



City Council Report

Newsletter of Council Member Keith D. Curry

District 7 ■ City of Newport Beach ■ California ■ Spring 2011

Greetings !

This newsletter is designed to keep citizens informed about issues facing our City. I welcome your thoughts and comments on its contents. It is distributed to homeowners and residents associations to assist property managers in keeping residents informed.

I also appreciate hearing from residents on specific issues or problems you may be having with the City.

Please feel free to contact me at (949) 644-0800 or e-mail at curryk@pfm.com.

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CITY SERVICES

Administrative Services	644-3127
Licenses	644-3141
Parking Citations	644-3396
Water/Sewer Billing	644-3050
Building Department	644-3275
City Attorney	644-3131
City Clerk	644-3005
City Manager	644-3000
Harbor Resources	644-3034
Public Information Office	644-3031
Fire Department (Business)	633-3104
Fire Marshall	644-3106
General Services	644-3055
Refuse Collection	644-3066
Streets & Sidewalks	644-3060
Human Resources	644-3300
Information	644-3309
Library	717-3800
Mayor/City Council	644-3004
Planning Department	644-3200
Economic Development	644-3225
Police Department (Business)	644-3681
Police (Non-Emergency)	644-3717
Public Works	644-3311
Recreation & Senior Services	644-3151
Oasis Senior Center	644-3244
Recreation	644-3151
Utilities	644-3011
Virtual FAQs	644-3211

City Council Establishes Goals

On February 5, the city council met at the OASIS Senior Center to discuss our goals for 2011. Led by Mayor Mike Henn, the council outlined five important initiatives designed to achieve “generational” change in our city. The primary council emphasis areas for this year are as follows:

1. Revitalization

Several of our neighborhoods, including Lido Marina Village, West Newport, Balboa Village, Corona del Mar and Mariners Mile are in need of serious economic revitalization. In order to achieve this, the council is developing strategies involving infrastructure, economic development, code enforcement, community facilities and better land use planning focused on the unique issues of each neighborhood. For example, narrowing Coast Highway at MacArthur to allow wider sidewalks for outdoor dining is one method of improving the ambiance of the area.

2. Extending the Airport Settlement Agreement

Protecting the city from the effects of John Wayne Airport and extending the curfews and passenger caps is critical to Newport Beach. Supervisor John Moorlach has indicated 2011 is the year to commence this process. Unlike the prior effort, today Newport Beach has a strong relationship with the county and we have expanded the corridor cities coalition to include cities such as Irvine, Villa Park and Laguna Beach. Working together we will have a unified voice for negotiating with the FAA.

3. Tidelands Management

Tidelands refer to the areas immediately at our shore line and all underwater areas. They are of critical importance to the city and we hold these lands in trust through the state. The city is planning to approach tidelands issues with a comprehensive management, governance and investment

strategy. This includes dredging of lower bay, beach replenishment, capital needs, sea level rise, management of our oil and gas properties and a water quality master plan.

4. Pension Reform

Even with the substantial concessions from our employees, because of management issues at CalPERS, we face nearly a doubling of annual pension costs in the next five years. We will be working with our public safety bargaining groups and coalitions of statewide organizations of achieve significant pension cost savings in 2011.

5. Restructuring

Last year we made significant strides in government restructuring, but this year Mayor Henn and the council are committed to go much further. Expect to see more consolidations of services and greater efficiencies in service delivery. I believe the council will be committed to reducing spending by at least \$15 million over the next two years.

These initiatives will keep Newport Beach moving forward in the year ahead. ■

A New Chapter

After nearly 24 years in public finance, I have decided to retire this year from my role as a Managing Director of Public Financial Management effective April 30. I have been very proud to be part of financing a wide range of projects including a state highway in Massachusetts, a light rail line in Denver, \$600 million of schools in Arizona and the infrastructure necessary to support Downtown Disney and the Anaheim Convention Center.

I look forward to some time for travel with Pamela, and the opportunity to be even more involved with the city.

With this change, the best telephone number to contact me will be (949) 644-0800. Mail should be sent to 40 Vienna, Newport Beach, CA 92660 or to city hall. You can still reach me at curryk@pfm.com via e mail.

Of course, you will now be able to find me more frequently at the beach. ■

Group Homes Litigation Dismissed

The lawsuits against the City of Newport Beach filed in federal court by sober living home operators have been dismissed, following yet another ruling by the trial court judge in favor of the City's positions.

After a January 2011 decision by Judge James V. Selna holding that the City's 2008 group homes ordinance did not cause economic damages to three sober living and recovery facility operators or two plaintiff facility residents, the sober living home operators agreed that the combined rulings in favor of the City left very little in contention in the case. The operators subsequently agreed to dismiss the remainder of the case. Judge Selna entered his notice of dismissal on March 14 and thus, there is no longer a jury trial set for the City's group residential use ordinance.

The plaintiffs' decision not to try the case before Judge Selna means that the next stop for the case is the United States Court of Appeals for the Ninth Circuit. The plaintiffs filed their appeal to the Ninth Circuit on March 21.

The City will now move forward to enforce all aspects of its ordinance as originally drafted. In addition, the City is expected to hold a conference in August to invite public input on ways that its ordinance can be further improved. ■

Crime in District 7

I want to share some thoughts about crime in the Port Streets and how involved citizens can make a difference.

On February 23, our Police Department made arrests of a group of people who were targeting parked cars and open garages in the Port Streets and throughout our city. The arrests were made possible because concerned Port Street residents noticed unusual activity at 2:30 in the morning and called our officers. These residents also followed the suspects and helped our officers identify where they were hiding in the neighborhood.

Officers then obtained warrants to search the residences of the suspects in Santa Ana and discovered the following stolen items, including:

- 40 GPS units
- 17 cameras
- 15 iPods
- 6 computers
- 1 gun
- 2 sets of golf clubs
- 3 surfboards
- 2 snowboards

In all, 182 items of evidence were recovered.

Police estimate that at least 100 vehicle break-ins occurred in order to yield the 40 GPS units.

If you suffered any theft that you may not have reported, you will want to contact the Newport Beach Police Department to see if any of your items were recovered.

This episode demonstrates once again the importance of always locking your vehicles and garages. It is also critically important that all residents take the time to remove items such as computers, cameras, etc. that are left in parked vehicles where they are easily seen by passersby. Making crime prevention our business will reduce crimes of opportunity such as this recent outbreak.

Overall, I am pleased to report that major crime in Newport Beach is at a 40-year low. This is a result of outstanding police/community cooperation and a very dedicated and effective Police Department under the direction of Chief Jay Johnson.

Maintaining our outstanding public safety services is a top objective of the city council. Strong public safety contributes both the public value of a Newport Beach address and to the sense of safety and security we all enjoy. ■

State Mandates Higher Speed Limits

Recently you may have read that the city council has taken action to adjust the speed limits on several streets in the city, including San Miguel Drive and San Joaquin Hills Road, increasing the speed limit from 45 to 50 mph. This action was necessitated by state law that requires a periodic assessment of average daily speeds, conducted at a time of day where free flowing conditions exist.

Speed limits are then set at the 85th percentile of recorded speeds. In essence, the faster people drive on streets, the higher the speed limit is required to be set. The theory behind this state law is that people in general tend to drive at a speed they perceive to be safe.

To many residents who experience the impacts of people driving too fast, raising the speed limits seems counterintuitive and wrong. I agree. The city council struggled for several weeks, requesting additional analysis and review of potential mitigating factors that would have allowed us to make a special finding to keep the speeds lower than indicated by the speed studies. In the case of Spyglass Hill Road, we were successful in this effort.

There are consequences of failure to act in accordance with the findings of the speed

studies. California state law does not allow us to enforce any speed limit where the maximum speed is improperly set. Courts will dismiss all tickets and our police cannot write tickets in these circumstances. The state believes such improperly marked streets constitute “speed traps” and clever ticket defense lawyers are knowledgeable about all such situations.

As I said at the council meeting, this is one of those state laws that infuriates the public and requires local officials to make illogical and poorly reasoned decisions. The council has directed staff to investigate traffic calming and other techniques to ensure speeds in our city are safe and to reduce the impact of potential accidents. All seven council members took specific care to ensure that there were no legally identifiable conditions that would have prevented the speed increases in those cases were we believed they were unwarranted.

Traffic safety is a key concern of the city council and we will continue to take steps to keep our city safer. ■