

## March 6, 2019, GPU Steering Committee Comments

These comments on Newport Beach General Plan Update Steering Committee [agenda](#) items are submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660

### **Item III. Public Comments** (non-agenda items)

1. I remain curious about the status of staff's efforts to produce a readily-accessible copy of the [current General Plan](#). I see nothing new posted on the City website. Instead, the link to the GP on the City's [GPU web page](#) continues to go to a page with links to 73 separate PDF files constituting what it says is the 600 or so pages of the General Plan. It might be noted that every two weeks the City Clerk is able to consolidate numerous disparate documents and post them as a single electronically-indexed PDF Council agenda packet, often containing more than 1,000 pages. It does not seem like it should be difficult to do the same with the current GP.
2. To the extent they are interested in the current General Plan and the degree to which it needs revision, I hope the Committee members will track the City's [Annual General Plan Status Report](#) as it wends its way through the Planning Commission on March 7 and the City Council on March 26. The report details the City's progress in fulfilling the promises committed to in the GP's 2006 Implementation Program and the goals set forth in the current Housing Element. The Implementation Program (Chapter 13 of the GP) was itself supposed to be reviewed and updated annually. Needless to say, it has not.

### **Item IV.a: Review Action Minutes of the February 20, 2019 Meeting**

I would like to suggest the following grammatical correction:

**Page 2**, paragraph 2: "*The Committee unanimously decided to ~~provided~~ provide direction to staff to redraft the RFP to reflect the Listen and Learn component only for the next meeting.*"

I would also like to observe that action minutes of the sort being presented here provide a very bare-bones record of what happened at the meeting, particularly as to such matters as who said what. This is likely inconsistent with most people's notion of the "fully transparent" General Plan update process we have been promised.

By way of comparison, during the 2000-2006 General Plan Update process, the Council's eleven-member [General Plan Update Committee](#) (the equivalent of the present Steering Committee) produced fairly extensive written minutes which, although not readily available on the City website, seem to have been preserved in the City's archives. In 2013-2014, the [Land Use Element Amendment Advisory Committee](#) (which seems to have served as both a steering and drafting body) kept more cryptic minutes, similar to these, but on the motion of Committee member Paul Watkins, they were consistently approved contingent upon the City retaining a complete audio recording as a supplement to them (see, for example, [Item II](#) from August 6, 2013). Unfortunately, those recordings do not seem to have been retained in a publicly

accessible location, and it is not obvious they have been preserved at all. If they have not been, the record of what the LUEAAC discussed, and what public input it heard, is very incomplete.

If the Steering Committee wishes to proceed with “action minutes,” only, I would suggest there be some commitment to preserve the audio or visual recordings we have been told will be made, and that the written minutes provide a somewhat more complete indication of what may be found, and where, in those recordings.

## ***Item IV.b: Discussion of Draft Request for Proposals for Consulting Services***

### **Page 2:**

**paragraph 1:** *“The summary will be a consensus perspective, but it will include all the various voices and thoughts expressed, ~~provided they are relevant and reasonable.~~”*

I don’t think it should be up to the consultant to decide what comments received are “relevant and reasonable.” The public may well misunderstand the scope and capabilities of a general plan, but that does not mean the comments the consultant deems irrelevant or unreasonable should be ignored. Since others may disagree with that judgment, I believe they should be preserved in a separate section of the reports.

**paragraph 2:** *“The term “community” is the entire community living and working in the City, including residents, special interest groups, homeowner’s associations, property owners, the business community and regulatory agencies; the term is all-inclusive.”*

Does “community” include visitors? For decades we have supposedly had 10 million of them a year, but the RFP does not appear to include outreach to them, nor have I ever heard them referred to as an “interest group,” outside of the small subset of visitors promoted by “Newport Beach and Company.” Do we assume the interests of everyday visitors have been adequately addressed by our Local Coastal Program and do not need to be further considered in our General Plan?

**paragraph 4:** *“The City Council has created a ~~7~~8-member ad-hoc committee called the General Plan Update Steering Committee (Steering Committee) to guide the Listen and Learn process.”*

Isn’t it 8, with the Mayor as a non-voting ex officio member?

### **Page 3:**

**Proposal Evaluation Criteria:** Since it says it may change it may not matter, but I think I would give more weight to references from cities for which the proposer has performed similar services.

**Page 4:**

**Selection Process:**

**paragraph 2:** *"In the first step, known as "Technical Evaluation," a panel of City staff will rate the technical qualifications of all Proposals using the criteria described above to arrive at a Technical Score."*

I do not understand why this would be a staff process. I believe the Steering Committee should rank the proposals at its public meetings. To the extent staff members present evaluation sheets, the name of the employee performing the evaluation should be part of the public record along with a written explanation of why they assigned the score they did in each category. This is in contrast to the normal process in Newport Beach where the City Council is told only a ranking was produced based on composite scores resulting from evaluation by an unnamed panel.

**paragraph 4:** *"In the third step, the Steering Committee will select the highest-qualified firm and direct City staff to open its Cost Proposal, which will be evaluated for feasibility and reasonableness. ..."*

This suggests staff believes the Steering Committee will be selecting the consultant. My understanding was that selection would be made by the City Council, and that the Steering Committee was only making a recommendation. The latter is what clause D of the Committee's enabling resolution ([Res. No. 2019-7](#)) says. In any event, I don't think the Committee has been empowered to make contracts on behalf of the City's taxpayers.

**Page 10:**

**Task 2. Community Engagement and Outreach Program Preparation**

**bullet 2 in first set:** *"Examine and ~~refresh~~ provide input on the existing General Plan Vision Statement ~~as-needed~~; and"*

My understanding is that one of the main tasks of the Listen and Learn is to get feedback on the relevancy of the current Vision Statement. However, I thought "refreshing"/re-writing it based on that feedback was to be left to the GPAC.

**bullet 5 in second set:** *"Innovative methods of driving active participation from the community; ~~and~~"*

**bullet 6 in second set:** *"Digital engagement through use of virtual town hall meetings, citywide and neighborhood-centric on-line surveys, and use of various ~~different~~ social media platforms."*

**Page 11:**

**Task 3. Capturing Community Desires**

**bullet 2:** “All the ~~various~~ voices and thoughts expressed, ~~provided they are relevant and reasonable~~; and” [see comment on page 2, paragraph 1, above]

**last paragraph, last sentence:** “The Steering Committee may direct ~~several~~ changes to the draft document and the Consultant shall be responsible for producing a final document.”

**Consultant Representative**

**paragraph 2, sentence 2:** “Approvals of the individuals assigned shall be at the Steering ~~Commissions Committee’s~~ discretion.”

**Page 12:**

**last bullet:** “Provide staff support, oversight and direction ~~during~~ to the Consultant throughout the process.”

**Page 15:**

**paragraph 2:** “No Exceptions. The undersigned declares that the Proposal submitted by (Name of Firm) \_\_\_\_\_ to ~~prepare an amendment to the Newport Beach Land Use Element~~ conduct Community Engagement for a possible Newport Beach General Plan Update as described in the RFP was prepared in strict compliance with”