

**City Council Minutes
Study Session and Regular Meeting
April 9, 2019**

I. ROLL CALL - 4:02 p.m.

Present: Council Member Brad Avery, Council Member Joy Brenner, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon, Mayor Pro Tem Will O'Neill, Mayor Diane Dixon

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar – None

SS2. *Community College Awareness Month (discussed after Item SS5)*

Mayor Dixon introduced Leticia Clark, District Director, Public Affairs and Government Relations who accepted the proclamation on behalf of her organization.

SS3. *National Library Week Proclamation*

Mayor Dixon introduced Paul Watkins, Vice Chair of the Board of Library Trustees and Library Services Director Tim Hetherington who said a few words and accepted the proclamation in honor of *National Library Week*.

SS4. *DMV/Donate Life California Month Proclamation (discussed after Council Announcements during the regular meeting)*

Mayor Dixon introduced Angela Betts who accepted the proclamation on behalf of her organization.

SS5. *Junior Lifeguard Building Proposal*

Public Works Director Webb and Civil Senior Engineer Tauscher utilized a PowerPoint presentation to discuss the status of the Junior Lifeguard (JGLG) Building project and possible alternatives to the building location, project cost, and design team selection.

Discussion ensued between City staff, JGLG representatives, and Council regarding three site proposals, building on stilts, expanding the existing parking lot, the process of hiring an architect, the overall size of the building, amenities, allowing other City departments and organizations to use the facility when not in use by JGLG, the timeline for the project, including when it would go in front of the California Coastal Commission, fundraising to date, the City's fundraising policy, implementing a donor wall, and the importance of the building connecting with the sand.

The following individual spoke on this item: Bob May, representative for David Pyle.
43:17 (see video for further details)

Council provided staff with direction to move forward with Building Site 2, keep the costs as low as possible, add the project to the Capital Improvement Project list, have the project stay parking neutral, and work with JGLG to support donor contributions.

III. PUBLIC COMMENTS

The following individuals spoke during Public Comments: Alexis Portillo, David Grant, Bruce Ibbetson and Jim Mosher.

58:52 (see video for further details)

City Attorney Harp reported the City Council would adjourn to Closed Session to discuss the items listed in the Closed Session agenda and read the titles.

IV. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATORS**

(Government Code § 54957.6): 1 matter

Agency Designated Representatives: Grace K. Leung, City Manager, Carol Jacobs, Assistant City Manager, and Barbara Salvini, Human Resources Director; Labor Negotiators.

Employee Organizations: Newport Beach Fire Management Association (NBFMA) and Part Time Employees Association of Newport Beach (PTEANB).

B. **CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION – INITIATION OF LITIGATION**
(Government Code § 54956.9(d)(4): 3 matters

V. **RECESSED** – 5:15 p.m.

VI. **RECONVENED AT 7:00 P.M. FOR REGULAR MEETING**

VII. **ROLL CALL** – 7:00 p.m.

Present: Council Member Brad Avery, Council Member Joy Brenner, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon, Mayor Pro Tem Will O’Neill, Mayor Diane Dixon

VIII. **CLOSED SESSION REPORT** – None

IX. **INVOCATION** – Pastor David Manne, Calvary Chapel of Costa Mesa

X. **PLEDGE OF ALLEGIANCE** – Mayor Pro Tem O’Neill

XI. **NOTICE TO THE PUBLIC**

XII. **CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES**

Council Member Avery:

- Attended the Newport Beach Police Officers Appreciation Breakfast, a luncheon at St. Andrews Presbyterian Church regarding the Newport Harbor High School’s mentor program, an Orange County Sanitation District meeting, and the John Wayne Airport Town Hall meeting
- Recognized Mike Stewart for his 55 years of dedication to the Newport Sea Scouts

Council Member Muldoon:

- Attended the Newport Beach Police Officers Appreciation Breakfast and the John Wayne Airport Town Hall meeting

Council Member Brenner:

- Attended the Newport Beach Police Officers Appreciation Breakfast, the John Wayne Airport Town Hall meeting, and meetings regarding the Koll and Aerie projects
- Announced the upcoming Speak Up Newport meeting on April 10, 2019

Council Member Herdman:

- Attended the Newport Beach Police Officers Appreciation Breakfast, the John Wayne Airport Town Hall meeting, the Water Quality/Coastal Tidelands Committee monthly meeting, the messaging and strategy airport working group meeting, On-Demand Micro Transit System meeting, Balboa Museum and Historical Society's Vietnam Recognition Day, and the Newport-Mesa Unified School District's workshop on diversity
- Announced the restructuring of the Aviation Committee and the application period for the committee is currently open
- Utilized a slide to indicate the Bayside Drive improvement project is nearing completion and is on schedule
- Recognized Officer Tony Lim for his work with the local homeless community

Mayor Pro Tem O'Neill

- Attended the Newport Coast Elementary School STEAM Expo, a transportation conference at Chapman University, the Newport Harbor High School's mentor luncheon, the Newport Beach Police Officers Appreciation Breakfast, and the Anti-Defamation League dinner
- Utilized slides to discuss National Library Week, the Special Olympics on Parade, and the upcoming Special Olympics Basketball Tournament on April 20, 2019

Mayor Dixon:

- Attended the Newport Beach Police Officers Appreciation Breakfast, the John Wayne Airport Town Hall meeting, Mayor's Youth Council meetings at all Newport Beach high schools, a tour of City Hall with fourth graders from Our Lady Queen of Angels School, and an Eagle Scout Court of Honor for Matt Eimers
- Utilized slides to announce the upcoming hearing of the Board of Supervisors to discuss the JWA General Aviation Improvement Project and the upcoming Mayor's 5th Annual Egg Race

XIII. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA

- **Consideration of reinstating the Public Art and Cultural Fund (Herdman)**

Mayor Dixon and Council Members Herdman, Brenner and Avery concurred with placing the matter on a future agenda.

XIV. PUBLIC COMMENTS ON CONSENT CALENDAR

The following individuals spoke during Public Comments on Consent Calendar: Mike Hewitt (Item 1), Jim Mosher (Item 7), and Denys Oberman (Item 7).

1:56:21 (see video for further details)

XV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. **Minutes for the March 12, 2019 City Council Meeting [100-2019]**
Waive reading of subject minutes, approve as amended, 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.

ORDINANCES FOR ADOPTION

3. **Pulled from the Consent Calendar**

RESOLUTIONS FOR ADOPTION

4. **Resolution No. 2019-32: Proposed Revisions to City Council Policy A-12, Discretionary Grants [69/100-2019]**
 - 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. 2019-32, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy A-12 "Discretionary Grants" to Include Cultural and Arts Programs, Adjusting Priorities for Funding and Other Revisions.*
5. **Pulled from the Consent Calendar**
6. **Pulled from the Consent Calendar**
7. **Resolution No. 2019-35: Adopting the 2019 Key and Management Compensation Plan for the Period January 1, 2019 through December 31, 2021, and Amending the City's Salary Schedule [100-2019]**
 - 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) Adopt amended Resolution No. 2019-35, *A Resolution of the City Council of the City of Newport Beach, California, Adopting the 2019 Key and Management Compensation Plan, Which Shall be Effective from January 1, 2019, and Amending the City's Salary Schedule;*
 - c) Approve Budget Amendment No. 19BA-034 appropriating \$372,742.95 to salary and benefit accounts from unappropriated General Fund surplus fund balance for the remainder of FY 2018/19 representing the first, six months of the three-year Key and Management Compensation Plan; and
 - d) Approve and adopt the revisions to the Citywide salary schedule as reflected in the 2019 Key and Management Compensation Plan.
8. **Resolution No. 2019-36: Authorizing the Submittal of an Application for the WaterSMART: Water and Energy Efficiency Grant for 2019 (C-8553-2) [38/100-2019]**
 - 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. 2019-36, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Submittal of an Application for the WaterSMART: Water and Energy Efficiency Grants for Fiscal Year 2019 to Fund the City's Advanced Meter Infrastructure Project.*

CONTRACTS AND AGREEMENTS

9. **Public Works Inspection and Construction Administration Services – Approval of On-call Professional Services Agreements (C-8589) [38/100-2019]**
 - 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 three separate 5-year term on-call Professional Services Agreements with Interwest Consulting Group, Inc., Project Partners, Inc., and Willdan Engineering at a not-to-exceed amount of \$300,000 per agreement, and authorize the Mayor and City Clerk to execute the agreements.

Council Member Muldoon recused himself from Item 9 due to business interest conflicts.

10. **Bayside Drive and Jamboree Road/Marine Avenue Improvements – Increased Contingency Authority and Budget Amendment (16R12) (C-7224-1) [38/100-2019]**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060 c(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060c(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Establish a contingency amount up to \$656,946 (approximately 23%) for Contract No. 7224-1 to cover the cost for unforeseen work not included in the original contract; and
- c) Approve Budget Amendment No. 19BA – 039 appropriating \$300,000 from the Water Reserve Fund unappropriated fund balance to the Water System Rehabilitation project (Account No. 70201932-980000-19W05); recognize \$56,946 in new revenue from Orange County Sanitation District (OCS D) (13501-431075-16R12) and appropriate \$56,946 in expenditures to the Bayside Drive improvement project (Account No. 13501-980000-16R12).

11. MacArthur Boulevard and University Drive Pavement Rehabilitation – Award of Contract No. 7183-2 (18R23) [38/100-2019]

- 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 project has no potential to have a significant effect on the environment;
- b) Approve the project drawings and specifications;
- c) Award Contract No. 7183-2 to R.J. Noble Company, Inc. for the total bid price of \$2,319,580.00, and authorize the Mayor and City Clerk to execute the contract;
- d) Establish a contingency of \$232,000.00 (approximately 10 percent of total bid) to cover the cost of unforeseen work not included in the original contract; and
- e) Approve Budget Amendment No. 19BA-035 appropriating \$940,907.00 from the CIP General Fund unappropriated fund balance and new revenue and expenditures from the Irvine Ranch Water District and Mesa Water District into the project account.

MISCELLANEOUS

12. Budget Amendment to Accept a Check from the California State Library for Literacy Services (CLLS) and Appropriate Funds to the Library's FY 2018/19 Maintenance and Operation Budget [100-2019]

- 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) Accept a check in the amount of \$23,666 from the California State Library for Literacy Services (CLLS) and approve Budget Amendment No. 19BA-033 to increase expenditures by the same amount in the Literacy accounts indicated.

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Herdman, to approve the Consent Calendar, except for the items removed (3, 5 and 6); and noting the recusal by Council Member Muldoon on Item 9, and the amendments to Items 1 and 7.

The motion unanimously carried.

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Introduction of an Ordinance Amending Title 15 of the Newport Beach Municipal Code Setting Time Limits to Complete Construction [100-2019]

In response to Council questions and concerns, Community Development Director Jurjis discussed the ordinance language, project size limitations and confirmed that this code would not apply to the Aerie project since this applies mainly to single family dwellings and duplexes only.

The following individuals commented on this item: Laura Curran, Susan Skinner, Adam Wood, and Jim Mosher.

2:08:53 (see video for further details)

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Muldoon, to 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) introduce amended Ordinance No. 2019-8, *An Ordinance of the City Council of the City of Newport Beach, California, Adding Section 15.02.095 to the Newport Beach Municipal Code, Setting Time Limits to Complete Construction*, and pass to second reading on April 23, 2019.

The motion carried 6-1 with Council Member Duffield voting no.

5. Resolution No. 2019-33: Formation of Ad Hoc Committee on Election Reform [24/100-2019]

Council Member Herdman voiced his concerns regarding not being selected to sit on this committee and asked that this ad hoc committee be combined with the Local Lobbyist Registration committee.

Motion by Council Member Herdman, seconded by Mayor Pro Tem O'Neill, to 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) adopt Resolution No. 2019-33, *A Resolution of the City Council of the City of Newport Beach, California, Creating an Ad Hoc Committee on Election Reform*; and c) confirm Mayor Diane Dixon's appointments of Mayor Pro Tem Will O'Neill, Council Member Brad Avery and Council Member Joy Brenner to the Ad Hoc Committee on Election Reform.

The following individuals commented on this item: Susan Skinner, Lynn Lorenz, Jennifer McDonald, Marko Popovich, Jim Mosher, Philip Greer, Bob Rush and Denys Oberman.

2:18:49 (see video for further details)

Discussion continued between Council Members that included why the Mayor made the selections she did and possibly looking at including members from the public on the committee in the future.

The motion carried 6-1 with Council Member Herdman voting no.

6. Resolution No. 2019-34: Formation of an Ad Hoc Committee on Local Lobbyist Registration [24/100-2019]

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Duffield, to table the item indefinitely.

The motion unanimously carried.

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

The following individuals spoke during Public Comments on Non-Agenda Items: Susan Skinner, Ron Yeo, Ryan Farsai, Luke Dru, Marko Popovich, and Denys Oberman.

2:53:30 (see video for further details)

XVIII. PUBLIC HEARING

13. Resolution No. 2019-37: Amending the Local Coastal Program Implementation Plan to Include Balboa Village Parking Management Overlay District (PA2017-046) [100-2019]

Community Development Director Jurjis introduced Planning Manager Alford who provided a brief description of the item and responded to Council questions and comments.

Mayor Dixon opened the public hearing.

The following individuals commented on this item: Jim Mosher, Mary Zmuidzinas and Kelly Carlson.

03:06:52 (see video for further details)

Hearing no further testimony, Mayor Dixon closed the public hearing.

Discussion continued between Council and staff regarding the impact parking restrictions have on small businesses and the possibility of hiring a Coastal Commission consultant to assist the City.

Motion by Mayor Dixon, seconded by Council Member Brenner, to a) find the action statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265(a)(1) of the California Code of Regulations, Title 14, and Chapter 3 of the Coastal Act, Section 15265(a)(1), which exempts local governments from the requirements of preparing an environmental impact report or otherwise complying with CEQA in connection with the adoption of a Local Coastal Program; and b) adopt amended Resolution No. 2019-37, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Submittal of Local Coastal Program Amendment No. LC2017-001, Adding the Balboa Village Parking Management Plan Overlay to the Certified Local Coastal Program, to the California Coastal Commission (PA2017-046)*.

The motion unanimously carried.

XIX. CURRENT BUSINESS

14. Sculpture Exhibition in Civic Center Park – Phase IV (C-8590) [38/100-2019]

Library Services Manager Basmaciyan discussed the sculpture selection process and introduced Rick Stein, President of Arts Orange County, who utilized a PowerPoint presentation to display the ten selected art sculptures and three alternates for the Civic Center Park exhibition – Phase IV, along with the installation process.

The following individuals spoke on this item: Jim Mosher and Ron Yeo.

03:26:24 (see video for further details)

Arlene Greer, Chair of the City Arts Commission, explained the selection process and confirmed that some artists receive an honorarium to offset the costs of delivering the sculptures to the park.

Council Member Herdman commented on the future maintenance of the art sculptures and indicated he is working with Assemblywoman Cottie Petrie-Norris to receive future funding for the sculpture exhibits.

Motion by Mayor Pro Tem O'Neill, seconded by Mayor Dixon, to a) determine this action 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 the ten sculptures, three alternates, and the proposed locations within Civic Center Park as recommended by the City Arts Commission for the temporary sculpture exhibit.

The motion unanimously carried.

15. Assessment District Nos. 116 and 116b and Underground Utilities District No. 22 Phase I – Award of Contract No. 7572-1 (19A11) [89/100-2019]

Council Member Muldoon recused himself due to business interest conflicts.

Public Works Director Webb provided a brief overview of this item and introduced Assistant City Engineer Sinacori who responded to Council comments and questions regarding the City's negotiations with utility companies, utilizing general fund money for the project, the amount of funds the City is saving by managing a large portion of the work in-house, and what roads and sidewalks will be impacted during the installation.

Motion by Council Member Herdman, seconded by Mayor Dixon, to 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. 7572-1 to Asplundh Construction Corp. for the bid amount of \$3,813,399.61 for Underground Utility Assessment District Nos. 116, 116b and Underground Utility District No. 22 - Phase I, and authorize the Mayor and City Clerk to execute the contract; d) establish a \$400,000 (approximately 10 percent) contingency amount to cover the cost of unforeseen work not included in the original contract; e) authorize the City Manager to execute reimbursement agreements with utility companies for the Underground Utilities District No. 22 - Phase I portion of the project on forms approved by the City Attorney; f) approve Professional Services Agreement with NV5 of Irvine, California, for a not-to-exceed fee of \$197,255 for Construction Administration and Residential Permit Support Services; and g) approve Budget Amendment No. 19BA-036 recognizing \$2,122,732 in contribution revenue funding from multiple utility companies and appropriate the same to the Contributions Fund (Account No. 13501-980000-19A11); and appropriating \$250,000 from the General Fund unappropriated fund balance for City costs and related construction support services for UUD No. 22 – Phase 1 (Account No. 01201928-980000-19A11).

The motion unanimously carried.

16. Acquisition of Rule 20A Credits from the City of Lynwood (C-8591-1) [100-2019]

Council Member Muldoon recused himself due to business interest conflicts.

At Council's request, Public Works Director Webb provided a brief explanation of this item.

The following individuals commented on this item: James Peterson and Dick Armstrong.
03:45:56 (see video for further details)

Motion by Mayor Pro Tem O'Neill, Council Member Herdman, to 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) approve Budget Amendment No. 19BA-040 transferring \$1,428,885 from the FY 2017/18 General Fund surplus to the Neighborhood Enhancement Fund and appropriates this amount for the purchase of SCE Rule 20A Credits; c) authorize the City Manager to execute the Memorandum of Understanding (MOU) between the City of Newport Beach and City of Lynwood documenting details of the transaction for the Rule 20A credit acquisition; and d) authorize staff to process the Rule 20A credit transfer between the City of Newport Beach and City of Lynwood with SCE.

The motion unanimously carried.

17. Appointment of a New City Arts Commissioner to Fill an Unscheduled Vacancy [24/100-2019]

Assistant City Clerk Nelson provided a brief explanation of how the selection process works and that the successful candidate must receive at least four votes.

The following individual commented on this item: Jim Mosher
03:48:39 (see video for further details)

With Mayor Dixon, Council Member Avery, Council Member Duffield, Council Member Muldoon, Council Member Brenner and Council Member Herdman voting in favor of Ritch LeGrand and Mayor Pro Tem O'Neill voting for Maureen Flanagan, Ritch LeGrand was appointed to the City Arts Commission to fill the unscheduled vacancy ending June 30, 2021.

18. Amended and Restated Employment Agreements for the City Manager, City Attorney, and City Clerk (C-8568-2, C-7034-3 and C-7032-3) [38/100-2019]

City Attorney Harp and City Manager Leung recused themselves due to potential impacts on their finances.

Human Resources Director Salvini provided a brief summary of the three employment agreements and responded to Council questions and comments regarding LIUNA and the \$2,700 one-time bonus.

The following individual commented on this item: Jim Mosher
03:59:42 (see video for further details)

In response to public comments, Edward Zappia, outside Counsel for the City, explained that the \$2,700 one-time bonus is not considered a gift, but is part of the compensation contract.

Council Member Muldoon remarked on the positive way the City is handling its pension liability.

Motion by Mayor Pro Tem O'Neill, Council Member Avery, to 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) approve and authorize the Mayor to execute a First Amended and Restated Employment Agreement between the City of Newport Beach and City Manager Grace K. Leung, subject to the terms and conditions approved by the City Council; c) approve and authorize the Mayor to execute a Fifth Amended and Restated Employment Agreement between the City of Newport Beach and City Attorney Aaron Harp, subject to the terms and conditions approved by the City Council; d) approve and authorize the Mayor to execute a Fifth Amended and Restated Employment Agreement between the City of Newport Beach and City Clerk Leilani Brown, subject to the terms and conditions approved by the City Council; and e) approve Budget Amendment No. 19BA-037 for \$20,184 to enhance salary and benefit accounts for the last six months of FY19 (January 1, 2019 through June 30, 2019).

The motion unanimously carried.

19. Amended and Restated Employment Agreements for Fire Chief and Police Chief (C-8549-2, C-7098-3) [38/100-2019]

City Manager Leung provided a brief summary of the two agreements.

The following individual commented on this item: Jim Mosher
04:07:59 (see video for further details)

Human Resources Salvini clarified the specifics of the \$2,700 one-time bonus.

Motion by Council Member Herdman, Mayor Pro Tem O'Neill, to 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) authorize the City Manager to Execute a First Amended and Restated Employment Agreement Between the City of Newport Beach and Charles (Chip) Duncan for Services of Fire Chief; c) authorize the City Manager to Execute a Second Amended and Restated Employment Agreement Between the City of Newport Beach and Jon Lewis for Services of Police Chief; and d) approve Budget Amendment No. 19BA-038 for \$13,580.00 to enhance the salary and benefit accounts for the last six months of FY2018/19 (January 1, 2019 through June 30, 2019).

The motion unanimously carried.

XX. MOTION FOR RECONSIDERATION – None

XXI. ADJOURNMENT – 9:55 p.m.

The agenda and amended agenda were posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive on March 21, 2019, at 4:00 p.m.

Diane B. Dixon
Mayor

Leilani I. Brown
City Clerk

DRAFT