

**AMENDED CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 19, 2014, 5:00 P.M.**

Call to Order
Roll Call

ORAL COMMUNICATIONS

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

CITY COUNCIL CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and KT/AAA. Under Negotiation: Terms and Price.
 - 2-** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 2701 W. Scranton Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and DT-1 Racing. Under Negotiation: Terms and Price.
 - 3 -** Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price
 - 4 -** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.
 - 5-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.
 - 6-** Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.
 - 7-** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation.

6:30 P.M. RECONVENE OPEN SESSION

AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS

Employee Service Awards
CSET Porterville Senior Center Services

AB 1234 REPORTS

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

1. Council of Cities – August 13, 2014
2. Porterville Community Healthcare Task Force – August 12, 2014

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – August 7, 2014
 2. Library & Literacy Commission – August 12, 2014
 3. Transactions and Use Tax “Measure H” Oversight Committee – August 7, 2014
- II. Staff Informational Reports
 1. **Street Performance Measure – 4th Quarter Report**

Re: Informational report regarding progress made on street reconstruction, overlay, micro-overlay and pothole report efforts for the 4th Quarter of Fiscal Year 2013/2014.

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **City Council Minutes of July 15, 2014**
2. **Authorization to Purchase Equipment by Negotiation**

Re: Considering approval to begin negotiations for the purchase of equipment for various departments; and authorizing payment for said equipment upon satisfactory delivery.
3. **Request for Approval to Purchase Fleet Management Software**

Re: Considering approval to purchase Fleet Management Software from Ron Turley and Associates for a one-time cost of \$6,850 and an annual maintenance charge of \$5,160.
4. **Approval of the Agreement for Transit Services for the College of Sequoias Student Transit Pass Program**

Re: Considering approval of an agreement between TCAG and the City to provide transit services for COS students effective Fall 2014 through the Fall 2020 academic semester.

5. **Laboratory LIMS Software Replacement**
Re: Considering approval to purchase MSC-Laboratory Information Management System software for \$14,073 and an annual maintenance fee of \$1,950.
6. **Request for Proclamation – Relay for Life Days – October 4 – 5, 2014**
Re: Considering approval of a request to proclaim October 4-5, 2014, as Relay for Life Days.
7. **Request for Proclamation – Library Card Sign-Up Month – September 2014**
Re: Considering approval of a request to proclaim September 2014 as Library Card Sign-Up Month.
8. **Request for Proclamation – Library Awareness Month – September 2014**
Re: Considering approval of a request to proclaim September 2014 as Library Awareness Month.
9. **Request for Proclamation – Claudia Brewer**
Re: Considering approval of a request for proclamation in recognition of Claudia Brewer's 100th Birthday.
10. **Approval for Community Civic Event – Filipino-American Association of California – Filipino Festival Weekend – September 28-29, 2014**
Re: Considering approval of an event to take place at Veteran's Park on Saturday, September 28, 2014, and Sunday, September 29, 2014, from 7:00 a.m. to 10:00 p.m.
11. **Approval for Community Civic Event – Word of Victory Church – Church Community Outreach – September 20, 2014**
Re: Considering approval of an event to take place in the church parking lot and in front of the church on 'E' Street, Saturday, September 20, 2014, from 2:00 p.m. to 8:00 p.m.
12. **Review of Local Emergency Status – December 21, 2010**
Re: Reviewing the City's status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

PUBLIC HEARINGS

13. **Adoption of a Resolution Approving the City's Urban Water Management Plan**
Re: Considering adoption of a resolution approving the City's Urban Water Management Plan, which includes the Water Conservation Plan.
14. **Ordinance Adding Section 25-5.1 to Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan**
Re: Considering approval of a draft ordinance that would apply the City's available municipal code enforcement provisions to violations of the adopted restrictions located in the Water Conservation Plan.

SCHEDULED MATTERS

- 15. Medical Marijuana – Draft Ordinance Concerning Cultivation and Dispensaries; Request to Set Public Hearing**
Re: Consideration of draft ordinance and setting of a public hearing to consider approval of the draft ordinance.
- 16. Addendum to the License and Development Agreement for the Porterville Junior Livestock Fair**
Re: Consideration of an addendum to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the annual Fair.
- 17. Provision of Water and Service Delivery to East Porterville Residents**
Re: Consideration of the provision and delivery of water service to East Porterville county residents currently without water.
- 18. Consideration of Renaming the Hamamatsu and La Barca Conference Rooms in Honor of Past City Council Members and Mayors, Jay C. Coleman and Pete V. McCracken**
Re: Considering the renaming of City Hall conference rooms.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of September 2, 2014.

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

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

COUNCIL AGENDA: August 19, 2014

SUBJECT: STREET PERFORMANCE MEASURE – 4th QUARTER REPORT

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-surfacing and pothole repair efforts for the 4th quarter (4/01/2014 through 6/31/2014) in FY 2013/2014.

For Council's information, the light blue bar represents staff's estimated quantity of "work" for each category. The black overlaid bar represents the quantity of work accomplished to date.

RECOMMENDATION: Information Only

ATTACHMENT: 4th Quarter Street Performance Chart

P:\pubworks\General\Council\Street Performance Measure - 4th Quarter Update - 2014-08-19.doc

Dir B&C Appropriated/Funded W&A CM J

Report No. II-1

[illegible]

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 15, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

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

Adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CALIFORNIA**

Roll Call: Agency Member Ward, Agency Member Gurrola, Vice Chair Hamilton, Chair Stowe

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiators: John Lollis and Jenni Byers. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.
 - 2- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 260-310-049 and 260-310-050. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Perris 40 Corporation. Under Negotiation: Terms and Price.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.
 - 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis.

Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price

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

5- Government Code Section 54956.95 – Liability Claim: Claimant: David Huerta. Agency claimed against: City of Porterville.

6- Government Code Section 54956.95 – Liability Claim: Claimant: Rosalva Ramos. Agency claimed against: City of Porterville.

7- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Cortez v. City of Porterville, United States District Court, Eastern District of California, Case No. 1:14-CV-00061-LJO-GSA.

8- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Tillery v. City of Porterville, et al., Tulare County Superior Court Case No. 256467.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported the following action:

B-2: GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APNS 253-192-006, 253-192-007, 253-192-008, 253-192-009 AND 253-192-010. AGENCY NEGOTIATOR: JOHN LOLLIS AND JENNI BYERS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND SMITH COMMERCIAL PROPERTIES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Ward, the Council authorized purchase of property for \$2.4M. The motion carried unanimously.

Documentation: Resolution No. 45-2014

Disposition: Approved purchase.

B-5: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: DAVID HUERTA. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Ward, the Council rejected the claim filed by David Huerta. The motion carried unanimously.

Documentation: M.O. 01-071514

Disposition: Claim rejected.

B-6: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT:

ROSALVA RAMOS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Ward, the Council rejected the claim filed by Rosalva Ramos. The motion carried unanimously.

Documentation: M.O. 02-071514

Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Virginia Gurrola
Invocation – one individual participated.

AB 1234 REPORTS

None

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – Commissioner Figueroa extended an invitation to the upcoming Chamber mixer at the library.
 3. Arts Commission – no report.
 4. Youth Commission – no report.
 5. Transactions and Use Tax Oversight Committee (TUTOC) – Committee member Fletcher extended an invitation to their meeting on August 7th at City Hall.
- II. Staff Informational Reports
 1. Library Service Hours – Sundays
Staff was directed to provide data regarding attendance on weekdays for comparison.
 2. Water Conservation Phase II, Water System Status
Staff was directed to bring back an item regarding requests from County residents for City water due to wells not producing.

ORAL COMMUNICATIONS

- Jenni Byers, Leadership Porterville Class, spoke of her experience in the program; and recognized fellow Leadership Porterville classmates in attendance.
- Matthew Lusk, Family Healthcare Network, introduced himself as a member of the Leadership Porterville class.
- Jeff Surwic, Sierra View District Hospital, introduced himself as a member of the Leadership Porterville class; and thanked City Council and staff for their presentations on Government Day.
- Bill Nebeker, introduced himself as a member of the Leadership Porterville class.
- Maria Gonzalez, Burton School District, introduced herself as a member of the Leadership

Porterville class.

- Alex Larson, Porterville Recorder, introduced himself as a member of the Leadership Porterville class.
- Donnette Silva Carter, Chamber of Commerce, acknowledged Leadership Porterville class and expressed her gratitude to the City for partnering with the Chamber over the years.
- Johnna Key, 1101 W. (inaudible) Circle, Porterville, spoke in opposition to the Elderberry Beetle mitigation; and spoke in favor of appointing Matthew Green to the City Council.
- Helen Kent Borgess, 924 S. Prospect, stated that her well had gone dry; requested permission to hook up to City water and waiving of approximately \$1,000 in fees; and requested a policy change which would allow staff to administer aid.
- Donna Johnson, stated that the well on her property had gone dry, but that they were able to drill another well; and expressed concern for her neighbors who were without water.
- Mary McClure, requested Item No. 5 be pulled from Consent Calendar.
- Russell Fletcher, commended Public Works Director Rodriguez and Parks and Leisure Services Director Moore for recent sidewalk construction and tree replacement efforts; and encouraged water conservation in the community.
- Helen Kent's husband, requested financial assistance be provided for costs to hook up to City water and spoke of difficulties obtaining a loan.
- Dan Strong, 637 E. Date, indicated that the apartments he owns were without water due to well going dry and requested assistance for the families living there.
- Angelica, 528 S. Connor Street, indicated that her family had no water at their residence and asked for help.
- Barry Caplan, Porterville, encouraged the City to help those in need of water; commented on the number of candidates for appointment; and voiced support for the appointment of Monte Reyes to the City Council.
- Roy Macomber, voiced support for the appointment of Matthew Green; and spoke of the effect of the drought on his property and neighboring properties located on the east side of town.
- Jessica Mahoney, encouraged the Council to do whatever it takes to help those in need of water; and spoke in support of the appointment of Felipe Martinez to the Council.

The Council took a fifteen minute recess at 7:26 p.m. to allow staff the opportunity to obtain contact information for those without water.

CONSENT CALENDAR

Item Nos. 4, 5, and 6 were removed from Consent Calendar for further discussion. Council Member Gurrola indicated that she would be abstaining from voting on Item No. 8 due to a conflict pertaining to real property.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 3, and 7 through 19; with the abstention noted above. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JULY 1, 2014

Recommendation: That the City Council approve the Minutes of July 1, 2014.

Documentation: M.O. 03-071514

Disposition: Approved.

2. REQUEST TO REPLACE POLICE VEHICLES/AUTHORIZATION TO SELL
SURPLUS POLICE VEHICLES

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of six marked police vehicles from McPeck's Dodge at contract price;
2. Authorize payment to McPeck's Dodge when purchase process is completed; and
3. Authorize the sale of the six aforementioned surplus vehicles to the City of Lindsay for the sum of \$1,500 each.

Documentation: M.O. 04-071514

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION
SEWER PROJECT (AREA 459A AND 459C)

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.

Documentation: M.O. 005-071514

Disposition: Approved.

7. ACCEPTANCE OF PROJECT – INDIANA STREET SHOULDER
STABILIZATION PROJECT (ROBY AVENUE TO UNION AVENUE)

Recommendation: That the City Council:

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

Documentation: M.O. 06-071514

Disposition: Approved.

8. REVALIDATION OF PROJECT ACCEPTANCE – ISLAND ANNEXATION
SEWER PROJECT (AREA 455A)

Recommendation: That the City Council revalidate the acceptance of the Island Annexation Sewer Project (455A) by noting the final accounting of expenditures.

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

Documentation: M.O. 07-071514

Disposition: Approved.

9. ACCEPTANCE OF IMPROVEMENTS – SUMMIT HERITAGE VILLAS (GARY SMEE – SMEE BUILDERS, INC.)

Recommendation: That the City Council:

1. Accept the public improvements of Summit Heritage Villas Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 08-071514

Disposition: Approved.

10. AUTHORIZATION TO APPLY FOR PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT FUNDING

Recommendation: That the City Council:

1. Approve the draft resolution authorizing staff to apply for PTMISEA funding for FY 2014/2015
2. Approve the draft resolution authorizing staff, if funds are received, to purchase a web-based fare and fare management system; and
3. Authorize the Mayor to execute the resolutions.

Documentation: Resolution No. 46-2014; and Resolution No. 47-2014

Disposition: Approved.

11. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS (RFQ) FOR TRANSIT WEBSITE DESIGN SERVICES

Recommendation: That the City Council authorize staff to distribute the Request for Qualifications for transit website design.

Documentation: M.O. 09-071514

Disposition: Approved.

12. AUTHORIZATION TO “PIGGY BACK” ON EXISTING CONTRACT

Recommendation: That the City Council authorize the purchase of cold mix asphalt utilizing the existing contract between Tulare Council and Jaxson Enterprises.

Documentation: M.O. 10-071514

Disposition: Approved.

13. LABORATORY INSTRUMENT SERVICE CONTRACTS

Recommendation: That the City Council:

1. Approve the service contracts with Thermo Electron, LLC and Agilent Technologies; and
2. Authorize payment for said services.

Documentation: M.O. 11-071514

Disposition: Approved.

14. AUTHORIZATION TO PURCHASE WATER SHARES AND/OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director, at his discretion, to:

1. Purchase surface water for recharge; and
2. Purchase or bid on PWC or other water company shares in an amount not to exceed \$100,000.

Documentation: M.O. 12-071514

Disposition: Approved.

15. ASPHALT OVERLAY PROGRAM FOR 2014/2015

Recommendation: That the City Council approve the 2014/2015 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 13-071514

Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT – WAL-MART DISTRIBUTION AND VALLEY CHILDREN’S HOSPITAL – NEON CITY 5K RUN – SEPTEMBER 13, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Wal-Mart Distribution Center and Children’s Hospital

Central California, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 14-071514

Disposition: Approved.

17. AMENDMENT TO PAY & BENEFIT PLAN – PSSU

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all PSSU employees.

Documentation: Resolution No. 48-2014

Disposition: Approved.

18. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report, and approve the conclusion of the designated local emergency.

Documentation: M.O. 15-071514

Disposition: Approved.

19. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 16-071514

Disposition: Approved.

PUBLIC HEARINGS

20. LANDSCAPE AND LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2014-2015 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2014-2015 Fiscal Year.

City Manager John Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The public hearing was opened at 7:54 p.m. Seeing no one, the Mayor closed the public hearing at 7:55 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2014-2015 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 49-2014

Disposition: Approved.

SCHEDULED MATTERS

21. CONSIDERATION OF APPOINTMENT TO FILL CITY COUNCIL VACANCY

Recommendation: That the City Council appoint an individual to fill the vacancy on the City Council with a term to expire in November 2016, or provide direction to staff.

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

Mayor Stowe suggested that each member nominate one candidate, narrowing the field to four individuals. Nominations were announced as follows:

- Council Member Gurrola nominated Ron Irish;
- Vice Mayor Hamilton nominated Philip Duncan;
- Council Member Ward nominated Matthew Green; and
- Mayor Stowe nominated Monte Reyes.

Each of the four nominated candidates spoke briefly regarding their qualifications and their desire to serve on the Council.

Council Member Gurrola stated that she believed the 1,531 individuals who voted for the late Council Member McCracken were looking for experience and proven leadership, and she felt Ronald Irish would best fit that role.

Utilizing a written ballot, referred to as "The McCracken Method," the Council Members cast their votes for Council Member, which were tallied and read by Deputy City Clerk Luisa Zavala as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Phillip Duncan
Council Member Ward: Matthew Green
Mayor Stowe: Matthew Green

With no candidate receiving the required three affirmative votes for appointment, the Council proceeded to cast their votes a second time. Said votes were tallied and read as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Ronald Irish
Council Member Ward: Matthew Green
Mayor Stowe: Matthew Green

With no candidate receiving the required three affirmative votes for appointment, the Council proceeded to cast their votes a third time. Said votes were tallied and read as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Adrian Monte Reyes
Council Member Ward: Matthew Green
Mayor Stowe: Matthew Green

With no candidate receiving the required three affirmative votes for appointment, the Council proceeded to cast their votes a fourth time. Said votes were tallied and read as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Matthew Green
Council Member Ward: Matthew Green
Mayor Stowe: Adrian Monte Reyes

With no candidate receiving the required three affirmative votes for appointment, the Council proceeded to cast their votes a fifth time. Said votes were tallied and read as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Ronald Irish
Council Member Ward: Matthew Green
Mayor Stowe: Matthew Green

With no candidate receiving the required three affirmative votes for appointment, the Council inquired about appointment by the Mayor. Staff advised that the Mayor could appoint only after 30 days per the City's Charter. The Council agreed to go two more rounds of voting, and proceeded to cast their votes a sixth time. Said votes were tallied and read as follows:

Council Member Gurrola: Ronald Irish
Vice Mayor Hamilton: Adrian Monte Reyes
Council Member Ward: Matthew Green

Mayor Stowe: Adrian Monte Reyes

With no candidate receiving the required three affirmative votes for appointment, the Council proceeded to cast their votes a seventh time. Said votes were tallied and read as follows:

Council Member Gurrola: Adrian Monte Reyes
Vice Mayor Hamilton: Adrian Monte Reyes
Council Member Ward: Adrian Monte Reyes
Mayor Stowe: Adrian Monte Reyes

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the Council appoint Adrian Monte Reyes to the City Council. The motion carried unanimously.

Documentation: M.O. 17-071514
Disposition: Council Member appointed.

- Ronald Irish commended the Council for their handling of the appointment process, and congratulated Adrian Monte Reyes.

The Council took a ten minute recess at 8:17 p.m. to prepare for the swearing in of the newly appointed council member.

Following the recess, City Attorney Lew announced that Mr. Reyes had resigned from the Chamber of Commerce Board and the Arts Commission effective immediately.

Administrative Services Director Patrice Hildreth administered the Oath of Office to Monte Reyes, and the newly sworn-in Council Member took his seat on the dais.

Council Member Reyes commended those who sought appointment; thanked his family and friends for their support; and stated that he would honor the seat left vacant by the late Council Member McCracken, the Council and the community.

22. CONSIDERATION OF APPOINTMENT TO THE TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint one individual to fill the vacancy created by Mr. Jim Grayson with a term due to expire in May 2016.

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

- Salvador Estrada, Jr., introduced himself to the Council and communicated his desire to serve the community.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council appoint Salvador Estrada, Jr. to the Transaction and Use Tax Oversight Committee with a term to expire in May 2016. The motion carried unanimously.

Documentation: M.O. 18-071514

Disposition: Commission Member appointed.

23. AGREEMENT WITH CASEY BUTLER FOR GOLF MANAGEMENT SERVICES

Recommendation: That the City Council consider the Agreement, including the term, and authorize and direct the Mayor to execute same.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The Council discussed the length of the term, revenue concerns, Mr. Butler's performance, 90-day out clause, and difficulties recruiting PGA golf professionals. Parks and Leisure Services Director Moore spoke favorably of Mr. Butler and indicated that he was comfortable advocating for a five-year term.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council approve the draft agreement, including term, and authorize execution of the same. The motion carried unanimously.

Documentation: M.O. 19-071514

Disposition: Approved.

24. CONSIDERATION OF ESTABLISHING A POLICY REGARDING DEDICATION PLAQUES FOR CITY FACILITIES

Recommendation: That the City Council consider establishing a policy regarding dedication plaques for City facilities, and provide direction as appropriate.

City Manager Lollis introduced the item and presented the staff report. Following which the Council discussed the current practice and expressed concerns regarding the inclusion of too many individuals.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Vice Mayor Hamilton that the City Council approve continued use of current policy by practice. The motion carried unanimously.

Documentation: M.O. 20-071514

Disposition: Approved.

CONSENT CALENDAR

4. AUTHORIZATION TO ADVERTISE FOR BIDS – LANDSCAPE MAINTENANCE, VARIOUS LANDSCAPE MAINTENANCE DISTRICTS (

Recommendation: That the City Council:

1. Authorize staff to advertise for bids for Landscape Maintenance Districts Groups #2 and #3; and
2. Authorize staff to exercise the 1-year renewal with Clean Cut for groups #1, #4 and #5.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

Mayor Stowe requested that he be allowed to meet with Porterville Sheltered Workshop to communicate the City's concerns and expectations as they pertained to maintenance standards.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council postpone the item to the next meeting. The motion carried unanimously.

Documentation: M.O. 21-071514

Disposition: Item continued to August 5, 2014.

5. AWARD OF CONTRACT – MAINTENANCE OF THE VALLEY ELDERBERRY LONGHORN BEETLE MITIGATION SITE

Recommendation: That the City Council:

1. Award the contract for maintenance of the Valley Elderberry Longhorn Beetle Mitigation Site with Sequoia Riverlands Trust; and
2. Authorize the Mayor to sign contract documents.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. At Council Member Gurrola's request, staff elaborated on the City's obligations pertaining to the mitigation site.

COUNCIL ACTION: MOVED by Council member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council award the contract for maintenance of the Valley Elderberry Longhorn Beetle Mitigation Site with Sequoia Riverlands Trust; and authorize the Mayor to sign contract documents. The motion carried unanimously.

Documentation: M.O. 22-071514

Disposition: Approved.

6. REQUEST FOR ENGINEERING SERVICES TO UPDATE THE 2010 FIVE-YEAR BIOSOLIDS MANAGEMENT PLAN

Recommendation: That the City Council:

1. Approve staff obtaining the services of Carollo Engineers to assist in updating the Five-Year Biosolids Plan at a cost of \$20,900; and
2. Authorize the Mayor to sign the Service Agreement.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward requested that staff justify not going out to bid in this instance. Public Works Director Rodriguez stressed the importance of experience and minimal staff involvement.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve staff obtaining the services of Carollo Engineers to assist in updating the Five-Year Biosolids Plan at a cost of \$20,900; and authorize the Mayor to sign the Service Agreement. The motion carried unanimously.

Documentation: M.O. 23-071514

Disposition: Approved.

ORAL COMMUNICATIONS

- Donnette Silva Carter, congratulated Council Member Reyes for achieving his goal of serving on the City Council.
- Barry Caplan, thanked the Council for the process utilized and congratulated Council Member Reyes.
- Russell Fletcher, commended the Council for their appointment process and congratulated the newly seated Council Member Reyes.

OTHER MATTERS

- Council Member Gurrola, congratulated Donnette Silva Carter on her new job and stated that she would be missed by the City; inquired about Cooling Center locations and operating hours; and requested that staff include in its staff report, information regarding the current policy to hookup to City water for those outside of City jurisdiction.
- City Manager Lollis, indicated that LAFCO was working on the City's Municipal Services Review and would be giving a presentation at the next meeting; and added that State funding available for water was following contamination and water systems, not private wells.
- Vice Mayor Hamilton, requested that an item be added to the next agenda regarding AB32 bill to increase gas tax and stated that he was not happy about Silva Carter's relocation and lauded her work with the Chamber.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Stowe that the City Council approve the scheduling on an item to consider a resolution requesting a delay in the implementation of

fuels under California's Cap & Trade scheduled to take effect January 1, 2015. The motion carried unanimously.

Documentation: M.O. 24-071514

Disposition: Approved.

- Council Member Ward, thanked Police Chief McMillan and Fire Chief Irish for staff's efforts over the 4th of July weekend; announced an upcoming Joint City/School Committee meeting; congratulated Council Member Reyes on his appointment; and requested an item to consider expanding the payment plan for water in the Urban Development Boundary.
- Council Member Reyes, thanked Silva Carter for her mentorship and his family for their support.
- Mayor Stowe, commented on the decision to fill the Council vacancy and welcomed Council Member Reyes; wished Silva Carter well; and requested an item regarding the naming of conference rooms in City Hall.

ADJOURNMENT

The Council adjourned at 9:40 p.m. to the meeting of August 5, 2014.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor

COUNCIL AGENDA: AUGUST 19, 2014

SUBJECT: AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

SOURCE: Finance Department – Purchasing Division

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 20, 1987, staff hereby requests approval to begin negotiations for the purchase of the following equipment for the various departments:

DEPARTMENT	DESCRIPTION	ESTIMATED COST
Fire	Radios and pagers	\$20,000
	Firefighting & rescue equipment	\$25,000
	Station & grounds equipment	\$56,000
Engineering	½ ton pickup (2)	\$45,000
Streets	Crack sealer	\$70,000
Parks	Groundsmaster mower	\$92,000
Golf Course	Reelmaster mower	\$47,000
	Utility vehicle	\$10,000
Sewer	1-ton pickup with custom body	\$57,000
	1-ton pickup with flatbed body	\$53,000
Water	1-ton dual wheel pickup with custom body (2)	\$114,00
	½ ton pickup	\$22,000
	SCADA system upgrade	\$60,000
Solid Waste	SUV (pool car)	\$35,000
	Portable truck scale	\$50,000
	Transmission repair on vehicle #6344	\$26,500
	Automated containers	\$110,000
	Commercial bins and rolloff containers	\$200,000
Equipment	Hoist	\$75,000
Maintenance	Portable welder	\$7,000

Funds for the purchase of these equipment are available in the Equipment Replacement Funds.

RECOMMENDATION: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery.

Dir MB Appropriated/Funded MB CM J

Item No. 2

CITY COUNCIL AGENDA: AUGUST 19, 2014

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE FLEET MANAGEMENT SOFTWARE

SOURCE: Public Works Department - Field Services Division

COMMENT: The City's Equipment Maintenance Shop solicited bids to either upgrade or replace its Fleet Management Software to manage and maintain the City fleet. The current software utilizes a proprietary database format which has limitations in cross-platform user interfaces and new operating systems compatibility.

The quotes below include a setup fee as well as an annual Software Maintenance Agreement Fee. The amounts quoted are for the total costs for five years.

Ron Turley & Associates (RTA)	\$32,650.00
Maintenance Plus	\$34,087.00
Emaint Enterprises	\$36,000.00

The low quote received was from RTA and staff finds it acceptable. Staff recommends purchasing the Fleet Management Software from RTA with a one-time cost of \$6,850 and a five (5) year annual maintenance charge of \$5,160/year, which equals \$32,650.

Funding for this project is available in the 2014/2015 Field Services Shop Operating Budget.

RECOMMENDATION: That City Council approve the purchase of Fleet Management Software from Ron Turley and Associates for a one-time cost of \$6,850 and an annual maintenance charge of \$5,160.

P:\pubworks\General\Council\Request for Approval to Purchase Fleet Management Software - 2014-08-19.docx

Dir B82 Appropriated/Funded AFD CM J

Item No. 3

COUNCIL AGENDA: AUGUST 19, 2014

SUBJECT: APPROVAL OF THE AGREEMENT FOR TRANSIT SERVICES FOR THE COLLEGE OF THE SEQUOIAS STUDENT TRANSIT PASS PROGRAM

SOURCE: Public Works Department – Transit Division

COMMENT: On December 14, 2010, the College of the Sequoias (COS) entered into an agreement between the Tulare County Association of Governments and participating Tulare and Kings Counties transit agencies to provide students with an unlimited fixed route transit pass valid on Tulare and Kings Counties fixed route bus services. The participating Tulare and Kings Counties bus service includes the following transit providers: City of Visalia, City of Tulare, City of Dinuba, City of Porterville, Kings Area Rural Transit and the County of Tulare.

This new agreement is necessary because of a change in student transportation fees. The students at COS recently approved an additional \$5 fee per both full-time and part-time students per semester. The previous fees were \$5 for full-time students and \$4 for part-time students. With the increase, the fee for full-time students will be \$10 and the fee for part-time students will be \$9 per semester. The COS Board of Trustees will also contribute \$1 to the transportation fund for each COS student that is enrolled each semester.

If approved, this agreement between TCAG and the City of Porterville would take effect with the Fall 2014 academic semester and be effective through the Fall 2020 academic semester, unless otherwise amended or suspended.

Finally, this agreement sets forth the distribution of funds collected. TCAG will distribute 50% of funds to participating transit providers based on ridership and mileage criteria and 50% based on new and expanded service costs incurred by transit providers as a direct result of the COS Student Transit Pass Program.

Historically, Porterville Transit transports an average of 800 COS students per semester and receives \$300 in program funds. This equates to an average passenger fare of approximately \$0.38 per rider per semester. The increase in student fees will increase the program funds the City receives, but COS student fares still trail behind the average passenger fare of \$1.01 that non-COS passengers paid during the previous fiscal year.

Dir BR Appropriated/Funded APD CM J

Item No. 4

Earlier this year, City and TCAG staff aggressively worked with the COS Student Senate to increase the mandatory transportation fee to help ensure the COS program will continue for future semesters. Staff will continue to work with TCAG to look for additional grant programs to supplement the COS Student Program funds in order to bring the COS average passenger fare in line with the system-wide passenger fare.

Staff recommends that the Council continue to participate in the COS Student Pass Program to make transportation more affordable for students, especially for students who otherwise could not afford to attend college due to the costs of transportation. The COS Student Pass Program will also continue to increase ridership, thereby decreasing dependency on automobiles and reducing the environmental pollution caused by such automobiles.

At this time, the City does not have an agreement with Porterville College to provide a similar student pass program. Staff has been hesitant to develop a local program since the COS "model" program had been severely underfunded. However, the Council authorized a reduced Student monthly pass of \$25 per month in July 2013.

The amended attached agreement was reviewed by all of the transit providers in both the County of Tulare and Kings County and they were requested to take it before their respective governing boards for approval.

RECOMMENDATION: That the City Council:

1. Approve the attached Agreement for Transit Services for the College of the Sequoias Student Transit Pass Program;
2. Authorize the Mayor to execute the Transit Services Agreement; and
3. Authorize staff to forward the executed Agreement for Transit Services to TCAG.

ATTACHMENT: Agreement for Transit Services for the College of the Sequoias Student Transit Pass Program

AGREEMENT
FOR TRANSIT SERVICES FOR THE COLLEGE OF THE
SEQUIOIAS STUDENT TRANSIT PASS PROGRAM
BETWEEN THE TULARE COUNTY ASSOCIATION OF
GOVERNMENTS (TCAG)
AND THE _____

This Agreement is made and entered into this ____ Day of 2014, by and between the Tulare County Association of Governments, hereinafter referred to as "TCAG," and the _____, hereinafter referred to as "Agency."

RECITALS

WHEREAS, in September 2010 College of the Sequoias (COS) students voted to implement a mandatory transportation fee of \$5 per full-time student, and \$4 per part-time student, which would provide students with an unlimited fixed route transit pass valid on Tulare County fixed route bus services (excluding Sequoia Shuttle) and Kings Area Rural Transit fixed routes; and

WHEREAS, in May 2014 COS students voted to implement an additional mandatory fee of \$5 per full-time and part-time student to contribute to the existing COS Student Transit Pass Program; and

WHEREAS, the transit services available to registered students will include fixed route services on the following transit systems: Visalia Transit, Visalia Towne Trolley, Tulare Intermodal Express (TIME), Dinuba Area Regional Transit (DART), Dinuba Connection, Porterville Transit, Tulare County Area Transit (TCaT), and Kings Area Rural Transit (KART); and

WHEREAS, the COS Board of Trustees will contribute \$1.00 to the transportation fund for each COS student that is enrolled, per semester in the semester in which they are enrolled; and

WHEREAS, COS students will not receive student transit program identification valid on participating fixed route transit unless they have paid their student transportation fees for the semester; and

WHEREAS, additional funding may be received from grants and other sources and may be applied during the contract period of the agreement; and

WHEREAS, COS will collect all transportation funds and provide to TCAG, based on the total number of students paying fees; and

AGREEMENT

College of the Sequoias Student Transit Pass Program

WHEREAS, Agency transit will track transit ridership by students using valid COS identification cards using a tracking method approved by TCAG; and

WHEREAS, Agency will submit ridership data for student passengers using valid COS student identification to TCAG monthly; and

WHEREAS, Agency will submit the average miles per passenger for participating fixed route systems only from each year's State Controller's Report or National Transit Database reporting; and

WHEREAS, TCAG will retain 1% from the Board of Trustees and COS Student funds for administration costs; and

WHEREAS, if Agency fails to submit appropriate COS student ridership data by the 15th of each month, the Agency agrees to accept payment based on one-half of their previous month's ridership data; and

WHEREAS, TCAG shall distribute fifty-percent of received funds to participating transit providers based on ridership and mileage criteria; and

WHEREAS, TCAG shall distribute fifty-percent of received funds to transit providers based on new and expanded service costs incurred by transit providers as a direct result of COS student riders; and

WHEREAS, TCAG shall determine the criteria for determining new and expanded service costs incurred as a direct result of COS student riders, with input from transit providers, and will approve amounts payable; and

WHEREAS, TCAG shall adopt criteria for determination of new and expanded service costs, and the first proposal for criteria parameters will be presented to the TCAG Board in September 2014; and

WHEREAS, this agreement shall be valid for the Fall 2014 academic semester through the Fall 2020 academic semester, unless otherwise amended or superseded.

NOW, THEREFORE, the parties agree as follows:

1. **TERM.** This agreement shall commence on August 1, 2014 and shall expire at 11:59 PM on December 31, 2020, unless otherwise terminated, amended, or superseded. The agreement will be renewable for similar or different terms and conditions upon mutual agreement between all parties.
2. **INDEPENDENT CONTRACTOR.** While engaged in carrying out and complying with the terms and conditions of this agreement, TCAG is an independent contractor, and not an officer, agent, or employee of Agency.

AGREEMENT

College of the Sequoias Student Transit Pass Program

3. **PAYMENT.** TCAG agrees to transfer the funds received by COS (less administrative costs) after the conclusion of each semester/session in which funds are collected to participating agencies within 10 business days of receiving the funds, and once all COS student ridership data and average passenger mileage is received for the semester/session. Ridership totals are to be submitted monthly, and are due by the 15th of every month. If the 15th falls on a weekend, the data is due the following working day. If Agency fails to submit the required data by the 15th each month, Agency agrees to accept payment based on one-half of their previous month's ridership.

TCAG will disburse fifty-percent of the funds received (less administrative costs) to transit providers based on the following formula: 50% of applicable semester/session funds in proportion to provider passenger percentage and 50% of applicable semester/session funds in proportion to provider average passenger mile percentage. Ridership shall be tracked by the Agency through the Agency operations contractor/employees and submitted in a report. Agency shall make available the source documents to verify that report if requested by TCAG.

TCAG will disburse funds from the other fifty-percent of those received (less administration) to transit providers based on new and expanded service costs incurred by transit providers as a direct result of COS student riders. TCAG shall determine the criteria for determining new and expanded service costs incurred as a direct result of COS student riders, with input from transit providers, and will approve amounts payable. TCAG shall adopt criteria for determination of new and expanded service costs.

If the latter defined fifty-percent of funds exceeds the approved amount of costs incurred, TCAG will hold those funds for future said expenses. If the funds are less than the approved costs incurred, TCAG will disperse funds up to the payable amount as they come in. In the instance that multiple agencies are owed amounts for this portion of funds, funds will be paid out proportionately based on amount owed to each agency.

4. **ADMINISTRATION COSTS.** In consideration of the above payments and other activities associated with the program's administration, TCAG will retain 1% of total funds for administration costs. Funds received for the program shall also pay for proper identification for student riders. Student identification shall be updated every semester/session.
5. **DEFAULT.** Upon default by TCAG or Agency in any of the covenants or conditions of this agreement, TCAG or Agency may terminate agreement upon 60 days advance written notice to the defaulting party.
6. **AMENDMENTS.** This agreement cannot be changed or supplemented orally and may be modified or superseded only by written instrument executed by both parties.
7. **GOVERNING LAW.** This agreement shall be governed by and construed in accordance with the laws of the State of California.

AGREEMENT

College of the Sequoias Student Transit Pass Program

8. **BINDING EFFECT.** This agreement is for the benefit of and shall be binding on all parties and their respective successors, heirs, and assigns.
9. **ATTORNEYS' FEES AND COSTS.** Each party shall bear its own attorneys' fees and costs for all such fees and costs incurred prior to the date of execution of this agreement.
10. **BREACH OF AGREEMENT.** If either party breaches this agreement, the prevailing party shall be entitled to all damages reasonably flowing from the breach.
11. **INDEMNIFICATION.** Agency and TCAG shall hold each other harmless, defend and indemnify their respective agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, arising out of the activities of Agency or TCAG or its agents, officers and employees under this agreement. This indemnification shall be provided by each party to the other party regarding its own activities undertaken pursuant to this agreement, or as a result of the relationship thereby created, including any claims that may be made against either party by any taxing authority asserting that an employer-employee relationship exists by reason of this agreement, and any claims made against either party alleging civil rights violations by such party under Government Code sections 12920 et seq. (California Fair Employment and Housing Act). This indemnification obligation shall continue beyond the term of this agreement as to any acts or omissions occurring under this agreement or any extension of this agreement.
12. **EXECUTION IN COUNTERPARTS.** This agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy of an original, with all signatures appended together, shall be deemed a fully executed agreement.
13. **SEVERABILITY.** If any provision of this agreement is held to be void, voidable, or unenforceable, the remaining portions of the agreement shall remain in full force and effect.
14. **INTERPRETATION.** The language of all parts of this agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either party.
15. **COMPLIANCE WITH LAW.** TCAG agrees to perform the services contemplated by this agreement in a professional and a competent manner and in compliance with all state or federal laws or regulations governing the services to be rendered pursuant to this agreement.
16. **BOARD APPROVAL.** The parties recognize that the effectiveness of this agreement is contingent upon approval by the Agency and TCAG.
17. **OTHER DOCUMENTS/ACTS.** The parties agree to work together diligently and to execute related documents and perform related acts necessary for the successful performance of this agreement.

AGREEMENT

College of the Sequoias Student Transit Pass Program

18. **ENTIRE AGREEMENT.** This agreement and its attachments, if any, constitute the entire agreement and understanding between the parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained in this agreement. All prior understandings, terms, or conditions are deemed merged into this agreement and its attachments.
19. **NOTICES TO PARTIES.** All notices to be given to the parties to this agreement shall be in writing and served by depositing same in the United States Mail, postage prepaid, registered or certified mail.

Notices to TCAG should be addressed to:

Tulare County Association of Governments
210 N. Church Street, Suite B
Visalia, CA 93291

Notices to Agency should be addressed to:

Agency
Address
Phone

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate the day and year first herein above written.

TULARE COUNTY ASSOCIATION OF GOVERNMENTS:

Signature Date

Ted Smalley, Executive Director

Name and Title

AGENCY:

Signature Date

Name and Title

APPROVED AS TO FORM
COUNTY COUNSEL

Signature Date

SUBJECT: LABORATORY LIMS SOFTWARE REPLACEMENT

SOURCE: Public Works Department – Field Services Division/ Laboratory

COMMENT: The City Laboratory uses Laboratory Information Management System (LIMS) software to track samples through the laboratory and print out analytical reports as needed. The laboratory's current LIMS software (Labworks ES from Perkin-Elmer) will not run on the Windows 8 operating system without a major upgrade. The cost for the major upgrade is \$45,000 to \$55,000 as indicated below by Labworks ES Upgrade's proposal.

Other LIMS software have been evaluated by the laboratory and the proposed software will meet the laboratory's needs and are compatible with existing Microsoft Office products used with the current LIMS. The three proposals are:

- | | |
|--|----------------------|
| 1. MSC-LIMS full system price with 5 user licenses | \$14,073 |
| Annual Maintenance/Support | \$ 1,950 |
| 2. Lablite LIMS with site license | \$31,400 |
| Annual Maintenance/Support | \$ 3,140 |
| 3. Labworks ES Upgrade | \$45,000 to \$55,000 |
| Annual Maintenance/Support | \$ 5,931 |

The laboratory is recommending the purchase of the MSC-LIMS software to replace the existing LIMS software. The annual maintenance/support cost is annually for a five (5) year period.

This software replacement will be paid from the laboratory equipment replacement fund and the annual maintenance/support is covered in the laboratory operating budget.

RECOMMENDATION: That the City Council:

1. Approve the purchase of the MSC-LIMS software for \$14,073 and an annual maintenance fee of \$1,950; and
2. Add the purchase of Lab software to the equipment replacement schedule of the 2014/2015 budget.

CITY COUNCIL AGENDA – AUGUST 19, 2014

SUBJECT: REQUEST FOR PROCLAMATION – RELAY FOR LIFE DAYS – OCTOBER 4-5, 2014

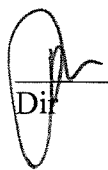

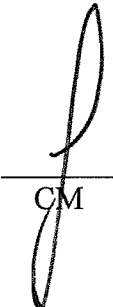
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

Jeff Szeles has requested that the Council consider approval of a proclamation to recognize October 4-5, 2014, as Relay for Life Days. Council Member Gurrola is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council meeting on September 16, 2014.

RECOMMENDATION: That the City Council consider approval of the request to proclaim October 4-5, 2014, as Relay for Life Days.

ATTACHMENT: 1. Request for Proclamation
2. Draft Proclamation

 _____ Dir	 _____ Approp./ Funded	 _____ CM
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Item No. 6



City of Porterville
REQUEST FOR PROCLAMATION

RECEIVED



- 1 2014

CITY OF PORTERVILLE
CITY CLERK OFFICE

Date of Request: AUG. 1ST 2014
~~JULY~~

Name of Event/Individual: AMERICAN CANCER SOCIETY PORTERVILLE RELAY FOR LIFE
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: AMERICAN CANCER SOCIETY

Name of Contact Person: JEFF SZELES

Address: 1715 BEL-AIRZ AVE PORTERVILLE, CA. 93257

Phone: 559-359-9221 FAX: _____

E-mail: KORTERMAN2@GMAIL.COM

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: OCT 4TH - OCT 5TH 2014

Date of Council Meeting to be presented, if applicable: SEPT 16TH 2014
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

JEFF SZELES, RHONDA SZELES

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/1/14 Sponsored by: Garrolo Date: 8/1/14

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

DRAFT PROCLAMATION

WHEREAS: The American Cancer Society is a voluntary community-based coalition of citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and

WHEREAS: Relay for Life is the signature activity of the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer), remembers those lost to the disease, provides opportunity to fight back against cancer, and helps fund more than \$100 million in cancer research each year; and

WHEREAS: The color purple is the signature color of the American Cancer Society's Relay For Life events signifying the passion that cancer survivors and their families and loved ones feel for the eradication of this disease; and

WHEREAS: The American Cancer Society Relay for Life of Porterville is a community event that allows an opportunity to network with businesses, associates, family and friends, with the same goal of making a difference in the battle against cancer; and

WHEREAS: Money raised during the American Cancer Society Relay for Life of Porterville helps support research, education, advocacy, and patient services for treating cancer, thereby increasing cancer survival rates.

NOW, THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim October 4-5, 2014, as,

"RELAY FOR LIFE DAYS"

in Porterville; and encourage citizens to recognize and participate in the Relay for Life events at the Summit Charter Collegiate Academy on October 5-5, 2014, in support of those living with cancer, in celebration of cancer survivors, and in remembrance of those who have lost their lives to the disease.

PROCLAIMED this September 16th, 2014.

CITY COUNCIL AGENDA – AUGUST 19, 2014

SUBJECT: REQUEST FOR PROCLAMATION – LIBRARY CARD SIGN-UP MONTH
– SEPTEMBER 2014

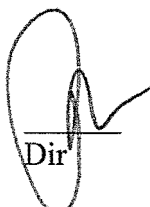
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

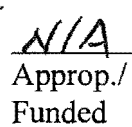
COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

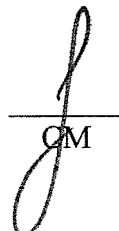
Parks & Leisure Services staff has requested that the Council consider approval of a proclamation to recognize September 2014 as Library Card Sign-Up Month. Vice Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council on September 2, 2014.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2014, as Library Card Sign-Up Month.

ATTACHMENT: 1. Request for Proclamation
2. Draft Proclamation


Dir


Approp./
Funded


CM

Item No. 7



City of Porterville
REQUEST FOR PROCLAMATION



Date of Request: 8/4/14
Name of Event/Individual: Library Card Sign-up Month
i.e. "Porterville Tourism Week", "Mr. John Doe"
Name of Sponsoring Organization: Porterville Dept. Lib Division
Name of Contact Person: Vikki Cervantes, City Librarian
Address: _____
Phone: Ext 7495 FAX: _____
E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: Month of September

Date of Council Meeting to be presented, if applicable: Sept. 2 2014
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Library & Literacy Commission

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/4 Sponsored by: Hamilton Date: 8/12/14

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

Library Card Sign-up Month 2014 Proclamation

Whereas, the library card is the most important school supply of all; and

Whereas, children who use the library perform better in school; and

Whereas, libraries enhance the educational experience; and

Whereas, libraries meet the needs of all students in preschool through college by providing free access to educational databases, the Internet, homework help, online tutoring and books; and

Whereas, libraries provide the opportunity for students to pursue their own interests leading to more effective learning; and

Whereas, the a library card is the “smartest card” you can own;

NOW, THEREFORE, I, Milt Stowe, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby Proclaim September 2014 as Library Card Sign-Up Month in Porterville, California and encourage everyone to sign up for the smartest card @ your Porterville City Library.

CITY COUNCIL AGENDA – AUGUST 19, 2014

SUBJECT: REQUEST FOR PROCLAMATION – LITERACY AWARENESS MONTH
– SEPTEMBER 2014

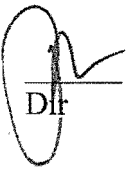
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

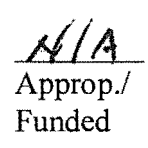
COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

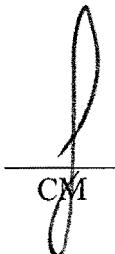
Parks & Leisure Services staff has requested that the Council consider approval of a proclamation to recognize September 2014 as Literacy Awareness Month. Vice Mayor Hamilton is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council meeting on September 2, 2014.

RECOMMENDATION: That the City Council consider approval of the request to proclaim September 2014, as Literacy Awareness Month.

ATTACHMENT: 1. Request for Proclamation
2. Draft Proclamation


Dlr


Approp./
Funded


CM

Item No. 8



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 8/4/14
Name of Event/Individual: Literacy Awareness Month
i.e. "Porterville Tourism Week", "Mr. John Doe"
Name of Sponsoring Organization: COP P&L Dept - Lib Division
Name of Contact Person: Vikki Cervantes, City Librarian
Address: _____
Phone: Ext 7495 FAX: _____
E-mail: _____

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: Month of September

Date of Council Meeting to be presented, if applicable: Sept 2nd, 2014
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Read to Succeed Adult Literacy Staff

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8/6 Sponsored by: Hamilton Date: 8/12/14
Approved by Council: yes ☐ no ☐ Date: _____
Notification to Contact person done (date): _____ in writing ☐ by phone ☐
Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____
Comment: _____

Proclamation
Literacy Awareness Month
September 2014

WHEREAS, the year 2014 marks the 30th anniversary of California Library Literacy Services; and

WHEREAS, in 1984 the California Legislature established California Library Literacy Services, to promote literacy by providing services to English-speaking adult learners and their families through California's public libraries; and

WHEREAS, The City of Porterville established in 2001 the Read to Succeed Program Adult Literacy program; and

WHEREAS, the Porterville City Library recognizes the level of literacy to function in the workplace, the community, and the home has risen steadily with the advance of technology and the information age; and

WHEREAS, the Read to Succeed program is pleased to offer free one-on-one opportunity for adults to improve their literacy and language skills; and

WHEREAS, successful literacy skills will better family education and secure a productive workforce; and

WHEREAS, the City's commitment to the Read to Succeed program helps strengthens our community by tackling the 32% Tulare County illiteracy rate; and

NOW, THEREFORE, I, Milt Stowe, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby proclaim the month of September as **Adult Literacy Awareness Month**, in honor of the 30th anniversary of the California Library Literacy Services program; those adults who come forward, often against many odds, seek and receive literacy services; and the public library staff and volunteers who dedicate their time and skills to assist adult learners and their families achieve a better life.

CITY COUNCIL AGENDA – AUGUST 19, 2014

SUBJECT: REQUEST FOR PROCLAMATION – CLAUDIA BREWER

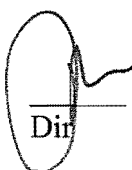
SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

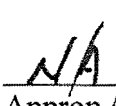
COMMENT: At its meeting of October 1, 2013, the Council amended the process by which proclamations are approved. The new process requires that all proclamations must be sponsored by one Council Member, after which the request is then placed on the Council's agenda for consideration and approval by a majority of the Council.

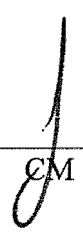
Jeanette Brewer has requested that the Council consider approval of a proclamation to recognize Claudia Brewer on the occasion of her 100th birthday. Mayor Stowe is sponsoring this proclamation request. If approved, the proclamation will be presented at the City Council meeting on September 2, 2014.

RECOMMENDATION: That the City Council consider approval of the request to recognize Claudia Brewer with a proclamation in celebration of her 100th birthday.

ATTACHMENT: 1. Request for Proclamation
2. Draft Proclamation


Dir


Approp./
Funded


CM

Item No. 9



City of Porterville
REQUEST FOR PROCLAMATION

Date of Request: 8-11-14

Name of Event/Individual: Claudia Brewer - 100th Birthday
i.e. "Porterville Tourism Week", "Mr. John Doe"

Name of Sponsoring Organization: _____

Name of Contact Person: Jeanette Brewer (her daughter)

Address: _____

Phone: 784-5187 FAX: _____

E-mail: JPBREWER@HOTMAIL.COM

I would like the proclamation: ☒ presented at a Council Mtg. ☐ mailed ☐ call for pick-up

Date(s) of Event: n/a

Date of Council Meeting to be presented, if applicable: 9-2-14
(Council meets 1st and 3rd Tuesdays of each month.)

Individual or representative attending Council Meeting to receive proclamation:

Claudia Brewer

Please attach a sample of your proclamation, or the pertinent information needed to formulate your proclamation 3-4 weeks in advance. If assistance is needed, or if you need a sample provided, or to return this form, contact:

Office of City Clerk
291 North Main Street
Porterville, CA 93257
(559) 782-7464 / Fax (559) 782-7452

All requests require a sponsorship by a member of the Council prior to being placed on a City Council Agenda for consideration, and are subject to approval by a majority of the Council.

City Clerk's Section

Request Received: 8-11-14 Sponsored by: Milt Stowe Date: 8-11-14

Approved by Council: yes ☐ no ☐ Date: _____

Notification to Contact person done (date): _____ in writing ☐ by phone ☐

Items (s) ☐ mailed _____ ☐ faxed _____ ☐ picked up _____

Comment: _____

DRAFT PROCLAMATION

- WHEREAS. The Porterville City Council wishes to express their congratulations to Claudia Brewer on the occasion of her 100th birthday; and
- WHEREAS. Claudia Brewer was born on July 27, 1914, in Noble Lake, Arkansas, and has led a rich and eventful life. She was married to her husband Clarence Brewer, until his death in 1972, has been blessed with seven daughters and four sons, and is matriarch to six generations; and
- WHEREAS. Claudia moved to Porterville in 1946, and worked in the fields until she became employed at Porterville Developmental Center in 1962. After retiring from PDC she volunteered her services and stayed active on the counsel until 2012; and
- WHEREAS. Claudia Brewer currently resides in Porterville with three of her daughters. She enjoys working in her garden and visiting with family members. She is an avid football fan and has enjoyed watching her grandchildren and great grandchildren participate in sports. Her favorite pastime is Monday night football; and
- WHEREAS. Claudia has always had a passion for teaching and spending time with the children. She acted as home room mom for many of her children's classes and as a chaperone for Porterville Band under the direction of Buck Shaffer. She served as program chairman at Second Baptist Church for many years and remains a very active member; and
- WHEREAS. Claudia is a remarkable lady who has maintained a wonderful attitude and outlook throughout her life, and is a precious relative and friend to many.
- NOW, THEREFORE, I, MILT STOWE, Mayor of the City of Porterville, on behalf of the Porterville City Council, do hereby recognize,

CLAUDIA BREWER

and join her family and friends in wishing her a very Happy 100th Birthday.

PROCLAIMED this 2nd day of September, 2014.

COUNCIL AGENDA: August 19, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA – FILIPINO FESTIVAL WEEKEND - SEPTEMBER 28-29, 2014.

SOURCE: Finance Department

COMMENT: The Filipino-American Association of California is requesting approval to hold their annual Filipino Festival Weekend at Veteran's Park on Saturday, September 28, 2014, and Sunday September 29, 2014, from 7:00 a.m. to 10:00 p.m. The event is being held as a weekend cultural celebration of the Filipino-American heritage with displays of folk dances, folksongs and cuisine.


A motorcade with no street closures is requested for a procession using one lane around the park on Saturday, September 29, 2014. In order not to impede or interfere with the normal flow of traffic, participants will abide by all traffic laws and rules of the road.

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

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit A, Exhibit B, Maps, Outside Amplifier Permit.

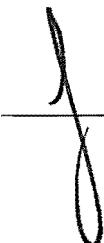
DD


APD

Appropriated/Funded


APD

C.M.



Item No.

10

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 8/11/14 Event date: Sept. 27 + 28, 2014
Event time: 7:00 am - 10:00 pm
Name of Event: Filipino Festival Weekend

Sponsoring organization: Fil-Amer Assn. of CA, Inc. Phone # (559) 782-3639
Address: 968 W Cleo Ave, Porterville, CA 93257
Authorized representative: Marilon A. Agapay Phone # (559) 359-1142
Address: 968 W Cleo Ave, Porterville, CA 93257
Event chairperson: Marilon A. Agapay Phone # (559) 359-1142

Location of event Veterans Memorial Park on Henderson + prospect
(Location map must be attached)

Type of event: Cultural event, car show, food booth, cultural dancing, Basketball and games, motorcade
Non-profit organization status: YES

(IRS Determination)

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

Barricades (quantity): N/A Street sweeping Yes No

Police protection Yes No Refuse pickup Yes No

Other: Requesting that the park shall not be watered or the sprinklers will be off on

Parks facility application required: Yes No Attached Saturday

Assembly permit required: Yes No Attached high

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

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

CITY OF PORTERVILLE

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

What constitutes a Community Civic Event?

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

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

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

 Authorized Representative Initials

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

 Authorized Representative Initials

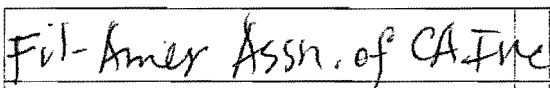
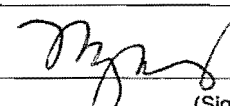
Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health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

 Authorized Representative Initials

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

 Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

		8/11/14
(Name of Organization)	(Signature)	(Date)

TO BE HELD ON PUBLIC PROPERTY

Name of event: Filipino American Week Festival Weekend

Sponsoring organization: Fil-Ames Assn. of CA Inc.

Location: Porterville Veterans' park Event date: Sept. 27 & 28 Event time: 7:00 am - 10:00 pm

[illegible]

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

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

Event date: Sept. 27 & 28, 2014 Hours: 7:00 am - 10:00 pm

REQUIREMENTS FOR COMMUNITY CIVIC EVENT
FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA
FILIPINO FESTIVAL WEEKEND
SEPTEMBER 27-28, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

No comments.

Fire Chief:

G. Irish

Parks and Leisure Services Director:

D. Moore

No vehicles allowed to park on the grass aside from the car show vehicles. Vehicles to use park path upon entering and exiting the park. Park closes at 10:00 pm. Applicant assumes responsibility of all items left in the park overnight.

Police Captain:

D. Hayes

See attached conditions/requirements on Exhibit B.

Administrative Services Director:

P. Hildreth

Risk Management requires nothing other than standard insurance certificate of \$1 million on liability naming City as additional insured.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Filipino-American Association of California
Event: Filipino Festival Weekend
Event Chairman: Marilou A. Agpaoa
Location: Veterans' Park
Date of Event: September 28-29, 2014

RISK MANAGEMENT: Conditions of Approval

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

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- B. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE

APPLICATION FOR COMMUNITY CIVIC EVENT

Proposed Event:

Filipino-American Week - Veteran's Park - September 27 & 28, 2014

Staff Comments: Conditions/Requirements by Police Department

- No street closures have been mentioned, but all street closures require City Council approval.
- Participants in any procession on city roadways must comply with all traffic laws and rules of the road. Additionally, they shall not impede traffic or generally interfere with the normal flow of vehicle or pedestrian traffic.
- There shall be no sales, possession or consumption of alcoholic beverages in the park during the event.
- Food vendors should provide inspection certificates from the Tulare County Health Department to event organizers, to ensure safe food products.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music or other amplifications to be played so loud as to unreasonably disturb the peace and good order of the business establishments or neighborhoods in the area.
- Event organizers shall contact Porterville Police Lieutenants John Hall or Jake Castellow at 559-782-7410 or 559-782-7400 well in advance of the event in order to determine additional policing concerns/requirements.

Dan Haynes / Captain
Porterville Police Department

Map of Motorcade of Filipino Festival Weekend

Sept. 27 & 28
2014
Saturday & Sunday



note:
Motorcade will only use right lanes, stopping
when red lights on and pedestrians are crossing.

* Map Location of Event.
 W. Henderson Avenue cor. Prospect St.
 N



CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



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

- 1 Name and home address of the applicant: Marilon A. Agpar,
968 W. Cleo Ave, Porterville, CA 93257
- 2 Address where amplification equipment is to be used: Porterville Veterans Park, corner Herkner
& Prospect
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Ely C. Agpar,
968 W. Cleo Ave, Porterville, CA 93257 Alexander Remigio - (559) 483,
(559) 8139
- 4 Type of event for which amplification equipment will be used: Filipino Festival
- 5 Dates and hours of operation of amplification equipment: 9:00 am - 8:00 pm
Sept. 27 + 28 Saturday + Sunday
- 6 A general description of the sound amplifying equipment to be used: It has cd player, receiver,
microphone & speakers.

Section 18-9

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

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

Section 18-14

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

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

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

[Signature]
Signature of Applicant

8/11/14
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

8-12-14
Date

COUNCIL AGENDA: AUGUST 19, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – SEPTEMBER 20, 2014

SOURCE: Finance Department

COMMENT: The Word of Victory Church is requesting approval to hold their annual Church Community Outreach event. This event, with carnival games and live music, will be held in the church parking lot and in front of the church on 'E' Street, Saturday, September 20, 2014, from 2:00 p.m. to 8:00 p.m. They have requested closure of 'E' Street from Orange Street to the end of their church building.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended and has been routed according to the ordinance regulations and reviewed by all the departments involved. All requirements are listed on the attached copy of the Application, Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map and Outside Amplifier Permit.

D.D. MB Appropriated/Funded MB C.M. 1 Item No. 11

CITY OF PORTERVILLE

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



(Incomplete applications can delay permit process)

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

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

Application date: 8/12/14 Event date: 9-20-14
Event time: 2.P.M. - 8.P.M.

Name of Event: Church Community ~~Event~~ Outreach

Sponsoring organization: Palabra De Victoria Church (559) Phone # 782 1573
Address: 163 W. ORANGE

Authorized representative: ANGEL SEGURA Phone # 559 782 1573
Address: 1184 W. BROWN AVE

Event chairperson: USE ANGEL SEGURA Phone # SAME

Location of event 163 W. ORANGE Pville Ca
(Location map must be attached)

Type of event: CHURCH OUTREACH

Non-profit organization status: BL # 001885

(IRS Determination)

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

Barricades (quantity): 12 Street sweeping Yes No ✓
Police protection Yes No ✓ Refuse pickup Yes No
Other:

Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

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

Appr. Deny

_____	_____	Bus. Lic. Spvr:	_____
_____	_____	Pub. Works Dir	_____
_____	_____	Comm. Dev. Dir.	_____
_____	_____	Field Svcs. Mgr.	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir.	_____
_____	_____	Police Chief	_____
_____	_____	Admin. Svcs. Dir.	_____

CITY OF PORTERVILLE


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

What constitutes a Community Civic Event?

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

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

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

 Authorized Representative Initials

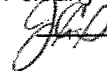
Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville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

 Authorized Representative Initials

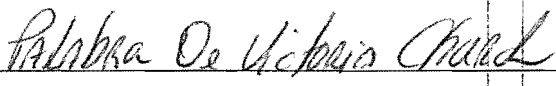
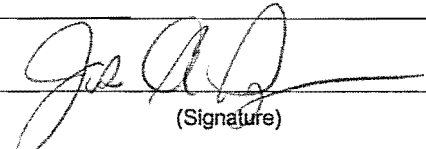
Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health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

____ Authorized Representative Initials

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

 Authorized Representative Initials

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

		8-12-14
(Name of Organization)	(Signature)	(Date)

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

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

[illegible]

3 of 4

CITY OF PORTERVILLE

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

Name of event: Church Community Outreach

Sponsoring organization: Palabra De Victoria Church

Event date: 9-20-14 Hours: 2 PM - 8 PM

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

Street Name	From	To	Activity
"E" ST	church building	End of Church Building	CARNIVAL
	↓	↑	type: GAMES
	ORANGE ST	ORANGE ST	FOR CHILDREN THAT
			REQUIRE NO MECH
			EQUIPMENT (EX BALL
		(SMALL PRIZES) →	TOSS/ RING TOSS/ B-B H
			- NO RIDES @ CARNIVAL
Sidewalks	From	To	Activity
			- NO DUNKING MACHINES
			- LIVE CHRISTIAN BAND
			- NO D.J.
			- NO VENDERS
			- NO OTHER PARTICIPANTS
Parking lots and spaces	Location		Activity
			EXCEPT FOR CHURCH
			MEMBERS BAND +
			PATRONS OF COMMUNITY

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WORD OF VICTORY CHURCH

CHURCH COMMUNITY OUTREACH

SEPTEMBER 20, 2014

Finance Director:

M. Bemis

Public Works Director:

B. Rodriguez

Community Development Manager:

J. Phillips

Field Services Manager:

B. Styles

Barricades may be obtained and returned
at 555 N. Prospect Street.

Fire Chief:

G. Irish

Parks and Leisure Services Director:

D. Moore

No comments.

Police Captain:

D. Haynes

Please see proposed conditions and
requirements in Exhibit B.

Administrative Services Director:

P. Hildreth

Please see Exhibit A, page 2.

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Word of Victory Church
Event: Church Community Outreach
Event Chairman: Angel Segura
Location: Word of Victory Church parking lot/front of church
Date of Event: September 20, 2014
Time of Event: 2:00 p.m. to 8:00 p.m.

RISK MANAGEMENT: Conditions of Approval

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

- A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A:VII, and the insurance company must be an 'admitted' insurer in the State of California.

CITY OF PORTERVILLE
Community Civic Event Application

Proposed Event: Church Community Outreach

Date of Event: September 20, 2014

Location of Event: 163 W. Orange Avenue

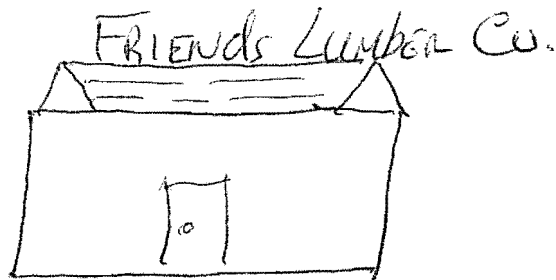
Recommendations/Requirements:

- City Council approval is required for all street closures.
- On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.
- An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow the sound to be so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.
- At conclusion of event, event organizers shall ensure streets are promptly cleared of any vehicles, equipment, booths or anything that could present a hazard to pedestrians or vehicles traveling through this area.

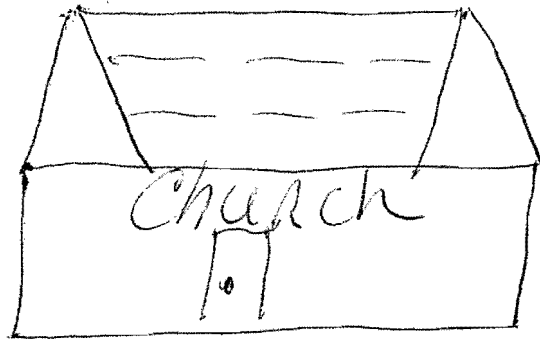
Dan Haynes, Captain
Porterville Police Department

EXHIBIT B

West To Jaye ← Orange → East To Main St.



FROM HERE TO END OF Church Building



JAYE ST.

CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)



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

- 1 Name and home address of the applicant: JOSE ANGEL SEGURA
1184 W. BROWN AVE
- 2 Address where amplification equipment is to be used: 163 W. ORANGE
- 3 Names and addresses of all persons who will use or operate the amplification equipment: RICK, Cassandra
STEVENS, McIntire ST - ANGEL, 1184 W. Brown, Jose, Christian, 1184 W. Brown
- 4 Type of event for which amplification equipment will be used: Church Community Outreach
- 5 Dates and hours of operation of amplification equipment: 9-20-14 2PM-8PM.
- 6 A general description of the sound amplifying equipment to be used: PA SYSTEM, MIKES, Electric, Electric, DRUMS, GUITAR, BASS, SPEAKERS

Section 18-9

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

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

(Ord. Code § 6311)

Section 18-14

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

Penal Code Section 415 (2)

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

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

Jose Angel Segura
Signature of Applicant

8-12-14
Date

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

[Signature]
City of Porterville, Chief of Police/Designee

8-18-14
Date

Anita Gustuson

From: Donnie Moore
Sent: Wednesday, August 13, 2014 8:49 AM
To: Anita Gustuson
Subject: RE: CCE-Church Community Outreach

The Department of Parks and Leisure Services has no comments.

Parks Make Life Better!

Donnie Moore
Parks and Leisure Services Director
City of Porterville
291 N. Main St.
Porterville, CA 93257
(559) 782-7536

From: Anita Gustuson
Sent: Tuesday, August 12, 2014 1:22 PM
To: Baldo Rodriguez; Bryan Styles; Dan Haynes; Donnie Moore; Glenn Irish; Julie Phillips; Maria Bemis; Patrice Hildreth
Cc: Debbie Salter; Jenni Byers; Maria Medina
Subject: CCE-Church Community Outreach

Please review and e-mail comments regarding the attached CCE application. The prior event was cancelled back in June and has now been rescheduled for September 20, 2014. Thanks for your help.

AnitaG*~

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

SOURCE: Administration

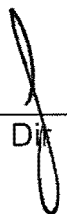
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on August 5, 2014, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of \$361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately \$270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City received a one (1)-year extension to July 2013.

At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (at Hawaii Street). At its meeting on December 18, 2012, the Council accepted the completion of these identified CEMA repairs, including \$90,295.53 in final construction costs.

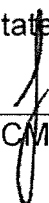
At its meeting on March 5, 2013, the Council awarded a contract in the amount of \$29,997.25, also to Greg Bartlett Construction (Porterville), for CEMA repairs of West Street and related storm drain improvements between Scranton and Tea Pot Dome Avenues. At its meeting on May 7, 2013, the Council accepted the completion of these identified CEMA repairs, including \$19,392.25 in final construction costs.

At its meeting on April 2, 2013, the Council awarded a contract in the amount of \$138,350 to Intermountain Slurry Seal, Inc. (Reno, Nevada), for the CEMA repair of Henderson Avenue between Patsy and Balmoral Streets. At its meeting on August 6, 2013, the Council accepted the completion of the identified CEMA repairs, which staff continues to work with the State to finalize repair reimbursements.



Dir

App/Fund



CM

Item No. 12

RECOMMENDATION:

That the Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

PUBLIC HEARING

SUBJECT: ADOPTION OF A RESOLUTION APPROVING THE CITY'S URBAN WATER MANAGEMENT PLAN

SOURCE: Public Works Department - Field Services Division

COMMENT: The Urban Water Management Plan (UWMP) is a requirement of the Urban Water Management Planning Act (UWMPA) (Division 6, Part 2.6 of the California Water Code (CWC) §10610-10656). The UWMPs must be submitted to the Department of Water Resources (DWR). The submittal is required to meet the requirements of the UWMPA, including the most current amendments that have been made. The UWMPA applies to urban water suppliers with 3,000 or more connections being served or supplying more than 3,000 acre-feet (AF) of water annually.

UWMPs are required of the state's urban water suppliers in an effort to assist their resource planning and to ensure adequate water supplies are available for future use. A secondary purpose of the UWMP is to provide for a plan or series of plans during water drought situations. This plan was prepared according to the requirements of the CWC, UWMPA and the UWMP Guidebook 2010.

In 1983, SB797 altered Division 6 of the CWC by producing the UWMPA. Since 1983, several amendments to the original document have increased the requirements of the UWMPs submitted today. One such amendment required projections for water use to extend 20 years at 5-year intervals. Recently, this has been increased to a 25 year projection providing for a minimum 20-year projection up until the next UWMP is completed.

Various other amendments have increased requirements to include sections on recycled water use, demand management measures (DMMs), and water shortage contingency plans. Recycled water use sections were added to assist in evaluation of alternate water supplies for future use when projects exceed the current water supplies. Demand management measures must be clearly described, including which measures are being implemented and which are scheduled for implementation in the future. Water contingency plans are to be prepared and coordinated with other water suppliers in the area for use during times of drought.

In 2009, the Legislature passed Senate Bill x7-7 (SBx7-7), which requires that all water suppliers, on average, reduce their gallons per capita per day (gpcd) water used by 20% by the year 2020. SBx7-7 also requires water suppliers to establish a 2015 "interim" target that reflects, on average, a 10% reduction. SBx7-7 lays out methods that water suppliers may use to determine the baseline from which to reduce and methods that the water suppliers may use to calculate both their 2015 interim per capita water use target and their 2020 final per capita water use target. While each water supplier must choose one of the

allows water suppliers to revisit these and modify these choices when developing their 2015 Urban Water Management Plans.

Based on the water use target methods in the UWMP, the City's water use target for 2020 is 179 gpcd, while the interim 2015 target is 197 gpcd. The 2020 target was determined using Method 3, 95% of the regional water conservation goal, which provided the most conservative water target goal.

On January 17, 2014, Governor Brown issued a drought emergency proclamation following three dry years in California. The proclamation asked all Californians to reduce water consumption by 20%. On July 15, 2014, the State Water Resources Control Board (State Water Board) adopted emergency water conservation regulations that went into effect July 28, 2014. With this regulation, all Californians will be expected to stop:

- washing down driveways and sidewalks;
- watering of outdoor landscapes that cause excess runoff;
- using a hose to wash a motor vehicle, unless the hose is fitted with a shut-off nozzle, and
- using potable water in a fountain or decorative water feature, unless the water is recirculated.

The regulation makes an exception for health and safety circumstances.

Larger water suppliers will be required to activate their Water Shortage Contingency Plan to a level where outdoor irrigation restrictions are mandatory. In communities where no water shortage contingency plan exists, the regulation requires that water suppliers either limit outdoor irrigation to twice a week or implement other comparable conservation actions. Finally, large water suppliers must report water use to the state on a monthly basis to track progress.

Per the new regulation, local agencies can ask courts to fine water users up to \$500 a day for failure to comply with conservation requirements. The State Water Board could initiate enforcement actions against water agencies that do not comply with the new regulations. Failure to comply with a State Water Board enforcement order by water agencies is subject up to a \$10,000 a day penalty.

The City of Porterville water production for the month of July 2014 had an 11% decrease from 2013. This reduction has been achieved with only voluntary water conservation measures. The regulations anticipate that mandatory outdoor irrigation restrictions can result in up to 20% reduction in outdoor water use.

The Water Conservation Plan, which is an element of the UWMP, has been modified to incorporate the mandatory restriction requirements of the new regulations.

The modifications to the Phases of the Water Conservation Plan are summarized below:

Phase	Description of Change
Water Conservation Phase 1	Title change to include the words "Water Conservation," no other changes.
Drought Response Phase 2	Title change to include the words "Drought Response," and added a three day per week odd/even water schedule as a mandatory restriction, and prohibits washing sidewalks, driveways and other paved areas.
Drought Response Phase 3	Title change to include the words "Drought Response," and added a two day per week odd/even water schedule as a mandatory restriction.
Emergency Response Phase 4	Title change to include the words "Emergency Response." The elements of the old Phase 3 were moved to this new Phase 4, which includes a 20% water rate increase. A new element was added that would prohibit outdoor watering.

Staff has confirmed with the State that we can implement the mandatory three day per week water schedule and meet the requirements of the regulations. This scenario is acceptable to the State since we have a water shortage plan (Water Conservation Plan) in place. Water suppliers without a plan are required to either limit outdoor irrigation to twice a week or implement other comparable conservation actions.

Staff's recommendation is to open the public hearing, receive comments, and adopt the updated UWMP.

RECOMMENDATION: That City Council:

- 1) Conduct a public hearing and adopt the draft resolution approving the UWMP, which includes the Water Conservation Plan in Appendix C;
- 2) Remain in Phase 2 of the Water Conservation Plan, which restricts landscape watering to three days per week;
- 3) Submit the UWMP to the DWR, the California State Library, and the County; and
- 4) Make the UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR.

ATTACHMENTS: Draft Resolution Adopting the Urban Water Management Plan
Urban Water Management Plan

RESOLUTION NO. ____-2014

A RESOLUTION ADOPTING THE CITY OF PORTERVILLE 2010
URBAN WATER MANAGEMENT PLAN

WHEREAS, the California Legislature enacted Assembly Bill 797 (Water Code Section 10610 et seq., known as the Urban Water Management Planning Act) during the 1983-84 Regular Session, and as amended subsequently, which requires all urban water suppliers providing municipal water directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and submit an Urban Water Management Plan (Plan), the primary objective of which is to plan for the conservation and efficient use of water; and

WHEREAS, the City of Porterville (City) is an urban supplier of water providing water to over 3,000 customers; and

WHEREAS, the Plan shall be periodically reviewed at least once every five years, and the City shall make any amendments or changes to its plan which are indicated by the review; and

WHEREAS, the City has, therefore, prepared and circulated for public review a draft Urban Water Management Plan, and properly noticed Public Hearing regarding said Plan was held by the city Council on August 19, 2014; and

WHEREAS, the City of Porterville did prepare and shall file said Plan with the California Department of Water Resources within 30 days of adoption;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

1. The Porterville City Council does hereby adopt the 2010 Urban Water Management Plan (Plan) as presented to this Council on August 19, 2014.
2. That copies of said Plan be forwarded to the State of California, Department of Water Resources, Tulare County, and the California State Library for filing within 30 days of this date.
3. The Public Works Director is hereby authorized and directed to implement the demand management measures as set forth in the 2010 Urban Water Management Plan, which includes water shortage contingency analysis and recommendations to the City Council regarding necessary procedures, rules, and regulations to carry out effective and equitable water conservation and water recycling programs.

4. In a water shortage, the Public Works Director shall recommend to the City Council the appropriate phase of water conservation as indicated in the Plan and implement necessary elements of the Plan.

5. The Public Works Director shall recommend to the City Council additional procedures, rules, and regulations to carry out effective and equitable allocation of water resources.

PASSED, APPROVED, AND ADOPTED this 19th day of August, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

CITY OF PORTERVILLE



URBAN WATER MANAGEMENT PLAN

2010 UPDATE

AUGUST 2014

DRAFT

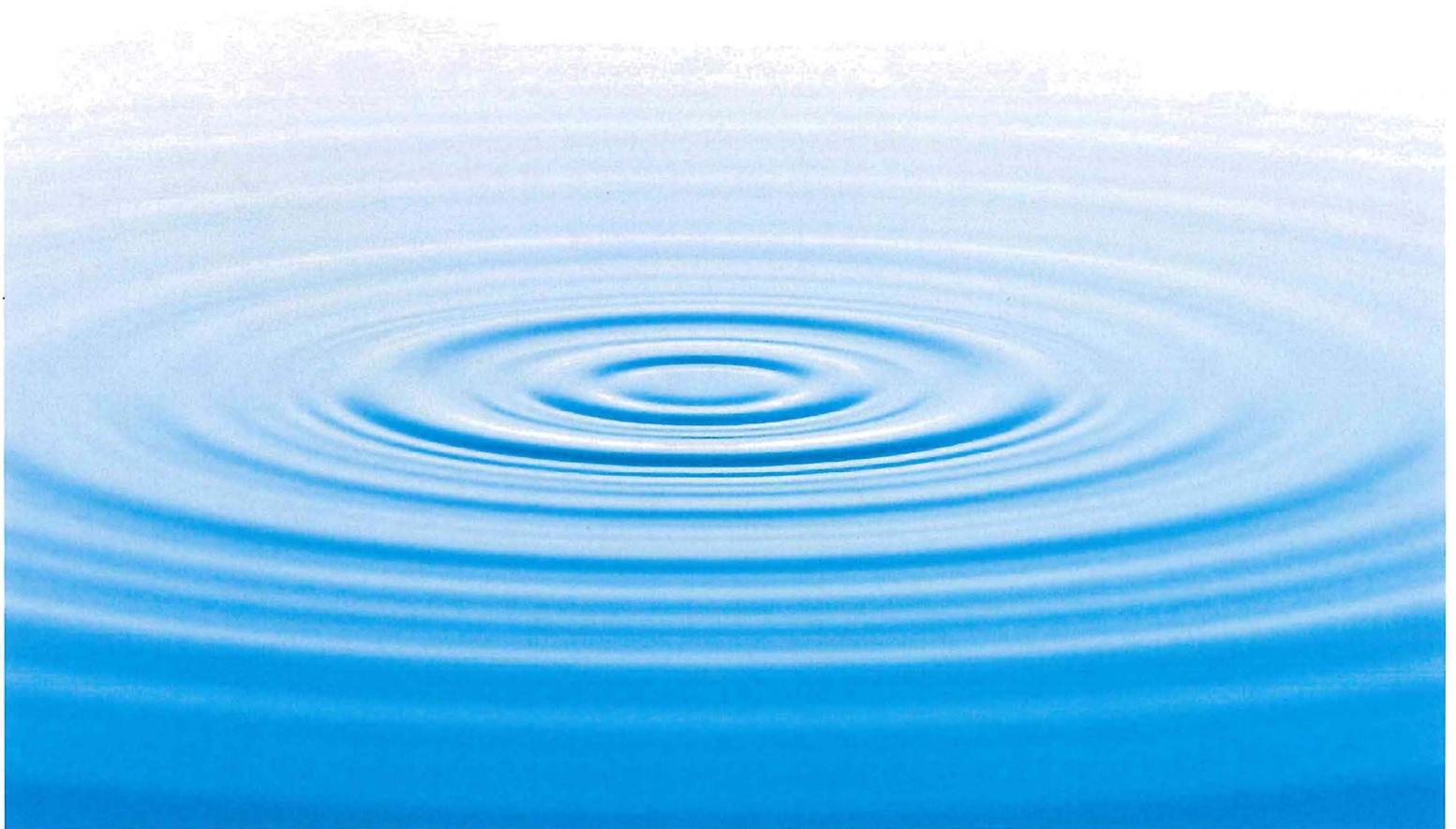


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DRAFT



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ABBREVIATIONS – Entities

CDP	Census-Designated Place
CDPH	California Department of Public Health
DCTRA	Deer Creek and Tule River Authority
DWR	Department of Water Resources
ID	Irrigation District
IRWMP	Integrated Regional Water Management Plan
MOU	Memorandum of Understanding
PID	Porterville Irrigation District
SWRCB	State Water Resources Control Board
USBR	United States Bureau of Reclamation
UWMP	Urban Water Management Plan
UWMPA	Urban Water Management Plan Act
UWMPGB	UWMP 2010 Guidebook
WCP	Water Conservation Plan
WMP	Water Master Plan or Water System Master Plan

ABBREVIATIONS – Terminology & Units

AB	State Assembly Bill
ac	acre
ADD	Average Daily Demand
af	acre-feet
afy	acre-feet per year
bgs	below ground surface
cfs	cubic feet per second
CWC	California Water Code
DMM	Demand Management Measures
DU	Dwelling Unit
ET _o	Evapotranspiration
ft	feet
gpd	gallons per day
gpcd	gallons per capita per day



MDD	Maximum Day Demand
MG	Million Gallons
mgd	million gallons per day
µg/L	micrograms per liter
pCi/L	picocuries per liter
PHG	Public Health Goal
PKH	Peak Hour Demand
psi	pounds per square inch
SB	State Senate Bill
TCP	1,2,3-Trichloropropane
UDB	Urban Development Boundary
ULF	Ultra-Low Flush Toilet



1 INTRODUCTION

1.1 Purpose

The Urban Water Management Plan (UWMP) is a requirement of the Urban Water Management Planning Act (UWMPA) (Division 6, Part 2.6 of the California Water Code [CWC] §10610-10656). The UWMPs must be filed every five years and submitted to the Department of Water Resources (DWR). The submittal is required to meet the requirements of the UWMPA, including the most current amendments that have been made. The UWMPA applies to urban water suppliers with 3,000 or more connections being served or supplying more than 3,000 acre-feet (AF) of water annually.

UWMPs are required of the state's urban water suppliers in an effort to assist their resource planning and to ensure adequate water supplies are available for future use. A secondary purpose of the UWMP is to provide for a plan or series of plans during water drought situations. This report was prepared according to the requirements of the CWC, UWMPA and the UWMP Guidebook 2010.

1.2 Background

1.2.1 Urban Water Management Planning Act

In 1983, SB797 altered Division 6 of the CWC by producing the UWMPA. Since 1983, several amendments to the original document have increased the requirements of the UWMPs submitted today. One such amendment required projections for water use to extend 20 years at 5-year intervals. Recently, this has been increased to a 25-year projection providing for a minimum 20-year projection up until the next UWMP is completed.

Various other amendments have increased requirements to include sections on recycled water use, demand management measures (DMMs), and water shortage contingency plans. Recycled water use sections were added to assist in evaluation of alternate water supplies for future use when projects exceed the current water supplies. Demand management measures must be clearly described including which measures are being implemented and which are scheduled for implementation in the future. Water contingency plans are to be prepared and coordinated with other water suppliers in the area for use during times of drought. Pertinent bills that have passed are included in **Table 1-1**.



Table 1-1: Pertinent Bills

Bill	Requirements
SB610 and AB901	Consideration of water availability when reviewing new large developments
SB318	Investigate possibilities of developing desalinated water
AB105	Submit UWMP to State Library
Water Conservation Bill (2009)	Urban water suppliers to reduce the statewide average per capita daily water consumption by 20% by December 31, 2020

1.2.2 Previous Urban Water Management Plan

The City of Porterville (City) previously prepared an UWMP in 2007. This 2010 UWMP serves as an update to the previous UWMP and complies with all new requirements and regulations.

1.3 Resource Maximization/Import Minimization

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. 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. Consequently, the City has begun to secure surface water contracts.

According to the 2005 UWMP, the City of Porterville and Porterville Irrigation District (PID) had 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.

The City has not historically worked much with other agencies in the management of their water resources. However, the City plans to build closer relations with the County of Tulare and nearby irrigation and water districts. The City began to develop those relationships during preparation of the General Plan Update in 2006 and continues to build on those relationships.

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 Propositions 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.



2 PLAN PREPARATION

2.1 Coordination

Legal Requirements:

§10620(d)(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

§10621(b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days prior to the public hearing on the plan required by §10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

§10635(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

§10642 Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.

§10642 Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area.

The efforts to prepare this UWMP were coordinated with appropriate agencies to provide the most accurate and clear representation of the water supply in the City.



Table 2-1: Coordination with Appropriate Agencies

(UWMPGB Table 1)

Coordinating Agencies	Participated in Developing the Plan	Commented on the Draft	Attended Public Meetings	Contacted for Assistance	Sent a Copy of the Draft Plan	Sent a Notice of Intention to Adopt
Porterville Irrigation District					X	X
Terra Bella ID					X	X
Saucelito ID					X	X
Lower Tule River ID					X	X
Vandalia ID					X	X
Tea Pot Dome ID					X	X
Tulare County					X	X
Tule River Association					X	X

2.2 Plan Adoption, Submittal, and Implementation

Legal Requirements:

§10640 – 10621(c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3.

§10642 After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

§10643 An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

§10644(a) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

§10645 Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

The City will hold a public hearing and adopt the 2010 UWMP on or about August 19, 2014. A copy of the adopting resolution is included in Appendix A. Prior to the public hearing, a notice will be published notifying the public of the pending hearing.

Once the UWMP has been adopted, a copy of the UWMP and amendments will be submitted to DWR and the State Library. Once submitted to DWR, a copy will be made available for public review for 30 days and submitted to Tulare County within 60 days.



3 SYSTEM DESCRIPTION

3.1 Service Area Physical Description

Legal Requirements:

§10631(a) Describe the service area of the supplier.

§10631(a) (Describe the service area) climate.

3.1.1 Location and History

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 four 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 and 17.6 square miles in 2010 (2010 Census). 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. As described in the General Plan adopted in 2008, the Planning Area covers about 36,341 acres (56.8 square miles). Approximately 25,100 acres (39.2 square miles) or about 70 percent of the Planning Area lies 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.

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 the Tule River is regulated by Success Dam, located approximately five 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 (FEMA) 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.

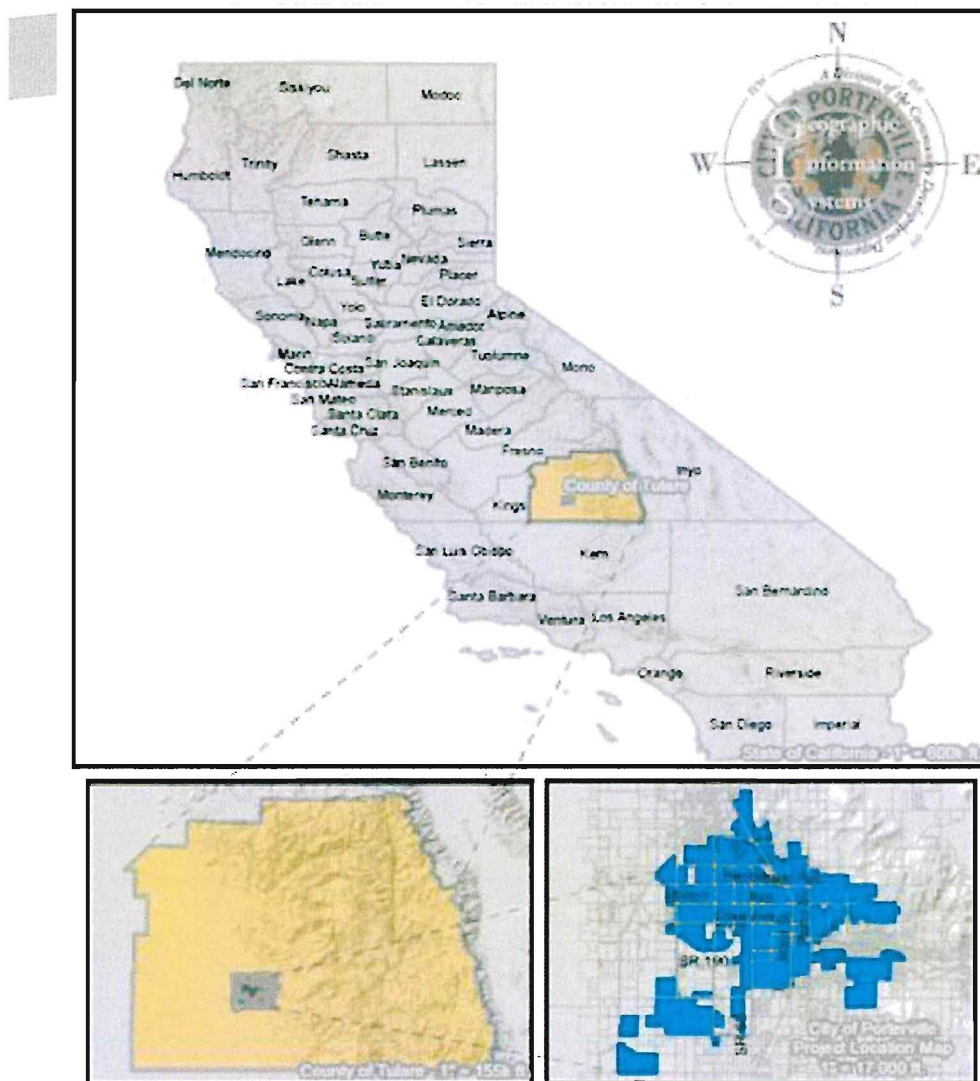
Porter Slough is a natural tributary of the Tule River and flows through the center of the urban area (see Figure 3-1: Regional Location Map). It originates from the Tule River approximately 4 miles upstream from the center of the city, and returns to the river



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 Central Valley Flood Protection Board (known as the Reclamation Board prior to 2008). 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. 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.

Figure 3-1: Regional Location Map



3.1.2 Land Use

According to the 2008 General Plan, Single-Family Residential and Public/Quasi-Public were the most significant existing land uses located within the 2005 city limits, each representing more than 20 percent of the total land use. More than 1,500 acres (17 percent) of the incorporated land was designated as vacant, with no identified land use designation. Within the Planning Area, approximately 21,270 acres (59 percent) of the total land area was being used for agriculture and other rural uses. Thirteen percent of the entire Planning Area was categorized as single family residential and 10 percent was considered vacant.

Other land uses in the Planning Area include commercial, retail, and industrial. Downtown lies near the center of the Planning Area, bordered by Morton Avenue to the north, Olive Avenue to the south, D Street to the west, and Fourth Street to the east. Main Street is the central commercial street. Other large commercial areas are located along State Route 65 (SR 65) and Olive Avenue. The majority of the industrial sites are in proximity to the intersection of SR 190 and Main Street, and in proximity to the Union Pacific Railroad. A few industrial developments are also located near the Porterville Municipal Airport. **Table 3-1** indicates the distribution of land amongst the various land use categories, as discussed in the 2008 General Plan.

Table 3-1: Land Use Categories (source: *Porterville General Plan (2008)*)

Land Use	Incorporated		Unincorporated		Total Planning Area	
	Area (acres)	Percent of Total (%)	Area (acres)	Percent of Total (%)	Area (acres)	Percent of Total (%)
Agricultural/Rural/Conservation	820	9%	20,390	75%	21,210	58%
Single-Family Residential	2,230	24%	2,525	9%	4,760	13%
Multi-Family Residential	170	2%	65	0%	240	1%
Retail Shopping	80	1%	0	0%	80	0%
Commercial	480	5%	277	1%	760	2%
Industrial	320	3%	31	0%	350	1%
Public/Quasi-Public	2,020	22%	614	2%	2,630	7%
Vacant	1,580	17%	2,009	7%	3,590	10%
Unclassified (roads, water, etc.)	1,461	16%	1,220	4%	2,680	7%
Total	9,161	100%	27,131	100%	36,300	100%



3.1.3 Climate

Porterville has an inland Mediterranean climate that is characterized by warm, dry summers and cooler winters. Summer high temperatures often exceed 100 degrees Fahrenheit (°F), averaging in the mid-90s. The daily summer temperature variation can be as high as 30°F. Winters are for the most part mild and humid. Average high temperatures during the winter are in the high 50s to low 60s, while the average daily low temperature is in the 40s. The average annual precipitation in the Porterville area is approximately 11 inches. Approximately 85 percent of the annual precipitation occurs between November and April.

Table 3-2 summarizes the climate data for the city.

Table 3-2: Climate Characteristics

Month	Average Eto	Maximum Temperature	Minimum Temperature	Average Temperature	Average Rainfall
January	1.04	58.5	38.6	48.5	2.10
February	1.88	64.9	42.0	53.5	1.94
March	3.65	71.1	45.7	58.4	2.00
April	5.53	77.2	49.2	63.2	1.05
May	7.20	85.9	55.5	70.7	0.41
June	8.00	93.3	61.8	77.6	0.10
July	8.40	98.8	67.6	83.2	0.02
August	7.46	97.7	65.8	81.8	0.02
September	5.56	92.6	61.0	76.8	0.16
October	3.89	82.3	52.4	67.4	0.56
November	1.89	68.4	43.3	55.8	1.15
December	1.05	58.6	38.0	48.3	1.71
Annual	55.55	79.2	51.8	65.5	11.22

Notes:

- 1) Rainfall and temperature data from Western Regional Climate Center, Porterville Station, based on data from 1981-2010.
- 2) Evapotranspiration data from California Irrigation Management Information System Porterville (#169) Station, based on data from 2000-2012.



3.2 Service Area Population

Legal Requirements:

§10631(a) (Describe the service area) current and projected population...The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier...

§10631(a) ... (population projections) shall be in five-year increments to 20 years or as far as data is available.

§10631(a) Describe...other demographic factors affecting the supplier's water management planning.

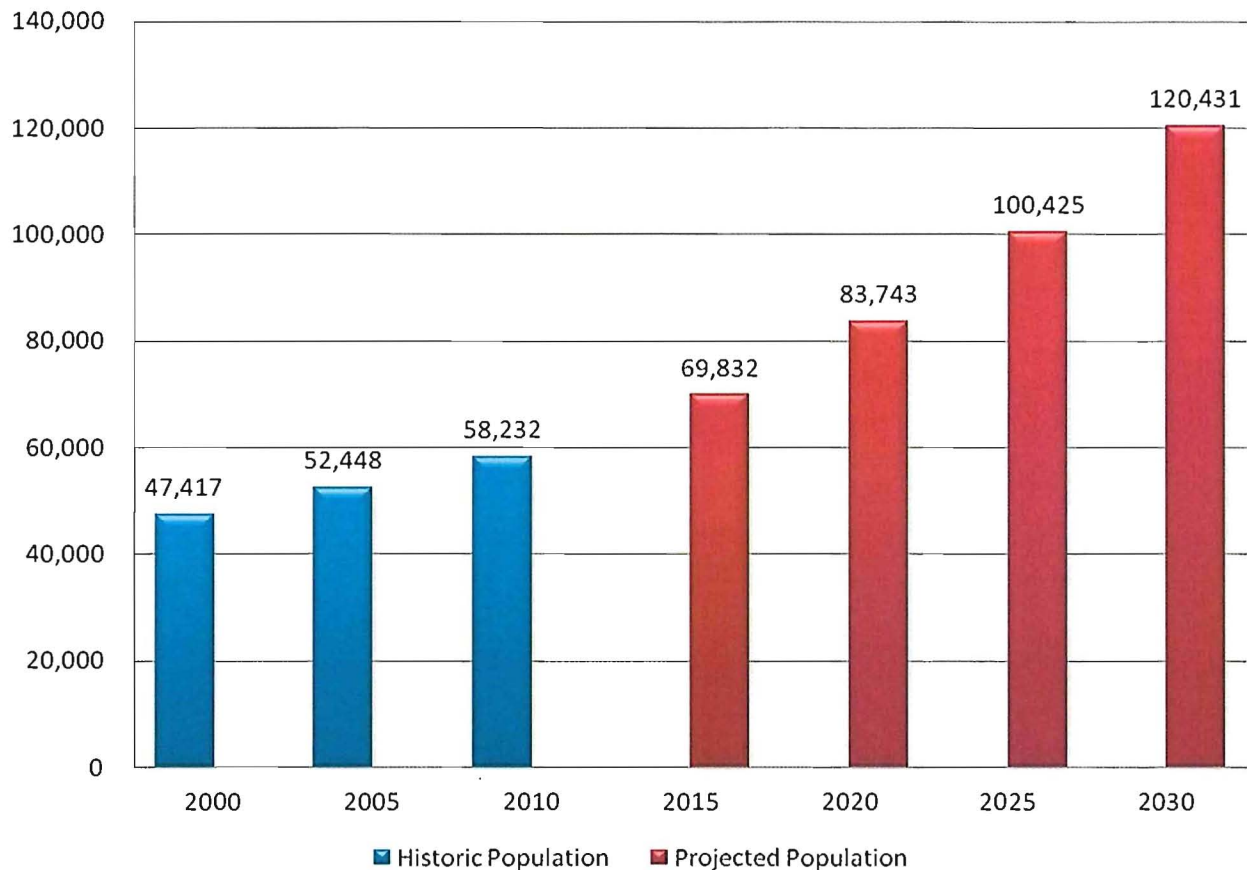
Over the past 30 years, the city of Porterville's population has grown at an average annual rate of 3.7 percent. However, the City's population growth has slowed to an average annual rate of 2.8 percent over the past 15 years. According to the 2010 Census, the city currently has a population of 54,165. Water service is provided to an additional population outside of the city limits of about 4,067 in 2010, for a total 2010 population of 58,232. Buildout according to the 2008 General Plan would accommodate a population of 107,300 residents in the Planning Area through year 2030. However, based on the 2010 population of 54,165, and maintaining the projected annual population growth rate of 3.7 percent, as contemplated in the General Plan, the projected 2030 population is 120,431.

Table 3-3: Service Population – Current and Projected

(UWMPGB Table 2)

	2010	2015	2020	2025	2030
Service area population¹	58,232 ²	69,832 ³	83,743 ³	100,425 ³	120,431 ³
¹ Service area population is defined as the population served by the distribution system. ² Source: Census (2010) plus population outside of city limits. ³ Population projections based on 3.7% annual increase (City of Porterville General Plan).					



Figure 3-2: Population – Historical and Projected

The current 2010 City of Porterville population is 54,165 persons in a gross area of 11,270 acres. That equates to an average density of 4.8 persons per gross acre, within the City limits. The current 2010 population between the City limits and the proposed Urban Development Boundary (UDB) is 4,067 persons within 4,900 acres. The service area population includes the City population and the remaining population within the UDB but outside of the City limits, for a total 2010 population within the UDB of 58,232.



4 SYSTEM DEMANDS

4.1 Historical Water Use

Water demands within the City's service area are largely residential, with commercial, industrial, institutional, and City-related consumption accounting for approximately 25% of the total water demand (Water Master Plan 2001). As of 2010, the City has 14,746 metered services, which is 97% of the total service connections.

In 2010, the City produced 12,380 AF (4,033,850 gallons) of water from groundwater supplies to serve a population of about 58,232. **Table 4-1** details the actual water deliveries for 2005 in terms of metered versus unmetered services.

The City's water use increased in a fairly linear fashion through 2007. Beginning in 2008, water use began to decline due to economic conditions and water conservation measures. It is anticipated that overall use will continue to increase, but at a slower pace due to growth policies and conservation measures being implemented.

Table 4-1: Water Deliveries – 2005

(UWMPGB Table 3)

Water use sectors	2005				
	Metered		Not metered		Total
	# of accounts	Volume	# of accounts	Volume ³	Volume
Single family	11,907	6,903	449	413	7,316
Multi-family	800	1,296	6	14	1,310
Commercial/Institutional	1,086	2,119	4	12	2,132
Industrial	22	177			177
Landscape Irrigation	2	48			48
Other	156	599			599
Agricultural Irrigation					0
System Losses^{1,2}				610	610
Total	13,953	11,142	459	1,049	12,191

Units: acre-feet per year

1. Unaccounted for system losses are estimated to be five percent of total production.

2. System losses may include leaks, flushing, fires, flow testing, backflushing, etc.

3. Volumes for unmetered connections are estimated based on the total volume less the metered volume and system losses, and the number of unmetered connections for each water use sector.

Approximately 97 percent of the city of Porterville and surrounding communities served by the City water supply system are metered. All new construction will be metered, and meters may be installed on existing unmetered service connections at the request of the customer. There is no proactive system in place to retrofit the remaining unmetered services with meters at this time.



4.2 Baselines and Targets

Legal Requirements:

§10608.20(e) An urban retail water supplier shall include in its urban water management plan...due in 2010 the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

Determining the City's baseline per capita use is the first step of calculating the required targets for the 20-year planning period, which will allow DWR to determine the City's compliance with required reduction described in the Water Conservation Bill of 2009.

4.2.1 Baseline

The first step in developing a baseline water usage rate for the City is determining the applicable range of years for which the baseline average will be calculated. It was determined that the City will use the 10-year approach since the City had no recycled water deliveries in 2008. A 5-year baseline is also calculated to assist in establishing the reduction targets. A summary of the 2008 total and recycled water deliveries, 10-year baseline range, and 5-year baseline range is included in **Table 4-2**.

Table 4-2: Base Period Ranges

(UWMPGB Table 13)

Base	Parameter	Value
10-year base period	2008 total water deliveries	13,615
	2008 total volume of delivered recycled water	0
	2008 recycled water as a percent of total deliveries	0
	Number of years in base period ¹	10
	Year beginning base period range	2000
	Year ending base period range ²	2009
5-year base period	Number of years in base period	5
	Year beginning base period range	2003
	Year ending base period range ³	2007
<i>Units : acre-feet per year</i>		
¹ <i>If the 2008 recycled water percent is less than 10 percent, then the first base period is a continuous 10-year period. If the amount of recycled water delivered in 2008 is 10 percent or greater, the first base period is a continuous 10- to 15-year period.</i>		
² <i>The ending year must be between December 31, 2004, and December 31, 2010.</i>		
³ <i>The ending year must be between December 31, 2007, and December 31, 2010.</i>		

The data used to calculate the baseline is summarized in the following table. The UWMPA requirements state a continuous range must be used with the range ending between the end of 2004 and 2010.



Table 4-3: Base Daily Per Capita Water Use – 10 Year Range

(UWMPGB Table 14)

Base period year		Distribution system population ¹	Daily system gross water use (AF/yr)	Daily system gross water use (mgd)	Annual daily per capita water use (gpcd)
Sequence Year	Calendar Year				
Year 1	2000	47,417	10,577	9.4	199
Year 2	2001	48,638	11,174	10.0	205
Year 3	2002	50,092	12,497	11.2	223
Year 4	2003	50,134	12,340	11.0	220
Year 5	2004	51,401	12,796	11.4	222
Year 6	2005	52,448	12,191	10.9	208
Year 7	2006	50,740	12,767	11.4	225
Year 8	2007	56,698	13,775	12.3	217
Year 9	2008	56,911	13,615	12.2	214
Year 10	2009	57,318	13,156	11.7	205
Base Daily Per Capita Water Use					214
1. Population based on DOF Table E-4 (city of Porterville), 2001-2010 with 2000 and 2010 Census Counts, plus number of connections outside of the city limits at an average occupancy of 3.2 persons per unit.					

The following table summarizes the data used to calculate the 5-year baseline, which has a UWMPA requirement to be a continuous range, ending between the end of 2007 and 2010.

Table 4-4: Base Daily Per Capita Water Use – 5 Year Range

(UWMPGB Table 15)

Base period year		Distribution system population	Daily system gross water use (mgd)	Annual daily per capita water use (gpcd)
Sequence Year	Calendar Year			
Year 1	2003	50,134	11.0	220
Year 2	2004	51,401	11.4	222
Year 3	2005	52,448	10.9	208
Year 4	2006	50,740	11.4	225
Year 5	2007	56,698	12.3	217
Base Daily Per Capita Water Use				218

4.2.2 Targets

Four methods have been developed to determine water use targets for the City. The UWMPA requires a target be established for 2020 and an interim target for 2015. Each method and its calculated water use are described below.



4.2.2.1 Method 1 – 80 Percent

Method 1 is based upon the determined base daily per capita use as determined by the water supplier. The base daily per capita use is 214 gallons per capita per day (gpcd). Method 1 requires that this usage be reduced to by 20%, yielding a target use of 171 gpcd.

4.2.2.2 Method 2 – Performance Standards

Method 2 uses commercial, industrial, institutional, indoor residential, and landscape water usage quantities to calculate a water use target. The City's data is deficient of landscape water usage, therefore making this method impractical for use in calculating a target water use.

4.2.2.3 Method 3 – 95 Percent Hydrologic Region Target

Method 3 is based upon the hydrologic region target, which is reduced by 5% to obtain the 95% target. According to the 20x2020 Water Conservation Plan, the region-specific conservation goal is 188 gpcd for the Tulare Lake region. With this information, Method 3 yields a target use of 179 gpcd.

4.2.2.4 Method 4 – Provisional

Development of Method 4 by DWR began in February 2010. The draft method was released on January 24, 2011. The draft method had to be presented to several agencies including the California Water Commission before being adopted in mid-February 2011 and being released along with DWR's final 2010 guidebook. DWR has stated that this is a provisional method, subject to later revisions during the 2015 UWMP cycle. The methodology for the provisional draft method relies on the base daily per capita use in 2000 and reduction in the three urban use sectors:

- Residential indoor;
- Commercial, industrial, and institutional (CII); and
- Landscape use and water loss.

A discussion of each of these components, and the calculated savings in each of these sectors is included below.

4.2.2.4.1 Residential Indoor Savings

Since indoor and outdoor water use is delivered through a single meter, an assumption of 70 gpcd has been provided by DWR for standard residential indoor water use. To determine indoor residential savings, the draft provisional method outlines two methodologies. First, a best management practices (BMP) calculator has been developed to sum the savings for three conservation elements including single and multi-family residential housing toilets, residential washers, and showerheads. Due to insufficient data on the implementation of these water-saving measures, it will not be discussed further or used to assess indoor residential savings for the city. Therefore,



the City will use what has been termed the “default option” to determine these savings. Based on the draft provisional method, this default value is 15 gpcd.

4.2.2.4.2 Commercial, Industrial and Institutional Savings

Baseline CII water can be easily established for the City since more than 99 percent of the commercial, industrial, and institutional connections were metered in 2000, 2005 and 2010. The calculated baseline for CII use (over the same 2000 through 2009 period) was 42.8 gpcd. The draft provisional method estimates a default value for CII savings of 10 percent. The CII water savings are therefore 4.3 gpcd.

4.2.2.4.3 Landscape and Water Loss Savings

The landscape and water loss water use is determined by subtracting the default indoor water use of 70 gpcd and CII water use of 43 gpcd from the calculated base line per capita use of 214. Based on calculated baseline per capita water use, the landscape and water loss use is 101 gpcd. The draft provisional method estimates a default value for landscape and water loss savings of 21.6 percent. The landscape and water loss savings are therefore 21.9 gpcd.

4.2.2.4.4 Metered Savings

Metered savings are considered in addition to the savings attributed to the three sectors previously discussed. Based on the provisional method, a meter savings of 20 percent is applied to the average delivery per unmetered connection in the midpoint of the baseline period. Using the assumed savings outlined in the provisional method of 20 percent, savings from metering is calculated as 3.6 gpcd.

4.2.2.4.5 Summary

Based on the steps above, the total water savings is estimated at 44.7 gpcd. When compared with the baseline demand of 214 gpcd, this would result in a water conservation target of 169 gpcd.



Table 4-5: Method 4 Summary

	Baseline Water Use (gpcd)	Water Savings (gpcd)
Residential Indoor	70 ¹	-15 ²
CII	43 ¹	-4.3 ³
Landscape/Water Loss	101	-22 ⁴
Metered	N/A	-3.6 ⁵
Totals	214	-44.7
Net Usage	169	

¹ Assumed value based on UWMPGB Draft Provisional Method 4

² Residential indoor water savings based on UWMPGB Draft Provisional Method 4

³ CII water savings of 10% based on UWMPGB Draft Provisional Method 4

⁴ Landscape and Water Loss savings of 21.6% based on UWMPGB Draft Provisional Method 4

⁵ Metered savings of 20% based on UWMPGB Draft Provisional Method 4

4.2.2.5 Minimum Water Use Reduction Requirement

The final step in determining the applicability of the water use target for the City is to confirm the water use targets discussed above meet the minimum reduction requirements as defined by DWR. The minimum reduction required by DWR must be below 95 percent of the 5-year baseline, which is 218 gpcd, as defined in **Table 4-4**.

4.2.3 Summary of Baseline and Targets

Based on the water use targets, the City's water use target for 2020 is 179 gpcd, while the interim 2015 target is 197 gpcd (based on 50% of the target conservation below the 10-year baseline). The 2020 target was determined using Method 3, 95% of the regional water conservation goal. According to DWR guidelines, this target is valid because it is less than the target confirmation. A summary of the baselines and targets is presented in the following table.



Table 4-6: Baseline and Targets Summary

Baselines (gpcd)	
10-Year	214
5-Year	218
Target Determinations (gpcd)	
Method 1	171
Method 2	N/A
Method 3	179
Method 4	169
Target Confirmation (gpcd)	207
Target Selected (gpcd)	179
Interim Target (gpcd)	197
<i>Notes:</i> <i>Method 1: 80% of 10-Year Baseline</i> <i>Method 3: 95% of Hydrologic Region Target (Tulare – 179 gpcd)</i> <i>Target Confirmation: 95% of 5-Year Baseline</i> <i>Interim Target: Target Selected plus 10-year Baseline, divided by 2</i>	

4.3 Water Demands

Legal Requirements:

§10631(e)(1) Quantify, to the extent records are available, past and current water use, and projected water use (over the same five-year increments described in subdivision (a)), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

(A) Single-family residential; (B) Multifamily; (C) Commercial; (D) Industrial; (E) Institutional and governmental; (F) Landscape; (G) Sales to other agencies; (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof; (I) Agricultural.

§10631(e)(2) The water use projections shall be in the same 5-year increments to 20 years or as far as data is available.

§10631.1(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

Since 2005, new connections to the water system have been added at an average annual rate of 1.1% with an overall water demand increase of 0.3% per year. Approximately 97% of the system is metered, which intrinsically commands a water use efficiency characteristic within the community, promoting conservation. This has contributed to an overall decrease in per capita water consumption over the past five years.



SECTION FOUR

Table 4-9 illustrates current and projected water demand from 2010 to 2030 in acre-feet per year and the number of metered/non-metered service connections for the same time period. The data for the year 2010 is actual data. For future years the data is projected based on general plan land uses, projected growth rates, and historic demands.

Table 4-7: Water Deliveries 2010 – 2030

(UWMPGB Tables 4, 5, 6 & 7)

	2010				
	Metered		Not Metered		Total
Water use sectors	# of accounts	Volume	# of accounts	Volume	Volume
Single family	12,578	6,401	361	650	7,051
Multi-family	747	1,224	105	564	1,788
Commercial/Institutional	1,071	1,989	3	19	2,007
Industrial	18	78			78
Landscape Irrigation	161	410			410
Other	171	411	2	16	427
Agricultural Irrigation					0
System Losses ^{1,2}				619	619
Total	14,746	10,513	471	1,867	12,380
	2015				
	Metered		Not Metered		Total
Water use sectors	# of accounts	Volume	# of accounts	Volume	Volume
Single family	15,228	7,919	289	607	8,525
Multi-family	938	1,520	84	487	2,007
Commercial/Institutional	1,286	2,508	2	12	2,520
Industrial	22	110			110
Landscape Irrigation	193	802			802
Other	206	659	2	16	675
Agricultural Irrigation					0
System Losses ^{1,2}				770	770
Total	17,873	13,517	377	1,815	15,410
	2020				
	Metered		Not Metered		Total
Water use sectors	# of accounts	Volume	# of accounts	Volume	Volume
Single family	18,435	9,053	208	191	9,245
Multi-family	1,175	1,880	60	144	2,024
Commercial/Institutional	1,543	2,932	1	3	2,935
Industrial	26	120			120
Landscape Irrigation	231	878			878
Other	248	744	1	6	750
Agricultural Irrigation					0
System Losses ^{1,2}				840	840
Total	21,658	15,607	270	1,184	16,791



Water use sectors	2025		2030	
	Metered		Metered	
	# of accounts	Volume	# of accounts	Volume
Single family	22,357	11,179	26,811	13,406
Multi-family	1,481	2,370	1,776	2,842
Commercial/Institutional	1,852	3,519	2,221	4,220
Industrial	31	140	37	170
Landscape Irrigation	277	1,025	332	1,262
Other	299	897	359	1,077
Agricultural Irrigation				
System Losses ^{1,2}		1,007		1,207
Total	26,297	20,136	31,536	24,183

Units: acre-feet per year

1. Unaccounted for system losses are estimated to be five percent of total production.
2. System losses may include leaks, flushing, fires, flow testing, etc.

4.3.1 Residential Customer Class

Rural Residential This designation is intended to allow opportunities for rural living on lots ranging in size from 2.5 to 10 acres or more. This land use is around the periphery of the community because it helps serve as a transition between agriculture/open space and more intensive urban uses. This type of development helps define the limits of urban development. Clustered development is encouraged, and smaller lots may be allowed, provided that the overall density does not exceed 0.2 units per acre, with lower limits applying in the Hillside Development Zone.

Resort Residential This designation is intended to allow residential development along the Lake Success shore and surrounding hillsides. There is an emphasis on creating a resort community with supporting commercial and recreation uses. Pedestrian-oriented design standards, including clustered development patterns, will promote sustainable development. The maximum overall density is 5.0 units per acre, with lower limits applying in the Hillside Development Zone.

Very Low Density Residential This designation is typical of large lot or executive home single-family subdivisions. The maximum residential density is 2.5 units per gross acre.

Low Density Residential This density represents typical single-family subdivisions. The maximum residential density is 6.0 units per gross acre.

Low-Medium Density Residential This density is also for typical single-family subdivisions, but allows for smaller lots. The maximum residential density is 9.0 units per gross acre.

Medium Density Residential This density range would accommodate a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments. Pedestrian-oriented design and clustered development can support higher levels of density. The maximum residential density is 12.0 units per gross acre.



High Density Residential This classification is intended to accommodate attached homes, two- to four-plexes, and apartment buildings. The maximum residential density is 24.0 units per gross acre.

4.3.2 Mixed-Use Customer Class

Downtown Mixed-Use Downtown Mixed-Use development allows for a mostly vertical mix of commercial, service, office, and residential uses. The vertical nature of this type of use may allow for a reduction in the minimum parking requirements. This designation allows a maximum FAR of 3.0. The maximum residential density is 30.0 units per gross acre.

Commercial Mixed-Use This designation allows for either horizontal or vertical mixed-use development. Commercial, service, office, and residential uses are allowed. Buildings more than one story are strongly encouraged. The designation allows a maximum FAR of 2.0. The maximum residential density is 24.0 units per gross acre.

4.3.3 Commercial/Office/Industrial Customer Class

Downtown Retail Pedestrian-oriented and "Main Street" design standards, a vertical mix of uses, and the retention of a unique retail environment is the focus in the Downtown area. This designation allows for a maximum FAR of 3.0.

Retail Centers Design and use standards will be established for regional shopping centers located at major circulation intersections. Large format or "big box" retail and auto sales as well as travel related services, such as hotels and gas stations are allowed. This designation allows for a maximum FAR of 0.35.

General and Service Commercial This designation is intended for retail and services uses that meet local and regional demand. Examples of allowable uses include: equipment rental and repair, commercial print shops, auto sales, storage facilities, and wholesale businesses, and specialized retail not normally found in shopping centers. Accessory office uses related to the primary commercial use are also allowed. This designation allows for a maximum FAR of 0.40.

Neighborhood Commercial This designation is intended for small-scale commercial development that primarily provides office space and convenience retail for local neighborhoods. This designation allows for a maximum FAR of 0.30.

Professional Office This designation is intended for office complex development, including professional and medical offices, as well as research and development activities. Small restaurants, support services, convenience retail and limited medium and high density residential are also allowed. This designation allows for a maximum FAR of 0.50.

Industrial Park This designation comprises a mix of light industrial, secondary office, bulk retail, and service uses. Typical uses include warehouse, mini-storage, research and development, wholesale, bulk retail, and office space with limited customer access. Other uses may be allowed, such as commercial recreation, distribution centers, or other uses that require large, warehouse-style buildings. Small-scale retail and service



uses serving local employees and visitors are permitted as secondary uses. This designation allows for a maximum FAR of 0.40.

Industrial This designation allows primary manufacturing, refining, and similar activities including those with outdoor facilities. It also accommodates warehousing, distribution, with support commercial services and ancillary office space. No retail uses are allowed. This designation allows for a maximum FAR of 0.60.

4.3.4 Agricultural/Rural/Conservation

This designation preserves agricultural and resource conservation areas. Incidental residential uses with septic systems are allowed, subject to health and environmental standards. Clustered housing is strongly encouraged because it makes the provision of other infrastructure, such as roads and electricity, more cost-effective and limits the impact on natural resources. Industrial gravel and aggregate mining is allowed in areas designated as Mineral Resource Zones.

4.3.5 Public Uses and Open Space

Public/Institutional This designation is intended for lands owned by public entities, including the Municipal Airport, City Hall, County buildings, and the hospital. At the Municipal Airport, industrial park uses will be allowed. It will provide for needed public facilities, including, but not limited to, recycling centers, sewage treatment ponds, and police and fire stations. This designation allows for a maximum FAR of 0.25.

Education This designation is intended for lands owned by public or private entities for educational purposes, including schools, colleges, vocational training facilities, and administrative offices.

Commercial Recreation This designation is intended for campgrounds, off-road vehicle complexes, and other recreation areas where patrons usually pay to participate. The maximum FAR is 0.10.

Park This designation applies to both public and private recreation sites and facilities. It allows for a maximum FAR of 0.10.

4.4 Water Demand Projections

Legal Requirements:



§10631(k) Urban water suppliers that rely upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

The population growth data summarized in **Table 3-3** was used to estimate the future water use within the city. The population in 2010 was 58,232 and is projected to reach 120,431 in 2030.

The City of Porterville does not currently sell water to any other agencies, and has no plans to sell water to other agencies in the future.

Table 4-8: Sales to Other Water Agencies

(UWMPGB Table 9)

Water distributed	2005	2010	2015	2020	2025	2030
N/A	0	0	0	0	0	0
Total	0	0	0	0	0	0
Units :acre-feet per year						

The City has projected future additional water uses and losses including use of water for groundwater recharge. These values are presented in **Table 4-9**, but they do not represent additional water sources or demands. All water that is recharged will later be pumped and consumed; hence, it is incorporated into the numbers in **Table 4-7**. Recycled water is used for groundwater recharge and crop irrigation, however it is not used to directly meet the demands of the city customers, and is therefore not considered in this section. System losses have already been accounted for in **Table 4-7**, and are not reproduced in **Table 4-9**.

Table 4-9: Additional Water Uses and Losses

(UWMPGB Table 10)

Water use	2005	2010	2015	2020	2025	2030
Groundwater Recharge ¹	0	0	0-1,800	0-1,800	0-1,800	0-1,800
Untreated Surface Water ²	0	0	0	0	0	0
Recycled water ³	0	0	0	0	0	0
System losses ⁴	0	0	0	0	0	0
Total	0	0	0-1,800	0-1,800	0-1,800	0-1,800
Units :acre-feet per year						
Source:						
¹ Only a range of values for groundwater recharge can be provided at this time. Recharge is assumed to range from 0% to about 200% of annual average surface water deliveries (2005 UWMP).						
² No untreated surface water considered.						
³ No recycled water considered.						



⁴System losses are assumed to be 5% of total water delivered into the system; these losses have already been accounted for in Table 4-1 and Table 4-7.

Table 4-10: Total Water Use

(UWMPGB Table 11)

Water Use	2005	2010	2015	2020	2025	2030
Total water deliveries ¹	12,191	12,380	15,410	16,791	20,136	24,183
Sales to other water agencies ²	0	0	0	0	0	0
Additional water uses and losses ³	0	0	0-1,800	0-1,800	0-1,800	0-1,800
Total	12,191	12,380	15,410	16,791	20,136	24,183
<i>Units : acre-feet per year</i>						
¹ Table 4-1 and Table 4-7						
² Table 4-8						
³ Table 4-9						

As shown above, the total water use for the City service area will continue to increase due to population growth.



4.5 Planned Development

§10910(a) Any city or county that determines that a project, as defined in section 10912, is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) under Section 21080 of the Public Resources Code shall comply with this part.

§10912 For the purpose of this part, the following terms have the following meanings:

§10912(a) "Project" means any of the following:

- (1) A proposed residential development of more than 500 dwelling units.*
- (2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.*
- (3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.*
- (4) A proposed hotel or motel, or both, having more than 500 rooms.*
- (5) A proposed industrial, manufacturing or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.*
- (6) A mixed-use project that includes one or more of the projects specified in this subdivision.*
- (7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.*

Legal Requirements:

Within the next five years the City has a few large scale projects planned that may fall within the statutory definition under §10912(a). They include the River Walk Commercial Center located on S. Jaye Street at the intersection with Hwy. 190, and the South County Detention Facility located on Scranton Ave at the intersection with Newcomb Street.

4.5.1 Low Income Projected Water Demands

The City of Porterville General Plan references the Housing Element, which is included in a separate volume and was adopted in March 2004. The Housing Element has since been updated, and a Final Draft Housing Element was updated on May 18, 2010. The Housing Element contains the Regional Housing Needs Allocation (RHNA) and the assumptions used to develop the allocations. The RHNA identified the need to construct 1,224 very low-and 862 low-income housing units by 2014. Since the RHNA used January 1, 2007, as the baseline for growth projections for the Housing Element planning period of 2009-2014, any new units built or issued certificates of occupancy since 2007 may be counted. Based on the 2010 Housing Element, 213 very low and low income housing units have been developed, approved, or are under construction since January 2007. With these credits, the City has remaining RHNA including 1,173 very low income units and 700 low income units.

To calculate the low income water demands, the 2010 Census shows 3.27 persons per occupied household and the interim demand target of 197 gpcd will be used for 2015, and the 2020 target of 179 gpcd will be used for the years 2020 through 2030.

For the year 2015:

$$1,873 \times 3.27 \text{ persons per unit} \times 197 \text{ gpcd} \times 365 \text{ days} \div 325,851.4 \text{ gallons per AF} =$$



1,352 AF per year demand.

For the years after 2015, the low income demand will be reduced to 1,228 AF per year based on the 2020 target of 179 gpcd.

Table 4-11: Low Income Projected Water Demands

(UWMPGB Table 8)

Low Income Water Demands	2015	2020	2025	2030
Residential	1,352	1,228	1,228	1,228
Total	1,352	1,228	1,228	1,228
Units : afy				

4.6 Water Use Reduction Plan

Legal Requirements:

CWC§10608.26 Urban wholesale water suppliers shall include in the urban water management plans . . . an assessment of their present and proposed future measures, programs, and policies to help achieve the water use reductions required by this part (10608.36). Urban retail water suppliers are to prepare a plan for implementing the Water Conservation Bill of 2009 requirements and conduct a public meeting which includes consideration of economic impacts.

The previously discussed water use targets will result in a large amount of water conserved but will take a significant effort to attain. The following demand projections are not inclusive of the demand management measures, as those are difficult to quantify and will be better understood with actual data as the measures are implemented.

Table 4-12: Total Water Use Projections

Demand Projection	2015	2020	2025	2030
Population	69,832	83,743	100,425	120,431
Demand Projection w/o Water Conservation	16,712	20,041	24,033	28,821
Demand Projection w/ Water Conservation	15,410	16,791	20,136	24,147
Difference	1,330	3,283	3,937	4,721
Units : af/yr				



Figure 4-1: Projected Water Demands with and without Conservation

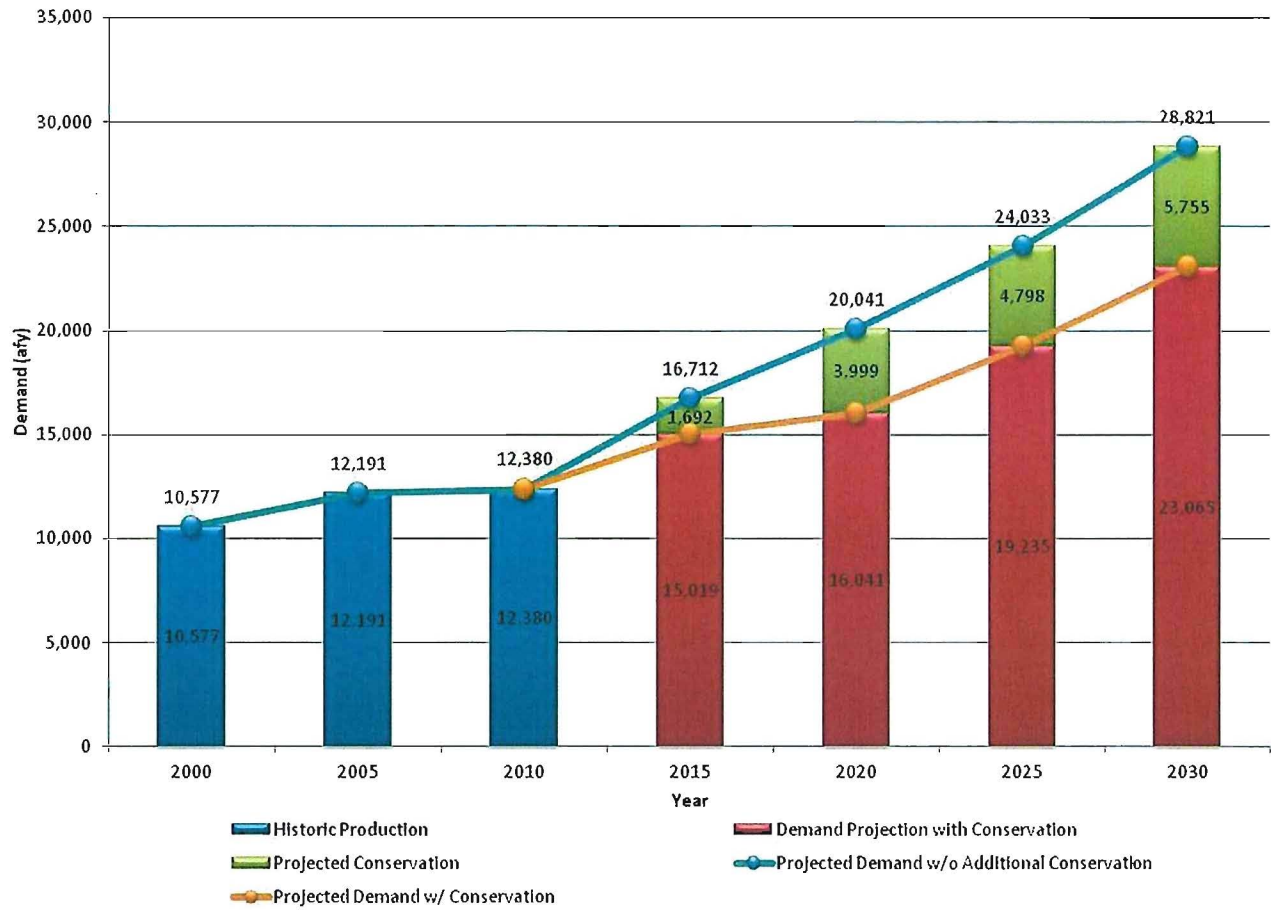


Figure 4-1 shows the difference in water use projections with and without conservation practices in place. The City will have to achieve a water savings of 5,753 afy by 2030. To achieve these savings, the City will make efforts toward implementing the DMMs described in Section 6. Of primary importance are the residential DMMs, as the customer base is largely residential.

DRAFT



5 SYSTEM SUPPLIES

5.1 Water Sources

Legal Requirements:

§10631(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).

UWMPA requirements state the water supplier must describe their existing and planned water supply sources for the next 20 years. The following description includes information such as water rights, an overdraft summary, any adjudication decrees and other pertinent information.

5.1.1 Water Supply and Storage Facilities

The City of Porterville has historically relied on groundwater to supply municipal water to its residents. In addition to groundwater, the City has purchase rights for about 900 AF annually from the Pioneer Ditch Company and Porter Slough Ditch Company (General Plan 2008). Some of this surface water is used for a small pond at Murry Park in Porterville, but historically most of this water has not been used by the City. However the City has recently begun a ground water recharge program with this surface water.

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 Rowland Water System.

According to the General Plan, the City has 34 active wells serving the Planning Area, which includes both water systems. Water is distributed from the wells through approximately 200 miles of pipeline operated and maintained by the Public Works Department. The City has approximately 14,746 metered connections, of which approximately 13,325 are residential meters.

The City's municipal wells are generally scattered west of Plano Avenue and south of Westfield Avenue. The area east of Plano Avenue is considered water deficient. The City currently operates and maintains five hillside reservoirs, including three 3.0 million gallon reservoirs, one 550,000 gallon reservoir, and one 300,000 gallon reservoir.

Current and future supply projections through 2030 are shown in **Table 5-1**. The City of Porterville expects to update their Water System Master Plan in 2015-2016. This will include a water balance study as well as analysis of the distribution facilities needed to accommodate population growth, potential need for a surface water treatment plant, and the facilities needed to accept and recharge surface water. After completion of the Master Plan, several new projects will likely be identified to improve the distribution system and provide greater assurance that the City can meet peak water demands.



SECTION FIVE

The City has established a goal of gradually reducing groundwater pumping to match the aquifer safe yield by 2020 (UWMP 2007). The City anticipates purchasing surface water and implementing water conservation programs to meet the remaining demands. Purchase of surface water will be either recharged or treated and delivered directly to users. In order to safely deliver surface water to customers, the City would need to build a surface water treatment plant.

Table 5-1: Water Supplies

(UWMPGB Table 16)

Water Supply Sources	2010	2015	2020	2025	2030
Porterville Produced Groundwater ¹	12,380	15,410	16,791	20,136	24,183
Surface Water Diversions ²	0	900	900	900	900
Surface Water Purchases ³	0	1,500	3,520	4,300	5,440
Total	12,380	17,810	21,211	25,336	30,523
<i>Units : acre-feet per year</i>					
<i>Sources:</i>					
¹ The aquifer safe yield is assumed to be 1.0 AF/acre. This value is approximate and needs to be verified with a detailed water balance study.					
² Includes water rights on the Tule River with the Pioneer Ditch Company and Porter Slough Ditch Company.					
³ Surface water sellers are likely to include Porterville Irrigation District and other local irrigation and water districts.					

Table 5-2: Wholesale Supplies

(UWMPGB Table 17)

Wholesale Sources	Contracted	2015	2020	2025	2030
N/A	0	0	0	0	0

The City does not use wholesale water for its supply source.



5.2 Groundwater

Legal Requirements:

§10631(b) (Is) groundwater...identified as an existing or planned source of water available to the supplier...

§10631(b)(1) (Provide a) copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

§10631(b)(2) (Provide a) description of any groundwater basin or basins from which the urban water supplier pumps groundwater.

§10631(b)(2) For those basins for which a court or the board has adjudicated the rights to pump groundwater, (provide) a copy of the order or decree adopted by the court or the board.

§10631(b)(2) (Provide) a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

§10631(b)(2) For basins that have not been adjudicated, (provide) information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

§10631(b)(3) (Provide a) detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

§10631(b)(4) (Provide a) detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

5.2.1 Groundwater Description and Management Plan

The city is located within 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. The area is underlain by an unconfined aquifer which receives groundwater recharge from the Sierra Nevada Mountains and seepage from the Tule River and irrigation ditches. The alluvial fans of the Tule River provide highly permeable area in which groundwater is readily replenished. Annual rainfall in Porterville usually ranges from eight to 12 inches; however, there is no estimate of what percentage of rainfall reaches the groundwater supply.

Groundwater quality in the Porterville area is generally good. Groundwater quality and quantity is generally better on the western edge of town, which is why most of the production wells are located in that area. 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 and eastern portion 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 currently treat any groundwater supply well.

More detailed information on the groundwater conditions within the city of Porterville area is provided in an October 2009 report prepared by Kenneth Schmidt and Associates, entitled *Groundwater Conditions within the City of Porterville Urban Area Boundary*.



The City 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 Porterville. 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.

5.2.2 Groundwater Levels and Historical Trends

Groundwater levels have declined an average of 0.75 feet per year on well hydrographs completed by the Department of Water Resources. In addition, well yields have decreased substantially in the past 10 years. Some City wells have had capacity reductions from 1,500 gallons per minute (gpm) to 500 or 600 gpm. New wells typically have capacities of 500 gpm or less (General Plan).

According to a 2009 Ken Schmidt report regarding groundwater conditions within the city of Porterville,

"The decreases in specific capacities and pumping rates for a number of City wells are not indicative of an overall long-term overdraft, or that the City may 'run out of water' within a few years. Rather, they are indicative of short-term decreases in saturated thickness during droughts, and for some flo-path wells, of well plugging."

5.2.3 Sources of Recharge

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 currently owns approximately 25 stormwater detention basins, which allow for incidental groundwater recharge. The City will consider additional water detention basins, which could serve as both stormwater detention and groundwater recharge. Some of the best topsoils for groundwater recharge are located along the present or ancestral channels of the Tule River (General Plan).

5.2.4 Existing and Projected Groundwater Pumping

The City has historically relied on groundwater pumping for most of its water supply. The following tables show the quantities of groundwater the City has pumped in the past five years and anticipates what will be pumped through 2030.



Table 5-3: Groundwater – Volume Pumped

(UWMPGB Table 18)

Basin name(s)	Metered or Unmetered	2006	2007	2008	2009	2010
Tule Sub-basin	Metered	11,259	12,381	12,075	11,295	10,513
Tule Sub-basin	Unmetered	1,508	1,394	1,540	1,861	1,867
Total groundwater pumped		12,767	13,775	13,615	13,156	12,380
Groundwater as a percent of total water supply		100.0%	100.0%	100.0%	100.0%	100.0%
Units: acre-feet per year						

Table 5-4: Groundwater – Volume Projected to be Pumped

(UWMPGB Table 19)

Basin Name(s)	2015	2020	2025	2030
Tule Sub-basin	15,410	16,791	20,136	24,183
Total groundwater pumped	15,410	16,791	20,136	24,183
Percent of total water supply	100%	86%	79%	79%
Units: acre-feet per year				

As shown in **Table 5-3**, the amount of groundwater being pumped has seen a decline from 2007 to 2010 due to decrease in demands. The projection from 2010 to 2030 anticipates that the amount of groundwater being pumped will increase due to population increases, while the percent of the total water supply that groundwater represents will decrease with the introduction of surface water supplies. The City is considering surface water treatment as a long term water supply option to relieve their reliance on groundwater.

5.3 Transfer Opportunities

Legal Requirements:

§10631(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

The City of Porterville presently has limited water supplies that could be transferred or exchanged. Groundwater constitutes the majority of the City's 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. Surface water purchases will improve the reliability of the City's water supply.

The City has established a goal of gradually increasing surface water purchases between 2010 and 2020 so that groundwater pumping is equal to the safe yield in 2020. 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.

5.3.1 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.

5.3.2 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.

5.3.3 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.

5.3.4 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 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 \$5 million infrastructure loan.

Table 5-5: Transfer and Exchange Opportunities

(UWMPGB Table 20)

Transfer agency	Transfer or exchange	Short term or long term	Proposed Volume
Pioneer Ditch Company and Porter Slough Ditch Company	Transfer	Long Term ¹	900
Porterville Irrigation District	Transfer	Long Term ¹	5,000
Total			5,900
<i>Units : acre-feet per year</i>			
<i>¹ Volume to be provided to the City as raw water to be recharged or treated by the City.</i>			

5.4 Desalinated Water Opportunities

Legal Requirements:

§10631(i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

There are no opportunities to develop desalination of ocean water or brackish ocean water since the city of Porterville is located in the Central San Joaquin Valley. In addition, the groundwater is of adequate quality and desalination is not necessary.



Table 5-6: Desalination Opportunities

Water Source	Proposed Volume to be Desalinated
Seawater	0
Brackish Seawater	0
Brackish Groundwater	0
Total	0
Units : acre-feet per year	

5.5 Recycled Water Opportunities

Legal Requirements:

§10633 Provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.

§10633(a) (Describe) the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

§10633(b) (Describe) the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

§10633(c) (Describe) the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

§10633(d) (Describe and quantify) the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

§10633(e) (Describe) the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

§10633(f) (Describe the) actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

§10633(g) (Provide a) plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

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 about 47% of total water used. The difference between the water demand and effluent is considered the outside water use. Accordingly, the wastewater generation will increase to an estimated 10 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 five to six 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.



5.6 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. 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. 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.

5.7 Wastewater Quantity, Quality and Current Uses

Table 5-7 summarizes the past and projected volumes of wastewater generated and treated in Porterville. 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 in the near future.

Table 5-7: Recycled Water – Wastewater

(UWMPGB Table 21)

Type of Wastewater	2005	2010	2015	2020	2025	2030
Wastewater collected & treated in service area ¹	5,693	5,782	7,160	7,841	9,417	11,294
Volume that meets recycled water standard (Secondary Level)	5,693	5,782	7,160	7,841	9,417	11,294
Units : acre-feet per year						
1. Wastewater assumed to be approximately 46.7% of total water delivered into system.						

In 2008, the City pumped about 13,300 acre-feet of water for public supply. The amount of wastewater effluent generated at the City WWTF was about 5,100 acre-feet for the same year. The residual, or approximately 8,200 acre-feet, is considered the outside water use within the water supply area. Of this, an estimated 70 percent (5,700 acre-feet) was consumed by evapotranspiration (Schmidt 2009).

Of the 5,100 acre-feet of effluent that was generated, 3,100 acre-feet of effluent was applied for irrigation of 425 acres of crops in the airport area in 2008. An estimated



1,500 acre-feet was applied within the proposed UDB. In 2008, 2,000 acre-feet of effluent was delivered to percolation basins in the Old Deer Creek channel. Of this amount, an estimated 50 acre-feet was lost to evaporation, and the remaining 1,950 acre-feet percolated to the groundwater (Schmidt 2009).

During the winter, most of the City effluent has been percolated in basins in the Old Deer Creek channel, located immediately south of the UAB. In 2008, about 1,950 acre-feet of this effluent percolated to the groundwater (Schmidt 2009).

Table 5-8: Recycled Water – Wastewater Disposal

(UWMPGB Table 22)

Method of disposal	Treatment Level	2010	2015	2020	2025	2030	2035
Percolation Ponds	Secondary	1,999	2,005	2,011	2,017	2,023	2,029
Recycled Water Use	Secondary	3,024	3,033	3,042	3,051	3,060	3,069
Groundwater Recharge	Secondary						
Total		5,024	5,038	5,053	5,068	5,083	5,098
Units : acre-feet per year							

Table 5-9: Recycled Water – Projection Compared to Actual

(UWMPGB Table 24)

Use Type	2010 Actual Use	2005 Projection for 2010 ¹
Agricultural irrigation/incidental recharge	3,025	4,269
Landscape irrigation ²	0	0
Industrial reuse	0	0
Groundwater recharge	1,999	750
Water feature	0	0
Total	5,024	5,019
Units : afy		
¹ From the 2005 UWMP. There has been some modification of use types. Data from the 2005 UWMP can be left in the existing categories or modified to the new categories, at the discretion of the water supplier.		
² Includes parks, schools, cemeteries, churches, residential, or other public facilities)		



Table 5-10: Recycled Water – Potential Future Users

(UWMPGB Table 23)

User Type	Description	Feasibility	2015	2020	2025	2030	2035
Agricultural irrigation	Tertiary Treated	Yes	3,033	3,042	3,051	3,060	3,069
Landscape irrigation	Tertiary Treated	Yes	0	0	0	0	0
Industrial reuse	Tertiary Treated	No	0	0	0	0	0
Groundwater recharge	Tertiary Treated	Yes	2,005	2,011	2,017	2,023	2,029
Water feature	Tertiary Treated	Yes	0	0	0	0	0
Units : afy							
Note: Each line item is a possible use; not all would be utilized concurrently.							

It will be much easier to encourage the use of recycled water in areas that are not yet developed. The City is considering requiring that new development within areas to receive recycled water install recycled water mains (purple pipe) to supply recycled water to landscape areas. The City would be able to guarantee availability to customers even during water shortages that are not disaster related.

Customers will be educated about the uses of recycled water and the need for its reuse. Potential customers will be educated about the merits of using recycled water for recirculation uses. During the development process, the City will promote, encourage, and in some cases, require potential developments to include ways to use recycled water. The following table summarizes potential methods the City may use to encourage recycled water use.

Table 5-11: Methods to Encourage Recycled Water Use

(UWMPGB Table 25)

Actions	Projected Volume			
	2015	2020	2025	2030
Lower Cost of Water				
Dual Distribution System				
Customer Education				
Promotion of Recirculating Uses				
Development Review Committee				
Total				
Units : acre-feet per year (No Data to submit at this time.)				



5.8 Future Water Projects

Legal Requirements:

§10631(h) (Describe) all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

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.

Water Distribution System Improvements. Porterville expects to update their Water System Master Plan in 2014-2015. 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 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 as discussed in Section 4.2. This will be accomplished through a variety of demand management measures as described in Section 7 of this UWMP. The water savings are essentially equivalent to securing a water source of the same volume.

Table 5-12: Future Water Supply Projects

(UWMPGB Table 26)

Project name		
Projected start date		



Projected completion date			
Potential project constraints			
Normal year supply			
Single dry year supply			
Multiple Dry Years	Year 1		
	Year 2		
	Year 3		
Units : afy (No Projects at this Time)			

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6 WATER SUPPLY RELIABILITY AND WATER SHORTAGE CONTINGENCY PLAN

6.1 Water Supply Reliability

Legal Requirements:

§10620(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

§10631(c)(1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following: (A) an average water year, (B) a single dry water year, (C) multiple dry water years.

§10631(c)(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

6.1.1 Frequency and Magnitude of Supply Deficiencies

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.

The City has historically used groundwater to meet all of their water demands. Groundwater supplies have not significantly been impacted, and, as a result, there is no history of any water supply deficiencies for the City water system. 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.

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 could 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. The City Council has approved the purchase of surface water to be used for groundwater recharge. Existing retention facilities and the Porter Slough are available for groundwater recharge.

Surface water could potentially be utilized from the Pioneer Water Company (PWC, of which the City currently owns 466 shares, approximately 12.94%) and would like to increase the City's holdings and water rights. City Council has subsequently authorized the Public Works Director, at his discretion, to purchase surface water for groundwater recharge and purchase or bid on PWC shares. As of July 2014, the City Water Fund had \$100,000 available for water purchases of this nature.

Another potential surface water partner is Porterville Irrigation District (PID). 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.

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 through an exchange. 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 PWC, and water conservation efforts will allow the City to meet their water demands through 2030.

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. While the City recognizes the need to address their water problems as soon as possible, they are not in an immediate need to secure surface water sources, and could secure them incrementally as demands increase. **Table 5-5** lists potential surface water purchases.

6.1.2 Basis of Water Year Data

Historical rainfall data available for the city of Porterville from the Western Regional Climate Center (WRCC)¹ were examined to establish a basis of water year for average, single dry, and multiple dry years. As shown in Table

Table 6-1, for the purposes of this report, the year 2001 is classified as an "average" year, the year 1989 is classified as a "single dry" year, and the years 1988 to 1990 are classified as "multiple dry" years.

¹ Source <http://www.wrcc.dri.edu/>. Data was examined for the Porterville Station (period of record: 1948-2006).



Table 6-1: Basis of Water Year Data

(UWMPGB Table 27)

Water Year Type	Base Year(s)
Average Water Year	2001
Single-Dry Water Year	1989
Multiple-Dry Water Years	1988-1990

6.1.3 Supply Reliability

During drought years, water use patterns typically change. Outdoor water use will typically increase as irrigation is used to replace the decrease in precipitation. However, the increase in outdoor use can be offset, in part, by increasing mandatory conservation measures.

In order to assess the impact of drought years on the City's annual demands, the City's historical per capita water usage was calculated. By dividing the City's service area population into the total water consumed on an annual basis, consumption in gallons per capita per day (gpcd) was determined. This method of annual consumption, based on current population, eliminates the impact of growth changes. The historical per capita consumption from 2000 to 2010 is shown in **Figure 6-1**.

The historic per capita demand has been variable over the past 10 years, with an overall increase from 2000 through 2004, a dip in 2005, and a recent downward trend since 2006. As shown, the per capita consumption in 2006 was about 5 percent above the 10-year average of 214 gpcd calculated in Section 4, **Table 4-6**. The 10-year Historic Per Capita Demand is considered to be indicative of the maximum potential variation in water demands on an annual basis. As shown in **Figure 6-1**, the year 2006 represents the largest increase in water demand above the Historic Per Capita Trend. For purposes of calculating the impact of dry years, water demands will be increased by five percent for single dry and multiple dry hydrologic years.



Figure 6-1: Historic Per Capita Demand

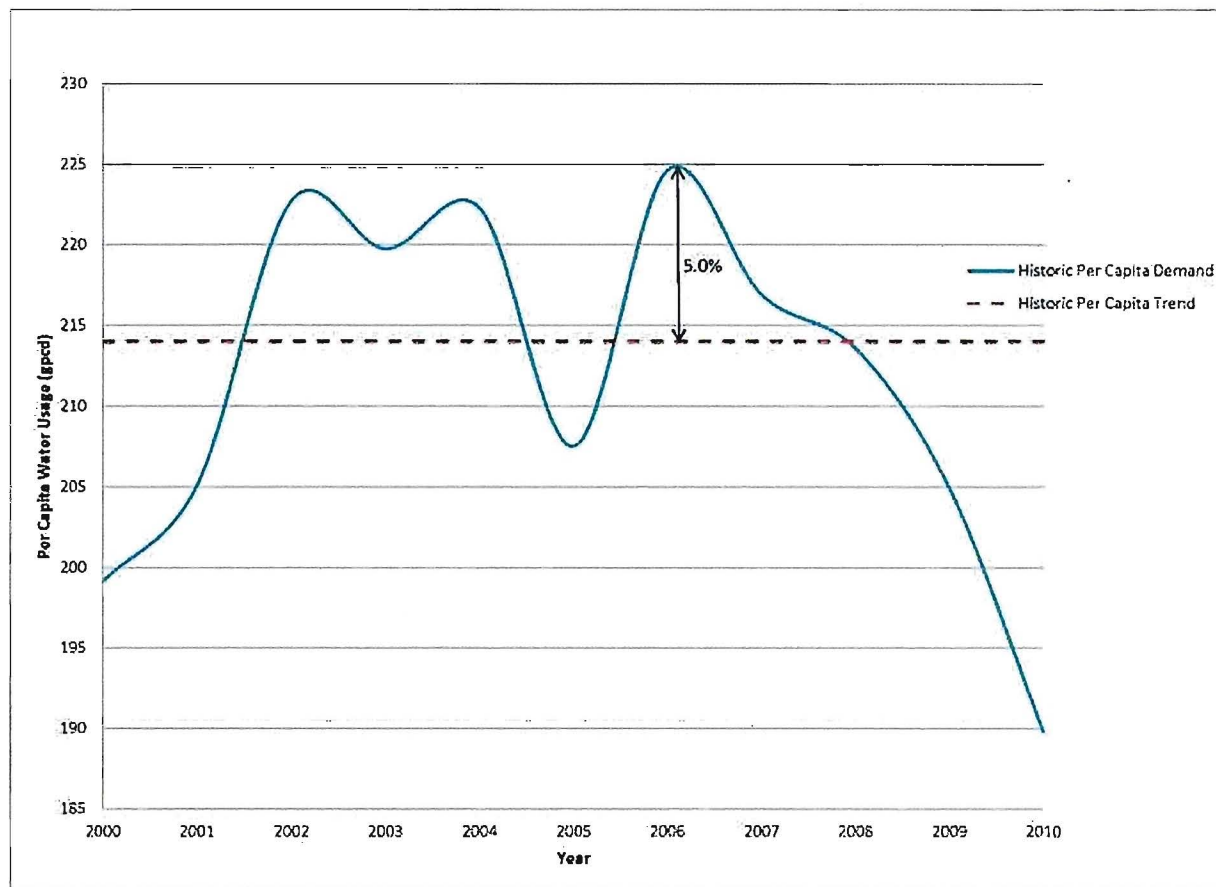


Table 6-2 presents calculations showing the percentage of supply available for the hydrologic years shown in **Table**

Table 6-1. The percentages of normal year shown in **Table 6-2** were calculated by comparing the actual per capita demand for that year to the per capita demand trend of 214 gpcd. Since the City relies solely on groundwater to meet its demands, the available "supply" drawn from the groundwater aquifer in any year is essentially equal to the system water demand for that year. As such, the variation in per capita water use from the historic trend does not necessarily coincide with "dry" or "wet" years. These percentages are not used in this report for projecting future increases in water demands, as per capita demands have been highly variable. The calculation of the percent of water supply consumed relative to the Normal Year Water supply (Percent of Average/Normal Year) is shown in **Table 6-2**. This difference identifies two characteristics: the City of Porterville in an Average Water Year (2001), used less water than the 10 year Historic Per Capita Trend, and in dry and multiple dry water years used more water than the 10 year Historic Trend, ranging from 11 percent to 17 percent. Factors such as conservation efforts and economic considerations have contributed to an overall reduction in per capita demands in more recent years.

Table 6-2: Supply Reliability – Historic Conditions

(UWMPGB Table 28)

Supply Source	Average Water Year (2001)	Single Dry Water Year (1989)	Multiple Dry Water Years		
			Year 1 (1988)	Year 2 (1989)	Year 3 (1990)
Ground Water	11,174 ¹	8,865 ²	8,046 ³	8,865 ²	9,481 ⁴
Surface Water	0	0	0	0	0
Total	11,174	8,865	8,046	8,865	9,481
Percent of Average/Normal Year	96% ⁵	117%	117%	117%	111%

¹ 2001 Actual water consumption Table 4-3
^{2,3,4} Actual water consumption Department of Water Resources Public Water Utility Statistics
⁵ Percent of Average/Normal Year = Average Water Year (11,174 acre-ft) / Normal Water Year based on Historic Trend (Historic Per Capita Demand (214 gpcd) * 2001 Population Table 4-3 (48,638)*365 days/year / 325,851)

Based on conservative planning assumptions, the City's current supply reliability is summarized in **Table 6-3**. The "Normal Year" water use was calculated by multiplying the City service area's 2010 population by the baseline per capita water usage of 214 gpcd. This equates to an annual volume of 13,959 acre-feet per year for a "normal" condition; however, the City's actual 2010 water use was 12,380 acre-feet. This variation is because the Normal Water Year demand estimate is based on a 10 year Historic Per Capita Trend, see **Figure 6-1**. The single and multiple dry year consumptions are assumed to be five percent more than the normal water use, based on **Figure 6-1**.

Table 6-3: Supply Reliability – Current Water Sources

(UWMPGB Table 31)

Water Supply Sources	Normal Water Year	Single Dry Water Year	Multiple Dry Water Years		
			Year 1	Year 2	Year 3
Porterville Produced Groundwater	13,959 ¹	14,657 ²	14,657	14,657	14,657
Surface Water Diversions	0	0	0	0	0
Surface Water Purchases	0	0	0	0	0
Percent of Normal Year:	100%	105%	105%	105%	105%

Units : acre-feet per year
¹ Normal Water Year 2010 = Historic Per Capita Demand (214 gpcd) * 2010 Population Table 3-3 (58,232)*365 days/year / 325,851
² Normal Water Year 2010 = 13,959 acre-ft * 105% = 14,657 acre-ft

6.1.4 Projected Normal Water Year Demands

The Water Supply Totals for the years 2015 through 2030, shown in **Table 6-4**, originate from **Table 5-1**, and include both groundwater and surface water supplies.



Table 6-4: Supply and Demand Comparison – Normal Year

(UWMPGB Table 32)

Water Use	Water Use (AFY)			
	2015	2020	2025	2030
Supply Totals ¹	17,810	21,211	25,336	30,523
Demand Totals ²	15,410	16,791	20,136	24,183
Difference	2,400	4,420	5,200	6,340
Difference as % of Supply	13%	21%	21%	21%
Difference as % of Demand	16%	26%	26%	26%
Units : AFY				
¹ Table 5-1 Water Supply Sources				
² Table 5-4 Groundwater – Volume Projected to be Pumped				

As shown, both supply and demand are expected to increase from 2015 to 2030. The supply totals reflect using groundwater only to the extent required to meet potable demands. Excess supply is a reflection of other supplies such as surface water or recycled water. The supplies utilized will be provided by the sources discussed previously.

6.1.5 Projected Single Dry Water Year

The projected single dry year water demands through 2030 are estimated based on the normal dry year demands, with an anticipated demand and supply increase of five percent. As shown in **Table 6-5**, the projected supplies and demands are equal, because the City's supply source is groundwater.

Table 6-5: Supply and Demand Comparison – Single Dry Year

(UWMPGB Table 33)

Water Use	Water Use (AFY)			
	2015	2020	2025	2030
Supply totals ¹	16,180	17,630	21,143	25,392
Demand totals ²	16,180	17,630	21,143	25,392
Difference	0	0	0	0
Difference as % of Supply	0%	0%	0%	0%
Difference as % of Demand	0%	0%	0%	0%
Units : AFY				
¹ Supply total includes only groundwater supply from Table 5-1 (UWMPGB Table 16), plus 5%.				
² Demand total includes normal year demand projection from Table 4-10 (UWMPGB Table 11), plus 5%.				

6.1.6 Projected Multiple Dry Water Years

During a multiple year drought the City will probably have to rely almost exclusively on groundwater. The projected multiple dry year water demands through 2030 are estimated based on the normal year demands and the anticipated demand and supply increase of 5%. The projected multiple dry water year supplies and demands are presented in **Table 6-6**.



Table 6-6: Supply & Demand Comparison – Multiple Dry Years

(UWMPGB Table 34)

Water Use		Water Use (AFY)			
		2015	2020	2025	2030
Year 1	Supply totals ¹	16,180	17,630	21,143	25,392
	Demand totals ²	16,180	17,630	21,143	25,392
	Difference	0	0	0	0
	Difference as % of Supply	0%	0%	0%	0%
	Difference as % of Demand	0%	0%	0%	0%
Year 2	Supply totals ¹	16,180	17,630	21,143	25,392
	Demand totals ²	16,180	17,630	21,143	25,392
	Difference	0	0	0	0
	Difference as % of Supply	0%	0%	0%	0%
	Difference as % of Demand	0%	0%	0%	0%
Year 3	Supply totals ¹	16,180	17,630	21,143	25,392
	Demand totals ²	16,180	17,630	21,143	25,392
	Difference	0	0	0	0
	Difference as % of Supply	0%	0%	0%	0%
	Difference as % of Demand	0%	0%	0%	0%

Units : AFY

¹ Supply total includes only groundwater supply from Table 5-1 (UWMPGB Table 16), plus 5%.

² Demand total includes normal year demand projection from Table 4-10 (UWMPGB Table 11), plus 5%.

6.1.7 Factors Affecting Supply Reliability

The factors that can affect water supply reliability are varied. **Table 6-8** lists the factors that are anticipated to potentially affect the City's water supply.

Table 6-7: Factors Resulting in Inconsistency of Supply

(UWMPGB Table 29)

Water supply sources	Limitation quantification	Legal	Environmental	Water quality	Climatic
Porterville-produced groundwater	X			X	
Surface Water Diversions				X	X
Surface Water Purchases				X	X

Units : acre-feet per year



6.1.7.1 Legal

The supplies the City relies upon are neither in the process of adjudication nor the subject of any new legislation limiting them. However, that could change in the future; in which case those supplies could be diminished from their current volume.

6.1.7.2 Environmental

The status of environmental regulation in California is routinely changing due to new legislation, endangered species statuses, et cetera. Should new environmental legislation come into existence it could potentially cause a lack of supply. The recent water supply reductions in the Delta are an example of environmental water needs versus community water supplies. It is anticipated that alterations to the water supply could be made to accommodate these changes, should they occur.

6.1.7.3 Water Quality

Water quality standards are fairly stable but can still experience periods of modification as new constituents are deemed to be 'of concern' and MCLs are created or made more stringent.

6.1.7.4 Climatic

As climate change becomes more quantifiable and potentially affects the local water conditions, alterations in the water supply planning area will likely be required. Climate change elements, such as drought or severe flooding, could strongly affect supply reliability, therefore requiring the City to make modifications to their water supplies.



6.2 Water Shortage Contingency Planning

Legal Requirements:

§10632(a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.

§10632(b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency.

§10632(c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

§10632(d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

§10632(e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

§10632(f) Penalties or charges for excessive use, where applicable.

§10632(g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

§10632(h) A draft water shortage contingency resolution or ordinance.

§10632(i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

§10635(a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

6.2.1 Water Shortage Stages and Reduction Objectives

The City has an existing Water Conservation Plan (WCP) that outlines policies and procedures to help reduce water demands during droughts. The WCP addresses the following stages of action.

Stages of Action

The Water Conservation Plan includes four 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. The production capacity will be monitored to determine recommendations for moving from one phase to the next. Any decision to change phases will 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 mandatory measures with a



target reduction of 10%. If these are not sufficient then Phase III is implemented, which includes more stringent mandatory regulations with a target reduction of 10-25%. If these are not sufficient then Phase IV is implemented, which includes more increasingly stringent, mandatory regulations with a target reduction of 25-50%.

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.

Table 6-8: Water Shortage Stages and Reduction Objectives

(UWMPGB Table 35)

Phase	Conditions	Percentage Shortage
Water Conservation Phase I Minor (Voluntary)	Supplies available to meet demands (Normal Water Supply)	0%
Drought Response Phase II Moderate (Mandatory)	Groundwater in overdraft or available production within 10% of peak hour demands (Water Supply Shortage)	10%
Drought Response Phase III Significant (Mandatory)	Significant water shortage, available water production is up to 25% less than peak hour demands (Significant Water Supply Shortage)	10-25%
Emergency Response Phase IV Critical (Mandatory)	Severe water shortage, available water production is up to 50% less than peak hour demands (Critical Water Supply Shortage)	25%-50%

6.2.2 Prohibitions, Consumption Reduction Methods, and Penalties

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 7.

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 as mandatory regulations.



Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phases I.
2. The City of Porterville will enforce a mandatory odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited.
3. Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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. Watering Schedule. Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday and Sunday. There is no watering on Monday.
2. Lawn and Landscaping Watering. All residential, commercial and industrial landscape watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.
3. Conservation Efforts. The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.
4. 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 only.



5. **Vehicle Washing and Sidewalk Hosing.** The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.

Phase III

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

Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phases I and II.
2. The City of Porterville will enforce a two day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited.
3. Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
4. **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.
5. **City Landscapes and Watering Schedules.** All City parks, median islands and public facility landscapes will adopt a two-day watering schedule. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.

Actions by the General Public:

1. **Watering Schedule.** Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday and Sunday. There is no watering on Monday, Thursday, or Friday.
2. **Landscape Watering.** Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days.
3. **Vehicle Washing and Sidewalk Hosing.** The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers,



boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.

Phase IV

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

Actions by the City:

1. Continuation of all Conservation Programs and Regulations Established in Phases I, II, and III.
2. Rate Structure Enhancement. A 20% rate increase on all residential and landscape water 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. Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense.
4. City Landscapes and Watering Schedules. Watering of City parks and median islands will be suspended and evaluated each day.

Actions by the General Public:

1. Landscape Watering. Lawn and landscaping watering is prohibited.
2. Vehicle Washing and Sidewalk Hosing. The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses.



Table 6-9: Water Shortage Contingency – Mandatory Prohibitions

(UWMPGB Table 36)

Examples of Prohibitions	Stage When Prohibition Becomes Mandatory
Outdoor water use on non-watering day	Phase II
Using a hose without a nozzle	Phase II
Broken sprinklers or other leaks	Phase II
Excessive runoff from property	Phase II
Outside washing	Phase II
Outside watering	Phase IV

Table 6-10: Water Shortage Contingency – Consumption Reduction Methods

(UWMPGB Table 37)

Consumption Reduction Methods	Stage When Method Takes Effect	Projected Reduction (%)
Main flushing only on complaint basis	Phase II	10%
Irrigation reduced to 1 or 2 days per week	Phase III	18% to 35%
20% water rate increase	Phase IV	20%
No outdoor watering	Phase IV	50%
Customer allotments/rate changes	Phase IV	25% to 40%

6.2.3 Revenue and Expenditure Impacts/Measures to Overcome Impacts

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.

Table 6-11: Water Shortage Contingency – Penalties and Charges

(UWMPGB Table 38)

Penalties or Charges	Stage When Penalty Takes Effect
Increase in water rates of 20%	Phase IV
Fines for waste	Phase II

6.2.4 Actions During a Catastrophic Interruption

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.

Table 6-12: Actions During a Catastrophic Event

Event	Action
Regional Power Outage	Utilize emergency backup power at selected facilities and provide public notice through broadcasts of emergency and ask customers to reduce consumption to essential uses.
Terrorism Event	Make use of alternate production facilities as available.
Natural Disaster	Utilize emergency backup power if utility provided power is interrupted. Utilize intertie connection if available. Immediately implement Phase III demand reduction program.

6.2.5 Reduction Measuring Mechanism

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.



6.3 Water Quality

Legal Requirements:

§10634 The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

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 20 years.

Groundwater

Groundwater quality in the City is generally good, however a few wells have been shut down due to water quality problems. Some wells have been closed due to perchloroethylene (PCE) contamination, and a few wells have experienced nitrate problems. 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 does 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. However, water supply is considered a greater threat to water reliability. As a result, the City is actively seeking a surface water supply. The City has constructed an inter-tie between the city-wide water distribution system and the airport distribution system. This has allowed 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.

Table 6-13: Water Quality – Current and Projected Water Supply Impacts

(UWMPGB Table 30)

Water source	Description of condition	2010	2015	2020	2025	2030
Surface Water	Acceptable	0	0	0	0	0
Groundwater	Acceptable	0	0	0	0	0

It is not anticipated that water quality will adversely affect water supply in the near future. In the instance that a well or surface water has water quality issues, treatment or blending can be provided.



7 DEMAND MANAGEMENT MEASURES (DMM)

7.1 DMMs

Legal Requirements:

§10631(f)(1) and (2) (Describe and provide a schedule of implementation for) each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following: (A) water survey programs for single-family residential and multifamily residential customers; (B) residential plumbing retrofit; (C) system water audits, leak detection, and repair; (D) metering with commodity rates for all new connections and retrofit of existing connections; (E) large landscape conservation programs and incentives; (F) high-efficiency washing machine rebate programs; (G) public information programs; (H) school education programs; (I) conservation programs for commercial, industrial, and institutional accounts; (J) wholesale agency programs; (K) conservation pricing; (L) water conservation coordinator; (M) water waste prohibition; (N) residential ultra-low flush toilets.

§10631(f)(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

§10631(f)(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.

§10631(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following: (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors; (2) Include a cost-benefit analysis, identifying total benefits and total costs; (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost; (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

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 2010 about 97% 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 7-1: Demand Management Measures

Demand Management Measure	Implemented	Planned for Implementation	Cost Benefit Analysis Completed	Not Applicable
DMM1 – Water Survey Programs	X			
DMM 2 – Residential Plumbing Retrofit	X			
DMM3 – Water System Audits	X			
DMM4 – Metering and Commodity Rates	X			
DMM5 – Landscape Irrigation Programs	X			
DMM6 – Washing Machine Rebate Program			X	
DMM7 – Public Information Program	X			
DMM8 – School Education Program	X			
DMM9 – Commercial, Industrial and Institutional Conservation Programs	X			
DMM10 – Wholesale Agency Programs				X
DMM11 – Conservation Pricing	X			
DMM12 – Water Conservation Coordinator	X			
DMM13 – Water Waste Prohibition	X			
DMM14 – Ultra Low Flush Toilet Replacement			X	

7.1.1 Water Survey Programs

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 $8\% \times 185 \text{ gallons/capita/day} \times 3.3 \text{ persons/household} \times 365 \text{ days/year} = 17,800 \text{ gallons/year/household} = 0.05 \text{ AF/year/household}$. 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. Val 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 7-2 and Table 7-3 provide details on past and projected future water surveys in Porterville.

Table 7-2: Past Residential Water Surveys

Description	2001	2002	2003	2004	2005
No. of Residential	5	5	5	5	5
Actual Expenditures - \$	NA	NA	NA	NA	NA
Actual Water Savings –	0.25	0.25	0.25	0.25	0.25



Table 7-3: Future Residential Water Surveys

Description	2007	2008	2009	2010	2011
No. of Residential Surveys	5 (est)	5 (est)	5 (est)	5 (est)	5 (est)
Projected Expenditures - \$	NA	NA	NA	NA	NA
Projected Water Savings –	0.25	0.25	0.25	0.25	0.25

Implementation Schedule: Ongoing

7.1.2 Residential Plumbing Retrofit

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, which involves the distribution of showerhead flow restrictors at the annual Porterville 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 Porterville 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. **Table 7.4** includes data on past and anticipated future plumbing retrofits in Porterville.



Table 7-4: Residential Plumbing Retrofit Implementation

	Actual					
	2001-2005	2006	2007	2008	2009	2010
# of showerheads distributed	250	125	125	130	130	140
#of faucet aerators distributed	0	0	0	0	0	0
Actual/projected expenditures (\$)	\$450	\$0	\$0	\$500	\$0	\$0
Actual/Projected water saving (afy)	0.8	0.8	0.8	0.8	0.8	0.8

	Projected				
	2011	2012	2013	2014	2015
# of showerheads distributed	150	150	150	150	150
#of faucet aerators distributed	0	0	0	0	0
Actual/projected expenditures (\$)	\$0	\$0	\$500	\$0	\$0
Actual/Projected water saving (afy)	0.8	0.8	0.8	0.8	0.8

Implementation Schedule: Ongoing

7.1.3 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.

Implementation Schedule: Ongoing

7.1.4 Metering and Commodity Rates

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 7.1.3). Nevertheless, as the meters become older, the City will consider replacement or recalibration.

Water Bills

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. As shown in the 2005 UWMP, 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 **Table 7-5**.

Table 7-5: Metering and Commodity Rates Implementation

	Actual				
	2006	2007	2008	2009	2010
# of unmetered accounts*	468	468	480	480	480
# of retrofit meters installed	0	0	0	0	0
# of accounts without commodity rates	0	0	0	0	0
Actual Expenditures (\$)	\$0	\$0	\$0	\$0	\$0
Actual water savings (afy)	0	0	0	0	0
*Does not include non-revenue generating accounts or short-term construction water accounts.					



	Projected				
	2011	2012	2013	2014	2015
# of unmetered accounts*	480	480	480	480	380
# of retrofit meters installed	0	0	0	0	100
# of accounts without commodity rates	0	0	0	0	0
Projected Expenditures (\$)	\$0	\$0	\$0	\$0	\$25,500
Projected water savings (afy)	0	0	0	0	10.85
*Does not include non-revenue generating accounts or short-term construction water accounts.					

Implementation Schedule: The City will continue to install and read meters on all new services. The City will continue to retrofit existing services as requested by residents.

7.1.5 Landscape and Irrigation 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 6) 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 6.2).
- 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 7.1.1) for a customer that has large landscape water demands.

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.

Table 7-6: Landscape and Irrigation Program Implementation

	Actual				
	2006	2007	2008	2009	2010
# of large landscape sites converted to central irrigation systems	0	0	0	0	0
# of budgets developed	0	0	0	0	0
# of surveys completed	0	0	0	0	0
# of follow-up visits	0	0	0	0	0
Actual Expenditures (\$)	\$0	\$0	\$0	\$0	\$0

	Projected				
	2011	2012	2013	2014	2015
# of large landscape sites converted to central irrigation systems	0	0	0	0	1
# of budgets to be developed	0	0	0	0	1
# of surveys to be completed	0	0	0	0	1
# of follow-up visits	0	0	0	0	0
Projected Expenditures (\$)	\$0	\$0	\$0	\$0	\$4,000

Implementation Schedule: Surveys will continue to be offered to customers.



7.1.6 Washing Machine Rebate Program

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 7.1.15 for more details on economics of washing machine rebates.

7.1.7 Public Information Program

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:

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 **Table 7.7**.



Table 7-7: Public Information Program Implementation

	Actual				
	2006	2007	2008	2009	2010
Bill inserts/newsletters sent	14,562	14,882	15,014	15,161	15,217
Porterville Recorder / Newspapers sent	29,124	29,764	30,000	30,000	30,000
Bills showing water usage comparison	Yes	Yes	Yes	Yes	Yes
Media Buy	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Special Events	5	5	5	5	5
Website Information	Yes	Yes	Yes	Yes	Yes
Actual Expenditures (\$)	\$10,000	\$10,000	\$10,875	\$11,00	\$13,200

	Projected				
	2011	2012	2013	2014	2015
Bill inserts/newsletters sent	15,250	15,250	15,300	30,600	30,00
Porterville Recorder / Newspapers sent	40,000	40,000	40,000	60,000	60,000
Bills showing water usage comparison	Yes	Yes	Yes	Yes	Yes
Media Buy	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Special Events	5	5	5	5	5
Website Information	Yes	Yes	Yes	Yes	Yes
Actual/Projected Expenditures (\$)	\$13,000	\$13,000	\$13,000	\$15,000	\$15,000

Implementation Schedule: The City will continue to provide public information to remind the public about water issues, as detailed above.

7.1.8 School Education Program

The City performs multiple educational sessions throughout the year targeting the age groups listed in Table 7-8. The City has identified education as one of the major elements of their conservation program and therefore will maintain a proactive school educational program. The City's Water Conservation Coordinator currently directs educational field trips with community schools and during the visit, students are educated in Water Conservation, Storm Drain and Recycling. School Education Programs will continue to be evaluated similar to Public Information Programs (see Section 7.1.7). A summary of planned school education programs is provided in **Table 7-8**.



Table 7-8: School Education Program Implementation

# of Class Presentations	Actual				
	2006	2007	2008	2009	2010
Grades K-3	1	1	1	1	1
Grades 4-6	1	1	1	1	1
Grades 7-8	1	1	1	1	1
High School	2	2	2	2	2
College	0	0	0	0	0

	Projected				
	2011	2012	2013	2014	2015
Grades K-3	1	1	1	1	1
Grades 4-6	1	1	1	1	1
Grades 7-8	2	2	2	2	2
High School/College	2	2	2	2	2

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.

Implementation Schedule: The City will continue to provide this program in the manner described above.

7.1.9 Commercial, Industrial, and Institutional Conservation Programs

Commercial, industrial and institutional customers are treated the same as residential customers. As a result, any demand reduction measures which are available and marketed to residential customers are also available for commercial, industrial and institutional customers. All commercial and industrial projects are reviewed by the City for conformance with the City's water efficient landscape ordinance

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 processing plant.

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 7.1.15), 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.

Table 7-9: CII Conservation Program Implementation

	Actual				
	2006	2007	2008	2009	2010
# of surveys completed	1	1	1	1	1
Incentives provided?	No	No	No	No	No
# of follow-up visits	0	0	0	0	0
Actual expenditures (\$)	\$160	\$160	\$160	\$160	\$160

	Planned				
	2011	2012	2013	2014	2015
# of surveys to be completed	1	1	1	1	1
Incentives to be provided?	No	No	No	No	No
# of follow-up visits	0	0	0	0	0
Projected expenditures (\$)	\$160	\$160	\$160	\$160	\$160

Implementation Schedule: The City will continue to provide this program in the manner described above.



7.1.10 Wholesale Agency Programs

The City of Porterville does not provide any wholesale water to other entities, and therefore this DMM does not apply.

7.1.11 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. 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 and mandatory programs (education, water surveys, watering restrictions, etc.). If these measures are not successful in reducing demands, then the City will consider tiered pricing when the UWMP is revised in five 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 7.1.4. In summary, it is estimated to reduce consumption by about 60 gpcd. 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%.

7.1.12 Water Conservation Coordinator

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

Name: Roman Ferro

Title: Water Systems Specialist

Experience: Grade D2 Water Distribution.

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 wide array of tasks, but many 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 7.1.7).

Table 7-10 provides data on past and anticipated future efforts for the WCC.

Table 7-10: Water Conservation Coordinator Program Implementation

	Actual				
	2006	2007	2008	2009	2010
# of full-time positions	0	0	0	0	0
# of part-time positions	1	1	1	1	1
Actual expenditures (\$)	\$3,000	\$3,200	\$3,400	\$3,600	\$3,800

	Planned				
	2011	2012	2013	2014	2015
# of full-time positions	0	0	0	0	0
# of part-time positions	1	1	1	1	1
Projected expenditures (\$)	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000

Implementation Schedule: Ongoing.

7.1.13 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 6.2.2). When a drought is declared the WCP moves from Phase I to Phase II, Phase III or Phase IV, 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.

Table 7-11: Water Waste Prohibition Program Implementation

	Actual				
	2006	2007	2008	2009	2010
Waste Ordinance in effect	Yes	Yes	Yes	Yes	Yes
# of citations issued	0	0	0	0	0
Actual expenditures (\$)	\$500	\$500	\$500	\$500	\$500

	Planned				
	2011	2012	2013	2014	2015
Waste Ordinance in effect	Yes	Yes	Yes	Yes	Yes
Projected # of citations to be issued	0	0	0	500	500
Projected expenditures (\$)	\$500	\$500	\$500	\$2500	\$2500

Implementation Schedule: The City has permanently incorporated this program into its ordinances.

7.1.14 Ultra-Low Flush 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 7.1.15 for more details on why this DMM is not being implemented.



7.1.15 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.

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8 CLIMATE CHANGE

8.1 UWMP Requirement

The UWMP Guidebook does not require a section on Climate Change but suggests it be included for a more complete representation of the water situation, as water supply and demand are related to the climate change phenomena.

8.2 Introduction

California currently enjoys a Mediterranean climate, which is not expected to change with climate change projections in the future. The climate consists of cool, wet winters and hot, dry summers typically.

Increases in global greenhouse gas levels are changing climate patterns around the world and, it is speculated, may begin to change at an accelerated pace from what has occurred in the past. This accelerated rate of change could result in impacts to the local climate of the city in the form of higher temperatures, increased droughts and floods, decreased snow pack amounts and durations and other extreme variations in weather patterns. As the UWMP projects until 2035, these changes could be expected to manifest themselves over that period. The climate variations could affect the availability and volume of water resources.

8.3 Potential Impacts

In the past, the amount of rainfall has been fairly consistent, with periods of drought and periods of excess precipitation spaced relatively far apart. With climate change, the rainfall levels could begin to vary more from year to year, incurring droughts followed by excesses with less time between them. Typically, climate change predicts a decrease in average rainfall for the area, while temperatures are expected to increase. However, increased temperatures could intensify the El Nino Southern Oscillation cycle (ENSO), possibly resulting in very wet, wet years and drought level dry years.

For areas that rely on surface water deliveries, this weather pattern change could mean less dependable surface water deliveries, as the snow pack diminishes in some years. Increasing temperatures could start the snow pack spring melting period earlier and at an increased rate, which will increase the need for capacity in storage facilities and open channel conveyance facilities (i.e. canals). The increased melting rate could also lead to extensive flooding in lower lying areas due to lack of storage infrastructure.

8.4 Mitigation and Adaptation

To respond to the climate change predictions, the City's response must be two-fold: mitigation and adaptation. Mitigation consists of reducing the amount of greenhouse gas emissions. Adaptation is the process of modifying behaviors in response to the warming climate and related changes.



In relation to water management, emission reduction can be achieved by reducing the amount of water usage, thereby decreasing the energy used to move, treat, and discharge water supplies. As the City implements the DMMs discussed above, their usage will decrease and by association so will their energy use. DMMs that conserve water but utilize excess energy supplies to do so will need to be considered seriously to determine if they are desirable.

Adaptation is generally considered a local principle and, as such, must be contemplated in a very specific manner for each area. Adaptation can consist of more extensive master planning, enhanced management and storage of surface water supplies, increased usage of recycled water, and investment in infrastructure to support the previously stated measures.

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9 COMPLETED UWMP CHECKLIST

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
PLAN PREPARATION				
4	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	10620(d)(2)		Section 2 Appendix B
6	Notify, at least 60 days prior to the public hearing on the plan required by Section 10642, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. Any city or county receiving the notice may be consulted and provide comments.	10621(b)		Section 2 Appendix B
7	Provide supporting documentation that the UWMP or any amendments to, or changes in, have been adopted as described in Section 10640 et seq.	10621(c)		Appendix A
54	Provide supporting documentation that the urban water management plan has been or will be provided to any city or county within which it provides water, no later than 60 days after the submission of this urban water management plan.	10635(b)		Section 2 Appendix B
55	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.	10642		Section 2 Appendix B
56	Provide supporting documentation that the urban water supplier made the plan available for public inspection and held a public hearing about the plan. For public agencies, the hearing notice is to be provided pursuant to Section 6066 of the Government Code. The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water. Privately-owned water suppliers shall provide an equivalent notice within its service area.	10642		Section 2 Appendix B
57	Provide supporting documentation that the plan has been adopted as prepared or modified.	10642		Appendix A
58	Provide supporting documentation as to how the water supplier plans to implement its plan.	10643		Section 7



SECTION NINE

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
59	Provide supporting documentation that, in addition to submittal to DWR, the urban water supplier has submitted this UWMP to the California State Library and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. This also includes amendments or changes.	10644(a)		Section 2 Appendix A
60	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the urban water supplier has or will make the plan available for public review during normal business hours	10645		Section 2 Appendix B
SYSTEM DESCRIPTION				
8	Describe the water supplier service area.	10631(a)		Section 3
9	Describe the climate and other demographic factors of the service area of the supplier	10631(a)		Section 3
10	Indicate the current population of the service area	10631(a)	Provide the most recent population data possible. Use the method described in "Baseline Daily Per Capita Water Use." See Section M.	Section 3
11	Provide population projections for 2015, 2020, 2025, and 2030, based on data from State, regional, or local service area population projections.	10631(a)	2035 and 2040 can also be provided to support consistency with Water Supply Assessments and Written Verification of Water Supply documents.	Section 3
12	Describe other demographic factors affecting the supplier's water management planning.	10631(a)		Section 3
SYSTEM DEMANDS				
1	Provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.	10608.20(e)		Section 4
2	<i>Wholesalers:</i> Include an assessment of present and proposed future measures, programs, and policies to help achieve the water use reductions. <i>Retailers:</i> Conduct at least one public hearing that includes general discussion of the urban retail water supplier's implementation plan for complying with the Water Conservation Bill of 2009.	10608.36 10608.26(a)	Retailers and wholesalers have slightly different requirements	Section 2
3	Report progress in meeting urban water use targets using the standardized form.	10608.40		N/A until 2015



SECTION NINE

CITY OF PORTERVILLE 2010 UWMP

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
25	Quantify past, current, and projected water use, identifying the uses among water use sectors, for the following: (A) single-family residential, (B) multifamily, (C) commercial, (D) industrial, (E) institutional and governmental, (F) landscape, (G) sales to other agencies, (H) saline water intrusion barriers, groundwater recharge, conjunctive use, and (I) agriculture.	10631(e)(1)	Consider 'past' to be 2005, present to be 2010, and projected to be 2015, 2020, 2025, and 2030. Provide numbers for each category for each of these years.	Section 4
33	Provide documentation that either the retail agency provided the wholesale agency with water use projections for at least 20 years, if the UWMP agency is a retail agency, OR, if a wholesale agency, it provided its urban retail customers with future planned and existing water source available to it from the wholesale agency during the required water-year types	10631(k)	Average year, single dry year, multiple dry years for 2015, 2020, 2025, and 2030.	Not Applicable
34	Include projected water use for single-family and multifamily residential housing needed for lower income households, as identified in the housing element of any city, county, or city and county in the service area of the supplier.	10631.1(a)		Section 4

SYSTEM SUPPLIES

13	Identify and quantify the existing and planned sources of water available for 2015, 2020, 2025, and 2030.	10631(b)	The 'existing' water sources should be for the same year as the "current population" in line 10. 2035 and 2040 can also be provided.	Section 5
14	Indicate whether groundwater is an existing or planned source of water available to the supplier. If yes, then complete 15 through 21 of the UWMP Checklist. If no, then indicate "not applicable" in lines 15 through 21 under the UWMP location column.	10631(b)	Source classifications are: surface water, groundwater, recycled water, storm water, desalinated sea water, desalinated brackish groundwater, and other.	Section 5
15	Indicate whether a groundwater management plan been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	10631(b)(1)		Section 5
16	Describe the groundwater basin.	10631(b)(2)		Section 5
17	Indicate whether the groundwater basin is adjudicated? Include a copy of the court order or decree.	10631(b)(2)		Section 5



SECTION NINE

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
18	Describe the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. If the basin is not adjudicated, indicate "not applicable" in the UWMP location column.	10631(b)(2)		Not Applicable
19	For groundwater basins that are not adjudicated, provide information as to whether DWR has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition. If the basin is adjudicated, indicate "not applicable" in the UWMP location column.	10631(b)(2)		Section 5
20	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	10631(b)(3)		Section 5
21	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	10631(b)(4)	Provide projections for 2015, 2020, 2025, and 2030.	Section 5
24	Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.	10631(d)		Section 5
30	Include a detailed description of all water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and multiple-dry years, excluding demand management programs addressed in (f)(1). Include specific projects, describe water supply impacts, and provide a timeline for each project.	10631(h)		Sections 4, 5 and 6
31	Describe desalinated water project opportunities for long-term supply, including, but not limited to, ocean water, brackish water, and groundwater.	10631(i)		Section 5
44	Provide information on recycled water and its potential for use as a water source in the service area of the urban water supplier. Coordinate with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.	10633		Section 5
45	Describe the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.	10633(a)		Section 5
46	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	10633(b)		Section 5



SECTION NINE

CITY OF PORTERVILLE 2010 UWMP

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
47	Describe the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.	10633(c)		Section 5
48	Describe and quantify the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.	10633(d)		Section 5
49	The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	10633(e)		Section 5
50	Describe the actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.	10633(f)		Section 5
51	Provide a plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.	10633(g)		Section 5
WATER SHORTAGE RELIABILITY AND WATER SHORTAGE CONTINGENCY PLANNING ^b				
5	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	10620(f)		Sections 5, 6 and 7
22	Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage and provide data for (A) an average water year, (B) a single dry water year, and (C) multiple dry water years.	10631(c)(1)		Section 6
23	For any water source that may not be available at a consistent level of use - given specific legal, environmental, water quality, or climatic factors - describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.	10631(c)(2)		Section 6
35	Provide an urban water shortage contingency analysis that specifies stages of action, including up to a 50-percent water supply reduction, and an outline of specific water supply conditions at each stage	10632(a)		Section 6
36	Provide an estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.	10632(b)		Section 6



SECTION NINE

CITY OF PORTERVILLE 2010 UWMP

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
37	Identify actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.	10632(c)		Section 6
38	Identify additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.	10632(d)		Section 6
39	Specify consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.	10632(e)		Section 6
40	Indicated penalties or charges for excessive use, where applicable.	10632(f)		Section 6
41	Provide an analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.	10632(g)		Section 6
42	Provide a draft water shortage contingency resolution or ordinance.	10632(h)		Section 6 Appendix A
43	Indicate a mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.	10632(i)		Section 6
52	Provide information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments, and the manner in which water quality affects water management strategies and supply reliability	10634	For years 2010, 2015, 2020, 2025, and 2030	Section 6
53	Assess the water supply reliability during normal, dry, and multiple dry water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. Base the assessment on the information compiled under Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.	10635(a)		Section 6
DEMAND MANAGEMENT MEASURES				



SECTION NINE

CITY OF PORTERVILLE 2010 UWMP

No.	UWMP requirement ^a	Calif. Water Code reference	Additional clarification	UWMP location
26	Describe how each water demand management measures is being implemented or scheduled for implementation. Use the list provided.	10631(f)(1)	Discuss each DMM, even if it is not currently or planned for implementation. Provide any appropriate schedules.	Section 7
27	Describe the methods the supplier uses to evaluate the effectiveness of DMMs implemented or described in the UWMP.	10631(f)(3)		Section 7
28	Provide an estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the ability to further reduce demand.	10631(f)(4)		Section 7
29	Evaluate each water demand management measure that is not currently being implemented or scheduled for implementation. The evaluation should include economic and non-economic factors, cost-benefit analysis, available funding, and the water suppliers' legal authority to implement the work.	10631(g)	See 10631(g) for additional wording.	Section 7
32	Include the annual reports submitted to meet the Section 6.2 requirements, if a member of the CUWCC and signer of the December 10, 2008 MOU.	10631(j)		Not Applicable



10 BIBLIOGRAPHY/REFERENCES

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APPENDIX A RESOLUTIONS AND ORDINANCES



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**APPENDIX B
PUBLIC NOTIFICATION**



Published in the Porterville, Calif. Recorder
Friday, June 20, 2014
Page 5B

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING and AVAILABILITY OF DRAFT URBAN WATER MANAGEMENT PLAN FOR PUBLIC REVIEW CITY OF PORTERVILLE URBAN WATER MANAGEMENT PLAN (UWMP)

Pursuant to the California Water Code section 10642 and 10608, the City Council of the City of Porterville will conduct a Public Hearing to take testimony regarding the adoption of the 2010 Urban Water Management Plan (UWMP) for the City of Porterville.

The public hearing is scheduled for the following public meeting:

Porterville City
Council Meeting
6:30 p.m. Tuesday
August 19, 2014

City Council Chambers
291 North Main Street
Porterville, California

Any interested person may present written comments concerning the proposed UWMP up to the date of the hearing.

Public Notices

Inquiries concerning the proposed UWMP should be directed to Baldomero S. Rodriguez, Public Works Director at (559) 782-7462. The draft report may be reviewed during regular business hours at:

Office of the City Clerk
291 North Main Street
Porterville, CA 93257

If any person challenges the decision of the City in this matter in court, he or she may be limited to raising only those issues that were raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing.

All interested persons are invited to be present at aforesaid hearing and be heard thereon. The meeting facility is accessible to the handicapped. Auxiliary aides will be made available, upon request in advance, for persons with hearing or vision disabilities.

John Lollis, City Clerk

Dated: June 16, 2014

Publish: June 20 and June 27, 2014

June 20, 27, July 7, 21



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APPENDIX C GROUNDWATER BASIN INFORMATION



Tulare Lake Hydrologic Region

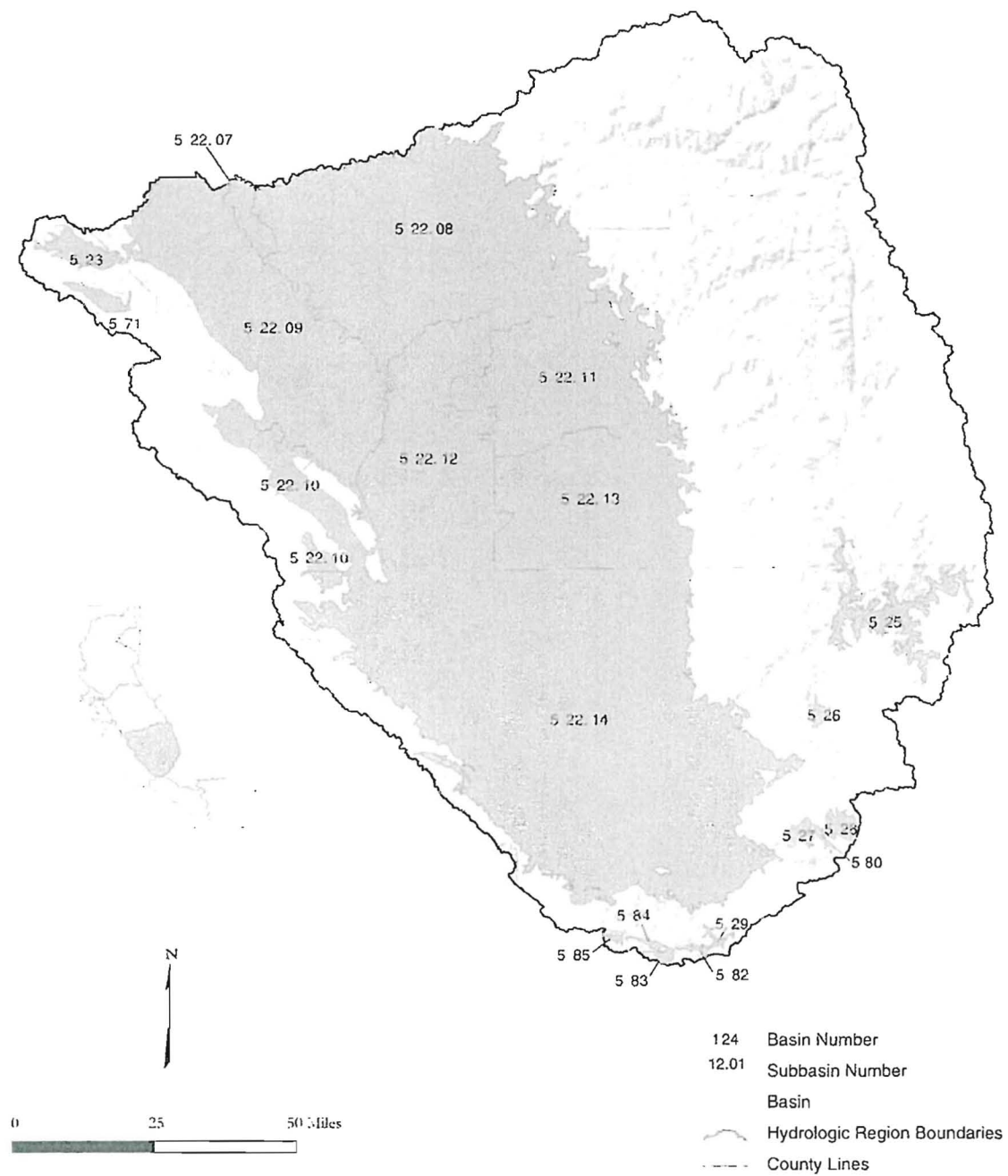


Figure 37 Tulare Lake Hydrologic Region

Basins and Subbasins of Tulare Lake Hydrologic Region

Basin/subbasin	Basin name
5-22	San Joaquin Valley
5-22.08	Kings
5-22.09	Westside
5-22.10	Pleasant Valley
5-22.11	Kaweah
5-22.12	Tulare Lake
5-22.13	Tule
5-22.14	Kern County
5-23	Panoche Valley
5-25	Kern River Valley
5-26	Walker Basin Creek Valley
5-27	Cummings Valley
5-28	Tehachapi Valley West
5-29	Castaic Lake Valley
5-71	Vallecitos Creek Valley
5-80	Brite Valley
5-82	Cuddy Canyon Valley
5-83	Cuddy Ranch Area
5-84	Cuddy Valley
5-85	Mil Potrero Area

Description of the Region

The Tulare Lake HR covers approximately 10.9 million acres (17,000 square miles) and includes all of Kings and Tulare counties and most of Fresno and Kern counties (Figure 37). The region corresponds to approximately the southern one-third of RWQCB 5. Significant geographic features include the southern half of the San Joaquin Valley, the Temblor Range to the west, the Tehachapi Mountains to the south, and the southern Sierra Nevada to the east. The region is home to more than 1.7 million people as of 1995 (DWR, 1998). Major population centers include Fresno, Bakersfield, and Visalia. The cities of Fresno and Visalia are entirely dependent on groundwater for their supply, with Fresno being the second largest city in the United States reliant solely on groundwater.

Groundwater Development

The region has 12 distinct groundwater basins and 7 subbasins of the San Joaquin Valley Groundwater Basin, which crosses north into the San Joaquin River HR. These basins underlie approximately 5.33 million acres (8,330 square miles) or 49 percent of the entire HR area.

Groundwater has historically been important to both urban and agricultural uses, accounting for 41 percent of the region's total annual supply and 35 percent of all groundwater use in the State. Groundwater use in the region represents about 10 percent of the State's overall supply for agricultural and urban uses (DWR 1998).

The aquifers are generally quite thick in the San Joaquin Valley subbasins with groundwater wells commonly exceeding 1,000 feet in depth. The maximum thickness of freshwater-bearing deposits (4,400 feet) occurs at the southern end of the San Joaquin Valley. Typical well yields in the San Joaquin Valley range from 300 gpm to 2,000 gpm with yields of 4,000 gpm possible. The smaller basins in the mountains surrounding the San Joaquin Valley have thinner aquifers and generally lower well yields averaging less than 500 gpm.

The cities of Fresno, Bakersfield, and Visalia have groundwater recharge programs to ensure that groundwater will continue to be a viable water supply in the future. Extensive groundwater recharge programs are also in place in the south valley where water districts have recharged several million acre-feet for future use and transfer through water banking programs.

The extensive use of groundwater in the San Joaquin Valley has historically caused subsidence of the land surface primarily along the west side and south end of the valley.

Groundwater Quality

In general, groundwater quality throughout the region is suitable for most urban and agricultural uses with only local impairments. The primary constituents of concern are high TDS, nitrate, arsenic, and organic compounds.

The areas of high TDS content are primarily along the west side of the San Joaquin Valley and in the trough of the valley. High TDS content of west-side water is due to recharge of stream flow originating from marine sediments in the Coast Range. High TDS content in the trough of the valley is the result of concentration of salts because of evaporation and poor drainage. In the central and west-side portions of the valley, where the Corcoran Clay confining layer exists, water quality is generally better beneath the clay than above it.

Nitrates may occur naturally or as a result of disposal of human and animal waste products and fertilizer.

Areas of high nitrate concentrations are known to exist near the town of Shafter and other isolated areas in the San Joaquin Valley. High levels of arsenic occur locally and appear to be associated with lakebed areas. Elevated arsenic levels have been reported in the Tulare Lake, Kern Lake and Buena Vista Lake bed areas.

Organic contaminants can be broken into two categories, agricultural and industrial. Agricultural pesticides and herbicides have been detected throughout the valley, but primarily along the east side where soil permeability is higher and depth to groundwater is shallower. The most notable agricultural contaminant is DBCP, a now-banned soil fumigant and known carcinogen once used extensively on grapes. Industrial organic contaminants include TCE, DCE, and other solvents. They are found in groundwater near airports, industrial areas, and landfills.

Water Quality in Public Supply Wells

From 1994 through 2000, 1,476 public supply water wells were sampled in 14 of the 19 groundwater basins and subbasins in the Tulare Lake HR. Evaluation of analyzed samples shows that 1,049 of the wells, or 71 percent, met the state primary MCLs for drinking water. Four-hundred-twenty-seven wells, or 29 percent, exceeded one or more MCL. Figure 38 shows the percentages of each contaminant group that exceeded MCLs in the 427 wells.

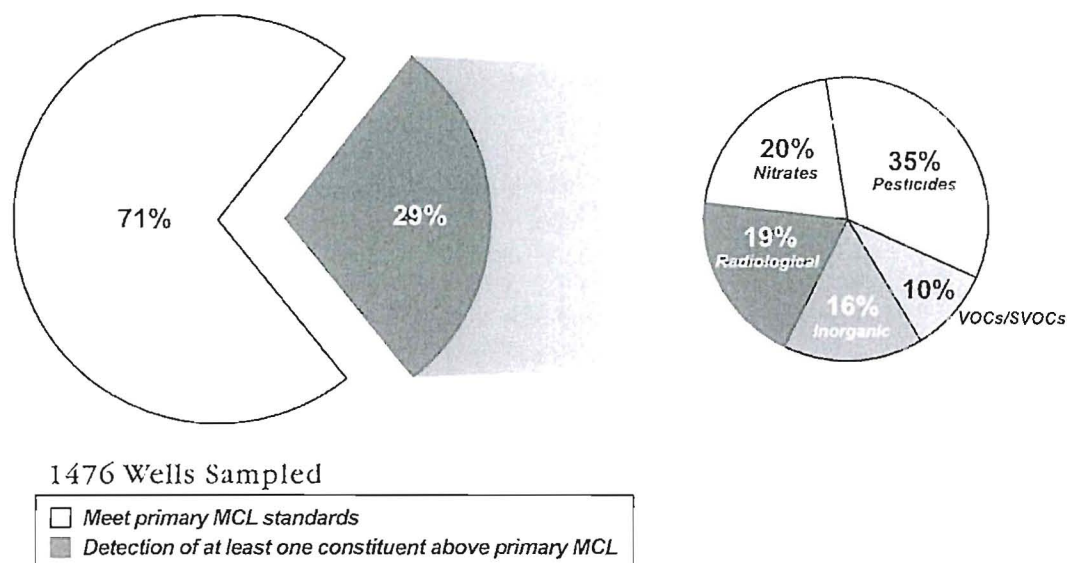


Figure 38 MCL exceedances by contaminant group in public supply wells in the Tulare Lake Hydrologic Region

Table 31 lists the three most frequently occurring contaminants in each of the six contaminant groups and shows the number of wells in the HR that exceeded the MCL for those contaminants.

Table 31 Most frequently occurring contaminants by contaminant group in the Tulare Lake Hydrologic Region

Contaminant group	Contaminant - # of wells	Contaminant - # of wells	Contaminant - # of wells
Inorganics - Primary	Fluoride – 32	Arsenic – 16	Aluminum – 13
Inorganics - Secondary	Iron – 155	Manganese – 82	TDS – 9
Radiological	Gross Alpha – 74	Uranium – 24	Radium 228 – 8
Nitrates	Nitrate(as NO ₃) – 83	Nitrate + Nitrite – 14	Nitrite(as N) – 3
Pesticides	DBCP – 130	EDB – 24	Di(2-Ethylhexyl)phthalate – 7
VOCs/SVOCs	TCE – 17	PCE – 16	Benzene – 6 MTBE – 6

DBCP = Dibromochloropropane

EDB = Ethylenedibromide

TCE = Trichloroethylene

PCE = Tetrachloroethylene

VOC = Volatile organic compound

SVOC = Semivolatile organic compound

Changes from Bulletin 118-80

There are no newly defined basins since Bulletin 118-80. However, the subbasins of the San Joaquin Valley, which were delineated as part of the 118-80 update, are given their first numeric designation in this report (Table 32).

Table 32 Modifications since Bulletin 118-80 of groundwater basins and subbasins in Tulare Lake Hydrologic Region

Subbasin name	New number	Old number
Kings	5-22.08	5-22
Westside	5-22.09	5-22
Pleasant Valley	5-22.10	5-22
Kaweah	5-22.11	5-22
Tulare Lake	5-22.12	5-22
Tule	5-22.13	5-22
Kern County	5-22.14	5-22
Squaw Valley	deleted	5-24
Cedar Grove Area	deleted	5-72
Three Rivers Area	deleted	5-73
Springville Area	deleted	5-74
Templeton Mountain Area	deleted	5-75
Manache Meadow Area	deleted	5-76
Sacator Canyon Valley	deleted	5-77
Rockhouse Meadows Valley	deleted	5-78
Inns Valley	deleted	5-79
Bear Valley	deleted	5-81

Several basins have been deleted from the Bulletin 118-80 report. In Squaw Valley (5-24) all 118 wells are completed in hard rock. Cedar Grove Area (5-72) is a narrow river valley in Kings Canyon National Park with no wells. Three Rivers Area (5-73) has a thin alluvial terrace deposit but 128 of 130 wells are completed in hard rock. Springville Area (5-74) is this strip of alluvium adjacent to Tule River and all wells are completed in hard rock. Templeton Mountain Area (5-75), Manache Meadow Area (5-76), and Sacator Canyon Valley (5-77) are all at the crest of mountains with no wells. Rockhouse Meadows Valley (5-78) is in wilderness with no wells. Inns Valley (5-79) and Bear Valley (5-81) both have all wells completed in hard rock.

Table 33 Tulare Lake Hydrologic Region groundwater data

Basin/Subbasin	Basin Name	Area (acres)	Groundwater Budget Type	Well Yields (gpm)		Types of Monitoring			TDS (mg/l.)	
				Maximum	Average	Levels	Quality	Title 22	Average	Range
5-22	SAN JOAQUIN VALLEY									
5-22.08	KINGS	976,000	C	3,000	500-1,500	909	-	722	200-700	40-2000
5-22.09	WESTSIDE	640,000	C	2,000	1,100	960	-	50	520	220-35,000
5-22.10	PLEASANT VALLEY	146,000	B	3,300	-	151	-	2	1,500	1000-3000
5-22.11	KAWEAH	446,000	B	2,500	1,000-2,000	568	-	270	189	35-580
5-22.12	TULARE LAKE	524,000	B	3,000	300-1,000	241	-	86	200-600	200-40,000
5-22.13	TULE	467,000	B	3,000	-	459	-	150	256	200-30,000
5-22.14	KERN COUNTY	1,950,000	A	4,000	1,200-1,500	2,258	249	476	400-450	150-5000
5-23	PANOCHE VALLEY	33,100	C	-	-	48	-	-	1,300	394-3530
5-25	KERN RIVER VALLEY	74,000	C	3,650	350	-	-	92	378	253-480
5-26	WALKER BASIN CREEK VALLEY	7,670	C	650	-	-	-	1	-	-
5-27	CUMMINGS VALLEY	10,000	A	150	56	51	-	15	344	-
5-28	TEHACHAPI VALLEY WEST	14,800	A	1,500	454	64	-	19	315	280-365
5-29	CASTAC LAKE VALLEY	3,600	C	400	375	-	-	3	583	570-605
5-71	VALLECITOS CREEK VALLEY	15,100	C	-	-	-	-	0	-	-
5-80	BRITE VALLEY	3,170	A	500	50	-	-	-	-	-
5-82	CUDDY CANYON VALLEY	3,300	C	500	400	-	-	3	693	695
5-83	CUDDY RANCH AREA	4,200	C	300	180	-	-	4	550	480-645
5-84	CUDDY VALLEY	3,500	A	160	135	3	-	3	407	325-645
5-85	MIL POTRERO AREA	2,300	C	3,200	240	7	-	7	460	372-657

gpm - gallons per minute
 mg/L - milligram per liter
 TDS -total dissolved solids

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APPENDIX D WATER CONSERVATION PLAN



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WATER CONSERVATION PLAN

EVERY DROP COUNTS.

PRESENTED BY: FIELD SERVICES DIVISION
PUBLIC WORKS DEPARTMENT

CITY OF PORTERVILLE
555 N. PROSPECT ST., PORTERVILLE, CA 93257



REVISED BY:

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PREFACE

The City of Porterville water system is municipally-owned with more than 15,299 service connections, 97% of which are metered, serving a population of 55,490, with approximately 1,100 service connections outside the city limits. Water supplies for the City system are produced entirely from groundwater underlying the city, which is recharged from rainfall and runoff of the Western Sierra Nevada. The major stream contributing to the recharge of the Tule Basin Aquifer underlying Porterville is the Tule River.

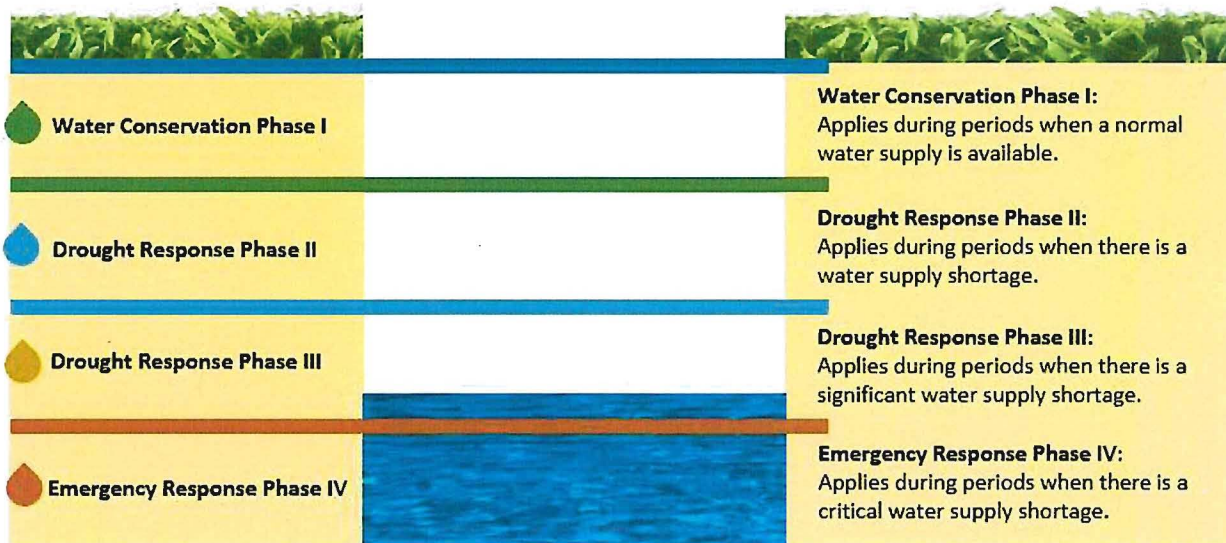
Storage capacity represents over ten million gallons within the distribution system and five hillside reservoirs, three with a capacity of three million gallons, one with a capacity of three hundred and five thousand gallons, one with the capacity of five hundred and fifty thousand gallons.

A telemetry system controls the operation of 23 of the City's 35 active well pumps to maintain system pressure under varying loads. The water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system.

Water conservation and awareness have always been areas of concern for the Porterville community. Less than normal rainfall and runoff makes efforts to promote water conservation a high priority. In addition to the benefits of conserving water as a limited natural resource, additional benefits accrue to the community in the form of a reduced impact on the Wastewater Treatment Plant and a reduction in energy costs when water supplies are conserved.

It is vitally important that the Water Conservation Plan be a joint partnership between the City and the General Public in order to achieve optimal effect. The Plan has been developed in four phases with each phase defined in terms of the available water supply.

Well Storage Levels and Drought Phase Triggers



Actions within each phase have been defined as either actions to be undertaken by the City or by the General Public. Due to the number of variables which affect the water conditions in existence at any one point in time, a City staff analysis of those variables will be utilized in determining the transition of the City from one phase to a more (or less) stringent phase. At such time as staff determines that water supply conditions warrant a phase change, staff will present the request to the City Council for their approval.

This plan differs from other valley community plans because the city of Porterville is in a more favorable position of having almost all of its water customers metered, which allows the City to basically control the water conservation program.

CITY WATER SYSTEM

The City has always been diligent in its efforts to provide sufficient safe and affordable drinking water to the residents of the community. Water conservation has long been a permanent part of the City's water resource management program. Efforts to that end include:

- **NEW WELLS:**

Over the past five years new wells have been added to the City water system in order to serve the needs of the community. Additional wells are planned for completion within the next few years.

- **TELEMETRY SYSTEM:**

This system controls the operation of the well pumps to maintain system pressure under varying loads. Water levels in the reservoirs are also monitored and controlled by the computerized telemetry control system. Water is usually pumped to the reservoirs during the off peak usage hours for later use by consumers. This system was designed to operate the City wells in the most efficient and productive way possible with additional benefits of energy cost savings.

- **RESERVOIRS:**

The City currently operates and maintains five (5) hillside reservoirs, three (3) with a capacity of three million gallons, one (1) with a capacity of 305,000 gallons, and one (1) with a capacity of 550,000. The three largest reservoirs are usually filled during off peak hours and then release water during the high usage hours. There is also a 300,000 gallon reservoir located at the Airport which is also part of the City system. The reservoirs increase the City's ability to maintain system pressure during peak demand and fire flow situations.

- **METERIZATION PROGRAM:**

With over 97% of all service connections metered, the City has a goal of 100% meterization. All new connections are required to have meters.

- **UTILITY BILLING NOTICE:**

The City's computerized utility billing system provides consumers with their current and past water usage history for comparison purposes. While variations may be attributable to a change known to the consumer (i.e. additional persons in the home, addition of a swimming pool), it may also be the result of an undetected leak or other controllable occurrence.

- **WATER AUDIT/LEAKAGE DETECTION & REPAIR PLAN:**

The City will continue in its proactive plan to audit water supply usage. Upon detection of the source of any leakage, corrective action will be taken immediately in order to promote the efficient use of the existing water supply and in turn reduce the energy required to operate the system.

- **NEW WATER LINE TESTING:**

The City requires full pressure and leak testing of all newly constructed water lines.



- FIRE HYDRANT TESTING:

The City Fire Department schedules their annual fire hydrant testing program during the early spring and late fall to avoid the peak water use season. Such testing is required to maintain the integrity of the fire protection system.

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CONSERVATION PHASING

The effectiveness of any voluntary plan ultimately depends on the public's awareness of the need for the plan. Local residents have a history of commitment to their community and support of the public welfare. It is a reliance upon this tradition that makes the distribution of public information the cornerstone of the City's Water Conservation Plan.

● WATER CONSERVATION PHASE I: NORMAL WATER SUPPLY

The Water Conservation Phase I applies during periods when a normal water supply is available.

ACTIONS BY THE CITY:

Public Information Program	<ul style="list-style-type: none"> • Distribution of suggestions for residential, commercial, and industrial water conservation and awareness. • Coordination of public information with the local news media. • City participation in Water Awareness Month (May). • Lawn and Landscape Watering Guides will be made available upon request. • City staff will coordinate with local nurseries to compile a list of low water using trees and plants. The list will be made available at City Hall, the Corporation Yard, and the Parks & Leisure Services Department for local residents. • Coordination with local schools to encourage young people to become aware of local water issues and conditions.
Project Review Committee	<ul style="list-style-type: none"> • The City's Project Review Committee (PRC) will include the evaluation of all submitted projects for water use and conservation efforts. The goal of City staff in cooperation with the developer will be to voluntarily reduce consumption of water used in the project. • City staff will assist the developer in familiarization with the Xeriscape Concept, combining creative landscaping and efficient irrigation to save water and promote attractive alternatives to traditional, high water use landscapes.
City Landscapes and Watering Schedules	<ul style="list-style-type: none"> • City parks, median islands, and landscaped public facilities will be watered during late night or early morning hours to the greatest extent possible. • All new landscaping projects undertaken by the City will incorporate conservation design.
Retrofit Bathroom Facilities	Water saving kits which contain toilet water conservation and low flow shower head devices will be made available to City water consumers, both residential and commercial, upon request, as funds are available.



Fire Hydrant Testing	The City's fire hydrant testing program will be scheduled during non-peak water usage times to the greatest extent possible without impairing the integrity of the City's fire protection service.
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ACTIONS BY THE GENERAL PUBLIC:

Mindful Water Use	The general public will be encouraged to utilize those water conservation measures contained within the City's Public Information Program.
Voluntary Odd/Even Watering Schedule	<ul style="list-style-type: none"> This schedule is encouraged, but not mandated. This plan is designed to minimize water usage and requests that the public water their lawn and shrubs according to their street address, per Exhibit 1 below. Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday, and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday, and Sunday. There is no watering on Monday. Watering should be avoided between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM.

Voluntary Odd/Even Water Schedule

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

Odd Address
 Even Address

Exhibit 1



● DROUGHT RESPONSE PHASE II: WATER SUPPLY SHORTAGE

Drought Response Phase II applies during periods when there is a water supply shortage. When water supply conditions start to deteriorate, the City is mandated to implement more stringent water conservation provisions for the benefit of its community. In addition to upholding the programs and provisions outlined in Phases I, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Adoption and Enforcement of Stricter Water Regulations and Restrictions	<ul style="list-style-type: none"> The City of Porterville will enforce an odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited. Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense. Per 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."
Public Information Program	<p>The City will pursue a more aggressive distribution of information than its efforts initiated in the initial Water Conservation Phase to promote public awareness of the need to conserve water with a stronger emphasis on the water shortage condition.</p>
Water System Pressure Reduction	<p>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.</p>
City Landscapes and Watering Schedules	<p>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.</p>
Leak Detection Water Waste	<p>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.</p>
"Waste of Water" Notices	<p>City staff will be equipped to issue "Waste of Water" notices to consumers identified as misusing water.</p>



Mandatory Odd/Even Watering days	Increase public education on the mandatory watering schedule program. Public outreach will emphasize changes from the Water Conservation Phase I (Voluntary) to Phase II (Mandatory).
Continuation of all Conservation Programs Established in Phase I	See Phase I

ACTIONS BY THE GENERAL PUBLIC:

Mandatory Odd/Even Watering Schedule	<ul style="list-style-type: none"> Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday, Thursday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday, Friday and Sunday. There is no watering on Monday. See Exhibit 2 below. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive runoff is prohibited.
Conservation Efforts	The general public will be strongly encouraged to utilize those water conservation measures contained within the City's public information program.
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 only.
Lawn and Landscaping Watering	Mandatory implementation of the Odd/Even Watering Program initiated in the Water Conservation Phase I, all residential, commercial, and industrial landscape watering scheduled times.
Vehicle Washing and Sidewalk Hosing	<ul style="list-style-type: none"> The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done either by automatic car washes that recycle water or with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses. Per 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."



Mandatory Odd/Even Water Schedule						
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
DO NOT WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER	OK TO WATER
—	ODD	EVEN	ODD	EVEN	ODD	EVEN
<div>Odd Address</div> <div>Even Address</div>						

Exhibit 2

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● DROUGHT RESPONSE PHASE III: SIGNIFICANT WATER SUPPLY SHORTAGE

Drought Response Phase III applies during periods when there is a significant water supply shortage. In addition to upholding the programs and provisions outlined in Phases I and II, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Adoption and Enforcement of Stricter Water Regulations and Restrictions	<ul style="list-style-type: none"> The City of Porterville will enforce a two day a week odd/even watering schedule for all residents. Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive run-off is prohibited. Per Section 25-5.1 of the City Municipal Code, Non-compliance with the City of Porterville's water conservation regulations will result in one written warning from the City of Porterville before the issuance of a citation. A second violation within a 12 month period will result in the issuance of a citation with a fine of \$100.00; a second citation will result in a fine of \$200.00; a third citation will result in a fine of \$500.00. Willful and egregious violations will result in issuance of a citation without a warning. Each day that a violation continues shall be regarded as a new and separate offense. Per 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."
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.
City Landscapes and Watering Schedules	All City parks, median islands, and public facility landscapes will adopt a two-day watering schedule. If it becomes necessary, watering of City parks and median islands will be suspended and evaluated each day.
Continuation of all Conservation Programs and Regulations Established in Phases I and II	See Phases I and II

ACTIONS BY THE GENERAL PUBLIC:

Mandatory Reduction in Watering Days Durations	<ul style="list-style-type: none"> Addresses ending in an odd number (1, 3, 5, 7, or 9) water on Tuesday and Saturday. Addresses ending in an even number (0, 2, 4, 6, or 8) water on Wednesday and Sunday. There is no watering on Monday, Thursday, or Friday. See Exhibit 3 below.
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	<ul style="list-style-type: none"> Watering is prohibited between the hours of 5:00 AM to 10:00 AM and 5:00 PM to 10:00 PM. Watering shall only occur on designated watering days. Excessive runoff is prohibited.
Ornamental Water Features	<ul style="list-style-type: none"> Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life. The operation of ornamental fountains or other structure making similar use of water is prohibited unless the fountain uses a recycling system.
Vehicle Washing and Sidewalk Hosing	<ul style="list-style-type: none"> The washing of sidewalks, driveways, parking areas, patios or other paved areas is prohibited, unless it is necessary for the health and safety of the public. The washing of automobiles, trucks, trailers, boats, and airplanes is only permitted on designated watering days. Such washing, when allowed, shall be done with a hand held bucket, or hand held hose equipped with a positive shutoff nozzle for quick rinses. Per 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."
Water Leaks	All leaks must be treated as a priority upon discovery and repaired at the safest scheduled opportunity.

Mandatory Odd/Even Water Schedule

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

Odd Address
 Even Address

Exhibit 3



● EMERGENCY RESPONSE PHASE IV: CRITICAL WATER SUPPLY SHORTAGE

Applies during periods when there is a severe water supply shortage as determined by California State mandate, City Manager, system outage, equipment failure, contamination of water supply, or other emergency. . In addition to upholding the programs and provisions outlined in Phases I, II and III, the City must be diligent in its water conservation efforts by issuing penalties for non-compliance.

ACTIONS BY THE CITY:

Rate Structure Enhancement	A 20% water 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.
City Landscapes and Watering Schedules	Watering of City parks and median islands will be suspended and evaluated each day.
Continuation of all Conservation Programs and Regulations Established in Phases I, II, and III	See Phases I, II, and III

ACTIONS BY THE GENERAL PUBLIC:

Lawn and Landscaping Watering	Lawn and landscaping watering is prohibited.
Vehicle Washing	Vehicle washing should be accomplished either by automatic car washes that recycle water or with buckets and hoses equipped with a shut-off nozzle.
Continuation of all Conservation Programs and Regulations Established in Phases I, II, and III	See Phases I, II, and III



PUBLIC HEARING

SUBJECT: ORDINANCE ADDING SECTION 25-5.1 TO PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

SOURCE: City Attorney's Office

COMMENT: The purpose of this draft ordinance is to apply the City's available municipal code enforcement provisions to violations of the adopted restrictions located in the Water Conservation Plan (Plan) considered this evening.

For enforcement purposes, the Plan quotes sections from Chapter 2 (Administrative Citations) and Chapter 25 (Wasteful Use of Water). These sections provide that violations of the restrictions contained within the Plan may be prosecuted as infractions and that individuals may be subject to fines as follows:

- 1) For the first violation, a fine not to exceed \$100.
- 2) For the second violation within a 12-month period, a fine not to exceed \$200 (for any Building and Safety Code violations, a fine not to exceed \$500).
- 3) For each additional violation within a 12-month period, a fine not to exceed \$500 (or \$1,000 for Building and Safety Code violations).

Adoption of this ordinance would tie the Plan into the City's existing remedies.

RECOMMENDATION: That the City Council

1. Hold the noticed public hearing and consider all testimony; and
2. Approve and give first reading to Ordinance No. _____, an Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan.

ATTACHMENT: Ordinance No. _____, an Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation Plan

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING SECTION 25-5.1
TO CHAPTER 25, ARTICLE I, DIVISION 1 OF
THE PORTERVILLE MUNICIPAL CODE REGARDING
ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

Section 1. *Code Amendment.* Section 25-5.1 IS hereby added to Chapter 25, Article I, Division 1 of the Porterville Municipal Code, to read as follows:

Section 25-5.1. City Water Conservation Plan.

The City Council has adopted by Resolution its Water Conservation Plan which sets forth water conservation phases and conservation measures including mandatory restrictions on water usage by property owners and water consumers. Violation of the measures in effect, currently and as may be amended by Resolution from time-to-time, pursuant to the applicable phase of Water Conservation Plan, shall be enforceable as set forth per any applicable remedy provisions in this Municipal Code, including but not limited to Chapter 1, Sections 1-9 and 1-10; Chapter 2, Article XIV; and/or Chapter 25, Article I. The City's Water Conservation Plan is deemed to be the City's "Water Shortage Contingency Plan" per applicable State law.

Section 2. *Severability.* Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. *Effective Date.* This Ordinance shall take effect thirty days after adoption as provided by Porterville Charter Section 12.

Section 4. *Certification.* The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of _____ 2014.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

MEDICAL MARIJUANA - DRAFT ORDINANCE CONCERNING
CULTIVATION AND DISPENSARIES; REQUEST TO SET PUBLIC
HEARING

SOURCE: CITY ATTORNEY/COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: At the March 18, 2014, Council Meeting, the Community Development Department and City Attorney provided a report on options for developing Medical Cannabis/Marijuana regulations in the city. At the meeting, the City Council reviewed several potential options, which are summarized:

- 1) Continue with City's current regulations
- 2) Prohibit the cultivation/distribution
- 3) Prohibit cultivation but permit (limited) dispensaries
- 4) Allow indoor cultivation
- 5) Allow indoor cultivation but require an accessory structure
- 6) Allow outdoor cultivation

Per the last direction from the Council, a draft ordinance has been prepared containing a combination of Alternatives 4 through 6, which would allow cultivation Indoor, Indoor within an Accessory Structure, and Outdoor Cultivation, up to a total of 16 plants, with a maximum of four plants within a primary structure.

The key points of the ordinance language are provided below and contain much more detail as they represent staff's understanding of the options discussed by the City Council at the December 17, 2013, Council meeting and further confirmed/clarified at the March 18, 2014, Council meeting. The specific regulations seek to address concerns raised by the Council, community residents, advocates and public safety providers as well as to balance out these interests with the results of recent case law and statutes.

CULTIVATION GENERALLY (This applies to all alternatives)

A qualified patient shall be allowed to cultivate medical cannabis solely for their own personal use. No cooperative or collective cultivation is allowed. Cultivation of medical cannabis for said use shall be in conformance with the following standards:

1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
2. Medical cannabis cultivation areas shall be located no closer than 600 feet from one another;

dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 of this Code;

15. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
16. The accessory structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
17. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
18. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
19. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall; and
20. Indoor medical cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;
21. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
22. Medical cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and the plants shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards; and
23. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

PREPARATION (This applies to all alternatives)

A qualified patient shall be allowed to prepare for personal use medical cannabis cultivated on the property or within his or her private residence or accessory structure. Preparation of medical cannabis cultivated at the residence shall be in conformance with the following standards:

1. Only medical cannabis cultivated at the residence in conformance with this chapter shall be allowed to be prepared for use at the residence;
2. The primary use of a dwelling unit shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis preparation shall remain at all times accessory to the residential use of the property;
3. The medical cannabis preparation shall be in compliance with the current adopted edition of the California Codes;
4. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis preparation is prohibited;
5. The preparation of medical cannabis shall not adversely affect the health or safety of the residents, the residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 of this Code; and
6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code.
7. Medical cannabis preparation is prohibited as a home occupation.

SALE AND DISTRIBUTION PROHIBITED.

1. No sale or distributing of medical cannabis processed for personal use shall be allowed.
2. Individual Distribution Prohibited. Medical cannabis cultivated or processed for personal use as provided for in this chapter shall not be distributed to any person, cooperative or collective, unless as otherwise proscribed by this Article.

ENFORCEMENT

Any violation of this chapter is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.

INDOOR CULTIVATION – PRIMARY OR ACCESSORY STRUCTURE

After discussion at the March 18, 2014, Council meeting, a maximum medical cannabis indoor cultivation area size was not specified. If an accessory structure is used, it must be in compliance with all applicable Building Codes. All electrical equipment used in cultivation must be plugged directly into a wall outlet or otherwise hardwired and proper Building/Electrical permits obtained. Lighting for cultivation shall not exceed 1,200 watts. The maximum number of plants allowed indoors shall be limited to four (4) plants. The area must be secured by a functioning audible alarm at all times during growing seasons.

OUTDOOR CULTIVATION

As already noted, there shall be no exterior evidence of medical cannabis cultivation from the public right-of-way. Cultivation shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property. Medical cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and the plants shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards. The area must be secured by a functioning audible alarm at all times during growing seasons.

CULTIVATION PERMIT

Prior to commencing cultivation, the person(s) owning or occupying a legal parcel or premises must obtain a proper permit from the Community Development Department. The applicant would be required to provide consent from the legal owner of the parcel, the names of those legally owning/occupying the premises, the name of the qualified patient or primary caregiver participating in the cultivation, a copy of the current medical recommendation or county-issued card for the patient, the physical site address, and a signed consent form authorizing the City to conduct inspections without notice. The initial permit would be valid for no more than two (2) years and may be extended increments of two (2) years. To the extent permitted by law, medical information submitted would be kept confidential and would only be used for purposes of administering the City's

medical cannabis regulations. The permit application/extension could be denied if based on articulated facts that the issuance would be detrimental to the public health, safety or welfare, and would be denied if the minimum requirements for issuance were not met. Failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension. Fees may be established to cover the cost of administering the regulations and application process.

CONCLUSION:

The draft ordinance has been developed with significant input from the police department and fire department as they are experiencing the effects of the existing regulations and have identified provisions that would generally mitigate significant challenges they face when responding to calls for service at cultivation sites (residences). Two new members have been seated on the City Council since this item was last discussed; consequently several prior staff reports have been included concerning the ever-changing legal landscape addressing Medical Marijuana and local control/regulation. The Pros and Cons for each of the three primary alternatives, provided at the March 18, 2014, Council meeting, are also attached to this report.

RECOMMENDATION: That the City Council review the draft ordinance and provide direction to staff on any additional modifications, and, if appropriate, set a public hearing to consider approval of the ordinance.

ATTACHMENTS:

1. Alternatives Pros and Cons
2. Draft Ordinance
3. Prior City Council Meeting Staff Reports

ALTERNATIVES PROS AND CONS

Alt.4: Indoor Cultivation	
Pros	Cons
Not visible from surrounding properties	More susceptible to home invasion robberies. More likely to go for product indoors if that's where growing and processing occurs.
Indoor cultivation reduces outside odors	Advocates believe this does not allow enough production to satisfy need.
Cultivation area could be secured from access by minors.	More likelihood of electrical theft and resulting unsafe conditions due to non-compliance with electrical codes.
Limits the growing area to less square footage than outdoor cultivation due to size of house and need to maintain residency on property.	Higher cost of cultivation may promote energy theft.
Alt 5: Indoor - Accessory Building	
Pros	Cons
Limits visibility from surrounding properties and streets.	More susceptible to robberies entering residential accessory structures.
Reduces outside odors.	Advocates believe this does not allow enough production to satisfy need.
Locating cultivation area in detached accessory building limits risk of home invasion robberies.	Extends risk of illegal and unsafe access to electrical service.
Limits risk of a fire damaging sleeping quarters and catching residents off guard.	
Limits square footage which reduces odors and treatment of larger quantities associated with unrestricted outdoor cultivation.	
Provides more growth area than Alternative 1 by placing in detached accessory structure.	
A property constructed structure would reduce reliance on electricity as in Alt. 1	

Alt. 6: Outdoor Cultivation	
Pros	Cons
Allows patients to grow more as advocates say plants grown outdoors produce more product.	Increased visibility leads to more potential for theft and access by juveniles. Neighborhood concerns with regard to smell increased presence of criminals.
Reduces likelihood for illegal and unsafe access to electrical service.	Reduced area will likely not satisfy advocates.
Lower cultivation cost to patients.	

Note: The fact that most of the regulatory provisions apply across the board to all three alternatives balances out some of the pros and cons. I think the biggest issues relate to safety of fire personnel for indoor grows and law enforcement and the public on outdoor grows.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING ARTICLE I, SECTION 15-5.1 OF THE PORTERVILLE MUNICIPAL
CODE, CONCERNING REFUSAL TO ISSUE LICENSES, REPEALING ARTICLE VII,
SECTIONS 15-85 THROUGH 15-105, OF CHAPTER 15, AND ADDING SECTION
301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING MEDICAL
MARIJUANA CULTIVATION**

WHEREAS, in November 2007, and in response to the implementation by the State of the Compassionate Use Act of 1996, the Medical Marijuana Program Act (2003) and subsequent case law, the City Council of the City of Porterville adopted Ordinance No. 1734, which amended the City's regulations concerning medical marijuana dispensaries, prohibiting the issuance of business licenses for the purpose of operating medical marijuana dispensaries, but allowing for their regulation in the event federal law changed; and

WHEREAS, the City Council of the City of Porterville, based on recent and ongoing problems related to the local cultivation of medical cannabis, hereby finds that the cultivation, preparation and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. *These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes.* These impacts include increased crime related to outdoor cultivation occurring on residential lots, damage to buildings containing indoor grows, increases in home invasion robberies and related crimes, and increases in response costs, including code enforcement, building, land use, fire, and police staff time and expenses; and

WHEREAS, the City finds that it is in the best interest of the community to regulate the use of land within the city limits for the purposes of collectively cultivating, preparing, or dispensing medical cannabis, and to continue to deny business licenses to applicants desiring to open a medical marijuana dispensary within city limits; and

WHEREAS, legislation and case law confirms that the City has the power to regulate individual cultivation and restrict and even prohibit dispensing of medical cannabis, as well as *regulate* the collective cultivation and preparation of medical cannabis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN as follows:

SECTION 1. The Porterville Municipal Code, Chapter 15, Article I, Section 15-5.1 is hereby amended as follows:

15-5.1: REFUSAL TO ISSUE LICENSE

- A. Nothing in this Section shall be deemed to prevent the City Council from refusing to grant to any person a license to carry on and conduct any business in the city, when it shall appear to

the City Council that such business is, or is reasonably certain to be, carried on in such manner as to be unlawful, immoral or a menace to the health, safety, peace or general welfare of the people of the city, or that the applicant is not a fit or proper person to carry on such business, or of such character and reputation as to render it reasonably certain that such business will be carried on by the applicant in an illegal or immoral manner, or in such manner as to constitute a menace to the health, safety, morals, peace or general welfare of the people of the city, or that the applicant has theretofore been convicted of any crime in connection with, or while engaged in the operation of a similar business in the city, or has been convicted of any crime affecting the moral character of such applicant.

- B. The City Council shall refuse to issue a business license to any applicant where it is apparent that the issuance of such license would allow for the practice, operation or carrying out of any activity that conflicts with any local, state or federal law.

SECTION 2. Chapter 15, Article VII, Sections 15-85 through 15-105, is hereby repealed.

SECTION 3. Series 300 : Additional Use and Development Regulations

301 Standards for Specific Uses and Activities

301.01 Accessory Uses and Structures

301.02 Alcoholic Beverage Sales

301.03 Animal Keeping

301.04 Automobile Vehicle Service and Repair, Major and Minor

301.05 Auto Service Stations and Car Washing

301.06 Crop Cultivation

301.07 Family Day Care Home, Large

301.08 Hazardous Waste Management Facilities

301.09 Home Occupations

301.10 Manufactured Homes

301.11 Mobile Home Parks

301.12 Outdoor Retail Sales

301.13 Personal Storage Facilities

301.14 Recycling Facilities

301.15 Residential Care Facilities, General

301.16 Second Dwelling Units

301.17 Sexually Oriented Facilities

301.18 Single Room Occupancy Hotels

301.19 Social Service Facilities

301.20 Telecommunication Facilities

301.21 Temporary Uses

301.22 Transitional and Supportive Housing

301.23 Medical Cannabis Cultivation

SECTION 4. Chapter 301.23 is hereby added to Article 21 (Porterville Development Ordinance) as follows :

A. Purpose and Intent

1. The City Council of the City of Porterville, based on evidence presented to it in the proceedings leading to the adoption of this chapter, hereby finds that the cultivation, preparation, and distribution of medical cannabis in the city has caused and is causing ongoing impacts to the community. These impacts are intensified by the activities of those who are abusing the current State statutory provisions for the cultivation, processing and distribution of cannabis for nonmedical, improper and illegal purposes. These impacts include increases in various types of crime due to outdoor grows, damage to buildings containing indoor grows, including improper and dangerous electrical alterations and use, inadequate ventilation leading to mold and mildew, increased frequency of home-invasion robberies and related crimes. Many of these impacts have fallen disproportionately on residential neighborhoods, but nonetheless also negatively impact properties in the commercial districts. These impacts have also created an increase in response costs, including code enforcement, building, land use, fire, and police staff time and expenses.
2. The City Council also acknowledges that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of medical cannabis for medical purposes under the Compassionate Use Act, but that the Compassionate Use Act does not address land use or building code impacts or issues arising from the resulting increase in cannabis cultivation within the city.
3. The purpose and intent of this chapter is to regulate the cultivation, *preparation* and distribution of medical cannabis in a manner that protects the public health, safety, and welfare of the community and mitigates for the cost to the community of the oversight of these activities.

B. Interpretation and Applicability

1. No part of this chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other local, state, federal law, statute, rule or regulation. The cultivation, preparation, and distribution of medical cannabis in the city is controlled by the provisions of this chapter of the Porterville Development Ordinance.
2. Nothing in this chapter is intended to, nor shall it be construed to, preclude a landlord from limiting or prohibiting cannabis cultivation, smoking or other related activities by tenants.
3. Nothing in this chapter is intended to, nor shall it be construed to, burden any defense to criminal prosecution otherwise afforded by California law.

4. Nothing in this chapter is intended to, nor shall it be construed to, exempt any cannabis related activity from any and all applicable local and state construction, electrical, plumbing, land use, or any other building or land use standards or permitting requirements.
5. Nothing in this chapter is intended to, nor shall it be construed to, make legal any cultivation, transportation, sale or other use of cannabis that is otherwise prohibited under California law.
6. All cultivation, preparation and distribution of medical cannabis within city limits shall be subject to the provisions of this chapter and other applicable provisions of this Code, regardless of whether cultivation, preparation, or distribution existed or occurred prior to adoption of this chapter.

C. Definitions: For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. Dwelling Unit. A room or suite of rooms including one (1) and only one (1) kitchen, and designed or occupied as separate living quarters for one (1) family.
2. Medical Cannabis (also known as medical marijuana). Cannabis, including constituents of cannabis, THC and other cannabinoids, used as a physician-recommended form of medicine or herbal therapy.
3. Medical Cannabis Cooperative or Collective. Any person, association, cooperative, affiliation, or collective of persons who provide education, referral, or network services, and/or facilitation or assistance in the cultivation, preparation or distribution of medical cannabis.
4. Medical Cannabis Cultivation Area. The area allowed for the growing and preparation of medical cannabis.
5. Medical Cannabis Cultivation Facility. A facility at which medical cannabis is grown and harvested for supply to a medical cannabis preparation facility and/or a medical cannabis distribution facility.
6. Medical Cannabis Distribution. The supply to a qualified patient by any person, including a primary caregiver, cooperative or collective, of medical cannabis that is not grown in the qualified patient's residence.
7. Medical Cannabis Distribution Facility/Dispensary. Any facility or location where the primary purpose is to distribute medical cannabis as a medication upon recommendation by a physician and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient in strict accordance with the Compassionate Use Act of 1996 (Cal. Health and Safety Code §§ 11362.5 et seq.).
8. Medical Cannabis Preparation. Includes, but is not limited to: manicuring, drying, curing, pressing, cooking, baking, infusing, grinding, bagging, packaging, rolling.
9. Medical Cannabis Preparation Facility. A facility at which medical cannabis is processed for supply to a medical cannabis distribution facility.

10. Qualified Patient. As defined in Cal. Health and Safety Code §§ 11362.7 et seq., and as it may be amended from time to time.

11. Residence. A legal dwelling unit.

D. Severability: If any part of this chapter is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

E. Cultivation Generally: A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:

1. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
2. Medical cannabis cultivation areas shall be located no closer than 600 feet from one another;
3. No medical cannabis cultivation site shall be located within 1000 feet of a sensitive use “use, sensitive” as defined in Chapter 700;
4. The residence shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
5. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
6. Cultivation of medical cannabis for personal use shall occur only on the parcel occupied by a qualified patient and shall be for the exclusive use of the qualified patient and otherwise in conformance with this chapter (i.e. no collectives or cooperatives);
7. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;
8. Qualified patients shall have no more than the number of plants the patient is permitted under State law to have, provided that in no case shall any parcel/dwelling have more than 16 plants; with not more than four (4) cultivated indoors and twelve (12) cultivated outdoors;
9. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis cultivation is prohibited;
10. There shall be no exterior evidence of medical cannabis cultivation occurring at the property, from a public right-of-way;
11. Medical cannabis cultivation is prohibited as a home occupation;
12. No distribution of medical cannabis cultivated for personal use shall be allowed other than as otherwise authorized by this Code;
13. Medical cannabis cultivation shall be an accessory use to a primary residential use on a property within residential zones, or at a single-family residence within the RS-3 or

RS-4 Zones. Medical cannabis cultivation is not allowed in multi-family developments or in mobile home parks;

14. The cultivation of medical cannabis shall not adversely affect the health or safety of the residents of the property on which it is cultivated, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 of this Code;
15. Medical cannabis cultivation lighting shall not exceed 1,200 watts;
16. The accessory structure(s) shall at all times meet the requirements of the latest adopted version of the California Building, Fire, Mechanical, Electrical and Plumbing Codes (collectively California Codes);
17. All electrical equipment used in the cultivation of medical cannabis, (e.g., lighting and ventilation) shall be plugged directly into a wall outlet or otherwise hardwired and permits obtained pursuant to the California Building, Electrical, Mechanical, Plumbing or other state or local laws rules and regulations;
18. Prior to performing any work on electrical wiring/rewiring the applicant shall first obtain a building, mechanical and/or electrical permit from the Building Division;
19. If required by California Building or Fire Code, the wall(s) adjacent to the cultivation area shall be constructed with 5/8-inch Type X moisture-resistant drywall;
20. Medical cannabis cultivation areas shall be secured by a functioning audible alarm at all times during growing seasons;
21. The growing of medical cannabis outdoors shall comply with the setback requirements for the primary residence on the property subject to the zoning classification of the property;
22. Medical Cannabis plants shall be grown in an area enclosed with a solid view obscuring fence, secured with self-closing and locking gates, and shall not exceed a maximum height of five (5) feet for properties with a six (6) foot tall fence. In the alternative, plants may grow to a maximum height of seven (7) feet if the area is fenced and screened to eight (8) feet in compliance with applicable Development Ordinance and California Building Code standards; and
23. Areas for cultivation of medical cannabis shall be secured, locked, and fully enclosed and rendered inaccessible to minors.

F. Preparation

A qualified patient shall be allowed to prepare for personal use medical cannabis cultivated on the property or within his or her private residence or accessory structure. Preparation of medical cannabis cultivated at the residence shall be in conformance with the following standards:

1. Only medical cannabis cultivated at the residence in conformance with this chapter shall be allowed to be prepared for use at the residence;
2. The primary use of a dwelling unit shall remain at all times a residence with legal and functioning cooking, sleeping and sanitation facilities. Medical cannabis preparation shall remain at all times accessory to the residential use of the property;
3. The medical cannabis preparation shall be in compliance with the current adopted edition of the California Codes;
4. The use of gas products (e.g., CO₂, butane, etc.) for medical cannabis preparation is prohibited;
5. The preparation of medical cannabis shall not adversely affect the health or safety of the residents, residence or accessory building in which it is processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, surface runoff, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes pursuant to the standards contained in Chapter 306 of this Code; and
6. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code.

G. Medical cannabis preparation is prohibited as a home occupation.

H. No sale or distributing of medical cannabis processed for personal use shall be allowed.

I. Individual Distribution Prohibited. Medical cannabis cultivated or processed for personal use as provided for in this chapter shall not be distributed to any person, cooperative or collective, unless as otherwise proscribed by this Article.

J. Cultivation Permit:

1. Prior to commencing any medical cannabis cultivation, the person(s) owning, leasing, occupying, or having charge or possession of any legal parcel or premises where medical cannabis cultivation is proposed to occur must obtain a medical cannabis cultivation permit from the Community Development Director or his or her designee. The following information will be required with the initial permit application and subsequent permit extensions:
 - a. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the City.
 - b. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where medical cannabis will be cultivated.
 - c. The name of each qualified patient or primary caregiver who participates in the medical cannabis cultivation.
 - d. A copy of the a current valid medical recommendation or county-issued medical marijuana card for each qualified patient identified as required above, and for each qualified patient for whom any person identified as required above is the primary caregiver.
 - e. The physical site address of where the marijuana will be cultivated.

- f. A signed consent form, acceptable to the City, authorizing City staff, including the Police Department authority, to conduct an inspection of the cultivation area without notice.
 2. The initial permit shall be valid for no more than two (2) years and may be extended in increments of two (2) years.
 3. To the extent permitted by law, any personal or medical information submitted with a medical cannabis cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this chapter.
 4. The Community Development Director, or his or her designee, may, in his or her discretion, deny any application for a medical cannabis cultivation permit, or extension thereof, where he or she finds, based on articulated facts, that the issuance of such permit, or extension thereof, would be detrimental to the public health, safety, or welfare. The Community Development Director shall deny any application for a medical cannabis permit, or extension thereof, which does not demonstrate satisfaction of the minimum requirements of this chapter. Failure to comply with requirements twice within a permitting period constitutes grounds for permit revocation and serves as a basis for denial of any new application or extension. The denial of any permit application, or permit extension, shall be subject to appeal pursuant to _____.
 5. The City may establish a fee or fees required to be paid upon filing of any application for permit(s) as provided by this Chapter, which fees shall not exceed the reasonable cost of administering this chapter, including but not limited to review of applications for permits, monitoring and inspections, and enforcement costs. Said fee or fees shall be established by Resolution of the City Council.
- K. Medical Cannabis Cultivation or Distribution Facility/Dispensary. Medical cannabis distributing facilities or dispensaries are not a permitted use and are prohibited in any and all zoning designations or districts within the city limits.
- L. Enforcement. Any violation of this chapter is subject to any and all penalties as prescribed in the Porterville Municipal Code, in addition to being subject to other remedies provided by law, including but not limited to, injunctive relief, nuisance abatement action, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This chapter is adopted to address public health and safety issues, and as such, carries with it an express legislative intent to be interpreted strictly, enforced with an emphasis on public and community safety, and enforced rigorously in a manner such as to deter further violations.
- M. Appeals. Any person aggrieved by any of the requirements of this section may appeal in so far as such appeals are allowed pursuant to Section ___ of the Porterville Municipal Code.

SECTION 5. Series 700: General Terms, Chapter 700.02 is hereby amended to add in alphabetical order "Use, Sensitive" to definitions to read as follows:

Use, Sensitive. Any cemetery/religious institution; school; public building regularly frequented by children; public park; or boys' and girls' club, or similar youth organizations.

SECTION 6: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

PASSED, APPROVED AND ADOPTED this 19th day of August, 2014.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

CITY COUNCIL AGENDA: MARCH 18, 2014

TITLE: MEDICAL MARIJUANA - DRAFT - SAMPLE PROVISIONS CONCERNING CULTIVATION AND DISPENSARIES; REQUEST FOR FURTHER DIRECTION

SOURCE: CITY ATTORNEY/COMMUNITY DEVELOPMENT

COMMENT: On December 17, 2013, the City Attorney provided an update to the Council regarding the status of pending lawsuits and requested direction from the Council on developing alternatives and standards for cultivation and/or sales of medical marijuana (cannabis). Per direction given by the City Council this past December, this office, the City Manager, and staff from the Community Development, Police, and Fire Departments have met to discuss and develop potential legislative options regulating the cultivation or distribution of medical marijuana. In its discussions, staff discussed several potential options (which are by no means exhaustive and could be exclusive of each other or combined with one or more of the other options):

- 1) Continue with City's current regulations;
- 2) Prohibit the cultivation/distribution;
- 3) Prohibit cultivation but permit (limited) dispensaries;
- 4) Allow indoor cultivation;
- 5) Allow indoor cultivation but require an accessory structure;
- 6) Allow outdoor cultivation.

ALTERNATIVE 1: Continue Current Provisions:

Under current provisions a person with a "recommend card" can cultivate cannabis for personal use. This does not allow for sale or distribution either individually or through a co-op. Many of the grow sites become sources of complaints by neighbors and attractive to individuals that may see the grow site due to visibility of typical conditions or unobstructed views of the plants themselves. Typical conditions may include shade material or other haphazardly erected materials on top of fences, or temporary shade structures over the top of gardens to screen the views. When called, the police department will typically check quantities and make sure the appropriate recommend cards are on site that warrant the growth of the cannabis. These provisions do not allow for the establishment or operation of a cooperative or dispensary unless the federal government legalizes cannabis.

ALTERNATIVE 2: Fully Restrict the Cultivation and Distribution of Cannabis

This alternative would completely ban the growth and distribution in the city of Porterville. Growth would likely continue around the city outside its boundaries and

medical patients would have to join with someone outside the City to cultivate plants for their use or find a co-op or dispensary where they could purchase cannabis.

ALTERNATIVE 3: Fully Restrict the Cultivation but allow for a Dispensary(ies)

This alternative would still preclude the cultivation of cannabis within the city limits but would establish a methodology to allow for one or more dispensaries based on a population ratio or other formula. The current provisions contained in the Municipal Code would allow one dispensary per 25,000 population; however, as previously stated, dispensaries are currently in conflict with federal law and not clearly addressed by State law either. The ratio is contained in the Code to regulate the number of dispensaries if federal law changes.

As requested at the prior Council meeting, the City Attorney's office has reviewed several cities' policies and ordinances concerning potential alternatives for allowing one or more dispensaries to operate in the city, with or without also restricting/prohibiting cultivation. Cities' dispensary regulations vary greatly. The following are some examples:

Berkeley (pop. 112,580): permits 3 dispensaries (but allows any dispensaries existing at the time to continue in their current locations); otherwise places a 1,000-foot distance restriction regarding cemeteries, middle or high schools, and other dispensaries.

Citrus Heights (pop. 83,301): permits 1 dispensary. A CUP is required. Places a 1,000-foot distance restriction regarding sensitive uses and other dispensaries; prohibited in residential zone; cannot be an accessory use.

Clearlake (pop. 15,250): permits 3 dispensaries, to be increased to 4 when the population reaches 20,000. Zoning restrictions to certain commercial zones, with a 1,200 sq. ft. overall size restriction. Places a 600-foot distance restriction to sensitive uses. Specified a process for competing applications -- had an initial 90-day period where applications are processed in the order received and deemed complete. Existing dispensaries were given 30 days to comply. Mandates a public hearing with required criteria to consider.

Cotati (pop. 7,310): 1 dispensary license allowed, with a maximum of 1,000 patients per month. 1,000-1,200 sq.ft. overall size allowance. Places 500-foot distance restriction regarding sensitive uses, and only allowed in the commercial district. Extensive use and operating restrictions.

Dunsmuir (pop. 1,650): no number limitation on dispensaries. Must be in the C-2 district, with additional specific location restrictions. Places a 100-foot distance requirement from residential districts. A CUP is required.

Eureka (pop. 27,191): has an extensive regulatory scheme. Allows cultivation for personal use. With regard to any "co-operative/collectives," only allows 4 cultivation/processing facilities, and then allows 1 distribution facility for each cultivation/processing facility, along with extensive regulatory requirements. Richmond (pop. 103,701): allows 3 permits for "collectives." Distance requirement from high schools of 1,500 feet. Distance requirement from sensitive uses of 500 feet.

Richmond (pop. 103,701): allows 3 permits for "collectives." Places a distance requirement of 1,500 feet from high schools, and 500 feet from sensitive uses.

Oakland (pop. 400,740): allows 8 permits for dispensaries (recently increased in 2010 from 4 permits per 2004 ordinance); location restrictions; product safety and testing standards. The voters of Oakland passed a taxation measure on dispensaries in 2009. Additionally, the City has applied the following fees: one time cultivation application fee of \$5,000 and annual permit fee of \$211,000; for dispensaries one-time application fee of \$5,000 and annual fee of \$60,000. These fees are in addition to any tax revenue received and are based on the costs of regulating and enforcing the City's requirements. The City also requires that cultivation have a "closed loop connection" to the permitted dispensaries.

Napa (pop. 76,915): Requires a permit for medical marijuana dispensaries or "Aggregated Cultivation Facilities" (any collective or co-operative cultivation). No more than two permitted dispensaries allowed, with a one-year lag required between application processes and the need for more than one dispensary has been determined by the City Council. Only one aggregated cultivation facility allowed for each dispensary. Cultivation allowed only if permitted as such or if conducted at a qualified patient's residence for their sole use. A CUP is required for dispensaries; restricted to certain zones. Must be operated adjacent to, but separately from, the accessory aggregated cultivation facility. 1,000 foot distance requirement from other dispensaries and 500 foot from youth-oriented uses. A competitive application process is set up for considering permit requests.

As is evident from comparison of these cities, dispensary regulations vary greatly. However, if the City Council wishes to pursue allowing one or more dispensaries, the City Council should also consider whether it wishes to permit collective/co-operative cultivation as well, and determine whether to require such cultivation to establish a direct relationship with the dispensary(ies). If collective cultivation is not allowed, then the City should consider whether it wishes to have additional requirements related to the dispensary's source of the cannabis.

If the City Council opts to not allow dispensaries in the City at this time, the City Attorney recommends that the provisional dispensary regulations (that would go into

effect in the event federal law changes) be revisited and updated in conjunction with any changes regarding cultivation and other requirements.

ALTERNATIVES 4 – 6: Indoor, Indoor (Accessory Structure), Outdoor Cultivation

The remaining three alternatives are provided below and contain much more detail as they represent staff's understanding of alternatives outlined by the City Council at their December 17, 2013, meeting. Any or all of the three alternatives would be subject to the provisions contained under the headings Cultivation Generally, Preparation, Individual Distribution Prohibited, and Enforcement that precede them. The specific regulations in each alternative seek to address concerns raised by the Council, community residents, advocates, and public safety providers as well as to balance out these interests with the results of recent case law and statutes.

CULTIVATION GENERALLY (applies to all alternatives)

A qualified patient shall be allowed to cultivate medical cannabis for their own personal use. Cultivation of medical cannabis for said use shall be in conformance with the following standards:

- A. No more than one medical cannabis cultivation area shall be permitted on a legal parcel, regardless of the number of dwelling units on the parcel;
- B. Medical cannabis cultivation areas shall be located no closer than 600 feet from one another;
- C. No medical cannabis cultivation site shall be located within 1000 feet of a sensitive use as defined in Chapter 700 (P. 484 – “use, sensitive” – see below for definition);
- D. The residence shall remain at all times a residence with legal and functioning cooking, sleeping, and sanitation facilities. Medical cannabis cultivation shall remain at all times accessory to the residential use of the property;
- E. The qualified patient shall reside at the residence where the medical cannabis cultivation occurs;
- F. Cultivation of medical cannabis for personal use shall occur only on the parcel, occupied by a qualified patient, that is secured, locked, and fully enclosed and rendered inaccessible to minors, and which is for the exclusive use of the qualified patient and otherwise in conformance with this chapter.
- G. Cultivation of medical cannabis for personal use shall not displace required off-street parking, or violate any other provisions of the Porterville Municipal Code;

TITLE: MEDICAL MARIJUANA REGULATIONS AND LOCAL REGULATION –
UPDATE CONCERNING STATUS OF STATE LAW AND REQUEST FOR
DIRECTION

SOURCE: CITY ATTORNEY

COMMENT: As we discussed earlier this year, on May 6, 2013, the Supreme Court issued its opinion in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc. et al.*, California Supreme Court Case No. S198638. The Court found that California's medical marijuana statutes **do not** preempt a local ban on facilities that collectively cultivate or distribute medical marijuana.

The City of Riverside specifically declared, by virtue of its zoning ordinances, that a "medical marijuana dispensary" is a prohibited use within the City and may be abated as a public nuisance. The City also bans and declares as nuisances any uses prohibited by federal or state law. In its Opinion the Supreme Court undertook a comprehensive review of the landmark cases addressing preemption and medical marijuana, and found that, contrary to defendant's allegations, the CUA/MMP do not confer on qualified patients and their caregivers the unfettered right to cultivate or dispense marijuana anywhere they choose. No part of the CUA/MMP explicitly guarantees the availability of locations where such activities may occur, restricts localities otherwise broad authority to regulate zone and land use planning within its borders, or requires local zoning and licensing laws to accommodate cooperative or collective cultivation or distribution. Rather than relying on portions of the MMP (specifically Health and Safety Code Sec. 11362.768), which have been argued by cities to expressly allow regulations and bans on such facilities, the Court instead relied on preexisting local police powers recognized by the California Constitution (Cal. Const. Art. XI, Sec. 7). The Court also noted that while some communities may be well-suited to accommodating the uses, others may come to a reasonable decision that such facilities, even if carefully sited, managed, and monitored would still present an unacceptable local risk and/or burden given the potential for increased crime, blight or drug abuse.

On November 26, 2013, the California Appellate Court (3rd District) took this analysis a step further in *Maral v. City of Live Oak*, C071822 (Cal.App. 11-26-1013). In this case, the Court upheld Live Oak's ordinance prohibiting the cultivation of marijuana for any purpose within the City, finding that a complete prohibition of cultivation also falls within a city's police powers, as set forth in the above *Inland Empire* case. It appears that Live Oak may be the first city to completely ban cultivation (by virtue of the contentions of the plaintiffs in the case). It is possible

this case will be appealed to the California Supreme Court. Live Oak also has a regulation that requires zoning clearance and compliance with additional conditions for cultivation in the event the prohibition is found invalid.

Prior to the issuance of these decisions, the City of Porterville had been developing regulations requiring and regulating indoor cultivation, restricting collective cultivation, and contemplating a registration component. City staff had also met several times with medical marijuana advocates who had concerns over indoor cultivation requirements but had been more amenable to registration and outdoor screening requirements. As the Council is aware, earlier this year Tulare County adopted a moratorium prohibiting the establishment of new or the expansion of existing collectives, cooperatives, and dispensaries until 2015. In October the Board of Supervisors voted to move ahead with a proposal to ban storefront and mobile dispensaries and collective grow sites, and restrict individual grow sites to indoor structures that are connected to the main structure. Recent efforts by State legislators to develop varying regulations covering medical or nonmedical cultivation and use of marijuana have been unsuccessful, but it is expected that a new bill will be introduced in the new legislative session. Additionally, at least one initiative has obtained the requisite signatures for placement on the November 2014 ballot.

This office, and the Community Development and Public Safety Departments, request direction from the City Council in light of the most recent developments and case law. The options include but are not limited to:

- 1) proposing a complete ban on cultivation for any purpose within the City limits (with or without a regulatory alternative in the event such a ban were to be found invalid),
- 2) proposing regulations that ban distribution and require cultivation to occur indoors (with other limitations), or
- 3) allowing but restricting outdoor cultivation

With direction as to how the Council wishes to proceed, staff intends to introduce draft regulations at the City Council Meeting on January 21, 2014.

RECOMMENDATION: That the City Council provide additional direction in light of the recent developments.

CITY COUNCIL AGENDA: AUGUST 19, 2014

SCHEDULED MATTER

SUBJECT: ADDENDUM TO THE LICENSE AND DEVELOPMENT AGREEMENT FOR THE PORTERVILLE JUNIOR LIVESTOCK FAIR

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: In February of this year, the Tulare County Junior Livestock Show and Community Fair ("Fair") Board approached staff to request an amendment to the terms of the License and Development Agreement (Agreement) regarding the sale and consumption of alcoholic beverages during the Fair and other events held at the fairgrounds.

On April 15, 2014, City Council approved a one-year pilot program that permitted the Fair to allow sales and consumption of alcohol outside of the Adult Refreshment Area with the use of a wrist band system and to bring forth an addendum to the Agreement if the pilot program was successful. According to the Porterville Police Department, the pilot program worked well without additional incident. As the program was effective, the Fair Board is requesting a modification to Exhibit B "Right to Sell Alcoholic Beverages" of the License and Development Agreement.

Section 11.3 *Addenda* allows the Agreement to be modified or amended at any time by mutual consent in the form of an Addendum to the Agreement. The proposed amendment would expand the scope of Exhibit B to include other activities that occur throughout the year at the fairgrounds. The Fair Board is proposing for functions such as grounds rental or other events that occur on the fairgrounds outside of the annual Fair be permitted within defined areas determined in writing and agreed to prior to rental of fairgrounds. The applicant would be required to meet all local, county, and state laws and regulations.

Furthermore, the Fair Board is requesting that the one-year pilot program be extended indefinitely. This would allow the sale and consumption of alcohol beyond the confines of the Adult Refreshment Area. Buyers would be pre-screened, issued a wrist band and be required to wear the wrist band at all times while in possession of alcohol on the Fair premises. Staff additionally would like to add language authorizing the Police Chief to modify and/or temporarily revoke this provision if it is determined that the sale and consumption of alcohol outside the Adult Refreshment Area has become a nuisance or a threat to public safety and report such action to the City Council as soon thereafter as possible.

RECOMMENDATION: That the City Council consider the Fair Board's request, and if agreeable authorize the Mayor to sign an Addendum to the License and Development Agreement, Exhibit B "Right to Sell Alcoholic

DD JB Appropriated/Funded N/A CM J

Item No. 116

Beverages” to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the annual Fair, subject to legal counsel approval as to form.

ATTACHMENT:

1. License and Development Agreement
2. Draft Amendment to Exhibit B “Right to Sell Alcoholic Beverages”

LICENSE AND
DEVELOPMENT AGREEMENT
(Porterville, California)

THIS PROPERTY LICENSE AND DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into as of this 10TH day of December 2009, by and between the CITY OF PORTERVILLE (the "City"), a municipal corporation, and TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR ("Fair"), with respect to the following:

WHEREAS, the City is the owner of an approximate 37± acres of land, located in the City of Porterville, County of Tulare, State of California, more particularly described on Exhibits A-1 and A-2 attached hereto and depicted as the "Property." The Property is currently a part of the Porterville Municipal Airport.

WHEREAS, the Fair desires an exclusive License for the approximate 15 acres of land depicted on Exhibit A-1, and referenced as Parcel 1, to develop as a Fairplex (community fair); and

WHEREAS, the Fair desires to utilize the approximate 10 acres of land depicted on Exhibit A-2, and referenced as Parcel 2, to be used for parking, staging, and a carnival midway during the period of May 1 through June 1 annually, and used throughout the year by the Fair for general uses until such time as the City begins construction, development, or usage of the property whereas the terms of use by the Fair will be modified, but not be unduly limited or eliminated. Such development will be mutually complementary; and

WHEREAS, the City is willing to enter into a License with the Fair under the terms and conditions set forth below.

ACCORDINGLY IT IS AGREED:

PART 1
LICENSE, TERM, OPTION TO EXTEND, HOLDOVER, ASSIGNMENT,
SUBLICENSING

1.1 License.

The Fair will obtain a License of the Premises located in the City of Porterville, County of Tulare, California, depicted on Exhibit A-1, from the City on the terms and conditions set forth below.

1.2 Licensee's Usage Date and Terms

The Fair will be entitled to exclusive use of Parcel 1 of the Premises on the date to be mutually agreed upon by the Fair and the City. If the Fair commences utilization of the Premises on other than the first day of a calendar month, the initial term will consist of the unexpired portion of the calendar month in which the Fair holds the license of the

Premises plus fifty (50) full years from the first day of the calendar month immediately following. The anniversary date will be the first day of the first full month of the term.

1.3 Licensee's Option to Extend Term

Provided Fair is not then in default of this License at maturity of the initial term, the Fair is granted the option to extend this License for a period of two (2) fifty (50) year extensions. In the event the property is not released from FAA obligations at the end of the initial term, said extensions may be subject to Federal approval.

1.4 Assignment and Sublicensing

The Fair may not assign this Agreement to any organization, nor shall the Fair grant any sublicenses inconsistent with the uses allowed in Section 3.1, without the prior written consent of the City, which consent will not be unreasonably withheld.

PART II LICENSE FEE

2.1 Amount

The Fair will pay the following License Fee to the City for the exclusive use and occupancy of the Property.

2.1.1 Annual License Fee

2.1.1.1 Tier 1

The Fair acknowledges that the property is under the purview of the Federal Aviation Administration (FAA) and, as such, commands an annual license fee equal to fair market value for the property. Therefore, until such time as the land is released from FAA obligations, the annual license fee shall be the sum of \$13,500. In the event the Fair takes use of the Property on a day other than the first day of the month, the annual license fee shall include payment of \$37.00 per day for any unexpired portion of the calendar month in which the Fair has possession of the Property. License Fees shall be paid in annual installments on the anniversary date.

The City agrees to provide annual license fee assistance in an amount not to exceed \$13,500 during the license period of the Fair. The assistance is provided from the Porterville Municipal Airport fund as a credit against the debt owed from the Airport to the City. Said assistance shall be available to the Fair for a period not to exceed ten (10) years or until such time as the Fair either (a) purchases the property from the City or (b) is no longer operating at the site.

2.1.1.2 Tier 2

Upon release of the property from FAA purview, the annual license fee shall be reduced to \$1.00 per year for the remainder of the term of this License and any extensions thereof. Said reduction shall be effective upon the first

anniversary date following the release from the FAA. There shall be no proration nor shall there be any refund of license fees.

2.1.2 Place of Payment

The Fair will pay all license fees at the City of Porterville Finance Department, located at 291 North Main Street, Porterville, California 93257

**PART III
USE OF PREMISES**

3.1 Allowed Uses

The Fair and the Fair's sublicensees will use the Premises to:

- Provide a venue for junior exhibitors of livestock, agricultural products, handicrafts, and other artistic works; and
- Provide a source of community entertainment, as well as a showplace for local businesses, civic groups, and youth groups; and
- Provide a venue for local community groups to participate in community service.

The Fair will use the Premises in compliance with all laws, ordinances, and other governmental regulations now in force or which may hereafter be in force relating thereto, including, but not limited to all building, safety, and public health requirements and regulations. Additionally, at no profit to the Fair, the Fair will make every effort to support the use of the fairgrounds by all community oriented and/or non-profit organizations. These organizations may include, but are not limited to, 4-H Clubs, Future Farmers of America Chapters, Comision Honorifica Mexicana-Americana, Inc., and other community service organizations.

3.2 Prohibited Uses

Fair will not commit or permit the commission of any acts on the Property that:

1. Increase the City's existing rates for, or causes the cancellation of any fire, casualty, liability, or other policy of Lessor insuring the Premises or its contents; or
2. Violate or conflict with any law, statute, ordinance, or governmental rule or regulation, where now in force or hereafter enacted, applicable to the Premises; or
3. Constitute waste on the Premises, or the maintenance of a nuisance as defined by the laws of California; or
4. Adult oriented business or residual uses will not be allowed.

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PART IV DEVELOPMENT OBLIGATIONS

4.1 Development Assistance

4.1.1 To assist with the relocation of the Fair to Parcel 1 of the City-owned property described on Exhibit A-1, the City agrees to provide financial assistance to the Fair from the proceeds of the sale of the Olive Street site upon which the Fairgrounds is currently located. Said assistance shall be the net proceeds from the property sale, exclusive of brokerage, escrow, and other related fees, and is subject to the terms and conditions set forth in this Agreement. The proceeds of the assistance may be utilized by the Fair for relocation, construction of facilities, and related costs. No portion of the assistance may be allocated to costs relating to the operation of the Fair.

4.1.2 It is anticipated that the Fair and the City will prepare an application for tax-exempt bonds through California Communities, or a similar organization, in an amount supportable by a capital fund raising campaign for the construction of facilities. Said amount of bonding shall not exceed Two Million Dollars (\$2,000,000.00).

4.2 Development of Parcel 1 (Exhibit A-1) Fair agrees to construct upon Parcel 1 those improvements that are related to fair activities. Improvements may be made in Phases as set forth below:

Phase 1

- Site Preparation
- Installation of On-Site Infrastructure
- Construction of Multipurpose Building #1
- Construction of Livestock Barn
- Construction of Rabbit Barn/Livestock Office
- Construction of Outdoor Stage (2)
- Construction of 100' x 200' Entertainment Area
- Storage for Pens, Panels, and Livestock Parking
- Preparation of Area for "Kiddie Land"
- Restroom (1)
- Ticket Booth(s)
- Concession Stands
- Bank of the Sierra Structure
- Fire Lanes
- Site Landscaping and Irrigation
- Parking Lot along Teapot Dome Avenue

Phase 2

- Construction of Livestock Barn
- Construction of Livestock Parking
- Pen and Panel Storage Area
- Restroom #2

Phase 3

Construction of Multipurpose Building #2

- 4.2.1 Fair will submit plans for Project Review Committee review.
- 4.2.2 Fair will submit complete plans for issuance of building permit for the initial phase within six (6) months from date of this Agreement.
- 4.2.3 City Connection Fees (Impact Fees) including Trunk Line Sewer Fees, Treatment Plant Fees, Sewer Connection Charges, Water Trunk Fees, Water Connection Fees, Street Light Fees, Storm Drainage Fees, Fire Hydrant Fees, Transportation Impact Fees, Frontage Improvement Valuation Threshold, and Park Impact Fees will be calculated for the project. Said fees shall be deferred while the site remains under the ownership of the City. In the event that the Fair acquires ownership of the site, fees shall become due and payable to the City. Furthermore, Fair shall have the option to enter into a Development Fee Payment Plan for the payment of said fees.
- 4.2.4 Fair will be responsible for all fees related to the issuance of a building permits, with the exception of those fees identified in Section 4.2.3 above. Fair shall have the option to enter into a Development Fee Payment Plan for the payment of said fees.
- 4.2.5 Fair will be responsible for utility connections and associated fees.
- 4.2.6 Concurrent with the Agreement, Fair will apply for an alcohol agreement, which shall not be unreasonably withheld. Fair desires to utilize an "Adult Refreshment Area" concept to keep the consumption of alcohol within contained areas and away from the general public. A copy of said agreement is included as Exhibit B.
- 4.2.7 City hereby agrees to expedite the issuance of the building permit for the Project in order that the building permit or comments will be available within fourteen (14) days of submittal of complete building plans, inclusive of electrical and plumbing plans.
- 4.2.8 City will provide water and sewer services to the property boundary.
- 4.2.9 City will make every effort to obtain approval for the release of land from the purview of the Federal Aviation Administration within twelve months from the date of this Agreement. All fees and expenses related to the FAA release will be the responsibility of the City.

4.3 Development of Parcel 2 (Exhibit A-2)

- 4.3.1 City anticipates developing Parcel 2 for shared use by the City, Fair, and other public/governmental use. Future use may include a training/entertainment center.
- 4.3.2 City will provide the Fair exclusive use of all or a portion of Parcel 2 for the thirty-day period surrounding the annual fair, and may be used by the Fair throughout the year for general uses until such time as the City begins construction, development, or usage of the property. Fair will provide insurance pursuant to Section 7 of this Agreement for the use of this parcel.

4.3.3 In conjunction with development of Phase I by the Fair, Fair may perform site improvements to Parcel 2. Site work is subject to reimbursement to the Fair upon future development of Parcel 2 by the City, or within four (4) years from the date of the completion of mutually agreed upon improvements, whichever occurs first.

4.3.4 City will install curb, gutter, sidewalk, and street paveout along Teapot Dome Avenue.

4.4 Other Obligations

4.4.1 City agrees to allow the Fair use of a portion of City's Sports Complex as indicated on Exhibit C located on Scranton Avenue during the thirty-day period surrounding the fair week each year for overflow parking.

4.4.2 Fair will provide insurance pursuant to Section 7 of this Agreement for times that the Fair is utilizing the Sports Complex for overflow parking.

4.4.3 City will prepare and record parcel maps for Parcels 1 and 2 as shown on Exhibit A-1 and A-2.

4.4.4 Fair agrees to grant City access to drill a water well(s) as may be deemed necessary by the City. Location(s) of water well(s) will be mutually agreed upon by City and Fair and shall be situated so as not to interfere with Fair operations.

**PART V
MAINTENANCE, REPAIR, AND UPKEEP**

5.1 Licensee's Responsibilities

Maintenance, repair, and upkeep of the grounds and buildings on Parcel 1 will be solely the responsibility of the Fair. All portions of Parcel 1 shall be kept free and clear of weeds and debris until developed.

5.2 Licensor's Responsibilities

Maintenance, repair, and upkeep of the grounds and buildings on Parcels 2 and 3 will be solely the responsibility of the City. All portions of Parcels 2 and 3 shall be kept free and clear of weeds and debris until developed.

**PART VI
UTILITIES**

6.1 Licensee's Responsibilities

Fair shall be responsible for and will pay for all utilities and services furnished to the Property identified on Exhibit A-1, including gas, electricity, telephone, water, trash collection, and all related connection charges.

6.2 Licensor's Responsibilities

City shall be responsible for and will pay for all utilities and services furnished to the Properties identified on Exhibit A-2 and A-3, including gas, electricity, telephone, water, trash collection, and all related connection charges.

PART VII INSURANCE

7.1 Licensee's Insurance

The Fair, at its own expense, shall procure and maintain, throughout the term of this License, public liability insurance including bodily injury and property damage insuring the Fair and the City with minimum coverage as follows:

- \$1,000,000 for personal injury for each person
- \$1,000,000 for personal injury or death of two or more persons in each accident or event.

The policy must contain, or be endorsed to contain, the following:

City of Porterville

The City of Porterville, its officers, employees, agents and subtenants must be covered as additional insured as respects liability arising out of activities performed by or on behalf of Lessee, and premises owned, occupied or used by Lessee. The coverage must contain no special limitations on the scope of protection afforded to the City, its officers, employees, or agents.

The Fair shall also procure and maintain, at its expense, throughout the term of this License, insurance against loss or damage to any structures constituting any part of the demised Premises, by fire and lightning, with extended coverage insurance.

The Fair will provide the City with a certificate or certificates of coverage showing the policy or policies are issued by insurers permitted to conduct business in the State of California.

The policy must not be suspended, voided, canceled, or reduced in coverage or in limits, except after 30 days prior written notice has been given to the City.

PART VIII TERMINATION FOR CAUSE

8.1 Cause.

Either party may terminate this Agreement for cause without prejudice to any other right or remedy to which the terminating party may be entitled at law or under this Agreement. Cause for the purpose of this Agreement exists if a party:

- (a) is adjudged a bankruptcy; or
- (b) becomes insolvent or has a receiver appointed; or
- (c) makes a general assignment for the benefit of creditors; or

- (d) suffers any judgment which remains unsatisfied for 90 days, and which would substantively impair the ability of the judgment debtor to perform under this Agreement; or
- (e) materially breaches this Agreement.

8.2 Notice to Defaulting Party.

For any of the above occurrences except item (e), termination may be effected upon written notice by the terminating party specifying the date of the termination. Upon a material breach, the Agreement may be terminated only after the failure of the defaulting party to remedy the breach to the satisfaction of the non-defaulting party within 90 calendar days of delivery of a written notice specifying the nature of the breach. If the breach is not remedied within that 90-day period, the non-defaulting party may terminate this Agreement by delivering a further written notice specifying the date of the termination. If the nature of breach is such that it cannot be cured within the 90-day period, the defaulting party may deliver a written proposal to the non-defaulting party within that period which sets forth a specific means to resolve the default. If the non-defaulting party consents to that proposal in writing, which consent will not be unreasonably withheld, the defaulting party will immediately embark on its plan to cure. If the default is not cured within the time agreed, the non-defaulting party may terminate after delivering a written notice specifying the date of termination.

8.3 Delivery of Notices

Notices given under Section 8.2 will be deemed delivered as provided in Section 9 below.

8.4 Ownership of Improvements

Upon termination of this Agreement, City shall have the option of purchasing any structures, fixtures, signs, or other improvements made upon the site by Fair over the term of this Agreement. City agrees to reimburse Fair for those improvements being purchased by City an amount determined to be the appraised value at the termination period, less the original financial assistance provided to Fair as stated in Section 4.1 of this Agreement. Fair shall be responsible for the removal of all structures, fixtures, signs, and other improvements not acquired by City and shall restore the premises to the same condition as that existing prior to the erection or installation of improvements. Should the Fair fail or refuse to remove improvements, City may do so at Fair's sole cost and expense.

8.5 Obligations Surviving Termination

Termination of this Agreement will not terminate any obligations to indemnify, to maintain and make available any records pertaining to the Agreement, to cooperate with any audit, to be subject to offset, or to make any reports of pre-termination contract activities.

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PART IX NOTIFICATIONS

9.1 All notices or other communications required or permitted hereunder shall be in writing, and may be personally delivered or sent by United States registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

To City: City of Porterville
291 N. Main Street
Porterville, CA 93257
Attn: City Clerk

To Fair: Tulare County Junior Livestock Show and
Community Fair
P.O. Box 369
Porterville, CA 93258
Attn: President

subject to the right of a party to designate a different address for itself by notice similarly given. Any notice so given by United States mail shall be deemed to have been given on the second business day after the same is deposited in the United States mail as above provided. Any notice not so given by registered or certified mail shall be deemed given upon receipt of the same by the party to whom the same is given.

PART X AIRPORT DISCLOSURE STATEMENT

10.1 **Notice of Airport in Vicinity:** The subject property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. Fair may wish to consider what airport annoyances, if any, are associated with the property before completing this transaction and determine whether they are acceptable.

10.2 **Notice of Intent to Record Restrictive Covenant:** It is the intent of the City of Porterville to record a Restrictive Covenant upon all City-owned property within the Airport Development Area concurrent with this Agreement. A draft of said Covenant is shown as Exhibit D.

PART XI MISCELLANEOUS PROVISIONS

11.1 Quiet Enjoyment

Upon payment of the license fees and the performance of all the terms, covenants, and conditions by the Fair to be performed as herein provided, the Fair will be allowed to

peaceably and quietly hold and enjoy the premises during the term of this license, or any extended term thereof.

11.2 Surrender

The Fair will peaceably surrender use of the Premises upon the expiration or other termination of this License, and will return the Premises to the City in as good a condition as when received, reasonable wear and tear and damage from the elements excepted, except for so much of said Premises as may be injured or destroyed by fire earthquake or other casualty not the fault of the Fair.

11.3 Addenda

This Agreement may be modified, amended, or terminated at any time by mutual consent in writing of the parties hereto in the form of an Addendum to the Agreement.

11.4 Entire Agreement Represented

This Agreement represents the entire understanding between the City and the Fair as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified, waived, or repealed without the written consent of both parties.

11.5 Headings

Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning, or intent of the provisions under the headings.

11.6 Interpretation

This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code Section 1654 shall not apply to address and interpret any uncertainty.

11.7 No Third Party Beneficiaries

Unless specifically set forth, the parties to this Agreement do not intend to provide any third party with any benefit or enforceable legal or equitable right or remedy.

11.8 Governing Law

This Agreement will be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. Any litigation arising out of this Agreement will be brought in Tulare County California. The City waives the removal provisions of California Code of Civil Procedure Section 394.

11.9 Waivers

The failure of either party to insist on strict compliance with any provision of this Agreement will not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment will not be considered to be a waiver of any preceding breach of the Agreement by the other party.

11.10 Exhibits and Recitals

All Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11.11 Conflict with Laws or Regulations; Severability

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed by the parties, to be in conflict with any code or regulations governing its subject, the conflicting provision will be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases, the remainder of the Agreement will continue in full force and effect. If either party, exercising its sole discretion, elects to defend this Agreement against a third party suit alleging any invalidity in this Agreement, they must do so at their own expense.

11.11.1 Legal Fees In the event that an action shall be instituted by either party hereto for the enforcement of any of its rights or remedies in or under this Agreement, the party in whose favor judgment shall be rendered therein shall be entitled to recover from the other party all costs and expenses incurred by said prevailing party in said action, including reasonable attorney's fees as fixed by the court therein.

11.12 Further Assurances

Each party will execute any additional documents and will perform any further acts which may be reasonably required to affect the purposes of this Agreement. The Fair will, on request by the City, execute appropriate estoppels certificates and attornments in favor of any trust deed holders or encumbrances.

11.13 Assurances of Non-discrimination

The Fair will not discriminate in employment or the performance of the Work or in the provision of services called for under this Agreement on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

The Fair herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this License is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, religion, sex, marital status, national origin or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein licensed nor shall the lessee himself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein licensed.

11.14 Licensor's Right to Enter to Inspect and Post

The Fair will permit the City and its agents to enter upon the Premises at all reasonable times for the purpose of posting notices of non-responsibility for alterations or additions made by the Fair, or for the purpose of inspecting the Premises.

11.15 Brokers

All negotiations relative to this Agreement have been carried out directly by representatives of the City and the Fair without the participation of brokers, and each party represents to the other that there are no unpaid broker's fees in connection with this Agreement.

11.16 Successors and Assigns

This Agreement is binding on and will inure to benefit the successors and assigns of the parties, but nothing in this section shall be construed as consent by the City to any sublicense or assignment by the Fair if such consent is otherwise required by the terms of this Agreement.

11.17 Representations of Authority

Each party executing this Agreement represents and warrants to the other parties that the party has full power and authority to execute and deliver this Agreement in the manner contemplated hereby and that this Agreement is binding upon the party in accordance with its terms.

11.18 Venue

If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. Fair hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

11.19 Counsel

The parties represent and warrant that this Agreement has been freely negotiated and has been reviewed by each party's respective legal counsel.

11.20 Duplicate Originals

This Agreement will be executed in duplicate originals.

11.21 Time is of the Essence

Time is of the essence for this Agreement.

**PART XII
REPRESENTATIONS AND WARRANTIES OF CITY**

City hereby makes the following representations and warranties to and agreements with Fair, which are true as of the date hereof, which shall be true as of the date of the License, which are not intended to replace or limit in any manner any express or implied warranty provided under the applicable law and which, except to the extent they relate to events or

circumstances occurring or arising after the License, shall survive the License. Fair shall be entitled to rely upon said representations and warranties notwithstanding Fair's inspections and investigations:

12.1 As of the date of License, City has complied or will comply with all applicable federal, state or local laws, regulations, ordinances or orders and has completed all proceedings or other actions necessary to complete the License and all of the transactions contemplated by this Agreement and the Annual License Fee reflects the fair market License value of the Property as of the date of this Agreement. There are no unrecorded liens or encumbrances affecting the Property and no person or entity has any right, title or interest in or to the Property other than City.

12.2 City has not received notice of, nor does City have any knowledge of, any pending or threatened action of governmental proceeding in eminent domain, zoning change or other proposed change, nor does City know of any fact which might give rise to any such proceeding, nor does City know of any other type of existing or intended use of any adjacent or nearby real property which might adversely affect the use of the Property for Fair purposes.

12.3 There are not presently pending any assessments by any governmental entity or public utility (other than for annual ad valorem real property taxes) of any nature with respect to the Property or any part of the Property. No property tax with respect to the Property is delinquent, and all requirements of all insurance policies with respect to the Property have been, and are being, fully complied with.

12.4 As of the date of the License, there shall be no easements, licenses, leases or tenancies of any type on the Property or any portion of the Property except those approved by Fair in accordance with this Agreement.

12.5 There are no encroachments upon the Property or any portion of the Property or any easement, appurtenance or other interest in the Property except those existing utilities above and below ground surface that are to remain in service. No improvements located on the Property encroach upon any property adjacent to the Property or upon any easement, building setback line, appurtenance or other interest in real property except as shown on the Preliminary Title Report, dated July 7, 2009, and shown as Exhibit E.

12.6 There are no liens or encumbrances against the Property for work performed or commenced or material supplied with respect to the Property, nor can there be claimed against the Property any such lien.

12.7 There is no suit or arbitration, bond issuance or proposal for bond issuance, proposals for public improvement assessment, pay-back agreement, paving agreement, road expansion or improvement agreement, utility moratorium, use moratorium, improvement moratorium, license fee increase moratorium, or legal, administrative or other proceeding or governmental investigation or requirement, formal or informal, existing or pending or threatened which affects the Property or which adversely affects

Fair's ability to develop the Property for Fair purposes, or which imposes any other charge or expense upon, or relating to, the Property which has not been disclosed to Fair in writing prior to the date of this Agreement, or, in the case of any such requirement, fully complied with.

12.8 City has no knowledge, nor has City received notice of any environmental rule, order or regulation which would adversely affect the commercial development on the Property.

12.9 This Agreement is a valid obligation of City and is binding upon City in accordance with its terms.

12.10 This Agreement, when executed by City, shall have been duly and properly executed and neither the execution of this Agreement nor the consummation of the transactions contemplated by this Agreement will constitute:

(i) a default or an event which with notice or the passage of time or both would constitute a default under, or a violation or breach of, any indenture, license, lease, franchise, mortgage, deed of trust or other instrument or agreement to which City is a party or by which City, or City's property, including without limitation, the Property, may be bound, or

(ii) an event which would permit any party to any agreement or instrument affecting the Property or affecting City's ability to perform its obligations under this Agreement to terminate it, or permit the holder of any indebtedness to accelerate its maturity, or

(iii) a violation of any statute, order, rule or regulation applicable to City or any portion of the Property.

12.11 After the date of this Agreement, City shall not undertake any work on the Property which may result in the creation of a mechanic's lien on the Property or any portion of this Property.

12.12 City has no knowledge of any adverse geological or soil condition affecting the Property.

12.13 No portion of the Property lies within a flood plain designated by the federal, state or local government.

PART XIII FIRST RIGHT OF REFUSAL

13.1 In the event the City obtains the release of land from purview of the Federal Aviation Administration and desires to sell the released land, Fair shall have the First Right of Refusal for Parcel 1 and Parcel 2.

13.2 Purchase Price

The purchase price shall be established by the fair market value of the land at the time of the transaction as set forth in an appraisal obtained by the City from a licensed appraiser.

13.3 Lapse of Option

If at the time of offer of land for sale, the Fair is no longer operating upon Parcel 1, this First Right of Refusal shall automatically terminate.

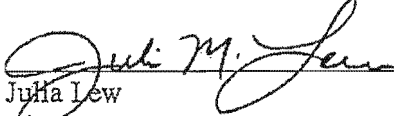
13.4 Purchase and Sale

In the event the City makes an offer to sell the property, and the Fair accepts said offer, then the parties shall open an escrow (the "Option Escrow") with the Escrow Holder. The Escrow shall close fifteen days after the date of the exercise of the Option (the "Option Closing Date"). Prior to the Option Closing Date, City shall deposit a fully executed and acknowledged Grant Deed conveying the Property to the Fair. If the Option Escrow is in a position to close on the Option Closing Date (or as soon thereafter as is possible but in no event later than 30 days following the option Closing Date), Escrow Holder shall deliver to Fair the Grant Deed by depositing the same with the County Recorder of the County of Tulare, California, with instructions to record the same and thereafter to mail the same to Fair and shall deliver to City funds in the amount as agreed upon as the fair market value of the property. City shall bear the fee for recordation of the Grant Deed, one-half of the Escrow Holder's fee and any additional charges customarily charged to sellers in Tulare County. Fair shall bear the documentary transfer tax required, one-half of Escrow Holder's fee and any additional costs and charges customarily charged to buyers in Tulare County.

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IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

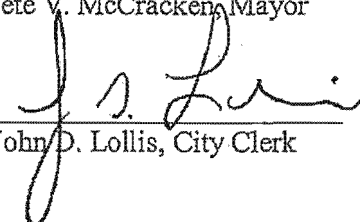
APPROVED AS TO FORM:


Julia Lew
City Attorney

CITY:

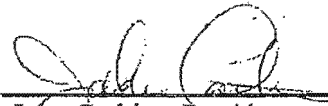
CITY OF PORTERVILLE
a Municipal Corporation

BY: 
Pete V. McCracken, Mayor

BY: 
John D. Lollis, City Clerk

FAIR:

Tulare County Junior Livestock
Show and Community Fair

BY: 
John Corkins, President

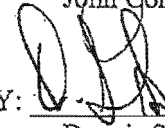
BY: 
Dennis Sexton,
First Vice President

EXHIBIT A-1

Parcel 1

That portion of the Southeast quarter of Section 8, 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 the Southwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, North $00^{\circ}35'50''$ East, along the west line of the Southeast quarter of said Southeast quarter, 25.00 feet, to a point in the north right of way line of Tea Pot Dome Avenue, said point also being the **POINT OF BEGINNING**;

THENCE, continuing North $00^{\circ}35'50''$ East, 1,293.54 feet to the Northwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, South $89^{\circ}40'00''$ West, along the north line of the Southwest quarter of said Southeast quarter of Section 8, 1,282.90 feet, to a point in the east right of way line of West Street (60 feet wide);

THENCE, North $00^{\circ}34'21''$ East, along said east right of way line, 30.00 feet, to the Southwest corner of Parcel 1 of Parcel Map No. 4834 as shown on map filed in Book 49 of Parcel Maps, at page 39 in the office of the County Recorder of said County;

THENCE, North $89^{\circ}40'00''$ East, along the south line of Parcel 1 and Parcel 2 of said Parcel Map No. 4834, a distance of 720.93 feet;

THENCE, North $00^{\circ}20'00''$ West, a distance of 50.00 feet;

THENCE, North $89^{\circ}40'00''$ East, a distance of 100.00 feet;

THENCE, South $00^{\circ}20'00''$ East, a distance of 50.00 feet;

THENCE, North $89^{\circ}40'00''$ East, a distance of 982.02 feet;

THENCE, departing the south line of said Parcel Map No. 4834, South $00^{\circ}35'50''$ West, 1,323.72 feet, to a point in the north right of way line of Tea Pot Dome Avenue;

THENCE, South 89°41'13" West, 520.03 feet, to the POINT OF BEGINNING.

EXCEPTING THEREFROM, the South 17 feet thereof for streets and public purposes.

RESERVING THEREFROM, the Grantor's fee title interests in and to that portion more particularly described as follows:

COMMENCING AT the Southwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, North 00°35'50" East, along the west line of the Southeast quarter of said Southeast quarter, a distance of 1,273.53 feet to the POINT OF BEGINNING;

THENCE, continuing North 00°35'50" East, 20.00 feet, to the Northwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, South 89°40'00" West, along the north line of the Southwest quarter of said Southeast quarter of Section 8, 1,282.90 feet, to a point in the east right of way line of West Street (60 feet wide);

THENCE, North 00°34'21" East, along said east right of way line, 30.00 feet, to the Southwest corner of Parcel 1 of Parcel Map No. 4834 as shown on map filed in Book 49 of Parcel Maps, at page 39 in the office of the County Recorder of said County;

THENCE, North 89°40'00" East, along the south line of Parcel 1 and Parcel 2 of said Parcel Map No. 4834, a distance of 720.93 feet;

THENCE, North 00°20'00" West, a distance of 50.00 feet;

THENCE, North 89°40'00" East, a distance of 100.00 feet;

THENCE, South 00°20'00" East, a distance of 50.00 feet;

THENCE, North 89°40'00" East, a distance of 982.02 feet;

THENCE, departing the south line of said Parcel Map No. 4834, South 00°35'50" West, a distance of 50.01 feet;

THENCE, South 89°40'00" West, 520.03 feet to the POINT OF BEGINNING.

CONTAINING: 653,400 sq. ft., (15 acres)

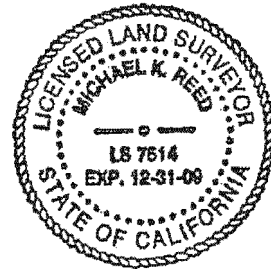
BASIS OF BEARING for the parcel described herein is the south line of the Southeast quarter of said Section 8, taken as: North 89°41'13" East per Record of Survey recorded in Book 21 of Licensed Surveys, at page 68, Tulare County Records.

END OF DESCRIPTION

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

Signature: Michael K. Reed
Michael K. Reed, Licensed Land Surveyor

Date: 9/25/2009



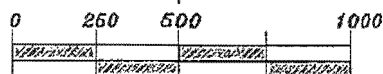
PARCEL 1 PLAT



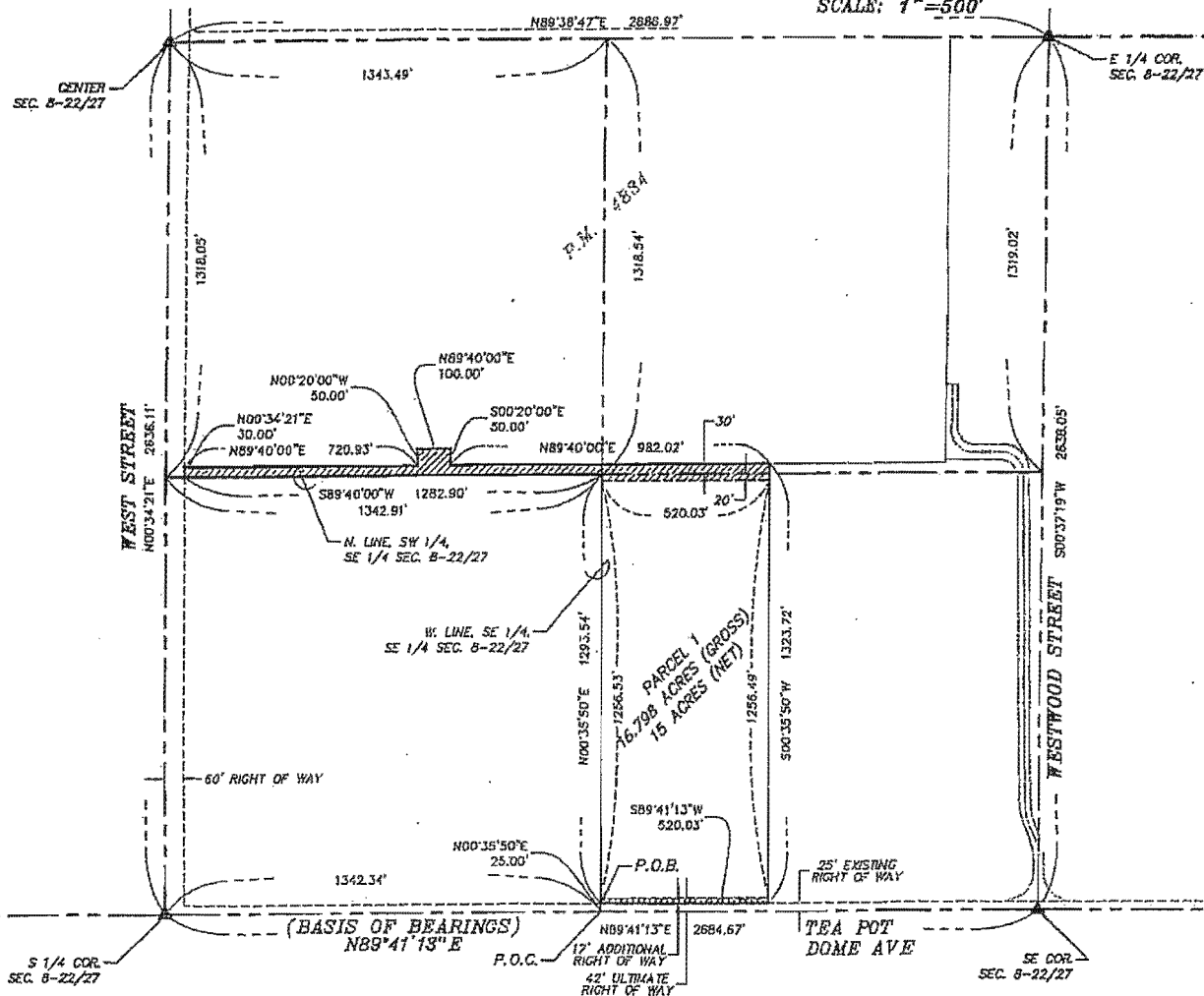
RESERVATION AREA



RIGHT OF WAY AREA



SCALE: 1"=500'



CITY OF PORTERVILLE
ENGINEERING DIVISION

291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 782-7400

PORTION OF THE SOUTHEAST QUARTER OF
THE SOUTHEAST QUARTER SECTION 8,
TOWNSHIP 22 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN
THE CITY OF PORTERVILLE, COUNTY OF
TULARE, STATE OF CALIFORNIA

OWNER: CITY OF
PORTERVILLE
APN: POR. 302-110-075
AREA: 653,400 S.F.
ACRES: 15 (NET)
DRAWN BY: JB
CHK'D BY: DB

EXHIBIT A-2

Parcel 2

That portion of the Southeast quarter of Section 8, 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 the Southwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, North 00°35'50" East, along the west line of the Southeast quarter of said Southeast quarter, 25.00 feet, to a point in the north right of way line of Tea Pot Dome Avenue;

THENCE, North 89°41'13" East, along said north right of way, a distance of 520.03 feet to the POINT OF BEGINNING;

THENCE, North 00°35'50" East, 1,323.72 feet to a point in the south line of Parcel 2 of Parcel Map No. 4834, recorded in Book 49 of Parcel Maps, at page 39 in the office of the County Recorder of said County;

THENCE, North 89°40'00" East, along the south line of Parcel 2 and Parcel 3 of said Parcel Map No. 4834, a distance of 346.65 feet;

THENCE, departing the south line of said Parcel Map No. 4834, South 00°35'50" West, 1,323.85 feet, to a point in the north right of way line of Tea Pot Dome Avenue;

THENCE, South 89°41'13" West, 346.64 feet, to the POINT OF BEGINNING.

EXCEPTING THEREFROM, the South 17 feet thereof for streets and public purposes.

RESERVING THEREFROM, the Grantor's fee title interests in and to the North 50 feet thereof.

CONTAINING: 435,600 sq. ft., (10 acres)

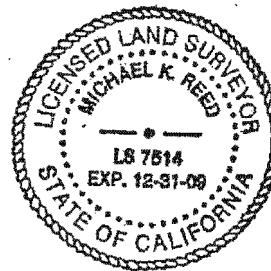
BASIS OF BEARING for the parcel described herein is the south line of the Southeast quarter of said Section 8, taken as: North 89°41'13" East per Record of Survey recorded in Book 21 of Licensed Surveys at page 68, Tulare County Records.

END OF DESCRIPTION

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

Signature: Michael K. Reed
Michael K. Reed, Licensed Land Surveyor

Date: 9/25/2009



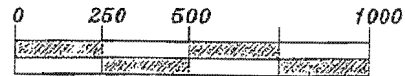
PARCEL 2 PLAT



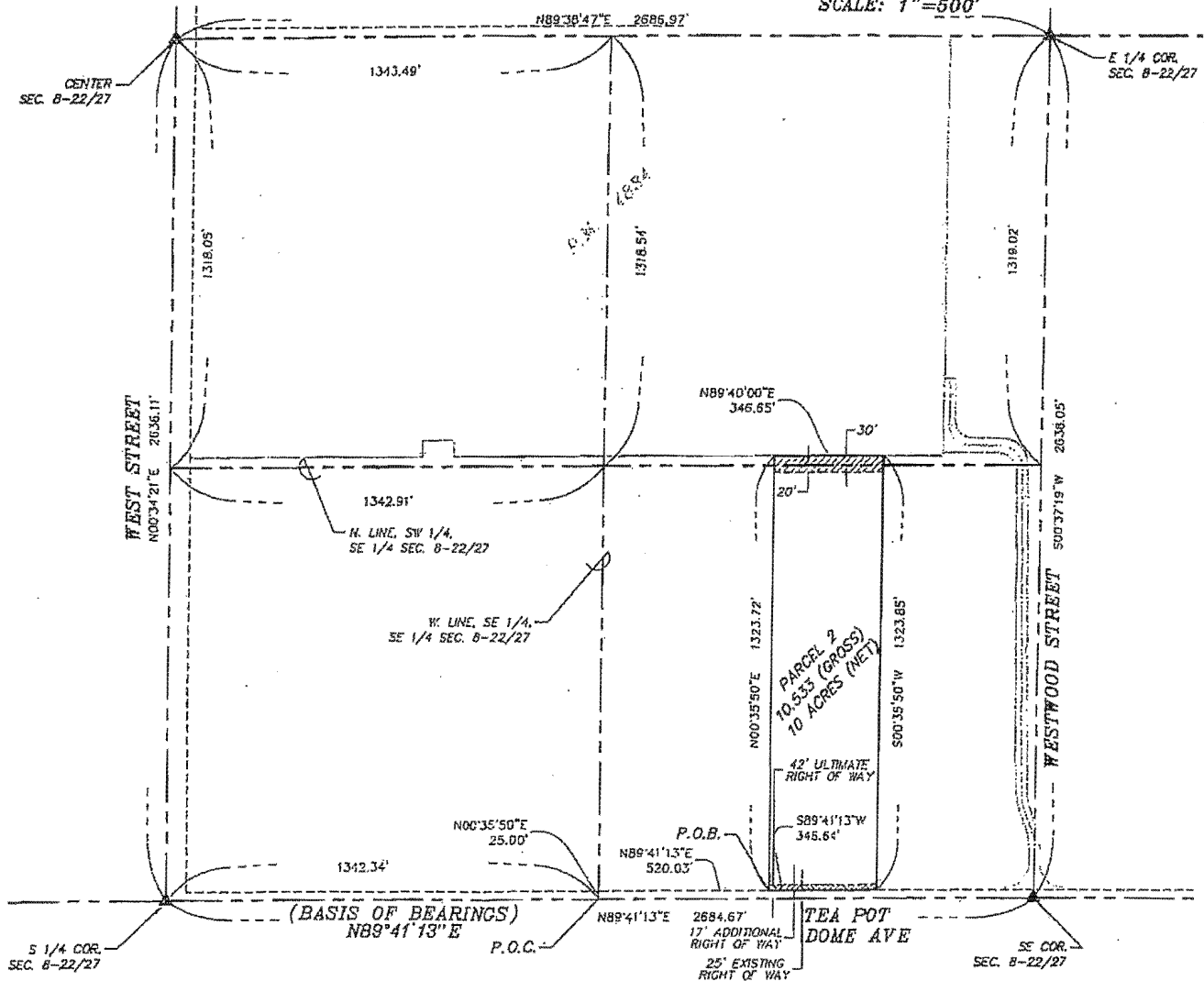
RESERVATION AREA



RIGHT OF WAY AREA



SCALE: 1"=500'



CITY OF PORTERVILLE
ENGINEERING DIVISION

291 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 782-7486

PORTION OF THE SOUTHEAST QUARTER OF
THE SOUTHEAST QUARTER SECTION 8,
TOWNSHIP 28 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN
THE CITY OF PORTERVILLE, COUNTY OF
TULARE, STATE OF CALIFORNIA

OWNER: CITY OF
PORTERVILLE
APN: POR 302-116-075
AREA: 435,600 S.F.
ACRES: 10 (NET)
DRAWN BY: JS
CHK'D BY: DB

EXHIBIT B
RIGHT TO SELL ALCOHOLIC BEVERAGES

The City of Porterville, a Charter Law City and Municipal Corporation (the "City") and the Tulare county Junior Livestock and Community Fair, Inc. a California Corporation (the "Fair"), having entered into a License Agreement, dated December 10, 2009, do hereby agree to the following:

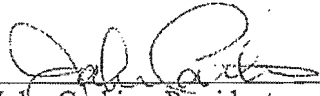
The City hereby agrees to permit the sale of alcoholic beverages in conjunction with the Annual Fair and other events held at the fairgrounds during each year for the term of the License Agreement by and between the City and the Fair, with the following conditions:


1. Alcohol sales shall be allowed only with proper permitting through the Department of Alcoholic Beverage Control (ABC). Alcohol sales shall be subject to all local, county, and state laws and regulations.
2. That the location and screening of the alcohol sales area shall be maintained at the location(s) established and utilized by the Fair.
3. That the alcohol sales area be designated as an "Adult Refreshment Area" or similar terms, without reference to alcohol. Admittance to the "Adult Refreshment Area" shall be restricted to individuals 21 years of age, or older, and no beverages will be permitted to leave the "Adult Refreshment Area" to be consumed outside the area at any time, and no alcoholic beverage containers of any sort shall be allowed to be brought into the "Adult Refreshment Area".
4. Fair shall utilize security personnel, whether by private contractor or by City Police personnel under separate agreement, at its own cost and expense, with the decision of whether to hire private security personnel or city Police personnel to be at the sole discretion of the Board of Trustees for Fair, and it being further understood that City will not be responsible for the payment of said services.
5. Any agreements or contracts between Fair and carnival operators shall include a provision prohibiting carnival workers or personnel from using the "Adult Refreshment Area" during the course of their work.
6. Notwithstanding annual insurance requirements set forth in the License Agreement, the Board of Trustees for Fair shall procure or cause to be procured, Liquor Liability insurance coverage of not less than One Million Dollars (\$1,000,000) per occurrence, naming the City of Porterville, its officers, employees, agents, and volunteers as "Additional Insured" against all claims arising out of, or in connection with, the sale of alcoholic beverages in conjunction with the Annual Fair. Evidence of coverage shall be presented in

the form of an original Certificate of Insurance to the City's Risk Manager
each year, prior to the commencement of the Annual Fair.

Dated: December 10, 2009

BOARD OF TRUSTEES OF TULARE COUNTY
JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR, INC.

BY: 
John Corkins, President

BY: 
Dennis Sexton, First Vice President

CITY OF PORTERVILLE

BY: 
Pete V. McCracken, Mayor

ATTEST: 
John Lollis, City Clerk

Approved as to Form:

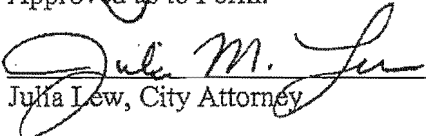

Julia Lew, City Attorney

EXHIBIT C

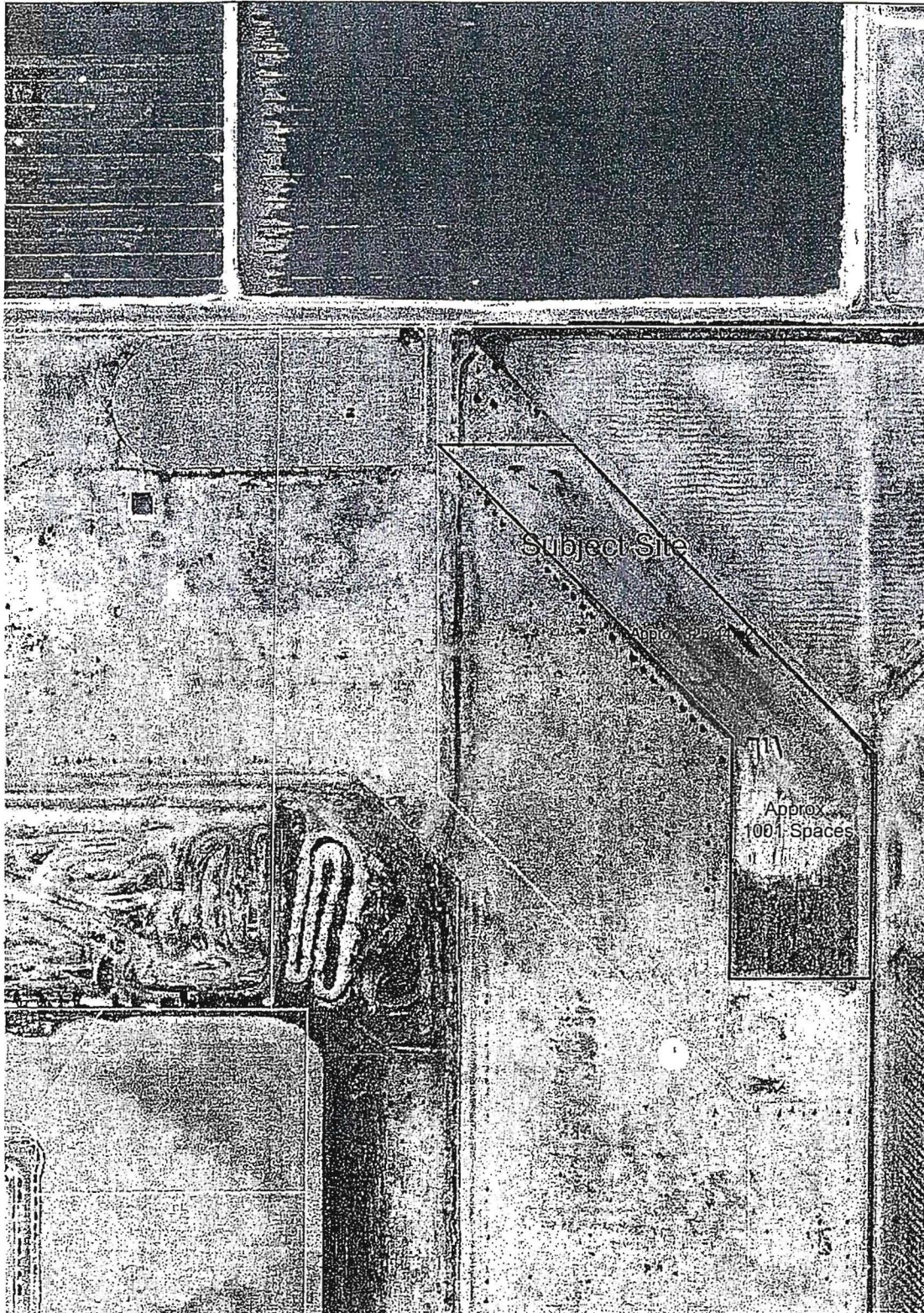


EXHIBIT D
RESTRICTIVE COVENANT
AGREEMENT

WHEREAS, the City of Porterville owns that certain lot or parcel of real property located and situated in Tulare County, California, which said property is more particularly described in Exhibit A attached hereto and incorporated herein by reference and which property is located within the area of the Airport Development Zone and Airport Safety Zone and is exposed to noise and hazards associated with aircraft overflight; and

WHEREAS, the City of Porterville desires to develop the property described in Exhibit A for commercial, industrial or economic development uses; and

WHEREAS, the City of Porterville does hereby grant a perpetual right and covenant for the free and unobstructed flight of aircraft (being defined as any contrivance now or hereafter used for flight in the air) in and through the airspace over and in the vicinity of the property described in Exhibit A attached hereto, including jet-powered air carrier aircraft in landing and take-off operations and other flight activities associated wherewith, together with the right to cause such noise, vibrations, odors, vapors, particulates, smoke, dust or other effects may be inherent in the operation of aircraft of all types.

This covenant shall be appurtenant to and shall run with the real property now owned and used for airport, commercial, industrial, or economic development purposes. This covenant and the burden thereof, together with all incidents and effects of or resulting from use and enjoyment thereof shall constitute a permanent burden and tenement upon the subject property which shall be binding upon and enforceable by the Porterville Municipal Airport.

NOW THEREFORE, if the real property is hereafter conveyed to an entity/individual not associated with the City of Porterville, an Avigation Easement shall be executed more particularly described in Exhibit B attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the City of Porterville have hereunto set their hands and seals as of the date and year first above written.

John Lollis, City Manager
Porterville, California

ACKNOWLEDGMENT

State of California
County of Tulare

On _____ before me, _____
(insert name and title of the officer)

Personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Exhibit "A"

Airport Parcel

That portion of the Southeast quarter of Section 8, 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 the Southwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, North 00°35'50" East, along the west line of the Southeast quarter of said Southeast quarter, 25.00 feet, to a point in the north right of way line of Tea Pot Dome Avenue, said point also being the POINT OF BEGINNING;

THENCE, continuing North 00°35'50" East, 1,293.54 feet to the Northwest corner of the Southeast quarter of said Southeast quarter of Section 8;

THENCE, North 89°40'00" East, along the north line of the Southeast quarter of said Southeast quarter, a distance of 866.68 feet;

THENCE, departing the north line of the Southeast quarter of said Southeast quarter, South 00°35'50" West, 1,293.84 feet, to a point in the north right of way line of Tea Pot Dome Avenue;

THENCE, South 89°41'13" West, 866.67 feet, to the POINT OF BEGINNING.

CONTAINING: 1,121,067 sq. ft., (25.74 acres)

BASIS OF BEARING for the parcel described herein is the south line of the Southeast quarter of said Section 8, taken as: North 89°41'13" East per Record of Survey recorded in Book 21 of Licensed Surveys at page 68, Tulare County Records.

END OF DESCRIPTION

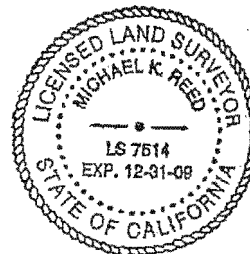
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

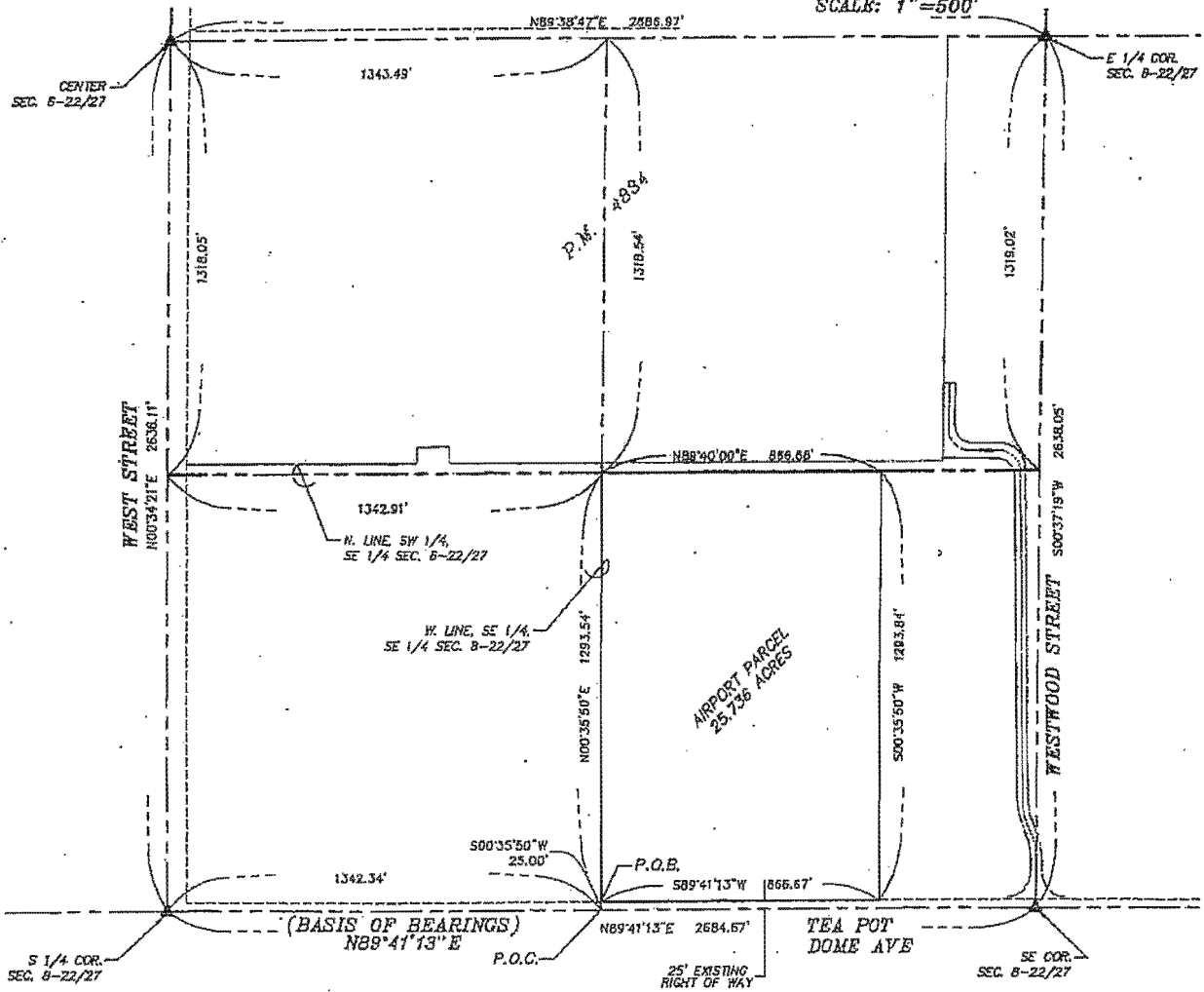
Michael K. Reed, Licensed Land Surveyor

Date: _____

9/25/2009



AIRPORT PARCEL PLAT



CITY OF PORTERVILLE ENGINEERING DIVISION

201 N. MAIN ST. PORTERVILLE, CALIFORNIA 93257 559 702-7402

PORTION OF THE SOUTHEAST QUARTER OF
THE SOUTHEAST QUARTER SECTION 8,
TOWNSHIP 22 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN
THE CITY OF PORTERVILLE, COUNTY OF
TULARE, STATE OF CALIFORNIA

OWNER: CITY OF
PORTERVILLE
APN: POR. 302-110-075
AREA: 1,121,067 S.F.
ACRES: 25.736 (GROSS)
DRAWN BY: JB
CHK'D BY: DB

EXHIBIT "B"

GRANT OF AVIGATION EASEMENT

RECITALS:

1.

(provide complete legal name of all owners of record subject property)

(state identity of property owner – e.g., single man/woman, husband and wife, a corporation)

("Grantor(s)"), is (are) the owner(s), as

(designate how title to property is held – e.g., joint tenants, community property)

of the fee simple estate in and to that certain real property situated in the City of Porterville, State of California, described as

(provide street address and zip code of subject property)

and more particularly described as follows:

(provide complete legal description and assessor parcel number of subject property)

("the Subject Property")

2. It is the desire of Grantor(s) to grant to the Porterville Municipal Airport, a division of the City of Porterville ("the Authority"), a local governmental entity organized under the laws of the State of California and possessing jurisdiction extending throughout the City of Porterville, an air and avigation easement, also known as a perpetual air, flight, or noise easement, on, upon, over, across, above the Subject Property, and to all of the airspace above the Subject Property, whereby Grantor(s) relinquishes certain rights relative to the Subject Property, as described in this Avigation Easement;

3. The purpose of this Avigation Easement, and its acceptance by the Authority, includes granting the Authority, its successors and assigns, an avigation easement permitting the unencumbered and unrestricted flight of aircraft to or from Porterville Municipal Airport ("PMA"), owned and operated by the Authority, without liability to the Authority, to the aircraft operator, or to any other person lawfully operating aircraft to or from PMA in the navigable airspace of the United States (as defined at 49 U.S.C.S. §40102(a)(30), and as that section of the United States Code (and

the referenced regulations) existed on the effective date of this Avigation Easement), and in accordance with relevant regulations of the United States of America and the State of California, pursuant to the authority granted to the Authority by the people and the State of California; and

4. This Avigation Easement is intended to benefit the Grantor(s), the Subject Property, the Authority, and all users of PMA, and shall be binding on Grantor(s) and all future owners, occupants and users of the Subject Property.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged:

WARRANTIES AND COVENANTS

Grantor(s) warrant(s) and covenant(s) to the Authority that as of the date hereof:

1. Grantor(s) hold(s) the entire fee simple interest in the Subject Property;
2. Grantor(s) shall not convey (his/her/their/its) interest in the Subject Property, or execute, deliver, comply or permit recordation of any interest in the Subject Property, or any lien or encumbrance against the Subject Property (or any interest therein) until the earlier of the following events: (i) this Avigation Easement has been properly executed by Grantor(s), accepted by the Authority, and recorded by the Tulare County Recorder; or (ii) thirty (30) days have elapsed after Grantor(s) have delivered Avigation Easement to the Authority, properly and fully executed and notarized, a complete and accurate application form, and true and correct copies of all associated documents identified in the instructions provided to Grantor(s) with this form of Avigation Easement.
3. If the person(s) executing this Avigation Easement is other than the Grantor(s), the person(s) executing this Avigation Easement, or his or her attorney, has represented in documentation separate from this grant, to the Authority that the person(s) is duly and lawfully authorized by Grantor(s) to relinquish certain rights relative to the Subject Property, as described in this Avigation Easement.
4. Grantor(s), individually and for the heirs, administrators, executors, tenants, guests, agents, successors, assigns, and other persons using the Subject Property with the implied or express consent of Grantor(s), hereby grant(s), convey(s) and assign(s) to the Authority, its successors and assigns, a perpetual non-exclusive avigation easement for the purposes of aircraft operations, aircraft sound and noise, aircraft avigation and flight, hazard and airspace in, to, over and upon the Subject Property of noise, vibration, fumes, fuel particles, dust, discomfort or other environmental effects incident to such aircraft operations and any and all resulting annoyance, inconvenience, or other interference with the use and enjoyment of the Subject Property and any consequent reduction in market value, all due to the operation of aircraft to and/or from PMA. For purposes of this Avigation Easement, the term "aircraft" shall mean any

contrivance now known or hereafter invented, used or designed for navigation or flight in the air.

5. This Avigation Easement is for the use of such airspace by any aircraft during operations at, on, to, or from PMA, present or future, in whatever form or type, including any future change to or increase in the PMA boundaries and/or in the volume or pattern of aircraft traffic or aircraft noise, by all existing or future types of aircraft, including the imposition on the surface of the Subject Property and on any and all structures on the Subject Property of such noise, vibration, fumes, fuel particles and other particulate matter, dust, discomfort or other environmental effects incident to such aircraft operations and any and all resulting annoyance, inconvenience, or other interference with the use and enjoyment of the Subject Property and any consequent reduction in market value.

6. It is expressly intended by Grantor(s) and the Authority that this Avigation Easement shall not supersede or impair any existing prescriptive, avigation, or other easements, rights, or interests of the Authority, or its predecessor in interest, in or applicable to the Subject Property, all of which easements, rights, interests, and any remedies related thereto are expressly reserved by the Authority.

7. In furtherance of this Avigation Easement, and rights herein granted, Grantor(s), and the heirs, agents, successors, and assigns of Grantor(s), hereby covenant at all times hereafter, that it/they will not take any action, cause or allow any electronic or other transmissions or emissions, or construct or grow any obstruction on the Subject Property which would conflict or interfere with or infringe on the Authority's rights herein granted.

8. Subject to the provisions set forth above in paragraph number 5, the rights, easements, benefits, restrictions, covenants and agreements granted herein, including this Avigation Easement, shall continue notwithstanding any increase or other change in the boundaries, volument of operations, noise, or pattern of air traffic at PMA. This Avigation Easement may not be modified, amended, terminated, or abandoned except by execution and delivery of an instrument executed and acknowledged by the Authority, or its agents, successors, and assigns, and Grantor(s) agree(s) that, in the absence of such an instrument, no conduct by the Authority, or its agents, successors and assigns, or increase, diminution, or change in use of this Avigation Easement, shall constitute an overburdening of this Avigation Easements or a termination or abandonment of this Avigation Easement.

9. The parties to this Avigation Easement acknowledge and agree that the easement, and all the rights, easements, benefits, restrictions, covenants and agreements set forth herein shall run with the land of the Grantor(s) and the Airport Authority, and any grantee, heir, agent, successor or assign of the Grantor(s) who acquires any estate or interest in or right to use the Subject Property shall be bound by this Avigation Easement for the benefit of PMA and the Airport Authority, and its agents, successors and assigns,

including, without limitation, the tenants and licensees of the Airport Authority, and all users of PMA.

10. Grantor(s), and the grantees, heirs, agents, successors, and assigns of Grantor(s) hereby fully waive and forever release, and covenant not to assert or bring any right or cause of action, which it or they might now have, or which it or they may have in the future, against the Airport Authority, its agents, successors, and assigns, or against the tenants, permittees, licensees, or users of PMA, caused by or relating to the use of this Avigation Easement or the exercise of rights under this Avigation Easement.

11. This Avigation Easement constitutes an enforceable restriction pursuant to the provisions of California law, including, but not limited to, Section 21652 of the California Public Utilities Code, and shall bind Grantor(s), and the heirs, agents, successors and assigns of Grantor(s), and each and all of them, and shall be appurtenant to, and for the benefit of the real property commonly known as PMA, which is more particularly described in Exhibit "A," attached hereto.

12. In the event that any one or more covenant, condition, right or other provision contained in this Avigation Easement is held to be invalid, void, or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Avigation Easement and shall in no way affect, impair, or invalidate any other covenant, condition, right or other provision contained in this Avigation Easement.

Dated this ____ day of _____, 2009.

GRANTOR(S):

By: _____

(Grantor Acknowledgement)

ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____
(insert name and title of the officer)

Personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

CERTIFICATE OF ACCEPTANCE

In accordance with Section 27281 of the California Government Code, this is to certify that the interest in real property conveyed by this Grant of Avigation Easement, dated

_____ From: _____
(Month, Day, Year) (Grantor Name(s))

To the CITY OF PORTERVILLE MUNICIPAL AIRPORTY AUTHORITY, a local government entity, with jurisdiction within the City of Porterville, is hereby accepted by the undersigned officer on behalf of the City of Porterville Municipal Airport Authority, and the Grantee consents to recordation thereof by its duly authorized officer.

Dated this ____ day of _____, 2009.

Approved as to form:

By: _____
(Signature)

Office of General Counsel

By: _____
(Signature)

Name:
Title:

(For use by City of Porterville Municipal Airport Authority)

ACKNOWLEDGMENT

State of California

County of _____

On _____ before me, _____
(insert name and title of the officer)

Personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Exhibit B
Right To Sell Alcoholic Beverages

The City of Porterville, a Charter Law City and Municipal Corporation (the "City") and the Tulare County Junior Livestock and Community Fair, Inc. a California Corporation (the "Fair"), having entered into a License Agreement, dated December 10, 2009, and modified dated August 20, 2014, do hereby agree to the following:

The City hereby agrees to permit the sale of alcoholic beverages in conjunction with the Annual Fair and other events held at the fairgrounds during each year for the term of the License Agreement by and between the City and the Fair, with the following conditions:

1. Alcohol sales shall be allowed only with proper permitting through the Department of Alcoholic Beverage Control (ABC). Alcohol sales shall be subject to all local, county, and state laws and regulations.
2. That the location and screening of the alcohol sales area shall be maintained at the location(s) established and utilized by the Fair. For functions such as grounds rental or other events that occur on the fairgrounds outside of the Annual Fair, the sale and consumption of alcohol shall be permitted within defined areas determined in writing and agreed to prior to rental of the fairgrounds.
3. That the alcohol sales area be designated as an "Adult Refreshment Area" or similar terms, without reference to alcohol. Admittance to the "Adult Refreshment Area" shall be restricted to individuals 21 years of age, or older, ~~and no beverages will be permitted to leave the "Adult Refreshment Area" to containers of any sort shall be allowed to be brought into the "Adult Refreshment Area".~~ Sales of alcohol for consumption shall be allowed outside of the Adult Refreshment Area with the buyers being pre-screened at the Adult Refreshment Area and buyers obtaining and wearing a designated wrist band at all times while in possession of alcohol on the Fair premises. At no time shall alcoholic beverages be allowed in the area designated as "Kiddy Land". In the event the Chief of Police finds the sale and consumption of alcohol outside the Adult Refreshment Area has become a nuisance or a threat to public safety, the authority is granted to modify and/or temporarily revoke this provision.
4. Fair shall utilize security personnel, whether by private contractor or by City Police personnel under separate agreement, at its own cost and expense, with the decision of whether to hire private security personnel or city Police personnel to be at the sole discretion of the Board of Trustees for Fair, and it being further understood that City will not be responsible for the payment of said services.

ATTACHMENT
ITEM NO. 2

5. Any agreements or contracts between Fair and carnival operators shall include a provision prohibiting carnival workers or personnel from ~~entering~~using the “Adult Refreshment Area” during the course of their work.
6. Notwithstanding annual insurance requirements set forth in the License Agreement, the Board of Trustees for Fair shall procure or cause to be procured, Liquor Liability insurance coverage of not less than One Million Dollars (\$1,000,000) per occurrence, naming the City of Porterville, its officers, employees, agents, and volunteers as “Additional Insured” against all claims arising out of, or in connection with, the sale of alcoholic beverages in conjunction with the Annual Fair. Evidence of coverage shall be presented in the form of an original Certificate of Insurance to the City’s Risk Manager each year, prior to the commencement of the Annual Fair.

COUNCIL AGENDA: August 19, 2014


SUBJECT: PROVISION OF WATER AND SERVICE DELIVERY TO EAST PORTERVILLE RESIDENTS

SOURCE: Administration

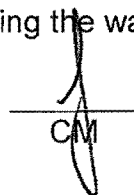
COMMENT: At its meeting on August 5th, the City Council was provided a report on drought-affected locations in the Porterville area, both within and outside city limits. Indications are that the area most affected by the drought is East Porterville, located outside city limits and defined generally as the area north of Highway 190, bounded to the west by Plano Street and the east by Doyle Street. Likely the most affected area in the county, it is estimated that dozens if not hundreds of private wells have run dry, leaving hundreds if not thousands of county residents without running water, resulting in significant risks to the health and sanitary conditions of those residents.

As was further reported at the meeting, in an effort to assist these residents in providing a non-potable source of residential water, representatives of the Porterville Area Coordinating Council (a local non-profit community organization that serves and assists local residents in time of need, i.e., clothing, food, housing, utilities, etc.) were attempting to secure a supply source of 300 gallon plastic storage tanks. It was proposed that the tanks would be filled with City water purchased by the Coordinating Council, through a method of delivery and on a recurring basis to be determined. The County of Tulare has located a 5,000 gallon tank for non-potable water at its Doyle Colony Fire Station in East Porterville, which the County is purchasing water from the City and in turn making the water available to the public to fill private storage containers.

At the time of this writing, the Coordinating Council had secured ten tanks that are located at selected residences in East Porterville, and on Wednesday, August 13th, a City water truck was utilized to deliver 2,500 gallons of water purchased by the Coordinating Council. Given the water service cannot be certified as potable, and therefore may only be used for non-potable purposes (bathing, clothes washing, toilet flushing, etc.), each resident receiving the water delivery has signed an indemnification agreement with the Coordinating Council in providing the storage tank and purchasing the City's water, and the Coordinating Council has executed an indemnification agreement with the City in providing the water upon purchase (attached).


Dir


App/Fund
AFD


CM

Item No. 17

City staff estimates that it takes approximately two hours to make complete delivery service of water to ten of the storage tanks, at an approximate cost of \$62 per hour. As it is the Coordinating Council's objective to secure and locate at least 200 of the storage tanks within the next month, and each tank will likely require refilling on likely a weekly basis, it is estimated that the monthly expense of the City providing the water delivery to 200 storage tanks would be approximately \$10,000 per month (\$50 per tank), though it is likely efficiencies of scale can be developed as more tanks are located and thus reduce the overall delivery expense.

Although most if not all of the affected residents would meet qualifying income guidelines for assistance, there is currently no Federal or State emergency drought funding to support residents whose private wells have run dry, as funding has been restricted to either private water systems (defined as at least 15 service connections or regularly serving at least 25 individuals) or evidence of contamination. In addition, the County of Tulare has not indicated a willingness to provide any additional assistance to the residents beyond providing the Fire Station tank. Accordingly, the Coordinating Council is beginning an outreach program to local service clubs and the general public to solicit donations in support of providing the residential water service deliveries.

Given the health and sanitary conditions for the county residents of East Porterville could potentially have a significant impact on City residents, the City Council may make a finding of community benefit or necessity, and support the provision and delivery of water to affected residents. A potential source of funding to initiate water service could be the City Council's "Special Purposes" Fund, which with the recent adoption of the City Budget, currently has its full \$100,000 appropriation.

RECOMMENDATION: That the City Council consider the provision and delivery of water service to East Porterville county residents, and give direction and authorization to staff as deemed appropriate.

ATTACHMENT: Hold Harmless and Indemnification Agreement between the City of Porterville and the Porterville Area Coordinating Council

CITY OF PORTERVILLE

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT

The City of Porterville ("City"), a California Municipal Corporation and Charter City, and the Porterville Area Coordinating Council ("Coordinating Council"), a California Nonprofit Corporation, hereby agree as follows:

The City has agreed to sell water and provide a driver, truck (and fuel), and associated equipment for water delivery to the Coordinating Council, and the Coordinating Council has agreed to purchase water from the City which will be placed in containers obtained by the Coordinating Council in various locations in county areas just outside the City.

A. INDEMNIFICATION BY COORDINATING COUNCIL

To the fullest extent permitted by law, the Coordinating Council, its officers, agents, employees, and volunteers, hereby agrees to defend, indemnify and hold harmless the City of Porterville, its officers, attorneys, agents, and employees from any claims, actions, proceedings or liability of any nature (collectively referred to as proceeding) brought against the City or its officers, attorneys, agents or employees, related in any manner to the water and/or water quality, the containers provided by the Coordinating Council, or any other activities undertaken or failed to be undertaken by the Coordinating Council related to the provision of the water to the area residents or consumers.

The indemnification is intended to include but not be limited to damages, fees, and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Coordinating Council, the City, and/or the parties initiating or bringing such proceeding.

The Coordinating Council hereby agrees to indemnify the City for all of the City's costs, fees, and damages which the City incurs enforcing the indemnification provisions of Section A of this Agreement.

In the event of a proceeding, the City retains the right to approve counsel to defend the City, all significant decisions concerning the manner in which the defense is conducted, and any and all settlements, which approval shall not be reasonably withheld. The City has the right not to participate in the defense, except that the City agrees to cooperate with the Coordinating Council in the defense of the proceeding. If the City chooses its own counsel to defend the City, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the above, if the City Attorney's office participates in the defense, all City Attorney fees and costs shall be paid by the Coordinating Council.

The defense and indemnification of the City set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

B. INDEMNIFICATION BY CITY

To the fullest extent permitted by law, the City, its officers, agents, employees, and volunteers, hereby agrees to defend, indemnify and hold harmless the Coordinating Council, its officers,

attorneys, agents, and employees from any claims, actions, proceedings or liability of any nature (collectively referred to as proceeding) brought against the Coordinating Council or its officers, attorneys, agents or employees, related to the activities of the driver and/or the vehicle provided by the City, or any other activities undertaken or failed to be undertaken by the City, but excluding the items, activities or any failure to act covered by Section A above.

The indemnification is intended to include but not be limited to damages, fees, and/or costs awarded against the Coordinating Council, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Coordinating Council, the City, and/or the parties initiating or bringing such proceeding.

The City hereby agrees to indemnify the Coordinating Council for all of the Coordinating Council's costs, fees, and damages which the Coordinating Council incurs enforcing the indemnification provisions of Section B of this Agreement.

In the event of a proceeding, the Coordinating Council retains the right to approve counsel to defend the Coordinating Council, all significant decisions concerning the manner in which the defense is conducted, and any and all settlements, which approval shall not be reasonably withheld. The Coordinating Council has the right not to participate in the defense, except that the Coordinating Council agrees to cooperate with the City in the defense of the proceeding. If the Coordinating Council chooses its own counsel to defend the Coordinating Council, the fees and expenses of the counsel selected by the Coordinating Council shall be paid by the Coordinating Council.

The defense and indemnification of the Coordinating Council set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

CITY

Baldomero Rodriguez, Public Works Direct.
Print Name, Title and Date

8/13/14

Signature



Approved as to form: _____
Julia M. Lew, City Attorney

COORDINATING COUNCIL

Elva Beltran - Director
Print Name, Title and Date

8/13/14

Signature



Approved as to form: _____
Gregory F. Gillett, Attorney for Coordinating Council

COUNCIL AGENDA: AUGUST 19, 2014

SUBJECT: CONSIDERATION OF RENAMING THE HAMAMATSU AND LA BARCA
CONFERENCE ROOMS IN HONOR OF PAST CITY COUNCIL MEMBERS
AND MAYORS, JAY C. COLEMAN AND PETE V. McCRACKEN

SOURCE: ADMINISTRATION

COMMENT: Mayor Stowe requested, and the City Council approved, scheduling the
consideration of renaming the Hamamatsu and La Barca Conference Rooms in
honor of past City Council Members and Mayors, Jay C. Coleman and Pete V.
McCracken, both of whom passed away while serving in City office.

In 2004, in recognition of the City's participation in the Sister Cities International
Program with Japan and Mexico, the City Council adopted Resolution 125-2004
naming the two main City Hall conference rooms after its Sister Cities, La Barca
(Mexico) and Mikkabi (Japan). In 2005, the city of Mikkabi, Japan was
reorganized and is now known as Hamamatsu, which is reflected in the name of
the conference room.

Jay C. Coleman served on the City Council from March 1995 to September 1996,
also serving as Mayor during that same time until his passing in September 1996.
Pete V. McCracken served on the City Council from 2006 until his passing this
past June, and was Mayor from 2009 until 2010.

RECOMMENDATION: That the City Council consider the renaming of the Hamamatsu
and La Barca Conference Rooms in honor of past City Council
Members and Mayors, Jay C. Coleman and Pete V. McCracken.

ATTACHMENTS: Resolution 125-2004
Draft Resolution

C/M 

Item No. 18

RESOLUTION NO. 125-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE IN SUPPORT AND PROMOTION OF
PORTERVILLE'S SISTER CITIES THROUGH THE NAMING
OF TWO CITY HALL MEETING ROOMS

WHEREAS, the City of Porterville has had positive and long-term relations with its two Sister Cities, the Town of Mikkabi, Japan, and La Barca, Jalisco, Mexico; and

WHEREAS, one of the purposes of the Sister Cities Program has been to develop an international exchange process to discuss agricultural and industrial economic development; and

WHEREAS, an additional goal of the Sister Cities Program is to stimulate cultural exchanges relating to social customs and political processes which are mutually beneficial; and

WHEREAS, numerous citizens from Porterville, Mikkabi, Japan, and La Barca, Jalisco, Mexico have exchanged visits---from local dignitaries to local school children; and

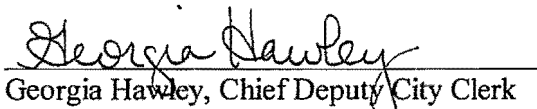
WHEREAS, in an effort to reinforce its support of the Sister Cities Program, the City Council of the City of Porterville desires to officially name two of the City Hall conference rooms at 291 North Main Street, Porterville, after our Sister Cities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville that the main City Hall Conference Room is hereby designated as "The Mikkabi Room," and the City Manager's Conference Room is hereby designated as "The La Barca Room."

Adopted this 21st date of September, 2004.


Pedro R. Martinez, Mayor

ATTEST:
John Longley, City Clerk


Georgia Hawley, Chief Deputy City Clerk

RESOLUTION NO. ____-2014

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE RENAMING CITY CONFERENCE ROOMS
AFTER FORMER COUNCIL MEMBERS AND MAYORS
JAY C. COLEMAN AND PETE V. McCracken

WHEREAS, the City of Porterville in its history has had two City Council Members pass away while holding office serving the City; and

WHEREAS, Jay C. Coleman served on the City Council from March 1995 to September 1996, also serving as Mayor during that same time, until his passing in September 1996.

WHEREAS, Pete V. McCracken served on the City Council from June 2006 until his passing in June 2014, and served as Mayor from 2009 to 2010; and

WHEREAS, the City Council wishes to honor these former City Council Members for their service to the City of Porterville by naming the two main conference rooms in City Hall after them; and

WHEREAS, in 2004, the City Council, via Resolution 125-2004, named the two main conference rooms in City Hall after the City's two Sister Cities, La Barca, Mexico and Hamamatsu (formerly Mikkabi), Japan.

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

1. Resolution 125-2004 is hereby rescinded; and
2. The conference room currently named "Hamamatsu" herein after be named the "Jay C. Coleman Conference Room," and the conference currently named "La Barca" herein after be named the "Pete V. McCracken Conference Room."

PASSED, APPROVED AND ADOPTED this _____ day of August, 2014.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk