

**AVALON CITY COUNCIL MEETING  
TUESDAY, AUGUST 6, 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**

Kerry Bubb, owner of an Avalon Harbor mooring, is going to present the idea of expanding the size of certain mooring located within the harbor. No action will be taken on this item.

**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.

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 June 18, 2013 City Council meeting, the June 26, 2013 Special City Council meeting and the July 16, 2013 City Council meeting.

2. Expenditures Submitted for Approval

- Warrants in the amount of \$512,994.22.

Recommended Action

Approve total expenditure amount of \$512,994.22.

3. Expenditures Submitted for Approval

- Warrants in the amount of \$308,332.92.
- Payroll in the amount of \$420,928.13.

Recommended Action

Approve total expenditure amount of \$729,261.05.

**CITY COUNCIL AGENDA**  
**AUGUST 2, 2013**  
**PAGE 2**

4. Purchase of Volvo Tools  
Two Harbor Patrol boats with newer Volvo diesel engines require special tools for servicing them. Both warranties have expired on the engines.  
Recommended Action  
Ratify the purchase made by the mechanics in the amount of \$6,663.18.
  
5. Resolution Authorizing the Destruction of Specified Records Maintained by the Finance Department.  
The Finance Department has obsolete records they would like to have destroyed.  
Recommended Action  
Adopt resolution authorizing the destruction of specified records maintained by the Finance Department.
  
6. Law Enforcement Services Agreement with L.A. County  
The Service Agreement the City of Avalon has with Los Angeles County for sheriff services expired at the end of June 2013.  
Recommended Action  
Adopt resolution notifying the Los Angeles County Board of Supervisors of its desire to receive specified law enforcement services from the Los Angeles County Sheriff's office, authorizing the expenditure of COPS Grant Funds and authorize the City Manager to execute the City County Municipal Law Enforcement Services Agreement for Fiscal Year 2013-2014.
  
7. Necessary Road Work on Pebbly Beach Road  
Road work had to be done on Pebbly Beach Road near the Cabrillo Mole due to unsafe conditions. A four-fifth vote is required.  
Recommended Action
  1. Determine that an emergency existed and ratify action by the Public Works Director to undertake necessary repairs.
  2. Authorize the expenditures for these repairs to be funded by Street Fund 115 in the amount of \$6,642.50.
  3. Adopt resolution authorizing necessary repairs to Pebbly Beach Road near the Cabrillo Mole.
  
8. Adopt a Resolution Approving Application for Grant Funds from the Los Angeles County Regional Park and Open Space District to purchase and install fitness equipment along Avalon Canyon Road – Project Name, Avalon Canyon Fit Trail  
The City was notified a competitive grant opportunity exists through Los Angeles County's Fourth Supervisorial District, Supervisor Knabe. The grant is specifically for "trails" in urban areas.  
Recommended Action
  - 1) Adopt resolution approving the application for competitive excess funds from the Los Angeles County Regional Park and Open Space District for Fourth Supervisorial District excess funding for Avalon Canyon Fit Trail.
  - 2) Direct staff to submit the application to purchase and install fitness equipment along Avalon Canyon Road.

**CITY COUNCIL AGENDA**  
**AUGUST 2, 2013**  
**PAGE 3**

9. Field Marking Paint Expenditure

Field marking paint is needed for the Joe Machado Field. The Recreation Department would like to purchase the paint in bulk for a much discounted rate. The other entities that use the field, Avalon Schools, Adult League, and Little League will share in the cost of the paint.

Recommended Action

Authorize Staff to proceed with the purchase of a pallet of field marking paint, a total expenditure of \$5,170.08, which includes shipping.

**GENERAL BUSINESS**

10. Declaration of Nuisance and Nuisance Abatement at 339 Catalina Avenue

The residence at 339 Catalina Avenue has substantial code violations, including issues with its foundation and significant structural leaning which is potentially endangering the neighboring properties.

Recommended Action

Declare 339 Catalina Avenue a Public Nuisance and Provide Direction Regarding Abatement of Nuisance.

11. Amend Contract Between the City of Avalon and On the Wing Falconry Service

In October 2012 the City entered into an agreement with On the Wing Falconry Service to provide an environmentally friendly and humane method of dispersing nuisance birds from the City and Harbor. The Contract needs to be amended to address certain expenditures that have previously been approved.

Recommended Action

Discuss the proposed changes to On the Wing Falconry Service and make any other revisions. Authorize the City Manager to execute an amended agreement.

12. Consideration to "Go Out to Bid" on Joe Machado Field Concession Stand Project

The Concession Stand project has been discussed and planned for a long time. In September 2012 City Council approved an expenditure of not to exceed \$50,000 for the completion of this project, including all construction cost, equipment, flooring shelving, etc.

Recommended Action

Authorize Staff to proceed with Advertisement for Public Bids on the Joe Machado Field Concession Stand project and approve the project and its design.

13. Community Digital Signage Consideration

At the April 2, 2013 meeting a presentation regarding installing a Community Digital Signboard in Vons Supermarket was presented. Staff would like to proceed forward with this program.

Recommended Action

Discuss and approve the implementation of a Community Digital Signage program at Vons Supermarket.

**CITY COUNCIL AGENDA  
AUGUST 2, 2013  
PAGE 4**

14. City Lease Renewals

City leases are not up to date and are currently running month to month. Before City staff proceeds with the execution of the leases, Staff wanted Council to review changes they were directed to place in the leases.

Recommended Action

Concur that all changes to City leases will include the following:

- Monthly rent is \$5.00 sq./ft. or 10% whichever is greater, no reconciliation
- Require to be open 9 months a year minimum, can close for 90 days but pay for 12 months. Required to be open on all cruise ship days.
- Raise insurance liability to \$2,000, 000
- If applicable pay Admission Tax and Harbor Use Fee
- Transfer fee is 5% or \$5,000 whichever is greater.
- A 10% penalty for late payments
- Term of lease is five years
- Lease with the Catalina Express will be for ten years

Authorize City Staff to execute lease documents.

15. Ordinance Amending the Municipal Code to Expand the Areas Where a Waterside Permit is Required and a Determination That the Amendments Are Exempt from the California Environmental Quality Act

The City currently requires persons conducting businesses or commercial enterprises in or emanating from Avalon Harbor to obtain a Waterside Permit. This ordinance amendment will require businesses operating in or emanating from any City waters to obtain a Waterside Permit.

Recommended Action

Introduce and waive all readings of an Ordinance Amending Chapter 2 – Harbor Regulations of Title 10 of the Avalon Municipal Code to Expand the Areas Where a Waterside Permit is required.

16. Ordinance of the City of Avalon Adding Chapter 20 to Title 5 of the Avalon Municipal Code to expressly define Medical Marijuana Dispensaries and Mobile Marijuana Dispensaries and Clarify that Such Dispensaries are Unlawful in the City and Determination that the Ordinance is not a Project Under the Meaning of CEQA

Given the recent California Supreme Court case finding that state marijuana laws do not override the police power of a municipality to regulate Medical Marijuana Dispensaries (MMD's), the proposed action will support the City's goal to protect the public peace, health, safety and welfare concerns associated with the operation of MMD's and Mobile Marijuana Dispensaries by clarifying that such Dispensaries are unlawful in the City.

Recommended Action

Introduce and waive all readings of an Ordinance of the City of Avalon, Adding Chapter 20 to Title 5 of the Avalon Municipal Code to Expressly Define Medical Marijuana Dispensaries and Mobile Marijuana Dispensaries and Clarify That Such Dispensaries are Unlawful in the City.

**CITY COUNCIL AGENDA  
AUGUST 2, 2013  
PAGE 5**

17. Extend Professional Services Agreements for Finance  
The City entered into a Professional Services Agreement with Urban Futures, Inc. on February 5, 2013 and it expired at the end of June. Urban Futures provides additional financial management support for the Finance Department. Three separate contracts are being discussed to cover the same scope of work at a lesser amount.  
Recommended Action  
Discuss the different professional contract service agreements and determine which contracts the City wants to engage in. Authorize the City Manager to execute contracts that are applicable.
  
18. Item of Discussion – Conflict of Two Great Events on September 7-8, 2013  
At the request of several Councilmembers this item is back on the agenda for discussion and consideration.  
History:  
The 54th Annual Catalina Channel Crossing Outrigger Canoe Race has historically always been near the first weekend of September. They filed their Special event permit in March 2013. The 2<sup>nd</sup> Annual Catalina Air Show and Festival would like to hold its event at the same time. No official paper work had been filed with the City requesting this event until Friday, August 2, 2013. Advertising has been seen in town describing ground attractions, festival booths, and music on Crescent Avenue. A Special Event Permit is required for the use of any City property and Harbor use.

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**COUNCILMEMBER REPORTS / MAYOR REPORT**

**CLOSED SESSION**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: Race Course of Catalina Island Grand Prix 2013, including Hour Trail.  
Agency Negotiators: Denise Radde, Interim City Manager and Scott Campbell, City Attorney  
Negotiating Party: The Santa Catalina Island Company  
Under Negotiation: Price and terms of payment
  
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 320 Sumner, Avalon, CA 90704  
Agency Negotiators: Denise Radde, Interim City Manager and Scott Campbell, City Attorney  
Negotiating Party: Mike Aliotta and Bilal Khatib  
Under Negotiation: Price and terms of payment

**CITY COUNCIL AGENDA  
AUGUST 2, 2013  
PAGE 6**

3. PUBLIC EMPLOYMENT APPOINTMENT  
Title: Human Resources/Risk Manager
4. PUBLIC EMPLOYMENT APPOINTMENT  
Title: City Manager

**ADJOURN**

**NOTICE OF POSTING**

I, Denise Radde, declare that the City Council Agenda for August 6, 2013 was posted on Saturday, August 3, 2013, on the City's website [www.cityofavalon.com](http://www.cityofavalon.com), and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.

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Denise A. Radde, City Clerk / Interim City Manager