

January 14, 2020, Council Consent Calendar Comments

The following comments on items on the Newport Beach City Council [agenda](#) are submitted by:

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Item 1. Minutes for the December 10, 2019 City Council Meeting

The passages shown in *italics* below are from the [draft minutes](#) with suggested corrections indicated in ~~strikeout~~ underline format. The page numbers refer to Volume 64.

Page 267, paragraph 2 before Item XVIII: *"In response to Council Member Muldoon's questions, Mr. Ferguson indicated the new departure procedure is approximately 1,200 feet higher than before and stated that the other carriers can do the same, but it would be more difficult for them due to the bureaucracy of the larger carriers."*

Item 3. Resolution No. 2020-1: Updating the List of Designated Employees for 2020 Under the City's Conflict of Interest Code

This item establishes who must disclose what on the annual FPPC report of potential financial conflicts of interest, due on April 1 of each year with respect to conflicts in the preceding calendar year.

While it is good the report forms are now publicly [posted online](#), I find the whole program a bit ineffective since the public learns of potential conflicts long after the decisions that might have been affected by them have been made.

That said, I am thankful for the redline highlighting the proposed changes. Of those, under "Planning Division" (page 3-11) I assume "Planning Manager" is being deleted because the job is being eliminated. But I don't understand why "Planning Technician" is also being deleted. Some of the Planning Technicians (and some contract planners) seem charged with shepherding through permit approvals the same as regular planners who do have to report.

As to the Boards, Commissions and Committees (page 3-14), some of the distinctions in reporting are not easy to understand, nor is it clear why some bodies are not listed. For example, PB&R would seem to influence decisions in categories "2" and "3" as well as "4". And the Library Lecture Hall Design Committee, as well as the Balboa Village Advisory Committee would seem to have as much influence in several areas as several of the bodies listed, yet they are not listed. And the Business Improvement District board members certainly make contracting decisions, yet they are not listed, either. Since these people have no requirement to file reports, the public can only guess what financial entanglements may have influenced the decisions.

Item 11. Amendment to the Professional Services Agreement with Newport Beach & Company for Video Production and Government Access Channel Management

It is good to see staff seems happy with the performance of Newport Beach & Company, and that NB&Co has been able to institute efficiencies lowering the contract cost to an estimated \$154,649.24.

It should be remembered, however, that this item was last before the Council as [Item 12](#) on January 8, 2019, at which time staff recommended signing with a different vendor because NB&Co's estimated annual cost was \$142,140 and the other vendor's was \$116,680 (both later [modified](#) based on increased video production hours).

The [minutes](#) reflect an extended discussion, followed by a decision to renew with NB&Co for just one year.

It is unclear from the present report when, or if, staff will recommend revisiting the possibility of other vendors.

Item 12. Lease Agreement with West Point Investment Corporation to Rent Office Space at the Balboa Yacht Basin Located at 829 Harbor Island Drive

Since the office space in question is on public trust land, it would obviously have been good to find a tenant whose use for it would be more water-related, and whose services would enhance the public trust. That does not appear to be the case with the sole respondent.

Item 14. Annual Mayoral Appointments

It might be good to provide clarity as to whether this a complete list of Council member assignments or if there are others than are "off the books" or not nominated by the Mayor.

For example, while there are two Council members (Herdman and Avery) being recommended for appointment to the City's Aviation Committee, there seem to be three (Dixon, Muldoon, and Herdman) who are generally recognized as members of a separate aviation "working group," possibly created by City staff. Other working groups have also been alluded to, from time to time, such as a "solid waste options" one, as well as Council teams reviewing development agreements. Is that still the case? Similarly, who is authorized, and how, to be our representative of the [Orange County City Selection Committee](#)?

As to the groups that are listed, are we sure they all still exist?

For example, the County's ["Coastal Coalition" page](#) says (the page, at least) is "no longer active." Likewise, is there still an ["Inter-City Liaison Committee"](#) (mentioned with approval on [page 8](#) of the Santa Ana Circulation Element, but not our own)? If so, where does the public find notices of its meetings?

Item 15. Newport Beach Wine and Food Festival Request for Waiver of City Council Policy B-13

It is good to see City staff shares concern over the damage this private for-profit event has been doing, each year, to the "civic green" at City Hall, but I'm not sure why they are proposing to turn a City park over to the proprietors, as well as asking the Council to waive the policy which would normally prevent it from happening there. It is not beach-related, but will impede beach access. It seems an event more suited to the Newport Dunes Resort.