Call to Order
Roll Call

**ORAL COMMUNICATIONS**

This is the opportunity to address the Council on any matter scheduled for Closed Session.

**CLOSED SESSION:**

A. Closed Session Pursuant to:
   1. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.

**7:00 P.M. RECONVENE OPEN SESSION**

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

Pledge of Allegiance Led by Council Member Pedro Martinez

Invocation

**PRESENTATION**

Employee of the Month - Bubba Frasher

**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.

**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.

1. Approval of City Council Minutes of June 21, 2005

2. Acceptance of Traffic Signal #7 Project
   Re: Accepting the Project by A-C Electric as complete for the installation of a traffic signal at the intersection of Putnam Avenue and Villa Street.

3. Acceptance of the Williford Drive Street Reconstruction and Drainage Project
   Re: Accepting the Project by Halopoff & Sons, Inc. as complete for the construction of master plan storm drain facilities, catch basins, curb and gutter, water main, sewer main and street reconstruction on Williford Drive between Henderson Avenue and Mulberry Avenue.
4. Community Development Department Reorganization
Re: Considering department reorganization to enable staff to respond to increasing volume of new development activity and long range planning amendments, General Plan Amendments, and General Plan Update.

5. Approval for Community Civic Event - Porterville Downtown Association Crazy Days, August 6, 2005
Re: Approving annual sidewalk sale event to take place in Downtown Porterville on Saturday, August 6, 2005 from 7:00 a.m. to 6:00 p.m.

6. Consolidated Waste Management Authority Position
Re: Authorizing negotiations with CWMA to allow Porterville to host CWMA Administrator position; reclassifying current CWMA Administrator from Administrative Aide to the level of Administrative Analyst and backfilling vacated position with a 1-year provisional position, and specifying in the negotiated contract that the CWMA Administrator’s actual wages, benefits and overhead costs be borne by member agencies.

7. Selection of a Management Consultant for the Purpose of Staff Development and Team Building
Re: Authorizing a negotiated contract in an amount not to exceed $15,000 with the consulting firm of The Centre to provide management evaluations and team building services.

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

PUBLIC HEARINGS
8. Annual Engineers Report and Assessments for Landscape and Lighting Maintenance Districts
Re: Accepting the annual report and continuing the public hearing to August 16, 2005 to receive comments on the proposed assessments.

9. Pre-Zoning and Annexation of Twelve Unincorporated “Islands” in Six Annexation Proposals
Re: Considering the annexation of six projects throughout the City, including: Project 1 (Annexation 446 and Zone Change 4-2005) re 1 area located generally at the northeast corner of State Highway 190 and Main Street; Project 2 (Annexation 455 and Zone Change 5-2005) re 2 areas located south of North Grand Avenue and generally west of State Route 65 in the northerly portion of the community; Project 3 (Annexation 456 and Zone Change 6-2005) re 3 areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community; Project 4 (Annexation 457 and Zone Change 7-2005) re 1 area generally located at the southeast corner of State Route 65 and State Highway 190; Project 5 (Annexation 458 and Zone Change 8-2005) re 2 annexation areas generally located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community; and Project 6 (Annexation 459 and Zone Change 9-2005) re 3 areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community.
10. **Zone Change 10-2005 (Pre-zoning) and Annexation 460 (Gibbons and Indiana)**
Re: Approving the annexation and pre-zoning of six parcels and adjacent streets totaling approximately 87 acres located east and west of Indiana Street and north of Gibbons Avenue.

**SECOND READING**
11. **Ordinance 1670, Zone Change 3-2005 (Mrs. Neal Daybell)**
Re: Adopting the Ordinance approving Zone Change No. 3-2005, changing a zone of C-3 (Heavy Commercial) to R-4 (Multiple Family Residential) for those eight (8) parcels located on the west side of North E Street, extending south of Willow Avenue.

**SCHEDULED MATTERS**
12. **Request for Proposals (RFP) for Curbside Recycling - Continued from July 19, 2005**
Re: Considering options for advertising for RFP for processing and residual disposal and collection of residential recyclables, and considering selection committee consisting of the City Attorney and City Auditor.

**ORAL COMMUNICATIONS**

**OTHER MATTERS**

**CLOSED SESSION**
Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

**ADJOURNMENT** - to the meeting of August 16, 2005

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Call to Order at 6:00 p.m.
Roll Call: Council Member Irish, Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

**ORAL COMMUNICATIONS**
None

**CLOSED SESSION:**
A. Closed Session Pursuant to:

   Council Member Irish clarified with City Attorney Julia Lew the appropriate procedure for Oral Communications when no audience members were present.

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY ACTION TAKEN IN CLOSED SESSION**
No action reported.

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation - one individual participated.

**PRESENTATION**
- Pedro Martinez, Recognition as Mayor
  Council Member Martinez thanked the Council for the plaque and recognition, yet stated because he did not believe his removal as Mayor was justified, he would not accept the plaque.

- Deputy City Manager Web Site Demonstration
  A demonstration regarding online access of the City Council Agendas was provided.

**ORAL COMMUNICATIONS**
- Jerel Collis, Porterville Rescue Mission, 30 South “A” Street, spoke regarding alleged misconduct of a Rescue Mission Board Member and requested the Council’s assistance. The Council requested that Police Chief Silver Rodriguez assist Mr. Collis.
- Pete McCracken, 657 Village Green, requested that he be allowed to speak on Item 24.
- Dick Eckhoff, 180 North Main Street, raised questions re Items 7, 21 and 24 and distributed a memorandum outlining his concerns to the Council.

**CONSENT CALENDAR**
Items 2, 7, 10 and 12 were removed.

1. AWARD CONTRACT: SOLAR POWERED LIGHTED PEDESTRIAN CROSSING WARNING SYSTEM
Recommendation: That the City Council:
1. Award the contract to Traffic Safety Corp. of Fairfield, CA, in the amount of $101,720.19, for a solar powered lighted pedestrian crossing warning system to be installed at intersections along the “Rails to Trails” project; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 01-062105
Disposition: Approved.

3. APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 261-080-011 - OWNER MANUEL FRANCISCO LAMBARENA - DATE AVENUE STREET PROJECT

Recommendation: That the City Council approve the Relocation Plan for property located at APN 261-080-011.

Documentation: M.O. 02-062105
Disposition: Approved.

4. AUTHORIZATION TO APPROVE SUCCESS DAM SEISMIC REMEDIATION JOINT POWERS AGREEMENT

Recommendation: That the City Council:
1. Direct the Mayor to execute the “Tule River Improvement Joint Powers Project Agreement for the Success Dam Seismic Remediation Project”;
2. Appoint the Public Works Director as the City of Porterville’s representative on the Seismic Remediation Committee;
3. Authorize the City Manager to release the first payment installment in the amount of $6,250 from the Water Operating Fund to the Seismic Remediation Committee to cover the City’s 2004/2005 share of expenses related to the Success Dam Remediation Project; and
4. Authorize the City Manager to approve future payments, not to exceed $7,500, from the Water Operating Fund to the Seismic Remediation Committee for Fiscal Years 2005/2006 and 2006/2007.

Documentation: M.O. 03-062105
Disposition: Approved.

5. INTENT TO VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville as Parcel C of Document No. 2000—37339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of July 5, 2005, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolution 78-2005
Disposition: Approved.

6. INTENT TO ABANDON A PortION OF CLEVELAND AVE NUE AND AN ALLEY WITHIN THE MORTON GARDENS SUBDIVISION - SET FOR PUBLIC HEARING (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to abandon a portion of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street; and
2. Set the Council Meeting of July 19, 2005 as the time a place for the Public Hearing.

Documentation: Resolution 79-2005
Disposition: Approved.

8. UPDATE ON CERTIFICATES OF PARTICIPATION PROJECTS

Recommendation: Informational Report only.

9. ECONOMIC DEVELOPMENT UPDATE

Recommendation: Informational Report only.

11. APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD AND SETTING OF A PUBLIC HEARING

Recommendation: That the City Council:
1. Approve the report of the Business Improvement Advisory Board;
2. Adopt a resolution of intention to levy an annual assessment for the Fiscal Year 2005/2006; and

Documentation: Resolution 80-2005
Disposition: Approved.

13. APPROVAL OF INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE AGREEMENT FOR SCHOOL RESOURCE OFFICER AND GANG DETERRENCE OFFICER

Recommendation: That the Council:
1. Authorize the 46th police sworn position; and
2. Authorize the Mayor to execute the Tulare County Indian Gaming Local Community Benefit Committee Agreement for the grant of $115,978.

Documentation: M.O. 04-062105
14. AIRPORT LEASE - LOT 47

Recommendation: That the City Council approve the Assignment of the Lease Agreement between the City of Porterville and Dr. Westel Creager to James Costa.

Documentation: M.O. 05-062105
Disposition: Approved.

15. CONSIDERATION OF A STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

Recommendation: That the City Council approve the policy of support for the Guard and Reserve.

Documentation: M.O. 06-062105
Disposition: Approved.

16. FIXED ROUTE HOLIDAY PARADE RIDERSHIP

Recommendation: That the City Council:
1. Direct staff to continue operations of the City of Porterville Fixed Route Bus System during major holiday parades; and
2. Direct staff and Sierra Management to develop and post a “Parade Routing Schedule” highlighting the necessary changes to the affected bus routes.

Documentation: M.O. 07-062105
Disposition: Approved.

17. RATIFY USE OF SEARCH FIRM FOR ASSOCIATE PLANNER AND ASSOCIATE CIVIL ENGINEER

Recommendation: That the City Council:
1. Authorize staff to negotiate professional Service Agreements with the firm of Bob Murray and Associates for professional recruitment services in an amount not to exceed $40,000; and
2. Authorize the Mayor to sign the Agreements when finalized.

Documentation: M.O. 08-062105
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Item Nos 1, 3 through 6, 8, 9, 11, and 13 through 17. The motion carried unanimously.

2. AWARD OF CONTRACT - HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Approve the financing scenario;
2. Award the Henderson Avenue Reconstruction Project to Halopoff & Sons, Inc. in the amount of $2,279,015.70;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 8.31% contingency to cover unforeseen construction costs.

Council Member Irish commented that he did not wish for any items to be removed from the project, voicing concern for a potential lack of funds in the future to complete the project.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s comments, then requested City Engineer Mike Reed to speak on the item.

Mr. Reed came forward and suggested ways in which the entire project could be funded, such as postponing the G Street Project until FY2006/2007, or utilizing design funds for the Prospect Street Project. He added that absorbing staff time and quality control in the Engineering Budget could also be done. City Manager John Longley clarified that the extra funds in the Engineering Budget were attributed to being under-staffed and was not typical.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council approve staff’s recommendation, amended to fund the entire project using unused funds from the Engineering Department for quality assurance and staff time; that the G Street Project be postponed until FY 2006/2007; and the funds allocated for the G Street Project be reallocated to the Henderson Street Reconstruction Project. The motion carried unanimously.

Disposition: Approved, as amended.

7. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF OLIVE AVENUE AND MATHEW STREET AS A 4-WAY STOP INTERSECTION

Recommendation: That the City Council:
1. Pass a Resolution amending Traffic Resolution No. 10-2001, designating Olive Avenue and Mathew Street as a 4-way stop intersection;
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control devise, name a 4-way stop, at the intersection of Olive Avenue and Mathew Street; and
3. Authorize the City Engineer to install traffic control devices, namely 4-way stop signs, at the intersection of Olive Avenue and Mathew Street.

Mayor Pro Tem Hamilton commented that he believed the City needed to again meet with Burton School District to work out the issue of traffic control. He stated that a temporary 4-way stop sign was merely a band-aid and did not fix the problem.

Council Member Irish commented that he would like to see a solution before the school opened and children began using the street.

Mr. Longley confirmed that staff would schedule a meeting with Burton School District and bring the item back to the Council at the next meeting. It was determined that Mayor Pro Tem Hamilton would attend the meeting with the School District.
10. ANNOUNCING VACANCY ON THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the Council announce the vacancy on the Parks and Leisure Services Commission and set July 19, 2005 as the time for Council appointment to fill the position.

In response to a question posed by Mayor Pro Tem Hamilton, City Attorney Julia Lew clarified that any nominations should occur during the July 19, 2005 Council Meeting.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council announce the vacancy on the Parks and Leisure Services Commission, and set July 19, 2005 as the time for Council appointment to fill the position. The motion carried unanimously.

Disposition: Approved.

12. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements.

Council Member Stadtherr suggested that language be added to recognize the potential jeopardy of the proposed funding in the event Sacramento did not hold to their financial commitments.

City Manager John Longley confirmed that there would be ramifications, in terms of recommendations made to the Council, in the event the promised State funding did not come to fruition, or the sales tax measure was unsuccessful.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Irish that the Council accept the Chamber of Commerce Activity Report and Financial Statements, with the recognition of potential jeopardy of Fiscal Year 2006/2007 funding if funds from the State of California are not received, or the sales tax measure does not pass. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARING

18. BUDGET ADOPTION FOR THE 2005-06 FISCAL YEAR

Recommendation: That the City Council:

1. Conduct a public hearing to receive comment on the proposed 2005-2006 Fiscal Year Budgets for both the General Fund and Enterprise and Internal Service Funds; and
2. Approve the draft resolution adopting the 2005-2006 Fiscal Year Budgets, as modified by Council.
City Manager John Longley presented the item and Deputy City Manager Darrel Pyle presented the staff report.

Mr. Longley added that during the Study Session on the Budget, the Council had requested some additional information from staff and that staff had provided responses to those questions. He stated the items included:

- Costing out a full time Code Enforcement Officer;
- Providing options to prioritize the water slide project to a date sooner than the proposed date of May 2006, along with an estimate of staff hours to bid and administer the construction contract for the project;
- Providing options for relocating the Parks and Leisure Services operations out of City Hall, with the exception of the Director’s Office;
- Preparing a schedule reflecting the outstanding balances of the COPs as of the end of the FY2004/2005; and
- Providing additional information as to the necessary improvements at the intersection of Mathew Street and Olive Avenue, and along the west side of Mathew Street.

The Public Hearing opened at 7:40 p.m.

- Dick Eckhoff, 197 North Main Street, questioned whether the Mathew Street/Olive Avenue intersection work could be moved up so as to be completed prior to the school year beginning.

The Public Hearing closed at 7:41 p.m.

Mayor Pro Tem Hamilton commented that he still had some concerns with the proposed Budget, but he would vote for its adoption that evening.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor West that the Council approve the draft resolutions adopting the 2005/2006 Fiscal Year Budget for the General Fund and the Enterprise and Internal Service Funds, as presented. The motion carried unanimously.

Disposition: Approved.

19. CONSIDERATION OF PROPOSED SOLID WASTE SERVICE FEES

Recommendation: That the City Council:
1. Conduct a public hearing to receive public comment;
2. Approve the refuse rate increase;
3. Adopt the draft resolution; and
4. Authorize the new rate structure to become effective July 1, 2005.

City Manager John Longley presented the item and Field Services Manager Bryan Styles presented the staff report, which included a visual presentation detailing the proposed rate increase and a comparative analysis of Porterville and other local cities.

The Public Hearing opened at 7:46 p.m. and closed at 7:47 p.m. when nobody came forward.

Mayor Pro Tem Hamilton clarified with Mr. Styles that staff recommended approval of the thirteen percent (13%) rate increase.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the refuse rate increase of 13%; adopt the draft resolution; and authorize the new rate structure to become effective July 1, 2005. The motion carried unanimously.

Disposition: Approved.

20. ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Zone Variance 1-2005; and

City Manager John Longley presented the item, and Director of Community Development Brad Dunlap presented the staff report.

The Public Hearing opened at 7:49 p.m.

- Bill Roberts, Roberts Engineering, 342 North Second Street, identified himself as the Applicant and requested that the Council approve staff’s recommendation.

The Public Hearing closed at 7:50 p.m.

Mayor Pro Tem Hamilton commented that he would not oppose approval because of the precedent already set in that former County island.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving Zone Variance Resolution 84-2005 1-2005; and adopt the draft resolution approving Tentative Parcel Map 3-2005. The motion carried unanimously.

Disposition: Approved.

21. CONDITIONAL USE PERMIT 3-2005 (NEIL PATEL-HOLIDAY INN)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and
2. Adopt the draft resolution approving Conditional Use Permit 3-2005.

City Manager John Longley presented the item, and Brad Dunlap, Director of Community Development, presented the staff report.

The Public Hearing opened at 7:56 p.m.

- Cheryl Anderson, 851 South Jaye Street, spoke against the proposed project.

The Public Hearing closed at 7:58 p.m.
Mayor Pro Tem Hamilton clarified with staff that the subject property was and had been zoned C-3 for some time. He then commented that while he understood the concerns of Ms. Anderson, individuals should understand the risk of purchasing property adjacent to undeveloped property, in that eventually the undeveloped land would be developed. He then stated that if the Fire Chief had no issues with protecting a 3-story structure, he supported approval of the proposed Holiday Inn Express.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Resolution 86-2005 Declaration for Conditional Use Permit 3-2005; and adopt the draft resolution approving Conditional Use Permit 3-2005. The motion carried unanimously.

Disposition: Approved.

22. CONDITIONAL USE PERMIT 4-2005 - PROPOSED FAMILY ARCADE TO BE LOCATED AT 841 W. HENDERSON AVENUE (PORTERVILLE PLAZA SHOPPING CENTER)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 4-2005.

City Manager John Longley presented the Item and Director of Community Development Brad Dunlap presented the staff report.

The Public Hearing opened at 8:01 p.m.

• Ernesto Cerda, a resident of Ontario, CA, identified himself as the Applicant and requested that the Council approve the CUP. He then offered additional information on other facilities that he currently operated.
• Pete McCracken, address on record, voiced concern with the Applicant possibly later seeking a license to sell alcohol, as was the case with a similar operation in the past.
• Dick Eckhoff, address on record, spoke in favor of approving the CUP, suggesting it would provide additional activities for the City’s youth.

The Public Hearing closed at 8:05 p.m.

In response to a question posed by Mayor Pro Tem Hamilton, Police Chief Silver Rodriquez clarified that the City’s curfew for minors out on the street with no lawful business was 10:00 p.m. He pointed out that if minors were at a specific activity, such as the proposed Arcade or a late movie, that curfew would not apply.

Mayor Pro Tem Hamilton suggested that a bicycle rack or a place to put skateboards should be required. Staff confirmed that a condition to the CUP could be added to require a bicycle rack.

Council Member Stadtherr commented that while he would rather see kids spending time at the library, he supported approving the CUP.

Mayor Martinez commented that the proposed Arcade would be good for Porterville.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving Conditional
Resolution 88-2005  Use Permit 4-2005, as amended to require the installation of a bicycle rack and a skateboard rack. The motion carried unanimously.

Disposition:  Approved, as amended.

SECOND READINGS

23. ORDINANCE 1669, CHARITABLE CAR WASH ORDINANCE

Recommendation:  That the Council give Second Reading to Ordinance 1669, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION:  MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council give Second Reading to Ordinance 1669, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 THROUGH 15-170 TO CHAPTER 15, ENTITLED “CHARITABLE CAR WASH PERMIT PROCEDURE,” waive further reading, and adopt said Ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition:  Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

24. CONSIDERATION OF PROCESS FOR THE SELECTION OF MAYOR

Recommendation:  That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report, indicating that a Council Member had requested that the item be placed on the Agenda.

- Pete McCracken, address on record, stated that the public had voted for Council reorganization after every election, and in the interim for reorganization if so desired by a majority of 3 Council Members, with or without cause. He voiced support for the status quo and against the direct election of the Mayor.
- Dick Eckhoff, address on record, suggested that if the Mayor had duties outside of the Council Chambers, then the Mayor should be elected by the public. However, Mr. Eckhoff stated, if the Mayor was merely the Presiding Officer of the Council, then the Council should elect the Mayor. He next pointed to alleged contradictory language in the City Charter regarding references to the term and responsibilities of the Mayor Pro Tempore. He then commented that the Council should only be allowed to remove the Mayor with cause.

Council Member Martinez commented that he had requested that the item placed on the Agenda. He stated that he had been warned about the “peacock dance” immediately after being elected. He spoke of pressures from the community and indicated there were certain individuals on the Council, because of political reasons, who would never have the opportunity to serve as Mayor. He suggested a one-year
rotation, or another process to remove the “underground politics” from the equation. He commented that the position of Mayor should not be political, as the Mayor did not set policy. He then suggested that the system could use some “tweaking” to make sure that future Councils did not endure what the current Council had.

Council Member Irish commented that the current Council had endeavored to move the City in a positive direction and that he believed positive things had been accomplished. He stated, however, that the Council had tripped over their own egos in its efforts, which he attributed to inexperience and a “grasping greed” for the position of Mayor. He stated that the current Council had squandered an opportunity for allowing each Council Member to be Mayor, especially since they were the only Council to have had an extended term. He stated that he hoped they had created an example for future Councils of what not to do. He commented that six out of the last ten Mayors had served for one year. He stated that the City also had some Mayors that had served for six years. He voiced support for keeping the status quo.

Council Member Irish moved to keep the status quo for the selection process for Mayor.

Mayor Pro Tem Hamilton seconded Council Member Irish’s motion, but requested that the item be left open for discussion.

Mayor Martinez commented that the “underground political system” allowed for an individual to serve as Mayor for multiple terms and also for the removal of a Mayor. He commented that the system was flawed because of that influence. He then spoke in favor of “returning the power” to the community and away from a chosen few. He then voiced support for changing the City Charter.

Council Member Stadtherr confirmed with the City Manager that March 2006 would be the deadline for placing a measure on the June 2006 ballot. He stated that he would support keeping the status quo for the time being, but would expect the item to be brought back before the Council prior to the end of the calendar year. He then spoke in favor of the direct election of a “weak” Mayor.

Mayor Pro Tem Hamilton commented that he agreed with Council Member Irish’s comments and that the current Council broke the system and that the current Council should fix it.

Mayor West commented that the current process was the right process in that it had served Porterville for the last 100 years.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council keep the status quo for the process for the selection of Mayor.

**M.O. 12-062105**

**AYES:** Irish, Hamilton, Stadtherr, West  
**NOES:** Martinez  
**ABSTAIN:** None  
**ABSENT:** None

Disposition: Approved.

25. **AUTHORIZATION TO CONTRACT FOR GENERAL PLAN UPDATE WITH EXPANDED SCOPE**

**Recommendation:** That the City Council:

1. Approve the Revised Scope of Services and Authorize the preparation of a comprehensive General Plan Update; and
2. Authorize the Mayor to sign all documents and any revisions to complete the work effort.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Mayor Pro Tem Hamilton clarified with staff that the various elements of the Update would be done concurrently. He then voiced concern with any prolongation of the Land Use Element. Staff clarified that the Land Use Element would not be delayed.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council approve the Revised Scope of Services and authorize the preparation of a comprehensive General Plan Update; and authorize the Mayor to sign all documents and any revisions to complete the work effort. The motion carried unanimously.

Disposition: Approved.

26. PARKS & LEISURE SERVICES COMMISSION EX-OFFICIO MEMBER ORDINANCE

Recommendation: That the City Council approve first reading of an Ordinance modifying Section 19-5 of the Municipal Code to provide for all elementary, high school, or unified school districts with jurisdiction areas within the City of Porterville corporate boundary to be given the opportunity to annually appoint an ex-officio member to the Parks and Leisure Services Commission.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Council Member Stadtherr suggested that rather than four ex-officio seats, the School Districts should be offered four permanent seats, thereby increasing the Commission from seven to eleven. He commented that in the event the Charter restricted any change, perhaps the Charter should be revisited.

City Attorney Julia Lew commented that the Commission was established via the City Charter and that she would need to review the specific provision.

Mr. Perrine pointed out that the realm of issues handled by the Parks and Leisure Services Commission was fairly narrow in terms of school interests.

Mayor Pro Tem Hamilton suggested that ex-officio members always had a voice, merely no voting right. A discussion ensued as to the significance of casting a vote versus voicing an opinion.

Council Member Irish commented that he understood the point Council Member Stadtherr had made. He stated that often times the Commission Members did not attend their meetings thereby leaving empty seats. A discussion ensued regarding the possibility of making the ex-officio members alternate members. It was suggested that in the event a full Commission was not in attendance, alternate members could fill those seats.
City Attorney Julia Lew commented that she would research the possibility of allowing the appointment of alternate members.

Council Member Irish noted the vagueness of the Commission’s responsibilities and suggested that the Commission should provide a Mission Statement to the Council. The Council agreed.

Disposition: Continued.

27. ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY GRANT

Recommendation: That the City Council:
1. Accept the terms of the Office of Traffic Safety Grant;
2. Authorize the Mayor to sign all necessary documents pertaining to the grant; and
3. Authorize an increase in the allocation of police officer positions from forty-six to forty-seven.

City Manager John Longley presented the item, and Police Chief Silver Rodriguez introduced Captain Chuck McMillan who presented the staff report.

In response to the Council, Mr. Longley indicated that it was anticipated that the position allocation would remain, however, he noted the caveat in the staff report that pointed to a lack of continued funding – in the event the sales tax measure did not pass. He stated that in his opinion, the position would not be automatically removed, but would be considered in the normal budgetary process. A discussion then ensued regarding how the proposed position, as well as the Gang Officer position approved earlier that evening, fit into the seven positions identified in the sales tax measure.

Council Member Stadtherr confirmed with Mr. Longley that he would likely recommend continued funding for the position in the event the sales tax measure did not pass, however, funds would likely be cut from another area.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council accept the terms of the Office of Traffic Safety Grant; authorize the Mayor to sign all necessary documents pertaining to the grant; and authorize an increase in the allocation of police officer positions from forty-six to forty-seven. The motion carried unanimously.

Disposition: Approved.

28. CONSIDER PORTERVILLE COLLEGE BALLFIELD WOODEN POLES AND LIGHT FIXTURE REMOVAL AND RELOCATION TO THE OHV PARK, OR DECLARE SURPLUS AND DISPOSE IN-PLACE

Recommendation: That the City Council declare the remaining lights and wooden poles at Porterville College as surplus, and direct the purchasing agent to dispose of the surplus property through a bid process.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.
Mayor Pro Tem Hamilton commented that staff had turned a simple request to relocate some lights into a $130,000 project. He then moved that the Council approve staff’s recommendation, conditioned on any funds received from the sale of the surplus lights being placed into a fund for application towards the lighting of the OHV Park, and that the 4-Wheel Drive Grant funds also be applied towards lighting at the OHV Park.

Council Member Irish seconded the motion. He then questioned whether the lights in question were the same vintage as the lights at Hayes Field, pointing out that those lights had worked well to light ball fields. He then questioned if the subject lights could be used as replacements for Hayes Field.

Council Member Stadtherr confirmed with staff that the sports field lighting was not a part of the Johnson Controls’ energy audit currently taking place.

At the request of Council Member Irish, Mayor Pro Tem Hamilton restated his motion, after which Council Member Irish withdrew his second to the motion.

Council Member Irish suggested that rather than selling the lights, that some of the fixtures be kept and utilized as replacements at Hayes Field.

Council Member Martinez clarified that it had been suggested that the light fixtures that had already been removed should be sold, and the light fixtures currently in place be used as replacements. Council Member Martinez then requested that a letter be written to the Tule River Tribe informing them of the Council’s intentions.

Council Member Irish then re-stated his second based on that clarification.

A discussion ensued as to the future disposition of the ball field lights and the amount of 4-Wheel Drive Grant funds that would be available for use towards lighting the OHV Park. It was stated that the grant was $100,000, but it was uncertain as to how much could be applied towards the OHV Park lighting.

After some discussion as to the various options for the disposition of the light fixtures, the Council agreed that staff should have discretion as to the disposition of the ball field light fixtures. It was also suggested that the 4-Wheel Drive Grant funds be applied towards lighting at the OHV Park and that staff be directed to locate additional funding.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council allow staff the discretion as to the disposition of the ball field light fixtures, that the 4-Wheel Drive Grant funds be applied towards the lighting of the OHV Park, and to direct staff to locate additional funding. The motion carried unanimously.

Disposition: Approved, as amended.

29. REGISTRATION AND FACILITY RESERVATION SOFTWARE PROGRAM UPGRADE FOR PARKS AND LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council authorize the purchase of a software upgrade for the Parks and Leisure Services Department in the amount of $41,714.84 from Budget savings.
City Manager John Longley presented the item, and Jim Perrine, Director of Parks and Leisure Services, presented the staff report.

Council Member Irish questioned whether a Software Replacement Fund should be started.

Council Member Stadtherr suggested that a policy could be set which would provide that the Equipment Replacement Fund cover all items $25,000 or greater. He stated a dollar threshold might prove more useful than the consideration of whether or not an item was considered “rolling stock.”

Mr. Longley requested the opportunity for staff to prepare a memorandum for the Council to address the issue raised regarding software replacement. He then reminded the Council that in past years, due to lack of funds, the Equipment Replacement Fund had not been funded, and that in the current year, the Council had mandated a minimum funding of 50%. He commented that Capital Replacement was an excellent idea, but that when funds were not available, curtailing replacement in the early years was sometimes necessary.

Deputy City Manager Darrel Pyle commented briefly on staff efforts to devise ways in which equipment replacement could be more comprehensively dealt with in the budget process.

In response to Mayor Pro Tem Hamilton’s question, Mr. Perrine indicated that the hiring freeze was primarily responsible for the savings in the Parks and Leisure Services Budget.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council authorize the purchase of a software upgrade for the Parks and Leisure Services Department in the amount of $41,714.84 from Budget savings. The motion carried unanimously.

Disposition: Approved.

30. OUTDOOR WARNING SIREN

Recommendation: That the Council direct staff to ask the American Legion to develop some options.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report.

Mayor West invited Ed Flory to come forward and speak on the topic.

• Ed Flory, 14514 Road 208, thanked the Council and staff for their efforts.

In response to a question from Council, staff confirmed that the outdoor warning siren would be used only during the Veterans’ Day Parade. It was suggested that the PA System proposed for Centennial Park could be used in the future.

Council Member Irish suggested that the sirens from City police cars and fire engines be utilized. The Council agreed that this method should be pursued.

Disposition: Direction provided to staff.

Adjourn to a Meeting of the Porterville Redevelopment Agency.
Roll Call: Agency Member Irish, Agency Member Martinez, Vice-Chairperson Hamilton, Agency Member Stadtherr, Chairperson West

WRITTEN COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1.  REDEVELOPMENT AGENCY 2005-2006 BUDGET

Recommendation: That the Agency Board adopt the attached 2005/2006 Redevelopment Agency Budget.

City Manager John Longley presented the item and the staff report.

City Attorney Julia Lew noted that the Oral Communications segment of the Meeting had inadvertently been skipped. She requested that the Mayor open up the floor for Oral Communications at that time, which the Mayor did.

ORAL COMMUNICATIONS
None.

The Council returned to the discussion of Item PRA-1. Mr. Longley confirmed that the projected increase in the amount of debt to the City Risk Management Fund was attributed to interest.

AGENCY ACTION: MOVED by Agency Member Irish, SECONDED by Agency Member Stadtherr that the Redevelopment Agency Board adopt the 2005/2006 Redevelopment Agency Budget. The motion carried unanimously.

Disposition: Approved.

Adjourn the Redevelopment Agency Meeting.

ORAL COMMUNICATIONS
• Greg Shelton, 888 N. Williford Drive, voiced support for creating alternate positions rather than ex-officio positions for the School Board as was proposed in Item 26.
• Pete McCracken, address on record, observed the Council’s frequent unanimous decisions, suggesting the Council was not quite as divisive as some might think.
• Dick Eckhoff, address on record, spoke regarding the selection process of the Mayor, commended the efforts of Council and staff regarding Centennial Park, and spoke in favor of a Code Enforcement Officer.

OTHER MATTERS
• Council Member Irish questioned when the Council would be provided information on non-profit gambling within City limits. City Attorney Julia Lew confirmed that she would prepare a Memorandum for the next Council Meeting.
• Council Member Martinez requested that the City look into ways to improve the appearance of the Gardner Tree for the holiday lighting ceremony.
• Council Member Stadtherr requested that staff look into prioritizing curb and gutter work in high foot traffic areas, such as South Villa Street. City Manager John Longley confirmed that staff would prepare a Memo on the subject.
• Council Member Martinez commented that while at times the Council passionately disagreed, there was no personal ill will amongst the Council Members.

ADJOURNMENT

The Council adjourned at 9:45 p.m. to the meeting of July 5, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

________________________
Kelly E. West, Mayor
SUBJECT: ACCEPTANCE OF TRAFFIC SIGNAL #7 PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: A-C Electric has completed construction of Traffic Signal #7 per plans and specifications. The project consisted of the installation of a traffic signal at the intersection of Putnam Avenue and Villa Street.

City Council authorized expenditure of $166,595. Final construction cost is $151,450.

A-C Electric requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept Traffic Signal #7 as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF THE WILLIFORD DRIVE STREET RECONSTRUCTION AND DRAINAGE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons, Inc. has completed the Williford Drive Street Reconstruction and Drainage Project per plans and specifications. The project consisted of the construction of master plan storm drain facilities, catch basins, curb and gutter, water main, sewer main and street reconstruction on Williford Drive between Henderson Avenue and Mulberry Avenue.

City Council authorized expenditure of $237,985.31. Final construction cost is $224,561.62.

Halopoff & Sons, Inc. requests that the City accept the project as complete. Staff has reviewed the work and found it acceptable.

RECOMMENDATION: That the City Council:

1. Accept the Williford Drive Street Reconstruction and Drainage Project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
SUBJECT: COMMUNITY DEVELOPMENT DEPARTMENT REORGANIZATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The Community Development Department is seeking City Council approval of a department reorganization to enable staff to respond to the increasing volume of new development activity (changes in demand) that has occurred over the past few years, as well as a significant volume of work in long range planning (code amendments, GPA's and the general plan update).

This increase in development activity is the result of development interest in Porterville, increasing population, and larger and more complex applications being submitted for commercial projects such as the Riverwalk, the Porterville Commercial Center and residential developments such as hillside development and a diversification of housing types. Also, the planning staff is processing an increasing number of projects from Zone Changes to Conditional Use Permits and approximately 8 subdivision maps with interest in several others on the eastside of Porterville.

This increased activity is requiring a new level of technical analysis that requires a higher level of planning and environmental expertise and more concentrated involvement by the Community Development Director.

In order to process these applications in a timely manner and to maintain satisfactory customer service, the Community Development Department is recommending an interim reorganization that will augment staffing and improve staff’s ability to shift resources. (to meet demand.) The reorganization would be interim, because one time funding sources will be used to fund two of the positions (provisional). However, it is hoped that future funding sources such as increasing permitting fees, would be appropriated to fund a permanent reorganization that would better meet the needs of this changing City. It is critically important for the Community Development Department to continue meeting demand from the development community and support the City Manager and Council in managing/accommodating (not controlling) growth.

Also included in this reorganization is the reclassification of the current position of Associate Planner to Senior Planner. This permanent reclassification will
allow the City to recruit for a higher level Planner that will have the technical skills needed to handle the increasing demands on the department, which are mentioned above.

This position will be a permanent position with benefits, and as mentioned above, will replace the Associate Planner. The Community Development Department’s 2005/2006 operating budget can absorb the funding for this reclassification by making minor shifts in funds from sources within the department without reductions in services or programs. Also, the Associate Planner position was budgeted at “E” Step and a Senior Planner should be hired at a lower Step (see Attachment No. 1). Also attached for Council’s information, is an organization chart showing the proposed reorganization (see Attachment No. 2).

Attachment No. 3 shows the proposed funding for the interim reorganization. As mentioned above, this is one time funding however, staff hopes to continue the reorganization with an increase in permitting fees that will be before the Council in September. The new positions will initially be hired as provisional employees not as permanent. This one time funding is due to a remaining balance of Community Development Block Grant administration funds for fiscal year 2004/2005, and the administration and activity delivery funds of the new $1.2 million HOME 2004 grant. Also, additional administration and activity delivery funds are available from HOME program income due to the great influx of funds from homeowners refinancing. These funds can only be used for housing programs.

The above recommendations are definitely a step in the right direction in an effort to staff the Community Development Department to a level that can continue to provide the customer service expected. However, as the City continues to grow and additional demands are placed on the department, the issues in regard to staffing will once again need to be addressed.

RECOMMENDATION: That City Council:

1. Adopt the attached resolution providing for the reorganization of City Forces, authorize staff to implement the modifications; and
2. Approve the use of one time funds, as shown on Attachment No. 3, for the reorganization of the Community Development Department;

Attachment: 1. Comparison of Associate Planner vs. Senior Planner
2. Community Development Department Reorganization Chart
3. Proposed Funding
4. Draft Resolution
### Comparison Between Hiring of Associate Planner vs. Senior Planner

**Budgeted 05/06 Associate Planner (Range 186 "E" Step)**

<table>
<thead>
<tr>
<th>Monthly Salary with Benefits</th>
<th>Total Months Vacant</th>
<th>Total Cost</th>
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<tbody>
<tr>
<td>$6,955</td>
<td>12</td>
<td>$83,460</td>
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</table>

**Hire Senior Planner in place of Associate (Range 191 "C" Step)**

<table>
<thead>
<tr>
<th>Monthly Salary with Benefits</th>
<th>Total Months Vacant</th>
<th>Total Cost</th>
<th>Fiscal Year 05/06</th>
<th>Savings</th>
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</thead>
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<tr>
<td>$6,618</td>
<td>12</td>
<td>$79,416</td>
<td>$4,044 *</td>
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* Savings is from hiring Senior Planner at "C" Step and budgeting Associate Planner at "E" Step.
## FUNDING SOURCES FOR PROVISIONAL POSITIONS
### IN THE COMMUNITY DEVELOPMENT DEPARTMENT

### CDBG & HOME PROGRAM INCOME
**CARRYOVER FROM 04/05**

<table>
<thead>
<tr>
<th>CDBG Entitlement Admin Budget</th>
<th>Carryover 04/05</th>
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<tbody>
<tr>
<td></td>
<td>$24,000</td>
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### HOME PI ($350,000 for 04/05)

<table>
<thead>
<tr>
<th>10% of Total PI</th>
<th>Expended in 04/05</th>
<th>Balance</th>
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<tbody>
<tr>
<td>$35,000</td>
<td>$10,000</td>
<td>$25,000</td>
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</table>

### HOME PI (Activity Delivery)

<table>
<thead>
<tr>
<th>Project Values</th>
<th>Activity Delivery %</th>
<th>Monthly Total Cost</th>
<th>Total Months</th>
<th>Savings</th>
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</thead>
<tbody>
<tr>
<td>FTHB Projects</td>
<td>$189,000 6.50%</td>
<td>$12,285</td>
<td>3</td>
<td>$20,868</td>
</tr>
<tr>
<td>HRLP Projects</td>
<td>$30,000 24.00%</td>
<td>$7,200</td>
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<td>$19,485</td>
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**Carry over into Fund 02 for fiscal year 05/06**

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<td><strong>$68,485</strong></td>
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### Hire Provisional Planning Technician (Range 137 "A" Step)

<table>
<thead>
<tr>
<th>Monthly Salary with Benefits</th>
<th>Total Months</th>
<th>Total Cost</th>
<th>Balance of 04/05 Carryover</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,501</td>
<td>12</td>
<td>$42,012</td>
<td>$26,473</td>
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</table>

### Hire Provisional Administrative Aide (Range 154 "A" Step)

<table>
<thead>
<tr>
<th>Monthly Salary with Benefits</th>
<th>Total Months</th>
<th>Total Cost</th>
<th>Deficit Balance from Carryover</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,146</td>
<td>24</td>
<td>$99,604</td>
<td>-$73,031</td>
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### SAVINGS FROM FISCAL YEAR 05/06

**Savings from vacant Associate Planner (Range 186 "E" Step)**

<table>
<thead>
<tr>
<th>Monthly Salary with Benefits</th>
<th>Total Months</th>
<th>Savings</th>
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<tr>
<td>$6,956</td>
<td>3</td>
<td>$20,868</td>
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</tbody>
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**Available Balances for 04/05 Fiscal Year:**

- HOME 2002 Admin FTHB: $1,200
- HOME 2002 Activity Delivery FTHB: $5,800
- HOME 2002 Admin HRLP: $650
- HOME 2002 Activity Delivery HRLP: $5,200

**New Grant Funds as of July 1, 2005:**

- HOME 2004 FTHB/HRLP Admin.: $12,500
- HOME 2004 FTHB/HRLP Activity Delivery: $21,687
- HOME 2004 American Dream Admin.: $2,500
- HOME 2004 American Dream Activity Delivery: $6,337

**Less Cal HOME Grant:**

- $2,625

**Total Savings 05/06:**

- $74,117

**Cover deficit for Provisional Administrative Aide:**

- $73,031

**Total:**

- $1,086
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE PROVIDING FOR THE
REORGANIZATION OF CITY FORCES

WHEREAS, the City Council has acted to provide for the reorganization of the Community Development Department effective August 1, 2005; and

WHEREAS, the reorganization of the city departments is periodically beneficial to enhance the economy and efficiency of city operations; and

WHEREAS, the City Manager has considered the current organization of the staff and in consultation with the departmental directors has defined an organizational structure that will enhance organizational integration and effectiveness; and

WHEREAS, this structure has been recommended to the City Council for consideration and adoption to be implemented.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The following position shall be created for the City: Senior Planner. This position shall report to his/her respective departmental director.

2. Effective August 1, 2005, the City's Pay and Benefits Plan will be modified to reflect the change defined in this resolution, and the Mayor authorized to execute those documents necessary to implement the provision hereof.

PASSED, APPROVED, AND ADOPTED this 2nd day of August, 2005.

_______________________________
Kelly E. West, Mayor

ATTEST:

_______________________________
Georgia Hawley, Chief Deputy City Clerk
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION - CRAZY DAY SIDEWALK SALE, AUGUST 6, 2005

SOURCE: Administrative Services - Finance Division, Business Tax Section

COMMENT: Downtown Porterville Association is requesting approval to hold its annual sidewalk sale event, "Crazy Days," on Saturday, August 6, 2005 from 7:00 a.m. to 6:00 p.m. Downtown Porterville Association is requesting the use of all sidewalks within the Business Improvement Area.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement and Exhibit "A."

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

Application date: 7/19/05  Event date: 8/6/05 SAT.

Name of Event:  Crazy Days

Sponsoring organization: Downtown Porterville Assn.  PHONE # 781-0880
Address: 180 N. Main Street Suite A Porterville Ca 93257
Authorized representative: Dick Eckhoff  PHONE # 784-4213
Address: 197 N. Main Porterville Ca 93257
Event chairperson: Dick Eckhoff  PHONE # 784-4213

Location of event (location map must be attached): Downtown Business Area

Type of event/method of operation: Sidewalk Sale

Nonprofit status determination: YES 501c4

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

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<th>Service</th>
<th>Yes</th>
<th>No</th>
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<td>Barricades (quantity)</td>
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<tr>
<td>Police protection</td>
<td>Yes</td>
<td>No</td>
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<td>Street sweeping</td>
<td>Yes</td>
<td>No</td>
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<td>Refuse pickup</td>
<td>Yes</td>
<td>No</td>
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<td>Other:</td>
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Parks facility application required: Yes  No
Assembly permit required: Yes  No

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

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<tr>
<th>Approve</th>
<th>Deny</th>
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1 of 4
CITY OF PORTERVILLE

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

Authorization: This permit must be submitted 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A."

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

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a health permit(s) from the County of Tulare Department of Health if any food is to be served in connection with this Community Civic Event.

First aid station: Organization/Applicant will establish a first aid station to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 1326, as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

[Signature]
(Date)

(Name of organization)
Association Inc.
CITY OF PORTERVILLE

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

Name of event: **Crazy Days**

Sponsoring organization: **Downtown Porterville Association, Inc**

Location: **Downtown Porterville BIA District**  Event date: **8/6/05**

List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL ISSUED WITHOUT THIS INFORMATION.** This form should be completed at the time of application, but must be submitted one week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address</th>
<th>Telephone</th>
<th>Type of Activity</th>
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<td><strong>No Vendors</strong></td>
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3 of 4
CITY OF PORTERVILLE

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

Name of event: **Crazy Days**

Sponsoring organization: **Downtown Porterville Assoc.**

Event date: **8/6/05**

Hours: **7AM - 6PM**

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED

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Sidewalks

**Downtown Porterville BIA District (see attached map)**

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Parking lots and spaces

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4 of 4
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

DOWNTOWN PORTERVILLE ASSOCIATION

CRAZY DAYS

AUGUST 6, 2005

Business License Supervisor:
  S. Perkins

No requirements.

Public Works Director:
  B. Rodriguez

Provide safe pedestrian access.

Community Development Director:
  B. Dunlap

Maintain minimum 48" clear path travel on all sidewalks. City and RDA as additionally insured.

Field Services Manager:
  B. Styles

No comments.

Fire Chief:
  F. Guyton

No comments.

Parks and Leisure Services Director:
  J. Perrine

Stay out of planters, supply porta-potties.

Police Chief:
  S. Rodriguez

No conditions.

Risk Manager:
  D. Pyle

See attached.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Downtown Porterville Association
Event: Crazy Days
Event Chairperson: Dick Eckhoff
Location: Main Street, Business Improvement Area
Date of Event: August 6, 2005

RISK MANAGEMENT: Conditions of Approval

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

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

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

SOURCE: Public Works Department - Engineering Division

COMMENT: Since August, 2000, the City of Porterville has donated staff services to maintain and implement Consolidated Waste Management Authority (CWMA) programs. With the exception of 2003/2004 when the “Authority” approved a $10,000 stipend to offset City expenses, the City of Porterville has borne the full cost of providing a staff member to formulate and implement the Authority’s direction.

The person currently charged with these duties is an administrative aide with full time responsibilities in the Solid Waste Division. CWMA programs have expanded and will continue to expand. The Authority is of the opinion that a full time administrator is needed to effectively implement it’s programs. On July 20, 2005, the Authority unanimously voted to fund the new position and directed staff to negotiate a one year contract with the City of Porterville to host a full time CWMA administrator.

The one year contract allows flexibility in the event the Authority chooses to change the structure of the contract. To avoid making rushed decisions, the authority indicated that they would make a final decision on the scope and requirements of a future contract on or before March 31, 2006.

The CWMA staff is of the opinion that the position needs to be filled by an Administrative Analyst level employee because of the depth and complexity of Authority programs. As indicated above, the staff member currently implementing the various CWMA programs is an Administrative Aide who also performs various duties for the Solid Waste Division. To expedite the negotiation process towards a successful contract, Public Works recommends that the staff person implementing the Authority’s programs be reclassified at the level of Administrative Analyst and further, that the Administrative Aide position be backfilled immediately on a “one year provisional” status so that the tasks needing attention in the Solid Waste Division do not suffer. To further insure that the work performed by this new position be focused on CWMA business, this position will be reporting to the Office of the City Manager.

The CWMA can successfully fund at the level of Administrative Analyst for one year without increasing fees to the member agencies. At the conclusion of the one year contract, the CWMA will explore, if necessary, various funding options to pay for the services of a CWMA administrator.
RECOMMENDATION: That the City Council:

1. Direct the Public Works Director to enter into negotiations with the CWMA to allow the City of Porterville to host the position of CWMA Administrator;

2. That the current City employee performing the duties of CWMA administrator be reclassified from an Administrative Aide to the level of Administrative Analyst, and that pay and benefits be commensurate with the duties and responsibilities expected of a program administrator;

3. That the Administrative Aide position vacated by the step outlined in Recommendation #2 be backfilled immediately as a one year provisional position to ensure continuity in the City’s Solid Waste Division;

4. That the negotiated contract clearly specify that the CWMA Administrator’s actual wages, fringe benefits and overhead costs shall be appropriately borne by the member agencies;

5. That the contract not extend beyond one year without Council’s approval;

6. That the contract include language that the “Authority” inform the City by March 31, 2006 of its intent to either renew or terminate the contract at the end of the one year term; and

7. That the contract include language that failure by the “Authority” to properly notify the City of the Authority’s intention to terminate or renew the contract will automatically renew the contract and its terms for another year.
SUBJECT: SELECTION OF A MANAGEMENT CONSULTANT FOR THE PURPOSE OF STAFF DEVELOPMENT AND TEAM BUILDING

SOURCE: Administration

COMMENT: In mid-May of 2005, staff circulated a Request for Proposal (RFP) for Management Consulting Services. The request was to obtain proposals from qualified consulting firms to provide management evaluation and team building services. Three proposals were received.

On July 26, 2005, three staff members and one member of the City Council reviewed the proposals, participated in telephone interviews with each of the three firms, and rated the firms based on the information obtained. The firms were ranked as follows:

1. The Centre.
2. Sentient Systems, Inc.
3. Baron Center.

Each of the three firms provided quality proposals, and demonstrated varying levels of experience in similar projects. The telephone interview tipped the scales in favor of the Centre.

The City Council authorized an amount not to exceed $15,000 for the project. The proposal developed by the Centre fits into the allocated budget.

RECOMMENDATION: (1) That the Council authorize the City Manager to negotiate a contract with the consulting firm of The Centre for an amount not to exceed $15,000 for management consulting services, and

(2) That the Council authorize the Mayor to sign the final contract upon completion of the aforementioned negotiations.
COUNCIL AGENDA: August 2, 2005

PÚBLÍC HEARING

SUBJECT: ANNUAL ENGINEERS REPORT AND ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

SOURCE: Parks and Leisure Services Department

COMMENT: The City has created twenty-nine Landscape and Lighting Maintenance Districts since 1989. The original District had nineteen annexed areas for new developments in addition to the original area. Since 1996 new Districts have been formed for each new development, representing Districts 2 through 29.

Annually, a process of evaluating maintenance needs and establishing an assessment for each LMD must be followed. At the July 19, 2005 meeting, the City Council directed the preparation of the annual Engineer’s Report, which establishes the proposed assessments for the 2005 – 2006 fiscal year. Once approved by the City Council, the assessments are placed upon the tax bill of property owners as a special assessment, and collected by the County of Tulare.

The City Council should consider the Engineer’s Report and provide preliminary approval at the August 2, 2005 meeting. To ensure adequate noticing, the public hearing on the assessments should be opened and continued to the August 16, 2005 regular Council meeting.

RECOMMENDATION: That the City Council:

1. Adopt a Resolution of Preliminary Approval to the Engineer’s Report for fiscal year 2005-2006 for the Landscape and Lighting Maintenance Districts;
2. Open the public hearing on the 2005-2006 Assessments for the Landscape and Lighting Maintenance Districts to take comments and receive protests on the proposed assessments; and
3. Continue the Public Hearing to August 16, 2005.

ATTACHMENTS: 1. Engineer’s Report for fiscal year 2005-2006 for The Landscape and Lighting Maintenance Districts
2. Resolution of Preliminary Approval to the Engineer’s Report for fiscal year 2005 for the Landscape and Lighting Maintenance Districts

ITEM NO.: 8

Dir. Approp/Funded C.M.
Attachment 1

The Engineer’s Report for Fiscal Year 2005-2006 for the Landscape and Lighting Maintenance Districts will be delivered under separate cover.
RESOLUTION NO.: 05-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, OF PRELIMINARY APPROVAL OF ENGINEER’S REPORT FOR FISCAL YEAR 2005-2006 FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

RESOLVED by the City Council of the City of Porterville that:

WHEREAS, on the 19th day of July, 2005 said City Council did adopt its Resolution No. 102-2005 directing the Engineer of Work to make and file with the City Clerk of said City a report in writing as required by the Landscaping and Lighting Act of 1972 for Fiscal Year 2005-2006;

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration;

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified.

NOW, THEREFORE, it is ordered as follows:

1. That the Engineer’s Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them are hereby preliminarily approved and confirmed.

2. That the diagram showing the Assessment District referred to and described in said report, the boundaries of the subdivision of land within said Assessment District as the same existed at the time of passage of said Resolution, are hereby preliminarily approved and confirmed.

3. That the proposed assessments upon the subdivisions of land in said Assessment Districts are in proportion to the estimated benefit to be received by said subdivisions, respectively, from said normal and customary maintenance and of the incidental expenses thereof, as contained in said report, and are hereby preliminarily approved and confirmed.

4. That said report shall stand as the Engineer’s Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.
Reference is hereby made to said maps for further, full and more particular description of said Assessment District, and the same maps so on file shall govern for all details as to the extent of said Assessment District.

APPROVED AND ADOPTED this 2nd day of August, 2005.

_________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: _______________________
Georgia Hawley, Deputy City Clerk
PUBLIC HEARING

TITLE: PRE-ZONING AND ANNEXATION OF TWELVE UNINCORPORATED “ISLANDS” IN SIX ANNEXATION PROPOSALS

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION

HISTORY: Over a period of several decades, the City of Porterville and Tulare County pursued development strategies that resulted in the creation of an unusual City boundary. Approximately fifty (50) separate areas of developed, unincorporated territory have been entirely or almost entirely surrounded by the incorporated city.

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3 which simplifies the island annexation process for projects less than 150 acres in size. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas which are "surrounded or substantially surrounded" by a City, LAFCO has interpreted this as any area which is 65 percent or more surrounded by a City boundary.

Public informational meetings were held on February 3, 2005 and April 18, 2005. Information was provided at those meetings regarding the origin of the islands, the motivation for annexing the islands at this time, and the effects of annexation on taxes and services in the affected areas. Public input was also sought at that time. The comments received are included in the attached Staff Report, labeled Attachment No. 4.

COMMENT: The island annexation program established by the City Council consists of twelve separate areas which have been organized into six proposed annexation projects located throughout the City of Porterville as follows:

- Project No. 1 (Annexation #446 and Zone Change 4-2005): One annexation area located generally at the northeast corner of State Route 190 and Main Street.
Project No. 2 (Annexation #455 and Zone Change 5-2005): Two annexation areas located south of North Grand Avenue and generally west of State Route 65 in the northerly portion of the community.

Project No. 3 (Annexation #456 and Zone Change 6-2005): Three annexation areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community.

Project No. 4 (Annexation #457 and Zone Change 7-2005): One annexation area generally located at the southeast corner of State Route 65 and State Route 190.

Project No. 5 (Annexation #458 and Zone Change 8-2005): Two annexation areas generally located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community.

Project No. 6 (Annexation #459 and Zone Change 9-2005): Three annexation areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community.

The projects will individually comply with the standards of Government Code Section 56375.3 as described more fully in the attached Staff Report. Each annexation is accompanied by an associated Zone Change to Pre-Zone all of the affected parcels in conformance with the General Plan.

Upon annexation, the City will immediately become responsible for police, fire, and road maintenance services throughout the affected territories. Municipal Planning and Building services will also be provided, though no immediate land use changes are required or expected. Sewer, water and storm drainage services will be extended throughout the areas as development and redevelopment occurs. The cost of such services will be offset, in whole, or in part by increased revenue and enhanced efficiency in service delivery. Portions of the existing property and sales taxes already collected in the area will be directed to the City. In addition, the City’s Utility User’s Tax will apply to residents of the annexed territory. The City Manager is recommending that the Utility User's Tax revenue derived from these annexations be directed to the Police Department for additional staffing.

ENVIRONMENTAL: The Environmental Coordinator on June 27, 2005, made a preliminary determination that although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration; and, b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. The Initial Study and proposed Mitigation
Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that has commented on the proposal. The comments and responses are included in the Staff Report as Attachment No. 6.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Changes 4-2005, 5-2005, 6-2005, 7-2005, 8-2005 and 9-2005 and Annexations 446, 455, 456, 457, 458, and 459

2. Adopt the draft resolutions authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCO for Annexations 446, 455, 456, 457, 458 and 459.


4. Approve the use of the additional Utility User's Tax revenue derived from these annexations be directed to the Police Department for additional staffing.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING – STAFF REPORT

TITLE: PRE-ZONING AND ANNEXATION OF TWELVE UNINCORPORATED “ISLANDS” IN SIX ANNEXATION PROPOSALS

APPLICANT: City of Porterville
Bradley Dunlap, AICP
Community Development Director
291 North Main Street
Porterville, CA 93257

SPECIFIC REQUEST: The City proposes to carry out a program of annexations consisting of six separate annexation projects, each containing one or more unincorporated islands. Each annexation is accompanied by an associated Zone Change to Pre-Zone all of the affected parcels in conformance with the General Plan. The existing and proposed zoning for each affected area are summarized in Attachment No. 1.

PROJECT LOCATION: The parcels included in the proposed annexation are located throughout the City of Porterville as follows:

- Project No. 1 (Annexation #446 and Zone Change 4-2005): One annexation area located generally at the northeast corner of State Route 190 and Main Street. Approximately 73.3 acres, including 113 parcels would be affected.

- Project No. 2 (Annexation #455 and Zone Change 5-2005): Two annexation areas located south of North Grand Avenue and generally west of Prospect Street in the northerly portion of the community. Area A affects approximately 4.2 acres including four (4) parcels. Area B affects approximately 141.0 acres including 293 parcels.

- Project No. 3 (Annexation #456 and Zone Change 6-2005): Three annexation areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community. Area A affects approximately 11.1 acres including 35 parcels. Area B affects approximately 25.7 acres including 41 parcels. Area C affects approximately 89.8 acres including 211 parcels.

- Project No. 4 (Annexation #457 and Zone Change 7-2005): One annexation area generally located at the southeast corner of State Route 65 and State Route 190. Approximately 90.8 acres, including 119 parcels would be affected.

- Project No. 5 (Annexation #458 and Zone Change 8-2005): Two annexation areas generally located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community. Area A affects approximately 62.8 acres, including 193 parcels. Area B affects approximately 86.2 acres and 289 parcels.
Project No. 6 (Annexation #459 and Zone Change 9-2005): Three annexation areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community. Area A affects approximately 88.7 acres and 363 parcels. Area B affects approximately 1.2 acres and one (1) parcel. Area C affects approximately 9.0 acres and 33 parcels.

HISTORY: Over a period of several decades, ending in 1972, Tulare County regularly approved subdivisions just outside the City boundary. Over that same period, the City of Porterville was also active in pursuing annexation and development. These concurrent activities split the local population growth between incorporated and unincorporated areas. To accommodate growth, especially after 1972, the City needed to "skip over" developed county subdivisions. This created approximately fifty unincorporated "island" areas which are completely or mostly surrounded by City limits. Most of these areas are developed and rely on City services. The services provided vary for each location, with water service the most common. In addition to direct services, the City provides road maintenance for the major routes to and from each of the unincorporated islands and participates with Tulare County in mutual aid agreements for emergency services.

GENERAL PLAN LAND USE DESIGNATION AND PROPOSED ZONING:

Project No. 1 (Annexation #446 and Zone Change 4-2005): The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (D) (Multiple Family Residential Design Review Overlay), C-2 (D) (Central Commercial Design Review Overlay, and M-1 (D) (Light Manufacturing Design Review Overlay) in conformance with the General Plan.

Project No. 2 (Annexation #455 and Zone Change 5-2005): The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and OA (Open Area) in conformance with the General Plan.

Project No. 3 (Annexation #456 and Zone Change 6-2005): The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, and Recreation and Open Space Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (D) (Heavy Commercial Design Review Overlay) and OA (Open Area), in conformance with the General Plan.

Project No. 4 (Annexation #457 and Zone Change 7-2005): The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.
Project No. 5 (Annexation #458 and Zone Change 8-2005): The Land Use Element of the General Plan designates the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and C-1 (D) (Neighborhood Commercial Design Review Overlay), in conformance with the General Plan.

Project No. 6 (Annexation #459 and Zone Change 9-2005): The Land Use Element of the General Plan designates the subject site for Low Density Residential and High Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) and R-3 (D) (Multiple Family Residential Design Review Overlay), in conformance with the General Plan.

PROJECT DETAILS:

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3 which simplifies the island annexation process for projects affecting less than 150 acres. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas which are "surrounded or substantially surrounded" by a City, LAFCO has interpreted this as any area which is 65 percent or more surrounded by a City boundary. Each of the proposed annexations meets the requirements of State law and local policy to qualify for streamlined processing.

Existing and proposed zoning, and on-site and adjacent land uses for each of the project areas is shown in Attachment No. 1. Nearly all of the parcels proposed to be annexed are currently developed. However, in some cases, the proposed zoning will accommodate development to a higher density than that which is currently permitted, or which has already occurred. Such infill and redevelopment opportunities will occur in proposed annexations in several locations throughout the community. If all of the parcels to be annexed were to develop to the full extent permitted by the proposed zoning, as many as five hundred additional infill dwelling units may be created. Such development would occur in accordance with the standards set by the City of Porterville General Plan.

Upon annexation, the City will immediately become responsible for police, fire, and road maintenance services throughout the affected territories. Municipal Planning and Building services will also be provided, though no immediate land use changes are required or expected. Sewer, water and storm drainage services will be extended throughout the areas as development and redevelopment occurs. The cost of such services will be offset, in whole, or in part by increased revenue and enhanced efficiency in service delivery. Portions of the existing property and sales taxes already collected in
the area will be directed to the City. In addition, the City’s Utility User’s Tax will apply
to residents of the annexed territory. The City Manager is recommending that the Utility
User's Tax revenue derived from these annexations be directed to the Police Department
for additional staffing.

SPHERE OF INFLUENCE: All twelve project sites are located within the Sphere of
Influence.

PUBLIC PARTICIPATION:

Public informational meetings were held on February 3, 2005 and April 18, 2005.
Information was provided at those meetings regarding the origin of the islands, the
motivation for annexing the islands at this time, and the effects of annexation on taxes
and services in the affected areas. Invitations were sent to all property owners and
residents in all six annexation project areas. Well over 400 people participated in the
presentations. Public comment cards were distributed at the meetings and were received
from approximately 38 individuals and are outlined in Attachment 4 hereto.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of proposed Zone Changes 04-2005, 05-2005, 06-2005,
07-2005, 08-2005 and 09-2005 and Annexation Numbers 445, 455, 456, 457, 458,
459 would preclude the project sites from being incorporated into the City. The
unincorporated islands would continue in existence.

2. Amended Project. The City Council has the option to approve some, all, or none
of the proposed annexations. Furthermore, in some instances, the General Plan
may permit an alternative pre-zoning designation.

3. Approve the project. Approval of the proposed zone changes and annexations
would be consistent with the designation applicable to the site, bringing the site’s
zoning into conformity with the General Plan. Approval of the annexations
would allow the changes of zone to become effective upon consummation of the
annexations.

ENVIRONMENTAL: The Environmental Coordinator on June 27, 2005, made a
preliminary determination that although the project could have a significant effect on the
environment, all potentially significant effects a) have been analyzed adequately in an
earlier EIR of Negative Declaration and b) have been avoided or mitigated pursuant to
that earlier EIR or Negative Declaration, including revisions or mitigation measures that
are imposed upon the proposed project. The Initial Study and proposed Mitigation
Measures have been transmitted to interested agencies, groups, and individuals for a
twenty (20) day review. As of this date, the San Joaquin Valley Air Pollution Control
District is the only agency that commented on the proposal. The comments and
responses are included as Attachment No. 6.
RECOMMENDATION: That the City Council:


2. Adopt the draft resolutions authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCO for Annexations 446, 455, 456, 457, 458, and 459.


4. Approve the use of the additional Utility User's Tax revenue derived from these annexations be directed to the Police Department for additional staffing.

ATTACHMENTS:

1. Comprehensive Project Area Map
2. Project Detail Table - Zoning and Land Use
3. Individual Project Area Land Use Maps
4. Public Participation Report
5. Negative Declaration and Initial Study
6. CEQA Comment Letters and Responses
8. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary applications for Annexations 446.
10. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary applications for Annexations 455.
18. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary applications for Annexations 459.
CITY OF PORTERVILLE
ISLAND ANNEXATION PROGRAM

City Boundary
1. Annexation No. 446
   Zone Change No. 4-2005
2. Annexation No. 455
   Zone Change No. 5-2005
3. Annexation No. 456
   Zone Change No. 6-2005
4. Annexation No. 457
   Zone Change No. 7-2006
5. Annexation No. 458
   Zone Change No. 8-2005
6. Annexation No. 459
   Zone Change No. 9-2005

0 0.25 0.5 1 Miles

Quad Knopf

ISLAND PROJECTS

Attachment No. 1
<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
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<tbody>
<tr>
<td>446 Project 1</td>
<td>A</td>
<td>73.3 acres, 113 parcels</td>
<td>Single Family Residences, Duplexes, Triplexes, Apartments, Mobilehome Park, Commercial Businesses, Scattered Vacant Lots, Tule River.</td>
<td>R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC</td>
<td>R-2, R-3, C-2 (D), M-1 (D), OA</td>
<td>Tule River, Single Family Residences, Apartments, Mobilehome Parks, Industrial Uses, Hotel, Commercial Businesses, Plano Street, State Hwy 190, Vacant Lots, Main Street, Elementary School, Middle School, Community College</td>
</tr>
<tr>
<td>445 Project 2</td>
<td>A</td>
<td>141.0 acres, 293 parcels</td>
<td>Single Family Residences, Mobilehomes, Apartments, Rural Residential (including small animal pastures), Middle School Site (under construction), Church, Mini-Mart, Tulare County Equipment Yard, Scattered Vacant Lots.</td>
<td>AE-20, R-1, R-1-217, R-2, C-1-SR</td>
<td>R-1, R-2, OA</td>
<td>Single Family Residences, Rural Residential, Apartments, Scattered Vacant Lots, Churches, Commercial Businesses, Drainage Basin, Elementary School, High School, State Highway 65, North Grand Avenue.</td>
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<tr>
<td></td>
<td>B</td>
<td>4.2 acres, 4 parcels</td>
<td>Single Family Residences</td>
<td>R-1-217</td>
<td>R-1</td>
<td>Single Family Residences, Church, Rural Residential, Scattered Vacant Lots, Radio Station</td>
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<tr>
<td>456 Project 3</td>
<td>A</td>
<td>11.1 acres, 35 parcels</td>
<td>Single Family Residences, Contractor's Storage Yard, Vacant Lot</td>
<td>R-1, R-1-217</td>
<td>R-1, C-3 (D)</td>
<td>Single Family Residences, Hotel, Commercial Businesses, Vacant Land (Including Proposed Shopping Centers), State Highway 190</td>
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<td>25.7 acres, 41 parcels</td>
<td>Single Family Residences, Apartments, Vacant Land</td>
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<td>R-2</td>
<td>Tule River, Single Family Residences, Apartments, High School, Scattered Vacant Lots</td>
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Attachment 2-1
<table>
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<tr>
<th>Annexation Number</th>
<th>Area</th>
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<th>Land Use</th>
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<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
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<tr>
<td>456 Project 3 cont.</td>
<td>C</td>
<td>89.8 acres 211 parcels</td>
<td>Single Family Residences, Rural Residential (including approx. 5 acres of citrus orchards), Apartments, Scattered Vacant Lots, Commercial Businesses, Radio Tower</td>
<td>R-1, R-1-217, R-2, P-1, C-2</td>
<td>R-1, R-2, OA</td>
<td>Tule River, State Highway 190, Olive Avenue, Single Family Residences, Commercial Businesses, Vacant Land, Electrical Substation,</td>
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<td>457 Project 4</td>
<td>A</td>
<td>90.8 acres 119 parcels</td>
<td>Single Family Residences, Rural Residential (including small pastures), Mobile Home Park, Commercial Businesses, Equipments Storage, Church, Congregate Care Facility, Scattered Vacant Lots, Discussed Borrow Pit</td>
<td>R-A-217, R-1-217,</td>
<td>R-1</td>
<td>State Highway 190, State Highway 65, Single Family Residences, Vacant Land (Including Proposed Shopping Center and Proposed Annexation Project No. 460.)</td>
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<tr>
<td>458 Project 5</td>
<td>A</td>
<td>62.8 acres 193 parcels</td>
<td>Single Family Residences, Mini-Mart</td>
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<td>R-1, R-2, C-1 (D)</td>
<td>Single Family Residences, Apartments, Mobilehome Park, Elementary School, Commercial Businesses, Drive-in Theater, Veterans Park, Wastewater Treatment Facility</td>
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<td>B</td>
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<td>R-1</td>
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<td>459 Project 6</td>
<td>A</td>
<td>88.7 acres 363 parcels</td>
<td>Single Family Residences, Scattered Vacant Lots, Mini-Mart</td>
<td>R-1, R-1-217, C-1</td>
<td>R-1, C-1 (D)</td>
<td>Single Family Residences, Mobilehome Park, Elementary School, School District Offices, Commercial Businesses, Vacant Land (Including Proposed Subdivision)</td>
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<td>Size/Parcels</td>
<td>Land Use</td>
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<td>Proposed Zoning (City)</td>
<td>Adjacent Land Uses</td>
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<tr>
<td>459 Project 6 cont.</td>
<td>B</td>
<td>1.2 acres 1 parcel</td>
<td>Commercial Business</td>
<td>C-2</td>
<td>R-3</td>
<td>Mobilehome Park, Church, Olive Avenue, Westwood Street, Vacant Land (Including Developing Subdivision) Single Family Residences, County Fire Station, Commercial Businesses</td>
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<tr>
<td></td>
<td>C</td>
<td>9.0 acres 33 parcels</td>
<td>Single Family Residences</td>
<td>R-1</td>
<td>R-1</td>
<td>Single Family Residences, Churches, Vacant Land (Including Two Proposed Churches)</td>
</tr>
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</table>

Zoning Classifications:

**Tulare County**

- A-1  Agriculture
- AE-20  Exclusive Agriculture - 20 Acre Minimum
- R-A-217  Rural Residential - 5 Acre Minimum
- R-1  Single Family Residential
- R-1-217  Single Family Residential - 5 Acre Minimum
- R-2  Two Family Residential
- R-3  Multiple Family Residential
- P-1  Automobile Parking
- C-1  Neighborhood Commercial
- C-1-SR  Neighborhood Commercial - Site Plan Review
- C-2  General Commercial
- C-2-SC  General Commercial - Scenic Corridor
- M-1  Light Manufacturing
- M-1-SC  Light Manufacturing - Scenic Corridor
- M-2  Heavy Manufacturing
- M-2-SC  Heavy Manufacturing - Scenic Corridor

**City of Porterville**

- R-1  One Family Residential
- R-2  Four Family Residential
- R-3  Multiple Family Residential
- C-1 (D)  Neighborhood Commercial-Design Review Overlay
- C-2 (D)  Central Commercial-Design Review Overlay
- C-3 (D)  Heavy Commercial-Design Review Overlay
- M-1 (D)  Light Manufacturing-Design Review Overlay
- OA  Open Area

Attachment No. 2-3
456 C LAND USE

Attachment No. 3-5
Adjacent Project Not A Part

457 A LAND USE

Attachment No. 3-6
A public meeting for the Island Annexation project was held on February 3, 2005. At that meeting, preference survey cards were provided to the attendees to give them the opportunity to offer their comments regarding their desire to support or oppose the annexations.

The City received 38 written comments at that meeting. Those comments are summarized below:

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<tr>
<th>Area</th>
<th>Support</th>
<th>Oppose</th>
<th>Undecided</th>
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<tr>
<td>Area 1</td>
<td></td>
<td>2</td>
<td>3</td>
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<tr>
<td>Comments:</td>
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<tr>
<td>Area 2</td>
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<td>2</td>
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<td>Comments:</td>
<td>Cost, affordability</td>
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<tr>
<td>Area 3</td>
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<td>1</td>
<td>4</td>
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<td>Comments:</td>
<td>More taxes, financing available</td>
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<tr>
<td>Area 4</td>
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<td>Comments:</td>
<td>Maintain current living style</td>
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<tr>
<td>Area 5</td>
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<td>1</td>
<td>7</td>
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<tr>
<td>Comments:</td>
<td>Happy with existing, limited income, too expensive, utility tax, no better services</td>
<td></td>
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<tr>
<td>Area 6</td>
<td></td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Comments:</td>
<td>Not convinced of the need to annex, sewer cost too high</td>
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</table>
INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

PRE-ZONING AND ANNEXATION OF TWELVE
UNINCORPORATED “ISLANDS” IN SIX
ANNEXATION PROPOSALS

June 2005

Quad Knopf
INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

for the

PRE-ZONING AND ANNEXATION OF TWELVE
UNINCORPORATED “ISLANDS” IN SIX
ANNEXATION PROPOSALS

June 2005

Lead Agency: City of Porterville
            c/o Bradley Dunlap, AICP
            Community Development Director
            291 N. Main Street
            Porterville, CA 93257

Consultant: Quad Knopf
            P.O. Box 3699
            Visalia, CA 93277

Contact Person: Julie Boyle
Phone: (559) 733-0440
Fax: (559) 733-7821
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CHAPTER ONE

PROJECT DESCRIPTION
CHAPTER ONE – PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared under the direction of the City of Porterville (City), the lead agency under the California Environmental Quality Act (CEQA), to analyze the potential effects of an annexation program consisting of six individual projects affecting twelve separate areas with a combined area of 684± acres and 1,677 parcels. The City has determined that although the project could have a significant effect on the environment, all potentially significant effects: a) have been analyzed adequately in General Plan EIR (General Plan Amendment 1-89 EIR SCH #89081408 and General Plan Amendment 1-93 EIR SCH #92122056), and b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, a Mitigated Negative Declaration will be prepared. Any person may object to the determination to forego the preparation of an EIR or may respond to the findings contained in the Initial Study/Mitigated Negative Declaration. Further information relating to the proposed project is on file at Porterville City Hall. Any person wishing to examine or obtain a copy of any available information, or seeking information as to time and manner to so object or respond, may do so by inquiring at City Hall.

Location

The parcels included in the proposed annexation are located throughout the City of Porterville in Tulare County (Figure 1-1) as follows:

- Project No. 1 (Annexation #446): One annexation area located generally at the northeast corner of State Route 190 and Main Street.
- Project No. 2 (Annexation #455): Two annexation areas located south of North Grand Avenue and generally west of State Route 65 in the northerly portion of the community.
- Project No. 3 (Annexation #456): Three annexation areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community.
- Project No. 4 (Annexation #457): One annexation area generally located at the southeast corner of State Route 65 and State Route 190.
- Project No. 5 (Annexation #458): Two annexation areas generally located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community.
- Project No. 6 (Annexation #457): Three annexation areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community.
**Project Objectives**

The City of Porterville, the County of Tulare, the Tulare County Local Agency Formation Commission (LAFCO) and the State of California have all identified the presence of unincorporated islands within the boundaries of an incorporated city as a source of government inefficiency. Each has adopted regulations, policies or procedures to limit the formation of new unincorporated islands and/or to encourage the annexation of existing islands. To further this goal, the State of California has adopted Government Code Section 56375.3 which simplifies the island annexation process for projects affecting less than 150 acres. This provision expires on January 1, 2007. State law defines islands subject to the modified approval process as those areas which are "surrounded or substantially surrounded" by a City; which the Tulare County LAFCO has interpreted as any area which is 65 percent or more surrounded by a City boundary.

The primary objective of the project is to achieve greater efficiency in the delivery of a wide variety of services through the annexation of several unincorporated islands throughout the City of Porterville. Efficiencies are expected to be derived from a variety of sources including: reduced confusion among the public and various service agencies regarding municipal service boundaries; more rational service delivery areas and reductions in overlapping service; more complete use of infrastructure designed to accommodate the fully developed portions of the urban area; and, uniform application of development, land use, and related statutes, regulation and policies. Through increases in efficiency and elimination of redundancies, the project is expected to reduce the overall cost of providing governmental services to the affected areas. However, by shifting responsibility for fire and police protection, road maintenance, etc., the direct costs to the City of Porterville are likely to increase. Furthermore, the City provides a higher degree of government service to its residents. Such service enhancements include higher patrol frequency, better street maintenance, faster response times, provision of municipal sewer, water and storm drainage, and parks and recreational programs. A number of funding sources have been identified to support the annexed islands as follows:

1. The County of Tulare Board of Supervisors is considering a tax sharing agreement to shift a portion of the existing property tax revenues from developed parcels from the County to the City of Porterville. The City will collect the entire local portion of sales tax revenues and the majority of the property tax generated through increased property assessments (within the limits set by Prop. 13) property and sales tax rates will not be affected by the proposed action.

2. The City of Porterville’s Utility Users Tax will apply to electric, gas, cable TV, phone and water system customers within the affected islands.

3. As property develops and new utility connections are made, sewer, water, storm drainage, parks, traffic and school impact fees will apply. Utility connection fees will also be collected as new customers connect to the services. However, annexation does not require connection to municipal utilities.
4. Several State and Federal funding programs are based, in whole or in part, on the population of a city. Gas taxes, vehicle license fees and Community Development Block Grant (CDBG) awards will all be affected. In 1999, the U.S. Bureau of the Census estimated that every person counted in the 2000 census would generate an average of $1,000 per year in such programs.

**Project Description**

Table 1-1 summarizes the six proposed annexations. The projects will individually comply with the standards of Government Code Section 56375.3; that is, each one is substantially surrounded, is less than 150 acres in aggregate area, and is substantially developed or developing as follows:

Project No. 1 (Annexation #446) consists of a single unincorporated island (Area A) consisting of approximately 113 parcels. The subject site is 100% surrounded, 73.3± acres in size, and is more than 80% developed with scattered vacant parcels, and an undeveloped area south of the Tule River that is constrained by flooding concerns. The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (Multiple Family Residential), C-2 (D) (Central Commercial-Design Review Overlay, and M-1 (D) (Light Manufacturing-Design Review Overlay) in conformance with the General Plan (Figures 1-2 and 1-3).

Project No. 2 (Annexation #455) consists of two unincorporated islands: Area A consisting of approximately 293 parcels and Area B consisting of four parcels. Area A is 89% surrounded, 141.0± acres in size, and is more than 90% developed, or developing, with a middle school under construction on 16± acres and approximately 14 acres of vacant or underdeveloped land northwest of the Westfield crossing of State Route 65. Area B is 84% surrounded, 4.2 acres in size and 100% developed with rural residential uses. The combined project area is 145.2 acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and OA (Open Area) in conformance with the General Plan (Figures 1-4 and 1-5).

Project No. 3 (Annexation #456) consists of three unincorporated islands: Area A consisting of 35 parcels, Area B consisting 41 parcels and Area C consisting of approximately 211 parcels. Area A is 100% surrounded, 11.1± acres in size and 100% developed. Area B is 100% surrounded, 25.7± acres in size and approximately 60% developed. The vacant portion of the site is adjacent to the Tule River and is constrained by flooding concerns. Area C is 100% surrounded, 89.8 acres in size and over 80% developed, with approximately 15 acres in rural residential uses with some pasturage and small scale citrus production and approximately five acres of vacant land adjacent to the Tule River. The combined project area is 126.6± acres. The Land Use Element of the
General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (D) (Heavy Commercial-Design Review Overlay) and OA (Open Area), in conformance with the General Plan (Figures 1-6 and 1-7).

Project No. 4 (Annexation #457) consists of one unincorporated island (Area A) consisting of approximately 119 parcels. The subject site is 62.6% surrounded as a stand-alone project, but when considered with Annexation 460, a separate project under simultaneous processing, the project is 100% surrounded. Project No. 4 is 141.0± acres in size and is more than 90% developed with scattered vacant properties and an approximately seven acre disused borrow pit currently in pasturage. The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan (Figures 1-8 and 1-9).

Project No. 5 (Annexation #458) consists of two unincorporated islands: Area A consisting of approximately 193 parcels and Area B consisting of approximately 289 parcels. Area A is 100% surrounded, 62.8 acres in size and 100% developed. Area B is 100% surrounded, 86.2 acres in size and 100% developed. The combined project area is 149 acres. The Land Use Element of the General Plan designates the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan (Figures 1-10 and 1-11).

Project No. 6 (Annexation #459) consists of three unincorporated islands: Area A consisting of approximately 363 parcels, Area B consisting of one parcel and Area C consisting of 33 parcels. Area A is 100% surrounded, 88.7± acres in size, and over 90% developed with a vacant five acre parcel on the south side of Morton Avenue, west of Lombardi Street. Area B is 100% surrounded, 1.2± acres in size and 100% developed with a commercial use. Area C is 100% surrounded, 9.0± acres in size and 100% developed with residential uses. The combined project area is 98.9± acres. The Land Use Element of the General Plan designates the subject site for Low Density Residential, High Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-3 (Multiple Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan (Figures 1-12 and 1-13).

Nearly all of the parcels proposed to be annexed are currently developed. However, in some cases, the proposed zoning will accommodate development to a higher density than that which is currently permitted, or which has already occurred. Infill and redevelopment opportunities may therefore occur in proposed annexations in several locations throughout the community, as a result of the proposal. Infill development is an environmentally preferred alternative to development on the periphery of the City and is

City of Porterville  
June 2005
Initial Study and Mitigated Negative Declaration  
1 - 5
Pre-Zoning and Annexation of Twelve Unincorporated “Islands”
supported by several policies in the General Plan. If all of the parcels to be annexed were to develop to the extent realized in similar zones in other parts of the community, as many as 450 additional dwelling units may be created. Such development would occur in accordance with the standards set by the General Plan, and the cumulative impacts of such development were considered in the Final EIR (SCH #89081408 and SCH#92122056) adopted for the General Plan with appropriate mitigation measures. The findings, modifications and mitigation measures of the Porterville General Plan EIR apply to the proposed project and are included within this document by reference.
## Table 1-1
### Individual Annexation Project Descriptions

<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>446 A</td>
<td>73.3 acres</td>
<td>113 parcels</td>
<td>Single Family Residences, Duplexes, Triples, Apartments, Mobilehome Park, Commercial Businesses, Scattered Vacant Lots, Tule River.</td>
<td>R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC</td>
<td>R-2, R-3, C-2 (D), M-1 (D), OA</td>
<td>Tule River, Single Family Residences, Apartments, Mobilehome Parks, Industrial Uses, Hotel, Commercial Businesses, Plano Street, State Hwy 190, Vacant Lots, Main Street, Elementary School, Middle School, Community College</td>
</tr>
<tr>
<td>445 A</td>
<td>141.0 acres</td>
<td>293 parcels</td>
<td>Single Family Residences, Mobilehomes, Apartments, Rural Residential (including small animal pastures), Middle School Site (under construction), Church, Mini-Mart, Tulare County Equipment Yard, Scattered Vacant Lots.</td>
<td>AE-20, R-1, R-1-217, R-2, C-1-SR</td>
<td>R-1, R-2, OA</td>
<td>Single Family Residences, Rural Residential, Apartments, Scattered Vacant Lots, Churches, Commercial Businesses, Drainage Basin, Elementary School, High School, State Highway 65, North Grand Avenue.</td>
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<tr>
<td>B</td>
<td>4.2 acres</td>
<td>4 parcels</td>
<td>Single Family Residences</td>
<td>R-1-217</td>
<td>R-1</td>
<td>Single Family Residences, Church, Rural Residential, Scattered Vacant Lots, Radio Station</td>
</tr>
<tr>
<td>456 A</td>
<td>11.1 acres</td>
<td>35 parcels</td>
<td>Single Family Residences, Contractor's Storage Yard, Vacant Lot</td>
<td>R-1, R-1-217</td>
<td>R-1, C-3 (D)</td>
<td>Single Family Residences, Hotel, Commercial Businesses, Vacant Land (Including Proposed Shopping Centers), State Highway 190</td>
</tr>
<tr>
<td>B</td>
<td>25.7 acres</td>
<td>41 parcels</td>
<td>Single Family Residences, Apartments, Vacant Land</td>
<td>R-1, R-1-217</td>
<td>R-2</td>
<td>Tule River, Single Family Residences, Apartments, High School, Scattered Vacant Lots</td>
</tr>
<tr>
<td>Annexation Number</td>
<td>Area</td>
<td>Size/Parcels</td>
<td>Land Use</td>
<td>Current Zoning (County)</td>
<td>Proposed Zoning (City)</td>
<td>Adjacent Land Uses</td>
</tr>
<tr>
<td>-------------------</td>
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<td>-----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>456</td>
<td>C</td>
<td>89.8 acres, 211 parcels</td>
<td>Single Family Residences, Rural Residential (including approx. 5 acres of citrus orchards), Apartments, Scattered Vacant Lots, Commercial Businesses, Radio Tower</td>
<td>R-1, R-1-217, R-2, P-1, C-2</td>
<td>R-1, R-2, OA</td>
<td>Tule River, State Highway 190, Olive Avenue, Single Family Residences, Commercial Businesses, Vacant Land, Electrical Substation,</td>
</tr>
<tr>
<td>457</td>
<td>A</td>
<td>90.8 acres, 119 parcels</td>
<td>Single Family Residences, Rural Residential (including small pastures), Mobile Home Park, Commercial Businesses, Equipments Storage, Church, Congregate Care Facility, Scattered Vacant Lots, Discussed Borrow Pit</td>
<td>R-A-217, R-1, R-1-217,</td>
<td>R-1</td>
<td>State Highway 190, State Highway 65, Single Family Residences, Vacant Land (Including Proposed Shopping Center and Proposed Annexation Project No. 460.)</td>
</tr>
<tr>
<td>458</td>
<td>A</td>
<td>62.8 acres, 193 parcels</td>
<td>Single Family Residences, Mini-Mart</td>
<td>R-1, R-2, C-1, A-1</td>
<td>R-1, R-2, C-1 (D)</td>
<td>Single Family Residences, Apartments, Mobilehome Park, Elementary School, Commercial Businesses, Drive-in Theater, Veterans Park, Wastewater Treatment Facility</td>
</tr>
<tr>
<td>B</td>
<td></td>
<td>86.2 acres, 289 parcels</td>
<td>Single Family Residences</td>
<td>R-1, R-1-217</td>
<td>R-1</td>
<td>Single Family Residences, Apartments, Vacant Land (Including Proposed Subdivision), Drive-in Theater, Commercial Businesses, Veterans Park, Wastewater Treatment Facility</td>
</tr>
<tr>
<td>459</td>
<td>A</td>
<td>88.7 acres, 363 parcels</td>
<td>Single Family Residences, Scattered Vacant Lots, Mini-Mart</td>
<td>R-1, R-1-217, C-1</td>
<td>R-1, C-1 (D)</td>
<td>Single Family Residences, Mobilehome Park, Elementary School, School District Offices, Commercial Businesses, Vacant Land (Including Proposed Subdivision)</td>
</tr>
</tbody>
</table>
### Table 1-1 (Cont.)

<table>
<thead>
<tr>
<th>Annexation Number</th>
<th>Area</th>
<th>Size/Parcels</th>
<th>Land Use</th>
<th>Current Zoning (County)</th>
<th>Proposed Zoning (City)</th>
<th>Adjacent Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>459</td>
<td>B</td>
<td>1.2 acres 1 parcel</td>
<td>Commercial Business</td>
<td>C-2</td>
<td>R-3</td>
<td>Mobilehome Park, Church, Olive Avenue, Westwood Street, Vacant Land (Including Developing Subdivision) Single Family Residences, County Fire Station, Commercial Businesses</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>9.0 acres 33 parcels</td>
<td>Single Family Residences</td>
<td>R-1</td>
<td>R-1</td>
<td>Single Family Residences, Churches, Vacant Land (Including Two Proposed Churches)</td>
</tr>
</tbody>
</table>

**Zoning Classifications:**

- *Tulare County*
  - A-1 Agriculture
  - AE-20 Exclusive Agriculture - 20 Acre Minimum
  - R-A-217 Rural Residential - 5 Acre Minimum
  - R-1 Single Family Residential
  - R-1-217 Single Family Residential - 5 Acre Minimum
  - R-2 Two Family Residential
  - R-3 Multiple Family Residential
  - P-1 Automobile Parking
  - C-1 Neighborhood Commercial
  - C-1-SR Neighborhood Commercial - Site Plan Review
  - C-2 General Commercial
  - C-2-SC General Commercial - Scenic Corridor
  - M-1 Light Manufacturing
  - M-1-SC Light Manufacturing - Scenic Corridor
  - M-2 Heavy Manufacturing
  - M-2-SC Heavy Manufacturing - Scenic Corridor

- *City of Porterville*
  - R-1 One Family Residential
  - R-2 Four Family Residential
  - R-3 Multiple Family Residential
  - C-1 (D) Neighborhood Commercial-Design Review Overlay
  - C-2 (D) Central Commercial-Design Review Overlay
  - C-3 (D) Heavy Commercial-Design Review Overlay
  - M-1 (D) Light Manufacturing-Design Review Overlay
  - OA Open Area
ANNEXATION 446 (AREA A) – PROPOSED ZONING

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ANNEXATION 455 (AREAS A AND B) – EXISTING ZONING

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FIGURE 1-4
ANNEXATION 456 (AREA A) – EXISTING ZONING

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FIGURE 1-6
ANNEXATION 456 (AREA A) – PROPOSED ZONING
ANNEXATION 457 (AREA A) – EXISTING ZONING

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ANNEXATION 458 (AREA A) – EXISTING ZONING

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ANNEXATION 458 (AREA A) – PROPOSED ZONING

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ANNEXATION 458 (AREA B) – PROPOSED ZONING

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ANNEXATION 459 (AREA C) – EXISTING ZONING

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ANNEXATION 459 (AREA C) – PROPOSED ZONING

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CHAPTER TWO

ENVIRONMENTAL SETTING AND REGULATIONS
CHAPTER TWO - ENVIRONMENTAL SETTING AND REGULATIONS

Topography of the Region

The project site is located within southern Tulare County in the southern San Joaquin Valley, at the western base of the Sierra Nevada Mountains. The topography of this portion of Tulare County is typical of the Southern San Joaquin Valley. According to the U.S.G.S. Porterville Quadrangle, Mount Diablo Base and Meridian, the project site is relatively flat with an average elevation between 400 and 450 feet above sea level.

Land Use

The majority of the parcels in each annexation area are developed with single family residential uses. The annexations also include several apartments, mobilehome parks and rural density residential uses. The rural density residential uses are associated with small animal pastures and modest agricultural uses. Several commercial businesses, equipment storage yards, churches, and scattered vacant lots will also be affected by the proposed projects. Surrounding parcels are developed to the full range of urban land uses, with single family residences predominating.

The subject sites are currently zoned to conform to the Tulare County General Plan, and nearly all land uses conform to their existing zoning. The proposed zoning for each parcel conforms to the City of Porterville General Plan. The proposed zoning is comparable to the existing zoning, although City zoning permits a minimum lot size of 6,000 square feet in several residential areas which are currently restricted to a minimum lot size of five acres (217,000 square feet). Tulare County regularly imposes the R-1-217 zoning in rural residential areas in anticipation of eventual annexation and rezoning to a less restrictive residential zone. Several parcels within Annexation No. 455 (Area A) are within the County AE-20 (Exclusive Agriculture - 20 Acre Minimum) Zone. These parcels are proposed to be placed into the City OA (Open Area) Zone. Tulare County operates an equipment storage yard on this site.

Land Use and Zoning information for each annexation area has been summarized in Table 1-1.

Regulatory Setting

In compliance with the California Environmental Quality Act, appropriate environmental regulations will be met. The following list provides reference to some of these regulations.

California Environmental Quality Act Statutes and Guidelines – PRC, Division 13, Sections 21000-21177 and 14 CCR, Division 6, Chapter 3, Sections 15000 – 15387.
Air Quality:  17 CCR § 90700, San Joaquin Valley Air Pollution Control District regulations.

Cultural Resources:  PRC § 21083.2, 14, CCR § 4852

Land Use, Noise, Aesthetics:  City of Porterville General Plan and City of Porterville Zoning Ordinance.
CHAPTER THREE

ENVIRONMENTAL IMPACTS
CHAPTER THREE – ENVIRONMENTAL IMPACTS

ENVIRONMENTAL CHECKLIST

1. Project title:
   Annexation and Re-zoning of Twelve Unincorporated “Islands” in Six Annexation proposals

2. Lead agency name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA  93257

3. Contact person and phone number:
   Bradley Dunlap, AICP, Community Development Director
   (559) 782-7460

4. Project location:
   The project is located throughout of the City of Porterville, in Tulare County, California.

5. Project sponsor's name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA  93257

6. County General Plan designation:
   Various, including Low, Medium and High Density Residential, Commercial and Industrial Users.

   City of Porterville General Plan designation outside urban area boundary:
   Various, including low, medium and high density residential, commercial and Industrial users.

7. County Zoning:
   Various to conform to the “Porterville Area Community Plan” Element of the Tulare County General Plan

   Proposed City of Porterville Zoning
   Various to conform to the Land Use Element of the Porterville General Plan.
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Project No. 1 (Annexation #446) consists of a single unincorporated island (Area A) consisting of approximately 113 parcels. The subject site is 100% surrounded, 73.3± acres in size, and is more than 80% developed with scattered vacant parcels, and an undeveloped area south of the Tule River that is constrained by flooding concerns. The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (Multiple Family Residential), C-2 (D) (Central Commercial-Design Review Overlay, and M-1 (D) (Light Manufacturing-Design Review Overlay) in conformance with the General Plan (Figures 1-2 and 1-3).

Project No. 2 (Annexation #455) consists of two unincorporated islands: Area A consisting of approximately 293 parcels and Area B consisting of four parcels. Area A is 89% surrounded, 141.0± acres in size, and is more than 90% developed, or developing, with a middle school under construction on 16± acres and approximately 14 acres of vacant or underdeveloped land northwest of the Westfield crossing of State Route 65. Area B is 84% surrounded, 4.2 acres in size and 100% developed with rural residential uses. The combined project area is 145.2 acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and OA (Open Area) in conformance with the General Plan (Figures 1-4 and 1-5).

Project No. 3 (Annexation #456) consists of three unincorporated islands: Area A consisting of 35 parcels, Area B consisting 41 parcels and Area C consisting of approximately 211 parcels. Area A is 100% surrounded, 11.1± acres in size and 100% developed. Area B is 100% surrounded, 25.7± acres in size and approximately 60% developed. The vacant portion of the site is adjacent to the Tule River and is constrained by flooding concerns. Area C is 100% surrounded, 89.8 acres in size and over 80% developed, with approximately 15 acres in rural residential uses with some pasturage and small scale citrus production and approximately five acres of vacant land adjacent to the Tule River. The combined project area is 126.6± acres. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (D) (Heavy Commercial-Design Review Overlay) and OA
Project No. 4 (Annexation #457) consists of one unincorporated island (Area A) consisting of approximately 119 parcels. The subject site is 62.6% surrounded as a stand-alone project, but when considered with Annexation 460, a separate project under simultaneous processing, the project it is 100% surrounded. Project No. 4 is 141.0± acres in size and is more than 90% developed with scattered vacant properties an approximately seven acre disused borrow pit currently in pasturage. The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan (Figures 1-8 and 1-9).

Project No. 5 (Annexation #458) consists of two unincorporated islands: Area A consisting of approximately 193 parcels and Area B consisting of approximately 289 parcels. Area A is 100% surrounded, 62.8 acres in size and 100% developed. Area B is 100% surrounded, 86.2 acres in size and 100% developed. The combined project area is 149 acres. The Land Use Element of the General Plan designates the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan (Figures 1-10 and 1-11).

Project No. 6 (Annexation #459) consists of three unincorporated islands: Area A consisting of approximately 363 parcels, Area B consisting of one parcel and Area C consisting of 33 parcels. Area A is 100% surrounded, 88.7± acres in size and over 90% developed with a vacant five acre parcel on the south side of Morton Avenue, west of Lombardi Street. Area B is 100% surrounded, 1.2± acres in size and 100% developed with a commercial use. Area C is 100% surrounded, 9.0± acres in size and 100% developed with residential uses. The combined project area is 98.9± acres. The Land Use Element of the General Plan designates the subject site for Low Density Residential, High Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-3 (Multiple Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan (Figures 1-12 and 1-13).

9. Surrounding land uses and setting: (Briefly describe the project's surroundings):
Surrounding parcels are primarily developed to the full range of urban land uses with single family residential predominating.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
   Tulare County LAFCo

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics  ☐ Agriculture Resources  ☒ Air Quality
☐ Biological Resources  ☐ Cultural Resources  ☐ Geology / Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology / Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☒ Population / Housing
☐ Public Services  ☐ Recreation  ☒ Transportation / Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐

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

☐

Signature

Date

Signature

Date

City of Porterville

Initial Study and Mitigated Negative Declaration

Pre-Zoning and Annexation of Twelve Unincorporated "Islands"

June 2005

3 - 5
### I. AESTHETICS – Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

*Response a), b), c), d): The project will not directly change the existing land use of the subject sites. No scenic vistas will be affected as a result of the project’s implementation. The proposed project may facilitate additional infill development; however, no such sites are located in designated scenic areas. All development will be required to comply with City of Porterville Zoning Ordinance regulations which prohibit the installation of lighting which creates glare on neighborhood properties.*
### Issues

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

#### II. AGRICULTURE 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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?

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

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

Response a), b), c): None of the affected area is under commercially viable agricultural production. With very few exceptions, the approximately 1,695 affected parcels are completely developed with urban land uses including residences, commercial and industrial businesses, schools, etc. There are no Williamson Act agricultural preserve contracts affected by the proposed projects. While the project is expected to facilitate continued infill development of under-utilized parcels, no currently active rural residential agricultural use will be prohibited as a result of the proposed annexation and pre-zoning.

Five affected parcels are currently zoned for agricultural uses by the County of Tulare as follows:

- In Annexation No. 455, Area A, four parcels located at the southwest corner of North Grand Avenue and Prospect Street are within the AE-20 (Exclusive Agriculture - 20 Acre Minimum) Zone. The combined area of the four parcels is 9.2 ± acres. The site is utilized by the County of Tulare as an equipment storage yard. No active agricultural operations have occurred on the site for many years. All of the surrounding parcels are zoned for urban uses. The proposed pre-zoning of the subject site is OA (Open Area).

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In Annexation #458, Area A, one parcel located on the south side of Tomah Avenue, between Lotas Street and Beverly Street is within the A-1 Agricultural Zone. The subject site currently developed with apartments. The site is not large enough to sustain an economically viable agricultural operation. All of the surrounding parcels are zoned and developed to urban uses.

Several affected parcels are developed with rural residential uses, some of which include incidental agricultural activities such as the keeping of small numbers of farm animals (chickens, goats, horses, etc.). The most intense such use identified is a citrus orchard of approximately five acres in size, located within Annexation No. 457, south of Roby Avenue, between Cloverleaf Street and Indiana Street. Five acres is not a commercially viable size for commercial citrus production.

As the affected sites and surrounding areas are completely or substantially developed with urban uses, and no Williamson Act contracts or currently producing prime agricultural lands are affected, the project will have a less than significant effect on agricultural resources.
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?

Response a), b), c), d), e): The project will not directly lead to additional new development within the subject sites or the creation of new air pollution emissions, odor producing uses, or sensitive receptors. As noted, in the project description, the proposed pre-zoning may accommodate additional development of up to 450 dwelling units as provided by the City of Porterville General Plan. The potential cumulative impacts to air quality of such development were considered in the Final EIR adopted with the General Plan and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408, page 36, and SCH #92122056, page IV-3).

Infill development projects, such as those which may follow annexation of the subject site are highly sensitive to their specific lot configuration and surroundings. Consideration of any particular development scenario is overly speculative with this document. As discretionary review of proposals occurs, air quality analyses will be carried out for each project as necessary.
# IV. BIOLOGICAL RESOURCES

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

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Response a), b), c), d), e), f): The Project will not directly lead to additional development with the subject sites or the alteration of habitat or wildlife corridors. The subject parcels are developed and are surrounded by urban development. Portions of the Tule River are included in Annexation #446 and #456 which provides a diverse riparian habitat. The portion of Annexation #446 that is within the floodway of the Tule River will be pre-zoned to OA (Open Area) which significantly restricts potential development.

Infill development projects, such as those which may follow annexation of the subject site are highly sensitive to their specific lot configuration and surroundings and the specific habitat values of the Tule River corridor vary along its course. Therefore, consideration of any particular development scenario is overly speculative with this document. As discretionary review of proposals occurs, biological analysis will be carried out for each project as necessary, in compliance with the California Environmental Quality Act, Section 404 of the federal Clean Water Act, Section 1601 of the California Fish and Game Code and other statutes and regulations that apply to various locations along the Tule River.
<table>
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<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>V. CULTURAL RESOURCES – Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>□</td>
<td>❌</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>□</td>
<td>❌</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>□</td>
<td>❌</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>□</td>
<td>❌</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

Response a), b), c), d): No archeologically or historically sensitive sites are known to occur within the Project Area. The proposed annexations and pre-zoning will not directly lead to additional new development within the subject sites. As per the CEQA Guidelines, if, in the course of construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall then be contacted and advise the City of the site’s significance. If the findings are deemed significant by the City’s Environmental Review Officer, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
## VI. GEOLOGY AND SOILS – Would the project:

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<tr>
<th>Issues</th>
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<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>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.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>iv) Landslides?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life or property?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
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</tbody>
</table>
Response a)(i), iii), iv): The proposed project sites are located in a relatively seismically quiet area of California. No faults are known to exist within the project area. Any infill development or redevelopment will be required to comply with current construction codes. Thus, the project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, or seismic ground failure.

Response a)(ii): The topography of the project site(s) is relatively flat and not subject to landslides.

Response b): The proposed project will not directly lead to development or other activity which may affect current drainage patterns or increase erosion. Municipal grading regulations and Federal NPDES requirements will apply to any infill development or redevelopment which may occur on the subject sites; such regulations are sufficient to reduce the risk of substantial erosion to less than significant levels.

Response c): Soil in the proposed project site is generally well drained and underlain with hardpan. Landslides, lateral spreading, subsidence, liquefaction, and expansion will not occur with this type of soil.

Response d): The Soil Survey of Tulare County completed by the U.S. Department of Agriculture shows that most soils in the project area are appropriate for the existing and proposed degree of development.

Response e): The Municipal Code requires new development within the City of Porterville to connect to the municipal sewer system.
<table>
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<tr>
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<tr>
<td>VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</td>
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<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>x</td>
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<tr>
<td>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?</td>
<td>x</td>
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<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>x</td>
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<tr>
<td>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?</td>
<td>x</td>
<td></td>
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<tr>
<td>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?</td>
<td>x</td>
<td></td>
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<tr>
<td>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?</td>
<td>x</td>
<td></td>
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<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>x</td>
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</tbody>
</table>
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?

Response a), b), c), d): The proposed project will not involve use of hazardous materials.

Response e): Portions of Annexation #457 are located within the H (Horizontal) Zone of the Porterville Municipal Airport Market Plan. Portions of Annexation #456, #457, #458 and #459 are within the C (Conical) Zone of the Porterville Municipal Airport Market Plan. Both the H Zone and the C Zone generally restrict development greater than 150 feet above the elevation of the runway. No such development is anticipated or permitted as a result of this project.

Response f): The proposed project site is not in the vicinity of a private airstrip.

Response g): The proposed project will not change the current land use of the site(s), and has no features that will interfere with emergency response plans. Infill development and redevelopment will be required to comply with the standards of the Zoning Ordinance, Municipal Code and adopted plans and specifications which together provide adequate assurance of access for emergency vehicles.

Response h): The proposed project sites are surrounded by developed urban land uses. Therefore, the project will not result in risk of loss, injury, or death involving wildland fires.
## VIII. HYDROLOGY AND WATER QUALITY

– Would the project:

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<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
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<tr>
<td>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)?</td>
<td>☐</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
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<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate</td>
<td>☐</td>
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<tr>
<td>Issues</td>
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<tr>
<td>Map or other flood hazard delineation map?</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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<td>☐</td>
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</table>

Response a) b) c) d) e) f): The project will not directly lead to additional new development within the subject sites. As noted in the project description, the proposed pre-zoning may accommodate development of up to 450 additional dwelling units as designated by the City of Porterville General Plan. The sites are within the boundaries of the City of Porterville's Water Master Plan and Storm Drain Master Plan. Development of the site(s) to the full density designated by the General Plan was anticipated in the Master Plans, and such development would require new improvements. Water delivery and storm drain infrastructure system improvements necessary to accommodate such development have been identified and necessary capital improvement plans and funding mechanisms have been adopted.

Response g) h) i): Portions of Annexation Nos. 446, and 456, 457, 458 and 459 are identified on the FEMA F.I.R.M. maps as being within Flood Zone A, the 100 year flood.

The three parcels of Annexation No. 446 that are within Flood Zone A include and are adjacent to the Tule River. The floodway of the Tule River is protected from development by Municipal Ordinance and State Law. In addition, the floodway of the Tule River will be placed within the OA (Open Area Zone), which limits use of the land to recreational and open space activities. Any development on the affected parcels will be required to comply with the City of Porterville Flood Damage Prevention Ordinance, which requires that structures be elevated above the base flood or otherwise protected from potential flooding hazards. All or a portion of 48 parcels within Annexation No. 446 are within FEMA Flood Zone B, the 500 year flood. No development restrictions are required in that zone.

The portions of Annexation No. 456 that are within Flood Zone A include and are adjacent to the Tule River. The floodway of the Tule River is protected from development by Municipal Ordinance and State Law. While this area is not proposed to be placed into the OA Zone, any development on the affected parcels will be required to comply with the City of Porterville Flood Damage Prevention Ordinance. All or a portion of twenty-four parcels within Annexation No. 456 are within FEMA Flood Zone B, the 500 year flood. No development restrictions are required in that zone.

A portion of parcel in Annexation No. 457 is within FEMA Flood Zone A, adjacent to the Poplar Ditch.
No alteration to the flood carrying capacity of Poplar Ditch is proposed, and such activity is restricted by State Law. Any development on the subject site will be required to comply with the City of Porterville Flood Damage Prevention Ordinance.

The portions of Annexation No. 458 and six parcels in Annexation No. 459 that are within FEMA Flood Zone A, are within the channel of the Porter Slough. No alteration to the flood carrying capacity of the Porter Slough is proposed or permitted, and no development is proposed within the channel of the slough. Ninety-four parcels within Annexation No. 459 are within FEMA Flood Zone B, the 500 year flood. No development restrictions are required in that zone.

Response j): The topography of the City of Porterville and the subject sites precludes such occurrences.
IX. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community?  
   Potentially Significant Impact    Less Than Significant with Mitigation Incorporation    Less Than Significant Impact    No Impact
   ☐     ☐     ☐     ☒

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?
   ☐     ☐     ☐     ☒

   Response a): The project sites are completely or substantially developed and are fully integrated into their surrounding urban neighborhoods.

   Response b): All proposed pre-zoning is in conformance with the adopted City of Porterville General Plan.

   Response c): No habitat conservation plan or natural community conservation plan has been adopted for the subject site.
X. 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?

Response a): There are no mineral resources or mineral resource recovery sites in the project areas.

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?

Response b): There are no mineral resources or mineral resource recovery sites in the project areas.
XI. 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?

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?

Response a), b), c), d): The subject sites are generally developed, and integrated into their urbanized neighborhoods. Two potential noise sources affect some of the parcels to be annexed. State Hwy. 190 runs along the southerly boundary of Annexation 446 between Main Street and Plano Street. Little additional development is anticipated in this area since the existing County R-3 (Multiple Family Residential) Zone permits development densities greater than that allowed by the proposed City R-2 (Four Family Residential) Zone. State Highway 65 runs along the westerly boundary of Annexation No. 456 (Area C). The highway is elevated through this area which offers a modest reduction in anticipated noise impact, however, a noise study should be performed and site specific mitigation measures identified for any proposed discretionary development along the west side of Cloverleaf Road, as required by the Noise Element of the General Plan.
Response e): Portions of the Project Site are within the H and C zones of the Porterville Municipal Airport. Such areas are not significantly noise impacted and no development restriction for residential or retail commercial uses apply.

Response f): The proposed project site is not in the vicinity of a private airstrip.
XII. 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)?

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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

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Response a): The project may lead to additional new development within the subject sites which could encourage population growth of up to 1,300 persons. As noted in the project description, the proposed pre-zoning may accommodate additional development and redevelopment to the densities designated by the City of Porterville General Plan. The potential cumulative impact to population was considered in the Final EIR adopted with the General Plan; and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408 page 51).

Response b), c): No substantial displacement of existing housing or people, which would necessitate the construction of replacement housing, will occur.
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<tr>
<td>Fire protection?</td>
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<td>Police protection?</td>
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<td>Schools?</td>
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<td>Parks?</td>
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<td>Other public facilities?</td>
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Response a): Annexation of the subject sites will transfer responsibility for providing basic governmental services from the County of Tulare to the City of Porterville. The City already provides many services, either indirectly or as part of their reciprocal aid agreements with the County. The demand for services will change slowly, as the affected areas redevelop. The County of Tulare Board of Supervisors is considering a tax sharing agreement to shift a portion of the existing property tax revenues from developed parcels from the County to the City of Porterville. In addition, the City of Porterville imposes a Utility Users Tax to fund basic City services. That fee will apply to affected properties upon the effective date of the annexation. All Utility Master Plans for the City of Porterville include the areas proposed for annexation and assume eventual buildout as described in the General Plan. Adequate infrastructure to provide sewer, water, storm drainage, and streets services to the subject sites have been accounted for in the Master Plans and funding mechanisms have been implemented.
**XIV. RECREATION** – Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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*Response a): The areas proposed for annexation are completely or substantially developed. Residents of the project areas make use of existing municipal recreational and parks facilities. The Parks and Recreation Element of the General Plan includes parks facilities sufficient to account for the development of the City to full anticipated population throughout the planning period. As development occurs, funding mechanisms have been identified to allow recreational programming to keep pace with population growth.*

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

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*Response b): No existing recreational facilities are proposed to be annexed. A portion of the Tule River parkway is expected to be constructed along the Tule River through Annexation #446.*
XV. TRANSPORTATION/TRAFFIC –
Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard 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) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
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<th>Issues</th>
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<th>No Impact</th>
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</table>

Response a) b) c) d) e) f) g): The project will not directly lead to additional new development within the subject sites which could impact the existing street system. As noted in the project description, the proposed pre-zoning may accommodate development of up to 450 additional dwelling units as designated by the City of Porterville General Plan. The Circulation Element of the General Plan is designed to accommodate full development of the affected parcels to the densities described in the General Plan, and funding mechanisms have been implemented to ensure that street construction and widening can occur as development places additional traffic onto the street network. The parcels are scattered throughout the community and will not directly impact specific street segments and intersections. The potential cumulative impact to traffic and transportation was considered in the Final EIR adopted with the General Plan and appropriate mitigation measures and modifications were adopted with that document (see SCH #89081408, page 78 and SCH #92122056, page 4-1).
XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:

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<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>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?</td>
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<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<tr>
<td>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?</td>
<td>☐</td>
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<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
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<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
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Response a) b) c) e) The subject sites are included within the City of Porterville Sewer, Water and Storm Drain Master Plans. In 1994, the capacity of the City of Porterville Wastewater Treatment Plant was increased from 4 million gallons per day to 8 million gallons per day. Current use is 4.6 million gallons per day. At this rate, sufficient capacity is available to handle a population of approximately
71,000 people. As infill development and redevelopment occurs throughout the annexation areas, the sewer, water and storm drainage systems will be extended as necessary to accommodate new construction. Funding mechanisms have been identified in the Master Plans to ensure that system development keeps pace with population growth.

Response d) The City of Porterville provides water through groundwater pumping, recharged through annual precipitation and recharge programs operated by local irrigation companies. Per the Master Plan, new wells are developed as demand for water increases.

Response f) g) All areas proposed for annexation are currently receiving solid waste services from a private company through a contract with the County of Tulare. Responsibility for providing that service will transition to the City of Porterville over a five year period following annexation. Both the private and public solid waste services make use of the Teapot Dome Landfill operated by the County of Tulare. Adequate capacity exists in that landfill for additional development.
XVII. 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, 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?

Response a): The preceding analyses confirm that the project will have a less than significant impact on the natural environment including the habitat of fish and wildlife species. The riparian zone along the Tule River is adequately protected by the proposed zoning and other conservation initiatives.

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)?

Response b): Although no development will occur as a direct result of the project, City zoning permits infill development and redevelopment to a higher density than is currently permitted. A total of 500 additional dwelling units could be constructed. This may contribute to cumulative air quality and traffic impacts. Such impacts were identified in the Porterville General Plan EIR and adequate mitigation measures have been adopted.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Response c): No such impacts have been identified in the preceding environmental analysis.
BIBLIOGRAPHY

Carollo Engineers. *City of Porterville Sewer System Master Plan*. February 2001

Carollo Engineers. *City of Porterville Water System Master Plan*. February 2001

Grunwald & Associates City & Environmental Planning Consultants. *General Plan Amendment (GPA) 1-93*. August 1993


Tulare County Planning and Development Department. *Tulare County Zoning Ordinance*. 1992


CEQA Comments and Responses

Introduction

On June 24, 2005, the City of Porterville distributed a Notice of Intent to Adopt a Negative Declaration to Interested and Responsible Agencies and to all property owners within 300 feet of the project areas. The 20-day period for review of the NOI started on June 25, 2005 and ended on July 18, 2005.

With the close of the public review period on July 18, 2005, the City prepared responses to the written comments. These comments and the responses thereto are contained in this report. All comments received, and the responses to those comments, will be presented to the legislative body responsible for considering the adoption of the Negative Declaration. Responses to comments are directed towards the disposition of significant environmental issues that are raised in the comments. Responses are not provided to comments on the non-environmental merits of the proposed project. For comments not directed to significant environmental issues, the responses indicate that the comment has been noted and that no detailed response is provided.

List of Commentors

The following agencies, organizations and individuals provided written comments on the Notice of Intent and Initial Study:

Hector R. Guerra, Senior Air Quality Planner
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, California  93726-0249

Written Comment Letters:

Letters Received during the 20-day comment period are reproduced on the following pages:
July 15, 2005

Bradley Dunlap
Community Development Director
291 N. Main Street
Porterville, CA 93257

Subject: Negative Declaration Pre-Zoning and Annexation of Twelve Unincorporated “Islands” in Six Annexation Proposals (Project)

Dear Mr. Dunlap,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments. The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). Preliminary analysis conducted by District staff indicates that this project alone would not generate significant air emissions.

We agree with the statement in the environmental checklist at §III. Air Quality, page 3-9, that the project itself will not result in new air pollution emissions. We also agree that as specific infill development projects occur, air quality analyses will be carried out for each project as necessary.

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 me at 230-5800 or Mr. Hector R. Guerra, Senior Air Quality Planner, at 230-5820 and provide the reference number at the top of this letter.

Sincerely,

Hector R. Guerra
Senior Air Quality Planner
Central Region

c file
Responses to Written Comments

This section restates each of the written comments received on the Notice of Intent and Initial Study during the 20-day comment period. Following each comment is a response intended to either supplement, clarify or amend information provided in the NOI and Initial Study, or refer the commentor to the appropriate place in the Initial Study where the requested information is found.

San Joaquin Valley Air Pollution District
July 15, 2005

Comment 1: We agree with the statement in the environmental checklist at Section III, Air Quality, Page 3 – 9 that the project itself will not result in new air pollution emissions. We also agree that as specific infill development projects occur, air quality analyses will be carried out for each project as necessary.

Response: No response necessary.
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR A PROGRAM OF SIX ANNEXATIONS AND ASSOCIATED PRE-ZONING AFFECTING 684 ± ACRES AND 1,677 PARCELS LOCATED THROUGHOUT THE CITY OF PORTERVILLE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider a program of six annexation projects affecting twelve separate areas.

WHEREAS: Annexation #446 and Zone Change 04-2005 consists of a single unincorporated island of 73.3± acres and approximately 113 parcels. The Land Use Element of the General Plan designates portions of the subject site for Medium Density Residential, High Density Residential, General Commercial and Industrial Land Uses. The subject site will be pre-zoned to R-2 (Four Family Residential), R-3 (Multiple Family Residential), C-2 (D) (General Commercial-Design Review Overlay) and M-1 (D) (Light Manufacturing-Design Review Overlay), in conformance with the General Plan.

WHEREAS: Annexation #455 and Zone Change 05-2005 consists of two unincorporated islands consisting of 4.2± acres and four (4) parcels and 141.0± acres and approximately 293 parcels respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, and Public and Quasi-Public Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential) and OA (Open Area) in conformance with the General Plan.

WHEREAS: Annexation #456 and Zone Change 06-2005 consists of three unincorporated islands consisting of: 11.1± acres and approximately 35 parcels; 25.7± acres and approximately 41 parcels; and 89.8± acres and 211 parcels respectively. The Land Use Element of the General Plan designates portions of the subject site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space, Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential), R-2 (Four Family Residential), C-3 (D) (Heavy Commercial-Design Review Overlay) and OA (Open Area), in conformance with the General Plan.

WHEREAS: Annexation #457 and Zone Change 07-2005 consists of one unincorporated island consisting of 90.8± acres and approximately 119 parcels. The Land Use Element of the General Plan designates the entire subject site for Low Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

WHEREAS: Annexation #458 and Zone Change 08-2005 consists of two unincorporated islands consisting of 62.8± acres and approximately 193 parcels and 86.2± acres and approximately 289 parcels respectively. The Land Use Element of the General Plan designates the subject site for Low Density Residential, Medium Density Residential and Neighborhood Commercial Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) in conformance with the General Plan.

Attachment No. 7-1
Family Residential), R-2 (Four Family Residential) and C-1 (D) (Neighborhood Commercial-Design Review Overlay), in conformance with the General Plan.

WHEREAS: Annexation #459 and Zone Change 09-2005 consists of three unincorporated islands consisting of: 88.7± acres and approximately 363 parcels, respectively; 1.2± acres and one (1) parcel; and 9.0± acres and approximately 33 parcels. The Land Use Element of the General Plan designates the subject site for Low Density Residential and High Density Residential Land Uses. The subject site will be pre-zoned to R-1 (One Family Residential) and R-3 (D) (Multiple Family Residential-Design Review Overlay), in conformance with the General Plan.

WHEREAS: The City council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That although the project could have a significant effect on the environment, all potentially significant effects a) have been analyzed adequately in an earlier EIR of Negative Declaration and b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment. As of this date, the San Joaquin Valley Air Pollution Control District is the only agency that commented on the proposal.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

Attachment No. 7-2
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for a program of six annexations and associated pre-zonings located throughout the City of Porterville.

Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By _______________________________________
   Georgia Hawley, Deputy
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 04-2005 (PRE-ZONING) CONSISTING OF 73.3± ACRES AND CONTAINING APPROXIMATELY 113 PARCELS LOCATED GENERALLY AT THE NORTHEAST CORNER OF STATE ROUTE 190 AND MAIN STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider Zone Change 04-2005 (Pre-Zoning), being a change from County R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC Zone to City R-2, R-3 (D), C-2 (D), and M-1 (D) for the area located at the northeast corner of State Route 190 and Main Street; and

WHEREAS: In conjunction with Zone Change 04-2005, Annexation 446, proposes to annex a single unincorporated island located generally at the northeast corner of State Route 190 and Main Street; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed pre-zoning from County R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC Zone to R-2, R-3 (D), C-2 (D), and M-1 (D) zoning for the area located at the northeast corner of State Route 190 and Main Street; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 04-2005.

1. That the proposed zoning will conform with the land use designation of the General Plan; and

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the Project will not have a negative impact on the environment; and

3. That the Negative Declaration prepared for this project was made available for public review and comment; and

4. That this zoning designation will allow for the logical establishment of future Medium Density Residential, High Density Residential, General Commercial and Industrial uses as supported by the City of Porterville General Plan Land Use Element for the 73.3± acre site; and

Attachment 8-1
5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 04-2005, is hereby pre-zoned from County R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC Zone to City R-2, R-3, C-2, and M-1 for the area located generally at the northeast corner of State Route 190 and Main Street (73.3±) more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

Section 2: It is further ordained that upon consummation of Annexation No. 446, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC Zone to City R-2, R-3, C-2, and M-1 for the area located generally at the northeast corner of State Route 190 and Main Street.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 446.

__________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By __________________________
Georgia Hawley, Deputy

Attachment 8-2
ZONE CHANGE 04-2005 AND ANNEXATION 446 (AREA A) – EXISTING ZONING
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF
TERRITORY KNOWN AS ANNEXATION NO. 446

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

Attachment No. 9-1
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 446 and Zone Change No. 04-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area. Therefore, the City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

J. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

K. That the subject site consists of 73.3± acres.

L. The subject site is not being utilized for agricultural purposes.

Attachment No. 9-2
M. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

N. Porterville’s General Plan designates the site for Medium Density Residential, High Density Residential, General Commercial and Industrial uses.

O. In conjunction with the proposed annexation, Zone Change No. 04-2005 (pre-zoning) proposes to change the existing zoning from County R-2, R-3, C-2, C-2-SC, M-1, M-1-SC, M-2, M-2-SC Zone to City R-2, R-3 (D), C-2 (D), and M-1 (D) for the area located generally at the northeast corner of State Route 190 and Main Street (73.3±).

P. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

Q. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

________________________________________________________________________

Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

________________________________________________________________________

By________________________________________

Georgia Hawley, Deputy

Attachment No. 9-3
THAT PORTION OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN AND THAT PORTION OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

Beginning at an angle point in the existing City Limit Line and north right-of-way line of State Highway 190 located N. 89° 55' 04" W. a distance of 38.33 feet and S. 5° 22' 39" W. a distance of 7.59 feet from the South Quarter Corner of Section 36;

Thence, westerly along the existing City Limit Line and north right-of-way line of State Highway 190 and a distance of 1902.34 feet, more or less, to an angle point in the existing City Limit Line and the southerly prolongation of the east line of Lot 15 of Price Garden Acres, recorded in Volume 17 of Maps, Page 20, County of Tulare, State of California;

Thence, northerly along the existing City Limit Line, said southerly prolongation and the east line of Lot 15 a distance of 281.98 feet to the south right-of-way line of Mountain View Avenue;

Thence, westerly along the existing City Limit Line and south right-of-way line of Mountain View Avenue a distance of 151.64 feet, more of less, to an angle point in the existing City Limit Line and the northwest corner of Lot 15;

Thence, southerly along the existing City Limit Line and west line of Lot 15 a distance of 129.97 feet, more or less, to an angle point in the existing City Limit Line and the north right-of-way line of State Highway 190;

Thence, westerly along the existing City Limit Line and north right-of-way line of State Highway 190 a distance of 405.52 feet, more or less, to an angle point in the existing City Limit Line and east right-of-way line of South Main Street;

Thence, northerly along the existing City Limit Line and east right-of-way line of South Main Street a distance of 808.60 feet, more or less, to an angle point in the existing City Limit Line;
Thence, continuing along the existing City Limit Line easterly a distance of 152.5 feet and southerly a distance of 311.05 feet to an angle point in the existing City Limit Line and the north right-of-way line of Vandalia Avenue;

Thence, easterly along the existing City Limit Line and north right-of-way of Vandalia Avenue a distance of 149.7 feet to an angle point in the existing City Limit Line;

Thence, northerly along the existing City Limit Line a distance of 177 feet, easterly a distance of 98 feet and southerly a distance of 177 feet to an angle point in the existing City Limit Line and the north right-of-way line of Vandalia Avenue;

Thence, easterly along the existing City Limit Line and north right-of-way line of Vandalia Avenue a distance of 352 feet to an angle point in the existing City Limit Line;

Thence, northerly a distance of 300 feet to an angle point in the existing City Limit Line;

Thence, easterly along the existing City Limit Line a distance of 100 feet to an angle point in the Existing City Line;

Thence, northerly along the existing City Limit Line a distance of 401.10 feet to an angle point in the existing City Limit Line located 400 feet westerly of the Northeast Corner of the Southwest Quarter of the Southwest Quarter of Section 36;

Thence, westerly along the existing City Limit Line and the north line of the Southwest Quarter of the Southwest Quarter of Section 36 a distance 705 feet, more or less, to an angle point in the existing City Limit Line and the east line of South Main Street (84 feet wide);

Thence, northerly along the existing City Limit Line and east right-of-way line of South Main Street a distance of 455 feet, more or less, to an angle point in the existing City Limit Line;

Thence, easterly along the existing City Limit Line a distance of 1121 feet, more or less, to an angle point in the existing City Limit Line;

Thence, northerly along the existing City Limit Line a distance of 26.65 feet to an angle point in the existing City Limit Line;

Thence, easterly along the existing City Limit Line a distance of 927 feet, more or less, to an angle point in the existing City Limit Line;

Thence, south along the existing City Limit Line a distance of 26.65 feet to an angle point in the existing City Limit Line;
Thence, east 457.50 feet, more or less, along the existing City Limit Line to an angle point in the existing City Limit Line and the west right-of-way line of South Plano Street (100 feet wide);

Thence, south along the existing City Limit Line and west right-of-way line of South Plano Street a distance of 510 feet, more or less, to an angle point in the existing City Limit Line;

Thence, west along the exiting City Limit Line a distance of 895.00 feet, more or less, to an angle point in the existing City Limit Line and the northeast corner of Lot 15 of Tract No. 286, recorded November 20, 1958, in volume 22 of Maps, Page 38, in the Office of the Tulare County Recorder, State of California;

Thence, south along the existing City Limit Line and along the east line of Lots 15, 16 and 8 of said subdivision and southerly prolongation thereof a distance of 353 feet to an angle point in the existing City Limit Line;

Thence, east along the existing City Limit Line a distance of 24.84 feet to an angle point located 27.1 feet north of the northeast corner of Lot 7 of said Tract No. 286;

Thence, southerly along the existing City Limit Line and the northerly prolongation of the east line of said Lot 7, and along said east line and the southerly prolongation thereof, a distance of 443.07 feet to an angle point in the existing City Limit Line a line and the south right-of-way line of Vandalia Avenue;

Thence, westerly along the existing City Limit Line and south right-of-way line of Vandalia Avenue a distance of 10 feet to an angle point in the existing City Limit Line and the west right-of-way line of Roche Street;

Thence, south along the existing City Limit Line and west right-of-way line of Roche Street a distance of 290 feet, more or less, to an angle point in the existing City Limit Line;

Thence, continuing along the existing City Limit Line easterly a distance of 223.47 feet, northerly a distance of 26.23 feet, more or less, easterly a distance of 225 feet, more or less, northerly a distance of 101 feet, more or less, easterly a distance of 159 feet, more or less and northerly a distance of 140 feet to an angle point in the existing City Limit Line and the south right-of-way line of Vandalia Avenue;

Thence, easterly along the existing City Limit Line and south right-of-way line of Vandalia Avenue a distance of 156 feet, more or less to an angle point in the existing City Limit Line and the west right-of-way line of South Plano Street;
Thence, continuing along the existing City Limit Line and west right-of-way line of South Plano Street southeasterly a distance of 40 feet, more or less and southwesterly a distance of 454.55 feet to the POINT OF BEGINNING.
ANNEXATION NO. 446
CITY OF PORTERVILLE
(COUNTY ISLAND)

A PORTION OF THE SOUTH HALF OF SECTION 38, TOWNSHIP 21 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN AND A PORTION OF THE NORTH HALF OF THE NORTHWEST
QUARTER OF SECTION 1, TOWNSHIP 22 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN,
IN THE COUNTY OF TULARE, STATE OF CALIFORNIA.

SCALE: 1" = 300' ACRES: 66.48

STATE HWY 190

PROPOSED ANNEXATION
EXISTING CITY
EXISTING COUNTY

Attachment No. 9-8
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 455

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:
   
   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.
   
   B. The nature of the proposal is a change of organization as follows:

   A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and Exhibit “B” and made a part hereof by reference as though set forth herein.

Attachment No. 10-1
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 455 and Zone Change No. 05-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area. Therefore, the City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

J. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

K. That the subject area consists of 4.2± and 141.0± acre areas.

L. The subject site is not being utilized for agricultural purposes.
M. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

N. Porterville’s General Plan designates the sites for Low Density Residential, Medium Density Residential, and Public and Quasi-Public uses.

O. In conjunction with the proposed annexation, Zone Change No. 05-2005 (pre-zoning) proposes to change the existing zoning from County AE-20, R-1, R-1-217, R-2, and C-1-SR Zone to City R-1, R-2, and OA for the two areas located south of North Grand Avenue and generally west of Prospect Street in the northerly portion of the community (4.2± and 141.0± acre areas).

P. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

Q. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By_______________________________
Georgia Hawley, Deputy
EXHIBIT “A”
City of Porterville
Annexation No. 455, Area A
Description for Annexation

That portion of Section 22 and Section 15, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the North 1/4 Corner of Section 22, Township 21 South, Range 27 East; thence, easterly along the North line of Section 22, a distance of 30 feet, more or less, to the East right of way line of Prospect Street (60’ wide); thence, southerly along the East right of way line of Prospect Street a distance of 357.50 feet, more or less, to an angle point on the existing City Limits Line, the intersection of the East right of way line of Prospect Street and the North line of West View Place subdivision, recorded in Volume 39 of Maps, at Page 58, Tulare County Records, the TRUE POINT OF BEGINNING;

A1 Thence, southerly, along the East right of way line of Prospect Street (60’ wide) and the existing City Limits Line, a distance of 971 feet, more or less, to the South right of way line of Pioneer Avenue (50’ wide), a point on the existing City Limits Line;

A2 Thence, continuing southerly, along the East right of way line of Prospect Street (60’ wide) and the existing City Limits Line, a distance of 900.41 feet, more or less, to a point on the South line of Tract No. 657, recorded in Volume 34 of Maps, at Page 71, Tulare County Records, an angle point in the existing City Limits Line;

A3 Thence, easterly, leaving the East right of way line of Prospect Street along the South line of said Tract No. 657 and the existing City Limits Line, a distance of 626.34 feet, more or less, to the Southeast corner of said Tract, an angle point in the existing City Limits Line;

A4 Thence, northerly, along the East line of said Tract No. 657 and the existing City Limits Line, a distance of 265.60 feet, more or less, to the Southwest corner of Lot 170 of Pioneer Land Company’s First Subdivision, recorded in Volume 3 of Maps, at Page 34, Tulare County Records, an angle point in the existing City Limits Line;

A5 Thence, easterly, along the South line of Lot 170 of said subdivision and along the existing City Limits Line, a distance of 31.20 feet, more or less, to an angle point in the existing City Limits Line;

A6 Thence, northerly, leaving the South line of Lot 170 of said subdivision, along the existing City Limits Line, a distance of 633.78 feet, more or less, to an angle point in the existing City Limits Line, a point on the South right of way line of Pioneer Avenue (50’ wide);
A7 Thence, easterly, along the South right of way line of Pioneer Avenue and the existing City Limits Line, a distance of 586 feet, more or less, to the West right of way line of State Highway 65 as per map filed in the County of Tulare dated November 12, 1957, Volume No. 2 of Highway Maps, an angle point in the existing City Limits Line;

A8 Thence, southerly, along the existing City Limits Line, a distance of 5.00 feet, more or less, to an angle point in the existing City Limits Line;

A9 Thence, southeasterly, along the existing City Limits Line, a distance of 62.90 feet, more or less, to an angle point in the Highway 65 right of way line, an angle point in the existing City Limits Line;

A10 Thence, southerly, along the West right of way line of State Highway 65 and the existing City Limits Line, a distance of 1133.17 feet, more or less, to the point of intersection of the North right of way line of Westfield Avenue and the West right of way line of State Highway 65, an angle point in the existing City Limits Line;

A11 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 53.81 feet, more or less, to an angle point in the existing City Limits Line;

A12 Thence, continuing westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 302.79 feet, more or less, to the northerly prolongation of the West right of way line of Cobb Street, an angle point in the existing City Limits Line;

A13 Thence, southerly, along the existing City Limits Line and the said northerly prolongation and along the West right of way line of Cobb Street, a distance of 400 feet, more or less, to the North line of Lot 11 of Tract No. 239, per map recorded in Volume 21 of Maps, Page 79, Tulare County Records, an angle point in the existing City Limits Line;

A14 Thence, easterly, along said North line and the existing City Limits Line, a distance of 30 feet, more or less, to the Northeast corner of said lot, an angle point in the existing City Limits Line;

A15 Thence, southerly, along the East line of Lots 11, 12, 13, & 14 and the existing City Limits Line, a distance of 296.39 feet, more or less, to the Northwest corner of Lot 40 of said Tract, an angle point in the existing City Limits Line;

A16 Thence, easterly, along the North line of said Lot 40, the easterly prolongation thereof and the North line of Lot 39 of said Tract and the existing City Limits Line, a distance of 320.23 feet, more or less, to the West right of way line of State Highway 65, an angle point in the existing City Limits Line;

Attachment No. 10-5
A17 Thence, southerly, along the West right of way line of State Highway 65 and the existing City Limits Line, a distance of 141.61 feet, more or less, to a point on the West right of way line of State Highway 65, an angle point in the existing City Limits Line;

A18 Thence, continuing southerly, along the West right of way line of State Highway 65 and the existing City Limits Line, a distance of 489.60 feet, more or less, to the North right of way line of Mulberry Avenue (55’ wide), an angle point in the existing City Limits Line;

A19 Thence, westerly, along the North right of way line of Mulberry Avenue (55’ wide) and the existing City Limits Line, a distance of 462 feet, more or less, to the Southeast corner of Lot 24 of Tract No. 239 as recorded in Volume 21 of Maps, Page 79, Tulare County Records, an angle point in the existing City Limits Line;

A20 Thence, northerly, along the East line of said Lot 24 and existing City Limits Line, a distance of 121 feet, more or less, to the Northeast corner of said Lot 24, an angle point in the existing City Limits Line;

A21 Thence, westerly, along the North line of Lot 24 and Lot 23 of said Tract No. 239 and existing City Limits Line, a distance of 153 feet, more or less, to the Northwest corner of said Lot 23, an angle point in the existing City Limits Line;

A22 Thence, northerly, along the West line of said Tract No. 239, the East line of Lot 160 of Pioneer Land Company’s First Subdivision as recorded in Volume 3 of Maps, Page 34, Tulare County Records, and the existing City Limits Line, a distance of 792 feet, more or less, to a point being 362.23 feet, more or less, South of the Northeast corner of said Lot 160, an angle point in the existing City Limits Line;

A23 Thence, westerly, along the North line of Monache Estates No. 3 subdivision, recorded in Volume 28 of Maps page 13, Tulare County Records, and the existing City Limits Line, a distance of 120 feet, more or less, to the Southeast corner of Sir Charles Estates, Volume 30 of Maps page 10, Tulare County Records, an angle point in the existing City Limits Line;

A24 Thence, northerly, along the East line of said Sir Charles Estates and the existing City Limits Line, a distance of 396 feet, more or less, to the North right of way line of Westfield Avenue (60’ wide), an angle point in the existing City Limits Line;

A25 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 507 feet, more or less, to the East right of way line of Prospect Street, a point on the existing City Limits Line;

A26 Thence, continuing westerly, along the existing City Limits Line, a distance of 60 feet, more or less, to the intersection of the West right of way line of Prospect Street and the North right of way line of Westfield Avenue, a point on the existing City Limits Line;

Attachment No. 10-6
A27 Thence, continuing westerly, along North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 1100 feet, more or less, to the Southeast corner of Lot 82 of Tract No. 307 as recorded in Volume 22 of Maps, page 64, Tulare County Records, an angle point in the existing City Limits Line;

A28 Thence, northerly, along the East line of said Lot 82 and the existing City Limits Line, a distance of 73.36 feet, more or less, to the Northeast corner of said Lot 82, an angle point in the existing City Limits Line;

A29 Thence, westerly, along the North line of said Lot 82 and the existing City Limits Line, a distance of 25.00 feet, more or less, to the Northwest corner of said Lot 82, an angle point in the existing City Limits Line;

A30 Thence, southerly, along the West line of said Lot 82 and the existing City Limits Line, a distance of 72.72 feet, more or less, to the Southwest corner of said Lot 82, the North right of way line of Westfield Avenue, an angle point in the existing City Limits Line;

A31 Thence, westerly, along the North right of way line of Westfield Avenue and the existing City Limits Line, a distance of 106 feet, more or less, to the southerly prolongation of the East right of way line of Beverly Street, an angle point in the existing City Limits Line;

A32 Thence, northerly, along the East right of way line of Beverly Street and along the existing City Limits Line, a distance of 599 feet, more or less, to the Northwest corner of Lot 90 of Tract No. 307 as recorded in Volume 22 of Maps, page 64, Tulare County Records, an angle point in the existing City Limits Line;

A33 Thence, easterly, along the North line of said Tract No. 307 and along the existing City Limits Line, a distance of 589.86 feet, more or less, to the Northeast corner of Lot 69 of said Tract No. 307, a point on the West right of way line of Lowery Street, a point on the existing City Limits Line;

A34 Thence, continuing easterly, along the existing City Limits Line, a distance of 50 feet, more or less, to the Southwest corner of Lot 40 of Tract No. 321, as recorded in Volume 22 of Maps, at Page 85, Tulare County Records, said point being on the East right of way line of Lowery Street, an angle point in the existing City Limits Line;

A35 Thence, northerly, along the East right of way line of Lowery Street and the existing City Limits Line, a distance of 364.29, more or less, to the intersection of the easterly prolongation of the North line of the La Vida Park subdivision, recorded in Volume 36, Page 15, Tulare County Records and the East right of way line of Lowery Street, an angle point in the existing City Limits Line;
A36 Thence, westerly, along the said easterly prolongation and the North line of said La Vida Park subdivision and the existing City Limits Line, a distance of 466.84 feet, more or less, to the Northwest corner of Lot 20 of said subdivision, an angle point in the existing City Limits Line;

A37 Thence, northerly, along the East line of Lot 21 of said La Vida Park subdivision and the existing City Limits Line, a distance of 54.79 feet, more or less, to the Northeast corner of said Lot 21, an angle point in the existing City Limits Line;

A38 Thence, westerly, along the North line of said Lot 21 and the existing City Limits Line, a distance of 205.36 feet, more or less, to the Northwest corner of said Lot 21, an angle point in the existing City Limits Line;

A39 Thence, northerly, along the East line of Lot 166 of Pioneer Land Company’s First Subdivision recorded in Volume 3 of Maps, page 34, Tulare County Records and the existing City Limits Line, a distance of 216.97 feet, more or less, to the South right of way line of Pioneer Avenue, an angle point in the existing City Limits Line;

A40 Thence, easterly, along the South right of way line of Pioneer Avenue and the existing City Limits Line, a distance of 617 feet, more or less, to the Northeast corner of Lot 167 of said Pioneer Land Company’s First Subdivision and an angle point in the existing City Limits Line;

A41 Thence, northerly, along the existing City Limits Line, a distance of 50 feet, more or less, to the Southeast corner of Lot 184 of said Pioneer Land Company’s First Subdivision, said corner also being on the North right of way line of Pioneer Avenue (50’ wide) and a point on the existing City Limits Line;

A42 Thence, continuing northerly, along the East line of said Lot 184 and the existing City Limits Line, a distance of 1273 feet, more or less, to the Northeast corner of said Lot 184, an angle point in the existing City Limits Line;

A43 Thence, westerly, along the North line of said Lot 184 and the existing City Limits Line, a distance of 651.68 feet, more or less, to the Northwest corner of said Lot 184, which is also the Southeast corner of Lot 7 of Pioneer Land Company’s Second Subdivision recorded in Volume 3 of Maps, page 23, Tulare County Records, a point on the existing City Limits Line;

A44 Thence, continuing westerly, along the South line of said Lot 7 and the existing City Limits Line, a distance of 652 feet, more or less, to the Southwest corner of said Lot 7, an angle point in the existing City Limits Line;

A45 Thence, northerly, along the West line of said Lot 7 and the existing City Limits Line, a distance of 636.38 feet, more or less, to the Southwest corner of North Grand
Estates subdivision recorded in Book 37 of Maps, at page 55, Tulare County Records, an angle point in the existing City Limits Line;

A46 Thence, easterly, along the South line of said North Grand Estates subdivision and the existing City Limits Line, a distance of 490.50 feet, more or less, to the Southeast corner of said subdivision, an angle point in the existing City Limits Line;

A47 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 170.92 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A48 Thence, easterly, along the East line of said subdivision and the existing City Limits Line, a distance of 14.14 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A49 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 85.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A50 Thence, westerly, along the East line of said subdivision and the existing City Limits Line, a distance of 15.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A51 Thence, northerly, along the East line of said subdivision and the existing City Limits Line, a distance of 255.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A52 Thence, easterly, along the East line of said subdivision and the existing City Limits Line, a distance of 35.00 feet, more or less, to a point on the East line of said subdivision, an angle point in the existing City Limits Line;

A53 Thence, northerly, along the East line of said subdivision and a northerly prolongation of the East line of the said subdivision and the existing City Limits Line, a distance of 195.01, more or less, to the North right of way line of North Grand Avenue (60’ wide), an angle point in the existing City Limits Line;

A54 Thence, easterly, departing the existing City Limits Line, along said North right of way line of North Grand Avenue, a distance of 1412 feet, more or less, to the northerly prolongation of the West right of way line of Prospect Street (60’ wide), an angle point in the existing City Limits Line;

A55 Thence, southerly, along the existing City Limits Line and said northerly prolongation and the West right of way line of Prospect Street, a distance of 705 feet, more or less, to the westerly prolongation of the South line of the North half of Lot 4 of

Attachment No. 10-9
said Pioneer Land Company’s Second Subdivision, an angle point in the existing City Limits Line;

A56 Thence, easterly, along said westerly prolongation and the South line of the North half of Lot 4 and the existing City Limits Line, a distance of 60 feet, more or less, to the East right of way line of Prospect Street (60’ wide), a point on the existing City Limits Line;

A57 Thence, southerly, departing the existing City Limits Line along said East right of way line of Prospect Street, a distance of 1002 feet, more or less, to a point on the existing City Limits Line, the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that area of existing City Limits described as follows:

The East 25 feet of Lot 47 of Tract No. 321, in the County of Tulare, State of California, as per Map recorded in Book 22, Page 85 of Maps, in the Office of the County Recorder of said County.

ACREAGE = 144 ± ACRES
EXHIBIT “B”
City of Porterville
Annexation No. 455, Area B
Description for Annexation

That portion of Section 16, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Southeast corner of said Section 16, Township 21 South, Range 27 East; thence, westerly along the South line of Section 16, a distance of 651.99 feet, more or less, to the intersection of said South line and the southerly projection of the West line of Parcel 1 of Parcel Map No. 719 recorded in Book 8 of Parcel Maps at Page 19; thence, northerly, along the southerly projection of said West line of Parcel 1 and the West line of said Parcel 1, a distance of 322.48, more or less, to the Northwest corner of said Parcel 1, being the Southwest corner of the North 3/4 of Lot 9 of Pioneer Land Company’s Second Subdivision recorded in Volume 3 of Maps, at Page 23, Tulare County Records, an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING;

Thence, easterly, along the northerly line of Parcels 1, 2, and 3 of said Parcel Map 719 and existing City Limits Line, 618 feet, more or less, to the West right of way line of Newcomb Street (Road 232), an angle point in the existing City Limits Line;

Thence, southerly, along the existing City Limits Line and West right of way line of Newcomb Street (Road 232), a distance of 303 feet, more or less, to the North right of way line of Avenue 168 (Castle Avenue), an angle point in the existing City Limits Line;

Thence, westerly, along the North right of way line of Avenue 168 (Castle Avenue) and existing City Limits Line, a distance of 632 feet, more or less, to the southerly projection of the West line of Parcel 1 of said Parcel Map 719, a point on the existing City Limits Line;

Thence, northerly, departing the existing City Limits Line, along the southerly projection of said West line of Parcel 1 and the West line of said Parcel 1, a distance of 302.48, more or less, to the Northwest corner of said Parcel 1, an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING.

ACREAGE = 4 ± ACRES
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 05-2005 (PRE-ZONING) CONSISTING OF TWO
UNINCORPORATED ISLANDS CONSISTING OF 4.2± ACRES AND FOUR (4)
PARCELS AND 141.0± ACRES AND APPROXIMATELY 293 PARCELS
GENERALLY LOCATED SOUTH OF NORTH GRAND AVENUE AND
GENERALLY WEST OF PROSPECT STREET IN THE NORTHERLY PORTION OF
THE COMMUNITY

WHEREAS:  The City Council of the City of Porterville at its regularly scheduled
meeting of August 2, 2005, conducted a public hearing to consider Zone Change 05-2005
(Pre-Zoning), to change the existing County AE-20, R-1, R-1-217, R-2, and C-1-SR Zone
to City R-1, R-2, and OA for the two areas located south of North Grand Avenue and
generally west of Prospect Street in the northerly portion of the community (4.2± and
141.0± acre areas); and

WHEREAS:  In conjunction with Zone Change 05-2005, Annexation 455
proposes to annex two unincorporated islands generally located south of North Grand
Avenue and generally west of Prospect Street in the northerly portion of the community;
and

WHEREAS:  The City Council of the City of Porterville, after proceedings duly
had and taken, and after due and legal notice having been given, as prescribed by
Ordinance 1198 of the City of Porterville, and the laws of the State of California, has
determined that the public interest would best be served by approval of the proposed pre-
zoning from County AE-20, R-1, R-1-217, R-2, and C-1-SR Zone to City R-1, R-2, and
OA for the two areas located south of North Grand Avenue and generally west of
Prospect Street in the northerly portion of the community (4.2± and 141.0± acre areas)
and

WHEREAS:  The City Council made the following findings in support of the
approval of Zone Change 05-2005.

1. That the proposed zoning will conform with the land use designation of the
   General Plan; and

2. That a Negative Declaration was approved for this project in accordance with
   the California Environmental Quality Act based on findings of the
   environmental studies indicating that the Project will not have a negative
   impact on the environment; and

3. That the Negative Declaration prepared for this project was made available for
   public review and comment; and

Attachment No. 11-1
4. That this zoning designation will allow for the logical establishment for future Low Density Residential, Medium Density Residential, and Public and Quasi-Public uses as supported by the City of Porterville General Plan Land Use Element for the 4.2± and 141.0± acre sites; and

5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 05-2005, is hereby pre-zoned from County AE-20, R-1, R-1-217, R-2, and C-1-SR Zone to City R-1, R-2, and OA for the two areas located south of North Grand Avenue and generally west of Prospect Street in the northerly portion of the community (4.2± and 141.0± acre areas) more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 2: It is further ordained that upon consummation of Annexation No. 455, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County AE-20, R-1, R-1-217, R-2, and C-1-SR Zone to City R-1, R-2, and OA for the two areas located south of North Grand Avenue and generally west of Prospect Street in the northerly portion of the community.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 455.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By____________________________________
Georgia Hawley, Deputy

Attachment No. 11-2
ZONE CHANGE 05-2005 AND ANNEXATION 455 (AREAS A AND B) – EXISTING ZONING

EXHIBIT A
ZONE CHANGE 05-2005 AND ANNEXATION 455 (AREA A AND B) – PROPOSED ZONING

EXHIBIT A
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF
TERRITORY KNOWN AS ANNEXATION NO. 456

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

B. The nature of the proposal is a change of organization as follows:

A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A”, Exhibit “B”, and Exhibit “C” and made a part hereof by reference as though set forth herein.

Attachment No. 12-1
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 456 and Zone Change No. 06-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject sites consist of 11.1±, 25.7±, and 89.8± acre areas.
M. The subject site is not being utilized for agricultural purposes.

N. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

O. Porterville’s General Plan designates the site for Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space uses.

P. In conjunction with the proposed annexation, Zone Change No. 06-2005 (pre-zoning) proposes to change the existing zoning from County R-1, R-1-217, R-2, P-1, and C-2 to City R-1, R-2, C-3 (D), and OA for the three areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community (11.1±, 25.7±, and 89.8± acre areas).

Q. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

R. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By __________________________________
Georgia Hawley, Deputy
EXHIBIT “A”
City of Porterville
Annexation No. 456, Area A
Description for Annexation

That portion of Section 2, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

BEGINNING AT A POINT on the existing City Limits Line, a point at the intersection of the West right of way line of Jaye Street and the North line of the South half of the South half of the Northeast quarter of the Northwest quarter of said Section 2;

A1 Thence, westerly, along the existing City Limits Line and along said North line, a distance of 621 feet, more or less, to the West line of the East half of the East half of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

A2 Thence, northerly, along the existing City Limits Line and along the West line of the East half of the East half of the Northwest quarter of said Section 2, a distance of 968 feet, more or less, to the South right of way line of Poplar Avenue, an angle point in the existing City Limits Line;

A3 Thence, easterly, along the existing City Limits Line and along the South right of way line of Poplar Avenue, a distance of 175 feet, more or less, to the intersection of the West line of Parcel 4 of Parcel Map No. 2906 per map recorded in Book 30, page 7, of Parcel Maps, Tulare County Records and the South right of way line of Poplar Avenue, an angle point in the existing City Limits Line;

A4 Thence, southerly, along the existing City Limits Line and along the West right of way line of said Parcel 4, a distance of 239.14 feet, more or less, to the Southwest corner of said Parcel 4, an angle point in the existing City Limits Line;

A5 Thence, easterly, along the existing City Limits Line and along the South line of said Parcel 4, a distance of 445.46 feet, more or less, to the intersection of the South line of Parcel 1 of said Parcel Map No. 2906 and the West right of way line of Jaye Street, an angle point in the existing City Limits Line;

A6 Thence, southerly, along the existing City Limits Line and along the West right of way line of Jaye Street, a distance of 30 feet, more or less, to the intersection of the North line of Parcel 6 of said Parcel Map No. 2906 and the West right of way line of Jaye Street, a point on the existing City Limits Line;

A7 Thence, westerly, along the existing City Limits Line and along the North line of said Parcel 6, a distance of 130 feet, more or less, to the Northwest corner of said Parcel 6, an angle point in the existing City Limits Line;
A8 Thence, southerly, along the existing City Limits Line and along the West line of said Parcel 6, a distance of 121 feet, more or less, to the Southwest corner of said Parcel 6, an angle point in the existing City Limits Line;

A9 Thence, easterly, along the existing City Limits Line and along the South line of said Parcel 6, a distance of 130 feet, more or less, to the intersection of the South line of said Parcel 6 and the West right of way line of Jaye Street, an angle point on the existing City Limits Line;

A10 Thence, southerly, along the existing City Limits Line and along the West right of way line of Jaye Street, across Montgomery Avenue and El Rancho Avenue, a distance of 580 feet, more or less, to the North line of the South half of the South half of the Northeast quarter of the Northwest quarter of said Section 2, a point on the existing City Limits Line, the POINT OF BEGINNING.

ACREAGE = 11 ± ACRES
EXHIBIT “B”
City of Porterville
Annexation No. 456, Area B
Description for Annexation

That portion of Section 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the intersection of the centerlines of Western Street (50 feet wide) and Union Avenue (40 feet wide); thence, southerly, along a southerly prolongation of the centerline of Western Street, a distance of 20 feet, more or less, to the South right of way line of Union Avenue; thence, westerly, along the South right of way line of Union Avenue, a distance of 25 feet, more or less, to the intersection of the southerly prolongation of the West right of way line of Western Avenue and the South right of way line of Union Avenue, said point being on the existing City Limits Line, and the TRUE POINT OF BEGINNING.

B1 Thence, westerly, along the existing City Limits Line and along the South right of way line of Union Street, a distance of 52.25 feet, more or less, to the West line of the Northeast quarter of Lot No. 6 of the Map of Price Acres, recorded in Volume 16 of Maps, Page 68 and an angle point in the existing City Limits Line;

B2 Thence, southerly, along the existing City Limits Line and along the West line of the Northeast quarter of said Lot No. 6, a distance of 145 feet, more or less, to the Southwest corner of the Northeast quarter of said Lot No. 6 and an angle point in the existing City Limits Line;

B3 Thence, easterly, along the South line of the North half of Lots 6, 5, 4, 3, and 2 of said Price Acres and along the existing City Limits Line, a distance of 582.75 feet, more or less, to the Southeast corner of the North half of Lot No. 2 of said Price Acres and an angle point in the existing City Limits Line.

B4 Thence, southerly, along the East line of said Lot No. 2, across Center Avenue and along the East line Lot No. 15 of said Price Acres and along the existing City Limits Line, a distance of 475.61 feet, more or less, to an angle point on the existing City Limits Line and a point on the North line of Lot 69 of Pleasant Grove Tract, recorded in Volume 9 of Maps, Page 1, Tulare County Records;

B5 Thence, easterly, along the North line of said Lot 69 and along the existing City Limits Line, a distance of 61.66 feet, more or less, to an angle point on the existing City Limits Line;

B6 Thence, southerly, parallel to the East line of said Lot 69 and along the existing City Limits Line, a distance of 618 feet, more or less, to the South line of said Lot 69 and an angle point on the existing City Limits Line;
B7 Thence, northwesterly, along the South line of Lots 69 and 68 of said Pleasant Grove Tract and along the existing City Limits Line a distance of 974 feet, more or less, to a point on the East line of Lot 67 of said Pleasant Grove Tract and located 482 feet, more or less, North of the Southeast corner of said Lot 67 and an angle point on the existing City Limits Line;

B8 Thence, northerly, along the existing City Limits Line and along the East line of Lot 70 of said Pleasant Grove Tract a distance of 204 feet, more or less, to the Southwest corner of Lot 11 of said Price Acres and an angle point on the existing City Limits Line;

B9 Thence, easterly, along the South line of said Lot 11 a distance of 388.5 feet, more or less, and along the existing City Limits Line, to an angle point on the existing City Limits Line;

B10 Thence, northerly, along the existing City Limits Line a distance of 129 feet, more or less, to the Southeast corner of Lot 8 of said Price Acres and a point on the North line of said Lot 11 and an angle point in the existing City Limits Line;

B11 Thence, westerly, along the North line of said Lot 11 and along the existing City Limits Line, a distance of 388.5 feet, more or less, to the Northwest corner of said Lot 11 and a point on the East line of Lot 70 of said Pleasant Grove Tract and an angle point in the existing City Limits Line;

B12 Thence, northerly, along the East line of said Lot 70 and existing City Limits Line, a distance of 330 feet, more or less, to the Northeast corner of said Lot 70 and an angle point in the existing City Limits Line;

B13 Thence, easterly, along the existing City Limits Line, a distance of 255 feet, more or less, to an angle point in the existing City Limits Line;

B14 Thence, northerly, along the existing City Limits Line, a distance of 138 feet, more or less, to an angle point in the existing City Limits Line;

B15 Thence, easterly, along the existing City Limits Line, a distance of 60 feet, more or less, to an angle point in the existing City Limits Line;

B16 Thence, northerly, along the existing City Limits Line, a distance of 60 feet, more or less, to an angle point in the existing City Limits Line;

B17 Thence, easterly, along the existing City Limits Line a distance of 469 feet, more or less, to a point on the West right of way line of Western Street and an angle point in the existing City Limits Line;

Attachment No. 12-7
B18 Thence, southerly, along the West right of way line of Western Street and along the existing City Limits Line and along the prolongation of the West right of way line of Western Street, a distance of 238 feet, more or less, to a point on the South right of way line of Union Avenue, an angle point in the existing City Limits Line, the TRUE POINT OF BEGINNING.

ACREAGE = 25 ± ACRES
EXHIBIT “C”
City of Porterville
Annexation No. 456, Area C
Description for Annexation

That portion of Section 34 and 35, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of Section 35, Township 21 South, Range 27 East, said point being a point on the existing City Limits Line; thence, southerly along the West line of Section 35 and along the existing City Limits Line, a distance of 330 feet, more or less, to a point on the West line of Section 35, an angle point in the existing City Limits Line, the TRUE POINT OF BEGINNING;

C1 Thence, easterly, along the existing City Limits Line, a distance of 40 feet, more or less, to the West right of way line of Indiana Street, said point being 25 feet East of the Southwest corner of Lot 101 of Pleasant Grove Tract as per Volume 9 of Maps, Page 1, Tulare County Records, on the South line of said Lot 101, a point on the existing City Limits Line;

C2 Thence, continuing easterly, along the South lines of Lots 101, 100 and 99 of said Pleasant Grove Tract and along the existing City Limits Line, a distance of 507.68 feet, more or less, to the Southeast corner of said Lot 99, an angle point in the existing City Limits Line;

C3 Thence, northerly, along the East line of Lot 99 and along the existing City Limits Line, a distance of 100 feet, more or less, to an angle point in the existing City Limits Line;

C4 Thence, easterly, along a line parallel to the South line of Lot 98 of said Pleasant Grove Tract and along the existing City Limits Line, a distance of 140 feet, more or less, to a point on the West right of way line of Cottage Street, an angle point in the existing City Limits Line;

C5 Thence, northerly, along the West right of way line of Cottage Street and along the existing City Limits Line, a distance of 174.68 feet, more or less, to a point being 50 feet, more or less, South and 59.74 feet, more or less, West of the Northeast corner of Lot 98 of said Pleasant Grove Tract, a point on the South right of way line of Olive Avenue, an angle point in the existing City Limits Line;

C6 Thence, easterly, leaving the West right of way line of Cottage Street, along the South right of way line of Olive Avenue and along the existing City Limits Line, a distance of 73.97 feet, more or less, to a point at the intersection of the East right of way line of

Attachment No. 12-9
Cottage Street and the South right of way line of Olive Avenue, an angle point in the existing City Limits Line;

C7 Thence, southerly, along the East right of way line of Cottage Street and existing City Limits Line, a distance of 114 feet, more or less, to a point of intersection with the westerly prolongation of a line being 150 feet South and parallel to the North line of Lot 97 of said Pleasant Grove Tract, an angle point in the existing City Limits Line;

C8 Thence, easterly, along said parallel line and along the existing City Limits Line, a distance of 147 feet, more or less, to a point on the East line of said Lot 97, an angle point in the existing City Limits Line;

C9 Thence, northerly, along the East line of said Lot 97 and along the existing City Limits Line, a distance of 22.5 feet, more or less, to a point on the East line of said Lot 97, an angle point in the existing City Limits Line;

C10 Thence, easterly, along a line being parallel and 127.5 feet South of the North line of Lot 96 of said Pleasant Grove Tract and along the existing City Limits Line, a distance of 140 feet, more or less, to a point on the West right of way line of Chess Terrace, an angle point in the existing City Limits Line;

C11 Thence, southerly, along the West right of way line of Chess Terrace and the existing City Limits Line, a distance of 1707.5 feet more or less, to an angle point on the West right of way line of Chess Terrace, an angle point in the existing City Limits Line;

C12 Thence, easterly, along the West right of way line of Chess Terrace and the existing City Limits Line, a distance of 25 feet more or less, to an angle point on the West right of way line of Chess Terrace, an angle point in the existing City Limits Line;

C13 Thence, southerly, along the West right of way line of Chess Terrace and the existing City Limits Line, a distance of 115 feet more or less, to a point on the West right of way line of Chess Terrace, a point on the existing City Limits Line;

C14 Thence, continuing southerly, a distance of 50 feet, more or less, to a point 25 feet south, more or less, of the Northeast corner of Lot 71 of said Pleasant Grove Tract, an angle point in the existing City Limits Line;

C15 Thence, westerly, along the existing City Limits Line, a distance of 305 feet more or less, to a point on the East right of way line of Cottage Street, an angle point in the existing City Limits Line;

C16 Thence, southerly, along the East right of way line of Cottage Street and along the existing City Limits Line, a distance of 520 feet, more or less, to the Southwest corner of said Lot 71, an angle point in the existing City Limits Line;

Attachment No. 12-10
C17 Thence, northwesterly, along the existing City Limits Line, a distance of 28 feet, more or less, to the intersection of the East right of way line of Cottage Street and the South line of Lot 72 of said Pleasant Grove Tract;

C18 Thence, continuing northwesterly, along the South lines of Lots 72 and 73 of said Pleasant Grove Tract and along the existing City Limits Line, a distance of 680 feet, more or less, to a point 30 feet, more or less, East of and perpendicular to the West line of said Section 35, a point on the East right of way line of Indiana Street, an angle point in the existing City Limits Line;

C19 Thence, northerly, along the East right of way line of Indiana Street, parallel with the West line of Section 35, along the existing City Limits Line a distance of 260 feet, more or less, to the South line of that portion of said Lot 73 lying North of the Hubbs Minor Ditch, an angle point in the existing City Limits Line;

C20 Thence, easterly, along said South line, along the existing City Limits Line, a distance of 12 feet, more or less, to a point 42 feet, more or less, East of and perpendicular to the West line of Section 35, being the East right of way line of Indiana Street, an angle point in the existing City Limits Line;

C21 Thence, northerly, along said East right of way line of Indiana Street, parallel with the West line of Section 35, along the existing City Limits Line, a distance of 76 feet, more or less, to a point 65 feet, more or less, South of the South line of Tract No. 243 recorded in Volume 21 of Maps, Page 99, Tulare Country Records, an angle point in the existing City Limits Line;

C22 Thence, easterly, parallel with the South line of said Tract No. 243 and along the existing City Limits Line, a distance of 56.25 feet, more or less, to an angle point in the existing City Limits Line;

C23 Thence, northerly, parallel with the West line of Section 35 and along the existing City Limits Line, a distance of 40 feet, more or less, to the South right of way line of Union Avenue (65’ wide), an angle point in the existing City Limits Line;

C24 Thence, westerly, along the South right of way line of Union Avenue and along the existing City Limits Line, a distance of 56.25 feet, more or less, to the East right of way line of Indiana Street (57’ wide) and a point in the existing City Limits Line;

C25 Thence, continuing westerly, on a line perpendicular to the West line of Section 35 and along the existing City Limits Line, a distance of 57 feet, more or less, to a point on the West right of way line of Indiana Street, an angle point in the existing City Limits Line;

C26 Thence, southerly, along said West right of way line of Indiana Street and parallel with the West line of Section 35 and along the existing City Limits Line, a distance of
170 feet, more or less, to the North bank of the Tule River, an angle point in the existing City Limits Line;

C27 Thence, northwesterly, along the North bank of the Tule River and along the existing City Limits Line, a distance of 433 feet, more or less, to the intersection of the southerly prolongation of the East line of Lot 16 of Cloverleaf Tract recorded in Volume 8, Page 29, Tulare County Records, and the North bank of the Tule River, an angle point in the existing City Limits Line;

C28 Thence, northerly, along the existing City Limits Line and along the southerly prolongation of the East line of said Lot 16, a distance of 45.32 feet, more or less, to the Southeast corner of said Lot 16, an angle point in the existing City Limits Line;

C29 Thence, northwesterly, along the existing City Limits Line and along the South line of Lots 16 and 17 of said Cloverleaf Tract, a distance of 700 feet, more or less, to a point on the East right of way line of State Highway 65, an angle point in the existing City Limits Line;

C30 Thence, northerly, along the existing City Limits Line and along the East right of way line of State Highway 65, a distance of 1628 feet, more or less, to the intersection of the East right of way line of State Highway 65 and a line being parallel and 126.5 feet, more or less, North of the South line of Lot 22 of said Cloverleaf Tract, said point being an angle point in the existing City Limits Line;

C31 Thence, easterly, along the existing City Limits Line, along the line being parallel and 126.5 feet, more or less, North of the South line of said Lot 22, a distance of 149 feet, more or less, to the West right of way line of Cloverleaf Street, an angle point in the existing City Limits Line;

C32 Thence, northerly, along the existing City Limits Line, along the West right of way line of Cloverleaf Street, a distance of 210 feet, more or less, to a point on the West right of way line of Cloverleaf Street, 160 feet, more or less, South of the North line of said Section 34 along a prolongation of the West right of way line of Cloverleaf Street, an angle point in the existing City Limits Line;

C33 Thence, easterly, along the existing City Limits Line, parallel with the North line of said Section 34, a distance of 50 feet, more or less, to the East right of way line of Cloverleaf Street, an angle point in the existing City Limits Line;

C34 Thence, continuing easterly, along the existing City Limits Line, parallel and 105 feet, more or less, South of the South right of way line of Olive Avenue (110 feet wide), a distance of 198.7 feet, more or less, to an angle point in the existing City Limits Line;

C35 Thence, southerly, along the existing City Limits Line, along a line parallel and 198.7 feet, more or less, East of the East right of way line of Cloverleaf Street, a distance
of 89.68 feet, more or less, to a point being on the South line of Lot 9 of said Cloverleaf Tract, an angle point in the existing City Limits Line;

C36 Thence, easterly, along the existing City Limits Line, along the South line of said Lot 9, a distance of 215 feet, more or less, to the Southeast corner of said Lot 9, an angle point in the existing City Limits Line;

C37 Thence, southerly, along the existing City Limits Line, along the West lines of Lots 7 and 6 of said Cloverleaf Tract, along the East line of Lot 11 of said Cloverleaf Tract, a distance of 347 feet, more or less, to a point on the East line of said Lot 11 being 150 feet, more or less, North of the Southeast corner of said Lot 11, an angle point in the existing City Limits Line;

C38 Thence, westerly, along the existing City Limits Line, along a line parallel with and 150 feet, more or less, North of the South Line of said Lot 11, a distance of 413.79 feet, more or less, to a point on the West line of said Lot 11, an angle point in the existing City Limits Line;

C39 Thence, southerly, along the existing City Limits Line, along the West line of said Lot 11, a distance of 50 feet, more or less, to a line parallel with and 100 feet, more or less, North of the South Line of said Lot 11, an angle point in the existing City Limits Line;

C40 Thence, easterly, along the existing City Limits Line, along said parallel line, a distance of 192 feet, more or less, to an angle point in the existing City Limits Line;

C41 Thence, southerly, along the existing City Limits Line, along a line being parallel to the West line of said Lot 11, a distance of 50 feet, more or less, to a line parallel with and 50 feet, more or less, North of the South Line of said Lot 11, an angle point in the existing City Limits Line;

C42 Thence, easterly, along the existing City Limits Line, along a line parallel with and 50 feet, more or less, North of the South Line of said Lot 11, a distance of 221.82 feet, more or less, to a point on the East line of said Lot 11, a point on the West line of said Lot 6, an angle point in the existing City Limits Line;

C43 Thence, southerly, along the existing City Limits Line, along the West line of said Lot 6, a distance of 3 feet, more or less, to a point 455.25 feet, more or less, South of the Southeast corner of said Lot 9, an angle point in the existing City Limits Line;

C44 Thence, easterly, along the existing City Limits Line, along a line parallel to the South line of said Lot 6, a distance of 226.83 feet, more or less, to an angle point in the existing City Limits Line;
C45 Thence, northerly, along the existing City Limits Line, along a line parallel to the West line of said Lot 6, a distance of 205.57 feet, more or less, to a point on the South line of said Lot 7, an angle point in the existing City Limits Line;

C46 Thence, easterly, along the existing City Limits Line, along the South line of said Lot 7, a distance of 197 feet, more or less, to the Southeast corner of said Lot 7, said corner being on the West right of way of Indiana Street (55 feet wide), a point on the existing City Limits Line;

C47 Thence, continuing easterly, along the existing City Limits Line, a distance of 15 feet, more or less to a point on the East line of said Section 34, being 499.36 feet, more or less, South of the Northeast corner of said Section 34, an angle point in the existing City Limits Line;

C48 Thence, northerly, along the existing City Limits Line, along the East line of said Section 34, along the West line of said Section 35, a distance of 169.36 feet, more or less, to an angle point in the existing City Limits Line, the TRUE POINT OF BEGINNING.

ACREAGE = 89 ± ACRES
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 06-2005 (PRE-ZONING) CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF: 11.1± ACRES AND APPROXIMATELY 35 PARCELS; 25.7± ACRES AND APPROXIMATELY 41 PARCELS; AND 89.8± ACRES AND 211 PARCELS LOCATED SOUTH OF OLIVE AVENUE AND WEST OF JAYE STREET IN THE SOUTHERLY PORTION OF THE COMMUNITY

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider Zone Change 06-2005 (Pre-Zoning), to change the existing County R-1, R-1-217, R-2, P-1, and C-2 to City R-1, R-2, C-3 (D), and OA for the three areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community; and

WHEREAS: In conjunction with Zone Change 06-2005, Annexation 456 proposes to annex three annexation areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community.

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed pre-zoning from County R-1, R-1-217, R-2, P-1, and C-2 to City R-1, R-2, C-3 (D), and OA for the three areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community (11.1±, 25.7±, and 89.8± acre areas); and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 06-2005.

1. That the proposed zoning will conform with the land use designation of the General Plan; and

2. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the Project will not have a negative impact on the environment; and

3. That the Negative Declaration prepared for this project was originally made available for public review and comment; and

4. That this zoning designation will allow for the logical establishment for future Low Density Residential, Medium Density Residential, Heavy Commercial, Recreation and Open Space uses as supported by the City of Porterville.

Attachment No. 13-1
General Plan Land Use Element for the 11.1±, 25.7±, and 89.8± acre areas; and

5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 06-2005, is hereby pre-zoned from County R-1, R-1-217, R-2, P-1, and C-2 to City R-1, R-2, C-3 (D), and OA for the three areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community (11.1±, 25.7±, and 89.8± acre areas) more particularly shown on the attached maps, incorporated herein by this reference as Exhibit “A”, Exhibit “B”, and Exhibit “C”.

Section 2: It is further ordained that upon consummation of Annexation No. 456, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-1, R-1-217, R-2, P-1, and C-2 to City R-1, R-2, C-3 (D), and OA for the three areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 456.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By_________________________________
Georgia Hawley, Deputy

Attachment No. 13-2
Attachment No. 13-3
ZONE CHANGE 06-2005 AND ANNEXATION 456 (AREA B) – PROPOSED ZONING

EXHIBIT B

Attachment No. 13-6
ZONE CHANGE 06-2005 AND ANNEXATION 456 (AREA C) – EXISTING ZONING
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF
TERRITORY KNOWN AS ANNEXATION NO. 457

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

Attachment No. 14-1
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 457 and Zone Change No. 07-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject site consists of 90.8± acre area.

Attachment No. 14-2
M. The subject site is not being utilized for agricultural purposes.

N. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

O. Porterville’s General Plan designates the site for Low Density Residential uses.

P. In conjunction with the proposed annexation, Zone Change No. 07-2005 (pre-zoning) proposes to change the existing zoning from County R-A-217, R-1, R-1-217 Zone to City R-1 for the area located at the southeast corner of State Route 65 and State Route 190 (90.8± acre area).

Q. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

R. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

__________________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By__________________________________________
Georgia Hawley, Deputy

Attachment No. 14-3
That portion of Section 2 and Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Beginning at the point of intersection of the South right of way line of State Highway 190 and the West line of the Northeast quarter of the Northwest quarter of said Section 2, said point being on the existing City Limits Line;

D1 Thence, southerly, along the existing City Limits Line and along the West line of the Northeast quarter of the Northwest quarter of said Section 2, a distance of 969 feet, more or less, to a point located 999.12 feet, more or less, South of the North line of said Section 2, said point being on the North line of the South half of the South half of the Northeast quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

D2 Thence, easterly, along the existing City Limits Line and along the North line of the South half of the South half of the Northeast quarter of the Northwest quarter of said Section 2, a distance of 264 feet, more or less, to an angle point in the existing City Limits Line;

D3 Thence, southerly, along the existing City Limits Line, a distance of 331 feet, more or less, to the South line of the Northeast quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

D4 Thence, westerly, along the South line of the Northeast quarter of the Northwest quarter of said Section 2 and along the existing City Limits Line, a distance of 264 feet, more or less, to the West line of the Northeast quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

D5 Thence, continuing westerly, leaving the existing City Limits Line and along the South line of the Northwest quarter of the Northwest quarter of said Section 2, a distance of 1290 feet, more or less, to the East right of way line of Indiana Street;

D6 Thence, southerly, along the East right of way line of Indiana Street, a distance of 648 feet, more or less, to the easterly prolongation of the South line of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 3, Township 22 South, Range 27 East;
D7 Thence, westerly, along said easterly prolongation and along the South line of the Northeast quarter of the Southeast quarter of the Northeast quarter of said Section 3, a distance of 641 feet, more or less, to the East right of way line of Wisconsin Street;

D8 Thence, southerly, along the East right of way line of Wisconsin Street, a distance of 182 feet, more or less, to the end of the right of way line of Wisconsin Street;

D9 Thence, westerly, across the width of said Street and along the southerly right of way line of Wisconsin Street, a distance of 38 feet, more or less, to the West right of way line of Wisconsin Street, the East line of Tract No. 22, recorded in Volume 19 of Maps, Page 57, Tulare County Records;

D10 Thence, southerly, along the East line of said Tract No. 22, a distance of 246 feet, more or less, to the Southeast corner of Lot 9 of said Tract No. 22;

D11 Thence, northwesterly, along the South line of said Lot 9, a distance of 525 feet, more or less, to the East right of way line of State Highway 65, a point on the existing City Limits Line;

D12 Thence, northerly and northeasterly, along the existing City Limits Line and the East right of way line of State Highway 65, a distance of 2,474 feet, more or less, to the South right of way line of State Highway 190, an angle point in the existing City Limits Line;

D13 Thence, easterly, along the existing City Limits Line and the South right of way line of State Highway 190, a distance of 1,644 feet, more or less, to the West line of the Northeast quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line, the POINT OF BEGINNING.

ACREAGE = 88 ± ACRES
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 07-2005 (PRE-ZONING) CONSISTING OF ONE
UNINCORPORATED ISLAND CONSISTING OF 90.8± ACRES AND
APPROXIMATELY 119 PARCELS, GENERALLY LOCATED AT THE
SOUTHEAST CORNER OF STATE ROUTE 65 AND STATE ROUTE 190

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of August 2, 2005, conducted a public hearing to consider Zone Change 07-2005
(Pre-Zoning), to change the existing County R-A-217, R-1, R-1-217 Zone to City R-1 for
the area located at the southeast corner of State Route 65 and State Route 190; and

WHEREAS: In conjunction with Zone Change 07-2005, Annexation 457
proposes to annex one annexation area generally located at the southeast corner of State
Route 65 and State Route 190.

WHEREAS: The City Council of the City of Porterville, after proceedings duly
had and taken, and after due and legal notice having been given, as prescribed by
Ordinance 1198 of the City of Porterville, and the laws of the State of California, has
determined that the public interest would best be served by approval of the proposed pre-
zoning from County R-A-217, R-1, R-1-217 Zone to City R-1 for the area located at the
southeast corner of State Route 65 and State Route 190 (90.8± acre area); and

WHEREAS: The City Council made the following findings in support of the
approval of Zone Change 07-2005.

1. That the proposed zoning will conform with the land use designation of the
   General Plan; and

2. That a Negative Declaration was approved for this project in accordance with
   the California Environmental Quality Act based on findings of the
   environmental studies indicating that the Project will not have a negative
   impact on the environment; and

3. That the Negative Declaration prepared for this project was originally made
   available for public review and comment; and

4. That this zoning designation will allow for the logical establishment for future
   Low Density Residential uses as supported by the City of Porterville General
   Plan Land Use Element for the 90.8± acre area; and

5. That this zoning designation will ensure that any future development of the
   subject site will be in conformance with existing plans and policies and will
   not adversely impact the surrounding area.

Attachment No. 15-1
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 07-2005, is hereby pre-zoned from County R-A-217, R-1, R-1-217 Zone to City R-1 for the area located at the southeast corner of State Route 65 and State Route 190 (90.8± acre area) more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”.

Section 2: It is further ordained that upon consummation of Annexation No. 457, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-A-217, R-1, R-1-217 Zone to City R-1 for the area located at the southeast corner of State Route 65 and State Route 190.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 457.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By_________________________________
   Georgia Hawley, Deputy
ZONE CHANGE 07-2005 AND ANNEXATION 457 (AREA A) – EXISTING ZONING

EXHIBIT A

Attachment No. 15-3
ZONE CHANGE 07-2005 AND ANNEXATION 457 (AREA A) – PROPOSED ZONING

EXHIBIT A
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 458

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

       A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and Exhibit “B” and made a part hereof by reference as though set forth herein.

Attachment No. 16-1
C. The reasons for this proposal are as follows:

To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 458 and Zone Change No. 08-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject sites consist of 62.8± and 86.2± acre areas.

Attachment No. 16-2
M. The subject site is not being utilized for agricultural purposes.

N. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

O. Porterville’s General Plan designates the site for Low Density Residential, Medium Density Residential and Neighborhood Commercial uses.

P. In conjunction with the proposed annexation, Zone Change No. 08-2005 (pre-zoning) proposes to change the existing zoning from County R-1, R-2, C-1, A-1, and R-1-217 Zone to City R-1, R-2, and C-1 (D) for the area located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community (62.8± and 86.2± acre areas).

Q. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

R. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is herby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy

Attachment No. 16-3
EXHIBIT “A”
City of Porterville
Annexation No. 458, Area A
Description for Annexation

That portion of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Southwest corner of said Section 27, Township 21 South, Range 27 East; thence, easterly along the South line of the Southwest quarter of Section 27, a distance of 40 feet, more or less, to the intersection with the southerly prolongation of the East right of way line of Newcomb Street; thence, northerly, along said southerly prolongation of the East right of way line of Newcomb Street and said East right of way line, a distance of 330 feet, more or less, to an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING;

A1 Thence, continuing northerly, along the existing City Limits Line and the East right of way line of Newcomb Street, a distance of 299 feet, more or less, to the South right of way line of Tomah Avenue, an angle point in the existing City Limits Line;

A2 Thence, easterly, along the existing City Limits Line and South right of way line of Tomah Avenue, a distance of 354.67 feet, more or less, to an angle point in the existing City Limits Line;

A3 Thence, northerly, along the existing City Limits Line, a distance of 540.91 feet, more or less, to an angle point in the existing City Limits Line;

A4 Thence, westerly, along the existing City Limits Line, a distance of 82 feet, more or less, to an angle point in the existing City Limits Line;

A5 Thence, northerly, along the existing City Limits Line, a distance of 174 feet, more or less, to the North right of way line of Putnam Avenue, an angle point in the existing City Limits Line;

A6 Thence, westerly, along the existing City Limits Line and the North right of way line of Putnam Avenue, a distance of 273 feet, more or less, to the East right of way line of Newcomb Street, an angle point in the existing City Limits Line;

A7 Thence, northerly, along the existing City Limits Line and the East right of way line of Newcomb Street, a distance of 1328 feet, more or less, to the North right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A8 Thence, easterly, along the existing City Limits Line and North right of way line of Morton Avenue, a distance of 1292 feet, more or less, to the intersection with the
northerly prolongation of the East line of Tract 264 as recorded in Volume 22 of Maps, Page 14, Tulare County Records, an angle point in the existing City Limits Line;

A9 Thence, southerly, along the existing City Limits Line and the northerly prolongation of the East line of said Tract 264 and the East line of said Tract 264, a distance of 1394.31, more or less, to the South right of way line of Putnam Avenue, an angle point in the existing City Limits Line;

A10 Thence, westerly, along the existing City Limits Line and the South right of way line of Putnam Avenue, a distance of 199.27 feet, more or less, to an angle point in the existing City Limits Line;

A11 Thence, southerly, along the existing City Limits Line, a distance of 308 feet, more or less, to an angle point in the existing City Limits Line;

A12 Thence, easterly, along the existing City Limits Line, a distance of 66.52 feet, more or less, to an angle point in the existing City Limits Line;

A13 Thence, southerly, along the existing City Limits Line, a distance of 303.44 feet, more or less, to the North right of way line of Tomah Avenue, an angle point in the existing City Limits Line;

A14 Thence, easterly, along the existing City Limits Line and the North right of way line of Tomah Avenue, a distance of 132.85 feet, more or less, to the intersection with the southerly prolongation of the East line of said Tract 264, an angle point in the existing City Limits Line;

A15 Thence, southerly, along the existing City Limits and the southerly prolongation of the East line of said Tract 264, a distance of 50 feet, more or less, to the South right of way line of Tomah Avenue, an angle point in the existing City Limits Line;

A16 Thence, easterly, along the existing City Limits Line and the South right of way line of Tomah Avenue, a distance of 331 feet, more or less, to the intersection with the East line of West half of the East half of the Southwest quarter of said Section 27, an angle point in the existing City Limits Line;

A17 Thence, southerly, along the existing City Limits Line and the East line of West half of the East half of the Southwest quarter of said Section 27, a distance of 254 feet, more or less, to an angle point in the existing City Limits Line;

A18 Thence, easterly, along the existing City Limits Line, a distance of 100 feet, more or less, to an angle point in the existing City Limits Line;
A19 Thence, northerly, along the existing City Limits Line, a distance of 254.14 feet, more or less, to the South right of way line of Tomah Avenue, an angle point in the existing City Limits Line;

A20 Thence, westerly, along the existing City Limits Line and the South right of way line of Tomah Avenue, a distance of 129.22 feet, more or less, an angle point in the existing City Limits Line;

A19 Thence, southerly, along the existing City Limits Line, a distance of 254.16 feet, more or less, to an angle point in the existing City Limits Line;

A22 Thence, westerly, along the existing City Limits Line, a distance of 100 feet, more or less, to the intersection with the East line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 27, an angle point in the existing City Limits Line;

A23 Thence, southerly, along the existing City Limits Line and the East line of the Southwest quarter of the Southwest quarter of the Southwest quarter of said Section 27, a distance of 50 feet, more or less, to an angle point in the existing City Limits Line;

A24 Thence, westerly, along the existing City Limits Line, a distance of 200 feet, more or less, to an angle point in the existing City Limits Line, the TRUE POINT OF BEGINNING.

ACREAGE = 63 ± ACRES
EXHIBIT “B”
City of Porterville
Annexation No. 458, Area B
Description for Annexation

That portion of Section 28 and 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Southeast corner of said Section 28, Township 21 South, Range 27 East; thence, westerly along the South line of the Southeast quarter of Section 28, a distance of 40 feet, more or less, to the intersection with the southerly prolongation of the West right of way line of Newcomb Street; thence, northerly, along said southerly prolongation of the West right of way line of Newcomb Street and said West right of way line, a distance of 276 feet, more or less, to an angle point on the existing City Limits Line, the Southeast corner of Lot 5 of Tract No. 257 as recorded in Volume 22 of Maps, Page 10, Tulare County Records, the TRUE POINT OF BEGINNING;

B1 Thence, westerly, along the existing City Limits Line and the South line of Lots 5, 9, 10, and 11 of said Tract No. 257, a distance of 388.01 feet, more or less, to an angle point in the existing City Limits Line;

B2 Thence, northwesterly, along the existing City Limits Line and the South line of Lots 11 and 12 of said Tract No. 257, a distance of 49.00 feet, more or less, to an angle point in the existing City Limits Line;

B3 Thence, southwesterly, along the existing City Limits Line, a distance of 20.00 feet, more or less, to an angle point in the existing City Limits Line;

B4 Thence, northwesterly, along the existing City Limits, a distance of 30.00 feet, more or less, to an angle point in the existing City Limits Line;

B5 Thence, southwesterly, along the existing City Limits Line, a distance of 29.75 feet, more or less, to an angle point in the existing City Limits Line;

B6 Thence, northwesterly, along the existing City Limits Line, a distance of 225 feet, more or less, to an angle point in the existing City Limits Line;

B7 Thence, continuing northwesterly, along the existing City Limits Line, a distance of 153.60 feet, more or less, to an angle point in the existing City Limits Line;

B8 Thence, continuing northwesterly, along the existing City Limits Line, a distance of 85.78 feet, more or less, to an angle point in the existing City Limits Line;

B9 Thence, continuing northwesterly, along the existing City Limits Line, a distance of 106.32 feet, more or less, to an angle point in the existing City Limits Line;

Attachment No. 16-7
B10 Thence, southerly, along the existing City Limits Line, a distance of 93.27 feet, more or less, to an angle point in the existing City Limits Line;

B11 Thence, northwesterly, along the existing City Limits Line, a distance of 178.69 feet, more or less, to an angle point in the existing City Limits Line;

B12 Thence, continuing northwesterly, along the existing City Limits Line, a distance of 337.32 feet, more or less, to an angle point in the existing City Limits Line;

B13 Thence, continuing northwesterly, along the existing City Limits Line, a distance of 72.00 feet, more or less, to an angle point in the existing City Limits Line;

B14 Thence, northerly, along the existing City Limits Line, a distance of 190.00 feet, more or less, to an angle point in the existing City Limits Line;

B15 Thence, westerly, along the existing City Limits Line, a distance of 897.67 feet, more or less, to an angle point in the existing City Limits Line;

B16 Thence, northerly, along the existing City Limits Line, a distance of 395.00 feet, more or less, to an angle point in the existing City Limits Line;

B17 Thence, easterly, along the existing City Limits Line, a distance of 917.03 feet, more or less, to an angle point in the existing City Limits Line;

B18 Thence, northerly, along the existing City Limits Line, a distance of 114 feet, more or less, to the South right of way line of Putnam Avenue, an angle point in the existing City Limits Line;

B19 Thence, easterly, along the existing City Limits Line and the South right of way line of Putnam Avenue, a distance of 80.06 feet, more or less, to the intersection with the southerly prolongation of the West line of Tract No. 14 per map recorded in Volume 19 of maps, at Page 50, Tulare County Records, an angle point in the existing City Limits Line;

B20 Thence, northerly, along the existing City Limits Line, the southerly prolongation of the West line of said Tract No. 14, and said West line, a distance of 1328.80 feet, more or less, to the South right of way line of Morton Avenue, an angle point in the existing City Limits Line;

B21 Thence, easterly, along the existing City Limits Line and the South right of way line of Morton Avenue, a distance of 496.45 feet, more or less, to an angle point in the existing City Limits Line;

Attachment No. 16-8
B22 Thence, southerly, along the existing City Limits Line and the South right of way line of Morton Avenue, a distance of 5.0 feet, more or less, to an angle point in the existing City Limits Line;

B23 Thence, easterly, along the existing City Limits Line and the South right of way line of Morton Avenue, a distance of 111.58 feet, more or less, to the intersection with the southerly prolongation of the West line of Tract No. 270 as per map recorded in Volume 22 of maps, Page 16, Tulare County Records, an angle point in the existing City Limits Line;

B24 Thence, northerly, along the existing City Limits Line, the southerly prolongation of the West line of said Tract No. 270, and said West line, a distance of 339.5 feet, more or less, to the South right of way line of Morton Avenue, an angle point in the existing City Limits Line;

B25 Thence, easterly, along the existing City Limits Line and the West line of said Tract No. 270, a distance of 16.5 feet, more or less, to an angle point in the existing City Limits Line;

B26 Thence, northerly, along the existing City Limits Line and the West line of said Tract No. 270, a distance of 49.5 feet, more or less, to an angle point in the existing City Limits Line;

B27 Thence, westerly, along the existing City Limits Line and the West line of said Tract No. 270, a distance of 16.5 feet, more or less, to an angle point in the existing City Limits Line;

B28 Thence, northerly, along the existing City Limits Line and the West line of said Tract No. 270, a distance of 560.7 feet, more or less, to the South line of the North half of the North half of the South East quarter of the Northeast quarter of Section 28, an angle point in the existing City Limits Line;

B29 Thence, easterly, along the existing City Limits Line and said South line, a distance of 461 feet, more or less, to the East line of said Tract No. 270, an angle point in the existing City Limits Line;

B30 Thence, southerly, along the existing City Limits Line and the East line of said Tract No. 270, a distance of 25.95 feet, more or less, to the approximate centerline of Porter Slough, an angle point in the existing City Limits Line;

B31 Thence, southeasterly, along the existing City Limits Line and the approximate centerline of Porter Slough, a distance of 179.38 feet, more or less, to an angle point in the existing City Limits Line;

Attachment No. 16-9
B32 Thence, continuing southeasterly, along the existing City Limits Line and the approximate centerline of Porter Slough, a distance of 330.92 feet, more or less, to the East line of the Northeast quarter of said Section 28, an angle point in the existing City Limits Line;

B33 Thence, easterly, along the existing City Limits Line, a distance of 40 feet, more or less, to the East right of way line of Newcomb Street (Road 232), an angle point in the existing City Limits Line;

B34 Thence, southerly, along the existing City Limits Line and East right of way line of Newcomb Street (Road 232), a distance of 653 feet, more or less, to a point being 10 feet North of the North right of way line of Morton Avenue, an angle point in the existing City Limits Line;

B35 Thence, westerly, along the existing City Limits Line, a distance of 80 feet, more or less, to the West right of way line of Newcomb Street (Road 232), an angle point in the existing City Limits Line;

B36 Thence, southerly, along the existing City Limits Line and the West right of way line of Newcomb Street (Road 232), a distance of 1351 feet, more or less, to the North right of way line of Putnam Street, an angle point in the existing City Limits Line;

B37 Thence, westerly, along the existing City Limits Line and the North right of way line of Putnam Street, a distance of 966 feet, more or less, an angle point in the existing City Limits Line;

B38 Thence, southerly, along the existing City Limits, a distance of 727 feet, more or less, to the South right of way line of Tomah Avenue, an angle point in the existing City Limits Line;

B39 Thence, westerly, along the existing City Limits Line and the South right of way line of Tomah Avenue, a distance of 963 feet, more or less, to the West right of way line of Newcomb Street (Road 232), an angle point in the existing City Limits Line;

B40 Thence, southerly, along the existing City Limits Line and the West right of way line of Newcomb Street (Road 232), a distance of 352 feet, more or less, to the South right of way line of Putnam Street, to an angle point on the existing City Limits Line, the Southeast corner of Lot 5 of said Tract No. 257, the TRUE POINT OF BEGINNING;

ACREAGE = 86 ± ACRES
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 08-2005 (PRE-ZONING) ) TWO
UNINCORPORATED ISLANDS CONSISTING OF 62.8± ACRES AND
APPROXIMATELY 193 PARCELS AND 86.2± ACRES AND APPROXIMATELY
289 PARCELS, LOCATED SOUTH OF MORTON AVENUE AND WEST OF
PROSPECT STREET, IN THE WESTERLY PORTION OF THE COMMUNITY

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of August 2, 2005, conducted a public hearing to consider Zone Change 08-2005
(Pre-Zoning), to change the existing County R-1, R-2, C-1, A-1, and R-1-217 Zone to
City R-1, R-2, and C-1 (D) for the area located south of Morton Avenue and west of
Prospect Street, in the westerly portion of the community; and

WHEREAS: In conjunction with Zone Change 08-2005, Annexation 458
proposes to annex two annexation areas generally located south of Morton Avenue and
west of Prospect Street, in the westerly portion of the community.

WHEREAS: The City Council of the City of Porterville, after proceedings duly
had and taken, and after due and legal notice having been given, as prescribed by
Ordinance 1198 of the City of Porterville, and the laws of the State of California, has
determined that the public interest would best be served by approval of the proposed pre-
zoning from County R-1, R-2, C-1, A-1, and R-1-217 Zone to City R-1, R-2, and C-1 (D)
for the area located south of Morton Avenue and west of Prospect Street, in the westerly
portion of the community (62.8± and 86.2± acre areas); and

WHEREAS: The City Council made the following findings in support of the
approval of Zone Change 08-2005.

1. That the proposed zoning will conform with the land use designation of the
   General Plan; and

2. That a Negative Declaration was approved for this project in accordance with
   the California Environmental Quality Act based on findings of the
   environmental studies indicating that the Project will not have a negative
   impact on the environment; and

3. That the Negative Declaration prepared for this project was originally made
   available for public review and comment; and

4. That this zoning designation will allow for the logical establishment for future
   Low Density Residential, Medium Density Residential and Neighborhood
   Commercial uses as supported by the City of Porterville General Plan Land
   Use Element for the 62.8± and 86.2± acre areas; and

Attachment No. 17-1
5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 08-2005, is hereby pre-zoned from County R-1, R-2, C-1, A-1, and R-1-217 Zone to City R-1, R-2, and C-1 (D) for the area located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community (62.8± and 86.2± acre areas) more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A” and Exhibit “B”.

Section 2: It is further ordained that upon consummation of Annexation No. 458, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-1, R-2, C-1, A-1, and R-1-217 Zone to City R-1, R-2, and C-1 (D) for the area located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 458.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By_________________________________
  Georgia Hawley, Deputy
ZONE CHANGE 08-2005 AND ANNEXATION 458 (AREA A) – EXISTING ZONING
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA
MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 459

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is herby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A”, Exhibit “B” and Exhibit “C” and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:

Attachment No. 18-1
To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator, of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 459 and Zone Change No. 09-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. The subject site is not located within an Agricultural Preserve.

I. The subject area is completely surrounded or substantially surrounded by the City of Porterville and is less than 150 acres in aggregate area.

J. The City of Porterville hereby requests process per the provisions of Government Code Section 56375.3.

K. As the proposed annexation consists of an unincorporated island, per Government Code Section 56375.3, consents to annex are not necessary for this project.

L. That the subject sites consist of 88.7±, 1.2± and 9.0± acre areas.

M. The subject site is not being utilized for agricultural purposes.

Attachment No. 18-2
N. The subject site is located within Porterville’s Urban Development Boundary and LAFCO’s Sphere of Influence Boundary.

O. Porterville’s General Plan designates the site for Low Density Residential and High Density Residential uses.

P. In conjunction with the proposed annexation, Zone Change No. 09-2005 (pre-zoning) proposes to change the existing zoning from County R-1, R-1-217, C-1 and C-2 to City R-1 and R-3 (D) for the areas generally located west of Matthew Street and east of Westwood Street in the westerly portion of the community (88.7±, 1.2± and 19.0± acre areas).

Q. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

R. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is herby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

______________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy

Attachment No. 18-3
EXHIBIT “A”
City of Porterville
Annexation No. 459, Area A
Description for Annexation

That portion of Section 28, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Southwest corner of the Northeast quarter of said Section 28; thence, westerly, along the South line of the Northeast quarter of said Section 28, a distance of 40 feet, more or less, to the intersection with the southerly prolongation of the East right of way line of Mathew Street; thence, northerly, along said southerly prolongation of the East right of way line of Mathew Street, a distance of 60 feet, more or less, to the end of curve / point of tangency on the East right of way line of Mathew Street, an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING;

A1 Thence, northerly, along the existing City Limits Line and the East right of way of Mathew Street, a distance of 1,259.95 feet, more or less, to an angle point in the existing City Limits Line;

A2 Thence, southwesterly, along the existing City Limits Line, a distance of 410 feet, more or less, to an angle point in the existing City Limits Line;

A3 Thence, southwesterly, along the existing City Limits Line, a distance of 138.39 feet, more or less, to an angle point in the existing City Limits Line;

A4 Thence, southwesterly, along the existing City Limits Line, a distance of 71.29 feet, more or less, to an angle point in the existing City Limits Line;

A5 Thence, southwesterly, along the existing City Limits Line, a distance of 134.84 feet, more or less, to an angle point in the existing City Limits Line;

A6 Thence, southwesterly, along the existing City Limits Line, a distance of 42.85 feet, more or less, to an angle point in the existing City Limits Line;

A7 Thence, northwesterly, along the existing City Limits Line, a distance of 83.87 feet, more or less, to an angle point in the existing City Limits Line;

A8 Thence, northwesterly, along the existing City Limits Line, a distance of 22.00 feet, more or less, to an angle point in the existing City Limits Line;

A9 Thence, southwesterly, along the existing City Limits Line, a distance of 107.26 feet, more or less, to an angle point in the existing City Limits Line;

A10 Thence, southwesterly, along the existing City Limits Line, a distance of 112.51 feet, more or less, to an angle point in the existing City Limits Line;

Attachment No. 18-4
A11 Thence, southwesterly, along the existing City Limits Line, a distance of 81.43 feet, more or less, to the East line of Tract 368 as per Map recorded in Volume 23 of Maps, page 43, Tulare County Records, an angle point in the existing City Limits Line;

A12 Thence, southerly, along the existing City Limits Line and said East line, a distance of 1025 feet, more or less, to the North right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A13 Thence, westerly, along the existing City Limits Line, a distance of 81.43 feet, more or less, to the intersection with the northerly prolongation of the East line of Tract No. 339, per Map recorded in Volume 22 of Maps, at Page 98, Tulare County Records, an angle point in the existing City Limits Line;

A14 Thence, southerly, along the existing City Limits Line and the prolongation of the East line of said Tract No. 339, and said East line, a distance of 1334.76 feet, more or less, to the North right of way line of Putnam Avenue, an angle point in the existing City Limits Line;

A15 Thence, westerly, along the existing City Limits Line and the North right of way line of Putnam Avenue, a distance of 704.04 feet, more or less, to an angle point in the existing City Limits Line;

A16 Thence, southerly, along the existing City Limits Line, a distance of 60.00 feet, more or less, to an angle point in the existing City Limits Line;

A17 Thence, westerly, along the existing City Limits Line, a distance of 40.00 feet, more or less, to the East line of the Southwest quarter of said Section 28, an angle point in the existing City Limits Line;

A18 Thence, northerly, along the existing City Limits Line and the East line of the Southwest quarter of said Section 28, a distance of 30.00 feet, more or less, to the Southeast corner of Tract No. 411, Unit No. 2 as shown on the map thereof recorded in Volume 24 of Maps at page 52, Tulare County Records, an angle point in the existing City Limits Line;

A19 Thence, westerly, along the existing City Limits Line and the South line of said Tract No. 411, Unit No. 2 and the South line of Tract No. 411, Unit No. 1, as shown on the map thereof recorded in Volume 24 of Maps at page 16, Tulare County Records, a distance of 1320.42 feet, more or less, to the East line of the West half of the Southwest quarter of said Section 28, an angle point in the existing City Limits Line;

A20 Thence, northerly, along the existing City Limits Line and the East line of the West half of the Southwest quarter of said Section 28, a distance of 664 feet, more or less, to the North line of the South half of the Northwest quarter of the Southwest quarter of said Section 28, an angle point in the existing City Limits Line;

Attachment No. 18-5
A21 Thence, westerly, along the existing City Limits Line and the North line of the South half of the Northwest quarter of the Southwest quarter of said Section 28, a distance of 425.22 feet, more or less, to an angle point in the existing City Limits Line;

A22 Thence, northerly, along the existing City Limits Line, a distance of 617 feet, more or less, to the South right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A23 Thence, westerly, along the existing City Limits Line and the South right of way line of Morton Avenue, a distance of 57 feet, more or less, to the southerly prolongation of the West line of the East 1096 feet of the West three-quarters of the South half of the Northwest quarter of said Section 28, an angle point in the existing City Limits Line;

A24 Thence, northerly, along the existing City Limits Line and said southerly prolongation, a distance of 80.00 feet, more or less, to the North right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A25 Thence, easterly, along the existing City Limits Line and the North right of way line of Morton Avenue, a distance of 1096 feet, more or less, to the East line of the West three-quarters of the South half of the Northwest quarter of said Section 28, an angle point in the existing City Limits Line;

A26 Thence, northerly, along the existing City Limits Line and the East line of the West three-quarters of the South half of the Northwest quarter of said Section 28, a distance of 435 feet, more or less, to the Southwest corner of Parcel 1 of Parcel Map No. 3323 per map recorded in Book 34, page 25, of Parcel Maps, an angle point in the existing City Limits Line;

A27 Thence, easterly, along the existing City Limits Line and the South line of said Parcel 1, a distance of 257.68 feet, more or less, to the West line of the East 402 feet of the Southeast quarter of the Northwest quarter of said Section 28, an angle point in the existing City Limits Line;

A28 Thence, southerly, along the existing City Limits Line and said West line and the southerly prolongation of said West line, a distance of 516 feet, more or less, to the South right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A29 Thence, easterly, along the existing City Limits Line and the South right of way line of Morton Avenue, a distance of 346 feet, more or less, to the beginning of a curve concave to the Southwest having a radius of 20.00 feet, an angle point in the existing City Limits Line;

A30 Thence, southeasterly, along the existing City Limits Line and said curve, a distance of 31.53 feet, more or less, to the West right of way line of Mathew Street, an angle point in the existing City Limits Line;
A31 Thence, southerly, along the existing City Limits Line and the West right of way line of Mathew Street, a distance of 251.10 feet, more or less, to the westerly prolongation of the South line of Lot 1 of Tract No. 477, per map recorded in Volume 25, page 84, of Maps, Tulare County Records, an angle point in the existing City Limits Line;

A32 Thence, easterly, along the existing City Limits Line and the westerly prolongation of the South line of said Lot 1, and said South line, and the easterly prolongation of said South line, a distance of 395.91 feet, more or less, to the East right of way line of Walch Street, an angle point in the existing City Limits Line;

A33 Thence, northerly, along the existing City Limits Line and the East right of way line of Walch Street, and the northerly prolongation of said East right of way line, a distance of 351.00 feet, more or less, to the North right of way line of Morton Avenue, an angle point in the existing City Limits Line;

A34 Thence, westerly, along the existing City Limits Line and the North right of way line of Morton Avenue, a distance of 296.00 feet, more or less, to the beginning of a curve, concave to the Northeast, having a radius of 20.00 feet;

A35 Thence, northwesterly, along the existing City Limits Line and said curve, a distance of 31.53 feet, more or less, to the East right of way line of Mathew Street, the TRUE POINT OF BEGINNING

ACREAGE = 101 ± ACRES

Attachment No. 18-7
EXHIBIT “B”  
City of Porterville  
Annexation No. 459, Area B  
Description for Annexation

That portion of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Northeast corner of the West half of the Northwest quarter of said Section 33; thence, southerly, along the East line of the West half of the Northwest quarter of said Section 33, a distance of 80.00 feet, more or less, to the South right of way line of Olive Avenue, a point on the existing City Limits Line; thence, westerly, along the existing City Limits Line and the South right of way line of Olive Avenue, a distance of 1156 feet, more or less, to the East line of the West 165 feet of the Northwest quarter of said Section 33, an angle point in the existing City Limits Line, the TRUE POINT OF BEGINNING;

B1 Thence, southerly, along the existing City Limits Line and the East line of the West 165 feet of the Northwest quarter of said Section 33, a distance of 448 feet, more or less, to the South line of the North 528 feet of the Northwest quarter of said Section 33, an angle point in the existing City Limits Line;

B2 Thence, westerly, along the existing City Limits Line and the South line of the North 528 feet of the Northwest quarter of said Section 33, a distance of 123 feet, more or less, to the East right of way line of Westwood Street, an angle point in the existing City Limits Line;

B3 Thence, northerly, along the existing City Limits Line and the East right of way line of Westwood Street, a distance of 448 feet, more or less, to the South right of way line of Olive Avenue, an angle point in the existing City Limits Line;

B4 Thence, easterly, along the existing City Limits Line and the South right of way line of Olive Avenue, a distance of 123 feet, more or less, to the East line of the West 165 feet of the Northwest quarter of said Section 33, the TRUE POINT OF BEGINNING.

ACREAGE = 1.3 ± ACRES
EXHIBIT “C”
City of Porterville
Annexation No. 459, Area C
Description for Annexation

That portion of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Commencing at the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 21; thence, northerly, along the West line of the Southeast quarter of the Southeast quarter of said Section 21, a distance of 112.61 feet, more or less, to the Northeast corner of Lot 9 of Tract No. 325, recorded in Volume 23 of Maps, Page 4, Tulare County Records, an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING;

C1 Thence, westerly, along the existing City Limits Line and the South line of said Lot 19, the westerly prolongation of said South line, and the South line of Lot 18 of said Tract No. 325, a distance of 329.90 feet, more or less, to the Southwest corner of said Lot 18, an angle point in the existing City Limits Line;

C2 Thence, northerly, along the existing City Limits Line and the West line of said Tract No. 325, a distance of 1192 feet, more or less, to the South right of way line of Mulberry Avenue, an angle point in the existing City Limits Line;

C3 Thence, easterly, along the existing City Limits Line and the South right of way line of Mulberry Avenue, a distance of 330 feet, more or less, to the West line of the Southeast quarter of the Southeast quarter of said Section 21, an angle point in the existing City Limits Line;

C4 Thence, southerly, along the existing City Limits Line and the West line of the Southeast quarter of the Southeast quarter of said Section 21, a distance of 1192 feet, more or less, to the Northeast corner of said Lot 9, an angle point on the existing City Limits Line, the TRUE POINT OF BEGINNING.

ACREAGE = 9 ± ACRES
ordinance no. ______

an ordinance of the city council of the city of porterville approving zone change 09-2005 (pre-zoning) ) consisting of three unincorporated islands consisting of: 88.7± acres and approximately 363 parcels; 1.2± acres and one (1) parcel; and 9.0± acres and approximately 33 parcels generally located west of matthew street and east of westwood street in the westerly portion of the community

whereas: the city council of the city of porterville at its regularly scheduled meeting of august 2, 2005, conducted a public hearing to consider zone change 09-2005 (pre-zoning), to change the existing county r-1, r-1-217, c-1, and c-2 zone to city r-1 and r-3 (d) for the areas generally located west of mathew street and east of westwood street in the westerly portion of the community; and

whereas: in conjunction with zone change 09-2005, annexation 459 proposes to annex three annexation areas generally located west of mathew street and east of westwood street in the westerly portion of the community.

whereas: the city council of the city of porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by ordinance 1198 of the city of porterville, and the laws of the state of california, has determined that the public interest would best be served by approval of the proposed pre-zoning from county r-1, r-1-217, c-1, and c-2 zone to city r-1 and r-3 (d) for the areas generally located west of mathew street and east of westwood street in the westerly portion of the community (88.7±, 1.2± and 9.0± acre areas); and

whereas: the city council made the following findings in support of the approval of zone change 09-2005.

1. that the proposed zoning will conform with the land use designation of the general plan; and

2. that a negative declaration was approved for this project in accordance with the california environmental quality act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment; and

3. that the negative declaration prepared for this project was originally made available for public review and comment; and

4. that this zoning designation will allow for the logical establishment for future low density residential and high density residential uses as supported by the city of porterville general plan land use element for the 88.7±, 1.2± and 9.0± acre areas; and

attachment no. 19-1
5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 09-2005, is hereby pre-zoned from County R-1, R-1-217, C-1, and C-2 Zone to City R-1 and R-3 (D) for the areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community (88.7±, 1.2± and 9.0± acre areas) more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”, Exhibit “B”, and Exhibit “C”.

Section 2: It is further ordained that upon consummation of Annexation No. 459, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County R-1, R-1-217, C-1, and C-2 Zone to City R-1 and R-3 (D) for the areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 459.

______________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By ________________________________
Georgia Hawley, Deputy
ZONE CHANGE 09-2005 AND ANNEXATION 459 (AREA A) – EXISTING ZONING

EXHIBIT A
ZONE CHANGE 09-2005 AND ANNEXATION 459 (AREA B) – PROPOSED ZONING
ZONE CHANGE 09-2005 AND ANNEXATION 459 (AREA C) – EXISTING ZONING

EXHIBIT C

Attachment No. 19-7
CITY COUNCIL AGENDA: AUGUST 2, 2005

PUBLIC HEARING

TITLE: ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460
(GIBBONS AND INDIANA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants propose to annex and pre-zone six parcels and adjacent streets totaling approximately 87 acres located east and west of Indiana Street and North of Gibbons Avenue. The parcels are primarily vacant land with two single family residences and several outbuildings. Portions of the northerly parcel have been in recent cultivation. The parcels are currently within the County AE-20 (Exclusive Agriculture- 20-Acre Minimum) Zone (35 +/- acres; the P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum) Zone (14 +/- acres); and the R-O-43 (Single Family Residential Estate- One Acre Minimum) Zone. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses which corresponds to the proposed R-1 (One Family Residential) zone. The southerly two parcels (35 +/- acres) are designated for Rural Density Residential uses, which corresponds to the proposed RE (Residential Estate) Zone.

Consents to annex have been received from the owners of three of the six parcels. The additional parcels are owned by the Housing Authority of Tulare County which has also indicated their support of the annexation.

Approximately 35 acres of the subject annexation site are located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission, by Resolution 74-22, approved the protest. The Department of Conservation has been notified of the proposed project and has not yet responded. Upon consummation of the annexation, the City of Porterville will not succeed to the contract.

ENVIRONMENTAL: The Environmental Coordinator on June 27, 2005 made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, no comments have been received.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460.
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
3. Approve the draft ordinances approving Zone Change 10-2005, waive further reading and order the Ordinances to print.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460

APPLICANT: Gary Smee John Gurrola, Operations Manager
2200 North Leila 708 W. 20th St, Suite 4
Visalia, CA 93291 Merced, CA 95340

PROJECT LOCATION: The parcels included in the proposed annexation are located immediately southwest of the City of Porterville in Tulare County generally east and west of Indiana Street, and north of Gibbons Avenue (Attachment 1).

SPECIFIC REQUEST: The applicants have requested annexation and a zone change from County AE-20 (Exclusive Agriculture – 20 Acre Minimum) to City R-1 (One Family Residential) and City RE (One Family Estate) for that site generally located east and west of Indiana Street, and north of Gibbons Avenue. The pre-zoning will become effective upon consummation of Annexation 460.

Annexation No. 460 proposes the inclusion into the City of Porterville of 87 +/- acres for that site generally located east and west of Indiana Street, and north of Gibbons Avenue.

PROJECT DETAILS: The applicants propose to annex and pre-zone six parcels and adjacent streets totaling approximately 87 acres located east and west of Indiana Street and North of Gibbons Avenue. The parcels are primarily vacant land with two single family residences and several outbuildings. Portions of the northerly parcel have been in recent cultivation. The parcels are currently within the County AE-20 (Exclusive Agriculture- 20-Acre Minimum) Zone (35 +/- acres; the P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum) Zone (14 +/- acres); and the R-O-43 (Single Family Residential Estate- One Acre Minimum) Zone. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses which corresponds to the proposed R-1 (One Family Residential) zone. The southerly two parcels (35 +/- acres) are designated for Rural Density Residential uses, which corresponds to the proposed RE (Residential Estate) Zone.

Consents to annex have been received from the owners of three of the six parcels. Two additional parcels are owned by the Housing Authority of Tulare County which has also indicated their support of the annexation.

Approximately 35 acres of the subject annexation site are located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission, by Resolution 74-22, approved the protest. The Department of Conservation (Williamson Act) has been notified of the proposed project and has not yet responded. Upon consummation of the annexation the City of Porterville will not succeed to the contract.
GENERAL PLAN LAND USE DESIGNATION: Low Density Residential and Rural Density Residential land uses.

SPHERE OF INFLUENCE: The project site is within the City of Porterville’s Sphere of Influence.

SURROUNDING AREA ZONING AND LAND USE:
North: Rural and Urban Density Residential Uses
East: Developing Rural Density Residential Subdivision (Meadow Breeze), Vacant Land
South: Orchards, Vacant Land, Cemetery, Commercial Business
West: State Highway 65, Orchards, Vacant Land, Urban Density Residential Use

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of proposed Zone Change No. 10-2005 and Annexation No. 460 would preclude the subject site from being incorporated into the City.

2. Approve the project. Approval of the proposed zone change to City R-1 and RE and annexation would be consistent with the designation applicable to the site, bringing the site's zoning and present land use (with exception to the commercial use) into conformity. Approval of the annexation would allow the change of zone to become effective upon consummation of the annexation.

ENVIRONMENTAL: The Environmental Coordinator, on June 27, 2005, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, no comments have been received.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING:
March 19, 2004

DATE ACCEPTED AS COMPLETE: June 27, 2005

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460.

2. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.
3. Approve the draft ordinance approving Zone Change 10-2005, waive further reading and order the ordinance to print.

ATTACHMENTS:

1. Subject Site and Land Use Map
2. Negative Declaration and Initial Study
3. Draft Resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460
4. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application for Annexation 460 with LAFCo.
INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION

for the

ANNEXATION NO. 460
GIBBONS AND INDIANA

June 2005

Lead Agency:  City of Porterville
c/o Bradley Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA  93257

Consultant:  Quad Knopf
P.O. Box 3699
Visalia, CA  93277

Contact Person:  Julie Boyle
Phone:  (559) 733-0440
Fax:  (559) 733-7821
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Notice of Intent to Adopt Negative Declaration

Lead Agency:
City of Porterville
291 N. Main Street
Porterville, CA 93257
Bradley Dunlap, Community Development Dir.
(559) 782-7460

Consulting Firm (if applicable):
Quad Knopf, Inc.
5110 W. Cypress Ave.
Visalia, CA 93277
Julie Boyle, Environmental Planner
(559) 733-0440

The City of Porterville is the lead agency on the project described below and intends to adopt a mitigated negative declaration. The project description, location and the potential environmental effects are contained in the attached initial study.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 20 days after receipt of this notice. The review period for the mitigated negative declaration will be from June 29, 2005 to July 19, 2005. Copies of the negative declaration can be reviewed at the City of Porterville, 291 North Main Street; the Porterville Library, 41 West Thurman Street; and the Tulare County Clerk’s Office, 221, S. Mooney Boulevard, Visalia.

Please send your response to Bradley Dunlap, Community Development Director, at the address shown above. Please provide the name for a contact person in your agency.

Project Title: Annexation No. 460 – Gibbons and Indiana

Project Location: East and west of Indiana Street, north of the Gibbons Avenue alignment in the City of Porterville, Tulare County, California.

Project Description: The proposed project is the annexation of approximately 87 acres of land into the City of Porterville. The mitigated negative declaration will describe the environmental consequences of the annexation. Each of the affected parcels will be pre-zoned to conform to the Land Use Element of the City of Porterville’s General Plan.

Date June 27, 2005
Signature
Title Community Development Director
Telephone (559) 782-7460
CHAPTER ONE

PROJECT DESCRIPTION
CHAPTER ONE – PROJECT DESCRIPTION

Introduction

This Initial Study has been prepared under the direction of the City of Porterville (City), the lead agency under the California Environmental Quality Act (CEQA), to analyze the potential effects of an annexation of six parcels with a combined area of 87± acres. The City has determined that although the project could have a significant effect on the environment, effects would be reduced to less than significant because revisions in the project have been made by or agreed to by the project proponent. Therefore, a Mitigated Negative Declaration will be prepared. Any person may object to the determination to forego the preparation of an EIR or may respond to the findings contained in the Initial Study/Mitigated Negative Declaration. Further information relating to the proposed project is on file at Porterville City Hall. Any person wishing to examine or obtain a copy of any available information, or seeking information as to time and manner to so object or respond, may do so by inquiring at City Hall.

Location

The parcels included in the proposed annexation are located immediately southwest of the City of Porterville in Tulare County generally east and west of Indiana Street, north of the Gibbons Avenue alignments (Figure 1-1).

Project Objectives

The City of Porterville is seeking annexation of the subject parcels to facilitate the logical and orderly growth of the city in conformance with the General Plan and adopted Sphere of Influence.

Project Description

The City proposes to annex and pre-zone six parcels and adjacent streets totaling approximately 87 acres. The Land Use Element of the General Plan designates the northerly four parcels (52± acres) for Low Density Residential uses which corresponds to the R-1 (One Family Residential) zone. The southerly two parcels (35± acres) are designated for Rural Density Residential uses, which corresponds to the RE (Residential Estate) zone.

The parcels are currently within the AE-20 (Exclusive Agriculture 20 Acre Minimum) zone (35± acres); the P-D-R-A-217 (Planted Development-Rural Residential-5 Acre Minimum) zone (14± acres); and the R-O-43 (Single Family Residential Estate-One Acre Minimum) zone (Figure 1-2 and Figure 1-3).
CHAPTER TWO

ENVIRONMENTAL SETTING AND REGULATIONS
CHAPTER TWO - ENVIRONMENTAL SETTING AND REGULATIONS

Topography of the Region

The project site is located within southern Tulare County in the southern San Joaquin Valley, at the western base of the Sierra Nevada Mountains. The topography of this portion of Tulare County is typical of the Southern San Joaquin Valley. According to the U.S.G.S. Porterville Quadrangle, Mount Diablo Base and Meridian, the project site is relatively flat with an average elevation between 430 and 450 feet above sea level.

Land Use

Surrounding parcels are primarily developed to the full range of urban land uses, with single family residences predominating.

The subject site is primarily vacant land, with two single family residences and several outbuildings. Portions of the northerly parcel have been in recent cultivation. Surrounding land uses include:

North: Rural and urban Density Residential Uses
East: Developing Rural Density Residential Subdivision (Meadow Breeze), Vacant Land
South: Orchards, Vacant Land, Cemetery, Commercial Business
West: State Highway 65, Orchards, Vacant Land, Urban Density Residential Use

Regulatory Setting

In compliance with the California Environmental Quality Act, appropriate environmental regulations will be met. The following list provides reference to some of these regulations.

California Environmental Quality Act Statutes and Guidelines – PRC, Division 13, Sections 21000-21177 and 14 CCR, Division 6, Chapter 3, Sections 15000 – 15387.

Air Quality: 17 CCR § 90700, San Joaquin Valley Air Pollution Control District regulations.

Cultural Resources: PRC § 21083.2, 14, CCR § 4852

Water Quality: 23 CCR Division3, Division 4; California Water Code, Division, 1, 2, 6, 7, 24, 26

Land Use, Noise, Aesthetics: City of Porterville General Plan and City of Porterville Zoning Ordinance.
CHAPTER THREE

ENVIRONMENTAL IMPACTS
CHAPTER THREE – ENVIRONMENTAL IMPACTS

ENVIRONMENTAL CHECKLIST

1. Project title:
   Annexation No. 460 – Gibbons and Indiana

2. Lead agency name and address:
   City of Porterville
   291 North Main Street
   Porterville, CA 93257

3. Contact person and phone number:
   Bradley Dunlap, AICP, Community Development Director
   (559) 782-7460

4. Project location:
   The project is located immediately southwest of the City of Porterville, in Tulare County, California.

5. Project sponsor's name and address:
   City of Porterville
   291 West Main Street
   Porterville, CA 93257

6. County General Plan designation: Rural Residential
   City of Porterville General Plan designation: - Low Density Residential, Rural Density Residential

   Proposed City of Porterville Zoning - R-1, RE

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
   The proposed project is the annexation of approximately 87 acres into the City of Porterville. The mitigated negative declaration will describe the environmental consequences of the annexation and development of the parcels. Each of the affected parcels will be pre-zoned to conform to the Land Use Element of the City of Porterville’s General Plan.

   As no specific development has been proposed, the environmental analysis assumes construction to typical densities for the proposed General Plan and Zoning classifications. Approximately 52 acres of the subject site are
designated for Low Density Residential development and will be pre-zoned to R-1 (One Family Residential). The assumed density of development for this portion of the site is four (4) single family residences per acre. The remaining 35 acres of the subject site are designated for Rural Density Residential development and will be pre-zoned to RE (Residential Estate). The assumed density of development in this area is two (2) units per acre. This yields a likely maximum development of 278 single family residences.

9. Surrounding land uses and setting: (Briefly describe the project's surroundings):
   Surrounding land uses include agriculture, predominately orchards; rural residential; urban residential; and State Highway 65.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
   Tulare County LAFCo

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- [ ] Aesthetics
- [x] Agriculture Resources
- [x] Air Quality
- [x] Biological Resources
- [x] Cultural Resources
- [ ] Geology /Soils
- [ ] Hazards & Hazardous Materials
- [ ] Hydrology / Water Quality
- [x] Land Use / Planning
- [ ] Mineral Resources
- [ ] Noise
- [x] Population / Housing
- [ ] Public Services
- [ ] Recreation
- [ ] Transportation / Traffic
- [ ] Utilities / Service Systems
- [ ] Mandatory Findings of Significance
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

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

Signature

Date 6/21/05

Signature

Date
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?

Response a), b), c): The subject site is not located in the vicinity of a scenic vista, scenic corridor, or other aesthetically sensitive feature.

Response d): The proposed annexation will facilitate residential development of the subject site, such development will include street lighting and outdoor residential lighting to typical urban standards. Such impacts will be less than significant due to the application of City of Porterville design standards and Section 2618(E) of the Zoning Ordinance which requires outdoor lighting to be directed away from adjacent properties and roadways.
II. AGRICULTURE 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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. 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?

Response a): Two of the affected parcels are of sufficient size to sustain economically viable agricultural production (ten acres of prime farm land and forty acres of non-prime farm land per the Tulare County Rural Valley Lands Plan). The southerly parcel, APN No. 168-110-018 consists of 30± acres of Tujunga Sand and San Joaquin loam. Both soil types are an agricultural capability rating of III, which is non-prime. The northerly parcel, APN No. 269-120-002 consists of 35± acres of Tujunga Sand and San Emigdio Loam. San Emigdio loam has an agricultural capability rating of I, which indicates the site is Prime Agricultural Land. The northerly parcel is also subject to a Williamson Act agricultural preserve (No. 3665) and Land Conservation Contract (No. 10861). The City of Porterville successfully protested the agricultural preserve and land conservation contract upon their formation. Therefore, annexation of the property will automatically terminate the contract.

The subject site is within the Urban Development Boundary (20-year growth line) and the Sphere of Influence of the City of Porterville. The prime agricultural portion of the subject site is surrounded by urban land uses in all four directions. As the proposed conversion of prime agricultural land affects an infill land of modest size, the potential effect is less than significant.
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:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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</tr>
<tr>
<td>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)?</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>☐</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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</table>

Response a), b), c), and d): The project will facilitate the development of several vacant or cultivated properties for residential uses in conformance with the residential densities permitted by the Porterville General Plan. Such development has the potential to impact air quality both through short term construction activities, primarily through the generation of dust (PM_{10}). In addition, residential development is accompanied by additional traffic generation, which is a primary source of smog precursors such as Reactive Organic Gasses (ROG) and Nitrogen Oxides (NOx).

The anticipated development of the subject site was analyzed in accordance with the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). As noted, in the project description, the proposed pre-zoning may accommodate additional development of up to 278 dwelling units as provided by the City of Porterville General Plan.

The GAMAQI establishes a maximum of 152 single family residences to qualify for consideration at the Small Project Analysis Level (SPAL). Projects exceeding this limit are analyzed using the Cursory...
Analysis Level (CAL) which requires the following steps:

- Conduct URBEMIS model run.
- Screen project for CO impact.
- Perform screening analysis of potential toxics, hazardous materials, and odor impacts.
- If demolition or renovation of existing buildings is proposed, contact the District for asbestos requirements.
- Identify mitigation measures.

If the above process indicates that the project will have a potentially significant impact on air quality, a Full Analysis Level (FAL) Air Quality Study is performed.

The project was analyzed using URBEMIS, a modeling program developed by the California Air Resources Board for this purpose. Based on the expected development, the model yielded the following predictive results:

- ROG 24.47 tons/yr
- NOx 9.91 tons/yr
- CO 115.69 tons/yr
- SO2 0.17 tons/yr
- PM10 12.13 tons/yr

The thresholds of significance set by the SJVUAPCD for ROG and NOx are 10 tons/year for each constituent. Mitigation measures will be required in order to avoid a finding of a potentially significant effect. The default values used by the URBEMIS 2000 model assume that 35% of new homes will be equipped with wood stoves and that 10% of the homes will be equipped with wood burning fireplaces. Changes in the marketplace and evolving regulation of the SJVUAPCD have made such features less common. The model was run a second time assuming that none of the 278 homes will be equipped with wood stoves or wood burning fireplaces. The results were as follows:

- ROG 8.73 tons/yr
- NOx 9.30 tons/yr
- CO 77.71 tons/yr
- SO2 0.07 tons/yr
- PM10 6.3 tons/yr

The GAMAQI suggests that a formal CO study is only necessary where an intersection in the project vicinity will be reduced to Level of Service E or F. The traffic analysis (See Section XV) for this project does not indicate that such a result is likely.

There is no adopted numerical threshold of significance for PM10. As the project does not require unusual grading practices, and does not violate the thresholds of significance for other, vehicle related...
emissions, the project may be determined to have a less than significant effect from operations. Construction related impacts to PM\textsubscript{10} are controlled through the enforcement of SJVUAPCD Regulation VIII which establishes a number of mandatory construction practices. Compliance with Regulation VIII is sufficient to reduce the potential impact of development of the subject site to less than significant levels.

Mitigation Measures:

1. Discretionary approvals of development proposals within the subject area shall include conditions of approval prohibiting the installation of wood stoves and wood burning fireplaces. Upon review of future proposals, alternative mitigation measures may be designed and adopted, provided that such measures are adequate to reduce the total impact of development on the subject site to less than 10 tons per year of ROG and 10 tons per year of NOx.

2. All development on the subject site shall be conducted in compliance with the standard and optional sections of SJVUAPCD Regulation VIII with regard to the control of fugitive dust and PM\textsubscript{10} generation.

Development of the site was environmentally assessed for air quality impacts as part of the Porterville General Plan EIR (see SCH #89081408, page 36). Cumulative impacts were determined to be significant and they remain so.

Response e): The proposed project will not create objectionable odors, nor are such odors present in areas proposed for development.
### IV. BIOLOGICAL RESOURCES

Would the project:

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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
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</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
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<tr>
<td>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?</td>
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<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>☐</td>
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<td>☐</td>
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<tr>
<td>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?</td>
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</table>
Response a), b), c), d), e), f): The subject site is largely surrounded by urban development with State Hwy 65 acting as a substantial barrier to wildlife migration to the west. The subject site has been in active agricultural production for many years and has been regularly disced for weed control. Such activity typically precludes the establishment of natural habitat or wildlife corridors. However, the City is aware of prior reports of the presence of San Joaquin Kit Fox in the general vicinity of the annexation area.

Mitigation Measures:

1. Prior to development, a reconnaissance biological survey shall be conducted to determine the presence or absence of any species of concern. Appropriate mitigation measures should be integrated into the project at the time of project design and implemented with construction of the project.
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? □ ▏ ☐ ☐

Response a), b), c), d): The proposed project site has been previously graded for agriculture, and there will be minimal disturbance of the land to implement the project. As per the CEQA Guidelines, if, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall then be contacted and advise the City of the site’s significance. If the findings are deemed significant by the City’s Environmental Coordinator, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.
VI. GEOLOGY AND SOILS  – Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<tr>
<td>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.</td>
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<tr>
<td>ii) Strong seismic ground shaking?</td>
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<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<tr>
<td>iv) Landslides?</td>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<tr>
<td>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?</td>
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<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2001), creating substantial risks to life or property?</td>
<td>☐</td>
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<tr>
<td>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?</td>
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</tbody>
</table>
Response a)i), iii), iv): The proposed project sites are located in a relatively seismically quiet area of California. No faults are known to exist within the project area. Any new development will be required to comply with current construction codes. Thus, the project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, or seismic ground failure.

Response a)ii): The topography of the project site(s) is relatively flat and not subject to landslides.

Response b): The subject site is relatively flat, and all affected soils are associated with a slight risk of erosion. In addition, all development on the subject site will be required to comply with local, state and federal grading regulations. Compliance with such regulations is sufficient to reduce the risk of substantial erosion to less than significant levels.

Response c): Soil in the proposed project site is generally well drained and underlain with hardpan. Landslides, lateral spreading, subsidence, liquefaction, and expansion will not occur with this type of soil.

Response d): The Soil Survey of Tulare County completed by the U.S. Department of Agriculture shows that most soils in the project area are appropriate for the existing and proposed degree of development.

Response e): The Municipal Code requires new development within the City of Porterville to connect to the municipal sewer system.
## VII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☒</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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</tbody>
</table>
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?

<table>
<thead>
<tr>
<th>Issues</th>
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<th>No Impact</th>
</tr>
</thead>
</table>

Response a), b), c), d): The proposed project will not involve use of hazardous materials.

Response e): The southerly portions of Annexation #460 are located within the H (Horizontal) Zone of the Porterville Municipal Airport Land Use Plan. The northerly portions of the subject site are within the C (Conical) Zone. Both the H Zone and the C Zone generally restrict development greater than 150 feet above the elevation of the runway. No such development is anticipated or permitted as a result of this project.

Response f): The proposed project site is not in the vicinity of a private airstrip.

Response g): Development of the subject site will include improvements to Indiana Street, which will improve access to State Highway 65, which is a designated evacuation route. There is no potential for the project or subsequent development to interfere with an emergency response plan.

Response h): The proposed project sites are surrounded by developed urban land uses. Therefore, the project will not result in risk of loss, injury, or death involving wildland fires.
### VIII. HYDROLOGY AND WATER QUALITY – Would the project:

<table>
<thead>
<tr>
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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>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)?</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>
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? □ □ □ ☒

Response a) b) c) d) e) f): The subject site is within the boundaries of the City of Porterville Water Master Plan. Adequate water supplies have been identified and water infrastructure has been installed or planned to accommodate full development of the site as designated by the City of Porterville General Plan. Funding mechanisms, including the imposition of developer impact fees have been identified to ensure the timely construction of facilities required by the Master Plan but not yet constructed. The portion of the subject site north of the Poplar Ditch is within the City of Porterville Storm Drain Master Plan. Appropriate infrastructure has been planned to accommodate full development of that portion of the subject site as designated by the City of Porterville General Plan. The portion of the subject site south of the Poplar Ditch (the Rural Density Residential area) is outside of the boundaries of the Storm Drain Master Plan. In such cases, the Subdivision Ordinance requires a developer to design on-site or private off-site drainage facilities, including piping, drainage basins and other features, as necessary. Specific design of storm drainage facilities in this area is deferred to the Tentative Subdivision Map stage so that an accurate assessment of the potential impact and appropriate mitigation measures may be designed.

Response g) h) i): Portions of Annexation No. 460 are identified on the FEMA F.I.R.M. maps as being within Flood Zone A, the 100-year flood. The affected area is adjacent to and south of the Poplar Ditch, along a naturally depressed drainage running south and southeast. No alteration to the flood carrying capacity of Poplar Ditch is proposed. Any development on the subject site will be required to comply with the City of Porterville Flood Damage Prevention Ordinance which requires residential development to be raised above the base flood elevation. On site drainage and/or extension of the municipal storm drainage system will be required upon development.

Response j): The topography of the City of Porterville and the subject site precludes such occurrences.
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<thead>
<tr>
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<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
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<tbody>
<tr>
<td>IX. LAND USE AND PLANNING – Would the project:</td>
<td></td>
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<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
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</table>

Response a): Development of the subject site will extend and integrate existing and developing neighborhoods.

Response b): Annexation and development of the subject site is consistent with the Porterville General Plan and the adopted Sphere of Influence.

Response c): There are no conservation plans in effect for the subject site.
### X. MINERAL RESOURCES

Would the project:

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</thead>
<tbody>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
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<td>☒</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

*Response a) b*: There are no mineral resources or mineral resource recovery sites in the project area.
XI. 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?

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?

Response a), b), c), d): Portions of the subject site are adjacent to State Highway 65 and the Gibbons Avenue/Indiana Street intersection. Both routes are sources of potentially significant traffic noise impacts to the anticipated residential development following annexation. The noise impact from Gibbons Avenue and Indiana Street will primarily result from the anticipated improvement of the corridor along Jaye Street, Gibbons Avenue, Indiana Street, and Scranton Avenue to State Highway 65 as a major truck route. The Noise Element of the General Plan identifies the 60 dB contour of State Highway 65 as 542 feet from the centerline of the highway in 2010.

The Zoning Ordinance requires the construction of a concrete block wall to a minimum height of ten feet along the boundary between a state highway and a residential subdivision. In addition, the Noise...
**Issues** | **Potentially Significant Impact** | **Less Than Significant with Mitigation Incorporation** | **Less Than Significant Impact** | **No Impact**
---|---|---|---|---

Element of the General Plan prohibits the construction of new noise generating uses or noise sensitive uses, which would result in a noise impact greater than 60 dB at a residential property line.

In order to determine the magnitude of the potential impact and the appropriate design of mitigation measures, it is necessary to evaluate the roadways in context with the proposed residential development. For example, the effectiveness of sound attenuation walls varies according to their placement between noise generators and noise receptors.

**Mitigation Measure:**

1) The City of Porterville shall impose the minimum requirement of a ten foot tall concrete block wall along the boundary of any proposed subdivision adjacent to State Highway 65.

2) The City of Porterville shall require a site specific noise impact study to be performed prior to the consideration of any proposed discretionary development permit any parcel within 600 feet of the centerline of State Highway 65 and/or the intersection of Gibbons Avenue and Indiana Street.

Response e): Portions of the subject site are with the Horizontal (H) Zone and the Conical (C) Zone of the Porterville Municipal Airport Land Use Plan. Single family residential development is identified as an appropriate land use in those zones. No significant noise impact from aircraft will occur.

Response f): The subject site is not with the vicinity of a private airstrip.
### XII. 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)?

  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant with Mitigation Incorporation
  - [X] Less Than Significant Impact
  - [ ] No Impact

- **b)** Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant with Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [X] No Impact

- **c)** Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

  - [ ] Potentially Significant Impact
  - [ ] Less Than Significant with Mitigation Incorporation
  - [ ] Less Than Significant Impact
  - [X] No Impact

*Response a)*: The proposed project would accommodate growth as anticipated in the City of Porterville General Plan. Historically, the City of Porterville has grown at a rate of approximately 2.5% per year. The project will not induce unanticipated or accelerated growth.

*Response b), c)*: No substantial displacement of existing housing or people, which would necessitate the construction of replacement housing, will occur.
XIII. PUBLIC SERVICES – 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:

<table>
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<tbody>
<tr>
<td>Fire protection?</td>
<td>⬜</td>
<td>⬜</td>
<td>⬜</td>
<td>☑</td>
</tr>
<tr>
<td>Police protection?</td>
<td>⬜</td>
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<td>⬜</td>
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<tr>
<td>Schools?</td>
<td>⬜</td>
<td>⬜</td>
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<tr>
<td>Parks?</td>
<td>⬜</td>
<td>⬜</td>
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<td>☑</td>
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<tr>
<td>Other public facilities?</td>
<td>⬜</td>
<td>⬜</td>
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</table>

Response: Annexation of the subject sites will transfer responsibility for providing basic governmental services from the County of Tulare to the City of Porterville. The demand for services will increase as development occurs. Development of the subject site is anticipated in the General Plan. The County of Tulare Board of Supervisors is considering a tax sharing agreement to shift a portion of the existing property tax revenues from developed parcels from the County to the City of Porterville. In addition, the City of Porterville imposes a Utility Users Tax to fund basic City services. Development related improvements are fueled through the imposition of development impact fees for schools, sewer, water, storm drainage and traffic.
XIV. RECREATION – Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

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<tbody>
<tr>
<td>a) Increase the use of existing neighborhood and regional parks or</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td>☐</td>
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<tr>
<td>other recreational facilities such that substantial physical</td>
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<tr>
<td>deterioration of the facility would occur or be accelerated?</td>
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</table>

b) Include recreational facilities or require the construction or     | ☐                              | ☐                                                | X                           | ☐         |
| expansion of recreational facilities which might have an adverse      |                                |                                                  |                             |           |
| physical effect on the environment?                                  |                                |                                                  |                             |           |

Response a), b): The proposed annexation of the proposed sites will not induce significant growth and will not substantially alter the need or demand for recreational facilities.
<table>
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<th>Issues</th>
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<tbody>
<tr>
<td><strong>XV. TRANSPORTATION/TRAFFIC</strong> – Would the project:</td>
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<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>☐</td>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
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<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
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</tbody>
</table>
Response a) b): Eventual development of the site with single family residential uses is anticipated to result in additional daily drips. Based on the Circulation Element of the City of Porterville General Plan, single family residential uses are assumed to generate 9.55 daily trips per unit. Based on the permitted residential densities and typical development patterns within the City of Porterville, it is anticipated that the annexation will accommodate approximately 278 single family residences. This development will generate approximately 2,655 daily trips. Each of the subject parcels will have primary access from Indiana Street. As a condition of development, Indiana Street will be improved to full Collector standards (a sixty foot right of way with one travel lane and one parking lane in each direction) along the developed frontage. Southbound traffic will follow Indiana Street to Scranton Avenue, then to State Highway 65 along existing streets which are anticipated to be developed to arterial standards. Some northbound traffic will follow Indiana Street to Poplar Avenue (a designated Collector) and then to Jaye Street. Indiana Street and Gibbons Avenue are currently operating at Level of Service A.

The Poplar Avenue/Jaye Street intersection is currently operating at an unacceptable Level of Service due to traffic volume, intersection geometry and the mix of truck and auto traffic. Road improvement projects have been identified by the City of Porterville as necessary and appropriate to correct the existing and anticipated intersection failures along Jaye Street. Funding for such improvements is anticipated from a combination of sources as identified in the Circulation Element.

Although a detailed analysis of the potential traffic impacts of development cannot be carried out until a specific development plan has been submitted, impacts may occur to the Poplar Avenue/Jaye Street intersection.

Mitigation Measures:

1. Any development on the subject site will be required to pay the adopted development impact fees for traffic. Such fees will be used to fund a portion of the road improvements necessary to accommodate planned growth in the community.

2. Prior to the consideration of discretionary permits for development, including Tentative Subdivision Maps, projects will be evaluated for traffic impacts and a project specific Traffic Impact Study will be performed based upon the number of trips expected to be generated and to identify short-term improvements that are needed to accommodate the project.

Response c): The subject site is within the Horizontal (H) Zone and the Conical (C) Zone as designated by the Porterville Municipal Airport Master Plan. Residential development is identified as an acceptable use in both zones.
<table>
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<tr>
<th>Issues</th>
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</table>

Response d) e) f) g): All on-site and off-site road improvements, including pedestrian and parking facilities, will be required to be designed and constructed in accordance with the City of Porterville Zoning Ordinance, Subdivision Ordinance, Municipal Code and adopted Plans and Specifications. Such standards provide adequate protection for motorists, pedestrians, and bicyclists as well as sufficient parking capacity, emergency access and transit facilities where needed.
### XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

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<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
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<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
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</table>

Response a) b) d) e): The subject site is within the boundaries of the Sewer and Water Master Plans. In 1994, the capacity of the City of Porterville Wastewater Treatment Plant was increased from 4 million gallons per day to 8 million gallons per day. Current use is 4.6 million gallons per day. At this rate, sufficient capacity is available to handle a population of approximately 71,000 people. As infill...
development and redevelopment occur throughout the annexation areas, the sewer, water and storm drainage systems will be extended as necessary to accommodate new construction. Funding mechanisms have been identified in the Master Plans to ensure that system development keeps pace with population growth.

The City of Porterville provides water through groundwater pumping, recharged through annual precipitation and recharge programs operated by local irrigation companies. Per the Master Plan, new wells are developed as demand for water increases.

Response c): The northerly portion of the subject site (north of the Poplar Ditch) is within the boundary of the Storm Drain Master Plan. Infrastructure to serve this area has been designated and funding sources have been identified to ensure that construction occurs as needed to serve additional development. The parcels south of the Poplar Ditch (in the area designated for Rural Density Residential development) are outside the boundary of the Storm Drain Master Plan. In that area, the Municipal Code requires that all drainage be accommodated on-site whenever new development is proposed.

Response f) g): All areas proposed for annexation currently receive solid waste services from a private company through a contract with the County of Tulare. Responsibility for providing that service will transition to the City of Porterville over a five-year period following annexation. Both the private and public solid waste services make use of the Teapot Dome Landfill operated by the County of Tulare. Adequate capacity exists in that landfill for additional development.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVII. MANDATORY FINDINGS OF SIGNIFICANCE –</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; 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)?</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Response a): The preceding analyses confirm that the project will have a less than significant impact on hydrology and water quality. No natural habitat occurs on the subject site.

Response b): The project does not create or contribute to cumulatively considerable impacts with the mitigation measures as identified.

Response c): No such impacts have been identified in the preceding environmental analysis.
APPENDICES
Appendix A

Air Quality URBEMIS Model Results
SUMMARY REPORT
(Pounds/Day - Summer)

AREA SOURCE EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (lbs/day, unmitigated)</td>
<td>14.22</td>
<td>3.53</td>
<td>4.57</td>
<td>0.10</td>
<td>0.01</td>
</tr>
</tbody>
</table>

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (lbs/day, unmitigated)</td>
<td>32.55</td>
<td>40.42</td>
<td>410.29</td>
<td>0.35</td>
<td>34.51</td>
</tr>
<tr>
<td>TOTALS (lbs/day, mitigated)</td>
<td>32.24</td>
<td>39.99</td>
<td>405.85</td>
<td>0.35</td>
<td>34.13</td>
</tr>
</tbody>
</table>

SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTALS (lbs/day, unmitigated)</td>
<td>46.77</td>
<td>43.95</td>
<td>414.87</td>
<td>0.45</td>
<td>34.52</td>
</tr>
</tbody>
</table>

Both Area and Operational Mitigation must be turned on to get a combined mitigated total.
### SUMMARY REPORT
(Tons/Year)

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AREA SOURCE EMISSION ESTIMATES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>18.31</td>
<td>1.25</td>
<td>38.53</td>
<td>0.11</td>
<td>5.83</td>
</tr>
<tr>
<td><strong>OPERATIONAL (VEHICLE) EMISSION ESTIMATES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>6.16</td>
<td>8.66</td>
<td>77.16</td>
<td>0.06</td>
<td>6.30</td>
</tr>
<tr>
<td>TOTALS (tpy, mitigated)</td>
<td>6.10</td>
<td>8.56</td>
<td>76.33</td>
<td>0.06</td>
<td>6.23</td>
</tr>
<tr>
<td><strong>SUM OF AREA AND OPERATIONAL EMISSION ESTIMATES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>24.47</td>
<td>9.91</td>
<td>115.69</td>
<td>0.17</td>
<td>12.13</td>
</tr>
</tbody>
</table>

Both Area and Operational Mitigation must be turned on to get a combined mitigated total.
File Name: L:\Projects\2004\04617\BG04a Gibbons-Indiana\UrbemisRun.urb
Project Name: Annexation 460 - Indiana and Gibbons
Project Location: San Joaquin Valley
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Tons/Year)

<table>
<thead>
<tr>
<th>AREA SOURCE EMISSION ESTIMATES</th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Natural Gas</td>
<td>0.05</td>
<td>0.64</td>
<td>0.27</td>
<td>-</td>
<td>0.00</td>
</tr>
<tr>
<td>Wood Stoves</td>
<td>2.98</td>
<td>0.47</td>
<td>23.20</td>
<td>0.08</td>
<td>3.90</td>
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<tr>
<td>Fireplaces</td>
<td>12.77</td>
<td>0.14</td>
<td>14.08</td>
<td>0.02</td>
<td>1.93</td>
</tr>
<tr>
<td>Landscaping</td>
<td>0.03</td>
<td>0.00</td>
<td>0.28</td>
<td>0.01</td>
<td>0.00</td>
</tr>
<tr>
<td>Consumer Prdcts</td>
<td>2.48</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>TOTALS (tpy, unmitigated)</td>
<td>18.31</td>
<td>1.25</td>
<td>38.53</td>
<td>0.11</td>
<td>5.83</td>
</tr>
</tbody>
</table>
### UNMITIGATED OPERATIONAL EMISSIONS

<table>
<thead>
<tr>
<th></th>
<th>ROG</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family housing</td>
<td>6.16</td>
<td>8.66</td>
<td>77.16</td>
<td>0.06</td>
<td>6.30</td>
</tr>
</tbody>
</table>

**TOTAL EMISSIONS** (tons/yr) | 6.16 | 8.66 | 77.16| 0.06 | 6.30 |

Does not include correction for passby trips.
Does not include double counting adjustment for internal trips.

### OPERATIONAL (Vehicle) EMISSION ESTIMATES

**Analysis Year:** 2005  **Temperature (F):** 85  **Season:** Annual

**EMFAC Version:** EMFAC2002 (9/2002)

**Summary of Land Uses:**

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Trip Rate</th>
<th>Size</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family housing</td>
<td>9.55 trips / dwelling units</td>
<td>278.00</td>
<td>2,654.90</td>
</tr>
</tbody>
</table>

**Vehicle Assumptions:**

**Fleet Mix:**

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Percent Type</th>
<th>Non-Catalyst</th>
<th>Catalyst</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Auto</td>
<td>56.10</td>
<td>2.30</td>
<td>97.10</td>
<td>0.60</td>
</tr>
<tr>
<td>Light Truck &lt; 3,750 lbs</td>
<td>15.10</td>
<td>4.00</td>
<td>93.40</td>
<td>2.60</td>
</tr>
<tr>
<td>Light Truck 3,751-5,750</td>
<td>15.50</td>
<td>1.90</td>
<td>96.80</td>
<td>1.30</td>
</tr>
<tr>
<td>Med Truck 5,751-8,500</td>
<td>6.80</td>
<td>1.50</td>
<td>95.60</td>
<td>2.90</td>
</tr>
<tr>
<td>Lite-Heavy 8,501-10,000</td>
<td>1.00</td>
<td>0.00</td>
<td>80.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Lite-Heavy 10,001-14,000</td>
<td>0.30</td>
<td>0.00</td>
<td>66.70</td>
<td>33.30</td>
</tr>
<tr>
<td>Med-Heavy 14,001-33,000</td>
<td>1.00</td>
<td>10.00</td>
<td>20.00</td>
<td>70.00</td>
</tr>
<tr>
<td>Heavy-Heavy 33,001-60,000</td>
<td>0.80</td>
<td>0.00</td>
<td>12.50</td>
<td>87.50</td>
</tr>
<tr>
<td>Line Haul &gt; 60,000 lbs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Urban Bus</td>
<td>0.10</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>1.60</td>
<td>87.50</td>
<td>12.50</td>
<td>0.00</td>
</tr>
<tr>
<td>School Bus</td>
<td>0.30</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Motor Home</td>
<td>1.40</td>
<td>14.30</td>
<td>78.60</td>
<td>7.10</td>
</tr>
</tbody>
</table>

**Travel Conditions**

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Work Shop</td>
<td>7.3</td>
<td>7.4</td>
</tr>
<tr>
<td>Home-Other Shop</td>
<td>7.5</td>
<td>6.6</td>
</tr>
<tr>
<td>Commute</td>
<td>9.5</td>
<td>35.0</td>
</tr>
<tr>
<td>Non-Work Customer</td>
<td>7.4</td>
<td>35.0</td>
</tr>
<tr>
<td>Customer</td>
<td>7.4</td>
<td>35.0</td>
</tr>
</tbody>
</table>

| Urban Trip Length (miles) | 10.8 | 7.3 | 7.5 | 9.5 | 7.4 | 7.4 |
| Rural Trip Length (miles) | 16.8 | 7.1 | 7.9 | 14.7 | 6.6 | 6.6 |
| Trip Speeds (mph)       | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 |
| % of Trips - Residential | 32.9 | 18.0 | 49.1 |
**MITIGATED OPERATIONAL EMISSIONS**

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>NOx</th>
<th>CO</th>
<th>SO2</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
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<td>76.33</td>
<td>0.06</td>
<td>6.23</td>
</tr>
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<td>TOTAL EMISSIONS (tons/yr)</td>
<td>6.10</td>
<td>76.33</td>
<td>0.06</td>
<td>6.23</td>
</tr>
</tbody>
</table>

**OPERATIONAL (Vehicle) EMISSION ESTIMATES**

Analysis Year: 2005  Temperature (F): 85  Season: Annual


Summary of Land Uses:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Trip Rate</th>
<th>Size</th>
<th>Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family housing</td>
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<td>2,654.90</td>
</tr>
</tbody>
</table>

Vehicle Assumptions:

**Fleet Mix:**

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Percent Type</th>
<th>Non-Catalyst</th>
<th>Catalyst</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Auto</td>
<td>56.10</td>
<td>2.30</td>
<td>97.10</td>
<td>0.60</td>
</tr>
<tr>
<td>Light Truck &lt; 3,750 lbs</td>
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<td>1.90</td>
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</tr>
<tr>
<td>Med Truck 5,751-8,500</td>
<td>6.80</td>
<td>1.50</td>
<td>95.60</td>
<td>2.90</td>
</tr>
<tr>
<td>Lite-Heavy 8,501-10,000</td>
<td>1.00</td>
<td>0.00</td>
<td>80.00</td>
<td>20.00</td>
</tr>
<tr>
<td>Lite-Heavy 10,001-14,000</td>
<td>0.30</td>
<td>0.00</td>
<td>66.70</td>
<td>33.30</td>
</tr>
<tr>
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<td>1.00</td>
<td>10.00</td>
<td>20.00</td>
<td>70.00</td>
</tr>
<tr>
<td>Heavy-Heavy 33,001-60,000</td>
<td>1.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Line Haul &gt; 60,000 lbs</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Urban Bus</td>
<td>0.10</td>
<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>1.60</td>
<td>87.50</td>
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<td>0.00</td>
</tr>
<tr>
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<td>0.00</td>
<td>0.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Motor Home</td>
<td>1.40</td>
<td>14.30</td>
<td>78.60</td>
<td>7.10</td>
</tr>
</tbody>
</table>

Travel Conditions

<table>
<thead>
<tr>
<th>Urban Work</th>
<th>Home-Shop</th>
<th>Home-Other</th>
<th>Commute</th>
<th>Non-Work</th>
<th>Customer</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.8</td>
<td>7.1</td>
<td>7.9</td>
<td>14.7</td>
<td>7.4</td>
<td>7.4</td>
</tr>
<tr>
<td>Rural Length (miles)</td>
<td>7.3</td>
<td>7.5</td>
<td>9.5</td>
<td>7.4</td>
<td>7.4</td>
</tr>
<tr>
<td>Trip Speeds (mph)</td>
<td>35.0</td>
<td>35.0</td>
<td>30.0</td>
<td>35.0</td>
<td>35.0</td>
</tr>
<tr>
<td>% of Trips - Residential</td>
<td>32.9</td>
<td>18.0</td>
<td>49.1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ENVIRONMENTAL FACTORS APPLICABLE TO THE PROJECT

Pedestrian Environment

2.0  Side Walks/Paths: Most Destinations Covered
1.0  Street Trees Provide Shade: Moderate Coverage
1.0  Pedestrian Circulation Access: Few Destinations
0.0  Visually Interesting Uses: No Uses within Walking Distance
0.5  Street System Enhances Safety: Few Streets
0.5  Pedestrian Safety from Crime: Some Degree of Safety
0.5  Visually Interesting Walking Routes: Minor Level

5.5  <- Pedestrian Environmental Credit
5.5  /19 = 0.3  <- Pedestrian Effectiveness Factor

Transit Service

0.0  Transit Service: Dial-A-Ride or No Transit Service

0.0  <- Transit Effectiveness Credit
5.5  <- Pedestrian Factor
5.5  <-Total
5.5  /110 = 0.1  <-Transit Effectiveness Factor

Bicycle Environment

0.0  Interconnected Bikeways: No Bikeway Coverage
0.0  Bike Routes Provide Paved Shoulders: No Routes
0.0  Safe Vehicle Speed Limits: No Routes Provided
0.0  Safe School Routes: No Schools
1.0  Uses w/in Cycling Distance: Some Uses
0.0  Bike Parking Ordinance: No Ordinance or Unenforceable

1.0  <- Bike Environmental Credit
1.0  /20 = 0.1  <- Bike Effectiveness Factor
MITIGATION MEASURES SELECTED FOR THIS PROJECT
(All mitigation measures are printed, even if
the selected land uses do not constitute a mixed use.)

Transit Infrastructure Measures

% Trips Reduced Measure
15.0 Credit for Existing or Planned Community Transit Service
15.0 ← Totals

Pedestrian Enhancing Infrastructure Measures (Residential)

% Trips Reduced Measure
2.0 Credit for Surrounding Pedestrian Environment
1.0 Provide Sidewalks and/or Pedestrian Paths
0.5 Provide Pedestrian Safety
3.5 ← Totals

Pedestrian Enhancing Infrastructure Measures (Non-Residential)

% Trips Reduced Measure
2.0 Credit for Surrounding Pedestrian Environment
0.5 Provide Street Lighting
0.5 Project Provides Shade Trees to Shade Sidewalks
3.0 ← Totals

Bicycle Enhancing Infrastructure Measures (Residential)

% Trips Reduced Measure
7.0 Credit for Surrounding Bicycle Environment
7.0 ← Totals

Bike Enhancing Infrastructure Measures (Non-Residential)

% Trips Reduced Measure
5.0 Credit for Surrounding Area Bike Environment
5.0 ← Totals

Operational Measures (Applying to Commute Trips)

% Trips Reduced Measure
0.0 ← Totals

Operational Measures (Applying to Employee Non-Commute Trips)

% Trips Reduced Measure
0.0 ← Totals

Operational Measures (Applying to Customer Trips)

% Trips Reduced Measure
0.0 ← Totals

Measures Reducing VMT (Non-Residential)

VMT Reduced Measure
0.0 Park and Ride Lots
0.0 ← Totals

Measures Reducing VMT (Residential)

VMT Reduced Measure
0.0 ← Totals
<table>
<thead>
<tr>
<th>Travel Mode</th>
<th>Home-Work Trips</th>
<th>Home-Shop Trips</th>
<th>Home-Other Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian</td>
<td>0.11</td>
<td>0.45</td>
<td>0.45</td>
</tr>
<tr>
<td>Transit</td>
<td>0.75</td>
<td>0.17</td>
<td>0.20</td>
</tr>
<tr>
<td>Bicycle</td>
<td>0.35</td>
<td>0.35</td>
<td>0.35</td>
</tr>
<tr>
<td>Totals</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Travel Mode</th>
<th>Work Trips</th>
<th>Employee Trips</th>
<th>Customer Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian</td>
<td>0.10</td>
<td>0.87</td>
<td>0.87</td>
</tr>
<tr>
<td>Transit</td>
<td>0.75</td>
<td>0.02</td>
<td>0.75</td>
</tr>
<tr>
<td>Bicycle</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
</tr>
<tr>
<td>Other</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Totals</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>
Changes made to the default values for Land Use Trip Percentages

Changes made to the default values for Area

The landscape year changed from 2004 to 2005.

Changes made to the default values for Operations

The operational emission year changed from 2004 to 2005.
The default/nodefault travel setting changed from nodefault to: nodefault

Side Walks/Paths: No Sidewalks
  changed to: Side Walks/Paths: Most Destinations Covered
Street Trees Provide Shade: No Coverage
  changed to: Street Trees Provide Shade: Moderate Coverage
Pedestrian Circulation Access: No Destinations
  changed to: Pedestrian Circulation Access: Few Destinations
Visually Interesting Uses: No Uses Within Walking Distance
  changed to: Visually Interesting Uses: No Uses within Walking Distance
Street System Enhances Safety: No Streets
  changed to: Street System Enhances Safety: Few Streets
Pedestrian Safety from Crime: No Degree of Safety
  changed to: Pedestrian Safety from Crime: Some Degree of Safety
Visually Interesting Walking Routes: No Visual Interest
  changed to: Visually Interesting Walking Routes: Minor Level
Uses w/in Cycling Distance: No Uses w/in Cycling Distance
  changed to: Uses w/in Cycling Distance: Some Uses
Mitigation measure Provide Sidewalks and/or Pedestrian Paths: 1
  has been changed from off to on.
Mitigation measure Provide Pedestrian Safety: 0.5
  has been changed from off to on.
Mitigation measure Provide Street Lighting: 0.5
  has been changed from off to on.
Mitigation measure Project Provides Shade Trees to Shade Sidewalks: 0.5
  has been changed from off to on.
Appendix B

Bibliography
CAROLLO ENGINEERS. *City of Porterville Sewer System Master Plan*. February 2001

CAROLLO ENGINEERS. *City of Porterville Water System Master Plan*. February 2001

GRUNWALD & ASSOCIATES CITY & ENVIRONMENTAL PLANNING CONSULTANTS. *General Plan Amendment (GPA) 1 - 93*. August 1993

HODGES & SHUTT. *Porterville Municipal Airport Master Plan Report*. April 1990

TULARE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT. *Tulare County Zoning Ordinance*. 1992

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE. *Soil Survey of Tulare County, California, Central Part*. February 1982

RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider Zone Change 10-2005 (Pre-Zoning), to change the existing County AE-20 (Exclusive Agriculture 20 Acre Minimum) Zone and the R-O-43 (Single Family Residential Estate-One Acre Minimum) Zone to City R-1 (One Family Residential) and R-E (Residential Estate) Zone for the area located east and west of Indiana Street and north of Gibbons Avenue; and

WHEREAS: Annexation No. 460 consists of 87± acres and contains approximately six (6) parcels. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses and the southerly two parcels (35 +/- acres) for Rural Density Residential uses. The subject site will be pre-zoned to R-1 (One Family Residential) and R-E (Residential Estate) in conformance with the General Plan.

WHEREAS: The City council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create significant adverse environmental impacts.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment, for a period prescribed by State law. As of this date, no comments have been received.

5. That review of the environmental circumstances regarding this project indicates that no significant adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

Attachment 3-1
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Zone Changes 10-2005 and Annexation 460 and adopts the Mitigation Monitoring Report attached hereto as Exhibit “A”

______________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By____________________________
   Georgia Hawley, Deputy
### Summary of Potential Impacts, Mitigation Measures, and Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact Description</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>III. AIR QUALITY</td>
<td>a, b, c Violation of Air Quality Standards</td>
<td>3-6</td>
<td><strong>PM$<em>{10}$ and PM$</em>{2.5}$ air quality impacts will be mitigated with implementation of the applicable Regulation VIII procedures of the SJVAPCD. These provisions are:</strong></td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/suppressants, covered with a tarp or other similar cover, or vegetative ground cover.</td>
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<td></td>
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<td></td>
<td>2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant.</td>
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<td></td>
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<td></td>
<td>3. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by pre-soaking.</td>
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<td>4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of the container shall be maintained.</td>
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<td>5. All operations shall limit the use of, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden).</td>
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<td></td>
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<td></td>
<td>6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
<td></td>
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</tr>
</tbody>
</table>

Attachment 3-3
The following measures are appropriately enhanced and additional dust control strategies that are to be implemented beyond the requirements of SJVAPCD Regulation VIII:

7. Limit construction traffic speeds on unpaved roads to 15 mph.

8. Suspend excavation and grading activities when winds exceed 20 mph.

9. Limit area subject to excavation, grading or other construction activity at any one time.

10. Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.

IV. BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact</th>
<th>Page Number in Initial Study</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a, d, e</td>
<td>Impacts to Resident Sensitive, Threatened, and Endangered Species</td>
<td>3-9 -3-10</td>
<td>a, d, e</td>
<td>The subject site is largely surrounded by urban development with State Hwy 65 acting as a substantial barrier to wildlife migration to the west. The subject site has been in active agricultural production for many years and has been regularly disked for weed control. Such activity typically precludes the establishment of natural habitat or wildlife corridors. However, the City is aware of prior reports of the presence of San Joaquin Kit Fox in the general vicinity of the annexation area. Prior to development, a reconnaissance biological survey shall be conducted to determine the presence or absence of any species of concern. Appropriate mitigation measures should be integrated into the project at the time of project design and implemented with construction of the project.</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

V. CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact</th>
<th>Page Number in Initial Study</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a, b, c, d</td>
<td>Cultural and Historic Resources</td>
<td>3-11</td>
<td>a, b, c, d</td>
<td>The proposed project site has been previously graded for agriculture, and there will be minimal disturbance of the land to implement the project. As per the CEQA Guidelines, if, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall then be contacted and advise the City of the site’s</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
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</table>

Attachment 3-4
<table>
<thead>
<tr>
<th>Impact No.</th>
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<th>Page Number in Initial Study</th>
<th>Mitigation Number</th>
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<td>significance. If the findings are deemed significant by the City’s Environmental Coordinator, appropriate mitigation measures shall be required prior to any resumption of work in the affected area of the project.</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

**XI. NOISE**

| a         | Exceedance of Applicable Noise Standards | 3-20 | a | Portions of the subject site are adjacent to State Highway 65 and the Gibbons Avenue/Indiana Street intersection. Both routes are sources of potentially significant traffic noise impacts to the anticipated residential development following annexation. The noise impact from Gibbons Avenue and Indiana Street will primarily result from the anticipated improvement of the corridor along Jaye Street, Gibbons Avenue, Indiana Street, and Scranton Avenue to State Highway 65 as a major truck route. The Noise Element of the General Plan identifies the 60 dB contour of State Highway 65 as 542 feet from the centerline of the highway in 2010. 

The City of Porterville shall impose the minimum requirement of a ten foot tall concrete block wall along the boundary of any proposed subdivision adjacent to State Highway 65. In addition, the City of Porterville shall require a site specific noise impact study to be performed prior to the consideration of any proposed discretionary development permit any parcel within 600 feet of the centerline of State Highway 65 and/or the intersection of Gibbons Avenue and Indiana Street. |
|           |                                                |      |    |                                                                                                             | Less than Significant                  | City of Porterville |

**XV. TRANSPORTATION/TRAFFIC**

<p>| a, b      | Substantial Traffic Increase vs. Road Capacity/Exceedance of Level of Service Standard | 3-25-3-26 | a, b | The Poplar Avenue/Jaye Street intersection is currently operating at an unacceptable Level of Service due to traffic volume, intersection geometry and the mix of truck and auto traffic. Road improvement projects have been identified by the City of Porterville as necessary and appropriate to correct the existing and anticipated intersection failures along Jaye Street. Funding for such improvements is anticipated from a combination of sources as identified in the Circulation Element. Although a detailed analysis of the potential traffic impacts of development cannot be carried out until a specific development plan has been submitted, impacts may occur to the Poplar Avenue/Jaye Street intersection. Any development on the subject site will be required to pay the adopted development |
|           |                                                |      |    |                                                                                                             | Less than Significant                  | City of Porterville |</p>
<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact</th>
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<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
</table>

Impact fees for traffic. Such fees will be used to fund a portion of the road improvements necessary to accommodate planned growth in the community. Prior to the consideration of discretionary permits for development, including Tentative Subdivision Maps, projects will be evaluated for traffic impacts and a project specific Traffic Impact Study will be performed based upon the number of trips expected to be generated and to identify short-term improvements that are needed to accommodate the project.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING
APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY
KNOWN AS ANNEXATION NO. 460

WHEREAS, the California State Legislature finds and declares that it is the policy of the
State to encourage orderly growth and development which is essential to the social, fiscal, and
economic well-being of the State, and recognizes that the logical formation and determination of
City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential,
commercial, and industrial development necessitate a broad spectrum and high level of
community services and controls. The legislature also recognizes that when areas become
urbanized to the extent that they need the full range of community services, priorities must be
established regarding the type and levels of such services that the residents of an urban
community need and desire; that community service priorities be established by weighing the
total community service needs against total financial resources available for securing community
services; and that such community service priorities must reflect local circumstances, conditions,
and limited financial resources. The legislature finds and declares that a single government
agency, rather than several limited purpose agencies, is better able to assess and be accountable
for community service needs and financial resources and, therefore, is the best mechanism for
establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for
a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED
AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation
   Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached
      hereto and marked Exhibit “A” and made a part hereof by reference as though set
      forth herein.

   C. The reasons for this proposal are as follows:

      To provide municipal services including sanitary sewer, water, and storm
      drainage services, increased police and fire protection, and other municipal
services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 460 and Zone Change No. 10-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. Approximately 35 acres of the subject annexation site is located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission by Resolution 74-22 approved the protest.

I. The City of Porterville hereby exercises its option to not succeed to the Agricultural Preserve No. 3665 Contract pursuant to government Code Section 51243.5 upon annexation of said site into the City of Porterville.

J. That the subject site consists of 87± acres.

K. The northerly parcel has recently been used for agricultural production.

L. The subject site is located within Porterville’s Urban Development Boundary and LAFCo’s Sphere of Influence Boundary.

M. Porterville’s General Plan designates the site for Low Density Residential and Residential Estate uses.

N. In conjunction with the proposed annexation, Zone Change No. 10-2005 (pre-zoning) proposes to change the existing zoning from County AE-20 (Exclusive Agriculture 20 Acre Minimum) zone (35 +/- acres), the P-D-R-A-217
(Planned Development-Rural Residential-5 Acre Minimum) zone (14+/- acres), and the R-O-43 (Single Family Residential Estate-One Acre Minimum) zone to the City R-I and R-E zones for the area located generally east and west of Indiana Street, north of the Gibbons Avenue alignments.

O. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

P. It is hereby requested that proceedings be taken for the change of organization proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By ______________________________
Georgia Hawley, Deputy
EXHIBIT “A”
City of Porterville
Annexation No. 460
Description for Annexation

That portion of Section 2 and Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Beginning at the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 2, said point being on the existing City Limits Line;

D1 Thence, southerly, along the existing City Limits Line and along the East line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1323 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

D2 Thence, westerly, along the existing City Limits Line and along the South line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1327 feet, more or less, to the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 2, the East quarter corner of said Section 3, a point on the existing City Limits Line;

D3 Thence, continuing westerly, along the existing City Limits Line and along the North line of the Southeast quarter of said Section 3, a distance of 25 feet, more or less, to the West right of way line of Indiana Street (County Road 240), an angle point in the existing City Limits Line;

D4 Thence, southerly, along the existing City Limits Line and West right of way line of Indiana Street (County Road 240), a distance of 1330 feet, more or less, to the South line of the Northeast quarter of the Southeast quarter of said Section 3, a point in the existing City Limits Line;

D5 Thence, westerly, leaving the existing City Limits Line and along the South line of the Northeast quarter of the Southeast quarter of said Section 3, a distance of 1138 feet, more or less, to the East right of way line of State Highway 65, a point on the existing City Limits Line;

D6 Thence, northerly, along the existing City Limits Line and East right of way line of State Highway 65, a distance of 1,753 feet, more or less, to the westerly prolongation of the South line of Lot 9 of Tract No. 22, recorded in Book 19, Page 57, of Maps, Tulare County Records, a point on the existing City Limits Line;

D7 Thence, southeasterly, leaving the existing City Limits Line, along the South line of said Lot 9, a distance of 525 feet, more or less, to the Southeast corner of said Lot 9;

D8 Thence, northerly, along the East line of said Lot 9, a distance of 246 feet, more or less, to the intersection of the South and West right of way line of Wisconsin;
D9 Thence, easterly, leaving the West right of way line of said street along the South right of way line of Wisconsin Street, a distance of 38 feet, more or less, to the East right of way line of Wisconsin Street;

D10 Thence, northerly, along the East right of way line of Wisconsin Street, a distance of 182 feet, more or less, to the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3;

D11 Thence, easterly, along the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3 and along the prolongation of the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3 across Indiana Street, a distance of 641 feet, more or less, to the East right of way line of Indiana;

D12 Thence, northerly, along the East right of way line of Indiana Street, a distance of 648 feet, more or less, to the North line of the Southwest quarter of the Northwest quarter of said Section 2;

D13 Thence, easterly, along the North line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1290 feet, more or less, to the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 2, an angle point on the existing City Limits Line, the POINT OF BEGINNING.

ACREAGE = 88 ± ACRES
ORDINANCE NO. _______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 10-2005 (PRE-ZONING) CONSISTING OF 87± ACRES AND
CONTAINING SIX (6) PARCELS LOCATED GENERALLY EAST AND WEST OF
INDIANA STREET AND NORTH OF GIBBONS AVENUE.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of July 19, 2005, conducted a public hearing to consider Zone Change 10-2005
(Pre-Zoning), being a change from County AE-20 (Exclusive Agriculture-20-Acre Minimum);
P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum), and R-O-43 (Single
Family Residential Estate- One Acre Minimum) Zones to City R-1 (One Family Residential),
and RE (Residential Estate) Zones; and

WHEREAS: In conjunction with Zone Change 10-2005, Annexation 460, proposes to
annex a single unincorporated island located generally east and west of Indiana Street and north
of Gibbons Avenue; and

WHEREAS: The City Council of the City of Porterville, after conducting a duly noted
public hearing, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the
State of California, has determined that the public interest would best be served by approval of
the proposed pre-zoning from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE
zoning for the area located generally east and west of Indiana Street and north of Gibbons Avenue consisting of Assessor’s Parcel Numbers 268-100-001, 268-100-005, 268-110-017,
268-110-018, 269-120-001 and 269-120-002 as shown in Exhibit A attached hereto; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 10-2005.

1. That the proposed zoning will conform with the land use designation of the General
Plan; and,

2. That a Negative Declaration was approved for this project in accordance with the
California Environmental Quality Act based on findings of the environmental studies
indicating that the project will not have a negative impact on the environment; and,

3. That the Negative Declaration prepared for this project was made available for public
review and comment; and,

4. That this zoning designation will allow for the logical establishment of future Low
Density Residential and Rural Density Residential uses as supported by the City of
Porterville General Plan Land Use Element for the 87± acre site; and,

5. That this zoning designation will ensure that any future development of the subject
site will be in conformance with existing plans and policies and will not adversely
impact the surrounding area.

Attachment 5-1
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 10-2005, is hereby pre-zoned from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE zoning for the area located east and west of Indiana Street and north of Gibbons Avenue more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

Section 2: It is further ordained that upon consummation of Annexation No. 460, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE zoning.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 460.

________________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By______________________________
Georgia Hawley, Deputy
PUBLIC HEARING

TITLE: ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460 (GIBBONS AND INDIANA)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants propose to annex and pre-zone six parcels and adjacent streets totaling approximately 87 acres located east and west of Indiana Street and North of Gibbons Avenue. The parcels are primarily vacant land with two single family residences and several outbuildings. Portions of the northerly parcel have been in recent cultivation. The parcels are currently within the County AE-20 (Exclusive Agriculture- 20-Acre Minimum) Zone (35 +/- acres; the P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum) Zone (14 +/- acres); and the R-O-43 (Single Family Residential Estate- One Acre Minimum) Zone. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses which corresponds to the proposed R-1 (One Family Residential) zone. The southerly two parcels (35 +/- acres) are designated for Rural Density Residential uses, which corresponds to the proposed RE (Residential Estate) Zone.

Consents to annex have been received from the owners of three of the six parcels. The additional parcels are owned by the Housing Authority of Tulare County which has also indicated their support of the annexation.

Approximately 35 acres of the subject annexation site are located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission, by Resolution 74-22, approved the protest. The Department of Conservation has been notified of the proposed project and has not yet responded. Upon consummation of the annexation, the City of Porterville will not succeed to the contract.

ENVIRONMENTAL: The Environmental Coordinator on June 27, 2005 made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, no comments have been received.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460.

2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

3. Approve the draft ordinances approving Zone Change 10-2005, waive further reading and order the Ordinances to print.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460

APPLICANT: Gary Smee  John Gurrola, Operations Manager
2200 North Leila  Pacific Holt Corporation
Visalia, CA  93291 708 W. 20th St, Suite 4
Merced, CA  95340

PROJECT LOCATION: The parcels included in the proposed annexation are located immediately southwest of the City of Porterville in Tulare County generally east and west of Indiana Street, and north of Gibbons Avenue (Attachment 1).

SPECIFIC REQUEST: The applicants have requested annexation and a zone change from County AE-20 (Exclusive Agriculture – 20 Acre Minimum) to City R-1 (One Family Residential) and City RE (One Family Estate) for that site generally located east and west of Indiana Street, and north of Gibbons Avenue. The pre-zoning will become effective upon consummation of Annexation 460.

Annexation No. 460 proposes the inclusion into the City of Porterville of 87 +/- acres for that site generally located east and west of Indiana Street, and north of Gibbons Avenue.

PROJECT DETAILS: The applicants propose to annex and pre-zone six parcels and adjacent streets totaling approximately 87 acres located east and west of Indiana Street and north of Gibbons Avenue. The parcels are primarily vacant land with two single family residences and several outbuildings. Portions of the northerly parcel have been in recent cultivation. The parcels are currently within the County AE-20 (Exclusive Agriculture- 20-Acre Minimum) Zone (35 +/- acres; the P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum) Zone (14 +/- acres); and the R-O-43 (Single Family Residential Estate- One Acre Minimum) Zone. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses which corresponds to the proposed R-1 (One Family Residential) zone. The southerly two parcels (35 +/- acres) are designated for Rural Density Residential uses, which corresponds to the proposed RE (Residential Estate) Zone.

Consents to annex have been received from the owners of three of the six parcels. Two additional parcels are owned by the Housing Authority of Tulare County which has also indicated their support of the annexation.

Approximately 35 acres of the subject annexation site are located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission, by Resolution 74-22, approved the protest. The Department of Conservation (Williamson Act) has been notified of the proposed project and has not yet responded. Upon consummation of the annexation the City of Porterville will not succeed to the contract.
GENERAL PLAN LAND USE DESIGNATION: Low Density Residential and Rural Density Residential land uses.

SPHERE OF INFLUENCE: The project site is within the City of Porterville’s Sphere of Influence.

SURROUNDING AREA ZONING AND LAND USE:
North: Rural and Urban Density Residential Uses
East: Developing Rural Density Residential Subdivision (Meadow Breeze), Vacant Land
South: Orchards, Vacant Land, Cemetery, Commercial Business
West: State Highway 65, Orchards, Vacant Land, Urban Density Residential Use

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:
1. No Project. Denial of proposed Zone Change No. 10-2005 and Annexation No. 460 would preclude the subject site from being incorporated into the City.

2. Approve the project. Approval of the proposed zone change to City R-1 and RE and annexation would be consistent with the designation applicable to the site, bringing the site's zoning and present land use (with exception to the commercial use) into conformity. Approval of the annexation would allow the change of zone to become effective upon consummation of the annexation.

ENVIRONMENTAL: The Environmental Coordinator, on June 27, 2005, made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review. As of this date, no comments have been received.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING:
March 19, 2004

DATE ACCEPTED AS COMPLETE: June 27, 2005

RECOMMENDATION: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460.

2. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

SR-2
3. Approve the draft ordinance approving Zone Change 10-2005, waive further reading and order the ordinance to print.

ATTACHMENTS:

1. Subject Site and Land Use Map
2. Negative Declaration and Initial Study
3. Draft Resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460
4. Draft Resolution authorizing initiation of preliminary proceedings and filing of the necessary application for Annexation 460 with LAFCo.
Insert Neg Dec
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of August 2, 2005, conducted a public hearing to consider Zone Change 10-2005 (Pre-Zoning), to change the existing County AE-20 (Exclusive Agriculture 20 Acre Minimum) Zone and the R-O-43 (Single Family Residential Estate-One Acre Minimum) Zone to City R-1 (One Family Residential) and R-E (Residential Estate) Zone for the area located east and west of Indiana Street and north of Gibbons Avenue; and

WHEREAS: Annexation No. 460 consists of 87± acres and contains approximately six (6) parcels. The Land Use Element of the General Plan designates the northerly four parcels (52 +/- acres) for Low Density Residential uses and the southerly two parcels (35 +/- acres) for Rural Density Residential uses. The subject site will be pre-zoned to R-1 (One Family Residential) and R-E (Residential Estate) in conformance with the General Plan.

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create significant adverse environmental impacts.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment, for a period prescribed by State law. As of this date, no comments have been received.

5. That review of the environmental circumstances regarding this project indicates that no significant adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgment of the City of Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Zone Changes 10-2005 and Annexation 460 and adopts the Mitigation Monitoring Report attached hereto as Exhibit “A”

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By__________________________________
   Georgia Hawley, Deputy
## Summary of Potential Impacts, Mitigation Measures, and Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact Description</th>
<th>Page Number in Initial Study</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
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<tr>
<td>III. AIR QUALITY</td>
<td>Violation of Air Quality Standards</td>
<td>3-6</td>
<td>a, b, c</td>
<td>PM$<em>{10}$ and PM$</em>{2.5}$ air quality impacts will be mitigated with implementation of the applicable Regulation VIII procedures of the SJVAPCD. These provisions are: 1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizers/ suppressants, covered with a tarp or other similar cover, or vegetative ground cover. 2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer suppressant. 3. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by pre-soaking. 4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of the container shall be maintained. 5. All operations shall limit the use of, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden). 6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/ suppressant.</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
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Attachment 3-3
The following measures are appropriately enhanced and additional dust control strategies that are to be implemented beyond the requirements of SJVAPCD Regulation VIII:

7. Limit construction traffic speeds on unpaved roads to 15 mph.
8. Suspend excavation and grading activities when winds exceed 20 mph.
9. Limit area subject to excavation, grading or other construction activity at any one time.
10. Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.

IV. BIOLOGICAL RESOURCES

The subject site is largely surrounded by urban development with State Hwy 65 acting as a substantial barrier to wildlife migration to the west. The subject site has been in active agricultural production for many years and has been regularly disked for weed control. Such activity typically precludes the establishment of natural habitat or wildlife corridors. However, the City is aware of prior reports of the presence of San Joaquin Kit Fox in the general vicinity of the annexation area. Prior to development, a reconnaissance biological survey shall be conducted to determine the presence or absence of any species of concern. Appropriate mitigation measures should be integrated into the project at the time of project design and implemented with construction of the project.

V. CULTURAL RESOURCES

The proposed project site has been previously graded for agriculture, and there will be minimal disturbance of the land to implement the project. As per the CEQA Guidelines, if, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within 50 feet of the find area shall cease. A qualified archaeologist shall then be contacted and advise the City of the site’s
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**XI. NOISE**

a. **Exceedance of Applicable Noise Standards** 3-20  
Portions of the subject site are adjacent to State Highway 65 and the Gibbons Avenue/Indiana Street intersection. Both routes are sources of potentially significant traffic noise impacts to the anticipated residential development following annexation. The noise impact from Gibbons Avenue and Indiana Street will primarily result from the anticipated improvement of the corridor along Jaye Street, Gibbons Avenue, Indiana Street, and Scranton Avenue to State Highway 65 as a major truck route. The Noise Element of the General Plan identifies the 60 dB contour of State Highway 65 as 542 feet from the centerline of the highway in 2010.

The City of Porterville shall impose the minimum requirement of a ten foot tall concrete block wall along the boundary of any proposed subdivision adjacent to State Highway 65. In addition, the City of Porterville shall require a site specific noise impact study to be performed prior to the consideration of any proposed discretionary development permit any parcel within 600 feet of the centerline of State Highway 65 and/or the intersection of Gibbons Avenue and Indiana Street.

**XV. TRANSPORTATION/TRAFFIC**

a, b. **Substantial Traffic Increase vs. Road Capacity/Exceedance of Level of Service Standard** 3-25-3-26  
The Poplar Avenue/Jaye Street intersection is currently operating at an unacceptable Level of Service due to traffic volume, intersection geometry and the mix of truck and auto traffic. Road improvement projects have been identified by the City of Porterville as necessary and appropriate to correct the existing and anticipated intersection failures along Jaye Street. Funding for such improvements is anticipated from a combination of sources as identified in the Circulation Element.

Although a detailed analysis of the potential traffic impacts of development cannot be carried out until a specific development plan has been submitted, impacts may occur to the Poplar Avenue/Jaye Street intersection. Any development on the subject site will be required to pay the adopted development

**Attachment 3-5**
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impact fees for traffic. Such fees will be used to fund a portion of the road improvements necessary to accommodate planned growth in the community. Prior to the consideration of discretionary permits for development, including Tentative Subdivision Maps, projects will be evaluated for traffic impacts and a project specific Traffic Impact Study will be performed based upon the number of trips expected to be generated and to identify short-term improvements that are needed to accommodate the project.
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA MAKING APPLICATION FOR CHANGE OF ORGANIZATION OF TERRITORY KNOWN AS ANNEXATION NO. 460

WHEREAS, the California State Legislature finds and declares that it is the policy of the State to encourage orderly growth and development which is essential to the social, fiscal, and economic well-being of the State, and recognizes that the logical formation and determination of City boundaries is an important factor in promoting the orderly development of urban areas; and

WHEREAS, the legislature recognizes that population density and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities must be established regarding the type and levels of such services that the residents of an urban community need and desire; that community service priorities be established by weighing the total community service needs against total financial resources available for securing community services; and that such community service priorities must reflect local circumstances, conditions, and limited financial resources. The legislature finds and declares that a single government agency, rather than several limited purpose agencies, is better able to assess and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities; and

WHEREAS, the City Council of the City of Porterville desires to initiate proceedings for a change of organization of the hereinafter described territory.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED AS FOLLOWS:

1. Application is hereby made to the Executive Officer of the Local Agency Formation Commission of the County of Tulare, State of California, as follows:

   A. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 of the State of California.

   B. The nature of the proposal is a change of organization as follows:

      A description of the exterior boundaries of the territory to be annexed is attached hereto and marked Exhibit “A” and made a part hereof by reference as though set forth herein.

   C. The reasons for this proposal are as follows:

      To provide municipal services including sanitary sewer, water, and storm drainage services, increased police and fire protection, and other municipal
services as so required. To provide proper control, orderly development, and logical growth in accordance with the City of Porterville General Plan, LAFCo’s Sphere of Influence Boundary, and the Urban Development Boundary as adopted by the County of Tulare and the City of Porterville.

D. In accordance with the City Council Resolution No. 6956, adopted on April 3, 1973, and as subsequently modified, the Environmental Coordinator of the City of Porterville on June 27, 2005, accepted and found to be adequate under the provisions of the California Environmental Quality Act of 1970, as amended, an environmental assessment finding that said annexation will not have a significant effect on the environment, and the City Council of the City of Porterville, does hereby approve a Negative Declaration for the project in accordance with the California Environmental Quality Act.

E. That the environmental assessment and analysis prepared for Annexation No. 460 and Zone Change No. 10-2005 (pre-zoning) supporting the Negative Declaration reflects the independent judgment of the City of Porterville.

F. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act based on findings of the environmental studies indicating that the project will not have a negative impact on the environment.

G. That the Negative Declaration prepared for this project was made available for public review and comment.

H. Approximately 35 acres of the subject annexation site is located in Agricultural Preserve 3665. City Council Resolution 7335 originally protested the Agricultural Preserve. The Tulare County Local Agency Formation Commission by Resolution 74-22 approved the protest.

I. The City of Porterville hereby exercises its option to not succeed to the Agricultural Preserve No. 3665 Contract pursuant to government Code Section 51243.5 upon annexation of said site into the City of Porterville.

J. That the subject site consists of 87± acres.

K. The northerly parcel has recently been used for agricultural production.

L. The subject site is located within Porterville’s Urban Development Boundary and LAFCo’s Sphere of Influence Boundary.

M. Porterville’s General Plan designates the site for Low Density Residential and Residential Estate uses.

N. In conjunction with the proposed annexation, Zone Change No. 10-2005 (pre-zoning) proposes to change the existing zoning from County AE-20 (Exclusive Agriculture 20 Acre Minimum) zone (35 +/- acres), the P-D-R-A-217
(Planned Development-Rural Residential-5 Acre Minimum) zone (14+/- acres),
and the R-O-43 (Single Family Residential Estate-One Acre Minimum) zone to
the City R-I and R-E zones for the area located generally east and west of Indiana
Street, north of the Gibbons Avenue alignments.

O. That the project may proceed subsequent to approval and/or conditional approval
of the State Department of Fish and Game relative to said State Department’s
consideration of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the
Fish and Game Code.

P. It is hereby requested that proceedings be taken for the change of organization
proposed herein.

2. The City Clerk (or other official) of the City of Porterville is hereby authorized and
directed to file a certified copy of this resolution with the Executive Officer of the
Local Agency Formation Commission of the County of Tulare, State of California.

______________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

By _____________________________
   Georgia Hawley, Deputy
That portion of Section 2 and Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, described as follows:

Beginning at the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 2, said point being on the existing City Limits Line;

D1 Thence, southerly, along the existing City Limits Line and along the East line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1323 feet, more or less, to the Southeast corner of the Southwest quarter of the Northwest quarter of said Section 2, an angle point in the existing City Limits Line;

D2 Thence, westerly, along the existing City Limits Line and along the South line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1327 feet, more or less, to the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 2, the East quarter corner of said Section 3, a point on the existing City Limits Line;

D3 Thence, continuing westerly, along the existing City Limits Line and along the North line of the Southeast quarter of said Section 3, a distance of 25 feet, more or less, to the West right of way line of Indiana Street (County Road 240), an angle point in the existing City Limits Line;

D4 Thence, southerly, along the existing City Limits Line and West right of way line of Indiana Street (County Road 240), a distance of 1330 feet, more or less, to the South line of the Northeast quarter of the Southeast quarter of said Section 3, a point in the existing City Limits Line;

D5 Thence, westerly, leaving the existing City Limits Line and along the South line of the Northeast quarter of the Southeast quarter of said Section 3, a distance of 1138 feet, more or less, to the East right of way line of State Highway 65, a point on the existing City Limits Line;

D6 Thence, northerly, along the existing City Limits Line and East right of way line of State Highway 65, a distance of 1,753 feet, more or less, to the westerly prolongation of the South line of Lot 9 of Tract No. 22, recorded in Book 19, Page 57, of Maps, Tulare County Records, a point on the existing City Limits Line;

D7 Thence, southeasterly, leaving the existing City Limits Line, along the South line of said Lot 9, a distance of 525 feet, more or less, to the Southeast corner of said Lot 9;

D8 Thence, northerly, along the East line of said Lot 9, a distance of 246 feet, more or less, to the intersection of the South and West right of way line of Wisconsin;
D9 Thence, easterly, leaving the West right of way line of said street along the South right of way line of Wisconsin Street, a distance of 38 feet, more or less, to the East right of way line of Wisconsin Street;

D10 Thence, northerly, along the East right of way line of Wisconsin Street, a distance of 182 feet, more or less, to the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3;

D11 Thence, easterly, along the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3 and along the prolongation of the North line of the Southeast quarter of the Southeast quarter of the Northeast quarter of said Section 3 across Indiana Street, a distance of 641 feet, more or less, to the East right of way line of Indiana;

D12 Thence, northerly, along the East right of way line of Indiana Street, a distance of 648 feet, more or less, to the North line of the Southwest quarter of the Northwest quarter of said Section 2;

D13 Thence, easterly, along the North line of the Southwest quarter of the Northwest quarter of said Section 2, a distance of 1290 feet, more or less, to the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 2, an angle point on the existing City Limits Line, the POINT OF BEGINNING.

ACREAGE = 88 ± ACRES
ORDINANCE NO. _______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 10-2005 (PRE-ZONING) CONSISTING OF 87± ACRES AND
CONTAINING SIX (6) PARCELS LOCATED GENERALLY EAST AND WEST OF
INDIANA STREET AND NORTH OF GIBBONS AVENUE.

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of July 19, 2005, conducted a public hearing to consider Zone Change 10-2005
(Pre-Zoning), being a change from County AE-20 (Exclusive Agriculture-20-Acre Minimum);
P-D-R-A-217 (Planned Development-Rural Residential-5 Acre Minimum), and R-O-43 (Single
Family Residential Estate- One Acre Minimum) Zones to City R-1 (One Family Residential),
and RE (Residential Estate) Zones; and

WHEREAS: In conjunction with Zone Change 10-2005, Annexation 460, proposes to
annex a single unincorporated island located generally east and west of Indiana Street and north
of Gibbons Avenue; and

WHEREAS: The City Council of the City of Porterville, after conducting a duly noted
public hearing, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the
State of California, has determined that the public interest would best be served by approval of
the proposed pre-zoning from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE
zoning for the area located generally east and west of Indiana Street and north of Gibbons
Avenue consisting of Assessor’s Parcel Numbers 268-100-001, 268-100-005, 268-110-017,
268-110-018, 269-120-001 and 269-120-002 as shown in Exhibit A attached hereto; and

WHEREAS: The City Council made the following findings in support of the approval of
Zone Change 10-2005.

1. That the proposed zoning will conform with the land use designation of the General
   Plan; and,

2. That a Negative Declaration was approved for this project in accordance with the
   California Environmental Quality Act based on findings of the environmental studies
   indicating that the project will not have a negative impact on the environment; and,

3. That the Negative Declaration prepared for this project was made available for public
   review and comment; and,

4. That this zoning designation will allow for the logical establishment of future Low
   Density Residential and Rural Density Residential uses as supported by the City of
   Porterville General Plan Land Use Element for the 87± acre site; and,

5. That this zoning designation will ensure that any future development of the subject
   site will be in conformance with existing plans and policies and will not adversely
   impact the surrounding area.

Attachment 5-1
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 10-2005, is hereby pre-zoned from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE zoning for the area located east and west of Indiana Street and north of Gibbons Avenue more particularly shown on the attached map, incorporated herein by this reference as “Exhibit A”.

Section 2: It is further ordained that upon consummation of Annexation No. 460, all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from County AE-20, P-D-R-A-217, and R-O-43 Zone to R-1 and RE zoning.

Section 3: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage and upon consummation of Annexation No. 460.

_________________________________
Kelly E. West, Mayor

ATTEST:
John Longley, City Clerk

_________________________________
Georgia Hawley, Deputy
Exhibit A

EXISTING ZONING

Attachment 5-3
SUBJECT: SECOND READING - ORDINANCE NO. 1670, ZONE CHANGE NO. 3-2005 (MRS. NEAL DAYBELL)

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Ordinance No. 1670 approved Zone Change No. 3-2005. It was a change of zone from C-3 (Heavy Commercial) to R-4 (Multiple Family Residential) for those eight (8) parcels located on the west side of North “E” Street, extending south of Willow Avenue. The ordinance was given a First Reading on July 19, 2005, and has been printed.

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1670, waive further reading, and adopt said ordinance.

ATTACHMENT: Ordinance No. 1670
ORDINANCE NO. 1670

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2005 BEING A CHANGE OF ZONING FROM CITY C-3 (HEAVY COMMERCIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR THOSE EIGHT (8) LOTS LOCATED ON THE WEST SIDE OF NORTH “E” STREET EXTENDING SOUTH OF WILLOW AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 19, 2005, conducted a public hearing to consider Zone Change 3-2005, being a change of zone from C-3 (Heavy Commercial) to R-4 (Multiple Family Residential) for those eight (8) lots located on the west side of North “E” Street extending south of Willow Avenue; and

WHEREAS: The City Council of the City of Porterville, after proceedings duly had and taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City of Porterville, and the laws of the State of California, has determined that the public interest would best be served by approval of the proposed Zone Change 3-2005; and

WHEREAS: The City Council made the following findings in support of the approval of Zone Change 3-2004:

1. The Land Use Element of the General Plan designates the subject parcels as High Density Residential.
2. That the proposed R-4 (Multiple Family Residential) zoning will conform with the land use designation (High Density Residential) of the General Plan.
3. That all uses listed in Article 2, Article 3 and Article 4 of the Porterville Zoning Ordinance are allowed in the R-4 (Multiple Family Residential) Zone and that consolidation of the eight (8) parcels is essential to promoting orderly and logical development, as such, a lot line adjustment is essential to facilitate development.
4. That a Negative Declaration was approved for this project in accordance with the California Environmental Quality Act and mitigation measures incorporated into the approval will be precedent to project implementation.
5. That this zoning designation will ensure that any future development of the subject site will be in conformance with existing plans and policies and will not adversely impact the surrounding area.

On approval of the zone change, a lot line adjustment will be recorded prior to the issuance of any building permit for conversion of the existing structure into a fourplex.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change 3-2005, is hereby re-zoned from C-3 (Heavy Commercial)
to R-4 (Multiple Family Residential) for the eight (8) lots located on the west side of North “E” Street extending south of willow Avenue, more particularly shown on the attached map, incorporated herein by this reference as Exhibit “A”; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that all of the above described real property is rezoned from C-3 (Heavy Commercial) to R-4 (Multiple Family Residential) for the eight (8) lots located on the west side of North “E” Street extending south of willow Avenue; and

Section 3: That a Lot Line Adjustment removing the existing lot lines for the eight (8) parcels will be required prior to the second reading of the ordinance.

Section 4: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

________________________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By: ______________________________
    Georgia Hawley, Chief Deputy City Clerk
ZONE CHANGE 3–2005

Willow Ave.

North "F" St.

SUBJECT SITE

OLIVE AVE.

North "E" St.

PROPOSED CHANGE
C–3 TO R–4

CITY COUNCIL
ORDINANCE NO. 1670

EXHIBIT "A"
SUBJECT: REQUEST FOR PROPOSALS (RFP) FOR CURBSIDE RECYCLING - CONTINUED FROM JULY 19, 2005

SOURCE: Public Works Department - Field Services Division

COMMENT: At the July 19, 2005 Council meeting, staff brought forth a request to Council seeking authorization to advertise for the services of a recycle processor and for the services of a curbside collections contractor. The full five member council was not present at the July 19, 2005 meeting and because of the importance of this matter, the Council directed that this item be continued to the August 2, 2005 meeting.

The City of Porterville’s Public Works Department provides collection of garbage, yard waste, recyclables, street sweeping and graffiti removal for residential and commercial accounts in the City of Porterville. The City’s recycling program consists of a drive through drop off center, drop box rolloffs throughout the City, school collection and revenue sharing programs involving student participation, greenwaste collection, as well as, a commercial recycling route.

The expenditures currently programmed for 05/06 for the Solid Waste Division and the component percentage of the residential refuse rate includes:

- $1,050,769 - Recycling and greenwaste is 24% or about $4 per month
- $3,115,682 - Garbage is 70% of the rate, about $12 per month
- $259,409 - The remaining solid waste budget which covers street sweeping and graffiti removal is 6%, about $1 per month.

The City of Porterville’s residential refuse rate for standard 90/90 gallon service is $16.95. This places Porterville with the third lowest rate among the other eight cities and Tulare County. Two of the three lowest cost cities provide their own collection services. Additionally, not all of the cities provide street sweeping and graffiti removal services as part of their refuse rate structure as Porterville does. By implementing a residential curbside recycling program the residential rate could rise between $2 and $4 and increase the recycling component of the residential rate by about 30% to 35%.

The California Integrated Waste Management Board (CIWMB) posts the waste diversion of the Consolidated Waste Management Authority (CWMA), which the City of Porterville is a member, at 44% for 2003.
mandate from the State for diversion is 50%. The CWMA has applied for a time extension with the CIWMB to meet the mandated diversion level. The diversion from Porterville’s curbside Recycling program is estimated to improve the diversion rate for the CWMA by 0.5% and Porterville’s diversion estimate by about 4%. The CWMA is working on additional ways to meet the diversion requirements. A program was implemented involving Waste to Energy Transformation that will rise the CWMA diversion level by an estimated 6%.

City Council Direction: At the May 17, 2005, City Council meeting, City Council directed staff to prepare two Request for Proposals to consider Residential Curbside Recycling. The City’s consultant Skumatz Economic Research Associates (SERA) has completed the preparation of two Draft RFP’s.

An RFP for the processing of residential recyclables and residual disposal services will determine the processing location of the recyclable material from the curbside collection. The processor may bid the installation of a transfer station to address environmental concerns regarding increased truck traffic and to improve efficiencies.

The successful processor shall establish a cost, or revenue plan, with the City based on percentage of contamination of the processed recyclable materials.

Recommended approach: It is important to bid the processing first to establish and define whether the City can expect revenue from the recyclable materials or if there is going to be a cost associated with the processing of the recyclable material.

It is proposed that a second RFP for the collection of the residential recyclables be sent out after the materials processor has been determined. This way a number of potential collectors (including the City of Porterville) will be able to bid knowing how far they must travel to the processor’s facility or transfer station. The collector shall propose a “once weekly” means of collecting the City’s residential recyclable materials from separate collection containers that are no less than 60 gallons in size.

As an option: The Council may choose to bid both processing and hauling together. This may be faster as a process, but may also deny the ability of the City to obtain the lowest price because the specific cost or profit from recycling may be lost in the process.

It is suggested that the eventual composite residential solid waste rate include components for recycling processing (credit or cost), recycling collection, general solid waste collection, greenwaste, street sweeping, and graffiti removal.
**Goal Rate concept:** As a goal the residential rate could be:

- General Refuse collection $12.00
- Curbside Greenwaste collection $2.40
- Dropoff recycling $1.00
- Curbside recycling Collection $3.00
- Curbside recycling Processing ($0.30) credit
- Street sweeping $0.60
- Graffiti removal $0.40
- Goal Rate $19.10*

* including franchise fee, billing, & overhead

**Proposed selection committee:** The selection committee should consist of the City Auditor and the City Attorney. The “committee” will review the proposals and make a recommendation to City Council for consideration.

**Options for the City Council to consider:**

Option # 1: Direct staff to advertise the RFP for Processing and Residual Disposal, process bids through the selection committee, and provide City Council with the committee’s recommendation.

Option # 2: Direct staff to advertise both the RFP for Processing and Residual Disposal and the RFP for Collection of Residential Recyclables at the same time. For there to be an accurate and competitive bid, staff will have to select a processor from which to build a collection and processing proposal.

Staff recommends option #1 to establish whether the City can expect to receive revenues from the curbside recyclable materials.

**RECOMMENDATION:** That the City Council:

1. Approve Option#1 and authorize staff to advertise for Processing and Residual disposal as detailed in the official RFP that incorporates any comments provided by Council; and

2. Appoint the City Attorney and City Auditor to the Curbside Recycle Selection Committee; and

3. Authorize the bids be processed through the selection committee with a recommendation to be returned to City Council for consideration.

**ATTACHMENTS:**

1. RFP for Processing of Residential Recyclables and Residual Disposal Services
2. RFP for Collection of Residential Recyclables
REQUEST FOR PROPOSAL (RFP)

DATE: July 19, 2005

RFP NUMBER: 05/06 - SR 1594

The City of Porterville, through its Purchasing Division, is requesting proposals from contractors interested in providing collection of the City's residential recyclables for processing. The successful contractor will work with the City to help maximize participation and effective materials diversion in the City's curbside recycling program.

The term of the agreement is three years commencing on March 1, 2006. The City wishes to establish a three (3) year contract, with an option to renew on a year-to-year basis, for up to two additional years upon agreement of both parties.

PROJECT TITLE: COLLECTION OF RESIDENTIAL RECYCLABLES

PROJECT DESCRIPTION AND BACKGROUND:

THE CITY:

The City of Porterville has a population of 44,500 with approximately 11,000 single family residential households. It encompasses 14.8 square miles in Tulare County, and is located approximately thirty miles south of Visalia, seventy five miles southeast of Fresno, and fifty miles north of Bakersfield, California.

CURRENT SYSTEM:

At present, the City of Porterville’s Public Works Department provides municipal residential collection of garbage and yard waste using automated side loaders. Collection is carried out over 4 days, 2 for yard waste and 2 for garbage collection. Garbage is collected using 5 residential routes on Thursdays and 5-6 routes on Fridays. The green waste collection is conducted using 4 routes each on Tuesdays and Wednesdays. Diversion from the yard waste program ranges from 25% to 35% of the residential stream, with variations by month of growing season. The City’s drop-off recycling program is well-used by citizens, and accepts cardboard, paper, plastic 1 & 2, steel, aluminum, and glass. The latest tonnage figures indicate the drop-off program is diverting about 3% of the residential waste stream.
Purchasing Agent: Susan Perkins
(559) 782-7451

PROPOSAL DUE DATE:

INSERT DATE

PROPOSAL DOCUMENTS ARE AVAILABLE AT:

Purchasing Division / Finance Department
291 N. Main Street
Porterville, CA 93257
CITY OF PORTERVILLE
STATE OF CALIFORNIA

NOTICE INVITING SEALED PROPOSALS
RFP NO. 05/06 - SR 1594

SEALED PROPOSALS will be received by the Purchasing Agent at City Hall, 291 N. Main Street, City of Porterville, California, until Insert Time on Insert Date for:

COLLECTION OF RESIDENTIAL RECYCLABLES

Instructions to Proposers and proposal forms may be inspected at City Hall, 291 N. Main Street, Porterville, California. No proposal will be received unless it is made on a proposal form furnished by the City.

The City hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of religion, creed, political affiliation, race, color, ancestry, national origin, citizenship status, age, sex, sexual orientation, marital status, family status, pregnancy, medical condition, mental or physical handicap or disability, or uniformed service member status in any consideration leading to the award of contract. Also, affirmative action by the Contractor will be required to ensure against discrimination in employment practices on the basis of religion, creed, political affiliation, race, color, ancestry, national origin, citizenship status, age, sex, sexual orientation, marital status, family status, pregnancy, medical condition, mental or physical handicap or disability, or uniformed service member status.

The right is reserved by the City of Porterville to reject any or all proposals, to evaluate the proposals submitted, and to award the contract according to the proposal which best serves the interests of said City.

Dated at Porterville, California, this ______ day of ________________, 2005.

__________________________________
Susan Perkins, Purchasing Agent

Publication Dates:

First: _____________________

Second: ___________________
INSTRUCTIONS TO PROPOSERS
RFP NO. 05/06 - SR 1594

All proposals shall be made on the form provided, additional copies of which may be obtained in the office of the City Purchasing Agent of the City of Porterville, State of California, and shall be a sealed proposal, delivered to the Purchasing Agent as required in the “Notice Inviting Sealed Proposals,” on or before Insert Time, Insert Date.

The City Council reserves the right to accept or reject any proposal offered and to accept that proposal which best corresponds in quality, fitness and capacity to the requirement of the City of Porterville.

Proposer shall submit proposals on proposal forms provided based on the scope of work indicated.

PROPOSAL REQUIREMENTS:

The Proposer shall respond to all requirements in accordance with the terms & conditions, detailed information regarding the scope of work requirements, description and all schedules herein.

The Proposer shall be required to:

1. One page (maximum) cover letter listing company name, address, phone number, fax number, and email address, and contract manager.

2. Name and background of person who will serve as the contract manager with resume detailing most recent experience.

3. One paragraph descriptions of five most recent and similar experiences. Include a list of references with client name, address, contact name, contact title and contact phone number. Please identify any problems encountered over the past five years, as well as how these issues were satisfactorily resolved.

4. Narrative format for the Operation Plan as set forth by the RFP, to include the following components.

   • Public Education & Outreach Program
   • Collection of Recyclables
   • Transportation of Recyclables
   • Processing of Recyclables
   • Report Preparation
   • Customer Support Services
   • Billing Process
   • Fees for Service
   • Implementation Schedule
5. Cost Quotation, submitted on the “Quotation Form” that follows. The Quotation Form must be fully completed for the bid to be accepted.

OTHER REQUIREMENTS:

Proposers responding to this RFP are required to submit with their proposal all of the requirements included in the Scope of Work or Services and fully complete and submit “Proposal” document and attachments. Facsimile (fax) proposals will not be accepted.

The Proposal and any accompanying documents shall be submitted in a sealed envelope marked as follows:

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“PROPOSAL

PROJECT TITLE: COLLECTION OF RESIDENTIAL RECYCLABLES, RFP NO.
05/06 - SR 1594

NAME AND ADDRESS OF COMPANY (PROPOSER)”
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PROPOSALS SHALL BE DELIVERED TO:

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

INSTRUCTIONS TO PROPOSERS:

Proposal Format: Proposals shall be submitted in accordance with the following Instructions to Proposers and the Scope of Services to receive consideration:

1.0 Proposals shall be submitted in two (2) distinct parts — the “Proposal” pages, including References, Designation of Sureties, and the “Confidential Information.” The selection committee shall review the “Proposal” first and then the “Confidential Information.” Therefore, each part should be packaged separately, but submitted together.

2.0 Proposals shall not contain any modification of the work or services to be done under the scope of the project. Alternative proposals are acceptable when called for. Exceptions to requirements must be clearly identified in writing with full explanations.

2.1 When requested, the Proposer shall furnish a statement of financial responsibility and experience in the Proposal.
2.2 Before submitting a Proposal, the Proposer shall examine and read the enclosed documents, visit the site of the services to be provided if applicable, and be informed as to all existing conditions and limitations.

3.0 This RFP shall not commit the City to award a contract, to pay any costs incurred in the preparation of the proposal made in response to this RFP, or to procure or contract for services.

Interpretation: If any person contemplating the submittal of a proposal for the project is in doubt as to the proposal procedures, such proposer should contact the City’s Purchasing Agent. If he/she is in doubt as to the true meaning of any part of the requirements, work, or other proposed agreement documents, he/she should request that the City’s Purchasing Agent provide a written interpretation or correction thereof. The proposer submitting the request will be responsible for its prompt delivery. Any interpretation or correction of this RFP will be made only by addendum sent to those who have received an RFP. The City will not be responsible for any other explanations or interpretations of the RFP.

Withdrawal of Proposal: Any proposer may withdraw a proposal, either personally or by telegraphic or written request, at any time prior to the scheduled closing time for receipt of the proposals in response to this RFP. No proposer may withdraw a proposal for a period of sixty (60) days after the scheduled closing time.

Addendum: Any addendum issued during this RFP process shall be made a part of the agreement between the City and the selected contractor/consultant.

Proposal List: Unless receipt of this RFP is acknowledged, in the form of a letter or a "no response," the Contractor name may be removed from the applicable mailing list. Mailing lists are maintained solely as an accommodation to proposers. A "No Response" response may be submitted on company letterhead or via FAX. Purchasing Agent’s FAX: (559) 784-4569.

Late Proposals: Late proposals received (after the specified proposal due date) shall be rejected.

Disputes: In case of discrepancy between words and figures when evaluating the proposals, the words shall prevail; provided, however, that the City reserves the right to construe any proposal according to its true intent where it contains an obvious mistake.

Decision to Reject: The City reserves the right to reject all proposals for any reason or for no reason, to re-advertise a proposal. The City reserves the right to reject as non-responsive any proposal which is incomplete, modified, unsigned, or illegible or which is not otherwise submitted in accordance with the requirements of this Request For Proposal.

Scope of Work or Services: Proposer shall be deemed an independent contractor/consultant and not an agent, subcontractor or employee of the City. Proposer shall not enter into a subcontract agreement without the City’s prior consent. The Services and Work required are included in this RFP and incorporated herein by this reference.
Evaluation/Selection Process:

Evaluation and selection of proposals will be based on the information called for in this Request for Proposal. Proposals will be evaluated by a Selection Committee composed of the City Attorney and City Auditor. In connection with its evaluation, the City may, at its option, invite one or more proposers to make an oral presentation to the Selection Committee. During these interviews, the proposers will be allowed to present such evidence as may be appropriate in order that the Committee can correctly analyze all materials and documentation submitted as a part of the proposals. The successful proposer will be alternately referred to as the Contractor in this document.

The City reserves the right to make the selection of a Contractor based on any or all factors of value, whether quantitatively identifiable or not, including, but not limited to, the anticipated initiative and ability of the Contractor to perform the services set forth herein. The City of Porterville further reserves the right to reject any or all proposals; to waive any requirements, both the City’s and those proposed by the Contractor; to waive any irregularities or informalities in any proposal or the Request for Proposal process when it is in the best interest of the City to do so; to negotiate for the modification of any proposal with mutual consent of the proposer; to re-advertise for proposals, if desired; to sit and act as sole judge of the merit and qualifications of the service offered and; to evaluate in its absolute discretion, the proposal of each Contractor so as to select the Contractor which best serves the requirements of the City, thus insuring that the best interest of the City will be served. Proposer’s past performance and the City’s assurance that each proposer will provide services as offered, will be taken into consideration when proposals are being evaluated.

As a minimum, the evaluation of the proposals and selection of the Contractor will be based on the following criteria:

- Firm qualifications and experience, and experience of on-site general manager.
- Adequacy of staff to perform the work.
- Demonstrated ability to work effectively with City staff, other public agencies and related parties.
- References.
- Proposal thoroughness and approach.
- Demonstrated ability to keep costs within project budgets.
- Knowledge of local conditions.
- Demonstrated record of abiding by terms of contract agreements.
- Evidence the Contractor is an Equal Opportunity employer.
- Cost of services proposed.

Prior to the award of contract, the City must be assured that the Contractor selected has all of the resources required to successfully perform under the contract. This includes, but is not limited to, personnel with the skills required, equipment/materials and financial resources sufficient to provide services called for under the contract. If, during the evaluation process, the City is unable to assure itself of the Contractor’s ability to perform under the contract, if awarded, the City has the option of requesting from the Contractor, any information that the City deems necessary to determine the
Contractor’s capabilities. If such information is required, the Contractor will be notified and will be permitted seven (7) days to submit the requested information.

**Background Check:**

The City reserves the right to conduct a background inquiry of each proposer which may include the collection of appropriate criminal history information, contractual and business associations and practices, employment histories and reputation in the business community. By submitting a proposal to the City, the proposer consents to such an inquiry and agrees to make available to the City such books and records as the City deems necessary to conduct the inquiry.

**SPECIAL CONDITIONS**

**Conflict of Interest:** The selected Contractor and any subcontractor may be required to comply with City's conflict of interest code by filing a financial disclosure form entitled "Statement of Economic Interest, Form 700." This will depend on whether the Contractor or subcontractor is a Contractor so defined under the California Political Reform Act and whether the range of duties and the services to be provided under the agreement entails the making or participation in the making of decisions by the Contractor or subcontractor which may foreseeably have a material effect on any financial interest of the Contractor or subcontractor with respect to the agreement and the nature of the services to be rendered will not be limited in scope nor primarily ministerial in nature.

**Insurance:** The selected Contractor must provide a certificate of insurance in a form acceptable to City's Risk Manager prior to entering into the agreement. The certificate shall evidence the Contractor's insurance coverage in the forms and amounts set forth in Exhibit C attached to this RFP. The Contractor shall maintain such insurance as will cover and include the entire obligation assumed in the agreement as well as such insurance as will protect the Contractor from claims and liability under Workers' Compensation Act, personal liability, property damage, and all other claims for damages, including personal injury, and death, which may arise from operations under the agreement. For additional information contact the Purchasing Agent, (559) 782-7451.

**Records and Audits:** Contractor shall maintain accurate and complete records specifically relating to the Services provided under the agreement. Contractor shall also keep records and books of account showing all charges, disbursements, or expenses made or incurred by Contractor in the performance of the service herein. Records shall be created which are relevant in determining whether Contractor is complying with its obligations hereunder. City shall have the right to inspect and audit the books, records, and other items relating to this Agreement. Contractor shall provide security and retain such records and items for a period of three years from date of final payment under this agreement.

**Security of Data:** The Contractor agrees that any data provided by the City shall:

1.0 Be kept in confidence and not disclosed to third parties without the prior written approval of City; and
2.0 Not be used in the production, or design of any article or material, report or press release, without City's prior written consent.

These obligations shall survive the termination of the agreement. The Contractor shall return and deliver all data to City upon City's request, and in any event upon the completion or termination of all work hereunder, whichever first occurs, and the Contractor shall be fully responsible for the care and protection of data until such delivery.

Subcontracting: Should any proposer contemplate Subcontracting any part of the work or services under the Scope of Work, it shall submit with its proposal a description of the work or service to be done under such subcontracts together with the name of the proposed subcontractors who shall perform any part of the project.

Taxes: Except where specifically provided, the proposal fee(s) shall include all federal, state, and local sales, use, transportation, privilege, occupational, and other taxes applicable to service, materials or equipment furnished under the agreement or by the Contractor's payroll. The Contractor agrees to indemnify and save City harmless from and against any liability for any such taxes, or payroll premiums and contributions.

Termination: In the event of a lack of funding, or should contractor fail to perform all work as set forth to the satisfaction of the City Council, the agreement may be terminated by the City in whole or in part, by giving the Contractor not less than sixty (60) days written notice of the termination date. Should the agreement be so terminated, the Contractor shall be paid for all authorized services provided through, and including, the date of termination; however, the Contractor shall not be paid any anticipated profit or fees for services not provided.

Changes: The agreement shall not be assigned or transferred without the written consent of City. No changes or variations of any kind are authorized without a written and signed amendment to the agreement. The proposed work or services shall be diligently prosecuted in accordance with the project schedule negotiated by the Contractor and the City’s Public Works Department.

Standard of Performance:

1.0 The selected Contractor shall be required to unconditionally warrant that it shall use sound and professional principles and practices in accordance with the highest degree of skill and care as those observed by national firms of established good reputation, as well as the current normally accepted industry standards, in the performance of services required herein. Contractor's personnel shall also reflect their best professional knowledge, skill and judgment.

2.0 If any failure to meet the foregoing warranty appears during the term of the agreement, the City may terminate the agreement and require reimbursement of all expenses necessary to replace or restore such services.
Indemnity: The selected Contractor hereby agrees to protect, indemnify, defend and hold harmless the City, its officers, agents, and employees from any and all demands, claims or liability of any nature, including wrongful death, caused by or arising out of the Contractor, its officers, agents or employees negligent acts, errors, or omissions, or willful misconduct, or conduct for which the law may impose strict liability on the Contractor in the performance or nonperformance of the agreement.

Interest of Proposer: At all times the Contractor shall be deemed to be an independent Contractor and the proposer shall not be authorized to bind the City to any contract or other obligation. Under the agreement, the Contractor shall certify that no one who has or will have any financial interest under the agreement is an officer or employee of the City.

Entire Agreement: The agreement between City and the selected Contractor will constitute the entire agreement of the parties hereto, and will supersede any previous agreement or understandings. The agreement may not be modified except in writing and executed by both parties.

Governing Law: The laws of the State of California shall govern this RFP process and the agreement. All services provided to City shall comply with all policies, rules, and regulations which may be in effect during the term of the agreement, as well as all federal, California and local statutes, ordinances, and regulations.
SCOPE OF SERVICES
RFP NO. 05/06 - SR 1594

The successful contractor will work with the City to establish and deliver an effective residential curbside recycling program in the City of Porterville to realize efficiencies in the collection and transportation of recyclable materials and to result in low levels of contamination and high levels of recyclable materials delivered for processing. The successful contractor shall prepare and submit an Operation Plan with the following components:

A. Public Education & Outreach Program

The successful contractor shall describe in detail a cooperative public education and outreach program designed to lead to strong participation in the City's residential curbside recycling program. The public education and outreach program should include some or all of the following: billing inserts, flyers, mailers, newsletters, newspaper advertisements, press releases, public service announcements, school visitations to identify recyclable materials to students, special events, surveys, and/or workshops. Preference will be given to contractors who can demonstrate present and past success in conducting public education and outreach programs.

B. Collection of Recyclables

The successful contractor shall propose the means of collecting the City's residential recyclable materials once weekly from separate collection containers no less than 60 gallons in size assigned to each participating household in Porterville (approximately 11,000 households). The successful contractor shall propose the number and type of collection vehicles and the collection routes and schedules. The successful contractor shall certify that all refuse collection vehicles meet air quality standards enacted by the California Regional Air Quality Control Board. The successful contractor will provide all necessary collection equipment, personnel and supplies including, but not limited to: containers for each household, collection trucks, and permits. The successful contractor will work cooperatively with the City’s residential garbage collector to maximize route efficiency and scheduling conveniences for customers. The successful contractor shall estimate the recovery rate to be achieved in number of tons. Preference will be given to those contractors that can guarantee a minimum level of recovery.

C. Transportation of Recyclables

The successful contractor shall propose the means of transporting the City’s collected residential recyclable materials to the material recovery facility (or transfer operation) specified by the City. The successful contractor will provide all necessary transportation equipment, personnel and supplies.
D. Processing of Recyclables

The successful contractor shall work cooperatively with the City’s selected contractor for processing. This includes providing the materials sorts, containers, and collection vehicles that support the minimum amount of contamination and maximum amount of residential recyclable materials for processing and marketing by the City’s processing contractor.

E. Report Preparation

The successful contractor shall have extensive experience in preparing and submitting reports to cities and reports that assist the City in reporting to the State and the Consolidated Waste Management Authority. The successful contractor will prepare tonnage reports on a monthly, quarterly and annual basis, detailing the quantity and type of material collected and transported from the City of Porterville on a per ton basis. The successful contractor will prepare financial reports on a monthly, quarterly and annual basis, detailing the number of households participating, the costs incurred, and the revenues received. The successful contractor shall include samples of monthly, quarterly and annual tonnage and financial reports in their proposal.

F. Customer Support Services

The successful contractor shall clearly define their customer support services. The customer support services plan should include some or all of the following: office location and hours, telephone and email access, after-hours and emergency numbers, number of customer service representatives, training for customer service representatives, equipment, response standards, contact records and complaint resolution protocol. Preference will be given to contractors who can demonstrate present and past success in effective and responsive customer support services including conflict resolution.

G. Customer Billing Process

The successful contractor shall clearly define their existing billing process for charges for garbage, yard waste and recycling collection services by residential customers. Billing services for garbage and yard waste collection are currently provided by the City. The proposal shall include a total cost to the City if the successful contractor provides billing services. However, please note that the City’s cost to provide billing services is currently 2% of total annual program cost and it will be at the City’s discretion whether the City or the successful contractor provides billing services. Invoices for each residential customer shall show: the number of containers collected on a weekly basis with appropriate charges for collection service. Preference will be given to those contractors that bill on a monthly basis. The successful contractor shall include a sample of a monthly invoice in their proposal.
H. Fees for Service

The successful contractor shall clearly define their billing process for reimbursement of collection and transportation service costs to the City and payment of fees to the City. The City will impose an Overhead Cost to be paid to the City which shall be included in the cost of the service. This fee is currently 7% of the total annual program cost. Further, the City will impose its standard franchise fee in the amount of 2% of total annual program cost to offset the cost of infrastructure maintenance required as a result of the wear and tear of collection vehicles. Similarly, this fee shall be included in the cost of service. The overhead cost and the franchise fee shall be paid to the City on an annual basis. The successful contractor shall include a sample of an invoice in their proposal.

I. Implementation Schedule

The successful contractor shall provide a detailed schedule for implementing their Operation Plan. The successful contractor shall be able to accommodate the City’s collection and transportation needs starting on March 1, 2006. The City reserves the right to modify the schedule, with or without explanation.

SUPPLIER SELECTION:

Goods and services procured by the City of Porterville shall be from the lowest responsible bidder. In addition to price, the "lowest responsible bidder" will be determined by consideration of the following factors:

a) The quality, availability and suitability of the supplies, equipment or services to the particular use required.
b) The ability, capability and skill of the bidder to perform the services required.
c) Whether the bidder has the financial resources and facilities to perform or provide the services promptly, or within the time specified without delay or interference.
d) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
e) The bidder's record of performance on previous contracts or services, including compliance by the bidder with laws and ordinances relative to such contracts or services.
f) The ability of the bidder to provide future maintenance and service for the use of the equipment or materials to be purchased.
g) The number and scope of conditions attached to the bid.
h) The City’s assessment of the most favorable proposal for the City.

All proposals shall be reviewed by the City Attorney and City Auditor who will make a recommendation to the City Council.
OTHER TERMS AND CONDITIONS

A. Surety - Contractor shall provide the City with either a Faithful Performance Bond or an Irrevocable Letter of Credit in the amount of fifty percent (50%) of the projected annual Agreement amount. Said surety will remain in force for the term of the Agreement, including any extended term. Surety will be released thirty (30) days after expiration of the Agreement. All alterations, extension of time or other modifications to the Agreement may be made without consent of the surety or sureties. In the event the Contractor should default, the City may assume operation of the collection service and/or contract for a collection service in the open market and call the Performance Bond/Letter of Credit to collect from the surety any costs incurred by the City in maintaining collection services and/or in executing a new collection Agreement, including any cost increases incurred for the remaining term of the original Agreement.

B. Award of Contract - The Contract is anticipated to be awarded by the City Council at its INSERT DATE meeting, or as soon thereafter as practical. Contractors submitting proposals will be notified of Staff’s recommendation for award by INSERT DATE, and will be notified of the Council’s decision on INSERT DATE, or as soon thereafter as it is known. Contractor shall provide City with signed Agreement documents and Performance Bond within fourteen (14) days of formal notice of contract award, and shall be able to provide service effective INSERT TIME AND DATE, unless another date has been negotiated with the City.

C. Contract - The contract shall consist of the Proposal, the RFP and all attachments, and the Agreement.

D. Municipal Business License - Before entering into an agreement for the collection of residential recyclables, the Contractor shall obtain a City business license in accordance with Chapter 15, Licenses, City of Porterville Code, Section 24a(40).
PROPOSAL FORM

CITY OF PORTERVILLE COLLECTION OF RESIDENTIAL RECYCLABLES

Proposal based on weekly collection of residential curbside recycling from an estimated 11,000 households. Recyclables to be delivered by collection contractor to the City’s specified processing contractor. Cost to City should be quoted on an annual “lump sum” basis, and should include recyclables collection, delivery, collection containers, customer support services, implementation costs, ongoing public education/outreach, and report preparation services.

Minimum household participation level, guaranteed to the City: ______ percent

Minimum recyclable recovery level, guaranteed to the City: ______ percent

$_________ Total annual cost to the City for specified services – contractor provides customer billing services

$_________ Total annual cost to the City for specified services – City provides customer billing services

The annual cost will be adjusted automatically by the City based on the increase/decrease of households above or below the base of 11,000 for the first year. The Contractor can apply for an additional adjustment due to increased costs at an amount not to exceed the (INSERT INFLATION ADJUSTMENT).

I ____________________________, ____________________________, am duly authorized to commit my company to sell/perform the products and/or services described herein. I understand by signing this quotation I am not obligating the City to make this purchase, nor am I signing a contract to sell or perform this purchase. By signing this document I agree to comply with all specifications described herein, unless specifically noted.

Signature ____________________________________________ Date ______________________

Company Name ____________________________________________________________

Company Address __________________________________________________________

Company Phone Number ________________________________

(PLEASE SEE THE FOLLOWING INSTRUCTIONS REGARDING SIGNATURE)

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

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

(3) State on this line the address to which all communications and notices regarding the proposal, and any Agreement awarded thereunder, are to be addressed.

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

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

NOTE:  (a) All signatures must be typewritten under written signature.

(b) All addresses must be complete with street number, city and state.
NONCOLLUSION AFFIDAVIT TO BE EXECUTED
BY BIDDER AND SUBMITTED WITH BID

State of California )
 ) ss.
County of __________ )

__________________________, being first duly sworn, deposes and says that he or she is the
__________________________ of __________________ the party marking the foregoing bid that the
bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company,
association, organization, or corporation; that the bid is genuine and not collusive or sham; that the
bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham
bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or
anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not
in any manner, directly or indirectly, sought by agreement, communication, or conference with
anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost
element of the bid price, or of that of any other bidder, or to secure any advantage against the public
body awarding the contract of anyone interested in the proposed contract; that all statements
contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his
or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data
relative thereto, or paid, and will not ay, any fee to any corporation, partnership, company
association, organization, bid depository, or to any member or agent thereof to effectuate a collusive
or sham bid.

Subscribed and sworn to before me on ____________.

Notary Seal

__________________________
Notary Signature
REQUEST FOR PROPOSAL (RFP)

DATE: July 19, 2005

The City of Porterville, through its Purchasing Division, is requesting proposals from contractors interested in providing processing and residual disposal of the City's residential recyclables. The successful contractor will work with the City to help maximize the recovery rate and marketing revenues from the City's residential curbside recycling program.

The term of the agreement is three years commencing on March 1, 2006. The City wishes to establish a three (3) year contract, with an option to renew on a year-to-year basis, for up to two additional years upon agreement of both parties.

PROJECT TITLE: PROCESSING OF RESIDENTIAL RECYCLABLES AND RESIDUAL DISPOSAL SERVICES

PROJECT DESCRIPTION AND BACKGROUND:

THE CITY:

The City of Porterville has a population of 44,500 with approximately 11,000 single family residential households. It encompasses 14.8 square miles in Tulare County, and is located approximately thirty miles south of Visalia, seventy five miles southeast of Fresno, and fifty miles north of Bakersfield, California.

CURRENT SYSTEM:

At present, the City of Porterville’s Public Works Department provides municipal residential collection of garbage and yard waste using automated side loaders. Collection is carried out over 4 days, 2 for yard waste and 2 for garbage collection. Garbage is collected using 5 residential routes on Thursdays and 5-6 routes on Fridays. The green waste collection is conducted using 4 routes each on Tuesdays and Wednesdays. Diversion from the yard waste program ranges from 25% to 35% of the residential stream, with variations by month of growing season. The City’s drop-off recycling program is well-used by citizens, and accepts cardboard, paper, plastic 1 & 2, steel, aluminum, and glass. The latest tonnage figures indicate the drop-off program is diverting about 3% of the residential waste stream.
Purchasing Agent:  Susan Perkins
(559) 782-7451

PROPOSAL DUE DATE:

INSERT DATE

PROPOSAL DOCUMENTS ARE AVAILABLE AT:

Purchasing Division / Finance Department
291 N. Main Street
Porterville, CA 93257
CITY OF PORTERVILLE  
STATE OF CALIFORNIA  

NOTICE INVITING SEALED PROPOSALS  
RFP NO. 05/06 - SR 1595  

SEALED PROPOSALS will be received by the Purchasing Agent at City Hall, 291 N. Main Street, City of Porterville, California, until Insert Time on Insert Date for:  

PROCESSING OF RESIDENTIAL RECYCLABLES  
AND RESIDUAL DISPOSAL SERVICES  

Instructions to Proposers and proposal forms may be inspected at City Hall, 291 N. Main Street, Porterville, California. No proposal will be received unless it is made on a proposal form furnished by the City.  

The City hereby affirmatively ensures that minority business enterprises will be afforded full opportunity to submit proposals in response to this notice and will not be discriminated against on the basis of religion, creed, political affiliation, race, color, ancestry, national origin, citizenship status, age, sex, sexual orientation, marital status, family status, pregnancy, medical condition, mental or physical handicap or disability, or uniformed service member status in any consideration leading to the award of contract. Also, affirmative action by the Contractor will be required to ensure against discrimination in employment practices on the basis of religion, creed, political affiliation, race, color, ancestry, national origin, citizenship status, age, sex, sexual orientation, marital status, family status, pregnancy, medical condition, mental or physical handicap or disability, or uniformed service member status.  

The right is reserved by the City of Porterville to reject any or all proposals, to evaluate the proposals submitted, and to award the contract according to the proposal which best serves the interests of said City.  

Dated at Porterville, California, this _____ day of _____________, 2005.  

__________________________  
Susan Perkins, Purchasing Agent  

Publication Dates:  

First: ____________________  
Second: ________________
INSTRUCTIONS TO PROPOSERS
RFP NO. 05/06 - SR 1595

All proposals shall be made on the form provided, additional copies of which may be obtained in the office of the City Purchasing Agent of the City of Porterville, State of California, and shall be a sealed proposal, delivered to the Purchasing Agent as required in the “Notice Inviting Sealed Proposals,” on or before Insert Time, Insert Date.

The City Council reserves the right to accept or reject any proposal offered and to accept that proposal which best corresponds in quality, fitness and capacity to the requirement of the City of Porterville.

Proposer shall submit proposals on proposal forms provided based on the scope of work indicated.

PROPOSAL REQUIREMENTS:

The Proposer shall respond to all requirements in accordance with the terms & conditions, detailed information regarding the scope of work requirements, description and all schedules herein.

The Proposer shall be required to:

1. One page (maximum) cover letter listing company name, address, phone number, fax number, email address, and contract manager.

2. Name and background of person who will serve as the contract manager with resume detailing most recent experience.

3. One paragraph descriptions of five most recent and similar experiences. Include a list of references with client name, address, contact name, contact title and contact phone number. Please identify any problems encountered over the past five years, as well as how these issues were satisfactorily resolved.

4. Narrative format for the Operation Plan as set forth by the RFP, including the following components.

   - Public Education & Outreach Program
   - Collection and Transportation of Recyclables
   - Processing of Recyclables
   - Marketing of Recyclables
   - Residual Disposal
   - Report Preparation
   - Cost/Revenue Plan
   - Billing Process
   - Implementation Schedule

2
5. Cost Quotation, submitted on the “Quotation Form(s)” that follow. The Quotation Form(s) must be fully completed for the bid to be accepted.

OTHER REQUIREMENTS:

Proposers responding to this RFP are required to submit with their proposal all of the requirements included in the Scope of Work or Services and fully complete and submit “Proposal” document and attachments. Facsimile (fax) proposals will not be accepted.

The Proposal and any accompanying documents shall be submitted in a sealed envelope marked as follows:

```
"PROPOSAL"

PROJECT TITLE: PROCESSING OF RESIDENTIAL RECYCLABLES AND RESIDUAL DISPOSAL SERVICES, RFP NO. 05/06 - SR 1595

NAME AND ADDRESS OF COMPANY (PROPOSER)"
```

PROPOSALS SHALL BE DELIVERED TO:

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

INSTRUCTIONS TO PROPOSERS:

Proposal Format: Proposals shall be submitted in accordance with the following Instructions to Proposers and the Scope of Services to receive consideration:

1.0 Proposals shall be submitted in two (2) distinct parts — the “Proposal” pages, including References, Designation of Sureties, and the “Confidential Information.” The selection committee shall review the “Proposal” first and then the “Confidential Information.” Therefore, each part should be packaged separately, but submitted together.

2.0 Proposals shall not contain any modification of the work or services to be done under the scope of the project. Alternative proposals are acceptable when called for. Exceptions to requirements must be clearly identified in writing with full explanations.

2.1 When requested, the Proposer shall furnish a statement of financial responsibility and experience in the Proposal.
2.2 Before submitting a Proposal, the Proposer shall examine and read the enclosed documents, visit the site of the services to be provided if applicable, and be informed as to all existing conditions and limitations.

3.0 This RFP shall not commit the City to award a contract, to pay any costs incurred in the preparation of the proposal made in response to this RFP, or to procure or contract for services.

**Interpretation:** If any person contemplating the submittal of a proposal for the project is in doubt as to the proposal procedures, such proposer should contact the City’s Purchasing Agent. If he/she is in doubt as to the true meaning of any part of the requirements, work, or other proposed agreement documents, he/she should request that the City’s Purchasing Agent provide a written interpretation or correction thereof. The proposer submitting the request will be responsible for its prompt delivery. Any interpretation or correction of this RFP will be made only by addendum sent to those who have received an RFP. The City will not be responsible for any other explanations or interpretations of the RFP.

**Withdrawal of Proposal:** Any proposer may withdraw a proposal, either personally or by telegraphic or written request, at any time prior to the scheduled closing time for receipt of the proposals in response to this RFP. No proposer may withdraw a proposal for a period of sixty (60) days after the scheduled closing time.

**Addendum:** Any addendum issued during this RFP process shall be made a part of the agreement between the City and the selected contractor/consultant.

**Proposal List:** Unless receipt of this RFP is acknowledged, in the form of a letter or a "no response," the Contractor name may be removed from the applicable mailing list. Mailing lists are maintained solely as an accommodation to proposers. A "No Response" response may be submitted on company letterhead or via FAX. Purchasing Agent’s FAX: (559) 784-4569.

**Late Proposals:** Late proposals received (after the specified proposal due date) shall be rejected.

**Disputes:** In case of discrepancy between words and figures when evaluating the proposals, the words shall prevail; provided, however, that the City reserves the right to construe any proposal according to its true intent where it contains an obvious mistake.

**Decision to Reject:** The City reserves the right to reject all proposals for any reason or for no reason, to re-advertise a proposal. The City reserves the right to reject as non-responsive any proposal which is incomplete, modified, unsigned, or illegible or which is not otherwise submitted in accordance with the requirements of this Request For Proposal.

**Scope of Work or Services:** Proposer shall be deemed an independent contractor/consultant and not an agent, subcontractor or employee of the City. Proposer shall not enter into a subcontract agreement without the City's prior consent. The Services and Work required are included in this RFP and incorporated herein by this reference.
Evaluation/Selection Process:

Evaluation and selection of proposals will be based on the information called for in this Request for Proposal. Proposals will be evaluated by a Selection Committee composed of the City Attorney and City Auditor. In connection with its evaluation, the City may, at its option, invite one or more proposers to make an oral presentation to the Selection Committee. During these interviews, the proposers will be allowed to present such evidence as may be appropriate in order that the Committee can correctly analyze all materials and documentation submitted as a part of the proposals. The successful proposer will be alternately referred to as the Contractor in this document.

The City reserves the right to make the selection of a Contractor based on any or all factors of value, whether quantitatively identifiable or not, including, but not limited to, the anticipated initiative and ability of the Contractor to perform the services set forth herein. The City of Porterville further reserves the right to reject any or all proposals; to waive any requirements, both the City’s and those proposed by the Contractor; to waive any irregularities or informalities in any proposal or the Request for Proposal process when it is in the best interest of the City to do so; to negotiate for the modification of any proposal with mutual consent of the proposer; to re-advertise for proposals, if desired; to sit and act as sole judge of the merit and qualifications of the service offered and; to evaluate in its absolute discretion, the proposal of each Contractor so as to select the Contractor which best serves the requirements of the City, thus insuring that the best interest of the City will be served. Proposer’s past performance and the City’s assurance that each proposer will provide services as offered, will be taken into consideration when proposals are being evaluated.

As a minimum, the evaluation of the proposals and selection of the Contractor will be based on the following criteria:

- Firm qualifications and experience, and experience of on-site general manager.
- Adequacy of staff to perform the work.
- Demonstrated ability to work effectively with City staff, other public agencies and related parties.
- References.
- Proposal thoroughness and approach.
- Demonstrated ability to keep costs within project budgets.
- Knowledge of local conditions.
- Demonstrated record of abiding by terms of contract agreements.
- Evidence the Contractor is an Equal Opportunity employer.
- Cost of services proposed.

Prior to the award of contract, the City must be assured that the Contractor selected has all of the resources required to successfully perform under the contract. This includes, but is not limited to, personnel with the skills required, equipment/materials and financial resources sufficient to provide services called for under the contract. If, during the evaluation process, the City is unable to assure itself of the Contractor’s ability to perform under the contract, if awarded, the City has the option of requesting from the Contractor, any information that the City deems necessary to determine the
Contractor’s capabilities. If such information is required, the Contractor will be notified and will be permitted seven (7) days to submit the requested information.

Background Check:

The City reserves the right to conduct a background inquiry of each proposer which may include the collection of appropriate criminal history information, contractual and business associations and practices, employment histories and reputation in the business community. By submitting a proposal to the City, the proposer consents to such an inquiry and agrees to make available to the City such books and records as the City deems necessary to conduct the inquiry.

SPECIAL CONDITIONS

Conflict of Interest: The selected Contractor and any subcontractor may be required to comply with City's conflict of interest code by filing a financial disclosure form entitled "Statement of Economic Interest, Form 700." This will depend on whether the Contractor or subcontractor is a Contractor so defined under the California Political Reform Act and whether the range of duties and the services to be provided under the agreement entails the making or participation in the making of decisions by the Contractor or subcontractor which may foreseeably have a material effect on any financial interest of the Contractor or subcontractor with respect to the agreement and the nature of the services to be rendered will not be limited in scope nor primarily ministerial in nature.

Insurance: The selected Contractor must provide a certificate of insurance in a form acceptable to City's Risk Manager prior to entering into the agreement. The certificate shall evidence the Contractor's insurance coverage in the forms and amounts set forth in Exhibit C attached to this RFP. The Contractor shall maintain such insurance as will cover and include the entire obligation assumed in the agreement as well as such insurance as will protect the Contractor from claims and liability under Workers' Compensation Act, personal liability, property damage, and all other claims for damages, including personal injury, and death, which may arise from operations under the agreement. For additional information contact the Purchasing Agent, (559) 782-7451.

Records and Audits: Contractor shall maintain accurate and complete records specifically relating to the Services provided under the agreement. Contractor shall also keep records and books of account showing all charges, disbursements, or expenses made or incurred by Contractor in the performance of the service herein. Records shall be created which are relevant in determining whether Contractor is complying with its obligations hereunder. City shall have the right to inspect and audit the books, records, and other items relating to this Agreement. Contractor shall provide security and retain such records and items for a period of three years from date of final payment under this agreement.

Security of Data: The Contractor agrees that any data provided by the City shall:

1.0 Be kept in confidence and not disclosed to third parties without the prior written approval of City; and
2.0 Not be used in the production, or design of any article or material, report or press release, without City's prior written consent.

These obligations shall survive the termination of the agreement. The Contractor shall return and deliver all data to City upon City's request, and in any event upon the completion or termination of all work hereunder, whichever first occurs, and the Contractor shall be fully responsible for the care and protection of data until such delivery.

Subcontracting: Should any proposer contemplate Subcontracting any part of the work or services under the Scope of Work, it shall submit with its proposal a description of the work or service to be done under such subcontracts together with the name of the proposed subcontractors who shall perform any part of the project.

Taxes: Except where specifically provided, the proposal fee(s) shall include all federal, state, and local sales, use, transportation, privilege, occupational, and other taxes applicable to service, materials or equipment furnished under the agreement or by the Contractor's payroll. The Contractor agrees to indemnify and save City harmless from and against any liability for any such taxes, or payroll premiums and contributions.

Termination: In the event of a lack of funding, or should contractor fail to perform all work as set forth to the satisfaction of the City Council, the agreement may be terminated by the City in whole or in part, by giving the Contractor not less than sixty (60) days written notice of the termination date. Should the agreement be so terminated, the Contractor shall be paid for all authorized services provided through, and including, the date of termination; however, the Contractor shall not be paid any anticipated profit or fees for services not provided.

Changes: The agreement shall not be assigned or transferred without the written consent of City. No changes or variations of any kind are authorized without a written and signed amendment to the agreement. The proposed work or services shall be diligently prosecuted in accordance with the project schedule negotiated by the Contractor and the City’s Public Works Department.

Standard of Performance:

1.0 The selected Contractor shall be required to unconditionally warrant that it shall use sound and professional principles and practices in accordance with the highest degree of skill and care as those observed by national firms of established good reputation, as well as the current normally accepted industry standards, in the performance of services required herein. Contractor's personnel shall also reflect their best professional knowledge, skill and judgment.

2.0 If any failure to meet the foregoing warranty appears during the term of the agreement, the City may terminate the agreement and require reimbursement of all expenses necessary to replace or restore such services.

Indemnity: The selected Contractor hereby agrees to protect, indemnify, defend and hold harmless
the City, its officers, agents, and employees from any and all demands, claims or liability of any nature, including wrongful death, caused by or arising out of the Contractor, its officers, agents or employees negligent acts, errors, or omissions, or willful misconduct, or conduct for which the law may impose strict liability on the Contractor in the performance or nonperformance of the agreement.

**Interest of Proposer:** At all times the Contractor shall be deemed to be an independent Contractor and the proposer shall not be authorized to bind the City to any contract or other obligation. Under the agreement, the Contractor shall certify that no one who has or will have any financial interest under the agreement is an officer or employee of the City.

**Entire Agreement:** The agreement between City and the selected Contractor will constitute the entire agreement of the parties hereto, and will supersede any previous agreement or understandings. The agreement may not be modified except in writing and executed by both parties.

**Governing Law:** The laws of the State of California shall govern this RFP process and the agreement. All services provided to City shall comply with all policies, rules, and regulations which may be in effect during the term of the agreement, as well as all federal, California and local statutes, ordinances, and regulations.
SCOPE OF SERVICES
RFP NO. 05/06 - SR 1595

The successful contractor will work with the City to maximize the level of recovery of recyclables from the City’s residential curbside recycling program; to realize efficiencies in the processing of recyclable materials; to maximize revenues from the sale of recyclable materials; and to ensure the cost effective disposal of non-recyclable, residual material. The successful contractor shall prepare and submit an Operation Plan with the following components:

A. Public Education & Outreach Program

The successful contractor shall describe in detail a cooperative public education and outreach program designed to introduce and encourage participation in the City’s curbside recycling program. The successful contractor will be required to cooperate with the City and/or the City’s selected collection contractor by providing information and services for a public education and outreach program that should include some or all of the following: billing inserts, flyers, mailers, newsletters, newspaper advertisements, press releases, public service announcements, school visitations to identify recyclable materials to students, special events, surveys, and/or workshops. Preference will be given to contractors who can demonstrate present and past success in conducting public education and outreach programs.

B. Collection and Transportation of Recyclables

The successful contractor shall propose the means of cooperating with the City’s selected collection contractor (to be identified through separate RFP process) for transportation of the City's residential recyclable materials from each participating household to a materials recovery facility. The City’s intent is that the types of materials, material sorts, frequency of collection, method of collection, method of transportation and transportation destination for the curbside recycling program will be prescribed and collection, transportation, processing and marketing operations will be coordinated and mutually supportive. The successful contractor may propose a recyclables transfer operation, direct transport by collection contractor; or both. If a transfer operation is proposed, the successful contractor will provide all necessary transfer and/or transportation equipment, personnel and supplies including, but not limited to: land, loaders, permits, scales and transfer trucks. To encourage transportation efficiencies and reduce environmental impact, preference may be given to those proposals which include a transfer operation option.

C. Processing of Recyclables

The successful contractor shall propose the means of, and location for, baling, processing and sorting the City's residential recyclable materials. The successful contractor will provide all necessary buildings, equipment, land, personnel and supplies including, but not limited to, balers, conveyors, loaders, scales, screens, separators and tipping floors, associated with materials recovery operations. The successful contractor shall estimate the recovery rate to
be achieved. Preference will be given to those contractors that can guarantee a minimum level of recovery.

D. Marketing of Recyclables

The successful contractor shall propose a marketing plan for the City's residential recyclable materials.

E. Residual Disposal

The successful contractor shall propose the means for disposing of the residual, non-recyclable material resulting from the processing of the City's residential recyclable material. The successful contractor shall identify the estimated residual tonnage for the City of Porterville.

F. Report Preparation

The successful contractor shall have extensive experience in preparing and submitting reports to cities. The successful contractor will prepare tonnage reports on a monthly, quarterly and annual basis, detailing the quantity and type of material received, processed, recovered, marketed and disposed from the City of Porterville on a per ton basis. Reports shall indicate specific recovered commodity types and prices on a per ton basis. The successful contractor will prepare financial reports on a monthly, quarterly and annual basis, detailing the processing and material marketing costs incurred, the residual transportation costs and disposal fees paid, and the revenues received from marketing recyclable materials. The successful contractor shall include samples of monthly, quarterly and annual tonnage and financial reports in their proposal.

G. Cost/Revenue Plan

The successful contractor shall establish a cost/revenue plan with the City based on percentage of contamination of the processed recyclable materials. The plan shall clearly identify the cost/revenue per ton of material received based on the level of material contamination, at 1% increments from 5% contamination to 25% contamination. Cost/revenue will be adjusted based on contamination level on a quarterly basis. The City reserves the right to select an independent consultant to audit and verify the quarterly contamination level at the processor's expense.

H. Billing Process

The successful contractor shall clearly define their billing process for costs to be reimbursed by the City and payments to be made to the City. Invoices shall show: the quantity of material received, processed, recovered, marketed and disposed; the costs for processing and disposing of the City's residential recyclable material per ton; the revenues received from the sale of the various commodities, and the amounts to be paid by the City to the contractor and
by the contractor to the City. Such invoices shall be submitted to the City on a monthly basis. Payments from the City will be made upon receipt and acceptance of the monthly financial reports. The successful contractor shall include a sample of a monthly invoice in their proposal.

I. Implementation Schedule

The successful contractor shall provide a detailed schedule for implementing their Operation Plan. The successful contractor shall be able to accommodate the City’s processing and residual disposal needs starting on March 1, 2006. The City reserves the right to modify the schedule, with or without explanation.

SUPPLIER SELECTION:

Goods and services procured by the City of Porterville shall be from the lowest responsible bidder. In addition to price, the "lowest responsible bidder" will be determined by consideration of the following factors:

a) The quality, availability and suitability of the supplies, equipment or services to the particular use required.

b) The ability, capability and skill of the bidder to perform the services required.

c) Whether the bidder has the financial resources and facilities to perform or provide the services promptly, or within the time specified without delay or interference.

d) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

e) The bidder’s record of performance on previous contracts or services, including compliance by the bidder with laws and ordinances relative to such contracts or services.

f) The ability of the bidder to provide future maintenance and service for the use of the equipment or materials to be purchased.

g) The number and scope of conditions attached to the bid.

h) The City’s assessment of the most favorable proposal for the City.

All proposals shall be reviewed by the City Attorney and City Auditor who will make a recommendation to the City Council.

OTHER TERMS AND CONDITIONS

A. Surety - Contractor shall provide the City with either a Faithful Performance Bond or an Irrevocable Letter of Credit in the amount of fifty percent (50%) of the projected annual Agreement amount. Said surety will remain in force for the term of the Agreement, including any extended term. Surety will be released thirty (30) days after expiration of the Agreement. All alterations, extension of time or other modifications to the Agreement may be made without consent of the surety or sureties. In the event the Contractor should default, the City may assume operation of the processor and/or contract for a processing services in the open market and call the Performance Bond/Letter of Credit to collect from the surety any costs incurred by the City in maintaining processing service and/or in executing a new
processing Agreement, including any cost increases incurred for the remaining term of the original Agreement.

B. Award of Contract - The Contract is anticipated to be awarded by the City Council at its INSERT DATE meeting, or as soon thereafter as practical. Contractors submitting proposals will be notified of Staff's recommendation for award by INSERT DATE, and will be notified of the Council's decision on INSERT DATE, or as soon thereafter as it is known. Contractor shall provide City with signed Agreement documents and Performance Bond within fourteen (14) days of formal notice of contract award, and shall be able to provide service effective INSERT TIME AND DATE, unless another date has been negotiated with the City.

C. Contract - The contract shall consist of the Proposal, the RFP and all attachments, and the Agreement.

D. Municipal Business License - Before entering into an agreement for the processing of residential recyclables, the Contractor may be required to obtain a City business license in accordance with Chapter 15, Licenses, City of Porterville Code, Section 24a(40).
PROPOSAL FORM

CITY OF PORTERVILLE PROCESSING OF RESIDENTIAL RECYCLABLES
RESIDUAL DISPOSAL

Proposal based on an estimated 3,500 tons per year of mixed recyclables derived from the City’s residential curbside recycling program and delivered to your facility by the City’s collection contractor. Revenue/cost to City should be quoted on a per ton basis, at each specified level of contamination, and should include materials processing, residual disposal, material marketing, public education/outreach, and report preparation/billing services.

Minimum level of recovery of recyclables, guaranteed to the City: ______ percent

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<th>Contamination Level</th>
<th>Processing Fee</th>
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<tr>
<td>5% or less</td>
<td>$____ per ton paid to City or $____ per ton cost to the City</td>
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<td>6%</td>
<td>$____ per ton paid to City or $____ per ton cost to the City</td>
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<td>7%</td>
<td>$____ per ton paid to City or $____ per ton cost to the City</td>
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<td>15%</td>
<td>$____ per ton paid to City or $____ per ton cost to the City</td>
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<tr>
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</tr>
</tbody>
</table>

The Contractor can apply for an additional adjustment due to increased costs at an amount not to exceed the (INSERT INFLATION ADJUSTER).
I __________________________, __________________________ am duly authorized to commit my company
(Print Full Name) (Title)
to sell/perform the products and/or services described herein. I understand by signing this quotation
I am not obligating the City to make this purchase, nor am I signing a contract to sell or perform this
purchase. By signing this document I agree to comply with all specifications described herein, unless
specifically noted.

Signature __________________________________________ Date ________________________

Company Name ________________________________________________________________

Company Address ______________________________________________________________

Company Phone Number ________________________________

(PLEASE SEE THE FOLLOWING INSTRUCTIONS REGARDING SIGNATURE)

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

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

(3) State on this line the address to which all communications and notices regarding the
proposal, and any Agreement awarded thereunder, are to be addressed.

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

__________________________________________

__________________________________________

__________________________________________

__________________________________________

NOTE:  (a) All signatures must be typewritten under written signature.

(b) All addresses must be complete with street number, city and state.
PROPOSAL FORM B
CITY OF PORTERVILLE PROCESSING OF RESIDENTIAL RECYCLABLES
AND RESIDUAL DISPOSAL

Proposal based on an estimated 3,500 tons per year of mixed recyclables derived from the City’s residential curbside recycling program and delivered to your transfer operation as specified in an attached transfer operation proposal outline. Revenue/cost to City should be quoted on a per ton basis, at each specified level of contamination, and should include materials processing, residual disposal, transfer services, material marketing, public education/outreach, and report preparation services.

Minimum level of recovery of recyclables, guaranteed to the City: ______ percent

<table>
<thead>
<tr>
<th>Contamination Level</th>
<th>Processing Fee</th>
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<tbody>
<tr>
<td>5% or less</td>
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NOTE: (a) All signatures must be typewritten under written signature.

(b) All addresses must be complete with street number, city and state.
NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

State of California)
)
County of______________)

______________________________, being first duly sworn, deposes and says that he or she is the __________________________ of ________________ the party marking the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not ay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Subscribed and sworn to before me on ____________________.

Notary Seal

______________________________

Notary Signature