

**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, JUNE 3, 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**

**PRESENTATIONS**

1. Kelly Conn, Community Library Manager of Avalon Library, will introduce a community project of the County of Los Angeles Public Library, Catalina PhotoShare, which seeks to digitize local historical photos.
2. 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 May 6, 2014 and May 20, 2014 City Council meetings.

CITY COUNCIL AGENDA  
JUNE 3, 2014  
PAGE 2

2. Expenditures Submitted for Approval

- Warrants in the amount of \$650,660.11
- Payroll in the amount of \$217,467.72
- Electric Fund Transfer in the amount of \$53,991.64

Recommended Action

Approve total expenditure amount of \$922,119.47.

3. Time Limit on Newly Created Pier Dingy Dock Space

The Harbor Department has created additional dinghy dock space on the Pleasure Pier. To enhance the visiting boaters accessibility to this newly created space, the Harbor Master is requesting permission to designate these floats as "No Tying Between the Hours of 3:00 AM and 5:00 AM"

Recommended Action

Direct the Harbor Master to post "No Tying Between the Hours of 3:00 AM. and 5:00 AM" on the newly created dinghy dock attached to Ramp "A" on the Pleasure Pier.

4. Community Digital Signage Consideration

This item is regarding installing a community digital signboard in Vons Supermarket above the sliding entrance/exit doors.

Recommended Action

Approve the installation of a Community Digital Signage program at Vons Supermarket.

5. Purchase of a Vacuum Excavator

The City currently has a need to acquire a machine to allow for a more efficient and expeditious way to perform potholing excavations. The City has an opportunity to purchase a "like new" machine from the contractor that is working on the Lower Terrace Road Project at a significant cost reduction.

Recommended Action

Authorize City staff to purchase one (1) portable Ditch Witch Vacuum Excavator Machine and make a determination that the equipment cannot be purchased more economically or efficiently by using the City's bidding procedures for equipment.

6. Renewal of Hamilton Cove Tidelands Lease

The Hamilton Cove mooring area is comprised of both City Grant Lands and State Lease Lands. The City leases a portion of the tidelands and is in the process of renewing a fifteen year extension to the Hamilton Cove Tideland Lease from the State Lands Commission. The City no longer is in need of the entire lease area, and the State Lands Commission would like to reduce the size of the lease area.

Recommended Action

Authorize the City Manager to reduce the size of space in the State Lands Commission lease area of the Hamilton Cove mooring field.

**CITY COUNCIL AGENDA**  
**JUNE 3, 2014**  
**PAGE 3**

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. The required Public Hearing for this amendment change was heard at the last City Council meeting.  
Recommended Action  
Open Public Hearing and receive public comment. Adopt ordinance approving the Third Amended Development Agreement between the City of Avalon and Hamilton Pacific, LLC.

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

8. Change Order – New Staircase at the Lower Terrace Strengthening & Utility Protection Project  
In the original contract documents and plans for this project, the contractor was to remove and re-install the existing wooden staircase. When the contractor started to remove the existing staircase, it became apparent that the stairs were deteriorated and decomposed, and therefore, unable to be re-positioned. It is necessary to direct the contractor to completely rebuild a new set of stairs so that pedestrians may have access to the area below Lower Terrace Road. Accordingly, a Change Order will have to be issued for this extra work.  
Recommended Action  
Authorize City Staff to execute a Change Order in the amount of \$17,039.00 for Boulder Construction to install a newly built wooden staircase.

**GENERAL BUSINESS**

9. Consideration of an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Sections 9-6.202 and 9-6.302 and Adding Chapter 19-16 to the Avalon Municipal Code Regarding Emergency Shelters.  
California Government Code Section 65583 requires that each local government in California identify, in its General Plan's Housing Element, adequate sites for housing, including emergency shelters and make adequate provision for the existing and projected needs of all economic segments of the community.  
Recommended Action  
Introduce and waive all readings of an ordinance of the City Council of the City of Avalon amending Avalon Municipal Code Sections 9-6.202 and 9-6.302 and adding Chapter 9-16 to the Avalon Municipal Code regarding Emergency Shelters.
10. Consideration of Continuing Efforts to Obtain Requisite Regulatory Governmental Permits for a Proposed Future Multi-Year Catalina Island Grand Prix Motorcycle Race Event  
The City has been actively engaged in an effort to create a multi-year Catalina Island Grand Prix Motorcycle Race event. Discussions have been underway with delegates

CITY COUNCIL AGENDA  
JUNE 3, 2014  
PAGE 4

representing potentially impacted private property for the proposed race course, as well as representatives from governmental regulatory agencies, which provide oversight and ultimately grant permit approval that would be required for the proposed race.

Recommended Action

Review and discuss whether the City of Avalon should continue current efforts to obtain requisite regulatory governmental permits for a proposed, future multi-year Catalina Island Grand Prix Motorcycle Race event.

11. Transportation Permit Amendment for Catalina Auto & Bike Rental for Golf Cart Tours

The City received an application from Catalina Auto & Bike Rental to amend their transportation permit to include guided golf cart tours from their Crescent Street locations. Tours would last from 1 to 3 hours, would start and finish from Crescent rental cart lots, and would utilize the scenic route.

Recommended Action

Discuss and provide direction to Staff regarding applicant's request to offer golf cart tours from existing rental location. 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 would allow such amended transportation permit to be issued.

12. Transportation Permit Amendment for Brown's Bikes for Golf Cart Tours

The City received an application from Brown's Bikes to provide golf cart tours to visitors who are unable to rent a cart, ride a bike or do not wish to take a bus tour. Tours would originate from their Pebbly Beach Road location and last for 1 hour.

Recommended Action

Discuss and provide direction to Staff regarding applicant's request to offer golf cart tours from existing rental location. 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.

13. Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code

The City of Avalon's Municipal Code currently requires businesses operating within it to calculate various taxes and fees based on the business "gross receipts." As no definition of "gross receipts" exists anywhere in the Municipal Code, there are occasional questions regarding what this term means.

Recommended Action

Introduce and waive all readings of an Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code.

**CITY COUNCIL AGENDA  
JUNE 3, 2014  
PAGE 5**

14. Amend CR&R, Inc. dba Avalon Environmental Services Contract to Include Monthly Street Sweeping Services  
The City's existing street sweeper has reached the end of its lifespan. Staff has determined that it is more economical to contract out the street sweeping service.  
Recommended Action  
Authorize an amendment to the CR&R (Avalon Environmental Services) contract to include street sweeping services at a cost of \$3,000/month.

**CLOSED SESSION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: City Manager
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Subdivision (a) of Section 54956.9  
Title: In the Matter of Avalon K-12 School Site, 200 Falls Canyon Road, Avalon, CA 90704 I/SED: Case No. 11/12-003
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Subdivision (a) of Section 54956.9  
Title: Tiberio Lizza v. City of Avalon, et al, LASC Case No. BS 135644

CITY MANAGER REPORT

CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

**ADJOURN**

**NOTICE OF POSTING**

I, Denise Radde, declare that the City Council Agenda for June 3, 2014 was posted on Friday, May 30, 2014, on the City's website [www.cityofavalon.com](http://www.cityofavalon.com), and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

**CITY COUNCIL**

**MEETING DATE:** June 3, 2014  
**ORIGINATING DEP:** City Clerk  
**PREPARED BY:** Denise Radde, City Clerk  
**SUBJECT:** City Council Actions

**AGENDA ITEM:** 1  
**CITY MANAGER:** 

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**RECOMMENDED ACTION(S):**

Approve City Council Actions from the regular City Council meetings on May 6, 2014 and May 20, 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: JUNE 3, 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Finance

CITY MANAGER: [Signature]

PREPARED BY: Chris Woidzik, Interim CFO

DEPT. HEAD: [Signature]

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SUBJECT: Warrant List

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**RECOMMENDATION(S):** Approve the warrants in the amount of \$650,660.11, payroll in the amount of \$217,467.72 and EFTS in the amount of \$ for a total expenditure amount of \$53,991.64 \$922,119.47.

**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 #18333-18404 in the amount of \$650,660.11, for a total expenditure of \$650,660.11.

Also represented is the payroll dated May 16, 2014 in the amount of \$217,467.72 and EFTS in the amount of \$53,991.64 for a total expenditure of \$271,459.36.

**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

RECORD OF CHECKS DRAWN ON MAY 23, 2014 FOR CM OF 06/03/14

MONTH OF MAY

US BANK WARRANT # 18333-18404	\$650,660.11	5/23/2014
US BANK WARRANT #	\$0.00	
US BANK WARRANT #	\$0.00	
US BANK WARRANT	\$0.00	
EFT TO BOE - FUEL DOCK	\$5,679.00	
EFT TO CALPERS - RETIREMENT	\$48,312.64	4/30/2014
		\$704,651.75
PAYROLL DATED MAY 16, 2014	\$217,467.72	
PAYROLL DATED	\$0.00	
		\$217,467.72
TOTAL DISBURSEMENTS	\$922,119.47	\$922,119.47

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 3RD DAY OF JUNE 2014

APPROVED AND AUDITED  
THIS 3RD DAY OF JUNE 2014

\_\_\_\_\_  
AUDIT COMMITTEE - RICHARD HERNANDEZ

\_\_\_\_\_  
INTERIM CFO - CHRIS WOIDZIK

\_\_\_\_\_  
AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF JUNE 3, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION
18333	05/23/14	-	VOID - PRINTER ERROR
18334	05/23/14	1,865.00	A TO Z CYLINDERS
18335	05/23/14	60.20	AIR SOURCE INDUSTRIES
18336	05/23/14	320.00	ALL A BOARD
18337	05/23/14	7,709.04	ALLIANT INSURANCE SERVICES
18338	05/23/14	266.80	AMERIFLEX
18339	05/23/14	858.00	ANTONIO'S
18340	05/23/14	147.78	AVALON BOAT STAND
18341	05/23/14	114,686.58	AVALON ENVIRONMENTAL SVCS
18342	05/23/14	65,202.40	AVALON FUEL FACILITIES
18342	05/23/14	1,799.62	AVALON FUEL FACILITIES
18343	05/23/14	5,320.95	AVALON MOORING & DIVING
18344	05/23/14	495.54	AVALON SEAFOOD
18345	05/23/14	47,689.48	BEST, BEST & KRIEGER, LLP
18346	05/23/14	7,611.00	BEYOND SOFTWARE SOLUTIONS
18347	05/23/14	312.08	CANBY, CHARLIE
18348	05/23/14	167.93	CARUSO FORD
18349	05/23/14	621.97	CATALINA BEVERAGE
18350	05/23/14	3,835.00	CATALINA BOATYARD, INC
18351	05/23/14	1,093.32	CATALINA BROADBAND SOLUTION
18352	05/23/14	75,166.67	CHAMBER OF COMMERCE
18353	05/23/14	74.50	CATALINA EXPRESS
18353	05/23/14	27,774.60	CATALINA EXPRESS
18354	05/23/14	37,500.00	CIMC
18355	05/23/14	425.12	CATALINA ISLAND PLUMBING
18356	05/23/14	4.80	CATALINA LAUNDRY
18357	05/23/14	624.00	CATALINA PEST CONTROL
18358	05/23/14	325.00	CATALINA STEAM CLEANING
18359	05/23/14	36,844.25	CATALINA TRANSPORTATION
18360	05/23/14	358.49	CHET'S HARDWARE
18361	05/23/14	98,711.50	CO. OF LA SHERIFF'S DEPT.
18362	05/23/14	145.50	COLLINS COLLINS MUIR & STEWARD
18363	05/23/14	6,720.00	CONSTRUCTORS PLUS
18364	05/23/14	246.86	COSTELLO, KELLIE
18365	05/23/14	32.00	DEPT OF JUSTICE
18366	05/23/14	256.00	DEWEY PEST CONTROL
18367	05/23/14	23,418.50	EDISON
18368	05/23/14	1,212.50	ESGIL CORPORATION
18369	05/23/14	753.15	HAMILTON, KATHERINE
18370	05/23/14	1,200.00	HELVETIC CONSULTING, INC.
18371	05/23/14	1,288.14	IDEXX DISTRIBUTION
18372	05/23/14	198.00	ISLAND EXPRESS
18373	05/23/14	1,950.62	LICARI, TONY
18374	05/23/14	21,517.14	MARTIN & CHAPMAN
18375	05/23/14	5,018.98	MARTIN, ROBERTO & RACHEL
18376	05/23/14	759.51	MCMMASTER-CARR
			VOID - PRINTER ERROR
			SUPPLIES - FIRE
			SUPPLIES - FIRE
			SUPPLIES - FIRE
			POLICY RENEWAL - FUEL DOCK
			FSA FEES - ADMIN
			SENIOR MEALS - APR 14
			SUPPLIES - HARBOR
			CONTRACT SVCS - APR 14
			FUEL - RESALE FUEL DOCK
			FUEL - ALL DEPTS
			SERVICE/SUPPLIES - HARBOR
			REIMB O/P COSTS - RECREATION
			CONTRACT SVCS - MAR 14
			IT SERVICES - ADMIN
			SUPPLIES - FUEL DOCK/PW
			SUPPLIES - GARAGE
			SUPPLIES - ALL DEPTS
			SERVICE/STORAGE - FD/HBR
			IT SERVICES - ADMIN
			TOT - JUNE 2014
			TRAVEL - ADMIN
			2ND HLF 4/14 - SUBSIDY
			SUBSIDY - JUNE 2014
			SERVICE - PUBLIC WKS
			SERVICE - RECREATION
			SERVICE - HARBOR
			CONTRACT SVCS - HARBOR
			CONTRACT SVCS - JUNE 2014
			SUPPLIES - RECREATION/CDO
			CONTRACT SVCS - APR 14
			LITIGATION FEES - ADMIN
			CONTRACT SVCS - ADMIN
			REIMB O/P COSTS - RECREATION
			SERVICE - HARBOR
			SERVICE - ADMIN/HARBOR
			UTILITIES - ALL DEPTS
			SERVICE - PLANNING
			CONTRACT SVCS - APR 14
			CONTRACT SVCS - PLANNING
			SUPPLIES - CDO
			TRAVEL - ADMIN
			CONTRACT SVCS - JUNE 2014
			ELECTION SERVICES 2014
			OVERPYMT - PARCEL REIMB.
			SUPPLIES - HARBOR/GARAGE

18377	05/23/14	1,656.88	MEYERS FOZI, LLP	SERVICE - BB&K
18378	05/23/14	130.88	MONARCH PRODUCTS, INC	SUPPLIES - GARAGE
18379	05/23/14	240.60	MONROE, JENNIFER	REIMB O/P COSTS - REC
18380	05/23/14	4,987.50	MONTGOMERY, LORI	CONTRACT SVCS - ADMIN
18381	05/23/14	1,125.80	NAPA AUTO PARTS	SUPPLIES - GARAGE
18382	05/23/14	100.00	NORTON MEDICAL INDUSTRIES	ANNUAL RENEWAL FEE
18383	05/23/14	4,595.35	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS
18384	05/23/14	294.50	POINDEXTER, JAMES	REIMB O/P COSTS - GARAGE
18385	05/23/14	3,130.20	POLYGUARD & CO.	SUPPLIES - CEMETERY
18386	05/23/14	49.03	PORT SUPPLY	SUPPLIES - HARBOR
18387	05/23/14	2,000.00	PROGRESSIVE INS/NIVINSKUS LAW	CLAIM SETTLEMENT - HOWELL
18388	05/23/14	1,000.00	PURCHASE POWER	POSTAGE LINE OF CREDIT
18389	05/23/14	881.47	QUILL CORP.	SUPPLIES - ALL DEPTS
18390	05/23/14	2,727.63	RICOH USA, INC	SUPPLIES - ADMIN
18391	05/23/14	144.95	SAFEWAY	SUPPLIES - ELECTION/REC
18392	05/23/14	1,211.23	SCOTT'S PLUMBING	SERVICE - JMF PROJECT
18393	05/23/14	917.14	SHERWIN-WILLIAMS	SUPPLIES - HARBOR
18394	05/23/14	8,342.00	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - JUNE 2014
18395	05/23/14	13.17	SPRINT	LONG DISTANCE - ADMIN
18396	05/23/14	2,007.00	SUNGARD PUBLIC SECTOR	SOFTWARE LEASE - FINANCE
18397	05/23/14	600.00	TROY, PATRICK	SERVICE - RECREATION
18398	05/23/14	66.82	UNITED PARCEL SERVICE	FREIGHT - GARAGE
18399	05/23/14	1,100.00	VEGA EDMUNDO	SERVICE - PUBLIC WKS
18400	05/23/14	9,520.00	VEGA EDMUNDO	CONTRACT SVCS - JUNE 2014
18401	05/23/14	465.37	VERIZON WIRELESS	COMMUNICATIONS - ALL DEPTS
18402	05/23/14	130.30	VWR INTERNATIONAL, LLC	SUPPLIES - CDO
18403	05/23/14	108.77	WARNER, GREG	REIMB O/P COSTS - HARBOR
18404	05/23/14	525.00	WITTMAN ENTERPRISES	SERVICE - FINANCE

**\$650,660.11**

## CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 3

ORIGINATING DEPT: Harbor

CITY MANAGER: RA

PREPARED BY: Harbor Master

DEPT HEAD: \_\_\_\_\_

SUBJECT: Time Limit on Newly Created Pier Dinghy Dock Space

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**RECOMMENDED ACTION(S):** Direct the Harbor Master to post "No tying between the hours of 3:00am and 5:00am" on the newly created dinghy dock attached to Ramp "A" on the Pleasure Pier.

**REPORT SUMMARY:** In anticipation of the summer months, the Harbor Department created additional dinghy dock space on the Pleasure Pier. To achieve this goal, the Harbor Department received City Council approval to move loading Float A to the east side of the pier, and the east side dinghy dock to the space where loading Float A was located. 2 extra dinghy dock extensions were added making an extra 80 lineal feet of dinghy dock space.

To further enhance visiting boaters accessibility to this newly created dinghy dock space, the Harbor Master is requesting permission to designate these newly created dinghy dock floats "No tying between the hours of 3:00am and 5:00am" as provided for by Avalon Municipal Code Section 10-2.104 (c) and 10-2.214 (f) All persons shall comply with signs erected at dinghy docks regarding time limits and safety regulations.

### ATTACHMENTS:

1. Avalon Municipal Code Sections 10-2.104 (c) and 10-2.214(f)
2. Photo of newly created space

**Sec. 10-2.104 Harbor Master: Duties. It shall be the duty of the Harbor Master:**

- (a) To carry out the orders of the Council and to enforce all harbor regulations;
- (b) To designate and mark, by buoys or otherwise, the areas within which vessels of different sizes and classes shall be anchored, moored or tied;
- (c) To designate and mark, by signs, that certain dinghy docks be posted "No tying between the hours of 3 a.m. and 5 a.m." when and as directed by the City Council;**
- (d) To designate and mark, by signs, that certain dinghy docks shall not be used for securing kayaks;
- (e) To assign anchorage or moorings to vessels within such designated areas;
- (f) To assign berths or landing places to vessels coming alongside wharves and piers;
- (g) To order any vessel improperly anchored, moored, or berthed to change its position as he may designate and, in the event his orders are not complied with, or the owner of the vessel cannot be located, to cause such vessel to be so moved and to collect the cost thereof from such vessel or owner thereof;
- (h) To promptly report to the City Manager any violation of the laws of the United States for the protection of navigation and the preservation of navigable waters, particularly any encroachment on the waterway by the building of illegal structures by unlawfully filling or dumping material of any kind into the waterway, or by throwing overboard, or setting adrift, or permitting to go adrift anything that is or might become obstructive or dangerous to navigation; and
- (i) To keep a record of the number, size, and kind of vessels using the harbor, the amount, kind, and value of waterborne freight handled, and the number of passengers carried by the vessels using the harbor, and to report each month a summary of such record to the Council.

## Sec. 10-2.214 Dinghy Docks

(a) Except as hereinafter provided and as provided in Section 10-2.206, it shall be unlawful for any person to keep a vessel less than fourteen (14') feet in length on a mooring other than as permitted at the City transient dinghy docks.

(b) The owner of a vessel 14'00" (fourteen feet zero inches) feet in length or under may keep such vessel at a mooring provided the vessel is tied off to a larger vessel and the larger vessel is registered for that mooring.

(c) No vessel which is greater than 14'00" (fourteen feet zero inches) shall be secured to the City transient dinghy docks.

(d) No vessel, the beam of which is or which was originally manufactured to be greater than 7'00" (seven feet zero inches) in width, shall be secured to the City transient dinghy docks.

(e) No person shall secure or permit to be tied to a City transient dinghy dock any vessel whose outboard motor is in other than the down position or in such a position as to expose the propeller in a manner which may cause damage to other vessels.

**(f) All persons shall comply with signs erected at dinghy docks regarding time limits and safety regulations.**

(g) No person shall secure or permit to be secured a vessel at the City transient dinghy docks for a period in excess of seventy-two (72) consecutive hours. It shall be unlawful for any person, except as authorized by the Harbor Department, to remove from a vessel any tag or other marker affixed to a vessel by the Harbor Department in order to detect violations of this provision.

CITY COUNCIL

**MEETING DATE:** June 3, 2014  
**ORIGINATING DEP:** Recreation  
**PREPARED BY:** Jennifer Monroe, Recreation Coordinator  
**SUBJECT:** Community Digital Signage Consideration

**ADENDA ITEM:** 4  
**CITY MANAGER:** BA

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**RECOMMENDED ACTION(S):**

Approve the implementation of a Community Digital Signage program at Vons Supermarket.

**REPORT SUMMARY:**

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

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

On the request of Mayor Marshall, this item is before the Council again for approval.

As previously presented, the cost to purchase the EasyStart system, including the hardware and software, is \$1450.00. The estimated cost to purchase a 70" TV/screen is \$2000.00. There are no monthly or ongoing costs; Vons has graciously volunteered and in 2013 installed internet for this purpose. The total project cost would be \$3450.00, with a projected return on investment to be recovered within one year. This would be accomplished by the selling of advertising/announcement space at a cost of \$5/space.

**FISCAL IMPACTS:** This program is an unbudgeted item. Funds are planned to be recouped by charging for advertising space.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

Staff will wait for increased support prior to proceeding.

**FOLLOW UP ACTION:**

Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

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



## City of Avalon Community Digital Signage

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

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

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

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

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

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

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

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 5

ORIGINATING DEP: Public Works

CITY MANAGER: BA

PREPARED BY: Dennis Jaich

SUBJECT: Purchase of a Vacuum Excavator

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**RECOMMENDED ACTION(S):**

Allow Staff to purchase one (1) portable Ditch Witch Vacuum Excavator Machine and make a determination that the equipment cannot be purchased more economically or efficiently by using the City's bidding procedures for equipment.

**REPORT SUMMARY:**

The City of Avalon currently has a need to acquire a more inexpensive and careful way to perform potholing excavations. As the situations continue to develop while repairing or replacing old and deteriorated salt water and sewer lines, the necessity to cautiously perform these activities are paramount. Currently, all that the City has on hand in the way of equipment for these incidents are Backhoes, compressors, and dump trucks. Additionally we need to calculate and consider the costs for the manpower and labor to operate each piece of equipment.

With the purchase of this proposed Ditch Witch Vacuum Excavator Machine, city forces will be able to eliminate the need to use the above-mentioned conventional equipment and excess labor. We could simply use this Vacuum machine to extract out the soil with a powerful vacuum force, thus eliminating the possibility of breaking any other utilities that may be adjacent or in conflict with the specific repair that is necessary at that time. As our salt water and sewer systems are getting old and failing, the necessity to excavate and repair them is becoming a substantial undertaking and problem on this island.

Additionally, this machine can be used as a pump truck of porta-potties and any other containment areas that may need to be maintained or serviced. Further, the presence of this machine on the island will allow the City to better evaluate the location of underground utilities, thus potentially reducing increased construction costs due to encountering "unforeseen conditions."

We are fortunate at this time to be able to purchase a "like new" machine from our contractor performing the work on Lower Terrace (Boulder Contractors) for \$27,500.00. The particular machine that is suggested by Staff to purchase has only 80 hours of use on it. It was leased by Boulder, and those costs are a cost saving if a purchase is made in the very near future. The List Price of a new Ditch Witch FX 25, Vacuum Excavator is approximately \$40,000 including tax. Because this equipment is already on the island, has proven its usefulness and it is not reasonable that another piece of such equipment is readily available at this price, this purchase cannot be made more economically or efficiently by following the City's informal bidding procedures.

**FISCAL IMPACTS:**

The "buy out" cost for this almost new machine is \$27,500.00 and will be purchased from Boulder Contracting. The contractor (Boulder) has waved the mark-ups. These funds will come out of the Salt Water Infrastructure Fund- Maintenance 113-25-6664.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

City forces will be required to continue to make repairs to utilities and other systems with the old conventional method. This old method is antiquated, outdated, risky, and simply more expensive in the long run.

**FOLLOW UP ACTION:**

Allow Staff to make the purchase of this Excavating Machine, which can be ready for immediate use.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

In Compliance with the Brown Act

**ATTACHMENTS:**

A brochure of this excavator, as well as specifications, details, information, and the original purchase-pricing quote.

CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 6

ORIGINATING DEPT: Harbor

CITY MANAGER: RA

PREPARED BY: Harbor Master Brian Bray

DEPT HEAD: \_\_\_\_\_

SUBJECT: Renewal of Hamilton Cove Tidelands Lease

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**RECOMMENDED ACTION(S):** Authorize the City Manager to reduce the size of space in the State Lands Commission lease area of the Hamilton Cove mooring field to allow for the 10 moorings that currently occupy the lease space pending approval from the Hamilton Cove HOA or table the matter until approval from the Hamilton Cove HOA has been obtained.

**REPORT SUMMARY:** The Hamilton Cove mooring area is comprised of both City Grant Lands and State Lease Lands. The City leases a portion of the tidelands where 10 of the 36 moorings are installed in Hamilton Cove. The City is in the process of renewing a fifteen year extension to the Hamilton Cove Tideland Lease from the State Lands Commission. Since the City is no longer in need of the entire lease area, the State Lands Commission would like to reduce the size of the lease area.

In 1984 the City was granted the authority to install 61 moorings in Hamilton Cove between the City Grant Lands and a newly created State Tidelands Lease Area. In the 1980's 52 moorings were installed and proved to be too costly to maintain so the Hamilton Cove HOA was given permission to remove 16 of the moorings which currently leaves us with 36.

Of the 36 moorings installed, the City of Avalon controls 9 of which are offered to people on the mooring lease waiting list, Hamilton Cove HOA is able to reserve 18 for their homeowners and 9 remain unassigned and are offered to the general public of a daily first come first served basis. It should be noted that the Hamilton Cove HOA is responsible to pay the yearly lease fee to the City and maintenance fee to the Avalon Mooring Service for the 18 available to their homeowners and the 9 offered to the general public. The City has asked the HOA if they have any objection to the reduction and as of the time this staff report has been drafted, no formal response has been received. The City can either approve the request subject to HOA approval or table this matter until such approval has been obtained. Since the City has no intention of installing additional moorings in the lease area of the Hamilton Cove mooring area, the State Lands Commission is requesting to reduce the State Lands Lease. The Harbor Master has no objection to the request as it is not foreseen that additional moorings would ever be installed in the area in question.

**FISCAL IMPACTS:** After paying the State 25% of the revenue derived from the ten moorings in the State Tidelands Lease Area, the City nets approximately \$23,000 each year.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** The current lease will expire on June 30, 2014.

**ATTACHMENTS**

1. Photo of Hamilton Cove Grant Lands and Lease Area Boundaries

CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 7

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook

DEPT. HEAD: [Signature]

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

RECOMMENDED ACTION(S): Adopt An Ordinance of the City of Avalon Approving the Third Amended Development Agreement Between the City of Avalon and Hamilton Pacific, LLC ("Agreement").

REPORT SUMMARY: On May 20, 2014, the City Council conducted a Public Hearing to hear public comment on the Third Amendment to the Development Agreement with Hamilton Pacific, LLC. An ordinance to approve this agreement was introduced and all readings waived.

History: 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 proposed amendments are as follows:

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 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*

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.*

FISCAL IMPACTS: None

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): The Development Agreement would not be consistent with the current project approvals.

ALTERNATIVE ACTION(S): None

FOLLOW UP ACTION(S): None

ADVERTISING, NOTICING AND PUBLIC CONTACT:

This item is included on the posted Agenda.

ATTACHMENTS: Ordinance

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 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 3rd day of June, 2014, by the following vote to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ann H. Marshall, Mayor

ATTEST:

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

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

**MEETING DATE:** June 3, 2014

**AGENDA ITEM:** 8

**ORIGINATING DEP:** Public Works

**CITY MANAGER:** BA

**PREPARED BY:** Dennis Jaich

**SUBJECT:** Change Order Work – New Stairs - Lower Terrace Road Project

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**RECOMMENDED ACTION(S):** Allow Staff to execute a Change Order in the amount of \$17,039.00 for Boulder Construction to install a newly built wooden stairway.

**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, in the original Contract Documents and Plans, the contractor was to remove and re-install the wooden stairway that was existing on the west side of the project, close to the Catholic Church area. Unfortunately, when the contractor started to remove the existing stairway, it became apparent that the stairs were deteriorated and decomposed, and therefore, unable to be re-positioned.

Consequently, upon the City Council's approval, it will be necessary to direct the contractor to completely rebuild a new set of stairs so that pedestrians may have access to the area below Lower Terrace Road. Accordingly, a Change Order will have to be issued for this extra work.

Upon investigations and detailed examinations on the type of stairs to be installed, Staff is recommending that the same type of stairs be constructed as those that are currently in place at the Zip Line areas. Staff considered "Trex" type, galvanized, different types of lumber, and multiple other options for the materials to be used. Subsequently we have decided to offer for your approval a "Douglas Fir Treated type lumber, with a galvanized handrail on one side, as shown on the attached photos to this Staff Report.

**FISCAL IMPACTS:**

The lump sum price that the contractor (Boulder) has submitted, with approved mark-up, is \$17,039.00.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The public and pedestrians will not have a walkway to the lower streets as they have had in the last several years. They would have to walk to either end of Lower Terrace Road to gain access to the Flats.

**FOLLOW UP ACTION:** Allow Staff to issue a Change Order to Boulder Contractors for this work on a Lump Sum basis.

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

**ATTACHMENTS:**

Pictures of the proposed stairs. They will be constructed with the same design as the ones in place at the Zip Line, Descanso Beach area.

CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 9

ORIGINATING DEPT: Planning Department

CITY MANAGER: BA

PREPARED BY: Amanda Cook, Planning Director

**SUBJECT:** Consideration of an Ordinance of the City Council of the City of Avalon Amending Avalon Municipal Code Sections 9-6.202 and 9-6.302 and Adding Chapter 19-16 to the Avalon Municipal Code Regarding Emergency Shelters.

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**RECOMMENDED ACTION(S):** That the City Council introduce and waive all readings of an ordinance of the City Council of the City of Avalon amending Avalon Municipal Code Sections 9-6.202 and 9-6.302 and adding Chapter 9-16 to the Avalon Municipal Code regarding Emergency Shelters.

**BACKGROUND:**

Senate Bill 2 (SB 2), adopted in 2007, amended California Government Code Section 65583 and requires that each local government in California identify, in its General Plan's Housing Element, adequate sites for housing, including emergency shelters and make adequate provision for the existing and projected needs of all economic segments of the community. For purposes of compliance with state law, "emergency shelters" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

Implementation requires that the City designate one or more zones where emergency shelters are a principally permitted use and may not require a conditional use permit or any other discretionary permit, provided an application for an emergency shelter complies with the development standards for the zone. As part of the 4th cycle of the Housing Element, the City adopted a number of programs designed to bring the City into compliance with State laws. The City has received certification of the 4th cycle Housing Element from the Department of Housing and Community Development ("HCD"). The City submitted to HCD the 5th cycle Housing Element in late 2013. HCD has indicated that prior to receiving certification of the 5th cycle Housing Element, the City must make the zoning changes called for in the 4th cycle Housing Element, including the adoption of the Emergency Shelter Ordinance.

When considering land use changes in the 4th cycle of the Housing Element, the City Council designated the Commercial and Special Commercial zones as appropriate for this land use.

Adoption of the ordinance establishing Chapter 9-16 and the amendments to the Municipal Code Section 9-6.202 and 302 do not approve any particular project or any particular parcel for immediate construction of an emergency shelter.

The ordinance will add Section 9-16 – Emergency Shelters to Title 9 of the Municipal Code. This section will include standards specific to emergency shelters (as allowed by SB 2) including the maximum capacity for a shelter, the length of stay, parking requirements, and management standards.

The amendment to Municipal Code Sections 9.6-202 and 303 will add emergency shelters as principal uses within the Commercial and Special Commercial Zones.

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

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will have not complied with the 4th Cycle Housing Element program to adopt an Emergency Shelter Ordinance making emergency shelters a principal use in the Commercial and Special Commercial Zones and it is likely the Department of Housing and Community Development will not certify the City's 5th Cycle Housing Element.

**FOLLOW UP ACTION:** Adopt the Ordinance.

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

**Environmental Review:**

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

**ATTACHMENTS:**

1. Ordinance

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVALON AMENDING AVALON MUNICIPAL CODE SECTIONS 9-6.202 AND 9-6.302 AND ADDING CHAPTER 19-16 TO THE AVALON MUNICIPAL CODE REGARDING EMERGENCY SHELTERS**

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

**SECTION 1 PURPOSE**

The purpose of this ordinance is to amend and update Sections 9-6.202 and 9-6.302 and add Chapter 9-16 to the Avalon Municipal Code (the "Code") concerning emergency shelters in order to comply with the requirements of state law under California Government Code Section 65583.

**SECTION 2 FINDINGS**

The City Council hereby finds and determines as follows:

- A. Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilities emergency shelters and limits the denial of emergency shelters under the Housing Accountability Act;
- B. The Avalon 2008 Housing Element identified this as an Implementation Program;
- C. The proposed amendments to Section 9-6.202 and 9-6.302 and the proposed Chapter 9-16 of the Code will complete Implementation of the Housing Element Program regarding Emergency Shelters. Specifically, the new chapter of, and amendments to the Zoning Ordinance, will provide development standards and a permitting process for emergency shelters;
- D. The proposed amendments to Section 9-6.202 and 9-6.302 and the proposed addition of Chapter 9-16 of the Code is consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Implementation Programs necessary through the 2008-2013 Housing Element planning period.

**SECTION 3 AMENDMENT TO CODE**

Sections 9-6.202 and 9-6.302 are hereby amended and Chapter 9-16 of the Code is hereby added to read as follows:

Section 9-6.202

(a) Premises in the "C" zone may be used for the following purposes:

....

(22) Emergency Shelters as provided for in Chapter 16.

Section 9-6.302 Principal Uses

....

(c) Emergency Shelters as provided for in Chapter 16.

### Chapter 9-16 - EMERGENCY SHELTERS

#### 9-16.100 Purpose.

The purpose of this chapter is to encourage temporary shelter for homeless persons or others in need in a manner that protects the health, safety, and general welfare of nearby residents and businesses, consistent with California Government Code §65583, which requires all California cities to identify in their General Plan Housing Element at least one zone where emergency shelters are permitted by right without requiring discretionary permits or action, provided they comply with objective operating standards established by the City.

#### 9-16.101 Definitions.

In this chapter, unless the context otherwise requires:

(a) "Emergency Shelter" means housing with minimal supportive services that is designed for and occupied by homeless persons for no more than six-months in a consecutive 12-month period. No individual or household may be denied emergency shelter because of an inability to pay.

#### 9-16.102 Permit Required.

An emergency shelter that complies with the provisions of this chapter shall be permitted within the Commercial (C) and Special Commercial (SC) Zones pursuant to an emergency shelter permit.

#### 9-16.103 Emergency Shelter Permit; Application and Issuance.

(a) An application for an emergency shelter permit shall be filed with the zoning administrator on a form approved by the city together with a fee fixed by resolution of the City Council. The zoning administrator shall approve an application that meets the development standards set forth in Section 9-16.104 without discretionary review or a public hearing, no more than sixty (60) days after the application has been deemed complete.

(b) This approval shall expire one year from the approval date unless a building permit has been issued for the project. The zoning administrator may extend the period to exercise the permit

for up to one additional year upon a showing of good cause, if such request is received in writing prior to the expiration date.

9-16.104 Development and Management Standards.

(a) Development Standards. An emergency shelter shall conform to the development standards set forth below, as well as all development standards of the C or SC zoning district. If there is a conflict between the C or SC development standards, as applicable, and the standards set forth below, the standards set forth below shall be controlling:

(1) Proximity to Other Shelters. No emergency shelter shall be closer than three hundred (300) feet to another emergency shelter.

(2) Vehicle Parking. An emergency shelter shall provide one off street parking space for employee parking.

(3) Bicycle Parking. An emergency shelter shall provide at least one bicycle space for every five beds.

(4) Shelter Capacity. An emergency shelter shall have no more than two (2) occupants per bedroom or two (2) occupants per eighty (80) square feet of living space. The square footage of living space shall not include the kitchen area, bathroom area or garage space.

(5) Length of Stay. The length of stay per individual in an emergency shelter shall not exceed six (6) months in a consecutive 12-month period.

(6) Screening of Outdoor Uses. An emergency shelter shall not allow or include any of the following to occur in front of an emergency shelter or in any other location incidental to the shelter that is visible from adjoining properties or the public right-of-way, unless the same is entirely screened from public view, to the satisfaction of the zoning administrator:

- (a) designated outdoor smoking area;
- (b) outdoor waiting and client intake area;
- (c) outdoor public telephones; and
- (d) outdoor refuse area.

(7) Exterior Lighting. Lighting in or on an emergency shelter shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity that is consistent with existing lighting in the neighborhood in which the shelter is located.

(8) Personal Property Storage. An emergency shelter shall provide secure areas for temporary storage of personal property of the persons residing in the emergency shelter.

(b) Management Standards. An emergency shelter shall conform to the management standards set forth below:

(1) Emergency Shelter Management Plan. The operator of an emergency shelter shall prepare and submit a management plan to the zoning administrator for approval that includes, as applicable, the following: established staff training program to meet the needs of emergency shelter residents; community outreach; adequate security measures to protect emergency shelter residents and the neighboring land uses; a list of services provided to assist emergency shelter residents with obtaining permanent shelter and income; and a method of screening emergency shelter residents to ensure compatibility with services provided at or through the emergency shelter prior to admittance to the shelter.

(2) On-Site Management and Security. Security measures shall be sufficient to protect clients and neighboring land uses, to the satisfaction of the zoning administrator. On-site management and on-site security shall be provided during the hours when the emergency shelter is in operation and at all times that clients are present on-site. An on-site staff person shall be designated as a neighborhood liaison to respond to, and address, any questions or concerns from surrounding residents regarding facility operations. Clients shall be screened for compatibility with shelter resources and for compliance with applicable State and Federal laws prior to admittance to the emergency shelter.

9-16.105 Appeals.

An appeal of a decision made pursuant to this chapter shall be brought and governed as set forth in this code.

**SECTION 4 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING**

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

**SECTION 5 SCOPE**

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

**SECTION 6 SEVERABILITY**

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

**SECTION 7 EFFECTIVE DATE**

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

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

\_\_\_\_\_  
Ann H. Marshall, Mayor

ATTEST:

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

Effective:      MONTH DAY, 2014

CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 10

ORIGINATING DEP: City Manager

CITY MANAGER: [Signature]

PREPARED BY: City Manager/City Attorney

**SUBJECT:** Consideration of Continuing Efforts to Obtain Requisite Regulatory Governmental Permits for a Proposed Future Multi-Year Catalina Island Grand Prix Motorcycle Race Event

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**RECOMMENDED ACTION(S):** Review and discuss whether the City of Avalon (City) should continue current efforts to obtain requisite regulatory governmental permits for a proposed, future multi-year Catalina Island Grand Prix Motorcycle Race event.

**REPORT SUMMARY:** The City has been actively engaged in an effort to create a multi-year Catalina Island Grand Prix Motorcycle Race event. As this proposed race would largely be located outside City property, and could potentially impact island wildlife habitat areas, discussions have been underway with delegates representing potentially impacted private property for the proposed race course, as well as representatives from governmental regulatory agencies, who provide oversight and ultimately grant permit approval that would be required for the proposed race.

Despite the City's earnest efforts, a multi-year race effort will not be possible within the 2014 calendar year; nor does it appear promising in future years. However, despite this, the City could continue to pursue discussions regarding its desire for a multi-year Catalina Island Grand Prix Motorcycle Race event with the potentially impacted private property owners and the governmental regulatory agencies in the hope that direction from decision-makers shifts in the future.

Accordingly, it is respectfully requested that the City Council provide direction to City staff as to whether efforts to obtain the requisite regulatory governmental permits for a proposed multi-year event should be continued, or not. Significant effort in this area has already been applied this year, and with a modest additional effort, it is anticipated that requisite regulatory governmental permits could be obtained by late Fall 2014 or early 2015. If obtained, the permits should then be active for five (5) years forward from the date of receipt.

The race has been reconfigured so that the motor cross portion of the race occurs on Joe Machado Field (JMF), thus lessening the environmental mitigation required by the race. There will be costs associated with preparing JMF for the race, as well as

restoring it afterwards. These costs have not yet been ascertained. Additionally, the length of time JMF would be unavailable for use is still undetermined.

**FISCAL IMPACTS:** None immediately, as funding for this effort is already budgeted within the approved City Fiscal Year 2013-2014 Budget. It is anticipated that no more than \$5,000 to \$10,000 in budgeted expenses would be required to complete and file all applicable applications to obtain the requisite governmental permits for a proposed, future multi-year Catalina Island Grand Prix Motorcycle Race event. Depending upon the response from the regulatory agencies, another \$20,000 to \$40,000 could be expended in processing the applications. These and past costs would be offset by sponsorships and revenues generated by a multi-year race.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City would not be able to pursue any proposed future multi-year Catalina Island Grand Prix Motorcycle Race event.

**FOLLOW UP ACTION:** Direct the City Attorney's Office to continue and complete efforts currently underway to obtain requisite regulatory governmental permits to allow for a proposed future multi-year Catalina Island Grand Prix event and obtain information regarding the costs of having the motor cross portion of the race on JMF as well as determining how the race would impact the use of JMF.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Listed on the posted agenda pursuant to the Brown Act.

**ATTACHMENTS:** None.

CITY COUNCIL

MEETING DATE: June 3, 20014

AGENDA ITEM: 11

ORIGINATING DEP: Administration

CITY MANAGER: BA

PREPARED BY: Administration

SUBJECT: Transportation Permit Amendment for Catalina Auto & Bike Rental, Golf Cart Tours

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**RECOMMENDED ACTION(S):**

Discuss and provide direction to Staff regarding applicant's request to offer golf cart tours from existing rental location. 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 March 10, 2014 City Hall received an application from Catalina Auto & Bike Rental to amend their transportation permit to include guided golf cart tours from their Crescent Street locations. Tours would last from 1 to 3 hours, would start and finish from Crescent rental cart lots and utilize scenic route outlined on attached map.

Council has recently approved, a temporary 6 month trial permit ending in September, to Steve Woolley, (Tours by Steve), for golf cart guided tours.

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.

**FISCAL IMPACTS:**

Possible additional income to the City through additional rentals.

**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 pursuant to the Brown Act.

**ATTACHMENTS:**

- Applicant's Amended Permit Application
- Rental Cart Route Map
- Copy of proposed plan

CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 12

ORIGINATING DEP: Administration

CITY MANAGER: [Signature]

PREPARED BY: Administration

SUBJECT: Transportation Permit for Brown's Bikes for Golf Cart Tours

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**RECOMMENDED ACTION(S):**

Discuss and provide direction to Staff regarding applicant's request to offer golf cart tours from existing rental location. Determine if this is an amendment to current permit or a new application. Currently their transportation permit only allows for electric bike rentals. 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 March 3, 2014 City Hall received an application from Brown's Bikes to provide golf cart tours to visitors who are unable to rent a cart, ride a bike or do not wish to take a bus tour. Tours would originate from their Pebbly Beach Road location and last for 1 hour. Applicant would utilize personal autoette or commercial autoette for tours. Brown's Bikes current Transportation Permit does not include golf cart rentals.

Council has recently approved, a temporary 6 month trial permit, ending in September, to Steve Woolley, (Tours by Steve), for golf cart guided tours.

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.

**FISCAL IMPACTS:**

Possible added income to the City through additional Tour business.

**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 pursuant to the Brown Act.

**ATTACHMENTS:**

- Applicant's Permit Application
- Rental Bike, Proposed Tour Route Map
- Copy of proposed plan

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 3, 2014

AGENDA ITEM: 13

ORIGINATING DEP: City Attorney

CITY MANAGER: RL

PREPARED BY: Scott Campbell

SUBJECT: Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code

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RECOMMENDED ACTION(S): That the City Council introduce and waive all readings of an Ordinance Adding a Definition of "Gross Receipts" to the Municipal Code.

**REPORT SUMMARY:**

The City of Avalon's Municipal Code currently requires businesses operating within it to calculate various taxes and fees based on the business "gross receipts." As no definition of "gross receipts" exists anywhere in the Municipal Code, there are occasional questions regarding what this term means. Additionally, the City leases are being updated and the updates leases contain a definition of gross receipts.

To provide clarity as to the definition of "gross receipts" and to ensure the term is applied fairly and uniformly in all instances, the proposed amendment to the Municipal Code adds a definition of the term "gross receipts". "Gross receipts" shall mean the total amounts received from all revenue sources during the relevant period, except admission taxes, sales taxes, California redemption taxes, use taxes/fees and reasonable commissions actually paid to third parties. Such commissions shall not exceed 20% of the price paid by the consumer/customer.

This definition was discussed at a previous City Council meetings and was modified to eliminate reasonable commissions paid to third parties from funds constituting gross receipts so long as the commission is capped at 20% of the price paid. This may encourage business owners to provide "package deals" to visitors without having to pay for taxes and fees on the commissions paid to put the package together.

The City's auditors reviewed the definition made three comments. Their letter of February 28, 2014 is attached. First, they suggested that if commissions were to be excluded, they should be capped at 20%. This suggestion is incorporated into the proposed ordinance.

Second, the auditors noted that the definition would mean that certain items that have been excluded from inclusion into the calculation of taxable revenues would be included as the definition of gross revenues includes the "total amounts received from all revenue

sources.” It is the intention of the definition to include these previously excluded items if sold in conjunction with an activity. For instance, in a snorkeling tour, equipment included in a package would be included in the calculation of gross receipts. If such equipment was purchased by a customer, and not part of the tour, then it would not be included in the calculation of gross receipts.

Third, the auditors noted that the definition excludes City fees and taxes from the definition, thus potentially resulting in a loss of income. This exclusion is recommended as any taxes based upon gross receipts should only be based upon the underlying activity, not based upon the underlying activity plus fees or taxes. The auditors also suggested that the admissions taxes and harbor use fees are levied upon the seller, not the customer. This is not necessarily the case. With respect to the admission taxes, the Municipal Code states that the business “shall collect the amount of the tax imposed from the person paying the admission charge at the time of the payment of such admission charge...” (AMC, Section 3-3.303.) There is nothing in the AMC prohibiting a business from collecting the harbor use fees from the customer and many businesses do collect these fees from their customers.

**FISCAL IMPACTS:** Unknown.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** “Gross receipts” will not be defined in the Municipal Code.

**FOLLOW UP ACTION:** None.

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

**ATTACHMENTS:** Copy of the Ordinance Adding a Definition of “Gross Receipts” to the Municipal Code and the letter from Browne and Duffy.

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

AN ORDINANCE OF THE CITY OF AVALON ADDING A DEFINITION OF "GROSS RECEIPTS" TO THE MUNICIPAL CODE

**WHEREAS**, the City of Avalon's ("City") Municipal Code requires businesses operating within it to calculate various fees and taxes based on "gross receipts;" and

**WHEREAS**, the City's leases require that tenants in certain circumstances pay the City a percentage of their gross receipts; and

**WHEREAS**, to reduce confusion, promote consistency and fairness, and provide clarity to City businesses, the City now desires to add a definition of the term "gross receipts" to the Municipal Code.

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

**Section 1.** Sec. 1-3.13(w) is hereby added to read as follows:

*(w) "Gross Receipts" shall mean the total amounts received from all revenue sources during the relevant period, except admission taxes, sales taxes, California redemption taxes, and use taxes/fees and reasonable commissions which are paid to third parties. For purposes of calculating Gross Receipts, such commissions shall not exceed 20% of the price paid by the consumer/customer "*

**Section 2. 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 3. Effective Date.** This Ordinance shall become effective thirty (30) days after its adoption.

**Section 4. 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 5.** 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 3th day of June, 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

CITY OF AVALON CITY COUNCIL

**MEETING DATE:** June 3, 2014 **AGENDA ITEM:** 14  
**ORIGINATING DEP:** Public Works **CITY MANAGER:** BLH  
**PREPARED BY:** Dennis Jaich  
**SUBJECT:** Proposed Amendment to CR&R, Inc. (dba Avalon Environmental Services)  
Contract to Include Street Sweeping Service

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**RECOMMENDED ACTION(S):** Authorize an amendment to the CR&R (Avalon Environmental Services) contract to include street sweeping services at a cost of \$3,000/month.

**REPORT SUMMARY:** The City of Avalon's existing street sweeper machine is weak, old, and untrustworthy, and has reached the end of its expected lifespan. Its undependable nature has caused considerable problems in trying to keep it functional and available for routine deployment.

City staff has considered and studied the negative effects associated with the continuation of using the City's machine for the weekly sweeping of many streets within the city limits. It has been determined that it would be more economical and more responsible to contract out for street sweeping service with CR&R.

There are approximately eleven (11) miles of roadways within the City limits that need to be swept on a routine basis. Of these eleven miles of streets, many have alternate parking solely for the purpose of street sweeping. City staff has worked out a proposed plan whereby CR&R will take over this duty, by street sweeping at least five (5) days per week, at various locations throughout the City.

Although some may argue that street sweeping for five days per week is excessive, City staff believes it is prudent and necessary to proceed using this approach in order to properly clean the areas where "no parking" signs are placed. This should accomplish the City's desire to keep the city streets clean, in good appearance, and acceptable to both residents and visitors.

If this proposal is authorized, there will be no other charges from CR&R for labor, parts, repairs, or additional items required for street sweeping services. The street sweeping contract amendment is for a term of one (1) year, with automatic monthly terms upon conclusion of the year (for street sweeping services only).

**FISCAL IMPACTS:** \$3,000.00 per month, which is not budgeted within the FY 13-14 budget. It is proposed that this amount be included for consideration and adoption within the FY 14-15 draft budget.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** Public Works staff will continue to deploy the City's street sweeping machine while/when it is functional, and will manually sweep the streets when it is not.

**FOLLOW UP ACTION:** Authorize the City Manager to amend the existing CR&R contract to provide street sweeping service.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** In Compliance with the Brown Act.

**ATTACHMENTS:** Amended CR&R contract for street sweeping services.

**SECOND AMENDMENT TO THE  
FRANCHISE AND LEASE AGREEMENT  
BETWEEN THE CITY OF AVALON AND CR&R, Inc.**

**THIS SECOND AMENDMENT** to is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **CITY OF AVALON** (the "City"), and **CR&R, INC.**, a corporation with its principal place of business in California, ("CR&R") sometimes jointly referred to as "Parties."

**RECITALS**

**WHEREAS**, on or about March 1, 2013 the City and CR&R entered into a Franchise and Lease Agreement ("Agreement") under which CR&R agreed to provide solid waste handling and collection services; and

**WHEREAS**, on or about June 18, 2013, the City and CR&R entered into a First Amendment to the Agreement ("First Amendment"); and

**WHEREAS**, the Parties wish to further amend the Agreement as amended by the First Amendment for CR&R to provide street sweeping services; and

**WHEREAS**, pursuant to Section 17 of the Agreement, the Agreement may only be amended by written agreement signed by both the City and CR&R.

**AGREEMENT**

**NOW, THEREFORE**, in good and valuable consideration of the mutual promises and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. Section 4.6 is added to the Agreement as amended by the First Amendment to read in full as follows:

**4.6 STREET SWEEPING**

Company shall sweep and/or clean all public streets and paved alleys, including furnishing of water and disposal of all debris, and other incidental and appurtenant work necessary for the proper completion of this service ("Street Sweeping"). Company shall conduct such Street Sweeping at least five (5) days per week. Company shall be responsible for providing and maintaining all personnel and equipment necessary to provide such Street Sweeping services. Company shall be paid Three Thousand Dollars (\$3,000) per month by City for providing Street Sweeping, which shall be paid at the same time and subject to the same terms and conditions as the Company Service Fee. Company shall not charge or accept any additional fee or charge for providing Street Sweeping. Notwithstanding Section 3.6, Street Sweeping shall be provided from the date of the Second Amendment through one (1) year. After one (1) year has lapsed, Company shall provide street sweeping services to the City on a month to month basis.

2. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
3. This Second Amendment shall affect only the items specifically set forth herein, and all other terms and conditions of the Agreement and previous amendments, as written shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City and CR&R have entered into this Second Amendment to the Franchise and Lease Agreement by and between the City of Avalon and CR&R, Inc., as of the date first set forth herein.

**THE CITY OF AVALON**

**CR&R, Inc. dba AVALON ENVIRONMENTAL SERVICES**

By: \_\_\_\_\_  
Name: Ben Harvey  
Title: City Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_