

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, NOVEMBER 4, 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 - A presentation will be given by the unofficial Mayoral appointed committee on reclaimed water.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ORAL COMMUNICATION

Members of the public may address the City Council at this time. No action will be taken on non-agenda items at this meeting. Speakers should limit comments to three (3) minutes each.

CONSENT CALENDAR

All items listed on the Consent Calendar are considered to be routine by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a specific item is removed from the Consent Calendar for further discussion and possible action.

1. Actions

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

Recommended Action

Approve actions from the October 7, 2014 and October 21, 2014 City Council meetings.

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2. Adopt an Ordinance Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License
Avalon Municipal Code Section 3-1.122 imposes a requirement on certain businesses to obtain a special license prior to operating as a business within the City. The proposed modification to the ordinance removes the special license requirement for those certain types of businesses, but the license requirements remain for carnival, circuses, public exhibitions, and other similar businesses. This ordinance was introduced and further readings waived at the October 21, 2014 City Council meeting.
Recommended Action
Adopt an ordinance modifying the Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License.

3. 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. This ordinance was introduced and all further readings waived at the October 7, 2014 City Council meeting.
Recommended Action
Adopt 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.

4. Catalina Express Free Birthday Trips – Waiver of Harbor Use Fee
The City Council has waived the wharfage fee for all persons who arrived and departed the City of Avalon via the Catalina Express on the birthday promotion since April 2011. The Catalina Express would like to extend their promotion and has requested the City of Avalon to again waive the wharfage fee for another year.
Recommended Action
Approve waiver for not charging the wharfage fee for all persons who embark and debark the City of Avalon via the Catalina Express in conjunction with the Catalina Express's promotion of giving a free birthday trip.

GENERAL BUSINESS

5. Transportation Permit Amendment for "Catalina Business Enterprises" to add Segway Rentals to Operation
Catalina Business Enterprises has purchased an existing Segway rental business. They would like to amend their existing transportation Permit to include Segway rentals with the same terms and condition that existed for the previous owners.
Recommended Action
Discuss and determine if Catalina Business Enterprises may add this new operation to their transportation permit.

6. Community Digital Signage Consideration
This item has been before the City Council several times in the past. Mayor Marshall has secured monies from the Catalina Island Yacht Club Foundation to fully cover the cost of equipment and installation. This community digital signboard would be placed above the sliding entrance/exit doors at Vons Supermarket.
Recommended Action
Discuss and approve the implementation of a Community Digital Signage program at Vons Supermarket.

7. Drawing of Straws for any Appeal Pertaining to the Vons Project
At the present time, there appear to be three Council Members with potential conflicts of interest that may preclude them from participating in any appeal. In such an instance, those members with conflicts would have to draw straws to determine which conflicted Council Member can participate in any appeal. Rather than wait for the meeting where any such appeal would be heard, it is recommended that straws be drawn now.
Recommended Action
That the City Council draw straws to determine which Council Member may vote on any appeal of the Vons Project

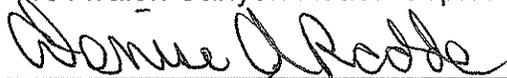
CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for November 4, 2014 was posted on Wednesday, October 29, 2014, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 4, 2014

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve City Council Actions from the regular City Council meetings on October 7, 2014 and October 21, 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
TUESDAY, OCTOBER 7, 2014
ACTIONS**

CALL TO ORDER 6:04 p.m.

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez and Joe Sampson. Also present City Manager Ben Harvey, Chief Administrative Officer/City Clerk Denise Radde, and City Attorney Scott Campbell.

PRESENTATION – “Conflicts of Interest” presentation by City Attorney Scott Campbell.

CONSENT CALENDAR

There were nine items on the Consent Calendar. Mayor Marshall commented that she would like the City to look into placing an elevator at the Senior Housing units. Councilmember Sampson pulled Item 8 for further explanation. Motion by Oley Olsen to approve Items 1-7 and 9, seconded by Cinde Cassidy. (All Ayes)

1. Approved actions from the September 16, 2014 City Council meeting.
2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$492,740.60
 - o One Electric Fund Transfer in the amount of \$46,782.34
 - o Payroll in the amount of \$237,270.29Approved total expenditure amount of \$776,793.23.
3. Expenditures Submitted for Approval
 - o Warrants in the amount of \$59,055.08Approved total expenditure amount of \$59,055.08.
4. Expenditures Submitted for Approval
 - o Warrants in the amount of \$751,401.05
 - o Two Electric Fund Transfer in the amount of \$117,341.64
 - o Payroll in the amount of \$188,034.85Approved total expenditure amount of \$1,056,777.54.
5. Adopted Ordinance 1132-14 amending Avalon Municipal Code Sections 1-8.01 thru 1-8.07 regarding Reasonable Accommodations.
6. Approved Final Tract Map 72248 for 12 parcels at Hamilton Cove.
7. Authorized the 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.

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9. Adopted Resolution 14-27 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.

Pulled Item:

8. Finance Director Chris Woidzik explained the Time Labor and Management Software. Authorized the City Manager to implement the Time and Labor Management Software module from Sentric Inc., the City's payroll processing company. Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)

GENERAL BUSINESS

10. Consideration of an appeal of Planning Commission action denying a Conditional Use Permit for Transient Rental at 344 Clarissa – Removed from the agenda.
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 – Councilmember Hernandez recused himself due to a potential conflict of interest, he works for a competing golf cart rental company.. Comments were heard from the audience and from the applicant. After discussion a motion was made by Oley Olsen to extend the Transportation Permit until a month after the completion of a transportation study. The same conditions of his current permit will apply. Seconded by Joe Sampson. (4 Ayes-Marshall, Olsen, Cassidy, and Sampson, 1 Abstain – Hernandez)
12. Consideration of a Water Conservation/Rationing Planning and Building Application Policy and Direction to Clarify Policy by Amendment to Municipal Code – Adopted the Water Conservation/Rationing Planning and Building Application Policy with the exclusion of number 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." Motion by Oley Olsen, seconded by Richard Hernandez. (4 Ayes- Marshall, Olsen, Cassidy and Hernández, 1 No- Sampson)
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 – After much discussion among the Council, Cinde Cassidy made the motion to 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 as the ordinance was approved by the Planning Commission, seconded by Oley Olsen, (2 Ayes-Olsen and Cassidy, 3 Noes- Marshall, Hernandez and Sampson) Ordinance without term limits failed. City Council took a break and the City Attorney was instructed to redraft the ordinance so there could be an introduction and first reading.

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Break 8:40 p.m.-9:03 p.m.

After the break the City Attorney stated the amended ordinance would propose that the Chair could serve for 2 terms, with a 4 year maximum. The Vice Chair can become the Chairman, if they do not want the position then the current Chair could remain in position.

Motion by Joe Sampson to Introduce and waive all readings of an ordinance to amend Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and add Sections 9-1.05 and 9-1.06 establishing an alternate Planning Commissioner as discussed with the conditions added and implement guidelines as stated by the City Attorney. Seconded by Richard Hernandez. (All Ayes)

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 will go back to the Planning Commission to consider including Inclusionary Housing and then will return to City Council for consideration.
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) – Motion by Oley Olsen to 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. Seconded by Cinde Cassidy. (All Ayes)
16. Social Media Use and Public Outreach Policy – Motion to adopt the Social Media Use and Public Outreach Policy by Cinde Cassidy, seconded by Joe Sampson. (All Ayes)

CLOSED SESSION 9:39 p.m.-10:55 p.m.

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

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

Following Closed Session the City Attorney reported that the City Council unanimously appointed Tiffany Bose as the Human Resource Manager.

Mayor Marshall adjourned the City Council meeting at 10:59 p.m.

ADJOURN

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on October 7, 2014, is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 2014- 6:00 P.M.
ACTIONS**

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CALL TO ORDER 6:01 p.m.

PLEDGE OF ALLEGIANCE / INVOCATION

Adjourned to the Avalon Municipal Hospital Board of Trustees' Meeting – 6:03-6:07 p.m.

PRESENTATION

A presentation was given by Southern California Edison on Phase II Water Rationing and other water issues, such as update on the progress of the Howlands Landing Well and future water rate increase.

Proclamation was presented to CHOICES in honor of Red Ribbon Week.

CONSENT CALENDAR

There were seven items on the Consent Calendar. Item 1 was removed from Consent. Councilmember Cassidy pulled Item 4 for clarification and Councilmember Sampson removed Items 6 and 7 for more details. Motion to approve items 2, 3, and 5 by Oley Olsen, seconded by Richard Hernandez. (All Ayes)

2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$180,684.72
 - o One Electric Fund Transfer in the amount of \$47,272.96
 - o Payroll in the amount of \$192,791.35Approved total expenditure amount of \$420,749.03.

- 3 Adopted Ordinance 1133-14 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.

5. Adopted Resolution 14-28 supporting Proposition 1, the Water Quality, Supply and Infrastructure Improvement Act of 2014, on the November 2014 ballot.

Pulled Items for clarification and further explanation:

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

6. Award of Annual Contract to Perform Business Revenue Audits
Authorized the City Manager to execute a professional services agreement with Brownell & Duffey CPAs in an amount not to exceed \$25,000 to perform the annual business revenue audits.

7. Customer Experience Enhancement Training Program
Authorized the City Manager to enter into an agreement with Customer Service Advantage, Inc. for a Customer Experience Enhancement Training Program for all City employees.

GENERAL BUSINESS

8. Request for Letter of Support from Avalon Freight Services, LLC
Many comments were heard from the audience and from Avalon Freight Services. After discussion a motion was made by Oley Olsen to authorize a letter of support on behalf of Avalon Freight Services to the California Public Utilities Commission (CPUC) for their operating permit application, seconded by Richard Hernandez. (3 Ayes-Olsen, Cassidy and Hernandez, 2 Noes-Marshall and Sampson)

Break 7:30 p.m. -7:43 p.m.

This Item was taken out of order:

10. Consideration of City Lease Guidelines
Items of concern from City lease tenants were brought before the City Council. Council went through the main items step by step, allowing for comments from the tenants. The following decisions were made by the City Council.
 - 10 years leases with a mutual 5 year extension (Motion by Cinde Cassidy, seconded by Oley Olsen - All Ayes)
 - Rents will be charged differently, depending on the space the tenant occupies-
 - \$4 sq. ft./ building tenants (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
 - \$3.25 sq. ft./ exclusive outdoor space (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
 - \$1.25 sq. ft./ non-exclusive outdoor space (Motion by Anni Marshall, seconded by Oley Olsen-All Ayes)
 - Reconciliation will be done on a yearly calendar basis, and not less than the monthly minimum rent will be added language (Motion by Oley Olsen, seconded by Cinde Cassidy – 4 Ayes- Marshall, Olsen, Cassidy and Hernandez, 1 No- Sampson)

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- 8% of Gross receipts, but will exclude the revenue derived from activities upon which Harbor Use Fees and Admission Taxes are based (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
- New leases will go into affect on January 1, 2015 (Motion Cinde Cassidy, seconded by Joe Sampson-All Ayes)
- Tenant must be open 9 months/year, and will determine their own hours and days of operation. On those months they are not open, they do not need to be open for Cruise Ship days. (Motion by Oley Olsen, seconded by Cinde Cassidy-All Ayes)
- Transfer Fees will be \$5,000 for tenants with multiple locations or 3% of the purchase price with a cap of \$30,000 (Motion by Oley Olsen, seconded by Richard Hernandez-All Ayes)
- Leases will include language that no monthly invoices will be mailed to tenants. Penalties and interest will become effective the day after rent is due which makes it uniform for all TOT, Harbor Use Fees, and Admission Tax payers. (In addition the Finance Department will be mailing a letter to all businesses, tenants, etc. letting them know this.)

Staff was further directed to adjust language in the Indemnification and Release section, the Lessee's Repair and Maintenance Obligations and to address joint tenants.

Break 10:25 p.m. – 10:35 p.m.

9. Vehicle Noise Ordinance Administrative Procedure Timeline Update
Summary was given by Ben Harvey and Jordan Monroe. Staff was directed to proceed with the vehicle noise testing on all rental autoettes throughout the month of November and then report back to Council with the statistics. Next step, staff will start notifying the commercial autoette owners in December advising them that as their permit becomes renewable they will be noise tested. The other vehicle categories will be determined as the City moves through the process.

At 10:55 p.m. Mayor Marshall adjourned the regular City Council meeting of October 21, 2014 to reopen the adjourned regular meeting on the next morning October 22, 2014 at 9:00 a.m. A notice was published on the outside of the Chamber door.

11. Authorize the Amendment to the Catalina Transportation Services Agreement for a Two Year Term Beginning July 1, 2013 and Expiring June 30, 2015
Comments were received by Staff and Connie Stewart regarding the current agreement. Mayor Pro Tem Olsen stated he thought the contract should be lowered from \$350,000 to \$290,000. After a short discussion a motion was made by Cinde Cassidy, seconded by Richard Hernandez to authorize the extension of Catalina Transportation Services Agreement to provide public transportation services to the City of Avalon through June 30, 2015 for the annual amount of \$350,000 and that staff be directed to conclude

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negotiations with Catalina Transportation Services on the scope and nature of transportation services prior to consideration of further extension of the Agreement.. (3 Ayes- Cassidy, Hernandez and Sampson, 2 Noes-Marshall and Olsen)

12. Consideration of an Ordinance Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License
Motion to introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License by Oley Olsen, seconded by Anni Marshall. (All Ayes)
16. Adoption of Phase Two of the City Council Goals
"S.M.A.R.T."(Specific, measurable, achievable, relevant and time-specific) Phase Two Goals will come back to City Council with more detail in the near future.

CLOSED SESSION 9:35 a.m.-9:40 a.m.

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

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

Following Closed Session the City Attorney reported that the City would accept the property tax reimbursement for \$13,500 from Los Angeles County.

ADJOURN

NOTICE OF POSTING

Mayor Marshall adjourned the regular adjourned City Council meeting at 9:41 a.m.

ADJOURN

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on October 21, 2014 and October 22, 2014 is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 4, 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook, Planning Director

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

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

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

This ordinance was introduced and all further readings waived at the October 21, 2014 City Council meeting.

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

GOAL ALIGNMENT: To be determined.

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

FOLLOW UP ACTION: Publication of the Ordinance

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

ATTACHMENTS: Ordinance

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the 21st day of October, 2014, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 4th day of November, 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: November 4, 2014

AGENDA ITEM: 3

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: Scott Campbell

SUBJECT: Adopt 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

RECOMMENDED ACTION(S): Adopt 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.

At the October 7, 2014 City Council meeting this ordinance was introduced and all further readings were waived.

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: Publication of summary of ordinance.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act and publication of summary before and after adoption.

ATTACHMENTS: Proposed Ordinance

ORDINANCE NO. _____

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 7th day of October, 2014, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the 4th day of November, 2014, 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 COUNCIL

MEETING DATE: November 4, 2014

AGENDA ITEM: 4

ORIGINATING DEP: Administration

CITY MANAGER: BH

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

SUBJECT: Catalina Express Free Birthday Trips – Waiver of Wharfage Fees

RECOMMENDED ACTION(S): Authorize the waiver for not charging the wharfage fee for all persons who embark and debark the City of Avalon via the Catalina Express in conjunction with the Catalina Express's promotion of giving a free birthday trip.

REPORT SUMMARY: Since April 2011 the City Council has waived the wharfage fee (currently \$2.50) for all persons who arrived and departed the City of Avalon via the Catalina Express on the birthday promotion. The fee waiver only applies to persons traveling on their birthday, and does not apply to other persons traveling with the birthday individual.

The Catalina Express would like to extend their promotion and has requested the City of Avalon to again waive the wharfage fee for another year. The Express feels this program has proven to be a very successful marketing tool. With the City's waiver of the fee, visitors do not have to pay any charges to travel to Avalon on their birthday.

In 2013 the Catalina Express provided over 60,846 free birthday rides, equaling \$152,115.00 of waived wharfage fees. Since January 2014 through September 2014 they have provided over 57,154 free birthday rides, equaling \$142,885.00.

Staff agrees that the special birthday promotion has provided a public benefit for all entities in town and has served as an enticement for first-time and returning visitors to Avalon and the City's participation in this program should be extended.

FISCAL IMPACTS: The City's Harbor Fund receives the wharfage revenue. During the year 2013 the estimated additional revenue for this program was \$152,115.00 in uncollected wharfage fees and since the beginning of 2014 through September 2014 the uncollected wharfage fees is \$142,885.00. It was anticipated that these fees have been offset by the City's collection of sales taxes and Harbor Use Fees generated by the visitors, although the exact amount is not known.

GOAL ALIGNMENT: To be determined.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: Letter of request from the Catalina Express.



October 29, 2014

City Council Board
City of Avalon
410 Avalon Canyon Rd.
P.O. Box 707
Avalon, CA 90704

Dear City Council Members:

Catalina Express wishes to continue the successful 'Ride Free on Your Birthday' program for the period January 1 – December 31, 2015 and I respectfully request that the City of Avalon grant an extension to the waiving of the Harbor Landing Fee.

Currently, persons traveling to and from Avalon arriving via boat must pay a \$2.50 Harbor Landing Fee to the City. To maximize the number of visitors taking advantage of this opportunity and promote the fact that the birthday trip is free, Catalina Express formally asks the City Council to waive the fee for persons traveling on Catalina Express on their birthday. The fee waiver would only apply to the person traveling on his or her birthday. All other persons traveling with the person would be required to pay all regular costs and fees. For reference, the table below includes the number of one-way Birthday travelers that Catalina Express has carried since 2013.

One way	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2013	2,018	2,690	4,152	5,260	5,136	6,752	8,370	8,654	7,298	5,292	3,168	2,056
2014	3,010	2,864	4,230	5,524	6,722	8,312	9,484	9,206	7,802			

I believe the City of Avalon and Catalina Express have both benefited from the Birthday program by significantly increasing tourism and amounts spent on shopping, dining and other activities. Extending the promotion will continue to generate positive publicity and entice new and repeat visitors to come to Catalina Island.

Sincerely,

Greg Bombard
CEO

Reservations:
562-485-3300
800-995-4386

400 Oceangate, Suite 300
Long Beach, CA 90802
www.CatalinaExpress.com

Administration:
562-485-3200 Ext
1000
Fax 562-485-3201

CITY OF AVALON CITY COUCIL

MEETING DATE: November 4, 2014

AGENDA ITEM: 5

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Dudley Morand, Vehicle Clerk

SUBJECT: Transportation Permit Amendment for "Catalina Business Enterprises" to add Segway Rentals to their Operation

RECOMMENDED ACTION(S): Discuss and determine if Catalina Business Enterprises, who recently purchased an existing Segway rental business, may add this new operation to their transportation permit.

REPORT SUMMARY: On October 13, 2014 the City of Avalon received an application from Buddy Wilson to amend an existing transportation permit to include Segway Rentals. Catalina Business Enterprises has purchased the business from Catalina Segways LLC. The applicant is requesting that he be allowed the same terms and conditions enjoyed by the previous owner, Joe D'Albero.

Attached are the current routes and style of operation currently being used. Two types of routes are currently outlined. They allow for different streets depending on number of riders.

Catalina Business Enterprises currently operates two golf cart rental businesses, Cartopia and Catalina Auto with 90 golf carts total. Catalina Auto also rents a small number of traditional bicycles. Both Cartopia and Catalina Auto are located on Crescent Ave.

The Segway portion of the business operates from the Island Plaza booth currently in use.

Catalina Segway has been in operation since December of 2006.

Avalon Municipal Code Section 5-14.01 on Public Transportation is attached for reference.

DISCUSSION:

To amend the transportation permit for Mr. Wilson the following needs discussion;

1. How many Segways are currently owned by the operator?
2. Are the existing allowed routes still adequate to maintain good traffic and safety conditions.
3. How many Segways should be on the street at any given time and are current practices regarding number of riders to guides appropriate?
4. Discuss any safety concerns regarding history of current business.

FISCAL IMPACT: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

GOAL ALIGNMENT: To be determined.

FOLLOW UP ACTION: Implement City Council direction.

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

ATTACHMENTS:

1. Application for Amended Transportation Permit
2. Previous owner's Term and Conditions
3. Maps outlining current allowed routes
4. Requirements for Transportation Permits per the Avalon Municipal Code

CHAPTER 14 - PUBLIC TRANSPORTATION

Sec. 5-14.01 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Taxicab" shall mean every vehicle which is used for the transportation of passengers for compensation when such compensation is determined and indicated by the mechanical calculations of a taximeter as defined in subsection (f) of this section.

(b) "Vehicle" collectively shall mean and include any taxicab, tram, cart, automobile, bus, moped, motorcycle, or any other motor powered vehicle used for any purpose, including rental or leasing to any person.

(c) "Owner" shall mean every person or entity having the title or the possessory right to any vehicle required by the provisions of this chapter to obtain a permit.

(d) "Driver" or "operator" shall mean and include every person driving or operating a vehicle in service.

(e) "Compensation" shall mean anything of value paid to, accepted, or received by the driver, operator, or owner of any vehicle in exchange for the rental of such vehicle or the transportation of persons, whether paid upon solicitation, demand, under contract, or voluntarily or intended as a gratuity or donation, including the payment of anything of value for other goods or services, when such payment entitles the person making such payment to the use of, or transportation in, any vehicle.

(f) "Public transportation" shall mean the operation of any vehicle which transports passengers over City streets for the purpose of providing and making available to the general public an alternative to the use of private vehicles, including but not limited to taxis, trams, buses, limousines, and courtesy vans which provide transportation as an integrated part of a hotel, or a sea, air or land transportation operation.

(g) "Taximeter" shall mean a mechanical instrument or device by which the charge for the hire of a taxicab is mechanically calculated, either for travel or waiting time, or distance, or both, and upon which such charge is plainly registered by means of figures indicating dollars and cents.

(§1, Ord. 628, eff. April 6, 1977, as amended by §3, Ord. 701, eff. July 6, 1981; and §1, Ord. 697, eff. May 4, 1981; §1, Ord. 737)

Sec. 5-14.02 Permit Required.

No person shall operate or cause to be operated within the City any vehicle for the purpose of providing public transportation without first obtaining a public transportation permit. All vehicles used under and pursuant to such permit shall be otherwise qualified for permitting in accordance with the requirements of Article 17 of Title 4, Chapter 4 of this Code. Transportation permits shall be valid for a period of three (3) years only and may be renewed for an subsequent three (3) year period only if all of the findings set forth in Section 4-14.1703(b)(1) and (2).

The permit requirement provided for in this section shall not be applicable to:

- (a) Vehicles owned or operated by a public agency;
 - (b) Vehicles used in conjunction with a vehicle rental or leasing business for which a permit is required by Chapter 11 of this title;
 - (c) Vehicles which only transport freight or baggage.
- (§1, Ord. 628, eff. April 6, 1977, as amended by §4, Ord. 701, eff. July 6, 1981; §2, Ord. 737; §1, Ord. 1077-08, eff. November 6, 2008)

Sec. 5-14.03 Charter Vehicles.

Anyone receiving a permit pursuant to the provisions of this chapter may also provide charter service with prior written permission from the City Manager. In granting such approval, the City Manager shall be guided by whether such charters would interfere with the operator's existing business, the availability of other services, and other similar considerations. Any vehicle used for charter purposes, including but not limited to fixed rate touring services, shall have posted thereon at such times as charter services are being provided, a placard or sign setting forth the name and type of service being provided. (§1, Ord. 628, eff. April 6, 1977, as amended by §1, Ord. 764, eff. July 2, 1984)

Sec. 5-14.04 Permits: Applications: Requirements.*

(a) Any person desiring a permit or to renew a permit to operate a vehicle covered by the provisions of this chapter shall file a written application therefor with the Council. Such application shall:

- (1) Be verified by oath of the applicant;
- (2) Set forth the name, age, and address of the applicant, or, if a corporation, its name, date, place of incorporation, the address of its principal place of business, and the names of all its officers, together with their respective ages and addresses;

(3) State the trade name under which the applicant proposes to operate;

(4) Contain full information pertaining to (1) the extent, character, and manner in which such proposed operations are to be conducted; (2) the type, model, capacity, and condition of the vehicle(s) proposed to be operated and (3) the route or locations where the vehicle(s) is proposed to be operated for the purpose of transporting passengers;

(5) Contain an agreement by the applicant to hold harmless, defend, and indemnify the City; and

(6) Contain such other or additional information as the City may require.

(b) The Council may grant a permit upon the proposed terms or upon terms other than those proposed. The Council shall make the initial permit grant, and the Vehicle Clerk may thereafter renew a permit if he is able to make affirmative findings based on the criteria set forth below. If the Vehicle Clerk is unable to make the affirmative findings, he shall so advise the permit holder and set a hearing date before the Vehicle Hearing Officer, whose decision on the renewal shall be appealable to the City Council in accordance with the procedures set forth in Title 1, Chapter 4.:

(1) The applicant has presented facts demonstrating a necessity for the requested vehicle(s).

(2) The requested vehicle(s) is appropriate for the intended use and necessary, for the proper functioning of the applicant's enterprise;

(3) The requested vehicle(s) will not have a deleterious impact on traffic congestion, traffic safety, noise or air pollution;

(4) In view of the size and nature of the streets of the City and the character of the City itself, the requested vehicle(s) will not have a deleterious impact on the public health, safety, and welfare;

(5) There is no more suitable alternative vehicle than the vehicle(s) requested by the applicant that can satisfy its requirements.

(6) In the case of renewal only, the requested vehicle has been used and continues to be used in accordance with the terms and conditions of the permit.

(§1, Ord. 628, eff. April 6, 1977, as amended by §2, Ord. 697, eff. May 4, 1981; §1, Ord. 1077-08, eff. November 6, 2008)

City of Avalon
Application
For Amending
Transportation Permit

Date of Application 10-13-14 Application Fee \$

Name of Applicant Buddy Wilson

Address P.O. Box 1919 Avalon CA 90704

Phone/Email 310 510 2550 INFO@CATALINAISLANDGOLF.CART.COM

If Corporation:

Name of Corporation CATALINA BUSINESS ENTERPRISES

Date of Incorporation _____

Place of Incorporation _____

Address of Business P.O. Box 1919 (800 Crescent) Avalon CA 90704

Corporate Officers:

<u>Name</u>	<u>Address</u>	<u>Age</u>
<u>Buddy Wilson</u>	<u>P.O. Box 2559</u>	<u>62</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Trade Name of Operation CATALINA ISLAND GOLF CART.

6. Nature of Business, (Explain extent, character and manner in which proposed operation is to be conducted):

GOLF CART RENTALS, OUR COMPANY IS PURCHASING
CATALINA SEGWAYS FROM MR. LOE D'ALBERTO
IT IS OUR INTENTION TO ADD THE SEGWAYS
TO OUR RENTAL SERVICES UNDER THE SAME
TERMS AND CONDITIONS GIVEN TO MR D'ALBERTO
SEE ATTACHMENT "A"

7. Change to current transportation permit:

AS TO INCLUDE SEGWAY RENTALS

8. Assignment:

Applicant agrees not to assign permit, (if granted), in any manner whatsoever, in whole or in part, without prior written permission of the Avalon City Council. Any attempted assignment in violation of this Section 8 shall be deemed void with no force or effect.

Initial W Date 10/13

9. Proposed Dates/Hours of Operation:

Dates: Mon to SUN Hours: 10 to 6.

10. Routes:

Describe routes (attach map if necessary) MAPS - ATTACHMENT A

11. Stops/Starts:

Proposed routes, points of discharge and pick-up of passengers. All Tours.
From: _____ to START AND FINISH AT TOUR AREA

From: _____ to _____

12. **If my Permit is Granted;**

I agree to provide liability insurance naming the City of Avalon as co-insured in the amounts specified in the Avalon Municipal Code and keep such policy in force and effect during the entire term of the permit. Such policies of insurance shall contain provisions which prohibit modification, cancellation or lapse without thirty (30) days prior written notice to the City of Avalon.

Initial CH Date 10-13-14

13. I agree to hold harmless, indemnify and defend the City of Avalon, its officers and employees from and against any and all claims, actions, damages, liabilities, expenses and judgments (including reasonable attorney's fees) arising out of or relating to the business or activities which I conduct pursuant to this permit.

Applicant for Bernd Wilson Date 10-13-14
Carroll Vesp

Date Received _____

Council Action _____

Permit Fee Paid _____

Insurance _____

City Mgr: _____
Ben Harvey

ATTACHMENT A

**Transportation Permit
Terms and Conditions
(Amended 5/4/2010)**

Permittee:

Joe D'Albero dba Catalina Segways LLC

Address:

PO Box 425, Avalon CA 90704

Phone:

(541) 610-2130 , (310) 308-4640

Terms:

The action of the Avalon City Council on March 4, 2008 approved a transportation permit for Catalina Segways LLC

Amended by action of Avalon City Council, May 4, 2010.

Conditions:

Number of riders in regular tour limited to 8 with 1 guide.

Private tours limited to 4 riders with 1 guide.

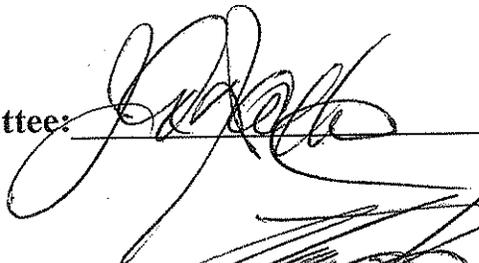
No use of sidewalks excluding Casino Way.

All State of California traffic and safety rules will apply to the operation of the Segways including helmet use.

Approved tour routes are outlined on attached Exhibit I. Maps Exhibits 2 & 3.

Operator must annually provide proof of insurance and maintain City of Avalon business license.

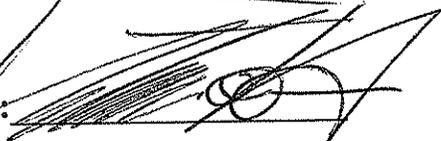
Permittee:



Date:

8/15/10

City Manager:



Date:

7-6-10

Exhibit I

Regular 8 person maximum tours:

Tour route may include City of Avalon and S.C.I. Co. roads excluding;

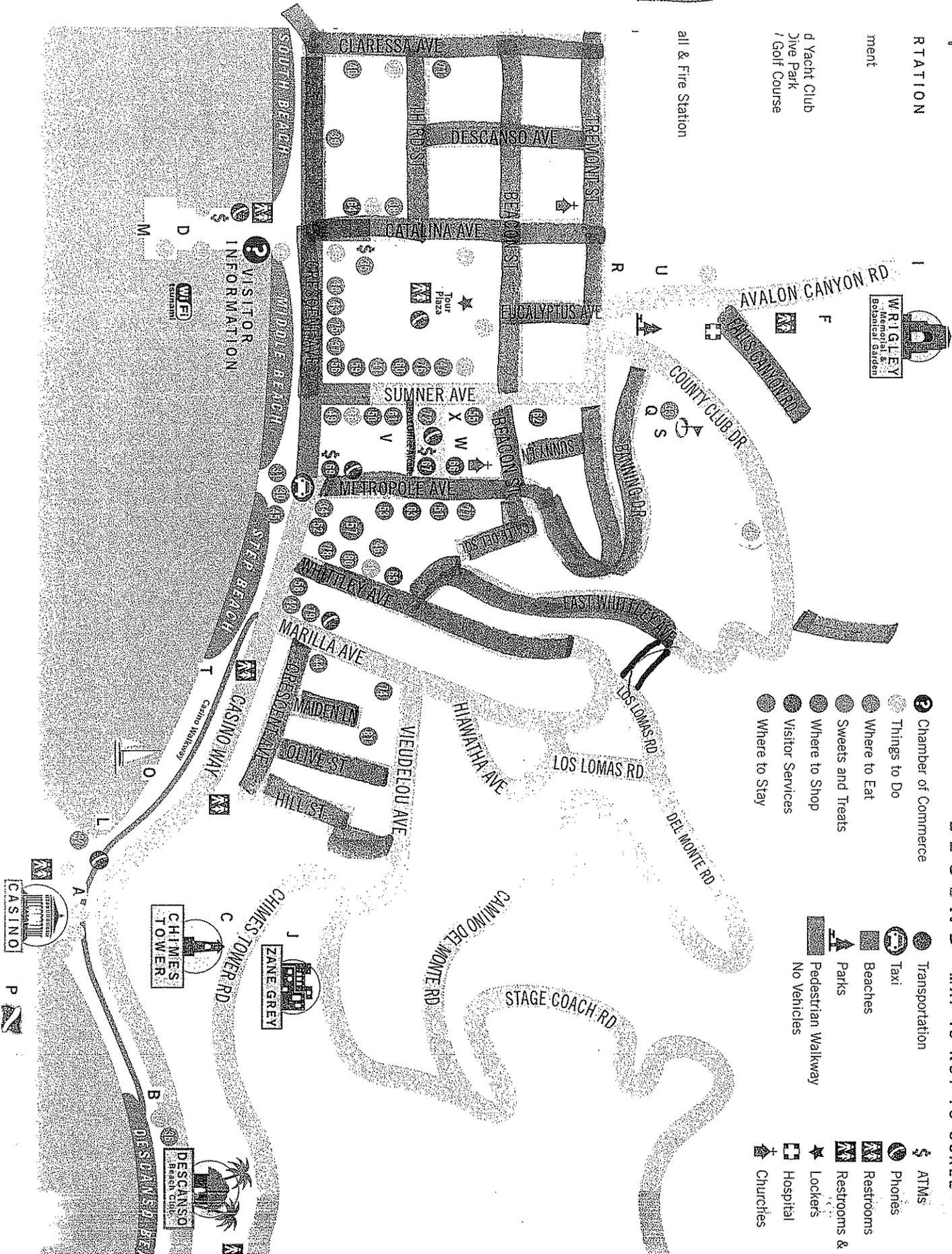
- E. Whittley
- Whittley
- All terraces
- Transportation Mole
- Falls Canyon Road (hospital & school)
- Cemetery Rd.
- Eucalyptus Ave.
- Crescent Ave. (except stretch from Metropole to Sumner both directions).
- Claressa Ave.
- Catalina Ave.
- Clemente Ave.
- Descanso Ave.
- Metropole Ave.

Private Tours 4 person maximum:

Tour route may include City of Avalon and S.C.I. Co. roads excluding;

- E. Whittley
- Whittley
- All terraces
- Transportation Mole
- Falls Canyon Road (hospital & school)
- Cemetery Rd.
- Eucalyptus Ave.
- Crescent Ave. (except stretch from Metropole to Sumner both directions).
- Metropole Ave.

EXHIBIT 2 8 PERSON TOUR EXCLUDED STREETS



LEGEND MAP IS NOT TO SCALE

- Chamber of Commerce
- Things to Do
- Where to Eat
- Sweets and Treats
- Where to Shop
- Visitor Services
- Where to Stay
- Chamber of Commerce
- Things to Do
- Where to Eat
- Sweets and Treats
- Where to Shop
- Visitor Services
- Where to Stay
- Chamber of Commerce
- Things to Do
- Where to Eat
- Sweets and Treats
- Where to Shop
- Visitor Services
- Where to Stay

TRANSPORTATION

- Taxi
- Beaches
- Parks
- Pedestrian Walkway
- No Vehicles

AMENITIES

- \$ ATMs
- ☎ Phones
- 🚻 Restrooms
- 🚻 Restrooms & Lockers
- 🏥 Hospital
- ⛪ Churches

RECREATION

- 🏠 Yacht Club
- 🌳 Live Park
- 🏌️ Golf Course

OTHER

- 🚒 Fire Station

CITY COUNCIL

MEETING DATE: November 4, 2014
ORIGINATING DEP: Recreation
PREPARED BY: Jennifer Monroe, Recreation Coordinator
SUBJECT: Community Digital Signage Consideration

ADENDA ITEM: 6
CITY MANAGER: BH

RECOMMENDED ACTION(S): Discuss and approve the implementation of a Community Digital Signage program at Vons Supermarket.

REPORT SUMMARY: At the April 2, 2013 City Council meeting, a presentation was made regarding the opportunity to install a Community Digital Signboard in the Vons Supermarket on Metropole Avenue to increase communication across the community. Because the expenditure proposed was under \$5,000 no voting approval was required by City Council to proceed with the purchase, although a positive reaction and comments were given.

At the August 6, 2013 City Council meeting Staff presented the proposal to confirm the Council's support in the form of a vote to proceed since this was not a budgeted item in FY 13-14. The item did not pass.

On the request of Mayor Marshall, this item came before the Council again for approval at the June 3, 2014 City Council Meeting. It did not pass because of concerns with budgeting and prioritization of funds.

As previously presented, the cost to purchase the EasyStart system, including the hardware and software, is \$1,450.00. The estimated cost to purchase a 70" TV/screen is \$2,000.00. There are no monthly or ongoing costs as Vons has graciously volunteered and in 2013 installed internet for this purpose. The total project cost would be \$3,450.00, not including installation.

Mayor Marshall was able to secure a donation from the Catalina Island Yacht Club Foundation in September of this year for \$6,500 to fully cover the costs of the equipment and installation. The check was received by the City of Avalon on October 6, 2014.

FISCAL IMPACTS: None; a donation received October 6, 2014 from the Catalina Island Yacht Club Foundation will more than cover all costs incurred.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Signboard will not be purchased or installed. Donation will need to be returned.

FOLLOW UP ACTION: Implement City Council direction.

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

ATTACHMENTS: Copy of the presentation given at the April 2, 2013 City Council meeting.



City of Avalon Community Digital Signage

As you are aware, Avalon is a small community. Yet how many times have we heard the phrase, "I didn't know that was going on"? Community festivals, local non-profit fundraisers, and school events are well received in this supportive community, but often times the most difficult aspect of putting on an event is getting the word out. Instead of letting this challenge perpetuate, the City of Avalon wants to be proactive.

Vons is a staple of our community. Every family shops at Vons, and the checkout lines are the proverbial water cooler for the whole town. The City of Avalon would like to use this to our advantage. We are collaborating with Vons to install a digital signboard above the exit in the main Vons store located on Metropole Avenue. While waiting in the checkout lines, patrons of the store will also walk away with increased knowledge about the goings on in Avalon.

The City of Avalon will purchase and install a flat screen television above the transoms just above the main doors. This will be large enough to view text from the checkout lines, approximately a 70 inch television. We will also purchase a software program and the hardware to manage the content on the screen remotely. This program will even allow us to schedule the times the screen turns on and off, so no Vons employees would be responsible for daily tasks regarding this system.

The only outside requirement this system has is internet, which Vons has graciously volunteered to provide.

Cost to purchase EasyStart (Hardware and software, no monthly fees): \$1450.00
Cost to purchase TV/screen (70"): \$2000.00

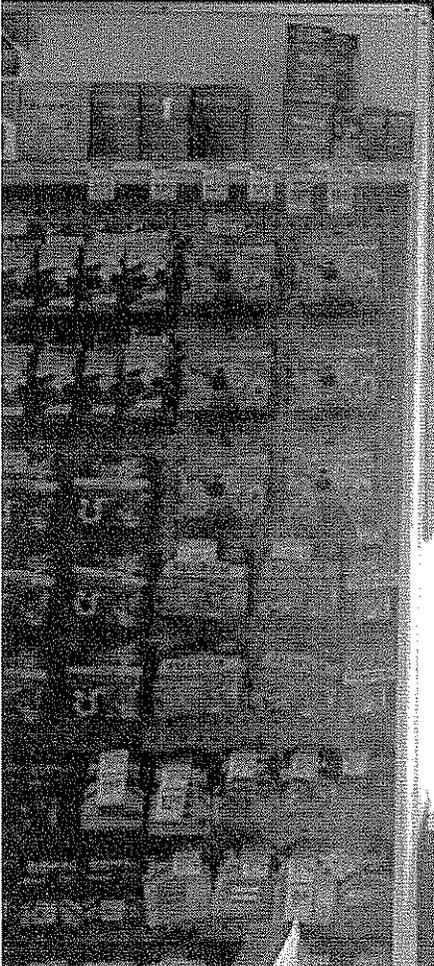
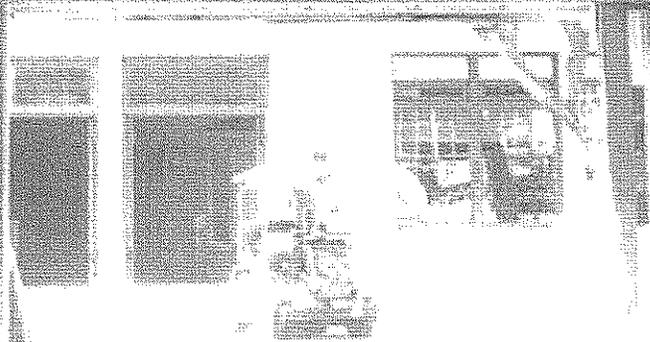
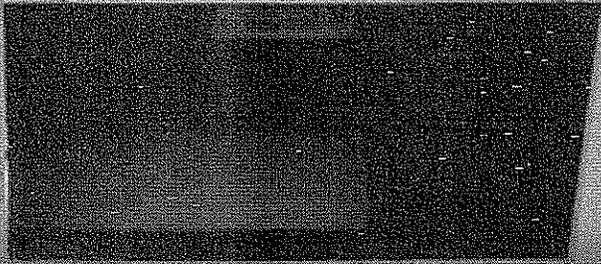
The cost will be recouped and revenue will be gained by selling advertising from local community groups and community members to put their event on the screen. Each ad will be \$5/week and will show looped throughout the day. This flat rate would not be cost prohibitive for any group in town but would allow the City to make back the \$3450 in costs within the first year.

To advertise for an event (yard sale, festival, etc.) individuals or organizations can call, email, or stop by the Recreation Department at City Hall.

Employee of the Month
John Smith
Last Month's Winner:
Karen Smith
Congratulations!

Platinum Debit Card
No Interest Charges
Set Cash Limits
Thousands of ATM Locations in the U.S.
OCEANS BANK

☛ Conditions: Partly Cloudy, 75 F
10:00:26 AM
Power On/Off



CITY OF AVALON CITY COUNCIL

MEETING DATE: November 4, 2014

AGENDA ITEM: 7

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: Scott Campbell, City Attorney

SUBJECT: Drawing of Straws for any Appeal Pertaining to the Vons Project

RECOMMENDED ACTION(S): That the City Council draw straws to determine which Council Member may vote on any appeal of the Vons Project

REPORT SUMMARY: On November 19, 2014, the Planning Commission will consider the application of Vons for a new store. Given the amount of interest in this project, and some vocal opposition and support for the project, it is likely that the decision of the Planning Commission to approve or disapprove the project will be appealed to the City Council pursuant to the Municipal Code. In any such appeal, the City Council will act as an adjudicative body.

At the present time, there appear to be three Council Members with potential conflicts of interest that may preclude them from participating in any appeal. In such an instance, those members with conflicts would have to draw straws to determine which conflicted Council Member can participate in any appeal. Rather than wait for the meeting where any such appeal would be heard, it is recommended that straws be drawn now.

GOAL ALIGNMENT: N/A

FISCAL IMPACTS: None

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: If potential conflicts still exist if any appeal is filed, straws would have to be drawn then.

FOLLOW UP ACTION: None

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

ATTACHMENTS: None