



*"The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little", Franklin D. Roosevelt*

*"When you can't make them see the light, make them feel the heat", Ronald Reagan*

September 11, 2016

TO: Mayor Marshall and City Council  
FROM: City Manager  
SUBJECT: **MANAGEMENT UPDATE**

This report is a compilation of items regarding City operations and/or City government concerns.

### **9/11**

As we look back fifteen years, we remember the victims of terrorism and the heroes whose primary goal was to save lives. We hope and pray for America and for peace for all people.

### **AVALON HOSTS CALIFORNIA CONTRACT CITIES ASSOCIATION**

After a 36-year absence, Avalon once again hosted the California Contract Cities Association at the Catalina Canyon Resort and Spa. Mayor Ann Marshall, Mayor Pro Tempore Oley Olsen and Council Member Joe Sampson attended the training event where topics to be discussed include: water conservation and technology, November 2016 Los Angeles County ballot measures, waste diversion (i.e. where do we put all the trash), and the implication of climate change on our cities.

Mayor Ann Marshall gave a welcome and introduction to all those assembled. State Senator Ben Allen will be speaking at the event, and he is very much a part of the educational program.



Mayor Ann Marshall Addressing Conference Attendees

*The general purpose of the CCCA is to serve as a rallying point for cities contracting for municipal services so that we ensure our constituents the best service at the minimum cost. Through municipal seminars, education, exchange of ideas and information, our association combines resources to influence policy decisions affecting our member cities."*

### **THE PEOPLE OF AVALON WANT A WATER SOLUTION...NOW! THE CITY COUNCIL IS LISTENING!**

At the last City Council meeting on September 6, 2016 the City Council heard from a number of City residents that they are tired of the drought, upset with the methodology being used by SCE

for water conservation in Avalon, and getting impatient with what appears to them to be a lack of progress being made on water supply issues.



Avalon's vast water supply

City Council members and City management staff listened very carefully to the public's concerns, and City government officials are not only listening but they are also preparing to take significant steps at their next meeting on September 20, 2016 to address the issue. The City and Island is surrounded by a sea of water that can provide an unlimited supply of fresh water when treated and stored during times when there is less rain and

insufficient groundwater to meet City needs. The steps have been months in the making and will include a proactive proposal to create enough storage for fresh water usage generated from two existing desalinization plants to address Avalon's water needs and steps to immediately address water rationing in Avalon in the near term. City leaders will energetically seek State grant funds to pay the costs of storage facilities. City staff is also examining methods of best providing fresh water storage capacity and the relative of cost of doing so.

SCE officials have asked for a meeting with City staff before the September 20<sup>th</sup> City Council meeting in Rosemead to discuss water issues. The purpose of the SCE request and anticipated outcome from the meeting is yet to be determined, but we remain hopeful that SCE will cooperate.

Avalon's elected and appointed officials are poised to take the fresh water supply head on. Rain may not be falling, but the "sky" is not falling in regard to water supply.

City officials are excited about the public's engagement and support for decisive actions on this issue. The public deserves answers and solutions. They will get both soon.

### **HOUSING AUTHORITY TO ADDRESS AFFORDABLE HOUSING SHORTAGE**

Amendments to the City's Housing Authority bylaws will be brought forward to the City Council at its meeting of September 20, 2016 to ensure Housing Authority operations conform to City operations to increase efficiency, effectiveness and accountability for the delivery of housing programs. Although the City Housing Authority is a separate legal entity under State law, the City Council is its governing body and existing City employees also staff the Authority.

In addition, City staff will be conducting interviews in October with developers interested in working with the City to deliver an affordable housing project. They include: Jamboree Housing; 2. C&C Development; 3. UHC, LLC; and 4. National Core. Once the interviews are held a recommendation will be made to engage the services of a preferred developer to the City Council acting as the Housing Authority Board of Directors.

Of course any preferred developer will need to find available land to build quality workforce housing and there are good sites available. The City and Housing Authority will work cooperatively with the private sector to improve the supply of affordable housing for Avalon's workforce. The private sector must do the same and cooperate with the City government to achieve this goal. Requests for support of City infrastructure and housing needs have gone to the U.S. Department of Housing and Urban Development in Washington D.C. and to the State

Director of the Farmers Home Administration in Woodland, California. Resources are needed to address the City's pressing affordable housing needs.

The availability of quality workforce housing is a very high City government priority.

### **FEDERAL AND STATE LAWS COMPLICATE MARIJUANA LAW ENFORCEMENT**

With a statewide measure and City measure on marijuana use on the November 2016 ballot, questions and concerns arise regarding marijuana use and marijuana regulation.

The following unsolicited communication indicates that differences in Federal and State laws on the possession and cultivation of marijuana continue to complicate the issue of marijuana use.

#### "New Developments and Complications in Marijuana Laws

Marijuana will remain an illegal drug under federal law, after the Drug Enforcement Administration ("DEA") denied two petitions to reschedule marijuana under the Controlled Substances Act ("CSA"). The DEA has decided to keep marijuana as a "Schedule 1" drug, concluding that marijuana has no proven medical benefits and is highly addictive. In reaching its conclusion, the DEA said a Health and Human Services evaluation shows marijuana has no "currently accepted medical use" because "the drug's chemistry is not known and reproducible; there are no adequate safety studies; there are no adequate and well-controlled studies proving efficacy; the drug is not accepted by qualified experts; and the scientific evidence is not widely available."

The DEA's decision further complicates the interplay between state and federal laws regarding marijuana. Despite the DEA's decision to keep marijuana as a "Schedule 1" drug and illegal under federal law, the Justice Department will be prevented from prosecuting people who grow and distribute medical marijuana in compliance with state law. In an opinion issued on August 16th, the Ninth Circuit Court of Appeals in *United States v. McIntosh* held that recent federal appropriations acts prohibit the Justice Department from spending funds to prosecute individuals for the use, distribution, possession or cultivation of medical marijuana that is authorized by the state. The court emphasized that the Justice Department can still prosecute any individual who does not strictly comply with the relevant state medical marijuana laws. The court also noted that its decision could be temporary because Congress could appropriate funds for these types of prosecutions in the future." (Source: RWG Law)

### **KUDO – NEW DIVE PARK SIGN IN PLACE**



Harbor Master Brian Bray and his staff have had made and installed a new Dive Park sign in record time. *Thanks* Brian and Harbor staff!

### **CITY LEASES WITH SCICo**

The City Manager and CAO have recently met again with SCICo officers to go over in detail each City lease of SCICo property that needs to be renewed. Progress is being made on a number of leases and lease amounts. We will endeavor to find common ground on these leases. The CAO is continuing to seek answers and solutions to questions that have arisen.

## **SHOREBOATS**

Another meeting was held between City staff and Mr. Stickler, President of Island Enterprises, Inc. on September 8<sup>th</sup> regarding shore boat service in Avalon and the cost to provide these services. The meeting was cordial and frank and the parties have not yet arrived at an agreement on the cost of delivery of these services. The City Manager has been in contact with Los Angeles County officials to see if there are funds available for supporting shore boat operations. Shore boat operations are a component, in my view, of the City and Region's transportation system just as rail and freeways are on the mainland.

## **AVALON INCOME SURVEY**

Michael Baker International conducted a special survey of Avalon residents to create a more accurate description of income of residents for the purpose of qualifying for State and Federal grant funding to address housing and infrastructure needs. Avalon has 2,108 housing units on record with the City of which 1,262 are identified as actual household. The survey was extensive and complete.

The study results that will be presented in October to the City Council and they will confirm a long-held opinion that U.S. Census data about household income in Avalon does not accurately reflect actual income of local residents.

## **DELIVERING CITY CAPITAL IMPROVEMENT PROJECTS GETS SUPPORT**

The Department of Public Works has a huge task to plan for and then deliver capital improvement projects approved by the City Council or ones where feasibility work is needed. These projects include wastewater treatment, Pebbly Beach Road safety and improvement project, salt water repairs, water storage, Cabrillo Mole under-deck repair and safety project, water reclamation planning, sea wall repair, Avalon Bay circulation analysis, and Joe Machado Field upgrade.

While funding for all of these projects may not yet be identified, planning for these projects is essential for us to be competitive when a source of funds is identified. Developing and implementing these capital improvement projects is not easy and takes time and skill.

I have transferred Management Aide Jordan Monroe to the Public Works Department (CIP Manager) to use his skill and experience to assist the CIP Manager and Director to achieve these goals, and I know that he is a welcome addition.

## **KUDOS TO CITY DEPARTMENT DIRECTORS**

I would like to express my thanks and appreciation to the City's Department Directors who are a great asset to the City organization and the people of Avalon to deliver on a daily basis quality services to residents and visitors. **Thank you!!**

Respectfully submitted,

David Jinkens, M.P.A.