

Public Comment - Newport Beach City Council Meeting Agenda Item(s) – 11-19-2024
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XV. CONSENT CALENDAR

5. Resolution No. 2024-89: Total Compensation Philosophy

The associated Staff Report states:

The new Total Compensation Philosophy outlines the following:

- The City of Newport Beach is a premier destination for residents and tourists alike, with an expectation that the employees provide the highest level of service
- The City must ensure it has the resources available to recruit, hire and retain the most qualified and capable employees
- The City Council is committed to maintaining a competitive compensation package for all employees

For the third bullet point, I'll opine that maintaining a competitive compensation package for **all** employees can negate the goals outlined in the first two bullet points. A competitive compensation package that seeks to appropriately compensate **only** those employees who meet or exceed clearly defined expectations/benchmarks/goals/Etc., as outlined in the respective job descriptions/contracts/agreements/etc., is more appropriate. Regrettably, sometimes not "all employees" meet these requirements. I have observed instances wherein civil servants who do not meet job expectations or obligations, and/or who have engaged in improper, questionable, or even unlawful conduct, have been able to persist in public service. When this occurs, I feel it can cause severe damage through public perception, and through lowering morale among those who **do** meet their job's requirements.

When civil servant compensation is discussed, I think it very important to use like-to-like comparisons. In the private sector, paid pensions have become more and more a thing of the past. It has become more common that private sector employees have to partially fund future, hopeful Social Security benefits, and/or self-fund their own retirement income through other mechanisms. Public employees on the other hand, can continue collect pay even when no longer employed, sometimes in very substantial amounts, for the rest of their lives. Another difference I have observed, is the cost private sector employees incur for their health insurance, while public sector employees can incur little to no cost for theirs. Paid-Time-Off; Medical Leave; Family Leave; Paid Training; Retention Bonuses; Use of vehicles; Etc.; Etc., are other benefits that can be more favorable in civil service positions.

When civil servant compensation is discussed, I also think it very important to be aware of the **total** value of pay and benefits. In other localities, I have seen effort to be dismissive of the value of benefits. I feel this improper. Benefits can have **substantial** value, and are essentially taxpayer obligations, making them worthy of consideration. Some of the numbers we're talking about are below, and are sourced from Transparent California. 2023 appears to be the most recent full-year for which data is available:

<https://transparentcalifornia.com/>

TRANSPARENT CALIFORNIA

California's largest public pay and pension database

Name	Job title	Regular pay	Overtime pay	Other pay	Total pay	Benefits	Pension debt	Total pay & benefits
Matthew Cosylian	Deputy Harbormaster Newport Beach, 2023	\$135,444.00	\$1,329.00	\$17,705.00	\$154,478.00	\$11,066.00	\$27,240.93	\$192,784.93
Paul A Blank	Harbormaster Newport Beach, 2023	\$147,994.00	\$0.00	\$3,320.00	\$151,314.00	\$30,958.00	\$38,744.72	\$221,016.72
Aaron Harp	City Attorney Newport Beach, 2023	\$284,396.00	\$0.00	\$29,895.00	\$314,291.00	\$38,987.00	\$56,686.20	\$409,964.20
Joseph L Cartwright	Police Chief Newport Beach, 2023	\$251,508.00	\$0.00	\$17,194.00	\$268,702.00	\$67,986.00	\$133,777.76	\$470,465.76
Jeff Boyles	Fire Chief Newport Beach, 2023	\$254,082.00	\$0.00	\$13,579.00	\$267,661.00	\$80,246.00	\$130,593.04	\$478,500.04
Grace K Leung	City Manager Newport Beach, 2023	\$316,731.00	\$0.00	\$18,027.00	\$334,758.00	\$89,159.00	\$82,880.39	\$506,797.39

I sometimes have concern that the highest compensation values, can reduce funds available for those at the lower end of the spectrum.

And I'll now step up on my little soap-box to express my take on "civil-service". In the past, I've served my limit of terms in elected office, for two separate positions. These were with a little Community Planning Organization. I recall attending as many as nine meetings in a day, with a number of them being "onsites"; countless hours researching; word processing; testifying at hearings; preparing briefs; engaging in oral argument; etc., etc., etc. My total compensation for eight years of doing these things..... Zero dollars and zero cents. Not even reimbursement for expenses, meals, travel, document reproduction costs, etc., etc. I often encourage that on some level, "civil service" be seen in the context of a desire to serve one's community, and less as an opportunity to cash in BIG time, or enrich one's self. I suppose I say this at the risk of again being called "less than respectful", for expressing my hope for better in governance.

11. Fiscal Year 2024-25 Restroom Rehabilitation Phase 2 - Award of Contract No. 8905-3 (24F02)

With another public restroom item on an agenda, I reiterate how important I think it is, for the City to invest some time and effort, into devising a plan to make public restrooms more accessible. As I have stated at both Council, and Harbor Commission, to often have hundreds and hundreds of patrons/people exiting dining and drinking establishments after 10 p.m., on and near the ocean and harbor, and find that public restrooms are locked up, I think detrimental to sanitation, water quality, and decency.

18. Revocable License Agreement with Newport Beach Chamber of Commerce for Use of Promotional and Branding Materials

Just a quick inquiry on this one. Will the party who has these items on loan from the City, during the time of said loan, incur costs associated with web-hosting and what not, or will the City incur these expenses?

Thank you for your consideration.

Sincerely,



Adam Leverenz
adlever@hotmail.com

November 19, 2024, City Council Agenda Comments

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

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Item IV.A.2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

The City's Laserfiche archive indicates this will be the eighth time, going back to February 23, 2021, that the Council has discussed behind closed doors the Palmer Luckey negotiations.

Is a public announcement of what this is about imminent?

Item XIII. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA

The first requested item relates to the Finance Committee membership. The [Work Plan](#) presented at the Committee's November 14 meeting indicates it is next expected to meet on January 9, which is five days *before* what is expected to be the Council's first meeting in 2025. With or without the present proposal, since Council membership will change in December and the new Mayor's appointments will likely come for Council confirmation on January 14, it will be unclear who the Finance Committee members are on January 9.

The second requested item proposes to end, in February, the terms of the current three [GPUSC](#) members (all appointed on April 12, 2022) and 30 [GPAC](#) members (most appointed on November 15, 2022). I don't know the motivation for this, but according to the most recent [timeline](#) presented to the GPAC at its November 6 meeting, the General Plan Update consultant will be completing a draft of their proposed new General Plan in late January, and the GPAC and its subcommittees will be conducting their review of it in February and March, prior to a public comment period in April, which will be followed by Planning Commission review and Council approval over the summer. While fresh eyes on a problem are often useful, terminating the current members just before they will be asked to do the work they were appointed to do seems both late and disruptive. Additionally, there do not seem to be a lot of applications on file, so filling the 33 positions may require a sizable recruitment effort.

Item 1. Resolution No. 2024-85: Initiating an Amendment to Titles 20 and 21 of the Newport Beach Municipal Code Regarding the Housing Opportunity (HO) Overlay Zoning Districts (PA2024-0205)

The staff report does not provide enough detail to comment intelligently on what changes the Council is being asked to initiate, but as Footnote 6 to the new Table 2-16 in NBMC [Section 20.28.050](#) acknowledges, some housing opportunity sites are in the [Shoreline Height Limit Area](#), which might make increasing heights a problem.

Item 5. Resolution No. 2024-89: Total Compensation Philosophy

Since this item proposes repeal of the existing Total Compensation Philosophy adopted by [Resolution No. 2011-55](#), it seems curious the staff report does not include a copy of what is

being repealed nor any detail as to why the entirety of the existing 10-point philosophy should be axed.

The existing Philosophy was at least adopted as a public discussion item (see [minutes](#) for Item 29 on June 14, 2011). Not only have subsequent Councils ignored its directive that “*The City’s Compensation Philosophy will be publicly reviewed from time to time, to assure meaningful public input and maintain relevance as circumstances change,*” but its repeal will be on the consent calendar, without even a report from the ad hoc committee recommending the repeal.

And the proposed new single-sentence philosophy, with its accompanying definition of “Total Compensation” seems sufficiently vague to allow a wide range of possible interpretations. For example, who decides what “competitive” means, and if “and/or” means “and” or “or”?

As to the recommended Attachment B (Potential List of Comparator Agencies for Total Compensation Surveys), it is not clear where the list of “Former Agencies Used for City-wide Studies” came from. It does not match the list presented in [Item SS2](#) from September 25, 2012, which resulted from a contract discussed as [Item 18](#) on July 10 of that year.

Finally, shouldn’t the Compensation Philosophy be a formal [Council Policy](#) rather than an obscure resolution? And shouldn’t it be reviewed by the City’s Finance Committee?

Item 6. Resolution No. 2024-90: Acceptance of Wildfire Prevention Grant from State of California Department of Forestry and Fire Protection

The statement at the top of page 6-3 of the staff report is not clear about how the project will benefit 478 homes in five non-adjacent communities on the north and east sides of the Buck Gully Reserve. And it seems inaccurate in claiming “*A substantial portion of these residences were constructed during the 1950s and 1960s and lack modern, crucial fire-safe components and design.*” I believe *none* of the homes on the north and east sides existed in 1960, or even in 1990.

Indeed, while much of the development on the west side *did* occur in the 1960s, of the homes adjacent to the proposed 100-foot fuel reduction strip, only a few in Corona Highlands appear to have been constructed prior to 1960.

Additionally, the Fiscal Impact statement on the same page mentions in passing that “*Grant funds must be expended, and project activities must be completed, by March 15, 2030.*” Is it really expected to take five or six years to complete the vegetation thinning?

Item 13. Approval of Professional Services Agreement with LAZ Parking California, LLC for Balboa Peninsula Trolley Transit Operations and Vehicle Procurement Services

The staff report does not make clear why LAZ, rather than the City, would be buying and owning the new trolleys during the seven years of the program if they are expected to become City property at its end.

Item 15. Cooperative Agreements with One Ford Road Community Association and Belcourt Hill Homeowners Association for Maintenance of Median Improvements

The reference to City staff's desire "to elevate the appearance of landscaped medians" suggests the two HOA's have not, in staff's opinion, done a satisfactory job maintaining the landscaping they previously sought permission to maintain.

But the staff report does not make clear if City staff has other plans for these medians, and if so, what they might be. Even though one of the existing Encroachment Agreements is very specific about what the landscaping can consist of (see page 15-22) the new agreement appears to give the City unlimited authority to deviate from that.

The staff report also does not make clear if the similar-looking Ford Road medians from Southern Hills Road to MacArthur are currently maintained by an HOA or by the City. If City staff is seeking a new look, would it extend through that area as well? Or would the new look be only in the area covered by these two agreements?

Item 17. Memorandum of Understanding and Loan Agreement with Nancy Lynn Gardner for the Sculpture A Novel Idea

Appreciating that it may well be amended by then, the agreement in its current form does not seem to contemplate the possibility that at the end of the 20-year exhibition, the owner or her heirs may wish to donate the artwork to the City for permanent installation at the same location.

As to the installation and deinstallation process, which the City will be agreeing to pay for, the Internet Archive has a [video](#) of the artist installing a similar work in 2023.

Item 18. Revocable License Agreement with Newport Beach Chamber of Commerce for Use of Promotional and Branding Materials

My recollection is that although DineNB.com was described as the Restaurant BID website, "DineNB" was also regarded as one of several private semi-independent "enterprises" or divisions under the "Newport Beach & Company" corporate umbrella, which the BID contracted with for marketing (see, for example, [page 22](#) of Item 9 from the August 11, 2015, consent calendar).

I notice NB&Co still has a "[Dine](#)" tab on their website (which now seems to identify itself solely as "Visit Newport Beach" – even though at the time referred to, VNB was also regarded as another semi-independent "enterprise" under the NB&Co umbrella). Will the VNB "Dine" tab be going away? Or will it continue to exist in parallel with the Chamber effort?

And although not directly related to this agenda item, who pays for the "Dine" promotion on the Visit Newport Beach website, and how does VNB decide which restaurants to promote?

Item 20. Annual Reports on Development Impact Fees and Development Agreements

The previous report ([Item 16](#) from November 28, 2023) listed three Development Agreements. Why are those no longer listed?

Regarding the Fair Share Fees collected from developers for transportation improvements, Programs 7.2 and 30.2.a of our General Plan's [Implementation Program](#), adopted in 2006, call for its review and updating. I do not believe that review and updating has taken place.

Item 21. Placement of Original Wooden City Seal from the Former City Council Chambers

Should there be concern about the exposure of the wooden seal to the elements, it might be noted that the proposed location on the north wall of the Council Chamber¹ seems similar to the previous one at the old City Hall, which was on a similarly exposed north-facing exterior wall:



[Google Street View image](#) from October 2011 of the seal on the previous City Council Chamber

That is not to say it is the only possible location for bringing it out of retirement.

¹ The correct term for the Council's main public meeting room would seem to be "chamber" (singular), although it could be "chambers" (plural, as it is written in the staff report) if it is referring to the two rooms (public and private meeting rooms) within the structure.

Item 22. Appointment of a Civil Service Board Member to Fill an Unscheduled Vacancy

The recommended action, to appoint one of two nominees recommended by the Civil Service Board, appears to be in clear violation of Newport Beach City Charter [Section 710](#).

In pertinent part, that section says, with respect to the Civil Service Board appointments, that: *“Two members shall be appointed by the City Council from a list of five persons to be nominated by vote of the employees in the Classified Service, two members shall be appointed by the City Council directly, and **the fifth shall be appointed by the City Council from a list of three persons nominated by a majority of the four thus appointed.**”*

Despite that clear language, according to the staff report, the Board has narrowed the three applications received to a list of two for consideration by the Council. That is clearly inconsistent with the Charter requirement for the Board to present a list of three, and I see no provision in the Charter for such a deviation.

It would seem that if the Board felt there were only two qualified candidates among the applications submitted, it should have asked the Clerk to extend the application period until enough to satisfy the charter requirement were received.

In addition, it might be noted that although the agenda and staff report, including the recommended action, refer to the Board's first nominee's first name as “Micheal,” Attachment A (Applications) suggests he uses the more conventional spelling “Michael.”