

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 21, 2013, 5:30 P.M.**

Call to Order
Roll Call

Adjourn 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, CA**

Roll Call: Agency Members/Chairman

ORAL COMMUNICATIONS

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

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1-** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

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

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1 -** Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.
 - 3-** Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases: One case concerning facts not yet known to potential plaintiff; and one case pertaining to the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.
 - 4-** Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated

Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation

PROCLAMATIONS

Freedom Days – June 14 – July 4, 2013

PRESENTATIONS

2013 Springville Rodeo Queen and Princess
2013 Cinco De Mayo Queen and Court
Employee Service Awards

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – May 20, 2013
2. Consolidated Waste Management Authority (CWMA) – May 16, 2013
3. Tulare County Economic Development Corporation – May 17, 2013
4. Indian Gaming Local Community Benefit Committee – May 15, 2013

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Arts Commission – May 15, 2013
 2. Library and Literacy Commission – May 18, 2013
 3. Parks & Leisure Services Commission – May 9, 2013
- II. Staff Informational Items:
 1. **Upcoming Vacancies on Internal City Audit Committee, Transactions and Use Tax (Measure H) Oversight Committee; and Measure R Citizens' Oversight Committee**
Re: Informational report regarding the recent resignation of an individual who currently serves on three city committees.

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.

1. **Minutes of November 6, 2012 and April 23, 2013**
2. **Request for Approval to Purchase Avatar II Tactical Robot and Customized Attachments**
Re: Considering authorization to enter into negotiations with Robotex Technology Solutions to purchase the Avatar II Robot and customized attachments for an approximate cost of \$17,995.
3. **Request for Approval to Purchase Firefighter Protective Clothing**
Re: Considering approval to purchase ten sets of firefighter turnouts from L.N. Curtis and Sons for \$15,938.65.
4. **Authorization to Advertise for Bids – Island Annexation Sewer Project (Area 455A)**
Re: Considering approval of Staff's Plans and Project Manual for the project consisting of the construction of new sewer infrastructure for Area 455A, generally bounded by the W. North Grand Avenue to the north, Mulberry Avenue to the south, Beverly Street to the west and State Highway 65 to the east.
5. **Award of Contract – On-Call Services**
Re: Considering authorization to negotiate contracts with Kimley-Horn at an anticipated fee not to exceed \$45,000 each for traffic and civic engineering services, and security design services; and negotiation of a contract with Moore & Associates for a fee not to exceed \$20,000 for general transit consulting.
6. **City Well #22 – Emergency Repair**
Re: Considering approval of emergency repairs to Well #22 located on the northwest corner of Newcomb Street and Tomah Avenue to be completed by S.A. Camp Pump Company at a cost not to exceed \$45,000.
7. **2013 Unmet Transit Needs – Request for Transit Service Expansion**
Re: Consideration of transit service expansion to extend weekday transit service to 10:00 p.m. and implement Sunday service from 9:00 a.m. to 5:00 p.m., effective July 1, 2013; and authorization to negotiate a contract change order with Tree's Sierra Management at a fee not to exceed \$164,219 for the expansion.
8. **State Department of Finance – Population Estimates**
Re: Considering approval of a request for State certification for the City of Porterville, January 1, 2013, population of 55,490.
9. **Wildplaces Mural Maintenance Agreement**
Re: Considering approval of a mural maintenance agreement with WildPlaces which establishes policies regarding the construction, maintenance and repairs of the mural located on the north/west side of the Library Facility at 41 W. Thurman Avenue.
10. **Consideration of Memorandum of Understanding with University of Phoenix**
Re: Considering authorization to sign a Memorandum of Understanding with the University of

Phoenix to promote enrollment of City employees at a reduced tuition rate.

11. Parks & Leisure Services Commission Meetings

Re: Consideration of Parks and Leisure Services Commission interest in not meeting during the months of June and July 2013.

12. Review of Local Emergency Status

Re: Reviewing the City's status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

13. Council Member Requested Agenda Item – Request for the City Council to Consider Adopting a Resolution of Opposition to AB 667 (Hernandez) Regarding Land Use: Development Project Review: Superstores

Re: Consideration of a request to schedule the consideration of a resolution in opposition to AB 667 on the June 4, 2013, Agenda.

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

PUBLIC HEARINGS

14. Request for a Conditional Use Permit to Allow for an Upgrade of an Off-Sale Type 20 (Beer and Wine) License to an Off-Sale Type 21 (Beer, Wine and Distilled Spirits) License for the Porta Villa Market Located at 34 E. Henderson Avenue

Re: Considering adoption of a resolution approving a modification to Conditional Use Permit 14-76 to allow for an upgrade in license type for Porta Villa Market at 34 E. Henderson Avenue.

SCHEDULED MATTERS

15. Consideration of Offering Online Vouchers to City Activities and Events

Re: Consideration of offering online vouchers to encourage participation and registration for City activities and events.

16. Consideration of Implementing a Local Government Mobile Application

Re: Consideration of the implementation of a local government mobile application that would allow the public to interface and/or report problems in the community.

17. Pocket Parks Analysis

Re: Consideration of an analysis conducted by the Parks and Leisure Services Commission relative to the feasibility of pocket parks.

18. Island Annexation Sewer Project Area 458 – Paving Options

Re: Consideration of options relative to the paving of streets within Area 458.

19. Consideration of Refinancing Unfunded CalPERS Public Safety Plan Side Fund

Re: Considering authorization to begin proceedings with Rabobank toward the refunding of the CalPERS "Side Fund" obligation for interest savings.

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 June 4, 2013.

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 – MAY 21, 2013

INFORMATIONAL REPORT

SUBJECT: UPCOMING VACANCIES ON INTERNAL CITY AUDIT COMMITTEE; TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE; AND MEASURE R CITIZENS' OVERSIGHT COMMITTEE

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

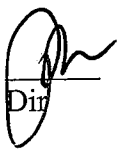
COMMENT: Mr. Charles Webber has tendered his resignation, effective June 30, 2013, from the three city committees on which he currently serves: Internal City Audit Committee; the Transactions and Use Tax (Measure H) Oversight Committee; and the Measure R Citizens' Oversight Committee.


Staff will publicize the vacancies and solicit applications which will be presented to the Council for consideration at its meeting of June 4, 2013.

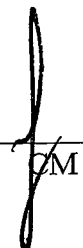
RECOMMENDATION: Informational item only.

ATTACHMENT: Resignation Letter from Charles F. Webber dated May 6, 2013

Report No. II-1


Dir


Approp./
Funded


CM

 **COPY**

Charles F. Webber
346 N. Ohio Circle
Porterville, CA. 93257

RECEIVED

MAY 07 2013

CITY OF PORTERVILLE
CITY MANAGER

May 6, 2013

Virginia R. Gurrola, Mayor
City of Porterville
291 N. Main Street
Porterville, CA. 93257

Mayor Gurrola

I appreciate the confidence that the City of Porterville has given me to represent our great City on the following committees.

Measure H Oversight Committee

Measure R Oversight Committee

I do not wish to serve another term on the above committees as of June 30, 2013.

I also wish to resign as Vice Chair of the Internal Audit Committee effective June 30, 2013

Sincerely,



Charles F. Webber



**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 6, 2012, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 269-010-026. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Thea Jane Widener. Under Negotiation: Terms and Price.
- 2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, and Public Safety Support Unit.
- 3- Government Code Section 54956.95 – Liability Claims: Claimant: Smith Care Sun Villa, Inc. Agency claimed against: City of Porterville.
- 4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
- 5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported the following action:

- A1:** On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council authorized staff to make payment to Thea Jane Widener, in the amount of \$500.00; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: Resolution 108-2012

Disposition: Approved.

A3: On a motion by Vice Mayor McCracken, seconded by Council Member Hamilton, the Council rejected the claim filed by Smith Care Sun Villa; referred the matter to the City's claims adjustor; and directed the City Clerk to give the Claimant proper notification. The motion carried unanimously.

Documentation: M.O. 01-110612

Disposition: Claim rejected.

A5: City Attorney Lew reported that the Council had approved the potential initiation of litigation, details to be disclosed later to preserve the City's ability for settlement discussions.

AYES: Ward, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 02-110612

Disposition: Approved.

Pledge of Allegiance Led by Vice Mayor McCracken

Invocation – the Mayor participated.

PROCLAMATIONS

America Recycles Week – November 11-17

PRESENTATIONS

Employee of the Month – Darren Maddox

Outstanding Business Presentation – Basra Enterprises, Inc.

AB 1234 REPORTS

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

1. Consolidated Waste Management Authority (CWMA) – Public Works Director Rodriguez reported on discussion regarding the implementation of a Sharps Program.
2. Tulare County Economic Development Corporation – City Manager Lollis reported on the receipt of quarterly reports, and an update on the Enterprise Zone certification process.
3. Local Agency Formation Commission – Council Member Hamilton reported that there was no action taken with regard to annexations and stated that the next meeting had been cancelled.
4. Tule River Improvement JPA – John reported that there had not been a meeting since the last meeting of the Council.
5. Indian Gaming Local Community Benefit Committee – Council Member Hamilton reported that there was discussion regarding legal counsel for the committee.

6. Council of Cities – Vice Mayor McCracken reported on the release of Special Legal Counsel and discussion of legislation regarding disadvantaged communities.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Library and Literacy Commission – Commissioner Figueroa reported on the Commission’s review of a proposed mural project.
 2. Arts Commission – no report.
 3. Youth Commission – no report.
- II. Staff Informational Items:
 1. Street Performance Measure – 1st Quarter Report
 2. Code Enforcement Update – staff addressed questions.
 3. Attendance Report for City Commissions and Committees – staff addressed questions.
 4. Report on Charitable Car Washes – staff addressed questions.
 5. Library Mural

The Mayor noted a request for an emergency item to be added to the agenda. It was indicated that the item required action prior to the next regular meeting.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council approve the addition of the Emergency Item – Approval for Community Civic Event – Parents Against Bullying Rally – November 17, 2012, as Item 22. The motion carried unanimously.

Documentation: M.O. 04-110612

Disposition: Item added.

ORAL COMMUNICATIONS

- Edith La Vonne, Porterville resident, thanked the Council for approving the addition of the Emergency Item; and spoke in support of Item 15.
- Donnette Carter, Chamber of Commerce, recognized the following honorees: Volunteer of the Year - Agustin Gonzalez, Jr.; Male Student of the Year - Milton Ramirez; Female Student of the Year - Madeline Garcia; Community Service Project of the Year – Marching Through Time Mural; Small Business of the Year - Sutton's Iris Gardens; Large Business of the Year - Sierra Forest Products; Man of the Year - Jeff Edwards; and Woman of the Year - Eleanor Foerster. She announced the new Chamber Board Chair – Stephanie Cortez, and Board Chair-Elect – Milt Stowe.
- Brock Neeley, Porterville resident, spoke about the Suicide Prevention Task Force and noted that materials and resources were available.

- Terri Irish, 768 N. Prospect, spoke in opposition of Council dictating to parents about their children (Item 15); and spoke in opposition to Item 21.
- Kevin Gibson, Freeway Auto Parts, 92 S. Main Street, spoke of zoning issue with his business.
- Carol Wilkins, 1843 W. Monache, expressed her interest in being appointed to the Library and Literacy Commission and spoke of the importance of the library.
- Dick Eckhoff, requested clarification regarding Item 8, and spoke in opposition of Items 14 and 21.
- Mary McClure, spoke regarding code enforcement.
- Anthony Andrighetto, spoke regarding difficulties with his business license and the zoning of his business location.

The Council recessed for five minutes at 7:25 p.m.

CONSENT CALENDAR

Items 6, 8, 12, 14 and 15 were pulled for further discussion. Council Members Ward noted his abstention from Items 2 and 4; and Council Member Shelton announced he would be abstaining from Item No. 2 as well.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 5, 7, 9 through 11, 13 and 16. The motion carried unanimously, with the exception of the noted abstentions.

1. CITY COUNCIL MINUTES OF JULY 17, 2012, SEPTEMBER 18, 2012, AND SEPTEMBER 26, 2012

Recommendation: That the City Council approve the Minutes of July 17, 2012, September 18, 2012, and September 26, 2012.

Documentation: M.O. 04-110612

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION SEWER PROJECT (AREA 458A & AREA 458B)

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.

AYES: Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Ward, Shelton
ABSENT: None

Documentation: M.O. 05-110612
Disposition: Approved.

3. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT
TICKET PRINTING SERVICES

Recommendation: That the City Council authorize staff to issue a request for proposals for transit ticket printing services.

Documentation: M.O. 06-110612
Disposition: Approved.

4. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE
PURCHASE AND INSTALLATION OF SECURITY EQUIPMENT

Recommendation: That the City Council authorize staff to issue a request for proposals for the purchase and installation of security equipment.

AYES: Hamilton, Shelton, McCracken, Gurrola
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: M.O. 07-110612
Disposition: Approved.

5. AUTHORIZATION TO NEGOTIATE A CONTRACT – DESIGN SERVICES FOR
THE SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

Recommendation: That the City Council:
1. Authorize staff to define a scope for design services and negotiate a contract with an electrical engineering consultant; and
2. Authorize the Mayor to execute all contract documents.

Documentation: M.O. 08-110612
Disposition: Approved.

7. APPROVAL OF THE MEASURE R PROGRAM SUPPLEMENT TO
COOPERATIVE AGREEMENT FOR VARIOUS TRANSIT PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor and City Manager to execute the Supplemental Agreement; and
2. Direct the City Clerk to transmit the executed Supplemental Agreement to the Local Transportation Authority.

Documentation: M.O. 09-110612
Disposition: Approved.

9. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 10-110612
Disposition: Approved.

10. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 11-110612
Disposition: Approved.

11. REQUEST FOR STREET CLOSURE – MYERS EIGHTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 4, 2012, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 12-110612
Disposition: Approved.

13. CONSIDERATION OF CANCELLING JANUARY 1, 2013 CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 1, 2013, Council Meeting.

Documentation: M.O. 13-110612
Disposition: Approved.

16. REVIEW OF LOCAL EMERGENCY STATUS

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. 14-110612
Disposition: Approved.

PUBLIC HEARINGS

17. ZONE CHANGE AT CHASE AVENUE AND PLANO STREET (PRC 2012-008-Z)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed zone change;
2. Adopt the draft resolution approving the Negative Declaration for the project; and
3. Approve the draft Ordinance, give first reading and order the ordinance to print.

City Manager Lollis introduced the item, and the staff report was presented by Assistant Planner Jenni Byers.

The public hearing was opened at 7:41 p.m. Seeing no one, the Mayor closed the public hearing at 7:42 p.m.

Council Member Ward expressed concerns regarding S canopies and other aesthetic requirements, and requested a report of the Project Review Committee meeting scheduled to take place the following day. In response to comments made, staff noted that there was no S canopy and spoke of the administration of the code.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving the Negative Declaration for the project; and approve the draft Ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-008-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THAT .44± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF CHASE AVENUE AND PLANO STREET. The motion carried unanimously.

The City Manager read the ordinance by title only.

Documentation: Resolution 109-2012; and Ordinance 1793

Disposition: Approved.

SCHEDULED MATTERS

18. CONSIDERATION OF APPOINTMENTS TO THE LIBRARY AND LITERACY COMMISSION

Recommendation: That the City Council:

1. Appoint one individual to the Library and Literacy Commission to fill a vacancy with a term due to expire in October 2013;
2. Appoint four individuals to the Library and Literacy Commission to fill vacancies with terms to expire October 2015; and
3. If necessary, authorize an extension of the terms of Ellen Nichols and/or Joe Moreno to allow their participation at the Library and Literacy Commission meeting on November 7, 2012.

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

Council Member Shelton made a motion, which was seconded by Council Member Hamilton that the Council approve appointment of the five candidates present at the meeting. It was noted that one of the five vacancies expired in October 2013, and discussion ensued regarding the appointment of an individual to the shorter term. The motion was withdrawn.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council approve appointment of Allen Bailey, Esther Figueroa, Edith LaVonne and Carol Wilkins to terms due to expire in October 2013; and Tamara Bishop to the term due to expire in October 2013. The motion carried unanimously.

Documentation: M.O. 15-110612

Disposition: Commissioners appointed.

19. AUTHORIZATION TO NEGOTIATE AN AMENDMENT TO EXISTING CONTRACT WITH PENA'S DISPOSAL SERVICE

Recommendation: That the City Council:

1. Authorize the Public Works Director to negotiate amending the contract by adding transfer and disposal of additional solid waste streams to the existing transfer and processing contract with Pena's Disposal Service; and
2. Provide a proposed draft contract amendment at the November 20, 2012, Council meeting.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the Public Works Director to negotiate amending the contract by adding transfer and disposal of additional solid waste streams to the existing transfer and processing contract with Pena's Disposal Service; and provide a proposed draft contract amendment at the November 20, 2012, Council meeting. The motion carried unanimously.

Documentation: M.O. 16-110612

Disposition: Approved.

20. CONSIDERATION OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

Recommendation: That the City Council:

1. Consider Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified;
2. Authorize the Mayor to execute the “Tulare County Association of Governments Joint Powers Agreement” Resolution; and
3. Authorize the Mayor to execute the Master Agreement when made available to the City for signature.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew spoke of previously expressed legal concerns, and elaborated on the amendment of verbiage regarding the RTIF. Council Member Shelton spoke in opposition of the proposed Amendment Two Agreement. The City Manager addressed questions regarding the adoption of development impact fees, Measure R allocations and Expenditure Plan, and the authority being sought by TCAG. Council Member Hamilton spoke of the City’s efforts to protect its interests, and spoke in favor of approval.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council reject Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified.

AYES: Shelton
NOES: Ward, Hamilton, McCracken, Gurrola
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified; authorize the Mayor to execute the “Tulare County Association of Governments Joint Powers Agreement” Resolution; and authorize the Mayor to execute the Master Agreement when its made available to the City for signature.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: Resolution 110-2013
Disposition: Approved.

The Council recessed for ten minutes at 8:37 p.m.

21. CONSIDERATION OF ESTABLISHING A LOCAL COMMUNITY EVENT
SUPPORT BUDGET FOR EACH MEMBER OF CITY COUNCIL

Recommendation: That the City Council consider the establishment of a Local Community Event Support Budget for each Member of Council.

City Manager Lollis introduced the item, and Council Member Shelton elaborated on his request to establish a budget for each member of the Council to support local community events. A discussion ensued regarding use of tax payer dollars to support/attend events, during which the Mayor voiced her opposition to the proposed. Council Member Hamilton noted that each member of the Council has a \$4,500 budget, which could be used for the proposed purpose.

Disposition: No action.

22. APPROVAL OF COMMUNITY CIVIC EVENT – PARENTS AGAINST
BULLYING RALLY – NOVEMBER 17, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, on the condition that the applicant finds a non-profit organization to sponsor the event and provide insurance before the day of the event and subject to the stated requirements contained in Exhibit A.

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

Council Member Ward MOVED that the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, and designated the City as sponsor the event. The motion was SECONDED by Council Member Shelton. Discussion ensued about the lack of information regarding the event, City liability exposure, the importance of education about bullying and the timing, and the ability to conduct a rally with an assembly permit. City Manager Lollis advised that it was the interest of the applicant to have vendors at the event. Following the discussion, the motion was withdrawn.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, on the condition that the applicant complies with the City requirements for a community civic event prior to the event. The motion carried unanimously.

Documentation: M.O. 17-110612

Disposition: Approved.

6. ACCEPTANCE OF PROJECT – WEST NORTH GRAND AVENUE RECONSTRUCTION PROJECT (HIGHWAY 65 TO FORMER RAILROAD TRACKS)

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize an appropriation of \$62,406.84 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project; and
4. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton suggested that staff advertise the completion of the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that he City Council accept the project as complete; authorizing the filing of the Notice of Completion; authorize an appropriation of \$62,406.84 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Documentation: M.O. 18-110612

Disposition: Approved.

8. APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH THE TULE RIVER INDIAN TRIBE FOR TRANSIT SERVICE TO THE TULE RIVER INDIAN RESERVATION

Recommendation: That the City Council:

1. Approve the Intergovernmental Agreement between the Tule River Indian Tribe and the City of Porterville for transit service to the Reservation;
2. Accept funding from the Tule River Indian Tribe in the amount of \$110,000 for transit service; and
3. Authorize the Mayor to execute the Agreement.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton stated that he would be abstaining from the item, and recused himself. The City Manager and Transit Manager Tree addressed questions posed by Mr. Eckhoff during Oral Communications regarding route stops and Council Member Ward with regard to City compensation.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the Intergovernmental Agreement between the Tule River Indian Tribe and the City of Porterville for transit service to the Reservation; accept funding from the Tule River Indian Tribe in the amount of \$110,000 for transit service; and authorize the Mayor to execute the Agreement.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Shelton
ABSENT: None

Documentation: M.O. 19-110612

Disposition: Approved.

12. APPROVAL OF REVISED PARKS AND LEISURE SERVICES CLASSIFICATION

Recommendation: That the City Council adopt the draft resolution authorizing a change in the Parks and Leisure Services Department's Table of Organization; and amend the Position Allocation Schedule and Position Pay Schedule of the City's Pay and Benefit Plan.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. The Council requested clarification regarding the revisions made to the proposed position following approval of a reduced salary range, which restructured the position from a mid-management to a support classification. Mayor Gurrola spoke in support of increasing the salary range to 182. A discussion followed regarding Equal Opportunity Law and uniform pay schedules.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve proceeding with the establishment of a Leisure Services Specialist at salary range 182.

AYES: Shelton, Hamilton, McCracken, Gurrola
NOES: Ward
ABSTAIN: None
ABSENT: None

Documentation: M.O. 20-110612

Disposition: Approved.

14. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER AMENDMENTS TO ITS ADOPTED CITY COUNCIL HANDBOOK

Recommendation: Council Member Ward makes a motion that the City Council authorize the

scheduling on the November 20th Council Agenda the consideration of amendments to its adopted City Council Handbook.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Vice Mayor McCracken stated that in the absence of proposed amendments, approval of the request would open up the entire handbook for discussion; and recommended the identification of specific amendments for consideration.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council deny the request to authorize the scheduling on the November 20th Council Agenda the consideration of amendments to its adopted City Council Handbook. The motion carried unanimously.

Documentation: M.O. 21-110612

Disposition: Request denied.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE ADOPTION OF AN ORDINANCE THAT WOULD HOLD PARENTS ACCOUNTABLE FOR THEIR CHILDREN'S DELINQUENT BEHAVIOR

Recommendation: Council Member Ward makes a motion that the City Council authorize the scheduling on the November 20th Council Agenda the consideration of adopting an Ordinance that would hold parents accountable for their children's delinquent behavior.

City Manager Lollis introduced the item, and Council Member Ward elaborated on his request. Council Member Shelton made a motion to authorize the scheduling on the November 20th Council Agenda the consideration of adopting an Ordinance that would hold parents accountable for their children's delinquent behavior. The motion was seconded by Council Member Ward. Following discussion regarding the formation of a subcommittee, Council Members Shelton and Ward withdrew their motion.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council approve a subcommittee to consist of Council Members Ward and Hamilton. The motion carried unanimously.

Documentation: M.O. 22-110612

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, referenced the Education Code as it pertained to cyber bullying.
- Dick Eckhoff, spoke about the need for public transportation from the new courthouse to the downtown area; and spoke in support of transit service to the reservation.

OTHER MATTERS

- City Manager Lollis – spoke of efforts to conduct a community forum regarding suicide.
- Council Member Shelton – reported his attendance at Dia de Los Muertos festivities by Comision Honorifica and Imagine Community Arts; and noted the upcoming Veteran’s Day parade.
- Council Member Ward – noted that suicides outnumber homicides this year; thanked the Police Department, school districts, and community for their efforts following recent tragedies; requested that staff follow up on comments made regarding zoning of business; and requested the addition of an item on the agenda regarding flags honoring veterans.
- Council Member Hamilton – spoke about his attendance at the Chamber Awards event; noted the upcoming Veteran’s Day Race on 11/11 and parade on 11/12; and encouraged downtown merchants to work together towards the betterment of downtown.
- Vice Mayor McCracken – spoke about the American Legion’s Veteran’s Memorial event held every year on the Sunday before Veteran’s Day.

ADJOURNMENT

The Council adjourned at 10:04 p.m. to the meeting of November 20, 2012.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
SPECIAL MEETING
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA 93257
AND
1155 KELVIN ROAD
EL SOBRANTE, CA 94803
APRIL 23, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton (via teleconference), Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY (TCO) FOR CONDITIONAL USE PERMIT 8-82, MODIFICATION 2

Recommendation: Provide direction to staff.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. Following the staff report, Mr. Rodriguez addressed questions from the Council regarding the easement for the street light, timeline for installation, City liability and recourse available.

- Mary McClure, the developer, questioned the City's estimate of \$5,000 for installation of conduit; assured the Council that the new property owner would sign the easement; and requested that her deposit be held by a neutral third party.

Following Ms. McClure's comments, Mr. Rodriguez explained how he came up with the deposit amount. Deputy City Attorney Mike Mauer recommended use of an escrow agreement in the event the deposit was held by a third party. A brief discussion ensued regarding the amount of time granted by a temporary certificate of occupancy, and communication with the current property owner. Mary McClure suggested that signing of the easement could be incorporated into the escrow instructions.

Vice Mayor McCracken MOVED that the City Council approve the issuance of a Temporary Certificate of Occupancy with the condition that the City receive an invoice and easement from Southern California Edison (SCE), or other documentation deemed sufficient by the Community Development Director; and a second condition that the developer provide a \$5,000 deposit to the City with the proviso that it be returned to the developer upon the successful completion of the street light, less any cash expended by the City to install the street light. The motion was SECONDED by Mayor Gurrola.

In response, the Public Works Director requested that he be the designated staff person with regard to the street light, and spoke of recent communications with Southern California Edison. Vice

Mayor McCracken revised his motion to include the Public Works Director.

Discussion then followed regarding whether the TCO should be valid for a specific amount of time, and under what circumstances the City would allow the business to continue operating, such as delays on the part of SCE. Deputy City Attorney Mauer advised that the City could also revoke the TCO should the property owner fail to sign the easement.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward to amend the Vice Mayor's motion to include a 6-month review of the TCO to check on the status of the street light installation.

AYES: Ward, Shelton, Hamilton, Gurrola
NOES: McCracken
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the City Council approve the issuance of a Temporary Certificate of Occupancy with the condition that the City receive an invoice and easement from Southern California Edison (SCE), or other documentation deemed sufficient by the Community Development Director or Public Works Director; a second condition that the developer provide a \$5,000 deposit to the City with the proviso that it be returned to the developer upon the successful completion of the street light, less any cash expended by the City to install the street light; and a 6-month review by the Council to check on status. The motion carried unanimously.

Documentation: M.O. 01-042313
Disposition: Approved, as amended.

ORAL COMMUNICATIONS
None

OTHER MATTERS
None

ADJOURNMENT
The Council adjourned at 6:08 p.m. to the meeting of May 7, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE AVATAR II TACTICAL
ROBOT AND CUSTOMIZED ATTACHMENTS

SOURCE: Police Department

COMMENT: During a recent criminal investigation, the Porterville Police Department had a prolonged tactical incident lasting many hours which occurred within the city of Porterville. The Porterville Police Department's Special Weapons and Tactics team was called out and the incident was brought to a safe conclusion with the assistance of the Tulare County Sheriff's Department's tactical robot.

The Porterville Police Department has found they are relying more and more on other agencies for support in order to bring these dangerous situations to a successful conclusion. This increased need for outside support results mainly from the Department's lack of specialized equipment, specifically a tactical robot. The use of the robot in tactical incidents would save time, but primarily would reduce the need to place officers in harm's way by physically searching for an armed suspect in a concealed area. The tactical robot can be used to search almost any area an officer can, with personnel viewing from a safe distance and location on a handheld view finder. Because of this added safety and efficiency, the Department is requesting permission to purchase an Avatar II Tactical Robot, along with the attachments listed below.

Avatar II Base Robot (includes battery, controller, and battery chargers)
This robot will allow Department personnel to search areas where it would be unsafe for an officer(s) to typically search, such as searching for armed suspects and searching confined spaces.

Avatar II Pan/Tilt Infra-Red Camera
This equipment will allow Department personnel to use the Infra-Red Camera, which attaches to the robot, to visibly see suspect(s) who are concealed in dark, confined spaces.

Avatar II High Angle Stabilizers
This equipment will allow Department personnel to use the robot in large multi-story buildings, such as hospitals, schools, motels, and mountain terrain. The High-Angle Stabilizers allow the robot to climb stairs, rocks, and other such terrain.

Avatar II Controller Charger, Adapter and Spare Battery
This equipment will allow Department personnel to have spare batteries for the robot and operator hand controller for prolonged incidents which require longer use of the robot.

D.D. 

Appr/Fund 

C.M. 

Item No. 2

The above Avatar II Robot with the customized attachments noted has an approximate cost of \$17,995.

The Police Department has researched the market and identified that RoboteX Robot Technology Solutions is the sole manufacturer and distributor of these custom robots. This company builds each custom robot to the individual department's specifications. Because of this, we would be able to develop a robot to fit the Department's current needs.

The Department has also identified over 25 different California law enforcement agencies, including Tulare County, who have custom built Avatar II Robots by RoboteX, and have successfully resolved many dangerous incidents after the robot was introduced to search.

The Police Department requests the Council's approval to enter into direct negotiations with the vendor of these items to purchase the above-listed equipment in accordance with the City's Purchasing Policy & Procedure Manual, as amended by Resolution No. 122-87, adopted by Council on October 20, 1987.

The funds for the above items are currently available from the Asset Forfeiture Fund.

RECOMMENDATION: That the City Council:

- 1) Authorize Staff to enter into negotiations with Robotex Technology Solutions to purchase the Avatar Robot and customized attachments; and
- 2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENTS: Sales Quote
Avatar II Brochure



RoboteX, Inc.
 1400 Page Mill Road Suite 100
 Palo Alto, CA 94304
 (650) 838-9191

Sales Quote Acknowledgement

Ship To:

Porterville Police Department CA
 350 N D St
 Porterville CA 93257
 USA

Sales Quote	SQ-20130423-001099
Print Date	4/23/2013 9:14 AM
Customer Purchase Order	
Created Date	4/23/2013 9:00 AM
Payment Terms	Net 30 Days
Delivery Terms	

Invoice To:

Porterville Police Department CA
 350 N D St
 Porterville CA 93257
 USA

Details

Line	Product	Unit Of Measure	Tax	Scheduled Date	Order Quantity	Unit Price	Extension
005566	Avatar II Base Package (with Robot, Battery, Controller and Chargers) A019P	Each	Y	4/23/2013	1.00	\$12,500.00	\$12,500.00
005567	Avatar II Pan-Tilt-Zoom Camera A005A	Each	Y	4/23/2013	1.00	\$3,750.00	\$3,750.00
005568	Spare Robot Battery A015A	Each	Y	4/23/2013	1.00	\$345.00	\$345.00
005569	Avatar II High Angle Stabilizers A016A	Each	Y	4/23/2013	1.00	\$1,250.00	\$1,250.00
005570	Avatar II Controller Charger Adapter Cable A050A	Each	Y	4/23/2013	1.00	\$150.00	\$150.00

Line Sub Total \$17,995.00

Tax Rate	Type	Taxable Amount	Tax Amount
8.5%	CA - Sales	\$17,995.00	\$1,529.57

Tax Total \$1,529.57

Order Total \$19,524.57

The sales quote provided herein shall be valid for sixty (60) calendar days from the "Print Date" set forth above. All prices in USD.

Customer acknowledges and agrees that it shall: (i) use all products acquired from RoboteX, Inc. ("RoboteX") in compliance with all applicable laws, statutes, rules, regulations, orders and restrictions, and that it will not resell or otherwise transfer or convey any products acquired from RoboteX to any third party without the prior express written consent of RoboteX; and (ii) be responsible for all applicable taxes, duties, tariffs, and the like, related to all products acquired from RoboteX.



ROBOTEX
robot technology solutions

1400 Page Mill Road, Suite 100
Palo Alto, CA 94304

t: 650.838.9191
f: 650.323.1044

PRICING:

The AVATAR® II is typically ordered at a cost of \$17,995. Our most popular package includes the following items:

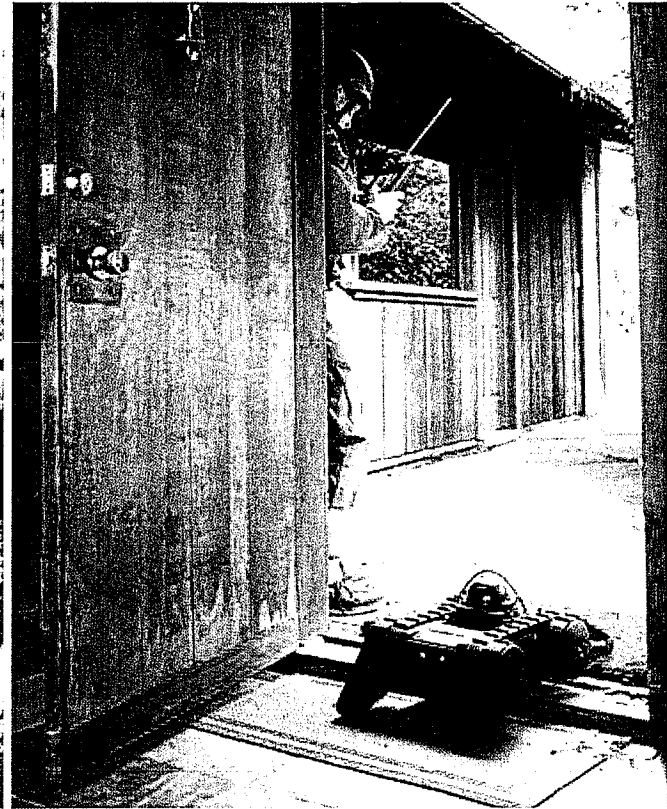
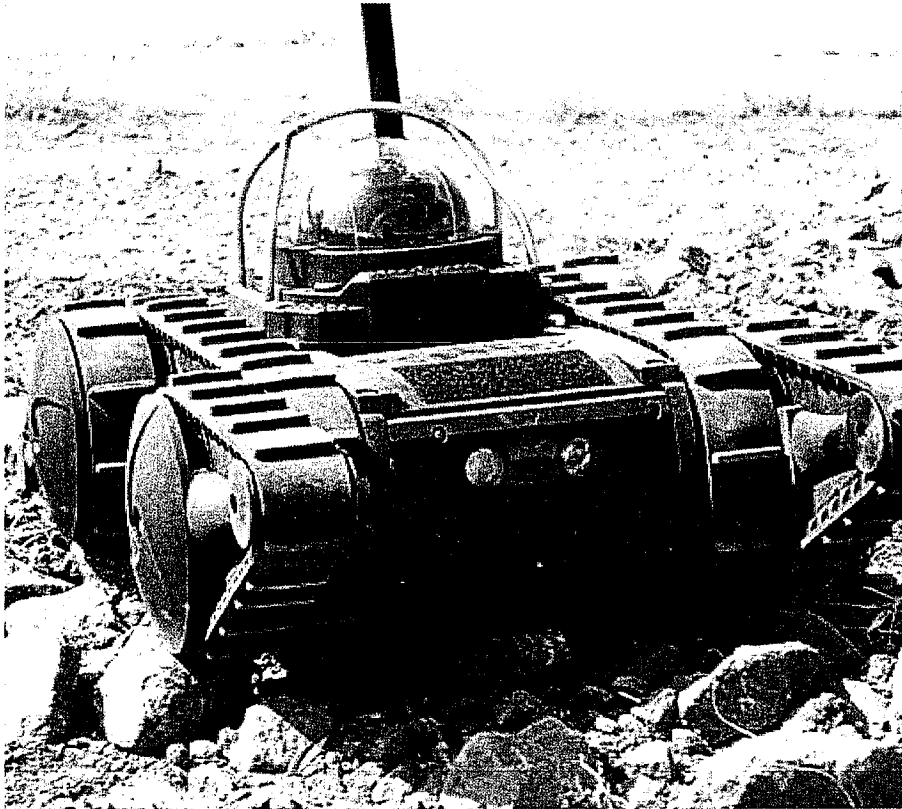
	Price	3 Year Warranty
AVATAR® II Base Robot <i>Includes one robot (incl. battery and charger), one controller (incl. battery and charger), carrying case, and one year "flipper-to-flipper" warranty.</i>	\$12,500	\$2,500
Pan-Tilt-Zoom Camera (PTZ) Accessory <i>360° color IR camera allows you to survey an area and zoom in (up to 100x) on objects of interest. Includes protective roll bar.</i>	\$3,750	\$750
Spare Robot Battery <i>Spare battery allows you to double the operating time of the AVATAR® II.</i>	\$345	N/A
Battery Controller Connector <i>Allows you to use a BB2590 robot battery as an external power source for your robot controller.</i>	\$150	\$30
High Angle Stabilizers <i>Stabilizing rods attach to back of robot and allow it to climb up over steep inclines and tall objects.</i>	\$1,250	\$250

Additional add-ons and accessories include:

AVATAR® II Manipulator Arm <i>Five-axis robotic arm is fitted with built-in camera and carries and manipulates objects up to 8 lbs. in weight</i>	\$19,500	\$4,000
AVATAR® II Extended Manipulator Arm <i>Extended manipulator arm that allows the robot to open doors and reach higher objects than standard arm. Comes with built-in camera.</i>	\$24,500	\$4,900
AVATAR® II Command Terminal <i>Allows user to control robot from remote terminal and view robot's audio/video feed on external monitor. Includes flat-screen monitor, external audio/video receiver, antenna, mini-controller, and control software.</i>	\$6,250	\$1,250
External Audio/Video Receiver <i>Allows for remote viewing of the robot's audio/video feed. Includes receiver unit and antenna only.</i>	\$2,225	\$450



ROBOTEX
robot technology solutions



AVATAR® II Tactical Robot

**YOU NEED
THIS ROBOT.**

www.RoboteX.com

**The RoboteX
AVATAR II
is a rugged,
affordable,
easy-to-use
tactical robot.**

**YOU NEED
THIS ROBOT.**

**Why do I need an
AVATAR II?**

The **AVATAR II** enhances the capabilities of SWAT and tactical response teams by allowing them to quickly and safely inspect dangerous situations.

With the **AVATAR II**, there's no need to send personnel in first during an operation. The **AVATAR II** saves lives by keeping first responders out of harm's way, and it does so at a fraction of the price of other robots.

Like a firearm, vehicle, or piece of body armor, the **AVATAR II** is regarded by tactical teams as a standard operational tool. Departments across the United States of America are using the **AVATAR II**. With its unparalleled ease-of-use and market-beating affordability, so can you.



AVATAR® II Tactical Robot



Activate & Go

- Deploy in seconds with the AVATAR II's simple setup — just insert the battery and go.
- Control the robot with its easy-to-use, handheld touchscreen controller.

Drive & Maneuver

- Navigate the robot over varied terrain, including carpet, clothing, grass, mud, water, and household debris.
- Drive up stairs and self-right the robot if it lands upside down.

Identify & Communicate

- Locate threats with two infrared color cameras, including a 360° pan-tilt-zoom camera.
- Listen and talk to subjects with push-to-talk, two-way audio capability.

Secure & Protect

- Gather valuable intelligence with the robot's built-in video and audio recording capability.
- Operate with confidence over the robot's secure 2.4 GHz Wi-Fi radio.

Depend & Rely

- Finish the mission with up to 5 hours of battery life under normal use.
- Trust RoboteX's all-inclusive warranty plans — no hassles, no gimmicks.

Expand & Save

- Customize your AVATAR II with a variety of plug-and-play accessories.
- Spend less and get more with the AVATAR II's market-beating price.

Technical Specs

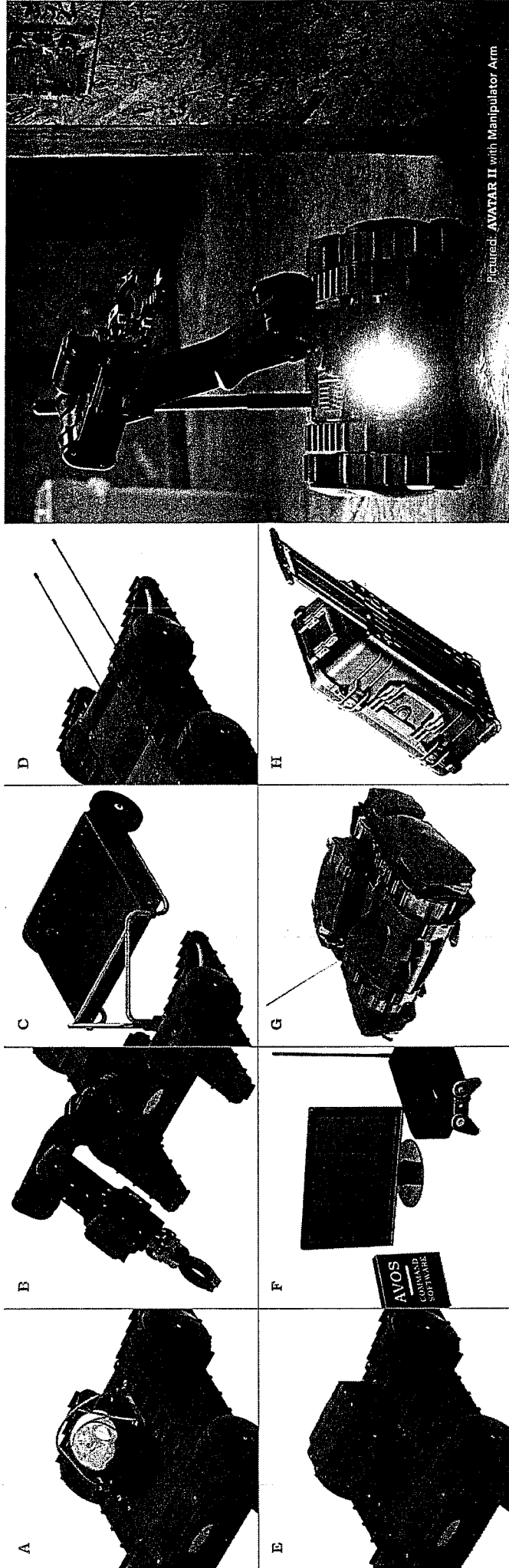
- Operating Range: 300 meters
- Battery Life: 4-5 hours
- Climbing Angle: 60 degree incline
- Physical Dimensions: 24.41 in x 15.35 in x 6.14 in
- Weight: 25 lb (without battery)
- Optics: Wide-angle color drive camera
- Chassis Material: Durable Monostructure Composite
- Battery: BB-2590 Rechargeable, Military-grade, Lithium-ion
- Track System: "Closed Track" Design with Brushless Motors
- Headlights: One 200 Lumen LED light and one 180 mW/sr IR light
- Radio Type: Secure 2.4 GHz Wi-Fi

Pictured above: AVATAR II with PTZ Camera and handheld controller

The RoboteX
AVATAR II is
a rugged, affordable,
easy-to-use tactical robot.

AVATAR® II Tactical Robot

YOU NEED THIS ROBOT.



Pictured: AVATAR II with Manipulator Arm

Customize your robot with a variety of **AVATAR® II** accessories

The **AVATAR II** is a modular, plug-and-play platform that can be customized with a range of accessories to meet the unique tactical and strategic needs of your team.

- A PAN-TILT-ZOOM (PTZ) CAMERA** – 360° color IR camera allows you to survey an area and zoom in (up to 100x) on objects of interest.
- B MANIPULATOR ARM** – Five-axis manipulator arm allows you to remotely open doors and manipulate dangerous objects up to 8 lbs. in weight. Comes with integrated color IR camera to enable visibility over tall or elevated objects (up to 30 inches in height).
- C HITCH & TRAILER** – Flatbed trailer can tow up to 30 lbs. of cargo on a flat surface (or 10 lbs. up stairs). Remote latch allows you to disconnect trailer to deliver cargo.
- D HIGH ANGLE STABILIZERS** – Stabilizing rods that attach to back of robot and allow it to climb up over steep inclines and tall objects.
- E 2-IN-1 GAS / RADIATION DETECTOR** – Integrated mount that houses separate radiation (Cannberra®) and five-gas (MultaRAE Plus®) detectors. Allows you to view data readouts on the controller's screen. Standalone mounting bracket also available.
- F COMMAND TERMINAL** – Allows you to control robot from a remote computer terminal and view robot's audio/video feeds on an external monitor. Includes flat-screen monitor, external audio/video receiver, antenna, mini-controller, and control software.
- G TACTICAL DEPLOYMENT BACKPACK** – Custom-fitted, hard-shell backpack allows you to carry the AVATAR II (and accessories) and be mission-ready in seconds.
- H ULTRA-DURABLE ROBOT CASE** – Hard-shell rolling case is waterproof and drop-resistant. Facilitates easy transport of robot, controller, batteries, and chargers.

Not shown:

EXTERNAL AUDIO / VIDEO RECEIVER – Allows for remote viewing of the robot's audio/video feed. Includes receiver unit and antenna only.

For a complete and interactive list of **AVATAR II** options and accessories, go to:

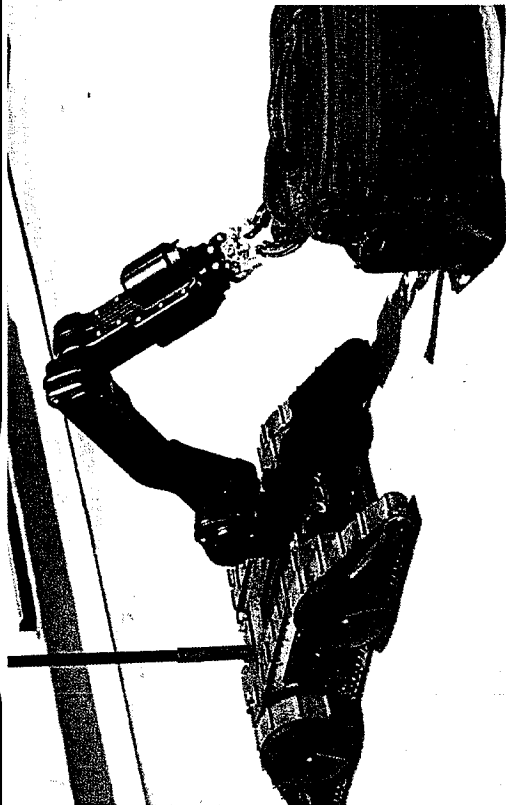
www.robotex.com/build-a-robot/

YOU NEED THIS ROBOT.

The **AVATAR II** is currently helping SWAT and law enforcement officials

across the country **explore, engage, and resolve** dangerous situations like never before.

9



AVATAR® II Tactical Robot

“This robot has become extremely vital to our operations. The robot provides us with the safety and comfort of knowing that it keeps our operators out of harm's way... the RoboteX AVATAR is priceless.”

— Officer Johnny Quinones
Chicago Police Department SWAT
Chicago, Illinois

“We deployed the AVATAR recently on a barricaded subject. The robot worked great... it climbed two sets of stairs without a problem, the two way speakers were excellent, and the bubble cam was perfect. By the way, it did scare the subjects. I had to advise them the robot would not hurt them if they just complied — it was humorous.”

— Sgt. Timothy Cullian
St. Louis County Police Department
St. Louis, Missouri

“The RoboteX AVATAR Robot has been nothing short of amazing. The Avatar's superior mobility, in conjunction with its durability and video transmission technology, separates it from any other tool we have used to date. Bottom line, this thing is a game changer. Our team can't say enough about this tool.”

— Sgt. Troy Greene
Saint Paul Police Department SWAT Team
Saint Paul, Minnesota

“On one callout, the AVATAR was used to clear a house and open several doors that were partially closed. On another callout, it was used to locate a subject that was fatally wounded after firing at officers. The robot is a great piece of equipment that all SWAT teams could benefit from.”

— Officer Travis Bailey
Texas Rangers SWAT Team
Austin, Texas



AVATAR® Case Study

Oakland, California Police
Department SWAT Operation

August 2011
Oakland, California



Background

After losing several officers in the line of duty, the Oakland, California Police Department SWAT team reevaluated their tactics and substantially modified their standard operating procedures. Now, the Oakland Police Department SWAT team will not enter a residence until a RoboTeX AVATAR has cleared the area first.

Event

In August 2011, the Oakland Police Department SWAT team served a search warrant on a residence. The team assigned to the operation consisted of 43 members, including a sniper team, a hostage negotiation team, a perimeter team, an entry team, support staff, a helicopter — and an AVATAR robot.

The team arrived at the residence at approximately 5:00 AM and took up their positions around the house. A helicopter directed its spotlight on the home and a SWAT Officer, using a loudspeaker, ordered everybody in the house to evacuate. Shortly thereafter, three persons emerged from the front door of the home and were immediately placed in custody. However, the SWAT team still did not know what was left inside the house — guns, drugs, a bomb, or even more armed suspects waiting in ambush.

The AVATAR Solution

The AVATAR played a critical role in allowing the Oakland Police Department SWAT team to finish the mission safely and efficiently. A SWAT Officer drove the robot towards the home from the safety of an armored vehicle. The robot mounted a curb, sped through wet grass in the front yard, and finally climbed two stairs before entering through the home's front door. The robot proceeded to move up another staircase and through each room of the home, navigating over toppled pieces of furniture, clothing, food, and drug paraphernalia. On several occasions, the Officer activated the AVATAR's pan-tilt-zoom camera to scan for dangerous ordnance and additional suspects. Using this method, the SWAT Officer identified several shotguns in a bedroom, and he was able to clear the rest of the house rapidly.

After completing the survey of the house with the AVATAR robot, the SWAT team sent in their Entry Team. An Oakland Police Department SWAT Officer later testified, "Before we had your robot, that process [of clearing the house] took several hours." As a result of the robot's reconnaissance work, the Entry Team was able to proceed through the home at a rapid pace, clearing it in less than five minutes and eliminating a great deal of risk from a dangerous situation.

For the Oakland Police Department SWAT team, the AVATAR is an essential piece of tactical equipment that has been fully incorporated into their standard operating procedures. Specifically, the Oakland Police Department SWAT team regards an area, building, or home as unsafe until surveyed and cleared by an AVATAR robot.

For SWAT teams and first responders at large, the choice is clear. The RoboTeX AVATAR is easy-to-use, affordable, and reliable. It is the first set of eyes and ears on the ground. It explores dangerous situations remotely and securely. It saves time, money, and lives.



CITY COUNCIL AGENDA: MAY 21, 2013

SUBJECT: REQUEST FOR APPROVAL TO PURCHASE FIREFIGHTER
PROTECTIVE CLOTHING

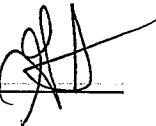
SOURCE: FIRE DEPARTMENT

COMMENT: The Fire Department requests authorization to purchase ten (10) sets of firefighting turnouts from L.N. Curtis & Sons for \$15,938.65 including sales tax. The purchase is funded entirely through the department's 2011 SAFER grant. This purchase will complete the protective equipment ensemble for ten (10) Reserve Firefighters hired through the SAFER grant program.

L.N. Curtis is the sole supplier of the "Gxtreme" protective turnout garments. The turnout pants and coats together constitute a complete matched set and cannot be mismatched with other brands of products without voiding the manufacturer's warranty for heat, direct flame, and vapor protection. To maintain compatibility with the departments existing inventory of protective clothing and to present a uniform appearance to the public, it is desirable to remain consistent with garments already in use by the Fire Department.

RECOMMENDATION: That City Council approve the purchase of ten (10) sets of turnout coats and pants from L.N. Curtis and Sons for \$15,938.65.

Dir



Approp./ Funded mp

CM



Item No. 3

COUNCIL AGENDA: MAY 21, 2013

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION SEWER PROJECT (AREA 455A)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City's consultant, Roberts Engineering, has completed the preparation of construction plans and specifications (i.e. Project Manual) for the Island Annexation Sewer Project - Area 455A. The proposed project will be the second 2006 island annexation area to receive new sewer infrastructure. Area 455A is generally bounded by the W. North Grand Avenue to the north, Mulberry Avenue to the south, Beverly Street to the west and State Highway 65 to the east. In total there are five (5) areas slated for new sewer infrastructure with the first, Area 458A & 458B currently under construction. For the benefit and convenience of the public, each area will be constructed sequentially.

The proposed project includes 10,035 lineal feet (1.9 miles) of 8" and 6" diameter sewer mains, 29 sewer manholes and 216 sewer laterals. Construction sequencing will be essential throughout the project and specified as such, so as to maintain access and minimize the inconvenience within the neighborhoods affected by this project.

On May 30, 2013, staff will conduct a "community information meeting" with the residents of Area 455A. Staff will discuss the possibility of forming a sewer utility district and various sewer connection options as completed for Areas 458A & 458B.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council's review. The Engineer's estimate of probable cost for construction is \$1,052,181.00. An additional \$105,218.10 is necessary for construction contingency (10%). It is anticipated that an additional \$52,609.05 is required for construction management, quality control and inspection services (5%) for a total estimated project cost of \$1,210,008.15.

Refinancing of the Sewer Revenue Bonds, better known to staff as Certificate of Participation (COP) funds, is the mechanism for funding this project and subsequent project areas. The stated funding source was approved in the 2012/2013 Annual Budget.

Dir BK Appropriated/Funded MB CM J

Item No. 4

Once a contract has been awarded, staff will consider, if so offered, asphalt paving options similar to the trench repair option offered by the Area 458 Sewer Utility District Contractor. An important point that must be noted is that any option proposed by the Area 455 Contractor must be equal to or greater in value to the bid price offered by the Contractor to repair the sewer main and lateral trenches.

RECOMMENDATION: That City Council:

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

ATTACHMENTS: Locator Map
Engineer's Estimate

P:\pubworks\General\Council\Authorization to Advertise for Bids - Area 455 Island Annexation Sewer Project - 2013-5-21.doc

April 27, 2012

Porterville Island Annexation 455A Sewer Project

Authorization to Bid

BASE BID

Item No.	Description	Quantity	Unit	Unit Price	Extension Price
1	Mobilization and Demobilization	1	L.S.	\$15,000.00	\$15,000.00
2	Sheeting and Shoring	1	L.S.	\$5,000.00	\$5,000.00
3	Traffic Control	1	L.S.	\$25,000.00	\$25,000.00
4	Notice of Intent to Discharge (NOID), Storm Water Pollution Prevention Plan (SWPPP), and Monitoring Plan (MP)	1	L.S.	\$5,000.00	\$5,000.00
5	Provide Dust Mitigation Plan as required and in conformance with state and federal regulations	1	L.S.	\$5,000.00	\$5,000.00
6	Provide Demolition, Clearing, and Grubbing as necessary	1	L.S.	\$5,000.00	\$5,000.00
7	Connect new 6-inch sewer piping to existing 6-inch sewer piping, including removal of existing cleanout, excavation, backfill, and compaction	4	EA.	\$500.00	\$2,000.00
8	Connect new 6-inch sewer piping to existing 6-inch sewer piping, including removal of existing manhole assembly, excavation, backfill, and compaction	1	EA.	\$1,000.00	\$1,000.00
9	Cut In and Connect new 6-inch sewer piping to existing manhole assembly, including excavation, backfill, and compaction	5	EA.	\$1,000.00	\$5,000.00
10	Cut In and Connect new 6-inch sewer piping to existing manhole assembly at Prospect Street Sta. 23+03.18, as shown on Sheet 20, Per City Standard S1.1, including modified interior drop manhole connection to existing 8-inch stub, excavation, backfill, and compaction	1	L.S.	\$1,500.00	\$1,500.00

11	Cut In and Connect new 8-inch sewer piping to existing manhole assembly at Prospect Street Sta. 22+98.61, as shown on Sheet 19, Per City Standard S1.1, including modified interior drop manhole connection to existing manhole assembly, excavation, backfill, and compaction	1	L.S.	\$1,500.00	\$1,500.00
12	Connect new 8-inch sewer piping to existing 8-inch sewer piping, including removal of existing cleanout, excavation, backfill, and compaction	1	EA.	\$500.00	\$500.00
13	Cut In and Connect new 8-inch sewer piping to existing manhole assembly, including excavation, backfill, and compaction	5	EA.	\$1,000.00	\$5,000.00
14	Connect new 8-inch Sewer Piping to existing 8-inch stub, including removal of existing plug, excavation, backfill, and compaction	3	EA.	\$750.00	\$2,250.00
15	6-inch Sewer Piping, including excavation, backfill, and compaction	3,856	L.F.	\$30.00	\$115,680.00
16	8-inch Sewer Piping, including excavation, backfill, and compaction	6,179	L.F.	\$40.00	\$247,160.00
17	48-inch Sanitary Sewer Manhole Assembly Per City Standard S-1 maximum height 5 feet, including excavation, backfill, and compaction	11	EA.	\$2,200.00	\$24,200.00
18	48-inch Sanitary Sewer Manhole Assembly Per City Standard S-1 maximum height 7 feet, including excavation, backfill, and compaction	9	EA.	\$2,400.00	\$21,600.00
19	48-inch Sanitary Sewer Manhole Assembly Per City Standard S-1 maximum height 9 feet, including excavation, backfill, and compaction	4	EA.	\$2,600.00	\$10,400.00
20	48-inch Sanitary Sewer Manhole Assembly Per City Standard S-1 maximum height 11 feet, including excavation, backfill, and compaction	3	EA.	\$2,800.00	\$8,400.00

21	48-inch Storm Drain Manhole Assembly Per City Standard S-1, maximum height 10 feet, including excavation, backfill, and compaction	2	EA.	\$2,800.00	\$5,600.00
22	Provide 18-inch Storm Drain Pipe, including excavation, backfill, and compaction	12	L.F.	\$75.00	\$900.00
23	Remove existing storm drain manhole assembly and pipe as necessary	1	L.S,	\$1,400.00	\$1,400.00
24	Provide Sanitary Sewer Clean-Out Assembly Per City Standard S-11, including excavation, backfill, and compaction	15	EA.	\$1,500.00	\$22,500.00
25	4 inch Sewer Lateral, Wye, and End Plug Per City Standard S-7 from sewer piping to approximate property line, up to 20 foot length, including excavation, backfill, and compaction	52	EA.	\$450.00	\$23,400.00
26	4 inch Sewer Lateral, Wye, and End Plug Per City Standard S-7 from sewer piping to approximate property line, up to 30 foot length, including excavation, backfill, and compaction	54	EA.	\$600.00	\$32,400.00
27	4 inch Sewer Lateral, Wye, and End Plug Per City Standard S-7 from sewer piping to approximate property line, up to 40 foot length, including excavation, backfill, and compaction	60	EA.	\$750.00	\$45,000.00
28	4 inch Sewer Lateral, Wye, and End Plug Per City Standard S-7 from sewer piping to approximate property line, up to 50 foot length, including excavation, backfill, and compaction	8	EA.	\$900.00	\$7,200.00
29	4 inch Sewer Lateral Piping Per City Standard S-7 from existing wye to approximate property line, up to 31 foot length, including removing end plug, connection to existing wye, excavation, backfill, and compaction, and new end plug	5	EA.	\$600.00	\$3,000.00
30	4 inch Sewer Lateral Piping per City Standard S-7 from manhole assembly to approximate property line up to 40 foot length, including excavation, backfill, compaction, and end plug	8	EA.	\$750.00	\$6,000.00

31	4-inch Sewer Lateral DR-14 C-900 Piping crossing over water main	29	EA.	\$1,000.00	\$29,000.00
32	Provide 6-inch End Plugs	4	EA.	\$100.00	\$400.00
33	Provide 8-inch End Plugs	2	EA.	\$150.00	\$300.00
34	Remove and Replace portion of concrete cross gutter per City Standard C-7, Detail "A", including expansion joints at each end of replacement at Westside and Pioneer.	1	L.S.	\$1,500.00	\$1,500.00
35	Remove and Replace portion of concrete cross gutter per City Standard C-7, Detail "A", including expansion joints at each end of replacement at Atkins Way and Westfield.	1	L.S.	\$1,500.00	\$1,500.00
36	Remove and Replace full concrete cross gutter per City Standard C-7, at Cobb Street north of Mulberry Avenue	1	L.S.	\$2,750.00	\$2,750.00
37	Provide Trench Resurfacing for 4-inch sewer piping per City Standard P-4, including sawcutting, excavation, backfill, and compaction	4,230	L.F.	\$20.00	\$84,600.00
38	Provide Trench Resurfacing for 6-inch sewer piping per City Standard P-4, including sawcutting, excavation, backfill, and compaction	3,868	L.F.	\$22.00	\$85,096.00
39	Provide Trench Resurfacing for 8-inch sewer piping per City Standard P-4, including sawcutting, excavation, backfill, and compaction	6,199	L.F.	\$25.00	\$154,975.00
40	Provide Trench Resurfacing for 18-inch storm drain piping per City Standard P-4, including sawcutting, excavation, backfill, and compaction	22	L.F.	\$35.00	\$770.00
41	Provide Trench Resurfacing and shoulder restoration along Beverly Street	900	L.F.	\$35.00	\$31,500.00
42	Reset Street Monuments	5	Each	\$600.00	\$3,000.00

43	Reset Section Monument - Tie out monuments, horizontally and vertically, in advance of construction. Prepare corner records for City and County review prior to recording of Corner Records.	3	Each	\$900.00	\$2,700.00
44	All items not included in Items 1 through 43 above necessary to make this a complete and operable system in accordance with the Plans and Specifications	1	L.S.	\$500.00	\$500.00

TOTAL BASE BID

\$1,052,181.00

10% Construction Contingency

\$105,218.10

5% Construction Management & Quality Control

\$52,609.05

TOTAL BID

\$1,210,008.15


Project Engineer

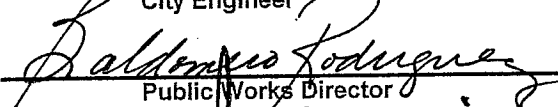
5/4/2012
Date


Project Manager

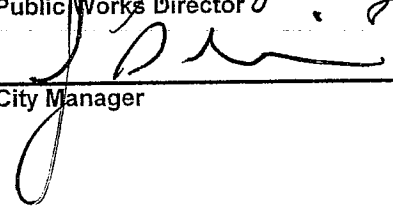
5/9/2013
Date


City Engineer

5/10/2013
Date


Public Works Director

5/13/2013
Date


City Manager

05/15/13
Date

COUNCIL AGENDA: MAY 21, 2013

SUBJECT: AWARD OF CONTRACT - ON-CALL SERVICES

SOURCE: Public Works Department - Transit Division

COMMENT: On March 5, 2013, the City Council authorized staff to distribute a Request for Qualifications for On-Call Consulting Services. The Request for Qualifications was issued on March 13, 2013, to a number of consultants, including all eligible local firms, to provide services in three (3) areas: transit traffic and civil engineering, transit security design and general transit consulting.

The City desired to establish a panel of consultants who can provide an array of services to the City, on an on-call basis, for services that are complex, specialty, or cannot be performed in-house. The planning projects are fully funded by FTA Section 5303 planning program funds.

On April 11, 2013, staff received proposals from Kimley-Horn, TRC, Omni-Means, Tech/Knowledge, DanTec, C2 Consult, Moore & Associates, and Safety Dynamics. All but one firm, Safety Dynamics, was found to meet the desired qualifications.

At this time, staff is proposing to enter consultant service agreements with three (3) firms and execute task orders as needed. To that end, Staff has selected the top three (3) consulting firms, allowing even greater flexibility, expedited response time, and capacity for the City's consulting needs. The proposed contract has a term of two (2) years, with one (1) and/or two (2) year extensions.

Initial projects to be pursued under these contracts would include:

- Transit Signal Priority
- Transit Security Design
- Title VI Updates
- Short and Long Range Transit Plans
- Bus Stop Design
- Disadvantaged Business Employment Updates

Dir BSR Appropriated/Funded MB CM J

Item No. 5

As a result of the review of the Statements of Qualifications and the interview process, the top ranking firms are identified as follows:

1. Kimley-Horn
2. Moore & Associates
3. TRC

The proposing firms were evaluated based on the City's Consultant Selection Rating form in their respective fields and rankings are as follows:

Transit Traffic and Civil Engineering

Rank	Consultant	Score
1.	Kimley-Horn	99.5
2.	TRC	96.0
3.	Omni-Means	91.5

Transit Security Design

Rank	Consultant	Score
1.	Kimley-Horn	99.0
2.	TRC	97.0
3.	Omni-Means	95.0
4.	Tech/Knowledge	93.0

General Transit Consulting

Rank	Consultant	Score
1.	Moore & Associates	98.5
2.	Kimley-Horn	96.5
3.	DanTec	95.5
4.	C2 Consult	94.5
5.	Omni-Means	91.5

Due to time constraints on the three (3) projects, and to further expedite the process, Staff is requesting authorization from Council to negotiate a professional services contract with Kimley-Horn at an anticipated fee not to exceed \$45,000 for the Transit Signal Priority Design and a professional services contract for the Transit Security Design at anticipated fee not to exceed \$45,000.

Staff is also requesting authorization from Council to negotiate a professional services contract with Moore & Associates at an anticipated fee not to exceed \$20,000 for the Transit Title VI Program Update.

Staff is pleased with the consultants' interest in these fields and recommends entering into a service agreement with the top-ranked firms.

RECOMMENDATION: That the City Council:

1. Authorize Staff to negotiate on-call contracts with Kimley-Horn, Moore & Associates, and TRC, and;
2. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$45,000 for traffic and civil engineering services for the Transit Signal Priority Project;
3. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$45,000 for security design services for the Transit Security Project;
4. Authorize Staff to negotiate a contract with Moore & Associates at an anticipated fee not to exceed \$20,000 for general transit consulting services for the Transit Title VI Program Update;
5. Authorize Staff to negotiate a contract with the 2nd ranked firm, in its respected field, if Staff is unable to negotiate an acceptable contract with the top ranked firm;
6. Authorize the Mayor to sign all contract documents;
7. Authorize progress payments that concur with design services up until proper closeout of the work and not to exceed 100% of the contract fee; and
8. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

COUNCIL AGENDA: MAY 21, 2013

SUBJECT: CITY WELL #22 - EMERGENCY REPAIR

SOURCE: Public Works Department - Water Utilities Division

COMMENT: The City of Porterville Water Utilities Division maintains operation of City Well #22 located on the northwest corner of Newcomb Street and Tomah Avenue. During times of high demand, this well is one of the largest producers in the City Water System.

On May 15, 2013, during well inspection, it was discovered that City Well #22 was not operating correctly. Additional investigation revealed significant vibrations emanating from within the piping and pump equipment. Production for this location has been reduced to 1/3 of normal yield. S.A. Camp Pump Company has recommended that the pump be replaced because of failure. The well is not operable until repairs are complete.

It is critical that the normal operation be restored and repairs be performed immediately to provide assurance of meeting system demand. Cost of replacement or repairs should not exceed \$45,000. Funding is available from the Water Replacement Fund.

RECOMMENDATION: That City Council approve emergency repairs to be completed by S.A. Camp Pump Company on City Well #22 at a cost not to exceed \$45,000.

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Dir B87 Appropriated/Funded MB CM J

Item No. 6

COUNCIL AGENDA: MAY 21, 2013

SUBJECT: 2013 UNMET TRANSIT NEEDS - REQUEST FOR TRANSIT SERVICE EXPANSION

SOURCE: Public Works Department - Transit

COMMENT: The California State Transportation Development Act (TDA), which was passed in 1971, provides a major source of funding for local transit, bicycle/pedestrian and street projects. The legislation, as amended, authorizes the Tulare County Association of Governments (TCAG) to administer the local TDA process and oversee regulatory and fiscal compliance.

The legislative intent for use of TDA money is stated in the law as follows:

It is in the interest of the State that funds available for transit development be fully expended to meet the transit needs that exist in California. Furthermore, it is also in the interest of the State that such funds be expended for physical improvement – to improve the movement of transit vehicles, the comfort of patrons, and the exchange of patrons from one transportation mode to another. To assure full consideration is given to meeting the intent of the law, a public hearing to discuss transit needs must be held every year.

This hearing is especially important in areas like Tulare County where the TDA allows use of funds for street and road projects. The purpose of the hearing is to take testimony on local and/or regional transit needs, and assure that all reasonable transit needs are satisfied. TCAG is required to make those findings and provide them to the State for review and concurrence prior to allocation of TDA funds to the cities/county for any street or road purposes.

TCAG develops the findings after a review of the testimony and from a review of regional and local transportation plans. This review takes into consideration adopted goals, policies, actions already identified in area plans, and tries to identify projects that will improve the environment and the public transportation needs of groups likely to be transit dependent, such as the physically/cognitively challenged, senior citizens and/or low income individuals.

Dir BSE Appropriated/Funded NA CM J

Item No. 7

It is important to recognize that in addition to testimony offered at the hearing, any applicable comments received at other local meetings held earlier this year (e.g. City Council meetings, community advisory groups and/or transit advisory groups) will be added to the public hearing record for Board consideration. Also added to the public record will be comments received by mail, email, and telephone; this allows for the broadest public participation.

After review of all the aforementioned information, TCAG must decide by adopting a resolution that:

1. There are no unmet transit needs;
2. There are no unmet transit needs that are reasonable to meet; or
3. There are unmet transit needs, including needs that are reasonable to meet.

TCAG adopted the definition of an unmet transit need reasonable to meet as follows:

Unmet Transit Need:

An unmet transit need, as identified during the TCAG annual unmet needs process, exists where local residents do not have access to private vehicles or other forms of transportation to conduct daily life activities.

Reasonable to Meet:

It is reasonable to meet the above needs if the new, expanded, or revised service can be expected to meet all of the following criteria:

1. The service can be operated while maintaining, on a system-wide basis, the farebox ratio required by the TDA (for urbanized areas 20%; for non-urbanized areas 10%).
2. Service shall meet the minimum ratio of fare revenue to operating costs of 10% (represents half of the system-wide performance standard for urbanized areas).
3. There is data and community input to support the necessary ridership to meet the required minimum fare ratio as referenced in criteria No. 2.

4. The service, if implemented or funded, would not cause the operator to incur expenditures in excess of the maximum amount of TDA funds available to each member agency.
5. The service shall have a reasonable expectation of future demand and available funding on a long-term basis to maintain the service.
6. The service must be safe to operate and there must be adequate roadways and turnouts for transit vehicles. Potential providers are available to implement the service.

Pursuant to the California Public Utilities Code (PUC) Section 94401.5 (c), the schedule for the 2013 unmet transit needs process is as follows:

- March 2013 - Tulare County residents can comment on unmet transit needs in Tulare County.
- March 18, 2013 - A public hearing on unmet needs before the TCAG Board.
- May 28, 2013 – Social Service Transportation Advisory Council (SSTAC) meets to review unmet transit needs submitted and responses from transit providers.
- June 17, 2013 – TCAG Board takes action on unmet needs findings by SSTAC.
- August 15, 2013 – Unmet needs findings and supporting documentation is submitted to Caltrans.

On April 3, 2013, the City received 15 out of the 36 unmet needs comments received for all transit providers in Tulare County. Of the 15 comments received, eight (8) of the requests were for extended hours during the week and Sunday transit service. The seven (7) remaining requests were for operational improvements, such as additional bus stop locations and reserved seating on transit vehicles.

Staff believes the increase in unmet needs comments regarding City transit service is due, in part, to the Sunday service that was implemented by the County Transit system (TCaT) in January 2011, funded in full by Measure R, that brings passengers to the Porterville Transit Center 7 days a week.

The effect is the County transit system provides Sunday service to the Porterville Transit Center with no local public transportation service connection. Based on ridership figures provided by the County, the County transit system averages 430 passengers per month on the route that services Porterville.

The need was also identified in the 2012 Short Range Transit Plan and supported by surveys distributed to the community. Survey respondents were asked to choose from a list of system improvements that they would most like to see addressed. A total of 239 survey forms were completed, with each of the routes being represented during the survey period. Responses from the surveys indicated that 52% of passengers would like to see evening service and 76% would like to have service on Sundays. Another 22% would like to see more frequent service and 23% preferred to have service available earlier in the day.

In order for Staff to provide comment on the 2013 unmet needs, Staff first performed an operational analysis to see if the expanded service would be feasible. From the analysis, Staff determined that additional transit vehicles would not be required; however, additional back-up vehicles would be beneficial to both the operational and maintenance departments. This is due, in part, to the location of authorized repair facilities located in Fresno and the availability of spare parts. In an effort to increase the transit fleet, Staff is planning to utilize the back-up vehicles past their "useful-life expectancy" and apply for additional capital funding. It should be noted that the City is expected to receive two new transit buses by mid-December 2013.

Staff also evaluated the operational characteristics of the department. Historically, the maintenance facility operates from 5 a.m. to 5 p.m., Monday through Friday, and utilizes "call-out" requests to handle any vehicle issues outside of those operating hours or days.

Staff determined that the most economical way to operate, if the transit system were to expand, would be to continue utilizing the "call-out" procedures during the five additional hours during the week and all hours on the weekend. This was determined after a historical review of transit "call-out" requests. During the last fiscal year, the transit division requested 13 call-outs for a total cost of \$1,850. Based on the relatively low call volume, this would not trigger the need for additional maintenance hours, days or Staff.

Secondly, Staff performed a financial analysis to identify possible funding solutions for the requested expansion of transit service. Staff determined that the expanded service would cost approximately \$250,000 and identified sufficient TDA funding that is available to implement the expanded transit services. Historically, the transit division requests less than 50% of the City's TDA allocation for transit operations; the remaining balance is transferred to the streets division. For example, during this fiscal year, the transit division requested \$382,000 while transferring \$1 Million to the streets division. Although this year's transfer is substantial, the transfer totals fluctuate year-to-year, depending on TDA revenues and transit operating and capital projects. Grants have been and will continue to be sought after to offset capital and operating costs.

Staff has identified additional funding sources as a possible replacement of LTF funds. Often those funding sources are either competitive grants, (Indian Gaming Funds, CMAQ, JARC and New Freedom), or not allocated to the City at this time (excess Measure R).

Lastly, Staff evaluated the projected ridership to determine if there was sufficient support to meet the required 20% farebox recovery. Using historical data from ridership surveys, Porterville's Saturday service and County (TCaT) Sunday service, Visalia's Sunday service, Staff determined that the projected ridership would increase by approximately 100,000 passengers annually and approximately \$60,000 in passenger revenues, which represents a 24% farebox ratio. System-wide the transit system is expected to operate at a 25% farebox ratio, well above the required 20%.

It was Staff's determination that Sunday service could generate ridership typical to Saturday service due to the similar need for employment, shopping, recreation and other activities that would benefit the general public. Expansion of Sunday service and weekday hours has also been shown to increase overall transit ridership as availability of routes becomes more convenient.

Therefore, based on Staff's analysis, it was determined that there is sufficient support to reasonably meet the six required criteria areas: 1) the transit service can be operated system-wide while maintaining the 20% farebox ratio; 2) the expanded service will meet the 10% farebox ratio; 3) there is data to support the expected ridership to meet the required farebox ratio; 4) the City has TDA funding available; 5) there is support for a long-term basis; and 6) the service can be operated safely.

It is Staff's determination that the City can reasonably meet the 2013 unmet needs requests to expand the transit evening service on weekdays and implement Sunday service.

RECOMMENDATION: That the City Council:

1. Authorize Staff to extend weekday transit service to 10:00 p.m. and implement Sunday service from 9:00 a.m. to 5:00 p.m., effective July 1, 2013;
2. Authorize Staff to negotiate a contract change order with Tree's Sierra Management, Inc. at an anticipated fee not to exceed \$164,219 for the expansion of transit service;
3. Authorize Staff to sign all contract documents;
4. Authorize a 10% contingency to cover unforeseen changes to the scope of work required; and
5. Authorize staff to update the Council in six (6) months to demonstrate the ridership growth/pattern.

ATTACHMENT: Transit Change Order

CITY OF PORTERVILLE PUBLIC WORKS DEPARTMENT CONTRACT CHANGE ORDER			Change Order No. 2						
Contract No. 11/12-AC1764	Issued To: (Name of Contractor or Consultant) Tree's Sierra Management, Inc.		Date 05/21/2013						
Project Description: Transit Management and Operations Agreement YOU ARE HEREBY requested to make the following changes to the contract or to do the work described below which is not included in the contract. (Give brief description of work, estimate of quantities, fees or prices to be paid, etc.) <p>Effective July 1, 2013 the City of Porterville requests expansion of transit service for evening service until 10:00 p.m. and Sunday service from 9:00 a.m. to 5:00 p.m.. This expansion of service will increase transit revenue hours for weekdays by 24 hours per day and Sunday transit service by 74 hours per day.</p> <p>There is no change to paratransit service since it currently operates during the weekdays to 10:00 p.m. and on Sundays.</p> <p>The change in transit service will result in a service cost increase of \$164,219.</p>									
1. Amount of this Change Order FY2013-2014 (\$164,219)	2. Amount of Prior Change Orders \$362,043	3. Original Contract Amount (\$971,383)	4. Adjusted Contract Amount. (\$1,497,645)						
ACCEPTANCE		ENDORSEMENTS							
We, the undersigned, have given consideration to the change proposed, and hereby agree if this proposal is approved that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work specified, and will accept as full payment therefore the fees or prices shown above. FIRM: <u>Tree's Sierra Management, Inc.</u> Signature: _____ Title: _____ Date: _____		<table border="1"> <tr> <td> REQUESTED BY: _____ Steven E. Tree, President </td> <td> DATE </td> </tr> <tr> <td> RECOMMENDED BY: _____ Baldo Rodriguez, Public Works Director </td> <td> DATE </td> </tr> <tr> <td> APPROVED BY: _____ John D. Lollis, City Manager </td> <td> DATE </td> </tr> </table>		REQUESTED BY: _____ Steven E. Tree, President	DATE	RECOMMENDED BY: _____ Baldo Rodriguez, Public Works Director	DATE	APPROVED BY: _____ John D. Lollis, City Manager	DATE
REQUESTED BY: _____ Steven E. Tree, President	DATE								
RECOMMENDED BY: _____ Baldo Rodriguez, Public Works Director	DATE								
APPROVED BY: _____ John D. Lollis, City Manager	DATE								

CITY OF PORTERVILLE
PURCHASE OF TRANSIT SERVICE
CONTRACT ESTIMATE
FISCAL YEAR 2013-2014
EXPANDED TRANSIT SERVICE

<u>Service</u>	<u>Provider</u>	<u>Hours Per Day</u>	<u>Service Days</u>	<u>Total Hours</u>	<u>Rate Per Hour</u>	<u>Annual Cost</u>
Weekday	Sierra	24	261	6264	\$ 16.24	\$ 101,727.36
Sunday	Sierra	74	52	4218	\$ 16.24	\$ 62,491.52
Sub-Total						\$ 164,218.88

CITY COUNCIL AGENDA: MAY 21, 2013

CONSENT CALENDAR

SUBJECT: STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Planning Division has received a summary report of Porterville's estimated population and housing data prepared by the State Department of Finance (DOF). The DOF prepares these estimates based upon information supplied by the City during the previous year, such as new housing units, demolitions, conversions, annexations and other factors, and comparing figures from the 2012 benchmark or a prior year's estimate. Annually, the Planning Division reviews these estimates and forwards them to the City Council for review and adoption. After Council adoption, the City submits a request for certification to the State Controller.

After certification by the State, the January 1, 2013, population estimate of 55,490 for the City of Porterville becomes the basis used to distribute certain State subvention revenues to the City. The 2012 estimate was 55,107. This is an increase of .7% or 383 persons.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2013, population of 55,490.

ATTACHMENTS: 1. Department of Finance Tables dated 2013, 2012, and 2011 showing population change
2. Draft Letter

Table 2: E-5 City/County Population and Housing Estimates, 1/1/2013

COUNTY/CITY	POPULATION		HOUSING UNITS					PERSONS PER HOUSE-HOLD				
	TOTAL	HOLD	GROUP QUARTERS	TOTAL	DETACHED	ATTACHED	2 TO 4		5 PLUS	MOBILE HOMES	OCCUPIED	PCT VACANT
Tulare County												
Dinuba	23,082	22,920	162	6,231	4,563	135	620	616	297	5,939	4.7%	3.86
Exeter	10,487	10,414	73	3,604	2,778	212	289	162	163	3,382	6.2%	3.08
Farmersville	10,886	10,886	0	2,765	2,212	110	204	159	80	2,632	4.8%	4.14
Lindsay	12,376	12,280	96	3,354	2,276	118	279	538	143	3,166	5.6%	3.88
Porterville	55,490	54,443	1,047	16,950	11,862	441	1,931	1,645	1,071	15,845	6.5%	3.44
Tulare	61,199	60,921	278	19,212	15,038	424	1,798	1,340	612	18,049	6.1%	3.38
Visalia	128,443	127,082	1,361	45,008	33,871	1,474	5,025	3,034	1,604	42,099	6.5%	3.02
Woodlake	7,665	7,665	0	2,147	1,432	153	139	365	58	2,043	4.8%	3.75
Balance Of County	145,971	144,032	1,939	44,720	34,632	822	1,709	1,105	6,452	39,339	12.0%	3.66
Incorporated	309,628	306,611	3,017	99,271	74,032	3,067	10,285	7,859	4,028	93,155	6.2%	3.29
County Total	455,599	450,643	4,956	143,991	108,664	3,889	11,994	8,964	10,480	132,494	8.0%	3.40

Table 2: E-5 City/County Population and Housing Estimates, 1/1/2011

COUNTY/CITY	Total			Total			Vacancy Rate
	Population	Housing Units	Households	Vacant Units			
Tulare County							
Dinuba	21,950	5,973	5,693	280			4.69%
Exeter	10,395	3,602	3,380	222			6.16%
Farmersville	10,796	2,765	2,632	133			4.81%
Lindsay	12,020	3,245	3,063	182			5.61%
Porterville	54,843	16,865	15,766	1,099			6.52%
Tulare	59,926	18,970	17,820	1,150			6.06%
Visalia	125,770	44,448	41,577	2,871			6.46%
Woodlake	7,331	2,071	1,970	101			4.88%
Incorporated	303,031	97,256	91,901	6,038			6.17%
Balance of County	143,806	44,440	39,143	5,354			12.03%
County Total	446,837	141,696	131,044	11,392			8.00%

May 22, 2013

Department of Finance
Demographic Research Unit
915 "L" Street, 8th Floor
Sacramento, CA 95814

To Whom It May Concern:

On May 6, 2013, the City of Porterville received Porterville's estimated population and housing data for 2013 from the State Department of Finance.

On May 21, 2013, the Porterville City Council adopted Porterville's new estimated population of 55,490 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville's January 1, 2013, population as 55,490 by Minute Order No. _____.

Sincerely,

Virginia R. Gurrola, Mayor

ATTACHMENT
ITEM NO. 2

COUNCIL AGENDA: MAY 21, 2013

SUBJECT: WILDPLACES MURAL MAINTENANCE AGREEMENT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: City Council gave direction to the Library and Literacy Commission and staff to develop a mural maintenance agreement when the mural project with WildPlaces was approved.

The City Attorney has reviewed and prepared the document for official endorsement.

RECOMMENDATION: That the City Council approve the mural maintenance agreement with WildPlaces, and authorize and direct the Mayor to execute the same.

ATTACHMENT: Mural maintenance agreement

MB Director NLB Appropriated/Funded

[Signature] City Manager

ITEM NO.: 9

WildPlaces Mural Maintenance Agreement

Recognizing the value to the community, the following agreement has been adopted by the City of Porterville ("City") and the WildPlaces Organization ("WP"). This Agreement establishes policies regarding the construction, maintenance and repairs of the "Wildplaces" mural located on the north/west side of the Library Facility at 41 West Thurman Avenue, Porterville California.

A. Term.

This Agreement shall be in effect for five (5) years beginning _____, 2013, and ending _____ day, 2018. At the completion of five (5) years, the Agreement shall be reviewed by both parties, and may be extended or amended upon mutual consent and in writing.

B. Indemnification and Insurance

1. To the fullest extent permitted by law, WP agrees to indemnify, defend and hold the City of Porterville, and all employees, officers and its representatives free and harmless from any liability arising from or related to WP participation in carrying out the Agreement or its maintenance activities. The City acknowledges that WP is responsible for, among other things, the quality of work and/or any claim related to the work by any third party including but not limited to the artist. WP acknowledges that the mural once completed shall be owned by the City, and therefore the City shall release and hold WP harmless for any claims by third parties for damages related to the completed mural, so long as and to the extent said claims are not related to WP maintenance or other activities per this Agreement.
2. Once the construction of the mural is completed and has been accepted by the City, the City shall provide insurance coverage, in an amount and form it deems sufficient, for WP for its maintenance activities.

C. Rights and Responsibilities of the Committee

1. Upon completion, the mural shall be the property of the City.
2. No conceptual changes are to be made to the approved original image without prior City Council approval.
3. WP agrees that it shall preserve the integrity of the wall and not alter, damage, obstruct or remove the mural. The City agrees to not alter, damage, obstruct or remove the mural without written notification sixty (60) days prior to WP.
4. WP covenants and agrees, for itself, its successors, and its assigns that it will keep the property walls (front and back) free of graffiti. Any repairs, costs and expense shall be the responsibility of WP. WP shall also be responsible for the continued maintenance of the graphic integrity portion (paint) of the mural including periodic coatings to protect against weathering from the elements and vandalism. WP further agrees to immediately initiate any needed repairs within forty eight (48 hours) of notice of the occurrence of graffiti or other damages to the mural, and WP further agrees to

complete the repairs within a reasonable time. Finally, WP agrees to maintain a reasonable maintenance fund for the provision of timely repairs and maintenance.

5. If either party breaches this Agreement, the other party may give written notice of any alleged breach and the party receiving notice shall have ten (10) days from the date of such notice within which to cure the breach, unless the parties agree that a longer time period is necessary. If the breach is not cured within the 10 day period (or a longer period if agreed to by the parties), the party having given notice may terminate the Agreement with written notice of termination. Additionally, either party may terminate this Agreement without cause upon ninety (90) days notice to the other party.
6. This document contains the entire agreement of the parties and shall not be amended except by a writing executed by both parties.
7. This Agreement is entered into and to be performed in Tulare County, California.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement of the day and year first above written.

CITY

Virginia R. Gurrola, Mayor City of Porterville

Date

WILD PLACES

Carlos Gomez, Wild Places Organization
Program Manager

Date

APPROVED AS TO FORM:

Julia Lew, City Attorney

Date

COUNCIL AGENDA – MAY 21, 2013

SUBJECT: CONSIDERATION OF MEMORANDUM OF UNDERSTANDING
WITH UNIVERSITY OF PHOENIX

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT


COMMENT: City staff was recently approached by a University of Phoenix representative to discuss the possibility of an educational partnership. The University has a campus in Visalia, in addition to its extensive online curriculum, and is interested in fostering a relationship with the City to promote enrollment. As such, the University has offered a ten percent (10%) discount to all City of Porterville employees, both full-time and part-time. In exchange for the discount, the City would agree to work with the University, subject to the City's policies and discretion, to communicate the educational opportunities available to its employees through the University of Phoenix.


City staff believes this proposal fits well with the City's interest in both expanding our local educated workforce and providing an environment in which City employees can professionally develop.

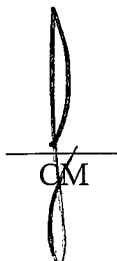
RECOMMENDATION: That the City Council authorize the Mayor to sign the Memorandum of Understanding with University of Phoenix.

ATTACHMENTS: 1. Proposed Memorandum of Understanding
2. Listing of University of Phoenix Degree Programs

Report No. 10


Dir


Approp./
Funded


CM

Alliance Memorandum of Understanding

This Alliance Memorandum of Understanding ("MOU") is between University of Phoenix, Inc. ("University") with its principal place of business at 4025 South Riverpoint Parkway, Phoenix, Arizona 85040 and City Of Porterville and its affiliates, ("Client") with its principal place of business located at 291 North Main Street, Porterville, California 93257.

Benefits Offered by University:

1. The University will provide a ten percent (10%) tuition reduction to the Client's employees who meet the University's admission standards. This applies to any University program, including certificate programs, and single courses, including professional development courses. After the effective date of this MOU and after the date the student identifies as an employee of Client, reduced tuition will apply to the then current rates at the time the student enrolls in a course. All students are subject to the University's student policies.
2. The University will waive PLA fees for the Client's employees.
3. The University will provide a link to a University website to assist employees with enrollment.
4. The University will provide information to be used, subject to Client's policies and discretion, to support the Client's internal promotion of continuing education.

Client Contributions:

1. Subject to the Client's policies and discretion, the Client will work with the University to communicate the benefits of this MOU and the many educational opportunities available at the University.

General Terms and Conditions:

1. This MOU becomes effective on the date both parties have signed the MOU. Either party may terminate this MOU upon thirty (30) days prior written notice. If the University believes that the MOU might violate any law or regulation, adversely affect its accreditation, or any license or exemption issued by a Federal or State educational board or commission, the University may terminate the MOU immediately upon written notice to the Client.
2. Students who are currently enrolled prior to the date of termination will continue to receive the tuition reduction as more fully described herein under the terms of this Agreement for the program or course of study that the student is currently enrolled in, provided the student does not take a break in attendance for more than one year. If an employee is out of attendance for more than one year, the employee will no longer be eligible for the reductions provided for herein.
3. The University may use Client's name verbally for reference purposes only. Subject to prior written approval, the Client grants University a limited, non-exclusive right to use Client's name and logo in writing solely for purposes of fulfilling University's obligation pursuant to this MOU and making the courses and course materials available to Client's employees.
4. Each party acknowledges that the relationship with the other is that of an independent contractor.
5. Each party agrees to abide by all applicable Federal and State Laws. This MOU shall be governed by and construed in accordance with the Laws of the State of Arizona. Jurisdiction for any claim, dispute, or lawsuit shall be Maricopa County, Arizona.
6. This MOU does not create any rights, title, or interest for any entity other than the University and the Client.
7. With the exception of either party's compliance with a request pursuant to public records laws and facilitation of receipt or provision of the services herein, both parties agree that they will not disclose the terms of this MOU to any unrelated third party's without the other party's prior written consent.

CITY OF PORTERVILLE

Signature

Printed Name

Title

Date

UNIVERSITY OF PHOENIX, INC.

Signature

William Pepicello, Ph.D.
Printed Name

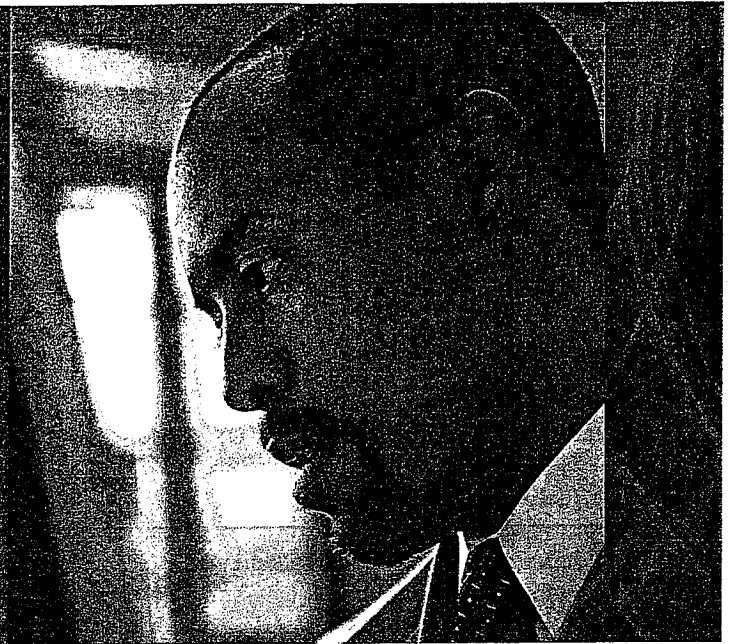
President
Title

Date

ATTACHMENT 1



You don't have to go far to get the education you want.



Welcome to the University of Phoenix.

University of Phoenix is here to provide you with the higher education you've always wanted.

Whether you work, raise a family, or both, University of Phoenix is designed especially for you. Choose from on-campus classes, including evening and weekend sessions, or online courses with flexible scheduling, so you can attend class when it's most convenient.

With accredited programs in Business, Criminal Justice, Nursing, Information Technology and a variety of other in-demand fields, achieving your educational goal is closer than you think.

Learn more

Heather Schulze
Bakersfield Learning Center
4900 California Ave.
Bakersfield, CA 93309
661.301.8699
Heather.Schulze@Phoenix.edu

Associate of Arts

Arts and Sciences

- Associate of Arts with a concentration in Communications
- Associate of Arts with a concentration in General Studies

Business

- Associate of Arts with a concentration in Accounting Foundations
- Associate of Arts with a concentration in Business Foundations
- Associate of Arts with a concentration in Hospitality, Travel, and Tourism

Criminal Justice

- Associate of Arts with a concentration in Criminal Justice

Human Services

- Associate of Arts with a concentration in Human Services Management

Nursing/Healthcare

- Associate of Arts with a concentration in Health Care Administration
- Associate of Arts with a concentration in Health Care Administration/Medical Records

Psychology

Legend

- Course offered online
- Course offered at local campus
- Course offered at both local campus and online

For more information about our graduation rates, the median debt incurred by students who completed the program, and other important information, please visit our website at <http://www.phoenix.edu/programs/gainful-employment>

While widely available, all programs may not be offered in both the online and on-campus formats. Please check with a University Enrollment Advisor. University of Phoenix is accredited by The Higher Learning Commission and is a member of the North Central Association (ncahlc.org). The University's Central Administration is located at 1625 W. Fountainhead Pkwy., Tempe, AZ 85282. Online Campus: 3157 E. Elwood St., Phoenix, AZ 85034.



Technology

- O** Bachelor of Science in Information Technology - Concentration in Multimedia and Visual Communication
- O** Bachelor of Science in Information Technology with a concentration in Advanced Networking
- O** Bachelor of Science in Information Technology with a Concentration in Business Systems Analysis
- O** Bachelor of Science in Information Technology with a concentration in Information Management
- O** Bachelor of Science in Information Technology with a Concentration in Information Systems Security
- O** Bachelor of Science in Information Technology with a Concentration in Software Engineering
- O** Bachelor of Science in Information Technology with a Concentration in Web Development

Graduate

Business

- B** Master of Business Administration
- B** Master of Business Administration with a Concentration in Accounting
- B** Master of Business Administration with a Concentration in Energy Management
- B** Master of Business Administration with a Concentration in Global Management
- B** Master of Business Administration with a Concentration in Health Care Management
- B** Master of Business Administration with a Concentration in Human Resource Management
- B** Master of Business Administration with a Concentration in Marketing
- B** Master of Business Administration with a concentration in Project Management
- B** Master of Business Administration with a Concentration in Technology Management
- B** Master of Management
- O** Master of Science in Accountancy

Criminal Justice

- B** Master of Public Administration
- O** Master of Science/Administration of Justice and Security
- B** Master of Science/Administration of Justice and Security

Education

- B** Master of Arts in Education/Administration and Supervision
- B** Master of Arts in Education/Adult Education and Training
- B** Master of Arts in Education/Elementary Teacher Education
- B** Master of Arts in Education/Secondary Teacher Education
- O** Master of Arts in Education/Teacher Leadership

Human Services

- L** Master of Science in Counseling/Marriage, Family, and Child Therapy

Nursing/Healthcare

- O** Master of Science in Nursing
- O** Master of Science in Nursing/Informatics
- O** Master of Science in Nursing/Master of Business Administration/Health Care Management
- O** Master of Science in Nursing/Master of Health Administration
- O** Master of Science in Nursing/Nursing/Health Care Education
- O** Master of Health Administration
- L** Master of Health Administration
- O** Master of Health Administration/Education
- L** Master of Health Administration/Education
- O** Master of Health Administration/Gerontology
- L** Master of Health Administration/Gerontology
- O** Master of Health Administration/Informatics
- L** Master of Health Administration/Informatics

Psychology

- O** Master of Science in Psychology

Technology

- B** Master of Information Systems

Professional Certifications - Graduate Level

Education

- L** Administration and Supervision Certificate

Legend

O Course offered online

L Course offered at local campus

B Course offered at both local campus and online

COUNCIL AGENDA: May 21, 2013

SUBJECT: PARKS AND LEISURE SERVICES COMMISSION MEETINGS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The Parks and Leisure Services Commission is interested in going dark June 2013 due to the likelihood of not having a quorum, and July 2013 as the regular scheduled meeting date falls on a holiday. The Commission is still willing to schedule a meeting if needed. A seventy-two hour notice would be posted should a meeting need to take place in June or July. The Library and Literacy Commission and the Youth Commission go dark during the summer months. This item was discussed at the May 9, 2013, Parks and Leisure Services Commission meeting. The motion to not meet in June or July effective 2013, but be available to meet if needed, passed 6-1.

Per the Municipal Code, the Commission is permitted to designate its date and time for meetings. "The commission shall hold meetings regularly and shall designate the time and place thereof. It shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings and records of the commission shall be public. Five (5) members shall constitute a quorum for the transaction of business". (Ord. 1114 B, 8-5-1977. 1686 5, 1-17-2006)

RECOMMENDATION: That the City Council approve the Parks and Leisure Services Commission go dark June and July 2013, with the Commission being available to meet if necessary.

27 Director N/A Appropriated/Funded

J City Manager

ITEM NO.: 11

COUNCIL AGENDA: May 21, 2013

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

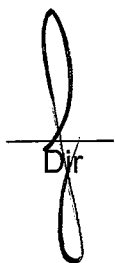
COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination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

Since its last review on May 7, 2013, 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.

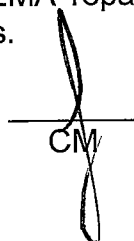
At its meeting on October 16, 2012, the Council awarded a contract in the amount of \$95,391.71 to Greg Bartlett Construction (Porterville), beginning CEMA repairs to Plano Street (south of Thurman Avenue), El Granito Street (near Zalud Park), E. Grand Avenue (at Henrahan Street), and W. Grand Avenue (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.


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

COUNCIL AGENDA: May 21, 2013

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Adopting a Resolution of Opposition to AB 667 (Hernandez) Regarding Land Use: Development Project Review: Superstores

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the Council consider adopting a Resolution of Opposition to AB 667 (Hernandez), which would regulate local land use decisions by requiring an enhanced economic impact report be prepared prior to permitting construction or altering of any buildings that would create a superstore in an economic assistance area, and that the report must find that the superstore will not materially adversely affect the economic welfare of the impact area which consists of a five-mile radius around the proposed superstore.

RECOMMENDATION: Council Member Ward makes the motion that the City Council authorize the scheduling on the June 4th Council Agenda the consideration of adopting a Resolution of Opposition to AB 667 (Hernandez).

ATTACHMENT: AB 667 Bill Text

C/M



Item No. 13

BILL NUMBER: AB 667 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY MARCH 19, 2013

INTRODUCED BY Assembly Member Roger Hernández

FEBRUARY 21, 2013

An act to ~~amend Section 65950 of~~ add
Sections 65928.3, 65928.4, 65928.7, 65935, and 65957.3 to the
Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as amended, Roger Hernández. Land use: development project
~~review.~~ review: superstores.

The Permit Streamlining Act within the Planning and Zoning Law requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within a specified number of days from the date of certification of an environmental impact report, the date of the adoption of a negative declaration, or the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

This bill would, in addition, require a city, county, or city and county, including a charter city, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined, to cause an economic impact report to be prepared, as specified, to be paid for by the project applicant, and that includes specified assessments and projections, including, among other things, an assessment of the effect that the proposed superstore will have on specified designated economic assistance areas, as defined, and an assessment of the effect that the proposed superstore will have on retail operations and employment in the same market area. The bill would also require the governing body to provide an opportunity for public comment on the economic impact report. By increasing the duties of local public officials, the bill would impose a state-mandated local program. The bill would additionally find and declare that these provisions are an issue of statewide concern and not a municipal affair.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~
yes . State-mandated local program: ~~no~~
yes .

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to

promote economic development in all communities of the state and in particular in identified Economic Assistance Areas, with the goal of creating good jobs, economically self-sustaining communities, and promoting a vibrant small business sector. It is the intent of the legislature to ensure that the superstore retail model meets these goals and does not undermine efforts toward those ends. Therefore, the Legislature finds and declares all of the following:

(a) The state has identified geographically targeted economic development areas. Each of these areas has related tax incentive benefits as well as a variety of locally provided incentives and benefits. The purpose of these benefits is to stimulate business investment and job creation for qualified disadvantaged individuals in state-designated economically distressed areas. Similarly, other redevelopment plan areas have been developed by former redevelopment agencies and their successor agencies pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33300) of Division 24 of the Health and Safety Code), with the purpose of revitalizing the economy of local jurisdictions.

(b) The state and local governments have provided financial assistance to certain businesses to stimulate business development and job creation.

(c) It is in the interest of local governments to promote economic development in their jurisdictions.

(d) Land use decisions are frequently linked to fiscal policy because local governments receive a share of sales tax revenues generated within their borders. California cities thus often seek large sales tax revenue sources, such as superstores, without taking into account all of the external economic effects that superstores bring to communities.

(e) Transformations in the big box retail industry have altered retail business nationwide. The engine of this change is the retail format known as the superstore, a big box retail store that also contains the equivalent of a full-service grocery store, with the total floor space often three to four times as large as that of a conventional supermarket.

(f) As a result of the restructuring of retail business, particularly the grocery sector in California, the following effects may be seen: local grocers, who yield a greater community return on investment, are driven out of business; anchor stores to other local businesses are closed down impacting many small businesses, and resulting in less community access to viable superstore alternatives; lower wages and benefits paid to grocery workers by superstore retailers; and a host of complex land use, traffic, and fiscal impacts.

(g) Superstores typically combine a large variety of discount general merchandise with full-service grocery sales to the general public under one roof, thereby generating more intense land use and environmental impacts than other large-scale retailers and wholesale membership clubs.

(h) Industry and academic studies indicate superstores rarely add any retail services not currently provided within a community, and the majority of sales growth at a superstore comes from a direct shift of dollars from existing retailers within a community, primarily from grocery stores.

(i) Land use decisions regarding superstores fall to city and county governments, even if the impacts will be regional as well as local and may impact the efforts by the state and regions in economic development areas.

(j) Currently, local governments that desire to perform due

diligence for their constituents by performing an economic analysis are placed at a disadvantage because a neighboring city or county may not perform an economic analysis. This situation may result in the shifting of sales tax and destruction of the business community in a city or county that simply wants to study the impacts of the development project before making a final approval that the permitting of the superstore does not have a material adverse impact on the impact area.

SEC. 2 . Section 65928.3 is added to the Government Code , to read:

65928.3. "Economic assistance areas" means existing economic development areas, that may be amended from time to time by the Legislature, including an enterprise zone established pursuant to Chapter 12.8 (commencing with Section 7070) of Division 7 of Title 1, a local agency military base recovery area established pursuant to Chapter 12.97 (commencing with Section 7105) of Division 7 of Title 1, a manufacturing incentive area designated pursuant to Section 7073.8, a targeted tax area designated pursuant to Section 7097, or any redevelopment area identified by any successor or agency to a former redevelopment agency, or recipients of over one hundred thousand dollars (\$100,000) of financial assistance as defined in this chapter.

SEC. 3. Section 65928.4 is added to the Government Code , to read:

65928.4. "Financial assistance" includes, but is not limited to, any of the following in the amount of one hundred thousand dollars (\$100,000) or greater:

(a) Any appropriation of public funds, including, but not limited to, loans, grants, or subsidies or the payment for or construction of parking improvements.

(b) Any tax incentive, including, but not limited to, tax exemptions, rebates, reductions, or moratoria of a tax, including any rebate or payment based upon the amount of sales tax generated from the superstore.

(c) The sale or lease of real property at a cost that is less than fair market value.

(d) Payment for, forgiveness of, or reduction of fees.

SEC. 4. Section 65928.7 is added to the Government Code , to read:

65928.7. "Impact area" means a five-mile radius surrounding the proposed location of a superstore.

SEC. 5. Section 65935 is added to the Government Code , to read:

65935. "Superstore" means a business establishment that exceeds 90,000 square feet of gross floor area, sells a wide range of consumer goods, and devotes 10,000 square feet or more of the sales floor area to the sale of items that are exempted from the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), pursuant to Section 6359 of the Revenue and Taxation Code. "Superstore" shall include a retail establishment with multiple tenants, and the cumulative sum of related or successive permits that may be part of a larger project, including piecemeal additions to a building, where consumer goods and nontaxable items are sold under the same roof with shared checkout stands, entrances, and exits. "Superstore" does not include a discount warehouse or retail store where more than one-half of the items carried by the discount warehouse or retail store are sold in large quantities or in bulk, and the discount warehouse or retail store requires shoppers to pay a membership or assessment fee.

SEC. 6. Section 65957.3 is added to the

Government Code , to read:

65957.3. (a) Prior to the permitting of the construction of, the addition to, or the alteration of, any buildings or structures which would create a superstore in an economic assistance area, in addition to the findings otherwise required by any ordinance or regulation of the city, county, or city and county, the legislative body of the city, county, or city and county shall make a finding that, based on consideration of all economic benefits and costs, the superstore will not materially adversely affect the economic welfare of the impact area. This finding shall be based upon information contained in an economic impact report, any other information received or obtained by the designated agency of the city, county, or city and county, and any other information received before or at a public hearing conducted as required by this section.

(b) The city, county, or city and county may prepare the economic impact report or contract with a private entity, other than the permit applicant, or with another public agency for the preparation of the report. Any private entity or other public agency contracted to prepare the economic impact report shall be qualified by education, training, and experience to conduct economic and fiscal impact analyses.

(c) The applicant for the proposed superstore shall pay the city, county, or city and county for the costs of preparing the economic impact report.

(d) The economic impact report shall include, but is not limited to, all of the following:

(1) An assessment of whether the proposed superstore will meet the purposes of any designated economic assistance areas, including an enterprise zone, a local agency military base recovery area, a manufacturing enhancement area, a targeted tax area, or any plan area administered by a successor agency to a former redevelopment agency, in which the superstore is proposed to be located.

(2) An assessment of whether the proposed superstore will negatively impact any retailer that is the beneficiary of any benefits from any program adopted in connection with any designated economic development area, including an enterprise zone, a local agency military base recovery area, a manufacturing enhancement area, a targeted tax area, or any program adopted by a successor agency to a former redevelopment agency, in which the superstore is proposed to be located.

(3) An assessment of the extent to which the proposed superstore will capture a share of retail sales in the impact area.

(4) An assessment of the extent to which the construction and operation of the proposed superstore will affect the supply and demand for retail space in the impact area.

(5) An assessment of the extent to which the construction and operation of the proposed superstore will affect employment in the impact area, including all of the following:

(A) The number of persons employed in existing retail stores in the impact area.

(B) An estimate of the number of people who will likely be employed by the proposed superstore.

(C) An analysis of whether the proposed superstore will result in a net increase or decrease in employment in the impact area.

(D) The effect on wages and benefits of employees of other retail businesses, and community income levels in the impact area.

(6) A projection of the costs of public services and public facilities resulting from the construction and operation of the proposed superstore and the incidence of those costs, including the cost to the state, city, or county of any public assistance that

employees of the proposed superstore will be eligible for based on the wages and benefits to be paid by the proposed superstore.

(7) A projection of the public revenues resulting from the construction and operation of the proposed superstore retailer and the incidence of those revenues.

(8) An assessment of the effect that the construction and operation of the proposed superstore will have on retail operations, including grocery stores or retail shopping centers, in the impact area, including the potential for blight resulting from retail business closures and the nature of any businesses displaced.

(9) An assessment of the effect that the construction and operation of the proposed superstore will have on the ability of the city, county, or city and county to implement the goals contained in its general plan, including, but not limited to, local policies and standards that apply to land use patterns, traffic circulation, affordable housing, and natural resources, including water supplies, open-space lands, noise problems, and safety risks.

(10) An assessment of the effect that the construction and operation of the proposed superstore will have on average total vehicle miles traveled by retail customers in the same impact area.

(11) An assessment of the potential for long-term vacancy of the property on which the superstore is proposed in the event that the business vacates the premises, including any restrictions that exist on the subsequent use of the property on which the superstore is proposed to be located, including the provisions of any lease that, in the event the owner or operator of the proposed superstore vacates the premises, would require the premises to remain vacant for a significant amount of time.

(12) An assessment of whether the superstore would require the demolition of housing or any other action or change that would result in a decrease or negative impact on the creation of extremely low-, very low-, low-, or moderate-income housing.

(13) An assessment of whether the superstore would result in the destruction or demolition of park or other green space, playgrounds, child care facilities, or community centers.

(14) An assessment of whether the superstore would result in any other adverse or positive economic impacts or blight in the impact area.

(15) An assessment of whether any measures identified by the superstore are available that may mitigate any materially adverse economic impacts of the superstore.

(e) At any regularly scheduled meeting or meetings of the legislative body of a city, county, or city and county, following the completion and approval of the economic impact report required by this section, and 30 days prior to the issuance of any entitlement, including, but not limited to, a building permit, a city, county, or city and county shall provide the opportunity for public comment on the economic impact report and its findings.

(f) This section shall not preclude a city, county, or city and county from conducting additional studies of the effects of the construction and operation of a proposed superstore.

(g) (1) The Legislature finds that the construction and operation of a superstore has land use, environmental, economic, fiscal, and social equity effects that extend beyond the boundaries of the city, county, or city and county in which it is located and may impact the goals and objectives of economic development areas, including enterprise zones, local agency military base recovery areas, manufacturing enhancement areas, targeted tax areas, and any plan area administered by a successor agency to a former redevelopment agency, and beyond the borders of the city, county, or city and

county, where financial assistance is provided to a superstore.

(2) The Legislature finds that it is essential for the statewide public health, safety, and welfare to require cities, counties, and cities and counties to understand the potential spillover effects of approving the construction and operation of superstores.

(3) The Legislature further finds and declares that the review and regulation of superstores is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section shall apply to charter cities and to charter cities and counties.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

~~SECTION 1. Section 65950 of the Government Code is amended to read:~~

~~65950. (a) Any public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:~~

~~(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.~~

~~(2) Ninety days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project and all of the following conditions are met:~~

~~(A) At least 49 percent of the units in the development project are affordable to very low or low income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.~~

~~(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).~~

~~(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.~~

~~(3) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.~~

~~(4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act~~

~~(Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.~~

~~(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.~~

~~(c) For purposes of paragraph (2) of subdivision (a), "development project" means a use consisting of either of the following:~~

~~(1) Residential units only.~~

~~(2) Mixed use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.~~

~~(d) For purposes of this section, "lead agency" and "negative declaration" have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.~~

CITY COUNCIL AGENDA: MAY 21, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN UP-GRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE PORTA VILLA MARKET LOCATED AT 34 E. HENDERSON AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit (PRC 2013-008C) to allow for an up-grade of an off-sale Type 20 (beer and wine) license to an off-sale Type 21 (beer, wine and distilled spirits) license for the Porta Villa Market located at 34 E. Henderson Avenue.

BACKGROUND: On August 23, 1976, the Porterville Planning Commission approved Resolution 748 containing findings of support of Conditional Use Permit 14-76 for approval of a self-service gasoline facility at an existing convenience market located at 34 E. Henderson Avenue (Porta Villa Market). On December 3, 2008, the applicant was issued a Type 20 beer and wine license from the California Alcoholic Beverage Control Board (ABC). Per the Zoning Ordinance effective at that time, a conditional use permit was not required for an off-sale license for those establishments not within 600 feet of a sensitive use such as schools, churches, public parks, or playgrounds. As no uses such as the above are within 600 feet of the business, Porta Villa Market was not required to obtain a conditional use permit for approval of the Type 20 license. On March 5, 2013, the applicant submitted an application to the Project Review Committee (PRC) to consider a modification to Conditional Use Permit 14-76 to allow for an up-grade in license type. The applicant was informed that a modification to Conditional Use Permit 14-76 would be required based on the provisions of the City's Development Ordinance.

Porta Villa Market at 34 E. Henderson Avenue is located in Census Tract 37.00. Under the regulations of the Business and Professions Code, Census Tract 37.00 could accommodate five (5) off-sale and five (5) on-sale licenses without being deemed overconcentrated. The ABC allows for a specific number of licenses per census tract, based on population. Whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. According to the ABC, seventeen (17) licenses currently exist in this tract, seven (7) of which are off-sale and ten (10) are on-sale. Because this application is to up-grade an existing license, a Letter of Public Convenience or Necessity is required.

DD 

Appropriated/Funded N/A

CM 

Item No. 14

If allowed to up-grade, the concentration of licenses would not increase since the applicant has an active Type 20 off-sale license at 34 E. Henderson Avenue (Porta Villa Market). It is worth noting that the applicant is also the owner of Family Mini Market located at 575 N. Main Street and is requesting to transfer the Type 21 (beer, wine and distilled spirits) license from 575 N. Main Street (Family Mini Market) to 34 E. Henderson Avenue (Porta Villa Market).

If allowed to up-grade, the applicant will transfer the license from Family Mini Market to Porta Villa Market. This transfer will down-grade the Type 21 (beer, wine and distilled spirits) license, currently established at 575 N. Main Street, to a Type 20 (beer and wine) license, while up-grading the license from a Type 20 license to a Type 21 license at 34 E. Henderson Avenue. Family Mini Market is located in Census Tract 38.02, which currently has nine (9) on-sale licenses and seven (7) off-sale licenses; their license adjustment would not require City Council approval since it will be less intense.

The Police Department has indicated that the Porta Villa site currently has sufficient exterior lighting to illuminate the parking lot and the entire site during business hours. The resolution contains a condition to maintain the existing lighting on the exterior of the building and in the parking lot to allow reasonable surveillance of the site to the satisfaction of the Police Department.

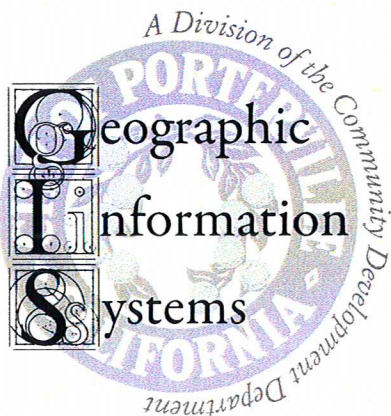
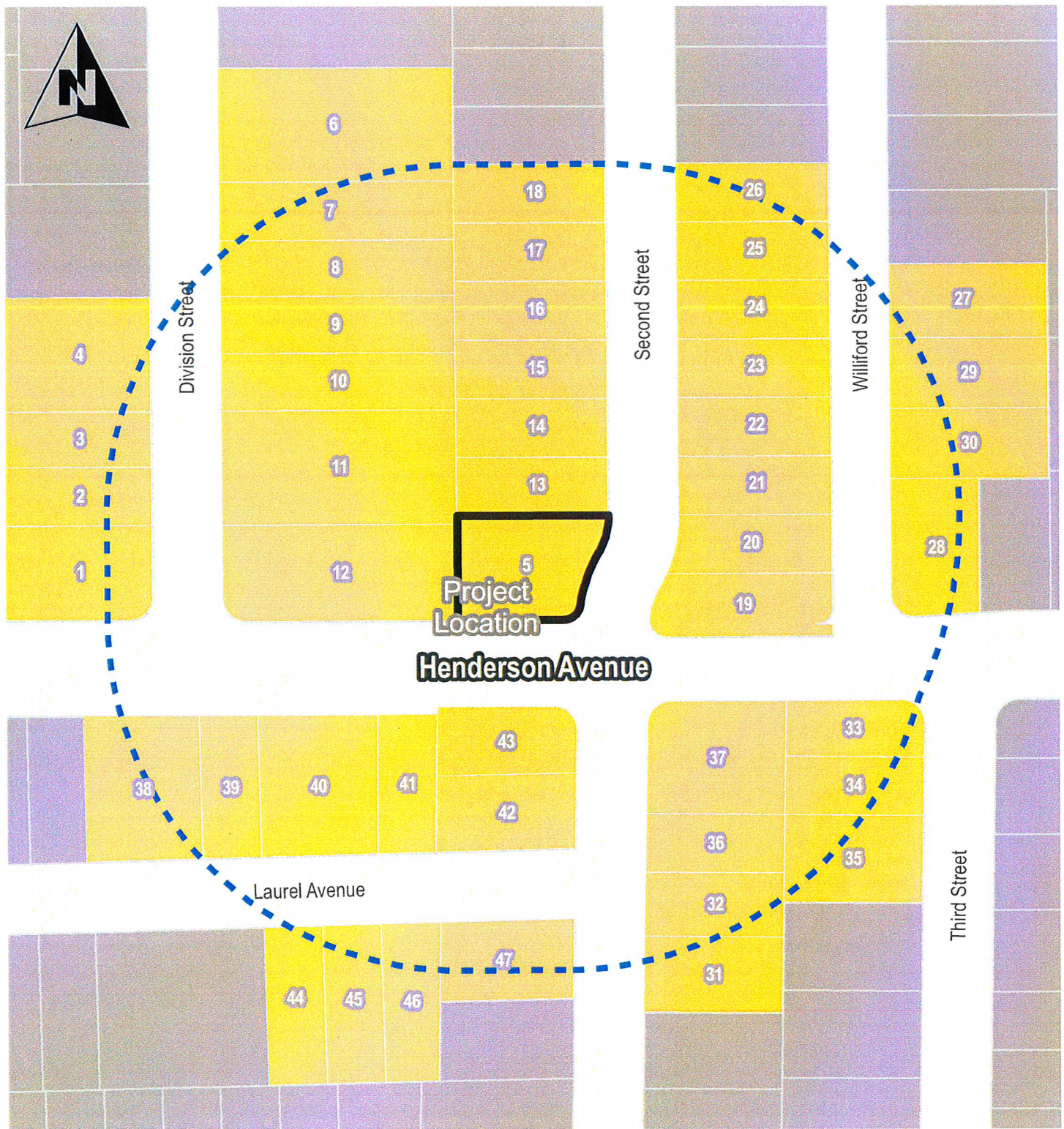
ANALYSIS: Allowing beer, wine and distilled spirits to be sold with other merchandise would provide a service to the area served by the store. It is not anticipated that this use would have a negative impact on the surrounding properties. Conditions of approval are in place to protect the public safety and interest. There are no sensitive uses (schools, public buildings, etc.) in close proximity to the subject site and the project conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity. The project site is zoned CN (Neighborhood Commercial). The CN designation is intended to encourage convenience and neighborhood shopping providing day-to-day retail goods and services and to limit auto-oriented uses in order to maintain a pedestrian environment. The proposed upgrade from a Type 20 (beer and wine) license to a Type 21 (beer, wine and distilled spirits) license would suit the purpose of the zone classification as well as meet the economic development guiding policy to retain, improve, and promote existing businesses in Porterville.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-008C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. 300' Radius/Locator Map
2. Zoning Map
3. Floor Plan
4. Existing licenses in Census Tract 37.00
5. Resolution 748
6. Draft Resolution
7. Letter of Public Convenience or Necessity







PRC 2013-008C
License upgrade from
Type 20 to Type 21
300' Radius Map
1" = 120 ft

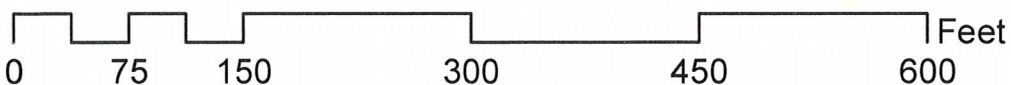
ATTACHMENT
ITEM NO. 1



Legend

-  Project Site/ CN (Neighborhood Commercial)
-  RS-2 (Low Density Residential)
-  RM-2 (Medium Density Residential)
-  RM-3 (High Density Residential)

Zoning Map



ATTACHMENT
ITEM NO. 2

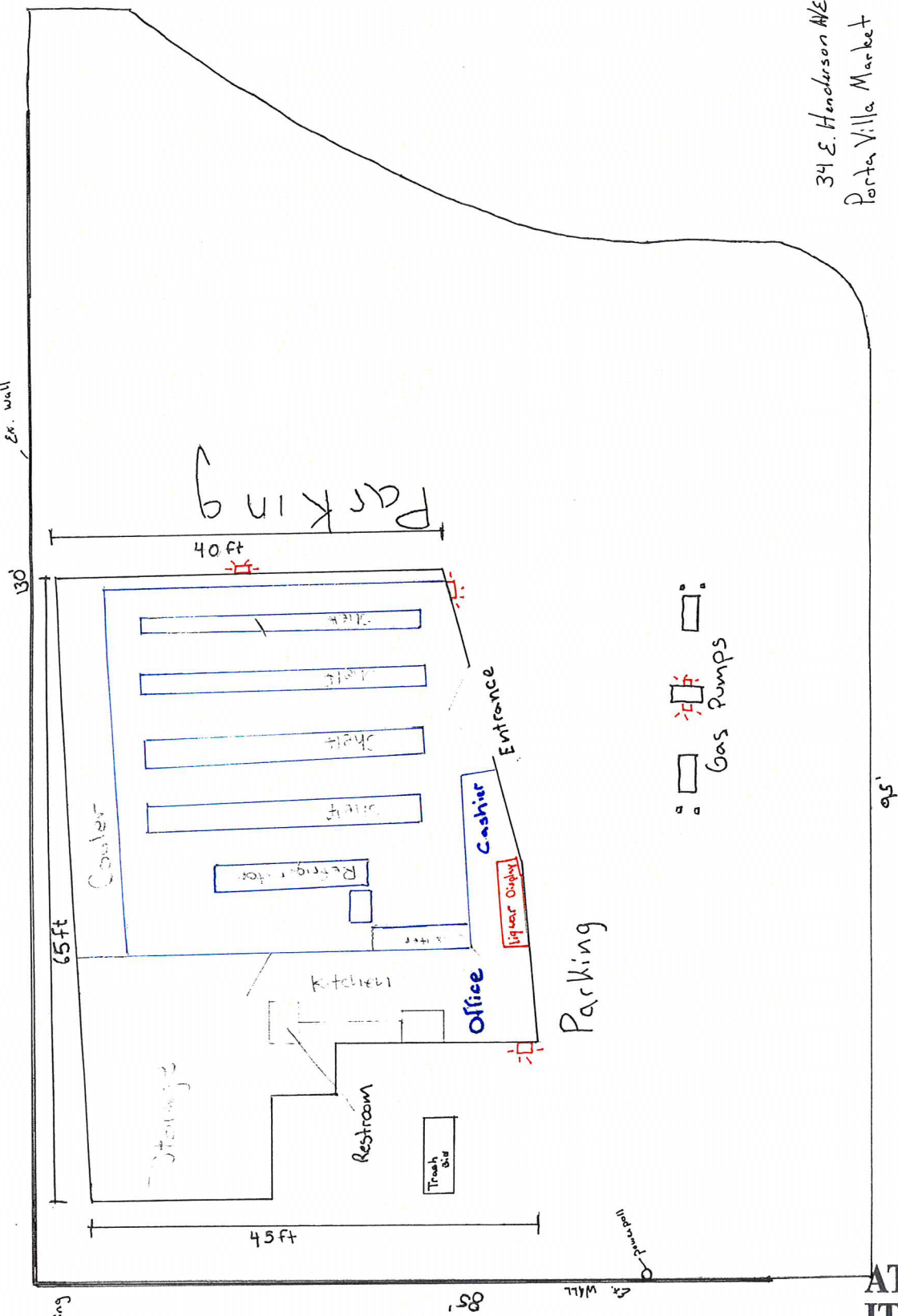
Scale
1" = 10'

Lighting

Ex. wall

Second Street

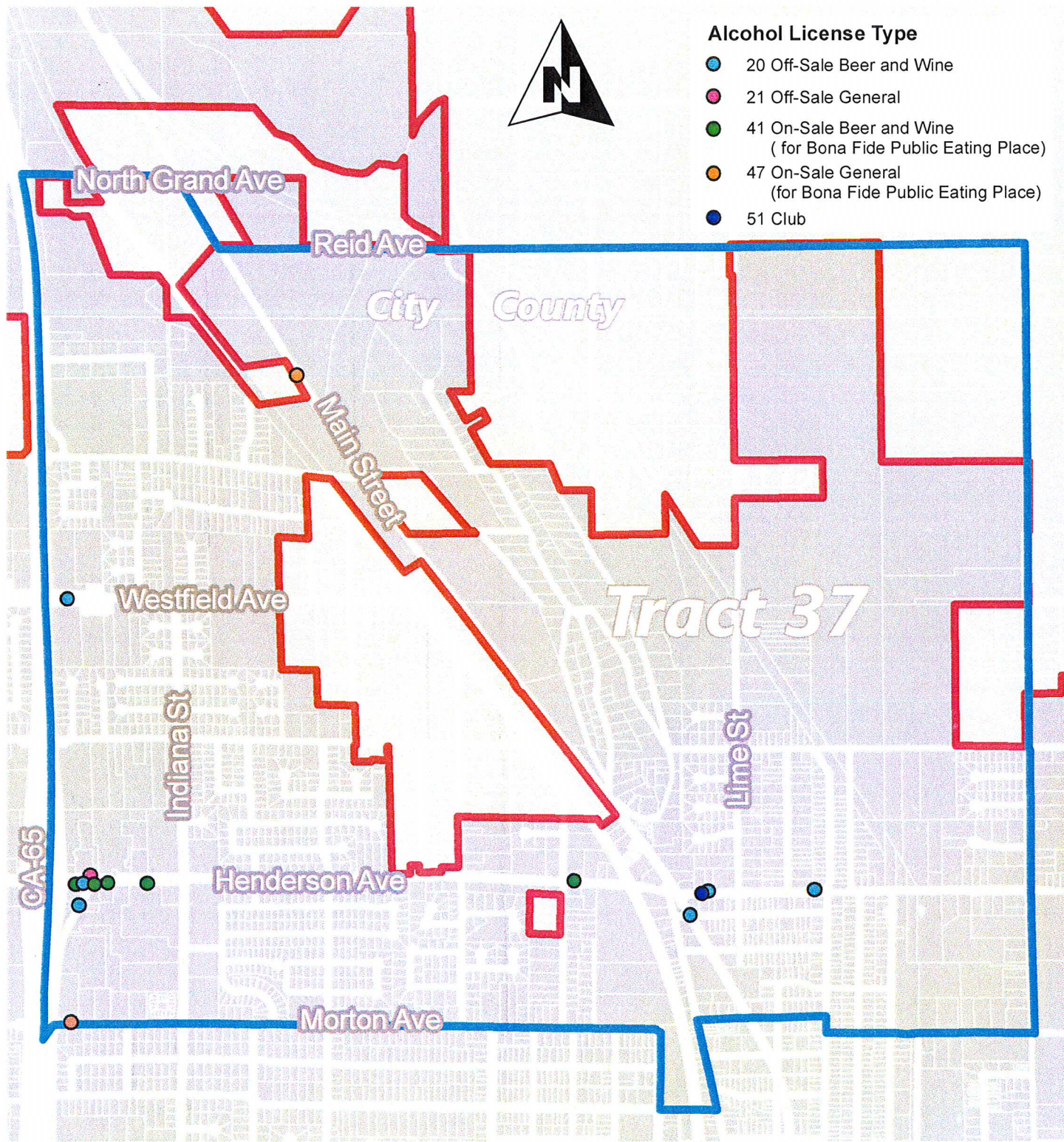
34 E. Henderson Ave.
Porta Villa Market



95'

Henderson Avenue

ATTACHMENT
ITEM NO. 3



Alcohol License Type

- 20 Off-Sale Beer and Wine
- 21 Off-Sale General
- 41 On-Sale Beer and Wine
(for Bona Fide Public Eating Place)
- 47 On-Sale General
(for Bona Fide Public Eating Place)
- 51 Club

Geographic
Information
Systems

A Division of the Community Development Department

Census Tract 37 ABC Map
1" = 1,300 ft.

ATTACHMENT
ITEM NO. 4

RESOLUTION NO. 748

CONDITIONAL USE PERMIT NO. 14-76

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF A SELF SERVICE GASOLINE FACILITY AT A CONVENIENCE MARKET AT 34 EAST HENDERSON AVENUE.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of August 23, 1976, held a public hearing to consider the use permit for a self-service gasoline facility at a convenience market at 34 East Henderson Avenue, and

WHEREAS: The Planning Commission received testimony from interested parties relative to the requested use permit, and

WHEREAS: The Planning Commission noted that the applicant proposes to add three remote controlled, self-service gasoline pumps and three underground storage tanks to the existing neighborhood market operation, and

WHEREAS: The Planning Commission reviewed the proposed location of the pumps and also reviewed the parking plan and found it to be adequate for the proposed use.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit No. 14-76 for a self-serve gasoline facility at a convenience market at 34 East Henderson Avenue, subject to the following conditions:

- (1) That all applicable uniform fire code requirements be adhered to, including but not limited to:
 - qualified operator on duty at all times;
 - all pumps must be clearly visible from remote control console at all times;
 - no nozzles with 'lock-open' devices permitted;
 - a 12 BC rated fire extinguisher shall be located within 50 feet of pump island, charged and readily accessible;
 - all electrical work to be in strict conformance with the uniform electrical code;

**ATTACHMENT
ITEM NO. 5**

- (2) That the applicant comply with all applicable air pollution control district requirements for vapor recovery, to include permits to construct and operate such equipment.
- (3) That dedication be offered along the Henderson Avenue frontage effecting a 42' half street width for that thoroughfare across the entire frontage upon Henderson, prior to the issuance of a building permit for the proposed self-serve gasoline facility, unless otherwise specified by the City Engineer.
- (4) That a 20' property line radius be dedicated at the southeast corner of the property prior to the issuance of a building permit.
- (5) That curb, gutter and sidewalk be constructed along the Henderson Avenue frontage. The City will do the excavation and removal.
- (6) That sidewalk and a commercial width driveway be installed upon the Second Street frontage of the subject property.
- (7) That no parking space, or portion thereof, shall be located within the area between the maximum sight line variations of any conceivable parking patterns at the fuel pump island, as viewed from the control console.
- (8) That the line of vision from the control console to the fuel pump island shall not be obstructed, including, but not limited to, signing, decals, decorations, etc., attached to the entrance door.
- (9) That any signing proposed for the identification of the fuel pump island be submitted to the Planning Department for approval prior to its installation.
- (10) That a detailed parking plan be submitted to the issuance of a building permit for the self-serve gasoline facility.
- (11) That off-street parking be provided, based on one (1) space per 200 square feet of gross floor area, and that all parking spaces and drive-ways shall maintain no less than the minimum required design criteria in accordance with City of Porterville standards.
- (12) That a trash enclosure area be positioned upon the subject site in a manner acceptable to the City Engineer and constructed to the requirements of Engineering Standard T-2a or T-2b.
- (13) That in accordance with Section 1919 of the Zoning Ordinance, a masonry block wall 6 feet in height (excepting areas in yard setback height reductions) from finished parking lot grade be installed along the full length of the westerly and northerly property lines of the proposed parcel.
- (14) That the applicant revise the tentative location of the proposed pump islands in a manner that will restrict the location of that island to private property (to keep it out of the proposed street dedication on Henderson Avenue).

MOVED by Commissioner McLaughlin, seconded by Commissioner Sommerfeld and carried unanimously by roll call vote.

DATED: August 23, 1976

ATTEST: Mary Dougherty
Mary Dougherty, Chairman
Porterville Planning Commission

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
CONDITIONAL USE PERMIT (PRC 2013-008C) TO ALLOW FOR AN UP-GRADE OF
AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21
(BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE
PORTA VILLA MARKET LOCATED AT 34 E. HENDERSON AVENUE

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of August 23, 1976, approved Conditional Use Permit 14-76; and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of May 21, 2013, conducted a public hearing to consider Conditional Use Permit (PRC 2013-008C), to allow for an up-grade of an off-sale type 20 (beer and wine) license to an off-sale type 21 (beer, wine and distilled spirits) license for the Porta Villa Market located at 34 E. Henderson Avenue; and

WHEREAS: A modification to Conditional Use Permit 14-76 was required pursuant to the City of Porterville Development Ordinance; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to the requested up-grade of the alcohol license; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

The project site is zoned CN (Neighborhood Commercial). The CN designation is intended to encourage convenience and neighborhood shopping providing day-to-day retail goods and services and to prohibit auto-oriented uses in order to maintain a pedestrian environment. The proposed up-grade from a Type 20 (beer and wine) license to a Type 21 (beer, wine and distilled spirits) license would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve, and promote existing businesses in Porterville.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states "Land or

**ATTACHMENT
ITEM NO. 6**

buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area.”

3. Pursuant to “General Rule” Exemption Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This activity can be seen with certainty that there is no possibility to have a significant effect on the environment.

4. The subject site is located in Census Tract 37.00 which allows a maximum of five (5) off-sale licenses. Currently, there are seven (7) off-sale licenses issued including the existing off-sale Type 20 at 34 E. Henderson Avenue. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist and because this application is to up-grade an existing license, a letter of Public Convenience or Necessity will be required by the Department of Alcoholic Beverage Control.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2013-008C) subject to the following conditions:

1. The developer/applicant shall keep the distilled spirits in a secure place with access only available to the employees, and in all other ways shall comply with Exhibit “A”. Any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
2. At all times, the facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance.
3. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of

approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

5. The elements of the conditional use permit approving off-site alcohol sales will be subject to modification or revocation if the off-sale license is sanctioned by the State of California.
6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
7. The consumption of alcoholic beverages shall be prohibited on-site.
8. The developer/applicant shall comply with Chapter 305 of the Porterville Development Ordinance and shall assure that all signs and advertising structures, including temporary signs, are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality. All signs must also be permitted.
9. The conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By Patrice Hildreth, Chief Deputy City Clerk

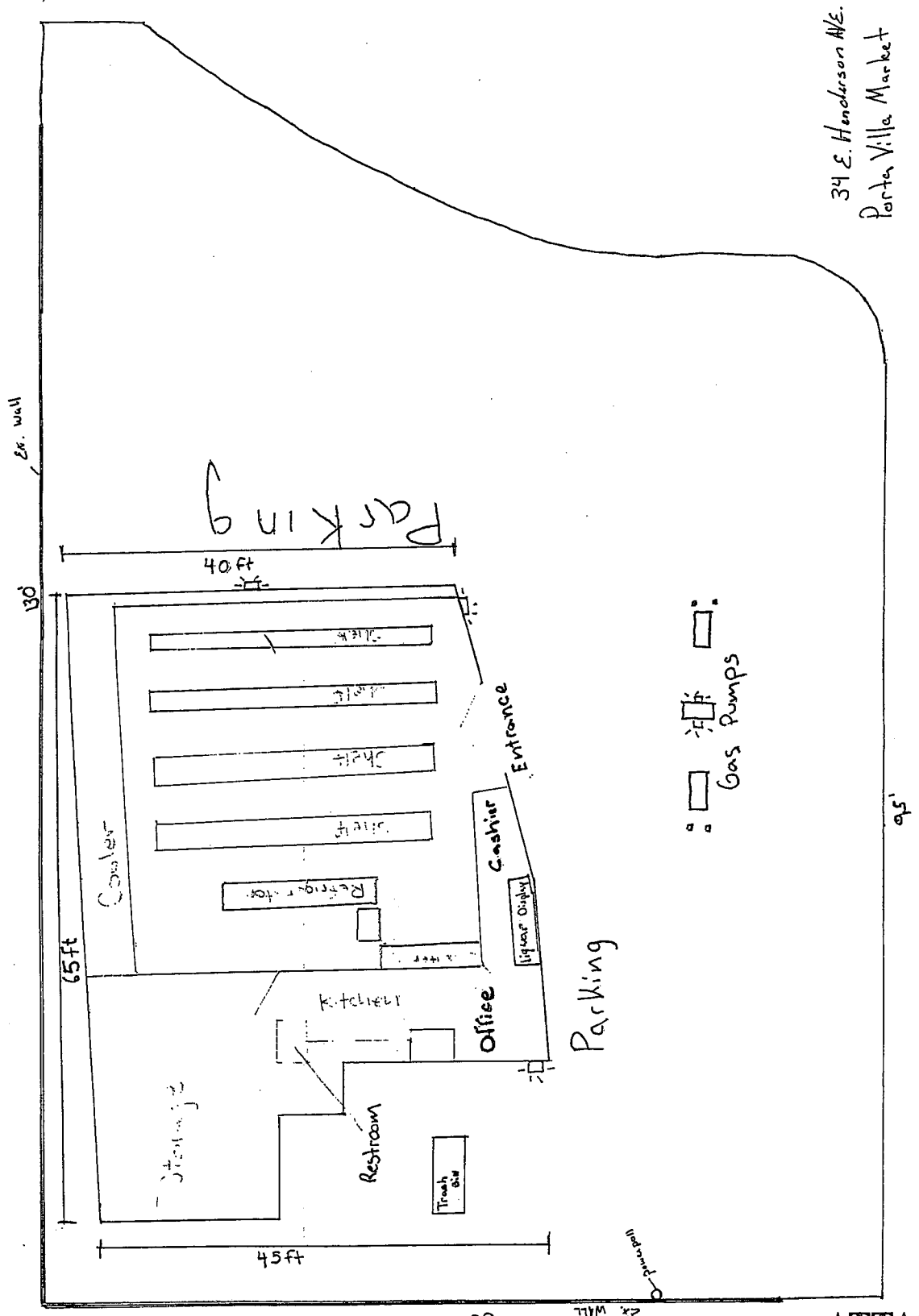
SCALE
1" = 10'

Lighting

80'

Ex. Wall

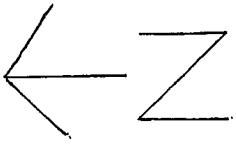
ATTACHMENT ITEM NO. A

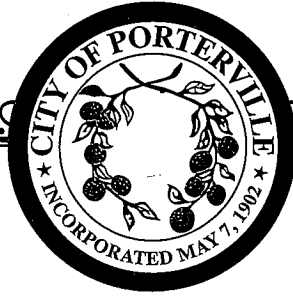


Henderson Avenue

34 E. Henderson Ave.
Porta Villa Market

Second Street





**Community Development
Department**

May 22, 2013

California Alcohol Beverage Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726
ATTN: Susan Medrano

RE: Porta Villa Market - 34 E. Henderson Avenue

Dear Ms. Medrano:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an off-sale Type 21 (beer, wine and distilled spirits) license for the Porta Villa Market located at 34 E. Henderson Avenue. Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code", the subject site is located within Census Tract 37.00 which allows five (5) off-sale licenses. At present there are seven (7) issued licenses.
2. On May 21, 2013, the City Council conditionally approved Conditional Use Permit (PRC 2013-008C), review attached resolution, to allow the off-sale of beer, wine and distilled spirits located at 34 E. Henderson Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an off-sale beer, wine and distilled spirits license.

Further issuance of an off-sale license allowing beer, wine and distilled spirits sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The project site is zoned CN (Neighborhood Commercial). The CN designation is intended to encourage convenience and neighborhood shopping providing day-to-day retail goods and services and to prohibit auto-oriented uses in order to maintain a pedestrian environment. The proposed up-grade from a Type 20 (beer and wine) license to a Type 21 (beer, wine and distilled spirits) license would suit the purpose of the zone designation as well as meeting the economic development guiding policy needed to retain, improve, and promote existing businesses in Porterville.

**ATTACHMENT
ITEM NO. 7**

Porta Villa Market (continued)

Page 2

May 21, 2013

For these reasons, the City Council of the City of Porterville supports issuance of an off-sale beer, wine and distilled spirits license for the Porta Villa Market located at 34 E. Henderson Avenue.

Sincerely,

Virginia R. Gurrola, Mayor

COUNCIL AGENDA: May 21, 2013

SUBJECT: CONSIDERATION OF OFFERING ONLINE VOUCHERS TO CITY ACTIVITIES AND EVENTS

SOURCE: Administration

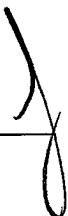
COMMENT: At its meeting on April 16, 2013, the City Council approved Council Member Ward's request that the Council consider offering online vouchers to City activities and events. The Council's consideration of this Agenda item was continued from the May 7th meeting.

To encourage participation and registration for its activities and events, the City (primarily the Parks & Leisure Services Department) will routinely offer "early bird" registration discounts that are valid either a single day or limited number of days. Due to City Hall and/or the Heritage Center being the primary locations for registration, and both generally located in the Downtown area, those locations may not be convenient for citizens to take advantage of the special discount registrations at the time they are offered. Absent an online registration process, it has been requested that the City consider offering a voucher on the City's website that can be downloaded and printed during the timeline for "early bird" registration, and then presented at a later date to receive the same benefit of the discount.

RECOMMENDATION: That the City Council consider offering online vouchers to City activities and events, and provide staff direction.

ATTACHMENT: None

C/M

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a vertical line and a loop at the bottom.

Item No. 15

SUBJECT: CONSIDERATION OF IMPLEMENTING A LOCAL GOVERNMENT MOBILE APPLICATION

SOURCE: Administration

COMMENT: At its meeting on April 16, 2013, the City Council approved Council Member Ward's request that the Council consider the implementation of a local government mobile application that would allow and assist the public to interface and/or report problems in the community they observe. The Council's consideration of this Agenda item was continued from the May 7th meeting.

It is anticipated that by 2014, mobile internet-usage will overtake desktop internet-usage, which already in 2011 more than fifty percent (50%) of all "local" searches were done from a mobile device. Generally considered as Citizen Relationship Management (CRM), there are a number of local government mobile application products that have been developed to assist citizens in reporting the location of graffiti, street potholes and other road obstructions, traffic signal and street light outages, and other maintenance needs, which several examples include: CitySourced, Open311, PublicStuff, and SeeClickFix. As an alternative to a purchased CRM product, some local governments have developed their own (native) mobile applications. "SeeClickFix", one of the most popular CRM products, has some free introductory user features, however, most of the more administrative features and customization are available beginning at \$400 per month.

RECOMMENDATION: That the City Council consider the implementation of a local government mobile application, and provide staff direction.

ATTACHMENT: None

C/M

A handwritten signature, possibly of the Council Member, written in black ink. It consists of a large, stylized 'A' or 'J' shape with a horizontal line extending to the left, which is positioned above the 'C/M' text.

Item No. 16

COUNCIL AGENDA: May 21, 2013

SUBJECT: POCKET PARKS ANALYSIS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: At the April 16, 2013, Council meeting, Council directed the Parks and Leisure Services Commission to conduct a pocket parks analysis including site location and funding mechanisms. On May 9, 2013, the Commission conducted the analysis.

The two City owned parcel areas of focus were North of Morton, West of Newcomb, and South of Morton, West of Newcomb. The Commission noted that no current funding was available to develop an existing site. Should funding become available, the site identified by the Commission as a bona fide location for a future pocket park was the drainage basin on Lombardi St. near the new Lombardi School (#7-North of Morton Map).

The recommendation of the Commission was that the developer of any future sub-division include a pocket park, and that an assessment to the property owner be implemented at the time of development to pay for the ongoing maintenance of the park. The Commission did not think current homeowners would be willing to begin to pay an annual assessment for a newly created pocket park.

The Commission recommended adding amenities to existing landscape maintenance districts as an inexpensive way to enhance some parcels similar in size to pocket parks. In particular, adding benches in the heavily used Porter Creek Estates parkway (#4-North of Morton Map). The other landscape maintenance district discussed was Summit Estates. It was recommended that irrigation, turf and a picnic table be added to a vacant 0.17 acre lot located in Summit Estates on W. Orange Ave. (#2-South of Morton Map).

RECOMMENDATION: That the City Council direct staff on the desire to further pursue the feasibility of pocket parks.

ATTACHMENTS: Maps

23 Director 24 Appropriated/Funded

City Manager

ITEM NO.: 17

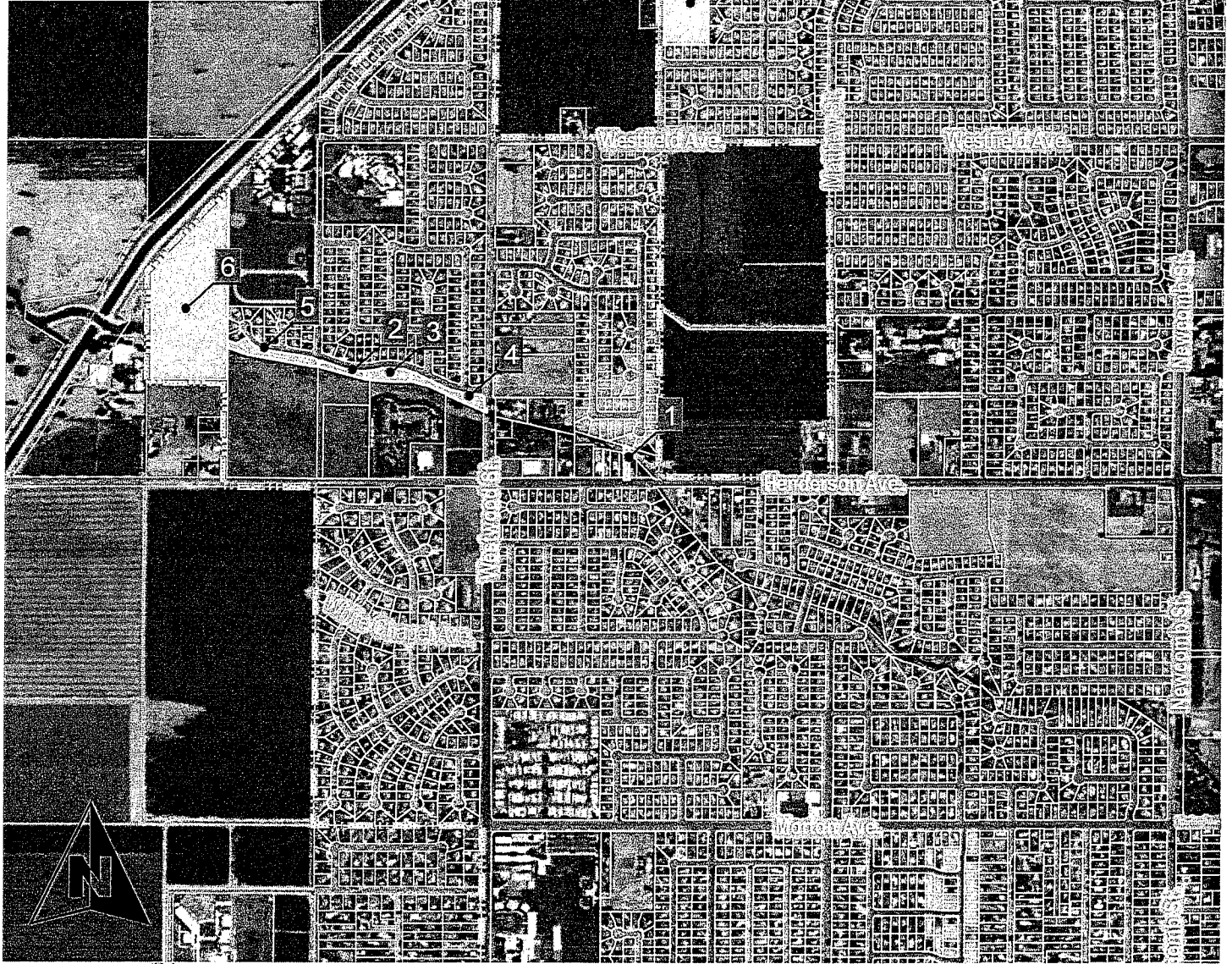


City Limits

Source: 2013-05-09

City Owned Parcels

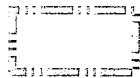
ID	Acreage
1	0.2346
2	0.3788
3	0.7298
4	0.9303
5	1.0961
6	17.4551
7	4.6260



Geographic
Information
Systems

A Division of the Community Development Department

Consideration of Potential
West Side Pocket Parks
City Owned Parcels
(North of Morton Ave)
1" = 1,250 ft.



City Limits

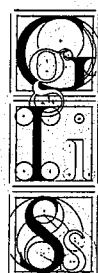
City Owned Parcels

City Owned Parcels

ID	Acreage
1	0.1157
2	0.1653
3	4.6353
4	0.0148
5	0.0634
6	0.1658
7	0.0386
8	1.6070
9	6.8006
10	0.2260
11	1.6462



C:\\$GIS DEVELOPMENT\\$Projects\2013-05-09 West Side Pocket Parks\Westside Pocket Parks (South of Morton).mxd



Geographic
Information
Systems

A Division of the Community Development Department

Consideration of Potential
West Side Pocket Parks
City Owned Parcels
(South of Morton Ave)
1" = 1,250 ft.

SUBJECT: ISLAND ANNEXATION SEWER PROJECT AREA 458 – PAVING
OPTIONS

SOURCE: Public Works Department - Engineering Division

COMMENT: The sewer construction project is currently underway and the Contractor expects to complete the second of six (6) phases by mid-May. The project specifications direct the contractor to place 5" of asphalt concrete along the pipeline trench and place 5" of asphalt concrete along each sewer lateral trench (approximately 350 laterals). The effort involved is significant. The typical street in the Island Annexation Sewer Project Area 458 is 1½" to 1½" thick of cold mix asphalt placed directly on native material.

The Contractor proposed, and staff accepted, that he be allowed to grind and remove 16' of existing street width and re-pave the 16' swath with 2" of asphalt concrete. The 16' swath covers approximately half the street width. The sewer lateral trenches on the opposite side of the street will be repaired with 2" of asphalt concrete. When the Contractor completes all work, the street segments within the current sewer annexations areas will receive overlays on a case by case basis as approved by the Public Works Director. Some streets such as Newcomb Street and Putnam Avenue will only receive a trench patch treatment due to the acceptable surface condition of the street.

The proposal presented herein is very unique. Staff recommends that the City Council take advantage of this proposal and direct the Public Works Director to purchase \$200,000 worth of cold mix asphalt from Jackson-Baker and that said purchase be executed by "piggy-backing" on the existing contract between Jackson-Baker and Tulare County. Once the material has been purchased, Field Services can begin overlaying the unpaved half of the streets immediately behind the Contractor. Funds for the purchase of the cold mix asphalt are available from un-obligated Special Gas Tax (SGT) funds.

The concern has been raised that when all work in Sewer Utility District 458 has been completed, 1/2 of each street will be paved in asphalt concrete and the other half in asphalt cold mix. While there is an obvious difference in the look and feel of the two different treatments, Engineering is confident that the asphalt cold mix treatment will wear well and will compare favorably with the asphalt concrete treatment. It should be noted that this year's City overlay program is scheduled to address the streets located in Area 458. The City's overlay program consists of a 1" thick cold mix blade-roller process.

Dir Bor Appropriated/Funded MB CM J

Item No. 18

If it is Council's desire that all of the streets within Area 458 be re-surfaced using asphalt concrete, the contractor has provided an estimate of cost in the amount of \$750,000 to re-surface the streets using asphalt concrete. Funding is available in LTF and Special Gas Tax funds targeted for expenditure in FY 2013/2014. If these funds are used for Area 458 street resurfacing efforts, other street projects such as the W. North Grand Street Reconstruction Project will have to be unappropriated.

RECOMMENDATION: That the City Council:

1. Authorize the Public Works Director to purchase approximately 4,000 tons of asphalt cold mix from Jackson-Baker in the amount of \$200,000, utilizing the existing contract between Tulare County and Jackson-Baker; and
2. Direct the Finance Director to prepare a budget adjustment to the Field Services Overlay Budget in the amount of \$200,000 for the purchase and placement of an asphalt overlay along the streets contained within Sewer Utility District No. 458; or
3. Authorize the Public Works Director to amend Todd Plumbing's contract in the amount of \$750,000;
4. Direct Todd's Plumbing to resurface the streets within Area 458 as selected by the Public Works Director using asphalt concrete; and
5. Direct the Finance Director to prepare a budget adjustment transferring Special Gas Tax funds from the W. North Grand Reconstruction project to the Area 458 Sewer Utility District project.

AGENDA: May 21, 2013

SUBJECT: CONSIDERATION OF REFINANCING UNFUNDED CALPERS PUBLIC SAFETY PLAN SIDE FUND OBLIGATION

SOURCE: Administration

COMMENT: In September 2003, CalPERS combined the retirement plans for public agencies with small groups (less than 100 employees) in an attempt to reduce the volatility of employer contribution rates, these agencies being placed in risk pools. At that time, the City's Police and Fire plans each had fewer than 100 employees. All agencies belonging to a risk pool are required to have the same contract provisions. Actuarial risk and the normal employer rate are calculated based on the entire pool rather than by individual entity. In addition to the normal rate, each entity that had an unfunded liability upon entering the pool was additionally assessed. CalPERS created a "Side Fund" to amortize each agency's unfunded liability over a fixed term at a fixed rate. The CalPERS Side Fund charges interest at a rate of 7.50%, equivalent to what CalPERS believes their annual average investment return rate would have been had they retained the funds to invest over twenty years.

The Side Fund expense is part of the employer's rate for CalPERS. The unfunded liability in the City's Side Fund is approximately \$3.7 million, and is equivalent to 9.565% of the employer's share of the overall 31.234% Public Safety Plan CalPERS employer contribution rate for FY 2013/2014. Any savings on annual interest payments as a result of a lower interest rate would reduce this percentage and could be substantial.

Given the recent successful refinancing of the 2005 Certificates of Participation in coordination with Rabobank, the City has been presented with an opportunity to pay off the Side Fund obligation by issuing a pension obligation bond through Rabobank at a 3.0% fixed interest rate. Refinancing the CalPERS Side Fund for public safety employees presents an opportunity to realize approximately \$350,000 in interest savings over the next seven (7) years, or the current term of the Side Fund obligation. This opportunity only exists for groups in risk pools, and therefore is not available for the Miscellaneous CalPERS Plan.

It is staff's recommendation to authorize the City Manager to sign the offered Term Sheet, and allow Rabobank to begin the proceedings toward the refunding of the CalPERS "Side Fund" obligation for interest savings.

Dir. 

Appropriated/Funded 

C/M 

Item No. 19

RECOMMENDATION: That the City Council consider proceeding with Rabobank in the refunding of the CalPERS Public Safety Side Fund, and authorize the City Manager to sign the offered Term Sheet.

ATTACHMENT: 1. Rabobank Term Sheet
2. CalPERS Public Safety Plan Annual Valuation Report



City of Porterville
Indicative Terms and Conditions as of May 15, 2013

By accepting this term sheet the City of Porterville (the "City") agrees that (i) it shall use the information contained herein solely for the purpose of evaluating a possible transaction between the City and Rabobank, N.A. (the "Bank") and for no other purpose and (ii) the City and its representatives will keep confidential and not disclose any of such information to any third parties other than its financial advisor and legal counsel, including the fact that the City is considering a possible transaction with the Bank. *This proposal is not a commitment. The terms and conditions contained in this proposal are not intended to be exhaustive or all-inclusive, and the final legal documentation may include additional or different terms and conditions required by the Bank that are not included herein.*

Borrower:	The City of Porterville.
Bank:	Rabobank, N.A.
Purpose:	To provide refunding of 'Side Fund' obligation for interest savings.
Amount:	\$4,000,000.
Use and Investment of Proceeds:	The City will invest and apply the proceeds of the sale of the bonds only as permitted by applicable law. Proceeds of the bonds will be used to refinance its side fund obligation to CalPERS.
Interest Rate:	3.0% fixed (indexed at 280 basis points over 1 month Libor)
Maturity:	7 years.
Nature of Obligation and Repayment:	Obligation is payable from any source of legally available funds of the City, including amounts on deposit in the general fund of the City. Principal and interest to be paid on same dates as existing Porterville loan with Rabobank, N.A..
Bank Fee:	\$40,000.
Legal Fees/Expenses:	Estimated \$20,000.
Bank Counsel:	TBD
Opinion of City's Counsel:	The Bank shall receive an opinion of counsel to the City acceptable to the Bank, including among other things an opinion that the debt has been



duly and validly authorized by the City and when issued and delivered to the Bank will each constitute a legal valid and binding obligation of the City, enforceable in accordance with its terms.

Documentation:

To be determined by bank counsel and borrower's counsel.

Conditions Precedent:

Any terms and conditions the Bank may reasonably require for transactions of this nature, including the following:

- No default on any outstanding indebtedness.

Credit Approval and Offer Expiration:

This term sheet is an indication of interest only and is not a commitment to lend. Any offer by the Bank in connection with the proposed transaction will be subject to the Bank's satisfactory completion of its due diligence review of the City, the Authority and final credit approval by the Bank.

The Bank anticipates, but cannot guaranty, being able to provide its credit decision within weeks of being given the mandate to purchase the warrants. The terms described herein expire May 15, 2013 unless extended by the Bank.

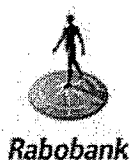
Absence of Fiduciary Relationship:

The City acknowledges that the transactions described in this document are arms'-length commercial transactions and that the Bank is acting as principal and in its best interests. The City is relying on its own experts, lawyers and advisors to determine whether the transactions described in this document are in its best interests. The City agrees that the Bank will act under this document as an independent contractor and that nothing in this document, the nature of the Bank's services or in any prior relationship will be deemed to create an advisory, fiduciary or agency relationship between the Bank, on the one hand, and the City, on the other hand. In addition, the Bank may employ the services of its affiliates in providing certain services in connection with the transactions described in this document and may exchange with such affiliates information concerning the City that may be the subject of the transactions described in this term sheet.

Please note that the Bank and its affiliates do not provide tax, accounting or legal advice. The Bank and its advisors are not serving as a municipal advisor to the City.

Anti-tying Disclosure:

The extension of commercial loans or other products or services to the City by the Bank or any of its subsidiaries will not be conditioned on the City's taking other products or services offered by the Bank or any of its



subsidiaries or affiliates, unless such a condition is permitted under an exception to the anti-tying provisions of the U.S. Bank Holding Company Act of 1956, as amended, and the regulations issued by the Federal Reserve Board implementing the anti-tying rules (collectively, the "Anti-tying Rules"). The Bank will not vary the price or other terms of any product or service offered by the Bank or its subsidiaries on the condition that the City purchase another product or service from the Bank or any affiliate, unless the Bank is authorized to do so under an exception to the Anti-tying Rules. The Bank will not require the City to provide property or services to the Bank or any affiliate as a condition to the extension of a commercial loan to the City by the Bank or any of its subsidiaries, unless such a requirement is reasonably required to protect the safety and soundness of the loan. The Bank will not require the City to refrain from doing business with a competitor of the Bank or any of its affiliates as a condition to receiving a commercial loan from the Bank or any of its subsidiaries, unless the requirement is reasonably designed to ensure the soundness of the loan.

Bank Contacts:

Ian Carroll
Senior Vice President
Rabobank, N.A.
915 Highland Pointe Drive, Suite 350
Roseville, CA 95678
Telephone: 916-878-4655
Mobile: 916-494-9770
Fax: 916-494-9770
E-Mail: Ian.Carroll@rabobank.com

**Acknowledged and
Consented:**

By: _____
John Lollis
CITY OF PORTERVILL

This document has been prepared by the Bank for information purposes only. This document is an indicative summary of the terms and conditions of the transaction described herein and may be amended, superseded or replaced by subsequent summaries. The final terms and conditions of the transaction will be set out in full in the applicable binding transaction document(s).

This document shall not constitute a commitment to participate in the transaction described herein, which shall be subject to the Bank's internal approvals. No transaction or services related thereto is contemplated without the Bank's subsequent formal agreement. The Bank is acting solely as principal and not as advisor or fiduciary. Accordingly you must independently determine, with your own advisors,



the appropriateness for you of the transaction before investing or transacting. The Bank accepts no liability whatsoever for any direct, consequential or other losses arising from the use of this document or reliance on the information contained herein.

The Bank does not guarantee the accuracy or completeness of information which is contained in this document and which is stated to have been obtained from or is based upon trade and statistical services or other third party sources. Any data on past performance, modelling or back-testing contained herein is no indication as to future performance. No representation is made as to the reasonableness of the assumptions made within or the accuracy or completeness of any modeling or back-testing. All opinions and estimates are given as of the date hereof and are subject to change. The information in this document is not intended to predict actual results and no assurances are given with respect thereto.

The Bank, its affiliates and the individuals associated therewith may (in various capacities) participate in transactions identical or similar to those described herein.

IRS Circular 230 Disclosure: The Bank and its affiliates do not provide tax advice. Please note that (i) any discussion of US tax matters contained in this communication (including any attachments) cannot be used by you for the purpose of avoiding tax penalties; (ii) this communication was written to support the promotion or marketing of the matters addressed herein; and (iii) you should seek advice based on your particular circumstances from an independent tax advisor.

THIS DOCUMENT DOES NOT DISCLOSE ALL THE RISKS AND OTHER SIGNIFICANT ISSUES RELATED TO THE POTENTIAL TRANSACTION. PRIOR TO TRANSACTING, POTENTIAL PARTICIPANTS SHOULD ENSURE THAT THEY FULLY UNDERSTAND THE TERMS OF THE TRANSACTION AND ANY APPLICABLE RISKS.



California Public Employees' Retirement System
Actuarial Office
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(888) 225-7377 phone • (916) 795-2744 fax
www.calpers.ca.gov

October 2012

**SAFETY PLAN OF THE CITY OF PORTERVILLE (CalPERS ID 5259660063)
Annual Valuation Report as of June 30, 2011**

Dear Employer,

As an attachment to this letter, you will find a copy of Section 1 of the June 30, 2011 actuarial valuation report of your pension plan. Since your plan had less than 100 active members in at least one valuation since June 30, 2003, it is required to participate in a risk pool. The valuation report is divided into two Sections:

- Section 1 contains specific information for your plan, including the development of your pooled employer contribution rate, and
- Section 2 contains the Risk Pool Actuarial Valuation appropriate to your plan, as of June 30, 2011.

Section 2 may be found on the CalPERS website (www.calpers.ca.gov) then selecting Employers > Actuarial & GASB 27 Information > Risk Pooling > Risk Pool Annual Valuation Report, or at the following address: <http://ow.ly/eNpMg>.

This report contains important actuarial information about your pension plan at CalPERS. Your CalPERS staff actuary is available to discuss the report with you.

Changes Since the Prior Valuation

The CalPERS' Board of Administration adopted updated actuarial assumptions to be used beginning with the June 30, 2011 valuation. The inflation rate changed from 3% to 2.75% and the discount rate changed from 7.75% to 7.5%. In addition, a temporary modification to our method of determining the actuarial value of assets and amortizing gains and losses was implemented for the valuations as of June 30, 2009 through June 30, 2011. The effect of those modifications continues in this valuation.

There may also be changes specific to your plan such as contract amendments and funding changes.

Future Contribution Rates

The exhibit below displays the required employer contribution rate and Superfunded status for 2013/2014 along with an estimate of the contribution rate and Superfunded status for 2014/2015. The estimated rate for 2014/2015 is based on a projection of the most recent information we have available, including an estimate of the investment return for fiscal 2011/2012, namely 0%. See Section 2 Appendix E, "Analysis of Future Investment Return Scenarios", for how much the Risk Pool's portion of your rate is expected to increase in 2015/2016 rate projections under a variety of investment return scenarios for the Risk Pool's portion of your rate. Please disregard any projections that we may have provided to you in the past.

Fiscal Year	Employer Contribution Rate	Superfunded?
2013/2014	31.234%	No
2014/2015	32.8% (projected)	No

Member contributions (whether paid by the employer or the employee) are in addition to the above rates. Further, these rates do not reflect any cost sharing.

The estimate for 2014/2015 assumes that there are no future amendments and no liability gains or losses (such as larger than expected pay increases, more retirements than expected, etc.). This is a very important assumption because these gains and losses do occur and can have a significant effect on your contribution rate. Even for the largest plans, such gains and losses can impact the employer's contribution rate by one or two percent or even more in some less common instances. These gains and losses cannot be predicted in advance so the projected employer contribution rate for 2014/2015 is just an estimate. Your actual rate for 2014/2015 will be provided in next year's report.

California Actuarial Advisory Panel Recommendations

The report satisfies all basic disclosure requirements under the Model Disclosure Elements for Actuarial Valuation Reports recommended by the California Actuarial Advisory Panel, except for the original base amounts of the unfunded liability amortization.

The report gives the following additional information classified as enhanced risk disclosures under the Model Disclosure Elements for Actuarial Valuation Reports recommended by the California Actuarial Advisory Panel:

- "Deterministic stress test", projecting future results under different investment income scenarios. (See Appendix E's Analysis of Future Investment Return Scenarios, from Section 2 of this report.)
- "Sensitivity analysis", showing the impact on current valuation results of a plus or minus 1% change in the discount rate. (See Appendix E's Analysis of Discount Rate Sensitivity, from Section 2 of this report.)

We are very busy preparing actuarial valuations for other public agencies and expect to complete all such valuations by the end of October. We understand that you might have a number of questions about these results. While we are very interested in discussing these results with your agency, in the interest of allowing us to give every public agency their result, we ask that, if at all possible, you wait until after October 31 to contact us with questions. If you have questions, please call (888) CalPERS (225-7377).

Sincerely,



ALAN MILLIGAN,
Chief Actuary



ACTUARIAL VALUATION

as of June 30, 2011

**for the
SAFETY PLAN
of the
CITY OF PORTERVILLE
(CalPERS ID 5259660063)**

**REQUIRED CONTRIBUTIONS
FOR FISCAL YEAR
July 1, 2013 - June 30, 2014**

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SECTION 2 – RISK POOL ACTUARIAL VALUATION INFORMATION

Section 1

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Plan Specific Information for the SAFETY PLAN of the CITY OF PORTERVILLE

**(CalPERS ID 5259660063)
(Rate Plan # 1389)**

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ACTUARIAL CERTIFICATION

Section 1 of this report is based on the member and financial data contained in our records as of June 30, 2011 which was provided by your agency and the benefit provisions under your contract with CalPERS. Section 2 of this report is based on the member and financial data as of June 30, 2011 provided by employers participating in the risk pool to which your plan belongs and benefit provisions under the CalPERS contracts for those agencies.

As set forth in Section 2 of this report, the Pool Actuary has certified that, in her opinion, the valuation of the Risk Pool containing your SAFETY PLAN has been performed in accordance with generally accepted actuarial principles consistent with standards of practice prescribed by the Actuarial Standards Board, and that the assumptions and methods are internally consistent and reasonable for the Risk Pool, as prescribed by the CalPERS Board of Administration according to provisions set forth in the California Public Employees' Retirement Law.

Having relied upon the information set forth in Section 2 of this report and based on the census and benefit provision information for your plan, it is my opinion as your Plan Actuary that the Side Fund as of June 30, 2011 and employer contribution rate as of July 1, 2013, have been properly and accurately determined in accordance with the principles and standards stated above.

The undersigned is an actuary for CalPERS, who is a member of both the American Academy of Actuaries and Society of Actuaries and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.



MAY SHUANG YU for KELLY STURM, ASA, MAAA
Senior Pension Actuary, CalPERS
Plan Actuary

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HIGHLIGHTS AND EXECUTIVE SUMMARY

Purpose of Section 1

This section 1 report for the SAFETY PLAN of the CITY OF PORTERVILLE of the California Public Employees' Retirement System (CalPERS) was prepared by the Plan Actuary in order to:

- set forth the actuarial assets and accrued liabilities of this plan as of June 30, 2011;
- determine the required employer contribution rate for this plan for the fiscal year July 1, 2013 through June 30, 2014;
- provide actuarial information as of June 30, 2011 to the CalPERS Board of Administration and other interested parties; and
- provide pension information as of June 30, 2011 to be used in financial reports subject to Governmental Accounting Standards Board (GASB) Statement Number 27 for a Cost Sharing Multiple Employer Defined Benefit Pension Plan.

The use of this report for any other purposes may be inappropriate. In particular, this report does not contain information applicable to alternative benefit costs. The employer should contact their actuary before disseminating any portion of this report for any reason that is not explicitly described above.

SECTION 1 – PLAN SPECIFIC INFORMATION FOR THE SAFETY PLAN OF THE CITY OF PORTERVILLE

Required Employer Contributions

	Fiscal Year 2012/2013	Fiscal Year 2013/2014
Employer Contribution Required (in Projected Dollars)		
Risk Pool's Net Employer Normal Cost	\$ 1,010,606	\$ 1,028,790
Risk Pool's Payment on Amortization Bases	295,097	322,932
Surcharge for Class 1 Benefits		
a) FAC 1	61,324	58,236
Phase out of Normal Cost Difference	0	0
Amortization of Side Fund	604,818	622,358
Total Employer Contribution	\$ 1,971,845	\$ 2,032,316
Employee Cost Sharing	N/A	0
Net Employer Contribution	N/A	2,032,316
Annual Lump Sum Prepayment Option*	\$ 1,899,609	\$ 1,960,140
Projected Payroll for the Contribution Fiscal Year	\$ 6,509,962	\$ 6,506,798
Employer Contribution Required (Percentage of Payroll)		
Risk Pool's Net Employer Normal Cost	15.524%	15.811%
Risk Pool's Payment on Amortization Bases	4.533%	4.963%
Surcharge for Class 1 Benefits		
a) FAC 1	0.942%	0.895%
Phase out of Normal Cost Difference	0.000%	0.000%
Amortization of Side Fund	9.291%	9.565%
Total Employer Contribution	30.290%	31.234%
Employee Cost Sharing	N/A	(0.000%)
Net Employer Contribution	N/A	31.234%

Appendix C of Section 2 of this report contains a list of Class 1 benefits and corresponding surcharges for each benefit.

Risk pooling was implemented as of June 30, 2003. The normal cost difference is scheduled to be phased out over a five year period. The phase out of normal cost difference is 100% for the first year of pooling, and is incrementally reduced by 20% of the original normal cost difference for each subsequent year.

*Payment must be received by CalPERS before the first payroll reported to CalPERS of the new fiscal year and after June 30.

SECTION 1 – PLAN SPECIFIC INFORMATION FOR THE SAFETY PLAN OF THE CITY OF PORTERVILLE**Plan's Funded Status**

	June 30, 2010	June 30, 2011
1. Present Value of Projected Benefits (PVB)	N/A	\$ 59,701,395
2. Entry Age Normal Accrued Liability	N/A	44,878,288
3. Plan's Actuarial Value of Assets (AVA)	N/A	\$ 36,367,039
4. Unfunded Liability (AVA Basis) [(2) - (3)]	N/A	\$ 8,511,249
5. Funded Ratio (AVA Basis) [(3) / (2)]	N/A	81.0%
6. Plan's Market Value of Assets (MVA)	N/A	\$ 32,567,910
7. Unfunded Liability (MVA Basis) [(2) - (6)]	N/A	12,310,378
8. Funded Ratio (MVA Basis) [(6) / (2)]	N/A	72.6%

Superfunded Status

	June 30, 2010	June 30, 2011
Is the plan Superfunded?	No	No
[Yes if AVA exceeds PVB, No otherwise]		

Projected Contributions

The rate shown below is an estimate for the employer contribution for Fiscal Year 2014/2015. The estimated rate is based on a projection of the most recent information we have available, including an estimate of the investment return for fiscal year 2011/2012, namely 0%:

Projected Employer Contribution Rate: 32.8%

The estimate also assumes that there are no liability gains or losses among the plans in your risk pool, that your plan has no new amendments in the next year, and that your plan's and your risk pool's payrolls both increase exactly 3.0% in the 2011/2012 fiscal year. Therefore, the projected employer contribution rate for 2014/2015 is just an estimate. Your actual rate for 2014/2015 will be provided in next year's report.

Rate Volatility

Your plan's employer contribution rate will inevitably fluctuate, for many reasons. However, the biggest fluctuations are generally due to changes in the side fund rate resulting from unexpected changes in payroll. The following figure shows how much your 2014/2015 side fund rate would change for each 1% deviation between our 3.0% payroll growth assumption and your actual 2011/2012 payroll growth.

POTENTIAL 2014/2015 RATE IMPACT FROM 2011/2012 PAYROLL DEVIATION

% Rate Change per 1% Deviation from Assumed 3.0% Payroll Growth: (0.092%)

Examples: To see how your employer contribution rate might be affected by unexpected payroll change, suppose the following:

- The % Rate Change per 1% Deviation figure given above is -0.400%
- Your plan's payroll increased 10% in 2011/2012 (7.0% more than our 3.0% assumption).

Then your 2014/2015 rate would decrease $-0.400\% \times (10 - 3.0) = -2.80\%$ from that cause alone.

Or conversely, using the same % Rate Change per 1% Deviation figure given above, suppose your plan's payroll remained the same in 2011/2012 (3.0% less than our 3.0% assumption).

Then your 2014/2015 rate would increase $-0.400\% \times (0 - 3.0) = 1.2\%$ from that cause alone.

Note that if your plan had a negative side fund, an unexpected payroll increase would spread the payback of the negative side fund over a bigger payroll, which would decrease your plan's side fund percentage rate and the total employer contribution rate. On the other hand, if your plan had a positive side fund, an unexpected payroll increase would spread the payback of the positive side fund over a larger payroll, which would increase your plan's side fund percentage rate and the total employer contribution rate. In either case, the amortization of Side Fund dollar amount would not change.

SUMMARY OF FINANCIAL AND DEMOGRAPHIC INFORMATION

Plan's Side Fund

At the time your plan joined the Risk Pool, a side fund was created to account for the difference between the funded status of the pool and the funded status of your plan, in addition to your existing unfunded liability. The side fund for your plan as of the June 30, 2011 valuation is shown in the following table.

Your side fund will be credited, on an annual basis, with the actuarial investment return assumption. This assumption is 7.75% prior to July 1, 2012 and 7.5% after June 30, 2012. A positive side fund will cause your required employer contribution rate to be reduced by the Amortization of Side Fund shown above in Required Employer Contributions. A negative side fund will cause your required employer contribution rate to be increased by the Amortization of Side Fund. In the absence of subsequent contract amendments or funding changes, the side fund will disappear at the end of the amortization period shown below.

Plan's Side Fund Reconciliation

	June 30, 2010	June 30, 2011
Side Fund as of valuation date*	\$ (4,544,839)	\$ (4,308,149)
Adjustments	0	0
Side Fund Payment	567,341	585,780
Side Fund one year later	\$ (4,308,149)	\$ (4,033,975)
Adjustments	0	0
Side Fund Payment	585,780	604,818
Side Fund two years later	\$ (4,033,975)	\$ (3,709,434)
Amortization Period	8	7
Side Fund Payment during last year	\$ 604,818	\$ 622,358

* If your agency employed superfunded vouchers in fiscal year 2010/2011 to pay employee contributions, the June 30, 2011 Side Fund amount has been adjusted by a like amount without any further adjustment to the Side Fund's amortization period. Similarly, the Side Fund has been adjusted for the increase in liability from any recently adopted Class 1 or Class 2 contract amendments. Also, the Side Fund may be adjusted or eliminated due to recent lump sum payments. Contract amendments and lump sum payments may result in an adjustment to the Side Fund amortization period.

SECTION 1 – PLAN SPECIFIC INFORMATION FOR THE SAFETY PLAN OF THE CITY OF PORTERVILLE

Development of the Actuarial Value of Assets

		June 30, 2011
1. Plan's Accrued Liability	\$	44,878,288
2. Plan's Side Fund		(4,308,149)
3. Pool's Accrued Liability		2,061,923,933
4. Pool's Side Fund		(99,308,581)
5. Pool's Actuarial Value of Assets Including Receivables		1,759,286,797
6. Plan's Actuarial Value of Assets (AVA) Including Receivables $[(1 + 2) / (3 + 4) \times 5]$	\$	36,367,039
7. Pool's Market Value of Assets (MVA) Including Receivables		1,575,500,641
8. Plan's Market Value of Assets (MVA) Including Receivables $[(1 + 2) / (3 + 4) \times 7]$	\$	32,567,910

Funding History

The Funding History below shows the actuarial accrued liability, the actuarial value of assets, the market value of assets, funded ratios and the annual covered payroll. The actuarial value of assets is used to establish funding requirements and the funded ratio on this basis represents the progress toward fully funding future benefits for current plan participants. The funded ratio based on the market value of assets is an indicator of the short-term solvency of the plan.

Valuation Date	Accrued Liability	Actuarial Value of Assets (AVA)	Market Value of Assets (MVA)	Funded Ratio AVA	Funded Ratio MVA	Annual Covered Payroll
06/30/11	\$ 44,878,288	\$ 36,367,039	\$ 32,567,910	81.0%	72.6%	\$ 5,954,642

Plan's Total Normal Cost Rate

The Public Employees' Pension Reform Act of 2013 requires that new employees pay at least 50% of the total annual normal cost and that current employees approach the same goal through collective bargaining. Please refer to the CalPERS website for more details.

Shown below is the total annual normal cost rate for your plan. Note that this rate is for current members only.

	Fiscal Year 2012/2013	Fiscal Year 2013/2014
Pool's Net Total Normal Cost Rate	N/A	24.790%
Surcharge for Class 1 Benefits		
a) FAC 1	N/A	0.895%
Plan's Total Normal Cost Rate	N/A	25.685%

SECTION 1 – PLAN SPECIFIC INFORMATION FOR THE SAFETY PLAN OF THE CITY OF PORTERVILLE

Hypothetical Termination Liability

In August 2011, the CalPERS Board adopted an investment policy and asset allocation strategy that more closely reflects expected benefit payments of the Terminated Agency Pool. With this change, CalPERS increased benefit security for members while limiting its funding risk.

The table below shows the hypothetical termination liability, the market value of assets, the unfunded termination liability and the termination funded ratio. The assumptions used, including the discount rate, are stated in Appendix A and take into account the yields available in the US Treasury market on the valuation date and the mortality load for contingencies. The discount rate is duration weighted and is not necessarily the rate that would be used for this plan if it were to terminate. The discount rate for this plan's termination liability would depend on the duration of the liabilities of this plan. For purposes of this estimate, the discount rate of 4.82% is based on the June 30, 2011 30-year US Treasury Stripped Coupon Rate. Please note, as of June 30, 2012 the 30-year US Treasury Stripped Coupon Rate was 2.87%.

Valuation Date	Hypothetical Termination Liability	Market Value of Assets (MVA)	Unfunded Termination Liability	Termination Funded Ratio	Discount Rate
06/30/11	\$ 62,850,963	\$ 32,567,910	\$ 30,283,053	51.8%	4.82%

Summary of Participant Data

The table below shows a summary of your plan's member data upon which this valuation is based:

	June 30, 2010	June 30, 2011
Projected Payroll for Contribution Purposes	\$ 6,509,962	\$ 6,506,798
Number of Members		
Active	96	95
Transferred	50	47
Separated	27	32
Retired	67	71

List of Class 1 Benefit Provisions

- One Year Final Compensation

Information for Compliance with GASB Statement No. 27 for Cost-Sharing Multiple-Employer Defined Benefit Plan

Your plan is part of the Safety 3.0% at 55 Risk Pool, a cost-sharing multiple-employer defined benefit plan. Under GASB 27, an employer should recognize annual pension expenditures/expense equal to its contractually required contributions to the plan. Pension liabilities and assets result from the difference between contributions required and contributions made. The contractually required contribution for the period July 1, 2013 to June 30, 2014 has been determined by an actuarial valuation of the plan as of June 30, 2011. Your unadjusted contribution rate for the indicated period is 31.234% of payroll. In order to calculate the dollar value of the contractually required contributions for inclusion in financial statements prepared as of June 30, 2014, this contribution rate, less any employee cost sharing, and as modified by any subsequent financing changes or contract amendments for the year, would be multiplied by the payroll of covered employees that was actually paid during the period July 1, 2013 to June 30, 2014. However, if this contribution is fully prepaid in a lump sum, then the dollar value of contractually required contributions is equal to the lump sum prepayment. The employer and the employer's auditor are responsible for determining the contractually required contributions. Further, the required contributions in dollars and the percentage of that amount contributed for the current year and each of the two preceding years is to be disclosed under GASB 27.

A summary of principal assumptions and methods used to determine the contractually required contributions is shown below for the cost-sharing multiple-employer defined benefit plan.

Valuation Date	June 30, 2011
Actuarial Cost Method	Entry Age Normal Cost Method
Amortization Method	Level Percent of Payroll
Average Remaining Period	20 Years as of the Valuation Date
Asset Valuation Method	15 Year Smoothed Market
Actuarial Assumptions	
Discount Rate	7.50% (net of administrative expenses)
Projected Salary Increases	3.30% to 14.20% depending on Age, Service, and type of employment
Inflation	2.75%
Payroll Growth	3.00%
Individual Salary Growth	A merit scale varying by duration of employment coupled with an assumed annual inflation growth of 2.75% and an annual production growth of 0.25%.

Complete information on assumptions and methods is provided in Appendix A of Section 2 of the report. Appendix B of Section 2 of the report contains a description of benefits included in the Risk Pool Actuarial Valuation.

A Schedule of Funding for the Risk Pool's actuarial value of assets, accrued liability, their relationship, and the relationship of the unfunded liability (UL) to payroll for the risk pool(s) to which your plan belongs can be found in Section 2 of the report.

SECTION 1 – PLAN SPECIFIC INFORMATION FOR THE SAFETY PLAN OF THE CITY OF PORTERVILLE

Summary of Plan's Major Benefit Options

Shown below is a summary of the major optional benefits for which your agency has contracted. A description of principal standard and optional plan provisions is in Appendix B within Section 2 of this report.

Benefit Provision	Coverage Group	
	74001	75001
Benefit Formula	3.0% @ 55	3.0% @ 55
Social Security Coverage	no	no
Full/Modified	full	full
Final Average Compensation Period	12 mos.	12 mos.
Sick Leave Credit	yes	yes
Non-Industrial Disability	standard	standard
Industrial Disability	yes	yes
Pre-Retirement Death Benefits	yes	yes
Optional Settlement 2W	level 4	level 4
1959 Survivor Benefit Level	yes	yes
Special	yes	yes
Alternate (firefighters)	no	no
Post-Retirement Death Benefits		
Lump Sum	\$500	\$500
Survivor Allowance (PRSA)	no	no
COLA	2%	2%
Employee Contributions		
Contractual employer paid	no	no

*Inactive Coverage Group