

**CITY OF AVALON CITY COUNCIL  
TUESDAY, SEPTEMBER 1, 2015  
ACTIONS**

**CITY COUNCIL CALL TO ORDER** 6:04 p.m.

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

**PRESENTATION**

A proclamation was read into the record recognizing September 2015 as "Childhood Cancer Awareness Month".

**CONSENT CALENDAR**

There were 7 items on the Consent Calendar. It was noted that Mayor Pro Tem Olsen would be abstaining from Actions of August 18, 2015 and Councilmember Hernandez would be abstaining from Actions of August 25, 2015. It was further noted that Mayor Marshall and Councilmember Cassidy would abstain from Item 7. Councilmember Hernandez pulled Items 5 and 7 for clarification and discussion. Motion to approve Items 1-4 and 6 by Oley Olsen, seconded by Joe Sampson. (All Ayes)

1. Actions  
Approved actions from the August 18, 2015 regular City Council meeting and August 25, 2015 special City Council meeting.
2. Consideration of a Resolution Urging the State of California to Provide New Sustainable Funding for State and Local Transportation Infrastructure  
Adopted Resolution 15-31 urging the State of California to provide new, sustainable funding for state and local transportation infrastructure and send letters to the City's State Representatives requesting an increase in funding for transportation in special session.
3. Roofing Repairs at City Hall
  1. Determined that formal bidding of roof repair work at City Hall would not provide an advantage to the City and that dispensing with formal bidding would serve the greatest public benefit.
  2. Amended the FY 2015-16 City Budget to allocate \$47,660 for the expenditure of the City Hall Roof Repair from the General Fund.
  3. Authorized the City Manager to enter into a contract with Western States Roofing, Inc., in an amount not to exceed \$47,660 for the City Hall Roof Repair Project.
4. Consideration of a Resolution to Designate Agents for Matters Relating to the State of California Emergency Management Agency for State Disaster Assistance  
Adopted Resolution 15-32 designating the Management Aide, Administrative Analyst or City Manager as authorized agent(s) for matters relating to the State of California Management Agency for State Disaster Assistance.

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6. Consideration of a Revision to Allow for a Progress Payment Under the Previously Approved Purchasing Agreement with EBus, Inc.  
Authorized the City Manager to execute an amended version of the purchasing agreement with EBus, Inc., to allow for a progress payment for one of the three buses being manufactured for the City's fixed route transportation system, and to make other changes to the agreement requested by EBus, Inc.

Pulled Items:

5. Engineering & Cost Survey Reports-Storm Damage Areas  
It was clarified that the State was requiring these engineering estimates. Authorized Staff to proceed with solicitation of an Engineering Cost Analysis Study to determine monetary damages suffered as a result of Hurricane Marie & Avalon Complex events. Motion by Oley Olsen, seconded by Anni Marshall. (All Ayes)
7. Resolution Upholding Planning Commission Decision on Vons Appeal  
Mayor Marshall recused herself due to a potential Conflict of Interest due to her residence being in close proximity and Councilmembers Cassidy recused herself due to a potential financial Conflict of Interest, income received from the Santa Catalina Island Company Adopted Resolution 15-33 adopting a Mitigated Negative Declaration and approving a Coastal Development Permit and Site Plan, based on Findings and subject to Conditions of Approval. Motion by Joe Sampson, seconded by Oley Olsen. (3 Ayes-Sampson, Olsen and Hernandez, 2 Abstain- Marshall and Cassidy)

**GENERAL BUSINESS**

8. Drug Free Workplace Act & Department of Transportation Drug and Alcohol Testing Policy  
City Manager Ben Harvey explained the purpose of this item. Council had many comments and concerns. Human Resource Advisor Tiffany Bose explained the law concerning this policy. Consensus was to not act on this policy until such time that all the union's concerns were addressed. Additionally, several Councilmembers wanted to see other cities drug policies and to evaluate what our current drug policy stated.  
Recommended Action  
Approve Policy P-1, Drug Free Workplace Act & Department of Transportation Drug and Alcohol Testing Policy.
9. Approval of the Contract Documents & Authorization to Commence a Public Bid for the Avalon Harbor Fueling Facility – Pier Replacement  
Public Works Director Dennis Jaich went over the logistics of the plans, bid documents and timeline involved. Approved the Contract Documents and design, and authorized the process of a public bid to follow, for the Avalon Harbor Fueling Facility – Pier Replacement. Motion by Oley Olsen, seconded by Anni Marshall. (All Ayes)

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10. Request for Letters to the California Public Utilities Commission and State Lands Commission Clarifying Votes of the Avalon City Council Related to Freight Services  
On the advice of the City Attorney, Councilmembers Cassidy and Hernandez recused themselves from this item due to potential Conflicts of Interest for that portion of the item that concerned the State Lands Commission, the potential conflict being income received from the Santa Catalina Island Company, whose interest could be directly effected by the outcome of the State Lands Commission and on the portion of the item concerning the CPUC approvals, the councilmembers indicated that they were declining to participate in the matters. Mayor Marshall explained why she requested this item be placed on the agenda. She explained that she now did not want to move forward on the letters, however, from this point on any letters going out with this importance should state the vote of Council in the body of the letter. This request will come back as a Council policy item. Councilmember Sampson made a motion to send the letters and a transcript of tonight's meeting. There was no second so the motion died.

**CLOSED SESSION** 8:02 – 8:30 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:

Name of Case: . *People of the State of California (City of Avalon) v. David Lieberman and Catalina Snorkel & Scuba Adventures*:

Los Angeles Superior Court Case Number: 5CN00052

Name of Case: *Lieberman v. City of Avalon, Avalon City Council*,

Los Angeles Superior Court Case Number: BS157065

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

**ADJOURN**

Mayor Marshall adjourned the City Council meeting at 8:33 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 September 1, 2015 is the official record of that Council Meeting and is on file and maintained in City Hall.

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Denise A. Radde, City Clerk / Chief Administrative Officer