



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

REGULAR MEETING

APRIL 12, 2016

**CITY COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH
STUDY SESSION - CANCELLED/CLOSED SESSION - CANCELLED/
REGULAR MEETING - 7:00 P.M.**

**DIANE B. DIXON, Mayor
KEVIN MULDOON, Mayor Pro Tem
KEITH D. CURRY, Council Member
DUFFY DUFFIELD, Council Member
EDWARD D. SELICH, Council Member
SCOTT PEOTTER, Council Member
TONY PETROS, Council Member**

**DAVE KIFF - City Manager
AARON HARP - City Attorney
LEILANI BROWN - City Clerk
CAROL JACOBS - Assistant City Manager**

NOTICE TO THE PUBLIC

The City provides a yellow sign-in card for those wishing to address the Council to assist in the preparation of the minutes. The cards are available in the lobby of the Council Chambers. Speakers are not required to submit a card as a condition to addressing the Council. If you do fill out the card, please place it in the box at the podium.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

PUBLIC HEARINGS

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

This agenda was prepared by the City Clerk and staff reports are available at the City Clerk's Office located at 100 Civic Center Drive, Bay E, 2nd Floor. Staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Study Sessions are usually held on the second and fourth Tuesdays of each month at 4:00 pm (subject to change). Regular meetings of the City Council are held on the second and fourth Tuesdays of each month at 7:00 p.m., except in the months of August and December when there will be at least one regular meeting in August and one regular meeting in December. If you have any questions or require copies of any of the staff reports or other documentation regarding any item of business on the agenda, please contact City Clerk staff at (949) 644-3005. The agendas, minutes and staff reports are also available on the City's website: <http://www.newportbeachca.gov/CouncilAgendas>.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or cityclerk@newportbeachca.gov).

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STUDY SESSION - CANCELLED/CLOSED SESSION - CANCELLED/
REGULAR MEETING - 7:00 P.M.**

I. **ROLL CALL** – 7:00 p.m.

II. **PLEDGE OF ALLEGIANCE**

III. **INVOCATION** - Reverend Cindy Voorhees, St. James Episcopal Church

IV. **PRESENTATIONS**

Proclamation Designating April 10 - 16, 2016 as “National Library Week”

Proclamation Designating April as “Donate Life Month”

Proclamation Designating May as “Mental Health Awareness Month”

V. **NOTICE TO THE PUBLIC**

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The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items. As a courtesy, please turn cell phones off or set them in the silent mode.

VI. **CITY COUNCIL ANNOUNCEMENTS (NON-DISCUSSION ITEM)**

VII. **PUBLIC COMMENTS ON CONSENT CALENDAR**

This is the time in which Council Members may pull items from the Consent Calendar for discussion (Items 1 - 17). Public comments are invited on Consent Calendar from members of the audience. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Council Member, members of the public are invited to speak on each item for up to three (3) minutes per item.

All matters listed under Consent Calendar are considered to be routine and will all be enacted by one motion in the form listed below. Council Members have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

VIII. **CONSENT CALENDAR**

READING OF MINUTES AND ORDINANCES

1. **Minutes for the March 22, 2016 Study Session and Regular Meeting**
Waive reading of subject minutes, approve as written, and order filed.

2. Reading of Ordinances

Waive reading in full of all ordinances under consideration, and direct the City Clerk to read by title only.

ORDINANCE FOR ADOPTION

3. Second Reading of Ordinance Related to Code Amendment to Change Setback Map No. S-2B (PA2015-196) - 3008, 3010, and 3012 Balboa Boulevard - Code Amendment No. CA2015-011

Conduct second reading and adopt Ordinance No. 2016-5, *An Ordinance of the City Council of the City of Newport Beach, California, Amending the Newport Beach Municipal Code Related to Certain Front Yard Setbacks*, and approving Code Amendment No. CA2015-011.

RESOLUTIONS FOR ADOPTION

4. Use of the Official City Seal on the Commemorative Plaque for the Ben Carlson Statue

Adopt Resolution No. 2016-47, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Use of the Official City Seal on the Commemorative Plaque for the Ben Carlson Statue*.

5. Amendments to the Records Retention Schedule and City Council Policy A-11 (Recording of Open Meetings)

Adopt Resolution No. 2016-48, *A Resolution of the City Council of the City of Newport Beach, California, Amending Certain Sections of the Records Retention Schedule, Authorizing Destruction of Certain City Records, and Amending City Council Policy A-11 (Recording of Open Meetings)*.

6. Amend the Term and Responsibilities of the Balboa Village Advisory Committee (BVAC)

Adopt Resolution No. 2016-50, *A Resolution of the City Council of the City of Newport Beach, California, Amending the Term and Responsibilities of the Balboa Village Advisory Committee*.

7. Waiver of Special Event Permit Fees for Commercial Businesses Located on Balboa Peninsula, Mariners' Mile and West Newport

- a) Find that the action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of CEQA; and
- b) Adopt Resolution No. 2016-51, *A Resolution of the City Council of the City of Newport Beach, California, Temporarily Waiving Application Fees for Special Events Involving Commercial Businesses on Balboa Peninsula, Mariners' Mile and West Newport*.

8. Employment Agreement with Police Chief

Adopt Resolution No. 2016-52, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the City Manager to Execute an Employment Agreement between the City of Newport Beach and Jon Lewis for Services of Police Chief*.

CONTRACTS AND AGREEMENTS

9. 2014-2015 Playground Improvements - Notice of Completion and Contract Termination for Contract No. 5855 (CAP15-0030 and CAP15-0031)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

10. Eastbluff Park Field Improvements - Notice of Completion and Acceptance of Contract No. 6268 (16P11)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

11. Multiple Back-Up Generators Replacement Project - Notice of Completion and Acceptance of Contract No. 6011 (15F02/CAP15-0042)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

12. Approve a Cooperative Agreement with the Orange County Transportation Authority for the Coast Highway Regional Traffic Signal Synchronization Project (17T12)

Approve Cooperative Agreement No. C-5-3588 between OCTA and the City of Newport Beach for the Coast Highway Regional Traffic Signal Synchronization Project (TSSP).

13. Citywide On-Call Painting Agreements

- a) Approve an on-call maintenance/repair services agreement with Piana Construction & Painting, Inc. for as-needed painting services, and authorize the Mayor and City Clerk to sign the agreement;
- b) Approve an on-call maintenance/repair services agreement with Tony Painting for as-needed painting services, and authorize the Mayor and City Clerk to sign the agreement; and
- c) Approve an on-call maintenance/repair services agreement with Troy Pourchot for as-needed painting services, and authorize the Mayor and City Clerk to sign the agreement.

14. Purchase of Rescue Ambulance

- a) Approve the purchase of one ambulance equipment from Halcore Group, Inc., DBA Leader Industries for a total cost of \$266,732.19;
- b) Approve and authorize the Mayor and City Clerk to sign the Purchase Agreement with Halcore Group, Inc., DBA Leader Industries for this purchase; and
- c) Approve Budget Amendment No. 16BA-037 to increase expenditure appropriations by \$266,732.19 in the Equipment Replacement Fund account 7529032-911016 in the Municipal Operations Department.

15. Approve an Exclusive Negotiating Agreement between the City of Newport Beach and Lab Holding, LLC, for Negotiation of Terms of the Sale of the Balboa Theater Property, Located at 707-709 E. Balboa Boulevard

- a) Find the execution of the Exclusive Negotiating Agreement is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines; and
- b) Approve and authorize the Mayor and City Clerk to execute a one-year exclusive negotiating agreement with Lab Holding, LLC, in substantially the same form as the attachment to the staff report.

MISCELLANEOUS

16. Planning Commission Agenda for the April 7, 2016 Meeting

Receive and file.

17. Budget Amendment to Accept a Check for \$15,480.00 from the Newport Beach Public Library Foundation and Appropriate Funds to the Library's Fiscal Year 2015/2016 Maintenance and Operation Budget

Approve Budget Amendment No 16BA-036 to increase revenue estimates by \$15,480.00 in 0106051-511085 (Library Foundation Donations) and to increase expenditure estimates in Division 0106051 (Library Foundation Donations) and in 01060604 (Literacy).

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

IX. ITEMS REMOVED FROM THE CONSENT CALENDAR

X. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the City Council. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record.

XI. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

XII. PUBLIC HEARING

18. Modifications to the Back Bay Landing Project Located at 300 East Coast Highway (PA2011-216)

- a) Conduct public hearing;
- b) Adopt Resolution No. 2016-43, *A Resolution of the City Council of the City of Newport Beach, California, Adopting the Addendum to the Back Bay Landing Certified Environmental Impact Report for the Planned Community Known as Back Bay Landing (PA2011-216)*;
- c) Adopt Resolution No. 2016-44, *A Resolution of the City Council of the City of Newport Beach, California, Accepting the Suggested Modifications from the California Coastal Commission (LCP-5-NPB-14-0820-2) and City Council Approval of the Revised Coastal Land Use Plan Amendment No. LC2011-007 for the Planned Community Known as Back Bay Landing (PA2011-216)*;
- d) Adopt Resolution No. 2016-45, *A Resolution of the City Council of the City of Newport Beach, California, Approving Revised General Plan Amendment No. GP2011-011 for the Planned Community Known as Back Bay Landing (PA2011-216)*;
- e) Adopt Resolution No. 2016-46, *A Resolution of the City Council of the City of Newport Beach, California, Approving Lot Line Adjustment No. LA2013-003 for the Planned Community Known as Back Bay Landing (PA2011-216)*;
- f) Introduce Ordinance No. 2016-7, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Revised Code Amendment No. CA2013-009 for the Planned Community Known as Back Bay Landing (PA2011-216)*, and pass to second reading on April 26, 2016; and
- g) Introduce Ordinance No. 2016-8, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Revised Planned Community Development Plan Adoption No. PC2011-001 for the Planned Community Known as Back Bay Landing (PA2011-216)*, and pass to second reading on April 26, 2016;

XIII. CURRENT BUSINESS

19. Creation of the Mayor's Blue Ribbon Committee on Local Political Reform

- a) Adopt Resolution No. 2016-49, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Mayor's Blue Ribbon Committee on Local Political Reform*, and Direct the City Clerk to Post and Publish Notice and Seek Applications from Interested Residents; and

- b) Authorize the Mayor to conduct interviews and make appointments to the Committee, subject to confirmation by the City Council.

XIV. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Council Members who voted with the prevailing side.

XV. ADJOURNMENT

Testimony given before the City Council is recorded.
The timing light will turn yellow when the speaker has one minute left.
The timing light will turn red when the speaker has 10 seconds left.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.