

**AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE  
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE  
AVALON COMMUNITY IMPROVEMENT AGENCY  
TUESDAY, MARCH 4, 2014 – 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**

1. Update and sharing of information regarding the cultural resource findings at the Edison Vault location on lower Metropole. This will include a brief overview of the project, what has been found and the planned outcomes. In attendance will be:
  - Cindi Alvitre, MLD, Traditional Council of Pimu -Ti'at Society (As appointed by State of California Native American Heritage Commission, Sacramento)
  - Sherri Gust, Cogstone, Registered Professional Archaeologist
  - Kimberly Cuevas, Archaeologist, SCE
  - Desiree Martinez, Tribal Archaeologist
  - Gabriel Robles, Tribal Monitor, Cogstone. Traditional Council of Pimu - Ti'at Society
2. Introduction of Hilda Delgado, the new Region Manager of Local Public Affairs for Southern California Edison.
3. A proclamation will be read declaring March 2014 as American Red Cross Awareness Month.

**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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Fire Chief

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2. PUBLIC EMPLOYEE EVALUATION  
Title: City Manager
3. PUBLIC EMPLOYEE APPOINTMENT  
Title: Public Safety Officer

**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 February 18, 2014 City Council meeting.
2. Expenditures Submitted for Approval
  - o Warrants in the amount of \$1,045,597.29
  - o Payroll in the amount of \$203,513.54
  - o Electric Fund Transfer to BOE for Fuel Sales Tax in the amount of \$3,980.00Recommended Action  
Approve total expenditure amount of \$1,253,090.83.
3. Declare 2002 Dodge Truck as Surplus Property  
On February 4, 2014 the City Council authorized the purchase of a new 2014 Ford F-350 for the sewage treatment plant. This was a budgeted item in the Fiscal Year 13-14 budget. The 2002 RAM 2500 ¾ ton truck will be surplus property and should be disposed of.  
Recommended Action  
Adopt resolution declaring the sewage treatment plant's 2002 Dodge Ram 2500 ¾ ton pickup truck as surplus property and authorize the City Manager to dispose of it by selling the truck to the highest bidder or scrap yard.
4. Declare Excess Old Volvo Engine Parts as Surplus  
The City Manager was notified that the Harbor Department is in possession of old excess Volvo engine and outdrive parts that the City of Avalon no longer is able to use.  
Recommended Action  
Adopt resolution declaring obsolete Volvo engine and outdrive parts as surplus property and authorize the City Manager to dispose of them by selling the property to "Outdrive Exchange" who will give the City \$6,000.00 in parts credit to be used for the Harbor Departments current engines at a 20% discount off the Volvo retail price.

**CITY COUNCIL AGENDA  
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5. Revision to Solid Waste Ordinance  
This ordinance revision updates the City's solid waste regulations and ensures that they are consistent with the recently executed Franchise and Lease Agreement with CR&R, Incorporated.  
Recommended Action  
Adopt ordinance amending Articles 1 and 2 of Chapter 2 of Title 6 of the Avalon Municipal Code regarding solid waste collection.
  
6. Ordinance to Adopt the 2013 State of California Building Standards Codes and Local Amendments  
Pursuant to California Health and Safety Code sections 17958.5 and 17958.7, cities may adopt modifications to the uniform code which are consistent with the city's unique geography, climate, and/or topography. Accordingly, the City of Avalon has modified Chapters 1, 4, 5, 7 and 8 of Title 8 of the City of Avalon Municipal Code to adopt local amendments for fee transparency, fire and life-safety and seismic adjustments.  
Recommended Action  
Adopt ordinance repealing and reenacting several sections of Title 8 of the Avalon Municipal Code and adopt the State Building Standards Codes as modified.

**\*\*\*\*The first item in General Business is the "City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency".**

**GENERAL BUSINESS**

7. Emergency Repairs to Crescent Avenue Storm Drain Phase I – Status  
Half of the emergency repairs have been completed on Crescent Avenue Storm Drain. Phase 2 of the project should be complete by April 7, 2014. All vehicles weighing over 17,000 lbs. will continue to use an alternate route until this date.  
Recommended Action  
Allow staff to continue making emergency repairs, on the other half of Crescent Avenue, Phase 2. (A Four-Fifths vote required.)
  
8. Fiscal Year 11/12 Audit  
The Fiscal Year 11/12 is complete. A summary of the findings will be presented.  
Recommended Action  
Approve and File the FY 11/12 audited financial statements.
  
9. Transportation Permit Application for Steve Woolley  
The City received a Transportation Permit Application for a tour business operated with a residential autoette. Tours would run for approximately an hour and cover most City Streets.  
Recommended Action  
Discuss and give direction to Staff. Because of current concerns by Council and Staff regarding other recent applications, new applications might be put on hold via a moratorium until traffic concerns are addressed.

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10. Transportation Permit Amendment for "Bike Catalina"  
Randy Lewis, owner and operator of "Bike Catalina" has requested that City Council reassess and amend the conditions placed on his amended Transportation Permit issued in January 2014. He asks that he be afforded equal consideration as others with the interior-based business vehicle permits.  
Recommended Action  
Discuss and provide direction to Staff.
  
11. Ordinance Amending Sections of the Municipal Code to Include a Definition of "Gross Receipts"  
The City requires businesses operating within the City to calculate various taxes and fees based on the businesses' "gross receipts". Currently there is no definition of "gross receipts" within the Avalon Municipal Code.  
Recommended Action  
Introduce and waive all further readings of an ordinance adding a definition of "Gross Receipts" to the Municipal Code.
  
12. Resolution Eliminating the Assistant Fire Chief Position and Implementing the Corresponding Reduction in Force  
The Assistant Fire Chief position was created in January 2011 to offset additional duties garnered by the then Fire Chief/City Manager. In April 2013, the Fire Chief/City Manager resigned from his duties as City Manager and resumed responsibilities solely as the full time Fire Chief. In February 2014, a vacancy occurred in the Fire Department through a firefighter's voluntary separation from the City.  
Recommended Action
  - A. Authorize a reduction in force by eliminating the Assistant Fire Chief position, redistributing personnel within the Fire Department through a vacant firefighter position, and establishing an on-call rotation.
  - B. Adopt a resolution eliminating the Assistant Fire Chief Position.

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**COUNCILMEMBER REPORTS**

**MAYOR REPORT**

**CLOSED SESSION (continued)**

4. 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

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5. 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

**ADJOURN**

**NOTICE OF POSTING**

I, Denise Radde, declare that the City Council Agenda for March 4, 2014 was posted on Saturday, March 1, 2014, 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 / Chief Administrative Officer

CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

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**RECOMMENDED ACTION(S):**

Approve City Council Actions from the regular City Council meeting on February 18, 2014.

**REPORT SUMMARY:**

Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.

**FISCAL IMPACTS:**

N/A

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

N/A

**FOLLOW UP ACTION:**

File actions in the City Clerk's office.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

City Council Actions will be provided under separate cover.

AVALON CITY COUNCIL

MEETING DATE: March 04, 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Finance

CITY MANAGER: BH

PREPARED BY: Betty Jo Garcia - Finance Director

DEPT. HEAD: Bjg

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SUBJECT: Warrant List

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**RECOMMENDATION(S):** Approve the warrants in the amount of \$1,045,597.29 and the payroll in amount of \$203,513.54 and the Eletronic Fund Transfer to BOE for Fuel Dock Sales Tax in the amount of \$3,980.00 for a total expenditure amount of \$1,253,090.83.

**REPORT SUMMARY:** Attached you will find the warrant list for all general warrants issued for the the dates as indicated drawn on U.S. Bank. The warrant list represents check numbers #17774 - #17849 in the amount of \$1,045,597.29 for a total expenditure amount of \$1,045,597.29.

Also represented is the payroll dated February 21, 2014 in the amount of \$203,513.54 for a total expenditure amount of \$203,513.54..

Also included is the Electronic Fund Transfer to BOE for Fuel Dock Sales Tax in the amount of \$3,980.00 for a total expenditure amount of \$3,980.00.

**FISCAL IMPACT:** There are sufficient funds available, and the expenditures have been approved in the adopted fiscal year 13/14 budget.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** N/A

**FOLLOW UP ACTION(S):** N/A

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Agenda Posting

**ATTACHMENTS:** Audit Certificate and Warrant List

## WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF MARCH 4, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION
17774	02/14/14	413.55	ADVANCED INFRASTRUCTURE TECH SERVICE - SEWER CAMERA
17775	02/14/14	60.20	AIR SOURCE INDUSTRIES SUPPLIES - FIRE
17776	02/14/14	446.80	AMERIFLEX FSA ADMIN FEES/YRLY RENEWAL
17777	02/14/14	696.00	ANTONIO'S SENIOR MEALS - JAN 2014
17778	02/14/14	3,386.33	AT & T COMMUNICATIONS - ALL DEPTS
17779	02/14/14	1,553.05	AVALON BOAT STAND SUPPLIES - GARAGE
17780	02/14/14	114,686.58	AVALON ENVIRONMENTAL SVCS CONTRACT SVCS - JANUARY 2014
17781	02/14/14	229,373.16	AVALON ENVIRONMENTAL SVCS 2ND REISSUE OF LOST WARRANTS
17782	02/14/14	27,263.49	AVALON FUEL FACILITIES FUEL - ALL DEPTS
17782	02/14/14	49.05	AVALON FUEL FACILITIES FUEL - ALL DEPTS
17782	02/14/14	1,772.63	AVALON FUEL FACILITIES FUEL - ALL DEPTS
17782	02/14/14	2,903.56	AVALON FUEL FACILITIES FUEL - ALL DEPTS
17782	02/14/14	1,183.51	AVALON FUEL FACILITIES FUEL - ALL DEPTS
17883	02/14/14	435.00	A-THRONE CASINO RESTROOM RENTALS
17784	02/14/14	546.86	BAY MARINE SUPPLIES - GARAGE
17785	02/14/14	11,336.28	BEYOND SOFTWARE SOLUTIONS CONTRACT SVCS - ADMIN
17786	02/14/14	466.60	BLUE TARP FINANCIAL SUPPLIES - GARAGE
17787	02/14/14	1,048.28	BURNS & MCDONNELL SERVICE - BB & K
17788	02/14/14	72,992.35	CALPERS MEDICAL - FEBRUARY 2014
17789	02/14/14	47,071.16	CALPERS 1/8-1/21/2014 RETIREMENT
17790	02/14/14	1,979.19	CALPERS 1/8-1/21/2014 PEPRA RETIREMENT
17790	02/14/14	1,837.68	CALPERS 12/12-12/24/13 PEPRA RETIREMENT
17791	02/14/14	142.26	CARUSO FORD SUPPLIES - GARAGE
17792	02/14/14	3,550.00	CATALINA BOAT YARD, INC. STORAGE FEES - HBR/FUEL DK
17793	02/14/14	205.81	CATALINA DISCOUNT & VARIETY SUPPLIES - ADMIN/PW
17794	02/14/14	27,774.60	CATALINA EXPRESS REISSUED LOST WARRANT 11/22/13
17795	02/14/14	778.00	CATALINA EXPRESS TRAVEL - PLANNING/FINANCE/PW
17795	02/14/14	24,204.60	CATALINA EXPRESS 2ND HLF JAN 2014 - SUBSIDY
17796	02/14/14	133.35	CATALINA YAMAHA SUPPLIES - RECREATION
17797	02/14/14	210.65	COASTLINE EQUIPMENT SUPPLIES - GARAGE
17798	02/14/14	8,320.00	CONSTRUCTORS PLUS CONTRACT SVCS - ADMIN
17799	02/14/14	98,711.85	CO. OF LA SHERIFF'S DEPT RESIDENT DEPUTY - JAN 2014
17799	02/14/14	5,757.63	CO. OF LA SHERIFF'S DEPT WATERFRONT PATROL - JAN 2014
17800	02/14/14	38,559.07	DAVE THOMPSON CONSTRUCTION PROGRESS PYMT - JMF PROJECT
17801	02/14/14	6,786.12	DELTA DENTAL DENTAL - JAN 2014
17802	02/14/14	6,636.23	DELTA DENTAL DENTAL - FEB 2014
17803	02/14/14	32.00	DEPARTMENT OF JUSTICE SERVICE - HARBOR
17804	02/14/14	256.00	DEWEY PEST CONTROL SERVICE - ADMIN/HARBOR
17805	02/14/14	18.48	EDISON PROPANE - PUBLIC WKS
17806	02/14/14	22,961.67	EDISON UTILITIES - ALL DEPTS
17807	02/14/14	9,436.00	EMPLOYMENT DEVELOP. DEPT QTRLY U/I - ALL DEPTS
17808	02/14/14	83,168.42	ENVIRON STRATEGY CONSULTANTS CONTRACT SVCS - DEC 2013
17808	02/14/14	83,168.42	ENVIRON STRATEGY CONSULTANTS CONTRACT SVCS - JAN 2014
17809	02/14/14	3,927.25	ENVIRON STRATEGY CONSULTANTS EMERG RPR WK ASA 1115/1117
17810	02/14/14	1,317.69	ESGIL CORPORATION PLAN CK SVCS - PLANNING
17811	02/14/14	326.51	GRAINGER SUPPLIES - GARAGE
17812	02/14/14	356.56	HARVEY, BEN REIMB O/P COSTS - RELOCATION
17813	02/14/14	2,872.80	HELVETIC CONSULTING, INC. CONTRACT SVCS - PLANNING
17814	02/14/14	7,880.38	IAG, LTD SERVICE - BB & K
17815	02/14/14	339.66	IDEXX DISTRIBUTION, INC. SUPPLIES - CDO
17816	02/14/14	762.00	KATIE'S KITCHEN SENIOR MEALS - JAN/FEB 2014
17817	02/14/14	673.75	L.N. CURTIS AND SONS SUPPLIES - GARAGE

17818	02/14/14	11,830.00	LOCAL GOVERNMENT SERVICES	CONTRACT SVCS - ADMIN
17819	02/14/14	800.00	MGT OF AMERICA	FINAL PYMENT - SB90
17820	02/14/14	812.50	MUNICIPAL COURTS - AVALON	PARKING CITATIONS - DEC 2013
17821	02/14/14	876.66	MATTHEWS	SUPPLIES - CEMETERY
17822	02/14/14	72.13	MCMASTER-CARR	SUPPLIES - HARBOR
17823	02/14/14	153.14	MIKE ROCHE PRINTING	SUPPLIES - ADMIN
17824	02/14/14	1,161.85	MILLER, JIM	REFUND - SEWER/SALTWATER/TRASH
17825	02/14/14	282.00	MR. NING'S	SENIOR MEALS - JAN 2014
17826	02/14/14	71.66	PITNEY BOWES	OFFICE SUPPLIES - POSTAGE MACH.
17827	02/14/14	269.79	PONCE, MICHAEL	REIMB O/P COSTS - TRAVEL
17828	02/14/14	1,814.02	PORT SUPPLY	SUPPLIES - HARBOR
17829	02/14/14	1,100.00	POST, ROCKY	CONTRACT SVCS - ADMIN
17830	02/14/14	1,124.61	QUILL CORP.	SUPPLIES - ALL DEPTS
17831	02/14/14	41,160.00	RBF CONSULTING	CONTRACT SVCS - ADMIN
17832	02/14/14	887.19	RICOH AMERICAS CORP.	COPIER LEASE - PLANNING
17833	02/14/14	642.74	RICOH USA, INC.	COPIER LEASE - PLANNING
17834	02/14/14	70.21	ROJO, FRANCISCO	REIMB O/P COSTS - TRAVEL
17835	02/14/14	1,449.16	SANI-TEC USA	CITY RESTROOM SUPPLIES
17836	02/14/14	47.30	SAFEWAY	SUPPLIES - FIRE/ADMIN
17837	02/14/14	563.72	SANTA CATALINA ISLAND RESORT	UTILITIES - ADMIN
17838	02/14/14	1,525.00	STATE LANDS COMMISSION	MOORING LEASE APPLICATION
17839	02/14/14	160.00	STEUTER ELECTRIC	SERVICE - JMF
17840	02/14/14	457.25	SUN LIFE FINANCIAL	LIFE INSURANCE - JAN 2014
17840	02/14/14	457.25	SUN LIFE FINANCIAL	LIFE INSURANCE - FEB 2014
17842	02/14/14	2,700.00	TILLEY CRANE INSPECTION SVCS	SERVICE - GARAGE
17843	02/14/14	19.39	UNITED PARCEL SERVICE	FREIGHT - ADMIN
17844	02/14/14	191.76	VWR	SUPPLIES - CDO
17845	02/14/14	89.99	WITMER PUBLIC SAFETY GROUP	SUPPLIES - FIRE
17846	02/14/14	330.00	BMI	YRLY RENEWAL FEE
17847	02/14/14	5,272.44	BEST, BEST & KRIEGER, LLP	CONTRACT SVCS - DEC 2013
17848	02/14/14	2,490.00	ROSENOW SPEVACEK GROUP, INC	CONTRACT SVCS - SA
17849	02/14/14	5,946.46	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS

**\$ 1,045,597.29**

RECORD OF CHECKS DRAWN ON FEBRUARY 14, 2014 FOR CM OF 03/04/14

MONTH OF MARCH

US BANK WARRANT #17774 - #17849	\$1,045,597.29	2/14/2014
US BANK WARRANT # - #	\$0.00	
US BANK WARRANT	\$0.00	
US BANK WARRANT	\$0.00	
EFT TO BOE - FUEL DOCK SALES TAX	\$3,980.00	Feb 2014
		\$1,049,577.29
PAYROLL DATED February 21, 2014	\$203,513.54	
PAYROLL DATED	\$0.00	
		\$203,513.54
TOTAL DISBURSEMENTS	\$1,253,090.83	\$1,253,090.83

CERTIFICATE

IN ACCORDANCE WITH SECTION 32702 OF THE GOVERNMENT CODE, I CERTIFY THAT THE ABOVE DEMANDS ARE ACCURATE AND THAT FUNDS ARE AVAILABLE FOR PAYMENT.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 4TH DAY OF MARCH 2014

APPROVED AND AUDITED  
THIS 4TH DAY OF MARCH 2014

\_\_\_\_\_  
AUDIT COMMITTEE - W.F. OLSEN

\_\_\_\_\_  
CITY MANAGER - BEN HARVEY

\_\_\_\_\_  
AUDIT COMMITTEE - RALPH MORROW

*Betty Jo Garcia*  
\_\_\_\_\_  
FINANCE DIRECTOR - BETTY JO GARCIA

CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 3

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Declare 2002 Dodge Truck as Surplus Property

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**RECOMMENDED ACTION(S):**

Adopt resolution declaring the sewage treatment plant's 2002 Dodge Ram 2500 ¾ ton pickup truck as surplus property and authorize the City Manager to dispose of it by selling the truck to the highest bidder or scrap yard.

**REPORT SUMMARY:**

On February 4, 2014 the City Council authorized the sewage treatment plant operator to replace a 2002 RAM 2500 ¾ ton pickup (VIN # 3B7KC26Z22M293658) that had 54,400 island miles on it with a new 2014 Ford F-350. The City of Avalon no longer has use for the Dodge Ram 2500. Historically, the City Council will declare this equipment surplus and then it is either sold, given to charity or disposed of properly.

**FISCAL IMPACTS: N/A**

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The City of Avalon will have in their possession old excess equipment that adds to the clutter at the warehouse.

**FOLLOW UP ACTION:**

Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF AVALON DECLARING SPECIFIED VEHICLE TO BE  
SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL  
THEREOF**

**WHEREAS**, Government Code Section -37350 authorizes the City Council to control and dispose of property for the common benefit; and

**WHEREAS**, the City Council wishes to declare a certain vehicle to be surplus and has determined that sale or disposal, as indicated below, is appropriate and will benefit the City:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON  
DECLARES, FINDS AND RESOLVES AS FOLLOWS:**

**Section 1.** The City Council hereby declares the following vehicle to no longer be useful or necessary to the City's services and programs and therefore surplus property, to be disposed of as indicated below:

2002 Dodge Ram ¾ ton pickup truck - VIN#: 3B7KC26Z22M293658: To be sold to highest bidder or scrap yard.

**Section 2.** Staff is authorized to dispose of the listed vehicles in accordance with the foregoing provisions.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of March, 2014

\_\_\_\_\_  
Robert Kennedy, Mayor

ATTEST:

\_\_\_\_\_  
Denise Radde, City Clerk

CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 4

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Declare Excess Old Volvo Engine Parts as Surplus

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**RECOMMENDED ACTION(S):**

Adopt resolution declaring obsolete Volvo engine parts as surplus property and authorize the City Manager to dispose of them by selling the property to "Outdrive Exchange" who will give the City \$6,000.00 in parts credit to be used for the Harbor Departments current engines at a 20% discount off the Volvo retail price.

**REPORT SUMMARY:**

The City Manager was notified that the Harbor Department is in possession of old excess Volvo engine and outdrive parts that the City of Avalon no longer is able to use. Historically, the City Council will declare this equipment surplus and then it is either sold, given to charity or disposed of properly.

**FISCAL IMPACTS:** The City will receive a \$6,000.00 parts credit from Volvo dealer Outdrive Exchange.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The City of Avalon will have in their possession old excess equipment that adds to the clutter at the warehouse.

**FOLLOW UP ACTION:**

Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF AVALON DECLARING SPECIFIED PROPERTY TO BE  
SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL  
THEREOF**

**WHEREAS**, Government Code Section -37350 authorizes the City Council to control and dispose of property for the common benefit; and

**WHEREAS**, the City Council wishes to declare certain equipment to be surplus and has determined that the sale or disposal, as indicated below, is appropriate and will benefit the City:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON  
DECLARES, FINDS AND RESOLVES AS FOLLOWS:**

**Section 1.** The City Council hereby declares that certain Volvo engine and outdrive parts to no longer be useful or necessary to the City's services and programs and therefore surplus property, to be disposed of as indicated below:

Exchange the obsolete equipment to Volvo dealer "Outdrive Exchange" of Costa Mesa, CA for a \$6,000.00 parts credit plus receive a 20% discount off Volvo's retail price.

**Section 2.** Staff is authorized to dispose of the listed equipment in accordance with the foregoing provisions.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of March, 2014.

\_\_\_\_\_  
Robert Kennedy, Mayor

ATTEST:

\_\_\_\_\_  
Denise Radde, City Clerk

CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 5

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: Scott Campbell, City Attorney

SUBJECT: Revisions to Solid Waste Ordinance

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**RECOMMENDED ACTION(S):**

Adoption of an Ordinance of the City of Avalon Amending Articles 1 and 2 of Chapter 2 of Title 6 of the Avalon Municipal Code ("AMC") Regarding Solid Waste Collection. This Ordinance updates the City's solid waste regulations and ensures that they are consistent with the recently executed Franchise and Lease Agreement with CR&R, Incorporated.

**REPORT SUMMARY:**

The City Council selected CR&R, Incorporated ("CR&R") as the City's solid waste hauler and facility operation service provider. The City and CR&R have executed a Franchise and Lease Agreement ("Agreement") for these services. The Agreement took effect on July 1, 2013.

As part of this process, the City Attorney reviewed Chapter 2 of Title 6 of the AMC, the City's solid waste ordinance, to ensure it was consistent with the Agreement and reflected current best practices. The enclosed ordinance recommends changes to the ordinance based on this review. The City Council previously introduced and waived all readings of the proposed ordinance. The recommended action is to adopt the ordinance.

Chapter 2 of Title 6 is divided into four Articles. Article 1 regulates general residential solid waste collection, and Article 2 covers commercial collection. Articles 3 and 4 specify special regulations for hazardous waste and construction and demolition debris disposal. While Articles 3 and 4 were adopted or updated recently and are consistent with the Agreement, Article 1 and 2 have not been recently updated, use outdated terminology and conflict in some respects with the Agreement.

To remedy this, the City Attorney has prepared the enclosed ordinance amending Articles 1 and 2. These changes are explained below.

-Terminology: The current ordinance uses outdated terminology like “garbage,” “refuse,” and “householder.” The current ordinance also contains its own definition for defined terms in the Agreement like “recyclables” and “receptacle/container.” To ensure consistency with the Agreement, the ordinance replaces these terms with modern terminology like “solid waste,” “green waste” and “occupant.” The ordinance also ensures that defined terms like “recyclable” have consistent definitions.

-Self-Haul (§ 6-2.103(a)): The ordinance currently permits occupants to “self-haul” solid waste to the landfill. This consistent with the Agreement. However, staff wanted to clarify that occupants remain responsible for the payment of solid waste collection fees if they self-haul. This has been clarified in the draft ordinance and avoids any argument that self-hauling waste excuses one from paying for solid waste service.

-Sale of Recyclables (§ 6-2.103(b)): Staff recommends adding this subsection. It permits anyone to sell or give away any recyclables they generate prior to disposal. Under state law, the City actually cannot prohibit someone from selling or giving away their recyclables. This addition ensures that the ordinance is consistent with this requirement.

-Receptacles (§ 6-2.109): As part of the new Agreement, CR&R has provided standardized receptacles for customers. This departed from the City’s previous practice of permitting customers to place solid waste in any receptacle or garbage bag. This amendment reflects this new practice and ensures that the City can require residents to use CR&R-provided receptacles.

-Size & Weight Requirements (§ 6-2.110): The Agreement contains certain mandatory size and weight requirements for solid waste disposal. For example, over-sized green waste must be bundled and placed alongside a receptacle. The ordinance currently contains similar but inconsistent requirements. This amendment ensures that these size and weight requirements are consistent.

-Trucks (§§ 6-2.112, 6-2.113, 6-2.114, 6-2.115): The Agreement requires CR&R to maintain clean and orderly trucks and to promptly clean up any solid waste spilled from the trucks. The ordinance previously had similar, but slightly different requirements. Staff proposes modifying these requirements to ensure they are consistent with the Agreement.

-Bond (§ 6-2.120): Both the ordinance and Agreement require CR&R to maintain a bond. The ordinance limited the bond to \$1,000 and imposed certain terms and conditions on the bond. The proposed edits will ensure these requirements are consistent with the Agreement.

-Solid Waste Accumulation (§§ 6-2.123, 6-2.124, 6-2.125.): The ordinance contains a confusing set of rules regarding when garbage and refuse may remain private property

before becoming a public nuisance. In light of the new terminology and to streamline these provisions, the draft ordinance creates two rules: (1) solid waste which is putrid, offensive, likely to attract rodents or combustible must be removed within a calendar week and (2) any other solid waste must be removed within fifteen days. In addition, the burning or burying of solid waste remains prohibited.

-Construction & Demolition Debris (§ 6-2.129): As noted above, Article 4 of Chapter 2 governs construction and demolition debris. The draft ordinance includes a new section reminding residents of these rules.

-Commercial Collection (Article 2; §§ 6-2.202, 6-2.203, 6-2.204): As discussed above, Article 2 governs commercial solid waste collection. It is currently provides largely duplicative, but slightly differently phrased, provisions for commercial solid waste. This is problematic as it introduces potential ambiguity, given that residential and commercial solid waste is largely treated the same under the Agreement. To remedy this, the proposed ordinance makes commercial solid waste collection subject to the provisions of Article 1 for residential collection except as otherwise explicitly noted.

-Terminology (§ 6-2.201): Similar to the above, the draft ordinance updates and amends the terms used in the ordinance to ensure they are consistent with the Agreement.

-Cooking Oil (§ 6-2.205): The ordinance currently requires businesses to dispose of cooking oil in 50 pound watertight containers. As the City recently amended its sewer ordinance, the draft ordinance simply requires businesses to dispose of cooking oil as permitted by the sewer ordinance.

-Excessive Quantities (§§ 6-2.208, 6-2.211): Similar to Section 6-2.110, this section sets certain size and weight requirements, generally a cubic yard, for commercial waste disposal. Waste over these limits is subject to an additional charge. The Agreement has similar requirements but does not impose a hard cubic yard limit. To ensure maximum flexibility, the draft ordinance simply references the limits contained in the Agreement.

-Commercial Waste Enforcement (§ 6-2.214(g)): This section contains special administrative citation for enforcing the commercial waste requirements. To help clarify that these are optional procedures, the draft ordinance adds a subsection noting that the City may utilize any other available enforcement procedures.

## RECOMMENDATION

Adoption an Ordinance of the City of Avalon Amending Article 1 and 2 of Chapter 2 of Title 6 of the AMC Regarding Solid Waste Collection.

## FISCAL IMPACTS:

Adoption of the ordinance.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The City's solid waste ordinance will be outdated and inconsistent with the Agreement.

**FOLLOW UP ACTION:**

Publish summary of ordinance.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

General agenda posting.

**ATTACHMENTS:**

Ordinance

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CITY OF AVALON CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 6

ORIGINATING DEP: Planning and Building

CITY MANAGER: BH

PREPARED BY: Bryan Zuppiger CBO

SUBJECT: Ordinance to Adopt the 2013 State of California Building Standards Codes and Local Amendments.

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RECOMMENDED ACTION(S): Adopt an Ordinance Repealing and Reenacting Several Sections of Title 8 of the Municipal Code and Adopting the State Building Standards Codes as Modified.

REPORT SUMMARY:

At its regular meeting on January 21, 2014 the City Council of the City of Avalon introduced and waived all further readings of this Ordinance.

Approximately every three (3) years the State of California adopts and amends the latest nationally recognized model building code standards. Once the date of adoption is announced by the State of California Building Standards Commission this starts a six (6) month timetable for cities to add their own amendments through a local code adoption ordinance.

Pursuant to California Health and Safety Code sections 17958.5 and 17958.7, cities may adopt modifications to the uniform code which are consistent with the city's unique geography, climate, and/or topography. Accordingly, the City has modified Chapters 1, 4, 5, 7 and 8 of Title 8 of the City of Avalon Municipal Code to adopt local amendments for fee transparency, fire and life-safety and seismic adjustments. The ordinance does include the provision that refunds can be determined by either the Building Official or the Planning Director as discussed during the January 21, 2014 meeting.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Without a local code adoption ordinance the City would adopt the State of California Building Code standards by default and forfeit its local building code standards amendments.

**ALTERNATIVE ACTION(S):**

1. No Action.
2. Modify the amendments proposed.
3. Add further amendments to the State of California Building Standards Codes 2013.

**FOLLOW UP ACTION:** None.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Pursuant to the Brown Act.

**ATTACHMENTS:** Proposed Ordinance.

**CITY OF AVALON CITY COUNCIL  
ACTING AS SUCCESSOR AGENCY TO THE ACIA**

**MEETING DATE:** March 4, 2014

**AGENDA ITEM:** 7

**ORIGINATING DEP:** Capital Improvements

**CITY MANAGER:** BH

**PREPARED BY:** Dennis Jaich

**SUBJECT:** Emergency Repairs to Crescent Avenue Storm Drain Phase 1 - Status

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**RECOMMENDED ACTION(S):** Allow Staff to continue making emergency repairs, on the other half of Crescent Ave., (Phase 2) **Four-fifths vote required.**

**REPORT SUMMARY:**

The City Council, acting as the successor agency to the ACIA, approved a Change Order/Emergency Repairs to Crescent Avenue to allow for the safe transport of heavy construction equipment, including equipment necessary for work by Boulder Construction (Boulder) on the Lower Terrace Strengthening and Utility Protection Project.

As of this date, we have completed nearly  $\frac{1}{2}$  of the emergency repair. In order to make sure the concrete reaches its desired strength (cure time), we will have to wait until approximately March 12 before we should open that portion of the roadway and allow traffic passage.

All vehicles weighing over 17,000 lbs (GVW) will have to use an alternate route, and will need to wait for the complete repair to be completed, including Phase 2 curing time, until approximately April 7, 2014. Given the fact that the repairs need to be complete by the summer season, and because a contractor is already mobilized, the circumstances necessitating the need for emergency repairs still exist.

**FISCAL IMPACTS:** Cost to excavate and re-pour portions of Crescent Avenue (Phase 2). However, City Staff believes the SCICo owns the concrete culvert, and have sent them a letter advising them of this finding. Accordingly, we ultimately will be seeking restitution from them for the cost of the repair if they do not take over the remaining repairs and reimburse the City for the costs incurred to date.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The safety of vehicular traffic is of a concern, as well as imminent delays to the current construction projects as further degradation of Crescent Avenue will occur.

**FOLLOW UP ACTION:** Pursuit of funds from the Island Company to pay for the repairs and completion of repair work.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Brown Act.

**ATTACHMENTS:** None.

CITY COUNCIL

MEETING DATE: March 4, 2013

AGENDA ITEM: 8

ORIGINATING DEP: Finance

CITY MANAGER: BA

PREPARED BY: Cindy Byerrum, Consultant

SUBJECT: FY 11/12 audit

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**RECOMMENDED ACTION(S):**

Approve and File the FY 11/12 audited financial statements.

**REPORT SUMMARY:**

The FY 11/12 audit is complete, with an issuance date of February 27, 2014. This staff report defines the audit process and summarizes major findings.

An audit does not involve forming an opinion about the City's internal controls, management practices, financial solvency, or budgeting practices. Rather, an audit involves performing procedures to obtain audit evidence in order to form an opinion on whether the financial statements are presented fairly in accordance with Generally Accepted Accounting Principles (GAAP).

The FY11/12 audit opinion issued to the City of Avalon is an unqualified opinion, which means the auditors had no qualifications to the "clean" opinion, and that the financial statements are materially presented in accordance with GAAP. It should be noted that audit procedures are performed on a test basis and are designed to identify only *material* misstatements whether due to fraud or error, and would not necessarily identify *all* deficiencies in internal controls or misstatement of the financial statements.

Although the auditors are not required to issue an opinion on internal controls, they do report any suggestions for improvements they form the audit process. Their report included suggestions to help improve reconciliation internal controls, purchasing practices, and information technology issues. The City agrees with the findings and is working to implement improved segregation of duties, strengthening the procurement process, and perform major overhauls to the information technology protocols city wide.

The auditors are also required to report on any major adjustments made to the financial records after the audit has begun. In FY 10/11 there were 59 adjustments after the audit began; in FY 11/12 there were 28 adjustments after the audit began. It should be noted that the FY 11/12 audit was particularly challenging due to the ACIA dissolution and the subsequent accounting for the Successor Agency. This challenge was experienced by all cities in FY 11/12 as the accounting treatment was constantly evolving at the time of dissolution.

The adjustments were comprised of:

- Sixteen (16) adjustments related to the ACIA dissolution; about half were made by the auditors and the other half were made by the City as we were still closing the books when the audit began. Some of the ACIA adjustments were a result of further investigation of ACIA assets. For example, it was discovered that certain parcels of that ACIA property had actually been disposed of in prior years but were still recorded in the financial records.
- Three (3) adjustments were due to the City discovering an error in past vacation accrual posting in the general ledger that needed correction. These adjustments resulted in a prior period adjustment to previously reported financial information.
- Three (3) adjustments were due to the OPEB liability calculations, which were prepared after the audit had begun, as well as receiving an updated OPEB valuation report which allowed the City to more accurately assign costs to the General Fund, Harbor Fund, and Sewer Fund.
- Three (3) adjustments were made by the City and the auditors due to calculations prepared after the audit had begun in various areas. For example, it was discovered that the City had previously been recording revenue for annual mooring fees upon receipt. The cash receipts were received in December and applied to the follow calendar year, and as such, only six months of revenue should have been recorded in FY 11/12 with the remaining revenue recognized in FY 12/13.

This report summarizes the FY 11/12 audit process and major findings. A review of financial trends and the health of the City, which will incorporate FY 11/12 audit results, will be addressed at the March 18<sup>th</sup> Council meeting during the FY 13/14 budget update.

**FISCAL IMPACTS:** N/A

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

Delay in the preparation for the FY 12/13 audit

**FOLLOW UP ACTION:**

None required

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

SAS 114 letter, SAS 115 letter, FY 11/12 audited financial statements, Gann Limit Report

**CITY COUNCIL**

**MEETING DATE:** March 4, 2014

**AGENDA ITEM** 9

**ORIGINATING DEP:** City Clerk

**CITY MANAGER:** BH

**PREPARED BY:** Dudley Morand, Vehicle Clerk

**SUBJECT:** Transportation Permit Application for Steve Woolley  
Golf Cart Tours

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**RECOMMENDED ACTION(S):**

Discuss and give direction to Staff. Because of current concerns by Council and Staff regarding other recent applications, new applications might be put on hold via a moratorium until traffic concerns are addressed.

**REPORT SUMMARY:**

On January 16, 2014, a transportation permit application was received from Steve Woolley at Avalon City Hall. The application proposes a tour business operated with a residential autoette. Golf cart tours would run for approximately an hour and cover most City streets. The tour would originate near the dinghy dock between the two yacht clubs. Tours would be conducted by operator, Steve Woolley, and would go out once or twice a day. See attached letter for operator's plan.

**FISCAL IMPACTS:**

Possible income to the City through licensing and other fees.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

N/A

**FOLLOW UP ACTION:**

Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

The agenda for this meeting was properly posted pursuant to the Brown Act.

**ATTACHMENTS:**

- Applicant's Transportation Permit Application
- Proposal and description of equipment, number of riders, guides, schedule
- Applicant's planned routes

**CITY COUNCIL**

**MEETING DATE:** March 4, 2014

**AGENDA ITEM** 10

**ORIGINATING DEP:** Administration

**CITY MANAGER:** BH

**PREPARED BY:** Denise Radde, Chief Administrative Officer/City Clerk

**SUBJECT:** Reconsideration of Transportation Permit Amendment for  
"Bike Catalina"

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**RECOMMENDED ACTION(S):**

Discuss and provide direction to Staff.

**REPORT SUMMARY:**

At the January 7, 2014 City Council meeting Randy Lewis, owner and operator of "Bike Catalina" requested to amend his Transportation Permit to allow for the pick up and drop off of customers at the Tour Plaza and the Airport -in -the -Sky. If granted he would be able to obtain an Interior Commercial Permit. Council determined that they would grant this amended Transportation Permit providing that his sole source of income is derived from the Interior, outside Avalon jurisdictional limits, and not within the City limits, and the business will be subject to an audit. This requirement was imposed because Mr. Lewis did not want to wait until the permit would normally become available but wanted to be issued a permit immediately, going ahead of others on the Interior Commercial Vehicle waiting list. The Municipal Code only allows an Interior Commercial Vehicle Permit to those commercial operators that receive all of their income solely from the operation of the business located outside the City of Avalon limits. In addition, the vehicle must be necessary to the functioning of the business for reasons other than transportation of the applicant to the business location.. (Section 4-4.1703.5(b)(3)(i)(B). Mr. Lewis has requested that City Council reassess the conditions placed on his amended Transportation Permit issued in January 2014. He asks that he be afforded equal consideration as others with the interior-based business vehicle permits.

**Past History:** At a November 6, 2013 vehicle hearing the Vehicle Hearing Officer approved an Interior Commercial Vehicle Permit for Bike Catalina, pending the amendment of its transportation permit allowing the transportation of customers between Avalon and the Interior. Prior to this permit Bike Catalina was restricted to transporting bikers by Conservancy bus, which wasn't practical.

Municipal Code section 4-4.1703.5 states that an applicant for an Interior Commercial Vehicle Permit must demonstrate that the requested permit is necessary for the proper functioning of the commercial enterprise. Bike Catalina testified at the hearing that it transports its customers from the City to Airport in the Sky, where they are provided

bikes. Bike Catalina currently relied on the shuttle to transport customers, but the shuttle is frequently fully booked or otherwise unavailable, leading to lost customers who do not want to wait up to two hours for an available shuttle.

**FISCAL IMPACTS:** Bike Catalina will pay a 4% Admissions Tax to the City. Possible additional income to the City through licensing and other fees.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

**FOLLOW UP ACTION:** Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Pursuant to the Brown Act.

**ATTACHMENTS:**

- Letter from Randy Lewis
- Transportation Permit Amendment Application
- Vehicle Hearing Officer's decision

CITY OF AVALON CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 11

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: City Attorney

SUBJECT: Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code

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RECOMMENDED ACTION(S): That the City Council introduce and waive all readings of an Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code.

REPORT SUMMARY:

The City of Avalon's Municipal Code currently requires businesses operating within it to calculate various taxes and fees based on the business's "gross receipts." As no definition of "gross receipts" exists anywhere in the Municipal Code, there are occasional questions regarding what this term means. Additionally, the City leases are being updated and the updates leases contain a definition of gross receipts.

To provide clarity as to the definition of "gross receipts" and to ensure the term is applied fairly and uniformly in all instances, the proposed amendment to the Municipal Code adds a definition of the term "gross receipts". "Gross receipts" shall mean the total amounts received from all revenue sources during the relevant period, except admission taxes, sales taxes, California redemption taxes, use taxes/fees and reasonable commissions actually paid to third parties.

This definition was discussed at a previous City Council meeting as has been modified to eliminate reasonable commissions paid to third parties from funds constituting gross receipts. As reasonable commission is capped at 20% of the price paid. This may encourage business owners to provide "package deals" to visitors without having to pay for taxes and fees on the commissions paid to put the package together.

FISCAL IMPACTS: Unknown.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: "Gross receipts" will not be defined in the Municipal Code.

FOLLOW UP ACTION: None.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act.

ATTACHMENTS: Copy of the Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code.

CITY COUNCIL

MEETING DATE: March 4, 2014

AGENDA ITEM: 12

ORIGINATING DEP: City Manager

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

**SUBJECT:** Resolution of the City Council of the City of Avalon Eliminating the Assistant Fire Chief Position and Implementing the Corresponding Reduction in Force

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**RECOMMENDED ACTION(S):** The Mayor and City Council are recommended to:

1. Authorize a reduction in force by eliminating the Assistant Fire Chief position, redistributing personnel within the Fire Department through a vacant firefighter position, and establishing an on-call rotation.
2. Adopt a resolution eliminating the Assistant Fire Chief Position.

**REPORT SUMMARY:** The Assistant Fire Chief position was created in January, 2011 to offset additional duties garnered by the then-Fire Chief/City Manager. Staff's recommendation at the time was that the Assistant Fire Chief position was needed in order to allow for the Fire Chief/City Manager to focus on additional duties associated with serving in the capacity as the administrative head of municipal government, as well as some additional public safety related duties, including:

1. The oversight and supervision of the City's Code Enforcement function;
2. The promotion and coordination of City wide events, such as the Grand Prix and triathlons; and
3. The maintenance of all public safety vehicles.

In April of 2013, the Fire Chief/City Manager resigned from his duties as City Manager, and resumed responsibilities solely as the full-time Fire Chief. An Interim City Manager was subsequently appointed, with the hiring of a new full-time City Manager in September of 2013. With these personnel changes, the Fire Chief relinquished oversight and supervision of the City's Code Enforcement function, ceased the promotion and coordination of City wide events, and relinquished responsibility for the maintenance of all public safety vehicles. In February of 2014, a vacancy occurred in the Fire Department through a firefighter's voluntary separation to pursue a different employment opportunity.

With the recent firefighter position vacancy, and the return last year of the Fire Chief to full-time Fire Chief capacity, the City is now able to reduce the size of the Fire Department by one (1) full-time position, while maintaining current staffing levels of three (3) individuals per twenty-four (24) hour shift (Fire Captain, Fire Engineer and Firefighter). This is proposed through the elimination of the Assistant Fire Chief

position, and the subsequent bumping down of the incumbent Assistant Fire Chief to a Fire Captain position, as well as the bumping down of an existing Fire Captain to a Fire Engineer position.

With the proposed elimination of the Assistant Fire Chief position, the City faces the challenge of no longer having a full-time incident commander, should the need arise. Currently, the Assistant Fire Chief is always on call, with the exception of those times he is unavailable due to sickness, vacation, being off the island, or pre-arranged circumstance during which times the Fire Chief is on call. This is due to the fact that the Fire Chief has a previously publicly-disclosed health condition known as Wolff-Parkinson-White syndrome (WPW), which subjects him to the potential for WPW episodes, especially in high-stress environments, such as those that exist when responding to calls. In order to allow the Fire Chief to continue to serve as head of the Fire Department without being responsible for going on calls and/or serving in the capacity as incident commander, it is recommended that an on-call rotation be established amongst the Fire Captains.

The Fire Chief has reviewed this proposed reduction in force, and corresponding proposed on-call rotation, and has opined in his capacity as the City's fire suppression subject matter expert that it does not jeopardize community safety or Fire Department response times. Further, he has also opined that he believes that the Fire Captains are fully capable of assuming incident command with a minimal amount of additional training.

In summary, this reduction in force proposal:

1. Preserves jobs by not calling for ANY current Fire Department personnel to forfeit their employment with the City of Avalon;
2. "Right-sizes" the Fire Department by returning it to prior, previously-acceptable administrative staffing levels;
3. Maintains existing shift staffing levels;
4. Maintains existing community safety levels and standards;
5. Maintains existing response times;
6. Implements a much-needed on-call rotation schedule;
7. Provides for a significant annual cost savings (see Fiscal Impacts section, below); and
8. Eliminates the inefficiencies and additional costs attributed to the current redundant leadership structure in place at the Fire Department (see Fiscal Impacts section, below).

#### **FISCAL IMPACTS:**

**Background:** The City currently spends approximately \$457,000 annually in total compensation (wages and benefits) for both the Fire Chief and the Assistant Fire Chief. Both individuals are within the Fire Chief pay band, with the total compensation including benefits for the Fire Chief at approximately \$241,000, and the total compensation including benefits for the Assistant Fire Chief at approximately \$215,000. Thus, the compensation and benefits for these two

positions represents approximately 22% of total expenditures for the Fire Department's operations budget, which is approximately \$2,087,000. The remaining nine (9) Fire Department personnel represent 63% or \$1,307,331 of the operations budget, and the remaining 15% or \$322,385 of the operations budget is allocated for non-personnel costs such as equipment costs, turnouts, communications etc.

**Breakdown:** It is estimated that the net savings for this proposed reduction in force and corresponding on-call rotation would be approximately as follows:

1. Savings from the continued vacancy of one (1) existing Firefighter position: FY 13-14: \$20,000/FY 14-15: \$104,000
2. Savings from the proposed elimination of the Assistant Fire Chief position and re-assignment to a Fire Captain position for the incumbent: FY 13-14: \$17,000/FY 14-15: \$51,000
3. Savings from the re-assignment of one (1) Fire Captain to Fire Engineer: FY 13-14: \$6,000/FY 14-15: \$17,000
4. Cost of on-call rotation pay for four Fire Captains : FY 13-14: \$13,000/FY 14-15: \$91,000

Total projected FY 13-14 savings: \$13,000

Total projected FY 14-15 savings: \$82,000

#### **CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

1. Continued ongoing existence of Assistant Fire Chief position, despite reduction in duties for Fire Chief following resignation from Fire Chief/City Manager to Fire Chief.
2. Requirement to determine whether to either fill existing firefighter vacancy with a new full-time employee, or absorb the vacancy through overtime expenditures with existing Fire Department personnel.
3. Continued arrangement wherein the Assistant Fire Chief is regularly on call without relief from an ongoing on-call rotation amongst qualified personnel.
4. Continued redundant administrative costs associated with the Fire Department.
5. Loss of potential savings to the City.

**FOLLOW UP ACTION:** Proposed adoption of resolution by Mayor and City Council.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Listed on the posted agenda.

#### **ATTACHMENTS:**

1. January 18, 2011 City Council Meeting Staff Report to Create the Assistant Fire Chief Position and Add Duties to the Fire Chief/City Manager Position.
2. Resolution eliminating the Assistant Fire Chief Position.