

**AVALON CITY COUNCIL MEETING
TUESDAY, DECEMBER 1, 2015
EARLY START TIME 5:00 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

CLOSED SESSION

1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to paragraph 2) of subdivision (d) of Section 54956.9: One case

GENERAL BUSINESS

3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

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.

**CITY COUNCIL AGENDA
DECEMBER 1, 2015
PAGE 2**

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 November 10, 2015 Special City Council meeting and the November 17, 2015 regular City Council meeting.

2. Authorization to Award "Interim K Rail Debris Barrier – Pebbly Beach & Casino Way"
Along Pebbly Beach Road, there exists "K-Rail" barriers to protect against rocks that may become dislodged and fall on the roadway. The new construction plans have incorporated fencing panels that will be mounted on top of the K-Rail. This fencing should add additional protection against rocks that may fall. The project fencing design presented in the new construction plans are one of the conditions imposed by our insurance carrier, PARSAC; which issued insurance covering the Santa Catalina Island Company, the owner of Pebbly Beach Road. PARSAC is also requiring fencing at two (2) other locations besides Pebbly Beach Road (PBR): the Cabrillo Mole area on Crescent and at Casino Way.
Recommended Action
 1. Authorize the award of a contract to the lowest responsive & responsible bidder, Jordahl Construction, Inc., for the "Interim K-Rail Debris Barrier – Pebbly Beach Road & Casino Way" Project.
 2. Appropriate funding and/or authorize additional expenditures in the amount of 15% of the total contract price as a contingency for unforeseen and additional costs on the Project.
 3. Authorize the City Manager, or the designee, to approve change orders on the Project up to the contingency amount.

3. EZ-Loader Boat Trailer
The Harbor Department requested this boat trailer in the FY15-16 budget amendment on November 3, 2015. The trailer is used when patrol boats need to come out of the water for maintenance and repair. It is a replacement for one that the City has had for 25 years. This trailer is necessary to maintain the Harbor Patrol boat fleet and for public safety.
Recommended Action
Authorize the Harbor Master to purchase one 2016 Triple Axle Roller Trailer from EZ-Load Boat Trailer Company in the amount of \$12,158.00, upon a finding that the purchase cannot be made more economically or efficiently.

4. Maintenance Equipment Purchase

The Harbor Department requested this welder, generator, and air compressor in the FY15-16 budget amendments. This equipment is necessary to maintain the City and Harbor infrastructure. This equipment will replace old equipment that is currently in use today in the Harbor Maintenance Van. The old equipment was purchased ten to twelve years ago and has out-lived its useful life.

Recommended Action

Authorize the Harbor Master to purchase the following maintenance equipment from Infexport in the amount of \$16,758.56.

(A) Miller Trailer Blazer 302 Air Pac \$10,762.00.

(B) Miller Spectrum 875 60A 208/230 1PH W/50' XT 60 Plasma Cutter \$2,402.00.

(C) Miller XR-D Control Push-Pull Wire Feeder \$ 2,255.43.

(D) Miller XR-30A W/ Quick Disconnect \$ 1,339.13.

5. Avalon City Park Equipment and Surfacing Expenditure

At the November 3, 2015 City Council Meeting, Council approved a capital improvement amendment to the FY 15-16 budget to include \$50,000 for the purchase of new play equipment at Avalon City Park ("Machine Gun Park"). Staff met with GameTime park planners to get a recommendation of equipment that would fit within the small playground space and are asking to move forward with the purchase of a net climber and outdoor musical equipment, which will maximize the space and fit within the allotted project budget. Staff is also recommending the purchase of engineered wood fiber as the surfacing due to budget constraints, which will be installed at a depth of 12 inches for safety. This complies with both PARSAC requirements and ADA regulations.

Recommended Action

Approve the expenditure for new play elements and surfacing, including shipping and installation, for Avalon City Park for a not to exceed \$50,000.00.

6. Consideration to Award Pebbly Beach Engineering and Cost Survey and Report RFP to ESG Engineering

Authorization was granted to solicit a Request for Proposal at the September 1, 2015 City Council meeting for an Engineering and Cost Survey and Report for Pebbly Beach Road. After advertising the RFP, the City received only one proposal.

Recommended Action

Allow City Staff to enter into a contract with ESG Engineering to conduct the Pebbly Beach Engineering Cost Survey and Report for a not to exceed amount of \$35,000.00.

GENERAL BUSINESS

7. Discussion Regarding Recreation versus Community Services Department

The City of Avalon currently operates a Recreation Department. Primarily this department offers activities, sports leagues, classes and events for the community. The Recreation Department also provides community services offerings by overseeing senior nutrition programs, providing assistance with energy bill subsidy programs and coordinating food distribution offerings around the holidays, among other examples. City Council has asked to discuss the offerings of the City's Recreation Department, and make a determination as to any modifications going forward.

Recommended Action

Discuss the City Council's desires for the services to be offered through a Recreation Department, Community Services Department or Recreation/Community Services Department hybrid model, and direct the City Manager to implement department structure changes and return to City Council for budget amendment if required.

8. Item of Discussion- Avalon Medical Marijuana Regulations

Discuss options for the ban or regulations of medical marijuana cultivation. Provide direction to City Staff.

CLOSED SESSION

1. PUBLIC EMPLOYEE APPOINTMENT

Title: City Manager

2. CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: City Council

Unrepresented Employees: Interim City Manager and City Manager

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Interim City Manager

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: One City leased property – Casino Dock Cafe

Agency Negotiators: City Council, Interim City Manager Denise Radde and City

Attorney Scott Campbell

Under Negotiation: Price and terms of payment

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda December 1, 2015 was posted on Wednesday, November 25, 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: December 1, 2015
ORIGINATING DEP: City Clerk
PREPARED BY: Denise Radde, City Clerk
SUBJECT: City Council Actions

AGENDA ITEM: 1
CITY MANAGER: DR

RECOMMENDED ACTION(S): Approve actions from the November 10, 2015 Special City Council meeting and the November 17, 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.

**SPECIAL CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, NOVEMBER 10, 2015
ACTIONS**

CALL TO ORDER 12:33 p.m.

ROLL CALL – Mayor Anni Marshall, Mayor Pro Tem Oley Olsen, Councilmembers Cinde Cassidy, Richard Hernandez and Joe Sampson. Also present Chief Administrative Officer/City Clerk Denise Radde and Deputy City Attorney Joseph Sanchez. Absent: City Manager Ben Harvey.

ORAL COMMUNICATION - None

CLOSED SESSION

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

1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Following Closed Session the Deputy City Attorney reported that there was no reportable action.

ADJOURN

Mayor Marshall adjourned the Special City Council meeting at 4:37 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the Special City Council Meeting on November 10, 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

balanced budget. Therefore, staff anticipated that should we delay this contractor from the award in a timely manner, his costs would change as materials and labor rates increases could affect his budget.

We are proud to announce that through our negotiations, and the good faith agreement from the contractor, Jordahl Construction offered to **not** raise their prices if this project is awarded at this time.

Additionally, if the City Council elects to award this bid, staff requests that the City Council appropriate contingency funds to cover any potential cost increases that may occur during the course of the Project, and to authorize the City Manager, or his designee, to approve change orders up to this amount. It is common on construction projects to have change orders for unforeseen or extra work that arises during the course of construction. By authorizing staff to approve change orders up to a budgeted amount, the Project will be able to proceed more quickly and potentially avoid unforeseen delays. Staff recommends that the contingency amount be equal to 15% of the total contract price (\$120,975) plus the base bid price (\$806,500) for a total amount of \$927,475.00.

GOAL ALIGNMENT: City Infrastructure.

FISCAL IMPACTS: Funding for the Pebbly Beach Road Project was recently approved by the Department of Finance on the Successor Agency's ROPS 15-16B. The Department of Finance must approve all funds expended by the Successor Agency to the ACIA prior to disbursement of funds. Pursuant to this process, the Successor Agency prepared the ROPS 15-16B with line items for the Pebbly Beach Road Project. This was approved by the Department of Finance on November 4, 2015. As a result, in early January 2016, the County will disburse the former tax increment to the Successor Agency for payment of the ROPS 15-16B approved expenses. The Successor Agency is authorized to spend up to \$157,000 in available bond proceeds on the project. Additionally, the County will include in the Successor Agency's January disbursement up to \$843,000 for this Project. All approved funds must be expended by June 30, 2016 or the Successor Agency must seek a new approval on the next ROPS to expend the funds.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: PARSAC could refuse to issue the insurance and the Santa Catalina Island Company could close Pebbly Beach Road.

FOLLOW UP ACTION: Approve the award of the contract, and allow staff to administer Change Orders if the circumstances occur.

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

ATTACHMENTS: None.

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 1, 2015

AGENDA ITEM: 3

ORIGINATING DEPT: Harbor

CITY MANAGER: AR

PREPARED BY: Assistant Harbor Master J.J. Poindexter

SUBJECT: EZ-Loader Boat Trailer

RECOMMENDED ACTION(S): Authorize the Harbor Master to purchase one 2016 Triple Axle Roller Trailer from EZ- Load Boat Trailer Company in the amount of \$12,158.00 upon a finding that the purchase cannot be made more economically or efficiently.

REPORT SUMMARY: The Harbor Department requested this boat trailer in the FY15-16 budget; however this procurement was excluded from the adopted FY15-16 budget. This trailer is necessary to maintain the Harbor Patrol boat fleet and for public safety. City Council approved a budget amendment at the November 3, 2015 City Council Meeting, which included this purchase.

The trailer is used when patrol boats need to come out of the water for maintenance and repair. This trailer is a replacement for one that we have had for 25 years. The new trailer is made of all aluminum, is factory-welded, and is estimated to last well over 20+ years in the salt water environment.

Due to the fact we require the trailer to have adjustable rollers to fit our different size patrol boats, Staff was unable find any other vendors that provide this type of trailer and as such, the purchase cannot be make more economically or efficiently.

Received the following bid:

EZ-Loader Trailer

\$12,158.00 Freight Included

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: Expenditure not to exceed \$12,158.00 from Harbor Fund 104-70-6698.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Infrastructure will not receive the maintenance required due to the lack of equipment needed for servicing.

FOLLOW UP ACTION: Purchase the approved equipment.

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

ATTACHMENTS: Quote for equipment.

11/23/2015 15:26 RECEIVED 11/23/2015 14:21 3105102640
503-252-0354 EZ LOADER
11/23/2015 12:01 3605503408 EZHW

AVALON HARBOR MASTER
PAGE 01/01
PAGE 01/01



Subject: EZ Loader Trailer Quote

Attn;
JJ Poindexter, Assistant Harbor Master
Avalon Harbor Department
PO Box 1085
Avalon, CA 90704
(310)510-0535 (office)
(310)510-2640 (FAX)
(310)433-5917 (Cell)

Mr. Poindexter,

Below is the quote for the trailer you selected to fit your needs. Please feel free to contact me anytime with any questions or to place the order @ (503)799-8918

Thanks,

Scott Buchannan
EZ Loader Trailers

1= 2016 EZ Loader model TIER 26-30 11,500LB Capacity Roller Trailer with disc brakes on all 3 axles with freight from Portland Oregon to Berth 184 in Wilmington, Ca 90744

Base price	\$9,220
Disc on 3 axles	\$1,688
Freight	\$250
Total cost	\$11,158

717 N. HAMILTON STREET • P. O. BOX 3263 • SPOKANE, WASHINGTON 99220-3263
1-509-489-0181 FAX: 1-509-489-5729 1-800-395-5523

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 1, 2015

AGENDA ITEM: 4

ORIGINATING DEPT: Harbor

CITY MANAGER: BR

PREPARED BY: Assistant Harbor Master J.J. Poindexter

SUBJECT: Maintenance Equipment Purchase

RECOMMENDED ACTION(S): Authorize the Harbor Master to purchase the following maintenance equipment from Infexport in the amount of \$16,758.56.

- (A) Miller Trailer Blazer 302 Air Pac \$10,762.00
- (B) Miller Spectrum 875 60A 208/230 1PH W/50' XT 60 Plasma Cutter \$2,402.00
- (C) Miller XR-D Control Push-Pull Wire Feeder \$ 2,255.43
- (D) Miller XR-30A W/ Quick Disconnect \$ 1,339.13

REPORT SUMMARY: The Harbor Department requested this welder, generator, and air compressor in the FY15-16 budget; however this procurement was excluded from the adopted FY15-16 budget. This equipment is necessary to maintain the City and Harbor infrastructure. City Council approved a budget amendment at the November 3, 2015 City Council Meeting, which included this purchase.

The equipment above will replace old equipment that is currently in use today in the Harbor Maintenance Van. The old equipment was purchased ten to twelve years ago and has out-lived its useful life.

Received the following bids:

Infexport	\$ 16,758.56 Tax Included
Matheson	\$ 18,329.49 Tax Included
Praxair	\$ 18,538.01 Tax Included

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: Expenditure not to exceed \$16,758.56 from Harbor Fund 104-70-6659.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Infrastructure will not receive the maintenance required due to insufficient and dilapidated equipment needed for servicing.

FOLLOW UP ACTION: Purchase the approved equipment.

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

ATTACHMENTS: Quotes for equipment.



2135 NW 115th AVENUE
 MIAMI, FL 33172
 U.S.A (305) 470-4513
 Voice: (305) 470-2733
 Fax: Email: sales@ifexport.com
 www.ifexport.com

QUOTE

Proposal Number AVA-26671-Q
 Proposal Date Nov 13, 2015
 Page 1 of 2

Bill To:
 Harbor Master
 Avalon Harbor Patrol PO Box 707
 AVALON, CALIFORNIA 90704
 310.510.2907
 310.510.0810
 Email: jipoindexter@cityofavalon.com

Ship To:
 Harbor Master
 Avalon Harbor Patrol PO Box 707
 AVALON, CALIFORNIA 90704
 310.510.2907
 310.510.0810
 Email: jipoindexter@cityofavalon.com

Customer ID	PO Number	Sales Rep Name
HAG06591		RODRIGO ANDRADE
Customer Contact	Shipping Method	Payment Terms
JJ Poindexter	- EXWorks Miami, FL USA	Prepaid

Quantity	Item	Description	Unit Price	U. Weight/lb	Amount
1	907583001	SPECTRUM 875 60A 208/230 1PH 50FT XT60	2402.00	61.00	\$2,402.00
1	907549003	TRAILBLAZER 302 AIR PAK W/COOL/SEP. GFCI, ELFU	10762.00	805.00	\$10,762.00
1	198128	XR-30A W/QUICK DISCONNECT	1339.13	25.00	\$1,339.13
1	300687	XR-D CONTROL PUSH-PULL WIRE FEEDER	2255.43	48.00	\$2,255.43
<p>Notes:</p> <p>1. Prices are EX WORKS IFEXPORT, MIAMI, FLORIDA. 2. Returns are subject to a 25% restocking charge upon Manufacturers approval of RMA. Customer is responsible for return freight charges. 3. The prices are based on the total of quantities mentioned. 4. Price is for payments made with wire transfer. Payments made with credit card will receive a 4% fee of the Total Invoice Value. 5. This Proposal is valid for 30 days 6. If you accept this offer please sign this proposal as a sales agreement</p> <p>7. MINIMUM ORDER ACCEPTED \$150.00 DOLLARS. 8 Lead time from 5 to 10 business depending on the inventory at the moment of placing the purchase order.</p> <p>MILLER NEW EQUIPMENT HAS UNTIL 3 YEARS OF WARRANTY.</p>					



2135 NW 115th AVENUE
MIAMI, FL 33172
U.S.A
Voice: (305) 470-4513
Fax: (305) 470-2733
Email: sales@ifexport.com
www.ifexport.com

QUOTE

Proposal Number AVA-26671-Q
Proposal Date Nov 13, 2015
Page 2 of 2

Subtotal	\$16,758.56
Sales Tax	\$0.00
Freight	\$0.00
TOTAL	\$16,758.56



SHIPPING PAPER

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FOR CHEMICAL EMERGENCY
 SPILL, LEAK, FIRE, EXPOSURE, OR ACCIDENT
 CALL CHEMTREC - DAY OR NIGHT
 800-426-9300

For calls originating outside the Continental U.S.:
 202-483-7918 - Washington, DC, Collect
 ALL CALLS ARE RECORDED

CAUTION: Use no oil or lubricant of any kind on oxygen cylinders, valves, gauges, regulators, or other fittings as such is dangerous and may cause explosions.

S J J
 H CASH SALE - WILMINGTON
 I P 1000 E ANAHEIM STREET
 T WILMINGTON CA 90744
 O

S Matheson Tri Gas Inc DBA SIMS
 O 1000 E ANAHEIM STREET
 L WILMINGTON CA 90744
 D 310-816-1250
 B
 Y

QTY SHIPPED	UOM	H M	DESCRIPTION HAZARD CLASS & I.D. NUMBER	LINE NO.	ITEM NUMBER	LOC	QTY ORDERED	QTY BKORD	BIN LOC	WT	UNIT AMOUNT	EXTENDED AMOUNT
We reserve the right, in our sole and exclusive discretion, to refuse to sell our products to anyone for any reason.												
***** QUOTE ***** Quote Expiration Date: 12/13/15 ***** CASH ORDER *****												
1	EA		MILLER CONTROL FEEDER 300667	1	MIL 300667	BP6	1			48.00	2101.9120	2101.9120
XR-D MFG PART #:300667												
1	EA		MILLER XR-30A 198128	2	MIL 198128	BP6	1	0		25.00	1136.0000	1136.0000
WITH QUICK DISCONNECT *** Serial Numbers Required *** MFG PART #:198128 Total Weight: 73.0000												
											Subtotal	3237.91
											Tax	291.41
											Total Sale	3529.32



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<input type="checkbox"/> CARRIERS VEHICLE PLACARDED ACCORDING TO EXISTING REGULATIONS	<input type="checkbox"/> CASH RECEIVED
TOTAL EMPTY CYLINDERS RETURNED SUBJECT TO INSPECTION AT SELLER PLANT	
RECEIVED - FOR SELLER	ACCEPTED - FOR ABOVE VENDEE

ORDER #

CUSTOMER #

This is to certify that the herein-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

PLACARDS OFFERED FOR CARRIER VEHICLES ACCORDING TO EXISTING REGULATIONS

ALL SALES ARE SUBJECT TO EITHER THE TERMS AND CONDITIONS STATED ON THE REVERSE SIDE HEREOF OR SUCH OTHER TERMS AND CONDITIONS AS THE PARTIES HERETO MAY HAVE PREVIOUSLY AGREED TO IN A SIGNED WRITTEN CONTRACT. NO TERMS AND CONDITIONS CAN BE MODIFIED EXCEPT BY A WRITING SIGNED BY AN AUTHORIZED OFFICER OF SELLER AND BUYER.



MATHESON

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SHIPPING PAPER

14810776390

FOR CHEMICAL EMERGENCY
 SPILL, LEAK, FIRE, EXPOSURE, OR ACCIDENT
 CALL CHEMTREC - DAY OR NIGHT
 800-424-9300

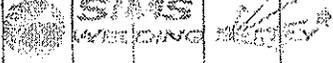
For calls originating outside the Continental U.S.:
 202-483-7818 - Washington, DC, Collect
 ALL CALLS ARE RECORDED

CAUTION: Use no oil or lubricant of any kind on oxygen cylinders, valves, gauges, regulators, or other fittings as such is dangerous and may cause explosions.

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 1000 E ANAHEIM STREET
 WILMINGTON CA 90744
 310-816-1250

CASH		13-NOV-15 02:21PM gprez		310-816-1250 Ship Date: 11/13/15		-NONE-				GP		
ORDER NO.	DATE	CUST NO.	CUSTOMER NAME	GAS PO	TERA	SLS	SHIP VIA	UPS	SHIP COST	COLL	PPS	PAGE
12068348-00	11/13/15	CAB26	Matheson Tri Gas Inc DBA	HQDD PO	BF6	100	WILL CALL	0	DC		X	001 OF 001
QTY SHIPPED	UOM	H M	DESCRIPTION HAZARD CLASS & I.D. NUMBER	LINE NO.	ITEM NUMBER	LOC	QTY ORDERED	QTY BXORD	BIN LOC	WT	UNIT AMOUNT	EXTENDED AMOUNT
1	DR		***** CASH ORDER ***** MILLER SPECTRUM 875 30'907584001 AUTOCALL 208-575 1/3PH XT60 *** Serial Numbers Required *** MFG PART #:907584001 SN: 0000	1	MIL 907584001	326	1	0			2673.813	2673.81T
											Subtotal	2673.91
											Tax	240.64
											Total Sale	2914.45



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NOTE	<input type="checkbox"/> CARRIERS VEHICLE PLACARDED ACCORDING TO EXISTING REGULATIONS	CASH RECEIVED
	TOTAL EMPTY CYLINDERS RETURNED SUBJECT TO INSPECTION AT SELLER PLANT	
RECEIVED - FOR SELLER	ACCEPTED - FOR ABOVE VENDEE	

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SHIPPING PAPER

14810163220

FOR CHEMICAL EMERGENCY
 SPILL, LEAK, FIRE, EXPOSURE, OR ACCIDENT
 CALL CHEMTREC - DAY OR NIGHT
 800-424-9300

For calls originating outside the Continental U.S.:
 202-483-7616 - Washington, DC, Collect
 ALL CALLS ARE RECORDED

CAUTION: Use no oil or lubricant of any kind on oxygen cylinders, valves, gauges, regulators, or other fittings as such is dangerous and may cause explosions.

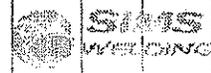
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Matheson Tri Gas Inc DBA SIMS
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 WILMINGTON CA 90744
 310-816-1250

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We reserve the right, in our sole and exclusive discretion, to refuse to sell our products to anyone for any reason.												
***** QUOTE ***** Quote Expiration Date: 12/12/15 ***** CASH ORDER *****												
1	EA		MILLER TRAILBLAZER 302 AIR PAK N/COOL/SEP 907549003 *** Serial Numbers Required *** MPG PART #1907549003	2	MIL 907549003	BP6	1	0		805.00	10904.350	10904.35T
											Subtotal	10904.35
											Tax	981.39
											Total Sale	11885.74



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NOTE	<input type="checkbox"/> CARRIERS VEHICLE PLACARDED ACCORDING TO EXISTING REGULATIONS	<input checked="" type="checkbox"/> CASH RECEIVED
	TOTAL EMPTY CYLINDERS RETURNED SUBJECT TO INSPECTION AT SELLER PLANT	
RECEIVED - FOR SELLER	ACCEPTED - FOR ABOVE VENDEE	

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ENERGY CHARGES	NO. OF PIECES	FILED BY

WARNING: Transporting flammable gases and/or hazardous materials in an enclosed van, automobile or automobile trunk is very dangerous because it can cause a fire or explosion resulting in serious injury or death. Fixed cylinder label warnings, Material Safety Data Sheets (MSDS) and/or carry booklet 7-0486

PICKING TICKET

Sold by: To Place Orders call Sales
Dept. at: 1-888-935-3353

67610644659

Cust # : 50576

Order # : 33206529-00

Ship to: CITY OF AVALON
PO BOX 707
AVALON CA 90704
310-510-0299

Order Date : 11/18/15
Ship Date : 11/18/15
Page : 001 OF 001

NAME : CITY OF AVALON TER: 231 SHIP VIA: CUST PICKUP NONE- INITIALS: WRA
PO # : SLS: 271 OTH ZONE: 64 UPS: 0 ORD TYPE: QTE
REL# : BRN: 236 COL/PPD : PPD&add TIME : 18-NOV-15 12:42PM
PHONE# : 310-510-0299 ROUTE # : CRT : TNA1423

QTY	UNIT	DESCRIPTION & HAZARD CLASS	LINE NO	ITEM NUMBER	LOC	QTY ORDER	QTY BKORD	BIN LDC	WT	UNIT AMOUNT	EXTENDED AMOUNT
***** QUOTE *****											
1	EA	ENS DRIVE TRAILBLAZER 302 AIRPAK MFG PART #:907549003 *** Serial Numbers Required ***	1	MIL 907549003	236	1	0		1.0	10925.00	10,925.00
1	EA	PLAS MACH SPECTRUM 075 A-L 50' MFG PART #:907504001 *** Serial Numbers Required ***	2	MIL 907504001	236	1	0	1F001	1.0	2700.00	2,700.00
1	EA	NIG GUN XR-30A 30' MFG PART #:198120	3	MIL 198120	236	1	0	1W001	25.0	1250.00	1,250.00
1	EA	WIRE FEEDER XR-D CTRL CD CV MFG PART #:339-300687 *** Serial Numbers Required ***	4	MIL 300687	236	1	0	1F001	1.0	2115.00	2,115.00
Total Weight: 28.0									Subtotal	15,990.00	
									Tax:	1,614.05	
									Total Sale	18,604.05	

=====

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.



Authorized Signature _____

Received by _____

DATE SHIPPED: _____

PLACARDS OFFERED:

- ACCEPTED
- REJECTED

CONTINUOUS SHIPPER 2PT

FILE COPY

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 1, 2015

ADENDA ITEM: 5

ORIGINATING DEP: Recreation

CITY MANAGER: AR

PREPARED BY: Jennifer Monroe, Recreation Coordinator

SUBJECT: Avalon City Park Play Equipment and Surfacing Expenditure

RECOMMENDED ACTION(S): Approve the expenditure for new play elements and surfacing, including shipping and installation, for Avalon City Park.

REPORT SUMMARY: On August 21, 2014 the City of Avalon had an independent park assessor, Wilmes LLC, review all park spaces at the request of PARSAC to review their compliances of park safety regulations. Avalon City Park ("Machine Gun Park") had the most non-compliant elements and was deemed most critical for replacement due to safety and liability concerns.

At the November 3, 2015 City Council Meeting, the Avalon City Council approved a capital improvement amendment to the FY 15-16 budget to include \$50,000 for the purchase of new play equipment at Avalon City Park ("Machine Gun Park").

Staff met with GameTime park planners to get recommendation of equipment that would fit within the small playground space and are asking to move forward with the purchase of a net climber and outdoor musical equipment, which will maximize the space and fit within the allotted project budget. Staff is recommending the purchase of engineered wood fiber as the surfacing due to budget constraints, which will be installed at a depth of 12 inches for safety. This complies with both PARSAC requirements and ADA regulations.

GOAL ALIGNMENT: Enhance Recreation Opportunities

FISCAL IMPACTS: \$50,000 expenditure from General Fund allotted to capital improvements during the November 3, 2015 City Council Meeting budget amendment.

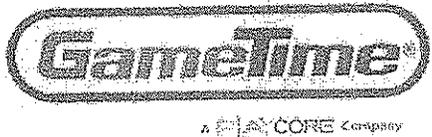
CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The park equipment will not be purchased and the required updates to the park will not proceed.

FOLLOW UP ACTION: Staff will purchase the equipment and arrange for demolition of current play structure, and the delivery and installation of the new features and surfacing.

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

ATTACHMENTS:

Three quotes for equipment and installation
Rendering of proposed play equipment



Great Western Park & Playground
 P.O. Box 97
 Wellsville, UT 84339
 800.453.2735
 www.gwpark.com

QUOTE
 #81720

11/20/2015

Avalon City Park Option 8

City of Avalon
 Attn: David Hart
 410 Avalon Canyon Road
 Avalon, CA 90704

Project #: P62915
 Ship To Zip: 90704

Quantity	Part #	Description	Unit Price	Amount
1	3137	Game Time - OmniTri Net	\$19,998.00	\$19,998.00
1	6223	Game Time - Merry Musical	\$3,767.00	\$3,767.00
1	81748	Game Time - Beat Club	\$1,756.00	\$1,756.00
1	81754	Game Time - Music Time	\$1,242.00	\$1,242.00
1	161290	Game Time - Geo-Textile 2250 Sq Ft Roll	\$604.00	\$604.00
1237	EWf	GT-Impax - Engineered Wood Fiber 1237 SF - <i>Delivered & Installed</i>	\$3.97	\$4,910.89
1	INSTALL	Game Time - Installation of Play Equipment & EWf - <i>Install Omni-Tri Net & GT Jams Play Panels; concrete, 1400 SF of EWf to 12" depth</i>	\$13,687.16	\$13,687.16

Shipping to: Avalon, CA 90704

Customer is responsible for all offloading of equipment

Installation, site work & surfacing are not included in this quote

Surcharge reflects 2016 Pricing

SubTotal: \$45,965.05
 Discount: (\$1,791.06)
 Material Surcharge: \$675.75
 Tax: \$2,960.45
 Freight: \$2,139.81
 Total Amount: \$49,950.00

***Note: If you are issuing a P.O. or CONTRACT please make it payable to GameTime C/O Great Western. Checks should also be made payable to Gametime C/O Great Western**





Unlimited Engineering Contracting, Inc.

950 Firestone Circle
Simi Valley, CA 93065

Phone # (805) 587-7514
Fax # (805) 306-1247

unlimitedengineering101@yahoo.com

Estimate

Date Estimate #

11/19/2015	E 2059
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Name / Address

City of Avalon
David Hart
410 Avalon Canyon Road
Avalon, CA 90704

Project
AVALON CITY PARK OPTION 8

Description	Qty	Total
CONTRACTOR TO PROVIDE AND INSTALL		
3137 Game Time - Omni Tri Net	1	21,198.00
6223 Game Time - Merry Musical	1	3,967.00
81748 Game Time - Beat Club	1	1,831.00
81754 Game Time - Music Time	1	1,492.00
161290 Game Time - Geo-Textile Roll 2250 Sq Ft	1	654.00
EWf GT-Impax - Engineered Wood Fiber 1237 SF Delivered	1,237	5,360.89
	1	0.00
Installation of Game Time Play Equipment & EWF	1	14,800.00
Install Omni-Tri Net & GT Jams Play Panels; concrete, 1400 SF of EWF to be installed @ 12" in depth		
SUBTOTAL		49,302.89
Sales Tax		3,234.94
FREIGHT To City of Avalon, CA * Customer is Responsible for Off Loading Equipment		3,600.00
Demolition of Existing Equipment, Site Prep, and PIP Surfacing to be provided by "others"		

Price includes prevailing wage rates

Total \$56,137.83

Quote # 3

Pacific Tennis Courts, Inc.
530 Los Angeles Ave., Suite 115-320
Moorpark, CA 93021
(818) 991-7445 Fax: (818) 706-1951

THIS CONTRACT is entered into this 21st day of November 2015 by and between PACIFIC TENNIS COURTS (hereafter CONTRACTOR) and City of Avalon (hereafter OWNER).

David Hart: 410 Avalon Canyon Road, Avalon, CA 90704 Contract No. 15156

Job Address: Avalon City Park Option 8 Page 1 of 2

CONTRACTOR AND OWNER AGREE AS FOLLOWS:

1. CONTRACTOR shall furnish at following submitted specifications and costs, all materials, labor, equipment, transportation and perform all work necessary for the complete installation of;
2. CONTRACT PERIOD AND RIGHT TO WORK: Prices quoted in this contract are valid for thirty (30) days from date of presentation. Contractor reserves the right to commence work within thirty (30) days of contract acceptance.

PACIFIC TENNIS COURTS, INC. TO PROVIDE THE FOLLOWING:

Provide and install GameTime Playground Equipment including, Omni-tri-net, Merry Musical, Beat Club, and Music Time.

Provide and install 1237 cubic yard of wood chips 12" deep with Geo-Textile mat installed.

COST: ALL MATERIAL AND LABOR FOR THE PRECEEDING \$ 58,887.85

The Provisions set forth upon the reverse hereof and any attached pages hereto are incorporated in and make a part of the CONTRACT. IN WITNESS WHEREOF, the parties hereto have executed the CONTRACT the day and year set forth below.

OWNER

CONTRACTOR

Dated: _____

Dated: _____

By: _____

By: _____

By: _____

Pacific Tennis Courts, Inc.

SEE REVERSE SIDE FOR GENERAL CONDITIONS

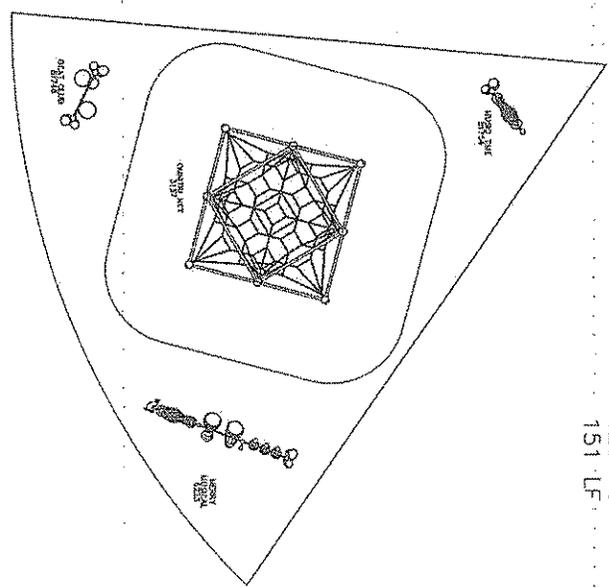
3. GUARANTEE: All work and/or materials performed by CONTRACTOR is guaranteed for a period of one (1) year from the time construction is completed. Guarantee does not apply to damages resulting from Acts of God.

In the construction of concrete courts, shrinkage cracks and/or spalls may appear in the slab, but do not cause any structural damage or displacement. In order to minimize the possibility of shrinkage cracks and/or spalls, CONTRACTOR use the least reactive aggregate available. However, neither CONTRACTOR or the concrete ready mix companies guarantee against shrinkage cracks and/or spalls that may occur in the concrete slab, and the terms of our guarantee do not extend to such shrinkage cracks and/or spalls.

4. EXTRA WORK: During progress of construction, the OWNER may order extra work. The amount for such extra work shall be determined in advance if possible, or may be charged for at actual costs of labor and materials plus 20% for CONTRACTORS overhead and fee. All sums for extras shall be due and payable upon completion of each extra. For purposes of this paragraph "cost" is defined as the cost of subcontractors, labor, materials, equipment and transportation, plus ten percent overhead plus ten percent profit to the CONTRACTOR.

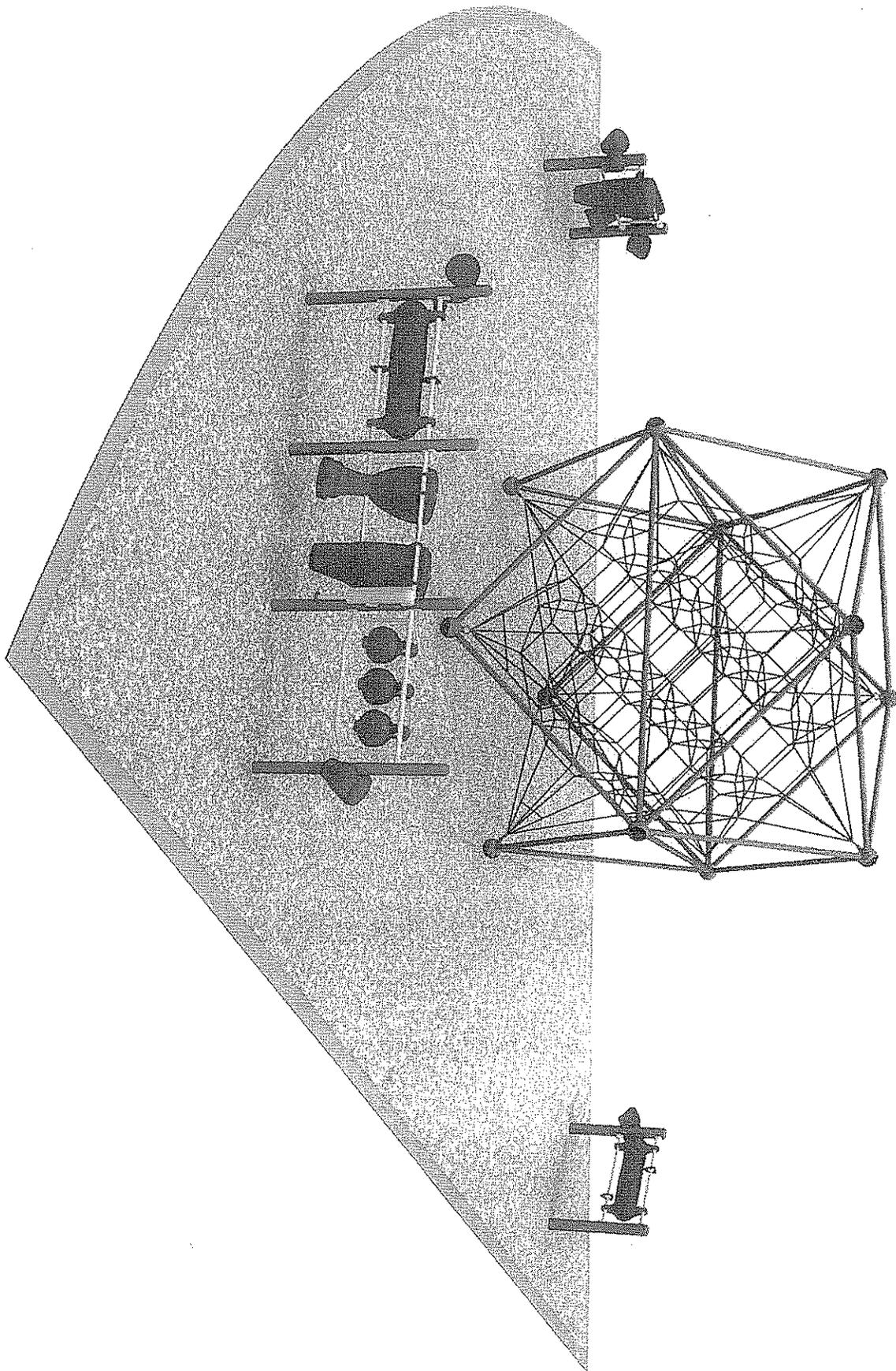
Avdalon City Park Option 1

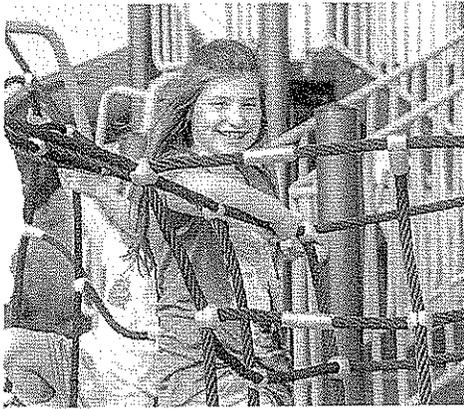
1237 SF
151 LF



	ISO 9001 2015 Certified	Avdalon City Park Avdalon, CA Great Western Park & Playground	This unit was used for the work and is not to be used for any other purpose without the written consent of the manufacturer.	Total Standard Play Components Available by Survey: 0 Total Standard Play Components Available by "Master Plan": 0 Total Available: 0 Total Observed Types of Observed Units Components: 0	This unit is not recommended for use in areas where it may be subject to vandalism or other damage.	Minimum Area Required: 1' x 1' x 1' This drawing can be used for reference only.	THIS UNIT IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE MANUFACTURER.	Project #: 00000000 Date: 00/00/00 Project Name: Avdalon City Park Option 1
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150 Piquette Drive SE
 Prattville, AL 36067
 www.diamondpro.com





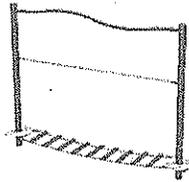
A. Cliffhanger Bridge

#5109 \$4,952

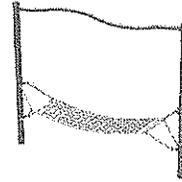
ASTM Use Zone: 25' 4" x 14' (7.7m x 4.3m)
Recommended Ages: 5 to 12
Fall Height: 8' (2.4m)

A great way to link sections of your KidNetix Ropes Course.

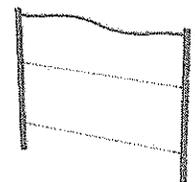
A



B



C



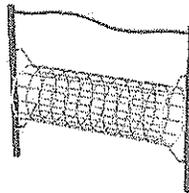
B. Cargo Net

#5110 \$8,818

ASTM Use Zone: 23' 11" x 14' 11" (7.3m x 4.5m)
Recommended Ages: 5 to 12
Fall Height: 8' (2.4m)

Gentle swaying motion up and down and side-to-side, enhancing balance and coordination skills.

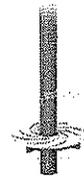
D



E



F



C. Cliffhanger

#5103 \$1,337

ASTM Use Zone: 23' 11" x 12' 5" (7.3m x 3.8m)
Recommended Ages: 5 to 12
Fall Height: 8' (2.4m)

A fun, parallel climbing experience that enhances balance and core strength.

D. Net Tube

#5106 \$11,270

ASTM Use Zone: 23' 11" x 12' 5" (7.3m x 3.8m)
Recommended Ages: 5 to 12
Fall Height: 8' (2.4m)

Takes the play value of a regular crawl tube to a whole new level.

E. Conifer Topper

#5113 \$402

Constructed of durable, roto-mold plastic and designed to adorn the top of the KidNetix uprights, Conifer Toppers create the look of a forest along your KidNetix ropes course.

F. Pod Landing

#5111 \$590

ASTM Use Zone: 13' 10" x 13' 10" (4.3m x 4.3m)
Recommended Ages: 5 to 12
Fall Height: 4' (1.2m)

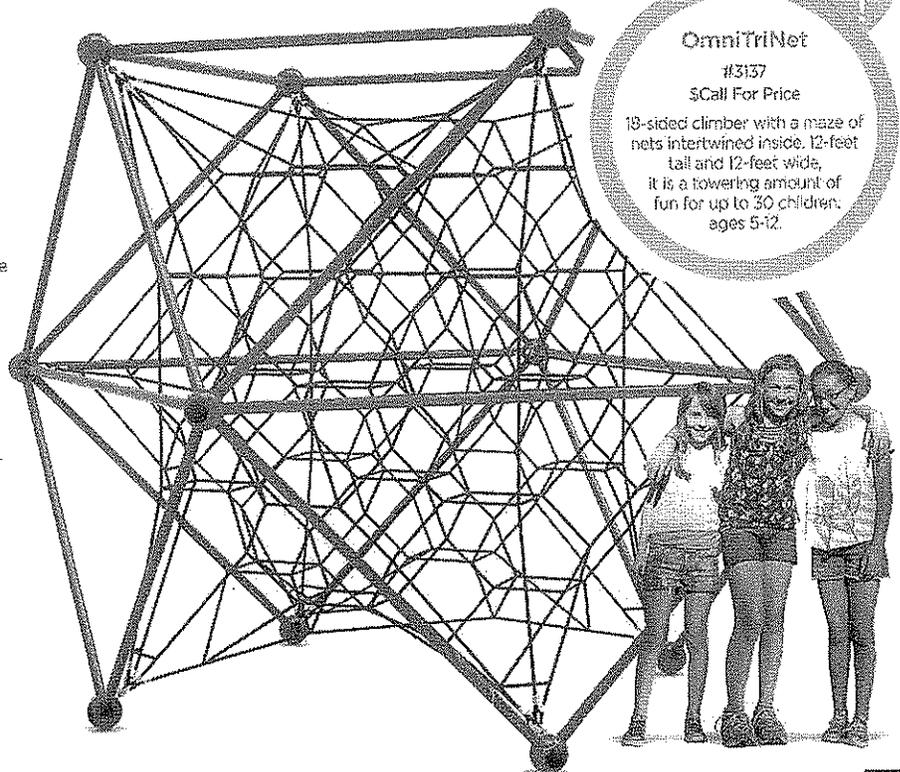
Stable and sturdy foundation for children to access a KidNetix climbing activity.

OmniTriNet

#3137

Call For Price

18-sided climber with a maze of nets intertwined inside. 12-foot tall and 12-foot wide, it is a towering amount of fun for up to 30 children, ages 5-12.



⚠ WARNING: Installation over a hard surface such as concrete, asphalt, or packed earth may result in serious injury from falls.

Galvanized uprights sold separately.



Musical Play

GTJams was the industry's first modular musical instrument play activity backed by standards-based curriculum. It continues to be the industry's favorite musical freestanding play activity for children ages 2 to 5 or 5 to 12.



GTJams is a great way to add ground-level, accessible play activities to your playground. Music is an inherently inclusive activity and children of all abilities love creating a symphony of sound with our GT Jams ensembles.

Merry Musical
 #M6223
 \$3,767

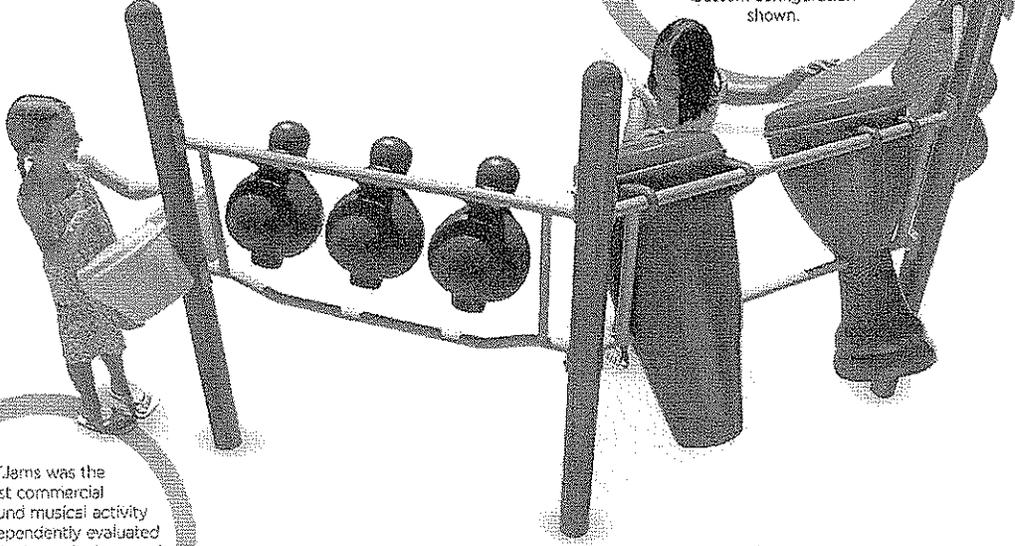
Recommended Ages: 2 to 5 or 5 to 12

10 instruments include tonal & rhythmic sounds. Includes GT Jams Playbook. Custom configuration shown.

AblePlay Rating	
GT Jams	
Disability Category	Rating (1-5)
Communicative	★★★★
Physical	★★★★
Sensory	★★★★
Cognitive	★★★★
www.ableplay.org	

*Play products are shown with child models. Independent evaluation by National Lekotek Center.

GTJams was the first commercial playground musical activity to be independently evaluated by Lekotek, the nation's central source on inclusive play, and awarded an AblePlay rating. Learn more at ableplay.org.



A. Drum Circle

#M81749 \$8,077

Features 18 instruments to create a variety of complementary rhythms. Includes GT Jams Playbook.

B. Beat Club

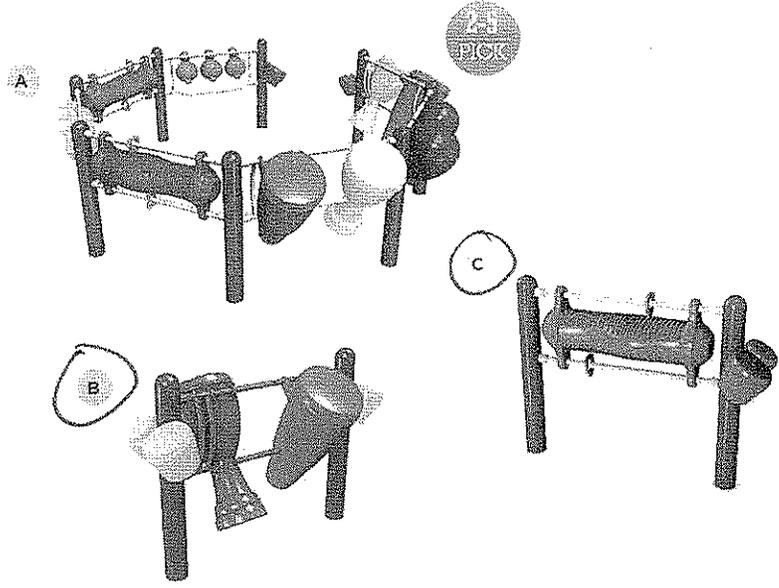
#M81748 \$1,756

Add a mini Jam Session to your play space. Includes 6 instruments and GT Jams Playbook.

C. Music Time

#M81754 \$1,242

Includes 3 instruments. Enjoy the unique sound of the Calabazo accompanied by Bongos.



⚠ WARNING: Installation over a hard surface such as concrete, asphalt, or packed earth may result in serious injury from falls.

CDAAs eligible reimbursable costs include engineering and design services, provided the work relates to site damages incurred due to the events. Thus there is a potential for cost recovery of this survey report, although it is not guaranteed. It is also not guaranteed that if we complete this report that the cost of the report or conducting any report will be eligible as reimbursable costs. However, sufficient funds exist in the Harbor Funds FY 15-16 Budget to complete this project (Acct. 104-70-5701).

GOAL ALIGNMENT: City Infrastructure, Pebbly Beach Road.

FISCAL IMPACTS: Not to exceed \$35,000.00 from Harbor Fund 104-70-5701.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Pebbly Beach Road will most likely not qualify for CDAAs funding due to lack of documentation, and the City will not have an unbiased engineering assessment of the road to help plan for necessary and desired capital improvements.

FOLLOW UP ACTION: Allow the City Manager to enter in an Agreement to conduct the survey with ESG Engineering and City staff support, and use this information to pursue CDAAs funding and to plan/budget for the CIP needs for Pebbly Beach Road.

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

ATTACHMENTS:

- (1) The original RFP
- (2) Proposal from ESG



CITY OF AVALON REQUEST FOR PROPOSALS (RFP)

The City of Avalon (Avalon) is seeking proposals from qualified engineering firms with experience and expertise for an Engineering Cost Analysis Study to determine monetary damages suffered as a result of Hurricane Marie & Avalon Complex events.

Proposals are due no later than October 9, 2015.

BACKGROUND – PROJECT DESCRIPTION & INFORMATION:

In 2011 the City of Avalon entered into an Easement Agreement with the Santa Catalina Island Company for Pebbly Beach Road. With the easement the City is responsible for the maintenance and upkeep of the road, including the paved roadway, the seaward and upland unpaved shoulders of Pebbly Beach Road, the road bed and riprap, and upland hillsides. In 2014 two major natural events impacted Avalon's waterfront, including Pebbly Beach Road; Hurricane Marie on August 26 and the Avalon Complex on December 30. The damages were significant enough that the City declared a state of emergency for each event. Since the events the City has monitored and provided patchwork maintenance on Pebbly Beach Road. It is believed the extent of the damages associated with the events are significant, and it is the desire of the City to have documented the extent of the damages, the scope of repair/replacement/upgrades and an estimated associated cost, with specific emphasis on costs associated with the damages from the events.

SCOPE OF WORK:

Listed below are some brief topics or items that we feel this RFP should address and include:

- Task 1: Study of Pebbly Beach Road for damages associated with the events.**
- Task 2: Study of Pebbly Beach Road for total structural evaluation.**
- Task 3: Cost estimate for repairs associated with damages from events.**
- Task 4: Engineering assessment and Cost Estimate for Replacement and Upgrades to Pebbly Beach Road**

GENERAL NOTES & INFORMATION:

Assumptions will need to be made due to the damage that was suffered under the roadway that is not visible. A substantial amount of horizontal wave-action and swells has deteriorated the slopes during these events and these adverse affects need to be determined. Our Harbor and Public Works Departments will be available for some investigative assistance the consultant may deem necessary. However, vertical drilling or excavations to determine voids may not be allowed due to various agency permits that may be required, but may be possibly be performed..

An ocean tour of the affected areas can be accomplished which will reveal many caverns and sink hole (void) problems under the hinge point, slope, and under the asphalt on the easterly portion of Pebbly Beach Road.

Also, an estimate of the amount of rip rap that was depleted will need to be acquired. This can be accomplished by old photos that may or not be available in the City archives. The consultant should consider other alternatives for historical information.

ESTIMATED FEES

Avalon estimates that the cost of the Consultant's work to complete the scope of work is in the range of \$20,000-40,000.

ELEMENTS OF PROPOSAL

Your firm is requested to submit three copies of your proposal with the following information:

1. Cover letter.
2. Description of firm.
3. Project team description (with resumes attached to the proposal); The assigned Project Manager must be a professional engineer registered in CA with a minimum of 10 years of relevant experience and cannot be replaced or re-assigned on the project without the City's written authorization.
4. Proposed approach and scope of services for the overall project and each task.
5. Schedule for completing the overall project and each task.
6. Description of similar completed projects and/or relevant experience.
7. A statement that you have read and can execute Avalon's standard professional services Agreement (Attachment A) and can comply with the insurance requirements.
8. Disclosure of any potential conflicts of interest that could affect your firm's ability to work for Avalon, or State of California OES.
9. Proposed Fees: Provide labor hours and hourly rate schedule for each scope of work task.

Please make your proposals brief, no more than 7 pages, excluding resumes.

A pre-proposal meeting is not anticipated at this time.

Submit sealed bid proposals no later than 5:00 PM, October 7, 2015 to:

Dennis Jaich, Interim Director of Public Works
City of Avalon
410 Avalon Canyon Road (PO BOX 707)
Avalon, CA 90704

SELECTION PROCESS

Depending upon the response to the RFP, oral interviews may or may not occur. Selection criteria will include project team qualifications and experience (particularly the experience and qualifications of the project manager), demonstrated expertise with similar projects, innovation and value the City.

The selected Consultant will be required to sign the attached Professional Services Agreement (Attachment A) and to provide the Insurance Certificates and all other required documentation within 15 calendar days of notice of award. Any exceptions the Consultant may have to the agreement and/or insurance provisions must be included in the proposal. The City is reluctant to modify the terms of the standard Professional Services Agreement. Avalon reserves the right to reject any and all proposals, waive any proposal formalities and modify or postpone the proposed project at its sole discretion.

SCOPE OF SERVICES

PROJECT SCHEDULE

The Consultant should include an anticipated schedule in their proposal for performing the scope of services. The City is interested in having this work completed by November 30, 2015.

QUESTIONS

Questions pertaining to this RFP may be submitted to the City no later than October 1, 2015. Please direct all questions to Mr. Dennis Jaich, Interim Director of Public Works, at djaich@cityofavalon.com

The City of Avalon would like to thank you in advance for your interest and anticipated involvement in this RFP. We are confident that with your help, knowledge, proficiency, understanding, and concern for our budgetary issues, we will attain a successful outcome.



ESG Engineering
1142 S. Diamond Bar Blvd., Suite 226
Diamond Bar, CA 91765
562-225-1781
www.esg-engineering.com

October 9, 2015

Dennis Jaich
Interim Director of Public Works
City of Avalon
410 Avalon Canyon Road (PO BOX 707)
Avalon, CA 90704

Subject: Proposal for Engineering Cost Analysis Study Resulting from Hurricane Marie & Avalon Complex Events

Dear Mr. Jaich:

We appreciate the opportunity to propose our engineering services in response to your Request for Proposals for an engineering cost analysis study to determine monetary damages suffered as a result of Hurricane Marie and Avalon Complex events.

This proposal includes the effort to accomplish the four tasks outlined in the RFP, focusing on identifying, characterizing, and estimating the cost to repair damage in a manner that can be clearly presented in an application for reimbursement from the state. It also includes the outline of an entire program to improve Pebbly Beach Road. These tasks are better defined in part three of this proposal.

The fee for this effort is \$33,860 broken down in part nine herein. The rates are consistent with what will be included in our agreement with Avalon for city engineering services.

Based on the limited information provided in the RFP, there are numerous assumptions outlined in the "approach and scope" section of the proposal. Before or after the City selects a consultant, these items can be discussed and the fee adjusted as necessary.

We hope you choose ESG Engineering to work with you on this project. Please contact me at 562-225-1781 or MichaelT.esg@gmail.com if you have any questions.

Thank you.

Michael M. Thomas

Michael Thomas, P.E.
Director of Engineering, Partner
ESG Engineering

Deliverable: Stationed basemap defining areas of damage with a corresponding report containing photographic and other historic evidence of storm damage.

Assumptions:

1. City staff will give a tour of storm damaged areas on PBR to provide background
2. City will research and provide historic maps and photos of PBR
3. Area to be assessed for damage lies between Abalone Point to the north, and the first structure on the beach-side of PBR (where the road veers inland to serve industrial industries)

Task 2: Study of Pebbly Beach Road for total structural evaluation

This task will predominantly be performed by ESG's sub-consultant, geotechnical engineer Keith Tucker of Keith Tucker Consulting Engineer. Mr. Tucker will perform field testing along PBR to determine existing pavement thickness and base materials beneath roadway. This includes 12" dia. holes cored in the roadway (subsequently patched), taking soil samples of base and subgrade soils, and performing laboratory testing of selected samples. He will perform structural calculations and provide recommendations on whether or not the existing road needs to be replaced or can be re-used, which could significantly affect the cost of repairs. Mr. Tucker will also analyze the required shoreline protection and prepare conclusions and recommendations.

Deliverable: Test report documenting road sampling protocol and results; assessment of structural condition of existing road.

Assumptions:

1. City provides traffic control (cones, etc.)
2. No permits other than those provided by the city are needed.

Task 3: Cost estimate for repairs associated with damages from events

Using the data compiled in Task 1, ESG will develop a typical cross section for the design of PBR between Abalone Point and the first beachside structure. The cost to construct the road will be estimated and applied to the lineal feet of road damaged by the storm. ESG thinks we can make a case that the damage caused by the storm was exacerbated by the lack of drainage control on the road, and will include drainage improvement costs in the estimate.

Deliverable: Basemap with cross-section of road design. Cost estimate for the repair of the entire reach of road between Abalone Point and first structure; ratio of damaged length vs. total length to determine reimbursement from State.

Task 4: Engineering assessment and Cost Estimate for Replacement and Upgrades to Pebbly Beach Road

ESG recognizes that PBR is an ongoing problem for the City. Poor drainage, sub-standard slope protection, insufficient guardrails, falling rocks, insufficient road width, a lack of striping, and no pedestrian protection are

Part 2 – Description of Firm

We at ESG Engineering (ESG) specialize in civil engineering design. Four experienced professional engineers formed this firm in 2012 to address the need within the public engineering industry for high quality civil design services. We bring years of service working for both public agencies and private consulting firms.

ESG was recently selected to provide city engineering services to the City of Avalon. Members of our project team have provided engineering services to the cities of Beverly Hills, Chino Hills, Chino, Diamond Bar, El Segundo, Fillmore, Hemet, Temecula, and Victorville; and the Counties of Riverside and San Bernardino.

We have in-house expertise in the following areas:

- Civil Design: Grading, drainage, road design, storm drain, sewer, traffic control, yard piping, pipeline plan/profile, site planning, erosion control, water systems, general civil plans and specifications
- Reviews: Plan checking, consultant peer reviews, SWPPP plans and compliance, regulatory issues, construction management performance reviews, master spec reviews, water quality issues
- Program and Process Development: Value Engineering (VE) programs, quality programs, project management manuals, technical manuals, improvement programs
- Engineering Staff Augmentation: Assignment of work tasks normally performed by staff due to lack of resources or expertise

ESG makes it a point of emphasis to identify quality sub-consultants and has access to other disciplines including electrical, mechanical, and geotechnical engineering, as well as survey and computer programming (i.e. SCADA) services.

Part 3 – Project Team

ESG proposes the following project team (resumes attached). The project manager will not be replaced or re-assigned without the City's written authorization. Specific to this project, ESG has extensive experience designing challenging roads: structurally sound yet flexible landfill roads for Orange and San Bernardino Counties; and steep mountainous roads with multiple types of retaining walls for Metropolitan Water District of Southern California.

Project Manager: Michael Thomas, P.E.

Michael Thomas is a licensed mechanical and civil engineer in California, with 25 years working in the water, nuclear, petroleum and aircraft industries – the past 13 years for the Metropolitan Water District of Southern California. Currently, he is the manager responsible for quality programs, engineering processes and standards, value engineering and improvement programs. At Metropolitan, he managed scores of water projects up to \$250M while supporting the engineering, operations, and real property groups. Thomas holds a T2 operator certification and is a certified Associated Value Specialist (AVS) with SAVE Int'l. He has degrees in mechanical and civil engineering from Loyola Marymount University.

Project Engineer: Angelo Reginaldo, P.E.

Angelo Reginaldo has more than 27 years of engineering design experience specializing in grading, road design, storm water drainage, solid waste landfill design and planning, construction engineering, regulatory compliance, and plan checking. Reginaldo is currently a design manager and technical lead for the Metropolitan Water District of Southern California where he recently designed and managed an award-winning roadway project in Orange County. Reginaldo is a licensed civil engineer in California with a degree in civil engineering from the University of Hawaii, Manoa. He holds a T2 operator certification, and is a Qualified SWPPP Developer.

Assistant Project Engineer: Aristotle Bondoc, P.E.

Aristotle Bondoc is a licensed civil engineer in California with 18 years of experience working in the private and public sectors - the past eight years for the Metropolitan Water District of Southern California, specializing in drainage, storm water, and general civil design. He has led design and management teams designing small to medium scale water, waste water, and petroleum projects. He holds an undergraduate degree in civil engineering from Loyola Marymount University and is a Qualified SWPPP Developer.

Geotechnical Engineer: Keith Tucker, P.E. (sub-consultant)

Keith Tucker is a California licensed civil engineer and geotechnical engineer. He earned a bachelor's degree in civil engineering from Kansas St. in 1976, and a master's degree in geotechnical engineering from the University of Illinois in 1978. Less than 10 years ago, he worked on a study regarding boulders falling on Pebbly Beach Road for the City of Avalon, and has detailed knowledge of Catalina's geology. His resume will be provided upon request.

Part 4 – Proposed Approach and Scope of Services

This approach was designed by ESG to provide the City of Avalon (City) with first, defensible data that the City can use to apply for State of California repair funding; and second, a complete program for the improvement of Pebbly Beach Road (PBR).

Task 1: Study of Pebbly Beach Road for damages associated with the events

The ESG team has acquired topographic maps of PBR from reports done in the mid-2000s that assessed falling rocks on the road. Using these maps as a resource, ESG will use a measuring wheel to station PBR from the landing to the confluence with Wrigley Road. At the same time, ESG will document areas affected by the storm, both at the toe and top of the bank. Photos taken during the tour, interviews with City staff, historic photos and maps provided by the City, Google/Bing images, and engineering analysis will be used as evidence of before and after conditions. This information will be presented on a basemap using stationing to define the linear extents of the storm impact. This task includes a kickoff meeting with City staff.

some of the issues that could be addressed. ESG proposes to work with the City to establish a long-term program for improving this asset. This includes not only a design of the road, but consideration of phasing of construction taking into account future development to the south, as well as existing and future utilities. ESG will estimate the total cost of these improvements broken down by feature to better assist the City with future planning.

Deliverable: Conceptual design for the future PBR, cost estimate of improvements, narrative of construction phasing, "nice to have" design features, permitting, and funding sources.

Assumptions:

1. Single City review cycle
2. Single closeout meeting

Final deliverable: PBR report including all items above. Draft report will be transmitted for review in .pdf only. Four hard copies and .pdf of final report will be delivered to City Hall.

Part 5 – Schedule for completing the overall project and each task

ESG recognizes that the RFP "is interested in having this work to be completed by November 30, 2015." The structural evaluation proposed (sampling/lab analysis) will impact ESG's ability to meet this date. Note that if selected, ESG is willing to, and may be required to, refine the dates below.

October 9, 2015	Proposals due
October 19, 2015	Consultant selection
November 3, 2015	Agreement signed/executed, notice to proceed
November 25, 2015	Field work and soil testing complete
December 7, 2015	Basemap and damage assessment complete
December 18, 2015	Draft report with Tasks 1 through 4 delivered
January 2016	Comment meeting with City and final report delivered

Part 6 – Description of similar completed projects and/or relevant experience

NA

ESG staff has designed many complicated and difficult roads, including city streets (West Covina Shopping Plaza) and landfill roads (County of Orange: Frank Bowerman Landfill, Coyote Canyon Landfill, Olinda Alpha Landfill; County of San Bernardino: Milliken Landfill). We'd like to showcase the Robert H. Diemer Water Treatment Plant North Access Road design for Metropolitan Water District of Southern California.

Cost: \$9.1M construction contract

Completed: 2011

Unique features: 1.3 miles long; 310 ft; 2 lanes, 24' wide; three (3) types of retaining wall systems (segmental concrete, soldier-pile tieback, cast in-place; large diameter pipeline crossings; 75' single-span bridge; security

Part 9 – Proposed Fees: Provide labor hours and hourly rate schedule for each scope of work task

Task 1: Condition Assessment/Damage Characterization				
Name	Role	Rate	Hours	Total
M. Thomas	Project Manager	\$ 155.00	16	\$ 2,480.00
A. Reginaldo	Principal Engineer	\$ 145.00	16	\$ 2,320.00
A. Bondoc	Engineer	\$ 125.00	30	\$ 3,750.00
JR Rhoads	Engineer	\$ 125.00	20	\$ 2,500.00
K. Tucker (sub)	Geotechnical			
Subtotal				\$ 11,050.00
Task 2: Structural Evaluation				
Name	Role	Rate	Hours	Total
M. Thomas	Project Manager	\$ 155.00	4	\$ 620.00
A. Reginaldo	Principal Engineer	\$ 145.00	4	\$ 580.00
A. Bondoc	Engineer	\$ 125.00		\$ -
JR Rhoads	Engineer	\$ 125.00	4	\$ 500.00
K. Tucker (sub)	Geotechnical			\$ 8,000.00
Subtotal				\$ 9,700.00
Task 3: Cost estimate storm repairs				
Name	Role	Rate	Hours	Total
M. Thomas	Project Manager	\$ 155.00	2	\$ 310.00
A. Reginaldo	Principal Engineer	\$ 145.00	4	\$ 580.00
A. Bondoc	Engineer	\$ 125.00	8	\$ 1,000.00
JR Rhoads	Engineer	\$ 125.00		\$ -
K. Tucker (sub)	Geotechnical			\$ 500.00
Subtotal				\$ 2,390.00
Task 4: Total road repair program and estimate				
Name	Role	Rate	Hours	Total
M. Thomas	Project Manager	\$ 155.00	16	\$ 2,480.00
A. Reginaldo	Principal Engineer	\$ 145.00	12	\$ 1,740.00
A. Bondoc	Engineer	\$ 125.00	24	\$ 3,000.00
JR Rhoads	Engineer	\$ 125.00	12	\$ 1,500.00
K. Tucker (sub)	Geotechnical			\$ 500.00
Subtotal				\$ 9,220.00
ODC	Boat fare, parking, food, printing, etc.			\$ 1,500.00
Grand Total				\$ 33,860.00

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 1, 2015

AGENDA ITEM: 7

ORIGINATING DEP: Administration

CITY MANAGER: RR

PREPARED BY: City Manager's Office

SUBJECT: Discussion Regarding Recreation versus Community Services Department

RECOMMENDED ACTION(S): Discuss the City Council's desires for the services to be offered through a Recreation Department, a Community Services Department or Recreation/Community Services Department hybrid model, and direct the City Manager to implement department structure changes and return to City Council for budget amendments if required.

REPORT SUMMARY: The City of Avalon currently operates a Recreation Department. Primarily the Recreation Department offers activities, sports leagues, classes and events for the community. However, at times currently, as well as in the past, the Recreation Department has also provided community services offerings by overseeing senior nutrition programs, providing assistance with energy bill subsidy programs and coordinating food distribution offerings around the holidays, among other examples.

At the request of Mayor Marshall and Council Member Cassidy, the City Council is asked to discuss the offerings of the City's Recreation Department, and make a determination as to any modification that would like to be made going forward. Depending on the determination that is made, modifications to the adopted Fiscal Year 15-16 budget and current Recreation Department staffing may be necessary due to the types of proposed services that are desired.

Discussion

Traditionally, Recreation Departments offer programs and facilities to enhance recreational opportunities. Examples of these types of offerings including sports leagues, activities and classes at parks, community halls, public buildings, etc. Community Services Departments historically have offered recreational services, but also offer social service based programs, including providing services related to assisting senior citizens (such as Meals on Wheels or Dial A Ride), low-income families and at-risk youth.

A non-academic, rudimentary internet-based review of comparator municipalities (drawn from those cities used within the recently completed Koff Study) reveals that services offered, names of departments and scope of programs varies widely (please refer to the "List of Comparator City Recreation and Community Services Offerings" attachment to this staff

report). Some municipalities offer traditional Recreation Departments like Avalon, others offer Community Services Departments that provide more than just recreation services, and some subscribe to department models that are based on other needs, providing "neighborhood services" offerings (such as Code Enforcement) in addition to recreation.

One idea from Staff for restructuring the Department to meet the needs of the community is to hire a qualified Director (director-level position) to oversee two divisions under one department: a Recreation Coordinator and a Community Services Coordinator. The Director may be designated as Recreation Director, Community Service Director, or Recreation and Community Services Director. The Director would be responsible for infrastructure projects (community center, pool and field facility projects), funding and development procurement, department budget responsibilities, and overall department direction. Duties within the department below the Director-level position would be split by two full-time Coordinator employees to carry out existing programs and start new services as desired.

Modifications to the City's Recreation Department offerings could be made - and the title could be shifted - based upon City Council direction. The current Fiscal Year 15-16 adopted budget calls for two full-time employees (A Recreation Coordinator and a Recreation Assistant), with seasonal part-time employees who assist in running activities, leagues, etc. Should the City Council wish to expand the mission of the Recreation Department to also include community service based offerings, such as senior citizen programs, transit programs, at-risk youth programs, etc., budgetary and staff modifications will likely need to be considered to allow for requisite expertise and resource availability.

Any recommendation for a proposed modification should take into consideration available fiscal resources, municipal facilities, and expertise. The City is limited by fiscal and geographic constraints, in addition to a shortage of municipal facilities.

GOAL ALIGNMENT: Enhance Recreational Opportunities.

FISCAL IMPACTS: To be determined; dependent upon City Council direction.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will continue to operate a traditional Recreation Department.

FOLLOW UP ACTION: Direct the City Manager to return to the City Council with a corresponding proposal.

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

ATTACHMENTS: List of Comparator City Recreation and Community Services Offerings.

Agenda Item # 8

Item of Discussion:

Avalon Medical Marijuana Regulations



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Memorandum

To: Honorable Mayor and City Council Members
From: Best Best & Krieger LLP, City Attorney
Date: December 1, 2015
Re: Avalon Medical Marijuana Regulations

ISSUE PRESENTED

The City of Avalon should consider and make decisions regarding medical marijuana cultivation and other similar uses prior to March 1, 2016, at which point state law would govern cultivation in the City.

ANALYSIS

A. Introduction

The City of Avalon already regulates medical marijuana dispensaries and delivery services per Title 5, Chapter 20 (“Chapter”) of the Avalon Municipal Code (“AMC”) which prohibits such services. That Chapter contains a broad definition of “medical marijuana dispensary.”

These provisions have been very successful at preventing the establishment of medical marijuana dispensaries in the City, and it is unlikely that any amendment is required to continue to enforce the City’s current provisions or to ban any dispensary or delivery service that attempts to open in the City. However, new legislation indicates the City should consider action with respect to other medical marijuana uses within the City, including cultivation. The current AMC does not address individual cultivation, and has limited reference to cooperative cultivation. The new legislation discussed below would allow the City to ban or regulate both of these activities entirely.

The California legislature recently adopted legislation, identified as The Medical Marijuana Regulation and Safety Act (“MMRSA”), to comprehensively regulate medical marijuana. The MMRSA preserves local control to regulate or ban medical cannabis. The MMRSA mandates that a license must be granted by both the local agency and the state agency in order engage in commercial cannabis activity. Additionally, the MMRSA confirms what the courts have held regarding local municipalities’ power to regulate or ban the distribution and cultivation of medical marijuana. In the *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, the court held that municipalities have the authority to ban marijuana distribution facilities outright or use traditional land use and police powers to regulate the use and in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the court held that a ban of cultivation entirely was permitted by the city.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Under MMRSA municipalities can either ban or regulate cultivation, manufacturing, dispensaries, distribution and transporters of medical marijuana. If the City chooses to regulate these land uses, then the local regulations, standards and requirements may be stricter than what is mandated by state law but, at a minimum, must be at least equal to State law. If a local license is established, then the applicant must be granted the local license prior to seeking a similar license from the State agency. The licensee must be compliant with both the state and local licensing requirements or they will be subject to prosecution.

While the MMRSA allows for regulation through the City's land use and business licensing authorities, there are several reasons why land use authority is preferable should the City choose to adopt regulations or a ban. To begin with, the California Supreme Court has twice upheld regulations of medical marijuana under land use reasoning, bolstering the chances of such regulation withstanding legal challenges. Beyond that, the regulatory tools available in the realm of land use much more ably allow the City to either constrict the location of certain medical marijuana uses, or prohibit them outright. Finally, adopting any regulation or ban through the zoning regulation process tends to provide much greater clarity about what is allowed and where it is permitted.

While the City already has sufficient regulation for dispensaries and delivery services in place, the MMRSA indicates the City should consider the regulation or banning of the cultivation of medical marijuana.¹ If the City chooses to act to regulate or ban cultivation, it should also consider overhauling its current provisions so the language more closely tracks the MMRSA.

It should be noted that MMRSA does state that if a City has not banned or regulated cultivation by March 1, 2016, then the City will be subject only to state law on this issue. However, this section is being proposed for modification in early 2016 so it is possible this section may be repealed. If the City does not move to ban or regulate cultivation by this deadline, it will be unable to do so thereafter.

Marijuana land uses can negatively affect the public health, safety and welfare of the City. The indoor cultivation of marijuana can have potential adverse effects to not only the health and safety of the occupants but to the structures as well. The increased moisture necessary to grow indoors can create excessive mold growth and structural damage. Additionally, the equipment utilized to grow indoors can pose a risk of fire and electrocution due to dangerous electrical alterations and use. Further, the inadequate ventilation combined with the use of pesticides and fertilizers in an enclosed space can lead to chemical contamination within the structure.

¹ "Cultivation" means any activity involving the planting growing, harvesting, drying, curing, grading, or trimming of cannabis. §19300.5(l)



BEST BEST & KRIEGER
ATTORNEYS AT LAW

B. Regulation of the Cultivation of Medical Marijuana

The City of Live Oak successfully defended its total ban on the cultivation of marijuana for any purpose within the City. Its legally upheld regulation provides that “[m]arijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives, or dispensaries” are prohibited in all zones within the City.

Alternatively, some cities are allowing cultivation with regulations such as:

- Outdoor, residential cultivation so long as plants are enclosed, screened, and five (5) feet from the property line;
- Indoor cultivation only with a permit;
- Property owner must approve of cultivation on the property; and
- Limiting number of plants.

Should the City choose to leave cultivation unregulated, then on March 1, 2016, State law would control. California law currently allows six (6) mature or twelve (12) immature plants and eight (8) ounces of processed marijuana to be cultivated by a patient or licensed cultivator. California law also creates a wide variety of potential licenses that can allow for commercial cultivation or more expansive cultivation, should the person be properly licensed.

CONCLUSION

The City has multiple options for the ban or regulation of medical marijuana cultivation. While the AMC does ban medical marijuana dispensaries and delivery services, additional code changes may be necessary. If the City wishes to regulate cultivation, it should do so before the deadline of March 1, 2016 when State regulations would become controlling. If the City would like additional time to study the issue, the City may adopt a moratorium temporarily banning the distribution, cultivation, and delivery of medical marijuana. This would allow additional time to study the public health, safety, and welfare issues surrounding marijuana cultivation, manufacturing, delivery, and dispensaries. However, it is an open question whether having a moratorium in place by March 1, 2016 will be sufficient to preclude state regulations from taking over. Therefore, it is best if the City has an ordinance in place prior to that deadline.

SCOTT H. CAMPBELL
VICTOR M. PONTO
JORDAN E. A. FERGUSON