15th meeting, the Council gave direction for staff to meet with Mayor Stowe to develop a Draft Survey, returning to the Council for further consideration.

Staff met with Mayor Stowe in the development of the Draft Survey that is submitted for the Council's consideration. Surveys performed in other communities were reviewed and served as the basis of the questions, with additional questions developed in reflection of the most frequently received complaints on the City's myPorterville app. The Survey initially focuses on general personal information and interests (owner vs renter, level of support for code enforcement, community involvement, etc.), and then progresses to gauge individuals preferences in specific examples of property code enforcement.

The Council discussed the possibility of the Survey being distributed in the City's monthly utility mailing, which is estimated to cost \$1,500, and would also be available to be completed online.

RECOMMENDATION: That the City Council consider the Draft Resident Survey, and provide direction considering its potential administration.

ATTACHMENTS:

1. Draft Resident Survey
2. City of Morro Bay Resident Survey

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



City of Porterville

Resident Survey

The City of Porterville is currently in the process of updating its Code Enforcement policies and procedures. Please help shape the future of your city by completing and returning the following survey.

Mail or bring completed survey to:

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

OR, take it online at <https://surveyplanet.com/585088a9f309b6055f1baf0e>

1. Would you support the City more proactively pursuing code enforcement if it improved the quality of life in your neighborhood?
☐ Yes
☐ No
2. Would you be interested in volunteering your time to help improve the community?
☐ Yes, I would be interested in participating in quarterly clean-up efforts.
☐ Yes, I would be interested in coordinating quarterly clean-up efforts.
☐ Other: _____
3. Do you rent or own your home?
☐ Rent
☐ Own
4. Is a portion of your home or property rented to anyone other than a family member?
☐ Yes
☐ No
5. Has your home been annexed since 2006?
☐ Yes
☐ No
6. How quickly do you expect issues to be resolved after a complaint is filed?
☐ 2 weeks
☐ 4 weeks
☐ 6 weeks
☐ Other: _____
7. Which of these vehicles should receive a Notice of Violation? (Check all that apply)
☐ Vehicle in driveway with current tags, but with flat tires, broken windows, cobwebs underneath, or similar physical characteristics
☐ Vehicle in yard, in fair condition, with expired tags
☐ Vehicle under repair, non-drivable in current condition, in driveway
☐ Other: _____

8. How long should RVs, boats, or trailers be allowed to park in a driveway?

- ☐ Up to 72 Hours
- ☐ Up to 7 days
- ☐ Up to 2 weeks
- ☐ Other: _____

9. What do you consider signs of a neglected property? (Check all that apply)

- ☐ Overgrown trees/bushes
- ☐ Dead trees/bushes
- ☐ Untended/weed-filled flower beds
- ☐ Trash or debris in the front yard
- ☐ Chipping paint on the house
- ☐ Broken windows
- ☐ Other: _____

10. Please assign a priority to the following code violations according to how important each issue is to you.

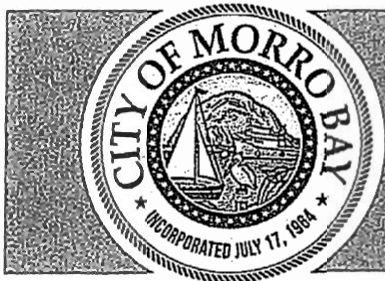
Code Violation	Scale		
	High Priority	Low Priority	No Issue
1. Vehicles parked in the front yard			
2. Storing of vehicles, equipment, or debris in the front or side yards			
3. Using garages as illegal rental units			
4. Using garages as unpermitted living spaces			
5. Operating a home business without a permit			
6. Operating an auto-repair shop at a private residence			
7. Overgrown conditions, including weeds taller than 6 inches			
8. Overgrown trees, including trees with branches hanging down less than 10ft above sidewalks			
9. Temporary signs or banners up longer than three months			
10. Yard sales held more than two times in any six month period			
11. Barking dogs loud enough to disturb the comfort, quiet, or peace			
12. Overwatering of landscaping			
13. Graffiti			
14. Noise- Loud music/partying			

11. How do you feel that City Code Enforcement could help? Please rate each item by priority.

Ways Enforcement can help	Scale		
	High Priority	Low Priority	No Issue
1. Provide curbside pick-up on free dump days			
2. Hold neighborhood meetings to explain what is not in compliance and encourage compliance			
3. Provide a resource guide of local contractors and handymen; provide financial assistance to those who qualify			
4. Similar to weed abatement, hire a contractor to clean up properties with debris and then charge the property owners			

Additional Comments:

Thank you for sharing your ideas



CITY OF MORRO BAY

Residents' Survey

The City of Morro Bay is currently in the process of updating portions of the Municipal Code which deal with parking of vehicles in front yards and street-facing side yards, location and screening of trash containers, and appropriate allowable heights for hedges and fences. Please help shape the future of your City by completing and returning the following survey.

Designated Residential Zones (for Question 1):

- Zone A – East of Highway 1
- Zone B – West of Hwy. 1 and north of the power plant
- Zone C – West of Hwy. 1, south of the power plant and north of Pacific St.
- Zone D – West of Hwy. 1 and south of Pacific St.

NOTE: These residential zones have been constructed only for purposes of this survey and have no official standing or regulatory significance.

Mailed or bring completed survey to:

City of Morro Bay, c/o Ryan Russell, 955 Shasta Ave., Morro Bay, CA 93442

OR, take it online at <https://www.surveymonkey.com/r/DGRLKYD>

Tell us about yourself:

1. Which of the designated residential areas (See Figure1) best corresponds to the location of your home?
 - ☐ Zone A ☐ Zone B ☐ Zone C ☐ Zone D
2. How long have you lived in Morro Bay?
 - ☐ Less than 5 yrs. ☐ 5-9 yrs. ☐ 10-20 yrs. ☐ More than 20 yrs.
3. How old are you?
 - ☐ Less than 20 yrs. ☐ 20-34 yrs. ☐ 35-49 yrs. ☐ 50-64 yrs. ☐ 65 yrs. or over
4. Do you own your home or are you renting?
 - ☐ Own ☐ Rent ☐ Other
5. Do you have children under the age of 18 years living at home with you?
 - ☐ Yes ☐ No
6. Is a portion of your home or of property rented to anyone other than a family member?
 - ☐ Yes ☐ No
7. Do you own an RV, camper, travel trailer, ATV or similar, occasional-use vehicle?
 - ☐ Yes ☐ No
8. Do you own a boat, jet ski or other watercraft?
 - ☐ Yes ☐ No
9. If you answered "Yes" to Questions 7 or 8, is the vehicle or boat stored at your place of residence?
 - ☐ Yes ☐ No ☐ N/A

Figure 1
Designated Residential Zones

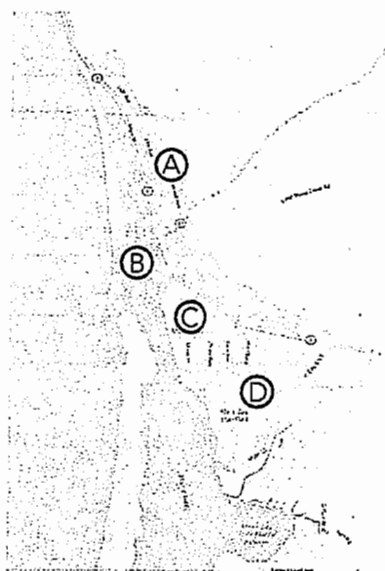
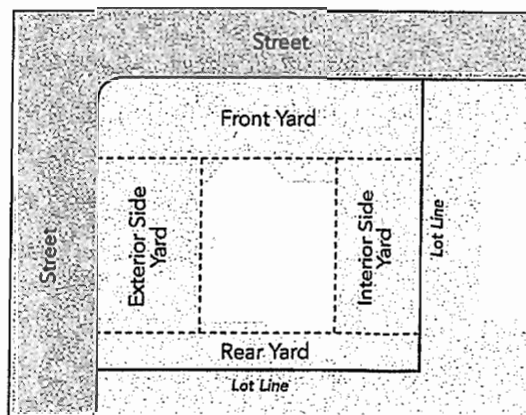


Figure 2
Designated Yard Areas (Questions 11 through 15)



Give us your opinions:

10. Should the following be allowed to be parked or stored in a front yard or street-facing side yard (See Figure 2)? Check one selection on each line:

	Always	Only on a Driveway or Prepared Pad	Only on a Driveway	Only in Specific Cases if an Exception Is Granted	Never
10a. Functioning automobiles?	☐	☐	☐	☐	☐
10b. Automobiles under repair?	☐	☐	☐	☐	☐
10c. Inoperative vehicles not under repair?	☐	☐	☐	☐	☐
10d. Commercial vehicles ¹ , trailers or equipment?	☐	☐	☐	☐	☐
10e. Utility trailers or equipment?	☐	☐	☐	☐	☐
10f. Recreational vehicles, travel trailers?	☐	☐	☐	☐	☐
10g. ATVs, golf carts, other off-road vehicles?	☐	☐	☐	☐	☐
10h. Commercial boats?	☐	☐	☐	☐	☐
10i. Jet-skis, recreational boats?	☐	☐	☐	☐	☐

¹ Vehicles suitable for commercial use that are larger than a standard pick-up truck

11. Trash containers (check all with which you agree):

- ☐ Should be permitted to remain at the curb from scheduled pick-up day to the next?
- ☐ Should be allowed to be stored in front or street-facing (exterior) side yards without screening?
- ☐ Should be allowed to be stored in front or exterior side yards only with adequate screening?
- ☐ Should not be stored in front or exterior side yards?

Generally speaking, the current Morro Bay Zoning Ordinance limits the maximum height of solid walls, fences, and hedges in residential areas to three feet in front and exterior side yards, and to six feet, six inches in rear and interior side yards.

12. Should the maximum height for fences in residential neighborhoods be limited to:

In front and exterior side yards: ☐ 0 ft. ☐ 3 ft. ☐ 4 ft. ☐ 6 ft. ☐ 8 ft. ☐ No limit

In rear and interior side yards: ☐ 3 ft. ☐ 4 ft. ☐ 5 ft. ☐ 6.5 ft. ☐ 8 ft. ☐ No limit

13. Should the maximum height for hedges in residential neighborhoods be limited to:

In front and exterior side yards: ☐ 0 ft. ☐ 3 ft. ☐ 4 ft. ☐ 6 ft. ☐ 8 ft. ☐ No limit

In rear and interior side yards: ☐ 3 ft. ☐ 4 ft. ☐ 5 ft. ☐ 6.5 ft. ☐ 8 ft. ☐ No limit

Additional Comments:

Thank you for sharing your ideas!



CITY COUNCIL AGENDA – DECEMBER 20, 2016

SUBJECT: Status and Review of Declaration of Local Emergency

SOURCE: City Manager's Office

COMMENT: Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that is being 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.

At its last meeting on December 6th, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as

having wells that are now dry as a result of the drought. Approximately 30 residences within the city have been determined to currently have dry wells, most of which are concentrated in the vicinity of E. Vandalia Avenue between Main and Plano Streets, and it is anticipated that more could likely occur as drought conditions continue. 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.

Representatives for the City, County, and State (CalOES, DDW, DWR, and SWB) have continued to meet in support of a long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR has identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that are currently 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 begun a significant City waterline extension project to permanently connect those 423 residential units to the City's water system. To provide source water for the DWR extension project, CalOES desires to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute, per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and the 80 residential units be included in the water connection project, to which the State agreed.

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 April 5th meeting, which the County Board of Supervisors subsequently approved at their May 10th meeting.

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 21st, and approved by the Board of Supervisors on Tuesday, June 28th. With the approval of the MOU, it was anticipated that the State would begin the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2nd.

In regards to the status of the new well's development and connection to the

City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of August 16th, and construction activities commenced the week of October 10th. 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 contractor is now reporting that the well will likely be completed no sooner than mid-January 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its December 6th meeting. The Board of Supervisors are expected to act upon the Draft Amendment at its meeting on December 20th.

County OES and the State Division of Drinking Water (DDW) have recently reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters ,etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also recently reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

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

- ATTACHMENTS:
1. Resolution 49-2015 - Declaration of Local Emergency
 2. Governor Executive Order
 3. City-County Well Agreement
 4. Memorandum of Understanding
 5. Memorandum of Understanding Draft Amendment

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager

RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

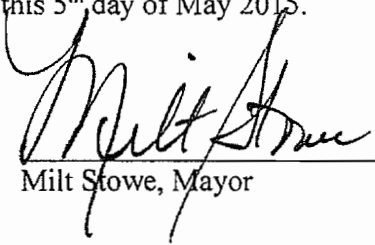
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

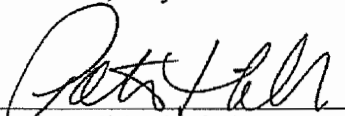
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5th day of May 2015.


Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk


By: Patrice Hildreth, Chief Deputy City Clerk

EXECUTIVE ORDER B-37-16
MAKING WATER CONSERVATION A CALIFORNIA WAY OF LIFE

WHEREAS California has suffered through a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

WHEREAS Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by 23.9% between June 2015 and March 2016 and saving enough water during this period to provide 6.5 million Californians with water for one year; and

WHEREAS severe drought conditions persist in many areas of the state despite recent winter precipitation, with limited drinking water supplies in some communities, diminished water for agricultural production and environmental habitat, and severely-depleted groundwater basins; and

WHEREAS drought conditions may persist in some parts of the state into 2017 and beyond, as warmer winter temperatures driven by climate change reduce water supply held in mountain snowpack and result in drier soil conditions; and

WHEREAS these ongoing drought conditions and our changing climate require California to move beyond temporary emergency drought measures and adopt permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and

WHEREAS increasing long-term water conservation among Californians, improving water use efficiency within the state's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change; and

WHEREAS these activities are prioritized in the California Water Action Plan, which calls for concrete, measurable actions that "Make Conservation a California Way of Life" and "Manage and Prepare for Dry Periods" in order to improve use of water in our state.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular California Government Code sections 8567 and 8571, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

The orders and provisions contained in my January 17, 2014 Emergency Proclamation, my April 25, 2014 Emergency Proclamation, Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 remain in full force and in effect except as modified herein.

State agencies shall update temporary emergency water restrictions and transition to permanent, long-term improvements in water use by taking the following actions.

USE WATER MORE WISELY

1. The State Water Resources Control Board (Water Board) shall, as soon as practicable, adjust emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions across the state. To prepare for the possibility of another dry winter, the Water Board shall also develop, by January 2017, a proposal to achieve a mandatory reduction in potable urban water usage that builds off of the mandatory 25% reduction called for in Executive Order B-29-15 and lessons learned through 2016.
2. The Department of Water Resources (Department) shall work with the Water Board to develop new water use targets as part of a permanent framework for urban water agencies. These new water use targets shall build upon the existing state law requirements that the state achieve a 20% reduction in urban water usage by 2020. (Senate Bill No. 7 (7th Extraordinary Session, 2009-2010).) These water use targets shall be customized to the unique conditions of each water agency, shall generate more statewide water conservation than existing requirements, and shall be based on strengthened standards for:
 - a. Indoor residential per capita water use;
 - b. Outdoor irrigation, in a manner that incorporates landscape area, local climate, and new satellite imagery data;
 - c. Commercial, industrial, and institutional water use; and
 - d. Water lost through leaks.

The Department and Water Board shall consult with urban water suppliers, local governments, environmental groups, and other partners to develop these water use targets and shall publicly issue a proposed draft framework by January 10, 2017.

3. The Department and the Water Board shall permanently require urban water suppliers to issue a monthly report on their water usage, amount of conservation achieved, and any enforcement efforts.

ELIMINATE WATER WASTE

4. The Water Board shall permanently prohibit practices that waste potable water, such as:
 - Hosing off sidewalks, driveways and other hardscapes;
 - Washing automobiles with hoses not equipped with a shut-off nozzle;
 - Using non-recirculated water in a fountain or other decorative water feature;
 - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
 - Irrigating ornamental turf on public street medians.
5. The Water Board and the Department shall direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
6. The Water Board and the Department shall direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission shall order investor-owned water utilities to accelerate work to minimize leaks.
7. The California Energy Commission shall certify innovative water conservation and water loss detection and control technologies that also increase energy efficiency.

STRENGTHEN LOCAL DROUGHT RESILIENCE

8. The Department shall strengthen requirements for urban Water Shortage Contingency Plans, which urban water agencies are required to maintain. These updated requirements shall include adequate actions to respond to droughts lasting at least five years, as well as more frequent and severe periods of drought. While remaining customized according to local conditions, the updated requirements shall also create common statewide standards so that these plans can be quickly utilized during this and any future droughts.
9. The Department shall consult with urban water suppliers, local governments, environmental groups, and other partners to update requirements for Water Shortage Contingency Plans. The updated draft requirements shall be publicly released by January 10, 2017.

10. For areas not covered by a Water Shortage Contingency Plan, the Department shall work with counties to facilitate improved drought planning for small water suppliers and rural communities.

IMPROVE AGRICULTURAL WATER USE EFFICIENCY AND DROUGHT PLANNING

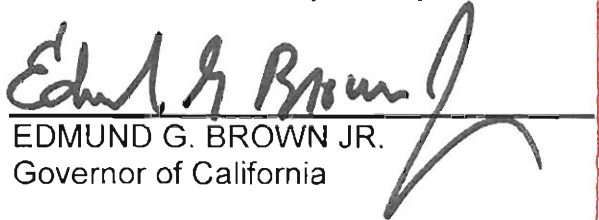
11. The Department shall work with the California Department of Food and Agriculture to update existing requirements for Agricultural Water Management Plans to ensure that these plans identify and quantify measures to increase water efficiency in their service area and to adequately plan for periods of limited water supply.
12. The Department shall permanently require the completion of Agricultural Water Management Plans by water suppliers with over 10,000 irrigated acres of land.
13. The Department, together with the California Department of Food and Agriculture, shall consult with agricultural water suppliers, local governments, agricultural producers, environmental groups, and other partners to update requirements for Agricultural Water Management Plans. The updated draft requirements shall be publicly released by January 10, 2017.

The Department, Water Board and California Public Utilities Commission shall develop methods to ensure compliance with the provisions of this Executive Order, including technical and financial assistance, agency oversight, and, if necessary, enforcement action by the Water Board to address non-compliant water suppliers.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 9th day of May 2016.


EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
 - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
 - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
 - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
 - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare
Administrative Building
2800 W. Burrell Avenue
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager
291 N. Main St.
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis
Mike Ennis Chairman,
Board of Supervisors

ATTEST: Michael C. Spata,
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By Danisa A. Ybana
Deputy Clerk



Approved as to Form
County Counsel

By M. Gracie for LMT
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe
Milt Stowe, Mayor

ATTEST:
City Clerk of the City of Porterville

BY J. L. Lolis
John Lolis, City Manager

Approved as to Form

BY [Signature]
City Attorney

EXHIBIT 'A'

East Porterville Project Boundary

Legend

-  East Porterville Project Boundary
 Parcels Within Project Boundary Area (1,776)
 City Limits
 UDB

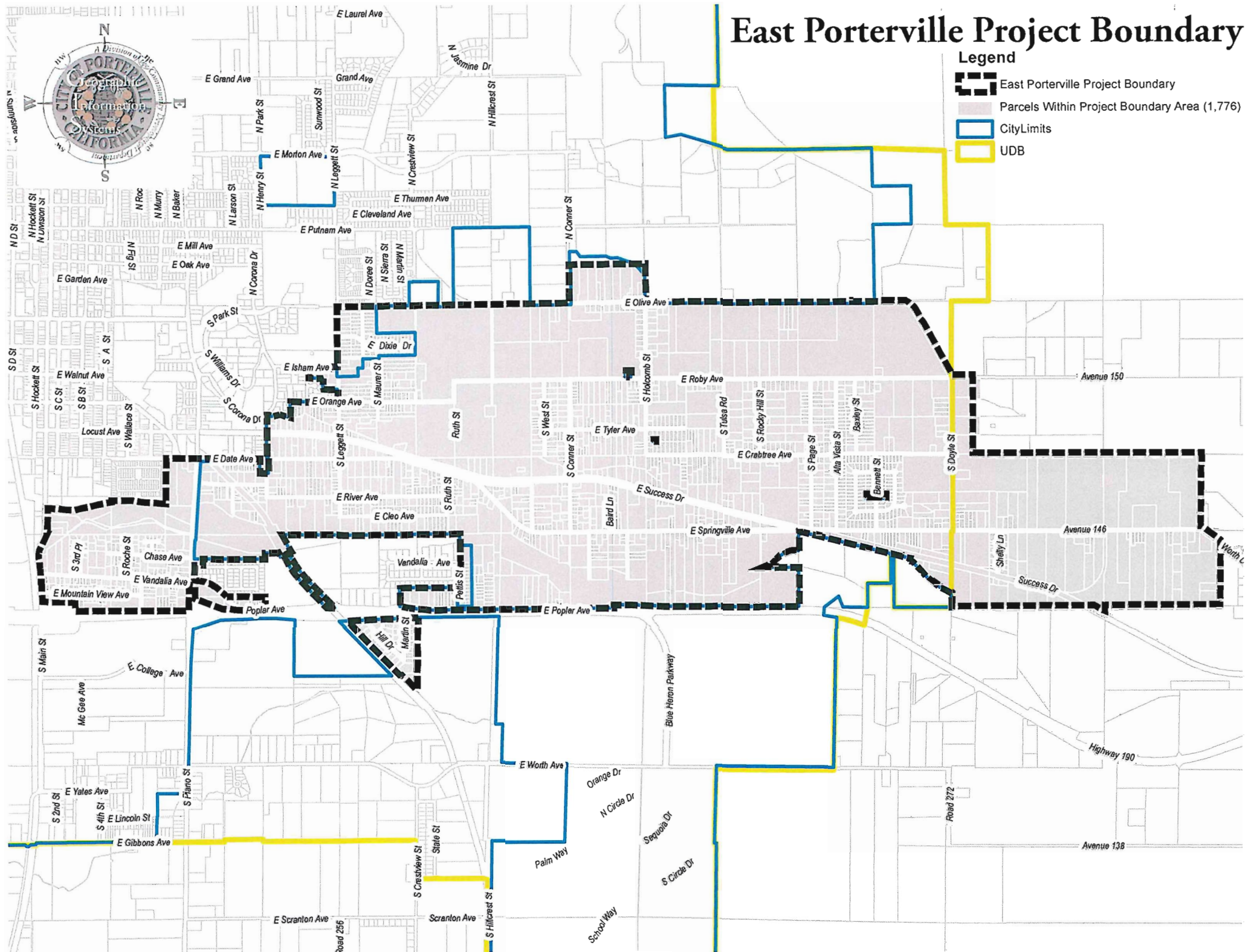


EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

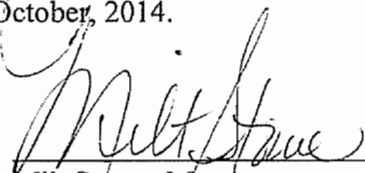
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

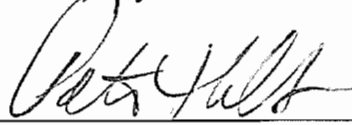
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2014.


Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By: 
Patrice Hildreth, Chief Deputy City Clerk

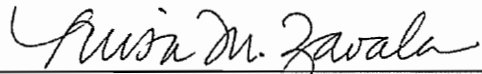
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21st day of October, 2014.

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

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

JOHN D. LOLLIS, City Clerk


By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

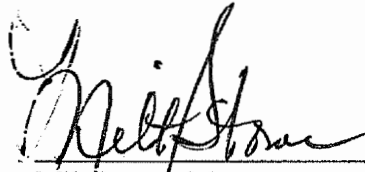
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

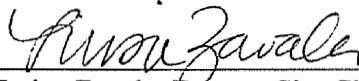
PASSED, APPROVED AND ADOPTED this 19th day of April, 2016.



Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY 

Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

ANNEXATION APPLICATION PROCEDURE

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

ANNEXATION EXEMPTION PROCEDURE

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
 - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
 - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
 - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
 - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

EXEMPTIONS AND EXCEPTIONS

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining

to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. **PRIOR APPROVALS:** Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

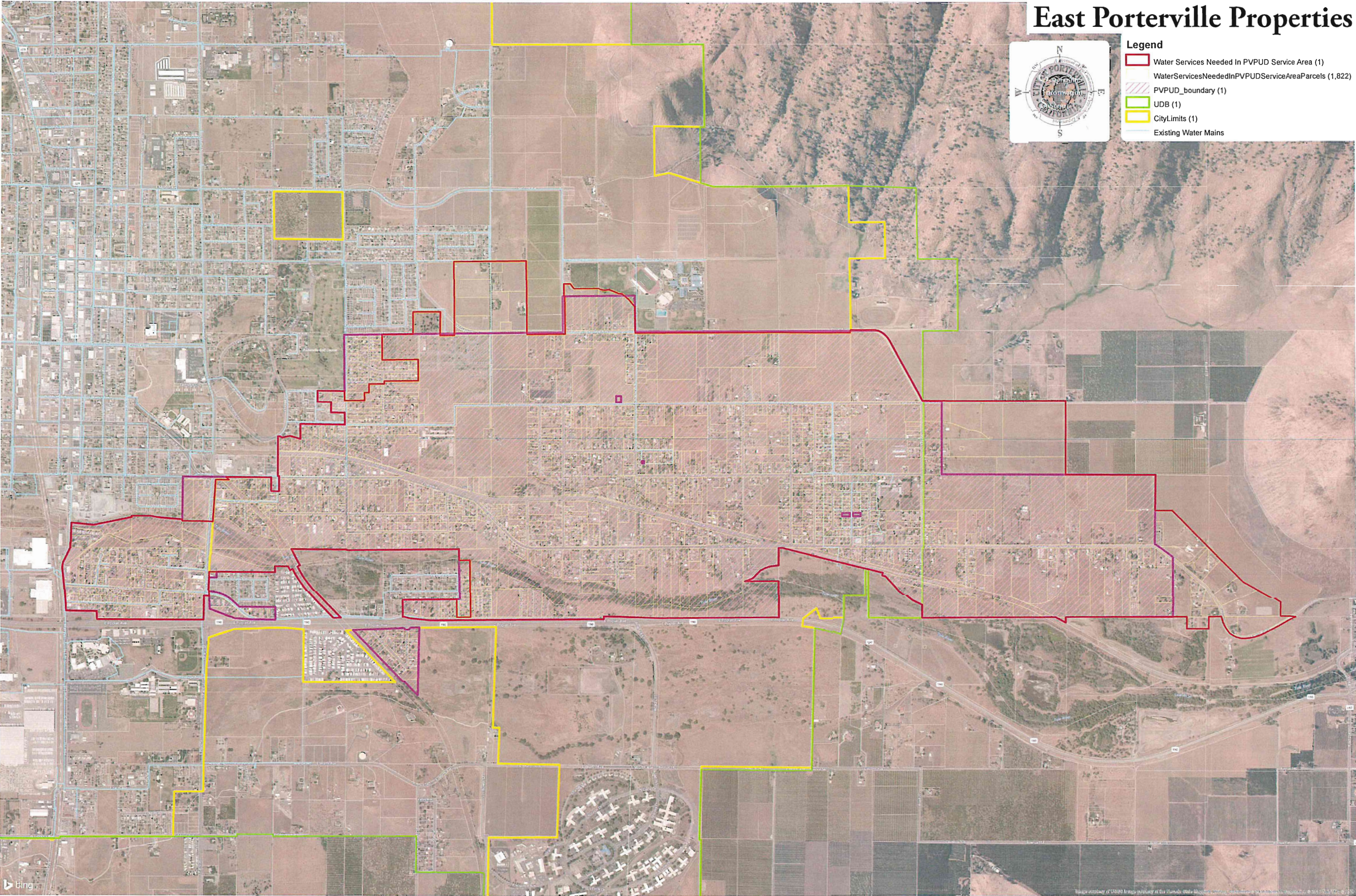
3. **PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA:** The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.

East Porterville Properties



- Legend**
- Water Services Needed In PVPUD Service Area (1)
 - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
 - PVPUD_boundary (1)
 - UDB (1)
 - CityLimits (1)
 - Existing Water Mains



STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19th day of April, 2016.

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

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

JOHN D. LOLLIS, City Clerk

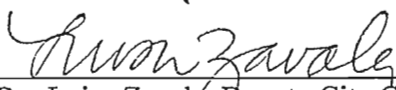

By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

Scope of Work

Task	Description	Cost
1.2	Prepare Well Drilling Plans, Specifications, and Estimates	\$468.00
3.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$1,526.00
5	Ph. 1 Preconstruction Meeting	\$1,357.43
Total:		\$3,351.43

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

Task 4.1	Project Evaluations and Field Surveying	\$58,326.00
Task 4.2	Prepare Well Equipping Plans, Specifications, and Estimates	\$30,000.00
Task 4.3	Prepare and Assist with SCE Application & Telephone Service	\$5,000.00
Task 4.4	SCE Costs	\$15,000.00
Total:		\$108,326.00

Discussion Draft

Subject to Additional Review and Modification by the Parties

Porterville MOU
Draft 2
June 15, 2016
PortervilleEmergencyMOU061516



Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;

Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

Understanding

A. Description of Emergency Project and Long-Term Plan

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

B. Project Contributions of the Parties

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

C. General Provisions

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville

List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville
by the California Department of Water Resources (DWR), California Office of
Emergency Service (OES), the State Water Resources Control Board (SWRCB),
the County of Tulare (County), and City of Porterville (Porterville),
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7th day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

Recitals

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

California Office of Emergency Services

County of Tulare

City of Porterville
