

# CITY OF NEWPORT BEACH CITY COUNCIL AGENDA

### NOVEMBER 19, 2024 COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

PRESENTATION - 4:00 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS PRESENTATION
REGULAR MEETING - 4:30 P.M.

WILL O'NEILL, Mayor
JOE STAPLETON, Mayor Pro Tem
BRAD AVERY, Councilmember
NOAH BLOM, Councilmember
ROBYN GRANT, Councilmember
LAUREN KLEIMAN, Councilmember
ERIK WEIGAND, Councilmember

GRACE K. LEUNG, City Manager AARON C. HARP, City Attorney LEILANI I. BROWN, City Clerk

#### 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 Clerk 24 hours prior to the scheduled City Council meeting.

#### LEVINE ACT

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than \$250 made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

#### **PUBLIC HEARINGS**

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

#### NOTICE TO THE PUBLIC

Any times listed in this agenda are provided as a courtesy and the actual item may be heard either before or after the time given.

This agenda was prepared by the City Clerk and staff reports are available in the City Council Chambers lobby located at 100 Civic Center Drive. Staff reports or other written documentation have been prepared or organized with respect to the items of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation regarding any item of business on the agenda, please contact City Clerk staff at 949-644-3005. Agendas and staff reports are also available on the City's webpage at newportbeachca.gov/agendas.

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 City Clerk staff prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or cityclerk@newportbeachca.gov).

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

### II. PRESENTATION

• Presentation Recognizing Greg Laurie

# III. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

# IV. CLOSED SESSION - Council Chambers Conference Room

#### A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code § 54956.8): 2 matters

1. **Property:** 301 E Balboa Blvd., Newport Beach, CA 92660 - APN: 048-082-01.

**City Negotiators:** Seimone Jurjis, Assistant City Manager, and Lauren Whitlinger, Real Property Administrator.

**Negotiating Parties:** Joseph Berkson, Marcus & Millichap, on behalf of Bobby Hanada and Linda Hanada.

**Under Negotiation:** Instruction to City Negotiators regarding price and terms of payment.

2. Property: A portion of the public right-of-way adjacent to 929 Zurich Circle (423-282-04) and 944 Via Lido Nord (423-281-10) (approximately 1,105 square feet).

**City Negotiators:** Seimone Jurjis, Assistant City Manager, Mark Vukojevic, Utilities Director, and Lauren Whitlinger, Real Property Administrator.

**Negotiating Parties:** Palmer Luckey on behalf of the 929 Zurich Circle Trust and the 944 Via Lido Nord Trust

**Under Negotiation:** Instruction to City Negotiators regarding price and terms of payment.

**Written Comments** 

# V. RECESS

## VI. RECONVENE AT 4:30 P.M. FOR REGULAR MEETING

#### VII. ROLL CALL

#### VIII. CLOSED SESSION REPORT

### IX. INVOCATION

### X. PLEDGE OF ALLEGIANCE - Boy Scout Troop 695

# XI. NOTICE TO THE PUBLIC

The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

# XII. CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

# XIII. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)

 Consider adopting a resolution that provides that any seat on the Finance Committee held by a Councilmember or Councilmember's appointee is automatically vacated once the Councilmember is no longer a member of the City Council [O'Neill]

**Written Comments** 

 Consider adoption of a resolution amending the resolutions creating the General Plan Advisory Committee (GPAC) and General Plan Update Steering Committee (GPUSC) to provide for the annual appointment of members at the first meeting in February of each year. Existing members terms shall expire each February unless the member is reappointed to the GPAC or GPUSC [O'Neill]

Written Comments

# XIV. PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 21). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Councilmember, members of the public are invited to speak on each item for up to three minutes per item.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Councilmembers have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

# XV. CONSENT CALENDAR

#### RESOLUTIONS FOR ADOPTION

- 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)
  - a) Determine this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
  - b) Adopt Resolution No. 2024-85, A Resolution of the City Council of the City of Newport Beach, California, Initiating an Amendment to the Housing Opportunity (HO) Overlay Zoning Districts in Title 20 (Planning and Zoning) and the Pending Housing Opportunity (HO) Overlay Coastal Zoning Districts in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (PA2024-0205).

Staff Report

Attachment A - Resolution No. 2024-85

Written Comments

- 2. Resolution No. 2024-86: Approving Submittal of Grant Funding Application Under Orange County Transportation Authority (OCTA) Comprehensive Transportation Funding Program (CTFP)
  - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
  - b) Adopt Resolution No. 2024-86, A Resolution of the City Council of the City of Newport Beach, California, Approving the Submittal of a Funding Application for an Arterial Capacity Enhancement Project to the Orange County Transportation Authority for Funding Under the Comprehensive Transportation Funding Program, for the West Coast Highway Widening at Old Newport Boulevard project.

**Staff Report** 

Attachment A - Location Map

Attachment B - Resolution No. 2024-86

- Resolution No. 2024-87: Supporting an Application by the City of Santa Ana to the Orange County Transportation Authority for Funding Under Measure M2 Regional Traffic Signal Synchronization Program for the Bristol Street Project from SR-22 to Jamboree Road
  - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
  - b) Adopt Resolution No. 2024-87, A Resolution of the City Council of the City of Newport Beach, California, Supporting an Application by the City of Santa Ana to the Orange County Transportation Authority for Funding Under Measure M2 Regional Traffic Signal Synchronization Program, for the Bristol Street Project from SR-22 to Jamboree Road.

### Staff Report

Attachment A - Resolution No. 2024-87

Attachment B - Location Map

### 4. Resolution No. 2024-88: Approval of Measure M2 Expenditure Report

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2024-88, A Resolution of the City Council of the City of Newport Beach, California, Concerning the Measure M2 Expenditure Report for the City of Newport Beach for the Fiscal Year Ending June 30, 2024.

Staff Report

Attachment A - Resolution No. 2024-88

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Adopt Resolution No. 2024-89, A Resolution of the City Council of the City of Newport Beach, California, Adopting an Updated Total Compensation Philosophy; and
- c) Approve Comparator Agencies for the purpose of conducting pay and benefit surveys.

### Staff Report

Attachment A - Resolution No. 2024-89

Attachment B - Potential List of Comparator Agencies

**Written Comments** 

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Adopt Resolution No. 2024-90, A Resolution of the City Council of the City of Newport Beach, California, Authorizing Acceptance of California Climate Investments Wildfire Prevention Grants Program Funding Administered by CAL FIRE for the Buck Gully Reserve Hazardous Fuel Thinning and Reduction Project;
- c) Approve State of California Grant Agreement 5GG23212 for the Buck Gully Reserve Hazardous Fuel Thinning and Reduction Project and authorize the City Manager and City Clerk to execute the agreement and any subsequent related documents as may be related to the reimbursement of the cost of the Project; and
- d) Approve Budget Amendment No. 25-041 appropriating \$449,763.69 in increased revenue from the State of California Department of Forestry and Fire Protection to Fire Prevention Account 01040402-431454-G2540 (State Grants) and appropriating \$449,763.69 in increased expenditures to Fire Prevention Account 01040402-821004-G2540 (Grant Expenses).

### **Staff Report**

Attachment A - Resolution No. 2024-90

Attachment B - Award Letter

Attachment C - Grant Agreement

Attachment D - Budget Amendment

On the Agenda

#### **CONTRACTS AND AGREEMENTS**

- 7. Irrigation Controllers Replacements Notice of Completion for Contract No. 9527-1 (24P02)
  - a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

**Staff Report** 

Attachment A - Location List

- 8. Tamura Deep Water Well Rehabilitation (Project No. 24W15) Notice of Completion for Contract No. 9328-1
  - a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

**Staff Report** 

Attachment A - Location Map

- 9. Underground Utility Assessment District No. 113 Notice of Completion for Contract No. 7979-1
  - a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project; and
  - b) Approve Budget Amendment No. 25-040 appropriating \$150,000 in increased expenditures in Account No. 66302-941003 from the Assessment District 113 unappropriated fund balance.

Staff Report

Attachment A - Location Map

Attachment B - Budget Amendment

- Tamura Shallow, Dolphin Shallow and Dolphin Deep Water Well Rehabilitation - Award of Contract No. 9598-2 (25W07) and Approval of Amendment No. One to Professional Services Agreement with Richard C. Slade and Associates for Water Well Rehabilitation, Contract No. 9598-1 (25W07)
  - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity)] of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
  - b) Approve the project plans and specifications;
  - c) Approve Budget Amendment 25-039 No. appropriating \$1,339,096 in increased expenditures Account No. 70201931-980000-25W07 in and transferring funds from the Water Enterprise Fund unappropriated fund balance to the Water Capital Fund;
  - d) Award Contract No. 9598-2 to General Pump Company for the total bid price of \$2,317,060, and authorize the Mayor and City Clerk to execute the contract;
  - e) Establish a contingency of \$232,000 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract; and
  - f) Approve Amendment No. One to the Professional Services Agreement Contract No. 9598-1 with Richard C. Slade and Associates, Inc. for an additional \$245,510 for a total not-to-exceed amount of \$287,606 and authorize the Mayor and City Clerk to execute the amendment.

#### Staff Report

Attachment A - Location Map

Attachment B - Budget Amendment

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

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 8905-3 to Empire Design & Build LLC for the total bid price of \$920,000.00 for the FY 2024-25 Restroom Rehabilitation Phase 2, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$92,000.00 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

#### Staff Report

Attachment A - Location Map

# 12. Underground Utility Assessment District No. 124 (Central Balboa Island - Phase 2) - Award of Contract No. 9451-2

- a) Acknowledge this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(d), Class 2 (conversion of overhead electrical utility distribution lines where the surface is restored to the condition existing prior to the undergrounding) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 9451-2 to Asplundh Construction, LLC for the total bid price of \$5,687,675 for the Underground Utility Assessment District No. 124 (Central Balboa Island Phase 2) project, and authorize the Mayor and City Clerk to execute the contract;
- d) Establish a contingency of \$570,000 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract; and
- e) Approve Amendment No. Five to the Professional Services Agreement for Assessment District Engineering Services for Underground Utility Assessment District No. 124 with NV5, Inc. to increase the fee amount by \$256,969 for a total not-to-exceed contract amount of \$824,816, extend the contract expiration date to June 30, 2026, and authorize the Mayor and City Clerk to execute the agreement.

#### Staff Report

Attachment A - Project Phasing Map

Attachment B - Amendment No. Five

On the Agenda

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve Budget Amendment No. 25-035 appropriating \$3,274,720 in new revenue and expenditures from OCTA to Account Nos. 1230053-431150-25T13 and 1230053-980000-25T13, respectively, and appropriating \$641,027 in increased expenditures in Account No. 01201938-980000-25T13 from the General Fund Capital Improvement Program unappropriated fund balance; and
- c) Approve a Professional Services Agreement with LAZ Parking California, LLC for Balboa Peninsula Trolley Transit Operations and Vehicle Procurement Services of five new trolley vehicles for a total not-to-exceed amount of \$3,897,746.55, and authorize the Mayor and City Clerk to execute the agreement.

#### **Staff Report**

Attachment A - Agreement

Attachment B - Budget Amendment

On the Agenda

# 14. Concrete Replacement Program Fiscal Year 2024-25 - Award of Contract No. 9715-1 (25R06)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c), Class 1 (maintenance of existing public facilities involving negligible or no expansion of use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 9715-1 to Towo Enterprise, Inc. for the total bid price of \$1,586,380, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$159,000 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

Staff Report

Attachment A - Location Map

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve the Cooperative Agreement between the City of Newport Beach and One Ford Road Community Association for maintenance of median improvements on Ford Road;
- c) Approve the Cooperative Agreement between the City of Newport Beach and Belcourt Hill Homeowners Association for maintenance of median improvements on Ford Road; and
- d) Authorize the Mayor and City Clerk to execute the agreements.

#### Staff Report

Attachment A - One Ford Road Community Association Agreement
Attachment B - Belcourt Hill Homeowners Association Agreement
Written Comments

# 16. Approval of On-Call Professional Services Agreements with Norm Nedell and Jodi Mannino for Emergency Medical Services Nurse Educator/Continuous Quality Improvement Services

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve On-Call Professional Services Agreement with Norm Nedell for a three-year term and a total amount not-to-exceed \$60,000 to provide Continuous Quality Improvement (CQI) services, and authorize the Mayor and City Clerk to execute the agreement; and
- c) Approve On-Call Professional Services Agreement with Jodi Mannino for a three-year term and a total amount not-to-exceed \$145,000 to provide Continuous Quality Improvement (CQI) services, and authorize the Mayor and City Clerk to execute the agreement.

#### Staff Report

Attachment A - Norm Nedell Agreement

Attachment B - Jodi Mannino Agreement

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve a Memorandum of Understanding and Loan Agreement between the City of Newport Beach and Nancy Lynn Gardner for the exhibition of the sculpture, *A Novel Idea*; and
- c) Approve the placement of *A Novel Idea* in the Library Entry Plaza of the new Balboa Branch Library.

#### Staff Report

Attachment A - Memorandum of Understanding

Attachment B - City Council Policy I-9

Attachment C - City Council Policy I-11

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve a Revocable License Agreement with the Newport Beach Chamber of Commerce for the use of promotional and branding materials.

**Staff Report** 

Attachment A - Revocable License Agreement

**Written Comments** 

#### **MISCELLANEOUS**

# 19. Budget Amendment to Accept a Check from the California Library Literacy Services and Appropriate Funds to the Library's Fiscal Year 2024-25 Budget

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Accept a check in the amount of \$41,935 from California Library Literacy Services and approve Budget Amendment No. 25-031 to increase expenditures by the same amount in the Literacy accounts.

Staff Report

Attachment A - Budget Amendment

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Receive, review and file the annual reports on development impact fees and development agreements.

Staff Report

Attachment A - Development Impact Fee Report

Attachment B - Development Agreements Report

Written Comments

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

# XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR

# XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the City Council. Speakers must limit comments to three minutes. Before speaking, please state your name for the record.

#### **XVIII. CURRENT BUSINESS**

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Review and provide direction to staff where to place, or continue to store, the original wooden City Seal from the former City Council Chambers.

**Staff Report** 

Attachment A - Correspondence

On the Agenda

Written Comments

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

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Appoint 1) Micheal Denner or 2) Matthew Parisi (as ranked) to fill the vacancy on the Civil Service Board for a term that expires on June 30, 2027.

Staff Report

Attachment A - Applications

On the Agenda

# XIX. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Councilmembers who voted with the prevailing side.

# XX. ADJOURNMENT

Testimony given before the City Council is recorded.

The timer light will turn yellow when the speaker has one minute remaining.

The timer light will turn red when the speaker has 10 seconds remaining.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.