

**AVALON CITY COUNCIL MEETING ALSO INCLUDED A MEETING OF THE
CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE
AVALON COMMUNITY IMPROVEMENT AGENCY AND
AVALON HOUSING AUTHORITY
TUESDAY, FEBRUARY 2, 2016
ACTIONS**

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 Interim City Manager/City Clerk Denise Radde and City Attorney Scott Campbell.

CONSENT CALENDAR

There were thirteen items on the Consent Calendar, one of which was the City of Avalon acting for itself and as the Successor Agency to the Avalon Community Improvement Agency. Items 1 and 4 were removed by the City Clerk and will come back at a later date. Councilmember Cassidy removed all Waterside Permits, Items 7-12 for individual discussion. Mayor Marshall removed Item 6 for comment. Oley Olsen made the motion to approve Items 2, 3, 5, and 13, seconded by Cinde Cassidy. (All Ayes)

2. AMEA MOU Side Letter Agreement #1
Approved the AMEA MOU Side Letter Agreement #1.
3. Extended Professional Services Agreement with AMMA Transit Planning
Authorized an increase to the Professional Services Agreement with AMMA Transit Planning, for an amount not-to-exceed \$6,792.66, for continued technical assistance for the re-bid of the transit Request for Proposal process and an amount not-to-exceed \$6,000.00 for assistance during the transition and start-up of the new transit contract and operation.
5. Request for Proposal - Cabrillo Mole Ferry Terminal Rehabilitation Project
Authorized Staff to issue a Request for Proposal for Architectural, Engineering, and Environmental Services for the Cabrillo Mole Ferry Terminal Rehabilitation Project.

******The next item on the Consent Calendar was the “City of Avalon acting for itself and as the Successor Agency to the Avalon Community Improvement Agency”.**

13. Investment Policy Adoption
Adopted SA Resolution 16-06 adopting the Investment Policy of the City of Avalon and the City of Avalon acting as the Successor Agency to the Avalon Community Improvement Agency.

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Pulled Items:

6. Swim Float Purchase

Mayor Marshall inquired if there were any other options investigated. Harbor Master Brian Bray replied that he had reached out to the company to inquire about a slide or diving board and neither of these were recommended. Motion to authorize the Harbor Master to purchase material to build a second swim float to be installed at Middle Beach from CanDock West Coast LLC for \$9,034.35 (plus shipping) by Oley Olsen, seconded by Joe Sampson. (All Ayes)

Councilmember Cassidy wanted to discuss the following in regards to all Waterside Permits and such a discussion was held:

- Impact on all floats- Right now there is no cap on the number of permits issued. The City should explore what the saturation point would be that would cause future permits to be limited.
- All existing Waterside Permits are reviewed and approved in December each year and any new Waterside Permits are reviewed and approved at the January meeting. Since there was only one meeting in January and it was full these new permits are being discussed at this meeting instead. A letter should be sent out to all permit holders informing them that enforcement of all conditions of their permits will be enforced, in particular the time limit of tying up at docks.
- Scheduling of float usage, policing and monitoring compliance of conditions of the Waterside Permits, establish a fine structure and reprimand for non-compliance.

From the presented list of Waterside Permits on the Consent Calendar Councilmember Cassidy made the motion to approve Items 9, 11 and 12, seconded by Oley Olsen. (All Ayes)

9. Waterside Permit Modification Application – Catalina Coastal Tours, LLC

Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Project Application modification of adding a third boat to Catalina Coastal Tours Waterside Permit and consolidating Mr. Gorelezenko's Diversity Charters Waterside Permit into his Catalina Coastal Tours Waterside Permit.

11. Waterside Project Application - NDMK Charters

Made the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Project Application to Adam Thoricht owner of NDMK Charters with the following conditions:

1. All operations to load and unload charter passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

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12. Waterside Project Application - Tour Catalina

Made the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Project Application to Tour Catalina, with the following conditions:

1. All operations to load and unload fishing charter and coastal tour passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier.
2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

Items 7, 8, and 10 for further discussion:

7. Waterside Project Application - Action Fly Boarding

Safety issues were raised and addressed by the applicant. An additional condition was placed on their list of conditions. Applicant is to investigate whether a Fish and Game, Coastal or other Permits will be required and report back to the Harbor Master. Motion to approve the permit by Joe Sampson, seconded by Oley Olsen. (All Ayes)

Made the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Project Application to Belinda Bain, owner of Action Fly Boarding, LLC with the following conditions:

1. Fly board rentals are to stay west of Hamilton Cove as to not interfere with the current mooring and anchorage area.
2. Applicant obtains a commercial store front to conduct ticket sales for their fly board tour business.
3. Customers use shoreboat for transportation to the Action Fly Board float location.
4. Applicant obtains any necessary permits from the Coast Guard and any other required regulatory permits regarding fly board operations.
5. Applicant obtains any necessary permits from the California State Lands Commission regarding anchoring their float outside of City waters.
6. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
7. Pay 7% Use Fee under Section 10-2.402 of the Avalon Municipal Code.

8. Waterside Permit Application – Calm C’s and Company

This item is being held over until the applicant can be present to answer any questions.

10. Waterside Permit Modification Application – Parasail Catalina

Councilmember Cassidy had some concerns with this permit relating to late usage fees, non-payment of fuel bills in the past, employee rudeness, and non-compliance of certain conditions in their permit (usage of the floats). She was not in favor of granting this third vessel and amending their Waterside Permit. This item is being held over until the applicant can be present to answer any questions.

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GENERAL BUSINESS

******The next item in General Business is the “City of Avalon acting for itself and the Avalon Housing Authority”.**

14. Amendment to the Down Payment Assistance Program (DPAP) Guidelines
Approved the revised Low and Moderate Income Housing Down Payment Assistance Program Guidelines.
15. Item of Discussion and Direction- Oversized Vehicles
After discussion to address oversized permit regulation concerns, the City Attorney was directed to come back with a revision to the vehicle code imposing limitations on sizes for oversized vehicles upon renewal.
16. Item of Discussion and Direction- Freight Lines
Council members Cassidy and Hernandez recused themselves due to potential conflicts of interest, income from the Santa Catalina Island Company, which would be directly involved in the current discussion of the Freight Lines. A few comments were received from the audience. After some discussion Council decided no further action was required on the City’s part.

CLOSED SESSION 8:17 p.m. – 9:30 p.m.

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

******It was noted that the second item in Closed Session is the “City of Avalon acting for itself and the Avalon Housing Authority”.**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant Exposure to Litigation pursuant to subdivision (d) (2) of Section 54956.9
Number of cases: Two
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 206 East Whittley
Agency Negotiators: City Council, Interim City Manager Denise Radde and City Attorney Scott Campbell
Negotiating Parties: Unknown
Under Negotiation: Price and terms of payment

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

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ADJOURN

Mayor Marshall adjourned the City Council meeting at 9:30 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 February 2, 2016 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