

Members of the public may address the City Council on any item shown on the agenda or matter of the Council's authority after completion of "Request to Address the Council Form" available in the lobby of the Council Chambers or in the City Clerk's office. This form must be completed 15 minutes prior to the scheduled meeting time. Pursuant to Section 54957.5 of the California Government Code, Any writings (Except for those writings which are exempt from disclosure) which are distributed to all or a majority of the members of the City Council are available for public inspection in the lobby of the City Council Chambers and in the office of the City Clerk during regular business hours.

**COMPTON CITY COUNCIL
AGENDA
11/14/2023**

**4:30 PM – CLOSED SESSION
5:30 PM – PUBLIC MEETING**

**CITY COUNCIL CHAMBERS
205 SOUTH WILLOWBROOK AVENUE
COMPTON, CALIFORNIA 90220**

OPENING

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

CLOSED SESSION

PENDING LITIGATION

Jerry Leggett v. City of Compton – Case No. 19 STCV 40919

Robert Quintero v. Daniel Olivier, City of Compton, et al. – Case No. 22 STCV 12731

PURSUANT TO SECTION 54956.9(a)

PUBLIC MEETING

REPORT ON CLOSED SESSION ITEM(S)

INTRODUCTION OF SPECIAL GUESTS

1. LEGISLATIVE UPDATE - SENATOR STEVEN BRADFORD

COMMENDATORY RESOLUTIONS/PRESENTATIONS

2. SPECIAL RECOGNITION: FIREFIGHTER HALVORSON - (City Manager - Jerry Groomes)
3. ORAL PRESENTATION - WESTERN STATES REGIONAL COUNCIL OF CARPENTERS (Mayor Emma Sharif)

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

REGULAR AGENDA

CITY TREASURER'S REPORTS

4. ORAL PRESENTATION: UPDATE ON PENSION FUND - City Treasurer (Dan Matsuiewicz, GovInvest)

NEW BUSINESS

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON SUPPORTING FAMILY COURT AWARENESS MONTH IN NOVEMBER
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE PUBLIC WORK'S ENGINEERING DEPARTMENT'S 2023-2024 FISCAL YEAR BUDGET AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH AND ESTABLISH A PURCHASE ORDER FOR UNION PACIFIC RAILROAD COMPANY TO PROVIDE PRELIMINARY ENGINEERING SERVICES FOR THE ARTESIA BOULEVARD OVER ALAMEDA STREET AND ACTA/UPRR BRIDGE REPAIR PROJECT, CIP#23-01 IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR (SPECIAL) MEETING: 11/17/2023 @8:30AM

Visit our website at <http://www.comptoncity.org>

Retirement Benefit Funding

Compton, CA



Agenda



Review audit recommendation related to two long-term retirement benefit obligations



Review how the Compton plans are doing relative to their funding targets



Compare and contrast how the City's two retiree benefit programs are funded



Consider long-term strategies to address audit recommendation

Audit Recommendation



GovInvest
The Financial Forecasting Authority

Audit Recommendation



By July 2024, the city council should ensure that the city develops and begins implementing a plan for reducing Compton's pension and other postemployment benefits (OPEB) costs and liabilities. This plan may include placing retirement funds into a trust and negotiating changes to employees' contributions for pension and OPEB costs.

Two Major Retirement Benefit Obligations



Pension Benefits

Administered by



- Multi-Employer System
- Prefunding Required

Other Post Employment Benefits (OPEB)

Retiree Health Benefits

Self Administered by



- Single Employer Plan
- Prefunding Not Required

Includes:

Retiree Health Benefits
Retiree Dental Benefits
Retiree Vision Benefits

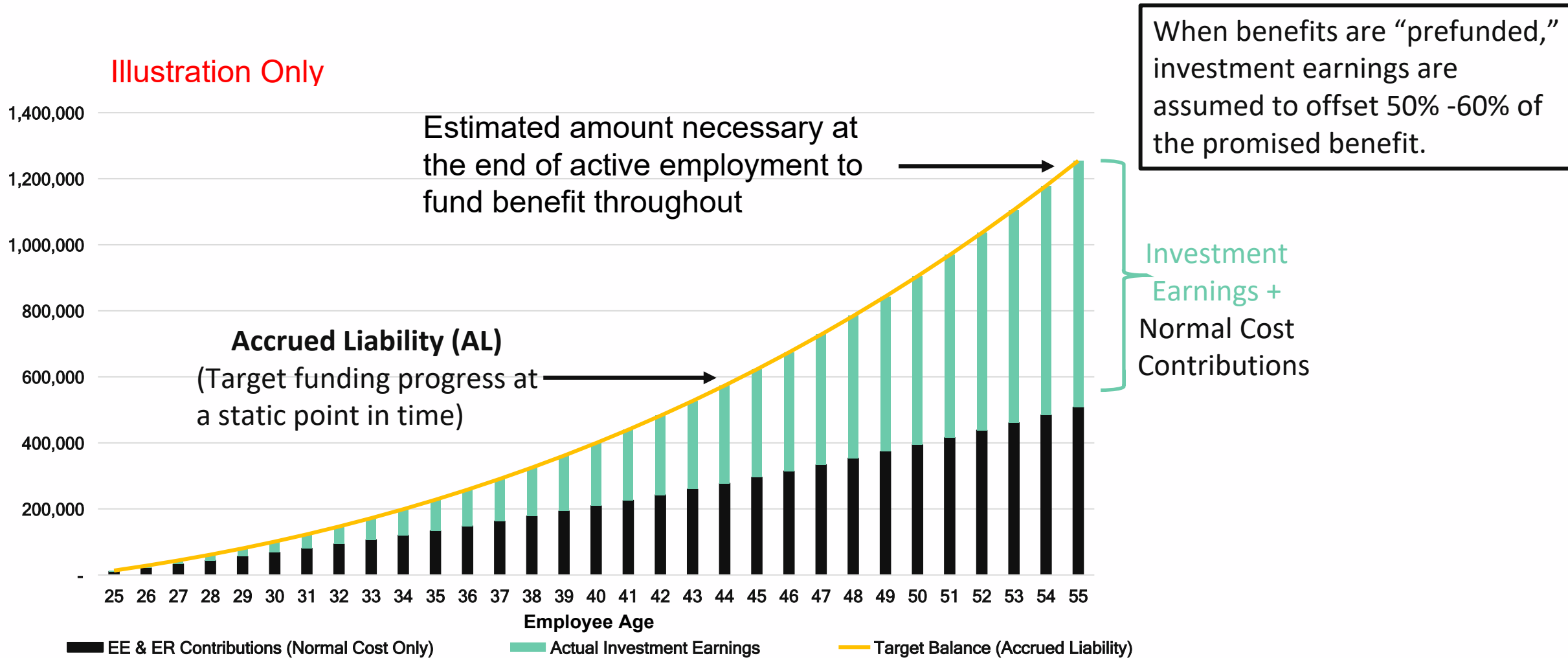
Excludes:

Pension Benefits

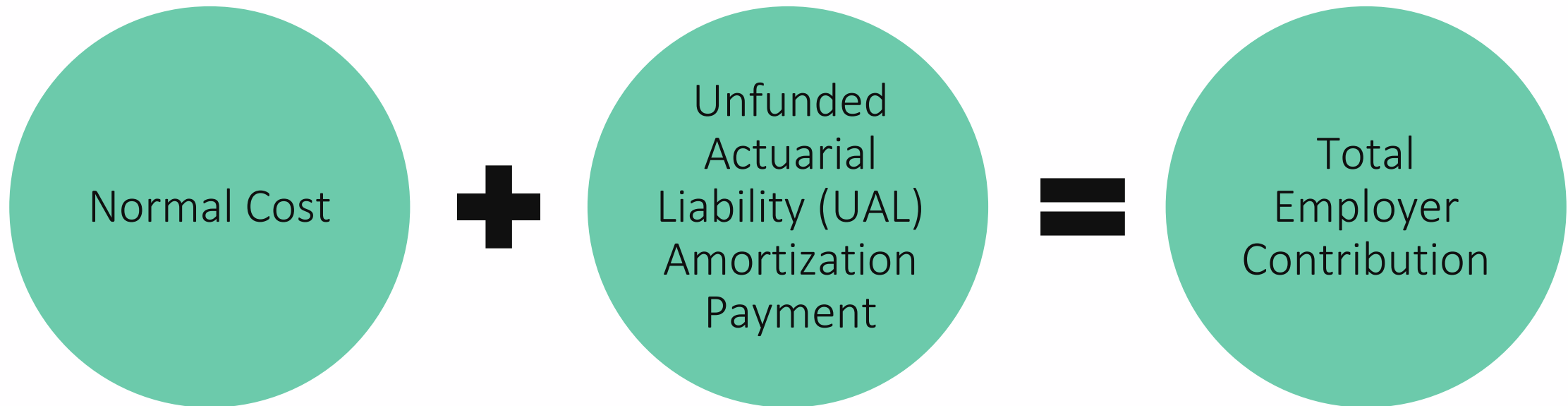
How Long-term Benefits Promises Are Funded



Hypothetical Prefunding Example for Individual Employee's Retirement Benefit



Actuarially Determined Contribution (ADC)



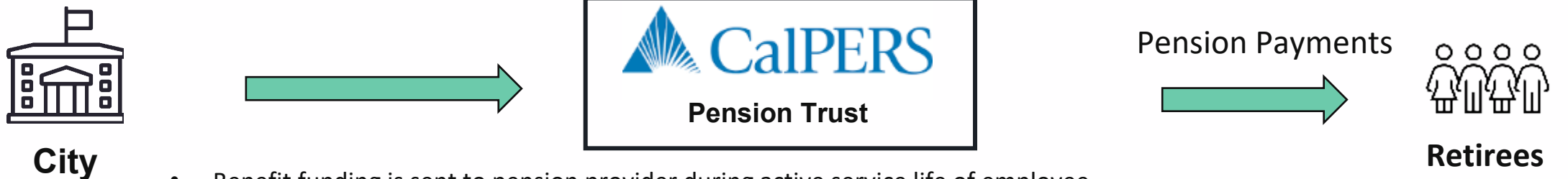
Normal Cost – the cost for current service paid as a percent of payroll. Increases when payroll increases, decreases when payroll decreases

UAL Contribution – payment toward past service. Paid as a fixed dollar amount each year.

Current State

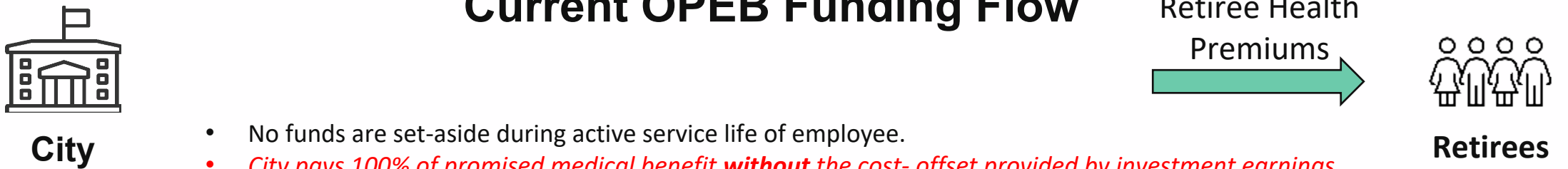


Pension Benefits



- Benefit funding is sent to pension provider during active service life of employee
- Funds are invested by pension provider
- *Investment earnings accumulate over service life of employee reduce the overall cost of promised pension benefit*

Current OPEB Funding Flow

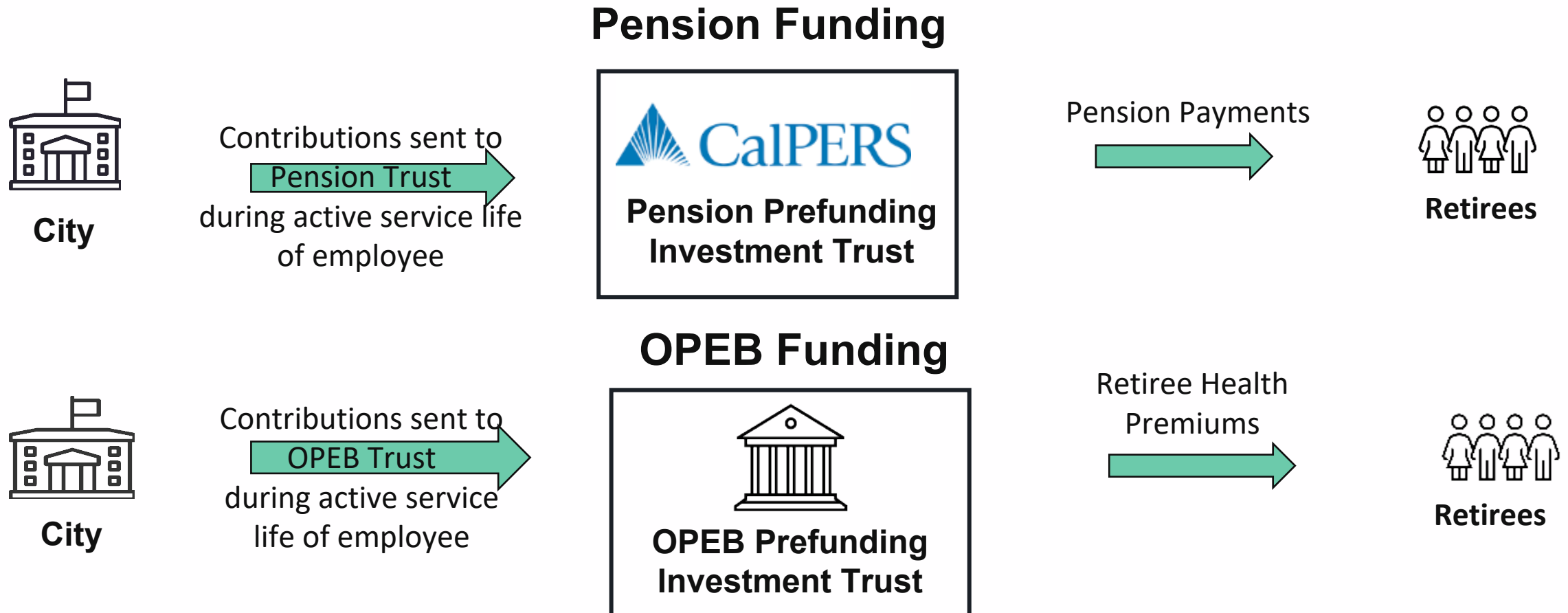


- No funds are set-aside during active service life of employee.
- *City pays 100% of promised medical benefit **without** the cost- offset provided by investment earnings.*

Future State - Best Practice



- Benefit funding is sent to benefit trust during active service life of employee
- Funds are invested as directed by the City
- *Investment earnings accumulate over service life of employee reduce the overall cost of promised pension benefit*



Pension Funding Update



GovInvest
The Financial Forecasting Authority

Compton's Concurrent Pension Benefit Structures



	<i>Classic Safety Fire</i>	<i>PEPRA* Safety Fire</i>	<i>Classic Miscellaneous</i>	<i>PEPRA* Miscellaneous</i>
Hire Date	On or before 12/31/12	On or after 1/1/13	On or before 12/31/12	On or after 1/1/13
Formula	3% @ 50	2.7% @ 57	2.7% @ 55	2% @ 62
Final Pay Period	12 months	36 months	12 months	36 months
COLA	2% per year	2% per year	2% per year	2% per year
Employee Contributions	9% of pay	14.5% of pay (50% of Normal Cost)	8% of pay	7.75% of pay (50% of Normal Cost)

*Public Employers' Pension Reform Act (PEPRA) of 2012 *imposed lower benefit structures for employees hired by on or after 1/1/2013.*

Funded Status Trend



Fiscal Year End (FYE)	2020	2021	2022	2023	Change
Accrued Liability (AL)	\$433,398,867	\$439,099,935	\$446,599,638	\$452,279,649	\$5,680,011
Market Value of Assets (MVA)	\$277,748,674	\$320,292,705	\$281,166,524	\$290,990,307	\$9,823,783
Unfunded Accrued Liability (UAL)	\$155,650,193	\$118,807,230	\$165,433,114	\$161,289,342	\$4,143,772
Funded Status	64.09%	72.94%	62.96%	64.34%	1.38%
Assumption	7.00%	7.00%	6.80%	6.80%	
Actual Return	4.70%	22.4%	-7.5%	5.80%*	
Experience Gain/(Loss)	-2.30%	15.3%	-14.3%	-1.00%	

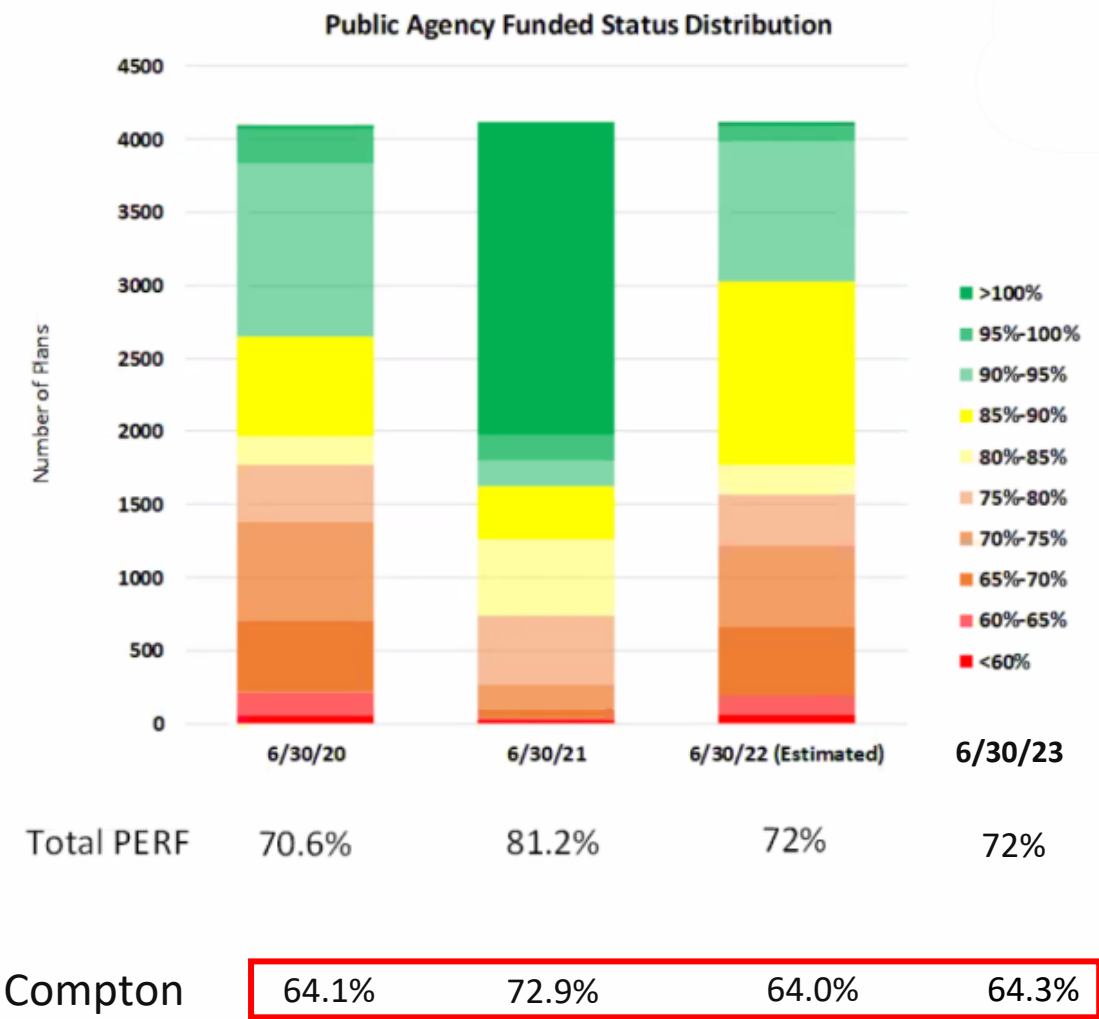
*Preliminary stated investment return

Comparison to Other Public Agencies

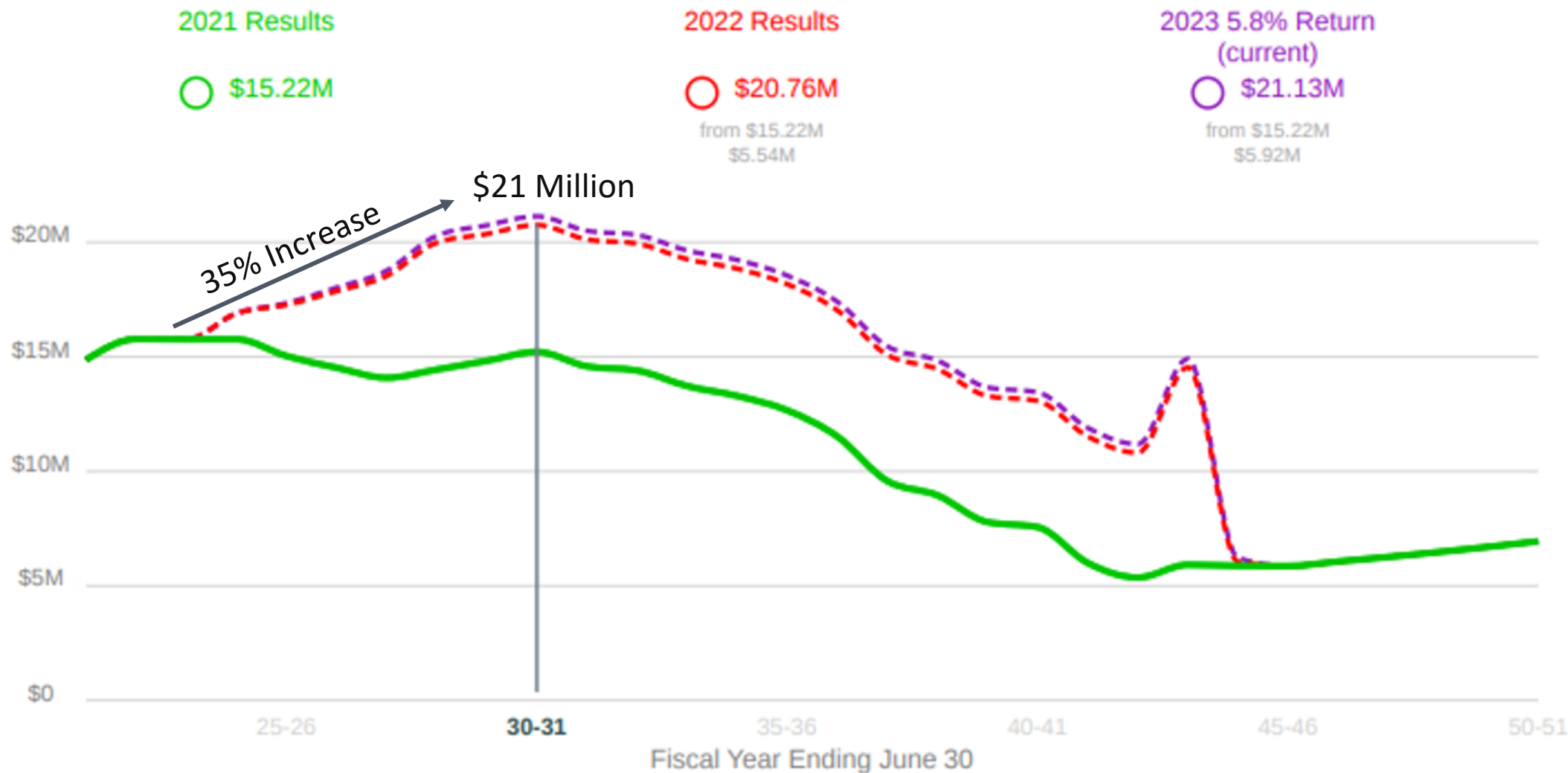


6/30/2022 Estimates —
Public Agency
Funded Ratios

Source:



Pension Cost Projection



OPEB Update Funding Update



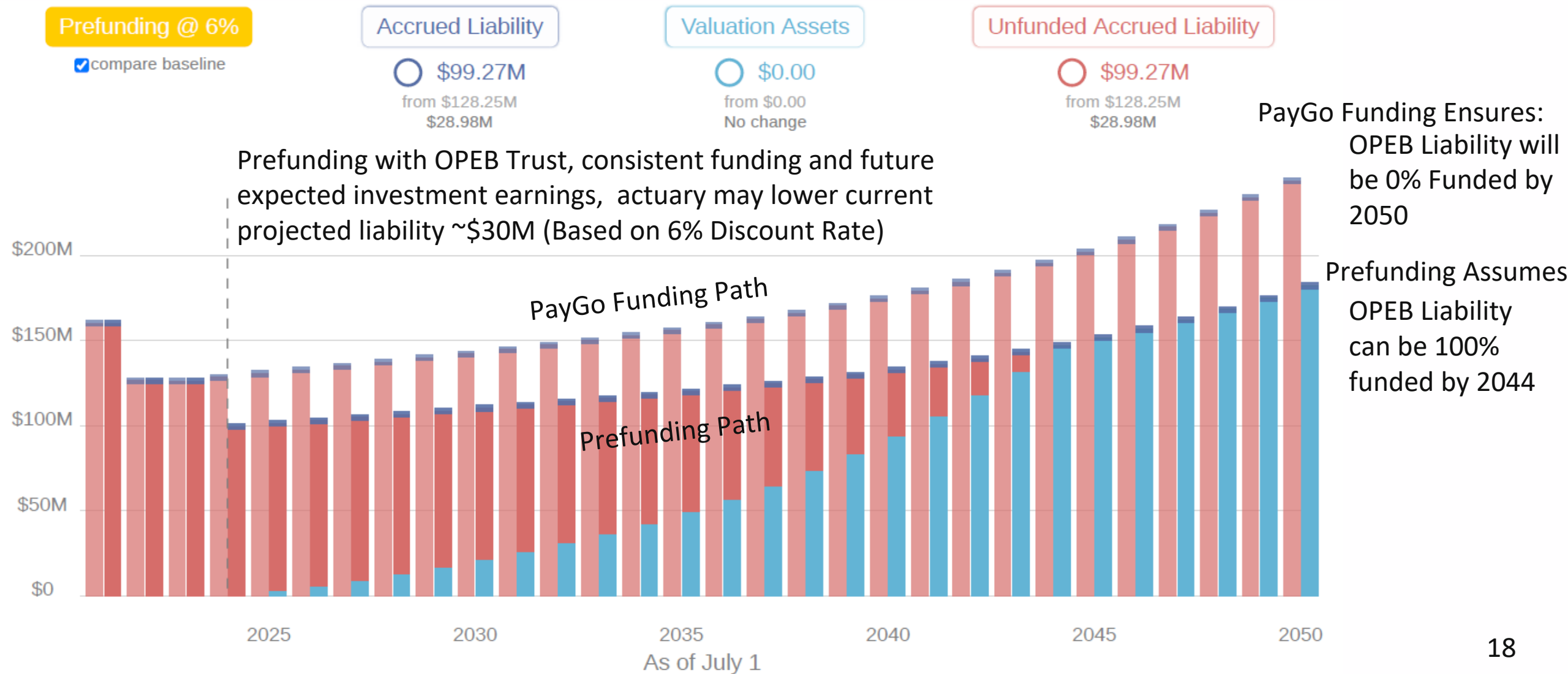
GovInvest
The Financial Forecasting Authority

OPEB Funded Status Trend



Fiscal Year End (FYE)	2020	2021	2022	2023	2023
Accrued Liability (AL)	\$149,552,071	\$169,528,269	\$160,603,184	\$126,382,000	\$125,978,000
Market Value of Assets (MVA)	\$0	\$0	\$0	\$0	\$0
Unfunded Accrued Liability (UAL)	\$149,552,071	\$169,528,269	\$160,603,184	\$126,382,000	\$125,978,000
Funded Status	0.00%	0.00%	0.00%	0.00%	0.00%
Discount Rate(Earnings Assumption)	3.13%	2.45%	1.92%	3.69%	3.86%

Net OPEB Obligation – PayGo vs Prefunding

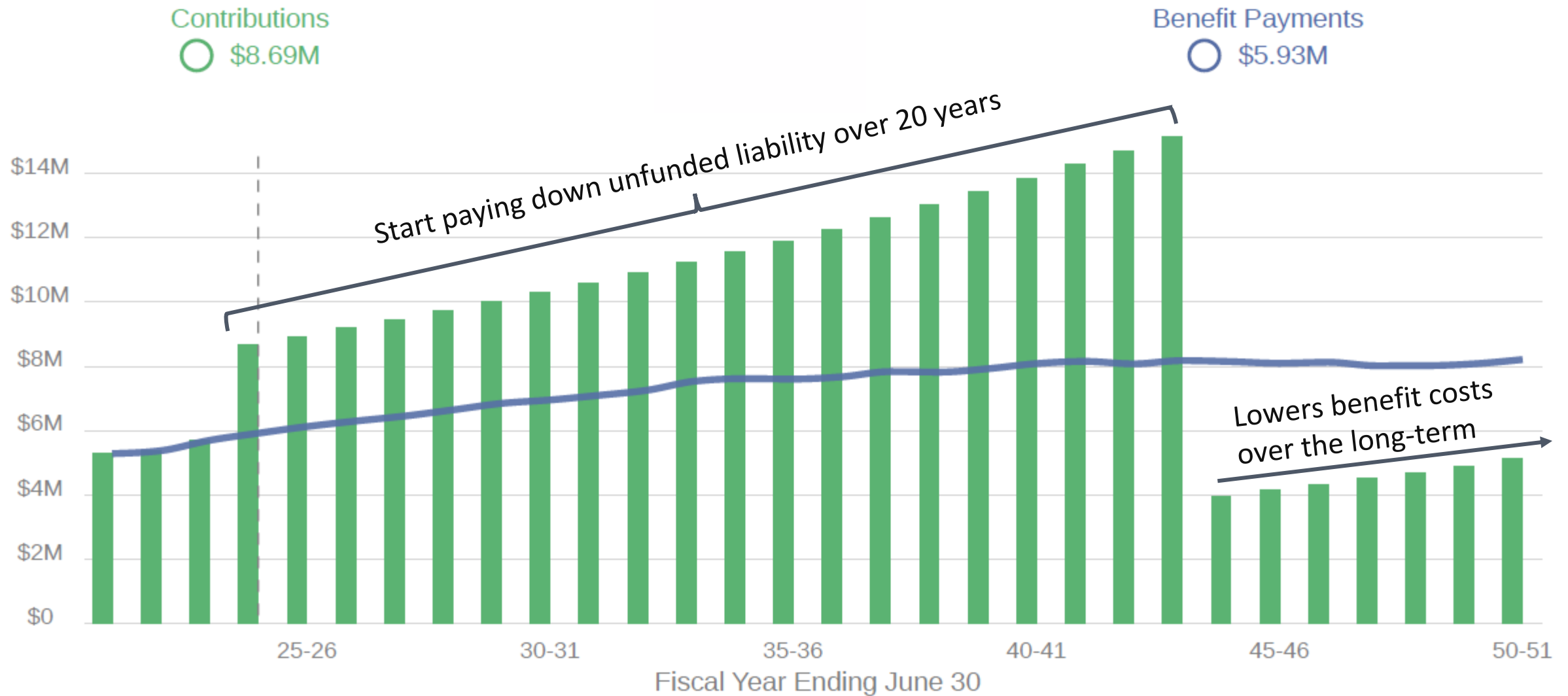


Funding Strategies and Recommendations

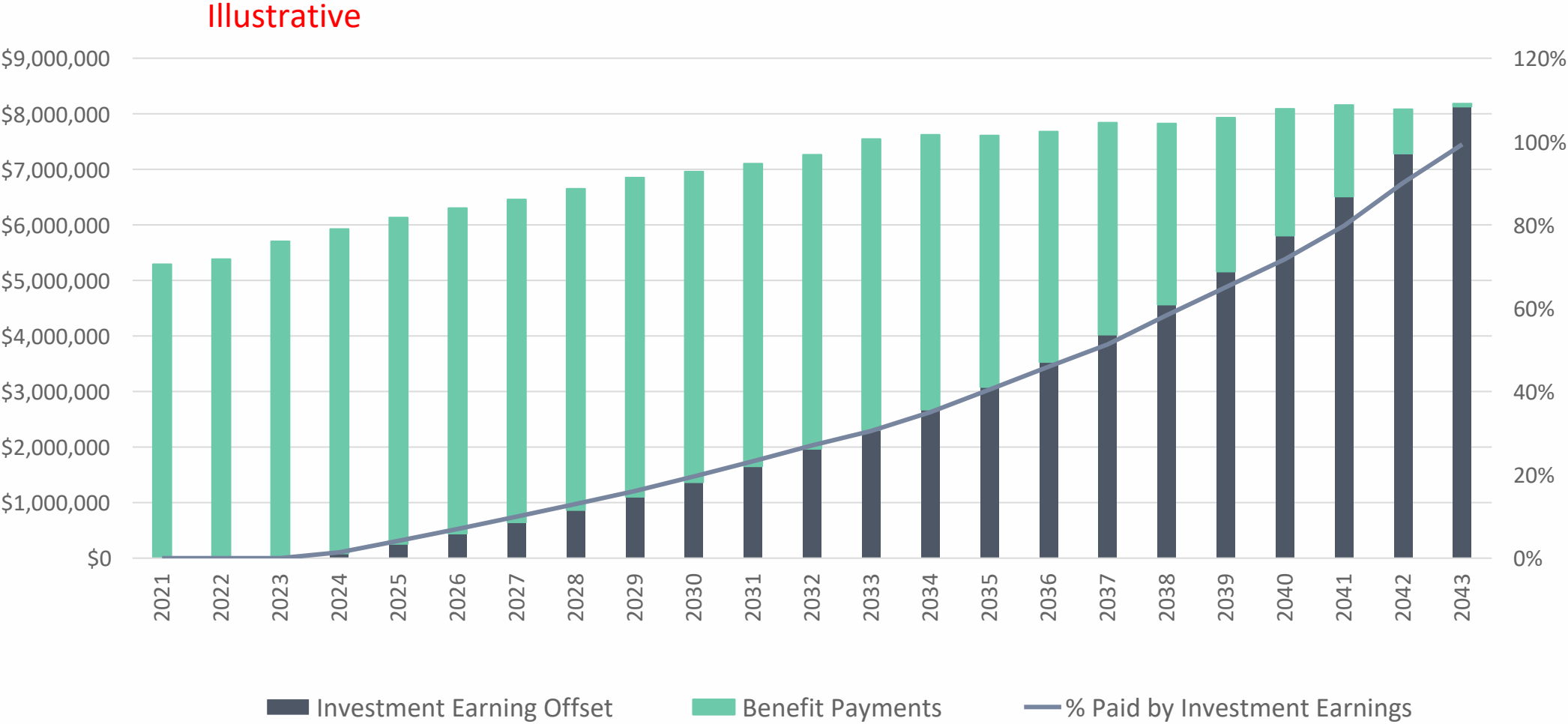


GovInvest
The Financial Forecasting Authority

Illustration of Prefunding Starting in 24-25



Conceptually Investment Earnings Would be Available To Offset Promised Benefit Payments



Assumes 100% of ADC is paid into a trust and trust earns 6% on average

Recommendations



1. Secure an OPEB Investment Trust Service Provider
2. Draft and Adopt OPEB Funding Policy
3. Start sending contributions to OPEB Investment Trust no later than 7/1/2024
4. Management to consider benefit cost reduction options
5. Draft and Adopt Pension Funding Policy
6. Consider Additional Discretionary Payment(ADPs) to CalPERS to shore-up pension funded status and reduce interest cost on Unfunded Accrued Liability (UAL) during Budget Adoption Process

Next Steps



1. Send out Requests for Proposals from qualified OPEB Trust Providers
2. Staff to Evaluate Proposals and make Recommendation to City Council
3. City Council to Adopt Benefit Trust
4. Staff to draft OPEB Funding Policies
5. City to fund OPEB Benefit Trust at the City's sole discretion



Disclaimer

While tested against actuarial valuation results, the software results will not necessarily match actuarial valuation results, as no two actuarial models are identical. The software offers financially sound projections and analysis; however, outputs do not guarantee compliance with standards under the Government Accounting Standards Board or Generally Accepted Accounting Principles. The software and this presentation are not prepared in accordance with standards as promulgated by the American Academy of Actuaries, nor do outputs or this presentation constitute Statements of Actuarial Opinion. GovInvest has used census data, plan provisions, and actuarial assumptions provided by Customer and/or Customer's actuary to develop the software for Customer. GovInvest has relied on this information without audit.

November 14, 2023

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER'S OFFICE

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
SUPPORTING FAMILY COURT AWARENESS MONTH IN NOVEMBER**

SUMMARY

The City Manager request that the Council consider adopting a Resolution that will support Family Court Awareness Month in November.

BACKGROUND

In the year 2022, 366 jurisdictions publicly demonstrated their commitment to child safety in the family court system. Mayors, county officials, and governors around the country have pledged their support with proclamations and/ or resolutions officially declaring the month of November as Family Court Awareness Month.

The goal of Family Court Awareness Month is to raise awareness and shine a spotlight on one of the most important branches of our judicial system, the family court system. The family court system was established to govern family law cases and make decisions that are "in the best interest" of children, but has some undeniable shortcomings that warrant conversations, solutions and ultimately, change.

On October 13, 2023, in a historic move, Governor Newsom signed Senate Bill 331-Piqui's Law, by Senator Susan Rubio (D-Baldwin Park). This groundbreaking legislation is named in memory of 5-year-old Piqui, tragically murdered by his father amidst family court proceedings.

Piqui's Law aims to enhance child safety by prohibiting courts from mandating children into non-licensed, unregulated services, often referred to as reunification camps. Furthermore, it mandates the development of specialized training for judicial officers in domestic violence and child custody matters, and introduces reporting requirements on their education and training.

STATEMENT OF ISSUE

Family Court Awareness Month is to encourage all residents to support their local communities' efforts to prevent the harm of children in the hands of family members and to honor and value the lives of children.

FINANCIAL IMPACT

There is no fiscal impact resulting from adoption of this resolution.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

JERRY GROOMES
CITY MANAGER

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
SUPPORTING FAMILY COURT AWARENESS MONTH IN NOVEMBER**

WHEREAS, in 2022, 366 jurisdictions publicly demonstrated their commitment to child safety in the family court system; and

WHEREAS, Mayors, county officials, and governors around the country have pledged their support with proclamations and/ or resolutions officially declaring the month of November as Family Court Awareness Month; and

WHEREAS, the goal of Family Court Awareness Month is to raise awareness and shine a spotlight on one of the most important branches of our judicial system, the family court system; and

WHEREAS, the family court system was established to govern family law cases and make decisions that are “in the best interest” of children, but has some undeniable shortcomings that warrant conversations, solutions and ultimately, change; and

WHEREAS, on October 13, 2023 in a historic move, Governor Newsom signed Senate Bill 331-Piqui’s Law, by Senator Susan Rubio (D-Baldwin Park). This groundbreaking legislation is named in memory of 5-year-old Piqui, tragically murdered by his father amidst family court proceedings; and

WHEREAS, Piqui’s Law aims to enhance child safety by prohibiting courts from mandating children into non-licensed, unregulated services, often referred to as reunification camps. Furthermore, it mandates the development of specialized training for judicial officers in domestic violence and child custody matters, and introduces reporting requirements on their education and training; and

WHEREAS, Family Court Awareness month is to encourage all residents to support their local communities’ efforts to prevent the harm of children in the hands of family members and to honor and value the lives of children.

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

SECTION 1. That the City of Compton hereby declares its support for Family Court Awareness Month in November.

SECTION 2. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

SECTION 3. That a certified copy of this Resolution shall be filed in the offices of the City Clerk and City Manager.

ADOPTED this _____ day of _____ 2023

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, Vernell McDaniel, 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 hereof held on the _____ day of _____, 2023.

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

November 14, 2023

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE PUBLIC WORK'S ENGINEERING DEPARTMENT'S 2023-2024 FISCAL YEAR BUDGET AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH AND ESTABLISH A PURCHASE ORDER FOR UNION PACIFIC RAILROAD COMPANY TO PROVIDE PRELIMINARY ENGINEERING SERVICES FOR THE ARTESIA BOULEVARD OVER ALAMEDA STREET AND ACTA/UPRR BRIDGE REPAIR PROJECT, CIP#23-01 IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00).

SUMMARY

Adoption of this resolution will amend the Public Work's Engineering Department's 2023-2024 Fiscal Year budget and authorize the City Manager to enter into a Reimbursement Agreement with and establish a purchase order for Union Pacific Railroad Company (Railroad) to provide preliminary engineering services for the Artesia Boulevard Bridge over Alameda Street and ACTA/UPRR Bridge Repair Project (Project) in the amount of Fifty Thousand Dollars (\$50,000.00).

BACKGROUND

The Artesia Boulevard Overhead (State Bridge No. 53C1744, LA County Bridge No. 2446) carries Artesia Boulevard over the Alameda Railroad Corridor, Alameda Street, and the Compton Creek. The bridge was constructed in 1956, and is approximately 100 feet wide, and includes 10 spans of varying length for a total bridge length of 718 feet. The bridge superstructure is comprised of steel girders with a cast-in-place concrete deck. The June 2019 Bridge Inspection Report, flagged the bridge as Structurally Deficient, resulting in a Sufficiency Rating of 38 out of 100.

On December 18, 2020, fire damage was reported at Span 10, the easternmost span of the bridge. Subsequently, the bridge was closed to traffic and inspected by the Los Angeles County Public Works and the City of Compton Public Works staff. Steel girders exhibited significant distortion as a result of fire, and an April 2021 load analysis concluded that the structure's remaining strength is sufficient to only carry the structure's self-weight, and prohibited any additional live loads (vehicular and pedestrian traffic) on the bridge. Considering, most of the steel

girder members were severely deformed and the connections have been compromised, repairing the girders was not deemed feasible. The preferred repair solution was to replace Span 10 in its entirety.

In order to re-open the bridge to traffic, the load rating report recommended replacement of the entire superstructure in-kind (concrete deck on steel girders) at Span 10, along with replacement of bearings at the supports, concrete spall repairs of substructures at Bent 10 and Abutment 11, and repair and backfill of the eroded embankment at Abutment 11.

On October 11, 2022, pursuant to Resolution No. 25,737, City Council authorized the City Manager to enter into a professional services agreement with Biggs Cardosa Associates, Inc. to provide professional Design Engineering Services for the Artesia Bridge. The design portion of the Project was completed on July 27, 2023.

The proposed work will be performed in accordance with the plans, specifications and other contract documents as specified herein and shall consist of the following general work descriptions: survey of existing bridge; protection of utilities, coordination with utility companies and railroads; demolition of existing eastern span of existing bridge including possible lead and asbestos; surface repair of existing substructures; new bearings and steel girders; concrete bridge deck, median, sidewalk, curb; salvage and reset existing steel rail; deck joints; and traffic control.

STATEMENT OF ISSUE

The Project location is on Artesia Boulevard over Alameda Street and Union Pacific Railroad and Alameda Corridor Transportation Authority. The City intends to perform maintenance and repair on the Artesia Boulevard Bridge spanning over the Alameda Corridor Right-of-Way.

The Railroad will be performing the following scope of services for the Project:

- Field diagnostic(s) and inspections
- Plan, specification and construction review
- Project design
- Preparation of Project estimate for force account or other work performed by the Railroad
- Meetings and travel

The Railroad and the City desire to execute this Agreement providing the terms and conditions pursuant to which the Railroad and/or its representatives, at the City's sole cost and expense, agrees to perform (or shall cause a third-party

consultant to perform on Railroad's behalf) the preliminary engineering services work described on Exhibit B attached hereto (Preliminary Engineering Work-PE Work).

The agreement stipulates that the City acknowledges and agrees that:

- Railroad's review of any Project designs, plans and/or specifications, as part of the PE Work, is limited exclusively to potential impacts on existing and future Railroad facilities and operations; and
- Railroad makes no representations or warranties as to the validity, accuracy, legal compliance or completeness of the PE Work; and
- City's reliance on the PE Work is at the City's own risk.

Therefore, in order to authorize the City Manager to enter into an Agreement between Union Pacific Railroad Company and the City of Compton, City Council's authorization is necessary.

ALTERNATIVE

There are no other alternatives being recommended at this time. The closure of the Artesia Bridge has not only caused major disruptions to the transportation network, but has resulted in negative impacts to residents, local businesses, the economy and the environment.

FISCAL IMPACT

The cost for the services rendered by the Railroad are estimated to amount to Fifty Thousand Dollars (\$50,000.00). Therefore, in order to expend the amount necessary for this agreement, the Public Works Engineering Department's 2023-2024 Fiscal Year budget will be amended as follows:

Increase Revenue

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-3569	State Grants	\$50,000.00

Increase Expenditures

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-4300	State Grants	\$50,000.00

After the requested budget amendment, funds in the amount of \$50,000.00 will be available in the Public Works Engineering Department's 2023-2024 Fiscal Year budget in Account No. 2789-710-041-4300.

Within sixty (60) days after completion of the PE Work, Railroad will submit (and/or will cause its third-party consultant to submit) a final billing to the City for any balance owed for the PE Work. The City shall pay Railroad (and/or its third-party consultant, as applicable) for the PE Work, which shall apply regardless if the City declines to proceed with the Project or the Railroad elects not to approve the Project.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution.

**JOHN D. STRICKLAND, JR.,
DIRECTOR OF PUBLIC WORKS**

APPROVED FOR FORWARDING:

**JEROME GROOMES
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING THE PUBLIC WORK'S ENGINEERING DEPARTMENT'S
2023-2024 FISCAL YEAR BUDGET AND AUTHORIZING THE CITY
MANAGER TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH
AND ESTABLISH A PURCHASE ORDER FOR UNION PACIFIC
RAILROAD COMPANY TO PROVIDE PRELIMINARY ENGINEERING
SERVICES FOR THE ARTESIA BOULEVARD OVER ALAMEDA
STREET AND ACTA/UPRR BRIDGE REPAIR PROJECT, CIP#23-01 IN
THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00)**

WHEREAS, adoption of this resolution will amend the Public Work's Engineering Department's 2023-2024 Fiscal Year budget and authorize the City Manager to enter into a Reimbursement Agreement with and establish a purchase order for Union Pacific Railroad Company (Railroad) to provide preliminary engineering services for the Artesia Boulevard Bridge over Alameda Street and ACTA/UPRR Bridge Repair Project (Project); and

WHEREAS, the Artesia Boulevard Overhead (State Bridge No. 53C1744, LA County Bridge No. 2446) carries Artesia Boulevard over the Alameda Railroad Corridor, Alameda Street, and Compton Creek; and

WHEREAS, the bridge was constructed in 1956 and is approximately 100 feet wide, and includes 10 spans of varying length for a total bridge length of 718 feet; and

WHEREAS, the bridge superstructure is comprised of steel girders with a cast-in-place concrete deck and as a result of the June 2019 Bridge Inspection Report, the bridge was flagged as Structurally Deficient with a Sufficiency Rating of 38 out of 100; and

WHEREAS, on December 18, 2020, fire damage was reported at Span 10, the easternmost span of the bridge and subsequently, the bridge was closed to traffic and was inspected by the Los Angeles County Public Works and the City of Compton Public Works staff; and

WHEREAS, steel girders exhibited significant distortion as a result of fire, and a April 2021 load analysis concluded that the structure's remaining strength is sufficient to carry only the structure's self-weight; and

WHEREAS, additional live loads (vehicular and pedestrian traffic) were prohibited on the bridge, because most of the steel girder members are severely deformed and connections have been compromised, and repairing the girders was not deemed feasible; and

WHEREAS, the preferred repair solution is to replace Span 10; and to re-open the bridge to traffic, the load rating report recommended replacement of the entire superstructure in-kind (concrete deck on steel girders) at Span 10; and

WHEREAS, it was also recommended to replace the bearings at the supports, concrete spall repairs of substructures at Bent 10 and Abutment 11, and repair the backfill of the eroded embankment at Abutment 11; and

WHEREAS, on October 11, 2022, pursuant to Resolution No. 25,737, City Council authorized the City Manager to enter into a professional services agreement with Biggs Cardosa Associates, Inc. to provide professional Design Engineering Services for the Artesia Bridge and the design portion of the project was completed on July 27, 2023; and

WHEREAS, the proposed work will be performed in accordance with the plans, specifications and other contract documents as specified herein and shall consist of the following general work descriptions: survey of existing bridge; protection of utilities, coordination with utility companies and railroads; demolition of existing eastern span of

existing bridge including possible lead and asbestos; surface repair of existing substructures; new bearings and steel girders; concrete bridge deck, median, sidewalk, curb; salvage and reset existing steel rail; deck joints; and traffic control; and

WHEREAS, the project location is on Artesia Boulevard over Alameda Street and the Union Pacific Railroad and Alameda Corridor Transportation Authority right-of-ways; and

WHEREAS, the City intends to perform maintenance and repair on the Artesia Boulevard Bridge spanning over the Alameda Corridor Right-of-Way; and

WHEREAS, the Railroad will be performing the following scope of services for the Project:

- Field diagnostic(s) and inspections
- Plan, specification and construction review
- Project design
- Preparation of Project estimate for force account or other work performed by the Railroad
- Meetings and travel; and

WHEREAS, the Railroad and the City desire to execute this Agreement providing the terms and conditions pursuant to which the Railroad and/or its representatives, at the City's sole cost and expense, agrees to perform (or shall cause a third-party consultant to perform on Railroad's behalf) the preliminary engineering services work described on Exhibit B attached hereto (Preliminary Engineering Work "PE Work"); and

WHEREAS, the agreement stipulates that the City acknowledges and agrees that:

- Railroad's review of any Project designs, plans and/or specifications, as part of the PE Work, is limited exclusively to potential impacts on existing and future Railroad facilities and operations; and
- Railroad makes no representations or warranties as to the validity, accuracy, legal compliance or completeness of the PE Work; and
- City's reliance on the PE Work is at the City's own risk; and

WHEREAS, in order to authorize the City Manager to enter into an Agreement between Union Pacific Railroad Company and the City of Compton, City Council's authorization is necessary; and

WHEREAS, the cost for the services rendered by the Railroad are estimated to amount to Fifty Thousand Dollars (\$50,000.00).; and

WHEREAS, in order to expend the amount necessary for this agreement, the Public Works Engineering Department's 2023-2024 Fiscal Year budget will be amended as follows:

Increase Revenue

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-3569	State Grants	\$50,000.00

Increase Expenditures

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-4300	State Grants	\$50,000.00; and

WHEREAS, after the requested budget amendment, funds in the amount of \$50,000.00 will be available in the Public Works Engineering Department’s 2023-2024 Fiscal Year budget in Account No. 2789-710-041-4300; and

WHEREAS, within sixty (60) days after completion of the PE Work, Railroad will submit (and/or will cause its third-party consultant to submit) a final billing to the City for any balance owed for the PE Work, and the City shall pay Railroad (and/or its third-party consultant, as applicable) for the PE Work, which shall apply regardless if the City declines to proceed with the Project or the Railroad elects not to approve the Project.

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

Section 1. That the City Manager, upon the advice and approval of the City Attorney, is hereby authorized to enter into a Reimbursement Agreement between the Union Pacific Railroad Company and the City of Compton pursuant to the Alameda Boulevard Over Alameda Street and ACTA/UPRR Bridge Repair Project CIP#23-01.

Section 2. That the City of Compton designates the City Manager as the person authorized to execute all agreements and any amendments thereto with the Union Pacific Railroad Company.

Section 3. That the Public Works Engineering Department’s 2023-2024 Fiscal Year will be amended as follows:

Increase Revenue

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-3569	State Grants	\$50,000.00

Increase Expenditures

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2789-710-041-4300	State Grants	\$50,000.00

Section 4. That funds in the amount of \$50,000.00 will be available in the Public Works Engineering Department’s 2023-2024 Fiscal Year in Account No. 2789-710-041-4300.

Section 5. That a purchase order in the amount of \$50,000.00 is authorized to be established from Account No. 2789-710-041-4300 for the Union Pacific Railroad Company for services to be rendered on the Artesia Boulevard Over Alameda Street and ACTA/UPRR Bridge Repair Project, CIP# 23-01.

Section 6. That a copy of this Resolution shall be filed in the offices of the City Manager, City Controller, City Clerk, City Attorney, and Public Works Engineering Department.

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

ADOPTED this _____ day of _____, 2023.

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, Vernell McDaniel, 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 this _____ day of _____, 2023.

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

**REIMBURSEMENT AGREEMENT
PRELIMINARY ENGINEERING SERVICES**

Effective Date:

Estimate: \$50,000.00

THIS REIMBURSEMENT AGREEMENT (**Agreement**) is made and entered into as of the **Effective Date**, by and between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation (**Railroad**), and CITY OF COMPTON, CALIFORNIA (**Agency**).

RECITALS

A. Agency desires to initiate the project more particularly described on Exhibit A attached hereto (**the Project**).

B. The Project will affect Railroad's track and right of way at or near the Project area more particularly described on Exhibit A.

C. Railroad agrees to collaborate with Agency on the conceptualization and development of the Project in accordance with the terms and conditions of this Agreement.

AGREEMENT

1. NOW THEREFORE, the parties hereto agree as follows:

2. Railroad, and/or its representatives, at Agency's sole cost and expense, agrees to perform (or shall cause a third-party consultant to perform on Railroad's behalf) the preliminary engineering services work described on Exhibit B attached hereto (**PE Work**). Agency acknowledges and agrees that: (a) Railroad's review of any Project designs, plans and/or specifications, as part of the PE Work, is limited exclusively to potential impacts on existing and future Railroad facilities and operations; (b) Railroad makes no representations or warranties as to the validity, accuracy, legal compliance or completeness of the PE Work; and (c) Agency's reliance on the PE Work is at Agency's own risk.

3. Notwithstanding the Estimate (**Estimate**), Agency agrees to reimburse Railroad and/or Railroad's third-party consultant, as applicable, for one hundred percent (100%) of all actual costs and expenses incurred for the PE Work. During the performance of the PE Work, Railroad will provide (and/or will cause its third-party consultant to provide) progressive billing to Agency based on actual costs in connection with the PE Work. Within sixty (60) days after completion of the PE Work, Railroad will submit (and/or will cause its third-party consultant to submit) a final billing to Agency for any balance owed for the PE Work. Agency shall pay Railroad (and/or its third-party consultant, as applicable) within thirty (30) days after Agency's receipt of any progressive and final bills submitted for the PE Work. Bills will be submitted to the Agency using the contact information provided on **Exhibit C**. Agency's obligation hereunder to reimburse Railroad (and/or its third-party consultant, as applicable) for the PE Work shall apply regardless if Agency declines to proceed with the Project or Railroad elects not to approve the Project.

4. Agency acknowledges and agrees that Railroad may withhold its approval for the Project for any reason in its sole discretion, including without limitation, impacts to Railroad's safety, facilities or operations. If Railroad approves the Project, Railroad will continue to work with Agency to develop final plans and specifications and prepare material and force cost estimates for any Project related work performed by Railroad.

5. If the Project is approved by Railroad, Railroad shall prepare and forward to Agency a Construction and Maintenance Agreement (**C&M Agreement**) which shall provide the terms and conditions for the construction and ongoing maintenance of the Project. Unless otherwise expressly set forth in the C&M Agreement, the construction and maintenance of the Project shall be at no cost to Railroad. No construction work on the Project affecting Railroad's property or operations shall commence until the C&M Agreement is finalized and executed by Agency and Railroad.

6. Neither party shall assign this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld, conditioned or delayed.

7. No amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties.

8. This Agreement sets forth the entire agreement between the parties regarding the Project and PE Work. To the extent that any terms or provisions of this Agreement regarding the PE Work are inconsistent with the terms or provisions set forth in any existing agreement related to the Project, such terms and provisions shall be deemed superseded by this Agreement to the extent of such inconsistency.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the Effective Date.

CITY OF COMPTON, CALIFORNIA

UNION PACIFIC RAILROAD COMPANY,
a Delaware Corporation

Signature

Signature

Printed Name

Kenneth Tom
Printed Name

Title

Manager I, Engineering – Public Projects
Title

Exhibit A

Project Description and Location

Project Description

City of Compton, CA proposes to demolish and replace in kind the easterly bridge span at the location of the existing overpass referred to below.

Location

Alameda Corridor

DOT	Crossing Type	Milepost	Street Name
921628L	Public	10.48	Artesia Boulevard

Exhibit B

Scope of Project Services

Scope of work includes, but is not limited to the following

- Field diagnostic(s) and inspections
- Plan, specification and construction review
- Project design
- Preparation of Project estimate for force account or other work performed by the Railroad
- Meetings and travel

Exhibit C
Billing Contact Information

Name	John Strickland
Title	Project Manager
Address	205 South Willowbrook Avenue, Compton, CA, 90220
Work Phone	(310) 605-5505
Cell Phone	
Email	jstrickland@comptoncity.org
Agency Project No.	