

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, February 28, 2012 5:45 PM

HEARING(S)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

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

REPORTS OF OFFICERS AND COMMISSIONS

CITY FIRE DEPARTMENT

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO LIFE ASSIST INC. FOR THE PURCHASE OF PHARMACEUTICALS AND MEDICAL SUPPLIES FOR THE FIRE DEPARTMENT

PUBLIC WORKS-ENGINEERING

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL BUDGET AND TRANSFERRING FUNDS BETWEEN ACCOUNTS TO PAY THE PUBLIC WORKS CITY YARD DUMPING FEES OWED TO THE COMPTON MUNICIPAL WATER DEPARTMENT

WATER DEPARTMENT

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO CEMEX INC. TO PURCHASE SAND AND GRAVEL

APPROVAL OF WARRANTS

END CONSENT AGENDA

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

4. CLAIM AGAINST THE CITY

Reshona Doss v. City of Compton (I-8477/LI0000165A)

CLOSED SESSION

5. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Gonzalez et al vs. City of Compton, LASC Case No. BC450494
Pursuant to California Government Code Section 54956.9(a)

UNFINISHED BUSINESS

6. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION TWO OF ORDINANCE NUMBER 2,182 TO FREEZE THE CURRENT WATER RATES FOR CUSTOMERS WHO UTILIZE 20 UNITS OR LESS OF WATER THROUGH FISCAL YEAR 2013-2014
(SECOND READING)
7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON MAKING AN ELECTION IN CONNECTION WITH HOUSING ASSETS AND FUNCTIONS PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

NEW BUSINESS

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, March 06, 2012 @ 5:45 PM.

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

View Meetings Live at <mms://207.105.49.220:8080>

February 28, 2012

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: JON THOMPSON, FIRE CHIEF
COMPTON FIRE DEPARTMENT**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A
PURCHASE ORDER TO LIFE ASSIST, INC. FOR THE
PURCHASE OF PHARMACEUTICALS AND MEDICAL
SUPPLIES FOR THE FIRE DEPARTMENT**

SUMMARY

The attached resolution authorizes a purchase order in the amount of \$76,000 with Life Assist, Inc. to purchase needed pharmaceuticals and medical supplies for the Fire Department.

BACKGROUND

The Fire Department currently operates three Paramedic units, two Basic Life Support ambulances, four engine companies and one truck company. These units must be stocked at all times with medical supplies and equipment to levels that are determined by the Department of Health Services.

STATEMENT OF ISSUE

The Fire Department solicited contract pricing from three vendors, PMI, Life Assist Inc. and Bound Tree Medical. A list of items was sent to them and they were to provide a cost per item and guarantee that cost for a year. Life Assist Inc. was the only company able to provide all of the items on the list and listed very competitive pricing. They are located in Northern California and are able to supply 48 hour shipping at no additional cost. The requested amount will allow us to purchase EMS medical supplies needed for the remainder of the fiscal year.

FISCAL IMPACT

This cost was anticipated and funds are allocated in account 1001-69-0000-4240 of the Fire Department's fiscal year 2011-2012 budget.

#1.

Life Assist Staff Report
Page 2

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

**JON THOMPSON
FIRE CHIEF**

APPROVED FOR FORWARDING:

**BRYAN BATISTE
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A
PURCHASE ORDER TO LIFE ASSIST, INC. FOR THE PURCHASE
OF PHARMACEUTICALS AND MEDICAL SUPPLIES FOR THE
FIRE DEPARTMENT.**

WHEREAS, the Fire Department staffs three (3) ALS Paramedic units and two (2) Basic Life Support units along with fire units which provide emergency medical care; and

WHEREAS, pharmaceuticals and other medical supplies are needed to supply these units in compliance with the Department of Health Services Policies and Procedures for Pre-Hospital care providers; and

WHEREAS, Life Assist, Inc. provides the necessary supplies and equipment at very competitive pricing, which is in the best interest of the City; and

WHEREAS, the Fire Department desires to utilize the services of Life Assist, Inc. during the remainder of the 2011/12 Fiscal year; and

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

SECTION 1. That the City Manager is authorized to issue a purchase order to Life Assist, Inc. in an amount not to exceed \$76,000.00.

SECTION 2. That funds for this purchase shall be charged to account 1001-690-000-4240 in the Fire Department's 2011/12 fiscal year budget.

SECTION 3. That copies of this resolution shall be filed in the offices of the City Manager, City Controller and the Fire Department.

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

ADOPTED this _____ day of _____, 2012.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

RESOLUTION NO. _____
PAGE 2

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the forgoing 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 _____, 2012.

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

AYES:	Council Member(s)
NOES:	Council Member(s)
ABSTAINS:	Council Member(s)
ABSENT:	Council Member(s)

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Fire Department

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO LIFE ASSIST INC. FOR THE PURCHASE OF PHARMACEUTICALS AND MEDICAL SUPPLIES FOR THE FIRE DEPARTMENT

Jon Thompson
DEPARTMENT MANAGER’S SIGNATURE

2/21/2012 3:46:18 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

2/23/2012 12:06:49 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

2/23/2012 2:55:46 PM
DATE

Bryan Batiste
CITY MANAGER

2/23/2012 9:18:50 AM
DATE

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

February 28, 2012

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: JOHN D. STRICKAND, JR, INTERIM DIRECTOR
PUBLIC WORKS DEPARTMENT**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING THE PUBLIC WORKS FISCAL YEAR
2011-2012 ANNUAL BUDGET AND TRANSFERRING FUNDS
BETWEEN ACCOUNTS TO PAY THE PUBLIC WORKS CITY
YARD DUMPING FEES OWED TO THE COMPTON MUNICIPAL
WATER DEPARTMENT**

SUMMARY

This resolution amends the Public Works FY 2011-2012 annual budget and transfers funds between accounts to pay the dumping fees owed to the Compton Municipal Water Department.

BACKGROUND

The City of Compton Public Works yard receives various types of trash, debris, and bulky items picked-up from our City streets, public right-of-ways, and City facilities. These items are brought to the City's transfer station (City yard) until they are picked-up and taken to the solid waste facility.

The solid waste division of the Compton Municipal Water Department bills the Public Works Department monthly. The cost varies depending on the volume of the items picked-up by the vendor. Pacific Waste is the vendor that the City uses to haul the trash from the City yard to their solid waste center. They bill the solid waste division and the division bills the department.

Funds to pay for trash disposal from the City yard was not identified in the Public Works FY 2011-2012 budget. However, Public Works staff has identified funds in the amount of \$400,000 in the Lighting and Landscaping fund that could be used to pay for this much needed service.

STATEMENT OF THE ISSUE

For Fiscal Year 2011-2012, the amount needed to pay for the disposal of trash from the City yard was not included in Contribution To Other Funds expenditure object code in the Public Works Street Maintenance Division's budget.

Therefore, staff is requesting that the City Council authorize the department to amend the budget and transferring funds as follows:

#2.

Budget Amendment – Staff Report

February 28, 2012

Page Two

Funds in the amount of \$623,660 should be transferred as follows:

From:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4294	Contingency	\$623,660

To:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4290	Contribution to Other Funds	\$400,000
2502-720-000-4269	Other Contract Services	\$223,660

Therefore, in order to move funds, City Council authorization is necessary.

ALTERNATIVES

The City is committed to paying the cost of utilizing the services of its solid waste division which is vital to maintaining safe and clean streets and City facilities free from trash and debris. Therefore, no other alternative is available.

FINANCIAL IMPACT

No fiscal impact. Funds were budgeted for the 2011-2012 Fiscal Year.

RECOMMENDATION

Staff recommends adoption of the attached resolution.

JOHN D. STRICKLAND, JR.
INTERIM DIRECTOR OF PUBLIC WORKS

APPROVED AS TO FORWARDING:

BRYANT BATISTE
CITY MANAGER

BB/JS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING THE PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL
BUDGET AND TRANSFERRING FUNDS BETWEEN ACCOUNTS TO PAY
THE PUBLIC WORKS CITY YARD DUMPING FEES OWED TO THE
COMPTON MUNICIPAL WATER DEPARTMENT

WHEREAS, the City of Compton Public Works yard receives various types of trash, debris, and bulky items picked-up from our streets and public right-of-ways, and City facilities; and

WHEREAS, these items are brought to City’s transfer station (City yard) until they are picked up and taken to the solid waste facility; and

WHEREAS, the solid waste division of the Compton Municipal Water Department bills the Public Works Department monthly based upon the volume collected; and

WHEREAS, funds to pay for the trash disposal from the City yard was not identified in the Public Works FY 2011-2012 budget; and

WHEREAS, funds in the amount of \$400,000 have been identified in the Lighting and Landscaping fund that could be used to pay for this much needed service; and

WHEREAS, staff is requesting that the City Council authorize the department to amend the budget and transferring funds as follows:

Funds in the amount of \$623,660 should be transferred as follows:

From:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4294	Contingency	\$623,660
To:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4290	Contribution to Other Fund	\$ 400,000
2502-720-000-4269	Other Contract Services	\$ 223,660

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

SECTION 1. That the Fiscal Year 2011-2012 Budget is hereby amended to transfer funds in the amount of \$623,660 as follows:

From:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4294	Contingency	\$623,660
To:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2502-720-000-4290	Contribution to Other Fund	\$ 400,000
2502-720-000-4269	Other Contract Services	\$ 223,660

RESOLUTION NO. _____
PAGE 2

SECTION 2. That copies of this resolution shall be filed in the offices of the City Manager, City Controller, City Attorney, City Clerk, Water and the Public Works Departments.

SECTION 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2012.

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 Goodwin, 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 _____, 2012.

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: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL BUDGET AND TRANSFERRING FUNDS BETWEEN ACCOUNTS TO PAY THE PUBLIC WORKS CITY YARD DUMPING FEES OWED TO THE COMPTON MUNICIPAL WATER DEPARTMENT

John Strickland
DEPARTMENT MANAGER’S SIGNATURE

2/7/2012 10:53:33 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

2/8/2012 12:23:02 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

2/8/2012 1:06:49 PM
DATE

Bryan Batiste
CITY MANAGER

2/8/2012 7:26:33 AM
DATE

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

February 28, 2012

TO: MAYOR AND COUNCILMEMBERS

FROM: KAMBIZ SHOGHI, WATER MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO CEMEX INC. TO PURCHASE SAND AND GRAVEL

SUMMARY

This resolution authorizes the City Manager to issue a purchase order in the amount of \$10,000.00 (Ten Thousand Dollars) to Cemex Inc. for the purchase of sand and gravel used by the Municipal Water Department's Field Crew.

BACKGROUND

The Municipal Water Department is responsible for constructing, inspecting, maintaining, and repairing water mains, gate valves, fire hydrants and domestic water service throughout the City of Compton. During the inspection, repair, and maintenance of the street the asphalt becomes damaged and requires repair. Once the water pipe or main repair is made, the sand and gravel is used to back fill and seal the opening.

STATEMENT OF THE ISSUE

The Municipal Water Department is requesting a purchase order to cover the cost of the sand and gravel used during the repair of the water system.

ANALYSIS / ALTERNATIVE

Prices were quoted by the following companies:

<u>Company</u>	<u>Sand Price per Ton</u>
Hanson Co.	\$15.77
Cemex Inc.	\$ 8.00
Michael Devore Trucking Co.	\$ 4.75

Although Michael Devore Trucking Company per ton price on sand is lower than Cemex, Michael Devore Trucking Company's delivery/freight rate is higher and they require a minimum of 24 tons for delivery. Cemex Inc. provides the best total pricing and delivery and pick up service.

#3.

**February 28, 2012
Cemex Staff Report
Page # 2**

FISCAL IMPACT

Funds are available in the 2011-12 fiscal year budget in account 5000-880-000-4756 (Maintenance/Repair Services).

RECOMMENDATIONS

It is recommended that the Mayor and City Council authorize the City Manager to execute a purchase order to Cemex Inc. in the amount of \$10,000.00 (Ten Thousand Dollars) to purchase sand and gravel for the Municipal Water Department.

**KAMBIZ SHOOGHI
GENERAL MANAGER**

APPROVED FOR FOWARDING:

**BRYAN BATISTE
CITY MANAGER**

KS:BB:ts

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO
CEMEX INC. TO PURCHASE SAND AND GRAVEL**

WHEREAS, The Municipal Water Department is responsible for constructing, inspecting, maintaining, and repairing water mains, gate valves, fire hydrants and domestic water service throughout the City of Compton; and

WHEREAS, during the inspection, repair, and maintenance of the street the asphalt becomes damaged and requires repair; and

WHEREAS, once the water pipe or main repair is made, the sand and gravel is used to back fill and seal the opening; and

WHEREAS, the Municipal Water Department is requesting a purchase order to cover the cost of the sand and gravel used during the repair of the water system in the amount of \$10,000 (Ten Thousand Dollars); and

WHEREAS, funds for these expenditures are available in the 2011-12 fiscal year budget in account 5000-880-000-4756.

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

SECTION 1. That the City Manager is authorized to issue a purchase order in the amount of \$10,000.00 (Ten Thousand Dollars) to Cemex Inc. for the purchase of gravel and sand and funds are available in account 5000-880-000-4756 (Maintenance & Repair Services).

SECTION 2. That a copy of this resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and Municipal Water Department.

SECTION 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2012.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

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

RESOLUTION NO. _____
PAGE 2

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 _____ 2012.

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 ISSUE A PURCHASE ORDER TO CEMEX INC. TO PURCHASE SAND AND GRAVEL

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
DATE

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

February 28, 2012

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8477/LI0000165A

SUMMARY

Council will consider the claim of Reshona Doss (Claim No. I-8477/LI0000165A), presented to the City on January 19, 2012, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On January 19, 2012, the above claim was presented to the City Controller by Reshona Doss for personal injury. Claimant alleges that on November 27, 2011, she stepped on a water meter box cover near 739 West Rosecrans Avenue in the City of Compton, which broke and caused her to fall into the meter hole.

Cases such as this usually turn on whether or not the City knew or should have known of the alleged dangerous condition in enough time to have remedied the condition. There are no facts to suggest that the City had the requisite notice.

FINANCIAL IMPACT

Unknown at this time.

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

February 28, 2012

TO: MAYOR AND COUNCIL MEMBERS

FROM: WATER DEPARTMENT GENERAL MANAGER

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION TWO OF ORDINANCE NUMBER 2,182 TO FREEZE THE CURRENT WATER RATES FOR CUSTOMERS WHO UTILIZE 20 UNITS OR LESS OF WATER THROUGH FISCAL YEAR 2013-14

SUMMARY

This ordinance amends Section One of Ordinance Number 2,182 which amends Chapter XXIII of the Compton Municipal Code, to freeze the current water rates until fiscal year 2013-14 for customers who utilize 20 units or less of water.

BACKGROUND

On November 25, 2008 a Public Hearing was held where the City Council approved the Water and Sewer rate increase to cover the bond expense. The Water Revenue Bonds were issued on May 20, 2009. Customer water rates were scheduled to increase on the first of July beginning 2009 through fiscal year 2013-14.

Prior to this, in 2003 the Municipal Water Department had entered into a Purchase Order agreement with Metropolitan Water District of Southern California to import 33,720 acre-feet of water. This allowed the Department to support the City's water supply when the pumping ability was limited.

Since 2010, the Water Department has been seeking ways to reduce water rates, and at the same time, to provide quality water. The Water Department has made strides to substantially improve pump operations, promote water conservation, and optimize ground water development. This has lessened the City's reliance on the imported water supply from Metropolitan Water District and assisted in the efforts to stabilize the water rates.

On November 8, 2011, Metropolitan Water District of Southern California approved the Water Department's request for early termination of their Purchase Order agreement. This provided the Department with the cost avoidance of having to purchase water from an outside source. Canceling the Purchase Order agreement allowed the Water Department to freeze the water rates at the current level for all citizens who use 20 units or less of water per month effective immediately through June 2014.

STATEMENT OF THE ISSUE

The average water customer uses about 20 units of water and use in excess of this average places more pressure on the water pipes. The proposed rate freeze will encourage water users not to exceed average water use.

#6.

The previously adopted Water Rate Schedule annual rate increases will apply to water customers who utilize more than 20 units of water per month.

The monthly rates for customers who utilize 20 or fewer units of water per month will remain at the rates effective for fiscal year 2011-12, as follows:

	<u>FY 2011/2012</u>	<u>FY 2012/2013</u>	<u>FY 2013/2014</u>
Meter Changes (Per Meter)			
3/4"	\$ 27.76	\$ 27.76	\$ 27.76
1"	\$ 35.95	\$ 35.95	\$ 35.95
1-1/2"	\$ 65.47	\$ 65.47	\$ 65.47
2"	\$ 92.11	\$ 92.11	\$ 92.11
4"	\$202.51	\$202.51	\$202.51
6"	\$340.11	\$340.11	\$340.11
2"CPM	\$129.93	\$129.93	\$129.93
3"CPM	\$189.81	\$189.81	\$189.81
4" CPM	\$263.86	\$263.86	\$263.86
Commodity Charge (per HCF)	\$ 2.67	\$ 2.67	\$ 2.67
CIP Surcharge (per account)	\$ 18.32	\$ 18.32	\$ 18.32

Beginning fiscal year 2014-15, the rates for customers who utilize 20 or fewer units of water per month will resume at the approved increase previously scheduled for fiscal year 2012-13 and 2013-14, unless another solution is established.

ALTERNATIVES

The alternative would be to continue the increases as previously scheduled for all water users.

FISCAL IMPACT

Stabilizing the rates for customers who utilize 20 units or less of water will impact the estimated revenue through fiscal year 2013-14. However, the cost avoidance will offset the revenue. Also, the Controller's Office has reviewed the revenue and has concluded that the water department will meet or exceed the revenue needed to meet the obligation for the bond payments.

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance to freeze the current water rates for customers who utilize twenty (20) units or less of water per month through fiscal year 2013-14.

KAMBIZ SHOOGHI
GENERAL MANAGER

APPROVED FOR FORWARDING:

BRYAN BATISTE
CITY MANAGER

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION TWO OF ORDINANCE NUMBER 2,182 TO FREEZE THE CURRENT WATER RATES FOR CUSTOMERS WHO UTILIZE 20 UNITS OR LESS OF WATER THROUGH FISCAL YEAR 2013-14

WHEREAS, On December 2, 2008 the City Council passed Ordinance Number 2,182 to establish new water service charges; and

WHEREAS, the water rates were scheduled to increase annually on the first of July beginning in 2009 through 2014; and

WHEREAS, since 2010, the Water Department has been seeking ways to reduce the water rates, and at the same time provide quality water; and

WHEREAS, the Water Department has made strides to substantially improve pump operations, promote water conservation, and optimize ground water development; and

WHEREAS, this has lessened the City's reliance on the imported water supply from Metropolitan Water District and assisted in the efforts to stabilize the water rates; and

WHEREAS, on November 8, 2011, Metropolitan Water District approved the Water Department's request for early termination of the Purchase Order agreement; and

WHEREAS, canceling the Purchase Order will reduce the costs of providing water; and

WHEREAS, the Water Department will apply this savings to freeze the water rate at the current level for all water customers who use 20 or fewer units of water per month; and

WHEREAS, the scheduled annual rate increase will apply to water customers who utilize more than 20 units of water per month; and

WHEREAS, the average water customer uses about 20 units of water per month; and

WHEREAS, use in excess of this average places more pressure on the water pipes; and

WHEREAS, the rate freeze will encourage water users not to exceed average water use; and

WHEREAS, pursuant to the Water Code, the City Council hereby elects to freeze the water rate at the current level for all citizens who use 20 or fewer units of water per month through fiscal year 2013-14.

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

SECTION 1. In fiscal years 2012-13 and 2013-14, a water customer who uses 20 or fewer units of water per month shall be subject to the rates effective for fiscal year 2011-12. Beginning fiscal year 2014-15, a water customer who uses 20 or fewer units of water per month shall be subject to annual increases that were previously effective for fiscal year 2012-13 and 2013-14, respectively.

ORDINANCE NO. _____
PAGE 2

SECTION 2. That this ordinance shall take effect thirty (30) days after its adoption.

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

SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2012.

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 _____ 2012.

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

February 28, 2012

TO: MAYOR AND COUNCIL MEMBERS

FROM: BRYAN BATISTE, CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON MAKING AN ELECTION IN CONNECTION WITH HOUSING ASSETS AND FUNCTIONS PURSUANT TO PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH

SUMMARY

Staff respectfully recommends that the City Council adopt the attached resolution electing for the City to retain the housing assets and functions previously performed by the Community Redevelopment Agency and accepting the transfer of all rights, powers, duties, and obligations associated with the housing activities of the former Community Redevelopment Agency.

BACKGROUND

The purpose of the attached resolution is to address the outcome of the California Supreme Court's decision in *California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861), the litigation challenging AB X1 26 ("AB 26) and AB X1 27("AB 27"). AB 26 and AB 27, which were signed by the Governor of California on June 29, 2011, added Parts 1.8 and 1.85 to the Community Redevelopment Law.

The Supreme Court largely upheld AB 26 (which provides for the windup and dissolution of redevelopment agencies), invalidated AB 27 (which provided for an alternative voluntary redevelopment program), and held that AB 26 may be severed from AB 27 and enforced independently. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 (the dissolution provisions) arising before May 1, 2012 to take effect four months later. As a result of the Supreme Court's decision, on February 1, 2012, all redevelopment agencies were dissolved, and cities do not have the option of making remittance payments to enable the continued operation of redevelopment agencies. Consequently, the City Council adopted resolution no. 23,464 on January 17, 2012 to designate a Successor Agency for the former Community Redevelopment Agency.

STATEMENT OF THE ISSUE

Health and Safety Code Section 34176(a) authorizes cities that created a redevelopment agency to elect to retain the housing assets and functions previously performed by the redevelopment agency. If a city elects to retain the responsibility for performing housing functions previously performed by the redevelopment agency, Section 34176(a), as adopted, provides that all rights, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income set-aside, shall be transferred to the City.

Health and Safety 34176(c) provides that the entity assuming the housing functions formerly performed by the redevelopment agency may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Redevelopment Law, including, but not limited to, Health and Safety Code Section 33418.

The former Community Redevelopment Agency acquired seven (7) properties with the use of Low Cost Housing Set-aside funds as well as Series A Tax Allocation Bond funds for the production of Affordable Housing units. Although the law is ambiguous, it is our position that these properties will be transferred to the City.

ALTERNATIVE

Health and Safety Code Section 34176(b), as adopted, provides that if a city does not elect to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the redevelopment agency, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development; (2) where there is one local housing authoring in the territorial jurisdiction of the former redevelopment agency, to that local housing authority; and (3) where there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city that authorized the creation of the redevelopment agency.

FISCAL IMPACT

Currently, there is no ongoing funding for Housing under AB 1x 26. (Proposed Assembly Bill 1585 will allow the current funds in the Low and Moderate Income Fund to be directed to the entity that retains the Housing Assets but not ongoing funding.) City would subsidize the cost of these seven (7) properties for developing, operating or maintaining.

RECOMMENDATION:

Staff respectfully recommends that the City Council adopt the attached resolution electing for the City to retain the housing assets and functions previously performed by the Community Redevelopment Agency and accepting the transfer of all rights, powers,

duties, and obligations associated with the housing activities of the former Community Redevelopment Agency.

BRYAN BATISTE
CITY MANAGER

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
MAKING AN ELECTION IN CONNECTION WITH HOUSING ASSETS AND
FUNCTIONS PURSUANT TO PART 1.85 OF DIVISION 24 OF THE
CALIFORNIA HEALTH AND SAFETY CODE AND TAKING CERTAIN
ACTIONS IN CONNECTION THEREWITH**

WHEREAS, AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, making certain changes to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the “Redevelopment Law”), including adding Part 1.8 (commencing with Section 34161) (“Part 1.8”) and Part 1.85 (commencing with Section 34170) (“Part 1.85”); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 are unconstitutional. On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case, largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently; and

WHEREAS, the Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012, to take effect four months later; and

WHEREAS, As a result of the Supreme Court’s decision, the Community Redevelopment Agency (the “Redevelopment Agency”), a redevelopment agency in the City of Compton (the “City”), created pursuant to the Redevelopment Law, was dissolved pursuant to Part 1.85 on February 1, 2012; and

WHEREAS, Health and Safety Code Section 34176(a) authorizes a city that created a redevelopment agency to elect to retain the housing assets and functions previously performed by the redevelopment agency. Pursuant to Section 34176(a), if a city elects to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the City or Successor Agency; and

WHEREAS, Health and Safety Code Section 34176(b) provides that if a city does not elect to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the redevelopment agency, excluding any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development; (2) where there is one local housing authority in the territorial jurisdiction of the former redevelopment agency, to that local housing authority; and (3) where there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city that authorized the creation of the redevelopment agency; and

WHEREAS, the Successor Agency is in the territorial jurisdiction of the former Community Redevelopment Agency; and

WHEREAS, Health and Safety 34176(c) provides that the entity (Successor Agency) assuming the housing functions formerly performed by the redevelopment agency may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Redevelopment Law, including, but not limited to, Health and Safety Code Section 33418; and

WHEREAS, the City Council desires to adopt this resolution retaining the housing assets and functions previously performed by the Community Redevelopment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON,
HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34176.

Section 3. Pursuant to Health and Safety Code Section 34176(a), the City Council hereby elects for the City to retain the housing assets, as allowed by law, and functions previously performed by the Redevelopment Agency and hereby accepts the transfer of all rights, powers, duties, and obligations associated with the housing activities of the former Community Redevelopment Agency to the Successor Agency. The City Council reserves its right to rescind this election and to subsequently determine that all of the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Redevelopment Agency shall be transferred to the Successor Agency.

Section 4. The officers and staff of the City are hereby authorized and directed, jointly and severally, to make all notifications of the Council’s election, as set forth in Section 3 hereof, as deemed necessary or advisable and to execute all documents and take all actions which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers and staff are hereby ratified and confirmed. .

Section 5. The adoption of this Resolution is not intended to and shall not constitute a waiver by the City of any right the City may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings

Section 6. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines. The City Council has determined that this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

Section 7. This Resolution shall take effect immediately upon its adoption.

ADOPTED this ____ day of _____, 2012.

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

RESOLUTION NO. _____

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I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the Successor Agency, signed by the Chair, and attested by the Secretary at the regular meeting thereof held on the _____ day of _____, 2012.

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

AYES: COUNCIL MEMBERS-
NOES: COUNCIL MEMBERS-
ABSENT: COUNCIL MEMBERS-

CITY CLERK OF THE CITY OF COMPTON

