



# NEWPORT BEACH

## City Council Staff Report

September 10, 2019  
Agenda Item No. 22

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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**TITLE:** Resolution No. 2019-81: Proposed Revisions to City Council Policy B-17 – *Parks, Facilities and Recreation Program Donations*

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### **ABSTRACT:**

Council Policy B-17 promotes community involvement and active participation in quality of life components throughout the community. This policy establishes criteria for donations to assure area compatibility, attractiveness, usefulness, and ability to be maintained. Each donation considered for inclusion within the City public parks and streets system will be subject to established limitations and guidelines for the particular area. Suggested revisions to this policy were reviewed by the Parks, Beaches and Recreation Commission (PB&R) on April 2, 2019 and August 6, 2019, and recommended for Council approval.

### **RECOMMENDATION:**

- 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 recommendation from the Parks, Beaches, and Recreation Commission, and approve revisions to Council Policy B-17; and
- c) Adopt Resolution 2019-81, *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."*

### **FUNDING REQUIREMENTS:**

There is no current identified fiscal impact related to this item.

## **DISCUSSION:**

Council Policy B-17 “Parks, Facilities and Recreation Program Donations” establishes procedures and guidelines to staff and the public on how City Council desires to handle donations to the City. This policy was last amended on August 8, 2017. Based on staff interactions with the policy, as well as several public comments, staff undertook a more thoughtful review of the portions of the Council Policy pertaining to applications for donations of trees, benches or other tangible street or park furniture. Staff identified several areas of concern with the current policy:

- 1) Unanticipated large amounts of time associated with the management and maintenance of the program (particularly associated with donated benches);
- 2) Donor expectation levels;
- 3) Donation amounts not covering the actual cost to implement, install and maintain the donated items;
- 4) Overcrowding of some areas (particularly associated with donated benches);
- 5) Growing memorialization of our public rights-of-way, parks and spaces; and
- 6) No clear defined lifespan or sunset on bench and/or plaque removals.

On July 10, 2018, City Council reviewed City Council Policy B-17 – Parks, Facilities, and Recreation Program Donations and staff’s concerns. At that meeting, City Council took an action to suspend the policy and directed staff to work with the PB&R Commission to review, refine, and ultimately make a recommendation on revised language back to City Council for final review and approval.

At the August 7, 2018, PB&R meeting, the Commission established an Ad Hoc Donations Program Committee to review Council Policy B-17 and appointed Chair Howald, and Commissioners Granoff and Daruty to the Ad Hoc Committee. This Ad Hoc Committee met with staff on September 24, 2018, December 4, 2018, and January 16, 2019. Based on committee discussions, revised language was presented to the full PB&R Commission for review and consideration. At the April 2, 2019 PB&R meeting, the Commission considered the proposed changes to the policy which included: changes to the donation and maintenance period, increase the maintenance fee to recover costs, standardization of types of benches used throughout the city, disallowance of memorial language, and elimination of plaques for donated trees. The PB&R Commission voted to support these changes to Council Policy B-17 and recommended it be submitted to Council for their review and approval (Attachment B).

At the May 14, 2019, City Council meeting, staff presented these changes to Council for review and approval upon which Council directed staff to remove all donation plaques and offer first right of refusal after the ten-year donation period. Council also directed these changes back to the PB&R Commission for review and comment.

After revising the policy further to address City Council's additional direction, the suggested changes were presented to the PB&R Commission and subsequently approved at their August 6, 2019 Commission meeting. The PB&R Commission requested the policy be brought back to the City Council for final review and approval.

Attachment A is the current Council Policy B-17, Attachment B are the proposed changes to the policy and Attachment C is the Resolution and clean version of the 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 – Existing City Council Policy B-17
- Attachment B – Proposed City Council Policy B-17
- Attachment C – Resolution No. 2019-81