

**CITY OF AVALON CITY COUNCIL AND THE  
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE  
AVALON COMMUNITY IMPROVEMENT AGENCY  
TUESDAY, JULY 7, 2015  
ACTIONS**

**CITY COUNCIL CALL TO ORDER** 4:37 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.

**CLOSED SESSION** – 4:40-5:43 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 REAL PROPERTY NEGOTIATORS**  
Property: 206 East Whittley  
Agency Negotiators: Ben Harvey and Scott Campbell  
Negotiating Parties: Unknown  
Under negotiation: Price and terms of payment.
  
2. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of Case: People of the State of California, on behalf of the City of Avalon, v. David Lieberman, et al. Case No. 5CN00052
  
3. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**  
Initiation of Litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One case
  
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Title: City Manager

Following Closed Session the City Attorney reported that there was no reportable action and would be continued at the end of the meeting.

**PRESENTATION**

C.H.O.I.C.E.S. was presented with a \$10,015.00 check from the monies raised from the “Up for Whatever” event on May 29-31, 2015. It was also announced that they would be receiving an additional \$10,000.00 donation from Mosaic.

**CONSENT CALENDAR**

There were 5 Items on the Consent Calendar. Councilmember Sampson removed Item 3 for comment, and noted that he would not vote on Item 4 because of a potential conflict of interest. Councilmember Cassidy removed Item 5 for some discussion. Motion by Oley Olsen, seconded by Cinde Cassidy to approve Items 2 and 4. (All Ayes)

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2. Adopt Ordinance Amending Portions of Avalon Municipal Code Section 9-8.1201 Story Poles  
Adopted Ordinance 1139-15 of the City of Avalon amending portions of Avalon Municipal Code Section 9-8.1201 Story Poles.

4. Transfer of Lease - Coyote Joe's Outdoor Dining Patio  
Authorized a lease transfer for the outdoor dining patio at 113 Catalina Street, Coyote Joe's, from owner's Trudy and Joe Saldana, to new owner's Ron Bevins and Vic Smith, Seabring, Inc.

Pulled Items:

3. Adopt Ordinance Regarding Regulating E-Cigarettes and Vaporizers  
Councilmember Sampson inquired as to where the health risk to the general public was with the E-cigarettes and vaporizers. City Attorney Scott Campbell referred to the literature that was in the Staff Report. A comment was heard from the audience. Motion by Cinde Cassidy, seconded by Oley Olsen to adopt Ordinance 1140-15 amending Chapter 11 of Title 6 of the Avalon Municipal Code Regarding the Definition of "Smoke or Smoking". (4 Ayes- Marshall, Oley, Cassidy and Hernandez, 1 No-Sampson)
5. Hospital Lease Amendment Pertaining to Annual Rent  
Interim Finance Director reported to Council that this item was before them because it was one of the City's Audit findings that we did not have a current lease with the hospital. Motion to approve the amendment to the Hospital Lease Agreement between the City and Avalon Medical Development Corporation to formally state the annual rent by Oley Olsen, seconded by Joe Sampson. (All Ayes)

## GENERAL BUSINESS

6. Agreement for Supplemental Funding Contribution of the City of Avalon to Southern Edison for the Construction and Installation of an Additional Desalination Unit for Southern California Edison's Santa Catalina Island Water Utility  
Approved the agreement for supplemental funding contribution of the City of Avalon to Southern Edison for the construction and installation of an additional desalination unit for Southern California Edison's Santa Catalina Island Water Utility. Motion by Joe Sampson, seconded by Oley Olsen. (All Ayes) Councilmember Cassidy noted that if there are any changes to the agreement it needs to come back to Council for approval.
7. Consideration of an Appeal of Planning Commission Action Approving a Site Plan Application for the Catalina Island Museum at 217 Metropole  
Discussion and comments from the appeal applicant were received. Motion by Oley Olsen, seconded by Richard Hernandez to uphold the Planning Commission approval of the application for a Site Plan Application for the Catalina Island Museum at 217 Metropole, with the condition to have Metropole Avenue stripped on the south side and direct Code Enforcement to ticket for parking in the 1 hour zones. (All Ayes)

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BREAK - 8:47-8:57 p.m.

8. Ordinance of the City of Avalon adding Chapter 6 of Title 8 to the City's Municipal Code to Create an Expedited Permitting Process for Small Residential Rooftop Solar Systems  
Introduced and waived all further readings of an ordinance adding Chapter 6 to Title 8 to the Municipal Code to create an expedited permitting process for small residential rooftop solar systems; and find that the action does not constitute a project subject to the provisions of the California Environmental Quality Act (CEQA). Motion by Oley Olsen, seconded by Cinde Cassidy. (All Ayes)
9. Consider Ordinance Amending Avalon Municipal Code Regarding Excavation Permits  
Introduced and waived all readings of an ordinance of the City of Avalon amending Chapter 2 of Title 7 of the Avalon Municipal Code regarding excavation permits. Motion by Cinde Cassidy, seconded by Oley Olsen. (All Ayes)
10. Consideration to Go Out for Bid for the Joe Machado Field Concession Stand Lease  
Authorized Staff to proceed with advertisement for public bids for the Joe Machado Field Concession Stand Lease. Motion by Cinde Cassidy, seconded by Joe Sampson. (All Ayes) It was recommended that Councilmember Hernandez sit on the interview panel.

**\*\*\*\*The next item in General Business is the "City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency"**

11. Accord and Satisfaction for the Sales and Disposition Agreement with Catalina Island Museum Society – This item was removed at the request of the museum.

**CLOSED SESSION** – Continued from 9:20 – 11:30 p.m.

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

**ADJOURN**

Mayor Marshall adjourned the City Council meeting at 11:31p.m.

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