

City Council Minutes
Regular Meeting
December 10, 2019

I. CONVENED AT 7:00 P.M.

II. ROLL CALL

Present: Mayor Diane Dixon, Mayor Pro Tem Will O'Neill, Council Member Brad Avery, Council Member Joy Brenner, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon

III. INVOCATION – Reverend Keith Horwitz, Soul Center OC

IV. PLEDGE OF ALLEGIANCE – Council Member Muldoon

V. NOTICE TO THE PUBLIC

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

Council Member Avery:

- Attended the Orange County Sanitation District Operations Committee meeting and a Homeless Task Force meeting

Council Member Duffield:

- Indicated he was looking forward to Council reorganization

Council Member Muldoon:

- Indicated someone from JetSuiteX (JSX) is in attendance to discuss their findings, what they have done to make skies quieter, and possibly change how the airport issue is viewed
- Wished everyone a Merry Christmas

Council Member Brenner:

- Announced a Wildland Fire Community meeting at OASIS Senior Center on December 12, 2019
- Met twice with Assemblywoman Cottie Petrie-Norris, once with Community Development Director Jurjis, and the Corona del Mar High School youth and government program with Mayor Pro Tem O'Neill
- Attended the Orange County Forum's 2020 Housing Outlook with Community Development Director Jurjis
- Served lunch at the OASIS Senior Center's annual volunteer lunch
- Attended the Mariners Mile scoping meeting
- Referencing Item 7 (Traffic Modeling Update Services), requested a traffic discussion during a Study Session, as well as convening the emergency council

Council Member Herdman:

- Displayed a slide to discuss the American Public Works Association's (APWA) Project of the Year Award presented to the City for the Bayside Drive Improvement Project and congratulated the Public Works Department

Mayor Pro Tem O'Neill

- Announced he presented a proclamation to Pacifica Christian High School student, Hannah Novakovich, for receiving the Outstanding Youth Award during National Philanthropy Day Orange County 2019 for her leadership and community service
- Discussed the District 7 General Plan Update workshop and believed the City will be having a Study Session to discuss the new Regional Housing Needs Assessment (RHNA) numbers

Mayor Dixon:

- Provided an update regarding the RHNA numbers, expressed concern that the change would derail the City's efforts to update its General Plan (GP), and indicated the General Plan Update (GPU) Steering Committee is requesting that Council reexamine the GPU process
- Requested that staff include in the upcoming RHNA Action Plan a review of the GPU process, a determination of which Elements of the GP need to move forward at this time and which can be delayed, and possibly create a committee to recommend policy to Council regarding the Elements that need updating
- Announced the upcoming General Plan Workshop dates

VII. PUBLIC COMMENTS ON CONSENT CALENDAR

Regarding the Paramedic Subscription Program (Item 4), Jim Mosher believed major amendments have been made and suggested that Council continue this item to a future meeting so a Study Session can be held to discuss this publicly.

Fire Chief Boyles discussed the amendment to the number of employees the subscription would cover and explained the residency subscription.

VIII. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the November 19, 2019 City Council Meeting [100-2019]

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

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. Resolution No. 2019-104: Setting City Council Regular Meeting Dates for Calendar Year 2020 [100-2019]

- 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. 2019-104, *A Resolution of the City Council of the City of Newport Beach, California, Setting the Time and Dates of City Council Regular Meetings for Calendar Year 2020.*

4. Rescinding Resolution No. 2015-77 and Adopting Resolution No. 2019-105: Amending the Paramedic Subscription Program Pursuant to Chapter 5.60 of the Newport Beach Municipal Code [100-2019]

- 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 amended Resolution No. 2019-105, *A Resolution of the City Council of the City of Newport Beach, California, Rescinding and Replacing Resolution No. 2015-77 Relating to the Paramedic Subscription Program Service Charges Pursuant to Chapter 5.60 (Paramedic Service User Fees) of the Newport Beach Municipal Code.*

CONTRACTS AND AGREEMENTS

5. Corona del Mar Fire Station No.5/Library Replacement – Notice of Completion for Contract No. 8136-2 (15F12) [38/100-2019]

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
 - b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
 - c) Release the Faithful Performance Bond one year after acceptance by the City Council.
- 6. Newport Pier Area Water Main Replacement – Award of Contract No. 7631-2 (20W11) [38/100-2019]**
- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 2 Section 15302(c) (replacement of existing public facilities involving negligible or no expansion of capacity) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment;
 - b) Approve the project plans and specifications;
 - c) Award Contract No. 7631-2 to Paulus Engineering, Inc. for the bid amount of \$2,651,674.10 for the Newport Pier Area Water Main Replacement project and authorize the Mayor and City Clerk to execute the contract; and
 - d) Establish a contingency of \$265,000.00 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.
- 7. Approval and Award of Professional Services Agreement with Urban Crossroads for Traffic Modeling Update Services (C-8617-1) [38/100-2019]**
- 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 Professional Services Agreement with Urban Crossroads of Newport Beach, California for a two-year term and a total amount not-to-exceed \$242,800, and authorize the Mayor and City Clerk to execute the agreement.

MISCELLANEOUS

- 8. Planning Commission Action Report for the November 21, 2019 Meeting and Agenda for the December 5, 2019 Meeting [100-2019]**
Receive and file.
- 9. Budget Amendment to Accept a Check from the California State Library for Literacy Services (CLLS) and Appropriate Funds to the Library's FY 2019-20 Maintenance and Operation Budget [100-2019]**
- 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 \$18,000 from the California State Library for Literacy Services (CLLS) and approve Budget Amendment No. 20-023 to increase expenditures by the same amount in the Literacy accounts indicated.

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Muldoon, to approve the Consent Calendar; and noting the amendments to Item 1 and Item 4.

The motion carried unanimously.

IX. ITEMS REMOVED FROM THE CONSENT CALENDAR – None

X. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Tina Babajanians expressed concerns with people living in their vans at the West Oceanfront parking lot.

Jim Mosher commended staff for allowing the public to download Council and Planning Commission meeting videos. He took issue with a Planning Commission approved project in China Cove that is before the Coastal Commission on December 12, 2019, in which the applicant is now offering the City \$50,000 to improve access and views elsewhere in the City, contingent upon approval by the Coastal Commission, believed some constituents feel this is a payment for favorable treatment, and noted the applicant is being represented by a former assistant city attorney who is now in private practice.

Corey Ferguson, JSX Captain, discussed his background, noted JSX is using the quietest aircraft at John Wayne Airport (JWA), displayed a slide, and provided a handout to discuss JSX's noise footprint compared to aircrafts from other carriers due to their departure profile.

Charles Klobe requested that Council review the project that is going before the Coastal Commission. He indicated he appreciates the quietness of JSX's take-offs; however, noted that the airport has offered to allow them to increase their passenger traffic if they move to the main terminal.

In response to Council questions, Deputy Community Development Director Campbell reported the project was approved by the Planning Commission and directly appealed to the Coastal Commission, but Council could have called it up for review after the Commission approved the project. Regarding the \$50,000, he stated it was a voluntary offer by the property owner, which would need Council approval, and the Coastal Commission staff report is not contingent on the offer going through. He confirmed that the offer was submitted after it was approved by the Planning Commission and there was no opportunity to influence their decision. City Attorney Harp clarified the process, reiterating that it did not need Council approval, the project could have been appealed to Council, or a Council Member could have called it up for review after Planning Commission approval; however, it was appealed directly to the Coastal Commission, and once they received the appeal, it was no longer under the City's authority.

In response to Council Member Muldoon's questions, Mr. Ferguson indicated the new departure procedure approximately 1,200 feet higher than before and stated that the other carriers can do the same, but it would be more difficult for them due to the bureaucracy of the larger carriers.

City Manager Leung confirmed that JSX is invited to the December 20, 2019 technical subcommittee meeting of the Aviation Committee.

XVIII. REORGANIZATION – SPECIAL ORDER OF BUSINESS AT 7:15 P.M.

10. Presentation by District Director Tim Whitacre, on behalf of Orange County Supervisor Michelle Steel, to Mayor Diane Dixon

District Director Whitacre presented a Certificate of Recognition to Mayor Diane Dixon for her leadership and service to the City.

Presentation of Gavel Plaque to Outgoing Mayor Diane Dixon and Remarks by Outgoing Mayor

Mayor Pro Tem O'Neill discussed the City's accomplishments during Mayor Dixon's term and presented her with a gavel plaque in recognition of her service as Mayor during 2019.

Mayor Dixon commended her fellow Council Members, staff, and board, commission and committee members for their hard work and dedication to the City, and discussed the City's balanced budget, unfunded pension liability payments, the homeless issue, and current and future projects. She stated that she is looking forward to continuing to serve the residents of Newport Beach.

11. Election of Mayor

City Clerk Brown, in presiding, placed all members of the City Council on an equal basis to nominate and elect.

Council Member Duffield nominated Council Member O'Neill for the position of Mayor.

Motion by Council Member Muldoon, seconded by Council Member Brenner, to close nominations.

The motion carried without objection.

Interested parties were invited to address the City Council. There being none, public comments were closed.

City Clerk Brown asked if there was any further discussion relative to the nomination for Mayor. There being no further discussion, City Clerk Brown conducted oral votes for the Mayor seat.

Without objection, Council Member O'Neill was selected as the Mayor of the City of Newport Beach for 2019-2020.

Mayor O'Neill took his place at the Council dais.

12. Election of Mayor Pro Tem

Mayor O'Neill, in presiding, placed all members of the City Council on an equal basis to nominate and elect.

Council Member Dixon nominated Council Member Avery for the position of Mayor Pro Tem.

Motion by Council Member Muldoon, seconded by Mayor O'Neill, to close nominations.

The motion carried unanimously.

Interested parties were invited to address the City Council. There being no public comments, Mayor O'Neill asked if there was any further discussion relative to the nomination for Mayor Pro Tem.

There being no further discussion, Mayor O'Neill conducted oral votes for the Mayor Pro Tem seat.

Without objection, Council Member Avery was selected as the Mayor Pro Tem of the City of Newport Beach for 2019-2020.

Mayor Pro Tem Avery took his place at the Council dais.

13. Seating Arrangements for City Council

The Council Members decided on the seating arrangement for the Council dais, pursuant to City Council Policy A-1. The following seating order was determined (left to right):

Joy Brenner – Duffy Duffield – Brad Avery – Will O'Neill – Kevin Muldoon – Diane Dixon – Jeff Herdman

14. New Mayor Remarks

Mayor O'Neill thanked his Council colleagues, the voters of the City, his friends and family, and especially his wife, Jenny, and his children. He discussed the history of the City and his plans to emphasize the following over the coming year: 1) getting the fundamentals right, 2) responding to external pressures in ways the City really has not in many years, and 3) celebrating people and groups for the betterment of the City. He declared 2020 as the *Year of the Volunteer*.

XII. PRESENTATION

- **Recognition to Tony Cappa for 27 Years of Leading the OASIS Senior Center's Ukulele Club**

Mayor O'Neill read the proclamation and presented it to Tony Cappa who provided a quote from Oscar Wilde, noted the Ukulele Club is the oldest organized ukulele group in the United States, stated one of their members received UCLA's first ukulele scholarship, and invited people to listen to them play at the OASIS Senior Center.

XIII. CONSENT CALENDAR

MISCELLANEOUS

15. Designation of City's Representatives Under California Government Code Section 54957.6(A)

Motion by Council Member Herdman, seconded by Council Member Duffield, to designate the Mayor and Mayor Pro Tem as the City's designated representative for purposes of labor negotiations with all unrepresented employees within the Key and Management Group including, but not limited to, the City Manager, City Attorney and City Clerk, pursuant to California Government Code Section 54957.6(a).

The motion carried unanimously.

XIX. MOTION FOR RECONSIDERATION – None

XX. ADJOURNMENT – Adjourned at 8:12 p.m. in memory of Kay Sandland

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive on December 5, 2019, at 4:00 p.m.

Will O'Neill
Mayor

Leilani I. Brown
City Clerk