



CITY OF

NEWPORT BEACH

City Council Staff Report

June 23, 2020
Agenda Item No. 13

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Mutual Termination of Cooperative Agreement between the City of Newport Beach and The Regents of the University of California for the Marina Park Community Boating Program

ABSTRACT:

Staff is requesting City Council waive the one-year prior written notice of termination provisions included in the Cooperative Agreement ("Agreement") for the Community Boating Program at Marina Park, executed by and between the City of Newport Beach ("City") and The Regents of the University of California ("University"), and approve the Termination Agreement ("Termination"). Additionally, approval is requested to purchase six (6) Waterline J-22 boats from the Regents and for a budget amendment to re-align revenues and expenditures to continue operation of the Marina Park Boating Program by the Recreation and Senior Services Department.

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) Recommend the City waive the right to one (1) year prior written notice of termination to terminate the Agreement (Attachment A) which shall take effect June 30, 2020 (Attachment A);
- c) Authorize the purchase of six (6) 2011 Waterline J-22 boats in the amount of \$120,000 from the Regents of the University of California for continued use in the Marina Park Boating Program; and
- d) Approve Budget Amendment No. 020-051 appropriating \$35,062 in additional revenue from account 0107023-521427, \$57,228 reduction in expenditure appropriations in account 0107023-811046, and \$92,290 in increased expenditure appropriations in Marina Park salary and benefit accounts (Attachment B).

FUNDING REQUIREMENTS:

This Budget Amendment results in a zero-net impact to the General Fund. The Budget Amendment appropriates \$35,062 in additional revenue from the Marina Park Tidelands Boating Program classes (0107023-521427) and \$92,290 in increased expenditure appropriations for a .75 part time Recreation Coordinator and a .68 part time Facilities Maintenance Worker II in Marina Park salary and benefit accounts. Expenditure appropriations in Marina Park Tidelands Instructor Payments (0107023-811046) will be reduced by \$57,228 for a reduction in contract expense for paddle board kayak rentals and tidelands instructor payments.

Sufficient funds in the amount of \$120,000 for the purchase of (6) J-22 boats have been appropriated in the RSS Equipment Internal Service Fund (ISF) – Equipment Account 75704-911024 for FY 2020-21.

DISCUSSION:

The City and University entered into an Agreement for the operation of the Marina Park Community Boating Program, dated September 8, 2015. The City and the University have worked cooperatively to provide programs to the community at Marina Park. Classes included after-school sailing programming, dinghy sailing, keelboat sailing, private lessons and summer camps. Additionally, rentals of kayaks, stand up paddle boards and sail boats have been offered.

The program has been without a permanent University Boating Director since Spring 2018, which has impacted the growth and success of programming and operations as intended. After extensive discussions, the University and City staff mutually agree it is in the best interest of both parties to terminate the Agreement. The Agreement requires either party provide no less than 365-days prior written notice of termination. However, in order to allow the City to proceed with operation of the program, the Termination was mutually agreed upon between both parties. All assets will be distributed as specified in the Mutual Termination Agreement.

Marina Park staff will oversee the boating program and intends to continue to offer existing programming through our traditional service model, with a mix of part-time staff and contracted instructors. A part-time Coordinator and part time Facilities Maintenance Worker will oversee the daily equipment rental program, schedule a robust sailing program through contract instructors, maintain the fleet of boats at Marina Park and the dock. These positions will require 5 years of experience in sailing/maintenance, a California boating license, American Boat and Yacht Council (ABYC) Certification and marine specific maintenance certifications.

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 – Mutual Termination of Cooperative Agreement, Copy of Cooperative Agreement and Vessel Fleet Detail
Attachment B – Budget Amendment