NOTICE

COMPTON CITY COUNCIL
AGENDA
Tuesday, November 15, 2011
5:45 PM

HEARING(S)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **PRESENTATION** - "Student of the Month" **Brandon Wheeler,** Emerson Elementary School (Councilman Jones)

2. **PRESENTATION** - "Certificate of Appreciation" - **Mayisha Akbar** (Compton Jr. Posse) and **Omega Psi Phi Fraternity, Inc.** (Councilwoman Zurita)

3. **POWERPOINT PRESENTATION** - WATER DEPARTMENT UPDATE

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

4. November 1, 2011

REPORTS OF OFFICERS AND COMMISSIONS

MUNICIPAL LAW ENFORCEMENT SERVICES

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2011-2012 BUDGET TO APPROPRIATE THE FISCAL YEAR 2010-2011 FUNDS OF $43,440.06 TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON

WATER DEPARTMENT

6. A RESOLUTON OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENERAL PUMP AND ISSUE A PURCHASE ORDER FOR THE ANNUAL MAINTENANCE OF WATER WELLS IN THE COMPTON MUNICIAL WATER DEPARTMENT'S SYSTEM FOR THE 2011-12 FISCAL YEAR

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE WATER DEPARTMENT'S 2011-2012 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS AND ENTER INTO AN AGREEMENT WITH WM CURBSIDE, LLC FOR THE MANAGEMENT AND COLLECTION OF USED OIL

APPROVAL OF WARRANTS

8. Warrant #204392 - Date - 11/1/11 - Name - Waterline Technologies Inc. - Description - Supplies for Water Wells - Amount - $3,196.61 - Requested by: Water

   Warrant #204393 - Date - 11/1/11 - Name - Waterline Technologies Inc. - Description - Supplies for Water Wells - Amount - $5,026.87 - Requested by: Water

   Warrant #204406 - Date - 11/2/11 - Name - Clean Street - Description - Street Sweeping Services - Amount - $35,000.00 - Requested by: Public Works

   Total Amount of Warrants - $43,223.48

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

9. CLAIMS AGAINST THE CITY:
   Andrew Robinson v. City of Compton - I-8458/LI0000138A
   Perez Brothers Transport v. City of Compton - I-8462/LI0000149A

UNFINISHED BUSINESS

NEW BUSINESS

10. 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)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, November 22, 2011 @ 5:45 PM.

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

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#4.

NOVEMBER 1, 2011

The City Council meeting was called to order at 6:08 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, P. Ewell**

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **PRESENTATION - Marvin Jackmon**, Southern California Edison, Resolution of Appreciation to Mayor and City Council **(Presentation made prior to meeting)**

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Elizabeth Logan, Compton resident, commented on an incident in which her tenant's water was turned off for an entire weekend, due to a past due balance of $78. She felt it was totally inappropriate for the Water Department to disconnect her tenant's water supply and entreated the City Council to have more compassion on the disabled and low-income residents living in the City of Compton.

Councilperson Zurita asked the City Manager if the Water Department disconnects the residents' water supply over the weekend.

P. Ewell, City Manager, assured Councilperson Zurita that he would look into the matter.

Benjamin Holifield, Compton resident, encouraged the City to provide updated emergency preparedness information on Channel 36 for the benefit of the residents. He commented on the "Occupy Movement" and suggested that the elected officials get rid of their liaisons, nepotism and the Municipal Law Enforcement Services Department.

Lee Wax, representative of the Compton Coalition of Unions, stated that they were looking forward to their first meeting with the new City Manager tomorrow. He indicated that their first item on the agenda would address the wrongful lay-offs. Additionally, he stated that some of the union members received bumping letters last week without notification to their union. He asked that the negotiation's process be a process that the members can trust and further thanked the City Council for their leadership in steering the City on a path towards health.

Sandra Lightner, Compton resident, invited the citizens of Compton to participate in the "Legacy Fundraiser Dinner and Auction" to be held on January 19, 2012. The event will include a special presentation by Fox 11 News Christine Devine, The Tuskegee Airmen and the Release of Red Tails.

Lorraine Cervantes, Compton resident, advised the City Council to disband the Gaming Commission and forfeit their auto allowances. She also asked that a system be implemented that monitors the activities of the contractors to ensure that they are fulfilling the duties of their contract.

Maria Villa Real, Compton resident, referred to a meeting she had with a councilperson in 2007 to discuss a towing company taking cars to the City of Southgate. She expressed a concern for revenues generated in Compton, staying in Compton.

Mayor Perrodin assured Ms. Villa Real that he would investigate the manner.

William Kemp, Compton resident, articulated his hopes of the City Manager meeting with the unions to discuss the issues and the vision of the City. He went on to cite nepotism and cronyism as a determining factor, in which the City judges the level of community involvement involved in moving the City forward.

#4.

Joyce Kelly, Compton resident, suggested that Item Number Five was an attempt to increase the resident's water bills. She expressed her support for Calvary Community Church and asked that an investigation be conducted on the issues regarding their concerns. She mentioned the proposal to get rid of outside contractors and asked that those funds be expended on a city employee to help pave the streets. She stated that attempts to do business in the City are slim to none for some, citing that the Samoan Congregational Church was issued a business permit in less than a month. She stated that people are telling lies in the community implying that they have been endorse by the President of the United States of America.

Lynn Boone, Compton resident, advised the senior residents to call 1 ELDER- ABUSE if their water is turned off. She asked that Mr. Ewell be considered as a temporary consultant to the City Council once his contract ends. She stated that she had an issue with the direction of the Community Redevelopment Agency and subsequently asked that an expert be placed in that department to determine if they were going in the right direction.

6:00 P.M. - PUBLIC HEARING - APPEAL BY OUR LADY OF VICTORY DENIAL OF STREET CLOSURE **(Continued to November 8, 2011 at 5:50 p.m.)**

Alita Godwin, City Clerk, stated that there has been a request to postpone the hearing to November 8, 2011 at 5:50 p.m.

P. Ewell, City Manager, stated that the meetings were held with this organization, as previously scheduled. The pastor of Our Lady of Victory Church is currently out of the country and it has been conveyed to him that this item would be postponed for another week in confidence that they will complete the tasks that they were asked to complete.

6:15 P.M. JOINT PUBLIC HEARING - TO AMEND THE CAPITAL IMPORVEMENT PLAN AND TO REALLOCATE CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEASE REVENUE BONDS (Item #10)

There was a request to postpone this hearing to November 8, 2011 at 6:00 p.m.

Mayor Perrodin expressed a concern for the time it would take to complete the hearings.

Councilperson Zurita suggested that the council consider revisiting the meeting times and alternating between early and late meeting times.

Mayor Perrodin stated that the City Council voted to change the meeting times to accommodate his job commitments with the District Attorney's Office. The Mayor added that he had no objections to the City Council changing the meeting times.

Councilperson Zurita stated that an earlier meeting time might possibly accommodate the residents that are retired or have other concerns about attending a council meeting during the evening hours.

Mayor Perrodin notified Councilperson Zurita that he would attend the Sanitation Board meetings on the second and fourth Wednesdays of every month beginning November 9, 2011. The Mayor stated that it is his job as the Mayor to attend as many meetings as possible.

On motion by Arceneaux, seconded by Jones, to continue this hearing to November 8, 2011 at 6:00 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

CONSENT AGENDA

On motion by Arceneaux, seconded by Jones, 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

2. October 18, 2011

REPORTS OF OFFICERS AND COMMISSIONS

RISK MANAGEMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AUTHORIZE AN OPEN PURCHASE ORDER TO PURCHASE SPECIAL EVENTS AND PROPERTY INSURANCE FROM AON INSURANCE SERVICES, FOR MISCELLANEOUS ADDED EVENTS AND CRA ADDED PROPERTIES **(Resolution # 23,413)**

WATER DEPARTMENT

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO TELECHECK SERVICES FOR FEES CHARGED TO PROCESS CHECKS THROUGH THE INTERACTIVE VOICE RESPONSE SYSTEM (IVR) **(Resolution # 23,414)**

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO WESTERLY METER SERVICE COMPANY FOR THE PURCHASE OF SUPPLIES NEEDED AT THE WATER YARD **(Resolution # 23,415)**

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO AND EXECUTION OF KEC ENGINEERING FOR PROVISION OF PLANS AND SPECIFICATIONS FOR REMEDIATION OF STORM WATER RUNOFF POLLUTION AT THE CITY YARD **(Resolution # 23,416)**

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

END OF THE CONSENT AGENDA

REGULAR AGENDA

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

CITY ATTORNEY'S REPORTS

7. **CLAIMS AGAINST THE CITY OF THE COMPTON**
Kordell Knox v. City of Compton - Claim No. I-8454/LI0000134A
The Gas Co. v. City of Compton - Claim No. I-8456/LI0000137A

On motion by Arceneaux, seconded by Jones, the above claims were denied, by the following vote on roll call:

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

UNFINISHED BUSINESS - There was no Unfinished Business.

#4.

NEW BUSINESS

8. 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)**

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

Mayor Perrodin asked that the majority of the members attend Compton schools.

Councilperson Arceneaux requested a consideration for the students who do not attend Compton schools, simply because their parents pay taxes in the City of Compton.

Craig Cornwell, City Attorney, stated that the ordinance currently favors Compton students by ensuring a majority remains on this board.

Councilperson Zurita stated that she believes aspiring students living in the City of Compton should be afforded the opportunity to serve on this board regardless of the school they attend.

On motion by Arceneaux, seconded by Dobson, **Ordinance # 2,444** entitled **"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"** was adopted, by the following vote on roll call:

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

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES

Mayor Perrodin requested the protocols for the City and the disciplinarian process for the city employees sent to this program.

Sheri Eaton, Acting Director of the Human Resources Department, stated that the department manager normally refers the employee to the Human Resources Department and a drug and/or alcohol test is conducted. Once a positive report is received, the department works with the employee to resolve any issues. The employee is placed on a last chance agreement, and in the event that they violate the agreement, the employee is terminated from the City.

Mayor Perrodin requested the success rate of this program from 2008 to present. Ms. Eaton indicated that six out of seven employees have been rehabilitated.

Mayor Perrodin questioned how the City could ensure an employee who is successful in the program continues to rehabilitate. Ms. Eaton notified the Mayor that there were provisions within the last chance agreement.

Mayor Perrodin requested the agency responsible for overseeing the last chance agreement. Ms. Eaton affirmed that the Human Resources Department is responsible for monitoring the provisions of the agreement.

#4.

On motion by Arceneaux, seconded by Jones, **Resolution # 23,417** entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING RENEWAL OF THE CONTRACTUAL AGREEMENT FOR SERVICES PROVIDED BY CARE RESOURCES INCORPORATED FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) SERVICES"** 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

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE CAPITAL IMPROVEMENT PLAN AND REALLOCATING CAPITAL FUNDING FOR PROJECTS FINANCED THROUGH THE REFINANCING OF LEASE REVENUE BONDS **(REAGENDAD NOVEMBER 8, 2011)**

SUBSEQUENT NEED ITEM

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO EXECUTE AND SUBMIT DOCUMENTS TO IMPLEMENT CITY'S PARTICIPATION IN A SECTION 108 PUBLIC OFFERING INCLUDING APPROPRIATIONS AND REPROGRAMING OF FUNDS AS NEEDED TO COVER PROFESSIONAL FEES, INTERESTS DUE AND OTHER RELATED COSTS OF ISSUANCE

On motion by Dobson, seconded by Arceneaux, to consider the subsequent need item, by the following vote on roll call:

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

P. Ewell, City Manager, explained that this resolution pertains to a five million dollar loan that was entered into for the purposes of expanding economic development in the City. Consequently, the project was abandoned and as a result, the loan is still in place and the City has been servicing the loan ever since. The City is now looking for ways to reduce costs on this loan.

Craig Keyes, Economic Department, stated that staff is proposing that the City enter into an agreement with the Housing of Urban Development (HUD) with a pool of other Section 108 participants to refinance the City's existing debt at a lower interest rate. If this resolution is approved the City will save approximately $800,000 over the course of the note. But the City Manager must act quickly to execute the loan documents and submit them to HUD in time to participate in the public offering.

Mr. Ewell stated that there is 2.8 million dollars remaining on the loan that can be utilized to expand economic development. The proposal allows the City to avoid the use of Community Development Block Grant (CDBG) funds to service this loan, in addition to freeing up more money to allow the City to do more things in the community, as well.

Mayor Perrodin asked the City Manager how the City was servicing this loan. Mr. Ewell stated that an eligible CDBG fund allocation was used to service the loan.

Councilperson Dobson requested the deadline for the legal and issuance fees. Mr. Keyes stated that the deadline for the offering is November 17, 2011.

Councilperson Dobson asked Mr. Keyes if he anticipated any problems with meeting the deadlines. Mr. Keyes stated that the funds are available to take care of the costs of the issuance.

Mayor Perrodin requested legal counsel.

Craig Cornwell, City Attorney, stated that this item qualifies as a subsequent need.

#4.

On motion by Dobson, seconded by Arceneaux, **Resolution # 23,418** entitled **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO EXECUTE AND SUBMIT DOCUMENTS TO IMPLEMENT CITY'S PARTICIPATION IN A SECTION 108 PUBLIC OFFERING INCLUDING APPROPRIATIONS AND REPROGRAMING OF FUNDS AS NEEDED TO COVER PROFESSIONAL FEES, INTERESTS DUE AND OTHER RELATED COSTS OF ISSUANCE"** 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

COUNCIL COMMENTS

Councilperson Zurita notified the residents that she is still investigating the fees assessed on their water bills. Ms. Zurita urged the constituents to work with the council as they struggle to make the City solvent. Ms. Zurita thanked the City Manager for his expertise and his willingness to assist the City during this fiscal crisis.

Councilperson Zurita stated that her sole purpose for running for office was to facilitate transparency in the City's financing, eliminate excessive spending, and hold accountable to those placed in positions to make decisions.

Councilperson Zurita acknowledged Fire Station Number One for being recognized on October 28, 2011 by Fox 11 Channel News for their support of breast cancer awareness month.

Councilperson Jones mentioned the success of the Children's Fall Festival event held last weekend. Dr. Jones further commended everyone that contributed to the success of the event.

Councilperson Jones encouraged the citizens of Compton to participate in the "BBQ Fundraising Event" hosted by the Compton High School boy's basketball team. The event will be held on Friday, November 5, 2011 in the gymnasium from 12 p.m. to 6 p.m. The dinners are $10 and the hot dogs are $2.

Councilperson Dobson requested that the meeting be adjourned in the memory Weddie Lee McCarthy and Gregory Leatherwood.

Mayor Perrodin commented on the article published in the Los Angeles Times newspaper regarding the City's deficit and indicated that he did not particularly like some of the things that were stated and insinuated. The Mayor stated that it is important for him to try and find some resolutions to the problems that were stated and cited that he would be doing the following:

1) Send a letter to the State Controller Office requesting an independent audit of the City's finances.

2) Send a letter to the Attorney General Office requesting an investigation of the City's finances and how they were expended.

3) A resolution requesting members of the City Council take a 25% pay cut.

4) Request to cut all funding from the general fund for any service or activity not authorized by the City Charter.

5) Request a report from the City Controller's Office detailing all departmental finances and purchase orders for the last five years.

Mayor Perrodin stated that in the event of his recall and for the purposes of transparency, he is proposing that all elected officials in the City of Compton be required to take a lie detector test of ten questions from the community every year. The Mayor encouraged the residents to call his office at (310) 605-5597 if they would like to provide any additional suggestions that would contribute to the City's transparency.

ADJOURNMENT

On motion by Dobson, seconded by Arceneaux, the meeting was adjourned at 7:36 p.m. in memory of **Gregory Leatherwood** and **Weddie Lee McCarthy**, by the following vote on roll call:

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

______________________________	______________________________
City Clerk of the City of Compton	**Mayor of the City of Compton**

November 15, 2011

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **CITY MANAGER**

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2011-2012 BUDGET TO APPROPRIATE THE FISCAL YEAR 2010-2011 FUNDS OF $43,440.06 TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON**

SUMMARY
Staff would like Council to consider amending the Municipal Law Enforcement Services' Fiscal Year 2011-2012 Budget to appropriate $43,440.90 which is the remaining balance in the prior year, 2010-2011 grant funding from the State of California, Office of Traffic Safety, to conduct sobriety checkpoints in the City of Compton.

BACKGROUND
The Grant is received from the State of California, Office of Traffic Safety through the University of California, Berkeley Traffic Safety Center to conduct sobriety checkpoints in Compton over the period of November 1, 2010 through September 5, 2011. The purpose of the Sobriety checkpoint Program is to reduce the number of victims killed and injured in alcohol-involved crashes.

The City was awarded a One Hundred and Forty-Four Thousand ($144,000.00) Dollars Sobriety Checkpoint Grant during 2010-2011; during that fiscal year Fifty Thousand, Five Hundred Fifty-Nine Dollars and Ninety-Four Cents; ($50,559.94) was expended, which left a remaining balance of Ninety-Three Thousand, Four Hundred Forty Dollars and Six Cents ($93,440.06).

For fiscal year 2011-2012 the roll over amount should have been Ninety-Three Thousand, Four Hundred Forty Dollars and Six Cents ($93,440.06); however, only Fifty Thousand ($50,000) Dollars was allocated in this year's budget leaving a balance of Forty-Three Thousand, Four Hundred and Forty-Four Dollars and Six Cents. ($43,440.06) for Fiscal Year 2011-2012 Budget, which needs to be appropriate into the current fiscal year 2011-2012 budget.

FISCAL IMPACT

The Municipal Law Enforcement Services' 2011-2012 Fiscal Year Budget would increased by **$43,440.06**

Account Number	Description	Amount
2774-000-000-3970	Prior Year Revenue	$**$43,440.06**
2774-680-000-4269	Other Contract Services	$**$43,440.06**

RECOMMENDATIONS
Staff recommends that Council adopt the attached resolution.

CARL HOUSTON, INTERIM DIRECTOR
MUNICIPAL LAW ENFORCEMENT SERVICES DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2011-2012 BUDGET TO APPROPRIATE THE FISCAL YEAR 2010-2011 FUNDS OF $43,440.06 TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON

WHEREAS, the City of Compton shares the State of California's goal of reducing the number of victims killed and injured in alcohol involved crashes; and

WHEREAS, the City was awarded a $144,000.00 grant from the State of California through the University of California, Berkeley Traffic Safety Center, to conduct sobriety checkpoints in Compton over the period of November 1, 2010 to September 6, 2011; and

WHEREAS, on November 1, 2010 the City was awarded a One Hundred and Forty-Four ($144,000.00) Dollars Sobriety Checkpoint grant during fiscal year 2010-2011, and had a remaining balance of 93440.06 leaving a remaining balance; and

WHEREAS, in fiscal year 2011-2012 the approved budget amount should have been Ninety-Three Thousand, Four Hundred Forty Dollars and Six Cents ($93, 440.06); however, only Fifty Thousand ($50,000) Dollars was allocated in this year's budget; and

WHEREAS, the Municipal Law Enforcement Services' Fiscal Year 2011-2012 Budget must be amended to appropriate these funds.

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

Section 1: That the City shall accept and appropriate last year's 2010-2011 remaining balance of $43, 440.06 from the University of California, Berkeley Traffic Safety Center.

Section 2: That the City shall amend the Municipal Law Enforcement Services' Fiscal Year 2011-2012 Budget in the amount of **$43,440.06** to appropriate these funds.

Section 3: That the City shall increase its Fiscal Year 2011-2012 grant revenue and expenditures as follows:

Account Number	Description	Amount
2774-000-000-3970	Prior Year Revenue	**$43,440.06**
2774-680-000-4269	Other Contract Services	**$43,440.06**

Section 4: That a copy of this resolution shall be filed in the office of the City Manager, City Controller, City Clerk, Municipal Law Enforcement Services, and Planning and Economic Development Department.

#5.

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

ADOPTED this _______ day of ___________________, 2011

____
MAYOR OF THE CITY OF COMPTON

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 to 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-**
ABSTAIN: **COUNCIL MEMBERS-**
ABSENT: **COUNCIL MEMBERS-**

____
CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: **Law Enforcement**

RESOLUTION TITLE: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE MUNICIPAL LAW ENFORCEMENT SERVICES' FISCAL YEAR 2011-2012 BUDGET TO APPROPRIATE THE FISCAL YEAR 2010-2011 FUNDS OF $43,440.06 TO CONDUCT SOBRIETY CHECKPOINTS IN THE CITY OF COMPTON**

Carl Houston	**10/31/2011 8:00:51 AM**
DEPARTMENT MANAGER'S SIGNATURE	DATE

REVIEW / APPROVAL

Ruth Rugley	**11/2/2011 6:16:43 PM**
CITY ATTORNEY	DATE
Stephen Ajobiewe	**11/2/2011 3:45:58 PM**
CITY CONTROLLER	DATE
P. Lamont Ewell	**11/2/2011 10:00:01 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.

November 15, 2011

TO: **MAYOR AND COUNCIL MEMBERS**

FROM: **CITY MANAGER**

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENERAL PUMP AND ISSUE A PURCHASE ORDER FOR THE ANNUAL MAINTENANCE OF WATER WELLS IN THE COMPTON MUNICIPAL WATER DEPARTMENT'S SYSTEM FOR THE 2011-12 FISCAL YEAR**

SUMMARY

This resolution authorizes the City Manager to enter into an agreement with General Pump and issue a purchase order to General Pump for the Annual Maintenance of Water Wells in the Compton Municipal Water Department.

BACKGROUND

The Water Department has seven (7) operational wells in its system that requires maintenance. Maintenance includes disconnecting all electrical wiring, motor, and repairing or placing damaged parts. The department solicited bids for an annual maintenance contract for the 2011-12 fiscal year.

STATEMENT OF THE ISSUE

The following bids were received:

VENDOR	AMOUNT
General Pump Co Inc.	**$169,950.00**
Pumpman Inc.	$205,710.00
Evans Hydro, Inc.	$224,550.00

It has determined that the bid of General Pump is the lowest, most responsive bidder.

FINANCIAL IMPACT

Funds are available in the Water Department's Fiscal Year 2011-12 Budget in account 5000-850-000-4705 (Maintenance of Wells).

#6.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution, authorizing the City Manager to enter into an agreement and issue a purchase order to General Pump in the amount of One Hundred and Sixty-nine Thousand, Nine Hundred and Fifty Dollars ($169,950.00).

KAMBIZ SHOGHI
GENERAL MANAGER
COMPTON MUNICIPAL WATER DEPT.

P. LAMONT EWELL
CITY MANAGER

RESOLUTON NO. ___________

A RESOLUTON OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENERAL PUMP AND ISSUE A PURCHASE ORDER FOR THE ANNUAL MAINTENANCE OF WATER WELLS IN THE COMPTON MUNICIAL WATER DEPARTMENT'S SYSTEM FOR THE 2011-12 FISCAL YEAR

WHEREAS, the Municipal Water Department has (7) seven operational water wells in its system that periodically require maintenance; and

WHEREAS, maintenance includes disconnecting all electrical wiring and appurtenances necessary for removing the deep well pump, motor discharge head, oil tubing or submersible cable and all component parts necessary to repair or replace damaged parts; and

WHEREAS, when a well fails it causes the water system to lose water pressure, which could result in inadequate flow to the customers as well as for fire protection; and

WHEREAS, if a well is determined non-repairable it is scheduled for abandonment; and

WHEREAS, the department solicited bids and the results were as follows:

VENDOR	AMOUNT
General Pump Co Inc.	**$169,950.00**
Pumpman Inc.	$205,710.00
Evans Hydro, Inc.	$224,550.00

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 an agreement with for annual maintenance of water wells and issue a purchase order to General Pump in the amount of One Hundred Sixty-nine Thousand, Nine and Fifty Dollars ($169,950.00).

SECTION 2. That funds are available in the Water Department's Fiscal Year 2011-12 Budget in account 5000-850-000-4705 (Maintenance of Wells).

SECTION 3. That a certified copy of this resolution shall be filed in the Offices of the City Manager, City Controller, and Municipal Water Department.

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

#6.

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 RESOLUTON OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENERAL PUMP AND ISSUE A PURCHASE ORDER FOR THE ANNUAL MAINTENANCE OF WATER WELLS IN THE COMPTON MUNICIAL WATER DEPARTMENT'S SYSTEM FOR THE 2011-12 FISCAL YEAR**

Kambiz Shoghi	**11/1/2011 8:09:26 AM**
DEPARTMENT MANAGER'S SIGNATURE	DATE

REVIEW / APPROVAL

Ruth Rugley	**11/10/2011 2:20:01 PM**
CITY ATTORNEY	DATE
Stephen Ajobiewe	**11/10/2011 3:38:19 PM**
CITY CONTROLLER	DATE
P. Lamont Ewell	**11/10/2011 1:20:59 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.

November 8, 2011

TO:	**MAYOR AND CITY COUNCIL**
FROM:	**CITY MANAGER**
SUBJECT:	**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE WATER DEPARTMENT'S 2011-2012 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS AND ENTER INTO AN AGREEMENT WITH WM CURBSIDE LLC FOR THE MANAGEMENT AND COLLECTION OF USED OIL**

SUMMARY

The Water Department is requesting that Council amend the Water Department's 2011/12 fiscal year budget to appropriate the Integrated Waste Management Board Cycle 15 Grant and the CalRecycle Grants and enter into an agreement with WM Curbside, LLC, for the management and collection of used oil for Fiscal Year 2011-2012.

BACKGROUND

The people of the State of California have enacted the California Oil Recycling Enhancement Act that provides funds to cities and counties for establishing and maintaining local used oil collection programs that encourage recycling or appropriate disposal of used oil and filters. WM Curbside Inc. is a certified vendor of CalRecycle.

The proposed program will be available to all City residents. WM Curbside, LLC, the City's current service provider will continue the City's existing Used Oil Management Program comprised of the following five elements: Collection of used oil directly from homes; Door to Door collection; collection of used oil by certified Used Oil Collection Centers; Hotline system for Public Education program to support the two major collection efforts; and, used oil filters collections. WM Curbside, LLC will also be responsible for all site visits to our certified collection center, along with completing all public education, program tracking and monitoring.

WM Curbside, LLC will collect used motor oil in containers of five gallons or less, unlimited used oil filters, and unlimited amounts of metal and/or plastic containers that have or held used oil.

WM Curbside, LLC is a certified hazard waste collector and the only certified door to door collector for the South Bay area for CalRecycle.

#7.

STATEMENT OF ISSUE

The funds of the grant are from Integrated Waste Management Board (agency prior to CalRecycle) which were three year grants, and currently we have two new grants from CalRecycle which are two year grants. We have funds in Cycle 15 from the board that have not been spent and two grants from CalRecycle which are to be spent by June 30, 2012. Therefore, there is a need to appropriate these funds into the 2011/12 fiscal year budget.

FINANCIAL IMPACT

The cost of the program will be paid through California Used Oil Program Cycle 15 & Oil Payment Program 1 & 1A; therefore, there is no financial impact on the City.

GRANT	ACCOUNT #	AMOUNT
UBG15	2662-900-0004262	$ 88.72
OPP1	2672-900-0004262	$ 27,657.00
OPP1A	2669-900-0004262	$ 4,061.00

RECOMMENDATION

It is staff's recommendation that the City Council adopt the attached resolution amending the Water Department's 2011- 2012 fiscal year budget and appropriate these funds, and authorize the City Manager to enter into an agreement with WM Curbside Inc. for the management and collection of used oil for Fiscal Year 2011-2012.

KAMBIZ SHOGHI
GENERAL MANAGER
COMPTON MUNICIPAL WATER DEPARTMENT

P. LAMONT EWELL
CITY MANAGER

RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE WATER DEPARTMENT'S 2011-2012 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS AND ENTER INTO AN AGREEMENT WITH WM CURBSIDE, LLC FOR THE MANAGEMENT AND COLLECTION OF USED OIL

WHEREAS, the California state legislators have adopted the California Oil Recycling Enhancement Act that provides funds to cities and counties for establishing and maintaining local used oil collection programs that encourage recycling and appropriate disposal of used oil; and

WHEREAS, in September 2010, the City Council authorized an agreement with Curbside, Inc. to administer for the City the State of California Used Oil Recycling Black Grant Program; and

WHEREAS, Waste Management, Inc. subsequently acquired Curbside, Inc. and renamed the company WM Curbside, LLC, which accepted the contractual responsibilities of the former Curbside, Inc.; and

WHEREAS, there is a need to enter into another contract for the provision of services to be supplied pursuant to the requirements of the Program and Grants and WM Curbside, LLC is a certified hazard waste collector and the only certified door-to-door collector for the South Bay area; and

WHEREAS, the cost of this program is funded through Integrated Waste Management Board Cycle 15 Grant and staff is requesting that these funds be appropriated in the Water Department's 2011-2012 Fiscal Year Budget in account 2662-90-0000-4262.

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 contract with WM Curbside, LLC for the administration of the State of California Used Oil Recycling Block Grant Program on behalf of the City.

SECTION 2. That Fiscal Year 2011-2012 budget of the Water Department shall be amended and the Program will be funded through Integrated Waste Management Board Cycle 15 and CalRecycle Grants Oil Payment Program 1 & 1A. and should be appropriated as listed below:

GRANT	ACCOUNT #	AMOUNT
UBG15	2662-900-0004262	$ 88.72
OPP1	2672-900-0004262	$ 27,657.00
OPP1A	2669-900-0004262	$ 4,061.00

SECTION 3. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Controller, and Municipal Water Department

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

ADOPTED this _______ day of ________________, 2011.

#7.

____
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 to 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 AMEND THE WATER DEPARTMENT'S 2011-2012 FISCAL YEAR BUDGET TO APPROPRIATE FUNDS AND ENTER INTO AN AGREEMENT WITH WM CURBSIDE, LLC FOR THE MANAGEMENT AND COLLECTION OF USED OIL**

Kambiz Shoghi — **10/27/2011 5:18:58 PM**
DEPARTMENT MANAGER'S SIGNATURE — DATE

REVIEW / APPROVAL

Ruth Rugley — **11/10/2011 2:17:57 PM**
CITY ATTORNEY — DATE

Stephen Ajobiewe — **11/10/2011 3:32:58 PM**
CITY CONTROLLER — DATE

P. Lamont Ewell — **11/10/2011 1:19:13 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.

#8.

WARRANTS APPROVED BY COUNCIL

Warrant #	Date	Name	Description	Amount
204392	11/1/11	Waterline Technologies Inc.	Supplies for Water Wells	$3,196.61

Requested By: Water

Warrant #	Date	Name	Description	Amount
204393	1/1/11	Waterline Technologies Inc.	Supplies for Water Wells	$5,026.87

Requested By: Water

Warrant #	Date	Name	Description	Amount
204406	11/2/11	CleanStreet	Street Sweeping Services	$35,000.00

Requested By: Public Works

I hereby certify that the above demand in the amount of $43,223.48 was approved at a regular meeting of the City Council and reject __________________ as of November 15, 2011.

Council Member   Council Member   City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on November 15, 2011 allowed the above demand.

Alita Godwin
City Clerk

November 15, 2011

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **CITY ATTORNEY**

SUBJECT: **CITY ATTORNEY REPORT/CLAIM NO. I-8458/LI0000138A**

SUMMARY

Council will consider the claim of Andrew Robinson (Claim No. I-8458/LI0000138A), presented to the City on October 3, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On October 3, 2011, the above claim was presented to the City Controller by Andrew Robinson for personal injury. Claimant alleges that on September 28, 2011, he opened the exit door to the City's parking lot, when he fell on the wheelchair ramp at 600 North Alameda Avenue in Compton. Claimant alleges that the wheelchair ramp is too narrow which caused him to injure his right foot as he was walking out of the building.

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

FINANCIAL IMPACT

Unknown at this time.

RECOMMENDATION

Staff recommends that this claim be denied.

/S/

CRAIG J. CORNWELL
CITY ATTORNEY

November 15, 2011

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **CITY ATTORNEY**

SUBJECT: **CITY ATTORNEY REPORT/CLAIM NO. I-8462/LI0000149A**

SUMMARY

Council will consider the claim of Perez Brothers Transport (Claim No. I-8462/LI0000149A), presented to the City on October 19, 2011, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On March 2, 2011, a claim was presented to the City Controller by a law firm representing, Cesar Ramirez (I-8415/LI0000090A) and Wendy Delgado (I-8416/LI0000093A) for personal injuries. Mr. Delgado alleged that on November 9, 2010 at 5:16 p.m. he was riding his bicycle when he was struck by a vehicle on Atlantic Avenue, north of Sportsman Drive in Compton. He alleges that his injuries were caused by a dangerous condition on public property. Ms. Delgado, who is Mr. Ramirez's wife, made a claim for loss of her husband's consortium. The Ramirez and Delgado claims were denied on April 12, 2011 and they filed suit against the City, Perez Brother Transport, and Adrian Lopez.

On October 19, 2011, a claim was presented to the City Controller by a law firm representing, Perez Brothers Transport. Perez Brothers Transport owns the property adjacent to the place where Mr. Ramirez was struck. Perez Brothers Transport alleges that the injuries claimed by Mr. Ramirez and Ms. Delgado were due to a dangerous condition on public property. Perez Brothers Transport is seeking indemnification, apportionment of fault and declaratory relief for liability arising out of the alleged accident.

Based upon our review of the claim and a site inspection of the area where the relevant incident occurred, there is no evidence to suggest a dangerous condition existed that would give rise to liability.

FINANCIAL IMPACT

Unknown at this time but Claimant, Perez Brothers Transport is estimating at least $25,000 in damages relating to this lawsuit.

RECOMMENDATION

Staff recommends that this claim be denied.

/S/

CRAIG J. CORNWELL
CITY ATTORNEY

#10.

November 15, 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 ("City") 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. Additionally, Mepco's surety company, The Hartford ("Surety"), has provided required "Labor and Material Payment" and "Performance" Bonds, each in the amount of one hundred percent (100%) of the contract price.

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.

Mepco and its Surety is aware of concerns the City may have about releasing a portion of the retention while there are unresolved and disputed project claim issues, including the potential of the City asserting (disputed) liquidated damage claims against Mepco for some of the project delays. Thus, to alleviate any such concerns, the Surety is willing to agree to indemnify the City for liquidated damages that may be owed by Mepco, if any, subject to a cap equal to the dollar amount of retention funds released. This agreement will eliminate risk to the City and allow the released retainage to go directly into project completion rather than have said funds remain idle and uninvested in an escrow account.

More than ninety percent (90%) 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 (currently estimated for the end of this calendar year), 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:

1. Pursuant to provisions of the contract, Mepco's Surety has provided required "Labor and Material Payment" and "Performance" Bonds, each in the amount of one hundred percent (100%) of the contract price.

2. Mepco's Surety is willing to agree to indemnify the City for liquidated damages that may be owed by Mepco, if any, subject to a cap equal to the dollar amount of retention funds released.

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 ("City") 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 ninety percent (90%) 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; and

WHEREAS, even with the release of 5% of the retention earnings the City is protected by the fact that pursuant to the contract provisions "Labor and Material Payment" and "Performance" Bonds have been supplied for the benefit of the City, each in the amount of 100% of the contract price; and

WHEREAS, the City will be further protected should it be determined that Mepco is responsible for any liquidated damages for project delays, in that Mepco's surety company, The Hartford ("Surety"), is willing to agree to indemnify the City for such damages, if any, equal to the dollar amount of retention funds released.

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, and contingent on Mepco's surety company's, The Hartford, execution of an agreement to indemnify the City for liquidated damages owed by Mepco, if any, subject to a cap equal to the dollar amount of the retention funds released, 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 upon execution of the amendment to the Construction Agreement between the City of Compton and Mepco Services, Inc. and execution of the indemnification agreement by The Hartford, and Mepco if necessary, 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 MEMBERS-
NOES: COUNCIL MEMBERS-
ABSTAIN: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

____
CITY CLERK OF THE CITY OF COMPTON