

AMENDED
AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE
AVALON COMMUNITY IMPROVEMENT AGENCY
TUESDAY, MAY 6, 2014 – 6:00 P.M.
CITY COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION / ROLL CALL

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION

Los Angeles County Paramedic Captain Steve Powell will provide a presentation that outlines the paramedic response procedure for the City of Avalon.

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 April 15, 2014 City Council meeting.

2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$513,140.14
 - o Payroll in the amount of \$193,881.36Recommended Action
Approve total expenditure amount of \$707,021.50.

CITY COUNCIL AGENDA
MAY 6, 2014
PAGE 2

3. Implementation of Phase I – “20 Year Sewer Financial Plan”
As part of the Cease and Desist Order, the City is required to develop and implement a 20 Year Financial Plan that addresses our sewer facilities/infrastructure. This plan will prioritize and develop a comprehensive strategy that will include descriptions and costs of the various sewer infrastructure needs over the next 20 years.
Recommended Action
Enter into an agreement with RBF Consulting to draft the plan outlining the needed sewer repairs and replacement requirements. The not to exceed cost shall be \$10,000.

4. Resolution Appointing an Alternate Director to the Public Agency Risk Sharing Authority of California (PARSAC)
The City of Avalon is a member of PARSAC. Each PARSAC member appoints a representative and an alternate to its Board of Directors. This board allows each member input to direct and control the organization.
Recommended Action
Adopt resolution authorizing the City Manager to serve as the Alternate Director to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors.

5. Change Order to Bluewater Design Group for the “Avalon Harbor Fueling Facility-Pier Replacement Project”
Bluewater Design Group was originally awarded the contract for design and production of all necessary investigations/services to produce a set of plans, and to coordinate the bidding process of a Public Bid for the Fueling Facility-Pier Replacement Project. The original replacement plan included replacement with concrete piles. This has changed for a variety of reasons, mainly cost-related, and now a need for a new geotechnical report exists.
Recommended Action
Approve a change order to Bluewater Design Group to perform another Geotechnical Report Evaluation for the proposed “Avalon Harbor Fueling Facility-Pier Replacement” project.

6. Confined Space Entry & Retrieval Training
Training on confined space entry and retrieval is considered a critical requirement to be in compliance with OSHA standards. Confined spaces can be manholes, boat vessels, vaults, pipelines, etc. This training is important in keeping City personnel safe.
Recommended Action
Enter into an agreement with EHS International, Inc. for certified training for Confined Space Entry & Retrieval.

CITY COUNCIL AGENDA
MAY 6, 2014
PAGE 3

7. Resolution Adopting Enforcement Response Plan for Violations of City Water Quality Control and Sewer Ordinances

The storm water permit issued by the State Water Resources Control Board, the Cease and Desist Order issued by the Regional Water Quality Control Board, and Section 6-13.111 of the City's Municipal Code require and authorize the City to adopt an enforcement response plan.

Recommended Action

Adopt resolution establishing a Water Quality Control and Sanitary Sewer Enforcement Response Plan for violations of the City's Water Quality Control Ordinance, Chapters 6-13 and Sewer Ordinance, Chapters 6-7.

8. Rescinding of Full-Time Employee Hiring Freeze

In March 2014 the City Council directed the City Manager to implement a full-time employee hiring freeze. Upon review, it has been determined that it would be in the City's best interest to rescind the hiring freeze, in that it would not increase the current budget deficit, and would allow for the continuation and/or enhancement of existing service delivery levels.

Recommended Action

Receive and file Staff Report thereby allowing for the rescinding of the full-time employee hiring freeze.

******The ninth item on Consent Calendar is the "City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency".**

9. Emergency Repairs to Crescent Avenue Storm Drain Phase 2- Update (Lower Terrace Strengthening and Utility Protection Project)

The Successor Agency previously approved a Change Order/Emergency Repairs to Crescent Avenue to allow for the safe transport of heavy construction equipment. A concrete ceiling has been poured on Phase 2 of this project and needs to cure for a period of time. All vehicles weighing over 17,000 lbs. will continue to use an alternate route until approximately mid-May, 2014.

Recommended Action

Allow staff to continue making emergency repairs on the other half of Crescent Avenue, Phase 2, including restoring the full roadway. (A Four-Fifths vote required.)

GENERAL BUSINESS

10. Purchase Tow (2) Salt Water Pump Motors

At the Catherine Lift Station there exist two old salt water pump motors. One has failed and cannot be repaired, and the second one recently failed and was fixed. Due to the age and condition of our existing pump motors at the Catherine Lift Station it is imperative that we purchase new pumps.

Recommended Action

Authorize Staff to purchase two salt water pump motors to replace the failed motors, which will be compatible with the new Supervisory Control and Data System (SCADA) program.

CITY COUNCIL AGENDA
MAY 6, 2014
PAGE 4

11. Purchase (or Lease with a Purchase Option) of a Sewer Vacuum-Jetter Truck (Vactor)

The City has a 1990 Sewer Vacuum-Jetter truck which is used multiple times a week. It is an integral part of our sewer maintenance program and assists with many other issues. It has reached the end of its effective lifespan, and now needs to be replaced.

Recommended Action

Allow Staff to purchase (or lease with a purchase option) one (1) Vactor truck.

12. Draft Administrative Policy Regarding the Removal of Abandoned Vehicles Pursuant to Section 5-16.01 of the Avalon Municipal Code

Approximately two years ago, the contract for removal and storage/impound of abandoned vehicles was not renewed due to lack of funding. Since that time abandoned vehicles have not been removed from the island, and have become a problem.

Recommended Action

Provide guidance on the Administrative Policy regarding removal of abandoned vehicles, and recommend a timeframe to begin enforcement.

13. Hermosa Hotel/Catalina Boat House – Request to Amend Transportation Permit

The Hermosa Hotel/Catalina Boat House would like to amend their transportation permit to allow for the shuttling of guests and employees to Joe Machado Field, Hamilton Cove and Hogback Road free of charge.

Recommended Action

Discuss and give direction to Staff. Staff's recommendation is to deny the request, as the applicant has not presented facts supporting the affirmative findings set forth in the Municipal Code that would allow such amended transportation permit to be issued.

14. Avalon City Council Policies Manual

Staff was directed at the last City Council meeting to develop a policies manual to serve as a reference for Council Members regarding duties and responsibilities of elected and appointed officials of the City of Avalon.

Recommended Action

Discuss and adopt presented chapters from the Avalon City Council Policies Manual and adopt chapters.

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

2. PUBLIC EMPLOYEE APPOINTMENT

Title: Interim Chief Financial Officer

**CITY COUNCIL AGENDA
MAY 6, 2014
PAGE 5**

3. Conference with Legal Counsel - Existing Litigation
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC

GENERAL BUSINESS (Continued)

15. Appointment of Interim Chief Financial Officer
Cindy Byerrum, Principal of Platinum Consulting Group, has served the City of Avalon as a Finance Department consultant in a Chief Financial Officer capacity. Ms. Byerrum has advised the City that due to her existing workload and demands from other clients, she will need to significantly scale back her involvement with the City, and will no longer be able to serve in this capacity.
Recommended Action
Authorize the City Manager to enter into an agreement with Chris Woidzik to serve in a temporary capacity as the Interim Chief Financial Officer.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the Amended City Council Agenda for May 6, 2014 was posted Saturday, May 3, 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 COUNCIL

MEETING DATE: May 6, 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 April 15, 2014.

REPORT SUMMARY:

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

FISCAL IMPACTS:

N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

N/A

FOLLOW UP ACTION:

File actions in the City Clerk's office.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda.

ATTACHMENTS:

City Council Actions for April 15, 2014.

**CITY OF AVALON
CITY COUNCIL ACTIONS
TUESDAY, APRIL 15, 2014**

CALL TO ORDER at 6:02 p.m.

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL- At the start of the meeting, the outgoing Councilmembers present: Mayor Robert Kennedy, Mayor Pro Tem Michael Ponce, Councilmembers Richard Hernandez and Oley Olsen. Absent: Councilmember Ralph Morrow. After the swearing in of the new officers during General Business, present members were: 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-

A presentation on Phase II Water Rationing rules and regulations was presented by Southern California Edison.

- Phase II can start as early as June 2014. It will require a mandatory 25% reduction of water conservation.
- In May 2014 a mailer will be sent out to all Island Edison customers informing residents and businesses about the next steps in water rationing and providing conservation tips.
- When Phase II is implemented Edison will monitor all customer usage.
- Phase III could be implemented as early as September 2014. This phase will require a 50% reduction of water conservation.

Edison also reported that the Edison vault replacement project will continue with Phase 2 on a portion of Metropole in front of the SCI Co. parking lot area.

CONSENT CALENDAR- There were four items on the regular City Council Agenda and 1 item of the City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency. Motion to approve Items 1- 5 by Michael Ponce, seconded by Richard Hernandez. (All Ayes)

1. Approved Actions from the April 1, 2014 City Council Meeting.
2. Approved Warrants in the amount of \$591,793.24 and Payroll in the amount of \$190,213.23 for a total expenditure amount of \$782,006.47.
3. Adopted Resolution 14-09 reciting the facts of the General Municipal Election held on Tuesday, April 8, 2014.

CITY COUNCIL ACTIONS

APRIL 15, 2014

PAGE 2

4. Adopted Resolution 14-10 approving participation in the Los Angeles Urban County Community Development Block Grant Program beginning July 1, 2015 and authorized the City Manager to sign the cooperation agreement with the County of Los Angeles.
5. Authorized Staff to continue making emergency repairs on the second half of Crescent Avenue, Phase 2. (Lower Terrace Strengthening and Utility Protection Project)

GENERAL BUSINESS

6. Proclamations were read and presented to the outgoing City Councilmembers: Mayor Robert Kennedy, Mayor Pro Tem Michael Ponce and Councilmember Ralph Morrow.
7. The Oath of Office was administered to the newly elected Mayor, Anni Marshall, and City Councilmembers, Cinde MacGugan-Cassidy and Joe Sampson.
8. Nomination for Mayor Pro Tem was asked for by the City Clerk and Councilmember Oley Olsen was unanimously appointed by the City Council to be Mayor Pro Tem. Motion by Richard Hernandez, seconded by Cinde MacGugan-Cassidy. (All Ayes)
9. Consensus was to appoint Cinde MacGugan-Cassidy and Richard Hernandez to serve as the Audit Committee.
10. Consensus was to appoint the City Council to serve as the Avalon Municipal Hospital Board of Trustees and appointed Oley Olsen to be Chairman of this Board.

Mayor Marshall adjourned the meeting at 7:10 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting April 15, 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

AVALON CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Finance

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Warrant List

RECOMMENDATION(S): Approve the warrants in the amount of \$513,140.14 and the payroll in amount of \$193,881.36 for a total expenditure amount of \$707,021.50.

REPORT SUMMARY: Attached you will find the warrant list for all general warrants issued for the the dates as indicated drawn on U.S. Bank. The warrant list represents check numbers #180107-18181 in the amount of \$513,140.14 for a total expenditure amount of \$513,140.14.

Also represented is the payroll dated April 18, 2014 in the amount of \$193,881.36 for a total expenditure amount of \$193,881.36.

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

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

FOLLOW UP ACTION(S): N/A

ADVERTISING, NOTICE AND PUBLIC CONTACT: Agenda Posting

ATTACHMENTS: Audit Certificate and Warrant List

WARRANT LIST

AVALON CITY COUNCIL
MEETING OF MAY 6, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION
18107	04/11/14	- VOID	VOID - PRINTER ERROR
18108	04/11/14	- VOID	VOID - PRINTER ERROR
18109	04/11/14	60.20 AIR SOURCE INDUSTRIES	SUPPLIES - FIRE
18110	04/11/14	598.20 ART, CAPS N' DESIGNS	UNIFORMS - PUBLIC WORKS
18111	04/11/14	430.44 AVALON BOAT STAND	SUPPLIES - GARAGE
18112	04/11/14	2,060.00 AVALON ENVIROMENTAL SVCS	CONTRACT SVCS 03/14
18112	04/11/14	111,767.58 AVALON ENVIROMENTAL SVCS	CONTRACT SVCS 03/14
18112	04/11/14	859.00 AVALON ENVIROMENTAL SVCS	CONTRACT SVCS 03/14
18113	04/11/14	100.00 BESTUDIK, PAUL	ELECTION 2014
18114	04/11/14	3,775.50 BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
18115	04/11/14	121.97 BISHOP COMPANY	SUPPLIES - PUBLIC WORKS
18116	04/11/14	1,341.73 BURNS & MCDONNELL	SERVICE - BBK
18117	04/11/14	150.00 CANBY, CLAUDIA	ELECTION 2014
18118	04/11/14	490.52 CARMENITA TRUCK CENTER	SUPPLIES - GARAGE
18119	04/11/14	771.60 CATALINA BEVERAGE COMPANY	SUPPLIES - ALL DEPTS
18120	04/11/14	216.74 CATALINA ISLAND FIRE EXTINGUISHER	SERVICE- TREMONT HALL
18121	04/11/14	155,932.13 CATALINA ISLAND MEDICAL CENTER	SALES TAX PAYMENT
18122	04/11/14	359.31 CATALINA ISLAND PLUMBING	SERVICE - CITY HALL
18123	04/11/14	1,451.00 CATALINA ISLANDER	ADVERTISING - ALL DEPTS
18123	04/11/14	365.00 CATALINA ISLANDER	ADVERTISING - ALL DEPTS
18124	04/11/14	81.40 CATALINA LAUNDRY	SERVICE - GARAGE
18125	04/11/14	325.00 CATALINA STEAM CLEANING	CONTRACT SVCS - HARBOR
18126	04/11/14	129.70 CHET'S HARDWARE	SUPPLIES - ALL DEPTS
18126	04/11/14	122.02 CHET'S HARDWARE	SUPPLIES - ADMIN
18126	04/11/14	100.17 CHET'S HARDWARE	SUPPLIES - HARBOR
18126	04/11/14	170.00 CHET'S HARDWARE	SUPPLIES - HARBOR
18126	04/11/14	300.00 CHET'S HARDWARE	SUPPLIES - HARBOR
18127	04/11/14	6,320.00 CONSTRUCTOR'S PLUS	CONTRACT SVCS - ADMIN
18128	04/11/14	2,880.00 CONSTRUCTOR'S PLUS	CONTRACT SVCS - ADMIN
18129	04/11/14	100.00 COUGHLIN, MARYROSE	ELECTION 2014
18130	04/11/14	658.38 DARLEY FIRE EQUIPMENT DIVISION	SUPPLIES - FIRE
18131	04/11/14	1,289.35 DELL MARKETING L.P.	SUPPLIES - IT
18131	04/11/14	4,813.62 DELL MARKETING L.P.	SUPPLIES - IT
18132	04/11/14	6,636.23 DELTA DENTAL	DENTAL APRIL 2014
18133	04/11/14	42.00 DEWEY PEST CONTROL	SERVICE - HARBOR
18134	04/11/14	101.22 EMERSON, MITCH	OVERPAID CITATION
18135	04/11/14	921.99 ENTENMANN-ROVIN CO.	SUPPLEIS - FIRE
18136	04/11/14	66,534.74 ENVIRON STRATEGY CONSULTANTS	CONTRACT SVCS - 3/14
18136	04/11/14	16,633.68 ENVIRON STRATEGY CONSULTANTS	CONTRACT SVCS - 3/14
18137	04/11/14	694.27 GEMPLER'S	UNIFORMS - HARBOR
18138	04/11/14	256.62 GRAINGER	SUPPLIES - GARAGE
18139	04/11/14	353.60 H.S. SEAFOOD	SUPLIES - FUEL DOCK
18140	04/11/14	301.96 HAAKER	SUPPLIES - GARAGE
18141	04/11/14	625.00 HAMILTON, KATHERINE	CONTRACT SVCS - 3/14
18142	04/11/14	111.64 HD SUPPLY FACILITIES MAINT., LTD.	SUPPLIES - HARBOR
18143	04/11/14	2,145.60 HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
18144	04/11/14	1,846.20 IDR ENVIROMENTAL SVCS	HAZ WASTE DISPOSAL
18144	04/11/14	360.00 IDR ENVIROMENTAL SVCS	HAZ WASTE DISPOSAL
18144	04/11/14	1,016.50 IDR ENVIROMENTAL SVCS	HAZ WASTE DISPOSAL

18144	04/11/14	29,582.20	IDR ENVIROMENTAL SVCS	HAZ WASTE DISPOSAL
18145	04/11/14	201.28	JUDICIAL DATA SYSTEMS	PARKING ACTIVITY 2/14
18146	04/11/14	618.00	KATIE'S KITCHEN	SENIOR MEALS 3/14
18147	04/11/14	125.00	LAVELLE, ELENA	ELECTION 2014
18148	04/11/14	125.00	LAVELLE, LISA	ELECTION 2014
18149	04/11/14	840.00	LOCAL GOVERNMENT SERVICES	TRAVEL EXPENSES - ADMIN
18150	04/11/14	3,831.81	MARTIN & CHAPMAN	SERVICE - ELECTION 2014
18151	04/11/14	216.95	MATTHEWS	SUPPLIES - CEMETERY
18151	04/11/14	1,302.50	MATTHEWS	SUPPLIES - CEMETERY
18151	04/11/14	819.17	MATTHEWS	SUPPLIES - CEMETERY
18151	04/11/14	158.81	MATTHEWS	SUPPLIES - CEMETERY
18152	04/11/14	89.33	MCMASTER-CARR	SUPPLIES - GARAGE
18153	04/11/14	1,741.82	MED-TECH RESOURCE, INC.	SUPPLIES - FIRE
18154	04/11/14	150.00	MONROE, JENNIFER	ELECTION 2014
18155	04/11/14	720.00	MR. NING'S	SENIOR MEALS 3/14
18156	04/11/14	682.43	NAPA AUTO PARTS	SUPPLIES - GARAGE
18157	04/11/14	2,221.19	PHILLIPS STEEL COMPANY	SUPPLIES - USED OIL
18158	04/11/14	84.00	POINDEXTER, JAMES	REIMB O/P COSTS
18159	04/11/14	203.06	PONCE, MICHAEL	REIMB O/P COSTS
18160	04/11/14	436.90	PORT SUPPLY	SUPPLIES - GARAGE
18161	04/11/14	1,100.00	POST, ROCKY	CONTRACT SVCS - ADMIN
18161	04/11/14	1,100.00	POST, ROCKY	CONTRACT SVCS - ADMIN
18162	04/11/14	58.80	PRAXAIR	SUPPLIES - GARAGE
18163	04/11/14	192.68	QUILL CORP.	SUPPLIES - ADMIN/PLANNING
18164	04/11/14	500.00	RBF CONSULTING	SUPPLIES - ADMIN
18165	04/11/14	408.74	SAFEWAY, INC.	SUPPLIES - ALL DEPTS
18166	04/11/14	612.00	SAND TRAP	SENIOR MEALS 02/14
18166	04/11/14	822.00	SAND TRAP	SENIOR MEALS 03/14
18167	04/11/14	125.00	SCHAFFER, VALERIA	ELECTION 2014
18168	04/11/14	198.66	SHERILL'S MARINE	SUPPLIES - HARBOR
18169	04/11/14	2,695.00	SIRIA'S CLEANING SERVICE	CLEANING - JMF
18170	04/11/14	805.21	SPECIALITY DOORS	SUPPLIES - FIRE
18170	04/11/14	2,862.45	SPECIALITY DOORS	GARAGE DOORS
18171	04/11/14	21.00	UNDERGROUND SERVICE ALERT	SERVICE - PLANNING
18172	04/11/14	40.70	UNTIED PARCEL SERVICE	FREIGHT - HARBOR
18173	04/11/14	1,075.88	US BANK	SUPPLIES - CDO
18174	04/11/14	62.79	WALTERS WHOLESALE ELCTRIC	SUPPLIES - HARBOR
18175	04/11/14	411.88	WITMER PUBLIC SAFETY GROUP	SUPPLIES - FIRE
18176	04/11/14	425.00	WITTMAN ENTERPRISES	SERVICE - FINANCE
18177	04/11/14	125.00	ZACHER, LYDIA	ELECTION 2014
18178	04/11/14	4,687.80	DOCKBOXES UNLIMITED	SUPPLIES - DINGHY DOCK
18179	04/11/14	6,269.25	JONES LUMBER	SUPPLIES - DINGHY DOCK
18179	04/11/14	3,182.43	JONES LUMBER	SUPPLIES - DINGHY DOCK
18180	04/11/14	37,070.90	DAVE THOMPSON CONSTRUCTION	PROGRESS #3 JMF
18181	04/11/14	7,415.71	CHEF'S TOYS	SUPPLIES - JMF CONC. PROJ.

\$513,140.14

RECORD OF CHECKS DRAWN ON APRIL 11 AND APRIL 18, 2014 FOR CM OF 05/06/14

MONTH OF APRIL

US BANK WARRANT #18107-18181	\$513,140.14	4/11/2014
US BANK WARRANT #	\$0.00	
US BANK WARRANT #	\$0.00	
US BANK WARRANT	\$0.00	
EFT TO BOE - FUEL DOCK SALES TAX	\$0.00	
		\$513,140.14
PAYROLL DATED April 18, 2014	\$193,881.36	
PAYROLL DATED	\$0.00	
		\$193,881.36
TOTAL DISBURSEMENTS	\$707,021.50	\$707,021.50

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 6TH DAY OF MAY 2014

APPROVED AND AUDITED
THIS 6TH DAY OF MAY 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

CITY MANAGER - BEN HARVEY

AUDIT COMMITTEE - CINDE CASSIDY

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 3

ORIGINATING DEP: Capital Improvements

CITY MANAGER: BA

PREPARED BY: Dennis Jaich

SUBJECT: Implementation of Phase 1- "20-Year Sewer Financial Plan".

RECOMMENDED ACTION(S):

Enter into an agreement with RBF Consulting to perform the initial design work of implementing needed sewer repairs and replacements. The "NTE" (not to exceed) cost shall be \$10,000.00

REPORT SUMMARY:

RBF originally had performed many facets involved in the City's attempt to comply with the Cease & Desist Order (CDO) in the past. This was under a separate contract that was approved by the previous City Council(s). RBF is in possession of a multitude of information and are equipped and extremely familiar with the island characteristics and existing sewer facilities.

One of the CDO items that the City had to comply with, was a 10 year, as well as a 20-year Financial plan that mentions and addresses sewer facilities that need to be repaired and/or replaced in the future.

RBF and Staff will prioritize these facilities, and develop a Plan that will include descriptions and costs of the various sewer items that need to be attended to. Once this Initial Plan is developed, Staff will bring the matter back to the City Council, asking for approval to implement the construction of the Phase 1 project.

FISCAL IMPACTS:

This is a NTE cost of \$10,000.00. Accounting will be charged to the "Sewer Fund-CDO", #107-25-5007.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

Non-compliance with specific items listed in the CDO and the consequences thereof.

FOLLOW UP ACTION:

Allow Staff to enter into an agreement with RBF Consulting as described above.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

In Compliance with the Brown Act

ATTACHMENTS:

None

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 4

ORIGINATING DEP: City Manager

CITY MANAGER: BA

PREPARED BY: Ben Harvey, City Manager

SUBJECT: A Resolution of the City Council of the City of Avalon Appointing an Alternate Director to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors

RECOMMENDED ACTION(S): Adopt the attached resolution authorizing the City Manager to serve as the Alternate Director to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors.

REPORT SUMMARY: The City of Avalon (City) is a member of the Public Agency Risk Sharing Authority of California (PARSAC), a statewide risk sharing Joint Powers Authority (JPA). PARSAC exists for the purpose of providing its thirty-seven member cities with comprehensive general liability coverage, workers' compensation, property insurance, special events insurance, and fidelity bonds. All members participate in proactive safety and loss control programs, with the common goals of reducing risks, minimizing losses, and controlling costs.

Each PARSAC member appoints a representative and an alternate to the Board of Directors. This allows each member input to direct and control the organization. Members work towards common goals and objectives to minimize loss exposures, expand coverage, and, ultimately, reduce costs. The City's Finance Director and the Assistant Fire Chief currently serve as the Representative (also referred to as "Director") and Alternate, respectively, to the PARSAC Board of Directors. PARSAC's Board of Directors is next scheduled to meet on May 28 and 29th of this year. Either the City's Director or Alternate Director may attend and participate in the PARSAC Board of Directors meeting.

In order to allow for the City Manager to effectively oversee the risk management function for the City, it is respectfully recommended that he be named as the Alternate Director to the PARSAC Board of Directors, replacing the Assistant Fire Chief, who currently serves in this role.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City Manager will not be able to serve as an Alternate Director to the PARSAC Board of Directors thereby limiting his involvement with the organization, prohibiting his participation on the PARSAC Board of Directors, and impairing his ability to effectively oversee the risk management function for the City.

FOLLOW UP ACTION:

1. Recommended adoption of Resolution No. 14-11 by Mayor and City Council.
2. Assuming adoption of Resolution No. 14-11, direct the City Clerk to send a certified copy of the resolution to PARSAC's business office so that PARSAC may be duly notified of this change

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

ATTACHMENTS:

1. Resolution No. 14-11, A Resolution of the City Council of the City of Avalon Appointing an Alternate Director to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors.

RESOLUTION NO. 14-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON
APPOINTING AN ALTERNATE DIRECTOR TO THE PUBLIC AGENCY RISK
SHARING AUTHORITY OF CALIFORNIA (PARSAC) BOARD OF DIRECTORS**

WHEREAS, the City of Avalon, (the "City") is a party to the Revised and Restated Joint Powers Agreement creating the Public Agency Risk Sharing Authority of California ("PARSAC"), dated May 26, 2011 (the "Joint Powers Agreement"), and, as such, is a Member Agency of PARSAC, as that term is defined in the Joint Powers Agreement, and

WHEREAS, pursuant to the Joint Powers Agreement, each Member Agency of PARSAC is required to appoint a Director and an Alternate Director to act in the Director's absence, to represent the City as if the City itself were present and acting on the PARSAC Board of Directors for all matters which come before such Board of Directors, and also for the Director to be eligible for serving on the PARSAC Executive Committee; and

WHEREAS, at the May 15th 2012 regular meeting of the Avalon City Council, through Resolution No. 12-12, The City previously appointed the Finance Director, or their successor in office, to serve as its Director on the PARSAC Board of Directors to act on behalf of the City, a Member Agency of PARSAC, on all matters to come before the Board of Directors, as if the City itself were present and acting at such meeting, and for such Director to be eligible for serving on the PARSAC Executive Committee; and that the City also appointed the Assistant Fire Chief, or their successor in office, to serve as the Alternate Director in the absence of the Director; and

WHEREAS, the City now desires to replace the Assistant Fire Chief with the City Manager, or their successor in office, to serve as the Alternate Director in the absence of the Director.

RESOLVED FURTHER, that the City Clerk be instructed to inform the Secretary of PARSAC of the above appointment by sending a certified copy of this resolution to PARSAC's business office.

NOW, THEREFORE, the City Council of the City of Avalon hereby does determine, find and resolve as follows:

- Section 1.** That the City Manager, or their successor in office, shall replace the Assistant Fire Chief as the Alternate Director to the PARSAC Board of Directors, and may serve in the absence of the Director.
- Section 2.** That the City Clerk shall send a certified copy of this resolution to PARSAC's business office so that PARSAC may be duly notified of this change.
- Section 3.** The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of May, 2014.

Anni Marshall, Mayor

ATTEST:

Denise Radde, City Clerk

APPROVED AS TO FORM:

Scott Campbell
Best Best & Krieger, LLP

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 5

ORIGINATING DEP: Capital Improvements

CITY MANAGER: BA

PREPARED BY: Dennis Jaich

SUBJECT: Change Order to Bluewater Design Group (BDG).

RECOMMENDED ACTION(S):

Write a Change Order to BDG to perform another Geotechnical Report Evaluation for the proposed "Avalon Harbor Fueling Facility Pier Replacement" project.

REPORT SUMMARY:

Bluewater Design Group was previously awarded a contract from the City of Avalon for the design and production of all necessary investigations/services to produce a set of plans and coordinate the bidding process of a Public Bid on the above-mentioned project.

Originally this project was contemplated being designed and constructed with concrete piers/piles. However, after many reports and investigations were conducted, it became evident that the concrete pile method would be too costly. In actuality, the Engineers Estimate for the construction of this method was approximately \$4,200,000.00. Of this money, an original Geotechnical Report was conducted and completed.

Due to the fact that this concrete pile method was too expensive, BDG started a re-design of the project using timbers instead of concrete. This process revealed a new Engineers Estimate for construction of \$2,200,000.00 (\$2,000,000) less. Therefore, the process started again, and thus created the need for another Geotechnical Report due to the design characteristics changing, as well as the fact that the original Geotechnical Report was too old (2008) per the CCC (California Coastal Commission).

FISCAL IMPACTS:

The cost for another Geotechnical Report, which is approximately \$8,600.00.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

The matching funds Grant for this project expires on June 30, 2015. Any further delays to producing the new plans and acquire permits will cause the construction end date to be in jeopardy.

FOLLOW UP ACTION:

Allow Staff to enter into an agreement with BDG as described above.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

In Compliance with the Brown Act

ATTACHMENTS: None

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 6, 2014 AGENDA ITEM: 6
ORIGINATING DEP: Capital Improvements CITY MANAGER: BH
PREPARED BY: Dennis Jaich
SUBJECT: Confined Space Entry & Retrieval Training

RECOMMENDED ACTION(S):

Enter into an agreement with EHS International, Inc., for certified training for Confined Space Entry & Retrieval.

REPORT SUMMARY:

In order to be in compliance with OSHA requirements, the State of California requires that certain individuals who enter into a "confined space" be properly trained and certified.

A "Confined Space" has many definitions. For simplicity, the best way to explain it would be any areas that are not necessarily designed for people, yet they are large enough for workers to enter and perform certain duties or jobs. Some confined spaces include manholes, boat vessels, vaults, pipelines, and equipment housings.

Due to the fact that many of the confined spaces listed above exist on this island, and the fact that we need personnel to enter them for maintenance and/or other reasons, prudence dictates that City employees have this special training.

Staff believes that this training is necessary and considers it a critical requirement to be in compliance with OSHA standards, as well as our most important goal; that of keeping our personnel safe.

FISCAL IMPACTS:

It is estimated at this time that the certified training classes can be conducted in a NTE (Not to Exceed) cost of \$10,000.00. However, please note that there are funds that have been budgeted for this item. The Fire Department, Public Works, PARSAC, and the Harbor Department, will all be involved in the training, and their respective departments training accounts will be charged for this service.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

Non-compliance with OSHA and the possible illness, injury, or death, to non-qualified personnel.

FOLLOW UP ACTION:

Staff will enter into an agreement with EHS International, Inc., as described above.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

In Compliance with the Brown Act

ATTACHMENTS:

None

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 7

ORIGINATING DEPT: Legal

CITY MANAGER: BH

PREPARED BY: City Attorney

SUBJECT: Resolution Adopting Enforcement Response Plan for Violations of City Water Quality Control and Sewer Ordinances

RECOMMENDED ACTION:

Adopt the attached resolution which establishes a Water Quality Control and Sanitary Sewer Enforcement Response Plan for violations of the City’s Water Quality Control Ordinance (Avalon Municipal Code (“AMC”) chapter 6-13) and Sewer Ordinance (AMC chapter 6-7).

REPORT SUMMARY:

The storm water permit issued by the State Water Resources Control Board, the Cease and Desist Order issued by the Regional Water Quality Control Board, and Section 6-13.111 of the City’s Municipal Code require and authorize the City to adopt an enforcement response plan. The purposes of the enforcement response are to: (1) identify and investigate instances of noncompliance; (2) establish enforcement responses appropriate to the nature and severity of a violation and the overall degree of noncompliance; (3) provide a guide to encourage uniform application of enforcement responses for comparable types of violations; and (4) ensure adequate, consistent, and timely enforcement actions for the protection of the environment and public health, safety and welfare

The enforcement response plan accomplishes these purposes by establishing a guide for determining the appropriate enforcement response based on the nature, magnitude, effect, duration, and frequency of a violation and any efforts to maintain compliance or eliminate noncompliance. Violations of the Water Quality Control Ordinance, Sewer Ordinance, NPDES permit, compliance order or other regulatory actions are characterized as administrative violations, monitoring violations, or discharge violations. The magnitude of each type of violation is characterized as minor or major. Three types of enforcement responses are available – administrative, civil, and criminal – and range from an informal conversation to civil and criminal actions. The appropriate enforcement response is determined by identifying the type of violation (administrative, monitoring, or discharge) and the nature, magnitude, frequency, duration, and effect of that violation. Minor violations are identified for administrative or informal enforcement responses. Major violations (generally violations posing a significant potential or actual threat to the environment, public health, safety or welfare, repeated or long-lasting violations, and intentional violations) are identified for escalated responses.

FISCAL IMPACTS: The enforcement response plan establishes a guide for imposing penalties and cost recovery in instances where a violation requires substantial City resources.

ATTACHMENTS: Resolution and Water Quality Control and Sanitary Sewer Enforcement Response Plan

RESOLUTION NO. 14-12

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA,
ADOPTING AN ENFORCEMENT RESPONSE PLAN FOR RESPONSE TO
VIOLATIONS OF THE CITY'S WATER QUALITY CONTROL AND SEWER
ORDINANCES**

WHEREAS, State Water Resources Control Board Order No. 2013-0001-DWQ and Section 6-13.111 of the City's Municipal Code require and authorize the City to adopt an enforcement response plan which describes how the City will investigate instances of noncompliance with the City's Water Quality Control Ordinance and how the City will address repeat and continuing violations;

WHEREAS, in accordance with the requirements of Los Angeles Regional Water Quality Control Board Order No. R4-2012-0077, the City adopted a comprehensive regulatory scheme for the sanitary sewer, including a private sewer lateral ordinance and fats, oils, and grease ordinance (collectively, "Sewer Ordinance");

WHEREAS, the City maintains separate but interrelated storm drain and sanitary sewer systems, such that a violation of the Water Quality Control Ordinance may affect the City's sewer system and an improperly maintained or operated sewer lateral may threaten an illicit discharge to the city's storm drain system;

WHEREAS, the City has undertaken extensive efforts to inspect, rehabilitate and replace the storm drain system and sewer system in order to protect the environment and the public health, safety, and welfare; and

WHEREAS, an Enforcement Response Plan describing how the City will investigate instances of noncompliance and ensure compliance with the Water Quality Control Ordinance and Sewer Ordinance will establish a uniform policy for enforcement of these ordinances.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Avalon, California, as follows:

SECTION 1. The Water Quality Control and Sanitary Sewer Enforcement Response Plan shown in Exhibit "A", attached hereto and incorporated herein by reference, is hereby adopted.

SECTION 2. The City Council may amend the Enforcement Response Plan established by this Resolution from time to time.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 6th day of May, 2014.

AYES:

NOES:

ABSENT:

ABSTAIN:

Anni Marshall, Mayor

ATTEST:

Denise Radde, City Clerk

Exhibit A – Water Quality Control and Sanitary Sewer Enforcement Response Plan

EXHIBIT "A"

Water Quality Control and Sanitary Sewer Enforcement Response Plan

(The Enforcement Response Plan is attached on the following pages.)

**CITY OF AVALON
WATER QUALITY CONTROL AND SANITARY SEWER
ENFORCEMENT RESPONSE PLAN**

Prepared By:

**City of Avalon
Public Works Department**

TABLE OF CONTENTS

CITY OF AVALON WATER QUALITY CONTROL AND SANITARY SEWER ENFORCEMENT RESPONSE PLAN..... 1

I. Introduction..... 1

 A. Legal Authority..... 1

 B. Water Quality Control and Sanitary Sewer Program Overview..... 1

 1. Water Quality Program 1

 2. Sanitary Sewer Program 2

 C. ERP Objectives..... 2

 D. Definitions and Abbreviations..... 2

II. Overview of the Enforcement Response Plan 5

 A. Investigations..... 5

 1. Water Quality Control 5

 2. Sewer..... 5

 B. Determining Enforcement Response to Noncompliance..... 6

 1. Types of Noncompliance 6

 2. Types of Enforcement Responses 8

 3. Criteria for Determining Response to Noncompliance 11

 C. Enforcement Response Timelines..... 12

 D. Personnel Responsibilities and Abbreviations 12

III. ENFORCEMENT RESPONSE PLAN – GUIDE 13

 A. Administrative Violations 13

 B. Monitoring Violations 14

 C. Discharge Violations..... 15

CITY OF AVALON
WATER QUALITY CONTROL AND SANITARY SEWER
ENFORCEMENT RESPONSE PLAN

I. INTRODUCTION

A. Legal Authority

This Water Quality Control and Sanitary Sewer Enforcement Response Plan ("ERP") is developed in accordance with State Water Resources Control Board, Order No. 2013-0001-DWQ ("Permit"), Los Angeles Regional Water Quality Control Board Order No. R4-2012-0077, and Section 6-13.111 of the City of Avalon's ("City") Municipal Code ("AMC"). The ERP describes how the City will investigate instances of noncompliance with the City's Sewer Ordinance (AMC Chapter 6-7), Water Quality Ordinance (AMC Chapter 6-13), and relevant state, federal, and local laws and regulations. The ERP describes enforcement procedures and actions available to the City, and identifies how the City will respond to instances of noncompliance. The ERP does not create any rights or obligations and should not be used or relied upon by non-City personnel for any purpose. The City reserves the right to amend or modify the ERP at any time and may vary from the ERP, if circumstances require the City to do so.

B. Water Quality Control and Sanitary Sewer Program Overview

The City maintains separate but interrelated sanitary sewer and storm drain systems and governs their use through a Sewer Ordinance and Water Quality Control Ordinance. These ordinances share a common purpose: to protect the environment and public health, safety and welfare. The Water Quality Control Ordinance is codified as Chapter 6-13 of the AMC. The Sewer Ordinance is codified as Chapter 6-7 of the AMC.

Although the sanitary sewer and storm sewer systems are separate and independent systems, both systems are vital to the protection of the public health, safety, and welfare, and to the protection of the quality of waters surrounding the City. The storm drain system contains a low-flow diverter system, which conveys non-storm water runoff and the initial runoff from storm events to the City's sanitary sewer system. In this manner, pollutants in runoff are treated at the City's wastewater treatment facility without discharging to the Pacific Ocean. Aging sewer infrastructure, improperly maintained laterals, and poor housekeeping practices may result in discharge of sewage into the City's storm drain system, which may, in turn, discharge to the Pacific Ocean. Because of the interrelated nature of the City's storm drain system and sewer system, this ERP describes how the City will investigate instances of noncompliance with the Water Quality Control Ordinance and Sewer Ordinance and the manner of responding to violations.

1. Water Quality Program

The City owns and operates a municipal separate storm sewer system ("storm drain system") which collects and conveys runoff within the City's jurisdiction to the wastewater treatment facility or to Avalon Bay, depending on the time and amount of runoff. A low-flow diverter system conveys dry weather runoff and the initial flush from storm events to the wastewater treatment facility. Storm water

during storm events is conveyed to Avalon Bay. The storm drain system operates pursuant to the Permit.

As part of its efforts to protect the environment and the public health, safety and welfare, the City regulates public and private sources of pollutants to and from the storm drain system. These efforts include controlling the bird population; removing the wrackline daily; monitoring water quality; regulating wash down, construction and development activities; and eliminating illicit discharges. Discharges to the storm drain system are regulated through the Water Quality Control Ordinance.

2. Sanitary Sewer Program

The City owns approximately 9 miles of gravity sewers, 1.2 miles of force mains, two (2) pump stations, and the wastewater treatment facility. Private laterals connect buildings to the public sewer mains and discharge wastewater for transportation to and treatment at the City's wastewater treatment facility. The City, through a contract operator, operates the wastewater treatment facility in accordance with State Water Resources Control Board Order Nos. 2006-0003-DWQ and 2013-0001-DWQ. The City has undertaken extensive efforts to protect the environment and public health, safety and welfare. These efforts have included inspecting sewer mains and laterals; repairing, rehabilitating and replacing aging infrastructure; and establishing a system of preventive maintenance. Private connections and discharges to the sewer system are regulated through the Sewer Ordinance.

C. ERP Objectives

This ERP works in conjunction with the City's Sewer Ordinance and Water Quality Control Ordinance to effectively administer the City's sanitary sewer and water quality control programs. The ERP establishes progressive enforcement measures in response to instances of noncompliance and is designed to meet the following objectives:

1. Identify and investigate instances of noncompliance;
2. Establish enforcement responses appropriate to the nature and severity of the violation and the overall degree of noncompliance;
3. Provide a guide to encourage uniform application of enforcement responses for comparable types of violations; and
4. Ensure adequate, consistent, and timely enforcement actions for the protection of the environment and public health, safety and welfare.

D. Definitions and Abbreviations

Terms used in this ERP shall have the following definitions. Words and phrases not ascribed a meaning in this ERP have the meaning ascribed by the Sewer and Water Quality Ordinances.

Best Management Practices (BMPs) shall mean the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

City shall mean the City of Avalon.

AMC shall mean the Avalon Municipal Code.

Code of Federal Regulations (CFR) shall mean the codification of the general and permanent rules published in the United States Federal Register by the executive departments and agencies of the Federal Government to include, but not limited to the Environmental Protection Agency.

Enforcement Response Plan (ERP) shall mean the City's formally adopted policy and program which describes methods and steps adopted by the City to investigate and take appropriate enforcement actions against violations of the Sewer Ordinance, Water Quality Control Ordinance, orders, permits, and other requirements of local, state, and federal law.

Director shall mean the Director of the Department of Public Works of the City of Avalon or the Director's authorized agent or deputy responsible for administration of the Department.

Discharge shall mean the release or placement, either directly or indirectly, of any substance into or from the storm drain system or sewer system, including, but not limited to, storm water, wastewater, solid materials, liquids, hazardous material, raw materials, debris, litter, fats, oils, grease or any other substance.

General Construction Permit shall mean the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, State Water Resources Control Board Order No. 2009-0009-DWQ, NPDES No. CAS000002, as it may be amended or reissued.

General Industrial Permit shall mean the Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities, Excluding Construction Activities, issued by the State Water Resources Control Board, Order No. 97-03-DWQ, NPDES Order No. CAS000001, as it may be amended or reissued.

Illicit connection shall mean any drain or conveyance which allows an illegal discharge to enter the storm drain system or sewer system.

Harm shall mean to cause injury, damage, or in any manner jeopardize the interests of the City, its citizens, employees, or the environment whether the harm is temporary or permanent.

User shall mean all entities, public or private, industrial, commercial, governmental or institutional which discharge or cause to be discharged, water, pollutants, wastewater, and waterborne waste into the sewer system or storm drain system.

Inspection shall mean inspection of any facility discharging to the City's sewer system or storm drain system by City personnel pursuant to AMC sections 6-7.237 and 6-13.111.

Inspection Report shall mean a written investigative report created by a licensed plumber setting out the findings of a video inspection of a private lateral and includes a copy of the video inspection.

May means permissive.

Major Violation shall mean any violation or series of violations that harms or threatens the public health, safety or welfare, the environment, the sewer system, or the storm drain system, or any violation that occurs as the result of a criminal act.

Minor Violation shall mean any single violation that does not cause harm to the City, the public health, safety or welfare, the environment, the sewer system, or the storm drain system.

NPDES shall mean National Pollution Discharge Elimination System.

Ordinance(s) shall mean the current adopted Sewer Ordinance and Water Quality Control Ordinance set forth in Chapters 6-7 and 6-13 of the AMC, as may be amended from time to time.

Permit shall mean the General Permit for Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems, State Water Resources Control Board Order No. 2013-0001-DWQ, NPDES No. CAS000004, as amended or reissued.

Person shall mean any individual, partnership, firm, association, company, society, corporation or public agency and includes the plural as well as the singular.

Sewer Ordinance shall mean Chapter 6-7 of the AMC.

Sewer system shall mean the system of pipes, pumps, manholes, low-flow diverters, and other infrastructure which collects wastewater discharges and conveys them to the City's wastewater treatment facility.

Shall is mandatory.

Storm drain system shall mean the publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm water shall mean runoff from storm events, snow melt runoff and surface runoff and drainage related to precipitation events.

Termination of Service shall mean a physical blockage of the sewer connection to a User or issuance of a formal notice of termination of services to the User.

User shall mean any person or entity, public or private, residential, industrial, commercial, governmental, or institutional, which discharges or causes to be discharged, wastewater or water borne wastes into the sewer system or storm drain system.

Wastewater shall mean any combination of waste and water, whether treated or untreated, discharged into or permitted to enter the sewer system or storm drain system.

Water Quality Control Ordinance shall mean Chapter 6-13 of the AMC.

II. OVERVIEW OF THE ENFORCEMENT RESPONSE PLAN

This ERP describes how the City will investigate instances of noncompliance with the Ordinances and the types of enforcement responses available to address noncompliance. It establishes a guide for determining the appropriate enforcement response based on the nature, magnitude, effect, duration, and frequency of a violation and any efforts to maintain compliance or eliminate noncompliance. The goal of this ERP is to achieve compliance with the Ordinances for the protection of the environment and the public health, safety, and welfare.

A. Investigations

The City adopted investigation and monitoring programs as part of its Water Quality Control and Sewer Programs. The elements of each program are discussed in turn.

1. Water Quality Control

In accordance with the Permit, the City prohibits non-storm water discharges to its storm drain system, except in compliance with an NPDES permit. (AMC § 6-13.103.) Illicit connections to the storm drain system are prohibited. (AMC § 6-13.104.) Every person in the City is required to control incidental runoff and to properly dispose of waste. (AMC § 6-13.105.) The City may conduct inspections of any facility discharging to the storm drain system to confirm compliance with the Water Quality Control Ordinance.

Prior to receiving a grading or building permit, all construction activity obtain approval of an erosion and sediment control plan or storm water pollution prevention plan. (AMC § 6-13.106.) The City confirms compliance with approved plans. In addition, the proponent of any construction project covered by the General Construction Permit may be required to submit to the City evidence of compliance with that permit. Industrial and commercial facilities must submit evidence of compliance with the General Industrial Permit, if required by the City. (AMC § 6-13.107.) The City may require any person in charge of any construction site, industrial or commercial facility, or new or redevelopment project to install and utilize best management practices to control runoff. (AMC § 6-13.110.) Finally, the City may require testing and monitoring of discharges. (AMC § 6-13.111.) The City reviews all required documentation and requires dischargers to comply with all Ordinances and applicable permits.

2. Sewer

The City implements a program of extensive cleaning, inspection and assessment of the sanitary sewer system. The program includes Closed Circuit Television Video inspection of piping; visual inspection of manhole structures and their flow channels; and an evaluation of the condition of the pipes and manholes. Results from assessments are used to categorize the cleaning and inspection frequencies for each area. All gravity mains are cleaned at least annually, root intrusions are eliminated through a root control program, areas with grease buildup, root intrusion, sediment buildup, or vandalism are evaluated and cleaned with high frequency, and dead ends are flushed during the off-season to prevent backups.

The Sewer Ordinance regulates private sewer laterals and requires property owners to inspect private sewer laterals on notice from the City, on sale of property, prior to undertaking significant construction, remodeling, or change in use, and, for common interest developments, every ten years. (AMC § 6-

7.304.) The City reviews all inspection reports and requires property owners to repair or replace defective sewer laterals. (AMC § 6-7.305.)

Food service establishments are required to comply with the City's Fats, Oils, and Grease ("FOG") regulations. (AMC, Chapter 6-7, art. 4.) In accordance with the FOG program, food service establishments must obtain a permit to discharge to the sanitary sewer system, install grease interceptors as required by the City, keep records of grease interceptor maintenance, and implement best management practices designed to minimize the discharge of FOG to the City's sewer system. (AMC §§ 6-7.412, 6-7.418.) Food service establishments may be required to conduct routine monitoring and sampling and to submit reports to the City. (AMC § 6-7.419.)

B. Determining Enforcement Response to Noncompliance

When the City identifies any violation of the Municipal Code, NPDES permit, compliance order or other regulatory action, City personnel will determine the appropriate enforcement response on the basis of the type, frequency, magnitude, and duration of the violation, as well as on the violation's potential impact to water quality and public health, safety or welfare, and any good faith efforts to comply with all regulations.

1. Types of Noncompliance

Violations of the Municipal Code, NPDES permits, compliance orders and other regulatory actions may be characterized as administrative violations, monitoring violations, or discharge violations. The magnitude of each type of violation may be characterized as minor or major.

a. Administrative Violation

Administrative violations are generally a failure to provide any required report in a timely manner. Administrative violations may be minor or major.

i. Minor Administrative Violations

Minor administrative violations include, but are not limited to, a *single* instance of any of the following:

- Submitting an incomplete report or application;
- Submitting a late report or other required document;
- Failing to maintain or submit required records;
- Failing to conduct inspections, sampling or monitoring when required;
- Failing to report any spill or other required information; and
- Failing to pay required fees, penalties, or charges within forty-five calendar days from the due date.

ii. Major Administrative Violations

Major administrative violations are generally those violations related to recurring or prolonged noncompliance with reporting requirements or payment of required fees. Examples of major administrative violations include the following:

- Failing to respond to requests for information or administrative orders;
- Failing to meet a compliance date by more than forty-five (45) days;

- Falsifying documents or attempting to mislead the City in any manner;
- Engaging in a pattern of minor administrative violations;
- Refusing entry to authorized City personnel in the course of performing their assigned duties;
- Failing to produce records or accurately report noncompliance;
- Failing to pay any required fees, penalties, or charges within sixty (60) days from the due date; and
- Failing to obtain a required permit for any discharge.

b. Monitoring Violation

Monitoring violations are generally failures to sample or monitor, as required. Monitoring violations may be minor or major.

i. Minor Monitoring Violations

Minor monitoring violations include, but are not limited to, a *single* instance of any of the following:

- Failing to sample or resample within required timeframes;
- Improperly sampling, collecting, locating or analyzing;
- Failing to monitor for all required parameters;
- Failing to properly maintain flow monitoring equipment; and
- Failing to submit complete and accurate reports.

ii. Major Monitoring Violations

Major monitoring violations include, but are not limited to, the following:

- Repeated minor monitoring violations;
- Intentional tampering with or disabling monitoring equipment.

c. Discharge Violation

Discharge violations generally occur when a discharge fails to comply with any requirement set forth in an Ordinance, permit, order, or other regulatory mechanism. Discharge violations may be minor or major.

i. Minor Discharge Violations

Minor discharge violations are those that, either alone or in combination with other violations, pose no significant threat to any of the following: (A) the public health, safety or welfare, including any City employee or contractor, (B) the City's sewer system or storm drain system, or (C) the environment. If the following violations do not pose a significant threat, they may be considered minor discharge violations:

- Failing to inform the City of a change in ownership.

ii. Major Discharge Violations

Major discharge violations are those that, either alone or in combination with other violations, pose a threat to any of the of the following: (A) the public health, safety or welfare, including any City

employee or contractor, (B) the City's sewer system or storm drain system, or (C) the environment. Major discharge violations include, but are not limited to, the following:

- Any discharge that causes or contributes to pass-through, interference, or other damage to the sewer system or storm drain system;
- Any discharge that causes or contributes to a violation of the Permit or any receiving water limitation;
- Any discharge that causes or contributes to additional treatment costs;
- Any discharge made without a required permit;
- Any discharge made with an expired, suspended or revoked permit;
- Any discharge made in violation of compliance order, cease and desist order or other order or agreement;
- Any discharge that does not comply with a current discharge permit or plan;
- Failing to repair or replace any defective private sewer lateral or control device, as required by the City;
- Failing to implement any BMP or control device; and
- Failing to correct a minor discharge violation within a specified time period.

d. Unclassified Violation

The City Manager may, in his or her sole discretion, treat any violation that is not otherwise classified herein, as a minor or major violation. The City Manager will consider the type, frequency, magnitude, and duration of the violation, as well as the violation's potential impact to water quality and public health, safety or welfare, and any good faith efforts to comply with all regulations.

2. Types of Enforcement Responses

The City uses a range of enforcement responses to ensure compliance with the Water Quality Control and Sewer Ordinances. Three types of enforcement responses – administrative, civil, and criminal – range from an informal conversation to civil and criminal actions. Some intentional violations may constitute criminal violations of federal, state, and local laws, and the City Manager may seek the assistance of the Environmental Protection Agency or the City Attorney to implement an appropriate enforcement action. This section describes the range of available enforcement responses. Nothing in this ERP limits the City's authority to issue any other order or take any other enforcement action deemed necessary to protect the sewer system, storm drain system, public health, safety and welfare, or the environment.

a. Administrative Enforcement Responses

Unless otherwise noted below, delivery of written administrative enforcement actions may be made in person, by certified mail, by facsimile service with confirmation of receipt, or by any other means permitted by law. Where the recipient of any written administrative enforcement action is the owner of any property, the address for notice is the address from the most recently issued equalized assessment roll for the property, or as otherwise appears in the current records of the City. If an owner or occupant of any property cannot be located after reasonable efforts, an administrative enforcement action is deemed delivered after posting on the property for a period of five (5) business days. Issuance of an administrative enforcement response is not a bar against or a prerequisite for taking any other enforcement response.

i. Informal Notice

An informal notice may be used in response to certain minor violations and may be verbal or written. The intent is to point out a problem and encourage compliance without taking a formal enforcement action. The notice may be delivered by telephone, e-mail, in person, during an inspection, or by a letter. Informal notices are documented and retained.

ii. Notice of Violation

A notice of violation ("NOV") may be issued in response to any violation of the Water Quality Control or Sewer Ordinance, any permit, or any order issued by the City. An NOV identifies the provision of any ordinance, permit, or order which has been violated and establishes a compliance date. No compliance date may exceed ninety (90) days from the date of issuing the NOV, except for good cause. Major violations which threaten public health, safety and welfare must be abated immediately and in no case longer than thirty (30) days after issuing the NOV.

iii. Compliance Order

A compliance order may be issued in response to any violation of the Water Quality Control or Sewer Ordinance, any permit, or any order issued by the City. A compliance order specifies the provision of any ordinance, permit, or order which has been violated and establishes a compliance date or schedule. A compliance order may direct that treatment facilities, devices, or monitoring equipment be installed, that best management practices be utilized, or that self-monitoring and reporting or other actions necessary and appropriate to assure timely compliance with the City's Ordinances be undertaken. A compliance order may contain a compliance schedule with milestones, action plans, compliance meetings, or other measures necessary to achieve and maintain compliance.

iv. Cease and Desist Order

A cease and desist order may be issued to gain immediate compliance when a violation poses a threat to the sewer system, storm drain system, environment, or public health, safety and welfare. A cease and desist order may also be issued to any person who violates any ordinance, permit, or order and may order immediate cessation of impermissible activities, immediate resolution of any source or cause of a continuing violation, and immediate clean up of any area affected by a violation.

v. Permit Revocation

A discharge or other permit may be revoked for major violations. Grounds for permit revocation include, but are not limited to, the following: failing to comply with the conditions in the permit; failing to install control devices required by the permit; failing to submit required reports; failing to maintain treatment devices or pretreat waste as required by the permit; failing to comply with an NOV or compliance schedule; falsifying information in a permit application, documents, reports or logs submitted to the City; refusing inspections during normal business hours or during emergency conditions; interfering with inspection or sampling; causing or contributing to sewer blockages or overflow; and failing to address conditions leading to more than one overflow event within a 12-month period.

vi. Administrative Nuisance Abatement

Violations which threaten the public health, safety and welfare may be abated as nuisances. The City Manager may issue a nuisance abatement notice to the owner or person in possession of any property from which a violation of the Water Quality Ordinance or Sewer Ordinance originates. The notice will be given by registered or certified mail, addressed to the owner or person in possession at that person's last known address and will describe the nature of the nuisance. If the nuisance is not abated or good faith efforts toward abatement have not been made to the satisfaction of the City Manager within the period allowed in the notice for voluntary abatement, the City Council will hold a hearing on any protest of the owner, possessor or other interested person. The notice will specify the time, date and place for the hearing, which will be set for the regular meeting of the Council following the expiration of the period specified in the notice. Upon consideration of the evidence, the Council may declare the condition to constitute a public nuisance and order the abatement thereof.

If, after action by the City Council, the nuisance is not abated, the City Manager may cause the abatement of the nuisance. On completion of the abatement, the owner or possessor of the property will receive notice of the cost of the abatement and an opportunity to appear before the Council to protest the cost amount. If the costs of abatement are not paid, the City may record a nuisance abatement lien against the property or cause the amount due, together with interest, to be charged on the next regular tax bill.

vii. Summary Nuisance Abatement

Violations which create an immediate threat to the public health, safety and welfare may be summarily abated as nuisances. The City Council may cause a nuisance to be summarily abated if the City Manager determines that the nuisance creates an emergency condition involving an immediate threat to the physical safety of a person or persons or creates an immediate threat of substantial property damage. Prior to abating the nuisance, the City Manager shall attempt to notify the owner or possessor of the property involved in the nuisance and request immediate abatement of the nuisance. On request of the owner or possessor, the City Manager will hold a hearing on the need for summary abatement, but such hearing shall be held without unreasonable delay, taking into account the circumstances of the emergency condition. If, in the sole discretion of the City Manager, the owner or possessor of the property containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the City may abate the nuisance and charge the costs of abatement to the owner or possessor.

viii. Termination of Service

The City Manager may immediately terminate all wastewater disposal services to any person to stop an actual or potential discharge which presents an imminent or substantial endangerment to the environment, to the public health, safety or welfare, to the sewer system, or to the storm drain system. Service may also be terminated for failing to obtain or comply with a valid permit.

ix. Monetary Penalty

In addition to or in combination with any enforcement response, a violation of any ordinance, order or permit may be subject to a monetary penalty. Monetary penalties may be in the following amounts, or other amounts adopted by ordinance or resolution of the City Council: (A) up to \$100.00 for each day a person fails or refuses to provide the City with any required report or information; (B) up to \$200 for each day a person fails or refuses to timely comply with any administrative enforcement response or

refuses to remedy any source of continuing violation; and (C) up to \$1,000 for each day a person fails to connect plumbing that receives wastewater to the public sewer system in accordance with the Sewer Ordinance, discharges fats, oils, and grease in violation of the Sewer Ordinance, maintains an illicit discharge or illicit connection to the storm drain system, or any time permit revocation is justified.

b. Civil Enforcement Responses

In addition to administrative remedies, the City may pursue legal action against a person who violates the Water Quality Control or Sewer Ordinance. Civil actions may include, but are not limited to, civil nuisance abatement actions, injunctions, trespass, and inspection orders. The City may request that the City Attorney pursue legal action if any of the following apply:

- i. Administrative enforcement responses have failed to achieve compliance;
- ii. The violation(s) is/are causing or contributing to pass through, interference or violation(s) of any of the City's regulatory permits or requirements;
- iii. The violation(s) cause or contribute to an imminent threat to life, health, the environment or property; or
- iv. A judicial remedy is deemed to be the most appropriate and effective response to resolve the matter.

c. Criminal Enforcement Responses

A person who violates any provision of the Water Quality Ordinance or Sewer Ordinance or undertakes to conceal any such violation is guilty of a misdemeanor. Misdemeanors are punishable by a fine of not more than \$1,000 or six months imprisonment, or both. Intentional and repeated major violations may be charged as a misdemeanor, or in the City's discretion, an infraction

3. Criteria for Determining Response to Noncompliance

The previous sections described the types of violations likely to occur and the types of enforcement responses available to the City. This section presents the criteria for determining the most appropriate response to each type of violation. In general, the appropriate enforcement response is determined by the following criteria: (a) the frequency and duration of the violation; (b) the nature, magnitude and potential impact of a violation on water quality or public health, safety or welfare; and (c) good faith efforts to maintain compliance or eliminate noncompliance.

a. Nature, Magnitude, and Effect of the Violation

Violations are evaluated against the potential or actual threat to the environment; to public health, safety and welfare; and to the sewer system, or storm drain system created by the noncompliance. Any violation which poses a significant potential or actual threat may be considered a major violation. Some violations may be isolated and pose no potential or actual threat. These may be considered minor violations. Some violations, although isolated, may pose a significant potential or actual threat. These may be considered major violations.

b. Duration and Frequency of the Violation

The duration and frequency of a violation are independent factors in determining the appropriate enforcement response. Escalating enforcement actions are available to discourage or correct repeated, frequent, or long-standing violations.

c. Good Faith Efforts to Maintain Compliance or Eliminate Noncompliance

Efforts to maintain compliance or eliminate noncompliance may be considered when determining the appropriate enforcement response. Good faith efforts are prompt and vigorous control measures undertaken with extraordinary effort, rather than a "business-as-usual" approach. A history of compliance may include a person's efforts in maintaining equipment, utilizing best management practices, and developing and implementing programs to reduce waste and the discharge of pollutants. After assessing the nature, magnitude, effect, duration and frequency of a violation, the City may elect to mitigate an enforcement response on the basis of a person's good faith efforts to maintain compliance or eliminate noncompliance. In no case, however, will an enforcement response be mitigated to such an extent as to permit any harm or threat to the public health, safety or welfare, the environment, the sewer system, or the storm drain system.

C. *Enforcement Response Timelines*

Enforcement responses are implemented as soon as a violation is identified. The City endeavors to determine and implement all enforcement responses no later than ten (10) days after the date a violation is identified. The City endeavors to respond within twenty-four (24) hours to major violations posing a threat to public health, safety or welfare, the environment, the sewer system, or storm drain system. The actual response time may be shorter or longer, depending on any emergent or mitigating circumstances.

D. *Personnel Responsibilities and Abbreviations*

Specific personnel determine and implement appropriate enforcement responses. The following abbreviations are used in the ERP Guide to indicate personnel responsible for each enforcement response:

CM	City Manager or authorized designee
PW	Public Works Director or authorized designee
CA	City Attorney, at the direction of the City Manager or City Council

The following abbreviations are used in the ERP Guide to indicate type of enforcement response:

IN	Informal Notice
NOV	Notice of Violation
CO	Compliance Order
CDO	Cease and Desist Order
PR	Permit Revocation
ANA	Administrative Nuisance Abatement
SNA	Summary Nuisance Abatement
Term	Termination of Service
MP	Monetary Penalty
Civ	Civil Enforcement
Crim	Criminal Enforcement

III. ENFORCEMENT RESPONSE PLAN – GUIDE

A. Administrative Violations			
Type of Violation	Nature, Magnitude, Frequency, Duration, Effect of Violation	Enforcement Response(s)	Responsible Person
Submitting an incomplete report or application	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Submitting a late report or other required document	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to submit or maintain required records	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to conduct inspections, sampling or monitoring when required	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to report any spill or other required information	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to pay required fees, penalties, or charges within forty-five calendar days from the due date	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to respond to requests for information or administrative orders	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to meet a compliance date by more than forty-five (45) days	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Falsifying documents or attempting to mislead the City in any manner	1st violation	CO, CDO, PR	PW, PW, CM
	2nd violation	PR, MP, Term	CM, CM, CM
	Major violation	Civ, Crim, Term	CA, CA, CM
Refusing entry to authorized City personnel in the course of performing their assigned duties	1st violation	CO, CDO, PR	PW, PW, CM
	2nd violation	PR, MP, Term	CM, CM, CM
	Major violation	Civ, Crim, Term	CA, CA, CM
Failing to produce records or accurately report noncompliance	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to pay any required fees, penalties, or charges within sixty (60) days from the due date	1st violation	IN, NOV	PW, PW
	2nd violation	CO, NOV, MP	PW, PW, CM
	Major violation	CO, MP, Term, Civ	PW, CM, CM, CA
Failing to obtain a required permit for any discharge	1st violation	CO, CDO, PR	PW, PW, CM
	2nd violation	PR, MP, Term	CM, CM, CM
	Major violation	Civ, Crim, Term	CA, CA, CM

Major violation: repeated minor violation or any violation that harms or threatens the public health, safety or welfare, the environment, the sewer system, or the storm drain system.

B. Monitoring Violations

Type of Violation	Nature, Magnitude, Frequency, Duration, Effect of Violation	Enforcement Response	Responsible Person
Failing to sample or resample within required timeframes	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Improperly sampling, collecting, locating or analyzing	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to monitor for all required parameters	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to properly maintain flow monitoring	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to submit complete and accurate monitoring reports	1st violation 2nd violation Major violation	IN, NOV CO, NOV, MP CO, MP, Term, Civ	PW, PW PW, PW, CM PW, CM, CM, CA
Intentional tampering with or disabling monitoring equipment.	1st violation 2nd violation Major violation	NOV, CDO, CO PR, Term, ANA, SNA PR, Term, ANA, SNA, Civ, Crim	PW, PW, PW CM, CM, CM, CM CM, CM, CM, CM, CA, CA

Major violation: repeated minor violation or any violation that harms or threatens the public health, safety or welfare, the environment, the sewer system, or the storm drain system.

C. Discharge Violations			
Type of Violation	Nature, Magnitude, Frequency, Duration, Effect of Violation	Enforcement Response	Responsible Person
Failing to inform the City of a change in ownership	1st violation 2nd violation Major violation	IN, NOV CO, NOV, MP CO, MP, Term, Civ	PW, PW PW, PW, CM PW, CM, CM, CA
Discharge causes or contributes to pass-through, interference, or other damage to the sewer system or storm drain system	1st violation 2nd violation Major violation	NOV, CDO, CO PR, Term, ANA, SNA PR, Term, ANA, SNA, Civ, Crim	PW, PW, PW CM, CM, CM, CM CM, CM, CM, CM, CA, CA
Discharge causes or contributes to a violation of the Permit or any receiving water limitation	1st violation 2nd violation Major violation	NOV, CDO, CO PR, Term, ANA, SNA PR, Term, ANA, SNA, Civ, Crim	PW, PW, PW CM, CM, CM, CM CM, CM, CM, CM, CA, CA
Discharge causes or contributes to additional treatment costs	1st violation 2nd violation Major violation	NOV, CDO, CO PR, Term, ANA, SNA PR, Term, ANA, SNA, Civ, Crim	PW, PW, PW CM, CM, CM, CM CM, CM, CM, CM, CA, CA
Discharge made without a required permit or plan	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Discharge made with an expired, suspended or revoked permit	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Discharge does not comply with a current discharge permit or plan	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to implement spill control, best management practices, or other plans required by the City	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Discharge in violation of compliance order, cease and desist order or other order or agreement	1st violation 2nd violation Major violation	NOV, CDO, CO PR, Term, ANA, SNA PR, Term, ANA, SNA, Civ, Crim	PW, PW, PW CM, CM, CM, CM CM, CM, CM, CM, CA, CA
Failing to correct a minor discharge violation within a specified time period	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to implement any required BMP or control	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Failing to repair or replace defective private sewer lateral or control device, as required by City	1st violation 2nd violation Major violation	CO, CDO, PR PR, MP, Term Civ, Crim, Term	PW, PW, CM CM, CM, CM CA, CA, CM
Major violation: repeated minor violation or <u>any</u> violation that harms or threatens the public health, safety or welfare, the environment, the sewer system, or the storm drain system.			

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 8

ORIGINATING DEP: City Manager

CITY MANAGER: BH

PREPARED BY: City Manager Ben Harvey

SUBJECT: Rescinding of Full-Time Employee Hiring Freeze

RECOMMENDED ACTION(S): Receive and file Staff Report thereby allowing for the rescinding of the full-time employee hiring freeze.

REPORT SUMMARY: At the March 4 and 18, 2014 regularly scheduled meetings of the Avalon City Council; the City Manager was directed by the City Council to implement a full-time employee hiring freeze. This was implemented due to City Council concerns about the City budget.

Since the time of the implementation of the full-time employee hiring freeze, a review of full-time staffing needs has been undertaken with consideration for the impact to the City budget. This review yielded the determination that it would be in the City's best interest to rescind the full-time hiring freeze, in that it would not increase the current budget deficit, and would allow for the continuation and/or enhancement of existing service delivery levels. Rescinding the full-time employee hiring freeze would allow for the selection and subsequent placement of the top-ranking candidate from the Recreation Assistant recruitment process, which is currently underway. Further, the City would also be able to proceed in finalizing the eligibility list, and embarking on an interview/assessment process for the Administrative Assistant position within the Harbor Department (which is anticipated to be shortly vacant due to the anticipated retirement of the incumbent). Finally, it would also allow for a selection/recruitment process for the open Firefighter position, which has been vacant since February. The Recreation Assistant, Administrative Assistant and Firefighter positions are all currently budgeted within the Fiscal Year 13-14 budget.

FISCAL IMPACTS: None. All current and proposed recruitments/subsequent placements are for positions that are budgeted within the Fiscal Year 13-14 budget.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City Manager will not be able to extend an offer of employment to the successful top-placing candidate for the Recreation Assistant position, nor will recruitments/subsequent placements be possible for the Administrative Assistant position within the Harbor Department, or the Firefighter position.

FOLLOW UP ACTION:

1. Continue Recreation Assistant recruitment/selection/placement process.
2. Finalize establishment of eligibility list for Administrative Assistant position within the Harbor Department, then determine interview/assessment process.
3. Determine selection/recruitment process for vacant Firefighter position.

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

ATTACHMENT: None.

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

MEETING DATE: May 6, 2014

AGENDA ITEM: 9

ORIGINATING DEP: Capital Improvements

CITY MANAGER: BA

PREPARED BY: Dennis Jaich

SUBJECT: Emergency Repairs to Crescent Avenue Storm Drain Phase 2 – Update
(Lower Terrace Strengthening and Utility Protection Project)

RECOMMENDED ACTION(S): Allow Staff to continue making emergency repairs, on the other half of Crescent Ave., (Phase 2), including restoring the full roadway. **A FOUR FIFTHS VOTE REQUIRED.**

REPORT SUMMARY:

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

As an update, although we have encountered unknown and unforeseen existing problems, the ceiling has now been poured on Phase 2 and we are now in the “curing” time period. The roadway improvements are yet to be replaced.

It is anticipated at this time that the roadway can be open to full traffic, without weight restrictions, by May 20, 2014.

FISCAL IMPACTS: Costs to excavate and re-pour portions of Crescent Avenue (both Phases) and the restoration of the roadway. However, City Staff believes the SCICo owns the concrete culvert, and have sent them a letter advising of this finding. Accordingly, we ultimately will be seeking restitution from them for the cost of the repairs.

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

FOLLOW UP ACTION: Pursuit of funds from the Island Company to pay for the repairs and completion of repair work on Phase 1 and 2.

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

ATTACHMENTS: None.

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 10

ORIGINATING DEP: Capital Improvements

CITY MANAGER: BH

PREPARED BY: Dennis Jaich

SUBJECT: Purchase Two (2) Salt Water Pump Motors

RECOMMENDED ACTION(S):

Allow Staff to purchase two salt water pump motors to replace the failed motors, which will be compatible with the new SCADA (Supervisory Control and Data System) program.

REPORT SUMMARY:

In the area of the Catherine Hotel, near the ocean, there exists a Salt Water Pump Station. This underground structure has two pump motors in it, which draws the salt water out from the ocean, and charges all of our salt water hydrants which serve the individual homes and businesses on this island.

Two weeks ago one of the old existing pump motors failed. It was determined that the existing motor was very old and had also taken on some water that caused it to short out. Then a short time after that, the other motor in the vault failed and necessitated the Fire Department to deploy a "back-up" pump at the Mole area. Due to the age and conditions of the existing motors, we have to replace them.

As it turns out, considering the City's desire to implement our SCADA program, these particular motors would have had to be changed out anyway. The new ones that Staff is requesting to be purchased here and installed will be compatible for VFDs (Variable Frequency Drives) and be harmonious with the new SCADA system implementation.

FISCAL IMPACTS:

The cost estimate for these 2 motors will be \$3,921.00 each (\$7,842.00) plus tax and delivery fees. These monies will be taken from our Emergency Salt Water Repair Fund 113-25-6552.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

A Critical problem would develop on the island. The lack pressurized salt water to be charged into the fire hydrants will negatively affect the ability of the Fire Department to fight fires.

FOLLOW UP ACTION:

Staff will purchase the motors.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

In Compliance with the Brown Act

ATTACHMENTS:

None

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 11

ORIGINATING DEP: Capital Improvements

CITY MANAGER: 

PREPARED BY: Dennis Jaich

SUBJECT: Purchase of a Sewer Vacuum-Jetter Truck (Vactor)

RECOMMENDED ACTION(S):

Allow Staff to purchase one (1) Vactor truck. The cost will be presented to the City Council at the Council Meeting or sooner if available.

REPORT SUMMARY:

The City of Avalon currently has a 1990 Sewer Vacuum-Jetter Truck (Vactor), which is very old, and continues to fail quite often. It's frequent breakdowns, along with the substantial repairs and maintenance that it requires, disallows any sense of reliability.

The purchase of a new sewer cleaning truck is needed to perform sewer preventative maintenance on the City's collection system. This piece of equipment is used for cleaning the sewer lines with a high velocity water pressure nozzle and with the vacuum system that removes the debris from the manholes and other structures. This Vactor type truck is also utilized in an attempt to mitigate any potential sewage spills. Considering our close proximity to the Pacific Ocean, it is critical and necessary that the City be prepared, with reliable equipment, to mitigate any adverse effects from or eliminate any prohibited discharges into Avalon Bay.

The jetting mechanism is used in regular scheduled maintenance to blast-out and clean the sewer lines. Additionally, this procedure is mandatory respective to both the "Cease and Desist Order" (CDO) and with the City's "Sewer System Management Plan" (SSMP).

The vacuum system is primarily used as described above, however, and most important, it could be used if a minor to moderate failure (overflow) in sewage flow occurs. This suction feature allows City staff to potentially transfer some raw sewage to another acceptable location, rather than allowing an overflow. We need to keep in mind that the proposed Vactor described here WILL NOT totally ensure our ability to avoid an illegal discharge into the ocean, but its availability to avert unlawful discharges is necessary and needs to be considered.

FISCAL IMPACTS:

The cost for this equipment, with payment options, shall be presented to the City Council under separate cover for your review before the scheduled meeting on May 6, 2014.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

If the old Vactor truck continues to fail, at a time where a potential serious and possible spill occurs, an illegal sewage discharge may be realized. Additionally, if this type of equipment is not available for use as intended for maintenance and repairs, we may be in violation of the CDO and the SSMP respectively.

FOLLOW UP ACTION:

Staff is requesting an additional amount of time after the date that this Staff Report is written to explore all options, view the equipment in action, and check out the conditions/specifics in order to attest that the purchase will be prudent. The urgency associated with this large purchase will require farsighted and sensible consideration that must be undertaken. Authorization is sought for the purchase assuming staff determines that the equipment purchase is in the City's best interest and can adequately serve the City.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

In Compliance with the Brown Act

ATTACHMENTS:

The proposals and quotes from manufactures will be provided under separate cover.

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 12

ORIGINATING DEPT: Planning

CITY MANAGER: [Signature]

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Draft Administrative Policy regarding the Removal of Abandoned Vehicles Pursuant to Sec.5-16.01 of the Avalon Municipal Code

RECOMMENDED ACTION(S): Provide guidance on the Administrative Policy Regarding Removal of Abandoned Vehicles and recommend a time frame to begin enforcement.

REPORT SUMMARY: Approximately two years ago, the contract for removal and storage/impound of abandoned vehicles was not renewed due to lack of funding. Since that time abandoned vehicles have not been removed from the island. The vehicles, primarily golf carts, can be found squirreled away all over the City of Avalon ("City"). Many of these vehicles have been cited by Code Enforcement for various infractions. Often times the cited vehicles are relocated to private property (most often Santa Catalina Island Company ("SCICo") property). The City attempted to create an impound yard, however, the regulations required to build and operate such a facility were cost prohibitive.

The City and Avalon Sheriff Staff contacted Kruger Tow to see if they would be interested in becoming the official impound/storage facility for the City. Kruger Tow staff visited the City and met with the City Manager and Captain Fetteroll. City Staff feel confident that Kruger Tow is the right fit for the City's needs. Additionally, their services are free of charge. In conjunction with securing a facility to pick up and receive the abandoned vehicles, the City made contact with Rich Coffey, President of Catalina Freight Lines. Mr. Coffey has offered to provide two flat beds free of charge, for use in the first round of abandoned vehicle removal. Staff has also been in contact with SCICo to coordinate the abandoned vehicle round-up effort.

The attached Administrative Policy and Ordinance explain the procedures to have abandoned vehicles removed from the City. Code Enforcement, City Staff and the Avalon Sheriff's Department performed a dry-run April 29, 2014, going through the procedures outlined in the Administrative Policy. Some minor additions were made to the Policy as a result of the exercise.

FISCAL IMPACTS: The first round of vehicle removal will be revenue/expenditure neutral because Catalina Freight Line is donating the use of their flatbeds and drivers. Subsequent removals will need to be budgeted, and should include the cost of a tow and load-on/load-off from the barge. The average cost of a tow is \$50 and load-on/load-off the barge for individual vehicles averages \$50. The cost for a flatbed and driver for subsequent round-ups is approximately \$300-\$500. The water freight is paid up front when a vehicle is initially shipped to the island.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): The abandoned vehicles would remain on the streets.

FOLLOW UP ACTION(S): Determine a commencement date and begin the Administrative Policy process to remove abandoned vehicles from the City. Report back to City Council after the first abandoned vehicle round-up.

ATTACHMENTS:

1. Administrative Policy
2. Avalon Municipal Code sections regarding Removal of Abandoned Vehicles

Abandoned Vehicle Enforcement

Purpose:

To establish an administrative policy for the enforcement and removal of abandoned vehicles within the City of Avalon ("City") pursuant to Avalon Municipal Code Title 5, Chapter 16.

Background:

Catalina Transportation Services operated an impound/storage yard and a tow service for many years. At the end of their contract with the Sheriff's Department a few years ago, Catalina Transportation opted to discontinue the impound/storage service due to high costs. The City researched establishing its own impound/storage yard and found the requirements and regulations were cost prohibitive. The minimal requirements for the establishment of an impound/storage yard include a large concrete pad, fencing, lighting, security cameras, hazardous waste management (gasoline, oil, anti-freeze) and personnel.

General:

The City of Avalon has seen a proliferation of vehicles, specifically golf carts, abandoned throughout town. The City has an ordinance in place to handle abandoned vehicles. The ordinance has not been enforced due to the lack of an authorized impound/storage facility on the island. Kruger Tow has offered to become the authorized company to handle impound of the City's abandoned vehicles. The ordinance already in existence outlines the process to declare a vehicle "abandoned" and the outreach required prior to the removal of the vehicle from the island.

For the purposes of cost efficiency, staff suggests a two-pronged approach to the policy:

1. Hold a bi-annual round-up to remove abandoned vehicles throughout town.
2. Remove abandoned vehicles on an as-needed basis.

Procedures:

1. The City is notified of an abandoned vehicle.
2. Code Enforcement tags abandoned vehicle.

3. Code Enforcement/Sheriff research last registered owner of the abandoned vehicle.
4. The City sends letter of notice via registered, return receipt USPS mail of abandoned vehicle to last known registered owner (sample of letter attached).
5. Pursuant to the ordinance, the last registered owner has a right to request a public hearing before the City Manager within 10 days after the mailing of the notice.
6. If a public hearing is requested, the City Manager has the authority to uphold or rescind the abatement based on the facts presented at the public hearing.
7. An appeal may be requested to the City Council by filing a notice of appeal within five (5) days after the City Manager's decision.
8. If no public hearing is requested, or the abatement is upheld, the City Manager will authorize the abatement.
9. The ten day waiting period may be waived if the owner of the vehicle has signed a release waiving further interest in the vehicle.
10. Code Enforcement "sticker-tags" vehicle 72 hours prior to removal.
11. Code Enforcement fills out CHP 180 Form for vehicles with a VIN and short form for vehicles with no VIN.
12. Copy of CHP Form 180 is provided to Sheriff's for entry into the DMV database.
13. Copy of CHP Form 180 is faxed to Kruger Tow.
14. Copy of CHP 180 Form kept on file at City Hall with letter.
15. Vehicle transported to Catalina Freight Line (via flatbed during round-up or tow for individual removal)
16. Vehicle removed from island.
17. Vehicle transported to Kruger Tow, Rancho Dominguez, CA.
18. Kruger Tow notifies last registered owner again.
19. If abandoned vehicle is not claimed and all fees paid (citations, towing, storage) the vehicle becomes the property of Kruger Tow and is sold at auction or scrap metal.
20. The City will assess a \$50 Administrative Fee, plus the actual cost of vehicle removal. (Sec. 5-16.07 (c)).
21. Kruger Tow also has daily storage and tow charges.

CHAPTER 16 - REMOVAL OF ABANDONED VEHICLES

Sec. 5-16.01 Short Title.

Chapter 16 of Title 5 of the Avalon Municipal Code may be cited as "The Abandoned Vehicle Ordinance" of the City of Avalon.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.02 Declaration of Policy.

In addition to and in accordance with the determination made and the authority granted by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council hereby makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and in-sects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or pans thereof, on private or public property not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

(§1, Ord. 850, eff. December 7, 1989)

Secs. 5-16.03 - 5-16.04 Reserved.

Part 1. General Provisions

Sec. 5-16.05 Definitions.

As used in this chapter, unless the context other-wise clearly indicates, the following words and phrases are defined as follows:

(a) "Vehicle" shall mean a device by which any person or property may be pro-pelled, moved, or drawn upon a highway except a device designed to be moved by human or animal power or used exclusively upon stationary rails or tracks.

(b) "Highway" shall mean a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

(c) "Public property" does not include "highway."

(d) "Owner of the land" shall mean the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

- (e) "Owner of the vehicle" shall mean the last registered owner and legal owner of record.
 - (f) "Abandoned" shall mean the voluntary relinquishment of possession of a vehicle without any intent or affirmative effort on the part of the owner thereof to reclaim it.
 - (g) "City Manager" shall mean the City Manager or the person designated in writing by the City Manager to act on such City Manager's behalf.
- (§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.06 Application of Chapter.

- (a) The provisions of this chapter shall apply to abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof.
- (b) This chapter shall not apply to:
 - (1) A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
 - (2) A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section or chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law or ordinance other than Chapter 10 (commencing with Section 22660) of Division II of the Vehicle Code and this chapter.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.07 Enforcement of Chapter by City Manager.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the City Manager.

- (a) Upon discovering the existence of an abandoned, wrecked, dismantled, or in-operative vehicle, or parts thereof, on private property or public property within the City of Avalon, the City Manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.
- (b) In the enforcement of this chapter, the City Manager or the person(s) designated by the City Manager may enter upon private or public property to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.
- (c) The City Manager shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this chapter.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.08 Misdemeanor.

It shall be unlawful and a misdemeanor for any person to abandon, park, store or leave, or permit the abandonment, parking, storing or leaving of any vehicle, or part thereof, which is subject to removal under the provisions of this chapter for a period in excess of ten (10) days.

(§1, Ord. 850, eff. December 7, 1989)

Part 2. Procedure for Removal of Abandoned Vehicles

Sec. 5-16.09 Reserved.

Sec. 5-16.10 Notice of Intention to Remove Vehicle.

A ten (10) day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the form set out in Section 5-16.16 of this chapter. However, the ten (10) day notice of intention to abate and remove the vehicle or parts thereof shall not be required if both the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof.

The ten (10) day notice shall not be required for removal of a vehicle or part thereof which is located upon a parcel which is not improved with a residential structure and which is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than Two Hundred and no/100ths (\$200.00) Dollars by a person specified in Vehicle Code Section 22855, and is determined by the City Manager to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 5-16.15 of such a low valued vehicle or part for which evidence of registration was recovered, the City Manager shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within twelve (12) days after the notice is mailed, from a location specified in Section 5-16.15, final disposition may proceed. Neither the City nor a contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this paragraph.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.11 Request for Public Hearing; Absence of Request.

If a request by the owner of the vehicle or the owner of the property on which the vehicle is located is received by the City Manager within ten (10) days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the City Manager on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

(a) If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within such ten (10) day period, said statement shall be construed as a request for a hearing which does not require his or her presence.

(b) If such a request for hearing is not received within ten (10) days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(c) Notice of the hearing shall be mailed, by registered mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.12 Public Hearing; Conduct.

All hearings pursuant to this chapter shall be held before the City Manager who shall hear all facts and testimony such City Manager deems pertinent. Said facts and testimony may include testimony of the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The City Manager shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.13 Public Hearing; Findings and Determinations.

(a) The City Manager may authorize such action as such City Manager deems appropriate under the circumstances to carry out the purpose of this chapter. The City Manager may delay the time for removal of the vehicle or parts thereof if, in the City Manager's opinion, the circumstances justify it. At the conclusion of the public hearing, the City Manager may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal are to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle, or parts thereof and the correct identification number and license number of the vehicle, if available.

(b) If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that the owner of the land has not subsequently acquiesced in its presence, the City Manager shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from the owner of the land.

(c) If an interested party makes a written presentation to the City Manager but does not appear at the hearing, he or she shall be notified in writing of the decision.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.14 Appeal to the City Council.

Any interested party may appeal a decision of the City Manager to the City Council by filing a written notice of appeal with the City Clerk within five (5) days after the City Manager's decision.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.15 Removal of Vehicle.

(a) Five (5) days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five (5) days from the date of mailing of notice of the decision by the City Manager if such notice is required by Section 5-16.13(c), or fifteen (15) days after action by the City Council authorizing removal following an appeal, whichever is later, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard, or any suitable site operated by a local authority for processing of scrap.

(b) After a vehicle has been removed it shall not thereafter be reconstructed or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Vehicle Code Section 5004, in which case the vehicle may be reconstructed or made operable.

(c) When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property to re-move or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.16 Notice of Removal to Department of Motor Vehicles.

Within five (5) days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part(s) removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration including, but not limited to, the registration card, certificates of ownership and license plates.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.17 Costs of Removal; Assessed Against Land.

If the administrative costs and the cost of removal are charged against the owner of land pursuant to Section 5-16.13 and are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 5-16.10 of the Government Code and shall be transmitted to the tax collector for collection.

(§1, Ord. 850, eff. December 7, 1989)

Sec. 5-16.18 Forms of Notice.

The notices of intention to abate and remove a vehicle as required in Section 5-16.10 of this chapter shall be in substantially the following forms:



CITY OF AVALON

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

Date:

Name of last registered owner and/or legal owner of record of vehicle

Address

As the last registered (and/or legal) owner of record of (description of vehicle – make, model, license, etc.), you are hereby notified that the undersigned had determined that the said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (description of location on public or private property) and constitutes a public nuisance pursuant to provisions of Chapter 16, Title 5 of the Avalon Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice. As registered (and/or legal) owner of record of said vehicle, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing before the City Manager. An appeal may be requested to the City Council by filing a notice of appeal within five (5) days after the City Manager's decision.

If no request for a public hearing is received in the timeframe, the City Manager shall have the authority to abate and remove said vehicle (or said parts of vehicle) without a hearing. Additionally, you may be assessed fees related to the removal.

For questions regarding information in this notice please call or write to: City of Avalon, Code Enforcement, P.O. Box 707, Avalon, CA, 90704, 310-510-0220.

Notice Mailed s/

Date – City Manager

City of Avalon

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM 13

ORIGINATING DEP: City Clerk

CITY MANAGER: BA

PREPARED BY: Dudley Morand, Vehicle Clerk

SUBJECT: Request to Amend Transportation Permit for the Hermosa Hotel and Catalina Boat House

RECOMMENDED ACTION(S):

Discuss and give direction to Staff. Staff's recommendation is to deny the request since the applicant has not presented facts supporting the affirmative findings set forth in the Municipal Code that would allow such amended transportation permit to be issued.

REPORT SUMMARY:

On April 25, 2014 the City of Avalon received a Transportation Permit Amendment Application from the Hermosa Hotel and Catalina Boat House. The request proposes offering added transportation to Joe Machado Field, Hamilton Cove and Hogsback areas for hotel guest and employees free of charge, year round from 8:00 a.m. to dusk.

History: Their original transportation permit, which was granted at the August 5, 2008 City Council meeting, allowed for a transportation permit for the Hermosa Hotel and the Catalina Beach House. The route was limited in the same manner as other hotels, which is between hotel properties and the transportation hubs. In the Fall of 2013 the applicant applied to amend their transportation permit to allow for shuttling of their guests to all points of interest, on all paved roads within the City. On September 16, 2013 City Council approved a slight amendment. Currently their transportation permit allows the hotels to transport between transportation hubs, pick-up near Villa Portofino on Crescent Avenue for transport to Catalina Boat House and provide transportation to and from Casino Dive Park.

The relevant sections of the Municipal Code are set forth below:

Avalon Municipal Code

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.

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.*

The application does not demonstrate why the amended permit is needed, rather than wanted. There is ample transportation for city visitors including golf carts, taxis and shuttles.

Other hotels offer the following shuttle services:

- o Seaport Village – Transportation hubs and dive park
- o Canyon Hotel: Transportation hubs and was amended such that high school athletic team staying at their hotel can be shuttled to the school or playing fields.
- o Glenmore – Transportation hubs
- o Mt. Ada – Transportation hubs
- o Hotel Catalina – transportation hubs
- o Aurora and the Avalon- granted a permit for the transportation hubs but have not utilized it yet.

FISCAL IMPACTS:

N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

N/A

FOLLOW UP ACTION:

Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

The agenda for this meeting was properly posted.

ATTACHMENTS:

- o Applicant's Amendment Application with map of routes.
- o Recent Terms and Conditions dated 9/17/2013
- o September 16, 2013 City Council Actions and amendment request

**City of Avalon
Application
For Amending
Transportation Permit**

Date of Application 4/25/14 Application Fee _____

Name of Applicant Hermosa Hotel & Catalina Beach House

Address 131 Metropole Ave. & 200 Marilla Ave.

Phone/Email 562 983-6700 MarkMalan@outlook.com

If Corporation:

Name of Corporation _____

Date of Incorporation _____

Place of Incorporation _____

Address of Business _____

Corporate Officers:

<u>Name</u>	<u>Address</u>	<u>Age</u>
Mark Malan	131 Metropole Ave., Avalon, CA	

Hermosa Hotel / Catalina Boat House

5. Trade Name of Operation _____

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

Hotel: It is the purpose of the route modification to

Allow for hotel's guests and employees within the City limits

7. Change to current transportation permit:

We desire to be permitted to use our carts to transport our employees to Machado field if they are playing ball, or for employees to watch their co-workers. We desire to drive our carts up to Hamilton Cove as to avail ourselves to the access guaranteed under the California Coastal Commission's public access rules. We desire to drive up Hogs Back in order to afford in-town photo opportunities to guests, help sell the Zip Line attraction and build the Catalina Experience. No fees shall be charged.

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 AF Date 4/25/14

9. Proposed Dates/Hours of Operation:

Dates: YR Round to _____ Hours: 8 AM to DUSK

10. Routes:

Describe routes (attach map if necessary)

Thick lines are currently allowed routes. Thin lines with arrows are new Requested routes.

11. Stops/Starts:

Proposed routes, points of discharge and pick-up of passengers.

From: _____ to _____

Pick up and drop off at pre-approved locations only-No Change in Start/Stops.

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 *AS* Date 4/25/14

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 *[Signature]* Date 4/25/14

Date Received _____

Council Action _____

Permit Fee Paid _____

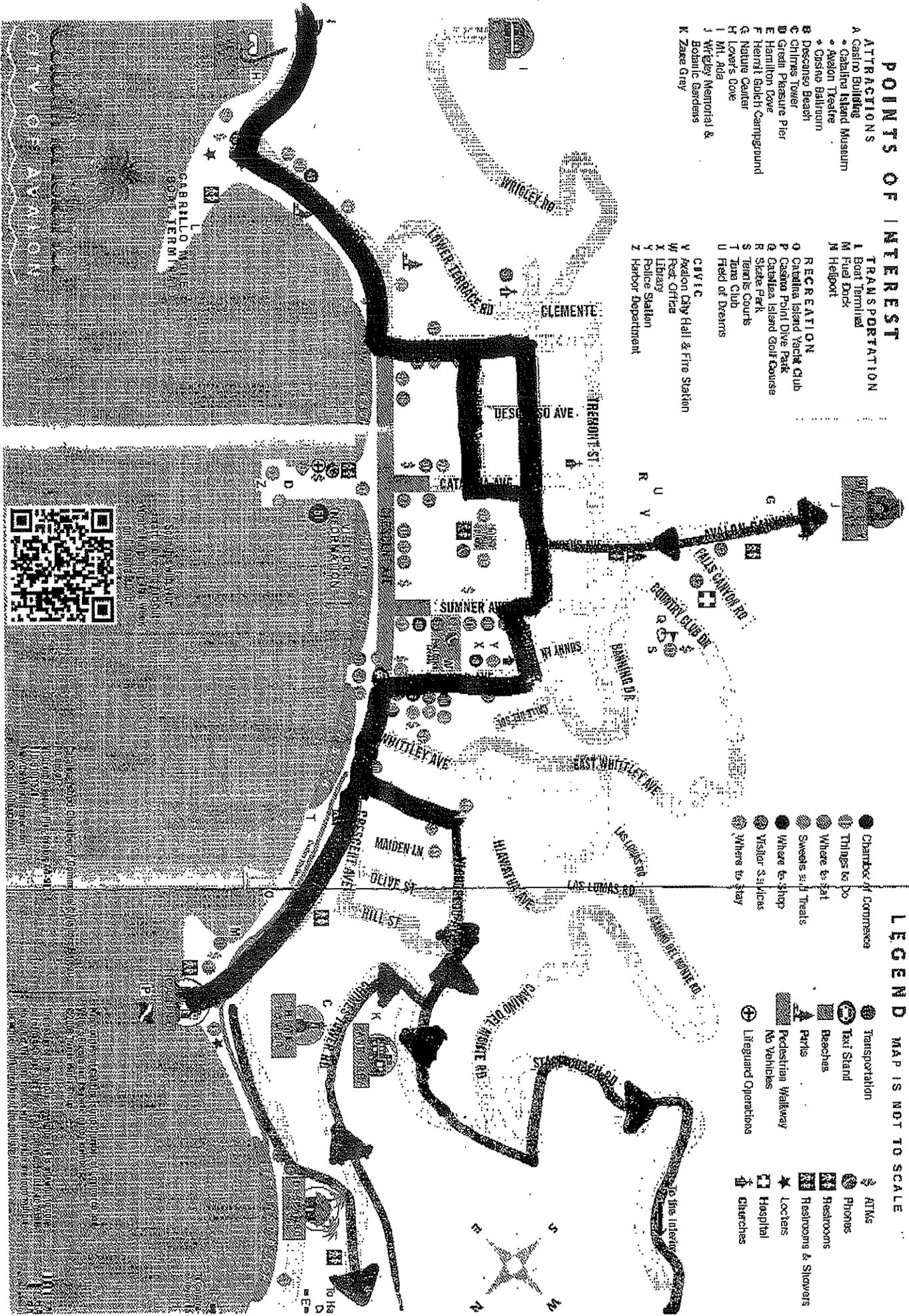
Insurance _____

City Mgr: _____
Ben Harvey

POINTS OF INTEREST

- ATTRACTIONS**
- A Castro Building
 - * Catalina Island Museum
 - * Avelon Theatre
 - * Castro Ballroom
 - B Descanso Beach
 - C Chimes Tower
 - D Green Pressure Pier
 - E Hamilton Cove
 - F Herritt Gulch Campground
 - G Nature Center
 - H Lovers Cove
 - I Mt. Ada
 - J Wrey Memorial & Botanic Gardens
 - K Zane Gray
- TRANSPORTATION**
- L Boat Terminal
 - M Fuel Dock
 - N Heliport
- RECREATION**
- O Catalina Island Yacht Club
 - P Casino Point Dive Park
 - Q Catalina Island Golf Course
 - R Skate Park
 - S Tennis Courts
 - T Tuna Club
 - U Field of Dreams
- CIVIC**
- V Avalon City Hall & Fire Station
 - W Post Office
 - X Library
 - Y Police Station
 - Z Harbor Department

- 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
 - Transportation
 - Taxi Stand
 - Beaches
 - Parks
 - Pedestrian Walkway
 - No Vehicles
 - Lifeguard Operations
 - ATMs
 - Phones
 - Restrooms
 - Restaurants & Sighovers
 - Lockers
 - Hospital
 - Churches



For more information, visit www.catalinaisland.com

© 2012 Catalina Island Ferry Company
 All rights reserved. No part of this publication may be reproduced without the prior written permission of the publisher.

Map of Catalina Island, California
 Scale: 1 inch = 1 mile
 Date: 2012

**Transportation Permit
Terms and Conditions
9/17/2013**

Permittee: Hermosa Hotel / Catalina Beach House

Address: PO Box 646, Metropole Ave. # 131

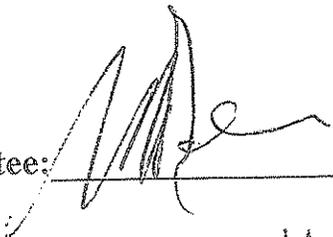
Phone: (310) 510-1010

Terms: The action of the Avalon City Council on Sept. 16, 2013 approved an amended Transportation Permit for the Hermosa Hotel and Catalina Beach House.

Council approved routes to include pick-up and drop-off at transportation hubs, (Cabrillo Mole and Pebbly Beach Heliport) and hotels. Previous permit also allows pick-ups at Crescent Ave. near Hotel Portofino for transport to Catalina Beach House.

Council added pick-up and drop-off at Casino Point for dive customers.

Conditions: Customers of hotels are the only permitted passengers. Drivers must be employees of hotels.

Permittee:  _____

Date: 9-19-13

City Manager:  _____

Date: 9/23/13

GENERAL BUSINESS

6. Hermosa Hotel/Catalina Beach House – Request to Amend Transportation Permit

Councilmember Morrow recused himself due to a potential conflict of interest, living across the street from the Hermosa Hotel. The Hermosa Hotel/Catalina Beach House requested amending their transportation permit to allow the shuttling of their guest to all points of interest, not just to the transportation hubs. Motion to include the Casino Dive Park on their transportation permit by Oley Olsen, seconded by Richard Hernandez. (4 Ayes- Kennedy, Ponce, Olsen and Hernandez, 1 Abstain – Morrow)

7. Lower Terrace Strengthening and Utility Protection Project – Public Bid

At the City Council meeting on September 3, 2013 Staff had recommended the public bid contract be awarded to Boulder Construction for the Lower Terrace Project. Council also instructed Staff to examine alternative measures that might reduce the costs associated with this public bid and to consider new ideas in order to rectify the potential problem of utility failures in the area. Motion by Bob Kennedy to proceed forward with the bid with Boulder Construction, seconded by Oley Olsen. (All Ayes)

8. Budget for Fiscal Year 2013/2014

The annual budget was being held over and will be presented at a later date.

****The next two items in General Business are the “City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency”

9. City of Avalon Successor Agency -Treasurer’s Statement of Investment Policy
The City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency is required by law to annually adopt a Treasurer’s Investment Policy. Motion by Oley Olsen to adopt Resolution 13-20 adopting the Treasurer’s Statement of Investment Policy for Fiscal Year 2013/2014, seconded by Ralph Morrow. (All Ayes)

10. Draft Recognized Obligation Payment Schedule and Successor Agency Administrative Budget for January 2014 through June 2014

Adopted a Resolution 13-21 approving a draft Recognized Obligation Payment Schedule and draft Successor Agency Administrative Budget for the Six-Month Fiscal Period Beginning January 1, 2014 and Ending June 30, 2014. Motion by Oley Olsen, seconded by Ralph Morrow. (Version 1 in the agenda packet) (All Ayes)

City of Avalon
Application
For Amending
Transportation Permit

Date of Application 8/27/13 Application Fee _____
Name of Applicant Hesperia Hotel - Caribbean Beach House
Address PO Box 91083, Long Beach CA
Phone/Email 562 783 6700 - 510-1010
MARK MALAN@earthlink.com
If Corporation: Name of Corporation Hesperia Hotel Caribbean Beach House
Date of Incorporation 2008
Place of Incorporation CA
Address of Business PO Box 66, 131 Metropolitan Ave
Corporate Officers:

Name	Address	Age
<u>MARK MALAN</u>	<u>131 Metropolitan Ave</u>	<u>59</u>

5. Trade Name of Operation Hesperia Hotel - Caribbean Beach House

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

7. Change to current transportation permit:

TO INCLUDE ALL PAVED ROADS
IN CITY OF AVALON

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 [Signature] Date 8/27/13

9. Proposed Dates/Hours of Operation:

Dates: YEAR ROUND to _____ Hours: NOPTIME to _____

10. Routes:

Describe routes (attach map if necessary) ALL PAVED ROADS
IN AVALON

11. Stops/Starts:

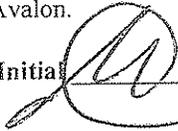
Proposed routes, points of discharge and pick-up of passengers.

From: PLATS to Hotels
5 points of interest in city

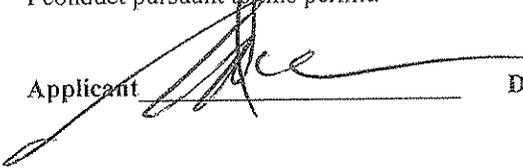
From: _____ to _____

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  Date 8/27/13

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  Date 8/27/13

Date Received _____

Council Action _____

Permit Fee Paid 

Insurance _____

Int. City Mgr: _____
Denise Radde

CITY COUNCIL

MEETING DATE: May 6, 2014
ORIGINATING DEP: Administration
PREPARED BY: Scott Campbell
SUBJECT: Avalon City Council Policies Manual

ADENDA ITEM: 14
CITY MANAGER: BH

RECOMMENDED ACTION(S):

Discuss presented chapters from the Avalon City Council Policies Manual and adopt chapters.

REPORT SUMMARY:

At the request of Mayor Pro Tem at the April 23, 2014 Special Council Meeting Staff is developing a policies manual to serve as a reference for Council Members regarding duties and responsibilities of elected and appointed official of the City of Avalon.

Rather than providing the manual in its entirety for approval at one time, specific chapters will be presented to allow for individual and comprehensive review and will then be adopted into a complete document.

The ultimate goal of this process is the development of a single complete document to be used by Council to provide guidelines and directions to the appropriate operating procedures and policies. The Avalon City Council Policies Manual will serve as a resource for Directors, Staff and members of the public in determining the manner in which matters of the city business are to be conducted.

FISCAL IMPACTS:

None.

Consequences of not following recommended action:

The Avalon City Council and community will not have a working policies document for reference and direction.

FOLLOW UP ACTION:

Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda.

ATTACHMENTS:

Chapters of the Avalon City Council Policies Manual:
Communication Roles of City Council and City Staff
Council Actions and Decisions

	CITY OF AVALON COUNCIL POLICIES MANUAL	Section
		Revision Date
COMMUNICATION ROLES OF CITY COUNCIL AND CITY STAFF		

5.1 General

5.1.1 The City Council of City of Avalon is committed to providing excellence in legislative leadership that result in the provision of the highest quality of services to its constituents. In order to assist in the government of the behavior between and among members of the City Council, the following rules shall be observed.

5.2 Priorities and Commitment

- 5.2.1** The dignity, style, values and opinions of each Council Member shall be respected.
- 5.2.2** Responsiveness and attentive listening in communication is encouraged.
- 5.2.3** The needs of the City's constituents should be the priority of the City Council.
- 5.2.4** The primary responsibility of the City Council is the formulation and evaluation of policy. Routine matters and the day-to-day management and operation of the City are within the purview of the professional staff members of the City.
- 5.2.5** Council Members should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- 5.2.6** Council Members should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

- 5.2.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the City Council takes action, Council Members should commit to supporting said action and not to create barriers to the implementation of said action.

5.3 Procedures

- 5.3.1** Council Members should practice the following procedures:

- 5.3.1.1** In seeking clarification on informational items, Council Members may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- 5.3.1.2** In handling complaints from residents and property owners of the City, said complaints should be referred directly to the City Manager.
- 5.3.1.3** The appropriate handling of issues related to safety, concerns for safety or observed hazards is to report them to the City Manager or to City Hall. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- 5.3.1.4** In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the City Manager.

5.4 Council and Staff Relationships

- 5.4.1** When approached by City personnel concerning specific City policy, Council Members should direct inquiries to the City Manager. The chain of command should be followed.
- 5.4.2** The work of the City is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the City.
- 5.4.3** When responding to constituent requests and concerns, Council Members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- 5.4.4** Council Members should develop a working relationship with the City Manager wherein current issues, concerns and City projects can be discussed comfortably and openly.
- 5.4.5** Council Members should function as a part of the whole. Issues should be brought to the attention of the Council as a whole, rather than to individual members selectively.
- 5.4.6** Council Members are responsible for monitoring the City's progress in attaining its goals and objectives, while pursuing its mission.

	CITY OF AVALON COUNCIL POLICIES MANUAL	Section
		Revision Date
COUNCIL ACTIONS AND DECISIONS		

6.1 Possible Actions

6.1.1 Actions by the City Council may include but are not limited to the following:

- 6.1.1.1** Adoption, rejection, revision or amendment of certain regulations or policies;
- 6.1.1.2** Adoption, rejection, revision or amendment of a resolution;
- 6.1.1.3** Adoption, rejection, revision or amendment of an ordinance;
- 6.1.1.4** Approval, rejection, revision or amendment of any contract or expenditure;
- 6.1.1.5** Approval, rejection, revision or amendment of any proposal which commits City funds in excess of the amounts set forth in the Purchasing Ordinance or use of City facilities; and,

6.2 Methods for Taking Action

6.2.1 If a Council Member abstains from voting on a matter, the abstention cannot be counted as an affirmative vote.

6.2.1.1 Example. If 3 of 5 Council Members are present at a meeting, a quorum exists and business can be conducted. However, if 1 Council Member abstains on a particular action and the other 2 cast "aye" votes, no action is taken because a "majority of the Council" did not vote in favor of the action.

6.2.1.2 Example. If an action is proposed requiring a two-thirds vote and 2 Council Members abstain, the proposed action cannot be approved because 4 of the 5 Council Members would have to vote in favor of the action.

6.2.1.3 Example. If a vacancy exists on the Council and a vote is taken to appoint an individual to fill said vacancy, 3 Council Members must vote in favor of the appointment for it to be approved. If 2 of the 4 Council Members present abstain, the appointment is not approved.

6.3 Informal Action

6.3.1 The Council may give directions, which are not formal action. Such directions do not require formal procedural process. Such directions include the Council's directives and instructions to the City Manager.

6.3.2 The Mayor shall determine by consensus a Council directive and shall state it for clarification. Should any two Council Members challenge the statement of the Mayor, a voice vote may be requested.

6.3.3 A formal motion may be made to place a disputed directive on a future agenda for Council consideration, or to take some other action (such as refer the matter to the City Manager for review and recommendation, etc.).

6.3.4 Informal action by the Council is still Council action and shall only occur regarding matters which appear on the agenda for the Council meeting during which said informal action is taken and for which more formal action is not required.

CITY COUNCIL

MEETING DATE: May 6, 2014

AGENDA ITEM: 15

ORIGINATING DEP: City Manager

CITY MANAGER: RA

PREPARED BY: City Manager

SUBJECT: Appointment of Interim Chief Financial Officer

RECOMMENDED ACTION(S): Authorize the City Manager to enter into an agreement with Chris Woidzik to serve in a temporary capacity as the Interim Chief Financial Officer.

REPORT SUMMARY: Since 2013, Cindy Byerrum, Principal of Platinum Consulting Group, has served the City of Avalon (City) as a Finance Department consultant in a Chief Financial Officer capacity. Recently, Ms. Byerrum has advised the City that due to her existing workload and demands from other clients, she will need to significantly scale back her involvement with the City, and will no longer be able to serve in this capacity. Considering this, along with the fact that the City's Finance Director is currently unavailable to perform her duties with the City, there is a need for an appointment of an Interim Chief Financial Officer.

The City Manager and Ms. Byerrum have interviewed and vetted the qualifications of the proposed candidate, Chris Woidzik, and have checked his professional references. Both the City Manager and Ms. Byerrum believe that Mr. Woidzik has the necessary education, qualifications, skills and experience to serve the City well in the Interim Chief Financial Officer capacity. The proposed agreement with Mr. Woidzik is not to exceed three (3) months duration.

FISCAL IMPACTS: None; the impact will be neutral due to the significant reduction in hours from Platinum Consulting Group.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Finance Department will operate without consistent leadership and oversight.

FOLLOW UP ACTION:

1. Direct the City Manager to execute the temporary employment agreement on behalf of the City with Chris Woidzik to serve as the Interim Chief Financial Officer for a duration of time not to exceed three (3) months.

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

ATTACHMENTS:

1. The employment agreement will be provided to the City Council for review and consideration upon finalization. At the time that the agenda was posted it was not yet finalized.