

**AVALON CITY COUNCIL MEETING
TUESDAY, JUNE 16, 2015 – 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A**

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE / INVOCATION

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION

Update by Southern California Edison on Phase 2 Water Rationing.

CITY MANAGER REPORT / CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS / MAYOR REPORT

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Ben Harvey, City Manager and the Avalon City Council
Unrepresented employee: Chief Financial Officer

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 May 22, 2015 and June 2, 2015 City Council meetings.

2. Expenditures Submitted for Approval

- Warrants in the amount of \$989,946.77
- An Electric Fund Transfer in the amount of \$145,632.28
- Two Payrolls in the amount of \$400,170.13

Recommended Action

Approve total expenditure amount of \$1,535,749.18.

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3. FY 2015-2016 Fiscal Policies

Staff selected six important Fiscal Policy statements and presented them to Council at the June 3, 2015 Budget Study Session - Miscellaneous Fees and Fiscal Policies meeting. These policies will serve to meet the City's needs in the short-term, as well as be achievable to reach in the next 12-24 months. The policies deal with the most pressing issues concerning fiscal sustainability and set a foundation from which to build upon.

Recommended Action

Adopt six Fiscal Policies effective beginning in FY 2015-16 previously discussed at the June 3, 2015 Budget Study Session - Miscellaneous Fees and Fiscal Policies.

GENERAL BUSINESS

Public Hearing on the next two items:

4. Saltwater and Sewer Fees for Fiscal Year 2015-2016 and Adoption of Reports to the Los Angeles County Auditor for Placement of Property Related Fees for FY 2015-2016 on the Tax Roll

This is the second of two required Public Hearings regarding the increase of sewer and saltwater fees. At the June 2, 2015 City Council meeting a first Public Hearing was opened for public comment. No public comments were received. The ordinance establishing rates for saltwater service fees and sewer service fees was introduced and all further readings waived. A public notice was mailed out to all property owners 45 days prior to the first Public Hearing announcing the proposed rate increases. City Council determined at the March 17, 2015 to propose raising the saltwater fees by 35% and sewer fees by 15%.

Recommended Action

A) Open and conclude the public hearing to hear public comments. After all public comments have been heard, close the public hearing and determine if a majority of the property owners subject to the proposed rates increases to the Saltwater and Sewer Service Fees have submitted written protests to the proposed rate increases. If the City does not receive a majority protest from such property owners, and the City Council agrees with a 4/5 vote, it is recommended to adopt the ordinance establishing rates for saltwater service fees and sewer service fees.

B) Open an additional Public Hearing to hear and consider all evidence, testimony, objections, or protest by all interested persons, property owners, voters and taxpayers, to the written reports of the annual City of Avalon property related fees, and consider (1) adopting the reports, (2) directing the City Clerk to file said report with the Los Angeles County Auditor, and (3) request the Auditor place the Fiscal Year 2015-2016 property related fees on the tax roll.

5. Adoption of Proposed FY 15/16 Miscellaneous Fee Schedule

The City's Miscellaneous Fee Schedule includes the fees the City can charge for providing certain services to the community. These fees are associated with services or programs provided by the recreation, planning and building, cemetery, finance, public works and the fire department that confer a benefit, grant a privilege, perform regulatory duties, enforce laws or are a condition of development. A Public Hearing is required by the City's Municipal Code. These fees will be effective on July 1, 2015.

Recommended Action

Open Public Hearing to receive public comment, and then close Public Hearing. Adopt resolution setting fees for services, facilities and activities of the City of Avalon for Fiscal Year 2015/2016.

6. Consideration of an Ordinance of the City Council of the City of Avalon Amending Portions of Avalon Municipal Code Section 9-8.1201 Story Poles

The Planning Commission held a Public Hearing to discuss the issues with the current regulations regarding story poles at the April Planning Commission meeting. Specifically the guidelines for how story poles will be installed and when story poles are required. The Planning Commission adopted a resolution recommending changes to portions of Section 9-8.1201 at the May Planning Commission meeting.

Recommended Action

That the City Council introduce and waive all readings of an ordinance of the City of Avalon amending portions of Avalon Municipal Code Section 9-8.1201 Story Poles.

7. City of Avalon and LA County M.T.A. FY 2013/14 Audit Financial Reports

The City of Avalon Financial Audit and the Los Angeles County Metropolitan Transportation Authority Audit as they pertain to Fiscal Year 2013/14 is being present to Council.

Recommended Action

Receive and approve the FY 2013/14 audited financial statements and accompanying reports comprising the City's audit as well as the audited financial report for FY 2013/14 issued by the Los Angeles County Metropolitan Transportation Authority.

8. Consider the Appointment of a Voting Delegate and Alternate to the Gateway Region Integrated Regional Water Management Authority Governing Board (GWMA)

The City Council authorized entering into a Joint Powers Agreement to become a member of the GWMA at the June 2, 2015 meeting. The membership will fulfill the State of California's requirement to integrate regional watershed activities in order to be eligible to pursue State and Federal grant funding for water related projects.

Recommended Action

Appoint Jordan Monroe, Avalon's Management Aide, as the City's Member of GWMA Board and appoint Audra McDonald, Avalon's Administrative Analyst, as the City's Alternate Member of the GWMA Board.

9. Consideration of an Ordinance Regarding Regulating E-Cigarettes and Vaporizers

Avalon Municipal Code Section 6-11.101 defines "smoke or smoking" as "the carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance." E-cigarettes and vaporizers are not used to "burn" any products, it is unlikely the current ordinance applies to their use. In order to ensure E-cigarettes and vaporizers are regulated in the same way as other related smoking products, the City would need to amend its Code.

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Recommended Action

Introduce and waive all readings of an Ordinance of the City of Avalon, amending Chapter 11 of Title 6 of the Avalon Municipal Code Regarding the Definition of "Smoke or Smoking".

10. Approval of Contract with RBF, Inc. for Year 2 Tasks of the Stormwater (Small MS4 Permit)

In June 2013, the City of Avalon was required to file a permit covering the "Small MS4 Permit" identifying Avalon as the "Avalon Urban Cluster" with the State Water Resources Control Board. The City has been working closely with RBF Consulting, who has assisted the City thus far through this process in Year 1. As part of the Year 2 compliance the City is responsible for completion of numerous additional requirements. Monies have been allocated in the FY 14/15 and 15/16 budget. A Staff report will be provided under separate cover.

Recommended Action

Authorize the City Manager to enter into an agreement with RBF, Inc. to assist Staff and complete Phase Two of the required Small MS4 Permit.

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda June 16, 2015 was posted on Friday, June 12, 2015, on the City's website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and staff reports are available at City Hall and on the City website.



Denise A. Radde, City Clerk / Chief Administrative Officer

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: BH

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve City Council Actions from the Special City Council meeting on May 22, 2015 and Regular City Council meeting on June 2, 2015.

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

FISCAL IMPACTS: N/A

GOAL ALIGNMENT: To be determined.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

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

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

ATTACHMENTS:

May 19, 2015 City Council Actions are attached and the June 2, 2015 City Council Actions will be provided under separate cover.

**SPECIAL CITY OF AVALON CITY COUNCIL MEETING
FRIDAY, MAY 22, 2015
ACTIONS**

CITY COUNCIL CALL TO ORDER 12:07 p.m.

ROLL CALL - Councilmembers Cinde Cassidy, Richard Hernandez and Joe Sampson. Also present City Manager Ben Harvey and Chief Administrative Officer/City Clerk Denise Radde. Present via telephone conference was City Attorney Scott Campbell and Sigrid Asmundson of Best Best & Kreiger. Absent - Mayor Anni Marshall and Mayor Pro Tem Oley Olsen.

CONSENT CALENDAR - None

GENERAL BUSINESS

1. Approval of Agreements for "Whatever, USA" Event
City Attorney noted that the City Council is being asked to approve the agreement before them between the City of Avalon and Mosaic Sales Solutions US Operating Co., LLC. A separate agreement with Anheuser Busch for the donation of \$500,000 for placing artificial turf at Joe Machado Field was not finalized yet, however Staff was asking the Council to authorize the City Manager to enter into an agreement for the acceptance of these monies.

Council went through the agreement and asked questions for clarification. Motion by Cinde Cassidy, seconded by Joe Sampson to approve the first agreement with Mosaic Sales Solutions US Operating Co., LLC. to hold a major Special Event within the City of Avalon and to authorize the City Manager to enter into a separate with Anheuser Busch for the \$500,000. (3 Ayes – Cassidy, Hernandez and Sampson, 2 Absent – Marshall and Olsen)

ADJOURN

Councilmember Hernandez adjourned the Special City Council meeting at 1:05 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the Special City Council Meeting on May 22, 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: June 16, 2015

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: BH

PREPARED BY: Chris Woidzik, Interim Finance Director

SUBJECT: Warrants

RECOMMENDED ACTION(S): Approve the warrants in the amount of \$989,946.77, EFTS in the amount of \$145,632.28 and two payrolls in the amount of \$400,170.13, for a total expenditure of \$1,535,749.18.

REPORT SUMMARY:

May 14, 2015 – EFT CalPers Retirement - \$47,934.68
May 15, 2015 – Payroll - \$199,091.75
May 22, 2015 - US Bank Warrants - #20353-20427 - \$499,643.04
May 26, 2015 – EFT State Board of Equalization - \$4,308.00
May 28, 2015 – US Bank Warrants - #20428-20430 - \$1,173.40
May 28, 2015 – EFT CalPers Retirement - \$45,824.46
May 28, 2015 – EFT CalPers Retirement - \$47,565.14
May 29, 2015 – Payroll - \$201,078.38
June 4, 2015 – US Bank Warrants - #20431-20445 - \$124,091.29
June 5, 2015 – US Bank Warrants - #20446-20511 - \$365,039.04

GOAL ALIGNMENT: Ongoing meeting of City obligations.

FISCAL IMPACTS: There are sufficient funds available, and the expenditures are included in the adopted 2014-2015 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

RECORD OF PAYMENTS MADE DATES BELOW FOR COUNCIL MEETING OF JUNE 16,2015

	MONTH OF MAY & JUNE 2015	
US BANK WARRANTS #20353-20427	\$ 499,643.04	5/22/2015
US BANK WARRANTS #20428-20430	\$ 1,173.40	5/28/2015
US BANK WARRANTS #20431-20445	\$ 124,091.29	6/4/2015
US BANK WARRANTS #20446-20511	\$ 365,039.04	6/5/2015
PAYROLL	\$ 199,091.75	5/15/2015
PAYROLL	\$ 201,078.38	5/29/2015
EFT - CALPERS RETIREMENT	\$ 47,934.68	5/14/2015
EFT - STATE BOARD OF EQUALIZATION	\$ 4,308.00	5/26/2015
EFT - CALPERS RETIREMENT	\$ 45,824.46	5/28/2015
EFT - CALPERS RETIREMENT	\$ 47,565.14	5/28/2015

\$ 1,535,749.18

TOTAL DISBURSEMENTS

\$ 1,535,749.18

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 16TH DAY OF JUNE 2015

APPROVED AND AUDITED
THIS 16TH DAY OF JUNE 2015

AUDIT COMMITTEE - RICHARD HERNANDEZ

INTERIM CFO - CHRIS WOIZIK

AUDIT COMMITTEE - CINDE CASSIDY

AVALON CITY COUNCIL
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CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
20353	05/22/15	62.70	AIR SOURCE INDUSTRIES	SUPPLIES - FIRE
20354	05/22/15	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR
20355	05/22/15	10,949.42	AMERICAN EXPRESS	CREDIT CARD CHGS - ALL DEPTS
20356	05/22/15	203.00	AMERIFLEX	FSA ADMIN FEES - MAY 2015
20357	05/22/15	726.00	ANTONIO'S	SENIOR MEALS - APRIL 2015
20358	05/22/15	245.30	AT & T	COMMUNICATIONS - FIRE
20359	05/22/15	518.75	AVALON BOAT STAND	SERVICE - HARBOR
20360	05/22/15	119,292.19	AVALON ENVIRONMENTAL	CONTRACT SVCS - APR 2015
20361	05/22/15	3,358.30	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
20362	05/22/15	1,535.65	CATALINA BEVERAGE	SUPPLIES - ALL DEPTS
20363	05/22/15	78,925.00	CHAMBER OF COMMERCE	TOT - JUNE 2015
20364	05/22/15	29,842.20	CATALINA EXPRESS	2ND HLF 4/15 - SUBSIDY
20364	05/22/15	149.00	CATALINA EXPRESS	TRAVEL - CODE/COUNCIL
20365	05/22/15	195.00	CATALINA FREIGHT LINE	FREIGHT - ALL DEPTS
20366	05/22/15	505.00	CATALINA PEST CONTROL	SERVICE - HARBOR
20367	05/22/15	36,844.25	CATALINA TRANSPORTATION	CONTRACT SVCS - JUNE 2015
20368	05/22/15	779.84	CDW	IT SUPPLIES - ADMIN
20369	05/22/15	717.78	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
20370	05/22/15	4,609.76	CO. OF LA SHERIFF'S DEPT	WATERFRONT PT - APR 15
20371	05/22/15	417.00	COLLINS COLLINS MUIR & STEWART	LITIGATION FEES - ADMIN
20372	05/22/15	91.20	COMPOSITES ONE, LLC	SUPPLIES - HARBOR
20373	05/22/15	3,025.00	CONFLUENCE ENVIRONMENTAL	WATER TESTING
20374	05/22/15	1,674.38	CONNOLLY PACIFIC	SUPPLIES - PUBLIC WKS
20375	05/22/15	3,240.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
20376	05/22/15	5,760.00	CONSTRUCTORS PLUS	REISSUE CK #20171
20377	05/22/15	2,970.00	CONSTRUCTORS PLUS	REISSUE CK #20235
20378	05/22/15	5,940.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
20379	05/22/15	39.00	DEWEY PEST CONTROL	SERVICE - ADMIN
20380	05/22/15	104.51	DON MILLER & SONS	SUPPLIES - CITY RESTROOMS
20381	05/22/15	7,903.75	DUDEK	SERVICE - CDO
20382	05/22/15	17,029.56	EDISON	UTILITIES - ALL DEPTS
20383	05/22/15	2,675.00	ERIC AGUSTA	EXCEL TRAINING CLASS
20384	05/22/15	625.00	HAMILTON, KATHERINE	CONTRACT SVCS - ADMIN
20385	05/22/15	1,125.00	HDL COREN & CONE	CONTRACT SVCS - ADMIN
20386	05/22/15	2,132.50	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
20387	05/22/15	2,473.75	IDEXX DISTRIBUTION	SUPPLIES - CDO
20388	05/22/15	707.89	JORDAHL CONSTRUCTION	HHW DISPOSAL/SUPPLIES - PW
20389	05/22/15	200.36	JUDICIAL DATA SYSTEMS	PARKING ACTIVITY - MAR 15
20390	05/22/15	12,046.21	KOFF & ASSOCIATES	CONTRACT SVCS - ADMIN
20391	05/22/15	621.15	L.N. CURTIS & SONS	SUPPLIES - FIRE
20392	05/22/15	1,250.00	LAAFCA	YEARLY DUES - FIRE
20393	05/22/15	35.00	LEAGUE OF CA CITIES	TRAINING - COUNCIL
20394	05/22/15	1,950.62	LICARI, TONY	CONTRACT SVCS - JUNE 2015
20395	05/22/15	22.66	MAR-CO	SUPPLIES - GARAGE
20396	05/22/15	242.57	MATTHEWS	SUPPLIES - CEMETERY
20397	05/22/15	77.71	MCMMASTER-CARR	SUPPLIES - GARAGE
20398	05/22/15	172.40	MED-TECH RESOURCE	SUPPLIES - FIRE
20399	05/22/15	189.48	MEYERS FOZI, LLP	SERVICE - ADMIN
20400	05/22/15	4,987.50	MONTGOMERY, LORI	CONTRACT SVCS - ADMIN
20401	05/22/15	250.00	MYGOV	SERVICE - ADMIN

20402	05/22/15	288.54	NAPA AUTO SUPPLY	SUPPLIES - GARAGE
20403	05/22/15	1,424.91	NORTHWIND REFRIGERATION	SERVICE - PLANNING
20404	05/22/15	24,754.00	PACIFIC MARITIME FREIGHT	4TH OF JULY BARGE
20405	05/22/15	38,339.96	PARSAC	W/C SIR FEES - ALL DEPTS
20406	05/22/15	215.66	PETTY CASH - HARBOR	SUPPLIES - HARBOR
20407	05/22/15	125.00	PINS ADVANTAGE, INC	SERVICE - ADMIN
20408	05/22/15	26.10	PORT SUPPLY	SUPPLIES - HARBOR
20409	05/22/15	2,012.50	POST, ROCKY	CONTRACT SVCS - ADMIN
20410	05/22/15	3,070.54	PRAXAIR	SUPPLIES - HARBOR
20411	05/22/15	298.98	QUILL CORP	SUPPLIES - ALL DEPTS
20412	05/22/15	6,100.00	RBF CONSULTING	CONTRACT SVCS - ADMIN
20413	05/22/15	2,758.67	REGIONAL GOVERNMENT SVCS	CONTRACT SVCS - PLANNING
20413	05/22/15	21,408.16	REGIONAL GOVERNMENT SVCS	CONTRACT SVCS - ADMIN
20414	05/22/15	1,020.00	RIPPETOW LAW, P.C.	LITIGATION FEES - ADMIN
20415	05/22/15	252.92	SACRAMENTO METRO FINANCE	GEMT ADMIN FEE
20416	05/22/15	234.97	SAFEWAY	SUPPLIES - ALL DEPTS
20417	05/22/15	1,095.84	SANTA CATALINA RESORT SVCS	OVERPYMT - ADTAX
20418	05/22/15	8,342.00	SIRIA'S CLEANING SERVICE	CONTRACT SVCS - MAY 15
20419	05/22/15	437.20	SUN LIFE INSURANCE	LIFE INSURANCE - MAR 15
20420	05/22/15	437.20	SUN LIFE INSURANCE	LIFE INSURANCE - APR 15
20421	05/22/15	2,087.00	SUNGARD PUBLIC SECTOR	SOFTWARE LEASE - FINANCE
20422	05/22/15	700.00	THOMPSON, DAVE	SERVICE - SPRING FEST
20423	05/22/15	9,587.00	VEGA, EDMUNDO	CONTRACT SVCS - JUNE 2015
20424	05/22/15	773.81	VERIZON WIRELESS	COMMUNICATIONS - ALL DEPTS
20425	05/22/15	815.00	WANDA STONE	SERVICE - HARBOR
20426	05/22/15	3,198.74	WITMER PUBLIC SAFETY	SUPPLIES - FIRE
20427	05/22/15	400.00	PETTY CASH	UP FOR WHAT EVER EVENT
20428	05/28/15	325.00	HAMILTON COVE REAL ESTATE	DEPOSIT - PARSAC
20429	05/28/15	848.40	HAMILTON COVE REAL ESTATE	PARSAC RENTAL
20430	05/28/15	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR

\$ 500,816.44

AVALON CITY COUNCIL
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CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
20431	06/04/15	7,709.04	ALLIANT INSURANCE SVCS	INSURANCE - FUEL DOCK
20432	06/04/15	596.88	ANTHEM BLUE CROSS	COBRA PAYMENT - JUNE 2015
20433	06/04/15	3,778.30	BEYOND SOFTWARE SOLUTIONS	CONTRACT SVCS - ADMIN
20434	06/04/15	70,021.02	CALPERS	MEDICAL - JUNE 2015
20435	06/04/15	402.20	CATALINA ISLAND BREW HOUSE	SUPPLIES - ADMIN
20436	06/04/15	6,714.79	DELTA DENTAL	DENTAL - JUNE 2015
20437	06/04/15	7,200.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
20438	06/04/15	7,020.00	CONSTRUCTORS PLUS	CONTRACT SVCS - ADMIN
20439	06/04/15	271.13	EMILIO CAMPOS	REIMB O/P COSTS
20440	06/04/15	2,477.50	HELVETIC CONSULTING	CONTRACT SVCS - PLANNING
20441	06/04/15	900.00	MCBRIDE, DON	SERVICE - PUBLIC WKS
20442	06/04/15	-	VOID - PRINTER ERROR	VOID - PRINTER ERROR
20443	06/04/15	4,258.43	PEBBLY BEACH BUILDING SUPPLY	SUPPLIES - ALL DEPTS
20444	06/04/15	269.84	ROBERT MESCHER	REIMB O/P COSTS
20445	06/04/15	12,472.16	SANTA CATALINA ISLAND RESORT	LODGING - USC BAND

\$ 124,091.29

WARRANT LIST

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CHECK NUMBER	DATE ISSUED	AMOUNT	PAYEE	DESCRIPTION
20446	06/05/15	207.08	ART, CAPS N' DESIGN	SUPPLIES - FIRE/HARBOR
20447	06/05/15	75.25	AT & T MOBILITY	COMMUNICATIONS - ADMIN
20448	06/05/15	398.61	AT & T LONG DISTANCE	LONG DISTANCE - ALL DEPTS
20449	06/05/15	250.20	AT & T MOBILITY	COMMUNICATIONS - HARBOR
20450	06/05/15	1,783.57	AVALON BOAT STAND	SUPPLIES - HARBOR
20451	06/05/15	5,616.41	AVALON FUEL FACILITIES	FUEL - ALL DEPTS
20451	06/05/15	39,676.63	AVALON FUEL FACILITIES	RESALE FUEL - FUEL DOCK
20452	06/05/15	785.12	AVALON MOORING & DIVING	SERVICE - HARBOR
20453	06/05/15	981.63	BOUND TREE MEDICAL	SUPPLIES - FIRE
20454	06/05/15	1,202.90	BREMER,WHYTE & BROWN	LITIGATION FEES - ADMIN
20455	06/05/15	620.00	CALIF. PARK & RECREATION SOC.	YRLY DUES - RECREATION
20456	06/05/15	6,510.08	CATALINA BEVERAGE	GREEN BAGS - AVALON ENVIRON.
20456	06/05/15	3,060.90	CATALINA BEVERAGE	SUPPLIES - ALL DEPTS
20457	06/05/15	1,896.83	CATALINA BROADBAND SOLUTIONS	SERVICE - ALL DEPTS
20458	06/05/15	27.35	CATALINA DISCOUNT & VARIETY	SUPPLIES - GARAGE
20459	06/05/15	958.71	CATALINA FREIGHT LINE	FREIGHT - ALL DEPTS
20460	06/05/15	663.28	CATALINA ISLAND PLUMBING	SERVICE - CITY RESTROOMS
20461	06/05/15	19.50	CATALINA LAUNDRY	SERVICE - HARBOR
20462	06/05/15	698.21	CAVANAUGH MACHINE WORKS	SUPPLIES - GARAGE
20463	06/05/15	866.32	CHET'S HARDWARE	SUPPLIES - ALL DEPTS
20464	06/05/15	99,954.38	CO. OF LA SHERIFF'S DEPT	RESIDENT DEPUTY - APR 2015
20465	06/05/15	1,772.15	COLLINS COLLINS MUIR & STEWARD	LITIGATION FEES - ADMIN
20466	06/05/15	217.00	DEWEY PEST CONTROL	SERVICE - HARBOR/ADMIN
20467	06/05/15	888.87	DUNCAN BOLT COMPANY	SUPPLIES - HARBOR
20468	06/05/15	5,400.61	EDISON	UTILITIES - ALL DEPTS
20469	06/05/15	14.38	EDISON	PROPANE - FIRE
20470	06/05/15	7,480.00	EDD	3RD QTR U/I PAYMENT
20471	06/05/15	83,168.42	ENVIRON STRATEGY CONSULTANTS	CONTRACT SVCS - JAN 15
20471	06/05/15	36,215.61	ENVIRON STRATEGY CONSULTANTS	EMERGENCY REPAIR WK ORDERS
20472	06/05/15	630.00	FINELINE	SUPPLIES - STEP BEACH
20473	06/05/15	106.19	GALLS	SUPPLIES - HARBOR
20474	06/05/15	3,404.33	GRAINGER	SUPPLIES - FIRE/HARBOR
20475	06/05/15	220.40	H.S. SEAFOOD	SUPPLIES - FUEL DOCK
20476	06/05/15	168.97	HAAKER	SUPPLIES - GARAGE
20477	06/05/15	1,757.21	HDL, COREN & CONE	CONTRACT SVCS - ADMIN
20478	06/05/15	1,582.68	INDUSTRIAL METAL SUPPLY	SUPPLIES - STEP BEACH
20479	06/05/15	3,969.86	JORDAHL CONSTRUCTION	SUPPLIES - PUBLIC WKS
20480	06/05/15	264.96	JUDICAL DATA SYSTEMS	PARKING CITATIONS - APR 15
20481	06/05/15	690.00	KATIE'S KITCHEN	SENIOR MEALS - MAY 15
20482	06/05/15	1,296.00	KOFF & ASSOCIATES	CONTRACT SVCS - ADMIN
20483	06/05/15	15,000.00	L.G. EVERIST	FLOAT STORAGE - FD/HARBOR
20484	06/05/15	2,613.30	LOPEZ, LEONARD	REIMB MEDICAL - JAN-JUNE 15
20485	06/05/15	458.98	MCMASTER-CARR	SUPPLIES - PUBLIC WKS
20486	06/05/15	490.00	MYERS, STEVENS & TOOHEY	INSURANCE - RECREATION
20487	06/05/15	1,498.31	NAPA AUTO PARTS	SUPPLIES - GARAGE
20488	06/05/15	100.00	NORTON MEDICAL INDUSTRIES	RENEWAL FEE - ADMIN
20489	06/05/15	1,987.00	PARKINS & ASSOCIATES	CONTRACT SVCS - RECREATION
20490	06/05/15	226.00	PARTY TIME ICE CO.	SUPPLIES - FUEL DOCK

20491	06/05/15	125.00	PINS ADVANTAGE, INC.	SERVICE - ADMIN
20492	06/05/15	1,650.45	PORT SUPPLY	SUPPLIES - GARAGE/HARBOR
20493	06/05/15	2,012.50	POST, ROCKY	CONTRACT SVCS - ADMIN
20494	06/05/15	64.13	PRAXAIR	SUPPLIES - GARAGE
20495	06/05/15	983.95	PURCHASE POWER	POSTAGE LINE OF CREDIT
20496	06/05/15	689.89	QUILL CORP.	SUPPLIES - ALL DEPTS
20497	06/05/15	2,000.00	REGIONAL GOVERNMENT SVCS	TRAINING - ADMIN
20498	06/05/15	904.75	RICOH AMERICAS CORP	COPIER LEASE - PLANNING
20499	06/05/15	652.73	RICOH USA, INC	COPIER LEASE - PLANNING
20500	06/05/15	4,164.63	SANTA CATALINA ISLAND RESORT	PROP TAX - ALL DEPTS
20501	06/05/15	622.47	SC SUPPLY COMPANY, LLC	SUPPLIES - PUBLIC WKS
20502	06/05/15	4,943.89	SHERWIN-WILLIAMS	SUPPLIES - HARBOR
20503	06/05/15	66.00	STATE BOARD OF EQUALIZATION	SALES TAX UNDERPYMT - FD
20504	06/05/15	1,862.50	SUPERIOR COURT OF CALIFORNIA	PARKING CITATIONS - APR 15
20505	06/05/15	64.61	TIGER DIRECT	SUPPLIES - HARBOR
20506	06/05/15	2,250.00	TRAINING RESOURCE, INC	TRAINING - HARBOR
20507	06/05/15	7.50	UNDERGROUND SERVICE ALERT	SERVICE - PLANNING
20508	06/05/15	12.78	UNITED PARCEL SERVICE	FREIGHT - HARBOR
20509	06/05/15	557.01	US BANK	CREDIT CARD CHGS - HARBOR
20510	06/05/15	1,530.06	WITMER PUBLIC SAFETY	SUPPLIES - FIRE
20511	06/05/15	2,000.00	WITTMAN ENTERPRISES	SERVICE - APRIL/MAY 2015

\$ 365,039.04

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 3

ORIGINATING DEP: Finance Department

CITY MANAGER: BH

PREPARED BY: Chris Woidzik, Interim Chief Financial Officer

SUBJECT: FY2015-16 Fiscal Policies

RECOMMENDED ACTION(S): Adopt six Fiscal Policies effective beginning in FY2015-16 previously discussed at the June 3, 2015 Budget Study Session - Miscellaneous Fees and Fiscal Policies.

REPORT SUMMARY: The Finance Department has prepared the attached Fiscal Policy statements we believe the City should adopt for the fiscal year beginning on July 1, 2015. While acknowledging that there are many more policies we could present, we feel these are important ones that will serve to meet the City's needs in the short-term, as well as be achievable to reach in the next 12-24 months.

These six policies are inclusive of management and City Council instructions. They deal with the most pressing issues concerning fiscal sustainability and set a foundation from which to build upon. Each year the Finance Director can present additional policies to augment the current Fiscal Policy Statements.

The following are the six Fiscal Policy Statements that are explained in more detail in the attachment:

- The City Shall Have a Balanced Budget
- The City Shall Fund Ongoing Costs with Ongoing Revenues
- The City Shall Produce Current Financial Reporting and Increase Transparency of its Financial Information
- The City Shall Maintain its Infrastructure and Equipment
- The City Shall Maintain Prudent Reserves
- The City Shall Plan Ahead

GOAL ALIGNMENT: Establishing measures for fiscal sustainability.

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will not have official fiscal policies to adhere to in the shaping of its current and future monetary decisions.

FOLLOW UP ACTION: Fully accept the Fiscal Policies presented herein.

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

ATTACHMENT:

1. Fiscal Policy Statements

CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 4

ORIGINATING DEP: Administration

CITY MANAGER: BH

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

SUBJECT: Public Hearing - Saltwater and Sewer Fees for FY 2015/2016

RECOMMENDED ACTION(S): Open and conclude the public hearing to hear public comments. After all public comments have been heard, close the public hearing and determine if a majority of the property owners subject to the proposed rates increases to the Saltwater and Sewer Service Fees have submitted written protests to the proposed rate increases. If the City does not receive a majority protest from such property owners, and the City Council agrees with a 4/5 vote, it is recommended to adopt the ordinance establishing rates for saltwater service fees and sewer service fees.

After the adoption of the ordinance, open an additional Public Hearing to hear and consider all evidence, testimony, objections, or protest by all interested persons, property owners, voters and taxpayers, to the written reports of the annual City of Avalon property related fees, and consider (1) adopting the reports, (2) directing the City Clerk to file said report with the Los Angeles County Auditor, and (3) request the Auditor place the Fiscal Year 2015-2016 property related fees on the tax roll.

REPORT SUMMARY: At the June 2, 2015 City Council meeting, a required first Public Hearing regarding the increase of sewer and saltwater fees was opened for public comment. No public comments were received. The ordinance establishing rates for saltwater service fees and sewer service fees was introduced and all further readings waived.

A public notice was mailed out to all property owners 45 days prior to the first Public Hearing announcing the proposed rate increases. City Council determined at the March 17, 2015 to propose raising the saltwater fees by 35% (Residential-\$49.93/unit, Hotel-\$33.32/room, Commercial \$33.32/toilet annually) and the sewer fees by 15% (Residential-\$71.40/unit). (All others are listed in the Fiscal Impact Section.)

HISTORY

Sewer Service Fees. On April 5, 2012, the California Regional Water Quality Control Board issued a Cease and Desist Order requiring the City to bring its sewer program into compliance with State and Federal water quality regulations. The Cease and Desist Order requires the City to accomplish many tasks and projects within a designated time frame, which we have diligently been working on. It is conservatively estimated that complying with the requirements of the Cease and Desist Order, including the capital costs of constructing the improvements required to come into compliance, will cost far in excess of \$750,000 a year, and may be many multiples more. The City does not have the option of ignoring the requirements of the Cease

and Desist Order and faces large daily fines and potential State takeover of the City's sewer system if violations occur.

The most significant requirements of the Cease and Desist Order include:

- Implement and fund a capital improvement program for our collection system
- Perform regular and annual maintenance activities (on going)
- Perform and continue private sewer lateral inspection program
- Develop a financial plan and annually develop a 10 year financial plan
- System evaluation and capacity assurance plan
- Assuring that total maximum daily loads cannot exceed certain levels in summer dry weather, winter dry weather and wet weather
- SCADA (Supervisory Control and Data Acquisitions Project-Phase 2)

Projects completed in FY 2013-2014 and FY 2014/2015

- Adopted ordinances to deal with source control and illicit discharge
- Performed certain studies regarding causes of our Bay pollution
- Sewer System Management recertification
- Sewer System Management Plan Audit
- Pebbly Beach Gravity Main pipeline repair
- Pebbly Beach Pump Station repairs
- Thickener Pump at WWTP replaced
- New Shredder Pumps for Low Flow Diverters

Currently, the Sewer fund reserves are estimated to be \$200,000 at FY 14-15 year-end. During FY 14-15, it is estimated the Sewer Fund will draw on reserves for \$605,000. The reduction in reserves consists of \$341,000 for operations and \$264,000 for capital projects. It is projected that the Sewer Funds will have a deficit between \$600,000 and \$1.5 million in FY15-16 (excluding reserves) based on the capital improvement plan and on-going CDO operational and maintenance costs. If the proposed rate increases are adopted, it is anticipated that annual revenues from the sewer service fees will increase by approximately \$215,000 for a total estimated annual revenue from the service fees of \$1.7 million. Over six million dollars from the Avalon Community Improvement Agency have already been expended to commence these repairs, shielding ratepayers from increases in order to pay for the improvements.

Saltwater Service Fees. A rate increase to the saltwater service fees are necessary to make infrastructure improvements to the saltwater system, including completion of the salt water valve replacement project (which insures the integrity to Avalon's firefighting and toilet flushing capability), and to commence a study on converting the salt water system to a reclaimed water system. The City started a saltwater valve replacement program and has completed 15 of the 40 additional valves required. The City stopped the saltwater valve replacement program due to the lack of funds. At least an additional \$550,000 is needed to fund the valve replacement project. Currently, the saltwater reserves are estimated to be \$135,000 at FY14-15 year-end. It is projected that the Saltwater Funds will have a deficit between \$450,000 and \$530,000 (excluding reserves) in FY 15-16.

Based on the foregoing, the City is recommending that the rates for its sewer and salt water service fees be increased to fund the improvements and programs necessary to serve our

customers and that are required to comply with the Cease and Desist Order. The City is committed to providing the highest quality utility services at the lowest possible rates for our customers and to maintaining financially sound and fiscally responsible sewer and saltwater programs. To meet this commitment, the City undertook an evaluation of the infrastructure needs, programs, and operations and maintenance costs of its sewer and saltwater services. This review assessed the adequacy of the revenues to maintain the physical integrity of these systems, to comply with all Federal and State regulations concerning water quality, reclaimed water programs, and the impacts of aging infrastructure. Based on this evaluation, it has been determined that rate increases are necessary for the City's sewer and saltwater service fees to enable the City to recover current and projected costs of operations and maintenance, capital infrastructure improvements needed to provide reliable saltwater and safely treat and dispose of wastewater in compliance with State and Federal regulations, maintain the operational and financial stability of the utilities, and avoid operational deficits and depletion of reserves. If the sewer and saltwater funds are not adequately funded to undertake these required actions, funds will have to be spent from the City's reserves and other vital programs may have to be significantly cut. Detailed descriptions of the proposed rate increases are provided below.

PROPOSED SEWER SERVICE FEES

The City's sewer service fees are billed on an annual basis and are collected on the property tax roll. The rate structure for the City's sewer service fees has nine customer classes – residential, public shower, hotel, laundries, shops/offices, take-out restaurants, churches, bars/restaurants with less than 100 seats, and bars/restaurants with more than 100 seats. The rate for residential customers is calculated on the basis of the one unit assigned per dwelling. For public shower customers the rate is calculated on the basis of the number of showers located at the parcel. For hotel customers, the rate is calculated on the basis of the number of rooms within the hotel property. For laundry customers, the rates are calculated on the basis of the number of washing machines/units located at the property. For all other non-residential customers, the rate is established as a fixed charge. Within each customer class, the rate of the sewer service fee to be imposed is calculated to proportionately allocate the cost of providing sewer services to each property owner on a parcel basis. If adopted, the proposed rates will be in effect beginning July 1, 2015, and will remain in effect until otherwise modified by the City. The current and proposed rates and the annual increases in the rates resulting from the proposed rates for the sewer service fees are as set forth in the table under fiscal impact.

PROPOSED SALTWATER SERVICE FEES

The City's saltwater service fees are billed on an annual basis and are collected on the tax roll. The rate structure for the City's saltwater service fees has three customer classes – residential, hotel and commercial customers. The rate for residential customers is calculated on the basis of one unit assigned per dwelling unit. The rate for hotel customers is determined on the basis of the number of rooms within the hotel property. The rate for commercial customers is calculated on the basis of each toilet/urinal located within the commercial property. Within each customer class, the amount of the saltwater service fees to be imposed are calculated to proportionately allocate the cost of providing saltwater services to each property owner on a parcel basis. If adopted, the proposed rates will be in effect beginning

July 1, 2015, and will remain in effect until otherwise modified by the City. The current and proposed rates and the annual increase in the rates resulting from the proposed rates for the saltwater service fees are as set forth in the table under fiscal impact.

Solid Waste:

Staff is not proposing to increase or decrease these rates at this time.

FISCAL IMPACTS:

The overall impact of raising rates would be as follows:

Saltwater		Sewer	
Rate	Result	Rate	Result
10.0%	39,331	10.0%	143,528
15.0%	58,997	15.0%	215,291
20.0%	78,663	20.0%	287,055
25.0%	98,329	25.0%	358,819
30.0%	117,994	30.0%	430,583
35.0%	137,660	35.0%	502,347

ASSESSMENTS	CURRENT ANNUAL	Proposed Annual Increase					
		10%	15%	20%	25%	30%	35%
SALTWATER							
Hotel (per room)	95.20	9.52	14.28	19.04	23.80	28.56	33.32
Commercial (per toilet)	95.20	9.52	14.28	19.04	23.80	28.56	33.32
Residential (per unit)	142.67	14.27	21.40	28.53	35.67	42.80	49.93
SEWER							
Public Shower (per shower)	157.99	15.80	23.70	31.60	39.50	47.40	55.30
Hotels (per room)	238.99	23.90	35.85	47.80	59.75	71.70	83.65
Laundries (per wash unit)	321.42	32.14	48.21	64.28	80.36	96.43	112.50
Residential (per dwelling unit)	475.98	47.60	71.40	95.20	119.00	142.79	166.59
Shops/Offices	475.98	47.60	71.40	95.20	119.00	142.79	166.59
Take-Out Restaurant	722.54	72.25	108.38	144.51	180.64	216.76	252.89
Churches	962.26	96.23	144.34	192.45	240.57	288.68	336.79
Bar/Restaurant (less than 100 seats)	1,431.20	143.12	214.68	286.24	357.80	429.36	500.92
Bar/Restaurant (more than 100 seats)	2,140.03	214.00	321.00	428.01	535.01	642.01	749.01

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

The funds, especially the sewer fund, will be under funded for necessary Cease and Desist improvements and unforeseen emergencies.

GOAL ALIGNMENT: City Infrastructure: Cease and Desist Order

FOLLOW UP ACTION: City Clerk will publish ordinance, file report with the Los Angeles County Auditor, and request the Auditor place the Fiscal Year 2013-2014 property related fees on the tax roll

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

ATTACHMENTS: Ordinance and the written reports referenced in the staff report are available for inspection at the City Clerk's office.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF AVALON ESTABLISHING
RATES FOR SALTWATER SERVICE FEES
AND SEWER SERVICE FEES**

WHEREAS, the City of Avalon (the “City”) has reviewed its saltwater and sewer service fees to assess the adequacy of the revenues to maintain the physical integrity of the saltwater and sewer systems, to comply with all Federal and State regulations concerning water quality; and

WHEREAS, the City has determined that increases to the rates for the saltwater service fees are necessary, among other reasons, to make infrastructure improvements to the saltwater system, including completion of the salt water valve replacement project (which insures the integrity to Avalon’s firefighting and toilet flushing capability), and to commence a study on converting the salt water system to a reclaimed water system; and

WHEREAS, on April 5, 2012, the California Regional Water Quality Control Board issued a Cease and Desist Order requiring the City to bring its sewer system and program into compliance with State and Federal water quality regulations; and

WHEREAS, the Cease and Desist Order requires the City to accomplish many tasks and projects within a designated time frame, and those tasks and projects are conservatively estimated to cost far in excess of \$750,000 a year, and may be many multiples more; and

Whereas, the City does not have the option of ignoring the requirements of the Cease and Desist Order and faces large daily fines and potential State takeover of the City’s sewer system if violations occur; and

WHEREAS, the proposed rates are designed to produce the minimum revenue needed to cover projected operating costs, including direct operating expenses, administrative costs, and ongoing capital improvement repairs, replacements, and upgrades of the City’s saltwater and sewer systems; and

WHEREAS, due to increases in the operations and maintenance costs, and repair and replacements cost of the City’s sewer system described above, the City has determined that it is necessary to increase the rates for its sewer service fees; and

WHEREAS, the rate structure for the City’s saltwater service fees has four customer classes – residential, hotel, and commercial, and harbor customers; and

WHEREAS, rate for residential customers is calculated on the basis of one unit assigned per dwelling unit; the rate for hotel customers is determined on the basis of the number of rooms within the hotel property; the rate for commercial customers is calculated on the basis of each toilet/urinal located within the commercial property; and

WHEREAS, within each customer class, the amount of the saltwater service fees to be imposed are calculated to proportionately allocate the cost of providing saltwater services to each property owner on a parcel basis; and

WHEREAS, the revenues derived from the saltwater service fees will not exceed the funds required to provide saltwater services and shall be used exclusively for the saltwater system; and

WHEREAS, the saltwater service fees will not be imposed on a parcel unless the saltwater services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, the rate structure for the City's sewer service fees has nine customer classes – residential, public shower, hotel, laundries, shops/offices, take-out restaurants, churches, bars/restaurants with less than 100 seats, and bars/restaurants with more than 100 seats; and

WHEREAS, the rate for residential customers is calculated on the basis of the one unit assigned per dwelling; the rate for public shower customers is calculated on the basis of the number of showers located at the parcel; the rate for hotel customers is calculated on the basis of the number of rooms within the hotel property; the rate for laundry customers is calculated on the basis of the number of washing machines/units located at the property; and the rate for all other non-residential customers is established as a fixed charge; and

WHEREAS, within each customer class, the rate of the sewer service fee to be imposed is calculated to proportionately allocate the cost of providing sewer services to each property owner on a parcel basis.

WHEREAS, the revenues derived from the sewer service fees will not exceed the funds required to provide sewer services and shall be used exclusively for the sewer system; and

WHEREAS, the sewer service fees will not be imposed on a parcel unless the sewer services are actually used by, or immediately available to, the owner of the parcel; and

WHEREAS, the City, as the lead agency under the California Environmental Quality Act ("CEQA"), in consultation with the City's Legal Counsel, prepared a Preliminary Exemption Assessment for the adoption of this Ordinance in order to evaluate its potential impacts. The City determined that this Ordinance is exempt from CEQA review under Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273 because the saltwater service fees and the sewer service fees are necessary and reasonable to fund the administration, operation, maintenance, and improvements of the saltwater and sewer systems and will not result in the expansion of the saltwater and the sewer systems; and

WHEREAS, California Constitution article XIII D, section 6 ("Article XIII D") requires that prior to imposing any increase to the property-related fee such as the saltwater and sewer service fees, the City shall provide written notice (the "Notice") by mail of: (1) the proposed increases to such rates and charges to the record owner of each parcel upon which the rates and charges are proposed for

imposition and any tenant directly liable for payment of the rates and charges; (2) the amount of the rates and charges proposed to be imposed on each parcel; (3) the basis upon which the rates and charges were calculated; (4) the reason for the rates and charges; and (5) the date, time, and location of a public hearing (the "Hearing") on the proposed rates and charges; and

WHEREAS, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the rates and charges not less than forty-five days prior to the Hearing on the proposed rates and charges; and

WHEREAS, the City only bills property owners for such services and the City did provide such Notice to the affected property owners of the proposed saltwater service fees and sewer service fees in compliance with Article XIII D; and

WHEREAS, the Hearing was held on this day, June 2, 2015; and

WHEREAS, at the Hearing the City Council heard and considered all oral testimony, written materials, and written protests concerning the establishment and imposition of the proposed rate increases for the saltwater service fees and the sewer service fees, and at the close of the Hearing the City did not receive written protests against the establishment and imposition of the proposed rate increases for the saltwater service fees or the sewer service fees from a majority of the affected property owners; and

WHEREAS, the City Council of the City now desires to establish and impose the proposed rates for the saltwater and sewer service fees; and

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

Section 1. The City Council finds and determines that the foregoing Recitals are true and correct and incorporates the Recitals herein.

Section 2. As the decision-making body for the City, the City Council has reviewed and considered the information contained in the Preliminary Exemption Assessment and administrative record. The City Council finds that the Preliminary Exemption Assessment contains a complete and accurate reporting of the environmental impacts associated with the adoption of this Ordinance and reflects the independent judgment of the City Council.

Section 3. The City Council hereby finds that the administration, operation, maintenance, and improvements of the saltwater system and the sewer system, which are to be funded by the saltwater service fees and the sewer service fees set forth herein, are necessary to maintain such services within the City's existing service area. The City Council further finds that the administration, operation, maintenance, and improvements of the saltwater system and sewer system, to be funded by the saltwater service fees and sewer service fees set forth herein, will not expand the such systems. The City Council further finds that such saltwater service fees and sewer service fees are necessary and reasonable to fund the administration, operation, maintenance, and

improvements of the salt water system and the sewer system. Based on these findings, the City Council hereby determines that this Ordinance is exempt from the requirements of CEQA pursuant to California Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273(a).

Section 4. The documents and materials that constitute the record of proceedings on which these findings have been based are located at City of Avalon, 410 Avalon Canyon Road, Avalon, California 90704. The custodian for these records is the City Clerk of the City.

Section 5. The City Council hereby approves the rates for saltwater service fees set forth in Exhibit A, attached hereto and by this reference incorporated herein. Such rates shall be in effect beginning July 1, 2015, and will remain in effect until otherwise modified by the City.

Section 6. The City Council hereby approves the rates for sewer service fees set forth in Exhibit A. Such rates shall be in effect beginning July 1, 2015.

Section 7. The City Council hereby authorizes and directs the City Manager to implement and take all actions necessary to effectuate the rates for the saltwater service fees and sewer service fees set forth herein and to file a Notice of Exemption with the County Clerk for Los Angeles County within five (5) working days of the date of the adoption of this Ordinance.

Section 8. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 9. This Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

Section 10. In accordance with California Government Code section 36933(a), within fifteen days after its passage the City Clerk shall cause this Ordinance to be published at least once, with the names of those City Council members voting for or against it, in a newspaper of general circulation published and circulated within the City. If there is no such newspaper, the City Clerk shall cause the Ordinance to be posted in at least three public places in the City or published in a newspaper of general circulation printed and published in the county and circulated in the City.

Section 11. A full reading of this Ordinance is hereby waived. This Ordinance shall become effective thirty (30) days from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the June 2, 2015:

AYES: Mayor Marshall, Councilmembers Olsen, Cassidy, Hernandez and Sampson

NAYS: None

ABSENT: None

ABSTAIN: None

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 16th day of June 2015, by the following vote.

AYES:

NAYS:

ABSENT:

ABSTAIN:

Ann H. Marshall, Mayor

Attest:

Denise A. Radde, City Clerk

APPROVED AS TO FORM:

Scott Campbell
Best Best & Krieger, LLP

EXHIBIT A
RATES FOR SALTWATER SERVICE FEES AND SEWER SERVICE FEES

ANNUAL SALTWATER SERVICE FEES			
Customer Class	Current Rates	Proposed Rates	Annual Increase
Residential	\$142.67/unit	\$192.60/unit	\$49.93/unit
Hotel	\$95.20/room	\$128.52/room	\$33.32/room
Commercial	\$95.20/toilet	\$128.52/toilet	\$33.32/toilet

ANNUAL SEWER SERVICE FEES			
Customer Class	Current Rates	Proposed Rates	Annual Increase
Residential (per dwelling unit)	\$475.98/unit	\$547.38/unit	\$71.40/unit
Public Shower (per shower)	\$157.99/shower	\$181.69/shower	\$23.70/shower
Hotel (per room)	\$238.99/room	\$274.84/room	\$35.85/room
Laundries (per wash unit)	\$321.42/unit	\$369.63/unit	\$48.21/unit
Shops/Offices	\$475.98	\$547.38	\$71.40
Take-out Restaurant	\$722.54	\$830.92	\$108.38
Churches	\$962.26	\$1,106.60	\$144.34
Bar/Restaurant (less than 100 seats)	\$1,431.20	\$1,645.88	\$214.68
Bar/Restaurant (more than 100 seats)	\$2,140.03	\$2,461.03	\$321.00

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16 , 2015

AGENDA ITEM: 5

ORIGINATING DEP: City Manager's Office

CITY MANAGER: BH

PREPARED BY: Gina Schuchard, Project Manager

SUBJECT: Adoption of Proposed FY15-16 Miscellaneous Fee Schedule

RECOMMENDED ACTION(S): Adopt the resolution setting fees for services, facilities and activities of the City of Avalon for Fiscal Year 2015-2016.

REPORT SUMMARY:

The City's Miscellaneous Fee Schedule includes the fees the City can charge for providing certain services to the community. These fees are associated with services or programs provided by the recreation, planning and building, cemetery, finance, public works and the fire department that confer a benefit, grant a privilege, perform regulatory duties, enforce laws or are a condition of development. Each year the Miscellaneous Fee Schedule is reviewed to recover related costs, establish new fees, modify current fees and eliminate unnecessary fees. Additionally, each year the fees are potentially increased by the cost of providing the fee related services. Annually, personnel and overhead related costs, such as retirement, health care, Workers' Compensation, as well as the CPI index are reviewed and a composite rate is determined to recover the cost of providing service. The recommended rate for FY 15-16 is 2.50%.

Tonight is the public hearing required by the City's Municipal Code. The fees will be effective on July 1st.

The Miscellaneous Fee Schedule includes the cost of service rate increase as well as new or modified fees proposed by staff. The Proposed Miscellaneous Fee Schedule includes the following modifications or additions:

1. ADMIN Vehicle Residential Permit Late Fee p. 1 (Administration)
 - The Residential Permit Late fee is being administratively added to the Fee Schedule. It has been in use for a period of time and not included.
 - The fee is \$25.

2. MODIFIED Cemetery p. 2 (Administration)
 - Several Cemetery Fees were reviewed for consistency with the cost of providing services and it was determined that several would not be increasing:
 - i. Single Burial –Ground Vase will remain at \$15

- ii. Installation of Plaque for Cremated Remains in Niche Wall will remain at \$66.
- iii. Installation of Plaque for Memorial for Cremated (Scattered) Remains will remain at \$66.
- The Small Niche Vase, currently at \$127 is below market at this time based on recent purchases. It is proposed to increase the fee to \$150 or an 18% increase.

3. ADMIN Building Permit Fees p. 8 (Planning)

- The two fees below are considered pass-thru's to the State of California with a minimal amount kept for Planning administrative costs. The fees are being added to the Fee Schedule as a result.
- The City is required to charge the Strong Motion Instrumentation & Seismic Mapping (SMIP) Fee on behalf of the Dept. of Conservation. The City retains 5% of the fee for administrative costs. The fee is based on the construction valuation of a project.
- The City is required to charge the California Building Standards & Commission (CBSC) Fee on behalf of the Commission. The City keeps 10% for administrative costs.

4. MODIFIED Valuation Table For Building Fees p.9 (Planning)

- The Valuation Table will be removed from the Fee Schedule. Currently, the building fees are based on the valuation of the project. It has been determined that the Table does not represent the values in Avalon and will result in the loss of revenue. The guideline was intended to be the minimum value the City would accept. In most cases, the applicant will provide a higher valuation.

5. MODIFIED/NEW Work Commencing Before Permit Issuance pg. 11 (Planning)

- The penalty fee is being increased from 2X a Permit Fee to 3X a Permit Fee.
- Additionally a new minimum penalty fee of \$100.00 has been included.

6. NEW: Archeological Monitoring Fee/Deposit : pg. 14 (Planning on behalf of Public Works)

- Staff is proposing an Archeological Monitoring Deposit that will support a Monitor to observe excavations within Archeological Sensitive Areas (ASA's).
- The ASA's will be determined by a map, completed by our GIS Consultant using the General Plan as a source document.
- When an applicant requests an excavation permit, the ASA map will determine if the work requires monitoring.
- If the project is outside the ASA, the normal excavation permit/fee will apply.
- Each recipient will be given the Native American Commission's (NAC) guidelines for handling discovery of artifacts and remains.
- The City will add one additional requirement above and beyond what the NAC guidelines require which will be to also notify Public Works that artifacts or remains have been discovered. Public Works will then initiate the appropriate protocols under our contract with our Archeological Monitoring Consultant, JMA .

- The deposit will be \$3,500 for a one time project within the ASA. This deposit was determined by reviewing the most recent excavations using a Monitor.
- The deposit for companies that anticipate more than 10 excavations a year will be \$7,000.
- An Excavation Permit will be required. The deposit will not be used to pay the excavation permit fee.

7. MODIFIED Permit Issuance Fee pgs. 10,11,12,13,14 (Planning)

- The Permit Issuance fee is being increased from \$29 to \$37 or a 27% increase.
- The issuance fee is being increased to support the new MyGov on-line permit system.

8. MODIFIED/NEW Recreation pg. 15 (Recreation)

- Recreation has reviewed the cost of insurance, equipment and accessories and determined the rate should be increased for the following sports:
 - i. T-Ball : \$20 to \$25- a 25% increase
 - ii. Basketball-Youth: \$25 to \$30 – a 30% increase
 - iii. Flag Football: \$30 to \$33- a 10% increase
 - iv. Youth Soccer: \$25 to \$35- a 40% increase
- Full cost recovery (including cost of field maintenance or staff time) is not included in this fee structure.
- Additionally, a new voluntary Donation Fee for \$1 is available for those that want to contribute to support a donation to team sports for those that may not be able to afford the recreation fees.

9. NEW Sewer Cleaning and Inspections pg. 17 (Public Works)

- The Public Works Department is recommending a new program to assist HOA's in diagnosing the status of sewer lines.
- The fees include hourly minimums, type of service and hourly rates.
- Public Works will use the fees to determine the scope of work for sewer cleaning and inspections.
- The equipment rates only were determined by using industry standards such as the California State Transportation Agency (Caltrans) Equipment Rental Rates April 1st, 2015 – March 31, 2016 publication.
- Labor charges are calculated by Finance to include required overhead.

Hourly Min	Description	Unit	Rate
4Hr Min	Maintenance- Operator	Hourly	73.00
4Hr Min	Maintenance -Video Tech	Hourly	73.00
4Hr Min	Maintenance- Helper	Hourly	61.00
4Hr Min	Vactor Truck	Hourly	110.00
4Hr Min	Video Pipe Camera	Hourly	29.00
4Hr Min	City Pick Up Truck	Hourly	26.95
2 Hr Min	Towable Pressure Washer, Jetter	Hourly	25.75
1 Hr Min	Administration Review	Hourly	90.00

GOAL ALIGNMENT: N/A

FISCAL IMPACTS: The Miscellaneous Fee Schedule covers various services that are based on conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws or are a condition of development. Although the demand for these services varies year to year, we estimate that the proposed changes to the Miscellaneous Fee Schedule will produce at least \$45,000 in FY15/16.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Increasing costs for city services associated with the fees would not be recovered.

FOLLOW UP ACTION: Staff will modify all ticket books, forms to conform with the rate changes.

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

ATTACHMENTS: Proposed FY15-16 Miscellaneous Fee Schedule and Resolution

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF AVALON SETTING FEES FOR SERVICES,
FACILITIES AND ACTIVITIES OF THE CITY OF
AVALON FOR FISCAL YEAR 2015-2016**

Whereas, pursuant to public hearings held on June 3, 2015 and June 16, 2015, the City Council considered the recommendations of staff regarding the appropriate fees for permits, approvals, services, leases, and activities; and

Whereas, the recommended fees are based upon (1) the averages of the CPI Index for the year; (2) review of fees charged in other jurisdictions for similar service levels; and (3) analysis of general increases in the cost of labor, contract services and materials in the Southern California area; and

Whereas, the Avalon Municipal Code provides that all of the fees, charges and costs listed in Exhibit "A" attached hereto and incorporated by this reference shall be set by resolution of the City Council;

Whereas, the fees, charges and costs listed in Exhibit "A" have been available for public inspection for at least ten days.

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

Section 1. The City Council hereby finds that the fees set forth in Exhibit "A" Fee and Lease Schedule FY 2015-2016 represents a reasonable estimate of the cost of providing the services, activities and/or facilities for which the fees are charged.

Section 2. The City Council hereby adopts the fees for City services, facilities and activities as set forth in Exhibit "A" attached hereto and made a part hereof, which fees shall be effective July 1, 2015.

PASSED, APPROVED AND ADOPTED this 16th day of June, 2015.

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 6

ORIGINATING DEPT: Planning

CITY MANAGER: BH

PREPARED BY: Amanda Cook, Planning Director

SUBJECT: Consideration of an Ordinance of the City Council of the City of Avalon Amending portions of Avalon Municipal Code Section 9-8.1201 Story Poles

RECOMMENDED ACTION(S): That the City Council introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Amending portions of Avalon Municipal Code Section 9-8.1201 Story Poles.

BACKGROUND: The Planning Commission held a Public Hearing to discuss the issues with the current regulations regarding story poles at the April Planning Commission meeting. Specifically the guidelines for how story poles will be installed and when story poles are required. The Planning Commission adopted a resolution recommending changes to portions of Section 9-8.1201 at the May Planning Commission meeting.

Pursuant to AMC section 9-8.301, the Zoning Code may be amended to impose new regulations. Moreover, AMC section 9-8.302 authorizes the Planning Commission to initiate Zoning Code text amendments.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING

The City Council finds that this ordinance is exempt from the exempt from the California Environmental Quality Act ("CEQA") because it does not constitute a project within the meaning of State CEQA Guidelines Section 15378. The amendments described herein have no potential for resulting in physical change to the environment, directly or indirectly, that is capable of ascertainment at the present time. Specifically, the amendment relates to the regulation of story poles only. The City further finds, under State CEQA Guidelines Section 15061(b)(3), that this Resolution is also exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. These amendments do not allow any new activities, but regulate story poles. Staff is hereby directed to file a Notice of Exemption with the Los Angeles County Clerk's Office within five (5) working days.

FISCAL IMPACTS: There is no fiscal impact from the adoption of the Ordinance.

GOAL ALIGNMENT: Its meets the Goal of Council to update outdated, confusing or otherwise incompatible with the policies of todays Municipality ordinances with the Avalon Municipal Code.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The current story pole requirements will remain in force.

FOLLOW UP ACTION: Adopt the Ordinance.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Brown Act. The ordinance will be published as required by law.

ATTACHMENTS:

1. Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF AVALON, CALIFORNIA AMENDING
CHAPTER 8 OF TITLE 9 OF THE AVALON MUNICIPAL CODE
REGARDING STORY POLES

WHEREAS, story poles are a useful tool to assist decision-makers, staff, and the public in the review of development projects;

WHEREAS, actual site improvements are subject to compliance with approved plans, rather than with representations from the story pole installation;

WHEREAS, the City now desires to amend the Avalon Municipal Code to amend the procedures pertaining to story poles;

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

Section 1. Portions of Section 9-8.1201 is hereby amended to read as follows:

(B) All story poles must be installed or staked not less than fifteen (15) days prior to the date for which the hearing on the application is scheduled.

(C) A story pole plan shall be reviewed by Planning Staff in coordination with the applicant prior to installation of story poles. The plan shall include the following:

(1) Placement of story poles that are sufficient to show the mass, bulk, height, and scale of the structures and measured from a permanent benchmark on or near the proposed project.

(2) Major building corners, finished floor levels, significant elements, length of façade within a specific view shed, ridgelines, and a scale should be shown. It may be necessary to stake more than just the four corners of a structure if significant spans are involved.

(3) Outline of the building footprint with stakes and construction netting or other visible project elements.

(4) Changes proposed in grade, with finished height and elevations, should be shown by color coding the stakes or poles.

(5) Materials proposed to be used for story poles: Story poles should be made of 2x lumber or metal pipe (PVC piping may be allowed in some instances) or other sturdy material and cable, wire or rope of sufficient gage to be visible from off-site. All lumber or pipe should be braced for safety purposes. The cable, wire or rope connections should clearly depict the roofline and ridgelines. Installed story poles, site key, and associated flagging shall be of materials and

method of installation to withstand reasonably foreseeable weather or other site factors for the required duration of display.

(6) For large or complex projects (determined at the discretion of the Planning Director), a story pole plan and legend (11" by 17") will be posted on the project site and the Planning Staff's website to inform viewers about the project.

(7) The plan is to include the date the story poles are proposed to be installed, as well as the length of time the story poles will remain on site.

(D) Notwithstanding the requirements in section (c), the story poles do not have to and should not depict all the articulations of the building.

(E) The story poles shall be installed according to the story pole plan and the following requirements:

(1) The Story pole installation shall be certified by the licensed professional (surveyor, architect, landscape architect, or contractor) who prepared the story pole plan and/or installed the story poles. The certification shall be submitted to staff after installation of the story poles, but before review by the Planning Commission or other review body.

(2) Story poles shall remain in place for a minimum of fifteen (15) days after the review hearing to allow for filing of any appeal per Section 1-4.02. The poles shall also remain in place throughout the duration of the appeal process and until final resolution of the matter by the City Council, unless the City Council has given permission for the poles to be removed during the appeal process.

(3) If story poles are damaged, replacement may be required as directed by the Planning Director.

(F) Staff is required to:

(1) Notify the Planning Commission or City Council if story poles are installed for a project on which they are the decision maker.

(2) Document the installed story poles with photographs.

Section 2. All other paragraphs of Chapter 8 of Title 9 remain unchanged.

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

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

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

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the ____ day of _____, 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 ____ day of _____, 2015, 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

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 7

ORIGINATING DEP: Finance Department

CITY MANAGER: BH

PREPARED BY: Chris Woidzik, Interim Chief Financial Officer

SUBJECT: City of Avalon and LA County M.T.A. FY 2013-14 Audit Financial Reports

RECOMMENDED ACTION(S): Receive and approve the FY 2013-14 audited financial statements and accompanying reports comprising the City's audit as well as the audited financial report for FY2013-14 issued by the Los Angeles County Metropolitan Transportation Authority.

REPORT SUMMARY: Attached please find copies of the following audit reports as they pertain to the Fiscal Year 2013-14:

City of Avalon Financial Audit

1. Audited FY2013-14 Financial Statements
2. SAS 114 Letter - Auditor's Communication with Those Charged with Governance
3. SAS 115 Letter - Communication of Internal Control Related Matters Identified in an Audit
4. GANN Limit Letter

Los Angeles County Metropolitan Transportation Authority

1. FY2013-14 Annual Financial Report covering the Proposition A, Proposition C, Measure R, Transportation Development Act Article 3 and Transportation Development Act Article 8 programs

GOAL ALIGNMENT: Meeting required disclosures.

FISCAL IMPACTS: The audit fee was previously budgeted for in FY 2013-14.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will not be in compliance with various State, Federal, grantor and debt agreement reporting requirements.

FOLLOW UP ACTION: Fully accept FY2013-14 audit reports and file with the appropriate authorities.

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

ATTACHMENTS:

1. City's audited FY2013-14 Financial Statements
2. SAS 114 Letter
3. SAS 115 Letter
4. GANN Letter
5. L.A. County M.T.A. FY2013-14 Report

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 8

ORIGINATING DEP: Planning/Administration

CITY MANAGER: BH

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Consider the appointment of a voting delegate and alternate to the Gateway Region Integrated Regional Water Management Authority Governing Board (GWMA)

RECOMMENDED ACTION(S): Appoint Jordan Monroe, Avalon's Management Aide, as the City's Member of GWMA Board and appoint Audra McDonald, Avalon's Administrative Analyst, as the City's Alternate Member of the GWMA Board.

REPORT SUMMARY: The City Council authorized entering into a Joint Powers Agreement to become a member of the GWMA at the June 2, 2015, meeting. The membership will fulfill the State of California's requirement to integrate regional watershed activities in order to be eligible to pursue State and Federal grant funding for water related projects including:

- Water Supply
- Recycled Water
- Storm Water Conservation
- Wastewater

Staff recommends the appointment of Jordan Monroe, Management Aide, as the City's Member and Audra McDonald, Administrative Analyst, as the City's Alternate.

GOAL ALIGNMENT: 3- Fresh Water Resources.

FISCAL IMPACTS: \$15,000 annually. The City Council approved this expenditure to be included in the FY 15/16 Budget at the June 2, 2015, Meeting.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City would not be included in a State required IRWM and would not be eligible for certain State and Federal grant opportunities.

FOLLOW UP ACTION: If approved by Council, forward the Resolution to the GWMA.

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

ATTACHMENTS:
1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON APPOINTING A MEMBER AND ALTERNATE TO THE GOVERNING BOARD OF THE LOS ANGELES GATEWAY REGION INTEGRATED REGIONAL WATER MANAGEMENT AUTHORITY

WHEREAS, the City Council of the City of Avalon did approve Resolution No. 15-18 requesting to join the Los Angeles Gateway Region Integrated Regional Water Management Authority (Authority) and approving the Authority's Joint Exercise of Powers Agreement; and

WHEREAS, at its meeting of June 11, 2015, the Governing Board of the Authority did approve the City of Avalon's request for membership; and

WHEREAS, Section 6 of the Authority's Joint Exercise of Powers Agreement provides the governing body of the Authority shall be the Governing Board which shall be made up of one representative from each Member public agency, but such representative need not be a member of the legislative body of such public agency if approved by resolution of the legislative body of the Member.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AVALON DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Avalon does hereby appoint Jordan Monroe, Avalon's Management Aide, as the City's Member of the Governing Board of Authority.

Section 2. The City Council of the City of Avalon does hereby appoint Audra McDonald, Avalon's Administrative Analyst, as the City's Alternate Member of the Governing Board of Authority.

Section 3. As provided by the Authority's Joint Exercise of Power Agreements, those appointments are made for the two-year term July 1, 2015, through June 30, 2017.

Section 4. The Council can remove and replace each appointment by a majority of its members.

Section 5. The Mayor is hereby authorized to affix her signature to this Resolution signifying its adoption by the City Council of the City of Avalon. The City Clerk is directed to attest thereto and to transmit a certified copy of this Resolution to the Executive Officer of the Los Angeles Gateway Region Integrated Regional Water Management Authority.

Passed, Approved and Adopted on the 17th day of June, 2015.

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

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 16, 2015

AGENDA ITEM: 9

ORIGINATING DEP: Administration

CITY MANAGER: BH

PREPARED BY: Scott Campbell, City Attorney

SUBJECT: Consideration of an Ordinance Regarding Regulating E-Cigarettes and Vaporizers.

RECOMMENDED ACTION(S):

Introduce and waive all readings of an Ordinance of the City of Avalon, California amending Chapter 11 of Title 6 of the Avalon Municipal Code Regarding the Definition of "Smoke or Smoking".

REPORT SUMMARY:

Avalon Municipal Code Section 6-11.101 defines "smoke or smoking" as "the carrying or holding of a lighted pipe, cigar, cigarette, or any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance." Because E-cigarettes and vaporizers are not used to "burn" any products, it is unlikely the current ordinance applies to their use. In order to ensure E-cigarettes and vaporizers are regulated in the same way as other related smoking products, the City would need to amend Section 6-11.101 to include E-cigarettes and vaporizers within the definition, which in turn will apply all of the City's smoking regulations to these devices and their users.

Recent studies have indicated that E-cigarettes pose similar health risks to other tobacco products, and thus should be regulated in a comprehensive manner consistent with how regulations approach traditional cigarettes. Studies show that e-cigarette use among teenagers has surpassed use of traditional cigarettes, and that mainstream and second hand use of E-cigarettes involves potential exposure to at least 10 chemicals on California's Proposition 65 list of chemicals known to cause cancer, birth defects, or other reproductive harm. A Health Advisory issued by the California Department of Public Health on January 28, 2015, is attached to this staff report.

If the City desires to regulate E-cigarettes and vaporizers in the same manner as other tobacco products as a means of protecting its citizenry from potential deleterious health effects, as well as preserving the public health, safety, and welfare, an amendment to the current definition of "smoke or smoking" is advisable to ensure those products are encompassed.

GOAL ALIGNMENT:

Pursuant to City Council Policy Goal #6 – Updating the Avalon Municipal Code, this change would be made to bring us consistent with the technological advancements in tobacco use, to ensure the City's policies comport with other municipalities' ordinances on similar subjects, to make us more responsive to community needs, and to ensure the health, safety, and welfare of our citizenry.

FISCAL IMPACTS:

No impacts to the City Budget.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION:

The Avalon Municipal Code will remain as is, with e-cigarettes and vaporizers likely not encompassed within the regulations.

FOLLOW UP ACTION:

Adoption of the ordinance and publish in paper.

ATTACHMENTS

- Proposed ordinance
- California Department of Public Health, Health Advisory, January 28, 2015.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF AVALON,
CALIFORNIA AMENDING CHAPTER 11 OF TITLE 6 OF
THE AVALON MUNICIPAL CODE REGARDING THE
DEFINITION OF "SMOKE OR SMOKING"

WHEREAS, the City of Avalon is concerned about the potential health effects of e-cigarettes and vaporizers on the public;

WHEREAS, the Avalon Municipal Code ("AMC") currently does not include e-cigarettes and vaporizers within its definition of "smoke or smoking";

WHEREAS, the risks of these technologies are comparable to the risks of other products regulated under Chapter 11 of Title 6 of the AMC;

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

Section 1. Section 6-11.101(a) is hereby amended to read as follows:

The following words and phrases, as used in this chapter or in any other applicable law regulating smoking, shall have the following meanings:

(a) *Smoke or Smoking.* The carrying or holding of a lighted pipe, cigar, cigarette, e-cigarette, vaporizer, any other lighted smoking product or equipment used to burn any tobacco products, weed, plant, or any other combustible substance, or any other non-combustible technology used for a similar purpose. Smoking includes emitting or exhaling the fumes of any pipe, cigar, cigarette, e-cigarette, vaporizer, any other lighted smoking equipment used for burning any tobacco product, weed, plant, or any other combustible substance, or any other non-combustible technology used for a similar purpose.

Section 2. All other paragraphs of Chapter 11 of Title 6 remain unchanged.

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

Section 4. CEQA Exemption. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to



HEALTH ADVISORY – January 28, 2015

Electronic Cigarettes: A Summary of the Public Health Risks and Recommendations for Health Care Professionals

This health advisory seeks to inform health care professionals of the public health risks posed by the marketing, sale and use of electronic cigarettes (e-cigarettes) especially to children and young people. Electronic cigarettes (e-cigarettes) are battery-operated devices, often designed to resemble a cigarette, that deliver and emit a nicotine-containing aerosol. E-cigarettes are considered electronic nicotine delivery devices (ENDS) and have many names. They are frequently referred to as e-cigs, e-hookahs, hookah pens, vapes, vape pens, vape pipes, or mods. There are disposable and rechargeable e-cigarettes as well as refillable “tank systems” that hold a larger volume of the e-cigarette liquid (e-liquid) and that heat the e-liquid to higher temperatures.¹

Toxicity of E-cigarettes and Exposure to Emissions

The heated e-liquid forms an aerosol that contains high concentrations of ultrafine particles that are inhaled and become trapped in the lungs.² Chemicals in the aerosol are absorbed through the blood stream and delivered directly to the brain and all body organs. Analyses of e-liquids by the Food and Drug Administration (FDA) and other laboratories found variability in the content of e-liquids and inaccurate product labeling related to nicotine content and chemicals.³

Typically, e-liquids contain nicotine, flavoring agents, propylene glycol and toxic chemicals known to cause cancer, birth defects and other reproductive harm.^{1,4-7} While several studies found lower levels of carcinogens in the e-cigarette aerosol compared to smoke emitted by traditional cigarettes, both the mainstream and secondhand e-cigarette aerosol have been found to contain at least ten chemicals that are on California’s Proposition 65 list of chemicals known to cause cancer, birth defects or other reproductive harm, including acetaldehyde, benzene, cadmium, formaldehyde, isoprene, lead, nickel, nicotine, n-nitrosornicotine, and toluene.^{1,5-7}

E-cigarette emissions are also a health concern for those exposed to the secondhand aerosol. Although not as dangerous as secondhand smoke from combustible tobacco products, people exposed to e-cigarette aerosol absorb nicotine at levels comparable to people exposed to secondhand smoke.⁸ E-cigarette emissions also contain volatile organic compounds (VOCs) and fine/ultrafine particles.⁶ These ultrafine particles can travel deep into the lungs where they get trapped and may lead to tissue inflammation.⁹

Health Effects of Nicotine

Nicotine, the primary psychoactive ingredient in e-liquid, stimulates pleasure/reward pathways in the brain. It is a highly addictive neurotoxin that is as addictive as heroin and cocaine.^{10, 11} It affects the cardiovascular and central nervous systems, causing blood vessels to constrict, raising the pulse and blood pressure.¹² Nicotine adversely affects maternal and fetal health during pregnancy, contributing to low birth weight, preterm delivery and stillbirth.¹³ Nicotine is also known to cross the placenta and is detectable in the breast milk of smoking mothers as well as mothers exposed to secondhand smoke.^{14, 15} Preliminary studies show that using a nicotine-containing e-cigarette for just five minutes causes similar lung irritation, inflammation and effect on blood vessels as smoking a traditional cigarette, which may increase the risk of a heart attack.^{1, 9}

Exposure to and use of nicotine products by adolescents is of particular concern because adolescence is a critical period for brain growth and development. As a consequence, adolescents are especially vulnerable to the toxic effects of nicotine. Exposure to nicotine during adolescence may harm brain development and predispose future tobacco use.^{13, 16, 17} Even a brief period of continuous or intermittent nicotine exposure in adolescence elicits lasting neurobehavioral damage.¹⁸

Nicotine Poisonings

E-liquids are available in flavors such as bubble gum, cherry and chocolate, which makes them appealing to children and youth. E-cigarette cartridges and e-liquid bottles are not equipped with child resistant caps and often leak, creating a potential source of poisoning through ingestion and skin or eye contact. Even a small amount of e-liquid ingested by a small child can be lethal.¹⁹

There has been a significant rise in the number of calls to poison control centers for both adults and children who were accidentally exposed to e-liquids.²⁰ Nationally, the number of calls rose from one per month in September 2010 to 215 per month in February 2014.²¹ Figure 1 depicts e-cigarette-related calls to the California Poison Control Center over a five year period. In California, from 2012 to 2014, the number of calls to the poison control center

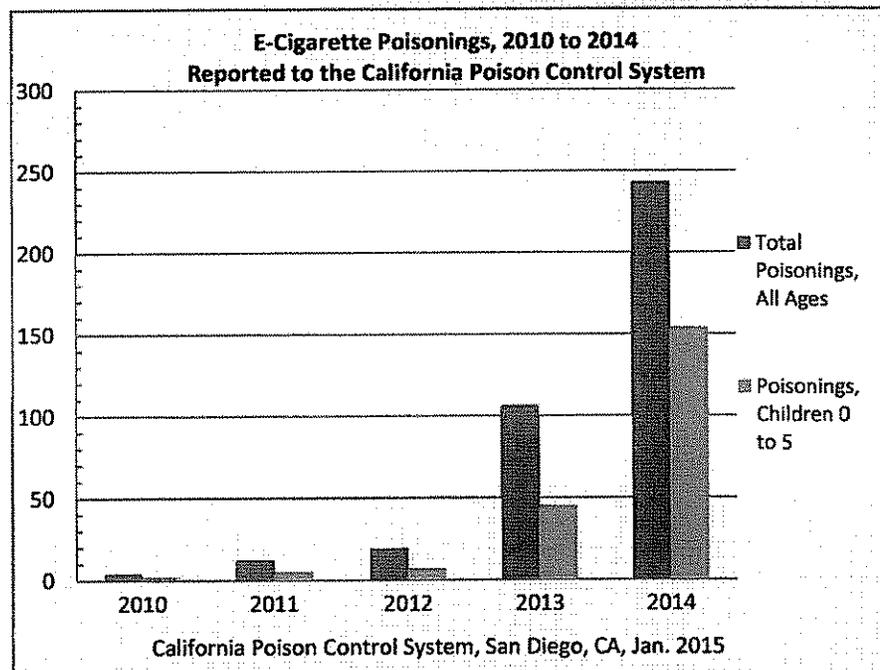


Figure 1: E-cigarette-related calls to the California Poison Control System.

involving e-cigarette exposures in children five and under increased sharply from 7 to 154. By the end of 2014, e-cigarette poisonings to young children tripled in one year, making up more than 60% of all e-cigarette poisoning calls. Adults have also mistakenly used e-liquid in harmful ways, such as eye drops, and have been harmed by exploding cartridges.

E-cigarette Use and Youth

Recent national and preliminary California data show that youth are experimenting with e-cigarettes at an alarming rate. In 2014, the Monitoring the Future survey, which tracks substance abuse trends among over 40,000 youth nationally, found that the use of e-cigarettes among teens surpassed the use of traditional cigarettes. More than twice as many 8th and 10th graders reported using e-cigarettes than traditional cigarettes in the survey, and among 12th graders, 17 percent reported currently using e-cigarettes vs. 14 percent using traditional cigarettes.²² Another survey, the National Youth Tobacco Survey, found that in 2013, that e-cigarette use among high school students tripled between 2011 and 2013, increasing from 1.5 percent to 4.5 percent.²³ Over a quarter million students who reported using e-cigarettes had never used traditional cigarettes.²⁴ Overall, studies suggest that youth who may have otherwise never smoked cigarettes are now getting hooked on nicotine due to e-cigarettes, and that adolescents who use e-cigarettes are more likely to progress from experimenting with cigarettes to becoming established smokers.^{25, 26}

E-cigarette devices may also be used to inhale illegal substances, such as marijuana and hash oil.¹⁹ Because many of these devices are similar in appearance to a ball point pen, school and law enforcement personnel are unaware that inappropriate use of nicotine and illegal substances is occurring.

E-cigarette Use and Adults

Among California adults, use of e-cigarettes in the past 30 days doubled from 1.8 percent in 2012 to 3.5 percent in 2013. For younger adults (18 to 29 year old), e-cigarette use tripled in one year from 2.3 percent to 7.6 percent. Young adults are three times more likely to use e-cigarettes than those 30 and older. Nearly 20 percent of young adult e-cigarettes users have never smoked traditional cigarettes.²⁷

E-cigarette Availability

E-cigarettes are readily accessible throughout California, and the number of stores selling e-cigarettes quadrupled between 2011 and 2013, increasing from 12 percent to 46 percent.^{28, 29} Figure 2 depicts the percent of tobacco stores selling e-cigarettes in California counties.

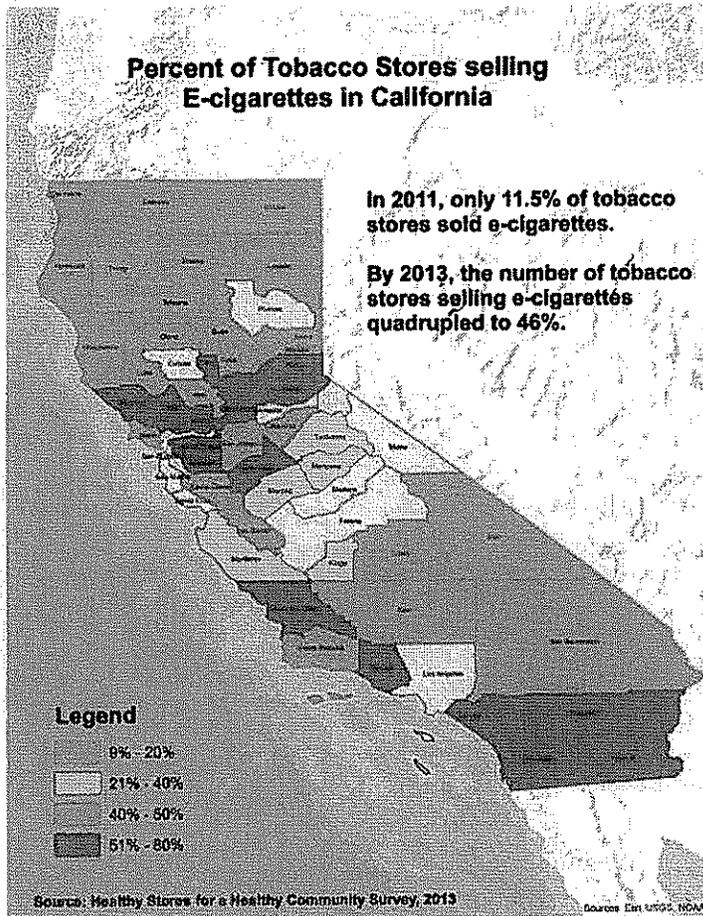
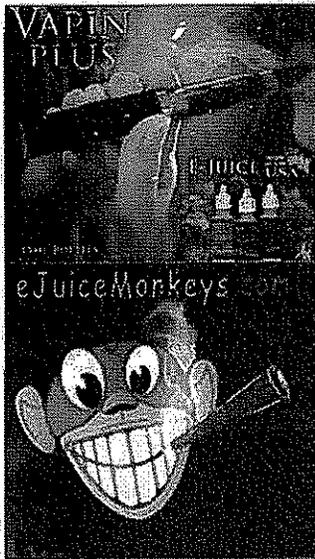


Figure 2: Percent of tobacco stores selling e-cigarettes in CA.

E-cigarette Marketing

Over the past 40 years, great strides have been made to protect youth from tobacco marketing. Numerous state and federal laws and litigation regulate the sale, marketing and distribution of traditional tobacco products and tobacco-related paraphernalia. These restrictions include: prohibiting tobacco advertising on television, radio and billboards; prohibiting youth-oriented tobacco products marketing, including a ban on the sale of flavored cigarettes and the use of cartoon characters; prohibiting free sampling of cigarettes and restrictions on sampling of other tobacco products; restrictions on brand name sponsorship of sporting, music, and cultural events; restrictions on giving away branded promotional items such as t-shirts.³⁰ Presently in California, these restrictions are not interpreted to apply to e-cigarettes. As a result, the e-cigarette industry is legally allowed to use marketing strategies and tactics that are no longer permissible for traditional tobacco products.

Many television networks (e.g., ABC Family, USA, Bravo, E!, MTV, VH1 and Comedy Central) with a substantial proportion of youth viewers, are airing e-cigarette advertising. There is also e-cigarette advertising on radio, internet, billboards, in magazine and print publications, and in stores.³¹ E-liquid containing nicotine is frequently marketed as “e-juice” and is sold in fruit and candy flavors. Promoting and labeling nicotine containing products as “juice” may mislead consumers to believe that e-liquid is safe to ingest and that e-cigarettes pose no health risk.



The use of cartoon characters in advertising and promoting of e-cigarettes as fashion accessories are other ways these products appeal to youth with the implication that these products are harmless (see Figure 3). E-cigarette manufacturers report sponsoring concerts, sporting events, and parties that include the distribution of free samples; many of these events occurred in California.³² Another tactic to create a perception that e-cigarettes are family friendly is through the association of these products with family oriented attractions.

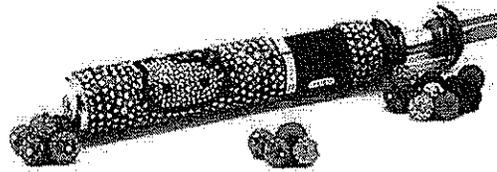


Figure 3: E-cigarette products and accessories.

Cessation Claims

There is no scientific evidence that e-cigarettes help smokers to successfully quit traditional cigarettes or that they reduce consumption of traditional cigarettes.^{25, 33} A number of recent studies show that e-cigarette users are no more likely to quit than regular smokers. One study found that 89 percent of e-cigarette users are still using them one year later and another study found that e-cigarette users are a third less likely to quit cigarettes.^{34, 35} These studies suggest that e-cigarettes are effectively inhibiting people from successfully kicking their nicotine addiction. In addition, dual use of cigarettes and e-cigarettes is continuing to rise, which may diminish any potential benefits of cutting back on traditional cigarettes.³⁶ Continuing to smoke traditional cigarettes, while also using e-cigarettes, does not reduce the cardiovascular health risks.^{1, 37, 38}

California health care providers are recommended to:

Educate, Advise and Protect Unborn Children, Young Children and Adolescents.

- Educate parents, adolescents, and the public, as well as health care personnel, school personnel, child care providers, and community leaders, about these products:
 - Nicotine is contained and is highly addictive and toxic
 - Increases in e-cigarette related poisonings, especially to children.
- Advise that these products are especially harmful to adolescents and pregnant women.
- Advise and warn e-cigarette users about toxicity of these products to themselves and those subjected to secondhand emissions.

Educate About Clean Indoor Air.

- Educate parents and the public to take steps to protect children and themselves from exposure to e-cigarette emissions.

Encourage Cessation.

- Current smokers and e-cigarette users should be advised to quit and offered support.
- Refer users to cessation resources offered by their health insurance plan including access to FDA approved cessation medications.
- The California Smokers' Helpline at 1-800-NO BUTTS is another cessation resource.

Protect Children from Nicotine Poisoning.

- Inform parents and e-cigarette users that e-cigarette cartridges and e-liquid bottles are a potential source of poisoning through ingestion, skin or eye contact. Store these materials out of the reach of children, away from medications, and call the California Poison Control Center at 1-800-222-1221 for expert help in case of accidental exposure.

Promote Health Literacy: Educate about Misleading Marketing.

- Educate parents and e-cigarette users about misleading advertising and labeling.
- Educate adolescents, parents and others about unknown ingredients and rights as consumers to have ingredient disclosure readily accessible.

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City Council Agenda June 16, 2015 - Item 10

Approval of Contract with RBF, Inc. for Year 2 Tasks of the Stormwater (Small MS4 Permit) will be provided under separate cover.