

**CITY OF AVALON CITY COUNCIL MEETING
TUESDAY, OCTOBER 21, 2014- 6:00 P.M.
ACTIONS**

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 6:01 p.m.

PLEDGE OF ALLEGIANCE / INVOCATION

Adjourned to the Avalon Municipal Hospital Board of Trustees' Meeting – 6:03-6:07 p.m.

PRESENTATION

A presentation was given by Southern California Edison on Phase II Water Rationing and other water issues, such as update on the progress of the Howlands Landing Well and future water rate increase.

Proclamation was presented to CHOICES in honor of Red Ribbon Week.

CONSENT CALENDAR

There were seven items on the Consent Calendar. Item 1 was removed from Consent. Councilmember Cassidy pulled Item 4 for clarification and Councilmember Sampson removed Items 6 and 7 for more details. Motion to approve items 2, 3, and 5 by Oley Olsen, seconded by Richard Hernandez. (All Ayes)

2. Expenditures Submitted for Approval
 - o Warrants in the amount of \$180,684.72
 - o One Electric Fund Transfer in the amount of \$47,272.96
 - o Payroll in the amount of \$192,791.35Approved total expenditure amount of \$420,749.03.

- 3 Adopted Ordinance 1133-14 Amending Avalon Municipal Code Sections 9-1.01 thru 9-1.04 and Adding Sections 9-1.05 and 9-1.06 Establishing an Alternate Planning Commissioner Position.

5. Adopted Resolution 14-28 supporting Proposition 1, the Water Quality, Supply and Infrastructure Improvement Act of 2014, on the November 2014 ballot.

Pulled Items for clarification and further explanation:

CITY COUNCIL ACTIONS
OCTOBER 21, 2014
PAGE 2

4. Human Resources Services Agreement
Authorized the City Manager to execute a professional services agreement with Regional Government Services (RGS) for Human Resources Services.

6. Award of Annual Contract to Perform Business Revenue Audits
Authorized the City Manager to execute a professional services agreement with Brownell & Duffey CPAs in an amount not to exceed \$25,000 to perform the annual business revenue audits.

7. Customer Experience Enhancement Training Program
Authorized the City Manager to enter into an agreement with Customer Service Advantage, Inc. for a Customer Experience Enhancement Training Program for all City employees.

GENERAL BUSINESS

8. Request for Letter of Support from Avalon Freight Services, LLC
Many comments were heard from the audience and from Avalon Freight Services. After discussion a motion was made by Oley Olsen to authorize a letter of support on behalf of Avalon Freight Services to the California Public Utilities Commission (CPUC) for their operating permit application, seconded by Richard Hernandez. (3 Ayes-Olsen, Cassidy and Hernandez, 2 Noes-Marshall and Sampson)

Break 7:30 p.m. -7:43 p.m.

This Item was taken out of order:

10. Consideration of City Lease Guidelines
Items of concern from City lease tenants were brought before the City Council. Council went through the main items step by step, allowing for comments from the tenants. The following decisions were made by the City Council.
 - 10 years leases with a mutual 5 year extension (Motion by Cinde Cassidy, seconded by Oley Olsen - All Ayes)
 - Rents will be charged differently, depending on the space the tenant occupies-
\$4 sq. ft./ building tenants (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
\$3.25 sq. ft./ exclusive outdoor space (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
\$1.25 sq. ft./ non-exclusive outdoor space (Motion by Anni Marshall, seconded by Oley Olsen-All Ayes)
 - Reconciliation will be done on a yearly calendar basis, and not less than the monthly minimum rent will be added language (Motion by Oley Olsen, seconded by Cinde Cassidy – 4 Ayes- Marshall, Olsen, Cassidy and Hernandez, 1 No- Sampson)

CITY COUNCIL ACTIONS
OCTOBER 21, 2014
PAGE 3

- 8% of Gross receipts, but will exclude the revenue derived from activities upon which Harbor Use Fees and Admission Taxes are based (Motion by Oley Olsen, seconded by Joe Sampson-All Ayes)
- New leases will go into affect on January 1, 2015 (Motion Cinde Cassidy, seconded by Joe Sampson-All Ayes)
- Tenant must be open 9 months/year, and will determine their own hours and days of operation. On those months they are not open, they do not need to be open for Cruise Ship days. (Motion by Oley Olsen, seconded by Cinde Cassidy-All Ayes)
- Transfer Fees will be \$5,000 for tenants with multiple locations or 3% of the purchase price with a cap of \$30,000 (Motion by Oley Olsen, seconded by Richard Hernandez-All Ayes)
- Leases will include language that no monthly invoices will be mailed to tenants. Penalties and interest will become effective the day after rent is due which makes it uniform for all TOT, Harbor Use Fees, and Admission Tax payers.(In addition the Finance Department will be mailing a letter to all businesses, tenants, etc. letting them know this.)

Staff was further directed to adjust language in the Indemnification and Release section, the Lessee's Repair and Maintenance Obligations and to address joint tenants.

Break 10:25 p.m. – 10:35 p.m.

9. Vehicle Noise Ordinance Administrative Procedure Timeline Update

Summary was given by Ben Harvey and Jordan Monroe. Staff was directed to proceed with the vehicle noise testing on all rental autoettes throughout the month of November and then report back to Council with the statistics. Next step, staff will start notifying the commercial autoette owners in December advising them that as their permit becomes renewable they will be noise tested. The other vehicle categories will be determined as the City moves through the process.

At 10:55 p.m. Mayor Marshall adjourned the regular City Council meeting of October 21, 2014 to reopen the adjourned regular meeting on the next morning October 22, 2014 at 9:00 a.m. A notice was published on the outside of the Chamber door.

11. Authorize the Amendment to the Catalina Transportation Services Agreement for a Two Year Term Beginning July 1, 2013 and Expiring June 30, 2015

Comments were received by Staff and Connie Stewart regarding the current agreement. Mayor Pro Tem Olsen stated he thought the contract should be lowered from \$350,000 to \$290,000. After a short discussion a motion was made by Cinde Cassidy, seconded by Richard Hernandez to authorize the extension of Catalina Transportation Services Agreement to provide public transportation services to the City of Avalon through June 30, 2015 for the annual amount of \$350,000 and that staff be directed to conclude

CITY COUNCIL ACTIONS
OCTOBER 21, 2014
PAGE 4

negotiations with Catalina Transportation Services on the scope and nature of transportation services prior to consideration of further extension of the Agreement.. (3 Ayes- Cassidy, Hernandez and Sampson, 2 Noes-Marshall and Olsen)

12. Consideration of an Ordinance Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License
Motion to introduce and waive all readings of an Ordinance of the City Council of the City of Avalon Modifying Avalon Municipal Code Section 3-1.122 Businesses, Professions, Trades and Occupations Requiring a Special License by Oley Olsen, seconded by Anni Marshall. (All Ayes)

16. Adoption of Phase Two of the City Council Goals
"S.M.A.R.T."(Specific, measurable, achievable, relevant and time-specific) Phase Two Goals will come back to City Council with more detail in the near future.

CLOSED SESSION 9:35 a.m.-9:40 a.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
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:
One case.

Following Closed Session the City Attorney reported that the City would accept the property tax reimbursement for \$13,500 from Los Angeles County.

ADJOURN

NOTICE OF POSTING

Mayor Marshall adjourned the regular adjourned City Council meeting at 9:41 a.m.

ADJOURN

I, Denise Radde, City Clerk of the City of Avalon, do hereby certify that the DVD videotape of the City Council Meeting on October 21, 2014 and October 22, 2014 is the official record of that Council Meeting and is on file and maintained in City Hall.

Denise A. Radde, City Clerk / Chief Administrative Officer