

**CITY OF AVALON CITY COUNCIL MEETING  
TUESDAY, OCTOBER 7, 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** – “Conflicts of Interest” presentation by City Attorney Scott Campbell.

**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 September 16, 2014 City Council meeting.

CITY COUNCIL AGENDA  
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2. Expenditures Submitted for Approval

- Warrants in the amount of \$492,740.60
- One Electric Fund Transfer in the amount of \$46,782.34
- Payroll in the amount of \$237,270.29

Recommended Action

Approve total expenditure amount of \$776,793.23.

3. Expenditures Submitted for Approval

- Warrants in the amount of \$59,055.08

Recommended Action

Approve total expenditure amount of \$59,055.08.

4. Expenditures Submitted for Approval

- Warrants in the amount of \$751,401.05
- Two Electric Fund Transfer in the amount of \$117,341.64
- Payroll in the amount of \$188,034.85

Recommended Action

Approve total expenditure amount of \$1,056,777.54.

5. Adopt Ordinance Amending Avalon Municipal Code Sections 1-8.01 thru 1-8.07 Regarding Reasonable Accommodations

The Fair Housing Act, as amended in 1988, and the Americans with Disabilities Act requires that cities provide reasonable accommodation to rules, policies, practices, services, and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. At the last council meeting on September 16, 2014 this ordinance was introduced and all readings waived.

Recommended Action

Adopt ordinance amending Avalon Municipal Code Sections 1-8.01 thru 1-8.07 regarding Reasonable Accommodations.

6. Final Tract Map 72248 – Hamilton Cove

The Planning Commission approved this map at the July 17, 2013 and found it to be in compliance with the adopted EIR for the Hamilton Cove Development. The proposal is to subdivide four parcels from Original Tract Map 69836 into 12 parcels for single family dwellings. The parcels are in the Low Density Residential zone and are over the minimum required size of 4400 sq. ft.

Recommended Action

Approve Final Tract Map 72248 for 12 parcels at Hamilton Cove.

7. Selection of Collection Agency

The City had a prior agreement with Credit Bureau of San Pedro – Wilmington, Inc. who went out of business about 12 months ago. The primary collection needs of the City relate to unpaid ambulance charges. The City surveyed four collection agencies and selected Financial Credit Network Inc. based on terms of service and recommendations we received from other cities using their services.

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Recommended Action

Authorize City Manager to execute the professional services agreement with Financial Credit Network Inc. to commence collection activities on past due amounts owed to the City.

8. Implementation of Time and Labor Management Software

As the City continues to harness technology to increase efficiencies and productivity, Staff is seeking to automate its employee time keeping system whereby it will eliminate the use of paper time sheets and manual data entry.

Recommended Action

Authorize the City Manager to implement the Time and Labor Management software module from Sentric Inc., the City's payroll processing company.

9. Consider the Adoption of a Resolution Supporting Proposition P, a Ballot Measure to Continue Park and Recreation Funding in Los Angeles County

The 1992 Los Angeles County funding measure Proposition A will expire in June 2015. Proposition A has provided approximately \$54 Million annually for neighborhood and regional parks. The City of Avalon has received approximately \$4 Million in Proposition A Funds. Proposition P will continue the funding levels received by Proposition A.

Recommended Action

Adopt the Resolution in support of Proposition P, a ballot measure that will provide \$54 Million a year for city and county parks, recreation facilities, open space and beaches.

**GENERAL BUSINESS**

10. Consideration of an appeal of Planning Commission action denying a Conditional Use Permit for Transient Rental at 344 Clarissa

The Planning Commission heard this CUP for transient rental application at the July 16, 2014 meeting. The Commission denied the application. The owner of 344 Clarissa filed an appeal for the action taken by the Planning Commission.

Recommended Action

Uphold the Planning Commission denial of the application for a Conditional Use Permit for Transient Rental at 344 Clarissa.

11. Consideration of Proposed Extension of Transportation Permit for Steve Woolley, dba Avalon Tours By Steve, and Whether to Allow for Additional Guided Golf Cart Tour Transportation Permits

At the March 4, 2014 City Council meeting, Council approved a temporary transportation permit for Steve Woolley, dba Avalon Tours By Steve, to conduct guided golf cart tours throughout Avalon. This was for a six (6) month trial period in order to evaluate the impact on traffic and safety. City Council will consider whether to extend Mr. Woolley's transportation permit, and develop proposed transportation permit parameters for potential future transportation permits that are similar in nature.

Recommended Action

1. Discuss and determine whether to allow for an extension of the transportation permit for Steve Woolley, DBA Avalon Tours By Steve, and
2. Discuss and determine whether to allow for additional, similar transportation permits for guided golf cart tours by directing staff to develop proposed transportation permit parameters for guided golf cart

12. Consideration of a Water Conservation/Rationing Planning and Building Application Policy and Direction to Clarify Policy by Amendment to Municipal Code

In the past, the City has not processed applications when there was not a water allocation. The Planning Commission discussed this policy at the September 24, 2014 meeting and decided to recommend that the City allow all applications for entitlements, including those involving housing units, to be processed even when no water allocations are available. They also recommended that owners of properties be allowed to construct the buildings, even if no water allocations existed, as long as the certificate of occupation were not issued until water was available and any required fire protection services, ie. sprinklers, were provided. If City Council approves this policy, Staff will return with an ordinance allowing housing units to be constructed as long the protections discussed in the policy were implemented.

Recommended Action

Adopt the proposed Water Conservation/Rationing Planning and Building Application Policy and direct Staff to Clarify the Municipal Code.

13. Consideration of 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 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.

Recommended Action

Introduce and waive all readings of an 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.

14. An Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Section 9-5.404 (HD) Uses by Conditional Use Permit and 9-5.504 HD-R-CH/Low Moderate Income Housing, Uses by Conditional Use Permit and Adding Article 3 to Chapter 16 of Title 9 of the Avalon Municipal Code to Establish and Regulate Single Room Occupancy Facilities

This item was pulled from the August 5, 2014 City Council agenda to consider changes proposed by a local resident. The Planning Commission discussed the changes and agreed to the changes. The change was in the number of bathrooms

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required by Single Room Occupancy facilities. The change resulted in 1 bathroom for every three (instead of six) units.

Recommended Action

Introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Section 9-5.404 (HD) Uses by Conditional Use Permit and 9-5.504 HD-R-CH/Low Moderate Income Housing, Uses by Conditional Use Permit and Adding Article 3 to Chapter 16 of Title 9 of the Avalon Municipal Code to Establish and Regulate Single Room Occupancy Facilities.

15. An Ordinance Adding a Chapter to the Avalon Municipal Code Relating to Administrative Citations and Penalties and Adding Enforcement Provisions to the Avalon Municipal Code (AMC)

Presently, the AMC provides for criminal penalties for violations of the AMC. Given the cost of traveling to the mainland, potential inconvenience to staff and residents and severity of the potential criminal penalties, it is appropriate to enact a civil administrative citation procedure to allow non-criminal enforcement of the AMC and provide the City's Code Enforcement Officers and Los Angeles County Sheriffs (Avalon Sheriffs) additional tools to obtain compliance with AMC violations. The proposed ordinance establishes a standardized and expedited method to hold parties responsible when they fail or refuse to comply with certain provisions of the AMC, its adopted codes or other ordinances adopted by the City.

Recommended Action

Introduce and waive all readings of an ordinance adding a new chapter to the Avalon Municipal Code implementing a system for imposition, enforcement, collection and administrative review of administrative fines for violations of the Avalon Municipal Code and providing for reimbursement of attorneys' fees and costs when the City incurs such expenses in Code Enforcement matters.

16. Social Media Use and Public Outreach Policy

At the request of Mayor Marshall, City staff has developed a living document addressing social media use and public outreach. City Council has expressed a desire to continue to make Avalon City government more transparent and more accessible to the general public. With the proliferation of social media in everyday avenues, staff is exploring the possibilities of utilizing these tools to engage the public.

Recommended Action

Review and discuss presented Social Media Use and Public Outreach Policy and adopt.

**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.
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager

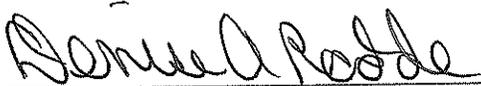
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3. PUBLIC EMPLOYEE APPOINTMENT  
Title: Human Resources Manager

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for October 7, 2014 was posted on Thursday, October 2, 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 OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: RA

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 September 16, 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 7, 2014

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: RF

PREPARED BY: Chris Woidzik, Interim CFO

SUBJECT: Warrants

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**RECOMMENDED ACTION(S):** Approve the warrants in the amount of \$492,740.60, one electronic fund transfer in the amount of \$46,782.34 and payrolls in the amount of \$237,270.29 for a total expenditure of \$776,793.23.

**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 #19001-19076 in the amount of \$492,740.60, an EFT to CalPERS Retirement for the dates 8/6-8/19/2014 in the amount of \$46,782.34, payroll dated 9/12/2014 in the amount of \$34,490.91 and another payroll dated 9/19/2014 in the amount of \$202,779.38.

**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

RECORD OF CHECKS DRAWN ON SEPTEMBER 12 FOR COUNCIL MEETING OF OCTOBER 7, 2014

MONTH OF SEPTEMBER

US BANK WARRANTS #19001-19076	\$492,740.60	9/12/2014
EFT - CALPERS RETIREMENT	\$46,782.34	9/12/2014
PAYROLL	\$34,490.91	9/12/2014
PAYROLL	\$202,779.38	9/19/2014

\$776,793.23

TOTAL DISBURSEMENTS

**\$776,793.23**

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 7TH DAY OF OCTOBER 2014

APPROVED AND AUDITED  
THIS 7TH DAY OF OCTOBER 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

INTERIM CFO - CHRIS WOIZIK

AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF OCTOBER 7, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION	
19001	09/12/14	1,847.42	ADVANCED WIRING	SERVICE - ADMIN
19002	09/12/14	150.06	AIR SOURCE INDUSTRIES	SUPPLIES - FIRE
19003	09/12/14	385.00	ALEGRIA, MICHAEL	REIMB O/P COSTS - TRAINING
19004	09/12/14	618.00	ANTONIO'S	SENIOR MEALS - AUG 2014
19005	09/12/14	243.02	AT & T MOBILITY	COMMUNICATIONS - HARBOR
19006	09/12/14	3,909.84	AT & T	COMMUNICATIONS - ALL DEPTS
19007	09/12/14	915.50	AVALON BOAT STAND	SERVICE - GARAGE
19008	09/12/14	70,897.43	AVALON FUEL FACILITIES	RESALE FUEL - FUEL DOCK
19009	09/12/14	116,292.19	AVALON ENVIRONMENTAL	CONTRACT SVCS - AUG 2014
19010	09/12/14	156.55	A-Z LOGIC SYSTEMS	SUPPLIES - HARBOR
19011	09/12/14	5,166.00	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
19011	09/12/14	3,145.50	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
19011	09/12/14	3,482.75	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
19012	09/12/14	2,642.81	BOULDER CONSULTANTS	EMER RPR WK - PUBLIC WORKS
19013	09/12/14	779.40	BUTTE, BOB	REIMB O/P COSTS
19014	09/12/14	42.72	BOUND TREE MEDICAL	SUPPLIES - FIRE
19015	09/12/14	5,831.03	CDW GOVERNMENT	IT SUPPLIES - ADMIN
19016	09/12/14	414.40	CATALINA BEVERAGE	SUPPLIES - ALL DEPTS
19017	09/12/14	149.00	CATALINA EXPRESS	TRAVEL - FIRE
19018	09/12/14	827.72	CASSIDY, CINDE	REIMB O/P COSTS - TRAVEL
19019	09/12/14	281.00	CIMC	PRE EMPLOYMENT PHYSICALS
19020	09/12/14	89.00	CATALINA PEST CONTROL	SERVICE - HARBOR
19021	09/12/14	1,679.82	CATALINA BROADBAND SOLUTIONS	SERVICE - AUG 2014
19022	09/12/14	3,777.57	CATALINA ISLAND PLUMBING	SERVICE - PUBLIC WKS
19056	09/12/14	1,100.00	POST, ROCKY	CONTRACT SVCS - ADMIN
19023	09/12/14	177,114.75	LA COUNTY FIRE DEPARTMENT	QTRLY PARAMEDIC PYMT
19024	09/12/14	445.67	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
19025	09/12/14	4,517.62	CHALLENGER TEAMWEAR	SUPPLIES - RECREATION
19026	09/12/14	325.00	CATALINA STEAM CLEANING	CONTRACT SVCS - HARBOR
19027	09/12/14	3,510.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
19028	09/12/14	6,570.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
19029	09/12/14	467.03	CATALINA FREIGHT LINE	FREIGHT - ALL DEPTS
19030	09/12/14	7,002.06	DELTA DENTAL	DENTAL - SEPTEMBER 14
19031	09/12/14	256.00	DEWEY PEST CONTROL	SERVICE - ADMIN/HBR
19032	09/12/14	36.15	DIGI-KEY	SUPPLIES - HARBOR
19033	09/12/14	364.20	DON MILLER & SONS	SUPPLIES - PUBLIC WKS
19034	09/12/14	1,190.00	DUTHIE ELECTRIC SERVICE CORP.	SUPPLIES - WWTP
19035	09/12/14	1,180.34	GALLS, INC	UNIFORMS - FIRE
19036	09/12/14	419.37	GRAINGER	SUPPLIES - HBR/GARAGE
19037	09/12/14	764.39	HAMILTON, KATHERINE	CONTRACT SVCS - ADMIN
19038	09/12/14	1,125.00	HDL COREN & CONE	CONTRACT SVCS - ADMIN
19039	09/12/14	86.89	HD SUPPLY FACILITIES MAINT.	SUPPLIES - HARBOR
19040	09/12/14	3,053.10	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
19041	09/12/14	959.85	IAG, LTD	SERVICE - BB&K
19042	09/12/14	65.50	ISLAND EXPRESS	FREIGHT - GARAGE
19043	09/12/14	441.08	JUDICIAL DATA SYSTEMS	PARKING ACTIVITY - JULY 14

19044	09/12/14	624.00	KATIE'S KITCHEN	SENIOR MEALS - AUG 2014
19045	09/12/14	15,801.50	LOCAL GOVERNMENT SERVICES	CONTRACT SVCS - JULY 14
19046	09/12/14	171.00	MARSHALL, ANN	REIMB O/P COSTS - TRAVEL
19047	09/12/14	1,426.45	MATTHEWS	SUPPLIES - CEMETERY
19048	09/12/14	129.75	MCALEAVY, MICHAEL	REIMB O/P COSTS - TRAINING
19049	09/12/14	1,787.57	MCMASTER-CARR	SUPPLIES - HBR/GARAGE/REC
19050	09/12/14	744.00	MR. NING'S	SENIOR MEALS - AUG 2014
19051	09/12/14	2,627.53	NAPA AUTO PARTS	SUPPLIES - GARAGE
19052	09/12/14	270.90	NEWHALL TRADING COMPANY	SUPPLIES - FIRE
19053	09/12/14	90.00	NORTON MEDICAL INDUSTRIES	SERVICE - ADMIN
19054	09/12/14	716.39	OUTDRIVE EXCHANGE	SUPPLIES - GARAGE
19055	09/12/14	21.38	PORT SUPPLY	SUPPLIES - HARBOR
19057	09/12/14	65.10	PRAXAIR	SUPPLIES - GARAGE
19058	09/12/14	5,410.00	PLATINUM CONSULTING	CONTRACT SVCS - ADMIN
19058	09/12/14	6,255.00	PLATINUM CONSULTING	CONTRACT SVCS - SA
19059	09/12/14	1,038.80	RICOH USA, INC	COPIER LEASE/SUPPLIES - PLA
19060	09/12/14	1,033.30	RICOH USA, INC	COPIER LEASE/PROP TAX -PLA
19061	09/12/14	1,572.86	REGIONAL GOVERNMENT SVCS	SERVICE - PLANNING/ADMIN
19062	09/12/14	70.99	SAFEWAY	SUPPLIES - ADMIN
19063	09/12/14	302.51	SAMPSON, JOSEPH	REIMB O/P COSTS - TRAVEL
19064	09/12/14	2,087.00	SUNGARD PUBLIC SECTOR	SOFTWARE LEASE - SEPT 14
19065	09/12/14	290.00	SCHMIDT, KEVIN	REIMB O/P COSTS - TRAINING
19066	09/12/14	1,418.25	SANTA CATALINA ISL. RESORT SVC	UTILITIES - JULY-AUG 2014
19066	09/12/14	5,922.00	SANTA CATALINA ISL. RESORT SVC	FUEL DK RENT - JULY - SEPT 14
19067	09/12/14	294.30	SANI-TEC USA	CITY RESTROOM SUPPLIES
19068	09/12/14	64.84	UNITED PARCEL SERVICE	FREIGHT - ALL DEPTS
19069	09/12/14	7.50	UNDERGROUND SVC ALERT	SERVICE - PLANNING
19070	09/12/14	127.43	WALTERS WHOLESALE ELECTRIC	SUPPLIES - HARBOR
19071	09/12/14	1,500.00	WITTMAN ENTERPRISES	SERVICE - AUGUST 14
19072	09/12/14	428.45	QUILL CORP.	SUPPLIES - ALL DEPTS
19073	09/12/14	1,787.50	AMERICAN ASSOC OF MUSICAL ART	DOWN PYMT - OCTOBERFEST
19074	09/12/14	61.15	HARVEY, BEN	REIMB O/P COSTS - TRAVEL
19075	09/12/14	1,935.42	AVALON ENVIRONMENTAL	CONTRACT SVCS - AUG 2014
19076	09/12/14	1,940.00	WATERS, HOLLY	REFUND - PLANNING FEES

**\$492,740.60**

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 3

ORIGINATING DEP: Finance

CITY MANAGER: RA

PREPARED BY: Chris Woidzik, Interim CFO

SUBJECT: Warrant List

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**RECOMMENDED ACTION(S):** Approve the warrants in the amount of \$59,055.08 for a total expenditure of \$59,055.08.

**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 #19077-19089 in the amount of \$59,055.08.

**GOAL ALIGNMENT:** Ongoing meeting of City obligations.

**FISCAL IMPACTS:** There are sufficient funds available, and the expenditures have been approved in the adopted fiscal year 2013-2014 budget.

**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

RECORD OF CHECKS DRAWN ON SEPTEMBER 17 FOR CM OF OCTOBER 7, 2014

MONTH OF AUGUST

US BANK WARRANT # 18989-19000

\$59,055.08

9/17/2014

\$59,055.08

TOTAL DISBURSEMENTS

**\$59,055.08**

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 7TH DAY OF OCTOBER 2014

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

EXECUTED THIS 7TH DAY OF OCTOBER 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

INTERIM CFO - CHRIS WOIDZIK

AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF OCTOBER 7, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION
19077	09/17/14	312.67 BOUNDTREE MEDICAL	SUPPLIES - FIRE
19078	09/17/14	11,272.40 COLLINS COLLINS MUIR & STEWARD	LITIGATION FEE - ADMIN
19079	09/17/14	1,827.00 EDD	QTRLY U/I PAYMENT
19080	09/17/14	1,277.50 IAG, LTD	SERVICE - BB&K
19081	09/17/14	6,997.50 KINSEL FORENSIC ACCOUNTING	LITIGATION FEES - ADMIN
19082	09/17/14	745.00 LOCAL GOVERNMENT SVCS	CONTRACT SVCS - ADMIN
19083	09/17/14	16,875.80 PKF CONSULTING USA, LLC	LITIGATION FEES - ADMIN
19084	09/17/14	1,436.25 PLATINUM CONSULTING	CONTRACT SVCS - FINANCE
19084	09/17/14	2,790.00 PLATINUM CONSULTING	CONTRACT SVCS - SA
19085	09/17/14	48.27 QUILL CORP.	SUPPLIES - ADMIN
19086	09/17/14	798.00 THE SANDTRAP	SENIOR MEALS - JUNE 2014
19087	09/17/14	1,648.84 SANI-TEC USA	CITY RESTROOM SUPPLIES
19088	09/17/14	9,871.00 SANTA CATALINA ISL. RESORT SVC	FUEL DOCK RENT MAR - JUNE 14
19088	09/17/14	454.85 SANTA CATALINA ISL. RESORT SVC	UTILITIES - MAY/JUNE ADMIN
19089	09/17/14	2,700.00 TILLEY CRANE INSPECTION SVCS	SERVICE - HARBOR

**\$ 59,055.08**

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 4

ORIGINATING DEP: Finance

CITY MANAGER: RH

PREPARED BY: Chris Woidzik, Interim CFO

SUBJECT: Warrants

**RECOMMENDED ACTION(S):** Approve the warrants in the amount of \$751,401.05 and two electronic fund transfers in the amount of \$117,341.64 and payroll in the amount of \$188,034.85 for a total expenditure of \$1,056,777.54.

**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 #19090-19173 in the amount of \$751,401.05, an EFT to CalPERS Retirement for the dates 8/20-9/2/2014 in the amount of \$46,729.49 a second EFT to CalPERS for medical insurance in the amount of \$70,612.15 and payroll dated 10/3/2014 in the amount of \$188,034.85.

**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

RECORD OF CHECKS DRAWN ON SEPTEMBER 26 FOR COUNCIL MEETING OF OCTOBER 7, 2014

MONTH OF SEPTEMBER AND OCTOBER

US BANK WARRANTS #19090-19173	\$ 751,401.05	9/26/2014
EFT - CALPERS RETIREMENT	46,729.49	9/23/2014
EFT - CALPERS HEALTH	70,612.15	9/26/2014
PAYROLL	<u>188,034.85</u>	10/3/2014

\$ 1,056,777.54

TOTAL DISBURSEMENTS

**\$ 1,056,777.54**

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 7TH DAY OF OCTOBER 2014

APPROVED AND AUDITED  
THIS 7TH DAY OF OCTOBER 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

INTERIM CFO - CHRIS WOIDZIK

AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF OCTOBER 7, 2014

CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
19090	09/18/14	9,909.22	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS
19091	09/19/14	69,993.84	BEST BEST & KREIGER	LEGAL FEES - JUNE 2014
19092	09/26/14	453.69	ALEGRIA, VALENTE	REIMB MED & DENTAL JULY-SEPT
19093	09/26/14	765.32	ALL THE KINGS FLAGS	SUPPLIES - HARBOR
19094	09/26/14	1,325.00	AMERICAN SECURITY CABINETS	SUPPLIES - HARBOR
19095	09/26/14	266.80	AMERIFLEX	ADMIN FEES - ALL DEPTS
19096	09/26/14	243.46	ART, CAPS 'N DESIGNS	UNIFORMS - HARBOR
19097	09/26/14	361.65	AT & T LONG DISTANCE	LONG DISTANCE - ALL DEPTS
19098	09/26/14	240.47	AT & T	COMMUNICATION - ALL DEPTS
19099	09/26/14	3,079.69	AVALON BOAT STAND	SUPPLIES - HARBOR
19100	09/26/14	37,276.93	AVALON FUEL FACILITIES	FUEL - FUEL DOCK
19101	09/26/14	75,653.92	BEST BEST & KREIGER	LEGAL FEES - JULY 2014
19102	09/26/14	4,091.90	BEYOND SOFTWARE SOLUTIONS	IT SUPPORT
19103	09/26/14	332.75	BILL JONES PLUMBING	SERVICE - HARBOR
19104	09/26/14	62,427.17	BLUEWATER DESIGN GROUP	SERVICE - HARBOR
19105	09/26/14	173.31	BUFFALO MOTORS	SUPPLIES - GARAGE
19106	09/26/14	456.00	CAMPBELL, SCOTT	REIMB O/P COSTS
19107	09/26/14	416.10	CANBY, CHARLIE	SUPPLIES - PUBLIC WORKS
19108	09/26/14	205.82	CASSIDY, CINDE	REIMB O/P COSTS
19109	09/26/14	1,244.90	CATALINA BEVERAGE COMPANY	SUPPLIES - ALL DEPTS
19110	09/26/14	558.00	CATALINA BROADBAND SOLUTIONS	REIMBURSEMENT - OVRPYMT
19111	09/26/14	75,166.67	CATALINA CHAMBER OF COMMERCE	TOT - OCTOBER 2014
19112	09/26/14	10.94	CATALINA DISCOUNT & VARIETY	SUPPLIES - PUBLIC WORKS
19113	09/26/14	59,730.40	CATALINA EXPRESS	SUBSIDY - AUGUST 2014
19114	09/26/14	16.34	CATALINA FREIGHT LINES	FREIGHT - GARAGE
19115	09/26/14	28.00	CATALINA LAUNDRY	SUPPLIES - GARAGE
19116	09/26/14	502.89	CATALINA ISLANDER	ADVERTISING - NOISE TESTING
19117	09/26/14	37,500.00	CATALINA ISLAND MEDICAL CENTER	SUBSIDY - OCTOBER 2014
19118	09/26/14	281.00	CATALINA ISLAND MEDICAL CENTER	PHYSICAL - C.SIDARS
19119	09/26/14	2,781.28	CATALINA ISLAND PLUMBING	SERVICE - PUBLIC WORKS
19120	09/26/14	325.00	CATALINA STEAM CLEANING	SERVICE - HARBOR
19121	09/26/14	36,844.25	CATALINA TRANSPORTATION	ACT/ART/DAR - OCTOBER 2014
19122	09/26/14	839.18	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
19123	09/26/14	18,718.71	COLLINS COLLINS MUIR STEWARD	LITIGATION FEES
19124	09/26/14	2,352.50	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
19125	09/26/14	6,660.00	CONSTRUCTORS PLUS	CONTRACT AVCS - ADMIN
19126	09/26/14	111,987.44	COUNTY OF L.A. SHERIFF'S DEPT	RESIDENT DEPUTY/FOOT PATROL
19127	09/26/14	2,790.42	CREATIVE SIGN INC.	SUPPLIES - VEHICLES
19128	09/26/14	4,430.25	DAWES, BRIAN	REIMB MED & DENTAL JAN-SEPT
19129	09/26/14	46,840.22	EDISON	UTILITIES - ALL DEPTS
19130	09/26/14	2,478.40	ESGIL CORPORATION	SERVICE - PLANNING
19131	09/26/14	45.00	AVALON FIREFIGHTERS LOCAL 2295	UNION DUES - J.HERNANDEZ PMT REDIRECT
19132	09/26/14	125.87	GEMPLER'S	UNIFORMS - J.DELGADO
19133	09/26/14	573.53	GEOFF KING PLUMBING	SERVICE - RECREATION
19134	09/26/14	721.39	GRAINGER	SUPPLIES - PUBLIC WORKS/FIRE
19135	09/26/14	115.64	HARVEY, BEN	REIMB O/P COSTS
19136	09/26/14	2,698.10	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
19137	09/26/14	570.76	IDEXX	SUPPLIES - WATER TESTING
19138	09/26/14	112.22	ISLAND FIRE EXTINGUISHERS	SERVICE - FIRE & GARAGE
19139	09/26/14	1,310.00	LEYVA, MARTIN	MEN'S SOCCER REFEREE REIMB

19140	09/26/14	1,950.62	LICARI, TONY	CONTRACT SVCS - OCTOBER 2014
19141	09/26/14	11,930.00	LOCAL GOVERNMENT SVCS	CONTRACT SVCS ADMIN
19142	09/26/14	457.89	MATTHEWS	CEMETERY PALQUES
19143	09/26/14	49.48	MCDONALD, AUDRA	REIMB O/P COSTS
19144	09/26/14	182.25	MCMASTER-CARR	SUPPLIES - HARBOR
19145	09/26/14	783.48	MEYERS FOZI, LLP	SERVICE - AVALON SCHOOLS
19146	09/26/14	839.52	MED-TECH RESOURCE	SUPPLIES - HARBOR
19147	09/26/14	49.01	MONARCH PRODUCTS	SUPPLIES - HARBOR
19148	09/26/14	1,050.00	MUNICIPAL COURT OF AVALON	PARKING CITATIONS - JULY 2014
19149	09/26/14	573.68	NAPA AUTO PARTS	SUPPLIES - GARAGE
19150	09/26/14	243.00	PARTY TIME ICE	SUPPLIES - FUEL DOCK
19151	09/26/14	424.70	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - FALCON HOUSE
19152	09/26/14	1.34	PITNEY BOWES	POSTAGE METER
19153	09/26/14	503.97	PORT SUPPLY	SUPPLIES - HARBOR
19154	09/26/14	746.51	QUILL CORP	SUPPLIES - ALL DEPTS
19155	09/26/14	1,190.00	RBF	CONSULTING SERVICES
19156	09/26/14	219.00	RETAIL ACQUISITION DEVELOPMENT	SUPPLIES - FIRE
19157	09/26/14	652.73	RICOH USA, INC.	COPIER LEASE - PLANNING
19158	09/26/14	1,048.48	RINCON CONSULTANTS	SERVICE - PLANNING
19159	09/26/14	688.80	REGIONAL GOVERNMENT SVCS	CONTRACT SVCS - ADMIN
19160	09/26/14	8,827.50	ROSENOW SPEVACEK GROUP	SERVICE - ADMIN
19161	09/26/14	136.70	SAFEWAY	SUPPLIES - ALL DEPTS
19162	09/26/14	3,421.46	SANI-TEC USA	SUPPLIES - RESTROOMS
19163	09/26/14	5,922.00	SANTA CATALINA ISLAND RESORT SVCS	RENT - FUEL DOCK
19164	09/26/14	650.00	SIMPLEX GRINNELL	SUPPLIES - FIRE
19165	09/26/14	8,342.00	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - OCTOBER 2014
19166	09/26/14	2,087.00	SUNGARD PUBLIC SECTOR	SERVICE - FINANCE
19167	09/26/14	416.40	SUN LIFE FINANCIAL	LIFE INSURANCE - SEPTEMBER 2014
19168	09/26/14	448.00	SUN LIFE FINANCIAL	LIFE INSURANCE - OCTOBER 2014
19169	09/26/14	40.70	UNITED PARCEL SERVICE	FREIGHT - HARBOR
19170	09/26/14	9,520.00	VEGA, EDMUNDO	CONTRACT SVCS - OCTOBER 2014
19171	09/26/14	688.41	VERIZON WIRELESS	COMMUNICATION - ALL DEPTS
19172	09/26/14	29.99	WITMER PUBLIC SAFETY GROUP	SUPPLIES - FIRE
19173	09/26/14	1,254.09	WOIDZIK, CHRIS	REIMB O/P COSTS-TRAVEL & CASITA FURNISHINGS

**\$ 751,401.05**

CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 5

ORIGINATING DEPT: Planning Department

CITY MANAGER: BH

PREPARED BY: Amanda Cook, Planning Director

**SUBJECT:** Adopt an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Sections 1-8.01 thru 1-8.07 Regarding Reasonable Accommodations.

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**RECOMMENDED ACTION(S):** Adopt ordinance of the City Council of the City of Avalon amending Avalon Municipal Code Sections 1-8.01 thru 1-8.07 regarding Reasonable Accommodations.

**BACKGROUND:** The Fair Housing Act, as amended in 1988, and the Americans with Disabilities Act requires that cities provide reasonable accommodation to rules, policies, practices, services, and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities. While fair housing laws intend that all people have equal access to housing, the law also recognizes that people with disabilities may need extra tools to achieve equality. Reasonable accommodation is one of the tools intended to further housing opportunities for people with disabilities. Reasonable accommodation provides a means of requesting from the local government flexibility in the application of land use and zoning regulations or, in some instances, even a waiver of certain restrictions or requirements because it is necessary to achieve equal access to housing. Cities and counties are required to consider requests for accommodations related to housing for people with disabilities and provide the accommodation when it is determined to be "reasonable" based on fair housing laws and the case law interpreting the statutes. The City is densely built out and because of its topography, extensive accessibility improvements to existing individual homes are difficult to accomplish, if not impossible. Such requests are rare and are typically handled on a case-by-case basis.

The City adopted a Reasonable Accommodation Policy in 2011. The proposed amendments will further refine the policy to implement the changes referenced in the implementation policy of the General Plan and adopted Housing Element.

At the City Council meeting of September 16, 2014, the Ordinance was introduced and all reading were waived.

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

**GOAL ALIGNMENT:** Update Planning Ordinances Goal (proposed City Council Goal from Phase 2 of Goal Setting Meeting).

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will not have implemented the changes included in the adopted General Plan and Housing Element.

**FOLLOW UP ACTION:** Adopt the Ordinance

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

**ATTACHMENTS:** Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AVALON AMENDING AVALONG MUNICIPAL  
CODE SECTION 1-8.01 THRU 1-8.07 REGARDING  
REASONABLE ACCOMODATIONS**

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

**SECTION 1 PURPOSE**

The purpose of this ordinance is to amend and update Section 1-8.01 thru 1-8.07 of the Avalon Municipal Code (the "Code") concerning reasonable accommodations

**SECTION 2 FINDINGS**

The City Council hereby finds and determines as follows:

A. The Fair Housing Act and the Americans with Disabilities Act requires that cities provide reasonable accommodation to rules, policies, practices, and procedures where such accommodation may be necessary to afford individuals with disabilities equal housing opportunities.

B. The Avalon Housing Element identified this as an Implementation Policy.

C. The proposed amendments to Section 1-8.01 thru 1-8.07 will complete implementation of the Housing Element Program regarding reasonable accommodation.

D. The proposed amendments to Section 1-8.01 thru 1-8.07 are consistent with the goals and policies in the General Plan in that the amendments will further bring the Municipal Code into compliance with the Fair Housing Act and the Americans with Disabilities Act.

E. This change was included in the EIR prepared for the adopted General Plan and thus is exempt from further CEQA review pursuant to State CEQA Guidelines Section 15061(b)3.

**SECTION 3 AMENDMENT TO CODE**

Section 108.01 thru 108.07 are hereby amended to read as shown in Exhibit A.

**SECTION 4 SCOPE**

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

## SECTION 5 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 thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

## SECTION 6 EFFECTIVE DATE

This ordinance will 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

## EXHIBIT 'A'

### **Sec. 1-8.01 Intent.**

The purpose of the City of Avalon's ("City's") Americans with Disabilities Act of 1990 ("ADA") Reasonable Modification Policy is to ensure disabled persons have equal and effective access to City programs and services, and that reasonable and long-term modifications to City employment, building, and zoning rules, regulations, practices, and standards may be made for disabled persons in full compliance with the provisions of Title II of the ADA and all other applicable State and Federal laws. (§1, Ord. 1106-11, eff. March 31, 2011)

### **Sec. 1-8.02 Policy Statement.**

The City is committed to providing equal access and opportunity to qualified individuals with disabilities in all City programs, services, employment policies, and building and zoning rules, regulations, practices, and standards. The City recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable and long-term modifications to City policies and procedures. The City will adhere to all applicable Federal and State laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford disabled persons equal access to City programs and services, and to modify City employment, building, and zoning rules, regulations, practices, and standards when necessary. Questions regarding reasonable modification and/or discrimination on the basis of disability should be directed to the City's ADA Coordinator. A notification of this policy shall be on display at City Hall/Planning Department to alert people that this policy exists and that a copy of this policy will be made available by the City upon request.

The City shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the City can demonstrate that making the modifications would fundamentally alter the nature of the service, program, activity, regulation or policy being modified, or result in an undue financial or administrative burden.

The City shall take appropriate steps to ensure that communication with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the City shall furnish upon request appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the City. In determining what type of auxiliary aid or service is necessary, the City shall give primary consideration to the requests of the individual with a disability.

The City recognizes that providing services in an integrated setting through architectural barrier removal is the most desirable method to provide equally effective opportunities and benefits for many individuals with disabilities.

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, activity or regulations, or any action that would result in undue financial or administrative burdens. Any determination that a modification in its policies or procedures to provide an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden the City shall be made by the City ADA Coordinator after consulting with the City Attorney and after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that determination.

When barrier removal is "technically infeasible" or when reasonable modification would result in "undue financial or administrative burden" or "fundamental alteration in the nature of a service, program, or activity," the procedures in this policy will help ensure that the City adheres to the requirements of the ADA regulations and guidelines with respect to burden and infeasibility.  
(§1, Ord. 1106-11, eff. March 31, 2011)

### **Sec. 1-8.03 Definitions.**

"Auxiliary aids and services" shall mean and include:

(a) Qualified interpreters, note takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments,

(b) Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments,

(c) Acquisition or modification of equipment or devices, and

(d) Other similar services and actions.

"Disability" As defined by the ADA at 42 U.S.C. § 12102 and with respect to an individual shall mean (a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual, (b) a record of such impairment, or (c) being regarded as having such an impairment.

"Qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of

services, the participation in programs or activities provided by the City, or is subject to the laws, rules and regulations of the City.

"Reasonable modification" shall mean modifications or adjustments to a program, service, legal requirements and statutes or activity that will enable equal access, to the maximum extent possible, for qualified individuals with a disability.

"Technically infeasible" With respect to an alteration of a building or a facility, technically infeasible is something that has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

"Undue burden" shall mean significant difficulty or expense. In determining whether an action would result in an undue burden, the City shall consider all City resources available to the program or component for which the product is being developed, procured, maintained, or used or entitlements, approvals or permits sought. (§1, Ord. 1106-11, eff. March 31, 2011)

#### **Sec. 1-8.04 Policies and Procedures.**

(a) The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities, and will permit exceptions to stated local zoning, vehicle, parking, building, and employment standards, requirements, and practices when necessary and reasonable to ensure equal opportunity.

(b) Any disabled person, his or her representative, or any developer or provider of housing for one or more people with a disability may request an accommodation from any of the City's rules, policies, practices, and/or procedures when such accommodation is reasonable and necessary to afford such persons equal opportunity and access as citizens who are not disabled.

(c) Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City, should contact the ADA Coordinator, as soon as possible but no later than forty-eight (48) hours before the scheduled event. Please include the name, location and date of the service or program, and your contact information. While requests for auxiliary aids or services can usually be accommodated with limited notice, please be advised that other requests for accommodation, including but not limited to requests for exceptions to local zoning and buildings standards, regulations, and practices will require the completion of a request for accommodation application.

(d) The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities, including

qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Requests for aids or services for effective communication should be directed to the ADA Coordinator, with as much advance notice as practicable.

(e) In the provision of auxiliary aids or services, including modifications in policies, practices, or procedures, the City will not place surcharges on individuals with disabilities to cover the costs involved in making programs, services or activities accessible.

(f) City facilities are either fully structurally accessible to individuals with disabilities or will be made fully accessible. Should any facility not be fully accessible, all services normally provided to the public at that location will be provided at a fully accessible location upon request.

(g) In cases of emergency services, which are unplanned and may require complex and important communication, interpretation services consistent with the requirements of the ADA will be arranged to the extent practicable.

(h) If the reasonable accommodation involves deviation from the City's vehicle standards, the request shall be heard by the Vehicle Hearing Officer or his or her designee, subject to all applicable regulations for notice, determination and appeal.

(i) If the reasonable accommodation involves deviation from the City's building standards or zoning regulations, the request shall be heard by the Planning Commissioner or his or her designee, subject to all applicable regulations for notice, determination and appeal.

(j) The City's ADA Coordinator shall coordinate the City's efforts to comply with and carry out its responsibilities under Title II of the ADA and applicable State law, including investigation of any complaint communicated to the City alleging its noncompliance or alleging any actions that are prohibited under the ADA. The City shall make available to all interested individuals the name, office address, telephone number, and email of the ADA Coordinator and shall provide for procedures for the prompt and equitable resolution of complaints alleging any action that is prohibited under the ADA. Complaints that a program, service, or activity of the City is not accessible to persons with disabilities should be directed to the ADA Coordinator.  
(§1, Ord. 1106-11, eff. March 31, 2011)

#### **Sec. 1-8.05 Application for Accommodation.**

(a) A disabled person, or his or her representative, who desires to request an accommodation may do so by filing an application with City's ADA Coordinator. Requests for auxiliary aids and services may be made up to forty-eight (48) hours before the event needing accommodation; other requests should provide at least thirty (30) days' notice.

(b) If an individual needs assistance in making the request for accommodation or reducing such request to writing, the ADA Coordinator will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative.

(c) The application shall require the following:

(1) The applicant's name, address, and telephone number;

(2) If not the applicant, the identity of the disabled person(s), and the applicant's relation to the disabled person;

(3) Identification and description of the disability which is the basis for the request for accommodation, including a description of the effect the disability has on the disabled individual's medical, physical, or mental limitations. At the discretion of the ADA Coordinator, physician or other similar verification of the disability may be required. For any information marked as confidential by the applicant, the City will keep such information confidential and not disclose such information, unless required by law, subpoena, or similar legal process;

(4) The rule, regulation, policy, practice, or procedure of the City for which the request for accommodation is being made;

(5) If applicable the specific event of the City for which the request for accommodation is being made;

(6) The type of accommodation being sought and an explanation as to why it is necessary. When appropriate, this shall include a summary of any potential alternative means of accommodation;

(7) Where applicable, copies of correspondence, pictures, plans, or other appropriate background information reasonable necessary for the City to reach a decision regarding the feasibility and necessity of the accommodation. Additional information may be required at the discretion of the ADA Coordinator;

(8) If the modification is related to building or zoning standards, verification that adjacent property owners have been notified of the potential modification shall be required.

(d) The ADA Coordinator may, at his or her discretion, consider a request for accommodation to be ongoing and may not require a new request for each instance of accommodation. In other circumstances, individuals shall submit a new request for each instance of accommodation.

(§1, Ord. 1106-11, eff. March 31, 2011)

### **Sec. 1-8.06 Criteria for Granting Accommodation.**

(a) *Auxiliary Aids and Services.* Requests for auxiliary aids and services may be approved without findings or written conclusions by the ADA Coordinator, or his or her representatives.

(b) *Findings.* For all other types of requests for accommodation, including but not limited to those requesting exceptions to stated zoning, building, vehicle and employment rules, regulations, practices, and procedures, the following findings shall be analyzed, made, and adopted before any action is taken to approve, approve with conditions, or deny a request for accommodation, and must be incorporated into the record of the proceeding relating to such decisions:

(1) Whether the request for accommodation is reasonable and necessary to afford the applicant with equal opportunities as citizens who are not disabled;

(2) Whether there are preferable and feasible alternatives to the requested accommodation that may provide an equivalent level of benefit;

(3) The physical attributes of any proposed changes to properties and structures;

(4) Whether the requested accommodation will require a fundamental alteration of the City's rules, regulations, policies, practices, or procedures;

(5) Whether the requested accommodation will result in an undue financial or administrative burden to the City;

(6) If zoning related, whether the requested accommodation would result in a detriment to the character of the neighborhood;

(7) Whether the requested accommodation, under the specific circumstances, will result in a direct and significant threat to the health or safety of other individuals or property; and

(8) Any other factors that may have bearing on the request.

(c) *Conditions of Approval.* Any modification granted for an individual with a disability may be considered a personal accommodation for the individual applicant, and may not run with the land. The conditions of approval may, where deemed appropriate, provide for any or all of the following:

(1) Periodic inspection of the affected premises, as specified in the conditions, to verify compliance with this section and with any other applicable conditions of approval.

(2) Prior to any transfer of interest in the premises, notice to the transferee of the existence of the modification, the personal status of the modification and the requirement that the transferee apply for a new modification, if necessary.

(3) Removal of the improvements, where removal would not constitute an unreasonable and unfair financial burden, if the need for which the accommodation was granted no longer exists.

(4) Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.

(5) Other conditions deemed necessary to protect the public health, safety, and welfare.

(d) *Notice of Determination.* When practical, the Planning Commissioner, Vehicle Code Officer, or the ADA Coordinator or his or her representative, as applicable, shall issue a written notice of decision within thirty (30) days of the submittal of the completed application or hearing, as the case may be. The decision shall grant the request, grant the request with conditions, deny the request, or offer approval of an alternative accommodation. The request shall be denied if the result of granting the request would lead to a violation of federal or state law. The notice shall contain the factual findings, conclusions, and reasons for the decision and give notice of the right to appeal as set forth in section 1-8.07 of this chapter. The notice shall be mailed to the applicant by certified mail to the address listed on the application for the request. (§1, Ord. 1106-11, eff. March 31, 2011)

#### **Sec. 1-8.07 Appeals.**

(a) *Appeal of Notice of Decision.* Any person dissatisfied with the decision provided by the ADA Coordinator, the Planning Commissioner or the Vehicle Code Officer, or any such designee thereof, pursuant to this chapter may appeal the decision to the City Council. The appeal shall be in writing, shall be filed with the City Clerk, and shall be submitted within thirty (30) days of receiving the decision being appealed.

(b) The City Council shall review the appeal and may, at their discretion, request additional information as needed.

(c) The City Council shall issue a written decision within thirty (30) days of receiving the appeal, with such thirty (30) day period stayed during any time during which the City Council has requested and yet to receive any additional information regarding the appeal, and may grant the request, deny the request, offer approval of an alternative accommodation, or approval the request with conditions. The City Council may not offer an accommodation more restrictive than what was originally offered. In reaching its decision, the City Council should consider the factors outlined in section 1-8.06(B) of this chapter. Nothing in this chapter shall preclude the applicant from any other state or federal remedy available to applicant.

(§1, Ord. 1106-11, eff. March 31, 2011)

CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 6

ORIGINATING DEPT: Planning

CITY MANAGER: BA

PREPARED BY: Amanda Cook, Planning Director

SUBJECT: Final Tract Map 72248- Hamilton Cove

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**RECOMMENDED ACTION(S):** Approve Final Tract Map 72248 for 12 parcels at Hamilton Cove.

**REPORT SUMMARY:** The Planning Commission approved this map at the July 17, 2013 and found it to be in compliance with the adopted EIR for the Hamilton Cove Development. The proposal is to subdivide four parcels from Original Tract Map 69836 into 12 parcels for single family dwellings. The parcels are in the Low Density Residential zone and are over the minimum required size of 4400 sq. ft.

Subdivision Maps (Tract or Parcel) require City Council approval. This map has been checked by Michael Murphy, P.E. for compliance with the Subdivision Map Act and is ready for recording with Los Angeles County. A parcel map typically is four lots or less. Five or more parcels are generally approved as a Tract Map.

Monumentation Bond: Mr. Murphy has recommended that a \$5,000 Monumentation Bond or cash deposit be provided to the City to ensure that the property corner survey monumentation is placed by a licensed surveyor.

**GOAL ALIGNMENT:** To be determined.

**FISCAL IMPACTS:** None

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** The Development could not proceed as approved.

**ALTERNATIVE ACTION(S):** None.

**FOLLOW UP ACTION(S):** None

**ADVERTISING, NOTICING AND PUBLIC CONTACT:** Pursuant to the Brown Act this item is included on the posted Agenda.

**ATTACHMENTS:** Tract Map

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 7

ORIGINATING DEP: Finance

CITY MANAGER: RA

PREPARED BY: Chris Woidzik, Interim Finance Director

SUBJECT: Selection of Collections Agency

**RECOMMENDED ACTION(S):** Authorize City Manager to execute the professional services agreement with Financial Credit Network Inc. to commence collection activities on past due amounts owed to the City.

**REPORT SUMMARY:** The City had a prior agreement with Credit Bureau of San Pedro – Wilmington, Inc. but it was determined that the agency went out of business about 12 months ago without informing the City.

The primary collection needs of the City relate to unpaid ambulance charges. The City has an agreement with Wittman Enterprises, LLC to handle billing as well as initial collection efforts of unpaid ambulance charges. Once the accounts are deemed non-responsive, Wittman turns over the accounts to a collection agency, who further pursues collection efforts on our behalf and then remits to the City our share of collected amounts monthly.

The City surveyed the following four collection agencies and then selected Financial Credit Network Inc. based on terms of service and recommendations we received from other cities using their services.

<u>Company Name</u>	<u>1<sup>st</sup> Placement Charge</u>
Financial Credit Network, Inc.	24%
American Capital Enterprises, Inc.	25%
Elite Recovery Solutions, Inc.	25%
Account Recovery Services, Inc.	30%

**GOAL ALIGNMENT:** Achieve a Balanced City Budget.

**FISCAL IMPACTS:** Unknown – additional revenue collected to General Fund 102-25-8508

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** Loss of collection of revenues due to the City.

**FOLLOW UP ACTION:** Execute the Professional Services Agreement with Financial Credit Network, Inc.

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

**ATTACHMENTS:**

- 1) Collection Agency Agreement
- 2) Financial Credit Network background information
- 3) Governmental References

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 8

ORIGINATING DEP: Finance

CITY MANAGER: RA

PREPARED BY: Chris Woidzik, Interim Finance Director  
Pat Grady, IT Advisor

SUBJECT: Implementation of Time and Labor Management Software

**RECOMMENDED ACTION(S):** Authorize the City Manager to implement the Time and Labor Management software module from Sentric Inc., the City's payroll processing company.

**REPORT SUMMARY:** As the City continues to harness technology to increase efficiencies and productivity, staff seeks to automate its employee time keeping system whereby it will eliminate the use of paper time sheets and manual data entry. Every employee would be responsible for entering their time information through a web portal on a regular basis. For those employees without computers, staff will be placing terminals at the yard/warehouse, primarily to accommodate the Public Works department. Other departments such as Harbor and Fire, currently have terminals at the Harbor office and Fire Station. The plan is to roll out the module to staff in early November.

Staff evaluated similar services offered by ADP and Beyond Software Solutions. However, the primary factor for staff's recommendation is that Sentric currently maintains the City's payroll data. Therefore, integration would be seamless with setup and ongoing costs being reasonable. The breakdown of costs from all three vendors are the following:

Vendor	Setup/One-Time Cost	Annual Cost
ADP	\$13,689	\$6,360
Beyond Software Solutions	\$5,000	\$1,000
Sentric	\$2,000	\$3,000

The changes and benefits to upgrading include:

- 1) Elimination of completing, processing and storing paper time sheets;
- 2) Elimination of needing to track down supervisor approval before payroll can be processed due to different work locations or work schedules between staff and their supervisors;
- 3) Each employee will have their own account whereby they will clock in and out each day. At the end of the time period, they will submit their time entries which will automatically be sent by email to their supervisor;
- 4) Employees will submit leave requests using their online account;

- 5) Supervisors will approve time entries/leave requests with the ability to respond back to staff members to follow up/make corrections before approval is granted;
- 6) Project codes will be available where labor hours can be charged to the correct departments and projects;
- 7) Employees can monitor in real time their accrued leave hour balances;
- 8) A calendar feature will be available to allow supervisors visibility of scheduled time off;
- 9) Paycheck stubs and year-end W-2 forms will be viewable and downloadable for every employee;
- 10) Employees will have the ability to modify their payroll withholdings (W-4 information) as well as modify other personal information, with proper approvals;
- 11) Payroll processing by the Accounting Dept. will be faster and permit time to be spent on other accounting assignments.

**GOAL ALIGNMENT:** Departmental efficiencies.

**FISCAL IMPACTS:** The cost will be \$250.00 per month (\$3,000/year) plus a \$1,000 set-up charge and one-time training costs of approximately \$1,000. This will be offset with savings associated with no longer having to handle paper forms as well as specific hourly savings to the Payroll Clerk every two weeks.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** Continued manual processing of time sheets and loss of opportunity for enhanced efficiencies with automation.

**FOLLOW UP ACTION:** Implement the Time and Labor Management software module from Sentric, Inc.

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

**ATTACHMENTS:** Sentric information.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 9

ORIGINATING DEP: Planning

CITY MANAGER: BA

PREPARED BY: Audra McDonald, Administrative Analyst

**SUBJECT:** Resolution Supporting Proposition P, a Ballot Measure to Continue Park and Recreation Funding in Los Angeles County.

**RECOMMENDED ACTION(S):** Adopt the Resolution in support of Proposition P, a ballot measure that will provide \$54 Million a year for city and county parks, recreation facilities, open space and beaches in Los Angeles County.

**REPORT SUMMARY:** The 1992 Los Angeles County funding measure Proposition A will expire in June 2015. Proposition A has provided approximately \$54 Million annually for neighborhood and regional parks. The City of Avalon has received approximately \$4 Million in Proposition A Funds. These projects include:

- Crescent Avenue Waterfront Restoration Project
- Cabrillo Mole Kids Park
- Joe Machado Lighting Project
- Joe Machado Field Expansion Project
- Joe Machado Restroom and Concession Project
- Peoples Park Project
- The Interpretive Center (not owned by the City, but funded by Prop. A)

Proposition P, if passed, will continue the funding levels received by Proposition A and will provide ongoing funding opportunities for new and enhanced recreation facilities. The ballot measure proposes an annual \$23 per parcel special tax to continue park funding.

**GOAL ALIGNMENT:** Expanded Recreational Opportunities Goal (proposed City Council Goal from Phase 2 of Goal Setting Meeting).

**FISCAL IMPACTS:** If passed, Proposition P could have a positive fiscal impact for the City of Avalon. It would allow for grant funds (instead of general funds) for recreation and open space projects. Additionally, Prop P funds could be used as matching funds against potential State or Federal grant opportunities.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** N/A

**FOLLOW UP ACTION:** Forward the Resolution to Los Angeles County Regional Park and Open Space District.

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

**ATTACHMENTS:** Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON SUPPORTING THE LOS ANGELES COUNTY "SAFE NEIGHBORHOOD PARKS, YOUTH/SENIOR RECREATION, BEACHES/WILDLIFE PROTECTION MEASURE" (PROPOSITION P)

WHEREAS, on November 3, 1992, sixty-four percent (64%) of the voters in Los Angeles County authorized the formation of the Los Angeles County Regional Park and Open Space District (the "District), the levy of a benefit assessment within the District, and a plan of expenditure of the proceeds of such assessment including for the development, acquisition, improvement, restoration and maintenance of parks, recreational, cultural and community facilities, and natural open space land; and

WHEREAS, on November 5, 1996, sixty-five percent (65%) of the voters in Los Angeles County amended the method of assessment, and authorized expenditures of the District revenues; and

WHEREAS, the revenues from the 1992 and 1996 assessments will sunset in Fiscal Years 2014-2015 and 2018-2019, respectively; and

WHEREAS, the City of Avalon has received over \$4 Million Dollars (\$4,000,000) in Proposition A Funds to improve, expand and develop park and recreational facilities;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Avalon hereby supports the Los Angeles County "SAFE NEIGHBORHOOD PARKS, YOUTH/SENIOR RECREATIONS, BEACHES/WILDLIFE PROTECTION MEASURE" to be placed before the voters in November 2014.

Passed, Approved and Adopted on the 7th day of October, 2014.

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

Ayes:

Noes:

Absent:

Abstain:

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Ann H. Marshall, Mayor

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Denise Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 10

ORIGINATING DEPT: Planning

CITY MANAGER: BA

PREPARED BY: Amanda Cook, Planning Director

SUBJECT: Consideration of an Appeal of Planning Commission Action Denying a Conditional Use Permit for Transient Rental at 344 Clarissa

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**RECOMMENDED ACTION(S):** Uphold the Planning Commission denial of the application for a Conditional Use Permit (CUP) for Transient Rental at 344 Clarissa.

**BACKGROUND:** The Planning Commission (the "Commission") heard the application for the CUP for transient rental at the July 16, 2014 meeting. Comments were received from adjacent neighbors opposed to the application.

Owner: John Pletcher  
Zone: High Density Residential/Flats  
APN: 7480-037-018



Location Aerial View ★

Staff recommendation was to approve the application, as it met the saturation criteria and housing impact criteria. Commissioner Montano voiced her concern regarding

SCE's lack of response regarding use of fresh water by transient units and stated that concern as her reason for denial. SCE has since confirmed their position that conversion to transient use does not increase fresh water consumption. After closing the Public Hearing, the Commission discussed the item. Commissioner Lord expressed his negative opinion regarding all transient applications. Motion to deny was by Commissioner Lord, second by Commissioner Lavelle. After further discussion, the vote was called. Ayes (to deny) Lord, Dunn, Lavelle and Huart; Abstained due to property conflict: Montano, Fertig and Martin.

**AMC Sec. 1-4.01 Right to Appeal.**

(a) Except as otherwise specifically provided in this Code, any person excepting to the denial, suspension, or revocation of a permit applied for or held by him pursuant to any decision made by any appointive board of the City pursuant to any of the provisions of this Code may appeal in writing to the Council by filing with the City Clerk a written notice of such appeal setting forth the specific grounds thereof.

John Fletcher submitted his request to appeal the action of the Planning Commission on July 26, 2014, within the 15 day appeal period.

**FISCAL IMPACT:** There is no fiscal impact

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The Planning Commission's decision will be overturned, and the application will be approved.

**FOLLOW UP ACTION:** None

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

**ATTACHMENTS:**

- Planning Commission staff report
- Appeal Letter
- Adjacent Transient Units Map

City Council of Avalon  
Santa Catalina Island  
P.O. Box 707  
Avalon, CA 90704

July 28, 2014

RE: appeal of denial

To Members of the City Council:

My name is John W. Pletcher. I own the property at 344 Clarissa Ave.

I was represented by Denny Honsey, the manager at Catalina Island Vacation Rentals, at the meeting Wednesday, July 16, 2014.

I wish to appeal the denial of a new conditional use permit and resolution to allow the renting of my home for less than 30 days.

The reason this occurred was that one member of the commission Mr. Doug Lord stood up before anyone even had a chance to present their case and said he would vote against any more permits to be allowed. His reasoning was that he felt that they were detrimental to the city.

Tourism is important to Avalon and many people prefer to stay in homes rather than hotels with their families. His argument is false for this reason. The hotels cannot accommodate all the tourists who stay in Avalon.

My understanding is that the City Manager is recommending the refund of our application fee in case our denial is not reversed and we must file again in the future. This due to the actions of Mr. Lord. We have also been told by counsel that we are entitled to this refund for this reason.

Thank you for your attention to this matter.

Sincerely,



John W. Pletcher

1633 6<sup>th</sup> St.

Coronado, CA 92118

619-890-5457, 619-929-1020

johnwpletcher@aol.com

RECEIVED  
JUL 28 2014

BY: .....

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM 11

ORIGINATING DEP: Administration

CITY MANAGER: RM

PREPARED BY: Dudley Morand, Vehicle Clerk

SUBJECT: Consideration of Proposed Extension of Transportation Permit for Steve Woolley, dba Avalon Tours By Steve, and Whether to Allow for Additional Guided Golf Cart Tour Transportation Permits

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**RECOMMENDED ACTION(S):**

1. Discuss and determine whether to allow for an extension of the transportation permit for Steve Woolley, DBA Avalon Tours By Steve, and
2. Discuss and determine whether to allow for additional, similar transportation permits for guided golf cart tours by directing staff to develop proposed transportation permit parameters for guided golf cart tours.

**REPORT SUMMARY:**

At the March 4, 2014 regular City Council meeting, the Avalon City Council approved a temporary transportation permit for Steve Woolley, DBA Avalon Tours By Steve, to conduct guided golf cart tours throughout Avalon. The action called for a six (6) month trial period in order to evaluate the impact on traffic and safety. That time period has now expired. Since the time of approval for Mr. Woolley's transportation permit, other parties have come forward, expressing interest in obtaining similar transportation permits.

Mr. Woolley's trial period has been largely unremarkable, with few (if any) complaints or concerns logged with the City regarding impacts to traffic and/or congestion. Mr. Woolley obtained a business license, provided proof of liability insurance for the golf cart used for the transportation permit, and has indemnified the City of Avalon. No accidents or incidents resulting from Mr. Woolley's guided golf cart tours have been reported to the City. Mr. Woolley uses the area between the Tuna Club and Casino Way as his guided golf cart tour guest pick-up area.

**DISCUSSION:**

The following items should be considered as the City Council determines whether to extend Mr. Woolley's transportation permit, and whether to direct staff to develop proposed transportation permit parameters for potential future transportation permits that are similar in nature:

1. The visitor experience may be enhanced by Mr. Woolley's service, and other potential future transportation permits that are similar in nature, as visitors would be guided through

town by those who are familiar with driving golf carts on Avalon roads, and the town's traffic patterns.

2. A market could exist of visitors who may wish to experience Avalon via golf cart, but do not wish to drive one themselves.
3. Traffic congestion caused by visitors consulting maps while they are driving, slowing down to crawl speeds as they navigate unfamiliar roads, and the potential to alleviate the possibility of visitors driving while under the influence of alcohol may potentially be slightly alleviated by allowing this type of transportation permit.
4. If transportation permits of this nature are to be allowed, care and consideration must be taken such to not impede on the existing taxi business, or other tour offerings in Avalon.
5. Should additional transportation permits of this nature be allowed, staff should be provided with input as to whether to place limits on the number of these types of permits, hours of operation, and locations from which they may operate, etc. In addition, trial periods for these potential proposed permits should also be considered, as was the case with Mr. Woolley when his was issued.
6. Lastly, if additional transportation permits of this nature are allowed, decide whether a condition on the issuance of any such permits that the services are considered entertainment and thus subject to the City's admission taxes.

**FISCAL IMPACT:**

Potential for nominal additional revenue for the City of Avalon through additional transportation permit and business license fees.

**GOAL ALIGNMENT:**

To be determined, as the Avalon City Council will be convening a Transportation Study Session in the near future, from which transportation-related goals will be developed.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

N/A - Staff has not provided a recommendation.

**FOLLOW UP ACTION:**

Should the City Council desire to allow additional, similar guided golf cart transportation permits, direct staff to develop proposed program parameters for review and approval at a future City Council meeting.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

The agenda for this meeting was properly posted.

**ATTACHMENTS:**

1. Terms and Conditions Copy
2. March 4, 2014 Staff Report
3. Initial Transportation application

## Transportation Permit Terms and Conditions

**Permittee:**

"Avalon Tours by Steve" Steve Woolley

**Address:**

PO Box 1245, Avalon CA 90704

**Phone:**

(541) 550-9772

**Terms:**

The action of the Avalon City Council on March 4, 2014 calls for a six (6) month trial period, from date of approval, to evaluate impact on traffic and safety.

**Conditions:**

Mr. Woolley must maintain a current business license and insurance, prescribed by the City of Avalon Finance Dept., naming the City of Avalon as additionally insured. Current permission of vehicle owner(s) to use their autoette operate tours needs to be on file.

Tours will begin and end from an area between the Tuna Club and yacht club on Casino Way. Pick-up and drop-off at any other location is not allowed. At no time will the operator pick-up or drop-off passengers at transportation hubs such as the Cabrillo Mole or heliport.

Operator is to adhere to routes and hours of operation described in transportation application while in Avalon City limits.

Permittee:

Steve Woolley

Date:

3/24/14

City Manager:

[Signature]

Date:

5/12/14

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 12

ORIGINATING DEPT: Planning

CITY MANAGER: RAH

PREPARED BY: Amanda Cook

**SUBJECT:** Consideration of a Water Conservation/Rationing Planning and Building Application Policy and Direction to Clarify Policy by Amendment to Municipal Code

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**RECOMMENDED ACTION(S):** That the City Council adopt the proposed Water Conservation/Rationing Planning and Building Application Policy and Direct Staff to Clarify the Municipal Code.

**BACKGROUND:** The City has the responsibility of processing entitlement applications and issuing ministerial permits for development during all stages of water conservation. Under the Administration Section of the City's Municipal Code, the Code provides that "no application for any project which creates any additional living or transient units shall be approved unless the Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City." Technically, speaking, and read literally, this section only applies to development that involves the creation of additional housing units and not commercial developments where, as a condition of approval, the City requires additional housing units to be constructed.

In the past, the City as a matter of policy has not processed, let alone approve, applications when there was not water allocation. The Planning Commission discussed this policy at the September 24 meeting and decided to recommend that the City allow all applications for entitlements, including those involving housing units, to be processed even when no water allocations are available. Further, the Planning Commission recommended that owners of properties be allowed to construct the buildings, even if no water allocations existed, as long as the certificate of occupation were not issued until water was available and any required fire protection services, ie. sprinklers, were provided.

If the City Council approves this policy, staff will implement it and will return with an ordinance allowing housing units to be constructed as long the protections discussed in the policy were implemented.

The Policy reads as follows:

## Water Conservation/Rationing Planning and Building Application Policy

WHEREAS, Southern California Edison (SCE) serves as the urban water supplier for and to the City of Avalon; and

WHEREAS, the City of Avalon seeks to coordinate with SCE in its administration of planning applications and/or ministerial permits for development projects.

NOW, THEREFORE, the City Council of the City of Avalon (the City) does hereby adopt the following policy:

During any stage of water conservation/rationing as defined by SCE where SCE prohibits new water allocations or prohibits connections to its water system,

- The City Department of Planning and Building will accept and process applications for entitlement(s) for development, whether or not a fresh water allocation is provided at the time the application is filed.
- The City Department of Building and Planning will process applications for building permits, whether or not a fresh water allocation is provided at the time the permit is issued, only if any of the following applies to the work being permitted:
  - 1) The project does not require installation of a fire sprinkler system;
  - 2) The project does require a fire sprinkler system and SCE confirms in writing they will provide sufficient fresh water to charge the sprinkler system while the structure is unoccupied; or
  - 3) The applicant has certified that no connection to SCE's fresh water system is necessary because the applicant will supply all fresh water and that all discharge permits into the sewer system have been received prior to the commencement of construction.
  - 4) No water allocation is needed for the Project.

The City Department of Building will only issue a certificate of occupancy if SCE provides proof of water allocation or the appropriate discharge permits have been issued.

**FISCAL IMPACTS:** No Fiscal Impact

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** Several projects that have Planning entitlements will not be able to begin construction and applications for additional residential units that require water allocations will not be able to be processed..

**FOLLOW UP ACTION:** Implement the Policy and amend the Municipal Code.

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

**ATTACHMENTS:** None

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 13

ORIGINATING DEPT: Planning

CITY MANAGER: EH

PREPARED BY: Amanda Cook

**SUBJECT:** Consideration of 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):** That the City Council introduce and waive all readings of 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

**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 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 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").

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 proposed Zoning Code text amendments relating to an Alternate Planning Commissioner Position are attached to the proposed Resolution.

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.

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

**GOAL ALIGNMENT:** Update Planning Ordinances Goal (proposed City Council Goal from Phase 2 of Goal Setting Meeting).

**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

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.

### **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. - The selections should occur bi-annually in election years at the first Planning Commission following the seating of newly appointed Commissioners.

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 21<sup>st</sup> 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 thereof, 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 7, 2014

AGENDA ITEM: 14

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook

**SUBJECT:** Consideration of an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Section 9-5.404 (HD) Uses by Conditional Use Permit and 9-5.504 HD-R-CH/Low Moderate Income Housing, Uses by Conditional Use Permit and Adding Article 3 to Chapter 16 of Title 9 of the Avalon Municipal Code to Establish and Regulate Single Room Occupancy Facilities.

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**RECOMMENDED ACTION(S):** That the City Council introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Section 9-5.404 (HD) Uses by Conditional Use Permit and 9-5.504 HD-R-CH/Low Moderate Income Housing, Uses by Conditional Use Permit and Adding Article 3 to Chapter 16 of Title 9 of the Avalon Municipal Code to Establish and Regulate Single Room Occupancy Facilities.

**BACKGROUND:** This item was pulled from the August 5<sup>th</sup> agenda to consider changes proposed by a local resident. The Planning Commission discussed the changes and agreed to the changes. The change was in the number of bathrooms required by Single Room Occupancy facilities. The change resulted in 1 bathroom for every three (instead of six) units.

Assembly Bill 2634 (AB 2634), adopted in 2007, amended the California Government Code to require that each local government in California identify, in its General Plan's Housing Element, adequate sites for housing, including Single Room Occupancies (SROs). The 2013-2021 Housing Element includes a commitment by the City to complete a number of Zoning Code updates and revisions by summer 2014 to comply with AB 2634 (among other state mandates) and facilitate the development of affordable housing.

Implementation requires that the City designate one or more zones where SROs are permitted as a conditionally permitted use (requires a Conditional Use Permit). The City submitted to the Department of Housing and Community Development ("HCD") the 5<sup>th</sup> cycle Housing Element in late 2013. HCD has indicated that prior to receiving certification of the 5<sup>th</sup> cycle Housing Element, the City must make the zoning changes called for in the 4<sup>th</sup> cycle Housing Element, including the adoption of the Single Room Occupancy Ordinance.

When considering land use changes in the 4<sup>th</sup> cycle of the Housing Element, the City Council designated the High Density/Flats and HD/Community Housing zone

(formerly the Low/Moderate income zone or generally Tremont Canyon) as appropriate for this land use.

Adoption of the ordinance establishing Article 3 in Chapter 16 of Title 9 and amendments to Municipal Code Sections 9-5.404 and 9-5.504, do not approve any particular project or any particular parcel for immediate construction of a Single Room Occupancy Facility.

The ordinance will add Article 3 – Single Room Occupancies to Chapter 16 – Special Needs Housing, of Title 9 of the Municipal Code. This section will include standards specific to single room occupancies (as allowed by AB 2634) including maximum occupancy, bath and kitchen requirements, parking and management plan.

The amendment to Municipal Code Sections 9-4.404 and 9-5.504 will add single room occupancy as a conditionally permitted use within the HD/Flats and HD-R-CH (Low Moderate Income Housing) Zones.

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

**GOAL ALIGNMENT:** Update Planning Ordinances Goal (proposed City Council Goal from Phase 2 of Goal Setting Meeting).

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will have not complied with the 4<sup>th</sup> Cycle Housing Element program to adopt an Single Room Occupancy Ordinance (SROs) making SROs a conditionally permitted use in the HD/Flats and HD-R-CH (Low Moderate Income) Zones and it is likely the Department of Housing and Community Development will not certify the City's 5<sup>th</sup> Cycle Housing Element.

**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 change was included in the EIR prepared for the adopted General Plan and thus is exempt from further CEQA review pursuant to State CEQA Guidelines Section 15061(b)3.

**ATTACHMENTS:** Ordinance

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF AVALON AMENDING  
SECTIONS 9-5.404 AND 9-5.504 OF TITLE 9 OF THE AVALON  
MUNICIPAL CODE AND ADDING ARTICLE 3 TO CHAPTER 16 OF  
TITLE 9 OF THE AVALON MUNICIPAL CODE TO ESTABLISH  
AND REGULATE SINGLE ROOM OCCUPANCY FACILITIES

**WHEREAS**, the City of Avalon ("City") recognizes that affordable housing is a scarce resource, and therefore committed in its Housing Element to update the City's ordinances to encourage the development of such housing; and

**WHEREAS**, a type of affordable housing is a single room occupancy ("SRO"), which consists of a small unit that may provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless people seeking to enter the housing market; and

**WHEREAS**, in many communities, older SROs have been lost due to deterioration, hotel conversions, and demolitions; and

**WHEREAS**, the City Council recognizes the value of identifying zoning and development standards that will allow and encourage the development or construction of new SROs; and

**WHEREAS**, in support of SRO housing, the City desires to amend the Avalon Municipal Code ("AMC") to add standards governing the establishment of SROs within the City; and

**WHEREAS**, a public hearing was held before the Planning Commission on May 21, 2014 in which the Commission recommended that that the Council adopt Zoning Code text amendments to allow for the establishment and regulation of SROs in the City; and

**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.** Section 9-3.619 of Article 6 of Chapter 3 of Title 9 of the Avalon Municipal Code is hereby amended to add the following definition:

**"Section 9-3.619 'S' Definitions.**

'Single room occupancy facility' shall mean a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred ninety (190) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer."

**Section 2.** Article 3 of Chapter 16 of Title 9 of the Avalon Municipal Code is hereby added to the Avalon Municipal Code and shall read as follows:

**“CHAPTER 16 SPECIAL NEEDS HOUSING**

**Article 3. Single Room Occupancies**

- 9-16.300 Purpose and intent.**
- 9.16-301 Occupancy.**
- 9-16.302 Residential Zone Land Uses and Permit Requirements.**
- 9-16.303 Standards.**

**9-16.300 Purpose and intent.**

It is the purpose and intent of this chapter to regulate the development and operation of single room occupancy land uses. Single room occupancy (SRO) units provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.

**9.16-301 Occupancy**

A single room occupancy unit provides living and sleeping space for the exclusive use of up to two occupants.

**9-16.302 Residential Zone Land Uses and Permit Requirements.**

Single-room occupancy facilities shall be permitted in the HD Multiple Residential – High Density (Flats) zone and the High Density Residential – Community Housing (HD-R-CH) zone subject to the approval of a conditional use permit by the Planning Commission per Section 9-8.401.

**9-16.303 Standards.**

A. Single Room Occupancy Units. The following standards apply to single room occupancy units. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

1. Unit Size. The minimum size of a unit shall be one hundred ninety (190) square feet.

2. Bathroom Facilities. An SRO unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided with at least one full bathroom on a floor, with at least one bathroom for every three units on a floor. (If there are four units, on a floor, then three bathrooms are required.) A full bathroom shall be at least 35 square feet.

3. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor, or at least one kitchen for every six units on a floor.

4. Closet. Each SRO unit shall have a separate closet.

5. Code Compliance. All SRO units shall comply with all requirements of the California Building Code.

B. Single Room Occupancy Facilities. In addition to the development standards in the underlying zoning district, the following standards apply to single room occupancy facilities. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

1. Common Area. A single room occupancy facility shall include at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.

2. Bathroom Facilities. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided with at least one full bathroom (including toilets, sinks, and bathing facilities) for every floor, with a minimum of one full bathroom per every three units on a floor. (If there are four units, on a floor, then three bathrooms are required.) The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door. A full bathroom shall be at least 35 square feet.

3. Laundry Facilities. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.

4. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.

5. Management Plan. A management plan shall be submitted with the development application for an SRO facility and shall be approved by the community development director and housing programs manager. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents and building maintenance.

6. Facility Management. An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office off-site but such office will be within City limits.

7. Off-Street Parking. Off-street parking shall be determined by the Planning Commission.

8. Accessibility. All SRO facilities shall comply with all applicable ADA accessibility and adaptability requirements.

9. Existing Structures. An existing structure may be converted to an SRO facility, consistent with the provisions of this section.”

**Section 4.** Section 9-5.404 Uses by Conditional Use Permit is amended to add (h) as follows: (h) Single room occupancies. Section 9-5.504 Uses by Conditional Use Permit is amended to add (h) as follows: (h) Single room occupancies.

**Section 5. Severability.** The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

**Section 6. Exemption from California Environmental Quality Act.** The City finds that the amendments to the Municipal Code, made pursuant to this Ordinance, are exempt from the California Environmental Quality Act (“CEQA”) because they do not constitute a project within the meaning of State CEQA Guidelines Section 15378. The amendments 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, no meaningful review of potential impacts is currently possible because the proposed amendments do not obligate development of SRO facilities in any particular place and the City has not received any proposals or applications for such development. The City further finds, under State CEQA Guidelines Section 15305, that the proposed amendments constitute a minor change to land use limitations and do not affect any change of zoning or generally permissible land uses or densities. The City further finds, under State CEQA Guidelines Section 15061(b)(3), that 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 a previously undefined term and provide regulations for the establishment of a type of affordable housing. 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.

**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 H. Marshall, Mayor

**ATTEST:**

\_\_\_\_\_  
Denise A. Radde, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott H. Campbell  
Best Best & Krieger, LLP

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 7, 2014

AGENDA ITEM: 15

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: Scott Campbell

**SUBJECT:** An Ordinance Adding a Chapter to the Avalon Municipal Code Relating to Administrative Citations and Penalties and Adding Enforcement Provisions to the Avalon Municipal Code

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**RECOMMENDED ACTION(S):**

That the City Council consider and introduce and waive all readings of an ordinance adding a new chapter to the Avalon Municipal Code implementing a system for imposition, enforcement, collection and administrative review of administrative fines for violations of the Avalon Municipal Code and providing for reimbursement of attorneys' fees and costs when the City incurs such expenses in Code Enforcement matters.

**REPORT SUMMARY:**

Enforcement of the Avalon Municipal Code ("AMC") and other ordinances adopted by the City are matters of local concern and serve important public purposes to promote public health, safety and welfare. Presently, the AMC provides for criminal penalties for violations of the AMC. Given the cost of traveling to the mainland, potential inconvenience to staff and residents and severity of the potential criminal penalties, it is appropriate to enact a civil administrative citation procedure to allow non-criminal enforcement of the AMC and provide the City's Code Enforcement Officers and Los Angeles County Sheriffs (Avalon Sheriffs) additional tools to obtain compliance with AMC violations. The proposed ordinance establishes a standardized and expedited method to hold parties responsible when they fail or refuse to comply with certain provisions of the AMC, its adopted codes or other ordinances adopted by the City. The ordinance will minimize expense, conserve staff and judicial resources and obviate excessive travel to address violations of the AMC. Currently, when a notice to appear is issued to a violator, parties must travel to and appear in court to collect the fines associated with the violation.

Government Code section 36901 authorizes the City to impose fines, penalties and forfeitures for violations of its ordinances. Moreover, Government Code section 53069.4 authorizes the City to issue administrative citations for violations of the City's ordinances, so long as it sets forth by ordinance the administrative procedures that govern the imposition, enforcement, collection, and administrative review by the City of those administrative fines or penalties.

The procedures established by the ordinance will be in addition to criminal, civil or administrative abatement or any other legal remedy which may be pursued to address violations of the AMC, its adopted codes or applicable state codes, at the sole discretion of the

City. Accordingly, the issuance of a citation or payment of any fine, or both, will not prevent the City from instituting any other enforcement action or remedy to obtain compliance with the provisions of the AMC so violated, including the issuance of additional citations.

Moreover, unpaid fines and/or penalties will be deemed a civil debt owing to the City pursuant to AMC Section 1-2.07. An additional amendment to the AMC involves amending Sections 1-2.07 to provide clarification to the Code that if fines or penalties are imposed upon violators of the AMC, the City can recover its attorneys' fees and costs incurred in the prosecution, imposition and collection of such monies.

This Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15378(c)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. The Ordinance is not a project as defined in State CEQA Guidelines Section 15378 because pursuant to Section 15378(b), the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment is not a project. Further, this Ordinance preserves the status quo and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**GOAL ALIGNMENT:** To be determined.

**FISCAL IMPACTS:** The ordinance allows the City to directly collect fines and penalties for violations of the AMC and avoids the expenditure of staff time for court travel.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The ordinance will not pass and the administrative citation scheme will not go into effect.

**FOLLOW UP ACTION:** None.

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

**ATTACHMENTS:** Proposed Ordinance

ORDINANCE NO. [REDACTED]

**AN ORDINANCE OF THE CITY OF AVALON ADDING TITLE 1, CHAPTER 9 TO THE AVALON MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES AND ADDING ENFORCEMENT PROVISIONS TO THE AVALON MUNICIPAL CODE**

**WHEREAS**, the Avalon City Council ("City Council") believes that enforcement of the Avalon Municipal Code and other ordinances and regulations adopted by the City of Avalon ("City") are matters of local concern and serve important public purposes to promote public health, safety and welfare;

**WHEREAS**, the City Council has determined that it is in the best interests of the City to gain compliance with the Avalon Municipal Code, its adopted codes, ordinances and regulations in a timely and efficient manner;

**WHEREAS**, this Ordinance provides a standardized and expedited method to hold parties responsible when they fail or refuse to comply with certain provisions of the Avalon Municipal Code, its adopted codes or other ordinances and resolutions adopted by the City;

**WHEREAS**, the City Council believes that this Ordinance will minimize expense, conserve judicial resources and obviate excessive travel to address violations;

**WHEREAS**, Government Code section 36901 authorizes the City to impose fines, penalties and forfeitures for violations of its ordinances;

**WHEREAS**, Government Code section 53069.4 authorizes the City to issue administrative citations for violations of the City's ordinances;

**WHEREAS**, Section 1-2.07 provides that the City may recover its attorneys' fees in an action to enforce fees, charges and taxes that are made a civil debt by the Avalon Municipal Code. Such section should be amended to clarify that fines and penalties are also subject to this section and further clarify that all attorneys' fees and costs incurred in the prosecution, imposition and collection of such debts and in the enforcement of the Avalon Municipal Code by the City may be recovered.

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

**Section 1.** Title 1 – General Provisions, Section 9 is hereby added to the Avalon Municipal Code to read as follows:

**"CHAPTER 9 – ADMINISTRATIVE CITATIONS**

**Section 1-9.01      *Legislative Findings and Statement of Purpose***

*The City Council hereby finds that there is a need for an alternative method of code enforcement to the traditional civil, criminal or administrative abatement actions to effect compliance with certain provisions of the Avalon Municipal Code, its adopted codes and applicable state codes.*

The procedures established in this Chapter shall be in addition to criminal, civil or administrative abatement or any other legal remedy established by law, which may be pursued to address violations of the Avalon Municipal Code, its resolutions and adopted codes or applicable state codes, at the sole discretion of the City.

**Section 1-9.02        Definitions**

(a) "Administrative Citation" shall mean an administrative citation issued pursuant to this section to remedy a violation.

(b) "City Manager" shall mean the city manager or his or her designee.

(c) "Code" shall mean the Avalon Municipal Code, resolutions and any code adopted by reference.

(d) "Day" shall mean a calendar day.

(e) "Enforcement Officer" shall mean any peace officer, code enforcement officer or any other employee or agent of the City designated by the city manager to enforce any provision of this Code.

(f) "Non-Emergency Health or Safety Violation" shall mean a continuing violation of any building, plumbing, electrical or other similar structural or zoning ordinance which does not create an immediate danger to health or safety.

(g) "Responsible Person" shall mean a person who causes a Code violation to occur, or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee, or independent contractor causes a violation to occur, or allows a violation to exist or continue. For the purposes of this Chapter, there may be more than one Responsible Person for a violation.

**Section 1-9.03        Authority**

(a) Any Responsible Person violating any provision of the Avalon Municipal Code, its adopted codes, its regulations or any applicable state code, may be issued an Administrative Citation by an Enforcement Officer as provided in this Chapter. A violation of this Code includes, but is not limited to, all violations of the Avalon Municipal Code, the Uniform Codes adopted by the City Council, failing to comply with any condition imposed by any entitlement, permit, agreement or environmental document issued or approved under the provisions of this Code.

(b) Each and every day a violation of the Code, adopted code or applicable state code exists, constitutes a separate and distinct offense.

(c) A civil fine shall be assessed by means of an Administrative Citation issued by an Enforcement Officer and shall be payable directly to the City of Avalon.

(d) Fines shall be assessed in the amounts specified by the Avalon Municipal Code, Resolutions of the City Council, or where no amount is specifically identified in the Avalon Municipal Code or Resolution, the fines are as follows:

(1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;

(2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision or permit within one year from the date of the first violation;

(3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance or permit within one year from the date of the first violation.

(e) Each Administrative Citation shall contain the following information:

(1) The name of the person charged with any violation of the Code.

(2) The date or dates on which the person violated the Code.

(3) The section or sections of the Code so violated.

(4) The location where the violation occurred.

(5) The amount of the fine imposed or to be imposed for each violation of the Code.

(6) In the case of a Non-Emergency Health or Safety Violation, the amount of time the person charged with the violation of the Code has to correct or otherwise remedy the violation prior to the fine becoming effective.

(7) A notice of the procedure to request an administrative hearing to contest the citation.

(8) The amount of the proposed fine for each violation listed in the citation.

(9) The name and signature of the person who issued the citation.

(10) The date the citation is issued.

(11) Any other information deemed necessary by the City Manager or Enforcement Officer for enforcement or collection purposes.

(f) If the violation of the Code is for a Non-Emergency Health or Safety Violation, a reasonable period of time of at least thirty (30) days shall be provided in writing to the person responsible for the Non-Emergency Health or Safety Violation to correct or otherwise remedy the violation prior to the imposition of a civil fine. If the violation is not corrected by the time noted in the notice, the civil fine shall immediately become due and payable.

**Section 1-9.04            Payment and Collection of Fines**

(a)     *Payment of a civil fine assessed for a violation of this Chapter shall be due within 21 days from the date of issuance of the citation and shall be in the form of check or money order made payable to the City of Avalon. The citation number shall be designated on the check or money order.*

(1)     *Unless the citation requires personal delivery of civil fine payment pursuant to section 1-904(a)(2) below, payment shall be mailed to: City of Avalon Finance Department, 410 Avalon Canyon Road, P.O. Box 707, Avalon, California, 90704.*

(2)     *Where a citation expressly requires personal delivery of civil fine payment, payment shall be personally delivered by the Responsible Person to: City Hall, 410 Avalon Canyon Road, Avalon, California, 90704.*

(b)     *Payment of any fine or fines shall not excuse the Responsible Person from complying with the provision of the Code so violated. The issuance of a citation or payment of any fine, or both, shall not bar the City from instituting any other enforcement action or remedy to obtain compliance with the provisions of the Code so violated, including the issuance of additional citations.*

**Section 1-9.05            Failure to Pay Administrative Fines**

(a)     *The failure of any person to pay the civil fines assessed by an Administrative Citation within the time specified may result in the matter being referred to the city attorney to file a claim and/or initiate collection efforts pursuant to Section 1-2.07.*

(b)     *Any person who fails to pay to the City any fine imposed pursuant to this Chapter on or before the date that fine is due also shall be liable for the payment of a late payment charge in the amount of \$25.00 plus interest at the maximum rate permitted by law.*

**Section 1-9.06            Appeal of Administrative Citation**

(a)     *The recipient of a citation issued pursuant to this section may contest the citation. A notice of appeal and request for hearing contesting an Administrative Citation issued for a violation of this Chapter shall be accompanied by any non-refundable administrative fee as established by the City, an advance deposit of the total amount of the fine, which shall be refunded if it is determined, after a hearing, that the person charged in the Administrative Citation was not responsible for the violation(s) or that there was no violation(s) as charged in the citation.*

(b)     *The City Manager shall designate the hearing officer for the Administrative Citation hearing. The hearing officer shall not be a City employee.*

(c)     *The hearing before the hearing officer shall be set for a date that is not less than fifteen (15) and not more than sixty (60) calendar days from the date that the notice of appeal is filed in accordance with the provisions of this Chapter. The person requesting the hearing shall be*

notified of the time and place set for the hearing at least ten (10) calendar days prior to the date of the hearing.

(d) At least ten (10) days prior to the date of the hearing, the recipient of an Administrative Citation shall be provided with copies of the citations, reports and other documents submitted or relied upon by the Enforcement Officer. No other discovery is permitted. Formal rules of evidence shall not apply.

(e) The hearing officer shall only consider evidence that is relevant to whether the violation(s) occurred and whether the party contesting the Administrative Citation has caused, maintained or allowed the violation(s) of the Municipal Code, adopted code, regulation or other applicable state code on the date(s) specified in the Administrative Citation.

(f) The Administrative Citation and any additional documents submitted by the Enforcement Officer shall constitute prima facie evidence of the respective facts contained in those documents.

(g) The person contesting the Administrative Citation shall be given the opportunity to testify and present witnesses and evidence concerning the Administrative Citation.

(h) The unexcused failure of any recipient of an Administrative Citation to appear at the Administrative Citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

(i) The hearing officer may continue the hearing and request additional information from the Enforcement Officer or the recipient of the Administrative Citation prior to issuing a written decision.

(j) The hearing officer is not required to provide transcriptions of hearings, but is required to make available tapes of hearings for a fee.

(k) After considering all the evidence and testimony submitted at the hearing, the hearing officer shall issue his or her written decision on the contested Administrative Citation within ten business days. The decision of the hearing officer shall either uphold or deny the Administrative Citation or any portion thereof, and state the facts and reasons supporting the decision. If the Administrative Citation is upheld, the hearing officer shall also order the imposition of a fine in the amount stated in the citation, as well as any attorneys' fees and costs the City has incurred in enforcing the Code, which shall be paid within twenty-five days from receipt of the decision. If the Administrative Citation is denied, the hearing officer shall order the return of the deposited fine, which return shall occur within sixty days following the written order of the hearing officer. The written decision shall be filed with the city clerk and a copy thereof shall be mailed to the recipient of the citation.

(l) All decisions and orders of a hearing officer shall become final unless appealed by the requesting party as provided herein.

**Section 1-9.07**      **Right to Further Appeal Using Judicial Review**

*Any person aggrieved by an administrative decision of a hearing officer on an Administrative Citation may obtain review of the administrative decision by filing an appeal with the Superior Court in accordance with the timelines and provisions as set forth in California Government Code section 53069.4."*

**Section 2.** Section 1-2.07 of the Avalon Municipal Code is amended to read as follows:

**Fees, Charges, Fines, Penalties and Taxes Made a Civil Debt.**

The amount of any fee, charge, fine, penalty, utility charge, license or tax of any nature whatsoever imposed by any provision of this Code shall be deemed a civil debt owing to the City. An action may be commenced in the name of the City in any court of competent jurisdiction for the collection of the amount of any such fee, charge, fine, penalty, utility charge, license or tax. The remedy prescribed by this Section shall be cumulative and the use of an action to collect such an amount as a debt by civil action shall not ban the use of any other remedy provided by this Code or by law.

The City shall be entitled to all costs and attorneys' fees it incurs in enforcing the Code and in any collection action pursuant to the Code.

**Section 3.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15378(c)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. The Ordinance is not a project as defined in State CEQA Guidelines Section 15378 because pursuant to Section 15378(b), the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment is not a project. Further, this Ordinance preserves the status quo and therefore has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**Section 4.** The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance or the application of those provisions.

**Section 5.** This Ordinance shall become effective thirty (30) days after its adoption.

**Section 6.** The City Clerk is directed to certify 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, California, on the \_\_\_th day of \_\_\_\_\_, 2014, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ann H. 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 7, 2014

AGENDA ITEM: 16

ORIGINATING DEP: Administration

CITY MANAGER: TBA

PREPARED BY: Jordan Monroe, Management Aide

SUBJECT: Social Media Use and Public Outreach Policy

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**RECOMMENDED ACTION(S):** Review and discuss presented Social Media Use and Public Outreach Policy and adopt.

**REPORT SUMMARY:** At the request of Mayor Marshall, City staff has developed a living document addressing social media use and public outreach. City Council has expressed a desire to continue to make Avalon City government more transparent and more accessible to the general public. With the proliferation of social media in everyday avenues, staff is exploring the possibilities of utilizing these tools to engage the public.

The Social Media Use and Public Outreach Policy is intended to be a guideline for assured quality and appropriate use of social media, with the goal of conveying information to citizens about the City and its projects, programs, and activities. Social media includes sites such as Facebook, Twitter and Vine.

In addition to social media sites, the city intends to establish multiple forums and forms of public outreach with the purpose to disseminate information from the City, about the City and for the benefit of the City, its residents and visitors. This includes opportunities such as the digital sign board that can quickly share updates, announcements and emergency alerts, as well as provide a forum for community members and organizations to share relevant information that may be of interest to the community. With community involvement this can be a revenue source for the City. Public outreach through these means also helps to connect the public who is not engaged in social media, especially those sites which require a sign up.

It is intended that this policy is implemented in a phase approach. With the potential benefits that come along with social media and public outreach also comes potential negative repercussions and areas of concern. Keeping that in mind it is recommended to start with a 'posting only' approach. The intention is to share information, but to not engage in a dialogue, to minimize misrepresentations and misspoken accounts on these forums. As the City's use develops it may be appropriate to develop a response assessment.

It is important to note that social media and public outreach are not intended to replace the formal channels of communication between the public and the City. Social media is not an acceptable means to contact the City regarding notices, requests or other official communications by or to the City.

**GOAL ALIGNMENT:** To be determined.

**FISCAL IMPACTS:** Staff time.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City of Avalon, its council, commission and staff will not have a policy to guide the use of social media, and will have limited options for public outreach.

**FOLLOW UP ACTION:** Establish social media and public outreach platforms, and utilize based on the adopted Social Media Use and Public Outreach Policy. Establish additional policies needed to support the social media use and public outreach as called out in Social Media Use and Public Outreach Policy.

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

**ATTACHMENTS:** Social Media Use and Public Outreach Policy

**CITY OF AVALON  
SOCIAL MEDIA USE AND PUBLIC OUTREACH POLICY**

**APPLICABILITY**

This Policy applies to all City of Avalon (“City”) employees, officers, and designated contractors who, as part of their job responsibilities and requirements, are authorized to speak on behalf of the City in their official capacity. This includes all employees, officers, and designated contractors engaged in the maintenance, participation, and observation of any City social media site (defined herein).

**STATEMENT OF PURPOSE**

This Policy establishes guidelines for the use of social media sites by the City of Avalon (“City”) as a means of conveying information to its citizens about the City and its projects, programs, and activities.

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate.

The City intends to establish multiple forums and forms of public outreach with the purpose to disseminate information from the City, about the City and for the benefit of the City, its residents and visitors.

The City respects the legal rights of its employees. With a few exceptions, what employees do on their own time is not governed by this Policy. However, online activities at work or online activities outside of work that affect employee job performance, the performance of others, the legal rights of others, the privacy rights of others, and the operational and confidentiality interests of the City, are a proper focus for this Policy, and can be subject to the City of Avalon Personnel Rules and Regulations.

City employees, officers, and designated contractors can reference this policy as a guideline for personal use of social media. The City finds that statements on personal social media pages, accounts or sites that impair discipline by superiors or harmony among coworkers, such as by discussing or promoting political views, political organizations, candidates for office, or ballot initiatives, have a detrimental impact on the working relationships, loyalty and confidence necessary for City business and operations. City employees, officers, and designated contractors are advised that the City perceives such statements on personal social media pages, accounts or sites as contrary to the efficient and effective operation of the City and discourages such comments. Furthermore, technology or devices that are property of the City and issued to City employees, officers, or designated contractors may be monitored and the City discourages posting, publishing or making such statements on personal social media pages, accounts or sites with City-owned technology or devices.

The City has an overriding interest and expectation in protecting the information posted on its social media sites and the content that is attributed to the City and its officials.

### DEFINITIONS

“Social media sites” means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media sites and technology include, but are not limited to, Facebook, Twitter, blogs, RSS, YouTube, LinkedIn, Flickr and SendHub.

“City social media sites” means social media sites which the City establishes and maintains, and controls all postings to, except for advertisements or hyperlinks by the social media site’s owners, vendors, or partners. City social media sites shall supplement, and not replace, the City’s required notices and standard methods of communication.

“Posts” or “a posting” means information, articles, pictures, videos, or any other form of communication posted on a City social media site.

“Public Outreach” means any method or medium, generally digital in nature, used to disseminate information to, and engage with, the general public as an effort to connect beyond the limits of conventional forms of communication.

### GENERAL POLICY GUIDELINES

1. The establishment of each City social media site is subject to approval by the City Manager or his or her designee. Upon such approval, each City social media site created shall bear the name and/or official logo of the City.
2. The City’s website ([www.cityofavalon.com](http://www.cityofavalon.com)) will remain the City’s primary and predominant Internet presence. Wherever possible, content posted to City social media sites will also be available on the City’s website.
  - a. The best, most appropriate City uses of social media tools fall generally into two categories:
    - i. As channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information, events information);
    - ii. As marketing/promotional channels, which increase the City’s ability to broadcast its messages to the widest possible audience.
  - b. Wherever possible, content posted to City social media sites shall contain links directing users back to the City’s official websites for in-depth information, forms, documents, or online services necessary to conduct business with the City.

3. All content on City social media sites shall be reviewed, approved, and administered by the City's Department Directors or their designees with ultimate authority resting in and decisions overseen by the City Manager. Wherever possible, all City social media sites shall comply with all appropriate City policies and standards, including but not limited to the following:
  - a. Internet/Information Systems Policy
  - b. Electronic Communication Usage and Retention Policy
  - c. Harassment Policy
4. City social media sites shall be managed consistent with the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.). Members of the City Council and all City Commissions shall not respond to any published postings, or use the City social media sites or any form of communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the Council or Commission. The City generally as a policy does not wish to have City Councilmembers or City Commissioners individually engage on these types of issues on social media, instead through more traditional means of public communication and interaction.
5. City social media sites are subject to the California Public Records Act (Cal. Gov. Code § 6250 et seq.). Any content maintained in a social media format that is related to City business, including posted communications, and communications submitted for posting, may be public records subject to public disclosure. Wherever possible, such sites shall clearly indicate that all articles, comments and other content posted or submitted for posting as well as personal identifying information for users and visitors to the site, may be subject to public disclosure. Such sites shall also indicate that public disclosure requests must be directed to the City Clerk's office.
6. California state law and relevant City records retention schedules apply to social media sites and content. Unless otherwise addressed in a specific social media standards document, the department maintaining a City social media site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible. Please contact an Information Services staff member to determine the appropriate retention formats for specific social media tools.
7. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies. The City reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law.
8. For each social media site approved for use by the City Manager or his or her designee, the following documentation will be developed and adopted:

a. Operational and use guidelines

- i. The City will develop Standards for each City social media site, which will include the Purpose and Content Standards as well as any other details specific to the use of the particular City social media site.
- ii. The City Manager or his or her designee will maintain a list of social media sites that are approved for use by City departments and staff.
- iii. The City Manager or his or her designee will maintain a list of all City social media sites used by City departments and staff, including login and password information. Employees will inform the City Manager of any administrative changes to existing City social media sites.
- iv. The City Manager or his or her designee will have authority to edit or remove content from City social media sites.

b. City and departmental branding standards

9. All City social media sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any City employee shall not be allowed for the purpose of setting-up or monitoring a City social media site, unless set-up or monitoring is not technologically possible without such use.

The City Manager or his or her designee shall designate specific City employees as “account administrators” who shall be authorized to administer the City’s social media sites, including posting and removing comments, responding to messages and requests for communication, and posting or removing all forms of content including images and text. Such authorized City employees shall only connect to, and exchange information with, those social media sites authorized by the City pursuant to this Policy.

10. This Social Media Use and Public Outreach Policy may be revised at any time.

CONTENT GUIDELINES

1. As a public entity, the City must abide by certain standards to serve all of its constituents in a civil and unbiased manner.
2. The following statement shall be posted on the City social media sites’ primary pages, or if not able to be posted directly on the site, shall also be found on the City’s main website:

“The intended purpose of this page (the City of Avalon’s social media sites) is to serve as a mechanism for communication between the City of Avalon and members of the public. However, this page is not the primary method of

communication with the City, and any notices or requests for City services must be made via official communication methods identified on the City's website, or by traditional methods of notification recognized by the City, and no comments or posts on this page will be construed as providing notice to the City of any claim, deficiency, dangerous condition, request, or otherwise.

Any comments or other content posted or submitted to this page for posting, as well as personal identifying information for the page's users and visitors, and its list of fans, may be public records subject to disclosure pursuant to the California Public Records Act (Cal. Gov. Code § 6250 et seq.). Public disclosure requests must be directed to the City Clerk's office."

In addition to the above statement, the City social media sites' primary page shall also contain contact information for the City and a hyperlink to the City website providing addresses, names, phone numbers, fax numbers, and email addresses of applicable department listings or City staff and methods of making official requests for maintenance or services and notice of the condition of City property or other similar requests.

3. The content of City social media sites shall pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks. City social media sites may include information or materials not directly sponsored or endorsed by the City, so long as such information or materials have the intent to educate or engage the community on topics relevant to the City as well as germane to the purpose and topic of the particular City social media site.
4. The City shall have full permission or rights to any content posted by the City on City social media sites, including photographs and videos.
5. City social media sites shall be viewed as a municipal resource. Therefore, City employees, officers, and designated contractors shall avoid any type of political campaigning or political commentary on a City social media site.
6. City social media sites shall not be used for the following purposes (within posted content, messages, or "Liking" or "Following" other pages or accounts): promoting commercial products, entities, or causes; promoting religious or political views; or promoting political organizations, candidates for office, or ballot initiatives. City social media sites can be used to engage the broader community with content that are germane to the site and intended to further its purpose. Any interaction with other entities through City social media does not denote endorsement.
7. "Likes," "Follows," mentions of, or interactions with other social media pages or accounts by a City social media site will be at the discretion of the City Manager or his or her designee and do not denote endorsement by the City.

8. Any employee authorized to post items on any of the City's social media sites shall review, be familiar with, and comply with the particular social media site's use policies and terms and conditions.
9. Any employee authorized to post items on any of the City's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City employee shall only reflect the views of the City. All postings to City social media sites should be reviewed for accuracy, and should include facts and not personal opinions.
10. Due to the informal nature of social media, City generated content may be more conversational and less formal in nature. Keeping with the intention to inform and engage the community, content may reflect the personalities, styles and enthusiasm of the authorized user and department as an extension of the customer service policy and personal nature of the City's community.
11. Postings, including responses to comments or questions from the public, shall be in support of the City's mission and limited to official City business or germane to the purpose and topic of the particular City social media site.
12. Postings must contain information that is freely available to the public and not be confidential as defined by any City policy or state or federal law.
13. Postings may not contain any personal information, except for the names, titles, and City departments of employees whose duties include being available for contact by the public.
14. Postings should be written as if by the City and sent from a City social media site, not the personal account of any employee, officer, or designated contractor. None of these individuals shall be permitted to post any content on a City social media site in his or her personal capacity, whether during or after work hours. There shall be clear division between City and personal social media sites and accounts.
15. Postings should be checked for spelling, grammatical errors and factual accuracy.
16. Employees shall immediately report to their direct supervisor any false, misleading, malicious, obscene, commercial, pornographic, or offensive behavior appearing on a City social media site.
17. Employees shall not spend excessive time maintaining or monitoring City social media sites, and agree to only spend on City social media sites the time necessary to adequately maintain and monitor City social media sites consistent with the employees' assigned job duties.
18. Employees shall be provided a copy of this Policy, and shall, prior to engaging in or continuing any activities described hereunder, sign an acknowledgement of receipt of this

Policy and an agreement to comply herewith. Any employee who violates this Policy in any manner may face discipline for such violation.

### COMMENTS GUIDELINES

1. Users and visitors to City social media sites shall be notified of the City's public comment and messaging standards, by a message appearing on the City social media site or by a hyperlink directing a user to the same which states as follows:

“The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting which cannot be removed in an expeditious or otherwise timely manner. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Any articles, messages, posts, comments, images, video or other content containing any of the following shall not be allowed and may be removed as soon as possible:

- a. Comments not topically related to the particular article or post being commented on;
  - b. Comments in support of or opposition to political campaigns or ballot measures;
  - c. Profane language or content;
  - d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  - e. Sexual content or links to sexual content;
  - f. Solicitations of commerce;
  - g. Conduct or encouragement of illegal activity;
  - h. Information that may tend to compromise the safety or security of the public or public systems; or
  - i. Content that violates a legal ownership interest of any other party.”
2. Any content removed based on these guidelines must be retained, via a printed hard copy, and shall include the date and time of the deleted post as well as the identity of the poster when available. Content posted by outside users shall not be deleted or removed unless it expressly violates the aforementioned policy and legal counsel has been consulted.
  3. The First Amendment of the United States Constitution may prevent content regulation by the City, as a public entity web page or social media site likely is considered a public forum. To avoid First Amendment challenge, the City must not regulate, restrict, remove, or delete public comments or posts on any City social media site, unless the direct supervisor of the employee seeking to remove the content has first consulted with legal counsel.
  4. Wherever possible, users and visitors to City social media sites shall be notified by the following message appearing on the City social media site or by a hyperlink directing a user to the same regarding comments posted by the public:

“A comment posted by a member of the public on this page is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.”

5. Authorized personnel designated by the City Manager, as described above, shall monitor all City social media sites for comments requesting responses from the City and for comments in violation of this Policy.
6. When reviewing and monitoring comments, it shall be the general policy of the City not to respond or reply to comments.
7. When an authorized City employee responds to a comment, in his or her capacity as a City employee, the employee's name, title and City department shall be made available, and the employee shall not share personal information about himself or herself or other City employees.
8. All comments posted to any City social media site are also bound by the site's Statement of Rights and Responsibilities, Terms of Service, or any set of rules established by the site, and the City reserves the right to report any violation to the site with the intent of the site taking appropriate and reasonable responsive action.

#### **LINKS AND EMBEDDED CONTENT GUIDELINES**

1. The City may select links to other social media sites and outside websites that offer helpful resources for users. Once an individual user links from a City social media site to another outside page or website, the City's Policies no longer apply and the user becomes subject to the policies of that page or website.
2. The City social media sites are intended specifically to share information about City programs, events and services. The City is not responsible for the content that appears on outside links, pages or websites and provides these links as a convenience only.
3. Outside websites or entities may request to be linked on City social media sites and other official City sites. However, the City reserves the right to authorize posts or links to outside websites or entities germane to the purpose and topic of the particular City social media site, or to remove content or links that are not germane. Entities requesting to be linked on City social media sites shall be in line with the content standards set forth in the City of Avalon Social Media Use and Public Outreach Policy. A City social media site linking to an outside website does not denote endorsement by the City of content found on or linked by the outside website.
4. Users should be aware that outside pages and websites and the information found on those pages and websites are not controlled by, provided by or endorsed by the City. The City reserves the right to delete links posted by outside pages and websites that violate

the City of Avalon Social Media Use and Public Outreach Policy at any time without notice.

5. Outside pages and websites are not required to secure advance permission from the City to link to City social media sites. However, entities, individuals, pages or websites linking to City social media sites shall not in any way suggest that the City has any relationship or affiliation with the posting entity or individual, or that the City endorses, sponsors or recommends the information, products or services of the posting entity, individual, page or website.
6. Outside pages and websites are not required to secure advance permission from the City to embed City social media site content. However, entities, individuals, pages or websites embedding content shall not present City content as their own or otherwise misrepresent any City social media site content. Furthermore, entities, individuals, pages or websites shall not misinform users about the origin or ownership of City social media site content. Embedded content from City social media sites should not in any way suggest that the City has any relationship or affiliation with the posting entity or individual, or that the City endorses, sponsors or recommends the information, products or services of the posting entity, individual, page or website.

#### APPROVED CITY SOCIAL MEDIA SITES

The City Manager or his or her designee will maintain this list of social media sites that are approved for use by City departments and staff in accordance with this Policy. At the time of adoption of this Policy, the following social media sites and public outreach tools have been approved for use by the City:

- Facebook
- Twitter
- Vine
- SendHub
- Digital Signage
- Qnotify City Email