

**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 20, 2014 – 4:30 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

Public Finance Study Session: 4:30 p.m.

Warren Diven from Best Best & Krieger will lead a study session on Public Financing available to the City of Avalon.

PRESENTATIONS

1. Sargent Donald Thompson with the Los Angeles County Sheriffs Contract Law Enforcement Services Division will be addressing City Council and providing an explanation of the contract, services they provide and the value of those services.
2. A jointly produced Chamber of Commerce, Catalina Express and Santa Catalina Island Company TV commercial will be shared.
3. Jordan Monroe, Management Aid, will give a review of the results and findings of the Vehicle Noise Testing Administrative Policy enacted during the 2014 Annual Vehicle Registration.
4. Southern California Edison's Catalina District Manager Ron Hite and Senior Project Manager Jeff Lawrence will provide a revised forecast for the timeline for entering Stage 2 Water Rationing, an update on the status of the proposed SCI Co. Interior Well Project, an update on the status of the Catalina General Rate Case and a description of the Stage 2 Water Rationing variance process.

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.

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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 May 6, 2014 City Council meeting.

2. Expenditures Submitted for Approval

- o Warrants in the amount of \$961,034.49
- o Payroll in the amount of \$188,390.24
- o Electric Fund Transfer in the amount of \$48,069.45

Recommended Action

Approve total expenditure amount of \$1,197,494.18.

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

3. Emergency Change Order Work- Lower Terrace Road Strengthening & Utility Protection Project

This project has encountered several unknown and unforeseen problems involving the salt water and sewer systems in the road. The discovered utilities have shown corrosion, deterioration, and a weakening of their integrity. Staff believes these utilities should be repaired or replaced now as the project is under way.

Recommended Action

Allow Staff to direct the contractor, to make emergency repairs under the roadway on various City owned utilities. This work will be within the project limits of the Lower Terrace Road Strengthening & Utility Protection Project.

GENERAL BUSINESS

4. Avalon City Council Policies Manual

This policy manual will serve as a reference for Councilmembers regarding duties and responsibilities of elected and appointed officials of the City of Avalon.

Recommended Action

Discuss presented chapters from the Avalon City Council Policies Manual and adopt Chapters 1, 2 and 3.

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5. Proposed Citizen's Advisory Committee for Law Enforcement Review
Staff was directed to place this item on the agenda for discussion. The purpose of this committee would be to allow for the community to have a forum for questions, comments, concerns and suggestions regarding the law enforcement service provided by the Los Angeles County Sheriff's Department under contract to the City.
Recommended Action
Discuss and consider options regarding the proposed creation of a Citizen's Advisory Committee for Law Enforcement Review.

6. HdL Companies Sales and Property Tax Analysis Agreement
HdL Companies help cities, counties and special districts to maximize revenues through allocation audits, and financial and economic analysis.
Recommended Action
 1. Enter into an agreement with HdLCoren & Cone (HdLCC), a California Corporation for property tax analysis for 5 years with the ability to cancel within 30 days.
 2. Enter into an agreement with HdL, a California Corporation for sales tax analysis for 5 years with the ability to cancel within 30 days.
 3. Adopt a resolution authorizing HdL, a California Corporation to examine the sales, use and transactions tax records of the State Board of Equalization pertaining to those collected for the City by the Board.

PUBLIC HEARING

7. Third Amendment to Development Agreement with Hamilton Pacific, LLC
The Planning Commission approved an amended Site Plan, Height Variance, Amended Local Coastal Permit and an Addendum to their EIR to change the project description.
Recommended Action
Open Public Hearing and receive public comment. Introduce and waive all readings of an ordinance approving the Third Amended Development Agreement between the City of Avalon and Hamilton Pacific, LLC.

CLOSED SESSION

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Race Course of Catalina Island Grand Prix 2014, including the Hour Trail.
Agency Negotiators: Ben Harvey, City Manager and Scott Campbell, City Attorney
Negotiating Party: The Santa Catalina Island Company
Under Negotiation: Price and terms of payment

2. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: Ben Harvey, City Manager and Scott Campbell, City Attorney.
Employee Organizations:
 - 1) Avalon Harbor Employees Association
 - 2) International Association of Firefighters Local 2295
 - 3) Avalon Municipal Employees Association

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CITY MANAGER REPORT

CITY ATTORNEY REPORT

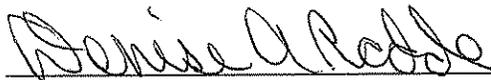
COUNCILMEMBER REPORTS

MAYOR REPORT

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for May 20, 2014 was posted on Friday, May 16, 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 20, 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 May 6, 2014.

REPORT SUMMARY:

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

FISCAL IMPACTS:

N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

N/A

FOLLOW UP ACTION:

File actions in the City Clerk's office.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda.

ATTACHMENTS:

City Council Actions will be provided under separate cover.

AVALON CITY COUNCIL

MEETING DATE: MAY 20, 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Finance

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

DEPT. HEAD: _____

SUBJECT: Warrant List

RECOMMENDATION(S): Approve the warrants in the amount of \$961,034.49, payroll in the amount of \$188,390.24 and EFT in the amount of \$48,069.45 for a total expenditure amount of \$1,197,494.18.

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 #18182-18184 in the amount of \$85,516.68, #18185-18252 in the amount of \$659,804.76 and check numbers #18253-18332 in the amount of \$215,713.05 for a total expenditure of \$961,034.49.

Also represented is the payroll dated May2, 2014 in the amount of \$188,390.24 and EFT in the amount of \$48,069.45 for a total expenditure of \$236,459.69.

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

RECORD OF CHECKS DRAWN ON APRIL 17 AND APRIL 25 AND MAY 9, 2014 FOR CM OF 05/20/14

MONTH OF APRIL

US BANK WARRANT # 18182-18184	\$85,516.68	4/17/2014
US BANK WARRANT # 18185-18252	\$659,804.76	4/25/2014
US BANK WARRANT #18253-18332	\$215,713.05	5/9/2014
US BANK WARRANT	\$0.00	
EFT TO CALPERS	\$48,069.45	4/30/2014
		\$1,009,103.94

PAYROLL DATED MAY 2, 2014	\$188,390.24	
PAYROLL DATED	\$0.00	
		\$188,390.24

TOTAL DISBURSEMENTS	\$1,197,494.18	\$1,197,494.18
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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 20TH DAY OF MAY 2014

APPROVED AND AUDITED
THIS 20TH DAY OF MAY 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

CITY MANAGER - BEN HARVEY

AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL
MEETING OF MAY 20, 2014

CHECK NUMBER		AMOUNT	PAYEE	DESCRIPTION
18182	04/17/14	48,137.55	BEST, BEST & KRIEGER	CONTRACT SVCS - JAN 2014
18183	04/17/14	35,750.73	BEST, BEST & KRIEGER	CONTRACT SVCS - FEB 2014
18184	04/17/14	1,628.40	BEST, BEST & KRIEGER	CONTRACT SVCS - FEB 2014
18185	04/25/14	5,828.17	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS
18186	04/25/14	266.80	AMERIFLEX	FSA ADMIN FEES
18187	04/25/14	732.00	ANTONIO'S	SENIOR MEALS - MARCH 2014
18188	04/25/14	3,693.96	AT & T	COMMUNICATIONS - ALL DEPTS
18189	04/25/14	102.99	AVALON APPLIANCE REPAIR	SERVICE - FIRE
18190	04/25/14	43,153.74	AVALON FUEL FACILITIES	FUEL - FUEL DOCK RESALE
18190	04/25/14	4,231.64	AVALON FUEL FACILITIES	FUEL - ALL DEPTS
18191	04/25/14	3,753.05	AVALON MOORING & DIVING	SERVICE - HARBOR
18192	04/25/14	179.49	BOUND TREE MEDICAL	SUPPLIES - FIRE
18193	04/25/14	137.50	BRAY, BRIAN	REIMB O/P COSTS
18194	04/25/14	102.60	CALIF. BUILDING STANDARDS COM.	QTRLY PAYMENT - PLANNING
18195	04/25/14	68,768.81	CAL PERS	MEDICAL - MAY 2014
18196	04/25/14	201.54	CANBY MARINE & REFRIGERATION	SERVICE - FUEL DOCK
18197	04/25/14	893.21	CATALINA BEVERAGE COMPANY	SUPPLIES - ALL DEPTS
18198	04/25/14	1,071.88	CATALINA BROADBAND	IT SERVICE - ADMIN
18199	04/25/14	75,166.67	CHAMBER OF COMMERCE	TOT - MAY 2014
18200	04/25/14	88,211.60	CHAMBER OF COMMERCE	TRUE UP PYMT 12/13
18201	04/25/14	25,989.60	CATALINA EXPRESS	2ND HLF 3/14 - SUBSIDY
18201	04/25/14	37.25	CATALINA EXPRESS	TRAVEL - LASD
18202	04/25/14	6,684.89	CATALINA FREIGHT LINE	FREIGHT - ALL DEPTS
18203	04/25/14	37,500.00	CIMC	SUBSIDY - MAY 2014
18204	04/25/14	747.22	CATALINA ISLAND PLUMBING	SERVICE - CASINO RESTROOMS
18205	04/25/14	36,844.25	CATALINA TRANSPORTATION SVCS	ART/DAR/ACT - MAY 2014
18206	04/25/14	514.94	CHET'S HARDWARE	SUPPLIES - PUBLIC WKS
18207	04/25/14	4,859.56	CO. OF LA SHERIFF'S DEPT	WATERFRONT PT - FEB 2014
18207	04/25/14	7,613.28	CO. OF LA SHERIFF'S DEPT	WATERFRONT PT - MAR 2014
18207	04/25/14	98,711.50	CO. OF LA SHERIFF'S DEPT	RESIDENT DEPUTY - MAR 2014
18208	04/25/14	895.82	COASTAL PACIFIC MARINE, INC	SUPPLIES - GARAGE
18209	04/25/14	17,796.90	COLLINS COLLINS MUIR & STEWART	LITIGATION COSTS - ADMIN
18210	04/25/14	249.66	CONNOLLY PACIFIC CO.	SUPPLIES - CEMETERY
18211	04/25/14	6,080.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
18212	04/25/14	143.97	COOK, AMANDA	REIMB O/P COSTS
18213	04/25/14	1,120.07	DARLEY FIRE EQUIPMENT DIV.	SUPPLIES - FIRE
18214	04/25/14	214.00	DEWEY PEST CONTROL	SERVICE - ADMIN
18215	04/25/14	244.34	DIV. OF ADMINISTRATIVE SVCS	QTRLY PAYMENT - PLANNING
18216	04/25/14	30,681.29	EDISON	UTILITIES - ALL DEPTS
18217	04/25/14	18,470.93	ENVIRONMENTAL ENGINEERING	SERVICE - BB&K
18218	04/25/14	200.00	GARWICK, KENT	SERVICE - RECREATION
18219	04/25/14	59.13	GEMPLER'S	UNIFORMS - HARBOR
18220	04/25/14	1,908.16	GRAINGER	SUPPLIES - FIRE
18221	04/25/14	2,545.60	HELVETIC CONSULTING, INC.	CONTRACT SVCS - PLANNING
18222	04/25/14	6,502.81	IAG, LTD.	SERVICE - BB&K
18223	04/25/14	571.71	IDEXX DISTRIBUTION	SUPPLIES - CDO
18224	04/25/14	1,950.62	LICARI, TONY	CONTRACT SVCS - MAY 2014
18225	04/25/14	13,388.50	LOCAL GOVERNMENT SVCS	CONTRACT SVCS - ADMIN
18226	04/25/14	411.94	MCMMASTER-CARR	SUPPLIES - PUBLIC WKS

18227	04/25/14	719.12	MINUTEMAN PRESS	SUPPLIES - PLANNING
18228	04/25/14	1,200.00	MUNICIPAL COURT - AVALON	PARKING CITATIONS - FEB 2014
18229	04/25/14	215.64	NAPA AUTO PARTS	SUPPLIES - GARAGE
18230	04/25/14	270.40	NEWHALL COFFEE ROASTING CO	SUPPLIES - FIRE
18231	04/25/14	157.87	NORTHWIND REFRIGERATION	SERVICE - ADMIN
18232	04/25/14	1,086.89	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS
18233	04/25/14	123.53	PRAXAIR	SUPPLIES - GARAGE
18234	04/25/14	58.78	PURCHASE POWER	POSTAGE LINE OF CREDIT
18235	04/25/14	1,409.74	QUILL CORP.	SUPPLIES - ALL DEPTS
18236	04/25/14	734.72	REGIONAL GOVERNMENT SVCS	CONTRACT SVCS - PLANNING
18237	04/25/14	887.19	RICOH AMERICAS CORP.	COPIER LEASE PLANNING/REC
18238	04/25/14	3,364.29	SANI-TEC USA	CITY RESTROOM SUPPLIES
18239	04/25/14	8,342.00	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - APR 2014
18240	04/25/14	13.57	SPRINT	LONG DISTANCE - ADMIN
18241	04/25/14	2,007.00	SUNGARD PUBLIC SECTOR	SOFTWARE LEASE - MAY 2014
18242	04/25/14	1,791.00	SWRCB	PERMIT FEE - WWTP
18243	04/25/14	34.75	UNITED PARCEL SERVICE	FREIGHT - PLANNING
18244	04/25/14	1,138.32	US BANK	CREDIT CARD CHGS - PW
18245	04/25/14	9,520.00	VEGA, EDMUNDO	CONTRACT SVCS - MAY 2014
18246	04/25/14	498.23	VERIZON WIRELESS	COMMUNICATIONS - ALL DEPTS
18247	04/25/14	18.99	WITMER PUBLIC SAFETY GROUP	SUPPLIES - FIRE
18248	04/25/14	1,362.76	AMERICAN EXPRESS	CREDIT CARD CHGS - JMF
18249	04/25/14	126.89	CHEF'S TOYS	BAL DUE - JMF PROJ.
18250	04/25/14	289.50	GLENN LUKOS & ASSOC.	SERVICE - BB&K
18251	04/25/14	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR
18252	04/25/14	4,999.99	ANIMAL HOSPITAL OF CATALINA	SERVICE - ANIMAL CONTROL

\$ 745,321.44

WARRANT LIST

AVALON CITY COUNCIL
MEETING OF MAY 20, 2014

CHECK NUMBER		AMOUNT	PAYEE	DESCRIPTION
18253	05/09/14	4,260.00	ADVANCED WIRING, LLC	SERVICE - COUNCIL CHAMBERS
18254	05/09/14	9,562.94	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS
18255	05/09/14	1,479.50	AMERICAN EXPRESS	CREDIT CARD CHGS - JMF PROJ.
18256	05/09/14	3,695.17	AT & T	COMMUNICATIONS - ALL DEPTS
18257	05/09/14	165.51	AT & T LONG DISTANCE	LONG DISTANCE - ADMIN
18258	05/09/14	578.92	AVALON BOAT STAND	SERVICE - GARAGE
18259	05/09/14	335.44	AVALON MOORING & DIVING	SERVICE - HARBOR
18260	05/09/14	3,175.50	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
18261	05/09/14	108.03	BLUE TARP FINANCIAL	SUPPLIES - GARAGE
18262	05/09/14	1,440.80	BOUND TREE MEDICAL	SUPPLIES - MEDICAL
18263	05/09/14	180.00	BRAY, STEVEN	REIMB O/P COSTS
18264	05/09/14	2,683.45	BURNS & MCDONNELL	SERVICE - BB&K
18265	05/09/14	90.00	CANBY MARINE & REFRIGERATION	SERVICE - HARBOR
18266	05/09/14	73.43	CARMENITA TRUCK CENTER	SUPPLIES - GARAGE
18267	05/09/14	880.30	CATALINA BEVERAGE COMPANY	SUPPLIES - ALL DEPTS
18268	05/09/14	78.81	CATALINA DISCOUNT & VARIETY	SUPPLIES - PUBLIC WKS
18269	05/09/14	24,918.60	CATALINA EXPRESS	1ST HLF APR 2014 - SUBSIDY
18269	05/09/14	215.75	CATALINA EXPRESS	TRAVEL - LASD/REC
18270	05/09/14	481.83	CATALINA ISLAND PLUMBING	SERVICE - MOLE RESTROOM
18271	05/09/14	500.00	CATALINA ISLANDER	ADVERTISING - ADMIN
18272	05/09/14	152.39	CATALINA YAMAHA	SUPPLIES - GARAGE
18273	05/09/14	1,103.61	CDW GOVERNMENT	IT SUPPLIES - ADMIN
18273	05/09/14	11,068.00	CDW GOVERNMENT	SUPPLIES - FIRE GRANT
18274	05/09/14	928.97	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
18275	05/09/14	53.88	CHRISTENSEN, DAVID	REIMB O/P COSTS
18276	05/09/14	9,647.23	COLLINS COLLINS MUIR & STEWAR	LITIGATION COSTS - ADMIN
18277	05/09/14	337.85	COMMUNICATIONS USA	SUPPLIES - HARBOR
18278	05/09/14	7,120.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
18279	05/09/14	424.64	CYLINDER TECHNOLOGIES	SUPPLIES - GARAGE
18280	05/09/14	644.67	DELL MARKETING	IT SUPPLIES - ADMIN
18281	05/09/14	6,263.54	DELTA DENTAL	DENTAL - MAY 2014
18282	05/09/14	3,741.32	DEMARIA ELECTRIC MOTOR SVC	S/W PUMP RPR WORK
18283	05/09/14	67.50	DEREK GEORGE	REIMB O/P COSTS
18284	05/09/14	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR
18285	05/09/14	3,351.94	EDISON	UTILITIES - ALL DEPTS
18286	05/09/14	8,318.32	ENVIRONMENTAL ENGINEERING	SERVICE - BB&K
18287	05/09/14	9,470.26	EVOQUA	BIOXIDE - WWTP
18288	05/09/14	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR
18289	05/09/14	5,203.44	GRAINGER	SUPPLIES - FIRE/HBR
18292	05/09/14	178.08	HOTEL METROPOLE	LODGING - ADMIN
18291	05/09/14	2,072.80	HELVETIC CONSULTING, INC.	CONTRACT SVCS - PLANNING
18290	05/09/14	245.74	HAAKER	SUPPLIES - GARAGE
18293	05/09/14	2,347.48	IDEXX DISTRIBUTION	SUPPLIES - CDO
18294	05/09/14	36,505.80	JORDAHL CONSTRUCTION	PB GRAVITY MAIN PROJ. FINAL
18295	05/09/14	177.76	JUDICIAL DATA SYSTEMS	PARKING ACTIVITY - MAR 14
18296	05/09/14	792.00	KATIES KITCHEN	SENIOR MEALS - APR 14

18297	05/09/14	353.61	KME FIRE APPARATUS	SUPPLIES - FIRE
18298	05/09/14	150.00	LEAGUE OF CALIF. CITIES	STREET ASSESSMENT - ADMIN
18299	05/09/14	372.50	LOCAL GOVERNMENT SVCS	CONTRACT SVCS - ADMIN
18300	05/09/14	211.78	LONG, DAVID	REIMB O/P COSTS
18301	05/09/14	193.96	MACKTAL, JOHN	SUPPLIES - GARAGE
18302	05/09/14	96.71	MCMASTER-CARR	SUPPLIES - GARAGE/HBR
18303	05/09/14	94.83	MED-TECH RESOURCE, INC.	SUPPLIES - FIRE
18304	05/09/14	8,154.59	MEYERS FOZI, LLP	SERVICE - BB&K
18305	05/09/14	130.88	MONARCH PRODUCTS, INC	SUPPLIES - GARAGE
18306	05/09/14	190.50	MONROE, JENNIFER	REIMB O/P COSTS
18307	05/09/14	732.00	MR. NING'S	SENIOR MEALS - APR 14
18308	05/09/14	750.00	MUNICIPAL COURT - AVALON	PARKING CITATIONS - MAR 14
18309	05/09/14	680.11	NAPA AUTO PARTS	SUPPLIES - GARAGE
18310	05/09/14	150.00	OLSON, ADAM	REIMB O/P COSTS
18311	05/09/14	4,997.10	PK SAFETY GROUP	SUPPLIES - PUBLIC WKS
18312	05/09/14	633.74	PORT SUPPLY	SUPPLIES - GARAGE
18313	05/09/14	1,100.00	POST, ROCKY	CONTRACT SVCS - ADMIN
18314	05/09/14	585.71	PRAXAIR	SUPPLIES - GARAGE
18315	05/09/14	208.30	QUILL CORP.	SUPPLIES - ALL DEPTS
18316	05/09/14	509.27	REGIONAL GOVERNMENT SVCS	CONTRACT SVCS - PLANNING
18317	05/09/14	1,529.93	RICOH AMERICAS CORP	COPIER LEASE - PLANNING/REC
18318	05/09/14	378.08	S.C.SIGNS & SUPPLIES, LLC	SUPPLIES - PUBLIC WKS
18319	05/09/14	494.09	SAFEGUARD BUSINESS SYS.	OFFICE SUPPLIES - ADMIN
18320	05/09/14	6,057.15	SHERWIN-WILLIAMS	SUPPLIES - HBR/FUEL DK
18321	05/09/14	3,732.05	SOUTHERN COUNTIES LUBRICANT	SUPPLIES - FUEL DOCK
18322	05/09/14	901.03	STOTZ EQUIPMENT	SUPPLIES - JMF
18323	05/09/14	456.00	SUN LIFE FINANCIAL	LIFE INSURANCE - APR 2014
18324	05/09/14	484.50	SUN LIFE FINANCIAL	LIFE INSURANCE - MAY 2014
18325	05/09/14	12.00	UNDERGROUND SERVICE ALERT	SERVICE - PLANNING
18326	05/09/14	23.67	UNITED PARCEL SERVICE	FREIGHT - HARBOR
18327	05/09/14	1,082.34	US BANK	CREDIT CARD CHGS - GARAGE
18328	05/09/14	169.86	W.F. OLSEN	REIMB O/P COSTS
18329	05/09/14	240.56	WITMER PUBLIC SAFETY GROUP	SUPPLIES - FIRE
18330	05/09/14	525.00	WITTMAN ENTERPRISES	SERVICE - FINANCE
18331	05/09/14	13,000.00	SEAGULL SANITATION	BAL DUE ON CONTRACT
18332	05/09/14	1,210.00	WANDA STONE	SERVICE - HARBOR

\$215,713.05

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

MEETING DATE: May 20, 2014

AGENDA ITEM: 3

ORIGINATING DEP: Public Works

CITY MANAGER: BH

PREPARED BY: Dennis Jaich

SUBJECT: Change Order Work – Lower Terrace Road Strengthening & Utility Protection Project

RECOMMENDED ACTION(S): Allow Staff to direct the contractor, to make emergency repairs under the roadway on various City owned utilities. This work will be within the project limits of the Lower Terrace Strengthening & Utility Protection Project.

REPORT SUMMARY:

The City Council, acting as the successor agency to the ACIA, previously approved the project entitled the "Lower Terrace Strengthening & Utility Protection Project".

As an update, we have encountered several unknown and unforeseen existing problems with the City owned Salt Water and Sewer System piping and fittings. Many of these utilities encountered have shown corrosion, deterioration, and a weakening of their integrity. Although some of this existing piping may last a while longer, it is the opinion of Staff that they should be repaired or replaced now, prior to any new asphalt roadway that is to be constructed in the original contract. Boulder Construction is already mobilized and this additional work is within their current work area, is within the expertise and is similar to work they are already performing.

All of these problem areas are being recognized during the roadway excavation phase of the Contract. As a result of this, it is impossible for Staff to know how many more facilities will need to be repaired or replaced.

Consequently, upon the City Council's approval, it will be necessary to direct the contractor to perform this work on a "Time & Materials" (T&M) basis. Accordingly, all costs and expenditures will be monitored and approved by City Staff in this requested Change Order.

FISCAL IMPACTS: Due to the fact that we are not able to know what the characteristics of the piping and fittings are where excavation has not occurred, Staff does not have the ability to properly estimate the costs. However, the situation will be monitored daily by Staff, and the costs associated with these repairs will be analyzed, reasonable, and justified.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: It is anticipated that questionable old piping that is visible now under the roadway of Lower Terrace will fail in the near future. When this happens, City Staff or another contractor, will have to perform repairs or replacements of the faulty utilities under the newly constructed asphalt roadway.

FOLLOW UP ACTION: Allow Staff to issue a Change Order to Boulder Contractors for this work on a T&M basis.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act.

ATTACHMENTS: None.

CITY COUNCIL

MEETING DATE: May 20, 2014
ORIGINATING DEP: Administration
PREPARED BY: Scott Campbell
SUBJECT: Avalon City Council Policies Manual

ADENDA ITEM: 4
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 Olsen at the April 23, 2014 Special Council Meeting, City staff is developing 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.

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, which will then be adopted into a complete document.

The ultimate goal of this process is the development a single reference tool to be used by the City Council to provide guidelines as to the appropriate operating procedures and policies. The Avalon City Council Policies Manual will serve as a resource for Council Members, Department Heads, City staff and members of the public in determining the manner in which matters of the City business are to be conducted.

The Policies to be reviewed for this meeting are policies pertaining to 1) the purpose of council policies, 2) the basis of authority for the policies and 3) meeting policies.

At the May 6, 2014 City Council meeting Chapter 5: Communication Roles of City Council and City Staff, and Chapter 6: Council Actions and Decisions were presented and approved.

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:

Provide additional chapters for City Council consideration and adoption.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda.

ATTACHMENTS:

Chapters of the Avalon City Council Policies Manual:

Purpose of Council Policies

Basis of Authority

City Council Meeting Policies City Council Committee, Workshop and Regular Meetings,
Meeting Agendas and Minutes

	<p style="text-align: center;">CITY OF AVALON COUNCIL POLICIES MANUAL</p>	Section 1.0
		Revision Date
PURPOSE OF COUNCIL POLICIES		

1.1 Intent

1.1.1 It is the intent of the City Council of the City of Avalon to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Council's current policies, being the rules and regulations enacted by the Council from time to time. The Manual of Policies will serve as a resource for Council, staff and members of the public in determining the manner in which matters of City business are to be conducted.

1.1.2 This Manual of Policies constitutes a compilation of current policies of the City and shall not be deemed to alter the effective date or application of such policies. Any policies newly adopted as a result of adoption of this Manual of Policies shall be specifically identified as such by separate Council action prior to adoption of this Manual of Policies.

1.2 Authority

1.2.1 If any policy or portion of a policy contained within the Policies Manual is in conflict with State or Federal law, rules or regulations having authority over the City of Avalon, said State or Federal law, rules or regulations shall prevail.

	CITY OF AVALON COUNCIL POLICIES MANUAL	Section 2.0
		Revision Date
BASIS OF AUTHORITY		

2.1 Basis of Authority

2.1.1 The City Council is the unit of authority for establishing policy within the City. Apart from their normal function as a part of this unit, Council Members have no individual authority. As individuals, Council Members may not commit the City to any policy, act or expenditure.

2.1.2 Council Members do not represent any fractional segment of the community within which the City is located, but are, rather, a part of the body, which represents and acts for the community as a whole.

2.2 Attendance at Meetings

2.2.1 Members of the City Council shall make every effort to attend all regular and special meetings of the Council unless there is good cause for absence.

2.2.2 A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as authorized by the City Council and except as otherwise provided by California law.

2.3 Mayor

2.3.1 The Mayor shall serve as Presiding Officer at all Council meetings only. He/she shall have the same rights as the other members of the Council with voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

- 2.3.2** In the absence of the Mayor, the Mayor Pro Tem shall serve as Presiding Officer over all meetings of the Council. If the Mayor and Mayor Pro Tem are both absent, the remaining members present shall select one of themselves to act as the presiding officer for that particular meeting.

2.4 Members of the City Council

- 2.4.1** Council Members shall thoroughly prepare themselves to discuss agenda items at meetings of the City Council. Information may be requested from staff or exchanged between Council Members before meetings, except as may otherwise be limited or prohibited by California law including, but not limited to, the requirements of the Ralph M. Brown Act/Open Meeting law.
- 2.4.2** Information that is exchanged before meetings shall be distributed through the City Manager, and all Council Members will receive all information being distributed. Distribution of information may be limited by time and notice restrictions under the Ralph M. Brown Act/Open Meeting law.
- 2.4.3** Council Members shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Council meetings.
- 2.4.4** Council Members shall defer to the Mayor for conduct of meetings of the Council, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Council.
- 2.4.5** Council Members shall abstain from participating in consideration on any item involving a conflict of interest as set forth in the applicable provisions of California law. Unless such a conflict of interest exists, however, Council Members should not abstain from the Council's decision-making responsibilities.
- 2.4.6** Requests by individual Council Members for substantive information and/or research from City staff will be channeled through the City Manager.

2.5 Election of Mayor Pro Tem

At the first regularly scheduled City Council meeting in April following the regular election, the City Council shall elect a Mayor Pro Tem who shall serve a two year term.

2.6 Oath of Office

Council Members who are elected at a regular election shall take office at the first regularly scheduled City Council meeting in April following their regular election upon administering of the oath of office. Council Members not elected at a regular election shall be administered the oath of office in accordance with the provisions of the law. Generally the oath of office will be administered at the regular Council meeting.

2.7 Membership in Associations

The Council Members are encouraged to ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the City, and shall look upon such memberships as an opportunity for in-service training.

	CITY OF AVALON COUNCIL POLICIES MANUAL	Section 3.0
	CITY COUNCIL MEETING POLICIES CITY COUNCIL COMMITTEE, WORKSHOP AND REGULAR MEETINGS, MEETING AGENDAS AND MINUTES	Revision Date

3.1 City Council Meeting Place

- 3.1.1** All City Council meetings will be held at the Avalon City Hall Council Chambers located at 410 Avalon Canyon Road, Avalon California, unless otherwise noticed.

3.2 Regular City Council Meetings

- 3.2.1** Regular City Council meetings will be held on the first and third Tuesday of each calendar month, with open session beginning at 6:00 p.m. If a closed session is to be held at the meeting, it will be generally held at the beginning or the end of the regular meeting. However, with consideration for parties critical to be in attendance at the closed session, the closed session may be scheduled at any time during the regular meeting as noticed pursuant to the Ralph M. Brown Act and Resolution No. 2012-12.

- 3.2.2** Regular City Council meetings will be held to conduct regular Council business. Items requiring Council action will be considered at these meetings. The City Manager and Department Heads may present reports as needed and/or as requested by the City Council.

3.3 Council Workshops

- 3.3.1** Council workshops will be held on an as needed basis.

3.4 Non-Emergency Special Council Meetings

- 3.4.1** Non-emergency Special Council meetings may be called by the Mayor or by a majority of the Council in accordance with the Ralph M. Brown Act.
- 3.4.2** All Council Members, the City Manager, pertinent Department Heads, the City Attorney and the City Clerk will be notified of the Special Council Meeting and the purpose for which it is called. Notification shall be in writing, at least twenty-four (24) hours prior to the meeting and shall be noticed and conducted in accordance with the Ralph M. Brown Act.
- 3.4.3** Newspapers of general circulation in the City, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall receive written notice in accordance with the Ralph M. Brown Act. The City Clerk will attempt to provide electronic notification to entities requesting such notification but such notification is not guaranteed nor will it replace written notification.
- 3.4.4** An agenda shall be prepared as specified for regular Council meetings in Section 3.8 herein, and shall be delivered with the notice of the special meeting to those specified above.
- 3.4.5** Only those items of business listed in the call for the special meeting shall be considered by the Council at any special meeting.

3.5 Emergency Special Meetings

- 3.5.1** In the event of an emergency involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the City Council may hold an emergency special meeting without complying with the twenty-four (24) hour notice required in Section 3.4.2, above. An emergency means a crippling disaster, which severely impairs public health, safety, or both, as determined by a majority of the members of the Council or work stoppage or other activity, which severely impairs public health, safety, or both, as determined by a majority of the members of the Council.

3.5.2 Newspapers of general circulation in the City, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by at least one (1) hour prior to the emergency special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the City Manager, or his/her designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Council, as soon after the meeting as possible.

3.5.3 No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice. The minutes of the emergency special meeting, a list of persons the City Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in a public place at City Hall as soon after the meeting as possible.

3.6 Adjourned Meetings

A majority vote by the City Council may terminate any Council meeting at any place in the agenda to any time and place specified in the order of adjournment and less than a quorum may so adjourn from time to time, except that if no Council Members are present at any regular or adjourned regular meeting, the City Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given as required by the Brown Act.

3.7 Public Notification of Meetings

3.7.1 Agendas for upcoming City Council Meetings shall be posted in accordance with the provisions of Section 3.8.4 and 3.8.4 below and 3.5.1 above..

3.7.2 Notice of upcoming meetings may appear in such other places as the local paper, in newsletters sent out with bills and in other places available to the City.

3.8 Council Meeting Agendas

- 3.8.1** The City Manager, in cooperation with the City Clerk and City Attorney, shall prepare an agenda for each regular meeting of the City Council. Any Council Member may call the City Manager and request any item to be placed on the regular meeting agenda at a regular Council meeting or workshop.
- 3.8.2** This policy does not prevent the Council from taking testimony at regular and special meetings of the Council, during the public comment portion of the Council meeting, on matters that are not on the agenda, which a member of the public may wish to bring before the Council. However, the Council shall not discuss or take action on such matters at that meeting. However, Council Members may briefly respond to statements made or questions posed during public comment portions of a meeting. In addition, on their own initiative, or in response to questions raised by the public, Council Members may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Council Members may also provide a reference to City staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.
- 3.8.3** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Council, shall be posted on the City Website and conspicuously for public review at City Hall.
- 3.8.4** The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same locations noted in Section 3.8.3.
- 3.8.5** In addition to the City Website and City Hall, Council meeting agendas or, if requested, the entire agenda packet shall be provided to any person who has filed a written request for such materials per the Ralph M. Brown Act.

3.9 Council Meeting Minutes

- 3.9.1** Council Meeting Minutes must be recorded for all Standing City Committee meetings, Workshops and Council meetings. Such minutes should be concise, identifying the items considered, and any action taken.
- 3.9.2** If a written report is submitted for the item, then reference should be made to the written report rather than restating the report contents. General reference should be made to discussion of an item, rather than a detailed description. Action taken should be clearly identified in terms of motions made, who made the motion and second, and the results of the voting.
- 3.9.3** Copies of minutes shall be made for distribution to and for approval by Council Members with the agenda at regular Council meetings.
- 3.9.4** An audio tape recording of regular and workshop meetings of the City Council shall generally be made.
- 3.9.5** Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.
- 3.9.6** All resolutions adopted by the Council shall be numbered consecutively starting new at the beginning of each chronological year.
- 3.9.7** The minutes of Council meetings shall be maintained as hereinafter outlined.
- 3.9.8** Procedure:
- Date, place and type of each meeting;
 - Council Members present and absent by name;
 - Call to order;
 - Pre-adjournment departure of Council Members by name, or if absence takes place when any agenda items are acted upon;
 - Adjournment of the meeting;
 - Record of written notice of special meetings;
and,
 - Record of items to be considered at special meetings.
- 3.9.9** Council Actions:
- Approval or amended approval of the minutes of preceding meetings;

- Complete information as to each subject of the Council's deliberation;
- Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
- All Council resolutions and ordinances in complete context, numbered serially for each chronological year;
- A record of all contracts entered into;
- A record of all bid procedures, including calls for bids authorized, bids received, and other action taken;
- Adoption of the annual budget;
- A record of the City Manager's report to the Council;
- Approval of all policies and Council-adopted regulations; and, a record of all visitors and delegations appearing before the Council. However, in accordance with the Ralph M. Brown Act, a member of the public shall not be required, as a condition to attendance, to register his or her name or to provide any other information.

3.10 Council Meeting Conduct

3.10.1 Meetings of the City Council shall be conducted by the Mayor (or Mayor Pro Tem in the Mayor's absence, or in the absence of the Mayor Pro Tem, by the Council Member selected to be the presiding officer by the remaining Council Member) in a manner consistent with the policies set forth herein.

3.10.2 In accordance with the Ralph M. Brown Act and Resolution No. 2012-12, all Council meetings should commence at the time stated on the agenda and should be guided by the same. The purpose of City Council meetings is to enable the Council to conduct the business of the City. As such, the following guidelines should be substantially followed, to the extent practicable, depending on the circumstances surrounding each meeting:

3.10.2.1 After the "Call to Order, Pledge of Allegiance, Roll Call, and Approval of Agenda", the Council will act on the "Consent Agenda"; approving these items with one motion unless any are requested to be pulled from Consent by a Council Member or a member of the public. In this case, each item pulled will be discussed and voted upon separately.

3.10.2.2 Each regular agenda item shall then be taken in agenda order unless the order is altered by the Mayor. A brief

report from the City Manager or other designated staff will be given.

- 3.10.2.3** After hearing the staff report, the Council may ask questions of staff, discuss the issues involved, and comment on the issues. These deliberations shall be guided by the Mayor.
- 3.10.2.4** After Council deliberations are concluded or prior to Council deliberations, the Mayor shall ask the audience for public comment prior to calling for a vote.
- 3.10.2.5** After public comment, the Council shall vote on the matter before them and proceed to the next agenda item.
- 3.10.3** The conduct of meetings shall, to the fullest possible extent, enable Council Members to:
 - 3.10.3.1** Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,
 - 3.10.3.2** Receive, consider, and take any needed action with respect to reports of accomplishment of City operations.
- 3.10.4** Provisions for permitting any individual or group to address the Council concerning any item on the agenda of a special meeting, or to address the Council at a regular meeting, or to otherwise address the Council on any subject that lies within the jurisdiction of the City Council, shall be as follows:
 - 3.10.4.1** If a member of the public desires to speak on a matter appearing on the agenda, the member should be allowed to speak when the agenda item is being considered. If a member of the public desires to speak on a matter not appearing on the agenda, the member should speak during the period for public comments. . Speakers are requested to give their name. The Council may take no action on any item brought up at a public comment time except to refer the matter to staff and/or place it on a future agenda.
 - 3.10.4.2** Five (5) minutes may be allotted to each speaker to each subject matter;

- 3.10.4.3** No boisterous conduct shall be permitted at any City Council meeting. Persistence in boisterous or disruptive conduct shall be grounds for summary termination, by the Mayor, of that person's privilege of address to the Council and the Mayor may take such action in accordance with the Ralph M. Brown Act.
- 3.10.5** The City is required to follow certain legal requirements in connection with disclosure of information regarding City employees and personnel matters. Therefore, the Council will conduct any discussion of personnel matters in compliance with such laws. As a result, it will be the policy of the Council that no oral presentation shall include charges or complaints against any City employee, regardless of whether or not the employee is identified in the presentation by name or by another reference, which tends to identify. All charges or complaints against employees shall be submitted to the City Manager for investigation
- 3.10.6** Willful disruption of any of the meetings of City Council shall not be permitted. In accordance with the Ralph M. Brown Act, if the City Council finds that there is in fact willful disruption of any meeting of the Council, they may order the room cleared and subsequently conduct the Council's business without the audience present.
- 3.10.7** In such an event, only matters appearing on the agenda may be considered in such a session.
- 3.10.8** After clearing the room, the City Council may permit those persons who were not responsible for the willful disruption to reenter the meeting room.
- 3.10.9** Duly accredited representatives of the news media, whom the City Council finds not to have participated in the disruption, shall be allowed to attend the remainder of the meeting.

CITY COUNCIL

MEETING DATE: May 20, 2014

AGENDA ITEM: 5

ORIGINATING DEP: City Manager

CITY MANAGER: BH

PREPARED BY: City Manager and City Attorney

SUBJECT: Proposed Citizen's Advisory Committee for Law Enforcement Review

RECOMMENDED ACTION(S): Discuss and consider options regarding the proposed creation of a Citizen's Advisory Committee for Law Enforcement Review.

REPORT SUMMARY: At the May 6, 2014 City Council Meeting, Council Member Sampson directed City staff to place an item on the May 20, 2014 City Council Meeting to discuss and consider the creation of a Citizen's Advisory Committee for Law Enforcement Review. The purpose of this committee would be to allow for the community to have a forum for questions, comments, concerns and suggestions regarding the law enforcement service provided by the Los Angeles County Sheriff's Department under contract to the City.

City staff is aware of four (4) options which may be discussed, reviewed, considered and compared in order to pursue this goal:

1. The use of the standing quarterly Neighborhood Outreach meetings, possibly with a revised format (more frequent meetings, different meeting format, etc.) currently hosted by Captain Doug Feteroll of the Los Angeles Sheriff's Department, Avalon Station;
2. The creation of a new sub-committee of the City Council comprised of two (2) City Council members informally appointed by the Mayor (so long as the sub-committee has a short and defined purpose);
3. The creation of a new standing committee informally appointed by the Mayor that exists outside of the City; or
4. The independent creation of a committee to include a range of community leaders initiated by the Sheriff's Department (and not the City Council or the City).

In weighing these four options, the City Council must keep in mind the public meeting requirements as set forth within the Brown Act (Gov't Code Section 54952(b), listed below), that defines which legislative bodies are covered:

"A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter."

A committee that is NOT created by a formal action of the City Council is not subject to the Brown Act. Examples of this that have previously been used by the City include those committees informally appointed by the Mayor for a prescribed purpose, such as the committee formed to provide recommendations on the waste management contract, or the selection of the City Manager. Advisory Committees of two council members, as long as they have a short and defined purpose, are also NOT subject to the Brown Act.

The one committee that is subject to the Brown Act would be a standing committee, regardless of its composition. In the past, the City has taken the view that if a committee is not created by formal action of the City Council, it is not subject to the Brown Act. Hence, if the Mayor creates a committee on her own initiative to advise the City Council on law enforcement matters, or if citizens organize themselves for this purpose, the Brown Act should not apply. However, there may be those that argue that this committee, if informally appointed by the Mayor, may be subject to the Brown Act if it has continuing subject matter jurisdiction over a matter. The City Attorney's Office has not been able to find specific case law that applies in this instance. The closest case is *Farron v. San Francisco* (1989) 216 Cal. App. 3d 1071, which held that a committee appointed by a Mayor is not a legislative body under the Brown Act. That Committee did have a limited purpose and time, but the court mostly relied upon the fact that the appointment was by the Mayor, not the legislative body, and that no rules were established by the committee for their meetings.

In preparing this staff report, Captain Feteroll of the Los Angeles Sheriff's Department Avalon Station was consulted. The Captain was quick to assert that the Sheriff's Department would of course be supportive and engaged with any option selected by the City Council. However, Captain Feteroll opined that he believed that the framework of the existing quarterly Neighborhood Outreach meeting could be easily adjusted (more frequent meetings, different meeting formats, etc.) so that it could better allow for the desired goal of a forum for questions, comments, concerns and suggestions regarding law enforcement within the City.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: None.

FOLLOW UP ACTIONS: Dependent upon City Council determination of desired options.

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

ATTACHMENT: None.

CITY COUNCIL

MEETING DATE: May 20, 2014

AGENDA ITEM: 6

ORIGINATING DEP: City Manager's Office

CITY MANAGER: BH

PREPARED BY: Gina Schuchard, Project Manager

SUBJECT: HdL Companies Sales and Property Tax Analysis Agreement

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

1. Enter into an agreement with HdL Coren & Cone (HdLCC), a California Corporation for property tax analysis for 5 years with the ability to cancel within 30 days.
2. Enter into an agreement with HdL, a California Corporation for sales tax analysis for 5 years with the ability to cancel within 30 days.
3. Adopt a resolution authorizing HdL, a California Corporation to examine the sales, use and transactions tax records of the State Board of Equalization pertaining to those collected for the City by the Board.

BACKGROUND:

HdL Companies was founded in 1983 and has helped cities, counties and special districts to maximize revenues through allocation audits, financial and economic analysis. Supported by specialized computer analysis, databases and field investigations, understanding of complex tax laws and close coordination with the State Board of Equalization, County Auditors and Assessors, HdL and HdLCC assure timely correction and recovery of misallocated revenues. HdL Companies audit services does not overlap with any other city audit services. The auditors Brownell & Duffey provide audit services for Transient Occupancy Tax, Admissions Tax, Wharfage, and Harbor Use Fees only. These are city administered taxes and fees whereas sales tax is administered by the State of California and property tax is administered by Los Angeles County with authority of the State of California. Statewide, HdL has seen at least 3-5 % of local sales tax misallocated after audit services are performed which could equate to increased revenues for the City of conservatively between \$15,000 and \$25,000 even accounting for the recovery fee to be paid to HDL.

Additionally, HdL Companies will be able to provide historical Avalon sales tax data back to 1995-96. HdL has the ability to provide customized historical sales tax trends focused on specific industries plus the ability to allocate sales tax to the quarter it was actually earned in a report. As a result, the City will be able to identify the impacts of events, such as the Grand Prix, on specific industries during a particular quarter. Currently, we are unable to separate out increases or reallocations by industry and cannot provide this data on a quarter to quarter comparison. The City currently receives

sales tax information from the State that makes it very difficult to allocate to the appropriate quarter and does not allocate by industry type.

In terms of property tax, HdLCC has a powerful database program that also provides GIS capabilities tied to parcel APN numbers. Staff will be able to utilize this for the annual assessment review. Additionally, HDL will provide the following reports: top taxpayer listing, multiple owner properties, non-owner occupied parcels, ownership transfers, listing of parcels that have not changed ownership since Proposition 13, completed construction projects for tracking reassessments, quarterly reports of successful, pending and historical assessment appeals. The database, reports, property tax revenue review and expertise of HdLCC will allow the City to be prepared to identify the impact of any new legislation to replace redevelopment.

HdL Companies can also assist the City on identifying business retention opportunities, creating customized sales and property tax related projections, and updates on any related policy changes by the State of California. The City will be able to provide quarterly updates to the City Council and community with general reports on the status of the City's sales tax and property tax trends.

City staff is requesting the approval of two agreements with HdL Companies (HdL & HdLCC) to provide sales and property tax analysis. The property tax agreement will be an annual amount of \$4500 for full service property tax analysis and a 25% fee for any property tax income recovered as the result of audit work. The sales tax agreement will be an annual amount of \$6300 for full service sales tax analysis and a 15% fee for sales tax recovery as the result of audit and recovery work. The first 3 years of each contract will be at a fixed rate and the 4th and 5th year will be subject to Consumer Price Index adjustments.

All of HdL's key staff has extensive local government experience having previously held positions in City management, finance, planning, economic development or revenue collection. HdL Companies is a Corporate Partner of the League of California Cities and California State Association of Counties, and works extensively with the County Auditor's Association of California, California Society of Municipal Finance Officers (CSMFO) and California Municipal Revenue and Tax Association (CMRTA) on anticipation and planning of programs to strengthen local government revenues.

The services provided by HdL is a staple for finance professionals and business retention programs throughout the State. The service provides needed information and insight on the economic health of the City's tax base as well as an opportunity to be proactive on business retention and shifting trends. It is the City's intent to evaluate both programs at the end of each year for effectiveness and use of the tools by staff. Each contract offers the ability to cancel within 30 days.

FISCAL IMPACTS: Monies are budgeted in the General Fund Non-Departmental Account 102-25-5005 for the Sales Tax Agreement. Monies are budgeted in the General Fund Non-Departmental Account 102-25-5005 for the Property Tax Agreement and in the Sewer, Saltwater and Refuse funds 107/112/131-25-5005. In future years, a portion of the Property Tax Agreement can be charged to Successor Agency. It should be noted that the contract for the Sales Tax agreement contains a requirement that the City

indemnify the contractor for the City's negligence and the Property Tax agreement does not.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will not have access to up to date property tax and sales tax trends, business retention information, or auditing functions.

FOLLOW UP ACTION: If approved, execute the agreements. Distribute general trend reports in June 2014.

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

ATTACHMENTS:

1. HdL Coren & Cone Property Tax Consulting/Audit Agreement
2. HdLSales, Use and Transactions Tax Audit & Information Services Agreement
3. Resolution Authorizing HdL To Examine the Sales, Use and Transaction Tax Records of the State Board of Equalization on Behalf of the City of Avalon

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON
AUTHORIZING EXAMINATION OF SALES, USE AND TRANSACTIONS TAX
RECORDS

WHEREAS, pursuant to Ordinance 575, the City of Avalon entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local sales, use and transactions taxes; and

WHEREAS, the City Council of the City of Avalon deems it desirable and necessary for authorized representatives of the City to examine confidential sales, use and transactions tax records of the State Board of Equalization pertaining to sales, use and transactions taxes collected by the Board for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales, use and transactions tax records of the Board.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON HEREBY RESOLVES AS FOLLOWS:

Section 1. That the City Manager, or other officer or employee of the City designated in writing by the City Manager to the State Board of Equalization (hereafter referred to as Board), is hereby appointed to represent the City of Avalon with authority to examine sales, use and transactions tax records of the Board pertaining to sales, use and transactions taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Board pursuant to that contract.

Section 2. That the City Manager, or other officer or employee of the City designated in writing by the City Manager to the Board, is hereby appointed to represent the City with authority to examine those sales, use and transactions tax records of the Board, for purposes related to the following governmental functions of the City:

- (a) City administration
- (b) Revenue management and budgeting
- (c) Community and economic development
- (d) Business license tax administration

The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above.

Section 3. That Hinderliter, de Llamas & Associates is hereby designated to examine the sales, use and transactions tax records of the Board pertaining to sales, use and transactions taxes collected for the City by the Board. The person or entity designated by this section meets all of the following conditions:

- (a) has an existing contract with the City to examine those sales, use and transactions tax records;
- (b) is required by that contract to disclose information contained in, or derived from, those sales, use and transactions tax records only to the officer or employee authorized under Sections 1 or 2 of this resolution to examine the information.
- (c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (d) is prohibited by that contract from retaining the information contained in, or derived from those sales, use and transactions tax records, after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Board pursuant to the contract between the City and the Board and for purposes relating to the governmental functions of the City listed in section 2 of this resolution.

PASSED, APPROVED AND ADOPTED this 20th day of May, 2014.

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

CITY COUNCIL

MEETING DATE: May 20, 2014

AGENDA ITEM: 7

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook

DEPT. HEAD: _____

SUBJECT: Third Amendment to Development Agreement with Hamilton Pacific, LLC

RECOMMENDED ACTION(S): Introduce and waive all readings of an ordinance approving the Third Amended Development Agreement between the City of Avalon and Hamilton Pacific, LLC ("Agreement").

REPORT SUMMARY: The Planning Commission approved an amended Site Plan, Height Variance, Amended Local Coastal Permit, and an Addendum to the EIR to change the project description. The change to the project description is described as follows:

A Tentative parcel map was approved to subdivide five parcels (that include three of the existing pads) that were originally approved for multi-unit condominiums with a height variance of 22'/50'; into twelve parcels for single family dwellings with a height variance of 22'/50'. The approvals granted by the Planning Commission allow the single family dwellings to be constructed up to the same height as the multi-unit condominiums previously planned on the site.

FISCAL IMPACTS: None

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): The Development Agreement would not be consistent with the current project approvals and the single family dwellings would have to be constructed within the parameters of the existing Development Agreement standards..

ALTERNATIVE ACTION(S): Deny approval of the Amendment.

FOLLOW UP ACTION(S): Payment of Development Agreement fees by Hamilton Pacific.

ADVERTISING, NOTICING AND PUBLIC CONTACT:

This item is included on the posted Agenda.

ATTACHMENTS: Redline Version of Third Amendment, Plans for the new homes.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF AVALON APPROVING THE THIRD AMENDED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF AVALON AND HAMILTON PACIFIC, LLC

WHEREAS, the City of Avalon ("City") and Hamilton Pacific, LLC ("Developer") entered into a Development Agreement ("Agreement") on or about April 14, 2008; and

WHEREAS, the Agreement permits Developer to develop congregate units and single family lots and associated recreational facilities and infrastructure improvements on a 16-acre property in the City. This project is referred to as Hamilton Cove Phase II ("Project"); and;

WHEREAS, the Planning Commission recently approved an amended site plan, height variance, amended local coastal permit, and addendum to the Project's Environmental Impact Report which changed the Project's description; and

WHEREAS, the terms of the Agreement must be amended for the third time to reflect the Planning Commission approvals and to become effective; and

WHEREAS, the amendments to development agreements must be approved via ordinance with a first and second reading;

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

Section 1. The introductory paragraph to the Agreement is amended as follows:

The Parties desire to amend the Agreement to incorporate previously agreed changes pertaining to the project description, specifically, the housing mix and the height envelope thereto.

Section 2. Section 4.2(e)(1) is amended as follows:

Maximum Permitted Height. In accordance with the height variance granted as part of the Existing Approvals, the maximum permitted height envelope for congregate structures shall be 22'/50' and 18'/40' for the single family residences, excluding chimneys, eaves, and minor decorative architectural elements such as elevator tower caps, pergolas, and similar structures. approvals dated 9/26/2007 for Tentative Tract Map No. 69836 which included a height envelope of 22'/50' for 21 parcels for condominiums and 18'/40' for 24 parcels for single family dwellings and the height variance granted 3/16/2014 for 22'/50' for the twelve parcels of TM 72448 for single family dwellings. Excluding chimneys, eaves and minor decorative architectural elements such as elevator tower caps, pergolas and similar structures

Section 3. Recital G is amended, in part, as follows:

The mitigation and/or requirements of this agreement are based on the findings in the Focused EIR, the addendum to the Focused EIR, the Mitigation Monitoring Plan and the City's Affordable Housing Ordinance.

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

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

Section 6. Exemption from California Environmental Quality Act. The City finds that the amendments to the Municipal Code, made pursuant to this Ordinance, are exempt from the California Environmental Quality Act ("CEQA") because they do not constitute a project within the meaning of CEQA Section 15378. The amendments herein have no potential for resulting in physical change to the environment, directly or indirectly. The City further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but rather merely define a previously undefined term. The City Clerk shall be the custodian of record for the documentation supporting this action. Staff is hereby directed to file a Notice of Exemption with the Los Angeles County Clerk's Office within five (5) working days.

Section 7. The City Clerk is directed to certify the adoption of this Ordinance and cause the same to be published as required by law.

INTRODUCED at a Regular Meeting of the City Council of the City of Avalon, California, on the 20th day of May, 2014, and thereafter **ADOPTED** at a Regular Meeting of said City Council held on the ____ day of _____, _____, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk