

NOTICE

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

**Wednesday, November 12, 2008
3:00 PM**

HEARING(S)

OPENING

ROLL CALL

APPROVAL OF MINUTES

INTRODUCTION OF SPECIAL GUESTS

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.

REPORTS OF OFFICERS AND COMMISSIONS

COMMUNITY REDEVELOPMENT

1. AUTHORIZING THE CITY MANAGER TO APPROVE FUNDING FROM THE COMMUNITY REDEVELOPMENT AGENCY TO ENTER INTO CONTRACTS WITH VARIOUS VENDORS FOR ASTM COMPLIANT PLAYGROUND APPARATUS, INSTALLATION AND INSTALLATION OF RUBBERIZED SAFETY SURFACE UPGRADES AND FENCING TO ENHANCE THE RAYMOND STREET PARK RENOVATION PROJECT

PUBLIC WORKS-MAINTENANCE

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2008-2009 PUBLIC WORKS BUDGET, APPROPRIATING FUNDS, ACCEPTING THE PROPOSAL OF MV TRANSPORTATION, INC., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE OPERATION AND MAINTENANCE OF THE COMPTON RENAISSANCE FIXED ROUTE TRANSIT SYSTEM

RECREATION DEPARTMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO NATIONAL CHARTER LINES TO PROVIDE BUS SERVICES FOR EXCURSION TRIPS FOR COMPTON YOUTH, DISABLED AND SENIOR CITIZENS

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

CLOSED SESSION

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

DFEH v. City of Compton, Case No. E-200607-S0332-00-pe
DFEH v. City of Compton, Case No. BC382303
Allstar Fire Equipment Co. v. City of Los Angeles, et al., Case No. BS115556

Pursuant to California Government Code Section 54956.9(a)

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 18 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 18-12 ESTABLISHING REGULATIONS FOR USE OF PUBLIC SKATE PARK FACILITIES **(SECOND READING)**
6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY **(SECOND READING)**
7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY **(SECOND READING)**

NEW BUSINESS

APPROVAL OF WARRANTS

AUDIENCE COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, November 18, 2008 @ 7:00 PM.

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

#1.

November 12, 2008

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO CONSENT TO AND ACCEPT IMPROVEMENTS TO BE MADE BY VARIOUS VENDORS FOR ASTM COMPLIANT PLAYGROUND APPARATUS, INSTALLATION AND INSTALLATION OF RUBBERIZED SAFETY SURFACE UPGRADES AND FENCING TO ENHANCE THE RAYMOND STREET PARK RENOVATION PROJECT.

SUMMARY:

Requesting authorization for the City Manager to consent to and accept improvements to be made by various vendors for the installation of American Society of Testing Methods (ASTM) compliant playground apparatus, installation and installation of rubberized safety surface upgrades and fencing to enhance the Raymond Street Park Renovation Project in the Compton Redevelopment Project Area, with funding for said improvements to be provided by the Community Redevelopment Agency of the City of Compton (the "Agency").

BACKGROUND:

In 2005 the City applied and received Los Angeles County Regional Park and Open Space District funds in the amount of \$335,923.87 to renovate Raymond Street Park.

In September 2006, pursuant to Section 1409 of the City Charter, it was determined that this work was of urgent necessity for the preservation of life, health or property, in that the residents were concerned about the safety hazard the park presented. The first phase of the project included ADA compliant upgrades, restroom renovations, replaced lighting fixtures, field grading and park landscape.

The majority of the renovation is complete. In furtherance of the proposed development, it has been determined that the existing play structure is not American Society of Testing Methods (ASTM) compliant. The Agency and the City have deemed it necessary to install playground apparatus that meets the current Federal ASTM guidelines.

The park is also in need of fence replacement. The existing fence has been in place for at least two (2) decades. The fence has missing sections, foundation damage, and does not properly secure the park after hours. Adequate fencing will prevent community traffic from accessing the park during hours of non-operation. Unauthorized use of the park will result in vandalism and an increase in operational costs.

The Health and Safety Code, Section 33445 permits an Agency to pay for the costs of improvements of publicly owned real property provided that certain findings are made by the Agency that: a) the improvements would alleviate blight in the project area; b) the improvements will benefit the immediate area in which the park is located; and c) there is no other reasonable means of financing the improvements absent Agency assistance.

STATEMENT OF THE ISSUES:

Agency staff requested and received bids for playground structures, site work and installation of equipment and installation of a rubberized surface as follows:

Company	Play Structure	Site Work/Installation	Rubberized Surface	Total
Recreation By Design	\$43,017.10	\$25,392.00	\$21,912.41	\$90,321.51
Miracle	\$80,087.06	\$41,730.50	\$65,260.64	\$187,078.20

Recreation By Design, Inc. submitted the lowest most responsive bid for the play structure, installation and installation of a rubberized surface, in an amount not to exceed Ninety Thousand, Three Hundred Twenty One Dollars and Fifty One Cents (\$90,321.51). Staff is requesting that a purchase order in the amount of \$90,321.51 be issued to Recreation By Design.

Agency staff requested and received bids for installation of 250 ft. of 10 ft. high chain link fence with sand colored privacy slats as follows:

Company	Bid amount
All Pro Fence	\$11,680.00
R.P.M. Masonry	\$14,500.00
Quality Fence Co., Inc.	\$ 7,460.00

Quality Fence Company, Inc. submitted the lowest most responsive bid for the installation of chain link fencing, in an amount not to exceed Seven Thousand, Four Hundred Sixty Dollars (\$7,460.00).

Agency staff also requested and received bids for installation of 200 ft. of 8 ft. high Block wall fencing as follows:

Company	Bid amount
All Pro Fence	\$32,800.00
Artisan Precast	\$28,080.00
Superior Concrete Products	\$37,300.00

Raymond Street Park Renovation
November 12, 2008
Page 3

Artisan Precast submitted the lowest most responsive bid for the installation of chain link fencing, in an amount not to exceed Twenty Eight Thousand, Eighty Dollars (\$28,080.00).

FISCAL IMPACT:

That the funds for these improvements totaling One Hundred Twenty Five Thousand, Eight Hundred Sixty One Dollars and Fifty One Cents (\$125,861.51) are available in the Agency account number 1200-800-000-4330.

STAFF RECOMMENDATION

That the attached resolution authorizing the City Manager to consent to and accept improvements to be made by various vendors for the installation of American Society of Testing Methods (ASTM) compliant playground apparatus, installation and installation of rubberized safety surface upgrades and fencing to enhance the Raymond Street Park Renovation Project, with funding for said improvements to be provided by the Agency.

**KOFI SEFA-BOAKYE
DIRECTOR OF REDEVELOPMENT**

**ALAN PYEATT
ACTING PUBLIC WORKS DIRECTOR/CITY ENGINEER**

**CHARLES EVANS
CITY MANAGER**

CE:CB:SDZ:sdz

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO CONSENT TO AND ACCEPT IMPROVEMENTS TO BE MADE BY VARIOUS VENDORS FOR ASTM COMPLIANT PLAYGROUND APPARATUS, INSTALLATION AND INSTALLATION OF RUBBERIZED SAFETY SURFACE UPGRADES AND FENCING TO ENHANCE THE RAYMOND STREET PARK RENOVATION PROJECT

WHEREAS, the Community Redevelopment Agency of the City of Compton (the “Agency”) is carrying out the Redevelopment Plan for the Compton Redevelopment Project Area, as merged and amended by Ordinance No. 2,114 adopted by the City Council on November 16, 2004; and

WHEREAS, the Agency has made a finding that pursuant to Section 33445 of the Health and Safety Code, the Agency may pay the costs of the proposed improvements to Raymond Street Park because: a) the improvements will alleviate blight in the project area; b) the improvements will benefit the immediate area in which the park is located; and c) there is no other reasonable means of financing the improvements absent the Agency’s assistance; and

WHEREAS, the City Manager is requesting approval to consent to and accept the assistance of the Agency, which shall enter into contractual agreements with various vendors for the purchase of American Society of Testing Methods (ASTM) compliant playground apparatus, installation and installation of rubberized safety surface upgrades and fencing to enhance the Raymond Street Park Renovation Project; and

WHEREAS, the City is facilitating Federal ASTM upgrades and improvements that will benefit the immediate area where the Raymond Street Park is located; and

WHEREAS, new fencing is necessary to secure the park and protect the City’s investment; and

WHEREAS, Agency staff requested bids for playground apparatus and installation and rubberized asphalt and installation; and

WHEREAS, Recreation By Design, Inc. submitted the lowest most responsive bid for the play structure, installation and installation of a rubberized surface, in an amount not to exceed \$90,321.51; and

WHEREAS, Agency staff requested and received bids for 250 ft. of 10 ft. high chain link fencing with sand colored privacy slats; and

WHEREAS, Quality Fence Company, Inc. submitted the lowest most responsive bid for the installation of chain link fencing, in an amount not to exceed Seven Thousand, Four Hundred Sixty Dollars (\$7,460.00); and

WHEREAS, Agency staff also requested and received bids for installation of 200 ft. of 8 ft. high Block wall fencing; and

RESOLUTION NO. _____
Page 2

WHEREAS, Artisan Precast submitted the lowest most responsive bid for the installation of chain link fencing, in an amount not to exceed Twenty Eight Thousand, Eighty Dollars (\$28,080.00); and

WHEREAS, funds for this project are available in the Agency account number 1200-800-000-4330.

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 consent to and accept improvements to be made by various vendors for ASTM compliant playground apparatus, installation and installation of rubberized safety surface upgrades and fencing to enhance the Raymond Street Park Renovation Project, with funding to be provided by the Community Redevelopment Agency of the City of Compton.

SECTION 2. That the funds to be used for the improvements are available in the Agency’s fiscal year 2008/2009 budget in Account No. 1200-800-000-4330.

SECTION 3. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, Community Redevelopment Agency, City Clerk and Public Works Department, Street Maintenance Division.

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2008.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

RESOLUTION NO. _____
Page 3

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 Clerk at a regular meeting thereof held on the _____ day of _____, 2008.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Community Redevelopment

RESOLUTION TITLE: AUTHORIZING THE CITY MANAGER TO APPROVE FUNDING FROM THE COMMUNITY REDEVELOPMENT AGENCY TO ENTER INTO CONTRACTS WITH VARIOUS VENDORS FOR ASTM COMPLIANT PLAYGROUND APARATUS, INSTALLATION AND INSTALLATION OF RUBBERIZED SAFETY SURFACE UPGRADES AND FENCING TO ENHANCE THE RAYMOND STREET PARK RENOVATION PROJECT

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

#2.

November 12, 2008

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2008-2009 PUBLIC WORKS BUDGET, APPROPRIATING FUNDS, ACCEPTING THE PROPOSAL OF MV TRANSPORTATION, INC., AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE OPERATION AND MAINTENANCE OF THE COMPTON RENAISSANCE FIXED ROUTE TRANSIT SYSTEM

SUMMARY

A resolution of the City Council of the City of Compton, amending the FY 2008-2009 Public Works Budget, appropriating funds, and accepting the proposal submitted by MV Transportation, Inc. for the operation and maintenance of the Compton Renaissance Transit System.

BACKGROUND

On August 20, 27, and September 3, 2008, the Public Works Department advertised a “Request For Proposals” for the Operation and Maintenance of the Compton Renaissance Fixed Route Transit System for a period of three (3) years with two (2) one (1) year options. MV Transportation has been operating the Renaissance Transit Buses since 2003, and their contract expired on September 8, 2008. They are currently operating the busses on a one (1) month extension while staff completed the bid and evaluation process for a long term contract.

On September 3, 2008, the City received one (1) bid, summarized as follows:

Name of Contractor	Ranking	Total Bid
MV Transportation, Inc.	1	\$2,640,416.00 over 3 years

The contract will require that an additional \$161,000.00 be allocated to replace engines and transmission on all five busses during the contract. Ninety Six Thousand, Six Hundred Dollars (\$96,600.00) is required during the 2008-2009 Fiscal Year for engine and transmission replacements.

The City conducted a transit study and a public hearing has been scheduled for November 4, 2008 at 7:20 p.m. to discuss proposed changes to the Renaissance Transit Fixed Route System. Some of the proposed changes include: reducing the routes from five (5) to four (4) routes with extended hours, having two of the existing routes service the Compton Gateway Towne Center, providing direct service to 9 out of 11 high schools and middle schools, provide service every forty minutes on all routes, have service provided from 7:00 a.m. and 7:00 p.m., allowing students to arrive at CSUDH and El Camino College Compton Center in time for the start of 8:00 a.m. classes, extended service hours throughout the week and on Saturday, as well as many other service enhancements.

MV Transportation, Inc. has the experience and has provided excellent service to the City of Compton operating the Renaissance Fixed Route Transit System. Upon review of the proposal, staff has determined that it is in the best interest of the City of Compton to accept the proposal submitted by MV Transportation, Inc.

STATEMENT OF THE ISSUE

The cost for operations and maintenance of the Compton Renaissance Fixed Route Transit System for a three (3) year period is Two Million, Six Hundred Forty Thousand, Four Hundred Sixteen Dollars (\$2,640,416.00) plus an additional One Hundred Sixty One Thousand Dollars (\$161,000.00) for the replacement of engines and transmissions during the contract period.

Operation of the Compton Renaissance Fixed Route Transit System is funded by the Proposition A program. Proposition A is the ½ cent sales tax measure that was approved by the voters in Los Angeles County to finance a Transit Development Program in 1980.

Twenty-five percent of the Proposition A ½ cent sales tax is designated as Local Return to be used by cities and the County for public transit, paratransit, and related services.

Proposition A Local Return Program is administered by the Los Angeles County Metropolitan Transportation Authority (LACMTA). Funds are distributed directly to the cities on a “per capita” basis. The County Auditor disburses the Proposition A funds on a monthly basis.

The Public Works Department is requesting authorization to issue a purchase order in an amount not to exceed \$950,272.00 to MV Transportation, Inc. for the first contract year.

FISCAL IMPACT

Revenue (2000-000-000-3578) and expenditures (2000-710-008-4269) shall increase by \$950,280.00.

Funding for the first year purchase order shall come from Account No. 2000-710-008-4269.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

L. ALAN PYEATT, P.E.
ACTING PUBLIC WORKS DIRECTOR/CITY ENGINEER

CHARLES EVANS
CITY MANAGER

CE/AP/sdz/daj

Attachment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING THE FY 2008-2009 PUBLIC WORKS BUDGET, APPROPRIATING
FUNDS, ACCEPTING THE PROPOSAL OF MV TRANSPORTION, INC., AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR
THE OPERATION AND MAINTENANCE OF THE COMPTON RENAISSANCE
FIXED ROUTE TRANSIT SYSTEM

WHEREAS, the operation of the Compton Renaissance Transit System provides a vital public service; and

WHEREAS, the City needs the service of an experienced transit services operator to continue operating the transit system; and

WHEREAS, MV Transportation, Inc.’s contract has expired; and

WHEREAS, a “Request for Proposal” was advertised on August 20, 27, and September 3, 2009 for the operation and maintenance of the Renaissance Fixed Route Transit; and

WHEREAS, on September 4, 2008, one proposal was received as follows:

Contractor	Ranking/ Points	1st Year	2 nd Year	3 rd Year	Totals
MV Transportation	1	\$853,672.00	\$876,265.00	\$910,479.00	\$2,640,416.00

WHEREAS, an additional \$161,000.00 is needed to replace all engines and transmissions in years one and two of the contract; and

WHEREAS, the amount for the engine and transmission replacement for Fiscal Year 2008-2009 is Ninety Six Thousand, Six Hundred Dollars (\$96,600.00); and

WHEREAS, staff has completed evaluation of the proposal; and

WHEREAS, based on the evaluation and MV Transportation’s previous satisfactory service to the City of Compton, staff recommends that the City Council approve the proposal submitted by MV Transportation Inc.; and

WHEREAS, the funds to operate the Compton Renaissance Transit System are available through the Proposition A Local Return Funds, which need to be appropriated into the FY 2008-2009 Public Works Budget.

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

SECTION 1. That the proposal of MV Transportation, Inc. for Two Million Six Hundred Forty Thousand Four Hundred Sixteen Dollars and No Cents (\$2,640,416.00) for the operation and maintenance of the Compton Renaissance Transit System for a period of three years is hereby accepted.

SECTION 2. That \$96,600.00 is required during the 2008-2009 Fiscal Year for engine and transmission replacements.

SECTION 3. That no resolution accepting any proposal is binding until a valid contract between the two parties exists.

SECTION 4. That the City Manager is authorized upon the advice of the City Attorney to execute a contract with MV Transportation, Inc. for three (3) years with two (2) 1-year extension options.

SECTION 5. That the City Manager is authorized to issue a purchase order to MV Transportation, Inc., in an amount not to exceed Nine Hundred Fifty Thousand Two Hundred Seventy-Two Dollars and No Cents (\$950,272.00) for the first year.

SECTION 6. That revenues and expenditures in the FY 2008-2009 Budget be increased as follows:

<u>Account No.</u>	<u>Descriptions</u>	<u>Amount</u>
20000000003578	Half Cent Sales Tax	\$950,280
20007100084269	Other Contract Services	\$950,280

SECTION 7. That funds are available in the fiscal year 2008/2009 budget in Account No. 20007100084269.

SECTION 8. That a copy of this resolution shall be forwarded to the offices of the City Manager, City Controller, City Clerk and the Public Works Department.

SECTION 9. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this ____ day of _____, 2008.

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 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 _____, 2008.

#2.

RESOLUTION NO. _____
PAGE 3

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

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

CITY CLERK OF THE CITY OF COMPTON

#3.

November 12, 2008

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF COMPTON AUTHORIZING
THE CITY MANAGER TO ISSUE A PURCHASE
ORDER TO NATIONAL CHARTER LINES TO
PROVIDE BUS SERVICES FOR EXCURSION
TRIPS FOR COMPTON YOUTH, DISABLED
AND SENIOR CITIZENS**

BACKGROUND

The Recreation Department requests authorization for National Charter Lines to provide bus services for excursion trips for Compton Youth, Senior Citizens and Disabled Persons.

STATEMENT OF FACT

The Recreation Department develops excursion trips for seniors, youth, and disabled persons who participate in historical, cultural and recreational destinations within geographical locations established by MTA. The City assures that all buses contracted will be fully accessible for disabled persons who wish to participate. These services will be provided on a first come, first served basis.

National Charter Lines provides these services as needed. The Recreation Department has used this vendor on a continued basis and has had many years of satisfied service.

The Department received quotes from Transportation Charter Services, Inc., Coach America and National Charter. The quotes included the following information for a five (5) hour minimum:

<u>Coach America</u>	<u>Transportation Charter Services, Inc.</u>	<u>National Charter</u>
<u>47 Passenger Buses</u> \$624.10 (Each Additional hour) \$113.96	<u>47 Passenger Buses</u> \$610.00 (Each Additional hour) \$95.00	<u>47 Passenger Buses</u> \$450.00 (Each Additional hour) \$80.00
<u>55 Passenger Buses</u> \$694.65 (Each Additional hour) \$124.82	<u>56 Passenger Buses</u> \$750.00 (Each Additional hour) \$110.00	<u>55 Passenger Buses</u> \$550.00 (Each Additional hour) \$90.00

#3.

FISCAL IMPACT

The annual cost for these services is approximately \$50,000.00 per year.

There are funds available in the Recreational Transit Vehicle Charter, Senior Citizens Transportation Account #2000-840-003-4279.

There is no fiscal impact to the general fund budget.

RECOMMENDATION

That the City Council approves the attached resolution authorizing National Charter Lines to provide bus services for the Recreation Department.

SHEILA FENDERSON
DIRECTOR, PARKS, RECREATION
AND SPECIAL SERVICES

CHARLES EVANS
CITY MANAGER

Attachment(s)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF COMPTON AUTHORIZING THE CITY
MANAGER TO ISSUE A PURCHASE ORDER TO
NATIONAL CHARTER LINES TO PROVIDE BUS
SERVICES FOR EXCURSION TRIPS FOR COMPTON
YOUTH, DISABLED AND SENIOR CITIZENS**

WHEREAS, the Recreation Department requests authorization for National Charter Lines to provide bus services for excursion trips for Compton Youth, Disabled and Senior Citizens; and

WHEREAS, excursion trips are planned for Day Camps, monthly Field Trips for youth, senior citizens and the disabled; and

WHEREAS, National Charter Lines provides these services as needed; and

WHEREAS, the Recreation Department has used this vendor on a continued basis and has had many years of satisfied service; and

WHEREAS, this resolution is retroactive to July 1, 2008.

**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 approve a purchase order for National Charter Lines to provide bus services for the Recreation Department for FY 2008-2009.

Section 2. The annual cost for these services is as follows:

National Charter	\$50,000.00
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Section 3. That funds are available in the Prop. A Transportation Account 2000-840-003-4279.

Section 4. That this Resolution is retroactive to July 1, 2008.

Section 5. That a copy of this resolution be filed in the Office of the City Manager, City Controller, City Clerk and the Recreation Department.

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

RESOLUTION NO. _____
PAGE TWO

ADOPTED this _____ day of _____, 2008.

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 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 _____, 2008.

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

AYES: Councilmembers –
NOES: Councilmembers –
ABSENT: Councilmembers –

CITY CLERK OF THE CITY OF COMPTON

Vanessa Little

From: Judy Bower [judy.bower@coachamerica.com]
Sent: Tuesday, September 16, 2008 10:16 AM
To: Vanessa Little
Subject: request for 2008 rates

Hello Vanessa,
The following are the requested rates for local service.
47 passenger deluxe coach- 5 Hour Minimum: \$ 624.10
Each additional hour : \$ 113.96

55 passenger deluxe coach- 5 Hour Minimum: \$ 694.65
Each additional hour : \$ 124.82

The above rates include the fuel sur-charge, in place at this time.

If I can be of further assistance, please contact me.

Regards,

Judy Bower

JUDY BOWER
CHARTER DEPT.SUPERVISOR



3333 E. 69TH STREET
LONG BEACH, CA 90805
PH (800)842-3287 / (562)634-7969 (EXT 102)
FAX # (562-634-5818

9/16/2008

#3.

NATIONAL CHARTER LINES

13907 VAN NESS AVE

GARDENA, CA 90249

(310)225-5760 OFFICE/(310)225-5603FAX

EMAIL@NATLCHARTR@AOL.COM

PRICE QUOTE'S

CAPACITY	5-HR MIN	EXTRA HR	MILEAGE	
			LIVE	DEAD
OVER 50 MILES				
47	\$450.00	\$80.00	\$4.00	\$3.75
55	\$550.00	\$90.00	\$4.00	\$3.75



Transportation Charter Services, Inc.



1931 North Batavia Street, Orange, California 92865-4107
FAX 714- 637-4377 • www.tcsbus.com • info@tcsbus.com

#3.

TARIFF: REVISION 28 - 09-15-2008

Leading "The Way" In Transportation

ORANGE COUNTY
714-637-4300

24-Hour
Emergency
Service

LOS ANGELES COUNTY
800-833-5773

DELUXE PASSENGER MOTORCOACHES

	38 PAX	47 PAX	56 PAX	61 PAX	AMBASSADOR
5-Hour Minimum Service	\$545	\$610	\$750	\$785	\$810
Each Additional Hour	\$85	\$95	\$110	\$120	\$125
12-Hour/Overnight Service	\$1,100	\$1,230	\$1,490	\$1,590	\$1,615
Live Mileage	\$3.85	\$4.30	\$4.60	\$5.00	\$4.90
Deadhead Mileage	\$3.35	\$3.70	\$4.10	\$4.35	\$4.25
*Airport Transfer -PickUp	\$400	\$450	\$550	\$600	\$575
*Airport Transfer -Drop	\$375	\$425	\$525	\$565	\$540

*MOUNTAIN RETREAT CAMPS

*From Orange County Only. Check With Your Sales Representative For Other Areas We Serve.
*Airport Transfers Between 2300 and 0800 Use 5-Hour Minimum Rates.

IDYLLWILD -Round Trip	\$1,600	\$1,775	\$2,175	\$2,305
BIG BEAR -Round Trip	\$1,550	\$1,720	\$2,110	\$2,250
ANGELES CREST -Round Trip	\$1,550	\$1,720	\$2,110	\$2,250
RUNNING SPRINGS -Round Trip	\$1,500	\$1,660	\$2,050	\$2,190
LAKE ARROWHEAD -Round Trip	\$1,500	\$1,660	\$2,050	\$2,190
FOREST HOME -Round Trip	\$1,450	\$1,600	\$1,995	\$2,130
Each Additional Hour Meal Stops	\$85	\$95	\$110	\$120

ECONOMY SCHOOL BUSES

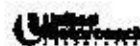
	53/79 PAX	**50/62 PAX	56/84 PAX	61/91 PAX
5-Hour Minimum Service	\$455	\$525	\$525	\$550
Each Additional Hour	\$65	\$70	\$70	\$75
12-Hour/Overnight Service	\$890	\$1,000	\$1,000	\$1,065
Live Mileage	\$3.55	\$3.75	\$3.75	\$4.00
Deadhead Mileage	\$3.10	\$3.35	\$3.35	\$3.55

*MOUNTAIN RETREAT CAMPS

**School Buses With Individual Seat Belts.

IDYLLWILD -Round Trip	\$1,425	\$1,580	\$1,580	\$1,660
BIG BEAR -Round Trip	\$1,370	\$1,525	\$1,525	\$1,600
ANGELES CREST -Round Trip	\$1,370	\$1,525	\$1,525	\$1,600
RUNNING SPRINGS -Round Trip	\$1,310	\$1,460	\$1,460	\$1,550
LAKE ARROWHEAD -Round Trip	\$1,310	\$1,460	\$1,460	\$1,550
FOREST HOME -Round Trip	\$1,250	\$1,400	\$1,400	\$1,485
Each Additional Hour -Meal Stops	\$65	\$70	\$70	\$75

TCP 5611-A



USDOT 385886

LOCAL & LONG DISTANCE CHARTERS & TOURS

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Recreation

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO NATIONAL CHARTER LINES TO PROVIDE BUS SERVICES FOR EXCURSION TRIPS FOR COMPTON YOUTH, DISABLED AND SENIOR CITIZENS

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

#5.

November 12, 2008

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING CHAPTER 18 OF THE COMPTON
MUNICIPAL CODE BY ADDING A NEW SECTION 18-12
ESTABLISHING REGULATIONS FOR USE OF PUBLIC SKATE PARK
FACILITIES.**

SUMMARY:

The City Council will consider adopting an Ordinance amending Chapter 18 of the Compton Municipal Code by adding a new Section 18-12, establishing regulations for use of public Skate Park Facilities.

BACKGROUND:

The City of Compton is in the process of constructing several public Skate Park Facilities within the City. In order for individuals to safely utilize these facilities and for the protection of the City and its citizens, it is appropriate to have safety measures and use guidelines in place.

STATEMENT OF ISSUE:

This proposed Ordinance will delineate requirements for use of public Skate Park Facilities, including the type of skating activity allowed at a particular facility, hours of operation, required use of safety equipment and notice that users skate at their own risk.

FISCAL IMPACT:

The fiscal impact of adopting this ordinance may be basically limited to the costs of production and posting of signs at the facilities.

#5.

**Staff Report Re Ordinance Amending
Chapter 18 – Add Regulations For Public
Skate Park Facilities
November 12, 2008, Page 2**

RECOMMEDATION:

Staff recommends that the City Council adopt the attached Ordinance, which will amend Chapter 18 of the Compton Municipal Code by adding a new Section 18-12, establishing regulations for use of public Skate Park Facilities.

**SHEILA JUNIEL-FENDERSON, DIRECTOR
PARKS, RECREATION & SPECIAL SERVICES**

**CHARLES EVANS
CITY MANAGER**

Staff report.amend.ordinance.public skate park facilities.2008
SH:CE:RAR:rar

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER 18 OF THE COMPTON MUNICIPAL CODE BY
ADDING A NEW SECTION 18-12 ESTABLISHING REGULATIONS FOR
USE OF PUBLIC SKATE PARK FACILITIES.**

WHEREAS, the City of Compton is in the process of developing Public Skate Park Facilities for use by its residents; and

WHEREAS, the City believes it is in the best interest of the public safety and welfare to amend Chapter 18 of the Compton Municipal Code by adding Section 18-12 – “Public Skate Park Regulations” to create standards for use of Skate Park Facilities; and

WHEREAS, this ordinance establishes policies, signage and penalties for use of Skate Park Facilities.

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

Section 1. That Chapter 18 of the Compton Municipal Code is hereby amended to add **Section 18-12 – “Public Skate Park Regulations”** to read as follows:

18-12.1 **Public Skate Park Designated; Use Regulation.** The City of Compton may designate, maintain and/or operate a skate park facility(s), which shall be open to the public for the purpose of riding skateboards, and/or in-line skates and/or roller skates. Any designated public skate park facility may or may not be supervised and shall be for use by persons using skateboards, in-line skates and/or roller skates only. All other uses are prohibited.

18-12.2 **Required Riding Equipment in Public Skate Parks.** It is unlawful for a person to ride or use a skateboard, in-line skates or roller skates, in a designated public skate park facility unless that person is wearing a helmet, elbow pads and knee pads.

18-12.3 **Hazardous Recreational Activity.** Skateboarding, in-line skating and/or roller skating at a designated public skate park facility represents a hazardous recreational activity for participants, and the City of Compton will not be liable for any injuries incurred by persons participating in the hazardous recreational activity at a designated public skate park facility owned and/or operated by the City of Compton.

18-12.4 **Skate Park Facility Sign Posting.** The Department of Parks and Recreation, or any other Department so directed by the City Manager, shall cause a sign or signs to be posted at designated public skate park facilities providing reasonable notice of the requirements of this section and stating that any person failing to comply will be guilty of an infraction and subject to citation. Such signs shall at least afford reasonable notice of the following:

- a. Skate park facility hours of operation;
- b. Identify the particular type of activity allowed at that public skate park facility; such as, skateboarding, and/or roller skating and/or in-line skating only;

- c. Skateboarding, roller skating and in-line skating are hazardous activities, skate at your own risk; and
- d. Failure to wear helmets, kneepads and elbow pads will subject persons to citation.

18-12.5 Penalty. Any violation of the provisions of this Chapter is an infraction, and upon conviction thereof, shall be subject to a fine not to exceed fifty dollars (\$50.00) for a first violation; a fine not exceeding one hundred dollars (\$100.00) for a second violation in the same calendar year; and a fine not exceeding two hundred dollars (\$200.00) for each additional violation in the same calendar year. Each day that such violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Section 2. That if any provision of this Ordinance is determined by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provision of this Ordinance which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 3. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Parks & Recreation Department, Municipal Law Enforcement Services Department and the Los Angeles County Sheriff's Department, Compton Station.

Section 4. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 5. 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 _____, 2008.

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)

Ordinance No. _____
Page 3

I, Alita Godwin, City Clerk of the City of Compton, hereby certify 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 _____ day of _____, 2008.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT:

City Attorney

RESOLUTION TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 18 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 18-12 ESTABLISHING REGULATIONS FOR USE OF PUBLIC SKATE PARK FACILITIES.

<ManagersName>

DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>

DATE

REVIEW / APPROVAL

<LegalName>

CITY ATTORNEY

<LegalDate>

DATE

<ControllerName>

CITY CONTROLLER

<ControllerDate>

DATE

<CityManager>

CITY MANAGER

<CityManagerDate>

DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

#6.

November 12, 2008

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

RE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY.**

SUMMARY:

The City Council will consider adopting an Ordinance amending Chapter 20 of the Compton Municipal Code by adding a new Section 20-5, regulating newsracks on the public right-of-way.

BACKGROUND:

Newspaper vending machines on public right-of-ways are a means of distributing speech which cannot be wholly prohibited without violating the First Amendment to the Constitution of the United States of America. However, city ordinances which regulate and license newsracks generally will be upheld against constitutional challenge when the regulations are aimed at preventing the secondary effects of such newsracks on the surrounding neighborhood and community. The courts have held that regulation of such matters as the height, size and shape of newsracks and restrictions on the exposure of minors to the display of adult publications in unsupervised vending machines located in a public place are constitutional as long as certain procedural safeguards are contained within the regulating legislation.

STATEMENT OF ISSUE:

Currently, the only regulations that newsracks located within the City of Compton are subject to are the Compton Zoning Ordinance, which limits their location to within Limited Commercial (C-L), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), and Heavy Manufacturing (M-H) zones, and an annual business license fee. The City has no legislation which regulates location standards for newsracks on public property; standards for the proper securing and removal of newsracks; the number of newsracks that can be located within a particular area; the content of the publications in the newsrack; the maintenance of newsracks; or, physical standards of newsracks.

**Staff Report Re Ordinance Add §20-5
Regulation of Newsrack on Public ROW
November 12, 2008, page 2**

Some of the features of this proposed ordinance are:

- Requires a permit for the installation and maintenance of any newsrack located upon, in or over any part of a public sidewalk or parkway.
- Sets physical standards for newsracks on the public right-of-way; such as, maximum height, width and depth specifications; requires continuous maintenance of newsracks in a reasonably neat, clean condition and in good repair; and, uniform installation specifications of newsracks on the public right-of-way.
- Sets standards for the removal of newsracks from the public right-of-way so as to require the permittee to eliminate any potential hazards to the public and restoration of the area to the same or similar condition as any adjoining public right-of-way, level and free of protrusions and depressions.
- Sets locational standards of newsracks; such as, prohibiting projection into or on any roadway; prohibiting placement of newsracks within a specified distance of any marked crosswalk, fire hydrant, traffic signal, driveway, bus stop, bus shelter, and other newsracks.
- Prohibits placement or maintenance of publications or materials which contain material harmful to minors (as defined by Section 313 of California Penal Code to include matter which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors).
- Requires that the newsrack permittee execute an indemnification and hold harmless agreement in favor of the City and maintain a policy of public liability insurance, naming the City as an 'additional insured.'
- Provides a mechanism for the City to remove newsracks that have been abandoned or installed, used or maintained in violation of the ordinance.
- Provides for procedural safeguards (i.e. appeal process) for any person or entity aggrieved by actions of the City; such as, the denial, suspension or revocation of a permit or the City's removal of a newsrack.

**Staff Report Re Ordinance Add §20-5
Regulation of Newsrack on Public ROW
November 12, 2008, page 3**

FISCAL IMPACT:

Annual permit fees will be established by City Council resolution. Additionally, fees for all reasonable costs of reinspection and City removal of any newsracks shall be recoverable. Thus, this Ordinance will allow for at least partial recovery of costs expended by the City for the processing of permit applications and enforcing permit requirements.

RECOMMEDATION:

Staff recommends that the City Council adopt the attached Ordinance, which will amend Chapter 20 of the Compton Municipal Code by adding a new Section 20-5 regulating newsracks on the public rights-of-way.

**L. ALAN PYEATT, ACTING DIRECTOR
PUBLIC WORKS DEPARTMENT**

**CHARLES EVANS
CITY MANAGER**

Staff report.amend ordinance.regulate newsracks.prow
CE:LAP::RAR:rar

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY
ADDING SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC
RIGHTS-OF-WAY.**

WHEREAS, the City of Compton is authorized by Article XI, Section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the City Council of the City of Compton has determined that the public health, safety and welfare of the residents of the City will be promoted and the environmental setting of the City will be maintained and improved through enforcement of laws regulating newsracks on the public right-of-way.

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

Section 1. That Chapter 20 of the Compton Municipal Code is hereby amended to add **Section 20-5 – “Regulation of Newsracks on Public Rights-of-Way”** to read as follows:

20-5.1 Findings. The City Council of the City of Compton finds and determines as follows:

- a. That the uncontrolled proliferation and placement of newsracks in the public right-of-way constitutes a threat to public health, safety and general welfare including impeding pedestrian, wheelchair and vehicular traffic; interfering with ingress and egress to and from buildings, vehicles and public transportation; obstructing views of traffic signs and street-crossing pedestrians; and impeding performance of essential utility, traffic control and emergency services; and
- b. That unreasonably deteriorated or inadequately maintained newsracks threaten the public health and safety; and
- c. That newsracks not reasonably maintained in a neat and clean condition threaten the general welfare including the aesthetic appearance of the public right-of-way; and
- d. That the intent of these provisions is to ensure the public health, safety and general welfare is protected without unreasonably restricting the dissemination of constitutionally protected information; and
- e. That it is not the intent of these provisions to regulate the placement of newsracks on private property. It shall remain the responsibility of the permittee to determine the property lines and ensure newsracks are placed within the public right-of-way in compliance with this Chapter.

20-5.2 Definitions. As used in this Chapter:

- a. “Applicant” or “permittee” means the publisher or distributor, or custodian, employee, officer or other person who, as an agent of the publisher or distributor, has applied for (applicant) or been grant (permittee) a permit pursuant to the provisions of this Chapter.

b. "City Manager" means the City Manager or the City Manager's designee(s).

c. "Director" means the Director of the Department of Public Works, or his/her designee.

d. "Harmful matter" has the meaning set forth in Section 313 of the California Penal Code, or in any successor provision.

e. "Minor" means any natural person under eighteen years of age.

f. "Newsrack" means any self-service container or coin-operated box, storage unit or other dispenser that rests or projects, in whole or in part, in or upon any portion of the public right-of-way, and is installed, used or maintained for the display, sale or distribution of any publication listed in the permit granted under this Chapter. Unless otherwise stated in this Chapter, the term newsrack includes shared newsrack and combination dispenser and the same standards and regulations apply to all three.

g. "Operable element" means any component of a newsrack requiring handling or manipulation to obtain the publication therein including the door or coin mechanism.

h. "Parkway" means that area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and property line adjacent thereto. Parkway also includes any area within the roadway which is not open to vehicular travel.

i. "Permit" means a permit issued pursuant to this Chapter allowing the placement of a newsrack within a specifically designated portion of a public sidewalk or parkway.

j. "Person" means any individual, company, corporation, association, business, firm, partnership or other legal entity.

k. "Public right-of-way" means any area used or intended for use by the public for pedestrian or vehicular travel within the City, including but not limited to public streets, highways, roadways, sidewalks, median strips, parkways, plazas or alleys.

l. "Roadway" means that part of a public right-of-way that is designated and used primarily for vehicular travel.

m. "Shared newsrack" means a single newsrack housing more than one publication, and is subject to the same standards and regulations as a newsrack, unless otherwise stated in this Chapter.

n. "Shared permit" means a permit issued to a person as a primary applicant providing for the sharing of a newsrack among specified publications as long as all of the standards of this Chapter are otherwise met. The primary applicant shall be considered the permittee for all purposes under this Chapter except as explicitly set forth.

o. "Sidewalk" means that part of a public right-of-way that is designated and used primarily for pedestrian travel.

p. "Street" means all areas dedicated to public use for public street purposes and includes but is not limited to roadways, parkways, alleys and sidewalks.

20-5.3 General Prohibition. No person shall install, use or maintain any newsrack or other related structure which projects onto, into or over any part of the roadway or which rests wholly or in part upon, along or over any portion of the roadway.

20-5.4 Display of Certain Matter Prohibited. No person or entity shall knowingly place or maintain in any newsrack which rests in whole or in part, upon, in or on any portion of a public right-of-way, or which projects onto, into or over any part of a public right-of-way, any publication or material exposed to public view which contains material harmful to minors.

20-5.5 Permit Requirements and Standards. It is unlawful for any person to install or permit the installation or maintenance of any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway without first obtaining a Permit from the City.

a. General Provisions. One permit will be issued per applicant covering all newsracks in each application. Each permit may be amended quarterly by submitting an Amendment of Permit Application to the Director, provided fees are paid for additional newsracks. A condition of any permit issued under this Chapter is that the permittee shall keep on file with the City an accurate record readily identifying the locations of its newsracks. This information may be used to check the accuracy of information provided in the permit application or compliance with conditions of any existing permit or this Chapter.

b. Initial Permit Application. Applicants interested in installing newsracks shall first submit to the Director a Permit Application available from the Public Works Department. Applications that do not include all of the requested information and/or documents shall be deemed incomplete. Incomplete applications shall not be processed and shall not automatically be deemed approved under the circumstances specified in subsection (d) below. Applications shall contain the following as to each newsrack:

- (1) The name, address and telephone number of the owner of the newsrack;
- (2) The name, address and telephone number of the responsible person whom the City may notify or contact at any time concerning the newsrack;
- (3) The number of newsracks and the exact proposed location of each newsrack shown on an eight and one-half inch by 11 inch diagram (to scale), and identifying all items in the public right-of-way, including but not limited to bus benches, street poles and posts, fire hydrants, fire call boxes, driveways, wheelchair ramps, crosswalks, curb returns, buildings, landscaping, other newsracks, and any other public or private improvements within a 20 feet radius of the proposed location. The above required document shall also be submitted in a digital format that is AUTO cad compatible;
- (4) A photograph and/or model number of the type of newsrack being used;
- (5) The name of the publication(s) to be contained in each newsrack;
- (6) An Indemnification and Hold Harmless Agreement pursuant to Section 20-5.9 below, and agreement to conform to the requirements of this Chapter;
- (7) A Certificate of Insurance pursuant to Section 20-5.10 below;

(8) The date that said newsrack(s) is proposed to be installed;

(10) An application and processing fee, as established by resolution of the City Council; and

(11) Any additional information which the Director may deem necessary for the proper disposition of the application.

(12) In the case of a shared permit, all of the information set forth above must be supplied for all publications sharing the newsrack. In addition, the primary applicant shall assume responsibility and authority for complying with all of the standards of this Chapter for the shared permit, and all publications sharing the newsrack must assent to the assumption of responsibility and authority for the primary applicant.

c. Permit Renewal Applications. If a permittee is in compliance with this Chapter, a permit may be automatically renewed for each successive fiscal year by timely payment of the renewal fee established by resolution of the City Council and the filing of a complete Permit Renewal Application by or before the first day of July of each year. Applications that do not include all of the requested information or documents shall be deemed incomplete, shall not be processed, and shall not automatically be deemed approved under the circumstances specified in subsection (d) below.

d. Review of Permits. Once submitted, a complete permit application will be reviewed and acted upon within fifteen business days. If the applicant is not notified in writing by the fifteenth business day of approval, denial or extension of the permit review period, the permit application shall be deemed approved.

e. Issuance of Permits. Upon a finding by the Director that the application is complete, accurate and in compliance with this Chapter, a permit shall be issued. Approval of a newsrack permit shall not in any event constitute an easement on or an encumbrance against the public right-of-way. No right, title or interest in the public property upon, in or over which the newsrack is located, or any part thereof, shall vest or accrue in the distributor or owner of the newsrack by reason of approval of a newsrack permit.

f. Denial of Permit. If an application or portion of an application for a permit is denied, the Director shall promptly notify the applicant in writing of the specific cause for such denial.

g. Permit Revocation. A permit may be revoked if the permittee is found to be in violation of the provisions of this Chapter. Any permit issued in error may be revoked without liability to the City.

h. Sale or Transfer of Permits. Permits shall not be sold or transferred except as a part of the sale of a majority of the related business assets of the permittee. The proposed new permittee shall notify the Director in writing within ten business days that the permit has been sold or transferred. The notification shall include the name and contact information for the proposed new permittee. No transfer or sale shall be effective until the proposed new permittee executes an Indemnification and Hold Harmless Agreement in favor of the City as required in Section 20-5.9 below, and obtains the requisite insurance coverage pursuant to Section 20-5.10 below. Until such time, the existing permittee shall maintain the required insurance coverage and shall remain liable for any personal injury or property damage caused by or related to the permittee's newsrack(s).

20-5.6 Physical Standards for Newsracks. Newsracks shall comply with the following standards:

a. Any operable element of a newsrack shall not exceed 48 inches in height or be less than 15 inches above the public right-of-way on which it is located.

b. No newsrack or shared newsrack shall exceed 48 inches in height, 30 inches in width or 24 inches in depth. No combination dispenser shall exceed 60 inches in height, 120 inches in width or 30 inches in depth. The top of the coin mechanism shall not be more than 6 inches above the top of the newsrack.

c. No exterior or interior component of any newsrack shall advertise, publicize or promote anything other than the display, sale or purchase of the publication(s) therein.

d. Newsracks shall only contain current editions of the publication(s) for which the permit was issued.

e. Coin-operated newsracks shall be equipped with a functional coin-return mechanism.

f. Each newsrack shall have permanently affixed in a readily visible place the current name, address and telephone number of the permittee.

g. Each newsrack shall have a door, covering and/or other appropriate device(s) preventing the publications therein from getting wet or falling out due to rain, wind or similar environmental conditions.

h. Each newsrack shall be continuously maintained in a reasonably neat and clean condition and in good repair including: (1) reasonably free of dirt, trash, debris, foreign objects, graffiti, stickers, dents and grease; (2) reasonably free of chipped, faded, peeling and cracked paint in any visible painted areas; (3) reasonably free of rust and corrosion in any visible unpainted metal areas; (4) any clear parts through which publications are visible shall be unbroken and reasonably free of cracks, scratched, dents, blemishes and discoloration; (5) any paper or cardboard parts or inserts shall be reasonably free of tears, peeling or fading; and (6) no structural components shall be broken or unduly misshapen. A maintenance log documenting the permittee's inspection of each newsrack shall be maintained by the permittee and available for inspection upon request of the City.

i. Newsrack shall be installed on a single pedestal or a multiple post using drop-in type anchor bolts to secure newsracks to the public right-of-way, and shall be constructed, installed and maintained in a safe and secure condition approved by the Director.

j. Newsracks shall not be chained, bolted or otherwise attached to any property or to any permanently fixed object not owned by the owner of the newsrack unless consent of the owner of such property or object is obtained in writing and presented with the permit application or permit renewal application.

k. All newsracks attached as a group must open in the same direction.

l. Newsracks shall comply with the Americans with Disabilities Act of 1980, as amended, and all regulations adopted thereunder.

20-5.7 Standards for Proper Removal of Newsracks. Upon removal of any newsrack, the permittee, at its expense, shall eliminate any potential hazards to the public, such as bolts, brackets or holes, and shall restore any disturbed area of the

public right-of-way to the same or reasonably similar condition as any adjoining public right-of-way by removing any protrusions, cleaning the cavity of debris, filling the cavity with high strength epoxy or grout to meet the elevation of the adjoining public right-of-way, and avoiding potential depressions by taking into account shrinkage and settlement of the new material. The public right-of-way shall be level and free of protrusions or depressions. The permittee shall match as closely as reasonably possible the color, texture and material of any adjoining public right-of-way surface.

20-5.8 **Location Standards for Newsracks.** Newsracks shall be located in accordance with the following:

- a. No portion of any newsrack shall project into or be located in any roadway.
- b. Newsracks shall be placed no closer than 6 inches of the roadway edge of any curb painted red.
- c. Newsracks shall be located only adjacent to the curb (if there is no curb, then to the edge of the roadway), or the wall of a building.
- d. Except as stated in subsection (b) above, newsracks located adjacent to the curb (or edge of the roadway) shall be located no less than 18 inches or more than 24 inches from the roadway edge and shall not open toward the roadway.
- e. Newsracks located adjacent to a building shall be located parallel to and not more than 6 inches from the wall. The Director may approve a distance of more than 6 inches if required for proper maintenance of surface behind the newsrack, and the safe flow of pedestrian or wheelchair traffic is not impaired.
- f. No portion of a newsrack shall be located directly in front of any display window except near the curb.
- g. No newsrack shall be located directly opposite another newsrack on the same public right-of-way.
- h. Newsracks may be placed next to each other, provided no group of newsracks extends more than 10 feet along a curb and a clear paved space of at least 4 feet separates each group of newsracks. If the Director determines a violation exists, priority to remain shall be given first to newsracks evidencing the earliest date of installation, followed by newsracks with the highest frequency of publication, followed by a lottery.
- i. No newsrack of shared newsracks shall weigh, in the aggregate, in excess of 125 pounds when empty.
- j. No newsrack shall be placed, installed, used or maintained:
 - (1) Within 5 feet of any marked crosswalk;
 - (2) Within 15 feet of the curb return of any unmarked crosswalk;
 - (3) Within 5 feet of fire hydrant, fire call box, fire lane, police call box, traffic signal controller, traffic signals or other emergency facility;
 - (4) Within 10 feet of a driveway or alley approach;
 - (5) Within 5 feet ahead of and 25 feet to the rear of any sign marking a designated bus stop;

- (6) Within 6 feet of any bus bench or transit advertising shelter;
- (7) At any location reducing the clear space for the passage of pedestrians to less than 4 feet. When feasible, newsracks should be placed to allow the widest path of travel;
- (8) Within 3 feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping approved by the City;
- (9) Within 150 feet of another newsrack containing the same publication and located on the same side of the public right-of-way in the same block;
- (10) Within 5 feet of a curb painted blue, or within 3 feet of a curb painted yellow or white; or
- (11) So as to unreasonably obstruct or interfere with: the flow of pedestrian, wheelchair or vehicular traffic; sites used for public utility purposes or other government use; the ingress or egress to or from any residence or building; or the use of poles, traffic signs and signals, hydrants, mailboxes or other objects permitted by the City at that site.

20-5.9 Indemnification Requirement. The Permit Application and any Permit Renewal Application shall include an Indemnification and Hold Harmless Agreement in favor of the City in substantial compliance with this Chapter, which must be executed by every permittee, and person on a shared permit, prior to issuance of any permit under this Chapter. Pursuant to the Indemnification and Hold Harmless Agreement, the permittee shall agree to defend, indemnify, protect and hold the City, and its elected officials, officers, representatives, agents and employees harmless from and against all claims asserted or liability established for damages or injuries to any person or property, including its own employees, agents or officers which arise from or are connected with or are caused or claimed to be caused by any newsrack owned by or attributable to the permittee; provided however, that the permittee's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or sole willful misconduct of the City.

20-5.10 Insurance Requirements. A condition for issuance of a permit pursuant to this Chapter, is that every permittee, and person on a shared permit, agrees to maintain a policy of public liability insurance, naming the City of Compton, its officials, officers and employees as an "additional insured," in an amount of not less than \$500,000.00 combined singled limit for any injury to persons and/or damage to property by reason of installation, use and maintenance of such newsrack on public property. The policy shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without the City having been given 30 days' prior written notice thereof by such carrier. The permittee shall provide and keep in force that policy of public liability insurance during such time as it continues to operate any newsrack under the terms of this Ordinance. If the insurance is canceled at any time during the term of the permit, it shall be grounds for revocation of the permit. No newsrack may be installed, used or maintained until permittee provides the City with evidence of the requisite insurance, including proof on the endorsement page(s) that the City is an "additional Insured."

20-5.11 Newsracks in Violation of Chapter.

- a. Notwithstanding any condition upon which summary removal is available, enforcement action may be initiated upon determination by the Director that a newsrack has been abandoned as set forth in Section 20-5.14 below, or installed, used,

or maintained in violation of this Chapter or any condition of the permit. The permittee will be notified in writing of the alleged violation, the intent of the City to remove the newsrack if the violation is not corrected or a hearing not requested within 5 business days after the giving of such notice of violation and intent to remove, and the procedure for requesting an appeal hearing. Failure to properly correct the violation or to appeal the notice within 5 business days of the date of the notification shall result in the newsrack being summarily removed and stored by the Public Works Department. Appeals shall be processed pursuant to Section 20-5.15 below. A removal and storage fee, as established by City Council resolution, shall be assessed against each newsrack removed. A timely request for an appeal hearing shall stay removal; provided, however, if the violation is not corrected within 5 calendar days after the decision of the City Manager, the City may remove the newsrack in accordance with subsection (b) of this section.

b. Whenever a newsrack is removed by the City and stored, the Director shall notify the permittee by mailing a notice of removal, stating the date the newsrack was removed, the reasons therefore, the procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing, if desired. Any newsrack removed and stored pursuant to the provisions of this subsection shall be released to the permittee if claimed within 30 continuous calendar days from the date of notice of removal and on payment of reasonably incurred removal and storage fees. Upon the failure of the permittee to claim such newsrack and pay the fees within 30 continuous calendar days after the mailing of the written notice of removal, the newsrack shall be deemed abandoned property in possession of the City and may be disposed of pursuant to law.

c. If the Director determines that the condition or placement of a newsrack poses an imminent threat to the safety of pedestrians or wheelchair users, or the safe flow of vehicles; or that a newsrack is located within the public right-of-way without a permit, the Director may cause the newsrack to be summarily removed without prior notice.

d. Upon the summary removal of a newsrack, the Director shall notify the permittee by mailing a notice of summary removal, stating the date the newsrack was removed, the reasons therefore, the procedure for claiming the newsrack and the procedure for obtaining a post-removal hearing, if desired. Any newsrack removed and stored pursuant to the provisions of this subsection shall be released to the permittee if claimed within 30 continuous calendar days from the date of notice of summary removal and on payment of reasonably incurred removal and storage fees. Upon the failure of the permittee to claim such newsrack and pay the fees within 30 continuous calendar days after the mailing of the written notice of removal, the newsrack shall be deemed abandoned property in possession of the City and may be disposed of pursuant to law.

e. If the permittee or otherwise responsible party can not be readily contacted based exclusively on information provided in a current permit, related permit application or information affixed to the newsrack, no further action on behalf of the City is required. If the responsible party thereafter notifies the Director to reclaim the offending newsrack, and the newsrack has not been deemed abandoned and disposed of, a notice of summary removal and procedure for obtaining a post-removal hearing shall be served in accordance with subsection (d) above, unless waived by the responsible party.

20-5.12 **Permit Fees.** All newsracks require timely payment of an annual permit fee established by the City Council. No refunds are provided for newsracks taken out of service. Permit fees are due and payable annually on the first day of July of each year, and shall be prorated for any partial year. Annual permit fees shall be delinquent after 30 days past due. A late payment fee shall be assessed on all

delinquent amounts in accordance with Section 9-1.6. The fee is based on the total number of newsracks in service in the public right-of-way. This fee shall be sufficient to recover the costs of processing the permit application and enforcing permit requirements.

20-5.13 **Recovery of Costs, Fees and Penalties.** The City Council may set fees on an annual basis to recover all reasonable costs of reinspection and removal of newsracks. Any time a newsrack is caused to be removed, summarily or otherwise, due to violations of this Chapter, the City may recover all reasonable costs to include:

- a. Cost of the investigative and administrative staff to process the case.
- b. Cost of newsrack removal including the costs of any necessary sidewalk repair and/or storage of the newsrack.

20-5.14 **Abandonment.** A newsrack shall be deemed abandoned if it: (1) is removed pursuant to Section 20-5.11 above, and unclaimed for thirty (30) continuous calendar days from the date of notification of removal; or (2) remains empty or without a permitted publication for thirty (30) continuous calendar days. Newsracks deemed abandoned may be disposed of pursuant to law. The City may dispose of a newsrack and shall not be responsible for any newsrack, including its contents, deemed abandoned for sixty continuous calendar days.

20-5.15 **Appeal.** Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this Chapter may appeal the same by filing an appeal. An appeal must be perfected within 5 business days after receipt of notice of any protested finding, determination, notice, order or action by filing with the City Manager a letter of appeal briefly stating therein the basis for such appeal. A hearing shall be held on a date no more than fifteen business days after receipt of the letter of appeal unless appellant requests a longer time period. The City Manager shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the finding, determination, notice, order or action should not be upheld. Within thirty (30) calendar days of the conclusion of the hearing, the City Manager shall affirm, overrule or modify the finding, determination, notice, order or action. The decision of the City Manager shall be final and conclusive.

20-5.16 **Business License.** A permit issued under this Chapter shall not substitute for any business license otherwise required under this Code.

20-5.17 **Penalty.** Any violation of the provisions of this Chapter is an infraction, and upon conviction thereof, shall be subject to a fine not to exceed fifty dollars (\$50.00) for a first violation; a fine not exceeding one hundred dollars (\$100.00) for a second violation in the same calendar year; and a fine not exceeding two hundred dollars (\$200.00) for each additional violation in the same calendar year. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

20-5.18 **Applicability of Chapter Provisions.**

a. The provisions of this Chapter shall apply to all newsracks, whether installed and maintained prior to or after the effective date of this Ordinance. Those newsracks installed prior to the effective date of this Ordinance shall be brought into compliance with the provisions of this Chapter within 90 calendar days of the effective date of this Ordinance.

b. Any newsracks not brought into compliance within 90 days after the effective date of this Ordinance shall be deemed to be in violation of this Chapter.

c. The City Clerk shall notify all publications or distributors who, prior to the effective date of this Ordinance, have newsracks located within the City of the enactment of this Ordinance by mailing a copy thereof to each such distributor or publication.

Section 2. That if any provision of this Ordinance is determined by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such invalidity shall not affect the remaining provision of this Ordinance which can be implemented without the invalid provisions, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 3. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Public Works Department, Municipal Law Enforcement Services Department, Building & Safety Department, Planning and Economic Development Department, City Treasurer and the Los Angeles County Sheriff's Department, Compton Station.

Section 4. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 5. 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 _____, 2008.

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 Ordinance was adopted by the City Council, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on _____ day of _____, 2008.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER 20 OF THE COMPTON MUNICIPAL CODE BY ADDING A NEW SECTION 20-5 REGULATING NEWSRACKS ON THE PUBLIC RIGHT-OF-WAY.

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

#7.

November 12, 2008

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

SUMMARY

The City Council will consider an Ordinance that will amend Sections 8-2.3 and 8-2.4 of Chapter 8 of the Compton Municipal Code so as to authorize the job classifications of Director and Deputy Director of the Municipal Law Enforcement Services Department to issue citations and/or make arrests and carry firearms while on authorized duty.

BACKGROUND

On July 8, 2008, the City Council adopted Ordinance No. 2,173 (codified at CMC §8-2). That legislation consolidated provisions of the Compton Municipal Code relating to Municipal Law Enforcement Services, Security Services and Parking Control Services under the same Chapter.

STATEMENT OF THE ISSUE

While Ordinance No. 2,173 identifies those job classifications and division employees within the Municipal Law Enforcement Services Department which are authorized, during the course and within the scope of their employment, to exercise the power to issue citations and/or make arrests and the authorization to carry a firearm, inadvertently, the classifications of Director and Deputy Director were inadvertently omitted from the authorization sections.

DISCUSSION

While the job classifications of Director and Deputy Director within the Municipal Law Enforcement Services Department may function primarily in an administrative capacity, were the need to arise, it would be necessary and

#7.

**Staff Report Re Ordinance Amending
§§ 8-2.3 & 8-2.4 of Chapter 8 – Authorize
Director/Deputy Director to Arrest/Carry Firearms
November 12, 2008, page 2**

appropriate for the individuals employed in these positions to be authorized to issuance citations, make arrests and carry firearms while on authorized duty and during the course and within the scope of their employment. This proposed Ordinance amendment will correct the inadvertent omission of these job classifications.

RECOMMENDATION

It is the recommendation of this office that the Council adopt the attached Ordinance.

**CRAIG J. CORNWELL
CITY ATTORNEY**

**CHARLES EVANS
CITY MANAGER**

Attachments: Proposed Ordinance
CJC:CE:RAR:rar

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 AND 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

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

Section 1. That Section 8-2.3 (Employees Authorized to Arrest) of Chapter 8 of the Compton Municipal Code is hereby amended to read as follows:

8-2.3 Employees Authorized to Arrest. Any person employed by the City in the Municipal Law Enforcement Services Department in the classifications of Director, Deputy Director, Business License Inspector, Code Enforcement Officer, License Coordinator, Park Patrol Officer, Parking Control Officer and Security Officer, assigned to enforcement of the City's municipal ordinances and laws and/or the laws of the State of California is authorized, during the course and within the scope of their employment, to exercise the powers contained in California Penal Code Section 836.5, including the power to arrest without warrant upon reasonable cause and the power to issue citations, whenever such employee has reasonable cause to believe that the person to be arrested or cited has committed a violation of the provisions of the City's municipal ordinances or other statute such employee is required to enforce, provided that such employee has satisfactorily completed the peace officers standards and training course and possesses a valid certificate of completion for P.O.S.T. certified courses provided for in California Penal Code Section 832.

Section 2. That Section 8-2.4 (Authorization to Carry Firearms) of Chapter 8 of the Compton Municipal Code is hereby amended to read as follows:

8-2.4 Authorization to Carry Firearms. The Director, Deputy Director and those employees of the Code Enforcement Services Division, Park Patrol Services Division and Security Services Division of the Municipal Law Enforcement Services Department are authorized by the City to carry a firearm while on authorized duty and during the course and within the scope of their employment, provided that such employees have satisfactorily completed the peace officers standards and training course and possesses a valid certificate of completion for P.O.S.T. certified courses provided for in California Penal Code Section 832.

Section 3. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect.

Section 4. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Service Department and the Compton Station of the Los Angeles County Sheriff's Department.

Section 5. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 6. 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 _____, 2008.

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 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 the _____ day of _____, 2008.

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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTIONS 8-2.3 and 8-2.4 OF CHAPTER VIII OF THE COMPTON MUNICIPAL CODE TO AUTHORIZE THE POSITIONS OF DIRECTOR AND DEPUTY DIRECTOR OF THE MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT TO ISSUE CITATIONS AND/OR MAKE ARRESTS AND CARRY FIREARMS WHILE ON AUTHORIZED DUTY.

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.