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:
   3. Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.
   5. Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation

PROCLAMATIONS
Day of Prayer

PRESENTATIONS
Employee Service Awards
Miss Porterville & Her Court

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.

2. Claim – Catalina Paniagua
   Re: Considering rejection of a claim in the amount of $1,996.36, as of the date of filing, for property damage allegedly sustained when a sewer line was bored through on November 8, 2006 at 371 E. Mulberry by a non-City contractor.

3. Claim – William McCrory
   Re: Considering rejection of a claim in the amount of $4,395, as of the date of filing, for financial damages allegedly sustained when Porterville Police Officers arrested claimant and confiscated his marijuana plants on May 3, 2007.

4. Claim – Ruben Romandia
   Re: Considering rejection of a claim in the amount of $3,500 for damages claimant allegedly suffered on November 12, 2007 when the refuse bin in which he was sleeping was dumped into a City refuse truck at 1392 West Olive Avenue.

5. Claim – Juan Armenta
   Re: Considering rejection of a claim in the amount of $2,489.12 for reimbursement of bail and lost wages associated with claimant’s alleged false arrest by Porterville Police Officers on April 28, 2007 at 2066 North Westside.

6. Authorization to Advertise for Bids – Airport Toxic Remediation Project
   Re: Approving staff’s recommended plans and project manual for the project as mandated by the Department of Toxic Substances Control (DTSC) to remediate the area contaminated by past pesticide loading practices in the small area adjacent to the Porterville Air Attack Base.

7. Authorization to Advertise for Bids – Relocation of Electrical Service Panel for Lift Station #15
   Re: Approving staff’s recommended plans and project manual for the project consisting of the installation of a new electrical service panel for the lift station located at the intersection of Newcomb Street and State Route 190, with an estimated total project cost of $13,800.

8. Authorization to Advertise for Bids – Mathew and Westfield Storm Drain Project
   Re: Approving staff’s recommended plans and project manual for the project including paving, a catch basin, asphalt concrete berm and connection to an existing storm drain line.

9. Award of Contract for Heritage Ball Fields Phase I Parking Lot & Picnic Area Project
   Re: Awarding contract to Halopoff & Sons, Inc. of Porterville in the amount of $506,132.11 for project located on Orange Avenue at the Heritage Center.

10. Award of Contract – Effluent Pipeline and Land Leveling
    Re: Awarding contract to Guinn Construction of Bakersfield in the amount of $862,479.50 for the project required under the City’s Cease and Desist Order, generally located near Road 216, south of Teapot Dome.

11. Airport Fire Facility
    Re: Considering the purchase in the appraised amount of $75,000, and transfer of title from the Airport Fund to the General Fund, for a one acre parcel of land located on the northwest corner of Hope Road and Corsair Road for future Fire Department use.
12. **Agreement with Praxair Services, Inc., for Testing Near Airport Water Department Well**
   Re: Considering authorization to accept a proposal for an enhanced leak detection test for fuel tanks located at the Porterville Airport, as required by the State Water Resources Control Board, at a cost of $11,625.

13. **Airport Hangar Purchase – Dr. W. Creager, Lot 31C**
   Re: Considering purchase of a hangar complex at the Porterville Municipal Airport from Dr. W. Creager in the amount of $82,000, including escrow costs.

14. **Airport Lease Renewal – Lot 17**
   Re: Approving the lease agreement between the City of Porterville and Mr. Eddie G. Wood of Porterville Aviation, Inc. for Lot 17 at the Porterville Municipal Airport, and approving the revised site description for said lot.

15. This item was removed.

16. **Approval of Architectural Elevations for Riverwalk Marketplace**
   Re: Considering approval of the proposed elevations, colors, and materials for building pads 1, 2, 5 and Major “D” of the Riverwalk Marketplace located at State Route 190 and Jaye Street.

17. **Authorization to Proceed – Design and Installation of Streetlight at Casas Buena Vista Common Area**
   Re: Authorizing staff to notify Edison to proceed with the design of a streetlight, and authorizing staff to commence with the installation if the bids do not exceed $5,000.

18. **Amendment to the Employee Pay & Benefit Plan**
   Re: Amending the Employee’s Pay and Benefit Plan to account for the authorized change in wages for the unrepresented executive management employees.

19. **Amendment to the Seasonal and Part-Time Pay Rates**
   Re: Amending the Employee’s Pay and Benefit Plan to account for $.50 increase in seasonal and part-time pay rates.

20. **Release and Compromise Agreement Between City of Porterville and Charter Communications Corporation**
   Re: Considering approval of the agreement resulting from the franchise compliance and fee audit, requiring Charter Communications to pay the City $125,205 for under-paid fees for the period of 2003 through 2006.

21. **Request to Notify Assemblyman Bill Maze that the City of Porterville Supports Legislation**
   Re: Considering request to support legislation to develop a structure to implement programs through joint action patterned after the Elk Valley Rancheria Law, AB 1172, of 2003.

22. **Council Member Request for an Agenda Item – Consideration of Support of a Resolution Urging Action to Equalize Pay**
   Re: Considering approval of a resolution urging action to equalize pay between developmental service and correctional employees.
A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

SCHEDULED MATTERS
24. Burton School District Reimbursement – Mathew Street Improvements  
   Re: Considering plan to advance reimbursement monies to the Burton School District for its costs in improving the westside of Mathew Street from Olive Avenue to Clair Avenue.

25. Police Department Re-Organization  
   Re: Considering approval of an organizational restructuring in the Police Department.

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 January 15, 2008 at 6:00 p.m.

   It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
Call to Order at 1:00 p.m.
Roll Call: Council Member McCracken, Council Member P. Martinez, Mayor Pro Tem F. Martinez, Council Member Hernandez, and Mayor Hamilton

Pledge of Allegiance led by Council Member Pedro Martinez
Invocation – A moment of silence was observed.

The Mayor stated that the consultant would be late due to a flat tire. As such, the meeting would be called to order and oral communications held, after which the Council would recess until the consultant was present.

ORAL COMMUNICATIONS
None

The Council recessed for fifteen minutes. The meeting then reconvened at 1:20 p.m.

SCHEDULED MATTER

1. HILLSIDE DEVELOPMENT ORDINANCE STUDY SESSION (ZONING ORDINANCE AMENDMENT 2006-8)

Community Development Director Brad Dunlap introduced Consultant Mark Rogers of TRG Land, Inc. to the Council, who proceeded with his presentation. Mr. Rogers stated that the proposed ordinance was not intended to restrict development, but to insure that application requirements were met, and that the Council and staff had a clear understanding of what would happen. Mr. Rogers stated that there were two different ways of doing this kind of project in the private sector – either build a project, or get a map approved and flip it. He stated that those projects were done by two very distinctly separate types of entities: one who was vested in the community and who had a vision of how it should be developed, and one that just wanted to capitalize on the value of entitlement property, and who would sell the project to someone else to take care of the problems. He noted that once built, hillside development was there for everyone to see. He indicated that he and staff had intended to draft an ordinance to ensure that whoever developed would adhere to high-quality architectural and development designs principles for the benefit of the public. Mr. Rogers stated that map flippers would be required to adhere to the same process and be required to provide the same level of information as would the entities that would actually develop. He stated that this process would provide a level playing field, and that he didn’t think the process was too restrictive, but instead very specific.

Community Development Director Brad Dunlap spoke regarding the processing of a hillside development permit, stating that it would include architectural information, which could include design guidelines, such as a range of colors, range of architectural materials, range of
roof colors, etc. He indicated that the permit would have to be submitted with the map, and that the map would not have to depict the placement of the house on the lot, but rather it would require that information on the character of the housing be provided. Mr. Rogers added that the draft ordinance did not require precise plotting as part of the architectural guidelines, but rather it was more materials, finishes, style of architecture, etc. He stated that there were submittal requirements, with some discretion on the part of the Community Development Director for visual simulations. Mr. Dunlap then provided samples of documents that provided representations of the architectural character that would be embodied in a project. One was for a proposed project, and one was for the Yokohl Ranch project.

Mr. Rogers stated that hillside work came down to general standards for subdivisions, landscape architectural standards, and architectural standards. As such, he stated that those were the three elements that were focused on as the ordinance was drafted. Mr. Rogers then addressed and provided samples of the following:

- ridge top cutting;
- integrating open space;
- applicable berming techniques;
- land form grading;
- slope undulation;
- super slopes;
- steep side slopes;
- water quality;
- drainage;
- streets;
- architectural themes; and
- landscaping.

The Council inquired about ridge lines and roof colors. Mr. Rogers stated that they didn’t design the ordinance to require a certain style, and that they would ask the developer to provide information, such as color and material boards.

The Council asked about planning for run-off, and the consultant agreed that it needed to be planned for at the beginning of the project. He stated that each developer had to plan for run-off from their development to ensure that it did not impact surrounding developments. Council Member Pedro Martinez expressed his support of open space but wanted to know who would be liable for the open space. He also voiced his concern for fire protection, and asked if the City currently was in possession of the equipment needed to provide that service to the hillside communities. With regard to liability, Mr. Rogers stated that the projects would likely need to have some level of home owners’ association maintenance.

Community Development Director Dunlap mentioned that the City had some provisions for fuel modifications, and was looking into fire fuel management areas to be a component of the Code. Mr. Rogers provided the Council with an example of a fire prevention predicament with a hillside community, and stressed the importance of taking fuel management into consideration. Council Member Pedro Martinez expressed his concern that the City’s current equipment might not be capable of providing fire protection to hillside communities. He added that although he
was in support of maintaining the natural character of the land, the costs associated with the inability to provide fire protection must also be taken into consideration. Fire Chief Garcia stated that the issue of fire protection equipment was being addressed, and that currently, the equipment on hand was capable of handling fire on a ten percent grade. Community Development Director Dunlap noted that at the present time, the maximum grade allowed was ten percent, largely due to the fact that the fire protection equipment could not exceed that grade. He added that the public safety issues were being addressed and that it was more a matter of whether it would be a part of the Hillside Development Ordinance, or addressed in another section of a Municipal Code pertaining to fire safety issues. A conversation then ensued in regards to fire safety and the benefits of clearance zones, no shingle roofs and other methods being implemented to ensure fire safety in hillside development.

Council Member Pedro Martinez asked if it would be possible for someone to go above the ten percent grade and expect the City to be able to provide equipment capable of maneuvering that slope. Community Development Director Dunlap stated that the ordinance allowed for development on slopes greater than ten percent in grade, however, the streets would have to be designed to accommodate the City’s fire safety apparatus.

Council Member Pedro Martinez brought up the issue of street standards in hillside development, and a conversation ensued in which Community Development Director Dunlap explained that the hierarchy of streets contained within the ordinance were consistent with the City’s proposed General Plan, and that all streets must provide a minimum of a 12-foot wide unobstructed vehicle lane in each direction.

Council Member Pedro Martinez asked if those with modest incomes would be able to afford hillside development homes, since the costs to build on hillsides was generally higher. Mr. Rogers responded to his concerns by stating that hillsides were largely a more premium environment and therefore the costs associated with those homes was higher. He provided the Council with some options to address this issue, one having to do with a policy regarding low-income housing, and the other which involved projects of scale with a broader range of home types.

Council Member Pedro Martinez asked for a breakdown on the costs being recouped during the permit process. City Manager Longley stated that about a third of the cost of the planning permit, and eighty percent of the cost of a public works permit was recouped. A brief conversation ensued in regard to development fees.

Mayor Pro Tem Felipe Martinez asked if the General Plan designated the hillside areas for low density, and was informed by Community Development Director Dunlap that in the hillside the lots were larger and the density was lower. Mr. Rogers reiterated that the costs of developing homes in a hillside region were higher, and that although diversity might not be achievable early on, it could be seen eventually.

Community Development Director Dunlap stated that there were a couple of key elements that needed to be addressed by the Council in order to provide staff with direction.

The Council recessed for ten minutes.
Mr. Rogers went over the highlights of the ordinance which included two different types of permits – the Administrative Hillside Development Permit, and the Hillside Development Permit. He broke down the criteria for each permit type and the application filing requirements. He briefly explained the slope density analysis, the topographical map, the conceptual grading plan, the cut and fill map, constraints map, slope analysis map, plotting map, site sections, technical reports, and landscape concept plans. He added that visual simulations or topographic models could be requested at the discretion of the Community Development Director or City Council.

Mayor Hamilton commented that he did not feel that requiring a footprint was necessary.

After Mr. Rogers finished going over the application requirements he asked if Council needed him to go over anything in more detail. After receiving permission to continue on, he started on the topic of density, specifically in Section 2.41.01 where procedures for calculating the maximum allowable density based on average slope was provided. At the request of Mayor Hamilton, visual examples of this concept were provided.

Mayor Hamilton stated that the ordinance would serve to protect the hillside areas because in his opinion, the market would not support development at such a high cost. He also reiterated Council Member Pedro Martinez’ concern that hillside development would not be affordable to the majority of the city’s population.

Community Development Director Dunlap explained that the ordinance was intended to facilitate development in the hillsides, and that the direction with the ordinance was to be good stewards to the hillside. He added that once a development was on a hillside, there was no changing it, and that was why the elements were addressed in the ordinance. He indicated that the ordinance would allow staff to come to the City Council with a clear vision of what a development would look like prior to its development.

Mayor Hamilton stated that he understood that this type of development could be built in the Porterville market, but that the Council was interested in accomplishing the best development for the local market. He expressed his appreciation for the space that he was able to have living in Porterville, and added that what had been put together in the ordinance was very good, but he was not sure that it fit the City’s market.

Mr. Rogers responded to Mayor Hamilton’s comments by stating that if the goal was to try to match up the market with the ordinance, then perhaps the discussion should be about the minimum land use intensity at the various slope categories. He added that the intent was not to make something so prohibitive that it cut out development altogether. He suggested that the market be considered and visual representations or models be put together so that the Council could better determine what was acceptable. Community Development Director added that the ordinance encompassed different types of development and scenarios in order to account for any changes in the market.

Mayor Hamilton explained that his problem with the footprint requirement was that it would restrict custom built homes. Mr. Rogers began to address the request for models when
Mayor Hamilton asked the rest of Council if they too shared his desire to see model representations. Council agreed that the models would be helpful in their decision making process.

Council Member Pedro Martinez asked Mr. Rogers for suggestions on how to determine which projects would be required to provide more detailed information. He answered that the information that would be provided at the time of application must first be reviewed, and it would then be the discretion of the Council if they wished to request additional visual representations.

Council Member Pedro Martinez also brought up historical features of the hillsides, and asked how they would be addressed. Community Development Director Dunlap noted that those types of features would be disclosed to the City in the information required at the time of application, and could be addressed.

Mayor Pro Tem Felipe Martinez asked for clarification on the planning area boundary in the proposed General Plan. Community Development Director Dunlap responded to his request, and provided a brief overview on the concept of Floor-Area Ration (FAR).

The discussion then concluded with Mr. Rogers adding that he would meet with Mr. Dunlap to discuss the questions brought forth by Council, and would prepare responses to same.

ORAL COMMUNICATIONS

- David Store, representing Contour Development, came forward to state that he appreciated the Mayor’s comments relative to the gradations of brackets of the slopes and the relative densities. He added that the structure of the ordinance seemed normal to hillside development, but stated that he was concerned with the first slope bracket of zero to five percent, and the restriction of 2.4 dwelling units per acre.

OTHER MATTERS

- Council Member Pedro Martinez asked about an upgrade to the recording system; and recommended that the Council follow up on their trip to Sacramento with a visit to Assembly Member Arambula.
- Council Member Hernandez commented on a meeting with the Boys & Girls Club, and spoke of the possibility of that organization returning to Porterville.
- Mayor Hamilton commented on a letter he received from Martha Alcazar Flores in regards to the ordinance on sexual offenders that was passed, and the lack of services available to victims of sexual assault at the local hospital. He requested a meeting to discuss the issue. Mayor Hamilton then reported on his recent trip to Washington D.C., and updated everyone on the status of the President’s Declaration of Emergency.
- Mayor Pro Tem Felipe Martinez stated that he elected not to travel to Washington D. C. as a cost saving measure.
- Council Member Pedro Martinez recommended that any Council members who have not already toured the hillside areas should do so.
ADJOURNMENT
The Council adjourned at 3:37 p.m. to the Council Meeting of February 6, 2007.

____________________________________
Georgia Hawley, Chief Deputy City Clerk
By: Luisa Herrera

SEAL

_______________________________
Cameron Hamilton, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – FEBRUARY 16, 2007
CITY HALL COUNCIL CHAMBERS
291 NORTH MAIN STREET, PORTERVILLE
FRIDAY – 12:00 P.M.

Roll Call: Council Member McCracken, Council Member P. Martinez, Council Member Hernandez, Mayor Pro Tem F. Martinez, Mayor Hamilton

Pledge of Allegiance led by Council Member Pete McCracken
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. MEET AND CONFER STUDY SESSION

City Manager John Longley explained that the purpose of the meeting was to provide training on meet and confer sessions as they related to City employee groups. He indicated that a presentation would be provided by Attorney Richard Whitmore, representing Liebert Cassidy Whitmore, a law firm specializing in employment law. Mr. Longley then called on Deputy City Manager John Lollis to present the staff report.

Mr. John Lollis introduced the presenter and expressed the importance of the subject in terms of processes and the legalities of same. Mr. Richard Whitmore came forward, introduced himself, and briefly reviewed the training he would be providing that day. He added that the training materials had been edited down to cover the issues that Mr. Longley had mentioned were relevant to Porterville. Mr. Whitmore continued by providing information regarding the firm he represents, and recognized Desiree Francois, from their Fresno office as being in attendance.

His intent, he explained, was to provide an overview of general concepts of negotiations, labor relations, and the public sector as they affected the City going into its negotiations. He indicated that his overview would then be followed by Closed Session to discuss the City’s upcoming negotiations.

Mr. Whitmore began his presentation by briefly going over Government Code Section 3500, the Meyers-Milias-Brown Act, its history, what it allowed for, and the differences between private sector and public sector law. He explained that the employer-employee relations resolution was essentially a set of procedures to utilize if employees chose to be recognized as an employee group. He emphasized that the employees did not get to vote on bargaining unit grouping, rather, that was decided by the City. He stated however, that they do vote on which union or association they want. Mr. Whitmore described the two different styles of meet and conferring – both traditional and interest based. He added that regardless of which kind was used, it was important for management to keep in mind that management should make proposals, and address operational and pay issues.
He also discussed exceptions of the Meyers- Milias-Brown Act that applied to the public sector, as well as managerial policy decisions, management rights clauses, and waivers.

During Mr. Whitmore’s presentation, Council Member Pedro Martinez asked Mr. Whitmore if the Council, as an entity, was required to disclose its reasoning in regards to those items that had been identified by the courts as outside of the duty to bargain. Mr. Whitmore responded that it was often advantageous to disclose reasoning as a means of meeting and conferring in good faith, but that it was not necessarily required.

Mr. Whitmore continued his presentation by going over impact or effect bargaining, using layoffs as an example. In the instance of layoffs, he stated, while it might be a management right to layoff employees, a meet and confer would be required to bargain the details of the layoff which would impact the bargaining unit members. He explained the impasse resolution procedure, which he stated occurred when there was no successful agreement and both parties had gone as far as they could go. He spoke of the procedures that could be utilized at impasse, such as employing a mediator, or going to the Public Employee Relations Board, and of the right of management to take unilateral action. Mr. Whitmore noted that this action was limited to a year term, and that the action must be the last, best and final proposal made in negotiations. He stated that if the action was worse, it was considered punishment, and if it was better, it undermined the negotiation process. The alternative to unilateral action is to just say you were done.

City Manager Longley inquired about the status of mandatory arbitration for public safety. Mr. Whitmore responded that there was a state law on the books which required that an arbitrator resolve all of the unsettled economic issues in police and fire negotiations. He indicated that the arbitrator’s decision would be binding unless it was overturned by a unanimous vote of the Council.

In regards to the Public Employment Relations Board (“PERB”), Mr. Whitmore mentioned that it had jurisdiction to hear allegations of unfair labor practices by associations or cities, but had limited authority in regards to remedies. He stated that PERB also had some limited authority to assess local rules, such as employer-employee relations resolutions, to decide if they were reasonable. He concluded his general overview by providing examples of unfair labor practices, which included interfering or causing a delay in an agreement, negotiating with lack of authority, regressive bargaining, conditional bargaining, and direct dealing.

Mayor Hamilton asked if the employer-employee relations resolution was a living document, to which Mr. Whitmore answered that it was a living document that could be modified from time to time, but emphasized it stayed in place.

City Manager Longley stated that the Council would be provided with materials specific to meeting and conferring in good faith during Closed Session.

**ORAL COMMUNICATIONS**

- Larry Newby, 482 N. Kanai Dr., asked Mr. Whitmore some questions in regards to the meet and confer process and negotiations, requesting clarification on the limitations of communication between the Council and members of an association at different points of time in the process.
A brief conversation took place in which Mr. Whitmore explained the extent to which a city negotiator provided reasoning for association requests. He added that it was very common for associations to believe that the reason a request was not being met was a result of a lack of effort by the City negotiator.

In response to Mr. Newby’s inquiry regarding the meet and consult process, Mr. Whitmore explained the difference between the ‘meet and consult’ and ‘meet and confer’ processes. A discussion then ensued as to whether a bargaining group’s inaction on an issue would be construed as a form of acceptance. Mr. Whitmore explained that by not acting or complaining about something, it could become established enough so that a group could waive the right to bargain about the issue. He stated that those issues could, however, be addressed at the next set of negotiations.

OTHER MATTERS

• Council Member Pedro Martinez asked if any of the Council Members would be interested in attending the Lemoore League of Cities meeting.
• Council Member Hernandez stated that he was interested in attending the Conference, but that he had a previous engagement that he was trying to reschedule.

The Council recessed for ten minutes at 1:28 p.m., after which the Council convened Closed Session.

CLOSED SESSION

A. Closed Session Pursuant to:


The Council reconvened the public meeting at 2:49 p.m. It was reported that no action had taken place during Closed Session.

ADJOURNMENT

The Council adjourned at 2:50 p.m. to the Meeting of February 20, 2007.

___________________________
Georgia Hawley, Chief Deputy City Clerk
By: Luisa Herrera

SEAL

___________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM - CATALINA PANIAGUA

SOURCE: Administration

COMMENT: Ms. Catalina Paniagua has filed a claim against the City in an amount of $1,996.36, as of the date of filing, for property damage allegedly sustained when a sewer line was bored through on November 8, 2007 causing sewage to back up into claimant's residence at 371 E. Mulberry. It was later determined that the boring work had not been performed by a City employee or contractor.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 2
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: Catalina Paniagua

Claimant's Address: 371 E. Mulberry

Claimant’s Telephone No. (Home): ____________ (Work): Same

Address where notices about claim are to be sent, if different from above: ________________

Date of incident/accident: 11-8-07

Date injuries, damages, or losses were discovered: 11-8-07

Location of incident or accident: 371 E. Mulberry, Porterville, Ca

What did entity or employee do to cause this loss, damage, or injury? Bored (Forced) Conduct Through Sewer Line (Sewer Back-up)

What are the names of the entity's employees who caused this injury, damage, or loss (if known):

What specific injuries, damages, or losses did claimant receive? Carpet damage, tile damage, Severely Soiled Carpet

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)].

Carpet: $1000.00

Plumbing repair: $38.86

Cleaning main line: $157.50

Total: $1400.00

How was this amount calculated (please itemize): yes, attached est. & Receipts

Date Signed: 11-19-07

Signature: Catalina Paniagua

If signed by representative:
Representative's Name: ____________ Telephone: ____________

Address #: ____________

Relationship to Claimant: ____________

RECEIVED

CITY OF PORTERVILLE
CITY CLERK OFFICE

NOV 19 2007
CarpetsPlus ColorTile Carpets will provide all materials and labor as agreed upon and as written below:

Hallway, master bedroom # 900 @

Bedroom, carpet # 900 @

Bathroom, replace vinyl $ 300 @

except for any delays caused by strikes, Acts of God, or other unforeseen happenstances over which the contractor has no control, for the sum of dollars ($ ___________). Payments to be made The entire amount of contract to be paid within _____ days of completion.

Any alterations or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders from same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

This proposal shall be binding upon the contractor for a period not to exceed _____ days, unless earlier revoked by written notice of revocation prior to acceptance, at which time this proposal shall terminate automatically. No contractual rights arrive until this proposal is accepted in writing.

This contract is subject to the following Terms and Conditions:

Terms are net cash. Payment is due and payable immediately upon completion of installation, unless otherwise stipulated to in writing. Where credit is extended, this contract is subject to approval of the Credit Department. Price is subject to approval at our offices. Buyer agrees to pay all costs and charges of any kind or nature, including but not limited to all expenses of handling, all delivery charges, all freight charges, and all insurance on the goods purchased hereunder. Buyer agrees to pay for all labor and materials, whether furnished by Seller or by anyone else. Buyer agrees to pay any and all taxes levied upon the purchase, sale, or delivery of the goods purchased hereunder, whether such taxes are levied upon the Seller or the Buyer, and to indemnify and hold Seller harmless from any and all costs, expenses, and liabilities incurred in connection with the assessment, collection, or payment thereof. Buyer agrees to pay any and all costs, expenses, and liabilities incurred in connection with the assessment, collection, or payment of any such taxes. Buyer agrees to pay any and all costs, expenses, and liabilities incurred in connection with the assessment, collection, or payment of any such taxes.

Seller shall not be liable for any damages, including but not limited to indirect, incidental, or consequential damages, arising out of or in connection with the sale, purchase, or delivery of the goods purchased hereunder. Seller shall not be liable for any damages, including but not limited to indirect, incidental, or consequential damages, arising out of or in connection with the sale, purchase, or delivery of the goods purchased hereunder.

This contract contains the entire agreement between buyer and seller and that any oral agreements shall not constitute any part thereof. We understand that carpet prices are based upon estimates of yardage to be used, and are subject to revision after the area to be covered has been measured and provided proportionally. Customer responsible for cutting doors. NOTE: Quotations are very fragile once installed and removal subject to breakage. We do not replace with new material or paint for this reason. All Material & Labor Guaranteed for 1 year only, unless otherwise written & agreed upon on this contract. We do NOT cut doors or shorten drapes that are too long due to carpet installation.

Paid in Full ☐ Financed ______ mo. ☐ Other ☐ COD ☒

Buyer's signature
EXETER PLUMBING CO.
Michael Hernandez Lic. #415142
(559) 592-4057
P.O. Box 1038
Exeter CA 93221

TO: Panaqua's Day Care
781 8638

DATE: 11-13-07

DESCRIPTION OF WORK PERFORMED

1. Made 3" ABS repair in front yard due to conduit being bored through.
2. Cleared main line prior to repair.

Pick 21/7

Total Parts/Labor

Fuel $250

638.50

10% late fee if paid after 30 days.

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of $638.50.

This is a □ Partial □ Full invoice due and payable by: 11/13/07

In accordance with our □ Agreement □ Proposal No. Dated Month Day Year

638.50
Customer's Order No. | Phone | Date | 11/18/07
--- | --- | --- | ---
Name | Paniagua's Daycare (Catalina Paniagua) | Address | 371 Mulberry, Porterville

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<tr>
<th>SOLD BY</th>
<th>CASH</th>
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<td><strong>Total</strong></td>
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</tbody>
</table>

I hereby acknowledge that the above work was performed in a satisfactory manner.

* Catalina Paniagua

Interest at the rate of 1 1/2% per month which is an annual rate of 18% will be charged on past due accounts.

THIS IS YOUR INVOICE • STATEMENT SENT ONLY ON REQUEST
SUBJECT: CLAIM - WILLIAM D. McCORY

SOURCE: Administration

COMMENT: Mr. William D. McCory has filed a claim against the City in an amount of $4,395.00, as of the date of filing, for financial damages allegedly sustained when Porterville Police Officers arrested claimant and confiscated his marijuana plants on May 3, 2007. Claimant alleges he was cultivating said plants for medicinal purposes.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: William D. McCrozy

Claimant's Address: 17930 Rd 220, Porterville CA

Claimant's Telephone No. (Home) [redacted] (Work) [redacted]

Address where notices about claim are to be sent, if different from above: Same

Date of incident/accident: May 3, 2007

Date injuries, damages, or losses were discovered: May 3, 2007

Location of incident or accident: 17930 Rd 220, Porterville

What did entity or employee do to cause this loss, damage, or injury? STOLE APPROX. 1/6. OF HIGH GRADE MEDICAL MARIJUANA & STOLE 1 OHMS

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known):

DOES 1 THRU 5. OF PORTERVILLE POLICE DEPT.

What specific injuries, damages, or losses did claimant receive? LOSS OF ONE POUND OF HIGH GRADE MARIJUANA & LOSS OF ONE (Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)].

ACTUAL AMOUNT OF LOSS & UNSPECIFIED DAMAGES

How was this amount calculated (please itemize): REPLACEMENT VALUE OF WHAT WAS STOLEN & DAMAGES TO MY REPUTATION AND FOR ALERTING BAD PEOPLE TO MY ACTIVITIES (Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: October 2, 2007 Signature: William D. McCrozy

If signed by representative:
Representative's Name __________ Telephone: __________

Address # ________________________________

Relationship to Claimant __________
TRIPLE BEAM BALANCE, 3 STOLES 2 STERLITE BRAND PLASTIC BOXES + SOME ZIPLOC STYLE BAGS. ALL UNDER COLOR OF LAW, DESTRUCTION OF 16 4" TALL MARJUARIA SEEDCINGS IN MY LAWFUL CUSTODY.

SPECIFIC INJURIES OR LOSS:
OH AS BRAND TRIPLE BEAM BALANCE (SCALE), LOSS OF CONTAINERS & PACKAGING MATERIALS. DESTRUCTION OF 16 4" TALL MARJUARIA SEEDCINGS. PUBLICATION OF MY ADDRESS THEREBY ALERTING THIEVES TO THE PRESENCE OF A LEGAL GROW RENDERING ME VULNERABLE TO ATTACK AT SOME FUTURE DATE.

NAMES OF EMPLOYEES:
DOE #1 MEDIUM HEIGHT & WEIGHT RED HAIR & SEEMED TO BE IN CHARGE. VARIOUS BEARD.

DOE #2 MEDIUM HEIGHT & WEIGHT CLEAN SHAREN. OLDEST OF GROUP.

DOE #3 TALL HEAVY SET IN TACTICAL UNIFORM.

DOE #4 TALL HEAVY SET HISPANIC IN TACTICAL UNIFORM.

DOE #5 LAB MAN.

VALUE OF DAMAGES: 1. MARIJUANIA $1000 2. SCALE $130 3. STORAGE + PACKAGING MATERIALS $25 4. 16 MARJUARIA SEEDCINGS AT $15 EACH = $240. PLUS OTHER DAMAGES AS MAY BE DETERMINED.
COUNCIL AGENDA - DECEMBER 18, 2007

SUBJECT: CLAIM - RUBEN ROMANDIA

SOURCE: Administration

COMMENT: Mr. Ruben Romandia has filed a claim against the City in an amount of $3,500.00 for damages claimant allegedly sustained on November 12, 2007 when the refuse bin in which he was sleeping was dumped into a City refuse truck at 1392 West Olive Avenue. Claimant alleges that the driver should have checked the refuse bin prior to dumping it into the truck.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Item No. 4
RECEIVED
NOV 27 2007
CITY OF PORTERVILLE
CITY CLERK OFFICE

(Please Type Or Print)

CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: RUBEN ROMANDA
DOB: [Redacted]
Claimant's Address: 1704 W. OLIVE APT. 166#
Claimant's Telephone No. (Home) 559-793-1772 (Work)
Address where notices about claim are to be sent, if different from above: SAME

Date of incident/accident: I CANT REMEMBER I BELIEVE IT WAS 1/21
Date injuries, damages, or losses were discovered: ALWAYS TIME OF ACCIDENT, BUT AS
THE DAYS PASSED Ifurt MORE THATS WHEN I WENT TO THE DOCTOR
Location of incident or accident: 1392 W. OLIVE
What did entity or employee do to cause this loss, damage, or injury? DUMPED ME IN THE
BACK OF THE TRASH TRUCK OUT OF THE DUMPSTER
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known):
TRUCK DRIVER FOR 1392 W. OLIVE DUMPSTER #066

What specific injuries, damages, or losses did claimant receive? CONTUSION, BACK
CONTUSION LOWER EXTREMITIES, NECK, KNEES, JOES
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the
appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must
represent whether it is a "limited civil case" [see Government Code 910(f)].

$3,500 THREE THOUSAND FIVE HUNDRED

How was this amount calculated (please itemize): BROKEN DENTURES, CELL PHONE,
PREScriptions, DOCTOR RILLS, POSSIBLE THHERAPY, DOCTOR
Follow up, $1,750
(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 11/26/07 Signature: RUBEN ROMANDA

If signed by representative:
Representative's Name __________________________ Telephone: __________________________
Address e # __________________________
Relationship to Claimant __________________________

I THINK THEY SHOULD MATCH THE $1,750 FOR PAIN AND SUFFERING WHICH COMES OUT TO $3,500
The Driver

WHAT DID ENTITY'S OR EMPLOYEE DO TO CAUSE THIS LOSS, DAMAGE OR INJURY?

The Driver came to dump the dumpster. I was inside resting from dishing cans & waiting for day light.

Driver drove up to dumpster, hooked up to dumpster. Within seconds it was up in the air, and I was in the trash truck. I know I should have not been in it, but the driver should take a min. To look inside the dumpster. Instead of just hooking up & dumping. If a kid would have been in there the driver would have never known it.

WHAT SPECIFIC INJURIES, DAMAGES, OR LOSSES DID CLAIMANT RECEIVE

Contusion back, contusion lower extremity.
Broken bottom denture, lost cell phone in trash truck, cut to right hand.

I am hurting from head to toe both my knees are black.
BLUE, I CAN ONLY TURN MY HEAD TO THE RIGHT SIDE. THE TOP OF MY HEAD IS REAL PAINFUL FROM LANDING IN THE TRUCK. ALL OF MY TOES ARE BLACK AND BLUE. I CAN'T STAND UP TO GET OUT OF BED. I HAVE TO ROLL OUT. BECAUSE OF THE PAIN IN MY BACK, AND THE PAIN IN MY KNEES. IF I AM NOT BETTER BY FRI., THE DOCTOR TOLD ME TO RETURN.

11/27/07

To Whom It May Concern

I think it is to your advantage to settle with me for $3,500 rather than $35,000 later. I am not trying to get rich off you. I just want to replace what I lost. We both know this could run up into the thousands. I don't want to have to hire legal advice unless I am forced to. Please let me know what you plan to do as soon as possible, so I know what I need to do. I don't think I am going overboard.

Thank you

793-1772

Ruben Romero
CONTUSION, BACK

You have a CONTUSION of the back. This is a bruise with swelling and some bleeding under the skin. There are no broken bones. This injury takes a few days to a few weeks to heal. It is normal to feel muscle stiffness and aching in the area of injury the next day.

HOME CARE:

1) Rest and relax your back muscles.
2) Apply an ice pack (crushed or cubed ice in a plastic bag, wrapped in a towel) for 20 minutes every 2-4 hours during the first two days after a new injury. Local heat (hot shower, hot bath or heating pad) and massage will help reduce muscle spasm. Some patients feel best alternating treatments. Use the method that feels best to you for.
3) You may take Tylenol (acetaminophen) or ibuprofen (Advil, Motrin) for pain, unless another pain medicine was prescribed.

FOLLOW UP with your doctor or this facility if your symptoms do not start to improve after one week. Physical therapy may be needed.

[NOTE: If X-rays were taken, they will be reviewed by a radiologist. You will be notified of any new findings that may affect your care.]

RETURN PROMPTLY or contact your doctor if any of the following occur:

- Pain becomes worse or spreads to your arms or legs.
  -- Weakness or numbness in one or both arms or legs
  -- Loss of bowel or bladder control
  -- Numbness in the groin area
  -- Redness, warmth or drainage from the skin
CONTUSION: LOWER EXTREMITY
You have a CONTUSION of your LOWER extremity (leg, knee, ankle, foot, or toes). This causes local pain, swelling and sometimes bruising. There are no broken bones. This injury may take from a few days to a few weeks to heal.

HOME CARE:
1) Keep your LEG elevated to reduce pain and swelling. This is very important during the first 48 hours. If walking causes pain, stay off the injured leg until you can walk without pain.

2) If CRUTCHES have been advised, do not bear full weight on the injured leg until you can do so without pain. You may return to sports when you are able to hop and run on the injured leg without pain.

3) Make an ice pack (ice cubes in a plastic bag, wrapped in a towel) and apply for 20 minutes every 1-2 hours the first day. Continue this 3-4 times a day until the swelling goes down.

4) You may take Tylenol or ibuprofen (Advil, Motrin) for pain, unless another pain medicine was prescribed.

FOLLOW UP with your doctor or this facility if you are not starting to improve within the next THREE days.

[NOTE: If X-rays were taken, they will be reviewed by a radiologist. You will be notified of any new findings that may affect your care.]
MEDICATION: ULTRAM
You have been prescribed a pain medicine called ULTRAM (generic: tramadol).

DIRECTIONS FOR USE:
Take this medicine with a full glass of water, with or without food. Pain medicine should be taken only if needed at the times prescribed. Unless told otherwise, do not take the medicine if you are not having pain.

WHAT TO WATCH FOR:
POSSIBLE SIDE EFFECTS: Dizziness, drowsiness or headache -- Take a smaller dose; for example, break the pill in half or take it less often. Constipation -- Drink lots of liquids, use small doses of a mild laxative like Milk of Magnesia, as needed. Nausea, vomiting -- (Take with food and a full glass of water). Nervousness, tremor, anxiety -- Stop the medicine and contact your doctor. Seizure -- Stop the medicine. Contact your doctor or go to the Emergency Dept.
ALLERGIC REACTION: Rash, itching, swelling, trouble breathing or swallowing -- Contact your doctor or return to this facility promptly.

******* IMPORTANT *******

MEDICAL CONDITIONS: Before starting this medicine, be sure your doctor knows if you have any of the following conditions:
-- History of a seizure disorder (epilepsy) or serious head injury
-- History of alcohol or drug dependence, or having drug or alcohol withdrawal symptoms
-- Kidney or liver disease, pregnancy or breast feeding
-- Age less than 16 years old

DRUG INTERACTIONS: Before starting this medicine, be sure your doctor knows if you are taking any of the following medicines:
-- Tegretol (carbamazepine), Quinaglute (quindine), Courmadin (warfarin), Lanoxin (digoxin),
-- Antidepressants [Elavil (amitriptyline), Norpramin (desipramine), Sinequan (doxepin), Tofranil) imipramine; Paxil (paroxetine) , Prozac (fluoxetine), Zoloft (sertraline), Celexa (citalopram) and others]
-- Anti-psychotics [Thorazine (chlorpromazine), Mellaril (Thioridazine), Serentil (mesoridazine), Haldol (haloperidol), Prolinix (fluphenazine) and others]
-- Narcotics [codeine, hydrocodone (Vicodin, Loracet, Lortab), morphine (MS Contin, Roxanol), oxycodone (Roxicodone, Percocet, Percodan), propoxyphene (Darvon, Darvocet) and others]

WARNINGS:
-- DO NOT DRIVE, ride a bicycle or operate dangerous equipment while taking this medicine until you know how this drug will affect you.
-- This drug may cause increased side effects when taken with alcohol, muscle relaxant, sedative, anxiety medicine, antihistamines, antidepressants, MAO-inhibitor, seizure medicine, or another pain medicine.
-- Prolonged use of this medicine can be HABIT FORMING and may lead to ADDICTION.

[NOTE: This information topic may not include all directions, precautions, medical conditions, drug/food interactions and warnings for this drug. Check with your doctor, nurse or pharmacist for any questions that you may have.]
SIERRA VIEW DISTRICT HOSPITAL
465 W. PUTNAM AVENUE PORTERVILLE, CA
(559) 784-8885

Patient: RUBEN ROMANDIA
Medical Rec #: 0000
Address: 

Rx

ULTRAM 50 mg tablet
Sig: 1 tab Q 4-6h, not to exceed 8 tabs in 24 hours
Disp: #20 (twenty)
Refills: None
Ok to Substitute

KATHERINE REESE MD
State Lic: A43960
DEA #:BS1220829

THIS IS YOUR PRESCRIPTION.
DO NOT LOSE IT.

Take it to a pharmacy as soon as possible so that you may begin taking your medicine.
I have received and understand the instructions above.

Patient or Representative

Staff

The exam and treatment that you received today has been provided on an emergency basis only. If your problem worsens or new symptoms appear, contact your doctor or return to this facility for further care.
SUBJECT: CLAIM - JUAN ARMENTA

SOURCE: Administration

COMMENT: Mr. Juan Armenta has filed a claim against the City in an amount of $2,489.12 for reimbursement of bail and lost wages associated with his arrest by Porterville Police Officers on April 28, 2007 at 2066 North Westside. Claimant alleges he was falsely arrested.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: JUAN CARLOS ARMENTA DOB: __________

Claimant's Address: 1066 W. WESTSIDE PORTERVILLE, CA 93257

Claimant's Telephone No. (Home) __________ (Work) __________

Address where notices about claim are to be sent, if different from above: __________________________

Date of incident/accident: APRIL 28, 2007

Date injuries, damages, or losses were discovered: JUNE 5, 2007

Location of incident or accident: 1066 W. WESTSIDE PORTERVILLE, CA

What did entity or employee do to cause this loss, damage, or injury? MARIO ARMENTA USED MY NAME AND ADDRESS WHEN HE WAS STOPPED FOR A DUI. SHERIFFS CAME TO MY HOUSE AND I WAS FAULTLY ARRESTED. (Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity's employees who caused this injury, damage, or loss (if known): MARIO ARMENTA AND SHERIFFS (DON'T GET THEIR NAMES)

What specific injuries, damages, or losses did claimant receive? I LOST 6 DAYS OF WAGES ($489.12) AND BAIL BOND ($2000.00)

(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking or, if the amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)].

$2,000.00 (Bail Bond)

How was this amount calculated (please itemize): AFTER BAIL WAS SET, I HAD TO PAY $2,000.00

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: 10-26-07 Signature: __________

If signed by representative:
Representative's Name ______________________ Telephone: ______________________

Address #: ________________________________

Relationship to Claimant ________________________________
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – AIRPORT TOXIC REMEDIATION PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and project manual have been prepared for the Airport Toxic Remediation Project. Said plans and project manual are available in La Barca room for Council’s review.

The Airport Toxic Remediation project is a mandated project by the Department of Toxic Substances Control (DTSC). Past pesticide loading practices rendered a small area adjacent to the Porterville Air Attack Base contaminated with pesticide residual. The DTSC directed that the City prepare a “Removal Action Work” (RAW) plan to remediate the contaminated area. The RAW was prepared and approved by the DTSC and the time has come to implement the plan.

The plan includes the spreading and compaction of the contaminated dirt, placement of a 0.3” geo-synthetic clay liner over the contaminated soil, placement of 4 inches of aggregate base over the clay liner capped by 2 inches of asphalt concrete.

The Engineer’s Estimate of Probable Cost is $340,000. Funding for the project was budgeted in the 2007/2008 budget. Risk management and COP funds will pay for the project.

The DTSC insists that rigorous soil and air quality emission tests be conducted throughout the construction project. These services are separate from the construction project. Staff endeavors to reach service agreements with the local soil testing laboratory and with an air quality testing laboratory from the area. A separate staff report will be presented once agreements have been reached.

RECOMMENDATION: That the City Council:

1. Approve staff’s recommended plans and project manual; and

2. Authorize staff to advertise for bids on the project.

ATTACHMENT: Estimate of Probable Cost

Item No. 10
## Airport Toxic Remediation Project

City of Porterville
Engineers Estimate

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<th>QUANTITY</th>
<th>UNIT PRICE</th>
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<td>Construction Survey</td>
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Project Manager: [Signature] 12-13-07

City Engineer: [Signature] 12-13-07

Public Works Director: 12-13-07

City Manager: [Signature] 12-13-07
COUNCIL AGENDA: DECEMBER 18, 2007

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – RELOCATION OF ELECTRICAL SERVICE PANEL FOR LIFT STATION #15

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual have been prepared for the Relocation of the Electrical Service Panel for Lift Station #15. The project includes installation of a new electrical panel, approximately 113 lineal feet of 3” conduit, electrical wire and a new pull box. The project is located at the intersection of Newcomb Street and State Route 190. The existing electrical panel and pull box must be relocated due to the widening of State Route 190 between Poplar and Porterville by Caltrans. The widening project consists of two paved shoulders on each side of the highway. Caltrans is the lead design and construction agency for this project and has insisted that staff move forward with the relocation of the electrical service panel.

Staff requested and received informal bids on October 30, 2007. The bids were too high and will be sent back to the contractor’s with information regarding a notice inviting sealed bids.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review. The Engineer’s estimate of probable cost for construction is $12,000.00. An additional $1,800.00 is required for construction contingency (10%) and construction engineering (5%) for a total project cost of $13,800.00. Funding for this project is from developer fees that contribute to master plan facilities.

RECOMMENDATION: That City Council:

1. Approve Staff’s recommended Plans and Project Manual; and

2. Authorize staff to advertise for bids on the project.

ATTACHMENT: Locator Map
COUNCIL AGENDA: DECEMBER 18, 2007

SUBJECT:  AUTHORIZATION TO ADVERTISE FOR BIDS – MATHEW AND WESTFIELD STORM DRAIN PROJECT

SOURCE:  Public Works Department - Engineering Division

COMMENT:  Plans and Project Manual have been prepared for the Mathew and Westfield Storm Drain Project. The project includes paving, a catch basin, asphalt concrete berm and connection to an existing storm drain line.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review.

The estimate of probable cost for the entire project is $18,216 with $1,822 required for the construction contingency (10%). An additional $911 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $20,949. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided by developer impact fees and was approved in the 07/08 Annual Budget as a part of the Storm Drain Master Plan Update.

RECOMMENDATION:  That City Council:

1.  Approve staff’s recommended plans and project manual; and

2.  Authorize staff to advertise for bids on the project.

ATTACHMENTS:  Estimate of Probable Cost
Locator Map

P:\pubworks\Engineering\Council Items\Authorization to Advertise for Bids - Mathew and Westfield Storm Drain Project - 2007-12-18.doc
## City of Porterville
### Mathew and Westfield Engineers Estimate

<table>
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<tr>
<th>ITEM NO.</th>
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<th>QUANTITY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
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<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
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<td>$1,500.00</td>
<td>$1,500.00</td>
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<td>Traffic Control</td>
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<td>$800.00</td>
<td>$800.00</td>
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<td>3</td>
<td>Clearing and Grubbing including concrete, dirt, and asphalt</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
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<tr>
<td>4</td>
<td>Install A.C. Berm</td>
<td>LF</td>
<td>25</td>
<td>$18.00</td>
<td>$400.00</td>
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<tr>
<td>5</td>
<td>Install Catch Basin with grate</td>
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<td><strong>$18,216.00</strong></td>
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**Project Manager:**
- **Date:** 12-12-07

**City Engineer:**
- **Date:** 12-12-07

**Public Works Director:**
- **Date:** 12-12-07

**City Manager:**
- **Date:** 12-13-07
Mathew and Westfield Storm Drain Project
City of Porterville
SUBJECT: AWARD OF CONTRACT FOR HERITAGE BALL FIELDS PHASE 1 PARKING LOT & PICNIC AREA PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On October 30, 2007, staff received four (4) bids for the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area. The Base Bid includes Mobilization & Construction Fence, Site Clear & Grub, Site Grading & Drainage, Street Improvements, Parking Lot, Parking Lot Lighting, Irrigation, Planting, Plant Establishment Period, and all Miscellaneous Appurtenances, Project Close Out. Add Alternate 1 includes a Shade Structure, Concrete Flatwork, Site Furnishings, Electrical / Lighting, Irrigation, and Planting.

The low bid is 12% below the Engineer’s estimate. An additional $75,919.82 is required for construction contingency (10%), staff time and construction engineering for a total project cost of $582,051.93. Funding for the project has been allocated within the 2007/2008 budget from the Section 108 Loan Funds.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc.</td>
<td>$506,132.11</td>
</tr>
<tr>
<td>Porterville, CA</td>
<td></td>
</tr>
<tr>
<td>2. F M Diaz Construction, Inc.</td>
<td>$572,150.00</td>
</tr>
<tr>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>3. Elite Landscaping, Inc.</td>
<td>$760,472.00</td>
</tr>
<tr>
<td>Clovis, CA</td>
<td></td>
</tr>
<tr>
<td>4. Lee's Paving, Inc.</td>
<td>$1,109,780.00</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Heritage Ball Fields Project Phase 1 Parking Lot & Picnic Area Base Bid and Add Alternate 1 to Halopoff & Sons, Inc. in the amount of $506,132.11;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map
SUBJECT: AWARD OF CONTRACT – EFFLUENT PIPELINE AND LAND LEVELING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On December 12, 2007, staff received nine (9) bids for the Effluent Pipeline and Land Leveling Project. This project is required under the City’s Cease and Desist Order issued by the Regional Water Quality Control Board. The project consists of the following:

- Leveling Areas #1, #2, #3, #4, and #5 of the Underhill and Hunsaker Property
- Leveling of the Existing Ponds
- Two Check Structures
- Two Monitoring Wells
- Installing Effluent Pipeline for Irrigation Purposes

The Engineer’s estimate of probable cost for the entire project is $1,357,030. The low bid is 36.4% below the Engineer’s estimate. An additional $129,371.92 is required for construction contingency (10%), staff time and construction engineering (5%) for a total project cost of $991,851.43. Funding for this project is from the Wastewater Treatment Facility Capital Reserve which was approved in the 2007/2008 Annual Budget and will be reimbursed through the CIEDB loan.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Guinn Construction, Bakersfield, CA</td>
<td>$862,479.50</td>
</tr>
<tr>
<td>2. Halopoff &amp; Son Construction, Porterville, CA</td>
<td>$947,294.50</td>
</tr>
<tr>
<td>3. Syblon Reid, Folsom, CA</td>
<td>$1,070,431.00</td>
</tr>
<tr>
<td>4. Nicholas Construction, Bakersfield, CA</td>
<td>$1,139,519.25</td>
</tr>
</tbody>
</table>

Dir Appropriated/Funded

CM

Item No. 10
<table>
<thead>
<tr>
<th></th>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Vulcan Construction</td>
<td>$1,173,680.50</td>
</tr>
<tr>
<td></td>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Kaweah Construction</td>
<td>$1,184,000.00</td>
</tr>
<tr>
<td></td>
<td>Fresno, CA</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Papich Construction</td>
<td>$1,386,380.00</td>
</tr>
<tr>
<td></td>
<td>Bakersfield, CA</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Sierra Mountain Construction</td>
<td>$1,478,910.00</td>
</tr>
<tr>
<td></td>
<td>Tuolumne, CA</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Granite Construction</td>
<td>$1,522,660.00</td>
</tr>
<tr>
<td></td>
<td>Fresno, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

**RECOMMENDATION:** That City Council:

1. Award the Effluent Pipeline and Land Leveling Project to Guinn Construction in the amount of $862,479.50;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs.
SUBJECT: AIRPORT FIRE FACILITY

SOURCE: FIRE DEPARTMENT

COMMENT: As stated in the 2007-2008 fiscal year Budget Summary Report in the Airport Fund section, a one acre parcel of land has been identified for a future fire facility and will be defined in the General Plan Map in the Airport Industrial Area on the northwest corner of Hope Road and Corsair Road. Instead of allocating the cost of the land to the Capital Fund, it will be paid directly to Airport Operations as a portion of the General Fund Airport Support. The total General Fund support is proposed to be maintained at $121,217. Of this amount, $82,000 is paid to the General Fund for administrative costs and is reimbursed by the General Fund. The remaining $39,217 will be applied to the fair market value of the one acre parcel for the fire facility.

Payments for the remaining balance of $35,783 for the fire facility will be from fiscal budgets as monies are available with no interest applied to the balance.

An appraisal on the one acre parcel was conducted by Dennis L. Schneider, MAI, SRA Real Estate Appraiser. The one acre parcel of land was appraised at $75,000.

Pursuant to state and local environmental regulations, the environmental coordinator determined that this action is exempt from the California Environmental Quality Act, and as a general rule, a notice of exemption will be filed.

RECOMMENDATIONS: That the City Council:

1) Approve the purchase and transfer of title for the one acre parcel in the Airport Industrial Area to the General Fund for future Fire Department use.

2) Approve the appropriated fund and payment of the one acre parcel as delineated in the Summary Budget report.

3) Authorize the Mayor to sign all documents.

ATTACHMENTS: None

DIRECTED APPROPRIATED/FUNDED CM ITEM NO. 11
SUBJECT: Agreement with Praxair Services, Inc., for Testing Near Airport Water Department Well

SOURCE: City Manager

The City of Porterville has been notified by the State Water Resources Control Board that it must complete an Enhanced Leak Detection test for fuel tanks located at the Porterville Airport because they are located within 1,000 feet of a City water well.

This program must be implemented by December 2008. The City is responsible to approve a testing plan by December of 2007. The purpose of this request is to adopt a proposal from Praxair Services, Inc., which addresses the requirement for the testing plan. The services, if approved, will be accomplished in the spring of 2008.

The cost of the program is $11,625. This essentially covers the Jet-A portion of the City’s system. Praxair will seek an approved testing protocol or an exemption for the aviation gas component. Testing on the aviation gas component, we are advised, is not available through any State approved vendor.

The cost will be paid by either or both the Airport and Water funds. The actual allocation should be subject to a negotiation between the Airport Manager and the Public Works Director.

RECOMMENDATION: Authorize the City Manager to accept proposal 38986El from Praxair Services, Inc.
John Longley

From: Jim McDonald
Sent: Tuesday, December 11, 2007 3:26 PM
To: John Longley
Subject: FW: Proposal #38986EL

From: Julie_Gunther@Praxair.com [mailto:Julie_Gunther@Praxair.com]
Sent: Tuesday, December 11, 2007 1:50 PM
To: Jim McDonald; John Longley
Subject: Re: Proposal #38986EL

Hello Jim and John,

Please forgive me for the confusion I caused this morning regarding the ELD testing at the Porterville Municipal Airport. Dirk Anderson, at our office, is well aware that we are planning to perform this testing in March of 2008.

You may have the extension on proposal number 38986EL through March of 2008.

Best Regards,

Julie Gunther
Praxair Services, Inc.
3755 N. Business Center Drive
Tucson AZ 85705
Office: (520) 545-0262
Fax: (520) 888-3923

This e-mail, including any attachments, is intended solely for the person or entity to which it is addressed and may contain confidential, proprietary and/or non-public material. Except as stated above, any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than an intended recipient is prohibited. If you receive this in error, please so notify the sender and delete the material from any media and destroy any printouts or copies.

"Jim McDonald" <jmcdonald@ci.porterville.ca.us>

12/10/2007 04:45 PM

To <Julie_Gunther@Praxair.com>
cc
Subject Proposal #38986EL

Hi Julie,

The proposal you sent has not made it on the Council agenda yet. It will be on the Dec. 18th agenda. Can we get an extension on the 30 day limit?

Jim McDonald
Airport Operations Manager

12/11/2007
Praxair Services, Inc.
3755 N. Business Center Drive
Tucson, AZ 85705
(520) 888-9400
(520) 293-1306 Fax

PROPOSAL
38986EL

Proposal Date: 11/02/07
Proposal Valid: 30 Days

Client:
City Of Porterville
291 North Main Street
Porterville Calif. 93257
Contact: Jim McDonald 559-782-7540
Terms: NET 30

Job Site:
Porterville Municipal Airport
1893 South Newcomb
Porterville Calif. 93257
Service:
On-site Tracer Tight® Enhanced Leak Detection

<table>
<thead>
<tr>
<th>Item</th>
<th>Unit</th>
<th>Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization</td>
<td>Per Visit</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Project Setup A</td>
<td>Per Project</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Tracer Tight® ELD™ Final Test w/On-Site Analytical Services B</td>
<td>Per Project</td>
<td>$9,625.00</td>
<td>$9,625.00</td>
</tr>
<tr>
<td>Additional Final Test Hours (beyond initial 25 hours)</td>
<td>Per Hour</td>
<td>$385.00</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Total $11,625.00

A If Praxair is required/requested to obtain permits an additional cost of $500.00 will be charged. Price quotation does not include Site Specific Work Plans, Safety Plans or price adjustments for prevailing wages, certified payroll, or any other additional Union requirements.

B Includes up to twenty five (25) hours of vertical probe installation, tightness confirmation, system inoculation, sampling, on-site analysis, report, per diem, and labor. Test may require more hours to complete. Praxair will confirm tank is vapor tight prior to inoculation. Customer is required to have tank contractor at the Facility with tools and replacement parts to assist in the event of a leak. This contractor must have full capability to disassemble and rebuild all tank components if required. In the event failures occur and re-testing is required beyond the initial 25 hours, testing shall be offered at $385/hour, including labor and analytical laboratory. If remobilization occurs, base test rate of $4,850 per day will apply. Overtime rates of $450/hour may be charged for all hours worked during any weekend or holiday.

Rush Charges: A $1,000 rush charge will be applied when the customer requests the test to be completed within two (2) weeks from the date the signed proposal is returned. A $2,000 rush charge will be applied when the customer requests the test to be completed within one (1) week from the date the signed proposal is returned.

Cancellation Charges: A cancellation charges will be applied if a project is cancelled within 72 hours of the start of the project. Charges are applied according to the following schedule: 72 hour notice=$1000, 48 hours notice=$2000, 24 hour notice=$3000.

The Standard Terms and Conditions on the reverse side or attached are incorporated by reference and form part of this Agreement. By signing this Agreement, Customer acknowledges that it has read, understands and agrees to the Standard Terms and Conditions on the reverse side of this Agreement.

ACCEPTED BY CUSTOMER

Accepted by: ____________________________ Print ____________________________
(I have the authority to bind the Customer)

Date: ________________
1. Praxair Services, Inc., a Texas corporation, ("Praxair"), hereby agrees to perform the services described on the reverse side hereof (the "Services") for the customer named on the reverse side hereof ("Customer") according to the terms and conditions stated herein. Praxair shall perform the services as an independent contractor. No provision of this Agreement shall be interpreted to create an employer-employee, master-servant, agency or joint venture relationship between Customer and Praxair. Praxair will use its own methods and means of performance as it determines appropriate to provide the Services and will perform the Services in accordance with the terms and conditions of this Agreement. The parties hereby acknowledge that at all times Customer shall have complete control of the pipeline, heat exchanger, vessel, furnace, reactor, tank or other facility which is the subject of the Services (such tank, pipeline, heat exchanger, vessel, furnace, reactor, tank or other facility, as the case may be, being referred to as the "Facility").

2. Customer has full knowledge of the conditions existing in the facility and represents that said conditions and all types of operations for which the Facility has been used, have been made known to Praxair. Customer has knowledge superior to that of Praxair of the hazards that may be encountered in connection with the performance of Services at the Facility. Customer shall be fully and solely responsible for developing and enforcing all safety and operating procedures required to protect Customer's employees and agents, independent contractors and any third parties. Customer shall notify Praxair in advance of any anticipated construction, renovation or change in operations in the area where the Services are performed, so that any associated hazards can be minimized. Praxair shall have the right at any time to cease providing the Services or to terminate this Agreement if it reasonably determines that Customer's safety and operating procedures do not meet Praxair's standards.

3. Customer acknowledges that there are hazards associated with the performance of the Services and with the specialized equipment, the other propellants, chemicals, and other materials to be utilized in connection with the performance of the Services. Customer agrees that its personnel concerned with the Services are aware of these hazards and assumes all responsibility for warning and protecting its employees, independent contractors and others of all hazards to persons and property in any way arising from the Services or the equipment. Customer also assumes all responsibility for the suitability and results obtained by the performance of the Services and the combination of other propellants and/or other materials used in the performance of the Services with the other articles or substances.

4. Should delay occur in the commencement of or during the course of the Services which is caused by or results from any condition not within the control of Praxair (including but not limited to the unavailability of the Facility or the unavailability of equipment, materials or services provided by Customer), Praxair shall be entitled to additional charges as specified in Praxair's published price schedule or quotation.

5. Customer shall have at all times an authorized representative (or his designee) present at the job site during the performance of the Services. Said authorized representative shall be made known to Praxair prior to commencement of the Services.

6. Customer will provide all direction, materials, equipment and support services as set forth in Praxair's quotation, proposal, job specification or work description for the described Services to be performed by Praxair. In addition, any supervisory, support or standby labor required on the job (other than Praxair's normal work crews) will be furnished by Customer at no expense to Praxair.

7. If, in order to gain ingress to or egress from the job location at which the Services are to be performed, it is necessary to use access other than public highway, or to repair roadbeds, bridges, or other properties, or to provide tractors, barges, boats, or other special means of transportation for Praxair Services' trucks, materials, equipment or personnel, same shall be arranged and paid for by Customer. Customer agrees to reimburse Praxair for the reasonable value of Praxia's property lost or damaged while being transported under such conditions.

8. Praxair shall at no time take or hold title to any wastes resulting from the Services ("Wastes"), and Customer assumes all responsibility as the primary generator of such Wastes. Customer shall be responsible for the proper and lawful handling, storage, transportation and/or disposal of such Wastes in accordance with all applicable state, federal, municipal and local statutes, regulations, bylaws and ordinances. Customer shall indemnify and hold harmless Praxair from and against all lawsuits, actions, claims, fines, penalties, damages, costs (including reasonable attorney's fees) and expenses incurred by Praxair as a result of personal injury, property damage, environmental damage, or violation of any federal, state or local statute, regulation or ordinance arising from or related to the generation, handling, storage, transportation, treatment and/or disposal of such Wastes. With respect to such Wastes, Customer to the best of its knowledge, shall provide Praxair with the origin (process), identity, description, chemical constituents, category (hazardous or non-hazardous), and disposal site or other ultimate disposition of such wastes.
9. Praxair warrants that the Services performed hereunder will be performed in a workmanlike fashion and that other materials and equipment utilized will be of the quality necessary for performance of the Services. No claim of any kind with respect to the Services, results, conditions or failure to meet any of the foregoing warranties, whether or not such failure is based on negligence, warranty, strict liability or any other theory of law, shall be greater than the price paid for any Services performed hereunder. The rights and remedies expressly provided in this agreement shall be exclusive and sole rights and remedies of Customer. THERE ARE NO EXPRESS WARRANTIES BY PRAXAIR OTHER THAN THOSE SPECIFIED HEREAFTER. NO WARRANTIES BY PRAXAIR (OTHER THAN WARRANTY OF TITLE AS PROVIDED IN THE UNIFORM COMMERCIAL CODE) SHALL BE IMPLIED OR OTHERWISE CREATED UNDER ANY APPLICABLE LAW, INCLUDING BUT NOT LIMITED TO WARRANTY OF MERCHANTABILITY AND WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE. Each party hereby releases the other party from any obligation for any damages to or loss or destruction of the personal or real property of the releasing party arising as a result of or in connection with the Services performed hereunder and each party shall indemnify and hold the other party harmless from any claims, demands, expenses, costs, including but not limited to legal fees, arising as a result of or in connection with any such damage, loss or destruction and whether or not such damage, loss or destruction is claimed to have been caused by, resulted from or was in any way connected with the negligence of the party to be indemnified. Each party shall indemnify and hold the other party harmless from actions, lawsuits, demands, claims, losses, expenses, costs, including but not limited to legal fees, and damages, arising from the injury, illness or death of the indemnifying party’s employees while engaged in any activities related to the Services performed hereunder, whether or not such injury, illness or death is claimed to have been caused by, resulted from or was in any way connected with the negligence of the party to be indemnified. Neither party will be liable to the other for any indirect, incidental, or consequential damages hereunder.

10. Neither party hereto will be liable to the other for default or delay in the performance of any of its obligations hereunder (except any obligation to make payment when due) due to acts of God, accident, fire, flood, storm, riot, war, sabotage, explosion, strike, labor disturbance, national defense requirements, governmental laws, ordinances, rules and regulations (whether valid or invalid), extraordinary equipment failure, explosions, breakage, accidents to machinery or pipelines, freezing of pipelines, inability to obtain electric power or other type of energy, raw materials, labor, equipment or transportation, or any similar or different contingency beyond its reasonable control which would make performance commercially impractical whether or not contingency is of the same class as those enumerated above, it being expressly agreed that such enumeration shall be non-exclusive.

11. Praxair shall invoice Customer and Customer shall pay those prices and charges specified in Praxair’s latest applicable published price schedule or quotation for the Services performed hereunder. In addition, Customer shall pay the amount of any sales, use, excise or any other tax or governmental charge (excluding taxes on or measured by net income) now or hereafter imposed by reason of any sale or furnishing of the Services hereunder. Praxair shall invoice Customer and Customer shall pay Praxair on a cost-plus basis, as set forth in Praxair’s quotation, for any special equipment or materials which Praxair is required to lease or purchase to perform the Services. Subject to the availability of personnel, Praxair will provide, at Customer’s request, services outside the scope of the Services, at Praxair’s service rate in effect at the time the Services are performed. Customer shall be responsible and shall pay for all permits, approvals and utilities required to perform any work at the Facility. In the event it is necessary to subcontract any Services, the cost thereof will be charged to the Customer at cost plus fifteen percent (15%). All charges are subject to review and correction by Praxair’s accounting department. Terms of payment are to be paid in full to Praxair Services, Inc. via check. Payments shall be made to the following address: Praxair Services, Inc. PO BOX 91385, Chicago, IL 60693-1385

12. Praxair will have the right to adjust the cost for Services by giving Customer not less than fifteen (15) days prior written notice of the effective date of such adjustment.

13. Assignment of this Agreement by either party without the prior written consent of the other party will be void. Notices under this Agreement shall be given in writing and sent by registered mail to the address on the reverse side hereof. Any notice so given will be deemed given on the date it is received. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

14. Praxair may terminate this Agreement at any time on written notice to the Customer if a petition is brought under the present or any future federal or state bankruptcy or insolvency act seeking any reorganization, readjustment, liquidation, dissolution or similar relief with respect to Customer, if a receiver is appointed for Customer, or if, in Praxair’s opinion, Customer becomes insolvent or its credit becomes impaired.

15. This Agreement will supersede any prior agreements between the parties covering the subject matter hereof. The entire agreement covering the Services to be furnished hereunder is contained herein and any different or additional terms or conditions in any purchase orders or agreements issued by Customer shall be deemed null and void. Failure by Praxair to enforce any of the terms or conditions contained herein in a particular instance or instances shall not constitute a waiver thereof nor preclude subsequent enforcement of same.

16. Seller neither makes nor accepts, and hereby specifically disclaims any representation or warranty of any kind contained in any purchase order or any other documents with respect to systems utilized by Seller to process data/time data from, into and between the twentieth and the twenty first centuries.
ADDITIONAL TERMS AND CONDITIONS

Customer acknowledges that certain information provided by Praxair in rendering the Services hereunder is either patented, a trade secret or other proprietary information of Praxair or an affiliate. Customer will keep confidential and prevent the disclosure of Confidential Information. The above obligations incurred by Customer will not apply, however, to information that is otherwise known to Customer by or on behalf of Praxair or (ii) if the public, (iii) if Customer can show by its written records that such information was lawfully disclosed on a non-confidential basis to Customer by a third party subsequent to the disclosure by Praxair. Confidential Information shall mean (i) any and all patentable and unpatentable inventions, discoveries, improvements, trade secrets, information, know-how and data, whether technical or economic nature which are furnished to Customer by Praxair in rendering the Services hereunder. Such Confidential Information will be and remain the property of Praxair or an affiliate. No right or license, either express or implied, under any patent, trademark, copyright or Confidential Information is granted hereunder.

If Praxair is requested either by hire or volunteer basis, to assist in pre-testing or confirmation testing of the system prior to actual Enhanced Leak Detection (ELD) test, Praxair will make its best effort to discover and identify such leaks, but makes no guarantee to the effectiveness of such pre-test and repairs with respect to the outcome of the ELD test result. Customer will pay Praxair for any requested service, regardless of the outcome of such ELD test. There are no express warranties with respect to such pre-testing, results or repairs. No warranties by Praxair shall be implied or otherwise created under any applicable law.

Praxair shall not be liable for any indirect damages, costs, fees or revenue loss, associated with delay of opening the Facility, including inability of Praxair to schedule or complete project on date requested by the Customer or Customer’s agent. Praxair will not be responsible for any cost associated with Customer’s contractor(s) presence on the site during the time of the test. Praxair shall not be liable for any cost to repair leaking system(s), including removal and replacement of concrete/asphalt.

Customer understands and acknowledges that the mobilization and standby rate may apply. Praxair will standby up to four (4) hours and then have the right to demobilize if the Facility is not ready for scheduled Services. Standby Time will be billed at the hourly rate listed in the quotation for the specific Service to be conducted. The Customer understands that if a project is delayed, not to the fault of Praxair, any request to revisit the Facility will be at the discretion of Praxair and the project can be rescheduled without disruption to other customer’s scheduled projects. Praxair will make its best effort to re-visit the site in a timely manner.

If project is cancelled by Customer after mobilization to the Facility, a charge of $1000 will apply. If the crew cannot be utilized for another project in the area during the same calendar day at a full day rate of $5850 will apply. If project is cancelled by Customer within 72 hours or less of the start of the project, charges are applied according to the following schedule: 72 hour notice=$1000, 48 hours notice=$2000, 24 hour notice=$3000

All activities involving the tank system must cease during the test phase (between inoculation & sampling). Praxair is responsible for contamination of tracer on the Facility, which is caused by tank system activities during the test phase.

Praxair is not responsible for permits, fees or associated cost related to testing services.

If Praxair is required/requested to obtain permits an additional cost of $500.00 will be charged.

Any vapor or groundwater remediation system on-site must be turned-off during the test phase.

It is responsibility of Customer to properly notify all local regulatory agencies.

Health & Safety: This proposal assumes that fieldwork will be conducted in Level D. Any required on-site training for Praxair’s technicians shall be billed at the hourly rate listed in the quotation, for up to four (4) hours in length. Any additional required training beyond four (4) hours in length shall be negotiated prior to the completion of this Agreement.

Price quotation does not include Site Specific Work Plans, Safety Plans or price adjustments for prevailing wages, certified payroll, or any additional Union requirements. Customer will authorize the on-site contractor to sign-off our hours of activity.

It is understood that any variations of the specifics provided may change final price.
COUNCIL AGENDA: DECEMBER 18, 2007

SUBJECT: AIRPORT HANGAR PURCHASE – DR. W. CREAGER, LOT 31C

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: On October 16, 2007, Council authorized Staff to make a formal offer to Dr. Westel Creager to purchase his six-hangar complex located on Lot 31C at the Porterville Municipal Airport for a purchase price of $80,000. This amount was supported by an appraisal report from a licensed appraiser. A copy of Staff’s offer letter is attached. On November 30, 2007, Dr. Creager accepted Staff’s offer, and the acceptance letter is also attached. In accordance with the offer and acceptance, Staff has prepared the attached Purchase Agreement which will require the Mayor’s signature upon Council approval.

In order to complete the sale, a budget adjustment will be required utilizing Airport Capital funds. The current income on this six-hangar complex is $10,200. Upon approval by the Council, Staff will open an escrow and deposit the required $5,000 earnest money to begin the transfer of the personal property to the City.

RECOMMENDATION:

That City Council:

1. Authorize the budget adjustment of $82,000 for the purchase of the hangar complex (and escrow fees) from the Airport Capital Fund;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize Staff to open an escrow with a deposit $5,000 earnest money and the City paying usual and customary escrow fees;
4. Authorize Staff to make the payment to Dr. Westel Creager in the amount of $80,000 less his share of the escrow fees; and
5. Authorize Staff to record all necessary documents with the County Recorder.

ATTACHMENTS: Locator Map
Offer and Acceptance Letters
Purchase Agreement

D.D. Appropriated/Funded C.M. [Signature]

Item No. 13
October 23, 2007

Dr. Westel Creager, M.D.
33232 Tule Oak Drive
Springville, CA  93265

Re: Hangar Complex, Lot 31C

Dear Dr. Creager:

Thank you for meeting with Jim, Susan and me last Friday, October 19, at the Porterville Airport. As we discussed, the City Council has fully considered your recent letters and has reviewed the appraisal report from Dennis Schneider concerning your six-hangar complex on Lot 31C. The offer we are authorized to extend to you at this time contains the following terms:

1. The City will purchase your six-hangar complex on Lot 31C, as is, for the sum of $80,000, cash. This offer will remain open for a period of sixty (60) days for your consideration;

2. Upon acceptance of this offer by you, in writing, the City will open an escrow and deposit $5,000 earnest money, to be held by the title company pending completion of the sale. Close of escrow shall be on or after January 2, 2008;

3. Prior to close of escrow, you will supply Jim McDonald or Susan Perkins with a list of tenants occupying your hangars and the amount of their monthly rental.

We look forward to completing this sale and believe the City's purchase of your hangars is in our mutual best interest. Also, as we agreed, enclosed is a copy of a letter sent to Mr. Costa. Please do not hesitate to call if you wish to discuss any details relevant to this offer and to formulate specific provisions of the purchase agreement.

Very truly yours,

John Longley
City Manager

John Longley
City Manager

Airport General Manager
Dear John,

This is to inform you that I am accepting the offer to buy the hangar on Lot 31C by the city.

I would like to close the deal in January with occupancy to begin on Feb 1, 2008. Taxes should be prorated if any are owed. I am on my way to Kentucky and will call you in the next week.

Thanks,

[Signature]
PURCHASE AGREEMENT
SIX-UNIT AIRCRAFT HANGAR COMPLEX

SELLER: Dr. Westel Creager
33232 Tule Oak Drive
Springville, Ca 93265

BUYER: City of Porterville
291 N. Main St.
Porterville, Ca 93257

Effective on December 1, 2007, Seller agrees to sell to Buyer a six-unit aircraft hangar complex located on Lot #31C at the Porterville Municipal Airport for the sum of EIGHTY THOUSAND ($80,000) DOLLARS, CASH. This sale includes all items affixed to the hangars and any and all improvements to the property.

The real property is currently owned by the Buyer and leased to Seller. Upon execution of this agreement, the real property lease will be terminated and Seller shall be relieved of his obligations under said lease with the City, excluding Seller’s obligations as described below. Seller shall notify the Tulare County Tax Collector of the transfer of ownership and shall assure all obligations due the Tulare County Tax Collector are paid prior to the close of escrow.

Seller assures that the property described above is free of all liens and is in good working order at the time of transfer.

Seller, or his agent shall notify, in writing, all hangar tenants that a sale of the hangar complex is pending, and that effective February 1, 2008, they will receive a monthly rental invoice from Buyer. Seller shall also provide Buyer, prior to close of escrow, with a list of all current tenants, their names, addresses and phone numbers, and monthly rental amounts.

Seller attests that all the tenants are on month-to-month tenancy, and no prior agreements with any tenant obligates the Buyer in any manner.

Seller, or his agent, agrees to sign escrow instructions promptly and to comply with all requirements of the title company. The normal and customary escrow fees shall apply to this transaction.

Dr. Westel Creager, Seller

Cameron Hamilton, Mayor
City of Porterville
SUBJECT: AIRPORT LEASE RENEWAL – LOT 17

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: Mr. Eddie G. Wood, owner of Porterville Aviation, Inc., is the current lease holder of Lot 17 and 17A at the Porterville Municipal Airport. Porterville Aviation, Inc., is a Fixed Base Operator. The lease will expire on December 31, 2007. Staff has been advised by Mr. Wood that he has significantly down-sized his business and would like to abandon the unused portion of Lot 17 and all of Lot 17A. We have received a written request from Mr. Wood to renew his lease, based on a new Lot 17, for a period of twenty (20) years with a ten (10) year option to renew, which is the City’s standard lease term for FBO leases.

The City Engineer has surveyed the property and re-drawn Lot 17, which now consists of approximately 15,422 square feet. A “New Site 17” and “Property Plat” are included as Exhibit “A” and Exhibit “B” of the draft Lease Agreement which is attached.

RECOMMENDATION: That the Council approve the Lease Agreement between the City of Porterville and Mr. Eddie G. Wood of Porterville Aviation, Inc., for Lot 17A at the Porterville Municipal Airport; and further, that Council approve the revised site description for Lot 17 and Property Plat.

ATTACHMENT: Locator Map
Letter from Mr. Wood requesting renewal
Draft Lease Agreement

D.D. □ Appropriated/Funded  □ C.M. □ Item No. 14
Josephson/Wood Partnership
Eddie G. Wood
32673 Greene Drive
Springville, Ca. 93265
559-359-0089

December 3, 2007

Mr. Jim McDonald, Airport Supervisor
P.O. Box 432
Porterville, Ca. 93257

Re: 20 Year Lease Agreement with the City of Porterville on Lot #17.

Dear Jim:

We would like a new twenty (20) year lease with a ten (10) year option.

Please note that the address for Eddie Wood has changed. Please make sure that the Tulare County Tax people receive this change next year for our 2008 Tax Statement.

Thanking you, I remain,

Respectfully,

[Signature]

Eddie G. Wood
Partner
Josephson/Wood Partnership

Cc: James C. Josephson
Cc: Porterville Aviation Inc.
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the 18th day of December, 2007, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as "City" and PORTERVILLE AVIATION, INC., hereinafter referred to as "Lessee."

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

WHEREAS, Lessee desires to lease a portion of said airport to conduct a fixed base operation; and

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 17 at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this Lease shall commence on January 1, 2008, both parties having executed the same, and shall terminate on December 31, 2028. Provided Lessee is not in default with respect to any of the conditions or covenants of this lease, Lessee shall have an option to request an extension of the terms hereof for an additional period of ten (10) years, by giving written notice thereof to Lessor not less than 120 days prior to the expiration of this agreement. Lessor is not obligated to grant any extension, but said option shall not be unreasonably withheld.

3. Rental and Business Privilege Consideration: Lessee agrees to pay to City in lawful money of the United States without deductions or offset, to the Chief Financial Officer, City of
Porterville, 291 N. Main Street, Porterville, California, 93257, or to such person or persons and at such
place or places as may be designated from time to time by City, a rental rate of $.256 per square foot
per year. Inasmuch as the lease site (See Exhibit "B" attached) contains approximately 15,422 square
feet of land area, said rental rate will be $3,948.03 annually, or $329.00 per month, payable in
advance.

Beginning January 1, 2009, and each January 1 thereafter for the term of this Lease, the
rate shall be adjusted by a percentage equal to the annual percentage increase or decrease in the
Consumer Price Index (CPI). The CPI used shall be a twelve (12) month average of the San Francisco
CPI and the Los Angeles CPI as published for October of the prior year. The CIP index will be “All
Urban Consumers.”

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

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

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

Said appeal to the City Council must be made in writing and be received by the City
Clerk, 291 N. Main Street, Porterville, California, 93257, within 72 hours after Lessee received notice
of said nuisance.
5. **Right of Ingress and Egress:** Lessee shall have the right-of-way to property owned and controlled by City for ingress thereto and egress therefrom for pedestrian, vehicular, and air travel, together with the right to use in common with other Lessee or licensees of City the airplane landing field adjacent to the demised premises. None of these rights are exclusive, but shall be exercised in common with and subject to possible similar rights of other users of said airport. All of the foregoing is subject to such reasonable rules and regulations as the City or its authorized agents may make from time to time. Such rules and regulations, however, shall be reasonable and shall not conflict in any way with similar rules and regulations adopted from time to time by the Federal Aviation Administration or its successor.

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

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

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

9. **Utilities:** Lessee agrees to pay during the term of the Lease, or any holding over, any and all utilities utilized by it to said demised premises. The term “utilities” as used herein shall include, but is not limited to, telephone, electrical, water, sewer, gas, janitorial, heating, cooling, and trash and refuse disposal service.
10. **Utility Extension or Modification:** Lessee shall pay any and all expenses that may be incurred in obtaining the extension of public utility services to the demised premises from existing utility facilities or any modifications of same.

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

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

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

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

15. **Indemnification:** Lessee agrees to indemnify, defend (upon request by the City) and save harmless the City, its agents, officers, and employees, and each of them, from any and all losses, costs, expenses, claims, liabilities, action, or damages, including liability for injuries to person or persons, or damage to property of third persons arising out of or in any way connected with (a) the
conducting or operation of Lessee’s business on the demised premises during the term of the Lease or any holding over, or (b) the construction or the removal of any facilities or improvements on the demised premises during the term of this Lease or any holding over.

16. **Liability Insurance**: Lessee, in order to protect the City, its agents, officers, and employees against all claims and liability for death, injury, loss, and damage as a result of Lessee’s (a) use and operations on the demised premises or in connection therewith, or (b) construction or removal of any improvements on the demised premises or in connection therewith, shall name the City as additional insured on Lessee’s aircraft insurance policy or policies in the amount of not less than ONE MILLION DOLLARS ($1,000,000). Coverage shall include General Liability combined Bodily Injury and Property Damage, Single Limits and Aggregate, with a reliable insurance carrier authorized to do such public liability and property damage insurance business in the State of California. Said insurance shall not be subject to cancellation or coverage reduction without thirty (30) days prior written notice to City. Within (10) days from the date of this Lease, Lessee shall file with the City Clerk, City of Porterville, a duly certified Certificate of Insurance evidencing that the herein above mentioned public liability and property damage provisions have been complied with, and setting forth that City, its agents, officers, and employees are named as additional insured. In the event that Lessee shall fail to take out and keep in effect such policy or to furnish evidence thereof to City, City may, at City’s option, procure the same, pay the premium thereof and collect same with the next payment of rental due from Lessee or immediately terminate this Lease. The limits of insurance coverage set forth herein may be reviewed by City each January and may be adjusted at such reviews in order to protect the interests of the City.

17. **Nondiscrimination**: Lessee for itself, its heirs, personal representatives, successors in interest and assigns as part of the consideration hereof does hereby covenant and agree that (1) no person on the grounds of race, color, sex or national origin shall be excluded from participation, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination; (3) that Lessee
shall use the premises in compliance with other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge a fair, reasonable and not unjustly discriminatory price for each unit or service; provided that Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or similar type of price reductions to volume purchasers.

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

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

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

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

20. Lease Subordinate to Agreements with the United States Government: This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States relative to the development, operation or maintenance of the airport.
21. **Non-Exclusive Right:** It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Section 308 (a) of the Federal Aviation Act of 1958. (49 U.S.C. 1349).

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

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

   To the Lessee: Porterville Aviation, Inc.
   Eddie G. Wood, Owner
   32673 Greene Drive
   Springville, CA  93265

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

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

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

25. **Assignment and Subletting:** This Lease shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties hereto. Lessee shall not, and Lessee herewith agrees that it will not, sublet the premises, or any part thereof or assign, transfer, mortgage, or otherwise convey the premises or its rights and interest hereunder without the prior written consent of the City. In the event the Lessee shall sublet, assign, transfer,
mortgage, or otherwise convey the premises or its rights and interest hereunder, or any part thereof, or attempt to do so in violation of the foregoing provision, then in addition to any and all other rights and remedies available to it, the City may, at its option by written notice to Lessee, either declare such sublease, assignment, transfer, mortgage or other conveyance void or terminate this Lease and all rights and interest of Lessee and all other persons hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a transfer, mortgage, or conveyance. This clause shall not be construed to limit right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

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

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

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

Any bona fide lender shall have the right, if so permitted by the terms and conditions of the concerned instrument of hypothecation between lender and Lessee, to remove any or all of Lessee’s improvements under said hypothecation from the demised premises, subject only to the restriction that in the event of such removal, the demised premises herein above described be restored by Lessee to a condition satisfactory to the City’s Airport Manager, and that said removal be done in a manner and at a time satisfactory with said Airport Manager.
27. **Breach by Lessee:** In the event of the breach by Lessee of any term, condition, or agreement herein contained, and the failure to cure such breach within thirty (30) days after written notice has been given to Lessee by City, this Lease and all privileges herein granted shall be terminated and be of no other force or effect, and Lessee shall immediately surrender possession of the premises hereby granted, and in the event City has to resort to legal action to enforce any provision hereof, or to obtain restitution hereunder, the Lessee shall pay all costs and expenses, including attorney’s fees of such action. Providing further, that in the event Lessee breaches this Lease and abandons the demised premises before the end of the term, or if Lessee’s right to possession is terminated by City because of a breach of this Lease, City shall have the right to recover from Lessee, as provided in State of California Civil Code Section 1951.2. Damages City may recover shall include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss for the same period that the Lessee proves could be reasonably avoided. This clause shall not be construed to limit any right or remedy which City may become entitled to by reason of the action(s) or failure(s) to act of Lessee.

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

29. **Bankruptcy:** In the event the (a) Lessee shall file a voluntary petition in bankruptcy proceeding; (b) any voluntary or involuntary proceeding for the reorganization of Lessee shall be instituted by anyone other than the City under any of the provisions of the bankruptcy laws of the United States; or (c) a receiver or judicial trustee or custodian shall be appointed for Lessee, or any alien or any writ of attachment, garnishment, execution, or distraint shall be levied upon any of Lessee’s rights or interest under this Lease; or (d) there shall be any other assignment of any of Lessee’s rights or interest under this Lease by operation of law, then in addition to any and all other rights and remedies available to it, City may, at its option by written notice to Lessee, terminate this Lease and all rights and interest of Lessee and all other persons under this Lease. The term “Lessee,” as used in this paragraph, includes any individual, partnership, or corporation who is a Lessee hereunder, even though several individuals, partnerships, or corporations are such, and includes each
partner of any partnership who is a Lessee hereunder. Any consent by City to any sublease, assignment, transfer, mortgage, or conveyance shall not be deemed or construed as a consent to any other different or subsequent sublease, assignment, transfer, mortgage, or conveyance.

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

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

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

In the event of a termination by City of this Lease because of Lessee’s failure to faithfully perform the terms and conditions of this Lease, the City may accept cash or other satisfactory security for the amount of its costs, expense, loss and damage accruing from Lessee’s failure to perform and thereupon the Lessee shall have the right to remove the said improvements.
33. **Incorporation of Prior Agreements and Amendments:** This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of modification.

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

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

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

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

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

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

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

By: ________________________________

Cameron Hamilton, Mayor

LESSEE

By: ________________________________

ATTEST:

By: ________________________________

John Longley, City Clerk

APPROVED AS TO FORM:

By: ________________________________

Julia Lew, City Attorney
Porterville Municipal Airport – New Site 17

That portion of the Southeast quarter of Section 9, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

COMMENCING AT a City of Porterville brass capped 2-inch iron pipe, accepted as the Center Corner of said Section 9;

THENCE, North 89°58’38” East, along the north line of said Southeast quarter, a distance of 979.60 feet, to a City of Porterville brass capped 2-inch iron pipe marking the intersection with the Porterville Municipal Airport building setback line;

THENCE, South 44°55’30” East, along said setback line, a distance of 643.87 feet to the POINT OF BEGINNING;

THENCE, North 45°04’30” East, a distance of 100.60 feet;

THENCE, South 44°55’30” East, a distance of 153.30 feet;

THENCE, South 45°04’30” West, a distance of 100.60 feet;

THENCE, North 44°55’30” West, a distance of 153.30 feet, to the POINT OF BEGINNING.

BASIS OF BEARING for the parcel described herein is the north line of the Southeast quarter of said Section 9, as described in the legal description for Site 9 of said Airport.

END OF DESCRIPTION

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

Signature: [Signature]
Licensed Land Surveyor

Date: 11-30-2007
THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.
SUBJECT: APPROVAL OF ARCHITECTURAL ELEVATIONS FOR RIVERWALK MARKETPLACE

SOURCE COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING

COMMENT: On August 1, 2006, the City Council adopted resolution 101-2006 certifying the Environmental Impact Report (EIR) for the Riverwalk Market Place Commercial Center. On August 15, 2006, the City Council adopted resolution 114-2006 approving Conditional Use Permit 4-2006 to adopt a specific plan for a 40± acre commercial center within the Viejo Robles Planned Development. The conditional use permit allows the City Council to approve the architectural design of the pads in the Riverwalk Marketplace by consent. The building design must be architecturally compatible and in compliance with all applicable codes. A unified architectural theme is to be established and maintained for all buildings signage and accessory amenities to be constructed within the shopping center.

At this time, the Developer is seeking approval of the architecture for building pads 1, 2, 5 and Major “D” (Attachment 2). The materials to be used on the buildings are found on the attached elevations. The buildings will have tile roofs and a stucco finish in calm desert tones of tan, beige, topaz, sand and honey found on the attached color palette (Attachment 1). Staff has reviewed the site plan (Attachment 3), proposed elevations, materials and colors and has found the proposed buildings are consistent in architecture and colors. The proposed elevations are also consistent with the main anchor tenant Lowe’s, currently under construction. Staff is recommending that the following conditions be included in the approval of the proposed architectural elevations and building colors:

- That all secondary doors facing Jaye Street and Springville Avenue be painted to match the background color of the building wall in which the door is located and public streets.
- The developer shall incorporate groundcover, shrubs and trees between buildings facing public streets to help soften the transition between buildings and the public right-of-way.
- Comply with all conditions of approval contained in Resolution Nos. 101-2006 and 114-2006
RECOMMENDATION: Staff recommends that the City Council:

1. Approve the proposed architectural elevations, colors and materials for building pads 1, 2, 5 and Major "D."

ATTACHMENTS:

1. Riverwalk Color Palette
2. Building elevations with noted materials and colors
3. Site Plan
### Riverwalk
**Color Palette**

<table>
<thead>
<tr>
<th>Item</th>
<th>Color Description</th>
<th>Code</th>
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<tr>
<td>PT - 1</td>
<td>Mississippi Moon #10YY 50/469 A0625</td>
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<tr>
<td>PT - 2</td>
<td>Eternal Beige #10YY 75/084 A0660</td>
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<td>Dapper Tan #10YY 65/163 A0663</td>
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<tr>
<td>PT - 7</td>
<td>Desert Valley #10YY 52/207 A0767</td>
<td></td>
</tr>
<tr>
<td>PT - 8</td>
<td>Mayan Neutral #10YY 63/162 A0654</td>
<td></td>
</tr>
<tr>
<td>PT - 9</td>
<td>Sable Sands #10YY 38/225 A0740</td>
<td></td>
</tr>
<tr>
<td>PT-10</td>
<td>Naturally Calm #10yy 44/215 A0684</td>
<td></td>
</tr>
</tbody>
</table>
COUNCIL AGENDA: DECEMBER 18, 2007

SUBJECT: AUTHORIZATION TO PROCEED – DESIGN AND INSTALLATION OF STREETLIGHT AT CASAS BUENA VISTA COMMON AREA

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff has received complaints from residents regarding safety within the common area located at Casas Buena Vista. Residents have requested installation of a streetlight within said common area to help alleviate their concerns regarding safety. The common area is within Landscape Maintenance District #25.

Staff had a preliminary meeting with Edison regarding installation of a new 200 watt streetlight within the common area and the installation of a dual head on an existing streetlight at the north parking lot. With Council approval staff will alert Edison to move forward with the design. When Edison submits their design, staff will request informal bids from Contractors for installation of required conduit and hand holes.

Funding for this project is from Casas Buena Vista Landscape Maintenance District #25.

RECOMMENDATION: That City Council:

1. Authorize staff to notify Edison to proceed with design of the streetlight;

2. Authorize staff to request informal bids for installation of required conduit and hand holes and, if bids are $5,000 or less, proceed with construction; and

3. Authorize staff to release payment to Edison for installation of the streetlight.

ATTACHMENT: Locator Map

P:\pubworks\Engineering\Council Items\Authorization to Proceed-Design & Installation of Streetlight at Casas Buena Vista Common Area - 2007-12-18.doc

Appropriated/Funded  CM  Item No. 17
SUBJECT: AMENDMENTS TO THE EMPLOYEE PAY AND BENEFIT PLAN

SOURCE: Administration

COMMENT: Staff is prepared to present those matters to the Council which pertain to compensation and benefits for the Executive Management group of employees who do not fall within the scope and purview of the Meyers-Milias-Brown Act, i.e., employees not designated for purposes of recognition and representation as an organized group for purposes of labor relations.

City Council acceptance and approval of authorized changes in wages, benefits and conditions of employment are commonly made by amendments, when applicable, to those documents necessary to implement such changes. The attached resolution covering unrepresented Executive Management employees, including the Deputy City Manager, Department Heads, and Battalion Chiefs in the Fire Department, is consistent with the guidelines provided by the Council, and will achieve the aforementioned.

RECOMMENDATION: That the City Council adopt the attached resolution amending the Employee Pay and Benefit Plan and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

ATTACHMENT: Draft Resolution

DCM Appropriated/Funded CM Item No. 18
RESOLUTION NO. _____-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE EMPLOYEE PAY AND BENEFIT PLAN

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

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

WHEREAS: The City Council agrees that unrecognized Executive Management employees, i.e., employees not designated for purposes of recognition and representation as an organized group for purposes of labor relations, should also be acknowledged through such amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the Employee Pay and Benefit Plan for employees holding positions designated in the Executive Management group, including the Deputy City Manager, Department Heads, and Battalion Chiefs in the Fire Department, are hereby amended as follows:
WAGE INCREASE

The Employee Pay and Benefit Plan, Section II, A., Position Pay Plan Schedule, shall be amended to increase the base pay for the aforementioned employees as follows:

   Effective August 16, 2007: 4%
   Effective October 1, 2008: 6%

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

________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
SUBJECT: AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

SOURCE: Administrative Services/Human Resources

COMMENT: Effective January 1, 2008, California’s minimum wage will increase from the current rate of $7.50 per hour to $8.00 per hour. To comply with the state’s new minimum wage law, it will be necessary to increase the City’s Seasonal and Part-Time Pay Rates. In order to maintain consistency within the salary ranges, and to avoid compaction between classifications, staff is recommending an increase in both the minimum and maximum salary rates by $.50 for all seasonal and part-time positions, with the exception of the salary rates for the YES Program positions of After School Assistant II/III and After School Site Supervisor, which were approved on November 20, 2007 and became effective on December 1, 2007. This mandatory minimum wage increase has been accounted for during the Fiscal Year 2007-08 budget process.

To effect these changes, it is proposed that the City’s Employee Pay and Benefit Plan, Seasonal and Part-time Pay Rates for FY 2007-08, be amended by Resolution of the City Council.

RECOMMENDATION: That the City Council adopt the attached Draft Resolution amending the City’s Employee Pay and Benefit Plan, Seasonal and Part-time Pay Rates for FY 2007-08, and authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

ATTACHMENT: 1) Draft Resolution
2) Draft Schedule of Seasonal and Part-time Pay Rates (Exhibit “A”)
3) Existing Schedule of Seasonal and Part-time Pay Rates (Exhibit “B”)

Dir. Appropriated/Funded C/M Item No. 19
RESOLUTION NO. ___-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AN AMENDMENT TO THE SEASONAL AND PART-TIME PAY RATES

WHEREAS, the City Council of the City of Porterville has established a Schedule of Wages for Seasonal and Part-time Employees; and

WHEREAS, it is proposed to amend the Fiscal Year 2007-08 Schedule for all Seasonal and Part-time positions in compliance with California’s minimum wage, and to maintain consistency within the salary ranges and avoid compaction between classifications.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby approve the revised Schedule of Wages for Seasonal and Part-time Employees, attached hereto and incorporated herein by this reference as Exhibit “A”, effective January 1, 2008.

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

_________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

_________________________________
Patrice Hildreth, Acting Chief Deputy City Clerk
CITY OF PORTERVILLE

SEASONAL AND PART-TIME PAY RATES

2007-2008 FISCAL YEAR

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>After School Assistant II</td>
<td>$ 8.90 - $10.30/hr.</td>
</tr>
<tr>
<td>After School Assistant III</td>
<td>$10.82 - $16.78/hr.</td>
</tr>
<tr>
<td>After School Site Supervisor</td>
<td>$16.78 - $21.42/hr.</td>
</tr>
<tr>
<td>Assistant Zalud House Curator</td>
<td>$ 8.00 - $10.25/hr.</td>
</tr>
<tr>
<td>Clerical (Part-Time)</td>
<td>$ 8.00 - $10.25/hr.</td>
</tr>
<tr>
<td>Library Aide</td>
<td>$ 8.00 - $ 9.25/hr.</td>
</tr>
<tr>
<td>Lifeguard (Senior Lifesaving)</td>
<td>$ 8.00 - $ 9.75/hr.</td>
</tr>
<tr>
<td>Lifeguard (WSI)</td>
<td>$ 8.25 - $10.75/hr.</td>
</tr>
<tr>
<td>Maintenance Aide (Seasonal)</td>
<td>$ 8.00 - $10.75/hr.</td>
</tr>
<tr>
<td>Pool Cashier</td>
<td>$ 8.00 - $ 9.75/hr.</td>
</tr>
<tr>
<td>Pool Manager</td>
<td>$ 8.75 - $13.25/hr.</td>
</tr>
<tr>
<td>Pool Manager Assistant</td>
<td>$ 8.25 - $12.25/hr.</td>
</tr>
<tr>
<td>Recreation Leader I</td>
<td>$ 8.00 - $ 8.75/hr.</td>
</tr>
<tr>
<td>Recreation Leader II</td>
<td>$ 8.25 - $10.25/hr.</td>
</tr>
<tr>
<td>Recreation Leader III</td>
<td>$10.25 - $15.25/hr.</td>
</tr>
<tr>
<td><strong>Recreation Specialist</strong></td>
<td>Percentage or Flat Rate</td>
</tr>
<tr>
<td>Reserve Firefighter</td>
<td>$ 8.00 - $ 9.25/hr.</td>
</tr>
<tr>
<td>Sports Official/Umpire or Referee (Youth)</td>
<td>$ 8.00 - $21.25/game</td>
</tr>
<tr>
<td>Sports Official/Umpire or Referee (Adult)</td>
<td>$ 8.00 - $36.25/game</td>
</tr>
<tr>
<td>Student Intern</td>
<td>$ 8.00 - $11.25/hr.</td>
</tr>
<tr>
<td>***Off-Highway Vehicle Assistant Coordinator</td>
<td>$ 9.25 - $12.25/hr.</td>
</tr>
<tr>
<td>***Off-Highway Vehicle Emergency Medical Technician</td>
<td>$ 8.25 - $11.75/hr.</td>
</tr>
</tbody>
</table>

**Pay to be determined by number of students enrolled and fees charged for self-supporting classes and activities.

***Funded by the State of California Off-Highway Vehicle Division Grant.
CITY OF PORTERVILLE

SEASONAL AND PART-TIME PAY RATES

2007-2008 FISCAL YEAR

<table>
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<tr>
<td>Recreation Leader I</td>
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</tr>
<tr>
<td>Recreation Leader II</td>
<td>$7.75 - $9.75/hr.</td>
</tr>
<tr>
<td>Recreation Leader III</td>
<td>$9.75 - $14.75/hr.</td>
</tr>
<tr>
<td><strong>Recreation Specialist</strong></td>
<td>Percentage or Flat Rate</td>
</tr>
<tr>
<td>Reserve Firefighter</td>
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<tr>
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<tr>
<td>***Off-Highway Vehicle Assistant Coordinator</td>
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</tr>
<tr>
<td>***Off-Highway Vehicle Emergency Medical Technician...</td>
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</tr>
</tbody>
</table>

**Pay to be determined by number of students enrolled and fees charged for self-supporting classes and activities.

***Funded by the State of California Off-Highway Vehicle Division Grant.
TITLE: RELEASE AND COMPROMISE AGREEMENT BETWEEN CITY OF PORTERVILLE AND CHARTER COMMUNICATIONS CORPORATION

SOURCE: CITY ATTORNEY

COMMENT: The City and its cable televisions franchisee, Charter Communications, have wrapped up negotiations concerning the City’s findings during its franchise compliance and fee audit covering the years 2003 through 2006.

Charter Communications has agreed to pay the City an additional $125,205 for underpaid fees for this period. This payment will be made on or before December 31 of this year. This is in addition to the $21,174 already paid by Charter Communications earlier this year. The majority of the underpaid fees resulted from incorrectly coded addresses that had been attributed to the County instead of the City. Charter Communications has also agreed to “true up” its figures for 2007 consistent with the methodology used by the City’s audit consultant, to ensure that the franchise fees are correctly accounted for. The payment for 2007 will be made by March 1, 2007, as required by the Franchise Agreement. The City’s consultant will conduct a random sampling concerning the previous incorrectly coded addresses to verify that the changes have been made.

The City also reviewed Charter Communications’ customer service response times, and while initially Charter was found to be out of compliance in this area, the cable company has made substantial improvements in this area and is now responding to its customers within the required time frame.

With the payments described above, the City’s staff and consultant Communications Support Group believe that Charter Communications is in full compliance with the City’s Franchise Ordinance/Agreement.

RECOMMENDATION: That the City Council approve the Release and Compromise Agreement between the City and Charter Communications

ATTACHMENTS: Release and Compromise Agreement

ITEM NO. 20
RELEASE AND COMPROMISE AGREEMENT

This Agreement is made and entered into this 18th day of December, 2007, by and between the City of Porterville, hereinafter referred to as "City" and Charter Communications Corporation, hereinafter referred to as "Franchisee", as follows:

WHEREAS, the City has performed a review of the cable television franchise fees paid by Franchisee to the City for the 2003, 2004, 2005 and 2006 calendar years and determined that Franchisee had underpaid franchise fees;

WHEREAS, the City has also performed a review concerning customer service and non-fee related compliance issues for this same period;

WHEREAS, the representatives from the parties have met to discuss the findings of the reviews, and for sound business and public policy reasons and in their mutual best interests, the parties have agreed to a mutually acceptable settlement of this disputed claim; and

WHEREAS, each party now desires to reach a full and final settlement of all claims that might arise out of or in any way relate to the Franchise Agreement during 2003, 2004, 2005, 2006, and 2007 periods covered by the Agreement

In consideration of the mutual promises and release set forth herein, the parties agree as follows:

1. **RELEASE.** Each party hereby releases and forever discharges the other, its officers, employees, agents, accountants, attorneys and all other acting for, under or in concert with such party, past or present, of and from any and all claims, demands, actions, causes of action, allegations, damages, liabilities, losses, costs or expenses, including attorney's fees of any kind or nature whatsoever, past or present, ascertained or unascertained, whether or not known, suspected or claimed, or which might have been alleged in regard to payment of franchise fees for the period of January 2003 through December 2007 and any issues related to the City's compliance (non-fee) review during this same period.

2. **CONSIDERATION.** As consideration for this Mutual Release and Compromise Agreement, the parties agree as follows:

   a) The amount of $21,174.00 (twenty-one thousand, one hundred and seventy four dollars) paid by Franchisee and received by the City in May 2007, is credited to the overall findings of the City concerning the underpaid franchise fees.

   b) Franchisee shall pay an additional $125,205.00 (one hundred twenty five thousand, two hundred and five dollars) to City in full settlement of the dispute concerning underpaid franchise fees for
the audit period from January 1, 2003 through December 31, 2006. Said payment will be made to the City on or before December 31, 2007.

c) Franchisee agrees to “true up” the franchise fees to be paid to the City for the calendar year ending December 31, 2007, by utilizing the same methodology used to arrive at the agreed underpaid amounts for the 2003-2006 period, and as set forth by the City’s consultant, Communications Support Group (“CSG”). See attachment “A” to this Agreement (“Executive Summary” prepared by CSG). Franchisee also agrees to demonstrate through a random sampling to be performed and as approved by the City and/or its consultant, to affirm that miscoded addresses have been corrected. Said “true up,” random sampling, and payment for 2007 shall be effected on or before March 1, 2008.

d) City agrees that upon payment of these amounts, Franchisee shall be in full compliance with its current Franchise with the City.

3. **NO ADMISSION.** This Agreement is the compromise of all possible disputed claims and fully and finally settles all possible claims between the parties regarding the franchise audit periods covering the calendar years 2003 through 2007.

4. **SUCCESSORS.** This Agreement shall inure to the benefit of each party hereto, their predecessors, successors, subsidiaries, affiliates, representatives, assigns, agents, officers, directors, employees and personal representatives, past, present and future.

5. **EFFECTUATION.** The parties will execute any and all documents and do all other things as may be necessary to carry out the terms of this Agreement.

6. **LEGAL REPRESENTATION.** The parties represent and acknowledge that each of them have had the opportunity to be represented by legal counsel with respect to this Agreement and that each party has had the opportunity to be fully advised with respect to all rights which are affected by this Agreement. The parties shall bear their own attorney's fees.

7. **MODIFICATION.** This Agreement contains the entire agreement between the parties and may not be altered, amended, or modified in any respect, except by a writing duly executed by the party to be charged. All prior agreements, understandings, oral agreements, and writings are expressly superseded hereby and are of no further force or effect.

8. **CONSTRUCTION.** Headings are used herein for convenience only and shall have no force or effect in the interpretation or construction of this Agreement. As used in this Agreement, the singular shall include the plural, the masculine, the feminine, and neuter genders.
9. **ATTORNEY’S FEES.** In the event suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of his costs of suit reasonable attorney's fees and costs of suit, including expert witness fees. The "prevailing party" shall be the party who is entitled to recover his costs of suit, whether or not the suit proceeds to final judgment.

10. **EFFECTIVE DATE.** This Agreement shall become effective immediately upon execution.

11. **VENUE.** Any proceeding brought to enforce this agreement shall be brought in Tulare County, California.

DATED:______________ CITY OR PORTERVILLE

BY:__________________________
Mayor Cameron Hamilton

DATED:______________ CHARTER COMMUNICATIONS CORPORATION

BY:__________________________
# EXECUTIVE SUMMARY

CITY OF PORTERVILLE

FRANCHISE FEE ANALYSIS
FOR THE FIVE YEARS ENDED DECEMBER 31, 2007

<table>
<thead>
<tr>
<th>Description of Under Reported Revenues</th>
<th>Calendar Year 2003</th>
<th>Calendar Year 2004</th>
<th>Calendar Year 2005</th>
<th>Calendar Year 2006</th>
<th>2003-2006 Period Total</th>
<th>Calendar Year 2007**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franchise Fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subscriber Revenues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Address Miscoding</td>
<td>1</td>
<td>$395,226</td>
<td>$380,733</td>
<td>$351,327</td>
<td>$375,202</td>
<td>$1,502,487</td>
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<tr>
<td>Advertising Revenues*</td>
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<td>54,636</td>
<td>60,109</td>
<td>60,587</td>
<td>125,900</td>
<td>301,232</td>
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<tr>
<td>Home Shopping Revenues</td>
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<tr>
<td>- Address Miscoding</td>
<td>3</td>
<td>1,784</td>
<td>2,953</td>
<td>3,447</td>
<td>4,364</td>
<td>12,549</td>
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<tr>
<td>Cable Launch Fees</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Subscriber Revenues*</td>
<td>5</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>35,558</td>
<td>35,558</td>
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<tr>
<td>- Billing System Analysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Under Reported Revenues</td>
<td>451,646</td>
<td>443,795</td>
<td>415,361</td>
<td>541,023</td>
<td>1,851,826</td>
<td>785,350</td>
</tr>
<tr>
<td>Times: 5% Franchise Fee</td>
<td>0.05</td>
<td>0.05</td>
<td>0.05</td>
<td>0.05</td>
<td>0.05</td>
<td></td>
</tr>
<tr>
<td>Total Under Paid Franchise Fees</td>
<td>22,582</td>
<td>22,190</td>
<td>20,768</td>
<td>27,051</td>
<td>92,591</td>
<td>39,267</td>
</tr>
<tr>
<td>Plus: Penalties and Interest</td>
<td>6</td>
<td>12,194</td>
<td>9,320</td>
<td>6,230</td>
<td>4,869</td>
<td>32,614</td>
</tr>
<tr>
<td>Total Amounts Due for Franchise Fees, Penalties and Interest</td>
<td>$34,777</td>
<td>$31,509</td>
<td>$26,988</td>
<td>$31,920</td>
<td>$125,205</td>
<td>$39,267</td>
</tr>
</tbody>
</table>

*Adjusted to reflect Charter's $21,174 settlement payment

**Based on monthly Average of prior findings
CITY COUNCIL AGENDA  

December 18, 2007

SUBJECT: Request to Notify Assemblyman Bill Maze That The City of Porterville Supports Legislation

SOURCE: City Manager

The City is working with the Tribe to develop a structure to implement programs through joint action. Important in this regard, is the ability to join together in Joint Powers Agencies. The authority does not currently exist for the city of Porterville and the Tule River Tribe. It may, however, be provided through State Law.

Tribal administrative personnel have inquired from Assemblyman Maze whether he would introduce through legislation such an authorization for the Tribe and the City and the Tribe and the County. This would be patterned after the Elk Valley Rancheria Tribal Council legislation approved in 2003. A copy of the legislation is attached.

Because the City and Tribe ware working through the STIG process, it is suggested that the mechanism for a JPA relationship may be beneficial in the future. The legislation would not create the JPA, only authorize the City and Tribe to enter into one, once the negotiation has been completed.

RECOMMENDATION: Advise Assemblyman Maze that the City would support legislation similar to the Elk Valley Rancheria law (AB 1172) of 2003.
Assembly Bill No. 1172

CHAPTER 39

An act to add Section 6529 to the Government Code, relating to joint powers agreements.

[Approved by Governor July 7, 2003. Filed with Secretary of State July 7, 2003.]

LEGISLATIVE COUNSEL’S DIGEST

AB 1172, Berg. Joint powers agreement: public agencies.
Existing law authorizes 2 or more public agencies, by agreement, to jointly exercise common powers. Existing law defines public agencies for this purpose.

This bill would provide that the Elk Valley Rancheria Tribal Council, as the governing body of the Elk Valley Rancheria, a federally recognized Indian tribe, may enter into a joint powers agreement with the County of Del Norte, the City of Crescent City, or both, and is a public agency for purposes of the law relating to joint powers agencies. The bill would prohibit the joint powers authority created pursuant to the bill from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the funded public improvements will be owned and maintained by the authority or one or more public agency members and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

The people of the State of California do enact as follows:

SECTION 1. Section 6529 is added to the Government Code, to read:

6529. (a) The Elk Valley Rancheria Tribal Council, as the governing body of the Elk Valley Rancheria, California, a federally recognized Indian tribe, may enter into a joint powers agreement with the County of Del Norte and the City of Crescent City, or both, and shall be deemed to be a public agency for purposes of this chapter.

(b) On and after January 1, 2004, the joint powers authority created pursuant to subdivision (a) shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)) unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the

95
revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the County of Del Norte, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.
SUBJECT: COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM –
Consideration of Support of a Resolution Urging Action to
Equalize Pay

SOURCE: Administration

COMMENT: A Council Member has requested the above-referenced matter be
added to the agenda for approval of a Resolution by the City
Council urging action of the Governor to equalize pay between
Developmental Service and Correctional Employees. The
Porterville City Council and City Manager have been involved in
meetings and discussions concerning this issue.

RECOMMENDATION: As a result of on-going discussions regarding this issue, it
is recommended that the City Council approve the attached
Resolution Urging Action to Equalize Pay Between
Developmental Service and Correctional Employees, and
authorize the Mayor to execute the Resolution.

ATTACHMENT: Resolution

Item No. 22
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE URGING ACTION TO
EQUALIZE PAY BETWEEN DEVELOPMENTAL
SERVICE AND CORRECTIONAL EMPLOYEES

WHEREAS, the Porterville Developmental Center is Porterville’s major employer; and

WHEREAS, within the California State service, there is pay inequality between Developmental Center and Correctional employees with critical classes such as registered nurses working for the Department of Corrections earning an additional 36%;

WHEREAS, the pay disparity is causative of a movement within the State service of employees from Developmental Centers to Correctional Facilities;

WHEREAS, the loss of employees creates disruptions in the availability of employees for service at the Porterville Developmental Center with position vacancy rates in certain areas attaining greater than 30%;

WHEREAS, the lack of available employees causes organizational stress from increased overtime and a reduction in personnel with necessary skills and experience;

WHEREAS, a compounding factor to the movement of personnel from Developmental Centers to Corrections is the lack of Correctional Officers to support Developmental Center staff in working with dangerous patients, leading to consistent complaints of unsafe working conditions;

WHEREAS, the Porterville Developmental Center is working towards opening an additional 96-bed facility next year, creating a significant additional need for employees in the Porterville area and a dysfunctional recruiting and placement competition with the Department of Corrections;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that Governor Arnold Schwarzenegger be urged to take immediate action to equalize pay between Developmental Service and Correctional employees in the same classes of employment.

Cameron Hamilton, Mayor
ATTEST:

John Longley, City Clerk

Patrice Hildreth, Acting Chief Deputy City Clerk
PUBLIC HEARING

STAFF REPORT

TITLE: COMPREHENSIVE GENERAL PLAN UPDATE, INCLUDING ASSOCIATED ENVIRONMENTAL IMPACT REPORT AND URBAN WATER MANAGEMENT PLAN

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

SPECIFIC REQUEST:

This public meeting has been scheduled to receive public testimony on the City's Draft Comprehensive General Plan Update, including associated Environmental Impact Report and Urban Water Management Plan.

PROJECT DETAILS:

The General Plan Update was initiated to take a comprehensive look at where the City is, where it would like to be in the future and to create a vision of what Porterville should be like in 2030. Some areas of the City may change very little in this timeframe, and others may change dramatically. The General Plan focuses on current community needs and neighborhood character, economic development opportunities and challenges, how to encourage mixed use and infill development and appropriate development outside the current City limits. Lastly, it responds to residents’ and other stakeholders’ preferences about where different land uses such as housing, shopping, industry, parks and recreation, and public facilities should be located and how City resources should be used to achieve the Plan’s goals.

Looking ahead, Porterville faces several planning challenges over the next 23 years. The foremost challenge is to support sustainable development. Sustainable development has been defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” The goal of sustainability is to balance economic prosperity, environmental quality and social equity with the conservation of natural resources (such as water). In order to preserve and enhance the environmental quality of Porterville, sustainable development entails both encouraging the infill development of existing vacant land within the City limits, and

DD [Signature] APPROPRIATED/FUNDED [Signature] CM [Signature] ITEM NO. 23

1
protecting important agricultural lands and open space areas around the urban periphery. These are necessary steps to create a sustainable footprint for future growth while preserving the city’s agriculture community and small town character. The equity element of sustainability typically refers to the distribution of costs and benefits across all members of society. Therefore, another significant challenge is to ensure the dedication of land and resources for new housing, schools, parks and community facilities. In addition, sustainable growth will require careful planning in order to provide adequate public infrastructure to the entire community without impairing environmental resources.

Improving economic stability and vitality is another challenge for Porterville over the next two decades. Enhancing the City’s economic role in the region will require building a diversified job base, expanding the base economy, supporting a multi-modal transportation system, and developing regional attractions, such as unique shopping areas and high-quality parks and recreation. Thus, this General Plan has been prepared to:

- Establish a long-range vision that reflects the aspirations of the community and outlines steps to achieve this vision;
- Establish long-range development policies that will guide the Community Development Department, Public Works Department, Finance Department, Police Department, Fire Department, Parks and Leisure Services Department and City Council decision-making;
- Provide a basis for judging whether specific development proposals and public projects are in harmony with plan policies;
- Reflect Porterville’s current planning and economic development efforts;
- Plan in a manner that improves the quality of life for the whole community and meets future land needs based on the projected population and job growth;
- Allow City departments, other public agencies, and private developers to design projects that will preserve and enhance community character and environmental resources, promote sustainability, and minimize hazards; and
- Provide the basis for establishing detailed plans and implementation programs, such as the zoning and subdivision regulations, specific and master plans, and the Capital Improvement Program.

GENERAL PLAN REQUIREMENTS

State law requires each California municipality to prepare a general plan. A general plan is defined as “a comprehensive, long-term general plan for the physical development of the county or city, and any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” State requirements call for general plans that “comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” A city’s general plan has been described as its constitution for development — the framework within which decisions on how to grow, provide public services and facilities, and protect and enhance the environment must be made. California’s tradition of allowing local authority over land use decisions means that the State’s cities have
considerable flexibility in preparing their general plans. While allowing considerable flexibility, State planning laws do establish some requirements for the issues that general plans must address. The California Government Code (Section 65300) establishes both the content of general plans and rules for their adoption and subsequent amendment. Together, State law and judicial decisions establish three overall guidelines for general plans:

- **The General Plan Must Be Comprehensive.** This requirement has two aspects. First, the general plan must be geographically comprehensive. That is, it must apply throughout the entire incorporated area and it should include other areas that the city determines are relevant to its planning. Second, the general plan must address the full range of issues that affect the city's physical development.

- **The General Plan Must Be Internally Consistent.** This requirement means that the general plan must fully integrate its separate parts and relate them to each other without conflict. "Horizontal" consistency applies both to figures and diagrams as well as general plan text. It also applies to data and analysis as well as policies. All adopted portions of the general plan, whether required by State law or not, have equal legal weight. None may supersede another, so the general plan must resolve conflicts among the provisions of each element.

- **The General Plan Must Be Long-Range.** Because anticipated development will affect the city and the people who live or work there for years to come, State law requires every general plan to take a long-term perspective.

**CONSISTENCY REQUIREMENTS WITHIN THE GENERAL PLAN**

The General Plan includes six of the seven elements required by State law: Land Use, Circulation, Open Space, Conservation, Safety, and Noise. It also includes three other optional elements that address local concerns: Economic Development; Parks, Schools & Community Facilities; and Public Utilities. The current Housing Element was adopted in March of 2004 as a separate volume. The State has recently initiated the update process for valley cities. Staff is currently working with the Tulare County Association of Governments (TCAG) to determine the housing supply to be accommodated between 2008 and 2014. The Housing Element Update is required to be adopted by 2009.

**ENVIRONMENTAL JUSTICE**

State law now requires General Plans to include consideration of environmental justice in preparing policies and implementation programs, and in creating the physical framework for development. The problems of environmental justice that the General Plan can address include procedural inequities and geographic inequities.

- Procedural inequities might include "stacking" commissions or committees with individuals who ignore the interests of minority and low-income residents, holding meetings at times and
places that minimize the ability of low-income residents to participate, using English-only communications when non-English speaking populations may be affected by land use decisions, and requiring lower levels of mitigation for projects affecting low-income and minority populations.

- Geographic inequities might include providing fewer public services, transit services, and parks for minority and low-income residents than for middle- and upper-income residents. Several new policy initiatives, distributed throughout the General Plan, are included to address environmental justice.

PLAN PREPARATION PROCESS

The General Plan update was initiated in the summer of 2005. In order for the General Plan to accurately address community needs and values, a comprehensive public process of obtaining the input of residents, businesses, and property owners as well as City officials was central to the update process. This involved the sharing of information and ideas between elected and appointed officials, City staff, the planning consultants, and residents. A number methods were used over the course of the General Plan update including:

- Stakeholder Interviews
- Community Workshops
- General Plan Update Advisory Committee Meetings
- City Council Study Sessions
- Parks & Leisure Services Commission
- Newsletters
- Posting on City Website
- General Plan Update Mailing List
- Printed Documents

GENERAL PLAN THEMES & KEY INITIATIVES

Several themes for the General Plan were identified and considered by the GPUAC, based on input by the public and from key stakeholders and City staff.

- Compact, Balanced, and Equitable Growth. Clearly defined urban edges reflect a commitment to focus future growth within the City in order to prevent urban sprawl and protect environmentally sensitive areas. Policies to encourage infill development are found throughout the General Plan.
- Protect Community Assets. The Plan renews the City’s commitment to protect and enhance its community assets, including small town community character, Downtown Porterville, a strong sense of community, a diverse population, historic buildings, affordable housing, and a family atmosphere. Community guidelines are described in full detail in the Land Use
Element. The arrangements of land uses on the General Plan Land Use Diagram (Figure 2-2) create a framework within which quality community design is possible.

- **Economic Development & Jobs.** A significant amount of land is planned for uses that provide jobs. Areas designated “Professional Office” and “Industrial Park” will accommodate uses that provide employment opportunities for existing and future residents consistent with the Economic Development Strategy described in the Economic Development Element.

- **Variety Commercial & Retail Opportunities.** The General Plan provides for the full range of commercial and retail uses needed for the future population and business community, consistent with the Economic Development Strategy described in the Land Use Element. Regionally-oriented establishments are placed on major roadway corridors; community and neighborhood-oriented uses are placed within planned communities and neighborhoods.

- **Park and Community Facility Network.** New parks and community facilities are placed in close proximity to proposed residential development and when possible by schools, trails and bikeways. A further discussion of parks is presented in the Parks, Schools & Community Facilities Element of the General Plan.

- **Complete Roadway System.** The land uses presented on the General Plan Land Use Diagram are structured around the proposed roadway network, and the two components are interactive and interrelated. The types, location, capacity, and use of these roadways are presented in the Circulation Element.

- **Integrated Neighborhoods & Neighborhood Centers.** Neighborhoods are defined as areas with a mix of land uses, including housing, shopping, and other local services, which interrelate and serve one another. Neighborhoods depicted on the General Plan Land Use Diagram work as part of a network, are internally accessible by non-motorized means, include community facilities such as parks and schools, and have a central focal point.

- **Mix of Housing Types.** The General Plan Land Use Diagram depicts seven residential and two mixed use land use designations. These land uses will accommodate a diverse range of housing types and prices to provide housing choice.

- **Adequate, Flexible School Sites.** School sites depicted on the General Plan Land Use Diagram are intended to meet the school districts’ needs, and relate well to adjacent neighborhood centers and parks. A further discussion of schools is presented in the Parks, Schools & Community Facilities Element.

- **Open Space Action Plan.** The Open Space and Conservation Element outlines the five types of open space preserved as part of the Action Plan. Additional General Plan policies are intended to protect ridgelines, visible hillsides and other significant natural and archeological resource areas from development that would have adverse impacts.

**DEVELOPMENT UNDER THE PLAN**

Full development under the General Plan is referred to as “buildout.” It should be noted that when buildout will actually occur is not specified in or anticipated by the Plan, and designation of a site for a certain use does not necessarily mean that the site will be built/redeveloped with the designated use
by 2030, the horizon of the Plan. Buildout of the General Plan is expected to accommodate community growth according to the following table:

**Projected City Growth**

<table>
<thead>
<tr>
<th></th>
<th>Existing (2006)</th>
<th>Expected Increase Over Planning Period</th>
<th>Total at Buildout (2030)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>45,220</td>
<td>62,080</td>
<td>107,300</td>
</tr>
<tr>
<td>Residential Housing Units</td>
<td>14,080</td>
<td>20,170</td>
<td>34,250</td>
</tr>
<tr>
<td>Non-Residential Floor Area</td>
<td>7,200,000 s.f.</td>
<td>23,300,000 s.f.</td>
<td>30,500,000 s.f.</td>
</tr>
<tr>
<td>Jobs</td>
<td>19,470</td>
<td>34,990</td>
<td>54,460</td>
</tr>
</tbody>
</table>

A city’s jobs/employment ratio (jobs to employed residents) would be 1:1 if the number of jobs in the city equaled the number of employed residents. In theory, such a balance would eliminate the need for commuting. More realistically, a balance means that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. The current jobs/employment ratio in Porterville is 0.96:1, which means that the number of jobs in the City is slightly less than the number of employed residents. At buildout, the General Plan will add more jobs than employed resident, increasing jobs/employment balance to 1.13:1.

**ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) was prepared for this project, pursuant to the requirements of the California Environmental Quality Act. The purpose of the EIR is to inform decision makers and the general public of the potential significant environmental impacts of a proposed project.

The proposed Plan EIR is a program EIR, defined in the CEQA Guidelines Section 15168 as: “...an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically; (2) As logical parts in the chain of contemplated actions; (3) In connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental impacts which can be mitigated in similar ways.”

Program EIRs can be used as the basic, general environmental assessment for an overall program of projects developed over a 23 year planning horizon. A program EIR has several advantages. First, it provides a basic reference document to avoid unnecessary repetition of facts or analysis in subsequent project-specific assessments. Second, it allows the lead agency to look at the broad, regional impacts of a program of actions before its adoption and eliminates redundant or contradictory approaches to the consideration of regional and cumulative impacts. As a program EIR, this document focuses on the overall effects of the proposed General Plan in the Planning Area.
In order to place many of the proposed General Plan policies into effect, the City would adopt or approve specific actions—zoning regulations, zoning map amendments, development impact fees, specific plans, capital improvement programs, development projects, etc.—that would be consistent with the policies and implementation measures of the Plan. This program EIR does not preclude the need for environmental review of specific plans and individual projects subsequent to Council adoption of the proposed General Plan. CEQA mandates that lead agencies adopt mitigation monitoring and reporting programs for projects identified as having significant impacts where mitigation measures have been identified. Mitigation monitoring and reporting programs are intended to ensure compliance during project implementation. These programs provide the additional advantages of providing staff and decision-makers with feedback as to the effectiveness of mitigation measures, as well as the experience and information to shape future mitigation measures.

The proposed General Plan is intended to be self-mitigating, in that the policies and programs of the proposed Plan are designed to mitigate environmental impacts. This EIR clearly shows how the impacts of future development in Porterville will be mitigated through implementation of the policies and programs of the proposed Plan. Any residual impact after implementation of these proposed policies and programs is identified as measured against the significance criteria established for each impact area. The significance criteria is an identifiable quantitative, qualitative, or performance level of a particular environmental effect in which non-compliance indicates that the effect is significant.

This EIR represents the best effort to evaluate the potential environmental effects of the proposed General Plan given its long-term planning horizon. It can be anticipated that conditions will change; however, the assumptions used are the best available at the time of preparation and reflect existing knowledge of patterns of development and travel patterns.

The proposed General Plan EIR is based on the following key assumptions:

- **Full Implementation.** This EIR assumes that all policies in the proposed General Plan will be fully implemented and all development will be consistent with the proposed General Plan Land Use Diagram.

- **Buildout in 2030.** This EIR assumes that buildout of the proposed General Plan will occur by 2030. It is understood that development under the proposed General Plan will be incremental and timed in response to market conditions. And while the proposed General Plan includes policies intended to control the amount and location of new growth, it does not include interim "phases" (development scenarios) as this is considered speculative.

The issues evaluated in this EIR were determined during the initial phase of the project. A Notice of Preparation (NOP) for the EIR on the Porterville 2030 General Plan was circulated in the December 2006 and the City received comments during a 30-day review period. The NOP is in Appendix A of this EIR. These comments, along with input received during public workshops and
meetings helped to identify the major planning and environmental issues and concerns in the General Plan and helped establish the framework and focus of the environmental analysis.

The first step toward completion of this Draft EIR was the initial analysis of the environmental setting. This analysis compiled specific information on the current conditions, the characteristics of the City, and the major issues it faces. Information on the environmental setting provides background regarding relevant issues and is used to evaluate potential impacts. Based on the initial analysis of the environmental setting, as well as the NOP comments and public meetings, the following issues are analyzed in this EIR:

- Land Use and Agriculture
- Visual Resources
- Parks, Recreation, and Open Space
- Air Quality
- Noise
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity Hazards
- Safety and Hazardous Materials
- Hydrology and Water Resources
- Public Utilities and Services
- Energy Use and Global Climate Change
- Transportation

Although the proposed General Plan is largely self-mitigating, meaning that the policies contained therein are designed to mitigate any significant environmental impacts, there are several impacts classified as significant and unavoidable that have been identified in the areas listed below:

**Agricultural Land Conversion**

Approximately 3,050 acres of Prime Farmland soils (of which 2,880 acres are on unincorporated lands) would be converted to urban uses as a result of full buildout of the proposed General Plan. Substantial amounts of Farmland of Statewide Importance and Unique Farmland soils (approximately 4,200 acres) would also be converted. Of these lands, 3,200 of these converted acres are in Williamson Act contracts (agricultural preserves); however, these lands can only be annexed after the contracts expire. Though the proposed General Plan provides policies to minimize the extent of growth/sprawl associated with future development, this agricultural land conversion is considered a significant and unavoidable impact.

**Noise**

Future development within the Planning Area will result in the development of new roads near existing neighborhoods and overall increased traffic volumes, thus increasing noise levels in some
areas. The proposed General Plan requires the construction of approximately 65 miles (140 lane miles) of new arterial and collector roads and about 25 miles (45 lane miles) of widening of existing roads to serve new development. This does not include the new residential roads which serve local neighborhoods. Though the proposed General Plan provides policies to minimize the extent of noise associated with future development, this impact is considered a significant and unavoidable impact.

Special Status Species & Habitats

With buildout of the proposed General Plan and associated implementation programs, the resulting agricultural land conversion will also impact known special status species in the Planning Area because it will cause the conversion of or encroachment on their habitats. While the proposed Plan specifically avoids physical encroachment on much of the grassland area in the eastern foothills, the additional noise, light, glare, stormwater runoff, and general human activity associated with population growth elsewhere in Porterville has the potential to reduce the suitability and attractiveness of nearby wildlife environments for habitat uses. The substantial agricultural land conversion and resulting impact on species and habitats constitute a significant and unavoidable impact.

Air Quality

Buildout of the proposed General Plan will result in an unavoidable and significant increase in emissions associated with vehicle miles traveled (VMT) and electricity use, directly related to population growth. While the proposed General Plan commits the City to support federal, State, and SJVAPCD efforts to reduce emissions through their policies to reduce automobile use, promote walkability, support transit, and increase energy conservation in new buildings and energy management in public buildings, public infrastructure (e.g. street lighting), and publicly-owned vehicles, any plan designed to accommodate population growth, as this plan is designed to do, would result in this unavoidable significant impact.

The significant impacts related to the proposed General Plan and associated implementation programs would not be considerably different under any other likely growth scenario for Porterville that accommodates residential and non-residential development proposed for the city.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. **No Project.** Consideration of the No Project alternative is required by CEQA in all EIRs and represents the continuation of the current City of Porterville General Plan land use designations. In the absence of the proposed General Plan, the existing General Plan and zoning would continue to guide development in the Planning Area. There are many differences between the proposed General Plan and the No Project Alternative. As compared to the proposed General Plan, the No Project Alternative:
- Uses a different Planning Area;
- Has a planning horizon of 2020 instead of 2030;
- Does not create neighborhood centers focused on school and park combinations; and
- Does not assume the reauthorization of the Enterprise Zone.

Projections until 2030 based on the existing General Plan land use designations indicate that 11,780 additional housing units and 31,460 additional jobs over the 2006 estimates could be supported by 2030. The total population would be 81,390, only an 80 percent increase of the 2006 population. No land use designations were given to the land outside the 1998 Planning Area for these projections.

2. **Approve the Project.** Approval of the General Plan would result in the type of development described in the Draft General Plan.

3. **Alternative Design #1 - Linked Neighborhood Centers.** The development concepts proposed in this alternative support a natural extension of the existing community edges focusing growth into distinct neighborhood centers, which are connected by bike trails and new road connections. Alternative 1 also proposes strengthening the existing Downtown through an increase in development opportunities for retail shops, housing, office space and services. It creates a new 125-acre educational campus near Granite Hills High School. Approximately 1,000 acres of Resort Residential development would be allowed with up to 1,500 housing units. This alternative would have the same planned transportation network as in the proposed General Plan. This alternative assumes the reauthorization of the Enterprise Zone. Alternative 1 would accommodate an estimated 17,480 additional housing units by the year 2030. New commercial, office, and industrial development would accommodate an additional 21,100 jobs within the Planning Area. The total population would reach approximately 96,710, almost 115 percent increase over the 2006 population.

4. **Alternative Design #2 - South Main Street Mixed Use District.** The development concepts proposed in this alternative are intended to promote the intensification of the existing downtown area with more mixed use development and creates a new growth center in the South Main Street District south of SR 190. Compact neighborhood centers are proposed between Scranton and Teapot Dome Avenues as well as along Foothills Parkway and in the new eastern and western neighborhoods. In general, new development would be consistent with established development patterns in the city. This alternative would have a similar transportation network as in the proposed General Plan but would require additional improvements along SR 190. Approximately 650 acres of Resort Residential development would be allowed in a more compact configuration, with up to 1,500 housing units. This alternative assumes the reauthorization of the Enterprise Zone. Alternative 2 would accommodate an estimated 19,460 additional housing units and 29,130 additional jobs by the year 2030. The total population would reach approximately 102,570, more than 125 percent increase over the 2006 population.
URBAN WATER MANAGEMENT PLAN

The Draft Urban Water Management Plan (UWMP) was prepared by Provost and Pritchard Engineering on behalf of the City of Porterville in accordance with the California Urban Water Management Planning Act (ACT). The Act became part of the California Water Code with the passage of Assembly Bill 797 in 1983. The Act requires that every urban water supplier providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet (AF) of water annually, prepare and adopt an UWMP, and update it every five years. The UWMP is required for a water supplier to be eligible for State grants and loans and drought assistance administered by the Department of Water Resources (DWR). The City of Porterville last updated their UWMP in 1990.

The Act requires water agencies to evaluate and describe their water resource supplies and projected needs over a twenty-year planning horizon, and to address a number of related subjects including water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. This plan evaluates the City’s water resources over a 23-year planning horizon from 2007 to 2030.

The purpose, required contents, and process for preparing and adopting Urban Water Management Plans are specified in California Water Code sections 10610 – 10656. The overall goal is to provide water suppliers throughout the State a framework for carrying out their long-term planning responsibilities and for reporting their strategies to meet future water challenges to both State government and the communities they serve.

An UWMP has many uses including the following:
1. Long range planning document for water supply;
2. Source document for cities and counties as they prepare their General Plans;
3. Foundation document and source of information for a Water Supply Assessment and a Written Verification of Water Supply; and

This UWMP is organized according to the Guidebook to Assist Water Suppliers in the Preparation of a 2005 Urban Water Management Plan, prepared by the California DWR in January 2005.

COORDINATION AND PUBLIC PARTICIPATION

Coordination of Plan Preparation

Many local water agencies were involved in the preparation of this UWMP. The following table lists the agencies and their level of involvement.

Coordination with Appropriate Agencies
<table>
<thead>
<tr>
<th>Agency</th>
<th>Participated in UWMP development</th>
<th>Invited to public meetings</th>
<th>Attended public meetings</th>
<th>Received copy of draft</th>
<th>Commented on the draft UWMP</th>
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<td>Tule River Association</td>
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</tbody>
</table>

**Existing Interagency Efforts**

The City and Porterville Irrigation District (PID) recently completed a Memorandum of Understanding (MOU) regarding cooperative water operations. In the MOU the two parties agreed to jointly develop and conduct programs to increase surface water imports to the City.

**Planned Interagency Efforts**

The City has not historically worked a lot with other agencies in the management of their water resources, but the plan provides for building closer relations with the County of Tulare and nearby irrigation and water districts. The City began to build those relationships during preparation of their General Plan Update and UWMP in 2006 and 2007.

The City has not been a participant in an Integrated Regional Water Management Plan (IRWMP), but is interested in evaluating the benefits of participation. Funding is available from Proposition 50 and 84 for IRWMPs. PID may prepare an IRWMP with the member agencies of the Tule River Improvement Joint Powers Agreement, since it includes most of the important regional water users. The City may also consider preparing an IRWMP with the Tulare County Association of Governments. Historically, this group has coordinated mostly on transportation projects, but they could feasibly collaborate on water projects also.

In 2007 or 2008 the City plans to prepare an MOU with PID to share groundwater level and quality data.

**Resource Maximization/Import Minimization Plan**

The City has strived to maximize their existing water resources to minimize the need to import water. This has been done through conservation programs, especially metering, to minimize per capita consumption. As discussed in Section 7, the City’s per capita demands are lower than most
cities in the area. However, an expanding population has required more groundwater pumping. This has stretched the local groundwater supplies and some well yields have declined. Consequently, the City sees the need to import significant quantities of surface water in the near future. Completion of water sales agreements with other water agencies will be important to accomplish this goal.

Public Participation

This has been updated as part of the City’s General Plan Update. The General Plan Update included numerous opportunities for public involvement and comments. In addition, the public was specifically involved in the development of this UWMP through the following:

- **Public Hearing on Water Issues.** A public hearing was held on December 12, 2006 at the Porterville City Hall to discuss water management issues and the UWMP. The invitees included seven irrigation/water districts, 18 General Plan Update Advisory Committee Members, and 107 General Plan Stakeholders. Thirteen people attended the public hearing in addition to City staff. The hearing was led by the City’s planning and engineering consultants. During the public hearing a brief presentation was given on current and future water management issues. The public provided several comments and questions that were discussed at length. These comments are all addressed in this UWMP.

- **General Plan Approval Public Hearing.** A public hearing is being held on December 18, 2007 to solicit comments on the Final General Plan Update. At this meeting the public will have the opportunity to comment on the final UWMP. Further public notice and opportunity for comment on the UWMP will be provided pursuant to Government Code Section 6066 prior to adoption of the plan. The is anticipated to occur early in 2008.

**WATER SOURCES**

The City has relied exclusively on groundwater to meet water demands in the past. The City’s Draft UWMP establishes a goal of gradually reducing groundwater pumping to match the aquifer safe yield by 2020. Surface water purchases and reductions in demand (achieved through water conservation efforts) would be used to meet remaining demands. Current and planned water sources for the City are summarized in the following table.
Current and Planned Water Supplies (AF/Year)

<table>
<thead>
<tr>
<th>Description</th>
<th>2006</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>45,200</td>
<td>52,220</td>
<td>62,530</td>
<td>74,860</td>
<td>89,620</td>
<td>107,300</td>
</tr>
<tr>
<td>City Area (acres)</td>
<td>9,170</td>
<td>11,050</td>
<td>13,650</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Safe Yield (acre-feet/year)</td>
<td>9,170</td>
<td>11,050</td>
<td>13,650</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Total City Demands&lt;sup&gt;1&lt;/sup&gt;</td>
<td>12,700</td>
<td>14,600</td>
<td>17,500</td>
<td>21,100</td>
<td>25,100</td>
<td>30,000</td>
</tr>
<tr>
<td>Supplier Produced Groundwater&lt;sup&gt;2&lt;/sup&gt;</td>
<td>12,700</td>
<td>13,000</td>
<td>15,100</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Supplier Surface Diversions&lt;sup&gt;3&lt;/sup&gt;</td>
<td>0</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
</tr>
<tr>
<td>Surface Water Purchases&lt;sup&gt;4&lt;/sup&gt;</td>
<td>0</td>
<td>700</td>
<td>1,500</td>
<td>3,520</td>
<td>4,300</td>
<td>5,440</td>
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<td>Recycled Water&lt;sup&gt;5&lt;/sup&gt;</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
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<td>Desalination</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1 – Total demands based on assumed per capita use of 250 gallons/day from 2001 Porterville Water System Master Plan
2 – The aquifer safe yield is assumed to be 1.0 acre-feet/acre. This value is approximate and needs to be verified with a detailed water balance study
3 – Includes water rights on the Tule River with the Pioneer Ditch Company and Porter Slough Ditch Company
4 – Surface water sellers are likely to include Porterville Irrigation District and other local irrigation and water districts
5 – The City uses recycled water for crop irrigation and groundwater recharge, but there is no direct use by customers.
Refer to Section 12 for data on recycled water use.

Detailed discussions on the City’s groundwater and surface water are provided below.

**Groundwater**

The City has historically used groundwater to meet all of their water demands. Groundwater supplies are not significantly impacted by droughts, and, as a result, there is no history of any water supply deficiencies for the City water system. Even during the 1976-1977 drought records indicate a sufficient supply of water. However, groundwater levels have declined about 0.5 to 1.0 feet/year over the last 20 years based on Department of Water Resources' well hydrographs. This decline in groundwater levels, however, is not consistent with the decline in well yields, which has been more serious. Some City wells have seen capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm (although well rehabilitation may be able to restore these wells to their previous performance levels). In addition, some new wells have capacities of 500 gpm or less, although this might be improved by drilling wells in different locations. Nevertheless, the City has decided to gradually decrease groundwater pumping to match the aquifer safe yield by 2020 (see Section 4.1). Surface water will be imported to satisfy demands unmet by groundwater pumping. Unmet demands may also be reduced if water conservation efforts are successful. Information on the geology and hydrogeology of Porterville was acquired from reports prepared by the United States Bureau of Reclamation in 1954.
Groundwater Management

The City of Porterville does not currently have a Groundwater Management Plan (GMP). The Deer Creek and Tule River Authority (DCTRA) is a joint powers authority comprised of five local irrigation districts in the vicinity of the City. The DCTRA adopted a new Groundwater Management Plan (GMP) in the summer of 2006. The City may consider becoming a partial or full member of the DCTRA and signatory to the GMP, or the City may develop their own GMP. The Draft UWMP proposes establishing a goal of preparing a GMP by 2010.

The following tables provide past and anticipated future groundwater pumping volumes.

### Amount of Groundwater Pumped (AF/Y)

<table>
<thead>
<tr>
<th>Basin Name</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tule Sub-basin</td>
<td>11,009</td>
<td>12,740</td>
<td>12,329</td>
<td>12,786</td>
<td>12,186</td>
</tr>
<tr>
<td>% of Total Water Supply</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

### Amount of Groundwater Projected to Be Pumped (AF/Y)

<table>
<thead>
<tr>
<th>Basin Name(s)</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tule Sub-basin</td>
<td>13,000</td>
<td>15,100</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>% of Total Water Supply</td>
<td>89%</td>
<td>86%</td>
<td>79%</td>
<td>79%</td>
<td>79%</td>
</tr>
</tbody>
</table>

Notes: Surface water that is recharged and later pumped from wells is not included in Table 4.3.

Impacts from continued groundwater pumping on groundwater levels, changes in direction of groundwater flow, and groundwater quality are not known, and could only be determined through an extensive groundwater study. However, as shown in previous table, the City does plan to gradually decrease groundwater pumping to eventually reach the aquifer safe yield, which should help to rectify the current state of overdraft.

**Surface Water**

Surface water is less reliable than groundwater since its availability depends on precipitation. The reliability of surface water sources for the City cannot be determined until specific water sources and water sellers are identified. The reliability will also depend on details in any surface-water purchase agreements. The City may acquire some firm water that would be guaranteed or almost guaranteed each year. This water would possibly be treated at a new surface water treatment plant. The City will also buy surplus or floodwaters that are only available during wet years. This water would be available in varying quantities and would most likely be recharged and later pumped for use in
normal and dry years. The City has established goals for surface water purchases and the City could begin purchasing and banking water in advance to meet these demands in case droughts occur in the near future.

PID is the first and most logical choice for a surface water partner. PID has several surface water supplies including appropriative water rights on the Tule River, ditch company water rights on the Tule River, and Central Valley Project Friant Division water. PID has stated that due to the seasonal nature of water there are points in time when more water is available than their landowners can reasonably use. It is during these times that PID would be able to sell water to the City. Surface water purchases from PID would be a dependable supply and a surface water purchase agreement between the two agencies is considered likely for the following reasons:

- The City has already held discussions with PID including meetings during the development of the General Plan and this UWMP that strengthened their relationship.
- The City and PID recently completed a Memorandum of Understanding (MOU) regarding cooperative water operations. In the MOU the two parties agreed to jointly develop and conduct programs to increase surface water imports to the City.
- PID has a vested interest in selling surface water to the City, as opposed to other distance agencies, since use of the water by the City would benefit PID’s groundwater levels.
- PID expressed their interest in negotiating a surface water purchase agreement in their written comments on the draft UWMP.

It should also be noted that other surface water supplies could be available to the City, if needed. With access to the Friant-Kern Canal the City can potentially buy water from anywhere in the State and get it exchanged for delivery nearby. In addition, the City could feasibly purchase canal company stock from the various stockholders. This would be a relatively simple way to transfer water supplies. These water sources will be pursued in the future if necessary, but it is believed that groundwater pumping, surface water purchases from PID, and water conservation efforts will allow the City to meet their water demands through at least 2020.

Although the City’s aquifer is in a state of overdraft they could still meet their water demands for several more years solely with groundwater. Therefore, the City is not in an immediate need to secure surface water sources, and could secure them incrementally as demands increase. However, the City recognizes the need to address their water problems as soon as possible. The City has a goal purchasing 700 AF/year beginning in 2010 and gradually increasing purchases to 5,440 AF/year by 2030 (this excludes use of the City’s ditch company water rights). This gradual increase is necessary due to the time needed to complete negotiations and construct infrastructure needed to accommodate surface water. Securing the surface water supplies in this time period is considered feasible and will be a priority for City staff. These purchases will allow the City to reduce groundwater pumping to the estimated safe yield by 2020, which is considered a reasonable goal.

Surface water demands can also be reduced through conservation efforts. The City has a goal of reducing per capita demand by 10% by 2030 through various conservation programs. Even greater
demand reductions may be possible if the City has sufficient funding and staff to implement conservation programs.

Existing Surface Water Rights

The City has limited surface water rights in the Pioneer Ditch Company and Porter Slough Ditch Company. These water rights can provide up to 900 AF of water per year from the Tule River. Some of this water is used for a small pond at a municipal park in the City, but, historically, most of this water has not been used by the City. By virtue of holding stock in the two ditch companies, the City is allowed to divert Tule River floodwater in some years for free. Flood releases, under direction of the Corps of Engineers, are charged against the Success Reservoir storage accounts with the highest percentage of their allowable storage space filled. The units, whose stored water is released for flood control, has first call on the flood released water for their irrigation and spreading demands, after which the flood released water is available to others. When feasible, the City will divert these flood waters for groundwater recharge.

Other Surface Water Sources

Other surface water sources potentially available to the City include Central Valley Project Friant water and other Tule River waters. Central Valley Project Friant water originates in Lake Millerton and is conveyed through the Friant-Kern Canal. This water is not fully reliable since the Friant-Kern Canal is taken out of service for a 10-week period every three years. However, this impact would be minor since the outage period is relatively short, the City has a groundwater supply, and there would be low demand for water when the Canal is taken out of service (winter months). In addition, Porterville could use existing storage facilities to store surface water prior to a canal outage. Tule River water is stored in Lake Success, which is located a few miles east of the City.

Surface Water Purchases

The Porterville Irrigation District, located west of the City, has appropriative water rights on Tule River, ditch company water rights on the Tule River, and Central Valley Project Friant Division water rights. Due to the seasonal nature of water supplies and demands, the Porterville Irrigation District sometimes has more water available to its landowners than they can reasonably use at the time. It is during these periods that PID would be able to sell some of their water to the City. PID has been able to find willing buyers for the water, but they would prefer to sell it to a local agency, such as the City of Porterville, since that would benefit PID’s groundwater levels and the local community. The City and PID have held several meetings to discuss surface water purchases and, provided the City Council concurs, both sides are committed to holding further discussions and would hope to ultimately negotiate a surface water purchase agreement.

In December 2006 the City approved $34,000 per year for three years to purchase surface water for groundwater recharge. This was the first major commitment by the City to import surface water and address the problem of declining well yields. If local irrigation districts sell surplus CVP water to
the City with no markup then the water would cost about $50/AF. This represents the lower end of possible water costs and at this price the $34,000 could purchase 680 AF/year or about 6% of the 2005 City water demands. It should be recognized, however, that surface water could cost up to $100/AF or more.

Surface Water Treatment

The City will need to construct a surface water treatment plant if surface water supplies are delivered directly to customers. Boyle Engineering Corporation has already prepared a report outlining the steps needed to develop a plant. The City has determined that a surface water treatment plant will need a fairly firm water supply and operate the majority of the time to be economical. City staff has held discussions with Porterville Irrigation District about partnering on the construction and operation of a treatment plant. The results of the discussions were favorable and both sides are interested in further negotiations, provided the City Council concurs. Construction of a surface water treatment plant will be dependent on the City identifying a funding source for the project.

TRANSFERS AND EXCHANGES

The City of Porterville presently has limited water supplies that could be transferred or exchanged. Groundwater constitutes the majority of their water supply and cannot be transferred or exchanged. The City has rights to 900 AF of Tule River water with the Pioneer Ditch Company and Porter Slough Ditch Company. The City will not likely transfer or exchange these supplies but plans to use them directly for groundwater recharge, landscape irrigation, or as treated surface water.

The City is interested in purchasing (transferring in) surface water from other agencies. The City has determined that surface water is needed to supplement groundwater due to rapidly declining well yields (see Section 14). Surface water purchases will improve the reliability of the City's water supply. Surface water purchases are discussed in Section 4.2.

The City has established a goal of gradually increasing surface water purchases between 2007 and 2020 so that groundwater pumping is equal to the safe yield in 2020 (see Section 4.1 for more details). Surface water will be either recharged or treated and delivered directly to users. When possible, the City will take advantage of more affordable floodwaters and recharge more water in wet years. As a result, surface water purchases will vary annually, but, on a long-term average, will meet their purchase goals.

ATTACHMENTS:

1. Porterville Urban Water Management Plan 2007 Update
CITY OF PORTERVILLE

URBAN WATER MANAGEMENT PLAN
2007 UPDATE

November 2007

Prepared by:

Provost and Pritchard Engineering Group, Inc.

City of Porterville
CITY OF PORTERVILLE
URBAN WATER MANAGEMENT PLAN

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3 - Public Hearing Invitee List
4 - Comments on Draft Urban Water Management Plan
5 - Sample Water Bill
6 - UWMP Adoption Resolution
7 - Water Management Program Implementation Schedule
List of Abbreviations

AF    acre-feet
CFS   cubic feet per second
DCTRA Deer Creek and Tule River Authority
DWR   Department of Water Resources
ETO   evapotranspiration
GMP   Groundwater Management Plan
gpcpd gallons per capita per day
ID    Irrigation District
IRWMP Integrated Regional Water Management Plan
MG    million gallons
MOU   Memorandum of Understanding
PID   Porterville Irrigation District
PRC   Project Review Committee
USBR  United States Bureau of Reclamation
UWMP Urban Water Management Plan
WCC   Water conservation coordinator
WD    Water District
1 - INTRODUCTION

This Urban Water Management Plan (UWMP) was prepared by the City of Porterville in accordance with the California Urban Water Management Planning Act. The City of Porterville (City) is located in the San Joaquin Valley in central California. Porterville is nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. The City covered approximately 13.3 square miles in 2005, however, this UWMP covers a 56.8 square mile ‘Planning Area’ that includes the City of Porterville and unincorporated Tulare County lands. The Planning Area encompasses land that is of interest for long-term planning, including hillsides and surrounding agricultural land.

The Urban Water Management Planning Act (Act) became part of the California Water Code with the passage of Assembly Bill 797 in 1983. The Act requires that every urban water supplier providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet (AF) of water annually, prepare and adopt an UWMP, and update it every five years. The UWMP is required for a water supplier to be eligible for State grants and loans and drought assistance administered by the Department of Water Resources (DWR). The City of Porterville last updated their UWMP in 1990.

The Urban Water Management Planning Act requires water agencies to evaluate and describe their water resource supplies and projected needs over a twenty-year planning horizon, and to address a number of related subjects including water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. This plan evaluates the City’s water resources over a 23-year planning horizon from 2007 to 2030.

The purpose, required contents, and process for preparing and adopting Urban Water Management Plans are specified in California Water Code sections 10610 – 10656. The overall goal is to provide water suppliers throughout the State a framework for carrying out their long-term planning responsibilities and for reporting their strategies to meet future water challenges to both State government and the communities they serve.

An UWMP has many uses including the following:
1. Long range planning document for water supply;
2. Source document for cities and counties as they prepare their General Plans;
3. Foundation document and source of information for a Water Supply Assessment and a Written Verification of Water Supply; and
This UWMP is organized according to the *Guidebook to Assist Water Suppliers in the Preparation of a 2005 Urban Water Management Plan*, prepared by the California DWR in January 2005.
2 - COORDINATION AND PUBLIC PARTICIPATION

2.1 - Agency Coordination

Coordination of Plan Preparation
Many local water agencies were involved in the preparation of this UWMP. Table 2.1 lists the agencies and their level of involvement.

Table 2.1 - Coordination with Appropriate Agencies

<table>
<thead>
<tr>
<th>Agency</th>
<th>Participated in UWMP development</th>
<th>Invited to public meetings</th>
<th>Attended public meetings</th>
<th>Received copy of draft</th>
<th>Commented on the draft UWMP</th>
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</thead>
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</tr>
<tr>
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<td>Y</td>
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<tr>
<td>Saucelito ID</td>
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<td>Lower Tule River ID</td>
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<tr>
<td>Tulare County</td>
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</table>

Refer to Attachment 4 for the written comments provided by Porterville Irrigation District and the Tule River Association. This UWMP was revised to address these comments.

Existing Interagency Efforts
The City and Porterville Irrigation District (PID) recently completed a Memorandum of Understanding (MOU) regarding cooperative water operations (Attachment 1). In the MOU the two parties agreed to jointly develop and conduct programs to increase surface water imports to the City.

Planned Interagency Efforts
The City has not historically worked a lot with other agencies in the management of their water resources. However, they plan to build closer relations with the County of Tulare and nearby irrigation and water districts. The City began to build those relationships during preparation of their General Plan Update and UWMP in 2006 and 2007.

The City has not been a participant in an Integrated Regional Water Management Plan (IRWMP), but they are interested in evaluating the benefits of participation. Funding is
available from Proposition 50 and 84 for IRWMPs. PID may prepare an IRWMP with the member agencies of the Tule River Improvement Joint Powers Agreement, since it includes most of the important regional water users. The City may also consider preparing an IRWMP with the Tulare County Association of Governments. Historically, this group has coordinated mostly on transportation projects, but they could feasibly collaborate on water projects also.

In 2007 or 2008 the City plans to prepare an MOU with the Porterville Irrigation District to share groundwater level and quality data.

Resource Maximization/Import Minimization Plan
The City has strived to maximize their existing water resources to minimize the need to import water. This has been done through conservation programs, especially metering, to minimize per capita consumption. As discussed in Section 7, the City’s per capita demands are lower than most cities in the area. However, an expanding population has required more groundwater pumping. This has stressed the local groundwater supplies and well yields are declining rapidly. Consequently, the City sees the need to import significant quantities of surface water in the near future (see Section 5). Completion of water sales agreements with other water agencies will be important to accomplish this goal.

2.2 - Public Participation
This Urban Water Management Plan was updated as part of the City’s General Plan Update. The General Plan Update included numerous opportunities for public involvement and comments. In addition, the public was specifically involved in the development of this UWMP through the following:

Public Hearing on Water Issues. A public hearing was held on December 12, 2006 at the Porterville City Hall to discuss water management issues and the UWMP. A list of the invitees is found in Attachment 3. The invitees included seven irrigation/water districts, 18 General Plan Update Advisory Committee Members, and 107 General Plan Stakeholders. Thirteen people attended the public hearing in addition to City staff. The hearing was led by the City’s planning and engineering consultants. During the public hearing a brief presentation was given on current and future water management issues. The public provided several comments and questions that were discussed at length. These comments are all addressed in this UWMP.

General Plan Approval Public Hearing. A public hearing was held on ____ to solicit comments on the Final General Plan Update. At this meeting the public also had the opportunity to comment on the final UWMP.
3 - CITY OF PORTERVILLE PLANNING AREA INFORMATION

3.1 - Geography
The City of Porterville is located in the San Joaquin Valley in central California. The City is nestled against the western edge of the Sierra Nevada foothills in the southern portion of Tulare County. Porterville is approximately 24 miles southeast of Visalia, California and 50 miles north of Bakersfield, California. The Friant-Kern Canal, a major conveyance facility of the Central Valley Project, passes approximately 4 miles to the west of the center of the City. The City is also situated approximately one mile east of the Porterville Irrigation District (PID). PID encompasses about 17,400 acres in Tulare County.

The City of Porterville covered approximately 13.3 square miles in 2005. This UWMP focuses on the City, but still addresses some areas outside of the City that are within the Planning Area as defined in the General Plan update. The Planning Area covers about 56.8 square miles (see Attachment 2). In 2005, approximately 27,800 acres (43.5 square miles) or about 75 percent of the Planning Area lied outside of the existing City Limits within unincorporated Tulare County. The Planning Area encompasses land that is of interest for long-term planning, including hillsides and surrounding agricultural land. However, being included within the Planning Area does not necessarily mean that the City is considering annexation.

3.2 - Hydrologic Features
The Tule River, which flows through the southern portion of the City, is one of the principal watercourses in Tulare County. The City is bisected by the Tule River, dividing the northern and southern portions of the City. Under normal conditions discharge in this River is regulated by Success Dam, located approximately 5 miles upstream. Tule River flood stages at the City have been reduced significantly by Success Dam, which is operated for flood control by the US Army Corps of Engineers. The 100-year floodplain for the Porterville urban area is delineated by the Federal Emergency Management Agency’s Flood Insurance Rate Maps and these floodplains closely correspond to the watercourses that flow through the City. The main channel of the Tule River can pass flows of about 10,000 cubic feet per second (cfs) before extensive damage occurs. Damage to urban property would occur at flows of approximately 16,000 cfs.

Porter Slough is a natural distributary of Tule River and flows through the center of the urban area (see Attachment 2). It originates from Tule River approximately 4 miles upstream from the center of the City, and returns to the river approximately 17 miles below its point of origin. Porter Slough has a designated capacity of 450 cfs and is an officially designated floodway of Tule River as determined by the State Reclamation Board. In practice the policy has been to prevent Tule River flood flows from entering Porter Slough in order to avoid potential flooding problems in central Porterville. However, controlled flows are released into Porter Slough for groundwater recharge.
Private ditches form another major water feature in the area. Seven ditch companies divert water from points within the Planning Area: Pioneer, Campbell-Moreland, Porter Slough, Vandalia, Poplar, Hubbs-Miner and Woods-Central. In addition to delivering water for irrigation, these ditches also provide extra capacity to carry peak flood flows and urban stormwater runoff. Finally, the Friant-Kern Canal defines the western edge of the Planning Area. Water in the Canal is imported from the San Joaquin River northeast of Fresno, and distributed to the western portion of the Planning Area by the Porterville Irrigation District.

3.3 - Climate
The climate in the City of Porterville is semi-arid and may be classified as interior Mediterranean. Summers are hot and dry with low humidity, while winters are very mild with infrequent snowfall. Temperatures vary from average summer highs of approximately 100°F to average winter lows near freezing. The average annual precipitation is approximately 10 inches. However, the Tule River Watershed tributary to Success Reservoir, based on 41 years of record, has a basin mean annual precipitation of 31.3 inches. Eighty five percent of the annual precipitation occurs between November and April. Table 3.1 summarizes climatic data for the City.

Table 3.1 – Climate Data

<table>
<thead>
<tr>
<th>Description</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>April</th>
<th>May</th>
<th>June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Monthly Avg ETo (in)</td>
<td>1.04</td>
<td>1.88</td>
<td>3.65</td>
<td>5.53</td>
<td>7.20</td>
<td>8.00</td>
</tr>
<tr>
<td>Average Rainfall (in)</td>
<td>2.14</td>
<td>2.16</td>
<td>2.04</td>
<td>0.95</td>
<td>0.42</td>
<td>0.13</td>
</tr>
<tr>
<td>Average Temperature (F)</td>
<td>48.7</td>
<td>54.1</td>
<td>58.4</td>
<td>63.6</td>
<td>70.9</td>
<td>77.8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Jul</th>
<th>Aug</th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard Monthly Avg ETo (in)</td>
<td>8.40</td>
<td>7.46</td>
<td>5.56</td>
<td>3.89</td>
<td>1.89</td>
<td>1.05</td>
<td>55.55</td>
</tr>
<tr>
<td>Average Rainfall (in)</td>
<td>0.01</td>
<td>0.07</td>
<td>0.25</td>
<td>0.63</td>
<td>1.19</td>
<td>1.47</td>
<td>11.46</td>
</tr>
<tr>
<td>Average Temperature (F)</td>
<td>82.8</td>
<td>81.5</td>
<td>76.5</td>
<td>67.7</td>
<td>55.7</td>
<td>48.3</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes:
1) Rainfall and temperature data from Western Regional Climate Center, Porterville Station, based on data from 1971-2000
2) Evapotranspiration data from California Irrigation Management Information System Porterville (#169) Station, Based on data from 2000-2007

3.4 - Water Supply Infrastructure
Water production and distribution in the City are provided by two separate water systems maintained and operated by the Public Works Department. Each system is completely independent of each other. The systems include the Central City System and the Municipal Airport System. Both systems combined include about 200 miles of pipeline and are currently being connected by an inter-tie project (under construction).

The City currently operates and maintains three hillside reservoirs: two with a capacity
of 3 million gallons and one with a capacity of 300,000 gallons. The two larger reservoirs are usually filled during off-peak hours and then release water during the high usage hours. The reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations. Site acquisition has been accomplished for the City's third proposed 3-million gallon reservoir. Water levels in the reservoirs are monitored and controlled by a computerized telemetry control system.

The City currently acquires all of its water from groundwater. In 2007, the City had about 34 active wells and a number of inactive and standby wells. About 17 of the wells were controlled with a telemetry system to maintain system pressure under varying loads. City wells are concentrated in the west-central portion of the City where well yields are generally the highest. Most of the City's wells are gravel packed and range from 230 to 700 feet in depth. The City has approximately 14,000-metered connections, of which 13,000 are residential meters. Refer to the 2001 Water System Master Plan for more details on the City's water supply infrastructure.

The City has submitted an application for a low interest $9 million loan to fund infrastructure improvements. If the loan is approved some water supply infrastructure may be constructed, including a surface water treatment plant. The City will also be updating their Water System Master Plan in 2008 and during the process expect to identify several new infrastructure projects.

3.5 - Demographics
The City of Porterville population was projected as part of the Porterville General Plan Update, which was completed in 2007. Table 3.2 presents projected population growth from 2006 to 2030.

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>45,200</td>
<td>52,220</td>
<td>62,530</td>
<td>74,860</td>
<td>89,620</td>
<td>107,300</td>
</tr>
</tbody>
</table>

Note: Population values are rounded to the nearest 100

The City has an average household size of 3.3 people and a vacancy rate of 5 percent, as estimated by the Department of Finance for 2005. Refer to the General Plan Update for details on the basis for the population projections. Refer to Section 7 for discussions on current and projected per capita water demands.
4 - WATER SOURCES

The City has relied exclusively on groundwater to meet water demands in the past. The City has established a goal of gradually reducing groundwater pumping to match the aquifer safe yield by 2020. Surface water purchases and reductions in demand (achieved through water conservation efforts) will be used to meet remaining demands. Current and planned water sources for the City are summarized in Table 4.1.

Table 4.1 - Current and Planned Water Supplies (AF/Year)

<table>
<thead>
<tr>
<th>Description</th>
<th>2006</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>45,200</td>
<td>52,220</td>
<td>62,530</td>
<td>74,860</td>
<td>89,620</td>
<td>107,300</td>
</tr>
<tr>
<td>City Area (acres)</td>
<td>9,170</td>
<td>11,050</td>
<td>13,650</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Safe Yield (acre-feet/year)</td>
<td>9,170</td>
<td>11,050</td>
<td>13,650</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Total City Demands¹</td>
<td>12,700</td>
<td>14,600</td>
<td>17,500</td>
<td>21,100</td>
<td>25,100</td>
<td>30,000</td>
</tr>
<tr>
<td>Supplier Produced Groundwater²</td>
<td>12,700</td>
<td>13,000</td>
<td>15,100</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>Supplier Surface Diversions³</td>
<td>0</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
<td>900</td>
</tr>
<tr>
<td>Surface Water Purchases⁴</td>
<td>0</td>
<td>700</td>
<td>1,500</td>
<td>3,520</td>
<td>4,300</td>
<td>5,440</td>
</tr>
<tr>
<td>Recycled Water⁵</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Desalination</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1 - Total demands based on assumed per capita use of 250 gallons/day from 2001 Porterville Water System Master Plan
2 - The aquifer safe yield is assumed to be 1.0 acre-feet/acre. This value is approximate and needs to be verified with a detailed water balance study
3 - Includes water rights on the Tule River with the Pioneer Ditch Company and Porter Slough Ditch Company
4 - Surface water sellers are likely to include Porterville Irrigation District and other local irrigation and water districts
5 - The City uses recycled water for crop irrigation and groundwater recharge, but there is no direct use by customers. Refer to Section 12 for data on recycled water use.

Detailed discussions on the City's groundwater and surface water are provided below.

4.1 - Groundwater

In 2006 groundwater was the sole water source used by the City of Porterville. Information on the geology and hydrogeology of Porterville was acquired from reports prepared by the United States Bureau of Reclamation in 1954. Following are discussions on the soils, geology and groundwater in the Porterville area.
Soils
The City of Porterville is located at the interface of three general soil types. The first is located to the south of the City and consists of very deep, moderately well to excessively well-drained, fine sandy loam. The second, located northeast of the City, is described as moderately deep to very deep, well-drained, low permeability clay. The third, found northwest of the City, is characterized as moderately deep, well-drained, sandy loam underlain by hardpan. Some of the best topsoils for groundwater recharge are located along the present or ancestral channels of the Tule River.

Geology
Porterville sits entirely on top of the alluvial fans of the Tule River and its distributaries. This material is composed of active fan and floodplain deposits consisting of loose, porous, unconsolidated sediments. Sands predominate but there is also a high percentage of silt. The bedrock (basement complex) is present at relatively shallow depths beneath the eastern end of the City. However, the depth to bedrock steepens appreciably to the southwest and is too deep in most of the City to be an important factor in evaluating groundwater conditions. Within the City of Porterville, the base of the usable aquifer is the top of bedrock.

Groundwater Basin
The City is located in the Tule Sub-basin of the San Joaquin Valley Groundwater Basin. The Tule Sub-basin is not presently adjudicated but is considered to be in a state of overdraft.

Groundwater/Hydrogeology
The Porterville Area is underlain by an unconfined aquifer. Most of the aquifers lie at depths from 75 to 400 feet. The City is fortunate to be located in a unique area which receives groundwater recharge from the Sierra Nevada Mountains. In addition, appreciable volumes of groundwater recharge occur from seepage from the Tule River and ditches that divert from the River. Percolation from rainfall and irrigation also contribute to the groundwater storage. Specific yield is defined as the volumetric fraction of water that an aquifer will yield when all the water is allowed to drain out of it by gravity. Specific yield within the City is about 0.14, which is relatively high for the Southern San Joaquin Valley.

Groundwater Recharge
Locally, groundwater recharge occurs along the channels of the Tule River as evidenced by a ridge of higher water table contours along the River. Irrigation districts occasionally recharge aquifers through the use of artificial basins and open land spreading, especially in wet years.

Success Reservoir is located on the Tule River and provides flood prevention and storage of irrigation water. The Tule River Associates and Army Corps of Engineers run water from Success Reservoir through the Tule River and Porter Slough, providing
important groundwater recharge. The danger of water logging the areas adjacent to the Tule River, Porter Slough, and other distributaries is not imminent, as the specific yield is very high in these areas, permitting rapid dispersion of percolated water.

The City has not recharged groundwater in the past, however they are interested in developing a recharge program, particularly in the Porter Slough. The City also owns approximately 25 stormwater basins that could potentially be plumbed to accept surface water deliveries. The basins would have to be enlarged, or only take water in the dry season, since they are presently sized only to accept flood waters. Some incidental recharge already occurs in these basins but the volume that infiltrates is not known.

Well Yields
Well yields have decreased substantially in the Porterville area and the City has recognized that sole reliance on groundwater is not sustainable (see Section 14 for more details). The area east of Plano Avenue, as elevation increases towards the foothills, is considered groundwater deficient. Water is supplied to the eastern area from wells located in western and central Porterville. As a result, water storage is required on the eastern edge of the City. Even though the eastern area is water short, it is considered a potential growth area.

Groundwater Budget
Safe yield is defined as the maximum rate of continuous diversion or withdrawal that can be maintained indefinitely without depleting a groundwater supply. The safe yield is primarily a function of groundwater inflow and outflow, natural groundwater recharge, artificial groundwater recharge, and seepage from imported surface water. Preferably, groundwater pumping should be equal to or less than the safe yield so that groundwater resources are preserved. No estimates of the City's safe yield are available and it can only be accurately determined through a detailed water balance study. However, the City has decided to eventually reduce groundwater pumping to match the safe yield by 2020, so a preliminary estimate of the safe yield was estimated for this UWMP.

Safe yield is usually described in terms of flowrate. Here the units of AF/year are used. The term 'unit safe yield' is also used herein to describe the safe yield over a unit area of land. The units for unit safe yield used here are AF/acre/year.

Declining groundwater levels in Porterville indicate that groundwater is not sufficient to satisfy future demands, and that other water sources will be required to offset future needs. A review of 21 hydrographs for wells in and around Porterville shows a gradual groundwater level decline of about 0.75 feet/year. It should be noted that the groundwater level decline is only moderate and is not consistent with the large decline in well yields experienced in the last ten years. Many of the City's wells have less than half the pumping capacity they had several years ago. Recent investigations show some well screens are partially plugged from encrustation, although detailed inspections
have not been performed on all of the wells. Some new well yields are also low, but this may be because the wells are not being sited in the best locations.

The discrepancy between the moderate groundwater level declines but severe well yield declines could also be because water is being extracted from deeper semi-confined aquifers, and pumping is not reflected in the near surface groundwater. However, the available literature does not indicate the presence of semi-confined aquifers in Porterville. More detailed hydrogeologic analyses are needed to understand the reasons for these discrepancies.

In 2005, the City covered about 13.3 square miles (~8,500 acres), and pumped 12,200 acre-feet of water. With a groundwater level decline of 0.75 feet, and assuming a specific yield of 0.14, the total overdraft was about 900 AF. Therefore, the unit safe yield can be roughly estimated at (12,200 - 900 AF)/8,500 acres = 1.3 AF/acre/year. Due to the uncertainty in these calculations, the actual unit safe yield will be assumed to be 25% less than 1.3 AF/acre/year, or about 1.0 AF/acre/year. It should be noted that this value is very approximate and is only being used because no other values are available. The City plans to perform a detailed water balance study in the next five years to verify this number and recognizes that it could change appreciably.

Safe yield will actually vary as the City annexes additional land. With more land the City will have a greater area to place wells and pump groundwater. Total safe yield was calculated for 5-year increments through 2030 based on anticipated annexations. Newly annexed lands are expected to increase at about 2.5% per year, with occasional bumps of about 500 to 1,000 acres in single years to increase industrial lands. Refer to Table 4.1 for anticipated City land areas and total safe yields through 2030.

The City is planning on some extensive annexations which will substantially increase the total safe yield over time. Some annexations would not increase the total safe yield much, if at all. For instance, if land is annexed east of the City in the foothills or flatlands abutting the foothills then it will have no impact on the safe yield. This region is groundwater poor and the City has no wells in the area and probably no plans on installing wells in the area. On the other hand, annexations to the west of the City in agricultural land will increase the safe yield. The estimated unit safe yield of 1.0 AF/acre/year is based on an average unit safe yield over the entire City, including both poor groundwater areas and good groundwater areas. It is assumed that future annexations will have a similar share of good versus poor groundwater producing lands, and therefore the unit safe yield will stay constant.

Groundwater Quality
Groundwater quality in the Porterville area is generally good but some wells have been decommissioned due to water quality problems. Refer to Section 13 for more details on the groundwater quality in Porterville.
Groundwater Management
The City of Porterville does not currently have a Groundwater Management Plan (GMP). The Deer Creek and Tule River Authority (DCTRA) is a joint powers authority comprised of five local irrigation districts in the vicinity of the City. The DCTRA adopted a new Groundwater Management Plan (GMP) in the summer of 2006. The City may consider becoming a partial or full member of the DCTRA and signatory to the GMP, or the City may develop their own GMP. The City has established a goal of preparing a GMP by 2010.

Table 4.2 and 4.3 provide past and anticipated future groundwater pumping volumes.

Table 4.2 - Amount of Groundwater Pumped (AF/Y)

<table>
<thead>
<tr>
<th>Basin Name</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tule Sub-basin</td>
<td>11,009</td>
<td>12,740</td>
<td>12,329</td>
<td>12,786</td>
<td>12,186</td>
</tr>
<tr>
<td>% of Total Water Supply</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

Table 4.3 - Amount of Groundwater Projected to Be Pumped (AF/Y)

<table>
<thead>
<tr>
<th>Basin Name(s)</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tule Sub-basin</td>
<td>13,000</td>
<td>15,100</td>
<td>16,580</td>
<td>19,900</td>
<td>23,660</td>
</tr>
<tr>
<td>% of Total Water Supply</td>
<td>89%</td>
<td>86%</td>
<td>79%</td>
<td>79%</td>
<td>79%</td>
</tr>
</tbody>
</table>

Notes: Surface water that is recharged and later pumped from wells is not included in Table 4.3.

Impacts from continued groundwater pumping on groundwater levels, changes in direction of groundwater flow, and groundwater quality are not known, and could only be determined through an extensive groundwater study. However, as shown in Table 4.3, the City does plan to gradually decrease groundwater pumping to eventually reach the aquifer safe yield, which should help to rectify the current state of overdraft.

4.2 - Surface Water

Existing Surface Water Rights
The City has limited surface water rights in the Pioneer Ditch Company and Porter Slough Ditch Company. These water rights can provide up to 900 AF of water per year from the Tule River. Some of this water is used for a small pond at a municipal park in the City, but, historically, most of this water has not been used by the City. By virtue of holding stock in the two ditch companies, the City is allowed to divert Tule River floodwater in some years for free. Flood releases, under direction of the Corps of Engineers, are charged against the Success Reservoir storage accounts with the highest percentage of their allowable storage space filled. The units, whose stored
water is released for flood control, has first call on the flood released water for their irrigation and spreading demands, after which the flood released water is available to others. When feasible, the City will divert these flood waters for groundwater recharge.

Other Surface Water Sources
Other surface water sources potentially available to the City include Central Valley Project Friant water and other Tule River waters. Central Valley Project Friant water originates in Lake Millerton and is conveyed through the Friant-Kern Canal. This water is not fully reliable since the Friant-Kern Canal is taken out of service for a 10-week period every three years. However, this impact would be minor since the outage period is relatively short, the City has a groundwater supply, and there would be low demand for water when the Canal is taken out of service (winter months). In addition, Porterville could use existing storage facilities to store surface water prior to a canal outage. Tule River water is stored in Lake Success, which is located a few miles east of the City.

Surface Water Purchases
The Porterville Irrigation District, located west of the City, has appropriative water rights on Tule River, ditch company water rights on the Tule River, and Central Valley Project Friant Division water rights. Due to the seasonal nature of water supplies and demands, the Porterville Irrigation District sometimes has more water available to its landowners than they can reasonably use at the time. It is during these periods that PID would be able to sell some of their water to the City. PID has been able to find willing buyers for the water, but they would prefer to sell it to a local agency, such as the City of Porterville, since that would benefit PID’s groundwater levels and the local community. The City and PID have held several meetings to discuss surface water purchases and both sides are committed to holding further discussions and hope to ultimately negotiate a surface water purchase agreement.

In December 2006 the City approved $34,000 per year for three years to purchase surface water for groundwater recharge. This was the first major commitment by the City to import surface water and address the problem of declining well yields. If local irrigation districts sell surplus CVP water to the City with no markup then the water would cost about $50/AF. This represents the lower end of possible water costs and at this price the $34,000 could purchase 680 AF/year or about 6% of the 2005 City water demands. It should be recognized, however, that surface water could cost up to $100/AF or more.

Surface Water Treatment
The City will need to construct a surface water treatment plant if surface water supplies are delivered directly to customers. Boyle Engineering Corporation has already prepared a report outlining the steps needed to develop a plant. The City has determined that a surface water treatment plant will need a fairly firm water supply and operate the majority of the time to be economical. The City has held discussions with Porterville Irrigation District about partnering on the construction and operation of a...
treatment plant. The results of the discussions were favorable and both sides are interested in further negotiations. Construction of a surface water treatment plant will be dependent on the City receiving approval for a $9 million infrastructure loan in 2007.
5 - RELIABILITY OF WATER SUPPLY

This section discusses the reliability of water supplies and their vulnerability to seasonal and climatic shortages. Seasonal shortages are based on precipitation patterns of individual watersheds. The City considers estimated impacts due to climate change or climate fluctuations to be highly speculative and has chosen not to rely on them. The City does recognize that they exist and will reassess their water supply adequacy regularly to address climate changes. The City will also design their system with some redundancy so that some adverse impacts from climate change can be accommodated.

Groundwater
The City has historically used groundwater to meet all of their water demands. Groundwater supplies are not significantly impacted by droughts, and, as a result, there is no history of any water supply deficiencies for the City water system. Even during the 1976-1977 drought records indicate a sufficient supply of water. However, groundwater levels have declined about 0.5 to 1.0 feet/year over the last 20 years based on Department of Water Resources’ well hydrographs. This decline in groundwater levels, however, is not consistent with the decline in well yields, which has been more serious. Some City wells have seen capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm (although well rehabilitation may be able to restore these wells to their previous performance levels). In addition, some new wells have capacities of 500 gpm or less, although this might be improved by drilling wells in different locations. Nevertheless, the City has decided to gradually decrease groundwater pumping to match the aquifer safe yield by 2020 (see Section 4.1). Surface water will be imported to satisfy demands unmet by groundwater pumping. Unmet demands may also be reduced if water conservation efforts are successful.

Surface Water
Surface water is less reliable than groundwater since its availability depends on precipitation. The reliability of surface water sources for the City cannot be determined until specific water sources and water sellers are identified. The reliability will also depend on details in any surface-water purchase agreements. The City may acquire some firm water that would be guaranteed or almost guaranteed each year. This water would possibly be treated at a new surface water treatment plant. The City will also buy surplus or floodwaters that are only available during wet years. This water would be available in varying quantities and would most likely be recharged and later pumped for use in normal and dry years. The City has established goals for surface water purchases (Table 4.1) and the City could begin purchasing and banking water in advance to meet these demands in case droughts occur in the near future.

PID is the first and most logical choice for a surface water partner. PID has several surface water supplies including appropriative water rights on the Tule River, ditch company water rights on the Tule River, and Central Valley Project Friant Division water. PID has stated that due to the seasonal nature of water there are points in time
when more water is available than their landowners can reasonably use. It is during these times that PID would be able to sell water to the City. Surface water purchases from PID would be a dependable supply and a surface water purchase agreement between the two agencies is considered likely for the following reasons:

1) The City has already held discussions with PID including meetings during the development of the General Plan and this UWMP that strengthened their relationship.
2) The City and PID recently completed a Memorandum of Understanding (MOU) regarding cooperative water operations. In the MOU the two parties agreed to jointly develop and conduct programs to increase surface water imports to the City (see Attachment 1).
3) PID has a vested interest in selling surface water to the City, as opposed to other distance agencies, since use of the water by the City would benefit PID’s groundwater levels.
4) PID expressed their interest in negotiating a surface water purchase agreement in their written comments on the draft UWMP.

It should also be noted that other surface water supplies could be available to the City, if needed. With access to the Friant-Kern Canal the City can potentially buy water from anywhere in the State and get it exchanged for delivery nearby. In addition, the City could feasibly purchase canal company stock from the various stockholders. This would be a relatively simple way to transfer water supplies. These water sources will be pursued in the future if necessary, but it is believed that groundwater pumping, surface water purchases from PID, and water conservation efforts will allow the City to meet their water demands through at least 2020.

Although the City’s aquifer is in a state of overdraft they could still meet their water demands for several more years solely with groundwater. Therefore, the City is not in an immediate need to secure surface water sources, and could secure them incrementally as demands increase. However, the City recognizes the need to address their water problems as soon as possible. Table 4.1 lists anticipated surface water purchases. The City has a goal purchasing 700 AF/year beginning in 2010 and gradually increasing purchases to 5,440 AF/year by 2030 (this excludes use of the City’s ditch company water rights). This gradual increase is necessary due to the time needed to complete negotiations and construct infrastructure needed to accommodate surface water. Securing the surface water supplies in this time period is considered feasible and will be a priority for City staff. These purchases will allow the City to reduce groundwater pumping to the estimated safe yield by 2020, which is considered a reasonable goal. Note that the City plans to perform a detailed study to more accurately estimate safe yield, which may change some of the values in Table 4.1.

Surface water demands can also be reduced through conservation efforts. The City has a goal of reducing per capita demand by 10% by 2030 through various conservation
programs. Even greater demand reductions may be possible if the City has sufficient funding and staff to implement conservation programs. The new supplies listed in Table 4.1 could be from surface water purchases or reduced demand due to conservation efforts.
6 - TRANSFERS AND EXCHANGES

The City of Porterville presently has limited water supplies that could be transferred or exchanged. Groundwater constitutes the majority of their water supply and cannot be transferred or exchanged. The City has rights to 900 AF of Tule River water with the Pioneer Ditch Company and Porter Slough Ditch Company. The City will not likely transfer or exchange these supplies but plans to use them directly for groundwater recharge, landscape irrigation, or as treated surface water.

The City is interested in purchasing (transferring in) surface water from other agencies. The City has determined that surface water is needed to supplement groundwater due to rapidly declining well yields (see Section 14). Surface water purchases will improve the reliability of the City’s water supply. Surface water purchases are discussed in Section 4.2.

The City has established a goal of gradually increasing surface water purchases between 2007 and 2020 so that groundwater pumping is equal to the safe yield in 2020 (see Section 4.1 for more details). Surface water will be either recharged or treated and delivered directly to users. When possible, the City will take advantage of more affordable floodwaters and recharge more water in wet years. As a result, surface water purchases will vary annually, but, on a long-term average, will meet their purchase goals.
7 - WATER DEMANDS

In their 2001 Water System Master Plan, the City estimated per capita consumption at 250 gallons/day. This value includes all City water uses (residential, commercial, municipal, industrial, etc.). In other words, it includes total water demands divided by the total population. Future commercial, institutional and industrial developments are not expected to significantly impact per capita water consumption through 2030. However, per capita consumption may decrease slightly as housing densities increase due to intensified competition for land. The City has also established a goal of reducing per capita demand through conservation programs. The goal is to reduce consumption by 10% by 2030. This would reduce demand from 250 to 225 gpcpd. However, for the present, water planning and system design will still be based on the 250 gpcpd in the event this conservation goal is not realized.

In 2005, water usage by customer type was roughly 62% for single family residential, 12% for multi-family residential, 19% for commercial/institutional, 4% for large landscape irrigation, and 5% for other. The City's population is expected to more than double by 2030 with a corresponding increase in water demands from about 12,700 to 30,400 AF/year. The City has no plans to sell water to other agencies in the future as they expect challenges in meeting their own demands. Water deliveries by customer type from 2001 to 2030 are presented in Table 7.1.

**Table 7.1 - Past, Current and Projected Water Deliveries (AF/yr)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Metering</th>
<th>Single family</th>
<th>Multi-family</th>
<th>Comm /Inst.</th>
<th>Industrial</th>
<th>Landscape</th>
<th>Municipal</th>
<th>Agric</th>
<th>Other</th>
<th>Subtotal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>Metered</td>
<td>6,473</td>
<td>1,122</td>
<td>2,087</td>
<td>259</td>
<td>556</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10,497</td>
<td>10,969</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>335</td>
<td>26</td>
<td>97</td>
<td>14</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>472</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>Metered</td>
<td>6,903</td>
<td>1,296</td>
<td>2,119</td>
<td>177</td>
<td>48</td>
<td>0</td>
<td>0</td>
<td>599</td>
<td>11,142</td>
<td>11,419</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>259</td>
<td>10</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>277</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>Metered</td>
<td>8,826</td>
<td>1,657</td>
<td>2,709</td>
<td>226</td>
<td>61</td>
<td>0</td>
<td>0</td>
<td>766</td>
<td>14,246</td>
<td>14,600</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>331</td>
<td>12</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>354</td>
<td></td>
</tr>
<tr>
<td>2015</td>
<td>Metered</td>
<td>10,540</td>
<td>1,998</td>
<td>3,266</td>
<td>273</td>
<td>74</td>
<td>0</td>
<td>0</td>
<td>923</td>
<td>17,173</td>
<td>17,500</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>399</td>
<td>15</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>427</td>
<td></td>
</tr>
<tr>
<td>2020</td>
<td>Metered</td>
<td>12,656</td>
<td>2,395</td>
<td>3,916</td>
<td>327</td>
<td>89</td>
<td>0</td>
<td>0</td>
<td>1,107</td>
<td>20,588</td>
<td>21,000</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>479</td>
<td>18</td>
<td>15</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>512</td>
<td></td>
</tr>
<tr>
<td>2025</td>
<td>Metered</td>
<td>15,195</td>
<td>2,871</td>
<td>4,595</td>
<td>392</td>
<td>106</td>
<td>0</td>
<td>0</td>
<td>1,327</td>
<td>24,687</td>
<td>25,100</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>574</td>
<td>22</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>613</td>
<td></td>
</tr>
<tr>
<td>2030</td>
<td>Metered</td>
<td>18,178</td>
<td>3,350</td>
<td>5,541</td>
<td>471</td>
<td>128</td>
<td>0</td>
<td>0</td>
<td>1,595</td>
<td>29,663</td>
<td>30,000</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>690</td>
<td>26</td>
<td>21</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>737</td>
<td></td>
</tr>
</tbody>
</table>
The anticipated number of water accounts for each customer type through 2030 are presented in Table 7.2.

### Table 7.2 – Past, Current and Projected Water Accounts

<table>
<thead>
<tr>
<th>Year</th>
<th>Metering</th>
<th>Single family</th>
<th>Multi-family</th>
<th>Comm./Inst.</th>
<th>Industrial</th>
<th>Landscape</th>
<th>Municipal</th>
<th>Agric</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>Metered</td>
<td>11,268</td>
<td>695</td>
<td>1,030</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>147</td>
<td>13,159</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>584</td>
<td>16</td>
<td>48</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>653</td>
</tr>
<tr>
<td>2005</td>
<td>Metered</td>
<td>11,907</td>
<td>800</td>
<td>1,066</td>
<td>22</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>156</td>
<td>13,953</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
<tr>
<td>2010</td>
<td>Metered</td>
<td>14,293</td>
<td>960</td>
<td>1,280</td>
<td>26</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>187</td>
<td>16,749</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
<tr>
<td>2015</td>
<td>Metered</td>
<td>17,156</td>
<td>1,153</td>
<td>1,536</td>
<td>32</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>225</td>
<td>20,104</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
<tr>
<td>2020</td>
<td>Metered</td>
<td>20,594</td>
<td>1,384</td>
<td>1,844</td>
<td>38</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>270</td>
<td>24,133</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
<tr>
<td>2025</td>
<td>Metered</td>
<td>24,720</td>
<td>1,661</td>
<td>2,213</td>
<td>46</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>324</td>
<td>28,968</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
<tr>
<td>2030</td>
<td>Metered</td>
<td>29,673</td>
<td>1,994</td>
<td>2,657</td>
<td>55</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>389</td>
<td>34,772</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>447</td>
<td>6</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>459</td>
</tr>
</tbody>
</table>

Notes: 1. The number of metered connections is assumed to grow by 3.7% annually (same as the expected population growth).
2. The number of unmetered connections is assumed to remain unchanged (but it may decrease if connections are decommissioned).

The City also delivers recycled water, uses water for groundwater recharge, and has system leakage. These values are presented in Table 7.3 but they do not represent additional water sources or demands. Firstly, all water that is recharged will later be pumped and consumed; hence, it is incorporated into the numbers in Table 7.1. Secondly, recycled water is used for groundwater recharge and crop irrigation. Therefore, the recycled water is not used to directly meet the needs of the City customers, although it does contribute to the local water budget. Losses are almost all from pipeline leakage and result in groundwater recharge, so they are not true losses to the City.
Table 7.3 - Additional Water Budget Components (AF/Year)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Groundwater recharge</td>
<td>0</td>
<td>0</td>
<td>0-3,200</td>
<td>0-4,800</td>
<td>0-8,800</td>
<td>0-10,400</td>
<td>0-12,700</td>
</tr>
<tr>
<td>Recycled water</td>
<td>5,000</td>
<td>5,900</td>
<td>6,800</td>
<td>8,200</td>
<td>9,800</td>
<td>11,700</td>
<td>14,000</td>
</tr>
<tr>
<td>System leakage</td>
<td>550</td>
<td>640</td>
<td>730</td>
<td>880</td>
<td>1,050</td>
<td>1,260</td>
<td>1,500</td>
</tr>
</tbody>
</table>

1 – Only a range of values for groundwater recharge can be provided at this time. They are assumed to range from 0% to about 200% of annual average surface water deliveries.

2 – Recycled water assumed to be 46.7% of total water deliveries (groundwater and surface water).

3 – System leakage assumed to be 5% of total water delivered into system, based on past records.
8 - DEMAND MANAGEMENT MEASURES

The City has implemented many demand management measures (DMM) to reduce per capita water consumption. Metering has probably had the greatest impact on conserving water. In 2007 about 98% of the City's deliveries were metered. All metered customers are billed on a volumetric basis and therefore have incentives to conserve water. The City has also established a goal to increase water conservation efforts with education being the cornerstone of the City's water conservation program. The City also recognizes that a diversified water conservation portfolio is necessary since different programs have varying impacts on different groups. As a result, the City's water conservation efforts include a variety of programs and measures.

Table 8.1 shows per capita water consumption for several cities in the California Central Valley.

### Table 8.1 – Per Capita Water Demands by City

<table>
<thead>
<tr>
<th>City</th>
<th>Metered</th>
<th>Per Capita Use (gpcpd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>Yes</td>
<td>200</td>
</tr>
<tr>
<td>Clovis</td>
<td>Yes</td>
<td>205</td>
</tr>
<tr>
<td>Porterville</td>
<td>Yes</td>
<td>250</td>
</tr>
<tr>
<td>Modesto</td>
<td>No</td>
<td>250</td>
</tr>
<tr>
<td>Tulare</td>
<td>No</td>
<td>260</td>
</tr>
<tr>
<td>Coalinga</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Madera</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Turlock</td>
<td>No</td>
<td>280</td>
</tr>
<tr>
<td>Visalia</td>
<td>No</td>
<td>300</td>
</tr>
<tr>
<td>Fresno</td>
<td>No</td>
<td>300</td>
</tr>
<tr>
<td>Average</td>
<td>All Cities</td>
<td>261</td>
</tr>
<tr>
<td></td>
<td>Metered</td>
<td>218</td>
</tr>
<tr>
<td></td>
<td>Unmetered</td>
<td>279</td>
</tr>
</tbody>
</table>

Source: City of Porterville Water System Master Plan, February 2001, Carollo Engineers, Table 3.3

Table 8.1 shows that per capita water consumption in Porterville is slightly lower than the other Central Valley cities. However, there is still room for improvement as evidenced by the Cities of Clovis and Dinuba who have water usage of around 200 gpcpd.

The City has established a goal of reducing per capita demand through conservation programs. The goal is to reduce consumption by 10% by 2030. This would reduce per capita demand from 250 to 225 gallons/day. However, for the present, water planning
and system design will still be based on the 250 gpcpd in the event this conservation goal is not realized.

8.1 - Water Survey Program
Water surveys involve an on-site assessment of water uses on a customer’s property to identify area of high water usage or water waste.

The City has not developed or implemented a targeting/marketing strategy for single family or multi-family home water surveys. However, the City does perform water surveys at the request of water users. Typically the City is asked to perform a water survey if a customer feels that their water bill is too high. Often the customer asks to have their meter tested or recalibrated. In most cases the meters are functioning properly and City staff then perform a water survey to determine where the customer has high water usage. The water survey includes the following:

1. Check indoor and outdoor plumbing for leaks
2. Check irrigation system timers
3. Evaluate irrigation watering schedule
4. Recommend various water conservation measures to the customer, such as modifications to their irrigation schedule and retrofitting with water efficient fixtures and appliances

Outdoor water consumption accounts for a large proportion of total water sold and offers the biggest target for water savings, so the surveys tend to focus on improving landscape irrigation efficiencies.

The City of Albuquerque developed a Water Use Audit Program (Western Resource Advocates). The program sponsored 125 water audits with water savings averaging 8 percent and estimated potential savings at 30 percent. Based on residential water use records, it is assumed that 185 gpcpd is used in Porterville for residential use, then an 8% reduction would equate to 8% x 185 gallons/capita/day x 3.3 persons/household x 365 days/year = 17,800 gallons/year/household = 0.05 AF/year/household. The effectiveness of the water surveys on conservation will be based on this value.

Porterville performs about five water surveys per year and only at the request of customers. Studies have shown that water surveys are not effective unless they are specifically requested by a customer. When a customer is forced to participate they often have no desire to conserve water and hence will not follow recommendations or suggestions. Studies also show that water surveys have very high costs per volume of water saved. Little (2006) evaluated the unit costs to implement various water conservation programs. Little reports that the long term cost for water savings from water surveys is $1,284/AF. This is presently about four times the cost of delivered water in Porterville. Considering this high cost, the City does not plan to actively market or promote its water survey program, but will continue to perform water surveys when
they are requested. It is assumed that future demand for water surveys will remain unchanged.

Table 8.2 and 8.3 provide details on past and projected future water surveys in Porterville.

**Table 8.2 – Past Residential Water Surveys**

<table>
<thead>
<tr>
<th>Description</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Residential Surveys</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Actual Expenditures - $</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Actual Water Savings – AF/Y</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
</tr>
</tbody>
</table>

**Table 8.3 – Future Residential Water Surveys**

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Residential Surveys</td>
<td>5 (est)</td>
<td>5 (est)</td>
<td>5 (est)</td>
<td>5 (est)</td>
<td>5 (est)</td>
</tr>
<tr>
<td>Projected Expenditures - $</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Projected Water Savings – AF/Y</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
<td>0.25</td>
</tr>
</tbody>
</table>

**8.2 - Residential Plumbing Retrofits**

Residential plumbing retrofits can include fixtures such as low flow showerheads, showerhead flow restrictors, toilet flappers and faucet aerators. Estimated savings for some of these fixtures include 2.8 gpcpd for low flow showerheads and 2.8 gpcpd for low flow faucets, and 22 gallons per day for a family of three that uses a complete plumbing retrofit kit (Western Resource Advocates, 2003).

Plumbing retrofits are a fairly expensive means to conserve water. Little (2006) determined that the average lifetime cost per acre-foot saved for device giveaways is $457. This is more expensive than the current $314/AF charged to customers for delivered water. As a result, the City only has a limited plumbing retrofit program. It involves the distribution of showerhead flow restrictors at the annual Porterville City Fair. It is believed that distribution of the showerhead flow restrictors also helps to promote a culture of water conservation. A large cross section of the community can be reached at the City Fair and therefore the City plans to continue these efforts.

There is no enforceable ordinance in effect in the City requiring replacement of high-flow showerheads and other water use fixtures with their low flow counterparts. In addition, no data is available on the number of houses with water efficient plumbing
fixtures. However, all new buildings in the City are constructed according to State plumbing codes and Title 24 Building Standards. These require that new plumbing fixtures installed since 1992 be water efficient. In addition, many of the fixtures provided by the City have likely been installed and some owners have probably purchased and installed fixtures themselves.

The City tracks the number of showerhead flow restrictors that are handed out and their cost. The effectiveness of the flow restrictor distribution on water conservation is based on the number that are given out. First, it is assumed that 50% of the flow restrictors that are distributed are eventually installed. Each flow restrictor is assumed to reduce water consumption by 2.8 gpcpd (same as low flow showerheads) and each restrictor is assumed to be used by two people. This equates to annual water savings of 0.6 AF/year for each 100 flow restrictors that are distributed.

Tables 8.4 and 8.5 include data on past and anticipated future plumbing retrofits in Porterville.

### Table 8.4 – Past Plumbing Retrofits

<table>
<thead>
<tr>
<th>Description</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showerhead Flow Restrictors</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>Actual Expenditures - $</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>450</td>
<td>0</td>
</tr>
<tr>
<td>Actual Water Savings - AF/Y</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>

### Table 8.5 – Future Plumbing Retrofits

<table>
<thead>
<tr>
<th>Description</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showerhead Flow Restrictors</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>Projected Expenditures - $</td>
<td>0</td>
<td>0</td>
<td>550</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projected Water Savings - AF/Y</td>
<td>0.8</td>
<td>0.8</td>
<td>0.8</td>
<td>0.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>

### 8.3 - Water System Audits

Water system audits include an evaluation of the City’s distribution system for leaks and other losses. The system losses (water input minus water metered) are a good indication of the system integrity. In 2006, Johnson Controls performed a water system audit and was able to account for 95% of the City’s water. This result was better than expected considering the age of the system and meters. In addition, the Porterville Finance Department prepares annual reports showing water production versus water sales. These reports show that system losses ranged between 4% and 10% between 2001 and 2005. Losses are actually lower because the records do not account for fire hydrant flushing or the water delivered to unmetered accounts, which is estimated at 2% of total water usage. In addition, water that is lost through pipeline leakage usually
seeps to the groundwater table where it is available to the City through well pumping, so it is not considered a true loss.

The City's distribution system is operated under pressure, and, as a result, leaks are usually apparent. Only a small number of leaks are repaired each year. A physical system audit is not performed every year, mainly because the system appears to be in good condition and the current losses are considered reasonable. However, all new water lines are pressure tested to verify that leakage is minimal. Data is not readily available on the miles of pipeline repaired or replaced annually, or the expenditures for this work. These records will be tracked more closely in future years.

The effectiveness of the water system audits will be measured by the losses calculated annually. Increasing losses would indicate the leaks have increased and/or flowmeters are not accurate.

8.4 - Metering
Currently, about 98% of the water used in the City is metered. In addition, all new connections in the City are required to be metered and billed by volume used.

Meter Retrofits and Replacements
The City has no current plans to install meters on unmetered properties due to the high cost. In addition, no meter replacement programs are currently planned because a recent audit and some meter testing has found most meters to be accurate (see Section 8.3). Nevertheless, as the meters become older the City will consider replacement or recalibration.

Water Bills
A sample water bill is included as Attachment 5. City water bills show the amount of water used each billing period, and compares that value to water used during the same billing period in the previous year. This information allows water users to evaluate the effectiveness of their own conservation programs.

Effectiveness of Meters
Metering certainly creates an incentive to reduce consumption since customers are billed on a volumetric basis. Per capita water demands for several cities in the area are shown in Table 8.1. Cities that are metered use, on average, 61 gpcpd less than cities that are unmetered (279 gpcpd vs. 218 gpcpd). This equates to 6.83 AF/year for each 100 people. Due to a lack of any other data, this value will be used to estimate the water saved by metering customers in the City. Statistics on past and projected future metering are provided in Tables 8.6 and 8.7.
Table 8.6 – Past Metering

<table>
<thead>
<tr>
<th>Description</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Metered Accounts</td>
<td>13,159</td>
<td>12,885</td>
<td>13,176</td>
<td>13,176</td>
<td>13,953</td>
</tr>
<tr>
<td>No. of Unmetered Accounts</td>
<td>653</td>
<td>475</td>
<td>468</td>
<td>468</td>
<td>459</td>
</tr>
<tr>
<td>No. of Retrofit Meters Installed</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projected Population Served</td>
<td>41,009</td>
<td>41,009</td>
<td>41,945</td>
<td>43,150</td>
<td>44,496</td>
</tr>
<tr>
<td>Projected Water Savings - AF/Y</td>
<td>2,800</td>
<td>2,800</td>
<td>2,865</td>
<td>2,947</td>
<td>3,039</td>
</tr>
</tbody>
</table>

Table 8.7 – Future Metering

<table>
<thead>
<tr>
<th>Description</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Metered Accounts</td>
<td>15,032</td>
<td>15,584</td>
<td>16,156</td>
<td>16,749</td>
<td>17,363</td>
</tr>
<tr>
<td>No. of Unmetered Accounts</td>
<td>459</td>
<td>459</td>
<td>459</td>
<td>459</td>
<td>459</td>
</tr>
<tr>
<td>No. of Retrofit Meters to Be Installed</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Projected Population Served</td>
<td>46,900</td>
<td>48,588</td>
<td>50,371</td>
<td>52,220</td>
<td>54,136</td>
</tr>
<tr>
<td>Projected Water Savings - AF/Y</td>
<td>3,200</td>
<td>3,320</td>
<td>3,440</td>
<td>3,570</td>
<td>3,700</td>
</tr>
</tbody>
</table>

8.5 - Large Landscape Conservation Programs

Large landscape customers include golf courses, cemeteries, and other customers with large turf or garden areas (>10,000 square feet). In 2005, the City had only 48 AF of water used for large landscape irrigation customer types. However, this number is misleading since other customer types (Institutional and Other) also have large landscape irrigation. Large landscaping probably uses about 10 percent of total City water demands.

Existing Programs

Existing large landscape conservation programs are described below

1) Conservation During Droughts. Large (and small) landscape water conservation is especially promoted during designated droughts (see Section 11) through water timing restrictions and enforcement of water waste policies.

2) Artificial Turf. The City has placed artificial turf on a traffic median as a demonstration project. The City will consider adding a sign to advertise the site.

3) Education Programs. Landscape water conservation is a critical part of the City’s Public Information Program (see Section 8.7).

4) Water Surveys. The City does not have a specific program for auditing large landscape accounts. However, the City will perform a water survey (see Section 8.1) for a customer that has large landscape water demands.
CITY OF PORTERVILLE
URBAN WATER MANAGEMENT PLAN

The City does not presently perform water budgets or offer rebates for landscape conversions.

Possible Future Programs
Several new ideas for large landscape conservation were identified. The City does not plan to implement these in the near future but has established a goal of evaluating their merits over the next five years. These ideas include:
1. Require large properties to have an irrigation audit
2. Coordinate with local nurseries to compile a list of low-water using trees and plants
3. Provide rebates for irrigation control systems
4. Require some degree of xeriscape on new properties
5. Limit amount/percentage of high water use vegetation on new properties
6. Provide xeriscape garden tours and xeriscape classes
7. Develop and implement water efficient parkway and landscape design guidelines for all new residential, commercial, industrial and governmental developments

Measuring Effectiveness of Program
The effectiveness of the large landscape conservation programs will be measured with the following:
1. Comparison of customers water usage before and after water surveys
2. Comparison of customers water usage during normal climatic conditions and during droughts
3. Comments on and demand for landscape water conservation education

8.6 - High Efficiency Washing Machine Rebates
Due to the potentially high cost per volume of water saved, the City has chosen not to provide rebates for high efficiency washing machines, and will achieve water conservation goals through other programs. See Section 8.15 for more details on the economics of high efficiency washing machine rebates.

8.7 - Public Information Programs
Education programs are the most common form of conservation measures in most cities. Likewise, the City would like to make public education the centerpiece of their conservation efforts.

Current
Current public information programs on water conservation include the following:
1. City participation in Water Awareness Month (May)
2. Bill stuffers on water conservation
3. News programs
4. Radio commercials in English and Spanish
5. Booth at the Porterville City Fair
6. Water bills that compare current water usage to the previous year’s usage.

These efforts are typically implemented during the high water use period of April to September. These efforts are also intensified during droughts.

Planned
If funding and staff time permit, the City will add the following to their public information program during the next five years (2007-2011):
1. Booths at public events such as neighborhood association meetings and garden clubs.
2. Facility tours (such as the wastewater treatment plant) to civic groups and students.
3. City Council Meetings may be broadcast on television in the future. This would provide the public more opportunities to listen to discussions on water issues.

Evaluations
Evaluating the effectiveness of public education programs is difficult. The impacts from water conservation education are long term and benefits may not be immediately realized. Logically, water conservation education should reduce per capita consumption over time. However, per capita consumption can also vary with many other factors such as weather, development trends, and other demand management measures. Nevertheless, the effectiveness of the public education programs will be measured by trends in per capita water consumption. In addition, public comments on and demand for the information programs will also be considered.

Past expenditures and projected future expenditures on public education programs are summarized in Tables 8.8 and 8.9.
Table 8.8 - Past Public Information Programs

<table>
<thead>
<tr>
<th>Past Programs</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid advertising</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$1,761</td>
<td>$1,302</td>
<td>$1,704</td>
</tr>
<tr>
<td>Public Service</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$2,058</td>
<td>$2,310</td>
<td>$3,501</td>
</tr>
<tr>
<td>Bill Inserts / Newsletters / Brochures</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$0</td>
<td>$950</td>
<td>$450</td>
</tr>
<tr>
<td>Demonstration Gardens</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$6,000</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Special Events, Media</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$900</td>
<td>$1,350</td>
<td>$1,685</td>
</tr>
<tr>
<td>Program to coordinate w/ other government agencies, industry and public interest groups and media</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Actual expenditures - $</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>$4,719</td>
<td>$11,912</td>
<td>$7,340</td>
</tr>
</tbody>
</table>

Table 8.9 - Planned Public Information Programs

<table>
<thead>
<tr>
<th>Planned Programs</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid advertising - Newspaper</td>
<td>$2,500</td>
<td>$2,500</td>
<td>$2,500</td>
<td>$2,500</td>
<td>$2,500</td>
</tr>
<tr>
<td>Bill Inserts / Newsletters /</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Demonstration Gardens</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Special Events, Media Events, Fair</td>
<td>$1,500</td>
<td>$0</td>
<td>$1,500</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>Program to coordinate with other government agencies, industry and public interest groups and media</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Actual expenditures - $</td>
<td>$7,200</td>
<td>$5,700</td>
<td>$7,200</td>
<td>$7,200</td>
<td>$7,200</td>
</tr>
</tbody>
</table>

8.8 - School Education Programs
The City has not performed any school education programs in the past five years. However, the City has identified education as one of the major elements of their conservation program, and they therefore plan to renew school education programs in 2007. The City’s Water Conservation Coordinator currently visits schools to educate students on recycling and stormwater. Water conservation will be added to this program in the future. School Education Programs will be evaluated similar to Public.
Information Programs (see Section 8.7). A summary of planned school education programs is provided in Table 8.10.

Table 8.10 - Planned School Education Programs

<table>
<thead>
<tr>
<th>Grades</th>
<th>No. Classroom Presentations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2007</td>
</tr>
<tr>
<td>K-3rd</td>
<td>3</td>
</tr>
<tr>
<td>4th-6th</td>
<td>3</td>
</tr>
<tr>
<td>7th-8th</td>
<td>3</td>
</tr>
<tr>
<td>High School</td>
<td>0</td>
</tr>
<tr>
<td>Estimated Expenditures</td>
<td>$600</td>
</tr>
</tbody>
</table>

Educational materials will be given to the students that meet state education framework requirements. Each presentation will be given to a multiple grade assembly including about 350 to 400 students. Currently there are no plans to give teacher workshops.

8.9 - Commercial, Industrial, and Institutional Conservation Programs
The number of commercial, institutional, industrial, and municipal/other water accounts between 2001 and 2005 is shown in the Table 8.11 below.

Table 8.11 – Commercial, Institutional, Industrial and Municipal Water Accounts

<table>
<thead>
<tr>
<th>Customer Class</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial/Institutional</td>
<td>1,078</td>
<td>1,002</td>
<td>1,021</td>
<td>1,021</td>
<td>1,070</td>
</tr>
<tr>
<td>Industrial</td>
<td>20</td>
<td>20</td>
<td>19</td>
<td>19</td>
<td>22</td>
</tr>
<tr>
<td>Municipal/Other</td>
<td>151</td>
<td>151</td>
<td>151</td>
<td>151</td>
<td>158</td>
</tr>
</tbody>
</table>

Water usage from these accounts has averaged about 20% of the total City water usage. Large water users include about 150,000 gallons per day (estimated) at a local hospital, and 100,000 gallons per day (estimated) at a large poultry farm.

The City currently requires new car washes to install water recycling systems. These systems have the potential to reduce water consumption from 12,000 to 4,500 gallons per day at each car wash. The systems cost approximately $40,000. Presently, the City only monitors the recycling systems for one year but will consider more long-term monitoring in the future. Statistics are not available on the number of car washes or estimated water savings. The number of car washes that will be installed in the next five years is also unknown.

The City does not plan to implement a toilet replacement program for commercial, industrial and institutional water users. Toilet replacements are not considered the
most economical means to conserve water and are often removed by customers (see Section 8.15), and, as a result, other water conservation programs will be pursued.

The City has no immediate plans to implement other conservation programs for commercial, industrial and institutional water users. However, over the next five years, the City plans to study the merits and benefits of the following programs:
1. Provide funding to businesses to install water efficient systems and processes
2. Require large water users to submit a water conservation plan
3. Perform on-site surveys of water users for water efficiency and water waste
4. Distribute promotional information on water conservation to all parties that apply for building permits.

8.10 - Wholesale Agency Programs
The City of Porterville does not provide any wholesale water to other entities. The City also anticipates challenges meeting their own water demands and therefore has no plans to supply wholesale water to others in the future.

The City plans to purchase surface water from other local agencies in the future to meet water demands. Refer to Section 4.2 for more details.

8.11 - Conservation Pricing
Currently, about 98% of the water used in the City is metered. In addition, all new connections in the City are required to be metered and billed by volume of use. All potable water users are charged the same volumetric rate regardless of the volume used or purpose of use. Water users are also charged a fixed monthly fee based on the size of their flowmeter. In 2007, the volumetric rate for water was $0.72/100 cubic feet = $314/acre-foot. The unit rate, however, can be increased by 20% during droughts (see Section 11 for more details). The City is not considering a tiered rate structure that increases volumetric water fees as water usage increases. The current rate structure (volumetric pricing and increases during droughts) appears to encourage water conservation, and additional water conservation will be sought through various voluntary programs (education, water surveys, etc.). If these measures are not successful in reducing demands then the City will consider tiered pricing when the UWMP is revised in 5 years.

Residential sewer rates are assessed a fixed monthly fee for sewer services. Commercial, industrial and institutional customers are charged sewer fees based on volume of wastewater, but the rate also varies for different customer types (restaurants, car washes, schools, etc.) since the chemistry of their wastewater varies. Some customers, such as retail stores, have two meters, one for indoor use and one for landscaping, since the landscaping accounts are not billed for sewerage.
The impact of metering on water consumption is described in Section 8.4. In summary, it is estimated to reduce consumption by about 60 gpcpd. The impact of the 20% rate increase during drought on consumption is not known and will have to be tested during an actual drought. However, The City estimates that it will reduce consumption by about 20%.

8.12 - Water Conservation Coordinator
The City of Porterville has one designated part-time Water Conservation Coordinator (WCC). She is employed full time with the City and devotes part of her time to water conservation efforts and the rest of her time to other topics such as recycling and stormwater education. More information on the WCC is provided below:

Name: Wyndi Ferguson
Title: Water Systems Specialist
Experience: Grade D2 Water Distribution, has worked for City for 13 years
Date position created: 1989
Percent of time spent on water conservation efforts: 6%

The City plans to increase water conservation efforts, particularly education, over the next five years. At this time it is anticipated that the current WCC can accommodate this additional workload. It should also be noted that many other staff in the Public Works Department and Community Development Department spend time supporting and assisting the WCC.

Evaluating the effectiveness of the WCC’s efforts is difficult. The WCC performs a myriad of tasks, although most of them are related to water conservation education. Therefore, the effectiveness of the WCC will be evaluated similar to the public information programs (See Section 8.7).

Tables 8.12 and 8.13 provide data on past and anticipated future efforts for the WCC.

Table 8.12 – Past Water Conservation Coordinator Efforts

<table>
<thead>
<tr>
<th>Description</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Full-time Positions</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>No. of Part-time Staff</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Position Supplied by Other Agency</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Actual Expenditures - $</td>
<td>1,800</td>
<td>2,000</td>
<td>2,200</td>
<td>2,600</td>
<td>2,800</td>
</tr>
</tbody>
</table>
8.13 - Water Waste Prohibition
According to Section 25-5 of the City Municipal Code, "The consumer shall use reasonable care to prevent the waste of water, shall not allow water to run or waste from his property onto streets or highways, shall not use water in washing sidewalks, building entrances or lobbies or other properties to such excess that water shall flow in street gutters beyond the frontage of the properties occupied by them."

The City has a Water Conservation Plan (WCP) that is implemented during droughts (see Section 11). When a drought is declared the WCP moves from Phase I to Phase II or III, depending on the severity of the drought. During droughts, City staff will be more diligent in enforcing the water waste prohibition and if necessary will issue notices and fines.

Detailed data is not available on water waste violations and fines. More detailed records will be maintained in the future. The effectiveness of this policy is difficult to determine and quantify since it is a deterrent and prevents waste before it can occur. Nonetheless, the City will track the number of warnings and violations, especially during droughts.

8.14 - Residential Low Flow Toilet Replacement
Due to the potentially high cost per volume of water saved and possible problems with customer satisfaction, Porterville has chosen not to provide rebates for low flow toilet replacements, and will achieve water conservation goals through other programs. Refer to Section 8.15 for more details on why this DMM is not being implemented.

8.15 - Evaluation of Programs Not Implemented
The City has chosen not to implement the following demand management measures:

1. High Efficiency Washing Machine Rebates Programs
2. Residential Low Flow Toilet Replacements

These water conservation programs were evaluated according to several criteria as discussed below:
Legal Authority. The City of Porterville has the legal authority to implement these programs.

Technology. The technology is readily available for the City to implement these programs.

Environmental. These programs would have some environmental benefit through the conservation of water. Plumbing retrofits and replacements would retire appliances before their life expectancy and expedite their delivery to landfills.

Social. By implementing these programs the City would help to spread a 'culture' of water conservation.

Health. There are no known health impacts from implementing or not implementing these programs.

Customer Impact. These programs would have a positive impact on customers by reducing their water demands and thus reducing their water bills. They may have a negative impact as some people believe that high efficiency water appliances do not perform as well as standard appliances. The City may also lack the available staff to implement these programs.

Cost Sharing. No cost sharing programs were identified that would lower the financial burden on the City for implementing these programs. The City will monitor grant opportunities that could assist with these programs in the future.

Economics. The economics of certain water management programs are difficult or impossible for the City to evaluate without detailed and expensive studies. As a result, the City looked at a study by Little (2006) that provided typical costs to implement common programs.

The economics of these programs was evaluated by comparing the cost to customers for delivered water versus the cost of the programs. Currently, water deliveries in Porterville cost $314/AF (a small monthly assessment for flowmeters is ignored in this analysis).

According to Little, washing machine rebates have a lifetime cost of $404/AF of water saved based on a 12-year life expectancy. Therefore, the benefit cost ratio would be $314/$404 = 0.78.

Little also states that the lifetime cost (based on 20 years) per volume of water saved for toilet rebates is $436/AF, resulting in a benefit/cost ratio of $314/$436 = 0.72. However, toilet replacements have a lower cost of $181, resulting in a benefit/cost ratio of
$314/\$181 = 1.73$. This difference was surmised to be because distributions programs allow a utility to assert total quality control by offering only highly efficient models, ensures that toilets are installed properly, and also check for leaks or other conservation opportunities in the household during installation.

In summary, the washing machine rebates and toilet rebates will not be implemented because they are not economical. Toilet distributions appear economical according to Little’s study, but the City is lacking staff to implement a program and is concerned that the toilets will eventually be removed due to customer dissatisfaction.
9 - PLANNED WATER SUPPLY PROJECTS AND PROGRAMS

This section provides a description of planned water supply projects that could directly increase water supplies. Although the City is planning to complete the projects described below, their success will be dependent on staff and funding availability, and in some cases cooperation from other agencies. Planned water supply projects include the following:

Construct Surface Water Treatment Plant. The City plans to design and construct a surface water treatment plant. The plant will allow the City to directly deliver surface water to customers. The size of the plant is currently unknown and will depend on several factors including available funding and the volume of surface water the City can secure through long-term purchase agreements (see Section 4.2).

Water Distribution System Improvements. Porterville expects to update their Water System Master Plan in 2007-2008. This will include an analysis of the distribution facilities needed to accommodate population growth, a surface water treatment plant, and the facilities needed to accept and recharge surface water. After completion of the Master Plan a number of new projects will likely be identified. These projects will improve the distribution system and provide greater assurance that the City can meet peak water demands.

New Well Constructions. In the past the City has typically installed one to two new wells each year with capacities ranging from 500 to 1,500 gpm. The City will continue to install new wells at a rate necessary to keep up with demands. Due to the unreliable nature of surface water, well capacities will need to have sufficient capacity to meet almost 100% of City demands. Planned groundwater recharge will help to ensure that the wells can provide the same yield in normal, single dry, and multiple dry years.

Water Conservation. The City has established a goal of reducing per capita water demands by 10% by 2030. This would be accomplished gradually through a variety of demand management measures described throughout this UWMP. For the present, water planning and system design will assume that these conservation goals are not met. Table 9.1 presents the potential water savings if this goal is met. The water savings are essentially equivalent to securing a water source of the same volume.
Table 9.1 – Water Conservation Goals (AF)

<table>
<thead>
<tr>
<th>Description</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Water Demand</td>
<td>14,600</td>
<td>17,500</td>
<td>21,000</td>
<td>25,100</td>
<td>30,000</td>
</tr>
<tr>
<td>Per Capita Demand Reduction Goal</td>
<td>2%</td>
<td>4%</td>
<td>6%</td>
<td>8%</td>
<td>10%</td>
</tr>
<tr>
<td>Water Conserved</td>
<td>290</td>
<td>700</td>
<td>1,260</td>
<td>2,010</td>
<td>3,000</td>
</tr>
<tr>
<td>Reduced Total Water Demand</td>
<td>14,310</td>
<td>16,800</td>
<td>19,740</td>
<td>23,090</td>
<td>27,000</td>
</tr>
</tbody>
</table>

Refer to Attachment 7 for an implementation schedule for the aforementioned projects.
10 - DEVELOPMENT OF DESALINATED WATER

The City of Porterville is several hundred miles from the Pacific Ocean so the use of desalinated sea water is not a practical option. Local groundwater and surface water generally do not have high saline contents that would prevent consumption for potable use so desalination of local supplies is not needed.
11 - WATER SHORTAGE CONTINGENCY PLAN

The City has an existing Water Conservation Plan (WCP) that outlines policies and procedures to help reduce water demands during droughts. It should be noted that in April 2007 the City was re-evaluating the WCP with the goal of enhancing it. City staff believe that the WCP may be inadequate to address the 2007 drought and they are investigating more aggressive measures to encourage water conservation.

11.1 - Stages of Action
The Water Conservation Plan includes three phases of implementation. Actions in each phase would be undertaken by the City or the general public. When staff determines that water supply conditions warrant a phase change they present the request to the City Council for their approval. Presently, there are not any defined triggers (i.e. water allocations, snowpack levels, etc.) for moving from one phase to the next. Any decision to change phases will however be based on a combination of surface water supplies, weather conditions, trends in water usage, groundwater levels, and well yields.

Conservation measures gradually increase with each phase. The public are given opportunities to voluntarily reduce consumption in Phase I, if these efforts are not sufficient, then Phase II is implemented, which includes some additional mandatory and voluntary measures. If these are not sufficient then Phase III is implemented, which include several other mandatory regulations.

The State of California requests that a drought plan be developed that can reduce consumption by up to 50%. It is not known how much the existing WCP can reduce consumption. The mandatory measures alone would probably not reduce consumption by 50%, and this goal could probably only be achieved with significant voluntary reductions. The effectiveness of the WCP in reducing demand will have to be tested during future single-dry-year and multiple-dry-year droughts. In addition, as previously mentioned, the City is looking at enhancing the WCP, which may include more aggressive measures to further reduce demands.

11.2 - Estimate of Minimum Supply
Historically, the City has pumped groundwater to meet all water supply demands. While there may be less water infiltrating from rainfall, snowfall, runoff and irrigation during dry years, it does not adversely impact groundwater supplies in the short term. As a result, the City has had fairly consistent water supplies during different hydrologic years. Although well yields are gradually declining each year, it is expected that there would be no water shortages during the next three years (2007-2009), even if a multi-year drought occurred. However, shortage will eventually occur if the City does not secure surface water or reduce water demand.

11.3 - Catastrophic Supply Interruption Plan
The City does not have a formal written plan to address a catastrophic non-drought related interruption in water supply (i.e. power outage, system failure, natural disaster,
etc.). However, the WCP could be used to reduce consumption after a catastrophic supply interruption. The City also has back-up generators in the event of a power outage. Lastly, the City recognizes the need for more contingency plans to address non-drought related events and plans to investigate other alternatives during 2007.

11.4 - Prohibition, Penalties and Consumption Reduction Methods
Descriptions of the prohibitions, penalties and consumption reduction methods in each phase of the Water Conservation Plan are provided below:

Phase I
Phase I applies during periods when a normal water supply is available. Water conservation efforts include a myriad of programs and policies that are described in Section 8.

Phase II
Phase II applies during periods when there is a water supply shortage. All of the conservation measures in Phase I will continue to be implemented along with the following regulations.

Actions by the City:

1. Public Information Program. The City will pursue a more aggressive distribution of information than its efforts initiated in Phase I to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.
2. Water System Pressure Reduction. The City's water system may experience reduced water pressures during high usage periods. This may deter water use for nonessential activities and encourage scheduling of landscape watering to late nights or early mornings.
3. City Landscapes and Watering Schedules. All City parks, median islands and public facility landscapes will be watered during the late night or early morning hours to reduce impact on the water system during peak usage hours.
4. Leak Detection - Water Waste. The City will continue in its proactive plan to audit water supply usage. All City staff will be reminded of the necessity of reporting any evidence of leaks or water waste for immediate action. There will be an emphasis on coordinated community efforts to reduce water waste.
5. Waste of Water Notices. City staff will be equipped to issue “Waste of Water” notices to consumers identified as misusing water.

Actions by the General Public:

1. Conservation Efforts. The general public will be strongly encouraged to utilize those water conservation measures contained within the City’s public information program.
2. Restaurants. Notices will be sent to all restaurants within the City limits requesting support of water conservation efforts by serving water to customers upon request
3. Lawn and Landscaping Watering. All residential, commercial and industrial landscape watering should be reduced to a minimum and avoid watering between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

4. Vehicle Washing and Sidewalk Hosing. Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.

**Phase III**
Phase III applies during periods when there is a severe water shortage and the following mandatory regulations will apply:

**Actions by the City:**

1. Public Information Program. The utility billing system will begin to notify customers of restrictions on water use. The program to promote public awareness will be intensified with emphasis placed on communicating the mandatory water conservation requirements to the public.

2. Rate Structure Enhancement. A 20% rate increase on all residential and landscape accounts will go into effect. This rate increase will encourage water conservation and will also serve as a provision to recover the lost revenues from water conservation.

3. City Landscapes and Watering Schedules. All City parks, median islands and public facility landscapes will continue to be watered during the late nights or early morning hours to confine impact on the water system to off-peak usage hours. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

**Actions by the General Public:**

1. Landscape Watering. Landscape watering shall only be allowed between the hours of 5 a.m. to 10 a.m. and 5 p.m. to 10 p.m.

2. Outside Washing. Sidewalk and driveway washing will be prohibited.

**11.5 - Analysis of Revenue Impacts of Reduced Sales During Shortages**
The City bills most of its customers on a volumetric basis. As a result, conservation measures, which aim to reduce water consumption, can also reduce revenue for the City. Significant water conservation during droughts can have a major impact on City revenues. Although the City would have lower water purchase and pumping costs with lower water deliveries, they also have considerable fixed and overhead costs that are the same for any volume of water delivered. As a result, conservation measures need to be coupled with rate adjustments to ensure that the water system is financially sustainable.
The City has developed a Water Conservation Plan that raises water rates by 20% during droughts. The higher unit rate is intended to discourage use, but it will also help to offset the revenue lost from selling a lower volume of water. The suitability of this 20% increase is not yet known and it needs to be tested during a single-year and multi-year drought. If, in the future, the 20% price increase is found to be inadequate the City will again reevaluate the WCP and modify it accordingly.

Implementation of the WCP will not have a large impact on expenditures or revenues. No additional costs are expected for billing or operations. Existing City staff will provide the personnel needed to implement the plan and enforce water conservation measures. It is likely that higher expenditures will be needed for public information programs, but these will probably be small compared to the total City water budget. Fines for water waste are a source of revenue and they typically increase during droughts. However, the revenues from fines are also small compared to the overall City water budget.

11.6 - Draft Ordinance and Use Monitoring Procedure
Water meters are read monthly, but during a drought the water consumption must be tracked more frequently. Reading customer meters more frequently would be costly and impractical. However, the City will be able to closely track groundwater pumping and surface water deliveries on a daily basis. This data will be evaluated weekly to determine if the WCP is effective in reducing water consumption.
12 - RECYCLED WATER PLAN

The City owns and operates a wastewater treatment plant that provides secondary level treatment of all of the City’s wastewater. In 2005 the City generated approximately 5 million gallons (MG) of wastewater each day. Recently, wastewater generation has averaged 46.7% of total water used. Accordingly, the wastewater generation will increase to an estimated 12.5 MG/day (annual average) by 2030.

The City presently uses wastewater effluent (recycled water) for groundwater recharge and crop irrigation. Six ponds are used to percolate wastewater effluent. In the spring and summer the ponds are dry because the effluent is used to irrigate crops. Crops are irrigated with recycled water on agricultural land located about 5 to 6 miles from the City’s center. The City has annexed this land so they can keep it under agricultural production and ensure that there is always a demand for the effluent.

12.1 - Coordination

The City has not actively involved other agencies in determining the best uses for recycled water, partly because all of the water is already being used for beneficial purposes. Recently the City has been encouraged by several parties to consider other uses for the water, such as landscape irrigation, dual distribution systems, and industrial water supply, but tertiary level treatment would need to be added to their wastewater treatment plant. The best opportunity for these alternative uses would occur if the City constructs a satellite wastewater treatment plant. Tertiary treatment could be added to the plant and the recycled water could be used in the plant’s service area. If opportunities arise to use recycled water for other uses then a public hearing will be used to solicit comments from the public and other agencies.

12.2 - Wastewater Quantity, Quality and Current Uses

Table 12.1 summarizes the past and projected volumes of wastewater generated and treated in Porterville.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wastewater collected &amp; treated in service area¹</td>
<td>NA</td>
<td>5,720</td>
<td>6,800</td>
<td>8,200</td>
<td>9,800</td>
<td>11,700</td>
<td>14,000</td>
</tr>
<tr>
<td>Quantity that meets recycled water standards (secondary level)</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

¹ - Wastewater assumed to be 46.7% of total water delivered into system

A breakdown of recycled water use for crop irrigation and groundwater recharge is not available. More detailed data on recycled water use will be maintained in the future. Estimating future recycled water uses would be highly speculative and therefore is not included here. However, the City plans to recycle 100% of its effluent (i.e. none will be
sent to evaporation ponds). It is also likely that some recycled water will be used for groundwater recharge and crop irrigation through 2030. It is possible that some will be used for landscape irrigation in the future.

The use of recycled water for residential non-potable use would only be possible if a dual distribution system is constructed and the water receives tertiary-level treatment. The construction of a dual distribution system would only be practical in new developments. The City plans to investigate the use of dual distribution systems some time in the coming five years.
13 - WATER QUALITY IMPACTS ON RELIABILITY

During a public meeting for the Porterville General Plan Update, 28 people in attendance agreed that water quality was an important environmental resource to protect in Porterville. Presently, water quality problems do not pose a threat to water reliability, but the City recognizes the need to protect water quality and prevent future degradation. A discussion on surface water quality and groundwater quality follows.

Surface Water
Future surface water sources would likely be purchased from local irrigation and water districts. These districts have water rights on the San Joaquin River and Tule River. Both of these water sources originate primarily from precipitation in the Sierra Nevada Mountains and as a result have good to excellent water quality. These water supplies have no restrictions on use for municipal water, but they will require standard water treatment.

Tule River water is delivered from Lake Success. According to a report entitled Surface Water Treatment Guideline prepared by Boyle Engineering in February 2005: "the reservoir (Lake Success) periodically experiences turnover episodes which have caused hydrogen sulfide problems. These turnovers take place in the spring and fall. In the summer/fall, the lake experiences algae growth problems." A turnover episode takes place when convection circulation occurs in a lake causing the lower waters to rise and the upper waters to sink. Hydrogen sulfide must be present in the lake bottom sediments and is brought to the surface during a turnover episode.

Additional development in watershed areas may cause some water quality degradation in the San Joaquin and Tule Rivers. However, improved watershed management may prevent further degradation or even improve the water quality. As a result, it is assumed that the quality of these surface water sources will remain good to excellent through the next 25 years.

Groundwater
Groundwater quality in the City is generally good, however a few wells have been shut down due to water quality problems. Wells adjacent to Porter Slough have been closed due to perchloroethylene (PCE) contamination, and a few wells in the downtown area have experienced nitrate problems. In addition, wells in the eastern part of town have nitrate problems (originating from citrus orchards). All active wells produce water that meets State and Federal drinking water quality standards.

The City does not presently provide treatment of any well water. Blending could feasibly be used at wells that experience water quality problems. However, the City does not have infrastructure in place to blend good and poor quality groundwater, and do not have plans to construct blending facilities in the immediate future. The City does
not perform any groundwater remediation, but there are possibly some other agencies conducting groundwater remediation projects within the City limits.

Groundwater quality is generally better on the western edge of town, and hence most of the production wells are placed in this area. At each new well site, a test hole is drilled to characterize the groundwater quality before a decision is made to install a new well.

The impacts of groundwater quality on future supplies are unknown, especially since no detailed groundwater quality studies have been performed in the area. However, water supply, as opposed to water quality, is considered a greater threat to water reliability. As a result, the City is actively seeking a surface water supply. The City is also constructing an inter-tie between the City wide water distribution system and the airport distribution system. This will allow groundwater from the Deer Creek Watershed to be delivered to most of the City. This could result in a significant increase in the water supplies available to the City, since the Deer Creek Watershed is benefitting from percolation of treated effluent.
14 - WATER SERVICE RELIABILITY

Water service reliability in the City is determined by the distribution system performance, well yields, and the reliability of future surface water sources.

Distribution System Performance
The City's distribution system is operated under pressure, and, as a result, leaks are usually apparent. Only a small number of leaks are repaired each year and the system appears to be in good condition.

To help ensure system reliability, the City requires full pressure and leak testing of all newly constructed water lines. The City Fire Department also tests fire hydrants annually to help maintain the integrity of the fire protection system. In addition, the City currently operates and maintains three hillside reservoirs with a total storage capacity of 6.3 million gallons. These reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations.

Historically the water delivery capacity, as opposed to the water source, has been the limiting factor in providing a reliable water supply. During hot years water demands increase and the capacity of the distribution system is near its limit when trying to meet peak demands. This situation will worsen as the population expands. To address this issue, the City plans to update their Water System Master Plan in 2007-2008 and will likely identify some necessary distribution system improvements.

Well Yields
The City has historically used groundwater to meet all of their water demands. Groundwater supplies are not significantly impacted by droughts, and, as a result, there is no history of any water supply deficiencies for the City water system. Even during the 1976-1977 drought, records indicate a sufficient supply of water. However, presently groundwater levels are slowly declining, most well yields are decreasing, and some wells have been decommissioned due to water quality issues. As a result, water reliability is expected to be a concern in the future.

Groundwater levels have declined about 0.5 to 1.0 feet/year over the last 20 years based on Department of Water Resources' well hydrographs. This decline in groundwater levels, however, is not as serious as, and not consistent with, the decline in well yields, which is the City's impetus for seeking more surface water. Some City wells have seen capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm. In addition, new wells typically have capacities of 500 gpm or less. The lower well yields are known to be partially due to well encrustation, and possibly improper sighting of the wells, but more hydrogeologic studies and well inspections are needed to better understand the reasons why groundwater level declines are not as serious as well yield declines.
Surface Water Source Reliability
Surface water is less reliable than groundwater since its availability depends on precipitation. The reliability of surface water sources for the City cannot be determined until the water sources and water sellers are specifically identified, although Porterville Irrigation District is considered likely to sell water to the City. The reliability will also depend on details in any surface-water purchase agreements. The City may acquire some firm water that would be guaranteed or almost guaranteed each year. However, it is more likely that the City will only be able to buy surplus or floodwaters that are only available during wet years. This water would be available in varying quantities and would most likely be recharged, and later pumped for use in normal and dry years.

The tables below assume that the City will be able to acquire sufficient surface water to meet normal, single dry year, and multiple dry year demands. This will have to be verified when the City develops surface water purchase agreements with other agencies.

Table 14.1 - Projected Normal Year Supply and Demand Comparison (AF/Y)

<table>
<thead>
<tr>
<th>Description</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply Totals</td>
<td>14,600</td>
<td>17,500</td>
<td>21,000</td>
<td>25,100</td>
<td>30,000</td>
</tr>
<tr>
<td>Demand totals</td>
<td>14,600</td>
<td>17,500</td>
<td>21,000</td>
<td>25,100</td>
<td>30,000</td>
</tr>
<tr>
<td>Difference (supply - demands)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

During a single dry year the City will implement Phase II of the Drought Response Plan. This is expected to reduce consumption by about 20%. Sufficient water supplies will be available to meet these demands if the City can arrange long-term agreements to purchase surface water.

Table 14.2 - Projected Single Dry Year Water Supply (AF/Y)

<table>
<thead>
<tr>
<th>Description</th>
<th>2010</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply Totals</td>
<td>11,700</td>
<td>14,000</td>
<td>16,800</td>
<td>20,100</td>
<td>24,000</td>
</tr>
<tr>
<td>Demand Totals</td>
<td>11,700</td>
<td>14,000</td>
<td>16,800</td>
<td>20,100</td>
<td>24,000</td>
</tr>
<tr>
<td>Difference (supply - demands)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

During a multiple year drought the City will probably have to rely almost exclusively on groundwater. Presently, the groundwater wells could probably provide sufficient water during a multi-year drought. However, as groundwater levels and well yields decline, this will be unlikely in the future unless the City recharges and banks a sufficient water volume to meet demands during the drought. As stated above, it is assumed that the City will have sufficient water supplies to meet these demands. The City will have to continue
installing new wells so they can meet their full water demands with groundwater in dry years.
15 - ADOPTION AND IMPLEMENTATION

Implementation of 1990 UWMP
The City last updated their UWMP in 1990. The major goals presented in that Plan are discussed below along with the City’s progress with each goal.

Parkway and Landscape Design Guidelines. The City planned to prepare and distribute parkway and landscape design guidelines, but this goal has not yet been achieved, and, as a result, the City is committed to revisiting this goal in the next few years.

Ultra-Low-Flow Toilets for New Construction. The City established a goal to require that all new buildings include ultra-low-flow toilets in compliance with new plumbing codes. The City has successfully enforced the new plumbing code on all new building projects since 1992.

Use of Reclaimed Water. The City established a goal to use treated wastewater for landscape irrigation and equipment wash water at the wastewater treatment plant. This goal was not realized, but the City presently uses 100% of its wastewater for other beneficial uses. As stated in Section 12, the City may consider alternative uses for recycled water in the future, including the aforementioned uses at the wastewater treatment plant.

Progressive Utility Rate Structure. The City set a goal of considering baseline water allowances and charging customers higher rates if their water use exceeded that baseline allowance. This would result in a tiered or progressive utility rate structure. This proposal was not viewed positively by some City staff. In addition, the current practice of metering provides significant incentives for reducing water consumption and per capita water demands in the City appear to be lower than many Central Valley Cities (see Section 8). In addition, the City has a program to increase water rates by 20% in the event of a drought. For now, the City will implement the many demand management measures discussed in Section 8. If these measures are not successful at reducing demands further then a tiered rate structure will be considered when the UWMP is updated in 5 years.

Adoption of 2007 UWMP
A public hearing was held on _____ to solicit comments on the UWMP. This UWMP was adopted by the Porterville City Council on ____. A copy of the adoption resolution is included in Attachment 6.

Implementation of 2007 UWMP
An implementation schedule for the UWMP from 2007 to 2011 is included as Attachment 7.
16 - REFERENCES


CITY OF PORTERVILLE

URBAN WATER MANAGEMENT PLAN

ATTACHMENTS

1 - MOU between City of Porterville and Porterville Irrigation District
2- Water Resources Map – City of Porterville
3 - Public Hearing Invitee List
4 - Comments on Draft Urban Water Management Plan
5 - Sample Water Bill
6 - UWMP Adoption Resolution
7 - Water Management Program Implementation Schedule
MEMORANDUM OF UNDERSTANDING
REGARDING COOPERATIVE WATER OPERATIONS BETWEEN
THE CITY OF PORTERVILLE AND THE PORTERVILLE IRRIGATION DISTRICT

This Memorandum of Understanding made and entered into and effective this 13 day of Dec., 2006, by and between the CITY OF PORTERVILLE, existing by virtue of its Charter and the Constitution and laws of the State of California, hereinafter referred to as "City", and the PORTERVILLE IRRIGATION DISTRICT, a Political Subdivision of the State of California and a California Irrigation District, existing by virtue of and pursuant to Division 11 of the California Water Code, Section 20500, et seq., hereinafter referred to as "District".

The District administers programs to preserve and protect the area's groundwater resources including but not limited to, importation of surface water supplies from the Friant-Kern Canal, acquisition of Tule River water rights and storage and operation of groundwater recharge basins.

The District is a member of the Deer Creek and Tule River Authority, a California Joint Powers Authority. Among the members of the DCTRA are seven irrigation or water districts in the general vicinity of the City. Those member districts, individually and collectively, conduct water importation, distribution and delivery operations in the Southern portion of Tulare County.

The physical boundaries of both City and District overlap in certain areas, resulting in an area or areas commonly within the jurisdiction of both parties.

The City’s Land Use Element of the General Plan supports growth west to the Friant-Kern Canal and it is anticipated that there will be a notable impact on the groundwater resources of the City and District as a result of this growth.

The City has approved the expenditure of $34,000 per year for a three-year period, commencing on January 1, 2007, for the acquisition of surface water, from any source, for use in recharging the groundwater aquifer underlying the City.

The District recognizes that recharge to the aquifer underlying the City will help to offset groundwater pumping by the City for municipal and industrial purposes thereby reducing the impact of the City's pumping operations on the natural recharge of the aquifer underlying the District.

The legislative bodies of City and District have and do find and determine that it is in their mutual interests and advantage for the City and the District to develop and conduct
programs intended to increase the importation of surface water to the area of the City for recharge to the underlying groundwater aquifer or for other beneficial purposes.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. This MOU is entered into this 13th day of December, 2006.
2. The term of this MOU shall be three years, commencing on January 1, 2007.
3. The parties hereto agree to jointly develop and conduct programs intended to increase the importation of surface water to the area of the City for the recharge of the underlying groundwater aquifer or for other beneficial purposes.
4. The City agrees to make available $34,000 on an annual basis for the purchase of water to be imported into the vicinity of the city limits of the city of Porterville.
5. The District agrees to identify from its own surface water supplies, or to facilitate the identification of surface water supplies controlled by other DCTRA member districts, that may be made available for purchase by the City.
6. It is understood and agreed to by the parties that any surface water made available to the City under this MOU shall be water that would not otherwise have been recharged to the underground aquifer east of the Friant-Kern canal.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed as of the day and year first above written.

City of Porterville

By: Cameron J. Hamilton
Mayor

Porterville Irrigation District

By: Guido A. Lombardi
President, Porterville Irrigation District

By: David L. Hoffman
Secretary, Porterville Irrigation District
City of Porterville
Urban Water Management & Water Assessment Public Meeting Notice
December 12, 2006 @ 4:00 p.m.

Irrigation Districts

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<thead>
<tr>
<th>District</th>
<th>Address</th>
<th>City</th>
<th>Zip Code</th>
<th>ATTN:</th>
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</thead>
<tbody>
<tr>
<td>Vandalia Irrigation District</td>
<td>2032 S. Hillcrest</td>
<td>Porterville, CA</td>
<td>93257</td>
<td></td>
</tr>
<tr>
<td>Tea Pot Dome Water District</td>
<td>105 W. Tea Pot Dome Avenue</td>
<td>Porterville, CA</td>
<td>93257</td>
<td>Steve Drumlright</td>
</tr>
<tr>
<td>Porterville Irrigation District</td>
<td>P.O. Box 1248</td>
<td>Porterville, CA</td>
<td>93258</td>
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<tr>
<td>Lindmore Irrigation District</td>
<td>P.O. Box 908</td>
<td>Lindsay, CA</td>
<td>93247</td>
<td>Keith Norris</td>
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<tr>
<td>Lindsay-Strathmore Irrigation District</td>
<td>P.O. Box 846</td>
<td>Lindsay, CA</td>
<td>93247</td>
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<tr>
<td>Lower Tule River Irrigation District</td>
<td>357 E. Olive Avenue</td>
<td>Tipton, CA</td>
<td>93272</td>
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<tr>
<td>Saucelete Irrigation District</td>
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<td>Porterville, CA</td>
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</table>

General Plan Update Advisory Committee

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Eric Borba</td>
<td>14866 Road 200</td>
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<td>Donald Brown, PhD</td>
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<td>Rick McIntire</td>
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<td>Renay Sprague</td>
<td>75 North D Street</td>
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<td>Theresa Szymansis</td>
<td>5961 S. Mooney Blvd.</td>
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<tr>
<td>Dave Nenna</td>
<td>2780 Yowlumne Ave., Suite A</td>
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<tr>
<td>Greg Woodard</td>
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<tr>
<td>Gilbert Yniguez</td>
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General Plan Stakeholders

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<tr>
<td>Jerald Actenberg</td>
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<td>Mike Bennett</td>
<td>333 W. Henderson</td>
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<td>Michael Carlos</td>
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<td>Ted Cornell</td>
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<td>Eva Day</td>
<td>24667 Avenue 96</td>
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<td>Eleanor Foerster</td>
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<td>Jim &amp; Joan Gillham</td>
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<td>Josef Guerro</td>
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<td>Robert Gutierrez</td>
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<td>Keith Hansen</td>
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<td>Javier Lopez</td>
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<td>Pargal Mahal</td>
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<td>Paul Matos</td>
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<td>John Miller</td>
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<td>Tim Miller</td>
<td>1311 Apostle Lane</td>
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<td>Darryl Milner</td>
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<td>Carol Mills</td>
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<td>Lee Moore</td>
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City of Porterville

Urban Water Management & Water Assessment Public Meeting Notice

December 12, 2006 @ 4:00 p.m.

Grace Munoz-Rios
345 West Bellevew
Porterville, CA 93257

Ellen Nichols
458 N. Hawaii Street
Porterville, CA 93257

Kimberly Owen
16151 Mustang Drive
Porterville, CA 93257

Ken Ferguson
1707 W. School Ave.
Porterville, CA 93257

Steve Reynolds
P.O. Box 781
Porterville, CA 93258

Terry Schuller
P.O. Box 211
Porterville, CA 93258

Patrick Seyler
1605 W. Dale Ave.
Porterville, CA 93257

Patty Simpson
588 Crawford Ave.
Porterville, CA 93257

Brad Spring
1421 Atkins Way
Porterville, CA 93257

Billa Toor
13200 Road 112
Tipton, CA 93272

Jean Vafeades
528 W. Dexter
Porterville, CA 93257

Wendell Wall
1305 N. Scenic
Porterville, CA 93257

Nathanial Woodard
461 N. Crestview
Porterville, CA 93257

Gerald Wyatt
247 N. Larsen
Porterville, CA 93257

Patricia Young
489 W. Kanai
Porterville, CA 93257

Wally Jensen
211 N. Main St.
Porterville, CA 93257

Bob Raymond
177. W. Henderson Ave. # 5
Porterville, CA 93257

Amber Bush
197 W. Cherry Ave.
Porterville, CA 93257

Dick Neece, Jr.
P.O. Box 791
Porterville, CA 93258

Art Cardell
P.O. Box 1930
Porterville, CA 93258

Marshall Black
167 W. Poplar Ave
Porterville, CA 93257

John Billiou
1343 S. Main
Porterville, CA 93257

Robert Taylor
11 E. Yates Ave
Porterville, CA 93257

Bob Keenan
315 W. Oak St.
Visalia, CA 93291

Debbie Gibson
151 N. Main
Porterville, CA 93257

Michael Mac Donald
375 N. Main
Porterville, CA 93257

John Longley
291 N. Main Street
Porterville, CA 93257

Jim Perrine
291 N. Main Street
Porterville, CA 93257

Richard Stadtherr
314 N. Main Street
Porterville, CA 93257

Fred Beltran
P.O. Box 2043
Porterville, CA 93258

John Corkins
1696 S. Leggett St.
Porterville, CA 93257

Jennifer Lindgren, CFP
141 E. Mill Avenue
Porterville, CA 93257

Paul Saldana
4500 S. Laspina
Tulare, CA 93274

Ken Dewing
1813 Thunderbolt Dr.
Porterville, CA 93257

Daryl Walters
619 N. Main St.
Porterville, CA 93257

Dexter Goodell
180 S. "E" St.
Porterville, CA 93257

Jeff Roberts
1396 West Hemdon Ave.
Fresno, CA 93711

Randy Gray
482 S. Plano St.
Porterville, CA 93257

Joe Gray
482 S. Plano St.
Porterville, CA 93257

Brandon Wright
750 S. Jaye Street
Porterville, CA 93257

Geane Lohse
333 W. Henderson
Porterville, CA 93257

Gary Schutz
4500 S. Laspina
Tulare, CA 93274

Jim Winton
150 W. Morton Ave.
Porterville, CA 93257

John Marshall
516 W. Shaw Avenue
Fresno, CA 93704

Mimi Stoneburner
1650 N. Newcomb
Porterville, CA 93257

Geary Austin
P.O. Box 10009
Terra Bella, CA 93270

Parn Clark
631 N. "G" Street
Porterville, CA 93257

Dan Vink
357 E. Olive
Tipton, CA 93272

John Matthiessen
813 West Oak, Suite D
Visalia, CA 93291

William McKinley
108 E. Mill Avenue
Porterville, CA 93257

David Stone
800 W. Henderson Ave.
Porterville, CA 93257
City of Porterville
Urban Water Management & Water Assessment Public Meeting Notice
December 12, 2006 @ 4:00 p.m.

Lee Gifford
Cliff Wooley
Nicki Edwards
Roberto de la Rosa
Modesto Gomez
David Paynter
Joe Newsome
Dick Hatfield
Lincoln Hall
John Sawyer
David Hoffman
Paul Mauney
Steve Tree
Leslie Lessenger
Mike Porter
David Young
Robert Owen
Gary Reed
Donna Shamley
Rose Rafter
Dennis Johnson
Dick Eckhoff
Neil Smith
Brian Thoburn
Avtar Singh Basra
Mark Rogers
Schott Cochran
Jim Maples
Deborah Sierra
Kathy Johnson
Dave Nenna
Cathy Capone
Kent Delperdang
Karen Johns
Wild Places
352 N. Porter Road
786 Road 188
13096 Road 208
10 N. Main Street
200 N. Third Street
2109 W. Bullard, Suite 141
1820 Thunderbolt Drive,
253 E. Worth Avenue
100 E. College Ave.
P.O. Box 2000
P.O. Box 1248
115 E. Oak Ave.
137 W. Olive Ave.
975 N. Scenic Drive
3500 W. Orchard Ct.
P.O. Box 3699
16151 Mustang Drive
19 E. Putnam Ave.
P.O. Box 908
2194 W. Delta Ave.
600 S "E" St.
197 N. Main Street
P.O. Box 1688
2425 S. Blackstone
134 N. Main St.
898 Production Place
5961 S. Mooney Blvd
2800 W. Burrel
617 N. Main Street
4025 W. Noble, Suite A
2780 Yowlumne Ave., Suite 1
806 W. Westfield Avenue
1300 S. "F" Street
678 N. Piano St.
P.O. Box 853
Porterville, CA 93257
Delano, CA 93215
Delano, CA 93215
Porterville, CA 93257
Porterville, CA 93257
Fresno, CA 93711
Porterville, CA 93257
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Visalia, CA 93291
Visalia, CA 93278
Springville, CA 93265
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Visalia, CA 93279
Porterville, CA 93263
Newport Beach, CA 92663
Visalia, CA 93277
Visalia, CA 93291
Porterville, CA 93257
Visalia, CA 93277
Porterville, CA 93257
Porterville, CA 93257
Porterville, CA 93257
Porterville, CA 93257
Springville, CA 93265
August 7, 2007

Mr. Bradley D. Dunlap, AICP
Community Development Department
City of Porterville
291 North Main Street
Porterville, CA 93257

RE: URBAN WATER MANAGEMENT PLAN

Dear Mr. Dunlap:

At your invitation, the Porterville Irrigation District (PID) has reviewed the City of Porterville’s draft document entitled “Urban Water Management Plan” (Plan). Following are comments generated as a result of that review.

Throughout the document, reference is made to the intent to construct a surface water treatment facility in order to achieve the goal of maintaining groundwater extractions within the safe yield characteristics of the groundwater reservoir. As you are aware, PID supports that policy and is in negotiations with the City with regard to a potential water supply for utilization in the proposed surface water treatment plant. However, the Plan makes little reference to either these negotiations or the need for a dependable surface water supply to support the construction of a surface water treatment facility. In fact, numerous references are made to the fact that the only water the City is going to be able to access will be intermittent flood waters and waters that are available for purchase in excess of the need of surface water rights and contract holders. Such supplies are typically insufficient to justify the construction of a surface water treatment
plant and are typically available during periods of time when the demand from City customers would be at a minimum. We feel that an inconsistency exists in the presentation of the manner that a water supply will be made available for the proposed surface water treatment plant. The expression of being able to only purchase intermittent surplus supplies is in conflict with the statement presented on page 3 of the Plan wherein it is noted that the City will need, ultimately, to purchase significant quantities of surface water in order to support the demands generated from an expanded customer base.

The Plan makes reference to the City currently covering approximately 15.3 square miles. This is in contrast to a planning area of 56.8 square miles. The basis is significant as the computed safe yield, at 9,000 acre-feet, is computed to be reflective of the current service area. The safe yield, however, remains constant throughout the planning period. We feel that the Plan might underestimate the safe yield available to the City when the service area expands to the future anticipated service territory. This process would tend to overstate the amount of water which would need to be purchased to satisfy the shortfall between demand and safe yield. The required surface water purchases presented in Table 4.1 of 20,500 acre-feet by 2030 may, therefore, be overstated.

On page 10, at 4.2 Existing Surface Water Rights, there appears to be an error in the reported number of Pioneer Ditch Company shares the City owns. Our records indicate the City owns 449 shares.

On page 11, under “Other Surface Water Sources,” it is indicated that water to be made available through the Friant-Kern Canal is not fully reliable as the Canal is taken out of service for a defined period of time every three years. It should be noted that the period of time during which the Canal is unavailable due to maintenance, is a period of time when urban demands are at their lowest. Therefore, this typically results in minimal impacts on an agency which has some degree of water available which meets current state and current drinking water standards from a groundwater source. The Plan should acknowledge that this potential deficiency and reliability need can apparently be overcome, given the amount of water available from current City production facilities meeting applicable drinking water standards.

Additionally on page 11, under “Surface Water Sources” the PID is stated to have
“riparian” water rights on the Tule River, when in fact PID has “appropriative” water rights on the Tule River. In that same paragraph it states “…PID has surplus surface water in most years.” This is not a completely true statement. PID is generally unable to meet the total annual water supply demands of its landowners, and cannot therefore be considered to have an excess water supply, the seasonal nature of the water supply means there are points in time at which more water is available to landowners than can reasonably be used at that time. PID does prefer to work with the City to manage its surface water supply for the benefit of the ground water resource underlying both PID and the City.

The Plan acknowledges that, with only reasonable efforts, the City could save approximately 3,700 acre-feet per year due to conservation efforts. Such savings would allow the City to contain their groundwater extractions under current demand conditions to the anticipated safe yield of the groundwater reservoir. This would allow the City to immediately achieve their goal of maintaining extractions within the safe yield parameter. Conflicting with this position, however, is the discussion on page 27, at 8.11, where it is stated that the current rate structure appears to adequately encourage water conservation. As the desired conservation savings are not currently being achieved, this statement appears to be untrue and should be revisited.

Please accept the appreciation of PID to comment on the City’s draft Plan. The majority of PID’s comments deal with the need to address conflicting statements within the Plan, along with the issue of potentially underestimating the safe yield available to the City as its service area expands. We stand ready to further address these issues with the City, should you so desire, as you work to complete the document.

Sincerely,

Sean P. Gelvet
General Manager
Porterville Irrigation District
August 13, 2007

City of Porterville
291 North Main Street
Porterville, CA 93257

Attn: Mr. Bradley D. Dunlap, AICP

Re: City of Porterville Urban Water Management Plan, 2007 Update

Dear Mr. Dunlap:

The subject Plan was provided to our office on August 3, 2007 by Mr. Dan Vink, General Manager, Lower Tule River Irrigation District. Thus, the reason for our comments not arriving by August 07, 2007.

First, and foremost we applaud the City for recognizing the limit of the availability of the groundwater supply, the current exclusive source, for urban use. We further commend the City for budgeting $34,000 per year for three years for the purchase of surface water for groundwater recharge. We encourage a more-aggressive and Tule River Basin inclusive program for importation of surface water.

The importation of surface water for the City from outside the Tule River Basin, by exchange, rather than reallocation of Tule River water within the Basin, is the only means of correction of the overdraft within the Basin.

It appears from the report the City should be recharging the reclaimed water in East Porterville for recharge rather than transporting the reclaimed water, 45% of the water delivered, into the Deer Creek Basin for irrigation use.

The Tule River Association has monitored groundwater levels of the Tule River Basin between Success Reservoir and the Friant Kern Canal for more than 25 years, and the Association is willing to share such data for development of the annual zone of depression surrounding the city and for determination of the safe yield of that portion of the Basin.

The City of Porterville Urban Water Management Plan (UWMP) is a very informative document and contains extensive pertinent data. The following specific comments, organized by page number, are meant to be constructive.

1. On Page 1 and in Page 4 the report states the UWMP is the Planning Area of the City, which covers 56.8 square miles. Is the UWMP area coincident with the current General Plan area of the City? An area of 36,350 acres seems rather extensive.
City of Porterville
Page 2
August 13, 2007

2. Page 2. The Tule River Improvement Joint Powers Agreement was not formulated as an Authority, only an Agreement. Currently the member agencies of the TRIJPA are considering the development of an IRWMP as a project under that agreement.

3. Page 5. The Tule River Watershed tributary to Success Reservoir, based upon 41 years of record, has a basin mean average annual precipitation of 31.26 inches.

All of Table 3.1 Climate Data need to have the units identified and a total would be helpful. Other tables of the report also need the addition of the units for clarification.

4. Pages 7, 8 & 9. The aquifer safe yield of 9,000 a.f./year, along with the specific yield within the City of about 0.14, and the computation of 1.9 a.f./acre from the PID 1998 Water Conservation Plan are of interest.

Geological Survey Water-Supply Paper 1469, Ground-Water Conditions and Storage Capacity in the San Joaquin Valley California, Table 6. Estimated ground-water storage capacity, by township subunits of the San Joaquin Valley, California, and identified a specific yield, in T21S, R27E, MDB&M, of 12.4 percent for depths of 50-100 feet, of 7.4 percent for depths of 100-200 feet, and 9.8 percent for all zones with lesser specific yields easterly of Township 21 South.

5. Page 8. The Tule River Sub-Basin is located within the Tulare Lake Basin of the San Joaquin Valley. The statement; "The Army Corps of Engineers runs water from Success Reservoir through the Tule River and Porter Slough, providing important ground water recharge." is incorrect. The Corps has no water rights on the Tule River and only controls the release from Success Reservoir during flood operations, otherwise the Tule River Associates controls the Tule River releases from Success Reservoir, as well as all diversions from the Tule River and Porter Slough.

6. Page 10, 13. Table 4.2 - Amount of Groundwater Pumped, the Basin Name should be Tule, not Tulare.

The computation of surface water rights in Pioneer Water Company and Porter Slough Ditch Company doesn't appear to be correct, either the 800 a.f. is incorrect or the number of shares is incorrect, and perhaps both. My records, although out dated, indicate the City of Porterville has 446 shares of Pioneer Water Company stock.

7. Page 11. The statement; "By virtue of holding stock in the two ditch companies, the City is allowed to divert Tule River floodwater in some years for free." is not technically correct. Flood releases, under direction of the Corps of Engineers, are charged against the Success Reservoir storage account(s) with the highest percentage of their allowable storage space filled. The unit(s), whose stored water is released for flood control, has first call on the flood released water for their irrigation and spreading demands, after which the flood released water is available to others.
City of Porterville  
Page 3  
August 13, 2007

The Porterville Irrigation District does not have pre-1914 riparian water rights on Tule River. Technically, pre-1914 riparian water does not exist under California water law. Riparian water rights are pertinent to the riparian lands adjacent to the River. The Porterville Irrigation District administers the Tule River pre-1914 appropriative water rights of several mutual water companies.

3. Page 41. The flow of the Tule River originates primarily from rainfall not snowmelt. The statement; "... the lake periodically experiences turnover episodes which have caused hydrogen sulfide problems." needs clarification. What is a "turnover episode"?, and how does that cause hydrogen sulfide problems?

Suggest an evaluation of the annual water quality report of the Tule River at Success Reservoir as prepared by the Corps of Engineers.

In summary, we appreciate the statistics that were identified in the Urban Water Management Plan listed as follows:

(1.) Use of 250 gals. per capita per day, and 12,700 a.f. of groundwater in 2008;
(2.) 90% of water used metered;
(3.) 45% of the water delivered appears as wastewater;
(4.) 26 active wells;
(5.) 14,000 metered connections;
(6.) 2030 population of 108,700 more than doubled from 2006 of 45,200;
(7.) Aquifer safe yield of 9,000 a.f./year;
(8.) City water demands of 12,700 a.f. in 2006 and 30,400 a.f. in 2030;
(9.) 900 a.f./year of surface water rights by City from Pioneer Water Company and Porter Slough Ditch Company stock ownership;
(10.) The City charge for water of $314 per acre-foot.

Thank you for the opportunity of commenting on the City of Porterville Urban Water Management Plan.

Very truly yours,

R. L. Schafier

RLS/mep

cc: TRA Agencies
CITY OF PORTERVILLE
291 N. MAIN ST.
PORTERVILLE, CA 93257

**ACCOUNT NUMBER** | **SERVICE ADDRESS** | **BILLING DATE** | **DELIQUENT DATE** | **TOTAL DUE**
--- | --- | --- | --- | ---

CAR-RT SORT ** C001
CITY OF PORTER/WELL #22
291 N MAIN ST
PORTERVILLE CA 93257-3737

RETURN THIS STUB WITH YOUR PAYMENT

CITY OF PORTERVILLE, 291 N. MAIN ST., PORTERVILLE, CA 93257

******* PAYMENT POLICY *******
CURRENT CHARGES ARE NOW DUE AND PAYABLE.
To prevent a 10% penalty fee, payment for current charges must be received BEFORE 5:00 PM on the due date stated below. Water may be disconnected for an unpaid previous balance.

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LAST PAYMENT 14.66-

AMOUNT DUE

12.50

LAST PAY DATE 9/28/2007

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NOTICE: IF YOU HAVE A PREVIOUS BALANCE AND IT REMAINS UNPAID, YOUR WATER MAY BE DISCONNECTED. To prevent water shut-off and the related charges, payment for a previous balance must be received BEFORE 5:00 PM on the due date stated below. If you have already paid the previous balance, please disregard this notice. Thank you!

11/05/2007

MESSAGES:
DUE TO THE THANKSGIVING DAY HOLIDAY ON NOVEMBER 22, CUSTOMERS WITH REFUSE SERVICE ON THURSDAY WILL HAVE THEIR CONTAINERS SERVICED ON SATURDAY, NOVEMBER 24. REFUSE SERVICE WILL NOT BE AFFECTED FRIDAY, NOVEMBER 23. PLEASE REMEMBER TO SET CONTAINER OUT FOR SERVICE NO LATER THAN 6:00 A.M.

EMERGENCY SERVICE CALLS AFTER 5:00 PM, and on HOLIDAYS and WEEKENDS, call 782-7426
Questions regarding your bill, water consumption, or a previous balance? Please call 782-7438 or 782-7445.
Attachment 6 - UWMP Adoption Resolution

TO BE PROVIDED BY CITY OF PORTERVILLE
City of Porterville  
Urban Water Management Plan

*Project Implementation Schedule*

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<tr>
<th>Task</th>
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<tr>
<td>Prepare Groundwater Management Plan</td>
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<td>Prepare Integrated Regional Water Management Plan</td>
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<td>Prepare Groundwater Data Sharing Agreement w/ Porterville ID</td>
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<td>Negotiate Surface Water Purchase Agreements</td>
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<td>Study Potential Sites for Groundwater Recharge Basins</td>
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<td>Water Balance Study</td>
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<td>Design and Construct Surface Water Treatment Plant</td>
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<td>Evaluate Alternatives for Comm/Indust/Inst Water Conservation</td>
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<td>Evaluate Alternatives for Large Landscape Water Conservation</td>
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<td>Expand Public Information Programs on Water Conservation</td>
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<td>School Education Programs on Water Conservation</td>
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<td>Update Water Conservation Plan (Drought Contingency Plan)</td>
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<td>Water System Master Plan Update 2007-2008</td>
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<td>Evaluate Alternative Uses for Recycled Water</td>
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Notes:
1) The tasks listed in this schedule do not include existing on-going efforts.
2) Implementation of these tasks will be dependent on funding and staff availability.
3) Preparation of an Integrated Regional Water Management Plan will be dependent on the City finding a suitable team of agencies to collaborate on the effort.
SUBJECT: BURTON SCHOOL DISTRICT REIMBURSMENT – MATHEW STREET IMPROVEMENTS

SOURCE: Public Works Department - Engineering Division

COMMENT: Consistent with Resolution 89-2006, staff offers the following conceptual plan. The “plan” is an effort on staff’s part to advance reimbursement monies to the Burton School District for their costs in improving the west side of Mathew Street from Olive Avenue to Clair Avenue:

   1. Assess, on a proportional basis, the reimbursement amount to the parcel that will site the Nazarene Church.

   2. Assess the remaining reimbursement amount on the parcel that will contain the ball fields at the time the ball fields are developed.

   3. Approve in concept the City’s interest in paying for and obtaining an “option” from the Nazarene Church regarding the use of ball field facilities.

RECOMMENDATION: That the City Council:

   1. Approve staff’s plan to assess the Mathew Street improvement costs on the Nazarene Church site based on a proportional basis (acreage) and advance the monies collected to the Burton School District;

   2. Approve collecting the remaining reimbursement costs when the ball field area is developed and in a time line consistent with Resolution 89-2006;

   3. Approve in concept staff’s plan to exercise an “option” to expand the City’s recreational program in partnership with the Nazarene Church; and

   4. Direct the City Attorney and Public Works to develop an agreement between the City and Nazarene Church, and authorize the mayor to execute the agreement based upon the direction provided in this staff report.

ATTACHMENT: Resolution 89-2006
RESOLUTION NO. 89-2006

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ACCEPTING STREET IMPROVEMENTS AND REQUIRING
REAL PROPERTY BENEFITTED BY THE INSTALLATION TO PAY PROPER
PROPORTIONAL SHARE OF THE EXPENSE BEFORE BEING PERMITTED TO
UTILIZE STREET IMPROVEMENTS

WHEREAS, the Burton School District, hereinafter referred to as "Developer,"
has an interested in the property located on the west side of Mathew Street, about 670
feet south of Olive Avenue, know as the Summit Charter Academy, has installed street
improvements (i.e. sidewalk, curb, gutter, driveways and pavement) to serve properties
along Mathew Street between the northern boundary of the school and Olive Avenue, in
the City of Porterville, County of Tulare, State of California, as shown on the locator
map (Exhibit "A") attached hereto and hereby made a part hereof; and

WHEREAS, Developer has paid the entire cost of the construction of said street
improvements as shown in the tabulation contained in Exhibit "B," which is attached
hereto and hereby made a part hereof; and

WHEREAS, said street improvements have been constructed and completed in
conformity with all agreements, laws, regulations and ordinances of the City of
Porterville and the same has been constructed and completed in such a manner that
the same will serve the present and future owners of the property adjacent to said street
improvements as indicated on Exhibit "A", in the City of Porterville, County of Tulare,
State of California; and

WHEREAS, the property owner benefits from the improvements constructed
across the frontage of his/her property; and

WHEREAS, equitable distribution of the costs of constructing said street
improvements can only be obtained if the owner pays for the construction of the
improvements that benefit his/her property; and

WHEREAS, the owners of adjacent property have not paid, assumed or
discharged any of the costs in connection with the construction of the street
improvements listed on Exhibit "B."

NOW THEREFORE BE IT RESOLVED, that before any of the present owners or
occupants, or the future owners or occupants, of said property listed on Exhibit "B" will
be issued a permit or other grant of approval for development of the parcel, they must
pay the cost listed in Exhibit "B."

AND, BE IT FURTHER RESOLVED, that upon deposit with the City of Porterville
of said payment by said property owner, that when said money is received and paid to
the City of Porterville, the same be refunded to the Developer over and during a period
of ten (10) years from July 18, 2006 without interest.
BE IT FURTHER RESOLVED, that Director of Finance, on receipt of said monies or funds, is hereby authorized and instructed to reimburse the Developer in the amount of said deposits without interest.

Adopted this \textit{18}^{th} day of July, 2006.

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\textit{Cameron J. Hamilton, Mayor} \\
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\end{center}

ATTEST:

John Longley, City Clerk

\begin{center}
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\textit{Georgia Hawley, Chief Deputy} \\
\end{tabular}
\end{center}
REIMBURSEMENT FOR STREET IMPROVEMENTS ALONG MATHEW STREET BY BURTON SCHOOL DISTRICT-SUMMIT SCHOOL
EXHIBIT "B"

Mathew Street Reimbursement Agreement
Off-site Street Improvements – Burton School District

<table>
<thead>
<tr>
<th>Assessor Parcel</th>
<th>Lot Frontage (A)</th>
<th>Total Frontage (B)</th>
<th>Total Cost (C)</th>
<th>Proportionate Share (A/B*C)</th>
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<td><strong>$146,848.36</strong></td>
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STATE OF CALIFORNIA  
CITY OF PORTERVILLE  
COUNTY OF TULARE  

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 18th day of July, 2006.

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

<table>
<thead>
<tr>
<th>Council:</th>
<th>McCRAKEN</th>
<th>P. MARTINEZ</th>
<th>F. MARTINEZ</th>
<th>STADTHERR</th>
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<td>X</td>
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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
SUBJECT: POLICE DEPARTMENT RE-ORGANIZATION

SOURCE: Police Department

COMMENT: The present organizational structure of the Police Department has been utilized for over twenty years. During this period, several changes have occurred impacting the police department and the services provided to the community.

One of the most notable changes was the addition of police officer positions due to the passage of the Measure “H” Sales Tax Initiative. In 2005, the police department operated with forty-four police officers; ending calendar year of 2007, the police department will operate with the sixty police officers.

Recently, an assessment of the department was conducted to ensure each unit had appropriate supervision and had the proper assignments and duties structured within the division. The main goal is for the Police Department to be structured and designed to create an efficient means to accomplish the Police Department’s mission and goals and to provide the best possible service to the community.

The current organizational chart consists of three divisions: Administration, Patrol, and Investigations/Services.

The Administration Division has programs directed out of the Chief’s office.

The Patrol Division consists of the largest portion of sworn police officers assigned to provide police services on a 24-hour basis.

The Investigations/Services Division consists of the investigative units assigned the majority of the property crimes and crimes against persons and a unit that investigates narcotic and gang crimes. The division is also responsible for all support staff personnel providing dispatch and records functions for the police department. As a result of the assessment, the following areas were outlined as needing modifications to streamline services and provide for more efficiency:

1. The Records Unit was functioning with four records clerks. Reclassifying a Clerical Assistant II position assigned to Records, has allowed for an additional records clerk. This will enhance the unit’s ability to process police records and front counter customer service requests more efficiently.

2. The Communications Unit consists of ten dispatchers who provide police, fire, and/or medical aid requests 24-hours a day, 365 days a year. This unit is understaffed given the fact that staffing has been the same for over fifteen years.
Staffing levels in the Police and Fire Departments have increased and the City has grown substantially in population.

To provide a picture of the volume of calls received in the Communications Center, in 2003, the number of telephone calls received by our dispatchers was 120,132, and there were 52,734 calls for service where police, fire, and/or medical aid was dispatched. In 2006, the number of telephone calls received was 217,112, an increase of nearly 80%, and the number of calls for service was 71,276, an increase of 35%. The Police Department attempts to maintain two dispatchers on duty at all times, but in reality, during the early morning hours, this is sometimes reduced to a single dispatcher.

In order to meet the community’s need and provide appropriate supervision and management within the Police Department, we propose the following:

A. Add two additional dispatchers, funded by Measure “H” monies, to enhance the service levels within the Communications Center. The additional cost would be approximately $84,000 annually.

B. Reclassify a Lieutenant’s position to another Captain position, funded by the General Fund, to supervise the newly added Services Division. The police department would be able to absorb the increase in salary for the position with the department’s current budget. The police department is currently allocated three lieutenant positions. With the change, two lieutenants will remain as night watch commanders supervising the patrol division.

C. Add another Sergeant position, funded by Measure “H” monies, to assist with supervision of the Services Division. With the city’s growth, we have added police officers, but not supervisors. The additional cost would be approximately $85,000 annually.

D. Realign duties and functions within the three divisions in the Police Department. The office of the Chief of Police would be responsible for administering and managing the budget, personnel, and training. Under the office of the Chief, would be:

- The Patrol Division, commanded by a Police Captain. This division would be responsible for the Patrol Teams, Traffic Unit, School Resource Officers, Crime Suppression Unit, and Reserve Police Officers.

- The Investigations Division, commanded by a Police Captain. This division would be responsible for the General Investigations Unit, investigating property crimes and crimes against persons. The Special Investigations Unit, investigating narcotics, gangs, and graffiti crimes. The Property/Evidence Unit will be also be assigned to the Investigations Division.
The newly created Services Division, commanded by a Police Captain. This division would be responsible for the Communications Center, Records Unit, Animal Control, and Crime Prevention. These units have had limited supervision, and in the past, were under the command of the Investigations Division Captain.

The re-organization of the Police Department will allow for future growth of units with proper command and more control within divisions.

RECOMMENDATION: That the City Council review and approve the re-organization of the Police Department.

ATTACHMENTS: Current Structure Organizational Chart
              Proposed Re-structure Organizational Chart