

**AVALON CITY COUNCIL MEETING
TUESDAY, MAY 7, 2013 – 6:00 P.M.
CITY COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A**

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

The City Council meeting will start at 6:00 p.m. and go directly into Closed Session. The Regular City Council Meeting will take place immediately following Closed Session.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION / ROLL CALL

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

CLOSED SESSION

1. Conference with Legal Counsel--Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9
Number of Cases: Unknown
2. Conference with Legal Counsel--Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9
Number of Cases: One

PRESENTATION

1. Ben Harvey, Region Manager of Local Public Affairs for Southern California Edison was asked by City Council to come give an update and address several topics of concern.
2. Update on the Blue Water Avalon Restaurant.

ORAL COMMUNICATION

Members of the public may address the City Council at this time. No action will be taken on non-agenda items at this meeting. Speakers should limit comments to three (3) minutes each.

CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a specific item is removed from the Consent Calendar for further discussion and possible action.

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1. Actions
Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.
Recommended Action
Approve actions from the April 2, 2013 and April 16, 2013 City Council meetings.
2. Expenditures Submitted for Approval
Expenditures will be provided under separate cover.
Recommended Action
Approve total expenditure amount.
3. First Amendment to Professional Services Agreement with Dennis Jaich
The City entered into a Professional Services Agreement with Dennis Jaich in October 2012 for a six month term for various construction management services. The City would like to extend this agreement for an indefinite period, allowing both parties to terminate without cause, with a 30 days notice or 7 days with cause.
Recommended Action
Authorize the City Manager to enter into a First Amendment to the Professional Services Agreement with Dennis Jaich for construction management services.
4. Consideration to "Go out to Bid" on Lower Terrace Strengthening and Utility Protection Project
The Lower Terrace Strengthening and Utility Protection Project has been on the books for sometime. The improvements planned have become more important as the surrounding areas are showing deterioration due to erosion of the existing slope on the north side of the road.
Recommended Action
Authorize Staff to proceed with Advertisement for Public Bid on the project and approve the project and its design.
5. Waterside Project Application Modification – Afishinado Charters
John King submitted a modification to Afishinado Charters current Waterside Permit to add two vessels less than 25' to conduct six passenger or less charters from Avalon Harbor.
Recommended Action
Grant the Waterside Permit Application modification as presented and require Afishinado Charters to abide by the standard list of conditions relating to Waterside Permit Applications including being restricted to Float 5 at the Cabrillo Mole at times when the Cross Channel Carriers are not using the dock during the period of June 15 to September 30 and on cruise ship days throughout the winter months.

GENERAL BUSINESS

6. Ordinance Amending Title 6, Chapter 9, Floodplain Management, Articles 1 through 6 of the Municipal Code to comply with California Coastal Floodplain Ordinance for Coastal Communities
The Department of Water Resources, at the direction of FEMA, audited the City of Avalon's Floodplain Management practices, which was adopted in 1998. After review

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they recommended that it be updated to comply with the California Coastal Floodplain Ordinance for Coastal Communities.

Recommended Action

Introduce and waive all readings of an ordinance that amends Title 6, Chapter 9, Articles 1 through 6 of the Avalon Municipal Code to comply with California Coastal Floodplain Ordinance for Coastal Communities.

7. Direction on Insurance Requirements for Environ Strategy (ES) Contract

In March of 2012, Council authorized Staff to draft a contract with new terms with Environ Strategy. The new terms included additional maintenance, personnel, guidance on overtime costs, clear responsibility for routine repairs, maintenance of the low flow diverter system and a five-year term. Staff and ES attempted to negotiate an increase in insurance limits to reach industry standards. ES will not agree to absorb any of the increased cost on the contract.

Recommended Action

Provide direction either to authorize a decrease in the insurance requirement or to authorize an increase in the Environ Strategy contract price by \$23,000 from \$998,021 per year to \$1,021,021 per year.

8. Request to Amend Transportation Permit for Catalina Segways/ Island Chariots

Catalina Segway is requesting to amend their transportation permit to allow them access on Clemente Avenue and Wrigley Terrace Road up to Mt. Ada.

Recommended Action

Discuss and provide direction to Staff. It should be noted that Staff is still of the opinion to deny the request to amend Catalina Segway/Island Chariots transportation permit to allow passage on Clemente Avenue and Wrigley Terrace Road up to Mt. Ada due to congestion and safety issues and concerns.

9. An Ordinance Amending Chapter 7, Sewers, Title 6, Sanitation and Health of the Avalon Municipal Code and Adopting Chapter 13, Water Quality Control to Title 6, Sanitation and Health

The proposed amendments to Chapter 7 (Sewers) and the addition of Chapter 13 Water Quality Control are part of a comprehensive review of the City's sewer and storm water management programs. The proposed amendments will strengthen the City's ability to regulate discharges to the public sewer system and to the municipal separate storm sewer system ("MS4") in accordance with the Cease and Desist Order issued by the Los Angeles Regional Water Quality Control Board and the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, Order No. 2013-0001-DWQ, adopted by the State Water Resources Control Board on February 5, 2013

Recommended Action

Introduce and waive the first reading of an ordinance of the City of Avalon amending Chapter 7 - Sewers of Title 6 - Sanitation and Health of the Avalon Municipal Code and Adopting Chapter 13 - Water Quality Control to Title 6 - Sanitation and Health.

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CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

CLOSED SESSION

1. Conference with Legal Counsel--Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC

2. Conference with Real Property Negotiators
Property: 206 Descanso, Avalon California
Agency negotiator: Scott Campbell, City Attorney
Negotiating parties: Brandon Kane
Under Negotiation: Price and terms of payment

3. Conference with Real Property Negotiators
Property: All City Leased Properties
Agency negotiator: Scott Campbell, City Attorney, Denise Radde, Interim City
Manager
Negotiating parties: All City leasees
Under Negotiation: Price and terms of payment

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for May 7, 2013 was posted on Friday, May 3, 2013, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.

Denise A. Radde, City Clerk / Interim City Manager