

CITY OF NEWPORT BEACH

City Council Minutes Study Session and Regular Meeting January 27, 2015

I. ROLL CALL - 4:00 p.m.

Present: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar - None

SS2. Presentation from Newport Harbor High School Principal Sean Boulton

Newport Harbor High School Principal Sean Boulton introduced Assistant Principal Mike Sciacca and thanked the City for its support.

Council Member Petros acknowledged the cooperation between Newport Harbor High School and the City. He addressed crossing guards and parking issues and commented on the value the school offers to the community. Mayor Selich added that the City is fortunate to have two quality public high schools in town including Corona del Mar and Newport Harbor.

SS3. **Concepts/Approach for Change in Structure/Fees for Residential Piers, Commercial Piers, Moorings, Leases v. Permits [100-2015]**

Mayor Selich recused himself from the residential pier portion of the item since he owns a residential pier.

Mayor Selich stated that the matter will be considered in two parts.

Council Member Duffield recused himself from this item due to a possible business conflict.

In response to an inquiry from Council Member Duffield, City Manager Dave Kiff reported the item can and will be divided into three parts.

Harbor Resources Manager Miller provided a PowerPoint presentation including a brief background and addressing Tidelands, the Beacon Bay Bill, distinctions within the waterways, how Tidelands are managed, the City's obligations, Tidelands examples, an overview of recent fee changes, public moorings, transfers, current mooring fees, short-term mooring rental revenue, the "Avalon Approach", Mooring Master Plan Subcommittee and Harbor Commission recommendations, Commercial Piers, the Commercial Pier current fee structure, Commercial Pier examples and options for Council's consideration.

Council Member Muldoon reported speaking with many mooring holders and the Mooring Association and noted their preference to the Avalon plan and stated that the Harbor Commission's recommendations would be acceptable as well. He commended staff for addressing the derelict boat issue, commented on fees, and suggested looking at competing and comparable harbors with mooring areas for a more-realistic fee (i.e., \$30 per linear foot).

In response to Council Member Petros' inquiry, Assistant City Attorney Torres commented on the 2007 Grand Jury Report relative to encouraging more movement of the mooring wait list as well as mooring transfers. He added that City Council has the flexibility in terms of how to administer Tidelands, moorings and rules of transfer.

Council Member Petros commented on distinctions between marinas and moorings and asked regarding the use of a marina slip rate methodology to arrive at mooring charges. City Manager Kiff reported that the issue was addressed in the Grand Jury Report.

Council Member Petros agreed with Council Member Muldoon's comments relative to looking at comparable harbors and mooring fields to generate an appropriate fee. Harbor Resources Manager Miller noted there may be other comparable harbors that can be reviewed.

Council Member Petros commented on fee increases of up to 300%.

Council Member Curry commented on use of "mooring owners" and Harbor Resources Manager Miller clarified that the City owns the mooring space so that the correct term would be "mooring permittees" and that these permittees own the mooring tackle, but not the mooring space.

Council Member Curry commented on the average cost per moored vessel, noted that the fees were not adjusted for fourteen years and that the majority of mooring permittees are people who do not reside in the City.

In response to Council Member Peotter regarding concerns that moorings have lost equity, Harbor Resources Manager Miller reported that the appraiser did not look specifically at the Avalon model and that fees for rentals go to the City and not the Harbor Patrol. Additionally, he commented on the loss of equity and on past fees.

Council Member Curry noted that equity implies a value from ownership and that what is lost is a presumed value of transferring a public asset to another private party. Council Member Peotter commented on ways in which a mooring might have equity.

In response to Mayor Pro Tem Dixon's inquiry, Harbor Resources Manager Miller commented on the Mooring Master Plan Subcommittee and Harbor Commission recommendations.

Mayor Pro Tem Dixon commented on the differences between marinas and moorings and in response to her inquiry, Assistant City Attorney Torres clarified the concept of a possessory interest tax. He noted that it is a tax imposed by the County when private individuals have sole use of public property. The City would have no control over whether the County would charge this tax.

Council Member Curry commented on the possessory interest tax paid under the Avalon plan.

Carter Ford, Newport Mooring Association, thanked Council and staff for their work. He commented on the Avalon model noting that it has worked for many years and noted that the Newport Mooring Association favors it and hoped that Council will concur. He addressed previous mooring fees and possessory interest tax upon transfer of a mooring and commented on the quality of uses in Newport Beach. He noted that when comparing mooring fees in other harbors, \$30 per linear foot would be well-supported.

Jim Mosher commented on transparency relative to Harbor fees and a lawsuit scheduled for the Closed Session relative to the issue of piers encroaching on other people's property. He commented on Council's previous consideration of Harbor fees and hoped that this Council will

continue to defend the City's policy requiring review, upon transfer, of all encroaching piers and therefore improve transparency.

Brad Avery, Harbor Commissioner, commented on his father's purchase of a mooring and his subsequent inheritance and selling of same. He stated he does not believe that individuals should profit from the sale of public properties and noted that the important thing is to provide a low-cost alternative for people to enjoy boating in Newport Harbor.

In response to Council Member Petros' inquiry, Harbor Commissioner Avery reported meeting with mooring owners and stated that the Harbor Commission would be happy to consider the matter in the future. He addressed affordability and ensuring that the wait list moves at a healthy rate.

Mark Sites stated he was able to build in the cost of the mooring along with the cost of his boat when he originally obtained financing and reported that mooring permittees would like to have mooring costs returned and not have it degraded by government interference.

Richard Dorn commented on mooring fees versus pier-holder fees and distinctions in terms of renting them and the number of boats each accommodates. He opined that fees should be equitable for users of the Tidelands and not whether someone resides in the City or not.

Scott Karlin commented on costs of maintaining a mooring and on amenities offered by the City of San Diego. He suggested that in reviewing mooring fees in San Diego, the net cost should be considered for a true comparison.

Mayor Selich commented on the adoption of the current system, on the intent to amortize the "equity" and the issues considered in determining the rate including increasing affordability.

In reply to Mayor Pro Tem Dixon's question, Harbor Resources Manager Miller reported that since rates have been increasing, there have been only one or two people who have turned their moorings back into the City. He did not know how many mooring transfers had occurred, as this information doesn't go through his office.

Mayor Selich commented on Council Members interested in considering a change.

Council Member Petros indicated he would like to see what other harbors' rates are and would considering changing the transfer procedure.

Council Member Muldoon noted that the wait list is not required, by Code, and voiced his support of a more-reasonable market rate, mooring holders and their desire for the Avalon plan.

Council Member Curry noted that fees were not increased for fifteen years and that when they were adjusted, it appeared to be a large increase. He added that current fees are reasonable, given the overall alternatives. Additionally, he commented on the Avalon plan and the possibility of being assessed a possessory interest tax. He discussed the previous Council's consideration and actions as well as on transferring moorings and recommended allowing the Harbor Commission time to study the matter carefully.

Mayor Selich reiterated Council's interest in considering a change and referring the matter back to the Harbor Commission.

In response to City Manager Kiff's inquiry regarding whether or not to apply the next fee adjustment for moorings, Mayor Selich stated that staff should stick with the law that is currently on the books.

Regarding Commercial Piers, Mayor Selich noted that he did not hear any requests from Council to revisit the process.

Mayor Selich departed the Chambers. Mayor Pro Tem Dixon presided over the meeting.

Harbor Resources Manager Miller provided a PowerPoint presentation addressing Residential Piers, administrative fees, the Residential Pier "Footprint", Residential Pier Fees, Residential Pier Fees fully phased, Paper Permits, Current Terms, the Newport Beach Approach versus the State Lands Commission Approach, and options for Council's consideration.

Council Member Muldoon referenced a Settlement Agreement between dock owners and the City and suggested eliminating the gangway and the water area within a U-shaped dock from the rental calculations. He also suggested lowering rates.

Council Member Curry reported that when the State Lands Commission (SLC) imposed their fees, these resulted in a higher cost to dock owners under the SLC's administration. He added that the State is not obligated to spend that money in Newport Harbor but can spend it anywhere in the State. By virtue of the City's administration, the money can be focused on the Harbor, itself. He warned against creating a record that can be challenged by the SLC and others to extract money from the City to spend elsewhere.

Council Member Petros noted the need to tread cautiously so that funds are not taken away from the City. He suggested changing the language regarding seizure of docks and stated that the gangway is an encumbered piece of State lands and does not agree it should be removed. Regarding the U-shape, if it doesn't risk the ire of the SLC, the area over the water should be charged. Additionally, he commented on the rate, adding that he would accept the \$.50/square foot as long as the City does not lose its ability regarding stewardship of the Bay.

Council Member Peotter agreed and stated that the City should not risk the Tidelands.

Mayor Pro Tem Dixon stated that the permit should be adjusted, that removing the U-shaped area from the rental footprint makes sense and that rates should be fair.

Council Member Curry agreed with the issue regarding seizures and noted there has been input from multiple sources.

Brad Avery, Harbor Commissioner, noted that mooring owners pay a lot more than dock owners and commented on the increased value of homes with private docks.

Joy Brenner noted that Council's responsibility is to get the highest amount of income for City property. She added that no group has the right to ask for special privileges and that people should pay the right amount for the values they get.

Mark Sites agreed that the City should get fair value and noted that mooring permittees and dock owners pay different rates. He commented on various appraisals and offered a history of why fees did not increase for fifteen years.

Jim Parker commented on the number of residential docks that have been declared commercial, insurance requirements within the commercial lease template and an indemnity clause protecting the City against all risk. He noted the need to address commercial piers noting inequities and problems.

Discussion followed regarding enforcement being complaint-driven.

Brian Ouzounian noted the expenses of owning a dock and opined there seems to be a threat that the State will take away the City's rights.

In response to Council Member Petros' question, City Manager Kiff noted that the State Lands Commission staff watched the last Council meeting and will likely be watching this one.

Council Member Curry noted that more than \$6 million was invested from the General Fund into dredging and maintaining the Harbor. He added that renting private docks was not legal before Council took action and that the action provided an increase in value to dock owners. Council tried to balance the scales, carefully and tried to be equitable to all City taxpayers.

Brief discussion followed regarding the amount of revenues raised under the new rates for dock taxes.

City Manager Kiff noted that staff would return with a proposed ordinance to change to charge a phased-in rate of \$0.50/square foot, reinforce language that protects against dock seizures, keep gangways in the rental footprint and would consult with the SLC as to their thoughts on removing the water within the U of a U-shaped dock from the rental footprint. He added that he will return to Council with that information.

SS4. Utility Undergrounding District (UUD) 101: Update from Public Works about the UUD Process and Issues [100-2015]

Public Works Deputy Director Vukojevic provided a PowerPoint presentation addressing background, Governing Laws, Policies and Rules, Underground Utilities Districts, City Website Resources, History of Underground Utility Districts, Rule 20A Funds, Rule 20A History, Balboa Blvd. Underground Utility District, Other Future Rule 20A Projects, Rule 20B Projects, Rule 20B History, Current Potential 20B Projects, Utility Underground District Animation Examples, Current Rule 20B Procedure, Construction Details, Residential and Business Service Connections, Policy Guidance, Above Ground versus Below Ground, Council Policy L-28 and Next Steps.

Mayor Pro Tem Dixon thanked staff for its work on this item.

Council Member Peotter indicated he would like to see policy changes to encourage residents to develop Underground Utility Districts.

Joy Brenner stated she is willing to do anything possible to get underground utilities in her neighborhood. She noted concerns with safety and volunteered to help gather community input.

Dennis Baker expressed his interest in undergrounding utilities in his neighborhood and commented on the possibility of consolidating areas in which to do so. He addressed absentee landlords and owners and the different processes required for different neighborhoods.

Terry Janssen, Balboa Island Improvement District President, commented on the previous Council's consideration of the matter on Balboa Island and reported that when the matter went to a vote, Council decided to abstain on voting "yes" to assess City property in the proposed district and therefore, those interested in undergrounding utilities lost by two votes. He urged Council to vote to assess City property in upcoming districts. Additionally, he addressed the petition process noting the preponderance of non-owner occupied residences and difficulties in collecting signatures from absentee owners. He urged Council to reduce the 60% support threshold or eliminate the requirement for a petition.

Brian Ouzounian indicated his support of undergrounding utilities for the whole City except Balboa Island. He noted that Balboa Island is unique because it is under water and stated it is "insane" to place underground electrical equipment submerged under water. He added that the City has not studied submerged utilities past twenty years and addressed increased costs of undergrounding. He opined that the petition should be 80%.

Michael Smith agreed with Mr. Ouzounian and expressed concerns with increased costs of undergrounding.

Patty Gorsic, proponent for Assessment District 117 (AD 117), stated she supports reducing or eliminating the petition signature threshold to 50% and addressed increased assessments over the years. She urged the City to consider how costs may be reduced. She suggested that the City issue a Request for Proposals (RFPs) for assessment engineers and create a panel to select from. She commented on the use of municipal bonds and suggested that the City explore the use of bank financing, too. Additionally, she asked that the City consider an assessment deferral program.

Josh Yocum commented against changing the petition protocols involved with the assessment. He opined that the burden of engaging the community should rest on the shoulders of the proponents of the assessment.

Jeff Spinelli, Farmers and Merchants Bank, reported that his bank has reviewed some of the Undergrounding Utility proposals and is prepared to look at creative ways to help finance these for commercial and residential property owners.

Lee Pearl assured Council that there is a well-qualified committee on the Balboa Island going through the process. He added that they understand all of the issues and will work closely with staff and Southern California Edison.

As time was short, Mayor Selich directed staff to put this matter on the next Study Session Agenda.

III. PUBLIC COMMENTS

Susan Riddle commented on the Closed Session item regarding the *Vallely* case and rulings by various judges. She urged Council to continue the good fight for what is legal.

Jim Mosher commented on the Special Council Goal-Setting meeting and suggested meeting in Council Chambers instead of the Community Room. Additionally, he commented on the vote regarding the fire ring issue and referenced Council Policy A-10.

City Attorney Harp announced that the City Council will adjourn to Closed Session to discuss the items as listed in the Closed Session agenda and read the titles.

IV. CLOSED SESSION – 6:37 p.m.

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code § 54957.6)

Agency Designated Representatives: Dave Kiff, City Manager and Terri Cassidy, Deputy City Manager, Human Resources Director, Negotiators.

Employee Organizations: All Labor Associations: Association of Newport Beach Ocean Lifeguards (ANBOL); Newport Beach City Employees Association (NBCEA); Newport Beach Employees League (NBEL); Newport Beach Firefighters Association (NBFA); Newport Beach Fire Management Association (NBFMA); Newport Beach Lifeguard Management Association (NBLMA); Newport Beach Police Association (NBPA); Newport Beach Police Management Association (NBPMA); Newport Beach Professional and Technical Employee Association (NBPTEA); and Part-Time Employee Association of Newport Beach (PTEANB).

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code § 54956.9(d)(1)): 1 matter**

John Stephen Vallely v. City of Newport Beach
Orange County Superior Court Case No. 30-2013-00677168-CU-PT-CJC

V. RECESS

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

VII. ROLL CALL

Present: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

VIII. CLOSED SESSION REPORT - City Attorney Harp announced that Council Member Duffield recused himself from Item IV.B due to a potential business conflict.

IX. PLEDGE OF ALLEGIANCE - Council Member Duffield

X. INVOCATION - Council Member Peotter

XI. PRESENTATION - None

XII. NOTICE TO THE PUBLIC

XIII. CITY COUNCIL ANNOUNCEMENTS OR MATTERS WHICH COUNCIL MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)

Council Member Petros invited the public to attend a discussion regarding undergrounding utilities on January 28, 2015, at Newport Heights Elementary School.

Mayor Pro Tem Dixon announced that the Fire Department's Community Emergency Response Team (CERT) is having its annual awards banquet on Friday, January 30, 2015, 6:30 PM at OASIS. She added that the Fire Department had a successful blood drive and stated that the Red Cross thanks the City and its residents for the donations. She reported that the Fire Department was very busy in District 1, including a response to a boat fire last Friday and a residential structure fire on Sunday. She also announced the Dine Newport Beach Restaurant Week and encouraged residents to participate. She requested consideration of creating a Balboa Peninsula Overlay District to create additional performance standards for restaurants and/or bars that serve alcoholic beverages on the next agenda.

Council Member Muldoon announced that Habitat for Humanity has a program to assist low-income veterans and active duty military personnel in purchasing their homes or repairing existing homes.

Mayor Selich reported attending a recent dinner honoring all of the winners from the Boat Parade and thanked residents who participated.

XIV. PUBLIC COMMENTS ON CONSENT CALENDAR

City Manager Kiff reported that Items Nos. 23 (Direction to Staff on Corona del Mar Traffic By-Pass Evaluation Effort) and 26 (Defend the Water Quality Improvement Projects Agreement) were added to the Consent Calendar and referenced a memo clarifying the recommended action on these matters.

Jim Mosher referenced written comments he submitted regarding the Consent Calendar. He discussed Item No. 1 (Minutes for the January 13, 2015) and opined that the minutes do not reflect the action that was voted upon, and Item No. 14 (Confirm Appointments to the Finance Committee) noting posting requirements for vacancies. City Attorney Harp commented on the Maddy Act relative to unscheduled vacancies.

Barbara Peters reported on the minutes from the last meeting relative to fire rings noting that Council Member Peotter's motion was to implement the interim plan and that the long-term plan was not included in the motion. She suggested a fair review of the matter and noted that all beaches should be smoke-free, suggesting that Council move to throw out the interim plan. She reported that recently, fire rings were moved at Big Corona without Council direction.

Frank Peters commented on Item No. 14 relative to Council appointments to the Finance Committee and expressed concerns regarding the appointees' qualifications.

Carl Cassidy commented on Item No. 14 and read from the California Government Code regarding the matter. He addressed transparency as well as specific notice requirements relative to appointments to commissions and/or committees. He urged Council to carefully consider what the law says and stated that what Council proposed is inconsistent with what the people voted for and with transparency. Additionally, he addressed having one person participate on multiple committees.

City Attorney Harp reiterated that the Maddy Act applies to unscheduled vacancies on existing committees, not to new positions.

Mayor Selich reported that Mr. Cassidy's reference to one person participating in multiple committees concerns Planning Commissioner Larry Tucker and stated that Mr. Tucker's intent is to resign from the Planning Commission.

XV. CONSENT CALENDAR

A. READING OF MINUTES AND ORDINANCES

2. Reading of Ordinances

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

B. RESOLUTIONS FOR ADOPTION

3. Dinghy Rack Rental Rate [100-2015]

Adopt Resolution 2015-6, *A Resolution of the City Council of the City of Newport Beach Setting Rent for Dinghy Rack Rental Space at Balboa Yacht Basin Located upon Tidelands*, determining monthly rental rate for the dinghy racks at the Balboa Yacht Basin, and other future City dinghy rack locations such as Marina Park to be \$25.00 per month.

Council Member Duffield recused himself from this item due to a potential business conflict.

4. **Revision to Council Policy L-6, Permitting Artificial Turf in the Public Right-of-Way [100-2015]**
 - a) Approve the proposed revisions to Council Policy L-6; and
 - b) Adopt Resolution No. 2015-7, *A Resolution of the City Council of the City of Newport Beach Adopting Revised City Council Policy L-6.*

C. CONTRACTS AND AGREEMENTS

5. **Dolphin Deep Water Well Rehabilitation – Notice of Completion and Acceptance of Contract No. 5633 (A) (CAP14-0037) [38/100-2015]**
 - a) Accept the completed work and authorize the City Clerk to file a Notice of Completion;
 - 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 City Council acceptance.
6. **St. James Road Sewer Relocation and CDS Unit Installation - Notice of Completion and Acceptance of Contract No. 4910 (CAP12-0027) [38/100-2015]**
 - a) Accept the completed work and authorize the City Clerk to file a Notice of Completion;
 - 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 the applicable portions of the Civil Code; and
 - c) Release the Faithful Performance Bond one year after Council acceptance.
7. **2013-2014 Streetlight Improvement Project - Notice of Completion and Acceptance of Contract No. 5495 (CAP14-0016) [38/100-2015]**
 - 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.
8. **Back Bay View Park Maintenance - Award of Contract No. 5892 (CAP14-0021) [38/100-2015]**
 - a) Approve the project plans and specifications;
 - b) Award Contract No. 5892 to KASA Construction Inc. for the total bid price, including additive items 1 and 2, for a total award of \$310,400.00, and authorize the Mayor and City Clerk to execute the contract; and
 - c) Establish a contingency of \$31,400.00 (approximately 10%) to cover the cost of unforeseen work not included in the original contract; and
 - d) Approve Budget Amendment No. 15BA-027 appropriating \$13,000 from project savings from the San Miguel Park Restroom project CIP Account No. 7015-C1002044 to Back Bay View Park Account No. 7015-C4002013.
9. **Bayside Drive Storm Drain Litter Removal – Award of Contract No. 5954 (CAP15-0025) [38/100-2015]**
 - a) Approve the project plans and specifications;
 - b) Award Contract No. 5954 to Clarke Contracting Corp. for the Total Bid Price of \$328,100.00, and authorize the Mayor and City Clerk to execute the contract; and
 - c) Establish a contingency of \$33,000.00 (approximately 10% of Total Bid) to cover the cost of unforeseen work not included in the original contract.

Council Member Peotter recused himself from this item since he lives within 500-feet of the subject property.

10. Little Corona Infiltration Project – Approval of a Professional Services Agreement with RBF Consulting (C-6021) (CAP15-0035) [38/100-2015]

- a) Approve a Professional Services Agreement with RBF Consulting (RBF) of Irvine, California, to prepare a field survey, geotechnical testing, entitlement documents and construction documents for the Little Corona Infiltration Project at a not-to-exceed cost of \$109,925, and authorize the Mayor and City Clerk to execute the Agreement; and
- b) Approve Budget Amendment No. 15BA-028 unappropriating \$110,000 from 7231-C2502017 (Tidelands Funds) and appropriating \$125,000 from the unappropriated General Fund balance to 7012-C2502017 for Little Corona Infiltration project.

11. Temporary Employment Agreement – Planner (C-5788) [38/100-2015]

Authorize the City Manager to execute the Temporary Employment Agreement with retired employee Kay Sims to temporarily fill the position of a planner.

C. MISCELLANEOUS

12. Planning Commission Agenda for the January 22, 2015 Meeting [100-2015]

Receive and file.

13. Budget Amendment to Accept a Grant from OneOC and Appropriate Funds to the Tidepools Division in Fiscal Year 2014/2015 [100-2015]

Approve Budget Amendment No. 15BA-025 to accept the OneOC grant, increase revenue estimates by \$13,700 in account 4395-5901, and increase expenditure appropriations by the same amount to Division 4395 (Tidepools).

14. Confirm Appointments to the Finance Committee [100-2015]

- a) Confirm Mayor Selich's appointments of Council Member Keith Curry (Chair), Mayor Pro Tem Diane Dixon, and Council Member Tony Petros to serve on the Finance Committee;
- b) Confirm Mayor Selich's appointment of Larry Tucker to serve on the Finance Committee for a one-year term and waive Council Policy A-2, *Appointments to Boards, Commissions, and Committees*, only as it relates to serving on more than one City Board, Commission or Committee at any time; and
- c) Confirm Council Member Duffield's appointment of Jack Wu, Council Member Muldoon's appointment of John Warner, and Council Member Peotter's appointment of Bill McCullough to serve on the Finance Committee for a one-year term.

15. Request to Initiate a Zoning Code Amendment to Allow Increased Residential Building Height in West Newport Mesa [100-2015]

Direct staff to initiate a Zoning Code Amendment to allow increased residential building height in the Multiple Residential (RM) Zoning District in Statistical Area A2 of West Newport Mesa.

16. Request to Install Private Improvements within the Public Right-of-Way at 3225 Ocean Boulevard (C-6024) [38/100-2015]

- a) Waive Council Policy L-6, *Private Encroachments in the Public Rights-of-Way*, to allow a concrete stairway with retaining walls with a maximum height of 3.5-feet above stairway grade, a 24-inch square, 48-inch tall plastered concrete block mailbox, a 24-inch wide V-ditch swale, private landscaping and irrigation improvements and appurtenances that encroach in excess of 1-foot into the Ocean Boulevard right-of-way, contingent upon all conditions of the Encroachment Permit process being met; and
- b) Direct staff to enter into an Encroachment Agreement with the Owners and authorize the City Manager and City Clerk to execute the Encroachment Agreement within one (1) calendar year upon receipt of approval.

23. Direction to Staff on Corona del Mar Traffic By-Pass Evaluation Effort [100-2015]

Direct City staff to undertake the effort to research, develop and evaluate possible ways to provide for, and/or encourage vehicle traffic to by-pass or otherwise avoid using Pacific Coast Highway through Corona del Mar to travel to Irvine, the Airport Area or the greater Orange County areas and beyond from the Crystal Cove, Laguna Beach area or other points south; and visa-versa.

26. Defend the Bay Water Quality Improvement Projects Agreement Matter No. A13-00658 (C-6023) [38/100-2015]

Authorize the City Manager to execute the Defend the Bay Water Quality Improvement Projects Agreement.

Motion by Mayor Pro Tem Dixon, seconded by Council Member Peotter, to approve the Consent Calendar (including Items 23 & 26), except the items removed (Items 1 and 17); and noting the recusal to Item No. 3 by Council Member Duffield and recusal to Item No. 9 by Council Member Peotter.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR

1. Minutes for the January 13, 2015 Study Session and Regular Meeting [100-2014]

Council Member Curry noted that the minutes of the January 13, 2015, City Council meeting do not reflect the action taken by Council on the matter of Fire Rings (Item No. 14). At his request, a portion of the video from Council's last meeting was shown of Council Member Peotter's motion. He noted that there was no permanent plan approved by Council at that meeting and that the motion in the minutes bears no semblance to the actual motion, and incorrectly, extends the scope of the motion offered. He commented on the requirements regarding meeting minutes noting that they must reflect, accurately and truthfully, what happened during a meeting. He added this is not about fire rings, but rather the integrity of the City's process and City Council. Additionally, he stated that what was enacted at the last Council meeting was the temporary 30-ring plan as offered in the motion by Council Member Peotter and seconded by Council Member Muldoon. He noted that the presentation included seven alternatives for a permanent plan and if, as alleged, a permanent plan was approved, the specific alternative is unknown.

City Manager Kiff reported that following the meeting, staff interpreted the approved motion to reflect recommended actions A-D based on the totality of the discussion. At Council Member Curry's prompting, City Manager Kiff provided language for the Council to consider that would change the minutes to reflect that and deem that the next two actions (C and D) were included in the ending roll call vote. Council Member Curry indicated that staff should not be able to amend the minutes and say what they thought Council should have done, after the fact. He emphasized that A and B was what was voted on and approved.

Motion by Council Member Curry, seconded by Council Member Petros, to amend the minutes from the January 13, 2015, City Council meeting relative to Item No. 14, indicating the motion, made by Council Member Peotter and seconded by Council Member Muldoon, was to approve the interim plan (recommendations A and B only) relative to a 30-fire ring plan.

Council Member Petros noted that the motion approved was simply, an interim 30-ring plan and that is what the minutes should reflect. As it relates to a permanent plan, there was no discussion

nor was a CEQA determination made. He added that he will not reconsider the motion because he knows what Council voted for, which was a 30-ring plan. If the City would like to pursue a 60-ring plan, then someone who supports a 60-ring plan should move to reconsider and follow the proper processes dictated by the City and the State, to demonstrate the effects. Absent that, the City is on a slippery slope and has violated numerous "housekeeping" policies by this action.

Council Member Muldoon stated this is an issue of semantics and that he believes the clear intent of the majority is reflected in the minutes as written.

In response to an inquiry by Council Member Curry, City Attorney Harp stated that the minutes should reflect the actions taken at the meeting. He added that it is up to City Council to determine what the action was.

The motion failed by the following roll call vote:

Ayes: Council Member Petros, Council Member Curry, Mayor Pro Tem Dixon

Noes: Council Member Peotter, Council Member Duffield, Council Member Muldoon, Mayor Selich

Discussion followed regarding the proposed staff-revised minutes.

Council Member Peotter indicated he accepts the minutes, as written.

Motion by Council Member Peotter, seconded by Council Member Muldoon, to waive reading of subject minutes, approve as written in the staff report, and order filed.

Council Member Petros stated he cannot understand how it could be conceived that the motion, as written was what Council acted upon, especially when the correct motion was shown in the meeting video. He noted the need to demonstrate that all of the facts have been exposed in order to conclude that Council voted this way.

Council Member Curry stated he has never seen the integrity of the process compromised as much as it has at this time, by this. He noted the importance of protecting the integrity of the system and the integrity of the City's government and serving the people with integrity and transparency.

Council Member Muldoon reported that the matter was discussed at length, that City options were discussed and that the law is being followed.

Barbara Peters stated she is truly shocked and hoped that those watching will read about this in the papers, tomorrow. She noted that this is about the integrity of the process and expressed disappointment at the Mayor, urging him to not go down this road.

Jim Mosher agreed with Council Members Curry and Petros and stressed that the City Charter should be respected and that the meeting record should be accurate. He commented on the election of new Council Members and felt that they are squandering their goodwill and belief in their integrity. He wished that Council Members would rely on their common sense when they hear nonsensical advice from the City Attorney.

City Attorney Harp stated that it is City Council's policy that dictates that the City Council determines what happened at the meeting and what the minutes reflect.

Suzanne Sandmeyer stated she was at the last Council meeting and that she proposed no wood-burning fire rings at all. She added that was not discussed nor voted on by Council. She stated that everything that was discussed was not included in the motion nor voted on.

Council Member Curry reported that the minutes make reference to a permanent plan and asked whether Newport Dunes is part of the plan. City Manager Kiff responded affirmatively and stated that the Dunes staff members indicated they need to check with the Dunes' legal counsel. He added that generally, the Coastal Commission asks for one plan along with many alternatives, which is what has been posted on the website. He added that Council approved Plan No. 1 and that the alternatives are things that could be accepted in terms of the Coastal Commission's review.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

Noes: Council Member Petros, Council Member Curry

17. Request to Construct a New Driveway Within the Third Avenue Public Right-of Way Located at 521 Orchid Avenue in Corona del Mar [100-2015]

Public Works Director Webb introduced the item, noted the existence of a driveway on the site and deferred to staff for a report.

Senior Civil Engineer Keely provided a PowerPoint presentation addressing details of the request, location of the subject site, Council Policy L-2 Section C and exceptions, Conditions of Approval, existing conditions, proposed first-floor plan, proposed second-floor plan, the proposed design, examples of completed projects that do not comply with Council Policy L-2, examples of projects that comply with Council Policy L-2 and options for Council's consideration.

J. R. Walz, Architect, stated the request to waive Council Policy L-2 and offered to provide extra on-street parking in order to justify waiving the Policy. He addressed existing conditions, parking and options for consideration.

Council Member Peotter commented positively on having extra parking spaces and referenced Council Policy L-2.

Motion by Council Member Peotter to find that the project is in compliance with Council Policy L-2.

Public Works Director Webb noted there is a living space and restroom that go over the vertical plane in addition to the patio thereby violating Council Policy L-2. He added that all of the proposed parking spaces may not legally fit.

Amended motion by Council Member Peotter, seconded by Mayor Selich, to waive Council Policy L-2, *Driveway Approaches, Residential Zones and Residential Uses – Special Requirements*, Section C.3, and allow the request to construct a new driveway along the Third Avenue public right-of-way located at 521 Orchid Avenue in Corona del Mar.

Mayor Selich wondered if the Policy is being interpreted correctly and suggested clarifying the Policy in the future.

The amended motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Gerri Scherr, Newport Citizens for Responsible Growth, reported the group is comprised of residents representing five home owner associations around Corona del Mar High School and Middle School. She reported that the school district has approved funding for a track and field and additional bleachers and stated support for those improvements. However, she added that her group does not approve of the additional amenities because of existing problems with parking, congestion, and decreased property values as well as other negative impacts to the neighborhood.

Howard Cork, Director of the Newport Bay Conservancy, congratulated new Council Members on their elections and explained the importance of the City's active involvement in the Bay. He addressed the Conservancy's mission and work and invited Council Members to take a tour of the Bay.

Kurt Grossman reported inventing a new renewable energy technology in 2005 which is a power-generation and desalination technology. He referenced an email he sent to Council Members and explained his proposal.

Michael Glenn spoke regarding an approved Option to Lease for the former Balboa Market parking lot to ExplorOcean and opined that the Option to Lease gives away taxpayer property to an individual business and stated he would like the Council to revisit the issue.

Jim Mosher commented on the previous action relative to the minutes and the City Attorney's advice regarding appointments to the Finance Committee. He addressed scheduled and unscheduled appointments. Mayor Selich noted that the issue has been addressed and that it is no longer appropriate to comment on same.

Mr. Mosher commented on the City's proposed Local Coastal Program Implementation Plan and upcoming workshops providing opportunities for the public to comment on it. He expressed concerns that neither the public nor staff know if the majority of Council would support what is being presented to the public, since the majority of Council has not had a chance to review the document nor express an opinion about the draft plan. He suggested that a preliminary review of the document by full Council should occur before the planned workshops.

XVIII. ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Council Member Peotter reported attending the Orange County City Selection Committee meeting where Mayor Selich was suggested as a potential appointee to the California Coastal Commission. Additionally, Peotter reported attending training sessions for Transportation Corridor Agencies (TCA) and Orange County Vector Control District.

Council Member Petros announced an Aviation Committee meeting on February 2, 2015, at 5:00 PM, in the Community Room. Additionally, he announced an open house by the Balboa Village Advisory Committee (BVAC) on February 4, 2015, to collect input on plans for Balboa Village parking at the Balboa Pavilion at 6:00 PM.

Council Member Curry congratulated Huntington Beach Mayor Pro Tem Jim Katapodis, who was elected to the Orange County Transportation Authority (OCTA).

Mayor Selich announced public outreach meetings for the Local Coastal Program Implementation Plan on February 11th at OASIS from 7:00 to 9:00 PM. Other public outreach meetings will be held on February 18th in the Community Room and on February 25th and March 4th in the old Council Chambers.

XIX. PUBLIC HEARING

18. A Zoning Code Amendment to Modify the Standards and Process for Reviewing Building Additions to Nonconforming Structures (PA2014-083)

Community Development Director Brandt reported that staff will publish notice for this item, correctly, for the next City Council meeting. No action is required at this time.

XX. CURRENT BUSINESS

19. Discuss/Approve Harbor Commission Objectives for FY 2014-15 [100-2015]

Council Member Duffield recused himself due to a potential business conflict and departed the Chambers.

Harbor Resources Manager Miller introduced Harbor Commissioners Brad Avery, Chair and Doug West.

Harbor Commissioner Chair Avery and Commissioner West provided a PowerPoint presentation addressing the Harbor Commission's goals and objectives for FY 2014-15. Commissioner Avery thanked City Council for its continued interest in the Harbor. He reported that responsibility for each objective has been assigned to specific subcommittees and updates will be presented during Harbor Commission meetings by the Chair of each. They provided details of each objective including those to whom each has been assigned and status updates.

In response to an inquiry by Mayor Pro Tem Dixon, Commissioner West addressed the eelgrass plan and Regional General Permit #54 (RGP 54). He added that there is concern regarding the questions being raised on the eelgrass plan and that the City has engaged a consultant to help with the issue. Additionally, Commissioner Avery addressed Objective No. 4 and stated the intent is to work with businesses as well as meet the goals of the Harbor and Bay element of the General Plan.

Council Member Petros commented on Objective No. 10 and related actions in the City of San Diego. He hoped that the Harbor Commission will look at the example in San Diego to determine if it can be replicated in Newport Beach.

Council Member Peotter commented on Objective No. 9 and suggested that the Harbor Commission look at providing some sort of a regulatory structure that any entrepreneur could use for a water transit service.

Motion by Council Member Peotter, seconded by Council Member Petros, to approve the Harbor Commission's FY 2014-15 Objectives.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich
Recused: Council Member Duffield

Mayor Selich expressed his appreciation for the presentation and the work of the Harbor Commission.

20. Ebb Tide Project Relocation Impact Report for Property Located at 1560 Placentia Avenue (PA2014-151) [100-2015]

Community Development Director Brandt announced that American Sign-Language professionals are in the audience and will be providing interpretation services during the hearing. She added that there will be several presenters as part of staff's presentation.

Mayor Selich proposed receiving all presentations and having Council ask questions subsequently.

Assistant Planner Nueno provided a PowerPoint presentation addressing location, existing conditions, intention of the applicant to close the park and a requirement to prepare a Relocation Impact Report (RIR). She reported that the City retained a consultant to review the RIR and deferred to the applicant for a presentation.

Sunti Kumjim, representing the applicant, reported retaining a consultant, Overland, Pacific & Cutler, to prepare the RIR, provide relocation counseling services and administer benefits to residents. He addressed the consultant's area of expertise and experience and provided information regarding their attorney, Mark Alpert.

Michele Folk, Overland, Pacific & Cutler, described the requirements and components of the RIR and noted that they are included in the subject RIR.

Peter Rhoad, Paragon Partners, provided an overview of his company and addressed the scope of the assignment, review of the report, available housing, determination of reasonable relocation costs, and determination of sufficiency/compliance.

Sunti Kumjim addressed the number of mobile homes currently in the park and the types of space rental agreements. He reported meeting with most of the mobile home owners and noted that most of the statements that will be made by them will be of hardship and perceived unfairness. He addressed multiple outreach meetings to encourage an open dialogue and to facilitate understanding of the park closure process, referenced private relocation agreements and listed services that have been provided outside what is required.

Council Member Petros noted that the park is owned by a private party who initiated the sale of their asset. Mr. Kumjim affirmed.

June Maier, Secretary of Ebb Tide Mobile Home Park Home Owners Association, stated there are major problems with the RIR and stated that it must be voted "no" and must be revised. Specifically, she reported that it has been pushed to Council way too fast, the report excluded mobile home appraisals and there is no clear timeline indicating when the funds will be distributed. She noted that it was not disclosed that without appraisals, any mobile home owner with a single wide coach will receive only \$9,000 and everyone with a double wide coach will receive only \$14,500. She urged Council to table the matter until Council has time to find out more about what is being proposed in terms of providing "reasonable compensation".

Maria Tirado reported that she was never given any information in Spanish. She stated that she is confused and depressed and does not know what she will do.

Rosa Barrios reported that she has a baby who was born prematurely and depends on a special machine to breathe. She added that it is difficult for her to find a home in the short amount of time they have been given as there are many requirements in order to move the baby and equipment. She indicated that she just found out that the park had been sold last month and she asked for Council's consideration to be given more time and to be fair.

Mario De La O, asked for more time because of problems moving his special-needs baby. He claimed financial hardships and reported that they were never given any information in Spanish.

Myriam Reyes stated she never received any information in Spanish and has been unable to attend meetings because of her job. She reported that her son passed away last year and noted financial hardships.

Jeff Wolfe stated that the matter is more than relocation but rather his life being torn apart. He reported that he was offered \$35,000 and in looking in the area, he has been unable to find anything less than \$65,000. He reported he is just looking for fair compensation and urged Council to slow down the process so that they can be compensated fairly.

Mary Jo Baretich, commented on the purpose of the RIR and claimed it is lacking. She noted that relocation includes moving the homeowners into homes of equal value and that currently the RIR only offers homeowners fixed payments of between \$9,000 and \$14,000 to abandon the units or remove the mobile homes at their own costs. She noted the cost of comparable mobile homes in other parks and reported that the RIR is poorly written and should be revised and offered to help in doing so.

Antonio Cutts stated he is a veteran and stated that the money that is being offered is unfair. He asked for fair compensation.

David Szecsei expressed concerns regarding the accuracy of the RIR relative to the park closure and reported that a timeline for payments of benefits has not been provided or clearly defined.

Saul Wolf, representing various home owners, commented on procedural inadequacies in the RIR relative to notice of tonight's meeting adding that he has not seen any proof of service. He requested tabling this item until the issue has been solved and adequate notice has been provided. He addressed the lack of a timeline for distribution of benefits, the definition of relocation costs and insufficient compensation for relocation. He asserted that the RIR needs to be amended to provide increased detail and options for homeowners with appropriate compensation. He commented on the mobile home overlay district section of the Municipal Code in terms of requirements to address impacts and a phase-out plan.

Sunti Kumjim, addressed noticing activities and proof of service.

Mark Alpert, Attorney, reported there is no legal requirement in conjunction with providing a Spanish translation of the RIR or noticing. He added that relocation agreements will be provided in English and Spanish.

Sunti Kumjim noted that the park is not in a mobile home park overlay district.

Community Development Director Brandt reported that the prescribed procedures have been complied with and followed. Staff is comfortable that the RIR complies with the State's mandate relative to the applicant providing the reasonable costs of relocation and presented options available to Council in terms of actions to be taken at this time.

City Attorney Harp reported that the closure report references a July 2015 date for closure but that State law provides that closure can only occur at least six months after the change of use so there will be sufficient time for everyone to get their affairs in order before the move.

In response to Council Member Curry's question, City Attorney Harp reported that the resident will have six months from the date of approval of entitlements.

City Attorney Harp addressed noticing and reported that proof is contained in the administrative file. There is no requirement that the RIR be translated into Spanish but the applicant provided translation services for those needing a translator.

Council Member Peotter addressed relocation costs and in response to his question, City Attorney Harp reported there is no legal requirement that relocation costs equal in-place value.

Community Development Director Brandt explained the differences between relocation costs and in-place value. She referenced a report regarding a mobile home park in the City of Costa Mesa and added that the closure report specifies that the applicant in Costa Mesa provided over-and-beyond what the State law required in terms of compensation but that is something that the applicant in Costa Mesa chose to do in the Costa Mesa example. She reiterated there is nothing in State law that requires the payment of in-place value.

Council Member Petros noted that the impetus for this is a private party interested in disposing of their asset. He addressed Council's purview at this time and commented on the RIR and review of same. He addressed triggers moving forward and the time available after approval of entitlements.

Motion by Council Member Petros, seconded by Mayor Pro Tem Dixon, to a) find that the application is not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061.b.3 of the State CEQA Guidelines; and b) adopt Resolution No. 2015-8, *A Resolution of the City Council of the City of Newport Beach Determining that the Ebb Tide Project Relocation Impact Report is Sufficient Pursuant to Government Code Section 65863.7 for the Closure of the Ebb Tide Mobile Home Park Located at 1560 Placentia Avenue (PA2014-151)*.

Council Member Muldoon expressed concerns regarding notice and suggested that it would be advantageous to facilitate more private side agreements between the applicant and tenants. Therefore he proposed continuing the Council's action for two more weeks.

Substitute motion by Council Member Muldoon, seconded by Council Member Peotter, to continue the item for two weeks to allow for more time for the negotiation of voluntary side agreements, as well as for noticing purposes.

Council Member Curry stated he is not aware that private side agreements are a requirement of this process. He hoped that the applicant will be flexible enough to accommodate those who may have language or other difficulties.

Discussion followed regarding private side agreements.

Council Member Petros noted that the matter tonight is not about timing but rather the adequacy of the RIR. He added that relocation agreements must be signed within 60 days of Council's action.

Discussion followed regarding the possibility of extending those 60 days to 75 days.

In response to Council Member Peotter's inquiry, Community Development Director Brandt addressed next steps and their timing.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon
Noes: Council Member Peotter, Council Member Petros, Council Member Curry, Mayor Selich

The original motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Mayor Pro Tem Dixon, Mayor Selich, Council Member Muldoon

21. Agreement to Purchase Two Fire Engines (C-6022) [38/100-2015]

Motion by Council Member Curry, seconded by Council Member Petros, to approve the agreement with Pierce Manufacturing, Incorporated, of Appleton, Wisconsin, for the purchase of two 2015 Pierce Fire Engines for a total cost of \$1,246,218.05.

In response to Mayor Pro Tem Dixon's question, Municipal Operations Department Co-Director Pisani reported that the vehicle replacement schedule has not been revised since 2001. He added that the list could stand to be updated.

Discussion followed regarding extending the useful life of vehicles.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

22. 2014-2015 Streetlight Improvement Project – Award of Contract No. 5818 (CAP15-0014) [38/100-2015]

Motion by Council Member Peotter, seconded by Council Member Curry, to a) approve the project plans and specifications; b) reject the low bid received from Horizons Construction Company International, Inc. (Horizons) as non-responsive; c) award Contract No. 5818 to Elecnor Belco Electric, Inc. (Belco), for the total bid price of \$930,484.00, and authorize the Mayor and the City Clerk to execute the contract; d) establish a contingency of \$94,516.00, approximately 10 percent, to cover the cost of unforeseen work; and e) approve Budget Amendment No. 15BA-026 appropriating \$80,000.00 from Account No. 7015-C1002044 (General Fund project savings from San Miguel Park Restroom project) to Account No. 7013-C2201000 (General Fund Streetlight Replacement program).

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

24. Balboa Yacht Basin Management – Approval of a Professional Services Agreement with Basin Marine, Inc. (C-4708) [38/100-2015]

Motion by Council Member Curry, seconded by Council Member Petros, to approve a five (5) year Professional Services Agreement with Basin Marine, Inc., of Newport Beach, California, to manage the Balboa Yacht Basin at a not to exceed cost of \$895,200.00, including maintenance expenses, and authorize the Mayor and City Clerk to execute the Agreement.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

25. Big Canyon Restoration Wetlands Project – Approval of Professional Services Agreement with Burns & McDonnell (C-6023) (CAP15-0018) [38/100-2015]

Council Member Petros commented on this as a significant milestone.

Motion by Council Member Petros, seconded by Mayor Pro Tem Dixon, to authorize the approval of a Professional Services Agreement with Burns & McDonnell of Brea, California, to prepare a biological field survey; perform geotechnical testing; prepare California Environmental Compliance Act (CEQA) documents, permit applications and construction documents; provide coordination assistance with resource agencies; and perform construction services for the Big Canyon Restoration Wetlands Project at a not-to-exceed price of \$599,750.00 and authorize the Mayor and City Clerk to execute the Agreement.

The motion carried by the following roll call vote:

Ayes: Council Member Peotter, Council Member Petros, Council Member Curry, Council Member Duffield, Council Member Muldoon, Mayor Pro Tem Dixon, Mayor Selich

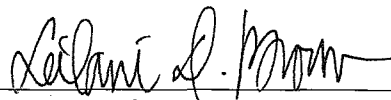
XXI. MOTION FOR RECONSIDERATION – None

For the record, Council Member Curry noted that a request was received to reconsider the vote on the fire rings (January 13, 2015 City Council Meeting – Item 14) from the Corona del Mar Residents Association, from the Central Newport Association and the West Newport Association, from organized sports teams that utilize the beach and from residents of the Blackies Beach area.

Council Member Petros reiterated that he knows what he voted for and what was approved and if there is anyone who would like to memorialize a permanent plan, properly, this would be the time to do so.

XXII. ADJOURNMENT – 10:16 p.m.

The agenda for the Regular Meeting was 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 January 22, 2015, at 4:00 p.m.



Recording Secretary



Mayor



City Clerk

