



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

Tuesday, May 22, 2012
Regular Meeting 6:00 p.m.
Council Chamber
6615 Passons Blvd.
Next Resolution No. 6678
Next Ordinance No. 1072
Next Agreement No. 12-1309
Successor Agency
Next Resolution No. SA-12-02
Agreement No. S12-002

COMMISSIONERS SCHEDULED TO BE PRESENT:

Robert Martinez, Planning Commission
Nadine Barragan, Sister City 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:

- Certificate of Recognition for Eagle Scout Alex Gonzalez of Troop 546

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.

1st 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.

1. Minutes:

- City Council and Successor Agency meeting of May 8, 2012

Recommendation: Approve

- Parks & Recreation Commission meeting April 12, 2012

Recommendation: Receive and file

2. 19th Warrant Register of the 2011-2012 Fiscal Year. (700)

Check Numbers: 251664-251859

Special Checks Numbers: None.

Recommendation: Approve

3. Landscaping and Lighting Assessment District No. 1 – Annual Renewal. (700)

Recommendation:

1. Approve resolution initiating the Fiscal Year 2012-2013 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Landscaping and Lighting Assessment District No. 1;
2. Approve resolution preliminarily approving the Engineer's Report for the Fiscal Year 2012-2013 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. Approve 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 2012-2013 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 12, 2012 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, CONFIRMING THE ENGINEER'S REPORT AND DECLARING INTENTION TO LEVY ANNUAL ASSESSMENTS FOR FISCAL YEAR 2012-2013, PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1

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 2012-2013

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 2012-2013 AND ORDERING THE PREPARATION OF AN ENGINEERS REPORT PURSUANT TO PROVISIONS OF CALIFORNIA STREETS AND HIGHWAYS CODE DIVISION 15, PART 2

4. Paramount/Mines Landscape Maintenance Assessment District – Annual Renewal. (700)

Recommendation:

1. Approve resolution initiating the Fiscal Year 2012-2013 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Paramount/Mines Landscape Maintenance Assessment District;
2. Approve resolution preliminarily approving the Engineer's Report for the Fiscal Year 2012-2013 levy and collection of assessment within the Paramount/Mines Landscape Maintenance Assessment District pursuant to the Landscaping and Lighting Act of 1972; and

3. Approve 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 2012-2013 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 12, 2012 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 THE FISCAL YEAR 2012-2013 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 2012-2013

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 2012-2013 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

5. Contract for Accounting Assistance. (500)

Recommendation:

1. Authorize the City Manager to enter into a contract with Yolanda Karraa in an amount not to exceed \$98,000.

Agreement No. 12-1293

6. Summer Food Service Program. (700)

Recommendation:

1. Approve submittal of Summer Food Service Program grant application; and
2. Subject to grant approval, approve the Summer Food Service Program vendor contract extension to Food Service Outreach, Inc. D.B.A., Pacific Catering Company for provision of food services.

Agreement No. 09-1106-3

7. Rivera Park Renovation, Capital Improvement Program (CIP) Project No. 21219 – Amendment No. 1 to Professional Services Agreement. (500)

Recommendation:

1. Approve Amendment No. 1 to Professional Services Agreement No. 11-1259 with TGR Geotechnical, Inc. for additional material testing services in an amount not-to-exceed \$15,664 and authorize the Mayor to execute the agreement in a form approved by the City Attorney.

Agreement No. 11-1259-1

8. Beverly Boulevard Entrance Monuments, Capital Improvement Program (CIP) No. 21231 – Notice of Completion. (500)

Recommendation:

1. Accept as complete, effective May 7, 2012, work performed by Sea West Enterprises, Inc. for the entrance monument project; and
2. Instruct the City Clerk to file the Notice of Completion with the County Recorder.

9. City Hall Parking Lot Light Emitting Diode (LED) Retrofit, Capital Improvement Program (CIP) No. 21239 – Award Construction Contract. (500)

Recommendation:

1. Award a construction contract in the amount of \$98,470 to Pro Tech Engineering Corp. for the City Hall Parking Lot Light Emitting Diode (LED) Retrofit, CIP No. 21239, and authorize the Mayor to execute the contract in a form approved by the City Attorney.

Agreement No. _____

- 10. Rivera Park Renovation – Capital Improvement Program (CIP) No. 21219 – Amendment No. 2 to Professional Services Agreement for Construction Management Services. (500)**

Recommendation:

1. Approve Amendment No. 2 to Professional Services Agreement No. 10-1180 with URS Corporation, Inc. for additional construction management services for an additional amount not-to-exceed \$48,943 and authorize the Mayor to execute the agreement in a form approved by the City Attorney.

Agreement No. 10-1180-2

CONSENT CALENDAR ITEMS PULLED:

CITY COUNCIL LEGISLATION:

- 11. Amendment to the Contract between the City of Pico Rivera and the California Public Employees' Retirement System for New Hires – Tier II. (200)**

Recommendation:

1. Approve the Certification of Compliance with Government Code Section 20903;
2. Adopt a resolution of intention to approve an amendment to contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Pico Rivera to provide the Government Code Section 20903 Early Retirement Incentive Plan (ERIP) and Government Code Section 20475: different level of benefits for new employees; Section 21353: 2%@60 and Section 20037: Three-Year Final Compensation;
3. Designate all full-time positions within the City of Pico Rivera as eligible for the ERIP;
4. Designate the period beginning July 1, 2012 and ending October 31, 2012 as the window period for the ERIP. To be eligible to receive the ERIP benefits, members must retire between July 2, 2012 and October 31, 2012; and
5. Authorize the City Clerk to execute all necessary certifications of the City's actions.

Resolution No. _____ A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'

RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF
PICO RIVERA, CALIFORNIA

SUCCESSOR AGENCY ACTIVITIES: None.

NEW BUSINESS:

OLD BUSINESS:

**2ND 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 LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code Section § 54956.9 (b)

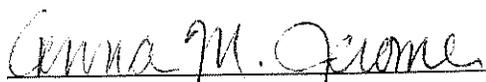
Number of Cases: One Case

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 18th day of May, 2012.

Dated this 18th, day of May, 2012



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.



Tuesday, May 8, 2012

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

Mayor Archuleta called the meeting to order at 6:04 p.m. on behalf of the City Council/Successor Agency.

PRESENT: Armenta, Camacho, Salcido, Tercero, Archuleta

ABSENT: None

COMMISSIONERS PRESENT:

Esther Celiz, Planning Commission

Theresa Corella, Sister City Commission

INVOCATION: Planning Commissioner Esther Celiz

PLEDGE OF ALLEGIANCE: Councilmember Brent Tercero

SPECIAL PRESENTATIONS:

- Proclamation – National Public Works Week presented to Director Art Cervantes and Public Works staff.
- Employee Recognitions:
 - Zoraida Caltitla, Finance Department, 10 year service award
 - Patsy Gonzales, Housing Services, 5 year service award
 - Estella Cruz, Housing Services, 5 year service award

PUBLIC HEARING(S):

1. **Public Hearing – Zoning Code Amendment No. 166 – Prohibiting Entitlements for Fast Food Establishments within the Northern Boundaries of the City.**

(1300)

Mayor Archuleta opened the public hearing and noted that there was no written communications or public comment cards to provide public testimony.

Mayor Archuleta closed the public hearing.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to continue the item to a date uncertain. Motion carries by the following roll call vote:

AYES: Armenta, Camacho, Salcido, Tercero, Archuleta

NOES: None

1st PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY: None.

CONSENT CALENDAR:

2. Minutes:

- Approved City Council and Successor Agency meeting of April 24, 2012

3. Approved 18th Warrant Register of the 2011-2012 Fiscal Year. (700)

Check Numbers: 251472-251543; 251546-251663

Special Checks Numbers: 251544-251545

4. Treasurer's Report – March 31, 2012. (700)

1. Received and filed quarterly Treasurer's Report for the quarter ending March 31, 2012.

5. Rosemead Boulevard/Mines Avenue Intersection Improvement Project (CIP No. 21221) – Pico Water District Water Main Extension. (500)

1. Approved payment in the amount of \$44,077 to Pico Water District for the installation of a water main in conjunction with the Rosemead Boulevard/Mines Avenue Intersection Improvement Project and the Smith Park Renovation Project.

6. Installation of Traffic Control Devices – Congestion Relief. (1400)

1. Received and filed.

7. City Facilities Masterplan, CIP No. 21192 – Rivera Park Roof Repair – Award of a Maintenance Services Agreement. (500)

1. Awarded a maintenance services agreement to Tecta America Southern California, Inc., at 1217 E. Wakeham Avenue, Santa Ana, for the Rivera Park Roof Repair project for a not-to-exceed amount of \$35,019 and authorize the Mayor to execute the agreement in a form approved by the City Attorney.

Agreement No. 12-1300

Councilmember Salcido commented on Item No. 6 asking staff to revisit the intersection of Washington and Rosemead Boulevards if the current plan of action does not resolve the congestion issue and to look into adding a U-turn on the south bound Rosemead turn signal.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Camacho to approve Consent Calendar items number 2 through 7. Motion carries by the following roll call vote:

AYES: Armenta, Camacho, Salcido, Tercero, Archuleta

NOES: None

CONSENT CALENDAR ITEMS PULLED: None.

CITY COUNCIL LEGISLATION:

8. Labor Agreements with Service Employees International Union 721 (SEIU) Rank and File Unit, and City Employees Associates (CEA) Mid-Managers and Professional and Confidential Unit and SEIU 721 Executive Unit. (200)

City Manager Bates thanked the bargaining units, employees, and the negotiating teams who worked hard to negotiate an agreement that had the community and the city at the heart of it. He stated that everyone realizes that these are tough financial times for the city, and being able to move forward with the contracts and with the next agenda item is a solid step in the right direction to address the long term fiscal stability of the city. This is a major concession on the part of the employees, he stated, agreeing to a 5% reduction in benefits, and thanked the employees in advance for taking on added responsibilities so that staff could deliver to the community the high level of service that

they expect and that we want to continue to deliver. Based on the next agenda item, he stated, staff anticipates that a number of employees will be retiring, and as a result of that, staff will be asking a number of the employees to take on more responsibilities.

Motion by Councilmember Armenta, seconded by Mayor Pro Tem Camacho to: 1) Approve agreement with SEIU 721 Rank and File; 2) Approve agreement with CEA Mid-Managers and Professional and Confidential Units; and 3) Approve agreement with SEIU 721 Executive Unit. Motion carries by the following roll call vote:

Agreement No. 12-1301

Agreement No. 12-1302

Agreement No. 12-1303

AYES: Armenta, Camacho, Salcido, Tercero, Archuleta

NOES: None

9. Amendment to the Contract between the City of Pico Rivera and the California Public Employees' Retirement System for New Hires – Tier II. (200)

City Manager Bates stated that this is one of the key elements of this overall agreement and it allows the city to setup a second tier retirement and medical benefit for retired employees. As part of the agreement that the employees considered and approved, he stated, is our ability to offer new hires a second tier benefit. The program, he stated, implements the two tier benefit and offers an early retirement program to the employees. He stated that there are two parts to this early retirement program; one is the city program which is a cash program for individuals who qualify and are willing to retire, and the second portion is based on the PERS retirement system which gives the employees who retire after July 1, 2012 two years of service credit. Mr. Bates stated that staff recommends some minor adjustments to the city's cash out retirement benefit by amending the resolution to allow more time to process the paperwork.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to: 1) Adopt Resolution No. 6675 eliminating Employer Paid Member Contribution (EPMC) as reportable compensation for employees hired after the effective date of the resolution; 2) Adopt Resolution No. 6676 capping the employer contribution for health insurance and retirement health insurance for employees hired after the effective date of the resolution, under Public Employees' Medical and Hospital Care Act (PEMHCA); 3) Adopt Resolution No. 6677 approving a city sponsored ERIP providing fifty percent (50%) of annual salary as an incentive for full-time employees to retire from the city

between May 9, 2012 and June 30, 2012; 4) Acknowledge the cost of an amended contract with CalPERS for employees hired after the effective date of the ordinance as listed in Government Code Section 20475: different level of benefits for new employees; Section 21353: 2%@60 and Section 20037: Three-year Final Compensation; and 5) Acknowledge the cost of an amended contract with CalPERS to provide the Government Code Section 20903 Early Retirement Incentive Plan (ERIP) granting the additional service credit. Motion carries by the following roll call vote:

Resolution No. 6675 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, RESCINDING NO. 4912 AND APPROVING THE PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS AS REPORTABLE COMPENSATION TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF CALIFORNIA

Resolution No. 6676 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, RESCINDING RESOLUTION NO. 2875 AND FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

Resolution No. 6677 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, ESTABLISHING AN EARLY RETIREMENT INCENTIVE PROGRAM

AYES: Armenta, Camacho, Salcido, Tercero, Archuleta

NOES: None

SUCCESSOR AGENCY ACTIVITIES: None.

NEW BUSINESS:

Councilmember Armenta thanked staff for their support with the National Day of Prayer event and requested that the restrooms in City Hall stay opened after business hours when events are held at City Hall.

Mayor Pro Tem Camacho commented on the success of the KaBOOM Build Day and thanked Director Aranda, city staff and volunteers for their help.

OLD BUSINESS:

Capt. Thornton reported on the attempted suicide reported in the *Whittier Daily News* and the life saving measures of Deputies Felix and Perez.

Councilmember Armenta asked for an update on Rivera Park. Public Works Director Cervantes stated that Rivera Park has gone through demolition, grading, constructed walking paths and lights, implementation of baseball fields, fencing, placement of turf and staff anticipates that the fields should be ready for play sometime in June.

Administrative Analyst Ray Chavez provided an update on the library stating that the library construction commenced this afternoon by removing the interior of the library with expected demolition this Friday. He stated that staff is working with the County Supervisor's Office to coordinate a groundbreaking for the City Council. City Manager Bates added that the temporary library is setup behind the Community Center at Pico Park.

Mayor Pro Tem Camacho asked for an update on the construction taking place near the Veteran's Memorial on Mines Avenue with Director Aranda stating that a meeting will be held tomorrow afternoon with the Veteran's organization to address the parking situation for the Memorial Day event.

2ND PERIOD OF PUBLIC COMMENTS – ALL OTHER CITY-RELATED BUSINESS:

John Albitre:

- Addressed the City Council regarding the Pio Pico Mansion and efforts to keep the historical park open.

City Manager Bates stated that the City of Whittier is taking the lead on trying to see if the cities could form a partnership to keep the mansion open. He stated that the cities of Whittier, Santa Fe Springs and Pico Rivera are looking to offer an in-kind service and will advise City Council on the status of those meetings for consideration.

Barbara Diaz:

- Addressed the City Council to speak about saving the canopy of trees at Smith Park between the pool and skate park (Mustang field).

Jose Medina, President of the Chamber of Commerce:

- Addressed the City Council to speak about the upcoming Business Connection Luncheon to be held at the Salsa Grill, Thursday, May 10 from

11:30 a.m. to 1:00 p.m. and Morrow's Mortuary 11th Annual Public Servant Barbeque on May 31 from 11:00 a.m. to 3:00 p.m.

City Attorney Alvarez-Glasman announced that pursuant to AB23 Council members sitting as Housing Assistance Agency Commissioners would receive an additional \$35 stipend.

Recessed to Housing Assistance Agency at 6:50 p.m.

ALL MEMBERS WERE PRESENT

Reconvened from Housing Assistance Agency at 6:51 p.m.

ALL MEMBERS WERE PRESENT

ADJOURNMENT:

Mayor Archuleta adjourned the City Council meeting in memory of Parks & Recreation Commissioner Pete Ramirez and Casimiro "Chimiro" Saucedo at 6:52 p.m. There being no objection it was so ordered.

AYES: Armenta, Camacho, Salcido, Tercero, Archuleta

NOES: None

Bob J. Archuleta, Mayor

ATTEST:

Anna M. Jerome, Assistant City Clerk

I hereby certify that the foregoing is a true and correct report of the proceedings of the City Council and Successor Agency Regular meeting dated May 8, 2012 and approved by the City Council on May 22, 2012.

Anna M. Jerome, Assistant City Clerk



Thursday, April 12, 2012

A Regular Meeting was held in the Parks & Recreation Community Room, 6767 Passons Blvd., Pico Rivera, California. Chair Joseph Palombi called the meeting to order at 6:00 p.m.

PRESENT: Carlos Cruz, John Garcia, Paul Gomez, Joseph Palombi, Rod Torres

ABSENT: None

APPROVAL OF MINUTES: A motion was made by Commissioner Torres and seconded by Commissioner Garcia and carried on roll call vote to approve the Minutes of March 8, 2012.

PUBLIC COMMENTS: Barbara Diaz, 8315 Eglise St., Pico Rivera – Discussed her concern about the pedestrian safety on the new one-way road way between Rivera Park and Burke Middle school and her concerns regarding the removal of trees at Smith Park. She also requested more time for the public to participate in the community survey.

AGENDA ITEMS:

1. **NEW BUSINESS:** No new business

2. **OLD BUSINESS:**

- a) Update Park facility issues – No outstanding issues up to date.
- b) Rivera Park Ribbon Cutting – No date as of yet. Director Aranda provided commissioners a list of souvenirs for their input. By consensus the Commission favors the trading pin.
- c) 2012 Commission Goals – Following a discussion the commission adopted goals for 2012. The list goals are attached. The commissioners also agreed to the following during the course of the year.
 - Director Aranda will keep the commission up to date via email on any events and information as it arises.
 - Commission will discuss and decide on who will attend the quarterly CYSO President's committee meetings and report the committee activity back to the commission.
 - As an active commission, commissioners will be assigned to attend various city sponsored events throughout the year and report back to the commission.

- The commission will participate in the review process for the Youth Travel Assistance funds requests from the Youth Organizations.
 - The Commission will be included in the process for accepting new community group recognition requests.
 - The Commission will be active in generating partnerships for the City and the department.
 - The Commission is participate in review of ordinances, policies, and rules and regulations related to recreation programs and facilities before submittal to the City Manager for recommendation to the City Council.
- a) CYSO Presidents' Meeting Recap – Commissioners Torres and Gomez were both present. A variety of recovery options were presented. The President's were receptive to paying recovery fees for use sports lighting and portion of registration fees to offset the city's cost to support the programs.

3. DIRECTOR'S REPORT

Upcoming Events –Director Aranda reviewed the following upcoming events:

1. ERHS Art Show Reception April 14, 2012
 - a. Commissioners Torres and Gomez to attend.
2. Senior Volunteer Recognition April 19, 2012
 - a. Chair Palombi to attend.
3. Pio Pico 100th Anniversary April 21, 2012
 - a. Commissioner Garcia to attend.
4. KaBOOM! Build Day April 28, 2012
 - a. Chair Palombi, Vice Chair Cruz and Commissioners Gomez and Torres to attend.
5. Congressional Art Show Awards April 29, 2012
 - a. Vice Chair Cruz to attend.
6. National Day of Prayer May 3, 2012
 - a. Chair Palombi and Vice Chair Cruz to attend.
7. ERUSD Health Fair May 12, 2012
 - a. Commissioner Garcia to attend.

Project Updates

1. Rivera Park – Moving along with construction. Irrigation pump replaced today and testing is scheduled for tomorrow. Sod installation was delayed and

scheduled for next week due to irrigation issues. Concession building moving along, new landscape in front of the gymnasium is forthcoming.

2. Smith and Rio Vista Park Mitigated Negative Declaration (MND) & Bids – Public Hearing is set for April 24. City Council will be asked to approve the MND. Construction to start in July.
3. Rosemead Blvd. and Mines Ave. –Construction starts next week and should run through June.
4. KaBOOM! Playground – Recreation Manager, Charissa Manor, gave a brief reminder that KaBOOM! playground construction will take place on April 28 at Streamland Park. She stated that they were in need of Build Captains for build day one and on the day of the event. Vice Chair Cruz and Commissioner Gomez volunteered to be Build Captains. Build day one is scheduled to take place April 26.
5. County Library – A temporary library shall be set up at Pico Park. Demolition to start soon. Construction will last about one year.
6. Department Operational Assessment –Community survey ends April 13. Operational report is due back to the department by early May from Mike Shellito and Associates.

c) Department Information – Director Aranda reviewed the following:

1. Spring Program ETC - We are currently on our second week of Spring programs.
2. Job Opportunities - Currently testing for Aquatic staff. Possibly opening up positions for Recreation leaders.
3. Department Website – Live Chat Function – The City’s live chat is up and running. Recreation Administrative clerk, Ruby Gallegos, will be the primary person behind the live chat. It will be operational during regular office hours.
4. 2012/2013 Budget – Director Aranda has submitted the preliminary budget. There was over a half a million in department reductions. Staffing hours for park supervision are proposed to be reduced. The new restroom doors will now be on an automatic timer to lock and unlock and new field lights will be shut down by youth groups at the time they leave parks.

COMMISSIONER'S REPORTS

- Gomez** - Attended the California Parks and Recreation Society District XIII event, where the Mayor awarded the Community Service Award to John Seiler. It was a really nice event.
- Garcia:** - Thanked Director Aranda for weekly reports.
- Palombi:** - Thanked Director Aranda for the emails and keeping the commission up to date with information and special events.
- Commended Director Aranda for well organized events.
- Asked for more police patrol at Rio Hondo Park. He has noticed a group of people stationed at the park utilizing the park's electric outlets for their radio.
- Torres:** - Nothing to report.
- Cruz:** - It is great to see the City of Pico Rivera upgrading its technology.
- Commended Recreation staff for their level of friendliness and customer service.

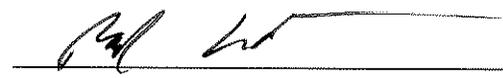
ANNOUNCEMENTS – No announcements.

ADJOURNMENT:

The Parks & Recreation Commission meeting was adjourned at 7:40 p.m. There being no objection it was so ordered.



Joseph Palombi, Chair
Parks & Recreation Commission



Ralph Aranda, Secretary
Director of Parks & Recreation

19th WARRANT REGISTER OF THE 2011-2012 FISCAL YEAR

MEETING DATE: 05/22/12

TOTAL REGISTER AMOUNT: \$2,286,921.96

CHECK NUMBERS: 251664-251859

SPECIAL CHECK NUMBERS:

REGULAR CHECK TOTAL: \$2,286,921.96

SPECIAL CHECK TOTAL:

TOTAL REGISTER AMOUNT: \$2,286,921.96

PAYROLL REGISTER P/P 04/20/12 - 05/04/12

Pay Date: 05/10/12

VOID ACH CKS

VOID CKS

Scrap:
374640
374728

SPECIAL CKS
325389 959.25

 959.25

CKS
374641 - 374727 68,797.42

 68,797.42

ACH
374729 - 374955 280,199.72

 280,199.72

TOTAL 349,956.39



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT NO. 1 – ANNUAL RENEWAL

Recommendation:

- 1) Approve Resolution initiating the Fiscal Year 2012-2013 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Landscaping and Lighting Assessment District No. 1.
- 2) Approve Resolution preliminarily approving the Engineer's Report for the Fiscal Year 2012-2013 levy and collection of assessments within the Landscaping and Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972.
- 3) Approve 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 2012-2013 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 12, 2012 as the date for the public hearing on objections thereto.

Fiscal Impact:

Allows the District to collect estimated taxes of \$669,500 to fund the utilities, maintenance, and projects appropriated in the Fiscal Year 2012/2013 Budget.

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 for Tuesday, June 12, 2012 is recommended to hear any objections. The Engineer's Report proposed assessment rates include a 2.02% CPI adjustment. The proposed assessments are at the following rate for each Zone:

Zone A	\$25.39
Zone B	\$36.85



Ronald Bates

RB:MM:zc

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

Attachment 5 - Map

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 2012-2013, 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 2012-2013, 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 2012-2013 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

RESOLUTION NO. _____

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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 2012-2013 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 2012-2013.

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 XIII D. The method of apportionment and the proposed assessment rates for fiscal year 2012-2013, are documented in the Engineer's Report, reviewed and approved by the City Council at the annual Public Hearing set forth in this Resolution.

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).

RESOLUTION NO. _____

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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 12, 2012 at 6:00 p.m., or as soon thereafter as feasible, in the City Council Chambers, located at 6615 Passons Boulevard, Pico Rivera.

SECTION 9. 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 _____ day of _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Assistant 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 2012-2013

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 2012-2013, 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 2012-2013.

RESOLUTION NO. _____

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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 XIII D.

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 _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Assistant 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, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR PICO RIVERA LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013 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 2012-2013, commencing July 1, 2012 and ending June 30, 2013, 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 2012-2013 in accordance with Chapter 1, Article 4, commencing with Section 22565 of the Act.

SECTION 3. The proposed District improvements and Zones for Fiscal Year 2012-2013 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.

RESOLUTION NO. _____

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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 _____ day of _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:



City of Pico Rivera

Landscape and Lighting Maintenance Assessment District No. 1

2012/2013 ENGINEER'S ANNUAL LEVY REPORT

Intent Meeting: May 22, 2012
Public Hearing: June 12, 2012

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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 2012/2013, 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 _____, 2012.

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

By: _____

Beatrice Medina
Project Manager, District Administration Services

By: _____

Richard Kopecky
R. C. E. # 16742

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I. OVERVIEW

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 ASSESMENT 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 2012/2013. 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 2012/2013. 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 XIII D, Section 4 of the California Constitution as these assessments meet the exemption provisions of Article XIII D, 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, 2012 and ending June 30, 2013 (Fiscal Year 2012/2013) 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 2012/2013 (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

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

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 Footcandle 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 = 1/4 for Intensity, 10 for People and 1 for Security = 11 1/4 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 1/4 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 | 1/2 |
| Nominal People Use | 1 |
| Moderate Security Benefit | 1/2 |
| | 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
------------	---------

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

This Group classification applies to the following land uses:

Light Manufacturing Warehousing	Food Processing Plant
------------------------------------	-----------------------

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

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

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:

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

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

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

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 2012/2013 is provided in the Section IV. B 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 2012/2013, the proposed assessment rates include a 2.02% CPI adjustment to establish new maximum rates. The proposed rates for Zone A and Zone B are \$25.39 and \$36.85, respectively.

IV. FINANCIAL ANALYSIS

FISCAL YEAR 2012/2013 PROPOSED BUDGET			
Projected Surplus/Deficit at June 30, 2012			\$0
EXPENSES	LANDSCAPING	LIGHTING	TOTALS
Labor	\$556,434	\$0	\$556,434
Equipment	9,997	0	9,997
Bank Service Charge	0	291	291
Utilities:			
Water	53,423	0	53,423
Electric	4,764	672,937	677,701
Materials and Service	165,881	10,772	176,653
Reimbursements and Transfers	0	0	0
Capital Improvement Projects (CIP)	0	0	0
TOTAL COSTS	\$790,500	\$684,000	\$1,474,500
FUNDING SOURCES			
Net Property Tax Zone A	\$0	\$0	\$22,146
Net Property Tax Zone B	0	0	575,101
Subtotal Property Tax Revenue:			\$597,248
Net Assessments Zone A	\$0	\$0	\$24,827
Net Assessments Zone B	0	0	644,725
Subtotal Assessment Revenue:			\$669,552
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)	39,525	34,200	73,725
Revenues from Other Sources (General Fund)	71,826	62,149	133,975
Subtotal Other Revenue Sources:			\$73,725
TOTAL REVENUE:			\$1,340,525
Projected Fund Balance at June 30, 2013			\$0
PARCEL DETAIL:			
	Revenues	Benefit Units	Applied Rate
Zone A Assessments	\$24,827	977.84	\$25.39
Zone B Assessments	\$644,724	17,495.93	\$36.85

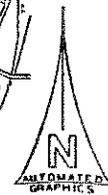
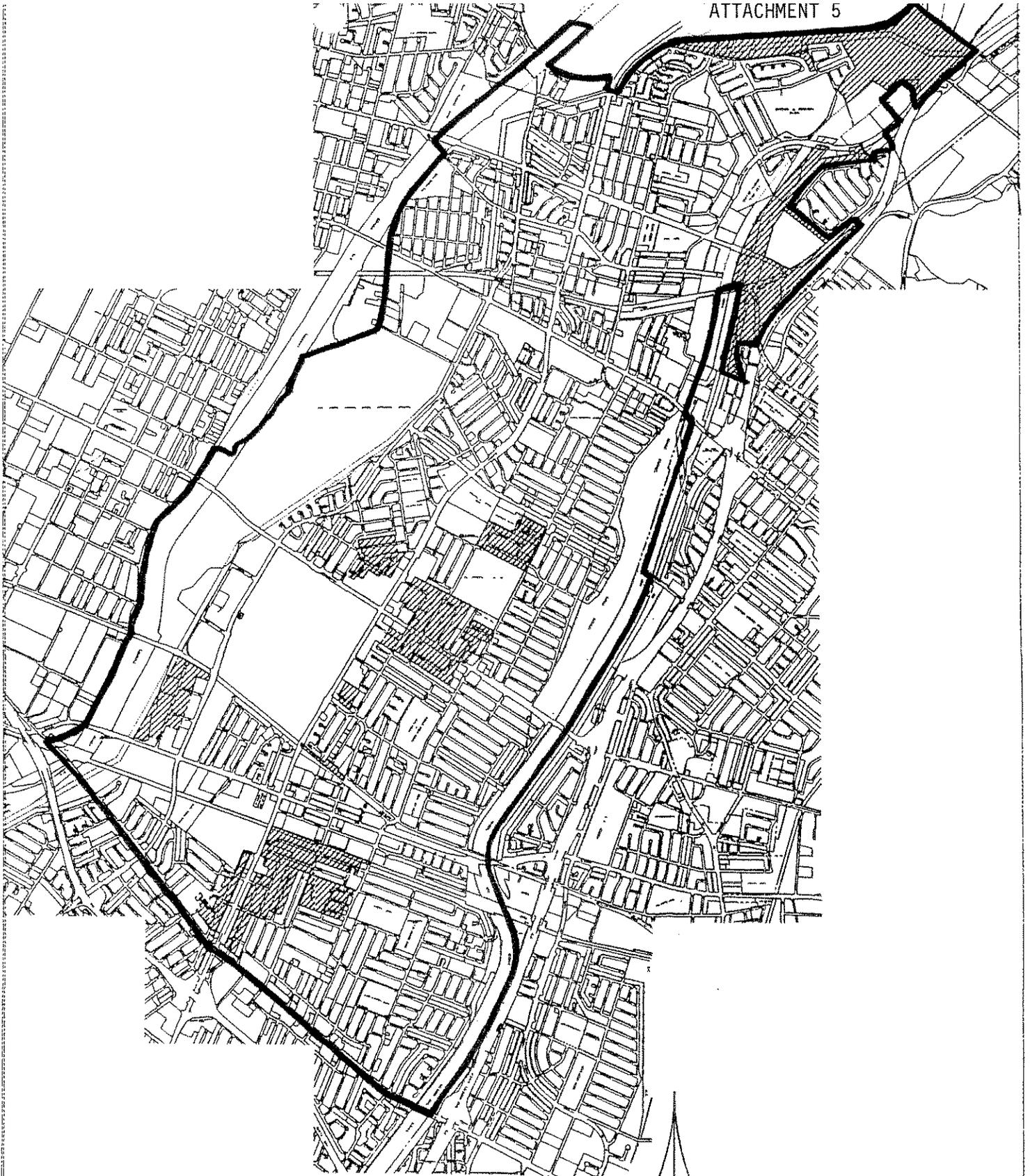
SUMMARY OF ASSESSMENTS BY LAND USE

Land Use Code	Description	Parcels	Units	Total Assessment
010C	Condominiums	483	483.00	\$17,798.55
010D	Planned Residential Development Units	459	459.00	16,467.21
010V	Vacant Residential	44	0.00	0.00
010X	Single Family Residences	11,973	11,973.00	434,225.91
020X	Duplexes	246	430.50	15,603.18
030X	Three Units	45	112.50	4,116.75
040X	Four Units	67	217.75	7,949.42
050X	Apartment Complexes, Five or More Units	81	1,029.70	37,418.27
090X	Mobile Home Parks	12	88.00	3,242.80
100V	Vacant Commercial	14	0.00	0.00
1000	Commercial	1	1.00	25.39
1010	Commercial, Miscellaneous	2	6.00	221.10
1100	Stores	91	364.00	13,230.04
110V	Stores Vacant	1	0.00	0.00
11T0	Misc Commercial	1	4.00	147.40
1200	Store and Office Combinations	6	24.00	838.56
1210	Store and Residential Combinations	13	52.00	1,916.20
1310	Commercial, Department Store, Discount	1	8.00	294.80
1400	Supermarkets	5	40.00	1,474.00
1500	Neighborhood Shopping Centers	38	670.96	24,724.95
1700	Office Buildings	32	96.00	3,434.46
1701	Office Buildings	1	3.00	110.55
1702	Office Buildings, 2 Story	1	3.00	110.55
1720	Office and Residential	1	3.00	76.17
17T0	Office Misc	1	3.00	110.55
1800	Hotel Under 50 Rooms	3	24.00	884.40
1812	Hotel 50+ rooms	1	8.00	294.80
1820	Motel Under 50 Rooms	6	48.00	1,768.80
1822	Motel Under 50 Rooms misc	1	8.00	294.80
1830	Motel 50+ Rooms	2	16.00	589.60
1900	Professional Buildings	12	36.00	1,326.60
1910	Medical/Dental Buildings	6	18.00	663.30
2100	Restaurants/Cocktail Lounges	33	165.00	5,908.35
2102	Restaurants/Cocktail Lounges, 2 Story	3	15.00	552.75
2110	Fast Foods	4	20.00	737.00
2120	Fast Foods, Drive Up	2	10.00	368.50
21T0	Fast Foods misc	1	5.00	184.25
2300	Banks, Savings and Loans	7	21.00	773.85
2400	Service Shops	6	18.00	663.30
2500	Service Stations	10	40.00	1,474.00
2520	Service Station with car wash	1	4.00	147.40

Land Use Code	Description	Parcels	Units	Total Assessment
2600	Auto, Recreation Equipment, Construction	23	138.00	5,016.54
2630	Car Wash	1	6.00	221.10
2640	Car Wash, Self Service	1	6.00	221.10
2670	Auto Service Centers (No Gasoline)	2	12.00	442.20
2700	Parking Lots (Commercial)	49	115.00	4,094.28
3000	Industrial	1	5.00	184.25
300V	Vacant Industrial	37	0.00	0.00
3010	Industrial, Miscellaneous	3	15.00	495.45
3100	Light Manufacturing	90	450.00	15,952.20
3200	Industrial, Heavy Mfg. Plant	9	78.56	2,894.88
3300	Warehousing, Distribution, Storage	65	325.00	11,116.75
3310	Industrial, Warehousing, Distribution	12	60.00	2,153.70
3320	Industrial, Warehousing, Distribution	9	45.00	1,543.65
3330	Warehousing, Distribution over 50,000 sf	20	100.00	3,685.00
3340	Industrial, Public Storage	2	10.00	368.50
3350	Public Storage, Mini Warehouses	4	20.00	737.00
3370	Misc Warehouses	3	15.00	495.45
3400	Industrial, Food Processing Plant, Meat	4	20.00	737.00
3420	Industrial, Food Processing Plant, Other	1	5.00	184.25
3500	Movie, Radio, Television	1	2.52	92.70
3800	Parking Lots (Industrial)	10	20.00	714.08
3900	Industrial, Open Storage	5	22.51	665.66
3910	Industrial, Open Storage, Truck Terminal	1	87.85	3,237.44
3920	Industrial, Open Storage, Contractor Storage	1	10.37	263.28
4600	Agriculture, Pasture, irrigated Farm	1	1.00	36.85
6400	Recreational, Theater, Movie, Indoor	8	32.00	1,179.20
6540	Recreational Theater, Movie, Drive In	1	5.00	184.25
7100	Churches	31	62.00	2,261.78
7110	Church Parking Lot	1	2.00	73.70
7200	Institution, Private School	6	12.00	442.20
7400	Institution, Hospital	2	11.51	424.01
7410	Institution, Hospital, Convalescent	2	25.03	922.48
7500	Institution, Home for Aged and Others	3	9.00	331.65
7700	Institution, Cemeteries, Mausoleums	1	1.00	36.85
810X	Misc. Utility, Pump Plant or State Property	109	214.00	7,862.98
8500	Rights of Way	1	2.00	73.70
8800	Government Owned Properties	21	0.00	0.00
8900	Dump Sites	2	1.00	36.85
Total		14,260	18,473.77	\$669,551.47

V. ASSESSMENT ROLL

The individual proposed assessments for Fiscal Year 2012/2013, 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 \$25.39 in Zone "A" and \$36.85 in Zone "B".



CITY OF PICO RIVERA

LEGEND

C.L.M.D. NO. 10,011 BOUNDARY 

ZONE "A" UNLIGHTED AREA 

BALANCE OF DISTRICT IN ZONE "B"
THE LIGHTED AREA 

CITY BOUNDARY 



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: PARAMOUNT/MINES LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT – ANNUAL RENEWAL

Recommendation:

- 1) Approve Resolution initiating the Fiscal Year 2012-2013 Levy of Annual Assessment and ordering the preparation of the Engineer's Report for the Paramount/Mines Landscape Maintenance Assessment District.
- 2) Approve Resolution preliminarily approving the Engineer's Report for the Fiscal Year 2012-2013 levy and collection of assessment within the Paramount/Mines Landscape Maintenance Assessment District pursuant to the Landscaping and Lighting Act of 1972.
- 3) Approve 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 2012-2013 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15, of the California Streets and Highways Code, and setting June 12, 2012 as the date for the public hearing on objections thereto.

Fiscal Impact:

Allows the District to collect estimated taxes of \$8,800 to fund utilities, maintenance, and projects appropriated in the Fiscal Year 2012-2013 Budget.

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 for Tuesday, June 12, 2012 is recommended to hear any objections. The Engineer's Report proposes to maintain the assessment rate at the rate initially established of \$ 520.17 per parcel.



Ronald Bates

RB:MM:zc

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 2012-2013 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 2012-2013 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 2012-2013 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 10th 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 12, 2012.

Said Engineer's Report proposes 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 his duly appointed deputy, is instructed to attest thereto.

ADOPTED AND APPROVED this _____ day of _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APROVED AS TO FORM:

Anna M. Jerome, Assistant 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 2012-2013

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 2012-2013, 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 2012-2013.

RESOLUTION NO. _____

Page 2 of 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 _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APROVED AS TO FORM:

Anna M. Jerome, Assistant 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, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENT WITHIN THE PARAMOUNT/MINES LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-2013 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 2012-2013, 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, 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 2012-2013, 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 benefit to properties within the District and determined that the Fiscal Year 2012-2013 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 12, 2012, 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 2012-2013. 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 _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APROVED AS TO FORM:

Anna M. Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:



City of Pico Rivera

Paramount Mines Landscape Maintenance District

2012/2013 ENGINEER'S ANNUAL LEVY REPORT

Intent Meeting: May 22, 2012
Public Hearing: June 12, 2012

27368 Via Industria
Suite 110
Temecula, CA 92590
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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 2012/2013, 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 _____, 2012.

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

By: _____

Beatrice Medina
Project Manager, District Administration Services

By: _____

Richard Kopecky
R. C. E. # 16742

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I. OVERVIEW

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 2012/2013. 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

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 XIIID 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 2012/2013 is \$631.95. 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

FISCAL YEAR 2012/2013 PROPOSED BUDGET		
Fund Balance at June 30, 2012		\$26,700
EXPENSES		TOTALS
Labor		\$0
Equipment		0
Utilities:		0
Water		2,727
Electric		273
Materials and Service		14,385
Reimbursements and Transfers		0
Capital Improvement Projects (CIP)		0
Installment for Construction Loan Repayment		9,115
TOTAL COSTS		\$26,500
FUNDING SOURCES		
Net Assessments ⁽¹⁾		\$8,843
Fund Balance Transfer (Collection)		0
Revenues from Other Sources (General Fund)		17,657
TOTAL REVENUE		\$26,500
Beginning Construction Fund Balance		\$26,700
Loan Repayment for Construction		9,115
Projected Ending Construction Fund Balance		\$35,815
	Maximum Rate	Applied Rate
Assessments	\$631.95	\$520.17
Parcel Count		17
<p>(1) The Net Assessments for Fiscal Year 2012/2013 have been applied to District Administration Expenses and repayment of the original construction loan from the City.</p>		

V. ASSESSMENT ROLL

ASSESSOR'S PARCEL NUMBER	FY 2012/2013 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
TOTAL	\$8,842.89

Applied Rate	\$520.17
Maximum Rate	\$631.95

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 22, 2012
Subject: CONTRACT FOR ACCOUNTING ASSISTANCE

Recommendations:

Authorize the City Manager to enter into a contract with Yolanda Karraa in an amount not to exceed \$98,000.

Fiscal Impact:

The proposed contract will not exceed \$98,000.

Discussion:

The Finance Department is utilizing consultants to assist with workload due to vacancies in the department. The City has worked to fill the positions, but vacancies continue to exist in important positions and it will take additional time to find the right person for each position. With the assistance of contractors, the City is able to continue to perform the needed accounting and reporting functions.

For the past four months, Ms. Karraa has assisted the Finance Department with accounting for capital improvement projects and grants. Finance staff continues to need additional assistance until the accounting positions can be filled. Ms. Karraa has over twenty-five years experience working with cities in various capacities from senior accountant to accounting manager. Her fee is \$75/hr all inclusive and is reasonable considering her extensive experience.

Funding is available in the Finance Department's salary account.


Ronald Bates

RB:MM

Attachment 1 – Proposed Professional Consulting Services Agreement

PROFESSIONAL CONSULTING SERVICES AGREEMENT

AGREEMENT NO. 12-1293

THIS AGREEMENT is made and entered into on April 10, 2012, by the City of Pico Rivera, a municipal corporation, (hereinafter referred to as "CITY") and Yolanda Karraa (hereinafter referred to as "CONTRACTOR").

SECTION 1. RECITALS.

WHEREAS, the CITY is in need of additional accounting assistance due to an accountant vacancy; and

WHEREAS, CONTRACTOR has over twenty five years of experience in providing accounting assistance to California cities; and

WHEREAS, the CITY desires to retain the services of a qualified professional consultant to assist in maintaining the accounting records and preparing for the annual audit; and

WHEREAS the CITY and CONTRACTOR desire to contract with one another for professional consulting services;

NOW THEREFORE, in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

SECTION 2. SERVICES.

- a. CONTRACTOR shall provide the services described in ATTACHMENT A regarding accounting services and shall be compensated at an hourly rate of \$75 per hour not to exceed \$98,000.
- b. CITY understands and hereby agrees that the services provided by CONTRACTOR under this Agreement will be performed wholly or in large part by CONTRACTOR.
- c. CITY agrees to cooperate with, and to provide all necessary information and assistance to, CONTRACTOR in order that CONTRACTOR may fulfill its obligations pursuant to this Agreement.

SECTION 3. TERM.

This Agreement shall commence on May 23, 2012, and shall expire on June 30, 2013, unless sooner terminated as hereinafter provided.

SECTION 4. PERFORMANCE.

- a. CONTRACTOR shall at all times, faithfully, competently, and to the best of its ability, experience and talent, perform all tasks described herein.
- b. CONTRACTOR shall employ, at a minimum, generally accepted standards and practices utilized by companies engaged in providing similar services, as are required of Contractor hereunder, in meeting its obligations under this Agreement.
- c. CONTRACTOR shall be knowledgeable of and subject to all CITY ordinances, rules and regulations, standard operating procedures, and the supervisory chain of command.
- d. CONTRACTOR shall have the right to retain, subject to CITY'S approval, additional individuals, consultants or subcontractors to assist in the completion of services as herein defined. Compensation for additional individuals, consultants or subcontractors shall be the sole and exclusive responsibility of CONTRACTOR.
- e. CONTRACTOR shall retain all original reports, field and office notes, correspondence, calculations, maps, and other documents specifically related to the services provided by CONTRACTOR pursuant to this Agreement, other than documents which are exempt from disclosure pursuant to the attorney-client privilege or any other law. Said documents shall be made available for inspection by the CITY upon request.

SECTION 5. WORK PRODUCT.

CONTRACTOR hereby agrees that all work products produced pursuant to this Agreement, and provided to CITY during and upon completion of this Agreement shall be the property of the CITY and ownership of said work product shall be retained by the CITY.

SECTION 6. EXTRA SERVICES.

No extra services shall be rendered by Contractor under this Agreement unless such extra services first shall have been duly authorized in writing by the City Manager.

SECTION 7. CITY SUPERVISION.

The City Manager, or his designee, shall have the right of general supervision of all work performed by Contractor and shall be the city agent with respect to obtaining Contractor's compliance hereunder. No payment for services rendered under this Agreement shall be made without the prior approval of the City Manager, or his designee.

SECTION 8. TERMINATION.

- a. CITY and CONTRACTOR shall have the right to terminate this Agreement, with or without cause, for any reason, with thirty days' written notice. Termination shall become effective 30 days after delivery of written notice to the other party. The parties shall continue to perform their respective obligations under this Agreement during the 30-day notice period. In the event neither CITY nor CONTRACTOR exercises the right to terminate as set forth herein, this Agreement shall automatically terminate 180 days after it is executed.
- b. Either party may terminate this Agreement for cause, effective immediately, upon written notice to the other party. For purposes of the Agreement, "cause" shall include, but not be limited to, a material breach of this Agreement.
- c. Upon termination with or without cause, CITY shall pay to CONTRACTOR, within thirty (30) days of receipt of a final invoice, all amounts due and owing to Contractor through the effective date of termination.

SECTION 9. EMPLOYMENT OF CITY EMPLOYEES.

No regular employee of the CITY shall be employed by CONTRACTOR during the term of this Agreement.

SECTION 10. NON-LIABILITY OF OFFICIAL AND EMPLOYEES OF THE CITY.

No official or employee of the City shall be personally liable to CONTRACTOR in the event of any default or breach by CITY, or for any amount which may become due to CONTRACTOR.

SECTION 11. INDEPENDENT CONTRACTOR.

- a. The CONTRACTOR is and shall, at all times, remain as to the CITY a wholly independent CONTRACTOR. Neither the CITY nor any of its elected officials, officers, employees or agents shall have control over the conduct of the CONTRACTOR except as expressly set forth in this Agreement. The CONTRACTOR shall not at any time or in any manner represent that he is in any manner an elected official, officer, employee or agent of the CITY. No employee benefits shall be available to CONTRACTOR in connection with the performance of this Agreement. Except as provided in this Agreement, CITY shall not pay salary, wages, or other compensation to CONTRACTOR for performance hereunder for CITY. CITY shall not be liable for compensation to CONTRACTOR, CONTRACTOR'S employees or CONTRACTOR'S subcontractors for injury or sickness arising out of performing services hereunder.

b. The parties further acknowledge and agree that nothing in this Agreement shall create or be construed to create a partnership, joint venture, employment relationship or any other relationship except as set forth in this Agreement.

c. CITY shall not deduct from the compensation paid to CONTRACTOR any sums required for Social Security, withholding taxes, FICA, state disability insurance or any other federal, state or local tax or charge which may or may not be in effect or hereinafter enacted or required as a charge or withholding on the compensation paid to CONTRACTOR. CITY shall have no responsibility to provide CONTRACTOR, its employees or subcontractors with workers' compensation insurance or any other insurance.

SECTION 12. LEGAL RESPONSIBILITIES.

CONTRACTOR shall at all times observe and comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments including, but not limited to the Pico Rivera Municipal Code. The CITY, and its appointed or elected officers, employees, or agents, shall not be liable at law or in equity occasioned by failure of the CONTRACTOR to comply with this section. In addition, CONTRACTOR shall obtain a business license as required by the Pico Rivera Municipal Code.

SECTION 13. PERS ELIGIBILITY INDEMNITY

a. 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, CONSULTANT shall indemnify, defend, and hold harmless 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 the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of CITY.

b. Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, CONSULTANT 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 CITY, including but not limited to eligibility to enroll in PERS as an employee of CITY and entitlement to any contribution to be paid by CITY for employer contribution and/or employee contributions for PERS benefits.

SECTION 14. INDEMNIFICATION.

The CONTRACTOR agrees to, and shall defend, indemnify, protect and hold harmless, the CITY, its elected and appointed boards, officers, officials, employees, agents and volunteers from and against any and all claims, demands, lawsuits, defense costs, civil, penalties, expenses, causes of action, and judgments at law or in equity, or liability of any kind or nature which the CITY, its elected and appointed boards, officers, officials, employees, agents and volunteers may sustain or incur or which may be imposed upon them for injuries or deaths of persons, or damage to property arising out of CONTRACTOR'S negligent or wrongful act, or omission under the terms of this Agreement, except only liability arising out of the sole negligence of the CITY.

SECTION 15. INSURANCE COVERAGE.

CONTRACTOR shall obtain and maintain during the life of this Agreement all of the following insurance coverages:

- A. Automobile liability for owned, hired and non-owned vehicles utilized by CONTRACTOR, its employees or subcontractors, in the amount of \$100,000.00 per occurrence; and
- B. CONTRACTOR shall obtain and maintain during the life of this Agreement Workers Compensation Insurance for its employees and subcontractors (if any).

Insurance companies must be admitted and licensed in California and have a Best's Guide Rating of A-Class VII or better as approved by the CITY.

SECTION 16. ENTIRE AGREEMENT.

This Agreement contains the entire understanding between the CITY and CONTRACTOR. Any prior agreements, promises, negotiations or representations not expressly set forth herein are of no force or effect. Subsequent modifications to this Agreement shall be effective only if in writing and signed by each party. If any term, condition or covenant of this Agreement is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall be valid and binding.

SECTION 17. WAIVER.

Waiver by any party hereto of any term, condition or covenant of this Agreement shall not constitute the waiver of any other term, condition or covenant hereof.

SECTION 18. GOVERNING LAW.

This Agreement shall be interpreted and construed according to the laws of the State of California and venue shall be in the County of Los Angeles, State of California.

SECTION 19. ATTORNEY'S FEES & COSTS.

If litigation is reasonably required to enforce or interpret the provisions of this Agreement, the prevailing party in such litigation shall be entitled to an award of reasonable attorney's fees and costs in addition to any other relief to which it may be entitled.

SECTION 20. WARRANTIES

Each of the parties represents and warrants to one another as follows:

- A. It has received independent legal advice from its attorneys with respect to the advisability of entering into and executing this Agreement;
- B. In executing this Agreement, it has carefully read this Agreement, knows the contents thereof, and has relied solely on the statements expressly set forth herein and has placed no reliance whatsoever on any statement, representation, or promise of any other party, or any other person or entity, not expressly set forth herein, nor upon the failure of any other party or any other person or entity to make any statement, representation or disclosure of any matter whatsoever; and
- C. It is agreed that each party has the full right and authority to enter into this Agreement, and that the person executing this Agreement on behalf of either party has the full right and authority to fully commit and bind such party to the provisions of this Agreement.

SECTION 21. MISCELLANEOUS

- a. The descriptive paragraph headings of this Agreement are included for purposes of convenience only and shall not control or affect the construction of interpretation of any of its provisions.
- b. Whenever the context hereof shall so require, the singular shall include the plural, the male gender shall include the female gender, and the neuter and vice versa.
- c. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement

shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

d. The representations and warranties made by the parties to this Agreement shall survive the consummation of the transaction herein described.

e. This Agreement may be signed in any one or more counterparts all of which taken together shall be but one and the same Agreement. Any signed copy of this Agreement or of any other document or agreement referred to herein, or copy or counterpart thereof, delivered by facsimile transmission, shall for all purposes be treated as if it were delivered containing an original manual signature of the party whose signature appears in the facsimile and shall be binding upon such party in the same manner as though an originally signed copy had been delivered.

f. Each of the parties acknowledges that it has been represented by independent counsel of its own choosing, or if it has not been so represented, it has been admonished to obtain independent counsel and has freely and voluntarily waived and relinquished the right to counsel. Each party who has not obtained independent counsel acknowledges that the failure to have independent legal counsel will not excuse such party's failure to perform under this Agreement or any agreement referred to in this Agreement.

SECTION 22. NOTICE.

All notices shall be personally delivered or mailed to the addresses listed below:

Yolanda Karraa
6312 Phillips Way
Rancho Cucamonga, CA 91737

Ronald Bates
City Manager
City of Pico Rivera
6615 Passons Blvd.
Pico Rivera, CA 90660

IN WITNESSETH WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF PICO RIVERA

Dated: 4/18/12

Ronald Bates

Ronald Bates
City Manager

CONTRACTOR

Dated: 4/11/12

Yolanda Karraa

Yolanda Karraa

ATTEST:

APPROVED AS TO FORM:

Anna Jerome

Anna Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman

Arnold M. Alvarez-Glasman, City Attorney

ATTACHMENT A

Contractor Services to be provided for the City of Pico Rivera by Yolanda Karraa are accounting services including:

- Grant Accounting and Reporting.
- Capital Projects Tracking and Reporting.
- Other tasks as assigned.



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: SUMMER FOOD SERVICE PROGRAM

Recommendation:

1. Approve submittal of Summer Food Service Program grant application.
2. Subject to grant approval, approve the Summer Food Service Program vendor contract extension to Food Service Outreach, Inc. D.B.A., Pacific Catering Company for provision of food services.

Fiscal Impact:

The Summer Food Service Program cost will not to exceed \$110,000. 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, as well as the Pio Pico School site. Last summer over 30,000 breakfast and lunch meals were served through the program. The grant will reimburse the City up to \$100,000 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,

COUNCIL AGENDA REPORT – 5/22/12
SUMMER FOOD SERVICE PROGRAM CONTRACT EXTENSION FOR VENDOR
Page 2 of 2

Montebello, and Alhambra. Our program has operated successfully for the last three summers with Food Service Outreach, Inc. as the program food service vendor.

Approval of this contract extension will complete the city's application for acceptance by the California Department of Education for funding the 2012 Summer Food Services Program.

The State of California allows up to five extensions with approved food vendors before rebidding. This action will be the third extension for this food service provider.

Confirmation of the grant award is anticipated in early June.



Ronald Bates

RB:RA:ca

Attachments: Resolution
Exhibit A – Contract Extension for Vended Meals

RESOLUTION NO. _____

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 18 to August 17, 2012; and

WHEREAS, the City of Pico Rivera will accept 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 adopted Budget for 2012-2013 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.

APPROVED AND ADOPTED this _____ day of _____, 2012.

Bob J. Archuleta, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSENT:

ABSTAIN:



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: RIVERA PARK RENOVATION, CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT NO. 21219 – AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT

Recommendation:

Approve Amendment No. 1 to Professional Services Agreement No. 11-1259 with TGR Geotechnical, Inc. for additional material testing services in an amount not-to-exceed \$15,664 and authorize the Mayor to execute the agreement in a form approved by the City Attorney.

Fiscal Impact: \$15,664 (Vital City Services Bond)
(Account No. 210-7310-44500-00021219)

Discussion:

On November 22, 2011, staff administratively awarded a professional services agreement to TGR Geotechnical, Inc. (TGR) for a not-to-exceed amount of \$25,906 for material testing services for the Rivera Park Renovation Project.

Material testing services were to be provided for a 120-day construction period through the project completion date of April 9, 2012. TGR delivered the contracted services within budget. However, additional material testing services are now necessary since the original construction schedule has been extended. The new completion date is June 29, 2012.

The construction schedule was extended for two reasons. First, it was extended by approximately 20 working days to account for poor weather conditions and unforeseen conditions at the project site. Second, the schedule was extended by approximately 40 working days due to construction delays caused by the contractor.

At the completion of the contract, City staff will review construction delays and assess the contractor liquidated damages in an amount of \$1,500 per working day of delay. City staff may assess up to \$60,000 in liquidated damages but this will depend upon the actual completion date. Any funds received may be used to recover funds spent for the additional material testing services.

COUNCIL AGENDA REPORT - MTG. OF 05-22-12
RIVERA PARK RENOVATION PROJECT (CIP NO. 21219) – AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT

Page 2 of 2

The cost of the additional material testing services is not-to-exceed \$15,664. Services include grading observation and compaction testing, subgrade and/or finish grade compaction testing of paved areas, curb and gutters, playgrounds, and baseball fields, asphalt concrete compaction testing in parking lots, and utility trench and retaining wall backfill compaction testing.

These additional services are budgeted for and will be funded through the Vital City Services Bond allocated for the Rivera Park Renovation Project. There is no impact to the General Fund.



Ronald Bates

RRB:AC:RG:lg

Enc.

- 1) Amendment No. 1 to the Professional Services Agreement (PSA)
- 2) Exhibit "A" to PSA – Fee Proposal

**AMENDMENT NO. 1
TO THE PROFESSIONAL SERVICES AGREEMENT
WITH TGR GEOTECHNICAL, INC., AGREEMENT NO. 11-1259**

THIS AMENDMENT NO. 1 TO AGREEMENT NO. 11-1259 FOR PROFESSIONAL SERVICES WITH TGR GEOTECHNICAL, INC. ("Amendment No. 1"), effective as of the date specified in Paragraph 5 hereof, is made and entered into by and between the CITY OF PICO RIVERA ("CITY"), and TGR Geotechnical, Inc. ("CONSULTANT").

RECITALS

- A. CITY and CONSULTANT (collectively referred to as the "PARTIES") have previously executed that certain Agreement for Professional Services, Agreement No. 11-1259 ("Agreement") relating to professional services in the City of Pico Rivera.
- B. The PARTIES desire to amend said Agreement as set forth herein, pursuant to Section 5.1 of the Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. MODIFICATION OF SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT.

The Scope of Services to be performed by CONSULTANT, as set forth in the Agreement, shall be modified as follows:

Additional professional services as set forth in the Consultant's Proposal to City dated May 11, 2012, attached hereto as Exhibit "A".

2. TIME FOR COMPLETION OF WORK AND SERVICES.

Consultant shall undertake and complete the modified work and services set forth in Exhibit "A", within three months following issuance of Notice to Proceed. Notwithstanding any other provision of this Amendment No. 1, this modification in no way affects, nor should it be construed to affect, the timing of any aspect of the work included in the Agreement, particularly the deadlines contained therein.

3. MODIFICATION OF CONSULTANT'S COMPENSATION.

The additional compensation to be paid by CITY to CONSULTANT for the modified work and services identified in this Amendment No. 1 shall be as follows:

Total additional compensation in accordance with the Consultant's Fee Proposal dated May 11, 2012 for an amount not to exceed \$15,664 (fifteen thousand six hundred sixty-four dollars and no cents) attached hereto as Exhibit "A".

4. EFFECT OF AMENDMENTS.

Except as modified herein, either expressly or by necessary implication, the terms and provisions of the Agreement between the CITY and CONSULTANT shall remain in full force and effect.

5. EFFECTIVE DATE.

Unless otherwise specified herein, this Amendment No. 1 shall become effective as of the date set forth below on which the last of the parties, whether CITY or CONSULTANT, executes this Amendment No. 1.

[End of Amendment No. 1. Signatures to follow.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed and attested by their respective officers hereunto duly authorized.

“CITY”
CITY OF PICO RIVERA

“CONSULTANT”
TGR GEOTECHNICAL, INC.

Honorable Mayor Bob J. Archuleta

Title: _____

Dated: _____

Dated: _____

ATTEST:

APPROVED AS TO FORM

Anna M. Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney



TGR GEOTECHNICAL, INC.

GEOTECHNICAL • MATERIALS • ENVIRONMENTAL

May 11, 2012

Project No. 11-3265

City of Pico Rivera – Public Works Department
6615 Passons Boulevard
Pico Rivera, CA 90660-1016

Attention: Rene Guerrero, P.E., Assistant City Engineer

Subject: Addendum to Plan Review and Estimated Tasks for Geotechnical Observation, Compaction Testing and Material Testing Services for Rivera Park Renovation Project, CIP No. 21219, Department of Public Works, City of Pico Rivera

References: TGR Geotechnical, Inc., 2011a, Proposal for Geotechnical Observation, Compaction Testing and Material Testing Services for Rivera Park Renovation Project, CIP No. 21219, Department of Public Works, City of Pico Rivera

TGR Geotechnical, Inc., 2011b, Plan Review and Estimated Tasks for Geotechnical Observation, Compaction Testing and Material Testing Services for Rivera Park Renovation Project, CIP No. 21219, Department of Public Works, City of Pico Rivera, Project No. 11-3265, dated December 2, 2011

Dear Mr. Guerrero,

Per your request (e-mail dated May 8, 2012) we have prepared this addendum to our Plan Review and Estimated Tasks Letter dated December 2, 2011. The addendum is based on our fees billed through April 6, 2012, charges accrued for the week of April 7, 2012 through April 15, 2012 and our best estimate of costs to provide geotechnical observation and testing and materials inspection from April 16, 2012 moving forward. Our best estimate of hours moving forward (to completion of project) is based on conversations with Mr. Michael Winkelman (URS). TGR has been providing geotechnical and materials testing services on a part-time, as-requested basis since the initiation of construction. Our original contract amount was \$25,906.00.

Fees Billed through April 6, 2012

As of April 6, 2012 the total fees billed through April 27, 2012 were \$35,161.50 (\$9,255.50 over the original contract amount). The fees billed to date reflect overtime (weekends) in which the premium time was billed to Landforms and the regular time billed to the city. Those dates include Saturday and Sunday, February 11 and 12, 2012 and Saturday, April 31, 2012. The fees billed to date also include the time/cost for RCP pipe removal trench backfill observation and testing which was not a part of the original contract.

Charges for the Week of April 7, 2012 through April 15, 2012

The following charges were accrued during the week of April 7, 2012 through April 15, 2012:

- Four (4) hours of technician time (geotechnical)
- Four (4) hours of inspection time (materials inspection and testing)
- Four (4) hours of travel time

The cost for these services was \$728.00.

Estimate of Fees Moving Forward (To Completion of Project)

The following is the estimate of fees for geotechnical and materials inspection time moving forward to the completion of the project:

Geotechnical

- Shade Lane water line crossing trench backfill observation and testing. Estimated time is 1 to 2 short (4 hour) visits.
- Maxine Street sub-grade, base and asphalt testing. Estimated time is 3 short (4 hour) visits.
- Maintenance Access Road sub-grade, base and asphalt testing. Estimated time is 3 short (4 hour) visits.
- Fire Access Road sub-grade and base testing. Estimated time is 2 short (4 hour) visits.

Materials Inspection and Testing

- Fire Access Road concrete testing. Estimated time is one full (8 hour) day.
- Masonry Walls inspection and testing. Estimated time for this is two full (8 hour day) weeks.

The **estimated** fees for services moving forward (to completion of project) is \$5,680.00.

Summary

Based on the above, the total charges amount is \$41,569.50 as shown in the following breakdown:

Original Budget	\$25,906.00
Budget Overage as of 4/6/12	\$9,255.50
Charges for Week of 4/7/12 – 4/15/12	\$728.00
Cost for Estimated Services Moving Forward from 4/16/12	<u>\$5,680.00</u>
Total	\$41,569.50

The difference between the original contract amount and estimated total charges is \$15,663.50.



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: BEVERLY BOULEVARD ENTRANCE MONUMENTS,
CAPITAL IMPROVEMENT PROGRAM (CIP) NO. 21231 –
NOTICE OF COMPLETION

Recommendation:

- 1) Accept as complete, effective May 7, 2012, work performed by Sea West Enterprises, Inc. for the entrance monument project; and
- 2) Instruct the City Clerk to file the Notice of Completion with the County Recorder.

Fiscal Impact: \$49,919 (Proposition C)
(Account No. 210-7300-44500-00021231)

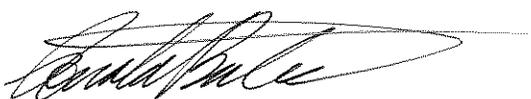
Discussion:

At its meeting of December 13, 2011, the City Council awarded a contract in the amount of \$47,265 to Sea West Enterprises, Inc. for the construction and installation of two (2) entrance monuments on the east and west end of Beverly Boulevard.

Completion of construction is effective May 7, 2012. Sea West Enterprises, Inc. completed the project per the approved plans and specifications.

The contract price was \$47,265. During the project, two (2) change orders were approved administratively making the total contract price \$49,919. Change Order No. 1, in the amount of \$954, was necessary to repaint the monument lettering to match the approved artistic design. Change Order No. 2, in the amount of \$1,700, was necessary to construct additional electrical improvements to illuminate the monuments and adjacent palm tree. The change orders were within budgeted.

Construction management and inspection services were provided by City staff.



Ronald Bates

RRB:AC:JL:lg

Enc.

- 1) Entrance Monument Photograph



BEVERLY BOULEVARD - EAST CITY ENTRANCE MONUMENT



BEVERLY BOULEVARD - WEST CITY ENTRANCE MONUMENT



To: Mayor and City Council
From: City Manager
Meeting Date: May 22, 2012
Subject: CITY HALL PARKING LOT LIGHT EMITTING DIODE (LED) RETROFIT, CAPITAL IMPROVEMENT PROGRAM (CIP) NO. 21239 – AWARD CONSTRUCTION CONTRACT

Recommendation:

Award a construction contract in the amount of \$98,470 to Pro Tech Engineering Corp. for the City Hall Parking Lot Light Emitting Diode (LED) Retrofit, CIP No. 21239, and authorize the Mayor to execute the contract in a form approved by the City Attorney.

Fiscal Impact:	\$96,979	(Energy Efficiency Conservation Block Grant)
	<u>\$7,000</u>	(General Fund, Local Match Contribution)
	\$103,979	Total

Discussion:

In 2009, the City received a \$579,400 grant from the Energy Efficiency & Conservation Block Grant (EECBG) Program to fund four (4) projects; this program assists eligible agencies to implement energy efficiency and conservation programs, as well as projects to reduce energy consumption. One of the four projects is the City Hall Parking Lot Lighting LED Retrofit (LED Project).

The LED Project entails removing the existing City Hall parking lot light system and installing 18 new LED light standards. The existing light standards are antiquated; do not provide sufficient lighting; and are not energy efficient. The light standards cannot be retrofitted with LED technology thus they must be replaced.

On March 27, 2012, the City Council approved the plans, specifications and estimate, and authorized staff to advertise for bids.

On April 19 and April 26, 2012, bids were advertised. Bids were opened by the City Clerk on May 9, 2012 and seven (7) bids were received. Below is a summary with the three lowest bids. For the entire list of bidders, see Exhibit "B".

COUNCIL AGENDA REPORT – MTG. OF 05/22/12
CITY HALL PARKING LOT LIGHT EMITTING DIODE (LED) RETROFIT, CAPITAL
IMPROVEMENT PROGRAM CIP NO. 21239 – AWARD CONSTRUCTION CONTRACT
Page 2 of 2

	<u>Contractor</u>	<u>Bid Amount</u>
1.	Pro Tech Engineering Corp.	\$98,470.00
2.	VT Electric, Inc.	\$110,103.50
3.	Flatiron Electric Group, Inc.	\$117,689.00

After completion of the bid analysis, Pro Tech Engineering Corp. (Pro Tech) was confirmed to be a responsible bidder and their bid was confirmed to be the lowest responsive bid. Their \$98,470 bid is \$22,530 or 18.6% lower than the Engineer's Estimate of \$121,000.

The project will be funded with \$96,979 in grant funds and \$7,000 in general funds (local match contribution) for a total budget of \$103,979. These funds are currently budgeted in the Capital Improvement Program, thus there will be no additional impact to the General Fund Reserve.

The approximate project schedule is the following:

- Award Construction May 2012
- Start Construction July 2012
- Complete Construction August 2012

Construction management and inspection services will be provided by the Public Works, Engineering Division.

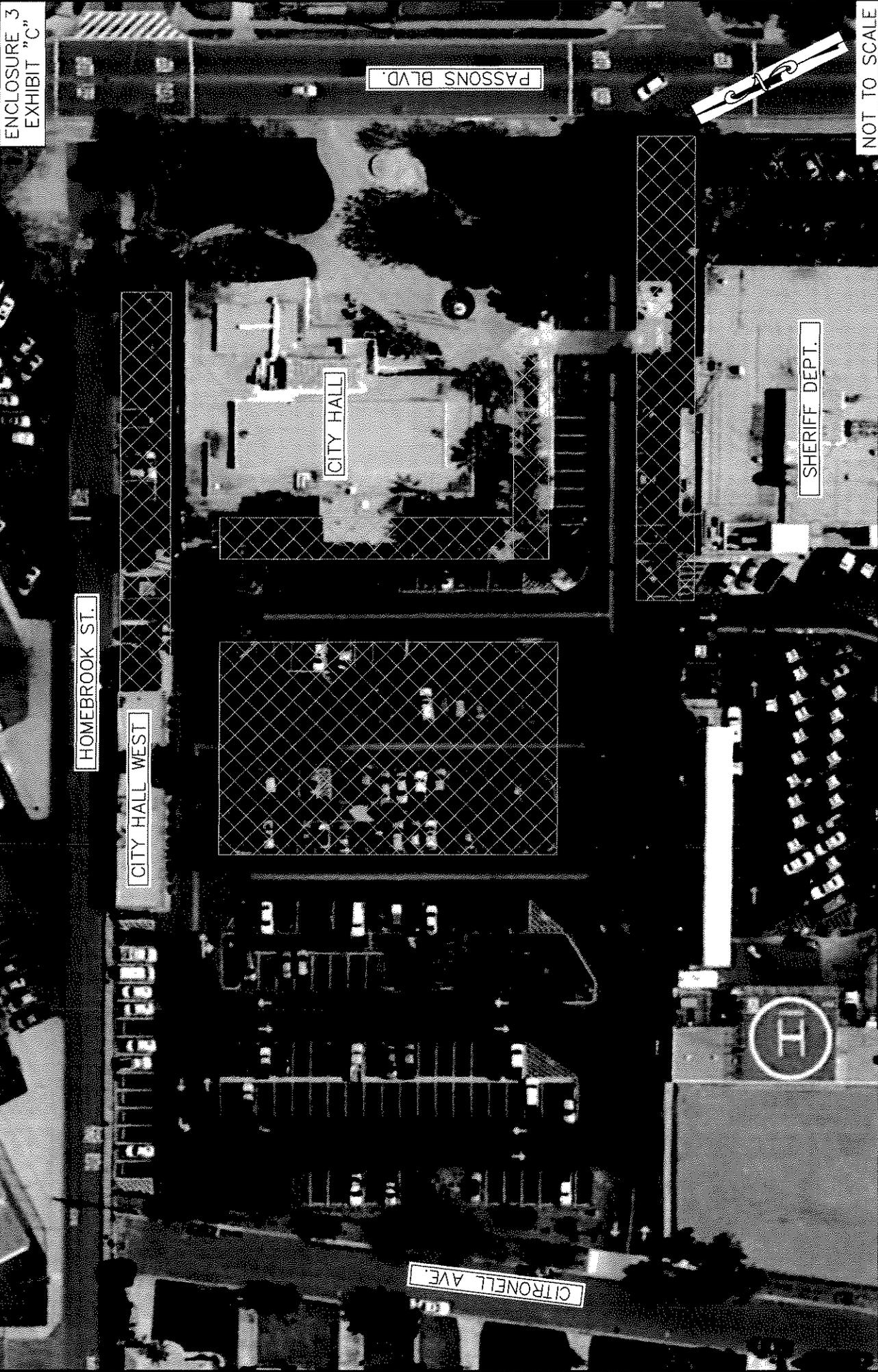


Ronald Bates

RRB:AC:MN:lg

Enc.

- 1) Exhibit "A" - Construction Contract
- 2) Exhibit "B" - Bid Summary
- 3) Exhibit "C" - City Hall Parking Lot Lights LED Retrofit – Project Limits



NOT TO SCALE

HOMEBROOK ST.

CITY HALL WEST

CITY HALL

PASSONS BLVD.

SHERIFF DEPT.

CITRONELL AVE.

LEGEND:



PROJECT SITE



CITY OF PICO RIVERA

DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION

CIP 21239 - CITY HALL PARKING LOT LED RETROFIT - LOCATION MAP

PREPARED BY: M. NGUYEN

SCALE: NOT TO SCALE

DATE: 05-14-12



To: Mayor and City Council

From: City Manager

Meeting Date: May 22, 2012

Subject: RIVERA PARK RENOVATION, CAPITAL IMPROVEMENT PROGRAM (CIP) NO. 21219 – AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

Recommendation:

Approve Amendment No. 2 to Professional Services Agreement No. 10-1180 with URS Corporation, Inc. for additional construction management services for an additional amount not-to-exceed \$48,943 and authorize the Mayor to execute the agreement in a form approved by the City Attorney.

Fiscal Impact: \$48,943 (Vital City Services Bond)
(Account No. 210-7310-44500-00021219)

Discussion:

On October 12, 2010, the City Council awarded URS Corporation, Inc. a professional services agreement for an amount of \$1,135,744, to provide construction management services for the Parks Master Plan Renovation Projects (Pico, Rivera, Smith, and Rio Vista Parks). Subsequently, the contract was renegotiated.

On April 12, 2012, the City Council approved Amendment No. 1 to reduce the contract scope of work and fees to \$1,067,193. This amendment was necessary to change the construction management approach and to incorporate construction management services for the Pico Park Transit Hub Project. Of this contract amount, \$324,782 was programmed for construction management services on the Rivera Park Renovation Project.

According to the contract, construction management services were to be provided for a 120-day construction period from October 17, 2011 through April 9, 2012 (this was the original project completion date). However, additional construction management services are now necessary since the original construction schedule has been extended. The new completion date is June 29, 2012.

The construction schedule was extended for two reasons. First, it was extended by approximately 20 working days to account for poor weather conditions and unforeseen conditions at the project site. Second, the schedule was extended by approximately 40 working days due to construction delays caused by the contractor.

At the completion of the contract, City staff will review construction delays and assess the contractor liquidated damages in an amount of \$1,500 per working day of delay. City staff may assess up to \$60,000 in liquidated damages but this will depend upon the actual completion date. Any funds received will be used to recover a portion of the funds spent for the additional construction management services.

The cost for the additional construction management services is \$48,943. Services include construction management, construction observation, scheduling support, estimating, and maintaining project controls.

This cost is budgeted for and will be funded through the Vital City Services Bond allocated for the Rivera Park Renovation Project. There is no impact to the General Fund.



Ronald Bates

RRB:AC:RG:lg

Enc.

- 1) Amendment No. 2 to the Professional Services Agreement (PSA)
- 2) Exhibit "A" to PSA – Fee Proposal

**AMENDMENT NO. 2
TO THE PROFESSIONAL SERVICES AGREEMENT
WITH URS CORPORATION, INC., AGREEMENT NO. 10-1180**

THIS AMENDMENT NO. 2 TO AGREEMENT NO. 10-1180 FOR PROFESSIONAL SERVICES WITH URS CORPORATION, INC. ("Amendment No. 2"), effective as of the date specified in paragraph 4 hereof, is made and entered into by and between the CITY OF PICO RIVERA ("CITY"), and URS CORPORATION, INC., ("CONSULTANT").

RECITALS

- A. CITY and CONSULTANT (collectively referred to as the "PARTIES") have previously executed that certain Agreement for Professional Services, Agreement No. 10-1180 ("Agreement") relating to professional services in the City of Pico Rivera.
- B. The PARTIES desire to amend said Agreement as set forth herein, pursuant to Section 5.1 of the Agreement.
- C. CONSULTANT has proposed, and CITY has accepted, CONSULTANT's Proposal, set forth in the Consultant's Proposal to City Dated April 9, 2012, attached hereto as Exhibit "A".

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. MODIFICATION OF SCOPE OF SERVICES TO BE PERFORMED BY CONSULTANT FOR RIVERA PARK.

The Scope of Services to be performed by CONSULTANT, as set forth in the Agreement, shall be modified as follows:

Additional professional services as set forth in the Consultant's Proposal to City dated April 9, 2012, attached hereto as Exhibit "A".

2. TIME FOR COMPLETION OF MODIFIED WORK AND SERVICES.

Consultant shall undertake and complete the modified work and services set forth in Exhibit "A", within upon issuance of Notice to Proceed. Notwithstanding any other provision of this Amendment No. 2, this modification in no way affects, nor should it be construed to affect, the timing of any aspect of the work included in the Agreement, particularly the deadlines contained therein.

3. MODIFICATION OF CONSULTANT'S COMPENSATION.

To reflect the above described extended period of Construction Management Services for Rivera Park project, the last sentence of Section 5.1 of the Agreement shall be replaced by the following:

In no event shall the total compensation and costs payable to Consultant

under this Agreement exceed \$1,116,135.50 (One Million One Hundred Sixteen Thousand One Hundred Thirty Five dollars and fifty cents), unless specifically approved in advance, in writing, by the City.

4. EFFECT OF AMENDMENTS.

Except as modified herein, either expressly or by necessary implication, the terms and provisions of the Agreement between the CITY and CONSULTANT shall remain in full force and effect.

5. EFFECTIVE DATE.

Unless otherwise specified herein, this Amendment No. 2 shall become effective as of the date set forth below on which the last of the parties, whether CITY or CONSULTANT, executes this Amendment No. 2.

[End of Amendment No. 2. Signatures to follow.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed and attested by their respective officers hereunto duly authorized.

"CITY"
CITY OF PICO RIVERA

"CONSULTANT"
URS CORPORATION, INC.

Honorable Mayor Bob J. Archuleta



Keith Kajiya

Title: Vice President, Office Manager

Dated: _____

Dated: 5/16/12

ATTEST:

APPROVED AS TO FORM:

Anna M. Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney

Exhibit A

Extended CM Services for Rivera Park Project

URS is already stretching the original budget (including reducing onsite staff by 50%) by 6 weeks out to approx. 05/11/12

Amendment #2 is needed to cover the 7 week period thru 6/29/12

Labor	\$47,542.50
Expenses	<u>\$ 1,400.00</u>
TOTAL	\$48,942.50

Rivera Park	URScm Services - Amendment #2							5/8/2012	
Week >	1	2	3	4	5	6	7	HOURS	COSTS
Construction Manager	40.0	40.0	40.0	40.0	40.0	40.0	40.0	280.0	\$ 34,160.00
Expenses	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00		\$ 1,400.00
Project Support	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-
ProjMgr-Controls	10.0	10.0	10.0	10.0	10.0	10.0	10.0	70.0	\$ 13,300.00
Proj Website Tech				1.5				1.5	\$ 82.50
TOTAL HOURS	50.0	50.0	50.0	51.5	50.0	50.0	50.0	351.5	\$ 48,942.50



To: Mayor and City Council

From: City Manager

Meeting Date: May 22, 2012

Subject: AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF PICO RIVERA AND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR NEW HIRES – TIER II

Recommendations:

1. Approve the Certification of Compliance with Government Code Section 20903.
2. Adopt a resolution of intention to approve an amendment to contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Pico Rivera to provide the Government Code Section 20903 Early Retirement Incentive Plan (ERIP) and Government Code Section 20475: different level of benefits for new employees; Section 21353: 2%@60 and Section 20037: Three-Year Final Compensation.
3. Designate all full-time positions within the City of Pico Rivera as eligible for the ERIP.
4. Designate the period beginning July 1, 2012 and ending October 31, 2012 as the window period for the ERIP. To be eligible to receive the ERIP benefits, members must retire between July 2, 2012 and October 31, 2012.
5. Authorize the City Clerk to execute all necessary certifications of the City's actions.

Fiscal Impact:

The savings are estimated at \$280,000 for the pension change. The cost for the ERIP will depend on how many employees take advantage of the plan and are discussed below.

Discussion:

The City is facing both long-term and short-term financial challenges. The unfunded pension and retiree medical obligations are creating long-term challenges. The short-term challenge is resolving the \$3.9 million structural deficit. The Council directed that \$2.9 million of the structural deficit be addressed during the 2012-13 budget process, with the remaining deficit to be addressed during the 2013-14 budget process.

The City has met with the two bargaining units that represent full-time employees, Service Employees International Union (SEIU) Local 721 and City Employees Associates (CEA), to discuss the proposed Second Tier. All represented full-time employees have agreed to the proposed changes to benefits. According to the CalPERS report, we can expect a 0.28% decrease in our CalPERS employer rate by 2014.

The components of the Second Tier are as follows:

1. 2% @ 60.
2. Three Year Final Compensation.
3. No EPMC included in reportable compensation - employee to pay 4% as a member contribution.
4. City to pay up to the Kaiser Family Rate for medical insurance and up to the Delta HMO for dental insurance. The excess above the PEMHCA minimums will be provided through a cafeteria plan benefit.
5. City to pay the PEMHCA minimums for retiree medical.

CalPERS Contract Amendment

The contract amendment process as required by CalPERS includes adoption of a Resolution of Intent and an Ordinance authorizing the contract amendment. In addition, Government Code Section 7507 requires that future annual costs of the proposed contract amendment be made public at a public meeting at least two weeks prior to the adoption of the final Ordinance. The costs were disclosed at the May 8, 2012 meeting, and the costs are again disclosed in this meeting.

The proposed amendment to provide an ERIP under Government Code Section 20903 provides two years of additional service credit for employees who retire during a window established by the City. The City intends to establish the window from July 1, 2012 through October 31, 2012. Because the member must be an employee and a retiree during the window period, the retirement date cannot be the first day of the window period. The actual beginning of the window period is subject to the availability of documents from CalPERS. In the unlikely event all eligible employees elect to retire during the window period, the cost would be \$1,899,865. The cost will be amortized over 20 years and included in the CalPERS rates beginning in fiscal year 2015-16. Staff anticipates less than half of the eligible employees will retire.

The proposed amendment will establish a lower benefit package for employees hired after the effective date of the ordinance. The pension benefit will be 2% @ age 60 and the

compensation used to calculate the benefits will be the three year final compensation. The decreases in the employer rate will occur as employees are hired into the Second Tier. The local miscellaneous employee contribution rate will be 7% of reportable earnings for employees hired after the effective date of this change with the employee paying 4%.

Staff anticipates the following timeline be followed to fulfill CalPERS' legal requirements:

- | | |
|---------------|---|
| May 22, 2012 | Adoption of the Resolution of Intention to approve an Amendment to Contract with CalPERS. This action will include several certifications and approvals. The anticipated period will be July 1, 2012 through October 31, 2012 as the window in which eligible employees must retire to receive the additional service credit. The reduced retirement benefits will apply to employees hired after the effective date of the amendment which we anticipate will be July 1, 2012. |
| June 26, 2012 | Adoption of Urgency Ordinance authorizing the amendment to CalPERS contract under the Government Code Section 20903 ERIP and Section 20475 Different Level of Benefits. |
| July 1, 2012 | Anticipated effective date for CalPERS amendment to contract. |

To allow staff to complete the proposed budget for 2012-13, staff has asked employees eligible for the ERIP whether they intend to utilize a retirement benefit and if so, when they intend to retire from the City.

mm 

Ronald Bates

- Attachments:
1. Certification of Compliance with Government Code Section 20903
 2. Resolution of intention to approve an amendment to contract with CalPERS
 3. Summary of major provisions of the 2% @ 60 formula
 4. Certifications to be filed with CalPERS

Attachment No. 1

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

CERTIFICATION OF COMPLIANCE WITH GOVERNMENT CODE SECTION 20903

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the City Council of the City of Pico Rivera hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the City Council of the City of Pico Rivera hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, July 1, 2012 through October 31, 2012.

CITY COUNCIL
OF THE
CITY OF PICO RIVERA

By: _____
Presiding Officer

Attest:

Clerk/Secretary

Date

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA

WHEREAS, the City Council of the City of Pico Rivera is a contracting Public Agency of the Public Employees' Retirement;

WHEREAS, budget cuts and financial constraints have caused an impending curtailment of the manner of performing service;

WHEREAS, the City of Pico Rivera is in the process of amending the contract with the Public Employees' Retirement System to become subject to Government Code Section 20903 (two years additional service credit);

WHEREAS, pursuant to Government Code Section 20903, a public agency may, due to an impending curtailment of the manner of performing service, determine that best interests of the public agency shall be served by allowing local members (city employees) to be eligible to receive an additional service credit of two (2) years if the member is employed in an approved job classification and retires within the specified period;

WHEREAS, the City of Pico Rivera is in the process of amending the contract with the Public Employees' Retirement System under Government Code Section 20475 (different level of benefits). Section 21353 (2% @ 60 Modified formula) and Section 20037 (Three-Year final compensation) are applicable to employees hired after the effective date of the contract amendment;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PICO RIVERA DOES HEREBY RESOLVE, DETERMINE AND ORDAIN AS FOLLOWS:

SECTION 1: The City Council of the City of Pico Rivera does hereby give notice of intention to approve an amendment to the contract between the City of Pico Rivera and the Board of Administration of the Public Employees' Retirement System.

SECTION 2: A copy of the proposed amendment is attached as "Exhibit".

SECTION 3: The City Council agrees that the added cost to the retirement fund for all eligible employees who retire during said period shall be included in the City's employer contribution rate, as determined by Government Code Section 20814.

SECTION 4: The Resolution is not applicable to any member otherwise eligible if the member receives unemployment insurance payments upon separation from the City.

SECTION 5: Any member who qualifies under this Resolution, upon subsequent reentry to this system shall forfeit the service credit acquired under this Resolution.

SECTION 6: This Resolution shall not apply to any member who is not a full-time employee of the City during the period designated herein or who has less than five years of service credit.

SECTION 7. The City Clerk shall attest to the passage of this resolution and it shall thereupon be in full force and effect.

APPROVED AND ADOPTED this 22nd day of May 2012.

Bob J. Archuleta, Mayor

ATTEST:

APPROVED AS TO FORM:

Anna Jerome, Assistant City Clerk

Arnold M. Alvarez-Glasman, City Attorney

AYES:

NOES:

ABSTAIN:

ABSENT:



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Pico Rivera

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective February 1, 1959, and witnessed January 5, 1959, and as amended effective October 9, 1976, January 12, 1980, September 20, 1980, October 16, 1982, March 31, 1984, June 20, 1985, November 21, 1985, January 17, 1991, May 8, 1997, November 2, 2000, August 9, 2002 and August 2, 2008 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective August 2, 2008, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract and age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

2. Public Agency shall participate in the Public Employees' Retirement System from and after February 1, 1959 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
 - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
 - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

- (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.
 - (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ALL SAFETY EMPLOYEES HIRED ON OR AFTER OCTOBER 9, 1976;**
 - b. **RECREATION AIDE, POOL ATTENDENT, RECREATION LEADER I, POOL CASHIER, RECREATION LEADER II, POOL MANAGER, RECREATION LEADER III, LIFEGUARD, RECREATION LEADER IV, LIFEGUARD/INSTRUCTOR, SPECIALISTS, SPORTS OFFICIALS, ADMINISTRATIVE INTERN, STABLE WORKER, OFFICE CLERK AND CROSSING GUARD HIRED ON OR AFTER JUNE 20, 1985;**
 - c. **SENIOR OFFICER CLERK, SECURITY AIDE, ACCOUNTING AIDE, ASSISTANT GOLF STARTER, GOLF COURSE MAINTENANCE AIDE AND MAINTENANCE AIDE HIRED ON OR AFTER NOVEMBER 21, 1985; AND**
 - d. **LUNCH SITE DRIVER, ENGINEERING AIDE, LUNCH SITE MANAGER AND SR. LIFEGUARD/INSTRUCTOR HIRED ON OR AFTER JANUARY 17, 1991.**
- 6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after August 9, 2002 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after August 9, 2002 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.4 of said Retirement Law (2.5% at age 55 Full).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From September 20, 1980 and until October 16, 1982, the normal local miscellaneous member contribution rate shall be 0%. Legislation repealed said Section effective September 29, 1980.
 - c. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
 - d. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - e. Section 21583 (Additional Opportunity to Elect 1959 Survivor Benefits).
 - f. Section 20042 (One-Year Final Compensation) for local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.
 - g. Section 21623.5 (\$5,000 Retired Death Benefit).
 - h. Section 21024 (Military Service Credit as Public Service).
 - i. Section 21548 (Pre-Retirement Option 2W Death Benefit).

- j. Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.
 - k. Section 20903 (Two Years Additional Service Credit).
10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
 11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
 12. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF PICO RIVERA

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

Attachment No. 3

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS

2% @ 60 Formula (Section 21353)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 60. If retirement is earlier than age 60, the percentage of final compensation decreases for each quarter year of attained age to 1.092% at age 50. If retirement is deferred beyond age 60, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10.000 and 18.518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determine by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is \$500 (or \$600, \$2,000, \$3,000, \$4,000 or \$5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 60 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first \$133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.

Attachment No. 4a

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(888) CalPERS (225-7377)

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

City Council

of the

_____ (governing body)

City of Pico Rivera

_____ (public agency)

on May 22, 2012

(date)

Clerk/Secretary

Title

Attachment No. 4b

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

CERTIFICATION OF COMPLIANCE WITH GOVERNMENT CODE SECTION 7507

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary for the increase/change in retirement benefit(s) have been made public at a public meeting of the

_____ City Council _____ of the
(governing body)

_____ City of Pico Rivera _____
(public agency)

on May 22, 2012 which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

Adoption of the retirement benefit increase/change will not be placed on the consent calendar.

Clerk/Secretary

Title

Date _____

Attachment No. 4c

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 20475**

I hereby certify that the City Council of the
(governing body)
City of Pico Rivera
(public agency)

has fully discharged all of the obligation imposed by Chapter 10 (commencing with
Section 3500) of Division 4 of Title 1, Government Code.

By _____

Title

Witness

Date