



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

Tuesday, July 24, 2012  
Regular Meeting 6:00 p.m.  
Council Chamber  
6615 Passons Blvd.  
Next Resolution No. 6694  
Next Ordinance No. 1073  
Next Agreement No. 12-1327

**COMMISSIONERS SCHEDULED TO BE PRESENT:**

Esther Celiz, Planning Commission  
Paul Gomez, Parks & Recreation 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:**

- Brett Kirkpatrick and Sahar Mehrabsadeh from Bay Cities Containers – recognized for providing boxes yearly to the Christmas Baskets Committee
- Proclamation in Support of National Night Out

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

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

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

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

**CONSENT CALENDAR ITEMS:**

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

**1. Minutes:**

- City Council and Successor Agency meeting of July 10, 2012

**Recommendation:** Approve

- Parks & Recreation meeting of June 14, 2012

**Recommendation:** Receive and File.

**2. 2<sup>nd</sup> Warrant Register of the 2012-2013 Fiscal Year. (700)**

Check Numbers: 252639-252845

Special Checks Numbers: 252630-252638

**Recommendation:** Approve

**3. Fiscal Year 2011-12 Closing Budget Adjustments. (700)**

**Recommendation:**

1. Approve Fiscal Year 2011-12 Budget Adjustments.

**4. 2012 Home Investment Partnership Program Grant Application. (700)**

**Recommendation:**

1. Adopt the resolution authorizing the submittal of a grant application to the California Housing and Community Development Department for HOME Investment Partnership Program grant funds.

Resolution No. \_\_\_\_\_ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM

**5. Passons Boulevard Underpass Project (CIP No. 20053) – Amendment No. 5 to Professional Services Agreement No. 09-1102 with HDR Engineering. (500)**

**Recommendation:**

1. Approve Amendment No. 5 to Professional Services Agreement No. 09-1102 with HDR Engineering, Inc. (HDR) for an amount not to exceed \$162,099 for additional construction support services in accordance with the scope of work and fee proposal dated July 17, 2012, and authorize the Mayor to execute Amendment No. 5 in a form approved by the City Attorney.

Agreement No. 09-1102-5

**6. Rosemead Boulevard Rehabilitation, Telegraph Road to Washington Boulevard – Notice of Completion. (500)**

**Recommendation:**

1. Accept as complete, effective July 16, 2012, work performed by All American Asphalt on the Rosemead Boulevard Rehabilitation, Telegraph Road to Washington Boulevard, CIP No. 21226, Federal Nos. HPLUL 5351(019), DEM 04-5351(020), DEM 03-5351(021) and instruct the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
2. Approve Change Orders No. 1, No. 2 and No. 3 and No. 4 for an amount of \$18,055, \$20,268, \$23,439, and \$157,819, respectively, necessary to fund additional project improvements and authorize the Director of Public Works to execute the change orders.

**7. Telegraph Road Landscape Median Improvement Project, CIP No. 21232 – Authorization to Advertise for Construction. (500)**

**Recommendation:**

1. Approve Plans, Specifications and Estimate (PS&E) for the Telegraph Road Median Improvement Project, Passons Boulevard to Rosemead/Lakewood Boulevard, CIP No. 21232; Federal Project Nos. HSIPL-5351(022), EA#07-933969L;
2. Authorize the City Clerk to publish the Notice Inviting Bids;
3. Approve the Notice of Exemption for the subject project and authorize the City Clerk to file with the County Recorder; and
4. Approve Amendment No. 1 to Agreement No. 11-1235 with the city of Downey necessary to fund additional construction improvements within the city of Downey.

Agreement No. 11-1235-1

**8. Federal Equitable Sharing Agreement for Asset Forfeiture. (500)**

**Recommendation:**

1. Approve a Federal Equitable Sharing Agreement with the United States Department of Justice and the United States Department of Treasury for the disposition of funds forfeited in connection with a crime and authorize the Mayor to execute the Agreement; and
2. Adopt a Resolution approving participation in the Federal Equitable Sharing Agreement Program and authorize the execution of related documents.

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

**9. Conflict-of-Interest Code Biennial Review. (300)**

**Recommendation:**

1. Direct the City Clerk's Office to notify City Departments and applicable Agencies to review their Conflict-of-Interest Code pertaining to designated employees to determine if any changes or amendments are necessary.

**CONSENT CALENDAR ITEMS PULLED:**

**LEGISLATION:** None.

**NEW BUSINESS:**

**OLD BUSINESS:**

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

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

**CLOSED SESSION(S):**

- a. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Government Code Section 54956.9(a)  
Water Replenishment District v. City of Pico Rivera

**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 19<sup>th</sup> day of July, 2012.

Dated this 19<sup>th</sup>, day of July, 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, July 10, 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 6:02 p.m. on behalf of the City Council/Successor Agency.

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

**ABSENT:** None

**COMMISSIONERS PRESENT:**

Linda Martinez, Sister City Commission

Joseph Palombi, Parks & Recreation Commission

**INVOCATION:** Councilmember Armenta

**PLEDGE OF ALLEGIANCE:** Joseph Palombi, Parks & Recreation Commissioner

**SPECIAL PRESENTATIONS:**

- Demonstration of the Sheriff's New Mobile Data Computer Technology in Pico Rivera Patrol Cars took place at 5:30 p.m. rear parking lot, west side of city hall
- Heal the Cities Campaign – Sheri Bathurst of Kaiser Permanente presented Certificate to City Council for Adopting Programs and Policies that Stress Active and Healthy Lifestyles
- Proclamation "July Parks Make Life Better Month" presented to Parks & Recreation Director Aranda
- Presentation - General Plan Update presented by Community and Economic Development Deputy Director Gonzalez

**PUBLIC HEARING(S):**

1. Public Hearing – Establishment of Residential and Commercial Refuse Collection Rates. (700)

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

City Manager Bates stated that this is a standard requirement to set the rates under the municipal code and reflects the new rates under the new contract with NASA which are significantly below the previous rates for residential and commercial collection in the city.

Mayor Archuleta closed the public hearing.

Motion by Councilmember Armenta, seconded by Councilmember Salcido to adopt Resolution No. 6692 setting residential and commercial refuse rates. Motion carries by the following roll call vote:

Resolution No. 6692 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, SETTING RESIDENTIAL AND COMMERCIAL REFUSE RATES EFFECTIVE JULY 1, 2012

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

**NOES:** None

**2. Public Hearing – Draft Community Development Block Grant 2012-2013 Action Plan. (1300)**

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

City Manager Bates stated that at a previous meeting Council directed the subcommittee to review the proposal for CDBG and to provide a recommendation to City Council. He stated that the committee met with the larger organizations that were receiving larger amounts of funding from the city, discussed and evaluated their programs, and looked at four different options to be considered. The committee, he stated, is making a recommendation to move forward with Option 4.

Councilmember Salcido stated that Meals on Wheels is not being funded based on the fact that they did not meet all the requirements, and suggested that the money that was used to fund Meals on Wheels and now being used for the Whole Child Transitional Housing Services be transferred from the Whole Child to the graffiti abatement program.

Mayor Pro Tem Camacho asked City Manager Bates to elaborate on the movement of funds.

City Manager Bates stated that the graffiti program is a significant program to the city. He stated that the city is known to have an aggressive approach to eradicate graffiti. The added \$2,000 would be beneficial to the program he stated, but staff would not stop abating graffiti due to a lack of \$2,000. He stated what governed the committee's recommendation was the Whole Child director's appeal that since the funding had dropped down from \$33,000 to \$24,000 the added \$2,000 brought the amount closer to the funding amount that was provided to the Whole Child last year.

Councilmember Armenta stated that he strongly supports the \$2,000 funds being added to the graffiti abatement program as it applies to bringing in new businesses and keeping the city safe and clean.

Mayor Archuleta asked if in the future the city would be able to help fund Meals on Wheels with City Manager Bates stating that staff will look for \$2,000 in the general fund to support this program.

Mayor Archuleta closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve the Draft Community Development Block Grant 2012-2013 Action Plan and to transfer \$2,078 from the Whole Child Transitional Housing Services to the Graffiti Removal Program as Option 5. Motion carries by the following roll call vote:

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

**NOES:** None

**3. Public Hearing – Increase and Changes in Fees and Charges for Parks and Recreation Programs and Use of Facilities. (700)**

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

City Manager Bates stated that as part of the budget process all the organizations in the community were asked to help with offsetting some of the cost of lighting and providing services on the fields. Staff has been in the process of working with some of those organizations to recover more of the cost of operation, he stated, and listening

carefully to Council in their direction to staff to acknowledge that with brand new fields, the city will be attracting a lot of new player interest, potentially from outside the city. He stated that these fees acknowledge the fact that non-residents will pay more to participate and use the fields than residents.

Parks & Recreation Director Aranda added that staff worked closely with the presidents of the sports organizations. He stated that there were two meetings to discuss a number of different options and alternatives for recovery of fees and the two that were settled on were a charge to registration fees and charges for light usage that would only apply specifically during the hours that the organizations use the fields.

Councilmember Salcido stated that he gave the first presentation to the presidents of the league. He stated that staff asked the presidents to help meet the \$50,000 budget requirement and that no specifics were mentioned as to how they would do that. He suggested passing the item as recommended, aside from the charges that directly relate to CYSO. Councilmember Armenta concurred with Councilmember Salcido's suggestion.

Mayor Pro Tem Camacho asked staff to elaborate on their communications with the youth sports organizations.

Director Aranda stated that a meeting was held with the youth sports organizations with Councilmember Salcido and City Manager Bates present. He stated that staff made a presentation and discussed the issues with the budget and the need to recover fees. He further stated that a second meeting was held with all the presidents of the youth organizations in which they discussed more details about the fees and how the light and registration fees would come into play, and that at that time there was a consensus amongst the organization presidents.

Councilmember Tercero asked Councilmember Salcido if the presidents have provided alternatives as to how they would raise the money. Councilmember Salcido responded in the affirmative stating that they are very industrious in fundraising. Mr. Tercero questioned how the city would access the fees because the organizations could not just hand over fundraised money, further stating that they would have to pay for some facility use. Mr. Salcido stated that he agrees that the youth organizations should pay some kind of general surcharge but not a specific surcharge unless they agree to it.

Councilmember Tercero asked City Manager Bates if the item does not get approved tonight if it would affect the budget. City Manager Bates stated that these fees for the organizations would not take place prior to January 1, 2013.

Mayor Pro Tem Camacho requested that in the future staff provide more detailed and complete reports in regard to due diligence.

City Manager Bates stated that in regard to applying fees to organizations where these fees have not been applied before, staff will do their best to get to a consensus amongst the different youth organizations, but could not guarantee a complete consensus.

Mayor Archuleta provided direction to staff to meet with the CYSO for a consensus and to continue the item to the meeting of August 14, 2012.

Mayor Archuleta closed the public hearing.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to pull the CYSO registration fee for further discussion and continue the public hearing to the meeting of August 14, 2012. Motion carries by the following roll call vote:

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

**NOES:** None

Councilmember Salcido stated in regard to facility rentals, that the city previously has not rented recreational facilities out and suggested keeping the policy the same. He stated that he is not in favor of renting out city recreation facilities in order to preserve the cleanliness of the facilities.

Councilmember Tercero asked Mr. Salcido to elaborate. Councilmember Salcido stated that the use of the recreational facilities is strictly community oriented, it's not an enterprise used for non-profit civic and community organizations or local private group/organizations, and that the city is not in that type of business.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to adopt Resolution No. 6693 establishing and revising Parks & Recreation program fees, use of facilities fees, and rules and regulations for use of recreational facilities in conjunction with the fiscal year 2012-13 budget with the exception of the facility rental. Motion carries by the following roll call vote:

Resolution No. 6693 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, RESCINDING RESOLUTION NO. 6530, 6534 AND 6538 AND "INCREASING" PROGRAM FEES AND CHARGES FOR PARKS & RECREATION DEPARTMENT PROGRAMS AND REVISING RULES, REGULATIONS, POLICIES, PROCEDURES AND FEE SCHEDULES FOR THE USE OF RECREATIONAL FACILITIES AND CITY COUNCIL CHAMBERS WITHIN THE CITY OF PICO RIVERA

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

**NOES:** None

**1<sup>st</sup> PERIOD OF PUBLIC COMMENTS – AGENDA ITEMS ONLY:** None.

**CONSENT CALENDAR:**

**4. Minutes:**

- Approved City Council and Successor Agency meeting of June 26, 2012
- Received and Filed Planning Commission meeting of June 18, 2012

**5. Approved 1<sup>st</sup> Warrant Register of the 2012-2013 Fiscal Year. (700)**

Check Numbers: 252393-252629

Special Checks Numbers: None

**6. Installation of Traffic Control Devices – Congestion Relief and Traffic Safety.**

(1400)

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

**7. Smith Park Renovation Project, CIP No. 21218 and Rio Vista Park Renovation Project, CIP No. 21224 – Award Construction Contract. (500)**

1. Awarded a construction contract in the amount of \$12,510,570 to Acon Development, Inc. for the Smith Park Renovation Project, CIP Project No. 21218 and Rio Vista Park Renovation Project, CIP No. 21224, which includes the costs and credits based on the Total Base Bid, deductive and additive alternates, and authorize the Mayor to execute the contract in a form approved by the City Attorney;
2. Appropriated \$1,250,000 in Public Image Enhancement funds, \$22,430 in Park Development Funds and \$35,000 in Recycled Tire Grant Funds to the Smith Park Renovation Project, CIP No. 21218; and

3. Appropriated \$1,250,000 in Public Image Enhancement funds, \$22,430 in Park Development Funds and \$20,000 in Recycled Tire Grant Funds to the Rio Vista Park Renovation Project, CIP No. 21224.

Agreement No. 12-1324

8. **Smith Park Renovation Project, CIP No. 21218 and Rio Vista Park Renovation Project, CIP No. 21224 – Approval of Change Order No. 1.** (500)

1. Authorized the City Manager to approve Change Order No. 1 with Acon Development, Inc. in the amount of \$822,245 to reduce the construction contract amount on the Smith Park Renovation Project, CIP No. 21218 and Rio Vista Park Renovation Project, CIP No. 21224.

9. **Smith Park Renovation Project, CIP 21218 and Rio Vista Park Renovation Project, CIP 21224 – Award Professional Services Agreement for Material Testing Services.** (500)

1. Awarded a Professional Services Agreement in the amount of \$80,540 to Converse Consultants for Material Testing Services for the Smith Park Renovation Project, CIP Project No. 21218, and Rio Vista Park Renovation Project, CIP No. 21224, and authorize the Mayor to execute the contract in a form approved by the City Attorney.

Agreement No. 12-1325

10. **Extended Leave of Absence without pay for Secretary.** (200)

1. Approved an extended leave of absence without pay.

11. **Extended Leave of Absence without pay for Water Systems Operator I.** (200)

1. Approved an extended leave of absence without pay for Water Systems Operator I.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to approve Consent Calendar Items No. 4, 5, 7, 8, 9, 10 and 11. Motion carries by the following roll call vote:

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

**NOES:** None

**CONSENT CALENDAR ITEMS PULLED:**

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

Councilmember Salcido inquired about the U-turn signal at Washington and Rosemead Boulevards. Public Works Director Cervantes stated that this traffic study involved staff evaluating the possibility of removing the U-turn restrictions. He stated that there are three intersections where U-turn restrictions could not be eliminated for safety reasons, as it relates to Washington Boulevard and Rosemead. The northbound U-turn restriction, he stated, would remain in place and that vehicles would be able to make southbound U-turns on Washington and Rosemead Boulevards. Councilmember Salcido suggested that staff look at restricting left-turns and illegal U-turns on Washington Boulevard between the bridge and Passons Boulevard as well.

Motion by Councilmember Salcido, seconded by Councilmember Armenta to receive and file the Congestion Relief and Traffic Study Report. Motion carries by the following roll call vote.

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

**NOES:** None

**CITY COUNCIL LEGISLATION:** None.

**SUCCESSOR AGENCY ACTIVITIES:** None.

**NEW BUSINESS:** None.

**OLD BUSINESS:**

Mayor Archuleta congratulated staff on the successful 4<sup>th</sup> of July event.

Councilmember Tercero requested that the City Manager at the mid-year budget review look for future funding for the Chamber of Commerce.

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

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

John Jirschefske:

- Addressed the City Council regarding 9357 Kruse Road and parking restrictions; problem with full-size commercial trucks making turns into facility when vehicles are parked on both sides of the street; requested painting of red curb on south side of Kruse Road.

Nora Chen, Rivera Librarian:

- Addressed the City Council regarding summer reading program; workshop Parent Café; fundraiser at Shakey's for Friends of the Library on Thursday, July 12, 2012 from 5:30 p.m. to 8:30 p.m.

Charles Patino:

- Addressed the City Council regarding commercial vehicles parked on Telegraph Road and safety hazards; suggested posting parking restrictions during certain hours.

Roddie Rodriguez, President of the Pico Rivera Concerned Citizens Committee:

- Addressed the City Council to speak about improved safety in the city; news article in *Whittier Daily News* concerning a Councilmember; spoke highly of Councilmember Salcido.

John Belmonte, Vice President of the Pico Rivera Concerned Citizens Committee:

- Addressed the City Council regarding disbanding advisory commissions; praised Sheriff's Department for keeping the city safe; spoke highly of Councilmember Salcido.

Daniel Cortinas:

- Addressed the City Council regarding a sound wall along the railroad from Passons Boulevard to Pico Vista Road.

Barbara Diaz:

- Addressed the City Council regarding planting trees along the railroad to act as a sound wall and to help provide oxygen; spoke of saving the canopy of trees at Smith Park (Mustang Field).

Linda Martinez:

- Addressed the City Council regarding St. Hilary Catholic Church Fiesta August 17, 18 and 19; asked for community to help with donations for raffles; St. Hilary Church will provide letters for tax identification numbers for donations.

**ADJOURNMENT:**

Mayor Archuleta adjourned the City Council meeting at 7:15 p.m. in memory of David Duran, Teacher at El Rancho High School. There being no objection it was so ordered.

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

**NOES:** None

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Bob J. Archuleta, Mayor

**ATTEST:**

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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 July 10, 2012 and approved by the City Council on July 24, 2012.

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Anna M. Jerome, Assistant City Clerk



Thursday, June 14, 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 Garcia and seconded by Vice Chair Cruz and carried on roll call vote to approve the Minutes of May 10, 2012.

**PUBLIC COMMENTS:** None

**AGENDA ITEMS:**

1. **NEW BUSINESS:** None

2. **OLD BUSINESS:**

- a) Update Park Facility Issues - Nothing for this month
- b) Parks and Recreation proposed Department Budget - Budget request for the 2012-2013 fiscal year is \$800,000 less than this year; which consists of the following:
  - \$600,000 reduction in salary and wages
  - \$200,000 reduction in maintenance and operations

The following departmental changes will be made due to the financial impact:

- Reduction of hourly facility supervision staff at the community centers during supervision hours.
- Reduction in Community center hours during the non-peak periods.
- Reduction of dedicated outdoor supervision staff hours.
- Reduction of hourly child supervision staff hours that do not impact the programs or supervision of students.
- The Department's Executive Assistant position will not be filled.
- There will no longer be a community center at Rio Vista Park which will allow for cost savings.

Director Aranda stated that programs and services will not be significantly impacted with these changes.

Request for increasing program fees, adding non-resident fees, and revision to the facility rental rules and regulations resolution will be presented at the July council meeting.

Commissioner Torres asked if there could be staff supervision hours posted on the door at the community center.

Commissioner Torres asked what the age limit was for the Summer Lunch Program to which Director Aranda responded 17 and under.

Commissioner Garcia asked what time will the restrooms be opened if staff supervision is not scheduled. Director Aranda responded that the custodians will open them in the morning and will service them through out the day. He continued to say that on the weekends there is a roving crew that makes stops through out the day at the park sites to open and close them. Director Aranda stated that with the completion of the renovated parks, the new restrooms will be on an automatic locking system which will open and lock on a set timer therefore no longer needing staff to be present.

### 3. DIRECTOR'S REPORT

Upcoming Events –Director Aranda introduced the following upcoming events:

1. Aquatic Center's Splash Bash June 15, 2012
2. Tiny Tot Graduation June 15, 2012
3. Summer Lunch Program Begins June 18, 2012
4. City Council & Employee vs. Go-getters game June 22, 2012
5. Pio Pico Toy Loan Program June 27, 2012
6. Independence Day Celebration July 4, 2012
  - Smith and Rio Vista Parks Ground Breaking ceremony is tentatively scheduled. Once confirmed an invitation will be sent to commission.
7. CYSO President's meeting July 11, 2012
  - a. Chair Palombi and Commissioner Gomez attending.

#### Project Updates

1. Rivera Park – Baseball games were played on the fields last Saturday. Director Aranda has been pressuring the contractor to have the construction completed by July. Outfields have new sod. Other areas are scheduled for hydro seeding. A meeting will take place on Monday to discuss remaining construction issues. PR Dons football practice will utilize Rivera Elementary for a few weeks.
2. Smith Park/Rio Vista Park Construction – Bids were opened up this afternoon. The construction award should be on the City Council agenda on June 26. Construction is scheduled to tentatively start on July 9.

3. Rosemead Blvd. and Mines Ave. – Currently working on the traffic signal and landscape areas. Construction on street is almost complete.
4. County Library – Building has been demolished and they are currently working on the grounds. Construction is scheduled to last about one year. A temporary library is set up at Pico Park.
5. Streamland Park Amenities – Due to park goers playing volleyball in an unsafe area, the department has purchased volleyball poles and will install those on the west side of the park by the picnic areas. Portable backstops that were used by Rivera Baseball Association will be brought over to accommodate more practice areas. Also staff will be relocating some bleachers that were at Rivera Park to Streamland Park. The murals that were worked on during the KaBOOM! project, are now up to add color and character to the park. Also, a tree was removed that was located in left field of the new tee ball field.

c) Department Information – Director Aranda explained the following:

1. Summer Program Registrations – Registration began June 9. A total of 1,422 participants have registered. The department has taken in \$87,000 in revenue.
2. Parks Make Life Better Month – Used to be known as “Parks and Recreation month”. There will be a City Council Proclamation on July 10 proclaiming that Parks Make Life Better. Director Aranda will try and get Special Olympic athletes to accept the proclamation award. The Parks and Recreation department has created calendar full of variety of activities to signify the month of July.
3. Sugar Awareness Presentation – This presentation, in partnership with the California Center for Public Health, will talk to the Teens about sugar consumption, and about making smarter and healthier food and beverage choices. Presentation will be held at the Youth Center on June 18 at 5:00 p.m.

**COMMISSIONER’S REPORTS**

**Gomez** - Is really impressed with how Rivera Park is turning out. He also stated that he can’t wait to see the other parks when they are done. Director Aranda commented that even though completion has been delayed, the product is great.  
- Complemented staff at the Senior Center for their great customer service.

**Garcia:** - Attended the El Rancho scholarship giveaway and it was good to see the amount of scholarships that were given to Pico Rivera students.

- Attended the 3 game series at Rivera Park, and noticed that staff took it upon themselves to make signage in regards to eating sunflower seeds in order to prevent any damage to the drains.
- Stated that the scoreboard should have been placed in the center of the field. Director Aranda responded that he spoke to the architect and the scoreboard cannot be placed in the center because it will be in the line of vision to the batter.
- Suggested to place more trash cans throughout the park.
- Did not see any poles for shade over the bleachers. Director Aranda responded, that there will be poles placed once the bleachers are completed.
- There is an area of landscape where game goers sit and watch the game; he suggested not planting anything in that location because it will be ruined by people placing their chairs to watch the game.
- Felt that the Parks and Recreation commission provided excellent input and guidance through this year's budget.

**Palombi:**

- Nothing to report on the park facility issues.
- Would like to attend the next CYSO quarterly meeting.

**Torres:**

- Commented that he was glad to be a part of the KaBOOM! project and was very happy with the event.
- He would like to see the leagues get invoiced for the lights in one lump sum as apposed to a percentage of what they use.
- Asked if there are drains in the dugouts at Rivera Park to make it easier to clean up sunflowers seeds. He suggested adding screens to help prevent seeds from entering the drains. Commissioner Torres also asked if there were water spigots inside the dugouts. Director Aranda responded that there are water coupler connections located outside the dugout on the warning tractor. Commissioner Torres asked if we could add water coupler connections on each side of the field for the upcoming park renovations. Director Aranda commented that for the Smith Park renovation there will be water coupler connections on both sides of the field and one in the center of the infield.
- Asked if the number of parking spots on Rosemead Blvd and Mines Ave increased or decreased.
- Gave kudos on the up keep and maintenance of Skate Park.

**Cruz:**

- Stated that it is good to see construction and the renovating of the parks in Pico Rivera especially during these hard economic times for other cities.

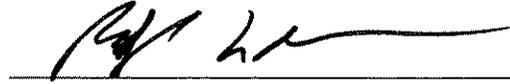
- Complemented the Senior Center staff for their helpfulness and great customer service skills.

**ANNOUNCEMENTS – None**

**ADJOURNMENT:**

The Parks & Recreation Commission meeting was adjourned at 6:45 p.m. There being no objection it was so ordered.

  
Joseph Palombi, Chair  
Parks & Recreation Commission

  
Ralph Aranda, Secretary  
Director of Parks & Recreation





**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** July 24, 2012  
**Subject:** FISCAL YEAR 2011-12 CLOSING BUDGET ADJUSTMENTS

**Recommendations:**

Approve Fiscal Year 2011-12 Budget Adjustments.

**Fiscal Impact:**

Increase General Fund Appropriations by \$1,394,500 from Fund Balance and Water Authority Fund Appropriations by \$156,800 from Fund Balance.

**Discussion:**

The budget process provides for adjustments to the Budget to align the budgeted revenues and expenditures with the most current information or make corrections. The need for the proposed adjustments was noted during our review of the accounting records. The proposed budget adjustments from fund balance are as follows:

- 1) General Fund Budget Adjustments
  - a) Increase General Fund Budget Transfers out to Equipment Replacement Fund by \$1,000,000. The transfer was budgeted in FY2010-11, but it was inadvertently not made. By budgeting the transfer in the current fiscal year, we can make the needed transfer in fiscal year 2011-12.
  - b) Increase General Fund Non-Departmental retirement incentive expenditures by \$159,400 for the retirement incentive for retirees retiring prior to June 30, 2012. On June 30, 2012, we were able to determine how much to budget for the early retirements under the City's early retirement incentive plan.

- c) Increase the General Fund Non-Departmental insurance expenditure by \$235,100. The increase in budget is for payment to California JPIA, for a retrospective premium adjustment. The Joint Powers Insurance Authority provides a 2% discount for payment before June 30, 2012.
- 2) Increase the Water Fund insurance expenditure by \$156,800. The increase in budget is for payment to California JPIA, for a retrospective premium adjustment. The Joint Powers Insurance Authority provides a 2% discount for payment before June 30, 2012.

The 2012-13 beginning balances in the budget included these clean-up adjustments to 2011-12.



Ronald Bates  
City Manager

RB:MM



**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** July 24, 2012

**Subject:** 2012 HOME INVESTMENT PARTNERSHIP PROGRAM GRANT APPLICATION

**Recommendation:**

Adopt the resolution authorizing the submittal of a grant application to the California Housing and Community Development Department for HOME Investment Partnership Program grant funds.

**Fiscal Impact:**

If awarded, \$500,000 in grant funds would be made available for the Housing Rehabilitation Loan Program.

**Discussion:**

The City's Housing Rehabilitation Loan Program allows loans to homeowners of up to \$60,000 for housing repairs and improvements. The loans are due at the end of 30 years and have a 0% interest rate. This year, the City expended the remaining HOME Investment Partnership (HOME) Program grant funds awarded in 2009. In total, the City completed 18 housing rehabilitation projects and expended \$737,500 of HOME Grant funds. Staff is now requesting to apply for the 2012 Notice of Funding Availability (NOFA) HOME grant funds in the amount of \$500,000, the maximum allowable amount. Per HOME grant requirements, a resolution must be adopted authorizing the submittal of the application and authorizing the City Manager and/or the Community and Economic Development Department Director to execute the standard agreements.

COUNCIL AGENDA MEMO – MTG. OF JULY 24, 2012  
2012 HOME GRANT APPLICATION RESOLUTION  
Page 2 of 2

Staff will receive notice by December of 2012, if the City's application was successful in the competitive grant process.

A handwritten signature in black ink, appearing to read "Ronald Bates", with a long horizontal flourish extending to the right.

Ronald Bates

RB:JG:av

Attachment: Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM**

**WHEREAS:**

- A. The California Department of Housing and Community Development (the "Department") is authorized to allocate HOME Investment Partnerships Program ("HOME") funds made available from the U.S. Department of Housing and Urban Development ("HUD"). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200.
- B. On June 1, 2012 the Department issued a 2012 Notice of Funding Availability announcing the availability of funds under the HOME program (the "NOFA").
- C. In response to the 2012 NOFA, the City of Pico Rivera a political subdivision of the State of California (the "Applicant"), wishes to apply to the Department for, and receive an allocation of, HOME funds.

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

**SECTION 1.** In response to the 2012 NOFA, the Applicant shall submit an application to the Department to participate in the HOME program and for an allocation of funds not to exceed five hundred thousand dollars (\$500,000) for the following activities and/or programs:

HOME funds will be used to provide loans of up to \$60,000 to eligible owner-occupants for the rehabilitation of their homes. Loans will be deferred until the sale or transfer of the property, or when the property ceases to be the borrower's principle place of residence and due at the end of 30 years. The loan will have a 0% interest rate.

**SECTION 2.** If the application for funding is approved, then the Applicant hereby agrees to use the HOME funds for eligible activities in the manner presented in its application as approved by the Department in accordance with the statutes and regulations cited above. The Applicant may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).

**RESOLUTION NO. \_\_\_\_\_**  
**PAGE 2 OF 2**

**SECTION 3.** The applicant authorizes the City Manager *and/or* the Community Economic Development Director or designee(s) to execute, in the name of the applicant, the required documents.

**SECTION 4.** The City Clerk shall certify to the adoption of this Resolution and hereafter the same shall be in full force and effect.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of July, 2012.

\_\_\_\_\_  
Bob J. Archuleta, Mayor

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

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

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**



**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** July 24, 2012

**Subject:** PASSONS BOULEVARD UNDERPASS PROJECT (CIP NO. 20053)  
– AMENDMENT NO. 5 TO PROFESSIONAL SERVICES  
AGREEMENT NO. 09-1102 WITH HDR ENGINEERING

**Recommendation:**

Approve Amendment No. 5 to Professional Services Agreement No. 09-1102 with HDR Engineering, Inc. (HDR) for an amount not to exceed \$162,099 for additional construction support services in accordance with the scope of work and fee proposal dated July 17, 2012, and authorize the Mayor to execute Amendment No. 5 in a form approved by the City Attorney.

**Fiscal Impact:** \$162,099 (Statewide Transportation Improvement Program Grant Funds)  
CIP Account No. 210-7300-44500-00020053

**Discussion:**

On July 7, 2009, HDR was awarded a professional services agreement to provide construction support services for the Passons Underpass Project. Since its original award, the contract has funded essential services in the area of design, pre-construction and construction support. The total approved contract to date is \$781,547.

Additional construction support services are necessary to accommodate an extended construction schedule, through completion of construction. The schedule was extended six months due to utility company and contractor delays.

Amendment No. 5 includes the scope of work necessary through the end of construction. Proposed services include engineering reviews; preparing responses to RFIs (Requests for Information); reviewing and approving technical submittals; addressing unforeseen conditions when encountered in the field; additional design services to address the impact of construction activities on the existing public improvements adjacent to the construction zone; and preparing a traffic signal modification plan at Passons Boulevard and Slauson Avenue.

The negotiated fee proposal is for \$162,099. It includes \$150,205 for construction support services and \$11,894 for new design services. These additional services are budgeted and will be funded by State grant funds which can only be used on the subject project (unused funds revert to the State).

In total, the amended contract amount will be \$943,646 which includes preconstruction design services (\$338,542), construction support services (\$466,685), and new design services requested during construction (\$138,419).

As a status update, the Passons Boulevard Underpass Project is proceeding under budget and is less than six months from completion. Major milestones completed to date include right-of-way acquisition, demolition and mass grading, utility relocation, railroad shoofly (temporary railroad tracks), new railroad bridge, and retaining walls. Pending improvements include the storm water pump station, roadway and landscaping, lighting and peripheral improvements. The project is scheduled for completion in December of 2012.



Ronald Bates

RRB:AC:JL:lg

Enc.

- 1) Amendment No. 5 to Professional Services Agreement (PSA)
- 2) Exhibit "A-1" to Amendment No. 5 to PSA – Proposal from HDR Engineering, Inc., dated July 17, 2012

**AMENDMENT NO. 5  
TO THE PROFESSIONAL SERVICES AGREEMENT  
WITH HDR ENGINEERING INC., AGREEMENT NO. 09-1102**

**THIS AMENDMENT NO. 5 TO AGREEMENT NO. 09-1102 FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING INC.** ("Amendment No. 5"), 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 HDR Engineering, Inc. ("CONSULTANT").

**RECITALS**

- A. CITY and CONSULTANT (collectively referred to as the "PARTIES") have previously executed that certain Agreement for Professional Services, Agreement No. 09-1102 ("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 construction support services as set forth in the Consultant's Proposal to City dated July 17, 2012, attached hereto as Exhibit "A-1".

**2. TIME FOR COMPLETION OF MODIFIED WORK AND SERVICES.**

Consultant shall undertake and complete the modified work and services set forth in Exhibit "A-1", within nine (9) months of approval and issuance of Notice to Proceed. Notwithstanding any other provision of this Amendment No. 5, 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. However, the "Expiration Date" defined in Section 3.4 is hereby amended as follows:

Section 3.4 "Expiration Date". Three months after the completion of the construction of the Parsons Boulevard Underpass, CIP No.20053, which will be marked by the City Council's approval of the "Notice of Completion" for said project.

**3. MODIFICATION OF CONSULTANT'S COMPENSATION.**

The compensation to be paid by CITY to CONSULTANT for the modified work and services identified in this Amendment No. 5 shall be as follows:

Total compensation in accordance with the Consultant's Fee Proposal dated July 17, 2012 for an amount not to exceed \$162,099 (One hundred sixty two thousand and ninety nine dollars) attached hereto as Exhibit "A-1".

**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. 5 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. 5.

*[End of Amendment No. 5. Signatures to follow.]*

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment No. 5 to be executed and attested by their respective officers hereunto duly authorized.

"CITY"  
CITY OF PICO RIVERA

"CONSULTANT"  
HDR ENGINEERING, INC.

\_\_\_\_\_  
Honorable Mayor Bob J. Archuleta

  
\_\_\_\_\_  
Title: Vice President

Dated: \_\_\_\_\_

Dated: 7/18/12

ATTEST:

APPROVED AS TO FORM

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

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

Exhibit "A-1"

July 17, 2012

Mr. Art Cervantes  
c/o Mr. Jose Loera  
City of Pico Rivera  
6615 Passons Blvd.  
Pico Rivera, CA 90660

**Subject: Request for Contract Amendment**  
Passons Boulevard Grade Separation (Agreement No. 09-1102)

Dear Mr. Cervantes:

HDR is currently under contract with the City of Pico Rivera to provide construction support services related to the subject project. The purpose of this letter is to request an amendment to our current scope and respective fee in the amount of \$162,099 to continue the engineering reviews and responses to contractor requests for information and submittals.

We look forward to providing the professional services requested and should you have any questions please contact me at (714) 368-5657 if you have any questions or would like to discuss this request.

Respectfully,

**HDR ENGINEERING, INC.**

Steven R. Leathers, P.E.  
Project Manager

Enclosures:  
Scope of Work  
Fee Breakdown

## Scope of Work

### **Task 100 – Project Management**

No changes to current contract requested at this time.

### **Task 200 – Pre-Bid Support**

No changes to current contract requested at this time.

### **Task 300 – Utility Support**

No changes to current contract requested at this time.

### **Task 400 – Bid Support**

No changes to current contract requested at this time.

### **Task 500 – Site Visits & Meetings**

No changes to current contract requested at this time.

### **Task 600 – Submittal Reviews**

The number of construction submittals, including materials and shop drawings, has exceeded the anticipated number of reviews included in our current scope of services. To date, there have been 55 submittals that have required 93 reviews due to comments not being adequately addressed and/or incomplete submittals. In the spirit of partnering, HDR has facilitated discussions with BNSF and participated in numerous conference calls with the Contractor, their subcontractors, and the City's CM team. These conference calls, meetings, and "interim" submittal reviews have been provided by HDR in addition to the 93 formal reviews. At the time of our previous contract change order in 2011, we had received 15 submittals and completed 37 reviews for this project. At that time we had anticipated an additional 23 submittals would be received for a total of 38 to complete the project. We propose that the current allowance for this task be increased by \$104,052 to cover the effort expended to date for the additional 17 submittals and to continue to review/respond to contractor submittals. We anticipate that there may be up to another 25 submittals to close out the project later this year. This is a budget amount and may be adjusted based on the actual level of effort required.

### **Task 700 – RFI, MTD, & CLA Reviews**

The number of RFIs has increased on this project, primarily due to issues resulting from poor construction workmanship, and/or changes initiated/requested by the contractor, resulting in additional reviews, conference calls, and discussions with BNSF. To date, we have received and responded to 71 RFI's, an excessive number based on this type of project. At the time of the previous contract change order, we had reviewed and responded to 19 RFI's.

We propose that the current allowance for this task be increased by \$126,484 to continue to review/respond to contractor RFIs, the volume of which is unpredictable, but based on the history of RFI's on this project, is estimated to be up to another 40 to complete the project. This is a budget amount and may be adjusted based on the actual level of effort required.

### **Task 800 – As-Built Plans**

No changes to current contract requested at this time.

### **Task 900 – Revise Project Plans**

No changes to current contract requested at this time.

#### *Subtask 901 – Revise Driveway and Off-Site Improvements 7619 Passons*

No changes to current contract requested at this time.

#### *Subtask 902 – Maisland School Off-Site Improvements*

No changes to current contract requested at this time.

#### *Subtask 903 – Upgrade Street Lighting to LED*

The City has elected not to perform this work. Credit of \$13,005.

#### Subtask 904 – Upgrade Landscaping

The City has elected not to perform this work. Credit of \$7,241.

*Subtask 905 – R&R Rivera Road (Slauson to Passons & Passons to San Gabriel River)*  
The City has elected not to perform this work. Credit of \$60,084.

*Subtask 906 – Signal Improvements at Passons/Rivera*  
No changes to current contract requested at this time.

*Subtask 907 – Off-Site Improvements at 7584 Lemoran*  
No changes to current contract requested at this time.

*Subtask 908 – Intersection Improvements at Passons Boulevard/Slauson Avenue*

The City would like to provide improvements at the intersection of Passons Boulevard and Slauson Avenue including upgrading the existing traffic signal system, upgrade the striping on the south, east, and west leg of the intersections for a distance of 500 feet, and street improvements (raised median nose modification and upgrading the south west and east access ramps).

HDR will prepare a traffic signal modification/upgrade design plan, HDR will prepare project specific specifications and engineer's opinion of probable construction cost for the traffic signal and signing and striping improvements and modifications.

Deliverables:

1. Five (5) full-sized plots of the traffic signal upgrade design plan.
2. Five (5) sets of technical specifications.
3. One (1) estimate of engineers opinion of probable construction cost

Assumptions

1. Assumes one review from the Community Development and Engineering Department
2. Additional survey/site data to be provided by others (Psomas/Harris) if needed.
3. Electrical service for signal/lighting to be provided by Edison; HDR will define power needed and location of meter cabinet.
4. Environmental studies/mitigation/acceptance is not included in this scope of work

Fee: \$11,894

Total Combined Fee (Including Credit Items):

HDR will include the tasks described in the contract amendment on a time and material basis for a not-to-exceed fee of \$162,099.





**To:** Mayor and City Council

**From:** City Manager

**Meeting Date:** July 24, 2012

**Subject:** ROSEMEAD BOULEVARD REHABILITATION, TELEGRAPH ROAD TO WASHINGTON BOULEVARD - NOTICE OF COMPLETION

**Recommendation:**

- 1) Accept as complete, effective July 16, 2012, work performed by All American Asphalt on the Rosemead Boulevard Rehabilitation, Telegraph Road to Washington Boulevard, CIP No. 21226, Federal Nos. HPLUL 5351(019), DEM 04-5351(020), DEM 03-5351(021) and instruct the City Clerk to file the Notice of Completion with the Los Angeles County Recorder; and
- 2) Approve Change Orders No. 1, No. 2, No. 3 and No. 4 for an amount of \$18,055, \$20,268, \$23,439, and \$157,819, respectively, necessary to fund additional project improvements and authorize the Director of Public Works to execute the change orders.

<b>Fiscal Impact:</b>	State DemoTEA-21	\$627,700
	State SAFETEA-LU	\$71,992
	Federal STP-L	\$627,000
	<u>Proposition C</u>	<u>\$400,308</u>
	Total:	\$1,727,000

**Discussion:**

At its meeting of January 10, 2012, the City Council awarded a construction contract in the amount of \$1,255,000 to All American Asphalt for the construction of the Rosemead Boulevard Rehabilitation Project, from Telegraph Road to Washington Boulevard (Federal Project Nos. HPLUL 5351(019), DEM 04-5351(020), DEM 03-5351(021), CIP No. 21226).

Construction is complete effective July 16, 2012. All American Asphalt completed the work per the approved plans and specifications. Work consisted of roadway pavement overlays and reconstruction, ADA upgrades, curb, gutter and sidewalk repairs, minor repairs of the roadway median, minor traffic signal upgrades and installation of artificial turf.

Additional work was necessary and is summarized in the following change orders, which are available at the Public Works Department for review:

COUNCIL AGENDA REPORT – MTG. OF 7/24/12

ROSEMEAD BOULEVARD REHABILITATION, TELEGRAPH ROAD TO WASHINGTON  
BOULEVARD - NOTICE OF COMPLETION

Page 2 of 2

- Change Order No. 1, in the amount of \$18,055, was for additional work which included underground conduit for a future traffic signal at the intersection of Rosemead Boulevard and Terradell Street.
- Change Order No. 2, in the amount of \$20,268, was for additional work which included additional median curb, construction of spandrels to accommodate access ramps, leveling course, and credit for inspection of work on weekends.
- Change Order No. 3, in the amount of \$23,439, was for the removal of old traffic signal pressure pads, replacement of a parkway drain, installation of one additional course of block on slough wall, restriping of 3rd lane north of Washington and liquidated damages. This change order also included liquidated damages in the amount of \$6,000.
- Change Order No. 4, in the amount of \$157,819, was necessary to adjust estimated bid quantities to actual construction quantities. Quantities adjustments were made to excavation, roadway paving, sidewalk construction, access ramps, median curb, cobble stone, artificial turf, as well as curb and gutter.

The project was partially funded with Federal Funds which revert to the Federal Government if they are not fully exhausted. Since the project was progressing under budget, the change orders were instrumental to exhausting the Federal Funds.

The final construction cost was \$1,474,581, which consists of the original contract amount (\$1,255,000) plus the total amount in change orders (\$219,581). Of this amount \$1,326,692 will be paid for with Federal funds and the balance with State funds.

The project was completed on time and under budget. The total project budget was \$1,825,500 and the actual cost was \$1,727,000 inclusive of design, construction management and support, construction, job costing, and federal reporting services.

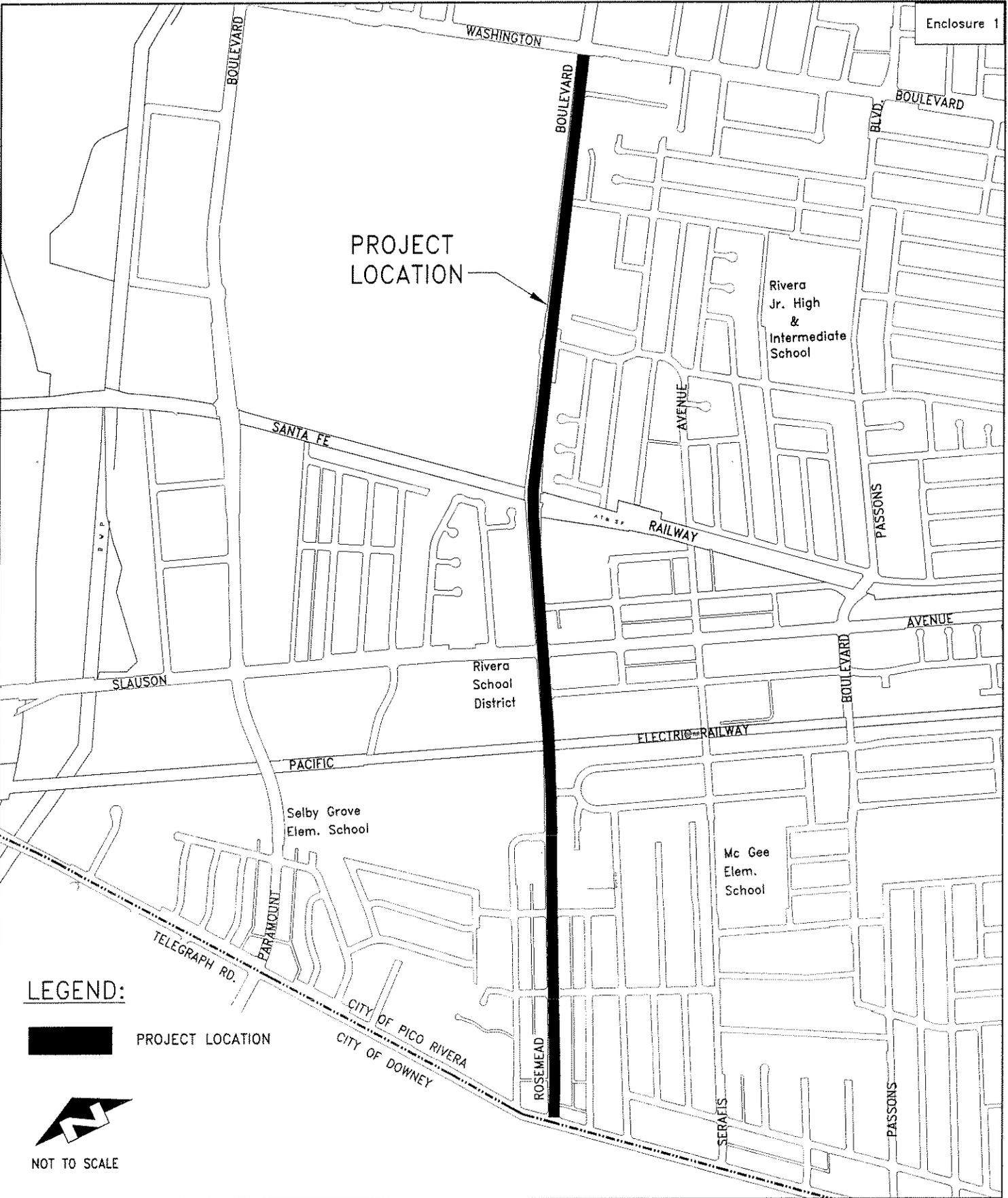


Ronald Bates

RRB:AC:JL:lg

Enc.

1) Location Map



PROJECT LOCATION

Rivera Jr. High & Intermediate School

Rivera School District

Selby Grove Elem. School

Mc Gee Elem. School

LEGEND:

PROJECT LOCATION



NOT TO SCALE

CITY OF PICO RIVERA

DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION

ROSEMEAD BOULEVARD REHABILITATION EXHIBIT



PREPARED BY: M. NGUYEN

SCALE: NOT TO SCALE

DATE: 07-13-12





**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** July 24, 2012  
**Subject:** TELEGRAPH ROAD LANDSCAPE MEDIAN IMPROVEMENT PROJECT, CIP NO. 21232 - AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION

**Recommendation:**

- 1) Approve Plans, Specifications and Estimate (PS&E) for the Telegraph Road Median Improvement Project, Passons Boulevard to Rosemead/Lakewood Boulevard, CIP No. 21232; Federal Project Nos. HSIPL-5351(022), EA# 07-933969L; and
- 2) Authorize the City Clerk to publish the Notice Inviting Bids; and
- 3) Approve the Notice of Exemption for the subject project and authorize the City Clerk to file with the County Recorder; and
- 4) Approve Amendment No. 1 to Agreement No. 11-1235 with the City of Downey necessary to fund additional construction improvements within the City of Downey.

**Fiscal Impact:** \$900,000 (Highway Safety Improvement Program, Federal Grant Funds)  
\$539,741 (City of Pico Rivera, Proposition C, State Local Return Funds)  
\$1,122,620 (City of Downey Funds)  
\$2,562,362 Total Budget

**Discussion:**

The City's Capital Improvement Program includes the Telegraph Road Landscape Median Improvement Project. This safety project entails installing landscape medians, rehabilitating roadway pavement, sidewalk repairs, ADA upgrades, and implementing other safety improvements, such as equipping traffic signals with battery backup units and repairing damaged sidewalk, on Telegraph Road, from Passons Boulevard to Rosemead/Lakewood Boulevard (Project).

In May 2011, the City Council awarded design of the Project. The design phase is complete and the Project is ready for bid and construction.

Pursuant to the guidelines of the California Environmental Quality Act, the Telegraph Road Landscape Median Improvement Project is categorically exempt under Class 1(c) for existing facilities. Under CEQA, a project is exempt if the scope of work is limited to the repair, maintenance, and minor alterations of an existing street and sidewalk.

The engineer's estimate for construction is \$2,173,000 and it will be funded with Federal and State funds, Proposition C funds and City of Downey funds. The total project budget is \$2,562,362 which will fund design, construction support, construction management, job costing, and other miscellaneous services such as federal invoicing and reporting.

The Cities of Pico Rivera and Downey are partners in this multijurisdictional project; the centerline of Telegraph Road is also the City limits. A \$900,000 Highway Safety Improvement Program (HSIP) Federal grant was awarded to both Cities, with Pico Rivera as the lead agency, to partially fund this project.

On June 28, 2011, the City Council approved an agreement with the City of Downey to fully fund design and construction making both Cities responsible for 50% of the project costs associated with the work on Telegraph Road. During design, it was determined that the south half of Telegraph Road, within the City of Downey, requires additional work due to the poor subgrade conditions under the existing pavement. The additional estimated cost is \$322,236 which will be fully funded by Downey.

Amendment No. 1 reflects Downey's increased share and outlines the appropriate share of the project costs for other work in the intersection of Telegraph Road at Rosemead/Lakewood Boulevard not previously accounted for.

Federal and State funds will be used on the project. Approval has been received from Caltrans, known as an E-76, to begin expending project funds. As such, the project is ready to be advertised for construction.

The estimated schedule for construction is:

- Authorization to Advertise..... June 2012
- Bid Opening..... August 2012
- Award Construction..... August 2012
- Construction..... September 2012 to January 2013

Plans and specifications are available for review in the Public Works Department.

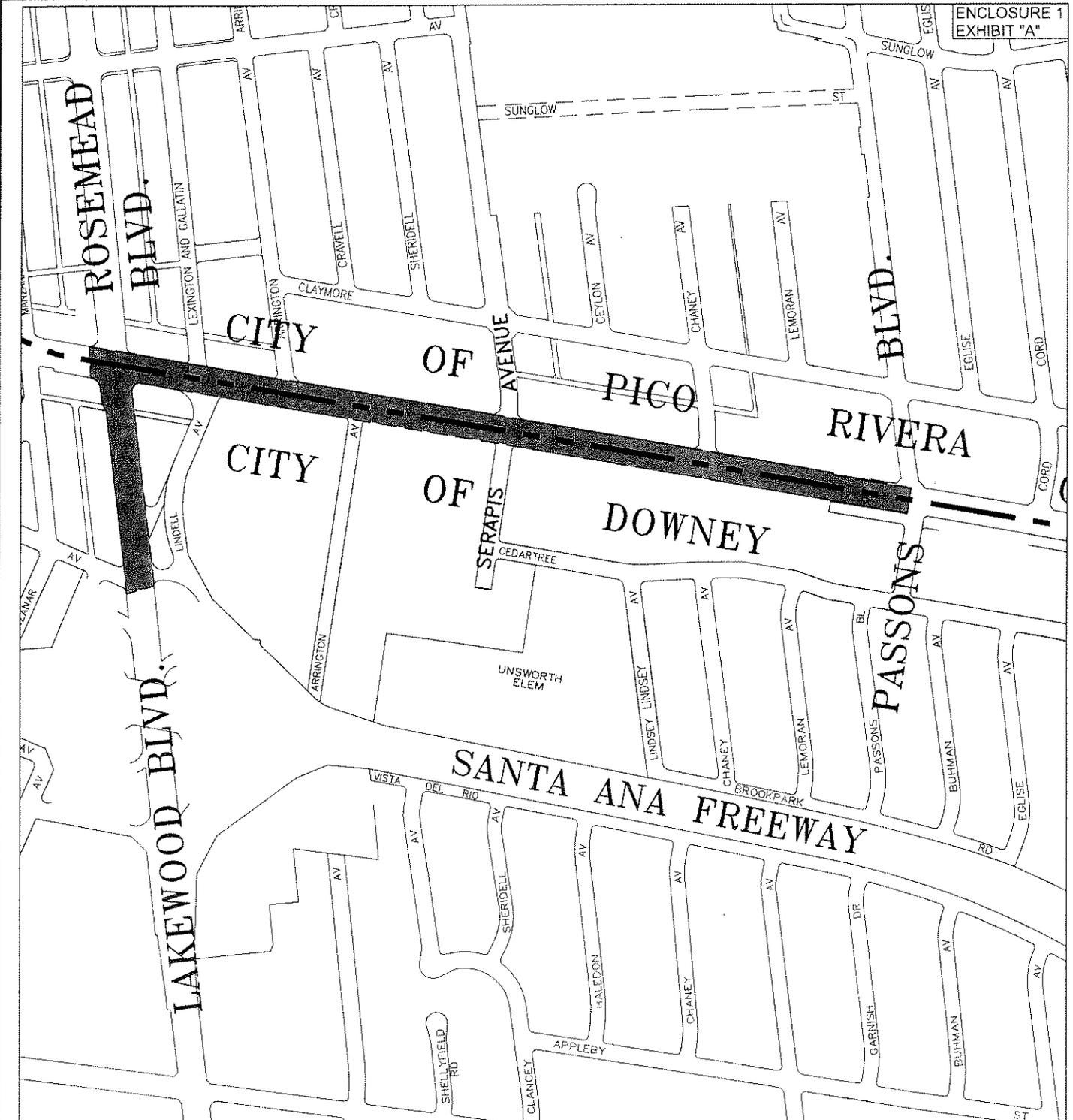


Ronald Bates

RRB:AC:RG:lg

Enc.

- 1) Exhibit A – Telegraph Road Exhibit – Project Limits
- 2) Amendment No. 1 to Agreement No. 11-1235
- 3) Notice of Exemption



LOCATION MAP  
NTS

LEGEND:

-  CITY BOUNDARY
-  PROJECT LOCATION



# CITY OF PICO RIVERA

DEPARTMENT OF PUBLIC WORKS - ENGINEERING DIVISION

TELEGRAPH RD. - RAISED MEDIAN IMPROVEMENT

PREPARED BY: M. NGUYEN

SCALE: NOT TO SCALE

DATE: 06-06-12



**AMENDMENT NO. 1  
TO AGREEMENT NO. 11-1235, AGREEMENT BETWEEN  
THE CITY OF PICO RIVERA AND THE CITY OF DOWNEY  
FOR THE TELEGRAPH ROAD RAISED MEDIAN ISLAND  
IMPROVEMENTS, CAPITAL IMPROVEMENTS PROJECT  
NO. 21232**

**THIS AMENDMENT NO. 1 TO AGREEMENT NO. 11-1235** (“Amendment No. 1”), effective as of the date specified in Paragraph 6 hereof, is made and entered into by and between the CITY OF PICO RIVERA (“Pico Rivera”), and the CITY OF DOWNEY (“Downey”).

**RECITALS**

**WHEREAS**, Pico Rivera and Downey (collectively referred to as the “Parties”, and individually as “Party”) have previously executed that certain *AGREEMENT NO. 11-1235, AGREEMENT BETWEEN THE CITY OF PICO RIVERA AND THE CITY OF DOWNEY FOR THE TELEGRAPH ROAD RAISED MEDIAN ISLAND IMPROVEMENTS, CAPITAL IMPROVEMENTS PROJECT NO. 21232* (“Agreement”) relating to the cooperative construction of the Telegraph Road Raised Median Island Project (“Project”); and

**WHEREAS**, the Parties desire to amend said Agreement as set forth herein, pursuant to Section 17 of the Agreement.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**1. MODIFICATION OF THE RECITALS OF THE AGREEMENT**

**The third paragraph of the “RECITALS” of the Agreement shall be amended as follows:**

**WHEREAS**, on July 2008, Pico Rivera received a federal grant from the Highway Safety Improvements Program, in the amount of \$900,000, for the construction of a raised median island on Telegraph Road, from Passons Boulevard to Rosemead Boulevard/Lakewood Boulevard. Said funds require a match of 10% and are assigned to both Parties at a rate of 50%. It is estimated that the cost for ~~improvements on Telegraph Road is \$1,500,000.00~~ the Project is \$2,562,362.00, inclusive of Professional and Construction Services. ~~Each Party is responsible for 50% of actual costs.~~

**2. MODIFICATION OF THE PROJECT SCOPE**

**“SECTION 3. Project Scope” of the Agreement is hereby amended as follows:**

The scope of the Project has ~~two (2)~~ three (3) parts, described and referred to in this Agreement as Project Part A, ~~and Part B,~~ and Part C.

Project Part A includes the following work to be performed on Telegraph Road between Passons Boulevard and Rosemead Boulevard/Lakewood Boulevard, and pursuant to Section 5 of this Agreement, the City of Downey shall reimburse the City of Pico Rivera for fifty-eight percent (58%) of Pico Rivera's Costs Incurred from Project Part A:

- 1) Installing new raised landscaped medians;
- 2) Installing street trees, lawns and parkways;
- 3) Pavement rehabilitation;
- 4) Curb, gutter and sidewalk upgrade;
- 5) Americans with Disabilities Act improvements;
- 6) Minor traffic signal improvements;
- 7) Any additional improvements deemed necessary by the Parties; ~~and~~
- 8) Services necessary to implement the Project, including, but not limited to, planning, design and environmental services, construction and construction management, funding management, and project management; and
- 9) Downey's removal and construction of asphalt concrete in accordance with Item 37 of the Construction Cost Estimate attached as Exhibit "A".

Project Part B includes the following work to be performed on Lakewood Boulevard between Telegraph Road and Vista del Rosa Street, and pursuant to Section 5 of this Agreement, the City of Downey shall reimburse the City of Pico Rivera for one hundred percent (100%) of Pico Rivera's Costs Incurred from Project Part B:

- 1) Pavement rehabilitation;
- 2) Concrete improvements including curb, gutter and sidewalk improvements;
- 3) Any additional improvements deemed necessary by the City of Downey; and
- 4) Services necessary to implement the Project, including, but not limited to, planning, design and environmental services, construction and construction management, funding management, and project management.

Project Part C includes the following work to be performed at the intersection of Telegraph Road and Rosemead Boulevard/Lakewood Boulevard, and pursuant to Section 5 of this Agreement, the City of Downey shall reimburse the City of Pico Rivera for fifty percent (50%) of Pico Rivera's Costs Incurred from Project Part C:

- 1) Pavement rehabilitation;
- 2) Installing new traffic signage, striping, pavement markings, and raised pavement markers; and
- 3) Services necessary to implement the Project, including, but not limited to, planning, design and environmental services, construction and construction management, funding management, and project management.

### 3. MODIFICATION OF REIMBURSEMENT OF COSTS

The third paragraph of “SECTION 5. Reimbursement of Costs” of the Agreement is hereby amended as follows:

The balance due shall be based on Pico Rivera’s Costs Incurred, which do not include Project costs covered by the Highway Safety Improvement Grant. The balance due shall be sixty-one percent (61%) of Pico Rivera’s Costs Incurred (as defined in SECTION 1 of this Agreement). The balance due is the sum of:

1. ~~Fifty percent (50%)~~ Fifty-eight percent (58%) of Pico Rivera’s Costs Incurred that are attributable to Project Part A; ~~and~~
2. One hundred percent (100%) of Pico Rivera’s Costs Incurred that are attributable to work performed on Project Part B; and
3. Fifty percent (50%) of Pico Rivera’s Costs Incurred that are attributable to work performed on Project Part C.

### 4. MODIFICATION OF DEFAULT AND TERMINATION

Paragraph C of “SECTION 7. Default and Termination” of the Agreement is hereby amended as follows:

C. Additional Provisions. Notwithstanding Section 7B above, if Downey fails to cure a default, Pico Rivera may, in its discretion, also exercise any of the following options:

1. Cease work on Project Part B and seek compensation from Downey for the one hundred percent (100%) of Pico Rivera’s Costs Incurred for work performed on Project Part B;
2. Complete work on Project Part B and seek compensation from Downey for one hundred percent (100%) of Pico Rivera’s Costs Incurred for work performed on Project Part B;
3. Complete work on Project Part A and seek compensation from Downey for ~~fifty percent (50%)~~ fifty-eight percent (58%) of Pico Rivera’s Costs Incurred for work performed on Project Part A.
4. Complete work on Project Part C and seek compensation from Downey for fifty percent (50%) of Pico Rivera’s Costs Incurred for work performed on Project Part C.

**5. EFFECT OF AMENDMENTS.**

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

**6. 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 Pico Rivera or Downey, executes this Amendment No. 1.

**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 OF PICO RIVERA**

**CITY OF DOWNEY**

\_\_\_\_\_  
Bob J. Archuleta, Mayor

\_\_\_\_\_  
Roger C. Brossmer, Mayor

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

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

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
Anna M. Jerome, Assistant City Clerk  
City of Pico Rivera

\_\_\_\_\_  
City Clerk for the City of Downey

**APPROVED AS TO FORM:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Yvette M. Abich Garcia, City Attorney

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Los Angeles
12400 Imperial Highway
Norwalk, CA 90650

From: (Public Agency): City of Pico Rivera
6615 Passons Boulevard
Pico Rivera, CA 90660
(Address)

Project Title: Telegraph Road Median Improvements

Project Applicant: City of Pico Rivera

Project Location - Specific:

Telegraph Road from Lakewood Boulevard/Rosemead Boulevard to Passons Boulevard

Project Location - City: Pico Rivera/Downey Project Location - County: Los Angeles

Description of Nature, Purpose and Beneficiaries of Project:
To implement streetscape beautification and safety improvements on Telegraph Road. Consists of removal of painted median roadway and construction of raised medians, pavement rehabilitation, reconstruction of deficient sidewalk, curb and gutter, drive approaches, and access ramps. Beneficiaries - Residents/Commuters.

Name of Public Agency Approving Project: City of Pico Rivera

Name of Person or Agency Carrying Out Project: Arturo Cervantes, Director of Public Works/City Engineer

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 1(c), Section 15301
Statutory Exemptions. State code number:

Reasons why project is exempt:

Pursuant to the guidelines of the California Environmental Quality Act (CEQA), this project is categorically exempt under Section 15301, Class 1 (c) for existing facilities because the scope of work is limited to the repair, maintenance, and minor alterations of an existing street and sidewalk.

Lead Agency Contact Person: Arturo Cervantes, Dir. of PW Area Code/Telephone/Extension: (562) 801-4225

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 7/16/12 Title: Dir. of PW/City Engineer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:



**To:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** July 24, 2012  
**Subject:** FEDERAL EQUITABLE SHARING AGREEMENT FOR ASSET FORFEITURE

**Recommendation:**

- 1) Approve a Federal Equitable Sharing Agreement with the United States Department of Justice and the United States Department of Treasury for the disposition of funds forfeited in connection with a crime and authorize the Mayor to execute the Agreement; and
- 2) Adopt a Resolution approving participation in the Federal Equitable Sharing Agreement Program and authorize the execution of related documents.

**Fiscal Impact:** Variable deposits to Asset Forfeiture Fund

**Discussion:**

Approval of the Equitable Sharing Agreement and submission to the United States Department of Justice and the United States Department of Treasury will allow the City of Pico Rivera to share Asset Forfeiture Funds with the Sheriff's Department. Although the Sheriff's Department does not anticipate any specific revenue in the immediate future, this agreement must be on file with the U. S. Department of Justice to participate in the program. Any assets obtained through this program must be utilized for law enforcement purposes.

The accompanying resolution will approve the City's participation in the Federal Equitable Sharing Agreement Program for the Fiscal Year 2012/2013. This program provides local law enforcement agencies with funds derived from forfeited assets (cash and property) used in connection with a crime. The Los Angeles County Sheriff's Department uses these funds to pay for specialized weapons, protective gear, surveillance equipment and other items directly related to law enforcement. Approving this resolution assures the City's participation in this program.

COUNCIL AGENDA REPORT – MTG. OF 07/24/12  
FEDERAL EQUITABLE SHARING AGREEMENT FOR ASSET FORFEITURE  
Page 2 of 2

Asset forfeiture is an effective law enforcement tool the United States uses to deprive criminals of ill-gotten gains by seizing the proceeds of criminal activity and property used to facilitate crime. Seized property is shared with State and local law enforcement agencies which make substantial contributions to underlying criminal investigations; thereby, not only depriving criminals of ill-gotten gains, but returning the proceeds to law enforcement to use to fight crime at the front-line level.

Effective July 25, 2008, the Federal Equitable Sharing Agreement must be submitted annually, within 60 days of the end of the fiscal year. The attached resolution will provide for a new agreement to be entered into through June 30, 2013. The agreement must be signed by the Mayor and Pico Rivera Sheriff's Station Captain. By signing the agreement, the signatories agree to be bound by the statutes and guidelines that regulate the program.

Examples of how the Sheriff's Department has used this funding source include weapons, ammunition, ballistic vests, protective gear, batons, pepper spray, vehicles, and surveillance gear.



Ronald Bates

RRB:AC:SG:lg

Enc.

- 1) Resolution
- 2) Agreement

**RESOLUTION NO: \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA, APPROVING PARTICIPATION IN THE FEDERAL EQUITABLE SHARING AGREEMENT PROGRAM AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS**

**WHEREAS**, the United States Department of Justice ("DOJ") and the United States Department of Treasury ("DOT") administer the Federal Equitable Sharing Program (the "Program") which provides for the use of federally forfeited cash, property, proceeds and any interest earned thereon; and

**WHEREAS**, the Los Angeles County Sheriff's Department is a participating law enforcement agency in the Program and desires to renew the Federal Equitable Sharing Agreement to continue its participation; and

**WHEREAS**, the procedures established by the DOJ and DOT require participants to certify by resolution approval of participation in the Program; and

**WHEREAS**, the City will enter into an agreement with, and provide certifications to, the DOJ and DOT in pursuit of the Program.

**THE CITY COUNCIL OF THE CITY OF PICO RIVERA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** Approve City's participation in the Program consistent with all Constitutional and local law requirements.

**SECTION 2.** Certifies that, to the extent consistent with all Constitutional and local law requirements and this Resolution, the City has or will have sufficient funds to operate and maintain the Program.

**SECTION 3.** Certifies that the City has reviewed, understands, and to the extent consistent with all Constitutional and local law requirements and this Resolution, agrees to the provisions contained in the Program guidelines.

**SECTION 4.** Appoints the City Manager and designee(s) thereof, as agents of the City of Pico Rivera, to conduct all negotiations, execute and submit documents including, but not limited to, applications, agreements, memoranda of understanding, payment requests, certifications and assurances and so on, which may be necessary for the completion of the Program, subject to prior approval as to form by the City Attorney's Office.

**SECTION 5.** The City Clerk shall certify to the adoption of this Resolution and hereafter the same shall 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 Alvarez-Glasman, City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**



Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the <i>Justice Guide</i>		
b	Total spent on overtime		
c	Total spent on informants, "buy money," and rewards		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements		
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
j	Total spent on other law enforcement expenses (complete Table D, page 3)		
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)		
l	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
m	Total spent on matching grants (complete Table G, page 3)		
n	<b>Total</b>	\$0.00	\$0.00
o	Did your agency receive non-cash assets? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, complete Table H, page 3.		

Please fill out the following tables, if applicable.

**Table A: Members of Task Force**

Agency Name	NCIC/ORI/Tracking Number

**Table B: Equitable Sharing Funds Received from other Agencies**

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: LASD	\$6,348.29	
NCIC/ORI/Tracking Number: C A 1 9 0 0 0 3 6		

**Table C: Equitable Sharing Funds Transferred to Other Agencies**

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

**Table D: Other Law Enforcement Expenses**

Description of Expense	Justice Funds	Treasury Funds

**Table E: Expenditures in Support of Community-based Programs**

Refer to § VIII.A.1.m and Appendix C of the *Justice Guide*

Recipient	Justice Funds	

**Table F: Windfall Transfers to Other Government Agencies**

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

Recipient	Justice Funds	Treasury Funds

**Table G: Matching Grants**

Refer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

Matching Grant Name	Justice Funds	Treasury Funds

**Table H: Other Non-Cash Assets Received**

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

**Table I: Civil Rights Cases**

Name of Case	Type of Discrimination Alleged			
		<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other _____	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Operations Unit, 1400 New York Avenue, N.W., Tenth Floor, Washington, DC 20005.

# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. Submission.** This Document must be submitted to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov) within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.
- 2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.
- 4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.
- 5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

- 6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

# Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

**During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?**       Yes     No

**If you answered yes to the above question, complete Table I**

**Agency Head**

See ¶ 2 on page

Signature: \_\_\_\_\_  
 Name: James Thornton  
 Title: Captain  
 Date: \_\_\_\_\_

**Governing Body Head**

See ¶ 2 on page

Signature: \_\_\_\_\_  
 Name: Bob J. Archuleta  
 Title: Mayor  
 Date: \_\_\_\_\_

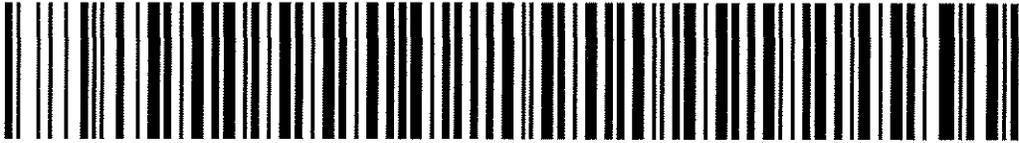
**Subscribe to Equitable Sharing Wire:**

The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.


**Final Instructions:**

- Step 1: Click to save for your records
- Step 2: Click to save in XML format

- Step 3: E-mail the XML file to [aca.submit@usdoj.gov](mailto:aca.submit@usdoj.gov)
- Step 4: Fax THIS SIGNED PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY			
Entered by _____			
Entered on _____	Date Printed: July 18, 2012 09:50		
<input type="radio"/> FY End: 06/30/2012	Agency: City of Pico Rivera/Contract LASD	Phone: 562 801-4413	
<input checked="" type="radio"/> NCIC: CA0190015	State: CA Contact: Steven Gutierrez		E-mail: <a href="mailto:sgutierrez@pico-rivera.org">sgutierrez@pico-rivera.org</a>





**To:** Mayor and City Council  
**From:** Assistant City Manager  
**Meeting Date:** July 24, 2012  
**Subject:** CONFLICT-OF-INTEREST CODE BIENNIAL REVIEW

**Recommendation:**

Direct the City Clerk's Office to notify City Departments and applicable Agencies to review their Conflict-of-Interest Code pertaining to designated employees to determine if any changes or amendments are necessary.

**Fiscal Impact:** None.

**Discussion:**

The City Council must notify city agencies and departments not covered under the City's Conflict-of-Interest Code (Code) to review its Code and submit a biennial notice to the City Council by October 1, 2012.

The Political Reform Act requires a biennial review of the City's Codes in even-numbered years (Government Code § 87306.5). The City's Code requires designated officials and employees to disclose sources of income, interests in real property, investments and business positions if such interests are located within the jurisdictional boundaries of the City of Pico Rivera.

Tonight's Council action presents the first step in the Code review process. As directed by Council, the Codes will be reviewed to determine whether the position classifications and/or disclosure categories are accurate. Staff will then notify the Council of any required amendments and present the Council with an updated Conflict-of-Interest Code for Council review and approval. A proposed amended Code is not effective until it is approved by the City Council.

Ronald Bates

