AVALON CITY COUNCIL MEETING WILL ALSO INCLUDE
A MEETING OF THE CITY COUNCIL ACTING AS
THE HOUSING AUTHORITY
TUESDAY, APRIL 16, 2019 – 5:00 P.M.
CITY COUNCIL CHAMBERS
410 AVALON CANYON ROAD, AVALON

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

PLEDGE OF ALLEGIANCE / INVOCATION / ROLL CALL

PROCLAMATION
A proclamation proclaiming April 2019 as Sexual Assault Awareness Month.

PRESENTATION - None

ANNOUNCEMENTS / WRITTEN COMMUNICATIONS

DEPARTMENT HEAD REPORTS

CITY MANAGER REPORT/CITY ATTORNEY REPORT

COUNCILMEMBER REPORTS / MAYOR REPORT

ORAL COMMUNICATION
Members of the public may address the City Council at this time. No action will be taken on non-agenda items at this meeting. Speakers should limit comments to three (3) minutes each.

CONSENT CALENDAR

1. Minutes
   Although the live recording is the official record of public meetings, minutes are prepared for the Council’s approval.
   Recommended Action
   Approve minutes from the April 2, 2019 regular meeting of the City Council.

2. Warrants
   • Warrants in the amount of $497,624.36
   • Four electronic fund transfers totaling $116,003.70.
   • One payroll totaling $238,002.67.
   Recommended Action
   Approve the disbursements for March 23, 2019 through April 5, 2019 totaling $851,630.73.
3. **Ratify Prior Action for Purchase of Mobile Office for Wastewater Treatment Plant**
   On February 6, 2018 the City of Avalon City Council authorized the purchase of a mobile office trailer for the wastewater treatment plant. At that time it was not known that a crane would be required to place the mobile office in its designated space. Renting & shipping of the crane via Avalon Freight Services incurred additional expenditures to complete the project. **Recommended Action**
   Make the finding that renting & shipping over a crane was required to be able place the mobile office trailer in the only spot available at the Wastewater Treatment Plant, and ratify prior actions of the City Manager in authorizing additional $18,412.47 expenditure.

4. **Resolution Adopting List of Projects for Annual SB1 Allocation**
   Senate Bill 1 provides funding to address basic road maintenance, rehabilitation and critical safety needs of local streets and roads in addition for other transportation needs in the state. One of the requirements of the program is that each agency must adopt a list of projects for their annual formula allocation that is submitted to the California Transportation Commission. **Recommended Action**
   Adopt the resolution adopting a list of projects for fiscal year 2019-20 funded by SB1: The Road Repair and Accountability Act of 2017.

5. **Amend Franchise Agreement with Catalina Coastal Tours, LLC to Assign Additional Lease Moorings**
   Per the terms of the Semi-Exclusive Shore Boat Franchise and Shore Boat Provider Agreement, CCT currently utilizes three (3) lease moorings; however, according to the Shoreboat RFP, “Up to five (5) City of Avalon lease moorings will be available for shore boats.” **Recommended Action**
   Authorize the City Manager to execute an amendment to the Semi-Exclusive Shore Boat Franchise and Shore Boat Services Provider Agreement allowing the Harbor Master to assign Catalina Coastal Tours a fourth lease mooring, and to assign a fifth lease mooring if and when it is requested in writing by CCT. The fifth mooring will be assigned upon request only if, or when, a lease mooring is available.

6. **Authorize Budget Amendment for Upgrades and Consideration to Award Contract for Via Casino Arch Restoration**
   A series of storms, along with many years of deterioration, has made it vital the City restore the arch before further damage occurs. **Recommended Action**
   (1) Authorize expenditures for upgrades to the Via Casino Arch for a not to exceed of $70,000; (2) Amend the FY18 Budget by decreasing General Fund Capital Improvement Expenditure Account 10575-6547, by $30,000 and increasing the Harbor Capital Improvement Expenditure Account 10470-6547 by $70,000; (3) Ratify prior actions of Staff in rejecting the previously submitted bids; and (4) Authorize the City Manager or their designee to award contract to the lowest responsible bidder for the Via Casino Arch Restoration Project and execute a contract for construction.
CITY COUNCIL AGENDA
APRIL 16, 2019
PAGE 3

   Government Code Section 65400 mandates that certain cities and all 58 counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor’s Office of Planning and Research and the Housing and Community Development.
   **Recommended Action**
   Receive and file the General Plan 2013-2018 status report and Housing Element Annual Progress Report and direct Staff to submit the General Plan Status report to the Governor’s Office of Planning and Research and the Housing Element Progress report to Housing and Community Development.

8. **Authorization to Award Bid for the Fuel Dock Piping and Dispensing Modification Project RFP**
   The float was constructed by City Staff, and the fuel pumps and related equipment were purchased by the City. A licensed contractor is required to install the pumps, and the County of Los Angeles Department of Public Works Environmental Programs Division reviews the permit application as an extension of our Underground Storage Tanks.
   **Recommended Action**
   Authorize the award of a contract to the lowest responsive and responsible bidder, for the Fuel Dock Piping and Dispensing Modification Project for an amount not to exceed $100,000, with $45,000 from 11470-6509A and $55,000 from the Harbor Fund, which includes a 10% contingency.

GENERAL BUSINESS

9. **Discussion on a Possible Harbor Advisory Board**
   On the February 5, 2019 City Council Meeting the City Council discussed if the need existed to re-instate a Harbor Committee Advisory Body including specific goals to be achieved by the body if re-instated. The City Council did not provide formal direction to Staff at that time. Two Councilmembers have requested this item be brought back for reconsideration.
   **Recommended Action**
   Discuss if the need exists to re-instate the Harbor Committee Advisory Body (including the specific goals to be achieved). Provide direction to Staff.

10. **Vons 60 Parking Trial #1 Results and Trial #2 Recommendations**
    City Council discussion was held previously regarding the parking on the 200 and lower 300 blocks of Sumner and Catalina, and the 300 block of Beacon Avenue with regards to the relocation of the Vons grocery store. The goal of the 60 day trial was to evaluate both the parking and traffic flow congestion, both for Vons and the overall downtown area, receive public input, and determine any modifications to the active transportation design for access to Vons and the overall downtown area.
    **Recommended Action**
    Discuss the findings of the Vons Day Parking Trial #1 and provide direction on the Vons Parking Trial #2.
11. Changes to City of Avalon Commuter Subsidy Program
Current guidelines for the Commuter Subsidy program allow for one discounted commuter book per month per qualified resident. Staff proposes adding an additional option for residents who travel four times per year or less.

Recommended Action
Hear presentation, discuss and approve the recommended changes to the City of Avalon Commuter Subsidy Program as a one year pilot program.

12. First Reading of Ordinance of Senate Bill 946, Sidewalk Vendors, in the City of Avalon
On September 17, 2018 Governor Brown signed Senate Bill 946 which prohibits cities from prohibiting sidewalk vendors but provides the authority to enact laws which promote the public health, safety, and general welfare of its citizens as long as they are consistent with SB 946.

Recommended Action
Introduce and waive all reading of, “An Ordinance of the City Council of the City of Avalon amending Section 5-9.01(a) of Chapter 9 of Title 5 of the Avalon Municipal Code and Adding Chapter 21 to Title 5 of the Avalon Municipal Code Imposing Regulations on Sidewalk Vending in Compliance with Senate Bill 946.”

13. Award Construction Contract for Cabrillo Mole Ferry Terminal Revitalization Project
In September 2018, City Council approved the plans and authorized that the request for bids be solicited for construction for Phase 1. The project is now advertised and bids are scheduled to be opened on April 30, 2019. To facilitate a streamlined project delivery from this point forward delegated authority for the City Manager to award the construction contract immediately after bid evaluation is requested.

Recommended Action
Delegate authority to City Manager to award the construction contract for the Cabrillo Mole Ferry Terminal Revitalization Project to the lowest responsible bidder per the City’s formal bid procedures as provided in the City of Avalon Municipal Code for an amount not to exceed of $2,400,000.

***The following item of General Business is the City of Avalon City Council acting the Housing Authority.***

14. 206 E. Whittley Remodel Update
During the February 6, 2018 City Council Meeting, the City Council, acting as the Housing Authority, requested Staff to develop a plan to rehabilitate the property at 206 E. Whittley. The intent of the request was to prepare the facility to be leased to qualifying low/moderate income residents, with a preference for those who currently reside in Avalon.

Recommended Action
Discuss and review the selected architectural concept by Kamus and Keller for the building remodel of the existing four unit apartment building located at 206 East Whittley before it is finalized. Provide direction to Staff so that the construction plans may be finalized.
CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS
   Agency designated representative: City Manager Denise Radde.
   Employee Organizations:
   1. Avalon Harbor Employee Association
   2. Avalon Municipal Employee Association
   3. International Association of Fire Fighters Local 2295
   4. Unrepresented/Confidential Employees
   5. Management

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
   Name of Case: Island Enterprises, Inc. v. City of Avalon
   LACS Case Number: NC061987

ADJOURN

NOTICE OF POSTING

I, Denise Radde, declare that the City Council Agenda for Tuesday, April 16, 2019 was posted Thursday, April 11, 2019, on the City’s website www.cityofavalon.com, and at City Hall, 410 Avalon Canyon Road. Copies of agendas and Staff Reports are available at City Hall.

Denise A. Radde, City Clerk / City Manager
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

ORIGINATING DEP: City Clerk

PREPARED BY: Gabrielle Morones, Deputy City Clerk

SUBJECT: City Council Minutes

RECOMMENDED ACTION(S): Approve minutes from the April 2, 2019 regular City Council meeting.

REPORT SUMMARY: Although the live recording is the official record of public meetings, minutes are prepared for the Council's approval.

FISCAL IMPACTS: N/A.

GOAL ALIGNMENT: Not Aligned.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A.

FOLLOW UP ACTION: File minutes in the City Clerk's office.

ADVERTISING, NOTICE AND PUBLIC CONTACT: The item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS:
1. April 2, 2019 Minutes
CITY OF AVALON
CITY COUNCIL MEETING
TUESDAY, APRIL 2, 2019 – 5:00 P.M.
MINUTES

CALL TO ORDER – 5:04 a.m.

ROLL CALL – Mayor Ann Marshall, Mayor ProTem Cinde MacGugan-Cassidy, Councilmember Oley Olsen, and by teleconference Councilmember Pam Albers. Councilmember Richard Hernandez arrived at 7:05 p.m. Also present: City Manager Denise Radde, Administrative Analyst Devin Hart and City Attorney Scott Campbell.

PRESENTATION – Senior Municipal Manager, Jay Fowler, of CR&R provided an overview of City of Avalon Pebble Beach Landfill operations and services and upcoming State of California regulations. Mr. Fowler recommended the formation of an ad hoc committee to further define the City’s future waste management policies.

WRITTEN COMMUNICATIONS – The City received two written communications regarding Item #7 Award Contract – End Float RFP and one written communication regarding Item #10 First Reading of Ordinance of Senate Bill 946, Sidewalk Vendors, in the City of Avalon.

CONSENT CALENDAR There were 7 Items on the Consent Calendar. Item #3 was pulled by Pam Albers, Item #4 was pulled by Ann Marshall, Item #7 was pulled by Cinde MacGugan-Cassidy for further discussion. Item #5 was pulled by City Staff and will appear on a future agenda. It was noted for the record that Cinde MacGugan-Cassidy was abstaining from minutes of March 19, 2019 and Pam Albers was abstaining from March 19, 2019 and March 26, 2019. Motion to approve items #1, #2, and #6 made by Oley Olsen, seconded by Pam Albers. (4 Ayes - Marshall, MacGugan-Cassidy, Albers and Olsen, 1 Absent – Hernandez. Albers and MacGugan-Cassidy abstained on Item #1.)

1. Minutes
   Approved minutes from the March 19, 2019 regular meeting of the City Council and the March 26, 2019 Special City Council meeting.

2. Warrants
   Approved the disbursements for March 9, 2019 through March 22, 2019 totaling $1,034,202.61.

6. Appointment of Southern California Association of Governments Regional Conference and General Assembly Delegate

PULLED ITEMS

3. Grant Funding from the California Division of Boating and Waterways for Avalon Harbor Waster Tank Pump-Out and Water Fill-Up Facility Renovations
   Adopted Resolution No. 19-10 accepting grant funds from the California Division of Boating and Waterways for the Avalon Harbor Waste Tank Pump-Out and Water Fill-Up Facility Renovation and authorized the City Manager to be the authorized
sign a signature for grant documents. Motion by Cinde MacGugan-Cassidy, seconded by Oley Olsen. (4 Ayes - Marshall, MacGugan-Cassidy, Albers and Olsen, 1 Absent - Hernandez.)

4. **Authorize the Purchase of a Dump Truck and Mini-Excavator**
   (1) Authorized the City Manager or their designee to procure per the City's purchasing policy by competitive bid at auction, competitive dealership purchase or government cooperative procurement contract, a dump truck and mini-excavator that meet the required specifications outlined by Staff, for a total not to exceed amount of $140,000. (2) Allocated $140,000 from the Vehicle Maintenance and Replacement Fund (#13825) for the procurement. Motion by Oley Olsen, seconded by Pam Albers. (4 Ayes - Marshall, MacGugan-Cassidy, Albers and Olsen, 1 Absent - Hernandez.)

7. **Award Contract – End Float RFP**
   Waived any irregularities and awarded the Pleasure Pier End-Float Project RFP contract to Catalina Island Coastal Tours & Fishing for the building and operating an End Float on the Green Pleasure Pier with three stipulations: 1. No restaurant or food services that would require health department oversight will utilize the float, 2. All leased moorings tied to the Semi-Exclusive Shoreboat Franchise Agreement are vacated upon dissolution of the relationship with Catalina Island Coastal Tours & Fishing, and 3. The City Council reviews and approves the end float construction plans. Motion by Cinde MacGugan-Cassidy, seconded by Ann Marshall. (3 Ayes - Marshall, MacGugan-Cassidy and Albers, 1 No - Olsen, 1 Absent - Hernandez.)

**GENERAL BUSINESS** – Item #9 was taken out of order.

9. **Sponsorship OTILLO SWIMRUN CATALINA 2020 by Swimrun Americas, Inc.**
   Approved in concept a one year sponsorship in the amount of $5,000 for OTILLO SWIMRUN CATALINA 2020 produced by Swimrun Americas, Inc. with funds to be allocated in the Fiscal Year 2020 budget. Motion by Oley Olsen, seconded by Ann Marshall. (4 Ayes - Marshall, MacGugan-Cassidy, Albers and Olsen, 1 Absent – Hernandez.)

BREAK: 6:56 p.m. – 7:01 p.m.

**CLOSED SESSION** was taken out of order from 7:02 p.m. – 7:20 p.m. On Item #1 and #2, Councilmember Hernandez recused himself and Councilmember MacGugan-Cassidy recused herself from a portion of #1 and all of #2.

1. **CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
   Name of Case: Long Beach United School District v. Santa Catalina Island Company and City of Avalon, Case No. CV-01139-JFW-AS

2. **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, Legal Counsel reported there was one reportable action, pursuant to government code 54957.1. Mayor Marshall, Councilmember Albers and Councilmember Olsen, unanimously authorized the City Attorney to file a cross complaint against parties in the pending action listed on the agenda. Once that action is formally commenced upon the City will disclose the name of the defendants and the nature of the action upon inquiry.

**GENERAL BUSINESS** – continued at 7:21 p.m.

8. **Development Impact Fees (DIF) Discussion**
   City Council directed Staff to modify the report and associated fees to make adjustments with regards to parking, recreation, recycled water fund, and landfill and re-examine the baseline assumptions established by the City’s General Plan, Capital Improvement Project List, and Recreation Master Plan.

10. **First Reading of Ordinance of Senate Bill 946, Sidewalk Vendors, in the City of Avalon**
    Staff was directed to amend the ordinance and bring it back for a first reading with the following changes: 1. Modify the minimum timeframe a permit holder operates to four hours per day at a minimum four days a week, 2. Add the Fuel Dock Café location as a potential vending location until a long-term tenant is established, 3. Develop a lottery selection system to be approved by resolution, 4. Add a provision to require a vendor remove any commercial trash, 5. Establish a timeline by which a potential food vendor may apply for a permit and have a period of one year to collect the required entitlements from the LA County Health Department, etc.

**ADJOURN** – 9:40 p.m.

I, Gabrielle Morones, Deputy City Clerk/Sr. Administrative Assistant, do hereby certify that the DVD videotape of the City Council Meeting on April 2, 2019, is the official record of the Council Meeting and is on file and maintained in City Hall.

---

Gabrielle Morones, Deputy City Clerk and Senior Administrative Assistant
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

AGENDA ITEM: 2

ORIGINATING DEP: Finance

CITY MANAGER: 

PREPARED BY: Matthew Baker, Senior Accountant

SUBJECT: Warrants

RECOMMENDED ACTION(S): Approve the disbursements for March 23, 2019 through April 5, 2019 totaling $851,630.73.

REPORT SUMMARY: These disbursements through April 5th are comprised of warrants totaling $497,624.36, one payroll totaling $238,002.67, and four electronic funds transfers totaling $116,003.70.

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GOAL ALIGNMENT: Ongoing meeting of City obligations.

FISCAL IMPACTS: There are sufficient funds available, and the expenditures are included in the FY18-19 Budget.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW UP ACTION: N/A

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: Audit Certificate, Warrant List and US Bank Visa Credit Card Detail
CITY OF AVALON
MARCH 23, 2019 - APRIL 5, 2019 DISBURSEMENTS
April 16, 2019

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CERTIFICATE

IN ACCORDANCE WITH SECTION 32702
OF THE GOVERNMENT CODE, I CERTIFY
THAT THE ABOVE DEMANDS ARE ACCURATE
AND THAT FUNDS ARE AVAILABLE FOR
PAYMENT.

I CERTIFY UNDER PENALTY OF PERJURY
THAT THE FOREGOING IS TRUE AND
CORRECT.

EXECUTED THIS 16TH DAY OF APRIL 2019

AUDIT COMMITTEE - RICHARD HERNANDEZ

AUDIT COMMITTEE - PAM ALBERS

SENIOR ACCOUNTANT - MATTHEW BAKER
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<td>DESCRIPTION</td>
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CHECK 28859
CITY OF AVALON CITY COUNCIL

MEETING DATE:  April 16, 2019  AGENDA ITEM:  3

ORIGINATING DEP:  Public Works  CITY MANAGER:

PREPARED BY:  Jamie Hmielak, Maintenance Superintendent

SUBJECT:  Ratify Prior Action for Purchase of Mobile Office for Wastewater Treatment Plant

RECOMMENDED ACTION(S): Make the finding that renting & shipping over a crane was required to be able to place the mobile office trailer in the only spot available at the Wastewater Treatment Plant, and ratify prior actions of the City Manager in authorizing additional $18,412.47 expenditure.

REPORT SUMMARY: On February 6, 2018 the City of Avalon City Council authorized the purchase of a mobile office trailer for the wastewater treatment plant. At that time it was not known that a crane would be required to place the mobile office in its designated space. Renting & shipping of the crane via Avalon Freight Services incurred additional expenditures to complete the project.

The estimated cost for the initial procurement and setup was $22,245. Shipping and incidental costs were estimated at $7,766 for a total not to exceed authorization of $30,000. The procurement complied with the City’s purchasing policy.

Renting of the crane from The Crane Guys came to a cost of $12,239.84. Charges to ship the crane to/from the island using Avalon Freight Services came to a total of $12,706.16. This makes the total cost of $24,946 to utilize the crane.

An attempt was made to share the use of the crane with Far West Contractors to reduce the cost. Far West Contractors ended up making use of another crane located on the island, but this crane wasn’t large enough for the City’s project.

The cost to ship the mobile office to the island via Avalon Freight services came to $1,221.48 Total combined cost of the mobile office, shipping of the office, crane rental, and shipping of the crane came to $48,412.47. This exceeds the $30,000 previously authorized by $18,412.47.

GOAL ALIGNMENT: City infrastructure reliability & safety.

FISCAL IMPACTS: $18,412.47 (account number 11025-5700)

FOLLOW UP ACTION: Remit payment to The Crane Guys, and Avalon Freight Services.
ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: Invoices from Mobile Modular, The Crane Guys, and Avalon Freight Services.
Avalon Freight Services, LLC
385 E. Swinford Street
San Pedro, CA 90731
Tel. (310) 221-6290

Bill To:
CITY OF AVALON
ATTN: ACCTS PAYABLES
P.O. BOX 707
AVALON, CA 90704
310-510-0220

Ship To:
CITY OF AVALON

Supplier:
CRANE GUYS

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Class</th>
<th>Bill Weight</th>
<th>Rate</th>
<th>Amount</th>
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<td>Large Vehicles</td>
<td>1 CRANE LIC #7L8250 94,000 LBS 1 TRACTOR 16,800 LBS LIC #9F31500 Vehicles in Excess of 15,000 Lbs (Round Trip, Flat Rate)</td>
<td>SP to AVA</td>
<td>2</td>
<td>3,850.00</td>
<td>7,700.00</td>
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<tr>
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<td>1-40' FLATBED - GOING</td>
<td>SP to AVA</td>
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<td>1-40' FLATBED - RETURNING</td>
<td>AVA to SP</td>
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<td>0.051</td>
<td>2,503.08</td>
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**Any item not picked up within 48 hours will be charged storage fees**

**All freight shipped at Shippers Risk**

Total $12,706.16

Payments/Credits $0.00

Balance Due $12,706.16

RECEIVED by the Carrier in apparent good order and condition (unless otherwise stated herein) the total number or quantity of Containers or other packages or units indicated in the box entitled Description for carriage from the Place of Receipt or Port of Loading to the Port of Discharge or Place of Delivery, whichever is applicable, subject to all the terms and conditions, including the law and jurisdiction clause, limitation of liability and declared value clauses, of the current Avalon Freight Services, LLC Bill of Lading (available from the Carrier or its agents). IN ACCEPTING THIS BILL OF LADING THE MERCHANT EXPRESSLY ACCEPTS AND AGREES TO ALL THE TERMS AND CONDITIONS, WHETHER PRINTED, STAMPED OR OTHERWISE INCORPORATED ON THIS SIDE AND ON THE REVERSE SIDE OF THIS BILL OF LADING AND THE TERMS AND CONDITIONS OF THE CARRIER'S APPLICABLE TARIFF AS IF THEY WERE ALL SIGNED BY THE MERCHANT.

If this is a negotiable (To Order / of) Bill of Lading, one original Bill of Lading, duly endorsed must be surrendered by the Merchant to the Carrier (together with outstanding Freight) in exchange for the Goods or a Delivery Order. If this is a non-negotiable (straight) Bill of Lading, the Carrier shall deliver the Goods or issue a Delivery Order (after payment of outstanding Freight) against the surrender of one original Bill of Lading or in accordance with the applicable law at the Port of Discharge or Place of Delivery whichever is applicable.
# Invoice

**Date:**
2/8/2019

**Invoice #**
RCT79276

---

**Bill To:**
CITY OF AVALON
ATTN: ACCTSPAYABLES
P.O. BOX 707
AVALON, CA 90704
310-510-0220

**Ship To:**
CITY OF AVALON
YAFET

**Supplier:**
MOBILE MODULAR

---

<table>
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<tr>
<th>Item</th>
<th>Description</th>
<th>Class</th>
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<th>Rate</th>
<th>Amount</th>
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<td>1,221.48</td>
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**Notes:**
- "Any item not picked up within 48 hours will be charged storage fees"
- "All freight shipped at Shippers Risk"

---

**Total**
$1,221.48

**Payments/Credits**
$0.00

**Balance Due**
$1,221.48

---

RECEIVED by the Carrier in apparent good order and condition (unless otherwise stated herein) the total number or quantity of Containers or other packages or units indicated in the box entitled Description for carriage from the Place of Receipt or Port of Loading to the Port of Discharge or Place of Delivery, whichever is applicable, subject to all the terms and conditions, including the law and jurisdiction clause, limitations of liability and declared value clauses, of the current Avalon Freight Services, LLC Bill of Lading (available from the Carrier or its agents). IN ACCEPTING THIS BILL OF LADING THE MERCHANT EXPRESSLY ACCEPTS AND AGREES TO ALL THE TERMS AND CONDITIONS, WHETHER PRINTED, STAMPED OR OTHERWISE INCORPORATED ON THIS SIDE AND ON THE REVERSE SIDE OF THIS BILL OF LADING AND THE TERMS AND CONDITIONS OF THE CARRIER'S APPLICABLE TARIFF AS IF THEY WERE ALL SIGNED BY THE MERCHANT.

If this is a negotiable (To Order / of) Bill of Lading, one original Bill of Lading, duly endorsed must be surrendered by the Merchant to the Carrier (together with outstanding Freight) in exchange for the Goods or Delivery Order. If this is a non-negotiable (straight) Bill of Lading, the Carrier shall deliver the Goods or issue a Delivery Order (after payment of outstanding Freight) against the surrender of one original Bill of Lading or in accordance with the applicable law at the Port of Discharge or Place of Delivery whichever is applicable.
**The Crane Guys LLC**  
14480 Alondra Blvd  
La Mirada, CA 90638 US  
562-777-0600  
invoices@craneguys.com  
www.craneguys.com

---

**BILL TO**  
CITY OF AVALON

**DATE** | **ACTIVITY** | **DESCRIPTION** | **QTY** | **RATE** | **AMOUNT**
--- | --- | --- | --- | --- | ---
03/06/2019 | CRANE SERVICES AT WASTE WATER PLANT AVALON CA | | | | 
03/06/2019 | DAY 1 2/26/19 | | | | 
03/06/2019 | **PW 90 TON** | 90 TON CRANE PREVAILING WAGE RATES $396.75 PER HOUR CANADA PORTAL TO PORTAL | 8 | 396.75 | 3,174.00
03/06/2019 | Trucking | TRUCKING $95 PER TRUCK PER HOUR CANADA PORTAL TO PORTAL | 8 | 95.00 | 760.00
03/06/2019 | **SURCHARGE** | 8% FUEL AND INSURANCE SUR CHARGE | 1 | 314.72 | 314.72
03/06/2019 | **PER DIEM** | PER DIEM/HOTEL STAY | 1 | 240.00 | 240.00
03/06/2019 | **PW 90 TON** | 90 TON CRANE PREVAILING WAGE RATES $396.75 PER HOUR CANADA PORTAL TO PORTAL | 9.50 | 396.75 | 3,769.13
03/06/2019 | Trucking | TRUCKING $95 PER TRUCK PER HOUR CANADA PORTAL TO PORTAL | 9.50 | 95.00 | 902.50
03/06/2019 | **OVERTIME** | OVERTIME AFTER 8 HOURS OR AFTER 8 HOURS WORK $60 PER MAN PER HOUR | 1.50 | 120.00 | 180.00
03/06/2019 | **SURCHARGE** | 8% FUEL AND INSURANCE SUR CHARGE | 1 | 388.13 | 388.13
03/06/2019 | **PER DIEM** | PER DIEM/HOTEL STAY | 1 | 240.00 | 240.00
03/06/2019 | **PW 90 TON** | 90 TON CRANE PREVAILING WAGE RATES $396.75 PER HOUR CANADA PORTAL TO PORTAL | 4 | 396.75 | 1,587.00
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<td>147.00</td>
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Thank you for using The Crane Guys LLC. We appreciate your business.

TOTAL DUE $12,239.84

THANK YOU.
## Sign up for the Easy Sale Option

(see end of document for details)

<table>
<thead>
<tr>
<th>Customer Information</th>
<th>Site Information</th>
<th>Mobile Modular Contact</th>
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<tbody>
<tr>
<td>City of Avalon</td>
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<td>Questions?</td>
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<tr>
<td>San Diego, CA 92128</td>
<td>San Diego, CA 92128</td>
<td>Contact: Brandy Sacci</td>
</tr>
<tr>
<td>Jordan Monroe</td>
<td></td>
<td><a href="mailto:Brandy.Sacci@mobimodular.com">Brandy.Sacci@mobimodular.com</a></td>
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<tr>
<td><a href="mailto:jmonroe@cityofavalon.com">jmonroe@cityofavalon.com</a></td>
<td></td>
<td>Direct Phone: (951) 360-6600</td>
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<tr>
<td>Phone: (310) 510-0220 128</td>
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<td>Fax: (951) 360-6622</td>
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### Product Information

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### Charges Upon Delivery

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<td>1</td>
<td>Removal, Towbar/Hitch</td>
<td>$80.00</td>
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Subtotal: $20,759.00
Taxes: $1,485.99
Total Charges (including tax): $22,244.99

## Special Notes

**Delivery Date:**
Delivery Date: Delivery date will not be confirmed until Mobile Modular receives and approves the signed Agreement and all credit conditions have been met.

**General:**
Customer's site must be dry, compacted, level and accessible by normal truck delivery. Pricing does not include any clearing or grading of sites, obstruction removal, site or final building clean-up, any asphalt transitions, dolly, crane, forklift, electrical or plumbing connections, window coverings, furniture, casework, appliances, doorstops, phone or data lines, gutters, downspouts or tie-in, temporary power, temporary fencing, traffic control, flagmen, soil and/or pull test, custom engineering, fees associated with inspections, city or county submittals and/or use permits, security screens, door bars and any item not specifically listed as being included.

**Used building sale:**
Quotation is for a used modular building sold in "as is" condition. Unless stated otherwise, MMMC will only perform a general cleaning & repair, reseal the roof, doors & windows, and test the electrical, mechanical & plumbing systems to ensure working condition at the time of delivery. For warranty information, please refer to the Supplemental Sale Terms and Conditions located on Seller's website at:

## Floor Plans

*Thank you for contacting Mobile Modular.*

Mobile Modular is a division of McGee RentCorp.

182186, 01-23-2018 09:49 AMDetail www.mobimodular.com
MEETING DATE: April 16, 2019
ORIGINATING DEP: Public Works
PREPARED BY: Robert Greenlaw, Director of Public Works
SUBJECT: Resolution Adopting List of Projects for Annual SB1 Allocation

RECOMMENDED ACTION(S): Adopt the resolution adopting a list of projects for fiscal year 2019-20 funded by SB1: The Road Repair and Accountability Act of 2017.

REPORT SUMMARY: In 2017, new state legislation, Senate Bill 1 (SB1) was enacted that provided new funding to address basic road maintenance, rehabilitation and critical safety needs of local streets and roads in addition for other transportation needs in the state.

One of the requirements of the program is that each agency must adopt a list of projects for their annual formula allocation that is submitted to the California Transportation Commission.

The City’s estimated allocation for this year is $60,000. Staff identified the Five Corners Complete Street Project, known as the City of Avalon Five Corner Comprehensive Pedestrian Project as the project that would provide the greatest benefit for the community with this year’s allocation. This determination was based on the City’s need to provide matching funds to the existing grant funds.

GOAL ALIGNMENT: City Infrastructure

FISCAL IMPACTS: The FY20 Budget identifies the need for matching funds from other sources for the recommended project. This funding partially fulfills those needs.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Potentially there may not be sufficient funding for the Five Corners Project, which could jeopardize existing grant funds, and the City would not receive their allocation of the SB1 funds.

FOLLOW UP ACTION: Submit the approved project list and resolution to the California Transportation Commission by May 1, 2019.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: Resolution
RESOLUTION NO._______

RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20
FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project’s completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive an estimated $60,000 in RMRA funding in Fiscal Year 2019-20 from SB 1, and

WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undergone a robust public process to ensure public input into our community’s transportation priorities/the project list through community workshops and council meeting presentations; and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate the Five Corner intersection, at Avalon Canyon Road and Tremont Street as part of the comprehensive pedestrian active transportation project in the City this year and similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a good condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into an excellent condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will improve active transportation access and have significant positive co-benefits statewide.
NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City, State of California, as follows:

1. The foregoing recitals are true and correct.

2. The following list of proposed projects will be funded in-part or solely with fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues:

   **Project Description:** Five Corner Complete Street Project – Project development components including engineering, environmental and right of way, as well as preliminary construction

   **Project Location:** Intersection of Tremont, Avalon Canyon, Country Club, Sumner Ave. roadways

   **Estimated Useful Life:** 20 years.

   **Anticipated Year of Design Completion:** 2019

3. The following previously proposed and adopted projects may utilize fiscal year 2019-20 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City/County is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

   **Project Description:** Five Corner Complete Street Project

   **PASSED AND ADOPTED** by the City of Avalon, State of California this 16th day of April, 2019, by the following vote:

   Ayes:
   Noes:
   Absent:
   Abstain:

   ___________________________________________________________
   Ann H. Marshall, Mayor

   Gabrielle Morones, Deputy City Clerk
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

ORIGINATING DEP: Harbor

PREPARED BY: JJ Poindexter, Harbor Master

SUBJECT: Amend Franchise Agreement with Catalina Coastal Tours, LLC to Assign Additional Lease Moorings

RECOMMENDED ACTION(S): Authorize the City Manager to execute an amendment to the Semi-Exclusive Shore Boat Franchise and Shore Boat Services Provider Agreement allowing the Harbor Master to assign Catalina Coastal Tours a fourth lease mooring, and to assign a fifth lease mooring if and when it is requested in writing by CCT. The fifth mooring will be assigned upon request only if, or when, a lease mooring is available.

REPORT SUMMARY: On February 12, 2017, City Council authorized the Semi-Exclusive Shore Boat Franchise and Shore Boat Provider Agreement with Catalina Coastal Tours, LLC (CCT).

Per the terms of the Semi-Exclusive Shore Boat Franchise and Shore Boat Provider Agreement, CCT currently utilizes three (3) lease moorings; however, according to "Section D, General Information and Requirement: # 1 Lease of Moorings" of the Shoreboat RFP, "Up to five (5) City of Avalon lease moorings will be available for shore boats."

On April 4, 2019, CCT requested a modification to the agreement by adding another lease mooring. The terms of the Semi-Exclusive Shore Boat Franchise and Shore Boat Provider Agreement allow written amendments to be made. The additional mooring will accommodate CCT's new 12 passenger shore boat.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: The 4th lease mooring is a 40' mooring with the potential of up to $5,130.00 in nightly mooring fees, plus $1,813.00 for the annual mooring lease.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The potential loss of $5,130.00 in nightly mooring fees for a 40' mooring.

FOLLOW UP ACTION: Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: Written request from Catalina Coastal Tours and Contract Amendment.
April 4, 2019

To: City of Avalon
   Harbor Master
   410 Avalon Canyon Rd.
   Avalon, Ca. 90704

Subject: Shoreboat Amendment Modification

Mr. Poindexter,

As per our Shoreboat Franchise and Provider Agreement section 3.5.13 we are requesting the following 12 passenger vessel to be added to the agreement as a 4th Shoreboat to meet the Harbor needs.

Vessel Type: 2019 26' Munson Water Taxi/ Landing Craft
Vessel Name "Kuma"
Hull ID # MUN909PKJ819
Document #: Pending

This vessel provides a dedicated fleet of Shoreboats meeting the 36 passenger commitment per our agreement.

Thank you for your consideration,

Captain Scott Gorelczenko
FIRST AMENDMENT TO SEMI-EXCLUSIVE SHORE
BOAT FRANCHISE AND SHORE BOAT SERVICES PROVIDER AGREEMENT

This first Amendment is made effective April 17, 2019 to the Franchise Agreement by and between the City of Avalon ("City") and Catalina Coastal Tours LLC ("Contractor") dated the 17th day of April, 2019.

The terms and conditions of the Agreement are amended as follows:

1. On April 16, 2019 the Avalon City Council approved the amendment to allow up to five (5) lease moorings be available for lease for shoreboats.

2. On April 17, 2019 the Contractor may begin leasing a fourth lease mooring.

3. A fifth lease mooring if and when it is requested in writing by CCT will be assigned by the Harbor Master only if, or when, a lease mooring is available. If not available, the next lease mooring that becomes available will be assigned to Contractor.

Except as modified above, all terms and conditions of the Agreement shall remain in effect.

CITY

By: ________________________________
Denise A. Radde
City Manager and City Clerk

Date

CONTRACTOR

By: ________________________________

Name: ________________________________
Title: ________________________________

ATTEST:

______________________________
Gabrielle Morones, Deputy City Clerk
RECOMMENDED ACTION(S): (1) Authorize expenditures for upgrades to the Via Casino Arch for a not to exceed of $70,000; (2) Amend the FY18 Budget by decreasing General Fund Capital Improvement Expenditure Account 10575-6547, by $30,000 and increasing the Harbor Capital Improvement Expenditure Account 10470-6547 by $70,000; (3) Ratify prior actions of Staff in rejecting the previously submitted bids; and (4) Authorize the City Manager or their designee to award contract to the lowest responsible bidder for the Via Casino Arch Restoration Project and execute a contract for construction.

REPORT SUMMARY: On December 5, 2017 a significant storm forced ocean spray/waves to wash off portions of the paint & stucco that was in poor condition on the arch. The storm, along with many years of deterioration, has made it vital the City restore the arch before further damage occurs. In response to this need $30,000 was allocated in the FY 18-19 budget for the Via Casino Arch Repairs.

The scope of the proposed work for the project is to renovate the exterior surfaces of the arch. This includes the removal and repair of all damaged plaster, application of protective paint, and the repainting of the "Via Casino" lettering. No work will be done to the tile and it will be protected in place.

The deadline for contractors to submit proposals for this scope of work closed at 3:00 p.m. on April 2, 2019. Two contractors submitted bids – Fogle Construction and MKS Painting. Staff evaluated the bids and it was determined that there were significant errors. Additionally, all bids were substantially beyond the budgeted funds. It was determined in the City’s best interest to reject all bids due to these conditions and re-advertise the NIB.

The contractors were notified of the bid rejection and the project will be released again through the City’s Public Purchase account. City Council has the ultimate authority to award and reject bids; therefore, Staff requests the finding be made that they were justified in rejecting the received bids due to the need for the timely delivery of the project and their actions be ratified.

Since the two bids both significantly exceeded the original estimate of $30,000 due to the added cost of a prevailing wage public project, additional funds will be necessary to complete the required scope of work. Further, upon review of the budget it was determined that this capital project is more appropriately budgeted in the City’s Harbor Fund. Therefore, Staff is requesting to amend the FY18 Budget by decreasing General Fund Capital Improvement Expenditure Account 10575-6547, by $30,000 and increasing the Harbor Capital Improvement Expenditure Account 10470-6547 by $70,000.
GOAL ALIGNMENT: Infrastructure reliability and safety.

FISCAL IMPACTS: Staff requests that the FY18 Budget be amended by decreasing General Fund Capital Improvement Expenditure Account 10575-6547, by $30,000 and increasing the Harbor Capital Improvement Expenditure Account 10470-6547 by $70,000

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The project cannot proceed as authorized and the condition of the arch will continue to deteriorate.

FOLLOW UP ACTION: Proceed with advertising and awarding the contract.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: None.
MEETING DATE: April 16, 2019

ORIGINATING DEP: Planning Department

PREPARED BY: Amanda Cook, Planning Director

SUBJECT: General Plan Status Report 2013 - 2018

RECOMMENDED ACTION(S): Receive and file the General Plan 2013-2018 status report and Housing Element Annual Progress Report and direct Staff to submit the General Plan Status report to OPR and the Housing Element Progress report to HCD.

REPORT SUMMARY: Government Code Section 65400 mandates that certain cities and all 58 counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor’s Office of Planning and Research (OPR) and the Housing and Community Development (HCD).

Once the City Council has accepted the report, the City must submit a copy to the Governor’s Office of Planning and Research (OPR) and transmit the 2018 Housing Element Annual Progress Report to the California Department of Housing and Community Development (HCD).

The report gives OPR the opportunity to identify statewide trends in land use decision making and how local planning and development activities relate to statewide planning goals and policies. APRs may identify needed modifications and improvements to OPR’s General Plan Guidelines. In addition, OPR is able to track progress on a local jurisdiction’s comprehensive General Plan update using information provided in the APR. Providing a copy of the APR to HCD fulfills statutory requirements to report certain housing information, including the local agency’s progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the development of housing.

Avalon has submitted our Housing Element Annual Report in a timely manner each year. We have not submitted a General Plan Annual Report since our General Plan was updated in 2013.

The reports have been prepared consistent with the guidelines from the Governor’s Office of Planning and Research, and the California Department of Housing and Community Development.

GOAL ALIGNMENT: This aligns with the City’s goal of facilitating affordable housing

FISCAL IMPACTS: NONE

Page 1 of 13
CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: the City would not be in compliance with HCD and OPR guidelines

FOLLOW UP ACTION:

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act

ATTACHMENTS: General Plan Status Report
GENERAL PLAN STATUS REPORT
2013 - 2018

Prepared by:
Amanda Cook, Planning Director
April, 2019

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Table of Contents

A. Introduction
B. State General Plan Guidelines
C. Land Use Element
D. Circulation Element
E. Open Space Element
F. Conservation Element
G. Housing Element
H. Safety Element
I. Noise Element

Attachment: 2018 HCD Report Summary
A. INTRODUCTION

The Avalon General Plan represents the City's comprehensive effort to define what make Avalon a special place, delineate a vision for its future, and formulate action-oriented programs to achieve that future. The Plan functions as a blueprint that defines not only how the City will evolve through 2030, but the steps the community will take to make this vision a reality.

The General Plan status report is to report on the steps that the City has taken to implement policies, plans or revisions to the Avalon Municipal code to support and make a reality the blueprint for the community of Avalon.

B. STATE GENERAL PLAN GUIDELINES

According to the State guidelines for the preparation of general plans, the role of the General Plan is to establish a document that will "...act as a 'constitution' for development, the foundation upon which all land use decisions are to be based. It expresses community development goals and embodies public policy relative to the distribution of future land use, both public and private" (General Plan Guidelines, 2003). As further mandated by the State, the General Plan must serve to:

- Identify land use, circulation, environmental, economic, and social goals and policies for the City and its surrounding planning area as they relate to land use and development;
- Provide a framework within which the City's Planning Commission and City Council can make land use decisions;
- Provide citizens the opportunity to participate in the planning and decision-making process affecting the City and its surrounding planning area; and
- Inform citizens, developers, decision-makers, and other agencies, as appropriate, of the City's basic rules which will guide both environmental protection and land development decisions within the City and surrounding planning area.

State law requires that the General Plan include seven mandatory elements, but allows flexibility in how each local jurisdiction structures these elements. The implementation measures for each of the seven elements are described on the following pages.
C. LAND USE ELEMENT

The Land Use Element was adopted in 2013. The Land Use Element details Avalon’s program to manage its physical environment, and meet State requirements for the Land Use Element. Land use objectives, general plan approaches, policies, and implementation actions are presented. In addition, Chapter II delineates the land use districts presented on the General Plan Land Use Map. The land use districts define acceptable land uses throughout the General Plan study area.

No amendments have been made.

Implementation:

- 2014 - Approval of Tract Map 72448 to subdivide lcts 6, 7, 8 & 9 of TM 69836 into 12 lots within the Hamilton Cove gated community.
- 2016 – Adopt ordinance to allow administrative approval of minor renovation projects.
- 2017 – Adopt ordinance to modify sign regulations
D. CIRCULATION ELEMENT

No amendments were made.

The Circulation Element outlines the City's program to provide mobility within the General Plan study area. This element addresses motor vehicle, bicycle, and pedestrian circulation, as well as parking issues. A major thrust of this element is to ensure that roadways and transportation facilities support, rather than lead to, the type of community which Avalon wishes to maintain.

- Adopted the Mitigated Negative Declaration for the Mole Renovation Project
- Reprogrammed parking on Metropole to facilitate additional parking in the Commercial zone.
- Reprogrammed parking on Sumner to facilitate additional parking in the Commercial zone.
- Implemented a sidewalk improvement plan to improve accessibility throughout the downtown area
- Completed design of Five Corners intersection improvement plan
E. OPEN SPACE ELEMENT

No amendments have been made

The Open Space Element details Avalon's commitment to programs for preserving open space for natural resource protection, the managed production of resources, outdoor recreation, and protection of public healthy and safety.

- Renovation of Mole Park and renaming as Don Knabe Park,
- Renovation of People's Park adding fitness trail, play area, public restrooms
- Implementation of water based amenities to enhance the use of public beaches and harbor
- Provide recreation programs for all ages including contract classes, sports leagues, and special events
- Completed installation of artificial turf at Joe Machado Field to expand availability of the field.
F. CONSERVATION ELEMENT

No amendments have been made

The Conservation Element describes Avalon's program to manage its natural resources. The primary objective of this element is to define environmental features within the plan area and provide each feature with an appropriate level of protection. The Conservation Element meets the requirements of State General Plan law.

- Implementation of Ebus program. (This program was later discontinued due to mechanical difficulties that could not be resolved with the existing equipment)

- Implementation of Fats/Oils/Grease program to protect Avalon's Harbor and Beaches

- Implementation of Sewer Maintenance and Inspection program to protect groundwater and prevent filtration into Avalon's Harbor and Beaches.

- Conducted Erosion Study to determine why South Beach is losing sand, which threatens the seawall in that area
G. HOUSING ELEMENT

No amendments have been made.

The Housing Element presents Avalon’s commitment to provide housing opportunities to meet the needs of all economic segments of the community, and to ensure the continued high quality of the City’s housing stock.

- 2017 – Adopt ordinance to regulate Single Room Occupancies/SROs
- 2016 - Adopt ordinance to regulate Emergency Shelters and Transitional Housing

Our current Housing Element is in the fifth cycle, which spans years 2013 thru 2021. The 2021 update will include Avalon’s changes to the Accessory Dwelling Unit, Density Bonus and Inclusionary Housing code revisions.

Due to fresh water constraints and other challenges, the City is behind in meeting our Regional Housing Need Assessment allocation (RHNA).

Our Regional Housing Need Allocation is:

<table>
<thead>
<tr>
<th>Category</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Income units</td>
<td>20</td>
</tr>
<tr>
<td>Low Income units</td>
<td>12</td>
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<tr>
<td>Moderate</td>
<td>14</td>
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<tr>
<td>Above Moderate</td>
<td>34</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
</tr>
</tbody>
</table>

Since 2013, four (4) above moderate or market rate units have been constructed.

The 2018 Annual Housing Element summary report is attached.

New housing bills that will be implemented in the 2021 update to the Housing Element are:

AB 686 - This bill requires an assessment of Avalon’s fair housing-related programs and activities. Assessment must include fair housing enforcement and outreach; analysis of any segregation patterns and trends including displacement risk.

AB 1397 – This bill requires that the inventory of land suitable for residential development to meet our RHNA allocation in addition to being suitable the sites must also be available and have realistic and demonstrated potential for redevelopment.

SB 35 – This bill requires a wholly streamlined ministerial approval process for qualifying residential development projects for cities not meeting their respective regional housing needs targets. However, projects in the coastal zone, flood plain and/or high fire hazard areas may not qualify for this ministerial process.
H. SAFETY ELEMENT

No amendments have been made.

The Safety Element addresses the relationship between natural and manmade hazards and existing and future development. Key features of this element are the definition of "acceptable risk" and identification of the extent to which natural and manmade hazards will be managed in order to protect public health and safety. The Safety Element meets State requirements.

- Implementation of Pebbly Beach Road Hillside management plan
I. NOISE ELEMENT

No amendments have been made.

The Noise Element identifies existing and projected future noise sources and levels throughout the City. It also provides policies and standards to limit noise exposure. The Noise Element meets the requirements of State General Plan law.

The City has not adopted any new policies or ordinances relating to noise.
## Table II

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Very Low</th>
<th>Low</th>
<th>Middle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Deed Restricted</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deed Restricted</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Non-Deed Restricted</td>
<td>14</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deed Restricted</td>
<td>24</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| Non-Deed Restricted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deed Restricted | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Note: Units shown in red are the number of units in each category. Units shown in orange are the number of units in each category with income level.
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

ORIGINATING DEP: Public Works

PREPARED BY: Jordan Monroe, Senior Administrative Assistant

SUBJECT: Authorization to Award Bid for the Fuel Dock Piping and Dispensing Modification Project RFP

RECOMMENDED ACTION(S): Authorize the award of a contract to the lowest responsive and responsible bidder, for the Fuel Dock Piping and Dispensing Modification Project for an amount not to exceed $100,000, with $45,000 from 11470-6509A and $55,000 from the Harbor Fund, which includes a 10% contingency.

REPORT SUMMARY: As part of the FY 18 budget $45,000 was carried over to complete the Fuel Dock float project. The Fuel Dock float historically was installed each summer and removed for the winter season, which allowed for additional service to the boaters and businesses operating in the harbor.

The float was constructed by City Staff, and the fuel pumps and related equipment were purchased by the City. A licensed contractor is required to install the pumps, and the County of Los Angeles Department of Public Works Environmental Programs Division reviews the permit application as an extension of our Underground Storage Tanks. The County permit is pending the submission of an approved contractor.

The RFP for a contractor to install the pumps was released on April 2, 2019, with notice circulating in the Catalina Islander on April 5 and April 12, 2019. A non-mandatory Pre-Bid Conference was held on April 8, 2019. One contractor, Wayne Perry, attended the conference. At the time of this Staff Report, Staff expects to receive competitive proposals, as multiple contractors have accessed the bid documents via www.publicpurchase.com and questions have been submitted by 3 different companies.

The proposal deadline is Tuesday, April 16, 2019 at 3 p.m. As such, proposals are not available at the time of authoring this report.

The engineers estimate cost range for the project was $65,000-$100,000, however, as the majority of the equipment and materials have already been purchased by the City Staff expects the actual cost to be less. The original budget included Force Account Labor completing the installation; however, per Los Angeles County permitting a licensed contractor is required to conduct the work, therefore the estimated project costs have increased. Note that inspections of the float installation and uninstallation will be required annually.
The schedule for the installation is as follows:

4/2/19       City posts project on publicpurchase.com (bid period: 2 weeks)
4/5/19       Notice inviting bids circulated in the local paper
4/8/19       Pre-bid meeting
4/11/19      Publish addendum (if needed)
4/16/19      Open bids, Council award contract
4/17/19      Notice of Intent to Award
4/18/19      Notice of Award
5/1/19       Contractor furnished documentation delivered
5/8/19       Notice to Proceed Issued to Contractor
6/3/19       Gangway arrives
6/6/19       Gangway installed
6/10/19      Work complete
6/19/19      County inspections complete

GOAL ALIGNMENT: Infrastructure reliability and safety.

FISCAL IMPACTS: A not to exceed contract amount, with $45,000 from account 11470-6509A, and the balance from the Harbor Fund.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Fuel Dock Piping and Dispensing Modification Project RFP will not be awarded and the Fuel Dock float will not be completed.

FOLLOW UP ACTION: Allow Staff to schedule and proceed on the Fuel Dock Piping and Dispensing Modification Project with the contractor, by issuing an Award of contract, then the Notice to Proceed.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: Bid documents, under separate cover.
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019
ORIGINATING DEP: Administration
PREPARED BY: Denise Radde, City Manager
SUBJECT: Discussion on a Possible Harbor Advisory Board

RECOMMENDED ACTION(S): Discuss if the need exists to re-instate the Harbor Committee Advisory Body (including the specific goals to be achieved). Provide direction to Staff.

REPORT SUMMARY: During the February 5, 2019 City Council Meeting the City Council discussed if the need existed to re-instate a Harbor Committee Advisory Body including specific goals to be achieved by the body if re-instated.

The City Council did not provide formal direction to Staff. However, Greg Harris, in favor of the establishment of the committee, met with Staff regarding his perspective on a potential Harbor Committee Advisory Board and the scope of oversight they may provide.

Mr. Harris provided a written proposal on March 3, 2019 and reviewed his proposal during the oral communications segment of the March 5, 2019 City Council Meeting.

Two members of the City Council requested this item be brought back for the City Council to continue discussion.

Staff recommends, if the City Council determines it is appropriate to re-instate some type of Harbor Committee Advisory Body, they identify the scope of work and specific tasks the advisory body will opine on.

GOAL ALIGNMENT: N/A.

FISCAL IMPACTS: Unknown.

FOLLOW UP ACTION: Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:
- Avalon Harbor Committee Proposal Submitted by Greg Harris on March 3, 2019
- Staff Report from February 5, 2019 City Council Meeting and Minutes
March 3, 2019

Avalon Harbor Committee

Purpose
The purpose of the Avalon Harbor Committee, AHC, is to provide assistance, review and suggestions to the City Manager, City Council, and Harbor department on Avalon Harbor matters including repairs, maintenance, emergency repairs, long term projects, capital improvements, harbor use permits and personnel.

Committee Members
It is suggested that the committee members have a strong interest in the well being of the Harbor, and have marine experience in the disciplines of business, repair, construction, engineering and operations. The committee members will be approved by the City Council and existing AHC members.

Example of Use of AHC
The experience of the AHC members can act as a third set of eyes or oversight on matters such as:
Potential failures such as dangling conduit under the pier, piling without proper protection, noisy machinery... failing structures.
Current failures such as gangway wheels, parted lines...
Maintenance Records to assure that zincs on floats are maintained and pier pilings are maintained.
Long Term Projects such as gangway hoists, fuel dock float...
Capital Improvements such as South Beach Wall, Mole, Jetty for beach erosion...
Continued Maintenance such as painting and many of the existing jobs that the Harbor Department presently does.
March 3, 2019

Avalon Harbor Committee, Prospective Members

Charlie Behrschmidt: Retired head of Harbor Maintenance with 40 years of “hands on” experience working on harbor and City projects

Charlie Canby: Graduate Naval Architect, 12 years sea going experience on merchant ships, port engineer on Santa Catalina Island Company for 34 years.

Calib Lins: Marine Mechanic since berth, ship yard owner, fisherman...

JJ Guion: Business man, worked in harbor since berth

Don Wright: Fifty years of experience as a commercial diver and diving contractor in LA/LB harbor and west coast of the US.

Greg Harris: Thirty years of experience as a pile drive for maintaining wharfs and structures in LA harbor and west coast.

Shell Hiniker: Waterman with strong interest in the well being of Avalon Harbor.
CITY OF AVALON CITY COUNCIL

MEETING DATE: February 5, 2019

ORIGINATING DEPT: Harbor

PREPARED BY: JJ Poindexter, Harbor Master

SUBJECT: Discussion on Reinstating the Harbor Committee

RECOMMENDED ACTION(S): Discuss if the need exists to re-instate the Harbor Committee advisory body (including the specific goals to be achieved). Provide direction to Staff.

REPORT SUMMARY: On October 19, 2004, by Resolution No. 04-30, the City Council established a Harbor Committee with five to seven persons to "...be responsible for recommendations to the City Council on the issuance and renewal of waterside project permits and other issues relating to or affecting the operation of businesses in the Harbor or as requested by the City Council."

In a June 15, 2004, Staff Report it was pointed out to the City Council that the Harbor Committee, unlike the Planning Commission, was an advisory body which makes recommendations to the City Council and does not have final decision making authority. The Staff Report requested direction to Staff regarding two issues:

1. Should the Harbor Committee be done away with?
2. Should the current timeline for consideration of new waterside permit applications (i.e. only in November/December of each year) be continued?

No determination was made in 2004 and the item was tabled until a later date.

At the May 20, 2008 City Council Meeting, the consensus of the City Council was to have the Council make all the Waterside Permit decisions and to form a "task force" with five members with knowledge, interest and experience in the Avalon Harbor. The City Council also directed "...the City Attorney to draft a resolution disbanding the Harbor Committee and consider formation and membership appointments to a Harbor Task Force."

On June 3, 2008, the City Council, by Resolution No. 08-05, acknowledged that the terms of five of the seven members of the Harbor Committee would expire June 30, 2008, and that "...a more effective use of staffs' and volunteers' time and efforts would be to form a 'Harbor Task Force,' rather than a formal advisory body subject to the Brown Act." This resolution was passed, approved and adopted by a vote of 5-0.

A Harbor Task Force independent of the City Council was never formed. At present, the City Council, with the support of the Harbor Master and other members of the Harbor Department, serve as the Harbor Task Force. The City Council provides guidance, direction and approval on all Harbor related matters of policy and issuance of Waterside Permits.
GOAL ALIGNMENT: N/A

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: N/A

FOLLOW-UP ACTION: Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS:
- Resolution 04-30
- Resolution 08-05
- City of Avalon Staff Report re: Harbor Committee, dated May 20, 2008
- City Council Actions re: Harbor Committee from May 20, 2008
RESOLUTION NO. 04-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON SETTING FORTH ADMINISTRATIVE PROCEDURES FOR WATERSIDE PROJECT PERMITS AND RESCINDING RESOLUTION NO. 95-24

THE CITY COUNCIL OF THE CITY OF AVALON DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

Section 1. Harbor Committee

A. The City shall appoint not less than five nor more than seven interested residents of Avalon or employees or principals of a business operating in the Avalon Harbor to serve on the Harbor Committee. Each committee member shall serve a two year term. The Harbor Committee shall be responsible for recommendations to the City Council on the issuance and renewal of waterside project permits and other issues relating to or affecting the operation of businesses in the Harbor or as requested by the City Council.

Section 2. Review of Harbor Operations

A. During October/November of each year, the Harbor Committee shall undertake an analysis of all Avalon Harbor activities during the prior twelve (12) months. The review will be conducted in order to determine a baseline for the next calendar year of the number and types of businesses operating in the Harbor and the impact of the mix of such businesses on safety, tourism, transportation and recreation and other activities.

Section 3. Issuance, Modifications and Renewal of Permits.

A. The City Manager shall approve an application form to be used for all waterside project permit applications.

B. Application for new uses shall be accepted until December 15 of each year.

C. Prior to December of each year, the Harbor Committee shall review all existing permits whose terms are to expire on December 31. If the Harbor Committee determines that because of changed circumstances, a permit should not be renewed, or should be renewed on different terms and conditions, it shall forward its recommendation thereon to the City Council for action, together with a list of all permits that it recommends should be renewed for another term without change. All recommendations of the Harbor Committee shall be subject to verification by the Finance Department that the permit holder is in good standing with respect to harbor use fees, rents and admission.
taxes and insurance requirements. With respect to fees, rents and admission taxes, good standing includes execution of and compliance with a payment plan.

During January of each year, the Harbor Use and Scheduling Committee shall review all applications for new waterside project permits, and make recommendations to the City Council on those applications no later than January 30.

D. Requests by the permit holder for modifications to existing permits which do not qualify for administrative review by the Harbor Master, may be submitted and reviewed by the Harbor Committee at any time; provided however, that action thereon may be delayed until the December/January review period at the discretion of the Harbor Master and the Harbor Committee.

Section 4. Requirements for New Businesses

Requirements for new businesses shall be as set forth in Resolution No. 96-35, adopted on September 3, 1996.

PASSED, APPROVED AND ADOPTED this 19th day of October, 2004.

AYES: Kennedy, O'Connor, Regalado, Winslow and Mayor Morrow

NOES:

ABSTAIN:

Ralph J. Morrow, Jr., Mayor

ATTEST:

Kathleen Johnson-Mitchell, Deputy City Clerk
RESOLUTION NO. 08-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON REPEALING RESOLUTION NO. 04-30, THEREBY ENDING THE HARBOR COMMITTEE

WHEREAS, by Resolution No. 04-30, the City Council created an advisory body known as the Harbor Committee; and

WHEREAS, the terms of five of the seven members expire on June 30, 2008; and

WHEREAS, the City Council has determined that a more effective use of staffs' and volunteers' time and efforts would be to form a "Harbor Task Force," rather than a formal advisory body subject to the Brown Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON, CALIFORNIA, DOES RESOLVE, DECLARE AND ORDER AS FOLLOWS:

SECTION 1. Resolution No. 04-30 is hereby repealed.

PASSED, APPROVED AND ADOPTED this 3rd day of June 2008.

AYES: Mayor Kennedy, Councilmembers Ponce, Winslow, Rikalo, and Nelson
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Bob Kennedy, Mayor

ATTEST:

Denise Radde, City Clerk

Council resolutions\Harbor Comm repeal 04-30
RECOMMENDED ACTION(S): Give staff direction to: A.) Specify goals the City Council would like the Harbor Committee to achieve, or B.) Disband the Harbor Committee.

REPORT SUMMARY: Resolution 04-30 states: "The City shall appoint not less than five nor more than seven interested residents of Avalon or employees or principals of a business operating in the Avalon Harbor to serve on the Harbor Committee. Each committee member shall serve a two-year term. The Harbor Committee shall be responsible for recommendations to the City Council on the issuance, renewal of waterside project permits and other issues relating to or affecting the operation of businesses in the Harbor or as requested by the City Council.

As the terms are expiring for 5 of the 7 members of the Committee on June 30, 2008, this would be an opportune time to disband the committee. In the last 18 months the committee has met 7 times. There has not been a meeting of the committee since February at which time the meeting agenda was composed of discussion solely on the purpose and direction of the committee. Since the committee is a recommending committee only, all harbor related decisions are made by the City Council.

Staff spends a great deal of time putting together agendas, attending the meetings and taking actions. Perhaps it would be a better use of staff time to eliminate this committee at this time. On the flip side, the volunteer members of this committee do have access to members of the City Council and can still give their valuable input.

FISCAL IMPACTS: N/A

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION(S): N/A

ALTERNATIVE ACTION(S): Advertise to fill vacancies

FOLLOW UP ACTION(S): Implement City Council direction.
8. Harbor Committee. Woolson read the Harbor Master's staff report requesting direction for future of Harbor Committee. Staff recommendation is to specify goals or disband the Harbor Committee. Mayor Kennedy invited current members of the Harbor Committee in the audience to share their views with the City Council. Chair Jack Cook acknowledged that the Harbor Committee had been frustrated and spent time discussing their role. He felt that some continuation of the Harbor Committee would be an asset to the City and agreed that reducing staff time and effort on the Harbor Committee meeting was also needed. Member Cinde MacGugan noted that several members have expertise and recognize the need to assist staff with specific projects to improve the Harbor for businesses and local and visiting boaters, but felt that the size and make-up of the committee made it difficult and time consuming for members and for staff. City Attorney Albers stated that an advisory committee that has a standing responsibility to make recommendations to the City Council, which recommendations are routinely adopted (such as the Waterside Permit process now in place), is subject to the Brown Act and requires publicly noticed and open meetings. She stated that no staff attendance would be required if a "task force" type group were formed that was able to suggest its own projects or work on those suggested by the City Council. After further discussion, the consensus of the City Council was to have the City Council make all the Waterside Permit decisions and to form a "task force" with five members with knowledge, interest and experience in the Avalon Harbor, which can initiate its own projects or study issues or receive them from the City Council. The task force can set its own time and place of meeting and make a request to the Harbor Master when it is felt that staff assistance is needed. Approved by consensus of City Council to direct City Attorney to draft a resolution disbanding the Harbor Committee and consider formation and membership appointments to a Harbor Task Force.
City of Avalon

Item No.: 6

Date: June 15, 2004

To: Pete Woolson, Acting City Manager

From: Pam Albers, City Attorney

Subject: Status of Harbor Committee

Background

Activity in the Avalon Harbor is regulated by the issuance of waterside permits. The waterside permit ordinance provides that the City Council will adopt administrative procedures for the review of waterside permit applications by resolution. The current resolution provides that applications for new businesses in the Avalon Harbor must be submitted prior to November 1 and will be reviewed by a Harbor Committee consisting of five members appointed by the City Council. Unlike the Planning Commission, the Harbor Committee is an advisory body which makes recommendations to the City Council. The Harbor Committee does not have final decision making authority.

Some of the members of the City Council have questioned whether there is a need to continue the Harbor Committee. This item is included for a discussion and direction to staff regarding the following issues:

1. Should the Harbor Committee be done away with?

2. Should the current timeline for consideration of new waterside permit applications (i.e. only in November/December of each year) be continued?

Recommendation:
Discuss the issues listed above and give direction to staff.

Approved:

Pete Woolson, Acting City Manager
B. Adopted Resolution 19-05 of the City Council of the City of Avalon approving the submittal of an application for finding the State of California Department of Parks and Recreation Division of Boating and Waterways for the Shoreline Erosion Control Grant program and authorized the Public Works Director, or his designee, to be the authorized signature on the grant applications. Motion made by Oley Olsen, seconded by Cinde Cassidy. (4 Ayes — Cassidy, Olsen, Marshall and Hernandez, 1 No — Albers.)

7. Consideration to Award Contract - Beacon Hill Chair Lift Contract
The City Council delegated the decision to the City Manager to award the contract to the lowest responsible bidder for the Beacon Hill Chair Lift Contract and authorized Staff to execute a contract. Motion to approve made by Pam Albers, seconded by Oley Olsen. (All Ayes)

6. Consideration to Award Contract – Phase 1 Community ADA Ramp Project
(1) Awarded contract to the lowest responsible bidder for the Phase 1 Community ADA Ramp Project, (2) Approved the project plans, and (3) Authorized Staff to execute a contract. Motion made by Pam Albers, seconded by Oley Olsen. (All Ayes)

GENERAL BUSINESS

8. Report on Residential Inspection Program
Accepted and filed the report. Staff will bring back the item with additional information at a later date.

9. Introduce an Ordinance of the City Council of the City of Avalon Adding Article 6 of Chapter 5 of Title 9 of the Avalon Municipal Code, pertaining to Accessory Dwelling Unit regulations
Introduced and waived all further readings of a revised ordinance adding Article 6 of Chapter 5 of Title 9 of the Avalon Municipal Code, pertaining to Accessory Dwelling Unit regulations. Motion made by Oley Olsen, seconded by Pam Albers. (All Ayes)

10. Introduce an Ordinance of the City Council of the City of Avalon Repealing and Replacing Sections 9-11.105 and Section 9-11.107 of the Avalon Municipal Code Pertaining to Density Bonuses for Affordable Housing Projects
Introduced and waived all further readings of a revised ordinance repealing and replacing Sections 9-11.105 and Section 9-11.107 of the Avalon Municipal Code pertaining to Density Bonuses for affordable housing projects. Motion made by Oley Olsen, seconded by Pam Albers. (All Ayes)

BREAK: 7:12 p.m. – 7:20 p.m.

11. Discussion on Reinstating the Harbor Committee
By Consensus, City Council did not reinstate the Harbor Committee. An informal group could meet, develop ideas and provide a recommendation to City Council.
RECOMMENDED ACTION(S): Discuss the findings of the Vons Day Parking Trial #1 and provide direction on the Vons Parking Trial #2.

REPORT SUMMARY: At the October 16 and November 19, 2018 Avalon City Council meetings discussion was held on the parking on the 200 and lower 300 blocks of Sumner and Catalina, and the 300 block of Beacon Avenue with regards to the relocation of the Vons grocery store.

For this trial the lower blocks of Sumner and Catalina, and 300 block of Beacon were designated as all one hour parking, however note that existing designations in these areas were not changed; no parking, loading, half hour, etc. The residents in the trial area were issued Residential Parking Permits which allowed them to park on their block and street all day, however they were still subject to other traffic control devices. Small stretches along the 300 blocks of Sumner and Catalina were also modified to accommodate the Vons delivery truck as well as Vons street parking.

The goal of the trial was to evaluate both the parking and traffic flow congestion, both for Vons and the overall downtown area and determine any modifications to the active transportation design for access to Vons and the overall downtown area.

Information on the parking trial was posted on the City’s website www.cityofavalon.com/parking. To help collect community feedback and input an online survey was set up which could be access from the Parking Trial Website. The results of the survey show some general reviews of the impacts to the area, however it is not exhaustive or a complete picture, but a snap shot of anecdotal experience.

A compilation of the answers is provided below:
Q1. In your experience, has the access to parking in the 200 blocks of Catalina & Sumner Ave., and the 300 Block of Beacon changed since the trial started?

Q2. In your experience, has the flow of traffic, or traffic congestion, in the 200 blocks of Catalina & Sumner Ave., and the 300 Block of Beacon changed since the trial started?
Q3. Is there available parking in the Vons parking lot when you go to the store?

Yes: 20 (66.67%)

No: 0%

Q4. Assuming your destination is Vons, and there is no available parking in their parking lot, where do you prefer to park?

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<tr>
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<th>1ST</th>
<th>2ND</th>
<th>3RD</th>
<th>4TH</th>
<th>5TH</th>
<th>6TH</th>
<th>7TH</th>
<th>8TH</th>
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</thead>
<tbody>
<tr>
<td>200 Block of Sumner</td>
<td>57.89%</td>
<td>21.05%</td>
<td>10.53%</td>
<td>10.53%</td>
<td>0.00%</td>
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<tr>
<td>300 Block of Sumner</td>
<td>27.78%</td>
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<td>27.78%</td>
<td>11.11%</td>
<td>5.56%</td>
<td>0.00%</td>
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<tr>
<td>200 Block of Catalina</td>
<td>14.29%</td>
<td>0.00%</td>
<td>35.71%</td>
<td>28.57%</td>
<td>0.00%</td>
<td>7.14%</td>
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<tr>
<td>300 Block of Catalina</td>
<td>20.00%</td>
<td>33.33%</td>
<td>6.67%</td>
<td>6.67%</td>
<td>13.33%</td>
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<td>13.33%</td>
<td>6.67%</td>
</tr>
<tr>
<td>300 Block of Beacon</td>
<td>5.88%</td>
<td>28.41%</td>
<td>23.53%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>5.88%</td>
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<td>Metropole Ave.</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>7.69%</td>
<td>23.08%</td>
<td>15.38%</td>
<td>46.15%</td>
<td>7.69%</td>
</tr>
<tr>
<td>Bike or Walk</td>
<td>36.84%</td>
<td>5.26%</td>
<td>0.00%</td>
<td>10.53%</td>
<td>5.26%</td>
<td>31.58%</td>
<td>5.26%</td>
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<tr>
<td>Other</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>16.67%</td>
<td>33.33%</td>
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<td>50.00%</td>
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</table>
Q5. In your experience, has the access to parking surrounding the 200 blocks of Catalina & Sumner Ave., and the 300 Block of Beacon changed since the trial started?

- Much better
- Better
- About the same
- Worse
- Much worse

Q6. In general what is your main purpose for parking in the 200 blocks of Catalina & Sumner Ave., and the 300 Block of Beacon.

- Residential
- Vons
- Work
- Restaurants
- Other Businesses
- The Beach
- Other

Bar charts showing percentages for each purpose.
Q7. Based on the 60-Day trial parking demarcations, (1 Hour, All Day, Loading, etc.) are you more likely to walk, take the Garibaldi fixed route bus, bike, or take another means of transportation other than driving, to the area?

![Bar chart showing responses to Q7]

Q8. What would help you reduce trip miles (i.e. how much you drive to your destination and park) and help you choose to walk, bike, roller skate, bus, or other means of transportation?

*Answers grouped by similarity – some paraphrase, some verbatim.*

- More smooth-transition ADA ramps to assist navigating with stroller, kids, groceries, grocery carts/Driveways on sidewalk make it harder to walk/Better sidewalk continuity
- Take the bus with more reliable timing and easier way to determine timing/Day passes/islander Rate/Discount fare for taxi to/from Vons/Bus too expensive for residents – it is more for tourists/Frequent and convenient electric bus/Free for residents
- Delivery service for Vons groceries/Grocery delivery service
- Bike infrastructure throughout town/more racks at the store
- Payed car service like Lyft/Uber
- Nothing/Nothing/Nothing
- Literally a billion
- I live on a hill, so I will pretty much always drive to Vons
- No parking
- Don't know/?/Don't know
- Better lighting on the streets at night
- What kind of question is this/?This is a confusing question? What does it mean/?What does this mean/?I do not understand this question. Please re write./Poorly written question/Don't understand the question
Q9. Please provide feedback on your experience with the trial parking. Input on parking congestion, ease of parking, traffic flow, access to final destinations, walkability, day parking locations, etc. are all welcome. Simple observations, comments, critiques, positive experiences are all welcome. However, it is appreciated if comments are based on actual use and experience.

*Answers grouped by similarity – some paraphrase, some verbatim.*

- Summertime will be a mess/How will it pan out with summer crowds
- Beacon/Sumner Intersection busiest in town/Bad in morning/Now a nightmare/Disaster/Dangerous now/Rude People/dangerous for pedestrians
- Time to get a traffic signal?
- Clearer traffic patter exiting Vons parking lot needed
- I try to walk/It is ridiculous that people are driving two or three blocks to work.
- Increasing parking will only increase use of cars and add to congestion.
- Parking readily available for Vons and Island Toys/Spots usually available/adequate parking in the lot
- Workers would park all day on the street, as resident in are it is easier to park.
- Day parking for the beach is a concern with all the 1 hour parking/Day parking pushed to side streets
- Vons employees should not park in Vons parking lot.
- Signage in parking lot indicating what vehicles park where; full size, motorcycle, autoette/annoying when full size park taking up two spots
- If lot full, plenty of parking on Beacon and Sumner
- No one is parking in 200-300 Catalina for Vons/Catalina one hour is overkill
- Update the cross walks
- They should put loading in the back of store parallel to mini golf.
- Practical transit option/30-40 min for gas transit bus not economical/
- So far so good/Good
- Shopping Carts left all over town.
Q10. Which of the following best describe you while in Avalon?


To help with evaluating the survey responses, and to provide some data and context, Staff conducted a non-scientific spot check of parking availability in the Vons parking lot, and the surrounding trial area streets. Over 43 days the parking lot was surveyed on average 3 times a day, totaling 113 times, between 8AM and 7PM. The total average parking availability was 6 parking spaces.

The average number of parking spaces between 11AM and 2PM was 5.37, with none of the samples having zero spots available.

The average number of parking spaces between 4PM and 7PM was 4.65, with 4 of the 46 samples having zero spots available, or 8% of the time.

It was observed that over the course of 5 minutes during the 4PM-7PM time, the number of spaces available would change minute by minute, changing from 1 to 0 to 1 to 4 to 1.

Parking on Catalina, Sumner and Beacon was estimated based on percentage available.

- 10% of the time parking was less than 20% available on Catalina, with an overall average availability of 63%.
- 4% of the time parking was less than 20% available on Sumner, with an overall average availability of 60%.
- 10% of the time parking was less than 20% available on Beacon, with an overall average availability of 48%.
The percentage of parking availability did not filter out street sweeping, when half the street was no parking from 8AM-Noon.

It is recommended that the parking trial is continued for a second 60 day period. No changes to the curb markings are proposed, to minimize the variables between the two trials. The main variable will be the volume and type of users, as the summer season will have more people in town. The parking survey for trial #2 will be posted online for input.

The only change proposed during Trial #2 would be to install the median on Sumner at the intersection of Beacon.

The goal of Trial #2 is to evaluate the parking and traffic flow congestion during high visitor periods. Additionally based on the input from Trial #1 reviewing other factors which can mitigate congestions, such as supporting pedestrian, bike and transit options, amongst others.

GOAL ALIGNMENT: Not aligned.

FISCAL IMPACTS: N/A.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The Parking Trial #2 will not occur, and traffic markings will remain as is.

FOLLOW UP ACTION: Open the survey online, and report back to council after 60 days.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: None.
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019
ORIGINATING DEP: Administration
PREPARED BY: Audra McDonald, Administrative Analyst
SUBJECT: Changes to the City of Avalon Commuter Subsidy Program

RECOMMENDED ACTION(S): Hear presentation, discuss and approve the recommended changes to the City of Avalon Commuter Subsidy Program as a one year pilot program.

REPORT SUMMARY: The current guidelines for the Commuter Subsidy program allow for one discounted commuter book per month per qualified resident. Staff proposes adding an additional option for residents who travel four times per year or less. The program would allow residents to choose the traditional one book per month card or four round trips per year card. When residents renew their application they will be given the choice to pick which program best fits their travel needs.

Residents will not be allowed to change programs mid-year. The only instance where a resident who choose the four tickets per year would be for verified medical reasons and those residents would then be moved over to the commuter book program.

The cost for the four round-trips per year with the card:

- Adults/Seniors: $57.00 per round trip
- Children: $41.50 per round trip

GOAL ALIGNMENT: N/A

FISCAL IMPACTS: The fiscal impacts are unknown however, an analysis was performed and it is anticipated the most the program would be impacted is approximately $43,000. Account 12230-5107.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The proposed pilot program will not be implemented.

FOLLOW UP ACTION: Create subsidy card for the new program and advertise/educate residents.

ADVERTISING, NOTICE AND PUBLIC CONTACT: Pursuant to the Brown Act.

ATTACHMENTS: None.
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

AGENDA ITEM: 12

ORIGINATING DEP: Community Services

PREPARED BY: Dan Huncke, Community Services Director

SUBJECT: First Reading of Ordinance of Senate Bill 946, Sidewalk Vendors, in the City of Avalon

RECOMMENDED ACTION(S): Introduce and waive all reading of, "An Ordinance of the City Council of the City of Avalon amending Section 5-9.01(a) of Chapter 9 of Title 5 of the Avalon Municipal Code and Adding Chapter 21 to Title 5 of the Avalon Municipal Code Imposing Regulations on Sidewalk Vending in Compliance with Senate Bill 946," as drafted by the City Attorney.

REPORT SUMMARY: On September 17, 2018 Governor Brown signed Senate Bill 946 (SB 946) which prohibits cities from prohibiting sidewalk vendors but provides the authority to enact laws which promote the public health, safety, and general welfare of its citizens as long as they are consistent with SB 946.

By definition, a Sidewalk Vendor means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path. SB 946 also takes into consideration a roaming sidewalk vendor which means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Furthermore, a local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

Staff is proposing the Council adopt an ordinance containing more comprehensive regulations consistent with the new state law than the resolution regarding sidewalk vendors passed on January 15, 2019 as directed by the City Council at the January 15, 2019 meeting. An ordinance containing the rules will allow the City to enforce penalties against persons who violate the sidewalk vendor rules.

At the February 19, 2019 City Council meeting, and after review, discussion and public comment, Staff was directed by City Council to make the following changes and bring back the ordinance as follows:

- Remove the requirement of a Live Scan background check
- Prohibit the 6 vendors proposed for Crescent Avenue (aka Front Street)
- Prohibit vending on the Cabrillo Mole
- Change the proposed cap of sidewalk/roaming vendors from 12 vendors in total to 6 vendors in total
- Prohibit vending on public beaches and the walkway adjacent to the public beaches

At the April 2, 2019 City Council entertained the proposed first reading of an ordinance regarding sidewalk vending. After public comment from both sides of the issue, City Council recommended Staff bring back the ordinance with the following changes:

1) Section 21.04. Prohibited Locations B. – language was included on page 10 of the ordinance to include "except that a sidewalk vendor may operate on the City’s property at the Fuel Dock location until a vendor with an exclusive agreement to sell food and beverages on said site opens, in which case sidewalk vending shall be prohibited."

2) Section 21.05. Review of Permit Application; Decision. I. – language was included on page 13 to have the vending requirement increased from two (2) days per week to four (4) days per week and to include a minimum of four (4) hours per day of vending.

3) Section 21.06. Stationary Sidewalk Vending Locations and Standards 3. – language was added on page 14 regarding trash disposal, "sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition, including maintaining and emptying trash receptacles for waste generated by their operations;"

The ordinance as proposed will require sidewalk vendors to comply with the following items, among others so stated in the ordinance:

- Complete a Sidewalk Vending Permit with name, current mailing address, and phone number of the vendor;
- Provide a description of the merchandise/goods to be offered for sale, and the days/hours of the sales;
- Provide a copy of the California seller’s permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor;
- Secure a City of Avalon Business License or Business Tax Certificate;
- Obtain a City of Avalon Encroachment Permit for the use of public property with conditions imposed by the City directly related to public health, welfare and safety of the proposed street vending operation;
- Secure and provide a million dollars ($1,000,000.00) of general liability insurance policy naming the City of Avalon as additional insured as requested by PARSAC;
- Comply with all applicable County of Los Angeles Health and Safety Codes and all other laws as adopted by the City of Avalon;
- Prohibit stationary sidewalk vending in residential neighborhoods;
• Comply with restrictions on sidewalk vending within specified distances of fire hydrants, street lights, utility boxes, parking meters, and entrance ways to any building, store, theater, movie house, house of worship, or place of public assembly;
• Comply with restrictions to leave specified distances available for path of travel in order to comply with the Americans with Disabilities Act;
• Comply with restrictions to not vend within specified distances of certified farmers’ markets, swap meets, events for which a special event permit has been granted, and schools;
• Comply with restrictions to not leave any equipment or objects used for sidewalk vending overnight;
• Comply with restrictions to not vend within those areas designated by the City’s Fire Department as needing to be kept clear for safety purposes;
• Comply with restrictions that no more than the specified number of vendors may vend on Crescent Street, Front Street, public parks, or public beach areas at a given time;
• Comply with restrictions placed on sidewalk vending in City parks;
• Comply with the restriction of a total cap on the number of sidewalk vendors that may operate within the City.

SB 946 allows a City to restrict sidewalk vending to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the area(s) or to ensure the public’s use and enjoyment of natural resources and recreational opportunities, or regulation directly related to objective health, safety or welfare concerns. To this end, the proposed ordinance outlines the following regulations:

• No more than 6 sidewalk/roaming vendor permits will be issued in the City of Avalon with the following breakdown: no more than 1 vendor per park; and no sidewalk vending in residential areas.
• No vending shall occur within 20 feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly;
• Vendors must not set up within 50 feet of each other;
• No vending shall occur within 10 feet of a bus stop or other site amenities such as benches, picnic tables, water fountains and bike racks;
• Staff is further recommending that pushcart and overall display areas have a measureable area not to exceed 8 feet high, 8 feet long and 4 feet wide.

Staff is also recommending as part of this approval process, City Council approve the recommended $30.00 Sidewalk Vending Annual Permit Fee as part of the City of Avalon Fee Schedule. The Sidewalk Vending Permit Fee is consistent with the current Street Performance Permit Fee already adopted by the City Council.

Additional items for City Council discussion are as follows:
• Section 21.05. Review of Permit Application; Decision F. Term of Permit – identifies the length of term for the proposed sidewalk vendor. The initial proposed ordinance recommended a 6 month term, followed by a review
period, then 1 year terms thereafter. After further research on what it takes to
get a food cart permitted and the capital outlay for such a venture, Staff is
recommending a 24 month term for food vendors and an 18 month term for
merchandise vendors. The proposed term would start the date the
sidewalk/roaming vendor is selected as a vendor and will include all
necessary time to get the Sidewalk Vending Permit approved including
approval by the County of Los Angeles Health Department for a food cart.

- SB 946 states, “a local authority shall not prohibit a Sidewalk Vendor from
selling food or merchandise in a park owned or operated by the local
authority, ...”. City Park, aka as Machine Gun Park, was referenced as a
location to be prohibited from sidewalk vending. Staff is requesting further
direction on this action?

- After taking public comment at the April 2, 2019 meeting, along with
discussion amongst the City Council, Staff is proposing as part of the Lottery
System for Sidewalk Vending in the City of Avalon that if available, 3 vendors
are selected for food vending and 3 vendors for merchandise vending in order
to not have one or the other dominate the available vending opportunity. The
City Attorney will have further recommendations on how to determine those
that will be vending from the applicant pool for further discussion on the
Lottery System for Sidewalk Vending. As previously discussed, the Lottery
System will come back to City Council in the form of a Resolution prior to the
sidewalk vending ordinance going into effect.

Should the Council adopt this ordinance, the first six to twelve months following the passage of
the ordinance may serve as a trial period during which the Council and City Staff can evaluate
whether the regulations contained in this ordinance are sufficient or whether this ordinance
might need amending in order to address additional issues. The six to twelve month period
should include the summer months which is a time where many residents and tourists will be
in the City, and thus will be a good trial period to weigh the sufficiency of the regulations in this
ordinance.

Lastly, it should be noted that the recommendation at this time does not include any sort of
rent for the opportunity to provide sidewalk vending services in the City of Avalon. Though
sidewalk vendors will be required to pay all applicable sales taxes, the business community
has expressed their concerns of the fairness in business practices by not having to have rent
paid by these vendors.

GOAL ALIGNMENT: Provide a Sidewalk Vending Program that meets City of Avalon
guidelines and County of Los Angeles Health and Safety Codes.

FISCAL IMPACTS: The City of Avalon will receive Business License fees and Encroachment
Permit fees and the Sidewalk Vending Permit fee.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: Only the Resolution
regulating sidewalk vending, passed on January 15, 2019, will continue to regulate sidewalk
vending in a less comprehensive way than the proposed Ordinance.
FOLLOW UP ACTION: Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENT: Ordinance
ORDINANCE No.__________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AVALON AMENDING SECTION 5-9.01(a) OF CHAPTER 9 OF TITLE 5 OF THE AVALON MUNICIPAL CODE AND ADDING CHAPTER 21 TO TITLE 5 OF THE AVALON MUNICIPAL CODE IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

WHEREAS, the City of Avalon, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, Article XI, section 7 of the California Constitution grants the City broad discretionary power to "make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws"; and

WHEREAS, the City is a unique, one of a kind City that prides itself in this community character and the fact that it is the only incorporated City in California on an island; and

WHEREAS, the California Legislature has adopted California Vehicle Code section 21100.5 that specifically applies to the City and provides, among other things, that that "local authorities of any city which is on a natural island . . . may, if they determine such rules and regulations to be necessary in view of the special problem existing thereon with respect to the size and nature of the streets of the city and with respect to the characteristics and nature of the city itself, adopt rules and regulations by ordinance or resolution . . . regulating the number of vehicles permitted on streets under their jurisdiction"; and

WHEREAS, pursuant to the authority conferred upon it by California Vehicle Code section 21100.5, the City has banned automobiles in order to reduce congestion on the island; and

WHEREAS, in 2018, the California Legislature passed Senate Bill 946 ("SB 946") which prohibits cities from prohibiting sidewalk vendors, except in accordance with the provisions of SB 946; and

WHEREAS, SB 946 was intended to encourage business entrepreneurship, especially among California's immigrant communities for vendors to be able to provide for themselves and their immediate families financially; and

WHEREAS, by definition under SB 946, a Sidewalk Vendor means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path; and includes by definition a Roaming Sidewalk Vendor which means a sidewalk vendor who moves from place to place and stops only to complete a transaction; and
WHEREAS, SB 946 applies to both charter and general law cities; and

WHEREAS, SB 946 authorizes the implementation of regulations that are directly related to objective health, safety, or welfare concerns, and that generally do not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified and supported by objective factors. SB 946 also provides that a City may not prohibit a Sidewalk Vendor from selling food or merchandise in a park owned or operated by a local authority, except as specified; and

WHEREAS, SB 946 allows the City to prohibit stationary sidewalk vendors from vending in parks like Joe Machado Field where the City has a signed agreement for concession that exclusively permits the sale of food by the concessionaire; and

WHEREAS, SB 946 authorizes cities to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers’ market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by a city; and

WHEREAS, the City Council finds that sidewalk vending permits shall be treated like an encroachment permit which will be issued by the Community Services Department with conditions that are directly related to the public health, safety and welfare of City of Avalon residents and visitors; and

WHEREAS, SB 946 allows the City to impose specific requirements on sidewalk vendors as a condition to operating in the City; and

WHEREAS, the proposed permit requirements are consistent with SB 946, as they are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws including the Americans with Disabilities Act and the City’s general encroachment permit requirements for work and/or activities in the public right of way; and

WHEREAS, this Ordinance is necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic or natural character of the City and island; and

WHEREAS, the standards imposed on sidewalk vendors requiring a minimum path of accessible travel are necessary to comply with the Americans with Disabilities Act and maintain minimum safe access along public sidewalks; and

WHEREAS, standards for maintaining access to building entrances, and not blocking driveways, parking areas and building storefront windows are necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote law enforcement practices that allow the County of Los Angeles’ Sheriff's and City Fire Department’s personnel to observe within buildings and promptly respond to calls; and

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WHEREAS, the City Council finds that prohibiting sidewalk vending in those areas that the City’s Fire Department determines must be kept clear for safety purposes is related to objective health, safety, and welfare concerns; and

WHEREAS, the City Council finds and determines that the installation, repair, maintenance, and removal of encroachments in the public way must be regulated in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the public way for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community; and

WHEREAS, the City Council finds that public and private persons who install encroachments in the public way bear a responsibility to help preserve the public way and to contribute to the administrative costs incurred by the community because of such encroachments; and

WHEREAS, the City Council finds that, unless properly regulated, sidewalk vending poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and

WHEREAS, in these areas where sidewalk vendors are allowed, there is ample resident and visitor traffic to allow sidewalk vendors to operate successful businesses; and

WHEREAS, the City Council finds that prohibiting all sidewalk vendors from the Green Pleasure Pier and public beach areas and adjacent walkways is related to objective health, safety, and welfare concerns, as the public beach areas get extremely crowded and allowing sidewalk vendors in an already-congested area will cause dangers of tripping and falling, merchandise and/or food falling on beachgoers, congestion, and interruption of the enjoyment of scenic and natural areas; and

WHEREAS, the City Council finds that prohibiting all sidewalk vendors from the Green Pleasure Pier and public beach areas and adjacent walkways is also necessary because those areas are already congested because visitors and residents gravitate to those areas to use and enjoy the natural resources and recreational opportunities; and

WHEREAS, the City Council finds that prohibiting sidewalk vendors at the Cabrillo Mole (“Mole”) and on Crescent Street from the Mole to the Casino, a street that abuts a public beach that is frequently visited by residents and tourists alike and the site of a pedestrian mall, is related to objective health, safety, and welfare concerns. Allowing sidewalk vendors in this area will negatively impact traffic, pedestrian safety, and mobility as these are areas with the highest traffic volume and congestion, the pedestrian mall area of Crescent Street is narrow, and the walkways adjacent to Crescent Street and the beach are even narrower. Allowing sidewalk vendors to operate in these areas would increase congestion, disrupt pedestrian traffic, and could impede the delivery of emergency services; and

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WHEREAS, prohibiting sidewalk vendors on the Mole is related to objective health, safety and welfare concerns as the Mole is already congested, has limited area available due to the need of repairs to its infrastructure, and is severely congested. Furthermore, the presence of sidewalk vendors would interfere with the unloading and offloading of cross channel carriers who are on strict schedules given the limited docking space in the City; and

WHEREAS, the City Council finds that limiting sidewalk vending permits to one (1) per immediate family, defined as spouses and children, or one (1) per business entity, which shall not include a permit to an immediate family, in whatever form or structure, is objectively related to health, safety, and welfare concerns and that it is consistent with the intent of the legislature in passing SB 946, as more persons will be able to engage in sidewalk vending activities and provide for themselves financially. Further, given the narrowness of the sidewalks and walkways and the limited park space, and to ensure the economic viability of sidewalk vendors, any sidewalk vending permits issued pursuant to this Ordinance shall be issued to six (6) different sidewalk vendors, whether they be families or business entities; and

WHEREAS, placing a cap on the total number of sidewalk vendors within the City is objectively related to health, safety, and welfare concerns as having many sidewalk vendors has impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and to improve the chances of success of those vendors granted a permit.

WHEREAS, fraud or misrepresentation in the course of vending constitutes an objective harm to the health, safety, and welfare of the City’s residents; and

WHEREAS, fraud or misrepresentation in the application for the permit constitutes an objective harm to health, safety, and welfare of the City’s residents; and

WHEREAS, vending in a manner that creates a public nuisance or constitutes a danger to the public constitutes an objective harm to the health, safety, and welfare of the City’s residents; and

WHEREAS, giving the City’s Fire Department the authority to make determinations about requiring sidewalk vendors to keep certain distances away from areas and/or events on a day-to-day basis is related to objective health, safety, and welfare concerns; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds and determines that the Recitals above are true and correct and are incorporated herein.

Section 2. Section 5-9.01(a) of Chapter 9 of Title 5 of the Avalon Municipal Code is hereby amended to read as follows:
"Solicit" and "solicitation" shall mean the request, directly or indirectly, whether oral or written, for money, credit, property, financial assistance or other things of value; the local distribution, circulation, posting or publishing of any handbill, written advertisement or other publication; and the sale or promotion of any goods, services, or other tangible items conducted door to door in any place of public accommodation, in any place of business open to the public generally, on the City streets and sidewalks, in the public parks, on the public beaches or in any public place. Such definitions shall not include solicitors or canvassers taking orders or displaying merchandise exclusively from a public sidewalk or public pedestrian path in compliance with Chapter 21 of Title 5 of this Municipal Code.

Section 3. Chapter 21 of Title 5 is hereby added to the Avalon Municipal Code to read as follows:

"Chapter 21 – SIDEWALK VENDING.

Section 21.01. Purpose and Findings.

A. Purpose

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Ordinance is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

B. Findings

1. The City Council hereby finds that limitations on sidewalk vending are necessary to:

   a. Comply with State Legislation;
   
   b. Promote the health, safety, and welfare;
   
   c. Ensure that the Goals and Policies of the City’s General Plan are upheld;
   
   d. Ensure that the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained;

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e. Provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services;

f. Protect the quality of life of City residents and minimize disruptions to the quiet enjoyment of residential property by restricting noise-making devices associated with sidewalk vending;

g. Ensure no interference to the performance of police, firefighter, emergency, and other medical personnel services;

h. Maximize public access in the commercial districts and along the coast; and

i. Reduce exposure to the City for personal injury or property damage claims and litigation.

2. The City council hereby finds that the following unique characteristics of the City require certain restrictions on sidewalk vending:

a. Approximately one (1) million visitors travel to the City every year to enjoy the scenic views along Crescent Street of the harbor, pier, and beaches.

b. The vast majority of visitors to the City arrive via cross-channel carriers at the Mole structure. The Mole is under need of immediate repairs and eventual replacement and portions of it are off limits to the public due to hazards created by conditions of the infrastructure. Due to this, the areas that cross-channel carrier passengers must line up to get on the cross-channel carriers are limited, adding to the congestion of this area.

c. The Green Pleasure Pier is a narrow pier that provides unique views of the harbor, the City, and the mountains surrounding the City. Because of this unique location, the Green Pleasure Pier is already congested. Allowing sidewalk vendors on the Green Pleasure Pier would worsen the congestion and create additional health, safety, and welfare concerns and pose hazards to those on the Green Pleasure Pier.

d. The City is less than three (3) square miles, with the majority of business or visitors services on or near Crescent Street.

e. The beach and immediately adjacent walkways are very narrow and congested, with visitors often struggling to find space for their towels, chairs, and other equipment. During the summer, many people reserve spaces on the beach by placing their towels and beach equipment on the beach.

Section 21.02. Definitions.

For purposes of this Ordinance, the following definitions apply:
A. “Certified Farmers’ Market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

B. “City” means the City of Avalon.

C. “Park” means a public park owned by the City, except the Joe Machado Field.

D. “Roaming sidewalk vendor or vending” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

E. “Sidewalk vendor or vending” means a person who sells, offers to sell, operates, engages in, or carries on a food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk, property, or other pedestrian path.

F. “Swap Meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

G. “Special Event Permit” means an event for which a special event permit has been granted pursuant to Chapter 6 of Title 4 of the Avalon Municipal Code.

Section 21.03. Permits Required.

A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Community Services Department. No more than six (6) permits shall be issued and active at one time.

B. All sidewalk vendors shall obtain a sidewalk vending permit from the City’s Community Services Department prior to engaging in any sidewalk vending activities by submitting an application for a permit and being approved for such permit. The following information shall be required in the application:

1. Name, current mailing address, and phone number of the vendor; and

2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and

3. The name, address and telephone number of all persons that will be employed by the permittee as a sidewalk vendor. If an employee is hired after any permit is issued, the name, address and telephone number of that employee will be provided prior to that person’s commencement of work.

4. A description of the merchandise/goods to be offered for sale or exchange, and the days/hours of sales; and
5. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and

6. A copy of the vendor's social security card with the number; or a copy of the valid California Driver's license issued to the vendor; or a copy of the individual taxpayer identification number issued to the vendor; or a municipal identification number.

   a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

7. If preparing or selling food, a copy of the Los Angeles County Department of Public Health permit issued to the vendor; and

8. If the vendor proposes to be a sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of forty-eight inches (48") of accessible route area, exclusive of the top of the curb, without obstruction, along the public sidewalk or public right-of-way, in compliance with the Americans with Disabilities Act and that no obstruction shall be located in a sidewalk or public right-of-way less than six feet (6') in width when the sidewalk is adjacent to the curb; and

9. A copy of general liability policy naming the City as additional insured in the amount of $1,000,000.00; and

10. A certification by the vendor that to his or her knowledge and belief, the information contained in the application is true; and

11. A City of Avalon business tax certificate; and

12. A copy of a valid Mobile Food Permit issued by the Los Angeles County Department of Public Health, as required or, if not, a certification that such a Permit will be obtained within a year of applying for a Sidewalk Vending Permit; and

13. A written acknowledgment by the vendor that the vendor agrees to comply with all the provisions of this Ordinance and all applicable provisions of the City of Avalon Municipal Code.

14. A description and/or image of any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance the vendor proposes using.

15. An agreement by the sidewalk vendor to defend, indemnify, release, and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature
whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

C. At the time the application or renewal application is filed, the application shall pay the permit processing fee established by separate resolution of the City Council.

D. Applicants may apply to simultaneously vend both food and merchandise under the same permit application. If an applicant sidewalk vendor proposes to sell both food and merchandise, the City may approve a proposed sidewalk vendor to sell merchandise alone, food alone, neither, or both, and shall base its decision upon whether or not the applicant meets all the necessary requirements contained in this Ordinance. Upon receiving approval to sell both merchandise and food, a permit-holding sidewalk vendor may sell both food and merchandise under the same permit.

Section 21.04. Prohibited Locations.

Sidewalk vendors shall not engage in sidewalk vendor activities at the following locations:

A. The Cabrillo Mole.

B. Crescent Street from the Cabrillo Mole to the Casino and any walkway adjacent to Crescent Street from the Cabrillo Mole to the Casino, except that a Sidewalk Vendor may operate on the City's property at the Casino Dock location until a vendor with an exclusive agreement to sell food and beverages on said site opens, in which case sidewalk vending shall be prohibited.

C. Any public property that does not meet the definition of a sidewalk or pathway including but not limited to, an alley, intra-block, walkway, beach, street, street end, or parking lot.

D. Joe Machado Field.

E. Within two-hundred (200) feet of:

1. A permitted Certified Farmers' Market or Swap Meet during the limited operating hours of that Certified Farmers' Market or Swap Meet.

2. An area designated for a Special Event Permit issued by the City during the limited duration of the special event.

Section 21.05. Review of Permit Application; Decision.

A. Upon acceptance of a properly completed and filed sidewalk vendor permit application, the Community Services Director or his/her designee shall conduct a preliminary investigation to determine compliance with this Ordinance and shall make such
determination within no more than thirty (30) days of acceptance to approve or deny the application. The Community Services Director or his/her designee shall provide the applicant with written notice of his or her decision to the address indicated in the application.

B. The Community Services Director or his/her designee may deny an application for a permit if he or she makes any of the following findings:

1. The applicant has failed to pay the application permit fee.

2. The applicant has made one or more material misstatements in the application for a permit.

3. The applicant does not have a valid social security card or valid California Driver’s license; or valid individual taxpayer identification number; or a municipal identification number.

4. The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Ordinance.

5. Within five (5) years of the date of the application, the applicant has been convicted in a court of competent jurisdiction or pled nolo contendere to any felony offense involving the sale of a controlled substance specified in California Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058, or at the time of application is on probation or parole for any offenses set forth in this section for an offense that was committed within five (5) years of the date of the application.

6. It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage, except any permit required by the Los Angeles County Department of Public Health, in which case such permit shall be obtained within a year of the granting of a Sidewalk Vending Permit.

7. The City’s cap on the number of total sidewalk vending permits, being six (6) has been reached, with the understanding that a stationary vending permit shall also allow a person to be a roaming vendor for the same food and/or merchandise.

8. The City’s cap on the number of sidewalk vending permits, being allowed with a designated public park, being one (1) per park, up to a total of two (2) permits to vend in public parks, has been reached.

9. The applicant proposes to sell alcohol, drugs, and/or cannabis.

10. A member of the applicant’s immediate family, defined as a spouse or children, already holds a permit.

11. The applicant is an agent and/or employee of the same company and/or corporation of another permit holder.

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12. The pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance the vendor proposes using exceeds the measurements of eight feet (8') high by eight feet (8') long by four feet (4') wide.

13. The applicant proposes to use noise amplification devices.

C. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

D. If the Community Services Director or his/her designee approves the applicant's permit, he or she shall endorse his or her approval on the application and shall, upon payment of the prescribed fee, deliver the permit to the applicant. Such permit shall state at which location(s) the applicant has been approved to vend.

E. Exemptions. A sidewalk vending permit shall not be required for the following activities:

1. The sale of agriculture products on the site where the product is grown.

2. Catering for private parties held exclusively on private property and not open to the general public.

3. Events permitted pursuant to a lawfully issued Special Event Permit including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.

4. First Amendment protected vending.

F. Term of permit. The permits issued pursuant to this Ordinance shall automatically expire [______] from the date issued, unless an earlier expiration date is noted on the permit.

G. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant. Each individual who proposes to be a sidewalk vendor must apply for and receive a permit before commencing sidewalk vending activities.

H. Display of Permit. Such permit shall, during the time such permittee is engaged in sidewalk vending, be worn constantly by the permittee on the front of his or her outer garment in such a way as to be conspicuous. Sidewalk vendors shall be required to exhibit their permits and/or licenses at the request of any person, in addition to wearing them in a conspicuous place.

I. If an applicant is approved to receive such permit, and the applicant does not vend at least four (4) times a week for two (2) different unexcused four (4) consecutive week periods within the period of one (1) year, the permit shall automatically expire. If the
applicant demonstrates to the City that he or she has a valid excuse for not vending at least four (4) times per week for four (4) consecutive weeks, including but not limited to being sick, then the Community Services Director or his/her designee may halt and/or reverse the automatic expiration of the permit’s validity. In order to satisfy this requirement that a sidewalk vendor vend on a certain day, that vendor must be open and operating for a minimum of four (4) hours.

J. If more applications are received than there are available permits, the Community Services Director or his/her designee shall administer a lottery system to award the permits via lottery to those applicants who have filed a complete application with the City, which may include a waiting list. The details of the operation of the lottery system shall be set by separate Resolution of the City.

Section 21.06. Stationary Sidewalk Vending Locations and Standards.

A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City.

B. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 21.03; and

2. The sidewalk vendor can set up their vending operation while still leaving a minimum of forty-eight inches (48") of accessible path of travel, exclusive of the top of the curb, without obstruction, along the public sidewalk or public pathway. No obstruction shall be located in a sidewalk or public right-of-way less than six feet (6’) in width when the sidewalk is adjacent to the curb; and

3. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition, including maintaining and emptying trash receptacles for waste generated by their operations; and

4. The sidewalk vendor location does not block entrances to private buildings, private driveways, parking spaces or building windows; and

5. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway; and

6. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors’ vending activities; and

7. The vendor shall not attach or use any water lines, electrical lines, or gas lines during vending operations; and
8. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited; and

9. To prevent food-borne illness and protect the health and safety of the City’s residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves; and

10. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and

11. No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and

12. No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault; and

13. No vending shall occur within fifty (50) feet of another vendor; and

14. No vending shall occur within ten (10) feet of bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and

15. No vending shall occur in roadways, medians, pedestrian islands, or bikeways; and

16. No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly; and

17. A sidewalk vending permit does not provide an exclusive right to operate within any specific portion of the public right-of-way; and

18. No equipment or objects used for sidewalk vending purposes may be left or maintained in public spaces or in any portion of the public right-of-way from 10:00PM to 8:00AM. Any equipment or objects left overnight in public spaces or in any portion of the public right-of-way shall be considered discarded and may be seized or disposed of by the City; and

19. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public right-of-way with a slope greater than five percent (5%); and

20. No vending shall occur within twenty (20) feet of any location designated by the City’s Fire Department as needing to be kept clear for safety purposes; and
21. Vending hours are restricted to the same hours of operations as other businesses on the same street as the sidewalk vendor; and

C. In the spirit of cooperation and with a desire to encourage economic activity, the City has taken steps to map out suggested locations in which stationary sidewalk vendors could vend and meet all of the requirements enumerated in subparagraph (B) of this Section 21.06. Such approved suggested locations are on file at the office of the Community Services Director and the information is available upon request.

D. The City's Fire Department shall have authority in unique situations to order sidewalk vendors to keep clear any and all areas that pose a risk to safety because of overcrowding. Unique situations that attract unusually large crowds include but are not limited to the Fourth of July.

Section 21.07. Sidewalk Vending in Parks.

A. Sidewalk vending of food or merchandise by stationary vendors shall be prohibited in any City Park (Joe Machado Field) with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise.

B. Sidewalk vendors may operate in City Parks provided they meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 21.03; and

2. For stationary sidewalk vending, the sidewalk vendor can set up their vending operation while still leaving a minimum of forty-eight inches (48") of accessible path of travel, without obstruction, along the public sidewalk or public pathway; and

3. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and

4. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition, including maintaining and emptying trash receptacles for waste generated by their operations; and

5. The sidewalk vendor location does not block entrances to buildings, driveways, parking spaces, or building windows; and

6. No vending shall occur within the immediate vicinity of an event held pursuant to a Special Event Permit; and

7. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property
line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and

8. The sidewalk vendor does not cause an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park or necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities or regulations directly related to objective health, safety, or wellness concerns; and

9. No vending shall occur in public streets, roadways, medians, pedestrian islands, parking lots, alleys, or bikeways; and

10. The sidewalk vendor in parks shall be limited to one (1) vendor per park, up to a total of two (2) permits to vend in public parks.

Section 21.08. Roaming Sidewalk Vending.

A. Roaming sidewalk vendors shall meet the following:

1. The sidewalk vendor is duly licensed and meets all requirements of section 21.03 of this Ordinance; and

2. Roaming sidewalk vending hours for residential zones are restricted to a start time of 8:00 a.m. and concluding one (1) hour prior to dusk while for non-residential zones vending hours are restricted to the same hours of operations as other businesses on the same street as the sidewalk vendor; and

3. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition, including maintaining and emptying trash receptacles for waste generated by their operations; and

4. The sidewalk vendor does not block entrances to buildings, driveways, parking spaces, or building windows; and

5. The sidewalk vendor does not conduct sales from a public street; and

6. No vending shall occur within a corner cutoff area. A corner cutoff area is that area at all intersecting and intercepting streets or highways. The cutoff line shall be in a horizontal plane, making an angle of 45 degrees with the side, front, or rear property line, as the case may be. It shall pass through the points located on both sides and front or rear property lines at a distance of 30 feet from the intersection of such lines at the corner of a street or highway; and

7. No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures; and
8. No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault; and

9. No vending shall occur within fifty (50) feet of another vendor; and

10. No vending shall occur within ten (10) feet of bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including but not limited to benches and bike racks; and

11. No vending shall occur in roadways, medians, pedestrian islands, or bikeways; and

12. No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly; and

13. To prevent food-borne illness and protect the health and safety of the City’s residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves; and

14. No equipment or objects used for sidewalk vending purposes may be left or maintained in public spaces or in any portion of the public right-of-way from 10:00 p.m. to 8:00 a.m. Any equipment or objects left overnight in public spaces or in any portion of the public right-of-way shall be considered discarded and may be seized or disposed of by the City.

15. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public right-of-way with a slope greater than five percent (5%).

16. No vending shall occur within twenty (20) feet of any location designated by the City’s Fire Department as needing to be kept clear for safety purposes; and

17. No vending shall occur in public beach areas or on walkways that are adjacent to the public beach areas.

Section 21.09. Suspension; Rescission.

A. A sidewalk vendor permit issued under this Ordinance may be suspended or rescinded by the Community Services Director or his/her designee after four or more violations of this Ordinance in accordance with Section 21.11 of this Ordinance, at their discretion, for any of the following causes:

1. Fraud or misrepresentation in the course of vending;

2. Fraud or misrepresentation in the application for the permit;

3. Vending in a manner that creates a public nuisance or constitutes a danger to the public.
B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Ordinance shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

Section 21.10. Appeals to City Manager.

In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the Community Services Director or his/her designee made under the provisions of this Ordinance, such applicant or any other person aggrieved shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application. An appeal shall be taken by filing with the City Clerk a written appeal statement setting forth the grounds for the appeal, along with the City's appeal fee, which shall be established by City Council resolution. The filing of the appeal shall stay the enforcement of any decision suspending or rescinding the permit. The Community Services Director or his/her designee shall transmit the written statement to the City Manager within ten (10) days of its filing and payment of the appeal fee, and the City Manager shall set a time and place for a hearing on appeal. A hearing shall be set not later than sixty (60) days from the date of filing of the applicant's written appeal statement with the police department. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of suspension or rescission at least five (5) days prior to the date set for the hearing. At the hearing, the permittee and the City shall be entitled to legal representation and may present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The City Manager shall not be bound by the traditional rules of evidence in a hearing, except that hearsay evidence may not be the sole basis for the decision of the City Manager. The City Manager may continue the hearing as deemed necessary. The decision of the City Manager, or his or her designee, on the appeal shall be final and binding on all parties concerned.

Section 21.11. Penalties.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Ordinance. A violation of this Ordinance shall by punished by:

1. An administrative fine not exceeding $100 for a first violation.

2. An administrative fine not exceeding $200 for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding $500 for each additional violation within one (1) year of the first violation.

4. Rescinding the vending permit issued to the vendor for the remaining term of that permit upon the fourth violation or subsequent violations.

B. A violation of vending without a sidewalk vending permit, may, in lieu of the penalties set forth in subsection (A), set forth above, be punished by:
1. An administrative fine not exceeding two hundred fifty ($250) dollars for a first violation.

2. An administrative fine not exceeding five hundred dollars ($500) for a second violation within one (1) year of the first violation.

3. An administrative fine not exceeding one thousand dollars ($1,000) for each additional violation within one (1) year of the first violation.

C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Ordinance shall be reduced to the administrative fines set forth in subsection (A), respectively.

D. The proceeds of any administrative fines assessed pursuant to this Ordinance shall be deposited in the treasury of the City.

E. Failure to pay an administrative fine assessed under this Ordinance shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Ordinance shall not be assessed.

F. Any violation of this Ordinance shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Ordinance shall not be subject to arrest except when otherwise permitted under law.

G. When assessing an administrative fine pursuant to this Ordinance, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.

2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.
Section 4. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 5. CEQA Exemption. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

Section 6. This Ordinance repeals and replaces Resolution No. 19-04 regarding sidewalk vending regulations.

Section 7. Certification. The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days from the date of its adoption.

PASSED, APPROVED, AND ADOPTED BY at a regular meeting of the City Council of the City of Avalon, Avalon, California, held on the 7th day of May, 2019, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Ann H. Marshall, Mayor

ATTEST:

Denise A. Radde, City Clerk

March 27, 2019
65059.0000031864878.5
CITY OF AVALON CITY COUNCIL

MEETING DATE: April 16, 2019

AGENDA ITEM: 13

ORIGINATING DEP: Public Works

CITY MANAGER:

PREPARED BY: Robert Greenlaw, Director of Public Works

SUBJECT: Award Construction Contract for Cabrillo Mole Ferry Terminal Revitalization Project

RECOMMENDED ACTION(S): Delegate authority to City Manager to award the construction contract for the Cabrillo Mole Ferry Terminal Revitalization Project to the lowest responsible bidder per the City’s formal bid procedures as provided in the City of Avalon Municipal Code for an amount not to exceed of $2,400,000.

REPORT SUMMARY: The Cabrillo Mole Ferry Terminal Revitalization Project is the first phase in a two phase project to revitalize and enhance the public facilities at the Cabrillo Mole Ferry Terminal. The scope of the first phase is to rehabilitate the wharf portion of the Mole by reinforcing the existing concrete members and steel grates, repairing the existing concrete deck and railing, and the installation of pedestrian shade structures. The second phase is a more robust effort to rehabilitate and transform the ferry terminal and floats into a complete multimodal transportation facility that will serve the community for the next 20 years and beyond. The effort will include a new ferry terminal building, float rehabilitation and enhanced land transportation facilities. Engineering will start in 2019 on the second phase once authorization to proceed is received to start the PSE component from the Federal Transit Administration.

In September 2018, City Council approved the plans and authorized that the request for bids be solicited for construction for Phase 1. The project is now advertised and bids are scheduled to be opened on April 30, 2019. To facilitate a streamlined project delivery from this point forward delegated authority for the City Manager to award the construction contract immediately after bid evaluation is requested.

Staff had previously explored alternative procurement methods to procure the construction contract and was unsuccessful in this approach which has resulted in a delay. Although, these methods have been very successful nationally in other similar projects in actually streamlining project delivery. The traditional approach to formal bid procurement is now being utilized.

The project is included in FY19 budget.

GOAL ALIGNMENT: Infrastructure reliability and safety.

FISCAL IMPACTS: $2,650,000 is allocated for construction FY19 budget.
CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: The construction component of the Cabrillo Mole Ferry Terminal Revitalization Project will be delayed.

FOLLOW UP ACTION: Award to successful low bidder and execute construction contract.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: None.
RECOMMENDED ACTION(S): Discuss and review the selected architectural concept by Kamus and Keller for the building remodel of the existing four unit apartment building located at 206 East Whittley before it is finalized. Provide direction to Staff so that the construction plans may be finalized.

REPORT SUMMARY: On November 19, 2018 the City Council, acting as the Housing Authority, reviewed two alternative concepts from architectural consultant Kamus and Keller. At this time, the construction documents are nearly 95 percent complete. Staff is seeking input on the final concept before proceeding with the final construction documents. During the next meeting of the Housing Authority the final construction documents will be submitted to the City Council, acting as the Housing Authority, for their final approval.

GOAL ALIGNMENT: Affordable Housing.

FISCAL IMPACTS: Not applicable.

CONSEQUENCES OF NOT FOLLOWING RECOMMENDED ACTION: None.

FOLLOW UP ACTION: Implement City Council direction.

ADVERTISING, NOTICE AND PUBLIC CONTACT: This item was properly listed on the posted agenda pursuant to the Brown Act.

ATTACHMENTS: To be forwarded as a supplemental attachment.