

**AVALON CITY COUNCIL MEETING
TUESDAY, NOVEMBER 3, 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

1. Presentation by the Los Angeles County Work Force Board.

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.

GENERAL BUSINESS

1. Amending Sections of the Municipal Code- Floodplain Management, Water Efficient Landscape Regulations, and General Standards of Development
The State of California's Phase II National Pollutant Discharge Elimination System (NPDES) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Small MS4 Permit) requires that Permittees implement low impact development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management to the extent feasible, to meet the Numeric Sizing Criteria for Storm Water Retention and Treatment under Permit Section E.12.e(ii)(c).

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Recommended Action

Introduce and waive all further readings of amendments to the Municipal Code in:

- a. Section 6-9.509 Provisions for Flood Hazard Reduction (update of existing code).
- b. Section 6-9.901 Removal and Replacement of Channel Vegetation (addition of new section).
- c. Section 6-12.06 Landscape Water Use Standards (update of existing code).
- d. Sections 9-7.404 Location of Other Structures and Projections into Yards (update of existing section).

2. Unaudited Preliminary Financial Results of FY 14-15 and Proposed Amendments to the FY 15-16 Budget

The FY 14-15 unaudited preliminary financial results are better than budgeted. The Council adopted the FY15-16 Budget on July 10, 2015. In order to balance the budget, most of the proposed capital expenditures were excluded until staff could present the results of the City's FY14-15. Additionally, the Budget was likely too conservative in projecting the Transient Occupancy Tax and Harbor Revenues. Staff recommends amending the FY 15-16 Budget to include this items.

Recommended Action

Receive the report of the FY 14-15 Preliminary Results and adopt the amendment to the FY 15-15 Budget to include additional revenue and spending.

CONSENT CALENDAR

3. 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 October 20, 2015 regular City Council meeting.

4. Continuance of Chris Woidzik Consultant Agreement

During the past four months, Mr. Woidzik ensured that the Finance Department met its daily operating responsibilities, continued efforts to reduce the use of external consultants, and implemented changes to make the operations of the Department and City more efficient and cost effective.

Recommended Action

Authorize the City Manager to extend the agreement with Mr. Chris Woidzik through December 31, 2015 for an amount not to exceed \$25,000, thereby allowing him to continue serving as a temporary consultant to the Finance Department, as well as assisting the City in completing its FY14-15 financial statement audits. The adopted FY15-16 Budget includes sufficient funding of this expenditure.

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5. Closed Circuit Television Camera (CCTV)
The City is in need of a proper internal CCTV to perform several important and mandatory functions required by the State issued Cease and Desist Order.
Recommended Action
Authorize the purchase of a new CCTV camera from Haaker Equipment Company for a not to exceed amount of \$69,915.75, plus tax and shipping.

6. Consideration of an Increase to the Professional Services Agreement with AMMA Transit Planning for Extra Work Performed in Association with the Request for Proposals for the City's Transit Contract
In May 2015 the City entered into a Professional Services Agreement with AMMA transit Planning. The contract was based on technical assistance provided to other agencies bidding similar services. It was determined, early in the process that due to the extraordinary length of the existing contract with Catalina Transportation Services, updating policies and practices to align with existing state and federal laws as they relate to transit services, may possibly require additional effort and time to develop which are necessary for the preparation of the Request for Proposals solicitation.
Recommended Action
Authorize an increase to the Professional Services Agreement with AMMA Transit Planning for an amount not to exceed \$9,869.95 for extra work performed for the Avalon Transit Request for Proposals Project.

7. Volvo Outdrive Replacement
The Harbor Department is requesting two patrol boat outdrives, one Volvo Penta D3 (for Patrol Boats 1 or 4) and one Volvo Penta D4 (for Patrol Boats 3 or 7). These outdrives are to replace current outdrives that are failing.
Recommended Action
Authorize the Harbor Master to purchase one Volvo Penta D4 outdrive and one Volvo Penta DRS-D3 outdrive from Outdrive Exchange Inc., in the amount of \$18,440.94.

8. Evinrude E-Tech 150HP Outboard Motor Replacement
The Harbor Department is requesting one E-Tech 150hp outboard motor with a control box and 3-bladed propeller. This is a scheduled replacement for the outboard motor on Patrol Boat 6 with over 5,800 hours.
Recommended Action
Authorize the Harbor Master to purchase one Evinrude E-Tech 150hp outboard motor, one I-Command control box and one 15" three blade Propeller from Avalon Boat Stand in the amount of \$16,150.94.

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9. Acknowledge and Authorization of Temporary Planning Department Contract Expenses
Steve Flint, of Regional Government Services, was providing limited contract planning support, and in July 2015 was called upon to provide an elevated level of assistance with Planning Department operations. Additionally, Mr. Flint provided assistance with the Vons Appeal that came before the City Council in August, as well as temporary oversight of the Planning Department.
Recommended Action
Acknowledge and approve temporary Planning Department contract expenditures from Regional Government Services (RGS) beyond the City Manager's \$5,000 spending authority.
10. Catalina Express Free Birthday Trips – Waiver of Wharfage Fees
The City Council has waived the wharfage fee for all persons who arrived and departed the City of Avalon via the Catalina Express on the birthday promotion since April 2011. The Catalina Express would like to extend their promotion and has requested the City once again waive the wharfage fee for another year.
Recommended Action
Authorize the waiver for not charging the wharfage fee for all persons who embark and disembark the City of Avalon via the Catalina Express in conjunction with the Catalina Express's promotion of giving a free birthday trip.

GENERAL BUSINESS (continued)

11. Review and Approval of the City of Avalon Transit User Guide, Avalon Access Eligibility Application and Avalon Dial-A-Ride Eligibility Application
The City of Avalon is in the process of publicly bidding the contract for its transit system which consists of a fixed-route and paratransit/dial-a-ride service. One of the main goals of publicly bidding the public transit operations contract is to ensure the City is fully compliant with all ADA regulations as they specifically relate to transit services.
Recommended Action
Review and approve the new Transit User Guide, Avalon Access Eligibility Application and Avalon Dial-A-Ride Eligibility Application.
12. Amendment to Municipal Code Section Regarding Modification, and Revocation of Variances, Conditional Use Permits, and Non-Conforming Use Permits
Section 9-8.501 of the Municipal Code currently provides that the Planning Commission may, on its own or at the direction of the City Council, revoke or modify any variance, conditional use permit, or non-conforming use permit after a public hearing if the Commission finds at a public hearing that the variance or permit was obtained by fraud, is not being used, or if any provision of such variance or permit is found to be invalid. To further clarify the circumstances under which the Planning Commission may revoke or modify a variance, conditional use permit, or non-conforming use permit, the proposed ordinance amendment adds subsection (e) to Section 9-8.501.

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Recommended Action

Introduce and waive all readings of an ordinance amending the Municipal Code section regarding modification and revocation of variances, conditional use permits, and non-conforming use permits.

13. Amendment of Avalon Municipal Code Section 4-4.1712 to Allow for Cost Recovery When a Wheel Lock is Utilized on an Abandoned Vehicle

Municipal Code Section 4-4.1712 only provides for the recovery of costs related to towing abandoned vehicles rather than when a wheel lock is used to immobilize the vehicles. The current section is also unclear as to whether obtaining a City permit has the effect of eliminating the requirement for the vehicle owner to pay the cost of towing the vehicle. The proposed ordinance amends Section 4-4.1712 to allow for recovery of all costs incurred in impounding, towing, or immobilizing a vehicle, and further clarifies that these costs must be paid even if a City permit is later obtained.

Recommended Action

Introduce and waive all readings of an ordinance amending the Municipal Code to allow for cost recovery when a wheel lock is utilized on an abandoned vehicle.

14. April 12, 2016 Avalon General Municipal Election

The City of Avalon will hold its regular General Municipal Election on Tuesday, April 12, 2016, to fill 2 Council member seats, the office of Mayor, and the office of the City Treasurer.

Recommended Action

- 1) Choose among listed options regarding payment costs.
- 2) Adopt Election Resolutions:
 - o Resolution calling the election
 - o Resolution requesting the Los Angeles County Board of Supervisors to provide election services
 - o Resolution setting regulations for candidate statements
- 3) Direct the City Clerk to publish the Notice of Election.

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda November 3, 2015 was posted on Wednesday, October 28, 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

MS4 Permit requires that Permittees conduct a review of existing codes and standards using an existing guide or template already developed for MS4s. Priority shall be placed on review of the landscape code. Specifically, the Small MS4 Permit requires:

- (a) Within the first year of the effective date of this permit, the Permittee shall conduct an analysis of the landscape code to correct gaps and impediments impacting effective implementation of post-construction requirements.
- (b) Within the second year of the effective date of the permit, the Permittee shall complete any changes to the landscape code to effectively administer post-construction requirements.

By the second year of the effective date of the Small MS4 Permit, the Permittee shall require these Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law. June 30, 2015 represents the end of the second year of the Small MS4 Permit and the deadline for completing code changes intended to administer the Permit's post-construction requirements.

Project Background

Consulting assistance provided by the California Stormwater Quality Association (CASQA) through a Proposition 84 grant, led by grant project manager Daniel Apt, conducted a gap analysis of the City's existing codes and standards to identify barriers to the use of LID practices within the City's landscape related codes and standards.

The results of the gap analysis, aided by meetings with City staff, development of draft amendments to the City's codes by the CASQA consulting team, and review of the proposed amendments by City staff and the City's legal team of Best, Best and Krieger, led to proposed amendments to the City's codes, as identified in the above identified sections of the City of Avalon Municipal Code. The adoption of the proposed amendments will fulfill the requirement of completing any changes to the landscape code during the second year of the effective date of the Small MS4 Permit. The amendments include updates to landscape-related codes and standards that remove barriers to the use of LID practices. The proposed amendments also remove any barriers to employing LID practices within right-of-ways and landscaped areas.

The City identified in its Small MS4 Permit Annual Report submitted on October 15, 2015 in reference to the status of implementation of the requirements for Section E.12.j of the Small MS4 Permit that "Changes have been made to the landscape code and adoption of the changes is set for November 17, 2015."

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: If the City of Avalon does not adopt the recommended updates to the Avalon Municipal Code, the City will not be in compliance with Section E.12.j of the Small MS4 Permit, and the City will be issued a Notice of Violation (NOV) from the State Board and if not complied with the City will like be issued monetary fines, which may include civil and administrative penalties.

FOLLOW UP ACTION: Bring back ordinance for a second reading and adoption.

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

ATTACHMENTS: Proposed ordinance.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 2

ORIGINATING DEP: Finance Department

CITY MANAGER: BH

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: Unaudited Preliminary Financial Results of FY14-15 and
Proposed Amendment to the FY15-16 Budget

RECOMMENDED ACTION(S): Receive the report of the FY14-15 Preliminary Results and adopt the amendment to the FY15-16 Budget to include additional revenue and spending.

REPORT SUMMARY: FY14-15 unaudited preliminary financial results are better than budgeted. The City is conservative when preparing its budget. Revenues may be budgeted lower and expenditures may be budgeted higher than expected to ensure sufficient funds exist for the year. Also, the City experienced a banner year of tourism last year.

Attachment 1 shows the unaudited preliminary financial results of FY14-15 as compared to the FY14-15 Budget. The results indicate that the City's net revenue was about \$2.4 million in excess of budget. About two-thirds of the excess was due unanticipated revenue and about one third of the excess was a result of delayed and/or reduced capital expenditures.

The Council adopted the FY15-16 Budget on July 10, 2015. In order to balance the budget, most of the proposed capital expenditures were excluded until staff could present the results of the City's FY14-15.

Now that the FY14-15 results are known, it is appropriate to carry-over a portion of the excess to fund necessary projects and expenditures that were not completed in FY14-15 and other additional expenditures excluded from the FY15-16 Budget.

Staff has also determined that the FY15-16 Budget is likely too conservative in projecting the transient occupancy tax (TOT) and the Harbor revenue. It is recommended to amend the budget by increasing revenue \$600,000 and \$400,000 for TOT and Harbor revenue respectively.

The Successor Agency has requested on the State Department of Finance's Recognized Obligation Payment Schedule (ROPS) to include an additional \$1.1 million for the Pebbly Beach Road Project and the Museum Stairs Project.

Therefore, staff recommends amending the FY15-16 Budget to include an additional \$3,892,000 (Attachment 2) to be funded by \$1.8 million of the excess FY14-15 net revenue, \$1.1 million ROPS, and \$1 million additional FY15-16 projected revenue.

The \$3,892,000 includes expenditures subsequently approved by the Council since July 10, 2015, additional capital outlays, equipment replacements, and a provision for the anticipated increased costs of the labor MOUs.

GOAL ALIGNMENT: Achieve a balanced budget.

FISCAL IMPACTS: The proposed amendment would increase the budgeted revenue by \$1 million, the ROPS by \$1.1 million, and the budgeted expenditures by \$3,892,000, while leaving in reserves the residual \$400,000 FY14-15 net revenue in excess of budget. If the budget is amended as proposed, the projected fund balances as of June 30, 2016 would be \$6.2 million, \$3 million, and \$1 million in the General Fund, Harbor Fund, and Sold Waste Fund respectively. (Attachment 3)

Amending the budget does not automatically approve the additional expenditures. Expenditures over the City manager's spending authority of \$5,000 will still be individually presented to the Council for approval throughout the year.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City's infrastructure and equipment would not be replaced and may fail, the City would be out of compliance with the Cease and Desist Order, and community services may be adversely affected.

FOLLOW UP ACTION: Adopt the amendment to the FY15-16 Budget increasing revenue by \$1,000,000, ROPS receipts by \$1,075,000, and expenditures by \$3,892,000.

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

ATTACHMENTS: 1. Unaudited Preliminary Financial Results of FY14-15; 2. Adopted and Proposed Additional Spending; 3. Projected Year-End Balances

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015
ORIGINATING DEP: City Clerk
PREPARED BY: Denise Radde, City Clerk
SUBJECT: City Council Actions

AGENDA ITEM: 3
CITY MANAGER: BH

RECOMMENDED ACTION(S): Approve actions from the October 20, 2015 regular City Council 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.

**CITY OF AVALON CITY COUNCIL
TUESDAY, OCTOBER 20, 2015
ACTIONS**

CITY COUNCIL CALL TO ORDER 6:01 p.m.

ROLL CALL - Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez, and Joe Sampson. Also present City Manager Ben Harvey, Chief Administrative Officer/City Clerk Denise Radde and City Attorney Scott Campbell.

PRESENTATION

1. Proclamation presented to C.H.O.I.C.E.S. acknowledging the annual National Red Ribbon Week (October 26-30, 2015).
2. The City of Avalon's Landfill contractor, Avalon Environmental (CR&R) gave an update on items relating to contract obligations and new legislation regulations.
3. Update from Southern California Edison on Phase II Water Rationing was provided.

WRITTEN COMMUNICATION – City Manager Ben Harvey acknowledged a letter the City received regarding Item 7 on the agenda- Waterside Permit Application- Catalina Snorkel and Scuba Adventures.

CONSENT CALENDAR – There were five items on the Consent Calendar. Councilmember Cassidy pulled Item 3 for clarification. Councilmember Sampson pulled Item 4 for comment. Motion to approve Items 1, 2 and 5 by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)

1. Actions
Approved actions from the October 6, 2015 regular City Council meeting.
2. Expenditures Submitted for Approval
 - Warrants in the amount of \$2,718,515.85
 - Electric Fund Transfers in the amount of \$71,340.32
 - Two Payrolls in the amount of \$413,380.49Approved total expenditure amount of \$3,203,236.66.
5. Amended Employment Agreement for Chief Administrative Officer
Approved the First Amended Agreement for the Chief Administrative Officer.

Pulled Items:

3. Casino Dock Temporary Fuel Trailer Purchase
Council wanted clarification on the cost of installation. Staff advised that it would be done in-house and the cost would be minimal. Motion to approve Staff recommendation by Oley Olsen, seconded by Cinde Casidy. (All Ayes)

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- Authorized the Harbor Master to purchase a Lamar 1,000 Gallon Portable Fuel Trailer from Elsey Farm & Trailer, LLC in the amount of \$6,900.00, plus tax and shipping on the barge.
 - Authorized the Harbor Master to contract with Freightquote.com in the amount of \$1,700.00 for pick up and delivery of the Lamar 1,000 Gallon Portable Fuel Trailer from Minneola, Kansas to Catalina Freight Lines in Wilmington.
4. Contract for Professional Services for Temporary Planning Assistance from Michael Baker International
After discussion and comments from the audience, consensus was to bring this item back with some cost saving options. The Planning Department will keep running as they are for now.

PUBLIC HEARING

6. Adoption of New FY 15/16 Miscellaneous Fee Schedule
Management Aid Jordan Monroe went over the fee amounts and justification for charging them. Mayor Marshall opened the Public Hearing to receive public comment. Comments were heard from a couple of restaurant owners. Public Hearing was closed. After some discussion Council adopted Resolution 15-43 setting new fees for services, facilities and activities of the City of Avalon for Fiscal Year 2015/2016 and extended the timeline for a fee waiver until January 31, 2016. Motion by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)

GENERAL BUSINESS

7. Waterside Permit Application- Catalina Snorkel & Scuba Adventures
City Attorney Scott Campbell gave a summary of this item and why it was before Council. Comments were heard from the applicant and audience. Council listed many conditions for approval of this application. All conditions will be part of his permit. Motion by Oley Olsen, seconded by Cinde Cassidy. (All Ayes) Listed below are many of the main conditions.
- A. Permission to park applicant's van truck at Lover's Cove for stipulated times. (30 minutes before a tour, 45 minutes during a tour, and 30 minutes after a tour.) This
 - B. Name on side of truck has to be covered when parked.
 - C. A charge of \$25/day to park at Lover's Cove (Encroachment of the Public Rightaway).
 - D. Encroachment Permit limited to tours emanating from Cruise ships tours only.
 - E. Waterside Permit is issued for tours emanating from Cruise Ship tours only and is being issued for 14 and half months.
 - F. Review of "A" above in January 2016 to make sure applicant is adhering to conditions and determine whether any adjustment to the parking hours is appropriate.
 - G. Provide Harbor Master with a daily schedule each week informing him of the days and times of snorkeling tours, and number of participants in each tour when conducting business in Lover's Cove.

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- H. Discharge permit required for the Waste Water Treatment Plant.
- I. All Harbor Use Fees paid to date.
(This is not a comprehensive list of conditions.)

CLOSED SESSION 9:21-11:08 p.m.

Following the appropriate announcement of the Closed Session items the City Council went into Closed Session to discuss the following:

1. **CONFERENCE WITH LABOR NEGOTIATIONS**
Agency designated representatives: City Manager Ben Harvey, City Attorney Scott Campbell, and Human Resource Manager Tiffany Bose
Employee organizations:
 - 1) Avalon Municipal Employee Association (AMEA)
 - 2) Avalon Harbor Employee Association (AHEA)
 - 3) International Association of Fire Fighters Local 2295
2. **LIABILITY CLAIMS**
Claimant: Island Charters Inc./Robert Kennedy
Agency Claimed Against: City of Avalon

Following Closed Session the City Attorney reported that there were no reportable actions.

ADJOURN

Mayor Marshall adjourned the City Council meeting at 11:10 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on October 20, 2015 is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 4

ORIGINATING DEP: Finance Department

CITY MANAGER: BH

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: Continuance of Chris Woidzik Consultant Agreement

RECOMMENDED ACTION(S): Authorize the City Manager to extend the agreement with Mr. Chris Woidzik through December 31, 2015 for an amount not to exceed \$25,000, thereby allowing him to continue serving as a temporary consultant to the Finance Department, as well as assisting the City in completing its FY14-15 financial statement audits. The adopted FY15-16 Budget includes sufficient funding of this expenditure.

REPORT SUMMARY: During the past four months, Mr. Woidzik ensured that the Finance Department has met its daily operating responsibilities, continuing efforts to reduce the use of external consultants, and implementing changes to make the operations of the Department and City more efficient and cost effective.

Specifically, Mr. Woidzik's accomplishments are as follows:

- Provided oversight of the Finance Department for the month of July until the new Finance Director Robert Mescher was hired;
- Worked with Robert Mescher to transition knowledge of the Department's operations, and policies and procedures;
- Prepared the General Ledger for FY15-16, which included uploading the adopted FY15-16 adopted Budget;
- Continued work with the Department of Finance towards final resolution of the Successor Agency and Housing Authority accounting;
- Reconciled year-end balances of FY14-15 accounts and prepared most of the audit schedules required by the auditors;
- Ensured the completion and submission of the State Controllers Report for FY14-15;
- Completed and submitted the annual Housing Authority Report for FY14-15; and
- Received preliminary approval from the State Department of Finance to reimburse the City \$138,663 for administrative expenditures paid in 2012, additional \$10,742 for project related expenses paid FY14, and conducted positive discussions about the potential reimbursement of the \$1,000,000 Pebbly Beach Road and the \$50,000 Museum Stairs projects.

The City's previous extension agreement with Mr. Woidzik ended in late October 2015 and it is therefore appropriate at this time to renew the agreement.

The objectives of the extended agreement include the following:

- Complete the remaining audit schedules required by the auditors;
- Be present and answer auditor questions during the annual City audit in November;
- Be present and answer MTA auditor questions during the annual MTA audit in November;
- Ensure the City and MTA audits are completed and the FY 14-15 Financial Statements are issued by December 31, 2015;
- Work with the State Department of Finance towards final resolution of the Successor Agency and Housing Authority accounting; and
- Be available to provide historical knowledge and other assistance to the new Finance Director on an as needed basis.

GOAL ALIGNMENT:

Achieve a Balanced City Budget

- Encourage and continue ongoing efforts to foster and nourish professionalism and effectiveness within the Finance Department with particular attention to:
 - Streamlining Finance Department Process
 - Developing financial support mechanisms for infrastructure
 - Providing ongoing staff development

FISCAL IMPACTS: The adopted FY15-16 City Budget provides sufficient funding to extend the contract in the City's Redevelopment subfund to the General Fund in Account 136-25-5010 Accounting Services. Mr. Woidzik's expenses would be allocated between the City's General Fund (60%) and Successor Agency (40%) Fund 200.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The ability for the City to complete the City and MTA audits and issue these financial statements and other year end reporting by the end of the calendar year could be delayed.

FOLLOW UP ACTION: Direct the City Manager to extend the temporary employment agreement on an as-needed basis with Chris Woidzik on behalf of the City through December 31, 2015 for an amount not to exceed \$25,000.

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

ATTACHMENTS: None.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 5

ORIGINATING DEP: Public Works

CITY MANAGER: BH

PREPARED BY: Dennis Jaich –Interim Director of Public Works

SUBJECT: Closed Circuit Television Camera (CCTV)

RECOMMENDED ACTION(S):

Allow the City Manager to allow the purchase of a new CCTV camera for the use of internal inspections in sewer line collector piping. If approved, this new equipment will be purchased from Haaker Equipment Company, which was lowest estimate of compatible tools for a cost of \$69,915.75, plus shipping.

REPORT SUMMARY:

On April 24, 2012, the City of Avalon received a Cease & Desist Order (CDO) from the State of California (Water Boards). This CDO stipulates and demands many functions and instructions that the City must comply with. Along with the many other required orders, is the need for proper internal camera equipment to perform several functions. Some of the activities listed in the CDO where CCTV equipment shall be used are listed below:

- (1) Confirm proper cleaning of the sewer system has taken place.
- (2) Ensure the root control program is successful and implemented properly.
- (3) Ensure that there are no blockages in the sewer system.
- (4) Verify that no new cracks and/or deflections are found.
- (5) Verify that no illicit discharge occurred which may have damaged the pipeline materials.

GOAL ALIGNMENT: Sewer Infrastructure

FISCAL IMPACTS: These procurements were excluded from the adopted FY15-16 Budget, but are proposed for inclusion within the FY 15-16 budget amendments. The Sewer Fund currently has a sufficient balance to fund this capital expenditure. (108-25-6521)

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Subcontracting out these services will need to be arranged as our existing equipment is outdated and does not function properly.

FOLLOW UP ACTION: Allow for the purchase of the CCTV equipment from Haaker Equipment Company for a NTE cost of \$70,500.00

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

ATTACHMENTS: Quotes from 3 different vendors.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 6

ORIGINATING DEP: Planning

CITY MANAGER: BH

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Consideration of an increase to the Professional Services Agreement with AMMA Transit Planning for extra work performed in association with the Request for Proposals for the City's Transit Contract

RECOMMENDED ACTION(S): Authorize an increase to the Professional Services Agreement with AMMA Transit Planning for an amount not-to-exceed \$9,869.95 for extra work performed for the Avalon Transit Request for Proposals Project.

REPORT SUMMARY: The City of Avalon entered into a Professional Services agreement with AMMA Transit Planning in May, 2015, to provide professional and technical assistance in preparation for procurement of the City of Avalon's Transit Program in the amount of \$19,465. The original amount awarded to AMMA was based on technical assistance provided to other agencies bidding similar services.

Mr. Roy Glauthier, Senior Associate, AMMA Transit Planning has been the principal consultant for the project. It was determined, early in the process that due to the extraordinary length of the existing contract with Catalina Transportation Services, updating policies and practices to align with existing state and federal laws as they relate to transit services (most notably Americans with Disabilities requirements) may possibly require additional effort and time to develop which are necessary for the preparation of the Request for Proposals solicitation. The taxi voucher program required extensive effort to untangle it from the services that were going to be included in the Request for Proposals (and was not included in the original proposal). The transit user guide, rider applications, route development and research on paratransit vehicles were also items not anticipated in the original proposal. Mr. Glauthier has provided thoughtful, excellent technical assistance to the City of Avalon staff and City Council while keeping the process on track in a timely manner. The increase request is to make AMMA Transit Planning whole for the extra work it performed that the City asked to be accomplished. The original proposal costs will be sufficient to complete the Request for Proposal process.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: An additional \$9,869.95 would need to be budgeted from the Local Transportation Fund and is included in the budget amendment staff report for Council's consideration this evening.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The contract would not be amended and the extra work performed would not be authorized for payment.

FOLLOW UP ACTION: Amend the Professional Services Agreement with AMMA Transit Planning to approve \$9,869.95 for extra services provided.

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

ATTACHMENTS:

1. October 8, 2015, AMMA Transit Planning letter regarding extra work.
2. May 6, 2015, Executed AMMA Contract.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 7

ORIGINATING DEPT: Harbor

CITY MANAGER: BH

PREPARED BY: Assistant Harbor Master

SUBJECT: Volvo Outdrive Replacement

RECOMMENDED ACTION(S): Authorize the Harbor Master to purchase one Volvo Penta D4 outdrive and one Volvo Penta DRS-D3 outdrive from Outdrive Exchange Inc., in the amount of \$18,440.94.

REPORT SUMMARY: The Harbor Department had requested two patrol boat outdrives in the 2015-16 budget, one Volvo Penta D3 (for Patrol Boats 1 or 4) and one Volvo Penta D4 (for Patrol Boats 3 or 7). These procurements were excluded from the adopted FY15-16 Budget but are necessary for public safety.

These outdrives are to replace current outdrives that are failing. We are currently having outdrive mechanical issues with PB 3 and PB 4 that need service. Repair parts are not readily available and can take up to 60 days to receive. After the new outdrives are installed, the current outdrives on PB 3 and PB 4 will be rebuilt to go in service as spares when the need arises.

Received the following bids:

Outdrive Exchange Inc.	\$ 18,440.94 Tax & Freight Included
Harry's Marine	\$ 18,441.51 Tax & Freight Included
Bay Marine	\$ No Response To Request for Bids

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: This amount is not included within the adopted FY 15-16 budget, but is proposed for inclusion within the FY 15-16 budget amendment. The budgeted outdrives will be purchased with funds in the Vehicle Replacement and Maintenance Fund 138 25 6689.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Patrol Boats will not have necessary equipment to operate to collect revenue and to respond to emergencies.

FOLLOW UP ACTION: If approved, send purchase order to vendor.

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

ATTACHMENTS: 2 quotes for equipment.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 8

ORIGINATING DEPT: Harbor

CITY MANAGER: BH

PREPARED BY: Assistant Harbor Master

SUBJECT: Evinrude E-Tech 150HP Outboard Motor Replacement

RECOMMENDED ACTION(S): Authorize the Harbor Master to purchase one Evinrude E-Tech 150hp outboard motor, one I-Command control box and one 15" three blade Propeller from Avalon Boat Stand in the amount of \$16,150.94.

REPORT SUMMARY: The Harbor Department had requested one E-Tech 150hp outboard motor with control box and 3-bladed propeller in the 2015-16 budget. This procurement was excluded from the adopted FY15-16 Budget but is necessary for public safety.

This is a scheduled replacement for the outboard motor on Patrol Boat 6 with over 5,800 hours. It is the harbor department's goal to replace each outboard within the three year warranty time period. The outboard being taken out of service will be used as a spare motor should the need arise to take one of our two outboards out of service for repair.

Received the following bids:

Avalon Boat Stand	\$ 16,150.94 Tax & Freight Included
Ryan Boats	\$ 17,536.71 Tax & Freight Included
Warner Boats Sales	\$ 17,793.67 Tax & Freight Included
Advanced Marine Service	\$ 17,817.17 Tax & Freight Included

GOAL ALIGNMENT: Not aligned

FISCAL IMPACTS: This amount is not included within the adopted FY 15-16 budget, but is proposed for inclusion within the FY 15-16 budget amendment. The budgeted E-Tech outboard & control box will be purchased with funds in the Vehicle Replacement and Maintenance Fund 138 25 6689

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Patrol Boats will not have necessary equipment to operate to collect revenue and to respond to emergencies.

FOLLOW UP ACTION: If approved, send purchase order to vendor.

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

ATTACHMENTS: Four quotes for Evinrude E-Tech 150hp motor.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 9

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: City Manager Ben Harvey

SUBJECT: Acknowledgement and Authorization of Temporary Planning Department Contract Expenses

RECOMMENDED ACTION(S): Acknowledge and approve temporary Planning Department contract expenditures from Regional Government Services (RGS) beyond the City Manager's \$5,000 spending authority.

REPORT SUMMARY: The City's Planning Director has been on a leave of absence since early August of this year. Initially, Steve Flint, of Regional Government Services (RGS), who was already providing limited contract planning support, was called upon to provide an elevated level of assistance with Planning Department operations. Mr. Flint provided assistance with the Vons Appeal that came before the City Council in August, as well as temporary oversight of the Planning Department. Mr. Flint's contract services within the Planning Department were ultimately transitioned to Al Warot of Michael Baker International, who is currently providing temporary oversight of the Planning Department.

The Avalon Municipal Code allows for the City Manager to spend \$5,000 without City Council approval. The City has incurred \$13,292.25 in expenses for Mr. Flint's contract services through RGS for the current fiscal year.

FISCAL IMPACTS: The City Council authorized the expenditure of \$33,500 for professional services within the Planning Department for FY 15-16 within its adopted budget. Year to date expenditures within this category total \$31,787.55. A mid-year budget amendment request for additional professional services within the Planning Department will be reviewed and considered by the City Council later on within the General Business portion of this November 3, 2015 City Council meeting.

GOAL ALIGNMENT: Not aligned.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City Council will not provide authorization for expenditures beyond the City Manager's authority.

FOLLOW UP ACTION: Authorize the City Manager to pay RGS outstanding invoice(s) for professional contract services providing contract assistance to the Planning Department.

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

ATTACHMENTS: None

CITY COUNCIL

MEETING DATE: November 3, 2015

AGENDA ITEM: 10

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Denise Radde, Chief Administrative Officer/City Clerk

SUBJECT: Catalina Express Free Birthday Trips – Waiver of Wharfage Fees

RECOMMENDED ACTION(S): Authorize the waiver for not charging the wharfage fee for all persons who embark and debark the City of Avalon via the Catalina Express in conjunction with the Catalina Express's promotion of giving a free birthday trip.

REPORT SUMMARY: Since April 2011 the City Council has waived the wharfage fee (currently \$2.50) for all persons who arrived and departed the City of Avalon via the Catalina Express on the birthday promotion. The fee waiver only applies to persons traveling on their birthday, and does not apply to other persons traveling with the birthday individual.

The Catalina Express would like to extend their promotion and has requested the City of Avalon to again waive the wharfage fee for another year. The Express feels this program has proven to be a very successful marketing tool. With the City's waiver of the fee, visitors do not have to pay any charges to travel to Avalon on their birthday.

In 2014 the Catalina Express provided 72,032 free birthday rides, equaling \$180,080.00 of waived wharfage fees. Since January 2015 through August 2015 they have provided over 60,331 free birthday rides, equaling \$150,827.50.

Staff agrees that the special birthday promotion has provided a public benefit for all entities in town and has served as an enticement for first-time and returning visitors to Avalon and the City's participation in this program should be extended.

FISCAL IMPACTS: The City's Harbor Fund receives the wharfage revenue. During the year 2014 the estimated additional revenue for this program was \$180,080.00 in uncollected wharfage fees and since the beginning of 2015 through August 2015 the uncollected wharfage fees is \$150,827.50. It was anticipated that these fees have been offset by the City's collection of sales taxes and Harbor Use Fees generated by the additional visitors that accompany those celebrating birthdays, although the exact amount is not known.

GOAL ALIGNMENT: Not aligned.

ADVERTISING, NOTICE AND PUBLIC CONTACT:

This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: Letter of request from the Catalina Express.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: The contractor selected to operate the City's transit system will be required to manage the policies and application process. City staff will oversee the contract. There are no anticipated additional fiscal impacts beyond the contract.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: City staff and the successful contractor will not have approved policies and applications for transit riders.

FOLLOW UP ACTION: Finalize the approved User Guide and Eligibility Applications and advise potential bidders of the approved documents.

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

ATTACHMENTS:

1. City of Avalon – Avalon Transit User Guide -Draft
2. City of Avalon/Avalon Transit Avalon Dial-A-Ride Eligibility Application –Draft
3. City of Avalon/Avalon Transit Avalon Access Eligibility Application - Draft

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015 **AGENDA ITEM:** 12
ORIGINATING DEP: City Attorney **CITY MANAGER:** BH
PREPARED BY: Scott Campbell City Attorney
SUBJECT: Amendment to Municipal Code Section Regarding Modification, and Revocation of Variances, Conditional Use Permits, and Non-Conforming Use Permits

RECOMMENDED ACTION: That the City Council introduce and waive all readings of an ordinance amending the Municipal Code section regarding modification and revocation of variances, conditional use permits, and non-conforming use permits.

REPORT SUMMARY: Section 9-8.501 of the Municipal Code currently provides that the Planning Commission may, on its own or at the direction of the City Council, revoke or modify any variance, conditional use permit, or non-conforming use permit after a public hearing if the Commission finds at a public hearing that the variance of permit was obtained by fraud, is not being used, or if any provision of such variance or permit is found to be invalid.

To further clarify the circumstances under which the Planning Commission may revoke or modify a variance, conditional use permit, or non-conforming use permit, the proposed ordinance amendment adds subsection (e) to Section 9-8.501.

Subsection (e) clarifies that a variance, conditional use permit, and/or non-conforming use permit may be revoked or modified if the Planning Commission finds that the terms and/or conditions of approval for such variance or permit have been or are being violated, or if the Planning Commission finds that the variance or permit constitutes, or is likely to constitute, a nuisance in addition to the current provisions set forth in the Municipal Code. Subsection (e) further states that the decision to revoke or modify a variance or permit for these reasons is in the discretion of the Planning Commission.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The current version of the ordinance will remain in place.

FOLLOW UP ACTION: Adopt and publish in newspaper.

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

ATTACHMENTS: Ordinance containing proposed amendment.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 3, 2015 **AGENDA ITEM:** 13
ORIGINATING DEPT: Administration **CITY MANAGER:** BH
PREPARED BY: Scott Campbell, City Attorney
SUBJECT: Amendment of Avalon Municipal Code Section 4-4.1712 to allow for cost recovery when a wheel lock is utilized on an abandoned vehicle

RECOMMENDED ACTION(S): That the City Council introduce and waive all readings of an ordinance amending the Municipal Code to allow for cost recovery when a wheel lock is utilized on an abandoned vehicle.

REPORT SUMMARY: The current AMC Section 4-4.1712 only provides for the recovery of costs related to towing abandoned vehicles rather than when a wheel lock is used to immobilize the vehicles. The current Section 4-4.1712 is also unclear as to whether obtaining a City permit has the effect of eliminating the requirement for the vehicle owner to pay the cost of towing the vehicle.

The proposed ordinance amends Section 4-4.1712 to allow for recovery of all costs incurred in impounding, towing, or immobilizing a vehicle, and further clarifies that these costs must be paid even if a City permit is later obtained. The proposed ordinance also clarifies that the consequence of not obtaining a permit is that the vehicle is shipped to San Pedro to be stored, with those additional costs also being borne by the vehicle owner.

The costs of attending to abandoned vehicles in the City is a burden on the City, and those costs should be borne by the vehicle owners who have created the problem by abandoning their vehicles. This is true whether or not the owner eventually obtains a permit, and whether the City tows the vehicle or simply immobilizes it with a wheel lock.

FISCAL IMPACTS: By requiring vehicle owners to bear the costs incurred by their abandonment of their vehicles, the City will receive reimbursement of public funds to immobilize, impound, or tow abandoned vehicles.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Municipal Code will continue to allow for recovery only of towing costs and may continue to confuse staff and citizens as to whether obtaining a permit alters the requirement for vehicle owners to bear costs.

FOLLOW UP ACTION: Adopt ordinance and publish in newspaper.

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

ATTACHMENTS: Proposed Ordinance.

CITY OF AVALON CITY COUNCIL

MEETING DATE: November 5, 2013

AGENDA ITEM: 14

ORIGINATING DEPT: Administration

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk/Chief Administrative Officer

SUBJECT: City of Avalon General Municipal Election - April 12, 2016

RECOMMENDED ACTIONS:

- 1) Choose among listed options regarding payment costs.
 - Printing cost of statement in voter pamphlet (usually paid by the candidate)
 - Translation cost of candidate statement in voter pamphlet (usually paid by the candidate)
- 2) Adopt Election Resolutions:
 - Resolution calling the election
 - Resolution requesting the Los Angeles County Board of Supervisors to provide election services
 - Resolution setting regulations for candidate statements
- 3) Direct the City Clerk to publish the Notice of Election.

REPORT SUMMARY:

The City of Avalon will hold its regular General Municipal Election on Tuesday, April 12, 2016, to fill two (2) Council member seats, the office of Mayor and the office of the City Treasurer. The City is required to adopt three resolutions, one officially calling for the election on April 12, 2016, one requesting the Los Angeles County Board of Supervisors provide election services for us, and lastly a resolution setting guidelines for cost of candidate statements. The City Council must decide whether candidates or the City will pay for the translation and/or printing of the candidate statements.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS:

The cost of holding an election, based on an estimate from cost incurred in 2014, was included in the adopted FY 2015-2016 budget, Fund 101-25-3515 for \$35,000.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

The City of Avalon would be out of compliance with state and local law.

FOLLOW UP ACTION: The City Clerk has numerous election duties, including issuance of candidate documents, filing with the Fair Political Practices Commission, publication of notices

as required by law, and other matters.

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

ATTACHMENTS:

- 1) Resolution Calling the Election
- 2) Resolution requesting Los Angeles County services
- 3) Resolution Setting Regulations for Candidates