

ALL ITEMS FOR CONSIDERATION BY THE CITY COUNCIL AND GOVERNING BODY OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION ARE AVAILABLE FOR PUBLIC VIEWING IN THE OFFICE OF THE CITY CLERK/SECRETARY AND THE CENTRAL LIBRARY

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AGENDA FOR THE CONCURRENT REGULAR MEETINGS OF THE CITY COUNCIL OF THE CITY OF COMMERCE AND THE GOVERNING BODY OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION (HEREINAFTER "SUCCESSOR AGENCY")

**COUNCIL CHAMBERS
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

TUESDAY, JANUARY 15, 2013 – 6:30 P.M.

CALL TO ORDER

Mayor/Chairperson Leon

PLEDGE OF ALLEGIANCE

Beatriz Sarmiento
Director of Library Services

INVOCATION

Councilmember/Board Member Aguilar

ROLL CALL

City Clerk/Secretary Olivieri

APPEARANCES AND PRESENTATIONS – None.

PUBLIC COMMENT

Citizens wishing to address the City Council and Successor Agency on any item on the agenda or on any matter not on the agenda may do so at this time. However, State law (Government Code Section 54950 et seq.) prohibits the City Council/Successor Agency from acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. Upon request, the City Council/Successor Agency may, in their discretion, allow citizen participation on a specific item on the agenda at the time the item is considered by the City Council/Successor Agency. Request to address City Council/Successor Agency cards are provided by the City Clerk/Secretary. If you wish to address the City Council/Successor Agency at this time, please complete a speaker's card and give it to the City Clerk/Secretary prior to commencement of the City Council/Successor Agency meetings. Please use the microphone provided, clearly stating your name and address for the official record and courteously limiting your remarks to five (5) minutes so others may have the opportunity to speak as well.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

No person shall make any remarks which result in disrupting, disturbing or otherwise impeding the meeting.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

CONSENT CALENDAR

Items under the Consent Calendar are considered to be routine and may be enacted by one motion. Each item has backup information included with the agenda, and should any Councilmember or Board Member desire to consider any item separately he/she should so indicate to the Mayor/Chairperson. If the item is desired to be discussed separately, it should be the first item under Scheduled Matters.

1. Approval of Minutes

The **City Council and Successor Agency** will consider for approval, respectively, the minutes of the Concurrent Special Meetings of Tuesday, December 18, 2012, held at 5:00 p.m.; Concurrent Regular Meetings of Tuesday, December 18, 2012, held at 6:30 p.m.; Concurrent Regular Meetings of Wednesday, January 2, 2013, held at 6:30 p.m. and Concurrent Adjourned Regular Meetings of Wednesday, January 9, 2013, held at 4:00 p.m.

2. Approval of Warrant Register Nos. 12 and 13

The **City Council and Successor Agency** will consider for approval, respectively, the bills and claims set forth in Warrant Registers No. 12A, dated January 2, 2013; No. 12B, for the period December 9, 2012, to December 27, 2012; No. 13A, dated January 15, 2013, and No. 13B, for the period January 2, 2013, to January 10, 2013.

3. Approval of Plans and Specifications for City Project No. 1209 – Bristow Park Neighborhood Street Rehabilitation Project and Other Matters Related Thereto

The **City Council** will consider: 1) Approving the Plans and Specifications for City Project No. 1209 – Bristow Park Neighborhood Street Rehabilitation Project, as prepared by Onward Engineering; 2) Finding the proposed project categorically exempt pursuant to the State Guidelines for implementation of the California Environmental Quality Act, and 3) Authorizing the Department of Community Development to advertise for sealed bids and designate Friday, February 15, 2013, at 3:00 p.m., as the bid opening date.

4. A Resolution of the City Council of the City of Commerce, California, Approving the Project Programming Request for the Trade Corridor Improvement Fund Project Baseline Agreement Between the California Transportation Commission, the California Department of Transportation, and the City of Commerce for the Washington Boulevard Widening and Reconstruction Project

The **City Council** will consider for approval and adoption a proposed Resolution approving the Project Programming Request for the Trade Corridor Improvement Fund Project Baseline Agreement between the California Transportation Commission, the California Department of Transportation and the City of Commerce for the Washington Boulevard Widening and Reconstruction Project. The Project Programming Request is necessary in order to adjust the Project Schedule.

5. A Resolution of the City Council of the City of Commerce, California, Approving the First Amendment to the Professional Services Agreement with TMAD Taylor & Gaines for Design and Engineering Services for the City of Commerce 26th Street Metrolink Station Improvement Project

The **City Council** will consider for approval and adoption a proposed Resolution approving the first amendment to the professional services agreement with TMAD Taylor & Gaines for design and engineering services for the City of Commerce 26th Street Metrolink Station Improvement Project.

The existing station was built in 1993 and no major improvements have been performed thereto since its construction. There are several aspects of the station that need attention in order to meet current ADA requirements, energy conservation and make the station easier to locate and use.

6. A Resolution of the City Council of the City of Commerce, California, Approving and Ratifying an Extension to Contract No. 072431 with the South Coast Air Quality Management District

The **City Council** will consider for approval and adoption a proposed Resolution approving and ratifying an extension to Contract No. 072431 with the South Coast Air Quality Management District (“AQMD”) for the construction of the LNG/LCNG Fueling Station (the “Agreement”). The Agreement expired on December 31, 2012. The AQMD is now proposing to extend the Agreement through December 31, 2015.

7. A Resolution of the City Council of the City of Commerce, California, Approving the Purchase of Maintenance Spare Parts

The City of Commerce was awarded a \$323,650 grant from the Federal Transit Administrator for the purchase of maintenance spare parts for the City’s transit fleet. This capital grant allows the City to purchase a significant amount of maintenance spare parts using grant funding as opposed to City funds.

The **City Council** will consider for approval and adoption a proposed Resolution approving the purchase of maintenance spare parts for the City’s transit fleet.

8. A Resolution of the City Council of the City of Commerce, California, Approving Agreements With the State Board of Equalization for the Implementation of Measure AA

The **City Council** will consider for approval and adoption a proposed Resolution approving agreements with the State Board of Equalization required for the implementation of Measure AA.

PUBLIC HEARINGS – None

SCHEDULED MATTERS

9. Presentation by East Yard Communities for Environmental Justice on Community Alternative 7 for I-710 Freeway Improvement Project

The **City Council** will receive a presentation from East Yard Communities for Environmental Justice (“EYCEJ”) on, and provide appropriate direction as may be deemed necessary with respect to, Community Alternative 7 for the I-710 Freeway Improvement Project.

The Coalition for Environmental Health and Justice submitted extensive comments to Caltrans on the Draft Environmental Report/Draft Environ-

mental Impact Statement (“DEIR/DEIS”) for the project. EYCEJ is a part of the Coalition and actively participated in the development of Community Alternative 7 for consideration in the project DEIR/DEIS. According to EYCEJ, this alternative would include four dedicated zero emissions truck lanes but no additional general purpose lanes.

10. A Resolution of the City Council of the City of Commerce, California, Authorizing Staff to Proceed With Negotiating Terms for an Exclusive Franchise Agreement With CalMet Services, Inc. for an Extension of a Total of 5 years as Reflected in a Three-Year and Two-Year Contract Period for the Continued Provision of Residential Refuse and Recycling Services and Rescinding Resolution No. 12-102

The **City Council** will consider for approval and adoption a proposed Resolution authorizing staff to proceed with negotiating terms of an Exclusive Franchise Agreement with CalMet Services, Inc. for an extension of a total of five years, as reflected in a three-year and two-year contract period, for the continued provision of Residential Refuse and Recycling Services and rescinding Resolution No 12-102.

11. Ad Hoc Committees

At the request of Mayor Pro Tempore Baca Del Rio, the **City Council** will formally consider relinquishing participation in established City Ad Hoc Committees, excluding participation in City Standing Committees.

12. Commission and Task Force Appointments

The **City Council** will make the appropriate appointments to the Youth Advisory Commission and Environmental Justice Advisory Task Force.

ORDINANCES AND RESOLUTIONS – None.

CIP PROGRESS REPORT

13. Fiscal Year 2012/2013 Capital Improvement Program Update

The **City Council** will receive an update on the fiscal year 2012/2013 Capital Improvement Program and thereafter consider said report for receipt and filing and provide direction as may be deemed necessary.

I-710 LOCAL ADVISORY COMMITTEE UPDATE – None

RECESS TO CLOSED SESSION – No Items

ADJOURNMENT

Adjourn in memory of Robert Galindo, stepfather of City employee Kevin Torres; Maria Barragan, grandmother of City employees Christian Flores, Luis Flores and Patty Macias Borunda; Fidel Machuca, father of City employee Cynthia Machuca and grandfather to Cable TV Volunteer Justin Machuca; Robert S. Boone, father of City employee Yolanda Boone; Gilbert Jaurigue, father City employee Martha Gomez, and Lucille Bessera Roybal, mother of Congresswoman Lucille Roybal-Allard, to Tuesday, January 22, 2013, at 6:30 p.m., in the City Council Chambers.

**LARGE PRINTS OF THIS AGENDA ARE AVAILABLE UPON REQUEST
FROM THE CITY CLERK'S OFFICE, MONDAY-FRIDAY,
8:00 A.M. - 6:00 P.M.**



AGENDA REPORT

MEETING DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: APPROVAL OF PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. 1209 – BRISTOW PARK NEIGHBORHOOD STREET REHABILITATION PROJECT AND OTHER MATTERS RELATED THERETO

RECOMMENDATION:

That the City Council:

1. Approve the Project Plans and Specifications, as prepared by Onward Engineering;
2. Find the proposed project categorically exempt pursuant to the State Guidelines for implementation of the California Environmental Quality Act; and
3. Authorized the Department of Community Development to advertise for sealed bids and designate Friday, February 15, 2013, at 3:00 p.m., as the bid opening date.

MOTION:

Approve the Resolution and assign the number next in order.

BACKGROUND:

On June 19, 2012, as part of the Fiscal Year 2012/13 Capital Improvement Program Budget, the City Council allocated \$1,000,000 for the design and rehabilitation of streets in the Bristow Park neighborhood areas.

ANALYSIS:

The project plans and specifications are ready and available in the Community Development Department. The proposed improvements seek to remedy the pavement failures experienced after the previous street improvement project in these neighborhoods. The Notice Inviting Sealed Bids is ready for advertisement. Therefore, it is recommended that the City Council approve the project plans and specifications, advertise for bids, and authorize staff to set the bid opening date. The project schedule is established as follows:

TASK	ESTIMATED DATE
ISSUE NOTICE INVITING BIDS	January 16, 2013
BID ADVERTISEMENT PERIOD	30 Days
MANDATORY PRE-BID MEETING	January 24, 2013
BIDS DUE AND OPENED IN PUBLIC BY CITY CLERK	February 15, 2013
AWARD OF CONTRACT	March 5, 2013
CONTRACT, BONDS AND INSURANCE TO CITY	March 21, 2013
PRE-CONSTRUCTION MEETING	March 22, 2013
ISSUE NOTICE TO PROCEED WITH CONSTRUCTION	April 1, 2013
CONSTRUCTION DURATION	30 working days from Notice to Proceed (or April 1, 2013)

FISCAL IMPACT:

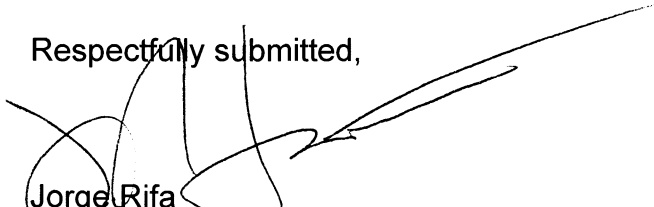
This activity can be carried out at this time without additional impact on the current operating budget, as funding for this activity has been approved and included in the FY 2012/13 Capital Improvement Project Budget. As part of CIP budget, the City Council approved a project funding level of \$1,000,000, as follows:

FUNDING SOURCE	AMOUNT
BOND REFINANCE	\$805,000
CDBG FUNDS	\$195,000
TOTAL	\$1,000,000

RELATIONSHIP TO 2012 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council’s strategic goal: *“Improve and maintain infrastructure and beautify our community”* as identified in the 2012 Strategic Plan.

Respectfully submitted,



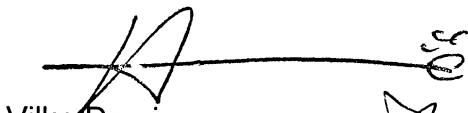
Jorge Rifa
City Administrator

Prepared and recommended by:



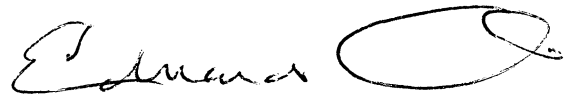
Danilo Batson
Assistant Director of Public Services

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE PROJECT PROGRAMMING REQUEST FOR THE TRADE CORRIDOR IMPROVEMENT FUND PROJECT BASELINE AGREEMENT BETWEEN THE CALIFORNIA TRANSPORTATION COMMISSION, THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND THE CITY OF COMMERCE FOR THE WASHINGTON BOULEVARD WIDENING AND RECONSTRUCTION PROJECT

RECOMMENDATION:

The City Council will consider for approval a resolution approving the project programming request for the Trade Corridor Improvement Fund Project Baseline Agreement between the California Transportation Commission, the California Department of Transportation, and the City of Commerce for the Washington Boulevard Widening and Reconstruction Project, and assign the number next in order.

MOTION:

Move to approve recommendation.

ANALYSIS:

On January 17, 2008, the City of Commerce submitted an application to the California Transportation Commission (CTC) for their Prop 1-B Trade Corridor Improvement Fund (TCIF). The application requested \$5.8 Million of the estimated \$32.0 Million required to perform all the improvements associated with widening and reconstructing Washington Boulevard (the "Project").

On April 10, 2008, the CTC approved the City's application for \$5.8 Million for the Project. On July 1, 2008, the City Council approved the required Project Baseline Agreement between CTC, Caltrans and the City of Commerce (the "Agreement"); the CTC approved the Agreement on September 24, 2008. The Agreement was required in order for the City to receive the requested and approved funds.

On May 4, 2010, the City Council approved the EIR for the Project. The time required to prepare the EIR has impacted the originally contemplated Project schedule. The schedule has been extended by one year because the baseline schedule did not accurately reflect the time required to complete current design and right of way tasks. The City has therefore requested that the Agreement be amended in order to update the Project delivery schedule. The City has also requested that the Agreement be amended to reprogram the Project funding to be consistent with the updated schedule.

On November 3, 2010, the CTC approved Amendment No. 1 to the Agreement (the "Amendment"). The Amendment amends Section 4.1 (Project Schedule and Cost) to the Agreement. The Amendment changes the Project schedule and Project funding plan.

On October 18, 2011, the City Council approved the execution Program Supplement Agreement No. N011 to the Administering Agency-State Agreement between the City of Commerce and the State of California Department of Transportation (or Caltrans) for this project.

On January 3, 2012, the City Council received a report and update on the Project. As stated in the report, on November 23, 2011, staff submitted a Pre-Award Letter to Caltrans for review and approval, as required prior to award of any professional services agreement over \$1,000,000.

On May 3, 2012, the City received a letter dated April 30, 2012 from Caltrans waiving the pre-award audit at this time and authorizing the City to proceed with a professional services agreement for engineering and design services for the proposed project. The Caltrans letter provided that the total amount under the proposed agreement shall not exceed \$1,442,679 and that if the City and Consultant agree to increase or modify the terms of the agreement, a properly executed amendment will be required.

On June 19, 2012, the City Council awarded a Professional Services Agreement to RBF Consulting for design and engineering services for this project, in the amount of \$1,442,679.

On December 4, 2012, the City Council approved the 1st Amendment to the Professional Services Agreement with RBF Consulting adding additional services and increasing the Agreement to \$1,551,319.

FISCAL IMPACT:

At this time, this activity can be carried out without additional impact on the current operating budget. The approved budget and funding sources for this project are as follows:

WASHINGTON BLVD RECONSTRUCTION PROJECT	
Preliminary Design & Scope of Work (MTA Prop C 25%)	\$77,000
Preliminary Design & Scope of Work (City Match 35% - 2007 Bonds Funds)	\$46,000
Design Specification 60% RDA	\$180,000
City Match 40% - 2004 Bond Funds	\$120,000
Construction Management 50% RDA	\$200,000
City Match 50% - 2004 Bond Funds	\$200,000
Construction (Phase I) Prop C 25% (MTA Funds)	\$13,285,000
Construction Fed. Highway Funds (SAFETEA-LU HPP 3085)	\$2,220,000
SAFETEA-LU Match	\$220,000
California Transportation Commission (CTC Grant)	\$5,800,000
California Transportation Commission (City ROW Match)	\$3,198,000
Construction (Phase I) City Remaining Match (35%) - \$3 million (General Fund Reserves; \$3,453,460 RDA)	\$6,454,000
	\$32,000,000

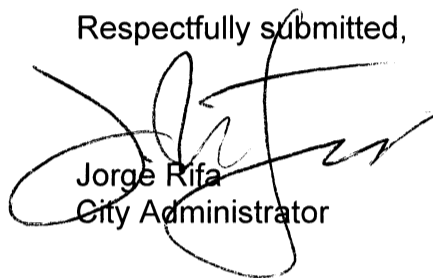
The Commerce Community Development Commission had approved the payment of redevelopment funds, totaling about \$4,000,000, as part of the local match for the Project. Pursuant to AB X1 26, the Department of Finance (DOF) determined that the Commission's local match for the Project was not an "enforceable obligation." Successor Agency staff requested a meet-and-confer with the DOF in connection with that determination and is currently awaiting the DOF's determination. Due to existing contractual obligations with LACMTA and Caltrans, in order not to jeopardize any other funding, staff recommends that the City continue with the engineering and design of the project. Currently, City staff, the MTA, the Gateway COG and The Dardanelle Group are exploring other potential sources of funds (such as, funding allocation by the I-710 Early Action Program), if the DOF determines that the redevelopment fund contributions to the Project is not an "enforceable obligation" under AB X1 26.

The Project Programming Request only changes the project schedule due to delays to complete a full Environmental Impact Report prior to design (delays caused by the threat of litigation related to the environmental review process), and also a delay in the completion of a pre-award audit for the PS&E contract due to reduced staffing in the Caltrans Audit Department. The Southern California Consensus Group is in full-support of the TCIF programming change for City of Commerce's Washington Boulevard Widening and Reconstruction Project and they will advise the California Transportation Commission at their March 2013 of their support and request that a 2nd Amendment be issued to the existing agreement.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



Jorge Rifa
City Administrator

Recommended and prepared by:



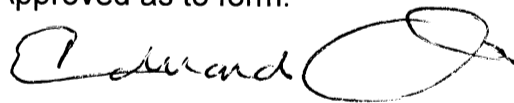
Danilo Batson
Assistant Director of Public Services

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

File: 2013 City Council Agenda Reports
Washington Blvd. Widening & Reconstruction Project – Agenda Reports (TCIF Project Baseline Agreement Amendment #2)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING THE PROJECT PROGRAMMING REQUEST FOR THE
TRADE CORRIDOR IMPROVEMENT FUND PROJECT BASELINE AGREEMENT
BETWEEN THE CALIFORNIA TRANSPORTATION COMMISSION, THE
CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND THE CITY OF
COMMERCE FOR THE WASHINGTON BOULEVARD WIDENING AND
RECONSTRUCTION PROJECT

WHEREAS, on January 17, 2008, the City of Commerce submitted an application to the California Transportation Commission (CTC) for their Prop 1-B Trade Corridor Improvement Fund (TCIF). The application requested \$5.8 Million of the estimated \$32.0 Million required to perform all the improvements associated with widening and reconstruction of Washington Boulevard (the "Project"); and

WHEREAS, on April 10, 2008, the CTC approved the City's application for \$5.8 Million for the Project. On July 1, 2008, the City Council approved the required Project Baseline Agreement between CTC, Caltrans and the City of Commerce (the "Agreement"); the CTC approved the Agreement on September 24, 2008. The Agreement was required in order for the City to receive the requested and approved funds; and

WHEREAS, on May 4, 2010, the City Council approved the Project EIR; and

WHEREAS, the time required to prepare the EIR has impacted the originally contemplated Project schedule; and

WHEREAS, the City has requested that the Agreement be amended in order to update the Project delivery schedule and reprogram the Project funding; and

WHEREAS, on November 3, 2010, the CTC approved Amendment No. 1 to the Agreement (the "Amendment") in order to accommodate the City's requests; and

WHEREAS, on October 18, 2011, the City Council approved the execution Program Supplement Agreement No. N011 to the Administering Agency-State Agreement between the City of Commerce and the State of California Department of Transportation (or Caltrans) for this project.

WHEREAS, on May 3, 2012, the City received a letter dated April 30, 2012 from Caltrans waiving the pre-award audit at this time and authorizing the City to proceed with a professional services agreement for engineering and design services for the proposed project.

WHEREAS, on June 19, 2012, the City Council awarded a Professional Services Agreement for design and engineering services to RBF Consulting

WHEREAS, time required in obtaining approval from Caltrans with regards to the pre-award audit impacted the existing Project Schedule;

WHEREAS, the City Council desires to modify the Project Programming Request to adjust the Project Schedule.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Project Programming Request to the Trade Corridor Improvement Fund Project Baseline Agreement between the CTC, the California Department of Transportation, and the City of Commerce for the Washington Boulevard Widening and Reconstruction Project is hereby approved.

PASSED, APPROVED AND ADOPTED this ____ day of January, 2013.

Lilia R. Leon
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

PROJECT PROGRAMMING REQUEST

DTP-0001 (REV. 6/11)

General Instructions

<input type="checkbox"/> New Project		<input checked="" type="checkbox"/> Amendment (Existing Project)			Date:	01/11/13
District	EA	Project ID	PPNO	MPO ID	TCRP No.	
07			TC21	LAF1107		
County	Route/Corridor	PM Bk	PM Ahd	Project Sponsor/Lead Agency		
LA				Commerce, City of		
				MPO	Element	
				SCAG	LA	
Project Mgr/Contact		Phone		E-mail Address		
Danilo Batson		(323)722-4814		DaniloB@ci.commerce.ca.us		
Project Title						
Washington Blvd Widening and Reconstruction						
Location, Project Limits, Description, Scope of Work, Legislative Description						
In the City of Commerce on Washington Boulevard from Route 5 on the east to just west of Indiana Street (I-710 Freeway). TCIF #21						
Component	Implementing Agency				Reimbursements	
PA&ED	Commerce, City of					
PS&E	Commerce, City of					
Right of Way	Commerce, City of					
Construction	Commerce, City of					
Legislative Districts						
Assembly: 50			Senate: 30			
Congressional: 34						
Purpose and Need						
Widen and reconstruct Washington Blvd by one additional lane in each direction, increase turning radii/shorten medians, reconstruct AC pavement with 10" thick PPC per PSR Soils Report, reconstruct railroad grade crossing at Commerce Way, update traffic signals/street lighting and improve sidewalks. Washington Blvd is a designated truck route and is a key link in the regional movement of goods from the Ports of Los Angeles and Long Beach to the intermodal terminals of the UP and BNSF Rail Yards in the Cities of Commerce and Vernon. Washington Boulevard operates at LOS F. Truck traffic has contributed to the deterioration/damage of the roadways, medians and curbs. The existing asphalt pavement is in critical condition, and hazards exist						
Project Benefits						
Project Milestone					Existing	Proposed
Project Study Report Approved						
Begin Environmental (PA&ED) Phase					02/01/08	
Circulate Draft Environmental Document			Document Type	EIR	02/01/10	
Draft Project Report					06/01/08	
End Environmental Phase (PA&ED Milestone)					06/01/10	
Begin Design (PS&E) Phase					10/01/10	06/25/12
End Design Phase (Ready to List for Advertisement Milestone)					10/01/11	04/30/13
Begin Right of Way Phase					11/15/10	06/25/12
End Right of Way Phase (Right of Way Certification Milestone)					10/01/11	04/30/12
Begin Construction Phase (Contract Award Milestone)					12/01/11	06/01/13
End Construction Phase (Construction Contract Acceptance Milestone)					12/01/12	09/01/14
Begin Closeout Phase					02/01/13	10/01/14
End Closeout Phase (Closeout Report)					05/01/13	12/01/14

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AGENDA REPORT

MEETING DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TMAD TAYLOR & GAINES FOR DESIGN AND ENGINEERING SERVICES FOR THE CITY OF COMMERCE 26TH STREET METROLINK STATION IMPROVEMENT PROJECT

RECOMMENDATION:

Approve and adopt the resolution approving the first amendment to the professional services agreement with TMAD TAYLOR & GAINES for the design and engineering service for the City of Commerce 26th Street Metro Link improvement project.

Move to approve recommendation.

BACKGROUND:

As part of the FY 2010/11 Capital Improvement Project (CIP) Budget, the City Council appropriated \$250,000 for various upgrade and improvements at the Commerce MetroLink Station located on 26th Street. The existing station was built in 1993 and no major improvements have been performed to the station since its construction. There are several aspects of the station that need attention in order to meet current ADA requirements, energy conservation, and make the station easier to locate and use.

On December 21, 2010, the City Council awarded a Professional Services Agreement to TMAD Taylor & Gaines for design and engineering services in the amount of \$19,500 and established a project contingency of 15% or \$2,925.

On August 24, 2011, the project was placed on hold after being informed by the Transportation Department that the proposed grant funds had not be appropriated by Los Angeles County Metropolitan Transportation Authority (LACMTA).

On February 23, 2012, at approximately 10:15 p.m., a minor slow speed derailment of a train owned by the Burlington Northern and Santa Fe Railway ("BNSF") occurred at the Commerce 26th Street MetroLink Station. According to the BNSF Director of Public Affairs Lena Kent, the train originated from Chicago carrying numerous cars. A total of nine cars derailed at low speed impacting 500 feet of the tracks. A partial street closure was set up at the entrance of 26th Street and Garfield Avenue.

Damages to and near the station included: a Southern California Edison (SCE) pole and electrical service for the station; approximately 500 feet chain link fence (including support posts); concrete sidewalks, curbs, stairs, walkways; asphalt pavement (road and parking lot), concrete parking stall wheel stops, pavement and parking lot markings, and signage (various signs and poles). A cost estimate for the damages resulting from the train derailment was submitted to BNSF Railway, including cost for L.A. County Public Works to deliver barricades (per BNSF Police request).

The City submitted a claim to BNSF for the damages. The BNSF has agreed to settle the claim for \$41,769.70, which is the amount of the estimate provided by Martinez Concrete, Inc. to the City.

On June 19, 2012, as part of the FY 2012/13 Capital Improvement Program, the City Council appropriated \$250,000 for various improvements at the Commerce 26th Street Station MetroLink Station.

On November 5, 2012, the City Council approved the Release and Settlement Agreement with Burlington Northern and Santa Fe Railway Company in the amount of \$41,769.70. The City received a check for the settlement amount and the funds have been added station project.

ANALYSIS

On December 5, 2012, City staff met with Chuck Lockman from TMAD Taylor & Gaines to review the train derailment damages and discuss incorporating the necessary repairs into the project construction plans.

On December 19, 2012, TMAD Taylor & Gaines submitted a proposal in the amount of \$8,000.00 to incorporate the repairs into the project construction plans.

After careful review and examination of the proposal and additional scope of work, staff is recommending that the City Council approve the First Amendment to the Professional Services Agreement with TMAD Taylor & Gaines. The additional services are necessary in order to bring the station to current standards and complete both the original repairs and those caused by the train derailment of February 23, 2012.

Below is a new project schedule:

January 2013	An amendment to TMAD Agreement for added services & scope
April 2013	Approve & Issue Project Plans & Specifications
June 2013	Award Construction Contract
July 2013	Begin Work
September 2013	Complete Work

FISCAL IMPACT:

On June 19, 2012, as part of the FY 2012/13 Capital Improvement Program, the City Council appropriated \$250,000 for various improvements at the Commerce 26th Street Station MetroLink Station. On November 14, 2012 additional FTA funding was confirmed. The revised funding is listed below:

<u>FTA GRANT CA-90-Z001</u>	
FTA 5307 (FY 12-13)	\$ 228,800.00
State Toll Credits	\$ 57,200.00
GRANT TOTAL	\$ 286,000.00
BNSF settlement	\$ 41,770.00
BNSF TOTAL	\$ 327,770.00

The revised project budget, including the \$41,770 from the BNSF settlement agreement, is as follows:

- \$ 35,000 - Administration & Construction Management
- \$ 35,000 - Design & Engineering (includes \$19,500 Agreement with TMAD, \$8,000 for TMAD Amendment #1 and \$7,500 for design contingency)
- \$257,770 - Construction (includes \$41,770 from BNSF settlement agreement)
- \$327,770 - Total Budget (FTA Grant CA-90-Z001 \$286,000 and \$41,770 from BNSF settlement).

As shown above, the project currently has an allocation of \$35,000 for design and engineering services, which is sufficient to cover the approval and execution of the 1st Amendment in the amount of \$8,000. The new agreement with TMAD TAYLOR & GAINES will be for \$27,500.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



Jorge Rifa
City Administrator

Recommended and prepared by:




Danilo Batson
Assistant Director of Public Services

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

File: 2013 City Council Agenda Reports
Resolution – 1st Amendment to Services Agreement for 26th Station Design & Engineering (TMAD Taylor & Gaines) –
Agenda Reports

FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF COMMERCE AND TMAD TAYLOR & GAINES FOR DESIGN AND
ENGINEERING SERVICES FOR THE CITY OF COMMERCE 26TH STREET METROLINK
STATION IMPROVEMENT PROJECT

This First Amendment is made and entered into as of the ____ day of _____ 2013, ("Effective Date") by and between the CITY OF COMMERCE, a Municipal Corporation (the "CITY") and TMAD TAYLOR & GAINES ("CONSULTANT").

WITNESSETH

This First Amendment is made with reference to the following facts:

- A. On December 21, 2010, the CITY and CONSULTANT entered into a Services Agreement for Design and Engineering Services associated with the improvement at the Commerce 26th Street Metrolink Station (the "Agreement").
- B. TMAD Taylor & Gaines has provided all necessary services required under the Agreement in order to prepare and complete the project Plans and Specifications.
- C. On August 24, 2011, the project was placed on hold after the City was informed that Los Angeles County Metropolitan Transportation Authority (LACMTA) had not appropriated the funds for the project.
- D. On February 23, 2012, a BNSF train derailed at the station causing substantial damage to City property.
- E. On November 5, 2012, the City Council approved the Release and Settlement Agreement with BNSF for the amount of \$41,769.70.
- F. In order to complete all preliminary design and engineering services required for the project and the subsequent damages caused by the train derailment, additional services are necessary.
- G. On December 19, 2012, the CONSULTANT provided the CITY with a proposal to prepare the project construction documents, including repairs to items damaged by the train derailment. .
- H. CITY and CONTRACTOR need to modify the Scope of Services and Compensation set forth in the Agreement in order to address the changed conditions.

NOW, THEREFORE, in consideration of mutual promises, conditions and covenants herein contained, the parties hereto agree that the Agreement will be amended as follows:

1. Section 2: Scope of Services and Schedule of Performance

The Scope of Services that was set forth in Exhibit "A" and that was referenced in Section 2 of the Agreement is hereby expanded to include the Scope of Services set forth in the attached Exhibit "A-1" which is incorporated herein by reference.

2. Section 4: Compensation

The fees to be paid by the CITY for the additional services to be provided by CONSULTANT are also set forth in the attached Exhibit "A-1."

3. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have each executed or caused to be executed, this First Amendment on the dates set forth below.

CITY OF COMMERCE

Dated: _____

By: _____
Lilia R. Leon, Mayor

ATTEST:

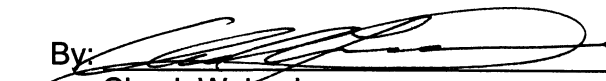
APPROVED AS TO FORM:

Linda Kay Olivieri, MMC
City Clerk

Eduardo Olivo
City Attorney

TMAD TAYLOR & GAINES
(CONSULTANT")

Dated: _____

By: 

Chuck W. Lockman
Vice President, Civil / Principle



EXHIBIT A-1



901 Via Piemonte
Suite 400
Ontario, CA 91101
(T) 909 477 6915
(F) 909 477 6916

December 19, 2012
Mr. Danilo R. Baston
Assistant Director of Public Works
City of Commerce- Community Development
2535 Commerce Way
Commerce, CA 90040

ARIZONA **RE Additional Services Request – Change in Construction Services**
26th Street Metro Link Station Improvements

Scottsdale

Dear Mr. Baston:
In accordance with your request, TTG Engineers (TTG) is pleased to submit to you this proposal for additional design services to be performed at the above referenced project.

CALIFORNIA As you know TTG and the city of Commerce entered into a design service agreement to perform engineering services on the above referenced project based upon initial project scope and construction budget. As a result of our meeting on December 5, 2012 it is our understanding that both the construction budget and the desired scope of improvements have changed. Accordingly, TTG respectfully submits to you this request for additional fees.

Anaheim
Inland Empire
Los Angeles
Pasadena
San Diego

It is our understanding that desired increase scope of improvements consist following items.

Scope of Services

San Francisco
Thousand Oaks

1. Increase the amount of curb and gutter at the south side of 26th Street to correct existing drainage deficiencies.
2. Construct additional circulation improvements at the westerly portion of the site that were damaged and or demolished as a result of the most recent train derailment. Additionally, repairs to the parking lot area will be performed to correct those areas that were damaged as a result of the cleanup operation
3. Perform other miscellaneous site improvements as discussed and documented in our meeting on December 5, 2012.

COLORADO

Lone Tree

Compensation

It is recommended that an additional fee in the amount of **\$8,000** be established to cover the revisions to our existing plan and to account for a division in the construction cost estimate. It is understood that these additional services shall be performed pursuant to the terms and conditions of our existing contract agreement, and that this contract agreement that has currently expired will be extended to cover continuation of this project.

TEXAS

Austin
Dallas
San Antonio

Should you have any additional questions or comments please feel free to contact the undersigned at (909) 942-5531. Thank you for providing us this additional opportunity to provide you with professional consulting services.

WASHINGTON Very truly yours,
Bellevue

Charles (Chuck) W. Lockman PE
Vice President/Principal



AGENDA REPORT

Meeting Date: January 15, 2013

TO: Honorable City Council
FROM: City Administrator
SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AND RATIFYING AN EXTENSION TO CONTRACT NO. 072431 WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD)

RECOMMENDATION:

Move to approve and adopt the Resolution and assign the number next in order.

MOTION:

Move to approve recommendation.

BACKGROUND:

The City of Commerce approved a funding agreement with the South Coast Air Quality Management District (AQMD) for the construction of the LNG-LCNG Fueling Station (the "Agreement"). The Agreement expired on December 31, 2012. The AQMD is now proposing to extend the Agreement through December 31, 2015.

ANALYSIS

The Agreement provided \$250,000 in funding. Ten percent of the original funding source (\$2,500) was held as retention until the fueling station had completed five years of operation.

The Agreement requires five years of annual reporting by the City commencing one-year after the station commissioning. The facility construction was completed in September of 2010, which was later than anticipated. The City needs additional time to complete the required five years of operation and reporting after the station became fully operable; annual reports are to be submitted through September 2015. The Agreement therefore needed to be modified to extend the date by which performance must be completed.

The City Attorney reviewed and approved the form of the modification to the Agreement that was proposed by the AQMD. In order to extend the Agreement before it expired, the Mayor, after consultation with the City Attorney, proceeded to execute the required modification. The City Council needs to approve and ratify the Agreement extension.


FISCAL IMPACT:

This activity can be carried out without impacting the current operating budget.

RELATIONSHIP TO 2012 STRATEGIC GOALS:


The proposed recommendation relates to the 2012 strategic planning goal: "Protect and Enhance the Quality of Life in the City of Commerce," as this project assist the City in improving air quality through the operation of an alternative fuel station.

Recommended by:



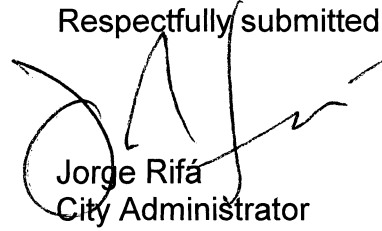
Claude McFerguson
Director of Transportation

Budget Impact Review by:



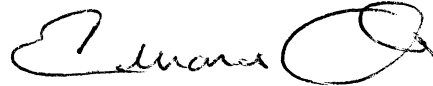
Vilko Domic
Director of Finance

Respectfully submitted,



Jorge Rifá
City Administrator

Approved as to Form:



Eduardo Olivo
City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING AND RATIFYING AN EXTENSION TO CONTRACT NO.
072431 WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

WHEREAS, on March 20, 2007, the City Council approved Contract No. 072431 with the South Coast Air Quality Management District (AQMD) (the "Agreement"); and

WHEREAS, the Agreement provided for a grant of \$250,000 for the City's LNG-LCNG fueling station; and

WHEREAS, the Agreement expired on December 31, 2012; and

WHEREAS, the Agreement needed to be extended in order for the City to meet the reporting requirements imposed by the AQMD; and

WHEREAS, the AQMD proposed an extension of the Agreement through December 31, 2015, at no cost to the City; and

WHEREAS, in order to extend the Agreement before it expired, the Mayor, after consultation with the City Attorney, proceeded to execute the required modification to the Agreement; and

WHEREAS, the City Council desires to approve and ratify the Agreement extension.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES
HEREBY RESOLVE AND ORDER AS FOLLOWS:**

Section 1. Contract No. 072431 between the South Coast Air Quality Management District and the City of Commerce is hereby approved and ratified. The Mayor's execution of Contract No. 072431 is hereby approved and ratified.

PASSED AND ADOPTED this 15th day of January, 2013

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



MODIFICATION TO CONTRACT

This modification consists of 1 page.

1. RECITALS

- A. The South Coast Air Quality Management District (hereinafter "AQMD") and the City of Commerce (hereinafter "CONTRACTOR") have previously executed a Contract No. 07243 to install and operate a new publicly accessible liquefied/compressed natural gas (L/CNG) fueling station.
- B. The fueling station was completed in September 2010, which was considerably later than originally anticipated. CONTRACTOR needs additional time to complete the required five years of operation and reporting after the station became fully operational. Therefore, a modification to this Contract is necessary to extend the date by which performance must be completed.


2. MODIFICATION - The parties therefore agree to modify the existing Contract, at no additional cost to AQMD, as follows:

- A. The term of this Contract is extended for an additional period commencing January 1, 2013 and terminating December 31, 2015.
- B. All other provisions of the above-referenced Contract shall remain in full force and effect.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

CITY OF COMMERCE

By: _____
Barry R. Wallerstein, D. Env., Executive Officer


By: 
Name: Lilia R. Leon
Title: Mayor, City of Commerce

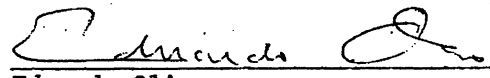
Date: _____

Date: 12-20-2012

APPROVED AS TO FORM:
Dean D. Hughbanks, Procurement Manager

Approved As To Form:

By: 


Eduardo Olivo
City Attorney

//Modification
15 December 2004

Date: 12-20-12



AGENDA REPORT

Meeting Date: January 15, 2013

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE PURCHASE OF MAINTENANCE SPARE PARTS.

RECOMMENDATION:

Move to approve and adopt the Resolution and assign the number next in order.

MOTION:

Move to approve recommendation.

BACKGROUND:

The City of Commerce was awarded a \$323,650 grant (CA-03-0593) from the Federal Transit Administrator (FTA) for the purchase of maintenance spare parts for the City's transit fleet. This capital grant allows the City to purchase a significant amount of maintenance spare parts using capital funds.

ANALYSIS

On October 22, 2012, Purchasing issued a Request for Quote (RFQ) for Maintenance Spare Parts. The RFQ was announced on the City's website distributed to parts vendors.

The Federal Transit Administration (FTA) procurement regulations classify this procurement as a "small purchase", which is defined as:

Acquisition of services, supplies or other property that cost less than the federal simplified acquisition threshold, currently fixed at \$100,000. Those relatively simple and informal procurement methods used to make small purchases. If these procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

Companies were requested to provide quotes to provide the following equipment and services:

- Cummins Engine Computer
- Cylinder Head
- Radiator
- AC parts
- Transmission and associated parts
- Cummins Engine
- Axle parts
- Air compressor
- Air Dryer
- Turbo Charger

- Exhaust muffler and associated parts
- Wheelchair assembly and associated parts
- Replacement of Compressed Natural Gas (CNG) storage tanks on two buses

Quotes were received from the following companies by the November 12, 2012 deadline:

- Cummins Cal Pacific
- Three E Supply
- Altro Safety Flooring and Hygienic Wall Systems
- Western States Transmission
- Wincal Technology
- New Flyer Industries
- Diversified Services
- Peterson Hydraulics
- Bennet Sales

All companies met the requirements of the RFQ document. Shown below are the quotes received for each maintenance spare part item. These are the lowest bids and include taxes.

Item	Vendor	Quantity	Unit	TOTAL
Altro Floor Model Chroma 2.7	Altro Safety Flooring	8	\$ 2,829	\$ 22,633
EMC Parts Washer	Bennet Sales	1	\$ 10,100	\$ 10,100
Cummins Engine Computer	Cummins Cal Pacific	1	\$ 2,648	\$ 2,648
Cylinder Head Model ISL-G280	Cummins Cal Pacific	1	\$ 2,373	\$ 2,373
Cummins Engine, ISLG280	Cummins Cal Pacific	1	\$ 38,996	\$ 38,996
Air Compressor, Wabco 318	Cummins Cal Pacific	2	\$ 1,306	\$ 2,612
Turbo Charger Holset	Cummins Cal Pacific	3	\$ 1,470	\$ 4,410
Fuel Mixers 6313052	Cummins Cal Pacific	2	\$ 1,242	\$ 2,484
Exhaust Muffler/ISL-G Plus	Cummins Cal Pacific	2	\$ 4,419	\$ 8,837
CNG Tank Retrofit (326 & 327)	Diversified Services	2	\$ 37,569	\$ 75,138
Ricaro Seat	New Flyer Industries	9	\$ 2,500	\$ 22,500
Fall Protection	Peterson Hydraulics	1	\$ 16,000	\$ 16,000
Radiator Young Touchstone	Three E Supply	1	\$ 6,255	\$ 6,255
AC Compressor, Carrier 05G	Three E Supply	1	\$ 4,658	\$ 4,658
Meritor Axle-Third Member	Three E Supply	1	\$ 5,378	\$ 5,378
Meritor Axle-Model #71000	Three E Supply	1	\$ 4,715	\$ 4,715
Air Dryer Model Dual Turbo	Three E Supply	2	\$ 1,313	\$ 2,626
Wheelchair Assembly T7400sc	Three E Supply	1	\$ 3,281	\$ 3,281
Wheelchair Assembly T7300	Three E Supply	1	\$ 6,550	\$ 6,550
Wheelchair Power Unit T7600sc	Three E Supply	1	\$ 5,451	\$ 5,451
Wheelchair Assembly T1200sc	Three E Supply	1	\$ 10,701	\$ 10,701
Allison Transmission	Western States Trans.	1	\$ 9,356	\$ 9,356
GE Mobile View 5 System	Wincal Technology	6	\$ 5,200	\$ 31,200
TOTAL				\$ 298,901

Contracts may be required for some of the purchases. Such items will be brought back to City Council on a future date for approval on the consent calendar.

FISCAL IMPACT:

The cost of the project and funding sources is shown below:

PRICING

Item	Cost
Maintenance Spare Parts	\$ 298,901
Project Management	\$ 5,000
Contingency	\$ 19,749
TOTAL	\$ 323,650

PROJECT FUNDING

Source	Amount
FTA Grant CA-03-0593	\$ 258,920
TDA Capital Reserves	\$ 64,730
TOTAL	\$ 323,650

The proposed activity can be paid for out of Federal Transit Administration (FTA) grant number CA-03-0593 and TDA capital reserve funds.

Expenditures for the proposed activity will amount to \$323,650 for Fiscal Year 2012-13.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda item relates to the 2012 strategic planning goal: “review and update services and activities to increase efficiency”, as the proposed recommendation outlined in this report assist in mitigating the City’s transportation operating and capital equipment replacement cost.

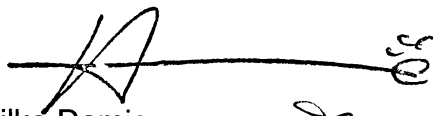
Recommended by:


Claude McFerguson
Director of Transportation

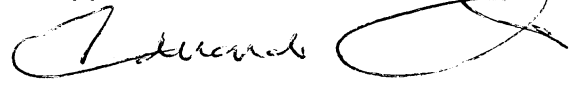
Respectfully submitted,


Jorge Rifá
City Administrator

Budget Impact Review by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING THE PURCHASE OF MAINTENANCE SPARE PARTS**

WHEREAS, the City of Commerce has an active transit capital project grant from the Federal Transit Administration (CA-03-0593); and

WHEREAS, the above grant includes funding for maintenance spare parts; and

WHEREAS, on January 15, 2013, staff recommended that the City Council approve the purchase of spare parts from Cummins Cal Pacific (\$62,359), Three E Supply (\$49,615), Altro Safety Flooring and Hygienic Wall Systems (\$22,633), Western States Transmission (\$9,356), Wincal Technology (\$31,200), New Flyer Industries (\$22,500), Diversified Services (\$75,138), Peterson Hydraulics (\$16,000), Bennet Sales (\$10,100); and

WHEREAS, contracts may be required for some of the purchases and will be brought back for approval by the City Council at a future date.

**NOW, THEREFORE, THE CITYCOUNCIL OF THE CITY OF COMMERCE DOES
HEREBY RESOLVE AND ORDER AS FOLLOWS:**

Section 1: City staff is authorized to proceed with the purchase of maintenance spare parts for a price not to exceed \$298,901. A contingency fund of \$19,749 and project management fund of \$5,000 would be established for a total project cost of \$323,650. To the extent that contracts are required, they will be reviewed by the City Attorney and, if necessary, brought back for approval by the City Council. The City Administrator, or his designee, is authorized to execute all other documents required to process the purchases.

PASSED AND ADOPTED this 15th Day of January 2013.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

MEETING DATE: JANUARY 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR THE IMPLEMENTATION OF MEASURE AA

RECOMMENDATION:

Approve and adopt the Resolution approving certain agreements with the State Board of Equalization for the implementation of Measure AA and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On August 6, 2012, the City Council approved the submittal of Measure AA to the City voters at the November 6, 2012, Special Municipal Election. Measure AA proposed to raise revenue to offset severe state budget cuts and provide funding for such things as police and fire services, repair, maintenance and improvement of streets, sidewalks, public facilities, parks, libraries and other services in the City of Commerce (the "City"). The revenue would be raised by approving an ordinance enacting a one-half of one percent ($\frac{1}{2}\%$) transactions and use (i.e. "sales tax") tax within the City.

The Measure was a "general tax." Pursuant to *California Revenue and Taxation Code* §7285.9 and Proposition 218, a general tax requires approval by a simple majority of the qualified voters voting in the election. On November 6, 2012, 63% of the City voters who voted in the election approved the passage of Measure AA. Therefore, the Measure has been duly approved.

ANALYSIS:

Pursuant to the *Revenue and Taxation Code*, Measure AA cannot go into effect until April 1, 2013. Nevertheless, the City is required by February 1, 2013, to approve agreements with the State Board of Equalization in connection with the implementation of the sales tax approved by Measure AA. The City is required to approve the following agreements.

1. Agreement for State Administration of City Transactions and Use Taxes

This agreement is required by the State Board of Equalization (the "Board") in order for it to carry out the provisions of Part 1.6 of Division 2 of the *Revenue and Taxation Code* and the Ordinance approved as Measure AA. Pursuant to this agreement, the Board will perform exclusively all functions incident to the administration and operation of the Ordinance enacted as Measure AA. The money collected pursuant to the Ordinance will be deposited into the State Treasury to the credit of the Retail Sales Tax Fund. The Board will then transmit to the City the amount to which City is entitled as promptly as feasible, but not less often than twice in each calendar quarter. In return, the City shall pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law; such amounts shall be deducted from the taxes collected by the Board for the City.

2. Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance

This agreement is also required by the Board and specifies that the City shall pay to the Board at the times and in the amounts specified all of the Board's costs for preparatory work necessary to administer the City's Ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in *Government Code* § 11256. The actual costs are not known at this time but, pursuant to the agreement and *Revenue and Taxation Code* § 7272, they cannot exceed a total of one hundred seventy-five thousand dollars (\$175,000).

The proposed Resolution will approve both agreements and direct staff to transmit them to the State Board of Equalization.

FISCAL IMPACT:

The City is required by the *Revenue and Taxation Code* and the agreements to reimburse the State Board of Equalization for all direct and indirect costs incurred by the Board in order to implement the Ordinance approved as Measure AA. The cost cannot exceed a total of one hundred seventy-five thousand dollars (\$175,000), but is expected to be significantly less than that amount.

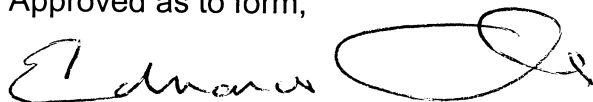
Respectfully submitted,


Jorge Rifa
City Administrator

Fiscal impact reviewed by:


Vilko Domic
Director of Finance/City Treasurer

Approved as to form,



Eduardo Olivo
City Attorney

Attachments: Resolution
Agreement for State Administration of City Transactions and Use Taxes
Agreement for Preparation to Administer and Operate City's Transactions
and Use Tax Ordinance
Address Form

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING AGREEMENTS WITH THE STATE BOARD OF
EQUALIZATION FOR THE IMPLEMENTATION OF MEASURE AA

WHEREAS, on August 6, 2012, the City Council approved the submittal of Measure AA to the City voters at the November 6, 2012, Special Municipal Election. Measure AA proposed to raise revenue to offset severe state budget cuts and provide funding for such things as police and fire services, repair, maintenance and improvement of streets, sidewalks, public facilities, parks, libraries and other services in the City of Commerce (the "City"). The revenue would be raised by approving an Ordinance enacting a one-half of one percent ($\frac{1}{2}\%$) transactions and use (i.e. "sales tax") tax within the City; and

WHEREAS, on November 6, 2012, 63% of the City voters who voted in the election approved the passage of Measure AA; and

WHEREAS, the City is required to execute the following agreements with the State Board of Equalization in connection with the approval of Measure AA: (1) Agreement for State Administration of City Transactions and Use Taxes; and (2) Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Agreement for State Administration of City Transactions and Use Taxes between the City of Commerce and the State Board of Equalization is hereby approved. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

Section 2. The Agreement for Preparation to Administer and Operate City's Transactions and Use Tax Ordinance between the City of Commerce and the State Board of Equalization is hereby approved. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

PASSED, APPROVED and ADOPTED this 15th day of January, 2013.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

**AGREEMENT FOR STATE ADMINISTRATION
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Commerce has adopted, and the voters of the City of Commerce (hereafter called "City" or "District") have approved by the required majority vote, the City of Commerce Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the City do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 649, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II
ADMINISTRATION AND COLLECTION
OF CITY TAXES**

A. Administration. The Board and City agree that the Board shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

B. Other Applicable Laws. City agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

C. Transmittal of money.

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

D. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

E. Preference. Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.

F. Security. The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Board.

G. Records of the Board.

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the City to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Board's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

H. Annexation. City agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

ARTICLE III
ALLOCATION OF TAX

A. Allocation. In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

B. Vehicles, Vessels, and Aircraft. For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

ARTICLE IV COMPENSATION

The City agrees to pay to the Board as the Board's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the City.

ARTICLE V MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879
Sacramento, California 94279-0073
Attention: Executive Director

Communications and notices to be sent to the City shall be addressed to:

City of Commerce
2535 Commerce Way
Commerce, California 90040
Attention: City Administrator

Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on _____. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

C. Notice of Repeal of Ordinance. City shall give the Board written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

ARTICLE VI
ADMINISTRATION OF TAXES IF THE
ORDINANCE IS CHALLENGED AS BEING INVALID

A. Impoundment of funds.

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

B. Costs of administration. Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by City to Board to prepare to administer the City Ordinance.

2. City will pay to Board and allow Board to retain Board's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Board shall bill City on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. City shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

CITY OF

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

Lilia R. Leon
(Typed Name)

Mayor
(Title)

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Commerce, hereinafter called *City*, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

STATE BOARD OF EQUALIZATION
P. O. BOX 942879
SACRAMENTO, CALIFORNIA 94279-0073
ATTENTION: EXECUTIVE DIRECTOR

Communications and notices to be sent to City shall be addressed to:

CITY OF COMMERCE
2535 COMMERCE WAY
COMMERCE, CALIFORNIA 90040
ATTENTION: CITY ADMINISTRATOR

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Board has received all payments due from City under the terms of this agreement.

CITY OF _____

STATE BOARD OF EQUALIZATION

By _____
(Signature)

By _____
(Executive Director)

Lilia R. Leon
(Typed Name)

Mayor
(Title)

(Rev. 11/02)

CITY OF COMMERCE TRANSACTIONS AND USE TAX

All legal correspondence should be mailed to the following address:

Jurisdiction: City of Commerce

Title: City Administrator

Address: 2535 Commerce Way

Commerce, California 90040

Financial correspondence (Non-confidential information) should be mailed to the following address:

Note: Confidential information may be sent only to positions authorized by resolution

Jurisdiction: City of Commerce

Title: Finance Director

Address: 2535 Commerce Way

Commerce, California 90040

Paper warrants (if issued) and Monthly/quarterly statements of transactions and use tax payments should be mailed to the following address:

Jurisdiction: City of Commere

Title: Finance Director

Address: 2535 Commerce Way

Commerce, California 90040

Name: Jorge Rifa

Signature: _____

Title: City Administrator

Date: _____



AGENDA REPORT

DATE: January 15, 2012

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: PRESENTATION BY EASTYARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE ON THE COMMUNITY ALTERNATIVE 7 FOR THE I-710 FREEWAY IMPROVEMENT PROJECT

RECOMMENDATION:

Receive and file a presentation by Eastyard Communities for Environmental Justice on the Community Alternative 7 for the I-710 Freeway Improvement Project.

MOTION:

Move to approve the recommendation.

BACKGROUND/ANALYSIS:

The California Department of Transportation (Caltrans as Lead Agency) along with other agencies including the Metropolitan Transportation Authority (MTA/Metro), Southern California Association of Governments (SCAG), Gateway Cities Council of Governments (COG), as well as the Ports of Long Beach and Los Angeles and their technical advisory team oversaw the preparation and release of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed I-710 Freeway Improvement Project. The DEIR/DEIS (DEIR/DEIS) was released for public review with the comment period closing on September 28, 2012. Since that time, Caltrans has been reviewing the large volume of comments they have received on the DEIR/DEIS.

During the comment period Caltrans received extensive comments from the "Coalition for Environmental Health and Justice" which included significant technical environmental review and analysis. Eastyard Communities for Environmental Justice is part of the Coalition for Environmental Health and Justice and actively participated in the development of "Community Alternative 7" for consideration in the project DEIR/DEIS. Per Eastyard Communities for Environmental Justice, "Community Alternative 7 would include four dedicated zero emissions truck lanes but no additional general purpose lanes". Mr. Angelo Logan from Eastyard Communities for Environmental Justice is presenting an overview of Community Alternative 7 and a Powerpoint presentation is attached for information.

Caltrans is still reviewing comments it received on the DEIR/DEIS including Community Alternative 7. Staff will provide the Council and I710 LAC an update on next steps in the process once it has been established by Caltrans.

FISCAL IMPACT:

This activity can be carried out at this time without additional impact on the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council strategic goal to “*Protect and Enhance Quality of Life in the City of Commerce*”. The recommendations contained in this report are intended to insure that Commerce residents are afforded the most efficient and effective opportunity to engage in meaningful public participation on matters concerning their quality of life.

Respectfully submitted,



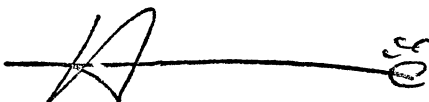
Jorge Rifa
City Administrator

Recommended and prepared by:




Alex Hamilton
Assistant Director of Community Development

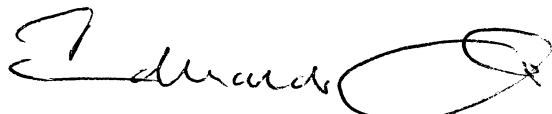
Fiscal Impact reviewed by:



Vilko Domic
Director of Finance



Approved as to Form:



Eduardo Olivo
City Attorney

East Yard Communities for Environmental Justice
&

Coalition for Environmental Health and Justice

I-710 Corridor Project

Community Alternative 7

Community Alternative 7



NO I-710 Widening

 **Comprehensive Public Transit Element** 



 **Committed Zero Emission
Freight Corridor** 

**Public Private Partnership
Employer Operated Freight System**

 **River Improvements** 

 **Comprehensive Pedestrian and Bicycle Element** 

Community Benefits

Expanded Open Space and other Community Enhancements

No Widening

- Preserve needed resources
- Preserve local jobs
- Address mobility through public transit

Important Resources

Bell Homeless Shelter



Commerce Houses



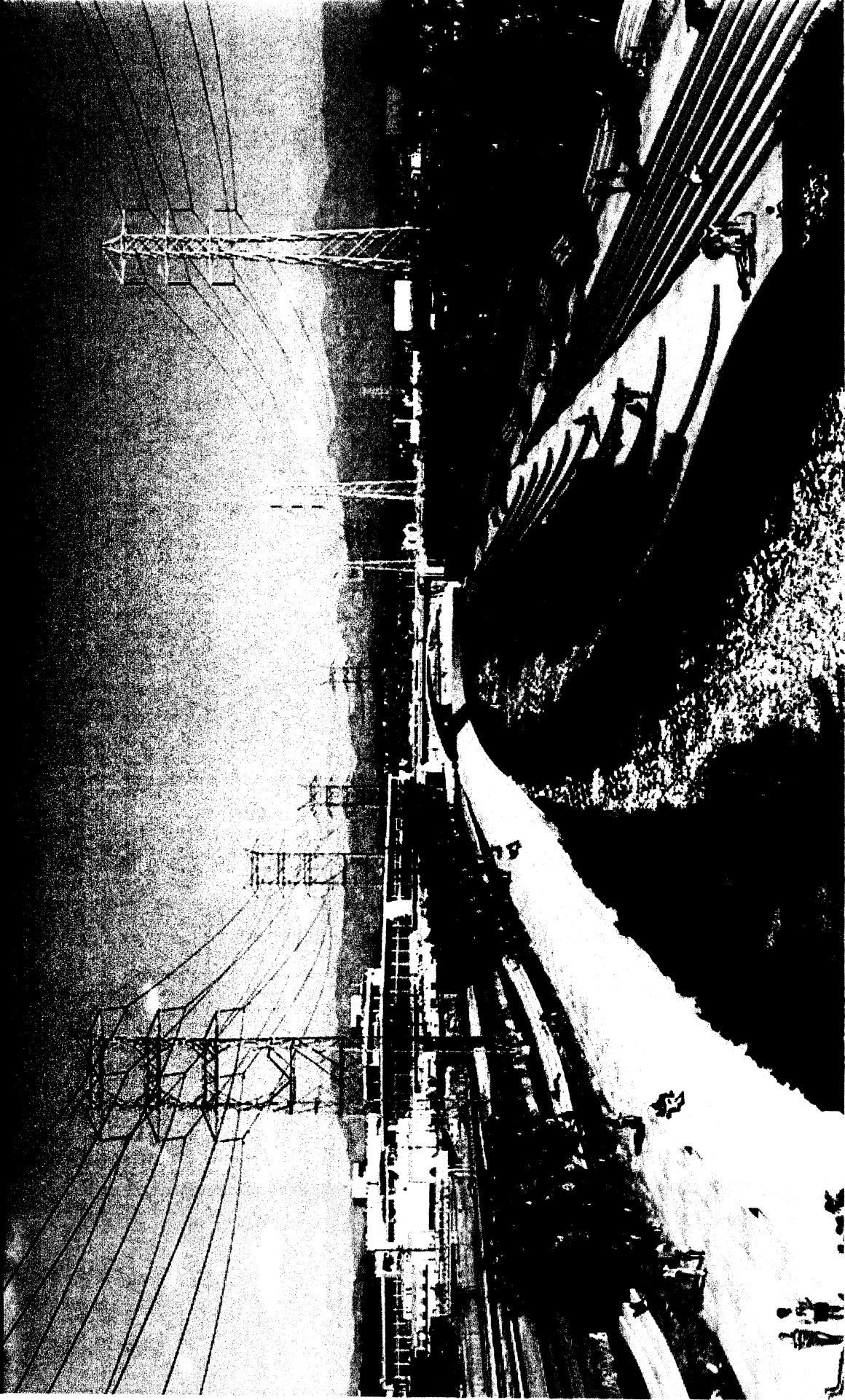
Comprehensive Public Transit Element



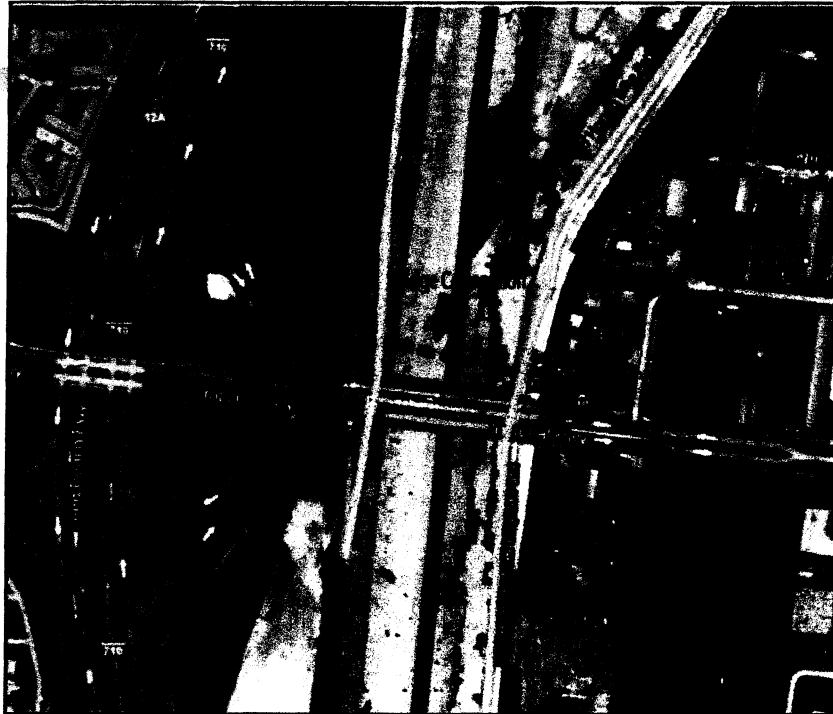
Mandatory Zero-Emission Corridor Through Public-Private Partnership



LA River Improvements



Comprehensive Pedestrian and Bicycle Element



LA River and Rio Hondo Connection



Photo: LA County Bicycle Master Plan Figure 3-5:
Eastern Los Angeles County Proposed Bicycle Network

Community Benefits

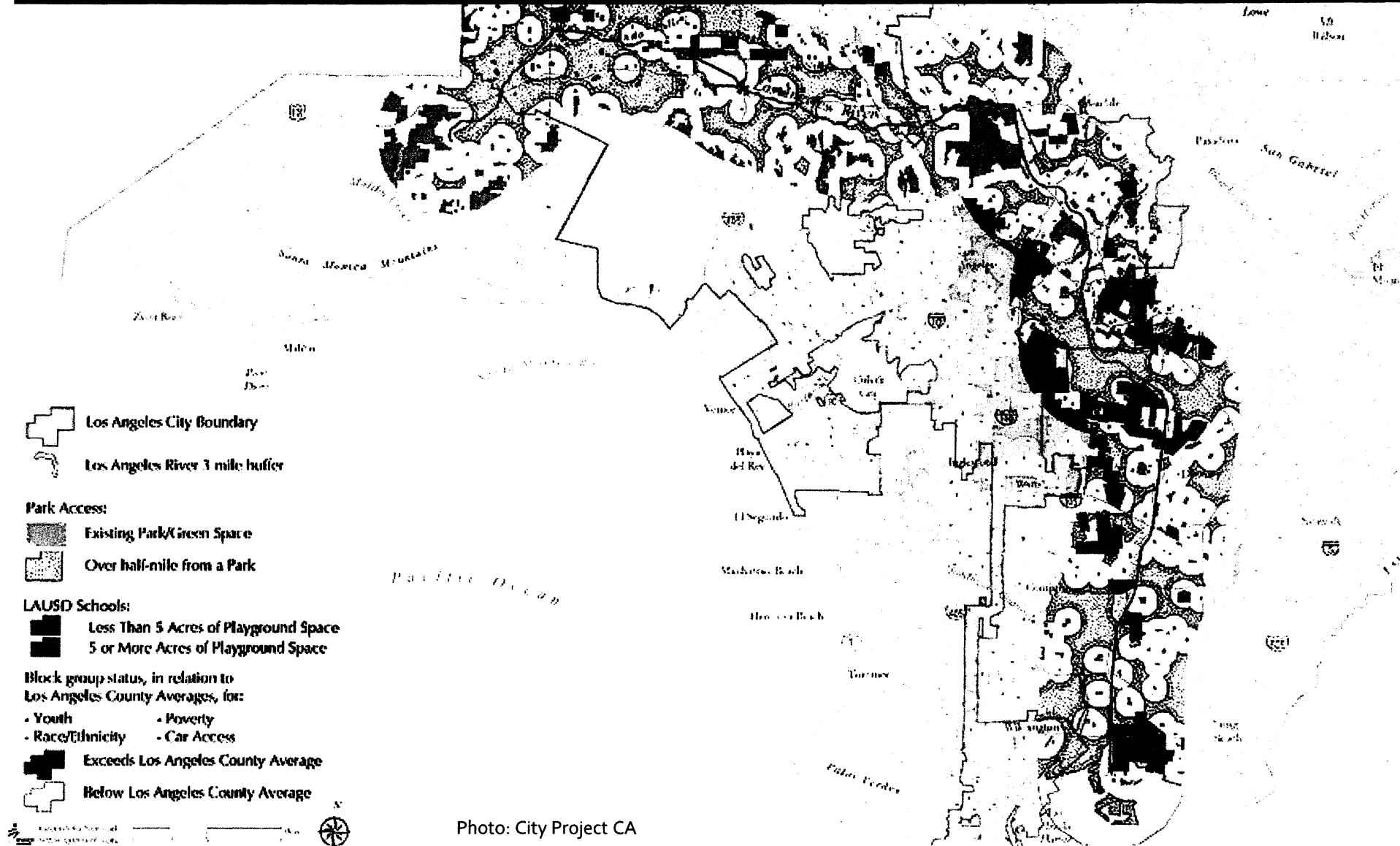


Photo: City Project CA

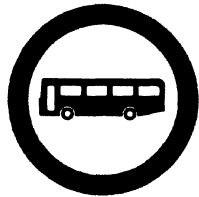
Community Benefits



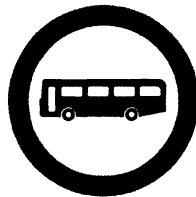
During Construction

Community Benefits

“Local Hire” and Project Labor Agreement,
Environmental Mitigation



**Free Public Transit
During Construction**



**Zero/Near Zero Emission
Construction Equipment**



Comprehensive Pedestrian and Bicycle Safety Element



**Dedicated fund set up for safety
mitigation measures**





AGENDA REPORT

DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AUTHORIZING STAFF TO PROCEED WITH NEGOTIATING TERMS FOR AN EXCLUSIVE FRANCHISE AGREEMENT WITH CALMET SERVICES, INC. FOR AN EXTENSION OF A TOTAL OF 5 YEARS AS REFLECTED IN A THREE-YEAR AND TWO-YEAR CONTRACT PERIOD FOR THE CONTINUED PROVISION OF RESIDENTIAL REFUSE AND RECYCLING SERVICES AND RESCINDING RESOLUTION NO. 12-102

RECOMMENDATION:

Approve and adopt the Resolution authorizing staff to proceed with negotiating terms for an exclusive franchise agreement with CalMet Services, Inc. for an extension of a total of 5 years as reflected in a three-year and two-year contract period for the continued provision of residential refuse and recycling services and rescinding Resolution No. 12-102, and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND/ ANALYSIS:

The existing Solid Waste Management Agreement with CalMet Services, Inc. (CalMet) is due to expire on June 30, 2013. On June 7, 2012, CalMet sent the City a letter expressing their continued interest in providing refuse and recycling services to the City of Commerce. On September 18, 2012, the City Council approved Resolution No. 12-102, which established a City Council Sub-committee to develop recommendations for a new exclusive residential refuse agreement and appointed two council members to the sub-committee. However, at this time, staff recommends that Council suspend the sub-committee and instead direct staff to proceed with negotiating contract terms with CalMet for an extension of a total of 5 years as reflected in a three-year and two-year contract period.

Based on CalMet's quality service, responsiveness to the residents and City's needs, low complaint rate and reliability, and in the interest of time and limited City resources, staff feels that the City's vital needs for waste management would best be serviced at this time under a new contract with CalMet. Further, it is imperative that the City focus its limited resources on compliance with new regulations such as the 2012 National Pollutant Discharge Elimination System (NPDES) Permit, securing a designated funding source for new mandates such as Los Angeles County Flood Control District's proposed Water Quality Initiative, implementing green policies, and rebuilding the City's infrastructure to retain businesses and grow the City's revenue base. At this time, redirecting limited staff resources to pursue a lengthy Request for Proposals and contract bidding process will further delay other pursuits the City is already committed to and in some cases, legally obligated to accomplishing in the near future.

Following Council's authorization to proceed with contract negotiations, staff will return to Council prior to the end of the contract period to present its recommendations for a new contract and overview of agreed upon service and terms to award an exclusive franchise agreement to CalMet for residential refuse and recycling services.

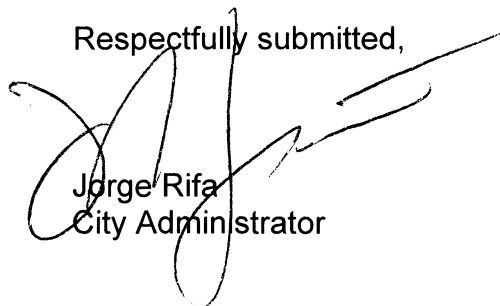
FISCAL IMPACT:

There is no adverse fiscal impact. However, the City Council will be informed at a later date of the economic parameters relative to extending the current contractual relationship that would necessitate the incorporation of new contract language.

RELATIONSHIP TO 2012 STRATEGIC GOALS:


The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



Jorge Rifa
City Administrator

Recommended by:



Danilo Batson
Assistant Director of Community Development

Prepared by:



Gina Nila
Environmental Services Manager

Fiscal Impact reviewed by:



Vilko Domic
Director of Finance

Approved as to Form:



Eduardo Olivo
City Attorney

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AUTHORIZING STAFF TO PROCEED WITH NEGOTIATING TERMS FOR AN EXCLUSIVE FRANCHISE AGREEMENT WITH CALMET SERVICES, INC. FOR AN EXTENSION OF A TOTAL OF 5 YEARS AS REFLECTED IN A THREE-YEAR AND TWO-YEAR CONTRACT PERIOD FOR THE CONTINUED PROVISION OF RESIDENTIAL REFUSE AND RECYCLING SERVICES AND RESCINDING RESOLUTION NO. 12-102

WHEREAS, CalMet Services, Inc. is currently under an agreement with the City to provide trash and recycling services to the City of Commerce's residents; and

WHEREAS, the existing Solid Waste Management Agreement with CalMet Services, Inc. (CalMet) is due to expire on June 30, 2013; and

WHEREAS, CalMet sent the City a letter, dated June 7, 2012, expressing their continued interest in providing refuse and recycling services to the City of Commerce; and

WHEREAS, on September 18, 2012, the City Council approved Resolution No. 12-102, which established a City Council Sub-committee to develop recommendations for a new exclusive residential refuse agreement and appointed two council members to the sub-committee; and

WHEREAS, staff recommends, at this time, that Council suspend the sub-committee and instead direct staff to proceed with negotiating contract terms with CalMet for an extension of a total of 5 years as reflected in a three-year and two-year contract period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

SECTION 1. City Council Resolution No. 12-102, which established a City Council Sub-committee to develop recommendations for a new exclusive residential refuse agreement, is hereby rescinded.

SECTION 2. City staff is authorized to proceed with negotiating terms for an exclusive franchise agreement with CalMet Services, Inc. for an extension of a total of 5 years as reflected in a three-year and two-year contract period for the continued provision of residential refuse and recycling services. Staff will return to the City Council prior to the end of the existing CalMet contract term to present its recommendations for a new contract and overview of agreed upon service and terms to award an exclusive franchise agreement to CalMet for residential refuse and recycling services.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2013.

Lilia R. Leon
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

MEETING DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AD HOC COMMITTEES

RECOMMENDATION:

At the request of Mayor Pro Tempore Tina Baca Del Rio, the City Council will formally consider relinquishing participation in established City ad hoc committees, excluding participation in City standing committees.

MOTION:

City Council discretion.

BACKGROUND / ANALYSIS:

In an effort to effectively expedite the work process in addressing specific City Council issues and/or tasks, the Mayor Pro Tempore recommends City Councilmembers relinquish participation in any formally established City ad hoc committees for the balance of the 2013 calendar year.

The following are a few examples of some City ad hoc committees created to study important policy issues and have less permanence than standing committees, which are generally long lived:

Ad Hoc Committees*	Standing Committees
Trash Sub-Committee	Mayor's Business Relations Committee
Council Finance Committee	Keep Commerce Beautiful Committee
Billboard Sub-Committee	Rail Road Quarterly Update Committee
Business Showcase Committee	
Industrial Realtor Support Committee	

*Established by Council action.

** I-710 LAC Appointed Councilmember is a non-voting Committee Member.

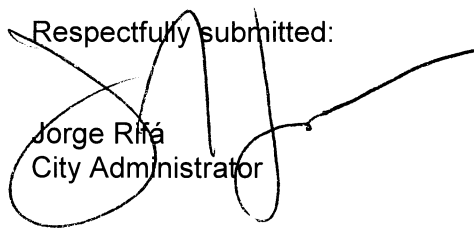
FISCAL IMPACT:

There is no fiscal impact associated with this agenda item report.


RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda report before Council is not identified as a 2012 Strategic Goal.

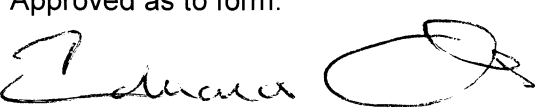
Respectfully submitted:


Jorge Rifa
City Administrator

Fiscal impact reviewed by:


Vilko Domic
Finance Director

Approved as to form:


Eduardo Olivo
City Attorney



AGENDA REPORT

DATE: January 15, 2013

TO: Honorable City Council
FROM: City Administrator
SUBJECT: Commission and Task Force Appointments

RECOMMENDATION:

Make the appropriate appointments.

MOTION:

Council discretion.

BACKGROUND:

Pursuant to Resolution No. 97-15, as amended, each Councilmember makes one appointment to the various Commissions and Committees of the City, with the terms of office of each appointee being for a period not to exceed two years, expiring at the next General Municipal Election. The term of office shall continue until the appointment and qualification of successor appointees. The Council makes the appointments of any sixth or more members, industrial member and Council member of the applicable Commission and Committees.

ANALYSIS:

It is recommended that an appointment be made to the following Commission and Task Force at this time, with all terms to expire March 19, 2013, unless otherwise indicated:

Youth Advisory Commission

Councilmember Robles


Environmental Justice Advisory Task Force

Councilmember Aguilar

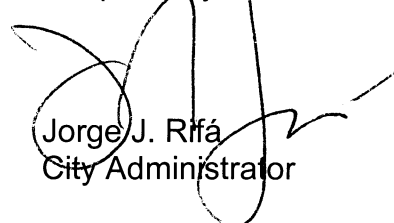
FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

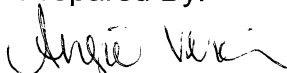
Recommended by:


Linda Kay Olivieri, MMC
City Clerk

Respectfully submitted,


Jorge J. Rifá
City Administrator

Prepared By:


Angie Verdin
Senior Office Assistant



AGENDA REPORT

MEETING DATE: January 15, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: FISCAL YEAR 2012/13 CAPITAL IMPROVEMENT PROGRAM UPDATE

RECOMMENDATION:

Consider for receipt and filing, and take appropriate action as deemed necessary with respect to the status report on the FY 2012/13 Capital Improvement Program.

MOTION:

Move to approve recommendation.

BACKGROUND/ANALYSIS:

On June 19, 2012, the City Council approved the Fiscal Year 2012/13 Capital Improvement Program Budget. The approved budget includes 4 transportation-related projects and 18 general fund related projects as shown on Table 1 & Table 2.

TABLE 1 – TRANSPORTATION & SPECIAL PROJECT FUNDS APPROVED PROJECTS

Project Consultant (Mobility Advancement)	\$ 45,000
Commerce MetroLink Station Improvement	\$ 250,000
Replace Bus Washer	\$ 317,467
Telegraph Road Street Improvement (MTA Measure R)	\$2,004,000
TOTAL	\$2,616,467

TABLE 2 – GENERAL FUNDS & OTHER SOURCES APPROVED PROJECTS

Street Reconstruction (Rosini Residential)	\$ 2,000,000
Street Reconstruction (Bristow Residential / East of I-710 FWY)	\$ 805,000
Safe Route to School (Cycle 7)	\$ 57,210
Railroad Crossing Improvements (HSIP Cycle 4 Grant)	\$ 56,000
Resident Card System and Services Tracking Program	\$ 113,000
Camp Commerce Water Line Improvements	\$ 130,000
Camp Commerce Driveway Improvements	\$ 40,000
Geotechnical Analysis Camp Commerce Snow Drop	\$ 30,000
Supplemental Filtration and Replastering (Small Pool)	\$ 150,000
Emergency System Upgrade	\$ 30,000
Emergency Dispenser/Fuel Line	\$ 65,000
City Hall Security/Electronic Card System	\$ 100,000
Teen Center Improvements	\$ 100,000
Municipal Code Update	\$ 45,000
Greenwood Library Improvements	\$ 28,300
Construction Management Services (Swinerton)	\$ 146,827
Engineering Services (Transtech)	\$ 63,000
Project Consultant (Tierra West)	\$ 87,000
TOTAL	\$4,046,969

Today's agenda includes City Council action on the following projects:

- 1) Washington Boulevard Widening & Reconstruction Project
- 2) Street Reconstruction (Bristow Residential)
- 3) 26th Street Metrolink Station Improvement Project

Staff continues to work diligently on the implementation of this year's Capital Improvement Program. Attached is a spreadsheet with updates on all projects. Projects with significant changes/accomplishments are indicated with an asterisk.

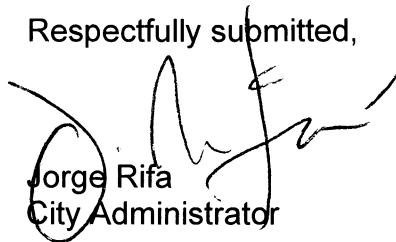
FISCAL IMPACT:

The proposed activities can be carried out at this time without additional impact on the current operating budget, as funding for this activity has been approved and included in the FY 2012/13 Capital Improvement Program Budget.

RELATIONSHIP TO 2012 STRATEGIC GOALS:


The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



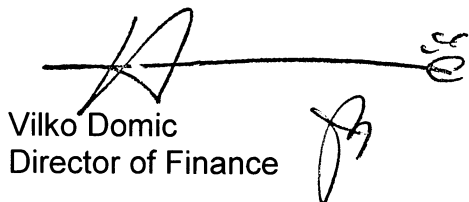
Jorge Rifa
City Administrator

Prepared and recommended by:



Danilo Batson
Assistant Director of Public Services

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

File: 2012 City Council Agenda Reports
FY 2012/13 Capital Improvement Program – Agenda Reports

FY 2012/13 TRANSPORTATION & SPECIAL PROJECT FUNDS PROJECTS

PROJECT NAME	BUDGET	STATUS
PROJECT CONSULTANT (MOBILITY ADVANCEMENT)	\$ 45,000	Mobility Advancement is providing consultation services and assistance to Transportation on various grants and transit related projects.
COMMERCE METROLINK STATION IMPROVEMENT	\$ 327,792	Staff met the Project Engineer to discuss additional work as a result of the Feb. 2012 train derailment.
REPLACE BUS WASHER	\$ 317,467	City Council approved contract with NS Corporation for these improvements on 10/16/12. On 12/6/12, The contractor has began demolition of the current system.
TELEGRAPH ROAD STREET IMPROVEMENT (MTA MEASURE R)	\$ 2,004,000	City Council approved RFP for various Professional Services (engineering, construction management, materials testing and public works inspection) on 11/5/12. Actual funds available from I-5 JPA is \$1,800,000 for this project of which 40% soft-cost & 60% construction cost. A Notice Inviting Sealed Proposals has been issued.
PAINT TRANSPORTATION DEPARTMENT BUILDING	\$ 90,000	PHASE I - PAINTING OF INTERIOR OFFICES AND BUILDING EXTERIOR COMPLETED AND WORK ACCEPTED BY CITY COUNCIL ON 8/6/12. City Council to award PHASE II - Painting of Garage Interior on 9/4/12. Garage painting is tentatively schedule to begin mid-December 2012.
BUS STOPS -- CITYWIDE	\$ 500,000	IMPROVEMENTS COMPLETED AND CITY COUNCIL ACCEPTED WORK ON 12/04/12.
REPLACE HEAVY VEHICLE LIFT (TRANSPORTATION)	\$ 120,000	IMPROVEMENTS COMPLETED AND CITY COUNCIL ACCEPTED WORK ON 12/18/12.
	\$ 3,404,259	

TIER I - FY 2010/11 CIP APPROVED AND FUNDED PROJECTS (TRANSPORTATION & SPECIAL PROJECTS)

PROJECT NAME	BUDGET	STATUS
STREET RECONSTRUCTION (ROSINI/ROSEWOOD RESIDENTIAL)	\$ 2,000,000	After a holiday break, design to eliminate construction during the holidays, the contractor has returned to continue with the required street repairs. Work is tentative schedule to end the first week in February 2013, weather permits. *
STREET RECONSTRUCTION (BRISTOW RESIDENTIAL)	\$ 805,000	The PS&E have been approved by LA County. City Council to approve PS&E and authorize staff to advertise for sealed bids on 01/15/13. *

SAFE ROUTE TO SCHOOL (CYCLE 7)	\$ 57,210	Project has beend modified due to the closure of Laguna Nueva. Project will begin after the completion of repairs on Harbor Street, Commerce Way, etc. (part of Rosin/Rosewood Street Rehabilitation Project). On 12/18.12, City Council approved project modifications, which includes additional improvements at Bandini and Rosewood Park schools.
RAILROAD CROSSING IMPROVEMENTS (HSIP CYCLE 4 GRANT)	\$ 56,000	Awaiting MOU Agreement with Caltrans.
RESIDENT CARD SYSTEM AND SERVICES TRACKING PROGRAM	\$ 113,000	IT is on standby until Parks & Recreation replaces all the resident's old ID cards with the updated version that will work with our tracking software. Parks and Recreation indicated that they were on schedule to complete the change-over by November 2012.
CAMP COMMERCE WATER LINE IMPROVEMENTS	\$ 130,000	Engineer has submitted 90% plans for Water Line Improvements and Driveway Improvements. Staff to review next week and provide comments. Survey for the new block wall has been completed the survey will be used by an engineer to complete the plans necessary for San Bernardino County to approve the construction.
CAMP COMMERCE DRIVEWAY IMPROVEMENTS	\$ 40,000	
GEOTECHNICAL ANALYSIS CAMP COMMERCE SNOW DROP	\$ 30,000	
SUPPLEMENTAL FILTRATION AND REPLASTERING (SMALL POOL)	\$ 150,000	Aquatic Design Group has submitted a 90% design plan for staff review and approval.
EMERGENCY SYSTEM UPGRADE	\$ 30,000	Staff will begin work on this project in January 2013.
EMERGENCY DISPENSER/FUEL LINE	\$ 65,000	Staff will begin work on this project in January 2013.
CITY HALL SECURITY/ELECTRONIC CARD SYSTEM	\$ 100,000	Staff has completed a draft RFP for this project and a preliminary plan showing all the locations of doors to be secured with card system. Staff will bring the RFP for City Council approval and issuance in February 2013.
TEEN CENTER IMPROVEMENTS	\$ 100,000	Staff met on 11/20/12 to dicuss project priorities and scheduling.
MUNICIPAL CODE UPDATE	\$ 45,000	The current Municipal Code is now avaiable online at the City Website. Staff is currently working on text revisions to the Municipal Code.
GREENWOOD LIBRARY IMPROVEMENTS	\$ 28,300	Staff has obtained 4 proposals for this work and submit them to Purchasing to issue P.O. to lowest bidder. Work will begin after the holidays.
CONSTRUCTION MANAGEMENT SERVICES (SWINERTON)	\$ 146,827	On 12/04/12, City Council to extended the service agreement for construction management services with Swinerton until 06/30/13.

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ENGINEERING SERVICES (TRANSTECH)	\$ 63,000	Transtech is providing engineering services and support services to the City both on a daily basis and on capital improvement projects.	
PROJECT CONSULTANT (TIERRA WEST)	\$ 87,000	Tierra West is providing consultation and support services to Community Development on various projects.	
WASHINGTON BLVD MAJOR IMPROVEMENT	\$ 32,000,000	Engineer and staff are currently working on various design aspects of the project, including utility notification & coordination, storm drainage improvements, traffic signal improvements, roadway geometry and overall design. On 01/15/13, City Council to approve program schedule.	*
RENOVATION OF THE CENTRAL LIBRARY	\$ 4,837,794	On October 8, 2012, the architect has submitted revised plans (to meet new building code requirements, effective 7/1/12) to the County for plan check approval. First Plan Check review has been completed and architect is working on revisions and will resubmit by first week in Dec. 2012. The PS&E are 90% completed. Final PS&E are scheduled for City Council consideration and approval in January 2013, for release and advertisement. Construction is scheduled to start in May 2013 with completion in January 2014.	
EMERGENCY OPERATION CENTER CONSTRUCTION (EOC GRANT)	\$ 1,333,333	On 11/26/12, contractor began mobilization and excavation of EOC site. A groundbreaking ceremony was held on 12/20/12 at the site. The project has experienced some delays because of rain.	*
ENERGY EFFICIENT UPGRADES/LIGHTING RETROFIT	\$ 111,988	IMPROVEMENTS COMPLETED, CITY COUNCIL ACCEPTED WORK ON 7/17/12.	
	\$ 38,579,942		

* indicates projects with significant change/accomplishment since previous update.

