

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, March 13, 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

1. February 28, 2012

REPORTS OF OFFICERS AND COMMISSIONS

WATER DEPARTMENT

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL BUDGET TO ADD A PUBLIC WORKS INSPECTOR POSITION

APPROVAL OF WARRANTS

3. Warrant #207158 - Date - 3/6/12 - Name - Juan Felix - Services - Emergency Board-up and Weed Abatement - Amount - \$1,625.00 - Requested by: Water Department

END CONSENT AGENDA

REGULAR AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

4. **ORAL PRESENTATION** - WORKERS' COMPENSATION DEPARTMENT OF INDUSTRIAL RELATIONS AUDIT

5. CLAIMS AGAINST CITY:

Rodney McCoy v. City of Compton - I-8480/LI0000168A

UNFINISHED BUSINESS

NEW BUSINESS

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE 2011-2012 BUDGET TO TRANSFER FUNDS AND THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JONES LANG LASALLE TO IMPLEMENT THE REQUIREMENTS OF ASSEMBLY BILL X1 26
7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4(A) RELATING TO STREET WORK PERMIT FEES **(FIRST READING)**

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, March 20, 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

The City Council meeting was called to order at 6:10 p.m. in the Council Chambers of City Hall by Mayor Pro-Tem Janna Zurita.

ROLL CALL

Council Members Present: Dobson, Jones, Zurita

Council Members Absent: Arceneaux, Perrodin

Other Officials Present: C. Cornwell, A. Godwin, B. Batiste

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Benjamin Holifield, Compton resident, thanked the City Council and the City Manager for finally approving the installation of a four-way left-hand turning signals at the intersection of Central and Compton Boulevard. He commented on the various clean-ups taking place throughout the City and noted that other organizations were receiving grants for their clean-up efforts in Compton. Mr. Holifield encouraged love and unity among the City Council and a sincere focus to address the City's deficit.

Lorraine Cervantes, Compton resident, petitioned the City Council to provide an assistant to the City Manager. She also questioned, from what account are the elected officials paid for their affiliation with the commissions.

Mayor Pro-Tem Zurita acknowledged the concerns of Ms. Cervantes and cited that there was no budget to hire anyone to assist the City Manager.

William Carter, Compton resident, announced that there were employment opportunities available with the Coast Guard. He also mentioned that there would be potential job opportunities in the flood and hurricane torn areas, as well.

Joyce Kelly, Compton resident, stated that she supports the idea of the Director of Community Redevelopment Agency selling properties to recoup the money spent to purchase commercial properties. She proposed the installation of a four-way left-hand turning signals at the intersection of Atlantic and Alondra Boulevard, in lieu of the recent approval for turning signals at Central and Compton Boulevard.

William Kemp, Compton resident, apologized to Councilperson Dobson for calling her a liar and noted that he would continue to be grounded in his position. Mr. Kemp indicated that he had been accused of being a liar for the past ten years, but now the City has a deficit of \$43 million. Mr. Kemp assumed that the Mayor did not want to work with Mr. Ewell because of the principle of his hiring and further requested the Mayor's power point presentation on how to get the City out of its deficit.

Lynn Boone, Compton resident, addressed Item Number Six on the agenda and requested a presentation from the General Manager of the Water Department explaining exactly what twenty units entails. She encouraged the residents to call her at (310) 650-4301 for information on how to participate in the recall.

Mayor Pro-Tem Zurita announced that the City of Compton was found not to be responsible for the sewage spill that contaminated the Long Beach coastline, per the City of Long Beach.

CONSENT AGENDA

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

AYES: Council Members - Dobson, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Arceneaux, Perrodin

#1.

APPROVAL OF MINUTES - There were no minutes to be approved.

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 (**Resolution # 23,496**)

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 (**REAGENDAD - FOUR VOTE REQUIREMENT**)

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 (**Resolution # 23,497**)

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

END CONSENT AGENDA

REGULAR AGENDA

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

CITY ATTORNEY’S REPORTS

- 4. CLAIM AGAINST THE CITY

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

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

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

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)

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

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

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

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

AYES: Council Members - Dobson, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Arceneaux, Perrodin

Mayor Pro-Tem Zurita requested a detailed explanation as to the size of the households that utilize twenty units.

Kambiz Shoghi, General Manager of the Water Department, stated that the water usage for the average residential unit is below twenty units with each unit corresponding to one hundred cubic feet of water.

On motion by Jones, seconded by Dobson, **Ordinance # 2,227** entitled "**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**" was adopted, by the following vote on roll call:

AYES: Council Members - Dobson, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Arceneaux, Perrodin

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

Mayor Pro-Tem Zurita requested legal counsel.

Craig Cornwell, City Attorney, stated that this resolution pertains to Assembly Bill 26 and the dissolution of redevelopment agencies. Twenty percent of the funds received by CRA were used for low to moderate income housing however, that funding has been dissolved pursuant to AB 26. As a result, the housing assets must be transferred to one of the following entities: City of Compton, the Local Housing Authority or the County of Los Angeles. This resolution is recommending that the City of Compton receive ownership of the housing assets as allowed by AB 26.

Councilperson Jones questioned if the Local Housing Authority is a component of the City. City Attorney Cornwell replied affirmatively.

Councilperson Jones asked the City Attorney if his recommendation is to transfer the housing assets to the Successor Agency or the Local Housing Authority.

City Attorney Cornwell indicated that there was no real division between the City and the Local Housing Authority, which is partially governed by the County of Los Angeles. Therefore, the City Attorney's Office is making a distinction to recommend the City to ensure that Compton maintains control over how its property is disposed of.

Councilperson Jones questioned who would be responsible for the implementation of this resolution. Mr. Cornwell stated that it could be one of two things; duties to redevelopment employees or an additional duty to Successor Agency employees.

#1.

Councilperson Jones questioned if additional information would be provided to council, as it relates to the direction and duties of the organization responsible for the housing assets. City Attorney Cornwell replied affirmatively.

Mayor Pro-Tem Zurita questioned who would determine the organization responsible for the housing assets. Mr. Cornwell stated that the City Manager would make recommendations to this Body.

Douglas Sanders, City Treasurer, indicated that there was a balance of approximately \$230,000 for low-cost housing under CRA. He asked the City Attorney if he should bring the resolution for signature cards under this Body or the Urban Community Development Commission.

City Attorney Cornwell stated that as of now, the low-cost housing account will not be transferred with the housing assets. Therefore, those funds will remain with the Successor Agency and treated as tax increment funds.

On motion by Dobson, seconded by Jones, **Resolution # 23,498** entitled "**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**" was approved, by the following vote on roll call:

AYES: Council Members - Dobson, Jones, Zurita

NOES: Council Members - None

ABSENT: Council Members - Arceneaux, Perrodin

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Councilperson Dobson announced the "Redistricting Public Hearing" to be held on Wednesday, March 21, 2012 at Compton College beginning at 6 p.m.

Councilperson Dobson also announced that the El Camino College Compton Center would be hosting a "Free Tax Preparation Event" to be held on Friday, March 3, 2012. For additional information please call (310) 660-3406.

Councilperson Dobson announced that the Concerned Citizens of Compton and the Southside Church of Christ would be hosting a "Career Day Event" to be held on Saturday, March 10, 2012 at 10 a.m. For additional information please call (323) 906-7346.

Councilperson Jones encouraged all citizens to apply for the full-time faculty tenure positions at Compton College.

Mayor Pro-Tem Zurita announced the Southern California Gas Company discount program for low to moderate income families. For additional information please call (800) 427-2200.

Mayor Pro-Tem Zurita recognized Compton High School graduate Allen Guei, who was publicly recognized in the National Enquire magazine for his acts of kindness.

Mayor Pro-Tem Zurita requested that the meeting be adjourned in the memory of Martin Luther King, Jr. and Rosa Parks

The meeting was recessed to closed session at 7:00 p.m. and reconvened at 8:05 p.m.

REPORT OUT OF CLOSED SESSION

Craig Cornwell, City Attorney, stated that council met in closed session regarding the voting system used in the City of Compton. The parties to this case have agreed to settle this issue on the following terms:

- The City will place on the ballot, for voter determination, whether to change the voter system from an at-large voting system for the four council seats to a by-district electoral system.
- The issue of the plaintiff’s attorney’s fees that are allowed by statute will be determined by agreement, mediation, or the court.

Throughout this litigation it has been the City’s position that 1) the voting system is legal and a part of the City Charter 2) to change the voting system would require a vote of the people and 3) the voting system is characterized by low voter turn-out.

An ordinance will be brought before this Body next week to place a question on the June 5, 2012 Los Angeles County Election as to whether the City is willing to change its system to a by-district voting system. The City anticipates much debate and hopes that everyone gets involved.

ADJOURNMENT

On motion by Dobson, seconded by Jones, the meeting was adjourned at 8:09 p.m. in the memory of **Deacon Julius Duncan, Martin Luther King, Jr.** and **Rosa Parks**, by the following vote on roll call:

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

Clerk of the City of Compton

Mayor of the City of Compton

March 6, 2012

TO: HONORABLE MAYOR AND COUNCIL

**FROM: KAMBIZ SHOGHI, GENERAL MANAGER
MUNICIPAL WATER DEPARTMENT**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COMPTON AUTHORIZING THE CITY MANAGER TO AMEND
THE PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL
BUDGET TO ADD A PUBLIC WORKS INSPECTOR POSITION**

SUMMARY

A resolution of the City Council of the City of Compton authorizing the City Manager to amend the Public Works fiscal year 2011-2012 annual budget to add a Public Works Inspector position.

BACKGROUND

The City receives Traffic Congestion Relief Funds (Fund 1012) from the State of California for local street or road maintenance and reconstruction. Funds were allocated in Public Works 2011-2012 budget for the reconstruction of Greenleaf Boulevard, from Alameda Street to Long Beach Boulevard. The proposal submitted by Toro Enterprises Inc. in the amount of \$443,350.00 was the lowest responsive bid.

STATEMENT OF THE ISSUE

In addition to the construction cost, proper construction management is imperative to the success of major reconstruction projects, such as this one. Contracting out for such services usually cost ten to twenty percent of the construction cost, which would amount up to \$88,670.00 for this single project.

A cost-effective alternative would be to return the Public Works Inspector position to the budget and utilize the individual filling that position to perform the needed construction inspection role. In addition, this employee could oversee the contractor, to supervise the construction process, and ensure the project is completed on time and within the budget. The range for the Public Works Inspector is 100, step A is \$41,352.00 through step E, which is \$48,396.00. The cost in terms of salary and benefits for adding the position to the current budget is \$79,971.00 at step E.

ALTERNATIVE

An alternative would be to contract construction management services for this one time project at a cost up to \$88,670.00.

FISCAL IMPACT

Adding the Public Works Inspector position to the budget will not increase the budget. Funds shall be transferred from the Traffic Congestion Relief Fund operating account (1012-710-000-4269, Other Contract Services) to the appropriate personnel accounts. Furthermore, the General Fund shall not be impacted in any way. The additional monies in this fund are needed for contingency.

RECOMMENDATION

Staff recommends the City Council amend the Public Works Department fiscal year 2011-2012 budget to add a Public Works Inspector position.

**KAMBIZ SHOGHI, GENERAL MANAGER
COMPTON MUNICIPAL WATER DEPARTMENT**

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 AMEND THE
PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL BUDGET TO
ADD A PUBLIC WORKS INSPECTOR POSITION

WHEREAS, the City receives Traffic Congestion Relief Funds (Fund 1012) from the State of California to maintain and reconstruct local streets and roads; and

WHEREAS, funds were allocated in the budget for the reconstruction of Greenleaf Boulevard, from Alameda Street to Long Beach Boulevard; and

WHEREAS, the proposal submitted by Toro Enterprises Inc. in the amount of \$443,350.00 was the lowest responsive bid; and

WHEREAS, in addition to the construction cost, this project requires proper construction management; and

WHEREAS, contracting this service usually cost up to twenty percent of the construction cost, which can amount up to \$88,670.00 for this single project; and

WHEREAS, a cost-effective alternative would be to return the Public Works Inspector position to the budget and utilize the individual filing that position to perform the needed construction inspection role; and

WHEREAS, in addition, this employee could oversee the contractor, to supervise the construction process, and ensure the project is completed on time and within the budget; and

WHEREAS, the cost in terms of salary and benefits for adding the position to the current budget is \$79,971 which the breakdown is as follows for the Public Works Inspector: salary range is 100, step A is \$41,352.00 through step E, which is \$48,396.00; and

WHEREAS, funds for this position shall be transferred from account number 1012-710-000-4269 to the appropriate personnel accounts.

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

SECTION 1. That the City Manager is authorized to amend the Public Works fiscal year 2011-2012 annual budget to add a Public Works Inspector Position.

SECTION 2. That funds for this position shall be transferred as follows:

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
1012-710-000-4269	1012-710-000-4101	\$48,396.00
1012-710-000-4269	1012-710-000-4190	\$ 726.00
1012-710-000-4269	1012-710-000-4191	\$13,541.00
1012-710-000-4269	1012-710-000-4192	\$ 9,979.00
1012-710-000-4269	1012-710-000-4193	\$ 3,896.00
1012-710-000-4269	1012-710-000-4194	\$ 197.00
1012-710-000-4269	1012-710-000-4195	\$ 1,256.00
1012-710-000-4269	1012-710-000-4196	\$ 204.00
1012-710-000-4269	1012-710-000-4197	\$ 322.00
1012-710-000-4269	1012-710-000-4198	\$ 581.00
1012-710-000-4269	1012-710-000-4199	\$ 873.00

RESOLUTION NO. _____
PAGE 2

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

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 PUBLIC WORKS FISCAL YEAR 2011-2012 ANNUAL BUDGET TO ADD A PUBLIC WORKS INSPECTOR POSITION

Kambiz Shoghi
DEPARTMENT MANAGER’S SIGNATURE

2/22/2012 1:55:40 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

3/7/2012 9:38:42 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

3/7/2012 10:45:44 AM
DATE

Bryan Batiste
CITY MANAGER

3/7/2012 8:49:39 AM
DATE

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

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Services Provided</u>	<u>Amount</u>	<u>Amount Paid Year to Date</u>
207158	3/6/12	Juan Felix	Emergency board up and weed abatement	\$1,625.00	\$22,720

Requested By: Water Department

I hereby certify that the above demand in the amount of \$1,625 was approved at a regular meeting of the City Council and reject
_____ as of March 13 2012.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on March 13, 2012 allowed the above demand.

Alita Godwin
City Clerk

INVOICE
029

P A I D
CK. NO. 207150
DATE 5/6/10

TO City of Compton
Attn: Acct payable
205 So. Willowbrook Ave
Compton, CA 90220
(310) 605-5500

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Board up 1 door, trash, grass, debris removal and 17lf fence	1,625.00	1,625.00
		TOTAL \$	1,625.00

Approved to pay
as original

Paid By 
V# 10006953
P.O. # B0368 F
A/C # 1001770 0004262
A/C #

Make all checks payable to Juan Felix
THANK YOU FOR YOUR BUSINESS!

March 13, 2012

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY ATTORNEY

SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8480/LI0000168A

SUMMARY

Council will consider the claim of Rodney McCoy (Claim No. I-8480/LI0000168A), presented to the City on January 27, 2012 pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On January 27, 2012, the above claim was presented to the City Controller for property damage. Claimant alleges that on January 25, 2012, while driving north on Central Avenue, his vehicle was damaged by a pothole located near the intersection of Central Avenue and Albertoni Street in the City of Compton.

Staff has reviewed the pictures and information presented by Claimant. Based upon our investigation, the damage alleged by Claimant appears to have occurred as the result of factors other than the condition of the City street at the time of the incident. Consequently, there is no evidence to suggest a condition existed that would give rise liability.

FINANCIAL IMPACT

Eight Hundred Seventy Seven Dollars and Seventy Five Cents (\$877.75).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

March 13, 2012

TO: MAYOR AND COUNCIL MEMBERS

FROM: BRYAN BATISTE, CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE 2011-2012 BUDGET TO TRANSFER FUNDS AND THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JONES LANG LASALLE TO IMPLEMENT THE REQUIREMENTS OF ASSEMBLY BILL X1 26

SUMMARY

City Council approval is sought authorizing an amendment to the 2011-2012 Fiscal Year budget to transfer funds and the City Manager to enter into an agreement with Jones Lang LaSalle for the period of March 12, 2012 through June 30, 2012 in the amount not to exceed \$80,000 (Eighty Thousand Dollars) to provide consulting services to the City Manager and staff in implementing the requirements of Assembly Bill X1 26.

BACKGROUND

California Assembly Bill X1 26 ("AB X1 26"), signed by the Governor of California on June 29, 2011, amended the Community Redevelopment Laws to dissolve all redevelopment agencies (including the Compton Community Redevelopment Agency), effective February 1, 2012 and authorize the establishment of successor agencies in their place.

As allowed by the legislation, on February 7, 2012, the City Council adopted Resolution No. 1, declaring the Successor Agency to the Community Redevelopment Agency ("Agency") to be a separate and distinct legal entity from the City of Compton and responsible to fulfill the duties of a successor agency. The Successor Agency shall be required to take on the role of the dissolved redevelopment agency ("RDA") in terms of payment and performance of financial obligation; to facilitate payment of enforceable obligations; to dispose of the former RDA's assets and/or property; to transfer affordable housing functions; to prepare administrative budgets and pay administrative costs; and generally wind-down the affairs of the former RDA.

STATEMENT OF ISSUE

There is a need to utilize the services of outside experts to assist with the planning and implementation of the RDA Successor Agency to meet with the requirements of AB X1 26. For the purposes of this project, staff evaluated two (2) consultation companies, which were Jones Lang LaSalle and Tierra West Advisory to assist with RDA Successors matters. After careful

**Staff Report – Amend Budget/Transfer Funds
Contract with Jones Lang LaSalle/Successor Agency to CRA
March 13, 2012, Page 2**

consideration, staff determined that Jones Lang LaSalle (JLL) is the most uniquely qualified and cost effective company that can provide us with the required support services in that it is an industry leader in providing real estate advisory and transaction service that provides comprehensive, integrated services and solutions for real estate owners, occupiers and investors for local, regional and global level, and JLL's public sector real estate practice is a premier provider of strategic real estate advisory and transaction services for local, state and national public institutions including redevelopment agencies, covering the spectrum of the real estate cycle.

FISCAL IMPACT

The amount needed to pay for these services was not included in the City Manager's Fiscal Year 2011/2012 budget; therefore, staff is requesting that the City Council authorize a budget amendments and transfer of funds as follows:

Funds in the amount of \$80,000 should be transferred as follows:

From:

Account No.	Description	Amount
1001-780-000-4262	Other Professional Services	\$60,000
1001-510-000-4213	Publishing and Advertising	\$20,000

To:

Account No.	Description	Amount
1001-510-0000-4269	Other Contract Services	\$80,000

Since the need for such contractual services was not known prior to the dissolution of Compton's RDA, it could not be included in the adopted Enforceable Obligation Payment Schedule ("EOPS"), thus the City will allocate the funds needed to pay for the requested services and seek reimbursement to the General Fund from the Successor Agency.

ALTERNATIVE

Staff considered other consulting companies; however their capacity and experience did not meet the needs of the City.

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution.

**BRYAN BATISTE
CITY MANAGER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
AUTHORIZING AN AMENDMENT TO THE 2011-2012 BUDGET TO
TRANSFER FUNDS AND THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH JONES LANG LASALLE TO IMPLEMENT THE
REQUIREMENTS OF ASSEMBY BILL x1 26.**

WHEREAS, California Assembly Bill X1 26 (“AB X1 26”), signed by the Governor of California on June 29, 2011, amended the Community Redevelopment Laws to dissolve all redevelopment agencies (including the Compton Community Redevelopment Agency), effective February 1, 2012 and authorize the establishment of successor agencies in their place; and

WHEREAS, on February 7, 2012, the City Council adopted Resolution No. 1, declaring the Successor Agency to the Community Redevelopment Agency (“Agency”) to be a separate and distinct legal entity from the City of Compton and responsible to fulfill the duties of a successor agency, including payment and performance of financial obligations; to facilitate payment of enforceable obligations; to dispose of the former RDA’s assets and/or property; to transfer affordable housing functions; to prepare administrative budgets and pay administrative costs; and generally wind-down the affairs of the former RDA and

WHEREAS, there is a need to utilize the services of outside experts to assist with the planning and implementation of the RDA Successor Agency to meet with the requirements of AB X1 2; and

WHEREAS, staff evaluated two (2) consultation companies, which were Jones Lang LaSalle and Tierra West Advisory to assist with RDA Successors matters, and after careful consideration, staff determined that Jones Lang LaSalle is the most uniquely qualified and cost effective company that can provide us with the required support services; and

WHEREAS, it is necessary to amend the Planning and Economic Development Department’s and City Manager’s Fiscal Year 2011/2012 budget; and

WHEREAS, a reimbursement from the RDA Successor Agency to the General Fund is anticipated in the amount of \$80,000 (Eighty Thousand Dollars) for this agreement.

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

Section 1. That the City Manager is hereby authorized, upon the advice and consent of the City Attorney, to enter into a professional services agreement with the firm of Jones Lang LaSalle to provide consulting services concerning implementation of the requirements of Assembly Bill X1 26.

Section 2. That the term of the agreement shall be authorized for the period of March 12, 2012 through June 30, 2012, in an amount that shall not exceed Eighty Thousand Dollars (\$80,000.00).

Section 3. That the 2011-2012 Fiscal Year budget is amended and funds transferred as follows:

From:

Account No.	Description	Amount
1001-780-000-4262	Other Professional Services	\$60,000
1001-510-000-4213	Publishing and Advertising	\$20,000

To:

Account No.	Description	Amount
1001-510-0000-4269	Other Contract Services	\$80,000

Section 4. That certified copies of this resolution shall be filed in the offices of the City Clerk, City Attorney, City Manager, and City Controller.

Section 5. 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 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 _____, 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:

City Management

RESOLUTION TITLE:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING AN AMENDMENT TO THE 2011-2012 BUDGET TO TRANSFER FUNDS AND THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JONES LANG LASALLE TO IMPLEMENT THE REQUIREMENTS OF ASSEMBY BILL X1 26

Bryan Batiste

DEPARTMENT MANAGER’S SIGNATURE

2/29/2012 2:36:56 PM

DATE

REVIEW / APPROVAL

Ruth Rugley

CITY ATTORNEY

3/7/2012 9:39:08 AM

DATE

Stephen Ajobiewe

CITY CONTROLLER

3/7/2012 10:50:05 AM

DATE

Bryan Batiste

CITY MANAGER

3/7/2012 8:56:10 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.

March 13, 2012

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

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

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING CHAPTER XX OF THE COMPTON
MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS
ENTIRETY AND DELETE SECTION 20-2.4(A) RELATING TO
STREET WORK PERMIT FEES.**

SUMMARY

The City Council will consider adopting an Ordinance that will amend Chapter XX of the Compton Municipal Code ("Code") by amending Section 20-2.4 in its entirety to update its provisions and by deleting Section 20-2.4(A) so as to remove the Schedule of Street Work Permit Fees from the Code and have the same set by City Council resolution, as currently provided for in Section 20-2.4.

BACKGROUND

Section 20-2 of Chapter XX of the Compton Municipal Code requires that a permit be obtained prior to doing work in, over or through any property or right-of-way owned by the City and sets forth the process for obtaining a permit, in addition to requiring certain fees and deposits for the same.

On February 23, 1960, the City Council adopted Ordinance No. 1,173, which, among other matters, established requirements for a permit to do street work on City property and set forth the fee amounts to be charged for such permits. On July 16, 1985, the City Council adopted Ordinance No. 1,700, which deleted the schedule of permit fees from the Code that had been adopted by Ordinance No. 1,173 and in place thereof stated that "... *Such fees shall be in accordance with a schedule thereof from time to time in effect as established by resolution of the Council.*" (Emphasis added).

On October 4, 1989, Ordinance No. 1,809 was adopted by the City Council, which amended Section 20-2 to add a Section 20-2.4(A), a "Schedule of Street Work Permit Fees," however apparently the provisions of Section 20-2.4 providing for the establishment of permit fees by Council resolution was inadvertently overlooked when deciding to place a schedule of permit fees directly within the Code.

#7.

Staff Report re Amend CMC Section 20-2 – Amend
Section 20-2.4 and Delete Section 20-2.4(A)
Street Work Permit Fees
March 13, 2012, Page 2

STATEMENT OF THE ISSUE

The proposed ordinance will amend Section 20-2.4 of the Compton Municipal Code to include updated provisions that will provide greater protections against liability for the City. For example:

- Includes the requirement that the permittee indemnify, defend and hold the City harmless from and against liability, suits, actions, judgments, etc. which arise out the permittee's use, operation and activity under its permit.
- Specifies the forms and type of insurance policy or policies that will fully protect the City from claims and suits for bodily injury and property damage that permittee must maintain throughout the term of the permit and specifies that the required amounts of insurance coverage shall be set by Council resolution.

Currently, there exists a contradiction between the provisions of Section 20-2.4 and 20-2.4(A) as concerns the manner in which the schedule of permit fees shall be enacted. Ordinance No. 1,700, enacted in 1985, states that permit fees shall be established by Council resolution. However, in 1989, Ordinance No., 1,809 was adopted which added a schedule of fees to the Code [Section 20-2.4(A)], without consideration of the language of Section 20-2.4, which established that fees shall be set by Council resolution.

Amending the fee schedule that is contained within the Code is a lengthy procedure that requires the adoption of another ordinance, in addition to the wait period (a minimum of 30 days after the ordinance is adopted) before the amendment shall become effective; whereas authorizing the City Council to establish the schedule of fees via resolution makes the process of updating fee schedules to reflect the cost incurred by the City for the administration and enforcement of the involved regulation more effective, efficient and timely.

Thus, the proposed ordinance will delete Section 20-2.4(A) from the Code to resolve the conflicting provisions and simplify the process of updating the fee schedule.

FISCAL IMPACT

If the within Ordinance is adopted a resolution establishing a schedule of fees shall be brought before the Council for consideration and adoption. This proposed resolution will increase the fee amounts to more accurately reflect the current costs incurred by the City for the administration and enforcement of the involved regulation.

Staff Report re Amend CMC Section 20-2 – Amend
Section 20-2.4 and Delete Section 20-2.4(A)
Street Work Permit Fees
March 13, 2012, Page 3

RECOMMENDATION

Staff recommends the adoption of the attached Ordinance.

JOHN STRICKLAND JR.
INTERIM DIRECTOR OF PUBLIC WORKS

APPROVED FOR FORWARDING:

BRYAN BATISTE
CITY MANAGER

BB:JSJ:CJC:RAR:rar

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND
SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4(A)
RELATING TO STREET WORK PERMIT FEES**

WHEREAS, Section 20-2 of Chapter XX of the Compton Municipal Code requires that a permit be obtained prior to doing work in, over or through any property or right-of-way owned by the City and sets forth the process for obtaining a permit, in addition to requiring certain fees and deposits for the same; and

WHEREAS, while in Ordinance No. 1,173, adopted by the City Council on February 23, 1960, the amount of fees charged for permits was set forth within Ordinance No. 1,173; on July 16, 1985, the City Council adopted Ordinance No. 1,700, which deleted the schedule of permit fees from the Compton Municipal Code and in place thereof stated within Ordinance No. 1,700, that “... *Such fees shall be in accordance with a schedule thereof from time to time in effect as established by resolution of the Council.*”; and

WHEREAS, on October 4, 1989, Ordinance No. 1,809 was adopted by the City Council, which amended Section 20-2 to add a Section 20-2.4(A), a “Schedule of Street Work Permit Fees” to the Compton Municipal Code, however apparently the provisions of Section 20-2.4 providing for the establishment of permit fees by Council resolution was inadvertently overlooked when deciding to place a schedule of permit fees directly within the Code; and

WHEREAS, currently there exist a conflict between the provisions of Section 20-2.4 and 20-2.4(A) as concerns the manner in which the schedule of permit fees shall be enacted and leaving Section 20-2.4(A) within the Compton Municipal Code perpetuates this conflict, in addition to causing confusion; and

WHEREAS, amending the fee schedule that is contained within the Compton Municipal Code is a lengthy procedure that requires the adoption of another ordinance, in addition to the wait period required before the amendment shall become effective; whereas authorizing the City Council to establish the schedule of fees via resolution makes the process of updating fee schedules to more accurately reflect the cost incurred by the City for the administration and enforcement of the involved regulation more effective, efficient and timely.

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

Section 1. That Section 20-2.4 (Permits; Fees) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

Section 20-2.4. Permits; Fees.

A fee shall be charged for all aforesaid street work, except that no fee shall be charged to any governmental agency providing the work is being done by the agency. The City Council shall from time to time establish, by resolution, a fee for public works permits in addition to any other deposits required for each public works permit issued. The fees shall not be refundable. In the case of a new subdivision or major improvement in any street or other public place within the City, or work performed under an improvement act of the State Legislature, the City Engineer may, in lieu of such permit fees, require the permittee to pay

to the City an amount equal to one-half of one percent (1/2%) of the involved constructions costs.

a. Prior to the issuance of any permit to perform any work mentioned in this section, the applicant shall also agree to indemnify, defend and hold harmless, to the maximum extent permitted by law, the City and its officials, officers, agents, employees and representatives, from and against any and all liability, suits, actions, proceedings, judgments, claims, losses, liens, damages, injuries (whether in contract or in tort, including personal injury, accidental death or property damage, and regardless of whether the allegations are false, fraudulent or groundless), costs and expenses (including reasonable attorney's fees, litigation, arbitration, mediation, appeal expenses) which in whole or in part arise out of or are connected with, or which are alleged to have arisen out of or to have been connected with, the permittee's use, operation, and activity under its permit. City may, in its sole and absolute discretion, select counsel of its choosing to defend against any asserted liability, suit, action, proceeding, judgment, claim, loss, lien, damage, injury, cost or expense which is subject to indemnification obligations set forth herein. Permittee shall be required to fully reimburse City for the legal fees and all related litigation and expert costs of such defense.

b. Each permittee shall obtain, pay for and maintain in full force and effect throughout the term of the permit, an insurance policy or policies that fully protects the City from claims and suits for bodily injury and property damage. The insurance must be issued by an insurance carrier which is duly qualified to engage in such insurance business under the laws of the State of California, insuring the City, as additionally insured, against any liability for loss resulting from the prosecution of the work for which an application for a permit has been made and be in the amount or amounts which the City Council shall from time to time establish by resolution. The policy or policies must include a signed endorsement naming the City and its official, officers, agents and employees as additional insured's; provide that the permittee's insurance is primary and that no other insurance available to the City will be called on to contribute to a loss covered under the policy; provide that permittee's insurance applies separately to each insured or additional insured who is seeking coverage, or against whom a claim is made or suit is brought; and, provide at least thirty (30) days' advance written notice of cancellation (other than for nonpayment of premium), termination or reduction of coverage. The insurance must afford coverage for the permittee's use, operation and activity, vehicles, equipment, facility representatives, agents and employees as follows:

1. Commercial General Liability Insurance with separate per occurrence limits for bodily injury and property damage, and including coverage for contractual liability; personal injury; explosion, collapse and underground; products; and completed operations in an amount determined by City Council resolution.

2. Business Automobile Liability Insurance with separate per occurrence limits for bodily injury and property damage, including rented, leased, hired, scheduled, owned and non-owned auto coverage, as applicable, or in a combined single limit in an amount determined by City Council resolution.

3. Workers' Compensation Insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than One Million Dollars (\$1,000,000) per claimant.

The insurance required herein in no way relieves or decreases the permittee's or its agent's obligation to indemnify and defend the City under this section. Prior to issuance of a permit, the permittee shall furnish the City, or have on file with the City

Engineer, certificates of insurance and endorsements, in the form and amount(s) required, evidencing all of the coverage's above.

c. To the extent street work is performed pursuant to a valid franchise or agreement, which was entered into prior to the adoption of this section and which grants the franchise holder or party to the agreement a specific right to perform such street work within the City without being subject to fee requirements, indemnity requirements or insurance requirements such as those set forth herein, the street work shall not be subject to the fee requirement, indemnity requirement or insurance requirement set forth herein.

Section 2. That Section 20-2.4A (Schedule of Street Work Permit Fees) of the Compton Municipal Code is hereby deleted in its entirety.

Section 3. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect.

Section 4. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney and Public Works Department.

Section 5. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 6. 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) ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was adopted by the City Council 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 Ordinance was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS–
NOES: COUNCIL MEMBERS–
ABSTAIN: COUNCIL MEMBERS–
ABSENT: COUNCIL MEMBERS–

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: City Attorney

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4(A) RELATING TO STREET WORK PERMIT FEES (FIRST READING)

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

3/6/2012 2:16:31 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

3/6/2012 4:43:45 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

3/6/2012 7:33:22 PM
DATE

Bryan Batiste
CITY MANAGER

3/6/2012 2:49:30 PM
DATE

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

