

**AVALON CITY COUNCIL MEETING
TUESDAY, DECEMBER 3, 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.

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

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION

Kristine Guerrero, Public Affairs Manager, League of California Cities, will provide a presentation on the many resources that the League offers to cities.

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.

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 LEGAL COUNSEL- EXISTING LITIGATION
Subdivision (a) of Section 54956.9
Title: In the Matter of Avalon K-12 School Site, 200 Falls Canyon Road, Avalon, CA 90704 I/SED: Case No. 11/12-003

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.

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 November 19, 2013 City Council meeting.

2. Smart Classroom, LA Area Fire Chiefs Association Grant

The Los Angeles Area Fire Chiefs Association (LAAFCA) has spearheaded a grant funded program towards the purchase of "smart classroom" technology which will allow for interconnectivity of lecture type training.

Recommended Action

Approve an allocation to the Avalon Fire Department of \$36,492.39 towards an electronic remote classroom system that the Los Angeles Area Fire Chiefs Association is funding and reimbursing in total.

3. Waterside Permit Modification – Dive Catalina

Dive Catalina has held a Waterside Permit to conduct dive boat charters using its vessel "Catalina Grace" since 2011. Now that the area requiring Waterside Permits has expanded, Dive Catalina has applied to include its dive training and dive tour business which uses Casino Dive Park.

Recommended Action

Approve the Waterside Permit Application as presented and require Dive Catalina to abide by the standard list of conditions relating to Waterside Permit Applications.

4. Waterside Permit Modification – Catalina Snorkeling Adventures

Catalina Snorkeling Adventures, has applied for a Waterside Permit to conduct guided snorkeling tours, boat snorkel tours & excursions, scuba & skin diving instruction, and gear rentals. The guided snorkeling tours and skin diving instruction propose to use Lovers Cove and Casino Dive Park. The business will be open 7 days a week, 12 months a year from 9:00am to 5:00pm.

Recommended Action

A. Land-Based Operations: Approve the Waterside Permit Application as it relates to land based snorkeling and scuba activities as presented. Require Catalina Snorkeling Adventures: (1) to have no more than 10 people per certified guide while conducting snorkeling tours and only use the area between the Lovers Cove stairs and the Cabrillo Mole, staying clear of the glassbottom boats fairway, and (2) to abide by the standard list of conditions relating to Waterside Permit Applications.

B. Water-Based Operations: Since this is a new applicant which does not currently hold a Waterside Permit and is only required to obtain a Waterside Permit to cover its land-based operations, require Catalina Snorkeling Adventures to submit an application for the boat snorkeling tours portion of its business which will be reviewed by the City Council after the Harbor Master conducts the yearly Waterside Permit review process in December.

5. Waterside Permit Modification – Descanso Beach Ocean Sports

Descanso Beach Ocean Sports has held a Waterside Permit to conduct kayak charters using its vessel "AMA" since 1996. Now that the area requiring a Waterside Permit has been expanded, Descanso Beach Ocean Sports has applied to include its kayak rental business on Descanso Beach. The kayak rentals will be available 7 days a week, 12 months a year from 9:00am to 5:00pm.

Recommended Action

Approve the Waterside Permit Application/Modification as presented, and require Descanso Beach Ocean Sports to abide by the standard list of conditions relating to Waterside Permit Applications.

6. Waterside Permit Modifications – Snorkeling Catalina

Snorkeling Catalina has held a Waterside Permit to conduct snorkeling charters using its vessel "Snorkel Catalina" since 1995. Now that the area requiring a Waterside Permit has been expanded, Snorkel Catalina has applied to include its land based snorkeling tour business which uses Lovers Cove. The snorkeling tours will be available 7 days a week, 12 months a year from 8:00am to 5:00pm.

Recommended Action

Approve the Waterside Permit Application/Modification as presented, and require Snorkeling Catalina to abide by the standard list of conditions relating to Waterside Permit Applications.

7. Waterside Permit Modifications – Catalina Scuba Luv

Catalina Scuba Luv has held a Waterside Permit to conduct dive boat charters using its vessel "King Neptune" since 1988. Now that the area requiring a Waterside Permit has been expanded, Catalina Scuba Luv has applied:

A. To include their dive training and dive tour businesses which use Casino Dive Park, Descanso Beach and Pebbly Beach. The dive training and dive tours will be available 7 days a week, 12 months a year.

B. To include their Sea Trek underwater tour operation in Descanso Bay open April through September 7 days a week from 10:00am to 4pm.

C. To include their Snuba underwater tour operation in Descanso Bay open April through September 7 days a week from 10:00am to 4pm.

Recommended Action

Approve the Waterside Permit Application/Modification as presented, and require Catalina Scuba Luv to abide by the standard list of conditions relating to Waterside Permit Applications.

8. 2014 Waterside Permit Renewals

Prior to December of each year, the Harbor Master reviews all existing Waterside Permits whose terms are to expire on December 31st. The Harbor Master recommends all current Waterside Permit holders who are restricted to Float D on the Pleasure Pier continue to use Float D while it is installed thus allowing the general boating public easy access to other pier floats. When Float D is out for the winter, vessels restricted to Float D can use all floats on the Pleasure Pier except Floats E, F & G on cruise ship days as shore boats have already been granted priority.

Recommended Action

Approve renewal of all Waterside Permits on the attached list for the year 2014.

9. Information Technology Purchase

In July 2013, the City contracted for an IT Assessment. The results of the IT Assessment indicated that the City's IT infrastructure is behind current standards and is not as secure as it could be. Due to the urgent need associated with expiring

software maintenance agreements, aging equipment, and reduced internet capacity, the City Manager has authorized an initial emergency approval to proceed with ordering equipment.

Recommended Action

Approve the purchase of IT related servers and equipment according to the Avalon Municipal Code Section 3-4.105 and 3-4.106.

GENERAL BUSINESS

10. An Ordinance Amending Chapter 7 of Title 9 of the Avalon Municipal Code to Expand the Definition of Temporary Signs and Establish Guidelines

The Municipal Code has language governing temporary signs, however, the language does not allow temporary signs announcing new businesses during construction of such businesses or other uses for temporary signs.

Recommended Action

Introduce and waive all readings of an ordinance amending Chapter 7 of Title 9 of the Avalon Municipal Code to expand the definition of, and establish guidelines for, temporary signs.

11. Repeal the Annual Growth Policy

The City of Avalon's Municipal Code currently contains an "Annual Growth Policy" which prohibits the City from approving any development applications which propose to create additional units in the months of November and December. City Staff has determined that the Annual Growth Policy should be repealed in its entirety due to the fact that other mechanisms exist for protecting the rate and manner of growth in the City, including other planning and zoning regulations, the local coastal program, and CEQA.

Recommended Action

Introduce and waive all readings of an ordinance repealing the City's Annual Growth Policy.

12. Ordinance Amending the Municipal Code to Revise the Powers and Duties of the City Manager and Fire Chief

The City of Avalon's Municipal Code currently reflects compatibility between the offices of the City Manager and the Fire Chief, such that both offices report to the City Council and both offices could be held by the same individual without creating a conflict.

The City now desires to reorganize the structure of these offices to have the Fire Chief report to the City Manager rather than the City Council.

Recommended Action

Introduce and waive all readings of an ordinance amending the City of Avalon's Municipal Code to revise the powers and duties of the City Manager and the Chief of the Fire Department.

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13. Consideration of Award for Contract – Joe Machado Field Concession Stand Project
See Staff report for details.
Recommended Action
Discuss and if consensus, award contract to Dave Thompson Construction for the Joe Machado Filed Concession Stand Project and authorize a Change Order to encompass the equipment in the Scope of Work.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for December 3, 2013 was posted on Wednesday, November 27, 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 / Chief Administrative Officer