



CITY OF

NEWPORT BEACH

City Council Staff Report

August 14, 2018
Agenda Item No. 5

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: City Council "L" Policies Update 2018 Regarding Public
Works/Traffic/Utilities

ABSTRACT:

On August 8, 2017, the City Council directed staff and the Planning Commission to review the Public Works/Traffic/Utilities City Council "L" Policies and return with recommendations to City Council for future consideration. On December 7, 2017, the Planning Commission appointed an ad hoc subcommittee to review the current twenty-eight (28) "L" Policies and return with a recommendation for revisions, additions and deletions. This report outlines the changes to the City Council "L" Policies recommended by the Planning Commission on June 21, 2018.

RECOMMENDATION:

- 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) Approve the changes to the City Council "L" Policies recommended by the Planning Commission; and
- c) Adopt Resolution No. 2018-58, *A Resolution of the City Council of Newport Beach, California, Adopting Revised City Council "L" Policies Regarding Public Works/Traffic/Utilities.*

FUNDING REQUIREMENTS:

There is no fiscal impact to this action.

DISCUSSION:

There are currently twenty-eight (28) Public Works/Traffic/Utilities City Council “L” Policies. The purpose of these policies is to establish standard practices and procedures expressing the City Council’s intentions and directives to assist the City Council, City Boards, commissions, committees and City staff to carry out their official public duties.

At the August 8, 2017 City Council meeting, the City Council directed staff and the Planning Commission to review the Public Works/Traffic/Utilities “L” Policies and return with recommendations to the City Council for future consideration. On December 7, 2017, the Planning Commission appointed an ad hoc subcommittee. The subcommittee was aided in their work by Public Works, Utilities and Community Development staff as well as the Assistant City Manager and Assistant City Attorney.

The subcommittee approached the City Council “L” Policies review with the following goals:

- Combine policies when practical to provide more efficiency;
- Update or eliminate outdated or unused policies;
- Eliminate policies that restate existing local, state or federal laws; and
- Update as needed for changes in process, names and/or procedures.

The subcommittee reviewed the City Council “L” Policies in groups of seven policies at a time. Staff provided comments and proposed changes to each set of policies prior to the subcommittee meetings. Staff discussed & proposed changes, issues, concerns and/or efficiency that could be made within each policy. The subcommittee held meetings on January 10, January 28, February 12, and March 21, 2018 for a total of approximately 6 hours of meeting, not including preparation for meetings and follow up for proposed changes. A total of 12 “L” Policies are recommended to remain.

The full Planning Commission reviewed and approved the recommended “L” Policies changes on June 21, 2018. Attachment C provides a summary of recommended changes to the City Council “L” Policies. The recommendation is to revise 9 policies, consolidate 8 policies and delete 11 policies.

The Planning Commission’s recommendations reduce the number of policies by 16, eliminates 36 pages and eliminates over 9,500 words from the City Council Policy Manual. Specifically, the Planning Commission is recommending revisions to City Council Policies L-2, L-4, L-14, L-16, L-21, L-23, L-25, L-26 and L-28. The Planning Commission is recommending consolidation of City Council Policies L-1, L-5, L-6, L-7, L-8, L-15, L-24 and L-27. The Planning Commission is recommending deletion of the following City Council Policies:

- L-3 – *City Landscaping Restoration in Conjunction with Public Works Construction Projects*: This policy is redundant. Repair of damaged landscaping is standard practice in Public Works projects.
- L-9 – *Conversion of Public Streets to Private Streets*: The parameters for vacation of public rights-of-way are outlined in the California Streets and Highways Code. This policy has not been used in at least 20+ years.
- L-10 – *Sound Attenuation Walls*: Preliminary design including aesthetics are reviewed as part of the environmental process. Final design, including aesthetics, is reviewed by the Community Development Department and/or Public Works Department depending on location.
- L-11 – *Liquidated Damage Policy*: Liquidated damages are outlined in the City’s contracts and funds are returned to the funding source.
- L-12 – *Oceanfront Encroachment Policy*: Policy is contained in Municipal Code Chapter 21, Appendix C and therefore is no longer necessary.
- L-13 – *McFadden Plaza and Pier Use Policy*: This policy is old, outdated and no longer necessary. Vehicular paths, other than those of City vehicles, are outlined in lease agreements or special events.
- L-17 – *Water Service Outside of the City*: This policy is old and outdated. If desired, additional language can be added to Municipal Code Chapter 14 by the Utilities Department.
- L-18 – *Protection of Water Quality: Drainage – Public Rights-of-Way*: These water quality regulations are contained in the Regional Water Quality Board’s Order NPDES No. CAS618030.
- L-19 – *Leased Street Lights*: This policy is old, outdated and not necessary. There are no leased streetlights in the city.
- L-20 – *Water Rates*: Water rates are established by Municipal Code 14.12.20 and Council Policy F-2.
- L-22 – *Protection of Water Quality: Water Quality Management Plans for New Development and Redevelopment*: These water quality regulations are contained in the Regional Water Quality Board’s Order NPDES No. CAS618030.

Attachment D is the redline version of all proposed changes.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – List of Current Public Works/Traffic/Utilities City Council “L” Policies

Attachment B – Resolution No. 2018-58

Attachment C – Summary of Changes

Attachment D – Redline Version of Policy Changes