

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 2014- 6:00 P.M.
CITY COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
AGENDA**

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 / ROLL CALL

PLEDGE OF ALLEGIANCE / INVOCATION

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION

Update by Southern California Edison on Phase II Water Rationing and other water issues.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

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 October 7, 2014 City Council meeting.

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2. Expenditures Submitted for Approval

- o Warrants in the amount of \$180,684.72
- o One Electric Fund Transfer in the amount of \$47,272.96
- o Payroll in the amount of \$192,791.35

Recommended Action

Approve total expenditure amount of \$420,749.03.

3. Adopt Ordinance Amending Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and Adding Sections 9-1.05 and 9-1.06 Establishing an Alternate Planning Commissioner Position

At the last City Council meeting the Council discussed, modified, introduced and waived all further readings of this ordinance. The Planning Commission has expressed their concern regarding the number of applications that are unable to be acted on due to absences or conflict of interests of the current members of the Commission. In order to best serve the public and provide expeditious processing of applications, the Commission is recommending that the City Council adopt an ordinance establishing an alternate Planning Commissioner position that would be available to fill any absence of a Commissioner. Language adding term limits to the Chairperson of the Planning Commission was also added.

Recommended Action

Adopt Ordinance Amending Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and Adding Sections 9-1.05 and 9-1.06 Establishing an Alternate Planning Commissioner Position.

4. Human Resources Services Agreement

At the request of the City Council early this year, City staff researched options for human resources management services. Full and part-time, and in-house and contract options were pursued. Ultimately, City staff determined that the City's needs would be best met by a part-time Human Resources Manager offered through Regional Government Services (RGS).

Recommended Action

Authorize the City Manager to execute a professional services agreement with Regional Government Services (RGS) for Human Resources Services.

5. Resolution in Support of Proposition 1

Proposition 1 would provide a significant amount of state funding for a variety of water related projects, including funds for water storage, water recycling, clean drinking water projects, water conservation, flood management, watershed protection and restoration, and regional water supply and enhancement projects, among others.

Recommended Action

Adopt resolution supporting Proposition 1, the Water Quality, Supply and Infrastructure Improvement Act of 2014, on the November 2014 ballot.

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6. Award of Annual Contract to Perform Business Revenue Audits
The City annually contracts with an accounting firm to perform audits on the City's behalf of businesses operating within the City that are paying the following revenues to the City: Transient Occupancy Tax Revenues, Harbor Use Fees, Admission Taxes, Percentage Rent Payments, and Wharfage Fees.
Recommended Action
Authorize the City Manager to execute a professional services agreement with Brownell & Duffey CPAs in an amount not to exceed \$25,000 to perform the annual business revenue audits.

7. Customer Experience Enhancement Training Program
One of the primary functions of the City of Avalon is to provide customer service. Without the City's residents and visitors, the Avalon municipal organization ceases to exist. In recognition of this, and to assist with the delivery of customer service, it is recommended that the City provide formal customer service training for all employees.
Recommended Action
Authorize the City Manager to enter into an agreement with Customer Service Advantage, Inc. for a Customer Experience Enhancement Training Program for all City employees.

GENERAL BUSINESS

8. Request for Letter of Support from Avalon Freight Services, LLC
In January, Avalon Freight Services, LLC was selected as the successful candidate for the contract to provide freight service between the mainland and the island. Avalon Freight Services is required to apply with the California Public Utilities Commission for an operating permit and as part of that process the City has been asked to submit a letter of support on their behalf.
Recommended Action
Review and consider request for letter of support from Avalon Freight services, LLC in their California Public Utilities Commission (CPUC) operating permit application.

9. Vehicle Noise Ordinance Administrative Procedure Timeline Update
On January 7, 2014 Council adopted the administrative procedure for the enforcement of Avalon Municipal Code 4-4.1713 Vehicle Noise. This procedure involves testing vehicles for noise compliance as part of their annual city permit registration. Residential autoettes were the first to be tested starting in February 2014. In order to continue to meet the goals of the City Council to address this quality of life issue staff has updated the timeline addressing the continued enforcement for the different vehicle permit types.
Recommended Action
Discuss and give direction regarding the updates to the vehicle noise ordinance administrative procedure timeline for enforcement and vehicle permit types testing.

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10. Consideration of City Lease Guidelines
The City leases were mailed out to all tenants June 30, 2014 with revised terms and conditions. Terms and conditions were revised in an effort to make City leases more uniform, better reflect the current market and address inaccuracies related to square footage and use. Since the mailing of the revised lease documents, Council and tenants have voiced some issues and concerns which need to be discussed to determine resolution.
Recommended Action
Discuss main issues of concern and determine whether to uphold the prior Council's direction, find a compromise solution, request additional time to consider, or take no action and revert to existing former lease terms.

11. Authorize the Amendment to the Catalina Transportation Services Agreement for a Two Year Term Beginning July 1, 2013 and Expiring June 30, 2015
The City of Avalon has contracted its public transportation services to Catalina Transportation Services for approximately twenty years. These programs are funded entirely through several Federal, State and Local agencies which are subject to special record-keeping and annual audits. Services include: Dial-a-ride (DAR) –Taxi voucher program for all Senior Citizens (aged 60 over over) and Disabled persons, Avalon Rapid Transit - (ART) – Taxi voucher program for all eligible residents of the City of Avalon and Avalon Community Transit (ACT) – Fixed Route service providing scheduled transportation.
Recommended Action
Authorize the extension of Catalina Transportation Services Agreement to provide public transportation services to the City of Avalon through June 30, 2015.

12. Consideration of an Ordinance Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License
Avalon Municipal Code Section 3-1.122 imposes a requirement on certain businesses to obtain a special license prior to operating as a business within the City. The proposed modification to the ordinance removes the special license requirement for those certain types of businesses, but the license requirements remain for carnival, circuses, public exhibitions, and other similar businesses.
Recommended Action
Introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License.

13. Adoption of Phase Two of the City Council Goals
Phase Two Goals were discussed at the August 18, 2014 study session meeting. City Council will need to review these goals to determine if they are "S.M.A.R.T." goals. (Specific, measurable, achievable, relevant and time-specific).

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Recommended Action

Review, discuss, modify (if necessary) and adopt Phase Two of the City Council Goals.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One case.

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for October 21, 2014 was posted on Friday, October 17, 2014, 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

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BU

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve City Council Actions from the regular City Council meeting on October 7, 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

GOAL ALIGNMENT: To be determined.

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 pursuant to the Brown Act.

ATTACHMENTS: City Council Actions

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: BU

PREPARED BY: Chris Woidzik, Interim CFO

SUBJECT: Warrants

RECOMMENDED ACTION(S): Approve the warrants in the amount of \$180,684.72, one electronic fund transfer in the amount of \$47,272.96 and payroll in the amount of \$192,791.35 for a total expenditure of \$420,749.03.

REPORT SUMMARY: Attached you will find the warrant list for all general warrants issued for the dates indicated drawn on U.S. Bank. The warrant list represents check number #19174-19241 in the amount of \$180,684.72, an EFT to CalPERS Retirement for the dates 10/1-15/2014 in the amount of \$47,272.96 and payroll dated 10/17/2014 in the amount of \$192,791.35.

GOAL ALIGNMENT: Ongoing meeting of City obligations.

FISCAL IMPACTS: There are sufficient funds available, and the expenditures are included in the preliminary 2014-2015 budget which will be adopted in the near future.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: N/A

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

ATTACHMENTS: Audit Certificate and Warrant List

WARRANT LIST

AVALON CITY COUNCIL
MEETING OF OCTOBER 21, 2014

CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
19174	10/10/14	13,007.93	AMERICAN EXPRESS	CREDIT CARDS CHRGS - ALL DEPTS
19175	10/10/14	360.00	ADVANCED WIRING	SERVIICE - IT
19176	10/10/14	110.76	AT & T	COMMUNICATION - ALL DEPTS
19177	10/10/14	5,426.95	AT & T	COMMUNICATION - ALL DEPTS
19178	10/10/14	249.16	AT & T MOBILITY	SERVICE - HARBOR
19179	10/10/14	225.00	AUXILIARY SERVICES CORPORATION	SERIVCE - FUEL DOCK
19180	10/10/14	75.33	AVALON BOAT STAND	SUPPLIES - HARBOR
19181	10/10/14	36,046.25	AVALON FUEL FACILITIES	FUEL - ALL DEPTS
19182	10/10/14	3,718.30	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
19183	10/10/14	204.00	BRAY, JOHN B	REIMB O/P COSTS
19184	10/10/14	976.50	BROWNELL & DUFEY	SERIVCES - FINANCE
19185	10/10/14	800.04	CATALINA BEVERAGE	SUPPLIES - ALL DEPTS
19186	10/10/14	24,633.00	CATALINA EXPRESS	SUBSIDY - SEPT 1ST HALF
19187	10/10/14	982.43	CATALINA FREIGHT LINE	FREIGHT - ALL DEPTS
19188	10/10/14	1,273.14	CATALINA ISLANDER	ADVERTISING - ALL DEPTS
19189	10/10/14	166.00	CATALINA ISLAND MEDICAL CENTER	PHYSICAL - J.RAMIREZ
19190	10/10/14	740.70	CATALINA ISLAND PLUMBING	SERVICE - PUBLIC WORKS
19191	10/10/14	38.00	CATALINA LAUNDRY	SUPPLIES - GARAGE
19192	10/10/14	69.19	CATALINA YAMAHA	SUPPLIES - GARAGE
19193	10/10/14	6,570.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
19194	10/10/14	2,790.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
19195	10/10/14	274.66	CUMMINS PACIFIC	SUPPLIES - GARAGE
19196	10/10/14	377.47	DELGADO, JESUS	REIMB O/P COSTS
19197	10/10/14	6,881.15	DELTA DENTAL	DENTAL - OCTOBER 2014
19198	10/10/14	256.00	DEWEY PEST CONTROL	SERVICE - ALL DEPTS
19199	10/10/14	9,330.28	EDISON	UTILITIES - ALL DEPTS
19200	10/10/14	430.00	ESGIL CORPORATION	SERVICE - PLANNING
19201	10/10/14	250.00	FORNASIERE, GAIL	REIMB - OKTOBERFEST
19202	10/10/14	382.10	GEMPLER'S	UNIFORMS - DELGADO
19203	10/10/14	489.04	GRAINGER	SUPPLIES - HARBOR
19204	10/10/14	625.00	HAMILTON, KATHERINE	VEHICLE HEARING OFFICER - SEPT 2014
19205	10/10/14	2,860.00	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
19206	10/10/14	1,799.75	IDEXX	SUPPLIES - WATER TESTING
19207	10/10/14	1,537.89	INDUSTRIAL METAL SUPPLY	SUPPLIES - HARBOR
19208	10/10/14	798.55	ISLAND FIRE EXTINGUISHERS, INC	SERVICE - FUEL DOCK/HARBOR
19209	10/10/14	476.76	JUDICIAL DATA SYSTEMS	CITATIONS - AUGUST 2014
19210	10/10/14	38.14	KARSTENS, KARL	REIMB - O/P COSTS
19211	10/10/14	1,926.00	KIDD, PATRICK	REFUND - PLANNING FEES
19212	10/10/14	135.78	L.N. CURTIS & SONS	SUPPLIES - HARBOR
19213	10/10/14	1,184.23	MATTHEWS	SUPPLIES - CEMETERY
19214	10/10/14	71.42	MCDONALD, AUDRA	REIMB - O/P COSTS
19215	10/10/14	2,450.52	MCMASTER-CARR	SUPPLIES - HARBOR
19216	10/10/14	280.13	MONROE, JENNIFER	REIMB - O/P COSTS
19217	10/10/14	2,194.48	MEYERS FOZI, LLP	LEGAL FEES - AVALON SCHOOL
19218	10/10/14	62.14	MOUSER ELECTRONICS	SUPPLIES - HARBOR
19219	10/10/14	630.00	MR. NINGS	SENIOR MEALS - SEPTEMBER 2014
19220	10/10/14	1,162.50	MUNICIPAL COURT OF AVALON	PARKING CITATIONS - AUGUST 2014
19221	10/10/14	1,137.93	NAPA AUTO PARTS	SUPPLIES - GARAGE
19222	10/10/14	2,032.00	PARKINS & ASSOCIATES	SERVICE - RECREATION
19223	10/10/14	469.00	PARTY TIME ICE	SUPPLIES - FUEL DOCK
19224	10/10/14	2,051.27	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS

19225	10/10/14	1,926.00	PLETCHER, JOHN	REFUND - PLANNING FEES
19226	10/10/14	416.13	PORT SUPPLY	SUPPLIES - REC./HARBOR
19227	10/10/14	65.10	PRAXAIR	SUPPLIES - GARAGE
19228	10/10/14	244.92	QUILL CORP	SUPPLIES - ALL DEPTS
19229	10/10/14	500.00	RBF	SERVICE - AUGUST 2014
19230	10/10/14	887.19	RICOH USA, INC.	COPIER LEASE - PLANNING
19231	10/10/14	1,974.00	SANTA CATALINA ISLAND RESORT SVCS.	FUEL DOCK RENT - OCTOBER 2014
19232	10/10/14	2,708.83	SIMPLOT PARTNERS FULLERTON	SUPPLIES - RECREATION
19233	10/10/14	124.86	STATE BOARD OF EQUALIZATION	OVERCOLLECTED TAX & INT
19234	10/10/14	385.00	STONE, WANDA	SERVICE - HARBOR
19235	10/15/14	369.22	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - HARBOR
19236	10/15/14	VOID	VOID - ERROR	VOID - ERROR
19237	10/15/14	1,890.00	CATALINA ART ASSOCIATION	TENT RENTALS - FALL FEST
19238	10/15/14	700.00	CATALINA ART ASSOCIATION	TENT RENTALS - OKTOBERFEST
19239	10/15/14	115.10	NAPA AUTO PARTS	SUPPLIES - GARAGE
19240	10/15/14	1,787.50	AMERICAN ASSOC. OF MUSICAL ARTISTS	FINAL PAYMENT - OKTOBERFEST BAND
19241	10/15/14	25,534.00	ARROYO INSURANCE SVCS.	INSURANCE - PEBBLY BEACH RD.

\$ 180,684.72

RECORD OF CHECKS DRAWN ON October 10-15th FOR COUNCIL MEETING OF OCTOBER 21, 2014

MONTH OF SEPTEMBER AND OCTOBER

US BANK WARRANTS #19174-19241	\$ 180,684.72	10/10/2014 - 10/15/14
EFT - CALPERS HEALTH	47,272.96	10/15/2014
PAYROLL	192,791.35	10/17/2014

\$ 420,749.03

TOTAL DISBURSEMENTS

\$ 420,749.03

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.

APPROVED AND AUDITED
THIS 21TH DAY OF OCTOBER 2014

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

EXECUTED THIS 21TH DAY OF OCTOBER 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

INTERIM CFO - CHRIS WOIDZIK

AUDIT COMMITTEE - CINDE CASSIDY

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 3

ORIGINATING DEPT: Planning

CITY MANAGER: BY

PREPARED BY: Amanda Cook, Planning Director

SUBJECT: Adopt an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and Adding Sections 9-1.05 and 9-1.06 Establishing an Alternate Planning Commissioner Position

RECOMMENDED ACTION(S): Adopt Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and Adding Sections 9-1.05 and 9-1.06 Establishing an Alternate Planning Commissioner Position.

BACKGROUND: The Planning Commission (the "Commission") is a seven-member body that functions at the direction of the City Council to administer the Planning and Zoning regulations of the City.

The Commission has expressed concern regarding the number of applications that are unable to be acted on due to absences or conflict of interests of the current members of the Commission. In order to best serve the public and provide expeditious processing of applications, the Commission is recommending that the City Council adopt the attached ordinance establishing an alternate Planning Commissioner position that would be available to fill any absence of a Commissioner. The regulations would be added to Title 9 (Planning and Zoning) of the Avalon Municipal Code ("AMC").

The Alternate would be required to attend all meetings of the Planning Commission, assume the seat of any Commissioner that is absent or has a conflict of interest, and serve a two-year term with a maximum of two terms.

Pursuant to AMC section 9-8.301, the Zoning Code may be amended to impose new regulations. Moreover, AMC section 9-8.302 authorizes the Planning Commission to initiate Zoning Code text amendments.

The City Council directed staff at the first reading to revise the ordinance to include term limits for the Chairperson. The following language was added:

Planning Commission members may serve as Chairperson for two terms for a total of four years maximum. Upon expiration of four consecutive years served, the Vice Chairperson of the Planning Commission shall become Chairperson and a new Chairperson who has not been the prior Chairperson shall be selected by the Planning Commission. If the Vice Chairperson of the prior commission is not on the newly constituted commission, the Commission shall elect a new Chairperson and new Vice

Chairperson. If the Vice Chairperson declines the appointment as Chairperson, the Commission may select any Commission member as the Chairperson and may also appoint any person as Vice Chairperson. The term limit of the current Chairperson or one elected upon passage of this ordinance shall expire after the Commission is seated after the 2018 City Council elections.

FISCAL IMPACTS: None.

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Planning Commission will continue with 7 Commissioners and may occasionally not be able to act on an application due to lack of a quorum.

FOLLOW UP ACTION: Adopt the Ordinance.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act. The ordinance will be published as required by law.

Environmental Review: This Ordinance is exempt from the California Environmental Quality Act ("CEQA") because it does not constitute a project within the meaning of State CEQA Guidelines Section 15378. The amendments described herein have no potential for resulting in physical change to the environment, directly or indirectly, that is capable of ascertainment at the present time. Specifically, the amendment relates to the organization of the Commission only. Under State CEQA Guidelines Section 15061(b)(3), this Ordinance is also exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but rather define and regulate the Planning Commission.

ATTACHMENTS: Ordinance

Revised
Changes

CHAPTER 1 - PLANNING COMMISSION

Sec. 9-1.01 Created: Membership.

A Planning Commission is hereby created which shall consist of seven (7) members and one (1) alternate. Only those persons who are physically present in the City of Avalon or within two (2) miles of the City limits at least nine (9) months of each calendar year (excluding special circumstances such as extended personal or family illness, temporary absences necessitated by the proposed appointee's employment, military service, and similar situations) or who owns or serves in a management position in an Avalon-based business. The members shall be appointed by the Mayor with the approval of the Council. The tenure of any member of the Planning Commission shall be terminable at any time by the Mayor upon the affirmative vote of a majority of the entire Council.

Sec. 9-1.02 Terms of Office.

Planning Commissioner Terms of office shall be for a period of four (4) years; provided however, a commissioner whose term has expired shall continue to hold office until a successor is appointed. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term, unless the unexpired portion of the term is three (3) or fewer months in which case the City Council may, but shall not be required, to appoint a successor to serve the remaining term. Members shall at all times be classified so that the terms of three (3) members shall expire at the same time and the terms of the other four (4) members expire two (2) years thereafter so as to maintain staggered terms. The Alternate Planning Commissioner term of office shall be for a period of two (2) years.

Sec. 9-103 Officers of the Commission

The members of the Planning Commission bi-annually shall select (1) of its members as Chairperson and one (1) of its members as Vice Chairperson subject to the conditions below. - The selections should occur bi-annually in election years at the first Planning Commission following the seating of newly appointed Commissioners. Planning Commission members may serve as Chairperson for two terms for a total of four years maximum. Upon expiration of four consecutive years served, the Vice Chairperson of the Planning Commission shall become Chairperson and a new Chairperson who has not been the prior Chairperson shall be selected by the Planning Commission. If the Vice Chairperson of the prior commission is not on the newly constituted commission, the Commission shall elect a new Chairperson and new Vice Chairperson. If the Vice Chairperson declines the appointment as Chairperson, the Commission may select any Commission member as the Chairperson and may also appoint any person as Vice Chairperson. The term limit of the current Chairperson or one elected upon passage of this ordinance, shall expire after the Commission is seated after the 2018 City Council elections.

a. The Chairperson of the commission shall call the meetings to order at the appointed time, shall appoint all committees, subject to the approval of the commission, shall have all the powers

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AVALON AMENDING AVALON MUNICIPAL
CODE SECTIONS 9-1.01 THRU 9-1.04 AND ADDING
SECTIONS 9-1.05 AND 9-1.06 ESTABLISHING AN
ALTERNATE PLANNING COMMISSIONER POSITION

The City Council of the City of Avalon does hereby ordain as follows

SECTION 1 PURPOSE

The purpose of this ordinance is to amend Sections 9-1.01 thru 9-1.04 and add Sections 9-1.05 and 9-1.06 to the Avalon Municipal Code (the "Code") concerning the creation of and guidelines for an Alternate Planning Commissioner

SECTION 2 FINDINGS

The City Council hereby finds and determines as follows:

1. The City of Avalon ("City") recognizes that the duties and obligations of the Planning Commission are an important part of City Government; and
2. A full Commission is desirous whenever possible in exercising the duties and obligations of the Commission; and
3. Absences and conflicts of interest affect the ability of the Commission to seat a full Commission; and
4. Absences and conflicts of interest may affect the ability of the Commission to seat a quorum of the Commission; and
5. AMC section 9-8.301 provides that the Zoning Code may be amended to impose new regulations, and AMC section 9-8.302 authorizes the Planning Commission to initiate Zoning Code text amendments.

SECTION 3 AMENDMENT TO CODE

Section 9-1.01 thru 9-1.04 is amended and Sections 9-1.05 and 9-1.06 are added to read as follows:

CHAPTER 1 - PLANNING COMMISSION

Sec. 9-1.01 Created: Membership.

A Planning Commission is hereby created which shall consist of seven (7) members and one (1) alternate. Only those persons who are physically present in the City of Avalon or within two (2) miles of the City limits at least nine (9) months of each calendar year (excluding special circumstances such as extended personal or family illness, temporary absences necessitated by the proposed appointee's employment, military service, and similar situations) or who owns or serves in a management position in an Avalon-based business. The members shall be appointed by the Mayor with the approval of the Council. The tenure of any member of the Planning Commission shall be terminable at any time by the Mayor upon the affirmative vote of a majority of the entire Council.

Sec. 9-1.02 Terms of Office.

Planning Commissioner Terms of office shall be for a period of four (4) years; provided however, a commissioner whose term has expired shall continue to hold office until a successor is appointed. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired portion of the term, unless the unexpired portion of the term is three (3) or fewer months in which case the City Council may, but shall not be required, to appoint a successor to serve the remaining term. Members shall at all times be classified so that the terms of three (3) members shall expire at the same time and the terms of the other four (4) members expire two (2) years thereafter so as to maintain staggered terms. The Alternate Planning Commissioner term of office shall be for a period of two (2) years.

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The members of the Planning Commission bi-annually shall select (1) of its members as Chairperson and one (1) of its members as Vice Chairperson subject to the conditions below. The selections should occur bi-annually in election years at the first Planning Commission following the seating of newly appointed Commissioners. Planning Commission members may serve as Chairperson for two terms for a total of four years maximum. Upon expiration of four consecutive years served, the Vice Chairperson of the Planning Commission shall become Chairperson and a new Chairperson who has not been the prior Chairperson shall be selected by the Planning Commission. If the Vice Chairperson of the prior commission is not on the newly constituted commission, the Commission shall elect a new Chairperson and new Vice Chairperson. If the Vice Chairperson declines the appointment as Chairperson, the Commission may select any Commission member as the Chairperson and may also appoint any person as Vice Chairperson. The term limit of the current Chairperson or one elected upon passage of this ordinance, shall expire after the Commission is seated after the 2018 City Council elections.

a. The Chairperson of the commission shall call the meetings to order at the appointed time, shall appoint all committees, subject to the approval of the commission, shall

have all the powers and duties of the presiding officer as described in "Rosenberg's Rule of Order: Simple Parliamentary Procedure of the 21st Century, and shall perform such other duties as may from time to time be prescribed by the commission.

b. The Vice Chairperson of the commission shall have all the powers and performs all the duties of the Chairperson in the case of absence or inability of the Chairperson to act. The Vice Chairperson shall perform such other duties as may from time to time be proscribed by the Commission or the Chairperson.

Sec. 9-104 Quorum

For the purpose of transacting business, a quorum of the Planning Commission shall consist of four (4) of the seven (7) members. An alternate member shall be counted as a full voting member for purposes of filling any vacancy created by the absence or conflict of interest of a regular Commissioner.

Sec. 9-1.05 Absence from Meetings.

Notwithstanding any other provisions of this Code, any commissioner or alternate who is absent from any three (3) regular meetings of said Planning Commission within any six (6) month period, unless such absence is due to special circumstances such as extended personal or family illness, temporary absences necessitated by the proposed appointee's employment, military service, and similar situations, shall thereby automatically forfeit his or her position as a member of said Planning Commission. The Chair of the Planning Commission or Planning Director shall thereupon promptly notify the City Council and any such person so ceasing to be a commissioner, of the fact of such vacancy. The vacancy shall be filled as provided in Section 9-1.01 of this chapter.

Sec. 9-1.06 Powers and Duties.

The Planning Commission shall be governed in all respects and perform the duties prescribed by applicable State and local laws.

SECTION 4 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

The City Council finds that this ordinance is exempt from the exempt from the California Environmental Quality Act ("CEQA") because it does not constitute a project within the meaning of State CEQA Guidelines Section 15378. The amendments described herein have no potential for resulting in physical change to the environment, directly or indirectly, that is capable of ascertainment at the present time. Specifically, the amendment relates to the organization of the Commission only. The City further finds, under State CEQA Guidelines Section 15061(b)(3), that this Resolution is also exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but rather define and regulate the Planning Commission. The City Clerk shall be the custodian of record for the documentation supporting this action. Staff is hereby

directed to file a Notice of Exemption with the Los Angeles County Clerk's Office within five (5) working days.

SECTION 5 SCOPE

Except as set forth in this ordinance, all other provisions of the Avalon Municipal Code shall remain in full force and effect.

SECTION 6 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion there of, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption.

The foregoing ordinance was passed and adopted by the City Council of the City of Avalon, this ___ day of _____ 2014, by the following vote to wit:

Ayes:

Noes

Abstain:

Absent:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 4

ORIGINATING DEP: Administration

CITY MANAGER: BU

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Human Resources Manager Services Agreement

RECOMMENDED ACTION(S): Authorize the City Manager to execute a professional services agreement with Regional Government Services (RGS) for Human Resources Manager Services.

REPORT SUMMARY: At the request of the City Council early this year, City staff researched options for human resources management services. Full and part-time, and in-house and contract options were pursued. Ultimately, City staff determined that the City's needs would be best met by a part-time Human Resources Manager offered through Regional Government Services (RGS), who would be available to be on-site at City Hall one day each week, and accessible by telephone and email otherwise. In an October 7, 2014 Closed Session of the City Council meeting, City staff's recommendation was presented to the City Council, who concurred.

RGS proposes to provide the City of Avalon with Human Resources Management services through Tiffany Bose, who will oversee the City's Personnel functions, and direct work to other RGS staff as needed. The intent is to have Ms. Bose at City Hall at least one day each week, with on-call/as-needed availability via telephone and email during the remaining balance of the week.

Ms. Bose is a certified Professional in Human Resources (PHR), and possesses a Bachelor's of Science degree in Public Administration. She has more than a decade of professional public sector human resources experience.

GOAL ALIGNMENT: Organizational and Staff Development.

FISCAL IMPACTS: Estimated at \$50,000 for FY14-15. Monies will be allocated in the proposed FY14-15 Budget, which is will be provided for City Council review and anticipated adoption at a regularly scheduled meeting in November, 2014. If approved by the City Council, the agreement with RGS will be in effect until June 30th, 2015, at which point it will continue on a month-to-month basis, with a 30 day termination agreement.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will need to identify alternatives for human resources management services.

FOLLOW UP ACTION: The City Manager will execute the professional services agreement with RGS.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: RGS Agreement and Certificate of Insurance

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014
ORIGINATING DEP: Administration
PREPARED BY: Jordan Monroe, Management Aide
SUBJECT: Resolution in support of Proposition 1

AGENDA ITEM: 5
CITY MANAGER: BT

RECOMMENDED ACTION(S): Approve attached Resolution supporting Proposition 1, the Water Quality, Supply and Infrastructure Improvement Act of 2014, on the November 2014 ballot.

REPORT SUMMARY: California Proposition 1, the Water Quality, Supply and Infrastructure Improvement Act of 2014, is on the November 4, 2014 ballot. If approved, the Proposition would do the following:

- Authorize \$7.12 billion in general obligation bonds for state water supply infrastructure projects, such as public water system improvements, surface and groundwater storage, drinking water protection, water recycling and advanced water treatment technology, water supply management and conveyance, wastewater treatment, drought relief, emergency water supplies and ecosystem and watershed protection and restoration.
- Reallocate \$425 million of unused bond authority from prior water bond acts, for same purposes.
- Appropriate money from the General Fund to pay off bonds.
- Requires certain projects to provide matching funds from non-state sources in order to receive bond funds.

Proposition 1 would provide a significant amount of state funding for a variety of water related projects, including funds for water storage, water recycling, clean drinking water projects, water conservation, flood management, watershed protection and restoration, and regional water supply and enhancement projects, among others. The State is in the midst of its most severe drought in recorded history and the water resources of the state are stretched precariously thin. In addition, existing state bond and other funds for water projects are nearly depleted. Proposition 1 will provide much needed funding for water-related projects throughout the state. Catalina Island will be eligible to apply for funding from a variety of bond categories through a competitive grant process, and as result, it could provide a direct benefit to the Island's water issues. Due to the efforts of Assemblymember Lowenthal, Proposition 1 contains language that specifically identifies Catalina Island as an eligible area to apply for funds from the State Coastal Conservancy for watershed protection and related projects. Given the current drought and Catalina's water situation, it is important that state and federal funding be in place to help the community enhance its water supply reliability.

City staff believes the City of Avalon should support this Proposition, as it begins to make investments in pressing water issues in the State, which have been exacerbated by the multi-year drought.

GOAL ALIGNMENT: Pursue Water Resource.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City of Avalon will not show support for Proposition 1.

FOLLOW UP ACTION: Forward the Resolution to Assembly Member Lowenthal's office, as well as other appropriate offices and agencies.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS:

- Resolution
- Proposition 1 Fact Sheet, ACWA
- Proposition 1 Title, Summary and Analysis, California Secretary of State

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVALON SUPPORTING PROPOSITION 1 "WATER BOND. FUNDING FOR WATER QUALITY, SUPPLY, TREATMENT, AND STORAGE PROJECTS."

WHEREAS, the State of California is facing a severe multiyear drought due to a variety of factors not limited to record dry conditions and below average rainfall; and

WHEREAS, on January 17, 2014 California Governor Jerry Brown declared a drought state of emergency; and

WHEREAS, the Legislature approved and Governor Brown signed the Water Quality, Supply and Infrastructure Improvement Act of 2014, which will appear as Proposition 1 on the November 4 ballot; and

WHEREAS, Proposition 1 will provide a total of \$7.545 billion in bond funding (\$7.12 billion in new general obligation (GO) bonds and the reallocation of \$425 million in existing bond funds previously approved by voters) for water related projects that will benefit local communities such as water conservation, groundwater recharge, stormwater capture and reuse, watershed restoration, water storage and conveyance and water recycling and reuse; and

WHEREAS, Proposition 1 contains several provisions providing significant funding opportunities to disadvantaged communities and economically distressed areas that have been hardest hit by the drought; and

WHEREAS, the intent of Proposition 1 aligns with the City of Avalon and statewide priorities to provide a comprehensive water management plan for decades to come; and

WHEREAS, the Catalina Island community will be able to apply for Proposition 1 funds pursuant to a competitive grant process for projects that enhance the islands water supply reliability and water infrastructure; and

WHEREAS, due to the efforts of Assemblywoman Lowenthal, Proposition 1 contains language that specifically identifies Catalina Island as an eligible area to apply for funds from the State Coastal Conservancy for watershed protection and related projects; and

WHEREAS, the Catalina Island community may benefit greatly from such funding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Avalon hereby supports Proposition 1 "Water Bond. Funding for Water Quality, Supply, Treatment, and Storage Projects" to be placed before the voters in November 2014.

Passed, Approved and Adopted on the 21st day of October, 2014.

I, the undersigned, hereby that the foregoing Resolution ____ was duly adopted by the City Council of the City of Avalon following a roll call vote:

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 6

ORIGINATING DEP: Finance

CITY MANAGER: BA

PREPARED BY: Chris Woidzik, Interim Finance Director

SUBJECT: Award of Annual Contract to Perform Business Revenue Audits

RECOMMENDED ACTION(S): Authorize City Manager to execute a professional services agreement with Brownell & Duffey CPAs in an amount not to exceed \$25,000 to perform the annual business revenue audits.

REPORT SUMMARY: The City annually contracts with an accounting firm to perform audits on the City's behalf of businesses operating within the City that are paying the following revenues to the City:

- Transient Occupancy Tax Revenues
- Harbor Use Fees
- Admission Taxes
- Percentage Rent Payments
- Wharfage Fees

Businesses are primarily selected for audit based on a rotational cycle. However, a business may be selected again the following year if the prior audit was not able to be completed satisfactorily (i.e., missed meetings or inadequate records), or if material collections resulted from the prior year audit.

Letters will be mailed by Friday, October 17th informing the business they have been selected for audit and they will be given time frames the first week of November or December with which to schedule their audit time. Depending on where the accounting records are located, Brownell & Duffey will meet with the business in Avalon or on the mainland. The operator's time period under audit will be 2012-2013. The target completion date is to have all of the audits completed in January and the City receiving the final report in February 2015.

GOAL ALIGNMENT: To be determined.

FISCAL IMPACTS: Negligible – additional revenue collected to be received into the corresponding revenue account as follows:

- Transient Occupancy Tax Revenues - General Fund 102-25-7030 (Hotels)
- Transient Occupancy Tax Revenues - General Fund 102-25-7030A (Vacation Rentals)
- Harbor Use Fees - Harbor Fund 103-25-8525
- Admission Taxes - General Fund 102-25-7025

Admission Taxes - Harbor Fund 103-25-7025
Percentage Rent Payments - Harbor Fund 103-25-8555
Wharfage Fees - Harbor Fund 103-25-8530 (Cross Channel Carriers)
Wharfage Fees - Harbor Fund 103-25-8531 (Cruise Ships)

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Potential loss of collection of revenues due to the City without this enforcement action.

FOLLOW UP ACTION: N/A

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

ATTACHMENTS: None

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 7

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Customer Experience Enhancement Training Program

RECOMMENDED ACTION(S): Authorize the City Manager to enter into an agreement with Customer Service Advantage, Inc. for a Customer Experience Enhancement Training Program for all City employees.

REPORT SUMMARY: One of the primary functions of the City of Avalon – or any local government agency – is to provide customer service. Without the City's residents and visitors, the Avalon municipal organization ceases to exist. In recognition of this, and to assist with the delivery of customer service, it is recommended that the City provide formal customer service training for all employees – both full-time, and those part-time employees that are available.

Customer Service Advantage, Inc. has submitted a proposal to provide a Customer Experience Enhancement Training Program to all City employees. The firm's principal, Wendi Brick, is the former Director of the Customer Services Department for the City of San Diego, as well as the former Program Manager for the Customer Service Program for the County of San Diego. At the recent League of California Cities Conference in Los Angeles in September of this year, Ms. Brick offered a presentation based upon her experiences as a customer service expert working within the local government sector entitled, "Beverly Hills Customer Service Initiative". Mayor Marshall, Council Member Sampson and City Manager Harvey attended the presentation, and were impressed and encouraged with the information, insight and advice that Ms. Brick shared.

The City Council has established Organizational and Staff Development as one of its goals. Customer service training has been informally discussed at the City Council level as an important component of organizational and staff development. Based upon this established City Council goal, and the recent experience in listening to Ms. Brick's presentation at the League of California Cities conference, a determination was made to solicit a proposal for training for all City employees from Ms. Brick's firm, Customer Service Advantage, Inc. (proposal attached to this staff report).

Should the City Council authorize the City Manager to enter into an agreement with Customer Service Advantage, Inc., Ms. Brick has advised that she will lead the training herself. She is proposing four (4) three and ½ (3.5) hour sessions over two (2) consecutive days in order to accommodate the variety of City employee schedules. All fifty-nine (59) full-time employees will be required to attend one of the four sessions; part-time employees (of which there are seventy-one <71>), will be strongly encouraged to attend (not all part-time employees will be

able to attend due to the seasonal nature of their employment, outside employment schedules, etc.). It is anticipated that approximately one-hundred (100) employees total will likely go through the training program.

GOAL ALIGNMENT: Organizational and Staff Development

FISCAL IMPACTS: The cost will be \$10,500, which is included within the proposed FY 2014-14 budget that will go before the City Council for review and anticipated approval at one of the regularly scheduled meeting in November, 2014.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: City employees will not receive customer service training.

FOLLOW UP ACTION(S):

1. Execute an agreement with Customer Service Advantage, Inc.
2. Notify all City employees, and formally schedule training classes.

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

ATTACHMENT: Proposal from Customer Service Advantage, Inc.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 8

ORIGINATING DEPT: Administration

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Request for Letter of Support from Avalon Freight Services, LLC

RECOMMENDED ACTION(S): Review and consider request for letter of support from Avalon Freight Services, LLC in their California Public Utilities Commission (CPUC) operating permit application.

REPORT SUMMARY AND BACKGROUND: In January of this year, the Santa Catalina Island Company (SCICo) announced its selection of Avalon Freight Services, LLC (a joint venture between Catalina Express and Harley Marine Services then referred to as "Catalina Tug & Barge Services") as the successful candidate for the contract to provide freight service between Pebbly Beach in Avalon and the Port of Los Angeles. New freight service is scheduled to begin in April of 2016 (SCICo information release attached to this staff report). With their selection, Avalon Freight Services, LLC is required to apply to the CPUC to obtain an operating permit. Avalon Freight Services, LLC has indicated via a letter to the City of Avalon (attached to this staff report) that support from the City of Avalon would assist and potentially speed up the CPUC application process.

At the July 15, 2014 City Council meeting this item came before Council and consensus at that time was to not authorize Staff to author a letter of support for the Avalon Freight Lines to the CPUC. Council requested more information before approving their support. All Councilmembers have attended a meeting on the mainland regarding this new business.

Then at the September 16, 2014 City Council meeting a motion was made to approve a letter of support for Avalon Freight Services, but it did not carry. (2 Ayes, 2 Noes, and 1 Absent) The Mayor requested further information on the rates they were proposing to charge. This information was provided.

FISCAL IMPACTS: None.

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): None.

ALTERNATIVE ACTION(S): N/A

FOLLOW UP ACTION(S): Should the City Council wish to support Avalon Freight Services, LLC in their CPUC operating permit application, direct the City Manager to author a letter of support on behalf of the City of Avalon.

ADVERTISING, NOTICING AND PUBLIC CONTACT: The agenda for this meeting was properly posted pursuant to the Brown Act.

ATTACHMENTS:

1. SCICo information release "New Freight Service for 2016" dated January 15, 2014.
2. Letter from Avalon Freight Services, LLC dated July 8, 2014.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 9

ORIGINATING DEP: Administration

CITY MANAGER: 

PREPARED BY: Jordan Monroe, Management Aide

SUBJECT: Vehicle Noise Ordinance Administrative Procedure Timeline Update

RECOMMENDED ACTION(S): Discuss and give direction regarding the updates to the vehicle noise ordinance administrative procedure timeline for enforcement and vehicle permit types testing.

REPORT SUMMARY: On January 7, 2014 Council adopted the administrative procedure for the enforcement of Avalon Municipal Code 4-4.1713 Vehicle Noise. This procedure involves testing vehicles for noise compliance as part of their annual city permit registration.

Residential autoettes were the first to be tested starting in February 2014, as they are the largest category with over 1,600 registered vehicles. In order to accommodate vehicle owners a six month grace period was given to allow time for the owners to make the necessary arrangements if the vehicle failed the test. That grace period expired October 1, 2014.

Based on the data collected during this process, about 80% of the vehicles that failed and returned for retesting after having maintenance work completed passed the vehicle noise testing. This, along with discussions with Catalina Yamaha and Buffalo Motors, leads staff to believe that deferred maintenance, including deferred preventative maintenance, is the key contributors to vehicle noise. Other important factors include: the type of engine, the size of the engine, the overall configuration of the vehicle and following some best management practice recommendations – including keeping the governor at a lower top speed.

In order to continue to meet the goals of the City Council to address this quality of life issue staff has updated the timeline addressing the continued enforcement for the different vehicle permit types.

All golf cart rental vehicles from Island Rentals, Catalina Auto and Cartopia will be tested November 5-6 and 12-13, 2014. After testing, a statistical analysis will be conducted to assess the failure rate and to determine the appropriate accommodations to allow for compliance. This can be a six month grace period, or an opportunity to invest into new technology to experiment, for example.

Residential autoettes will continue to be systematically tested starting in February 2015 as part of the annual vehicle registration. It is anticipated that a similar number of vehicles will fail, if not more, as compared to 2014, based on the large number of vehicles that passed within 1

dB below the 74 dB threshold. These vehicles if unchecked or unmaintained over the course of the year will more likely not pass the upcoming testing.

City permits for commercial autoettes, fluctuating around 100 vehicles, expire during different months throughout the year. Commercial autoettes will begin vehicle noise testing as part of their annual city permit registration starting in February 2015, in conjunction with the residential vehicles. Commercial autoettes are notified by mail of the permits upcoming expiration, and starting with permits expiring in February, whether the renewal is by a vehicle hearing or declaration, commercial autoette owners will be informed that the issuance of a permit is still subject to vehicle noise testing. Testing of commercial autoettes is spread throughout the year, thus it will be difficult to assess the data until after a year of testing to determine appropriate accommodations. Considerations for the commercial autoette category are the vehicle use needs and specifications and what reasonable options and alternatives are available to meet those needs.

For any permit category given a grace period after testing, it is intended that after the date the temporary permit expires the vehicle is subject to tickets for expired city permits. This is a daily ticketable offence. Unless conditions, considerations or accommodations change - largely due to the input from the vehicle owners as they work to align their limitations with making the vehicle compliant - Code Enforcement will issue the expired city permit tickets.

Section 4-4.1713 (a) states that "...it shall be unlawful for any person to operate an automobile, truck, motorcycle or autoette on any street...within the City limits, if the operation of said automobile, truck, motorcycle or autoette generates a sound level which is unreasonably loud, offensive, or excessive to a person with normal hearing sensitivity." This section provides for the enforcement of the vehicle noise ordinance while vehicles are in use. In order to logistically manage this level of year round enforcement the coordination with the LA County Sheriff is required. As per section 3.2 of the Municipal Law Enforcement Services Agreement By and Between County of Los Angeles and City of Avalon which states "City, or its designated City representative, shall meet with its respective Sheriff's Department Station Captain when requesting law enforcement services to be performed in the City, and provide direction to the Sheriff's department Station Captain regarding the method of deployment for such services. The Sheriff's Department shall ensure that all services are delivered in a manner consistent with the priorities, annual performance objectives, and goals established by the City" and in line with Section 1-9 Administrative Citations of the Avalon Municipal Code the Sheriff can issue citations on City ticket books and violations will follow Section 4-4.1713 (c) of the Avalon Municipal Code. The City will continue to conduct the testing to conclusively determine if a vehicle is in violation or not.

Full size vehicles - such as residential blue sticker vehicles, tour buses, oversized vehicles and construction vehicles - are all subject to the vehicle noise ordinance and are permitted by the City of Avalon. It is the intention of staff to continue to address noise from all mobile sources, including motorcycles, which are subject to the vehicle noise ordinance. However due to limited resources, it is recommended to continue to address smaller steps, assess the results and evaluate the next steps. If larger vehicles are observed to have excessive noise, these vehicles can be cited on a case by case basis until comprehensive testing is completed.

Considerations for determining accommodations for vehicles and vehicle permit types based on noise testing are the options to make the vehicle compliant, reasonable alternatives for non compliant vehicles, the needs of vehicle type and the purpose of the permit, the impact on the vehicle owner and the impact on the quality of life on the Avalon community.

GOAL ALIGNMENT: Transportation

FISCAL IMPACTS: Staff time, approximately \$400 in printing Statement of Results.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: There will be no follow through with the vehicle noise ordinance enforcement.

FOLLOW UP ACTION: Statistical assessments of the different vehicle permit categories to be reported and reviewed to determine the appropriate accommodations.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: Updated Vehicle Noise Ordinance Enforcement Administrative Procedure 10/21/14.

Vehicle Noise Ordinance Enforcement Administrative Procedure

Purpose:

To establish an administrative policy for the enforcement timeline of Avalon Municipal Code Sec. 4-4.1713 Vehicle Noise as per direction of the Avalon City Council.

General:

Noise Limits for vehicles operated in the City of Avalon have been a part of the Avalon Municipal Code since 1977. In 2000 noise limits were updated to reflect the proliferation and impact of large vehicles (6,000 pounds or more) - 82 dB, motorcycles - 77 dB, and other motor vehicles - 74 dB. During the December 17, 2013 Council meeting, the City Council directed staff to establish a policy to enforce this ordinance already on the books and was adopted on January 7, 2014. No changes are proposed to the municipal code. However, instead of directing immediate enforcement and issuing violation infractions, City Council instead set forth a time table of enforcement to allow for education, notice and compliance to occur for the residents of Avalon.

Procedures:

Vehicles can be brought to Avalon City Hall for noise testing. A certificate will be issued after testing passing or failing the vehicle as it pertains to the noise ordinance.

Vehicles that pass the noise test can be registered and receive a City of Avalon sticker as per standard procedure.

Vehicles that fail the noise test have six months from March 31, 2014, the last day of vehicle registration, to make necessary repairs to their vehicle before violation infractions are issued.

Beginning July, 2014 non late registering vehicles of the following makes and types are not required to go through vehicle noise testing as part of the annual City of Avalon residential vehicle registration permit: electric vehicles, Smart Car Fortwo, Mini Austi, Mini Cooper, 'porter' trucks – typically Mitsubishi, Vantage, Suzuki, Tiger, Fleet, etc. – or other full size style vehicles that fit within this category..

If a vehicle is of questionable noise levels, as described in AMC Sec. 4-4.1713 (a), or is unfamiliar to City Staff, it can be required to be tested for noise for registration as per this administrative policy. Furthermore, vehicles exempt from noise testing for registration are still subject to the Vehicle Noise Ordinance 4-4.1713.

Once a vehicle has passed the noise test the paperwork stating the vehicles compliance is applicable for the registration of that vehicle for the remainder of the permitted year. Thus, the sale of the vehicle does not necessitate a retest, as long as the proof of the current passing statement of results is presented when the new owner registers the vehicle with the City. However, it is strongly recommended that any vehicle desired to be bought with the intention of operating it within the city of

Vehicle Noise Ordinance Enforcement Administrative Procedure

Avalon be tested for noise prior to purchase. **If the vehicle has a current sticker that is conclusive proof of passing the test**

Updated time table:

November 5-6 and 12-13 2014: Test autoettes used for rental companies: over 120

December 2, 2014: By the first City Council meeting the results of rental testing will be assessed with recommended accommodations.

December 2014: Notice of Commercial Autoette permit renewal will be sent to vehicle owners with permits expiring in February 2015.

February 2015: Commercial Autoette vehicles begin testing.*

February-March 2015: Residential Autoettes will be tested for noise as part of the annual vehicle permit registration – excludes makes and types identified as exempt.

*Commercial Autoette vehicles will be noticed in their renewal letter 2 (two) months prior to the month their permit expires.

The original time table was as follows:

December 17, 2013: Transportation Opportunities presentation given to the Avalon City Council. Council votes to direct staff to enforce the existing Vehicle Noise Ordinance.

January 7, 2014: Administrative Policy regarding Noise Ordinance enforcement presented to the City Council as part of the consent calendar.

February 1 – March 31, 2014: Annual vehicle registration takes place at Avalon City Hall. Each vehicle will be tested for compliance with the noise ordinance.

September 30, 2014: Last day to have vehicle retested for vehicle noise compliance before violation enforcement begins.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM

10

ORIGINATING DEP: Administration

CITY MANAGER:



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

SUBJECT: Consideration of City Lease Guidelines

RECOMMENDED ACTION(S): Discuss main issues of concern, examine proposed changes and determine whether to:

- Uphold the prior Council's direction
- Find a compromise solution
- Request additional time to consider
- Take no action and revert to existing old leases and terms

REPORT SUMMARY:

Facts:

August 6, 2013 City Council approved the following changes to all City leases.

(Exhibit A)

- Monthly rent is \$5.00 sq./ft. or 10% of gross which ever is greater, no annual reconciliation
- Required 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 Liability Insurance to \$2,000,000
- If applicable pay Admission Tax and Harbor Use Fee
- Transfer fee is 5% or \$5,000 whichever is greater for ownership transfer
- A 10% penalty for late payments
- Term of lease is five years
- Lease with the Catalina Express will be for ten years

Goal of City Council then was to make the leases as uniform as possible. Since 2009 no rent increase has occurred with the tenants other than the Consumer Price Index (CPI). The current rent range per sq. ft. is \$2.61-\$3.46.

It should be pointed out that the new lease requirements additionally contain the following:

- 1) No rent difference in winter or summer months.
- 2) Insurance requirements- Liability is \$1,000,000, and spells out in detail Workers' Compensation and Property Insurance needed.
- 3) Most provide specific minimum hours of operation.
- 4) Some leases have special conditions such as Mole renovation, non-exclusive dining, etc.
- 5) More uniformity and all properties were measured again.

(Exhibit B) Leases were mailed out to all tenants June 30, 2014 with a cover letter giving them 6 weeks to return their signed lease. The term on lease is from August 16, 2014 - June 30, 2019 (Catalina Express expires June 30, 2024). These are based on a Fiscal Year, July 1st to June 30th, not a calendar year.

The City received letters of concern from some tenants: Listed are the names of the lessees that have provided the City with correspondence:

Island Water Charters
Avalon Seafood
Catalina Divers Supply
Wet Spot Rentals
Eric's on the Pier
Avalon Boat Stand
Catalina Transportation Services
Island Express
Original Antonio's

Catalina Express
Catalina Passenger Service, Inc.-Newport Flyer

The tenants seem to have some overlapping concerns regarding certain requirements listed in the leases, such as:

- 1) Paying 10% of gross as well as City taxes and fees.
 - a. Each tenant is required to pay Admissions tax 4%, Harbor Use Fee 7%, or Wharfage, like all other businesses in Avalon, regardless if they are a tenant of the City of Avalon.
- 2) Monthly gross receipts calculation was previously on 8% of monthly gross on food and beverage and now it is 10%.
- 3) Being open 9 months/year, with required times of operation and open on all cruise ship days.
- 4) Exclusive outdoor dining vs. non-exclusive outdoor dining:
 - *Exclusive Dining: Avalon Grille, Casino Dock, The Cottage, Coyote Joe's, Avalon Seafood, and Villa Portofino*
 - *Non-exclusive dining: Lloyds and Original Antonio's*
- 5) Insurance requirements increased.
- 6) No year-end reconciliation.
- 7) Ownership transfer fee.

(Exhibit C) Petition from tenants requesting a meeting.

(Exhibit D) Letters were sent to all lessees advising them that the new leases were being suspended until City Council review on October 21, 2014. At this meeting tenants will have the opportunity to express their concerns to Council.

(Exhibit E) Letter from Interim Finance Director in response to concerns in letter from Christy Lins. (Island Water Charters, Avalon Seafood, and Catalina Divers Supply)

(Exhibit F) Spreadsheet of tenants with old rent price, proposed \$5 sq. ft., and two additional options, \$4.00 a sq. ft. and \$4.50 a sq. ft.)

(Exhibit G) Admission Tax and Harbor Use Fee definition from Municipal Code.

(Exhibit H) Lease history from 2009 to present.

(Exhibit I) Gross receipts calculation example from Interim Finance Director.

DISCUSSION:

Staff is recommending that City Council consider addressing City leases in sections by discussing and determining major points in the leases. The proposed items for discussion are not necessarily in any order of priority.

- A. Term- (Section 2 of lease) Duration of lease- New lease states it is for 5 years. Council can consider shortening the length of the lease.
- B. Rent- (Section 3 of lease) Determine the cost per sq. ft. that would be appropriate. The new lease has all tenants at \$5.00 sq. ft. City Council can consider step increases yearly until the full amount of \$5.00 is realized. In the new leases, there are no reductions in square footage for the purpose of calculating rent during the off-season.
 - a. Consider charging a flat sq. ft. and not charging 10% of gross.
 - b. Leases that are paying only the \$5.00 monthly square foot amount should pay their rent on the 1st day of the month because their rent amount is not variable. Those that have the option to pay based on gross receipts or "the greater of" should continue to be afforded the 30 day grace period.
 - c. Consider changing the leases such that the penalty is effective on the 31st day after rent payment is due. Right now the leases call for payment 30 days after the prior month end but the penalty starts 10 days after this date. Changing this tightens things up so we can be paid sooner. The Harbor Use Fee, Admissions Tax and TOT payers are not afforded a further grace period like this.
 - d. Interest charges should become effective on all leases the day the penalty starts. This would make the leases uniform with the payers of the Harbor Use Fee, Admission Taxes and TOT amounts. All leases should call for interest to be charged.
- C. Rent Treatment: Determine if the types of leases should be treated differently. An example of different treatment is determining if outdoor dining is set at a lesser amount per sq. ft. versus businesses that occupy a building space.
- D. Year-End Reconciliation: Determine if the City is going to continue to allow year-end reconciliation.
 - a. City Staff is opposed to continuing this practice. Interim Finance Director can expand on this at the meeting.

- E. Use- (Section 4 of lease) Determine if the City should outline the hours and days of operation. The new lease states that all tenants are to be open 9 months a year, seven days a week and on all cruise ship days even during months the business are not open full-time. Additionally, the new lease outlines hours of operation. Please note, that there is a clause that allows the tenants to petition the City Manager and relieve the tenants of that obligation.
- a. "*Cruise Ship Days*. The Property shall be open on all Cruise Ship Days, even if a Cruise Ship Day falls during a time when the business is closed for the off-season. Lessee's may be relieved of this obligation by petitioning the City Manager. The City Manager will grant exemptions from this requirement on a case-by-case basis at his or her discretion where the Lessee can demonstrate hardship or that operating on a Cruise Ship Day would threaten the health, safety, or welfare of the public."
- F. Initiation of Term: Determine when the lease should start, if it should be retroactive to August 15, 2014.
- G. The City just signed a 30 year lease with the State for the moorings down at Two Harbors and in the agreement, which calls for just an annual rent payment, they include specific language saying they may or may not invoice us, but we're still responsible for paying the annual rent. So the burden falls on us (the tenant) to make sure we pay. If we pay late, we're subject to interest charge by them, per the agreement. Interim Finance Director would like to add wording similar to this in the leases to stop the monthly practice of mailing an invoice to the 40+ tenants. The tenants are business owners; they know they have to pay rent when it is due. The plan is to phase out the mailing of invoices like this and instead (1) put generic lease invoices by type on the Finance web page where they can be downloaded monthly, or (2) send a coupon book in January with 12 invoices, or (3) just email them their monthly invoices. It takes Staff time each month to prepare and mail the lease invoices, not counting the cost of the envelopes and postage. (The Finance Department also plans to phase out the monthly mailings of the Harbor Use Fee, Admissions Tax and even the TOT forms.)

It should be noted and remembered that the City of Avalon is the steward of all City property and it is our fiscal responsibility to ensure that properties are being fully utilized and we are properly compensated. The increased revenues goes back into the City coffers and help to offset the costs such as: restroom maintenance contract, bathroom supplies, waterfront trash pickup, maintenance, repair costs to the infrastructure at the mole, pier, and streets, the City liability insurance, workers compensation, utilities, etc.

There is a caveat in all leases that states: Recital C "This Lease is based on a standard lease form that is used by the Lessor for all leases entered into by the Lessor. To the extent that Lessee believes that certain of the standard provisions of this Lease were not intended to apply to the Property because of the specific nature, intended use, or location of the Property, Lessee should notify the City of Avalon Lease Department. This Recital C in no way relieves Lessee of any of its obligations under this Lease."

Leases that were returned signed and ready to execute:

Coyote Joe's
Beach Stand
Yoshi's
Catalina Vending
Elli Island Deli
The Cottage
Greg Wenger- Fish Feeder
Cord Financial-ATM
Rad Bowman-ATM

Returned leases and then later questioned certain lease sections:

Catalina Passenger Services (Wharfage, plus 10% of gross)
Avalon Blue Line Baggage

FISCAL IMPACT: Additional revenue for the City of Avalon would be immediately received depending upon City Council determination of terms and the starting date of new leases.

GOAL ALIGNMENT: To achieve a balanced budget.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will continue to have different terms in their leases with inaccurate square footage and continue to not receive fair market value of property.

FOLLOW UP ACTION: If Council determines there should be some changes in the leases then Staff will implement those changes and execute the new leases.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act this item was properly listed on the posted agenda.

ATTACHMENTS:

Exhibits A- I
Correspondence from tenants and corresponding leases.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 11

ORIGINATING DEP: Planning

CITY MANAGER: [Signature]

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Authorize the Amendment to the Catalina Transportation Services Agreement for a two year term beginning July 1, 2013 and expiring June 30, 2015.

RECOMMENDED ACTION(S): Authorize the extension of Catalina Transportation Services Agreement to provide public transportation services to the City of Avalon through June 30, 2015.

REPORT SUMMARY: The City of Avalon has contracted its public transportation services to Catalina Transportation Services ("CTS") for approximately twenty years. These programs are funded entirely through several Federal, State and Local agencies which are subject to special record-keeping and annual audits. Services include:

- Dial-a-ride (DAR) –Taxi voucher program for all Senior Citizens (aged 60 over over) and Disabled persons.
- Avalon Rapid Transit - (ART) – Taxi voucher program for all eligible residents of the City of Avalon.
- Avalon Community Transit (ACT) – Fixed Route service providing scheduled transportation.

Historically, the financial agreement between CTS and the City has been based on a flat-rate. City and CTS staff have been working toward the goal of restructuring the financial agreement to a reimbursable contract. While negotiations are ongoing, the agreement between the City and CTS has expired. CTS have continued providing the level of service outlined in the expired contract and the City has honored the expired contract financially. The grant funds associated with the transportation services require a current, executed contract

Staff is requesting an amendment retroactively extending Catalina Transportation's contract from July 1, 2013 to June 30, 2015. The last written amendment was extended via City Council Action September 18, 2012. The requested extension will allow the City to become compliant with the grant requirements while continuing the negotiating process. It should be noted that the service hours identified in item 3 of the Ninth Amendment have been revised from 3,300 (Eighth Amendment) to 2,500 to reflect actual service hours provided.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: There could be possible impacts on grant funding if there is not a current agreement for contracted transportation services.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will continue to be non-compliant.

FOLLOW UP ACTION: Execute grant agreement and forward to applicable agencies that provide funding.

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

ATTACHMENTS:

1. Amendment
2. City Council Action 9-18-2013
3. Catalina Transportation Services Agreement

NINTH AMENDMENT TO EQUIPMENT LEASE AND TRANSPORTATION SERVICES
PROGRAM OPERATION AGREEMENT

This Ninth Amendment is made this 21st day of October, 2014, effective July 1, 2013, to the EQUIPMENT LEASE AND TRANSPORTATION SERVICES AGREEMENT between the City of Avalon ("City") and Catalina Transportation Services, a California corporation ("CTS" or "Operator".)

The terms and conditions of the Agreement are amended as follows:

1. City hereby exercises its rights pursuant to Paragraph 1.5 to grant Operator a two-year extension to the Agreement subject to modifications negotiated with and agreed to by Operator and City as further set forth herein. The agreement is extended for a two year term, ending June 30, 2015.

2. Section 1.6.1 ART/DAR:
City shall pay operator an annual flat fee of \$352,692.00 payable in equal monthly installments of \$29,391.00. Payment of the flat fee shall be made in advance on a monthly basis, prorated over a fiscal year beginning July 1 and ending June 30, or such portion thereof as applicable.

3. Section 1.6.2 ACT: is revised as follows
City shall pay operator an annual flat fee of \$89,439.00 payable in equal monthly installments of \$7,453.25 for an approximate 2,500 hours of service. Payment of the flat fee shall be made on advance on a monthly basis, prorated over a fiscal year beginning July 1 and ending June 30, or such portion thereof as applicable.

Except as modified above or by previous amendment, all terms and conditions of the Agreement shall remain in effect.

CITY OF AVALON

ATTEST:

Ann H. Marshall, Mayor

Denise Radde, City Clerk

CATALINA TRANSPORTAITON SERVICES

Karin Hague, President

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 12

ORIGINATING DEPT: Planning

CITY MANAGER: [Signature]

PREPARED BY: Amanda Cook

SUBJECT: Consideration of an Ordinance of the City Council of the City of Avalon Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License.

RECOMMENDED ACTION(S): That the City Council introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License.

BACKGROUND: Avalon Municipal Code Section 3-1.122 imposes a requirement on certain lawful businesses to obtain a special license prior to operating as a business within the City. The City has recently received public requests to modify the ordinance on the grounds that the ordinance is alleged to be unnecessarily burdensome on certain businesses identified within the ordinance, that the businesses may not necessarily be associated with criminal activity, and that the businesses may involve expressive activity. Certain expressive activity is protected by the First Amendment. The proposed modification to the ordinance removes the special license requirement for those certain types of businesses, but the license requirements remain for carnival, circuses, public exhibitions, and other similar businesses.

FISCAL IMPACTS: There is no fiscal impact from the adoption of the Ordinance.

GOAL ALIGNMENT: TO be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The current ordinance may prevent or unnecessarily burden businesses which may otherwise be lawfully carried on within the City. The modification does not authorize or de-criminalize any activity that is prohibited by law.

FOLLOW UP ACTION: Adopt the Ordinance.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act. The ordinance will be published as required by law.

ATTACHMENTS: Existing Code Section.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF AVALON MODIFYING SECTION 3-1.122, BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS REQUIRING A SPECIAL LICENSE TO CONDUCT SAME WITHIN THE CITY.

WHEREAS, Section 3-1.122 of the Avalon Municipal Code establishes a requirement that, prior to engaging in certain businesses, the persons proposing to engage in such businesses obtain a special license from the City;

WHEREAS, Many of the activities included in Section 3-1.122 of the Avalon Municipal Code may be carried on lawfully within the City and a special license requirement to engage in such activities is deemed unnecessary; and

WHEREAS, the City desires to modify the ordinance by removing the special license requirement for certain activities;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES ORDAIN AS FOLLOWS:

Findings. The above recitals are true and correct and are incorporated herein by this reference.

Section 1. The first sentence of Section 3-1.122 of the Avalon Municipal Code, *Business, Professions, Trades and Occupations requiring a Special License to Conduct Same within the City* is hereby modified as follows:.

It shall be unlawful to conduct the following businesses without each person proposing to engage in such activities having a special license to conduct same issued pursuant to the provisions of this section: ~~Astrology, palmistry, phrenology, card reading, fortune telling, cartomancy, clairvoyance, crystal gazing, hypnotism, mediumship, prophecy, augury, divination, magic, necromancy, handwriting analysis, or other similar arts and businesses; and Carnivals, circuses, or public exhibitions, or other similar businesses.~~

Section 2. Except as expressly modified by this Ordinance, all other portions of Section 3-1.122 of the Avalon Municipal Code shall remain in full force and effect.

Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings and this Ordinance are based are located at the City Clerk's Office at City Hall located at 410 Avalon Canyon Rd., Avalon, CA 90704. The custodian of these records is the City Clerk.

Publication. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the ____ day of _____, 2014, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the _____ day of _____, 2014, by the following vote to wit:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Ann Marshall, Mayor

ATTEST:

Denise Radde, City Clerk

APPROVED AS TO FORM:

Scott H. Campbell
Best Best & Krieger, LLP

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 21, 2014

AGENDA ITEM: 13

ORIGINATING DEPT: Administration

CITY MANAGER: BHA

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Adoption of Phase Two of the City Council Goals

RECOMMENDED ACTION(S): Review, discuss, modify (if necessary) and adopt Phase Two of the City Council Goals.

REPORT SUMMARY AND BACKGROUND: At the August 18, 2014 goal setting session, the City Council contemplated, proposed, discussed and deliberated phase two of its proposed goals. Listed below are those goals captured from that session:

1. Restore Amphitheater above City Park – Dennis D'Alessio Jr. has pledged \$250,000 for the restoration. Since the property belongs to the Island Company, Ben Harvey was told to pursue this with the Santa Catalina Island Company to see if he can move it forward.
2. Cease and Desist Order- Ultimate goal is to continue working with the State Water Resources Board and progress to the end result of eliminating the mandate for the order.
3. Community Center
 - a. Recreation Center (not a pool)
 - b. Additional use of JMF, allowing more hours of open use (like open gym night)
 - c. Community garden
4. Artificial turf on Joe Machado Field- pursue grant money for this – look into used turf, as it could be a possibility.
5. Recreation Goal – more senior activities, art and crafts, games, and a sound studio. Conduct a recreational needs assessment. Look into what we are currently utilizing to evaluate what works and what doesn't.
6. Cabrillo Mole- Come up with a comprehensive plan for the repair/rebuild. Grant money and general fund money will be used.
7. Organizational and Staff Development
 - a. Accountability
 - b. Training- physical and mental
 - c. Wellness program

- d. Define what the training goals are- earmark money for it
- e. IT- social media

8. Subsidy Program- propose a revision to the policy, mainly for establishing residency, verification process for subsidy, vehicles, etc. Work with Catalina Express for verification.
9. Work together with the other stakeholders and the community.
10. Considering that there was a 2020 Vision plan, contemplate creating a 2030 or 2040 Vision.
11. Update Planning ordinances- it was noted that the LCP review will help us do that.

City Staff respectfully requests and recommends that the City Council review each proposed goal to determine whether they are specific, measurable, achievable, relevant and time-specific (S.M.A.R.T.). If any of the proposed goals are found not to be S.M.A.R.T. (or lacking key S.M.A.R.T. components), requisite changes should be made prior to the City Council adopting the goal(s).

FISCAL IMPACTS: To be determined.

GOAL ALIGNMENT: Finalization of Phase Two of the City Council Goals will allow City staff to commence linking City Council agenda items to adopted City Council goals.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): The City Council will not have additional adopted goals.

FOLLOW UP ACTION(S): Distribute and post comprehensive list of City Council goals.

ADVERTISING, NOTICING AND PUBLIC CONTACT: The agenda for this meeting was properly posted.

ATTACHMENTS: None.