



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

STUDY SESSION AND REGULAR MEETING

MAY 14, 2019

COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

**STUDY SESSION - 5:00 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS STUDY SESSION
REGULAR MEETING - 7:00 P.M.**

**DIANE B. DIXON, Mayor
WILL O'NEILL, Mayor Pro Tem
BRAD AVERY, Council Member
JOY BRENNER, Council Member
DUFFY DUFFIELD, Council Member
JEFF HERDMAN, Council Member
KEVIN MULDOON, Council Member**

**GRACE K. LEUNG, City Manager
AARON C. HARP, City Attorney
LEILANI I. BROWN, City Clerk
CAROL JACOBS, Assistant City Manager**

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.

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

The City provides a yellow sign-in card for those wishing to address the City Council to assist in the preparation of the minutes. The cards are available in the lobby of the Council Chambers. Speakers are not required to submit a card as a condition to addressing the City Council. If you do fill out the card, please place it in the box at the podium. 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 at the City Clerk's Office located at 100 Civic Center Drive (Bay E, 2nd Floor). Staff reports or other written documentation have been prepared or organized with respect to each item 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, minutes 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 Leilani Brown, City Clerk, 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).

**NEWPORT BEACH CITY COUNCIL AGENDA
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA
92660**

MAY 14, 2019

STUDY SESSION - 5:00 P.M. (PUBLIC WELCOME)

CLOSED SESSION FOLLOWS STUDY SESSION

REGULAR MEETING - 7:00 P.M.

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NOTE: A Special Joint Meeting of the Newport Beach City Council and the Finance Committee will be held at 4:00 p.m. in the same location (City Council Chambers) to go over the Proposed FY 2019-20 Budget. Please see the separate agenda for this meeting. The public is welcome to attend the Special Joint Meeting, as well as the City Council Study Session and Regular Meeting.

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I. ROLL CALL - 5:00 p.m. (or shortly thereafter, following the Special Joint Meeting of the City Council and Finance Committee)

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar

SS2. Public Works Week Proclamation

SS3. City Emergency Council Update

Staff will provide background on the City's Emergency Council and an update on disaster preparedness activities. Staff will also seek City Council input on proposed recommendations to enhance communications with the City Council and the community regarding the City's emergency plans and activities.

[Insider's Guide](#)

[Correspondence](#)

III. PUBLIC COMMENTS

The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the City Council. If the optional sign-in card has been completed, it should be placed in the box provided at the podium.

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on agenda and non-agenda items, are generally limited to three (3) minutes. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

IV. CLOSED SESSION - After Study Session - Council Chambers Conference Room

A. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code § 54957.6): 1 matter

Agency Designated Representatives: Grace K. Leung, City Manager, Carol Jacobs, Assistant City Manager, and Barbara Salvini, Human Resources Director; Labor Negotiators.

Employee Organizations: Lifeguard Management Association (LMA).

B. CONFERENCE WITH LEGAL COUNSEL

ANTICIPATED LITIGATION - INITIATION OF LITIGATION

(Government Code § 54956.9(d)(4)): 1 matter

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code § 54956.8): 1 matter

Property: 1 Newport Pier, Newport Beach, California 92663

Agency Negotiator: Seimone Jurjis, Community Development Director
Lauren Wooding, Real Property Administrator

Negotiating Parties: Blue Water Grill

Under Negotiation: Instruct negotiator as to price and terms of payment.

V. RECESS

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

VII. ROLL CALL

VIII. CLOSED SESSION REPORT

IX. INVOCATION – Pastor Cindy William, Newport Center United Methodist

X. PLEDGE OF ALLEGIANCE

XI. NOTICE TO THE PUBLIC

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The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) 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. As a courtesy, please turn cell phones off or set them in the silent mode.

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

XIII. PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Council Members may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 14). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Council Member, members of the public are invited to speak on each item for up to three (3) 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. Council Members 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.

XIV. CONSENT CALENDAR**READING OF MINUTES AND ORDINANCES****1. Minutes for the April 9, 2019 and April 23, 2019 City Council Meetings**

Waive reading of subject minutes, approve as written, and order filed.

[Minutes](#)

[Written Comments](#)

2. Reading of Ordinances

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

RESOLUTIONS FOR ADOPTION**3. Confirmation of Citizen Appointments and Increase in the Number of Council Member Representatives to the Homeless Task Force**

a) Determine that the 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 it will not result in a physical change to the environment, directly or indirectly;

b) Confirm Mayor Diane B. Dixon's appointments of Helen Cameron, John Heffernan, Terry Moore, Thomas Peterson, David Snow, Cindy Voorhees and Jean Wegener to the Homeless Task Force;

c) Adopt Resolution No. 2019-42, *A Resolution of the City Council of the City of Newport Beach, California, Amending the Membership of the Homeless Task Force*; and

d) Confirm Mayor Diane B. Dixon's appointment of Council Member Joy Brenner to serve as the third City Council representative to the Homeless Task Force.

[Staff Report](#)

[Attachment A - Applications](#)

[Attachment B - Resolution No. 2019-42](#)

[Insider's Guide](#)

[Written Comments](#)

4. Resolution No. 2019-43: Initiation of Planning and Zoning Code and Local Coastal Program Amendments Related to Residential Massing and Beach Cottage Preservation (PA2019-070)

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. 2019-43, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 Entitled "Planning and Zoning" and Title 21 Entitled "Local Coastal Program Implementation Plan" of the City of Newport Beach Municipal Code Related to Massing of Three Story Residential Structures and Development Standards for Small Beach Cottages (PA2019-070).*

[Staff Report](#)

[Attachment A - Resolution No. 2019-43](#)

[Insider's Guide](#)

CONTRACTS AND AGREEMENTS

5. Jamboree Road Median Landscape Turf Replacement Project - Notice of Completion for Contract No. 8151-2 (16L02)

a) On November 13, 2018, the City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c);

b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project; and

c) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of Civil Code, and release Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

6. Traffic Signal Rehabilitation Project - FY2017-18 - Notice of Completion for Contract No. 7314-1 (18T01)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance of existing facilities involving no expansion of an existing use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- c) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- d) Release Faithful Performance Bond one (1) year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

7. Big Canyon Reservoir Flow Metering Vault and Treatment Improvements - Notice of Completion for Contract No. 6104 (16W13)

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project. On August 8, 2017, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (c);
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release Faithful Performance Bond one year after acceptance by City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

8. Newport Beach Junior Lifeguard Building Design - Approval of Professional Services Agreement (19F13)

a) Determine this action of hiring a design consultant is not subject to the California Environmental Quality Act ("CEQA") pursuant to 15060(c)(3), in that the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. The retention of a design consultant does not authorize any specific development or project and would only provide preliminary conceptual design options for a potential future project that would be subject to subsequent environmental review; and

b) Approve a Professional Services Agreement with JKA of San Diego, California, for Newport Beach Junior Lifeguard Building project at a not-to-exceed price of \$420,000.00, and authorize Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Professional Services Agreement](#)

[Insider's Guide](#)

9. Approval and Award of Three (3) Maintenance and Repair Services Agreements for As-Needed Painting 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; and

b) Approve three (3) on-call maintenance and repair and painting services agreements for three-year terms with Black and White Painting, Inc., Piana Construction & Painting, Inc., and TL Veterans Construction, Inc. for a total of \$300,000 per agreement, and authorize the Mayor and City Clerk to execute the agreement(s).

[Staff Report](#)

[Attachment A - Black and White Painting Agreement](#)

[Attachment B - Piana Construction & Painting Agreement](#)

[Attachment C - TL Veterans Construction Agreement](#)

10. Amendment No. One for As-Needed Plant Healthcare Services with RPW Services, Inc. (C-7116-1)

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 Amendment No. One with RPW Services, Inc. for As-Needed Plant Healthcare Services to extend the expiration date by two years and increase the contract amount by \$120,000, for a new multi-year not-to-exceed total of \$240,000, and authorize the Mayor and City Clerk to sign the amendment.

[Staff Report](#)

[Attachment A - Contract Amendment](#)

11. Approve Two Professional Services Agreements with Red 88 Media, LLC for Video Production 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 a five-year Professional Services Agreement with Red 88 Media, LLC for production of the annual Junior Lifeguard program video for a total not-to-exceed amount of \$235,953.52 (\$45,000 to \$50,000 per year), and authorize the Mayor and City Clerk to execute the agreement; and

c) Approve a one-year On-Call Professional Services Agreement with Red 88 Media, LLC to provide the City Manager's Office with strategic, comprehensive, and educational video production services for a not-to-exceed amount of \$9,000, and authorize the City Manager and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Five-Year Professional Services Agreement](#)

[Attachment B - On-Call Professional Services Agreement](#)

12. Professional Services Agreement for the Collection of Delinquent Accounts

- 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) Authorize the Mayor to execute the attached Agreement in an amount not to exceed \$500,000 over a five-year term with Ray Klein, Inc., dba Professional Credit Service, a Washington company, for professional services.

[Staff Report](#)

[Attachment A - Professional Services Agreement](#)

MISCELLANEOUS

13. Planning Commission Agenda for the May 9, 2019 Meeting

Receive and file.

[Planning Commission Action Report](#)

[Planning Commission Agenda](#)

14. Ground Emergency Medical Transport (GEMT) Quality Assurance Fee (QAF)

- 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. 19BA-045 appropriating expenditures of \$182,000 to the GEMT QAF (account 01040404-821009 of the Fire Department) and increasing estimated revenues by \$171,000 in Fiscal Year 2019/20; and
- c) Authorize Finance Department staff to execute an administrative budget amendment appropriating approximately \$145,000 to the GEMT QAF (account 01040404-821009 of the Fire Department) and increasing estimated revenues by approximately \$135,000 in the Paramedic Service Fee (account 01040404-521245 of the Fire Department) in the Fiscal Year 2019/20 budget upon the state's establishment of the annual quality assurance fee rate.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

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

XV. ITEMS REMOVED FROM THE CONSENT CALENDAR

XVI. 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 (3) minutes. Before speaking, please state your name for the record.

XVII. CURRENT BUSINESS

15. Proposed Revisions to City Council Policy B-17 - Parks, Facilities and Recreation Program Donations

- 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) Consider the Parks, Beaches, and Recreation Commission's recommendations and approve revisions to Council Policy B-17; and
- c) Adopt Resolution No. 2019-44, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy B-17 "Parks, Facilities, and Recreation Program Donations."*

[Staff Report](#)

[Attachment A - Current Council Policy B-17](#)

[Attachment B - Proposed Council Policy B-17 \(redline\)](#)

[Attachment C - Revised Council Policy B-17 \(clean\)](#)

[Attachment D - Resolution No. 2019-44](#)

[Insider's Guide](#)

[Correspondence](#)

16. Approval and Adoption of the 2019 Water Master Plan (17W02)

- 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, approve and adopt the 2019 Water Master Plan.

[Staff Report](#)

[Attachment A - 2019 WMP Executive Summary](#)

[Insider's Guide](#)

17. Grant Howald Park Rehabilitation Project - Acceptance of Conceptual Design

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (Existing Facilities) and Section 15302 Class 2 (Replacement or Reconstruction) of CEQA Guidelines, because this project involves the maintenance of existing facilities and will be reconstructing existing facilities on the same site as the structure [facility] replaced. The project will have substantially the same purpose as the structure [facility] replaced. A categorical exemption was filed with the Orange County Clerk-Recorder's office on March 15, 2019;
- b) Review and approve the Conceptual Design and Project Budget; and
- c) Direct staff to proceed with the final park rehabilitation construction documents.

[Staff Report](#)

[Attachment A - Location Map](#)

[Insider's Guide](#)

[Correspondence](#)

XVIII. 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 Council Members who voted with the prevailing side.

XIX. ADJOURNMENT - In memory of Dick Dale and Beth Morley

Testimony given before the City Council is recorded.

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

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

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.