

**AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE A MEETING OF THE
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE
AVALON COMMUNITY IMPROVEMENT AGENCY AND
AVALON HOUSING AUTHORITY
TUESDAY, FEBRUARY 2, 2016- 6:00 PM
CITY HALL COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON
A G E N D A**

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact Denise Radde, City Clerk (310) 510-0220. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35.104 ADA Title II). All public records relating to an agenda item on this agenda are available for the public inspection at the time the records are distributed to all, or a majority of all, members of the City Council. Such records shall be available at City Hall located at 410 Avalon Canyon Rd.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE / INVOCATION

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

PRESENTATION - None

CITY MANAGER REPORT / CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS

MAYOR REPORT

ORAL COMMUNICATION

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

CONSENT CALENDAR

1. Actions

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

Recommended Action

Approve actions from the January 19, 2016 and January 25, 2016 City Council meetings.

CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 2

2. AMEA MOU Side Letter Agreement #1
Since the adoption of the Memorandum of Understanding between the City and the Avalon Municipal Employees Association on December 15, 2015, it was discovered that the effective dates in the last section described as "Cost of Living Increases for Y-Rated Employees" of Article 16, were incorrect. A formal side letter agreement must be executed to correct the AMEA MOU.
Recommended Action
Approve the AMEA MOU Side Letter Agreement #1.

3. Extended Professional Services Agreement with AMMA Transit Planning
The first Request for Proposals received in November 2015, did not produce any compliant proposals. At the January 19, 2016, City Council meeting, Council authorized Staff to re-bid the project which will result in additional costs to the AMMA Professional Services Agreement.
Recommended Action
Authorize an increase to the Professional Services Agreement with AMMA Transit Planning for an amount not-to-exceed \$6,792.66 for continued technical assistance for the re-bid of the transit Request for Proposal process and an amount not-to-exceed \$6,000.00 for assistance during the transition and start-up of the new transit contract and operation.

4. Adopt the Leaves Policy (Policy P-2)
Chapter 7 of the City's Personnel Rules and Regulations, Sections 1 through 9 entitled "Attendance and Leave Policies, Special leaves" covers various employee leave topics. Specifically, these sections address Administrative Leave, Family and Medical Leave (FMLA), the California Family Rights Act (CFRA), Pregnancy Disability (PDL), Jury Duty, Military Leave, and Bereavement Leave amongst other leave policies. The existing policies are meant to provide Federal and State guidelines for the lawful application of such protected leaves.
Recommended Action
Adopt the resolution that implements the City employee Leaves Policy (P-2).

5. Request for Proposal - Cabrillo Mole Ferry Terminal Rehabilitation Project
In 2012, the City applied for, and received, a grant in the amount of \$2,400,000 through the Federal Ferry Boat Discretionary (FBD) Program to rehabilitate the under-side of the Cabrillo Mole and construct a shade structure(s) on the top-side where passengers queue.
Recommended Action
Authorize Staff to issue a Request for Proposal for Architectural, Engineering, and Environmental Services for the Cabrillo Mole Ferry Terminal Rehabilitation Project.

**CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 3**

6. Swim Float Purchase

The Harbor Department installed a CanDock 12' x 20' modular swim float on South Beach in June of 2015 which provides residents and visitors with a fun recreational activity. Staff is requesting to purchase a second swim float from CanDock, as this dock system is very economical.

Recommended Action

Authorize the Harbor Master to purchase material to build a second swim float to be installed at Middle Beach from CanDock West Coast LLC for \$9,034.35 plus shipping from Chico, California.

7. Waterside Project Application ~ Action Fly Boarding

Action Fly Boards has submitted a Waterside Project Application to offer guided fly board rentals. Action Fly Boards proposes to operate up to 16 trips a day, April 1st to November 1st, and 7 days a week from 9:00 am to 6:00 pm. The wave runners and pontoon shuttle boat will tie to the fly board dock in the anchorage area.

Recommended Action

Make the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Belinda Bain, owner of Action Fly Boarding, LLC with the following conditions:

1. Fly board rentals are to stay west of Hamilton Cove as to not interfere with the current mooring and anchorage area.
2. Applicant obtains a commercial store front to conduct ticket sales for their fly board tour business.
3. Customers use shoreboat for transportation to the Action Fly Board float location.
4. Applicant obtains any necessary permits from the Coast Guard regarding fly board operations.
5. Applicant obtains any necessary permits from the California State Lands Commission regarding anchoring their float outside of City waters.
6. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
7. Pay 7% Use Fee under Section 10-2.402 of the Avalon Municipal Code.

8. Waterside Permit Application – Calm C's and Company

Brenda Thomas has submitted a Waterside Project Application to offer boat hull cleaning, topside cleaning and occasional overnight stays on her vessel that she keeps moored in Avalon Harbor. Ms. Thomas proposes to operate 7 days a week, year round during daylight hours using a 14' Zodiac for hull and topside cleaning and will operate as needed for overnight stays on her 30' Tollycraft "Calm C's" secured to a mooring buoy in the Avalon area.

**CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 4**

Recommended Action

Make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Calm C's and Company, with the following conditions:

1. In accordance with the Best Management Practices for wash down activities in Avalon Bay, the wash down of boats in Avalon Bay will only be allowed at the pump out dock in a designated wash-down area using water that is supplied by the vessel's water maker, not the local fresh water provider. Prior to wash down of boat decks, dry cleaning of bird droppings and other waste will occur and be disposed of in a trash receptacle.
2. When Calm C's and Company has any overnight guests while in Avalon waters, those accommodations are to be subject to 12% Transient Occupancy Tax.

9. Waterside Permit Modification Application – Catalina Coastal Tours, LLC

Scott Gorelezenko of Catalina Coastal Tours has submitted a Waterside Project modification proposing to add a third 24' vessel to his current permit and to consolidate his two Waterside Permits that have been issued to Diversity Charters and Catalina Coastal Tours, LLC. The applicant proposes up to three trips daily, seven days a week, year around from 6:00 a.m. to 6:00 p.m. Mr. Gorelezenko will base his operations at 105 Pebbly Beach Road and proposes to use Float 5 to pick up and drop off passengers.

Recommended Action

Make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application modification of adding a third boat to Catalina Coastal Tours Waterside Permit and consolidating Mr. Gorelezenko's Diversity Charters Waterside Permit into his Catalina Coastal Tours Waterside Permit.

10. Waterside Permit Modification Application – Parasail Catalina

Kevin Kramer of Parasail Catalina has submitted a Waterside Project modification proposing to add a third parasail vessel up to 35 feet to service Carnival Cruises and other guest's demands. The applicant proposes up to five trips daily, seven days a week, year around from 9:00 a.m. to 5:00 p.m. Mr. Kramer will base his operations at 105 Pebbly Beach Road and proposes to use Float 5 to pick up and drop off passengers.

Recommended Action

Make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application modification of adding a third boat to Parasail Catalina's permit.

11. Waterside Project Application - NDMK Charters

Adam Thoricht of NDMK Charters proposes to use a 43' Sportsfisher and a 14' dinghy to conduct a fishing charter and scenic tour business. The applicant proposes to

**CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 5**

operate one to two trips per day, 12 months per year, and 7 days per week from 5:00 am to 9:00 pm. The 43' vessel will tie to a City mooring buoy.

Recommended Action

Make the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Adam Thoricht owner of NDMK Charters with the following conditions:

1. All operations to load and unload charter passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

12. Waterside Project Application - Tour Catalina

Tour Catalina has submitted a Waterside Project Application to offer fishing charters and coastal tours. The applicant proposes to use a 30' power boat to conduct a fishing charter and coastal tour business. Tour Catalina proposes to operate two to four trips per day, March to November, and 7 days per week from 6:00 am to 8:00 pm. The vessel will tie to a mooring buoy in the Avalon area.

Recommended Action

Make the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Tour Catalina, with the following conditions:

1. All operations to load and unload fishing charter and coastal tour passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

******The next item on the Consent Calendar is the "City of Avalon acting for itself and as the Successor Agency to the Avalon Community Improvement Agency".**

13. Investment Policy Adoption

The City Council reviews and adopts its investment policy annually which includes delegating investment authority to the Treasurer, and delegating management of the investments to the Treasurer, City Manager, and Finance Director in compliance with California Government Code 53607.

Recommended Action

Review and adopt the resolution adopting the Investment Policy of the City of Avalon and the City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency.

GENERAL BUSINESS

******The next item in General Business is the "City of Avalon acting for itself and the Avalon Housing Authority".**

**CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 6**

14. Amendment to the Down Payment Assistance Program (DPAP) Guidelines
At the January 19, 2016 City Council meeting, Council provided direction to Staff to revise the DPAP Guidelines to alleviate the difficulties with the implementation of the DPAP. The intent was to revise the DPAP to make it more successful.
Recommended Action
Approve the revised Low and Moderate Income Housing Down Payment Assistance Program Guidelines.

15. Item of Discussion and Direction- Oversized Vehicles
Staff was directed to place this item on the agenda regarding concerns over the permitting of oversized vehicles.
Recommended Action
Discuss and provide direction to Staff.

16. Item of Discussion and Direction- Freight Lines
Staff was directed to place this item on the agenda for discussion regarding the CPUC Proposed Decision and the Alternate Proposed Decision concerning the Certificate of Public Convenience and Necessity authorizing service to transport freight.
Recommended Action
Discuss and provide direction to Staff.

CLOSED SESSION

******The second item in Closed Session is the "City of Avalon acting for itself and the Avalon Housing Authority".**

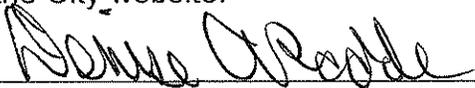
1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to subdivision (d) (2) of Section 54956.9
Number of cases: Two

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 206 East Whittley
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Negotiating Parties: Unknown
Under Negotiation: Price and terms of payment

**CITY COUNCIL AGENDA
FEBRUARY 2, 2016
PAGE 7**

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda February 2, 2016 was posted on Thursday, January 28, 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 and on the City website.



Denise A. Radde, City Clerk / Interim City Manager

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016
ORIGINATING DEP: City Clerk
PREPARED BY: Denise Radde, City Clerk
SUBJECT: City Council Actions

AGENDA ITEM: 1
CITY MANAGER: DR

RECOMMENDED ACTION(S): Approve actions from the January 19, 2016 and January 25, 2016 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.

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: RR

PREPARED BY: Robert Mescher, Finance Director

SUBJECT: AMEA MOU Side Letter Agreement #1

RECOMMENDED ACTION(S): Approve the AMEA MOU Side Letter Agreement #1.

REPORT SUMMARY: At the December 15, 2015 City Council Meeting, the Council adopted the Memorandum of Understanding between the City and the Avalon Municipal Employees Association effective July 1, 2015 and expiring June 30, 2018 ("AMEA MOU"). Subsequently, it was discovered that the effective dates in the last section described as "Cost of Living Increases for Y-Rated Employees" of Article 16, were incorrect. It was intended by both parties that the payroll increases described in Article 16 would be effective July 1, 2016 and 2017, not 2015 and 2016 so that the increase would offset the additional pension contribution deducted from employees' pay effective July 1, 2016 and 2017. A formal side letter agreement must be executed to correct the AMEA MOU.

GOAL ALIGNMENT: None.

FISCAL IMPACTS: The estimated annual payroll increase and related expenses are about \$15,000. The side letter agreement postpones the increase by twelve months.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: AMEA employees who are classified as Y-Rated would receive a 2% retroactive pay increase effective July 1, 2015.

FOLLOW UP ACTION: Executing the Side Letter Agreement #1 by the AMEA and the City.

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

ATTACHMENTS:

AMEA MOU Side Letter Agreement #1

SIDE LETTER AGREEMENT #1
BETWEEN THE CITY OF AVALON
AND THE AVALON MUNICIPAL EMPLOYEE'S ASSOCIATION

The City of Avalon (City) and the Avalon Municipal Employee's Association (AMEA) have agreed to the following amendment to the current Memorandum of Understanding (MOU), effective July 1, 2015 and expiring June 30, 2018. This amendment is required to synchronize the increase of the employees' payment towards the Employer-Paid Member Contribution (EPMC) and the City's salary adjustment of Y-rated employees.

The MOU between the parties shall remain in full force and effect, except as to the specific changes noted in this side letter agreement:

AMENDMENT TO ARTICLE 16 – COST OF LIVING ADJUSTMENTS AND MARKET STUDY INCREASES

The effective dates in the last section described as "Cost of Living Increases for Y-Rated Employees" of Article 16, shall be increased by one year from July 1, 2015 and July 1, 2016 to July 1, 2016 and July 1, 2017, so that the section states:

Cost of Living Increases for Y-Rated Employees: Y-rated employees currently receiving compensation above the total compensation market median shall remain Y-rated until the Consumer Price Index (CPI) for Urban Wage Earners in Los Angeles County shows a salary increase warranted. During the term of the MOU, Y-rated employees will not be eligible to receive the market study increase. However, Y-rated employees shall receive a salary adjustment to assist them in paying their full EPMC, as follows:

1. Effective July 1, 2016, Y-rated employees shall receive a salary adjustment of two percent (2%).
2. Effective as of the beginning of the first complete payroll period that begins after July 1, 2017, Y-rated employees shall receive a salary adjustment of two percent (2%) but not more than eight percent (8%) of EPMC.

IN WITNESS WHEREOF, the parties have caused their authorized representatives to execute the Side Letter Agreement #1 to the MOU effective July 1, 2015, expiring June 30, 2018 that will remain in full force this 6th day of January, 2016. The MOU along with this Side Letter Agreement #1 shall continue to be enforceable until a successor agreement is negotiated.

FOR THE CITY OF AVALON:

Denise Radde, Interim City Manager Date: _____

Tiffany Bose, Human resources Advisor – RGS Date: _____

Dennis Jaich, Public Works Director Date: _____

FOR AVALON MUNICIPAL EMPLOYEE'S ASSOCIATION:

David Hart, Association Representative Date: _____

Philip Hernandez, Association Representative Date: _____

Jose Cuevas, Association Representative Date: _____

ATTEST:

Robert Mescher, Finance Director Date: _____

APPROVED AS TO FORM:

Scott Campbell, City Attorney Date: _____

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 3

ORIGINATING DEP: Planning

CITY MANAGER: BR

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Extended Professional Services Agreement with AMMA Transit Planning

RECOMMENDED ACTION(S): Authorize an increase to the Professional Services Agreement with AMMA Transit Planning for an amount not-to-exceed \$6,792.66 for continued technical assistance for the re-bid of the transit Request for Proposal process and an amount not-to-exceed \$6,000.00 for assistance during the transition and start-up of the new transit contract and operation.

REPORT SUMMARY: The City of Avalon entered into a Professional Services agreement with AMMA Transit Planning in May 2015, to provide professional and technical assistance in preparation for procurement of the City of Avalon's Transit Program in the amount of \$19,465. The original amount awarded to AMMA was based on technical assistance provided to other agencies bidding similar services. On November 3, 2015, the City Council agreed to increase the contract by \$9,869.95 for additional services that were beyond the scope of the original proposal.

The Request for Proposals, which were due November 20, 2015, did not produce any compliant proposals. At the January 19, 2016, City Council meeting, Council authorized Staff to re-bid the project which will result in additional costs to the AMMA Professional Services Agreement. Mr. Roy Glauthier, Senior Associate, AMMA Transit Planning has been the principal consultant for the project and provided invaluable technical and professional service to the City. The attached proposal letter from AMMA also provides an option for the City to retain AMMA's services to assist during the transition and start up of the new transit contract after the RFP process has concluded.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: An additional maximum expenditure of \$12,792.66 was not in the FY 15-16 Budget and would come from the Local Transportation Fund 122-30-3625.

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

FOLLOW UP ACTION: Amend the Professional Services Agreement with AMMA Transit Planning to approve an amount not-to-exceed \$12,792.66 for extra services provided.

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

ATTACHMENTS: January 22, 2016 AMMA Transit Planning letter regarding extra work

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016 **AGENDA ITEM:** 4
ORIGINATING DEP: Administration **CITY MANAGER:** WR
PREPARED BY: Tiffany Bose, Human Resources Advisor
SUBJECT: Adopt the Leaves Policy (Policy P-2) and Resolution

RECOMMENDED ACTION(S): Adopt the Resolution that implements the City employee Leaves Policy (P-2).

REPORT SUMMARY: Chapter 7 of the City’s Personnel Rules and Regulations, Sections 1 through 9 entitled “Attendance and Leave Policies, Special leaves” covers various employee leave topics. Specifically, these sections address Administrative Leave, Family and Medical Leave (FMLA), the California Family Rights Act (CFRA), Pregnancy Disability (PDL), Jury Duty, Military Leave, and Bereavement Leave amongst other leave policies. The existing policies are meant to provide Federal and State guidelines for the lawful application of such protected leaves.

However, current Policies do not reflect changes that have occurred in recent years to Federal and State laws which expand employee’s rights and broaden who under is covered under various statutes. The purpose of this updated policy is to ensure that all City departments will administer leave policies consistently. The Policy provides general leave provisions, eligibility and qualification requirements, notification and communication requirements during the leave, and guidelines to administer such designated leaves in an effort to ensure consistent application. With the changes in laws, the need to update our policy on employee leaves is imperative.

Examples of Policy Changes:

- FMLA - An employee may be given time off work in order to care for an immediate family member. Definition of immediate family member in the current policy includes the spouse, child or parent of the employee, if the immediate family member has a serious health condition. The updated policy expands the definition of a “Child” to mean biological, adopted, or foster child, a step child, a legal ward, or a child of a person standing in loco parentis (in place of parent) who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability.
- The updated policy clarifies an employee’s right to intermittent leave under the FMLA, how part-time work schedules effect leaves of absence, how leaves of absence effect continued benefits coverage, and how the City should manage leaves of absences when both the employee and the employee’s spouse work for the City.

- Notification requirements have been added to the current sections governing FMLA, CFRA, Qualifying Exigency for Military Family Leave, Pregnancy Disability Leaves, and other leaves.
- The status of insurance coverage during various protected leaves and the continued payment of insurance premiums under the Consolidated Omnibus Budget Reconciliation Act (COBRA) have been added.
- The Healthy Workplaces, Healthy Families Act of 2014, in effect on July 1, 2015, has been added, where employers must provide all employees, including part-time employees, with at least three (3) days of paid sick leave per year.
- Charts have been added to assist employees and managers with determining when accrued leave time (e.g. sick, vacation, holiday, compensatory time) may or may not be used and how overlapping leaves are tracked.

GOAL ALIGNMENT: City Policy.

FISCAL IMPACTS: None.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City will be out of compliance with the various Federal and State laws. Further, the City may be subjected to Federal and State administrative complaint investigations, compliance and enforcement reviews, and lawsuits brought by employees whose rights have been violated (both civil and compensatory damages), for the City's failure to administer such protected leaves consistent with the requirements of each enforcement agency.

FOLLOW UP ACTION: The Leaves policy will be administered by the Human Resources Department and the Policy disseminated to all employees, and added to the City's intranet website. All supervisors and managers are to receive training on employee leaves.

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

ATTACHMENTS: Leaves Policy (Policy P-2)

RESOLUTION NO. _____

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF AVALON
ADOPTING THE LEAVES POLICY**

WHEREAS, the City of Avalon, (the "City") has updated the City's existing Special Leaves Policy, which is currently part of the City's Personnel Rules and Regulations.

WHEREAS, the City Council now approves the Leaves Policy dated February 2, 2016, which is in compliance with Federal and State laws to protect the City and our employees. The Leaves Policy dated February 2, 2016 shall replace the existing Special Leaves Policy.

WHEREAS, the City Council authorizes the City Manager and his/her designee to take all necessary, lawful and appropriate actions to implement the actions specified in this Resolution.

WHEREAS, the City Clerk shall certify to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager or his/her authorized designee is hereby authorized and directed to implement the required actions.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 2nd day of February, 2016, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall
Mayor

ATTEST:

Denise A. Radde
City Clerk

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 5

ORIGINATING DEP: Planning

CITY MANAGER: AR

PREPARED BY: Audra McDonald, Administrative Analyst

SUBJECT: Request for Proposal - Cabrillo Mole Ferry Terminal Rehabilitation Project

RECOMMENDED ACTION(S): Authorize Staff to issue a Request for Proposal for Architectural, Engineering, and Environmental Services for the Cabrillo Mole Ferry Terminal Rehabilitation Project.

REPORT SUMMARY: In 2012, the City applied for, and received, a grant in the amount of \$2,400,000 through the Federal Ferry Boat Discretionary (FBD) Program to rehabilitate the under-side of the Cabrillo Mole and construct a shade structure(s) on the top-side where passengers queue. After the City was notified that the grant application was successful, the City commissioned a study, performed by RBF (report received October 12, 2012), to assess the condition of the Mole structure, provide recommendations and determine if the grant funding and required match of \$600,000, would be sufficient to complete the project. The estimated construction cost in 2012 (excluding the shade structure) was \$2,712,000. No action toward construction was taken at that time because the City's financial picture was unclear.

As result of Hurricane Marie and the Complex Incident in 2014, another study was commissioned to determine if the Cabrillo Mole had sustained additional damage, and to provide an updated cost estimate (report dated January 30, 2015). As a result, the revised estimated construction cost had increased by \$983,000. It is the opinion of Staff that delaying the project may result in the cost increasing up to an additional \$1,000,000.

In September, 2016, the City began a Needs Assessment of the Cabrillo Mole to provide guidance for potential future development of one of the City's most important facilities. This Needs Assessment is separate from the grant that is the topic of the staff report this evening. The Federal Ferry Boat Discretionary Program grant was written and funded for the rehabilitation of the Cabrillo Mole Structure and to provide much needed cover to passengers waiting in line.

Progress needs to be made on this project in order to stay in compliance with the guidelines of the grant funding. Additionally, not only will the project need to comply with all CEQA guidelines, it will also need to comply with the National Environmental Policy Act (NEPA) because it is a federally funded project. The required environmental approvals, coupled with securing the necessary California Coastal Commission approvals, are an arduous and slow

process that should begin as soon as possible. Authorizing Staff to begin the Request for Proposal process will assist the City in staying on track with the grant requirements.

The Cabrillo Mole Restroom Project, which has been awarded grant funds in the amount of \$992,283, is a separate project (final grant documents between the City and the State of California have not been executed) and is not part of this Request for Proposal.

GOAL ALIGNMENT: Goal 6 – Comprehensive Transportation Review

FISCAL IMPACTS: Unknown until the Request for Proposal process has been completed. Design, Engineering and Environmental services are an eligible, reimbursable expense of the grant program.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The project would be further delayed and the City would be non-compliant with the grant terms.

FOLLOW UP ACTION: Issue a Request for Proposal for Architectural, Engineering and Environmental Services for the Cabrillo Mole Rehabilitation Project.

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

ATTACHMENTS: None.

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016
ORIGINATING DEP: Harbor
PREPARED BY: Brian Bray, Harbor Master
SUBJECT: Swim Float Purchase

AGENDA ITEM: 6
CITY MANAGER: BR

RECOMMENDED ACTION(S): Authorize the Harbor Master to purchase material to build a second swim float to be installed at Middle Beach from CanDock West Coast LLC for \$9,034.35 + shipping from Chico, California.

REPORT SUMMARY: The Harbor Department installed a CanDock 12' x 20' modular swim float on South Beach in June of 2015 which provides residents and visitors with a fun recreational activity. Staff is requesting to purchase a second swim float from CanDock's only West Coast Distributor, located in Chico, CA, as this dock system is very economical. The construction of this float requires two staff members for a half day, and the only maintenance is to pressure wash the float before being covered and stored for the winter.

The 2015-16 FY Budget contains \$10,000 for an additional swim float to be installed on Middle Beach.

Should the City Council approve Staff's recommendation, the swim float would be ready for service in June.

GOAL ALIGNMENT: Enhance recreational opportunities

FISCAL IMPACTS: The total cost of \$9,034.35 + shipping will be derived from the Harbor fund, account no. 104-70-6504. Within the FY 2015/16 budget, \$10,000.00 was allocated for this project.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The additional recreational swim float would not be added to Middle Beach.

FOLLOW UP ACTION: Direct the Harbor Master to purchase the material

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

ATTACHMENTS: Quote from CanDock West Coast LLC

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 7

ORIGINATING DEP: Harbor

CITY MANAGER: WR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Action Fly Boarding

RECOMMENDED ACTION(S): That the City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Belinda Bain, owner of Action Fly Boarding, LLC with the following conditions:

1. Fly board rentals are to stay west of Hamilton Cove as to not interfere with the current mooring and anchorage area.
2. Applicant obtains a commercial store front to conduct ticket sales for their fly board tour business.
3. Customers use shoreboat for transportation to the Action Fly Board float location.
4. Applicant obtains any necessary permits from the Coast Guard regarding fly board operations.
5. Applicant obtains any necessary permits from the California State Lands Commission regarding anchoring their float outside of City waters.
6. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
7. Pay 7% Use Fee under section 10-2.402.

REPORT SUMMARY: Action Fly Boards has submitted a Waterside Project Application to offer guided fly board rentals.

Belinda Bain of Action Fly Boarding is partnering with LA Fly Boards and they propose to use 4 wave runners to conduct guided fly board tours. Each tour will consist of an instructor who will operate a wave runner attached to a fly board on which the customer rides approximately 5 to 7' above the water.

Action Fly Boards proposes to operate up to 16 trips a day, April 1st to November 1st, and 7 days a week from 9:00 am to 6:00 pm. The wave runners and pontoon shuttle boat will tie to the fly board dock in the anchorage area.

Mitigation:

Since the Descanso Beach and Hamilton Cove anchorage area is used by numerous boaters in the summer months, require the applicant to operate the fly board operation west of the Hamilton Cove. Being outside of the City waters the applicant will need to obtain permission from the State Lands Commission to anchor and operate a business within the State Tidelands.

Shore Base of Operation: Applicant states base of operation is yet to be determined.

Mitigation:

Applicant obtains a commercial storefront to conduct ticket sales for their fly board rental business.

Applicant proposes to use Pleasure Pier or Cabrillo Mole floats to load and unload their passengers seven days a week 9:00 a.m. to 6:00 p.m. up to 16 times a day.

Mitigation:

Since the applicant proposes up to 16 landings per day, I would recommend Action Fly Boards be required to use the shoreboat operator to transport their customers to lessen the impact and congestion on the Green Pier and Cabrillo Mole floats.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;
- (3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services
- (4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;
- (5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste
- (6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Enhance recreational opportunities

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Applicant will not be approved to operate their business out of Avalon waters.

FOLLOW UP ACTION: Notify Action Fly Boarding of the City Council's decision.

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

ATTACHMENTS:

Waterside Project Application

Waterside Permit Standard List of Conditions

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 8

ORIGINATING DEP: Harbor

CITY MANAGER: NR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Permit Application – Calm C's and Company

RECOMMENDED ACTION(S): City Council make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Calm C's and Company, with the following conditions:

1. In accordance with the Best Management Practices for wash down activities in Avalon Bay, the wash down of boats in Avalon Bay will only be allowed at the pump out dock in a designated wash-down area using water that is supplied by the vessel's water maker, not the local fresh water provider. Prior to wash down of boat decks, dry cleaning of bird droppings and other waste will occur and be disposed of in a trash receptacle.
2. When Calm C's and Company has any overnight guests while in Avalon waters, those accommodations be subject to 12% Transient Occupancy Tax.

REPORT SUMMARY: Brenda Thomas has submitted a Waterside Project Application to offer boat hull cleaning, topside cleaning and occasional overnight stays on her vessel that she keeps moored in Avalon Harbor.

Ms. Thomas proposes to operate 7 days a week, year round during daylight hours using a 14' Zodiac for hull and topside cleaning and will operate as needed for overnight stays on her 30' Tollycraft "Calm C's" secured to a mooring buoy in the Avalon area.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Not Aligned.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Visiting boaters will continue to clean the topsides of their own vessels

FOLLOW UP ACTION: Notify Calm C's and Company of the City Council's decision.

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

ATTACHMENTS:

Waterside Permit Application

Waterside Permit Standard List of Conditions

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 9

ORIGINATING DEP: Harbor

CITY MANAGER: BR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Permit Modification Application – Catalina Coastal
Tours, LLC

RECOMMENDED ACTION(S): City Council make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application modification of adding a third boat to Catalina Coastal Tours waterside permit and consolidating Mr. Gorelezenko's Diversity Charters Waterside Permit into his Catalina Coastal Tours Waterside Permit.

REPORT SUMMARY: Scott Gorelezenko of Catalina Coastal Tours has submitted a Waterside Project modification proposing to add a third 24' vessel to his current permit and to consolidate his two Waterside Permits that have been issued to Diversity Charters and Catalina Coastal Tours, LLC. The applicant proposes up to three trips daily, seven days a week, year around from 6:00 a.m. to 6:00 p.m. Mr. Gorelezenko will base his operations at 105 Pebbly Beach Road and proposes to use Float 5 to pick up and drop off passengers.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Offer recreational activities in the Avalon area.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Operator would not be able to add additional trips.

FOLLOW UP ACTION: Notify Catalina Coastal Tours, LLC of the City Council's decision.

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

ATTACHMENTS:

Waterside Project Application

Waterside Permit Standard List of Conditions

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 10

ORIGINATING DEP: Harbor

CITY MANAGER: BR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Permit Modification Application – Parasail Catalina

RECOMMENDED ACTION(S): City Council make the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application modification of adding a third boat to Parasail Catalina's permit.

REPORT SUMMARY: Kevin Kramer of Parasail Catalina has submitted a Waterside Project modification proposing to add a third parasail vessel up to 35 feet to service Carnival Cruises and other guest's demands. The applicant proposes up to five trips daily, seven days a week, year around from 9:00 a.m. to 5:00 p.m. Mr. Kramer will base his operations at 105 Pebbly Beach Road and proposes to use Float 5 to pick up and drop off passengers.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

(1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.

(2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;

(3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Offer recreational activities in the Avalon area.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Operator would not be able to fulfill increased capacity request from Carnival Cruises.

FOLLOW UP ACTION: Notify Catalina Coastal Tours, LLC of the City Council's decision.

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

ATTACHMENTS:

Waterside Project Application

Waterside Permit Standard List of Conditions

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 11

ORIGINATING DEP: Harbor

CITY MANAGER: AR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ NDMK Charters

RECOMMENDED ACTION(S): City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Adam Thoricht owner of NDMK Charters with the following conditions:

1. All operations to load and unload charter passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

REPORT SUMMARY: The applicant proposes to use a 43' Sportsfisher and a 14' dinghy to conduct a fishing charter and scenic tour business. Mr. Thoricht proposes to operate one to two trips per day, 12 months per year, and 7 days per week from 5:00 am to 9:00 pm. The 43' vessel will tie to a City mooring buoy.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;
- (3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services
- (4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Enhance recreational opportunities

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Visitors will be able to use the current operators offering the same services.

FOLLOW UP ACTION: Notify NDMK Charters of the City Council's decision.

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

ATTACHMENTS:

Waterside Project Application

Waterside Permit Standard List of Conditions

CITY OF AVALON CITY COUNCIL

MEETING DATE: February 2, 2016

AGENDA ITEM: 12

ORIGINATING DEP: Harbor

CITY MANAGER: BR

PREPARED BY: Brian Bray, Harbor Master

SUBJECT: Waterside Project Application ~ Tour Catalina

RECOMMENDED ACTION(S): City Council makes the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and grant the Waterside Project Application to Tour Catalina, with the following conditions:

1. All operations to load and unload fishing charter and coastal tour passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

REPORT SUMMARY: Tour Catalina has submitted a Waterside Project Application to offer fishing charters and coastal tours.

Tour Catalina proposes to use of a 30' power boat to conduct a fishing charter and coastal tour business. Tour Catalina proposes to operate two to four trips per day, March to November, and 7 days per week from 6:00 am to 8:00 pm. The vessel will tie to a mooring buoy in the Avalon area.

Section 10-2.416 of the Municipal Code provides that a waterside permit may only be granted where the City Council is able to make the following affirmative findings:

- (1) The project will not result in a substantial alteration of the City's present or planned waterside uses of the Avalon Harbor.
- (2) With regard to transportation and circulation, the project (i) will not generate substantial additional boat trips, including shoreboat trips, or other movement within Avalon Harbor; (ii) will not have a substantial negative impact upon existing mooring, docking, or other anchorage facilities; (iii) will not have a substantial impact on other modes and systems of transportation; (iv) will not result in substantial alterations of present patterns of circulation or movement of people and /or goods; (v) will not increase traffic hazards to swimmers, boaters, or other existing activities; and (vi) will not restrict or alter existing coastal access;
- (3) The project will not have a substantial impact upon and will not result in a need for new or altered governmental services, including but not limited to fire, police, maintenance of facilities, and harbor department services

(4) The project will not result in the use of substantial amounts of fuel or other forms of energy or substantially increase the demand upon existing energy or require the development of new sources of energy;

(5) The project will not result in the need for new utility systems or a substantial alteration of existing sources or systems for power, natural gas, communications, water, sewage disposal or solid waste

(6) The project will not obstruct any scenic vista or view open to the public, and will not result in the creation of an aesthetically offensive site which is open to public view;

(7) The project will not result in a substantial negative impact upon the quality and quantity of existing recreational opportunities or result in alterations or restrictions to coastal access.

(8) The applicant is fit to be entrusted with the privileges of a permit, in that he has not engaged in prior violations of the City's harbor regulations, including the provisions of this article, has timely paid any harbor-related fees and has not presented checks returned for insufficient funds.

The Municipal Code also provides that the "City Council may deny the permit where the impacts listed in paragraphs (1) through (8) above are cumulatively significant, even though the individual impacts are limited. The City Council may approve a project where mitigation measures eliminating significant impacts are incorporated into the project, and the approval shall be conditioned upon the implementation of such mitigation measures. The failure to comply and maintain any mitigation measures shall be a basis for suspension or revocation of a waterside permit."

GOAL ALIGNMENT: Offer boat charters and recreational activities in the Avalon area.

FISCAL IMPACTS: Unknown, potential Harbor Use Fees.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Visitors will be able to use the current operators offering the same services.

FOLLOW UP ACTION: Notify Tour Catalina of the City Council's decision.

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

ATTACHMENTS:

Waterside Project Application

Waterside Permit Standard List of Conditions

HOUSING AUTHORITY OF THE CITY OF AVALON

MEETING DATE: February 2, 2016

AGENDA ITEM: 13

ORIGINATING DEP: Housing Authority

CITY MANAGER: RR

PREPARED BY: Elizabeth Hull, Housing Authority Legal Council
Al Warot, Planning Consultant

SUBJECT: Amendment to the Down Payment Assistance Program Guidelines

RECOMMENDED ACTION(S): Approve the revised Low and Moderate Income Housing Down Payment Assistance Program Guidelines.

REPORT SUMMARY: At the January 19, 2016 meeting the Council received a presentation regarding the current Low and Moderate Income Housing Down Payment Assistance Program (DPAP) and some of the challenges Staff has encountered implementing the DPAP. Following that presentation, the Council provided direction to Staff to revise the DPAP Guidelines to alleviate the difficulties with the implementation of the DPAP. The intent was to revise the DPAP to make it more successful.

Based upon that direction, the revised guidelines are before the Council for consideration tonight. The revisions to the DPAP include:

- Increased from 90 days to 180 days the time for an applicant to find a home and close escrow on the home.
- Increased from 45 days to 90 days the time for an applicant to complete the Housing Authority application and receive a prequalification letter from a traditional lender.
- Eliminated the 5:1 ratio for assistance. The DPAP now simply requires the applicant to provide 3.5% of the down payment from their own funds.
- Increased the maximum Housing Authority contribution from \$200,000 to \$250,000.
- Eliminated a table regarding rental rates that was unclear and created confusion for the applicants.

A redline version of the DPAP Guidelines is attached.

Based upon the direction from the Council at the January 19, 2016, meeting the DPAP has been revised and, if approved, the new program will be implemented immediately.

GOAL ALIGNMENT: Not Aligned.

FISCAL IMPACTS: Unknown.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Applicants will continue to not qualify for a loan.

FOLLOW UP ACTION: Implement the new guidelines and inform prequalified applicants.

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

ATTACHMENTS:

Revised DPAP Guidelines

**CITY OF AVALON CITY COUNCIL and the
CITY OF AVALON ACTING AS THE SUCCESSOR AGENCY TO THE AVALON
COMMUNITY IMPROVEMENT AGENCY**

MEETING DATE: February 2, 2016
ORIGINATING DEP: Finance
PREPARED BY: Robert Mescher, Finance Director
SUBJECT: Investment Policy Adoption

AGENDA ITEM: 14
CITY MANAGER: RR

RECOMMENDED ACTION(S): Review and adopt the resolution adopting the Investment Policy of the City of Avalon and the City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency.

REPORT SUMMARY: The City Council reviews and adopts its investment policy annually which includes delegating investment authority to the Treasurer, and delegating management of the investments to the Treasurer, City Manager, and Finance Director in compliance with California Government Code 53607. The City's investment policy was last reviewed and adopted on January 20, 2015. An updated investment policy is attached. Section VIII is proposed to be modified to broaden the investment choices to include all CDs rather than only California bank CDs and to specify allowed investments in federal government obligations that are backed by the United States government. Also, Section XIII Guidelines is proposed to be omitted to streamline the investment process.

GOAL ALIGNMENT: Encourages and continues ongoing efforts to foster and nourish professionalism and effectiveness within the Finance Department with particular attention to streamlining the Finance Department Process.

FISCAL IMPACTS: Initially, about \$3 million may be invested in longer term investments with higher rates of return. Based on current rates, the City investments may earn an additional \$40,000 to \$50,000 annually.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The City would be out of compliance with State Code if no policy was adopted. Investing the City's funds would be cumbersome and the investments would not achieve higher yields if the proposed modifications were not adopted.

FOLLOW UP ACTION: The Treasurer and Finance Director will submit quarterly investment reports as required.

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

ATTACHMENTS:

Proposed investment policy

Redlined document to illustrate the proposed changes in the policy

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF AVALON AND THE SUCCESSOR AGENCY TO THE
AVALON COMMUNITY IMPROVEMENT AGENCY ADOPTING THE
TREASURER'S STATEMENT OF INVESTMENT POLICY
AS UPDATED FEBRUARY 2, 2016**

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

Section 1. The Treasurer's Statement of Investment Policy is hereby adopted and approved.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2016.

Ann H. Marshall - Mayor

ATTEST:

Denise A. Radde - City Clerk