AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE AVALON COMMUNITY IMPROVEMENT AGENCY
TUESDAY, DECEMBER 15, 2015- 6:00 PM
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. Honoring Avalon High School Football Team
2. Update from Southern California Edison on Phase II Water Rationing.
3. Safety presentation by Southern California Edison on Catalina's Propane Gas System.
4. A short training video will be shown, "Run, Hide, Fight".

CITY MANAGER REPORT / CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ORAL COMMUNICATION

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

CONSENT CALENDAR

1. Actions

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

   Recommended Action

   Approve actions from the November 21, 2015 Special City Council meeting and the December 1, 2015 regular City Council meeting.

2. Expenditures Submitted for Approval
   - Warrants in the amount of $1,206,359.22
   - Electric Fund Transfers in the amount of $27,346.33
   - Two Payrolls in the amount of $217,559.55

   Recommended Action
   Approve the total expenditure amount of $1,655.185.10.

3. Adoption of a Resolution Establishing the City of Avalon's Annual Growth Policy for 2016
   The Avalon Municipal Code stipulates that the City shall not approve any development applications which proposes the creation of additional units in November and December of any calendar year. Moreover, during this two-month period, the City Council, in conjunction with the Planning Commission, shall review the growth permitted in the preceding ten months, review the effects and demands of such development and any additional development upon the City's natural resources, and determine, by resolution, the amount and type of growth the City will permit in the succeeding year, as well as City priorities for growth.
   Recommended Action
   Adopt the Resolution establishing the City of Avalon's Annual Growth Policy for 2016.

4. Proposal for Branding and Logo Design for the City's Transit Fixed Route and Paratransit Service
   The City of Avalon is in the process of updating its public transportation system including the purchase of new fixed-route and paratransit vehicles. A clear and consistent brand helps communicate the value of service to both new and returning riders. Developing a brand as well as a welcoming and friendly logo are important components to encouraging use of public transportation to both the resident and the visitor.
   Recommended Action
   Authorize staff to execute an agreement with Trillium Solutions in an amount not-to-exceed $5,340 for branding and design for the City of Avalon's Fixed-Route and Paratransit service.

5. Authorization of Amendment 1 for the Professional Services Agreement with Michael Baker International (MBI) for Phase 1 of Capital Improvement Projects for City Infrastructure
   In compliance with the Cease and Desist Order, the City was to implement a long term Sewer Plan that would be used for needed repairs on our sewer system, and efforts have been ongoing with minor repairs at various areas by City staff. However, additional work is now required. There are sevenCIP projects that staff would like to implement, with the engineering and designs produced by MBI.

Recommended Action
Authorize the City Manager to execute an Amendment to the contract with MBI (formally RBF Consulting) for the implementation of Contract Documents, and the administration of a Public Bid, for Phase 1 of a combined CIP project, for a NTE cost of $129,000.

6. Grant a Waterside Permit to Catalina Classic Cruises for the Purpose of Transporting Cruise Ship Guests to and from the Avalon Cruise Ship Anchorage Area
Catalina Classic Cruises has submitted a Waterside Project Application to conduct a shuttle service between the Avalon Cruise Ship Anchorage Area and the Cabrillo Mole floats aboard 3 tenders ranging in size from 80' to 100'. The tenders will operate year around on Monday and Tuesday for Carnival Cruises tendering operations and any other days that a cruise ship requires their service.
Recommended Action
   1. Grant a Waterside Permit to Catalina Classic Cruises for the purpose of transporting cruise ship guests to and from the Avalon Cruise Ship Anchorage Area so they can load and unload passengers from the docks on the Cabrillo Mole.
   2. Confirm this type of operation is exempt from Harbor Use Fees as Avalon Municipal Code Section 10-2.402 (d) exempts receipts for transportation of passengers to and from "cruise ships," as defined in 10-2.042 (b).
   3. Abide by the Standard List of Conditions for Waterside Permit Holders.

7. Approve the 2016 Waterside Permit Renewals
Prior to December of each year, the Harbor Master reviews all existing Waterside Permits, which terms are to expire on December 31st. If the Harbor Master determines that, because of changed circumstances, a permit should not be renewed, or should be renewed on different terms and conditions, he shall forward his recommendation to the City Council for action, together with a list of all permits that he recommends should be renewed for another term without change.
Recommended Action
Approve the Harbor Master's recommendation for the renewal of Waterside Permits for the 2016 calendar year.

8. Approve the consideration of a proposed agreement with Michael Baker International to Provide Professional Services for the Purpose of Performing a Community Wide Income Survey
The City of Avalon actively pursues local, state and federal grant opportunities to assist with un-funded projects. Many funding agencies utilize census income data to determine grant eligibility and funding reimbursement levels. Although each grant program is unique in its overall requirements, the trend toward utilizing census data to assess a communities grant needs is becoming a more critical component to receiving funding.

Recommended Action
Authorize the Interim City Manager to enter into an agreement with Michael Baker International for an amount not-to-exceed $16,544.00 to provide professional services for the purpose of a performing a community wide income survey.

9. Contract for Professional Services for Temporary Planning Department Oversight
Michael Baker International (MBI) has been providing temporary Planning Department oversight for the City of Avalon. Al Warot, a Managing Director for MBI, has been the designee working within the Planning Department. Mr. Warot has reduced his hours to reduce cost to the City while still providing the necessary support to assist in the operation of the department.
Recommended Action
Approve an extension for temporary Planning Department oversight for an amount not-to-exceed $18,000 per month and authorize the Interim City Manager to enter into an agreement with Michael Baker International (MBI).

10. Addendum No. 1 to the First Amended Employment Agreement for Chief Administrative Officer (CAO)
The City Council has asked the CAO, Denise Radde, to serve as Interim City Manager while the City Council recruits a permanent City Manager. A change to the CAO's employment agreement is needed to reflect that. Serving as Interim City Manager, the CAO shall perform all duties required of the City Manager and shall receive the same level of compensation as was previously established for the City Manager.
Recommended Action
Approve Addendum No. 1 to the First Amended Employment Agreement for the Chief Administrative Officer.

GENERAL BUSINESS

11. Approval of Limited-Term Appointment of CalPERS Retiree as Facility Operations Consultant
The City is evaluating a permanent position for oversight and supervision of all operations at the Harbor Maintenance Garage, Mechanic Garage and Public Works warehouse. Until such time, the City has a need to assess and organize the operations of these facilities. City Council has recommended and desires that a retiree consultant be temporarily appointed to evaluate operations and to recommend guidelines for training, safety, etc. and other supervisory duties. City staff anticipates that the term of Mr. Phelps' appointment will be no more than 2-3 months.
Recommended Action
Discuss and provide direction to Staff. If consensus, approve the following:
1. Approve by Minute Order the Limited-Term Appointment of John Phelps, a CalPERS Retiree, as Facility Operations Consultant.

2. Authorize the Interim City Manager, Denise Radde, to sign the Limited-Term Appointment Agreement with CalPERS Retiree for the Position of Facility Operations Consultant.

12. Adoption of Memorandums of Understanding with the City's Three Labor Groups
The terms and conditions of employment with the City of Avalon are governed by Memorandums of Understanding (M.O.U.) between the City and those Unions that represent our employees. The contract terms for all three M.O.U.s ended in 2012, or before.
Recommended Action
Adopt the proposed Memorandums of Understanding between the City of Avalon and the: Avalon Municipal Employee's Association, Avalon Harbor Employee's Association, and International Association of Firefighters Local 2295.

13. Consideration to Go out to Bid for the Joe Machado Field Synthetic Turf Project
Joe Machado Field was reconstructed and completed in 2010. JMF was originally constructed with the idea of going synthetic. Due to poor turf technology, deficiency of finance, and a lack of knowledge on synthetic turf created less community support and led to putting in natural turf.
Recommended Action
Authorize Staff to proceed with advertisement for Public Bids for a design/build of the Joe Machado Field Synthetic Turf Project.

14. Adoption of an Ordinance Amendment of Avalon Municipal Code Chapter 5-20 to limit the cultivation of medical marijuana in the City of Avalon
At the December 1, 2015 City Council meeting, the City Council requested development of an ordinance that would allow for the cultivation of up to three (3) mature) and six (6) immature plant and the possession of a maximum of eight (8) ounces of processed marijuana for personal use, provided the individual does not sell, distribute, donate, or provide marijuana to any other person or entity.
Recommended Action
That the City Council introduce and waive all readings of an ordinance amending Title 5, Chapter 20 of the Avalon Municipal Code to limit cannabis cultivation in the City of Avalon.

****The next item in General Business is the "City of Avalon acting for itself and as the Successor Agency to the Avalon Community Improvement Agency"**

15. Approval of Construction Plans & Authorization to Commence a Public Bid for the "Museum Stairs Project"
The Avalon Community Improvement Agency previously entered into a Sales and Disposition Agreement with Catalina Island Museum Society to develop an expanded museum, cultural center, and other ancillary uses. The Agreement requires the

Community Improvement Agency – and now the Successor Agency – to construct the staircase on the property.

Recommended Action

Authorize the Successor Agency to approve the construction plans, and also allow the process of a public bid to follow for the "Museum Stair Realignment Project", at the new Museum building site on Metropole.

CLOSED SESSION

1. 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

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Title: Interim City Manager

3. PUBLIC EMPLOYEE APPOINTMENT
   Title: City Manager

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda December 15, 2015 was posted on Friday, December 11, 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 / Interim City Manager

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 1

ORIGINATING DEP: City Clerk **CITY MANAGER:** DR

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve actions from the November 21, 2015 Special City Council meeting and the December 1, 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
SATURDAY, NOVEMBER 21, 2015
ACTIONS

CALL TO ORDER 9:04 a.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 City Attorney Scott Campbell via phone conference call.

ORAL COMMUNICATION - None

CLOSED SESSION 9:11 – 9:54 a.m.
It was noted prior to going into Closed Session that Item 2 was being removed due to new guidelines established by the Brown Act. This item would need to come back at a regularly scheduled City Council meeting,

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

1. PUBLIC EMPLOYEE APPOINTMENT
   Title: Interim City Manager and City Manager

Following Closed Session the City Attorney reported that by a unanimous vote Denise Radde was appointed the Interim City Manager.

Mayor Marshall reported that on Tuesday, November 24, 2015 there would be an all hands meeting for City of Avalon Employees.

ADJOURN
Mayor Marshall adjourned the Special City Council meeting at 9:55 a.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 21, 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: December 15, 2015 **AGENDA ITEM:** 2

ORIGINATING DEP: Finance **CITY MANAGER:** BR

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: Warrants

RECOMMENDED ACTION(S): Approve the total disbursements from November 9, 2015 through December 6, 2015, totaling $1,655,185.10.

REPORT SUMMARY:
These disbursements from November 9, 2015 through December 6 2015 are comprised of warrants totaling $1,206,359.22, two payrolls totaling $217,559.55, and electronic funds transfers totaling $27,346.33.

US Bank Warrants #21364 - $14,330.56 – November 9, 2015
US Bank Warrants #21365-21447 - $567,633.31 – November 20, 2015
US Bank Warrants #21448 - $1,950.62 – December 1, 2015
US Bank Warrants #21449-21580 - $622,444.73 – December 6, 2015
Payroll - $194,901.98 – November 13, 2015
Payroll - $226,577.57 – November 25, 2015
EFT – CalPERS Retirement $27,346.33 – November 12, 2015

Expenses that have been reimbursed through payroll are included in this report as new supplemental information and will be included in subsequent warrant reports.

GOAL ALIGNMENT: Ongoing meeting of City obligations.

FISCAL IMPACTS: There are sufficient funds available, and the expenditures are included in the adopted 2015-2016 adopted budget.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: N/A

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

ATTACHMENTS: Audit Certificate and Warrant List.

CITY OF AVALON
DISBURSEMENTS FOR MONTH OF NOVEMBER & DECEMBER 2015
December 15, 2015

DESCRIPTION	AMOUNT	DATE
US BANK WARRANTS CK# 21364	$ 14,330.56	11/9/2015
US BANK WARRANTS CK# 21365-21447	567,633.31	11/20/2015
US BANK WARRANTS CK #21448	1,950.62	12/1/2015
US BANK WARRANTS CK #21449-21580	622,444.73	12/6/2015
PAYROLL	194,901.98	11/13/2015
PAYROLL	226,577.57	11/25/2015
EFT - CALPERS RETIREMENT	27,346.33	11/12/2015
TOTAL DISBURSEMENTS	**$ 1,655,185.10**	

EXPENSES REIMBURSED THROUGH PAYROLL
AND INCLUDED IN THE ABOVE TOTAL $ 7,184.76

CERTIFICATE

IN ACCORDANCE WITH SECTION 32702 OF THE GOVERNMENT CODE, I CERTIFY THAT THE ABOVE DEMANDS ARE ACCURATE AND THAT FUNDS ARE AVAILABLE FOR PAYMENT.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED THIS 15TH DAY OF DECEMBER 2015

APPROVED AND AUDITED
THIS 15TH DAY OF DECEMBER 2015

AUDIT COMMITTEE - RICHARD HERNANDEZ

AUDIT COMMITTEE - CINDE CASSIDY

FINANCE DIRECTOR - ROBERT MESCHER

AVALON CITY COUNCIL
MEETING OF DECEMBER 15, 2015

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CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
21364	11/09/15	$ 14,330.56	BEST, BEST & KRIEGER, LLP	CONTRACT SVC - BBK
21365	11/20/15	500.00	100 CLUB OF ARIZONA	SUPPLIES - FIRE
21366	11/20/15	62.70	AIR SOURCE INDUSTRIES	SUPPLIES - FIRE
21367	11/20/15	5,107.00	ALLIANT INSURANCE SERVICES	POLICY RENEWAL - ADMIN
21368	11/20/15	-	VOID - MULTI STUB CHECK	VOID - MULTI STUB CHECK
21369	11/20/15	12,003.39	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS
21370	11/20/15	203.00	AMERIFLEX	FSA ADMIN FEES - NOV 2015
21371	11/20/15	930.00	ANTONIO'S	SENIOR MEALS - 10/15
21372	11/20/15	3,611.75	AT & T	COMMUNICATIONS - ALL DEPTS
21373	11/20/15	65.08	AT & T LONG DISTANCE	LONG DISTANCE - ALL DEPTS
21374	11/20/15	15,950.94	AVALON BOAT STAND	OUTBOARD PURCHASE - HBR
21375	11/20/15	119,873.65	AVALON ENVIRONMENTAL	CONTRACT SVC - ADMIN
21376	11/20/15	8,334.34	AVALON MOORING & DIVING	SERVICE - HARBOR
21377	11/20/15	2,878.30	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVC - ADMIN
21378	11/20/15	1,033.50	BLUE SHEILD OF CALIFORNIA	REFUND - AMBULANCE OVERPYMT
21379	11/20/15	305.81	BLUE TARP FINANCIAL	SUPPLIES - GARAGE
21380	11/20/15	10,335.44	BLUE WATER DESIGN GRP	CONTRACT SVCS - FUEL DOCK
21381	11/20/15	295.49	BOUND TREE MEDICAL	SUPPLIES - FIRE
21382	11/20/15	108.50	BROWNELL & DUFFEY	SERVICE - FINANCE
21383	11/20/15	95.00	CANBY MARINE & REFRIGERATION	SERVICE - RECREATION
21384	11/20/15	62,500.00	CARNIVAL CRUISE LINES	INCENTIVE PAYMENT
21385	11/20/15	1,798.66	CATALINA BEVERAGE CO	SUPPLIES - ALL DEPTS
21386	11/20/15	140.00	CHAMBER OF COMMERCE	CONFERENCE FEE - ADMIN
21387	11/20/15	29,059.80	CATALINA EXPRESS	2ND HLF 10/15 - SUBSIDY
21387	11/20/15	74.50	CATALINA EXPRESS	TRAVEL - PUBLIC WKS
21388	11/20/15	59,400.00	CIMC	SALES TAX PASS THRU PYMT
21389	11/20/15	325.00	CATALINA STEAM CLEANING	SERVICE - HARBOR
21390	11/20/15	22,080.20	CATALINA TRANSPORTATION	CONTRACT SVCS - OCT 15
21391	11/20/15	1,212.15	CDW GOVERNMENT	SUPPLIES - IT
21392	11/20/15	2,790.00	CHARLES ABBOTT ASSOCIATES	CONTRACT SVCS - ADMIN
21393	11/20/15	-	VOID - MULTI STUB CHECK	VOID - MULTI STUB CHECK
21394	11/20/15	659.66	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
21395	11/20/15	6,750.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
21396	11/20/15	3,960.00	CONSTRUCTORS PLUS	CONTRACTG SVCS - ADMIN
21397	11/20/15	264.00	DEWEY PEST CONTROL	SERVICE - ADMIN/HARBOR
21398	11/20/15	2,225.00	ECIVIS, INC	SOFTWARE RENEWAL
21399	11/20/15	26,862.09	EDISON	UTILTIES - ALL DEPTS
21400	11/20/15	27.41	EDD	U/I QTRLY PAYMENT
21401	11/20/15	2,776.45	ESGIL CORP.	PLAN CK FEES - PLANNING
21402	11/20/15	11,459.43	EVOQUA	BIOXIDE - WWTP
21403	11/20/15	928.23	EZFLO NOZZLE & EQUIP.	SUPPLIES - FIRE
21404	11/20/15	685.00	FINELINE CONSTRUCTION	SUPPLIES - STORM DAMAGE
21405	11/20/15	1,444.79	ARIENS SPECIALTY BRANDS	SUPPLIES - FIRE
21406	11/20/15	121.98	GRAINGER	SUPPLIES - GARAGE
21407	11/20/15	427.35	HAAKER	SUPPLIES - GARAGE
21408	11/20/15	625.00	HAMILTON, KATHERINE	CONTRACT SVCS - ADMIN
21409	11/20/15	2,572.50	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
21410	11/20/15	7,492.80	HOTEL METROPLE	LODGING - LASD SUBSISTENCE
21411	11/20/15	423.59	IDEXX DISTRIBUTION	SUPPLIES - CDO
21412	11/20/15	60.50	JORDAHL CONSTRUCTION	HHW DISPOSAL

AVALON CITY COUNCIL
MEETING OF DECEMBER 15, 2015

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CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
21413	11/20/15	678.00	KATIE'S KITCHEN	SENIOR MEALS - 10/15
21414	11/20/15	2,486.87	KIMLEY-HORN & ASSOCIATES	SERVICE - BBK
21415	11/20/15	864.00	KOFF & ASSOCIATES	SERVICE - ADMIN
21416	11/20/15	40.00	LEAGUE OF CALIF. CITIES	CONFERENCE FEE - COUNCIL
21417	11/20/15	1,463.00	LA COUNTY FIRE DEPT.	PERMIT FEES - ALL DEPTS
21418	11/20/15	121.49	MCMASTER-CARR	SUPPLIES - HARBOR
21419	11/20/15	1,033.50	MORROW, RALPH	REFUND - AMBULANCE OVERPYMT
21420	11/20/15	900.00	MR. NING'S	SENIOR MEALS - 10/15
21421	11/20/15	250.00	MYGOV	SERVICE - NOV 15
21422	11/20/15	313.85	NEWHALL COFFEE ROASTING	SUPPLIES - FIRE
21423	11/20/15	21,545.03	OUTDRIVE EXCHANGE	OUTDRIVE PURCHASE
21424	11/20/15	9,489.05	PARSAC	W/C SIR SHARE - ALL DEPTS
21425	11/20/15	125.00	PINS	SERVICE - NOV 15
21426	11/20/15	5,368.00	POST, ROCKY	CONTRACT SVCS - CDO
21427	11/20/15	1,015.70	QUILL CORP.	SUPPLIES - ALL DEPTS
21428	11/20/15	8,302.80	REGIONAL GOVERNMENT SERVICES	CONTRACT SVCS - ADMIN
21429	11/20/15	371.00	RICHARD MAINTENANCE	SERVICE - FUEL DOCK
21430	11/20/15	26,413.45	SEAWAY CO. OF CATALINA	RESALE FUEL - FD
21431	11/20/15	13,652.39	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - ADMIN
21432	11/20/15	79.93	SNAVELY, MARGARET	REFUND - AMBULANCE OVERPYMT
21433	11/20/15	215.01	SPECIALTY DOORS	SUPPLIES - FIRE
21434	11/20/15	195.00	SUGA - MEMBERSHIP	YRLY DUES - FINANCE
21435	11/20/15	6,360.00	SWRCB	WWTP PERMIT FEES
21436	11/20/15	31.67	TIGER DIRECT	SUPPLIES - IT
21437	11/20/15	892.75	TORRANCE MEMBORIAL MEDICAL	REFUND - AMBULANCE OVERPYMT
21438	11/20/15	46.50	UNDERGROUND SVC ALERT	SERVICE - PW
21439	11/20/15	164.70	UNITED PARCEL SERVICE	FREIGHT - ALL DEPTS
21440	11/20/15	9,525.00	VEGA, EDMUNDO	CONTRACT SVCS - ADMIN
21441	11/20/15	958.00	VEGA, SALVADOR	SUPPLIES - HARBOR
21442	11/20/15	815.17	VERIZON WIRELESS	COMMUNICATIONS - ALL DEPTS
21443	11/20/15	210.00	WANDA STONE	SERVICE - HARBOR
21444	11/20/15	1,300.00	WITTMAN ENTERPRISES	SERVICE - FINANCE
21445	11/20/15	4,892.47	WOOLSON, PETER	MEDICAL REIMB. JAN-NOV 15
21446	11/20/15	90.00	NORTON MEDICAL	PRE EMPLOYMENT TESTING
21447	11/20/15	16,584.00	SANTA CAT. ISLAND RESORT SVCS	FUEL TANK RENT MAR - NOV 15

$ 581,963.87

AVALON CITY COUNCIL

FY16 MEETING OF DECEMBER 15, 2015

CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
16572	11/13/2015	$ 75.70	MIGUEL BONILLA	SPECIAL DEPT EXPENSES
16572	11/13/2015	$ 70.83	MIGUEL BONILLA	CLOTHING ALLOWANCE
16587	11/13/2015	$ 305.63	TOMAS MORENO	RETAIL MERCHANDISE
16621	11/13/2015	$ 750.00	MICHAEL KRUG	TRAINING/TRAVEL
16629	11/13/2015	$ 508.05	ROBERT MESCHER	TRAINING/TRAVEL - GENERAL
16629	11/13/2015	$ 3,957.57	ROBERT MESCHER	ADD'L PERSONNEL PAYMENTS
16664	11/25/2015	$ 38.40	WILLIAM FLICKINGER	POST TRAINING
16675	11/25/2015	$ 38.40	BRIAN BRAY	TRAINING/TRAVEL - GENERAL
16723	11/25/2015	$ 71.78	JORDAN C. MONROE	TRAINING/TRAVEL
16723	11/25/2015	$ 121.28	JORDAN C. MONROE	TRAINING/TRAVEL
16727	11/25/2015	$ 621.54	OLEY OLSEN	TRAVEL - COUNCILMEMBER
16728	11/25/2015	$ 31.40	CINDE MACGUGAN-CASSIDY	TRAVEL - COUNCILMEMBER
16728	11/25/2015	$ 540.68	CINDE MACGUGAN-CASSIDY	TRAVEL - COUNCILMEMBER
53284	11/25/2015	$ 53.50	ANN MARSHALL	TRAVEL - COUNCILMEMBER

7,184.76

FY 16

AVALON CITY COUNCIL
MEETING OF DECEMBER 15, 2015

CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
21448	12/01/15	$ 1,950.62	LICARI, TONY	CONTRACT SVCS - DEC 15
21449-21514	12/06/15	-	VOIDED CHECKS - PRINTER ERROR	PRINTER ERROR
21515	12/06/15	1,014.33	AT & T	COMMUNICATIONS - ALL DEPT
21516	12/06/15	560.57	AVALON BOAT STAND	SUPPLIES - GARAGE
21517	12/06/15	181.15	B & H PHOTO	SUPPLIES - IT
21518	12/06/15	214.56	BEST, BEST & KRIEGER, LLP	CONTRACT SVCS - 9/15
21519	12/06/15	3,898.30	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
21520	12/06/15	52.53	BLUE TARP FINANCIAL	SUPPLIES - HARBOR
21521	12/06/15	139.28	BUTLER CHEMICALS	SUPPLIES - FIRE
21522	12/06/15	16.20	CALIF. BUILDING STANDARDS	QTRLY PAYMENT - PLANNING
21523	12/06/15	73,695.49	CALPERS	MEDICAL - DECEMBER 15
21524	12/06/15	1,774.05	CATALINA BEVERAGE	SUPPLIES - ALL DEPTS
21525	12/06/15	94,850.00	CHAMBER OF COMMERCE	TOT - DECEMBER 15
21525	12/06/15	55,000.00	CHAMBER OF COMMERCE	BUDGET ADMEND. JUL-NOV 15
21526	12/06/15	75.00	CHAMBER OF COMMERCE	MIXER FEES - ADMIN
21527	12/06/15	28,765.55	CATALINA EXPRESS	1ST HLF 11/15 - SUBSIDY
21528	12/06/15	15.59	CATALINA FREIGHT LINE	FREIGHT - GARAGE
21529	12/06/15	79,200.00	CIMC	SALES TAX PASS THRU
21530	12/06/15	1,881.32	CATALINA ISLAND PLUMBING	SERVICE - PUBLIC WKS
21531	12/06/15	1,086.10	CATALINA ISLANDER	ADVERTISING - ALL DEPTS
21532	12/06/15	1,444.81	CDW GOVERNMENT	SUPPLIES - IT
21533	12/06/15	252.72	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
21534	12/06/15	109,861.59	CO. OF LA SHERIFF'S DEPT	CONTRACT SVCS - OCT 15
21535	12/06/15	6,668.08	DELTA DENTAL	DENTAL - DECEMBER 15
21536	12/06/15	3,960.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
21537	12/06/15	5,310.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
21538	12/06/15	29.47	DIV. OF ADMINISTRATIVE SVCS	QTRLY PAYMENT - PLANNING
21539	12/06/15	3,196.77	EDISON	UTILITIES - ALL DEPTS
21540	12/06/15	106,867.11	ENVIRON STRATEGY CONSULTANTS	CONTRACT SVCS/ EMER RPR
21541	12/06/15	1,480.00	FINELINE CONSTRUCTION	SUPPLIES - STORM DAMAGE
21542	12/06/15	1,538.62	ARIENS SPECIALTY BRANDS	SUPPLIES - PW
21543	12/06/15	49.80	GRAINGER	SUPPLIES - PW
21544	12/06/15	1,139.04	HERNANDEZ, OLGA	MEDICAL REIMB. JUL-DEC 15
21545	12/06/15	1,794.81	HINDERLITER, DE LLAMAS	CONTRACT SVCS - ADMIN
21546	12/06/15	146.92	IDEXX DISTRIBUTION, INC	SUPPLIES - CDO
21547	12/06/15	719.40	INDUSTRIAL METAL SUPPLY	SUPPLIES - PW
21548	12/06/15	339.00	IRON MOUNTAIN, INC.	CONTRACT SVCS - ADMIN
21549	12/06/15	409.96	JUDICAL DATA SYSTEMS	PARKING ACT. - 10/15
21550	12/06/15	5,222.54	LAW OFFICES OF KATHY GANDARA	SERVICE - ADMIN
21551	12/06/15	97.50	LIEBERT CASSIDY WHITMORE	SERVICE - ADMIN
21552	12/06/15	2,522.00	LA COUNTY FIRE DEPT.	YRLY PERMIT FEES - FIRE
21553	12/06/15	111.69	MACKTAL, JOHN	SUPPLIES - GARAGE
21554	12/06/15	401.73	MATTHEWS	SUPPLIES - CEMETERY
21555	12/06/15	390.02	MCMASTER-CARR	SUPPLIES - HBR/PW
21556	12/06/15	870.41	MED-TECH RESOURCE	SUPPLIES - FIRE
21557	12/06/15	326.16	MIKE ROCHE PRINTING	SUPPLIES - SUBSIDY
21558	12/06/15	250.00	MYGOV	CONTRACT SVCS - ADMIN
21559	12/06/15	824.32	NAPA AUTO PARTS	SUPPLIES - GARAGE
21560	12/06/15	1,067.05	NEOFUNDS BY NEOPOST	POSTAGE METER REFILL
21561	12/06/15	-	VOID - MULTI STUB CHECK	VOID - MULTI STUB CHECK

AVALON CITY COUNCIL
MEETING OF DECEMBER 15, 2015

FY 16

CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
21562	12/06/15	2,210.01	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS
21563	12/06/15	125.00	PINS ADVANTAGE	SERVICE - 12/15
21564	12/06/15	3,250.00	POLYGUARD & CO.	SUPPLIES - CEMETERY
21565	12/06/15	2,684.00	POST, ROCKY	CONTRACT SVCS - CDO
21566	12/06/15	608.35	QUILL CORP	SUPPLIES - ALL DEPTS
21567	12/06/15	3,500.00	MICHAEL BAKER INTERNATIONAL	CONTRACT SVCS - PW
21568	12/06/15	904.75	RICOH AMERICAS CORP.	COPIER LEASE - PLANNING
21569	12/06/15	663.91	RICOH AMERICAS CORP.	COPIER LEASE - PLANNING
21570	12/06/15	368.17	ALBERTSONS SAFEWAY	SUPPLIES - ADMIN
21571	12/06/15	221.52	SANTA CAT. ISLAND RESORT SVC	UTILTIES - ADMIN
21572	12/06/15	1,116.48	SEAWAY CO. OF CATALINA	FUEL - WWTP
21573	12/06/15	276.62	SHERWIN-WILLIAMS	SUPPLIES - PW
21574	12/06/15	890.68	SOUTHEN COUNTIES LUBRICANTS	SUPPLIES - GARAGE
21575	12/06/15	2,587.82	STUTZ ARTIANA SHINOFF	SERVICE - BBK
21576	12/06/15	890.40	SUN LIFE FINANCIAL	LIFE INSURANCE - NOV/DEC 15
21577	12/06/15	862.50	SUPERIOR COURT OF CALIFORNIA	PARKING CIT. - 10/15
21578	12/06/15	191.41	ULINE	SUPPLIES - PW
21579	12/06/15	56.57	UNITED PARCEL SERVICE	FREIGHT - ADMIN
21580	12/06/15	1,325.00	WITTMAN ENTERPRISES	SERVICE - FINANCE

$ 624,395.35

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 3

ORIGINATING DEP: Planning **CITY MANAGER:** AR

PREPARED BY: Al Warot, Planning Consultant

SUBJECT: Consideration of a Planning Commission resolution recommending City Council adoption of the Annual Growth Policy for the Year 2016

RECOMMENDED ACTION(S): Adopt resolution establishing the City of Avalon's Annual Growth Policy for 2016.

REPORT SUMMARY: Chapter 12, Article 1 of the Avalon Municipal Code stipulates that the City shall not approve any development applications which propose the creation of additional units in November and December of any calendar year. Moreover, during this two-month period, the City Council, in conjunction with the Planning Commission, shall review the growth permitted in the preceding ten months, review the effects and demands of such development and any additional development upon the City's natural resources, and determine, by resolution, the amount and type of growth the City will permit in the succeeding year, as well as City priorities for growth.

No development applications were approved in November of December of this year that would add dwelling units to the City's housing stock. A summary of local development activity during the past year has been tabulated and is presented on the following page. As seen in this table, the majority of the development activity involved Conditional Use Permits for transient rental uses or modifications/improvements to existing structures.

At its November 30th meeting, the Planning Commission conducted a public hearing at which it considered the growth permitted within the City during the past year and the effect and demands of such development and any additional development on the City's natural resources. Upon the close of the public hearing, the Planning Commission approved a resolution recommending that the City Council adopt the Annual Growth Policy for the City of Avalon for 2016. Since the City is still under severe water restrictions, the growth policy being recommended by the Planning Commission remains unchanged from last year and provides that new development will only be permitted for the following classes of projects:

- The repair, in-kind replacement, remodeling or enlargement of existing commercial and residential structures, subject to specified conditions;

- In-fill projects involving limited new construction and subject to specified conditions;
- Residential tract development, if specified conditions can be met;
- Infrastructure projects authorized by the City/Successor Agency;
- Projects which the Planning Commission determines will not have growth inducing effects; and
- Projects which are not in-fill in nature or involve existing residential or commercial structures but for which CEQA documents have been adopted and findings made that explain why the resulting growth is beneficial to the City and its residents.

Development Between January 2015 and November 2015

Address	Date	Application
1 St Catherine Way	Jan-15	Site Plan/CDP/Amended MND-Addition to building
234 Sumner Avenue (Vons)		Review in concept - two alternate loading bays
145 Olive Street	Feb-15	Site Plan/CEQA/Height Variance-New single family home
199 Chimes Tower Rd (Zane Gray)	Mar-15	Site Plan/CDP/MND-Renovation/Preservation-Zane Grey
1 St Catherine Way		Site Plan/CDP/MND-Descanso Beach
60 Alta Vista (by Baker Tanks)		Site Plan/CUP - Wireless Telecommunications Antennas
328 Descanso Avenue	Apr-15	CUP for Transient Rental-Lower Unit 3 bedrooms
503 Crescent Avenue		Sign Variance-Scoops
217 Metropole Avenue	May-15	Site Plan-Museum
800 Pebbly Beach Rd		Catalina Broadband Antenna
76 Gaviota	Jun-15	CUP for Transient Rental
410 Tremont Street		CUP for Transient Rental-Lower Unit 5 Bedrooms
1 St Catherine Way		CDP-Convert house to office-Descanso Beach Club
Hamilton Cove		Tentative Parcel Map #73645
Exploratory Drilling -SCI CO	Jul-15	Site Plan-CDP/CUP
Bird of Prey Mews - SCI CO		Site Plan-CDP/CUP
89 Playa Azul		CUP for Transient Rental
72 Camino Del Flores	Sept-15	CUP for Transient Rental
334 Catalina Ave		CUP for Transient Rental
115 Upper Terrace		Time Extension
51 Playa Azul	Oct-15	CUP for Transient Rental
128 Sumner Ave		Tentative Parcel Map
128 Hiawatha	Nov-15	CUP for Transient Rental
1 St Catherine Way		CDP-Slope Modification

Summary:

8 CUP/Transient Rental Applicants
1 Sign Variance
2 Residential projects
2 Antennas
2 Tentative Parcel Maps
8 Commercial projects
1 Review in Concept
1 Time Extension

A project shall only be required to fall into one of the foregoing categories. The permitted classes of projects are set forth in greater detail in the attached resolution. The adoption of the resolution is exempt from CEQA pursuant to Section 15061(b)(3) as there is no possibility that the adoption of the resolution could have a significant effect on the environment.

GOAL ALIGNMENT: Natural Resources
City Infrastructure
City Policy – Avalon 2030 Vision

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Failure to implement Avalon Municipal Code mandate and proceed to process development applications without the benefit or direction of an annual growth policy.

FOLLOW UP ACTION: Adhere to growth policy when processing applications for land use entitlements during 2016.

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

ATTACHMENTS:

1. City Council Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING THE ANNUAL GROWTH POLICY FOR THE YEAR 2016

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

Section 1. On November 30, 2015 the Avalon Planning Commission conducted a duly noticed public hearing at which time written and oral evidence was considered regarding the development of a growth resolution for the year 2016. Pursuant to Avalon Municipal Code Section 9-12.101 *et seq.*, the Planning Commission reviewed the growth permitted in the City during the preceding twelve months, and the effects and demands of such development and other development on the City's natural resources.

Section 2. The City Council has determined that adoption of a Growth Policy is exempt from CEQA under the 'General Rule' exemption, Section 15061, (b) (3). The policy is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. The following facts were reviewed by the City Council in adopting the recommended Annual Growth Policy and form the findings of fact upon which the City Council adopts this resolution:

a) Increases in population and in the number of vehicle permits issued by the City have resulted in substantial impacts on the availability of parking in both commercial and residential areas, traffic, and noise.

b) New commercial construction and resort/vacation residential growth may contribute to the need for additional workforce, which in turn may create demand for additional housing. The City has revised the Inclusionary Housing ordinance to require affordable housing as part of multi-unit residential development projects and new commercial development.

c) The demand for City services, such as waste water treatment and salt water service, public works, police and fire services, has increased without a corresponding increase in the funding for personnel and related infrastructure to provide these services.

d) Southern California Edison has advised the City that inadequate fresh water is available to be allocated for new construction.

e) New developments in the City have been proposed by the Santa Catalina Island Company and Hamilton Pacific. Such developments are currently subject to agreements between these entities and the City or its Housing Authority, which agreements provide for CEQA review, development agreements and/or other regulatory oversight.

Section 4. Based on the foregoing, the City Council adopts the following growth policies for the year 2016, providing that new development will be permitted only for the following classes of projects:

a) Projects involving existing commercial and residential structures which are to be repaired, replaced in kind, or remodeled or enlarged provided no additional dwelling units are added to existing residential structures other than density bonus units permitted by conditional use permit. As used herein, a replacement in kind is construction which does not change the prior use, increase the total square footage, or increase the number of units in the replaced structure. This section does not prohibit consideration and approval of conditional use permits for transient occupancy, subject to the limitations otherwise applicable to such permits.

b) An in-fill project. As used herein, an in-fill project shall mean:

- any residential project which creates five (5) or fewer units (including any bonus density units); or

- any non recreational/visitor serving commercial project that increases square footage by less than 50%; or

- any expansion of existing recreational/visitor serving development, not over 5,000 sq. ft.;

and is on a legally conforming parcel, provided that if the project is not categorically exempt, then the project proponents can mitigate any adverse environmental impacts and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

c) Residential tract development of greater than five units may be allowed if the project provides 20% of the units proposed or one unit, which ever is greater, to year round, non-transient, affordable housing and Southern California Edison Company confirms in writing that water is available to serve the project if approved by the City.

d) Infrastructure projects authorized under by City/Successor Agency.

e) Projects which the Planning Commission determines will not have growth inducing effects. By way of example, such projects would include non-inhabited industrial warehouses, mechanical, marine or construction service areas and storage spaces.

f) Projects which are not categorized as in-fill or existing residential or commercial structures for which a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report, with or without Mitigation Monitoring Program is adopted and for which specific findings are made that explain why the resulting growth is beneficial to the City of Avalon and its residents

A project shall only be required to fall into one of the foregoing categories.

PASSED, APPROVED AND ADOPTED this 15th day of December, 2015.

Ayes:

Noes:

Absent:

Abstain:

_____

Ann H. Marshall, Mayor

ATTEST:

_____

Denise A. Radde, City Clerk.

CITY OF AVALON CITY COUNCIL

MEETING DATE:	December 15, 2015	**AGENDA ITEM:**	4
ORIGINATING DEP:	Planning	**CITY MANAGER:**	
PREPARED BY:	Audra McDonald, Administrative Analyst		
SUBJECT:	Request for Approval of a Proposal by Trillium Solutions to Provide Branding and Design for the City of Avalon's Fixed-Route and Paratransit System.		

RECOMMENDED ACTION(S): Authorize staff to execute an agreement with Trillium Solutions in an amount not-to-exceed $5,340 for branding and design for the City of Avalon's Fixed-Route and Paratransit systems.

REPORT SUMMARY: The City of Avalon is in the process of updating its public transportation system including the purchase of new fixed-route and paratransit vehicles. A clear and consistent brand helps communicate the value of service to both new and returning riders. Developing a brand as well as a welcoming and friendly logo are important components to encouraging use of public transportation to both the resident and the visitor.

Staff was introduced to Trillium Solutions at a professional transportation conference in October, 2015, and was impressed with their creative process and branding services provided to other transit agencies.

The attached proposal includes all logo and branding design work tailored to the City of Avalon and the new vehicles. Highlights of the proposal include:

- Onsite meeting with staff and stakeholders
- 2-4 logo alternatives
- 3 revision periods for chosen design

All created artwork will be the property of the City of Avalon. The proposal does not include the cost of wrapping the vehicles but does include communication with the City's chosen wrap vendor and delivery of artwork in format required by wrap vendor.

Staff intends to include Council and Chamber of Commerce input in development of the final design.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review.

FISCAL IMPACTS: $5,340 was included in the amended FY15-16 Budget for Dial-a-Ride Buses, account 105-75-6683.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The new transit system would not have branding/logo design.

FOLLOW UP ACTION: Execute a professional services agreement with Trillium Solutions, Inc. and move forward with the branding and design concepts for the Avalon Transit System.

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

ATTACHMENTS:

1. Trillium Solutions Inc. Proposal

CITY OF AVALON CITY COUNCIL

MEETING DATE:	December 15, 2015	**AGENDA ITEM:**	5
ORIGINATING DEP:	Capital Improvements	**CITY MANAGER:**	
PREPARED BY:	Dennis Jaich – Interim Director of Public Works		
SUBJECT:	Authorize Amendment 1 for the Professional Services Agreement with Michael Baker International (MBI) for Phase 1 of Capital Improvement Projects for City Infrastructure		

RECOMMENDED ACTION(S): That the City Council authorize the City Manager to execute an Amendment to the contract with MBI (formally RBF Consulting) for the implementation of Contract Documents, and the administration of a Public Bid, for Phase 1 of a combined CIP project, for a NTE cost of $129,000.

REPORT SUMMARY: In compliance with the Cease and Desist Order (CDO), the City was to implement a long term Sewer Plan that would be used for needed repairs on our sewer system Efforts have been ongoing with minor repairs at various areas by City staff, however, additional work is now required.

On March 3, 2015, staff brought before this Council a request to enter into a contract with then RBF Consulting (MBI), to perform our CDO sewer work. This request was granted and work began on the design. However, due to budgetary constraints and concerns, the work was cancelled until further reconciliations and considerations of the City Council's goal of a "Balanced Budget".

Fortunately, upon realization in recent months that our budgetary forecast was conservative, it became apparent that the City would now be able to implement the requisite capital improvement projects. Therefore, on November 3, 2015, staff brought before this Council a request to add $3,892,000 to the FY 15-16 Budget, of which a portion of these monies will be used now on CIP projects. Listed below are the CIP projects that staff would like to implement, with the engineering and designs produced by MBI as described herein:

(1) Gas Tax Allocations – Curb & Gutter, Sidewalks and Asphalt Repairs
(2) CDO Sewer Repairs/Replacements – Manholes, Piping Replacements
(3) Strom Drain Repairs/Replacements – Catch Basins, Strom Drain Gates
(4) Salt Water System Repairs – Fittings, Vales and Piping Replacements
(5) SCADA Implementation – Booster & Pump Stations Data Acquisition

(6) Bathymetric Study – Harbor and Ocean Study
(7) Miscellaneous Infrastructure Items

The above items represent approximately $2,030,000 worth of design and construction costs. Although the items here are vast and various, staff believes that combining all these activities into one large project, would be prudent and would be an economical advantage as mobilization and deployment costs would be considerably less.

GOAL ALIGNMENT: City Infrastructure.

FISCAL IMPACTS: The project tasks listed above total approximately $2,030,000 is included in the adopted FY15-16 Budget as amended: $700,000 from the Sewer Infrastructure Fund 108; $590,000 from the Saltwater Infrastructure Fund 113; $670,000 from the Street Fund 115; and $70,000 from City Infrastructure Fund 105. By consolidating the tasks for one contract bid, the City will save significant mobilization costs of each project task. The design and engineering services for the above tasks, not to exceed $129,000, would be prorated to the above funds.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The infrastructure within the City limits will continue to age and degrade. Additionally, compliance with the CDO will be in jeopardy.

FOLLOW UP ACTION: Allow the City Manager to enter into an Amendment with MBI for the design and engineering services listed above, for a Not to Exceed (NTE) cost of $129,000.00

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

ATTACHMENTS: N/A

CITY OF AVALON CITY COUNCIL

MEETING DATE:	December 15, 2015	**AGENDA ITEM:**	6
ORIGINATING DEP:	Harbor	**CITY MANAGER:**	AR
PREPARED BY:	Harbor Master		
SUBJECT:	Waterside Project Permit – Catalina Classic Cruises		

RECOMMENDED ACTION(S):

1. Grant a Waterside Permit to Catalina Classic Cruises for the purpose of transporting cruise ship guests to and from the Avalon Cruise Ship Anchorage Area so they can unload and load passengers from the docks on the Cabrillo Mole.

2. Confirm this type of operation is exempt from Harbor Use Fees as Avalon Municipal Code Section 10-2.402 (d) exempts receipts for transportation of passengers to and from "cruise ships," as defined in 10-2.042 (b).

3. Abide by the Standard List of Conditions for Waterside Permit Holders.

REPORT SUMMARY: Catalina Classic Cruises has submitted a Waterside Project Application to conduct a shuttle service between the Avalon Cruise Ship Anchorage Area and the Cabrillo Mole floats aboard 3 tenders ranging in size from 80' to 100'. The tenders will operate year around on Monday and Tuesday for Carnival Cruises tendering operations and any other days that a cruise ship requires their service.

Catalina Classic Cruises has been operating the tendering services for Carnival Cruise Lines passengers since July 14, 2014. On an oversight, staff did not require them to apply for a Waterside Permit since they were already operating as a cross channel carrier from the mainland to Avalon under their PUC permit.

Avalon Municipal Code 10-2.402 (d) excludes receipts for transportation of passengers to and from "cruise ships," as defined in subsection (b) herein

Sec. 10-2.402 Use of Harbor Related Facilities: Use Fees
Wharfage, dockage, landing and use fees for the use of or impact upon any harbor or harbor-related facility owned or controlled by the City of Avalon shall be as follows:

(a) Except as otherwise specifically provided in this article, for all boats, ships, vessels, airplanes or other transportation facilities carrying passengers for hire or charter, whether operating under the authority of the California Public Utilities Commission or not, which land, discharge, load, or embark passengers on, to, or from such City harbor

facilities Two Dollars and Fifty ($2.50) Cents for each passenger so landed, discharged, loaded or embarked.

(b) For all cruise ships, Two Dollars and Fifty ($2.50) Cents per passenger, which fee shall be levied upon eighty (80%) percent of the manifest passengers, excluding persons employed upon the vessel. As used in this section "cruise ship" means a vessel which lists Avalon as a port-of-call and which anchors so as to permit passengers to disembark and to return to the same vessel.

(c) For businesses engaged in the operation of excursion boats using such facilities for landing, discharging, loading or embarking passengers on, to, or from such facilities, seven (7%) percent of the gross receipts of such business derived from such use. For the purpose of this section, "excursion boats" shall mean vessels operating from points in the City and returning thereto for sightseeing scenic tours or as pleasure cruises, and carrying passengers for hire, but not providing facilities for overnight stays.

(d) For businesses engaged in the operation of "shore boats," as defined herein, and using such facilities for landing, discharging, loading or embarking passengers on, to, or from such facilities, seven (7%) percent of the gross receipts of such business derived from such use, ***excepting therefrom receipts for transportation of passengers to and from "cruise ships," as defined in subsection (b) herein****, or as otherwise provided in an applicable franchise agreement issued pursuant to Section 10-2.410. For the purpose of this section, "shore boats" shall mean vessels carrying passengers or freight for hire to and from boats moored within or without City waters to the shore in Avalon, between such boats in City waters or between points on the shore in Avalon.*

GOAL ALIGNMENT: Not Aligned.

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: There would be no tendering operations to the cruise ships.

FOLLOW UP ACTION: Notify Applicant of City Council decision.

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

ATTACHMENTS:
1. Standard List of Conditions for Waterside Permits
2. Waterside Permit Application

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 7

ORIGINATING DEP: Harbor **CITY MANAGER:** WR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: 2016 Waterside Permit Renewals

RECOMMENDED ACTION(S):

1. The Harbor Master recommends renewing the attached list of Waterside Permits for the year 2016.

REPORT SUMMARY:

Prior to December of each year, the Harbor Master reviews all existing Waterside Permits which terms are to expire on December 31st. If the Harbor Master determines that, because of changed circumstances, a permit should not be renewed, or should be renewed on different terms and conditions, he shall forward his recommendation thereon to the City Council for action, together with a list of all permits that he recommends should be renewed for another term without change.

Cross channel carriers and cruise ship tenders are given priority on the Cabrillo Mole floats and all waterside permit holders using Floats 4 & 5 shall not impede their operations.

On several occasions this past summer, Afishinado Charters catamaran "Catallac" and Catalina Adventure Sailing's trimaran "Thesis" were given permission to use Pleasure Pier floats when the Cabrillo Mole floats were impacted by Cross Channel Carriers or cruise ship tenders. To keep traffic flowing, I recommend allowing Afishinado Charters catamaran "Catallac" and Catalina Adventure Sailing's trimaran "Thesis" the ability to switch to Pleasure Pier floats when necessary for the purpose of loading and unloading their passengers, as long as they don't interfere with the current operators on the pier.

All permit renewals are subject to verification by the Finance Department to make sure the permit holder is in good standing with respect to harbor use fees, rents, admission taxes and insurance requirements. With respect to fees, rents and admission taxes, good standing includes execution of and compliance with a payment plan.

As of December 4, 2015 the Finance Department reports:

1. As of December 4, 2015, Parasail Catalina, Scotty's Sport Fishing and Head Pumpers are delinquent reporting their Harbor Use Fees for the month of October 2015 which were due to be filed by November 30, 2015.

GOAL ALIGNMENT: Renew waterside permits.

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

FOLLOW UP ACTION: Notify all waterside permit holders of renewal status.

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

ATTACHMENTS: List of 2015 Waterside Permit Holders to be renewed for 2016

WATERSIDE PERMITS AS OF DECEMBER 2015

	# BOATS	#SKIFFS
AFISHINADO CHARTERS	3	1
AVALON BOAT STAND	94	3
AVALON MOORING SERVICE	1	2
BREAKFAST BOAT	0	1
CANBY MARINE SERVICE	0	1
CAT TOW, INC.	4	1
CATALINA ADVENTURE SAILING	1	1
CATALINA COASTAL TOURS	1	0
CATALINA SHUTTLE SERVICE	1	0
CORSARIO OCEAN ADVENTURES	1	0
DIVERSITY CHARTERS	1	1
DESCANSO BEACH OCEAN SPORTS	1	0
DISCOUNT MARINE, DIVE AND DELIVERY	0	2
DIVE CATALINA	1	1
FISHIN FUNATICS	1	0
HEADPUMPERS	1	0
ISLAND CHARTERS, INC.	1	0
ISLAND ENTERPRISES	2	0
ISLAND WATER CHARTERS & PARASAIL	3	0
MEMORY MAKER FISHING CHARTERS	1	1
PARASAIL CATALINA	2	1
SCI COMPANY & SUBSIDIARIES	5	3
SAIL CATALINA	1	0
SCOTTY'S SPORTFISHING	1	0
SCUBA CAT INC.	1	0
SHERRILL'S MARINE	0	3
SHORECO	0	0
SNORKELING CATALINA	1	1
THE BARGE	6	1
WETSPOT RENTALS	20	1
Totals	155	25

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 8

ORIGINATING DEP: Planning/Administration **CITY MANAGER:** [signature]

PREPARED BY: Audra McDonald, Administrative Analyst
Jordan Monroe, Management Aide

SUBJECT: Consideration of a proposed agreement with Michael Baker International to provide professional services for the purpose of performing a community wide income survey

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RECOMMENDED ACTION(S): Authorize the Interim City Manager to enter into an agreement with Michael Baker International for an amount not-to-exceed $16,544.00 to provide professional services for the purpose of a performing a community wide income survey.

REPORT SUMMARY: The City of Avalon actively pursues local, state and federal grant opportunities to assist with un-funded projects. Many funding agencies utilize census income data to determine grant eligibility and funding reimbursement levels. Although each grant program is unique in its overall requirements, the trend toward utilizing census data to assess a communities grant needs is becoming a more critical component to receiving funding. Examples of current grant opportunities that have income requirements which city staff feel are relevant to the community include:

- Proposition 1 – State Water Program (funds available for water resources). This grant opportunity has a Disadvantaged Community Designation that allows for up to 100% funding for communities whose income is 80% of the State's MHI (Median Household Income).
- Active Transportation Program – State Program (funds available for strategic planning, roadways, pedestrian and bike) requires 80% of the State's MHI.
- Community Development Block Grant – Federal Department of Housing and Urban Development. Requires 80% of the State MHI.

Staff has long felt the 2000 and 2010 census data does not accurately reflect the economic reality of the residents of the City of Avalon. The reason the 2000 census data is important to note is much of that data is carried over to the 2010 data. If the 2000 census data was inaccurate, the inaccuracies are carried forward. Important figures to consider:

- State of California MHI is $61,094
- State of California 80% MHI threshold is $48,875.

- City of Avalon MHI is $65,433
- City of Avalon 80% MHI is $52,346

With the US Census Department stating the error of margin in the data at +- $11,606, and a difference of only $3,471 between the State's 80% MHI and the City's 80% MHI, staff feels the proceeding forward with a comprehensive income survey is a prudent step.

The preparation and presentation of statistically valid income surveys are accepted by the State of California and Federal agencies as alternatives to Census Data that may not reflect the current demographics of a community.

The proposal prepared by Michael Baker International is tailored to meet the requirements of the specific funding programs outlined above with the added benefit of providing data that can be utilized for the City's future Housing Element update.

It is important to note that the outcome of the survey cannot be predicted. The survey information could potentially demonstrate that indeed the Census data is correct, however, that does not mean the survey or expense would not provide benefit to the City. Having an accurate and more detailed measurement of the community's economic picture will provide an invaluable tool for the City and staff as we move forward with important projects.

GOAL ALIGNMENT:

- Natural Resources: Freshwater Water Resources, Reclaimed Water
- City Infrastructure
- Enhance Recreational Opportunities

FISCAL IMPACTS: The proposal amount of $16,544 is currently not included in the FY15-16 Budget for the General Fund account 101-35-5005. Depending upon the results of the survey, significant increases in grant funding could be received.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City would accept the Census data and not potentially be eligible for grant funds that have Disadvantaged Community requirements.

FOLLOW UP ACTION: Execute the professional services agreement and begin the income survey.

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

ATTACHMENTS:

1. Proposal from Michael Baker International

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 9

ORIGINATING DEP: Administration **CITY MANAGER:** DR

PREPARED BY: Denise Radde, Interim City Manager

SUBJECT: Contract for Professional Services for Temporary Planning Department Oversight

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RECOMMENDED ACTION(S): Approve an extension for temporary Planning Department oversight for an amount not-to-exceed $18,000 per month and authorize the Interim City Manager to enter into an agreement with Michael Baker International (MBI).

REPORT SUMMARY: Michael Baker International (MBI) has been providing temporary Planning Department oversight for the City of Avalon. Al Warot, a Managing Director for MBI, has been the designee working within the Planning Department. Mr. Warot has reduced his hours to reduce cost to the City while still providing the necessary support to assist in the operation of the department.

Staff is requesting to extend Mr. Warot's contract on a monthly basis, with a not-to-exceed amount of $18,000 per month until his services are no longer necessary. Staff and Mr. Warot will carefully monitor the contract to guarantee conformance of the not-to-exceed component of the agreement.

FISCAL IMPACTS: Sufficient funds are available within General Fund Account 102-55-5005 within the amended FY 15-16 budget.

GOAL ALIGNMENT: Not aligned.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: There will be no temporary oversight of the Planning Department.

FOLLOW UP ACTION: Direct the Interim City Manager to execute the agreement on behalf of the City with Michael Baker International.

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

ATTACHMENTS: None.

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 10

ORIGINATING DEP: City Attorney **CITY MANAGER:** DR

PREPARED BY: Scott Campbell, City Attorney

SUBJECT: Addendum No. 1 to the First Amended Employment Agreement for Chief Administrative Officer

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RECOMMENDED ACTION(S):
Approve Addendum No. 1 to the First Amended Employment Agreement for the Chief Administrative Officer.

REPORT SUMMARY:
The City Council created the office of Chief Administrative Officer ("CAO"), which is hired directly by the City Council. The City Council has asked the CAO Denise Radde to also serve as Interim City Manager while the City Council recruits a permanent City Manager. Staff is therefore recommending a change to the CAO's employment agreement to reflect that, while serving as Interim City Manager, the CAO shall perform all duties required of the City Manager and shall receive the same level of compensation as was previously established for the City Manager. This change will be in the form of an addendum to the CAO's Agreement which will remain in effect until the City Council hires a permanent City Manager or until the Contract or the Interim City Manager position is otherwise terminated.

GOAL ALIGNMENT: N/A.

FISCAL IMPACTS:
The CAO's base salary will increase $2,084 monthly, which will be prorated during the period in which the CAO serves as Interim City Manager.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:
The CAO's Employment Agreement will remain unchanged.

FOLLOW UP ACTION:
If approved, the Addendum will need to be executed by the Mayor.

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

ATTACHMENTS:
1. Proposed Addendum to Employment Agreement.

CITY OF AVALON CITY COUNCIL

MEETING DATE:	December 15, 2015	**AGENDA ITEM:**	11
ORIGINATING DEP:	Administration	**CITY MANAGER:**	DR
PREPARED BY:	Denise Radde, Interim City Manager/City Clerk		
SUBJECT:	Approval of Limited-Term Appointment of CalPERS Retiree as Facility Operations Consultant		

RECOMMENDED ACTION(S): Discuss and provide direction to Staff. If consensus, approve the following:

1. Approve by Minute Order the Limited-Term Appointment of John Phelps, a CalPERS Retiree, as Facility Operations Consultant.
2. Authorize the Interim City Manager, Denise Radde, to sign the Limited-Term Appointment Agreement with CalPERS Retiree for the Position of Facility Operations Consultant.

REPORT SUMMARY: In line with the City's efforts to continuously improve our processes and update our procedures for the betterment of our staff and services we provide, the City is looking to evaluate a permanent position for oversight and supervision of all operations at the Harbor Maintenance Garage, Mechanic Garage and Public Works warehouse. Until such time, the City has a need to assess and organize the operations of these facilities. City Council has recommended and desires that a retiree consultant, John Phelps, be temporarily appointed to evaluate operations and to recommend guidelines for training, safety, etc. and other supervisory duties. City staff anticipates that the term of Mr. Phelps' appointment will be no more than 2-3 months.

The responsibilities of the consultant are outlined in the Limited-Term Appointment Agreement with CalPERS Retiree for the Position of Facility Operations Consultant, and include such tasks as: Evaluate positions, production output, performance, and operations; Create strategic plan for improvement production output, performance, and operations; and, Establish schedules and methods for facility operations; identify resource needs; review need with appropriate management staff; and allocate resources accordingly. At the end of the contract the consultant will produce a report summarizing their findings and recommendations both for the current operations of the facilities and for the future full time supervisor position.

Section 21224 of the California Government Code permits the limited-term appointment of CalPERS retirees to temporary positions subject to certain requirements, including limited hours, compensation, and duration of work. As a CalPERS retiree, Mr. Phelps can only work an aggregate of 960 hours in a fiscal year regardless of how many CalPERS contracting agencies he works for during such period. Further, he cannot be paid more than or less than

what the City would otherwise pay an employee in a comparable position according to the City's published salary schedule.

If consensus, Staff recommends that the City Council approve by Minute Order the limited-term appointment of John Phelps in the Position of Facility Operations Consultant to temporarily oversee the operations of the City's Harbor Warehouse and Mechanic Garage.

FISCAL IMPACTS: Mr. Phelps would be paid an hourly rate of $46.4286 per hour, which is equal to or less than the salary of an employee in a comparable position. He would not be entitled to any additional benefits, vacation, or holidays.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Should the City Council not take the action recommended, the Harbor Warehouse and Mechanical Garage will continue to operate without adequate supervision until the City establishes a permanent position for a warehouse operations supervisor. However, this is not recommended because the facility employees need direction and supervision in order to perform their job duties.

ATTACHMENT:

1. Limited-Term Appointment Agreement with CalPERS Retiree for the Position of Facility Operations Consultant

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 12

ORIGINATING DEP: Administration **CITY MANAGER:** DR

PREPARED BY: Denise Radde, Interim City Manager

SUBJECT: Memorandums of Understanding

RECOMMENDED *ACTION(S):* Staff recommends the City Council adopt the proposed Memorandums of Understanding between the Avalon Municipal Employee's Association, Avalon Harbor Employee's Association, International Association of Firefighters Local 2295 and the City of Avalon.

REPORT SUMMARY: Terms and conditions of employment at the City of Avalon have been governed by Memorandums of Understanding (M.O.U.) between the City and those Unions that represent its employees. The contract terms for all three M.O.U.s ended in 2012, or before.

The City has been operating with expired labor contracts for several years: there have been no changes to the terms and conditions of employment and wage increases have been minimal and not kept pace with the labor market.

For the past twelve months, the City, through its management representatives and representatives from the various Unions, have met and conferred in good faith. As such, the City and its Unions have reached agreement on the terms and conditions of employment, defined in the Memorandums of Understanding governing the employees of the City of Avalon, for the three-year period beginning July 1, 2015 through June 30, 2018.

The purpose of this agenda item is to place the ratified M.O.U.s before the City Council for adoption.

DISCUSSION AND ANALYSIS:

Relations between labor and management in California governments are governed by the Meyers-Milias-Brown Act, which seeks to promote communication between public agencies and their employees. An M.O.U. is the written memorialization of the terms and conditions of employment, and serves as the day-to-day tool for communicating labor and management's understanding of those terms. As such, it is a critical communication and reference document that needs to be reviewed frequently and periodically updated within the negotiation process, so that it continues to serve and guide the employees and the City well.

The previous 2012 M.O.U.s contained many legacy provisions and features that are no longer commonly found in municipal M.O.U.s. In addition, they did not include many provisions and features that are now considered common features of municipal M.O.U.s. In short, the 2012 M.O.U.s were very out-of-date and no longer reflected compensation practices common to California municipalities.

The expired M.O.U.s had also contained many provisions that are financially unsustainable and were undermining the long-term financial stability of the City. They also failed to provide for changes in law, most notably, California's Public Employees' Pension Reform Act (PEPRA), which was signed into law in September of 2012 and took effect on January 1, 2013, and which has compelled changes in the administration of the City's pension program. The language in the M.O.U.s needed to be brought into alignment with this and other new laws.

The City commissioned a careful and professional outside review of the 2012 agreement conducted by the Human Resources Advisor from Regional Government Services. The City also had an external and professionally prepared salary study completed by Koff & Associates, which was used to inform negotiators with factual information regarding compensation practices in the City's local labor market and comparator agencies. Koff's data clearly showed the City had a practice of being under-market in wages and over-market with benefits. The proposed M.O.U.s seek to provide fair and equitable compensation by addressing and correcting unsustainable compensation practices and the resulting employment benefits that are inconsistent with the City's and employee's best interests.

Like most Cities, the City of Avalon's costs for wages, retirement benefits, health insurance benefits, and post-employment benefits are a large component of the budget. The proposed M.O.U.s enables the City to project these costs reliably. They will also require employees to participate in paying for their benefits, which enables the City to plan more methodically if rapid cost changes in benefits occur. This increases certainty around costs for the City, which is foundational to achieving one of the City's core strategic objectives: long-term financial stability and a balanced budget. Only through the achievement of long-term financial stability is the City in a position to fulfill its core mission of improving the quality of life for the residents of Avalon, and this stability also creates an environment consistent with authentic employment security.

Highlights of the M.O.U. include:

- Providing wage rate increases that slowly bring those rates into closer alignment with the City's labor market;
- Reducing the City's future expenses for pension and other post-employment retirement benefits;
- Moving the City's contribution to health benefits, whereby the City provides a stipulated contribution that the employee directs;
- Implementing cost-control measures;
- Addressing existing compensable leave balances; and
- Revising contract language to clarify the management's right to flexibly control costs to meet the City's needs in future years.

GOAL ALIGNMENT: Achieve a balanced City budget.

FISCAL IMPACTS: The overall objective of this agreement is to realign the City's limited financial resources to better match the needs of the City and its employees. The M.O.U.s corrects the current misallocation of resources by moving resources from over-market benefits to under-market wages.

During the term of the Agreements, the City is projected to have its four major labor cost areas capped, i.e. direct wages, retirement costs, health insurance costs, and post-retirement benefit costs. The capping of these costs will insulate the City from the uncertainty of pricing fluctuations and the current contract's continually increasing costs.

The benefits of the proposed M.O.U's are the financial stability and fiscal strength created by this realignment of resources.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will need to identify alternatives to address the issues outlined above.

FOLLOW UP ACTION: Authorize the City Manager to execute the Agreements and be responsible for their implementation and administration over the term of the Agreement.

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

ATTACHMENTS: (Provided under separate cover.)

1) Proposed Memorandum of Understanding between *The Avalon Municipal Employee's Association* ("AMEA") and the City of Avalon.
2) Proposed Memorandum of Understanding between *The Avalon Harbor Employee's Association* ("AHEA") and the City of Avalon.
3) Proposed Memorandum of Understanding between *The International Association of Firefighters, Local 2295* ("IAFF") and the City of Avalon.

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 13

ORIGINATING DEP: Recreation **CITY MANAGER:** DR

PREPARED BY: David Hart, Temporary Recreation Coordinator

SUBJECT: Consideration to "Go out to Bid" – Joe Machado Field Synthetic Turf Project

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RECOMMENDED ACTION(S): Authorize Staff to proceed with advertisement for Public Bids for a design/build of the Joe Machado Field Synthetic Turf Project.

REPORT SUMMARY: As the City of Avalon moves forward, grows in population and demands push our boundaries on what we are able to provide, we, the City, need to decide what is best for our public. In Recreation that decision is based on public space and use of the public space. The only full space we have that can accommodate all our public demands for recreation is Joe Machado Field (JMF) on Avalon Canyon Rd.

Joe Machado Field was reconstructed and completed in 2010. JMF was originally constructed with the idea of going synthetic. Due to poor turf technology, deficiency of finance, a lack of knowledge on synthetic turf created less community support and led to putting in Natural Turf. Through the first couple of years, the City was not able to maintain a safe playable surface. The City, in 2012 hired an outside agronomic consulting agency; Parkins and Associates, to bring JMF to a safer playable field. The City, hired a full time field maintenance worker to maintain JMF. We have been able to keep JMF safe and playable for a short time period. With the drought and over usage we now have come to a point where we have to decide to stay natural or move towards synthetic.

The City Council has discretionary authority to approve the project. Staff has done the research and has been put together a report, Joe Machado Field Project: Natural to Synthetic, and provided it to City Council :

In the report Staff has made these recommendations:

1. The City should elect a synthetic turf system to increase playability, for water conservation, reduction of maintenance, and a safer playing surface.

2. The City should choose an organic infill, specifically the Geo Plus from Lamonta (coconut husk, crushed cork and sand base), because it is non-carcinogenic, safer playability, more realistic play to natural turf, cooler playing surface, and progressive thinking.

3. The City should hire a design/ build turnkey company. This will reduce the overall cost, liability falls on one company, warranty covers base to turf, consistent work through entire process.

4. The City should include a water catch basin. The water that gets filtered through the rock aggregate base can be caught and reused or sent through another filter to create potable water. This design will be included with the overall construction of the design/build company with the guidance of our public works director.

5. The City should use a Government Purchasing Alliance, example: 1GPA, US Communities, or CMAS. Purchasing Alliances use a lead agency model, procurement contracts with national suppliers are publicly solicited by a large public agency on behalf of all local and state governments, school districts, higher education and non profits. Each lead public agency takes responsibility for structuring the bid documents, assembling a national team of experts to review responses, documenting the bid tallies and awarding the contract to one ore more qualified firms. The process results in a Master Intergovernmental Cooperative Purchasing Agreement that provides the lowest available government pricing to all participants regardless of the public agency's size or volume of purchases. By using a Purchasing Alliance we can choose exactly who and the product we want to guarantee our best interest for the community.

6. City Staff is recommending going to bid by January to allow the project to start construction by June 18th, 2015. The project will take 6-8 weeks to complete.

Staff is requesting authorization to issue a bid for the project and asking for clarification as to the scope of the RFP.

GOAL ALIGNMENT: Recreational Enhancement "Joe Machado" Field and Fresh Water Resources.

FISCAL IMPACTS: Funding for this work was not included this fiscal year's budget for the Recreation Department account 102-65-6542. The estimated cost of transformation from natural to synthetic will be $900,000-$1,300,000 depending upon several factors. We have received $500,000 from Anheuser-Busch towards transforming JMF into a synthetic turf system. Staff will pursue grant opportunities once the project is approved. It is possible to finance the project's funding gap over the life of the warranty at 3% percent interest.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City of Avalon cannot proceed in completing the Joe Machado Field Synthetic Turf Project for another year, due to time constraints. JMF will have little to no coverage by summer, due to the lack of water. The field will be unfit and unsafe to play on.

FOLLOW UP ACTION: Implement City Council direction.

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

ATTACHMENTS: Report Joe Machado Field Project: Natural to Synthetic

CITY OF AVALON CITY COUNCIL

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 14

ORIGINATING DEPT: Administration **CITY MANAGER:** DR

PREPARED BY: City Attorney

SUBJECT: Amendment of Avalon Municipal Code Chapter 5-20 to limit the cultivation of medical marijuana in the City of Avalon

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RECOMMENDED ACTION(S):
That the City Council introduce and waive all readings of an ordinance amending Title 5, Chapter 20 of the Avalon Municipal Code to limit cannabis cultivation in the City of Avalon.

REPORT SUMMARY: After passage of the Medical Marijuana Regulation and Safety Act ("MMRSA") to comprehensively regulate medical marijuana, staff requested a memo from the City Attorney regarding discussing options for amendments to the Avalon Municipal Code ("AMC") concerning the cultivation of medical marijuana. At the December 1, 2015 City Council meeting, the City Council specifically requested development of an ordinance that would allow for the cultivation of up to three (3) mature) and six (6) immature plant and the possession of a maximum of eight (8) ounces of processed marijuana for personal use, provided the individual does not sell, distribute, donate, or provide marijuana to any other person or entity.

The attached Ordinance amends the AMC to prohibit cultivation in all instances except for the specific exemption discussed in the previous paragraph. It also adds a definition of "cultivation" to the AMC which will make clear what activities are being regulated and which fully comports with the language of the MMRSA. It further specifically defines "qualified patient" to limit the cultivation exemption to individuals who are entitled to the protections of Health and Safety Code Section 11362.5. This will ensure that only patients with an actual, verified medical need are permitted to cultivate within the City.

GOAL ALIGNMENT: N/A

FISCAL IMPACTS: No financial impact is anticipated for the adoption of the proposed Ordinance.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Municipal Code will not address cultivation of marijuana. As of March 1, 2016, state law will govern in Avalon, and will allow for various types and amounts of cultivation based on application for one of a regime of state licenses that will become available to cultivators within the City.

FOLLOW UP ACTION: Adopt ordinance and publish in newspaper.

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

ATTACHMENTS: Proposed Ordinance
Memo from City Attorney regarding Medical Marijuana Regulations

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 20 OF THE AVALON MUNICIPAL CODE TO LIMIT CANNABIS CULTIVATION IN THE CITY

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 et seq. and entitled "The Compassionate Use Act of 1996"); and

WHEREAS, the intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law; and

WHEREAS, in 2003, the California Legislature adopted SB 420, the Medical Marijuana Program ("MMP"), codified as Health and Safety Code Section 11362.7 et seq., which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the Penal Code; and

WHEREAS, neither the Compassionate Use Act ("CUA") nor the MMP require nor impose an affirmative duty or mandate upon local governments to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction; and

WHEREAS, in May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, holding that cities have the authority to regulate or ban outright medical marijuana land uses; and

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U.S.C. Section 801 et seq., the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed the "Medical Marijuana Regulation and Safety Act" ("Act") into law; and

WHEREAS, the Act becomes effective January 1, 2016 and contains provisions which allow for local governments to regulate licenses and certain activities thereunder; and

WHEREAS, the Act contains a provision which sets forth that the State shall become the sole authority for regulation under certain parts of the Act, unless local governments have "land use regulations or ordinances regulating or prohibiting the cultivation of marijuana..." (Health and Safety Code §11362.777(c)(4); and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing, and distribution uses, including offensive odors, illegal sales, and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, and detectable far beyond property boundaries if grown outdoors; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery, or armed robbery; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

WHEREAS, the City's Municipal Code ("Code") does not address the cultivation and processing of medical cannabis; and

WHEREAS, based on the findings above, the potential establishment of cannabis cultivation uses in the City without regulation poses a current and immediate threat to the public health, safety and welfare in the City due to the negative land use and other impacts of such uses as described above; and therefore:

THE CITY COUNCIL OF THE CITY OF AVALON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 5-20.01 of the Avalon Municipal Code ("AMC") is hereby amended to add:

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"Qualified patient" means a person who is entitled to the protections of Health and Safety Code Section 11362.5, whether or not that person has applied for and received a valid identification card pursuant to Health and Safety Code Section 11362.7 et seq.

SECTION 2. Section 5-20.07 is hereby added to the AMC as follows:

Sec. 5-20.07 Marijuana Cultivation

(a) Cultivation of marijuana shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any marijuana cultivation uses as defined herein in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

(b) This section does not apply to a qualified patient cultivating marijuana pursuant to Health and Safety Code Section 11362.5 if he or she cultivates up to three (3) mature and six (6) immature plants on property on which he or she resides and possesses a maximum of eight (8) ounces of processed marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity.

SECTION 3. CEQA Exemption.

The City Council finds that the amendments to the AMC made pursuant to this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment.

SECTION 4. Severability.

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

SECTION 5. Certification and Effective Date.

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

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the 15th of December, 2015 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 19th day of January, 2016 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

APPROVED AS TO FORM:

Scott Campbell, City Attorney
Best Best & Krieger, LLP

BEST BEST & KRIEGER LLP
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.

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)

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

CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE ACIA

MEETING DATE: December 15, 2015 **AGENDA ITEM:** 15

ORIGINATING DEP: Public Works **CITY MANAGER:** DR

PREPARED BY: Dennis Jaich, Interim Director of Public Works

SUBJECT: Approval of Construction Plans & Authorization to Commence a Public Bid for the "Museum Stairs Project"

RECOMMENDED ACTION(S): That the Successor Agency Board authorize the Successor Agency to approve the construction plans, and also allow the process of a public bid to follow for the "Museum Stair Realignment Project" (Project), at the new Museum building site on Metropole.

REPORT SUMMARY: The Avalon Community Improvement Agency previously entered into a Sales and Disposition Agreement with Catalina Island Museum Society to develop an expanded museum, cultural center, and other ancillary uses at One Casino Way. The Agreement requires the Community Improvement Agency – and now the Successor Agency – to Construct the staircase on the property.

Please note that staff had previously brought before this council (7-7-15) a request to allow payment directly to the Museum for the estimated cost of this project, due to the fact that timing and implementation of the public bid would negatively affect the owners construction schedule. At this meeting, the City Council approved an "Agreement for Accord and Satisfaction" that would allow payment directly to the Museum Society for $50,000. This agreement has never been formalized, due to delays in design and other factors.

The new request herein will allow the City to properly advertise and conduct an appropriate public bid for the work involved.

GOAL ALIGNMENT: City Infrastructure.

FISCAL IMPACTS: The Successor Agency has agreed to make a one-time payment of $75,000 for this work; however, additional cost and expenses will be required based upon the new estimate of construction costs. When these costs are determined after the submission of sealed bids from the contractors, and upon Council approval, City staff will solicit the required request for additional funding required through ROPS.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Successor Agency will not be able to fulfill their obligation to rebuild the stairs per the sales agreement.

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

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