

**CITY OF AVALON
CITY COUNCIL ACTIONS
TUESDAY, MARCH 5, 2013**

CALL TO ORDER: 6:03 p.m.

PLEDGE OF ALLIGENCE / INVOCATION

ROLL CALL – Present: Mayor Kennedy, Mayor Pro-Tem Michael Ponce, and Councilmembers Hernandez, Morrow, and Olsen. Also present: City Manager Steven Hoefs, City Attorney Scott Campbell, and City Clerk Denise Radde.

CLOSED SESSION 6:04 – 7:05 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
Subdivision (a) of Section 54956.9
Title: In the Matter of Avalon K-12 School Site, 200 Falls Canyon Road, Avalon, CA 90704 I/SED: Case No. 11/12-003
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Interim Chief Financial Officer

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

PRESENTATION - None

CONSENT CALENDAR

There were six items on the Consent Calendar. City Attorney Scott Campbell removed Item 6, it will be discussed at the next meeting. Mayor Kennedy had a question on Item 5; he would like to get further quotes and pricing on unfunded pension liability, and how much sick and vacation pay there is. Councilmember Olsen pulled Item 3 for further comment and question. Motion to approve items 1,2,4,and 5 by Michael Ponce, seconded by Oley Olsen. (All Ayes)

1. Approved City Council Actions from the February 19, 2013 City Council Meeting.
2. Approved warrants in the amount of \$1,406,323.33, payroll in the amount of \$179,567.59 and an Electronic Fund Transfer for the Fuel Dock Sales Tax in the amount of \$2,535.00 for a total expenditure amount of \$1,588,425.92.

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4. Adopted Resolution 13-3 adopting the Annual Growth Policy for the Year 2013.
5. Authorized the City Manager to exercise an option to have Nyhart Epler perform additional actuarial valuation for Fiscal Year ending on June 30, 2012, in the amount of \$1,750.

Pulled Items:

3. Wet Spot Rentals Lease Amendment – Councilmember Olsen inquired if the additional square footage would require a Conditional Use Permit (CUP) granted through the Planning Commission and the answer was yes. Further comments made by Councilmember Olsen were he did not want the self-contained Italian Ice cart to look like street vending. He requested it be camouflaged somehow. Motion by Michael Ponce to approve 35 additional square feet on the Wet Spot Rentals lease to accommodate a self contained Italian Ice cart, with the condition that they apply next for a CUP. Seconded by Richard Hernandez. (All Ayes)

GENERAL BUSINESS

7. Solid Waste Franchise Proposals and Contract Award – City Attorney Scott Campbell gave a detailed summary of the additional information that the two bidders, Republic and CR&R, submitted. Comments were heard from both companies. Motion by Oley Olsen to: 1) Select CR&R as the contractor for waste hauling and facilities management, 2) Authorize Staff to finalize an agreement with CR&R, and 3) Authorized the City Manager to execute the agreement. Seconded by Ralph Morrow. (3 Ayes- Kennedy, Olsen and Morrow, 2 Noes- Ponce and Hernandez)

8. Consideration of an Ordinance Amending Sections of the Avalon Municipal Code Regarding Autoette Permits for Dwelling Units and Hotels - This item was removed from the agenda and will be placed on the March 19, 2013 agenda.

CLOSED SESSION 8:30 – 9:05 p.m.

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

1. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Subdivision (a) of Section 54956.9
Title: Hermosa on Metropole, LLC v. City of Avalon, NC 044760
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

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Following Closed Session the City Attorney reported that on Item 1, Conference with Legal Counsel – Existing Litigation, the City Attorney was directed to take the appropriate action to defend the lawsuit. On Item 2, Public Employee Performance evaluation, City Manager Steven Hoefs announced that he will be resigning as the part time City Manager at the end of the month, March 31,2013.

ADJOURN: Mayor Kennedy adjourned the City Council meeting a 9:07 p.m.

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting of March 5, 2013, is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk/Assistant City Manager