

**AVALON CITY COUNCIL MEETING  
TUESDAY, JANUARY 17, 2023  
THIS VIRTUAL MEETING IS HELD PURSUANT TO AB 361  
MINUTES**

Due to health recommendations from the Center for Disease Control and State of California Division of Occupational Safety and Health (Cal/OSHA), and the declared state of emergency wherein social distancing measures have been imposed or recommended, the CITY OF AVALON'S CITY COUNCIL and PLANNING COMMISSION MEETINGS SHALL GENERALLY BE AVAILABLE TO THE PUBLIC REMOTELY. *The general public may attend the meeting in the Council Chambers however must adhere to social distancing requirements.* The public is encouraged to watch and participate from the safety of their homes while practicing social distancing.

Council Chambers are open to a maximum 30 members of the general public. Once the Council Chambers reach maximum occupancy, the general public may participate in Oral Communication and address the City Council on an agenda item in person by waiting in the City Hall Court Yard and entering the Chambers one at a time at the appropriate time. No one will be admitted into the Council Chambers who is ill or exhibiting symptoms of COVID-19. Additionally, the general public may participate in Oral Communication and address the City Council on an agenda items by providing comments via Zoom or by sending comments to [ask@cityofavalon.com](mailto:ask@cityofavalon.com).

**CALL TO ORDER** - 5:00 p.m.

**ROLL CALL** - Present via Teleconference and In-Person: Mayor Anni Marshall, Councilmembers Lisa Lavelle, Michael Ponce, Mary Schickling and Yesenia De La Rosa. Also present: City Attorney Scott Campbell, City Manager David Maistros and Management Analyst Devin Hart.

**WRITTEN COMMUNICATIONS** - None.

**PRESENTATIONS**

1. A representative from Southern California Edison provided an update regarding Phase I mandatory water conservation. Councilmember Schickling recused herself due to a potential Conflict of Interest.
2. A representative from Avalon Environmental Services, Inc. (CR&R) provided an update regarding SB 1383 implementation.
3. A representative from the Catalina Island Medical Center provided an update regarding the Hospital.

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**CONSENT CALENDAR**-There were 20 items on the Consent Calendar. Mayor Marshall pulled Items #8-#18 for additional discussion. Motion to approve Items #1-#7, #19 and #20 made by Michael Ponce, seconded by Lisa Lavelle. (All Ayes)

1. Minutes  
Approved minutes from the December 6, 2022 regular City Council Meeting and December 14, 2022 Special City Council Meeting.
2. Warrants  
Approved warrants in the amount of \$1,865,962.02, two payrolls in the amount of \$435,655.96, four electronic fund transfers totaling \$154,973.40 totaling \$2,456,591.38 for December 12, 2022 through January 6, 2023.
3. Findings to Continue to Hold Remote Teleconference/Virtual City Council Meetings Pursuant to Assembly Bill 361  
Determined that the COVID-19 state of emergency proclaimed by the Governor still exists and has been considered by the City Council in deciding to continue to have teleconference meetings and that state or local officials have imposed or recommended measures to promote social distancing in connection with COVID-19, and that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees.
4. Appointment of Southern California Association of Governments Regional Conference and General Assembly Delegate  
Adopted Resolution No. 23-01 of the City Council of the City of Avalon appointing a Voting Delegate (Mayor Ann Marshall) and an Alternate Delegate (Mayor Pro Tem Michael Ponce) to the 2023 Annual Southern California Association of Governments Regional Conference and General Assembly.
5. Adopt an Ordinance of the City of Avalon Amending Article 6 of Chapter 5 of Title 9, of the Avalon Municipal Code, to Reflect New Statewide Legislation (SB 897) Pertaining to Accessory Dwelling Units  
Adopted Ordinance No. 1210-23 of the City Council of the City of Avalon Amending Article 6 of Chapter 5 of Title 9, of the Avalon Municipal Code, to Reflect New Statewide Legislation (SB 897) that goes into effect on January 1, 2023 pertaining to Accessory Dwelling Units and determining the ordinance to be exempt from CEQA.
6. Development Impact Fees Annual Report for the Fiscal Year Ended June 30, 2022  
City Council received and filed the Fiscal Year 2021-22 Development Impact Fees Annual Report.

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7. Island Company Agreements  
Authorized the City Manager to negotiate and execute license and a sublease agreements with the Catalina Island Company for properties necessary for public use.
  
19. Rehabilitation of Floats 5 and 5a  
Authorized the City Manager to negotiate and execute contract(s) for rehabilitation of Floats 5 and 5a for a not-to-exceed amount of \$75,000.
  
20. Avalon Wastewater Treatment Plant Aeration Basin Diffuser Replacement Equipment Procurement  
Authorized the procurement of supplies, equipment and services for the replacement of the Avalon WWTP aeration basin diffuser system for a not-to-exceed cost of \$41,700.00.

**TAKEN OUT OF ORDER**

8. 2023 Waterside Permit Renewals  
Authorized the Harbor Master to renew Waterside Permits for 2023.  
Motion to approve made by Lisa Lavelle, seconded by Michael Ponce. (All Ayes)
  
- PULLED ITEMS-Motion to approve Items #9, #11-15, and #17 made by Michael Ponce, seconded by Lisa Lavelle. (All Ayes)**
  
9. Waterside Permit Application – Avalon Anglers Recommended Action  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted a Waterside Permit to Avalon Anglers, with the following conditions: 1. All operations to load and unload charter passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier. 2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
  
11. Waterside Permit Application – Catalina Charter Boat Inc. (Retail Lobster Sales)  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Catalina Charter boat Inc, with the following conditions: 1. All operations to conduct retail sales of lobster do not negatively impact Avalon Harbor. 2. All bait, fish, traps, or other materials do not cause foul odor or attract birds. 3. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

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12. Waterside Permit Application – Catalina Charter Boat Inc. (Fishing Charters)  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Catalina Charter Boat Inc., with the following conditions: 1. All operations to load and unload charter passengers will take place on Cabrillo Mole floats except on cruise ship days when all loading and unloading will be from the floats on the Green Pier. 2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
  
13. Waterside Permit Application – Vintage Vessel Voyages  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Lively Schooner Inc. DBA Vintage Vessel Voyages, with the following conditions: 1. Any direct loading or unloading of passengers on the Green Pleasure Pier shall be prior to 10:00 AM or after 5:00 PM daily and for a period of time not to exceed 10 minutes. Arrangements for docking along the Green Pleasure Pier for the purpose of loading and unloading between the hours of 10:00 AM and 5:00 PM may be requested by contacting the Harbor Master on VHF Ch. 12. Request for dock space will be considered on case by case basis and may be declined for any reason where the Harbor Master has determined that landing is not advised. Use of public or private shore boat to load and unload charter passengers between the hours from 10:00 AM to 5:00 PM is recommended. 2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
  
14. Waterside Permit Application – Fishin Funactic’s (Added Sailboat)  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Fishin Funactic’s, with the following conditions: 1. Any direct loading or unloading of passengers on the Green Pleasure Pier shall be prior to 10:00 AM or after 5:00 PM daily and for a period of time not to exceed 10 minutes. Arrangements for docking along the Green Pleasure Pier for the purpose of loading and unloading between the hours of 10:00 AM and 5:00 PM may be requested by contacting the Harbor Master on VHF Ch. 12. Request for dock space will be considered on case by case basis and may be declined for any reason where the Harbor Master has determined that landing is not advised. Use of public or private shore boat to load and unload charter passengers between the hours from 10:00 AM to 5:00 PM is recommended. 2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

15. Waterside Permit Application – Catalina Adventure Sailing  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Skippers Sea B&B LLC DBA Catalina Adventure Sailing, with the following conditions: 1. Report to the finance office on a monthly basis the number of night's rented, total gross receipts, and applicable taxes due. 2. Any direct loading or unloading of passengers on the Green Pleasure Pier shall be prior to 10:00 AM or after 5:00 PM daily and for a period of time not to exceed 10 minutes. Arrangements for docking along the Green Pleasure Pier for the purpose of loading and unloading passengers between the hours of 10:00 AM and 5:00 PM may be requested by contacting the Harbor Master on VHF Ch. 12. Request for dock space will be considered on case by case basis and may be declined for any reason where the Harbor Master has determined that landing is not advised. Use of public or private shore boat to load and unload charter passengers between the hours from 10:00 AM to 5:00 PM is recommended. 3. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.
17. Waterside Permit Application – Catalina Island Mermaids  
Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Catalina Island Mermaids, with the following conditions: 1. Use of Step Beach be limited to Mermaid swimming classes as so that no classes may be allowed from June 16 to September 14 during peak summer season. From September 15 to October 14 and from Palm Sunday to June 15 weekend use of Step Beach will not be allowed however weekday use may be approved upon request to the Harbor Master. From October 15 to Palm Sunday of each year (off season) use of Step Beach may be approved upon request to the Harbor Master. 2. Middle Beach area behind the Wrigley Stage may be used for Mermaid swimming classes as long as the instructor led classes do not block public access to the beach or access to swim area. 3. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

**TAKEN OUT OF ORDER**

10. Waterside Permit Application – Catalina Charter Boat Inc. (Commercial Diving and Mechanical Services)  
Made the affirmative findings that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit Application to Catalina Charter Boat Inc. with the following conditions: 1. All operations to conduct mechanical repair or commercial dive services do not negatively impact the safe operation of Avalon Harbor. 2. All qualifying mechanical certificates and insurance required for commercial dive services be current and on file with

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Avalon Harbor Department. 3. Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

Motion to approve made by Lisa Lavelle, seconded by Yesenia De La Rosa. (All Ayes)

16. Waterside Permit Application – Catalina Coastal Tours & Fishing, LLC

Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Catalina Coastal Tours & Fishing LLC, with the following conditions: 1. All operations to load and unload charter passengers will take place on Catalina Coastal Tours End Float during seasonal operation, except during off season from October to April when the End Float is not available and no longer installed, at which time all loading and unloading will be from the floats on the Green Pleasure Pier and shall not exceed 10 minutes. 2. Applicant abides by the Standard List of Conditions for Waterside Permit Holders. 3. Applicant pays mooring fees as set by Avalon Municipal code while moored in Avalon harbor or affixed to End Float owned and operated by Catalina Coastal Tours & Fishing, LLC.

Motion to approve made by Anni Marshall, seconded by Yesenia De La Rosa. (All Ayes)

18. Waterside Permit Application – Trace Marine Environment Inc.

Made the affirmative finding that conditions set forth in the Avalon Municipal Code have been met and granted the Waterside Permit to Trace Marine Environment Inc. with the following conditions: Applicant abides by the Standard List of Conditions for Waterside Permit Holders.

Mayor Marshall recused herself due to a Conflict of Interest due to sitting on the board of Halos and Heroes and her friendship with the applicant Richard Brister of Trace Marine Environment, Inc.

Motion to approve made by Lisa Lavelle, seconded by Yesenia De La Rosa. (4 Ayes-De La Rosa, Lavelle, Ponce and Schickling; 1 Abstention-Marshall)

**GENERAL BUSINESS – None.**

Mayor Marshall adjourned the meeting at 7:08 p.m.

I, Gabrielle Morones, Deputy City Clerk, do hereby certify that the DVD videotape of the Regular City Council Meeting on January 17, 2023, is the official record of the Council Meeting and is on file and maintained in City Hall.



Gabrielle Morones, Deputy City Clerk / Sr. Administrative Assistant