



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

STUDY SESSION AND REGULAR MEETING

JUNE 26, 2018

COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

**STUDY SESSION - 4:30 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS STUDY SESSION
REGULAR MEETING - 7:00 P.M.**

**DUFFY DUFFIELD, Mayor
WILL O'NEILL, Mayor Pro Tem
BRAD AVERY, Council Member
DIANE B. DIXON, Council Member
JEFF HERDMAN, Council Member
KEVIN MULDOON, Council Member
SCOTT PEOTTER, Council Member**

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

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.

NOTICE TO THE PUBLIC

The City provides a yellow sign-in card for those wishing to address the City 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 City Council. If you do fill out the card, please place it in the box at the podium. Any times listed in this agenda are provided as a courtesy and the actual item may be heard either before or after the time given.

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. 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. Agendas, minutes and staff reports are also available on the City's webpage at newportbeachca.gov/agendas.

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).

NEWPORT BEACH CITY COUNCIL AGENDA
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA
92660
JUNE 26, 2018
STUDY SESSION - 4:30 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS STUDY SESSION
REGULAR MEETING - 7:00 P.M.

I. ROLL CALL - 4:30 p.m.

II. CURRENT BUSINESS

SS1. Discussion Relating to Amending the City Charter Regarding Majority Voter Approval of Certain Debt

- a) Discuss a proposed City Charter amendment relating to voter-approval of certain types of lease-revenue bond or COP debt; and
- b) If Council desires to place an item on the November 2018 ballot, Council should “straw vote” the dollar amount threshold as well as any other text in the proposed measure during Study Session to allow staff a brief period to make necessary edits to the June 26, 2018 Regular Session’s companion item.

[Staff Report](#)

[Attachment A - Redline of Proposed Charter Amendment](#)

[Attachment B - Short History of Debt in Newport Beach](#)

[Insider's Guide](#)

[Correspondence](#)

III. PUBLIC COMMENTS

The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the City Council. If the optional sign-in card has been completed, it should be placed in the box provided at the podium.

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on agenda and non-agenda items, are generally limited to three (3) minutes. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

IV. CLOSED SESSION - After Study Session - Council Chambers Conference Room

A. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code § 54957.6): 1 matter

Agency Designated Representatives: Dave Kiff, City Manager, Carol Jacobs, Assistant City Manager, Barbara Salvini, Human Resources Director, and Peter Brown; Labor Negotiators.

Employee Organizations: Newport Beach Lifeguard Management Association (NBLMA); Newport Beach City Employees Association (NBCEA); Newport Beach Firefighters Association (NBFA); Newport Beach Fire Management Association (NBFMA); Newport Beach Police Association (NBPA); Newport Beach Police Management Association (NBPMA); Newport Beach Professional and Technical Employee Association (NBPTEA); and Newport Beach Employees League (NBEL).

[Written Comments](#)

- B. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
(Government Code § 54956.9(d)(4): 1 matter**

[Written Comments](#)

- C. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION
(Government Code § 54956.9(d)(2) and § 54956.9(e)(1)): 1 matter**

[Written Comments](#)

- D. PUBLIC EMPLOYEE APPOINTMENT
(Government Code § 54957 (b)(1)): 1 matter**

Title: City Manager. The City Council will consider all matters authorized by Government Code Section 54957 (b)(1) related to the appointment of a new City Manager; however, the City Council will not be appointing a new City Manager at this meeting.

[Written Comments](#)

- V. RECESS**
- VI. RECONVENE AT 7:00 P.M. FOR REGULAR MEETING**
- VII. ROLL CALL**
- VIII. CLOSED SESSION REPORT**
- IX. INVOCATION**
- X. PLEDGE OF ALLEGIANCE**
- XI. 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.

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

XIII. 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 also invited on Consent Calendar items. 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.

XIV. CONSENT CALENDAR**READING OF MINUTES AND ORDINANCES****1. Minutes for the June 12, 2018 City Council Meeting**

Waive reading of subject minutes, approve as written, and order filed.

[Minutes](#)

[Correspondence](#)

2. Reading of Ordinances

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

ORDINANCES FOR INTRODUCTION**3. Creation of a Harbor Department**

a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly;

b) Introduce Ordinance No. 2018-10, *An Ordinance of the City Council of the City of Newport Beach, California, Creating a Harbor Department and Folding the Harbor Resources Division into the Engineering Services Division of the Public Works Department*, and pass to second reading on July 10, 2018;

c) Introduce Ordinance No. 2018-11, *An Ordinance of the City Council of the City of Newport Beach, California, Amending the Title and Introductory Table of Chapter 2.12, Section 2.12.010 and Adding Section 2.12.120 to Title 2 of the Newport Beach Municipal Code, Pertaining to the Harbor Department*, and pass to second reading on July 10, 2018; and

d) Adopt Resolution No. 2018-40, *A Resolution of the City Council of the City of Newport Beach, California, Creating Positions and Amending and Establishing Position Classifications and Salary Ranges for the Harbor Department*.

[Staff Report](#)

[Attachment A - Ordinance 2018-10, Creating a Harbor Department](#)

[Attachment B - Ordinance 2018-11, Amending Title 2.12 of the Newport Beach](#)

[Municipal Code \(Clean\)](#)

[Attachment C - Ordinance 2018-11, Amending Title 2.12 of the Newport Beach](#)

[Municipal Code \(Redline\)](#)

[Attachment D - Resolution 2018-40 Creating Positions and Amending and](#)

[Establishing Position Classifications and Salary Ranges for the Harbor](#)

[Department](#)

[Correspondence](#)

RESOLUTIONS FOR ADOPTION

4. Proposed Creation of a Civilian Fire Marshal Position

a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution 2018-41, *A Resolution of the City Council of the City of Newport Beach, California, Creating a Civilian Fire Marshal Position and Establishing the Position Classification and Salary Range.*

[Staff Report](#)

[Attachment A - Resolution No. 2018-41](#)

[Attachment B - Position Classification and Description](#)

[Attachment C - Salary Schedule - Civilian Fire Marshal](#)

[Insider's Guide](#)

5. Resolution No. 2018-42: Adopting a Memorandum of Understanding with the Newport Beach Police Association (NBPA) and Associated Salary Schedule

a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to §§15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2018-42, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding Between the City of Newport Beach and the Newport Beach Police Association and Associated Salary Schedule.*

[Staff Report](#)

[Attachment A - Resolution 2018-42](#)

[Attachment B - Exhibit A to Attachment A \(MOU\)](#)

[Attachment C - Estimated Cost of Contract with NBPA](#)

[Insider's Guide](#)

[Correspondence](#)

6. Update of Council Policy F-14 (Authority to Contract)

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2018-43, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy F-14, Authority to Contract.*

[Staff Report](#)

[Attachment A - Resolution No. 2018-43](#)

[Attachment B - Redline Version](#)

7. Formation of Community Facilities District for Uptown Newport

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2018-44, *A Resolution of the City Council of the City of Newport Beach, California: (1) Authorizing the California Statewide Communities Development Authority ("Authority") to Form a Community Facilities District within the Territorial Limits of the City of Newport Beach to Finance Certain Public Improvements; (2) Embodying a Joint Community Facilities Agreement Setting Forth the Terms and Conditions of the Community Facilities District Financing; (3) Approving an Acquisition Agreement among the Authority, the City and the Developer; and (4) Authorizing Staff to Cooperate with the Authority and its Consultants in Connection Therewith.*

[Staff Report](#)

[Attachment A - Facility Locations](#)

[Attachment B - Resolution No. 2018-44](#)

[Correspondence](#)

CONTRACTS AND AGREEMENTS

8. Corporation Yards Painting Project - Notice of Completion for Contract No. 7153-1 (18F02)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project. On October 24, 2017, City Council found this project exempt from the California Environmental Quality Act (CEQA);
- 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 Faithful Performance Bond one (1) year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

9. Citywide ADA Curb Access Ramp Improvements - Notice of Completion for Contract No. 7154-1 (18R11)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project. On November 14, 2017, the City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 2 Section 15302(c);
- 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 Civil Code; and
- c) Release Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

10. Irvine Avenue Pavement Rehabilitation - Award of Contract No. C-8515-2 (17R21)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, (b), (c) (maintenance of existing public facilities involving negligible or no expansion of use) of the CEQA Guidelines, because this has no potential to have a significant effect on the environment;
- b) Approve the Cooperative Agreement between City of Newport Beach and City of Costa Mesa for Irvine Avenue Pavement Rehabilitation;
- c) Approve the project drawings and specifications;
- d) Award Contract No. 8515-2 to R.J. Noble Company, Inc. for the total bid price of \$2,459,825.00, and authorize Mayor and City Clerk to execute the contract;
- e) Establish and encumber a \$246,000.00 (approximately 10 percent) contingency amount to cover the cost of unforeseen work not included in the original contract; and

f) Approve Budget Amendment No. 18BA-039 appropriating \$34,000 from the Water Enterprise fund to Account No. 70101-980000-18R09; recognizing \$1,187,016.00 from the City of Costa Mesa and appropriating \$1,187,016.00 to Account No. 13501-980000-17R21 for Irvine Avenue Pavement Rehabilitation project with unencumbered funds carried over to FY 2018-19 Capital Improvement Program Budget.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Cooperative Agreement](#)

[Attachment C - Budget Amendment](#)

[Insider's Guide](#)

11. Water Quality Educational Outreach Program - Approval of Professional Services Agreement with Orange County Department of Education

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Award and approve, via single source selection, a five (5) year Professional Services Agreement (PSA) with Orange County Department of Education, a public agency by and through the Orange County Superintendent of Schools, to provide educational outreach services, for a not-to-exceed amount of \$225,000.00, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Professional Services Agreement with OC Superintendent of Schools](#)

12. Cooperative Agreement to Implement Total Maximum Daily Load Programs for Nutrients, Fecal Coliform, Bacteria and Toxics in the Newport Bay Watershed

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the Mayor and the City Clerk to execute Cooperative Agreement MA-080-18011416 with the County of Orange and other upstream partners to implement these water quality improvements, studies, monitoring, shared funding, and maintain compliance with the TMDL mandates.

[Staff Report](#)

[Attachment A - Cooperative Agreement](#)

13. Agreements for As-Needed Building Maintenance and Repair Services

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Approve on-call agreements for as-needed maintenance and repair services for a three-year term with RAMCO General Engineering Contractors for a not-to-exceed amount of \$300,000, John M. Rabun for a not-to-exceed amount of \$365,000 and TL Veterans Construction for a not-to-exceed amount of \$300,000, and authorize the Mayor and City Clerk to sign the agreements.

[Staff Report](#)

[Attachment A - RAMCO Agreement](#)

[Attachment B - John M. Rabun Agreement](#)

[Attachment C - TL Veterans Agreement](#)

MISCELLANEOUS

14. Planning Commission Agenda for the June 21, 2018 Meeting

Receive and file.

[Planning Commission Action Report](#)

[Planning Commission Agenda](#)

15. Coastal Development Permit Waiver for De Minimis Development Located at 191 Riverside Avenue (PA2018-083)

a) Determine this action is not a project as defined and is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action is to receive and file only and will not result in a physical change to the environment, directly or indirectly; and

b) Receive and file.

[Staff Report](#)

[Attachment A - Waiver for De Minimis Development](#)

16. Support for AB 448 - OC Housing Trust

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Authorize the Mayor to send a letter in support of AB 448 (Daly, as amended June 14, 2018) as shown in attached draft letter.

[Staff Report](#)

[Attachment A – Draft support letter for AB 448](#)

[Attachment B – Handout from ACC-OC regarding the OC Housing Trust](#)

[Attachment C – Text of AB 448 – As Amended in Senate, June 14, 2018](#)

[Attachment D – OC Grand Jury Report \(May 31, 2018\) “Where There’s a Will, There’s a Way”](#)

[Attachment E – Voice of OC - Most OC Cities Support Adding 2,700 New Homes for Homeless, Organizer Says \(Feb 27, 2018\)](#)

[Attachment F – Portion of OC United Way’s Cost of Homelessness Study – Exec Summary](#)

[Correspondence](#)

[Additional Correspondence](#)

17. Confirm Annual Appointments to the Finance Committee

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Confirm Mayor Duffy Duffield’s and individual City Council Members’ appointments to the Finance Committee: (1) City Council Member Kevin Muldoon who will serve as chair; (2) City Council Member Scott Peotter; (3) City Council Member Will O’Neill; (4) William Collopy based upon Mayor Duffield’s recommendation; (5) Joe Stapleton based upon City Council Brad Avery’s recommendation; and (6) Larry Tucker based upon City Council Member Jeff Herdman’s recommendation. City Council Member Diane Dixon’s citizen member appointment will proceed at a future City Council meeting by separate action. The appointees will serve a one-year term ending June 30, 2019.

[Staff Report](#)

[Attachment A - Applications](#)

[Insider’s Guide](#)

[Correspondence](#)

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

XV. ITEMS REMOVED FROM THE CONSENT CALENDAR

XVI. 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.

XVII. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

XVIII. PUBLIC HEARINGS

18. Resolution Confirming the Levying of Assessments and Appointment of the Advisory Board of Directors for the Newport Beach Restaurant Association Business Improvement District's Fiscal Year 2018-2019

a) Hold a public hearing regarding the renewal of the Newport Beach Restaurant Association Business Improvement District;

b-1) If protests represent less than 50 percent of the total assessment amount, adopt Resolution No. 2018-45, *A Resolution of the City Council of the City of Newport Beach Confirming the Levying of Assessments for the Fiscal Year of July 1, 2018 to Jun 30, 2019 for the Newport Beach Restaurant Association Business Improvement District*;

or

b-2) If protests represent 50 percent or more of the total assessment amount, abandon the proceedings to renew the Newport Beach Restaurant Association Business Improvement District;

c) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

d) Appoint the following Newport Beach Restaurant Association Business Improvement District members to serve as the Newport Beach Restaurant Association Business Improvement District's Advisory Board of Directors for Fiscal Year 2018-2019:

Phil Crowley, Modo Mio

Thaddeus Foret, The Winery Restaurant and Bar

Juan Carlos Godinez, Pizza Nova

Matthew Meddock, Sessions West Coast Deli

Jordan Otterbein, A Restaurant and Market

Kenyon Parr, Five Crowns and Side Door

Eunjoo Pluenneke, Balboa Lily's

Christopher Roman, Fork, Knife + Spoon

Talia Samuels, representing Moulin

Ron Schwartz, Muldoon's Irish Pub

Jim Walker, The Bungalow Restaurant

[Staff Report](#)

[Attachment A - Staff Report and Resolution from June 12, 2018](#)

[Attachment B - Resolution No. 2018-45](#)

19. Resolution Confirming the Levying of Assessments and Appointment of the Advisory Board of Directors for the Corona del Mar Business Improvement District's Fiscal Year 2018-2019

a) Hold a public hearing regarding the renewal of the Corona del Mar Business Improvement District;

b-1) If a protest represents less than 50 percent of the total assessment amount, adopt Resolution No. 2018-46, *A Resolution of the City Council of the City of Newport Beach Confirming the Levying of Assessments for the Fiscal Year of July 1, 2018 to June 30, 2019 for the Corona del Mar Business Improvement District*,

or

b-2) If protests represent 50 percent or more of the total assessment amount, abandon the proceedings to renew the Corona del Mar Business Improvement District;

c) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

d) Appoint the following Corona del Mar Business Improvement District members to serve as the Corona del Mar Business Improvement District's Advisory Board of Directors for Fiscal Year 2018-2019:

Ernie Caponera, Newport Properties

Keith Dawson, Dawson & Dawson

Edward Hanley, Hanley Investment Group

Hamid Kianipur, 76 Gas Station

Scott LaFleur, representing Cafe Jardin

Scott Laidlaw, Laidlaw Schultz Architects

Shawn Lim, Rose Bakery Cafe

Jasmin Mortazavi, Mathnasium

Bernie Svalstad, Upland Stor King

[Staff Report](#)

[Attachment A - Staff Report and Resolution from June 12, 2018](#)

[Attachment B - Resolution No. 2018-45](#)

XIX. CURRENT BUSINESS

20. Resolution Authorizing the Temporary Closure of Selected Streets for the July 4th Holiday Period

a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2018-52, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Closure of Back Bay Drive, the 100 Block of Orange Street from Pacific Coast Highway Traffic, Via Oporto from Via Lido to 32nd Street, San Joaquin Hills Road between Back Bay Drive and the Entrance to Park Newport Apartments, and Via Malaga between Via Oporto and Via Lido.*

[Staff Report](#)

[Attachment A – Resolution No. 2018-52](#)

[Insider's Guide](#)

21. Public Meeting on the Proposed Modification of the Newport Beach Tourism Business Improvement District's Management District Plan

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and

b) Hold a public meeting on the proposed modification of the NBTBID's Management District Plan.

[Staff Report](#)

[Attachment A - June 12, 2018 Staff Report](#)

22. Underground Utility Assessment District No. 117 - Award of Contract No. 7337-1 and Authorization of Limited Obligation Improvement Bonds

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 2 Section 15302 (d) (conversion of overhead electrical utility distribution lines where the surface is restored to the condition existing prior to the undergrounding) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it will not have an adverse effect on the environment;

b) Approve the project plans and specifications;

c) Award Contract No. 7337-1 to Asplundh Construction Corp. for the bid amount of \$2,167,875.00 for Underground Utility Assessment District No. 117, and authorize the Mayor and City Clerk to execute the contract;

d) Establish a contingency of \$325,000.00 (approximately 15% of total bid) to cover the cost of unforeseen work not included in the original contract;

e) Approve Professional Services Agreement with NV5 of Irvine, CA for a not-to-exceed fee of \$293,269.00 for Construction Administration and Residential Permit Support Services; and

f) Adopt Resolution No. 2018-47, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing and Providing for the Issuance of Bonds Pursuant to the Provisions of the Improvement Bond Act of 1915 for City of Newport Beach Assessment District No. 117 and Approving Certain Documents and Authorizing Certain Actions In Connection Therewith.*

[Staff Report](#)

[Attachment A - Resolution No. 2018-46](#)

[Attachment B - Location Map](#)

[Attachment C - Bond Purchase Agreement](#)

[Attachment D - Preliminary Official Statement](#)

[Attachment E - Fiscal Agent Agreement](#)

[Attachment F - Memo Recommending Financing Scenario](#)

[Attachment G - Financing Scenario Analyses](#)

[Attachment H - Good Faith Estimates](#)

[Attachment I - Proposed PSA with NV5](#)

[Insider's Guide](#)

23. Calling the November 6, 2018 General Municipal Election - Proposed Charter Amendment

- a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly;
- b) Adopt Resolution No. 2018-48, *A Resolution of the City Council of the City of Newport Beach, California, Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 6, 2018, for the Submission of a Proposed Charter Amendment*;
- c) Adopt Resolution No. 2018-49, *A Resolution of the City Council of the City of Newport Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 6, 2018, with the Statewide Primary Election to be Held on the Same Date Pursuant to California Elections Code Section 10403 for the Purpose of Submitting a Proposed Charter Amendment*;
- d) Adopt Resolution No. 2018-50, *A Resolution of the City Council of the City of Newport Beach, California, Setting Priorities for Filing Written Arguments Regarding a City Measure, and Directing the City Attorney to Prepare an Impartial Analysis*;
- e) Adopt Resolution No. 2018-51, *A Resolution of the City Council of the City of Newport Beach, California, Providing for the Filing of Rebuttal Arguments for the City Measure Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 6, 2018, Pursuant to California Elections Code Section 9285*; and
- f) Designate Council Member(s) ____ to draft a Direct Argument for the ballot measure and any Rebuttal Argument, if needed.

[Staff Report](#)

[Attachment A - Resolution No. 2018-48](#)

[Attachment B - Resolution No. 2018-49](#)

[Attachment C - Resolution No. 2018-50](#)

[Attachment D - Resolution No. 2018-51](#)

[Insider's Guide](#)

[Correspondence](#)

[Additional Correspondence](#)

24. Newport Beach Voter Protection; Rescission of Resolution 2018-8 Relating to Subpoenas

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Waive reading in full, direct the City Clerk to read by title only, introduce Ordinance No. 2018-12, *An Ordinance of the City of Newport Beach, California, Adding Section 1.26.050 to Newport Beach Municipal Code Chapter 1.26 to Strengthen and Protect the Integrity of Elections Within the City of Newport Beach*, and pass to a second reading on July 10, 2018;
- c) Rescind Resolution No. 2018-8, which authorized the issuance of subpoenas related to an investigation of alleged voter fraud; and
- d) Direct City staff to turn over the documents gathered during the City's investigation of alleged voter fraud to the Orange County District Attorney for use in their on-going investigation.

[Staff Report](#)

[Attachment A - Ordinance No. 2018-12](#)

[Insider's Guide](#)

[Correspondence](#)

25. Annual Appointments to Boards and Commissions

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Make appointments to the Boards and Commissions from the nominees listed below. All new terms will be effective on July 1, 2018, with an expiration date of June 30, 2022.

Board of Library Trustees [1 vacancy]

Kurt Kost

Ash Kumra

Lisa Winter

City Arts Commission [1 vacancy]

Lili Bender

Judy Chang (incumbent)

Wayan Kaufman

Civil Service Board [1 vacancy]

Sharon Wood (incumbent)

Harbor Commission [3 vacancies]

Ira Beer (incumbent)

Clark Cashion

Somer Harding

William Kenney (incumbent)

Don Yahn

Parks, Beaches & Recreation Commission [2 vacancies]

Hassan Archer

Diane Daruty

Lynn Gosselin

Meredith Sandland

Planning Commission [1 vacancy]

Curtis Ellmore

Peter Koetting (incumbent)

[Staff Report](#)

[Attachment A - Board of Library Trustees Applications](#)

[Attachment B - City Arts Commission Applications](#)

[Attachment C - Civil Service Board Application](#)

[Attachment D - Harbor Commission Applications](#)

[Attachment E - Parks, Beaches and Recreation Applications](#)

[Attachment F - Planning Commission Applications](#)

[Insider's Guide](#)

[Correspondence](#)

[Written Comments](#)

XX. 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.

XXI. ADJOURNMENT

Testimony given before the City Council is recorded.

The timing light will turn yellow when the speaker has one minute remaining.

The timing light will turn red when the speaker has 10 seconds remaining.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.