



CITY OF NEWPORT BEACH TIDELANDS MANAGEMENT COMMITTEE AGENDA

OASIS Senior Center, 801 Narcissus, Corona Del Mar, 92625

Classroom No. 1 (different room than usual)

Wednesday, January 16, 2013, 4:00 PM to 6:00 PM (2 Hours)

Tidelands Management Committee – Council Members:

Mike Henn – Chair Nancy Gardner Ed Selich

Citizens Advisory Panel:

Linda Beimfohr John Corrough Win Fuller
Terry Hartman Jeff Herdman Jerry King
Don Lawrenz Doug West

Staff Members:

Dave Kiff Rob Houston Michael Torres
Chris Miller Shannon Levin

- 1) **CALL MEETING TO ORDER** – Welcome and Introductions
- 2) **ROLL CALL**
- 3) **PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 4) **APPROVAL OF MINUTES** – November 28, 2012
- 5) **CURRENT BUSINESS**

A. Segregating Harbor Fee Increases for Harbor Related Projects

The Committee will finalize a recommendation to Council for segregating the recent harbor fee increases to be used for harbor related projects only.

B. Tide Control Structure at the Harbor Entrance – Conceptual Review

The Committee will hear a presentation by Dr. Dale Berner, President of Ben C. Gerwick Company, on the conceptual idea of a tide control structure in the harbor entrance channel.

C. User Fees for Newport Harbor

The Committee will explore the concept of developing harbor user fees.

Meetings of the Tidelands Management Committee which include the Citizens' Advisory Panel are open to the public. The public may comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person. It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

6) ROUNDTABLE OR ADDITIONAL PUBLIC COMMENTS

7) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

- Update on replenishing the harbor's bay beaches

8) DATE AND TIME FOR NEXT MEETING:

Wednesday, February 20, 2013

9) ADJOURNMENT

Newport Harbor Fund ("Fund") Proposal

- 1) Fund Creation** Seek the consent of the State Lands Commission ("SLC") to establish a Newport Harbor fund as a subset of the Tidelands Capital Fund created by Section 2(a) of the Beacon Bay Bill.
- 2) Fund Revenue** On an annual basis, the City Council shall deposit into the Fund, the net incremental rent and fees received by the City from: (1) the Balboa Yacht Basin as a result of Resolution No. 2010-134, or any successor resolution; (2) existing moorings as a result of Resolution No. 2010-132 and Resolution No. 2011-5, or any successor resolutions; (3) new or revised Newport Harbor tidelands leases for those properties listed in Attachment "A", attached hereto and incorporated by reference; (4) existing large commercial marinas as a result of Resolution No. 2012-96, or any successor resolution; (5) existing commercial tidelands uses resulting from Resolution No. 2012-98, or any successor resolution; and (6) existing residential piers resulting from Resolution No. 2012-120, or any successor resolution. For purposes of this Fund, a change in ownership, lessee, permittee or amount of tidelands used shall not affect the allocation of revenue into the Fund provided the underlying use remains the same.
- 3) Net Incremental** To determine the amount of net incremental rent or fees received by the City, the rent or fees charged immediately preceding the year in which the initial increase in rent or fees is charged under such resolution(s) shall be used as the base (*i.e.*, if an increase, or series of increases, begin to take effect in 2013, 2012 should be used as the base, *etc.*). The base year shall remain unchanged following a harbor-wide appraisal (*i.e.*, if 2012 is the base year for large commercial marinas and an appraisal occurs in 2018, 2012 shall remain the base year for purposes of this Fund). For revised permits or leases that are in replacement of a prior lease or permit, the amount of increase under the revised permit or lease, compared to the most recent annual accounting of income under the old lease or permit shall be deposited.
- 4) Fund Uses** The Fund may be used by the City to: (1) reimburse the General Fund for monies loaned to the tidelands funds for Newport Harbor improvements and maintenance activities; and (2) pay for the improvements and maintenance activities

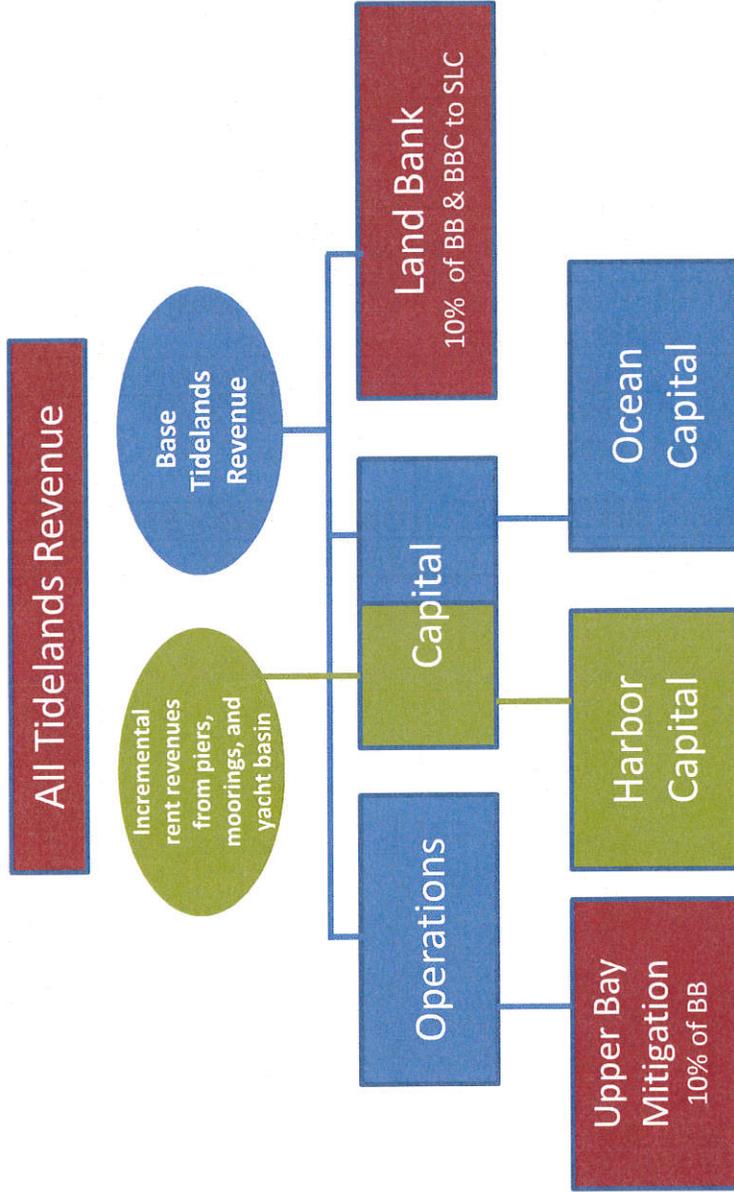
provided in the Five-Year Tidelands Capital Plan for Newport Harbor ("Plan") as approved by the City Council on November 27, 2012, as it may be updated and amended from time to time by the City Council after consideration at publicly noticed City Council meetings.

Attachment "A"

Harbor Tidelands Leases

<u>Property/Lease Name</u>	<u>Address</u>
American Legion	215 East 15 th Street
Bahia Corinthian Yacht Club	1601 Bayside Drive
Balboa Bay Club	1221 West Coast Highway
Balboa Island Ferry	78 Agate Ave. 401 Palm St.
Basin Marine	829 Harbor Island Drive, #A
Galley Café	829 Harbor Island Drive
Golden Hills Property, LLC (OC Dock/Harbor Marina)	3333 West Coast Highway
Heritage Yacht Sales	829 Harbor Island Drive
Lido Island Community Association (Antibes Marina)	701 Via Lido Soud
San Pedro Bait Barge	Channel Harbor Entrance
Schock Boats	29 th Street end

Tidelands Funds



BB and BBC represents Beacon Bay and Balboa Bay Club respectively.

Tidelands Management Committee

Committee Action Minutes – DRAFT UNTIL APPROVED

Meeting Date: Wednesday, January 17, 2013 – 4:00 p.m. @ Oasis Room 1

ATTENDANCE: Council Members Nancy Gardner and Ed Selich.

Citizens Advisory Panel: John Corrough, Jeff Herdman, Win Fuller, Linda Beimfohr, Doug West, Terry Hartman.

City Staff: Dave Kiff, Rob Houston, Steve Montano, Dave Webb, Shannon Levin, Michael Torres and Chris Miller.

1. The meeting was called to order at 4:00 p.m. by Council Member Gardner.

2. Public Comments on Non-Agenda Items.

A comment was received regarding the seawall and dredging schedules for the Grand Canal. Jim Mosher commented on Harbor charges and Proposition 218.

3. Minutes

Minutes approved.

4. Current Business

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B. Tide Control Structure at the Harbor Entrance – Conceptual Review. The Committee heard a presentation by Dr. Dale Berner, President of Ben C. Gerwick Company, on the conceptual idea of a tide control structure in the harbor entrance channel.

C. User Fees for Newport Harbor

All presentations and handouts available online at www.newportbeachca.gov/CityManager.

5. Topics for Future Agendas.

- Bay Beach Replenishment
- Tidelands Revenues

6. Next Meeting. The Committee set its next meeting for February 202013, at 4:00 p.m. at the OASIS Senior Center.

7. Adjournment around 5:15 PM.

The agenda for January 16, 2013 Regular Meeting was posted on Friday January 11th at 3:45PM on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on January 11th at 4:05PM.



Tidelands Management Committee Chair

DECLARATION OF POSTING

On Friday, January 11, 2013, at 3:45 p.m., under penalty of perjury, I posted the Agenda for the

Regular City Council Meeting of _____

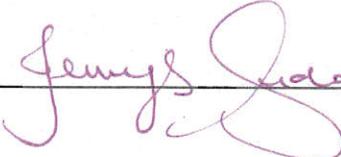
Study Session (Adjourned Regular Meeting) of _____

Special Meeting of _____

Adjourned Regular Meeting of _____

Tidelands Management Committee Meeting of Wednesday, January 16, 2013 at 4:00 p.m.

pursuant to the Brown Act Amendments (effective January 1, 1987), on the City Hall bulletin board located outside of Building B, 3300 Newport Boulevard, Newport Beach.

Posted by: 

DECLARATION OF POSTING City Website

On Friday, January 11, 2013, at 4:05 p.m., under penalty of perjury, I posted the Agenda for the

Regular City Council Meeting of _____

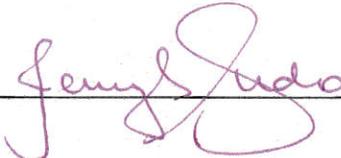
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Special Meeting of _____

Adjourned Regular Meeting of _____

Tidelands Management Committee Meeting of Wednesday, January 16, 2013 at 4:00 p.m.

pursuant to the Brown Act Amendments (effective January 1, 1987), on the Internet under the appropriate BCC name (Agendas and Minutes page):
(<http://www.newportbeachca.gov/index.aspx?page=703>)

Posted by: 



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DECLARATION OF POSTING

On February 15, 2013, at 4:51 p.m., under penalty of perjury, I posted the Meeting **Cancellation Notice** for the

- Regular Tidelands Management Committee meeting of February 20, 2013.
- Study Session (Adjourned Regular Meeting) of _____
- Special Meeting of _____
- Adjourned Regular Meeting of _____
- _____ Meeting of _____

pursuant to the Brown Act Amendments (effective January 1, 1987), on the City Hall bulletin board located outside of Building B, 3300 Newport Boulevard, Newport Beach.

Posted by: Shirley Oborny

DECLARATION OF POSTING

City Website

On February 15, 2013, at 4:21 p.m., under penalty of perjury, I posted the **Meeting Cancellation Notice** for the

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- Special Meeting of _____
- Adjourned Regular Meeting of _____
- _____ Meeting of _____

pursuant to the Brown Act Amendments (effective January 1, 1987), on the Internet under the appropriate BCC name (Agendas and Minutes page): (<http://www.newportbeachca.gov/index.aspx?page=703>)

Posted by: Shirley Oborny

