

**AVALON CITY COUNCIL MEETING
TUESDAY, JUNE 7, 2016 – 6:00 P.M.
CITY 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

PLEDGE OF ALLEGIANCE / INVOCATION / ROLL CALL

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

CITY MANAGER REPORT / CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS / MAYOR REPORT

PRESENTATION

1. Audra McDonald, Administrative Analyst, will give a brief presentation regarding the Avalon Transit Program, Dial-a-Ride and the "Garibaldi".
2. The Multifamily Energy Efficiency Rebate Program offered by Southern California Edison will be presented by Mary Finn, Multifamily Program Manager. She will provide an overview about the program which includes rebates for the installation and purchases of qualified energy-saving products at multifamily facilities.

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

All items listed on the Consent Calendar are considered to be routine by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a specific item is removed from the Consent Calendar for further discussion and possible action.

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

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Recommended Action

Approve actions from the April 19, 2016, May 3, 2016 and May 17, 2016 regular City Council meetings.

2. Purchase of an Electrical Panel from Walters Wholesale Electric

City Staff has moved forward with the construction of a suitable EBus charging station behind City Hall. The final item required is the electrical panel from which to charge the EBuses.

Recommended Action

Authorize the Interim City Manager to purchase the required commercial pedestal housing service meter for the EBus Charging Station from Walters Wholesale Electric, at a cost of \$12,148.48 plus barge freight charges and determine that the purchase can be done more economically and efficiently without strictly following the bidding procedures.

3. Purchase of a Heavy-duty Mobile Column Lift

The City purchased three all-electric buses with grant funds earlier this year to operate the new "Garibaldi" fixed route. City Staff will provide maintenance for the new transit vehicles and needs to purchase a heavy-duty, mobile column lift to assist in maintenance of the entire City's vehicle fleet, including the new EBuses.

Recommended Action

Authorize the purchase of a CLHM-185 Mobile Column Lift in the amount of \$46,275, plus tax, from NAPA Tools and Equipment.

4. Encroachment Permit for Construction of Off Street Parking at 340 Wrigley Terrace Road

Jack and Nora Tucey have recently purchased the property at 340 Wrigley Terrace Road. They are proposing to create an off street parking area on the property frontage that could accommodate four vehicles and would be accessed from Wrigley Terrace Road. An Encroachment Permit is required in order for the applicants to construct the parking spaces.

Recommended Action

Approve Encroachment Permit to allow construction of four off street parking spaces at 340 Wrigley Terrace Road.

GENERAL BUSINESS - Public Hearing

5. Saltwater and Sewer Fees for FY 2016/2017

A public notice was mailed out to all property owners 45 days prior to this Public Hearing announcing the proposed rate increases. City Council determined at the April 5, 2016 meeting to propose raising the saltwater and the sewer fees.

Recommended Action

Open 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

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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 waive a full reading and introduce the ordinance establishing rates for saltwater service fees and sewer service fees.

GENERAL BUSINESS

6. Expulsion Appeal – Vessel Pandemonium

On Wednesday April 13, 2016 at 2:00pm, an on-duty Harbor Patrol Officer observed the vessel “Pandemonium”, moored on #90 in Avalon Harbor, discharging green dye in the water from its starboard side overflow vent. A citation for “Illegal Discharge” was issued along with a copy of the expulsion/appeal letter and was reassigned to a mooring in Descanso Bay. The vessel “Pandemonium” is a charter boat. Municipal Code Section 10-2.503 (i) requires the Harbor Master issue an order barring the vessel and the person owning and/or in possession of the vessel from entering City waters on the subject vessel or any other vessel under the person’s ownership or control.

Recommended Action

The discharge ordinance is based on strict liability and discharge from a vessel, regardless of who is operating a vessel. Deny the appeal of the one-year expulsion from the Harbor.

7. Verification of Sufficiency of Signatures for Petition Entitled “Initiative Measure Regarding the Avalon Medical Marijuana Use Act of 2016”

On December 4, 2015, the City received a Notice of Intent to Circulate a Petition and proposed initiative measure (“Measure”) from Mark Malan, an Avalon resident/proponent. In accordance with the California Elections Code, the City Attorney’s office timely prepared and sent a ballot title and summary of the Measure to the initiative’s proponent on December 17, 2015. The proponent then had 6 months from receipt of the ballot title and summary to gather enough signatures to qualify the Measure for the ballot. On April 14, 2016, the proponent submitted a signed petition to the City Clerk’s Office. On May 25, 2016, the City Clerk’s office verified that the petition contained 197 valid signatures to qualify the Measure for the ballot. The Elections Code requires the signatures of at least 10 percent of the City’s registered voters to qualify a local measure. The City Clerk’s office confirmed that there are currently 1762 registered voters in the City of Avalon and, therefore, 176 signatures were required.

Recommended Action

1. Receive, File and Accept Certificate of Sufficiency of Initiative Petition.
2. Direct Staff to Prepare a Report Analyzing the Impact of the Proposed Initiative Measure or, Alternatively, Adopt one of Three Attached Resolutions Placing the Initiative Measure on a Future Ballot.

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ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for June 7, 2016 was posted Friday, June 3, 2016, 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.



Denise A. Radde, City Clerk / Interim City Manager

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 1

ORIGINATING DEP: City Clerk

CITY MANAGER: DR

PREPARED BY: Denise Radde, City Clerk

SUBJECT: City Council Actions

RECOMMENDED ACTION(S): Approve actions from the April 19, 2016, May 3, 2016 and May 17, 2016 regular City Council meetings.

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

FISCAL IMPACTS: N/A

GOAL ALIGNMENT: Not aligned,

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

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

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

ATTACHMENTS: City Council Actions will be provided under separate cover.

**CITY OF AVALON CITY COUNCIL
TUESDAY, APRIL 19, 2016
ACTIONS**

CITY COUNCIL CALL TO ORDER 6:02 p.m.

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

PRESENTATION

1. Update was given by Southern California Edison on Stage II Water Rationing.

CONSENT CALENDAR

There were seven items on the Consent Calendar. Item 1 was removed by the City Clerk and Item 6 was removed for further discussion. Motion to approve Consent Calendar items 2, 3, 4, 5 and 7 by Oley Olsen, seconded by Cinde Cassidy. (All Ayes)

2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$1,403,798.09
 - o Two payrolls in the amount of \$408,967.26
 - o Three electronic fund transfers totaling \$134,453.99.Approved total expenditure amount of \$1,947,219.34.
3. Resolution Reciting the Facts of the April 12, 2016 General Municipal Election
Adopted Resolution 16-11 reciting the facts of the General Municipal Election held on Tuesday, April 12, 2016.
4. Emergency Repairs to the Catherine Booster Station 125 Horsepower Pump Motor Assembly
 - A. Determined that an emergency existed and ratified action by the Public Works Director to undertake necessary repairs at the Catherine Saltwater Booster Station to repair the motor.
 - B. Authorized the expenditures for these repairs to be funded by Salt Water Infrastructure Fund 113-25-6552 in the amount of not to exceed (NTE) \$7,000.00.
3. Adopted Resolution 16-12 authorizing necessary repairs. (A four-fifths vote is required.)
5. Fiscal Year 2015-16 Third Quarter Treasurer's Report
Adopt Resolution 16-13 accepting the FY15-16 Third Quarter Treasurer's Report.
7. Adoption of the Injury and Illness Prevention Program, Policy P-4
Adopted Resolution 16-14 that implements the City's Injury and Illness Prevention Program (IIPP) policy.

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Pulled Item:

6. Request for Authorization to Place Three Temporary Underwater Sculptures in Avalon Bay
Authorized the placement of three temporary underwater sculptures in the City's jurisdictional waters of Avalon Bay subject to the execution of an agreement that addresses environmental, safety, and liability concerns. Letter will be sent to the California Coastal Commission in support of this project and the City Attorney was directed to draft the agreement. Motion by Anni Marshall, seconded by Oley Olsen. (All Ayes)

GENERAL BUSINESS

8. Seating of the Newly Elected Officials
The City Clerk administered the Oath of Office to the newly elected City Treasurer Christy Lins, Mayor Anni Marshall and City Councilmembers Oley Olsen and Richard Hernandez.
9. Appointing a Mayor Pro-Tem
Motion by Anni Marshall to appoint Oley Olsen as Mayor Pro Tem, seconded by Joe Sampson. (All Ayes)
10. Audit Committee
Motion by Oley Olsen to appoint Cinde Cassidy and Richard Hernandez to serve as the Audit Committee, seconded by Joe Sampson. (All Ayes)
11. Avalon Municipal Hospital Board of Trustees
Motion by Cinde Cassidy to appoint Oley Olsen as Chairman of the Avalon Municipal Hospital Board of Trustees, seconded by Anni Marshall. (All Ayes)

Adjourned to the Avalon Municipal Hospital Board of Trustees Meeting. 7:50-7:54 p.m.

ADJOURN

Mayor Marshall adjourned the City Council meeting at 7:54 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on April 19, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Interim City Manager

**CITY OF AVALON CITY COUNCIL
TUESDAY, MAY 3, 2016
ACTIONS**

CITY COUNCIL CALL TO ORDER 6:03 p.m.

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

PRESENTATIONS

Three proclamations were presented to:

1. Jim Luttjohann, CEO of the Catalina Island Chamber of Commerce & Visitors Bureau, for National Travel & Tourism Week: Mr. Luttjohann also shared updates on recent activities the Chamber is undertaking to be ready for the summer season.
2. Jason Paret, CEO of the Catalina Island Medical Center for National Hospital Week.
3. Jason Paret, CEO of the Catalina Island Medical Center for National Nurses Week.

CONSENT CALENDAR

There were five items on the Consent Calendar. Item 1 was amended by the City Clerk and Item 5 was removed by Mayor Marshall for clarification. Motion to approve Consent Calendar items 1-4 by Oley Olsen, seconded by Joe Sampson. (All Ayes)

1. Actions
Approved actions from the April 5, 2016 regular City Council meeting and the April 14, 2016 Special City Council meeting.
2. Resolution Authorizing the Submittal of Application for Payments and Related Programs to the Department of Resources Recycling and Recovery (CalRecycle)
Adopted Resolution 16-15 designating the City Manger as the authority to submit applications for payment programs and other related documents for the CalRecycle Grant Program.
3. EBus and Dial-a-Ride Wrap and Decal Purchase and Installation
Authorized the Interim City Manger to approve a purchase order in the amount of \$8,940, plus sales tax, to GATORWRAPS, Inc., for the vehicle wrap of three Ebuses and decal installation on two Dial-a-Ride Vehicles.
4. Waterside Project Application ~ Action Fly Boarding Extension
Approved Action Fly Boarding an extension of time, up to May 1, 2017, to obtain the required State agency permits to operate their Fly Boarding operation west of Hamilton Cove.

CITY COUNCIL ACTIONS
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Pulled Item:

5. Renewal of Services Contract with Pacific Alliance
Approved the contract agreement with Pacific Alliance for a period of three years.
Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)

GENERAL BUSINESS

6. Financial Assistance for the Hospital Generator Replacement
After discussion the City Council agreed to a \$340,000 loan over a five year period, paying \$20,000 a year, at no interest, and a balloon payment due in full at the end of five years. Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)

CLOSED SESSION 7:30-8:47 p.m.

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

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: Interim City Manager
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: One City leased property – Casino Dock Cafe
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Under Negotiation: Price and terms of payment

Following Closed Session the City Attorney reported that Staff was given direction on how to proceed with the Casino Dock Cafe City lease.

ADJOURN

Mayor Marshall adjourned the City Council meeting at 8:48 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on May 3, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Interim City Manager

**CITY OF AVALON CITY COUNCIL
TUESDAY, MAY 17, 2016
ACTIONS**

CITY COUNCIL CALL TO ORDER 5:30 p.m.

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

CLOSED SESSION 5:30-6:23 p.m.

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

1. Conference with Legal Counsel—Existing Litigation:
Island Charters, Inc. vs City of Avalon
LASC Case No. BC 599760

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

PRESENTATIONS

1. A presentation was given by Dino Serafini, from Michael Baker International, on how Development Impact Fees work and the process to be undertaken.
2. Update was provided by Southern California Edison on Stage II Water Rationing.
3. Audra McDonald, Administrative Analyst, provided information on the City-Wide Income Survey the City is conducting with the Assistance of Michael Baker International, for the purpose of receiving a Disadvantages Community Designation.
4. Audra McDonald, Administrative Analyst, provided information on the City's new Ebus and Dial-a-Ride Transit service, which is slated to begin operation in early June, 2016.

CONSENT CALENDAR

There were seven items on the Consent Calendar. Item 1 was removed by the City Clerk. Motion to approve Consent Calendar items 2-7 by Joe Sampson, seconded by Oley Olsen. (All Ayes)

2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$1,821,626.13
 - o Two payrolls in the amount of \$457,115.30
 - o Five electronic fund transfers totaling \$228,236.09Approved total expenditure amount of \$2,506,977.52.
3. Contract Extension - Catalina Transportation Services ART taxi voucher service and Authorization to Reimburse for Existing Dial-a-Ride tickets
Authorized the Interim City Manger to extend Catalina Transportation's contract for the ART program (blue tickets) for one month at a reimbursement rate of \$9.77 per ticket, plus monthly fixed costs of \$3,036.75; and approve the reimbursement proposal for existing, valid Dial-a-Ride (purple) tickets.

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4. Contract Amendment – ES Engineering Services, LLC
Authorized the Interim City Manager to enter into a contract amendment with ES Engineering Services, LLC to authorize an additional \$156,900 to the annual base compensation for the maintenance and repair budget, ES staff overtime and other services and to clarify that the contract's Initial Term expires July 1, 2019.
5. Interim Building Inspector
Approved an agreement with Charles Abbott Associates, Inc. to provide contract building inspection services while the recruitment for a permanent in-house Building Inspector is conducted.
6. Approval of Lease Transfer – Mole Ticketing Kiosk
Approved transfer and authorized the Interim City Manager to execute an amendment to the lease with Ian and Patrick Alexander of TourCatalina.com, upon payment of the transfer fee as provided in lease.
7. Fourth Amendment to Franchise and Lease Agreement with CR&R, Inc.
Authorized the Interim City Manager to enter into a Fourth Amendment to the Franchise and Lease Agreement with CR&R, Inc. to authorize additional bin cleanings and to provide a cash-out to the City for recycling receptacles.

GENERAL BUSINESS

8. Contract Consideration for Taxi Voucher Program - Catalina Transportation Services
Directed the Interim City Manager to execute a contract with Catalina Transportation Services for the City transportation taxi-voucher program for a not to exceed amount of \$159,728.00 for Fiscal Year 16/17. Motion by Oley Olsen, seconded by Joe Sampson. (All Ayes)
9. Encroachment Permit for Catalina Island Museum tie backs for Museum Amphitheater Shoring
Approved an Encroachment Permit with the Catalina Island Museum with all recommended conditions stated in the Staff Report and adopted Resolution 16-16 granting an encroachment permit for the installation of Tie Backs by the Catalina Island Museum. Motion by Joe Sampson, seconded by Cinde Cassidy. (All Ayes)
10. Cabrillo Mole Revitalization Plan Summary Presentation
Removed from the agenda.

CITY COUNCIL ACTIONS
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CLOSED SESSION

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

2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Property: One City leased property – Casino Dock Cafe
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Under Negotiation: Price and terms of payment
3. **CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant Exposure to Litigation pursuant to subdivision (d) (2) of Section 54956.9
Number of cases: One
4. **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
5. **Conference with Legal Counsel—Existing Litigation:**
Falls Canyon Road, DTSC- Docket No. I-SED 11/12-003

Following Closed Session the City Attorney read an amended statement into the record which clarifies the Council's decision rendered on the Appeal Hearing for Amanda Cook on April 14, 2016. There were no other reportable actions.

ADJOURN

Mayor Marshall adjourned the City Council meeting at 9:55 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on May 17, 2016, is the official record of that Council Meeting and is on file and maintained in City Hall.



Denise A. Radde, City Clerk / Interim City Manager

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 2

ORIGINATING DEP: Public Works

CITY MANAGER: DR

PREPARED BY: Dennis Jaich, Capital Improvements Director

SUBJECT: Purchase of an Electrical Panel from Walters Wholesale Electric

RECOMMENDED ACTION(S): Authorize the Interim City Manager to purchase the required commercial pedestal housing service meter for the EBus Charging Station from Walters Wholesale Electric, at a cost of \$12,148.48 plus barge freight charges and determine that the purchase can be done more economically and efficiently without strictly following the bidding procedures.

REPORT SUMMARY: City Staff has moved forward with the construction of a suitable EBus charging station behind City Hall, which includes the site preparation and coordination with Southern California Edison to run the electrical to the site. The final item required is the actual electrical panel itself from which to charge the EBuses and consists of the commercial pedestal housing service meter and breaker/fuse panels.

Walters Wholesale Electric - Long Beach is the local distributor of the required unit, which is produced by Milbank Works, and it is therefore necessary that Walters Wholesale Electric - Long Beach provide the required panel. The Council may authorize to purchase this item from Walters Wholesale Electric - Long Beach without formal bidding on the basis that for this particular procurement, formal bidding would serve no public benefit because Walters Wholesale Electric is the sole company that distributes the required panel. As such, the purchase can be done more economically and efficiently without following the bid procedures.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: Available funding for the charging infrastructure, including this budgeted panel cost of \$12,148.48 (which includes tax and shipping to the freight service) plus additional freight charges for the barge will come from Prop A Reserve funds.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City's new transit vehicles will not have a means to be recharged.

FOLLOW UP ACTION: The Interim City Manager shall proceed in procurement of the necessary Electrical Panel.

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

ATTACHMENTS:

1. Walters Wholesale - Long Beach Quote dated May 31, 2016

WALTERS WHOLESALE-LONG BEACH
 1619 W 15TH ST
 LONG BEACH CA 90813

ORDER DATE : 05/31/16
 CUST PO : 3854
 GIVEN BY : CHARLIE BEHRSCMIDT

PHONE (562)436-2452 FAX (562)436-2749

SHIP TO:
 CITY OF AVALON
 100 REGAN ST
 SAN PEDRO CA 90731

LN #	ORDER QUANT	ITEM NUMBER AND DESCRIPTION	UM	UNIT PRICE	EXTENDED PRICE
1		MIMLOT MILBANK LOT (PER QUOTE# SQ131745)	LOT		11119.89

NET TOTAL 11119.89
 TAX 1028.59
 TOTAL 12148.48



MILBANK
ENERGY AT WORK

www.milbankworks.com

Represented By:

AGENTS WEST
Phone: 1-949-614-0300
IRVINE, CA

Quote Date: 05-31-16

FOB: ORIGIN

Freight Terms: 1100/750/1100

Payment Terms: 2%10TH PROX NET25TH(EX30)

Ship Via: PER ROUTING GUIDE

BILL TO: 318350

WALTERS WHOLESALE ELECTRIC
PO BOX 91299
LONG BEACH, CA 90809-1299

SHIP TO: 318350*08

WALTERS WHOLESALE ELECTRIC
200 N BERRY AVE
BREA, CA 92821

Page: 1 of 3

Expiration Date: 07-30-16

Sales Quote #: SQ131745
This # must appear on order
to receive special pricing.

LINE NO.	MIN ORDER QTY	NET PRICE or MULTIPLIER	CATALOG NUMBER & DESCRIPTION	FACILITY CODE	DELIVERY DATE
1	1		CP3B12816ASP3 3PH COMM MTRPED-EUSERC	11	CSO
2	1		CP-16PDMNT-CALT 16 IN PAD MNT BASE Notes: CP3B12816ASP3 16"W x 17"D x 48"H TYPE 3R ENCLOSURE 65K SCCR 277/480V 3PH 4W 200AMP 7JAW RING TYPE SKT W/ TEST BYPASS NO LOAD CENTER 200AMP 3P MAIN C/B(LUG TO LUG)-65KAIC (2) 100A 3P C/B (65KAIC) (LUG TO LUG) STEEL CONSTRUCTION PAINTED MINT GREEN 4-6 WEEKS SHIPMENT AFTER RECEIPT OF SIGNED APPROVAL (Barring any Holidays) All custom enclosure orders and pedestals, once fabricated, are subject to a No Cancellation policy. Lead times are given as good faith estimates based upon our production schedule the day quoted. Lead times are based upon prompt receipt of all necessary information, and do not include transit times. Revisions to quoted specifications, delays in ordering, or delays approving factory proofs may result in an	11	SSTPS

THIS QUOTE IS CONTINGENT UPON THE APPLICATION OF MILBANK'S STANDARD TERMS AND CONDITIONS, WHICH CAN BE FOUND AT WWW.MILBANKWORKS.COM/TERMS. In the event of any inconsistencies between Milbank's standard terms and conditions and the purchase order, RFQ, or any other documentation, Milbank's standard terms and conditions shall control. The issuance of a purchase order or allowing Milbank to deliver the equipment shall be considered acceptance of Milbank's standard terms and conditions.

----- Delivery dates relative to quote acceptance date ----- Quoted By: Elizabeth Mason - CSR
Minimum Order Quantity will be required on orders shipping from the Factory. Consult your Quotations Associate.



Represented By:
AGENTS WEST
 Phone: 1-949-614-0300
 IRVINE, CA

Quote Date: 05-31-16

FOB: ORIGIN
 Freight Terms: 1100/750/1100
 Payment Terms: 2%10TH PROX NET25TH(EX30)
 Ship Via: PER ROUTING GUIDE

BILL TO: 318350
 WALTERS WHOLESALE ELECTRIC
 PO BOX 91299
 LONG BEACH, CA 90809-1299

SHIP TO: 318350*08
 WALTERS WHOLESALE ELECTRIC
 200 N BERRY AVE
 BREA, CA 92821

Page: 2 of 3

Expiration Date: 07-30-16

Sales Quote #: SQ131745
 This # must appear on order
 to receive special pricing.

LINE NO	MIN ORDER QTY	NET PRICE or MULTIPLIER	CATALOG NUMBER & DESCRIPTION	FACILITY CODE	DELIVERY DATE
			extension to the times given. All orders subject to Milbanks Conditions of Sale as listed in our current pricing guide. Please review for info on terms, freight, damages, taxes, warranties, etc. Enclosures over 96" tall, are excluded from the freight allowance policy. Please reference quote number when placing order. Failure to reference quote number may result in order delays. If modifications or revisions are required after items are quoted, they should be directed to the quoting department for revision prior to placing order to prevent processing delays. Ship to phone:714- 562-1944 REQUIRES A SCHEDULED APPOINTMENT RECEIVING HOURS: 6:00 AM - 2 :00 PM MON-FRI CALL TO SCHEDULE APPOINTMENT: 714-784-1907 Milbank rejects any terms and conditions contained in any purchase order, RFQ, or any other documentation that are inconsistent with, contrary to, or in addition to, Milbank's standard terms and conditions as set forth at www.milbankworks.com/terms unless consented to in writing by Milbank. **Customer will be billed for any non-standard additional delivery charges		

THIS QUOTE IS CONTINGENT UPON THE APPLICATION OF MILBANK'S STANDARD TERMS AND CONDITIONS, WHICH CAN BE FOUND AT WWW.MILBANKWORKS.COM/TERMS. In the event of any inconsistencies between Milbank's standard terms and conditions and the purchase order, RFQ, or any other documentation, Milbank's standard terms and conditions shall control. The issuance of a purchase order or allowing Milbank to deliver the equipment shall be considered acceptance of Milbank's standard terms and conditions.

----- Delivery dates relative to quote acceptance date ----- **Quoted By: Elizabeth Mason - CSR**

Minimum Order Quantity will be required on orders shipping from the Factory. Consult your Quotations Associate.



Represented By:
AGENTS WEST
 Phone: 1-949-614-0300
 IRVINE, CA

Quote Date: 05-31-16

FOB: ORIGIN
 Freight Terms: 1100/750/1100
 Payment Terms: 2%10TH PROX NET25TH(EX30)
 Ship Via: PER ROUTING GUIDE

BILL TO: 318350
 WALTERS WHOLESALE ELECTRIC
 PO BOX 91299
 LONG BEACH, CA 90809-1299

SHIP TO: 318350*08
 WALTERS WHOLESALE ELECTRIC
 200 N BERRY AVE
 BREA, CA 92821

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Expiration Date: 07-30-16

Sales Quote #: SQ131745
 This # must appear on order
 to receive special pricing.

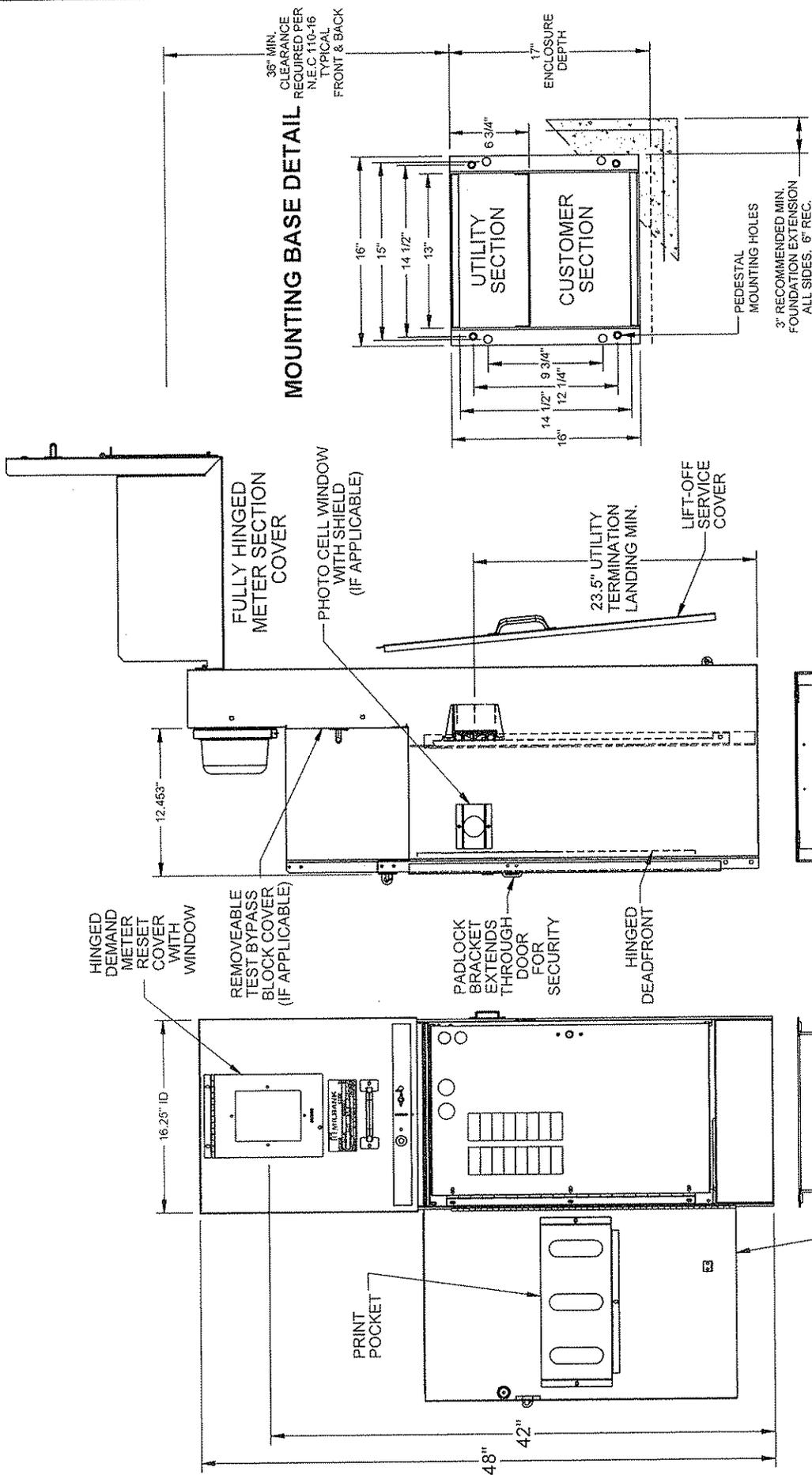
LINE NO	MIN ORDER QTY	NET PRICE or MULTIPLIER	CATALOG NUMBER & DESCRIPTION	FACILITY CODE	DELIVERY DATE
			on prepaid shipments (lift gate, construction site, residential, limited access, etc.)** All Products quoted that are made to order non-stock items are not returnable.		

THIS QUOTE IS CONTINGENT UPON THE APPLICATION OF MILBANK'S STANDARD TERMS AND CONDITIONS, WHICH CAN BE FOUND AT WWW.MILBANKWORKS.COM/TERMS. In the event of any inconsistencies between Milbank's standard terms and conditions and the purchase order, RFQ, or any other documentation, Milbank's standard terms and conditions shall control. The issuance of a purchase order or allowing Milbank to deliver the equipment shall be considered acceptance of Milbank's standard terms and conditions.

MILBANK STANDARD PAYMENT TERMS APPLY. All orders subject to a \$100.00 net minimum billing. Quotation subject to revision after 30 days. Order must be for quantity shown. This quotation is based on information supplied to Milbank which may not be complete or correct. It is the customer's responsibility to review the quotation for compliance, deviations, or exclusions to the bid revision upon receipt of written bid specifications. Any required change may result in a price adjustment or void this quotation. COST INCREASES. Any increase in raw material cost greater than 10% within the time frame of this quotation may necessitate the re-pricing of this quotation at Milbank's discretion.

----- Delivery dates relative to quote acceptance date ----- **Quoted By: Elizabeth Mason - CSR**
 Minimum Order Quantity will be required on orders shipping from the Factory. Consult your Quotations Associate.

16" COMMERCIAL PEDESTAL



MILBANK General Offices: ENERGY AT WORK Kansas City, MO		Title: 16" WIDE METERED PEDESTAL	
Material: 14GA GALVANIZED STEEL, PAINTED 125 ALUMINUM, PAINTED 14GA STAINLESS STEEL		Catalog No.:	
Finish:		Ref:	
Tolerances: Unless Specified Otherwise X.X ±.1 X.XX ±.03 X.XXX ±.015 X ±.2		Third Angle Projection	
Drawing No.:		Checked By:	
Date:		Approved By:	
Scale: TB		NTS CS	
Drawn By:		SHOW BARRIER 1107759	
CS B		10-02-12	
TB		ECR0001694	
REDRAWN		5-3-07	
REMOVE ANCHOR BOLT W/ORDING		03-03-11	
A		A-Size Outline	
Sheet		5-3-07 of 1	

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 3

ORIGINATING DEP: Public Works

CITY MANAGER: AR

PREPARED BY: Dennis Jaich, Public Works Director

SUBJECT: Purchase of a Heavy-duty Mobile Column Lift

RECOMMENDED ACTION(S): Authorize the purchase of a CLHM-185 Mobile Column Lift in the amount of \$46,275, plus tax, from NAPA Tools and Equipment.

REPORT SUMMARY: The City purchased three all-electric buses with grant funds earlier this year to operate the new "Garibaldi" fixed route. A new contract for operation for the City's bus and dial-a-ride program was awarded to Transportation Concepts. As a result of the new operating contract, City Staff will provide maintenance for the new transit vehicles.

Staff recommends the purchase of a heavy-duty, mobile column lift to assist in maintenance of the entire City's vehicle fleet, including these new EBuses. The City has been in need of a column lift for quite some time to assist with the servicing of some of the larger vehicles already in the City fleet. With the acquisition of the new EBuses, it is now imperative the City purchase a column lift.

Three quotes were obtained:

- | | |
|-----------------|-------------|
| 1. Mohawk Lifts | \$60,154.63 |
| 2. NAPA | \$46,275.00 |
| 3. SLEC | \$32,250.00 |

Staff recommends purchasing the NAPA lift because it is a battery operated portable and wireless lift system. NAPA is a nationwide company with offices and warehouses in Los Angeles County which is preferable for customer service and warranty needs. Additionally, the SLEC option is not battery operated and requires 220 power which limits its portability.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: \$46,275.00 (plus tax) would need to be allocated from Fund 122 and possibly other Departments that would benefit from the purchase.

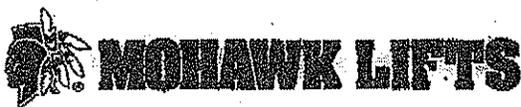
CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City would not have the necessary tools to maintain the EBuses adequately.

FOLLOW UP ACTION: If approved, issue a purchase order to NAPA in the amount of \$46,275.00, plus tax, for the purchase of a mobile column lift.

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

ATTACHMENTS:

- Mohawk Quote
- NAPA Quote
- SLEC Quote



1st pick needed
Shop
1st pick

Quote

Page 1 of 2

Mohawk Resources Ltd
 "Americas best lift investment"

Contract CA

PROPOSAL # TGCOAMP

Date: 4/4/2016

Expiration Date 30 Days

From: Mohawk Resources Ltd
 PO Box 110
 Amsterdam, NY 12010
 Phone: 1-800-833-2006 ext. 20
 Fax (518) 842-1289

California State Contract
Contract Number CMAS Contract #4-13-56-0055A
Contract Period: 12-12-2013-9-30-2018

Quoted by: Ray Pedrick
 Email: rpedrick@mohawklifts.com

Bill To: Mr. Derek George
City of Avalon
410 Avalon Canyon Rd
Avalon, CA 90704
310-882-8236
dgeorge@cityofavalon.org

Ship To: _____

Best Way	FOB Destination, Amsterdam NY, Freight Prepaid	45-50 Business Days After Receipt of Completed Order	Net 30
1	MP-000-A-506	DC MP-18-506 -4 Columns 72k Capacity ALL (15" Forks) **ALL CERTIFIED**	\$ 55,825.00 \$ 46,774.88 \$ 46,774.88
OPTIONAL EQUIPMENT			\$ -
4	601-440-009	Weight Indicating Pressure Gauge (MP18 only) (AC or DC) - Suggest (1) Per Column	\$ 125.00 \$ 104.74 \$ 418.96
1	MP-2200-A-001	Fork Truck Adapter Kit - For Mohawk MP18 - 15" Forks (28000 lbs per pair) (AC or DC)	\$ 4,325.00 \$ 3,623.85 \$ 3,623.85
1	MP-2500-A-004	Front to Rear Bumper Adapter Kit - For Mohawk MP18 - 15" Forks (24000 lbs per pair) (AC or DC)	\$ 3,150.00 \$ 2,639.34 \$ 2,639.34
4	JS-000-A-009	JS-18-4775 HD Jack Stand, 18,000 lbs rated (47" to 75" height) **PASE Certified**	\$ 1,700.00 \$ 1,424.40 \$ 5,697.60
			\$ -

Subtotal	\$ 59,154.63
Freight	Included in costs
Installation (optional)	\$ 1,000.00
Tax	\$ -

Resale Certificate or Tax Exempt Form attached or Sales Tax (if applicable)

Taxable

Total	\$ 60,154.63
--------------	---------------------

Initial _____

This is a quotation for the equipment named, subject to the terms and conditions noted on the following pages



TERMS AND CONDITIONS OF THE SALE

Visit www.mohawklifts.com/warranty for complete warranty

Delivery and Installation

A fork truck must be supplied by customer at the offload site to unload the equipment from the freight carriers' trailer and if applicable for the installation

The Customer is responsible for inspecting all Products at the time of delivery and before signing the delivery receipt, freight bill, or bill of lading. Should the customer determine at the time of delivery that any items are damaged or missing the Customer must note the item, discrepancy, or condition on the delivery receipt, freight bill, or bill of lading.

Mohawk is not responsible for missing or damaged products when the customer has signed the delivery receipt, freight bill, or bill of lading in good condition.

Quoted Installation does not include electrical hook-up or any concrete work which may be required. Electrical and any concrete work that may be required must be performed prior to installer's appointment date

Quoted Installation does not include any unforeseen circumstances such as plumbing, electrical, in floor heat, rebar, steel structures, drain, or drain slopes in the existing floor.

Quoted Installation Price is subject to change if the lift is unable to be installed at the time of scheduled appointment, if the shop condition is not ready for installation (lack of adequate concrete, no electrical service, etc..) Or any other condition which would require additional return trips by the installer.

Price does not include Sales tax (unless applicable), duties, brokerage, or any other fees.

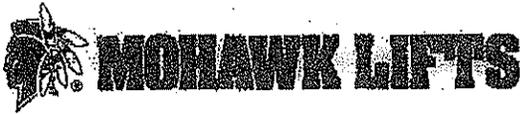
Any and all permits, licenses, fees, etc. are the customers' responsibility

Acknowledged and Accepted by:

Signature: _____
Name (printed): _____
Phone : _____

Date: _____
Title: _____
Email: _____

Mohawk Resources Ltd.
PO Box 110 Amsterdam, NY 12010
Fax 518-842-1289
or via email
Thank you



Quote

Page 1 of 2

Mohawk Resources Ltd

"America's best lift investment"

Contract CA

PROPOSAL # TGCOAMP-1

Date: 4/4/2016

Expiration Date 30 Days

From: Mohawk Resources Ltd
PO Box 110
Amsterdam, NY 12010
Phone: 1-800-833-2006 ext. 20
Fax (518) 842-1289

Quoted by: Ray Pedrick
Email: rpedrick@mohawklifts.com

California State Contract
Contract Number CMAS Contract #4-13-56-
0055A
Contract Period: 12-12-2013-9-30-2018

Bill To: Mr. Derek George
City of Avalon
410 Avalon Canyon Rd
Avalon, CA 90704
310-882-8236
dgeorge@cityofavalon.org

Ship To: _____

Quantity	Part Number	Description	Unit Price	Subtotal	Options
	Best Way	FOB Destination, Amsterdam NY, Freight Prepaid			45-50 Business Days After Receipt of Completed Order
					Net 30
1	MP-2100-A-006	Auto Frame Contact Adapters - (side to side) For Mohawk MP18 - 15" Forks Only (AC or DC)	\$ 3,150.00	\$ 2,639.34	\$ 2,639.34
				\$ -	
		Non-Certified Option		\$ -	
				\$ -	
				\$ -	

Subtotal	
Freight	Included in costs
Installation (optional)	
	\$ -

Resale Certificate or Tax Exempt Form attached or Sales Tax (if applicable)

Total	\$ -
--------------	------

Initial _____

This is a quotation for the equipment named, subject to the terms and conditions noted on the following pages



TERMS AND CONDITIONS OF THE SALE

Visit www.mohawklifts.com/warranty for complete warranty

Delivery and Installation

A fork truck must be supplied by customer at the offload site to unload the equipment from the freight carriers' trailer and if applicable for the installation.

The Customer is responsible for inspecting all Products at the time of delivery and before signing the delivery receipt, freight bill, or bill of lading. Should the customer determine at the time of delivery that any items are damaged or missing the Customer must note the item, discrepancy, or condition on the delivery receipt, freight bill, or bill of lading.

Mohawk is not responsible for missing or damaged products when the customer has signed the delivery receipt, freight bill, or bill of lading in good condition.

Quoted installation does not include electrical hook-up or any concrete work which may be required. Electrical and any concrete work that may be required must be performed prior to installer's appointment date.

Quoted installation does not include any unforeseen circumstances such as plumbing, electrical, in floor heat, rebar, steel structures, drain, or drain slopes in the existing floor.

Quoted Installation Price is subject to change if the lift is unable to be installed at the time of scheduled appointment, if the shop condition is not ready for installation (lack of adequate concrete, no electrical service, etc..) Or any other condition which would require additional return trips by the installer.

Price does not include Sales tax (unless applicable), duties, brokerage, or any other fees.

Any and all permits, licenses, fees, etc. are the customers' responsibility.

Acknowledged and Accepted by:

Signature: _____
Name (printed): _____
Phone : _____

Date: _____
Title: _____
Email: _____

Mohawk Resources Ltd.
PO Box 110 Amsterdam, NY 12010
Fax 518-842-1289
or via email
Thank you

04/25/16 02:01 PM

P A R T A T T R I B U T E S

Page 1

Part: CLHM1854 Line: CL Desc: 18.5K MOBILE COLUMN

Attribute	Value
Contents:	18,500 Lb Mobile Column Lift (set of 4)
Lift Model:	CLHM1854
Lift Type:	Mobile Column Lift (SET OF 4)
Lift Weight Capacity:	74,000 Lbs
Lift Width:	42.25"
Lift Height:	88.5"
Lift Length:	53.63"
Lift Height of Rise:	157.13"
Lift Safety Locks Type:	Mechanical
Lift Safety Lock Release Type:	Mechanical
Lift Motor Size:	4 HP
Lift Electrical Requirements:	120 vac @ 60 hz
Lift Weight:	1500 lbs
Lift Equalization Type:	Wireless
Product Features:	18500 lb (Per column) Wireless Mobile Column Lift (SET OF 4)

*** End of Report ***

[Home](#) >> [Car Lifts](#) >> [Mobile Column Lifts](#) >> [CLHM-185](#) >> [Features & Benefits](#)

CLHM-185 Mobile Column Lift » Features & Benefits

Mobile lifts are not only convenient, they're powerful too. The CLHM-185, for instance, has a lifting capacity of up to 148,000 lbs with a set of eight, making it the perfect heavy duty lift. Read the list of features and benefits below to learn more, or [contact us](#) for more information.

- ① Hydraulic operated units provide heavy duty lifting capacity from 37,000 lb. (set of 2) to 148,000 lbs. (set of 8) enabling heavy-duty lifting from small cars to large trucks, transit, and municipality vehicles.
- ② 110 volt built in multi-stage charging system
- ③ Wireless system for clutter free work area without cables to connect, navigate around, roll-over or replace - No power cords or communication cables to get tangled or damaged
- ④ Adjustable carriages eliminate the need for small wheel adapters while providing the necessary width to accommodate larger wheels
- ⑤ Linear position transducers maintain system synchronization and ensure maximum reliability.
- ⑥ 12 radio frequencies with a channel range from 100-120 for each frequency to prevent radio noise from interrupting service.
- ⑦ Integrated touch screen control console provides easy-to-use and precise operating.
- ⑧ Precise balanced design, heavy-duty tow handle and spring loaded wheels make moving and aligning individual lift units simple and easy with little effort.
- ⑨ Battery operated 12 volt deep cycle battery(s) eliminates the need for power source hook ups.
- ⑩ Integrated weight gauges help prevent column overloading and ensure locks are properly engaged.
- ⑪ 25 heavy-duty safety locks every 2-1/2" allow technicians to work at an ergonomic height to increase productivity and minimize fatigue.



Contact Us

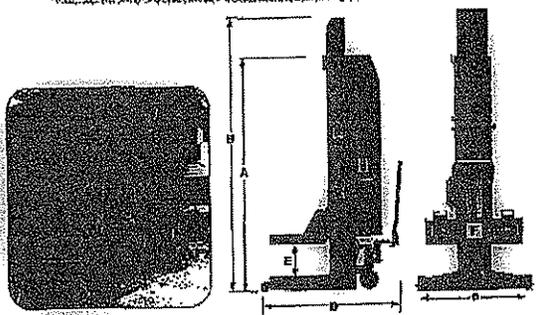
FOR INTERNATIONAL INQUIRIES
[CLICK HERE](#)

Become a [Distributor](#) or [Installer](#)

www.challengerlifts.com

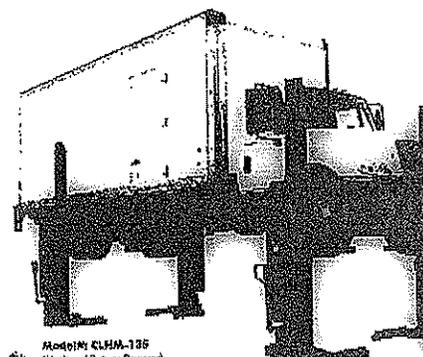
CLM Challenger Lifts

Model / Feature	CLM-100	CLM-150	CLM-200
Max Capacity (lbs)	10,000	15,000	20,000
Max Height (ft)	22	27	32
Max Platform Size (ft)	48" x 24"	48" x 24"	48" x 24"
Max Platform Weight (lbs)	1,000	1,000	1,000
Max Platform Length (ft)	48"	48"	48"
Max Platform Width (ft)	24"	24"	24"
Max Platform Depth (ft)	24"	24"	24"
Max Platform Area (sq ft)	1,152	1,152	1,152
Max Platform Volume (cu ft)	27,648	27,648	27,648
Max Platform Weight Capacity (lbs)	1,000	1,000	1,000
Max Platform Length Capacity (ft)	48"	48"	48"
Max Platform Width Capacity (ft)	24"	24"	24"
Max Platform Depth Capacity (ft)	24"	24"	24"
Max Platform Area Capacity (sq ft)	1,152	1,152	1,152
Max Platform Volume Capacity (cu ft)	27,648	27,648	27,648
Max Platform Weight Capacity (lbs)	1,000	1,000	1,000
Max Platform Length Capacity (ft)	48"	48"	48"
Max Platform Width Capacity (ft)	24"	24"	24"
Max Platform Depth Capacity (ft)	24"	24"	24"
Max Platform Area Capacity (sq ft)	1,152	1,152	1,152
Max Platform Volume Capacity (cu ft)	27,648	27,648	27,648



For more information on our mobile lifts, please visit our website at www.challengerlifts.com or call us at 1-800-451-7273. We are located at 10000 N. 10th Ave, Suite 100, Aurora, CO 80015.

Challenger Lifts



Model: CLM-100
Wireless / Battery Powered
Mobile Column Lifting System
17,500 lbs per column / 3500 capacity

CLMseries mobile HD

Mobile Column Lifting System

Our Heavy-Duty mobile lifting system along with optional sets of secondary support stands will accommodate multiple bays with dual lift systems. Most of our mobile HD mobile columns can be operated on almost any solid surface, indoors or out.

Challenger mobile lift provides the flexibility and convenience to lift any rubber tired vehicle, from small passenger cars to the largest tow, three or four axle vehicles up to 140,000 lbs, without having to use an extra bay. Our Heavy-Duty mobile lift is the only aspect of lifting vehicles of any size length or wheelbase.

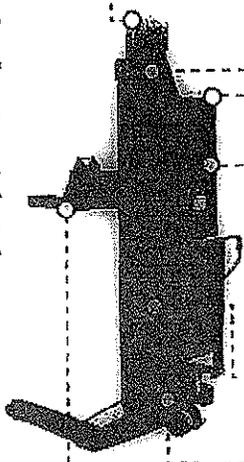
Models are available in 12,500 or 18,500 lb capacity columns, wireless, battery and hydraulic, equipped with adjustable casters.

Features & Benefits:

- Hydraulic operated with capacity from 10,000 to 20,000 lbs. (up to 21 to 100,000/46,000 lbs. (up to 6) and up to 100 lbs. in small passenger cars to heavy-duty trucks, trailers, and specialty vehicles)
- 110 volt built in auto-stop charging system
- Wireless system for shorter lead times and without cables to connect, multiple output, recharge or replace
- Adjustable casters allows the need for small wheel adapter while providing the necessary push to accommodate larger wheels
- 12 color frequencies with a channel up to 100-120 for each frequency to prevent radio noise from interfering service
- Linear position height/depth reduction system synchronization and ensures maximum reliability
- Integrated touch screen control console provides easy-to-use and precise operating
- Flexible column design, heavy-duty for handle and spring loaded wheels make moving and aligning individual lift units simple and easy with the lift
- Battery operated with 12 volt deep cycle batteries eliminates the need for power source hookup and provides 24 volt operation. Batteries included!
- Integrated weight sensor help prevent column overloading and works lock engagement



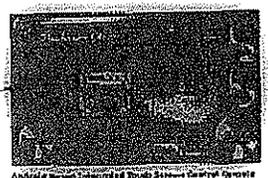
CLM-100 & CLM-150 Maximum load to lift: 22,500 lbs. (up to 21 to 100,000/46,000 lbs. (up to 6) and up to 100 lbs. in small passenger cars to heavy-duty trucks, trailers, and specialty vehicles)



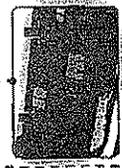
Directional Moving Lifts
Easy to use and precise



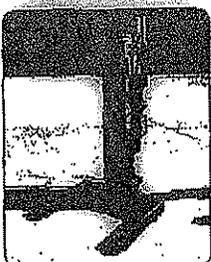
Wireless Operation
No cables to connect, multiple output, recharge or replace



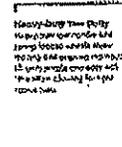
Directional Moving Lifts
Easy to use and precise



Integrated charging system
12 volt deep cycle battery, 24 volt operation



Adjustable Casters Assembly
The casters are adjustable to allow the lift to be used on a variety of surfaces. The casters are made of a durable material.



Heavy-Duty Three Point
Heavy-duty casters provide stability and precision when moving. The casters are made of a durable material.

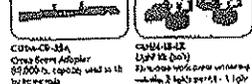
Optional Accessories:



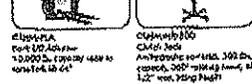
CLM-100-1000
10,000 lb. capacity, 10' lift height, 10' x 24" platform, 10' x 24" platform, 10' x 24" platform



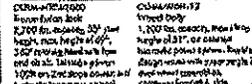
CLM-150-1500
15,000 lb. capacity, 15' lift height, 15' x 24" platform, 15' x 24" platform, 15' x 24" platform



CLM-200-2000
20,000 lb. capacity, 20' lift height, 20' x 24" platform, 20' x 24" platform, 20' x 24" platform

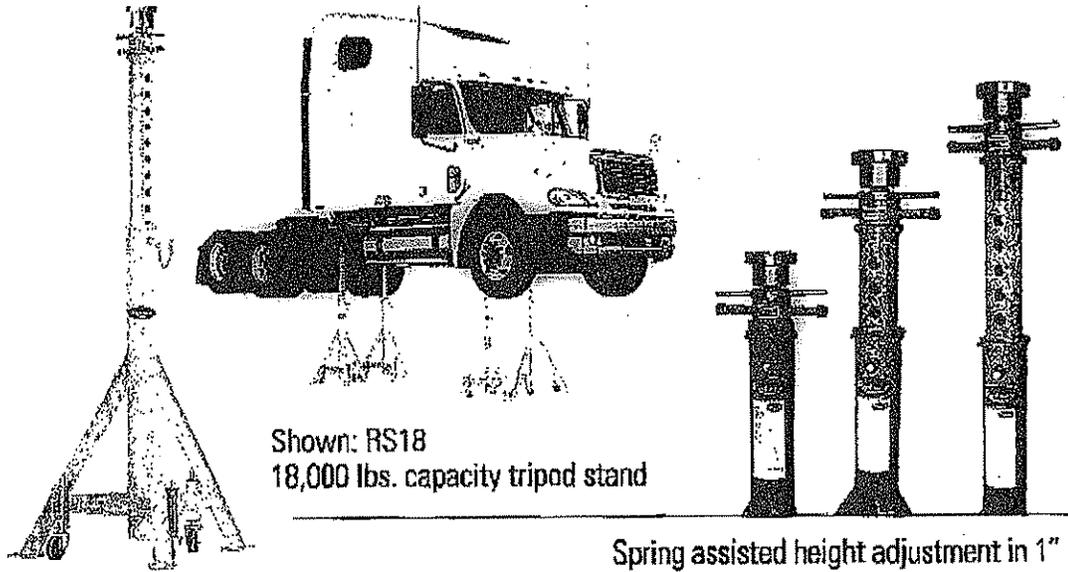


CLM-100-1000
10,000 lb. capacity, 10' lift height, 10' x 24" platform, 10' x 24" platform, 10' x 24" platform



CLM-150-1500
15,000 lb. capacity, 15' lift height, 15' x 24" platform, 15' x 24" platform, 15' x 24" platform

www.challengerlifts.com



Shown: RS18
18,000 lbs. capacity tripod stand

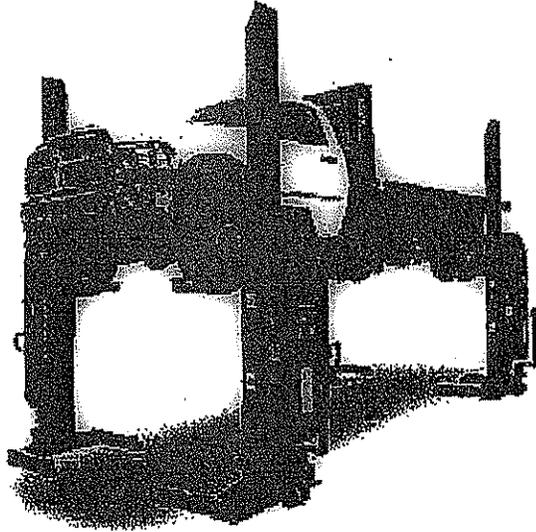
Spring assisted height adjustment in 1" increments ranging from 56" to 82 1/4"

04/25/16 02:01 PM

PART IMAGE

Page 1

Part: CLHM1854 Line: CL Desc: 18.5K MOBILE COLUMN



Lift - Side View

*** End of Report ***

From:



May 10, 2016

Derek George
City of Avalon
410 Avalon Canyon Rd
Avalon, CA 90704

Dear Derek:

Thanks for taking the time to *talk with me earlier*

Purchasing a mobile lift is not something you do every day, or it's a big purchase. We understand your requirements as much as you need to be comfortable with your purchase. We are a responsive and professional in our dealings so that like the many others who have purchased from us, you are comfortable with the commitment you are making. Our offer starts with a 30-day trial period, product reliability, ongoing sales support and competitive pricing. We believe that you should be allowed to concentrate on maintaining vehicles and that you should leave the lifts to us.....We have a proven track record. We stand behind our products so that you can stand safely under yours"

The product: Our 18,000lbs lift is the go to lift for all your applications. Manufactured in the USA and it comes crum packed innovative and user friendly. It's a SLEC™ lift.

- The connecting cables form a "U" meaning you have a 180 degree end of cable. You can use it to use two jacks to tilt the vehicle for quick service.
- The interactive touch screen control is the same as the control of all columns and lifts (for replacement of axle, springs, air bags) and individual lifts (for brake adjustments, etc.)
- In the unlikely event of a fault, both the column no. and type of fault is communicated in a simple format so that the operator can get the lift back working with minimum fuss and downtime.
- Every SLEC™ lift we have ever made uses a self locking ACME threaded screw and a self locking load bearing nut. As it is guaranteed self locking, there is no need for a locking device to grab the load when it fails.
- Connecting cables are quick release at each end and can be replaced with minimal fuss and limited cost.

Service: The day your SLEC™ lifts are set to work is the start of the relationship. We feel it's responsibility of making sure that your SLEC™ experience is hassle free and we'll be there for you when you need us.

- Fixed cost planned maintenance inspections.
- Free telephone technical support.
- Conveniently located field based service technicians for fast response times and minimal downtime.
- Your SLEC™ service technician has immediate access to more than \$70,000 of their own inventory and \$300,000 held at headquarters. We aim to get the job done first time, every time.



From:

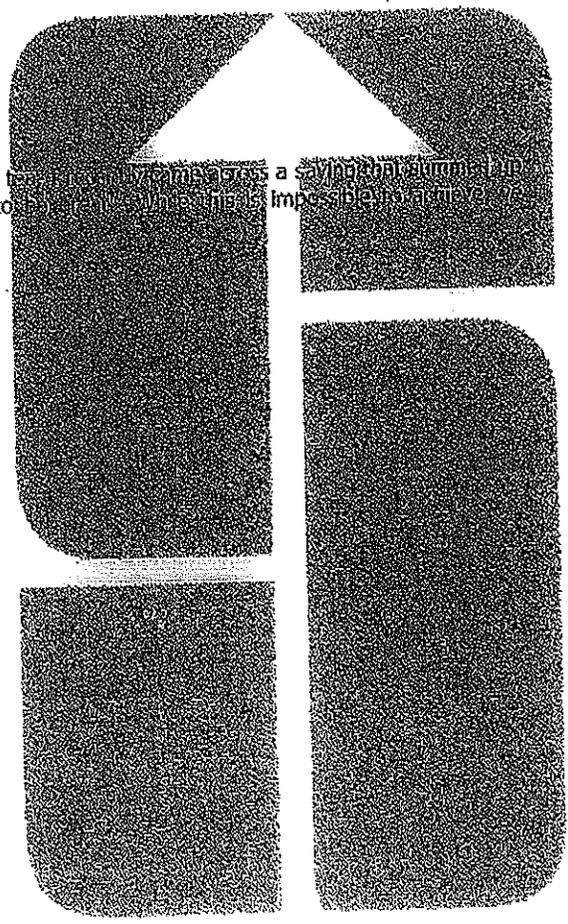
While we have attempted to anticipate many of your likely questions, I am absolutely sure that you may have questions which are unique to you. Please give me a call or drop me an email and I will endeavor to make this process as hassle free as is possible.

Yours Sincerely,



Gary Mason
Vice President
SLEC, Inc.
Cell: 909-697-9009

P.S. While mission statements are not everyone's cup of tea, ours is. It's a simple statement, but our philosophy, "Why do anything unless it is going to be worth the effort?" is impossible to ignore. We certainly intend to give it a go.

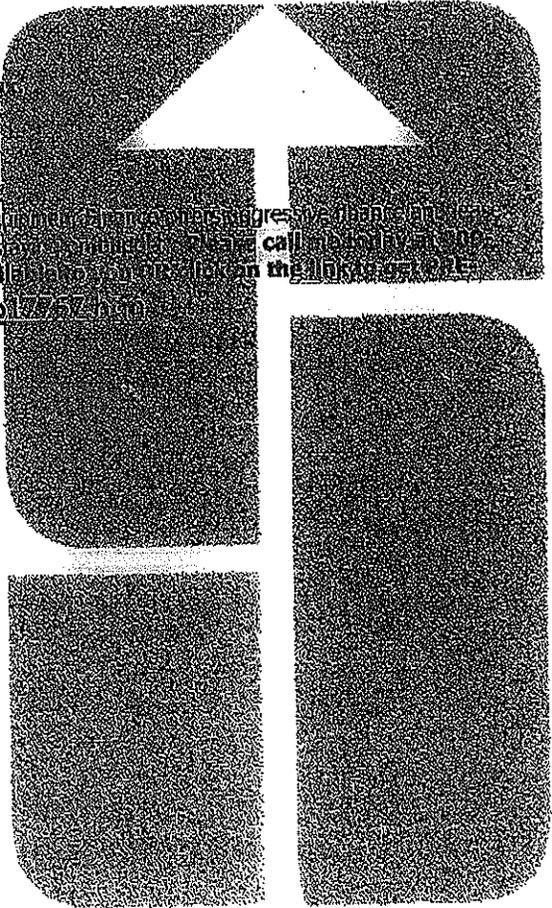


From:

Proposal

Quantity	Description	Price \$
One set of four.	Description: SLEC™ mobile lift. Model #: 18 Type Part #: 911014 Capacity per column: 18,000lbs. Total Capacity: 72,000lbs. Voltage: 220v/440v, 3 phase	32,250

Commissioning and operator training included
Prices offered do not include any applicable sales tax
Freight: Extra at cost.
Warranty: One year parts and labor.
Delivery period: To be confirmed.
Payment terms: 30 Days after delivery.
Finance Option: SLEC in strong partnership with ACG Equipment Finance offers aggressive financing arrangements to help you obtain the lifts you need while saving money. Please call Monday-Friday 8:00-5:00 PM at 697-9009 to inquire about the options that are available to you. **APPROVED.** <https://acg.secure2050.com/app/17752.htm>



CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 4

ORIGINATING DEP: Planning

CITY MANAGER: DR

PREPARED BY: Al Warot, Planning Consultant

SUBJECT: Encroachment Permit for Construction of Off Street Parking at 340 Wrigley Terrace Road

RECOMMENDED ACTION(S): Approve Encroachment Permit to allow construction of four off street parking spaces at 340 Wrigley Terrace Road.

REPORT SUMMARY: Jack and Nora Tucey have recently purchased the property at 340 Wrigley Terrace Road. They are proposing to create an off street parking area on the property frontage that could accommodate four vehicles and would be accessed from Wrigley Terrace Road. However, an Encroachment Permit is required in order for the applicants to construct the parking spaces.

The proposed garage would be constructed into the slope at grade with Wrigley Terrace Road. The public right of way at the location of the proposed garage extends from 2.39 feet to 3.38 feet beyond the retaining wall that follows the easterly edge of Wrigley Terrace Road. The proposed design of the structure would require a break in the wall and excavation into the adjoining slope to a depth of approximately 12 feet. The walls and roof of the structure, which would be open to Wrigley Terrace Road, would be engineered in accordance with the recommendations of a geotechnical investigation in order to ensure the stability of the excavated slope and the integrity of the remaining retaining wall and the proposed garage. When completed, the roof of the garage would be backfilled with soil in order to blend with the topography of the site. The placement of the garage is intended to minimize disturbance to the root system of a large oak tree that exists on the property. The proposed plans for the garage are attached.

The Avalon Municipal Code identifies two types of encroachments: minor encroachments, which may be approved by the City Manager; and major encroachments, which must be approved by the City Council. The encroachment associated with the construction of the proposed garage would be a major encroachment requiring City Council approval. The Municipal Code further states that a major encroachment upon the public right of way may be granted if the City Council determines that the encroachment is: 1) necessary or desirable; 2) does not create a substantial adverse impact on persons or property; and 3) does not adversely affect the public health, welfare or safety.

The proposed garage would eliminate the need for vehicles registered to this property to be parked on Wrigley Terrace Road, as already occurs. Given the configuration of the existing

retaining wall along Wrigley Terrace Road, the construction of the proposed garage could not occur without some encroachment into the public right of way. The garage is proposed along a segment of Wrigley Terrace Road with adequate sight distance to allow for vehicles to enter and exit the garage without posing a hazard to vehicular traffic on this roadway. The siting of the garage on the property would not adversely affect the uses or inhabitants on any adjacent properties and would afford protection for a mature oak tree that exists on the property. A geotechnical investigation would be required and the resulting recommendations would guide the design of the proposed structure. Therefore, Staff is recommending that the Encroachment Permit be approved with the understanding that the proposed project would subsequently require Planning Commission approval of a Variance and Site Plan, and that the Planning Commission could impose conditions to address any potential concerns in conjunction with the processing of those applications.

GOAL ALIGNMENT: Not Aligned

FISCAL IMPACTS: A \$217 fee for the Encroachment Permit Application has been paid by the applicant.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): Applicant would not be able to construct the proposed garage. On street parking would continue to occur on Wrigley Terrace Road.

FOLLOW UP ACTION(S): The proposed garage will require submittal of Site Plan and Variance Applications for consideration and action by the Planning Commission.

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

ATTACHMENTS:

1. Encroachment Permit Application
2. Preliminary Plans

CITY OF AVALON
APPLICATION FOR ENCROACHMENT PERMIT

Applicant Name: JACK & NORA TUCEY Telephone No.: 310 968 6322

Mailing Address: P.O. Box 1494 Avalon CA 90704

Location of Encroachment: 340 WILSON TOMOC ROAD

Nature of Encroachment: BUILD AN UNDERGROUND CARPORT
(Attach copy of plans and specifications of proposed encroachment with this Application)

Proposed Permit Term: Effective Date: MAY 18th 2016 Expiration Date: MAY 18th 2017

Permit term may not exceed five (5) years. (Avalon Municipal Code ("Code") Sec. 4-9.109) (Applicant may annually apply for subsequent one (1) year permit term extensions unless permit is terminated by City or applicant)

One year extension requested: yes no

Applicant agrees to indemnify, defend (with counsel acceptable to City) and hold harmless the City, its officers and its employees from all liability and damages and from all costs of suit, including attorneys' fees, arising from the encroachment or the permit.

Dated: MAY 19th 2016 Applicant: [Signature] Signature

Terms and Conditions of Permit:

This permit is revocable upon thirty (30) days written notice from the City to applicant at the above address.

Permit fee amount \$ 217⁰⁰

This permit only entitles applicant to construct the encroachment structure described in this Application on City-owned property. It does not give applicant exclusive use of City-owned property or the right to exclude others from City-owned property.

As a condition of issuance of this permit, applicant shall execute a recordable covenant running with the land, in a form approved by the City Attorney, which: (a) surrenders possession of the encroachment structure, releasing the City from all claims in the event that the City determines to widen or improve the street, alley, parkway, or other public place where the encroachment is located; and (b) indemnifies, defends and holds the City harmless from all liability and damages and from costs of suit, including attorney fees, arising from the encroachment or the permit. (Code Sec. 4-9.107).

Unless waived by the City Manager, applicant shall post and maintain for the term of the permit, a security bond in the amount of \$ _____ or cash equivalent.

Unless waived by the City Manager, applicant shall provide the City with a copy of liability insurance (combined single limit for bodily injury and/or property damage) in the amount of \$ _____ listing the City as additional insured, and shall maintain said insurance for the term of the permit.

Applicant shall construct and maintain all encroachment structures in accordance with the plans and specifications submitted to the City with this Application, and shall maintain and keep all encroachments in clean and safe condition for the term of the permit.

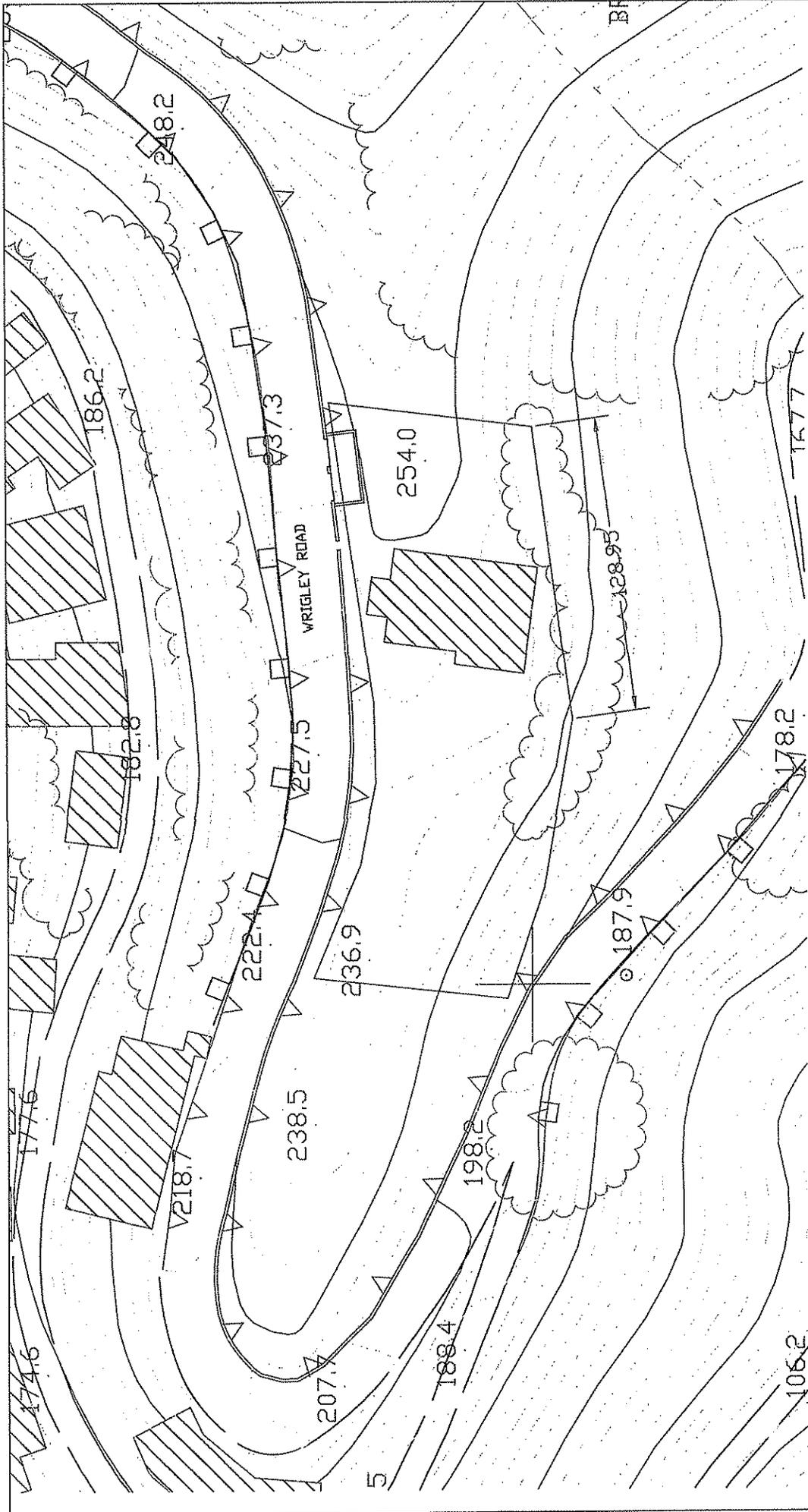
Encroachment structures shall be removed by the expiration of the permit term or within 30 days of written notice of revocation of the permit by the City to applicant. If applicant fails to timely remove the encroachment or fails to comply with the terms of the encroachment permit, the City may remove or cause the removal of the encroachment and applicant shall be liable for all costs incurred by the City for such action. (Code Sec. 4-9.110)

Additional Permit Conditions: _____

Date Permit Granted: _____ Permit Expiration Date: _____

By: _____ City Manager (Code Sec. 4-9.103 Minor Encroachments); _____
City Manager Signature

_____ City Council, Agenda Date: _____

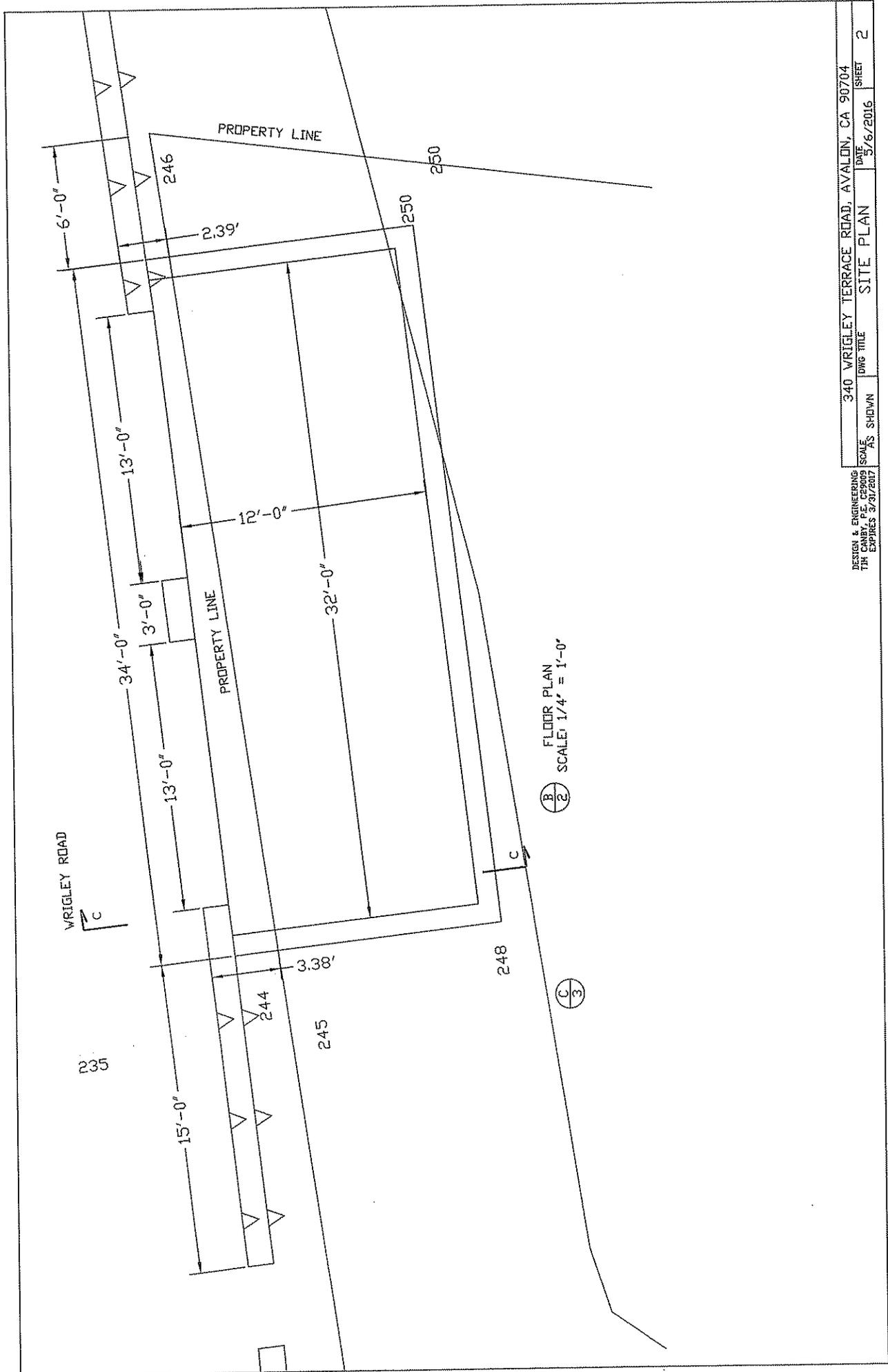


ENGINEER:
 TIMOTHY V. CANBY, P.E.
 CE9909, Expires 3/31/17
 3 LINCOLN STREET
 IRVINE, CA 92618
 949 796-8185
 949 933-1926 cell
 tvc_canby@hotmail.com

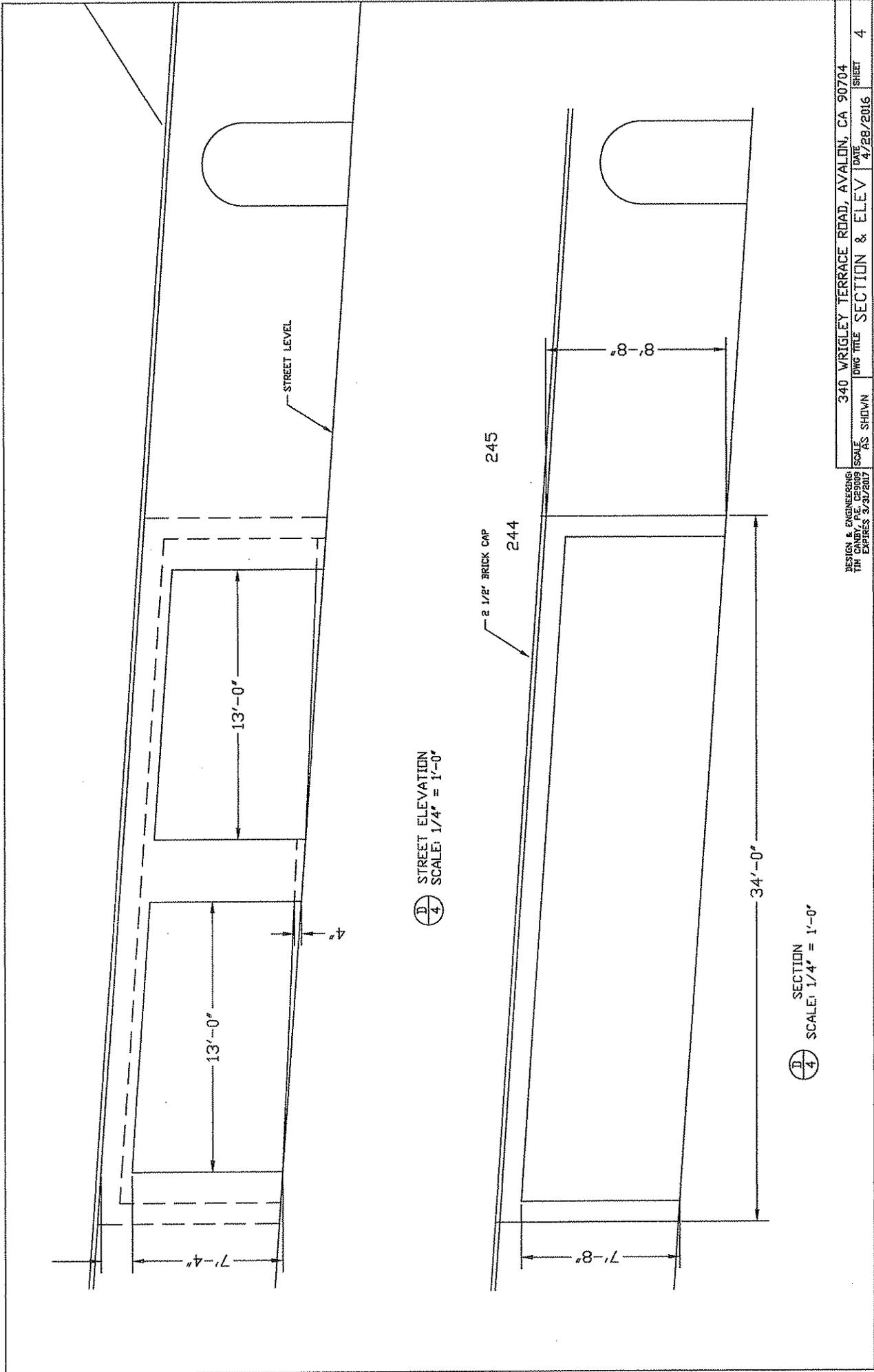
ⓐ SITE PLAN
 ⓑ SCALE: 1" = 40'-0"

DESIGN & ENGINEERING TIM CANBY, P.E. CE9909 EXPIRES 3/31/2017	SCALE AS SHOWN	DATE 4/28/2016	SHEET 1
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340 WRIGLEY TERRACE ROAD, AVALON, CA 90704
 DWG TITLE GARAGE ADDITION



DESIGN & ENGINEERING TOM CARNEY, P.E., CDP, 2009 EXPIRES 5/31/2017	SCALE AS SHOWN	DWG TITLE SITE PLAN	DATE 5/6/2016	SHEET 2
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④ STREET ELEVATION
SCALE: 1/4" = 1'-0"

④ SECTION
SCALE: 1/4" = 1'-0"

DESIGN & ENGINEERING TIM CHAI, P.E. 028009 EXPIRES 5/31/2017	AS SHOWN	DATE 4/28/2016	SHEET 4
340 WRIGLEY TERRACE ROAD, AVALON, CA 90704		SECTION & ELEV	

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 5

ORIGINATING DEP: Finance Department

CITY MANAGER: RR

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: Public Hearing – Sewer and Salt Water Service Fees for FY16-17

RECOMMENDED ACTION(S): Open the public hearing to hear public comments. After all public comments have been heard, close the public hearing, and determine if written protests have been received from the owners of the majority of 1,495 parcels which are subject to the proposed Sewer and Salt Water 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 waive a full reading and introduce the ordinance establishing rates for saltwater service fees and sewer service fees.

REPORT SUMMARY: The FY16-17 projected cost of service for Sewer and Salt Water exceeds the current service fee revenue by \$719,000 and \$55,000 respectively. At the April 5, 2016 City Council Meeting, staff presented various scenarios to achieve the needed revenue. The City Council directed staff to proceed with sufficiently raising rates in FY16-17, subject to the Proposition 218 process, to fund the operations and crucial infrastructure improvements. A Notice of proposed rate increases (Attachment 1) was mailed out to all property owners more than 45 days prior to this Public Hearing announcing the proposed rate increases. Additionally, a Notice of Public Hearing was published in the local newspaper on May 27, 2016 and June 3, 2016.

Sewer

In 2012, the California Regional Water Quality Board issued a Cease and Desist Order (“CDO”) requiring the City to bring its sewer program into compliance with State and Federal water quality regulations. The CDO requires the City to accomplish many tasks and projects within a designated time frame. If the City fails to comply it be fined up to \$25,000 per day and the State may take control of the sewer system.

The most significant requirements of the CDO include:

- Implement and fund a capital improvement program for our collection system
- Perform regular and annual maintenance
- Perform and continue private lateral inspections
- Develop and annually update a 10-year financial plan
- Develop a system evaluation and capacity assurance plan
- Ensure that total maximum daily loads are not exceeded

Currently, the City is in compliance with these requirements, but the mandated improvements to the City's sewer infrastructure are estimated to be \$670,000 annually for at least the next fifteen years based on the capital improvement plan.

The Sewer Fund cash balance as of the end of FY14-15 was \$966,000 and is projected to be \$150,000 by the end of FY15-16. If the Sewer service fee rates are unchanged for next year, the expenditures are projected to exceed the revenue by \$719,000 or 41% of the total revenue.

The proposed Sewer service fees listed in Attachment 1 will be sufficient to fund the \$719,000 shortfall.

Salt Water

Salt Water rate increases are necessary to fund the operations and crucial infrastructure improvements of the Salt Water system. Last year the Salt Water gate project was suspended, but the necessary funding from the Salt Water reserves was approved in the amended FY15-16 Budget. According to the ten-year capital improvement plan, the essential improvements will cost about \$100,000 to \$125,000 per year starting next year.

The Salt Water Fund cash balance as of the end of FY14-15 was \$538,000 and is projected to be \$35,000 by the end of FY15-16. If the Sewer fee rates are unchanged for next year, the expenditures are projected to exceed the revenue by \$55,000 or 10% of the total revenue.

The proposed Salt Water service fees listed in Attachment 1 will be sufficient to fund the \$55,000 shortfall.

Proposition 218

The Sewer and Salt Water Funds are enterprise funds for which a fee is charged in exchange for the cost of service. These funds are intended to support themselves by collecting sufficient revenues to cover the cost of service. The process of increasing rates of the City's Salt Water and Sewer service fees is subject to the 1996 constitutional amendment known as "Proposition 218, Right to Vote on Taxes Act." Sewer and Salt Water service fees may be adopted five years in advance.

The main requirements of Proposition 218 are:

- ✓ Rates must be based on the actual cost of service;
- ✓ The City must mail a notice to all affected property owners of the proposed change in rates and public hearing;
- ✓ The City must hold a public hearing at least 45 days after the mailing of the notices;
 - Proposed change in rates is considered rejected if written protests are received from a majority of the affected property owners; or
 - Rates can become effective 30 days after the public hearing and adoption of an ordinance.

GOAL ALIGNMENT: Achieve a balanced budget.

FISCAL IMPACTS: The rates published in Attachment 1 will increase Sewer and Salt Water revenue by \$719,000 and \$55,000 respectively and will balance the budget for the two enterprise funds in FY16-17.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Sewer and Salt Water enterprise funds will have insufficient funds to complete essential capital improvements to ensure the reliability of the systems and to comply with the CDO. Failure to comply with the CDO may result in daily fines up to \$25,000, litigation, and loss of City control over its own resources. Failure of the systems could be disastrous and require more expensive emergency repairs.

FOLLOW UP ACTION:

- June 21, 2016 – Second reading of the ordinance;
- July 15, 2016 – Submit FY16-17 rates to Los Angeles County;
- September 30, 2016 – On or before this date contract a consultant to perform a cost of service and rate study.
- December 31, 2016 – On or before this date, complete a cost of service and rate study; and
- Annually review adopted Sewer and Salt Water rates and cost of service.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act. The notice of Public Hearing was advertised May 27, 2016 and June 3, 2016.

ATTACHMENTS:

1. Notice of Public Hearing Concerning Proposed Rate Increases to Sewer and Saltwater Service Fees
2. Ordinance will be provided under separate cover.

NOTICE OF PUBLIC HEARING CONCERNING PROPOSED RATE INCREASES TO SEWER AND SALTWATER SERVICE FEES

NOTICE IS HEREBY GIVEN that the City Council of the City of Avalon (the "City") will conduct a Public Hearing on June 7, 2016, at 6:00 p.m., in the City Council Chambers at City Hall, located at 410 Avalon Canyon Road, Avalon, California 90704, or as soon thereafter as the matter may be heard, to consider adopting increases in the current rates for its sewer and saltwater service fees.

REASONS FOR THE PROPOSED RATE INCREASES

The City of Avalon experienced a significant loss of funding due to the State of California budget crisis and the loss of vital redevelopment funds that had been annually earmarked for these services and now no longer exist.

On April 5, 2012, the California Regional Water Quality Control Board issued a Cease and Desist Order ("CDO") requiring the City to bring its sewer program into compliance with State and Federal water quality regulations.

Sewer Service Fees

The CDO requires the City to accomplish many tasks and projects within a designated time frame.

The City currently is in compliance with the CDO.

However, it is estimated that the average annual cost of the continued repairs as required in the CDO will be \$670,000 for at least the next fifteen years. The City does not have the option of ignoring the requirements of the CDO and faces fines up to \$25,000 per day and potential State takeover of the City's sewer system if violations occur.



Tuberculated Sewer Line

The most significant requirements of the CDO include:

- Implement and fund a capital improvement program for our collection system
- Perform regular and annual maintenance
- Perform and continue private sewer lateral inspections
- Develop a and annually update a 10-year financial plan
- Develop a system evaluation and capacity assurance plan
- Ensure total maximum daily loads are not exceeded in summer dry weather, winter dry weather and wet weather
- Complete the Supervisory Control and Data Acquisition Project (SCADA)-Phase 2

Projects completed

- 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
- Catherine Booster Station motor repairs
- Executed a falconer contract
- CCTV Camera purchased for interior sewer line inspections

The Sewer Fund's cash balance is projected to be \$150,000 at the end of this fiscal year, June 30, 2016. Based on the capital improvement plan and on-going CDO operational and maintenance costs, and if sewer service fees are not increased, the Sewer Fund is projected to have a deficit of \$719,000 in FY16-17, accumulating to almost \$4 million by FY20-21. If the proposed rate increases

are adopted, it is anticipated that annual revenues will increase by \$700,000; sufficient to achieve a balanced budget while complying with the CDO.

Saltwater Service Fees The recommended rate increases to the saltwater service fees are necessary to make critical infrastructure improvements to the saltwater system, including completion of the saltwater valve replacement project (which insures the integrity to Avalon's firefighting and toilet flushing capability), and to commence a study of converting the saltwater 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 saltwater valve replacement program was suspended last year due to the lack of funds. In November 2015, the City Council authorized continuing the valve replacement by utilizing the Saltwater cash reserve balance. The Saltwater Fund reserves are estimated to be \$35,000 by June 30, 2016. If the Saltwater service fees are unchanged for next year, the expenditures are projected to exceed the revenue by \$55,000 and the deficit would accumulate to about \$450,000 by FY20-21.

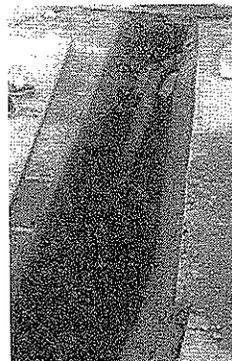
If the proposed saltwater service rate increases are adopted, it is anticipated that annual revenue from the saltwater service fees will increase by approximately \$55,000; sufficient to maintain the infrastructure in the coming year.

Based on the foregoing, the City is recommending that the rates for its sewer and saltwater service fees be increased to fund the critical improvements and programs that are required by the CDO and are vital in serving customers. The City is committed to providing the highest quality utility services at the lowest possible rates for the 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, 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

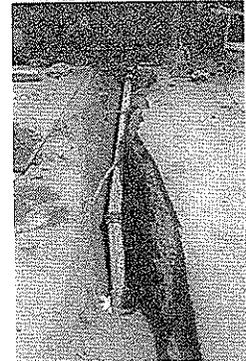
infrastructure. Based on this evaluation, it has been determined that rate increases are necessary for the City's sewer and saltwater service fees to enable the City to recover current and projected costs of operations, maintenance, and capital infrastructure improvements needed to provide reliable saltwater and to safely treat and dispose of wastewater in compliance with State and Federal regulations, while maintaining the operational and financial stability of the utilities, avoiding operational deficits and depleting 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 County 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 up to 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 rate is calculated



Before: Leaking Clay Sewer Line



After: Repaired Sewer Line

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, 2016, 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 Table 1.

Table 1

ANNUAL SEWER SERVICE FEES			
Customer Class	Current Rates	Proposed Rates	Annual Increase
Residential (per dwelling unit)	\$547.38/unit	\$766.33/unit	\$218.95/unit
Public Shower (per shower)	\$181.69/shower	\$254.37/shower	\$72.68/shower
Hotel (per room)	\$274.84/room	\$384.78/room	\$109.94/room
Laundries (per wash unit)	\$369.63/unit	\$517.48/unit	\$147.85/unit
Shops/Offices	\$547.38	\$766.33	\$218.95
Take-out Restaurant	\$830.92	\$1,163.29	\$332.37
Churches	\$1,106.60	\$1,549.24	\$442.64
Bar/Restaurant (up to 100 seats)	\$1,645.88	\$2,304.23	\$658.35
Bar/Restaurant (more than 100 seats)	\$2,461.03	\$3,445.44	\$984.41

PROPOSED SALTWATER SERVICE FEES

The City's saltwater service fees are billed on an annual basis and are collected on the County property 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 is 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, 2016, 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 set forth in Table 2.

ANNUAL SALTWATER SERVICE FEES			
Customer Class	Current Rates	Proposed Rates	Annual Increase
Residential	\$192.60/unit	\$211.86/unit	\$19.26/unit
Hotel	\$128.52/room	\$141.37/room	\$12.85/room
Commercial	\$128.52/toilet	\$141.37/toilet	\$12.85/toilet

PUBLIC HEARING AND PROTESTS

Any property owner may submit a written protest of the proposed rate increases to the City's sewer and saltwater service fees, however, only one protest will be counted per identified parcel. Any written protest must: (1) state that the identified property owner is in opposition to the proposed rate increases to the sewer and/or saltwater service fees; (2) provide the location of the identified parcel (by assessor's parcel number or street address); and (3) include the name and signature of the property owner submitting the protest. Written protests may be submitted by mail or in person to the City Clerk at 410 Avalon Canyon Road, P.O. Box 707, Avalon, California 90704, or at the Public Hearing (date and time noted above), provided they are received prior to the conclusion of the public comment portion of the Public Hearing. Any protest submitted via e-mail or other electronic means will not be accepted. Please identify on the front of the envelope for any protest, whether mailed or submitted in person to the City Clerk, Attn: Public Hearing on Rate Increases.



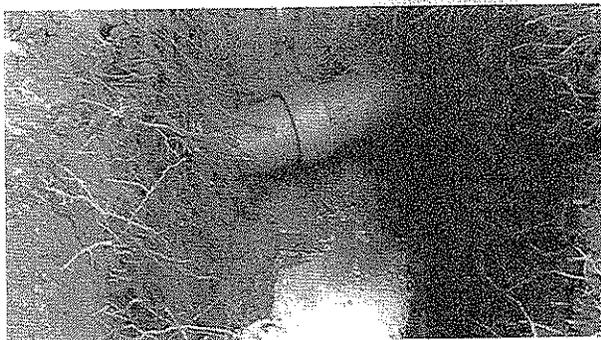
Saltwater repair

The City Council will hear and consider all written and oral protests to the proposed rate increases at the Public Hearing. Oral comments at the Public Hearing will not qualify as formal protests unless accompanied by a written protest. Upon the conclusion of the Public Hearing, the City Council will consider adoption of an ordinance authorizing

the rate increases to the City's sewer and saltwater service fees as described herein. If written protests against the proposed rate increases to (1) the sewer service fees, and/or (2) the saltwater service fees as outlined above are not presented by a majority of property owners of the identified parcels upon which the rates are proposed to be imposed, the City Council will be authorized to impose the respective rate increases. If adopted, the proposed rate increases to the sewer and saltwater service fees will be in effect beginning July 1, 2016, until otherwise modified by the City Council.

QUESTIONS? Let us know

We want to answer any other questions or concerns you may have. Please feel free to contact Robert Mescher at (310) 510-0220 ext. 170 or Denise Radde at (310) 510-0220 ext.122.



Leaky valve needing replacement



New saltwater valve

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 6

ORIGINATING DEP: Harbor

CITY MANAGER: BR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Expulsion Appeal – Vessel Pandemonium

RECOMMENDED ACTION(S): Since the discharge ordinance is based on strict liability and is based upon a discharge from a vessel, regardless of who is operating a vessel, and Municipal Code Section 10-2.503 (i) requires the Harbor Master issue an order barring the vessel and the person owning and/or in possession of the vessel from entering City waters on the subject vessel or any other vessel under the person's ownership or control, deny the appeal of the one-year expulsion from the Harbor.

REPORT SUMMARY: On Wednesday April 13, 2016 at 2:00pm Dermot Brown was cited for discharge from the vessel "Pandemonium" moored on #90 in Avalon Harbor.

Officer Flickinger observed green dye in the water at Mooring 90 that was coming from the starboard side overflow vent of the vessel Pandemonium. Officer Flickinger pointed out the green dye discharge to Mr. Brown who in turn asked his wife to stop flushing. When she stopped flushing, the green dye stopped coming out of the vent and entering the bay.

Mr. Brown was issued a citation for "Illegal Discharge", given a copy of the expulsion/appeal letter and was reassigned to a mooring in Descanso Bay.

Since the vessel Mr. Brown was aboard is a charter boat, Marina Sailing is appealing the one-year expulsion on the grounds that the owner of the boat should not be penalized for a mistake that was made by someone who rented the vessel. The applicable municipal code section does not exempt a vessel from expulsion if it is operated by someone other than the vessel's owner.

Expulsion of the vessel is based on strict liability, which means that mechanical failure, lack of information or intent is not considered a defense.

GOAL ALIGNMENT: Not Aligned

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The vessel Pandemonium, which discharged green dye into Avalon Bay, would not be banned from using a mooring in Avalon as specified in Avalon Municipal Code section 10-2.503 (i).

FOLLOW UP ACTION: Notify the vessel owner of the City Council's decision.

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

ATTACHMENTS:

1. Appeal letter from Marina Sailing
2. Complaint Report
3. Appeal Instructions to Mr. Brown
4. Avalon Municipal Code 10-2.503 "i"



Mailing Address: P.O. Box 786 • Johnstown • CO • 80534
E-mail: nb@marinasailing.com
Web: www.sailingnewportbeach.com

CHARTERS & INSTRUCTION

Phone: 949.548.8900 • Fax: 949.258.5910

April 26, 2016

Via Overnight Mail

Denise Radde
City of Avalon
PO Box 707
Avalon, CA 90704

RE: Appeal Citation Number 295297 Discharge in Avalon Harbor; boat Pandemonium

Dear Ms. Radde,

Please consider this letter and check for \$355 as an Appeal to the above referenced boat ban from Avalon Harbor.

The boat issued the citation in this matter is a charter boat. The operator of the boat during the time the citation was issued was a customer on a bareboat charter, not the owner of the boat. This appeal is asking for an exception for the Owners of the boat only to moor in Avalon Harbor.

Please advise the hearing date of this Appeal and/or any other actions necessary for a hearing to be scheduled on this matter.

Thank you for your consideration, if you need to reach me my contact information is (949) 548-8900 or leslie@sailingnewportbeach.com.

A handwritten signature in cursive script, appearing to read "Leslie Acord".

Leslie Acord
Manager
Marina Sailing Newport Beach

Enclosure check for \$355

CITY OF AVALON
HARBOR DEPARTMENT
COMPLAINT REPORT

Suspect: Dermot E. Brown
Vessel Name: Pandemonium
Violation Code: 10-2.503 (i)
Location of Violation: #90 Avalon Harbor
Issuing Officer: William Flickinger

Date of Violation: 04/13/16
Registration #: 1168850
Court Date: 05/13/2016
Citation #:295297
Badge 4

Approved by: _____



At approximately 1400 hours I was driving by Mooring 90 and observed green dye coming out of the starboard side overflow of the vessel Pandemonium. I pointed out the green dye discharge to Mr. Brown who asked his wife to stop flushing. When she stopped flushing, the green dye stopped coming out of the overflow.

I Advised Mr. Brown I would be issuing a citation for Illegal Discharge in Avalon Harbor 10-2.503 (i). Mr. Brown was very apologetic and provided me with his Arizona Driver's License at which time I issued the citation and had Mr. Brown sign the letter explaining the appeal process.

Mr. Brown was relocated to Mooring W-23 in Descanso Bay for the night.



William Flickinger
Harbor Patrol Officer



City of Avalon

Santa Catalina Island

Dear Boater:

Avalon has been designated an EPA no-discharge area. Strict enforcement of this policy ensures Avalon's continued reputation for clean and fresh waters and beaches.

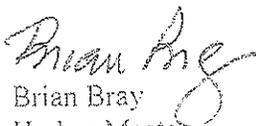
Discharge has been observed coming from your vessel. In accordance with Avalon Municipal Code Section 10-2.503 (i), your vessel is excluded from mooring in Avalon Harbor a period of one year from today. We can refund you any unused days or reassign you to an available mooring in Descanso Bay or Hamilton Cove.

If you wish to appeal this decision, please send your appeal within 15 days of the citation and include a \$355.00 Appeal Fee payable to the City of Avalon to:

Denise Radde, City Clerk
City of Avalon
P.O. Box 707
Avalon, CA 90704

If you choose to appeal, your letter should contain the specific grounds for your appeal or it will be considered technically defective. Please be advised that expulsion is based on strict liability, which means that mechanical failure, lack of information or intent are not considered a defense. Also, please be aware that the citation you received in this matter is a function of the Judge of the Catalina Municipal Court and has no bearing on your expulsion from Avalon Harbor.

Sincerely,


Brian Bray
Harbor Master

Received by: 

Administration/
Public Works
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-0901

Finance
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-0765

Harbor Department
P.O. Box 1085
Avalon, CA 90704
310 510-0535
Fax 310 510-2640

Fire Department
P.O. Box 707
Avalon, CA 90704
310 510-0203
Fax 310 510-0104

Recreation
Department
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-9528

Planning/Estimate
Capital Improvement
P.O. Box 707
Avalon, CA 90704
310 510-0220
Fax 310 510-0220

CITY OF AVALON NO DISCHARGE ORDINANCE

SEC. 10-2.503 CONTAMINATING WATERS AND BEACHES.

(a) It shall be unlawful for any person to throw, discharge, deposit, or leave, or cause, suffer, or procure to be thrown, discharged, deposited, or left either from or out of any vessel or holding tank, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any description into the navigable waters of the City.

(b) It shall be unlawful for any person to discharge, or cause, suffer, or procure to be discharged or deposited, material of any kind in any place or on any banks of any navigable waters in the City where such discharged material shall be liable to be washed into the waters of the City either by ordinary or high tides, or by storms, floods, or otherwise.

(c) It shall be unlawful for any person to throw, place, or leave any dead animal or putrefying matter into the waters of the City or along the shore thereof.

(d) It shall be unlawful for any person to deposit, place, throw or in any manner dispose of any cans, receptacles, bottles, papers, food, animal or vegetable matter, rubbish, trash, garbage, or any decaying or putrid matter, material, or substance which might decay, or which might become injurious to health or which might become a nuisance or offensive to the senses of any person coming in proximity thereto into the waters of the Pacific Ocean or into the Bay of Avalon or upon the beaches of the City, or any portion thereof.

(e) It shall be unlawful for any person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship, or barge to discharge, or cause to be discharged, any ballast water, bilge water or waste water containing or contaminated with any crude petroleum, refined petroleum, engine oil, or oily byproduct within the waters of the City unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

(f) It shall be unlawful for any person to throw, place, bury, or deposit upon any public or private beach in the City any glass, glassware, crockery, or any bottle, cup, container, plate, or other vessel made of glass, glassware, or crockery, or any other material or substance which would cause, or might reasonably be presumed to cause, injury to patrons of such beaches. None of such materials shall be left on the beach by any person, but the same shall be deposited in receptacles provided by the City for the deposit thereof or shall otherwise be removed from the beach by the owner of such materials.

(g) The unauthorized dumping of any kind of material into the waterway, or the throwing overboard, or setting adrift, or permitting to set adrift of anything that is, or might become, obstructive or dangerous to navigation is hereby expressly prohibited.

(h) In order to enforce the provisions of this section and to safeguard and protect City waters from contamination, the owner and/or other person in charge of any boat or vessel entering City waters shall, as a condition of entering and/or remaining in the City waters, allow City

personnel to board the vessel and place dye tablets into the vessel's marine sanitary device, and to perform a test or tests to ensure that the marine sanitary device is in such a condition as to prevent any contaminants from being discharged into City waters. It shall be unlawful to any person to deny City personnel access to a vessel for purposes of placing dye tablets in the marine sanitary device, to refuse or interfere with testing of the marine sanitary device by City personnel, to tamper with or remove while in City waters any dye tablet placed in a marine sanitary device by City personnel, or to place any substance in the marine sanitary device with the intent to interfere with the enforcement of this section. Violation of the provisions of this subsection shall be punishable as a misdemeanor. In addition to the penalties prescribed herein and in subsection (i), the Harbor Master shall have the authority to order any owner or person in charge of any boat or vessel upon which any act or omission specified herein has occurred, to immediately remove such vessel from City waters.

(i) In the event that the Harbor Department observes or received information that any vessel is discharging into City waters any liquid or solid material from or through its marine sanitation device, marine holding tank or related or connected equipment in violation of this section, as evidenced by the discharge of dye placed into the facility pursuant to subsection (h) of this section, or has tampered with or removed dye tablets placed in the sanitation device, or if the owner or person apparently in charge does not permit or interferes with the placing of dye tablets or performance of any testing of the marine sanitation device by the Harbor Department required by this section, then the Harbor Master or any harbor patrol officer shall locate, if present on the vessel, the owner or person in apparent control of possession of the vessel and present the evidence of discharge, tampering or removal, refusal or interference and offer that person the opportunity to respond to or rebut the evidence. The conference shall be informal. If, after the informal conference, the Harbor Master or harbor patrol officer concludes that the discharge emanated from the subject vessel, or that tampering or removal of the dye tablets has occurred, or that the placing of dye tablets or testing of the marine sanitation device has been refused or interfered with, **the Harbor Master or harbor patrol officer shall issue an order barring the vessel and the person owning and/or in possession of the vessel from entering City waters on the subject vessel and any other vessel under the person's ownership or control. In the case of discharge, the order shall be for a period of one(1) years, effective immediately.** In the case of tampering or removal of dye tablets or performance of testing, the order shall be for a period of two (2) years, effectively immediately. The order shall be made in writing and delivered personally to the subject vessel owner and/or person in apparent control unless actions of the owner or person in control make such delivery impractical or infeasible. Where personal delivery cannot be made, a copy of the order shall be sent by first class mail, postage prepaid, to the address of the person to whom the vessel is registered. The order may be appealed pursuant to the provisions of Section 10-2.217.

(j) No person shall discharge from any vessel and it shall be unlawful for any liquid or solid material to be discharged from or through a vessel's marine sanitation device or marine holding tank into City waters in violation of this section, as evidenced by the discharge of dye placed into the facility pursuant to subsection (h) of this section. Violation of this Section 10-2.503 shall be a strict liability offense.

(k) Notwithstanding the provisions of subsections (a) through (j) of this section, no violation of this section shall occur where a vessel mechanic licensed to do business in Avalon Harbor complies with the following requirements: (1) notifies the Avalon Harbor Department of the vessel name, its location and the type of repair requested prior to commencing repairs; (2) notifies the Avalon Harbor Department that the holding tank of the vessel on which he intends to conduct repairs has been pumped out, or provides an explanation of why the tank cannot be pumped out prior to commencing repair work; (3) notifies the Avalon Harbor Department prior to conducting a test flush, at which time a Harbor Deputy shall be sent to the vessel to observe the flush, or if a Harbor Deputy is not available within a reasonable time, the Harbor Department may authorize the mechanic to proceed with the test flush as agent for the Avalon Harbor Department; and (4) notifies the Avalon Harbor Department when all repairs have been completed and the mechanic or vessel owner or other person in charge is present at the vessel while new dye tablets are placed in the head(s) and a test flush is conducted. A discharge which occurs during such repair or tests conducted to confirm the successful completion of the repair shall not result in liability or penalty to the mechanic or vessel owner or other person in charge, provided there is compliance with the foregoing requirements.

CITY OF AVALON CITY COUNCIL

MEETING DATE: June 7, 2016

AGENDA ITEM: 7

ORIGINATING DEP: City Clerk

CITY MANAGER: RR

PREPARED BY: City Attorney

SUBJECT: Verification of Sufficiency of Signatures For Petition Entitled
"Initiative Measure Regarding the Avalon Medical Marijuana Use
Act of 2016"

RECOMMENDED ACTION(S):

1. Receive, File and Accept Certificate of Sufficiency of Initiative Petition
2. Direct Staff to Prepare a Report Analyzing the Impact of the Proposed Initiative Measure or, Alternatively, Adopt one of Three Attached Resolutions Placing the Initiative Measure on a Future Ballot.

REPORT SUMMARY:

Background:

On December 4, 2015, the City received a Notice of Intent to Circulate a Petition and proposed initiative measure ("Measure") from Mark Malan, an Avalon resident/proponent.

The Measure, among other things, would permit medical marijuana dispensaries to operate within the City, whether at fixed or mobile locations. Fixed-location dispensaries would be prohibited from operating within 1,000 feet of a public elementary, middle, or high school or within 200 feet of the mean tide line, but would otherwise be allowed to locate anywhere in the City. The Measure provides no distance restrictions on mobile dispensaries. The Measure limits the total number of dispensaries that may operate in the City to two at any single time. The Measure would also permit medical marijuana consumption on-site at dispensaries. Dispensaries would be subject to a \$10,000 annual license tax and each individual sale of medical marijuana products would be subject to a 12% transaction fee, up to \$100,000 each year from each dispensary. The Measure also authorizes personal delivery of medical marijuana throughout the City to meet the patient's personal needs.

In accordance with the California Elections Code, the City Attorney's office timely prepared and sent a ballot title and summary of the Measure to the initiative's proponent on December 17, 2015. The proponent then had 6 months from receipt of the ballot title and summary to gather enough signatures to qualify the Measure for the ballot. On April 14, 2016, the proponent submitted a signed petition to the City Clerk's Office.

On May 25, 2016, the City Clerk's office verified that the petition contained 197 valid signatures to qualify the Measure for the ballot. The Elections Code requires the signatures of at least 10 percent of the City's registered voters to qualify a local measure. The City Clerk's office confirmed that there are currently 1762 registered voters in the City of Avalon and, therefore, 176 signatures were required.

City Council Options/Action Required:

The Certificate of Sufficiency of Initiative Petition is attached to this report and it is recommended that the City Council receive, file, and accept the certificate as valid in all respects.

Since the Measure has obtained the required number of signatures, tonight the City Council's options under the Elections Code are as follows:

- a) Submit the Measure to the voters at the next regular municipal election occurring at least 88 days later. A "regular election" is one where Council Members are elected. The next regular election would be April 10, 2018;
- b) Submit the Measure to the voters at a special election between 88 and 103 days after the City Council calls the election (between September 3 and September 18, 2016);
- c) Submit the Measure to the voters at a special election to be consolidated with the Statewide General Election on November 8, 2016;
- d) Direct staff to prepare an impartial and informational report analyzing the impact of the Measure on the City's land use and development regulations, finances, ability to provide public services, and the like. Staff must present the report not later than 30 days after it is ordered by the City Council (July 7, 2016). If the City Council chooses this option, once the report has been prepared and presented, the City Council will need to consider all available options, including a-c above.

The Elections Code purports to provide one additional option – that the Council may adopt the Measure as an ordinance, without alteration, and thereby forego an election. However, the Measure establishes taxes on medical marijuana dispensary businesses and on the sale of medical marijuana (legally, the "transaction fees" in the Measure are general and special sales taxes). Under California Proposition 218 (California Constitution Article XIII C, Section 2) new taxes require voter approval. Because Proposition 218 preempts the Elections Code in this regard, the City Council may not adopt the Measure on its own authority.

Effect of Pending Statewide Marijuana Measures:

Nearly a dozen marijuana-related initiative measures are currently trying to get on the November, 2016 Statewide ballot. For the most part, their intent is to legalize recreational marijuana. Many of them are simply variations on the same basic bill, with only subtle differences to gauge public support. Most of them are still in the signature gathering stage.

However, a group for one of the measures filed their signed petition with the Secretary of State. As of this report, the signatures are being verified to determine if there are enough to qualify the measure for the November, 2016 ballot. This measure is named the "Control, Regulate and Tax Adult Use of Marijuana Initiative". It would legalize marijuana for recreational use, but allow local governments to "enforce state laws and regulations for nonmedical marijuana businesses and enact additional local requirements for nonmedical marijuana businesses," but not require them. This would allow a local government to (i) ban recreational marijuana businesses entirely, (ii) "reasonably regulate" cultivation through zoning and other laws, but only outdoor cultivation could be banned outright (some indoor cultivation by individuals must be allowed). Local governments would be required to allow delivery of marijuana within their limits. While the Avalon Measure deals with medical marijuana, it may nonetheless be affected by this or another of the Statewide measures.

Other proposed ballot initiatives run the gamut from preserving local authority to outright preempting it. Some proposals would allow public consumption of marijuana – much like using tobacco in public. Some would allow cultivation by anyone over 21 years of age. Others would allow smaller cities to ban retail marijuana businesses outright, some would allow this with voter approval, and some would prohibit such a ban entirely. Depending upon which of these measures qualifies for the November, 2016 ballot and which are ultimately passed, the proposed Avalon Measure before you tonight may be impacted by the State initiatives or not affected at all. There is such a variety of Statewide measures which face an uncertain future, that it is difficult at the present time to predict the effect these efforts will have on the Avalon Measure. The City Attorney's Office is keeping a close watch on these developments and will notify the Council of any significant changes in this regard.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS:

Option a: No additional cost to the City for the election production to add an initiative to the ballot; minimal additional translation cost for placing the initiative in the voter pamphlet.

Option b: The April 2016 election was budgeted for \$35,000. A special election is projected to be this same cost to the City of Avalon and would need to be included in the FY 16/17 Budget.

Option c: The cost to hold a special election consolidated with the November Statewide General Election is still being obtained.

Option d: Staff analysis would be between \$4,000 - \$5,000 in time spent to create a thorough report for Council on the various impacts of the initiative.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City Council is required to select one of the options outlined above this evening in order to comply with the California Elections Code. If the Council does not order preparation of the impact report this evening, it must place the Measure on the ballot on any of the election dates identified above. The resolutions setting dates for the election are attached.

FOLLOW UP ACTION: If the City Council orders Staff to prepare the Impact Report, Staff intends to bring it to the Council at its meeting on July 5, 2016, at which time, the Council will select an election date.

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

ATTACHMENTS:

1. Certificate of Sufficiency of Initiative Petition.
2. Proponent's Proposed Initiative Measure
3. Resolutions Placing Measure on Various Ballots



City of Avalon

Santa Catalina Island

CERTIFICATE OF SUFFICIENCY OF PETITION

I, Denise A. Radde, City Clerk/Interim City Manager of the City of Avalon, County of Los Angeles, State of California, hereby certify that:

The Petition entitled "Initiative Measure Regarding the Avalon Medical Marijuana Use Act of 2016" was filed with the City Clerk Office on April 14, 2016.

That said petition consists of 54 sections;

That each section contains signatures purporting to be signatures of qualified electors of the City of Avalon, California;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that Section, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponents filed this petition and based on the County of Los Angeles Registrar of Voters, I have determined the following facts regarding this petition:

1. Total number of signatures filed: 343
2. Number of signatures verified: 343
3. Total number of signature needed: 176
4. Number of signatures found sufficient: 197
5. Number of signatures found not sufficient: 146
6. Not sufficient because duplicate: 13

Based on the above, the Petition is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Avalon this 25 day of May, 2016.

Denise A. Radde
City Clerk/Interim City Manager

Administration/ Public Works P.O. Box 707 Avalon, CA 90704 310 510-0220 Fax 310 510-0901	Finance P.O. Box 707 Avalon, CA 90704 310 510-0220 Fax 310 510-0765	Harbor Department P.O. Box 1085 Avalon, CA 90704 310 510-0535 Fax 310 510-2640	Fire Department P.O. Box 707 Avalon, CA 90704 310 510-0203 Fax 310 510-0104	Recreation Department P.O. Box 707 Avalon, CA 90704 310 510-0220 Fax 310 510-9528	Planning/Building Capital Improvements P.O. Box 707 Avalon, CA 90704 310 510-0220 Fax 310 510-2608
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Los Angeles County Registrar-Recorder/County Clerk

DEAN C. LOGAN
Registrar-Recorder/County Clerk

May 9, 2016

Ms. Denise A. Radde, City Clerk
City Of Avalon
P.O. Box 707
Avalon, CA 90704

Dear Ms. Radde:

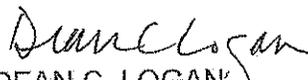
We have completed the signature verification submitted on April 27, 2016 for *Initiative Measure Regarding the Avalon Medical Marijuana Use Act of 2016*.

The results of the signature verification are as follows:

Number of signatures filed	343
Number of signatures verified	343
Number of signatures found sufficient	197
Number of signatures found not sufficient	146
Not sufficient because duplicate	13

Please call Tiffany Olsen, Head, Data Entry and Signature Verification at (562) 462-2376 if you have any questions regarding the signature verification of this petition.

Sincerely,


DEAN C. LOGAN
Registrar-Recorder/County Clerk

AVALON MEDICAL CANNABIS FACILITY ACT OF 2016

The People of the City of Avalon do ordain as follows:

SECTION 1. TITLE

This initiative shall be known and may be cited as the Avalon Medical Cannabis Facility Act of 2016.

SECTION 2. FINDINGS AND DECLARATIONS

The people of the City of Avalon find all of the following to be true:

- A. We strongly support the right of seriously ill patients to use medical Cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which Cannabis provides relief.
- B. We oppose the arrest, prosecution, and incarceration of persons legally-qualified under the Compassionate Use Act of 1996, codified as California Health & Safety Code Section 11362.5 and enacted through Proposition 215, and the Medical Marijuana Program Act of 2004, as amended, codified as California Health & Safety Code Sections 11362.7 through 11362.83, inclusive, and enacted through Senate Bill 420, by local, state, or federal law enforcement.
- C. The provision of medical Cannabis should occur in a safe and orderly manner in order to protect patients and the community
- D. The people of the City of Avalon further find and declare that we enact this initiative pursuant to the powers reserved to the State of California, the City of Avalon, and its people under the Tenth Amendment to the United States Constitution.

SECTION 3. ADDITION OF CHAPTER 20, "MEDICAL CANNABIS FACILITIES," TO TITLE 5 OF THE AVALON MUNICIPAL CODE

Chapter 20, entitled, Medical Cannabis Facilities, of Title 5, entitled Public Welfare, Morals, and Conduct, of the Avalon Municipal Code is added to read as follows:

- Chapter 20 – Medical Cannabis Facilities
- Sec. 20.010 – Purpose and Intent.
- Sec. 20.020 – Definitions.
- Sec. 20.030 – Medical Cannabis Collectives.
- Sec. 20.040 – Permissible quantities of medical Cannabis.
- Sec. 20.050 – Transportation of Medical Cannabis.
- Sec. 20.060 – Medical Cannabis Facilities.
- Sec. 20.070 – Compliance with All Applicable Laws.
- Sec. 20.080 – Law Enforcement Procedures and Training.
- Sec. 20.090 – Preparation, Packaging and Labeling of Edibles.

- Sec.20.100 – Labor Peace Agreement Requirement.
- Sec.20.110 – Emergency Distribution.
- Sec.20.120 – Medical Cannabis Paraphernalia.
- Sec.20.130 – Medical Cannabis Residential Cultivation.
- Sec.20.140 – Energy Offsets Encouraged

Section 20.010. Purpose and Intent.

A. The purpose of this Chapter is to implement California Health and Safety Code Section 11362.5, known as the Compassionate Use Act of 1996, and Health and Safety Code Sections 11362.7 through 11362.83, inclusive, known as the Medical Marijuana Program Act of 2004, and to regulate the location of facilities lawfully used for the storage, dispensing and use of medical Cannabis, other than the cultivation or possession of medical Cannabis by an individual patient or Primary Caregiver at the patient or caregiver's home, lawfully incident to the residential use of that home. The Compassionate Use Act and the Medical Marijuana Program Act are the state laws removing state law penalties for Qualified Patients, and Primary Caregivers to those patients, for possession, cultivation, transportation, sales, distribution, storage, and use of medical Cannabis, and nuisances related thereto, for consumption and use by Qualified Patients.

B. This Chapter is intended to:

1. To help ensure that seriously ill Avalon residents can obtain and use Cannabis for medical purposes where that medical use has been deemed appropriate and recommended or approved by a physician who has determined that the patient's health would benefit from the use of Cannabis in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraines, or any other serious illness or condition for which Cannabis provides relief.

2. To protect citizens from the adverse impacts of irresponsible medical Cannabis distribution, storage and use practices.

3. To help ensure that Qualified Patients and their Primary Caregivers who obtain or cultivate Cannabis solely for the Qualified Patient's medical treatment with the recommendation or the approval of a physician are not subject to criminal prosecution or sanction.

4. To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of medical Cannabis to patients whose medical doctors approve or recommend medical Cannabis to treat a serious illness or condition.

Section 20.020. Definitions.

A. "Cannabis" shall have the same meaning as the definition of "Marijuana" provided in California Health and Safety Code Section 11018 at this time, but if that definition is amended by state law in the future, then it shall be as amended. Currently, under Health and Safety Code

Section 11018, "marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination."

B. "Qualified Patient" shall mean a person who has a written or oral recommendation or the approval from a licensed medical doctor to use Cannabis for medical purposes.

C. "Primary Caregiver" shall mean the individual person or persons designated by a Qualified Patient, provided that said individual person or persons has consistently assumed responsibility for the housing, health, or safety of the Qualified Patient.

D. "Medical Cannabis Collective" shall mean a cooperative, affiliation, association, or collective of persons comprised exclusively and entirely of Qualified Patients and the Primary Caregivers of those patients, the purpose of which is to provide education, referral, or network services to Qualified Patients, and to facilitate or assist in the cultivation and manufacture or acquisition of medical Cannabis for Qualified Patients.

E. "Medical Cannabis Facility" shall mean any non-residential fixed location or a mobile retail environment operated by a Medical Cannabis Collective that dispenses, cultivates, stores or, in the case of mobile retail environments, transports, medical Cannabis, and where other services may be provided to Medical Cannabis Collective members, including without limitation, baking, processing, testing, and transporting. A "Medical Cannabis Facility" shall not include the following uses, provided that the location of such uses is permitted by the Avalon Municipal Code and that the uses comply with all applicable state laws including Health and Safety Code Section 11362.5 et seq.: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

Section 20.030. Medical Cannabis Collectives.

A. Pooling of Resources Recognized. The City of Avalon recognizes that some Qualified Patients may not have Primary Caregivers and also may not be able to undertake all the physical activities necessary to cultivate Cannabis for personal medical use. Accordingly, this section recognizes that Qualified Patients may join together with or without their Primary Caregivers to form Medical Cannabis Collectives for the purpose of acquiring, cultivating and manufacturing medical Cannabis solely for the personal medical use of the members who are Qualified Patients. The City of Avalon recognizes that not all members of a Medical Cannabis Collective will perform the same tasks or contribute to the collective in an equal manner. Accordingly, Medical

Cannabis Collectives are free to decide how to best pool their resources and divide responsibilities in cultivating medical Cannabis for the personal medical use of their members who are Qualified Patients.

B. Amount of Dried Cannabis and Plants. Medical Cannabis Collectives may possess a reasonable quantity of dried Cannabis and Cannabis plants to meet the needs of their patient members. Medical Cannabis Collectives shall not accumulate more Cannabis than is necessary to meet the personal medical needs of their Qualified Patients.

C. Restriction on Excessive Cultivation and Possession. Nothing in this Section shall authorize any individual, organization, affiliation, collective, cooperative or other entity to (1) cultivate or possess a quantity of medical Cannabis that is inappropriate for the personal medical need of the patient(s) for whom it is intended; or (2) cultivate or possess any quantity of Cannabis for non-medical purposes.

D. Reimbursement to Medical Cannabis Collectives. In providing medical Cannabis to their members or providing other services to its members, Medical Cannabis Collectives may be reimbursed for the costs of its services and materials, including overhead expenses incurred by the Medical Cannabis Collective.

Section 20.040. Permissible quantities of medical Cannabis.

The Compassionate Use Act allows Qualified Patients or their Primary Caregivers to possess or cultivate Cannabis for the Qualified Patient's "personal medical purposes." Because each Qualified Patient will have different needs regarding appropriate Personal Medical Use, this Section seeks to ensure that each Qualified Patient or his or her Primary Caregiver can possess enough Cannabis to meet the Qualified Patient's personal medical need.

A. Cultivation of Medical Cannabis. Notwithstanding any other provision of law, and pursuant to California Health and Safety Code Section 11362.77(c) as effective on January 1, 2004, all cultivation of Cannabis for medical purposes by a Qualified Patient or Primary Caregiver shall be lawful and shall in no way be subject to criminal prosecution when said cultivation is conducted solely for the personal medical purposes of Qualified Patients. Such lawful cultivation may include the cultivation and possession of both female and male plants at all stages of growth, clones, seedlings, and seeds, and related cultivation equipment and supplies. Medical Cannabis Collectives, Qualified Patients, Primary Caregivers, and cultivators may cultivate individually or collectively.

B. Possession of Medical Cannabis. Notwithstanding any other provision of law, and pursuant to California Health and Safety Code Section 11362.77(c) as effective on January 1, 2004, all possession of Cannabis for medical purposes by a Qualified Patient or Primary Caregiver shall be lawful and shall in no way be subject to criminal prosecution when said possession is undertaken solely for the personal medical purposes of Qualified Patients. Medical Cannabis Collectives, Qualified Patients, Primary Caregivers, and cultivators may possess individually or collectively.

C. Property and Equipment. The rental, leasing, or providing of equipment or space utilized for

cultivation, processing, or storage of medical Cannabis in accordance with this Section shall be lawful.

D. **Size of Visible Cannabis Gardens.** The City of Avalon recognizes that large scale outdoor cultivation of Cannabis may create a risk of theft. Accordingly, any Medical Cannabis Collective that cultivates Cannabis plants outdoors (excluding secure rooftops, balconies, or other locations that are not visible from other buildings or land) or in a place that is visible with the naked eye from other public or private property, may cultivate no more than the California state limit of such visible plants at one time on a single parcel of property.

Section 20.050. Transportation of Medical Cannabis.

A Qualified Patient or a Primary Caregiver of a Qualified Patient may transport medical Cannabis within the City of Avalon to the extent that the quantity transported and the method, timing, and distance of the transportation are reasonably related to the Qualified Patient's current medical need at the time of transport.

Section 20.060. Medical Cannabis Facilities.

A. **Location of Medical Cannabis Facilities.** No Medical Cannabis Facility shall be located within 1000 feet of a public elementary, middle, or high school. All measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the Medical Cannabis Facility to the nearest point on the property line of the school or other Medical Cannabis Facilities, as applicable.

B. **Zoning Requirements.** Medical Cannabis Facilities shall not be permitted within 200 feet of the mean tide line.

C. **Business License and Permit.** All Medical Cannabis Facilities must obtain a business license or business permit pursuant to Title 3 of the Avalon Municipal Code. Business licenses and permits for Medical Cannabis Facilities shall be issued without undue delay and following normal and expedient consideration of the application. No more than two active permits shall be issued by the City at any given time, which shall be awarded first applied, first granted, on application submitted after 12-15-15.

D. **Act amendment.** Any changes or modifications to this law once enacted shall require a vote carried by 66% of the voting total.

E. **Medical Cannabis Vending Machines.** Electronic vending of medical cannabis through a vending machine shall not be permitted in any way shape or form. All locations are permitted an ATM machine without further permits or licenses.

F. **Displays.** The Medical Cannabis Facility shall not display any Cannabis or Cannabis merchandise, including paraphernalia, which would be visible from any location other than from within the premises of the Medical Cannabis Facility, however a blade sign with a green cross is allowed in addition to window signage.

G. **Lighting.** All areas of the Medical Cannabis Facility shall be illuminated at a minimum of one foot-candle, minimum maintained and evenly distributed at ground level (excluding those areas shielded by tables and similar obstructions).

H. **Hours of Operation.** A Medical Cannabis Facility shall not operate between the hours of twelve (12:00) midnight and nine (9:00) a.m.

I. **Evaluations for the Use of Medical Cannabis Shall be allowed on Premises.** Compassionate use dispensaries may allow any licensed medical doctor or doctor of osteopathic medicine to provide medical cannabis evaluations within the physical premises of the compassionate use dispensary.

J. **Medical Cannabis may be consumed on-site only as follows:**

a. The smoking or vaporizing of medical cannabis shall be allowed provided that appropriate seating, restrooms, drinking water, ventilation, air purification system, and patient supervision are provided in a room or enclosed area separate from other Medical Cannabis Facility service areas.

b. The maximum occupancy of the on-site consumption area shall meet applicable occupancy requirements.

c. The Medical Cannabis Facility shall use an activated charcoal filter, or other device sufficient to eliminate all odors associated with medical cannabis use from adjoining businesses and public walkways. The fan used to move air through the filter shall have the capacity sufficient to ventilate the square footage of the separate room or enclosed area in which medical cannabis use is permitted.

d. Any outdoor medicating area shall be blocked from street level view.

Section 20.070. Compliance with All Applicable Laws.

Nothing in this Chapter shall be construed as excusing any person or entity from compliance with all other applicable federal, state and local laws. The City may make compliance with such laws a condition of deeming such person or entity in compliance with local law, except to the extent it would conflict with the purposes of this Chapter.

Section 20.080. Law Enforcement Procedures and Training.

a. Within six months of the date that this chapter becomes effective, the training materials handbooks, and printed procedures of the law enforcement agency contracted with the city shall be updated to reflect its provisions. These updated materials shall be made available to law enforcement agents in the regular course of their training and service.

b. Medical Cannabis-related activities shall be the lowest possible priority of the of the law enforcement agency contracted with the city. Any violations will be based upon state law.

c. Qualified patients, their Primary Caregivers, and Medical Cannabis Collectives who come into contact with law enforcement will not be cited or arrested for dried Cannabis or Cannabis plants in their possession will not be seized if they are in compliance with the provisions of this chapter.

d. Qualified patients, their primary caregivers, and medical cannabis collectives who come into contact with law enforcement and cannot establish or demonstrate their status as a qualified patient, primary caregiver, or medical cannabis collective, but are otherwise in compliance with the provisions of this chapter, will not be cited or arrested and dried cannabis or cannabis plants in their possession will not be seized if (1) based on the activity and circumstances, the officer determines that there is no evidence of criminal activity; (2) the claim to be a qualified patient, primary caregiver, or medical cannabis collective is credible; and (3) proof of status as a qualified patient, primary caregiver, or medical cannabis collective can be provided to the law enforcement agency within three business days of the date of contact with law enforcement, seized material shall be returned upon proof of compliance through this ordinance and state law.

Section 20.090. Preparation, Packaging and Labeling of Edibles.

1. Edibles. Edibles shall be limited to those items approved in the California Homemade Food Act, Chapter 6.1 (commencing with Section 51035) of Part 1 of Division 1 of Title 5 of the Government Code.

2. Compliance with State Food Safety Requirements. A Medical cannabis facility that prepares, dispenses, or in any manner distributes Edible Medical Cannabis Products must comply with the relevant provisions of all state laws specified regarding the preparation, distribution, labeling and sale of food, even if those laws are not directly applicable to Edibles. Any facility used by a medical cannabis facility to produce Edibles shall be constructed, operated and inspected in accordance with the applicable building code and applicable food safety requirements.

3. Preparation of Edibles.

a. Individuals involved in the production or distribution of Edibles containing Medical Cannabis shall thoroughly wash their hands before commencing production and before handling the finished product. Gloves must be worn when packaging edible products containing Medical Cannabis.

b. In order to reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness or are known to be infected with a communicable disease that is transmissible through foodstuffs are prohibited from preparing edible products containing Medical Cannabis until they are free of that illness or disease, or are incapable of transmitting the illness or disease through foodstuffs. Individuals who have sores or cuts on their hands must use gloves when preparing and handling edible products containing Medical Cannabis.

4. Packaging of Edibles.

- a. All edibles shall be individually wrapped at the original point of preparation. Labeling shall be distinctly and clearly legible on the front of the package and must include: (i) a warning if nuts or other known allergens are used; (ii) a warning that the item is a medication containing Medical Cannabis and the total weight (in ounces or grams) and amount of Active Ingredients in the package; (iii) the date of manufacture; (iv) a statement that the contents are not a food product; and (v) information indicating any caloric impact on the patient. The package label must have a warning clearly legible emphasizing that the product is to be kept away from children. (vi) Labels of edibles that are not tested for contaminants (baked goods) shall include a statement that the cannabis used in the product was tested for contaminants.
- b. Packaging of Edibles shall be opaque, and may not make it appear as if the Edible is a food product. Packaging that makes the product attractive to children or imitates candy is not allowed.
- c. Packaging of edibles shall be tamper-evident.

Section 20.100. Labor Peace Agreement Requirement

(a) Definition. For purposes of this Section, the following term is defined as set forth below:

“Labor peace agreement” means an agreement between a licensee and a bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(b) Any Medical Cannabis Facility shall adopt a labor peace agreement and provide a copy of the agreement to the City Clerk upon request.

Section 20.110. Emergency Distribution.

The City of Avalon strongly opposes the federal prosecution of medical cannabis patients, caregivers, and providers. The City shall make all reasonable accommodation for the provision of medical cannabis to Qualified Patients or their Primary Caregivers in the event that access to medical cannabis is interrupted or severely diminished as the result of civil or criminal federal law enforcement activity. The City shall accommodate distribution of medical cannabis as early as possible following such a disruption and no later than thirty (30) days after the disruption.

Section 20.120. Medical Cannabis Paraphernalia.

A qualified patient and the primary caregiver of a qualified patient may possess paraphernalia that the qualified patient needs to smoke or otherwise consume medical cannabis.

Section 20.130. Medical Cannabis Residential Cultivation.

Medical cannabis residential cultivation shall not require a use permit for qualified patients to cultivate medical cannabis in their residence or on their residential property.

Section 20.140. Energy Offsets Encouraged.

For indoor grows we suggest researching lighting systems that use considerably less energy than regular lighting systems. The use of wind, solar, or carbon offsets when or if possible is encouraged. The clean use and disposal of water is also encouraged.

SECTION 4. AMENDMENTS TO TITLE 5 OF THE AVALON MUNICIPAL CODE

The following amendments are made to following Sections in Chapter 20 of Title 5 of the Avalon Municipal Code.

Section 5.20.01, entitled “**Definitions.**,” is repealed.

Section 5.20.02, entitled “**Medical Marijuana Dispensary Unlawful.**,” is repealed.

Section 5.20.03, entitled “**Mobile Marijuana Dispensary Unlawful.**,” is repealed.

Section 5.20.04, entitled “**Marijuana Delivery Unlawful.**,” is repealed.

Section 5.20.05, entitled “**Public Nuisance Declared.**“ is repealed.

Section 5.20.06, entitled “**Violations.**“ is repealed.

SECTION 5. AMENDMENTS TO TITLE 3 OF THE AVALON MUNICIPAL CODE

Chapter 1.124, entitled, “Business Licensing “of Title 3, entitled “Finance,” of the Avalon Municipal Code is amended to add the following sections which shall read as follows:

Section 3.01.124. Medical Cannabis Facilities.

Every person who in this city engages in a business operating a Medical Cannabis Facility shall pay an annual license tax of \$10,000, except that (c) 50% of the annual license tax shall be directed exclusively for the use by the Long Beach Unified School District for the school located in the City of Avalon with the intention to promote drug and alcohol abuse education.

Section 3.01.125. Medical Cannabis Transaction Fees.

Every monetary transaction between a Medical Cannabis Facility and a Qualified Patient or Primary Caregiver shall be subject to a transaction fee of twelve percent (12%) of the total amount of the transaction. The amount paid per licensed medical cannabis facility is not to exceed a maximum of \$100,000 each year. It shall be the responsibility of the individual who obtained the business license on behalf of the Medical Cannabis Facility to collect, record, and submit to the City of Avalon all such transaction fees. All transaction fees shall be reported and paid to the City of Avalon not less than every 90 days after the issuance of the business license to the Medical Cannabis Facility. All transaction fees collected by the City of Avalon shall be directed as follows: (a) 33.3% drug and alcohol education program for students of Avalon, (b) 33.3% for the general fund of the City of Avalon.(c) 33.3% to Avalon Park's and Recreation as additional department funding.

SECTION 6. SPECIAL OR REGULAR ELECTION

The Voters of the City of Avalon hereby expressly request that this initiative ordinance be set for a special or regular election at the earliest time allowable by law, at the discretion of the proponent, if applicable.

SECTION 7. SEVERABILITY

If any provision of this initiative, or the application thereof to any person or circumstance, is held invalid, that invalidity shall not affect any other provision or application of this initiative that can be given without the invalid provision or application; and to this end, the provisions or applications of this initiative are severable.

RESOLUTION NO. 2016-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AVALON AN INITIATIVE MEASURE PERMITTING MEDICAL MARIJUANA DISPENSARIES AND SIMILAR FACILITIES WITHIN THE CITY, SUBJECT TO ANNUAL LICENSE TAXES AND INDIVIDUAL TRANSACTION FEES, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD APRIL 10, 2018, AND SETTING RULES FOR ARGUMENTS FOR AND AGAINST SAID MEASURE.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Avalon, seeking to enact an initiative measure/ordinance which would, among other things, permit medical marijuana dispensaries and similar activities to be conducted within the City of Avalon, subject to annual license taxes and individual transaction fees (the "Measure" or "Ordinance"); and

WHEREAS, Section 9215 of the California Elections Code provides that a local initiative measure may qualify for the ballot if a petition is filed with the City containing the signatures of at least ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the City Clerk has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the California Elections Code; and

WHEREAS, the City Council desires to place the Measure on the next regular municipal election to be held on April 10, 2018; and

WHEREAS, the specific terms of the Measure/Ordinance are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9215, hereby orders the Measure/Ordinance attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the Regular Municipal election to be held on Tuesday, April 10, 2018. The proposed Measure/Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Regular Municipal election on Tuesday, April 10, 2018, in addition to any other matters required by law, there shall be printed substantially the following:

"Shall the Avalon Municipal Code be amended to permit up to two medical marijuana dispensaries and similar facilities, both fixed and mobile, to operate within the City, and to permit the cultivation, manufacture and processing of medical marijuana products, subject to specified standards, and further subject to a \$10,000 annual license tax and a 12% transaction fee/tax on each individual medical marijuana sale, until repealed by voters, and generating approximately \$200,000 annually?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is hereby requested to consent to having the Registrar of Voters render such election services to the City of Avalon as may be requested by the City Clerk of said City, the County of Los Angeles to be reimbursed in full for such services as are performed.
- C. The election services which the City of Avalon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Avalon; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

- E. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- G. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The Los Angeles County Registrar of Voters is hereby authorized to canvass the returns of said election.
- J. The City Clerk of the City of Avalon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **January 19, 2018**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk,

who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official’s office at (insert phone number) and a copy will be mailed at no cost to you.”**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **January 29, 2018**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on April 10, 2018, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance/Measure will not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance/Measure attached hereto as Exhibit “A”, to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County.

SECTION 9. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the

meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Avalon, California, at a Regular meeting held on this 7th day of June, 2016.

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

CERTIFICATION FOR RESOLUTION NO. 2016-____

I, Denise Radde, City Clerk of the City Council of the City of Avalon, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Avalon on the 7th day of June 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED AS TO FORM:

**DENISE RADDE
CITY CLERK**

**SCOTT H. CAMPBELL
CITY ATTORNEY**

EXHIBIT "A"

TEXT OF INITIATIVE MEASURE TO ALLOW MEDICAL MARIJUANA FACILITIES

[attached behind this page]

RESOLUTION NO. 2016-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AVALON AN INITIATIVE MEASURE PERMITTING MEDICAL MARIJUANA DISPENSARIES AND SIMILAR FACILITIES WITHIN THE CITY, SUBJECT TO ANNUAL LICENSE TAXES AND INDIVIDUAL TRANSACTION FEES, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD APRIL 10, 2018, AND SETTING RULES FOR ARGUMENTS FOR AND AGAINST SAID MEASURE.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Avalon, seeking to enact an initiative measure/ordinance which would, among other things, permit medical marijuana dispensaries and similar activities to be conducted within the City of Avalon, subject to annual license taxes and individual transaction fees (the "Measure" or "Ordinance"); and

WHEREAS, Section 9215 of the California Elections Code provides that a local initiative measure may qualify for the ballot if a petition is filed with the City containing the signatures of at least ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the City Clerk has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the California Elections Code; and

WHEREAS, the City Council desires to place the Measure on the next regular municipal election to be held on April 10, 2018; and

WHEREAS, the specific terms of the Measure/Ordinance are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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	NO	

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- C. The election services which the City of Avalon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Avalon; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

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- J. The City Clerk of the City of Avalon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **January 19, 2018**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
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- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk,

who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official’s office at (insert phone number) and a copy will be mailed at no cost to you.”**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **January 29, 2018**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on April 10, 2018, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance/Measure will not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or Measure, at no cost, upon request made to the City Clerk.

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SECTION 9. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the

meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Avalon, California, at a Regular meeting held on this 7th day of June, 2016.

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

Approved as to Form:

Scott H. Campbell, City Attorney

CERTIFICATION FOR RESOLUTION NO. 2016-____

I, Denise Radde, City Clerk of the City Council of the City of Avalon, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Avalon on the 7th day of June 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DENISE RADDE
CITY CLERK

EXHIBIT "A"

TEXT OF INITIATIVE MEASURE TO ALLOW MEDICAL MARIJUANA FACILITIES

[attached behind this page]

RESOLUTION NO. 2016-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AVALON AN INITIATIVE MEASURE PERMITTING MEDICAL MARIJUANA DISPENSARIES AND SIMILAR FACILITIES WITHIN THE CITY, SUBJECT TO ANNUAL LICENSE TAXES AND INDIVIDUAL TRANSACTION FEES, AT A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 8, 2016, AND SETTING RULES FOR ARGUMENTS FOR AND AGAINST SAID MEASURE.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Avalon, seeking to enact an initiative measure/ordinance which would, among other things, permit medical marijuana dispensaries and similar activities to be conducted within the City of Avalon, subject to annual license taxes and individual transaction fees (the "Measure" or "Ordinance"); and

WHEREAS, Section 9215 of the California Elections Code provides that a local initiative measure may qualify for the ballot if a petition is filed with the City containing the signatures of at least ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the City Clerk has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the California Elections Code; and

WHEREAS, the City Council desires to place the Measure on a special municipal election and consolidate the election for the Measure described herein with the Statewide General Election to be held on November 8, 2016; and

WHEREAS, the specific terms of the Measure/Ordinance are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9215, hereby orders the Measure/Ordinance attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the Special Municipal election to be held and consolidated with the Statewide General

Election on Tuesday, November 8, 2016. The proposed Measure/Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Special Municipal election to be consolidated with the Statewide General Election on Tuesday, November 8, 2016, in addition to any other matters required by law, there shall be printed substantially the following:

"Shall the Avalon Municipal Code be amended to permit up to two medical marijuana dispensaries and similar facilities, both fixed and mobile, to operate within the City, and to permit the cultivation, manufacture and processing of medical marijuana products, subject to specified standards, and further subject to a \$10,000 annual license tax and a 12% transaction fee/tax on each individual medical marijuana sale, until repealed by voters, and generating approximately \$200,000 annually?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 8, 2016, and to hold and conduct the consolidated election in the manner prescribed in California Elections Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is hereby requested to consent to having the Registrar of Voters render such election services to the City of Avalon as may be requested by the City Clerk of said City, the County of Los Angeles to be reimbursed in full for such services as are performed.
- D. The election services which the City of Avalon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for

polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Avalon; and the performance of such other election services as may be requested by the City Clerk.

- E. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- H. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Los Angeles County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The City Clerk of the City of Avalon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **August 19, 2016**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.

- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official’s office at (insert phone number) and a copy will be mailed at no cost to you.”**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **August 29, 2016**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

- C. That the provisions herein shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance/Measure will not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance/Measure attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County.

SECTION 9. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Avalon, California, at a Regular meeting held on this 7th day of June, 2016.

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

Approved as to Form:

Scott H. Campbell, City Attorney

CERTIFICATION FOR RESOLUTION NO. 2016-____

I, Denise Radde, City Clerk of the City Council of the City of Avalon, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Avalon on the 7th day of June 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

**DENISE RADDE
CITY CLERK**

EXHIBIT "A"

TEXT OF INITIATIVE MEASURE TO ALLOW MEDICAL MARIJUANA FACILITIES

[attached behind this page]

RESOLUTION NO. 2016-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF AVALON AN INITIATIVE MEASURE PERMITTING MEDICAL MARIJUANA DISPENSARIES AND SIMILAR FACILITIES WITHIN THE CITY, SUBJECT TO ANNUAL LICENSE TAXES AND INDIVIDUAL TRANSACTION FEES, AT A SPECIAL MUNICIPAL ELECTION TO BE HELD SEPTEMBER 13, 2016, AND SETTING RULES FOR ARGUMENTS FOR AND AGAINST SAID MEASURE.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Avalon, seeking to enact an initiative measure/ordinance which would, among other things, permit medical marijuana dispensaries and similar activities to be conducted within the City of Avalon, subject to annual license taxes and individual transaction fees (the "Measure" or "Ordinance"); and

WHEREAS, Section 9215 of the California Elections Code provides that a local initiative measure may qualify for the ballot if a petition is filed with the City containing the signatures of at least ten percent (10%) of the number of registered voters of the City; and

WHEREAS, the City Clerk has certified that the form of the petition complies with California law and, based upon an examination of voter registration records, that the petition is signed by the requisite number of voters to qualify the Measure for the ballot under the California Elections Code; and

WHEREAS, the City Council desires to place the Measure on a special municipal election to be held on September 13, 2016; and

WHEREAS, the specific terms of the Measure/Ordinance are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9215, hereby orders the Measure/Ordinance attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the Special Municipal election to be held on Tuesday, September 13, 2016. The proposed Measure/Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Measure. The City Council, pursuant to its right and authority, does hereby order that the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the Special Municipal election on Tuesday, September 13, 2016, in addition to any other matters required by law, there shall be printed substantially the following:

"Shall the Avalon Municipal Code be amended to permit up to two medical marijuana dispensaries and similar facilities, both fixed and mobile, to operate within the City, and to permit the cultivation, manufacture and processing of medical marijuana products, subject to specified standards, and further subject to a \$10,000 annual license tax and a 12% transaction fee/tax on each individual medical marijuana sale, until repealed by voters, and generating approximately \$200,000 annually?"	YES	
	NO	

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in the form and content as required by law.
- B. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is hereby requested to consent to having the Registrar of Voters render such election services to the City of Avalon as may be requested by the City Clerk of said City, the County of Los Angeles to be reimbursed in full for such services as are performed.
- C. The election services which the City of Avalon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Avalon; and the performance of such other election services as may be requested by the City Clerk.
- D. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

- E. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- F. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- G. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- H. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- I. The Los Angeles County Registrar of Voters is hereby authorized to canvass the returns of said election.
- J. The City Clerk of the City of Avalon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including **June 21, 2016**, after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.
- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk,

who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the election official’s office at (insert phone number) and a copy will be mailed at no cost to you.”**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than **July 1, 2016**. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on September 13, 2016, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance/Measure will not be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this Resolution, the Ballot Ordinance and/or Measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance/Measure attached hereto as Exhibit “A”, to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County.

SECTION 9. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the

meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

SECTION 10. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 11. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Avalon, California, at a Regular meeting held on this 7th day of June, 2016.

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

Denise A. Radde, City Clerk

Approved as to Form:

Scott H. Campbell, City Attorney

CERTIFICATION FOR RESOLUTION NO. 2016-____

I, Denise Radde, City Clerk of the City Council of the City of Avalon, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Avalon on the 7th day of June 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

DENISE RADDE
CITY CLERK

EXHIBIT "A"

TEXT OF INITIATIVE MEASURE TO ALLOW MEDICAL MARIJUANA FACILITIES

[attached behind this page]