

**CITY OF AVALON
CITY COUNCIL ACTIONS
TUESDAY, MAY 7, 2013**

CALL TO ORDER at 6:00 p.m.

PLEDGE OF ALLIGIENCE / INVOCATION

Moment of prayer for Pat Morrow.

ROLL CALL-Present: Mayor Robert Kennedy, Mayor Pro Tem Michael Ponce, Councilmembers Oley Olsen and Richard Hernandez. Also present: Interim City Manager/City Clerk Denise Radde and City Attorney Scott Campbell. Excused absence: Councilmember Ralph Morrow.

WRITTEN COMMUNICATION

Three letters were received and filed in opposition of the property related fees.

CLOSED SESSION 6:05 – 7:15 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—Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9
Number of cases: Unknown

2. Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (d) of Section 54956.9
Number of cases: One

Following Closed Session the City Attorney reported that there were no reportable actions.

ORAL COMMUNICATIONS

Dennis Jaich from RBF informed council that starting Monday, May 13th city wide smoke testing on the sewer system will begin. The smoke that is used is non-toxic. Notices will be provided by City Hall, on Cable TV, and the Chamber of Commerce website. For any questions, please call City Hall.

PRESENTATION

Ben Harvey, Regional Manager of Local Public Affairs for Southern California Edison gave an update on the following:

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1. Desalination Plant - The Desalination Plant has been offline since January 2011 and will restart late June to early July. Ben reminded Council that the Desal Plant should be used supplementary to the City, not as a replacement to the Reservoir. He also stated that as of May 3, 2013, the Reservoir was at 582 sq. feet and that water restrictions begin at 600 acre feet.
2. Phase 1 Restrictions - A notice will be sent out on behalf of SCE listing the Phase 1 Water Restrictions that residents will have to follow.
3. The Water General Rate Case - There have been many productive meetings with the Island Consortium and are in the process of finalizing the rate case.
4. Utility Sale - Once the rate case is completed SCE will move towards the divestiture of its water and gas assets.

CONSENT CALENDER-There were 5 items on the Consent Calendar. Mayor Kennedy noted that the Action on Item #1 would have to voted on separately because Councilmember Olsen was absent on April 16, 2013. Councilmember Olsen removed Item #3 for a typo on the signature page. Motion to approve items #1a, #2, #4 and #5 made by Michael Ponce, seconded by Richard Hernandez. (4 Ayes, 1 Absent-Morrow)

1a. Approved actions from the April 2, 2013 City Council meeting.

2. Approved Warrants in the amount of \$1,080,097.40, Payroll in the amount of \$373, 524.03 and an Electronic Fund Transfer of \$1,280.00 for the Fuel Dock Sales Tax for a total expenditure of \$1,454,901.43.
4. Authorized Staff to proceed with Advertisement for Public Bid on Lower Terrace Strengthening and Utility Protection Project and approved the project and its design.
5. Granted the Waterside Permit Application modification as presented and will require Afishinado Charters to abide by the standard list of conditions relating to Waterside Permit Applications, including being restricted to Float 5 at the Cabrillo Mole at times when the Cross Channel carriers are not using the dock during the period of June 15 to September 30 and on cruise ship days throughout the winter months.

Pulled Items:

1b. Approved actions from the April 16, 2013 City Council meeting. Motion to approve made by Michael Ponce, seconded by Richard Hernandez. (3 Ayes, 1 Abstain-Olsen, 1 Absent-Morrow)

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PULLED ITEM

3. First Amendment to Professional Services Agreement with Dennis Jaich
Signature page has a typo. It states By: City Manager, Denise Radde and Attested by Assistant City Manager Denise Radde. Authorized the City Manager to enter into a First Amendment to the Professional Services Agreement with Dennis Jaich for construction management services. Motion made by Oley Olsen, seconded by Michael Ponce. (4 Ayes, 1 Absent-Morrow)

GENERAL BUSINESS

6. Introduced and waived all readings of an ordinance that amends Title 6, Chapter 9, Articles 1 through 6 of the Avalon Municipal Code to comply with California Coastal Floodplain Ordinance for Coastal Communities. Motion made by Michael Ponce, seconded by Oley Olsen. (4 Ayes, 1 Absent-Morrow)

7. Direction on Insurance Requirements for Environ Strategy (ES) Contract
The City Attorney was directed to check with Jim Simons to see if he could get the insurance for a lower amount than \$23,000. If not then he was directed to proceed forward with a Contract with Environ Strategy and the City would be paying the extra \$23,000.

8. Request to Amend Transportation Permit for Catalina Segways/Island Chariots
Item Pulled by Catalina Segways / Island Chariots owner Joe D'Albero. The item will come back to Council at a later date.

9. An Ordinance Amending Chapter 7, Sewers, Title 6, Sanitation and Health of the Avalon Municipal Code and Adopting Chapter 13, Water Quality Control to Title 6, Sanitation and Health - Introduced and waived the first reading of an ordinance of the City of Avalon amending Chapter 7-Sewers- of Title 6-Sanitation and Health of the Avalon Municipal Code and Adopting Chapter 13 - Water Quality Control to Title 6-Sanitation and Health. Motion made by Oley Olsen, seconded by Michael Ponce. (4 Ayes, 1 Absent-Morrow)

CITY ATTORNEY REPORT

The California Supreme Court unanimously ruled that cities can ban marijuana dispensaries. Currently the City of Avalon's Municipal Code does not allow that. Council gave direction to BB & K to come up with an ordinance to prohibit marijuana dispensaries in Avalon.

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MAYOR REPORT

Mayor Kennedy gave direction to have city staff erect more No Parking Signs along Lover's Cove.

CLOSED SESSION

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
(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of Case: Hermosa Hotel v. City of Avalon: CV 13-02439 ABC
2. Conference with Real Property Negotiators
Property: 206 Descanso, Avalon California
Agency negotiator: Scott Campbell, City Attorney
Negotiating parties: Brandon Kane
Under negotiation: Price and terms of payment
3. Conference with Real Property Negotiators
Property: All City Leased Properties
Agency negotiator: Scott Campbell, City Attorney, Denise Radde, Interim City Manager
Negotiating parties: All City Leases
Under negotiation: Price and terms of payment

ADJOURNED:

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on May 7, 2013, 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