

**CITY OF AVALON CITY COUNCIL MEETING  
TUESDAY, JULY 1, 2014- 6:00 P.M.  
CITY COUNCIL CHAMBERS  
410 AVALON CANYON ROAD, AVALON  
AGENDA**

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

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

**ROLL CALL**

**ANNOUNCEMENTS / WRITTEN COMMUNICATIONS**

**PRESENTATION**

1. Official introduction of Avalon Fire Chief Mike Krug to the City Council and community.
2. Catalina Island Water Update and Stage 2 Public Outreach Plan – Southern California Edison.

**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 June 3, 2014 and June 17, 2014 City Council meetings.
2. Expenditures Submitted for Approval
  - o Warrants in the amount of \$549,040.54
  - o Payroll in the amount of \$206,803.88
  - o Electric Fund Transfer in the amount of \$48,023.74Recommended Action  
Approve total expenditure amount of \$803,868.16.

## CITY COUNCIL AGENDA

JULY 1, 2014

PAGE 2

3. Voting Delegate and Alternates for the League of California Cities Annual Conference  
The Annual League of California Cities Conference is in September and in order for the City to vote on resolutions at the Business Meeting, the City Council has to appoint a delegate and an alternate(s).  
Recommended Action
  - A. Appoint Mayor Pro Tem Oley Olsen as the voting delegate and Mayor Anni Marshall and Councilmember Cinde Cassidy as the alternate voting delegates
  - B. Adopt resolution designating a voting delegate and alternates for the Annual League of California Cities Conference.
  
4. Board of Directors Appointment for the Gateway Cities Council of Government  
The Gateway Cities Council of Governments is comprised of thirty-one cities in the southeast Los Angeles County region. Former Mayor Pro Tem Michal Ponce was the previous delegate. It is appropriate to appoint a new representative and Councilmember Cassidy has expressed an interest.  
Recommended Action  
Appoint Councilmember Cinde Cassidy to represent the City of Avalon on the Board of Directors for the Gateway Cities Council of Government.
  
5. Submittal to the State of California Department of Transportation Requesting Streets and Roads in the City of Avalon be Included as Part of the California Road System  
The State of California Department of Transportation (Caltrans) maintains the California Road System Map (CRS). The purpose of the CRS is to identify all streets, roads, highways, etcetera located within the State and to classify the function of each road segment which is commonly referred to as the Functional Classification System.  
Recommended Action  
Adopt resolution approving the submittal of a functional classification addition for local streets and roads to the State of California Department of Transportation.
  
6. Second Amendment to Professional Services Agreement with Dennis Jaich dba Constructors Plus  
With the retirement of the Public Works Director in May, Dennis Jaich assumed additional duties as the Interim Public Works Director. This contract amendment reflects a modest increase in hourly rate along with travel and housing consideration.  
Recommended Action  
Authorize the City Manager to enter into a second amendment with Dennis Jaich dba Constructors Plus for professional services.

## PUBLIC HEARING

7. Fee Schedule  
This is the second of two required Public Hearings to consider new fees and increase other fees and charges for service. This hearing was properly posted in the paper. A draft fee schedule is available at City Hall for viewing.

Recommended Action

Adopt resolution setting fees for services, facilities, and activities of the City of Avalon for Fiscal Year 2014-2015.

8. Adoption of Resolutions of the City of Avalon for FY 2014-2015 Direct Assessments  
California Health and Safety Code section 5471(a) authorizes the City to collect certain fees and charges on the tax roll. Resolutions are required to be adopted to place certain fees on tax rolls.

Recommended Action

Adopt the following resolutions:

- A. A resolution of the City Council of the City of Avalon adopting the report of the Annual Sewer Use Fees and directing the City Clerk of the City to file said report with the Los Angeles County Auditor and request the auditor place the Fiscal Year 2014-2015 Sewer Use Fees on the Tax Roll.
- B. A resolution of the City Council of the City of Avalon adopting the report of the Annual Saltwater Standby Charges and directing the City Clerk of the City to file said report with the Los Angeles County Auditor and request the auditor place the Fiscal Year 2014-2015 Saltwater Standby Charges on the Tax Roll.
- C. A resolution of the City Council of the City of Avalon adopting the report of the Annual Trash Collection Service Fees and directing the City Clerk of the City to file said report with the Los Angeles County Auditor and request the auditor place the Fiscal Year 2014-2015 Trash Collection Service Fees on the Tax Roll.
- D. A resolution of the City Council of the City of Avalon adopting the report of the Annual Grease Collection Service Fees and directing the City Clerk of the City to file said report with the Los Angeles County Auditor and request the auditor place the Fiscal Year 2014-2015 Grease Collection Service Fees on the Tax Roll.

**GENERAL BUSINESS**

9. Discussion Regarding Fresh Water Options for the City of Avalon and City Manager Participation in Other Initiatives on Behalf of the City  
The City Manager is asking the City Council for direction as to the activities he should be pursuing related to fresh water and other interests and/or concerns related to the City.

Recommended Action

- A. Discuss and direct the City Manager to continue his involvement on behalf of the City in any and all discussions and pursuits that may lead, or are related to, the potential for additional fresh water options for the City.
- B. Discuss and direct the City Manager to continue his involvement on behalf of the City in any and all discussions, initiatives and proposed projects that may potentially have an impact, either positively or negatively, on the citizenry, visitor population, infrastructure, resources, environment or key stakeholder relations for the City.
- C. Obtain City Council direction such that there is no ambiguity as to the activities that the City Manager should be pursuing.

**CITY COUNCIL AGENDA**  
**JULY 1, 2014**  
**PAGE 4**

10. 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 4 and 7.
  
11. Appointment of Four Commissioners to the Planning Commission Board  
The Avalon Municipal Code provides that the Mayor will make appointments to the Planning Commission's seven member board, with the approval of Council. There currently exists one vacancy for the unexpired term belonging to former Commissioner Cinde MacGugan-Cassidy that expires June 30, 2016, and the three expired terms for Commissioners Fertig, Dunn and Martin.  
Recommended Action  
Appoint four Planning Commissioners: One to fill the unexpired term of Councilmember Cinde MacGugan-Cassidy that expires June 30, 2016 and three to fill the expired terms of Bruce Fertig, Jerry Dunn and Chuck Martin with terms expiring June 30, 2018.
  
12. 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.
  
13. Encroachment Permit for Outdoor Dining Area Outside Avocado Grill at 120 Sumner Avenue  
The owner of the Avocado Grill has submitted an application for an encroachment permit to be allowed to place tables and chairs outside the business location on Sumner Avenue on the sidewalk.  
Recommended Action  
Approve the Encroachment Permit to allow for the placement of tables and chairs outside the Avocado Grill on the sidewalk on the south side of Sumner Avenue and find that the criteria for approval of the encroachment permit are met..

**CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Subdivision (a) of Section 54956.9  
Name of Case: Tiberio Lizza v. City of Avalon, et al, LASC Case No. BS 135644

**CITY COUNCIL AGENDA  
JULY 1, 2014  
PAGE 5**

2. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9: 1 case

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**COUNCILMEMBER REPORTS**

**MAYOR REPORT**

**ADJOURN**

**NOTICE OF POSTING**

I, Denise Radde, declare that the City Council Agenda for July 1, 2014 was posted on Friday, June 27, 2014, on the City's website [www.cityofavalon.com](http://www.cityofavalon.com), and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall.



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Denise A. Radde, City Clerk / Chief Administrative Officer

CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BA

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

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**RECOMMENDED ACTION(S):** Approve City Council Actions from the regular City Council meetings on June 3, 2014 and June 17, 2014.

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

**FISCAL IMPACTS:** N/A

**GOAL ALIGNMENT:** 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: JULY 1 , 2014

AGENDA ITEM: 2

ORIGINATING DEPT: Finance

CITY MANAGER: BA

PREPARED BY: Chris Woidzik, Interim CFO

DEPT. HEAD: CW

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SUBJECT: Warrant List

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**RECOMMENDATION(S):** Approve the warrants in the amount of \$549,040.54, payroll in the amount of \$206,803.88 and EFT in the amount of \$48,023.74 for a total expenditure amount of \$803,868.16.

**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 number #18480-18557 in the amount of \$543,166.27 and check numbers #18558-18561 in the amount of \$5,874.27 fo a total expenditure of \$549,040.54.

Also represented is the payroll dated June 13, 2014 in the amount of \$206,803.88 and EFT in the amount of \$48,023.74 for a total expenditure of \$254,827.62.

**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 JUNE 20 & JUNE 24, 2014 FOR CM OF 07/01/2014

MONTH OF MAY

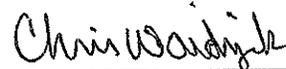
US BANK WARRANT # 18480-18557	\$543,166.27	6/20/2014
US BANK WARRANT # 18558-18561	\$5,874.27	6/24/2014
EFT TO - CALPERS RETIRMENT	\$48,023.74	6/26/2014
EFT TO	\$0.00	
		\$597,064.28
PAYROLL DATED JUNE 13, 2014	\$206,803.88	
PAYROLL DATED	\$0.00	
		\$206,803.88
TOTAL DISBURSEMENTS	\$803,868.16	\$803,868.16

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 1ST DAY OF JULY 2014



INTERIM CFO - CHRIS WOIDZIK

APPROVED AND AUDITED  
THIS 1ST DAY OF JULY 2014

AUDIT COMMITTEE - RICHARD HERNANDEZ

AUDIT COMMITTEE - CINDE CASSIDY

WARRANT LIST

AVALON CITY COUNCIL  
MEETING OF JULY 1, 2014

CHECK NUMBER	AMOUNT	PAYEE	DESCRIPTION
18480	06/20/14	-	VOID - PRINTER ERROR
18481	06/20/14	286.89	ALLISON, CHERYL
18482	06/20/14	266.80	AMERIFLEX
18483	06/20/14	3,876.74	AT & T
18484	06/20/14	1,817.00	AVALON BOAT STAND
18485	06/20/14	114,686.58	AVALON ENVIRONMENTAL
18486	06/20/14	70,471.74	AVALON FUEL FACILITIES
18486	06/20/14	5,458.71	AVALON FUEL FACILITIES
18487	06/20/14	820.96	BEST, BEST & KRIEGER
18488	06/20/14	3,069.12	BEYOND SOFTWARE SOLUTIONS
18489	06/20/14	1,113.96	BLUE TARP FINANCIAL
18490	06/20/14	355.05	CAFÉ METROPOLE
18491	06/20/14	629.63	CANBY, CHARLIE
18492	06/20/14	160.88	CARMENITA TRUCK CENTER
18493	06/20/14	1,068.12	CATALINA BEVERAGE
18494	06/20/14	2,119.92	CATALINA BROADBAND SOLUTIONS
18495	06/20/14	27,060.60	CATALINA EXPRESS
18495	06/20/14	810.00	CATALIN EXPRESS
18496	06/20/14	139.34	CATALINA FLYING BOATS
18497	06/20/14	3,032.52	CATALINA FREIGHT LINE
18498	06/20/14	292.04	CIMC
18499	06/20/14	19.00	CATALINA LAUNDRY
18500	06/20/14	386.00	CATALINA PEST CONTROL
18501	06/20/14	1,732.58	CDW GOVERNMENT
18502	06/20/14	25.21	CHET'S HARDWARE
18503	06/20/14	98,711.50	CO. OF LA SHERIFF'S DEPARTMENT
18504	06/20/14	4,576.50	COLLINS COLLINS MUIR & STEWARD
18505	06/20/14	130.94	COMMUNICATIONS USA
18506	06/20/14	6,160.00	CONSTRUCTORS PLUS
18507	06/20/14	506.63	DAILY SAW SERVICE, INC
18508	06/20/14	256.00	DEWEY PEST CONTROL
18509	06/20/14	975.84	DON MILLER & SONS
18510	06/20/14	32,831.21	EDISON
18511	06/20/14	348.67	EMEDCO
18512	06/20/14	83,168.42	ENVIRON STRATEGY CONSULTANTS
18512	06/20/14	15,309.25	ENVIRON STRATEGY CONSULTANTS
18513	06/20/14	169.57	GALLS, LLC
18514	06/20/14	2,369.05	GRAINGER
18515	06/20/14	237.60	GUSTAFSON, GLEN
18516	06/20/14	625.00	HAMILTON, KATHERINE
18517	06/20/14	2,145.60	HELVETIC CONSULTING, INC.
18518	06/20/14	650.00	INDEPENDENT CITIES ASSOC.
18519	06/20/14	1,891.48	INDUSTRIAL METAL SUPPLY CO.
18520	06/20/14	86.50	ISLAND EXPRESS
18521	06/20/14	73.00	JOHNSON, MARY
18522	06/20/14	193.75	JORDAHL CONSTRUCTION

18523	06/20/14	654.00	KATIE'S KITCHEN	SENIOR MEALS - MAY 2014
18524	06/20/14	106.52	KME FIRE APPARATUS	SUPPLIES - GARAGE
18525	06/20/14	13,689.00	LOCAL GOVERNMENT SERVICES	CONTRACT SVCS - ADMIN
18526	06/20/14	1,397.50	MAID IN AVALON	SERVICE - ADMIN
18527	06/20/14	318.75	MARINA ACCESSORIES	SUPPLIES - HARBOR
18528	06/20/14	312.50	MARITIME CONSULTANT, INC.	SERVICE - HARBOR
18529	06/20/14	38.50	MASHALL, ANN	REIMB O/P COSTS - TRAVEL
18530	06/20/14	815.06	MATTHEWS	SUPPLIES - CEMETERY
18531	06/20/14	1,339.88	MCMaster-CARR	SUPPLIES - HBR/PW/GARAGE
18532	06/20/14	974.90	MED-TECH RESOURCE, INC.	SUPPLIES - FIRE
18533	06/20/14	5,619.28	MEYERS FOZI, LLP	SERVICE - BB&K
18534	06/20/14	585.50	MONARCH COIN & SECURITY	SERVICE - HARBOR
18535	06/20/14	828.00	MR. NING'S	SENIOR MEALS - MAY 2014
18536	06/20/14	1,005.35	NAPA AUTO PARTS	SUPPLIES - GARAGE
18537	06/20/14	90.00	NORTON MEDICAL INDUSTRIES	PRE-EMPLOYMENT SCREENING
18538	06/20/14	243.00	PARTYTIME ICE. INC.	SUPPLIES - FUEL DOCK
18539	06/20/14	2,412.27	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS
18540	06/20/14	157.06	PORT SUPPLY	SUPPLIES - HARBOR
18541	06/20/14	445.52	QUILL CORP.	SUPPLIES - ADMIN
18542	06/20/14	872.35	REGIONAL GOVERNMENT SERVICES	CONTRACT SVCS - PLANNING
18543	06/20/14	321.66	RICOH USA, INC.	SUPPLIES - PLANNING
18544	06/20/14	340.15	ROJO, FRANCISCO	REIMB O/P COSTS - TRAVEL
18545	06/20/14	1,072.11	ROSEMEAD OIL	OIL - ALL DEPTS
18546	06/20/14	2,186.25	ROSENOW SPEVACEK GROUP	SERVICE - SA
18547	06/20/14	250.00	SHANA CASSIDY PHOTOGRAPHY	SERVICE - ADMIN
18548	06/20/14	1,720.00	SHEAR PERFORMANCE	SUPPLIES - GARAGE
18549	06/20/14	8,342.00	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - JUNE 2014
18550	06/20/14	914.00	SMITH, THOMAS	REFUND - CEMETERY FEES
18551	06/20/14	225.95	STOTZ EQUIPMENT	SUPPLIES - JMF
18552	06/20/14	966.30	TECHSMITH	YRLY FEE - IT SVCS
18553	06/20/14	856.15	VERIZON WIRELESS	COMMUNICATIONS - ALL DEPTS
18554	06/20/14	1,150.00	WANDA STONE	SERVICE - HARBOR
18555	06/20/14	850.00	WITTMAN ENTERPRISES	SERVICE - MAY 2014
18556	06/20/14	443.86	WOIDZIK, CHRIS	REIMB O/P COSTS - TRAVEL
18557	06/20/14	507.00	ZAVIN'S UNIFORMS	UNIFORMS - HARBOR
18558	06/24/14	453.69	ALEGRIA, VALENTE	QTRLY MEDICAL REIMB.
18559	06/24/14	992.88	HERNANDEZ, OLGA	SEMI ANNUAL MEDICAL REIMB.
18560	06/24/14	2,744.64	LOPEZ, LEONARD	SEMI ANNUAL MEDICAL REIMB.
18561	06/24/14	1,683.06	ROMO, JOHN	SEMI ANNUAL MEDICAL REIMB.

**\$549,040.54**

## CITY COUNCIL

**MEETING DATE:** July 1, 2014

**AGENDA ITEM:** 3

**ORIGINATING DEPT:** Administration

**CITY MANAGER:** BA

**PREPARED BY:** Denise Radde- City Clerk

**SUBJECT:** Voting Delegate and Alternate for the Annual League of California Cities Conference

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**RECOMMENDED ACTION(S):** 1) Appoint Oley Olsen as the voting delegate and Anni Marshall and Cinde Cassidy as the alternate delegates, and 2) Adopt resolution designating a voting delegate and alternate for the Annual League of California Cities Conference in September 2014.

**REPORT SUMMARY AND BACKGROUND:** The Annual League of California Cities Conference is being held in Sacramento this year on September 3-5. An important part of the conference is the Annual Business Meeting, scheduled for 12:00 p.m., Friday, September 5, at the Los Angeles Convention Center. Here, the League membership considers and takes action on resolutions that establishes League policy. In order to vote at the Business Meeting, City Council must designate a voting delegate and up to two alternate delegates.

Mayor Pro Tem Oley Olsen, Mayor Marshall and Councilmember Cassidy have expressed interest in signing up for the conference.

**FISCAL IMPACTS:** Monies have been placed in the budget to attend conferences. (Account 101-10-5510)

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** The City of Avalon will not be able to vote on the Resolutions at the Annual League of California Cities Conference.

**ALTERNATIVE ACTION(S):**N/A

**FOLLOW UP ACTION(S):** If adopted, City Clerk will send certified resolution to the League of California Cities.

**ADVERTISING, NOTICING AND PUBLIC CONTACT:** The agenda for this meeting was properly posted.

**ATTACHMENTS:**  
Resolution appointing voting delegates.

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON  
APPOINTING A VOTING DELEGATE TO THE 2014 ANNUAL LEAGUE OF  
CALIFORNIA CITIES CONFERENCE**

**WHEREAS**, the Annual League of California Cities Conference will be held in Los Angeles, Ca. on September 3rd through September 5th, 2014.

**WHEREAS**, the Annual Business Meeting of the League of California Cities will be held Friday, September 5, 2014 and

**WHEREAS**, traditionally, the Mayor and Mayor Pro Tem are appointed to be the City of Avalon's voting delegate and alternate, and

**WHEREAS**, the Mayor Pro Tem, Mayor and one Councilmember will be attending the Annual League of California Cities Conference and available to vote at the Annual Business Meeting,

**NOW, THEREFORE**, the City Council of the City of Avalon hereby resolves as follows:

That Mayor Pro Tem Oley Olsen shall be the City of Avalon's Voting Delegate and Mayor Ann H. Marshall and Councilmember Cinde Cassidy shall be the Alternate Voting Delegates at the Annual League of California Cities Conference.

The above and foregoing resolution was passed and adopted at the Avalon City Council meeting held on the 1st of July, 2014 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Ann H. Marshall, Mayor

**ATTEST:**

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Denise A. Radde, City Clerk

## CITY COUNCIL

**MEETING DATE:** July 1, 2014

**AGENDA ITEM:** 4

**ORIGINATING DEPT:** Administration

**CITY MANAGER:** BA

**PREPARED BY:** Ben Harvey, City Manager

**SUBJECT:** Board of Directors Appointment for the Gateway Cities Council of Governments

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**RECOMMENDED ACTION(S):** Appoint Council Member MacGugan-Cassidy to represent the City of Avalon on the Board of Directors for the Gateway Cities Council of Governments.

**REPORT SUMMARY AND BACKGROUND:** The Gateway Cities Council of Governments (Gateway COG) is comprised of thirty-one cities in the southeast Los Angeles County region. It also includes Los Angeles County Supervisorial Districts One, Two and Four, as well as the Port of Long Beach (Ex Officio Member). Representatives from each of the member cities and Los Angeles County Supervisorial Districts One, Two and Four serve on the Board of Directors. The Gateway COG is involved in a number of regional initiatives and planning efforts, but the mission of the organization is primarily focused upon transportation, air quality, housing and economic development matters.

Former Mayor Pro Tem Michael Ponce was the City of Avalon's delegate up until this past April's municipal election. With the former Mayor Pro Tem leaving office, it is appropriate at this time for the City to appoint a new delegate. Council Member MacGugan-Cassidy has expressed an interest in serving as the City's representative on the Gateway Cities COG Board of Directors.

**FISCAL IMPACTS:** Funds have been allocated in the budget to attend travel to the monthly meetings of the Gateway COG at their headquarters in Paramount (Account 101-10-5510)

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** The City of Avalon will continue to not have a representative on the Board of Directors for the Gateway COG.

**ALTERNATIVE ACTION(S):** N/A

**FOLLOW UP ACTION(S):** Direct the City Clerk to contact the Gateway Cities COG and notify them of the City's representative for the Board of Directors.

**ADVERTISING, NOTICING AND PUBLIC CONTACT:** The agenda for this meeting was properly posted.

**ATTACHMENTS:** N/A

CITY OF AVALON CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 5

ORIGINATING DEPT: Planning

CITY MANAGER: RH

PREPARED BY: Audra McDonald, Administrative Analyst

**SUBJECT:** Submittal to the State of California Department of Transportation requesting streets and roads in the City of Avalon be included as part of the California Road System.

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**RECOMMENDED ACTION(S):** Adopt resolution approving the submittal of a functional classification addition for local streets and roads to the State of California Department of Transportation.

**REPORT SUMMARY:** The State of California, Department of Transportation (Caltrans) maintains the California Road System Map (CRS). The purpose of the CRS is to identify all streets, roads, highways, etcetera located within the State and to classify the function of each road segment which is commonly referred to as the Functional Classification System. The City of Avalon (City) has previously and successfully added the ferry routes from Avalon to San Pedro and Long Beach to the CRS. The addition of the ferry routes to the CRS was directly related to a grant requirement for the Cabrillo Mole Ferry Terminal application. Roads and streets that are not part of the CRS are unable to receive Federal funds for street projects. The fact that our roads were not part of the CRS proved problematic to the City during the American Recovery and Reinvestment Act of 2009 when all cities in the State were awarded \$500,000 for street projects. Since the City was unable to directly accept the funds, the County arranged a fund swap which allowed the City to complete a street improvement project.

The latest major transportation bill, MAP-21 – Moving Ahead for Progress in the 21<sup>st</sup> Century made some major changes to the way FEMA funding flows to agencies as it relates to streets and roads during declared emergencies. In order to be eligible for FEMA funding roads must be Functionally Classified and part of the CRS. The City has utilized FEMA funds in the past for debris removal, street repair and hillside stabilization during declared emergencies. In order for the City to be eligible for future FEMA funds as well as the potential for Federal Funds for streets and roads the roads must be functionally classified. This could help the City in the future in any repairs involving Pebbly Beach Road.

**GOAL ALIGNMENT:** To be determined.

**FISCAL IMPACTS:** The Functional Classification is budget neutral at this point but could provide fiscal relief for future road projects and during emergencies.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION (S):** The City would not be eligible to receive federal financial during disasters or for road improvements.

**FOLLOW UP ACTION(S):** Request a concurrence letter from SCAG; forward the Resolution, Map (Exhibit A) and Functional Classification Change Form to Caltrans Local District 7.

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

**ATTACHMENTS:**

1. Resolution
2. Map – Exhibit A
3. Functional Classification Change Form

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON APPROVING THE SUBMITTAL OF A FUNCTIONAL CLASSIFICATION ADDITION FOR LOCAL STREETS AND ROADS TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION

WHEREAS, incorporated cities are responsible for initiating requests for additions to the functional classification of streets and roads under their jurisdiction; and

WHEREAS, to be eligible for Federal Funds, roadways must have a California Road System (CRS) functional classification; and

WHEREAS, said Functional Classification Change, as presented in Exhibit A, has been reviewed and examined by the City Council of the City of Avalon; and

WHEREAS, the process for adding roads to the CRS maps involves seeking concurrence with the Southern California Association of Governments along with a City of Avalon Resolution approving the addition of streets and roads; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Avalon hereby approves the submittal of a functional classification designation to include the streets/roads in the City of Avalon.

Passed, Approved and Adopted on the 1<sup>st</sup> day of July, 2014.

I, the undersigned, hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly adopted by the City of Council of the City of Avalon following a roll call vote:

Ayes:

Noes:

Absent:

Abstain:

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

ATTEST:

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

CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 6

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Ben Harvey, City Manager

SUBJECT: Second Amendment to Professional Services Agreement with Dennis Jaich, doing business as Constructors Plus

**RECOMMENDED ACTION(S):** Authorize the City Manager to enter into a second amendment with Dennis Jaich, doing business as Constructors Plus, for professional services.

**REPORT SUMMARY:** In 2010, Dennis Jaich came to work for the City of Avalon (City) as a consultant under RBF Inc. (RBF), performing services as a sewer lateral inspector and contract administrator. In October of 2012, Mr. Jaich subsequently left employment with RBF, and was hired directly by the City as an independent consultant for sewer lateral improvement program services through his own company, Constructors Plus. In May of 2013, an amendment to Mr. Jaich's contract was approved by the City Council. Through this amendment, Mr. Jaich was authorized to serve as the capital improvement program advisor, assist the Public Works Department with code compliance, and provide other duties as assigned by the City Manager, in addition to performing sewer lateral improvement program services.

In May of this year, the Public Works Director retired. Since that time, Mr. Jaich has assumed additional duties as the City's Interim Public Works Director. In light of the additional duties, an amendment to Mr. Jaich's contract is recommended. This contract amendment reflects a modest increase in hourly rate, along with travel and housing consideration. With these increases, the City still stands to realize a significant annual cost savings in the Fiscal Year 14-15 budget as the City will not be required to fill the vacant Public Works Director position.

**GOAL ALIGNMENT:** To be determined.

**FISCAL IMPACTS:** By not filling the vacant Public Works Director position, and continuing services through Constructors Plus, the City will realize an annual savings of approximately \$170,000 in Fiscal Year 14-15. A breakout of this savings is provided below:

	<u>FY 14/15</u>
D.Jaich Proposed Contract	\$ 187,200
	2,310
Less Current Contract	<u>(166,400)</u>
	\$ 23,110
Vacant PW Director position	<u>(193,055)</u>
Overall Savings	<u>\$ (169,945)</u>

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** None.

**FOLLOW UP ACTION:** Direct City Manager to authorize agreement with Dennis Jaich dba Constructors Plus for professional services.

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

**ATTACHMENTS:** Second Amendment to Professional Services Agreement with Dennis Jaich, doing business as Constructors Plus

CITY OF AVALON CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 7

ORIGINATING DEP: City Manager's Office

CITY MANAGER: RH

PREPARED BY: Gina Schuchard, Project Manager

SUBJECT: Public Hearing to Consider Adoption of Proposed FY14-15 Miscellaneous Fee Schedule

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**RECOMMENDED ACTION(S):** Conduct a public hearing and adopt the resolution setting fees for services, facilities and activities of the City of Avalon for Fiscal Year 2014-2015.

**REPORT SUMMARY:**

The City's Miscellaneous Fee Schedule includes the fees the City can charge for providing certain services to the community. These fees are associated with services or programs provided by the recreation, planning and building, cemetery, finance, public works and the fire department that confer a benefit, grant a privilege, perform regulatory duties, enforce laws or are a condition of development. Each year the Miscellaneous Fee Schedule is reviewed to recover related costs, establish new fees, modify current fees and eliminate unnecessary fees. Additionally, each year the fees are potentially increased by the cost of providing the fee related services. The personnel and overhead related costs were estimated for the new fiscal year and the costs are anticipated to increase at least by the recommended Consumer Price Index (CPI) rate of 1.59%.

Tonight is the second of two public hearings required by the City's Municipal Code. The first public hearing was held Wednesday June 25th. The Proposed Fee Schedule has been on file for public view for 10 days and the public notice for the hearings were published on June 20<sup>th</sup> and June 27<sup>th</sup> in the local newspaper. If approved, the Fee Schedule will be effective on July 2nd.

The Miscellaneous Fee Schedule includes the CPI rate increase as well as new or modified fees proposed by staff. During the June 11th Budget Study Session, the City Council reviewed the draft Miscellaneous Fee Schedule and suggested modifications. The Proposed Miscellaneous Fee Schedule includes the following modifications or additions:

1. Rental of City Hall: pg. 1 (Administration)
  - a. City Council Chambers/Conference Room: \$150 per Day
  - b. Cleaning & Key Deposit: \$200
  - c. Government and Civic Groups: Free with Approval

2. Returned Check – Repeat NSF: pg. 3 (Finance)
  - a. Each repeated NSF (Non-Sufficient Funds) check, will require payment of a higher penalty. The rate is based on the actual cost of providing the service : \$46
  
3. Mooring Fee Increase: pg. 5 (Harbor)
  - a. Mooring Fees are increased by the CPI and include cost recovery for associated transaction and banking costs.
  
4. Water Dock Coin Operation Fee for Fresh Water : pg. 5 (Harbor)
  - a. Recover fee for costs directly related to provided fresh water to boaters: Cost
  
5. Green Building Codes/ Plan Check Fees: pg. 8 (Planning)
  - a. Inclusion of the Green Building Codes/ Plan Check into the Fee Schedule
    - i. New Residential : \$103
    - ii. Remodel/Residential: \$51
    - iii. New/Remodel Commercial less than 10,000 sq. feet : \$103
    - iv. New/Remodel Commercial more than 10,000 sq. fee: \$203
  
6. Demolition Inspection-Asbestos/Lead: pg. 10 (Planning)
  - a. This new fees cover the added work required to review Asbestos/Lead related demolition sites: \$260
  
7. Work Commencing before Permit Issuance pg. 10 (Planning)
  - a. Per CBC 109.4
    - i. Penalty is 2x the Permit Fee.

Staff is available to address any questions regarding the proposed modifications or new fees.

**GOAL ALIGNMENT:** N/A

**FISCAL IMPACTS:** The Miscellaneous Fee Schedule covers various services that are based on conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws or are a condition of development. Although the demand for these services varies year to year, we estimate that the proposed changes to the Miscellaneous Fee Schedule will produce at least \$38,000 in FY14/15.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** Increasing costs for city services associated with the fees would not be recovered.

**FOLLOW UP ACTION:** N/A

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

**ATTACHMENTS:** Proposed FY14-15 Miscellaneous Fee Schedule and Resolution

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF AVALON SETTING FEES FOR SERVICES,  
FACILITIES AND ACTIVITIES OF THE CITY OF  
AVALON FOR FISCAL YEAR 2014-2015

Whereas, pursuant to public hearings held on June 25, 2014 and July 1, 2014, the City Council considered the recommendations of staff regarding the appropriate fees for permits, approvals, services, leases, and activities; and

Whereas, the recommended fees are based upon (1) the averages of the CPI Index for the year; (2) review of fees charged in other jurisdictions for similar service levels; and (3) analysis of general increases in the cost of labor, contract services and materials in the Southern California area; and

Whereas, the Avalon Municipal Code provides that all of the fees, charges and costs listed in Exhibit "A" attached hereto and incorporated by this reference shall be set by resolution of the City Council;

Whereas, the fees, charges and costs listed in Exhibit "A" have been available for public inspection for at least ten days.

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

**Section 1.** The City Council hereby finds that the fees set forth in Exhibit "A" Fee and Lease Schedule FY 2014-2015 represents a reasonable estimate of the cost of providing the services, activities and/or facilities for which the fees are charged.

**Section 2.** The City Council hereby adopts the fees for City services, facilities and activities as set forth in Exhibit "A" attached hereto and made a part hereof, which fees shall be effective July 2, 2014.

PASSED, APPROVED AND ADOPTED this 1<sup>st</sup> day of July, 2014.

Ayes:  
Noes:  
Absent:  
Abstain:

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

ATTEST:

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

CITY OF AVALON CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 8

ORIGINATING DEP: Administration

CITY MANAGER: RH

PREPARED BY: Denise Radde, City Clerk

**SUBJECT:** Adopting Reports of the Annual Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees and Directing the City Manager to File Such Reports with the Los Angeles Auditor and Request the Auditor Place the Fiscal Year 2014-2015 Fees and Charges on the Tax Roll

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**RECOMMENDED ACTION(S):** Adopt the Resolutions Adopting the Reports of the Annual Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees and Directing the City Clerk of the City to File Said Reports with the Los Angeles County Auditor and Request the Auditor Place the Fiscal Year 2014-2015 Fees and Charges on the Tax Roll.

**REPORT SUMMARY:** California Health and Safety Code section 5471(a) authorizes the City to collect certain fees and charges on the tax roll. This section provides that:

[i]n addition to the powers granted in the principal act, any entity shall have power, by an ordinance approved by a two-thirds vote of the members of the legislative body thereof, to prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for the services and facilities furnished by it, within or without its territorial limits, in connection with its water, sanitation, or sewerage system.

The provisions of California Health and Safety Code section 5471 for adopting water, sewer, and trash service fees and charges are regarded as supplementary to the powers conferred on public entities by the laws under which they were organized. A city that adopts such fees and charges by an ordinance pursuant to California Health and Safety Code 5471 may, by such ordinance or by separate ordinances or resolutions approved by a two-thirds vote of the members of the City Council, elect to have such fees and charges collected on the tax roll together with its general taxes.

The City adopted its Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees by separate ordinances pursuant to California Health and Safety Code section 5471 and previously elected to collect such fees and charges on the tax roll. In order to do so for the 2014-2015 fiscal year, the City is required to first prepare and file written reports with the City Clerk. The reports must contain a description of each parcel of real property receiving the services and facilities and the

amount of the fees and charges for each parcel for that year computed in conformance with the authorizing ordinances for such fees and charges. Additionally, the City must hold a public hearing to consider the adoption of the reports. Prior to the public hearing, the City Clerk is required to cause a notice of the filing of the reports and public hearing to be published in accordance with California Government Code section 6066 in a newspaper. The City Clerk has published such a notice.

At the public hearing, the City Council is required to hear and consider all objections or protests to the reports. If the City Council determines a protest is made by a majority of the owners of property described in a report or reports, then the report or reports shall not be adopted and the fees and charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel therein.

If the reports are adopted, on or before August 10 of each year, the City Clerk must file with the Los Angeles County Auditor a copy of the reports along with a statement endorsed on the reports that they have been finally adopted by the City Council. The County Auditor is required to enter the amounts of the fees and charges against the separate lots and parcels of real property as they appear on the then current assessment roll. The amount of the fees and charges shall then constitute a lien against the lot or parcel as of noon on the first Monday in March immediately preceding the date of levy.

Once added to the assessment roll, the tax collector includes the amount of the fees and charges on bills for taxes levied against the lots and parcels identified in the report and collects them at the same time and in the same manner the general taxes of the City are collected. The fees and charges are then subject to the laws applicable to the levy, collection, and enforcement of general taxes of the City, including delinquency penalties.

If fees and charges remain unpaid for sixty days, and the City desires to place a lien on the lot or parcel of real property for the delinquent charges, the City is required to notify the assessee (as shown on the latest equalized assessment roll) of the delinquency and the lien. Once notified, the delinquent and unpaid fees and charges shall constitute a lien against the lot or parcel of real property for which the services were provided. The lien, however, shall have no force and effect until the City files and records with the County Recorder a certificate specifying the amount of the unpaid fees and charges. Once recorded, the lien shall have the same priority of a judgment lien and continue for three years from the time of recording unless sooner released or discharged.

The proposed resolutions authorize the City to economically and efficiently collect its Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees. Staff recommends that the City Council adopt the resolutions.

**FISCAL IMPACTS:** No additional City staff is required for these resolutions. Approval of the resolutions, however, relieves the City of the cost of separately billing each property for the referenced fees and charges.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will have to incur the costs of and have the staff available to separately bill and collect the referenced fees and charges.

**ALTERNATIVE ACTIONS:** None proposed.

**FOLLOW UP ACTION:** The City Clerk must file the reports for the referenced fees and charges with the Los Angeles County Auditor.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** The City Clerk published a notice of the public hearing for the filing and adoption of the reports for the City's Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees in accordance with California Government Code section 6066.

**ATTACHMENTS:**

1. Resolutions adopting Reports
2. Reports pertaining to the City's fiscal year 2014-2015 annual Grease Collection Service Fees, Trash Collection Service Fees, Saltwater Standby Charges, and Sewer User Fees.

## CITY OF AVALON

ANNUAL SALTWATER SERVICE FEES		
Customer Class	FY13/14 RATE	FY14/15 RATE
Residential	\$142.67/unit	\$142.67/unit
Hotel	\$95.20/room	\$95.20/room
Commercial	\$95.20/toilet	\$95.20/toilet

ANNUAL SEWER SERVICE FEES		
Customer Class	FY13/14 RATE	FY14/15 RATE
Residential (per dwelling unit)	\$475.98/unit	\$475.98/unit
Public Shower (per shower)	\$157.99/shower	\$157.99/shower
Hotel (per room)	\$238.99/room	\$238.99/room
Laundries (per wash unit)	\$321.42/unit	\$321.42/unit
Shops/Offices	\$475.98	\$475.98
Take-out Restaurant	\$722.54	\$722.54
Churches	\$962.26	\$962.26
Bar/Restaurant (less than 100 seats)	\$1,431.20	\$1,431.20
Bar/Restaurant (more than 100 seats)	\$2,140.03	\$2,140.03

ANNUAL REFUSE SERVICE FEES		
Customer Class	FY13/14 RATE	FY14/15 RATE
Waste-Commercial	\$858.40/unit	\$858.40/unit
Waste-Residential	\$543.21/unit	\$543.21/unit
Waste-Res >10 Units	\$434.65/unit	\$434.65/unit
Waste-Hotel Room	\$207.02/room	\$207.02/room
Grease Removal (Select Commercial Businesses)	\$2.49/gallon	\$2.49/gallon

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING THE REPORT OF THE ANNUAL GREASE COLLECTION SERVICE FEES AND DIRECTING THE CITY CLERK OF THE CITY TO FILE SAID REPORT WITH THE LOS ANGELES COUNTY AUDITOR AND REQUEST THE AUDITOR PLACE THE FISCAL YEAR 2014-2015 GREASE COLLECTION SERVICE FEES ON THE TAX ROLL**

WHEREAS, the City's grease collection service fees (the "Collection Fees") were previously adopted by an ordinance of the City Council; and

WHEREAS, a written report (the "Report"), a copy of which is attached hereto and by this reference incorporated herein, has been filed with the City Clerk describing each parcel of real property subject to the Collection Fees and amount of the Collection Fees to be imposed thereon for Fiscal Year 2014-2015; and

WHEREAS, the City Clerk has caused notice of the filing of the Report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and the date of hearing to consider such Report to be published in the newspaper, all in accordance with California Health and Safety Code section 5473.1; and

WHEREAS, the City Council has heard and considered all objections and protests to the Report and has determined and hereby finds that protests have not been made by the owners of a majority of the separate parcels or property described in the Report; and

WHEREAS, the City Council has determined to adopt the Report and collect the Collection Fees, any delinquent Collection Fees, and any penalties on the tax roll, which Collection Fees shall constitute a lien against the parcel or parcels of land described in the Report in accordance with California Health and Safety Code sections 5473 *et seq.*; and

WHEREAS, the County of Los Angeles is willing to place as direct assessments on property tax bills which the County collects on the City's behalf under the General Services Agreement between the City and the County pursuant to California Government Code §§51800 and 29304; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the Recitals are true and correct and are incorporated herein.

Section 2. The City Council of the City hereby adopts the Report. On or before the 10<sup>th</sup> day of August, 2014, the City Clerk is hereby directed to file a copy of the Report

with the Los Angeles County Auditor, together with a statement endorsed thereon over her signature that the Report has been adopted by the City Council and shall request that the Collection Fees be collected on the tax bills for the taxable parcels in the City identified in the Report and such Collection Fees shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties to be levied on and collected from the owners of said parcels.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED BY the City Council of the City of Avalon, Avalon, California, held on the \_\_ day of \_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Ann H. Marshall, Mayor

ATTEST:

---

Denise A. Radde, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING THE REPORT OF THE ANNUAL TRASH COLLECTION SERVICE FEES AND DIRECTING THE CITY CLERK OF THE CITY TO FILE SAID REPORT WITH THE LOS ANGELES COUNTY AUDITOR AND REQUEST THE AUDITOR PLACE THE FISCAL YEAR 2014-2015 TRASH COLLECTION SERVICE FEES ON THE TAX ROLL**

WHEREAS, the City's trash collection service fees (the "Collection Fees") were previously adopted by an ordinance of the City Council; and

WHEREAS, a written report (the "Report"), a copy of which is attached hereto and by this reference incorporated herein, has been filed with the City Clerk describing each parcel of real property subject to the Collection Fees and amount of the Collection Fees to be imposed thereon for Fiscal Year 2014-2015; and

WHEREAS, the City Clerk has caused notice of the filing of the Report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and the date of hearing to consider such Report to be published in the newspaper, all in accordance with California Health and Safety Code section 5473.1; and

WHEREAS, the City Council has heard and considered all objections and protests to the Report and has determined and hereby finds that protests have not been made by the owners of a majority of the separate parcels or property described in the Report; and

WHEREAS, the City Council has determined to adopt the Report and collect the Collection Fees, any delinquent Collection Fees, and any penalties on the tax roll, which Collection Fees shall constitute a lien against the parcel or parcels of land described in the Report in accordance with California Health and Safety Code sections 5473 *et seq.*; and

WHEREAS, the County of Los Angeles is willing to place as direct assessments on property tax bills which the County collects on the City's behalf under the General Services Agreement between the City and the County pursuant to California Government Code §§51800 and 29304; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the Recitals are true and correct and are incorporated herein.

Section 2. The City Council of the City hereby adopts the Report. On or before the 10<sup>th</sup> day of August, 2014, the City Clerk is hereby directed to file a copy of the Report

with the Los Angeles County Auditor, together with a statement endorsed thereon over her signature that the Report has been adopted by the City Council and shall request that the Collection Fees be collected on the tax bills for the taxable parcels in the City identified in the Report and such Collection Fees shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties to be levied on and collected from the owners of said parcels.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED BY the City Council of the City of Avalon, Avalon, California, held on the \_\_\_ day of \_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Ann H. Marshall, Mayor

ATTEST:

---

Denise A. Radde, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING THE REPORT OF THE ANNUAL SALTWATER STANDBY CHARGES AND DIRECTING THE CITY CLERK OF THE CITY TO FILE SAID REPORT WITH THE LOS ANEGELES COUNTY AUDITOR AND REQUEST THE AUDITOR PLACE THE FISCAL YEAR 2014-2015 SALTWATER STANDBY CHARGES ON THE TAX ROLL**

WHEREAS, the City's saltwater standby charges (the "Standby Charges") were previously adopted by an ordinance of the City Council; and

WHEREAS, a written report (the "Report"), a copy of which is attached hereto and by this reference incorporated herein, has been filed with the City Clerk describing each parcel of real property subject to the Standby Charges and amount of the Standby Charges to be imposed thereon for Fiscal Year 2014-2015; and

WHEREAS, the City Clerk has caused notice of the filing of the Report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and the date of hearing to consider such Report to be published in the newspaper, all in accordance with California Health and Safety Code section 5473.1; and

WHEREAS, the City Council has heard and considered all objections and protests to the Report and has determined and hereby finds that protests have not been made by the owners of a majority of the separate parcels or property described in the Report; and

WHEREAS, the City Council has determined to adopt the Report and collect the Standby Charges, any delinquent Standby Charges, and any penalties on the tax roll, which Standby Charges shall constitute a lien against the parcel or parcels of land described in the Report in accordance with California Health and Safety Code sections 5473 *et seq.*; and

WHEREAS, the County of Los Angeles is willing to place as direct assessments on property tax bills which the County collects on the City's behalf under the General Services Agreement between the City and the County pursuant to California Government Code §§51800 and 29304; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the Recitals are true and correct and are incorporated herein.

Section 2. The City Council of the City hereby adopts the Report. On or before the 10<sup>th</sup> day of August, 2014, the City Clerk is hereby directed to file a copy of the Report

with the Los Angeles County Auditor, together with a statement endorsed thereon over her signature that the Report has been adopted by the City Council and shall request that the Standby Charges be collected on the tax bills for the taxable parcels in the City identified in the Report and such Standby Charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties to be levied on and collected from the owners of said parcels.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED BY the City Council of the City of Avalon, Avalon, California, held on the \_\_ day of \_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Ann H. Marshall, Mayor

ATTEST:

---

Denise A. Radde, City Clerk

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING THE REPORT OF THE ANNUAL SEWER USER FEES AND DIRECTING THE CITY CLERK OF THE CITY TO FILE SAID REPORT WITH THE LOS ANGELES COUNTY AUDITOR AND REQUEST THE AUDITOR PLACE THE FISCAL YEAR 2014-2015 SEWER USER FEES ON THE TAX ROLL**

WHEREAS, the City's sewer user fees (the "User Fees") were previously adopted by an ordinance of the City Council; and

WHEREAS, a written report (the "Report"), a copy of which is attached hereto and by this reference incorporated herein, has been filed with the City Clerk describing each parcel of real property subject to the User Fees and amount of the User Fees to be imposed thereon for Fiscal Year 2014-2015; and

WHEREAS, the City Clerk has caused notice of the filing of the Report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and the date of hearing to consider such Report to be published in the newspaper, all in accordance with California Health and Safety Code section 5473.1; and

WHEREAS, the City Council has heard and considered all objections and protests to the Report and has determined and hereby finds that protests have not been made by the owners of a majority of the separate parcels or property described in the Report; and

WHEREAS, the City Council has determined to adopt the Report and collect the User Fees, any delinquent User Fees, and any penalties on the tax roll, which User Fees shall constitute a lien against the parcel or parcels of land described in the Report in accordance with California Health and Safety Code sections 5473 *et seq.*; and

WHEREAS, the County of Los Angeles is willing to place as direct assessments on property tax bills which the County collects on the City's behalf under the General Services Agreement between the City and the County pursuant to California Government Code §§51800 and 29304; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AVALON AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the Recitals are true and correct and are incorporated herein.

Section 2. The City Council of the City hereby adopts the Report. On or before the 10<sup>th</sup> day of August, 2014, the City Clerk is hereby directed to file a copy of the Report with the Los Angeles County Auditor, together with a statement endorsed thereon over her signature that the Report has been adopted by the City Council and shall request that

the User Fees be collected on the tax bills for the taxable parcels in the City identified in the Report and such User Fees shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties to be levied on and collected from the owners of said parcels.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED BY the City Council of the City of Avalon, Avalon, California, held on the \_\_ day of \_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Ann H. Marshall, Mayor

ATTEST:

---

Denise A. Radde, City Clerk

## CITY COUNCIL

MEETING DATE: July 1, 2014 AGENDA ITEM: 9  
ORIGINATING DEPT: Administration CITY MANAGER: BA  
PREPARED BY: Ben Harvey, City Manager  
SUBJECT: Discussion Regarding Fresh Water Options for the City of  
Avalon and City Manager Participation in Other Initiatives on  
Behalf of the City

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### RECOMMENDED ACTION(S):

1. Discuss and direct the City Manager to continue his involvement on behalf of the City in any and all discussions and pursuits that may lead, or are related to, the potential for additional fresh water options for the City.
2. Discuss and direct the City Manager to continue his involvement on behalf of the City in any and all discussions, initiatives and proposed projects that may potentially have an impact, either positively or negatively, on the citizenry, visitor population, infrastructure, resources, environment or key stakeholder relations for the City.
3. Obtain City Council direction such that there is no ambiguity as to the activities that the City Manager should be pursuing.

**REPORT SUMMARY AND BACKGROUND:** The City of Avalon operates under Council-Manager form of government, pursuant to California Government Code Section 34851-34859. As such, the City Manager sits at the pleasure of the City Council, and serves as the administrative head of government, overseeing the daily operations of the municipal government organization.

In order to allow for "...the efficient administration of all the affairs of the City which are under his control" (AMC Sec. 2-2.307; attached), and in concert with his prescribed duty to oversee the daily operations of the City, it is prudent and responsible for the City Manager to be involved with, and aware of, any and all discussions, initiatives and proposed projects that may potentially have an impact, either positively or negatively, on the citizenry, visitor population, infrastructure, resources, environment or key stakeholder relations for the City.

The City Manager does not set policy for the City. Rather, this is determined by the City Council. The City Manager operates "under policy direction" (City of Avalon, City Manager job description; attached), and determines the best methods and practices to implement the policy direction provided by the City Council.

Recently, the City Manager was invited to represent the City in a conference call with the Santa Catalina Island Company, the Catalina Island Conservancy, Southern California Edison, Supervisor Knabe's Office, and the Los Angeles County Department of Resource Planning regarding the Santa Catalina Island Company's proposed well project at Middle Ranch. While the City is neither the owner of the water rights on the

island, nor the water purveyor, nor the private property owner at the proposed well site, or the regulator(s) potentially overseeing the well project, the City Manager was invited to participate in the conference call as the delegate from the City. No City policy decisions were made by the City Manager during the conference call, and a summary of the conference call was provided by the City Manager to the City Council (attached) afterwards.

Prior to the conference call, Council Member Sampson expressed to the City Manager and the City Attorney his opposition to the proposed well project, and the City Manager's participation in the scheduled conference call. In order to address Council Member Sampson's concerns and to explain the purpose of the conference call, the City Manager contacted Council Member Sampson, and advised him that he was not going to be advocating for or against a position related to the proposed well project during the conference call, but was simply participating to remain informed and report back to the City Council. Following the conference call, Council Member Sampson contacted Supervisor Knabe's office to voice his opposition to the proposed well project, and the City Manager's participation in the conference call.

For reference purposes, attached to this staff report is a publication from the Institute for Local Government, a body affiliated and sanctioned by the League of California Cities. This publication, titled "Tips for Governing Board Member Success", outlines the differences between elected representatives and staff members and their respective roles, ways to maximize the City Council/City Manager relationship, and other salient topics related to this agenda item.

**FISCAL IMPACTS:** None

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S):** The City Manager will continue to receive conflicting direction from individual City Council Members.

**ALTERNATIVE ACTION(S):** N/A

**FOLLOW UP ACTION(S):**

1. Direct the City Manager to continue following his prescribed job duties, and act on behalf of the City in discussions and pursuits that may lead, or are related to, the potential for additional fresh water options for the City.
2. Further direct the City Manager to continue his involvement on behalf of the City in any and all discussions, initiatives and proposed projects that may potentially have an impact, either positively or negatively, on the citizenry, visitor population, infrastructure, resources, environment or key stakeholder relations for the City.
3. Obtain City Council direction such that there is no ambiguity as to the activities that the City Manager should be pursuing.

**ADVERTISING, NOTICING AND PUBLIC CONTACT:** The agenda for this meeting was properly posted.

**ATTACHMENTS:**

1. Avalon Municipal Code Section 2-2.307
2. City of Avalon Job Description – City Manager
3. Email from City Manager to City Council Regarding Conference Call Summary dated Friday, June 20, 2014
4. Institute for Local Government, “Tips for Governing Board Member Success”

(h) To recommend to the City Manager the appointment, removal, promotion, and demotion of any and all subordinate officers and employees of the Fire Department, subject however, to the rules and regulations of the Firefighter Procedural Bill of Rights;

(i) To recommend to the City Manager such reorganization of offices, positions, departments, or units to the Fire Department as may be indicated in the interest of the efficient, effective, and economical conduct of the City's business;

(j) To prepare and submit the proposed annual budget and the proposed annual salary plan for the Fire Department to the City Manager for his or her approval;

(k) To be responsible for the recommendation of the purchase of all supplies, services, and equipment for the Fire Department as provided in Chapter 4 of Title 3 of this Code;

(l) To make investigations into the affairs of the Fire Department and any Fire Department contract and the proper performance of any obligation of the Fire Department, and to make recommendations to the City Manager with regard to the results of such investigations;

(n) To perform such other duties as the City Manager shall direct."

**Section 3.** Section 2-2.306 is hereby amended to read, in part, as follows:

"The City Manger shall receive such compensation and expense allowances as the Council shall from time to time determine and fix by contract . . . ."

**Section 4.** The introductory paragraph of Section 2-2.307 and paragraphs (b), (c), (d), (h), (i), (j), and (l) of Section 2-2.307 are hereby amended to read as follows:

"The City Manager shall be the administrative head of the government of the City under the direction and control of the Council. He shall also be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head of all City departments, and not as a limitation thereon, he shall also have the following powers and duties:

(b) Authority over Employees. To control, order, and give directions to all heads of departments and subordinate officers and employees of the City under his jurisdiction through their department heads;

(c) Power of Appointment and Removal. To appoint, remove, promote, and demote any and all officers and employees of the City except the City Clerk, City Attorney, City Treasurer, and any other position subject to appointment and removal by the Council as set forth in any resolution of the Council, subject, however, to the rules and regulations of the Civil Service Commission, if such Commission exists;

## CITY OF AVALON

### CITY MANAGER

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

#### **DEFINITION:**

Under policy direction, serves as the Chief Administrative Officer of the City and directs the activities and operation of all departments; advises and assists the City Council in the conduct of City business; provides administrative oversight to the operational and policy functions of City government; serves as the Executive Director of the Redevelopment Agency; coordinates City business with various programs, officials, and outside agencies; provides a variety of other responsible and complex administrative support to the City Council; performs other related duties as required.

#### **DISTINGUISHING CHARACTERISTICS:**

The **City Manager** is the highest administrative management level position in the City. This position directs the administrative functions of City departments, which may include developing, recommending, and implementing policies, program planning, fiscal management, administration, and operations of all City functions and services.

#### **SUPERVISION RECEIVED/EXERCISED:**

Receives policy direction from the City Council. Exercises direct and indirect supervision over all Department Heads and City staff.

#### **ESSENTIAL FUNCTIONS** *(include but are not limited to the following):*

- Has full responsibility for all City activities, programs, and services, including directing the development and implementation of goals, objectives, policies, and procedures; ensures that established goals and priorities are achieved.
- Provides advice and consultation to the City Council on the development and implementation of City programs and services.
- Directs and participates in the preparation and administration of the City and Redevelopment budget; prepares and submits to the City Council reports of finances and administrative activities; advises Council of financial conditions, program progress, and present and future needs of the City.
- Reviews and evaluates program service delivery methods and systems within the City, including administrative and support systems and internal relationships; identifies opportunities for improvement and implements changes to standard operating procedures to enhance services.

## CITY MANAGER

Page 2

- Coordinates the preparation of the agenda for the City Council and Redevelopment Board; addresses the City Council on behalf of City staff; represents the City Council to employees, community groups, individual members of the public, and other governmental agencies; responds to the most difficult complaints and requests for information.
- Directs the implementation, maintenance, and enforcement of City personnel policies and practices as prescribed by the City Council; selects, supervises, trains, and evaluates assigned staff.
- Confers with department heads and managers concerning administrative and operational problems, work plans, and strategic plans; makes appropriate decisions or recommendations; provides overall direction for the preparation and implementation of long-range plans for the City.
- Performs all duties directed by City Council actions; directs the preparation of plans and specifications for work, which the City Council requests.
- Attends and participates in professional and community meetings as necessary; responds to and resolves sensitive and complex community and organizational inquiries, issues, and complaints.
- Establishes and maintains positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.

### **OTHER DUTIES:** *(include but are not limited to the following)*

- Performs other related duties as required.

### **PHYSICAL, MENTAL, AND ENVIRONMENTAL WORKING CONDITIONS:**

Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, and stooping in the performance of daily activities. The position also requires grasping, repetitive hand movement, and fine coordination in preparing statistical reports and data using a computer keyboard. Additionally, the position requires near and far vision in reading correspondence, statistical data, and using a computer. Acute hearing is required when providing telephone and personal service. The ability to lift, drag, and push files, paper, and documents weighing up to 25 pounds also is required.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

**QUALIFICATIONS:** *(The following are minimal qualifications necessary for entry into the classification.)*

#### **Education and/or Experience:**

Any combination of education and experience that has provided the knowledge, skills, and abilities necessary for a **City Manager**. Typically, a City Manager would possess the equivalent of five years of directly related experience at an administrative, management, or staff level in municipal government, with at least three years as a department head or higher, and a bachelor's degree in public administration, business administration, public finance, or a related field. A master's degree in public administration or a related field is desirable.

**License/Certificate:**

Possession of, or the ability to obtain, a valid Class C California driver's license prior to employment.

**KNOWLEDGE/ABILITIES/SKILLS:** *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.)*

**Knowledge of:**

Public administration methods, procedures, organizations, and functions; current social, political, and economic trends and operating characteristics of municipal government; principles and practices of municipal budgeting and finance; methods and techniques for goal setting and program evaluation; redevelopment laws and practices; economic development practices, guidelines, and regulations; local and state legislative processes; principles of effective public relations and interrelationships with community groups and agencies, the private sector, and other levels of government; methods and techniques of supervision, training, and motivation; basic principles of mathematics; applicable federal, state, and local laws, codes, and regulations regarding local government operations; methods and techniques of scheduling work assignments; standard office procedures, practices, and equipment; modern office practices, methods, and equipment, including a computer and applicable software; methods and techniques for record keeping and report preparation and writing; proper English, spelling, and grammar; occupational hazards and standard safety practices.

**Ability to:**

Provide effective leadership and coordinate the activities of a full-service municipal organization; develop and administer sound citywide goals, objectives, policies, and methods for evaluating achievement and performance levels; properly interpret and make decisions in accordance with laws, regulations, and policies; work with and coordinate the activities of administrative officials while encouraging their development as administrators; prepare clear and comprehensive written reports; serve effectively as the administrative agent of the City Council; represent the City Council to the general public and representatives of other agencies; facilitate group participation and consensus building; plan, organize, train, evaluate, and direct work of assigned staff; perform mathematical calculations quickly and accurately; interpret, explain, and apply applicable laws, codes, and regulations; read, interpret, and record data accurately; organize, prioritize, and follow up on work assignments; work independently and as part of a team; make sound decisions within established guidelines; analyze a complex issue and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships.

**Skill to:**

Operate an office computer and a variety of word processing and software applications.

CITY OF AVALON CITY COUNCIL

**MEETING DATE:** July 1, 2014  
**ORIGINATING DEP:** Administration  
**PREPARED BY:** Scott Campbell, City Attorney and  
Jordan Monroe, Management Aide  
**SUBJECT:** Avalon City Council Policies Manual

**AGENDA ITEM:** 10  
**CITY MANAGER:** BA

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**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.

In addition to these proposed policies other specific training will be, or has been, afforded to the City Council and City Staff, including ethics training.

The Policies to be reviewed for this meeting are policies pertaining to 1) Council member compensation and rules and regulations regarding payment of compensation, and 2) Rules of order for council and committee meetings.

The Chapter on Council Member compensation established procedures for seeking reimbursement of costs incurred in attending meetings that benefit the City as well as setting forth what types of meetings qualify for reimbursement. The Chapter also incorporates the monthly compensation payment of \$300.00 for Council Members.

The Chapter on Rules of Order for Council and Committee meetings establishes procedures for management of meetings, discusses the various types of motions that may regularly be made and sets forth policies for interaction between Council Members and the public at meetings.

At the May 6 and May 20, 2014 City Council meetings policy chapters 1: The Purpose of Council Policies, 2: The Basis of Authority for the Policies, 3: Meeting Policies, 5: Communication Roles of City Council and City Staff, and chapter 6: Council Actions and Decisions were presented and approved.

**GOAL ALIGNMENT:** N/A

**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. Once all chapters have been adopted there will a presentation and review of the full policy manual, to be completed by the second meeting in July, 2014.

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

**ATTACHMENTS:** Chapters of the Avalon City Council Policies Manual:

- Council member compensation and rules and regulations regarding payment of compensation
- Rules of order for council and committee meetings.

**CITY COUNCIL**

**MEETING DATE:** July 1, 2014

**AGENDA ITEM:** 11

**ORIGINATING DEP:** Administration

**CITY MANAGER:** RA

**PREPARED BY:** Denise Radde - City Clerk/Chief Administrative Officer

**SUBJECT:** Appointment of Four Commissioners to the Planning Commission Board

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**RECOMMENDED ACTION(S):** Appoint four Planning Commissioners: One to fill the unexpired term of Cinde MacGugan-Cassidy that expires June 30, 2016 and three to fill the expired terms of Bruce Fertig, Jerry Dunn and Chuck Martin with terms expiring June 30, 2018.

**REPORT SUMMARY:** The Avalon Municipal Code provides that the Mayor will make appointments to the Planning Commission's seven member board, with the approval of Council. There currently exists one vacancy for the unexpired term belonging to Cinde MacGugan-Cassidy that expires June 30, 2016, and the three expired terms for Bruce Fertig, Jerry Dunn and Chuck Martin.

Nine applications have been received from:  
Bruce Fertig, Jerry Dunn, Chuck Martin, Michael Ponce, Doug Lord, Ralph Morrow, Scott Rohlfen, James O'Conner, Catrina Awalt

Mayor Marshall will discuss her recommendations at the meeting.

**FISCAL IMPACTS:** N/A

**GOAL ALIGNMENT:** N/A

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**  
The Planning Commission will continue to function with six commissioners.

**FOLLOW UP ACTION:**  
City Clerk will notify the newly appointed commissioner and those not appointed.

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

**ATTACHMENTS:**  
Planning Commission applications.

CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 12

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.

**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.

**GOAL ALIGNMENT:** N/A

**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

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

**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 OF AVALON CITY COUNCIL

MEETING DATE: July 1, 2014

AGENDA ITEM: 13

ORIGINATING DEP: Planning

CITY MANAGER: BA

PREPARED BY: Amanda Cook

SUBJECT: Encroachment Permit for Outdoor Dining area outside Avocado Grill, 120 Sumner

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**RECOMMENDED ACTION(S):** Approve the Encroachment Permit to allow for the placement of tables and chairs outside the Avocado Grill on the sidewalk on the south side of Sumner Avenue and find that the criteria for approval of the encroachment permit are met..

**REPORT SUMMARY:** The owner of the Avocado Grill has submitted an application for an encroachment permit to be allowed to place tables and chairs outside the business location on Sumner Avenue. Staff has measured that location and created a plan for the proposed encroachment. The space will allow for up to three tables and up to twelve chairs. Staff is proposing that the encroachment be limited to the area already impacted by the outward opening doors to the business.

The lease will include the following terms:

1. Rent.

(a) *Calculated on Square Footage Basis.* Lessee shall pay Lessor rent each month in the amount determined by multiplying the square footage of the Property by five dollars (\$5.00).

2. Use.

(a) *Use.* Lessee shall occupy and use the Property only for tables and chairs and similar furnishings to accommodate food and beverage sales and consumption and for no other purpose whatsoever. The Property shall be open for business seven (7) days a week from at least 10:00 a.m. to 4:00 p.m. for at least nine (9) months each year for the Term of the Lease.

(b) *Cruise Ship Days.* The Property shall be open on all Cruise Ship Days, even if a Cruise Ship Day falls during a time when the business is closed for the off-season. Lessee's may be relieved of this obligation by petitioning the City Manager. The City Manager will grant exemptions from this requirement on a case-by-case basis at his or her discretion where the Lessee can demonstrate hardship or that operating on a Cruise Ship Day would threaten the health, safety, or welfare of the public.

Pursuant to Section 4.9.105 of the Municipal Code, the City Council may grant the encroachment permit if each of the following criteria are met:

- a) The encroachment use is necessary or desirable
- b) The encroachment use does not create a substantial adverse impact on persons or property
- c) The encroachment use does not adversely impact the public health, welfare and safety.

Conditions of approval: Upon approval of the encroachment, the permittee shall record a covenant running with the land surrendering possession of the encroachment, releasing the City from all claims in the event the City determines to widen or improve the street, alley, parkway, or other public place where the encroachment is situated, and agreeing to indemnify, defend and hold the City harmless from all liability and damages, and from all costs of suit, including attorneys' fees, arising from the encroachment. Additionally, the applicant shall post the appropriate bond or guarantee in an amount sufficient for the removal of the encroachment in the event the permittee fails to comply with the terms of the encroachment. Additionally, insurance in an amount acceptable to the City Manager will be obtained to adequately protect the City, persons or property for injuries or damages that may be caused by the encroachment.

**GOAL ALIGNMENT:** The use of the space will be consistent with the City's goal of enhancing the visitor experience in Avalon.

**FISCAL IMPACTS:** The City will receive revenue for the leased area at \$5.00 per square foot.  
90 sq. ft. x \$5 = \$450.00/month

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The applicant would not be able to have outdoor seating for the café.

**FOLLOW UP ACTION:** Enter into lease for the encroachment.

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

**ATTACHMENTS:**

- Applicant drawing
- Staff drawing of recommended encroachment