

**AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE  
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE  
AVALON COMMUNITY IMPROVEMENT AGENCY  
BOARD OF COMMISSIONERS MEETING  
TUESDAY, MAY 5, 2015  
CITY HALL COUNCIL CHAMBERS  
410 AVALON CANYON ROAD, AVALON  
A G E N D A**

**\*START TIME 7:15 P.M.\***

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

**CALL TO ORDER / ROLL CALL**

**PLEDGE OF ALLEGIANCE / INVOCATION**

**ANNOUNCEMENTS / WRITTEN COMMUNICATIONS**

**PRESENTATION**

1. Audra McDonald, Administrative Analyst for the City of Avalon, will provide a presentation regarding Formula Community Development Block Grant Funds (CDBG) the City receives through the Los Angeles County Development Commission.
2. In honor of National Travel and Tourism Week (May 2- May 10, 2015) a proclamation will be presented to Jim Lutjohann, CEO of the Catalina Island Chamber of Commerce and Visitor's Bureau.

**CITY MANAGER REPORT**

**CITY ATTORNEY REPORT**

**COUNCILMEMBER REPORTS**

**MAYOR REPORT**

**ORAL COMMUNICATION**

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

**CITY COUNCIL AGENDA  
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**CONSENT CALENDAR**

1. Actions  
Although the live recording is the official record of public meetings, actions are prepared for the Council's approval.  
Recommended Action  
Approve actions from the April 21, 2015 City Council meeting.
  
2. Adopt Ordinance Amending Avalon Municipal Code Section 1-7.01 to Reduce the Number of Public Hearings Required Before Adoption of a Resolution Increasing or Adopting Service/User Fees  
The current AMC Section 1-701 requires two public hearings be held by the City Council before the adoption of any resolution increasing service fees, user fees, charges or adopting new ones. This ordinance amends Section 1-7.01 to reduce the required number of public hearings to one. At the last City Council meeting the ordinance was introduced and all further readings were waived.  
Recommended Action  
Adopt ordinance amending Avalon Municipal Code Section 1-7.01 to reduce the number of public hearings required before adoption of a resolution increasing or adopting service/user fees.
  
3. Letter of Support for Assembly Bill 347 (Chang) LA County Selection Committee  
Over the years, Los Angeles County's City Selection Committee has been unable to reach consistent quorums to fill appointments. Assembly Bill 347 will change the proxy designation which will allow Los Angeles County's City Selection Committee to increase those eligible from each city to meet the necessary quorum.  
Recommended Action  
Authorize a letter of support for Assembly Bill 347 (Chang).
  
4. Waterside Project Application- Daniel Mello  
Maritime Investments has submitted a Waterside Project Application to offer a boat charter and marine repair.  
Recommended Action  
That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Daniel Mello owner of Maritime Investments with the recommended conditions.
  
5. Declare (2) Fuel Dock Floats as Surplus Property  
On December 10, 2009 the City of Avalon assumed operating responsibility of the Avalon Fuel Dock. It was necessary for the City to purchase (2) existing floats from the previous vendor knowing the fuel dock floats had a short life span left. The Harbor Department is currently building two replacement floats and is now asking the City Council to declare this equipment surplus so it can be sold or disposed of properly.  
Recommended Action  
Adopt resolution declaring (2) 40' x 18' Avalon Fuel Dock steel floats as surplus property and authorize the City Manager to dispose of them by selling the floats to the highest bidder or scrap yard.

## CITY COUNCIL AGENDA

MAY 5, 2015

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6. Fourth of July Barge  
A barge is needed to be secured to safely display this year's fireworks.  
Recommended Action  
Ratify the decision made by the City Manager to enter into an agreement with Pacific Tugboat Service to attain a suitable barge for the Fourth of July Fireworks Display for a total amount of \$24,754.00.
  
7. Cost of Fuel at Avalon Fuel Dock  
Staff was directed to place this item on the agenda to address and answer questions pertaining to the cost of fuel at the Avalon Fuel Dock.  
Recommended Action  
Receive information regarding the costs incurred to operate the Avalon Fuel Dock.

**The following item is the City Council acting as the Successor Agency and as the City of Avalon.**

8. Approval of Construction Plans & Authorization to Commence a Public Bid for the "Interim K-Rail Debris Barrier – Pebbly Beach Road"  
Along Pebbly Beach Road, there exists "K Rail" barriers to protect against rocks that may become dislodged and fall on the roadway. These new construction plans are one of the conditions imposed by our insurance carrier, Public Agency Risk Sharing Authority (PARSAC); which issued insurance covering the Santa Catalina Island Company, the owner of Pebbly Beach Road.  
Recommended Action  
Approve the construction plans, and allow the process of a public bid to follow for the "Interim K-Rail Debris Barrier Project".

### GENERAL BUSINESS

9. Request for the City to Remove its Party Status in the Avalon Freight Services, LLC (AFS) Application Currently Pending Before the California Public Utilities Commission (CPUC), and be Added to the Information Only Service List Instead; and Request for the City to Send a Letter to the CPUC Reiterating the City's Support for the AFS Application  
In October, 2014 the City sent a letter of support for Avalon Freight Service (AFS) in their CPUC Operating Permit Application. Then in March, 2015 the City Council consensus was to direct Staff to obtain Party Status in AFS' CPUC application. Councilmember Cassidy is requesting that the City remove its Party Status in the AFS application currently pending before the CPUC, and be added to the Information Only Service List instead. Further, Councilmember Cassidy has requested that the City Council send a letter to the CPUC reiterating the City's support for the AFS application.  
Recommended Action  
That the City Council request to remove its Party Status in the Avalon Freight Services, LLC (AFS) application currently pending before the California Public Utilities Commission (CPUC), and be added to the Information Only Service List instead; and that the City Council request to send a letter to the CPUC reiterating the City's support for the AFS application.

10. Consideration of a Purchasing Agreement with EBus Inc., to Purchase Three (3) 22-Foot, All Electric Buses to be Used for the City of Avalon's Fixed-Route Bus Service Currently Being Serviced by 30-foot Trolley Type Buses

The City of Avalon contracts the operation of a fixed-route bus service, known as Avalon Community Transit, to Catalina Transportation Services. Through the Los Angeles County Metropolitan Transportation Authority's (LACMTA) 2012 Call for Projects process the City was awarded a grant to purchase new buses. The grant application specified the new buses would be all electric and 22 feet in length in order to be more compatible with the City's narrower streets.

Recommended Action

Authorize the City Manager to enter into a purchasing agreement with EBus, Inc., in an amount not-to-exceed \$1,189,000 excluding sales tax for the purchase of three (3) 22 foot, all electric buses per the quote dated July 11, 2014.

11. Authorize the Amendment of the Catalina Transportation Services Agreement for a Nine Month Term Beginning July 1, 2015 and Expiring March 31, 2015

The City of Avalon has contracted its public transportation services to Catalina Transportation Services ("CTS") for approximately twenty years. These programs are funded entirely through several Federal, State and Local agencies.

Recommended Action

Authorize the extension of Catalina Transportation Services Agreement pursuant to Amendment No. 10, in an amount not to exceed \$331,598.25, to provide public transportation services to the City of Avalon through March 31, 2016.

12. Consideration of a Proposed Agreement with Heather Menninger, a Sole Proprietor, Doing Business as AMMA Transit Planning to Provide Professional Services for the Purpose of Providing Assistance with a Public Procurement Process for the City of Avalon's Contracted Transportation Services

The City of Avalon has contracted its public transportation services to Catalina Transportation Services for approximately twenty years. The transportation services contracted and provided by Catalina Transportation Services include Dial-a-Ride, Avalon Rapid Transit, and Avalon Community Transit. Over the life of the contract, no substantive changes have been made to the services provided or reimbursement structure. The City was awarded a grant to replace the current fixed route trolleys with new, all electric buses. These new buses will require substantial changes to the structure of the contract.

Recommended Action

Authorize the City Manager to enter into an agreement with AMMA Transit Planning for an amount not-to-exceed \$19,465.00 to provide professional services for the purpose of providing assistance with a public procurement process for the City of Avalon's contracted transportation services.

**CITY COUNCIL AGENDA  
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13. Consideration of Water Conservation/Rationing Planning and Building Application Policy

The City has the responsibility of processing entitlement applications and issuing ministerial permits for development during all stages of water conservation. The City Council reviewed the Water Policy at the October 7, 2014 meeting and adopted the current policy. Staff was directed to bring this back for another review.

Recommended Action

That the City Council review the current Water Conservation/Rationing Planning and Building Application Policy and advise staff of any changes.

**CLOSED SESSION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: Chief Administrative Officer

**NOTICE OF POSTING**

I, Denise Radde, declare that the City Council Agenda May 5, 2015 was posted on Friday, May 1, 2015, 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 and on the City website.



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Denise A. Radde, City Clerk / Chief Administrative Officer

**CITY OF AVALON CITY COUNCIL**

**MEETING DATE:** May 5, 2015  
**ORIGINATING DEP:** City Clerk  
**PREPARED BY:** Denise Radde, City Clerk  
**SUBJECT:** City Council Actions

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

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**RECOMMENDED ACTION(S):** Approve City Council Actions from the regular City Council meeting on April 21, 2015.

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

**FISCAL IMPACTS:** N/A

**GOAL ALIGNMENT:** To be determined.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** N/A

**FOLLOW UP ACTION:** File Actions in the City Clerk's office.

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

**ATTACHMENTS:** City Council Actions will be provided under separate cover.

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: BH

PREPARED BY: Chris Woidzik, Interim Finance Director

**SUBJECT:** Adopt Ordinance Amending Avalon Municipal Code Section 1-7.01 to reduce the number of public hearings required before adoption of a resolution increasing or adopting service or user fees

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**RECOMMENDED ACTION(S):** Adopt ordinance amending Avalon Municipal Code Section 1-7.01 to reduce the number of public hearings required before adoption of a resolution increasing or adopting service or user fees.

**REPORT SUMMARY:** This ordinance was introduced and all further readings waived at the last City Council meeting on April 21, 2015. The current AMC Section 1-701 requires that two public hearings be held by the City Council before the adoption of any resolution increasing service or user fees or charges or instituting new ones. The proposed ordinance amends Section 1-7.01 to reduce the required number of public hearings to one.

The City maintains a schedule listing the amount of various fees and charges for services that the City provides. From time to time the City increases these fees or charges due to the increases in the costs of providing the services, or adopts new fees or charges. The City notices each hearing by advertising in either the Catalina Islander or the Avalon Bay News, which at this time the second notice costs may approximately \$25-100.

In general, the method for approving the adoption of, or increases to, fees is within the jurisdiction of the City. Where State law requires a public hearing prior to adoption or increase of a fee, such as with property-related fees subject to Proposition 218, State law only requires one public hearing. In the case of property-related fees, Proposition 218 contains a number of other substantive and procedural requirements in addition to a public hearing for the City to follow in order to adopt or increase a fee. The City is required to give written notice to each affected property owner at least 45 days prior to the hearing describing the basis for the amount of the fee, the basis for the fee, and the reason for the fee. Each property owner has the opportunity to submit a protest at or before the hearing which could defeat the fee, and some fees must be submitted to the voters for approval. Additionally, fees subject to Proposition 218 cannot exceed each property owner's proportional share of the costs of providing the service. Given these constitutional protections and restrictions, a second public hearing is not legally required ..

By amending the Municipal Code to only require one public hearing, the City will be able to adopt or increase fees more efficiently while still complying with State law. This amendment

will not limit the number of public hearings a City Council may hold. The City Council will have the flexibility to hold multiple public hearings or to continue public hearings to a second meeting. Prior to adopting any particular fee, the City Council will have the discretion to call multiple public hearings.

**GOAL ALIGNMENT:** Pursuant to City Council Policy Goal #6 - Updating the Avalon Municipal Code, this change is being made to bring us consistent with State requirements and those of other municipality ordinances, make us more responsive to community needs, and enable us be more efficient with the use of staff and City Council member time, while still maintaining the flexibility to hold multiple public hearings if the City Council so chooses.

**FISCAL IMPACTS:** By only noticing one public hearing, the City will save the costs of advertising the second public hearing and better utilize staff time.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The Municipal Code will continue to require two public hearings prior to adopting or increasing user fees or charges.

**FOLLOW UP ACTION:** None

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

**ATTACHMENTS:** Proposed Ordinance

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF AVALON,  
CALIFORNIA AMENDING CHAPTER 7 OF TITLE 1 OF  
THE AVALON MUNICIPAL CODE REGARDING  
SERVICE OR USER FEES**

**WHEREAS**, the Avalon Municipal Code (“AMC”) currently requires no fewer than two (2) duly noticed public hearings prior to the adoption of any resolution increasing service or user fees or charges;

**WHEREAS**, the City now desires to amend the AMC so that no fewer than one (1) hearing is required prior to the adoption of a resolution increasing or adopting service or user fees or charges;

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

**Section 1. Section 1-7.01 is hereby amended to read as follows:**

The adoption by the City Council of any resolution increasing or adopting service or user fees or charges as authorized by any provision of this Code shall be preceded by no fewer than one (1) duly noticed public hearing.

**Section 2.** All other paragraphs of Chapter 7 of Title 1 remain unchanged.

**Section 3. Severability.** If any section, subsection, subdivision, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**Section 4. CEQA Exemption.** The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, the City Council finds that this ordinance is exempt under CEQA pursuant to Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) of the CEQA Guidelines because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance.

**Section 5. Certification and Effective Date.** The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law. This Ordinance shall take effect thirty (30) days after its adoption.

**INTRODUCED** at a regular meeting of the City Council of the City of Avalon on the 21<sup>st</sup> day of April, 2015, by the following vote:

Ayes: Mayor Marshall, Councilmembers. Olsen, Cassidy and Sampson

Noes: Councilmember Hernandez

Abstain: None

Absent: None

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Avalon on this 5<sup>th</sup> day of May, 2015, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Ann H. Marshall, Mayor

**ATTEST:**

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Denise A. Radde, City Clerk

**APPROVED AS TO FORM:**

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Scott Campbell, City Attorney  
Best Best & Krieger, LLP

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 3

ORIGINATING DEP: Administration

CITY MANAGER: RH

PREPARED BY: Jordan Monroe, Management Aide

SUBJECT: Letter of Support for Assembly Bill 347 (Chang) - LA County:  
City Selection Committee

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**RECOMMENDED ACTION(S):** Authorize the letter of support for Assembly Bill 347 (Chang).

**REPORT SUMMARY:** A state law creating Sections 50270-50281 of the Government Code became effective December 13, 1972, creating the City Selection Committee in each county and specifying its membership, powers and duties.

The sole purpose of the City Selection Committee is to appoint city representatives to boards, commissions and agencies as may be required by law. The officers of the committee include a Chairman, a Vice-Chairman and the Clerk of the Board of Supervisors, who acts as the permanent secretary and recording officer.

The Mayor of each City is a member of the City Selection Committee and if he/she is unable to attend and vote at the meeting, he/she is required to designate a member of the City Council to attend and vote on his/her behalf.

Los Angeles County has 88 cities, spanning 4,000 square miles. Los Angeles County's City Selection Committee must meet in person and requires a quorum of 45 cities to vote.

Over the years, Los Angeles County's City Selection Committee has been unable to reach consistent quorums to fill the appointments, leading to frustration by Mayors and Council Members – and, in some cases, vacancies that remained open for years. Changing the proxy designation would allow Los Angeles County's City Selection Committee to increase those eligible from each City to meet the necessary quorum.

AB 347 will update Los Angeles County's City Selection Committee procedures by:

- Streamlining the proxy process.
- Specifying that if the Mayor is not present at the City Selection Committee, then another member of that City Council can vote, based on seniority;
- Allowing Committee business to be taken up in an efficient and expedited manner.

**GOAL ALIGNMENT:** N/A

**FISCAL IMPACTS:** None.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City of Avalon will not submit a letter of support for AB 327 (Chang).

**FOLLOW UP ACTION:** Send the letter of support for AB 327 (Chang) to appropriate parties.

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

**ATTACHMENTS:** Letter of Support for Assembly Bill 327 (Chang)

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 4

ORIGINATING DEP: Harbor

CITY MANAGER: Blf

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Daniel Mello

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**RECOMMENDED ACTION(S):**

That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Daniel Mello owner of Maritime Investments with the recommended conditions.

**REPORT SUMMARY:**

The applicant is a merchant mariner and was out at sea when his application originally came before the City Council on February 3, 2015. His application was put on hold until his return so he would be available for any questions.

Daniel Mello submitted a Waterside Project Application proposing to conduct a 6 pack charter aboard a 30'-40' boat, offer marine repair and offer pilotage mooring assistance.

**Mitigations:**

1. Use of a 30'-40' powerboat to conduct a 6 passenger or less charter. Mr. Mello states the vessel will use his 30' leased mooring #261. The applicant proposes up to 6 trips daily, seven day a week year round available from 6:00am to 10:00pm. Mr. Mello proposes using Float 4, Float 5 or the Green Pier to pick up and drop off passengers.

Since the Green Pier loading floats are heavily impacted during the summer months, staff recommends requiring the applicant to load and unload charter passengers on the shore side of Float 5 except on cruise ship days when all loading and unloading will be need to take place from the floats on the Green Pier.

2. Marine Repair

Shore Base of Operation: Applicant states base of operation is located at 82 Sol Vista, which is actually a residential address.

**Mitigation:**

Applicant obtains a commercial location to conduct some mechanical repairs as a condition for operation of the marine repair business.

Employees: The applicant would need to only employ workers who are qualified to conduct the duties appropriate to the licensed business.

### 3. Pilotage Mooring Assistance

Employees: The applicant would need to only employ workers who are qualified to conduct the duties appropriate to the licensed business

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

**GOAL ALIGNMENT:** Recreational activities.

**FISCAL IMPACTS:** Unknown, potential Harbor Use Fees.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** N/A

**FOLLOW UP ACTION:** Notify Daniel Mello of the City Council's decision.

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

**ATTACHMENTS:**

1. Waterside Project Application
2. Waterside Permit Standard List of Conditions

CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 5

ORIGINATING DEP: Harbor

CITY MANAGER: BH

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Declare (2) Fuel Dock Floats as Surplus Property

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**RECOMMENDED ACTION(S):**

Adopt resolution declaring (2) 40' x 18' Avalon Fuel Dock steel floats as surplus property and authorize the City Manager to dispose of them by selling the floats to the highest bidder or scrap yard.

**REPORT SUMMARY:**

On December 10, 2009 the City of Avalon assumed operating responsibility of the Avalon Fuel Dock. It was necessary for the City to purchase (2) existing floats from the previous vendor knowing the fuel dock floats had a short life span left. The Harbor Department is currently building two replacement floats and now is asking the City Council to declare this equipment surplus so it can be sold or disposed of properly.

**FISCAL IMPACTS:** N/A

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

The City of Avalon will have in their possession old excess equipment that will accrue storage fees.

**FOLLOW UP ACTION:**

Implement City Council direction.

**ADVERTISING, NOTICE AND PUBLIC CONTACT:**

This item was properly listed on the posted agenda.

**ATTACHMENTS:**

Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF AVALON DECLARING SPECIFIED PROPERTY  
TO BE SURPLUS AND AUTHORIZING THE SALE OR  
DISPOSAL THEREOF**

**WHEREAS**, Government Code Section -37350 authorizes the City Council to control and dispose of property for the common benefit; and

**WHEREAS**, the City Council wishes to declare certain equipment to be surplus and has determined that the sale or disposal, as indicated below, is appropriate and will benefit the City:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON  
DECLARES, FINDS AND RESOLVES AS FOLLOWS:**

**Section 1.** The City Council hereby declares that (2) 40' x 18' fuel dock floats are no longer useful or necessary to the City's services and programs and therefore surplus property to be disposed of.

**Section 2.** Staff is authorized to dispose of the listed equipment in accordance with the foregoing provisions.

PASSED, APPROVED AND ADOPTED this 5th day of May, 2015.

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

ATTEST:

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

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 6

ORIGINATING DEP: Recreation Department

CITY MANAGER: RA

PREPARED BY: David Hart, Temporary Recreation Coordinator

SUBJECT: Fourth of July Barge

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**RECOMMENDED ACTION(S):** Ratify the decision made by the City Manager to enter into an agreement with Pacific Tugboat Service to attain a barge for the Fourth of July Fireworks Display for a total amount of \$24,754.00.

**REPORT SUMMARY:** With the ongoing drought and resulting impact to brush conditions in Avalon, and upon review by the City's public safety team, a determination was made that the Cabrillo Mole is not the preferred area from which to launch fireworks for the Fourth of July Fireworks Display. Launching from the Mole does not allow for best practice recommended fire clearances. With the proposed addition of the barge for this year's Fourth of July Fireworks Display, recommended clearances will be achieved, in addition to the added benefit of the removal of many of the logistical challenges that the transportation and storage of fireworks caused in years past.

Quotes were received from several barge companies. Pacific Tugboat was selected for its price, relationship with Pyro Spectacular and its professional reputation. Due to the urgency to secure a barge before there was no availability for the upcoming Fourth of July Fireworks Display, the City Manager signed the agreement with Pacific Tugboat Services on behalf of the City of Avalon. As the agreement amount exceeds the City Manager's approval authority, this item is brought to the City Council for ratification.

**GOAL ALIGNMENT:** Enhance Recreation Opportunities.

**FISCAL IMPACTS:** Fiscal Year 14/15 had \$10,000 budgeted in Fund 102-60-5633 / Fourth of July. None of those monies have yet been spent, and could possibly be encumbered. The proposed Fiscal Year 15/16 budget will earmark projected amounts for the Fourth of July event to cover lodging for the USC Marching Band, and the barge for fireworks display.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City would not have a barge from which to launch fireworks for the Fourth of July Fireworks Display.

**FOLLOW UP ACTION:** N/A

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

**ATTACHMENT:** Pacific Tugboat Service contract.



**Pacific Tugboat Service**, P.O. Box 12787, San Diego, CA 92112-3788  
1444 Cesar E. Chavez Pkwy. San Diego, Ca 92113 (619) 533-7932  
1512 West Pier C Street, Long Beach, CA 90813 (562) 590-8188

19 March 2015

Mr. Ben Harvey  
City of Avalon  
209 Metropole Ave.  
Avalon, Ca. 90704

Subject: City of Avalon, Ca.

Dear Mr. Harvey  
Thanks for the opportunity to provide a quotation for services for the City of Avalon event Avalon, Ca. at Catalina Island on 04 July 2015.

This Fireworks event is scheduled to shoot at 2100 hrs on the 4<sup>th</sup> of July. The location for positioning of the barge will be as per the coordinates provided by you.

We will load and mobilize from 1-4 July in Long Beach. Upon completion of the event, we will return the barge to its home port in Long Beach the morning of the Fifth. De-mob will take place on 6-7 July 2014.

**Total price for this project is 24,754.00**

- **Tugboat Service**
- **Suitable Barge**
- **Facility** for Mob/De-mob & load pyrotechniques
- **Labor** for PTS portion of barge, equip, sand & debris cleanup
- **Sand- 10** cubic yards
- **VTIS Fees** Vessel traffic information system
- **Porta-Potty** Delivery, pick up, service and rigging
- **Fuel & lubes** surcharge
- **Firing Enclosure**-Sheet metal enclosure for safety of firing crew
- **Life-raft**- per USCG Requirement
- **Life Jackets**- up to six
- **Project Admin/Coordination**-

**Deposit:**

50% deposit due on or by 03 April 2015 (12,377.00)  
Balance due by 22 May 2015.

**Payments:** we sincerely appreciate your trust in us to perform a safe, reliable service. Please remind your Fireworks Company of the need for personal flotation devices, upon arrival at our front gate on 01 July 2015.

Please review, sign and date to accept & acknowledge our terms & conditions

\_\_\_\_\_ *date*

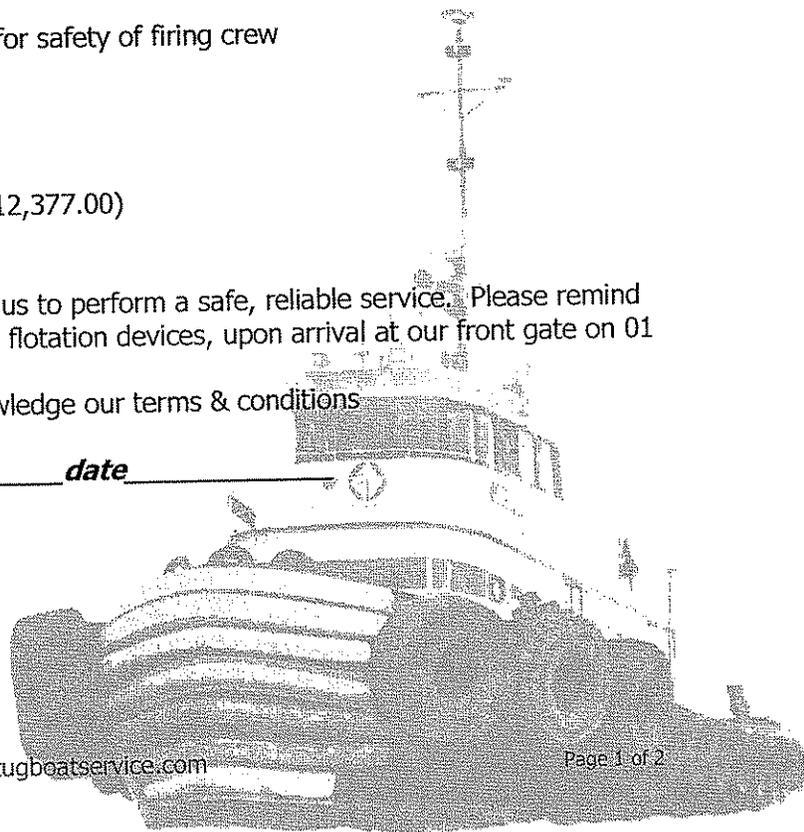
Sincerely Yours,  
Pacific Tugboat Service

*A. Wayne Caley*

LA/Long Beach Area Sales Manager  
M-(562) 477-8342  
wayne@pacifictugboats.com

www.pacifictugboatservice.com

Page 1 of 2



**CITY OF AVALON CITY COUNCIL**

**MEETING DATE:** May 5, 2015

**AGENDA ITEM:** 7

**ORIGINATING DEP:** Harbor

**CITY MANAGER:** BH

**PREPARED BY:** Harbor Master

**SUBJECT:** Cost of fuel at Avalon Fuel Dock

---

**RECOMMENDED ACTION(S):**

Receive information regarding the costs incurred to operate the Avalon Fuel Dock.

**REPORT SUMMARY:**

City Council has asked the question as to why fuel prices are so much higher in Avalon compared to gas stations on the mainland. The City of Avalon assumed responsibility of selling fuel at the Avalon Fuel Dock on December 9, 2009 when the previous tenant decided it was no longer a viable business for them. The price of a gallon of gasoline or diesel fuel largely depends on the number of gallons that can be sold during the year. Since boating to Catalina is a seasonal and weather dependent activity, the Avalon Fuel Dock only has a small amount time to sell fuel to a specified group of customers.

Historical fuel sales data for the fuel dock is as follows:

<b>Fiscal Year</b>	<b>Gasoline</b>	<b>Diesel</b>	<b>Total Fuel Sold</b>
2010-11	122137	76754	198,891
2011-12	114090	73625	187,715
2012-13	123684	67924	191,608
2013-14	121407	68924	190,331

To compare fiscal year 2014 and 2015 through March, the fuel dock has sold 3,892 more gallons of gasoline and 10,273 less gallons of diesel fuel which combined equals 6,381 less gallons of fuel sold through March compared to last year.

I have attached a sheet showing the break down of the fixed costs added to the wholesale price the City pays for the fuel. The fixed costs are then divided by the projected number of gallons that will be sold in this fiscal year to determine the price.

**GOAL ALIGNMENT:** Charge appropriate fees for services rendered.

**FISCAL IMPACTS:** N/A

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

**ATTACHMENTS:** Fuel Dock fuel price breakdown.

			Purchases			
BASED ON 190,000 PER YEAR			Product	Qty	Price	
COST OF GOODS	GASOLINE	DIESEL	Gas	2596	\$ 11,303.08	4.3540
FUEL	4.35	3.52				
DELIVERY TO BARGE	included		Diesel	2502	\$ 8,814.12	3.5228
DELIVERY ON BARGE \$0.11 POUND	included					
DELIVERY TO CASINO						
	4.35	3.52				
ADMIN OVERHEAD	0.39	0.39	75,000	114-70	FUEL DOCK FUND	
ADVERTISING	0.00	0.00	0	3010	Salaries - Regular	48,544
CAPITAL OUTLAY (FLOATS)	0.11	0.11	20,000	3012	Salaries - part Time	33,420
PROFESSIONAL SERVICES	0.00	0.00	0	3040	FICA/Retirement	17,070
CREDIT CARD CHARGES	0.08	0.08	15,000	3045	Health/Life Insurance	20,023
DUES AND SUBSCRIPTIONS	0.00	0.00	0	3050	Worker's Compensation	5,969
EXPENSES	0.00	0.00	0	3051	Unemployment Insu	1,234
FLOAT CHAIN REPLACEMENT	0.03	0.03	5,000		Personnel	126,260
FLOAT INSTALLATION / REMOVAL	0.03	0.03	5,000			
FLOAT WINTER STORAGE/HAUL/LAUNCH X (2)	0.11	0.11	21,000			
	0.00	0.00				
INSURANCE - POLLUTION AND MARINA OPS	0.11	0.11	20,000			
INSURANCE - UNDERGROUND STORAGE TANKS	0.03	0.03	6,250	3628	Merchandise	15,000
				3625	Special Dept Expens	2,500
				4005	Office Supplies	750
OFFICE EXPENSE	0.01	0.01	1,250	4010	Communications	2,500
PERMITS	0.02	0.02	4,200	4505	Utilities	7,500
RENT- CITY OF AVALON	0.00	0.00	0	5005	Prof Services	5,000
RENT- SCI CO TANKS / STORAGE	0.13	0.13	25,000	5600	Fuel Purchase	785,200
REPAIR AND MAINTENANCE FLOATS	0.07	0.07	12,500		Credit Card Expense	15,000
SUPPLIES, Hoses, Nozzles, Etc	0.03	0.03	5,000			
TAXES- LICENSES	0.01	0.01	2,500	5702	Winter Storage & Ha	21,000
TAXES-UST TANK MAINTENANCE FEE .02	0.02	0.02	4,000	4635	Rent - SCI Co	25,000
TELEPHONE	0.01	0.01	2,500	6504	Repair & Maint - Floe	12,500
TESTING ALL SYSTEMS MONTHLY / YEARLY	0.05	0.05	9,795	6503	Replace Hoses, Nozz	5,000
TRAINING & TRAVEL	0.01	0.01	1,250		Taxes & Licenses	2,500
UTILITIES	0.04	0.04	7,500		Sales Tax	128,125
EMPLOYEE-BENEFITS retire,Ins,W/C & UE Ins	0.24	0.24	44,803		BOE Tax	5,000
WAGES- EMPLOYEE FULL TIME	0.26	0.26	48,544	5510	Training & Travel	1,000
WAGES- EMPLOYEES/ PART TIME	0.18	0.18	33,420	5513	PERMIT FEES	
SET OPERATING COSTS	1.9448	1.9448			AQVID	1,260
					County Fire USST	2,352
					County Wts and Mea	400
SUB TOTAL	6.2948	5.4648			County Health	175
TAXES- SALES (Gas Only 2.50%+ 2%=4.50%)	0.267529	0.61479			TOTAL PERMIT FEES	4,187
PRICE GAL based on 190,000 sold in 2013/14	6.56	6.08			Testing	
				5512	Fast & Fair MONTHLY	3,812
				5512	Fast & Fair YEARLY	3,806
				5512	Fast & Fair 3 yr SB98	1,067
					Western Meter Calibr	1,110
					TOTAL TESTING FEES	9,795

**CITY OF AVALON CITY COUNCIL AND SUCCESSOR AGENCY**

**MEETING DATE:** May 2, 2015

**AGENDA ITEM:** 8

**ORIGINATING DEP:** Public Works

**CITY MANAGER:** [Signature]

**PREPARED BY:** Dennis Jaich – Interim Director of Public Works

**SUBJECT:** Approval of Construction Plans & Authorization to Commence a Public Bid for the “Interim K-Rail Debris Barrier – Pebbly Beach Road”

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**RECOMMENDED ACTION(S):**

That the City Council approves the construction plans, and also allow the process of a public bid to follow for the “Interim K-Rail Debris Barrier Project” (Project).

**REPORT SUMMARY:**

Along Pebbly Beach Road, there exists “K Rail” barriers to protect against rocks that may become dislodged and fall on the roadway. The new construction plans that have been prepared for this project have incorporated fencing panels that will be mounted on top of the K Rail. This fencing should add additional protection against rocks that may fall.

As a brief summary of the history involved on this issue, the project fencing design presented in these new construction plans are one of the conditions imposed by our insurance carrier, Public Agency Risk Sharing Authority (PARSAC); which issued insurance covering the Santa Catalina Island Company, the owner of Pebbly Beach Road. PARSAC is also requiring fencing at two (2) other locations besides Pebbly Beach Road (PBR), the Mole area on Crescent, and Casino Way.

The plans that we are requesting to be approved tonight include all three of these locations, and request pricing from contractors for each. The Contract Documents have been developed by requesting Alternate Pricing, which will allow staff to consider and evaluate the public bids, and determine the total cost for each location.

However, due to funding obstacles, it is believed that all three of these areas will not be able to be constructed. If that is the case, the main area on PBR from Abalone Point on down to the barge area will be considered before the other two locations.

Additionally, if the Council approves these construction plans, staff would also like to acquire the approval to advertise for a Public Bid. If this is granted, project costs will be confirmed and total construction locations can be evaluated by City Council and staff in the near future.

The construction plans are available for review in the Director of Public Works office.

**GOAL ALIGNMENT:**

City infrastructure- Phase I

**FISCAL IMPACTS:**

In Fiscal Year 15-16 there will be \$750,000 earmarked for this project that will come out of the General Fund Reserves. There is also an additional \$100,000 plus of Successor Agency money that is assigned.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:**

PARSAC could refuse to issue the insurance and the Santa Catalina Island Company could close Pebbly Beach Road.

**FOLLOW UP ACTION:**

Approve the construction plans, and allow the City Manager to direct staff to advertise and complete the public bidding process.

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

**ATTACHMENTS:**

None

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 9

ORIGINATING DEP: Administration

CITY MANAGER: BA

PREPARED BY: Ben Harvey, City Manager

**SUBJECT:** Request for the City to Remove its Party Status in the Avalon Freight Services, LLC (AFS) Application Currently Pending Before the California Public Utilities Commission (CPUC), and Be Added to the Information Only Service List Instead; and Request for the City to Send a Letter to the CPUC Reiterating the City's Support for the AFS Application.

---

**RECOMMENDED ACTION(S):** That the City Council request to remove its Party Status in the Avalon Freight Services, LLC (AFS) application currently pending before the California Public Utilities Commission (CPUC), and be added to the Information Only Service List instead; and that the City Council request to send a letter to the CPUC reiterating the City's support for the AFS application.

**REPORT SUMMARY:** At the October 21, 2014 regularly-scheduled City Council meeting, the City Council directed the City Manager to author a letter of support for AFS in their CPUC operating permit application (see attachment). Subsequently, at the March 31, 2015 special City Council meeting, the City Council requested that the City obtain Party Status in AFS' CPUC application.

Considering the City Council's October 21, 2014 direction to send a letter of support for AFS' CPUC application, and the dialogue regarding freight service to Catalina Island at subsequent City Council meetings, Council Member MacGugan-Cassidy has requested that the City remove its Party Status in the Avalon Freight Services, LLC (AFS) application currently pending before the CPUC, and be added to the Information Only Service List instead. Further, Council Member MacGugan-Cassidy has requested that the City Council send a letter to the CPUC reiterating the City's support for the AFS application.

**GOAL ALIGNMENT:** Not aligned with City Council goals.

**FISCAL IMPACTS:** None.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will retain its Party Status in the AFS application currently pending before the CPUC and the CPUC will not receive a letter from the City reiterating its support for the AFS application.

**FOLLOW UP ACTION:** Direct the City Manager to author a letter to the CPUC reiterating the City's support for AFS' application, and to remove the City's Party Status in the application, with a request to be placed on the Information Only Service List instead.

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

**ATTACHMENTS:** October 24, 2014 Letter of Support from the City of Avalon for Proposed Operating Permit for Avalon Freight Services, LLC.



# *City of Avalon*

## *Santa Catalina Island*

October 24, 2014

President Michael R. Peevey  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**RE: LETTER OF SUPPORT FROM THE CITY OF AVALON FOR PROPOSED OPERATING PERMIT FOR AVALON FREIGHT SERVICES, LLC**

Dear President Peevey:

On behalf of the Avalon City Council, I am sending you this letter to offer the City of Avalon's support for the proposed operating permit for Avalon Freight Services, LLC for freight services from the Port of Los Angeles to the City of Avalon and selected points on Catalina Island.

Avalon Freight Services was selected by the Santa Catalina Island Company following their process that vetted several qualified candidates. Avalon Freight Services, LLC is a joint venture between Catalina Express and Harley Marine Services. The newly formed joint venture has proposed to provide freight services between Santa Catalina Island Company owned property located on Pebbly Beach Road, within the City of Avalon as well as select points on Catalina Island, and a proposed warehouse facility within the Port of Los Angeles, commencing in April of 2016.

The Avalon City Council has reviewed Avalon Freight Services, LLC's proposal, in addition to their draft California Public Utilities Commission (CPUC) application. Further, the Avalon City Council has individually toured the proposed freight warehouse location within the Port of Los Angeles. We believe that Avalon Freight Services, LLC will provide quality freight service to the residents of Avalon and thank you for your consideration of Avalon Freight Services, LLC's proposed operating permit.

Sincerely,

Oley Olson  
Mayor Pro Tem  
City of Avalon

cc: Members of the Avalon City Council  
Avalon Freight Services, LLC

*Administration/  
Public Works*  
P.O. Box 707  
Avalon, CA 90704  
310 510-0220  
Fax 310 510-0901

*Finance*  
P.O. Box 707  
Avalon, CA 90704  
310 510-0220  
Fax 310 510-0765

*Harbor Department*  
P.O. Box 1085  
Avalon, CA 90704  
310 510-0535  
Fax 310 510-2640

*Fire Department*  
P.O. Box 707  
Avalon, CA 90704  
310 510-0203  
Fax 310 510-0104

*Recreation  
Department*  
P.O. Box 707  
Avalon, CA 90704  
310 510-0220  
Fax 310 510-9528

*Planning/Building  
Capital Improvements*  
P.O. Box 707  
Avalon, CA 90704  
310 510-0220  
Fax 310 510-2608

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 10

ORIGINATING DEP: Planning

CITY MANAGER: BA

PREPARED BY: Audra McDonald, Administrative Analyst

**SUBJECT:** Consideration of a purchasing agreement with EBus Inc., to purchase three (3) 22-foot, all electric buses to be used for the City of Avalon's fixed-route bus service currently being serviced by 30-foot trolley type buses.

---

**RECOMMENDED ACTION(S):** Authorize the City Manager to enter into a purchasing agreement with EBus, Inc., in an amount not-to-exceed \$1,189,000 excluding sales tax for the purchase of three (3) 22-foot, all electric buses per the quote dated July 11, 2014.

**REPORT SUMMARY:** The City of Avalon contracts the operation of a fixed-route bus service, known as Avalon Community Transit, to Catalina Transportation Services. This program is operated utilizing three City owned, 30-foot, gasoline powered Molley Trolleys. Prior City Councils directed staff to identify and apply for funding opportunities that would replace the aging Trolleys, with smaller, more accessible and less polluting buses. Through the Los Angeles County Metropolitan Transportation Authority's (LACMTA) 2012 Call for Projects process the City was awarded a grant to purchase new buses. The grant application specified the new buses would be all electric and 22 feet in length in order to be more compatible with the City's narrower streets.

In March, 2014, the City Council approved the sole source findings to dispense with public bidding and authorize direct negotiations with EBus, Inc. Those direct negotiations resulted in a competitive price of \$396,600 (\$10,200 cost savings) per bus and includes two charging systems normally priced at \$42,000 each (\$84,000 savings). Additionally, as a result of a visit to the EBus plant by Mayor Marshall and Council Member Sampson in May 2014, bike racks and back-up camera's are also included in the price.

A separate agenda item tonight requests the issuance of a contract to perform a comprehensive review of the City's contracted transportation services and perform a public procurement process. During that review, the details of the operation and maintenance of the new buses will be addressed and be included in the new contract. The current contract calls for the operator to provide all maintenance and fuel for the trolleys. It is the intent of the City to take over the maintenance and fueling (electricity) of the new buses as this is a significant capital investment the City would like to protect. EBus has offered to provide training to the City's staff mechanics for the routine maintenance of the new buses.

The purchasing agreement calls for delivery of the buses six months after the execution of the contract which would put the delivery of the buses around November, 2015. The purchasing contract also has a clause stating the City may delay the receipt of the buses an additional two months to ensure charging capabilities have been accomplished prior to delivery. Staff is working on the delivery of the electricity necessary to charge the buses.

**GOAL ALIGNMENT:** Comprehensive Transportation Review

**FISCAL IMPACTS:**

Item	Amount	Grant Funding- LACMTA CFP	City Transportation Account Prop A Reserve Balance
		<b>\$1,020,780</b>	<b>\$369,431</b>
Buses (including chargers, bike racks, back up cameras	\$1,189,800	\$1,020,780	\$169,020
Sales Tax	\$116,006		\$116,006
Charging Infrastructure	\$50,000		\$50,000
Bus "Wrap"	\$30,000		\$30,000
Water Freight	\$6,500		\$6,500
<b>Total</b>	<b>\$1,392,306</b>	<b>\$1,020,780</b>	<b>\$371,526</b>

Available funding for the project which represents a combination of CFP and Prop A Reserve balances is \$1,390,211. A balance of \$2,095 would need to be allocated from the General Fund to bridge the deficit.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** No new buses will be purchased and funding may be jeopardized.

**FOLLOW UP ACTION:** Execute the purchasing agreement in the attached form; subject to changes approved by the City Manager and the City Attorney; continue with the installation of the charging station infrastructure; and research "wrap" options to bring back at a future City Council Meeting for direction.

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

**ATTACHMENTS:**

1. Purchasing Contract and Exhibits
2. Sole Source Findings Staff Report

**CITY OF AVALON CITY COUNCIL**

**MEETING DATE:** May 5, 2015

**AGENDA ITEM:** 11

**ORIGINATING DEP:** Planning

**CITY MANAGER:** BF

**PREPARED BY:** Audra McDonald, Administrative Analyst

**SUBJECT:** Authorize the Amendment of the Catalina Transportation Services Agreement for a nine month term beginning July 1, 2015 and expiring March 31, 2016

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**RECOMMENDED ACTION(S):** Authorize the extension of Catalina Transportation Services Agreement pursuant to Amendment No. 10 thereto, in an amount not to exceed \$331,598.25, to provide public transportation services to the City of Avalon through March 31, 2016.

**REPORT SUMMARY:** The City of Avalon has contracted its public transportation services to Catalina Transportation Services ("CTS") for approximately twenty years. These programs are funded entirely through several Federal, State and Local agencies which are subject to special record-keeping and annual audits. Services include:

- Dial-a-ride (DAR) –Taxi voucher program for all Senior Citizens (aged 60 over over) and Disabled persons.
- Avalon Rapid Transit - (ART) – Taxi voucher program for all eligible residents of the City of Avalon.
- Avalon Community Transit (ACT) – Fixed Route service providing scheduled transportation.

In a separate agenda item, staff is requesting to enter into an agreement with AMMA Transit Planning to assist the City in preparing a Request for Proposals (RFP) in order to competitively procure a new longer-term contract for the City's transportation services. It is anticipated the RFP process will take approximately nine months.

**GOAL ALIGNMENT:** Goal 6 – Comprehensive Transportation Review

**FISCAL IMPACTS:** A current contract is required as a condition of funding.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City would be non-compliant with funding requirements.

**FOLLOW UP ACTION:** Execute Amendment No. 10 to the CTS Agreement, in the form attached, subject to minor changes approved by the City Manager and the City Attorney.

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

**ATTACHMENTS:** Amendment No. 10 to CTS Agreement

TENTH AMENDMENT TO EQUIPMENT LEASE AND TRANSPORTATION SERVICES  
PROGRAM OPERATION AGREEMENT

This Tenth Amendment is made this 5<sup>th</sup> day of May, 2015, effective July 1, 2015, to the EQUIPMENT LEASE AND TRANSPORTATION SERVICES AGREEMENT between the City of Avalon ("City") and Catalina Transportation Services, a California corporation ("CTS" or "Operator".)

The terms and conditions of the Agreement are amended as follows:

1. City hereby exercises its rights pursuant to Paragraph 1.4 to grant Operator an extension to the Agreement, subject to modifications negotiated with and agreed to by Operator and City as further set forth herein. The Agreement is hereby amended to extend the term for a nine month period, beginning on July 1, 2015 and ending March 31, 2016 ("Extended Term").

2. Section 1.6.1 ART/DAR is amended to provide as follows:

City shall pay operator a flat fee of \$264,519 for the Extended Term, payable in equal monthly installments of \$29,391.00. Payment of each monthly installment of the flat fee shall be made in advance at the beginning of each month, commencing on July 1, 2015.

3. Section 1.6.2 ACT is amended to provide as follows:

City shall pay operator a flat fee of \$67,079.25 for the Extended Term, payable in equal monthly installments of \$7,453.25, for an approximate 2,500 hours of service. Payment of each monthly installment of the flat fee shall be made in advance at the beginning of each month, commencing on July 1, 2015.

4. If the Agreement, as amended hereby, is terminated or suspended, Operator shall refund any advance payments made hereunder for which services were not provided.
5. Except as modified above or by previous amendment, all terms and conditions of the Agreement shall remain in full force and effect.

[Signatures on following page]

**SIGNATURE PAGE  
TO  
TENTH AMENDMENT TO EQUIPMENT LEASE AND TRANSPORTATION SERVICES  
PROGRAM OPERATION AGREEMENT**

CITY OF AVALON

ATTEST:

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

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

CATALINA TRANSPORTATION SERVICES

\_\_\_\_\_  
Karin Hague, President

**CITY OF AVALON CITY COUNCIL**

**MEETING DATE:** May 5, 2015

**AGENDA ITEM:** 12

**ORIGINATING DEP:** Planning

**CITY MANAGER:** BH

**PREPARED BY:** Audra McDonald, Administrative Analyst

**SUBJECT:** Consideration of a proposed agreement with Heather Menninger, a sole proprietor, doing business as AMMA Transit Planning ("AMMA Transit Planning") to provide professional services for the purpose of providing assistance with a public procurement process for the City of Avalon's contracted transportation services.

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**RECOMMENDED ACTION(S):** Authorize the City Manager to enter into an agreement with AMMA Transit Planning for an amount not-to-exceed \$19,465.00 to provide professional services for the purpose of providing assistance with a public procurement process for the City of Avalon's contracted transportation services.

**REPORT SUMMARY:** The City of Avalon has contracted its public transportation services to Catalina Transportation Services ("CTS") for approximately twenty years. The transportation services contracted and provided by Catalina Transportation Services include:

- Dial-a-Ride (Senior and Disabled)- DAR
- Avalon Rapid Transit (Residents) - ART
- Avalon Community Transit (Trolley) – ACT

Over the life of the contract, no substantive changes have been made to the services provided or reimbursement structure. The City was awarded a grant to replace the current fixed route trolleys with new, all electric buses. These new buses will require substantial changes to the structure of the contract. Staff feels the time is right with these new buses to take the time to perform a complete review of the transit service, ensure it's compliance with local, state and federal regulations and go through the public procurement process.

These programs are funded entirely by a combination of local, state and federal funds programmed through the Los Angeles County Metropolitan Transportation Authority (LACMTA) and audited annually. The City has a responsibility to have contracts reviewed and conduct public procurement processes to ensure public funds are being spent in a prudent and efficient manner.

AMMA Transit Planning was referred to the City by Sandi Hill, a leader in the transit industry, as a result of a professional courtesy review (free) of the contract and transportation system. Independently of Ms. Hill city staff has attended transit education sessions provided by AMMA and know them to be extremely knowledgeable in all areas of transit.

**GOAL ALIGNMENT:** Goal 6 – Comprehensive Transportation Review

**FISCAL IMPACTS:** \$19,465 for consulting services for the RFP Procurement process is an eligible expense through LACMTA's funding and there are sufficient funds available.

**CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:** The City will not have the expertise and staffing needed to proceed with the public procurement process for the City of Avalon's contracted transportation services. If the City fails to proceed with such public procurement process, the City may be faced with potential audit findings as a result of the length of time since the last public procurement process; no comprehensive review of the City's transportation program and no mechanisms in place to handle the new electric buses.

**FOLLOW UP ACTION:** Execute the professional services agreement and begin the review and public bidding process.

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

**ATTACHMENTS:**

1. Professional Services Agreement with AMMA Transit Planning
2. Letter Proposal to Provide Technical Assistance

CITY OF AVALON CITY COUNCIL

MEETING DATE: May 5, 2015

AGENDA ITEM: 13

ORIGINATING DEPT: Planning

CITY MANAGER: RA

PREPARED BY: Amanda Cook Planning Director

SUBJECT: Consideration of a Water Conservation/Rationing Planning and Building Application Policy

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**RECOMMENDED ACTION(S):** That the City Council review the current Water Conservation/Rationing Planning and Building Application Policy and advise staff of any changes.

**BACKGROUND:** The City has the responsibility of processing entitlement applications and issuing ministerial permits for development during all stages of water conservation. The City Council reviewed the Water Policy at the October 7, 2014 meeting and adopted the current policy. The Policy is attached as Exhibit A.

Currently the City has several projects that are proceeding with construction under this policy. The projects are listed below:

- Catalina Island Museum
- Six new single family dwellings at Hamilton Cove
- New single family dwelling on Olive
- New duplex on Olive
- Second unit/remodel on Clarissa
- Second unit/remodel on Upper Terrace

**FISCAL IMPACTS:** None

**GOAL ALIGNMENT:** Fresh Water Resources.

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

**FOLLOW UP ACTION:** None

**ADVERTISING, NOTICE AND PUBLIC CONTACT:** Brown Act.

**ATTACHMENTS:**

- Water Conservation/Rationing Policy
- October 7, 2014 Staff report

## Exhibit A

### Water Conservation/Rationing Planning and Building Application Policy

WHEREAS, Southern California Edison (SCE) serves as the urban water supplier for and to the City of Avalon; and

WHEREAS, the City of Avalon seeks to coordinate with SCE in its administration of planning applications and/or ministerial permits for development projects.

NOW, THEREFORE, the City Council of the City of Avalon (the City) does hereby adopt the following policy:

During any stage of water conservation/rationing as defined by SCE where SCE prohibits new water allocations or prohibits connections to its water system,

- The City Department of Planning and Building will accept and process applications for entitlement(s) for development, whether or not a fresh water allocation is provided at the time the application is filed.
- The City Department of Building and Planning will process applications for building permits, whether or not a fresh water allocation is provided at the time the permit is issued, only if any of the following applies to the work being permitted:
  - 1) The project does not require installation of a fire sprinkler system;
  - 2) The project does require a fire sprinkler system and SCE confirms in writing they will provide sufficient fresh water to charge the sprinkler system while the structure is unoccupied; or
  - 3) The applicant has certified that no connection to SCE's fresh water system is necessary because the applicant will supply all fresh water and that all discharge permits into the sewer system have been received prior to the commencement of construction.
  - 4) No water allocation is needed for the Project.

The City Department of Building will only issue a certificate of occupancy if SCE provides proof of any required water allocation and/or any appropriate discharge permits have been issued.