CITY OF NEWPORT BEACH
CORONA DEL MAR BUSINESS IMPROVEMENT DISTRICT BOARD AGENDA

100 Civic Center Drive, Corona del Mar Conference Room, 1E

Thursday, June 23, 2016 - 7:30 AM

Corona del Mar Business Improvement District Board Members:

Bernie Svalstad, Chairman
Scott Laidlaw, Vice Chairman
Keith Dawson, Treasurer
Jessica Prause, Secretary
Hamid Kianipur, Director
Scott LaFleur, Director
Shawn Lim, Director
Edward Hanley, Director
Jim Walker, Director

Staff Members:

Mary Locey, Management Analyst

The Corona del Mar Business Improvement District meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Corona del Mar Business Improvement District agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Business Improvement District and items not on the agenda but are within the subject matter jurisdiction of the Corona del Mar Business Improvement District. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Mary Locey, Management Analyst, 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) 644-3031 or mlocey@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT
Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Manager's Office 24 hours prior to the scheduled meeting.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Corona del Mar Business Improvement District (CDM BID) Advisory Board of Directors. 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 CdM BID Advisory Board of Directors 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.

IV. CURRENT BUSINESS

A. Approval of Minutes

Summary:
Review of the draft meeting mintues from April 28, 2016 and May 26, 2016.
Recommended Action:
Board to approve the meeting minutes from April 28, 2016 and May 26, 2016.

Attachment-CdM BID Draft April 28 Meeting Minutes

Attachment-CdM BID Draft May 26 Meeting Minutes

B. City Council Report

Summary:
Oral report(s) from present City Council member(s).
Recommended Action:
None

C. CdM Business District Parking (Walker/Hanley/Laidlaw)

Summary:
The BID's Parking Subcommittee to present its status report and date of presentation to the CdM Residents Association.
Recommended Action:
None

D. Newspaper Racks

Summary:
Board to review the proposed Ordinance to amend the City's Municipal Code Section 5.70 Newspaper Racks and Stands and the Guidelines for the Fixed Pedestal Zone in Corona del Mar.
Recommended Action:
Board to recommend the proposed Ordinance to amend the City's Municipal Code Section 5.70 Newspaper Racks and Stands and the Guidelines for the Fixed Pedestal Zone in Corona del Mar be submitted for consideration by the City Council.

Attachment-News Racks Proposed Ordinance-Draft

Attachment-Fixed Pedestal Guidelines-Draft

E. Financial Report (Svalstad)

Summary:
A. Review of the BID's current financial reports.
B. BID renewal status update
Recommended Action:
A. None
B. None

Attachment-CdM BID Financial Reports for May 2016

F. "Explore Corona del Mar" District Marketing Campaign (Leonhard)

Summary:
The Board is interested in starting a year-round "Explore Corona del Mar " marketing campaign to encourage locals and visitors to come and explore Corona del Mar.

A. Board to review the proposed year-round campaign.
B. Board to review allocating the appropriate amount of funding to support the year-round campaign.
C. Board to recommend for City Council consideration waiving Council Policy L-16 Temporary Banners Extending Over the Public Right-of-Way to allow the non-exclusive, year-round display of streetlight banners supporting the campaign.
Recommended Action:
A. Board to recommend approval of the year-round marketing campaign "Explore Corona del Mar".
B. Board to allocate appropriate funding to support the year-round campaign.
C. Board to recommend for City Council consideration waiving Council Policy L-16 Temporary Banners Extending Over the Public Right-of-Way to allow the non-exclusive, year-round display of streetlight banners supporting the campaign.

G. Dekra-lite Contract (Leonhard)

Summary:
A. Board to review recommending the City enter into a sole-source, multi-year agreement with Dekra-lite for the BID's holiday decorations and streetlight banner program through January 2019.
B. Board to review including the new marketing campaign banners "Explore Corona del Mar", if previously approved by the Board, in the Dekra-lite agreement.
Recommended Action:
A. Board to recommend that the City enter into a multi-year agreement with Dekra-lite for the BID's holiday decorations and streetlight banner program through January 2019.
B. Board to recommend the City include the new marketing campaign streetlight banners "Explore Corona del Mar" in the agreement to cover the banner printing and installation/removal of the banners.

H. Explore Corona del Mar Sidewalk Sale and Walk (Leonhard)

Summary:
Board to review event details and a cooperative cost share not-to-exceed $1,000 with the Corona del Mar Chamber of Commerce.
Recommended Action:
Board to allocate funding not-to-exceed $1,000 to cost share the "Explore Corona del Mar Sidewalk Sale" event expenses with the Corona del Mar Chamber of Commerce.

I. Marketing and Administration Report (Leonhard)

Summary:
A. Business District Marketing meetings - Review of monthly/bi-monthly District Business Meetings.
B. Board to nominate and vote on approval of award recipient.
C. Website development status update.
D. BID marketing collateral update.
Recommended Action:

A. None
B. Board to nominate a business and vote on approval of a Beautification Award recipient.
C. None
D. None

J. Corona del Mar Chamber of Commerce Report (Leonhard)

Summary:
Corona del Mar Chamber of Commerce programs and community updates.
Recommended Action:
None

VI. BOARD/COMMITTEE/COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

VII. ADJOURNMENT

Next meeting scheduled for July 28, 2016

Minutes of the
Corona del Mar Business Improvement District
Board Meeting

April 28, 2016
City of Newport Beach City Hall
Corona del Mar Conference Room, 1st Floor, Bay E
100 Civic Center Drive, Newport Beach, CA

I. Call to Order

Chairman Svalstad called the meeting to order at 7:33am.

II. Roll Call

Chairman Svalstad called the roll, and everyone in the room introduced themselves.

Board Members Present:
Chairman Svalstad, Treasurer Dawson, Secretary Prause; Director Walker; Director LaFleur, Director Hanley, Director Kianipur, Director Lim

BID Consultants:
Linda Leonhard, BID Marketing Consultant and Administrative Services (Corona del Mar Chamber of Commerce)

Guests:
Council Member Scott Peotter, Sergio Avila (Avila's El Ranchito), Maribel Avila (Avila's El Ranchito), Helmut Reis (Rothschild's Restaurant), Heidi Patricola (Rothschild's Restaurant), Danielle Rivas and Jim Mosher

III. Public Comments on Agenda Items

Mr. Sergio Avila and Ms. Maribel Avila, from Avila's El Ranchito, as well as Mr. Helmut Reisf and Ms. Heidi Patricola, from Rothschild's Restaurant, commented on the ongoing progress of the MacArthur Gateway project. It was both parties understanding that a circular design incorporating outside dining was the purpose of the project. However, the current design being created by the City appears to wipe out any possibility of outside dining. Avila's brought architectural renderings showing a different design allowing for a proposed outdoor patio with indoor/outdoor space and dog-friendly dining at their restaurant. The goal of both Avila's El Ranchito and Rothschild's Restaurant is to ensure that the original plan for the project, which includes outdoor dining for the adjacent restaurants, is implemented. Both parties were seeking the involvement of the BID in the ongoing design/build of the Gateway/MacArthur project.

IV. Approval of Minutes

Mr. Jim Mosher commented that the discussion regarding electricity to the median for the Gateway Project was out of order in the minutes from where it was scheduled in the Agenda for the March 24, 2016 Board Meeting. If an item is heard out of order, he recommended that the minutes reflect that the item was moved to a different time during the meeting.

MOTION: Treasurer Dawson made a motion to approve the March 28, 2016 Board Minutes with a revision of "dey palms" to "date palms". Chairman Svalstad seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Laidlaw, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

V. Current Business

a. **City Council Report:** Council Member Peotter reported that project Greenlight was in violation of its approved use and had converted hotel units to dwelling units. Greenlight has stated that this is not their

intent. Additionally, Mr. Keith Curry has been removed as the Chair of the Newport Beach Finance Committee, and Mr. Tony Petros is the new Chair.

b. BID Project Updates:

i. CDM Business District Parking – (Walker)

Director Walker reported that a meeting was held with Dan Matusiewicz from the City Finance Department. The parking meter concept is not popular with Corona del Mar residents. The residents are concerned that meters may push traffic into the residential areas and discourage shopping in the business district. By contrast, the BID feels that meters are the vehicle with which to receive revenues that can long-term solve the Corona del Mar parking problem. The purpose of the meters would be to finance a parking structure or lot. Director Walker proposed forming a committee, including someone from the Residents' Association on the committee, and conducting outreach to the community through the committee so that the BID can push forward with parking meters. Mr. Dan Matusiewicz feels that parking meters (or alternatively pay stations) in Corona del Mar will gross $500,000 per year. A City of Newport Beach/Corona del Mar split of proceeds from the parking fees has not yet been determined.

MOTION: Director Walker made a motion to hold an outreach meeting and receive feedback from the residents and business owners in Corona del Mar regarding paid parking in the CdM Business District. Treasurer Dawson seconded the Motion.

Chairman Svalstad recommended coordinating the date of the Corona del Mar parking outreach meeting with Ms. Mary Locey. It was decided that the best time to conduct the meeting would be in the first week of June. Council Member Peotter recommended meeting with individuals from the Corona del Mar Residents Association prior to the meeting. He also stated that meters were not required if the BID does not want meters. Council Member Peotter stated an alternative would be encourage the redevelopment of sites with restaurants by having government incentives to encourage other businesses (such as banks) give after-hours parking to the restaurants. It was also emphasized that the Residents Association would highly oppose any parking meters and want to keep the Business District the way that it is. In preparing for any meeting, it will be necessary to make the case to the residents that the Business District needs to keep changing in order to keep it vibrant and give concrete examples in support. For instance, it would be helpful to have examples of businesses that were going to locate in the Business District but elected not to because of strict parking requirements.

AMENDED MOTION: Director Walker made an amended motion to use the next BID Board meeting to focus on parking issues and strategy for outreach to the Corona del Mar Residents Association and Community. Director Hanley seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

ii. Tree Well Maintenance Status Update – (Svalstad)

The BID Board reviewed and discussed the current maintenance proposal from Pinnacle Landscape Company.

MOTION: Director Walker made a motion to approve the maintenance proposal. Treasurer Dawson seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

iii. **Newspaper Racks**
The BID and City continue to move forward with the new newspaper racks for Corona del Mar.

c. **Financial Report – (Svalstad)**
It was reported that because the BID still has $20,000 carry over, it can likely still contract for the new flower street signs previously proposed for the PCH and Flower Street intersections. Treasurer Dawson reported that he had received positive feedback from the community pertaining to this project.

MOTION: Director Walker made a motion to receive and file the financial report. Treasurer Dawson seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

d. **Reduction in BID Penalty Fees (Svalstad)**
The BID Board reviewed reducing the BID assessment penalty fee structure to align with the City's revised Municipal Code Section 5.04.

MOTION: Director Kianipur moved to reduce the BID assessment penalty fee structure to align with the City's revised Municipal Code Section 5.04. Director Walker seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

Discussion ensued if the reduction in the BID assessment penalty fee structure would be retroactive. BID members proposed potentially contacting members affected by this change to alert them that they their penalties had possibly been reduced, if it was in fact retroactive, and advise them to forward payment accordingly.

e. **Marketing and Administrative Contract Renewal**
Chairman Svalstad excused himself and left the room and BID Board meeting for this item. Treasurer Dawson took over as Chair during his absence. The BID Board reviewed the renewal of the Marketing and Administrative Contract with the Corona del Mar Chamber for FY 2016/17.

Mr. Jim Mosher commented that Chairman Svalstad had a conflict of interest related to this item and recused himself from his position during its discussion and voting on it. He noted that Ms. Linda Leonhard remained in the room during the discussion of her contract for the Chamber of Commerce and stated that, by contrast, the Newport Beach City Manager leaves the room when his contract is discussed.

MOTION: Secretary Prause made a motion to renew the Marketing and Administrative Contract with the Corona del Mar Chamber for 2016/17 and for the BID to recommend the City enter into a contract agreement for services under same with the Chamber. Director Kianipur seconded the Motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

f. **BID's FY 2015-16 Annual Report and Budget for FY 2016/17 (Svalstad)**
The BID Board reviewed the BID's fiscal year 2015/16 Annual Report and revised budget for fiscal year 2016/17 for submittal to City Council. Mr. Jim Mosher commented that the City's support of the newspaper racks documented on pp. 5 of the report is not shown on pp. 6 of the report. Mr. Jim Mosher also noted that, on Balboa Island, the City pays for all City improvements and also gives each merchant $45,000 annually. As such, Corona del Mar merchants and BID members may wonder if they are receiving a fair deal in Corona del Mar.

MOTION: Director Hanley made a motion to submit the revised budget for fiscal year 2016/17 to City Council. Director Walker seconded the Motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

g. BID FY 2016-17 Board Nominations (Svalstad)

The Board reviewed the applications for FY 2016-17 Corona del Mar Board of Directors.

MOTION: Director Kianipur made a motion recommending the following seven nominees for City Council appointment: Bernie Svalstad, Scott Laidlaw, Keith Dawson, Hamid Kianipur, Scott LaFleur, Shawn Lim and Jim Walker. Director Hanley seconded the motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

h. Marketing and Administration Report (Leonhard)

Ms. Leonhard reported that the website proposal for the Corona del Mar BID is on the City Attorney's desk, and it should be completed within the week. Another meeting was held with the retailers of Corona del Mar, and Ms. Leonhard is putting together a marketing budget for the local retailer marketing programs. Finally, Ms. Leonhard advised that the BID brochures will need to be updated since some of the projects therein are completed, and new projects are on the horizon.

i. CdM Chamber Report (Leonhard)

Ms. Leonhard reported that there is an upcoming ribbon cutting ceremony at the new Electric Bikes store. They sell several high-end electric bike models. She also reported this new merchant and Pedego are aware of the bike/sidewalk regulations.

VI. Corona del Mar BID Announcements or Matters which Members Would Like Placed on a Future Agenda for Discussion or Action or Report (Non-Discussion Items)

None.

VII. Public Comments on Non-Agenda Items

None.

VIII. Next Meeting

The next BID meeting is scheduled for May 26, 2016.

IX. Adjournment

MOTION: Director Walker made a motion to adjourn the meeting. Director Hanley seconded the Motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Prause

The meeting adjourned at 9:18am.

Corona del Mar Business Improvement District
Board Meeting Minutes – May 26, 2016
City of Newport Beach Civic Center
Corona del Mar Conference Room, 1st Floor, Bay E, 100 Civic Center Drive, Newport Beach, CA

I. Call to Order

Chairman Svalstad called the meeting to order at 7:30am.

II. Roll Call

Chairman Svalstad called the roll, and everyone in the room introduced themselves.
Board Members Present: Chairman Svalstad, Treasurer Dawson, Director Walker, Director LaFleur, Director Hanley, Director Kianipur, Director Lim
BID Consultants: Linda Leonhard, BID Marketing and Administrative Services Consultant (Corona del Mar Chamber of Commerce)
Guests: Council Member Scott Peotter, Michael Pilsitz, CDMRA; Bryce Mott, CDMRA; Danielle Rivas, Michelle Peschel, Christina Rotusznik, Jim Mosher.

III. Public Comments on Agenda Items

Mr. Mosher commented that John Wayne Day has been established by the City and inquired if the BID will be acknowledging this day annually with an event or tribute.

IV. Approval of Minutes

Director Svalstad reported that the April 28, 2016 Board Meeting Minutes were not present due to Secretary Prause being ill and the minutes will be placed on the next agenda for review and approval.

V. Current Business

a. City Council Report: (Peotter)

Councilman Peotter reported on city updates.

b. CdM BID Accounting and Financial Services (Locey)

Director Svalstad recused himself from the room and turned the meeting over to Director Laidlaw. Director Walker also recused himself from this agenda item and left the room. Mary Locey, City Management Analyst/BID Liaison, reported that the City conducted a request for qualifications (RFQ) for providing the BID bookkeeping services. Presentations were made to the board by Steve Rosansky with the Newport Beach Chamber of Commerce and Linda Leonhard dba Community Business Solutions. The board deliberated on the presentations and cost of services.

MOTION: Director Hanley made a motion to recommend the City enter into an agreement with Community Business Solutions to provide the BID bookkeeping services. Motion was seconded by Director Dawson.

The motion carried by the following roll call vote:
Ayes: Dawson, Hanley, Kianipur, Lim, Laidlaw
Noes: LeFleur

The Board considered the request to the City Council increase BID funding to $40,000 through the fiscal year 2017-2018.

MOTION: Director Kianipur made a motion to recommend that the City Council increase its annual funding to $40,000. Motion was seconded by Director LaFleur.

The motion carried by the following roll call vote:
Ayes: Dawson, Hanley, Kianipur, Lim, Laidlaw, LaFleur

Directors Svalstad and Walker re-entered the room and Director Laidlaw turned the meeting back over to Director Svalstad.

c. CdM BID Fiscal Year 2016-2017 Board Nominations (Svalstad)

Director Svalstad reported that BID board applicant, Beverly Johnson had notified him this morning that she will be rescinding her application due to personal obligations that will prevent her from fulfilling board obligations at this time.

d. Marketing and Administration Report (Leonhard)

1. **Website Development Agreement**. Ms. Leonhard reported that she has received the Website Development Agreement from the City and will be finalizing contracts and moving forward on the website project in mid-June.

2. **Cooperative District Marketing Campaigns**. Ms. Leonhard reported that regular monthly or bi-monthly meetings have been established with the business district retailers to increase communications and provide information and feedback. The retailers are very enthusiastic to participate in marketing campaigns and events that will bring foot traffic into the district. Due to the lack of time on the agenda, Ms. Leonhard will be explaining the "Explore CdM" marketing campaign she is working on in further detail on the June agenda.

3. **BID Brochures and Member Decals.** Ms. Leonhard reported that the BID's tri-fold brochures will be updated and printed in time for the July billing and for handouts throughout the year. Also being updated are the BID's Member Decals.

e. Cdm Business District Parking (Walker/Hanley/Laidlaw)

The BID's Parking Subcommittee showed a power-point presentation illustrating the committee's direction with establishing a parking plan. The Board reviewed and discussed details and it was suggested the presentation be shown next to the Corona del Mar Resident's Association.

MOTION: Director Laidlaw made a motion to make a parking presentation at the next CDMRA Board meeting to gather feedback. Motion was seconded by Director Hanley.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Laidlaw

VI. Corona del Mar BID Announcements or Matters which Members Would Like Placed on a Future Agenda for Discussion or Action or Report (Non-Discussion Items)

None.

VII. Public Comments on Non-Agenda Items

None.

VIII. Next Meeting

The next BID meeting is scheduled for June 23, 2016.

IX. Adjournment

MOTION: Director Kianipur made a motion to adjourn the meeting. Director Walker seconded the Motion.

The motion carried by the following roll call vote:
Ayes: Svalstad, Dawson, Walker, LeFleur, Hanley, Kianipur, Lim, Laidlaw

The meeting adjourned at 9:20am.

Corona del Mar Business Improvement District
Balance Sheet
As of May 31, 2016

	May 31, 16
ASSETS	
Current Assets	
Checking/Savings	
Bill.com Money Out Clearing	30.00
Bank Balance	109,269.72
Total Checking/Savings	109,299.72
Accounts Receivable	
1200 · Accounts Receivable	-956.64
Total Accounts Receivable	-956.64
Total Current Assets	108,343.08
TOTAL ASSETS	**108,343.08**
LIABILITIES & EQUITY	
Equity	
3900 · Retained Earnings	65,282.95
Net Income	43,060.13
Total Equity	108,343.08
TOTAL LIABILITIES & EQUITY	**108,343.08**

Corona del Mar Business Improvement District
Budget vs. Actual
July 2015 through June 2016

	Jul '15 - Jun 16	Budget	$ Over Budget
Ordinary Income/Expense			
Income			
City Matching Funds	20,000.00	20,000.00	0.00
Late Fees	3,736.52	0.00	3,736.52
Member Assessment	100,689.25	106,000.00	-5,310.75
Total Income	124,425.77	126,000.00	-1,574.23
Expense			
Highway Decor - Dekralite			
Contigency	0.00	3,000.00	-3,000.00
Holiday Decor (Contract)	18,578.05	21,000.00	-2,421.95
Banner Program (Lite Pole)	6,384.82	5,178.00	1,206.82
Total Highway Decor - Dekralite	24,962.87	29,178.00	-4,215.13
Website			
Website - Content Dev / Consult	1,331.25	6,000.00	-4,668.75
Website - Developer	0.00	10,000.00	-10,000.00
Total Website	1,331.25	16,000.00	-14,668.75
Marketing & Admin SVC Contract			
Contingency	0.00	5,000.00	-5,000.00
Consulting (Reporting)	10,974.54	21,200.00	-10,225.46
Website Hosting	1,800.00	2,500.00	-700.00
Membership decals	612.00	1,200.00	-588.00
Annual Meeting	2,342.44	600.00	1,742.44
Social Media	318.75	2,500.00	-2,181.25
Meeting Facility/Storage/Phone	3,600.00	3,500.00	100.00
Beautification Award Program	825.00	600.00	225.00
Dolphins	496.94	600.00	-103.06
Christmas Walk	3,500.00	3,500.00	0.00
Directory	7,500.00	7,500.00	0.00
Collateral/Brochures	1,131.60	1,600.00	-468.40
Marketing Campaigns & Programs	6,294.03	12,000.00	-5,705.97
Total Marketing & Admin SVC Contract	39,395.30	62,300.00	-22,904.70
Streetscape			
Street Furniture (Racks/Bench)	0.00	5,000.00	-5,000.00
Street Furniture (Maintenance)	580.00	1,000.00	-420.00
Total Streetscape	580.00	6,000.00	-5,420.00
Landscaping			
Landscaping Contingency	948.00	4,500.00	-3,552.00
Landscaping/Tree Wells - Pinn.	11,440.00	12,480.00	-1,040.00
Backflow Valve	1,611.00	2,000.00	-389.00

Corona del Mar Business Improvement District
Budget vs. Actual
July 2015 through June 2016

	Jul '15 - Jun 16	Budget	$ Over Budget
Total Landscaping	13,999.00	18,980.00	-4,981.00
6100 · Administration			
Mailings	600.74	1,400.00	-799.26
Total 6100 · Administration	600.74	1,400.00	-799.26
Improvements			
Gateway Project	0.00	20,000.00	-20,000.00
Consulting / Studies	0.00	2,900.00	-2,900.00
Parking	0.00	3,000.00	-3,000.00
Marguerite Project	2,200.00	8,900.00	-6,700.00
Total Improvements	2,200.00	34,800.00	-32,600.00
Outreach			
Community Workshops	0.00	842.00	-842.00
Contributions (Sherman Gardens)	0.00	500.00	-500.00
Total Outreach	0.00	1,342.00	-1,342.00
Total Expense	83,069.16	170,000.00	-86,930.84
Net Ordinary Income	41,356.61	-44,000.00	85,356.61
Other Sources/Uses			
Other Sources			
Retained Earnings (Carryover from Prior Years)	65,282.95	44,000.00	21,282.95
Total Other Sources	65,282.95	44,000.00	21,282.95
Net Other Sources/Uses	65,282.95	44,000.00	21,282.95
Total Equity	**106,639.56**	**0.00**	**106,639.56**

3:34 PM

06/14/16

Cash Basis

Corona del Mar Business Improvement District
Expenses by Vendor Detail
July 2015 through May 2016

Date	Source Name	Memo	Account	Paid Amount
Corona Del Mar Chamber				
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Meeting Facility/Storage/Phone	300.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website Hosting	150.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Consulting (Reporting)	806.25
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Beautification Award Program	318.75
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Meeting Facility/Storage/Phone	300.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website Hosting	150.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Consulting (Reporting)	937.50
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Annual Meeting	35.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Meeting Facility/Storage/Phone	300.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website Hosting	150.00
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Consulting (Reporting)	529.69
08/26/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Marketing Campaigns & Progr...	93.75
08/26/2015	Corona Del Mar Chamber	Dolphin DÃ©cor Reimbursement	Dolphins	215.69
08/26/2015	Corona Del Mar Chamber	Annual Town Meeting: Member Invitations, Beverage...	Annual Meeting	1,039.51
08/28/2015	Corona Del Mar Chamber	Contract for Professional Services - July 2015	Meeting Facility/Storage/Phone	300.00
08/28/2015	Corona Del Mar Chamber	Contract for Professional Services - July 2015	Website Hosting	150.00
08/28/2015	Corona Del Mar Chamber	Contract for Professional Services - July 2015	Beautification Award Program	93.75
08/28/2015	Corona Del Mar Chamber	Contract for Professional Services - July 2015	Consulting (Reporting)	787.50
08/28/2015	Corona Del Mar Chamber	CDM BID Tri-Fold Brochures: Quantity 1,000	Collateral/Brochures	1,131.60
08/28/2015	Corona Del Mar Chamber	CDM BID Membership Window Decals 2015/2016	Membership decals	612.00
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Meeting Facility/Storage/Phone	300.00
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website Hosting	150.00
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Consulting (Reporting)	768.75
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website - Content Dev / Consult	543.75
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Meeting Facility/Storage/Phone	300.00
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website Hosting	150.00
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Consulting (Reporting)	431.25
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Dolphins	56.25
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Mailings	258.66
10/21/2015	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative ...	Website - Content Dev / Consult	318.75
10/21/2015	Corona Del Mar Chamber	37th Annual Corona del Mar Christmas Walk Co-op ...	Christmas Walk	3,500.00
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Meeting Facility/Storage/Phone	300.00
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Website Hosting	150.00
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Consulting (Reporting)	581.25
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Social Media	93.75
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Marketing Campaigns & Progr...	187.78
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Beautification Award Program	93.75
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Website - Content Dev / Consult	356.25
12/21/2015	Corona Del Mar Chamber	Contract for Professional Services (November 2015)	Mailings	72.72
01/21/2016	Corona Del Mar Chamber	Business District Holiday Ad Campaign	Marketing Campaigns & Progr...	6,012.50
01/21/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative...	Meeting Facility/Storage/Phone	300.00
01/21/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative...	Website Hosting	150.00
01/21/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative...	Consulting (Reporting)	1,351.10
01/21/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative...	Dolphins	150.00
01/21/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Administrative...	Mailings	154.84
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (January 2016)	Meeting Facility/Storage/Phone	300.00
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (January 2016)	Website Hosting	150.00
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (January 2016)	Consulting (Reporting)	1,181.25
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (January 2016)	Beautification Award Program	93.75
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Meeting Facility/Storage/Phone	300.00
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Website Hosting	150.00
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Consulting (Reporting)	1,143.75
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Mailings	114.52
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Social Media	56.25
04/13/2016	Corona Del Mar Chamber	Contract for Professional Services (February 2016)	Dolphins	75.00
05/10/2016	Corona Del Mar Chamber	Contract for Professional Marketing Services - 2016 ...	Directory	7,500.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Meeting Facility/Storage/Phone	300.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Website Hosting	150.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Consulting (Reporting)	1,275.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Social Media	75.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Meeting Facility/Storage/Phone	300.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Website Hosting	150.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Consulting (Reporting)	1,181.25
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Website - Content Dev / Consult	112.50
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Beautification Award Program	225.00
05/20/2016	Corona Del Mar Chamber	Contract for Professional Marketing & Admin Service...	Social Media	93.75
05/20/2016	Corona Del Mar Chamber	Annual Town Meeting	Annual Meeting	1,267.93
Total Corona Del Mar Chamber				41,327.29
Dekra - Lite				
07/01/2015	Dekra - Lite	Scenic 5K Banners, Installation, Removal & Storage ...	Banner Program	1,712.50
07/22/2015	Dekra - Lite	"Christmas Walk" and "Happy Holidays" Banners	Banner Program (Lite Pole)	1,479.90
07/22/2015	Dekra - Lite	Refurbish Holiday DÃ©cor/Installation, Removal, Stor...	Holiday Decor (Contract)	9,289.02
02/24/2016	Dekra - Lite	"Christmas Walk" and "Happy Holidays" Banners	Banner Program (Lite Pole)	1,479.90
02/24/2016	Dekra - Lite	Labor, installation, removal, and storage of holiday d...	Holiday Decor (Contract)	9,289.03
Total Dekra - Lite				23,250.35

Corona del Mar Business Improvement District
Expenses by Vendor Detail
July 2015 through May 2016

Date	Source Name	Memo	Account	Paid Amount
Flotech Certified Backflow				
03/03/2016	Flotech Certified Backflow	CDM Improvement. Test and certify backflows. Disas...	Backflow Valve	1,611.00
Total Flotech Certified Backflow				1,611.00
J.M.Rabun Company				
08/26/2015	J.M.Rabun Company	Labor Services at Corona del Mar, Bike Stands. Rel...	Street Furniture (Maintenance)	420.00
Total J.M.Rabun Company				420.00
Newport Mesa Powder Coating				
11/06/2015	Newport Mesa Powder Coating	Bike Rack (for CDM Village) Powder Coating	Street Furniture (Maintenance)	160.00
Total Newport Mesa Powder Coating				160.00
Pinnacle				
08/26/2015	Pinnacle	Monthly Maintenance Services (June)	Landscaping/Tree Wells - Pinn.	1,040.00
08/26/2015	Pinnacle	Monthly Maintenance Services (July)	Landscaping/Tree Wells - Pinn.	1,040.00
09/17/2015	Pinnacle	Monthly Maintenance Services (August)	Landscaping/Tree Wells - Pinn.	1,040.00
10/21/2015	Pinnacle	Monthly Maintenance Service (September 2015)	Landscaping/Tree Wells - Pinn.	1,040.00
10/21/2015	Pinnacle	Installation of one battery operated controller in valve ...	Landscaping Contingency	185.00
12/10/2015	Pinnacle	Monthly Maintenance Service (October 2015)	Landscaping/Tree Wells - Pinn.	1,040.00
12/11/2015	Pinnacle	Monthly Maintenance Service (November 2015)	Landscaping/Tree Wells - Pinn.	1,040.00
12/21/2015	Pinnacle	Repair irrigation at several areas between poinsettias...	Landscaping Contingency	420.00
01/21/2016	Pinnacle	Monthly Maintenance Service (December 2015)	Landscaping/Tree Wells - Pinn.	1,040.00
02/24/2016	Pinnacle	Two Battery Operated Controllers & Seven 10-Volt B...	Landscaping Contingency	343.00
05/10/2016	Pinnacle	Monthly Maintenance Service (April 2016)	Landscaping/Tree Wells - Pinn.	1,040.00
05/10/2016	Pinnacle	Monthly Maintenance Service (February 2016)	Landscaping/Tree Wells - Pinn.	1,040.00
05/10/2016	Pinnacle	Monthly Maintenance Service (January 2016)	Landscaping/Tree Wells - Pinn.	1,040.00
05/10/2016	Pinnacle	Monthly Maintenance Service (March 2016)	Landscaping/Tree Wells - Pinn.	1,040.00
Total Pinnacle				12,388.00
Rabben/Herman Design Office				
02/24/2016	Rabben/Herman Design Office	PCH/Marguerite Ave Intersection Improvements	Marguerite Project	1,980.00
04/20/2016	Rabben/Herman Design Office	PCH/Marguerite Ave Intersection Improvements	Marguerite Project	220.00
Total Rabben/Herman Design Office				2,200.00
TOTAL				**81,356.64**

Corona del Mar Business Improvement District
Check Detail
May 2016

Type	Num	Date	Name	Item	Account	Paid Amount	Original Amount
Bill Pmt -Check	**Bill.c...**	**05/10/2016**	**Pinnacle**		**Bill.com Money O...**		**-1,040.00**
Bill	36430	04/05/2016			Landscaping/Tree ...	-1,040.00	1,040.00
TOTAL						-1,040.00	1,040.00
Bill Pmt -Check	**Bill.c...**	**05/10/2016**	**Pinnacle**		**Bill.com Money O...**		**-1,040.00**
Bill	36431	04/05/2016			Landscaping/Tree ...	-1,040.00	1,040.00
TOTAL						-1,040.00	1,040.00
Bill Pmt -Check	**Bill.c...**	**05/10/2016**	**Pinnacle**		**Bill.com Money O...**		**-1,040.00**
Bill	36432	04/05/2016			Landscaping/Tree ...	-1,040.00	1,040.00
TOTAL						-1,040.00	1,040.00
Bill Pmt -Check	**Bill.c...**	**05/10/2016**	**Pinnacle**		**Bill.com Money O...**		**-1,040.00**
Bill	36501	04/05/2016			Landscaping/Tree ...	-1,040.00	1,040.00
TOTAL						-1,040.00	1,040.00
Bill Pmt -Check	**Bill.c...**	**05/10/2016**	**Corona Del Mar C...**		**Bill.com Money O...**		**-7,500.00**
Bill	16818	04/13/2016			Directory	-7,500.00	7,500.00
TOTAL						-7,500.00	7,500.00
Bill Pmt -Check	**Bill.c...**	**05/20/2016**	**Corona Del Mar C...**		**Bill.com Money O...**		**-1,267.93**
Bill	16823	05/09/2016			Annual Meeting	-1,267.93	1,267.93
TOTAL						-1,267.93	1,267.93
Bill Pmt -Check	**Bill.c...**	**05/20/2016**	**Corona Del Mar C...**		**Bill.com Money O...**		**-2,062.50**
Bill	16830	05/10/2016			Meeting Facility/St...	-300.00	300.00
					Website Hosting	-150.00	150.00
					Consulting (Reporti...	-1,181.25	1,181.25
					Website - Content ...	-112.50	112.50
					Beautification Awa...	-225.00	225.00
					Social Media	-93.75	93.75
TOTAL						-2,062.50	2,062.50
Bill Pmt -Check	**Bill.c...**	**05/20/2016**	**Corona Del Mar C...**		**Bill.com Money O...**		**-1,800.00**
Bill	16832	05/10/2016			Meeting Facility/St...	-300.00	300.00
					Website Hosting	-150.00	150.00
					Consulting (Reporti...	-1,275.00	1,275.00
					Social Media	-75.00	75.00
TOTAL						-1,800.00	1,800.00

CITY NATIONAL BANK
The way up.®

Account #: [redacted]

This statement: May 31, 2016
Last statement: April 29, 2016

Contact us:
800 773-7100

Orange CO Airport Office
18111 Von Karman Ave., Ste. 100
Irvine CA 92612

cnb.com

023 0830N
CITY OF NEWPORT BEACH
(CDM BID)
100 CIVIC CENTER DR
NEWPORT BEACH CA 92660

Analyzed Business Checking

Account Summary	
Account number	[redacted]
Minimum balance	$107,316.72
Average balance	$114,166.99
Avg. collected balance	$114,166.00

Account Activity			
Beginning balance (4/29/2016)			$124,107.15
Credits		+ $0.00	
Debits	Checks paid (0)	- 0.00	
	Electronic db (2)	- 16,790.43	
	Other debits (0)	- 0.00	
	Total debits		- $16,790.43
Ending balance (5/31/2016)			$107,316.72

ELECTRONIC DEBITS

Date	Description	Debits
5-10	Preauthorized Debit BILL.COM PAYABLES 015MRUHLPGGEW7E CORONA DEL MAR BID CCD	11,660.00
5-20	Preauthorized Debit BILL.COM PAYABLES 015TXKYKNBGJBYB CORONA DEL MAR BID CCD	5,130.43

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount	Date	Amount
4-29	124,107.15	5-10	112,447.15	5-20	107,316.72		

Thank you for banking with Orange CO Airport Office

Chapter 5.70

NEWSPAPER RACKS AND STANDS*

Sections:

5.70.010 Intent and Purpose.
5.70.015 Definitions.
5.70.020 Freestanding Newsrack Permits.
5.70.025 Requirements and Duties.
5.70.030 Special Requirements for Newsracks Along Marine Avenue on Balboa Island.
5.70.032 Designation of a Fixed Pedestal Zone in Corona del Mar.
5.70.035 Display of Certain Matter Prohibited.
5.70.040 Display of Harmful Matter.
5.70.045 Costs.
5.70.050 Removal of Freestanding Newsracks.
5.70.055 Appeals and Calls for Review.
5.70.060 Severability; Supplemental Provisions.

5.70.010 Intent and Purpose.

The City Council of the City of Newport Beach hereby finds that Freestanding Newsracks, have proliferated and increased in certain areas of the City of Newport Beach to the extent that in some instances they constitute a threat to public health, safety and welfare by impeding pedestrian traffic and interfering with ingress and egress to and from buildings, vehicles and public modes of transportation.

The City of Newport Beach finds Marine Avenue, on Balboa Island, to be an extremely popular tourist destination with unusually high pedestrian and vehicular traffic volumes in the summer months and holidays. There is a proliferation of Freestanding Newsracks along Marine Avenue on Balboa Island resulting in undue interference with pedestrian and traffic circulation and increased safety hazard. Due to unique problems along Marine Avenue on Balboa Island, it is necessary to specifically limit the number of locations and spaces for Freestanding Newsracks.

The City of Newport Beach further finds that Corona del Mar is an extremely popular destination with unusually high pedestrian and vehicular traffic volumes, year round. There is a proliferation of Freestanding Newsracks in Corona del Mar which has caused congestion of public sidewalks, impeded the flow of pedestrian traffic, interfered with the use of Public Rights-of-Way, presented hazards to persons and property, and contributed to the litter problems of public sidewalks and streets. In addition, the City of Newport Beach finds that the proliferation of Freestanding Newsracks has resulted in visual blight, based on the large number and varying design of the Freestanding Newsracks, the poor maintenance of Freestanding Newsracks and the virtually unrestricted placement of Freestanding Newsracks on the Public Right-of-Way in Corona del Mar. To promote the public health, safety and welfare and the aesthetic qualities of Corona del Mar, it is necessary to eliminate Freestanding Newsracks and utilize Fixed Pedestal Units.

The purpose of this chapter is to promote the public health, safety, and welfare through the regulation of placement, appearance, number, size, and servicing of Freestanding Newsracks on the Public Right-of-Way so as to:

A. Provide for pedestrian and driving safety and convenience;

B. Insure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;

C. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs or signals, hydrants, mailboxes, and access to locations used for public transportation services;

D. Reduce visual blight on the Public Right-of-Way, and protect the aesthetics of store window displays, public landscaping and other improvements;

E. Maintain and protect the value of surrounding properties;

F. Reduce exposure to the City related to personal injury or property damage claims; and

G. Protect the right to distribute and disseminate Publications as protected by the State and Federal constitution.

It is not the intent of this chapter to in any way discriminate against, regulate, or interfere with the printing, circulation, distribution, or dissemination of any Publication.

5.70.015 Definitions.

A. "Corona del Mar" means the Public Right-of-Way within fifty feet (50') of both sides of East Coast Highway from Avocado Avenue to Poppy Avenue.

B. "Director" means the Director of the Department of Public Works or his or her designee.

C. "Fixed Pedestal Unit" means an assembly which is of a type, design or model approved by the Director and which contains one (1) or more self-service or coin-operated boxes, containers, storage units or other dispensers installed, used or maintained for the display, vending, sale or distribution, with or without charge, of any Publication, and which is attached to the Public Right-of-Way in accordance with the provisions of this chapter and provided and maintained by the City.

D. "Fixed Pedestal Zone" means any area designated in this chapter as a Fixed Pedestal Zone where the distribution of Publications is restricted to Fixed Pedestal Units installed in a style and manner approved by the Director.

E. "Freestanding Newsrack" means any self-service or coin-operated, freestanding box, stand, container, storage unit or other similar newspaper or vending dispenser or

device placed, installed, used or maintained on any Public Right-of-Way for the display, vending, sale or distribution, with or without charge, of any Publication, and which is not a Fixed Pedestal Unit authorized under this chapter.

F. "Historically Present Publication" means a Publication that, according to the survey completed prior to Initial Implementation of a Fixed Pedestal Zone, was identified as being located in the Fixed Pedestal Zone, and was distributed from at least one (1) Freestanding Newsrack situated in the Fixed Pedestal Zone.

G. "Initial Implementation" means the transition period from Freestanding Newsracks to Fixed Pedestal Units and shall include the selection of locations for initial Fixed Pedestal Units in the Fixed Pedestal Zone; the allocation of Newsrack Box space within those Fixed Pedestal Units to persons or entities that have had Historically Present Publications and, if possible, to other interested persons or entities; the installation of the Fixed Pedestal Units, and the removal of all Freestanding Newsracks from the Fixed Pedestal Zone.

H. "Newsrack Box" means the individual space within a Fixed Pedestal Unit that dispenses one (1) or more Publications, including the door, coin return mechanism and associated hardware which is maintained by the permit holder.

I. "Public Right-of-Way" means any public property, such as public streets, highways, roadways, sidewalks, parkways or alleys, used or intended for use, by the travelling public, whether vehicular or pedestrian, located within the City of Newport Beach.

J. "Publication" means any newspapers, periodicals, publication or other printed material.

5.70.20 Freestanding Newsrack Permits.

A. A Freestanding Newsrack permit issued in accordance with this chapter shall be required prior to the installation, placement or maintenance of any Freestanding Newsrack which in whole or in part rests upon, in or over any Public Right-of-Way. No Freestanding Newsrack Permit shall be issued for any Freestanding Newsrack proposed to be located in a Fixed Pedestal Zone. Unless located in a Fixed Pedestal Zone, a new Freestanding Newsrack permit shall not be required for any Freestanding Newsrack that complies with the provisions of this chapter and has a valid permit in effect on the adoption date of the ordinance codified in this chapter.

B. A written application for a Freestanding Newsrack permit shall be filed with the Director, and shall contain the following information:

1. The name, address, and telephone number of the applicant and owner of the Freestanding Newsrack.

2. The name, address, and telephone number of a representative or other responsible person whom the City may notify or contact at any time concerning the applicant's Freestanding Newsrack.

3. The number of Freestanding Newsracks at the street address of the proposed location of each as shown on a scaled drawing of the proposed location.

4. A diagram of the location proposed for the installation of the Freestanding Newsrack(s).

5. Names of the Publications to be contained in each Freestanding Newsrack.

6. Type or brand of Freestanding Newsrack, including description of the Freestanding Newsrack and mount, if other than K-Jack Style Mount Model 100.

C. Each application for a Freestanding Newsrack permit shall be accompanied by an application fee as established by resolution of the City Council.

D. Upon a finding the applicant is in compliance with the provisions of this chapter, the Director may issue a Freestanding Newsrack permit at a location approved by the Traffic Engineer. If a permit is denied, the applicant shall be notified in writing of the specific cause of such denial by the Director and the right to appeal in accordance with Section 5.70.055 of this chapter.

E. An application for a Freestanding Newsrack permit shall be approved, or conditionally approved, unless:

1. The Freestanding Newsrack is located in a Fixed Pedestal Zone.

2. The proposed Freestanding Newsrack projects onto, into or over any part of the roadway or public street, or which rests, wholly or in part, upon, along or over any portion of the roadway or public street;

3. The proposed Freestanding Newsrack is to be installed in whole or in part, in or over any sidewalk or parkway; and

a. The Freestanding Newsrack, in its proposed location, would endanger the safety of persons or property; or

b. The proposed location is used for public utility purposes, public transportation purposes or other public use; or

c. The proposed Freestanding Newsrack would unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects present at or near said location; or

d. The proposed Freestanding Newsrack would interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

F. In addition to the provisions of this chapter, the Director is authorized to place any necessary conditions which promote the public health, safety and welfare on the approval of a Freestanding Newsrack permit.

5.70.025 Requirements and Duties.

A. Any Freestanding Newsrack which, in whole or in part, rests upon, in or over any sidewalk, shall substantially comply with the following:

1. Freestanding Newsracks located near a curb shall be placed not less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb. Freestanding Newsracks placed adjacent to the rear of the sidewalk shall be placed parallel to the wall and at least six (6) inches from the wall.

2. Freestanding Newsracks shall not be chained, bolted or otherwise attached to any private property without the consent of the property owner.

3. Freestanding Newsracks may be attached to one another. Each group of attached Freestanding Newsracks shall be separated by eighteen (18) inches or more. The Traffic Engineer shall determine the number of Freestanding Newsracks that can be bolted, attached or grouped on a location by location basis.

4. Freestanding Newsracks shall not be placed, installed, used or maintained:

a. Within fifteen (15) feet of any marked crosswalk;

b. Within twenty (20) feet of the curb return of any unmarked crosswalk;

c. Within ten (10) feet of any fire hydrant, fire call box, police call box or other emergency facility;

d. Within (10) ten feet of any driveway;

e. Within ten (10) feet ahead, and forty (40) feet to the rear of any sign marking a designated bus stop;

f. Within ten (10) feet of any bus bench;

g. At any location whereby the clear space for the passageway of pedestrians is reduced to less than four (4) feet;

h. Within one hundred (100) feet of another Freestanding Newsrack or Fixed Pedestal Unit containing the same Publication except where separated by a street or corner, or except where a person or entity demonstrates that: there is insufficient room in one (1) machine for the Publication which may be sold in one (1) day, or it publishes more than one (1) edition of the Publication for sale or distribution at the same time;

i. Facing another Freestanding Newsrack, divided only by the width of a public sidewalk or public pedestrian wall.

B. The name, address, and telephone number of a responsible person who may be contacted at any time concerning the Freestanding Newsrack shall be displayed on the

hood of a Freestanding Newsrack in such manner as to be readily visible to and readable by a prospective customer.

C. Freestanding Newsracks shall carry no advertising except:

1. The name of the person, entity or Publication being dispensed on the bottom one-third (1/3) of the plastic hood; and

2. Advertising rack cards contained in card pans which are attached to and located on the front of the Freestanding Newsrack and do not exceed fifteen (15) inches in height and twenty-two (22) inches in length. The rack cards shall be limited to the display, sale or purchase of the Publication being dispensed.

D. Freestanding Newsracks shall be kept clean and maintained in good working order at all times, freshly painted and with unbroken hoods.

E. Frames and racks for Freestanding Newsracks shall be K-Jack Style Mounts Model 100 or approved equal with a height not to exceed forty (40) inches. Mounts shall be bolted in place in accordance with specifications provided by the City.

F. Freestanding Newsracks shall have woodgrain panels or be painted brown on all sides and the mount shall be painted gloss black.

G. No person, association, firm or corporation shall place, locate or maintain a Freestanding Newsrack on the Public Right-of-Way unless there is on file with the Director, in full force and effect at all times, a document issued by an insurance company authorized to do business in the State of California evidencing that the permittee or owner is insured under a liability insurance policy providing minimum coverage of five hundred thousand dollars ($500,000.00) for injury or death to persons arising out of the location, placement or operation of the Freestanding Newsrack on the Public Right-of-Way.

H. Every permittee of a Freestanding Newsrack located upon the Public Right-of-Way must comply with the provision of Newport Beach Municipal Code, Business Licenses and Regulations, Section 5.04.020.

5.70.030 Special Requirements for Newsracks Along Marine Avenue on Balboa Island.

In addition to all other applicable provisions of this chapter, the following rules shall apply to Freestanding Newsracks along Marine Avenue on Balboa Island;

A. Freestanding Newsracks shall be permitted at only four locations: 201 Marine Avenue (Location One); 206 Marine Avenue (Location Two); 300 Marine Avenue (Location Three); and northern twenty-five (25) percent of 301 Marine Avenue and 305 Marine Avenue (Location Four).

B. Each location shall accommodate up to a maximum of eight (8) Freestanding Newsrack spaces. The eight (8) Freestanding Newsrack spaces shall be divided into two (2) groups with a maximum of four (4) Freestanding Newsrack spaces in each group.

Each group shall be separated by forty-eight (48) inches or more. Freestanding Newsrack space is defined as that surface area in the Public Right-of-Way sufficient to accommodate a Freestanding Newsrack.

C. Priority shall be given to existing vendors of Publications at these locations and any new space that becomes available shall be allocated on a first-come, first-served basis to any new vendors.

5.70.032 Designation of a Fixed Pedestal Zone in Corona del Mar.

The proliferation of Freestanding Newsracks in Corona del Mar, and the particularly poor maintenance or abandonment of Freestanding Newsracks, have contributed to the congestion of public sidewalks, impeded the flow of pedestrian traffic, interfered with the use of Public Rights-of-Way, presented hazards to persons and property, contributed to the litter problems of public sidewalks, and resulted in visual blight. Therefore, Corona del Mar shall be designated as a Fixed Pedestal Zone and the following rules shall apply in said zone:

A. The Director is hereby authorized to select and enter into an agreement to provide for the installation and maintenance of Fixed Pedestal Units in accordance with this section. The Director, in consultation with the City's Traffic Engineer, is further authorized and directed to promptly promulgate guidelines consistent with the provisions of this section controlling the selection of locations for, as well as the placement, size, construction, design, methods of attachment, appearance, and maintenance and repair of Fixed Pedestal Units and Newsrack Boxes to be contained therein in Corona del Mar.

B. The locations of Fixed Pedestal Units in Corona del Mar shall be selected by the Director so that, to the extent reasonably possible, (i) Historically Present Publications in Corona del Mar may receive space in Fixed Pedestal Units located close to their former Freestanding Newsracks; and, (ii) the number of Newsrack Boxes at each Fixed Pedestal Unit location is equal to or greater than the number of Freestanding Newsracks containing Historically Present Publications at each such location.

C. Except where this section or the Director's guidelines expressly provide otherwise, no person may place any Publication in any Newsrack Box in a Fixed Pedestal Unit without having first obtained from the Director a Fixed Pedestal Permit authorizing placement of the Publication in that Newsrack Box.

1. Each person or entity seeking access to a Newsrack Box shall apply to the City, on forms provided by the Director, for a Fixed Pedestal Permit for each Newsrack Box in each Fixed Pedestal Unit to which the person or entity seeks space.

2. A written application for a Fixed Pedestal Permit shall be filed with the Director and shall contain the following information, as well as any other information deemed reasonably necessary by the Director:

a. The name, address, and telephone number of the applicant and owner of the Publication seeking a Newsrack Box.

b. The name, address, and telephone number of a representative or other responsible person whom the City may notify or contact at any time concerning the space granted the applicant in a Newsrack Box.

c. A diagram of the installation of the person or entities equipment in the Newsrack Box.

d. Name of the Publication to be contained in the Newsrack Box.

3. Each application for a Fixed Pedestal Permit shall be accompanied by an application fee as established by resolution of the City Council. No Fixed Pedestal Permit fee shall be charged to a Historically Present Publication during the Initial Implementation and the City shall pay the direct cost associated with the initial installation of any Historically Present Publication including, the door, coin return mechanism and associated hardware, in the Newsrack Box.

4. Upon a finding the applicant is in compliance with the provisions of this chapter, the Director shall issue a Fixed Pedestal permit for use of the space in the designated Newsrack Box. If a Fixed Pedestal permit is denied, the applicant shall be notified in writing of the specific cause of such denial by the Director and the right to appeal in accordance with Section 5.70.055 of this chapter.

5. Approval. An application for a Fixed Pedestal Permit shall be approved unless:

a. The application is incomplete.

b. There is no available space Newsrack Box in the Fixed Pedestal Unit.

6. An applicant shall be responsible for the payment of all fees due or imposed under this section with respect to that permit holder's Newsrack Box. Once a Fixed Pedestal permit has been granted pursuant to this section and the requirements of the guidelines, and if the Fixed Pedestal permit has not subsequently been revoked, the Fixed Pedestal permit holder shall not be required to renew or reapply for another Fixed Pedestal permit for the same Newsrack Box.

D. Each person or entity granted a Fixed Pedestal permit shall comply with the following:

1. The name, address, and telephone number of a responsible person who may be contacted at any time concerning the Newsrack Box shall be displayed on the face of the Newsrack Box in such manner as to be readily visible to and readable by a prospective customer.

2. A Newsrack Box shall carry no advertising except the name of the person, entity or Publication being dispensed on the bottom one-third (1/3) of the face of the Newsrack Box.

3. The Newsrack Box shall be kept clean and maintained in good working order at all times.

4. Each person or entity granted a Fixed Pedestal Permit shall maintain on file with the Director, in full force and effect at all times, a document issued by an insurance company authorized to do business in the State of California evidencing that the permittee is insured under a liability insurance policy providing minimum coverage of five hundred thousand dollars ($500,000.00) related to the exercise of permittee's rights under the Fixed Pedestal Permit including, but not limited to, the injury or death to any person related to the operation of the Newsrack Box.

5. Every permittee of a Freestanding Newsrack located upon the Public Right-of-Way must comply with the provision of Newport Beach Municipal Code, Business Licenses and Regulations, Section 5.04.020.

E. If Newsrack Boxes in a Fixed Pedestal Unit located at a particular location have been abandoned or have otherwise become available for reallocation, and the Director has made reasonable efforts to reallocate such Newsrack Boxes, the Director may consolidate the Fixed Pedestal Units, modify the size of the Fixed Pedestal Unit to reduce the number of Newsrack Boxes it contains, and reallocate Newsrack Box space among existing permit holders. If the City reallocates Newsrack Box space as provide in this section, the City shall pay the direct costs to convert the newly assigned Newsrack Box space to the same level as the permit holders' existing Newsrack Box space.

F. Except as otherwise provided for in this chapter, no Publication that has obtained a Newsrack Box in a Fixed Pedestal Unit may receive a second space in that Fixed Pedestal Unit, until all other Publications that have applied for space in that Fixed Pedestal Unit have had the opportunity to select a space.

G. During Initial Implementation, space in each Fixed Pedestal Unit in that zone shall be allocated as follows:

1. To Publications that have applied for space in such a Fixed Pedestal Unit based on the following priorities:

a. First priority shall be given to Historically Present Publications in the Fixed Pedestal Zone based on their distance from the historical location of the Freestanding Newsrack and the Fixed Pedestal Unit.

b. Second priority shall be given to all other Publications that have applied for space in the Fixed Pedestal Unit.

H. The Director is instructed to promptly move forward with the Initial Implementation by establishing dates by which all Fixed Pedestal Units in the zone shall be in compliance with the requirements of this subsection, and by which all Freestanding Newsracks shall

be removed from the Fixed Pedestal Zone. The deadlines for compliance with this section shall be prominently posted at the location of each Freestanding Newsrack in the Fixed pedestal Zone, and notice, along with a copy of the guidelines, shall be mailed to each Historically Present Publication in the Fixed Pedestal Zone, to the extent the Director can determine the identity of the Publication, not less than thirty (30) days prior to the date for Initial Implementation specified in the Director's guidelines. Each Historically Present Publication shall, within thirty (30) days of receiving said notice, inform the Director of the cost of removing the Freestanding Newsrack. The City shall pay the direct cost associated with removing the Freestanding Newsrack if the Freestanding Newsrack is removed within ninety (90) days after the effective date of this ordinance. Any Freestanding Newsrack not removed within ninety (90) days of the effective date of this ordinance shall be subject to removal in accordance with Section 5.70.050.

I. Unless otherwise provided, any person who is aggrieved by any decision made under this section may file a written request for review of the decision pursuant to section 5.70.055

J. No person shall place or maintain a Freestanding Newsrack in Corona del Mar ninety (90) days after the effective date of this ordinance.

5.70.035 Display of Certain Matter Prohibited.
Any Publication offered for sale in a Freestanding Newsrack placed or maintained on a Public Right-of-Way or Newsrack Box shall not be displayed or exhibited in a manner which exposes to public view, from any public place, any of the following:

A. Any statement or word describing explicit sexual acts, sexual organs or excrement where such statements or words have as their purpose or effect, sexual arousal, gratification or affront; or

B. Any picture or illustration of genitals, pubic hair, perineums, anuses or anal regions of any person where such picture or illustration has as its purpose of effect sexual arousal, gratification or affront; or

C. Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose or effect, sexual arousal, gratification or affront.

For the purpose of this section the term "explicit sexual acts" means the depiction of sexual intercourse, oral copulation, anal intercourse, oral-anal copulations, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of the genitals, whether any of the above is depicted or described as being performed alone or between members of the same or opposite sex, or between humans and animals, or other act of sexual arousal involving any physical contact with a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

5.70.040 Display of Harmful Matter.
A. Definitions. For the purposes of this section, the terms "harmful matter," "matter," "person," "distribute," "knowingly," "exhibit," and "minor" shall have the meanings

specified in the Penal Code of the State of California. For the purposes of this chapter, the term “blinder rack” shall mean opaque material placed in front of, or inside, the newsrack and which prevents exposure to public view.

B. Prohibition. No person shall knowingly exhibit, display, or cause to be exhibited or displayed, harmful matter in any Freestanding Newsrack located on a Public-Right-of-Way, or public place or Newsrack Box from which minors are not excluded, unless blinder racks have been installed so that the lower two-thirds (2/3) of the matter is not exposed to public view.

5.70.045 Costs.

Except as expressly provided in this chapter, the costs of installation, maintenance, replacement, removal, and relocation of Freestanding Newsracks or Newsrack Boxes shall be at the sole expense of the permittee or owner. Upon removal of any Freestanding Newsrack or Newsrack Box, the permittee or owner shall, at his or her sole expense, cause the Public Right-of-Way or Newsrack Box to be repaired to a condition in conformity to the surrounding area. Upon failure of the permittee or owner to make such repairs, the work may be done by the City and charged to the permittee or owner.

5.70.050 Removal of Freestanding Newsracks.

A. Commencing ninety (90) days after the effective date of the ordinance codified in this chapter, any Freestanding Newsrack in violation of any provision of the ordinance codified in this chapter will be deemed nonconforming.

B. In the event that the Director determines that a Freestanding Newsrack does not comply with the provisions of this chapter, he or she shall provide written notice of such determination to the permittee or owner. The notice shall specify the nature of the violation, the location of the Freestanding Newsrack which is in violation, the intent of the Director to remove the nonconforming Freestanding Newsrack in the event a hearing is not requested, and the right of the permittee to request a hearing, before the Director, within fifteen (15) days from the date of the notice. If the Freestanding Newsrack is one which has not been authorized by the Director and ownership is not known, nor apparent after inspection, a notice complying with this section shall be affixed to the Freestanding Newsrack.

C. In the event that a hearing is held pursuant to this section, the Director shall render a decision, in writing, within ten (10) days from the date of the hearing, and the decision shall advise the permittee or owner of his or her right to appeal to the City Council, pursuant to the provisions of Section 5.70.055. Notice of the decision shall be mailed to the permittee or owner and shall be considered effective on the date mailed provided that the notice is properly addressed and placed in the U.S. Mail with first-class postage prepaid.

D. The Director may take possession of a Freestanding Newsrack and, upon the expiration of thirty (30) days, dispose of the Freestanding Newsrack as required by law, if:

1. No hearing is requested by the permittee or owner within fifteen (15) days as provided in Section 5.70.050(B); or

2. The appeal period specified in Section 5.70.055 has expired; or

3. In the event that an owner or permittee fails to remove the rack within ten (10) days from the date of the decision of the City Council, that the Freestanding Newsrack is not in compliance with the rules, regulations and standards established by this chapter.

E. The Director shall inspect any Freestanding Newsrack reinstalled after removal pursuant to this chapter. The permittee of the Freestanding Newsrack shall be charged a fee for this reinspection as established by resolution of City Council.

F. In the event that any Freestanding Newsrack is abandoned, the Director may remove it pursuant to the procedures set out in this section. For the purposes of this section, the term “abandonment” shall mean no publication has been displayed in the Freestanding Newsrack for a period of fifteen (15) consecutive days, no prior written notice has been given by the permittee to the Director specifying the reason(s) for nonuse, and the condition of the rack and related circumstances indicate it will not be actively used within a reasonable period of time.

5.70.055 Appeals and Calls for Review.

The City Council shall have the power to hear and decide appeals based upon the enforcement or interpretation of the provisions of this chapter. Any permittee or owner who is aggrieved by any decision of the Director may appeal that decision by submitting a written notice of appeal to the City Clerk within twenty-one (21) days of the date on which notice of the decision was mailed. A member of the City Council, in their official capacity, may call for review any action of the Director under this chapter for the purpose of bringing the matter in front of the entire body for review. A call for review shall be filed with the City Clerk, on a form provided by the City Clerk, within twenty-one (21) days of the date on which the notice of the decision was mailed. The City Council may preside over the hearing on appeal or may designate a hearing officer to take evidence and submit a proposed decision together with findings, within fifteen (15) days from the date of the hearing. The City Council shall preside over the hearing for a call for review. The City Council shall, within thirty (30) days from the date of the hearing, render its decision on the appeal or call for review, together with findings. The decision of the City Council shall be final.

5.70.060 Severability; Supplemental Provisions.

If any provision of this chapter as herein enacted or hereafter amended, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect the other provisions or applications of this chapter (or any section or portion of section hereof) which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are, and are intended to be, severable.

The provisions of this chapter are intended to augment and be in addition to other provisions of the Municipal Code. Whenever the provisions of this chapter impose a greater restriction upon persons, premises, or practices than is imposed by other provisions of this Municipal Code, the provisions of this chapter shall control.

If any sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each sentence, clause, and phrase thereof irrespective of the fact that any one (1) or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

Guidelines for the Fixed Pedestal Zone in Corona del Mar

1) All Fixed Pedestal Units (FPU) will be placed and installed per the City of Newport Beach (City) Municipal Code Section 5.70.025 (A) as the standard, with the exception that one FPU cannot be attached to another FPU or located within the same location or zone (see item four below).
2) FPUs will be purchased by the Corona del Mar Business Improvement District (CdM BID). All FPUs will be installed, repaired and maintained by a City approved contractor. All costs associated with the purchase, installation, repair, and maintenance will be funded by the Corona del Mar Business Improvement District.
3) All FPUs shall be either a "3-tower Modular Newsrack" constructed by City Newsracks LLC, 12574 Promise Creek Lane, Suite 100, Fishers, IN 46038, or a City approved equivalent. The color of the FPU shall be dark green.
4) One FPU may be located at each of the following locations or zones:
   - East Coast Highway at Acacia Avenue
   - East Coast Highway at Carnation Avenue
   - East Coast Highway at Goldenrod Avenue (north)
   - East Coast Highway at Goldenrod Avenue (south)
   - East Coast Highway at Iris Avenue
   - East Coast Highway at Orchid Avenue
   - East Coast Highway at Poinsettia Avenue

   The FPU shall be installed on side streets wherever feasible. The exact location of installation shall be predetermined and approved by the City.
5) ADD THE DATE FOR INITIAL IMPLEMENTATION per Section 5.70.032 (H).

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