NOTICE

COMPTON CITY COUNCIL
AGENDA
Tuesday, October 11, 2011
5:45 PM

HEARING(S)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **CERTIFICATE PRESENTATION** - Studen of the Month **(Councilman Willie Jones)**

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

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

APPROVAL OF MINUTES

2. September 27, 2011

REPORTS OF OFFICERS AND COMMISSIONS

HUMAN RESOURCES

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

WATER DEPARTMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND AWARD A CONTRACT TO PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON POTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK

APPROVAL OF WARRANTS

5. Warrant #203747 - Date - 10/5/2011 - Name - Hosie Cooper - Description - Clean up Services - Amount - $2,800.00 - Requested by: Maintenance

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

6. REQUEST TO SCHEDULE A JOINT PUBLIC HEARING WITH THE PUBLIC FINANCE AUTHORITY OF THE CITY OF COMPTON TO AMEND THE CAPITAL IMPROVEMENT PLAN AND TO REALLOCATE CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEASE REVENUE BONDS **(October 25, 2011 at 6:00 p.m.)**

CITY ATTORNEY'S REPORTS

UNFINISHED BUSINESS

7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS
(Second Reading)

NEW BUSINESS

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT BETWEEN THE CITY OF COMPTON AND MEPCO SERVICES, INC. TO AUTHORIZE THE REDUCTION OF WITHHELD RETENTION ON THE MARTIN LUTHER KING JR. TRANSIT CENTER PROJECT (CIP #06-04)

9. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM**(First Reading)**

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL**(First Reading)**

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING PROVISIONS OF SECTION 2-1.13 REGARDING ENFORCEMENT OF RULES OF DECORUM AT CITY COUNCIL MEETINGS**(First Reading)**

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, October 18, 2011 @ 5:45 PM.

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SEPTEMBER 27, 2011

The City Council meeting was called to order at 6:38 p.m. in the Council Chambers of City Hall by Mayor Eric Perrodin.

ROLL CALL

Council Members Present: **Zurita, 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

Bernabe Valle, Compton resident, notified the City Council of the ongoing issues he has faced with his neighbors for approximately fifteen years.

Mayor Perrodin notified Mr. Valle that the City Council meetings are broadcasted live and he do not want him to say anything that would put him in danger.

Mr. Valle stated that he is aware of dangers of addressing this issue in a public forum; however he indicated that it was important for him to come forward and enforce his legal rights as a resident of the Compton community. Mr. Valle explained that his neighbor's home was once a "drug house" and had been raided on several occasions by the Compton Police Department and the Sheriff's Department over the past several years. He maintained that he had the right to raise his children in a drug-free environment and asked that someone assist him in that right.

Mayor Perrodin referred Mr. Valle to the Sheriff's Department.

Lynn Boone, Compton resident, questioned Items Four and Five on the agenda, due to a statement made by the General Manager of the Water Department. She stated that the City of Compton is a charter city, which allows them the authority to tax. She cited that the initial fees within the water bills are taxes and suspected that the City could raise the fees as high as they wanted. She claimed that there were alternatives to reducing the resident's water bills and claimed that the General Manager of the Water Department was paid off to keep quiet about any other funding sources. She indicated that the only alternative to reducing the resident's water bills was to remove the City officials that do not want to make Compton a better place to live. She referenced her comment from last week's meeting regarding Councilperson in District One's sister. She indicated that she never said that she was promoted. She stated that she is working in a revenue generating department with no experience and absent half of the time. Ms. Boone felt the residents were duped into believing that people running for office would make a difference in the community and affirmed that Measure "L" took away the rights of the citizens.

Councilperson Zurita stated that as part of the reorganization process, all of the departments have employees with no experience. Ms. Zurita stated that it is obvious that Ms. Boone is a sore loser.

Ms. Boone was ejected from the meeting for disruptive behavior.

The meeting was recessed for five minutes.

Mayor Perrodin referenced an incident from the Los Angeles City Council meeting, in which an African American male attended the meeting dressed as a Ku Klux Klansman. Because of that incident, the Los Angeles City Council adopted a resolution that bans disruptive behavior.

Mayor Perrodin stated that he takes the "Birthing of a New Compton" seriously and added that it is difficult for him and others to combat the negative stigma that Compton has, when it is continually being perpetuated.

Mayor Perrodin asked the City Attorney to bring forth the ordinance that the City of Los Angeles adopted that bans disruptive individuals from the council meetings for a specific amount of time. The Mayor stated that it is imperative that consequences be in place to ensure that this behavior is not continued.

Councilperson Zurita asked the City Manager to explain the reorganization process.

Willie Norfleet, City Manager, stated that as a result of the lay-offs and cutting certain positions, lateral moves and transfers were made among senior personnel.

Richard P. Wagner, Attorney for the Compton Hunting and Fishing Club, notified the City Council of the Long Beach Planning Commission's proposal to utilize Compton roads to transport 240 semi-trucks per day to a trucking facility located on the outskirts of Long Beach. He mentioned that the truckers have the ability to access this site from Artesia in the City of Long Beach, however the conditions for approval from the Long Beach Planning Commission is requiring that they utilize Sportsman Drive to access the site from the Alondra exit off the 710 freeway. The public hearing scheduled to discuss this issue will be held on Tuesday, October 4, 2011 at 5 p.m. in Long Beach City Hall.

Mayor Perrodin stated that he is disappointed to hear that the City of Long Beach would disrespect the City of Compton in this manner. The Mayor stated that Sportsman Drive is the size of an alley and mentioned that Long Beach had the audacity to install permanent road blocks on at least five of their streets to impede access from Compton residents. The Mayor asserted that the infrastructure and air quality in this area would be significantly affected if this proposal is approved and subsequently made a recommendation to the City Attorney to block Sportsman Drive.

Mayor Perrodin urged the residents to participate in the Long Beach City Council meeting scheduled for October 4, 2011 to ensure that their concerns are heard.

Craig Cornwell, City Attorney, stated that Long Beach is expressing that their procedures were not followed in approving this matter at the Planning Commission level. Mr. Cornwell mentioned that he had received an overture from the business to have a discussion and indicated to them that this is not an issue between the business and the City, because this type of use is too much of a burden on the Compton community to make arrangements with the business.

Mr. Cornwell announced that staff would be attending the October 4, 2011 hearing, if no contact is made with their staff, to make their views known and take it from there if they approve this matter despite the objections that are on file.

Councilperson Arceneaux requested the alternative solution, in the event that Long Beach approves the matter amidst the City's objection.

Mr. Cornwell stated that the City could file a writ in the Superior Court contesting an action taken by the Long Beach City Council, or more practically deny access from the City's road to the parcel. Mr. Cornwell stated that he believes the trucking facility is already using the back road leading to Artesia, as a result of not being able to access Sportsman Drive.

Mayor Perrodin stated that the current structure needs to be more permanent, because he is concerned that Compton's interests will not be adhered to.

Joyce Kelly, Compton resident, congratulated Senator Roderick Wright, for being honored as one of the League of California Cities 2011 Legislators of the Year. She referred to the September 6, 2011 meeting minutes and clarified that she was opposed to the purchase of motor vehicles and scooters to patrol the City's parks. She stated that the $25,000 limit for the City Manager came in with the previous city manager Charles Evans, not Barbara Kilroy. She asked the city officials to teach the new councilperson a little bit of respect and stated that it reminded her of how the students at the University of San Diego described the people in Compton.

William Kemp, Compton resident, advised the City to install a toll booth on the City's side of Sportsman Drive in an effort to raise money for the City's streets.

Lee Wax, representative of the Coalition of the Compton Unions, stated that the Coalition has made several requests for basic information that they have a right to under their contracts. He suspected the City of perpetuating an adversarial relationship and asserted that they would be professional and possibly take other avenues to securing what they have a right to. He indicated that they would continue in their quest to fight for the citizens and employees of Compton and encouraged the City to provide the information that they requested.

Robert Ray, Compton resident, asked the City Council if they were involved with the "Seasons for Compton" senior citizen community, because he could not look at an apartment unit until it was determined that he was fully-qualified to live there. He suggested that the City Attorney contact the Sempra Energy Company for information on how to provide a discount on the water rates for low income households. He stated that he was opposed to the purchase of eleven T3 Scooters and asked that someone on the City Council reconsider their vote, because code enforcement is not authorized to utilize blue and red lights and sirens. He indicated that private security was hired to patrol the City's parks because there were not enough code enforcement employees left. He suspected an ulterior motive for the purchase of those vehicles and doubted that there were enough code enforcement officers to patrol the City's parks.

Charles Leone, representative of SEIU 721, requested an opportunity to meet with the City to save jobs and needed services. He also announced that the Saint John's Children Family Center would be hosting a workshop to address healthcare cuts on Wednesday, September 28, 2011 at 6 p.m.

Nabihi Brumfield, Assistant Principal at Roosevelt Middle School, announced that there were wonderful things happening at Roosevelt Middle School.

Jasmine Williams, 8th Grader at Roosevelt Middle School, invited the City Council to participate in their "Extreme Makeover Event" to be held from Friday, October 14, 2011 and Saturday, October 15, 2011. The event will begin at 7 a.m. and end at 12 p.m.

Barbara Calhoun, former councilperson, thanked Councilperson Dobson for attending the "Homeless Veterans Stand-down Event" last weekend.

Brenda Postelle, Compton resident, asked the City Council to rescind the Planning Commission's decision to deny Our Lady of Victory Church's permit to host a carnival on October 8, 2011. Ms. Postelle also asked that the hearing scheduled for October 4, 2011 be rescheduled to an earlier date to allow the church an opportunity to schedule their activities accordingly.

Father Francisco, Our Lady of Victory Church, stated that he supports the "Birthing of A New Compton" and asked that the City Council support his church, in an effort to rebuild Compton together.

Mayor Perrodin stated that he was not aware of their permit being denied; however he stated that he has heard complaints from the churches nearby that have expressed a concern for due diligence and how the carnival would affect their activities.

Patricia Simpson, Compton resident, stated that some of the senior citizens are concerned about the City Manager being terminated before his contract expires. She suggested that he be allowed to stay until his contract ends, because the pay-off money could be used to keep people working. She also spoke in opposition of the resolution to issue a purchase order to Inglewood for data processing services relating to the parking citation program. She affirmed that Compton needs the money that is generated from parking citations, because it pays for salaries.

5:50 P.M. PUBLIC HEARING - TO GRANT A FRANCHISE TO PARAMOUNT PETROLEUM CORPORATION TO OPERATE, REPLACE AND REPAIR PIPELINES (Item #11)

On motion by Arceneaux, seconded by Dobson, the public hearing was opened at 7:36 p.m., by the following vote on roll call:

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

John Strickland, representative of the Public Works Department, reported that this public hearing was being held to grant a pipeline franchise agreement to Paramount Petroleum Corporation for a period of twenty years. On July 10, 1991, the City Council adopted Ordinance No. 1,858 to grant a petroleum pipeline franchise to GATX Terminal Corporation effective April 10, 1986. GATX was later acquired by Kinder Morgan Energy Partners and in November 2002, Kinder Morgan sold pipeline GH145 to Paramount Petroleum. Paramount Petroleum has requested a new franchise to replace the one that lapsed. The proposed term limits are effective from April 10, 2006 to April 10, 2026. Franchise annual fees are $9,312.84 and adjusted annually for inflation. Taking past due fees and penalties into account, the grantee shall pay the City the sum of $98,921.11.

Staff is requesting that council approve the resolution and accept the past due fees upon the adoption of the resolution.

AUDIENCE COMMENTS ON THE HEARING

Robert Ray, Compton resident, stated that he has a friend that works for Paramount Petroleum and assured the City that safety is their first priority.

William Kemp, Compton resident, questioned how this pipeline franchise would benefit the citizens of Compton.

Mr. Strickland explained that the franchise agreement would generate revenue for the City.

On motion by Dobson, seconded by Zurita, the public hearing was closed at 7:43 p.m., by the following vote on roll call:

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

COUNCIL COMMENTS ON THE HEARING

Mayor Perrodin recalled the explosion in the City of San Bruno and stated that he noticed that part of the pipeline crosses underneath the southeastern side of Dominguez High School.

Mayor Perrodin stated that Paramount Petroleum pipes travel through three cities with the following amounts being paid to each of them annually: Compton $9,312.00; Long Beach $56,000; Paramount $21,000. (Compton having the least amount of pipe per foot)

Councilperson Arceneaux asked Mr. Strickland how the pipes are monitored for safety and endurance. Mr. Strickland stated that they have a detection system with an emergency crew available 24/7.

Councilperson Arceneaux asked Mr. Strickland if street repair was identified in their contract after they have repaired or replaced their pipelines. Mr. Strickland replied affirmatively.

Councilperson Dobson asked Mr. Strickland if the franchise fee could be increased throughout the contract. Mr. Strickland stated that the franchise fees can only be adjusted with inflation.

Councilperson Arceneaux instructed Mr. Strickland to address gas leaks and explosions in the City's emergency preparedness plan. Mr. Strickland replied affirmatively.

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - There were no items removed from the Consent Agenda.

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

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

APPROVAL OF MINUTES

1. September 13, 2011

WATER DEPARTMENT

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF WESTERLY METER SERVICE FOR THE FURNISHING AND DELIVERY OF LEAD FREE SENSUS WATER METERS AND TRANSFER FUNDS BETWEEN ACCOUNTS **(Resolution # 23,395)**

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF HD SUPPLY WATERWORKS FOR THE FURNISING AND DELIVERY OF FIRE HYDRANTS AND GATE VALVES **(Resolution # 23,396)**

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF BRANDON SUPPLY FOR THE FURNISHING AND DELIVERY OF STORE SUPPLIES FOR THE 2011-12 FISCAL YEAR **(Resolution # 23,397)**

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF ARMORCAST PRODUCTS FOR THE FURNISHING AND DELIVERY OF POLYMER CONSTRUCTION METER BOXES AND COVERS **(Resolution # 23,398)**

Alita Godwin, City Clerk, stated that the dollar amount under Section 3 should read $56,107.93, as well as in the second whereas.

APPROVAL OF WARRANTS - There were no warrants to be approved.

END OF THE CONSENT AGENDA

REGULAR AGENDA

CITY MANAGER'S REPORT

6. REQUEST TO SCHEDULE A PUBLIC HEARING: APPEAL BY OUR LADY OF VICTORY CATHOLIC CHURCH (APPLICANT) OF DENIAL OF TEMPORARY STREET CLOSURE PERMIT FOR THE DATES OF OCTOBER 6, 2011 - OCTOBER 9, 2011

On motion by Arceneaux, seconded by Zurita, the public hearing was scheduled for October 4, 2011 at 6 p.m., by the following vote on roll call:

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

CITY ATTORNEY'S REPORTS

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

Erick Monsivais v. City of Compton - I-8452/LI0000132A

On motion by Arceneaux, seconded by Zurita, the above claim was denied, by the following vote on roll call:

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

CLOSED SESSION

8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

   Felicitas Gonzalez, ET AL., v. City of Compton, Case No. BC450 494
   Pursuant to California Government Code Section 54956.9

9. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

10. PUBLIC EMPLOYEE APPOINTMENT
    Title: City Manager

On motion by Arceneaux, seconded by Zurita, the above closed sessions were approved, by the following vote on roll call:

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

Craig Cornwell, City Attorney, stated that he reviewed the Compton Municipal Code and Ordinance No. 20-6.14 and determined that October 4, 2011 is the earliest date that the Our Lady of Victory hearing could be held.

The meeting was recessed to closed session at 7:57 p.m. and reconvened at 11:56 p.m.

ROLL CALL

Council Members Present: Zurita, Arceneaux, Jones, Perrodin
Council Members Absent: Dobson

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

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

REPORT OUT OF CLOSED SESSION

Craig Cornwell, City Attorney, reported out that council met in closed session regarding conference with legal counsel pursuant to California Government Code Section 54956.9.

1) In the case regarding existing litigation, Felicitas Gonzales, vs. City of Compton Case No. BC450494. The entire City Council was present. The City Council unanimously voted to reject the most recent counter offer by plaintiffs in this matter.

2) In the case regarding Public Employee Discipline/Dismissal/Release the entire City Council was present.

On motion by Councilperson Arceneaux, seconded by Councilperson Zurita, a vote to dismiss the City Manager, Willie Norfleet, was approved, by the following roll call:

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

Mayor Perrodin contended that the members of this City Council that voted to terminate Mr. Norfleet are in violation of Municipal Code Section 2-2.9 and City Charter Section 703.

Councilperson Zurita requested legal counsel. Mr. Cornwell confirmed that the 90 days begin at the conclusion of the general election.

3) In the case regarding Public Employee Appointment. The following councilpersons were present: Zurita, Arceneaux, Jones and Perrodin.

The motion to appoint Brian Batiste from September 27, 2011 through October 3, 2011 based on the current pro ratio share of the current City Manager's salary, and then to appoint Phillip Ewell to begin serving as City Manager on October 4, 2011 subject to the terms and conditions agreed to at a subsequent agreement to be submitted for the City Council's approval at a properly noticed City Council meeting was approved, by the following vote on roll call:

AYES: Council Members - Zurita, Arceneaux, Jones
NOES: Council Members - Perrodin
ABSENT:Council Members - Dobson

Mayor Perrodin stated that the City Council has not identified the funds to pay for Mr. Norfleet's six month pay-out which will be approximately $92,000 plus any additional time.

Mayor Perrodin indicated that he did not see the urgency of appointing Mr. Batiste if Mr. Ewell could not take the seat until October 4, 2011.

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM CORPORATION TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS **(First Reading)**

On motion by Arceneaux, seconded by Jones, to waive the reading of the ordinance in full, by the following vote on roll call:

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

On motion by Arceneaux, seconded by Jones, **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM CORPORATION TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS"** was placed on first reading by title only, by the following vote on roll call:

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

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO THE CITY OF INGLEWOOD FOR DATA PROCESSING SERVICES RELATING TO THE PARKING CITATION PROGRAM

On motion by Arceneaux, seconded by Zurita, **Resolution # 23,399** entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO THE CITY OF INGLEWOOD FOR DATA PROCESSING SERVICES RELATING TO THE PARKING CITATION PROGRAM"** was approved, by the following vote on roll call:

AYES: Council Members - Zurita, Arceneaux, Jones
NOES: Council Members - Perrodin
ABSENT: Council Members - Dobson

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO THE COMPTON COURT RELATING TO THE COLLECTION OF FINES ON PARKING CITATIONS

On motion by Arceneaux, seconded by Zurita, **Resolution # 23,400** entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO THE COMPTON COURT RELATING TO THE COLLECTION OF FINES ON PARKING CITATIONS"** was approved, by the following vote on roll call:

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

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO PAY ALL INVOICES BILLED FOR ANIMAL CARE AND CONTROL SERVICES FOR FISCAL YEAR 2011-2012

On motion by Arceneaux, seconded by Jones, **Resolution # 23,401** entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO PAY ALL INVOICES BILLED FOR ANIMAL CARE AND CONTROL SERVICES FOR FISCAL YEAR 2011-2012"** was approved, by the following vote on roll call:

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

COUNCIL COMMENTS

Councilperson Zurita welcomed Mr. Batiste to the dais and asked that everyone work cooperatively with him.

Councilperson Zurita thanked everyone for their encouraging words and announced that there is a new Fat Burger in town.

Mayor Perrodin requested that the meeting be adjourned in the memory of Bertha Price, Artie Brown and Vesta Williams.

Mayor Perrodin thanked Mr. Norfleet for his time in the City of Compton. The Mayor stated that it was unfortunate that the City Council would not give him an opportunity to succeed. The Mayor held that the City's deficit was due to an accumulation of activities from the other city managers.

Mayor Perrodin stated that he had wished this Body would have given Mr. Norfleet the same amount of consideration that they gave the previous city manager.

Mayor Perrodin stated that the unions would be happy to hear that Mr. Ewell has indicated that he is willing to work with them.

ADJOURNMENT

On motion by Arceneaux, seconded by Zurita, the meeting was adjourned at 12:13 a.m. in the memory of **Bertha Price**, **Artie Brown** and **Vesta Williams**, by the following vote on roll call:

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

_____ _____
Clerk of the City of Compton **Mayor of the City of Compton**

October 11, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

SUMMARY

The attached Resolution is for the City Manager to enter into a Metro Pass Seller Agreement and the attendant TAP CPOS License and Service Agreement with the Los Angeles County Metropolitan Transportation Authority (LACMTA).

BACKGROUND

Federal and State statutes require cities to develop and implement mobile source air pollution reduction strategies consistent with regional air quality goals established by the California Clean Air Act of 1988.

The City's program promotes the use of alternative transportation methods (carpool, bike, walk and public transit) to reduce vehicular congestion and emission. Monthly transit passes are provided for commuting to and from work via LACMTA rail/bus transit systems. Additionally, in 1994, the City received LACMTA's approval to provide subsidized bus passes for senior citizens in the community.

In the past, the City of Compton could purchase paper transportation passes from LACMTA and would be invoiced for the passes that were purchased. However, the LACMTA no longer sells paper transportation passes, nor will they continue to invoice the City for services received. Instead, LACMTA has converted to an electronic sell of passes called Transit Access Pass (TAP) and the funds must be pre-loaded into a compact point of sales device (CPOS) supplied by the LACMTA to the City.

In order to receive the CPOS device, the City shall execute the TAP CPOS License and Services Agreement with LACMTA.

FISCAL IMPACT

City Council adopted Resolution #23,390 on September 13, 2011 authorizing the issuance of a purchase order to LACMTA in the amount of $140,000 from account number 2625-56-0000-4269, the Clean Air Act.

There will be no fiscal impact on the City's General Fund.

RECOMMENDATION

Staff recommends approval of the attached Resolution authorizing the City Manager to enter into above-indicated agreements with the Los Angeles County Metropolitan Transportation Authority.

SHERI D. EATON
ACTING HUMAN RESOURCES DIRECTOR

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, the Southern California Air Quality Management District has mandated through the Clean Air Act that employers provide ride sharing, alternative transportation and trip reduction programs; and

WHEREAS, the City's program promotes the use of alternative transportation methods (carpool, bike, walk and public transit) to reduce vehicular congestion and emission; and

WHEREAS, the City of Compton, in order to comply with the program guidelines, purchases from the Metropolitan Transportation Authority public transit bus passes on a monthly basis to provide alternative transportation to and from the work site for employees and provide transit services for the elderly; and

WHEREAS, these passes are only available through the Los Angeles County Metropolitan Transportation Authority; and

WHEREAS, the LACMTA no longer sells paper transportation passes; and

WHEREAS, LACMTA has converted to an electronic sell of passes called Transit Access Pass (TAP) and the funds must be pre-loaded into a compact point of sales device (CPOS) supplied by the LACMTA to the City; and

WHEREAS, in order to receive the CPOS device, the City shall execute the TAP CPOS License and Services Agreement with LACMTA; and

WHEREAS, City Council adopted Resolution #23,390 on September 13, 2011 authorizing the issuance of a purchase order to LACMTA in the amount of $140,000 from account number 2625-56-0000-4269, the Clean Air Act.

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

Section 1. That the City Manager is hereby authorized to enter into a Metro Pass Seller Agreement and a TAP CPOS License and Service Agreement with the Los Angeles County Metropolitan Transportation Authority for Fiscal Year 2011-2012.

Section 2. That a certified copy of this Resolution shall be filed in the offices of the City Manager, City Attorney, City Controller, Human Resources Department and City Clerk.

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

Resolution No. _____
Page Two

ADOPTED this _____ day of _____, 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: ss

I, Alita L. 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: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-

_____
CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **City Attorney**

RESOLUTION TITLE: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A METRO PASS SELLER AGREEMENT AND TAP CPOS LICENSE AND SERVICE AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY**

Ruth Rugley	**10/6/2011 11:06:42 AM**
DEPARTMENT MANAGER'S SIGNATURE	DATE

REVIEW / APPROVAL

Ruth Rugley	**10/6/2011 4:28:44 PM**
CITY ATTORNEY	DATE
Stephen Ajobiewe	**10/6/2011 3:54:41 PM**
CITY CONTROLLER	DATE
P. Lamont Ewell	**10/6/2011 3:52:19 PM**
CITY MANAGER	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.

October 11, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND AWARD A CONTRACT TO PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON POTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK

SUMMARY

This resolution will authorize the City Manager to accept the bid of and award a contract to Pacific States for the construction of a 750,000 gallon potable water storage reservoir.

BACKGROUND

The City of Compton's Water Infrastructure is in need of improvements and the Municipal Water Department applied for a Water Infrastructure Improvement Grant from the Environmental Protection Agency (EPA).

The Municipal Water Department was awarded a $485,000.00 (Four Hundred Eighty-five Thousand Dollars) grant to construct a water storage tank to ensure the City's potable water is free from contaminants, improve water pressure in the northern portion of the City and increase the City's emergency water supply capacity.

The Municipal Water Department went out to bid and received the following bids on May 11, 2011:

VENDOR	AMOUNT
Blasto Inc.	$871,560.71
Pacific States	**$967,000.00**

Although Blasto, Inc., was the lowest bidder, their bid did not meet the bid specification and it was determined that Pacific States is the most responsible bidder; therefore, it is staff's recommendation to award the bid to Pacific States for the amount of $967,000.00 (Nine Hundred & Sixty-seven Thousand Dollars). Also, a 15% contingency in the amount of $145,050.00 (One Hundred, Forty-five Thousand and Fifty Dollars) is sought.

Resolution Staff Report
Pacific States
Pages 2

In an effort to preserve the park and make sure that it is available for recreational use, the Water Department staff feels that the reservoir should be moved to the Southeast corner of the park so that it will be less visual and have minimal impact on the usability of the park, doing so will prevent the potential loss of the grant and prevent further delays of the project.

FINANCIAL IMPACT

Funds are available in Account No. 5003 850 000 4755 of the Water Bond Fund.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the City Manager to accept the bid of and award a contract to Pacific States for the construction of a 750,000 gallon potable water reservoir.

KAMBIZ SHOGHI
GENERAL MANAGER

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND AWARD A CONTRACT TO PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON POTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK

WHEREAS, the Compton Municipal Water Department applied for a Water Infrastructure Improvement grant from the United States Environmental Protection Agency; and

WHEREAS, the Compton Municipal Water Department was awarded $485,000.00 (Four Hundred and Eighty-five Thousand Dollars) grant to construct a water storage tank to ensure the City's potable water is free from contaminants, improve water pressure in the northern portion of the City and increase the City's emergency water supply capacity; and

WHEREAS, the Municipal Water Department advertised for bids to construct an above ground 750,000 gallon potable water storage reservoir at Sebrie Park and the bids were opened on May 11, 2011 and the results were as follows:

VENDOR	**AMOUNT**
Blasto Inc.	$871,560.71
Pacific States	**$967,000.00**

WHEREAS, Blasto, Inc., was the lowest bidder however, their bid did not meet the bid specification and it was determined that Pacific States was the most responsible bidder; and

WHEREAS, Pacific States shall be awarded the bid to construct a 750,000 gallon potable water storage reservoir for the amount of $967,000.00 (Nine Hundred & Sixty-seven Thousand Dollars); and

WHEREAS, in an effort to preserve the park and make sure that it is available for recreational use, the Water Department staff feels that the reservoir should be moved to the Southeast corner of the park so that it will be less visual and have minimal impact on the usability of the park, doing so will prevent the potential loss of the grant and prevent further delays of the project.

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

SECTION 1. That the bid of Pacific States is hereby accepted and all other bids rejected.

SECTION 2. That City Manager is hereby authorized to enter into an agreement with Pacific States for construction of a 750,000 gallon above ground water storage reservoir and issue a purchase order to Pacific States in the amount of Nine Hundred Sixty Seven thousand Dollars $967,000.00.

SECTION 3. That a 15% contingency amount of up to One Hundred Forty Five Thousand Fifty Dollars ($145,050.00) is hereby authorized.

SECTION 4. That funds are available in Account No. 5003 850 000 4755 of the Water Bond Fund.

SECTION 5. That a certified copy of this Resolution shall be filed in the office of the City Manager, City Attorney, City Controller, and Municipal Water Department.

#4.

SECTION 6. 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, 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: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-

_____
CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **Water Department**

RESOLUTION TITLE: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID OF AND AWARD A CONTRACT TO PACIFIC STATES FOR THE CONSTRUCTION OF A 750,000 GALLON POTABLE WATER STORAGE RESERVOIR AT THE SOUTHEAST CORNER OF SEBRIE PARK**

Kambiz Shoghi — **9/20/2011 1:52:33 PM**
DEPARTMENT MANAGER'S SIGNATURE — DATE

REVIEW / APPROVAL

Ruth Rugley — **9/22/2011 6:32:29 PM**
CITY ATTORNEY — DATE

Stephen Ajobiewe — **9/22/2011 6:19:35 PM**
CITY CONTROLLER — DATE

Willie Norfleet — **9/22/2011 6:14:42 PM**
CITY MANAGER — 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

Warrant #	Date	Name	Description	Amount
203747	10/5/11	Hosie Cooper DBA Hosie Cooper Landscaping	Clean up services	$2,800.00

Requested by: Maintenance

I hereby certify that the above demand in the amount of $ 2,800.00 was approved at a regular meeting of the City Council and reject _____ as of October 11, 2011.

_____ Council Member

_____ Council Member

_____ City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on October 11, 2011 allowed the above demands.

_____
Alita Godwin
City Clerk

October 11, 2011

TO: **HONORABLE MAYOR AND COUNCIL MEMBERS**

FROM: **CITY MANAGER**

SUBJECT: **REQUEST TO SCHEDULE A JOINT PUBLIC HEARING WITH THE PUBLIC FINANCE AUTHORITY OF THE CITY OF COMPTON TO AMEND THE CAPITAL IMPROVEMENT PLAN AND TO REALLOCATE CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEASE REVENUE BONDS**

PROPOSED HEARING DATE: TUESDAY, OCTOBER 25, 2011 @6:00 P.M.

SUMMARY:

Pursuant to Government Code Section 6586.5, a public hearing is required to solicit comments from the public regarding recommended changes to the projects which may be financed with the funds from lease revenue bonds.

BACKGROUND:

On September 11, 2007, the City Council approved a resolution directing Staff to move forward with a plan to provide for the issuance of lease revenue bonds to refinance the outstanding 1997 Certificates and finance the costs of acquisition and improvement of various City facilities. On March 11, 2008, the City Council and the Public Finance Authority passed two companion resolutions authorizing the refinancing of the 1997 Certificates and the issuance of not more than $55,000,000 of Lease Revenue Bonds for the financing of certain capital projects, including improvements related to the transit center.

On July 28, 2009, after a public hearing, the City Council amended the capital improvement plan to reallocate capital funding for projects financed through the refinancing of the lease revenue bonds in Resolution No. 22,901. Currently, there is approximately $22,000,000.00 of projects for possible reallocation.

STATEMENT OF THE ISSUE:

Staff is now requesting that City Council hold a public hearing to redistribute a portion of the unused funds including but not limited to the following qualified projects:

MARTIN LUTHER KING TRANSIT CENTER EXPANSION PROJECT

This project included the demolition of the City's existing Transit Center and the Construction of a new transit center/transportation management and operations center, construction of a new plaza area, landscaping, realignment and reconstruction of roadways including new bus bays, utility modifications and traffic signal upgrades. The project is currently scheduled to be completed December 2011 or shortly thereafter and an infusion of capital is needed to complete the project. Staff is requesting an amount not to exceed four (4) million dollars to be transferred to this project.

GENERAL FUND RELIEF PROJECT

This project is regarding the use of monies in the 2008 Project fund to pay for principal and interest on the 2008 Bonds. This will have the effect of allowing general fund monies of the City that would have otherwise been used to pay principal and interest on the 2008 Bonds, to be used to pay other general fund expenses of the City. Representatives of the City have contacted the Internal Revenue Service to assure that the use of the 2008 Project Fund monies for this purpose is permissible under federal tax law. Currently, the General Fund expends approximately 2.3 million dollars a year for the 2008 Bond Debt Service. Staff is proposing three (3) years of debt service payments to be made with bond proceeds in lieu of general fund dollars.

RECOMMENDATION:

Staff requests that the Compton City Council and Public Finance Authority schedule a joint public hearing for the review of capital improvement projects funded through the refinance of outstanding 1997 Refunding Certificates of Participation issued by the Compton Public Finance Authority in 2008, as amended in 2009.

That the City Council and Public Finance Authority set a public hearing for October 25, 2011 at 6:00 p.m. to consider the capital improvement plan amendment.

P. LAMONT EWELL
CITY MANAGER

October 11, 2011

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **CITY MANAGER**

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS**

SUMMARY

This is an Ordinance declaring an intention granting a pipeline franchise to Paramount Petroleum for a period of twenty (20) years, from April 10, 2006 to April 10, 2026.

BACKGROUND

A primary method of transporting petroleum, both in its crude and refined varieties is via pipelines that traverse beneath various roadways. These arrangements require the request for the granting of a franchise agreement between the particular company and jurisdiction involved.

One such agreement was the subject of Ordinance No. 1,858, which was adopted by the City Council on July 10, 1991. This ordinance granted a petroleum pipeline franchise to GATX Terminals Corporation, effective April 10, 1986.

GATX was acquired by Kinder Morgan. In November 2002 Kinder Morgan sold pipeline GX-145 to Paramount Petroleum Corporation. According to City records, Kinder Morgan remitted payment for franchise years 2003-2005 on behalf of Paramount Petroleum. January 23, 2006 Kinder Morgan sent a letter requesting a release of obligation of GX-145 pipeline; as a result, giving Paramount Petroleum full operational ownership.

The franchise lapsed on April 10, 2006, the end of a 20-year term.

Paramount Petroleum has requested a new franchise to replace the lapsed one. The pipeline route located in a southeastern portion of the City, as indicated on the stationing chart on the last page of the resolution draft. Said pipeline's alignment entirely remains within the City of Compton's public right of way - in four separate segments - and described as follows:

Segment no. 1:

Starting from a point within the right of way of Santa Fe Ave. - at the common boundary line of the City of Compton and Los Angeles County; thence the pipeline runs northerly on Santa Fe Ave. to Artesia Blvd.; thence the pipeline turns eastbound onto Artesia Blvd. and continues going easterly on Artesia Blvd. to the common boundary line of the City of Compton and City of Long Beach, approximately 17' easterly of the centerline of Harbor Blvd (Susana Road).

Total length of segment no. 1 is 2,481 feet. This segment is shown on sheet GX145-11.

Segment no. 2:

Starting from a point within the right of way of Atlantic Drive - at the common boundary line of the City of Compton and City of Long Beach; thence the pipeline runs northerly on Atlantic Drive to Alondra Blvd.; thence the pipeline turns eastbound onto Alondra Blvd.; thence the pipeline travels easterly on Alondra Blvd to Lime Ave.; thence the pipeline turns northbound onto Lime Ave. and continues going northerly on Lime Ave. to the common boundary line of the City of Compton and Los Angeles County.

Total length of segment no. 2 is 3,385 feet. This segment is shown on sheets GX145-14, -15 & -16.

Segment no. 3:

Starting from a point within the right of way of Myrrh Street - at the common boundary line of the City of Compton and Los Angeles County; thence the pipeline runs easterly on Myrrh Street to Gibson Ave.; thence the pipeline turns northerly on Gibson Ave. and continue traveling on Gibson Ave. to the common boundary line of the City of Compton and Los Angeles County.

Total length of segment no. 3 is 1,075 feet. This segment is shown on sheet GX145-17.

Segment no. 4:

Starting from a point within the right of way of Somerset Blvd. - at the common boundary line of the Dominguez High School property and the City of Paramount; thence the pipeline runs southeasterly on the Dominguez High School property; thence the pipeline turns northeasterly and entering the city of Paramount.

Total length of segment no. 4 is 378 feet. This segment is shown on sheet GX145-18.

The approximate total length of pipeline that runs within the City of Compton is 7,319 feet.

STATEMENT OF THE ISSUE

Adopted on July 26, 2011, Resolution No. 23,363 declared intention to grant a franchise to Paramount Petroleum and set a hearing time of Tuesday, September 6, 2011 at 5:50 p.m. thereon

The hearing has been held and now an ordinance must be adopted to grant the franchise.

According to Article XV, Section 1502 of the City Charter, prior to the granting of any franchise, "the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to the granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon."

The proposed franchise is basically a renewal of the one that lapsed.

Key provisions are as follows:

- Term: The new franchise shall be effective April 10, 2006 and expire on April 10, 2026.
- Franchise Fees: The base annual fee shall be Nine Thousand Three Hundred Twelve Dollars and Eighty-Four Cents ($9,312.84), adjusted annually for inflation.

Taking past-due fees and penalties into account, upon the adoption this franchise ordinance, the **GRANTEE** shall pay to the **CITY**, the sum of Ninety-Eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents ($98,921.11) configured as follows:

1) The franchise fees and penalties in the amount of Seventy-Eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents ($78,921.11) for the period from April 10, 2006 to April 10, 2011,

2) An expense reimbursement fee in the amount of Twenty Thousand Dollars and No Cents ($20,000.00).

On September 28, 2010, the ordinance went on the Agenda for an initial reading. However, there was no second reading. In the meantime, a franchise anniversary date passed and the City Attorney's office determined that the single limit liability coverage should be increased from 5 million dollars to ten million dollars.

Accordingly, a new first reading is required.

FISCAL IMPACT

Upon adoption of the Ordinance, the City General Fund shall increase by $98,921.11. Hereafter, regular annual fees shall be due each year in the franchise term, described from the base annual rate, as described above.

RECOMMENDATION

Staff recommends approval of the attached resolution, which calls for conducting a hearing on granting an oil pipeline franchise to Paramount Petroleum.

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

P. LAMONT EWELL
CITY MANAGER

WN/WEJ/AT/rj

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS

WHEREAS, Section 1501 of the Compton **City Charter** authorizes the City to grant franchises to any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City for the transmitting or conveying of any such service elsewhere may be required by ordinance to have a valid and existing franchise; and

WHEREAS, the use of public streets and ways for the transport of refined petroleum products in pipelines within the jurisdiction of the City requires a franchise as contemplated by Section 1501 of the Compton City Charter; and

WHEREAS, Ordinance No. 1,858 granted a twenty (20) year franchise to GATX Terminals Corporation to operate, maintain, replace and repair certain pipelines and appurtenances for the transportation of refined petroleum oil in the City of City (GATX Terminals Corporation, the Grantee, was acquired by Paramount Petroleum in 2002); and

WHEREAS, the term of the franchise granted by Ordinance No. 1,858 expired on April 10, 2006 and Paramount Petroleum desires to enter into another franchise agreement; and

WHEREAS, pursuant to Resolution No. 23,363, adopted on July 26, 2011, a hearing was held on September 6, 2011 to receive public comments on the proposed granting of a twenty (20) year petroleum pipeline franchise (April 10, 2006 through April 10, 2026) to Paramount Petroleum.

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

SECTION 1. Nature and Extent of Grant:

The **CITY OF COMPTON** hereinafter also referred to as **"CITY"**, herewith grants to **PARAMOUNT PETROLEUM**, its successors and assigns, hereinafter referred to as **"GRANTEE"**, subject to the terms and conditions herein contained, the right, privilege and franchise to operate, maintain, replace, and repair the existing pipeline for the purpose of transporting refined petroleum products. The pipeline is currently located in certain public streets, located in the **"CITY"**, described in the attached Exhibit "A".

SECTION 2. Duration of Franchise:

The Franchise shall be effective on April 10, 2006. The term of this franchise shall be for twenty (20) years, terminating on April 10, 2026. The **"CITY"** reserves the right to limit this franchise prior to its expiration **in the event**:

A. GRANTEE fails to comply with any of the provisions hereof; provided, however, that if such failure to comply shall be due to a cause beyond the control of the **GRANTEE,** the franchise shall not be so terminated; and provided further that this

franchise shall not be so terminated unless the **GRANTEE** is given written notice of such noncompliance and fails within ninety (90) days of the date of such notice to commence and thereafter diligently prosecute to completion the corrective action necessary to cure such noncompliance. Notwithstanding the foregoing, if **GRANTEE'S** noncompliance is of such kind or nature as to cause a hazard to the public or endanger the public peace, health safety or general welfare, the **CITY'S** Director of Public Works may so notify the **GRANTEE** and reduce the period during which **GRANTEE** shall commence the work necessary to correct such noncompliance. In the event the **GRANTEE** fails to commence the corrective action within the time specified, as an alternative to terminating this franchise, the **CITY** may do the corrective work at the **GRANTEE'S** expense.

B. Any provision herein becomes invalid or unenforceable and the **CITY** expressly finds that such provisions constitute a consideration material to the granting of this franchise, then this franchise may be terminated by the **CITY** on ten (10) days written notice.

SECTION 3. Pipeline Operations:

A. Applicable Rules: The **GRANTEE** agrees to operate, maintain, replace and repair the pipelines and appurtenances in a good workmanlike manner, and in conformity with all regulations now or hereafter adopted by the State Fire Marshal.

B. Repairs and Street Excavations:

1. The work of maintaining or repairing all pipelines and appurtenances covered by this franchise shall be conducted with the least commercially reasonable hindrance to the use of the streets such facilities occupy for the purpose of travel.

2. The **GRANTEE** shall have the right to make all necessary street excavations for the purpose of exercising the rights granted by this franchise, but nothing herein contained shall relieve the **GRANTEE** from the provisions of any **CITY** ordinance or law that may be in force at the time requiring that permits be obtained for street excavations before such work is commenced.

All excavations shall be made and back—filled in strict compliance with all **CITY** ordinances that may be in effect at the time of the performance of the work and shall be made as not to interfere unreasonably with the free use of the streets by the public.

Upon completion of the work for which street excavations are made, all portions of the streets which have been excavated or otherwise damaged by such excavation work shall be restored to their original condition or equivalent to the satisfaction of the Director of Public Works.

C. Cleanup of Breaks and Leaks: If any portion of any street shall be damaged by reason of breaks or leaks in any pipeline or appurtenance maintained or repaired under this franchise, or if any street, sidewalk, sewer, storm drain waterline, or other facility be contaminated by any substance transported in said pipelines, the **GRANTEE** shall at its own expense immediately repair or clean up or cause to be repaired or cleaned up, any such damage or contamination and put such street, sidewalk, sewer, storm drain, waterline or other facility in as good condition as it was before such break or leak to the satisfaction of the Director of Public Works. Such cleanups shall be accomplished in a timely manner, with as little public disruption as commercially reasonable. Such emergency repair of franchise property may be commenced without prior permit; provided however, that the **GRANTEE** no later than the next normal working day shall notify by telephone, the Director of Public Works of any such work and shall within the next seven (7) calendar days apply for an excavation permit authorizing such emergency work.

D. Emergency Crews and Equipment: At all times during the term of this franchise, the **GRANTEE** shall maintain on a twenty-four (24) hour basis, personnel to operate the pipeline system, including monitoring the leak detection system and the communications equipment. In addition, during the term of this franchise, the **GRANTEE** shall maintain on a twenty—four (24) hour basis, adequate standby equipment and properly trained emergency standby crews, within a radius of twenty—five (25) miles from any facilities maintained pursuant hereto, for the purpose of implementing emergency response, such as, shutting off the pressure and the flow of contents of such facilities, repairs, oil—spill cleanup, preventing or minimizing damage or the threat of any damage to people or the environment in the event of an emergency resulting from an earthquake, act of war, civil disturbance, flood, fire, leakage or other cause.

E. Changes Required by Public Improvements: Whenever, during the existence of this franchise, the **CITY** shall change the grade, width, or location of any street in any manner, including the laying of sewer, storm drain, conduits, gas, water or other pipes owned or operated by the **CITY** or any other public agency, under the jurisdiction of the **CITY**, or construct any pedestrian tunnels, or other work of the **CITY** (the right to do all of which is specifically reserved to the **CITY** without any admission on its part that it would not otherwise have such rights) and such work shall, in the opinion of the Director of Public Works, render necessary any **change in the position or location of any facilities of the GRANTEE** in the street, the **GRANTEE** shall, at its sole cost and expense begin and thereafter diligently perform the necessary work to completion, in conformity with the written notice of the Director of Public Works as provided hereinafter. However, the **CITY** shall not require any relocation or modification which will have the effect of depriving the **GRANTEE** of a continuous and contiguous pipeline right-of-way. Except as provided herein before in this Section, when such rearrangement is done for the accommodation of any person, firm or corporation, the cost of such rearrangement shall be borne by the accommodated party. Such accommodated party in advance of such arrangement, shall: (1) deposit with the **GRANTEE** either cash or a corporate surety bond in an amount, as in the reasonable discretion of the **GRANTEE** shall be required to pay the costs of such rearrangement; and (2) shall execute an instrument agreeing to indemnify and hold harmless the **GRANTEE** from any and all damages caused by such rearrangement.

Nothing contained in this franchise shall be construed to require the **CITY** to move, alter or relocate any of its facilities upon said streets, at its own expense, for the convenience, accommodation or necessity of any other public utility, person, firm or corporation, or to require the **CITY** or any person, firm or corporation now or hereafter owning a public utility system of any type or nature, to move, alter or relocate any part of its system upon said streets for the convenience, accommodation or necessity of the **GRANTEE**.

The **GRANTEE** shall be given not less than thirty (30) days written notice of any rearrangement of facilities which the GRANTEE is required to make hereunder. Such notice shall specify in reasonable detail the work to be done by the **GRANTEE** and shall specify the time that such work is to be accomplished. In the event that the **CITY** shall change the provisions of any such notice given to the **GRANTEE**, shall be given an additional period of not less than thirty (30) days to accomplish work.

F. Abandoned or Removal of Franchise Property: At the expiration, renovation or termination of this franchise or of the permanent discontinuance of the use of its facilities or any portion thereof, the **GRANTEE** shall, within thirty (30) days thereafter, make a written application to the Director of Public Works for authority (as determined by the **GRANTEE** either: (1) to abandon all, or a portion, of such facilities in place; or (2) to remove all, or a portion of such facilities. Such application shall describe the facilities desired to be abandoned or removed by reference to the map or maps required hereinafter and shall also describe with reasonable accuracy the relative physical condition of such

facilities. The Director of Public Works shall determine whether such abandonment or removal which is thereby proposed may be effected without detriment to the public interest or under what conditions such proposed abandonment or removal may be safety affected. He shall then notify the **GRANTEE**, and according to such requirements as shall be specified in the Public Works Director's order, the **GRANTEE** shall, within ninety (90) days thereafter, either:

1. Remove all or a portion of such facilities; or

2. Abandon in place all or a portion of such facilities, as set forth in the Public Director's order.

If any facilities to be abandoned in place subject to prescribed conditions shall not be abandoned in accordance with all such conditions, then the Director of Public Works may take additional appropriate steps, including, if he deems desirable, an order that the **GRANTEE** shall remove all such facilities in accordance with applicable requirements. In the event the GRANTEE shall fail to remove any facilities which it is obligated to remove in accordance with such applicable requirements within such time as may be prescribed by the Director of Public Works, then the **CITY** may remove or cause to be removed such facilities at the **GRANTEE'S** expense and the **GRANTEE** shall pay to the **CITY** the actual cost thereof, plus the current rate of overhead being charged by the **CITY** for reimbursable work.

G. **Suspension of Operations**: If, for any reason, the GRANTEE suspends operations of any pipeline contained in the franchise for a period in excess of ninety (90) days, he shall notify the Director of Public Works. During this period of suspended operations, the **GRANTEE** shall maintain his normal pipeline surveillance and all cathodic protection systems to insure pipeline integrity. This shall continue until such a time as the line is returned to service or abandoned in accordance with provisions mentioned hereinbefore.

SECTION 4. Maps and Records:

Within ninety (90) days following the date on which the pipeline has been relocated under this franchise, **GRANTEE** shall file as-built drawings and maps in such form as may be required by the city Engineer, the location, length and size of all of its facilities then in place; and shall, upon installation of any additional facilities, or upon removal, change or abandonment of all or any portion thereof, file revised as-built drawings and maps showing the location, length and size of all such additional, removed or abandoned facilities as of that date.

SECTION 5. Compensation to the City:

Upon the adoption this franchise ordinance, the **GRANTEE** shall pay to the **CITY**, the sum of Ninety-Eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents ($98,921.11) configured as follows:

1. The franchise fees and penalties in the amount Seventy-Eight Thousand Nine Hundred Twenty One Dollars and Eleven Cents ($78,921.11) for the period from April 10, 2006 to April 10, 2011.

2. An expense reimbursement fee in the amount of Twenty Thousand Dollars and No Cents ($20,000.00).

Subsequently, as further consideration for the franchise herewith granted, the

GRANTEE shall pay to City **annually** on each anniversary of the effective date of this ordinance during the term of this franchise, a base annual rate the amount of Thirty-Five and Two-Tenths Cents ($.352) per lineal foot of pipe for pipeline with an internal diameter of (6) inches, or the sum of Nine Thousand Three Hundred Twelve Dollars and Eighty-Four Cents ($9,312.84), whichever is greater increased annually on each anniversary of the effective date of this franchise in proportion to the increase (if any) in the Consumer Price Index, All Urban Consumers, Los Angeles-Riverside-Orange County, CA, "All Items" prepared by the United Sates Bureau of Labor Statistics, Department of labor, for the month which is three months prior to the anniversary date of this ordinance, and the month in which such anniversary date falls, but in no event shall any annual payment be less than the preceding annual payment. If said Bureau shall revise said Index, the parties shall accept the method of revision or conversion recommended by said bureau, and if said Index shall be discontinued with no recommend substitute, then the amount of each annual payment shall be equal to the amount of the last annual payment paid prior to said discontinuance.

Notwithstanding the provision of this Item 5, the **GRANTEE** shall be liable to pay the **CITY** the annual fee for the period to and including the date of either actual removal of the facilities or the effective date of a properly approved abandonment "in place' authorized by the **CITY**, and until the **GRANTEE** shall have fully complied with all the provisions of the law or ordinances relative to such abandonments.

In the event of partial abandonment of facilities with the approval of the **CITY** as elsewhere herein provided, or in the event of partial removal of such facilities by the **GRANTEE**, the payment otherwise due the **CITY** for occupancy of the streets by such facilities shall be prorated beginning the first day of the next succeeding franchise year; and for each franchise year thereafter, at the prorated amount per each linear foot of pipeline abandoned or removed; provided, however, that the said base rate shall be modified to reflect the Price Index adjustment (as provided hereinbefore) applicable to such abandoned or removed pipeline at the beginning of the next succeeding franchise year following abandonment or removal.

All annual payments shall be paid, without deduction or offset to the office of the City Controller at 205 South Willowbrook Avenue, Compton, California, 90220, or at such place as the **CITY** shall from time to time designate in writing. In the event any payment required hereunder is late, the following schedule of late charges shall be applicable to that portion which is overdue.

a. Late ten (10) days but under thirty (30) days — 2% of the amount due; plus

b. For each additional thirty (30) days or fraction thereof over thirty (30) days - an additional 2% for each thirty (30) days or fraction thereof.

SECTION 6. Responsibility:

Indemnification: The **GRANTEE**, by the acceptance or use of the franchise hereby granted, agrees to keep and save free and harmless the **CITY**, its officers, agents or employees against any and all claims, demands of causes of action which may be asserted, prosecuted or established against them or any of them, for damage to persons, or property, of whatsoever nature, arising out of the use by it of the **CITY** streets hereunder or arising out of any of the operations, activities of the **GRANTEE** pursuant to this franchise, whether such damage shall be caused by negligence or otherwise, excepting there from, however, any claim, demand of cause of action, which may be asserted, prosecuted or established against the **CITY** under the provision of the Worker's Compensation Act for injury to, or the death of any claim demand or cause of action arising out the negligent or willful conduct of the **CITY**, its officers, agents and/or employees.

Insurance: On or before any commencement of any franchise operations, the **GRANTEE** shall obtain or provide proof of self—insured status in a form acceptable to the **"CITY'** or satisfactory evidence of having policies of Liability and Worker's Compensation Insurance from companies authorized to transact business in the State of California. Such policies shall include the liability arising out of the existence of real property.

A. The policy of liability insurance shall:

1. Be issued to the **GRANTEE** and shall show the **CITY OF COMPTON,** Los Angeles County—Compton Civic Center Authority, Compton Public Finance Authority, Redevelopment Agency of the **CITY OF COMPTON**, Compton Public Finance Authority, Compton Municipal Water Department, elected officials, officers, agents, employees, members of the board and commissions, as additional insured with respect to liability arising out of the operation or property of the **GRANTEE.** Such insurance and public liability insurance to the full limits, thereof carried by the **GRANTEE**, shall be primary and any insurance available to the **CITY OF COMPTON** shall not be called to contribute to any loss(es) arising out of this franchise.

2. Provide a combined single limit liability coverage in an amount equivalent to not less than **TEN MILLION DOLLARS** ($10,000,000.00) per occurrence.

3. Be non-cancellable without thirty (30) days written notice thereof directed to the Director of Public Works.

4. Indemnify for all liability for personal and bodily injury, death, and damage to property arising from activities conducted pursuant to this franchise by providing coverage therefore, including, but not limited to, coverage for:

(a) Explosion, collapse and underground damage hazards.

(b) Negligent acts or omissions of **GRANTEE** and the agents, servants and employees thereof, committed in the conduct of franchise operations.

B. The policy of Worker's Compensation Insurance shall:

1) Have been previously approved as to substance and form by the California Insurance Commissioner.

2) Cover all employees of the **GRANTEE** who in the course and scope of their employment are to conduct or do work pursuant to the franchise operations.

3) Provide for every benefit and payment presently or hereinafter conferred by Division of the Labor Code of the State of California upon an injured employee, including the vocational rehabilitation and death benefits.

4) Be non—cancellable without thirty (30) days written notice thereof directed to the Director of Public Works **GRANTEE** shall file with the Director of Public Works prior to commencement of any franchise operations either certified copies of said policies or a certificate of insurance for each of the required policies executed by the company issuing the policy, certifying that the policy is in force and providing the following information with respect to said policy:

a. The policy number.

b. The date upon which the policy will become effective and the date upon which it will expire.

c. The names of the named insure and any additional insured.

d. Subject of the insurance.

e. The type of coverage provided by the insurance.

f. Amount of limit of coverage provided by the insurance.

g. A description of all endorsements that form a part of the policy.

C. Such insurance policies shall be maintained by the **GRANTEE** for the life of this franchise, and on the first anniversary of this franchise, and on every one thereafter, **GRANTEE** will provide updated evidence that such insurance is in force. The **CITY** has the right during the terms of this franchise to increase the amount and scope of coverage. The **CITY** covenants that it will not exercise such right in an unreasonable manner.

Interpretation: This franchise is granted upon each and every condition herein contained and shall ever be strictly construed against the **GRANTEE**. Nothing shall pass hereby unless it is granted in plain and unambiguous terms. Each of said conditions is a material and essential condition to the granting of this franchise.

SECTION 7. Assignment:

GRANTEE shall not permit any right or privilege granted by the franchise to be exercised by another, nor shall the franchise or any interest therein or any right or privilege thereunder be in whole or in part sold, transferred, leased, assigned, or disposed of except to a corporation acquiring or owning a portion of the assets of the **GRANTEE** without the consent of the **CITY** expressed by resolution; provided, however, that the provisions of the franchise shall not require any such consent and no consent shall be required for any transfer by **GRANTEE** in trust or by way of mortgage or hypothecation covering all or any part of **GRANTEE'S** property which transfer, mortgage or hypothecation shall be for the purpose of renewing, extending, refunding, retiring, paying or cancelling in whole or in part any such indebtedness at any time or from time to time. Any such sale, lease, assignment, or other disposition of this franchise, whether requiring the consent of the **CITY** or otherwise, shall be evidenced by a duly executed instrument in writing filed in the office of the City Clerk, with a copy sent to the Department of Public Works within thirty (30) days after such sale, lease, assignment or other disposition.

SECTION 8. Faithful Performance Bond:

On or before the effective date of this ordinance, **GRANTEE** shall file and thereafter at all times during the life of the franchise keep on file with the City Clerk, a corporate surety bond approved by the City Attorney payable to the **CITY** in the penal sum of **FIFTY THOUSAND DOLLARS AND NO CENTS ($50,000.00),** with a surety to be approved by the City Attorney, conditioned that **GRANTEE** shall well and truly observe, fulfill and perform each condition of the franchise and that in case of any breach of condition of the bond, the whole amount of the penal sum shall be deemed to be liquidated damages and shall be recoverable from the principal and sureties of the bond. If said bond is

not filed prior to the effective date of this ordinance, the award of the franchise may be set aside and this ordinance repealed at any time prior to the filing of said bond and any money paid in consideration for said award of franchise shall be forfeited. In the event that said bond, after it has been so filed, shall at any time during the life of the franchise become insufficient, **GRANTEE** agrees to renew said bond, subject to the approval of the City Attorney within ten (10) days written notice to do so from the Director of Public Works.

SECTION 9. Acceptance:

This franchise is granted and shall be held and enjoyed only upon the terms and conditions herein contained, and the **GRANTEE** shall, within ten (10) days after the adoption of this ordinance, file with the City Clerk of the City of Compton, a written acceptance of such terms and conditions.

SECTION 10. Affirmative Action:

Throughout the term of the franchise, the **GRANTEE** shall maintain an acceptable Affirmative Action Program, which assures that job applicants are sought and employed and that employees are treated during their employment without regard to their race, color, or national origin or ancestry, sex or religion and shall file documentary evidence thereof within thirty (30) days on written demand thereof by the City Manager.

SECTION 11. Eminent Domain:

No franchise granted by the **CITY** shall in any way impair or affect the right of the **CITY** or of any successor in authority to acquire the property of the **GRANTEE** by purchase or condemnation, and nothing contained in such a franchise shall be construed to contract away, modify or abridge either for a term or in perpetuity the **CITY'S** right of eminent domain in respect to any public utility.

SECTION 12. Favored Nations Clause:

If at any time during the term of this franchise **Grantee** agrees to pay a higher Base Rate to any other municipality for a franchise covering **Grantee's** pipelines within L.A. County by means other than condemnation or court determination (exclusive of a pretrial settlement agreement), **"CITY"** shall receive the same Base Rate beginning on the date that the higher Base Rate was entered into with the other municipality.

SECTION 13. Said franchise is not and shall not be exclusive.

SECTION 14. That any provisions of the Compton Municipal Code or appendices thereto, or any other ordinance of the **CITY** inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 15. That if any section, subsection, sentence, clause or phrase hereof is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this legislation and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 16. That copies of this ordinance shall be forwarded to the offices of the City Manager, City Controller, City Attorney and the Department of Public Works.

SECTION 17. That the Mayor shall sign and the City Clerk shall attest to the adoption of this ordinance.

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 duly adopted by the City Council signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the____ day of _____ 2011.

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

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

_____
CITY CLERK OF THE CITY OF COMPTON

EXHIBIT A

CITY OF COMPTON
FRANCHISE ORDINANCE NO._____

As of__September 8, 2009_____

Street Occupied	Street	Stations	Street	Stations	Length	Dia.	Map No.
Compton	San Antonio	461+13	"City Line"	457+.35	378'	6"	GX145-18
Gibson	Rose	440+34	Myrrh	432+15	819'	6"	GX-145-17
Myrrh	Gibson	432+15	Williams	429+59	256'	6"	GX-145-17
Lime	Alley	411+85	Alondra	408+79	306'	6"	GX-145-16
Alondra	Lime	408+79	Atlantic	405+29	350'	6"	GX-145-15
Atlantic	Alondra	405+29	Greenleaf	378+00	2729'	6"	GX-145-14
Artesia Blvd	Harbor	308+09	Santa Fe	285+88	2221'	6"	GX-145-11
Santa Fe	Artesia	285+88	South of Artesia	283+45	243'	6"	GX-145-11

Footage Total by Diameter____7,302 Feet of 6" Diameter Pipe, Paramount Petroleum Line 145_____

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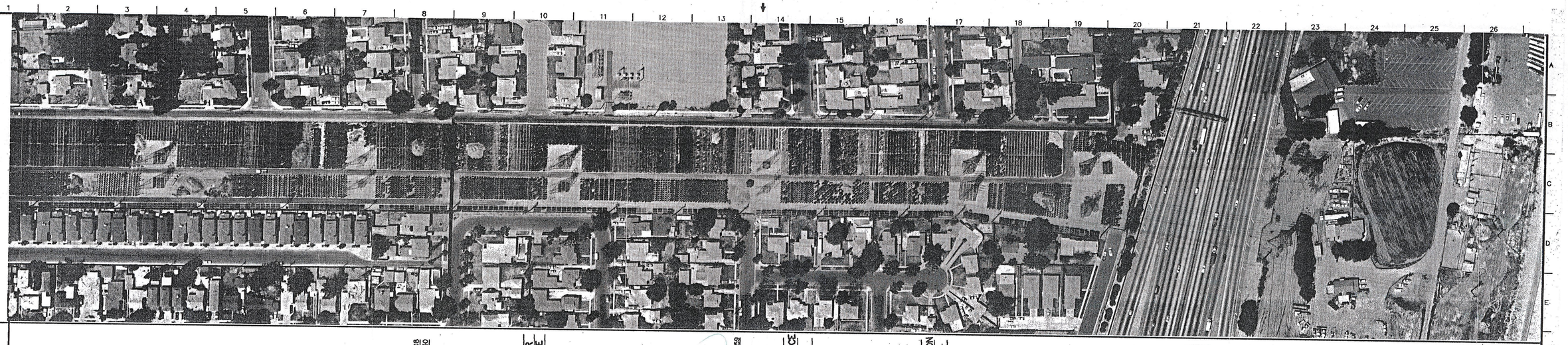
AERIAL



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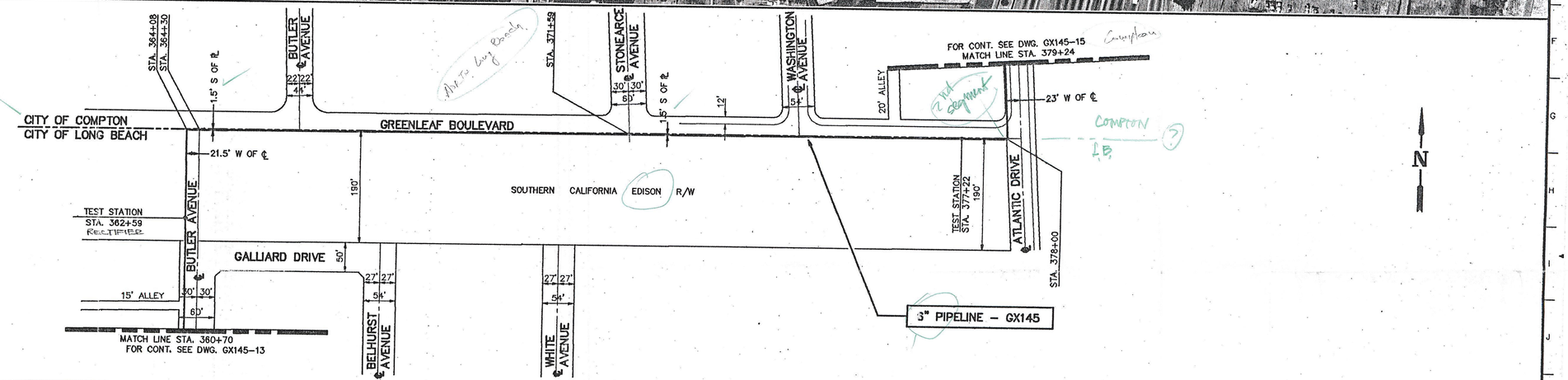

PROFILE

R.O.W.

PIPE DATA

6.625" O.D. x .280" W.T., GR. B E.W., SOM
INSTALLED – 1952

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VERT. SCALE: 10' 0' 10' 20'

HORIZ. SCALE: 100' 0' 100' 200'

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077

G:\550\GX145-14

REV.	DATE	BY	DESCRIPTION
			REVISION

DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS
ENERGY PARTNERS, L.P.

DATE 4/03/91	DRWG. NO. GX145-14	REV. NO.
SCALE AS NOTED	PROJ. NO. 550	CO NO.

#7.

KIP - GX145-15.TIF - 10/10/02 11:16:04 AM

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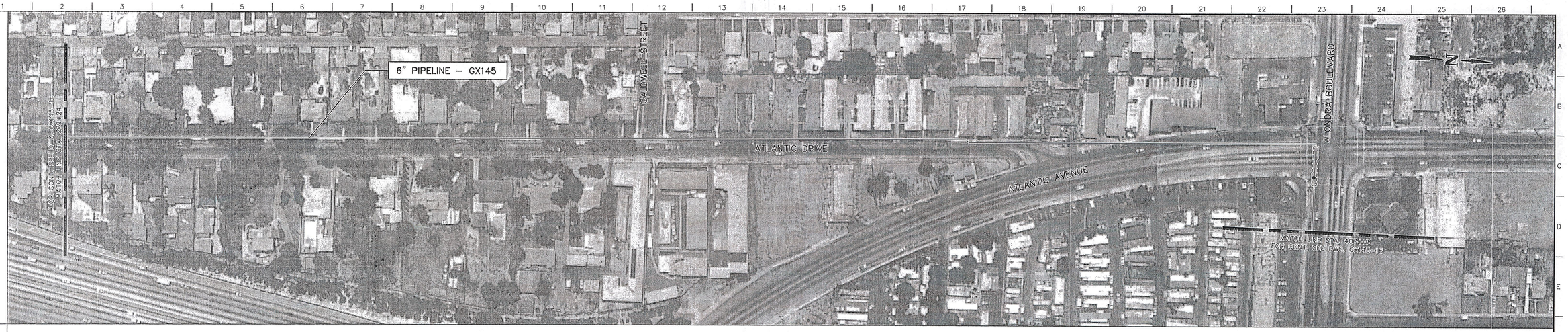

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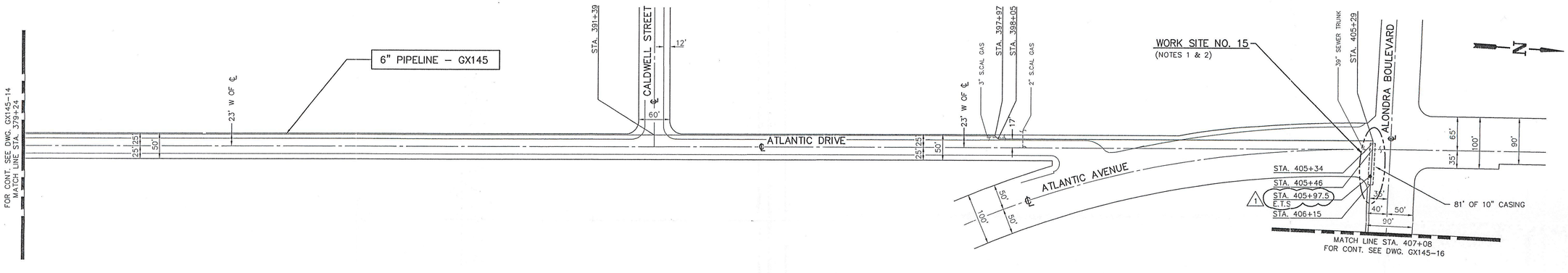

PROFILE

R.O.W.

PIPE DATA

6.625" O.D. x .280" W.T., GR. B E.W., SOM
INSTALLED – 1952

NOTES:

1. REFER TO PROJECT BOOK (JOB No. 1947) FOR INSPECTION REPORT, PHOTOS, AND WELD/C.P. TEST RESULTS.
2. GATX INSPECTED PIPE AND CASING. FARWEST TESTED CASING TO PIPE.

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VERT. SCALE: 1"=10' (10' 0' 10' 20')

HORIZ. SCALE: 1"=100' (100' 0' 100' 200')

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077

K:\1947\ASBUILT\GX145-15.DWG:100

REV.	DATE	BY	DESCRIPTION
1	10/07/99	SPC	INSPECT PIPE/CASING & INSTALL E.T.S.

REVISION

DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS ENERGY PARTNERS, L.P.

DATE	DRWG. NO.	REV. NO.
4/03/91	GX145-15	1
SCALE AS NOTED	PROJ. NO. 550	CO NO.

#7.

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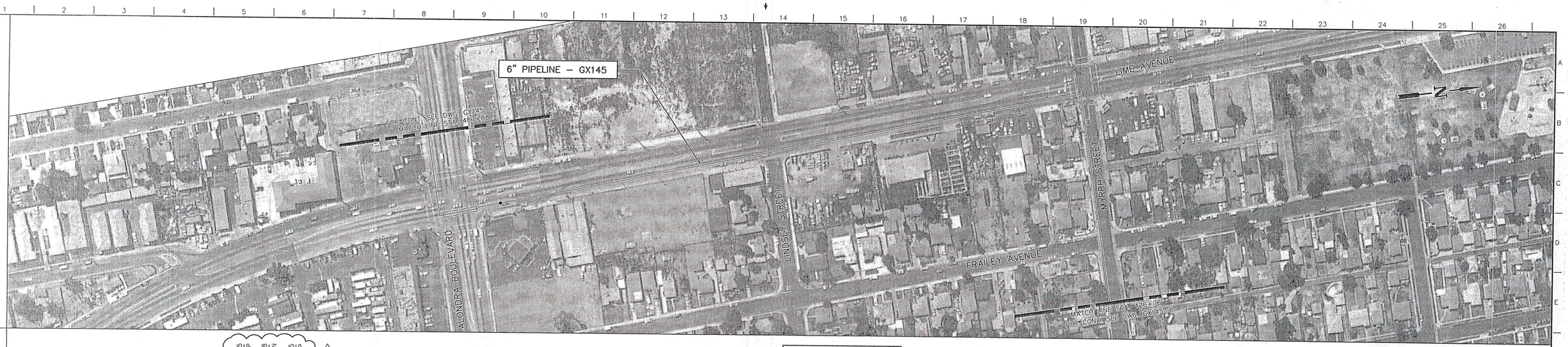

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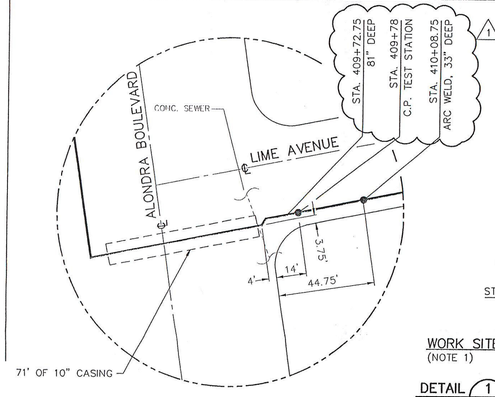
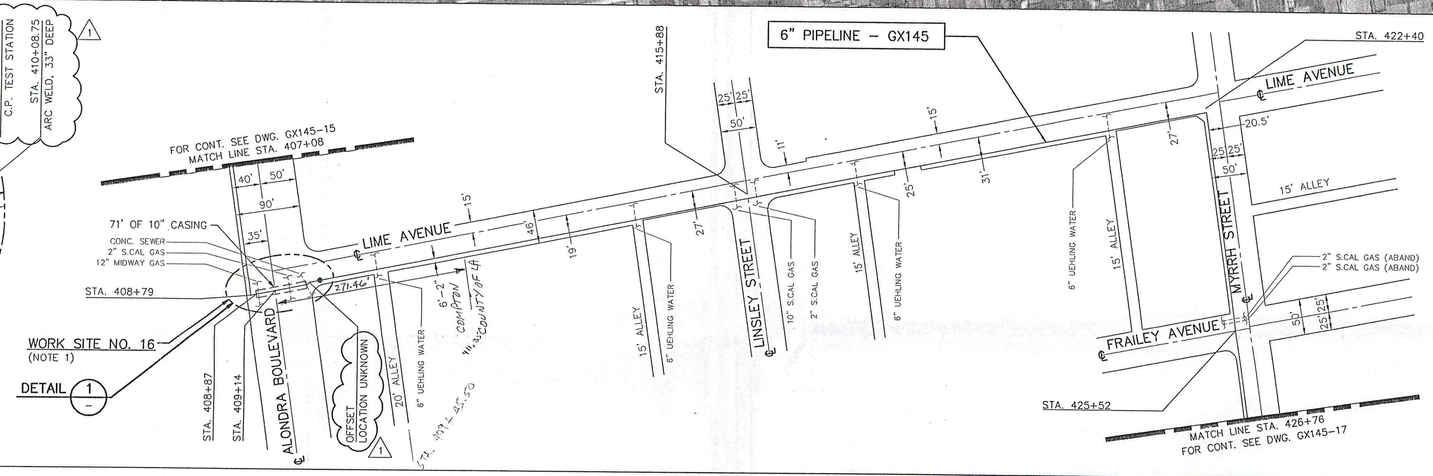


DETAIL 1 / – N.T.S.



PROFILE

R.O.W.

PIPE DATA

6.625" O.D. x .280" W.T., GR. B E.W., SOM
INSTALLED – 1951

NOTES:

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HORIZ. SCALE: 1"=100' (100' 0' 100' 200')

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
K:\1947\ASBUILT\GX145-16.DWG;100

REV.	DATE	BY	REVISION
1	07/29/99	SPC	INSTALL E.T.S. & LOCATE OFFSET

DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS
ENERGY PARTNERS, L.P.

DATE	DRWG. NO.	REV. NO.
4/03/91	GX145-16	1
SCALE: AS NOTED	PROJ. NO. 550	CO NO.

#7.

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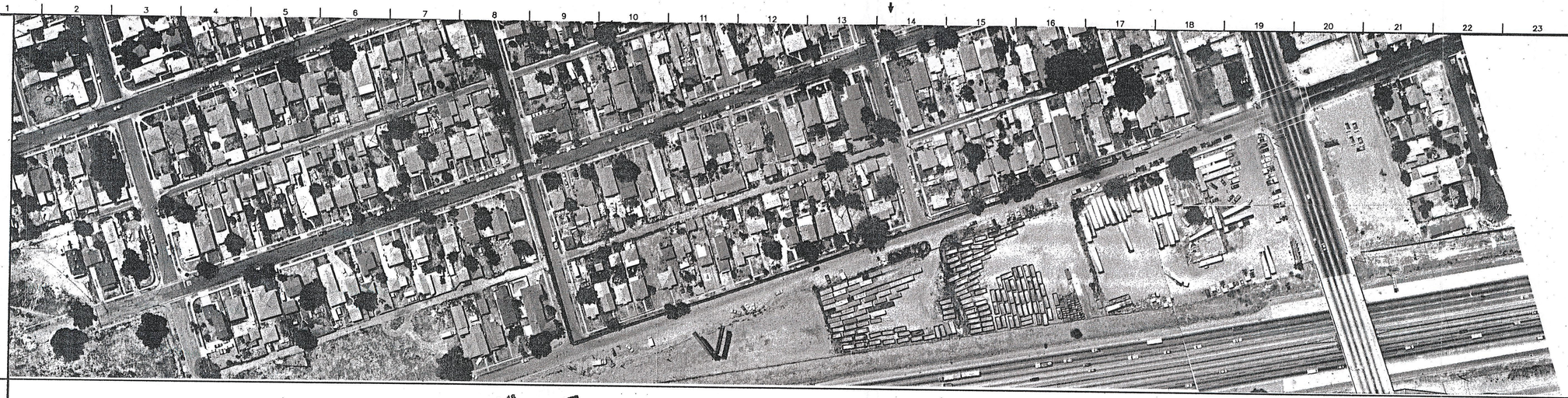

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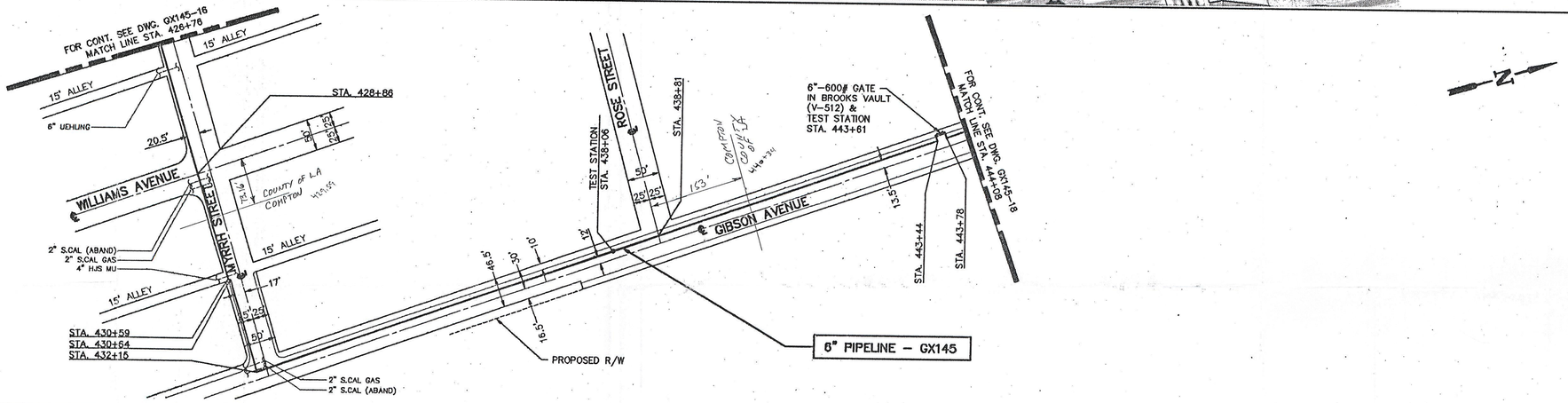

PROFILE

R.O.W.

PIPE DATA

6.625" O.D. x .280" W.T., GR. B E.W., SOM
INSTALLED - 1951

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VERT. SCALE: 10' 0' 10' 20'

HORIZ. SCALE: 100' 0' 100' 200'

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
G:\550\GX145-17

REV.	DATE	BY	DESCRIPTION
			REVISION

DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

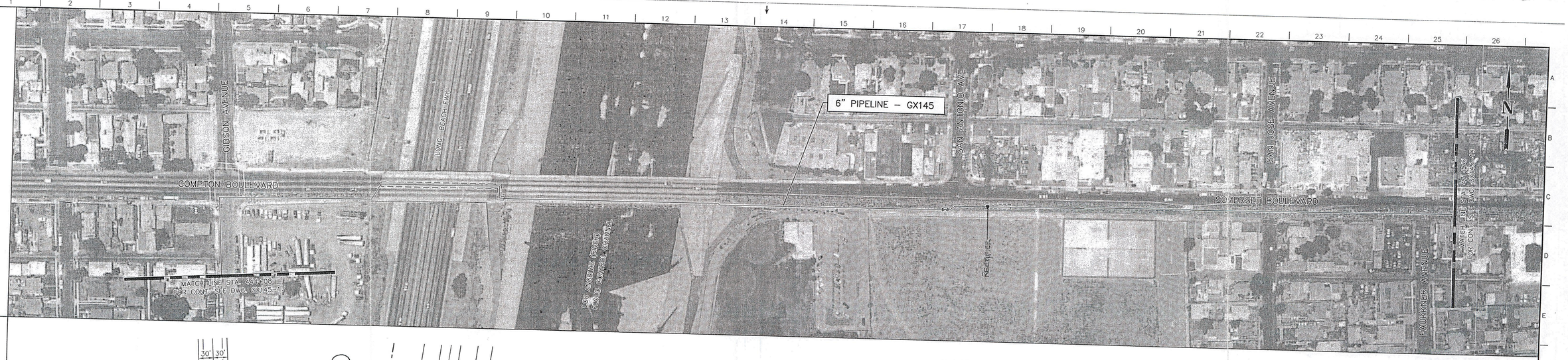
GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS ENERGY PARTNERS, L.P.

DATE	DRWG. NO.	REV. NO.
4/04/91	GX145-17	
SCALE AS NOTED	PROJ. NO. 550	CO NO.

#7.

AERIAL



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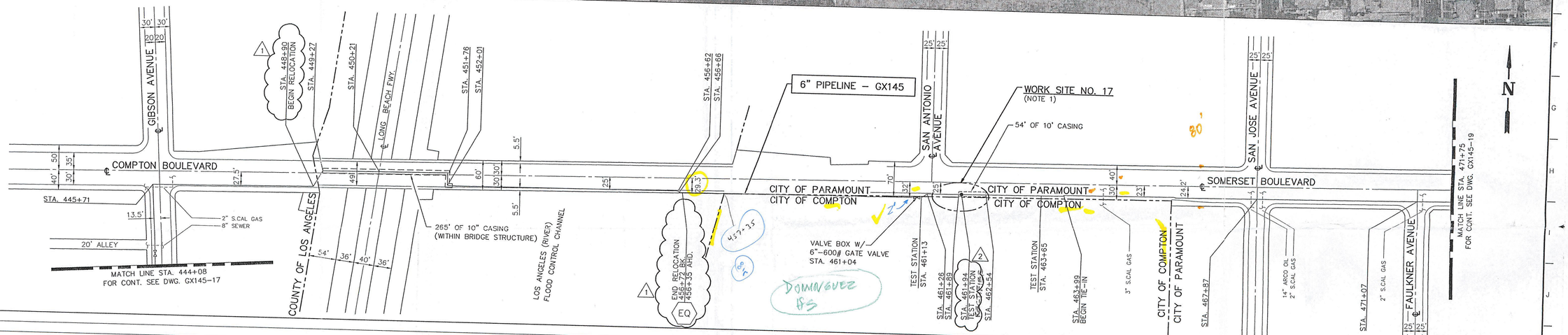

PROFILE

R.O.W.

PIPE DATA

Ⓐ	6.625" O.D. x .280" W.T., GR. B E.W., SOM INSTALLED – 1951
	6.625" O.D. x .280" W.T., GR. B, ERW, X-TRU COATED INSTALLED – 1992

NOTES:

1. REFER TO PROJECT BOOK (JOB No. 1947) FOR INSPECTION REPORT, PHOTOS, AND WELD/C.P. TEST RESULTS.

PIPE REPLACEMENTS

NO.	DATE	FROM	TO	PIPE SPEC AND COATING
A	1985	860'		6.625" O.D. x .280" W.T., ASTM-A-53 GR. B

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VERT. SCALE: 1"=10'

HORIZ. SCALE: 1"=100'

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
K:\1947\ASBUILT\GX145-18.DWG: 100

REV.	DATE	BY	DESCRIPTION
2	12/13/99	SPC	INSPECT PIPE/CASING & INSTALL E.T.S.
1	2/99	SPC	RELOCATION/NEW CASING AT BRIDGE
A	11/13/92	CDS	P/L RELOCATED

REVISION

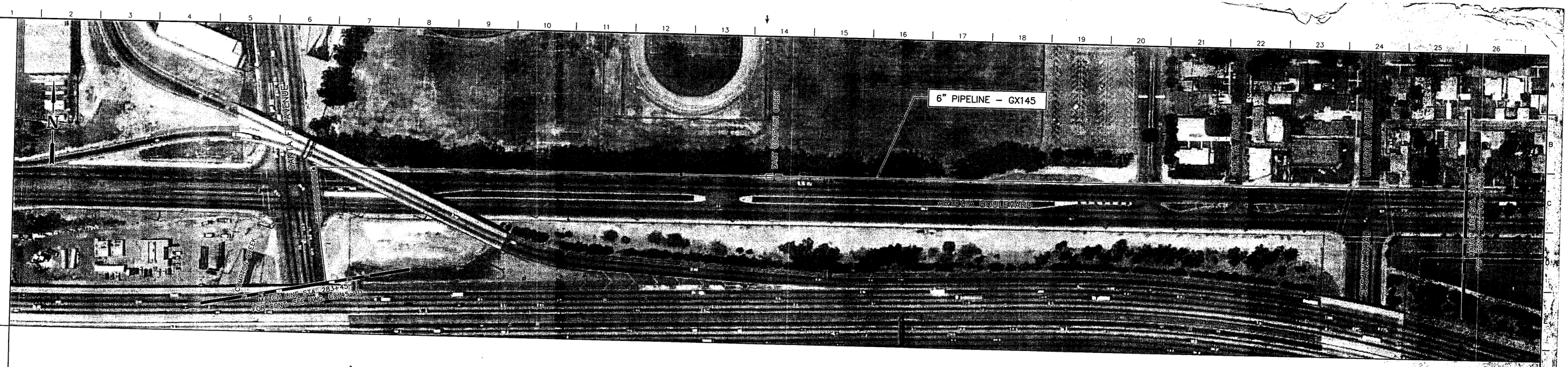
DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS
ENERGY PARTNERS, L.P.

DATE 4/04/91	DRWG. NO. GX145-18	REV. NO. 2
SCALE AS NOTED	PROJ. NO. 550	CO NO.

#7.



NOTES:

1. REFER TO PROJECT BOOK (JOB No. 1947) FOR INSPECTION REPORT, PHOTOS, AND WELD/C.P. TEST RESULTS.
2. GATX INSPECTED PIPE AND CASING. FARWEST TESTED CASING TO PIPE.

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VERT. SCALE: 1"=10' (10' 0' 10' 20')

HORIZ. SCALE: 1"=100' (100' 0' 100' 200')

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
K:\1947\ASBUILT\GX145-11.DWG:100

REV.	DATE	BY	DESCRIPTION
1	10/07/99	SPC	INSPECT PIPE/CASING & INSTALL E.T.S.

REVISION

DRAWN AC
CHECKED CDS
APPROVED
CHIEF ENGR.
REF. DRWGS.

GX145 PRODUCT PIPELINE
PETROLEUM PIPELINE
ALIGNMENT SHEET

KINDER MORGAN
LIQUIDS TERMINALS
ENERGY PARTNERS, L.P.

DATE	DRWG. NO.	REV. NO.
4/02/91	GX145-11	1
SCALE: AS NOTED	PROJ. NO. 550	CO NO. 3

#7.

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **Public Works-Engineering**

RESOLUTION TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON GRANTING A FRANCHISE TO PARAMOUNT PETROLEUM TO OPERATE, REPLACE AND REPAIR PIPELINES AND APPURTENANCES FOR TRANSPORTATION OF REFINED PETROLEUM PRODUCTS**

John Strickland	**10/6/2011 12:15:42 PM**
DEPARTMENT MANAGER'S SIGNATURE	DATE

REVIEW / APPROVAL

Ruth Rugley	**9/1/2011 2:21:53 PM**
CITY ATTORNEY	DATE
Stephen Ajobiewe	**9/1/2011 6:58:28 PM**
CITY CONTROLLER	DATE
P. Lamont Ewell	**10/6/2011 12:41:59 PM**
CITY MANAGER	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.

October 11, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT BETWEEN THE CITY OF COMPTON AND MEPCO SERVICES, INC. TO AUTHORIZE THE REDUCTION OF WITHHELD RETENTION ON THE MARTIN LUTHER KING JR. TRANSIT CENTER PROJECT (CIP #06-04).

SUMMARY

The City Council will consider adopting a Resolution which will authorize the City Manager to amend the current contract with Mepco Services, Inc. so as to reduce the required withholding of retention earnings from progress payment on the contract price from ten percent (10%) to five percent (5%) and authorize the release of 5% of the retention earnings that have been withheld thus far.

BACKGROUND

On May 26, 2009, the City Council adopted Resolution No. 22,839, which authorized the award of a construction contract to Mepco Services, Inc. ("Mepco") for the construction of the Martin Luther King Jr. Transit Center Expansion Project (Capital Improvement Project 06-04).

Pursuant to the provisions of the contract entered into between the City of Compton and Mepco, a ten percent (10%) retention fee would be withheld from progress payments on the contract price made by the City to Mepco during the performance of the contract.

STATEMENT OF THE ISSUE

Pursuant to Section 22300 of the *California Public Contract Code,* Mepco chose to enter into an escrow in lieu of retention agreement between the City ("Owner"), Mepco ("Contractor") and the Community Bank, a California Banking Corporation, located in Pasadena, California ("Escrow Agent"). This

agreement permits the Contractor to deposit securities with the Escrow Agent as a substitute for retention earnings required to be withheld by the Owner, or in the alternative, have the Owner pay the retention earnings directly to the Escrow Agent.

While the contract between the City and Mepco requires the withholding of ten percent (10%) of retention earnings, this percentage amount is a discretionary internal decision of the City. State law only requires that a local agency withhold not less than five percent (5%) of progress payments made on the contract price.

More than fifty percent (50%) of the work to be performed by Mepco on this Project has been completed in a satisfactory manner and in efforts to expedite completion of this project, staff recommends that it is in the best interests of the City to amend the construction contract with Mepco so as to reduce the retention fee requirement provisions from 10% to 5% and authorize the release of at least 5% of the retention earnings that have been withheld thus far.

FINANCIAL IMPACT

None. Five percent (5%) of the total contract price owed to Mepco Services, Inc. will remain with the Escrow Agent until the Project is completed and accepted by the City. Also, the City is further protected by the fact that, pursuant to provisions of the contract, Mepco has provided the City with "Labor and Material Payment" and "Performance" Bonds each in the amount of one hundred percent (100%) of the contract price.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

P. LAMONT EWELL

CITY MANAGER

Attachmt: Proposed Resolution

PLE:CJC:RAR:rar

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT BETWEEN THE CITY OF COMPTON AND MEPCO SERVICES, INC. TO AUTHORIZE THE REDUCTION OF WITHHELD RETENTION ON THE MARTIN LUTHER KING JR. TRANSIT CENTER PROJECT (CIP #06-04).

WHEREAS, on May 26, 2009, the City Council adopted Resolution No. 22,839, which authorized the award of a construction contract to Mepco Services, Inc. ("Mepco") for the construction of the Martin Luther King Jr. Transit Center Expansion Project (Capital Improvement Project 06-04); and

WHEREAS, pursuant to the provisions of the contract entered into between the City of Compton and Mepco, a ten percent (10%) retention fee would be withheld from progress payments made by the City to Mepco during the performance of the contract; and

WHEREAS, pursuant to state law, Mepco chose to enter into an Escrow Agreement in Lieu of Retention and deposit securities with or have the City make payments of the retention earnings directly to an Escrow Agent as a substitute for retention earnings required to be withheld by the City pursuant to the contract between the City and Mepco; and

WHEREAS, state law only requires that a local agency withhold not less than five percent (5%) of progress payments made on the contract price; and

WHEREAS, over fifty percent (50%) of the work to be performed by Mepco has been completed in a satisfactory manner and in efforts to expedite completion of this project, it is in the best interests of the City to amend the construction contract with Mepco so as to reduce the retention fee requirement provisions from 10% to 5% and authorize the release of at least 5% of the retention earnings that have been withheld thus far.

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

Section 1. That the City Manager, upon the advise and consent of the City Attorney, is hereby authorized to amend the Construction Agreement between the City of Compton and Mepco Services, Inc. to reduce the required withholding of retention earnings from ten percent (10%) to five percent (5%).

Section 2. That the City Manager is authorized to provide written authorization to the Escrow Agent, Community Bank of Pasadena, to release five percent (5%) of retention earnings thus far withheld pursuant to the construction contract between the City of Compton and Mepco to Mepco Services, Inc.

Section 3. That a copy of this Resolution shall be forwarded to the offices of the City Clerk, City Manager, City Attorney, City Controller, Public Works Department and the Community Redevelopment Agency.

Section 4. 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) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, do 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: COUNCIL MEMBER(S) -
NOES: COUNCIL MEMBER(S) -
ABSTAIN: COUNCIL MEMBER(S) -
ABSENT: COUNCIL MEMBER(S) -

_____
CITY CLERK OF THE CITY OF COMPTON

October 11, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM

SUMMARY

The City Council will consider adopting an Ordinance that will amend specific provisions of Chapters XIV (Building and Housing Codes) and XVII (Mechanical Code) of the Compton Municipal Code. The proposed Ordinance will authorize the City Manager to appoint a qualified and specifically knowledgeable person as a Hearing Officer to perform the duties of the City's Housing Advisory and Appeals Board (also known as HAAB) in the event that the HAAB lacks the requisite membership quorum necessary to perform its duties.

BACKGROUND

The City of Compton, pursuant to the authority granted to local jurisdictions by the California Building Code (Code), has adopted this Code as part of the City's Municipal Code and established a local Housing Advisory and Appeals Board (HAAB) in accordance with the Code. The function of HAAB is to hear appeals regarding the City's requirements relating to the use, maintenance and/or change of occupancy of buildings and structures, including requirements governing alterations, additions, repairs, demolitions and moves.

STATEMENT OF ISSUE

In recent years, the ability of HAAB to perform its duties has been hampered by the Board's lack of quorum of available and qualified members. Despite efforts by the City to appoint qualified members to the Board, the City must still offer some type of administrative due process for appeals by any person, firm or corporation adversely affected by a decision, order or determination by the City relating to the application of the California building standards or any other

applicable rule or regulation adopted by the City. Because the HAAB lacks the requisite quorum to perform its duties, the City is in dire need to create an alternative method to afford due process to appeals submitted relating to the application and/or interpretation of the building requirements of the City. The appointment of a Hearing Officer, by the City Manager, to perform the duties of the HAAB will allow the City to afford due process to any appeals submitted to the City in accordance with the requirements of the California Building Code.

FISCAL IMPACT

Provided that HAAB lacks a quorum at a time when an appeal has been submitted to the City, the financial impact to the City will be the cost to obtain a qualified individual who can serve as a designated hearing officer.

RECOMMENDATION

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

CRAIG J. CORNWELL
CITY ATTORNEY

Attachment: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODE) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE APPOINTMENT OF A HEARING OFFICER TO PERFORM THE DUTIES OF THE HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM

WHEREAS, the City has adopted the California Building Code as part of the City's Municipal Code and established a Housing Advisory and Appeals Board (HAAB) pursuant to the authority granted local jurisdictions by the California Building Code; and

WHEREAS, the function of the HAAB is to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alterations, additions, repairs, demolitions and moves; and

WHEREAS, in recent years, the duties of HAAB have been hampered by the lack of membership quorum despite efforts on behalf of the City to appoint qualified individuals; and

WHEREAS, because HAAB lacks the requisite quorum, the City has a dire need to create an alternative method to afford due process to appeals submitted relating to application of the building requirements of the City; and

WHEREAS, the appointment of a qualified and specifically knowledgeable person to serve as a hearing officer to perform the functions of the HAAB is a viable option to satisfy due process regarding appeals relating to the requirements of the City's Building and Housing Codes and Mechanical Code; and

WHEREAS, to give effect to the authorization of the appointment of a hearing officer by the City Manager to perform the functions of the HAAB, several provisions of the Building and Housing Codes and Mechanical Code must be amended.

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

Section 1. That Section 14-1.2 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.2 Building Official.

Wherever the term Building Official is used in said Building Code, it shall mean the Chief Building Inspector, who is charged with the administration and enforcement of its provisions. In the absence of the Chief Building Inspector, the Senior Building Inspector will assume the administration and enforcement duties of the Chief Building Inspector.

Section 2. That Section 14-1.5 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.5 Amendment: Section 105 - BOARD OF APPEALS.

Section 105 of the Building Code shall be replaced in its entirety by the following:

SECTION 105 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Code shall be administered by one of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five (5) voting members who are not employees of the City of Compton and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Building Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 3. That Section 14-1.27 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.27 Notices of Hearings.

Upon receiving a request for a hearing, the Building Official shall set the matter for a hearing before the Board or Hearing Officer and shall serve a notice, not less than ten (10) days prior thereto, upon the person requesting such hearing and upon every person upon whom the notice provided for in subsection 14-1.20 of this section was served.

Section 4. That Section 14-1.28 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.28 Procedure.

Unless inconsistent with any other provisions of subsections 14-1.20 through 14-1.34 of this section, all procedures taken by the Board, a Hearing Officer or the City shall proceed as provided for in this Section, including costs collected, in the case of substandard and unsafe buildings.

Section 5. That Section 14-1.29 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-1.29 Securing Structures by City: Authorized.

If a person is properly served a notice pursuant to the provisions of subsection 14-1.20 to secure or close a building so as to prevent unauthorized persons from gaining access thereto and neither he nor any other person requests a hearing, or after a hearing the Board or Hearing Officer determines that such person is obliged to so secure or close such building, the City may perform the work as provided for in this section in the case of a substandard or unsafe building if such building is not secured or closed within ten (10) days after service of the notice if no hearing is requested, or within the time specified by the Board or Hearing Officer.

Section 6. That Section 14-3.3 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.3 Other Definitions.

As used in this Section:

Board, unless otherwise specified, shall mean the Housing Advisory and Appeals Board (HAAB).

Building Official, unless otherwise specified, shall mean and include the Chief Building Inspector or his duly authorized representative.

Department, unless otherwise specified, shall mean the Department of Building and Safety.

Hearing Officer, unless otherwise specified, shall mean a person who is appointed by the City Manager to perform the duties of the Board, provided that the Board is unable to constitute a quorum.

Section 7. That Section 14-3.7 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.7 Hearings: Notices.

If the Building Official shall determine from the report that there is a probable cause to believe that the building or structure is a dangerous building or substandard residential building, he or she may request that the matter be set for hearing by the Board or Hearing Officer and a notice of such hearing shall be given as set forth in subsections 14-3.8 through 14-3.13 of this section.

Section 8. That Section 14-3.14 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.14 Hearings.

The Board or a duly appointed Hearing Officer designated by the City Manager shall:

a. Hold a hearing as requested by the Building Official and hear and consider any evidence pertaining to the matter set forth in the report offered by the owner, occupant, or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee, or any other person having any estate or interest in such building or structure; and

b. Make written findings of fact as to whether or not the building or structure in question is a dangerous building or substandard residential building within the terms of this section.

Section 9. That Section 14-3.15 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.15 Hearings: Records.

A record of the entire proceedings shall be made by tape recording or any other means of permanent recording determined to be appropriate by the Board or Hearing Officer.

Section 10. That Section 14-3.17 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.17 Repair, Vacation and Repair, or Demolish: Requests for Reports of Other Departments.

a. In the course of any proceedings taken hereunder, whenever either the Board, Hearing Officer, or Building Official shall have cause to require additional evidence as to whether or not any building or structure is a fire or life hazard, or is detrimental to the health of the persons living therein, in comparison with buildings or structures constructed in accordance with the minimum requirements of this Code, the Board, Hearing Officer, or Building Official may request that such building or structure be inspected by the Fire Department or by the County Health Department, as the case may be, or by both such departments.

b. The department to which such request is directed shall cause the building or structure to be inspected with particular reference to the characteristics inquired about and a report thereof in writing shall be transmitted to the requesting authority within five (5) days after the receipt of the request for such report. The report shall be considered along with other evidence at the hearing.

Section 11. That Section 14-3.18 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.18 Hearings: Findings.

Within sixty (60) days after the conclusion of the hearing, the Board or Hearing Officer shall submit its finding and recommendations to the Building Official.

Section 12. That Section 14-3.19 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.19 Repair, Vacation and Repair, or Demolish: Orders.

If, from the findings and recommendations of the Board or Hearing Officer and the report of inspection, the Building Official shall determine that the building or structure

involved is a dangerous building or substandard residential building within the terms of this section, then he or she shall issue an order:

a. That the occupant, lessee, or other person in possession shall vacate such building, or that he or she may remain in possession while repairs are being made; or

b. That any mortgagee, beneficiary under a deed of trust, or any other person having an interest or estate in such building may, at his own risk, repair, vacate and repair, or demolish such building.

Section 13. That Section 14-3.20 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.20 Repair, Vacation and Repair, or Demolish: Orders: Contents.

a. The order to repair, vacate and repair, or demolish shall set forth the street address of the building or structure and a legal description of the premises sufficient for identification. Such order shall contain a statement of the particulars which render the building or structure a dangerous building or substandard residential building and a statement of the things required to be done.

b. Such order shall specify the time within which the work required shall be commenced, which shall be not less than ten (10) days nor later than thirty (30) days after the issuance of the order, and shall further specify a reasonable time within which the work shall be completed.

c. Notwithstanding the provisions of paragraphs a. and b. above, upon a written application by an interested party for good cause shown and where no imminent risk to life or property is present, the Building Official, the Board, or Hearing Officer (in case an appeal is made to it pursuant to the provisions of subsection 14-3.22 of this section) may grant a reasonable extension of time, not to exceed one hundred twenty (120) days, within which the work required shall be commenced.

d. The time for completion may be extended for cause by the Building Official, the Board or Hearing Officer, in case an appeal is made to it pursuant to the provisions of said subsection 14-3.22.

Section 14. That Section 14-3.22 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.22 Repair, Vacation and Repair, or Demolish: Orders: Appeals.

Within ten (10) days after the service of the order, as provided in subsection 14-3.21 of this Section, the owner or other person having the charge and control of any building or structure affected by such order may appeal said order in accordance with such procedure as may be established by the respective Board or Hearing Officer. If such an order is not appealed, it shall become final and unappealable on the eleventh (11th) day after service.

Upon such appeal, the Board or Hearing Officer may affirm, modify, or annul the order appealed from, including any of the terms or conditions thereof. The order on appeal shall become final upon its approval by a Board resolution or written order by the Hearing Officer.

No order to repair, vacate and repair, or demolish any structure shall be enforced if annulled by the Board or Hearing Officer on appeal or enforced contrary to any modification of such order made by the Board or Hearing Officer on appeal. The

Building Official shall order a public hearing by the Housing Advisory and Appeals Board or Hearing Officer, or the City Council to adopt a resolution.

Section 15. That Section 14-3.23 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.23 Repair, Vacation and Repair, or Demolish: Orders: Violations.

a. The owner or other person having the charge and control of any building or structure determined by the Department, or by the Board or Hearing Officer upon appeal, to be a dangerous building or substandard residential building who shall fail to comply with any order to repair, vacate and repair, or demolish such building shall be guilty of a misdemeanor.

b. The occupant or lessee in possession of such building or structure who fails to comply with any order to vacate such building in accordance with any order given as provided for in this section shall be guilty of a misdemeanor.

c. Any person who removes any notice or order posted as required in this section shall be guilty of a misdemeanor.

d. No utility company or supplier shall service the owner or occupants of any apartment, dwelling, building, or structure which is posted until notified by the Building Official.

Section 16. That Section 14-3.24 of Chapter XIV (BUILDING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-3.24 Repair, Vacation and Repair, or Demolish: Orders: Failure to Comply: Action of the Department.

Whenever an order to repair, vacate and repair, or demolish any building or structure has not been complied with within the time set by the Department, including such additional time as the Department (or the Board or Hearing Officer upon appeal) may for good cause have extended, the Department shall have the power, in addition to any other remedy provided, to:

a. Cause the material of any such building or structure to be sold in any manner which the Department may determine; provided, however, any such sale shall be upon the condition that the building or structure be forthwith demolished, the wreckage and debris thereof be removed, and the lot be cleaned. The Department may sell any such building singly or otherwise, as the Department may find desirable, in order to insure that the consideration obtained from one (1) or any number of such buildings shall be adequate to pay the costs of demolition and of cleaning the sites. Any surplus from the sale of any such building or structure, or group of buildings or structures, over and above the costs of demolition and of cleaning the sites, shall be retained to be distributed to the parties or persons lawfully entitled thereto; or

b. Cause the building or structure to be repaired or demolished by such means as the Department may deem advisable. The costs therefor shall be paid from the Repair and Demolition Fund and assessed against the property upon which the particular building or structure is located.

Any work to be accomplished pursuant to the provisions of this subsection shall be performed in accordance with established practices of City procedures.

When the Department determines to cause the repair or removal of the building or structure, the Department shall notify the owner or other person in charge or control thereof of its intention so to do and shall specify a date certain upon which it shall solicit bids to accomplish the necessary work, which date shall be not sooner than ten (10) days after the date such notice is given.

Section 17. That Section 14-7.2 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-7.2 Building Official.

Wherever the term Building Official is used in said Housing Code, it shall mean the Chief Building Inspector, who is charged with the administration and enforcement of its provisions. In the absence of the Chief Building Inspector, the Senior Building Inspector will assume the administration and enforcement duties of the Chief Building Inspector.

Section 18. That Section 14-7.3 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-7.3 Amendment: Section 203 - BOARD OF APPEALS.

Section 203 of the Housing Code is replaced in its entirety by the following:

SECTION 203 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Housing Code shall be administered by either of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five voting (5) members who are not employees of the City of Compton and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Housing Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 19. That Section 14-8.5 of Chapter XIV (HOUSING CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

14-8.5 Administration.

a. *Service of Order*. The City shall issue an order, as provided in paragraph b. below, to the owner of each building within the scope of this Chapter in accordance with the minimum time periods for service of such orders set forth in Table Nos. 14-B and C. The City shall, upon receipt of a written request from the owner, order a building to comply with this Chapter prior to the normal service date for such building set forth in this section.

b. *Contents of Order*. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment, and upon the order shall specify that the building has been determined by the City to be within the scope of this Chapter and, therefore, is required to meet the minimum seismic standards of this Chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of subsection 14-8.5, which sets forth the owner's alternatives and time limits for compliance.

c. *Appeal from Order*. The owner or person in charge or control of the building may appeal, as provided for in this Chapter, the City's initial determination that the building is within the scope of this Chapter. Such appeal shall be filed within sixty (60) days from the service date of the order described in this subsection 14-8.6. Any such appeal shall be decided by the Board or Hearing Officer no later than sixty (60) days after the date that the appeal is filed. Such appeal shall be made in writing upon appropriate forms provided therefor by the City, and the grounds thereof shall be stated clearly and concisely. Each appeal shall be accompanied by a filing fee as set forth in paragraph f. of this subsection.

Appeals or request for slight modifications from any other determination, orders or action by the City pursuant to this Chapter shall be made in accordance with the procedures established in Section 106 of the Uniform Building Code.

d. *Recordation*. At the time that the City serves the aforementioned order, the City shall file with the Office of the County Recorder a certificate stating that the subject building is within the scope of Earthquake Hazard Reduction in Existing Buildings of the Compton Municipal Code. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance is not exhibited.

If the building is either demolished, found not to be within the scope of this Chapter, or is structurally capable of resisting minimum seismic forces required by this Chapter as a result of structural alterations or an analysis, the City shall file with the Office of the

County Recorder a certificate terminating the status of the subject building as being classified within the scope of Earthquake Hazard Reduction in Existing Buildings of the Compton Municipal Code.

e. *Enforcement*. If the owner or other person in charge or control of the subject building fails to comply with any order issued by the City pursuant to this Chapter within any of the time limits set forth in subsection 14-8.5, the City shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the Board or Hearing Officer, the Building and Safety Director may order its demolition in accordance with the provision of this Code.

f. *Appellate Fee; Building and Safety Director*.

1. The fee for an appeal of the Building and Safety Director's action shall be seventy-five ($75.00) dollars.*

2. The fee for an appeal to the City Council of any action of the Board or Hearing Officer shall be two hundred fifty ($250.00) dollars.

*Fees increased/decreased pursuant to subsection 14-8.2(f), may be set by Council resolution.

Section 20. That Section 17-1.4 of Chapter XVII (MECHANICAL CODE) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

17-1.4 Amendment: Section 110 - BOARD OF APPEALS.

Section 110 of the Mechanical Code is replaced in its entirety by the following:

SECTION 110 - HOUSING ADVISORY AND APPEALS BOARD (HAAB) OR HEARING OFFICER

Appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Mechanical Code shall be administered by either of the following means:

a. Housing Advisory and Appeals Board (HAAB)

There is hereby created a Housing Advisory and Appeals Board (hereinafter the "HAAB" or the "Board") consisting of five voting (5) members who are not employees and who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances. The Board is authorized by the City Council to hear appeals regarding the requirements of the City relating to the use, maintenance and change of occupancy of buildings and structures, including requirements governing alteration, additions, repair, demolition and moving. The Building Official shall be an ex officio member of the Board and shall act as Secretary to said Board, but shall have no vote on any matter before the Board. The Board shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules of procedure for conducting its business and shall render all decisions and findings in writing to the Building Official, with a duplicate copy to the appellant, and may recommend to the City Council new legislation as is consistent therewith. The Board shall have no authority relative to interpretation of the administrative provisions of the Mechanical Code nor shall it be empowered to waive requirements of the Code.

Members of the Board shall receive compensation at a rate set by resolution of the City Council for attendance at meetings.

A majority of the membership of the Board shall constitute a quorum to perform the duties of the Board. In the absence of a quorum, a Hearing Officer may perform the duties of the Board.

b. Hearing Officer

Provided that the Board is unable to constitute a quorum, the City Council hereby authorizes the City Manager to appoint a Hearing Officer who is not an employee of the City and who is qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances to perform the same duties of the Board. The same rights, rules and procedures that apply to the administration of duties by the Board shall also apply to the administration of duties by the Hearing Officer as well.

Section 21. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, to be unconstitutional or otherwise invalid, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect which can be implemented without the invalid provisions, and to this end, the provisions of this Ordinance are declared to be severable.

Section 22. DISTRIBUTION

That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney, Municipal Law Enforcement Services, Building and Safety, and the Planning and Economic Development Department.

Section 23. EFFECTIVE DATE

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

Section 24. ATTESTATION

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)
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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **City Attorney**

RESOLUTION TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SPECIFIC PROVISIONS OF CHAPTER XIV (BUILDING AND HOUSING CODES) AND CHAPTER XVII (MECHANICAL CODE) OF THE COMPTON MUNICIPAL CODE AUTHORIZING THE CITY MANAGER TO APPOINT A HEARING OFFICER TO PERFORM THE DUTIES OF THE CITY'S HOUSING ADVISORY AND APPEALS BOARD (HAAB) IN THE EVENT THE BOARD LACKS A QUORUM**

Ruth Rugley — **9/26/2011 10:46:21 AM**
DEPARTMENT MANAGER'S SIGNATURE — DATE

REVIEW / APPROVAL

Ruth Rugley — **10/6/2011 10:15:31 AM**
CITY ATTORNEY — DATE

Stephen Ajobiewe — **10/6/2011 10:04:43 AM**
CITY CONTROLLER — DATE

P. Lamont Ewell — **10/6/2011 10:00:59 AM**
CITY MANAGER — 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.

October 11, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL

SUMMARY:

The City Council will consider adopting an Ordinance that will amend Section 2-20.2 of the Compton Municipal Code to remove the restriction that membership on the Compton Youth Leadership Council be limited to students of the Compton Unified School District.

BACKGROUND:

On June 11, 1991, the City Council adopted Ordinance No. 1,856 (codified at Section 2-20 of the Compton Municipal Code), which established the Compton Youth Commission. On January 23, 2007, the City Council amended Section 2-20 in its entirety, and among other matters, the name of the Compton Youth Commission was changed to the Compton Youth Leadership Council pursuant to Ordinance No. 2,150.

Pursuant to Ordinance No. 2,150, the stated goals of the Compton Youth Leadership Council includes providing youth with the opportunity to make recommendations relative to policies that affect their lives; expose and educate youth relative to the nature of City government; provide a forum for the exchange of ideas and information among youths; and conduct workshops on important issues facing youth. The stated objectives of the Youth Council include the development and recommendation of programs intended to promote full acceptance of youth in all aspects of community life; cooperation with community agencies for the fostering mutual understanding and respect for youth; cooperation with City departments, agencies and commissions in identifying youth problems which they may be concerned; recommendation to the City Council and City departments changes in procedures, policies and/or legislation for the purpose of improving youths' input in community; and building working relationships with Compton Unified School District and other local education agencies.

STATEMENT OF ISSUE:

Section 2-20.2 of the Compton Municipal Code currently limits membership on the Compton Youth Leadership Council to residents of the City of Compton who are students of the Compton Unified School District.

The City Council believes that the goals and objectives of the Youth Council would be better served if input and participation from all youth between the ages of thirteen (13) and eighteen (18) who are residents of the City of Compton are eligible for membership on the Youth Council.

The attached Ordinance will amend Section 2-20.2 of the Compton Municipal Code so as to allow youth who are residents of the City of Compton, regardless of the educational institution that they attend, to be eligible for membership on the Compton Youth Leadership Council.

RECOMMENDATION:

It is the recommendation of staff that the Council adopt the attached Ordinance.

P. LAMONT EWELL
CITY MANAGER

Attachmts: Proposed Ordinance

PLE:CJC: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 SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL

WHEREAS, on June 11, 1991, the City Council of the City of Compton adopted Ordinance No. 1,856, which established the Compton Youth Commission (renamed the Compton Youth Leadership Council on January 23, 2007); and

WHEREAS, the stated goals of the Compton Youth Leadership Council include providing youth with the opportunity to make recommendations relative to policies that affect their lives; expose and educate youth relative to nature of city government; provide forum for exchange of ideas and information among youths; and conduct workshops on important issues facing youth; and

WHEREAS, the stated objectives of the Council are to develop and recommend programs intended to promote full acceptance of youth in all aspects of community life; cooperate with community agencies fostering mutual understanding and respect for youth; cooperate with City departments, agencies and commissions in identifying youth problems which they may be concerned; recommend to the City Council and City departments changes in procedures, policies and/or legislation for the purpose of improving youths' input in community; and build working relationship with Compton Unified School District and other local education agencies; and

WHEREAS, Section 2-20.2 of the Compton Municipal Code currently limits membership on the Compton Youth Leadership Council to residents of the City of Compton who are students of the Compton Unified School District; and

WHEREAS, in efforts to better serve the goals and objectives of the Youth Commission it is believed that input and participation from all youth between the ages of thirteen (13) and eighteen (18) who are residents of the City of Compton should be eligible for membership on the Youth Council, regardless of the educational institution that they attend.

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

Section 1. That Section 2-20-2 (Commission Members) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

2-20.2 Commission Members.

Members of the CYLC shall be residents of the City of Compton. Any member of the CYLC shall be deemed to have resigned and their membership on the CYLC automatically vacated in the event said member ceases to be a resident of the City of Compton.

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

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

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

Section 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **City Attorney**

RESOLUTION TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING SECTION 2-20.2 REGARDING MEMBERSHIP OF THE COMPTON YOUTH LEADERSHIP COUNCIL**

Ruth Rugley — **10/4/2011 1:14:10 PM**
DEPARTMENT MANAGER'S SIGNATURE — DATE

REVIEW / APPROVAL

Ruth Rugley — **10/6/2011 10:16:20 AM**
CITY ATTORNEY — DATE

Stephen Ajobiewe — **10/6/2011 10:16:31 AM**
CITY CONTROLLER — DATE

P. Lamont Ewell — **10/6/2011 10:13:21 AM**
CITY MANAGER — 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.

October 11, 2011

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING PROVISIONS OF SECTION 2-1.13 REGARDING ENFORCEMENT OF RULES OF DECORUM AT CITY COUNCIL MEETINGS

SUMMARY:

The City Council will consider adopting an Ordinance that will amend Section 2-1.13 of the Rules of Decorum for Council meetings by enhancing its enforcement powers in an effort to reduce recurrent disruptive behavior by members of the public during the Council meetings.

BACKGROUND:

On July 28, 2009, the City Council adopted Ordinance No. 2,195, which revised the order of business of Council meetings and rules of conduct for said meetings.

STATEMENT OF ISSUE:

In an effort to better serve the citizens of the City of Compton when conducting the business of the City Council, and in particular to better provide for the orderly and efficient conduct of said meetings, it is proposed that the enforcement powers of its Rules of Decorum be enhanced for Council meetings so as to reduce the reoccurrence of disruptive behavior, allowing for a more productive meeting and involvement from peaceful members of the public in attendance at the meeting who wish to voice their concerns without continued disruption from members of the public whose behavior indicates a routine attendance in the spirit of disruption.

The attached Ordinance will amend Section 2-1.13 so as to allow for the exclusion from future Council meetings (for a period of 30 days) those individuals who persist in disturbing, disrupting or otherwise impeding the conduct of Council meetings, even though they have been ordered to leave or have been removed from prior Council meetings.

RECOMMENDATION:

It is the recommendation of staff that the Council adopt the attached Ordinance that will revise the Rules of Decorum for Council meetings to enhance its enforcement powers so as to reduce recurrent disruptive behavior by members of the public at Council meetings.

CRAIG J. CORNWELL
CITY ATTORNEY

Attachmts: Proposed Ordinance
CJC: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 PROVISIONS OF SECTION 2-1.13 REGARDING ENFORCEMENT OF RULES OF DECORUM AT CITY COUNCIL MEETINGS

WHEREAS, on July 28, 2009, the City Council of the City of Compton adopted Ordinance No. 2,195, which revised the order of business of City Council meetings and rules of conduct for said meetings; and

WHEREAS, in an effort to better serve the citizens of the City of Compton when conducting the business of the City Council meetings, and in particular to better provide for the orderly and efficient conduct of said meetings, there is a need to reduce the reoccurrence of disruptive behavior from members of the public whose conduct indicates a routine attendance in the spirit of disruption; and

WHEREAS, enhancement of the enforcement powers of the Council's Rules of Decorum for Council meetings so as to allow exclusion from a limited number of future meetings of persons who have previously been asked to leave or have been removed from Council meetings for disruptive conduct may allow for a more productive meeting and involvement from peaceful members of the public in attendance at the meeting who wish to voice their concerns without continued disruption; 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 2-1.13 (Rules of Decorum of Meetings) Subsection (d) (Enforcement of Decorum) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

2-1.13 Rules of Decorum for Meetings.

d. *Enforcement of Decorum:* The rules of decorum set forth above shall be enforced in the following manner:

1. Warning: Any person who disturbs, disrupts or otherwise impedes the conduct of the City Council meeting is out of order and the presiding officer shall request that such person be orderly and comply with the applicable rules. If, after receiving a warning from the presiding officer, a person persists in disturbing, disrupting or otherwise impeding the meeting, the presiding officer shall order that person to leave the Council meeting and not return for the duration of the meeting. If such person does not remove himself or herself, the presiding officer may order any law enforcement officer or City Security Officer who is on duty at said meeting the Council to remove that person from the Council chambers.

2. Removal: Any law enforcement officer or City Enforcement Officer who is on duty at the meeting of the Council shall carry out all lawful orders and instructions given by the presiding office for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the law enforcement officer or City Security

Officer to remove from the Council meeting any person who is disturbing, disrupting or otherwise impeding the proceedings of the Council.

3. Exclusion: If any person has been ordered to leave or has been removed from two (2) City Council meetings within the thirty (30) days prior to a Council meeting, and such person thereafter disturbs, disrupts or otherwise impedes the conduct of that Council meeting, the presiding officer may order such person to leave that Council meeting and to not return to any subsequent meeting held during the next thirty (30) days. If such person does not remove himself or herself, or if such person returns to a subsequent meeting during the next thirty (30) days, the presiding officer may order any law enforcement officer or City Security Officer who is on duty at the meeting of the Council to remove such person from Council chambers.

4. Resisting Removal: Any person who resists removal by the law enforcement officer or City Security Officer may be charged with a violation of this section or other applicable law.

5. Penalty: Any person, who violates any provision of this section, shall be guilty of a misdemeanor or subject to the administrative enforcement proceedings of Section 1-7 of this Code.

6. Motion to Enforce: If the presiding officer fails to enforce the rules set forth above, any member of the Council may move to require him or her to do so, and an affirmative vote of a majority of the Council shall require him or her to do so. If the presiding officer fails to carry out the will of a majority of the Council, the majority may designate another member of the Council to act as presiding officer for the limited purpose of enforcing any rule of this section which it wishes to enforce.

7. Adjournment.: If a meeting of the Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or a majority of the Council, and the remaining Council business may be considered at the next meeting.

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

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

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

Section 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 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

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **City Attorney**

RESOLUTION TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER II OF THE COMPTON MUNICIPAL CODE BY AMENDING PROVISIONS OF SECTION 2-1.13 REGARDING ENFORCEMENT OF RULES OF DECORUM AT CITY COUNCIL MEETINGS**

Ruth Rugley — **10/4/2011 1:17:05 PM**
DEPARTMENT MANAGER'S SIGNATURE — DATE

REVIEW / APPROVAL

Ruth Rugley — **10/6/2011 11:29:07 AM**
CITY ATTORNEY — DATE

Stephen Ajobiewe — **10/6/2011 3:54:28 PM**
CITY CONTROLLER — DATE

P. Lamont Ewell — **10/6/2011 10:42:02 AM**
CITY MANAGER — 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.