

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, February 01, 2011 5:45 PM

HEARING(S)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **AWARD PRESENTATION - Kayanna Hudson**, Emerson Elementary School - (Councilman Willie Jones)
2. **ORAL PRESENTATION - Dr. Michael J.T. Fisher** (Greater Zion Church)

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

3. January 4, 2011
January 11, 2011

REPORTS OF OFFICERS AND COMMISSIONS

PUBLIC WORKS-ENGINEERING

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,255, ACCEPTING AN AWARD OF FUNDS FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AMENDING THE FY 2010-2011 ANNUAL BUDGET TO APPROPRIATE FUNDS AND ACCEPTING THE BID FROM LOS ANGELES ENGINEERING, INC. FOR THE CONSTRUCTION OF SAID PROJECT
5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,259, ACCEPTING THE PROPOSAL FROM GRIFFIN STRUCTURES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AND APPROVING A CONSTRUCTION MANAGEMENT AND ENGINEERING PROJECT BUDGET
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT WITH THE GATEWAY COUNCIL OF GOVERNMENTS TO OBTAIN SERVICES FOR THE LOS ANGELES RIVER METALS TOTAL MAXIMUM DAILY LOAD SITE SPECIFIC OBJECTIVES STUDIES

APPROVAL OF WARRANTS

7. Warrant #195895 - Date - 1/24/11 - Name - RBW Security Services Inc. - Description - Park Security - Amount - \$32,258.00 - Requested by: City Manager
Warrant #196258 - Date - 1/27/11 - Name - Victory Outreach - Description - Vacant Lot Maintenance - Amount - \$55,604.28 - Requested by: Public Works

Total Amount - \$87,862.28

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

8. APPOINTMENT(S) OF OFFICERS, COUNCIL MEMBERS, BOARDS/COMMISSIONS AND COMMITTEES

**APPOINTMENT OF
COUNCIL MEMBER WILLIE
JONES TO THE GATEWAY
CITIES COUNCIL OF
GOVERNMENTS (710
Freeway) AS THE
ALTERNATE**

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

9. CLAIMS AGAINST THE CITY:

Latonya Martin v. City of Compton (I-8365/LI0000041A)
Angela Young Brown v. City of Compton (I-8388/LI0000053A)
Miguel A. Gutierrez v. City of Compton (I-8396/LI0000061A)

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON MUNICIPAL CODE IN ITS ENTIRETY RELATING TO EMERGENCY ORGANIZATION AND FUNCTIONS(**Second Reading**)

NEW BUSINESS

11. **ACTION:** REQUEST THAT THE PUBLIC COMMENT SECTION BE INCLUDED WITH CHANNEL 36 CABLE COVERAGE (**Minute Motion**)
12. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 2-1.8 and 2-1.13 TO REVISE THE AMOUNT OF TIME ALLOTTED FOR AUDIENCE COMMENTS; AND SECTION 2-1.7 TO ADD CITY TREASURER REPORTS TO THE CONSENT AGENDA(**First Reading**)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, February 08, 2011 @ 5:45 PM.

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JANUARY 4, 2011

The City Council meeting was called to order at 5:48 p.m. in the Council Chambers of City Hall by Mayor Eric Perrodin. The Pledge of Allegiance and Moment of Silence ceremonies were led by Mayor Eric Perrodin.

ROLL CALL

Council Members Present: Calhoun, Dobson, Arceneaux, Jones, Perrodin

Council Members Absent: None

Other Officials Present: C. Cornwell, A. Godwin, W. Norfleet

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Marjorie Ship, Compton resident and Compton Unified School District Board Member, expressed her support for the finalization and implementation of the preferential parking permit program in the Richland Farms area. She mentioned an incident, in which emergency medical technicians were called and forced to park in the middle of the street, because of the amount of congestion within the City. She thanked the members of the City Council for the progress that they've been making over the past several years and hoped that they would continue that progress into the future.

Ron Dahl, Compton resident, referenced a quote from African American Historian Kwasi and excerpts from his own book entitled "Compton for Cops: Community-Based Crime-Fighting." He also mentioned an incident that occurred several weeks ago, in which two Latino youths from Centennial High School were caught vandalizing and accused of writing racist epithets on the walls of the National Guard Armory. He contended that without some type of intervention they would become a menace to the Compton community and that the City's church and family, educational system, civic and municipal institutions had failed in helping them to build character. He questioned if the Compton Police Department's policing plan would address the problems of the community's disaffected youth and the needs of crime victims. He also questioned what the new Compton Police Department would be doing differently, in regards to their past history and if it would be contrary to what the Sheriff's Department is currently doing. He asked that the City Council consider the content in his book when addressing these issues and others such as prostitution, gang violence and building trust among community members.

Joyce Kelly, Compton resident, I did appreciate what Ron Dahl said. He said talk to, and not at the people but then you people don't talk to us at all. He also made suggestions, which he said are in his book. And you people tell us when we come here to speak to you; we come with the same thing week after week after week and then I told you that if you would answer us like the people say; then maybe we wouldn't have to come week after week with the same issues. But I have some suggestions for you for this New Year. How about starting to pave some streets especially Compton Boulevard? If you looked at the parade you would see what Ms. Boone had previously talked to you about, boarded up buildings with posters and writing, graffiti as the back drop. The streets were cracked and not paved, but yet like Ms. Boone said you waved and grinned like we were watching the Rose Parade. In contrast, I did watch the Rose Parade and that back drop was just really delightful and what it should be when you want to have your City represented well. Another suggestion is to in the budget, please add \$850 to get hot chocolate, cookies and larger candy canes for the children at the Tree Lighting Ceremony because like I told you before, those tiny candy canes were ridiculous. You're taking their parent's money and throwing it down the drain, misappropriating actually. Another suggestion is to stop Director Kofi from lending privileges, take away his lending privileges. He should not be taking this money and lending it to people and you should not be voting on selling property for one dollar in this economy, unless you sell it to a homeless person and then have to pay millions of dollars back to the same people. To me it really makes no sense. And we've been asking since the jobless rate in this City alone is over 21% please have some services and jobs for the residents. Like Ron Dahl said, you know what and I know and people who aren't sitting there know and understand that jobs and money go hand-and-hand and maybe just maybe it will help to eliminate some of the crime in the City.

#3.

While I'm here I want to ask one member of the council to ask someone in this City, in City Hall, if the City of Long Beach is holding police cars that have been inspected by employees from this City. I have calls into Long Beach to Bob Foster, his assistant Mr. Dahl and different ones to find out, because you know what this is information that's out there. If I hear something and know about it, God only knows how many other people hear and know about it. Maybe you should go over on 600 Alameda and ask Percy Perrodin; City Manager is sitting right there. Ask anyone else who is involved with the information about the bringing back of the Compton Police Department, because you people have not been notified and you have not received any reports, quarterly, that was stated in the resolution that you signed in June. Thank you.

William Kemp, Compton resident, I'm hoping for some things in this New Year. I'm hoping that this year we all could do a better job at getting along. I'm gonna try my best, but at the same time I'm not gonna stop bringing up things that I feel are important in the City. I'm just gonna change the way I do that, but that's not gonna stop me. So, Eric you are my brother and regardless of what's said we gonna still be brothers. But rather I agree or not, I'm gonna bring them up. So you can be mad at me today or you can be mad at me the day I bring them up. But I'm gonna bring them up because I feel from 2004 till now, at least I've made people pay attention to what goes on in our City government. I feel responsible for that, because see in black governments most of the time the people are happy just to know that somebody else is taking care of business but what we've come to find out is, that's not good enough. That's not good enough to move us forward. We need some changes. Transparency needs to be the first one. Now, some of the times there isn't really anything to hide up here it's just that you don't like me so you don't want to give it to me so it appears in the community that there is something to hide when really it's more or less a personality conflict shall we say. I'm not gonna stop trying to achieve information, but I do have one question that I come here. This hideous little design down Willowbrook, whose idea was that and why is it there? And the reason I ask, is because during tough times when the State is cutting back \$600 million dollars out of the state budget we want to keep up with every penny. And if you spend the taxpayer's dollars you either want to have a public safety reason, or some reason that justifies putting something there. It doesn't block trash, because I see trash still there. It doesn't stop people from getting over the railroad tracks, because there are highs and lows where people can step over. So the question I have is what was the purpose in building that, because anything that's behind it looks dirty. What I thought we should have done, which would have been a step in the right direction for the community, is if we would have built parking where the residents could have parked alongside the tracks at a diagonal to go in. That would've helped us during council meetings. That would have alleviated some of the problems the seniors say they have when they come down here and there are all city cars parked in front and they have to park down the street, some on walkers and I've watched them, walk down here to pay their water bill. That's unfair. And if you're a resident, it's obvious and noticeable. That's why I guess Ms. Kelly always states that she's from Compton. Something else too, this holiday was the first holiday that we had the street department working on the streets; while people were driving around shopping. I didn't see the orange cones and the things stopping us from getting downtown till maybe three four days before Christmas. Our City is the busiest during the holiday's people come visit their families. It was most encumber some for those of us that live here. So, what I'm kind of hoping in the New Year is that we can work together, not just with those that you like what they're saying, but with those that you can respect have something to say to benefit the community. Thank you.

Mayor Perrodin informed Mr. Kemp that the City had contacted Southern Pacific Railroad in regards to addressing the area along the railroad tracks, of which they indicated that they would only allow the City to utilize 2.5 feet of that space. The Mayor mentioned that this endeavor was preceded by the previous City Manager and other city employees, who felt the project would be an inspiration to the citizens of Compton and to visitors to the City.

Lynn Boone, Compton resident, that was perfect. Council people and citizens, if you knew the grant money that comes into the City and if you knew what was allowed and disallowed to be used with that fund money and grant money it would help you out a whole lot to make this City look better than what it does. That money didn't just have to be used to put those little decorations on the street, on that curb. The money could have been used for something else. We have funds in District Three that was supposed to put a fence straight down Wilmington from Greenleaf to block the back of those homes.

That hasn't been done and we don't know where the money is. We've had money, like I said to take down that bridge and I say it every week. And that money we don't know where it is and that's close to two million dollars. Then we have Councilperson in District Two that keeps telling us about the fire department. Citizens, the government is never going to help us with a fire department. Why? Because if you would have listened when the person came, our lobbyist two years ago, she said they know what's going on in Washington and the money that's being sent down to Compton is not being used for what it should be used for. So, they're never going to send you millions of dollars for a fire department that you're never going to build. But anyway, I'm going to get back to the agenda. Citizens, today there are only four items on this agenda. One of them is the approval of the minutes. The other one I really don't understand. It's a report of the officers and the commissions. It's almost a hundred pages of the personnel board minutes. I don't understand why the council has to approve this or whatever. These meetings go back as far as February 18, 2010. I know you don't read them, but if you would have read them you would know that and see that all the temporary positions that have been given in this City through the personnel board. It's unbelievable. It is unbelievable and they're paying these people top dollar and half of them they don't even have an application on file. There's something wrong here. And then, Number Three it's a warrant that's being paid, but unfortunately I don't see a warrant for the Sheriff's Department. The Sheriff's Department's money is due by the 5th and after the fifth day of the month we start paying penalties, late charges, money thrown out the door. But we have a business person, Councilperson here in District Two that says that she reads the bottom-line and it's more feasible to bring back the Compton police when you don't even pay your own bills. Duh, maybe that's just me I don't know. And then the fourth is when they go into closed session and I'm sure this is someone suing the City. But once again, we can all agree on it, our City Attorney will not be litigating this case. He will be hiring someone else. Citizens, number one you cannot go to sleep a City Controller and wake up a City Manager. You cannot change the Charter and be a City Attorney. You cannot refuse to listen to the people and vote because someone else tells you; that's the right way to vote and be an effective councilperson. We have a City Clerk that's being paid the most money out of any City Clerk in the history of Compton, but yet and still this City Clerk wants to provide less and less public information to the citizens. You have a Deputy Director in the CRA Department that wasn't even in the top three of the testing and has never developed or redeveloped a City. Public Works, you have a director there that's never been a director over Public Works. He comes in and he says he's done something with oil or something else. But he's the director of Public Works. We have people put in positions that are not competent and this is why our City looks like it looks. This is why it's taking so long for this City to do anything. Something is wrong. Thank you.

Mayor Perrodin agreed with Mr. Kemp and his comments concerning the street construction on Compton Boulevard during the daylight hours of the holiday season. The Mayor also acknowledged Ms. Boone and her concerns, citing her as having valid issues; however he stated that the message is sometimes lost in her delivery of the message. The Mayor stated that as a former city employee, Ms. Boone is aware of the council's inability to manage personnel matters. The Mayor recognized that there were a lot of incompetent individuals hired in the past and because of that and civil service rules, the City will have to deal with those issues.

Mayor Perrodin clarified that the City Council could only address the City Manager's position and duties and that much of the information given to Ms. Boone is from an incompetent person. The Mayor explained that there are limitations to the grants that the City receives and further contended that the federal government would address the City immediately if they felt they were inappropriately using grant funding.

James Zoder, representative of AMFI Technology, introduced AMFI Technology, a company that manufactures energy saving and high performance LED streetlights. He requested an appointment with the City Manager to demonstrate how the City could save money and be energy efficient at the same time.

Jim Hawkins, representative of Homeland Security in the United States Office of Coast Guard, requested an opportunity to employ his youth program in the City of Compton.

#3.

Brenda Frazier, Compton resident, made comments in reference to various incidents, in which residents have relegated to their own rules and authority of the preferential permit parking program in and around the Richland Farms area. She stated that her life has been threatened as a result of a parking problem in her neighborhood and pleaded with the City Council to enlarge this program to include her street.

Benjamin Holifield, Compton resident, commented on a newspaper article from the 1950’s, regarding the disbandment of the Compton Police Department because of a refusal to hire African Americans. He stated that the article also talks about the actual disbandment of the Compton Police Department in the 1880’s. He claimed that this was not the right time to change the order of law enforcement at this time. He also commented on the two seats up for re-election and suggested that the council meetings be removed from the cable channel to even the playing field for those who are not currently sitting on the City Council.

Lorraine Cervantes, Compton resident, declared that she loves the City of Compton and cited that others who claim to care about the City should stop complaining. She argued that the City of Pasadena could afford expensive backdrops because of expensive homes and businesses that are there. She encouraged anyone with an issue with the City to address the appropriate department directly, instead of addressing the City Council.

Rudolfo Ruval, Compton resident, felt it imperative for the citizens of Compton to have a police commission. He suggested that all past issues related to the Compton Police Department be addressed before a new police department is established. He thanked the Mayor for addressing the previous resident’s concerns and added that the majority of the community who is in opposition to the re-establishment of the Compton Police are African Americans.

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - Item Number Two was removed from the Consent Agenda.

On motion by Dobson, seconded by Calhoun, the Consent Agenda was approved, by the following vote on roll call:

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

APPROVAL OF MINUTES

- 1. December 7, 2010

REPORTS OF OFFICERS AND COMMISSIONS

- 2. PERSONNEL BOARD MINUTES -

February 18, 2010
March 18, 2010
April 15, 2010
April 22, 2010
May 20, 2010
June 17, 2010
July 15, 2010
July 29, 2010
August 19, 2010
September 16, 2010
September 30, 2010
October 21, 2010
October 27, 2010
November 18, 2010

Councilperson Calhoun voiced a deep concern for the minutes not being on the agenda in a timely manner. Ms. Calhoun stated that after reading all of the Personnel Board meeting minutes in the agenda she came across an issue as far back as the February 18, 2010 meeting, regarding a report of temporary appointments and their expiration dates. Ms. Calhoun questioned if that policy was ever put in place.

Willie Norfleet, City Manager, assured Councilperson Calhoun that the City Manager's Office would be addressing this issue, in addition to addressing other questionable individual positions within the City.

Councilperson Calhoun stated that she had also come across a comment from an individual implying that certain classifications were not approved, because of issues involving the City Council.

Councilperson Calhoun contended that the comment should have stated that the council did not approve of the classification, because they were concerned about the new classification groups, erroneous job descriptions and salaries.

Councilperson Calhoun further commented on the Personnel Board's issues with attracting qualified individuals for upper level positions and the various vacant positions from February 2010 until now and the importance of filling those positions.

Mayor Perrodin questioned if anyone from the Human Resources Department was available to address Councilperson Calhoun's concerns. Mr. Norfleet stated that no one was available at this time.

Craig Cornwell, City Attorney, explained the temporary appointment process of individuals being placed in a permanent probationary position.

Councilperson Calhoun also commented on the Board member's concerns for the department head's lack of attendance at their meetings. Ms. Calhoun stated that she is displeased with the allegations against the City Council, however she clarified that the council has no control over personnel issues. Ms. Calhoun expressed her contempt with the amount of meeting minutes before the council tonight and stated that she hopes that it will be different this year.

Mayor Perrodin agreed with the comments made by Councilperson Calhoun and stated that one of the biggest issues that the City has been facing is personnel issues. The Mayor stated that department heads should be more diligent in ensuring that the testing process is completed.

Mayor Perrodin referenced the comments charging that qualified individuals were not applying for high level positions within the City. The Mayor contended that the City of Compton has one of the best benefit packages anywhere.

Mayor Perrodin stated that it is essential that City employees care about their jobs and the citizens of Compton.

Councilperson Calhoun mentioned that she has notes on each of the meeting minutes, in which they all address the same issues from February 2010 to October 2010.

Mayor Perrodin stated that he has nothing personal against the Human Resources Department, however he felt it inexcusable that no one would be available to address a year's worth of meeting minutes.

Councilperson Arceneaux stated that she was told by the Director of the Human Resources Department that there was no one available to pick up her children from school, therefore I suggested that she leave and take care of her family matters.

Councilperson Dobson stated that she needs to know that her questions will be answered if she votes on this item.

#3.

Mr. Norfleet suggested that the item be pulled and that a special session be held to address the council’s concerns. He also suggested that once the Board approves their minutes they should be on the council’s agenda for approval within two weeks.

Councilperson Arceneaux voiced her support for a special session to address Councilperson Calhoun’s concerns.

Mayor Perrodin stated that he would not be participating in a special session for something that someone should have been doing in the course of their employment.

Councilperson Jones questioned what the consequences would be if the minutes are not approved. The Mayor indicated that the City Manager would address that issue, because it involves personnel.

Councilperson Calhoun motioned to approve the minutes with the exception that the answers would be provided in writing. It was seconded by Arceneaux.

Mayor Perrodin felt any reconsideration of the minutes would be taking away from the City Manager’s job as the Director of the City.

On motion by Calhoun, seconded by Arceneaux, to approve the Personnel Board meeting minutes listed (with the exception that all questions will be answered in writing), by the following vote on roll call:

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

The request to approve the minutes was denied for a lack of a majority vote.

APPROVAL OF WARRANTS

- 3. Warrant #195285 - Veracity Wireless Inc. - Annual GPS Tracking Services - \$12,574.80 - Requested by: Public Works

Warrant #195310 - Willie Forge - Operation of Snack Shop at golf course for Fiscal Year - \$10,500.00 - Requested by: Recreation

Total Amount of Warrants - \$23,074.80

REGULAR AGENDA

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

CITY ATTORNEY’S REPORTS

CLOSED SESSION

- 4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Gonzalez al vs. City of Compton, LASC Case No. BC450494
Pursuant to California Government Code Section 54956.9

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

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

The council meeting was recessed to closed session at 7:31 p.m. and reconvened at 10:44 p.m.

ROLL CALL

Council Members Present: Calhoun, Dobson, Arceneaux, Jones, Perrodin
Council Members Absent: None

REPORT OUT OF CLOSED SESSION

Craig Cornwell, City Attorney, stated that council met in closed session regarding conference with legal counsel concerning the existing litigation between Gonzales al. and the City of Compton, LASC Case No. BC450494, Pursuant to California Government Code Section 54956.9. No action was taken.

MOTION TO EXTEND THE COUNCIL MEETING

On motion by Arceneaux, seconded by Calhoun, the meeting was extended passed the four-hour mark, by the following vote on roll call:

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

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Councilperson Jones requested that the meeting be adjourned in the memory of Dr. Ruth Wood, an administrator at Compton Community College.

Councilperson Calhoun stated that she has been receiving phone calls from Slater Avenue residents that have recently experienced break-ins from the rear entrance of their homes facing the Compton Creek. Ms. Calhoun asked that staff construct lighting fixtures in those darkened areas to deter any future break-ins.

ADJOURNMENT

On motion by Arceneaux, seconded by Jones, the meeting was adjourned at 10:47 p.m. in the memory of **Dr. Ruth Woods**, by the following vote on roll call:

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

Clerk of the City Council

Mayor of the City Council

JANUARY 11, 2011

The City Council meeting was called to order at 7:04 p.m. in the Council Chambers of City Hall by Mayor Pro-Tem Willie Jones.

ROLL CALL

Council Members Present: Calhoun, Dobson, Arceneaux, Jones

Council Members Absent: Perrodin

Other Officials Present: C. Cornwell, A. Godwin, W. Norfleet

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Dr. Lloyd Wilkins, property owner in the City of Compton, stated that this City Council cares nothing about him or the fact that he's paying over \$1,000 for his water bill. He insisted that there was nowhere in the City of Los Angeles that enforced 24-hour restricted parking.

Craig Cornwell, City Attorney, instructed Dr. Wilkinson to direct his comments to this Body as a whole and not to the audience.

Dr. Wilkins expressed his opposition to the preferential parking program and the increase in water fees. He thanked Councilperson Arceneaux for allowing him to speak at this council meeting and notified the residents that he would be starting a class that would educate them on the zoning standards in Richland Farms. He proposed that it was time to relieve this City Council of their duties starting with Councilperson Arceneaux, because it was her idea to begin the preferential parking program in the Richland Farms area.

Joyce Kelly, Compton resident, when I first started coming to council meetings I talked to you on a different level and then I took that level to a lower standard, because I tried to reach out to you and hit you on your own grounds and on your own level. Since Saturday is Dr. Martin Luther King Jr.'s birthday I'm going to quote some phrases to you that should continue to live today because "injustice anywhere is a threat to justice everywhere." You've heard some of the people tonight talk about it, rights being taken away. And I wish the Mayor was here to hear me say that Dr. King wrote "A man who won't die for something is not fit to live." Another quote is "There's nothing more dangerous than to build a society with a large segment of people in that society who feel that people have no stake in it, who feel that they have nothing to lose. People who have stake in their society, protect that society, but when they don't have it they unconsciously want to destroy the City." This is a bookmark put out by the City. I told you before I demonstrated with Dr. King. I learned as a teenager what he stood for and I tried to do what he did. That's why I continue to come here and ask you to respect the residents in this City. You're seeing the residents come out to speak up more and more lately. They're concerned and you know what? They're afraid. Their money is in this government. You're taking their money and you're not respecting them. You're taking property away. You're doing everything you possibly can to break the people in this City, but the people are tired of it. In response to what Councilperson Dobson said, she's a citizen in Compton, well that's only because recently we had continued to talk about her living at 7422 Colby Circle in Westminster, which is not Compton. We have been fighting for Compton. Some of us know what businesses, worked in business, and I personally know that in order to understand anything you have to read at least the top line and the middle line before you believe and put all of your thoughts and power and beliefs in the bottom-line. You have to have something before you get to that bottom-line. You talk the talk about business, what is a special inspection that's going to cost \$90,000 to put over there where you're trying to let these seniors think you're building a senior citizen center. I don't know what you're building over there. It looks like a waste of money because it looks like it won't be big enough to house what you're talking about over there. I think it's another one of your farce. And when you give information about the tax allocation bond money that has been spent and come back with a report of the debits and credits. I would also like for you to get a report or receive a report on how much of that 19.5 million dollars has been spent for Compton Police Department. And did anyone check to see whether or not Long Beach Police Department is housing police vehicles for Compton.

#3.

I don't know it's just a question, a concern, and it's on the grape vine. If I heard it I know other people have. And while I'm here let me just mention, this is a brand new year and someone mentioned that you were all elected and I say supposedly, because we know about that April 21, 2009 election. But since you were elected, since you are individuals, you are not related, I don't think, you don't have the same mother and father. I surely hope this year that you will decide to be adults. To be and act like elected people. To take back your dignity and your respect. Thank you.

Lynn Boone, Compton resident, now you guys know I wasn't gonna leave today without this, this is the first meeting of the year that the Mayor has missed all four commissions and the council meeting. Anyway moving along, the council agenda for the last three weeks has had nothing on it that's going to do anything for the City. This agenda has a total of six items on it citizens. The first one is to approve the minutes of two different weeks, the 14th and 21st of December. The second item is a resolution to accept the funding that we receive; \$144,000 for conducting the sobriety checkpoints in the City of Compton. This was mentioned from that police advisory organization that was going around saying that the City had to pay the Sheriff's extra to do this, but I want you to see citizens we receive funding for this, although we still haven't paid the Sheriff's. The third item is a rental of restrooms for the parks. The director of that department, Mr. Post, I don't understand that, I know when I was coming up we had real restrooms at the park. How long are we going to have these little porta-potty's at the parks? The fourth item is a warrant. A warrant for \$94,444.96 to pay for the leasing of the copier machines; and the fifth item is to schedule a public hearing regarding the funds that we're going to receive from HUD, the Housing Authority; and the sixth item citizens is two claims from our City Attorney's Office. One claim that the City lost is to pay Shields and Security Company for work that was done in the City of Compton that we didn't pay them for. Ten invoices they total up to \$115,634.74; but they're not including the attorney fees because this company went out and got an attorney. Citizens, that's money being thrown away. City of Compton we need to pay our bills. The other item that I want to address up here is the actual city. The City of Compton under the commission we talked about the properties that are being purchased by the CRA department. I want to add something on there. I agree totally with Councilperson in District One can we please, please stop okaying these resolutions for the CRA to take property away from business owners, or can we please stop, council people, signing these resolutions to let CRA buy property that they're not doing anything with. Because what's going to happen come July 1st, this City's going to be stuck with all of this vacant property. Councilperson in District Two says it's good to own property. Well, maybe it's good to own property if you have money to maintain that property, but we don't have that money. We don't have the money to pay our bills and just the claim on Number Six is telling you that. Plus out of all of this in this agenda, we still are not paying the Sheriff's Department and as a business person how would you like somebody to eminent domain your funeral parlor and then turn around and say you can rent it from me. I don't think you would like that and that's what's being done with this property in Compton. It's not right and it's not good news. It's something wrong with it. You know citizens; we have to look at the whole picture. People are calling me negative, but it is what it is. Nothing has been completed in this City and the money is gone. The CRA department they still tell you they'll be there, but I don't know whose gonna pay them but we don't have the money to complete any projects that they've torn apart. We need to sit down and a plan should be generated. That's what it's called Councilperson in District One. You were saying you wanna know what's gonna happen after July? It's called a plan. A plan. There's nothing, no plans at all in this City. Nothing, no plans at all. Thank you.

William Kemp, Compton resident, Ms. Arceneaux it takes a lot of character enough to know that someone is getting ready to come in here and bash you and still fight for them to have equal time. I was thrown back to council meetings we had maybe ten years ago. Nothing like today. It takes a lot of character to allow that. Now, I heard Ms. Calhoun ask questions about the tax allocation bonds. Dr. Jones I always refer to you, not because I'm trying to put you in the middle of anything, but I live in your district and you're my councilperson. That's why I asked you to get these answers for me. I want you to ask questions about that lease revenue bond. Bond fund 30/30; because I believe that's where we're spending money for that police department without four votes.

Now, something else, you know I'm not gonna say no names but I think that some people have been talking to dead people so long they think that we're dead when they talk to us. I say that because yeah, I pay taxes. I know you were referring to me. I pay taxes. I own four businesses.

God has been good to me because after leaving Tuskegee's Business School I started my own business and haven't worked for anyone since. God has been so good that I have been able to send two kids to college. Not prison, college. I've been able to put myself through college to get my master's degree on public administration. That's where I learned about governmental accounting. Tuskegee, I got a business degree learned about economics, macro, micro, supply, demand and the elasticity of demand. So, I'm well abreast when I come in here, when I speak on economics. Now, I didn't pay taxes at 7422 Colby Circle Drive and when you were appointed that was the address on the ticket that's why we bring it up which is a crime. Now, we can go tay-to-tay doesn't make me a difference I'm used to this, but one thing that I would like to say is that I hope Eric sees this meeting Dr. Jones, and the way in which you handled Dr. Wilkins because it only took you two minutes to allow the whole sideshow to end and it didn't cost you anything for him to do what it did, and sometimes it's more about community, than it is about a time clock, than its about citizens addressing this throne. You used to be able to stand over there and look your councilperson in the eye when you spoke to them. Now you have to look up to the throne. That's only happened during this council. No other council. You can't put a sign out in the community like you said. You don't air the residents on television. For what? I still haven't heard a proper reason as to why audience comments aren't being on TV other than someone didn't like what we were saying. That's ridiculous. And maybe Mr. Norfleet tonight, you can answer me as to why audience comments aren't being played on TV. Why the citizens, now, have to get approval to put a sign out. Let me tell you why that doesn't work, because if you're opposed to this council then this council is aggressive towards the citizens. They allow those that they're in favor of to put signs out, and fight against those that they are against, and freedom of speech allows everyone to participate in the political process. And this group has done more to stifle the political process than any group in the City of Compton. The history of Compton without reason. And then you hide behind the rules of decorum as if somehow they supersede the First Amendment. Freedom of speech. Freedom of expression. All that Dr. Wilkins was doing was freedom of expression. He has the right to express himself anyway that he wants. That supersedes your rules of decorum. You know, I'm waiting for the day that we really get down to the business of running the City. You know we said that these council meetings lasted four or five hours because of the residents. We changed the time they still last hours and hours. Some council members comment on everything they hear. I accuse them of holding the meetings up. You know, if we're ever going to get on the right page we have to stop putting the small things...like the time, did you sign up on time. I remember when you used to come in here and just be able to sign up, but we spend so much time trying to prevent the public from expressing themselves; that the public has now become anti. And I'm going to say this, look at what happened in Tucson.

Benjamin Holifield, Compton resident, declared that the problem in Compton is not in the community, but in the leadership. He stated that he agrees with the concerns of Councilperson Calhoun regarding future funding from the State and questioned where the money would come from to fund the Compton Police Department and the Senior Center. He indicated that the main issue is safety and where the money is coming from to sustain the Compton Police Department. He requested the implementation of term limits and additional districts and stated that something negative happens to almost every Mayor in the City of Compton.

On motion by Dobson, seconded by Arceneaux, Councilperson Calhoun was appointed to the position of City Clerk, by the following vote on roll call:

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

NOES: Council Members - None

ABSENT: Council Members - Perrodin

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - Item Number Three was removed from the Consent Agenda.

#3.

On motion by Arceneaux, seconded by Dobson, the Consent Agenda was approved, by the following vote on roll call:

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

APPROVAL OF MINUTES

- 1. December 14, 2010
December 21, 2010

MUNICIPAL LAW ENFORCEMENT SERVICES

- 2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES FISCAL YEAR 2010-2011 BUDGET TO ACCEPT AND APPROPRIATE \$144,000.00 IN FUNDING TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON
(Resolution 23,265)

RECREATION DEPARTMENT

- 3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO UNITED SITE SERVICES OF CALIFORNIA, INC. FOR THE RENTAL OF TEMPORARY RESTROOMS FOR VARIOUS PARKS

Councilperson Calhoun questioned how the temporary facilities would be maintained and why the permanent facilities were not being used.

Holmer Post, Director of Parks and Recreation, assured Councilperson Calhoun that there would be a regular maintenance schedule of the restroom facilities and that there are some parks that don't have permanent restroom facilities, such as South Park, Sibrie Park, Tucker Park and Ellerman Park.

Councilperson Calhoun insisted that the temporary facilities be clean and reliable.

On motion by Arceneaux, seconded by Dobson, **Resolution # 23,266** entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO UNITED SITE SERVICES OF CALIFORNIA, INC. FOR THE RENTAL OF TEMPORARY RESTROOMS FOR VARIOUS PARKS**" was approved, by the following vote on roll call:

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

APPROVAL OF WARRANTS

- 4. **Warrant #195577** - Total Corporate Solutions - Copier Lease Payment - \$94,044.96 -
Requested by: Information Tech

END OF THE CONSENT AGENDA

REGULAR AGENDA**CITY MANAGER'S REPORTS**

5. REQUEST TO SCHEDULE A PUBLIC HEARING TO RECEIVE COMMENTS AND TO TAKE ACTION ON THE CITY OF COMPTON ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REPORT

On motion by Arceneaux, seconded by Dobson, the hearing was scheduled for February 22, 2011 at 5:50 p.m., by the following vote on roll call:

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

NOES: Council Members - None

ABSENT: Council Members - Perrodin

CITY ATTORNEY'S REPORTS

6. **CLAIMS AGAINST THE CITY OF COMPTON**

Shield Security Inc. v City of Compton - (I-8378/LI0000036A)

Cynthia Ross v City of Compton - (I-8384/0000052A)

On motion by Arceneaux, seconded by Dobson, Claim I-8378 was approved, by the following vote on roll call:

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

NOES: Council Members - None

ABSENT: Council Members - Perrodin

On motion by Arceneaux, seconded by Dobson, Claim I-8384 was denied, by the following vote on roll call:

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

NOES: Council Members - None

ABSENT: Council Members - Perrodin

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Councilperson Dobson requested that the meeting be adjourned in the memory of Damien Brown, Johnny Jones, Mary Holman and the families affected by the Tucson Arizona shooting.

Councilperson Calhoun announced that Los Angeles County Supervisor Mark Ridley-Thomas would be hosting his "19th Annual Empowerment Summit" to be held Saturday, January 15, 2011 at the University of Southern California in the Bovard Auditorium.

Councilperson Calhoun also requested that the City consider establishing a Twitter or Facebook account to help the residents stay abreast of the City Council's events and activities.

Councilperson Calhoun mentioned the discussions held concerning Proposition 22 at the League of California Cities and the legal battles between local and state governments.

Councilperson Calhoun also mentioned the information she received at the Southern California Association of Governments (SCAG) meeting regarding manufacturing jobs and warehousing. Ms. Calhoun commented on the discussions held concerning the product distribution trucks traveling along the Alameda Corridor and the 710 and 91 freeways, noting SCAG's methods to exclude the City of Compton in their planning to warehouse products in the surrounding cities.

#3.

Councilperson Calhoun advised the Planning and CRA Departments to advertise for businesses that want to buy or lease warehouses in the City of Compton. She predicted that the warehousing and manufacturing field would be among the top five areas of employment in the future.

Councilperson Calhoun requested a report on the number of consultants in the City and their contract expiration dates.

Councilperson Calhoun requested that the meeting be adjourned in the memory of Ruby Mae Simms and Ruth Woods.

Councilperson Calhoun invited the citizens to pay their respects to former Councilperson Maxcy Filer on Thursday, January 13, 2011 from 1:30 p.m. to 5 p.m. and Friday, January 14, 2011 from 8 a.m. to 5 p.m. in the council chambers.

Councilperson Arceneaux indicated that there is a thirty percent vacancy rate in the City's industrial parks and mentioned that Mr. Norfleet would be meeting with Mr. Bryon Liu to discuss the businesses interested in re-locating from China to the City of Compton.

Councilperson Arceneaux stated that she understands the concerns of the Richland Farms' residents concerning preferential parking and asked that an informative English and Spanish newsletter be distributed among them clarifying any misconceptions of the program.

Councilperson Arceneaux stated that there have been so many issues regarding parking on the streets in Richland Farms that have actually prohibited the residents from parking in their own neighborhood.

Councilperson Arceneaux cited that it is unfortunate that the leader of the "preferential parking movement" is not a resident of Compton, but of the affluent Palos Verdes estates, which is regulated by even stiffer rules and regulations.

Councilperson Arceneaux stated that she has always supported the agricultural zone in Richland Farms and encouraged the residents to have a healthy respect for their property and their neighbors. She indicated that she originally was opposed to preferential parking in Richland Farms and suggested that maybe it could possibly be disbanded when the City's codes are being followed regularly.

Councilperson Arceneaux requested that the meeting be adjourned in the memory of her father-in-law Lazaro Hubert.

Mayor Pro-Tem Jones spoke of the accomplishments of Maxcy Filer and his family.

Mayor Pro-Tem Jones also spoke of Mary Holman's spirit as he visited the Dollarhide Center.

Mayor Pro-Tem Jones expressed his sympathy for the people affected by the tragic shootings in Tucson Arizona. The Mayor Pro-Tem asked that all speakers and council members be careful of the rhetoric and the language used to address one another. The Mayor Pro-Tem stated that we ought to love one another, and show our love in how we talk, in what we say and what we do.

ADJOURNMENT

On motion by Dobson, seconded by Arceneaux, the meeting was adjourned at 8:14 p.m. in the memory of **Damien Brown, Johnny Jones, Ruth Woods, Mary Holman** and **Maxcy Filer** by the following vote on roll call:

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

NOES: Council Members - None

ABSENT: Council Members - Perrodin

Clerk of the City Council

Mayor of the City Council

February 1, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,255, ACCEPTING AN AWARD OF FUNDS FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02), AMENDING THE FY 2010-2011 ANNUAL BUDGET TO APPROPRIATE FUNDS AND ACCEPTING THE BID FROM LOS ANGELES ENGINEERING, INC. FOR THE CONSTRUCTION OF SAID PROJECT

SUMMARY

This resolution rescinds Resolution No. 23,255, accepts an award of federal funds for Greenleaf Boulevard Corridor Improvement Project, amends the FY 2010-2011 Annual Budget and accepts the bid from Los Angeles Engineering, Inc. for the construction of the project.

BACKGROUND

In April 2008, pursuant to Resolution No. 22,563, the City retained the services of Moore Iacofano Goltsman, Inc. (MIG) for landscape architectural services for the engineering/design phase of the Greenleaf Corridor Improvement project. The design phase has been completed.

The next phase of the project is to retain the services of a qualified firm to perform the construction of the Greenleaf Corridor Improvement project. The work covers park improvements to Greenleaf Parkway within the Southern California Edison (SCE) Transmission right-of-way.

The Greenleaf Corridor Improvement Project consists of two sites referred to as the "Walton" site and the "Mayo" site. Work for each site includes demolition, clearing, grading drainage, site utilities, electrical grounding, sign uplighting, solar accent lighting, exercise equipment, site furnishings, concrete headers, walks slabs and curbs, curb ramps, drive approaches, gutters, stripping, asphalt base and paving, rubberized surfacing, decomposed granite paving, boulders, gravel, vehicle gates, bollards, fencing signage, interpretive signage, monument signs, landscape planting, and automatic irrigation system.

The Federal Department of Transportation has approved a project budget of \$3,497,183 for construction phase of the project, with the federal portion being 80% (\$2,797,747). The local 20% match shall be provided from CRA funds.

On October 3, 2010, staff advertised to solicit bids for the construction of the project from qualified firms. On November 4, 2010, a total of 9 bids were received from the following contractors:

<u>Contractors</u>	<u>Bid Amount</u>
Los Angeles Engineering Inc.	\$2,281,129.00
Sully-Miller Contracting Co.	\$2,298,676.27
Palp Inc. dba Excel Paving Co.	\$2,398,732.02
Valley Crest	\$2,418,914.75
Zusser Company, Inc.	\$2,569,455.50
USS Cal Builders, Inc.	\$2,615,896.10
C.S. Legacy Construction	\$2,664,412.66
Griffith Company	\$3,024,572.25
Minako America Corp. dba Minco	\$3,403,520.60

The bid submitted by Los Angeles Engineering in the amount of \$2,281,129 was responsive and was the lowest bidder.

STATEMENT OF THE ISSUE

On December 7, 2010, Resolution No. 23,255 accepted the bid of Los Angeles Engineering, but contained inaccurate and incomplete accounting information. Accordingly, it should be rescinded and a new one adopted.

FISCAL IMPACT

The FY 2010-2011 Annual Budget shall be amended and revenues and expenditures increased by \$2,797,747.

A construction budget of \$2,509,241.00, including a 10% contingency (\$228,112.00) shall be funded from the following sources; Account No. 15187100324269, \$2,007,392.80; and CRA No. 3050-800-009-4266, \$501,848.20.

Additional funds for engineering and construction management shall be provided for in a separate resolution.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution.

WENDELL E. JOHNSON, P.E.
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

WILLIE NORFLEET
CITY MANAGER

WN/WEJ/AT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,255, ACCEPTING AN AWARD OF FUNDS FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AMENDING THE FY 2010-2011 ANNUAL BUDGET TO APPROPRIATE FUNDS AND ACCEPTING THE BID FROM LOS ANGELES ENGINEERING, INC. FOR THE CONSTRUCTION OF SAID PROJECT

WHEREAS, in April 2008, the City retained the services of Moore Iacofano Goltsman, Inc. (MIG) for architectural services for the engineering/design phase of the Greenleaf Corridor Improvement Project (CIP#08-02); and

WHEREAS, the design phase has been completed and the next phase of the project is to retain the services of a qualified firm to perform the construction of the project; and

WHEREAS, the work to be performed consists of park improvements to the Greenleaf Parkway within the Southern California Edison (SCE) transmission right-of-way; and

WHEREAS, the Federal Department of Transportation has approved a project budget of \$3,497,183 for construction phase of the project, with standard stipulation of a 20% local match; and

WHEREAS, on October 3, 2010, staff advertised to solicit bids for the construction of the Greenleaf Corridor Improvement Project from qualified firms; and

WHEREAS, on November 4, 2010, a total of 9 bids were received and the proposal submitted by Los Angeles Engineering, Inc. in the amount of \$2,281,129 was responsive and was the lowest bidder; and

WHEREAS, Resolution No. 23,255 accepted the bid of Los Angeles Engineering, but contained inaccurate and incomplete accounting information.

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

SECTION 1. That Resolution 23,255 is herewith rescinded.

SECTION 2. That the City of Compton accepts the funding from the Federal Department of Transportation construction phase of the Greenleaf Corridor Improvement Project (CIP#08-02) with understanding that it requires a 20% local match.

SECTION 3. That the FY 2010-2011 Annual Budget be amended and revenue and expenditures be increased as follows:

<u>Account No</u>	<u>Description</u>	<u>Amount</u>
15180000003565	Other Federal Grants	\$ 2,797,747
15187100324269	Other Contract Services	\$ 2,797,747

SECTION 4. That the bid of Los Angeles Engineering, Inc. is hereby accepted.

SECTION 5. That all other bids are rejected.

SECTION 6. That City Manager, upon the advice of the City Attorney, is authorized to enter into a contract with and issue a purchase order to Los Angeles Engineering, Inc. in an amount not to exceed Two Million Two Hundred Eighty-One Thousand One Hundred Twenty-Nine Dollars and No Cents (\$2,281,129.00)for the construction of the Greenleaf Corridor Improvement Project (CIP# 08-02) at the “Walton” and the “Mayo” sites.

SECTION 7. That a construction budget of \$2,509,241.00, including a 10% contingency (\$228,112.00) shall be funded from the following sources; Account No. 1518-710-0324269, \$2,007,392.80; and No. 3050-800-009-4266, \$501,848.20.

SECTION 8. That copies of this resolution shall be filed in the offices of the Community Redevelopment Agency, 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 _____, 2011.

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 _____, 2011.

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

AYES: COUNCILMEMBERS—
NOES: COUNCILMEMBERS—
ABSTAIN: COUNCILMEMBERS—
ABSENT: COUNCILMEMBERS—

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,255, ACCEPTING AN AWARD OF FUNDS FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AMENDING THE FY 2010-2011 ANNUAL BUDGET TO APPROPRIATE FUNDS AND ACCEPTING THE BID FROM LOS ANGELES ENGINEERING, INC. FOR THE CONSTRUCTION OF SAID PROJECT

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

1/14/2011 8:13:59 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

1/20/2011 5:05:19 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

1/20/2011 4:19:28 PM
DATE

Willie Norfleet
CITY MANAGER

1/20/2011 3:48:23 PM
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.

February 1, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,259, ACCEPTING THE PROPOSAL FROM GRIFFIN STRUCTURES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AND APPROVING A CONSTRUCTION MANAGEMENT AND ENGINEERING PROJECT BUDGET

SUMMARY

This resolution rescinds Resolution No. 23,259 and accepts the proposal from Griffin Structures, Inc. for provision of construction management and inspection services related to, as well as approving a construction management and engineering budget for, the Greenleaf Corridor Improvement Project (CIP#08-02).

BACKGROUND

In April 2008, pursuant to Resolution No. 22,563, the City retained the services of Moore Iacofano Goltsman, Inc. (MIG) for landscape architectural services for the engineering/design phase of the project. The design phase has been completed.

The work covers park improvements to Greenleaf Parkway within the Southern California Edison (SCE) Transmission Right-of Way. There are two sites referred to as "Walton" site and "Mayo" site. Work for each site includes demolition, clearing, grading drainage, site utilities, electrical grounding, sign uplighting, solar accent lighting, exercise equipment, site furnishings, concrete headers, walks slabs and curbs, curb ramps, drive approaches, gutters, stripping, asphalt base and paving, rubberized surfacing, decomposed granite paving, boulders, gravel, vehicle gates, bollards, fencing signage, interpretive signage, monument signs, landscape planting, and automatic irrigation system.

A recommendation to award the construction of the project has been scheduled for City Council and the next phase of the project is to retain the services of a qualified firm to perform construction management and inspection services for the project.

#5.

Greenleaf Corridor Improvement CM Revised
Page 2

On October 3, 2010, staff advertised to solicit bids for construction management and inspection services for the Greenleaf Corridor Improvement Project from qualified firms. On October 28, 2010, a total of 4 bids were received from the following consultants:

Construction Management Firms

Griffin Structures, Inc
CNC Engineering
CMTS
Quantum Quality Consultants

The proposal submitted by Griffin Structures, Inc. in the amount of \$124,970 was the best qualified firm to manage the project. For three decades, Griffin Structures, Inc. has successfully partnered with more than 60 communities across California and other states to meet their needs and expectations in the planning, design and construction of their parks and recreation facilities.

In the Request for Proposal (RFP), it was requested that the firms respond with their qualifications, scope of service, and etc. in one package and their fee in a separate sealed package. Therefore, as a result, the fee was not considered until after the selection of the most qualified firm.

A consultant selection committee comprised of Public Works staff was appointed at the beginning of the Request for Proposal process. The committee review the materials in the RFP submitted by the consultants, developed a shortlist and final ranking of the most qualified proposals.

The evaluations used by the selection committee for ranking the proposal was based upon the completeness of the proposal, consultant's demonstrated understanding of the scope of services, quality of similar work previously performed by the firm for the City of Compton, personnel assigned, resources required to perform the required services, and the proposed schedule of work.

Therefore, based upon the criteria, the proposal submitted by Griffin Structures, Inc. was deemed the best qualified and most competent firm to complete the scope of work on this project and their fee was \$124,970.

STATEMENT OF THE ISSUE

On December 21, 2010, Resolution No. 23,259 accepted the bid of Griffin Structures, but contained inaccurate and incomplete accounting information. Accordingly, it should be rescinded and a new one adopted.

FINANCIAL IMPACT

The federal funds for the project have been appropriated via a separate construction resolution.

A construction management and engineering project budget of \$376,386.15 shall be funded from the following sources; Account No. 1518-710-032-4269, \$301,108.92; and CRA No. 3050-800-009-4266, \$75,277.23.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

WENDELL E. JOHNSON, P.E.
PUBLIC WORKS DIRECTOR/CITY ENGINEER

WILLIE NORFLEET
CITY MANAGER

WN/WEJ/AT

RESOLUTION NO. _____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,259, ACCEPTING THE PROPOSAL FROM GRIFFIN STRUCTURES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AND APPROVING A CONSTRUCTION MANAGEMENT AND ENGINEERING PROJECT BUDGET**

WHEREAS, in April 2008, the City retained the services of Moore Iacofano Goltsman, Inc. (MIG) for architectural services for the engineering/design phase of the Greenleaf Corridor Improvement Project (CIP#08-02); and

WHEREAS, the design phase has been completed and the next phase of the project is to retain the services of a qualified firm to perform construction management and inspection service for the project; and

WHEREAS, the work to be performed consists of park improvements to the Greenleaf Parkway within the Southern California Edison (SCE) transmission right-of-way; and

WHEREAS, the Federal Department of Transportation has awarded funds for construction phase of the project, that allows expenditure for construction management as well as additional construction engineering with standard stipulation of a 20% local match, which shall be provided from CRA funds; and

WHEREAS, on October 3, 2010, staff advertised to solicit proposals for the construction management of the Greenleaf Corridor Improvement Project from qualified firms; and

WHEREAS, on October 28, 2010, a total of 4 bids were received and the proposal submitted by Griffin Structures, Inc. in the amount of \$124,970 was the best qualified firm to manage the project; and

WHEREAS, Griffin Structures, Inc., Laguna Beach, California, successfully partnered with more than 60 communities across California specializing in the planning, design, and construction of parks and recreation facilities; and

WHEREAS, Resolution No. 23,259 accepted the bid of Griffin Structures, but contained inaccurate and incomplete accounting information.

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

SECTION 1. That Resolution No. 23,259 is herewith rescinded.

SECTION 2. That the proposal of Griffin Structures, Inc., is hereby accepted.

SECTION 3. That all other proposals are rejected.

SECTION 4. That City Manager, upon the advice of the City Attorney, is authorized to enter into a contract with and issue a purchase order to Griffin Structures, Inc., in an amount not to exceed \$124,970 for the construction management services related to the Greenleaf Corridor Improvement Project (CIP# 08-02) at the "Walton" and the "Mayo" sites.

SECTION 5. That a construction management and engineering project budget of \$376,386.15 shall be funded from the following sources; Account No. 1518-710-032-4269, \$301,108.92; and CRA No. 3050-800-009-4266, \$75,277.23.

SECTION 6. That copies of this resolution shall be filed in the offices of the Community Redevelopment Agency, City Manager, City Controller, City Clerk, and the Public Works Department.

SECTION 7. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

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 _____, 2011.

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

AYES: COUNCILMEMBERS—
NOES: COUNCILMEMBERS—
ABSTAIN: COUNCILMEMBERS —
ABSENT: COUNCILMEMBERS—

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RESCINDING RESOLUTION NO. 23,259, ACCEPTING THE PROPOSAL FROM GRIFFIN STRUCTURES, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERICES FOR THE GREENLEAF CORRIDOR IMPROVEMENT PROJECT (CIP# 08-02) AND APPROVING A CONSTRUCTION MANAGEMENT AND ENGINEERING PROJECT BUDGET

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

1/14/2011 8:33:40 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

1/20/2011 5:07:08 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

1/20/2011 4:20:07 PM
DATE

Willie Norfleet
CITY MANAGER

1/20/2011 3:50:09 PM
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.

February 1, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT
WITH THE GATEWAY COUNCIL OF GOVERNMENTS TO OBTAIN
SERVICES FOR THE LOS ANGELES RIVER METALS TOTAL
MAXIMUM DAILY LOAD SITE SPECIFIC OBJECTIVES STUDIES**

SUMMARY

This resolution authorizes approval of a Memorandum of Agreement (MOA) with the Gateway Cities Council of Governments (GCCOG) as fiduciary agent to secure services to conduct scientific studies and prepare an analysis of Site Specific Objections (SSO) to direct implementation of the Los Angeles River and Tributaries Metals Total Maximum Daily Load (TMDL) as well as approving the expenditure of \$35,286.00 over the next three fiscal years as the City's share to support the Los Angeles River Metals TMDL SSO studies

BACKGROUND

In September of 2007, the Los Angeles Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) limiting the concentration of certain metals in the Los Angeles River and its tributaries. This regulation was subsequently approved by the State Water Resources Control Board and became effective on October 29, 2008. This federally required regulation is based on potentially toxic concentrations of metals that may be "impairing" aquatic life in receiving water bodies. The 40 watershed cities, along with Los Angeles County and Caltrans, are now mandated to monitor and take actions to improve Los Angeles River water quality with respect to these metals.

The TMDL identifies several voluntary studies to reduce scientific uncertainties that existed at the time of its adoption by the Board. Beginning in 2005, city staff met as committees to organize and implement necessary TMDL related requirements and studies. Following the March 20, 2008 Los Angeles River Watershed City Manager meeting, Larry Walker Associates Inc. (LWA) was asked to propose Site Specific Objectives (SSO) studies, based on U.S. EPA approved methods, with stakeholder and Water Board staff input. The proposed studies should scientifically demonstrate that copper and lead, in Los Angeles River water, are less toxic than was anticipated by the Water Board when the TMDL was adopted. At the February 25, 2010, Los Angeles River Watershed City Manager Meeting, the Technical and Steering Committees recommended undertaking Copper Water Effects Ratio (WER) and Lead Recalculation Site Specific Objective (SSO) studies and by mid-summer, cities representing 97% of the urban watershed area has tentatively voted to support this important research effort.

STATEMENT OF THE ISSUE

Preliminary Copper WER and Lead Recalculation

A WER study adds a specific metal (e.g. copper) to local water to determine a Water Effects Ratio (multiplier) of the difference in observed toxicity between local waters and ultraclean laboratory water. The Regional and State Water Boards have adopted four WER based SSOs in the past three years (Los Angeles County Ammonia, Calleguas Creek/Mugu Lagoon Copper, Buenaventura Wastewater Copper, and Los Angeles River Wastewater Copper). Having recently completed a copper WER for wastewater effluent, the City of Los Angeles conducted the preliminary WER in 2009 to determine whether moving forward with a full WER study was economically advisable. This work included the collection of water samples from 16 locations by LWA for toxicity testing. The results of that preliminary study suggests that higher than anticipated copper standards would still provide the beneficial use protection intended by the TMDL, while potentially reducing local implementation costs. The City of Los Angeles costs for conducting the preliminary WER and developing the proposed WER Work Plan was \$611,400. In consideration of concerns voiced by several upper watershed cities, the propose work plan was revised to consider impacts of the 2009 Station Fire, which burned approximately 20% of the Los Angeles River watershed and likely increased runoff from the upper watershed. The Lead Recalculation Study is a “paper” analysis using additional data approved for use in a particular watershed by the U.S. EPA.

Study Funding

As detailed in the attached Memorandum of Agreement (MOA) exhibits, the SSO studies are composed of four tasks projected to require 35 months to complete. The first task is water toxicity testing, which will take 30 months and \$969,626 to complete. Task two will begin near the end of task one and is estimated to cost \$391,855. It includes the copper WER calculation, lead recalculation, drafting and finalization of a stakeholder consensus report. Task three occurs during the final five months and costs \$35,804, resulting in a Basin Plan Amendment work product, for consideration by the Regional Board. Task Four is LWA project management costing \$21,827. The Steering Committee also recommended retention of a scientific advisor, at an estimated cost of \$107,000, to assist the consultant with stakeholder coordination and communication.

Role of the GCCOG and the need for the MOAs

In 2007, the GCCOG agreed to assist the Watershed as fiduciary agent for the required Coordinated Monitoring Plan (CMP) for a fee of about \$10,000 per year. The GCCOG has agreed to provide 4 years of these administrative services to the SSO studies, at an average burden of 2.6%, or 1.8% with City of LA credits. This includes MOA retention, invoicing for study costs, tracking payments and paying consultant invoices at the direction of the watershed committees. The GCCOG would authorize study tasks based on MOA commitments and funds received from each of the watershed agencies. The attached MOA was based on the successfully implemented Los Angeles River Metals TMDL CMP MOA approved by the GCCOG Board and cities in 2007 and 2008.

Each MOA will need to be executed by the parties and payment received prior to study start-up. The forward looking total revised SSO studies costs are \$1,566,267, with \$775,861 required in FY2010-11, \$691,983 due in FY 2011-12 and \$98,423 due in FY 2012-13. In addition, the City of Los Angeles will be credited \$611,400 for prior completion of the preliminary WER and proposed work plan development.

Thirty six cities, the County of Los Angeles, and Caltrans, representing over 97% of the urban watershed area, voted to move forward with the proposed SSO studies, based on a funding formula similar to that used for the Coordinated Monitoring Plan. (Alhambra, Cudahy, Calabasas, and Temple City declined to participate). The GCCOG Board of Directors has agreed to review and approve separate consultant agreements with LWA and Flow Science Inc, for completion and oversight of the proposed SSO studies.

Scheduling

The Los Angeles River Metals TMDL anticipates that beginning in January 11, 2012, 50% of the watershed areas must be compliant with the original TMDL standards during dry-weather, and 25% of the area during storm periods. This MOA should be promptly adopted by the 38 participating agencies, so that the SSO study can begin this storm season and be completed within three years. Assuming field work begins on January 1 2011, the analysis would not be completed until January 1, 2014, two years after the first compliance schedule date. Additional delays in beginning the study will greatly increase the potential for non compliance with TMDL numeric (loading) objectives.

Attachments

The Los Angeles River Metals TMDL Site Specific Objectives (SS)) Memorandum of Agreement (MOA) including Contractor Scope of Works (Exhibits A and B), participating agencies (Exhibit C), and projected annual cost apportionments (Exhibit D) is attached.

FINANCIALIMPACT

Exhibit D of the attached MOA estimates invoice amounts, for each agency, during each of the three fiscal year study periods. Section 10 e of the MOA allows these estimates to vary if study costs increase (e.g. due to additional regulatory concerns or some of the previously committed 97% of the urban watershed area agencies do not return their MOA) or decrease (if the four declining cities subsequently decide to participate). Section 13, allows for MOA termination with 14 days notice, however participants should anticipate that Consultant Notices to Proceed should only be issued when a substantial portion of the invoiced funds have been secured by the GCCOG. For the City of Compton, the total estimated studies costs are \$35,286.

These funds shall be provided over three fiscal years: FY 2010-2011, \$20,880; FY 2011-2012, \$12,774; and FY 2012-2013, \$1,632.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

WENDELL E. JOHNSON
DIRECTOR OF PUBLIC WORKS

WILLIE NORFLEET
CITY MANAGER

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT WITH
THE GATEWAY COUNCIL OF GOVERNMENTS TO OBTAIN SERVICES FOR
THE LOS ANGELES RIVER METALS TOTAL MASIMUM DAILY LOAD SITE
SPECIFIC OBJECTIVES STUDIES**

WHEREAS, in September of 2007, the Los Angeles Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) limiting the concentration of certain metals in the Los Angeles River and its tributaries; and

WHEREAS, this federally required regulation, is based on potentially toxic concentrations of metals that may be “impairing” aquatic life in receiving water bodies, was subsequently approved by the State Water Resources Control Board and became effective on October 29, 2008; and

WHEREAS, the 40 watershed cities, along with Los Angeles County and Caltrans, are now mandated to monitor and take actions to improve Los Angeles River water quality with respect to these metals; and

WHEREAS, the Gateway Cities Council of Governments (GCCOG) was established as a joint powers authority and is made up of regulated entities and cities that are within the Los Angeles River Watershed, with a mission that includes environmental planning and provision of technically sound analysis to its members, and shall provide the necessary administrative services and financial management services to the regulated entities in order to successfully oversee the Site Specific Objectives Studies; and

WHEREAS, each watershed agency must authorize a Memorandum of Agreement (MOA) with the GCCOG in order for the watershed to implement the Site Specific Objectives Studies and share in the costs of securing services for provision of such; and

WHEREAS, this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15307 of the State CEQA Guidelines.

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

SECTION 1. That the City Manager, upon the advice of the City Attorney, is authorized to execute the Memorandum of Agreement (MOA) with the Gateway Cities Council of Governments for securing services for the Los Angeles Metals TMDL Site Specific Objectives Studies.

SECTION 2. That for FY 2010-11, a purchase order in the amount of Twenty-Thousand Eight Hundred Eighty Dollars and No Cents (\$20,880.00) shall be issued.

SECTION 3. That subsequently in fiscal years 2011-2012 and 2012-13, the amounts authorized are \$ 12,774 and \$1,632, respectively.

SECTION 4. That copies of this resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, City Clerk, and the Public Works Department.

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

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

#6.

RESOLUTION NO. _____
PAGE 2

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 _____, 2011.

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

AYES: COUNCILMEMBERS—
NOES: COUNCILMEMBERS—
ABSTAIN: COUNCILMEMBERS—
ABSENT: COUNCILMEMBERS—

CITY CLERK OF THE CITY OF COMPTON

MEMORANDUM OF AGREEMENT
BETWEEN
THE GATEWAY CITIES COUNCIL OF GOVERNMENTS
AND THE CITY OF COMPTON

REGARDING THE ADMINISTRATION AND COST SHARING TO UNDERTAKE
SCIENTIFIC STUDIES TO DEVELOP SITE SPECIFIC OBJECTIVES (SSO)
APPLICABLE TO THE LOS ANGELES RIVER AND TRIBUTARIES METALS
TMDL

This Memorandum of Agreement ("Agreement") is made and entered into as of the date of the last signature set forth below by and between the Gateway Cities Council of Governments, a California joint powers authority ("GCCOG"), and the City of Compton, a California municipal corporation ("City"); (hereinafter "Party" or "Parties") with respect to the following:

RECITALS

WHEREAS, the mission of the GCCOG includes environmental planning and providing technically sound analyses to its member cities and agencies; and

WHEREAS, fifteen of the GCCOG's member cities are located within the Los Angeles River watershed, and the GCCOG has previously entered into interagency agreements, with these and other cities, the California Department of Transportation ("Caltrans") and the County of Los Angeles to undertake projects and studies of regional significance, including the Los Angeles River and Tributaries Metals Total Maximum Daily Load ("Los Angeles River Metals TMDL" or "TMDL") Coordinated Monitoring Plan; and

WHEREAS, the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") adopted the TMDL in September of 2007, with the intent of improving water quality in the Los Angeles River and its tributaries; and

WHEREAS, the Parties recognize that the TMDL is not self-enforcing, but could become enforceable by incorporation into National Pollutant Discharge Elimination System (NPDES) Permits such as those regulating Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, and the incorporated cities therein; and

WHEREAS, this TMDL constrains runoff discharges from construction sites, industrial facilities, forty Cities, Caltrans, the County of Los Angeles, and other permittees, requiring cooperation among the Participating Agencies, as set forth in Exhibit "C" hereto; and

#6.

WHEREAS, a Los Angeles River Watershed Management Committee, required by the Municipal Storm Water NPDES Permit, meets on a regular basis and is attended by representatives of the Participating Agencies; and

WHEREAS, a TMDL Technical Committee, consisting of representatives from the Participating Agencies, has been established to understand the TMDL requirements and plan potential compliance and implementation strategies; and

WHEREAS, a TMDL Steering Committee, consisting of representatives from the Participating Agencies, has been established to provide administrative oversight regarding implementation of the TMDL; and

WHEREAS, the Los Angeles Rivers Metals TMDL allows and encourages Participating Agencies to undertake technical or scientific studies to improve understanding of the complex interactions of river constituents within the context of both the urban and natural watershed environments; and

WHEREAS, the City of Los Angeles oversaw completion of a Preliminary Water-Effects Ratio (WER) study and supported development of the TMDL SSO work plan dated May 20, 2009 by Larry Walker Associates (LWA), which was reviewed by Participating Agency and Regional Board representatives; and

WHEREAS, the LWA work plan proposes to undertake Copper Water Effects Ratio and Lead Recalculation studies, that should provide data to support development of a Basin Plan Amendment with Site Specific Objectives; and

WHEREAS, the Participating Agencies met on February 25, 2010 to learn about SSO studies and a majority agreed to support the proposed studies; and

WHEREAS, the Participating Agencies have cooperated in resolving outstanding questions and developing this Agreement to fund the study; and

WHEREAS, undertaking the TMDL SSO studies requires professional administrative and fiduciary services that the Participating Agencies desire the GCCOG to provide, and the GCCOG has agreed to provide such services; and

WHEREAS, a work plan for the Copper Water-Effects Ratio and Lead Recalculation studies, which are the services to be provided by Larry Walker Associates, is attached hereto as Exhibit "A", and Project Management related to these studies, which will be provided by Flow Sciences, Inc., is attached hereto as Exhibit "B"; and

WHEREAS, the Participating Agencies have agreed to share in fully funding the proposed Los Angeles River Metals TMDL Site Specific Objectives studies, including those costs incurred by the GCCOG in administering this Agreement, based on the 3 year cost allocations contained in Exhibit "D"; and

WHEREAS, the GCCOG will endeavor to execute materially and substantially similar cost sharing agreements with all of the Participating Agencies, identified in Exhibit "C" attached hereto, before this Agreement becomes enforceable, unless stated otherwise elsewhere in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the Parties do hereby agree as follows:

Section 1. Recitals. The recitals set forth above are fully incorporated as part of this Agreement.

Section 2. Purpose. The purpose of this Agreement is to cooperatively fund implementation of the proposed TMDL Site Specific Objectives Studies.

Section 3. Cooperation. The Parties shall fully cooperate with one another to attain the purposes of this Agreement.

Section 4. Voluntary Nature. The Parties voluntarily enter into this Agreement to support the TMDL Site Specific Objectives studies.

Section 5. Term. This Agreement shall remain and continue in effect until completion of the TMDL SSO studies and proposed Basin Plan Amendment.

Section 6. Technical Scope of Services. The technical scope of services for the TMDL Site Specific Objectives studies is set forth in Exhibit "A" hereto and incorporated into this Agreement by this reference.

Section 7. Project Management Services. The project management services for the TMDL Site Specific Objectives studies is set forth in Exhibit "B" hereto and incorporated into this Agreement by this reference.

Section 8. Role of the GCCOG.

- a) For an estimated sum of \$10,000 per fiscal year for four fiscal years, the GCCOG shall provide administrative and fiduciary services related to implementation of the Los Angeles River Metals TMDL SSO studies. The GCCOG service costs shall include compensation for staff time, audit expenses, and costs incurred in administering agreements.
- b) The GCCOG shall enter into substantially and materially similar agreements with each of the Participating Agencies to effectuate the purposes of the Agreement.
- c) To effectuate the Agreement, based on the services and costs identified in Exhibits "A" and "B", the GCCOG shall invoice and collect payment from the Participating Agencies, based on the SSO studies

cost allocation estimates as set forth in Exhibit "D." Any overpayment or underpayment shall be credited or billed to the next year's invoice or, if it occurs during the last year, it shall be reimbursed at Agreement termination.

- d) Following the directions of the Los Angeles River Metals TMDL Steering Committee, the GCCOG shall contract with LWA and Flow Science Inc. to prepare the TMDL SSO studies, and then reimburse the Consultants for their completed services as described in this Agreement. The contracts shall substantially and materially conform to the services set forth in Exhibit "A" and "B" to this Agreement.

Section 9. Assessment of Proportional SSO studies Costs. The City of Compton agrees to provide funds to the GCCOG, to effectuate the TMDL SSO studies, based on the Fiscal Year Invoice Amounts in Exhibit "D".

Section 10. Invoicing and Payment.

a) Invoicing – In order to begin the SSO studies during the 2010 rain year, the GCCOG shall invoice the Participating Agencies for the Fiscal Year 2010-11 Invoice Amounts shown in Exhibit "D" immediately following execution of this Agreement. From thereon, invoicing will be done in July of each Fiscal Year. Participating Agencies shall pay the GCCOG within sixty (60) days of the invoice date, which is the payment due date.

b) Late Payment Penalty – Any payment that is late shall be subject to interest from the payment due date. The interest rate shall be equal to the Prime Rate in effect on the payment due date, plus one percent, for any payment that is made from 1 to 30 days after the due date. The Prime Rate in effect on the payment due date, plus five (5) percent, shall apply for any payment made from 31 to 60 days after the due date. The Prime Rate in effect on the payment due date, plus ten (10) percent, shall apply for any payment made more than 60 days after the due date. The rates shall, nevertheless, not exceed the maximum allowed by law.

c) Delinquent Payments – The payment from a Participating Agency is considered to be delinquent 180 days after being invoiced by the GCCOG. The following actions may be implemented to attain delinquent payments from any Participating Agencies per instruction by the Steering Committee: 1) verbally contact/meet with the manager from the Participating Agencies, 2) send a letter of delinquency to the Participating Agencies from the GCCOG attorney, and 3) formally notify the Regional Board in writing that the agencies are no longer Participating Agencies. In any remaining fiscal periods, the Steering Committee would revise Exhibits "C" and "D" to exclude any such agencies and distribute the delinquent amounts amongst the remaining Participating Agencies based

on the existing cost allocation formula. The Steering Committee shall provide any revised exhibits to the GCCOG and Participating Agencies.

d) Interest Accrual – Any investment or late payment interest accrued on funds collected during the term of, and per, this Agreement shall be re-deposited into the Agreement account and used for its implementation. The GCCOG shall annually report to the Steering Committee regarding interest and late payment penalties accrued by the Agreement account(s).

e) Study Payments – Each month, the Consultants may submit invoices to the Technical Committee for consideration, which may then recommend the invoice to the Steering Committee for approval and payment by the GCCOG. The GCCOG shall reimburse the Consultants for their services in accordance with Exhibits “A” and “B” within ninety (90) days of receipt of the invoice from the Consultants. The GCCOG shall not be obligated to remit to the Consultants more than the amount it has collected from Participating Agencies pursuant to this Agreement, less its administrative costs. In the event that funds received by the GCCOG are insufficient to cover the invoiced costs within 90 days of invoice receipt, but are subsequently received, those subsequent amounts shall be paid to the Consultants within 30 days of receipt by the GCCOG. The professional service cost estimates presented in Exhibits “A” and “B” are subject to change pursuant to a Regional Board requirement or unforeseen challenges in the field. The Technical Committee shall be notified by the Consultants of any substantive changes in the actual cost of the SSO studies, which will be reconciled with the next payment.

Section 11. Independent Contractor.

a) The GCCOG is and shall at all times remain a wholly independent contractor for performance of the obligations described in this Agreement. The GCCOG officers, employees and agents performing such obligations shall at all times be under the GCCOG’s exclusive control. The Participating Agencies shall not have control over the conduct of the GCCOG or any of its officers, employees or agents, except as set forth in this Agreement. The GCCOG, and its officers, employees, or agents are not and shall not be deemed to be employees of the Participating Agencies.

b) No employee benefits shall be available to the GCCOG in connection with the performance of its obligations under this Agreement. The GCCOG is solely responsible for the payment of salaries, wages, other compensation, employment taxes, worker’s compensation, or similar taxes for its employees for performing obligations hereunder.

Section 12. Indemnification. To the fullest extent permitted by law, the City of Compton and the GCCOG agree to save, indemnify, defend, and hold harmless each other from any and all liability, claims, suits, actions, arbitration proceedings, administrative proceedings, and regulatory proceedings, losses, expenses, or any injury or damage of any kind whatsoever, whether actual, alleged or threatened, attorney fees, court costs, and any other costs of any nature without restriction incurred in relation to, as a consequence of, or arising out of, the performance of this Agreement, and attributable to the fault of the other. Following a determination of the percentage of fault and or liability by agreement between the Parties or a court of competent jurisdiction, the Party responsible for liability to the other will indemnify the other Party to this Agreement for the percentage of liability determined.

Section 13. Agreement Termination. Either Party may terminate this Agreement for any reason, in whole or part, by giving the other Party thirty (30) days written notice thereof. The City of Compton shall be responsible for the allocated study costs incurred up to the date of the termination. The GCCOG shall notify in writing the remaining Participating Agencies within fourteen (14) days of receiving written notice from the City of Compton that it intends to terminate this Agreement.

Section 14. Miscellaneous.

- a) Notices. All notices which any Party is required or desires to give hereunder shall be in writing and shall be deemed given when delivered personally or three (3) days after mailing by registered or certified mail (return receipt requested) to the following address or as such other addresses as the Parties may from time to time designate by written notice in the aforesaid manner:

To GCCOG:

Mr. Richard Powers
Executive Director
16401 Paramount Blvd.
Paramount, CA 90723

To City of Compton:

Insert Name of City Official
City Official
Insert Address Line 1 of City Official
Insert Address Line 2 of City Official
Insert Address Line 3 of City Official

- b) Separate Accounting and Auditing. The GCCOG agrees to establish a separate account to track the revenues from the Participating Agencies and the expenses from the study. Quarterly financial statements and the annual audit will be made available to all of the Participating Agencies and the Steering and Technical Committees.

- c) Binding Effect. This Agreement shall be binding upon and inure to the benefit of each Party to this Agreement and their respective heirs, administrators, representatives, successors and assigns.
- d) Amendment. The terms and provisions of this Agreement may not be amended, modified or waived, except by an instrument in writing signed by the Parties.
- e) Waiver. Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party to any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement.
- f) Law to Govern; Venue. This Agreement shall be interpreted, construed, and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in the state trial courts shall lie exclusively in the County of Los Angeles.
- g) No Presumption in Drafting. The Parties to this Agreement agree that the general rule, that an Agreement is to be interpreted against the Party drafting it or causing it to be prepared, shall not apply.
- h) Entire Agreement. This Agreement constitutes the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, whether written or oral, with respect thereto.
- i) Severability. If any term, provision, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and this Agreement shall be read and constructed without the invalid, void, or unenforceable provision(s).
- j) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, but all of which taken together shall constitute but one and the same instrument, provided, however, that such counterparts shall have been delivered to both Parties to this Agreement.
- k) Legal Representation. All Parties have been represented by counsel in the preparation and negotiation of this Agreement. Accordingly, this Agreement shall be construed according to its fair language.
- l) Agency Authorization. Each of the persons signing below on behalf of a Party represents and warrants that he or she is authorized to sign this Agreement on behalf of such Party.

#6.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on their behalf, respectively, as follows:

DATE: _____

CITY OF COMPTON

Willie Norfleet, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DATE: _____

GATEWAY CITIES COUNCIL OF
GOVERNMENTS

Gil Hurtado, President

ATTEST:

Richard Powers, Secretary

**EXHIBIT “A”
SCOPE OF SERVICES
COPPER WATER-EFFECTS RATIO AND LEAD RECALCULATION STUDY
LOS ANGELES RIVER METALS TMDL**

Task 1. Implement Final Work Plan

- Task 1.1 Finalize sampling schedule and coordinate toxicity and chemistry laboratories as well as sampling sub-consultants to review sample collection and analysis procedures.
- Task 1.2 Provide support to Metals TMDL Coordinated Monitoring Program (CMP) staff for the collection and analysis of dry weather BML samples in coordination of the CMP events. Conduct analysis of BLM samples collected during wet weather through Task 1.3. This task is optional and if the Steering Committee chooses to implement this aspect of the scope of work, LWA will work with the CMP members to determine if it is feasible given the current CMP work load.
- Task 1.3 Conduct WER sampling, and coordinate toxicity and chemistry testing by qualified labs. The cost estimate provided is based on the comments received to date and the current approach to addressing the comments. This approach is still under discussion with the Regional Board and the TAX. The key assumptions made in the cost estimate are provided in the cost estimate section below.
- Task 1.4 Conduct additional toxicity testing and general chemistry analysis (hardness and Total Suspended Solids) to evaluate potential effects of the 2009 Station Fire on WER testing in the Arroyo Seco and Verdugo Wash
- Task 1.5 Receive, review and QA/QC WER water quality toxicity testing data.
- Task 1.6 Conduct a meeting with the Stakeholder Committee, to review the results of sampling data in the midpoint of the sample collection effort.

Costs - \$969,626.00

Task 2 Develop Final Reports

- Task 2.1 Develop a Preliminary Draft Lead Recalculation Report and conduct a conference call with Los Angeles River Metals TMDL Technical Committee (TC). The draft report will summarize the data utilized, the analysis conducted, and the results of the recalculation of the lead criteria as outlined in the Final Work Plan.
- Task 2.2 Conduct a conference call with TC designee, Regional Board staff and TAC to discuss the Preliminary Draft Recalculation Report.

#6.

- Task 2.3 Revise the Preliminary Draft Lead Recalculation based on comments received by the Regional Board staff, TAC, and a conference call with the TC.
- Task 2.4 Conduct a meeting with the Stakeholder Committee to review the Draft Recalculation Report.
- Task 2.5 Finalize the Lead Recalculation based on comments received by the Stakeholder Committee and conduct a conference call with TC.
- Task 2.6 Develop a WER Calculation Memorandum presenting the WER data for each sample and propose final WER calculation methods. The final WER calculation method details how each WER sample will be determining the final WER. The memorandum is used as the basis for the approach to calculating the final WERs. Conduct conference call with the TC.
- Task 2.7 Conduct a conference call with TC designee, Regional Board staff and TAC to discuss the WER Calculation Memorandum.
- Task 2.8 Develop a Preliminary Draft WER Report that summarizes the sampling activities, details the analysis conducted per the Work Plan, provides the information required by the Interim Guidance, and presents the resulting final WERs as outlined in the Work Plan. This report is intended to embody the technical requirements of developing a SSO based on the Interim Guidance. Conduct a conference call with TC.
- Task 2.9 Conduct a conference call with TC designee, Regional Board staff and TAC to discuss the Preliminary Draft WER Report.
- Task 2.10 Revise the Preliminary Draft WER Report and conduct a conference call with TC.
- Task 2.11 Conduct a meeting with the Stakeholder Committee to review the Draft WER Report.
- Task 2.12 Finalize the Draft WER Report based on comments received by the Stakeholder Committee and conduct a conference call with the TC.
- Task 2.13 Conduct a meeting (in person or via conference call) with the TC designee, Regional Board, and TAC (via conference call) to finalize the WER report.
- Task 2.14 Develop Implementation Report that summarizes additional analysis conducted to support the implementation of the SSO's as outlined in the Final Work Plan. This report is intended to embody the policy based requirements of implementing SSOs based on the results of conducting a WER Study and Lead Recalculation. Conduct a conference call with TC.
- Task 2.15 Conduct a meeting with the Stakeholder Committee to review the Draft Implementation Report.
- Task 2.16 Finalize the Draft Implementation Report based on comments received by the Stakeholder Committee and conduct a conference call with the TC.

Task 2.17 Provide support to the Regional Board staff during the State Board peer review process. It is unclear the extent to which the Regional Board would require support, as such a rough estimate is provided.

Cost - \$391,855.00

Task 3 Develop and Support WER Basin Plan Amendment

Task 3.1 Prepare a Draft Basin Plan Amendment (BPA) and environmental review for Regional Board consideration and comment for appropriately adjusting water quality objectives for metals of concern in the reaches/tributaries of concern. Conduct a conference call with TC.

Task 3.2 Revise Draft BPA and submit to Regional Board for 45-day posting.

Task 3.3 Develop comments on the tentative BPA, if necessary.

Task 3.4 Prepare response to 45-day posting comments, revise Draft BPA, if necessary, and submit to Regional Board for adoption hearing.

Task 3.5 Attend Regional Board adoption hearing(s).

Task 3.6 Prepare the administrative record for the State Board hearing.

Cost - \$35,804.00

Task 4 Project Management

Cost - \$21,827 (Estimated \$7,300 annually)

#6.

Task No	Work Plan Task Description	LWA Costs	TAC Costs	Sampling Sub	Outreach Costs	Chem Analysis	Toxicity Testing	Total
1	Implement WER Work Plan	\$291,055		\$147,770	\$8,000	\$252,918	\$237,918	\$937,313
2	Lead Recalculation & WER Implementation Reports	\$284,406	\$66,000	\$2,240	\$28,000		\$6,092	\$386,738
3	BPA Develop & Support	\$35,804						\$35,804
4	PM & Contract Administ.	\$21,827						\$21,827
Total	LWA 5% markup	\$633,247	\$66,000	\$150,010	\$36,000	\$252,918	\$243,663	\$1,381,837
		\$633,247	\$69,300	\$157,511	\$37,800	\$265,563	\$255,846	\$1,419,267

Note: Incorporated by reference into the Scope of Work are the following documents:

- 1) Work Plan for Recalculation and Water-Effect Ratio to Support Implementation of the Los Angeles River and Tributaries Metals TMDL, Larry Walker Associates, March 31, 2010
- 2) Final State Implementation Policy (SIP) Justification Report for: Site-Specific Objectives for Copper and Lead to Support Implementation of the Los Angeles River and Tributaries Metals TMDL, Larry Walker Associates, March 31, 2010
- 3) Based on the LWA letter of July 27, 2010, Scope and Cost Estimate to Implement a Copper Water-Effect Ratio and Lead Recalculation Special Study in Support of the Los Angeles River Metals TMDL

EXHIBIT “B”**PROJECT MANAGEMENT RELATED TO THE SPECIAL STUDIES
LOS ANGELES RIVER WER AND RECALCULATION STUDY****Task 1 Review of Draft Documents**

Based on the draft LWA scope of work for the special studies, a number of documents will require review as follows:

- Sampling schedule and plan
- WER final work plan (after incorporation of Regional Board and TAC edits)
- Lead recalculation report (preliminary draft, revised draft and final report)
- WER calculation memorandum proposing final WER edits
- WER report (preliminary, draft, revised draft and final report)
- Basin Plan Amendment (draft and final)
- Administrative record (following study completion and adoption of Basin Plan Amendment)

Cost – The total budget for document review is estimated at \$32,835 (current year dollars)

Task 2 Participation in meetings and conference calls

A number of conference calls and meetings have been identified in the draft LWA scope of work, as follows:

- Meeting to discuss Regional Board and TAX comments on the draft work plan
- Midpoint meeting with Stakeholder Committee to review sampling results
- Three (3) conference calls and one (1) meeting related to the lead recalculation report
- Two (2) conference calls related to the WER calculation memorandum
- Four (4) conference calls and two (2) meetings associated with the WER report
- Two (2) conference calls and three (3) meetings associated with the implementation report
- Two (2) conference calls associated with the Basin Plan Amendment
- One (1) Regional Board hearing for consideration of the Basin Plan Amendment

Cost – The cost estimate for this work is \$35,630 (current year dollars)

#6.

Task 3 Project management and coordination

This special study is estimated to involve four (4) hours of project management and coordination with the Steering and Technical Committees per month, and that the total duration will be three years (36) months.

Cost - \$32,960 (current years dollars)

Fiscal Year Budget Estimates (with 5% annual cost escalation)

FY2010-2011 -	\$30,300
FY2011-2012 -	\$31,900
FY2012-2013 -	\$44,750
Total	\$107,000

EXHIBIT "C"
PARTICIPATING AGENCIES
LOS ANGELES RIVER METALS TMDL
SPECIAL STUDIES

- | | |
|----------------------------------|------------------------------|
| 1) City of Arcadia | 20) City of Lynwood |
| 2) City of Bell | 21) City of Maywood |
| 3) City of Bell Gardens | 22) City of Monrovia |
| 4) City of Bradbury | 23) City of Montebello |
| 5) City of Burbank | 24) City of Monterey Park |
| 6) Caltrans | 25) City of Paramount |
| 7) City of Carson | 26) City of Pasadena |
| 8) City of Commerce | 27) City of Pico Rivera |
| 9) City of Compton | 28) City of Rosemead |
| 10) City of Downey | 29) City of San Fernando |
| 11) City of Duarte | 30) City of San Gabriel |
| 12) City of El Monte | 31) City of San Marino |
| 13) City of Glendale | 32) City of Sierra Madre |
| 14) City of Hidden Hills | 33) City of Signal Hill |
| 15) City of Huntington Park | 34) City of South El Monte |
| 16) City of Irwindale | 35) City of South Gate |
| 17) City of La Canada Flintridge | 36) City of South Pasadena |
| 18) City of Long Beach | 37) City of Vernon |
| 19) City of Los Angeles | 38) LA County Unincorporated |

EXHIBIT D - Estimated Copper WER/Lead Recalculation SSO Cost Allocations for 36 TMDL Identified Cities, LA County & Caltrans*													
City	Watershed Area sq miles	Percentage	FY 2010-11			FY 2011-12			FY 2012-13			Total Estimated Costs per Agreement Term	
			Apportionment** Base Rate	Area	Invoice Amount	Apportionment** Base Rate	Area	Invoice Amount	Apportionment** Base Rate	Area	Invoice Amount		
Alhambra	7.6	1.22583%	\$6,936	\$17,721	\$24,658	\$3,853	\$11,339	\$15,192	\$492	\$1,448	\$1,940	\$0.00	
Arcadia	10.93	1.76293%	\$6,936	\$4,442	\$11,379	\$3,853	\$2,842	\$6,095	\$492	\$363	\$855	\$41,789.43	
Bell	2.74	0.44194%	\$6,936	\$4,021	\$10,957	\$3,853	\$2,573	\$6,426	\$492	\$329	\$821	\$18,929.30	
Bell Gardens	2.48	0.40001%	\$6,936	\$2,270	\$9,206	\$3,853	\$1,452	\$5,305	\$492	\$186	\$678	\$18,203.58	
Bradbury	1.4	0.22581%	\$6,936	\$28,130	\$35,067	\$3,853	\$17,999	\$21,852	\$492	\$2,299	\$2,791	\$15,189.06	
Burbank	17.35	2.79843%	\$6,936	\$18,224	\$25,160	\$3,853	\$11,660	\$15,513	\$492	\$1,489	\$1,981	\$59,709.10	
Caltrans	11.24	1.81293%	\$6,936			\$3,853			\$492			\$42,654.71	
Calabasas	5.58	0.90001%										\$0.00	
Carson	0.88	0.14194%	\$6,936	\$1,427	\$8,363	\$3,853	\$913	\$4,766	\$492	\$117	\$609	\$13,737.62	
Commerce	6.56	1.05808%	\$6,936	\$10,636	\$17,572	\$3,853	\$6,805	\$10,658	\$492	\$869	\$1,631	\$29,591.78	
Compton	8.6	1.38712%	\$6,936	\$13,944	\$20,880	\$3,853	\$8,922	\$12,774	\$492	\$1,140	\$1,632	\$35,285.88	
Cudahy	1.12	0.18065%			\$0							\$0.00	
Downey	5.66	0.91292%	\$6,936	\$9,177	\$16,113	\$3,853	\$5,872	\$9,725	\$492	\$750	\$1,242	\$27,079.67	
Duarte	2.3	0.37097%	\$6,936	\$3,729	\$10,665	\$3,853	\$2,386	\$6,239	\$492	\$305	\$797	\$17,701.16	
El Monte	6.97	1.12421%	\$6,936	\$11,301	\$18,237	\$3,853	\$7,231	\$11,083	\$492	\$924	\$1,416	\$30,736.18	
Glendale	30.62	4.93879%	\$6,936	\$49,645	\$56,582	\$3,853	\$31,765	\$35,618	\$492	\$4,057	\$4,549	\$96,748.66	
Hidden Hills	1.57	0.25323%	\$6,936	\$2,546	\$9,482	\$3,853	\$1,629	\$5,482	\$492	\$208	\$700	\$15,663.56	
Huntington Park	3.03	0.48872%	\$6,936	\$4,913	\$11,849	\$3,853	\$3,143	\$6,996	\$492	\$401	\$894	\$19,738.75	
Irwindale	1.89	0.30484%	\$6,936	\$3,064	\$10,001	\$3,853	\$1,961	\$5,814	\$492	\$250	\$743	\$16,556.76	
La Canada Flintridge	8.57	1.38228%	\$6,936	\$13,895	\$20,831	\$3,853	\$8,890	\$12,743	\$492	\$1,136	\$1,628	\$35,202.14	
Long Beach	16.66	2.68714%	\$6,936	\$27,012	\$33,948	\$3,853	\$17,283	\$21,136	\$492	\$2,207	\$2,700	\$57,783.15	
Los Angeles	281.44	45.39428%	***	***	***	\$3,853	\$213,360	\$217,213	\$492	\$37,291	\$37,783	\$254,996.12	
Lynwood	4.85	0.78227%	\$6,936	\$7,864	\$14,800	\$3,853	\$5,031	\$8,884	\$492	\$643	\$1,135	\$24,818.78	
Maywood	1.18	0.19033%	\$6,936	\$1,913	\$8,849	\$3,853	\$1,224	\$5,077	\$492	\$156	\$648	\$14,574.99	
Monrovia	10.34	1.66777%	\$6,936	\$16,765	\$23,701	\$3,853	\$10,727	\$14,579	\$492	\$1,370	\$1,862	\$40,142.61	
Montebello	8.36	1.34841%	\$6,936	\$13,554	\$20,491	\$3,853	\$8,673	\$12,525	\$492	\$1,108	\$1,600	\$34,615.98	
Monterey Park	7.66	1.23550%	\$6,936	\$12,419	\$19,356	\$3,853	\$7,946	\$11,799	\$492	\$1,015	\$1,507	\$32,662.13	
Paramount	4.34	0.70001%	\$6,936	\$7,037	\$13,973	\$3,853	\$4,502	\$8,355	\$492	\$575	\$1,067	\$23,395.26	
Pasadena	22.7	3.66135%	\$6,936	\$36,804	\$43,741	\$3,853	\$23,549	\$27,402	\$492	\$3,008	\$3,500	\$74,642.15	
Pico Rivera	3.12	0.50323%	\$6,936	\$5,059	\$11,995	\$3,853	\$3,237	\$7,090	\$492	\$413	\$906	\$19,989.96	
Rosemead	5.14	0.82905%	\$6,936	\$8,334	\$15,270	\$3,853	\$5,332	\$9,185	\$492	\$681	\$1,173	\$25,628.24	
San Fernando	2.41	0.38872%	\$6,936	\$3,907	\$10,844	\$3,853	\$2,500	\$6,353	\$492	\$319	\$811	\$18,008.19	
San Gabriel	4.12	0.66453%	\$6,936	\$6,680	\$13,616	\$3,853	\$4,274	\$8,127	\$492	\$546	\$1,038	\$22,781.19	
San Marino	3.76	0.60646%	\$6,936	\$6,096	\$13,033	\$3,853	\$3,901	\$7,753	\$492	\$498	\$990	\$21,776.35	
Sierra Madre	2.99	0.48227%	\$6,936	\$4,848	\$11,784	\$3,853	\$3,102	\$6,955	\$492	\$396	\$888	\$19,627.10	
Signal Hill	1.13	0.18226%	\$6,936	\$1,832	\$8,768	\$3,853	\$1,172	\$5,025	\$492	\$150	\$642	\$14,435.42	
South El Monte	2.09	0.33710%	\$6,936	\$3,389	\$10,325	\$3,853	\$2,168	\$6,021	\$492	\$277	\$769	\$17,115.00	
South Gate	7.48	1.20647%	\$6,936	\$12,128	\$19,064	\$3,853	\$7,760	\$11,613	\$492	\$991	\$1,483	\$32,159.70	
South Pasadena	3.43	0.55323%	\$6,936	\$5,561	\$12,498	\$3,853	\$3,558	\$7,411	\$492	\$454	\$947	\$20,855.24	
Temple City	4.01	0.64678%			\$0							\$0.00	
Vernon	5.08	0.81937%	\$6,936	\$8,236	\$15,173	\$3,853	\$5,270	\$9,123	\$492	\$673	\$1,165	\$25,460.76	
LA County Unincorp.	80.61	13.00182%	\$6,936	\$130,696	\$137,633	\$3,853	\$83,624	\$87,476	\$492	\$10,681	\$11,173	\$236,282.00	
Total	619.99	100.00000%	\$256,643	\$519,218	\$775,861	\$146,411	\$545,572	\$691,993	\$18,700	\$79,723	\$98,423	\$1,566,267.00	

* Based on total costs of \$2,177,677, which includes administrative, management, and oversight, but no CPI adjustment

** \$500/\$100,000 of annual base costs, with already expended costs front loaded

*** City of Los Angeles is credited \$532,799 in the first year and \$78,601 in the second year, in repayment of \$611,400 WER Development costs.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING APPROVAL OF A MEMORANDUM OF AGREEMENT WITH THE GATEWAY COUNCIL OF GOVERNMENTS TO OBTAIN SERVICES FOR THE LOS ANGELES RIVER METALS TOTAL MAXIMUM DAILY LOAD SITE SPECIFIC OBJECTIVES STUDIES

<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.

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
195895	01/24/11	RBW Security Services Inc	Park Security	\$32,258.00

Requested by: City Manager's Office

I hereby certify that the above demand in the amount of \$32,258.00 was approved at a regular meeting of the City Council and reject _____ as of February 1, 2011.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on February 1, 2011 allowed the above demand.

Alita Godwin
City Clerk

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
196258	01/27/11	Victory Outreach	Vacant Lot Maintenance	\$55,604.28

Requested by: Public Works

I hereby certify that the above demand in the amount of \$55,604.28 was approved at a regular meeting of the City Council and reject _____ as of February 1, 2011.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on February 1, 2011 allowed the above demand.

Alita Godwin
City Clerk

February 1, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8365/LI0000022A

SUMMARY

Council will consider the amended claim of Latonya Martin (Claim No. I-8365/LI0000041A), presented to the City on December 30, 2010, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On December 30, 2010, the above amended claim was presented to the City Controller for personal injury. Claimant alleges that she was injured on July 19, 2010 at 2:43 p.m. when she allegedly lost her balance and fell into the empty pond outside of City Hall. Claimant further alleges that barriers around the pond would have prevented her injury.

Based upon our review of this matter, there is no evidence to suggest that a dangerous condition existed that would give rise to liability. Moreover, the law requires pedestrians in a case such as this to use due care.

FINANCIAL IMPACT

At least Seven Thousand Five Hundred Dollars (\$7,500).

RECOMMENDATION

Staff recommends that this claim be denied.

_____/S/
CRAIG J. CORNWELL
CITY ATTORNEY

February 1, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8388/LI0000053A

SUMMARY

Council will consider the claim of Angela Young Brown (Claim No. I-8388/LI0000053A), presented to the City on December 20, 2010, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

This claim was previously presented by Tony Blaine (Claim No. I-8379/LI0000040A) but denied by City Council because it was determined Tony Blaine was not the legal owner of the vehicle.

On December 20, 2010, the above claim was presented to the City Controller by the owner of vehicle, Angela Young Brown for property damage. Claimant alleges that a City tree branch fell onto her truck which was parked in front of 1302 Piru Street in Compton, California. Claimant alleges that this property damage occurred on November 21, 2010 at 4 p.m. and has presented two estimates, the lowest of which is \$4,023.69 to repair her vehicle.

On November 22, 2010, the Public Works Department responded to a complaint of a tree branch that fell on Claimant's vehicle on November 21, 2010. Upon arrival at the scene, Public Works found that the tree branch had already been removed. The City was not notified before the branch allegedly fell as to a condition with the tree that needed to be addressed.

Claimant's vehicle was inspected on November 22, 2010 and on January 5, 2011. In addition, staff reviewed photographs taken by Public Works and estimates submitted by Claimant. The exterior of Claimant's vehicle showed scratches of normal wear and tear which occur over time, but there was no indication that a tree had damaged the roof of Claimant's vehicle. Though Claimant submitted estimates of \$4,023.69 and higher, Tony Blaine says he actually repaired the scratches himself with a scratch marker. There are no receipts for the cost of the markers.

These cases usually turn on whether the City had actual or constructive notice of the dangerous condition (i.e., the branch about to fall). There are no facts to indicate the City had notice, thus, there is no liability. Moreover, the damages requested are inflated. The scratches on the vehicle have been repaired with a marker.

FINANCIAL IMPACT

Four Thousand Twenty Three Dollars and Sixty Nine Cents (\$4,023.69).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/

CRAIG J. CORNWELL
CITY ATTORNEY

February 1, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8396/LI0000061A

SUMMARY

Council will consider the claim of Miguel A. Gutierrez (Claim No. I-8396/LI0000061A), presented to the City on January 11, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On January 11, 2011, the above claim was presented to the City Controller by Miguel Gutierrez for property damage. Claimant alleges he was traveling home from the Home Depot Center on Victoria Street when his vehicle was damaged at the intersection of Victoria Street and Wilmington Avenue in the City of Rancho Dominguez. Claimant alleges the damage was caused by a pothole.

Staff has conducted an investigation and concluded that the location of this incident is not in the City of Compton. Based on Claimant's description of the location of the alleged incident, the City has no liability for Claimant's property damage, because it is in the City of Carson.

FINANCIAL IMPACT

Five Hundred Dollars and No Cents (\$500.00).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

February 1, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING SECTION 2-4 OF CHAPTER II OF THE
COMPTON MUNICIPAL CODE IN ITS ENTIRETY RELATING TO
EMERGENCY ORGANIZATION AND FUNCTIONS**

SUMMARY

If adopted, the attached Ordinance will amend Section 2-4 of the Compton Municipal Code in its entirety so as to update and bring into compliance with state law, the City's organization and functions during a declared emergency.

BACKGROUND

California Government Code Section 8610 of the California Emergency Services Act provides for the creation of local disaster councils by ordinance. Counties and cities establish disaster councils to provide local emergency organizations with rules and regulations for handling local emergencies, and to enact mutual aid and other agreements. A disaster council develops plans for meeting any condition constituting a local emergency, state of emergency or state of war emergency. Such plans provide for the effective mobilization of all the resources within the political subdivision.

STATEMENT OF ISSUE

On April 8, 1980, the City Council of the City of Compton adopted Ordinance No. 1,599. This Ordinance, which has not been revised or amended since its adoption, established the City's plans for protection of persons and property within the City in the event of an emergency or disaster. In the thirty (30) years since, many changes have been made to California state laws relating to local emergency management.

This proposed Ordinance revises the current City legislation so that it is consistent and compliant with the provisions of the current California Emergency Services Act.

FISCAL IMPACT

No cash outlays required.

RECOMMENDATION

Staff recommends that the Council approve the attached Ordinance.

**JON THOMPSON
FIRE CHIEF**

**WILLIE NORFLEET
CITY MANAGER**

ORDINANCE NO. _____

**AN ORDINACNCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON MUNICIPAL
CODE IN ITS ENTIRETY RELATING TO EMERGENCY ORGANIZATION AND
FUNCTIONS**

WHEREAS, California Government Code Section 8610 of the California Emergency Services Act provides for the creation of local disaster councils by ordinance; and

WHEREAS, California counties and cities establish disaster councils to provide local emergency organizations with rules and regulations for dealing with local emergencies, and to enact mutual aid and other agreements; and

WHEREAS, A disaster council develops plans for meeting any condition constituting a local emergency or state of emergency, or state of war emergency; such plans provide for the effective mobilization of all the resources within the political subdivision; and

WHEREAS, it has been thirty (30) years since Section 2-4 of the Compton Municipal Code (City of Compton's Emergency Ordinance No. 1,599) was adopted on April 8, 1980, and many changes have been made to California state laws relating to emergency management, therefore it is essential that Section 2-4 be amended to incorporate the current state of the law.

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

SECTION 1: That Section 2-4 (Civil Defense and Disasters) of Chapter II of the Compton Municipal Code is amended in its entirety to read as follows:

2-4 EMERGENCY ORGANIZATION AND FUNCTIONS.

2-4.1 Purpose. The declared purpose of this Ordinance is to comply with the provisions of the California Emergency Services Act, Title Two, Division One, Chapter Seven of the Government Code of the State of California (commencing with Section 8585.5 or successor legislation) and to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and, the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons.

2-4.2 Definitions. As used in this section, the following words and phrases shall be construed as follows:

a. "Emergency" shall mean any or all of the following, as the context requires: an Emergency Situation, a Local Emergency, a State of Emergency, or a State of War Emergency.

b. "Local Emergency" shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, other than conditions resulting from a labor controversy, which are or likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy

shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

c. “State of Emergency” shall mean the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “State of War Emergency”, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

d. “State of War Emergency” shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever the state or nation is attacked by an enemy of the United States, or upon receipt of the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

2-4.3 Disaster Council; Membership. The City of Compton Disaster Council is hereby created and shall consist of the following:

- a. The City Manager, who shall be Chairperson;
- b. The Assistant City Manager(s), who shall be Vice Chairperson(s);
- c. The Emergency Management Coordinator;
- c. Such Chiefs and Directors of emergency services as are provided for in the current Emergency Plan of the City adopted pursuant to this chapter;
- e. The City Attorney or his or her representative; and
- f. Such representatives of civic, business, labor, veterans, professionals or other organizations within the community as may be appointed by the City Manager with the approval of the City Council.

2-4.4 Disaster Council; Powers and Duties. It shall be the duty of the City of Compton Disaster Council, and it is hereby empowered to:

- a. Develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.
- b. Register Disaster Service Workers.
- c. Designate the individual responsible for keeping the registration of Disaster Service Workers current, and for the accuracy and safekeeping of the official registration records, provided, however, that the documented proof that the Disaster Service Worker has taken the oath of office shall be filed in the office of the City Clerk.
- d. The Disaster Council shall meet upon call of the Chairperson or, in his/her absence from the City or inability to call such meeting, upon call of the Vice Chairperson or, in his/her/their absence from the City or inability to call such meeting, upon call of either the Fire

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Chief, Police Chief or the Director of the Public Works Department. In the event that none of the above-indicated individuals are able to call such meeting, the Chairperson shall designate a further order of succession to call such meeting.

2-4.5 Director of Emergency Services, Assistant Director of Emergency Services, Emergency Management Coordinator; Offices Created.

a. There is hereby created the office of Director of Emergency Services. The City Manager of the City of Compton shall be the Director of Emergency Services.

b. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services.

c. There is also hereby created the office of Emergency Management Coordinator, who shall be appointed by the Director of Emergency Services and shall manage the day-to-day affairs of the Emergency Management Program and have certain other emergency management functions as specified.

2-4.6 Director of Emergency Services; Powers and Duties. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a “state of war emergency” the Director of Emergency Services is hereby empowered to:

a. Request the City Council of the City of Compton to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect;

b. Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

c. Control and direct the effort of the emergency Organization of this City for the accomplishment of the purpose of this chapter;

d. Direct cooperation between and coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them;

e. Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

f. Coordinate and carry out the policies and direction of the City Council and the Disaster Council, and perform such other duties and responsibilities as delegated by the Disaster Council or by the City Council; and

g. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the Director of Emergency Services, and in his absence, the Assistant Director of Emergency Services, and in the absence of the Director and Assistant Director, the Emergency Management Coordinator is hereby empowered to:

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1. Implement and carry out the City's Emergency Plan.
2. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council.
3. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use.
4. Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this City is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as deemed necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state laws for registered Disaster Service Workers.
5. Requisition necessary personnel or material of any City department or agency.
6. Execute all of his ordinary power as City Manager, all of the special powers and duties conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.
7. Authorize the use of any gifts of services, equipment, temporary loan of equipment, supplies, goods or other in-kind donations, as necessary to provide for the protection of life and property, regardless of whether the donation comes from public or private sources. The order authorizing the use of any gifts shall be in writing. Any such donations used by the City shall be deemed duly accepted by the City Council in accordance with Section 37354 of the California Government Code. A report of all such gifts shall be made to the City Council at its next regular meeting for review.
8. In the event of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety, the Director of Emergency Services may issue a declaration of a shelter crisis pursuant to Section 8698.2 of the California Government Code, and exercise all authority in accordance with Chapter 7.8 of Division 1 of Title 2 of the Government Code.
 - h. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.
 - i. The Assistant Director of Emergency Services, under the supervision of the Director of Emergency Services, shall have such powers and duties as may be assigned by the Director of Emergency Services.
 - j. The Emergency Management Coordinator shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop and maintain the City's emergency plans; manage, organize, and coordinate the City's emergency programs and training, to include volunteers; and shall have such other powers and duties as may be assigned by the Director of Emergency Services.

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2-4.7 Emergency Organization. All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provision of Section 2-4.6(g)(4) of this chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Compton.

2-4.8 Emergency Plan. The Compton Disaster Council shall be responsible for the development of the City of Compton Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

2-4.9 Expenditures. Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Compton.

2-4.10 Violations; Penalties. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500), or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

a. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation or curfew issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

b. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.

c. Wear, carry, or display, without authority, any actual, simulated or counterfeit form of identification specified or purporting to be issued by any emergency or disaster agency, any public or private humanitarian or assistance agency, any media or news agency, or by any branch of the federal, state, regional, county or local governmental agency, or any branch thereof.

2-4.11 Continuity of Government in Event of Disaster. For purposes of this Ordinance, the line of succession for the Mayor and City Council members who are unavailable during a duly declared local emergency or state of emergency, or during the existence of a state of war emergency shall be as follows:

a. In the event that the Mayor is unavailable, the Mayor Pro-Tem shall serve as Mayor. If the Mayor Pro-Tem is unavailable, the remaining City Council members shall serve as Mayor in the order of their seniority, excluding standby successors.

b. In the event that City Council members are unavailable, pursuant to Section 8638 of the Government Code, the City Council shall appoint standby successors for each member of the City Council.

1. At the second Council meeting in January each year or as soon thereafter as may be practicable, the City Council shall select five (5) emergency standby council members. Emergency standby council members shall be selected from residents of the City and/or City employees who agree to serve in that capacity during the year and reside within the

City of Compton during that year so long as they elect to participate as members of the emergency standby council. City residents must reside within the council district of the Council member for whom they will be appointed as emergency standby council member. A member of the emergency standby council shall serve in that capacity from the date of appointment until appointment of another emergency standby council the following year; unless and until the member notifies the City Clerk in writing that the member has elected to terminate participation in the emergency standby council. Each emergency standby council member shall take the oath of office required for the City Council prior to assuming the position of emergency standby council member.

2. Each standby council members appointed by the City Council as described in subsection (1) above, shall have the duty during the term of that member's appointment to remain informed of the duties of City Council members and the business and affairs of the City of Compton to the extent necessary to enable participation as a member of the City Council upon appointment in the event of an emergency as provided hereafter, and must complete State mandated training in accordance with Section 8607 of the Government Code and Federally mandated training in accordance with Homeland Security Presidential Directive-5, as well as other essential training deemed necessary by the Emergency Management Coordinator.

3. In the event of the declaration of a state of war emergency, a state of emergency, or a local emergency as those terms are designated in Section 2-4.2, and less than a quorum of the City Council is available and a City Council meeting is urgently required, the members of the emergency standby council shall be contacted for service. At that meeting, any City Council members who are unavailable for duty at the time of that meeting as defined by Section 8636 of the California Government Code, shall be replaced by a member of the emergency standby council as necessary to reach five (5) members. The order of selection of emergency standby council members shall be determined by Council policy. The appointment of members of the emergency standby council members to fill vacancies created by the unavailability of City Council members at any time during a state of emergency shall be performed by City Council, and additional emergency standby members shall be appointed during the state of emergency as required to maintain a total of five (5) members of the City Council.

4. Members of the emergency standby council who are appointed to serve as city council members shall serve in that position until replaced by a member of the City Council who becomes no longer unavailable such that the addition of emergency standby council members is no longer necessary in order to constitute a quorum, until termination of the state of emergency, or until the election or appointment of a new regular City Council member as provided by law. Persons appointed as emergency standby council members shall serve at the pleasure of the City Council and may be removed and replaced at any time with or without cause.

SECTION 2. That it is the intent of the City Council in enacting this Ordinance that it shall be considered a revision and continuation of the ordinance repealed by this Ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreement, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this Ordinance.

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.

ORDINANCE NO. _____
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SECTION 4. 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.

SECTION 5. That a certified copy of this Ordinance shall be filed with the Offices of City Manager, City Attorney, City Clerk and all other City Departments and Agency.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

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: Fire Department

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON MUNICIPAL CODE IN ITS ENTIRETY RELATING TO EMERGENCY ORGANIZATION AND FUNCTIONS

Jon Thompson
DEPARTMENT MANAGER’S SIGNATURE

11/24/2010 4:32:05 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/16/2010 12:09:45 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/16/2010 2:28:40 PM
DATE

Willie Norfleet
CITY MANAGER

12/16/2010 8:44:18 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.

February 1, 2011

TO: CITY MANAGER

FOR: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 2-1.8 and 2-1.13 TO REVISE THE AMOUNT OF TIME ALLOTTED FOR AUDIENCE COMMENTS; AND SECTION 2-1.7 TO ADD CITY TREASURER REPORTS TO THE CONSENT AGENDA

SUMMARY

The City Council will consider adopting an Ordinance amending Chapter II of the Compton Municipal Code by amending Sections 2-1.8 (*Audience Comments at Council Meetings*) and 2-1.13 (*Rules of Decorum for Meetings*), to revise the amount of time allotted to each person who desires to address the Council on items appearing on the agenda and matters that are within the jurisdiction of the Council from five (5) minutes to three (3) minutes, except for scheduled public hearing items. Additionally, Section 2-1.7 (*Order of Business*) will be amended to add City Treasurer Reports to the consent agenda.

BACKGROUND

The City Council of the City of Compton functions as the governing body for the City of Compton, exercising the powers, authority, jurisdiction and functions generally provided for within the City Charter and the Constitution of the State of California.

The Compton Municipal Code establishes procedures and rules governing the conduct of Council meetings, including specifying the amount of time that each person desiring to address the Council shall have to speak.

#12.

Staff Report Re Ordinance Amending Chapter II
Compton Municipal Code, Sections 2-1.7, 2-1.8 & 2-1.13
February 1, 2011

STATEMENT OF ISSUE

While all citizens are encouraged to appear before the Council to present grievances, offer suggestions for the betterment of municipal affairs or comment on agenda items, meetings of the Council should be conducted in a manner that is effective, efficient and conducive to the orderly and expedite conduct of the peoples' business.

In an effort to provide more citizens with the opportunity to address the legislative body of the City Council on those matters that appear on the agenda or otherwise are within the jurisdiction of the Council, it is proposed that the audience comment time allotted to each person desiring to address the Council be revised from five (5) minutes to three (3) minutes each person, unless the presiding officer grants further time.

RECOMMENDATION

It is the recommendation of staff that the City Council adopt the attached Ordinance, which will amend Chapter II of the Compton Municipal Code by amending Sections 2-1.8 (*Audience Comments at Council Meetings*) and 2-1.13 (*Rules of Decorum for Meetings*), to revise the amount of time allotted to each person who desires to address the Council on items appearing on the agenda and matters that are within the jurisdiction of the Council, and Section 2-1.7 (*Order of Business*) to add City Treasurer Reports to the consent agenda.

CRAIG J. CORNWELL
CITY ATTORNEY

WILLIE NORFLEET
CITY MANAGER

Attachments: Proposed Ordinance
CJC:WN:RAR:rar

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTIONS 2-1.8 and 2-1.13 TO REVISE THE AMOUNT OF TIME ALLOTTED FOR AUDIENCE COMMENTS; AND SECTION 2-1.7 TO ADD CITY TREASURER REPORTS TO THE CONSENT AGENDA

WHEREAS, the City Council desires that City Council meetings proceed orderly and efficiently; and

WHEREAS, the City Council seeks to revise the amount of time allotted an audience member to address the Council so as to provide more citizens with the opportunity to speak; and

WHEREAS, the changes stated below will provide better service to the citizens of Compton.

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

Section 1. That Section 2-1.7 (j)(3) (Order of Business) of the Compton Municipal Code is amended to read as follows:

2-1.7 Order of Business.

- j. *Consent Agenda.*
- 3. City Manager/City Attorney/City Treasurer reports;

Section 2. That Section 2-1.8 (a) (Audience Comments at Council Meetings) of the Compton Municipal Code is amended to read as follows:

2-1.8 Audience Comments at Council Meetings.

a. *Agenda Items and Non-Agenda Matters.* Each person shall be allotted three (3) minutes in which to address the City Council on any item(s) appearing on the agenda and matters that are within the jurisdiction of the Council but do not appear on the agenda. This shall be the only opportunity for public comment except for scheduled public hearing items.

Section 3. That Section 2-1.13 (c)(2) (Rules of Decorum for Meetings) of the Compton Municipal Code is amended to read as follows:

2-1.13 Rules of Decorum for Meetings.

- c. *Addressing the Council.*
- 2. Each person shall limit his or her comments to three (3) minutes [two (2) minutes for public hearings), unless the presiding officer grants further time.

Section 4. 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 5. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services and the Los Angeles County Sheriff's Department, Compton Station.

Section 6. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 7. 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 _____, 2011.

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 _____, 2011.

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