

Members of the public may observe this meeting via Channel 36 or via city website streaming services at www.comptoncity.org, and offer comments at this meeting telephonically by leaving a voicemail at (310) 605-6335, or electronically by emailing your comments to contactcityclerk@comptoncity.org, by 4:00 p.m., the day of the meeting. If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the American with Disabilities Act ("ACT") please contact the City Clerk's Office at (310) 605-5530 or email contactcityclerk@comptoncity.org prior to the meeting for assistance.

**COMPTON CITY COUNCIL
AGENDA
04/28/2020
5:30 PM**

HEARING

5:35 P.M. PUBLIC HEARING - PROPOSED STREET VACATION OF A PORTION OF SOUTH OLEANDER STREET, A PUBLIC RIGHT-OF-WAY, LOCATED BETWEEN WEST ALONDRA BOULEVARD AND THE COMPTON HIGH SCHOOL CAMPUS AND ADJACENT TO 417 WEST ALONDRA BOULEVARD (STREET VACATION NO. 19-001) (Item #6)

OPENING

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

Consent items are routine and expected to be non-controversial. They will be acted upon by the Council at one time without discussion unless a Council Member requests an item be removed or discussed.

PUBLIC WORKS DEPARTMENT

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE STREET REHABILITATION PROJECT (CIP# 13-01) AS COMPLETE, DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE AND AUTHORIZE THE RELEASE OF THE CONTRACTOR'S (PALP, INC. DBA EXCEL PAVING COMPANY) RETENTION (\$120,982.35)

RECREATION DEPARTMENT

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE SIBRIE PARK IMPROVEMENT PROJECT AS COMPLETE AND DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE BURRELL MACDONALD PARK IMPROVEMENT PROJECT AS COMPLETE AND DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE
4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE SOUTH PARK IMPROVEMENT PROJECT AS COMPLETE AND DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE

WATER DEPARTMENT

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RATIFYING THE EMERGENCY EMPLOYMENT OF J.A. SALAZAR CONSTRUCTION & SUPPLY CORPORATION FOR PROVIDING EMERGENCY WATER MAIN LEAK REPAIRS AT WEST GLENCOE STREET AND WILLOWBROOK AVENUE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER (\$11,320)

REGULAR AGENDA

NEW BUSINESS

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AND ORDERING THE VACATION OF A PORTION OF SOUTH OLEANDER STREET, A PUBLIC RIGHT-OF-WAY APPROXIMATELY 60-FEET BY 148-FEET, LOCATED BETWEEN WEST ALONDRA BOULEVARD AND THE COMPTON HIGH SCHOOL CAMPUS AND LOCATED ADJACENT TO 417 WEST ALONDRA BOULEVARD, COMPTON (STREET VACATION NO. 19-001)
7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FIRE DEPARTMENTS' 2019-2020 FISCAL YEAR BUDGET TO TRANSFER FUNDS AND AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER WITH RUSH TRUCK CENTERS OF CALIFORNIA, INC. FOR THE MAINTENANCE AND REPAIR OF PARAMEDIC AND COMAND VEHICLES (\$31,000.00)
8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH LIFTING THE VEIL, INC. TO FACILITATE A TEMPORARY FOOD DISTRIBUTION PROGRAM AT THE KELLY PARK COMMUNITY CENTER
9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DESIGNATING THE CITY MANAGER, ON BEHALF OF THE CITY, TO BE AN AUTHORIZED AGENT TO ENGAGE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) REGARDING FINANCIAL ASSISTANCE FOR EMERGENCIES/DISASTERS
10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO IMPOSE A TEMPORARY SUSPENSION ON THE ISSUANCE OF FIREWORKS PERMITS IN ORDER TO LIMIT THE SPREAD OF THE GLOBAL CORONAVIRUS (COVID-19) PANDEMIC
11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-23A (TOBACCO RETAILER PERMIT) OF THE COMPTON MUNICIPAL CODE (FIRST READING)

COUNCIL COMMENTS

ADJOURNMENT

NEXT SCHEDULED MEETING: 5/6/2020 @ 5:30 PM

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April 28, 2020

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE STREET REHABILITATION PROJECT (CIP# 13-01) AS COMPLETE, DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE AND AUTHORIZE THE RELEASE OF THE CONTRACTOR'S (PALP, INC. DBA EXCEL PAVING COMPANY) RETENTION (\$120,982.35)

SUMMARY

This resolution authorizes the City Manager to accept the construction of the Street Rehabilitation Project (CIP# 13-01) as complete, direct staff to file the Notice of Completion with the Los Angeles County Recorder's Office and authorize the release of the Contractor's (Palp, Inc. dba Excel Paving Company) contractually withheld retention in the amount of One Hundred Twenty Thousand Nine Hundred Eighty Two Dollars and Thirty-Five Cents (\$120,982.35).

BACKGROUND

The Street Rehabilitation Project (CIP# 13-01) consisted of: the installation of asphalt concrete; the installation of ADA compliant curb ramps; curb, gutter and sidewalk improvements; driveway improvements; striping and traffic loop replacement; street name sign replacement; and other minor associated work.

On November 20, 2018, pursuant to Resolution No. 24,883, City Council authorized the City Manager to ratify the construction contract with Palp, Inc. dba Excel Paving Company ("Palp, Inc.") for the Street Rehabilitation project and issue a purchase order in the amount of \$1,614,000.00, with an approved contingency amount of \$161,400.00.

On February 12, 2019, pursuant to Resolution No. 24,933, City Council authorized the City Manager to amend (First Amendment) the contract terms and increase the contract amount with Palp, Inc. and issue a purchase order in the amount of \$121,734.80, with an approved contingency amount of \$12,173.48, to include Bradfield Avenue from Rosecrans Avenue to San Vicente Street with an additional 25 working days.

On May 7, 2019, pursuant to Resolution No. 25,013, City Council authorized the City Manager to enter into a Second Amendment to the contract in the amount of \$966,200 and a contingency amount of \$96,620 contingency, totaling \$1,062,820.

STATEMENT OF THE ISSUE

The Project has been completed in a satisfactory manner with a final construction cost of \$2,419,646.97, which is within the contract amount authorized by City Council, and recommended to be formally accepted. All construction items were completed per the contract documents.

In accordance with state public contract laws, the Project contract required that at least five percent (5%) of each Project progress payment be withheld from compensation owed to the Contractor over the course of this Project, which staff request authorization to release to the Contractor.

FISCAL IMPACT

Funds in the amount of \$120,982.35 are available in the Public Works 2019-2020 Fiscal Year budget in Account No. 2300-000-000-2050. There is no financial impact associated with release of the retention in that said funds in the amount of five percent (5%) were withheld from each progress payment throughout the progression of the Project.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

**JOHN STRICKLAND
PROJECT MANAGER**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE STREET REHABILITATION PROJECT (CIP# 13-01) AS COMPLETE, DIRECT STAFF TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE AND AUTHORIZE THE RELEASE OF THE CONTRACTOR'S (PALP, INC. DBA EXCEL PAVING COMPANY) RETENTION (\$120,982.35)

WHEREAS, the Street Rehabilitation Project (CIP# 13-01) consisted of: the installation of asphalt concrete; the installation of ADA compliant curb ramps; curb; gutter and sidewalk improvements; driveway improvements; striping and traffic loop replacement; street name sign replacement; and other minor associated work; and

WHEREAS, on November 20, 2018, pursuant to Resolution No. 24,883, City Council authorized the City Manager to ratify the construction contract with Palp, Inc. dba Excel Paving Company for the Street Rehabilitation project and issue a purchase order in the amount of \$1,614,000.00, with an approved contingency amount of \$161,400.00; and

WHEREAS, on February 12, 2019, pursuant to Resolution No. 24,933, City Council authorized the City Manager to amend (First Amendment) the contract terms and increase the contract amount with Palp, Inc. dba Excel Paving Company and issue a purchase order in the amount of \$121,734.80, with an approved contingency amount of \$12,173.48, to include Bradfield Avenue from Rosecrans Avenue to San Vicente Street with an additional 25 working days; and

WHEREAS, on May 7, 2019, pursuant to Resolution No. 25,013, City Council authorized the City Manager to enter into a Second Amendment to the contract in the amount of \$966,200 and a contingency amount of \$96,620 contingency, totaling \$1,062,820; and

WHEREAS, the project has been completed in a satisfactory manner with a final construction cost of \$2,419,646.97, which is within the contract amount authorized by City Council, and recommended to be formally accepted and all construction items were completed per the contract documents; and

WHEREAS, in accordance with state public contract laws, the Project contract required that at least five percent (5%) of each Project progress payment be withheld from compensation owed to the Contractor over the course of this Project, which staff request authorization to release to the Contractor; and

WHEREAS, funds for this expenditure are available in the Public Works Department's 2019-2020 Fiscal Year budget.

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

Section 1. That the City Manager is hereby authorized to accept the construction of the Street Rehabilitation Project (CIP# 13-01) as complete, direct staff to file the Notice of Completion with the Los Angeles County Recorder's Office and authorize the release of the Contractor's (Palp, Inc. dba Excel Paving Company) retention in the amount of One Hundred Twenty Thousand Nine Hundred Eighty Two Dollars and Thirty-Five Cents (\$120,982.35).

Section 2. Funds in the amount of \$120,982.35 are available in the Public Works 2019-2020 Fiscal Year budget in Account No. 2300-000-000-2050.

Section 3. That a copy of this Resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and Public Works Department.

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

Street Rehabilitation Project CIP # 13-01
List of Completed Street

No.	Street Name	Limits
1	Salinas Avenue	134 th Street to City Limits
2	Dern Avenue	134 th Street to 132 nd Street
3	Riddle Avenue	134 th Street to 132 nd Street
4	Grandee Avenue	El Segundo Blvd. to 127 th Street
5	151 st Street	Tajauta Avenue to Dwight Avenue
6	152 nd Street	Tajauta Avenue to Dwight Avenue
7	Wilmington Avenue (Frontage)	Stockwell Street to 131 st Street
8	Nord Street	Wilmington Avenue to Paulsen Avenue
9	Stockwell Street	Wilmington Avenue to Paulsen Avenue
10	Carlin Avenue	Alameda Street to Santa Fe Avenue
11	Euclid Avenue	Alameda Street to Santa Fe Avenue
12	Saunders Street	Essey Avenue to East of Pannes Avenue
13	Pixley Street	Essey Avenue to Thorson Avenue
14	Thorson Avenue	Bales Street to Saunders Street
15	Bales Street	Bradfield Avenue to Holly Avenue
16	Holly Avenue	San Vincente Street to Bales Street
17	San Vincente Street	Holly Avenue to West of Harris Avenue
18	Locust Avenue	Compton Blvd. to San Vincente Street
19	San Mateo Street	West end to Harris Avenue
20	San Marcus Street	West end to Harris Avenue
21	San Luis Street	West end to Harris Avenue
22	Bradfield Avenue	Rosecrans Avenue to San Vincente Street

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: PARKS AND RECREATION DEPARTMENT

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE
CONSTRUCTION OF THE SIBRIE PARK IMPROVEMENT PROJECT AS
COMPLETE AND AUTHORIZING THE CITY MANAGER TO FILE THE
NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY
RECORDER'S OFFICE**

SUMMARY

This resolution authorizes the City Manager to accept the construction of the Sibrie Park Improvement Project as complete and authorize the City Manager to file the Notice of Completion with the Los Angeles County Recorder's Office.

BACKGROUND

The Sibrie Park Improvement Project scope of work included: demo of all identified parts and equipment, purchase and installation of a new play area, 4' high steel tube perimeter fencing, basketball court surfacing, Greenfields 6 station exercise equipment, non-collapsible and collapsible vehicular bollards, installation of a family picnic shade shelter, site furnishings, prefabricated outdoor restroom, construction of a decomposed granite walking trail, new youth baseball field, irrigation modifications, landscape planting, and field security lighting repair.

On October 3, 2017, pursuant to Resolution No. 24,662, City Council awarded the Project contract to CEM Construction Corporation in the amount of \$816,445 plus a contingency amount of \$53,555, totaling \$870,000 for the Project.

STATEMENT OF ISSUE

The Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council. All construction items were completed per the contract documents, and staff recommends that the Project be formally accepted.

FISCAL IMPACT

There will be no fiscal impact to the City.

**Staff Report – Resolution Accepting Sibrie Park
Improvement Project as Complete
April 28, 2020, page 2**

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

**MARVIN C. HUNT, DIRECTOR
PARKS AND RECREATION DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF
THE SIBRIE PARK IMPROVEMENT PROJECT AS COMPLETE AND
AUTHORIZE THE CITY MANAGER TO FILE THE NOTICE OF COMPLETION
WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE**

WHEREAS, on October 3, 2017, pursuant to Resolution No. 24,662, City Council awarded the contract to CEM Construction in the amount of \$816,445 plus a contingency amount of \$53,555 totaling \$870,000 for the Sibrie Park Improvement Project; and

WHEREAS, the Project scope included: demo of all identified parts and equipment, purchase and installation of a new play area, 4 feet high steel tube perimeter fencing, basketball court surfacing, Greenfields 6 station exercise equipment, non-collapsible and collapsible vehicular bollards, installation of a family picnic shade shelter, site furnishings, prefabricated outdoor restroom, construction of a decomposed granite walking trail, new youth baseball field, irrigation modifications, landscape planting, and field security lighting repair; and

WHEREAS, the Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council, and staff recommends that the Project be formally accepted; and

WHEREAS, in order to accept the Sibrie Park Improvement Project as complete and direct staff to file the notice of completion with the Los Angeles County Recorder's Office City Council's authorization is necessary.

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

Section 1. That the City Manager is hereby authorized to accept the construction of the Sibrie Park Improvement Project as complete, and authorize the City Manager to file the Notice of Completion with the Los Angeles County Recorder's Office.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, Parks and Recreation and the City Clerk.

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

Resolution No. _____
Page 2

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAINS: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: PARKS AND RECREATION DEPARTMENT

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE
CONSTRUCTION OF THE BURRELL MACDONALD PARK
IMPROVEMENT PROJECT AS COMPLETE AND AUTHORIZE THE CITY
MANAGER TO FILE THE NOTICE OF COMPLETION WITH THE LOS
ANGELES COUNTY RECORDER'S OFFICE**

SUMMARY

This resolution authorizes the City Manager to accept the construction of the Burrell MacDonald Park Improvement Project as complete and authorize the City Manager to file the Notice of Completion with the Los Angeles County Recorder's Office.

BACKGROUND

The Burrell MacDonald Park Improvement Project scope of work included: demolition of all identified parts and equipment, purchase and installation of a new play area, Greenfields 6 station exercise equipment, site furnishings, construction of a decomposed granite walking trail, concrete walking pad for youth baseball field, and irrigation modifications.

On February 26, 2019, pursuant to Resolution No. 24,952, City Council awarded the Project contract to RE Schultz Corporation, Inc. in the amount of \$246,702.00, plus a contingency amount of \$24,600.00, totaling \$271,302.00 for the Project.

STATEMENT OF ISSUE

The Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council. All construction items were completed per the contract documents, and staff recommends that the Project be formally accepted.

FISCAL IMPACT

There will be no fiscal impact to the City.

**Staff Report – Resolution Accepting Burrell
MacDonald Improvement Project as Complete
April 28, 2020, page 2**

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

**MARVIN C. HUNT, DIRECTOR
PARKS AND RECREATION DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF
THE BURRELL MACDONALD PARK IMPROVEMENT PROJECT AS
COMPLETE AND AUTHORIZE THE CITY MANAGER TO FILE THE NOTICE OF
COMPLETION WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE**

WHEREAS, on February 26, 2019, pursuant to Resolution No. 24,952, City Council awarded the Project contract to RE Schultz Corporation, Inc. in the amount of \$246,702.00, plus a contingency amount of \$24,600.00, totaling \$271,302.00 for the Burrell MacDonald Park Improvement Project; and

WHEREAS, the Burrell MacDonald Park Improvement Project scope of work included: demolition of all identified parts and equipment, purchase and installation of a new play area, Greenfields 6 station exercise equipment, site furnishings, construction of a decomposed granite walking trail, concrete walking pad for youth baseball field, and irrigation modifications; and

WHEREAS, the Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council, and staff recommends that the Project be formally accepted; and

WHEREAS, in order to accept the Burrell MacDonald Park Improvement Project as complete and authorize the City Manager to file the notice of completion with the Los Angeles County Recorder's Office City Council's authorization is necessary.

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

Section 1. That the City Manager is hereby authorized to accept the construction of the Burrell MacDonald Park Improvement Project as complete, and direct staff to file the Notice of Completion with the Los Angeles County Recorder's Office.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, Parks and Recreation and the City Clerk.

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAINS: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: PARKS AND RECREATION DEPARTMENT

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE
CONSTRUCTION OF THE SOUTH PARK IMPROVEMENT PROJECT AS
COMPLETE AND AUTHORIZE THE CITY MANAGER TO FILE THE
NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY
RECORDER'S OFFICE**

SUMMARY

This resolution authorizes the City Manager to accept the construction of the South Park Improvement Project as complete and authorizing the City Manager to file the Notice of Completion with the Los Angeles County Recorder's Office.

BACKGROUND

The South Park Improvement Project scope of work included: a prefabricated restroom, Greenfields exercise equipment station, repair of the exterior multipurpose field lighting, decomposed granite walking trail, and site furnishings.

On April 23, 2019, pursuant to Resolution No. 25,033, City Council awarded the Project contract to Civic Construction Associates in the amount of \$422,000.00 plus a contingency amount of \$42,200.00, totaling \$464,200.00 for the Project.

STATEMENT OF ISSUE

The Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council. All construction items were completed per the contract documents, and staff recommends that the Project be formally accepted.

FISCAL IMPACT

There will be no fiscal impact to the City.

**Staff Report – Resolution Accepting South Park
Improvement Project as Complete
April 28, 2020, page 2**

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

**MARVIN C. HUNT, DIRECTOR
PARKS AND RECREATION DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONSTRUCTION OF THE
SOUTH PARK IMPROVEMENT PROJECT AS COMPLETE AND DIRECT STAFF
TO FILE THE NOTICE OF COMPLETION WITH THE LOS ANGELES COUNTY
RECORDER'S OFFICE**

WHEREAS, on April 23, 2019, pursuant to Resolution No. 25,033, City Council awarded the contract to Civic Construction Associates in the amount of \$422,000 plus a contingency amount of \$42,200 totaling \$464,200 for the South Park Improvement Project; and

WHEREAS, the Project scope included: a prefabricated restroom, Greenfields exercise equipment station, repair of the exterior multipurpose field lighting, decomposed granite walking trail, and site furnishings; and

WHEREAS, the Project has been completed in a satisfactory manner with a final construction cost within the contract amount authorized by City Council, and staff recommends that the Project be formally accepted; and

WHEREAS, in order to accept the South Park Improvement Project as complete and direct staff to file the notice of completion with the Los Angeles County Recorder's Office City Council's authorization is necessary.

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

Section 1. That the City Manager is hereby authorized to accept the construction of the South Park Improvement Project as complete, and direct staff to file the Notice of Completion with the Los Angeles County Recorder's Office.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, Parks and Recreation and the City Clerk.

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAINS: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: COMPTON MUNICIPAL WATER DEPARTMENT

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RATIFYING THE EMERGENCY EMPLOYMENT OF J.A. SALAZAR CONSTRUCTION & SUPPLY CORPORATION FOR PROVIDING EMERGENCY WATER MAIN LEAK REPAIRS AT WEST GLENCOE STREET AND WILLOWBROOK AVENUE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER (\$11,320)

SUMMARY

Adoption of the attached resolution will ratify the City Manager's actions of authorizing the Compton Municipal Water Department ("Department") to employ the services of J.A. Salazar Construction & Supply Corporation ("Salazar") on an urgent bases to provide emergency water main leak repairs at West Glencoe Street and Willowbrook Avenue, Compton, and authorize the issuance of a purchase order to Salazar in the amount of Eleven Thousand Three Hundred Twenty Dollars (\$11,320.00) for the services rendered.

BACKGROUND

Pursuant to Resolution No. 25,001, adopted by the City Council on April 23, 2019, the City Manager is authorized, when faced with an urgent situation (e.g. preservation of life, health, property and fiscal stability), to take needed action, including authorize a purchase order of up to Seventy Five Thousand Dollars (\$75,000.00) without first obtaining City Council approval and authorization. The City Manager must, at the next available opportunity after the action has been taken, submit the emergency purchase order through the normal approval process (i.e. seek ratification and approval of the City Council).

STATEMENT OF ISSUE

On Sunday, April 19, 2020, an unanticipated water main break occurred at West Glencoe Street and Willowbrook Avenue (in front of 116 West Glencoe Street). Due to the depth of the water main being approximately ten (10) feet below street level and the Department's inability to provide sufficient trench shoring and proper safety equipment for that depth of excavation, it became necessary for the Department to employ the services of an outside contractor, J.A. Salazar Construction & Supply Corporation, to make the required emergency leak repairs expeditiously.

**Staff Report – Resolution Ratifying Emergency
Employment of J.A. Salazar Construction &
Supply Corp./Water Main Leak Repairs
W. Glencoe St/Willowbrook Ave (116 W. Glencoe)
April 28, 2020, page 2**

City Council authorization is requested ratifying the urgency actions taken and in order to issue the emergency purchase order for Salazar in the amount of \$11,320.00.

FISCAL IMPACT

Funds for this expenditure are available in the Department's 2019-2020 Fiscal Year Budget in Account No. 5003-880-REV-4249 (Special Department Expense).

RECOMMENDATION

Staff recommends that City Council adopt the attached Resolution.

**BRIAN DICKINSON, GENERAL MANAGER
COMPTON MUNICIPAL WATER DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RATIFYING THE EMERGENCY EMPLOYMENT OF J.A. SALAZAR CONSTRUCTION & SUPPLY CORPORATION FOR PROVIDING EMERGENCY WATER MAIN LEAK REPAIRS AT WEST GLENCOE STREET AND WILLOWBROOK AVENUE AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER (\$11,320)

WHEREAS, pursuant to Resolution No. 25,001, adopted by the City Council on April 23, 2019, the City Manager is authorized, when faced with an urgent situation (e.g. preservation of life, health, property and fiscal stability), to take needed action, including authorize a purchase order of up to Seventy Five Thousand Dollars (\$75,000.00) without first obtaining City Council approval and authorization. The City Manager must, at the next available opportunity after the action has been taken, submit the emergency purchase order through the normal approval process (i.e. seek ratification and approval of the City Council); and

WHEREAS, on Sunday, April 19, 2020, an unanticipated water main break occurred at West Glencoe Street and Willowbrook Avenue (in front of 116 West Glencoe Street); and

WHEREAS, due to the depth of the water main being approximately ten (10) feet below street level and the Department's inability to provide sufficient trench shoring and proper safety equipment for that depth of excavation, it became necessary for the Department to employ the services of an outside contractor, J.A. Salazar Construction & Supply Corporation, to make the required emergency leak repairs expeditiously; and

WHEREAS, City Council authorization is requested to ratify the action taken and to issue the emergency purchase order for Salazar in the amount of \$11,320.00 to pay for the services rendered; and

WHEREAS, funds for this expenditure are available in the 2019-2020 Fiscal Year budget.

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

SECTION 1. That the City Manager's actions of authorizing the Compton Municipal Water Department to employ the services of J.A. Salazar Construction & Supply Corporation on an urgent bases to provide emergency water main leak repairs at West Glencoe Street and Willowbrook Avenue, Compton, are hereby ratified and approved.

SECTION 2. That a purchase order in the amount of Eleven Thousand Three Hundred Twenty Dollars (\$11,320.00) is authorized to be issued to J.A. Salazar Construction & Supply Corporation for the services rendered.

SECTION 3. That the funds for this expenditure are available in the Compton Municipal Water Department's 2019-2020 Fiscal Year Budget in Account No. 5003-880-REV-4249 (Special Department Expense).

SECTION 4. That a copy of this Resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and Compton Municipal Water Department.

SECTION 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on this _____ day of _____, 2020.

That said Resolution was adopted by the following vote to wit:

AYES:	COUNCIL MEMBERS-
NOES:	COUNCIL MEMBERS-
ABSENT:	COUNCIL MEMBERS-
ABSTAIN:	COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

613 N. Harbor Blvd
La Habra CA 90631
Phone: (562) 691-3647
Fax: (562) 691-1092

INVOICE#: 41920
Date: 4/21/2020
Progress Payment#: 1

TO:
City of Compton
Municipal Water Department
322 S. Alameda St
Compton CA 90221

JAS Job No.:
Progress Payment #: 1
Billing Period: 04/19/2020

FOR:
Glencoe and Willowbrook
Emergency Leak Repair
Compton CA

[illegible]

Total Amount Earned	11,320.00	11,320.00
Total Amount Due	11,320.00	\$ 11,320.00

4/21/2020

Jose Salazar, President Date

April 28, 2020

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AND ORDERING THE VACATION OF A PORTION OF SOUTH OLEANDER STREET, A PUBLIC RIGHT-OF-WAY APPROXIMATELY 60-FEET BY 148-FEET, LOCATED BETWEEN WEST ALONDRA BOULEVARD AND THE COMPTON HIGH SCHOOL CAMPUS AND LOCATED ADJACENT TO 417 WEST ALONDRA BOULEVARD, COMPTON (STREET VACATION NO. 19-001)

SUMMARY

The City Council will consider a resolution approving and ordering the vacation of a portion of South Oleander Street located between West Alondra Boulevard and the Compton High School campus. The subject public right-of-way is located adjacent to 417 West Alondra Boulevard, Compton.

BACKGROUND

On April 7, 2020, the City Council adopted Resolution No. 25,233, which declared its intention to vacate a portion of excess public right-of-way and scheduled a public hearing for April 28, 2020.

The Compton Unified School District (CUSD), the applicant, is requesting approval of Street Vacation No. 19-001, to facilitate the Compton High School reconstruction project. The street vacation consists of a 60-foot by approximately 148-foot section of South Oleander Street located between the Compton High School campus and West Alondra Boulevard. The street vacation area is approximately 8,770 square feet in size. The proposed street vacation (abandonment) will facilitate the Compton High School campus expansion to the northwest corner of W. Alondra Boulevard and S. Acacia Avenue.

Pursuant to Section 65402 of the Government Code of the State of California requires the Planning Commission to review all vacations for conformity with the general plan. On December 18, 2019, the City of Compton Planning Commission adopted Resolution No. 4004, which declared that the proposed street vacation as legally described on Exhibit "A", is in conformance with the goals and policies of the City of Compton's adopted 1991 General Plan.

STATEMENT OF THE ISSUE

Provisions of Chapter 3, Part 3 of the California Streets and Highways Code grants the City Council authority to vacate any “street” or part of any “street that it finds is unnecessary for present or prospective public use”. There are two phases involved in the “street” vacation proceedings. The first phase is adoption by Council of a resolution of intention to vacate, which describes the right-of-way to be vacated and sets a public hearing date before the Council on the street vacation. The second phase is the public hearing, whereby Council hears evidence and makes a determination as to whether or not the “street” is necessary for present or prospective public use; if found to be unnecessary, a resolution of vacation may be adopted.

The proposed vacation has been reviewed by the City of Compton Public Works Department and has determined that the area to be vacated is not necessary for current or future public use and that the vacation serves the public interest and is a public benefit as it eliminates any maintenance costs and liabilities imposed on the City associated with the right-of-way.

Public utilities and service providers were notified of the proposed street vacation. It was determined that there are existing utilities located within the proposed public right-of-way vacation. The public utility and service providers have no objections to the vacation so long easements for the public utilities are reserved from the vacation pursuant to the Streets and Highway Code, Part 3. Public Streets, Highways and Service Easement Vacation Law, Chapter 5 Reservation and Preservation of Easements, Article 1 Reservation of Easements, Section 8340; and

Additionally, in accordance with the provisions of the Streets and Highways Code, notice of the time and place of the public hearing was published in the Compton Bulletin on April 15, 2020 and April 22, 2020 and posted along South Oleander Street. The owner of the properties adjacent to the proposed public right-of-way vacation, CUSD, was also notified by mail.

ALTERNATIVES

City Council may approve or reject the resolution approving and ordering the proposed right-of-way vacation.

FINANCIAL IMPACT

Approval of the request will have no significant impact on municipal expenditures. The City will relinquish its future maintenance responsibility of the public right-of-way, if the street vacation is granted.

RECOMMENDATIONS

Staff recommends that the City Council adopt the attached resolution ordering the vacation the right-of-way as described and shown on Exhibits “A” and “B”.

**ROBERT DELGADILLO, SENIOR PLANNER
COMMUNITY DEVELOPMENT DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING AND ORDERING THE VACATION OF A PORTION OF SOUTH OLEANDER STREET, A PUBLIC RIGHT-OF-WAY APPROXIMATELY 60-FEET BY 148-FEET, LOCATED BETWEEN WEST ALONDRA BOULEVARD AND THE COMPTON HIGH SCHOOL CAMPUS AND LOCATED ADJACENT TO 417 WEST ALONDRA BOULEVARD, COMPTON (STREET VACATION NO. 19-001)

WHEREAS, the Compton Unified School District (CUSD) has filed a request to vacate a portion of South Oleander Street located between West Alondra Boulevard and the Compton High School campus. The subject public right-of-way is located adjacent to 417 West Alondra Boulevard, Compton. The area to be vacated is legally described on Exhibit "A" and as follows:

THAT PORTION OF OLEANDER AVENUE (FORMERLY OLEANDER STREET) IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 68 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF OLEANDER AVENUE (FORMERLY OLEANDER STREET) LYING SOUTHERLY OF THE WESTERLY PROJECTION OF NORTHERLY LINE OF COCOA STREET AND NORTHERLY OF THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF ALONDRA BOULEVARD (FORMERLY KNOWN AS OLIVE STREET AS SHOWN ON SAID MAP IN BOOK 11 PAGE 68 OF MISCELLANEOUS RECORDS) AS DESCRIBED BY DEED RECORDED IN BOOK 4319 PAGE 238 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA.

SAID LAND CONTAINS 8,770 SQUARE FEET, MORE OR LESS.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

WHEREAS, provisions of Chapter 3, Part 3 of the California Streets and Highways Code grants the City Council authority to vacate any street or part of any street that it finds is unnecessary for present or prospective public use; and

WHEREAS, in its Resolution No. 25,233, adopted April 7, 2020, the City Council declared its intention to vacate a portion of a public right-of-way through proceedings conducted under the provisions of the Public Streets, Highways, and Service Easements Vacation Law appearing in Chapter 3, Part 3, of the California Streets and Highways Code; and

WHEREAS, the proposed vacation has been reviewed by the City of Compton Public Works Department and determined that the area to be vacated will not be necessary for current or future public use and that the vacation serves the public interest and is a public benefit since the Compton High School campus will be expanded to the corner of West Alondra Boulevard and South Acacia Avenue and as a result the subject public right-of-way will no longer be required and it eliminates any maintenance costs and liabilities imposed on the City associated with the right-of-way area; and

WHEREAS, pursuant to Section 65402 of the Government Code of the State of California requires the Planning Commission to review all vacations for conformity with the City's currently adopted 1991 General Plan; and

WHEREAS, on December 18, 2019, the City of Compton Planning Commission adopted Resolution No. 4004, which declared that the proposed street vacation as legally described above and on Exhibit “A”, is in conformance with the goals and policies of the City of Compton’s adopted 1991 General Plan; and

WHEREAS, there are existing utilities within this area and an easement for public utilities will be reserved from this vacation pursuant to the Streets and Highway Code, Part 3. Public Streets, Highways and Service Easement Vacation Law, Chapter 5 Reservation and Preservation of Easements, Article 1 Reservation of Easements, Section 8340; and

WHEREAS, pursuant to Streets and Highways Code, notice of the date, time and place of the public hearing was published in the Compton Bulletin on April 15, 2020 and April 22, 2020 and posted along Mona Boulevard; and

WHEREAS, a hearing was held by the City Council on April 28, 2020, as provided therein, whereby evidence offered by all persons interested in the proposed vacation was heard; and

WHEREAS, from all evidence submitted, the City Council finds that the public right-of-way described and shown Exhibits “A” and “B”, is unnecessary for current or future prospective public use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON RESOLVES AS FOLLOWS:

Section 1. That the City Council approves and orders the vacation of a portion of South Oleander Street, a public right-of-way approximately 60-feet by 148-feet, located between West Alondra Boulevard and the Compton High School campus and located adjacent to 417 West Alondra Boulevard, Compton (Street Vacation No. 19-001), and legally described and shown on Exhibits “A” and “B”, pursuant to provisions of the Chapter 3, Part 3 of the California Streets and Highways Code.

Section 2. That Exhibits “A” (legal description) and “B” (map of the proposed vacation), are on file with both the City Clerk and the Planning Department of the City of Compton.

Section 3. That, in accordance with Section 8340 of said Public Streets, Highways, and Service Easements Vacation Law, the public convenience and necessity shall require the reservation and exception from such vacation of easements and rights-of-way for works as follows:

- A. The City of Compton reserves and excepts from the vacation the easement and the right, at any time or from time to time, to construct, maintain, operate, replace, remove or renew sanitary sewers and storm drains and appurtenant structures in, upon, or over, and across said public right-of-way or any part thereof and, pursuant to any existing franchise or renewals thereof, or otherwise to construct maintain operate, replace, remove, renew, enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone, lines, cable television lines and service equipment, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to protect such works from all hazards in, upon and over said public right-of-way and free access for the Sheriff and Fire Departments at all times.
- B. Reserve a 10-foot wide easement, 5-feet on either side of pipeline centerline for the City of Compton Water Department and rights that are necessary to use, maintain, operate, repair, replace, remove, or renew said facilities. The Water Department will require unfettered access to its pipeline and any other facilities for maintenance and or repair purposes.

- C. Reserve an easement for Southern California Edison and rights that are necessary to use, maintain, operate, repair, replace, remove, renew, or enlarge the present and future facilities in, upon, over, and across the street or highway proposed to be vacated.
- D. The Southern California Gas Company request a permanent easement and excepted from this vacation pursuant to Franchise Ordinance No. 598 and any renewals of it, to permit the construction, maintenance, operation, replacement, removal, renewal, or enlargement of the present and future facilities pursuant to the franchise in, upon, over, under and across the street or highway proposed to be vacated.

Section 4. That the City Clerk of the City of Compton shall be directed to cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of Los Angeles County, State of California.

Section 5. That the effective date of the vacation of said right-of-way shall be the date of recording of this Resolution.

Section 6. That copies of this Resolution shall be filed in the Offices of the City Clerk, City Manager, City Attorney, City Controller, the Building and Safety, Fire, Public Works and Community Development Departments.

Section 7. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on this _____ day of _____, 2020.

That said Resolution was adopted by the following vote, to wit:

**AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-**

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION NO. 4004
(STREET VACATION NO. 19-001)

A RESOLUTION OF THE CITY OF COMPTON PLANNING COMMISSION FINDING THAT THE VACATION OF A PORTION OF S. OLEANDER AVE. (60-FEET BY APPROXIMATELY 148-FEET), LOCATED BETWEEN THE COMPTON HIGH SCHOOL CAMPUS AND W. ALONDRA BLVD. LOCATED ADJACENT TO 417 W. ALONDRA BLVD., IN COMPTON (STREET VACATION NO. 19-001), IS IN CONFORMANCE WITH THE CITY OF COMPTON'S 2010 GENERAL PLAN

WHEREAS, the Compton Unified School District (CUSD), has filed an application to vacate a portion of S. Oleander Ave. (located adjacent to 417 W. Alondra Blvd.) between W. Cocoa St. and W. Alondra Blvd., Compton, legally described on Exhibit "A" and as follows:

THAT PORTION OF OLEANDER AVENUE (FORMERLY OLEANDER STREET) IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 68, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE OLEANDER AVENUE (FORMERLY OLEANDER STREET) LYING SOUTHERLY OF THE WESTERLY PROJECTION OF NORTHERLY LINE OF COCOA STREET AND NORTHERLY OF THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF ALONDRA BOULEVARD (FORMERLY KNOWN AS OLIVE STREET AS SHOWN ON SAID MAP IN BOOK 11 PAGE 68 OF MISCELLANEOUS RECORDS) AS DESCRIBED BY DEED RECORDED IN BOOK 4319 PAGE 238 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA

SAID LAND CONTAINS 8,770 SQUARE FEET, MORE OR LESS.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

WHEREAS, pursuant to Section 65402 of the Government Code of the State of California requires the Planning Commission to review all vacations for conformity with the general plan; and

WHEREAS, provisions of Chapter 3, Part 3 of the California Streets and Highways Code grants the City Council authority to vacate any street or part of any street that it finds is unnecessary for future public use; and

WHEREAS, the proposed vacation has been reviewed by the City of Compton Public Works Department and determined that the area to be vacated will not be necessary for future public use since the Compton High School campus will be expanded to W. Alondra Blvd. and S. Acacia Ave. and a public street will no longer be necessary; and

WHEREAS, the proposed street vacation is vital component to the Compton High School Reconstruction Project; and

WHEREAS, the proposed street vacation was evaluated in the Compton High School Reconstruction Project EIR and the Compton Unified School District adopted and certified the EIR on December 19, 2018 and a subsequent EIR Addendum was adopted and certified by the School District on July 17, 2019. The proposed street vacation is consistent and is within the scope of the project analyzed by both EIRs and therefore no additional environmental analysis is necessary; and

WHEREAS, public hearing notices were mailed out to both owners and occupants located within 500-feet of the subject site on November 25, 2019; and

WHEREAS, a public hearing upon said request for the Street Vacation No. 19-001 was held before the Planning Commission on December 18, 2019; and

WHEREAS, evidence was heard from all persons interested in effecting said street vacation and all persons protesting same, and the Planning Commission being fully informed,

FINDS

1. That the proposed street vacation is conformance with the adopted 1991 General Plan mission statement to revitalize Compton, and create safe, attractive, desirable community for residents and businesses. The proposed street vacation will facilitate the expansion of the high school campus and would allow for the construction of new, modern high campus with several new facilities and amenities that would benefit the community at large.
2. That the proposed street vacation is conformance with Land Use Policy 1.6 of the adopted 1991 General Plan to promote quality design in new developments. The street vacation will facilitate the expansion and reconstruction of a modern high school campus, which will incorporate the newest technologies, latest school facilities planning concepts, provide energy efficient buildings/facilities, provide functional parking lots, and new amenities (i.e. outdoor aquatic center, performing arts center, etc.
3. That the proposed public right-of-way vacation is conformance with Land Use Goal 4.0 of the adopted 1991 General Plan in which it mandates that infrastructure systems and public services be provided that adequately meet the demands created by the land use policy. The street vacation will facilitate the expansion and reconstruction of the Compton High School campus, which will allow for the construction of a new modern high school campus, new facilities such a performing arts center, an outdoor aquatic center, and updated recreational facilities, which will be made available to students and the members of the community.
4. That the proposed street vacation was reviewed by the Public Works Department and determined that the area to be vacated will not be necessary for future public use since the Compton High School campus will be expanded to W. Alondra Blvd. and S. Acacia Ave. and therefore a public street will no longer be required.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COMPTON
RESOLVES:**

Section 1. The Planning Commission hereby finds the proposed street vacation of a portion of S. Oleander Ave. (60-feet by approximately 148-feet), located between W. Cocoa St. and W. Alondra Blvd., located adjacent to 417 W. Alondra Blvd., in Compton (Street Vacation No. 19-001), is in conformance with the goals and policies of the City of Compton's adopted 1991 General Plan, and will serve the public interest, and is a public benefit.

ADOPTED this 18th day of December, 2019.



JUANITA GREEN-WRIGHT, CHAIRPERSON



**ROBERT DELGADILLO, INTERIM PLANNING DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

EXHIBIT "A"

LEGAL DESCRIPTION

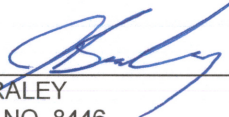
THAT PORTION OF OLEANDER AVENUE (FORMERLY OLEANDER STREET) IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 68 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF OLEANDER AVENUE (FORMERLY OLEANDER STREET) LYING SOUTHERLY OF THE WESTERLY PROJECTION OF NORTHERLY LINE OF COCOA STREET AND NORTHERLY OF THE WESTERLY PROJECTION OF THE NORTHERLY LINE OF ALONDRA BOULEVARD (FORMERLY KNOWN AS OLIVE STREET AS SHOWN ON SAID MAP IN BOOK 11 PAGE 68 OF MISCELLANEOUS RECORDS) AS DESCRIBED BY DEED RECORDED IN BOOK 4319 PAGE 238 OF DEEDS, RECORDS OF LOS ANGELES COUNTY, CALIFORNIA.

EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

SUBJECT TO: COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORD, IF ANY.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.


J BRALEY
L.S. NO. 8446

10/22/2019
DATE



EXHIBIT 'B'

SHEET 1 OF 1

PORTION OF
OLEANDER AVE.
VACATED APRIL 14,
1964 PER INST.
#3943 O.R.

LOT 7 BLOCK 25
TOWN OF COMPTON
M.R. 11/68

COCOA STREET

30' 30'

30'

30'



SCALE: 1"=40'

OLEANDER AVENUE
(FORMERLY
OLEANDER STREET)

LOT 1
BLOCK 29
TOWN OF COMPTON
M.R. 11/68

16.5' WIDE
ESMT. FOR
PUBLIC ST.,
ROAD & HIGHWAY
PURPOSES PER
INST. # 3229-W
OF TORRENS

SOUTH 20 FEET OF
BLK 29 PER DEED
BK 4319 PG 238

EXISTING R/W
ORIGINAL LOT LINE

MONUMENTED CENTERLINE

ALONDRA BOULEVARD

(FORMERLY OLIVE STREET PER MAP OF THE TOWN OF COMPTON
M.R. 11/68)

STREET WIDTH
PER
M.R. 11/68

TRACT LINE

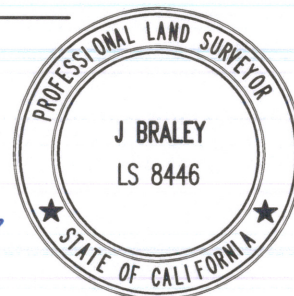
LEGEND



STREET VACATION

J BRALEY
L.S. NO. 8446

DATE



SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION

CITY OF COMPTON

STREET VACATION CASE NO. 19-001

SCALE: AS-SHOWN

DRAWN BY: JK

CHECKED BY: JB

DATE: 10/01/19

JOB No. 18048



PENCO ENGINEERING, INC.

Civil Engineering
Planning
Surveying

16842 Van Karman Ave
SUITE 150
Irvine, California 92606
(949) 753-8111



STREET TO BE VACATED

S. Oleander Ave.

W. Cocoa St.

W. Alondra Blvd.

S Oleander Ave & Alondra Blvd

© 2019 Google

Google Earth

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: FIRE CHIEF

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FIRE DEPARTMENTS' 2019-2020 FISCAL YEAR BUDGET TO TRANSFER FUNDS AND AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER WITH RUSH TRUCK CENTERS OF CALIFORNIA, INC. FOR THE MAINTENANCE AND REPAIR OF PARAMEDIC AND COMMAND VEHICLES (\$31,000.00)

SUMMARY

The adoption of this resolution will amend the Fire Departments' 2019-2020 Fiscal Year budget to transfer funds between accounts and authorize the City Manager to issue a purchase order in the amount of Thirty-One Thousand Dollars and Zero Cents (\$31,000.00) to Rush Truck Centers of California Inc. for the additional paramedic and command vehicle maintenance and repair for the remainder of Fiscal Year 2019-2020.

BACKGROUND

The City of Compton's Fire Department ("Department") is tasked with responding to and providing continuous, efficient emergency services. Due to the Department's aging fleet, there is a continuous need for maintenance and repair of emergency paramedic and command vehicles.

The Department performs routine maintenance and repairs in-house, but refers specialized and heavy-duty repairs to outside vendor(s).

STATEMENT OF ISSUE

Staff solicited and received three (3) bids from the following vendors; to wit: Rush Truck Centers of California Inc. ("Rush") for 115.00 per hour, Tom's Truck Center for \$125.00 per hour and Cal Worthington Ford Truck Center for \$147.00 per hour.

While all bids received are relatively reasonable, Rush has the number of diesel mechanics needed to handle the volume of repairs the Department needs and the City of Compton does not have a vendor or a Ford Dealership in the City's boundaries that is certified to service ambulances or Ford Warranty Products, however, Rush is part of the Ford Franchise that sells and services the Department's Ford paramedic and command vehicles.

**Staff Report – Amending FY 2019-20 Budget
And issue P.O. to Rush Truck Centers of California Inc.
For Maintenance & Repair Services
April 28, 2020, page 2**

City Council approval is needed because the expenditure is in excess of the \$25,000 spending approval amount.

FINANCIAL IMPACT

The estimated repair and maintenance costs for the Department's paramedic and command vehicles for the remainder of Fiscal Year 2019-2020 is Thirty-One Thousand Dollars (\$31,000.00). The Department's 2019-2020 Fiscal Year budget will need to be amended to transfer funds between accounts as follows:

<u>From:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4240	Firefighting Supplies	\$31,000.00

<u>To:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4229	Automotive Repairs	\$31,000.00

After the proposed transfer, the funds will be paid from:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4229	Automotive Repairs	\$31,000.00

RECOMMENDATION

Staff recommends that Council adopt the attached Resolution.

**RONERICK SIMPSON
FIRE CHIEF**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING THE FIRE DEPARTMENTS' 2019-2020 FISCAL YEAR
BUDGET TO TRANSFER FUNDS AND AUTHORIZING THE CITY
MANAGER TO ISSUE A PURCHASE ORDER WITH RUSH TRUCK
CENTERS OF CALIFORNIA, INC. FOR THE MAINTENANCE AND
REPAIR OF PARAMEDIC AND COMMAND VEHICLES (\$31,000.00)**

WHEREAS, the Compton Fire Department ("Department") is tasked with responding to and providing continuous, efficient emergency services and due to the Department's aging fleet, there is a continuous need for maintenance and repair of our emergency paramedic and command vehicles; and

WHEREAS, the Department performs routine maintenance and repairs in-house, but refers specialized and heavy-duty repairs to outside vendor(s); and

WHEREAS, in order to assure the Department vehicles are properly maintained in a timely manner, staff solicited and received three (3) bids from the following vendors to supplement maintenance and repair services to wit: Rush Truck Centers of California Inc. at \$115.00 per hour, Tom's Truck Center at \$125.00 per hour and Cal Worthington Ford Truck Center at \$147.00 per hour; and

WHEREAS, the Department has exhausted the current purchase order and is in need of an additional purchase order to pay for maintenance and repairs; and

WHEREAS, on review of the bids submitted and the needs of the Department, staff recommends that Rush Truck Center of California, Inc.; which is a certified Ford dealer with a larger fleet service center, has been faithful in honoring their work under warranty and they have several diesel mechanics that can handle the volume of repairs needed by the Department for the remainder of the 2019-2020 fiscal year; and

WHEREAS, the estimated cost for maintenance and repairs to the Department's paramedic and command vehicles for the remainder of Fiscal Year 2019-2020 is Thirty-One Thousand Dollars and Zero Cents (\$31,000.00)

WHEREAS, Staff is requesting to amend the Departments' 2019-2020 Fiscal Year budget to transfer funds between accounts as follows:

<u>From:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4240	Firefighting Supplies	\$31,000.00

<u>To:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4229	Automotive Repairs	\$31,000.00

WHEREAS, in order to amend the Department's 2019-2020 Fiscal Year budget to issue a purchase order to Rush Truck Centers of California, Inc. City Council's authorization is required; and

WHEREAS, funds in the amount of Thirty-One Thousand Dollars and Zero Cents (\$31,000.00), will be available for this expenditure in the following accounts:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4229	Automotive Repairs	\$31,000.00

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

Section 1. That the Fire Departments' 2019-2020 Fiscal Year budget shall be amended to transfer funds between accounts as follows:

<u>From:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4240	Firefighting Supplies	\$31,000.00
<u>To:</u>	<u>Description</u>	<u>Amount</u>
1001-690-000-4229	Automotive Repairs	\$31,000.00

Section 2. That the City Manager is hereby authorized to issue a purchase order to Rush Truck Centers of California, Inc. in an amount not to exceed Thirty-One Thousand Dollars (\$31,000.00) to provide maintenance and repair for Fire Department paramedic and command vehicles for the remainder of Fiscal Year 2019-2020.

Section 3. That the funds for this expenditure are available in Account No. 1001-690-0000-4229.

Section 4. That a copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, City Clerk and the Fire Department.

Section 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on this ____ day of _____, 2020.

That this Resolution was adopted by the following vote, to wit:

AYES: COUNCILMEMBERS-
NOES: COUNCILMEMBERS-
ABSTAIN: COUNCILMEMBERS-
ABSENT: COUNCILMEMBERS-

CITY CLERK OF THE CITY OF COMPTON

Quote # 1

Anthony Adams

From: Aguilar, Aaron [WHITT-Service] <AguilarA@RushEnterprises.Com>
Sent: Monday, August 26, 2019 3:30 PM
To: Samuel Harper
Cc: Anthony Adams
Subject: FW: Rate

From: Aguilar, Aaron [WHITT-Service]
Sent: Wednesday, July 3, 2019 10:31 AM
To: SHarper@comptoncity.org
Cc: Aadams@comptoncity.org
Subject: Rate

Hourly Rate charge
Normal Door rate-\$161/Hr

Rate charged to you \$115/Hr
28.57% off normal door rate

Preventative maint.
Full service
Oil and oil filter change, Fuel filters, air filter, lube chassis/grease fittings. Air up tires. Topping off of fluids.
\$264

Aaron Aguilar
Email:AguilarA@Rushenterprises.com
Phone:562-551-5065 Direct
Rush Truck Center 1209
Whittier Ca,90601
Service Advisor

Anthony Adams

From: Haulinit2 <haulinit2@sbcglobal.net>
Sent: Thursday, March 12, 2020 9:46 AM
To: Anthony Adams
Subject: Fwd:

Begin forwarded message:

From: Nick Tropea <ntropea@ttruck.com>
Date: March 6, 2020 at 14:39:01 PST
To: "Compton Harper (haulinit2@sbcglobal.net)" <haulinit2@sbcglobal.net>

The labor rate for diesel repairs is \$125.00

Nick Tropea
Service Advisor
Tom's Truck Center
ntropea@ttruck.com
562-977-2299-Phone
562-977-2399-Fax



Tom's Truck Center keeps its customers' trucks working effectively and profitably.

Quote # 3

From: Greg Gilbert [mailto:greg@calworthington.com]
Sent: Monday, March 30, 2020 2:36 PM
To: Anthony Adams <aadams@comptoncity.org>
Subject: Maint Prices for the 2008 E-350s

Battalion Chief Adams,

Special Fleet Pricing for Compton Fire Department.

For your 2008 E-350 Diesels

Oil and filter change. Includes courtesy inspection and setting tire pressures \$139.95

Air filter Installed.....\$38.50

Diesel fuel filters installed.....\$110.00

Rotate and balance 4 wheels.....\$39.95

Flush cooling system and replace coolant.....\$149.95

Automatic Transmission service (change fluid and filter).....\$279.00

Front brake job including replacing rotors and pads.....\$669.00

Rear brake job including replacing rotors and pads.....\$578.00

Our current door rate is \$147.00

I will be sending you the pricing for the Excursion next. They are pretty close to these.

Thanks again. Let me know what you think.

Greg Gilbert / Commercial Service Advisor Worthington Truck Center

562-354-2942

Greg Gilbert Ford Certified Fleet and Truck Service Consultant. 39 years Experience.
Cell 251-228-0602

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: PARKS AND RECREATION DEPARTMENT

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING AGREEMENT WITH LIFTING
THE VEIL, INC. TO FACILITATE A TEMPORARY FOOD DISTRIBUTION
PROGRAM AT THE KELLY PARK COMMUNITY CENTER**

SUMMARY

Adoption of this resolution will authorize the City Manager to enter into a Memorandum of Understanding Agreement with Lifting the Veil, Inc., to facilitate a temporary food distribution program at the Kelly Park Community Center.

BACKGROUND

On March 19, 2020, California Governor Gavin Newsom issued a “Stay at Home Order” (“Order”) to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19.

While people rushed to stock up on supermarket items and other supplies as the COVID-19 crisis escalated, some residents have been challenged in finding enough food items to feed their families. This has prompted one of our community organizations, Lifting the Veil, Inc., to propose coordinating a temporary community food giveaway at the Kelly Park Community Center.

STATEMENT OF ISSUE

The City, through the Department of Parks & Recreation (“Department”), seeks to partner with Lifting the Veil, Inc. to use the Kelly Park Community Center area (i.e. parking area in front of the Center) to conduct a temporary community food “drive-thru” giveaway program.

Lifting the Veil, Inc. has provided services to the community since 2014, with a focus on education, spiritual formation, and social awareness. Lifting the Veil, Inc. provides Community Mental Health/Educational services for youth and young adults, mentoring, life skill/soft skills training, counseling/life coaching, a ‘Theology through the Arts’ program, homework assistance, in-school reading to students, after school homework

Staff Report – Resolution Authorizing Memorandum of Understanding Agreement with Lifting the Veil, Inc. Temporary Food Distribution Program/Kelly Park April 28, 2020, page 2

assistance, parenting classes to encourage students to understand the value of learning, and inspiring students to make healthy choices for a healthier lifestyle.

Lifting the Veil, Inc. seeks to temporarily provide at least 100 free supplemental nutrition meals several days per week to youth and families during the Order, utilizing the front curb area of the Kelly Park Community Center as the “drive-thru” distribution area.

The proposed Memorandum of Understanding, which shall be for the term of May 1, 2020 through June 30, 2020 (unless extended or terminated sooner), will provide specifics as to the relationship between the City and Lifting the Veil, Inc. and detail the various responsibilities of each party, some of which include the following:

Lifting the Veil, Inc.

- Distribute meals for youth and families on a “drive-thru” basis.
- Provide meals at least three (3) days per week, Mondays, Wednesdays and Fridays, with expansion available up to five (5) days per week, if both the City and Lifting the Veil, Inc. agree thereto.
- Provide at least 100 meals per distribution day, between the hours of 10:00 a.m. to 1:00 p.m., or until all meals for that day have been distributed.
- Provide the volunteers/staffing necessary for safe meal distribution.

City

- Provide physical signage at the site.
- Provide signage on the electronic bill board.
- Advertise the program on the City website.
- On the day of each distribution, the City will also provide three (3) tables, eight (8) chairs, and one (1) canopy.

FISCAL IMPACT

It is anticipated that any fiscal impact to the City will be minimal, involving the use of City staff for provision and return of City furnishings (i.e. tables, chairs, canopy). Such staffing cost is already allocated in the Department’s budget.

**Staff Report – Resolution Authorizing Memorandum of
Understanding Agreement with Lifting the Veil, Inc.
Temporary Food Distribution Program/Kelly Park
April 28, 2020, page 3**

RECOMMENDATION

The decision as to whether to adopt the attached Resolution rests in the discretion of the City Council.

**MARVIN C. HUNT, DIRECTOR
PARKS AND RECREATION DEPARTMENT**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM
OF UNDERSTANDING AGREEMENT WITH LIFTING THE VEIL, INC. TO
FACILITATE A TEMPORARY FOOD DISTRIBUTION PROGRAM AT THE
KELLY PARK COMMUNITY CENTER**

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued a “Stay at Home Order” (“Order”) to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

WHEREAS, while people rushed to stock up on supermarket items and other supplies as the COVID-19 crisis escalated, some residents have been challenged in finding enough food items to feed their families. This situation has prompted one of our community organizations, Lifting the Veil, Inc., to propose coordinating a temporary community food giveaway at the Kelly Park Community Center; and

WHEREAS, the City, through the Department of Parks & Recreation (“Department”), seeks to partner with Lifting the Veil, Inc. to use the Kelly Park Community Center front curb parking area to conduct a temporary “drive-thru” community food giveaway program; and

WHEREAS, Lifting the Veil, Inc. seeks to temporarily provide at least 100 free supplemental nutrition meals several days per week to youth and families during the Order; and

WHEREAS, the proposed Memorandum of Understanding, which shall be for the term of May 1, 2020 through June 30, 2020 (unless extended or terminated sooner), will provide specifics as to the relationship between the City and Lifting the Veil, Inc. and detail the various responsibilities of each party; and

WHEREAS, there is no anticipated fiscal impact to the City 2019-2020 Fiscal Year budget.

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

Section 1. That the City Manager, on the advice and approval of the City Attorney is hereby authorized to enter into a Memorandum of Understanding Agreement; the term of which is May 1, 2020 through June 30, 2020, unless extended or terminated sooner by the City Manager; with Lifting the Veil, Inc. to coordinate a temporary food distribution “drive-thru” program at the Kelly Park Community Center.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, Parks and Recreation and the City Clerk.

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAINS: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: COMPTON FIRE DEPARTMENT

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON DESIGNATING THE CITY MANAGER, ON BEHALF OF THE CITY, TO BE AN AUTHORIZED AGENT TO ENGAGE WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) REGARDING FINANCIAL ASSISTANCE FOR EMERGENCIES/DISASTERS

SUMMARY

It is recommended that the City Council adopt the California Governor's Office of Emergency Services (Cal OES) Resolution designating the City Manager as an authorized agent to execute applications on behalf of the City of Compton for obtaining post-disaster public assistance grants from Cal OES and FEMA.

BACKGROUND

Cal OES requires a Designation of Sub recipient's Agent Resolution for Non-State Agencies to be on file for obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

A new Designation of Applicant's Agent Resolution for Non-State Agencies is required if the previously submitted document is older than three (3) years from the last date of approval or if changes are required to the name and/or title of authorized agents. The attached Resolution designates the City Manager as the authorized agent for the City of Compton.

STATEMENT OF ISSUE

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance Program.

FISCAL IMPACT

There is no fiscal impact.

**Staff Report – Designation of Applicant's
Agent Resolution for Non-State Agencies
April 28, 2020, page 2**

RECOMMENDATION

Staff recommends that the City Council approves the attached Resolution.

ATTACHMENT

Attachment A: Designation of Applicant's Agent Resolution for Non-State Agencies Form Cal OES 103.

**RONERICK SIMPSON
FIRE CHIEF**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
DESIGNATING THE CITY MANAGER, ON BEHALF OF THE CITY, TO
BE AN AUTHORIZED AGENT TO ENGAGE WITH THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AND THE GOVERNOR'S
OFFICE OF EMERGENCY SERVICES (CAL OES) REGARDING
FINANCIAL ASSISTANCE FOR EMERGENCIES/DISASTERS**

WHEREAS, the City of Compton seeks to apply for Federal Emergency Management (FEMA) and California reimbursement for costs incurred for emergency response services and damages due to the COVID-19 emergency under Category B of FEMA's Public Assistance Program; and

WHEREAS, the Governor's Office of Emergency Services (Cal OES) administers the State and Federal reimbursement process and grant programs for emergency and disaster relief; and

WHEREAS, Cal OES Form 130 requires the City of Compton to designate agents to engage with FEMA and Cal OES regarding assistance and grants applied for by the City; and

WHEREAS, City of Compton desires to ensure that Form 130 makes the City eligible to apply for disaster relief for the incident designated "FEMA-4344-DR-CA" as well as future disaster incidents for three years.

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

Section 1. That the City Manager is hereby authorized to sign and execute applications and agreements for Federal and State disaster relief and emergency assistance.

Section 2. That the City Manager is designated as the agent for Form "Cal OES 130: Designation of Applicant's Agent Resolution for Non-State Agencies."

Section 3. That a copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, City Clerk and the Fire Department.

Section 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON: ss

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on this _____ day of _____, 2020.

That this Resolution was adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS-
NOES:	COUNCILMEMBERS-
ABSTAIN:	COUNCILMEMBERS-
ABSENT:	COUNCILMEMBERS-

CITY CLERK OF THE CITY OF COMPTON

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of Compton
(Governing Body) (Name of Applicant)

THAT City Manager, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Compton, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Compton, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- ☒ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

April 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

**RE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO IMPOSE A TEMPORARY
SUSPENSION ON THE ISSUANCE OF FIREWORKS PERMITS IN
ORDER TO LIMIT THE SPREAD OF THE GLOBAL CORONAVIRUS
(COVID-19) PANDEMIC**

SUMMARY

The City Council will consider adopting a resolution authorizing the City Manager to impose a temporary suspension on the issuance of fireworks permits in order to limit the spread of the global coronavirus ("COVID-19") pandemic.

BACKGROUND

The Centers for Disease Control and Prevention ("CDC") declared the coronavirus (COVID-19) a pandemic and recommended the implementation of extraordinary policies and procedures to protect the public health and welfare.

The coronavirus pandemic presents a national, state and local public health emergency. On March 1, 2020, President Donald Trump declared that the COVID-19 outbreak in the United States constitutes a national emergency. On March 4, 2020, California Governor Gavin Newsom declared the coronavirus pandemic a state of emergency. On March 17, 2020, the City Council adopted Resolution No. 25,226 declaring a local emergency and authorizing temporary procedures to limit the spread of the global novel coronavirus pandemic.

On March 19, 2020, the Los Angeles Department of Public Health amended and supplemented its previous order issued on March 16, 2020 to provide additional restrictions on public and private gatherings and to authorize the closure of non-essential businesses in order to curtail the further spread of COVID-19 (the "Order"). This Order applies to all cities in Los Angeles County except the cities of Pasadena and Long Beach. The Order prohibits all public and private events and gatherings where at least ten (10) people are expected to attend at the same time. This prohibition applies to both indoor events/gatherings and outdoor gatherings that are held within a confined space.

On April 14, 2020, California Governor Gavin Newsom issued a statement that there is no precise timeline for modifying the stay-at-home order and other COVID-19 interventions.

STATEMENT OF ISSUE

During the summer season which is fast approaching, the sale and discharge of fireworks are often permitted by various cities throughout the county resulting in social gatherings of people who participate in the enjoyment of watching the display of discharged fireworks. The City's process for the issuance of permits to sell fireworks within the City commences in May of each year and concludes through June of the same year for which a license is awarded.

Fireworks are often used without safety precautions in residential neighborhoods by persons surrounded by onlookers creating a situation where mass gatherings of ten (10) or more people usually occur, thus resulting in potential violations of the Los Angeles County's current Order.

The City Council, as the governing body of the City of Compton, is authorized to provide for the health, safety and welfare of persons and property within its boundaries. To continue efforts that will help limit the spread of COVID-19, staff believes it is in the City's best interest to adopt policies and procedures consistent with CDC recommendations and continue to support the health orders by the State and County to protect the City from dangers arising from this unprecedented pandemic. The attached Resolution would impose a temporary suspension on the issuance of any and all permits for the sale of fireworks within the City during the current coronavirus pandemic. Once the pandemic is declared to have been concluded on all levels (i.e., national, state and local), the temporary suspension may be lifted.

FISCAL IMPACT

The amount of Firework Permits received by the City is \$3,000. Staff will return this amount to the firework company along with its \$2,400 in refundable cleanup fees.

ALTERNATIVE

The City Council can decide not to adopt the attach Resolution and continue to authorize the issuance of permits for the sale of fireworks within the City.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

**DAMON M. BROWN
CITY ATTORNEY**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO IMPOSE A TEMPORARY
SUSPENSION ON THE ISSUANCE OF FIREWORKS PERMITS IN
ORDER TO LIMIT THE SPREAD OF THE GLOBAL CORONAVIRUS
(COVID-19) PANDEMIC**

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) declared the coronavirus (“COVID-19”) a pandemic and recommended the implementation of extraordinary policies and procedures to protect the public health and welfare; and

WHEREAS, the coronavirus pandemic presents a national, state and local public health emergency. On March 1, 2020, President Donald Trump declared that the COVID-19 outbreak in the United States constitutes a national emergency. On March 4, 2020, California Governor Gavin Newsom declared the coronavirus pandemic a state of emergency. On March 17, 2020, the City Council adopted Resolution No. 25,226 declaring a local emergency and authorizing temporary procedures to limit the spread of the global novel coronavirus pandemic; and

WHEREAS, on March 19, 2020, the Los Angeles Department of Public Health amended and supplemented its previous order issued on March 16, 2020 to provide additional restrictions on public and private gatherings and to authorize the closure of non-essential businesses in order to curtail the further spread of COVID-19 (the “Order”). This Order applies to all cities in Los Angeles County except the cities of Pasadena and Long Beach; and

WHEREAS, the Order prohibits all public and private events and gatherings where at least ten (10) people are expected to attend at the same time. This prohibition applies to both indoor events/gatherings and outdoor gatherings that are held within a confined space; and

WHEREAS, on April 14, 2020, California Governor Gavin Newsom issued a statement that there is no precise timeline for modifying the stay-at-home order and other COVID-19 interventions; and

WHEREAS, during the summer season which is fast approaching, the sale and discharge of fireworks are often permitted by various cities throughout the county resulting in social gatherings of people who participate in the enjoyment of watching the display of discharged fireworks; and

WHEREAS, the City’s process for the issuance of permits to sell fireworks within the City commences in May of each year and concludes through June of the same year for which a license is awarded; and

WHEREAS, fireworks are often used without safety precautions in residential neighborhoods by persons surrounded by onlookers creating a situation where mass gatherings of ten (10) or more people usually occur, thus resulting in potential violations of the Los Angeles County’s current Order; and

WHEREAS, the City Council, as the governing body of the City of Compton, is authorized to provide for the health, safety and welfare of persons and property within its boundaries; and

WHEREAS, the City Council finds and declares that it is in the best interest of the City to adopt policies and procedures consistent with CDC recommendations and in support of the initial and updated orders by the State and County to protect the City from dangers arising from this unprecedented pandemic.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY RESOLVE:

Section 1. That the City of Compton supports the recommendation by the Centers for Disease Control and Prevention to implement extraordinary policies and procedures to protect the public health and welfare.

Section 2. That the City of Compton continues to support the initial health orders issued by the Los Angeles Department of Public Health, including the amended order issued March 19, 2020.

Section 3. That the City of Compton continues to support Governor Gavin Newsom's executive orders related to curtailing the spread of the global coronavirus (COVID-19) pandemic.

Section 4. That the City Manager is authorized to implement a temporary suspension on the issuance of fireworks permits in order to limit the spread of the global coronavirus (COVID-19) pandemic.

Section 5. That a certified copy of this Resolution shall be filed in the offices of the City Clerk, City Manager and Fire Department.

Section 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this ____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on this ____ day of _____, 2020.

That said Resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

APRIL 28, 2020

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 7-23A (TOBACCO RETAILER PERMIT) OF THE COMPTON MUNICIPAL CODE

SUMMARY

On November 19, 2019, the City Council requested that the City Attorney bring forward an ordinance prohibiting the retail sale of flavored tobacco products in the City of Compton. On January 7, 2020, the City held a public hearing and Council requested that the City Attorney return with additional policy options to consider. On April 21, 2020, the City Attorney presented various options for the Council to consider in making amendments to Section VII of the Compton Municipal Code related to the regulation of tobacco products.

City Council will now consider adopting an ordinance amending various sections of Chapter VII of the Compton Municipal Code so as to prohibit the retail sale of flavored tobacco products in the City of Compton.

BACKGROUND

Tobacco use remains a significant public health problem and impediment to health equity in California and the United States. Each year, tobacco-related diseases cause the deaths of approximately 40,000 Californians¹ and nearly half a million individuals in the United States, making tobacco use the nation's leading cause of preventable death.² For decades, governments at the federal, state, and local levels have advanced various policies intended to address this significant public health crisis.

On July 10, 2007, the City of Compton adopted Ordinance No. 2,159 (codified as Section 7-23A in the Compton Municipal Code) regulating the sale of tobacco within the City. As the result of this Ordinance, the City requires businesses to obtain a Tobacco Retailer's Permit (in addition to a business license) for the sale of tobacco products and paraphernalia in the City. At the time of adoption, the City expressed its commitment to discourage the illegal purchase of tobacco products among minors. The Tobacco Retailer Permit Program allows the City to establish its own stricter local tobacco regulations and helps fund administration and enforcement costs through an annual permit fee.

¹ Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs—2014*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. https://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf.

² U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

In 2011, the City again took steps to address the negative health consequences of tobacco products when adopting Ordinance No. 2,225. The City added Section 7-28 to the Municipal Code to prohibit smoking and the use of tobacco related products (including electronic cigarettes) in certain areas within the City.

Although progress has been made to reduce youth access to cigarettes, electronic cigarettes (also known as “e-cigs,” “e-hookahs,” “mods,” and “vape pens”) entered the marketplace around 2007, and since 2014, have been the most frequently used tobacco product amongst youth in the United States. The U.S. Surgeon General declared youth vaping (use of an electronic cigarette) an epidemic in 2018.³ The Center for Disease Control and Prevention (CDC), state and local health departments are currently investigating an outbreak of lung injuries associated with the use of electronic cigarettes and vaping products. As of February 18, 2020, the CDC reported 2,807 hospitalized cases or deaths of electronic cigarette, vaping, product use associated lung injuries (EVALI). Research suggests that products containing tetrahydrocannabinol (THC – the compound in marijuana that produces a “high”) played a significant role in the outbreak. The liquid inside devices associated with lung illnesses, however, include THC, nicotine and cannabidiol (CBD) or a combination of these ingredients. Investigation is on-going and to date, no single ingredient has been determined to be the cause of EVALI. The outbreak may ultimately implicate more than one ingredient.⁴

STATEMENT OF THE ISSUE

Electronic cigarettes create an aerosol by using a battery to heat a liquid containing nicotine, flavorings or other additives (such as THC and CBD). The appeal to youth is the subtle shape and flavoring options of electronic cigarettes.² With over 15,500 unique flavors (chocolate chip cookies, cotton candy, gummi bear, etc.) for a teenager to choose from, the flavor disguises the severity of cigarette smoke and nicotine.⁵ One of the popular electronic cigarettes sold today is JUUL, an electronic cigarette shaped like a USB flash drive. The average JUUL cartridge known as a “pod” includes as much nicotine as a pack of twenty (20) cigarettes. Electronic cigarette use increased to 20.8% of high school students in 2018 and includes 3.6 million young individuals. Demographically, users consist of 1 in 5 high school students and 1 in 20 middle school students.¹

In response to the outbreak of EVALI, more than 40 cities and/or counties in California have restricted the sale of tobacco products in one way or another⁶. While there are certain exemptions in place, the County of Los Angeles along with the cities of Long Beach, Burbank, Manhattan Beach, Redondo Beach, Hermosa Beach have all placed a ban on the sale of flavored tobacco products while the City of San Francisco and the County of Santa Clara have banned the sale of electronic cigarettes in their entirety. In light of the serious health concerns involving youth vaping, staff recommends that the City also prohibit the retail sale of flavored tobacco products (including menthol) in the City of Compton.

³ Surgeon General's Advisory on E-Cigarette Use Among Youth (2008). <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

⁴ Outbreak of Lung Injury Associated with E-cigarette Use, or Vaping. (April, 2020) https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

⁵ Campaign for Tobacco Free Kids - Electronic Cigarettes An Overview of Key Issues. <https://www.tobaccofreekids.org/assets/factsheets/0379.pdf>

⁶ States and localities that have restricted the sale of flavored tobacco products. <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

**Staff Report – Ordinance Amending CMC Section 7-23A
Tobacco Retailer Permit
April 28, 2020**

The purpose of this Staff Report and Ordinance is to propose amendments revising various subsections of Chapter VII, Section 7-23A, which will specifically preclude access to flavored tobacco products that contribute to the recent rise in vaping amongst youth. On April 21, 2020, the City Council indicated it would be supportive of a ban on flavored products and requested the City Attorney to return with further modifications summarized below. The proposed Ordinance will:

1. Prohibit the sale of flavored tobacco products and products manufactured with the intent of flavoring tobacco products, with a 90-day period to allow retailers to clear their existing stock of products with the following exemption:
 - a. Menthol cigarettes can be sold to patrons 21 years of age or older from retail stores selling tobacco-specific products only.
2. Prohibit the sale of little cigars and cigarillos individually or in packages of less than 20 units.
3. Limitation on storefront advertising.
4. Amend the penalties for a violation of the Ordinance.

FISCAL IMPACT

The City currently has seventy-four (74) active tobacco retailers that sell tobacco products. It is likely that businesses will be negatively affected by reduced sales of flavored tobacco products. Presumably, the loss of sales to retailers would also result in a reduction of sales tax and business license revenue annually collected by the City. Because sales in flavored tobacco products are not separately reported from tobacco products, it is difficult to calculate the fiscal impact to the City at this time.

RECOMMENDATION

Staff recommends that City Council adopt the attached Ordinance.

**DAMON BROWN
CITY ATTORNEY**

APPROVED FOR FORWARDING:

**CRAIG J. CORNWELL
CITY MANAGER**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 7-23A (TOBACCO RETAILER PERMIT) OF THE
COMPTON MUNICIPAL CODE**

WHEREAS, the City of Compton (hereinafter referred to as “the City”) has a substantial interest in protecting the health and safety of its residents, including the youth of the community, from potentially dangerous products such as tobacco; and

WHEREAS, tobacco use remains a significant public health problem and impediment to health equity in California and the United States;

WHEREAS, each year, tobacco-related diseases cause the deaths of approximately 40,000 Californians¹ and nearly half a million individuals in the United States, making tobacco use the nation’s leading cause of preventable death²; and

WHEREAS, for decades, governments at the federal, state, and local levels have advanced various policies intended to address this significant public health crisis; and

WHEREAS, on July 10, 2007, the City of Compton adopted Ordinance No. 2,159, which added Section 7-23A to the Compton Municipal Code, to require businesses to obtain a Tobacco Retailer’s permit (in addition to a business license) for the sale of tobacco products and paraphernalia in the City; and

WHEREAS, the Tobacco Retailer Permit Program allows the City to establish its own stricter local tobacco regulations and helps fund administration and enforcement costs through an annual permit fee; and

WHEREAS, in 2011, the City also took steps to address the negative health consequences of tobacco products when adopting Ordinance No. 2,225, which added Section 7-28 to the Municipal Code to prohibit smoking and the use of tobacco related products (including electronic cigarettes) in certain areas within the City; and

WHEREAS, the City Council has become aware of the growing epidemic of electronic cigarette (“e-cigarette”) use, including their use by youth and the accompanying health risks posted by these products³; and

WHEREAS, electronic cigarettes (also known as “e-cigs,” “e-hookahs,” “mods,” and “vape pens”) entered the marketplace around 2007, and since 2014, have been the most frequently used tobacco product amongst youth in the United States³; and

WHEREAS, the U.S. Surgeon General declared youth vaping (use of an electronic cigarette) an epidemic in 2018³; and

WHEREAS, the Center for Disease Control and Prevention (CDC), state and local health departments are currently investigating an outbreak of lung injuries associated with the use of electronic cigarettes and vaping products⁴; and

WHEREAS, investigation is on-going and to date, no single ingredient has been determined to be the cause of electronic cigarette, vaping, product use associated injuries (EVALI) and the outbreak may ultimately implicate more than one ingredient⁴; and

¹ Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs—2014*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. https://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf.

² U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

³ Surgeon General's Advisory on E-Cigarette Use Among Youth (2008). <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>

⁴ Outbreak of Lung Injury Associated with E-cigarette Use, or Vaping. (April, 2020) https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

WHEREAS, the appeal to youth is the subtle shape and flavoring options of electronic cigarettes and with over 15,500 unique flavors (chocolate chip cookies, cotton candy, gummi bear, etc.) for a teenager to choose from, and the flavor disguises the severity of cigarette smoke and nicotine⁵; and

WHEREAS, in response to the outbreak of EVALI, more than 65 cities and/or counties in California have restricted the sale of tobacco products in one way or another⁶; and

WHEREAS, in light of the serious health concerns involving youth vaping, the City Council requested that that the City Attorney bring forward an ordinance prohibiting the retail sale of flavored tobacco products in the City of Compton; and

WHEREAS, this proposed Ordinance will (1) prohibit the sale of flavored tobacco products except for menthol cigarettes which will be allowed to be sold by certain retailers; (2) prohibit the sale of sale of little cigars and cigarillos individually or in packages of less than 20 units; (3) place limitations on storefront advertising; and (4) amend the penalties for a violation of the ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 7-23A.1 (Definitions) of Chapter VII of the Compton Municipal Code is hereby amended in its entirety to read as follows:

§7-23A.1 Definitions. For purposes of this section, the following definitions shall apply:

Accessory shall mean equipment, products, or materials that are used, intended for use, or designed for use in smoking, vaping, inhaling, or otherwise introducing tobacco or tobacco products into the human body and can be an object or device that is not essential in it itself but adds to the beauty, convenience or effectiveness of something else.

Authorized Enforcement Officer shall mean any employee or agent of the City who is authorized to enforce any provision of this Code and any designated representative of the law enforcement agency or agencies authorized by the City to enforce the laws of the City of Compton.

Characterizing flavor shall mean a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice. Characterizing flavor includes flavor in any form, mixed with or otherwise added to any tobacco product or nicotine delivery device, including electronic smoking devices.

Cigarette shall mean any roll of tobacco wrapped in paper or in any substance not containing tobacco, or any roll of tobacco wrapped in any substance containing tobacco which is likely to be offered to, or purchased as a cigarette, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling.

Cigarillo shall mean any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. Cigarillo includes, but is not limited to, tobacco products known or labeled as small cigar or little cigar.

⁵ Campaign for Tobacco Free Kids - Electronic Cigarettes An Overview of Key Issues. <https://www.tobaccofreekids.org/assets/factsheets/0379.pdf>

⁶ States and localities that have restricted the sale of flavored tobacco products. <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>

City shall mean the City of Compton or any authorized department or public agency designated in the City to perform various investigative, enforcement and resolution functions pursuant to this Section.

Component shall mean any item intended or reasonably expected to be used with or for the human consumption of a tobacco product.

Electronic Smoking Device shall mean an electronic device, including limited to an electronic cigarette, electronic cigar or cigarillo, electronic pipe, electronic hookah, vaping device, or any other product name or descriptor, which can be used to deliver an inhaled dose of nicotine or other substances, including any component, part, or accessory of such a device, whether manufactured, distributed, marketed, or sold as such.

Flavored Tobacco Product shall mean any tobacco product that imparts a characterizing flavor.

Little Cigar shall mean any roll of tobacco other than a cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than three pounds per thousand units. “Little Cigar” includes, but is not limited to, tobacco products known or labeled as small cigar or cigarillo.

Menthol Cigarette shall mean a cigarette with a characterizing flavor of menthol, mint, or wintergreen, including cigarettes advertising, labeled, or described by the manufacturer as possessing a menthol characterizing flavor.

Package or Packaging shall mean a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale.

Part shall mean a piece or segment of something, which combined with other pieces makes up the whole.

Person shall mean any natural person, partnership, cooperative association, domestic or foreign corporation, personal representative, authorized agent, receiver, trustee, assignee, or any other legal entity.

Proprietor shall mean a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten (10%) percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

Tobacco Paraphernalia shall mean cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, characterizing flavors in any form mixed with or otherwise added to any tobacco product or nicotine delivery device including electronic smoking devices and any other item designed for the smoking, ingestion, preparation, storing, or consumption of tobacco products.

Tobacco Product shall mean:

- (1) Any product containing, made, or derived from tobacco or nicotine whether natural or synthetic, that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; or

(2) Any electronic smoking device that delivers nicotine or other substances, whether, natural or synthetic, to the person inhaling from the device, including, but not limited to, an electronic cigarette, electronic cigar, electronic pipe, electronic hookah, or vaping device.

(3) Notwithstanding any provision of subsection (1) and (2) to the contrary, "tobacco product" includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product, whether or not sold separately.

(4) Tobacco Product does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco Retailer shall mean any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low-cost samples of tobacco products or tobacco paraphernalia. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

Section 2. That Section 7-23.A2, "Requirements for Tobacco Retailer's Permit" is hereby amended as follows:

§7-23A.2 (Requirements for Tobacco Retailer's Permit).

g. Exterior facing advertisements of tobacco products may not occupy an area larger than 14 square feet. Such advertisements may not be placed next to any other outward facing advertisement so as to create a single mosaic type advertisement larger than 14 square feet. It is a violation of this Chapter to violate any local, State, or federal law regulating storefront window or door advertising.

Section 3. That Section 7-23A.3 b (4) (Application Procedure) of Chapter VII of the Compton Municipal Code is hereby amended as follows:

§7-23A.3 (Application Procedure).

b. The application shall be sought in the name of the person proposing to conduct retail tobacco sales and shall be signed by such person or, in the case of a business, by an authorized agent thereof. A valid City business license is also required before a Tobacco Retailer's Permit may be issued. Each person applying for a Tobacco Retailer's Permit shall be responsible for reviewing the conditions of conducting retail tobacco sales within the City and shall agree to abide by these conditions by signing the application under penalty of perjury. All applications shall be submitted on the form supplied by the Business and License Division and shall contain, at a minimum, the following information:

4. Proof that the location or locations for which a Tobacco Retailer's Permit is sought has been issued a valid State Tobacco Retailer's License by the California Department of Tax and Fee Administration.

Section 4. That Section 7-23A.8 (Permit Violation) – Compliance Monitoring of the Compton Municipal Code is hereby amended in its entirety as follows:

§7-23A.8 Permit Violation – Compliance Monitoring.

a. In the course of tobacco retailing or in the operation of the business or maintenance of the location or locations for which a permit issued, it shall be a violation of this section for any permittee, or his or her agents or employee, to violate any local, State or Federal tobacco-related law.

b. Compliance with this section shall be monitored by the Business License Division and/or other City employee authorized to enforce provisions of this Code. Notwithstanding the forgoing, any City peace officer or Authorized Enforcement Officer is authorized to enforce the provisions of this section. An Authorized Enforcement Officer and/or other City employee authorized to enforce provisions of this Code shall check compliance of each tobacco retailer at least once per twelve (12) month period. Compliance checks shall determine, at a minimum, if the tobacco retailer is conducting business in a manner that complies with tobacco laws regulating youth access to tobacco. When appropriate, the compliance checks shall determine compliance with other laws, applicable to tobacco retailing. Nothing in this paragraph shall create a right of action in any permit or other person against the City or its agents.

c. An Authorized Enforcement Officer may use youth decoys and shall comply with protocols for the compliance checks developed in consultation with Los Angeles County Department of Health Services. The City shall not enforce any law establishing a minimum age for tobacco purchases or possession against a person who otherwise might be in violation of such law because of such person's age (herein "youth decoy") if the potential violation occurs when the youth decoy is participating in a compliance check supervised by a peace officer, an Authorized Enforcement Officer or an agent of another governmental agency.

d. After ninety (90) days of the effective date of this Ordinance, it shall be a violation of this Section for a tobacco retailer, its agent (s) or employee(s) to sell or offer for sale, or to possess with the intent to sell or offer for sale, any flavored tobacco product or any component, part, or accessory intended to impart, or imparting a characterizing flavor in any form, to any tobacco product or nicotine delivery device, including electronic smoking devices.

e. After ninety (90) days of the effective date of this Ordinance, it shall be a violation of this Section for a tobacco retailer, its agent (s) or employee(s) to sell or offer for sale, or to possess with the intent to sell or offer for sale, any menthol cigarette.

f. No tobacco retailer or its agent(s) or employee (s) may sell or offer for sale any little cigar or cigarillo unless it is sold in a package of at least 20 little cigars or cigarillos. Little cigars or cigarillos may not be sold individually or in packages of less than 20 units.

g. Paragraph (e) of this subsection shall not apply to any retailer that meets all of the following criteria:

- (i) Primarily sells tobacco products;
- (ii) Generates more than 60 percent of its gross revenues annually from the sale of tobacco products;
- (iii) Does not permit any person under 21 years of age to be present or enter the premises at any time, unless accompanied by the person's parent or legal guardian, as defined in Section 6903 of the Family Code;
- (iv) Does not sell alcoholic beverages or food for consumption on the premises; and
- (v) Posts a sign outside the retail location that clearly, sufficiently, and conspicuously informs the public that persons under 21 years of age are prohibited from entering the premises.

h. No tobacco retailer, its agents, or employee(s) may sell or offer for sale any little cigar or cigarillo unless it is sold in a package of at least twenty (20) little cigars or cigarillos. Little cigars or cigarillos may not be sold individually or in packages of less than 20 units.

Section 5. That Section 7-23A.9 (a) and (a)(1) (Suspension or Revocation of Permit) of the Compton Municipal Code is hereby amended as follows:

§7-23A.9 Suspension or Revocation of Permit.

a. In addition to any other penalty authorized by law, a Tobacco Retailer's Permit may be suspended or revoked if the City finds, or any court of competent jurisdiction determines, after notice to the tobacco retailer permittee and an opportunity for the permittee to be heard, that the permittee, or his or her agents or employees, has violated any of the provisions of this section or any other local, State or Federal law relating to tobacco, or in a different legal proceeding, has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law designated in this section. Furthermore, a Tobacco Retailer's Permit shall be revoked if the City finds, after the permittee is afforded reasonable notice and an opportunity to be heard, that one or more of the bases for denial of a permit under subsection 7-23A.3 existed at the time application was made or at any time before the license issued. Upon a finding by the City of a violation of any provision of this article, within any three-year period, the Business and License Division may suspend or revoke a Tobacco Retailer Permit as follows:

1. Upon finding by the City of a first permit violation of any provision of this article, within any three-year period, the Tobacco Retailer's Permit may be suspended for up to thirty (30) days.
2. Upon finding by the City of a second permit violation of any provision of this article, within any three-year period, the Tobacco Retailer's Permit may be suspended for up to one (1) year.
3. Upon finding by the City of a third permit violation of any provision of this article, within any three-year period, the Tobacco Retailer's Permit may be permanently revoked.

Section 6. That Section 7-23A.10 (Tobacco Retailing Without A Permit) is hereby amended in its entirety as follows:

§7-23A.10 Tobacco Retailing Without A Permit.

a. In addition to any other penalty authorized by law, if the City finds, or any court of competent jurisdiction determines, after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at any location without a valid Tobacco Retailer's Permit, either directly or through the person's agent or employees, the person shall be ineligible to apply for or be issued a Tobacco Retailer's Permit for that location as follows:

1. After the first violation of this section at a location within any eighteen (18) month period, no new permit may issue for the person at the location until thirty (30) days have passed from the date of the violation.
2. After the second violation of this section at a location within any eighteen (18) month period, no new permit may issue for the person at the location until six (6) months have passed from the date of the violation.
3. After the third violation of this section at a location within any eighteen (18) month period, no new permit may issue for the person at the location until one (1) year has passed from the date of the violation.

b. Tobacco products and tobacco paraphernalia offered for sale or exchange in violation of this section are subject to seizure by any Authorized Enforcement Officer or any peace officer and shall be forfeited after the permittee and any other owner of the tobacco products or tobacco paraphernalia seized is given reasonable notice and an opportunity to demonstrate that the tobacco products or tobacco paraphernalia were not offered for sale or exchange in violation of this section. The decision by the City may be appealed pursuant to the procedures set forth in subsection 7-23A.11. Forfeited tobacco products and tobacco paraphernalia shall be destroyed.

c. For the purposes of the civil remedies provided in this section, whichever is greater, shall constitute a separate violation of this section:

1. Each day on which a tobacco product or tobacco paraphernalia is offered for sale in violation of this section; or

2. Each individual retail tobacco product and each individual retail item of tobacco paraphernalia that is distributed, sold, or offered for sale in violation of this section.

Section 7. That Section 7-23A.11 (Notification and Appeals) is hereby amended in its entirety as follows:

§7-23A.11 Notification and Appeals.

a. Any notice of denial, suspension or revocation of a Tobacco Retailer's Permit shall state the reasons for such action and the appropriate remedy or cure, if applicable.

b. Any notification to be given pursuant to subsection 7-23A.3, shall be deemed given once the notice is sent by facsimile to the facsimile number listed on the application, or if no number is listed, when notice is placed, postage prepaid in the United States mail, addressed to the applicant at the address shown on the permit application.

c. Any applicant or permittee aggrieved by a decision or action of the City under this section shall have the right to appeal such decision to the City Council.

d. Any appeal that is filed pursuant to this subsection 7-23A.11 shall be filed, and all appropriate fees, as set forth by resolution, shall be paid, with the City Clerk within fourteen (14) calendar days after notice of denial, approval or revocation is given by the City. The City Council shall act upon any such appeal within twenty-eight (28) business days of the filing of the appeal.

e. Upon receipt of an appeal that is filed pursuant to this subsection 7-23A.11, the City Clerk shall set a date for a hearing of the matter and give notice of the date, time and place of the hearing to the applicant/appellant. Prior to such hearing, the Authorized Enforcement Officer shall transmit to the City Clerk a report of its findings. At the hearing, the City shall present all documents on file with respect to the matter being appealed.

f. The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the action that was appealed. The City Council may also make or substitute additional decisions or determinations as it finds warranted under the provisions of this section and may waive any requirement of subsection 7-23A.3, where it is found to be in the public interest. The City Clerk shall transmit a written copy of the City Council's decision to the applicant/appellant within five (5) business days of the hearing.

Section 8. That Section 7-23A.12 (b) (Settlement In Lieu of Hearing) is hereby amended as follows:

§7-23A.12 Settlement In Lieu Of Hearing.

b. Notice of any settlement shall be provided to the Business and License Division and no hearing shall be held.

Section 9. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, City Manager's Office (Code Enforcement Division), Business License Division, City Controller, and the Los Angeles County Sheriff's Department, Compton Station.

Section 10. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days after the date of its final passage and adoption by the City Council.

Section 10. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2020.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, hereby verify that the foregoing Ordinance was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2020.

That said Ordinance was adopted by the following vote. to wit:

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON