



Tuesday, May 14, 2013  
Regular Meeting 6:00 p.m.  
Council Chamber  
6615 Passons Blvd.  
Next Resolution No. 6712  
Next Ordinance No. 1074  
Next Agreement No. 13-1389

**ROLL CALL:**

Gustavo V. Camacho, Mayor  
Brent A. Tercero, Mayor Pro Tempore  
Bob J. Archuleta, Councilmember  
David W. Armenta, Councilmember  
Gregory Salcido, Councilmember

**COMMISSIONERS SCHEDULED TO BE PRESENT:**

Joseph Palombi, Parks & Recreation Commission  
Esther Celiz, Planning Commission

**INVOCATION:**

(In accordance with the Court’s Decision in Rubin v. City of Burbank, only nonsectarian prayers/invocations are allowed during the invocation)

**PLEDGE OF ALLEGIANCE:**

**SPECIAL PRESENTATIONS:**

- Employee Recognitions:
  - Cynthia Ayala, Parks & Recreation Department, 5 years
  - Francisco Perez, Public Works, 5 years
  - Raymond Chavez, Administration, 15 years
- National Public Works Week – Proclamation
- Certificate of Appreciation to California Manufacturing Technology Consulting (CMTc) for Offering Their Small Manufacturer’s Advantage Program - presented to Fabio Gomez, Regional Manager

**PLEASE TURN OFF ALL PAGERS AND/OR PHONES WHILE MEETING IS IN SESSION AND PLEASE REFRAIN FROM TEXTING DURING THE MEETING**

\*\*\*\*\*  
In compliance with the Americans with Disabilities Act of 1990, the City of Pico Rivera is committed to providing reasonable accommodations for a person with a disability. Please call the City Clerk’s office at (562) 801-4389, if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

**1<sup>st</sup> PERIOD OF PUBLIC COMMENTS - IF YOU WOULD LIKE TO SPEAK ON ANY LISTED AGENDA ITEMS, PLEASE FILL OUT A GREEN PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.**

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks. In accordance with Government Code Section 54954.2, members of the City Council may only: **1)** respond briefly to statements made or questions posed by the public; **2)** ask a question for clarification; **3)** provide a reference to staff or other resources for factual information; **4)** request staff to report to the City Council at a subsequent meeting concerning any matter raised by the public; and **5)** direct staff to place a matter of business on a future agenda. City Council members cannot comment on items that are not listed on a posted agenda.

**CONSENT CALENDAR ITEMS:**

All items listed on the Consent Calendar may be acted on by a single motion without separate discussion. Any motion relating to a Resolution or Ordinance shall also waive the reading of the titles in full and include its adoption as appropriate. If discussion or separate vote on any item is desired by a Councilmember or staff, that item may be pulled from the Consent Calendar for separate consideration.

**PUBLIC HEARING**

1. **Public Hearing - Zone Reclassification No. 313 to Change the Zone Designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the Properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard, Pico Rivera.**
  - a. Open Public Hearing
  - b. Memo from City Manager
  - c. Written Communications
  - d. Oral Communications
  - e. Close Hearing
  - f. **Recommendation:**
    1. Adopt resolution approving Zone Reclassification No. 313; and
    2. First reading and introduction of Ordinance amending Zoning Map of the City of Pico Rivera.

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING A  
ZONE RECLASSIFICATION TO CHANGE THE ZONE

DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AS SHOWN ON ATTACHMENT "A" AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313

Ordinance No. \_\_\_\_\_ AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313 (FIRST READING AND INTRODUCTION)

**2. Minutes:**

- City Council meeting of April 23, 2013

**Recommendation:** Approve

**3. 18<sup>th</sup> Warrant Register of the 2012-2013 Fiscal Year. (700)**

Check Numbers: 256539-256873

Special Checks Numbers: None.

**Recommendation:** Approve

**4. Landscaping and Lighting Assessment District No. 1 – Annual Renewal Consideration. (700)**

**Recommendation:**

1. Adopt resolution initiating the Fiscal Year 2013-2014, Levy of Annual Assessment and ordering the preparing of the Engineer's Report for the Landscaping and Lighting Assessment District No. 1;
2. Adopt resolution preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014, levy and collection of assessments within the Landscaping and Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972; and
3. Adopt resolution declaring the City Council's intention to levy and collect the annual assessment within the Landscaping and Lighting Assessment District No. 1 for Fiscal Year 2013-2014, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and

Highways Code, and setting June 25, 2013 as the date for the public hearing on objections thereto.

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO PROVISIONS OF CALIFORNIA STREETS AND HIGHWAYS CODE DIVISION 15, PART 2

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CONFIRMING THE ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2013-2014, PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1

**5. Paramount/Mines Landscape Maintenance Assessment District – Annual Renewal Consideration. (700)**

**Recommendation:**

1. Adopt resolution initiating the Fiscal Year 2013-2014 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Paramount/Mines Landscape Maintenance Assessment District; and
2. Adopt resolution preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014 levy and collection of assessments within the Paramount/Mines Landscape Maintenance Assessment District pursuant to the Landscaping and Lighting Act of 1972; and
3. Adopt resolution declaring the City Council's intention to levy and collect the annual assessment within the Paramount/Mines Landscape Maintenance Assessment District for Fiscal Year 2013-2014 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 25, 2013.

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, INITIATING THE FISCAL YEAR 2013-2014 LEVY OF ANNUAL ASSESSMENT AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT WITHIN THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2013-2014 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND SETTING THE TIME AND PLACE OF THE HEARING ON OBJECTIONS THERETO

6. **Summer Food Service Program Vendor Agreement.** (500)

**Recommendation:**

1. Subject to grant approval, approve the Summer Food Service Program vendor agreement to Food Service Outreach, Inc. D.B.A., Pacific Catering Company for provision of food services.

Agreement No. \_\_\_\_\_

7. **City Hall Emergency Back-up Generator Project, CIP 21243 - Award Construction Contract.** (500)

**Recommendation:**

1. Award a construction contract in the amount of \$318,425 to TSR Construction & Inspection for the City Hall Emergency Back-up Generator Project, CIP No. 21243, and authorize the Mayor to execute the contract in a form approved by the City Attorney; and

2. Appropriate \$98,325 in Water Funds to the City Hall Emergency Back-up Generator Project, CIP No. 21243.

Agreement No. \_\_\_\_\_

8. **Installation of Traffic Controls Devices - Traffic Safety.** (1400)  
**Recommendation:**
  1. Receive and file.

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:**

**LEGISLATION:**

9. **Metropolitan Transportation Authority Congestion Management Fee Program.** (900)  
**Recommendation:**
  1. Receive and file a report on the Los Angeles County Metropolitan Transportation Authority's (Metro) proposed Congestion Mitigation Fee Program.

**NEW BUSINESS:**

**OLD BUSINESS:**

**2<sup>ND</sup> PERIOD OF PUBLIC COMMENTS - THIS TIME IS RESERVED FOR COMMENTS THAT HAVE NOT BEEN ADDRESSED ALREADY OR THAT ARE NOT LISTED ON THE AGENDA. PLEASE FILL OUT A BLUE PUBLIC COMMENT REQUEST FORM AND PROVIDE IT TO THE STAFF MEMBER AT THE BACK TABLE BEFORE THE MEETING STARTS.**

When you are called to speak, please come forward and state your name and city of residency for the record. You have three (3) minutes to make your remarks.

**CLOSED SESSION:**

**a. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

City Manager Ron Bates

Assistant City Manager Mike Matsumoto

Employee organization(s):

Service Employees International Union, Local 721 - Full-Time Bargaining Unit

Pico Rivera Mid-Managers and Professional and Confidential Association  
Bargaining Unit  
Service Employees International Union, Local 721 – Director’s Bargaining Unit

**ADJOURNMENT:**

**AFFIDAVIT OF POSTING**

I, Anna M. Jerome, Assistant City Clerk, for the City of Pico Rivera, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Pico Rivera City Hall bulletin board, Pico Rivera Post Office and Parks: Smith, Pico and Rivera and full agenda packets distributed to the Pico Park and Serapis Libraries, which are available for the public to view. Additionally, agenda was distributed to members of the media on this the 9<sup>th</sup> day of May 2013.

Dated this 9<sup>th</sup>, day of May 2013



Anna M. Jerome, CMC  
Assistant City Clerk

**SB343 NOTICE**

In compliance with and pursuant to the provisions of SB343 any public writing distributed by the City Clerk to at least a majority of the City Council Members regarding any item on this regular meeting agenda will be available on the back table at the entrance of the Council Chamber at the time of the City Council meeting and at the counter of City Hall at 6615 Passons Boulevard, Pico Rivera, California during normal business hours.





**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** May 14, 2013

**Subject:** PUBLIC HEARING – ZONE RECLASSIFICATION NO. 313 TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD, PICO RIVERA

### **Recommendations**

1. Adopt Resolution approving Zone Reclassification No. 313; and
2. First reading and Introduction of Ordinance amending Zoning Map of the City of Pico Rivera.

### **Fiscal Impact:**

No impact.

### **Discussion:**

At the April 15, 2013 meeting, the Planning Commission approved a resolution recommending City Council approval of a Zone Reclassification for the properties at 9036 Beverly Boulevard and 4422 Rosemead Boulevard, Pico Rivera to change their zoning from General Commercial (C-G) to Commercial Planned Development (CPD).

The properties were recently purchased by Norm's Restaurant Corporation after having been vacant and undeveloped for several years. The owners will construct a Norm's Restaurant as the site's anchor tenant and plan to either sell or lease the remaining land to a compatible commercial use. The City is assisting Norm's with conducting outreach to attract an appropriate tenant for the remainder of the site. In efforts to expedite the application and be business friendly, staff initiated the subject zone reclassification.

Changing the zone designation to CPD will not affect the potential use of the site for commercial development, but it will aid in attaining the most efficient use of the property as well as a more viable and unified development through the implementation of site-specific development regulations and architectural design standards which will be set forth through a Conditional Use Permit (CUP) application. This zone change will treat the properties as one development and allow for greater flexibility with certain development standards. This flexibility will increase the site's attractiveness to desirable tenants who will complement the future Norm's Restaurant. Potential impacts to traffic, noise and other environmental factors will be evaluated during the CUP application process once a formal development plan is submitted to the City.

Norm's Restaurant Corporation has been advised of this zone reclassification and is in agreement with the subject zone change.



Ronald Bates  
City Manager

RB:BM:GA:ll

Attachments:

- 1.) Resolution adopting Zone Reclassification No. 313 (Attachment A Ordinance)
- 2.) Ordinance
- 3.) Draft Minutes of the April 15, 2013 Planning Commission meeting
- 4.) Resolution No. 1205 – Planning Commission Recommendation to City Council

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ADOPTING A ZONE RECLASSIFICATION TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AS SHOWN ON ATTACHMENT "A" AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313**

**THE CITY COUNCIL OF THE CITY OF PICO RIVERA HEREBY RESOLVES AS FOLLOWS:**

**WHEREAS**, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975;  
and

**WHEREAS**, the Planning Commission of the City of Pico Rivera conducted a public hearing on the matter of Zone Reclassification No. 313 to change the zone designation from General Commercial (C-G) to Commercial Planned Development (CPD) for properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard at a legally noticed public hearing held on April 15, 2013; and

**WHEREAS**, the Planning Commission adopted Resolution No. 1205 recommending approval to the City Council for Zone Reclassification No. 313; and,

**WHEREAS**, the City Council of the City of Pico Rivera conducted a public hearing for the zone reclassification at a legally noticed public hearing held on May 15, 2013; and,

**NOW, THEREFORE**, be it resolved by the City Council of the City of Pico Rivera that:

**SECTION 1.** Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Planning Commission finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 2.** The City Council hereby FINDS that the approval of said Zone Reclassification No. 313 will not be detrimental to the health, safety and welfare of the general public and recommends that the City Council concur with the determination that the amendment will not have a significant effect on the environment pursuant to Section 15061 (b)(3).

**SECTION 3.** Pursuant to Chapter 18.62, Article III of the Pico Rivera Municipal Code, the City Council of the City of Pico Rivera approve an Ordinance to change the zone designation from General Commercial (C-G) to Commercial Planned Development (CPD) for properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard as specifically described in draft ordinance designated herein as Attachment “A” made a part hereof and further designated as Zone Reclassification No. 313.

**SECTION 4.** The Planning Commission finds that Zone Reclassification No. 313 shall be approved for the following reasons and findings:

- a) The proposed zone reclassification is necessary to provide a more viable and uniform development in order to increase the potential attractiveness of the site to quality tenants. The property is planned to be developed with a sit-down restaurant as an anchor tenant with one or more tenants throughout the remainder of the site.
- b) The proposed zone reclassification is fully consistent with the goals and objectives set forth in the General Plan and will not result in conditions or circumstances contrary to the public health, safety or welfare. Both the C-G and CPD zones fall under the Commercial land use designation of the General Plan, which is intended to provide appropriately located areas for a broad range of general retail, offices, markets, restaurants and other commercial services.
- c) The proposed zone reclassification will not result in conditions or circumstances contrary to the public health, safety or welfare. Any development of the site will require the approval of a Conditional Use Permit and be subject to environmental review in compliance with the California Environmental Quality Act at which point potential impacts will be assessed.
- d) The proposed zone reclassification is adequate in size and is compatible in use with the surrounding properties since both existing and proposed zones allow for commercial land uses.

[Signatures on following page]

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RESOLUTION NO. \_\_\_\_\_

Page 3 of 3

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Anna M. Jerome, Assistant City Clerk

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313**

**WHEREAS**, Section 18.62.230 of the Pico Rivera Municipal Code authorizes the City Council of the City of Pico Rivera, upon receipt of Resolution from the Planning Commission of the City of Pico Rivera, upon holding a public hearing, upon hearing all testimony, upon examination and review of the investigative and staff reports and upon conclusion of public hearing to make such determinations and findings of fact as deemed necessary in the best interests of all parties involved and Planning Commission recommendation to approve Zone Reclassification to change a zoning designation;

**WHEREAS**, the Planning Commission of the City of Pico Rivera conducted a duly noticed public hearing on April 15, 2013 and adopted Planning Commission Resolution No. 1205 recommending City Council approval of the zone reclassification to change the zone designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard; and,

**WHEREAS**, the City Council of the City of Pico Rivera conducted a public hearing to consider a Zone Reclassification to change the zoning designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the properties at 9036 Beverly Boulevard and 4422 Rosemead Boulevard; and

**WHEREAS**, the City Council of the City of Pico Rivera has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing; and

**THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** In accordance with Section 18.66.040 of the Pico Rivera Municipal Code, the Zone Classification of the herein described properties at 9036 Beverly Boulevard and 4422 Rosemead Boulevard as more particularly described in Attachment "A" are hereby placed in the Commercial Planned Development (CPD) zoned district, and further designated herein as Zone Reclassification No. 313.

**SECTION 2.** The Zone Reclassification shall be in accordance with the provisions of the Zoning Ordinance adopted by the City Council of the City of Pico Rivera by Ordinance No. 534, adopted April 1, 1975.

**SECTION 3.** Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 4.** The City Council further finds that the proposed zone reclassification is consistent with the spirit and integrity of the Municipal Code as to the intent of Chapters 18.30 which describes the intent, purpose and applicability of the Commercial Planned Development (CPD) zone.

**SECTION 5.** The City Council finds that Zone Reclassification No. 313 is consistent with the General Plan in that the zone change will facilitate a more viable and uniform development of the site in order to increase its potential attractiveness to quality tenants.

**SECTION 6.** The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section and does hereby declare that the provisions of this Ordinance are severable, and if, for any reasons, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds that there are no newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the Pico Rivera Municipal Code within fifteen days of its final passage and this Ordinance shall take effect thirty days following its final passage.

[Signatures on following page]

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ORDINANCE NO. \_\_\_\_\_

Page 3 of 5

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Anna M. Jerome, Deputy City Clerk

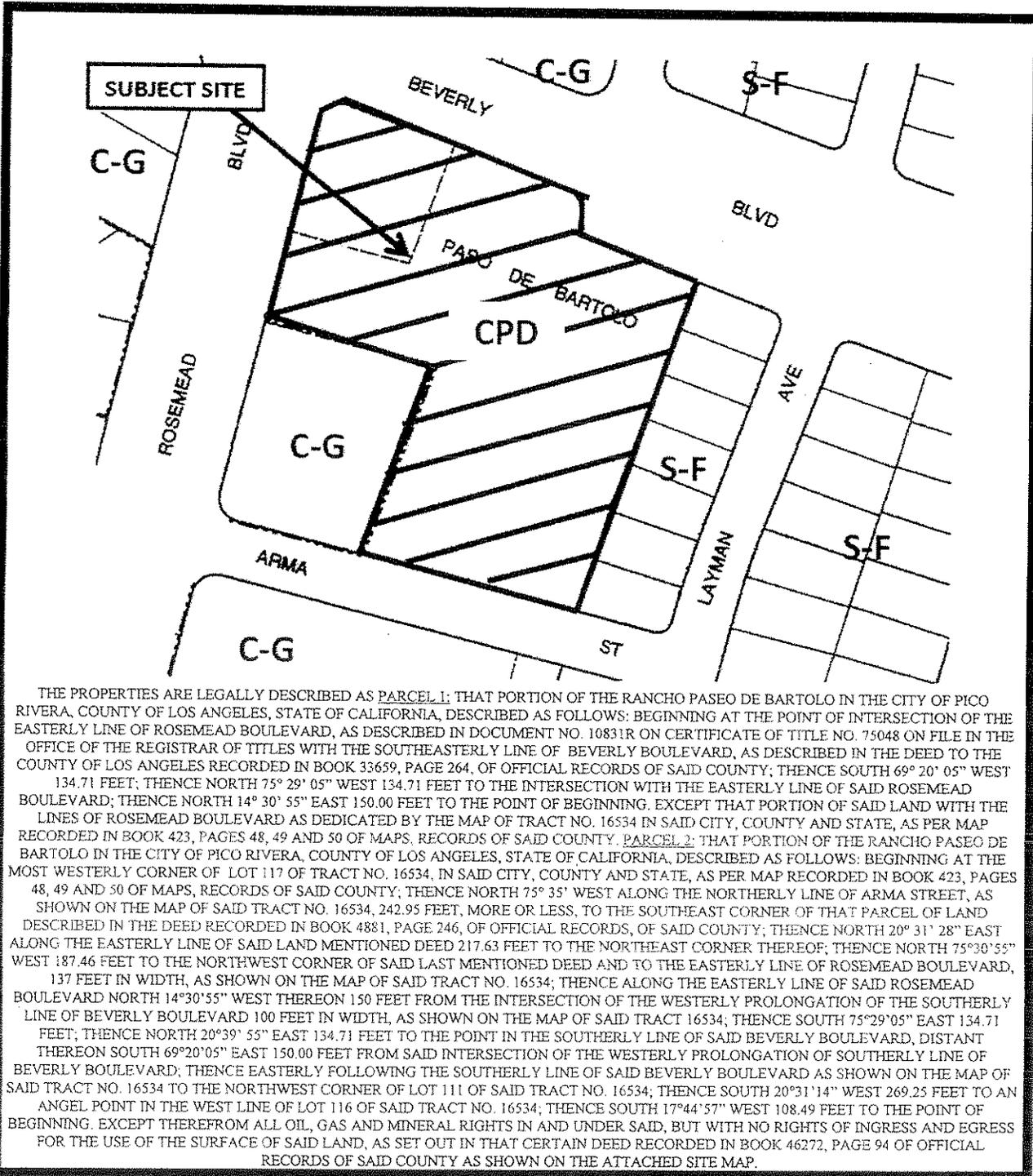
\_\_\_\_\_  
Arnold M. Alvarez-Glassman, City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**



THE PROPERTIES ARE LEGALLY DESCRIBED AS PARCEL 1: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF ROSEMEAD BOULEVARD, AS DESCRIBED IN DOCUMENT NO. 10831R ON CERTIFICATE OF TITLE NO. 75048 ON FILE IN THE OFFICE OF THE REGISTRAR OF TITLES WITH THE SOUTHEASTERLY LINE OF BEVERLY BOULEVARD, AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES RECORDED IN BOOK 33659, PAGE 264, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 69° 20' 05" WEST 134.71 FEET; THENCE NORTH 75° 29' 05" WEST 134.71 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD; THENCE NORTH 14° 30' 55" EAST 150.00 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION OF SAID LAND WITH THE LINES OF ROSEMEAD BOULEVARD AS DEDICATED BY THE MAP OF TRACT NO. 16534 IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY. PARCEL 2: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 117 OF TRACT NO. 16534, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTH 75° 35' WEST ALONG THE NORTHERLY LINE OF ARMA STREET, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534, 242.95 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN BOOK 4881, PAGE 246, OF OFFICIAL RECORDS, OF SAID COUNTY; THENCE NORTH 20° 31' 28" EAST ALONG THE EASTERLY LINE OF SAID LAND MENTIONED DEED 217.63 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 75° 30' 55" WEST 187.46 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED DEED AND TO THE EASTERLY LINE OF ROSEMEAD BOULEVARD, 137 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534; THENCE ALONG THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD NORTH 14° 30' 55" WEST THEREON 150 FEET FROM THE INTERSECTION OF THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD 100 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT 16534; THENCE SOUTH 75° 29' 05" EAST 134.71 FEET; THENCE NORTH 20° 39' 55" EAST 134.71 FEET TO THE POINT IN THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, DISTANT THEREON SOUTH 69° 20' 05" EAST 150.00 FEET FROM SAID INTERSECTION OF THE WESTERLY PROLONGATION OF SOUTHERLY LINE OF BEVERLY BOULEVARD; THENCE EASTERLY FOLLOWING THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD AS SHOWN ON THE MAP OF SAID TRACT NO. 16534 TO THE NORTHWEST CORNER OF LOT 111 OF SAID TRACT NO. 16534; THENCE SOUTH 20° 31' 14" WEST 269.25 FEET TO AN ANGEL POINT IN THE WEST LINE OF LOT 116 OF SAID TRACT NO. 16534; THENCE SOUTH 17° 44' 57" WEST 108.49 FEET TO THE POINT OF BEGINNING. EXCEPT THEREFROM ALL OIL, GAS AND MINERAL RIGHTS IN AND UNDER SAID, BUT WITH NO RIGHTS OF INGRESS AND EGRESS FOR THE USE OF THE SURFACE OF SAID LAND, AS SET OUT IN THAT CERTAIN DEED RECORDED IN BOOK 46272, PAGE 94 OF OFFICIAL RECORDS OF SAID COUNTY AS SHOWN ON THE ATTACHED SITE MAP.

ATTACHMENT "A"

No Scale 

[SIGNATURES ON PAGE 5]

ORDINANCE NO. \_\_\_\_\_

Page 5 of 5

**ZONE RECLASSIFICATION NO. 313**

**9036 Beverly Boulevard and 4422 Rosemead Boulevard**

Zone Reclassification from General Commercial (C-G) to Commercial Planned Development (CPD)

**PLANNING COMMISSION ACTION:**

**RESOLUTION NO.** \_\_\_\_\_

Signed \_\_\_\_\_  
Benjamin A. Martinez,  
Planning Commission  
Community and Economic  
Development Director

**ADOPTED** \_\_\_\_\_  
(Date)

**CITY COUNCIL ACTION:**

**RESOLUTION NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

Signed \_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

**ADOPTED** \_\_\_\_\_  
(Date)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING A ZONE RECLASSIFICATION TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313**

**WHEREAS**, Section 18.62.230 of the Pico Rivera Municipal Code authorizes the City Council of the City of Pico Rivera, upon receipt of Resolution from the Planning Commission of the City of Pico Rivera, upon holding a public hearing, upon hearing all testimony, upon examination and review of the investigative and staff reports and upon conclusion of public hearing to make such determinations and findings of fact as deemed necessary in the best interests of all parties involved and Planning Commission recommendation to approve Zone Reclassification to change a zoning designation;

**WHEREAS**, the Planning Commission of the City of Pico Rivera conducted a duly noticed public hearing on April 15, 2013 and adopted Planning Commission Resolution No. 1205 recommending City Council approval of the zone reclassification to change the zone designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard; and,

**WHEREAS**, the City Council of the City of Pico Rivera conducted a public hearing to consider a Zone Reclassification to change the zoning designation from General Commercial (C-G) to Commercial Planned Development (CPD) for the properties at 9036 Beverly Boulevard and 4422 Rosemead Boulevard; and

**WHEREAS**, the City Council of the City of Pico Rivera has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing; and

**THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** In accordance with Section 18.66.040 of the Pico Rivera Municipal Code, the Zone Classification of the herein described properties at 9036 Beverly Boulevard and 4422 Rosemead Boulevard as more particularly described in Attachment "A" are hereby placed in the Commercial Planned Development (CPD) zoned district, and further designated herein as Zone Reclassification No. 313.

**SECTION 2.** The Zone Reclassification shall be in accordance with the provisions of the Zoning Ordinance adopted by the City Council of the City of Pico Rivera by Ordinance No. 534, adopted April 1, 1975.

**SECTION 3.** Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the City Council finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 4.** The City Council further finds that the proposed zone reclassification is consistent with the spirit and integrity of the Municipal Code as to the intent of Chapters 18.30 which describes the intent, purpose and applicability of the Commercial Planned Development (CPD) zone.

**SECTION 5.** The City Council finds that Zone Reclassification No. 313 is consistent with the General Plan in that the zone change will facilitate a more viable and uniform development of the site in order to increase its potential attractiveness to quality tenants.

**SECTION 6.** The City Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section and does hereby declare that the provisions of this Ordinance are severable, and if, for any reasons, any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 7.** The City Clerk shall certify to the adoption of this Ordinance. The City Council hereby finds that there are no newspapers of general circulation published and circulated within the City. The City Clerk shall therefore cause this Ordinance to be posted in five public places within the City as specified in the Pico Rivera Municipal Code within fifteen days of its final passage and this Ordinance shall take effect thirty days following its final passage.

[Signatures on following page]

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ORDINANCE NO. \_\_\_\_\_

Page 3 of 5

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013 by members of the City Council of the City of Pico Rivera, voting as follows:

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Anna M. Jerome, Deputy City Clerk

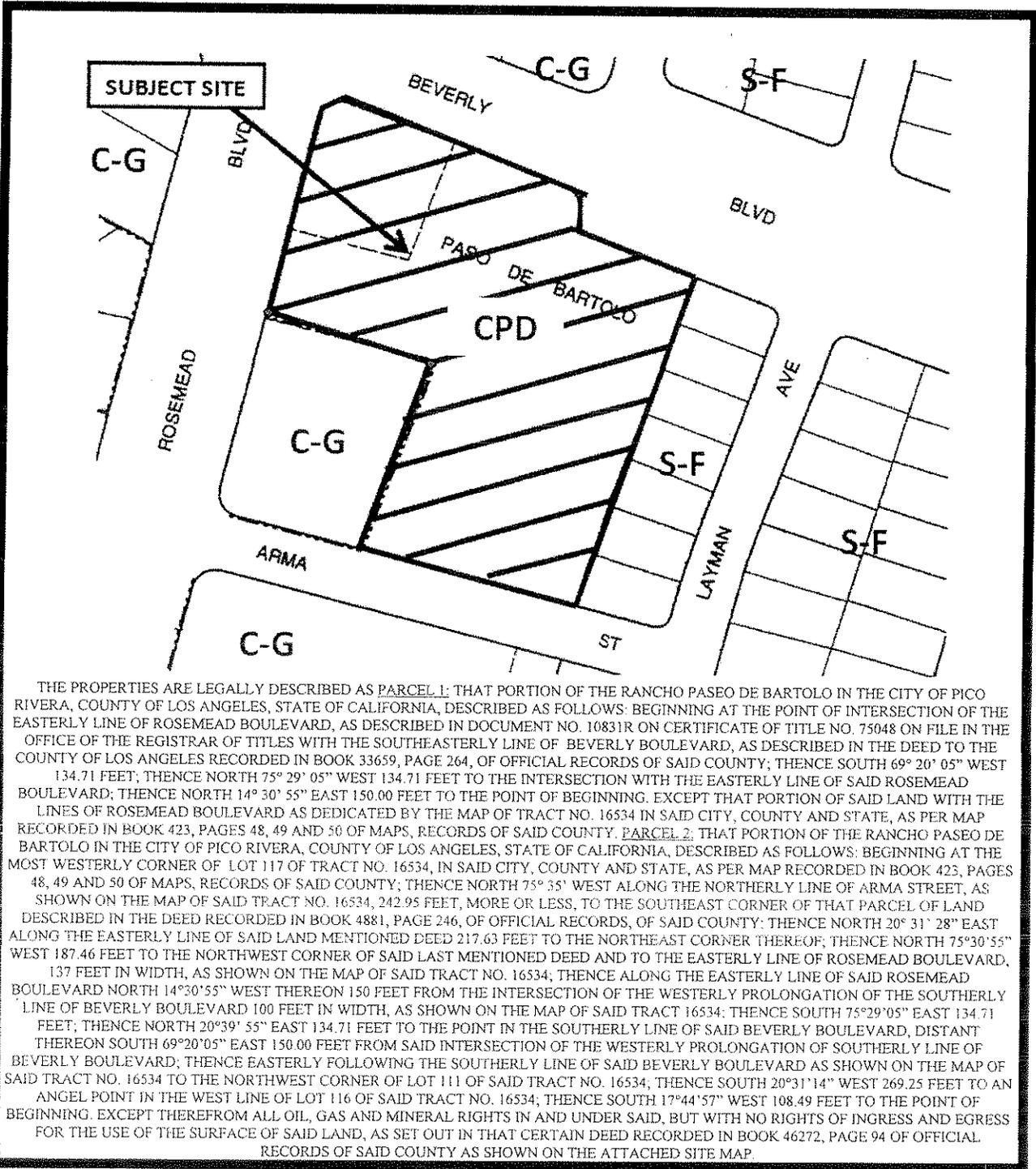
\_\_\_\_\_  
Arnold M. Alvarez-Glassman, City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**



THE PROPERTIES ARE LEGALLY DESCRIBED AS PARCEL 1: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF ROSEMEAD BOULEVARD, AS DESCRIBED IN DOCUMENT NO. 10831R ON CERTIFICATE OF TITLE NO. 75048 ON FILE IN THE OFFICE OF THE REGISTRAR OF TITLES WITH THE SOUTHEASTERLY LINE OF BEVERLY BOULEVARD, AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES RECORDED IN BOOK 33659, PAGE 264, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 69° 20' 05" WEST 134.71 FEET; THENCE NORTH 75° 29' 05" WEST 134.71 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD; THENCE NORTH 14° 30' 55" EAST 150.00 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION OF SAID LAND WITH THE LINES OF ROSEMEAD BOULEVARD AS DEDICATED BY THE MAP OF TRACT NO. 16534 IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY. PARCEL 2: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 117 OF TRACT NO. 16534, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTH 75° 35' WEST ALONG THE NORTHERLY LINE OF ARMA STREET, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534, 242.95 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN BOOK 4881, PAGE 246, OF OFFICIAL RECORDS, OF SAID COUNTY; THENCE NORTH 20° 31' 28" EAST ALONG THE EASTERLY LINE OF SAID LAND MENTIONED DEED 217.63 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 75° 30' 55" WEST 187.46 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED DEED AND TO THE EASTERLY LINE OF ROSEMEAD BOULEVARD, 137 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534; THENCE ALONG THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD NORTH 14° 30' 55" WEST THEREON 150 FEET FROM THE INTERSECTION OF THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD 100 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT 16534; THENCE SOUTH 75° 29' 05" EAST 134.71 FEET; THENCE NORTH 20° 39' 55" EAST 134.71 FEET TO THE POINT IN THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, DISTANT THEREON SOUTH 69° 20' 05" EAST 150.00 FEET FROM SAID INTERSECTION OF THE WESTERLY PROLONGATION OF SOUTHERLY LINE OF BEVERLY BOULEVARD; THENCE EASTERLY FOLLOWING THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD AS SHOWN ON THE MAP OF SAID TRACT NO. 16534 TO THE NORTHWEST CORNER OF LOT 111 OF SAID TRACT NO. 16534; THENCE SOUTH 20° 31' 14" WEST 269.25 FEET TO AN ANGEL POINT IN THE WEST LINE OF LOT 116 OF SAID TRACT NO. 16534; THENCE SOUTH 17° 44' 57" WEST 108.49 FEET TO THE POINT OF BEGINNING. EXCEPT THEREFROM ALL OIL, GAS AND MINERAL RIGHTS IN AND UNDER SAID, BUT WITH NO RIGHTS OF INGRESS AND EGRESS FOR THE USE OF THE SURFACE OF SAID LAND, AS SET OUT IN THAT CERTAIN DEED RECORDED IN BOOK 46272, PAGE 94 OF OFFICIAL RECORDS OF SAID COUNTY AS SHOWN ON THE ATTACHED SITE MAP.

ATTACHMENT "A"

No Scale N ↑

[SIGNATURES ON PAGE 5]

**ORDINANCE NO.** \_\_\_\_\_

**Page 5 of 5**

**ZONE RECLASSIFICATION NO. 313**

**9036 Beverly Boulevard and 4422 Rosemead Boulevard**

Zone Reclassification from General Commercial (C-G) to Commercial Planned Development (CPD)

**PLANNING COMMISSION ACTION:**

**RESOLUTION NO.** \_\_\_\_\_

Signed \_\_\_\_\_  
Benjamin A. Martinez,  
Planning Commission  
Community and Economic  
Development Director

**ADOPTED** \_\_\_\_\_  
(Date)

**CITY COUNCIL ACTION:**

**RESOLUTION NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

Signed \_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

**ADOPTED** \_\_\_\_\_  
(Date)



Monday, April 15, 2013

A regular meeting of the Planning Commission was called to order by Chairperson Elisaldez at 6:00 p.m., in the City Hall Council Chambers, 6615 Passons Boulevard, Pico Rivera, CA.

**STAFF PRESENT:**

Ben Martinez, Director  
 Julia Gonzalez, Deputy Director  
 Guille Aguilar, Senior Planner

**ROLL CALL:**

**PRESENT:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno

**ABSENT:** None.

**FLAG SALUTE:** Led by Commissioner Zermeno

Before the start of the meeting, Commissioner Elisaldez asked for a moment of silence for the victims of the Boston tragedy.

**APPROVAL OF MINUTES:**

April 1, 2013

It was moved by Commissioner Martinez to approve the minutes of March 18, 2013, seconded by Chairperson Zermeno. Motion carried by the following roll call vote:

**AYES:** Celiz, Elisaldez, Garcia, Martinez, Zermeno  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**PUBLIC HEARING:**

**ZONE RECLASSIFICATION NO. 313 - TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD**

Senior Planner Aguilar presented the staff report. The properties at the southeast corner of Beverly and Rosemead Boulevards were recently purchased by Norm's Restaurant after being vacant for numerous years. Staff believes it is best to rezone the property to allow the most efficient use of the land by providing flexibility with the development standards. Norm's Restaurant will be the anchor tenant and the remainder of the land will either be leased or sold for a retail use. The change in zone will not impact the types of uses that can be allowed at the site. The zone change is consistent with the policies, goals and land use designation of the General Plan.

At this time, the public hearing was opened for public comments. No speakers were present and no written communication was received on this hearing.

Motion carried to close the public hearing by the following roll call:

**AYES:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

Motion to adopt the Resolution recommending City Council approval of Zone Reclassification No. 313 was carried by the following roll call:

**AYES:** Commissioners Celiz, Elisaldez, Garcia, Martinez, Zermeno  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

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**PUBLIC COMMENTS:** None.

**CONTINUED/OLD BUSINESS:** None.

**NEW BUSINESS: HOUSING ELEMENT PRESENTATION**

Alexa Washburn, principal with ESA presented the staff report. Ms. Washburn stated that every jurisdiction in California is required to have a General Plan. The Housing Element is one of seven mandated elements of the General Plan. It is the only element that requires review and certification by the California Department of Housing and Community Development. It is updated every eight years.

She discussed the specific bills that needed to be adhered to. This included Senate Bill 812 which requires an analysis of the housing needs for the developmentally disabled. Senate Bill 375 allows synchronization of the housing element with the Regional Transportation Plan and the Sustainable Community Strategy. Senate Bill 2 requires all jurisdictions to designate an area to permit emergency shelters. Cities are also required to treat transitional and supportive as a residential use.

Ms. Washburn explained that the requirement to plan for a specific number of housing units is called the Regional Housing Needs Assessment (RHNA). Development of the RHNA begins at the State level, where the Department of Housing and Community Development allocates the number of units required for each Metropolitan Planning Organization (MPO). The City is under the jurisdiction of the Southern California Association of Governments which is the MPO responsible for allocating units to their member jurisdictions. Every jurisdiction is allocated their fair share of units and is responsible to plan for these units through the Housing Element. This is often the most difficult aspect of getting a Housing Element certified by the State.

Ms. Washburn specified that the State does not require the City to build or construct housing. It creates opportunities in the land use and zoning and to facilitate development through its policies.

Ms. Washburn brought up that the City is required to remove the Conditional Use Permit process for multi-family housing needs. This was seen as a constraint for HCD in achieving the RHNA.

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She advised that the City must treat transitional and supportive housing as residential use.

HCD and SCAG have determined that the City of Pico Rivera's RHNA for the 2014-2021 planning period is 1,639 units broken down into four income categories: very low, low, moderate and above moderate income households. This 1,639 units RHNA includes the carryover of 855 units from the 2006-2014 period.

The following strategies will be used in accommodating the RHNA. Vacant residentially zoned sites, underutilized residentially zoned or non-residentially zoned sites that can be rezoned or are capable of being developed at a higher density or with greater intensity, and utilizing some sites from the 2006-2014 inventory (7 areas totaling approximately 60 acres), newly identified sites for mixed-use development or sites capable of being developed at a higher density.

Ms. Washburn proceeded with the PowerPoint presentation introducing the potential areas (delineating the street boundaries) selected for a Mixed Use Overlay Zone and the areas selected for a change in zone to High Density Residential.

- Area 1- located at the intersection of Kruse Road and Narrows Drive. The site is currently zoned Single-Family Residential; future rezoning to Medium Density Residential to be compatible with the surrounding neighborhood.
  - Area 2- located at Rosemead/Olympic Boulevards. The sites within this area are currently zoned General Commercial, Parking, and Multiple Family Residential. Future rezoning to High Density Residential.
  - Area 3- located at Beverly/San Gabriel River Parkway. The site is currently zoned Public Facilities. Future rezoning to Mixed-Use.
  - Area 4- located at Durfee Avenue. The sites in this area are currently zoned General Commercial, Limited Industrial, and Multiple Family Residential. Future rezoning to Mixed-Use (parcels within Site 1) and High Density Residential (parcels within Site 2).
  - Area 5- Rosemead/Beverly Blvd./Beverly Rd. The sites within this area are currently zoned General Commercial and Single Family Residential. Future rezoning to Mixed-Use.
  - Area 6- Rosemead/Mines. The sites within this area are currently zoned General Commercial and Parking. Future rezoning to Mixed-Use. (possible senior housing).
-

- Area 7- Telegraph/Rosemead. The sites within this area are currently zoned General Commercial, Parking, Professional and Administrative, and Multiple Family Residential. Future rezoning to Mixed-Use.
- Area 8- Rosemead/Isora/Ibsen. The sites within this area are currently zoned General Commercial. Future rezoning to Mixed-Use.
- Area 9- Paramount/Slauson. The site is currently zoned General Industrial. Future rezoning to Mixed-Use
- Area 10- Rosemead/Washington. The sites within this area are currently zoned General Commercial and Professional and Administrative. Future rezoning to Mixed-Use.
- Area 11- Washington Boulevard Area. The sites within this area are currently zoned General Commercial. Future rezoning to Mixed-Use.
- Area 12- Rosemead/Telegraph. Future rezoning to Mixed-Use.
- Area 13- Washington/Crossway. Future rezoning to Mixed-Use.
- SB-2: Emergency Shelter Overlay Zone. This area was previously identified in the 2006-2014 Housing Element adopted by the City Council. This overlay is in an industrial area near transit and Pico Park. The overlay is required per state law to allow emergency shelters by right.

Ms. Washburn described the next steps. She stated that the draft Housing Element will be submitted to the State Housing and Community Development (HCD) Department. The review will take approximately 60 days. If approved and no changes are required the document would then be taken for approval to the Planning Commission and City Council.

a) Take Public Comments on Housing Element.

David Angelo, resident of Bradhurst Street spoke on two areas: the Montebello Gardens and Pico Viejo neighborhoods. He spoke about the high number of illegal dwelling units in these neighborhoods and suggested that the City allow some of these units to be legalized. He mentioned that people in those areas have problems meeting the required setbacks due to the restrictive sizes of these lots.

Chairperson Elizalde asked Mr. Angelo to leave his information with staff so that they can discuss his suggestions after the meeting. Mr. Angelo was thanked for his comments, but was informed that his comments are out of the sphere of the item under discussion.

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Terrence Henson, employee of Southern CA Rehabilitation Services in Downey spoke on affordable housing for people with disabilities and special needs. He offered their resources to the City. He asked on future zoning and how the City could make sure these land use changes will be used for housing.

Ms. Washburn responded that the city is required through AB 2348, to ensure that 50% of the housing be for very low and low income households.

Commissioner Zermeno asked if the 50% was mandatory.

Ms. Washburn responded in the affirmative.

There being no further discussion, it was motioned to close public comments. Motion was carried by the following roll call vote:

**AYES:** Celiz, Elisaldez, Garcia, Martinez, Zermeno

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**PLANNING COMMISSION REPORTS:**

- a) CITY COUNCIL MEETING OF April 9, 2013 – Staff had no news to report.

Deputy Director Gonzalez commented that each commission member is scheduled to attend the City Council meetings, and there were no Planning Commissioners scheduled for the month of April.

- b) PLANNING COMMISSION REPRESENTATIVE TO THE CITY COUNCIL MEETING OF Tuesday, May 14, 2013.

Commissioner Celiz confirmed her attendance.

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There being no further business the Planning Commission meeting was adjourned at 6:45 p.m.

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Tommy Elisaldez, Chairperson

**ATTEST:**

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Benjamin A. Martinez, Secretary  
Planning Commission  
Director of Community and Economic Development

**RESOLUTION NO. 1205**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PICO RIVERA, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONE RECLASSIFICATION TO CHANGE THE ZONE DESIGNATION FROM GENERAL COMMERCIAL (C-G) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR THE PROPERTIES LOCATED AT 9036 BEVERLY BOULEVARD AND 4422 ROSEMEAD BOULEVARD AND FURTHER DESIGNATED HEREIN AS ZONE RECLASSIFICATION NO. 313**

**WHEREAS**, existing Zoning Code, Ordinance No. 534, was adopted on April 1, 1975; and

**WHEREAS**, the Planning Commission of the City of Pico Rivera conducted a duly noticed public hearing on the matter of Zone Reclassification No. 313 to change the zone designation from General Commercial (C-G) to Commercial Planned Development (CPD) for properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard at a legally noticed public hearing held on April 15, 2013.

**NOW, THEREFORE**, be it resolved by the Planning Commission of the City of Pico Rivera that:

**SECTION 1.** Pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), the Planning Commission finds that there is no possibility that the project will have a significant effect on the environment and as a result, no further CEQA review is necessary. This determination is in accordance with Section 15061 (b)(3) of the CEQA Guidelines that states, a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 2.** The Planning Commission hereby FINDS that the approval of said Zone Reclassification No. 313 will not be detrimental to the health, safety and welfare of the general public and recommends that the City Council concur with the determination that the amendment will not have a significant effect on the environment pursuant to Section 15061 (b)(3).

**SECTION 3.** Pursuant to Chapter 18.62, Article III of the Pico Rivera Municipal Code, the Planning Commission of the City of Pico Rivera hereby recommends to the City Council of the City of Pico Rivera, the approval of an Ordinance to change the zone

designation from General Commercial (C-G) to Commercial Planned Development (CPD) for properties located at 9036 Beverly Boulevard and 4422 Rosemead Boulevard as specifically described in the draft ordinance designated herein as Attachment "A" made a part hereof and further designated as Zone Reclassification No. 313.

**SECTION 4.** Further, this Resolution with staff report and the recommended Ordinance attached hereto designated as Attachment "A" in this matter shall constitute a report of the Planning Commission to the City Council.

**SECTION 5.** The Planning Commission finds that Zone Reclassification No. 313 shall be approved for the following reasons and findings:

- a) The proposed zone reclassification is necessary to provide a more viable and uniform development in order to increase the potential attractiveness of the site to quality tenants. The property is planned to be developed with a sit-down restaurant as an anchor tenant with one or more tenants throughout the remainder of the site.
- b) The proposed zone reclassification is fully consistent with the goals and objectives set forth in the General Plan and will not result in conditions or circumstances contrary to the public health, safety or welfare. Both the C-G and CPD zones fall under the Commercial land use designation in the General Plan, which is intended to provide appropriately located areas for a broad range of general retail, offices, markets, restaurants and other commercial services.
- c) The proposed zone reclassification will not result in conditions or circumstances contrary to the public health, safety or welfare. Any development of the site will require the approval of a Conditional Use Permit and be subject to environmental review in compliance with the California Environmental Quality Act at which point potential impacts will be assessed.
- d) The proposed zone reclassification is adequate in size and is compatible in use with the surrounding properties since both existing and proposed zones allow for commercial land uses.

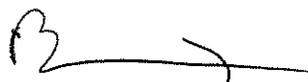
[Signatures on following page]

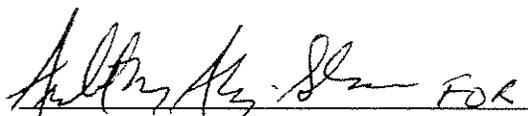
APPROVED AND ADOPTED this 15 day of April, 2013 by members of the Planning Commission of the City of Pico Rivera, voting as follows:

  
Tommy Elizalde, Chairperson

ATTEST:

APPROVED AS TO FORM:

  
Benjamin A. Martinez, Secretary  
Planning Commission  
Community and Economic Development Director

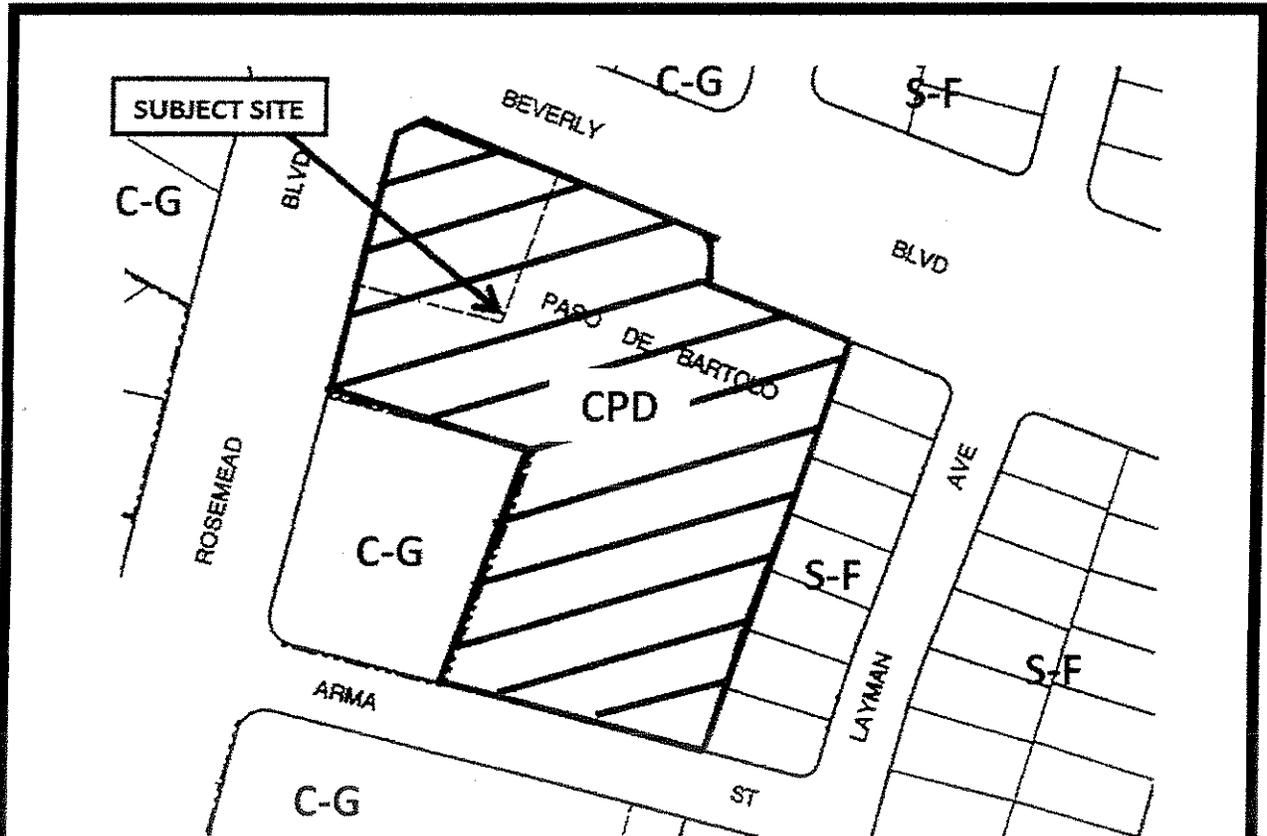
  
John W. Lam, Assistant City Attorney

AYES: Celiz, Elisaldez, Garcia, Martinez, Zermeno

NOES:

ABSENT:

ABSTAIN:



THE PROPERTIES ARE LEGALLY DESCRIBED AS PARCEL 1: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF ROSEMEAD BOULEVARD, AS DESCRIBED IN DOCUMENT NO. 10831R ON CERTIFICATE OF TITLE NO. 75048 ON FILE IN THE OFFICE OF THE REGISTRAR OF TITLES WITH THE SOUTHEASTERLY LINE OF BEVERLY BOULEVARD, AS DESCRIBED IN THE DEED TO THE COUNTY OF LOS ANGELES RECORDED IN BOOK 33659, PAGE 264, OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 69° 20' 05" WEST 134.71 FEET; THENCE NORTH 75° 29' 05" WEST 134.71 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD; THENCE NORTH 14° 30' 55" EAST 150.00 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION OF SAID LAND WITH THE LINES OF ROSEMEAD BOULEVARD AS DEDICATED BY THE MAP OF TRACT NO. 16534 IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY. PARCEL 2: THAT PORTION OF THE RANCHO PASEO DE BARTOLO IN THE CITY OF PICO RIVERA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 117 OF TRACT NO. 16534, IN SAID CITY, COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 423, PAGES 48, 49 AND 50 OF MAPS, RECORDS OF SAID COUNTY; THENCE NORTH 75° 35' WEST ALONG THE NORTHERLY LINE OF ARMA STREET, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534, 242.95 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN THE DEED RECORDED IN BOOK 4881, PAGE 246, OF OFFICIAL RECORDS, OF SAID COUNTY; THENCE NORTH 20° 31' 28" EAST ALONG THE EASTERLY LINE OF SAID LAND MENTIONED DEED 217.63 FEET TO THE NORTHEAST CORNER THEREOF; THENCE NORTH 75° 30' 55" WEST 187.46 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED DEED AND TO THE EASTERLY LINE OF ROSEMEAD BOULEVARD, 137 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT NO. 16534; THENCE ALONG THE EASTERLY LINE OF SAID ROSEMEAD BOULEVARD NORTH 14° 30' 55" WEST THEREON 150 FEET FROM THE INTERSECTION OF THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF BEVERLY BOULEVARD 100 FEET IN WIDTH, AS SHOWN ON THE MAP OF SAID TRACT 16534; THENCE SOUTH 75° 29' 05" EAST 134.71 FEET; THENCE NORTH 20° 39' 55" EAST 134.71 FEET TO THE POINT IN THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD, DISTANT THEREON SOUTH 69° 20' 05" EAST 150.00 FEET FROM SAID INTERSECTION OF THE WESTERLY PROLONGATION OF SOUTHERLY LINE OF BEVERLY BOULEVARD; THENCE EASTERLY FOLLOWING THE SOUTHERLY LINE OF SAID BEVERLY BOULEVARD AS SHOWN ON THE MAP OF SAID TRACT NO. 16534 TO THE NORTHWEST CORNER OF LOT 111 OF SAID TRACT NO. 16534; THENCE SOUTH 20° 31' 14" WEST 269.25 FEET TO AN ANGEL POINT IN THE WEST LINE OF LOT 116 OF SAID TRACT NO. 16534; THENCE SOUTH 17° 44' 57" WEST 108.49 FEET TO THE POINT OF BEGINNING. EXCEPT THEREFROM ALL OIL, GAS AND MINERAL RIGHTS IN AND UNDER SAID, BUT WITH NO RIGHTS OF INGRESS AND EGRESS FOR THE USE OF THE SURFACE OF SAID LAND, AS SET OUT IN THAT CERTAIN DEED RECORDED IN BOOK 46272, PAGE 94 OF OFFICIAL RECORDS OF SAID COUNTY AS SHOWN ON THE ATTACHED SITE MAP.

ATTACHMENT "A"

No Scale



[SIGNATURES ON PAGE 5]

RESOLUTION NO. 1205

Page 5 of 5

**ZONE RECLASSIFICATION NO. 313**

**9036 Beverly Boulevard and 4422 Rosemead Boulevard**

Zone Reclassification from General Commercial (C-G) to Commercial Planned Development (CPD)

PLANNING COMMISSION ACTION:

RESOLUTION NO. 1205

Signed



\_\_\_\_\_  
Benjamin A. Martinez,  
Planning Commission  
Community and Economic  
Development Director

**ADOPTED** April 15, 2013  
(Date)





Tuesday, April 23, 2013

A Regular Meeting of the City Council was held in the Council Chamber, Pico Rivera City Hall, 6615 Passons Boulevard, Pico Rivera, California.

Mayor Camacho called the meeting to order at 6:00 p.m. on behalf of the City Council.

**PRESENT:** Archuleta, Armenta, Salcido, Tercero, Camacho

**ABSENT:** None

**COMMISSIONERS PRESENT:**

Paul Gomez, Parks & Recreation Commission

**INVOCATION:** Victor Gonzalez

**PLEDGE OF ALLEGIANCE:** Parks & Recreation Commissioner, Paul Gomez

**1<sup>ST</sup> PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:**

Daniel Bustamante, representative of Sequel Contractors, Inc.:

- Addressed the City Council regarding Item No. 10 and an assessment of liquidated damages. He spoke in objection to the assessment charges and the date referred to in the Notice of Completion as being incorrect.

John Garcia:

- Addressed the City Council in support of Item No. 7 award of the adult basketball league contract.

**CONSENT CALENDAR:**

**1. Minutes:**

- Approved City Council meeting of April 9, 2013.
- Received and filed Parks & Recreation Commission meeting of March 14, 2013;
- Received and filed Planning Commission meeting of March 18, 2013; and
- Received and filed Planning Commission meeting of April 1, 2013.

2. **Approved 17<sup>th</sup> Warrant Register of the 2012-2013 Fiscal Year.** (700)  
Check Numbers: 256360-256538  
Special Checks Numbers: None.

3. **Selection of Consultant for Design Services for the Pico Rivera Sports Arena Campground Park.** (500)

This item was pulled from the Consent Calendar for further discussion and clarification.

4. **Extended Leave of Absence without Pay for Account Clerk II.** (200)
  1. Approved an extended leave of absence without pay.

5. **Treasurer's Report – December 31, 2012.** (700)
  1. Received and filed Quarterly Treasurer's Report for the quarter ending December 31, 2012.

6. **Summer Food Service Program.** (700)
  1. Approved Resolution No. 6711 for the submittal of the Summer Food Service Program grant application.

Resolution No. 6711 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ACCEPTING THE CALIFORNIA STATE DEPARTMENT OF EDUCATION GRANT FOR THE SUMMER FOOD SERVICE PROGRAM

7. **Award Adult Basketball League – Award Contract.** (500)

This item was pulled from the Consent Calendar for further discussion and clarification.

8. **Proposed Walking Crew Program Elimination.** (800)

This item was pulled from the Consent Calendar for further discussion and clarification.

9. **Passons Boulevard Underpass – Federal Project No. HPLUL-5351 (018), CIP No. 20053 - Notice of Completion.** (500)

1. Accepted as complete, effective April 1, 2013, work performed by Brutoco Engineering & Construction, Inc. on the Passons Boulevard Underpass Project and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
2. Authorized the City Manager to approve Change Order Nos. 16 through 33 in the total amount of \$511,470 for additional project improvements; and
3. Authorized the City Manager to approve Change Order No. 34 in the total amount of \$522,697; a balancing change order needed to adjust the contract bid quantities.

**10. Passons Boulevard Underpass, Phase III, CIP No. 20053 - Notice of Completion. (500)**

This item was pulled from the Consent Calendar for further discussion and clarification.

**11. Concrete Improvements in Community Development Block Grant (CDBG) Areas, CIP No. 21244 – Notice of Completion. (500)**

1. Accepted as complete, effective April 10, 2013, work performed by Martinez Concrete, Inc. on the Concrete Improvements in the CDBG Areas Project and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
2. Authorized the City Manager to approve two (2) Change Orders for additional work in the amount of \$32,559.

**12. Oversized Vehicle Parking on City Streets – Status Update. (1400)**

This item was pulled from the Consent Calendar for further discussion and clarification.

Motion by Councilmember Armenta, seconded by Councilmember Archuleta to approve Consent Calendar Items 1, 2, 4, 5, 6, 9, and 11. Motion carries by the following roll call vote:

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:**

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**3. Selection of Consultant for Design Services for the Pico Rivera Sports Arena Campground Park. (500)**

Councilmember Salcido asked that the Ad Hoc Committee provide reasons for their recommendation.

Councilmember Armenta stated that the recommendation is not only from the Ad Hoc Committee but also from city staff. He stated that MIG seem to be the most professional company to provide the services that are needed. Mayor Camacho stated that MIG is the better suited company to deal with the issues at the campground. Parks & Recreation Director Gonzalez added that MIG not only provided a very robust fiscal analysis but a final master plan that could be used to solicit future grants.

Councilmember Archuleta asked why the discrepancies in the amounts bid. Councilmember Armenta stated that one of the companies did not understand the scope of work that the project entailed.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Tercero to authorize the City Manager to negotiate a Professional Services Agreement with MIG not to exceed \$70,245 for professional design services for the Sports Arena Campground Park Design and Development Project. Motion carries by the following roll call vote:

Agreement No. 13-1383

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**7. Award Adult Basketball League – Award Contract. (500)**

Councilmember Salcido stated that the notes of the Ad Hoc Committee did not reflect the focus of the meeting from his perspective. He stated that all leagues need to follow under similar guidelines and is not in favor of awarding contracts to any particular league. He stated a league should not be for profit and recommended that in the future incorporating this league into the Parks & Recreation program. Mr. Salcido further stated that he prefers to see the notes from the Ad Hoc Committee in minute form rather than an editorial.

---

Motion by Councilmember Archuleta, seconded by Councilmember Salcido to award contract with ELI Basketball League to operate an Adult Basketball League in the city. Motion carries by the following roll call vote:

Agreement No. 13-1384

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**8. Proposed Walking Crew Program Elimination. (800)**

Councilmember Salcido stated that with the elimination of the walking crew program that the walking crew staff would be absorbed into the REACH program and asked for how long. Parks & Recreation Manager Manor stated that with the reduction in part-time staff hours city-wide, there will be a need for additional staff to be implemented into other areas of the Parks & Recreation services.

Councilmember Archuleta asked if eliminating the walking crew is the best way for the city to go. Parks & Recreation Director Gonzalez stated that the REACH Program is fully self-subsidized through a state grant, the walking crew program cost \$110,000 plus a year, which part of that is paid for by the parents and \$85,000 is subsidized by the city. Recreation Coordinator West provided a brief PowerPoint presentation on the REACH Program. She stated that the REACH Program is from K-5<sup>th</sup> grade and that the El Rancho Unified School District offers a program for 6<sup>th</sup> to 8<sup>th</sup> grade called "Think Together" that is a free.

Councilmember Salcido expressed his concern with the elimination of the walking crew program and the effect it will have on the relationship with current employees.

Mayor Pro Tem Tercero asked questions regarding the cost per student and the maximum of students at all sites. Manager Manor stated that the cost per student is \$7.50, the program is for a 36 week period, and the maximum of students for all sites is 980.

Mayor Camacho reiterated his understanding with the City Manager is that all jobs from the walking crew program would be placed elsewhere within the Parks & Recreation Department and that no jobs would be eliminated. City Manager Bates responded to Mayor Camacho's comments in the affirmative.

---

Councilmember Salcido reiterated his concerns for staff of the walking crew program to have jobs beyond six (6) months.

Motion by Councilmember Armenta, seconded by Mayor Camacho to approve the elimination of the Walking Crew Program for Fiscal Year 2013-2014. Motion carries by the following roll call vote:

**AYES:** Armenta, Tercero, Camacho

**NOES:** Archuleta, Salcido

**10. Passons Boulevard Underpass, Phase III, CIP No. 20053 - Notice of Completion. (500)**

In reference to the speaker's comments in regard to Item No. 10, Councilmember Salcido asked City Manager Bates for an explanation.

City Manager Bates recommended that Council move forward with the item to finish the Notice of Completion and to allow staff to complete the funding on the project. He stated that staff is aware of the concern with the contractor and will work with the contractor to resolve the issue. He added that there was a typo in the staff report in regard to the Notice of Completion date.

Public Works Director Cervantes further stated that the city is using grant funds for this project that are more than 10 years old. He stated the city has a deadline of June 30, 2013 to fully expend the money. This deadline, he stated, includes a submittal to CalTrans and a reimbursement that may take some time. He further stated that City Council is not taking a vote this evening on whether or not to assess liquidated damages. The liquidated damages, he stated, are handled administratively and generally resolved administratively through a technical forum.

Councilmember Armenta reiterated that he would like to be briefed on these types of issues prior to the City Council meeting. Councilmember Archuleta concurred with Councilmember Armenta's comments.

Mayor Pro Tem Tercero inquired about the Notice of Completion date as stated in the staff report and the change orders listed in the report. He stated that the typo of the date on the Notice of Completion is significant and that Council should have been made aware of this prior to the City Council meeting.

---

City Attorney Alvarez-Glasman reiterated that the approval of the Notice of Completion and authorization of additional change order work is without prejudice to the city's legal position on any front.

Motion by Councilmember Archuleta, seconded by Mayor Camacho to: 1) Accept as complete, effective April 16, 2013, work performed by Sequel Contractors, Inc. on the Passons Boulevard Underpass, Phase III, CIP No. 20053, and instructed the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and 2) Authorize the City Manager to approve four (4) Change Orders for additional work in the amount of \$71,857. Motion carries by the following roll call vote:

**AYES:** Archuleta, Armenta, Camacho

**NOES:** Salcido, Tercero

**12. Oversized Vehicle Parking on City Streets – Status Update. (1400)**

Councilmember Salcido addressed his concerns with Recreational Vehicles (RV's) parked on residential streets for safety reasons. He suggested that the city be more proactive in monitoring these vehicles.

Mayor Pro Tem Tercero provided an explanation to the Ad Hoc Committee's recommendation. Mayor Camacho added that staff will continue to monitor the situation to develop a policy.

Councilmember Armenta suggested that a policy needs to be put in place for those residents who don't have storage places for their RV's. He concurred with Councilmember Salcido's comments to be more proactive.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to reject current recommendation and refer the item back to the Ad Hoc Committee for further evaluation. Motion carries by the following roll call vote:

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

**LEGISLATION:** None.

Councilmember Salcido requested that staff provide at a future meeting an explanation on the water outage that took place a couple weeks ago.

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Recessed to Water Authority at 7:03 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Water Authority at 7:04 p.m.

ALL MEMBERS WERE PRESENT

**NEW BUSINESS:**

Councilmember Salcido requested a closed session dealing with employment related issues in regard to a possibility of fraud related to federal documents.

Councilmember Archuleta asked staff to work with the railroad on a graffiti removal policy.

**OLD BUSINESS:**

Councilmember Salcido requested that the Sheriff Department and Public Works apply pressure on persons soliciting money in the Towne Center and Market Place. Councilmember Archuleta requested the enforcement include street medians as well.

Mayor Camacho requested that staff provide a Public Safety report and requested that the Sheriff and city staff develop a plan on how to address the issue of panhandlers.

Councilmember Archuleta asked for an update on the Telegraph Road development. Public Works Director Cervantes stated that the Telegraph Road median enhancement project includes various street improvements between Parsons Boulevard and Rosemead Boulevard along Telegraph Road. The main improvement, he stated, is the installation of the raised medians which will go down the center of the road and eliminate the old two-way left turn lane. He stated that the project is proceeding on schedule.

**2<sup>ND</sup> PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY-RELATED BUSINESS:**

Maribel Alvarez, representative of Rivera Library:

- Addressed the City Council to invite residents to participate in the Children's story time, April 30, 2013.
-

Recessed to Closed Session at 7:11 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Closed Session at 7:43 p.m.

ALL MEMBERS WERE PRESENT

**CLOSED SESSION(S):**

**a. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

City Manager Ron Bates

Assistant City Manager Mike Matsumoto

Employee organization(s):

Service Employees International Union, Local 721 - Full-Time Bargaining Unit

Pico Rivera Mid-Managers and Professional and Confidential Association

Bargaining Unit

City Attorney Alvarez-Glasman stated that there was no final action taken and nothing further to report.

**ADJOURNMENT:**

Mayor Camacho adjourned the City Council meeting at 7:44 p.m. There being no objection it was so ordered.

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho

**NOES:** None

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Gustavo V. Camacho, Mayor

**ATTEST:**

---

Anna M. Jerome, Deputy City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council regular meeting dated April 23, 2013 and approved by the City Council on May 14, 2013.

---

Anna M. Jerome, Deputy City Clerk

**18<sup>th</sup> WARRANT REGISTER OF THE 2012-2013 FISCAL YEAR**

**MEETING DATE: 05/14/13**

**TOTAL REGISTER AMOUNT: \$3,368,516.30**

**CHECK NUMBERS: 256539-256873**

**SPECIAL CHECK NUMBERS:**

**REGULAR CHECK TOTAL: \$3,368,516.30**

**SPECIAL CHECK TOTAL:**

**TOTAL REGISTER AMOUNT: \$3,368,516.30**

**PAYROLL REGISTER P/P 04/19/13 - 05/03/13**

**Pay Date: 05/09/13**

**VOID ACH CKS**

---

**VOID CKS**

**Scrap:**  
382148 - 382536 printing error  
382537  
382598

**SPECIAL CKS**

---

**CKS**  
382538 - 382597      54,003.78  

---

54,003.78

**ACH**  
382599 - 382793      239,327.27  

---

239,327.27

**TOTAL**      293,331.05

**PAYROLL REGISTER P/P 04/05/13 - 04/19/13**

Pay Date: 04/25/13

VOID ACH CKS \_\_\_\_\_

VOID CKS \_\_\_\_\_

Scrap:  
381885  
381950

SPECIAL CKS \_\_\_\_\_

CKS  
381886 - 381949      49,144.84  
\_\_\_\_\_ 49,144.84

ACH  
381951 - 382147      245,131.61  
\_\_\_\_\_ 245,131.61

**TOTAL**      294,276.45





**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** May 14, 2013

**Subject:** LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT  
NO. 1 – ANNUAL RENEWAL CONSIDERATION

**Recommendations:**

- 1) Adopt Resolution initiating the Fiscal Year 2013-2014, Levy of Annual Assessment and ordering the preparing of the Engineer's Report for the Landscaping and Lighting Assessment District No. 1.
- 2) Adopt Resolution preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014, levy and collection of assessments within the Landscaping and Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972.
- 3) Adopt Resolution declaring the City Council's intention to levy and collect the annual assessment within the Landscaping and Lighting Assessment District No. 1 for Fiscal Year 2013-2014, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 25, 2013 as the date for the public hearing on objections thereto.

**Fiscal Impact:**

There is no fiscal impact from this item.

**Discussion:**

The Landscaping and Lighting Assessment District No. 1 was formed on July 24, 1979, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code. Under the 1972 Act, the Assessment District is authorized to fund, service, and/or maintain the following improvements:

- The installation or planting of public landscaping.
- The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- The installation or construction of public lighting facilities.
- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- The maintenance or servicing, or both, of any of the foregoing.

To complete the levy of annual assessment, the City Council must first adopt a resolution generally describing any proposed new improvements or any substantial changes in existing improvements and order the Engineer to prepare and file an annual report. This resolution is being presented concurrently with the Resolution approving the annual report.

A public hearing to hear any objections is recommended for Tuesday, June 25, 2013. The Engineer's Report proposed assessment rates include a 1.29% CPI adjustment. The proposed assessments are at the following rate for each Zone:

Zone A	\$25.50
Zone B	\$36.98



Ronald Bates

RB:MM:CO

Attachment 1 – Initiating Proceedings Resolution  
Attachment 2 – Preliminary Approval of Engineer's Annual Levy Report Resolution  
Attachment 3 – Declaration of Intent to Levy Annual Assessments Resolution  
Attachment 4 – Engineer's Annual Levy Report

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## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014 AND ORDERING THE PREPARATION OF AN ENGINEERS REPORT PURSUANT TO PROVISIONS OF CALIFORNIA STREETS AND HIGHWAYS CODE DIVISION 15, PART 2**

**WHEREAS**, the City Council has, by previous Resolutions, formed the Pico Rivera Landscape and Lighting Assessment District No. 1 (hereinafter referred to as the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as "the Act"), that provides for the levy and collection of assessments by the County of Los Angeles for the City of Pico Rivera to pay the maintenance and services of lighting and landscaping improvements, and all appurtenant facilities and operations related thereto; and

**WHEREAS**, the City Council has retained Willdan Financial Services (hereinafter "Assessment Engineer"), for the purpose of assisting with the establishment of the annual assessments and to prepare and file an Engineer's Annual Levy Report (hereinafter referred to as the "Engineer's Report") with the City Clerk in connection with said improvements and assessments in accordance with the Act; and the provisions of the California Constitution, Article XIID.

**NOW, THEREFORE**, the City of Pico Rivera does hereby resolve as follows:

**SECTION 1.** The City Council of the City of Pico Rivera desires to initiate proceedings for the levy and collection of an assessment against parcels of property within the assessment district for Fiscal Year 2013-2014, commencing July 1, 2013 and ending June 30, 2014, to pay for the costs and expenses in Section 3 hereof; and

**SECTION 2.** The City Council hereby orders the Assessment Engineer to prepare and file with the City Clerk the Engineer's Report concerning the establishment and levy of District assessments for Fiscal Year 2013-2014 in accordance with Chapter 1, Article 4, commencing with Section 22565 of the Act.

RESOLUTION NO. \_\_\_\_\_

Page 2 of 2

**SECTION 3.** The proposed District improvements and Zones for Fiscal Year 2013-2014 are substantially the same as the improvements and Zones previously approved and adopted by the City Council including the maintenance and operation of and the furnishing of services and materials for public lighting facilities including, but not limited to, street lights and safety lights at intersections; and landscaped areas including open space areas, parkways, slopes and medians within the public rights-of-way including, but not limited to, trees, shrubs, turf and other ornamental vegetation, drainage and irrigation systems, and other appurtenant facilities. The Engineer's Report shall generally describe all District improvements.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Gustavo V. Camacho, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Anna M. Jerome, CMC**  
Deputy City Clerk

\_\_\_\_\_  
**Arnold M. Alvarez-Glasman, City Attorney**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the City Council has, by previous Resolution, ordered the preparation of an Engineer's Report (hereafter referred to as the "Report") regarding the assessment district designated as the "Landscape and Lighting Assessment District No. 1" (hereafter referred to as the "District"), and the levy and collection of assessments related thereto for Fiscal Year 2013-2014, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as the "Act"); and,

**WHEREAS**, there has now been presented to this City Council the Report as required by Chapter 2, Article 1, Section 22586 of said Act; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District, the improvements described therein, each and all of the budget items and documents as set forth therein, and is satisfied that the proposed annual assessments, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PICO RIVERA, AS FOLLOWS:**

**SECTION 1.** The preceding recitals are all true and correct.

**SECTION 2.** The Report as presented, consists of the following:

- A Description of Improvements.
- A Diagram of the District.
- The proposed Annual Budget for the Fiscal Year (Costs and Expenses).
- The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

RESOLUTION NO. \_\_\_\_\_

Page 2 of 2

- The District Roll containing the Levy for each Assessor Parcel Number within the District commencing Fiscal Year 2013-2014.

**SECTION 3.** The District and the associated assessments as outlined in the Engineer's Report are in compliance with the provisions of California Constitution Article XIID.

**SECTION 4.** The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

ABSTAIN:

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, CONFIRMING THE ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2013-2014, PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1**

**WHEREAS**, the City Council has, by previous Resolutions, formed the Pico Rivera Landscape and Lighting Assessment District No. 1 (hereinafter referred to as the "District"), and initiated proceedings for Fiscal Year 2013-2014, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of Los Angeles for the City of Pico Rivera to pay the maintenance and services of all improvements and facilities related thereto; and

**WHEREAS**, the City Council has retained Willdan Financial Services for the purpose of assisting with the establishment of the assessments and to prepare and file an Engineer's Annual Levy Report (hereinafter referred to as the "Engineer's Report") with the City Clerk in accordance with the Act, and the provisions of the California Constitution, Article XIID; and

**WHEREAS**, the Engineer's Report for Fiscal Year 2013-2014 has been prepared and filed with the City Clerk and has been presented to the City Council for review and approval.

**NOW, THEREFORE, BE IT RESOLVED** for Pico Rivera Landscape and Lighting Assessment District No. 1, Pursuant to Chapter 3, Section 22624 of the Act, and the California Constitution, Article XIID, as follows:

**SECTION 1.** The City Council hereby declares that it is its intention to seek the annual levy of the District pursuant to the Act, over and including the land within the District boundary and any territories annexed thereto, and to levy and collect special benefit assessments on all such land to pay the costs of the operation, maintenance, and servicing of lighting, landscaping, and all appurtenant facilities and operations related thereto.

**SECTION 2.** The Engineer's Report as presented has been reviewed by the City Council, and based on this review the City Council hereby makes the following determinations:

- a. The District improvements and zones described in the report are substantially the same as those improvements and zones previously approved and adopted by the City Council.

- b. The costs and expenses of providing the improvements have been budgeted for each of the District zones and the proportionate special benefit derived by each individual parcel assessed has been determined in relationship to the entirety of those costs and expenses.
- c. The proposed assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- d. Only the special benefits have been assessed and a contribution has been made from City funds in the amount that exceeds any reasonable general benefit to properties outside the District or to the public at large.
- e. The assessments do not exceed the maximum annual assessments previously approved by property owners within the District and authorized to be levied for the District and the zones therein.

**SECTION 3.** The Engineer's Report for Fiscal Year 2013-2014 as presented is hereby approved for content and it is the intention of the City Council to levy and collect the proposed assessments so described for Fiscal Year 2013-2014.

**SECTION 4.** The proposed improvements within the District include the maintenance, operation, and the furnishing of services and materials for public lighting facilities including, but not limited to, street lights and safety lights at intersections; and landscaped areas including open space areas, parkways, slopes and medians within the public rights-of-way including, but not limited to, trees, shrubs, turf and other ornamental vegetation, drainage and irrigation systems, and other appurtenant facilities. The Engineer's Report, as ordered by previous Resolution, provides a full description of the improvements and the assessments connected therewith for the District.

**SECTION 5.** The boundaries of the District are within the boundaries of the incorporated City Limits of the City of Pico Rivera, within the County of Los Angeles, State of California, and is designated as Pico Rivera Landscape and Lighting Assessment District No. 1. The District and Zones within the District are fully described in the Engineer's Report.

**SECTION 6.** The proposed assessment for each parcel within the District shall be calculated in accordance with the method of apportionment established for the District and shall not exceed the assessment rates and annual inflationary adjustment approved by the property owners in accordance with the California Constitution, Article XIID. The method of apportionment and the proposed assessment rates for fiscal year 2013-2014, are documented in the Engineer's Report, reviewed and approved by the City Council at the annual Public Hearing set forth in this Resolution.

---

**RESOLUTION NO. \_\_\_\_\_**

**Page 3 of 3**

**SECTION 7.** The City Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments for the District in accordance with Chapter 3, Section 22625 of the Act and California Constitution, Article XIII D, Section 4(e).

The City shall give notice of the time and place of the Public Hearing by posting a copy of this Resolution on the official bulletin board customarily used by the Council for the posting of notices and by publishing this Resolution in a local newspaper pursuant to applicable Government Code as outlined in Chapter 3, Section 22625 of the Act. At the Public Hearing, all interested persons shall be permitted to present written and/or oral testimony.

**SECTION 8.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 25<sup>th</sup>, 2013 at 6:00 p.m., or as soon thereafter as feasible, in the City Council Chambers, located at 6615 Passons Boulevard, Pico Rivera.

**ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.**

\_\_\_\_\_  
**Gustavo V. Camacho, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Anna M. Jerome, CMC**  
**Deputy City Clerk**

\_\_\_\_\_  
**Arnold M. Alvarez-Glasman, City Attorney**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**



# City of Pico Rivera

## Landscape and Lighting Maintenance Assessment District No. 1

2013/2014 ENGINEER'S ANNUAL LEVY REPORT

Intent Meeting: May 14, 2013  
Public Hearing: June 25, 2013

7368 Via Industria  
Suite 110  
Emecula, CA 92590  
951.587.3500 | 800.755.6864  
951.587.3510

[www.willdan.com/financial](http://www.willdan.com/financial)



# ENGINEER'S REPORT AFFIDAVIT

## Establishment of Annual Assessments for the: Landscaping and Lighting Assessment District No. 1

City of Pico Rivera  
Los Angeles County, State of California

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2013/2014, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Los Angeles County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Willdan Financial Services  
District Engineer  
On Behalf of the City of Pico Rivera

By: \_\_\_\_\_

Susana Medina  
Project Manager, District Administration Services

By: \_\_\_\_\_

Richard Kopecky  
R. C. E. # 16742

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## I. OVERVIEW

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### A. INTRODUCTION

The City of Pico Rivera (the "City") annually levies and collects special assessments in order to continue the operation, maintenance and servicing of landscaping and lighting improvements within the Assessment District designated and known as:

#### CITY OF PICO RIVERA LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1

Pursuant to the order of the City Council of the City of Pico Rivera, this Report is prepared in compliance with the requirements of *Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California* (the "1972 Act").

On July 24, 1979 pursuant to the provisions of the 1972 Act, the County of Los Angeles (the "County") and the City of Pico Rivera formed and created Landscaping and Lighting Assessment District No. 1 (the "District") as a combined district with County Lighting Maintenance District (the "CLMD") 10011 that included Zones 10011A and 10011B. Together, the combined Districts included all parcels within the City of Pico Rivera, but represented only a portion of the much larger County Lighting District LLA-1 that was formed and administered by the County. Through Fiscal Year 1995/1996 the County retained responsibility for the operation, maintenance, servicing and administration of the street lighting system within the boundaries of the District representing the entire City of Pico Rivera. The annual assessments established for the District provide supplemental funding for the operation, maintenance and servicing of the street lighting systems within the City not funded by ad valorem property taxes revenues.

To ensure local control of operation, maintenance and servicing of improvements that benefit properties within the City, in May of 1996, the City Council initiated proceedings for a formal request and transfer of funds and authority over the combined districts from the Los Angeles County Board of Supervisors to the City of Pico Rivera City Council effective on August 1, 1996. The detachment and transfer of authority of the County administered districts within the City boundaries allowed the City Council to adopt the inclusion of operation, maintenance, and servicing of various landscape improvements within the City as authorized under the 1972 Act. In addition to street lights, other improvements within the street rights of way including traffic signals, median and parkway landscaping, graffiti removal, and the acquisition of any existing improvements otherwise authorized pursuant to the 1972 Act were adopted by the City Council utilizing the previously authorized method of apportionment and assessment rates established for the District assessments.

- This Engineer's Report (the "Report") provides an annual update of the District including the proposed expenses and revenues, any substantial change in the improvements of the District, and the proposed assessments to be levied on the County tax roll for Fiscal Year 2013/2014. The annual assessments to be levied on parcels within the District are based on a calculation of the proportional special benefits parcels receive from the improvements and services provided, utilizing an established method of apportionment. The revenues generated by the annual assessments partially fund the costs associated with the installation, operation, maintenance, servicing and administration of the public street lighting system, traffic signals, landscaping and graffiti abatement in public areas within the street rights of way throughout the City.

The word "parcel", for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number ("APN") by the Los Angeles County Assessor's Office. The Los Angeles County Auditor/Controller uses these APN's and specific Fund Numbers, to identify on the tax roll, properties assessed for special district benefit assessments.

## **B. COMPLIANCE WITH THE CURRENT LEGISLATION**

This Report has been prepared pursuant to the order of the City Council as required by the provisions Chapter 3, of the 1972 Act (commencing with Section 22620), which outlines the procedures for the annual levy of assessments.

At a noticed public hearing, the City Council will consider all public comments and written protests regarding the District, the proposed assessments for the upcoming Fiscal Year as described in this Report. Upon conclusion of the public testimony the City Council may direct any necessary modifications to the Report and approve the Report as submitted or as amended. Following approval of the Report, the City Council will by resolution, order the improvements to be made and confirm the levy and collection of assessments pursuant to the 1972 Act. The assessment rates and method of apportionment described in this Report as approved or modified by the City Council defines the assessments to be applied to each parcel within the District for Fiscal Year 2013/2014. The assessments as approved will be submitted to the County Auditor/Controller to be included on the property tax roll for each parcel for the Fiscal Year.

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscape improvements, public lights and appurtenant facilities. The 1972 Act Section 22573 further requires that the cost of these improvements be levied according to benefit rather than assessed value:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

In addition to the provisions of the 1972 Act, it has been determined that the existing annual assessments for this District have been previously levied in accordance with the provisions of the California Constitution Articles XIID (the "Article XIID"), which was enacted as a result of the passage of Proposition 218, approved by the California voters in November 1996.

Article XIID specifically addressed both the substantive and procedural requirements to be followed for assessments. The procedural and approval process outlined in Article XIID Section 4, applied to all assessment districts, with the exception of those existing assessments that met one or more of the exemptions set forth in Section 5 of Article XIID. Specifically as it relates to the District, the exemption provision set forth in Section 5(a) of Article XIID include:

*"any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control."*

Street Improvement is defined based on the definitions provided by the Office of the Controller for the State of California in the "Guidelines Relating to Gas Tax Expenditures" published by the Division of Local Government Fiscal Affairs. The state's gas tax program is administered in city agencies, but audited by the office of the State Controller. The proceeds of the gas tax are statutorily limited to expenditures for streets and roads. Because the funds are restricted to street and road costs, the State Controller has developed "Street Purpose Definitions and Guidelines" based on the "Manual of Uniform Highway Accounting and Financial Management Procedures" developed by the American Association of State Highway Officials. Street improvement is defined as the construction, operation, or maintenance of facilities within the right of way used for street or road purposes including but not limited to the following:

- Installation or expansion of the street lighting system including replacement of old equipment with superior equipment, installation of traffic signals at intersections and railroad crossings, replacement of equipment as required for relocations for street purposes, and purchase and installation of traffic signal control equipment.
- Expansion or installation of fences, raised medians or barriers for traffic safety; installation or addition to landscape treatment such as sod, shrubs, trees, irrigation, etc; installation or extension of curb,

gutter, or sidewalks; and replacement of retaining walls to a higher standard.

- Servicing lighting systems and street or road traffic control devices including, repainting and repairing traffic signals and lighting standards; and furnishing of power for street and road lighting and traffic control devices.
- Mowing, tree trimming and watering within the street right of way; replacing top soil, sod, shrubs, trees, irrigation facilities, etc. on the street and roadside; reseeding, resodding, and repairing of shoulders and approaches; reshaping or restoration of drainage channels and side slopes; cleaning or repairing of culverts and drains, or curb and gutter.

Street improvement as it relates to this District, is defined as the continued installation, operation, maintenance and servicing of public street lights and traffic signals (including the maintenance of appurtenant horizontal and vertical surfaces); the installation, operation, maintenance and servicing of landscaped parkways, medians or other public areas within the street rights of way (including the removal or covering of graffiti or any other such improvement, maintenance, operation and servicing authorized by the provisions of the 1972 Act); all of which are located within the public street rights of way, which is further defined as one or any combination of the following:

- Any public street, highway, road, alley, lane, boulevard, parkway, or other way dedicated to or used for public use.
- Any public property, right-of-way, or leasehold interest which is in use in the performance of a public function and which adjoins any of the ways described in the preceding public use.
- As such, it has been determined that the existing District assessments (based on the current rates and method, approved and adopted prior to July 1, 1997) are exempt from the procedural and approval requirements set forth in Article XIID, Section 4 of the California Constitution as these assessments meet the exemption provisions of Article XIID, Section 5 (a), namely; an assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for streets.

The current assessments for this District were established prior to the passage of Proposition 218. At the time the City accepted authority and responsibility for the District (August 1996), the assessments for the existing zones (Zone A and Zone B) had been gradually increased by the Los Angeles County Board of Supervisors to a maximum assessment rate of \$20.00 and \$29.00 per benefit unit, respectively. Although the assessment rates established by the County also

included an assessment range formula that provides for the continued incremental increase of the assessment rates using the Consumer Prices Index for Los Angeles, Orange and Riverside Counties, All Items (the "CPI"), between Fiscal Year 1997/1998 through Fiscal Year 2003/2004 the City Council had not exercised its option to adjust the maximum assessment rates.

The proposed annual levy of assessments for Fiscal Year commencing July 1, 2013 and ending June 30, 2014 (Fiscal Year 2013/2014) as described in this Report have been prepared and made pursuant to the provisions of the 1972 Act and are consistent with the assessments previously approved and adopted by the City Council. The assessments described herein for Fiscal Year 2013/2014 (assessment rates including the CPI adjustment and method of apportionment) do not exceed the maximum assessment rates authorized (as interpreted by the City Attorney) and are therefore in compliance with the provisions of the California Constitution Article XIID.

## ***II. DESCRIPTION OF THE DISTRICT AND SERVICES***

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### **A. BOUNDARIES OF THE DISTRICT**

The District was originally formed in 1979, by the Los Angeles County Board of Supervisors, as the Pico Rivera Zone of the County Lighting District LLA-1, and included the entire City of Pico Rivera. The boundary of the District is completely within the City limits of the City of Pico Rivera and coterminous with said City limits. An Assessment Diagram showing the exterior boundaries of the District and the benefit zones therein has been previously prepared pursuant to the provisions of the 1972 Act. Said Assessment Diagram is on file in the office of the City Clerk at the City Hall of Pico Rivera, and is hereby made a part of this Report by reference. All lots or parcels of real property included within the District are described in detail on the county assessor's maps on file in the Los Angeles County Assessor's office. Said assessor's maps shall govern for all details concerning the lines and dimensions of such lots or parcels.

### **B. IMPROVEMENTS - PLANS AND SPECIFICATIONS**

This District, by special benefit assessments on a Citywide basis, provides funding for a portion of the costs associated with the continued installation, operation, maintenance and servicing of public street lights and traffic signals (including the maintenance of appurtenant horizontal and vertical surfaces); the installation, operation, maintenance and servicing of landscaped parkways, medians or other public areas within the street rights of way (including the removal or covering of graffiti or any other such improvements, authorized by the provisions of the 1972 Act); all of which are located within the public street rights of way, which is further defined as one or any combination of the following:

- Any public street, highway, road, alley, lane, boulevard, parkway, or other way dedicated to or used for public use.
- Any public property, right-of-way, or leasehold interest which is in use in the performance of public function and which adjoins any of the ways described above.

As defined by Section 22525 of the 1972 Act, "improvement" means one or any combination of the following:

1. The installation or planting of public landscaping.
2. The installation or construction of statuary, fountains, and other ornamental structures and facilities.
3. The installation or construction of public lighting facilities, including, but not limited to, traffic signals. Section 22534 of the 1972 Act further states:

*"Public lighting facilities" means all works or improvements used or useful for the lighting of any public places, including, but not limited to, ornamental standards, luminaries, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, braces, transformers, insulators, contacts, switches, capacitors, meters, communication circuits, appliances, attachments, and appurtenances.*

4. The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
5. The maintenance or servicing, or both, of any of the foregoing. Sections 22531 and 22538 of the 1972 Act further state:

*"Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including: repair, removal, or replacement of all or any part of any improvement; providing, for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; removal of trimmings, rubbish, debris, and other solid waste; cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*"Servicing" means the furnishing of electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvement. Water for the irrigation of any landscaping, the operation of any foundations, or the maintenance of any other improvement.*

Maps showing the location of the improvements within the District, are on file with the City Clerk of the City of Pico Rivera, and are made a part of this Report by reference.

### **III. METHOD OF APPORTIONMENT**

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#### **A. GENERAL**

The net amount to be assessed upon lands within the District in accordance with this Report is apportioned by a formula and method which *“fairly distributes the net amount to be assessed among all assessable lots or parcels in proportion to the benefits to be received by each lot or parcel from the improvements”* (from Section 22573 of the 1972 Act), namely the maintenance and servicing of public landscaping and lighting improvements and facilities within the street rights of way of the District. Article XIID Section 4 further requires that *“No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel.”* The maintenance and servicing of public landscaping and lighting facilities installed and constructed within the street rights-of-way of the City provide a specific benefit to properties within the District which is received by each and every lot or parcel therein.

The special benefit assessments as described herein for the District partially fund improvements, services and operations that are specifically identified as “street improvements” as discussed in Section I B of this Report.

#### **B. BENEFIT ANALYSIS**

The District’s improvements, the associated costs and proposed assessments described in this Report, have been identified and allocated based on a benefit calculation that proportionally allocates the net cost to the benefiting properties pursuant to the provisions of Article XIID and the 1972 Act.

The improvements provided by the District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with applicable portions of the City General Plan. Although the improvements include public street lighting, traffic signals, landscaped parkways and medians available or visible to the public at large, the construction and installation of the improvements have been installed as a necessary part of property development within the District or would be required for the future development properties within the District if the improvements were not pre-existing. Therefore, any public access or use of these improvements by others is incidental and there is no measurable general benefit to properties outside the District or to the public at large.

#### **Special Benefits**

The improvements for which properties are assessed directly enhance the desirability, security, environment and surroundings of those properties and the ongoing operation, servicing and maintenance of the improvements are a distinct

and special benefit to the properties within the District. To the extent that some District improvements may provide similar benefits to properties outside the District boundaries or the improvements may benefit the public at large, the proportional costs associated with the “general benefit” are funded by other sources and not included as part of the special benefit assessments. The amount to be assessed against each parcel within the District represents only the parcel’s proportionate special benefit from the improvements.

### **Special Benefits of Street Lighting**

The primary benefits of street lighting are for the convenience, safety and protection of people as well as the security or protection of property, property improvements and goods. Specifically the benefits of adequate and well maintained public street lighting that benefit both the properties and property owners within the District include:

- Improves ingress and egress to property as well provides residents, visitors, customers, suppliers and employees an enhanced environment in which to access properties.
- Enhanced deterrence of crime and the aid to police protection and security activities.
- Reduced vulnerability to criminal assault of residents, employees, patrons and owners at night.
- The promotion of increased business activities during nighttime hours in the case of commercial properties and the ability to conduct or expand business opportunities.
- Increased nighttime safety on roads and highways.
- Reduced vandalism and other criminal acts and damage to improvements or personal property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.
- Reduction of dumping, graffiti and loitering typically associated with poorly lighted areas.
- Enhances desirability of properties through association with an area that has sufficient street lighting.
- Improved ability of pedestrians and motorists to see.

### **Special Benefits of Traffic Signals**

Traffic signals have many of the same elements of benefit, as well as similar maintenance and servicing requirements, as streetlights. In general, each traffic signal has relatively high intensity safety lighting at its intersection to facilitate safe driving and pedestrian movements. The primary benefits of traffic signal maintenance are as follows:

- Safe, orderly movement of traffic throughout the City as a result of properly spaced, times and maintained traffic signals.
- Reduced downtime caused by malfunctioning traffic signals.
- Reduction in accidents and attendant human misery and decrease in personal and property loss.
- Increased facility of use of roads and highways.

### **Special Benefits of Street Landscaping**

The primary benefits of landscape improvements within street rights-of-way are related to the improved quality of life these improvements provide to a community. The landscaping of street rights-of-way benefits parcels within the District by improving the physical and visual environment within the District and makes the properties therein more desirable. Studies have continually shown that property values and the marketability of those properties in a community are increased when public infrastructures including landscaped improvements are in place and the improvements are clean and well maintained. Facilities that are unsafe, in disrepair or destroyed by the elements or vandalism decrease the enhancement of surrounding properties.

Clearly well maintained medians and parkways (street landscaping) provide a particular and distinct special benefit to parcels within the District. Having properly maintained landscaping within the District means that the owners and visitors of the assessed parcels may enjoy the benefits of such improvements while avoiding the expense of privately installing and maintaining similar improvements. The proper maintenance of street landscaping improves the aesthetics appeal of surrounding properties by reducing pollution and noise and providing a visual enhancement of the area that may otherwise be barren or weed infested. These improvements directly reflect on properties within the District and enhance the environment enjoyed by owners, businesses, residents, tenants and their families. Each parcel within the District is located within reasonable proximity to the District's landscape improvements, and therefore benefit from the on-going maintenance of those improvements that directly enhances the quality of life throughout the City.

The primary benefits received from street landscaping include:

- Improved erosion resistance, dust and debris control, and enhanced windbreaks.
- Tends to instill a sense of pride within the neighborhood
- Improved aesthetic appeal of nearby parcels through the visual appeal of adequate green space.
- Enhanced adaptation of the urban environment within the natural environment.
- Reduced acts of vandalism created by an enhanced sense of ownership and pride in the community.
- Improved traffic circulation, driver awareness created by well-defined landscaped medians.
- Reduced noise and air pollution (environmental enhancement).

### **Special Benefits of Graffiti Removal**

The primary benefits of an active graffiti removal program are as set forth below:

- Greater pride of ownership due to a clean, inviting environment for existing residences and businesses.
- An increase in commercial/industrial activity when new businesses and their employees can be induced to locate in a graffiti-free City.
- A reduction in tagging activity when new tagging is immediately removed, thereby frustrating taggers.
- An increased sense of safety when gang marking and tagging is not allowed to remain visible.
- The enhanced desirability of properties which results from the foregoing benefits.

## General Benefit

The annual costs and expenses for providing the improvements for this District (as shown in the budget of this Report) are for the operation, maintenance, servicing, and administration of only the improvements authorized by the 1972 Act. Although it has been determined that these improvements provide special benefits to properties within the District, it is also recognized that some of these improvements and facilities by the nature of their location may also provide some degree of benefit to the public at large (specifically street lighting and traffic signals located on arterial roadways), although this benefit is generally considered incidental and not directly quantifiable.

It is reasonable however, to assume the proportional costs associated with any "general benefit" that may be conferred by the District improvements is less than five percent (5%) of the total annual direct costs necessary to maintain those improvements. Therefore, the City will annually fund at least 5% of the total direct cost of the improvements by other sources available to the City, and these costs shall not be included as part of the special benefit assessments. Gas tax revenues, ad valorem revenues, the General Fund or other revenues available to the City such as block grants may fund the proportional costs identified as "general benefit". The net amount to be assessed against each parcel within the District shall not exceed the proportionate special benefit parcels receive from the improvements.

## C. ASSESSMENT METHODOLOGY

The method of apportionment applied for street lighting, landscaping, traffic signals and graffiti abatement within this District is essentially the same as the original method established by the Los Angeles County Road Department in the Engineer's Report approved by the County Board of Supervisors on May 3, 1979 for the establishment of the City of Pico Rivera Zone of County Lighting District LLA-1 on July 24, 1979, and by reference this document is made part of this Report. At that time, the assessments were utilized for street lighting only and the method of apportionment reflected commonly accepted engineering practices for calculating the degree of benefit various parcels receive from street lighting improvements. This method of apportionment established a comparison and reasonable allocation of benefit to various parcels within the District based on the land use of each parcel as compared to the benefits received by a typical single-family home. The rationale for the proportional benefits each property receives from street lighting is based on weighted benefit factors classified as "People", "Security" and "Intensity". Clearly these same factors are applicable to the benefits properties receive from traffic signal and safety light improvements at intersections.

## **Method of Apportionment (Established by the County for Street Lights)**

The following is a description of the rationale and method of apportionment originally established by the County for determining the benefit properties receive from street lighting. This method of apportionment is currently applied for calculating the annual assessments for parcels within the District.

### **People Related Factors (People Benefits)**

People related benefits include, but are not limited to:

- Reduction in night accidents and attendant human misery and decrease in personal and property loss.
- Less vulnerability to criminal assault at night.
- Promotion of business during nighttime hours.
- Increased facility of use of roads and highways.
- Inspiration for community spirit and growth.

### **Security or Property Protection (Security Benefit)**

Security related benefits include, but are not limited to:

- Reduction in vandalism and other criminal acts, and damage to improvements.
- Reduction in burglaries.

### **Degree of Illumination (Intensity Benefit)**

Intensity, or degree of illumination, provided on streets in the lighting district varies with the type of street and the use of the property adjacent thereto. The following table from the Illuminating Engineering Society Handbook was used as a guide for the installation of the majority of the District lighting systems. The cost of providing the highest recommended degree of illumination (used in commercial areas) is about four times the cost of providing the intensity recommended for the lowest category, which includes residential properties.

**Recommendation For Average Horizontal Footcandles Roadways  
(Other Than Expressways Or Freeways)**

Roadway Classification	Area Classification		
	Downtown	Intermediate	Outlying & Rural
Major	2.0	1.2	0.9
Collector	1.2	0.9	0.6
Local or Minor	0.9	0.6	0.2

**Land Use Classifications and Weighted Benefit**

Based on land use information provided by the County Assessor, it was determined that in the existing County administered lighting districts over 93 percent of the parcels (County-wide as of 1979) were in a residential category. Approximately 83 percent (County-wide as of 1979) were single-family homes or condominiums, and the remainder was duplexes, triplexes or apartment dwellings. In view of this and the benefits derived by the family unit, both at and in the proximity of their property; a value of one was assigned to the basic family unit, i.e., the single-family home or condominium.

The existing lighting districts include some properties that may not actually have streetlights on their block but which do receive a neighborhood benefit from the lights in the area. These properties were also included in the proposed lighting district. Based on engineering judgment of the factors involved and a strong indication that lighting benefits are largely people related, a value of ½ unit was given to "People Benefit" while "Intensity Benefit" and "Security Benefit" were each rated at ¼ unit to form the basic unit of 1 for a single-family unit. Parcels in other land use categories were then rated by comparison with the basic unit.

In the remainder of the residential category, which is comprised of multiple rental type properties, the value for Intensity would remain at ¼ unit, but the other two items would increase in proportion to the number of family dwelling units on the parcel. For example, a duplex was assigned ¼ unit for Intensity, 1 unit for People Use, and ½ unit for Security Benefit for a total of 1¾ units. The owner of such property would therefore pay 1¾ times as much for lighting as the owner of a single-family residence.

In consideration of the distance some units would be from the lighted roadway, Security Benefits in the residential category would not be increased beyond a value of 1 unit. Thus a 5-unit apartment would, be assigned ¼ unit for intensity, 2½ units for People Use, and 1 unit for Security Benefits or a total of 3¾ units. As the number of apartments on a

parcel increases, the service charge units assigned for people would follow a declining scale as follows:

**21 through 50 Apartments.**

Units for 20 apartments plus 1/3 unit for each apartment over 20.  
 (20 apartments = ¼ for Intensity, 10 for People and 1 for Security = 11 ¼ units).  
 Example: 50 apartments;  $(50 - 20)/3 = 10$ ;  $11 \frac{1}{4} + 10 = 21 \frac{1}{4}$  units.

**51 through 100 Apartments**

Units for 50 apartments plus ¼ unit for each apartment over 50.  
 Example: 100 apartments;  $(100 - 50)/4 = 12 \frac{1}{2}$ ;  $21 \frac{1}{4} + 12 \frac{1}{2} = 33 \frac{3}{4}$  units.

**Over 100 Apartments**

Units for 100 apartments plus 1/5 unit for each apartment over 100.  
 Example: 200 apartments;  $(200 - 100)/5 = 20$ ;  $33 \frac{3}{4} + 20 = 53 \frac{3}{4}$

The remaining 7 percent of the lots or parcels (County-wide as of 1979) were separated into 48-land use categories as determined by the County Assessor and units were assigned on the basis of average benefits received as follows:

**Group A**

1 Unit (Minimum charge for improved property)

This Group classification applies to the following land uses:

- |                 |            |
|-----------------|------------|
| Irrigated Farms | Dry Farms  |
| Cemeteries      | Dump Sites |

**Group B**

- |                             |         |
|-----------------------------|---------|
| Moderate Intensity Lighting | ½       |
| Nominal People Use          | 1       |
| Moderate Security Benefit   | ½       |
|                             | 2 Units |

This Group classification applies to the following land uses:

- |                    |                           |
|--------------------|---------------------------|
| Animal Kennels     | Nurseries and Greenhouses |
| Churches           | Parking Lots (Industrial) |
| Schools (Private)  | Petroleum and Gas         |
| Utility Properties |                           |

**Group C**

High Intensity Lighting	1
Nominal People Use	1
Moderate Security Benefit	½
	2½ Units

This Group classification applies to the following land uses:

Parking Lot (Commercial)

**Group D**

High Intensity Lighting	1
Nominal People Use	1
High Security Benefit	1
	3 Units

This Group classification applies to the following land uses:

Office Buildings	Professional Buildings
Race Tracks/Stables	Banks, Savings & Loans
Service Shops	Homes for Aged
Lumber Yards	Golf Courses
Camps	

**Group E**

High Intensity Lighting	1
Moderate People Use	2
High Security Benefit	1
	4 Units

This Group classification applies to the following land uses:

Stores    Store w/office or residence  
 Service Stations Clubs and Lodge Halls

**Group F**

Nominal Intensity	¼
High People Use	3
High Security Benefit	1
	4¼ Units

This Group classification applies to the following land uses:

Rooming House (Treated the same as a 6-unit apartment)

**Group G**

High Intensity Lighting	1
High People Use	3
High Security Benefit	1
	5 Units

This Group classification applies to the following land uses:

Restaurant	Theater
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**Group H**

Moderate Intensity Lighting	½
Nominal People Use	1
High Security Benefit	1
	2½ Units

Doubled due to average size of business	5 Units
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This Group classification applies to the following land uses:

Light Manufacturing Warehousing	Food Processing Plant
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**Group I**

High Intensity Lighting	1
Nominal People Use	1
High Security Benefit	1
	3 Units

Doubled due to average size of business	6 Units
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This Group classification applies to the following land uses:

Auto, Recreational Equipment Sales-Service

**Group J**

High Intensity Lighting	1
Moderate People Use	2
High Security Benefit	1
	4 Units

Doubled due to average size of business	8 Units
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This Group classification applies to the following land uses:

Markets	Bowling Alleys
Skating Rinks	Department Stores
Hotels and Motels	Mobile Home Parks

### Group K

It was determined that properties within the 11 land use categories in this group (which represents less than 1/3 of one percent (0.3%) of the total lots or parcels within the districts; County-wide as of 1979) varied widely from the norm and therefore these lots or parcels were considered on an individual basis. Each of the parcels or lots in these land use categories was identified on the official lighting district maps and each street light or portion thereof in the immediate proximity of the lots or parcels benefiting the lots or parcels was assigned a number of units as indicated below. The total number of units so determined for that category would be distributed among the lots or parcels in that category in proportion to the lot or parcel area as shown below. A minimum of 3 units would be assessed to each lot or parcel to be compatible with Group D, which contains many of the smaller business categories. Several huge lots or parcels in outlying areas within the existing lighting districts had no lights in the immediate proximity and therefore those lots or parcels were assessed the minimum.

### Group K-1

Moderate Intensity Lighting	1¼
Moderate People Use	3
Moderate Security Benefit	1
	5¼ Units

This Group classification and calculated benefit include the following land uses:

Open Storage ft of lot size; or	0.014973 units per 100 sq. 6.5222 units per acre
Mineral Processing ft of lot size; or	0.005615 units per 100 sq. 2.4459 units per acre

### Group K-2

Moderate Intensity Lighting	1¼
High People Use	4
Moderate Security Benefit	1
	6¼ Units

This Group classification and calculated benefit include the following land uses:

Colleges, Universities (Private) ft of lot size; or	0.001736 units per 100 sq. 0.7562 units per acre
Wholesale and Manufacturing Outlets ft of lot size; or	0.059858 units per 100 sq. 26.0741 units per acre
Athletic and Amusement Facilities ft of lot size; or	0.027431 units per 100 sq. 11.9489 units per acre
Heavy Manufacturing ft of lot size; or	0.006382 units per 100 sq. 2.7800 units per acre
Hospitals ft of lot size; or	0.012886 units per 100 sq. 5.6131 units per acre

**Group K-3**

High Intensity Lighting	1½
High People Use	4
Moderate Security Benefit	1
	6½ Units

This Group classification and calculated benefit include the following land uses:

Motion Picture, Radio, T.V. ft of lot size; or	0.010938 units per 100 sq. 4.7646 units per acre
Neighborhood Shopping Centers ft of lot size; or	0.014449 units per 100 sq. 6.2940 units per acre
Regional Shopping Centers ft of lot size; or	0.021812 units per 100 sq. 9.5013 units per acre

**Vacant Land**

Since the determination of benefit has been related to property use and property users, no charge is to be assessed on vacant lots within the District.

## **Method of Apportionment Rationale for Landscape Improvements**

While the original method of apportionment established for determining the benefit to properties was for street light improvements only, and the rationale for the proportional allocation to various property types was based on “People”, “Security” and “Intensity” related benefits, a similar proportional allocation is applicable to landscape improvements and graffiti abatement. Clearly, landscape improvements and graffiti abatement provide obvious “People” related benefits, however the other benefits that properties derive from these improvements and services are directly related to “Aesthetic” and “Environment” benefits to properties rather than “Intensity” and “Security” benefits. Although the actual benefits parcels receive from landscape improvements and graffiti abatement services are different than the benefits provided by streetlights and traffic signals, proportionately the overall benefit to any particular land use classification from these improvements and services are substantially the same when compared to other properties. Therefore it has been determined that a fair and equitable apportionment of the net cost to provide maintenance of the landscape improvements within the District’s street rights of way and services related to graffiti abatement shall be apportioned to each parcel within the District using the same total benefit units calculated for street lighting and traffic signal improvements.

## **Determining the Cost per Lot or Parcel**

Using the aforementioned procedures, the sum of the total number of units applicable to all of the lots or parcels in the District shall be determined annually (Total Units). The estimated annual cost of operating and maintaining the District improvements for the Fiscal Year shall be determined (Total Cost). Any surpluses or deficits from the previous Fiscal Year shall be identified and applied as a credit or debit to the district. This credit or debit along with revenues from other sources such as ad valorem revenues or General Fund contributions shall be applied to the “Total Cost” to determine the net amount to be raised by assessment (Net Assessment or Balance to Levy). The cost to be assessed per unit (Unit Cost or Assessment Rate) would be equal to the quotient of the Net Assessment divided by the Total Units. The amount to be assessed to each lot or parcel in the District is determined by multiplying the number of units assigned to that lot or parcel by the Assessment Rate.

Using this method, an Assessment Rate is to be determined for each individual City Zone and that Assessment Rate or Unit Cost shall be used in determining the cost to be assessed to each lot or parcel within that Zone.

The following formulas are used to calculate each property's assessment:

$$\text{People Benefit} + \text{Security Benefit} + \text{Intensity Benefit} = \text{Parcel's Benefit Factor}$$

$$\text{Total Balance to Levy} / \text{Aggregate of Benefit Factors} = \text{Levy per Benefit Factor (Assessment Rate)}$$

$$\text{Assessment Rate} \times \text{Parcel's Benefit Factor} = \text{Parcel Levy Amount}$$

#### D. SUMMARY OF APPORTIONMENT

A tabular listing of the apportionment formulae described in the preceding section is provided below and is titled, "Summary of Assessment Formulas".

A summary of the proposed revenues for Fiscal Year 2013/2014 is provided in the Section IV of this Report and is titled "Summary of Assessments by Land Use".

#### SUMMARY OF ASSESSMENT FORMULAS

Land Use Code	Land Use (Residential)	Benefit Factor (Units)
01XX	Single-Family, Condominiums	1.00
02XX	Duplex, Two Units	1.75
03XX	Three Units	2.50
04XX	Four Units	3.25
05XX	Five Units or Apartments	3.75
	For 6 to 20 Units add 1/2 per Unit to the 5-Unit total	
	20-Unit Apartment	11.25
	For 21 to 50 Units, add 1/3 per Unit to the 20-Unit total	
	50-Unit Apartment	21.25
	For 51 to 100 Units, add 1/4 per Unit to the 50-Unit total	
	100-Unit apartment	33.75
	For 101 or more Units, add 1/4 per Unit to the 100-Unit total	
	200-Unit apartment	53.75

The parcel groups beginning with 29XX have a minimum allotment of 3 units per parcel for street lighting and traffic signals, and a minimum allotment of 2 units per parcel for landscaping, parks and graffiti removal.

### SUMMARY OF ASSESSMENT FORMULAS

Land Use Code	Land Use (Residential)	Benefit Factor (Units)
4XXX	Irrigated Farms	1.00
50XX	Dry Farms	1.00
77XX	Cemeteries	1.00
89XX	Dump Sites	1.00
28XX	Animal Kennels	2.00
29XX	Nurseries and Greenhouses	2.00
38XX	Parking Lots (Industrial)	2.00
71XX	Churches	2.00
72XX	Private Schools	2.00
83XX	Petroleum and Gas	2.00
81XX	Utility	2.00
27XX	Parking Lots (Commercial)	2.50
101X	Miscellaneous Commercial	3.00
17XX	Office Buildings	3.00
19XX	Professional Buildings	3.00
23XX	Banks, Savings & Loans	3.00
24XX	Service Shops	3.00
66XX	Golf Courses	3.00
67XX	Race Tracks/Stables	3.00
68XX	Camps	3.00
75XX	Homes for Aged	3.00
11XX	Stores	4.00
12XX		
25XX	Service Stations	4.00
64XX	Clubs and Lodge Halls	4.00
08XX	Rooming Houses (same as 6-Unit Apartments)	4.25
21XX	Restaurants	5.00
61XX	Theaters	5.00
30XX	Miscellaneous Industrial	5.00
31XX	Light Manufacturing	5.00
34XX	Food Processing Plants	5.00
33XX	Warehousing	5.00

Land Use Code	Land Use (Residential)	Benefit Factor (Units)
26XX	Auto, Recreational Equipment Sales and Service	6.00
14XX	Supermarkets	8.00
63XX	Bowling Alleys	8.00
69XX	Skating Rinks	8.00
13XX	Department Stores	8.00
18XX	Hotels and Motels	8.00
09XX	Mobile Home Parks	8.00
000V	Vacant Properties	0.00
88XX	Government Owned Properties	0.00

Land Use Code	Land Use	Benefit Factor (Units per 100 sf)	Benefit Factor (Units per acre)
39XX	Open Storage	0.014973	6.5222
37XX	Mineral Processing	0.005615	2.4459
73XX	Colleges, Universities (Private)	0.001736	0.7562
22XX	Wholesale and Manufacturing Outlets	0.059858	26.0741
65XX	Athletic and Amusement Facilities	0.027431	11.9489
32XX	Heavy Manufacturing	0.006382	2.7800
74XX	Hospitals	0.012886	5.6131
35XX	Motion Picture, Radio, TV	0.010938	4.7646
15XX	Neighborhood Shopping Centers	0.014449	6.2940
16XX	Regional Shopping Centers	0.021812	9.5013

**E. ASSESSMENT RANGE FORMULA**

**Limitation on Increase of Annual Assessments**

The City Council intends to use as a guide, for the purpose of determining annual increases in assessments, the Consumer Price Index from March to March for all Urban Consumers for the Los Angeles-Orange-Riverside area, All Items, published by the United States Department of Labor, Bureau of Labor Statistics; provided, however, that any such annual increase in assessments shall not exceed ten percent (10%).

For Fiscal Year 2013/2014, the proposed assessment rates include a 1.29% CPI adjustment to establish new maximum rates. The proposed rates for Zone A and Zone B are \$25.50 and \$36.98, respectively.

## IV. FINANCIAL ANALYSIS

FISCAL YEAR 2013/2014 PROPOSED BUDGET			
Projected Surplus/Deficit at June 30, 2013			(\$57,289)
EXPENSES	LANDSCAPING	LIGHTING	TOTALS
Labor	\$556,434	\$0	\$556,434
Equipment	9,953	0	9,953
Bank Service Charge	0	291	291
<b>Utilities:</b>			
Water	53,400	0	53,400
Electric	4,762	672,937	677,699
Materials and Service	165,851	10,772	176,623
Reimbursements and Transfers	0	0	0
Capital Improvement Projects (CIP)	0	0	0
<b>TOTAL COSTS</b>	<b>\$790,400</b>	<b>\$684,000</b>	<b>\$1,474,400</b>
FUNDING SOURCES			
Net Property Tax Zone A	0	0	\$22,987
Net Property Tax Zone B	0	0	596,775
<b>Subtotal Property Tax Revenue:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$619,762</b>
Net Assessments Zone A	0	0	\$24,935
Net Assessments Zone B	0	0	647,303
<b>Subtotal Assessment Revenue:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$672,237</b>
Capital Improvement Projects (CIP-unspent)	\$0	\$0	\$0
Other Revenues	0	0	0
Reimbursements and Transfers	0	0	0
Fund Balance Transfer (Utilization of Fund Balance)	0	0	0
General Benefit Contribution (General Fund)	39,520	34,200	73,720
Revenues from Other Sources (General Fund)	67,696	58,584	126,280
<b>Subtotal Other Revenue Sources:</b>	<b>\$107,216</b>	<b>\$92,784</b>	<b>\$200,000</b>
<b>TOTAL REVENUE:</b>			<b>\$1,492,000</b>
Projected Fund Balance at June 30, 2014			(\$39,689)
PARCEL DETAIL:			
	Revenues	Benefit Units	Applied Rate
Zone A Assessments	\$24,935	977.83	\$25.50
Zone B Assessments	\$647,303	17,504.13	\$36.98

**SUMMARY OF ASSESSMENTS BY LAND USE**

Land Use Code	Description	Parcels	Units	Total Assessment
010C	Condominiums	482	482.00	\$17,824.36
010D	Planned Residential Development Units	459	459.00	16,526.10
010V	Vacant Residential	46	0.00	0.00
010X	Single Family Residences	11,974	11,974.00	435,807.20
020X	Duplexes	245	428.75	15,592.78
030X	Three Units	45	112.50	4,131.55
040X	Four Units	67	217.75	7,977.44
050X	Apartment Complexes, Five or More Units	81	1,029.70	37,550.98
090X	Mobile Home Parks	11	88.00	3,254.24
100V	Vacant Commercial	17	0.00	0.00
1000	Commercial	1	1.00	25.50
1010	Commercial, Miscellaneous	2	6.00	221.88
1100	Stores	91	364.00	13,277.04
110V	Stores Vacant	1	0.00	0.00
11T0	Misc Commercial	1	4.00	147.92
1200	Store and Office Combinations	6	24.00	841.60
1210	Store and Residential Combinations	13	52.00	1,922.96
1310	Commercial, Department Store, Discount	1	8.00	295.84
1400	Supermarkets	5	40.00	1,479.20
1500	Neighborhood Shopping Centers	38	670.96	24,812.06
1700	Office Buildings	32	96.00	3,446.76
1701	Office Buildings	1	3.00	110.94
1702	Office Buildings, 2 Story	1	3.00	110.94
1720	Office and Residential	1	3.00	76.50
17T0	Office Misc	1	3.00	110.94
1800	Hotel Under 50 Rooms	3	24.00	887.52
1812	Hotel 50+ rooms	1	8.00	295.84
1820	Motel Under 50 Rooms	6	48.00	1,775.04
1822	Motel Under 50 Rooms misc	1	8.00	295.84
1830	Motel 50+ Rooms	2	16.00	591.68
1900	Professional Buildings	12	36.00	1,331.28
1910	Medical/Dental Buildings	6	18.00	665.64
2100	Restaurants/Cocktail Lounges	34	170.00	6,114.40
2102	Restaurants/Cocktail Lounges, 2 Story	3	15.00	554.70
2110	Fast Foods	4	20.00	739.60
2120	Fast Foods, Drive Up	2	10.00	369.80
2300	Banks, Savings and Loans	7	21.00	776.58
2400	Service Shops	6	18.00	665.64
2500	Service Stations	10	40.00	1,479.20
2520	Service Station with car wash	1	4.00	147.92
2600	Auto, Recreation Equipment, Construction	23	138.00	5,034.36

Land Use Code	Description	Parcels	Units	Total Assessment
2630	Car Wash	1	6.00	221.88
2640	Car Wash, Self Service	1	6.00	221.88
2670	Auto Service Centers (No Gasoline)	2	12.00	443.76
2700	Parking Lots (Commercial)	46	115.00	4,109.20
3000	Industrial	3	15.00	554.70
300V	Vacant Industrial	40	0.00	0.00
3010	Industrial, Miscellaneous	2	10.00	369.80
3100	Light Manufacturing	90	450.00	16,009.60
3200	Industrial, Heavy Mfg. Plant	9	78.56	2,905.06
3300	Warehousing, Distribution, Storage	68	340.00	11,654.80
3310	Industrial, Warehousing, Distribution	12	60.00	2,161.40
3320	Industrial, Warehousing, Distribution	9	45.00	1,549.30
3330	Warehousing, Distribution over 50,000 sf	20	100.00	3,698.00
3340	Industrial, Public Storage	2	10.00	369.80
3350	Public Storage, Mini Warehouses	4	20.00	739.60
3400	Industrial, Food Processing Plant, Meat	4	20.00	739.60
3420	Industrial, Food Processing Plant, Other	1	5.00	184.90
3500	Movie, Radio, Television	1	2.52	93.18
3800	Parking Lots (Industrial)	10	20.00	716.64
3900	Industrial, Open Storage	6	27.51	795.80
3910	Industrial, Open Storage, Truck Terminal	1	87.85	3,248.86
3920	Industrial, Open Storage, Contractor Storage	1	10.37	264.42
4600	Agriculture, Pasture, irrigated Farm	1	1.00	36.98
6400	Recreational, Theater, Movie, Indoor	8	32.00	1,183.36
6540	Recreational Theater, Movie, Drive In	1	5.00	184.90
7100	Churches	31	62.00	2,269.80
7110	Church Parking Lot	1	2.00	73.96
7200	Institution, Private School	6	12.00	443.76
7400	Institution, Hospital	2	11.51	425.50
7410	Institution, Hospital, Convalescent	2	25.03	925.73
7500	Institution, Home for Aged and Others	3	9.00	332.82
7700	Institution, Cemeteries, Mausoleums	1	1.00	36.98
810X	Misc. Utility, Pump Plant or State Property	107	214.00	7,890.76
8500	Rights of Way	1	2.00	73.96
8800	Government Owned Properties	26	0.00	0.00
8900	Dump Sites	1	1.00	36.98
<b>Total</b>		<b>14,267</b>	<b>18,482.02</b>	<b>\$672,237.44</b>

## ***V. ASSESSMENT ROLL***

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The individual proposed assessments for Fiscal Year 2013/2014, tabulated by Assessor's parcel numbers, are shown on an Assessment Roll, filed as a separate exhibit in the Office of the City Clerk of the City of Pico Rivera and are made a part of this report by reference. The assessment on each single-family residence for the current Fiscal Year is \$25.50 in Zone "A" and \$36.98 in Zone "B".



**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** May 14, 2013  
**Subject:** PARAMOUNT/MINES LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT – ANNUAL RENEWAL  
CONSIDERATION

**Recommendations:**

- 1) Adopt Resolution initiating the Fiscal Year 2013-2014 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Paramount/Mines Landscape Maintenance Assessment District.
- 2) Adopt Resolution preliminarily approving the Engineer's Report for the Fiscal Year 2013-2014 levy and collection of assessments within the Paramount/Mines Landscape Maintenance Assessment District pursuant to the Landscaping and Lighting Act of 1972.
- 3) Adopt Resolution declaring the City Council's intention to levy and collect the annual assessment within the Paramount/Mines Landscape Maintenance Assessment District for Fiscal Year 2013-2014 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 25, 2013.

**Fiscal Impact:**

There is no fiscal impact from this item.

**Discussion:**

The Paramount/Mines Landscape Maintenance Assessment District was formed on August 5, 2002, pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code. Under the 1972 Act, the Assessment District is authorized to fund, service, and/or maintain the following improvements:

- Installation or planting of landscaping.
- Installation of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- Installation of park or recreational improvements, including land preparation, sod, landscaping, irrigation systems, sidewalks and drainage.

To complete the levy of annual assessment, the City Council must first adopt a resolution generally describing any proposed new improvements or any substantial changes in existing improvements and order the Engineer to prepare and file an annual report. This resolution is being presented concurrently with the Resolution approving the annual report.

A public hearing to hear any objections is recommended for Tuesday, June 25, 2013. The Engineer's Report proposes to maintain the assessment rate at the rate initially established, \$520.17 per parcel.



Ronald Bates

RB:MM:CO

Attachment 1 – Initiating Proceedings Resolution

Attachment 2 – Preliminary Approval of Engineer's Annual Levy Report Resolution

Attachment 3 – Declaration of Intent to Levy Annual Assessments Resolution

Attachment 4 – Engineer's Annual Levy Report

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, INITIATING THE FISCAL YEAR 2013-2014 LEVY OF ANNUAL ASSESSMENT AND ORDERING THE PREPARATION OF THE ENGINEER'S REPORT FOR THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT**

**WHEREAS**, the Landscaping and Lighting Act of 1972, Streets and Highways Code, Subsection 22620, et. seq., requires the City to complete the levy of annual assessment and

**WHEREAS**, to complete the levy of annual assessment in a proper and timely manner, the City Council is initiating the 2013-2014 Fiscal Year assessment by adopting this Resolution pursuant to Streets and Highways Code, Subsection 22622, generally describing any proposed new improvements and ordering the Engineer to prepare and file a report.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council orders the preparation and filing of the Fiscal Year 2013-2014 Engineer's Report for Paramount/Mines Landscape Maintenance Assessment District in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the California Streets and Highways Code. Said Engineer's Report shall include existing and proposed public improvements authorized by law, including:

1. Installation or planting of landscaping.
2. Installation of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
3. Installation of park or recreational improvements, including land preparation, sod, landscaping, irrigation systems, sidewalks and drainage.
4. The maintenance or servicing, or both, of any of the foregoing.

Procedurally, provisions of Landscaping and Lighting Act of 1972, Streets and Highways Code, require the City to complete the levy of annual assessment prior to August 10<sup>th</sup> of each year without the prior consent of the County Auditor. To accomplish said levy, the City Council must first adopt a resolution generally describing any proposed new improvements or any substantial changes in existing improvements and ordering the Engineer to prepare and file a report. A public hearing to hear any objections is recommended for Tuesday, June 25, 2013.

Said Engineer's Report proposed to establish an assessment rate based on the average assessment representing the average between the assessment computed based on frontage or average lot width; and the assessment computed based on the area of the lot.

RESOLUTION NO. \_\_\_\_\_

Page 2 of 2

SECTION 2. The Mayor is hereby authorized to affix his signature to this Resolution indicating City Council's approval.

SECTION 3. The City Clerk, or her duly appointed deputy, is instructed to attest thereto.

ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE DISTRICT; AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the City Council has, by previous Resolution, ordered the preparation of an Engineer's Report (hereafter referred to as the "Report") regarding the assessment district designated as the "Paramount/Mines Landscape Maintenance Assessment District" (hereafter referred to as the "District"), and the levy and collection of assessments related thereto for Fiscal Year 2013-2014, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereafter referred to as the "Act"); and,

**WHEREAS**, there has now been presented to this City Council the Report as required by Chapter 2, Article 1, Section 22586 of said Act; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District, the improvements described therein, each and all of the budget items and documents as set forth therein, and is satisfied that the proposed annual assessments, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PICO RIVERA, AS FOLLOWS:**

**SECTION 1.** The preceding recitals are all true and correct.

**SECTION 2.** The Report as presented, consists of the following:

- A Description of Improvements.
- A Diagram of the District.
- The proposed Annual Budget for the fiscal year (Costs and Expenses).
- The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- The District Roll containing the Levy for each Assessor Parcel Number within the District commencing Fiscal Year 2013-2014.

RESOLUTION NO. \_\_\_\_\_

Page 2

**SECTION 3.** The District and the associated assessments as outlined in the Engineer's Report are in compliance with the provisions of California Constitution Article XIID.

**SECTION 4.** The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT WITHIN THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2013-2014 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15, OF THE CALIFORNIA STREETS AND HIGHWAYS CODE, AND SETTING THE TIME AND PLACE OF THE HEARING ON OBJECTIONS THERETO**

WHEREAS, the City Council has, by previous Resolutions, formed the Pico Rivera Paramount/Mines Landscape Maintenance Assessment District (hereinafter referred to as the "District"), and initiated proceedings for Fiscal Year 2013-2014, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of Los Angeles for the City of Pico Rivera to pay the maintenance and services of all improvements and facilities related thereto;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PICO RIVERA DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The boundaries of the District are the boundaries of Tract Map No. 52915 and Tract Map No. 53042, both lying within the boundary of the City of Pico Rivera.

**SECTION 2.** That in order to maintain public landscaping within the District for Fiscal Year 2013-2014, it is the intention of the City Council to levy and collect assessments pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Part 2 of Division 15 of the Streets and Highway Code) for the maintenance and servicing of landscaping within street medians and parkways.

**SECTION 3.** That reference is hereby made to the Report of the Engineer on file with the City clerk and available for public inspection for a detailed description of the improvements, the boundaries of the Assessment District, and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the District.

**SECTION 4.** The aforereferenced Engineer's Report analyzed District needs, associated, costs, the benefits to properties within the District and determined that the Fiscal Year 2013-2014 assessment need should be based in proportion to the estimated benefits to be received by such properties.

All benefiting properties, including public agencies, will be assessed their proportionate share of the costs of the District.

**SECTION 5.** NOTICE IS HEREBY GIVEN that the City Council hereby fixes Tuesday, June 25, 2013, at 6:00 p.m., in the Pico Rivera City Hall Council Chambers, located at 6615 Passons

Boulevard, Pico Rivera, California, as the time and place for hearing protests or objections to the proposed improvements, and to the levy and collection of the proposed assessment for Fiscal Year 2013-2014. All interested persons shall be afforded the opportunity to hear and be heard.

Pursuant to the 1972 Act, protests may be in writing or oral. Written protests must be filed with the City Clerk, or, any person having previously filed a protest, may file a written withdrawal of the protest prior to the conclusion of the public hearing. Any such protests shall state all grounds of the objection, and if filed by the property owner, shall contain a description sufficient to identify their property.

**SECTION 6.** The City Clerk shall cause notice of the hearing to be given by causing this Resolution of intention to be published and posted in the manner required by the 1972 Act.

**SECTION 7.** The Mayor is hereby authorized to affix his signature to this Resolution indicating City Council's approval.

**SECTION 8.** The City Clerk, or his duly appointed deputy, is instructed to attest thereto.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Gustavo V. Camacho, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Anna M. Jerome, CMC  
Deputy City Clerk

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:



## **City of Pico Rivera**

# **Paramount Mines Landscape Maintenance District**

2013/2014 ENGINEER'S ANNUAL LEVY REPORT

Intent Meeting: May 14, 2013

Public Hearing: June 25, 2013

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Suite 110  
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# **ENGINEER'S REPORT AFFIDAVIT**

**Establishment of Annual Assessments for the:**

## **Paramount Mines Landscape Maintenance District**

City of Pico Rivera  
Los Angeles County, State of California

This Report describes the District including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2013/2014, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Los Angeles County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Willdan Financial Services  
District Engineer  
On Behalf of the City of Pico Rivera

By: \_\_\_\_\_

Susana Medina  
Project Manager, District Administration Services

By: \_\_\_\_\_

Richard Kopecky  
R. C. E. # 16742

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## ***I. OVERVIEW***

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### **A. INTRODUCTION**

The City of Pico Rivera ("City") annually levies and collects special assessments in order to continue the maintenance and operation of landscaping within the Assessment District designated and known as:

#### **CITY OF PICO RIVERA PARAMOUNT MINES LANDSCAPE MAINTENANCE DISTRICT**

Pursuant to the order of the City Council of the City of Pico Rivera, this Report is prepared in compliance with the requirements of *Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California* ("1972 Act").

This Engineer's Report ("Report") provides an annual update of the Paramount Mines Landscape Maintenance District ("District") including the proposed expenses and revenues, any substantial change in the improvements or the District, and the proposed assessments to be levied on the Los Angeles County ("County") tax roll for Fiscal Year 2013/2014. The annual assessments to be levied on parcels within the District are based on a calculation of the proportional special benefits parcels receive from the improvements and services provided, utilizing an established method of apportionment. The revenues generated by the annual assessments partially fund the costs associated with the installation and maintenance of landscaping systems constructed as part of the development of Tracts No. 52915 and 53042 in the City of Pico Rivera.

The word "parcel", for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number ("APN") by the Los Angeles County Assessor's Office. The Los Angeles County Auditor/Controller uses these APN's and specific Fund Numbers, to identify on the tax roll, properties assessed for special district benefit assessments.

## **II. DESCRIPTION OF THE DISTRICT AND SERVICES**

### **A. BOUNDARIES OF THE DISTRICT**

The boundaries of the District are completely within the City limits of the City of Pico Rivera and encompass Tracts 52915 and 53042 located on the east side of Paramount Boulevard, north and south sides of Mines Avenue. An Assessment Diagram showing the exterior boundaries of the District has been previously prepared pursuant to the provisions of the 1972 Act. Said Assessment Diagram is on file in the office of the City Clerk at the City Hall, and is hereby made a part of this Report by reference. All lots or parcels of real property included within the District are described in detail on the county assessor's maps on file in the County Assessor's office. The assessor's maps govern details concerning the lines and dimensions of lots or parcels in the District.

### **B. IMPROVEMENTS - PLANS AND SPECIFICATIONS**

The proposed works of improvement are generally described as follows:

The following landscape improvements were constructed and installed for the development of Tract Nos. 52915 and 53042, located on the east side of Paramount Boulevard, north and south of Mines Avenue:

- maintenance of lawn and other landscaping;
- landscape irrigation systems;
- street and park trees;
- concrete sidewalks;
- storm drain systems.

The maintenance or servicing, or both, of any of the foregoing.

As defined by Section 22525 of the 1972 Act, "improvement" means one or any combination of the following:

1. The installation or planting of public landscaping.
2. The installation or construction of statuary, fountains, and other ornamental structures and facilities.
3. The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.

4. The maintenance or servicing, or both, of any of the foregoing. Sections 22531 and 22538 of the 1972 Act further state:

*"Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including: repair, removal, or replacement of all or any part of any improvement; providing, for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; removal of trimmings, rubbish, debris, and other solid waste; cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.*

*"Servicing" means the furnishing of electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvement. Water for the irrigation of any landscaping, the operation of any foundations, or the maintenance of any other improvement.*

Maps showing the location of the improvements within the District, are on file with the City Clerk of the City of Pico Rivera, and are made a part of this Report by reference.

### **III. METHOD OF APPORTIONMENT**

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#### **A. GENERAL**

The net amount to be assessed upon lands within the District in accordance with this Report is apportioned by a formula and method which fairly distributes the net amount to be assessed among all assessable lots or parcels in proportion to the benefits to be received by each lot or parcel from the improvements, namely the maintenance and servicing of landscaping improvements and facilities within the boundaries of the District. The maintenance and servicing of public landscaping provides a specific enhancement of the properties within the District which is received by each and every lot or parcel therein.

#### **B. BENEFIT ANALYSIS**

The District's improvements, the associated costs and proposed assessments described in this Report, have been identified and allocated based on a benefit calculation that proportionally allocates the net cost to the benefiting properties pursuant to the provisions of Article XIID and the 1972 Act.

The improvements provided by the District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with applicable portions of the City General Plan. The construction and installation of the improvements have been installed as a necessary part of property development within the District or would be required for the future development properties within the District if the improvements were not pre-existing. Therefore, any public access or use of these improvements by others is incidental and there is no measurable general benefit to properties outside the District or to the public at large.

#### **Special Benefits**

The improvements for which properties are assessed directly enhance the desirability, security, environment and surroundings of those properties and the ongoing operation, servicing and maintenance of the improvements are a distinct and special benefit to the properties within the District. The amount to be assessed against each parcel within the District represents only the parcel's proportionate special benefit from the improvements.

#### **Special Benefits of Street and Park Landscaping**

The primary benefits of landscape improvements within street rights of way and parks are related to the improved quality of life these improvements provide to a community. The landscaping of street rights of way and park benefits parcels within the District by improving the physical and visual environment within the District and makes the properties therein more

desirable. Studies have continually shown that property values and the marketability of those properties in a community are increased when public infrastructures including landscaped improvements are in place and the improvements are clean and well-maintained. Facilities that are unsafe, in disrepair or destroyed by the elements or vandalism decrease the enhancement of surrounding properties.

Clearly well-maintained medians and parkways (street landscaping) and well-maintained parks provide a particular and distinct special benefit to parcels within the District. Having properly maintained landscaping within the District means that the owners and visitors of the assessed parcels may enjoy the benefits of such improvements while avoiding the expense of privately installing and maintaining similar improvements. The proper maintenance of street landscaping and parks improves the aesthetics appeal of surrounding properties by reducing pollution and noise and providing a visual enhancement of the area that may otherwise be barren or weed infested. These improvements directly reflect on properties within the District and enhance the environment enjoyed by owners, businesses, residents, tenants and their families. Each parcel within the District is located within reasonable proximity to the District's landscape improvements, and therefore benefit from the on-going maintenance of those improvements that directly enhances the quality of life throughout the City.

The special benefits associated with street landscaping and park improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space, parks and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Enhanced quality of life and recreational opportunities through well maintained recreational facilities.

- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

### **C. ASSESSMENT METHODOLOGY**

The net amount to be assessed upon specific parcels within the District in accordance with this report is apportioned by a formula and method which fairly distributes the amount among all assessable lots or parcels in proportion to the benefits to be received by each lot or parcel from the improvements, namely the maintenance and servicing of landscaping within such District. The maintenance and servicing of landscaping in the District provides a special benefit which is received by each and every lot or parcel (with the exception of Lot 11 of Tract 52915 which is a park) tending to provide specific enhancement of the properties within the District.

### **D. ASSESSMENT RANGE FORMULA**

#### **Limitation on Increase of Annual Assessments**

The City Council intends to use as a guide, for the purpose of determining annual increases in assessments, the Consumer Price Index from March to March for all Urban Consumers for the Los Angeles-Orange-Riverside area ("CPI"), as published by the United States Department of Labor, Bureau of Labor Statistics; provided, however, that any such annual increase in assessments shall not exceed ten percent (10%).

The maximum rate for Fiscal Year 2013/2014 is \$640.10. The applied rate is \$520.17 and has not increased since formation of the District in 2003/04.

### **E. ANNUAL ADMINISTRATIVE ASSESSMENT**

A proposed maximum annual assessment shall be levied on each parcel of land and subdivision of land within the District to pay for the necessary costs and expenses incurred, and not otherwise reimbursed, resulting from the administration and collection of assessments and/or other related funds. This maximum assessment hereinafter set forth is authorized pursuant to the provisions of Section 10204, and said maximum annual assessment shall not exceed 5% per individual assessment, and said sum shall only be collected to the extent monies are not available for these services from any other source.

## IV. FINANCIAL ANALYSIS

<b>FISCAL YEAR 2013/2014 PROPOSED BUDGET</b>		
Projected Fund Balance at June 30, 2013		\$9,003
<b>EXPENSES</b>		
		<b>TOTALS</b>
Labor		\$0
Equipment		0
Utilities:		0
Water		2,727
Electric		273
Materials and Service		0
Reimbursements and Transfers		23,500
Capital Improvement Projects (CIP)		0
<b>TOTAL COSTS</b>		<b>\$26,500.00</b>
<b>FUNDING SOURCES</b>		
Net Assessments <sup>(1)</sup>		\$8,843
Fund Balance Transfer (Collection)		0
Revenues from Other Sources (General Fund)		0
<b>TOTAL REVENUE</b>		<b>\$8,843.00</b>
Projected Fund Balance as of June 30, 2013		\$9,003
Net Revenue/Expenditure		(17,657)
Projected Fund Balance as of June 30, 2014		(\$8,654)
	<b>Maximum Rate</b>	<b>Applied Rate</b>
Assessments	\$640.10	\$520.17
No. of Parcels	17	17
<p>(1) The Net Assessments for Fiscal Year 2013/14 have been applied to District Administration Expenses and repayment of the original construction loan from the City.</p>		

## V. ASSESSMENT ROLL

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ASSESSOR'S PARCEL NUMBER	FY 2013/2014 ASSESSMENT
6348002005	\$520.17
6348002006	520.17
6348002007	520.17
6348002008	520.17
6348002009	520.17
6348002011	520.17
6348002011	520.17
6348002012	520.17
6348002013	520.17
6348002014	520.17
6371011036	520.17
6371011037	520.17
6371011038	520.17
6371011039	520.17
6371011040	520.17
6371011041	520.17
6371011042	520.17
<b>TOTAL</b>	<b>\$8,842.89</b>

Applied Rate                      \$520.17  
Maximum Rate                     \$640.10

There has been no increase in the applied rate since Fiscal Year 2003/2004.





**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** May 14, 2013  
**Subject:** SUMMER FOOD SERVICE PROGRAM VENDOR AGREEMENT

**Recommendation:**

Subject to grant approval, approve the Summer Food Service Program vendor agreement to Food Service Outreach, Inc. D.B.A., Pacific Catering Company for provision of food services.

**Fiscal Impact:**

The Summer Food Service Program cost is not to exceed \$100,000. The program is federally funded and administered by the State.

**Discussion:**

The Summer Lunch Service Program provides free meals to children ages 1 through 18 years at Rivera, Smith, Pico, and Rio Hondo Parks. Last summer over 30,000 breakfast and lunch meals were served through the program. The grant will reimburse the City up to \$90,000 for meals and \$10,000 for administrative cost.

In 2009, the City went out to bid and selected Food Service Outreach, Inc. D.B.A., Pacific Catering Company as the food service provider. Food Service Outreach was selected because they are able to deliver meals directly to the lunch sites, provide a mixture of hot and cold meals at a set price, and are able to furnish the necessary equipment needed to maintain food temperatures, all at no additional cost. Food Service Outreach, Inc. is a State of California, approved Summer Food Services Program Vendor. They are the current provider for the Los Angeles Food Bank, and the cities of La Habra, Montebello, and Alhambra. Our program has operated successfully for the last four summers with Food Service Outreach, Inc. as the program food service vendor.

COUNCIL AGENDA REPORT – 5/14/13  
SUMMER FOOD SERVICE PROGRAM AGREEMENT FOR VENDOR  
Page 2 of 2

Approval of this agreement will complete the city's application for acceptance by the California Department of Education for funding the 2013 Summer Food Services Program.

Confirmation of the grant award is anticipated in early June.



Ronald Bates



RB:SG:ca

Attachments: Resolution  
Exhibit A – Agreement for Vended Meals

**RESOLUTION NO. 6711**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA ACCEPTING THE CALIFORNIA STATE DEPARTMENT OF EDUCATION GRANT FOR THE SUMMER FOOD SERVICE PROGRAM**

**WHEREAS**, the City Council of the City of Pico Rivera desires to offer free nutritious meals to youth 1 to 18 years of age from June 10 to August 9, 2013; and

**WHEREAS**, the City of Pico Rivera has been awarded a grant from the California State Department of Education for serving free breakfast, lunches and related expenses; and

**WHEREAS**, the City of Pico Rivera Department of Parks and Recreation shall be reimbursed for related program delivery and staff costs from the grant award.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pico Rivera as follows:

**SECTION 1.** The City Council authorizes and directs staff to accept said grant for the implementation of the Summer Food Service Program.

**SECTION 2.** The City of Pico Rivera adopts Budget for 2013-2014 shall reflect revenues in account No. 010-3500 – State Grants.

**SECTION 3.** Council further authorizes and directs staff to take all actions necessary and appropriate to implement the program and incur associated reimbursable expenditures.

**SECTION 4.** The City Clerk shall attest to the passage of this resolution, and it shall thereupon be in full force and effect.

**ADOPTED AND APPROVED** this 23rd day of April, 2013.

  
Gustavo V. Camacho, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
Anna M. Jerome, Assistant City Clerk

  
Arnold M. Alvarez-Glasman, City Attorney

**AYES:** Archuleta, Armenta, Salcido, Tercero, Camacho  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

### SUMMER FOOD SERVICE PROGRAM STANDARD FOOD SERVICE AGREEMENT

This agreement is entered into on DAY: 10 MONTH: JUNE YEAR: 2013 by and between

SFSP SPONSOR CITY OF PICO RIVERA, herein after referred to as the **Agency**, and

FOOD SERVICE VENDOR NAME: FOOD SERVICE OUTREACH, INC.  
D/B/A PACIFIC CATERING COMPANY, herein after referred to as the **Vendor**.

**Whereas**, it is not within the capability of the Agency to prepare specified meals under the Summer Food Service Program (SFSP); and

**Whereas**, the facilities and capabilities of the Vendor are adequate to prepare and deliver specified meals to the Agency's facility(ies); and

**Whereas**, the Vendor is willing to provide such services to the Agency on a cost reimbursement basis.

**Therefore**, both parties hereto agree as follows:

**THE VENDOR AGREES TO:**

1. Prepare unitized meals for  **delivery\***  **pickup\***  **inclusive** or  **exclusive\*\*** of milk or juice each day, in accordance with the number of meals requested and at the cost(s) per meal listed below at the following location: (Attach additional sheet of paper if necessary.)

NAME OF LOCATION RIVERA PARK 9530 SHADE LANE; SMITH PARK 6016 ROSEMEAD BLVD., PICO PARK 9528 BEVERLY BLVD.,

ADDRESS/CITY/STATE/ZIP RIO HONDO PARK 8421 SAN LUIS POTOSI PLACE, PICO RIVERA, CALIFORNIA, 90660

ENTER THE TIME OF DAY THAT MEALS WILL BE AVAILABLE TO THE AGENCY 7:15AM / 11:15AM

BREAKFAST \$1.59 EACH LUNCH \$2.70 EACH

SUPPLEMENT/SNACK \$ EACH SUPPER \$ EACH

2. Provide the Agency, for approval, a proposed cycle menu for the operational period, at least 15 day(s) prior to the beginning of the period to which the menu applies. Any changes to the menu made after Agency approval must be agreed upon by the Agency, approved by the California Department of Education (CDE) and documented on the menu records.
3. Ensure that each meal provided to the Agency under this agreement meets the minimum requirements as to the nutritional content as specified by the SFSP Meal Pattern, Schedule B (attached) which is excerpted from the regulations 7 CFR Part 225.16 or an approved National School Lunch Program (NSLP)/School Breakfast Program (SBP) option. NSLP/SBP vendors may use the same menu planning option they use during the school year in lieu of using the SFSP meal pattern. Snacks will meet the SFSP meal pattern.
4. Maintain full and accurate records which document: (1) the menus were provided to the Agency during the term of this agreement; (2) a listing of all components of each meal; and, (3) an itemization of the quantities of each component used to prepare said meal. The Vendor agrees to provide meal preparation documentation by using yield factors for each food item as listed in the United States Department of Agriculture (USDA) Food Buying Guide when calculating and recording the quantity of food prepared for each meal.

\* Check either pickup or delivery or both if this agreement is for a combination of sites that require both types of delivery.

\*\* Check whether the vendor is to "include" or "exclude" milk and juice with the meal.

## SUMMER FOOD SERVICE PROGRAM STANDARD FOOD SERVICE AGREEMENT

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5. Maintain such cost records as invoices, receipts and/or other documentation that exhibit the purchase, or otherwise availability to the Vendor, of the meal components and quantities itemized in the meal preparation records.
  6. Maintain, on a daily basis, an accurate count of the number of meals, by meal type, prepared for and delivered/picked up by the Agency. Meal count documentation must include the number of meals requested by the Agency.
  7. Allow the Agency to increase or decrease the number of meal orders, as needed, when the request is made Within the following scheduled delivery time:  \*24  HOURS
  8. Present to the Agency an invoice accompanied by reports no later than the  14  day of each month, which itemizes the previous month's delivery. The Vendor agrees to forfeit payment for meals which are not ready within one (1) hour of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, or do not otherwise meet the meal requirements contained in this agreement. In cases of nonperformance or noncompliance on the part of the Vendor, the Vendor shall pay the Agency for any excess costs the Agency incurs by obtaining meals from another source.
  9. Provide the Agency with a copy of current health certifications for the food service facility in which it prepares meals for the SFSP. The Vendor shall ensure that all health and sanitation requirements of the California Uniform Retail Food Facilities Law, Chapter 4 of the California Health and Safety Code, are met at all times.
  10. Operate in accordance with current SFSP regulations. Comply with all other USDA regulations regarding food service vendors including those specified for commercial food service if applicable.
  11. Retain all required records for a period of three (3) years after the end of the fiscal year to which they pertain (or longer, if an audit is in progress). Upon request, make all accounts and records pertaining to the agreement available to a certified public accountant hired by the Agency, representatives of the CDE, USDA, and the Office of Inspector General for audits or administrative reviews at a reasonable time and place.
  12. Not subcontract for the total meal, with or without milk, or for the assembly of the meal.
  13. Be paid by the Agency for all meals delivered/picked up in accordance with the agreement. Neither the CDE nor the USDA will assume any liability for payment of differences between the number of meals prepared for delivery and/or pickup by the Vendor and the number of meals served by the Agency that are eligible for reimbursement.
  14. Accept commodities from the Agency. The commodities will be used in the preparation of meals provided for the SFSP. The Vendor will reduce the price of the meals by the fair market value of the commodities used in the meals. Price reductions will be itemized on the invoice. All commodities until used are the property of the Agency.

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\* Negotiable time frame, but should be no longer than 24 hours

## SUMMER FOOD SERVICE PROGRAM STANDARD FOOD SERVICE AGREEMENT

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### THE AGENCY AGREES TO:

1. Request by telephone no later than     \*\* 2:30 PM    , an accurate number of meals to be delivered or picked up by the Agency each day. Notify the Vendor of necessary increases or decreases in the number of meals ordered within     \*24     hours of the scheduled delivery or pickup time. Errors in meal orders made by the Agency shall be the responsibility of the Agency.
2. Ensure that an Agency representative is available at each delivery or pickup site at the specified time on each specified day to receive, inspect, and sign for the requested number of meals. This individual will verify the temperature, quality, and quantity of each meal delivered or picked up. The Agency assures the Vendor that this individual will be trained and knowledgeable in the record keeping and meal requirements of the SFSP, and with local health and safety codes.
3. Provide personnel to serve meals, clean the serving and eating areas, and assemble transport carts and auxiliary items for pickup by the Vendor (if applicable) no later than:     \*\* 7:45 AM / 11:45 AM
4. Notify the Vendor, within     2     days of receipt of the next month's proposed cycle menu, of changes, additions, or deletions.
5. Provide the Vendor with a copy of 7 CFR Part 225.16; the SFSP Meal Pattern, Schedule B; the USDA Food Buying Guide; and all other technical assistance materials pertaining to the food service requirements of the SFSP. The Agency will, within 24 hours of receipt from the NSD, advise the Vendor of any changes in the food service requirements.
6. Pay the Vendor by the     30     day of each month the full amount as presented on the monthly itemized invoice. Notify the Vendor within 48 hours of receipt of any discrepancy in the invoice. Pay the Vendor for all meals delivered/picked up in accordance with the agreement. Neither the California Department of Education nor USDA assume any liability for payment of the difference between the number of meals prepared, picked up by the Agency, delivered by the Vendor, and the number of meals served by the Agency that are eligible for reimbursement.
7. Order only those commodities that can be incorporated into its meals. The Agency shall be responsible for transferring all unused commodities at the close of the SFSP. The Agency is responsible for the fair market value of any commodity losses that may occur.

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\* Negotiable time frame, but should be no longer than 24 hours

\*\* Time of day or day of week

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**SUMMER FOOD SERVICE PROGRAM  
STANDARD FOOD SERVICE AGREEMENT**

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**TERMS OF THE AGREEMENT:**

This agreement will take effect commencing on AUGUST 9, 2013 and shall end on 2:30 PM, but no later than September 30. This agreement may be terminated by either party giving notice at least 30 days prior to the date of termination. The Agency shall have the option to cancel this contract if the federal government withdraws funds to support the SFSP. It is further understood that in the event the contract is cancelled, the Agency shall be responsible for meals that have already been assembled, delivered/picked up in accordance with this agreement.

**SCHOOL FOOD AUTHORITY VENDING TO A SPONSOR:**

Enter the SMI planning option(s) you will use and submit a menu to the sponsor for NSD's approval if it is not the standard SFSP Meal Pattern: SUMMER FOOD SERVICE PROGRAM

If the Agency agrees to the menu planning option, the school will train the Agency by: n/a

**AGENCY:**

Agrees to allow the school to use the SMI menu planning option noted above (submit menu for NSD's approval):

Yes  No

In witness thereof, the parties hereto have executed this agreement as of the dates indicated below:

VENDOR OFFICIAL (SIGNATURE) 	AGENCY OFFICIAL (SIGNATURE) 
VENDOR OFFICIAL NAME (PRINT) Steve Frobisher	AGENCY OFFICIAL NAME (PRINT) Ronald Bates, Ph.D.
TITLE Owner	TITLE City Manager
TELEPHONE NUMBER (714) 496-4603	TELEPHONE NUMBER (562) 801-4430
DATE <u>May 1 2013</u>	DATE





**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** May 14, 2013  
**Subject:** CITY HALL EMERGENCY BACK-UP GENERATOR PROJECT,  
CIP NO. 21243 – AWARD CONSTRUCTION CONTRACT

**Recommendation:**

- 1) Award a construction contract in the amount of \$318,425 to TSR Construction & Inspection for the City Hall Emergency Back-up Generator Project, CIP No. 21243, and authorize the Mayor to execute the contract in a form approved by the City Attorney; and
- 2) Appropriate \$98,325 in Water Funds to the City Hall Emergency Back-up Generator Project, CIP No. 21243.

**Fiscal Impact:** \$220,100 (Equipment Replacement Fund)  
\$ 98,325 (Pico Rivera Water Authority Funds)

**Discussion:**

The existing emergency back-up generator at City Hall is antiquated and does not have the capacity to meet today's emergency power demands. Since its installation, power demands have increased significantly mainly due to new technologies (Information Technology [IT] Systems, computers, printers, phones, etc.).

In April 2011, an Edison transformer malfunctioned causing a power outage that affected the City Hall facility. The existing back-up generator did not provide sufficient power and City Hall services were affected. The available power fluctuated between the emergency lighting, Information Technology (IT) server, air conditioning and general power needs. Technical staff evaluated the possibility of repairing or upgrading the generator and determined it needed to be replaced.

The City Hall Emergency Back-up Generator Project entails replacing the existing emergency back-up generator with the latest in technology and energy efficiency. Highlights of the project include the following:

- An emergency back-up generator with the capacity to provide continuous power to the City Hall and City Hall West for a 24-hour period during a power failure. The back-up generator will have a 300 kW capacity which is 15 times greater than the existing generator;

COUNCIL AGENDA REPORT – MTG. OF 5/14/13  
CITY HALL EMERGENCY BACKUP GENERATOR PROJECT, CIP NO. 21243 – AWARD  
CONSTRUCTION CONTRACT

Page 2 of 2

- Emergency power to IT Systems, computers, printers, phones, emergency lighting, Council Chambers, and other essential office tools; and
- A perimeter wall that will serve a dual purpose; back-up generator enclosure and trash enclosure.

On February 26, 2013, the City Council authorized the City Clerk to advertise construction of the project. The Notice Inviting Bids was advertised on March 22 and April 5, 2013. On May 2, 2013, six (6) bids were received and opened by the City Clerk in a public forum. The following is the bid summary:

<u>Contractor</u>	<u>Total Bid</u>
1. TSR Construction & Inspection	\$318,425
2. Integral Electrical Engineering	\$342,000*
3. Global Power Group Inc.	\$347,998*
4. Control Systems Engineering	\$389,300*
5. Total Concept Sales	\$459,549*
6. Western Group, Inc.	\$495,190

\* The original bids contained mathematical errors, the corrected bids are shown here.

The lowest bid of \$318,425 is approximately 24% lower than the engineer's estimate of \$421,204. TSR Construction & Inspection has the capability, capacity, and experience to perform the work required under the bid solicitation. After completion of the bid analysis, TSR Construction & Inspection was confirmed to be the lowest, responsible bidder and is recommended for the contract.

If approved by the City Council, construction is scheduled to start in early June 2013 and be completed in four months.

The proposed project budget is \$410,325, of which \$312,000 (Equipment Replacement Fund) is currently budgeted in the Capital Improvement Program. An additional appropriation of \$98,325 in Water Funds will cover the balance of project costs. The budget will be expended on construction (\$318,425), contingency (\$31,900), design fees (\$55,000) and miscellaneous expenses such as AQMD permits (\$5,000). Construction management and inspection will be performed by in-house engineering staff.



Ronald Bates

RRB:AC:GD:lg

Enc.

- 1) Attachment "A" - Construction Contract
- 2) Attachment "B" - Project Site Plan

AGREEMENT NO. \_\_\_\_\_  
PUBLIC WORKS CONTRACT SERVICES AGREEMENT

CITY HALL EMERGENCY BACKUP GENERATOR PROJECT  
CAPITAL IMPROVEMENT PROJECT NO. 21243

THIS CONTRACT SERVICES AGREEMENT (herein "Agreement"), is made and entered into this \_\_\_\_ day of May 2013 by and between the CITY OF PICO RIVERA, a municipal corporation, (herein "City") and TSR CONSTRUCTION & INSPECTION (herein "Contractor"). The parties hereto agree as follows:

RECITALS

A. City requires services for the construction of City Hall Emergency Backup Generator Project Capital Improvement Project No. 21243. Contractor has represented to City that Contractor is qualified to perform said services and has submitted a proposal to City for same.

B. City desires to have Contractor perform said services on the terms and conditions set forth herein.

NOW, THEREFORE, based on the foregoing Recitals and for good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, City and Contractor hereby agree as follows:

1. SERVICES OF CONTRACTOR

1.1 **Scope of Services** - In compliance with all terms and conditions of this Agreement, the Contractor shall provide those services specified in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by this reference, which services may be referred to herein as the "services" or "work" hereunder. As a material inducement to the City entering into this Agreement, Contractor represents and warrants that Contractor is a provider of first class work and services and Contractor is experienced in performing the work and services contemplated herein and, in light of such status and experience, Contractor covenants that it shall follow the highest professional standards in performing the work and services required hereunder and that all materials will be of good quality, fit for the purpose intended.

1.2 **Documents Included in Contract** - This contract consists of the following Contract Documents: Notice of Inviting Bids, Special Provisions, Special Provisions – Part 2, Special Provisions – Part 3, General Provisions, Proposal, Instruction to Bidders, Bidder's Proposal, Bidder's Bond (Bidder's Guarantee), Bond for Faithful Performance, Bond for Labor and Material, Notice of Award, Notice to Proceed, Change Order, Escrow Agreement, Schedule of Non-Working Fridays, Waste Management Plan, Location Map and Supplemental Information Form, Tax

Identification Number Form, Guarantee, this Contract, and any and all schedules and attachments to it which are incorporated as if fully set forth herein

1.3 **Order of Preference of Documents** - In the event of an inconsistency among the Contract Documents, the Contract Documents shall have the following order of preference:

1. Greenbook (latest edition)
2. This Agreement
3. Special Provisions
4. Caltrans Standard Specifications
5. Caltrans Standard Plans

1.4 **Additional Services** - City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said extra work. No such extra work may be undertaken unless a written change order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation of twenty-five percent (25%) or less of the Contract Sum, or in the time to perform of one hundred eighty (180) days or less may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City Council. It is expressly understood by Contractor that the provisions of this Section shall not apply to services specifically set forth in the Scope of Services or reasonably contemplated therein. Contractor hereby acknowledges that it accepts the risk that the services to be provided pursuant to the Scope of Services may be more costly or time consuming than Contractor anticipates and that Contractor shall not be entitled to additional compensation therefor.

## 2. GENERAL CONDITIONS

2.1 **Compliance with Law** - The Contractor shall keep itself informed of City, State, and Federal laws, ordinances and regulations, which may in any manner affect the performance of its services pursuant to this Agreement. All services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental agency having jurisdiction in effect at the time service is rendered. Neither the City, nor their officers, agents, nor employees shall be liable at law or in equity as a result of the Contractor's failure to comply with this section.

2.2 **Licenses, Permits, Fees, and Assessments** - Contractor shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the services required by this Agreement, and shall indemnify, defend and hold harmless City against any such

fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder. Contractor shall be responsible for all subcontractors' compliance with this Section 2.2.

**2.3 Familiarity with Work** - By executing this Contract, Contractor warrants that Contractor (a) has thoroughly investigated and considered the Scope of Services to be performed, (b) has carefully considered how the services should be performed, and (c) fully understands the facilities, difficulties and restrictions attending performance of the services under this Agreement. If the services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of services hereunder. Should the Contractor discover any latent or unknown conditions, which will materially affect the performance of the services hereunder, Contractor shall immediately inform the City of such fact in writing and shall not proceed except at Contractor's risk until written instructions are received from the Contract Officer.

**2.4 Care of Work** - The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the work by City, except such losses or damages as may be caused by City's sole negligence.

**2.5 Further Responsibilities of Parties** - Both parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither party shall be responsible for the service of the other. Contractor shall require all subcontractors to comply with the provisions of this Agreement.

**2.6 Prevailing Wage Laws** - In accordance with Labor Code Section 1770 et seq., the director of the Department of Industrial Relations of the State of California has ascertained a general prevailing rate of wages which is the minimum amount which shall be paid to all workers employed to perform the work pursuant to this Agreement. A copy of the general prevailing wage rate determination is on file in the Office of the Director of Public Works and is hereby incorporated in this Agreement. In accordance with the provisions of Labor Code Section 1810 et seq., eight (8) hours is the legal working day. Contractor must forfeit to the City Twenty Five Dollars (\$25.00) a day for each worker who works in excess of the minimum working hours when Contractor does not pay overtime. Contractor is required to post a copy of such wage rates at all times at the contract site. The statutory penalties for failure to pay prevailing wage or to comply with State wage and hour laws will be enforced. Contractor also shall comply with State law requirements to maintain payroll records and shall provide for certified records and inspection of records as required by California Labor Code Section 1770 et seq., including Section 1776. Contractor shall comply with all statutory requirements relating to the employment of apprentices.

2.7 **Type of Contractor's License.** The Contractor shall possess the following types of contractor's license(s) to perform the work pursuant to this Agreement:

Class A – General Engineering Contractor

2.8 **Ineligible Contractor Prohibited.** Any contractor or subcontractor who is ineligible to perform work on a public works project pursuant to Section 1777.1 or 1777.7 of the Labor Code is prohibited from performing work under this Agreement.

### 3. COMPENSATION

3.1 **Contract Sum** - For the services rendered pursuant to this Agreement, the Contractor shall be compensated as specified herein, but not exceeding the maximum contract amount of three hundred eighteen thousand four hundred twenty five dollars with no cents (\$318,425.00) (herein "Contract Sum"), except as provided in Section 1.4. The Contract Sum shall include the attendance of Contractor at all project meetings reasonably deemed necessary by the City; Contractor shall not be entitled to any additional compensation for attending said meetings.

3.2 **Progress Payments** - Prior to the first day of the month, during the progress of the work, commencing on the day and month specified in the Agreement, Contractor shall submit to the Contract Officer a complete itemized payment request for all labor and materials incorporated into the work during the preceding month and the portion of the contract sum applicable thereto. Upon receipt of a properly presented payment request, the Contract Officer shall process the payment request in accordance with Public Contracts Code Section 20104.5. The Contract Officer shall review the payment request as soon as possible. If the Contract Officer rejects the payment request, it shall be returned to the Contractor within seven days of its receipt by the City with an explanation for the reasons of its rejection. If the payment request is approved in writing by the Contract Officer, payment shall be made in thirty (30) days of receipt of an undisputed and properly presented payment request. Late payments shall bear interest at the legal rate of interest in accordance with Code of Civil Procedure 685.010. City shall pay Contractor a sum based upon ninety-five percent (95%) of the contract price apportionment of the labor and materials incorporated into the work under the contract during the month covered by said statement. The remaining five percent (5%) thereof shall be retained as performance security. Refer to Section 3.3 of this Agreement for retention of funds.

3.3 **Retention of Funds** - Progress payments shall be made in accordance with the provisions of Section 2.2 of this Agreement. In accordance with said section, City shall pay Contractor a sum based upon ninety-five percent (95%) of the contract price apportionment of the labor and materials incorporated into the work under this Agreement during the month covered by said statement. The remaining five percent (5%) thereof shall be retained as performance security to be paid to the Contractor within sixty (60) days after final acceptance of the work by the City Council, after Contractor shall have furnished City with a release of all undisputed contract amounts, if required by City. In the event there are any claims specifically excluded by Contractor from the operation of the release, the City may retain proceeds (per Public Contract Code 7107) of up

to 150% of the amount in dispute. City's failure to deduct or withhold shall not affect Contractor's obligations hereunder.

#### 4. PERFORMANCE SCHEDULE

4.1 **Time of Essence** - Time is of the essence in the performance of this Agreement.

4.2 **Schedule of Performance** - Contractor shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within sixty-five (65) working days.

4.3 **Force Majeure** - The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes for the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement.

4.4 **Term** - Unless earlier terminated in accordance with Section 8.9 of this Agreement, this Agreement shall continue in full force and effect until final approval and acceptance of the work by the Contract Officer.

#### 5. COORDINATION OF WORK

5.1 **Representative of Contractor** - The following principal of Contractor are hereby designated as being the principal and representative of Contractor authorized to act on its behalf with respect to the work specified herein and make all decisions in connection therewith:

Gabriel Zapirtan

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principal was a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principal shall be responsible during the term of this Agreement for directing all activities of Contractor and devoting sufficient time to personally supervise the services hereunder. For purposes of this Agreement, the foregoing principal may not be replaced nor may his responsibilities be substantially reduced by Contractor without the express written approval of City.

5.2 **Contract Officer** - The Contract Officer shall be such person as may be designated by the City Manager or City Engineer of City. It shall be the Contractor's

responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the services and the Contractor shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

**5.3 Prohibition Against Assignment** - The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.

**5.4 Independent Contractor** - Neither the City nor any of its employees shall have any control over the manner, mode or means by which Contractor, its subcontractors, agents or employees, performs the services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Contractor's employees, subcontractors, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City, nor shall City officers, employees or agents be deemed the officers, employees, or agents of Contractor as a result of this Agreement. City shall not in any way or for any purpose become or be deemed to be a partner of Contractor in its business or otherwise or a joint venture or a member of any joint enterprise with Contractor.

**5.5 PERS Eligibility Indemnity** - In the event that Contractor or any employee, agent, or subcontractor of Contractor providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Contractor shall indemnify, defend and hold harmless the City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for payment of any penalties and interest on such contributions, which would otherwise be the responsibility of the City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Contractor and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation benefit, or any incident of employment by the City and

entitlement to any contribution to be paid by the City for employee contribution and or employee contribution for PERS benefits.

5.6 **Identity of Persons Performing Work** - Contractor represents that it employs or will employ at its own expense all personnel required for the satisfactory performance of any and all tasks and services set forth herein. Contractor represents that the tasks and services required herein will be performed by Contractor or under its direct supervision, and that all personnel engaged in such work shall be fully qualified and shall be authorized and permitted under applicable State and local law to perform such tasks and services.

5.7 **Utility Relocation** - City is responsible for removal, relocation, or protection of existing main or trunkline utilities to the extent such utilities were not identified in the invitation for bids or specifications. City shall reimburse Contractor for any costs incurred in locating, repairing damage not caused by Contractor and removing or relocating such unidentified utility facilities, including equipment idled during such work. Contractor shall not be assessed liquidated damages for delay arising from the removal or relocation of such unidentified utility facilities.

5.8 **Trenches, Excavations and Unknown Conditions** - Pursuant to California Public Contract Code Section 7104, in the event the work included in this Agreement requires excavations more than four (4) feet in depth, the following shall apply.

a) Contractor shall promptly, and before the following conditions are disturbed, notify City, in writing, of any: (1) material that Contractor believes may be material that is hazardous waste, as defined in Section 25117 of the Health and Safety Code, that is required to be removed to a Class I, Class II, or Class III disposal site in accordance with provisions of existing law; (2) Subsurface or latent physical conditions at the site different from those indicated; or (3) Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in this Agreement.

b) City shall promptly investigate the conditions, and if it finds that the conditions do materially so differ, or do involve hazardous waste, and cause a decrease or increase in Contractor's cost of, or the time required for, performance of any part of the work, shall issue a change order per Section 1.4 of this Agreement.

c) That, in the event that a dispute arises between City and Contractor whether the conditions materially differ, or involve hazardous waste, or cause a decrease or increase in Contractor's cost of, or time required for, performance of any part of the work, Contractor shall not be excused from any scheduled completion date provided for by this Agreement, but shall proceed with all work to be performed under this Agreement. Contractor shall retain any and all rights provided either by contract or by law which pertain to the resolution of disputes and protests between the parties.

5.9 **Trench and Pipeline Safety** – If this Agreement is for more than \$25,000 and involves excavation of any trench five feet or more in depth, the Contractor shall submit a detailed plan of shoring, bracing, sloping or other provisions to be made for worker protection in accordance with Labor Code Section 6705. Such plan shall be approved by a qualified representative of the City.

6. **INSURANCE, INDEMNIFICATION AND BONDS**

6.1 **Insurance** - The Contractor shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance:

<b>Coverage (Check if applicable)</b>		<b>Minimum Limits</b>
(X)	Comprehensive General Liability Insurance (including premises and operations)	\$1,000,000 per occurrence combined single limit
( )	Contractual Liability Insurance Products Liability Insurance	\$1,000,000 limit
(X)	Comprehensive Automobile Liability Insurance (includes owned, non-owned, and hired automobile hazard)	\$1,000,000 per occurrence combined single limit
( )	Professional Liability Insurance (providing for a one year discovery period)	\$1,000,000 limit
(X)	Workers' Compensation/Employers' Liability Insurance	Statutory \$1,000,000 per occurrence
	Risk of Loss Insurance	
	Acts of God Insurance	

**CONDITIONS:**

The insurance of surety companies who provide or issue the policy shall have been admitted to do business in the State of California with a credit rating of "A"-minus or better.

This insurance shall not be canceled, limited in scope or coverage or non-renewed until after thirty (30) days prior written notice has been given to the City Engineer, City of Pico Rivera, California.

Any insurance maintained by the City of Pico Rivera shall apply in excess of, and not combined with, insurance provided by this policy.

The City of Pico Rivera, its officers, employees, representatives, attorneys, and volunteers shall be named as additional named insureds.

Prior to commencement of any work under this Agreement, Contractor shall deliver to the City insurance endorsements confirming the existence of the insurance required by this Agreement, and including the applicable clauses referenced above.

Such endorsements shall be signed by an authorized representative of the insurance company and shall include the signatory's company affiliation and title. Should it be deemed necessary by the City, it shall be Contractor's responsibility to see that the City receives documentation, acceptable to the City, which sustains that the individual signing said endorsements is indeed authorized to do so by the insurance company.

If the Contractor fails to maintain the aforementioned insurance, or secure and maintain the aforementioned endorsement, the City may obtain such insurance, and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement. However, procuring of said insurance by the City is an alternative to other remedies the City may have, and is not the exclusive remedy for failure of Contractor to maintain said insurance or secure said endorsement. In addition to any other remedies the City may have upon Contractor's failure to provide and maintain any insurance or policy endorsements to the extent and within the time herein required, the City shall have the right to order Contractor to stop work hereunder, and/or withhold any payment(s) which became due to Contractor hereunder until Contractor demonstrates compliance with the requirements hereof.

Nothing herein contained shall be construed as limiting in any way the extent to which Contractor may be held responsible for payments of damages to persons or property resulting from Contractor's or its subcontractor's performance of the work covered under this Agreement.

Each contract between the Contractor and any subcontractor shall require the subcontractor to maintain the same policies of insurance that the Contractor is required to maintain pursuant to this Section 6.1.

6.2 **Indemnification** - Contractor shall indemnify the City, its officers, agents and employees against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities, (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising or alleged to arise out of or in connection with the negligent performance of the work, operations or activities of Contractor, its agents, employees, subcontractors, or invitees, provided for herein, or arising or alleged to arise from the negligent acts or omissions of Contractor hereunder, or arising or alleged to arise from Contractor's negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, but excluding such claims or liabilities or portion of such claims or liabilities arising or alleged to arise from the negligence or willful misconduct of the City, its officers, agents or employees, and in connection therewith:

a) Contractor will defend any action or actions filed in connection with any of said claims or liabilities and will pay all costs and expenses, including legal costs and attorneys' fees incurred in connection therewith;

b) Contractor will promptly pay any judgment rendered against the City, its officers, agents or employees for any such claims or liabilities arising or alleged to arise out of or in connection with Contractor's (or its agents', employees', subcontractors', or invitees') negligent performance of or failure to perform such work, operations or activities hereunder; and Contractor agrees to save and hold the City, its officers, agents, and employees harmless therefrom;

c) In the event the City, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against Contractor for such damages or other claims arising or alleged to arise out of or in connection with the negligent performance of or failure to perform the work, operation or activities of Contractor hereunder, Contractor shall pay to the City, its officers, agents or employees, any and all costs and expenses incurred by the City, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees for counsel acceptable to City.

d) Contractor's duty to defend and indemnify as set out in this Section 6.2 shall include any claims, liabilities, obligations, losses, demands, actions, penalties, suits, costs, expenses or damages or injury to persons or property arising or alleged to arise from, in connection with, as a consequence of or pursuant to any state or federal law or regulation regarding hazardous substances, including but not limited to the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), Resource Conservation and Recovery Act of 1976 ("RCRA"), the Hazardous and Solid Waste Amendments of 1984, the Hazardous Material Transportation Act, the Toxic Substances Control Act, the Clean Air Act, the Clean Water Act, the California Hazardous Substance Account Act, the California Hazardous Waste Control Law or the Porter-Cologne Water Quality Control Act, as any of those statutes may be amended from time to time.

e) City shall provide written notice to Contractor of any third party claims in accordance with Public Contracts Code 9201.

The Contractor's indemnification obligations pursuant to this Section 6.2 shall survive the termination of this Agreement. Contractor shall require the same indemnification from all subcontractors.

**6.3 Labor and Materials Bond, Performance Security and Warranty Security** - Concurrently with execution of this Agreement, Contractor shall deliver to City a labor and materials bond and a performance security each in the sum of the amount of this Agreement, in the forms provided by the City Clerk, which secures the payment of subcontractors, laborers and materialmen, and the faithful performance of this Agreement. The bond shall contain the original notarized signature of an authorized officer of the surety and affixed thereto shall be a certified and current copy of his power of attorney. The bond or security shall be unconditional and remain in force during the entire term of the Agreement and shall be null and void only if the Contractor

promptly and faithfully performs all terms and conditions of this Agreement. Prior to the acceptance of the work by the City, Contractor shall deposit with the City a Warranty Bond or Security in the amount of 50% of the amount of this Contract and in a form provided by the City warranting the work and materials for a period of one year from the date of acceptance by the City.

6.4 **Sufficiency of Insurer or Surety** - Insurance or bonds required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City due to unique circumstances. In the event the Risk Manager of City ("Risk Manager") determines that the work or services to be performed under this Agreement creates an increased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies and the performance bond required by this Section 6 may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Contractor shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Council of City within ten (10) days of receipt of notice from the Risk Manager.

6.5 **Substitution of Securities** - Pursuant to California Public Contract Code Section 22300, substitution of eligible equivalent securities for any moneys withheld to ensure performance under this Agreement for the work to be performed will be permitted at the request and expense of the successful bidder.

## 7. RECORDS AND REPORTS

7.1 **Reports** - Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement as the Contract Officer shall require. Contractor hereby acknowledges that the City is greatly concerned about the cost of work and services to be performed pursuant to this Agreement. For this reason, Contractor agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the work or services contemplated herein or, if Contractor is providing design services, the cost of the project being designed, Contractor shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design services, the estimated increased or decreased cost estimate for the project being designed.

7.2 **Records** - Contractor shall keep, and require subcontractors to keep, such books and records (including but not limited to payroll records as required herein) as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services. The Contract Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records. Such records shall be maintained for a period of three (3) years following completion of the services hereunder, and the City shall have access to such records in the event any audit is required.

7.3 **Ownership of Documents** - All drawings, specifications, reports, records, documents and other materials prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership of the documents and materials hereunder. Contractor may retain copies of such documents for its own use. Contractor shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any documents or materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify City for all damages resulting therefrom.

## 8. ENFORCEMENT OF AGREEMENT

8.1 **California Law** - This Agreement shall be construed and interpreted both as to validity and as to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action.

8.2 **Disputes** - In the event either party fails to perform its obligations hereunder, the non-defaulting party shall provide the defaulting party written notice of such default. The defaulting party shall have ten (10) days to cure the default; provided that, if the default is not reasonably susceptible to being cured within said ten (10) day period, the defaulting party shall have a reasonable time to cure the default, not to exceed a maximum of thirty (30) days, so long as the defaulting party commences to cure such default within ten (10) days of service of such notice and diligently prosecutes the cure to completion; provided further that if the default is an immediate danger to the health, safety and general welfare, the defaulting party shall take such immediate action as may be necessary. Notwithstanding the foregoing, the non-defaulting party may, in its sole and absolute discretion, grant a longer cure period. Should the defaulting party fail to cure the default within the time period provided in this Section, the non-defaulting party shall have the right, in addition to any other rights the non-defaulting party may have at law or in equity, to terminate this Agreement. Compliance with the provisions of this Section 8.2 shall be a condition precedent to bringing any legal action, and such compliance shall not be a waiver of any party's right to take legal action in the event that the dispute is not cured.

8.3 **Dispute Resolution** - If the amount of this Agreement is \$375,000 or less, disputes regarding time extensions or payment amounts must be submitted to a resolution process in accordance with Public Contracts Code 20104-20104.4 as follows:

- (1) Informal negotiation between the City and general contractor.
- (2) Mediation with the general contractor.
- (3) Arbitration.

(4) Court trial. If the party requesting the court trial does not prevail, then that party must pay all court costs and attorney's fees.

8.4 **Waiver** - No delay or omission in the exercise of any right or remedy by a non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.5 **Rights and Remedies are Cumulative** - Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

8.6 **Legal Action** - In addition to any other rights or remedies, either party may take legal action, law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

8.7 **Liquidated Damages** - Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Contractor and its sureties shall be liable for and shall pay to the City the sum of two hundred dollars (\$200.00) as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit B). In addition, liquidated damages may be assessed for failure to comply with the emergency call out requirements described in the Scope of Services (Exhibit A). The City may withhold from any moneys payable on account of services performed by the Contractor any accrued liquidated damages.

8.8 **Termination for Default of Contractor** - If termination is due to the failure of the Contractor to fulfill its obligations under this Agreement, Contractor shall vacate any City owned property which Contractor is permitted to occupy hereunder and City may, after compliance with the provisions of Section 8.2, take over the work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Contractor for the purpose of setoff or partial payment of the amounts owed the City as previously stated.

8.9 **Termination for Convenience** - The City may terminate this Agreement without cause for the convenience of the City upon giving Contractor 30 days' prior

written notice of termination of the Agreement. Upon receipt of the notice of termination, the Contractor shall cease all further work pursuant to the Agreement. Upon such termination by the City, the Contractor shall not be entitled to any other remedies, claims, actions, profits, or damages except as provided in this paragraph. Upon the receipt of such notice of termination, Contractor shall be entitled to the following compensation:

1. The contract value of the work completed to and including the date of receipt of the notice of termination, less the amount of progress payments received by Contractor.
2. Actual move-off costs including labor, rental fees, equipment transportation costs, the costs of maintaining on-site construction office for supervising the move-off.
3. The cost of materials custom made for this Agreement which cannot be used by the Contractor in the normal course of his business, and which have not been paid for by City in progress payments.
4. All costs shall not include any markups as might otherwise be allowed by any plans or specifications which were a part of the Agreement.

The provisions of this paragraph shall supersede any other provision of the Agreement or any provision of any plans, specification, addendums or other documents which are or may become a part of this Agreement. City and Contractor agree that the provisions of this paragraph are a substantive part of the consideration for this Agreement.

8.10 **Attorney's Fees** - If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

9. CITY OFFICERS AND EMPLOYEES, NONDISCRIMINATION

9.1 **Non-liability of City Officers and Employees** - No officer or employee of the City shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

9.2 **Conflict of Interest** - The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

9.3 **Covenant Against Discrimination** - Contractor covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. To the extent required by law, Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

## 10. MISCELLANEOUS PROVISIONS

10.1 **Notice** - Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and shall be deemed to be given when served personally or deposited in the U.S. Mail, prepaid, first-class mail, return receipt requested, addressed as follows:

To City: City of Pico Rivera  
6615 Passons Boulevard  
Pico Rivera, California 90660  
Attention: Arturo Cervantes, Director of Public Works/City Engineer

To Contractor: TSR Construction & Inspection  
8264 Avenida Leon  
Rancho Cucamonga, CA 91730  
Attention: Gabriel Zapirtan, President

10.2 **Interpretation** - The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

10.3 **Integration; Amendment** - It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

10.4 **Severability** - In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

10.5 **Hiring of Undocumented Workers Prohibited** - Contractor shall not hire or employ any person to perform work within the City of Pico Rivera or allow any person to perform work required under this Agreement unless such person is properly documented and legally entitled to be employed within the United States.

10.6 **Unfair Business Practices Claims** - In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, the Contractor or subcontractor offers and agrees to assign to the awarding body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Chapter 2, (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time the awarding body renders final payment to the Contractor without further acknowledgment by the parties. (Section 7103.5, California Public Contract Code.)

10.7 **Corporate Authority** - The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound.

*[Intentionally left blank. Signatures follow.]*

IN WITNESS WHEREOF, the parties have executed and entered into this Agreement as of the date first written above.

ATTEST:

CITY OF PICO RIVERA,  
a municipal corporation

By: \_\_\_\_\_  
Assistant City Clerk

By: \_\_\_\_\_  
Gustavo W. Camacho

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_

CONTRACTOR:

By: Gabriel Zapicatan  
(Print Name)

By: \_\_\_\_\_  
(Print Name)

Date: 05-07-2013

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  

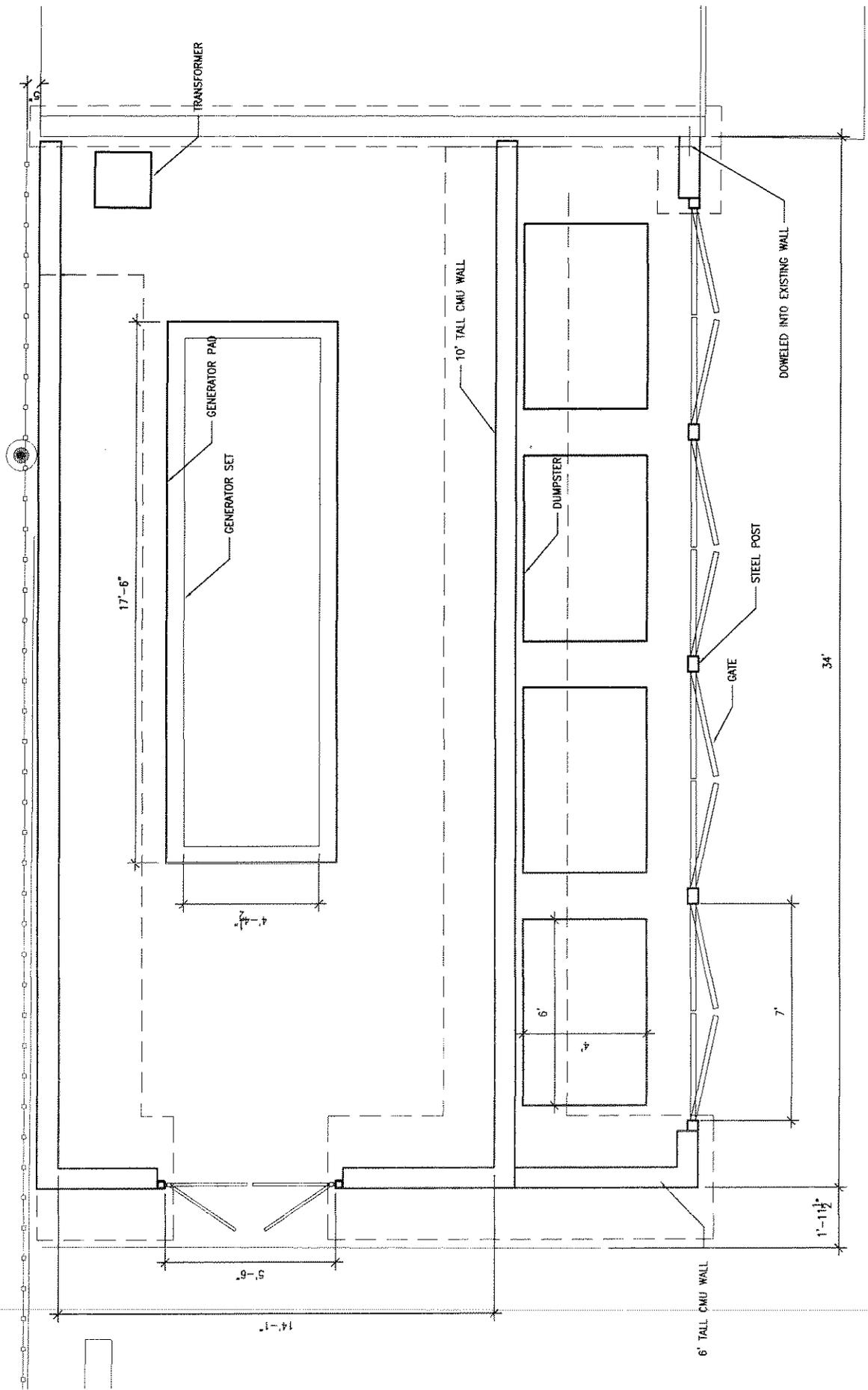

Signature: \_\_\_\_\_

Title: President

Title: \_\_\_\_\_

Address:  
8264 Avenida Leon  
Rancho Cucamonga  
CA, 91730

Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



ENCLOSURE 2 - ATTACHMENT "B"



**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** May 14, 2013

**Subject:** INSTALLATION OF TRAFFIC CONTROL DEVICES – TRAFFIC SAFETY

**Recommendation:** Receive and file.

**Fiscal Impact:** \$8,350 (General Fund, Public Works Operating Budget)

**Discussion:**

On May 24, 2011, the City Council approved a Resolution giving the City Manager the authority to approve the installation of traffic control devices based upon the results of traffic studies. Pursuant to the Resolution, staff is required to notify the City Council of changes to traffic control devices when they are made.

In the recent past, the Public Works Department received requests to consider new traffic control devices to resolve traffic issues at various locations in the City. Technical Staff has completed the evaluations and necessary traffic studies. The findings were that additional traffic control devices were warranted. Following the approval of the City Manager and Director of Public Works/City Engineer, the traffic control devices were installed. The following is a summary of the changes made.

**Pico Vista Road Traffic Study**

Staff received a request from residents to install traffic calming measures on Pico Vista Road to improve traffic safety and to resolve speeding issues. Staff prepared a traffic study which focused on roadway characteristics, traffic volumes and speeds, accident history, and sight distance. The study included the segment of Pico Vista Road from Aldrich Street to Underwood Street. The following are the findings of the traffic study:

- Roadway characteristics – Pico Vista Road is a residential street; contains one traffic lane per direction; has on-street parking on both sides; and has a posted speed limit of 25 MPH. Within the study limits, Pico Vista Road is only 2,910 feet in length. Pico Vista Road has three-way stop signs at its intersections with Havenwood Street and Bradhurst Street, as well as stop controls on its north (Aldrich Street) and south (Underwood Street) ends.

- Traffic Volumes – Traffic volumes on Pico Vista Road are relatively low (1,520 vehicles per day), and not a cause for concern. Volumes increase during student pick-up/drop-off hours because motorists use Pico Vista Road as a cut-through street to avoid the traffic congestion on Passons Boulevard.
- Traffic Speeds – The average speeds recorded on Pico Vista Road were 34.5 MPH. Though this is higher than the 25 MPH posted speed limit, vehicles are considered to be speeding when travelling over 35 MPH. Only 8% of the total vehicle speeds recorded were over 35 MPH. Such vehicle speeds are common on residential streets Citywide, particularly during the rush hour. Speeding is not considered to be an issue given the low frequency of speeding, low traffic volumes, and accident history. Only minor traffic calming measures were warranted.
- 3-Year Accident History – During the study period (January, 2010 to January, 2013), only three traffic collisions were reported; all of which were vehicles colliding with parked vehicles. Additionally, in February 2013, there was the accident where an alleged drunk driver collided with a parked vehicle, hitting the owner of the parked vehicle, as well. The low number of traffic collisions reported does not reflect a collision pattern that is susceptible to correction through installation of any particular traffic control device or traffic calming measure.
- Sight visibility – There are no sight distance issues found.

To address traffic conditions on Pico Vista Road, particularly during student drop-off/pick hours, the traffic study recommended (1) additional speed limit signs, (2) periodic placement of speed radar trailers, and (3) police enforcement.

### Durfee Neighborhood Traffic Study

Over the last two years, staff has received numerous traffic related concerns from residents living in the neighborhood located north of Beverly Boulevard, east of Rosemead Boulevard, south of Gallatin Road and west of Durfee Avenue. Resident concerns included speeding, congestion and safety, and their requests called for implementation of traffic calming measures. Residents expressed similar concerns in a community outreach meeting held on November 28, 2012. Staff prepared a comprehensive traffic study with a focus on field observations, roadway characteristics, traffic volumes and speeds, accident history, sight distance, and stop controlled intersections. Attachment “C” contains a map of the streets that were evaluated in the study (Study Streets). The following are the findings of the traffic study:

- Roadway Characteristics – The Study Streets are residential streets that contain one traffic lane per direction; have on-street parking on both sides; and have posted speed limits of 25 MPH. There are several intersections controlled with stop signs. The Study

Streets are in close proximity to Beverly Boulevard, Rosemead Boulevard, schools, Pico Park and commercial land uses.

- Traffic Volumes – Traffic counts indicate that traffic volumes on the Study Streets are not significant or a cause for concern. The average traffic volume ranged from 212 to 855 vehicles per day. Layman Avenue experiences higher traffic volumes because it serves as a cut-through street. Motorists use Layman Avenue to avoid the congested Rosemead Boulevard and Beverly Boulevard intersection.
- Traffic Speeds – The critical speeds (85th Percentile) on the Study Streets ranged from 20 MPH to 39 MPH. Though this is higher than the 25 MPH posted speed limit, vehicles are considered to be speeding when travelling over 35 MPH. On four of the seven Study Streets, 7% of the motorists were speeding. On the other three streets, 11% to 16% of the motorists were speeding. Speeding is not considered to be an overly significant issue due to the low frequency of speeding, low traffic volumes, and accident history. Also, such vehicle speeds are common on residential streets Citywide. Only minor traffic calming measures were warranted.
- Three-Year Accident History – During the study period (2010 to 2012), the number of traffic collisions reported at or near these neighborhood intersections were relatively low and do not show a collision pattern that is susceptible to correction through installation of any particular traffic control device or traffic calming measure.
- Sight visibility – The neighborhood intersections evaluated in this analysis do not present significant sight distance restrictions which would justify removing on-street parking; therefore no on-street parking restrictions are recommended.
- Stop Signs – While traffic volumes and accident history did not warrant placing additional stop signs, the geometrics of the Beverly Boulevard, Frontage Road, and Lindell Avenue intersection did. The common traffic control for such intersections is a stop sign with a “KEEP CLEAR” pavement marking.
- School Traffic – Congestion experienced around the schools is common. The primary reason is that the vast majority of vehicles arrive at the school during the same period of time. The surrounding street system was not designed nor can it be modified to accommodate that many vehicles at the same time. The City cannot engineer its way out of the traffic congestion issues around the schools; therefore, no significant traffic controls are recommended.

To address traffic conditions, the traffic study recommended: (1) additional speed limit signs and pavement markings on all residential streets, (2) periodic placement of speed radar trailers, (3) police enforcement, (4) “KEEP CLEAR” legend and limit line on Deland Avenue within the intersection with Beverly Boulevard frontage road to help reduce congestion, and (5) placement of a stop sign and “KEEP CLEAR” pavement legend and limit line at the intersection of Lindell Avenue and the Beverly Boulevard frontage road.

**Project Cost**

The total cost for the installation of striping and signage for both of the items above was \$8,350. This included engineering (\$5,000), labor (\$1,550) and materials (\$1,800).



Ronald Bates

RRB:AC:RG:JL:lg

Enc.

- 1) Attachment "A" - Traffic Analysis - Pico Vista Road from Aldrich Street to Underwood Street.
- 2) Attachment "B" - Traffic Analysis - Durfee Neighborhood Study.
- 3) Attachment "C" - Durfee Avenue Study Streets

CITY OF PICO RIVERA  
MEMORANDUM

Date: May 6, 2013

To: City Manager

From: Director of Public Works/City Engineer 

Subject: PICO VISTA ROAD - TRAFFIC SPEED EVALUATION

**Background**

Staff received a request to analyze the segment of Pico Vista Road from Aldrich Street to Underwood Street. The primary concern of residents is the speed of vehicles traveling on Pico Vista Road. The following study evaluates this issue and makes recommendations based on field observations, accident history, vehicular volumes, and speed survey data, with a goal of improving safety. Figure 1 presents a vicinity map of the area.

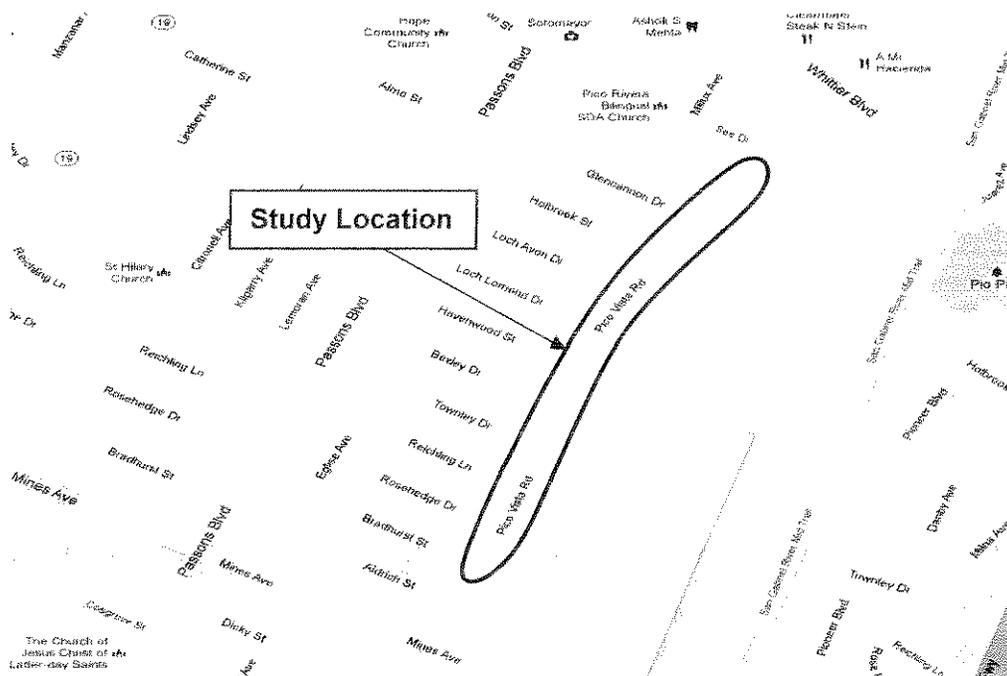


Figure 1: Vicinity Map

## Roadway Features

Pico Vista Road is a north-south residential street with on-street parking permitted on both sides of the street. Pico Vista Road is 36 feet wide, allowing for one 10-foot wide lane of travel and an 8-foot wide parking lane in each direction. The prima fascia speed limit is 25 MPH.

There are two three way stop control intersections along Pico Vista Road. The three way stop controls are at Havenwood Street and Bradhurst Street. There are existing stop signs on the north and south ends of Pico Vista Road segment.



Figure 1: Aerial Photograph

## ***Investigation***

The concern at Pico Vista Road is vehicle traveling at a high speed on a residential street. The California Manual on Uniform Traffic Control Devices (CA-MUTCD) provides standards for evaluating these types of issues at intersections, as well as general applications for stop signs. Staff utilized the CA-MUTCD guidelines in conjunction with field observation, intersection geometrics, visibility standards, vehicular volume, and traffic accident history to evaluate the entire segment.

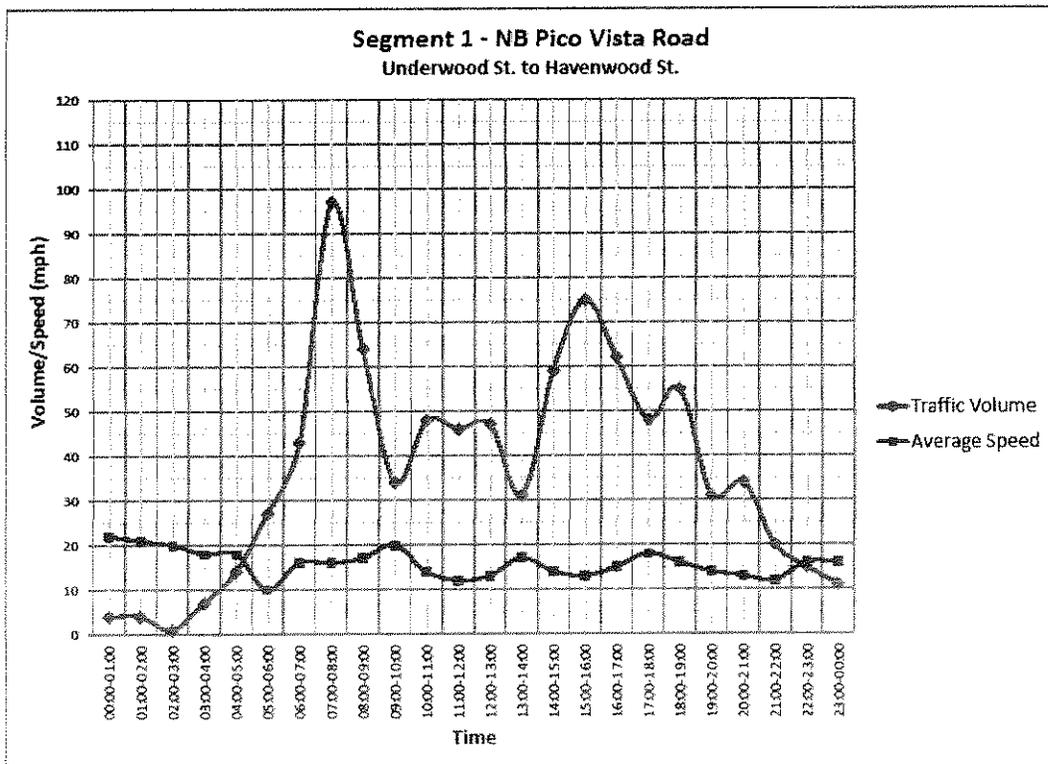
**Safety Issues** - There are several issues common to intersections that involve safety and there are standards for measuring, analyzing and mitigating such issues. These measurements include vehicular volumes, accident history, sight distance, vehicle speeds, and road geometry.

- Vehicular Volumes - Due to the high vehicular volume on Passons Boulevard during school peak hours (7-9am and 2-4pm), staff noticed that residents are using Pico Vista Road as a cut through traffic to avoid the congestions on Passons Boulevard. The traffic volume data collected confirms the field observations. See table below for a full 24-hour traffic count at the study segment.

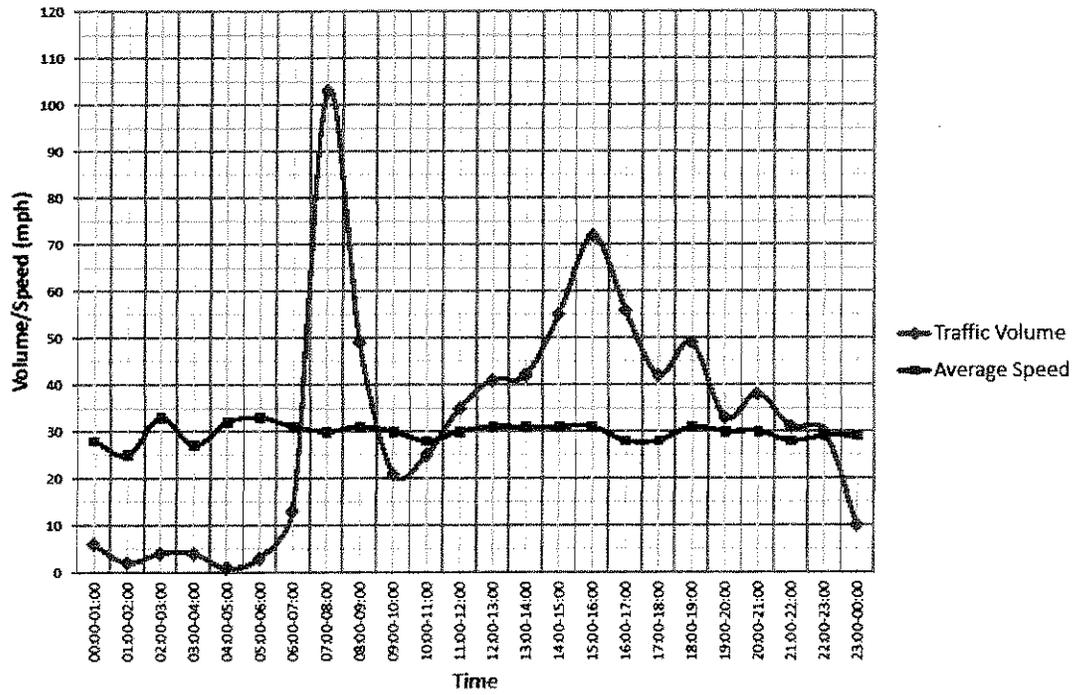
**TRAFFIC VOLUMES**  
**Northbound-Southbound - Pico Vista Road**

Time	North bound	South bound	Totals
00:00-01:00	4	6	10
01:00-02:00	4	2	6
02:00-03:00	1	4	5
03:00-04:00	7	4	11
04:00-05:00	14	1	15
05:00-06:00	27	3	30
06:00-07:00	43	13	56
<b>07:00-08:00</b>	<b>97</b>	<b>103</b>	<b>200</b>
08:00-09:00	64	49	113
09:00-10:00	34	21	55
10:00-11:00	48	25	73
11:00-12:00	46	35	81
12:00-13:00	47	41	88
13:00-14:00	31	42	73
14:00-15:00	59	55	114
<b>15:00-16:00</b>	<b>75</b>	<b>72</b>	<b>147</b>
16:00-17:00	62	56	118
17:00-18:00	48	42	90
18:00-19:00	55	49	104
19:00-20:00	31	33	64
20:00-21:00	34	38	72
21:00-22:00	20	31	51
22:00-23:00	15	30	45
23:00-00:00	11	10	21
<b>Totals</b>	<b>877</b>	<b>765</b>	<b>1,642</b>

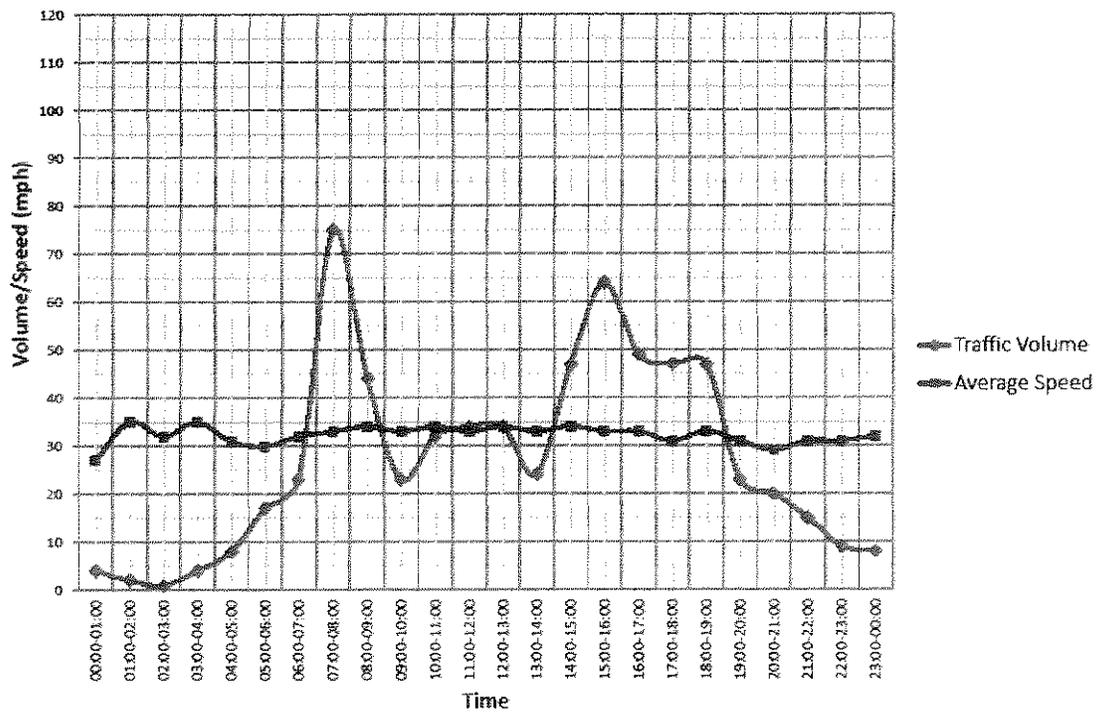
- Accident History – The safety record of the Pico Vista Road over the last three years is very good with only a single collision reported in 2013. In 2011, a single traffic collision was reported to the Sheriff's Department when a vehicle hit a park car. In 2012, two accidents were reported when vehicles hit park cars.
- Sight Distance – Sight distance obstructions do not exist at Pico Vista Road from Aldrich Street to Underwood Street.
- Vehicle Speeds – The CA-MUTCD establishes criteria when analyzing vehicular speed. If the average speed (85th percentile) on Pico Vista Road exceeds 40 mph, then the minimum vehicular volume threshold would decrease from 300 vehicles per hour for any 8 hours of an average day to 210 vehicles per hour. During this study, the average speed for northbound traffic was determined to be 33 mph and 36 mph for southbound traffic respectively. The placement of stop signs at the intersection is not warranted at this time. To address issues with speeding, additional speed limit signs, increased police speed enforcement and periodic placement of speed radar trailers are recommended.

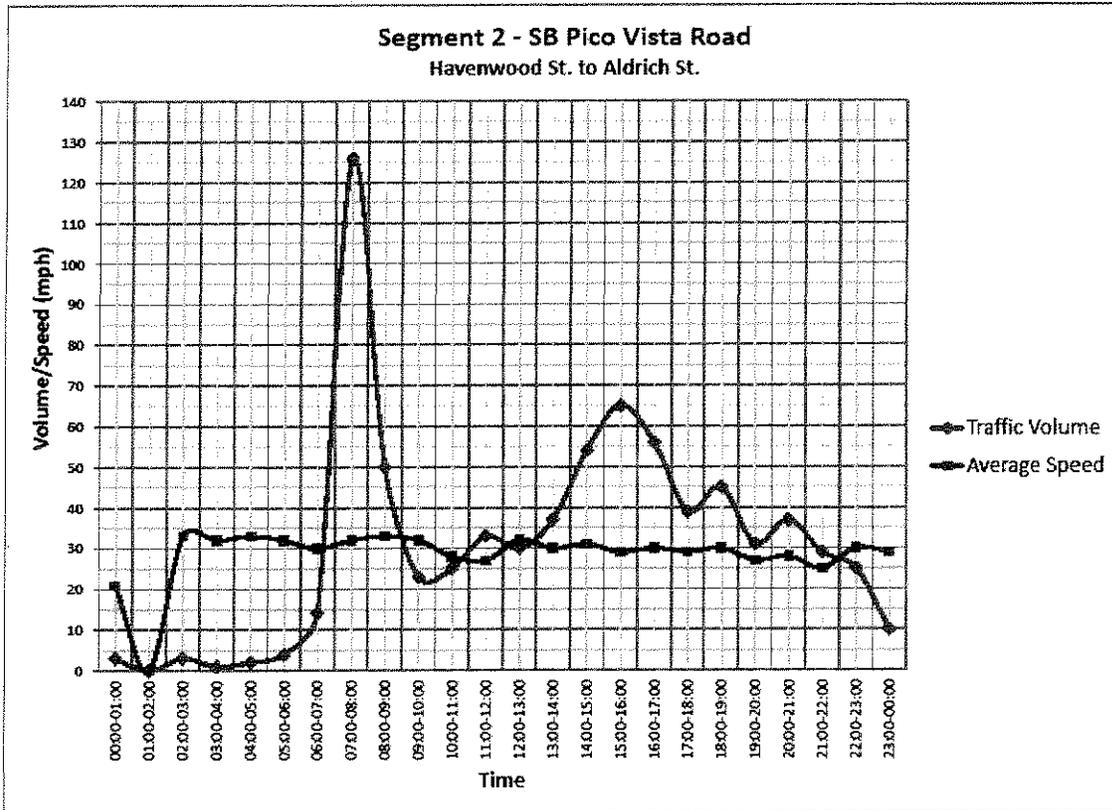


**Segment 1 - SB Pico Vista Road**  
Underwood St. to Havenwood St.



**Segment 2 - NB Pico Vista Road**  
Havenwood St. to Aldrich St.





### ***Recommendation***

In an effort to promote the safe and efficient flow of traffic through this intersection, the following recommendations are presented:

1. Safety - To address issues with speeding, installation of additional of 25 mph speed limit signs and pavement markings, increased police enforcement and periodic placement of speed radar trailers is recommended.
2. CA-MUTCD - Based on the California MUTCD All-Way Stop Sign Warrants, the conditions at the entire segment of Pico Vista Road from Aldrich Street to Underwood Street do not warrant the installation of all-way stop controls at this time.

# TRAFFIC SAFETY ANALYSIS

## NEIGHBORHOOD NORTH OF BEVERLY BOULEVARD, EAST OF ROSEMEAD BOULEVARD, SOUTH OF GALLATIN ROAD AND WEST OF DURFEE AVENUE

Prepared for:



THE CITY OF PICO RIVERA

6615 Passons Boulevard  
Pico Rivera, CA 90660-1016

Prepared by:

A handwritten signature in black ink, appearing to read "S D Hilton", is written over a horizontal line.

Stephen D. Hilton, T.E.  
City of Pico Rivera  
Consulting Traffic Engineer



April 25, 2013

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## Background

Residents living in the neighborhood located north of Beverly Boulevard, east of Rosemead Boulevard, south of Gallatin Road and west of Durfee Avenue have expressed their concerns relative to traffic safety. Staff has been working with the residents for the past couple years with a variety of traffic related requests. Figure 1 presents a map of the study area.

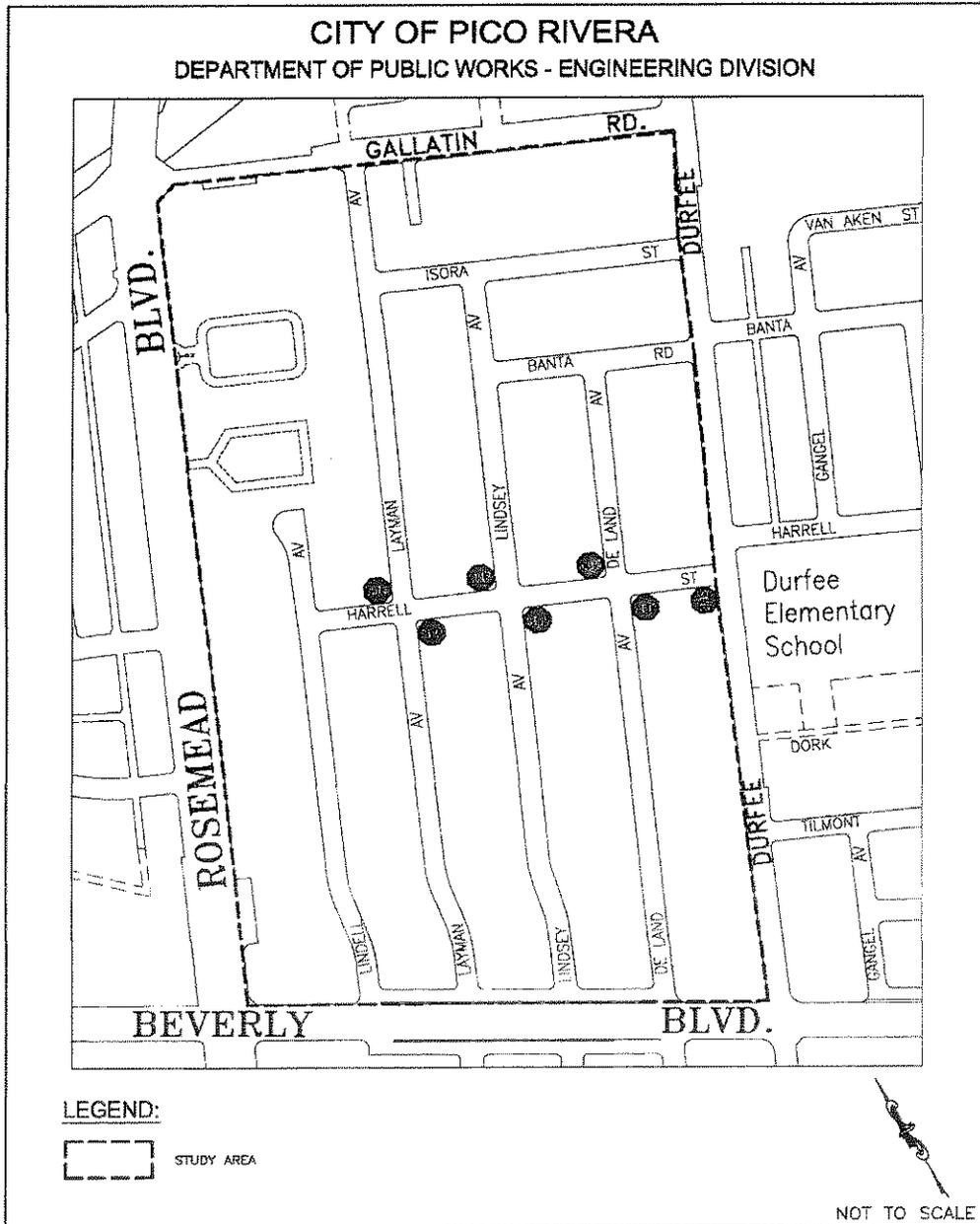


Figure 1: Study Area

## Review

In an effort to respond to residents' concerns, staff has conducted numerous investigations ranging from simple field observations, collecting traffic count and speed data, preparing stop sign warrant studies and participating in a community outreach meeting. Table 1, summarizes the staff efforts to investigate and document the issues.

**Table 1  
Summary of Traffic Investigations**

Date	Investigation	Findings/Recommendations
03/22/11	Beverly Blvd. and Lindell Ave. Traffic Safety Analysis	<p>Install left-turn restrictions on Beverly Boulevard.</p> <p>Prohibit eastbound left-turn movements onto Lindell Avenue during the AM peak hour (7:00 AM to 9:00 AM) and during the PM peak hour (4:00PM to 6:00PM).</p> <p>Install a yellow flashing beacon, at the Beverly Boulevard and Lindell Avenue intersection, to increase visibility of the proposed left-turn restrictions.</p>
06/21/12	Layman Ave. and Isora St. Stop Sign Warrant Analysis	<p>Intersection did not satisfy the warrants for installation of all-way stop signs.</p> <p>Recommended increased law enforcement.</p>
06/27/12	Layman Ave. and Harrell St. Stop Sign Warrant Analysis	<p>Intersection did not satisfy the warrants for installation of all-way stop signs.</p>
07/30/12	Beverly Blvd. and Deland Ave. Traffic Safety Analysis	<p>Signs were installed on the existing medians restricting left and u-turn movements for westbound Beverly Boulevard motorists.</p> <p>Red curb was installed at the Deland Ave./frontage road intersection to enhance the sight visibility.</p> <p>Speed limit signs were installed on Deland Ave. to increase awareness to the posted speed limit.</p> <p>Two on-street parking spaces were eliminated.</p>

**Table 1**  
**Summary of Traffic Investigations**  
(Continued)

Date	Investigation	Findings/Recommendations
09/08/12	Invitation to Neighborhood Watch Meeting	The Director of Public Works could not attend however he emailed a list summarizing the results of traffic investigations into issues raised to date.
11/28/12	Community Outreach Meeting  Staff presented an educational overview and detailed the process of traffic safety analysis and traffic calming techniques.	Residents concerns were discussed and investigations conducted.
01/25/13	Traffic Safety Analysis - Area north of Beverly, east of Rosemead, south of Gallatin and west of Durfee.  Study is in response to residential concerns noted at the Community Outreach Meeting on November 28, 2012.	Traffic volumes were found to be low and 85th percentile speeds of motorists less than the posted speed limit during the A.M. and P.M. peak hours, except for the occasional speeder.  Recommending staff continue to deploy the speed trailers and request additional enforcement from the Sheriff's Department.
04/06/13	Email correspondence from Neighborhood Watch Captain, Julia Pacheco.	The Director of Public Works replied providing an update on staff's investigation into their traffic concerns.

In addition to the items listed in table 1, staff has been in contact with individual neighbors as well as the neighborhood watch group. Staff has made every reasonable effort to address the concerns of residents. As shown in table 1, some of the studies resulted in implementation of traffic calming improvements. Additionally City staff is participating in community outreach to help educate residents which is another form of traffic calming. Other studies indicated that the warrants for additional traffic controls are not warranted therefore, staff can not recommend installation of traffic control devices which are not warranted. The investigations listed in Table 1 are presented in their entirety in Appendix A.

In reviewing residents requests and the previous investigations it became obvious that the key underlying issue is the speed of vehicles through this residential neighborhood.

## Vehicular Speeds

Residents have indicated that speeding is one of their biggest concerns. Staff has received numerous complaints from residents which have relayed this concern. Numerous field visits have been conducted and vehicular traffic counts and speed data collected at each of the street segments in the study area. Vehicular volume and speed data is vital in documenting and quantifying the occurrences of speeding. Traffic speed summary sheets are included in Appendix B.

Table 2, summarizes the observed traffic speeds and groups the speeds into logical categories. The first are those vehicles recorded traveling below the 25 MPH speed limit. The second group contains vehicles recorded going between 25 and 34 MPH. Although speeds between 25 and 34 are technically speeding, they are not often enforced due to variation in speedometers, tire and wheel sizes which can affect the actual speed of a vehicle differing slightly from the speedometer reading. The third group are motorists traveling 35 MPH or higher. These vehicles are clearly classified as speeding and when the number of vehicles recorded in this higher group is excessive that is an indicator that traffic calming measures should be investigated which have the potential for reducing speeds.

**Table 2**  
**Summary of Observed Vehicular Speeds**

Location	Speed	Speed Grouping & Percentage					
		0 - 24		25-34		35 +	
		Veh's	%	Veh's	%	Veh's	%
Banta Road between Durfee Ave. and Lindsey Ave.		62	74%	17	0%	5	6%
Deland Ave. north of Beverly Blvd.		112	47%	89	38%	35	15%
Harrell St. between Durfee Ave. and Lindell Ave.		135	55%	83	34%	27	11%
Isora St. between Durfee Ave. and Layman Ave.		42	64%	20	30%	4	6%
Layman Ave. between Beverly Blvd. and Gallatin Ave.		166	69%	57	24%	18	7%
Lindell Ave. north of Beverly Blvd.		191	64%	87	29%	21	7%
Lindsey Ave. north of Beverly Blvd.		115	46%	98	40%	35	14%

The speed data indicates that 85% of motorists are traveling 34 MPH or less on these residential streets. Motorists in those groups are generally considered conscientious motorists who are likely not intentionally speeding. Of the seven streets surveyed four of the seven experiences relatively minor incidents of speeding. The vehicles observed speeding represented 6% to 7% of the daily motorists which means that 93-94 percent of the motorists are driving at an acceptable speed.

The other three streets Deland Avenue, Harrell Street and Lindsey Avenue experience nearly double the percentage of speeders observed on the other streets. Although the percentage of speeding observed ranged from 11-14 percent it is not considered overly significant. This percentage is not uncommon on residential streets.

However, a number of motorists who drive over 34 MPH do so simply because they are not paying attention to their speedometer and as a result their speed gradually increases. Installation of speed limit signs, augmented with 25 MPH pavement legends will often get the attention of the motorist and they will slow down. It should be noted that motorists who want to speed will do so, regardless of what traffic calming measures are installed.

For example, speed humps are one of the most restrictive traffic calming devices however follow up studies at locations where speed humps have been installed have shown that motorists slow down at the hump, but then accelerate to the next hump where they slow again then accelerate beyond to make up for their perception of lost time. Overall the average speed, along the roadway where the speed hump was installed, increases rather than decreases. This is further evidence that motorists intent on speeding will speed regardless.

The most effective means of reducing speed on residential streets is the neighborhood watch group. Friendly reminders from neighbors are the most effective in slowing traffic within residential areas. Focused law enforcement has shown that the vast majority of speeding on residential streets is by people living on that street and/or people visiting residents of the street. Passing the word, and reminding at each meeting, will yield great reductions in speeding.

### **Arterial to Residential Vehicle Turning Speeds**

During the multiple investigations in and around this neighborhood residents indicated their concern regarding the speed at which motorists enter the residential streets. For example, we noted that some vehicles traveling westbound on Beverly Boulevard who turn right onto DeLand Avenue appear to be speeding. This can occur when vehicles turn off of arterial roadways which typically have posted speed limits of 35, 40 or 45 MPH.

In most cases the turning vehicles are not technically speeding, that is to say they are not traveling faster than 25 MPH. When turning a vehicle at a 90 degree angle speeds of 15 MPH or higher can cause tires to squeal and the vehicle to make a wide turn occasionally entering the opposing lane of traffic while negotiating the turn. If you are standing at the corner when a vehicle enters the residential street in a manner just described it can be disconcerting. Equally or more concerning would be if you are driving and encounter a vehicle making a wide turn into your lane of traffic.

The question asked is this unsafe? Potentially, yes. Anytime a vehicle crosses into the path of oncoming traffic there is a potential for a collision. The review of traffic collision history (discussed in detail later in this report) did not indicate that there been any collisions reported involving motorists turning off of the arterials and colliding head-on with vehicles traveling in the opposite direction. If there were clear and present danger demonstrated by collision history, then perhaps traffic calming measures could be warranted. Installing a raised median island at the entrance to the residential street is one such measure that would help to keep motorists on the correct side of the road. However, installation of such a media would require the removal of 150 feet or more of on-street parking from both sides of the street. Removal of said parking could create a significant hardship for residents living at or near the median. At this point traffic calming measures as discussed are not warranted.

## Traffic Circulation

Traffic circulates well through the neighborhood. No points of congestion have been noted within the neighborhood. The neighborhood streets were designed to provide residents with circulation options. Numerous residential streets lead to the surrounding arterials. Those living here know which street will allow them to access the arterial roadways with the least delay depending on their direction of travel and the time of day. It may not be the most direct route and may take them a little out of their way but they know how to “beat” or cope with the traffic congestion. No changes to the exiting traffic circulation are recommended.

During review of the neighborhood circulation it was noted that the potential for congestion and some confusion regarding right-of-way (ROW) occurs at the Lindell and Deland intersections with the frontage road north of Beverly Boulevard.

### ***Deland Avenue & Beverly Boulevard Frontage Road***

ROW is clearly assigned at the Deland intersection at the frontage road by a stop sign on the frontage road; however congestion occurs during peak traffic periods when southbound motorists on Deland block frontage road access to the intersection. Installation of a Keep Clear legend and limit line would help reduce congestion. Figure 2, below, presents the proposed traffic calming measure in yellow (to point out what is being added). Actual pavement markings would be white.

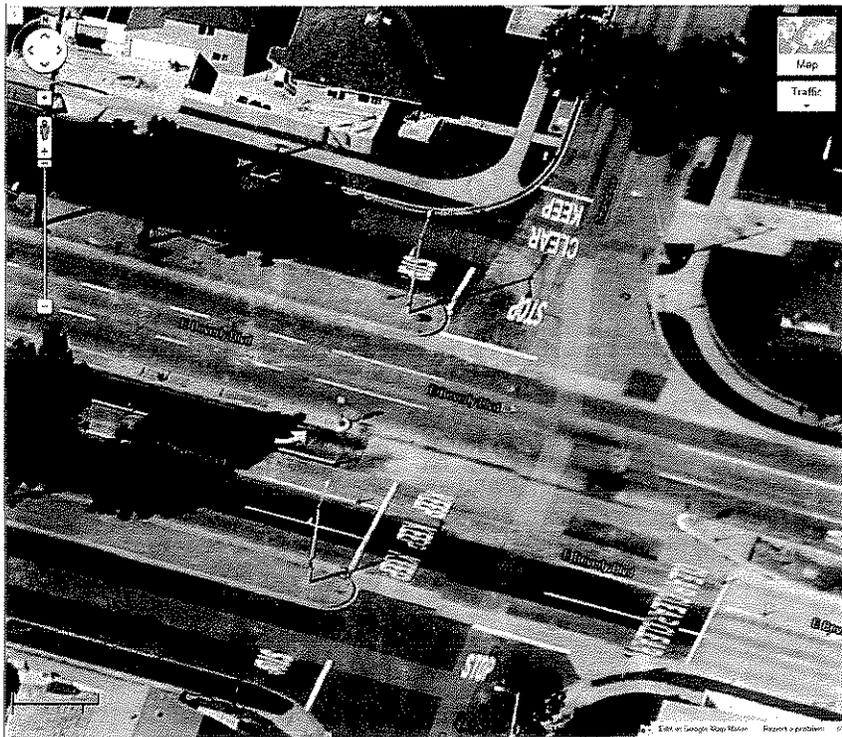


Figure 2: Deland Avenue Illustration

### ***Lindell Avenue & Beverly Boulevard Frontage Road***

Unlike the Deland intersection ROW is not clearly assigned at the Lindell Avenue intersection at the frontage road since no stop sign is on the frontage road. Installation of a stop sign, stop bar and pavement legend on the westbound Beverly Boulevard Frontage Road approach at Lindell Avenue will aide in assigning ROW and help to reduce congestion.

Similar to Deland, congestion occurs during peak traffic periods when southbound motorists on Lindell block frontage road access to the intersection. Installation of a Keep Clear legend and limit line would help reduce congestion. Figure 3, below, presents the proposed traffic calming measure in yellow (to point out what is being added). Actual pavement markings would be white.

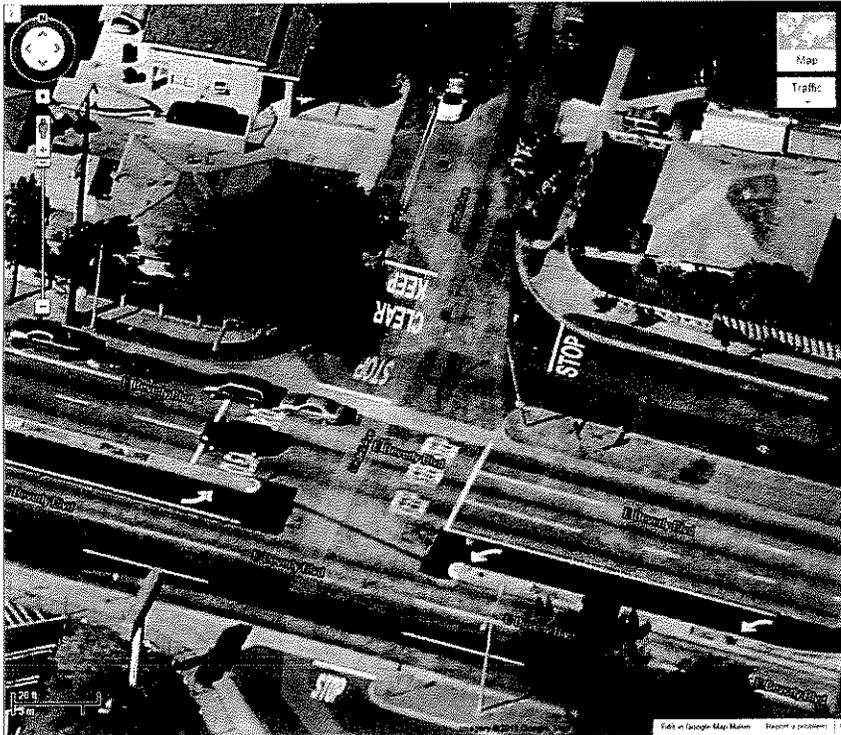


Figure 3: Lindell Avenue Illustration

### **Impact of Major Arterials to Study Area**

Major arterial roadways adjacent to this neighborhood can have a number of affects on residents who live here. When traffic is severely backed up on an adjacent arterial or when there is a collision on the major traffic may occasionally divert from the arterial onto the residential streets to bypass the heavy congestion. This results in higher than normal traffic volumes on the residential street. Another impact is on traffic circulation out of the residential streets onto the arterial roadways. During AM and PM peak traffic periods exiting the neighborhood onto adjacent arterial roadways requires some patience. Delays are encountered when traffic is heavy on the arterials. These delays are very typical at most residential street intersections with an arterial roadway.

Some residential streets function as cut-through or bypass routes used by motorists on busy arterial streets to avoid congestion on the main route. Cut-through traffic is evaluated in the following.

### Cut-Through Traffic

Traffic counts collected as part of the January 25, 2013 traffic safety analysis indicate that none of the streets within the study area experience a significant number of motorists who use the neighborhood as a cut-through to bypass congestion at adjacent intersections. The access and circulation pattern through this neighborhood acts as a natural deterrent to dissuade others from using these streets as a bypass.

If a significant amount of bypass traffic were present there would be a large increase in ADT on the roadway. Instead the ADT of these neighborhood streets are right in line with the volume of traffic that a residential street typically serves. Table 3, presents the summary of traffic volume and speeds. Traffic Count summary sheets are included in Appendix C.

**Table 3  
ADT Traffic Volume Summary**

Street	From	To	Eastbound	Westbound	Northbound	Southbound	Total ADT	Posted Speed Limit	85th Percentile Speed - Peak Hour (7-9 am)	85th Percentile Speed - Peak Hour (4-6 pm)
Harrell St.	Lindell Ave.	Durfee Ave.	255	242	-	-	497	25	22.75	24.50
Isora St.	Layman Ave.	Durfee Ave.	76	144	-	-	220	25	24.25	17.25
Banta Rd.	Lindsey Ave.	Durfee Ave.	92	120	-	-	212	25	20.75	24.00
De Land Ave.	Beverly Blvd.	Harrell St.	-	-	278	226	504	25	29.25	27.50
De Land Ave.	Harrell St.	Banta Rd.	-	-	139	293	432	25	23.75	23.50
Lindsey Ave.	Beverly Blvd.	Harrell St.	-	-	256	215	471	25	22.25	24.50
Lindsey Ave.	Harrell St.	Isora St.	-	-	128	285	413	25	23.00	23.00
Layman Ave.	Beverly Blvd.	Harrell St.	-	-	298	287	585	25	27.25	28.50
Layman Ave.	Harrell St.	Gallatin Rd.	-	-	445	429	874	25	28.25	27.00
Lindell Ave.	Beverly Blvd.	Cul-de-Sac	-	-	376	479	855	25	20.25	20.75

### Traffic Collision History

A review of traffic collision data has been performed. The California Highway Patrol (CHP) maintains the Statewide Integrated Traffic Reporting System (SWITRS) which each City and County is required to submit their traffic collision reports to. SWITRS data for the past three (3) years 2010-2012 has been reviewed to identify the quantity and type of collisions which may have been reported in this neighborhood. The most recent three years of history is utilized by traffic professionals provide an overview to current collision trends and to determine if patterns exist which may be susceptible to correction by installation of traffic controls or traffic calming devices. Most traffic control warrants require 5 or more traffic collisions within a 12 month period to satisfy the crash warrant for a particular traffic control device. Table 4, below summarizes the reported traffic collisions.

**Table 4  
Traffic Collision History**

Intersection	Reported Collisions			Total
	2012	2011	2010	
Layman Ave at Gallatin Rd	0	0	0	0
Layman Ave at Isora St	0	0	0	0
Layman Ave at Harrell St	0	1	1	2
Layman Ave at Beverly Frontage Rd	0	1	0	1
Lindell Ave at Harrell St	0	0	0	0
Lindell Ave at Beverly Blvd	0	3	1	4
Lindsey Ave at Isora St	0	0	0	0
Lindsey Ave at Banta Rd	0	0	0	0
Lindsey Ave at Harrell St	0	0	0	0
Lindsey Ave at Beverly Frontage Rd	0	0	1	1
De Land Ave at Banta Rd	0	0	0	0
De Land Ave at Harrell St	0	0	0	0
De Land Ave at Beverly Blvd	0	1	6	7

As shown in Table 4, most of the intersections had no collisions reported within the past 3 years. The type of collisions that were reported are discussed in more detail below.

- **Layman Avenue at Harrell Street** - experienced 2 collisions consisting of 1 DUI and 1 backing out of driveway.
- **Layman Avenue at Beverly Frontage Road** - had one reported collision involving a westbound rear-end collision. A second collision was reported at this location which occurred south of Beverly Boulevard.
- **Lindell Avenue at Beverly Boulevard** – reported 2 eastbound left-turn collisions and 2 westbound rear-end collisions on Beverly Boulevard related to the Rosemead Boulevard signal.
- **Lindsey Avenue at Beverly Frontage Road** – experienced 1 westbound rear-end collision.
- **DeLand Avenue at Beverly Boulevard** – had 2 eastbound rear-end, 1 westbound rear-end, 2 westbound left-turns, 1 DUI sideswipe and 1 northbound head-on parked vehicle non injury collision reported.

With the exception of the DeLand Avenue Beverly Boulevard intersection, the number of traffic collisions reported at or near these neighborhood intersections are relatively light and do not show a collision pattern that is susceptible to correction through installation of any particular traffic control device or traffic calming measure.

The Beverly Boulevard intersections at Deland Avenue and Lindell Avenue were intersections studied in the March 2011 traffic safety analysis which recommended the installation of peak-hour turn restrictions at Beverly Boulevard. Based on the recent collision history it appears that those turn restrictions have been effective in reducing the number of collisions at both Beverly Boulevard intersections at Deland Avenue and Lindell Avenue.

No further traffic controls or traffic calming is warranted based on traffic collision history.

## **Sight Distance**

This traffic safety study has investigated driver sight distance at intersections within the neighborhood. When a motorist stopped at an intersection cannot see oncoming traffic because of trees, fences or other obstacles obstructing their view that is considered restricted sight distance. When a significant sight distance restriction exists it may result in a potential hazard. In residential neighborhoods, such as the one being analyzed in this study, on-street parking sometimes produces a temporary sight distance restriction. Most vehicles do not totally obscure a motorist's vision because they can see oncoming traffic through the windows of the parked vehicle. Occasionally a panel van or truck will be parked at the corner that may obscure a driver's vision. In those cases the driver slowly and cautiously edges out into the roadway before proceeding and no collision results. These occasional temporary sight distance obstructions happen from time to time in any residential street where curb parking is permitted.

There are two primary methods to deal with these temporary sight distance obstructions;

- One method is to prohibit parking anywhere near an intersection. This can be accomplished by installing red curb however it removes much needed curb side parking in residential neighborhoods. Therefore parking restrictions at residential intersections is only recommended where a significant number of traffic collisions have occurred which can justify the removal of such vital parking.
- The second method is to install additional stop signs. Stop sign warrants are more restrictive than that required to support installing red curb and also require additional criteria be satisfied. Stop sign warrants have been evaluated at a number of intersection within the neighborhood over the past few years and those studies indicated that the warrants for installing additional stop signs were not satisfied.

The neighborhood intersections evaluated in this analysis do not present significant sight distance restrictions which would justify removing on-street parking therefore no on-street parking restrictions are recommended.

## **School Traffic Congestion**

Congestion around schools is an ever increasing item of discussion. There are numerous factors that have produced and worsened the level of congestion around schools.

- School construction has not keep pace with population increases resulting in larger class sizes, portable classrooms being added to school grounds and significantly higher student populations at each school.
- Driving children to school. Times have changed; ever growing numbers of students are being driven to school rather than walking or riding their bikes. This

has produced a significant increase to the number of vehicles on the roadways serving schools.

- The vast majority of vehicles arrive at the school at the same time. The surrounding street system was not designed nor can it be modified to accommodate that many vehicles at the same time.

The above issues are significant, but not insurmountable. A few suggestions listed below can help reduce school related traffic congestion if they are accepted and implemented.

- Encourage students to walk to school. Most of us walked to school when we were young. There is a lot of talk about childhood obesity, walking to school is exercise which may help students increase strength and lose weight.
  - There is hesitation to having our children walk to school due to safety concerns. Contrary to popular belief, incidents of child abduction are actually lower than it was 20 years ago. However with the advent of the internet and 24-7 news reporting incidents are reported more and re-reported.
  - Walking to and from school in groups has been shown to greatly improve safety of students.
- Organize carpools can reduce the number of vehicles transporting student by half if everyone paired up for their ride. The number of vehicles could be reduced even further if three or more students shared a ride.
- Leave home 15 minutes earlier than usual, this will help spread out the arrival of vehicles and not everyone will arrive at the same time. Some will inevitably arrive later but if enough arrived earlier it would reduce the volume of vehicles arriving at the same time.
- Encourage the school districts to build more schools, thereby spreading out the demand.

The City cannot engineer our way out of the traffic congestion issues around the schools, only the school district, and family driving the students can help resolve this issue.

## **Impact of Commercial Development**

Commercial development in the vicinity of this neighborhood should not have a significant impact on residents. Any commercial development proposed will be subject to prepare a traffic impact study before being approved by the City. The traffic impact study will identify any potential impacts to area roadways and must provide mitigation designed to offset any impact the project may have.

## **Is Your Neighborhood Safe?**

Based on this traffic safety analysis, the answer to that question is yes. Traffic volumes on these streets are at levels expected on residential and residential collector streets. Traffic speed studies show the vast majority of motorists are traveling at or below the 25 MPH speed limit. There are some isolated incidents of speeding that occur. Although illegal there is always a small percentage of the population who chose to ignore the laws and show little or no respect for others.

Traffic accident records indicate collisions are few and far between with no pattern of collisions occurring which are susceptible to correction by installing traffic controls or traffic calming measures.

This neighborhood and its traffic is very typical and shares the same issues and concerns of all residential neighborhoods throughout the City of Pico Rivera and other cities in southern California and beyond.

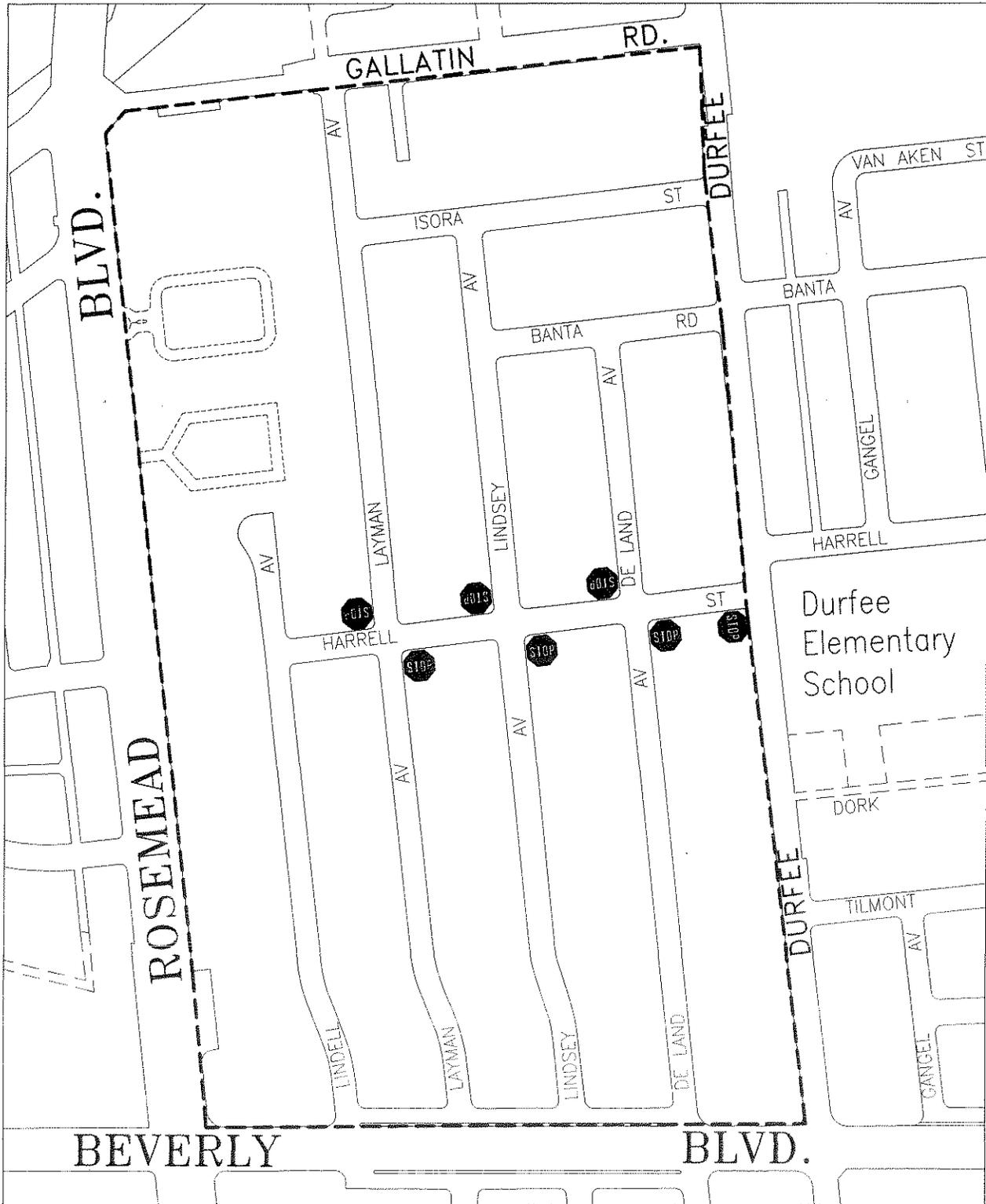
## **Recommendations**

In an effort to promote the safe and efficient flow of traffic and to raise driver awareness of the speed limit the following recommendations are presented.

1. Install 25 MPH speed limit signs augmented with 25 MPH pavement legends approximately 100 feet after entering the following streets.
  - a. Northbound Deland Ave. north of Beverly Blvd.
  - b. Southbound Deland Ave. south of Banta Rd.
  - c. Eastbound Harrell St. between Layman Ave. and Lindsey Ave.
  - d. Westbound Harrell St. between Layman Ave. and Lindsey Ave.
  - e. Northbound Lindsey Ave. north of Beverly Blvd.
  - f. Southbound Lindsey Ave. south of Isora St.
2. Request that the Sheriff's Department continue to place the radar speed trailer on streets entering this neighborhood on a rotational basis with other locations they are deployed to throughout the City.
3. Request increased police presence and speed enforcement on the above streets.
4. Install Keep Clear legend and limit line on Deland Avenue within the intersection with Beverly Boulevard Frontage Road (as illustrated in Figure 2) to help reduce congestion.
5. Install a stop sign, stop bar and pavement legend on the westbound Beverly Boulevard Frontage Road approach at Lindell Avenue to assign ROW and help to reduce congestion.
6. Install Keep Clear legend and limit line on Lindell Avenue within the intersection with Beverly Boulevard Frontage Road (as illustrated in Figure 3) to help reduce congestion.

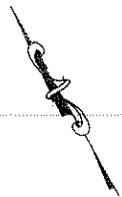
# CITY OF PICO RIVERA

DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION



**LEGEND:**

 STUDY AREA



NOT TO SCALE





**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** May 14, 2013

**Subject:** METROPOLITAN TRANSPORTATION AUTHORITY CONGESTION MITIGATION FEE PROGRAM

**Recommendation:**

Receive and file a report on the Los Angeles County Metropolitan Transportation Authority's (Metro) proposed Congestion Mitigation Fee Program.

**Fiscal Impact:** None. However, if the Congestion Mitigation Fee Program is approved by Metro and if the program is adopted by the City via ordinance, the City would receive money from privately funded development projects to fund qualifying transportation projects.

**Discussion:**

As the Congestion Management Agency for Los Angeles County, Metro is responsible for implementing the State required Congestion Management Program (CMP). The CMP links transportation, land use and air quality policies. It is used to address the impact of local growth to the regional transportation system.

Statutory elements of the CMP include Highway and Roadway System monitoring, multi-modal system performance analysis, the Transportation Demand Management Program, the Land Use Analysis Program and local conformance for all county jurisdiction.

Due to projected growth challenges and local transportation funding needs, the Metro Board of Directors authorized work on a Congestion Mitigation Fee Feasibility Study to determine whether implementing a county-wide *Congestion Mitigation Fee (CMF)* is feasible. Metro has been working with agencies to develop the mitigation fee program in concept. The nexus studies are complete.

On May 23, 2013, the Metro Board of Directors will consider (1) if the CMF Program should be adopted, (2) the amount of the fee and (3) the implementation Period. As proposed, each City would be required to adopt this new development fee to comply with the CMP.

The proposed CMF is a one-time development fee for all new development based on vehicle traffic generated from the development. The METRO Board would set the minimum fee; cities could adopt a higher fee. However, the fee would be adopted and administered by each city. Cities would have the obligation to conduct a public hearing and receive protests.

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METROPOLITAN TRANSPORTATION AUTHORITY CONGESTION MITIGATION FEE  
PROGRAM

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The minimum fee amount would be based on the concept of a "fair share" contribution from new development to regional congestion relief projects. In calculating anticipated revenues, METRO selected illustrative fees in the amounts of \$200 to \$500 per trip fee for Los Angeles County.

As an example, a single family home generates approximately 9.38 vehicle trips. If the fee is \$300 per trip, the mitigation fee would be \$2,814. The fee would be assessed at the time of development.

The following developments are proposed to be exempt as required by State law:

- Low- and very-low-income housing.
- High-density residential or mixed-use development within ¼ of a mile of a rail passenger station.
- Projects not subject to approval through the local entitlement process.
- Reconstruction of structures destroyed by fire, flood, or earthquake.
- Projects that signed a development agreement with the City before July 10, 1989.

As proposed, the City would set the program of transportation projects to be funded by the fees collected. The projects must be identified at the time the fee is adopted. The fees could be used to construct projects or serve as matching funds or seed money "only" for projects of "regional significance."

Any city that does not participate would be subject to losing its Section 2105 Gas Tax funds and would also be excluded from future METRO Calls for Projects and certain other transportation funds. Pico Rivera receives \$1,861,000 in Gas Tax annually. In effect, the fee would be mandatory.

METRO points out that similar programs have been adopted in other parts of the State. In general, these are fast-growing areas with needs for new roads and highways. Parts of Los Angeles County, such as the Palmdale, Lancaster, and Santa Clarita, face these same types of issues; however, Pico Rivera and our neighboring communities do not.

One possible advantage could be the ability to accumulate funds, or at least matching funds, for a project of regional significance. An example of projects of regional significance is widening major arterial bridges over the San Gabriel River and Rio Hondo River, such as the Washington Boulevard and Slauson bridges, to accommodate three lanes of travel per direction.



Ronald Bates

RRB:AC:GD:lg

Enc.

- 1) Gateway Region Congestion Mitigation Fee Study- Pilot Nexus Study Reports

**Gateway Cities  
Congestion Mitigation Fee  
Pilot Nexus Study Report**

Prepared for  
**Gateway Cities  
Council of Governments**

**October 2012**



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# Gateway Cities Congestion Mitigation Fee Pilot Nexus Study Report

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## EXECUTIVE SUMMARY

The Pilot Nexus Study prepared for the Gateway Cities Council of Governments (Gateway COG) examines the feasibility of implementing a Congestion Mitigation Fee Program to meet the Congestion Management Program (CMP) Countywide Deficiency Plan requirements. The proposed Congestion Mitigation Fee Program would charge a one-time fee on new development across all land uses to fund transportation projects that would reduce congestion generated by new development.

For the last year the Gateway COG and some of its member cities have worked with MTA to develop the Pilot Nexus Study to ensure their issues and concerns were fully vetted prior to any action by the MTA Board. The Pilot Nexus Study engaged 15 cities and the County of Los Angeles. MTA requested each jurisdiction review and modify, if necessary, their growth forecasts and regional arterial network, as well as select transportation improvements that would meet the nexus test. This test requires that transportation projects funded with a congestion mitigation fee mitigate the impacts caused by new development and that the cost born by each land use type bear a reasonable relationship to its impact on future congestion.

This Pilot Nexus Study concludes that the transportation projects analyzed in this study meet the requirements of the Mitigation Fee Act (AB1600) and the CMP Countywide Deficiency Plan. It also shows how a sub-regional fee program might work if it were to be implemented. Under the Congestion Mitigation Fee Program, each jurisdiction would:

- Collect and retain all of the revenue from the fee;
- Select and construct local transportation projects with regional benefits;
- Leverage their other funding sources to implement their list of transportation projects;
- Integrate their existing fee programs with the Congestion Mitigation Fee Program.

Growth in the Gateway Cities over the next 20 years is expected to result in more than a three-fold increase in vehicle-hours-of-delay (VHD) or congestion on a roadway network that is already operating near or at capacity. To address this projected impact, 121 projects with a cost of \$388 million were identified, of which 78 projects could be evaluated quantitatively. The analysis yielded the following results:

- **Congestion reduction benefit:** 15% reduction in congestion (vehicle-hours-of-delay) on arterials would result from implementing the transportation projects that could be evaluated quantitatively, meeting the requirements of the Mitigation Fee Act and CMP.
- **Maximum justified congestion mitigation fee:** The maximum justified fee is \$1,113 per trip based on the total cost of projects divided by total new trips over the next 20 years.
- **Economic benefits:** Building the projects identified could generate a countywide net economic benefit of 11,400 jobs, \$2.4 billion in economic output, and more than \$700 million in disposable income.<sup>1</sup>

Based on the results of the Pilot Nexus Study each jurisdiction has its own individual fee-per-trip amount that would be needed to fund the unfunded share of its list of transportation projects. Since 11 out of 14 jurisdictions have fee-per-trip amounts above \$200, then the \$200 fee-per-trip amount could be used as the minimum fee-per-trip amount for the Gateway Cities sub-region.

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<sup>1</sup> Economic Impact Analysis of the Gateway Cities Congestion Mitigation Fee Pilot Nexus Study – Oct. 2012

There were two additional outcomes that resulted from this work effort. The first is the development of a Greenhouse Gas Emissions Sketch Planning Tool that was made available to jurisdictions so they could generally estimate the greenhouse gas emissions impacts derived from transportation projects they identified. This capability has facilitated discussion with jurisdictions regarding the nexus analysis and SB 375 emission reduction strategies they may want to pursue to meet the statutory requirements for both the CMP and SB 375. The second outcome was the directive by the MTA Board to develop a model that would quantify the travel related benefits associated with bicycle travel. This directive was done to address the need to quantify the impacts of the extensive list of bicycle projects that were identified by jurisdictions during the process of conducting each sub-regional Pilot Nexus Study.

If the MTA Board authorizes staff to work with cities on implementing the congestion mitigation fee program, then it is possible that jurisdictions would modify their list of transportation projects. If so, then the congestion reduction and economic benefit from such a change may be different than the results identified in this Pilot Nexus Study and would be revised accordingly in a report at that time.

### **Next Steps**

Below are the next steps to complete the Congestion Mitigation Fee work plan:

- Present pilot nexus study and economic analysis findings to jurisdictions, sub-regional agencies, and building industry stakeholders.
- Seek MTA Board direction in early 2013 to:
  - Adopt the Congestion Mitigation Fee Program as the new CMP Deficiency Plan;
  - Establish minimum fee amount for CMP compliance
- Work one-on-one with jurisdictions, sub-regional agencies, and the building industry to develop and implement a Congestion Mitigation Fee Program over 24 months.

# **Gateway Cities Congestion Mitigation Fee Pilot Nexus Study Report**

## **OVERVIEW**

In 2003, the MTA Board authorized staff to examine the feasibility of implementing a Congestion Mitigation Fee Program to replace the existing Deficiency Plan requirements of the Congestion Management Program (CMP). The Congestion Mitigation Fee Program is intended to mitigate the impacts of new development, providing a new resource to jurisdictions while meeting local responsibilities under the state mandated Congestion Management Program (CMP).

To explore the viability of a congestion mitigation fee across all land uses in each jurisdiction in the county, eight sub-regional pilot nexus studies were conducted across the county. The Gateway Cities Council of Governments (Gateway COG) and fifteen of its member jurisdictions participated in this effort and conducted this Pilot Nexus Study with MTA to evaluate the transportation projects, policies and technical requirements such a program would require. The results of this effort in the Gateway Cities sub-region are contained in this report.

## **CONGESTION MANAGEMENT PROGRAM BACKGROUND**

As the Congestion Management Agency for the County of Los Angeles, MTA established the CMP to meet the requirements of Section 65089 of the California Government Code, which mandates that jurisdictions link their transportation, land use, and air quality decisions to address congestion on the regional transportation network. Jurisdictions are required to conform to the CMP to continue receiving their portion of state gas tax money allocated by Section 2105 of the California Streets and Highways Code and to preserve their eligibility for state and federal funding for transportation projects funded through MTA's Call-for-Projects.

Since the County experiences a deficient regional transportation system, a Countywide Deficiency Plan has been in place linking deficiencies on the transportation system to new development activity. A uniform point system known as the "Debit/Credit" approach was developed for jurisdictions to demonstrate compliance with the CMP.

A criticism of the "Debit/Credit" methodology was that it generated no revenue but required jurisdictions to spend resources on an administrative exercise that provided no congestion relief. Furthermore, a dramatic decline in state and federal transportation funding coupled with significant growth in new development was making it difficult for some jurisdictions to comply with the CMP.

The proposed Congestion Mitigation Fee Program moves away from the administrative "Debit/Credit" approach to a mitigation fee funded approach. This approach would generate revenue from new development to implement transportation improvements designed to mitigate the impacts of growth on the regional transportation network throughout the County of Los Angeles.

In adopting the Short Range Transportation Plan in 2003, the MTA Board authorized staff to explore the feasibility of implementing a Congestion Mitigation Fee to meet CMP requirements. Since that time, MTA has worked with sub-regional agencies, jurisdictions, and building industry representatives in developing a congestion mitigation fee program in concept.

To provide a significant measure of assurance that MTA is being responsive to local jurisdiction needs and concerns, the MTA Board adopted a set of Guiding Principles on April 25, 2007. The Guiding Principles adopted by the MTA Board may be summarized as follows:

- Fees should be structured to mitigate congestion from new development without discouraging economic development.
- Fees are to augment other regional funds, not replace or redirect them.
- Local jurisdictions identify local projects with regional benefit consistent with agreed upon guidelines.
- Local jurisdictions adopt, collect, and administer congestion mitigation fees.
- Local jurisdictions build projects (or local jurisdictions may choose to participate in multi-jurisdictional or regional projects, if mutually desired).
- Local jurisdictions with existing fee programs receive dollar-for-dollar credit for local projects with a regional benefit consistent with agreed upon guidelines.
- Fees should be structured to support transit-oriented development, and to exempt mixed use and high-density residential development within ¼ mile of passenger rail stations consistent with CMP statute.
- The program will be developed in a manner to encourage certainty and predictability among jurisdictions, business, environmental and development communities.

The eight Congestion Mitigation Fee Pilot Nexus Studies honor the Guiding Principles, and conform to the technical and statutory requirements of the Mitigation Fee Act and the Congestion Management Program. During the outreach process, jurisdictions expressed strong support for MTA Board commitment to abide by the Guiding Principles.

## **CONGESTION MITIGATION FEE PROGRAM OVERVIEW**

The proposed Congestion Mitigation Fee Program was designed to ensure maximum local control over the program's development and implementation. Local jurisdictions would collect and retain all fee revenue. Each jurisdiction would select its local transportation projects that mitigate the impacts of their new development on the regional transportation system, collect the fee revenue, and build the transportation projects. Jurisdictions have been encouraged to develop a sub-regional or multi-city approach to this program and to coordinate with regional and state transportation providers. The congestion mitigation fee revenue should help local jurisdictions

leverage additional funding by providing a local match to compete for the MTA's Call-for-Projects and federal and state grants.

The proposed congestion mitigation fee would be a one-time fee applied to all types of new development based on the number of net new trips generated by the development project. For residential land use, the trip generation is based on the number of dwelling units. Thus, adding a bedroom or family room to a single family home would not increase the number of dwelling units and would not be subject to a congestion mitigation fee. The trip generation of non-residential land use is based on the square footage and the type of land use. If a new development project replaces an existing structure, the trip generation from the existing structure would be subtracted from the amount of trip generation from the new development and the Congestion Mitigation Fee would be based on the net difference. Moreover, if a non-residential use is replaced with a different type of non-residential use, the trip generation rate changes and the fee would only apply if there is a net increase in trips resulting from this change. For example, a conversion of a manufacturing facility to a warehouse of the same size would result in fewer trips being generated and, thus, would not be subject to a fee.

The Congestion Mitigation Fee Program would give credit to jurisdictions with their own existing mitigation fee programs. The amount of credit would be based on how many of the transportation projects included in the local fee program provide a regional benefit. Each eligible project would receive dollar-for-dollar credit towards the minimum fee-per-trip that would be set for the Congestion Mitigation Fee Program. If the local fee program's fee-per-trip exceeds the Congestion Mitigation Fee Program minimum, then the jurisdiction would not have to make any change to its existing mitigation fee program.

Eligible transportation projects must improve the capacity of the transportation system and must consist of capital improvement projects. Ongoing operational and maintenance projects are not eligible under this program. Projects identified in this Pilot Nexus Study include the following:

- Regional arterial enhancements such as arterial widening, bottleneck intersection improvements, closure of gaps in the arterial system, grade separations, and interchange improvements.
- Signal synchronization, bus speed improvements, bottleneck intersection improvements, traffic control and monitoring systems, and Intelligent Transportation Systems.
- Bus and rail transit capital and/or construction of transit stations and centers, park and ride lots, commuter rail stations, transit stop improvements and transit vehicle purchases.
- Bicycle and pedestrian improvements that provide accessibility to bus and rail transit and that were developed in a systemic and multi-modal manner.
- Other projects determined on a case-by-case basis.

## **GATEWAY CITIES PILOT NEXUS STUDY BACKGROUND**

To ensure a Congestion Mitigation Fee Program would serve the specific preferences of its member jurisdictions, the Gateway Cities Council of Governments (Gateway COG) offered to partner with MTA to develop a Pilot Nexus Study as a way to assess the viability of the Congestion Mitigation Fee Program. The Gateway COG took this proactive approach to fully vet the issues and concerns of Gateway Cities jurisdictions prior to any action by the MTA Board. This Pilot Nexus Study also provides an opportunity to explore various policies and understand complexities associated with such a program.

For the last year the Gateway COG has been working with MTA and their consultant, Cambridge Systematics, Inc. in a collaborative process that has included the participation of 15 of the 26 jurisdictions in the Gateway COG. As a result of this extensive work effort, MTA staff and the consultant have met one-on-one with senior management of all 15 participating Gateway COG jurisdictions.

## **CONGESTION MITIGATION FEE WORK PLAN**

The Gateway Cities Pilot Nexus Study was conducted as part of an overall work plan approved by the MTA Board in September 2008. The work plan consists of four steps: 1) Feasibility Study and Program Guidelines; 2) Local Project Identification; 3) Nexus Analysis; and 4) Program Development and Local Implementation. In Step 1 – Feasibility Study and Program Guidelines, MTA worked with jurisdictions and other stakeholders countywide to conduct a Feasibility Study to determine whether a fee program would be feasible. When this step was completed, the results were documented in a report titled *Congestion Mitigation Fee Feasibility Study Report* and approved by the MTA Board in September 2008.

In Step 2 – Local Project Identification, MTA worked with the Gateway COG and its participating member jurisdictions to identify local projects with a regional benefit, verify their growth forecasts, and confirm their transportation network. Step 3 – Nexus Analysis, involved a nexus analysis to determine whether the projects identified in Step 2 mitigate the impacts of 20 years of future development on the transportation network. In addition, Step 3 included an economic analysis of how the payment of a congestion mitigation fee and the benefits of congestion relief and construction jobs would change the economic performance of Los Angeles County.

MTA is completing eight pilot nexus studies (Step 3 in Figure 1 below) for all of the sub-regions in the County. Should the MTA Board adopt the Congestion Mitigation Fee Program as the new CMP Countywide Deficiency Plan, then jurisdictions will be required to participate in the fee program to be in conformance with the CMP. In this case, MTA staff will initiate Step 4 and work with jurisdictions to further develop and implement Step 4 of the Congestion Mitigation Fee Program.

If the MTA Board authorizes conducting Step 4 – Program Development and Local Implementation, then staff will work with jurisdictions, sub-regional agencies, and building industry representatives to implement the Congestion Mitigation Fee Program over a 24-month period. The MTA work plan is summarized below in Figure 1.

**Figure 1: Congestion Mitigation Fee Program Work Plan**

<b>Work Plan Components</b>	<b>Schedule</b>
<b>Step 1: Feasibility Study &amp; Program Guidelines</b>	Jan. 2007 – Sept. 2008
<ul style="list-style-type: none"> <li>• Review with PAC, jurisdictions, COGs, &amp; Others</li> </ul>	
<b>Step 2: Local Project Identification</b>	Spring 2009 – Summer 2012
<ul style="list-style-type: none"> <li>• Jurisdictions confirm growth forecasts</li> <li>• Jurisdictions identify local projects with regional benefits and confirm transportation network</li> </ul>	
<b>Step 3: Nexus Study</b>	Spring 2011 – Fall 2012
<ul style="list-style-type: none"> <li>• Technical work effort to determine nexus</li> </ul>	
<b>Step 4: Program Development &amp; Implementation</b>	2013 – 2015
<ul style="list-style-type: none"> <li>• Work one-on-one with jurisdictions to develop and implement program at the local level.</li> </ul>	

*Nexus Analysis*

The Mitigation Fee Act (AB 1600) governs the adoption of mitigation fees in the State of California (California Government Code Sections 66000-66008). This law requires local jurisdictions to complete a nexus analysis before adopting a mitigation fee. This analysis must provide results for a dual nexus test, which would show that the improvements being funded with the fees will: 1) mitigate the impacts caused by new development; and, 2) that the fee amounts bear a reasonable relationship to the impact from new development.

This nexus analysis uses annual vehicle-hours-of-delay (VHD) to measure the impact of new development on the transportation system. Other technical measures commonly used for a nexus analysis at a jurisdiction level include level-of service (LOS) or volume-to-capacity (V/C) ratios. These measures work best when the scale of analysis is on specific roadway segments or an urban street network and the projects are intended to mitigate congestion from increased travel by single occupant vehicles. The proposed Congestion Mitigation Fee, however, is intended to address the requirements specified for Deficiency Plans set forth in the CMP legislation. Furthermore, the Congestion Mitigation Fee Program is intended to reduce congestion (VHD) caused by new development on the arterial network in each sub-region.

This VHD methodology is similar to the approach conducted for the nexus analysis completed for the San Diego Association of Governments (SANDAG) for its Regional Transportation Congestion Improvement Plan (RTCIP) in 2006. The MTA nexus analysis uses the same metric of vehicle-hours-of-delay as SANDAG is using for its mitigation fee program, which essentially measures the nexus between the RTCIP projects and the impacts from new development throughout San Diego county. The Pilot Nexus Studies utilize the same analytical methodology as SANDAG because both mitigation fee programs are focused on mitigating the impacts of new development on the arterial networks. Traffic patterns on the arterial networks of both counties of Los

Angeles and San Diego are similar in terms of their function as relievers for freeway intercity travel and access to freeways. In addition, the trip generation rates for the seven land-use types are derived from the SANDAG trip generation rates because their county more closely resembles the traffic patterns and land use trip generation rates of the greater Southern California region. SANDAG calculated these rates from surveys of San Diego County households and businesses.

This nexus analysis compares VHD for the Gateway Cities sub-region under three conditions or scenarios:

- **2010 Base Year – Existing Conditions Scenario:** Estimates VHD for the initial Congestion Mitigation Fee Program base year of 2010.
- **2030 Future Year – No-Build Scenario:** Estimates VHD in 2030 given estimated levels of new development and all currently planned transportation improvements funded with known sources such as MTA’s 2009 Long Range Transportation Plan.
- **2030 Future Year –With New Congestion Mitigation Fee Projects Scenario:** Estimates the reduction in VHD caused by the selected transportation improvements identified in the Congestion Mitigation Fee Program.

To meet the requirements of state law, this nexus analysis must demonstrate that VHD in 2030 does not improve beyond the 2010 Base Year levels. The analysis excludes freeway impacts because much of the freeway traffic is inter-regional and the projects submitted by jurisdictions are focused on the regional arterial system.

All transportation projects are classified into one of nine project categories and were evaluated using either the MTA travel demand model, the Congestion Mitigation Fee Analysis Tool, or research literature as described below. Figure 2 on Page 8 that follows identifies which one of the following three nexus analysis methods was used for each transportation project category:

- **MTA Travel Demand Model:** In order to analyze the changes in VHD on the arterial network within each of the eight sub-regions, Cambridge Systematics, Inc., MTA’s contractor, made improvements to the MTA travel demand model. These improvements are documented in the *Los Angeles County MTA Travel Model Assessment and Status Report* (June 2011). The enhancements included:
  - **Replicating trip generation and trip distribution within the MTA model.** Allows the MTA travel demand model to yield more internally consistent estimates of development impacts in the nexus analyses. The process involved converting SCAG model components into MTA’s travel demand model and testing and validating model results.
  - **Increasing the number of traffic assignment equilibrium iterations from 43 to 300.** Increasing to 300 iterations improves assignment accuracy substantially and provides more accuracy in traffic assignment as well as more accurate results against increased model run time.

- **Using SCAG's screenline dataset to validate sub-regional travel.** SCAG's existing dataset of traffic volumes across multiple key locations (also known as screenlines) was used to validate travel model results for the 2010 base year.

With these steps completed, the MTA travel demand model is better prepared to code and run sub-regional nexus analyses.

- **Congestion Mitigation Fee Analysis Tool:** This analytical tool estimates VHD reduction from intersection improvements, system operations (e.g. signal synchronization), railroad grade separations, and highway on/off ramps. The Congestion Mitigation Fee Analysis Tool was developed specifically for conducting sub-regional nexus analysis of projects that require a level of analysis that is too fine-grained for the MTA travel demand model. The analysis tool estimates VHD reduction based on assumptions taken from research literature combined with quantified project descriptions provided by each jurisdiction.
  - **Greenhouse Gas Emissions Sketch Planning Capability:** At the request of jurisdictions, a greenhouse gas emissions sketch planning tool was developed and made available to jurisdictions so they could generally estimate the greenhouse gas emissions impacts derived from transportation projects they identified. This capability has facilitated discussion with jurisdictions regarding the nexus analysis and SB 375 emission reduction strategies they may want to pursue to meet the statutory requirements for both the CMP and SB 375. Also, if the Congestion Mitigation Fee Program were implemented, there may be an opportunity to fund transportation projects identified for SB 375 compliance as well as the CMP.
- **Research Literature:** Reliable research provides sufficient evidence that bicycle and pedestrian improvements that link to transit (e.g. bicycle lanes and sidewalks that serve bus stops and passenger rail stations), transit amenities (e.g. bus shelters, better signage, etc.), park-and-ride lots, and other similar projects provide congestion reduction benefits. This research literature, however, does not provide enough information to quantify the impacts. Thus, for purposes of the Pilot Study Nexus analysis these projects are included but their benefits are not quantified.

Furthermore, bicycle or pedestrian improvements that do not link to transit (e.g. recreational biking/hiking trails) have been excluded from the analysis. In January 2012 the MTA Board directed staff to develop the modeling capability to be able to quantify the benefit of bicycle transportation investment because many of the jurisdictions participating in the Pilot Nexus Study have included bicycle investments as part of their list of projects. Nevertheless, MTA has limited the types of bicycle projects it can accept as part of the Pilot Nexus Study to those that provide a link or access to transit, which the research literature conclusively documents as having a qualitative relationship to reduced congestion.

**Figure 2: Transportation Project Categories and Nexus Analysis Methods**

Project Category	Nexus Analysis Method
Roadway Capacity Improvement	MTA Travel Demand Model
Intersection Improvement	Congestion Mitigation Fee Analysis Tool
System Operations (e.g. signal synchronization)	Congestion Mitigation Fee Analysis Tool
Railroad Grade Separations	Congestion Mitigation Fee Analysis Tool
Highway On/Off-Ramps	Congestion Mitigation Fee Analysis Tool
Bicycle/Pedestrian Improvements	Research Literature
Transit Improvements	Research Literature
Park-and-Ride Lots	Research Literature
Other Projects	Research Literature

The nexus analysis for the Gateway COG member cities was conducted at the sub-regional level. Sub-regions capture longer, intercity trips, which are the focus of the CMP. Sub-regions are also small enough to measure significant benefits for a relatively modest investment. This sub-regional nexus analysis serves as an umbrella for each local jurisdiction in the sub-region, which would adopt its own congestion mitigation fee program to fund the specific transportation projects that it selects.

**GATEWAY CITIES PILOT NEXUS STUDY**

*Study Area*

The study area includes the following members of the Gateway COG:

<ul style="list-style-type: none"> <li>• City of Bell</li> <li>• City of Bell Gardens</li> <li>• City of Compton</li> <li>• City of Cudahy</li> <li>• City of Downey</li> </ul>	<ul style="list-style-type: none"> <li>• City of Hawaiian Gardens</li> <li>• City of La Mirada</li> <li>• City of Long Beach</li> <li>• City of Paramount</li> <li>• City of Pico Rivera</li> </ul>	<ul style="list-style-type: none"> <li>• City of Santa Fe Springs</li> <li>• City of Signal Hill</li> <li>• Unincorp. LA County</li> <li>• City of Vernon</li> <li>• City of Whittier</li> </ul>
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*Projected Growth*

The Gateway Cities is projected to increase by 178,600 in population and employment is projected to increase by 20,800 from 2010 to 2030. This growth is expected to impact the regional transportation system that is already operating near or at capacity. This growth would essentially cause what is currently a slow moving roadway network to deteriorate further and result in widespread gridlock.

### *Transportation Projects Submitted*

Fifteen of the 26 jurisdictions participated in the Gateway Cities Pilot Nexus Study. One of these, the City of Vernon, anticipates an overall decline in net trip generation due to redevelopment over the next 20 years. In other words, the City anticipates that trip generation growth from residential, retail, office, and warehouse development will be more than offset by trip generation reductions from the loss of industrial uses due to redevelopment. Although Vernon submitted projects for the Pilot Nexus Study their projects were not included in the Congestion Mitigation Fee Program. Consequently, this Pilot Nexus Study includes 14 Gateway jurisdictions. The City of Vernon may review these growth projections and their impact on the nexus analysis as part of the next step should the MTA Board decide to adopt the Congestion Mitigation Fee Program as the new CMP Deficiency Plan.

A total of 121 transportation projects were identified as part of the study. A map identifying the submitted projects is shown in Attachment B. Jurisdictions used a web-based software planning tool developed by Cambridge Systematics, Inc. to create a database of projects located within their jurisdiction. For each transportation project, jurisdictions provided a cost estimate, funding sources, project description, and a geocoded location (See Attachment C).

Out of the total list of 121 projects, 78 projects could be evaluated quantitatively. The remaining 43 projects that could not be evaluated quantitatively consist of bicycle, pedestrian, and transit projects.

Figure 3 on page 10 summarizes the number of projects submitted by jurisdictions by project category along with information on total cost, other funding reasonably anticipated during the 20-year planning horizon, and the remaining unfunded amount that could be funded through the Congestion Mitigation Fee Program.

Figure 3 divides the eight types of transportation projects into two groups. Figure 3 presents the following information:

- The four transportation categories shown in the upper half of Figure 3 (Roadway Capacity, Intersection Improvements, System Operations, and Grade Separations) are projects that can be evaluated using quantitative methods such as the MTA Travel Demand Model and the Congestion Mitigation Fee Analysis Tool (described above). These projects account for the reduction in VHD derived from the nexus analysis.
- The four transportation categories shown in the lower half of Figure 3 cannot be modeled and thus their contribution is not included in the VHD reduction estimate. Nevertheless, peer reviewed research affirms their qualitative effectiveness in lowering congestion and thus they are included in the Congestion Mitigation Fee Pilot Study. Thus, they are included in the total unfunded cost and the fee amounts needed to fund them.

As mentioned earlier, as a result of such a robust list of bicycle projects, the MTA Board directed staff to develop a model that would quantify the travel related benefits associated with bicycle travel. Thus, the consultant team is developing approaches to estimate the impacts from these other project categories for inclusion in future nexus analyses.

- The third column of Figure 3 shows the share of the total cost for each of the eight transportation categories. Some key information includes the amount of other funding leveraged by the Congestion Mitigation Fee revenue. For example, nearly 74% of the \$115 million total cost for roadway capacity projects would be funded with other funding sources, but only 7% of the \$5 million needed for grade separation improvements will come from other sources. See Attachment C for a detailed project list by jurisdiction.

**Figure 3: Gateway Cities Transportation Project Category Summary**

Project Type	Number of Projects	Total Cost Share	Total Cost	Other Funding	Fee Revenue Funds
Roadway Capacity	11	30%	115,370,000	84,900,000	30,470,000
Intersection Improvement	40	9%	34,069,000	6,891,000	27,178,000
System Operations	25	16%	61,925,000	14,651,000	47,274,000
Grade Separation	2	1%	5,450,000	360,000	5,090,000
Subtotal	78	56%	216,814,000	106,802,000	110,012,000
	-				
Bike-Pedestrian	17	5%	17,768,000	7,646,000	10,122,000
Bike-Ped-Transit	22	37%	144,677,000	36,829,000	107,848,000
Park-and-Ride	3	2%	8,400,000	3,330,000	5,070,000
Transit Expansion	1	0%	500,000	210,000	290,000
Subtotal	43	44%	171,345,000	48,015,000	123,330,000
<b>Total</b>	<b>121</b>	<b>100%</b>	<b>388,159,000</b>	<b>154,817,000</b>	<b>233,342,000</b>

***Technical Nexus Analysis Results: Vehicle-Hours-of-Delay/Congestion Reduction Benefit***

The nexus analysis conducted for this Pilot Nexus Study supports the finding that the transportation projects identified by jurisdictions and funded by the Congestion Mitigation Fee Program would mitigate 15% of the total impact of new development on the arterial network. This result demonstrates that the costs of mitigation will not exceed the proportion attributable to new development, and satisfies the nexus requirements set forth in the Mitigation Fee Act. This finding also meets the measurable improvement in congestion requirement as stipulated by the CMP Countywide Deficiency Plan.

Figure 4 below presents the results of the nexus analysis of the 78 projects that could be evaluated quantitatively. Reading from left to right, this table presents the following results:

- The nexus analysis starts with the current (2010) estimate of 14.9 million VHD on the Gateway Cities arterial network (shown in the first column of Figure 4).
- Next, the analysis forecasts 50.8 million VHD in 2030 (second column) or a net increase of 35.9 million VHD (fourth column) caused by the impacts of new trips generated and attracted by new development within the Gateway Cities forecast over the next 20 years. Under the No-Build scenario, congestion in the Gateway Cities is expected to have more than a three-fold increase in vehicle-hours-of-delay (VHD) from 2010 to 2030 because of growth impacting the current transportation system that is at or near capacity. This result for the No-Build scenario assumes that transportation improvements included in the 2008 RTP and the current MTA Long Range Transportation Plan (LRTP) are constructed.
- The third column shows what would happen if the 78 transportation projects are constructed holding everything else constant. VHD on the sub-regional arterial network in 2030 would be 45.5 million, which would be a 5.3 million VHD (sixth column) reduction, or about 15% less (seventh column) congestion than without these projects.
- This analysis deliberately removed the impacts of future through trips (trips that begin and end outside of the sub-region) because new development within the subregion cannot be required to pay for the impacts from trips it does not generate or attract.

**Figure 4: Gateway Cities Annual Vehicle Hours of Delay (VHD)**

1	2	3	4	5	VHD Reduction Benefit	
2010 (Existing)	2030 (No Build)	2030 (With Projects)	2010 – 2030 (No Build)	2010 – 2030 (With Projects)	6 Amount	7 Percent
<i>A</i>	<i>b</i>	<i>c</i>	$d = b - a$	$e = c - a$	$f = d - e$	$g = f / d$
14,886,000	50,782,000	45,507,000	35,896,000	30,621,000	5,275,000	15%

Note: The analysis excludes freeway impacts because much of the freeway traffic is inter-regional and the projects submitted by jurisdictions are focused on the regional arterial system.

***Establishing Minimum and Maximum Fee Amounts for the Gateway Cities***

The congestion mitigation fee-per-trip amount for each jurisdiction is determined by calculating its unique cost-per-trip (See Attachment A). The cost-per-trip amount is the total unfunded cost of all transportation projects selected by each jurisdiction (both those with benefits that can be quantitatively measured and those that are only qualitatively measured) divided by the number of net trips generated by new development within that jurisdiction.

Establishing a minimum fee-per-trip for the Congestion Mitigation Fee Program has been an important policy issue for jurisdictions and stakeholders since MTA convened

the countywide Policy Advisory Committee in 2006. A minimum fee-per-trip would facilitate compliance with the CMP by ensuring a minimum level of congestion reduction effort. Furthermore, all jurisdictions would benefit from a level playing field, where a minimum fee-per-trip amount could reduce the advantage that one jurisdiction may have over another in attracting new development.

The minimum fee-per-trip amounts for each sub-region were determined through the pilot nexus study process where each city developed a transportation project list that balances its need to mitigate future congestion with a maximum fee-per-trip amount. As a result, the pilot nexus study process provided a fee-per-trip amount for each jurisdiction (See Attachment A) whereby 11 jurisdictions were above \$200 fee-per-trip. Based on this threshold, one possible option is to set a \$200 fee-per-trip amount as the minimum that all Gateway Cities COG jurisdictions could adopt as their sub-regional minimum fee-per-trip amount. The potential use of this approach is also being evaluated in the other sub-regional pilot nexus studies.

The Pilot Study Nexus Analysis resulted in two types of fee-per-trip amounts calculated for jurisdictions in the Gateway Cities:

- **Jurisdiction fee-per-trip:** A separate fee-per-trip for each jurisdiction was calculated based on the jurisdiction's unfunded project costs divided by the number of trips from new development within the jurisdiction (See Attachment A). This fee-per-trip is the amount needed to fund the unfunded portion of the transportation projects costs identified by each jurisdiction. Unfunded project costs used in this calculation represents a conservative method of assessing new development for its share of mitigating its impacts. Other funding sources identified by jurisdictions to fund their proposed projects come from such funds as Proposition C and Measure R local return, state gas tax subventions, municipal general funds, Call-for-Projects, and Surface Transportation Program local funds.
- **Sub-regional maximum justified fee-per-trip:** A single \$1,113 fee-per-trip for the sub-region was calculated based on the \$388 million total cost of all transportation projects identified by jurisdictions divided by approximately 349,000 new trip-ends generated and attracted by new development within the sub-region. Since this nexus analysis was conducted at the sub-regional level, the \$1,113 fee-per-trip amount represents the maximum congestion mitigation fee amount the nexus analysis can defend quantitatively. Total project costs, rather than unfunded project cost, were used in this calculation because congestion reduction benefits are associated with the entire project regardless of the level of other anticipated funding.

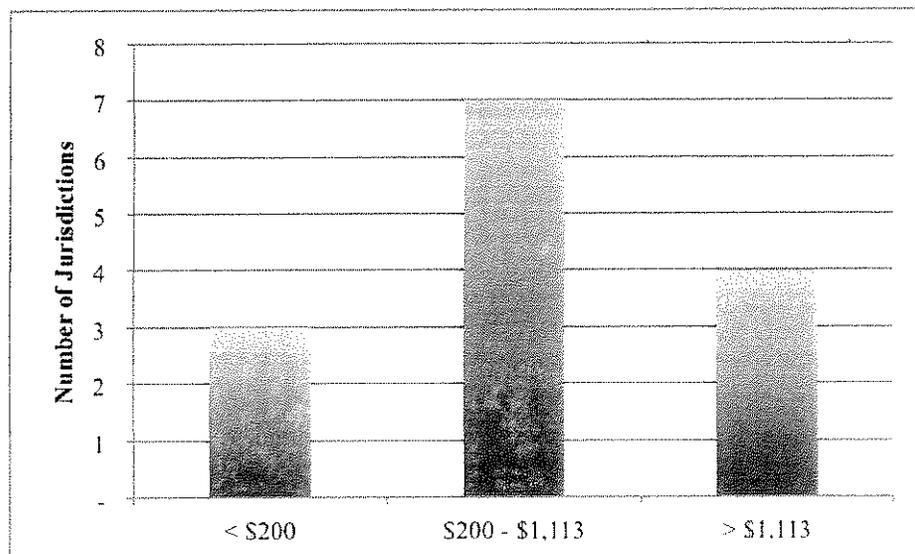
The congestion mitigation fee-per-trip results from the nexus analysis by jurisdiction are summarized in Figure 5 below. See Attachment A for details regarding total project costs and funding by jurisdiction.

- Seven (7) jurisdictions have fee-per-trip amounts that range between a fee-per-trip of \$200 and the sub-regional legal maximum fee-per-trip of \$1,113.

- Four (4) jurisdictions have fee-per-trip amounts greater than the sub-regional legal maximum fee-per-trip of \$1,113.
- Three (3) jurisdictions have fee-per-trip amounts less than \$200.

The data collected from jurisdictions shows there is a concentration of jurisdictions whose fee-per-trip range from a minimum of \$200 up to a sub-regional maximum justified fee-per-trip of \$1,113. This broad range of fee-per-trip amounts should provide each jurisdiction with the flexibility to manage the congestion impacts of growth, but also establish a floor, or minimum fee-per-trip. This minimum fee-per-trip amount is intended to create a level playing field by ensuring that each jurisdiction contributes to mitigating its growth impact on the regional transportation network.

**Figure 5: Fee-Per-Trip Range by Jurisdiction**



Note: The chart does not include twelve (12) jurisdictions that did not participate in the Gateway COG Pilot Study.

Should the Congestion Mitigation Fee Program be adopted, then each jurisdiction within the sub-region would adopt its own congestion mitigation fee ordinance. Their congestion mitigation fee would need to be set between the minimum fee-per-trip established by the MTA Board and their own individual jurisdiction fee-per-trip established by the nexus analysis (See Attachment A). The sub-regional maximum justified fee-per-trip would be the amount that jurisdictions would be limited to adopt as a result of the nexus analysis.

Those jurisdictions that are below the \$200 fee-per-trip in this pilot nexus study would need to increase the unfunded cost of their total transportation project list. They can do this by a combination of the following:

- 1) Add new projects to their list of transportation projects;
- 2) Reduce the amount of other anticipated funding and, thus, increase the amount of funding from the fee revenue needed to build the projects; and/or

- 3) Fund projects in an adjacent jurisdiction that will help mitigate the impacts of new development traveling into or out of their jurisdiction.

Those jurisdictions with fee-per-trip amounts that are higher than the maximum justified cost-per-trip amount of \$1,113 would have the following options to reduce their cost-per-trip amounts:

- 1) Eliminate transportation projects from their list of projects to reduce their fee-per-trip amount to a level below the maximum justified fee-per trip amount.
- 2) Identify additional funding sources to reduce the amount of funding the fee revenue would have to pay to implement the projects.
- 3) Conduct a local nexus study to justify that the additional costs can be fairly charged to new development consistent with the Mitigation Fee Act.

Based on the nexus results of the Gateway Cities Pilot Nexus Study a recommended minimum fee-per-trip amount for the Gateway Cities sub-region could be a \$200 fee-per-trip amount (see Figure 5).

### **Next Steps**

Below are the next steps to complete the Congestion Mitigation Fee work plan:

- Present pilot nexus study and economic analysis findings to jurisdictions, sub-regional agencies, and building industry stakeholders.
- Seek MTA Board direction in early 2013 to:
  - Adopt the Congestion Mitigation Fee Program as the new CMP Countywide Deficiency Plan;
  - Establish minimum fee amount for CMP compliance
- Work one-on-one with jurisdictions, sub-regional agencies, and building industry representatives to implement a Congestion Mitigation Fee Program over a 24 month period.

If the MTA Board decides to adopt the Congestion Mitigation Fee Program as the Countywide Deficiency Plan for the CMP, MTA staff will work with each jurisdiction to implement the Congestion Mitigation Fee Program. In carrying out this work effort, it is possible that jurisdictions would modify their list of transportation projects. If so, then the congestion reduction and fee-per-trip from such a change may be different than the results identified in this Pilot Nexus Study and would be revised accordingly in a report at that time.

### **CONTACT INFORMATION**

If you have any questions or comments, please contact:

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Attachment A:

Gateway Cities COG Pilot Nexus Study Fee-per-Trip by Jurisdiction

Jurisdiction	Net New Trip Ends	Total Project Costs	Other Funding	Fee Revenue Funds	Fee Per Trip
	<i>a</i>	<i>b</i>	<i>c</i>	<i>d</i>	$e = d / a$
Bell	3,961	21,000,000	18,900,000	2,100,000	\$530
Bell Gardens	3,776	2,100,000	-	2,100,000	\$556
Compton	12,067	4,000,000	-	4,000,000	\$331
Cudahy	2,220	1,650,000	-	1,650,000	\$743
Downey	15,497	36,247,000	15,193,000	21,054,000	\$1,359
Hawaiian Gardens	3,016	7,200,000	-	7,200,000	\$2,387
La Mirada	9,364	11,270,000	-	11,270,000	\$1,204
Long Beach	78,963	192,063,000	107,314,000	84,749,000	\$1,073
Paramount	5,269	150,000	-	150,000	\$28
Pico Rivera	5,306	24,700,000	-	24,700,000	\$4,655
Santa Fe Springs	8,421	150,000	-	150,000	\$18
Signal Hill	3,505	1,090,000	450,000	640,000	\$183
Unincorporated	153,457	74,132,000	7,777,000	66,355,000	\$432
Whittier	9,969	12,407,000	5,184,000	7,223,000	\$725
Non-Participating Cities	33,920				
<b>Total</b>	<b>348,710</b>	<b>\$388,159,000</b>	<b>\$154,818,000</b>	<b>\$233,341,000</b>	
<b>Funding Share</b>		<b>100%</b>	<b>40%</b>	<b>60%</b>	

Sub-regional Maximum Justified Project Cost per Trip (= b / a)	\$1,113
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**Attachment C: List of Submitted Transportation Projects by Jurisdiction**

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Bell	Florence Avenue Bridge Widening	Widen Florence Av. Bridge over the LA River; the Bridge is currently rated by LA County Bridge Inspection Program as Functionally Obsolete.	Florence Avenue over the LA River	Roadway Capacity	\$7,000,000	\$6,300,000	\$700,000	(4)
Bell	Gage Avenue Bridge Widening	Widen Gage Av. Bridge over the LA River; the Bridge is currently rated by LA County Bridge Inspection Program as Functionally Obsolete.	Gage Avenue over the LA River	Roadway Capacity	\$7,000,000	\$6,300,000	\$700,000	(4)
Bell	Slauson Av Bridge Widening	Widen Slauson Av. Bridge over the LA River; the Bridge is currently rated by LA County Bridge Inspection Program as Functionally Obsolete.	Slauson Av. over the LA River	Roadway Capacity	\$7,000,000	\$6,300,000	\$700,000	(4)
Bell Gardens	Eastern Avenue Widening	Widen the street by 5 feet to create better flow of traffic, one lane added in each direction. Curb parking will be eliminated.	Eastern Avenue from Muller to Florence	Roadway Capacity	\$2,100,000	\$-	\$2,100,000	
Compton	Compton	The structure will be approximately 192 feet x 300 feet in size. 4-level parking structure with 600 spaces.	Adjacent to the MLK Transit Center, 301 N Willowbrook	Park-and-Ride	\$4,000,000	\$-	\$4,000,000	
Cudahy	Pedestrian Improvements	Flashing Beacon and Crosswalk Upgrades to all areas surrounding Schools and Parks within the City.	Areas surrounding City Parks and Schools	Bike-Pedestrian	\$250,000	\$-	\$250,000	(1)
Cudahy	Intersection Upgrade at Salt Lake and Ardine	Intersection improvements to alleviate traffic and help bring down the number of accidents that have occurred in the past.	Salt Lake Ave and Ardine St	Intersection Improvement	\$60,000	\$-	\$60,000	

Jurisdiction <sup>^</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Cudahy	Intersection Upgrade at Salt Lake Ave, Otis Ave, and Elizabeth	Upgrades to the intersection to help the flow of traffic.	Intersection of Salt Lake, Otis, and Elizabeth	Intersection Improvement	\$220,000	\$-	\$220,000	
Cudahy	Intersection Upgrade for Salt Lake, Atlantic, Patata	Traffic circulation improvements.	Intersection of Salt Lake Ave, Patata St, Atlantic Ave	Intersection Improvement	\$220,000	\$-	\$220,000	
Cudahy	Signal Synchronization/Timing Upgrade along Atlantic Avenue	Signal timing upgrades and synchronizations along Atlantic Ave. From Pata St to Florence Ave	Atlantic Avenue (Patata St to Florence Ave)	System Operations	\$720,000	\$-	\$720,000	
Cudahy	Signal Timing Upgrade	Traffic signal synchronization for major intersections.	Live Oak, Clara, Elizabeth, Santa Ana	System Operations	\$180,000	\$-	\$180,000	
Downey	Telegraph Rd Traffic Throughput & Safety - Phase II	Construction of raised landscaped median islands and bus priority modifications at six signalized intersections, along the street from west city limit to Lakewood Blvd/Rosemead Blvd and between Parsons Blvd and east city limit. No street widenings.	Telegraph Rd	Bike-Ped-Transit	\$4,120,000	\$2,367,888	\$1,752,112	
Downey	Downtown Area Pedestrian Improvements	Help implement improvements outlined in the Downtown Specific Plan including augmented sidewalks, curb extensions at intersections, raised crosswalks, pedestrian lighting.	Downtown area	Bike-Pedestrian	\$1,500,000	\$-	\$1,500,000	(1)
Downey	Firestone Bl at ORSR Intersection Safety Study	Either an undercrossing or overcrossing of the RR with roadway; yet to be determined.	Firestone Bl at Old River School Rd and Burns Ave	Grade Separation	\$450,000	\$360,000	\$90,000	

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Downey	Bellflower Bl at Imperial Hwy Intersection Improvements	Construction of double left-turn pockets in the nb and sb directions and right-turn pockets in the sb, eb and nb directions; modification of the existing traffic signal and incidental utility relocations and lane restriping.	Bellflower Bl, Imperial Hwy	Intersection Improvement	\$2,500,000	\$1,000,000	\$1,500,000	
Downey	Imperial Hwy/Columbia Wy Traffic Signal	Traffic signal upgrades, curb ramps. Includes protected/permmissive left-turn phasing on the east-west (Imperial Hwy.) approaches to the intersection.	Imperial Hwy, Columbia Way	Intersection Improvement	\$201,300	\$181,000	\$20,300	
Downey	Lakewood Bl at Imperial Hwy Intersection Improvement Project	Widening at SW corner, providing one thru and one right-turn only lane in east bound direction, installation of pedestrian safety lighting, decorative sw, bollards, curb ramp, asphalt paving, parkway and median trees and L.S, irrigation system.	Firestone Bl, Lakewood Bl	Intersection Improvement	\$1,000,000	\$719,175	\$280,825	
Downey	PARAMOUNT BLVD AT FIRESTONE BLVD IMPRVMTS	Construction of a right-turn pocket in the eastbound direction, widening of all four curb returns to provide 50-foot radii, modification of the traffic signal, incidental utility relocations, curb ramps, sw, AC pavement, striping, and signage modification.	Paramount Bl, Firestone Bl	Intersection Improvement	\$3,130,840	\$1,950,000	\$1,180,840	
Downey	WOODRUFF / WASHBURN TRAFFIC SIGNAL	Upgrade of the existing traffic signal, including the installation of accessible audible pedestrian devices to accommodate the disabled.	Woodruff Ave. Washburn Road	Intersection Improvement	\$150,650	\$135,000	\$15,650	(4)

Jurisdiction <sup>^</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Downey	WOODRUFF/VIA AMORITA TRAFFIC SIGNAL	Installation of a new vehicle and pedestrian-actuated traffic signal, video detection, countdown pedestrian signals, provide fiber optic communication to the intersection to enable remote traffic management and surveillance.	Woodruff Ave, Via Amorita	Intersection Improvement	\$170,000	\$153,000	\$17,000	(4)
Downey	Lakewood Blvd. Improvements - Phases 3B & 3C	Minor widening to provide three 12-foot travel lanes, minor widening of intersections, traffic signal system upgrades, construction of curb, gutter and sidewalk, install pedestrian and street lighting system.	On Lakewood Bl from Florence Ave to Telegraph Road	Roadway Capacity	\$15,000,000	\$6,000,000	\$9,000,000	
Downey	Bellflower Bl and Stewart & Gray Rd Fiberoptic Integration	Installation of fiber-optic cable into existing conduits along both Bellflower Bl and Stewart & Gray Rd to connect to both the City's Water Yard and Public Works Yard with the City's communication network.	Bellflower Bl, Stewart & Gray Rd	System Operations	\$200,000	\$150,000	\$50,000	
Downey	Imperial Highway FO Traffic Signal Comm. System	Installation of fiber-optic conduit/cable along the length of Imperial Hwy, interconnection to existing signal communication network at Paramount Bl, Lakewood Bl, traffic signal upgrades, vehicle video detection, incidental utility relocation, signage.	On Imperial Hwy between Rives Ave and Woodruff Ave	System Operations	\$900,175	\$719,175	\$181,000	

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Downey	Paramount BI FO Traffic Signal System/Upgrades Phase II	Installation of fiber-optic conduit/cable along Paramount BI between Lubec Street and Gardendale Street (south city limit), interconnection to existing signal communication, traffic signal upgrades, vehicle video detection system.	On Paramount BI	System Operations	\$1,310,586	\$719,921	\$590,665	
Downey	Paramount BI Traffic Throughput & Safety: Imperial - Florence	Installation of fiber-optic conduit/cable along Paramount BI, traffic signal upgrades, coordinated timing along corridor, communication network modifications at TMC.	On Paramount BI between Firestone BI and Imperial Hwy	System Operations	\$4,690,000	\$-	\$4,690,000	
Downey	Woodruff Ave. FO Traffic Signal Comm. System	Installation of fiber-optic conduit/cable along the length of Woodruff Ave, interconnection to existing signal communication network, traffic upgrades.	Woodruff Ave	System Operations	\$923,164	\$738,164	\$185,000	
Hawaiian Gardens	Carson Street intersection left turn lanes	Study and implement protective / permissive left turn lanes at all intersections along Carson Street. Project cost based on similar projects in sub-region and need to be confirmed by City.	All intersections along Carson Street	Intersection Improvement	\$2,000,000	\$-	\$2,000,000	
Hawaiian Gardens	Norwalk Boulevard intersection left turn lanes	Study and implement protective / permissive left turn lanes at all intersections along Norwalk Boulevard. Project cost based on similar projects in sub-region and need to be confirmed by City.	All intersections along Norwalk Boulevard	Intersection Improvement	\$2,000,000	\$-	\$2,000,000	

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Hawaiian Gardens	Norwalk Boulevard/223rd Street Signal Upgrade	Traffic signal upgrade at the intersection of Norwalk Boulevard and 223rd Street to include signal control, equipment, and signal head. Project cost based on similar projects in sub-region and need to be confirmed by City.	Intersection of Norwalk Boulevard and 223rd Street	Intersection Improvement	\$200,000	\$-	\$200,000	
Hawaiian Gardens	Carson Street Widening	Widen Carson Street from 4 lanes to 6 lanes. Project cost based on similar projects in sub-region and need to be confirmed by City.	Carson Street within City	Roadway Capacity	\$3,000,000	\$-	\$3,000,000	
La Mirada	Bus stop improvements on Imperial Hwy	ROW purchase and installation of bus turn outs at various locations along Imperial highway.	Imperial Highway from east city limit to west city limit	Bike-Ped-Transit	\$2,000,000	\$-	\$2,000,000	
La Mirada	Alondra Blvd and Valley View Ave right turn lane	Purchase of ROW and construction for a right turn lane west bound Alondra to north bound Valley View.	Valley View and Alondra	Intersection Improvement	\$750,000	\$-	\$750,000	
La Mirada	Intersection improvement for Rosecrans Av and Valley View Av	ROW purchase and construction of right turn lane from north bound Valley View to east bound Rosecrans.	Rosecrans Ave and Valley View Ave	Intersection Improvement	\$500,000	\$-	\$500,000	
La Mirada	Intersection Improvements at La Mirada Blvd and Imperial Hwy	ROW purchase and construction of right turn lanes on La Mirada Blvd north bound and South bound to east and west bound Imperial Hwy.	La Mirada Blvd and imperial Hwy	Intersection Improvement	\$1,000,000	\$-	\$1,000,000	
La Mirada	Intersection improvements to Santa Gertrudes and imperial	ROW purchase and construction of right turn lanes on at all four approaches of the intersection.	Santa Gertrudes Ave and imperial Highway	Intersection Improvement	\$2,000,000	\$-	\$2,000,000	
La Mirada	Intersection improvements Valley View Ave at Imperial Hwy	ROW purchase and construction of a right turn lane from north bound Valley View to east bound Imperial.	Valley View and Imperial	Intersection Improvement	\$500,000	\$-	\$500,000	

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
La Mirada	Telegraph Road realignment	ROW acquisition and realignment of Telegraph Road 300 feet westerly from Imperial Highway to Wicker Drive to accommodate improved signal synchronization. Add SB left turn at Telegraph/Imperial and SB right turn.	Telegraph Rd and Imperial Hwy	Intersection Improvement	\$4,000,000	\$-	\$4,000,000	
La Mirada	Valley View and Alondra intersection improvements	Purchase of ROW and construction of a right turn lane from north bound Valley View to east bound Alondra.	Valley View Ave and Alondra Blvd	Intersection Improvement	\$500,000	\$-	\$500,000	
La Mirada	Additional Lane on Artesia	Restriping to add an additional lane.	Artesia from Knott and Valley View	Roadway Capacity	\$20,000	\$-	\$20,000	
Long Beach	15th Street Bike Boulevard	One bicycle boulevard along 15th Street to provide a safer east-west connection throughout the city.	15th Street Between Magnolia and Pacific Coast Highway	Bike-Ped-Transit	\$1,040,000	\$450,000	\$590,000	(1)
Long Beach	9th Street Pedestrian Enhancement Project	Signalize two intersections and provide an all-way stop at a third to provide improved connectivity for pedestrians and cyclists traveling along 9th Street to access schools, medical facilities, park facilities, and shopping.	9th Street between Pacific Avenue and Long Beach Boulevard	Bike-Ped-Transit	\$500,000	\$358,000	\$142,000	(1)
Long Beach	Bellflower/Clark/Del Amo/Broadway Bike Route Gap Closure	The project will complete Class II bicycle linkages between existing and funded projects at the stated locations.	Bellflower (btw Atherton & 6th), Clark (btw Willow & Anaheim), Del Amo (btw Long Beach & L.A River), Broadway (btw Redondo & Nieto)	Bike-Ped-Transit	\$510,000	\$433,500	\$76,500	(1)

Jurisdiction <sup>^</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Long Beach	Bike Share Phase I	Integrate bicycle and public transit services by installing 16 solar powered bicycle stations, including 160 bikes and hand bikes at transit stops and activity nodes.	Downtown Long Beach and CSULB Area	Bike-Ped-Transit	\$1,316,000	\$908,000	\$408,000	
Long Beach	Bike Share Phase II	Installation of 500 bikes, 50 docking stations and kiosks, and wayfinding/signage at local and Metro transit stations, employment areas, business districts, and major activity nodes.	Downtown Long Beach and CSULB Area	Bike-Ped-Transit	\$2,800,000	\$2,260,000	\$540,000	
Long Beach	Daisy Street - Bike Boulevard	Bike boulevard will provide North-South Class III bicycle facility (running the length of the City- from downtown to 70th).	running the length of the City- from downtown to 70th	Bike-Ped-Transit	\$2,200,000	\$1,980,000	\$220,000	(1)
Long Beach	I-710 Improvements/Shoemaker Bridge-Downtown Exits	Funded by the SAFETEA-LU Demo Project, the project improves bicycle, pedestrian, and streetscape on major thoroughfares.	On Broadway, 3rd Street, 6th Street, and 7th Street from Shoreline Drive to Alamitos.	Bike-Ped-Transit	\$75,000,000	\$25,000,000	\$50,000,000	(1)
Long Beach	Market Street Transportation Enhancement Project	Reconfigure the roadway to provide improved pedestrian facilities (widen sidewalks, enhanced pedestrian crossings) and access to key destinations (post office, transit stops, fire station, schools, shopping) for pedestrians, cyclists, and motorists.	Market Street between Long Beach Boulevard and Atlantic Avenue	Bike-Ped-Transit	\$7,500,000	\$-	\$7,500,000	(1)

Jurisdiction <sup>A</sup>	Project Name	Description	Location	Project Type	Total Cost	Other Funding	Unfunded	Note
Long Beach	Orange Avenue Transportation Improvement Project	Traffic Calming project to narrow the roadway via striping to reduce vehicle speeds along this residential collector street and to add a traffic signal midway to improve neighborhood connectivity and access to transit stops.	Orange Avenue between Wardlow Road & Bixby Road	Bike-Ped-Transit	\$350,000	\$-	\$350,000	(1)
Long Beach	Pacific Electric Right-of-Way	Funded by the MTA, the project improves bikeway and pedestrian access along a former railroad right-of-way.	The Pacific Electric ROW in Long Beach (South of Willow Street and North of 4th Street)	Bike-Ped-Transit	\$2,000,000	\$1,500,000	\$500,000	(1)
Long Beach	Pacific-San Antonio Corridor LA River Access	Project will construct priority Class I & III bicycle system gap closures in Long Beach and improve connection to the LA River.	Pacific & Broadway to San Antonio to Del Amo to Orange & Harding btw. LA River & Orange	Bike-Ped-Transit	\$1,231,000	\$862,000	\$369,000	(1)
Long Beach	South Water Front Bike Route Gap Closure	The South Waterfront Bike Path connection proposes a main gap-closure to Long Beach's primary bikeway network. It includes a mid-block crossing and wayfinding signs.	Queensway Bridge to Queen Mary	Bike-Ped-Transit	\$890,000	\$710,000	\$180,000	(1)
Long Beach	Walnut Avenue & 4th Street Intersection Improvement	Modernize the traffic signal to provide enhanced pedestrian access to bus stops and relocation of signal and electrical equipment to improve pedestrian access to bus stops.	Walnut Avenue & 4th Street	Bike-Ped-Transit	\$150,000	\$-	\$150,000	
Long Beach	3rd Street & Lime Avenue Intersection Improvement	Construction of a new traffic signal in downtown to improve pedestrian access to a nearby grocery market, schools, and transit stops.	3rd Street & Lime Avenue	Bike-Pedestrian	\$175,000	\$-	\$175,000	(1)