

NOTICE

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**COMPTON CITY COUNCIL
AGENDA
Tuesday, March 09, 2010
3:00 PM**

HEARING(S)

3:20 P.M. - PUBLIC HEARING - AMENDING CHAPTER XII OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 12-3.19, 12-3.22 AND 12-3.23 (RESTRICTING PARKING OF COMMERCIAL VEHICLES; TOWING AND PENALTIES) (Item #2)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **ORAL PRESENTATION - Susie Velasco -2010 United States Census Bureau**

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

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

APPROVAL OF MINUTES

2. February 23, 2010

REPORTS OF OFFICERS AND COMMISSIONS

APPROVAL OF WARRANTS

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XII OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 12-3.19, 12-3.22 AND 12-3.23 IN THEIR ENTIRETY (RESTRICTING PARKING OF COMMERCIAL VEHICLES; TOWING AND PENALTIES)(**First Reading**)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, March 16, 2010 @ 7:00 PM.

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

FEBRUARY 23, 2010

The City Council meeting was called to order at 4:20 p.m. in the Council Chambers of City Hall by Mayor Pro-Tem Yvonne Arceneaux.

ROLL CALL

Council Members Present: Calhoun, Dobson, Jones, Arceneaux

Council Members Absent: Perrodin*

Other Officials Present: C. Cornwell, A. Godwin, C. Evans

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Benjamin Holifield, Compton resident, inquired about the local agency that monitors the companies who pledge to hire Compton residents. Mr. Holifield stated that after visiting the business departments in and around the surrounding cities, he concluded that he was most satisfied by the City of Paramount's business department. Mr. Holifield went on to compare the city's services with other cities and further articulated his feelings about employment opportunities for the youth.

Lenoria Earl, Compton resident, informed the City Council that her vehicle was illegally impounded by the Sheriff's Department. Ms. Earl stated that she has done everything to cooperate with their demands, however they have refused to release her car.

Mayor Pro-Tem Arceneaux referred Ms. Earl to the Assistant City Manager, Rico Smith.

Mary Patterson, Compton One Love Empowerment Organization, invited the City Council to participate in the Compton One Love Empowerment Organization's "Stop the Violence Event" to be held on Saturday, March 27, 2010 at Lueders Park from 2 p.m. to 6 p.m.

Lorraine Cervantes, Compton resident, invited the community to attend the "Black History Month Program" to be held on Saturday, February 27, 2010 at 600 North Alameda in the Blue Room beginning at 1 p.m. The guest speaker will be discussing the historical relationships between Africa and Mexico.

Joyce Kelly, Compton resident, commented on the offensive and insulting depictions of the "Compton Cookout" to Compton residents by UC San Diego Phi Kappa Alpha fraternity students.

Mayor Pro-Tem Arceneaux acknowledged the obscurity of this offense to the City of Compton and African American students attending the university and affirmed that this issue would be addressed.

***Mayor Perrodin in at 4:41 p.m.**

William Kemp, Compton resident, stated that his ability to regress the City Council was violated after they addressed him. Mr. Kemp stated that the residents have no choice but to take their government back when they feel they have no recourse.

Gwen Patrick, Compton resident, invited the City Council to attend the "Impact for Haiti Event" to be held on Friday, March 5, 2010 at the Edwards Mansion from 6 p.m. to 9 p.m. Ms. Patrick went on to suggest that the city pursue a sister city relationship with Haiti, in an effort to improve the city's image.

Lynn Boone, Compton resident, spoke in opposition to the statements made by the Mayor concerning an employment preference for Compton residents. Ms. Boone also commented on Measure "L" in relation to the City Charter and the requirements of a City Attorney.

Mayor Perrodin informed the Compton community that quotas could not be placed on job preferences. Mayor Perrodin indicated that preferences are a violation of the United States Constitution and referred Ms. Boone to the United States Supreme Court for that precedence.

#2.

Douglas Sanders, City Treasurer, mentioned that the State of California and the United States Supreme Court abolished all Affirmative Action’s previously in place.

Craig Cornwell, City Attorney, clarified the statements made by the speaker indicating that there were changes made to the City Charter to allow him to become the City Attorney. Mr. Cornwell cited the requirements to practice law in the State of California, as well as the former and existing requirements in the City Charter. Mr. Cornwell resolved that this Body did not do anything improper to allow him to hold this seat.

3:20 P.M. - PUBLIC HEARING - ESTABLISHMENT OF A SCHEDULE OF FEES FOR NEWSRACKS (Item #9)

On motion by Arceneaux, seconded by Dobson, the hearing was opened at 5:04 p.m., by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Arceneaux, Jones, Perrodin
NOES: Council Members - None
ABSENT: Council Members - None

Alex Beanum, Acting Director of the Public Works Department, stated that this hearing is being held in order for the City Council to consider the establishment of a schedule of fees for newsracks. On December 16, 2008, the City Council adopted Ordinance No. 2,185, which regulated the requirements of newsracks on the public rights-of-way. Mr. Beanum mentioned that prior to the adoption of Ordinance No. 2,185, there were no fees or legislation regulating the following: the location standards for newsracks on public property, the standards for the proper securing and removal of newsracks, the number of newsracks within one particular area, the content of the publications or the maintenance and physical standards of newsracks.

Mr. Beanum stated that pursuant to the direct grant of police powers under Article XI, Section 7 of the California Constitution, cities are authorized to impose reasonable fees, charges and rates for providing services necessary to the activity for which the fee is charged. The rate charges will be as follows:

Initial Application and Permit Fee
\$50.00 plus \$40.00 per news rack

Annual Renewal Fee
\$40.00 per news rack

Removal and Storage Fee
\$200.00 per news rack

As a result, staff is requesting that the City Council establish the proposed schedule of fees for newsracks on the public rights-of-way pursuant to Section 20-5 of the Compton Municipal Code.

AUDIENCE COMMENTS ON THE HEARING

Benjamin Holifield, Compton resident, expressed his approval of this resolution, citing a concern for newsracks being used as campaigning tools.

Lynn Boone, Compton resident, questioned if the city would be contacting the current owners of the newsracks before removing them. Ms. Boone also questioned if the Sentinel newspaper would be required to obtain a business license.

Joyce Kelly, Compton resident, spoke in opposition to the establishment of fees for newsracks, citing that many of the city’s newspapers are free of charge, thereby any rate charges should be reconsidered.

William Kemp, Compton resident, spoke in reference to the process for acquiring newsracks and any regulations in place to prevent oversaturation.

***Councilperson Arceneaux out at 5:11 p.m.**

Lorraine Cervantes, Compton resident, expressed a concern for a study being conducted to ascertain what other cities have done in this situation.

Gwen Patrick, Compton resident, inquired as to who would be responsible for maintaining the news racks. Mr. Beanum indicated that the Public Works Department would be responsible for the maintenance of the newsracks.

On motion by Dobson, seconded by Calhoun, the hearing was closed at 5:20 p.m., by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

COUNCIL COMMENTS ON THE HEARING - There were no Comments on the hearing.

CONSENT AGENDA

On motion by Dobson, seconded by Jones, the **CONSENT AGENDA** was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

APPROVAL OF MINUTES

1. February 9, 2010

CITY FIRE DEPARTMENT

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FIRE DEPARTMENT'S FISCAL YEAR 2009-2010 DEPARTMENTAL BUDGET FOR THE ADDITION OF ONE JUNIOR ADMINISTRATIVE INTERN AND THE DELETION OF A SENIOR ADMINISTRATIVE INTERN POSITION (**Resolution # 23,058**)

PLANNING AND ECONOMIC DEVELOPMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ADOPTING ENVIRONMENTAL ASSESSMENT 09-003, FINDING OF NO SIGNIFICANT IMPACT NO. 001 AND MITIGATED NEGATIVE DECLARATION NO. 923, FOR THE DR. MARTIN LUTHER KING, JR. TRANSIT CENTER IN ACCORDANCE WITH THE MITIGATION AND MONITOR REPORT (**Resolution # 23,059**)

RECREATION DEPARTMENT

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS (**Resolution # 23,060**)

APPROVAL OF WARRANTS

6. **Warrant #184102** - Cleanstreet - Street Sweeping Services - \$35,000.00 - **Requested by:** ICMS

Warrant #184128 - Pacific Coast Waste and Recycling - Waste Management Services - \$658,608.91 - **Requested by:** Water

Total Amount - \$693,608.91

ITEMS REMOVED FROM THE CONSENT AGENDA

PLANNING AND ECONOMIC DEVELOPMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO DISCHARGE THREE DEFAULTED LOANS UNDER THE REVOLVING LOAN FUND PROGRAM FOR GREGORY TOWNSEND (GET 93 SPORTS BAR) IN THE AMOUNT OF \$100,000, JAMES T. JONES /JHG CORPORATION (COMPTON SIZZLER/MR. J'S RESTAURANT AND SPORTS LOUNGE) IN THE AMOUNT OF \$140,177, AND ANGELA WALTON (MELADOR TECHNOLOGIES) IN THE AMOUNT OF \$143,448.33 FOR A TOTAL OF \$383,625.33.

Derek Hull, Director of the Planning & Economic Development Department, presented the City Council with the history of the Revolving Loan Fund (RLF) program in the City of Compton. Mr. Hull also provided the City Council with some additional information related to the city's outstanding loan amounts and its attempt to lower its debt ratio. Mr. Hull commented on the city's default rate and the city's corrective action plans to reduce the RLF loan delinquency and default rates. Mr. Hull stated that there is approximately \$466,000 still available for eligible businesses and added that the availability of those program funds has been marketed to the business community with a workshop scheduled to discuss their funding opportunities within the City of Compton.

Councilperson Dobson expressed a concern for the city approving loans to organizations without the inclusion of collateral or assets. Mr. Hull stated that most of the loans in the past did not involve collateral.

Councilperson Dobson questioned if the city would continue to pursue these business entities for repayment. Mr. Hull informed Councilperson Dobson that all possibilities have been exhausted, therefore the city is proposing to discharge these loan amounts to eliminate the city's high default rate.

Councilperson Calhoun questioned if there were any other outstanding RLF loan amounts. Mr. Hull stated that these are the only RLF outstanding loan amounts.

Mayor Perrodin suggested that a lien be placed on the estates of these individuals. Mr. Hull explained that those methods have been pursued, however they have proved fruitless.

Douglas Sanders, City Treasurer, questioned if there was a statute of limitations that would preclude the city from going further.

Craig Cornwell, City Attorney, explained that the city could not approve the resolution to discharge the debt and seek further recourse.

Mayor Perrodin requested the city's loan criteria for selecting the various businesses for funding. Mr. Hull explained that the businesses are primarily selected based upon their credit worthiness. Mr. Hull indicated that subsequent loans would incorporate collateral and assets to ensure the city has a degree of recourse to recoup its funding. Mr. Hull also mentioned that future loan amounts would be provided in increments to ensure the city is not out the entire loan amount.

Mayor Perrodin requested the loan payback period. Mr. Hull stated that the period ranges from 12 months to 36 months.

Mayor Perrodin requested the maximum loan amount for one business to receive. Mr. Hull explained that retail and service businesses are eligible for up to \$100,000, however industrial and manufacturing businesses are eligible for up to \$150,000.

On motion by Calhoun, seconded by Jones, **Resolution # 23,061** entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO DISCHARGE THREE DEFAULTED LOANS UNDER THE REVOLVING LOAN FUND PROGRAM FOR GREGORY TOWNSEND (GET 93 SPORTS BAR) IN THE AMOUNT OF \$100,000, JAMES T. JONES /JHG CORPORATION (COMPTON SIZZLER/MR. J'S RESTAURANT AND SPORTS LOUNGE) IN THE AMOUNT OF \$140,177, AND ANGELA WALTON (MELADOR TECHNOLOGIES) IN THE AMOUNT OF \$143,448.33 FOR A TOTAL OF \$383,625.33**" was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

END OF THE CONSENT AGENDA

REGULAR AGENDA

CITY MANAGER'S REPORTS - There were no City Manager's Reports.

CITY ATTORNEY'S REPORTS

CLOSED SESSION

7. Conference With Legal Counsel - Existing Litigation
Warren v. City of Compton Case No. BC389182
Shandell v. City of Compton Case No. TC020285
Pursuant to California Government Code Section 54956.9(a)

On motion by Jones, seconded by Calhoun, closed session was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

CITY TREASURER'S REPORTS

8. INVESTMENT REPORT (**December 31, 2009**)

On motion by Calhoun, seconded by Jones, the investment report was received and filed, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ESTABLISHING A SCHEDULE OF FEES FOR NEWSRACKS IN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO SECTION 20-5 OF THE COMPTON MUNICIPAL CODE REGULATING NEWSRACKS ON THE PUBLIC RIGHTS-OF-WAY.

On motion by Calhoun, seconded by Dobson, **Resolution # 23,062** entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ESTABLISHING A SCHEDULE OF FEES FOR NEWSRACKS IN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO SECTION 20-5 OF THE COMPTON MUNICIPAL CODE REGULATING NEWSRACKS ON THE PUBLIC RIGHTS-OF-WAY**" was approved, by the following vote on roll call:

#2.

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

COUNCIL COMMENTS

Councilperson Calhoun mentioned her attendance at a meeting held at the Konica Phillips 76 Transfer Station at 135th & Broadway to address the offensive odors emitting from the area. Ms. Calhoun indicated that nearby residents have expressed a concern for their health and emergency preparedness, in the event of a disaster. Ms. Calhoun stated that she would continue to undertake the citizen's concerns at subsequent meetings with the company to ensure that the citizen's safety is addressed.

Councilperson Calhoun also mentioned her attendance at the Kalsman Avenue Block Club meeting and the Friends and Neighbors Community Block Club meeting with the city's local agencies to speak to the resident's concerns.

Councilperson Calhoun thanked the Ladies Auxiliary of VFW Post 5394 for inviting her to speak at their Black History Month Celebration.

Councilperson Calhoun went on to comment on the Concerned Citizens meeting, in which they discussed voter education, fraud and apathy. Ms. Calhoun mentioned that she had received comments concerning the last election, in regards to voter fraud, and subsequently suggested that anyone with a concern to contact the appropriate agencies, in the appropriate time, to report the matter to ensure justice prevails.

Councilperson Dobson asked that the City Manager address the citizen's concerns regarding diesel trucks being parked North of Rosecrans on Santa Fe Avenue.

Councilperson Dobson announced that the National Council of Negro Women would be hosting a "Health Symposium Event" to be held on Saturday, March 20, 2010 from 10 a.m. to 12 p.m. at the Compton Library. Discussions will be held in reference to: obesity, hypertension, diabetes, osteoporosis, mental wellness, and health and spiritual wellness. For additional information concerning this event, contact Susan Adams at (310) 608-4888.

Councilperson Dobson requested that the meeting be adjourned in memory of Mark Coleman.

Councilperson Jones mentioned his attendance at the informative "Compton Community College Breakfast Event" regarding the progress being made to obtain local control and full accreditation. Mr. Jones congratulated and commended Dr. Cox and his staff for the hard work and dedication to the college's success.

Councilperson Jones also mentioned his attendance at the memorial services for Compton Police Officers Kevin Burrell and James McDonald. Mr. Jones indicated that he was impressed with the attendance of many of the officers that had served with them and asked that everyone remember their service and their sacrifice to the Compton community.

Councilperson Jones concluded by requesting that the meeting be adjourned in memory of Shirley D. Hicks.

Mayor Perrodin announced that the Love and Unity Christian Fellowship Church located at 1840 South Wilmington Boulevard, Compton would be hosting a "Free Cancer Screening Event" to be held on Saturday, March 13, 2010 from 10 a.m. to 3 p.m. Mayor Perrodin read the statistics of men who don't get tested for prostate cancer and further encouraged the men in the community to get tested. To register for this event, call (323) 294-7411 or go to the website at www.realmencookfoundation.org.

Mayor Perrodin recognized Congresswoman, Laura Richardson and the President of the NAACP, Paulette Gibson for their dedication to the citizens of Compton.

Mayor Perrodin wished the Compton High School Boys Basketball Team and the Centennial Boys & Girls Basketball Teams good luck in their CIF Championship playoff events.

Mayor Perrodin commented on the racist remarks and actions being taken to address the mockery of the "Compton Cookout" that took place on the campus UC San Diego.

Mayor Perrodin commented on the events that lead up to the deaths of Compton Police Officers Kevin Burrell and James McDonald and concluded by requesting that the meeting be adjourned in memory of these fallen heroes.

The meeting was recessed to closed session at 6:47 p.m. and reconvened at 7:35 p.m.

**MOTION TO EXTEND
THE COUNCIL MEETING**

On motion by Calhoun, seconded by Jones, the meeting was extended, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin
NOES: Council Members - None
ABSENT: Council Members - Arceneaux

**REPORT BACK FROM
CLOSED SESSION**

Craig Cornwell, City Attorney, stated that council met in closed session with the following members present: Calhoun, Dobson, Jones and Perrodin. The following issues were discussed; Conference with Legal Counsel - Existing Litigation Warren v. City of Compton Case No. BC389182 and Shandell v. City of Compton Case No. TC020285, pursuant to California Government Code Section 54956.9(a). The City Council unanimously agreed to pursue settlement discussions, as presented by the City Council.

Mayor Perrodin announced that the Imani Speed City Track Club would be hosting their "Annual All Comers Meet" to be held on Saturday, February 27, 2010 at Dominguez High School. Registration will begin at 7 a.m. For more information concerning this event, contact Steve Todd at (310) 438-3004.

ADJOURNMENT

On motion by Dobson, seconded by Calhoun, the meeting was adjourned in memory of **Shirley D. Hicks, Mark Coleman, Kevin Burrell and James McDonald** at 7:39 p.m., by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin
NOES: Council Members - None
ABSENT: Council Members - Arceneaux

Clerk of the City Council

Mayor of the City Council

MARCH 9, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CITY MANAGER

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XII OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 12-3.19, 12-3.22 AND 12-3.23 IN THEIR ENTIRETY (RESTRICTING PARKING OF COMMERCIAL VEHICLES; TOWING AND PENALTIES).

SUMMARY:

The City Council of the City of Compton will consider adopting an ordinance amending Chapter XII of the *Compton Municipal Code (CMC)*, to modernize and enhance some of the current code provisions relating to the standing and parking of commercial vehicles on city streets.

BACKGROUND:

This ordinance serves to address a number of issues, including but not limited to modernizing and enhancing current traffic code provisions pertaining to commercial vehicle parking; increasing the penalties for violating these provisions and changing the penalty provisions from criminal to civil fines in accordance with state law.

The City has received numerous complaints from citizens regarding the overnight parking of large commercial vehicles in residential neighborhoods. Citizens have expressed concern over the safety hazards parked commercial vehicles cause, by blocking visibility of pedestrians who enter the street from between or behind parked vehicles. Commercial vehicles also block the visibility of drivers of passenger vehicles which may cause them to impede and obstruct the flow of traffic. Further, the idling of the commercial vehicle engines disturb the quiet enjoyment of the residents in the community and are aesthetically detrimental to the overall landscape of the area. Although violators are being ticketed, it has not effectively deterred the behavior. It appears that violators would rather pay the price of the ticket than pay to park in a commercial vehicle parking lot.

Hence, more stringent measures, such as towing are required to curb this activity. Although the towing of vehicles is currently addressed in the Code's Traffic regulations, it does not address the signage requirements.

STATEMENT OF ISSUE:

This ordinance serves to amend in their entirety CMC sections 12-3.19 (Commercial Vehicle Parking Restricted); 12-3.22 (Restricting Parking of Commercial Vehicles in excess of 10,000 pounds in Residential Districts); 12-3.23 (Violations, Penalty) In addition to the amended sections indicated above, the proposed penalty and towing provisions are extended to apply to CMC sections 12-3.17, 12-3.18, 12-3.21 and 12-3.22.

Some of the more salient features of the ordinance are as follows:

a. Penalty Provision (Proposed CMC Section 12-3.23.a)

The current CMC penalty provision for violating the commercial vehicle parking ordinances is characterized as a misdemeanor. In 1992, the legislature substantially changed the way parking violations were handled and removed them from being characterized as infractions under the criminal justice system and instead treated them as civil offenses. Hence, with limited exceptions, parking citations are enforced by imposition of a civil penalty. *California Vehicle Code Section 40200*. The proposed penalty provision, therefore, will amend the code to reflect a violation of a commercial vehicle parking ordinance as a civil penalty in accordance with state law.

The current penalty for violating the commercial vehicle parking ordinances are as follows: Compton Municipal Code section 12-3.23 authorizes a fine of between fifty dollars (\$50.00) and five hundred dollars (\$500.00). Compton Municipal Code Section 12-3.19 authorizes a fine of three hundred and fifty dollars (\$350.00) for a first violation and six hundred dollars (\$600.00) for any subsequent violations, if the subsequent violation (s) were committed within one (1) year of the first violation.

The proposed amended penalty section, CMC 12-3.23, incrementally increases the penalty from \$150.00 to \$500.00 depending on when the code violator, pays the fine.

b. Towing and Signage (proposed CMC section 12-3.23.b)

Although, the Compton Municipal Code does authorize the towing of commercial vehicles on residential streets, it does not address the signage requirements of the law. When a commercial vehicle is parked in violation of the City's current commercial vehicle parking ordinance, a parking enforcement officer will issue a citation to the offending party. Typically, that is the extent to which the violator is penalized. *California Vehicle Code Section 22651(n)* authorizes the towing of vehicles as long as the proposed ordinance, however, provides for adequate signage to be posted on the streets which reasonably apprises the public as to the nature and extent of the parking prohibition. Currently, there are no signs on residential streets which reflect the provisions of *California Vehicle Code section 22651(n)*. In order for the Parking enforcement officers to tow commercial vehicles in violation of either CMC sections 12-3.19 or 12-3.22, the city must have the appropriate signage present to provide the lawful notice to the public.

Hence, the amendment of sections 12-3.19 and 12-3.23 addresses this omission by inserting a provision in the code which allows for towing in accordance with California state law.

FISCAL IMPACT:

Undetermined

RECOMMENDATION:

It is the recommendation of staff that the City Council adopt the attached ordinance.

JULIUS DAVIS, ACTING DIRECTOR
MUNICIPAL LAW ENFORCEMENT SERVICES

CHARLES EVANS
CITY MANAGER

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER XII OF THE COMPTON MUNICIPAL CODE BY
AMENDING SECTIONS 12-3.19, 12-3.22 AND 12-3.23 IN THEIR
ENTIRETY (RESTRICTING PARKING OF COMMERCIAL VEHICLES;
TOWING AND PENALTIES).**

WHEREAS, parking of commercial vehicles on thoroughfares and in residential districts throughout the City of Compton cause congestion, traffic hazards, destruction to the public streets, displacement and create a nuisance to residents and businesses therein; and

WHEREAS, *California Vehicle Code Section 22507.5* authorizes local authorities to enact ordinances which restrict the standing, stopping or parking of commercial vehicles in residential districts; and

WHEREAS, in accordance with *California Vehicle Code Section 22507.5*, *Compton Municipal Code Section 12-3.22* restricts commercial vehicle parking in residential districts; and

WHEREAS, *Compton Municipal Code Section 12-3.19* prohibits commercial vehicles from parking anywhere in the City pursuant to certain restrictions; and

WHEREAS, Enforcement officers issue parking citations to persons who violate such ordinances, the issuance of which alone, does not appear to effectively deter the illegal parking of commercial vehicles; and

WHEREAS, the parking violators appear to elect to pay the parking fines rather than pay to park their commercial vehicles in a commercial vehicle parking lot; and

WHEREAS, the cost to park in a commercial vehicle parking lot typically exceeds the cost of the parking citation fine; and

WHEREAS, *California Vehicle Code Section 22651(n)* authorizes the removal of vehicles parked in violation of municipal ordinances provided adequate signage is posted on the streets which reasonably apprise the public as to the nature and extent of the parking prohibition and the exceptions thereto; and

WHEREAS, in order to further deter the illegal parking of commercial vehicles in both residential and non residential streets, the City will commence towing of these vehicles in accordance with *California Vehicle Code Section 22651(n)*; and

WHEREAS, *Compton Municipal Code Section 12-3.23* (Violations; Penalty) is amended in its entirety to reflect violations of commercial vehicle parking citations as civil penalties in accordance with *California Vehicle Code Section 40200 et seq.*

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

Section 1. That Section 12-3.19 is hereby amended in its entirety to read as follows:

12-3.19 Commercial Vehicle Parking Restricted

No person shall stand or park, when authorized signs are in place within the City giving notice of the restriction, any commercial vehicle with a manufacturer's gross vehicle rating of ten thousand (10,000) pounds or more, at any time on any street in the City of Compton. In accordance with *California Vehicle Code Section 350(a)*, a Gross Vehicle Weight Rating (GVWR) means the weight specified by the manufacturer as the loaded weight of a single vehicle.

a. **Exceptions.** Section 12-3.19 shall not apply to:

1. **Emergency Vehicles.** The parking, or standing of emergency vehicles upon any street in the City.
2. **Commercial Vehicles.** The parking or standing of trucks owned or operated by the City, public utilities, or waste removal companies; any contractor or material mover, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.
3. **Recreational Vehicles.** The owner of recreational vehicles who parks or stands such vehicle(s) owned by them on private property which is also owned by them. The vehicle(s) shall be operational and shall not constitute a public nuisance nor violate any other provisions of the *Compton Municipal Code*.
4. **Delivery of Goods.** Commercial vehicles or trailers making pickups or deliveries of goods, wares and merchandise from, or to, any building or structure located on the restricted streets.
5. **Delivery of Materials.** Commercial vehicles or trailers using the streets for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets for which a building permit has previously been obtained.
6. **City Council Designated Locations and Times.** At locations and for the time period authorized by City Council and posted by the Street Superintendent; where parking of commercial vehicles with a gross weight of over ten (10,000) pounds is permitted over-night, illuminated clearance lights or safety reflectors must be provided and utilized.

Section 2. That Section 12-3.22 is hereby amended in its entirety to read as follows:

12-3.22 Commercial Vehicles in Excess of 10,000 Pounds- Restricted parking in Residential Districts.

No person shall stand or park, when authorized signs are in place within the City giving notice of the restriction, any commercial vehicle with a manufacturer's gross vehicle rating of ten thousand (10,000) pounds or more, at any time in a residential district. In accordance with *California Vehicle Code Section 350(a)*, a Gross Vehicle Weight Rating (GVWR) means the weight specified by the manufacturer as the loaded weight of a single vehicle. For the purpose of this section, "residential district" is defined to include all areas in which any one of the following zoning classifications are applicable in accordance with Chapter 30 of the *Compton Municipal Code*: R-A, R-L, R-M, R-H.

a. **Exceptions.** Section 12-3.22 shall not apply to:

1. **Emergency Vehicles.** The parking, or standing of emergency vehicles upon any street in the City.
2. **Commercial Vehicles.** The parking or standing of trucks owned or operated by the City, public utilities, or waste removal companies; any contractor or material mover, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the City.
3. **Recreational Vehicles.** The owner of recreational vehicles who parks or stands such vehicle(s) owned by them on private property which is also owned by them. The vehicle(s) shall be operational and shall not constitute a public nuisance nor violate any other provisions of the *Compton Municipal Code*.
4. **Delivery of Goods.** Commercial vehicles or trailers making pickups or deliveries of goods, wares and merchandise from, or to, any building or structure located on the restricted streets.
5. **Delivery of Materials.** Commercial vehicles or trailers using the streets for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets for which a building permit has previously been obtained.
6. **City Council Designated Locations and Times.** At locations and for the time period authorized by City Council and posted by the Street Superintendent; where parking of commercial vehicles with a gross weight of over ten (10,000) pounds is permitted over-night, illuminated clearance lights or safety reflectors must be provided and utilized.

Section 3. That Section 12-3.23 (Violations; Penalty) is hereby amended in its entirety to read as follows:

12-3.23 Penalty and Towing Provisions

a. *Penalty – Parking Provisions.* Any person who violates this section shall be subject to civil penalties in accordance with *California Vehicle Code Section 40200 et seq.* Notwithstanding any other provision of this Code to the contrary, violations of subsections 12-3.17, 12-3.18, 12-3.19, 12-3.21 and 12-3.22 of this Code shall be punishable by the following fines:

1. If a court appearance is made or bail is posted within the time set forth in the notice of citation of violation, the fine is one hundred and fifty (\$150.00) dollars; and
2. If no appearance is made nor the required bail is posted as set forth in paragraph a.1 of this subsection after notice is given pursuant to California Vehicle Code Section 40206, but before a Notice of Intent is issued, two hundred and fifty dollars (\$ 250.00) shall be assessed; and
3. If a Notice of Intent is issued, five hundred dollars (\$500.00) shall be assessed.

b. *Towing of vehicles in violation of the Law.* In accordance with *California Vehicle Code Section 22651(n)*, a peace officer or regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations of the City in which a vehicle is located is hereby authorized to remove or cause to have removed any vehicle that is parked or left standing in violation of the *California Vehicle*

Code or the *Compton Municipal Code* and where signs are posted giving notice of removal for such violation. The procedure for removal and impounding of vehicles shall be as set forth in *California Vehicle Code Sections 22850 et seq.*

Section 5. Severability

That 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 any 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 6. Distribution

That a copy of this ordinance shall be forwarded to the offices of the City Attorney, City Treasurer, City Clerk, Municipal Law Enforcement Services Department, Public Works Department and the Los Angeles Sheriff's Department, Compton Station.

Section 7. Attestation

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

Section 8. Effective Date

This ordinance shall take effect thirty (30) days from adoption by the City Council.

ADOPTED this _____ day of _____, 2010

MAYOR OF THE CITY COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was duly 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 _____, 2010.

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 XII OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 12-3.19, 12-3.22 AND 12-3.23 IN THEIR ENTIRETY (RESTRICTING PARKING OF COMMERCIAL VEHICLES; TOWING AND PENALTIES).

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

2/16/2010 7:42:18 PM
DATE

REVIEW / APPROVAL

Craig Cornwell
CITY ATTORNEY

2/18/2010 11:52:37 AM
DATE

Willie Norfleet
CITY CONTROLLER

2/18/2010 12:36:22 PM
DATE

Charles Evans
CITY MANAGER

2/18/2010 11:09:39 AM
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.

