

**AVALON CITY COUNCIL MEETING
TUESDAY, OCTOBER 6, 2015 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A**

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

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE / INVOCATION

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION - None

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.

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 September 15, 2015 regular City Council and Successor Agency to the Avalon Community Improvement Agency meeting.

2. Consider the approval of two Resolutions, one adopting the Integrated Regional Water Management Plan Update of the Greater Los Angeles County for the 2015 Final Round of Prop 84 IRWM Grant Program and the other adopting the Gateway Water Management Authority IRWM Plan
On June 2, 2015, the City of Avalon approved a Joint Powers Authority (JPA) agreement with the Gateway Water Management Authority (GWMA) and Integrated Regional Water Management Authority (IRWMA). On June 11, 2015, the GWMA board

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approved Avalon's membership. As the IRWMA group pursues funding opportunities it is necessary for the City to adopt the Integrated Regional Water Management Plan (IRWMP) of the Greater Los Angeles County (GLAC) for the 2015 Final Round of Prop 84 IRWM Grant Program, and the Gateway IRWMP.

Recommended Action

Approve two resolutions adopting the Integrated Regional Water Management Plans of the Greater Los Angeles County for the 2015 Final Round of Prop 84 IRWM Grant Program and Gateway Water Management Authority.

3. Consideration of a Resolution adding "Intermodal" to the title and definition of the Cabrillo Mole Ferry Terminal

Local, state and federal transportation agencies are focusing funding for transportation and transit related projects that provide "connectivity" and "active transportation". Adding the word "Intermodal" to the title of the Cabrillo Mole Ferry Terminal helps illustrate the facility connect to other modes of transportation beyond cross-channel carriers and aligns with the connectivity and active transportation trends.

Recommended Action

Adopt resolution approving the addition of the word "Intermodal" to the title of Cabrillo Mole Ferry Terminal.

4. Consideration to Go Out to Bid for the Casino Way Showers Contract

The current contract for the Casino Way Showers was awarded in 2009 and is currently on a month to month. Staff is recommending that this contract be advertised in a public bid.

Recommended Action

Authorize Staff to proceed with advertisement for public bids for the Casino Way Showers Contract.

5. Extend the Audit Services Contract for FY 14-15

At the April 16, 2013 meeting, the City Council authorized a professional services contract with Mayer Hoffman McCann P.C (MHM) to perform Certified Audits for the City of Avalon for the three years ending June 30, 2014 with an option for an additional two years ending June 30, 2016. MHM is now Davis Farr Certified Public Accountants.

Recommended Action

Approve a one-year extension of the audit services contract and authorize the City Manager and Finance Director to engage Davis Farr LLP to perform the audit of the City's FY 14-15 financial statements and submit the annual State Controller's Report for an amount not to exceed \$35,000.

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6. Hiring Law Firm to Serve as Alternative City Attorney for Administrative Hearings
The California Court of Appeal has found that an attorney may not represent a City as a prosecutor in an administrative hearing and also serve as the governing body's counsel during that same administrative proceeding. Accordingly, Best Best & Krieger is prohibited from both prosecuting an administrative matter and advising the City Council regarding that matter, and thus a second law firm must be hired to fulfill one of these roles.
Recommended Action
Authorize the selection and hiring of a law firm to serve as alternative City Attorney.
7. Emergency Panel 800-PP846 for the Alfa Laval ALSYS G2-45 Centrifuge
Environ Strategy, who manages the City's Waste Water Treatment Plant, made the City aware of an emergency situation when the existing Control Panel 800-PP846 for the Alfa Laval ALSYS G2-45 Centrifuge Dewatering Skid System required immediate repairs to be made to effectively control waste streams generated by the residents and visitors of the City of Avalon.
Recommended Action
A. Determine that an emergency existed and ratify action by the Chief Administrative Officer and the Interim Public Works Director to undertake necessary repairs at the Pebbly Beach Sewage Treatment Plant.
B. Authorize the expenditures for these repairs to be funded by Sewer Infrastructure Fund 108-25-6552 in the not to exceed estimated amount of \$19,500.00.
C. Adopt a resolution authorizing necessary repairs. **(A four-fifths vote is required.)**

GENERAL BUSINESS

8. Avalon Kid Park Dedication Wall Policy
The City of Avalon erected a dedication wall in Avalon Kids Park in 2006. At the time, the City of Avalon had received numerous requests for memorial benches, plaques, and trees. City Staff was seeking a more sustainable alternative to these options and decided on the dedication wall as a more viable option and as a way to memorialize "Kids of All Ages;" adults who have given back to the youth of Avalon.
Recommended Action
Approve the Administrative Procedure for additions to the Dedication Wall at Avalon Kids Park.
9. Professional Services Agreement with On The Wing Falconry
The proposed contract period with On The Wing Falconry is October 12, 2015 to June 24, 2018. The numbers of days of service fluctuate based on the month, and they range from four to six days per week as prescribed in the Payment Schedule. The current agreement from September 3, 2014 through June 30, 2015 was for three days

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per week of service and did not provide for housing, access to vehicles or cross-channel travel reimbursement.

Recommended Action

Authorize the City Manager to enter into a three year agreement for bird abatement services with On The Wing Falconry for the amount of \$49,989.50 for fiscal year 2015-2016, and for \$78,171.50 for fiscal year 2016-2017 and 2017-2018.

10. Request for Proposal to Provide Fixed-Route and Dial-a-Ride Contract Services for the City of Avalon's Public Transportation Program

In May of this year, the City Council determined to engage in a comprehensive review of the current transit program and develop a Request for Proposal for the City of Avalon's Public Transportation Program. As a result of the review of the existing service it was determined that due to the nature of the taxi service, the City would put out for solicitation the Fixed-Route (bus) service and the Dial-a-Ride (complementary paratransit) and revamp the taxi voucher program to reflect similar taxi voucher programs operated in other cities.

Recommended Action

Review the Request for Proposal to provide Fixed-Route and Dial-a-Ride contract services for the City of Avalon's Public Transportation Program and authorize staff to advertise and solicit proposals.

CLOSED SESSION

1. Conference with Legal Counsel—Existing Litigation:

Name of Case: *Lieberman v. City of Avalon, Avalon City Council*,
Los Angeles Superior Court Case Number: BS157065

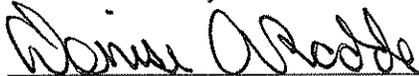
Name of Case: *People of the State of California (City of Avalon) v. David Lieberman and Catalina Snorkel & Scuba Adventures*:
Los Angeles Superior Court Case Number: 5CN00052

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Chief Administrative Officer

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda October 6, 2015 was posted on Wednesday, September 30, 2015, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall and on the City website.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve actions from the September 15, 2015 regular City Council and Successor Agency to the Avalon Community Improvement Agency meeting.

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: Not aligned,

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: October 6, 2015

AGENDA ITEM: 2

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Jordan Monroe, Management Aide

SUBJECT: Consider the approval of two Resolutions, one adopting the Integrated Regional Water Management Plan Update of the Greater Los Angeles County for the 2015 Final Round of Prop 84 IRWM Grant Program and the other adopting the Gateway Water Management Authority IRWM Plan.

RECOMMENDED ACTION(S): Approve the Resolutions adopting the Integrated Regional Water Management Plans of the Greater Los Angeles County for the 2015 Final Round of Prop 84 IRWM Grant Program and Gateway Water Management Authority.

REPORT SUMMARY: On June 2, 2015, the City of Avalon approved a Joint Powers Authority (JPA) agreement with the Gateway Water Management Authority (GWMA) Integrated Regional Management Authority (IRWM). On June 11, 2015, the GWMA board approved Avalon's membership. As the IRWM group pursues funding opportunities it is necessary for the City to adopt the Integrated Regional Water Management Plan (IRWMP) of the Greater Los Angeles County (GLAC) for the 2015 Final Round of Prop 84 IRWM Grant Program, and the Gateway IRWMP.

Proposition 84 closed its final round of funding earlier this year prior to Avalon joining the GWMA, however there are still some potential Proposition 84 funding opportunities for the City. In order to take advantage and be eligible for them, the City must adopt the two IRWM plans referenced above. If the City does not adopt the regional IRWM plans, then it would automatically not be eligible. For example, Gateway submitted an application for an Advanced-meter replacement program under Proposition 84, which included members of the GWMA as recipients of the grant. While the Notice of Proposed Awards have not been released, one of the member cities may have to drop out of the grant, if that is the case there is a possibility that Avalon could step in and be listed as a recipient. In preparation for that possibility the GLAC resolution is tailored specifically for this opportunity.

Integrated Regional Water Management has come about as it is recognized that "regional collaboration can promote a more efficient, comprehensive, and effective approach to water resource management while being responsive within a regional context to the needs of individual communities and jurisdictions. In addition, as State funding is becoming more oriented toward regional planning, it is in the Greater Los Angeles County Region's best interests to develop an IRWMP to successfully compete for future funding opportunities. The

Greater Los Angeles County Region IRWMP will serve as the blueprint to facilitate this type of regional cooperation.” (Quoted from the GLAC website).

For more information on the GLAC Water Management Plan visit www.ladpw.org/wmd/irwmp/ and for more information on the Gateway IRWMP visit www.gatewayirwmp.org.

GOAL ALIGNMENT: Fresh Water Resources.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City would not be eligible for certain grant opportunities.

FOLLOW UP ACTION: Notify the GWMA of the adopted resolutions.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act. (If a notice was published in the paper you can list it here.)

ATTACHMENTS:

- Resolution of the City of Avalon authorizing the adoption of the Greater Los Angeles Integrated Regional Water Management Plan
- Resolution of the City of Avalon authorizing the adoption of the Gateway Water Management Authority Integrated Regional Water Management Plan

RESOLUTION NO. _____

**A RESOLUTION CITY COUNCIL OF THE CITY OF AVALON AUTHORIZING THE
ADOPTION OF THE GREATER LOS ANGELES INTEGRATED REGIONAL
WATER MANAGEMENT PLAN UPDATE 2014
FOR THE 2015 FINAL ROUND OF PROP 84 IRWM GRANT PROGRAM**

WHEREAS, the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) is comprised of cities and other government agencies interested in maximizing opportunities to integrate water management activities such as water supply reliability, water quality, environmental stewardship, and flood management for the Lower San Gabriel and Lower Los Angeles sub-region; and

WHEREAS, the City recently joined and is a member of the GWMA; and

WHEREAS, Proposition 84 provided funding to the Greater Los Angeles Integrated Regional Water Management group (LA IRWM), which is a separate Integrated Regional Water Management group and is recognized by the State Department of Water Resources, to develop the Greater Los Angeles Integrated Regional Water Management Plan (Plan) pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resource Code (PRC) Section 75001 et seq.); and

WHEREAS, the GWMA actively supports and is a member of the LA IRWM; and

WHEREAS, the LA IRWM has developed an update to the Plan (Plan Update) to benefit the Greater Los Angeles Region and its sub-regions; and

WHEREAS, the City of Avalon must adopt the Plan Update to be eligible for certain Proposition 84 grant funding opportunities; and

WHEREAS, the City of Avalon is interested in pursuing opportunities for Proposition 84 funding through the LA IRWM.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Avalon hereby adopts the Greater Los Angeles Integrated Regional Water Management Plan Update 2014 for the 2015 Final Round of Prop 84 IRWM Grant Program.

PASSED, APPROVED, AND ADOPTED this 6th day of October, 2015.

I, the undersigned, hereby that the foregoing Resolution Number _____ was duly adopted by the City Council of the City of Avalon following a roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON
AUTHORIZING THE ADOPTION OF THE GATEWAY
INTEGRATED REGIONAL WATER MANAGEMENT PLAN**

WHEREAS, the Los Angeles Gateway Region Integrated Regional Water Management Joint Powers Authority (GWMA) is comprised of cities and other government agencies interested in maximizing opportunities to integrate water management activities such as water supply reliability, water quality, environmental stewardship, and flood management; and

WHEREAS, the GWMA is a Regional Water Management Group recognized by the State of California Department of Water Resources; and

WHEREAS, Proposition 84 provided funding for the GWMA to develop the Gateway Integrated Regional Water Management Plan (Plan) pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resource Code (PRC) Section 75001 et seq.); and

WHEREAS, GWMA has engaged GWMA members, potential GWMA members and various stakeholders throughout the Region into the Plan development process; and

WHEREAS, the GWMA has developed the Gateway Integrated Regional Water Management Plan through an open, participatory, collaborative, and public process; and

WHEREAS, the Plan describes regional approaches and goals to improve water management, supply and operation, among other things; and

WHEREAS, the City of Avalon has entered into a Joint Powers Authority with GWMA; and

WHEREAS, all of the participating agencies in the GWMA, which includes the City of Avalon, must approve the Plan in order to be eligible for Proposition 84 grant funding; and

WHEREAS, the City is interested in pursuing opportunities for Proposition 84 funding through the GWMA and supports the Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Avalon hereby adopts the Los Angeles Gateway Integrated Regional Water Management Plan dated June 2013.

PASSED, APPROVED, AND ADOPTED this 6th day of October, 2015.

I, the undersigned, hereby that the foregoing Resolution Number _____ was duly adopted by the City Council of the City of Avalon following a roll call vote:

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 3

ORIGINATING DEP: Planning

CITY MANAGER: BH

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Consideration of a Resolution adding "Intermodal" to the title and definition of the Cabrillo Mole Ferry Terminal

RECOMMENDED ACTION(S): Adopt the Resolution approving the addition of the word "Intermodal" to the title of Cabrillo Mole Ferry Terminal.

REPORT SUMMARY: The Cabrillo Mole Ferry Terminal is the primary access point for visitors and residents of the City of Avalon. The terminal serves not only ferry passenger service, but also serves to connect passengers with other modes of transportation including bus service, taxi's, pedestrian and bicycle access. Local, state and federal transportation agencies are focusing funding for transportation and transit related projects that provide "connectivity" and "active transportation". Adding the word "Intermodal" to the title of the Cabrillo Mole Ferry Terminal helps illustrate the facility connects to other modes of transportation beyond cross-channel carriers and aligns with the connectivity and active transportation trends.

GOAL ALIGNMENT: City Infrastructure and Comprehensive Transportation Review.

FISCAL IMPACTS: There are no negative fiscal impacts to this action however, there may be positive fiscal impacts as it relates to future grant applications.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: If the Resolution is not approved the City will not add the word "Intermodal" to the title of the Cabrillo Mole Ferry Terminal.

FOLLOW UP ACTION: None.

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

ATTACHMENTS: Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADDING
"INTERMODAL" TO THE DEFINITION OF THE
CABRILLO MOLE FERRY TERMINAL**

WHEREAS, the Cabrillo Mole Ferry Terminal is the primary access point for visitors and commuters; and

WHEREAS, the Cabrillo Mole Ferry Terminal provides connection to other modes of transportation including bus, taxi, pedestrian and bike facilities; and

WHEREAS, the Cabrillo Mole Ferry Terminal serves as a transportation hub for the City of Avalon; and

WHEREAS, adding "Intermodal" to the title of the Cabrillo Mole Ferry Terminal helps define that other modes of transportation are served; and

WHEREAS, local, state and federal transit and transportation funds focus on connectivity and intermodal facilities; and

WHEREAS, defining the Cabrillo Mole Ferry Terminal as Intermodal assists with future transit and transportation funding requests;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Avalon hereby approves adding "Intermodal" to the definition of the Cabrillo Mole Ferry Terminal and referencing the title as the Cabrillo Mole Ferry Intermodal Terminal.

Passed, Approved and Adopted on the _____ day of October, 2015.

I, the undersigned, hereby that the foregoing Resolution Number _____ was duly adopted by the City Council of the City of Avalon following a roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

ADENDA ITEM: 4

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Denise Radde, Chief Administrative Officer

SUBJECT: Consideration to Go Out For Bid for the Casino Way Showers Contract

RECOMMENDED ACTION(S): Authorize Staff to proceed with advertisement for public bids for the Casino Way Showers Contract.

REPORT SUMMARY: The Casino Way Showers were constructed in 1990 with Boating and Waterways funds and provides an invaluable service to the public. The City Council awarded the current operating and management services for the Casino Way Showers property in April 2009. The contractor has received several contract renewals and is currently on a month to month. Staff is recommending this contract be advertised in a public bid.

Staff proposes the RFP process to commence immediately to appoint a long-term contractor with the timeline outlined below:

- Advertisement: October 9, 16, and 23, 2015
- Mandatory Job Walk: Tuesday, October 20, 2015
- Proposals due: Monday, October 26, 2015, 5:00 pm
- Top Candidates Interviewed: Tuesday, October 27, 2015
- City Council to award contract: November 3, 2015
- Awardee to commence service: November 15, 2015

Staff proposes to have limited hours of operation from November 1 through November 14, 2015 for maintenance and repair prior to the new contractor's service commencement.

GOAL ALLIGNMENT: Not aligned.

FISCAL IMPACTS: Uncertain at this time.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City of Avalon cannot proceed in awarding a new contract to operate the Casino Way Showers property and may ultimately not be able to provide this service or realize revenue generated from the lease.

FOLLOW UP ACTION: Implement the proposed RFP schedule.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda.

ATTACHMENTS: Proposed RFP will be provided under separate cover.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 5

ORIGINATING DEP: Finance

CITY MANAGER: BH

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: Extend the Audit Services Contract for FY14-15

RECOMMENDED ACTION(S): Approve a one-year extension of the audit services contract and authorize the City Manager and Finance Director to engage Davis Farr LLP to perform the audit of the City's FY14-15 financial statements and submit the annual State Controller's Report for an amount not to exceed \$35,000.

REPORT SUMMARY: At the April 16, 2013 meeting, the City Council authorized the Interim City Manager to award and enter into a professional services contract with Mayer Hoffman McCann P.C (MHM) to perform Certified Audits for the City of Avalon for the three years ending June 30, 2014 with an option for an additional two years ending June 30, 2016. The first year's extension is \$31,000 and includes a 1.9% increase from the last year's fees of \$30,420. MHM also assists the City in preparing and submitting the required annual State Controller's Report for an additional \$4,000.

On June 1, 2015, Davis Farr acquired the California Local Government audit practice from MHM. Davis Farr is operating out of the same offices and is utilizing the same audit software and systems previously used under MHM. The audit team that performed the City of Avalon's previous audit under MHM will perform the audit under Davis Farr for FY14-15. Davis Farr is willing to honor the terms and conditions of the original MHM contract.

GOAL ALIGNMENT: Not aligned

FISCAL IMPACTS: The \$35,000 for professional services is included in the FY15-16 Budget for General Fund 101-25-5010.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Noncompliance with bond covenants and government regulations.

FOLLOW UP ACTION: Engagement letters signed by the City Manager and Finance Director

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

ATTACHMENTS: Financial audit engagement letter with terms and conditions; State Controllers Report engagement letter with terms and conditions.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 6

ORIGINATING DEP: City Attorney

CITY MANAGER: BH

PREPARED BY: Scott Campbell

SUBJECT: Hiring Law Firm to Serve as Alternative City Attorney for Administrative Hearings

RECOMMENDED ACTION(S):

That the City Council authorize the selection and hiring of a law firm to serve as alternative City Attorney.

REPORT SUMMARY:

The California Court of Appeal has found that an attorney may not represent a City as a prosecutor in an administrative hearing and also serve as the governing body's counsel during that same administrative proceeding. *Quintero v. City of Ana*, 114 Cal.App.4th 810 (2003). Accordingly, Best Best & Krieger is prohibited from both prosecuting an administrative matter and advising the City Council regarding that matter, and thus a second law firm must be hired to fulfill one of these roles.

Best Best & Krieger recommends the law firm of Liebert Cassidy Whitmore (LCW) for the role of alternative City Attorney in instances where Best Best & Krieger is serving as prosecutor during an administrative hearing. LCW has a number of attorneys in Southern California with extensive experience advising City Councils regarding administrative hearings.

LCW has specifically proposed four attorneys for this role, and the City Council may interview them, without charge, if desired. The resumes of these four attorneys are attached.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: The proposed LCW attorneys charge hourly rates between \$255 and \$325. LCW also bills for travel time at the attorney's hourly rate.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: No second law firm would be hired and the City would not be able to conduct an administrative hearing, or would conduct an administrative hearing without an attorney able to advise the City Council.

FOLLOW UP ACTION: Interview and choose an alternative City Attorney.

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

ATTACHMENTS: Resumes of each proposed alternative City Attorney; Letter from LCW regarding the services provided.

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015 AGENDA ITEM: 7
ORIGINATING DEP: Public Works CITY MANAGER: BA
PREPARED BY: Dennis Jaich – Interim Director Public Works
SUBJECT: Emergency Panel 800-PP846 for the Alfa Laval ALSYS G2-45 Centrifuge

RECOMMENDED ACTION(S):

1. Determine that an emergency existed and ratify action by the Chief Administrative Officer and the Interim Public Works Director to undertake necessary repairs at the Pebbly Beach Sewage Treatment Plant.
2. Authorize the expenditures for these repairs to be funded by Sewer Infrastructure Fund 108-25-6552 in the not to exceed estimated amount of \$19,500.00.
3. Adopt a resolution authorizing necessary repairs. **(A four-fifths vote is required.)**

REPORT SUMMARY:

Environ Strategy (ES), who manages the City's Waste Water Treatment Plant, made the City aware of an emergency situation when the existing Control Panel 800-PP846 for the Alfa Laval ALSYS G2-45 Centrifuge Dewatering Skid System required immediate repairs to be made to effectively control waste streams generated by the residents and visitors of the City of Avalon. Repairs would be required to be made expeditiously due to the critical components involved in dewatering sludge to meet State of California requirements set forth in the operating permit. In addition, sludge dewatering requirements are in place at the City of Avalon landfill which require all sludge to be dewatered to less than a 50% water content. These are landfill regulations that are mandated by the State of California.

This situation required that immediate action be taken to make the requisite repairs; the centrifuge is a critical piece of equipment in our facility as it is the last step in the treatment process.

In order to expeditiously repair the Control Panel, we had to contact the manufacturer, Alpha Laval, and have their technician come out to the site with the repair parts for installation.

GOAL ALIGNMENT: City Infrastructure.

FISCAL IMPACTS: Sewer Infrastructure Fund 108-25-6552.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Process control procedures at the Avalon Wastewater treatment plant would be compromised. Without a

properly functioning Centrifuge assembly, the facility would be unable to dewater sludge from the two aerobic digester holding tanks. This would result in a SSO (Sanitary Sewer Overflow) which would violate stipulations set forth in the CDO (Cease and Desist Order No. R4-2008-0028) for NPDES Permit No. CA0054372

FOLLOW UP ACTION: Allow payment for the emergency work for a NTE estimated cost of \$19,500.00.

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

ATTACHMENTS: None

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AVALON, CALIFORNIA AUTHORIZING EMERGENCY
REPAIRS AT PEBBLY BEACH WASTEWATER
TREATMENT PLANT AND AUTHORIZING CHIEF
ADMINISTRATIVE OFFICER TO APPROVE THE
EMERGENCY PANEL 800-PP846 FOR THE ALFA LAVAL
ALSYS-45 CENTRIFUGE**

WHEREAS, Environ Strategy (ES) who manages the City's Pebbly Beach Wastewater Treatment Plant made the City aware of an emergency situation when the existing Control Panel 800-PP846 for the Alfa Laval ALYSYS G2-45 Centrifuge Dewatering Skid System required immediate repairs to be made to effectively control waste streams generated by the residents and visitors of the City of Avalon; and

WHEREAS, repairs would be required to be made expeditiously due to the critical components involved in dewatering sludge to meet State of California requirements set forth in the operating permit; and

WHEREAS, this situation required that immediate action be taken to make the requisite repairs because the centrifuge is a critical piece of equipment in our facility as it is the last step in the treatment process; and

WHEREAS, in addition, sludge dewatering requirements are in place at the City of Avalon landfill which require all sludge to be less than 50% water content. If the City had waited to go through the public bidding process, the necessary repairs would have been delayed; and

WHEREAS, without a properly functioning Centrifuge assembly, the facility would be unable to dewater sludge from the two aerobic digester holding tanks, this would result in a SSO (Sanitary Sewer Overflow) which would violate stipulations set forth in the CDO (Cease and Desist Order No. R4-2008-0028) for NPDES Permit No. CA0054372.

WHEREAS, due to the serious nature of the emergency repair allow payment for the emergency work for a cost not to exceed \$19,500.00 and that the payment is funded by the Sewer Infrastructure Fund 108-25-6552; and

WHEREAS, Public Contract Code Sections 1102 and 20168 permit the City to authorize emergency repairs without compliance with the competitive bidding requirements if it determines that public interest and necessity demand the immediate expenditure of public money in order to safeguard life, health or property when an unexpected and sudden occurrence poses a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

WHEREAS, Public Contract Code Sections 20168 and 22050, further require that any emergency expenditure of funds be approved by a four-fifth's vote of the City Council after making findings based on substantial evidence set forth in the minutes of the meeting that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency; and

WHEREAS, an emergency as defined by Public Contract Code Section 1102 may occur between regular City Council meetings; and

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF AVALON HEREBY DOES THE FOLLOWING:

Section 1. The above recitals are hereby incorporated as though fully set forth herein.

Section 2. The City Council on substantial evidenced presented by the City Staff finds and determines as follows:

- a. That the recently discovered problem at the City's Waste Water Treatment Plant posed a clear and imminent danger of damage to the City's sewage system and threat to public health and safety;
- b. That the problem constituted an "Emergency" as defined in Public Contract Code Section 1102 and required immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services;
- c. That public interest and necessity demanded the immediate expenditure of public funds to remediate the Emergency Control Panel in order to safeguard the City's sewage system and public health and safety; and
- d. That the circumstances required immediate action in response to the emergency and would not have allowed for a delay resulting from competitive solicitation for bids.

Section 3. That City Council determine that an emergency existed and ratify action by the Chief Administrative Officer and the Interim Public Works Director to undertake necessary repairs at the Pebbly Beach Wastewater Treatment Plant.

Section 4. Pursuant to Public Contract Code Section 22050, the City Council further authorizes the City's Chief Administrative Officer, in a case of an emergency as defined by the Public Contract Code Section 1102, to repair or replace a public facility, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and suppliers for those purposes, without complying with the competitive bidding requirements.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

Ayes:
Noes:
Abstain:
Absent:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015
ORIGINATING DEP: Recreation
PREPARED BY: Jennifer Monroe, Recreation Coordinator
SUBJECT: Avalon Kids Park Dedication Wall Policy

AGENDA ITEM: 8
CITY MANAGER: BH

RECOMMENDED ACTION(S): Approve the Administrative Procedure for additions to the Dedication Wall at Avalon Kids Park (People's Park).

REPORT SUMMARY: The City of Avalon erected a dedication wall in Avalon Kids Park (commonly called People's Park) in 2006. At the time, the City of Avalon had received numerous requests for memorial benches, plaques, and trees. City Staff was seeking a more sustainable alternative to these options and decided on the dedication wall as a more viable option and as a way to memorialize "Kids of All Ages," adults who have given back to the youth of Avalon. The wall currently has plaques recognizing Fern Whelan, Frank Saldana, and Robert Rockwell.

As outlined in the Administrative Procedure attachment, Staff is recommending the creation of a stakeholders group that would meet annually to decide the year's awardees. Stakeholders proposed include one member of City Council, which would rotate to a different Councilmember annually, the Recreation Coordinator, one representative from Avalon Schools, and representatives from the local churches. The group would convene in January for a discussion, review nominees brought forward by the stakeholders, and make a final decision of a list of awardees for that particular year. Invitations to the awardees, their families, and community members would be sent out in February, with the unveiling of the new plaques and a celebration in the park to be held during National Volunteer Week in April annually.

Staff is recommending one to three recipients be awarded annually by the stakeholder group, and this process and criteria is outlined in greater detail in the Administrative Procedure attached. However, the Dedication Wall has not been updated since it was erected in 2006, so Staff is recommending a large group of awardees be recognized for the first year of additions. A preliminary list of names for the stakeholder group to consider the first year has been compiled by Staff with input from several City Councilmembers. Additional recommendations for the group to consider may be submitted to the Recreation Coordinator or to the rotating member of City Council to take to the stakeholder group.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: Funding for the plaques, invitations, and refreshments or entertainment for the celebration would be included in the Park Facilities Budget (102-65-5644) for future years. This expense was not included in that account for the Fiscal Year 2015/2016, and any expenses this coming year would come out of this year's Recreation Department Special Department Expense budget (102-65-3625) to cover the costs.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Staff will not proceed in convening a stakeholders group as outlined in the Administrative Procedure.

FOLLOW UP ACTION: Reach out to stakeholder groups; proceed with implementing the Administrative Procedure.

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

ATTACHMENTS: Avalon Kids Park Dedication Wall Administrative Procedure.



TITLE:	Process for the Avalon Kids Park Dedication Wall Procedure
SECURITY LEVEL:	Public
SOP AUTHOR:	David Hart, Recreation Coordinator
EFFECTIVE DATE:	09/28/2015

1. Purpose

To recognize those individuals, alive or have passed on, who have given unselfishly, either through generous volunteerism or philanthropic endeavors to support Avalon youth. To be honored during the Saturday of the National Volunteer Week.

2. Scope

This document is to be utilized as a tool by the City of Avalon Recreation Department and the partners to decide who, what, when, and how a plaque shall be celebrated and placed at the Avalon Kids Park.

3. Responsibilities

- City of Avalon Recreation Coordinator
David Hart
(310)510-0220 ext. 231
dhart@cityofavalon.com

Responsible for organizing the committee that decides who meets the criteria and the details of the celebration event .

- The Dedication Wall Committee
 1. Recreation Coordinator
 2. One annually rotating representative of the Avalon City Council
 3. A representative from Avalon Schools (Administrator, Teacher, or Office Staff)
 4. A representative from the local Churches.

Responsible for deciding who will receive the plaque. Will decide on 1 to 3 people to receive the plaque annually.

4. Procedure

RC: Recreation Coordinator

DWC: Dedication Wall Committee

The RC will form the DWC and arrange a meeting prior to Jan 15th of every year.

The DWC will decide from a list of nominees brought forth themselves or outside community members, who will be receive a plaque on the dedication wall for that year. The DWC will decide on 1 to 3 nominees who will be honored each year.

Criteria for Choosing Recipients: A person who has given unselfishly, either through generous volunteerism or philanthropic endeavors to support Avalon's youth.

The RC will purchase the plaque and coordinate the installation. The RC will send out invitations no later than Feb 15th to the recipient(s) or the family of the recipient(s) so they may be present at the Ceremony.

The RC will arrange the Ceremony on the 2nd Saturday of April during National Volunteer Week.

Step by Step

1. RC will form and meet the DWC by Jan. 15th
2. DWC decides 1 to 3 nominees to be honored
3. RC will purchase plaque, contact recipients or family of recipients, and arrange Ceremony.
4. RC will send out invitations no later than Feb. 15th
5. Ceremony and Celebration to be held the Saturday of National Volunteer Week, typically the second week in April.

5. Changes Since Last Revision

N/A

6. Documents/Resources Needed for this SOP

N/A

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 9

ORIGINATING DEP: Recreation

CITY MANAGER: BH

PREPARED BY: Jennifer Monroe, Recreation Coordinator

SUBJECT: Professional Services Agreement with On The Wing Falconry

RECOMMENDED ACTION(S):

Authorize the City Manager to enter into a three year agreement for bird abatement services with On The Wing Falconry for the amount of \$49,989.50 for fiscal year 2015-2016, and for \$78,171.50 for fiscal year 2016-2017 and 2017-2018.

REPORT SUMMARY:

At the August 19, 2014 Avalon City Council Meeting, Council authorized the City Manager to execute an agreement for bird abatement services with On the Wing Falconry in partnership with the Catalina Island Chamber of Commerce and Visitor's Bureau from September 3, 2014 through June 30, 2015. The agreement was for three days per week of service and did not provide for housing, access to vehicles or cross-channel travel reimbursement. No falconry service was conducted from June 30 through September, 2015, and negotiations for a new contract were conducted through August and September.

The most difficult aspect of signing a contract was the issue of housing, with the City of Avalon seeking but struggling to find willing property owners to partner with on the construction of bird facilities. The City of Avalon was then serendipitously approached by the Santa Catalina Island Company over the summer, who was interested in moving forward with bird abatement at their Descanso Beach facility. SCICo. proceeded to move forward through the construction process, with their falcon mews passing through Planning Commission on July 22, 2015. SCICo. then signed a three year contract with On The Wing Falconry for abatement services. Because more than one falconer in service in such a small perimeter is ill-advised, Staff is recommending the City of Avalon move forward with Rocky Post and On The Wing Falconry rather than put the contract bid out for advertisement. If the City of Avalon wishes to proceed with bird abatement services but seeks an alternative company, they will find themselves in the situation of having a falconer with no bird housing once more. This is the basis for Staff's recommendation to proceed with the same contractor that is in place at Descanso Beach. Because of the housing element, contracting with someone other than On The Wing Falconry would not be more economical or efficient.

The proposed contract period with On The Wing Falconry is October 12, 2015 to June 24, 2018. The numbers of days of service fluctuate based on the month, and they range from four to six days per week as prescribed in the Payment Schedule (Contract Addendum 2). The

exact days of non-service are stated in the contract, as is the amount of hours per day of required "flight time". Also added to the contract are prescribed performance measures, which include a percentage decrease of the amount of "bird comp" meals tracked at two local restaurants as well as a decrease in the number of postings for bacteria level exceedances at the beaches. The contractor shall submit a monthly report of their progress to the clients, as well as attend a quarterly meeting to discuss the performance measures prescribed. The second and third year of the contract (FY 16/17 & FY 17/18) reflect an increase in the number of days of operation, which is six days per week throughout the peak summer season. This increased service is reflected in the contract cost and broken down in detail in Payment Schedule (Contract Addendum 2). FY 2015/16 is dramatically less cost because this contract proposes to start on October 12, which is past the peak summer season and omits one quarter of the current fiscal year.

GOAL ALIGNMENT: Cease and Desist Order.

FISCAL IMPACTS: \$49,989.50 is currently within the \$50,000.00 budgeted in the Fiscal Year 2015/2016 Budget Sewer Fund (Account Code 107-25-5017). \$78,171.50 would be budgeted in Fiscal Year 2016/2017 and 2017/2018.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Non-participation of City of Avalon in multi-party agreement with On The Wing Falconry; potential non-compliance with the Cease and Desist Order caused by exceeding maximum bacterial levels; visitor dissatisfaction due to bird nuisances.

FOLLOW UP ACTION: Execute agreement.

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

ATTACHMENTS: Professional Services Agreement with On The Wing Falconry

CITY OF AVALON CITY COUNCIL

MEETING DATE: October 6, 2015

AGENDA ITEM: 10

ORIGINATING DEP: Planning

CITY MANAGER: BH

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Request for Proposal to Provide Fixed-Route and Dial-a-Ride Contract Services for the City of Avalon's Public Transportation Program

RECOMMENDED ACTION(S): Review the Request for Proposal to provide Fixed-Route and Dial-a-Ride contract services for the City of Avalon's Public Transportation Program and authorize staff to advertise and solicit proposals.

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

In May of this year, the City Council determined due to the extended length of the current contract, and the need to ensure the City is meeting all ADA requirements, that the City engage in a comprehensive review of the current program and develop a Request for Proposal for the City of Avalon's Public Transportation Program. As a result of the review of the existing service it was determined that due to the nature of the taxi service (the existing contract is held by the taxi provider), the City would put out for solicitation the fixed-route (bus) service and the Dial-a-Ride (complementary paratransit) and revamp the taxi voucher program to reflect similar taxi voucher programs operated in other cities.

The Request for Proposal schedule is designed to meet the time constraints of the existing agreement, which expires April 1, 2016.

The RFP will be solicited to transit providers in the greater Los Angeles area, the current contractor, local transportation providers, published in the Avalon Bay News, the Catalina Islander and on the CalACT (California Association of Coordinated Transportation) Website.

The RFP was designed utilizing input provided by the City Council, including cost proposal options for the operation of the Dial-a-Ride vehicles purchased by the City and by the Contractor.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review.

FISCAL IMPACTS: Unknown at this time. The Request for Proposal process will determine if any funds above the current grant funding will be necessary.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The RFP schedule would require adjustment to meet the current contract deadline.

FOLLOW UP ACTION: Proceed with the Notice of Request for Proposals; develop a review panel and bring the results of the solicitation to the January 5, 2016, City Council meeting for consideration.

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

ATTACHMENTS: RFP for Management and Operation of the Avalon Transit System will be provided under separate cover.