

**City Council Meeting Minutes
Study Session and Regular Meeting
September 28, 2021**

I. ROLL CALL – 4:00 p.m.

Present: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon (arrived at 4:05 p.m.), Council Member Noah Blom (via Zoom), Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar – None

SS2. Newport Beach Arts Foundation Check Presentation

Newport Beach Arts Foundation President Juanita Holley presented Mayor Avery with a \$20,000 check, noted a recent celebration of Phase VII of the Sculpture Garden, and thanked Library Services Director Hetherton for his work with cultural arts. City Arts Commissioner Arlene Greer thanked the Newport Beach Arts Foundation for supporting art in the City.

Presentation to Assistant City Manager Carol Jacobs

Mayor Avery recognized Assistant City Manager Jacobs for her service to the City and community, and presented her with a certificate.

SS3. Discussion and Review of Library Lecture Hall Project

Public Works Director Webb and Library Lecture Hall Design Committee Chair Jill Johnson-Tucker utilized a presentation to discuss the Library Lecture Hall Design Committee (LLHDC), need for a lecture hall, location, recommended conceptual design, floor plan and Americans With Disability Act (ADA) accessibility, primary materials, design approvals, and architectural design guidelines. Chair Johnson-Tucker noted that Karen Clark and Walter Stahr negotiated the terms of the Memorandum of Understanding (MOU) with assistance from Larry Tucker.

In response to City Council questions, Public Works Director Webb reported that Council may direct the architect to source materials locally, which may affect the cost, and currently some construction materials are not readily available, and stated that staff seeks Council comments regarding the concept and terms of the MOU, and guidance regarding the design.

Larry Tucker continued the presentation, highlighting the status of MOU negotiations and fundraising, estimated cost, including site work and other expected costs totaling \$11.8 million, Library Foundation funding and offer, and next steps.

Public Works Director Webb concluded the presentation with details of the preliminary cost estimate and schedule.

Council Member O'Neill discussed the cost estimate, the need to have a sense of whether the cost increase is absorbable and whether Council is comfortable with design costs, needs versus wants, the City's financial picture, investing in social infrastructure, his recommendation to move the design forward with a cap on costs or 50% of the costs, and completing the design or the MOU first.

Mayor Avery concurred with Council Member O'Neill's comments and noted that the lecture hall should pay for itself in terms of maintenance, wanted to see maximum usage and revenue

generation, and commended Library Foundation board members for obtaining funding and Irvine Company approval.

Council Member Dixon indicated that the Library Foundation and Board of Library Trustees are committed to the project, the lecture hall will be compatible with the Civic Center, and one-time funds may be available for the project. In response to her question, Council Member O'Neill believed MOU negotiations could be completed in about 60 days, but Council needs to provide authorization. Council Member Dixon supported moving forward with the design of the lecture hall, a 50/50 split of costs and a not-to-exceed amount for the City's costs, completing the MOU, and releasing an incremental amount of funding for design costs.

In response to Council Member Brenner's question, Jerold Kappel, Executive Director of the Library Foundation, stated that the City will receive a quantifiable return on its investment, and the community supports the Library and the lecture hall project.

Board of Library Trustees Chair Paul Watkins supported the project and asked Council for their support by moving it forward.

Walkie Ray believed that fundraising would be successful.

Dorothy Larson, past Library Foundation Chair, indicated that the City needs the lecture hall to continue elevating its cultural profile, and the Library Foundation has a fiduciary responsibility to its donors.

With Mayor Pro Tem Muldoon voting "no," there was a 6-1 straw vote for authorization to negotiate a 50/50 split with a \$6.5 million cap.

With Mayor Pro Tem Muldoon voting "no," there was a 6-1 straw vote to approve the concept and design at the \$6.5 million cap.

III. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Phil Bettencourt commended Council for approving the lecture hall, City Manager Leung for her participation in Coastal Cleanup Day, and appreciated the 1/1 Marine relationship with the City.

Joe Angelo discussed pedestrian safety on the boardwalk and requested that Council ban electric bikes and enforce skateboard use on the boardwalk.

Denys Oberman reiterated concerns for the safety of pedestrians on the boardwalk and expressed the opinion that electric bikes should be banned, speed should be regulated, and the boardwalk ambassadors need enforcement powers.

Michelle Rosenthal expressed disappointment with the City's and Police Department's lack of support for residents regarding two unlicensed residential care facilities in her neighborhood and requested that Council agendize a discussion at its next meeting and tighten the language of the ordinance.

Laura Curran sought City action, empathy, and engagement to investigate Miramar Recovery for fraudulent ownership and operation, and remarked that the Newport Beach Municipal Code does not allow integral facilities in R-2 zones.

Linda Delaney expressed the opinion that Item 11 (Ocean Boulevard Sidewalk Improvements Between Carnation Avenue and Fernleaf Avenue – Award of Contract No. 7623-1) will create a safety issue by narrowing the width of Ocean Boulevard and requested a temporary installation so that the community can understand the proposed changes and engage with the City.

Denys Oberman noted the September 8, 2021 court ruling regarding the City of Costa Mesa's ordinance for residential care facilities and the fact that the City of Newport Beach's ordinance has not been challenged in court.

Catherine Callender, addressing Item 11, requested a temporary installation of the proposed project so that the neighborhood can see the changes and potential safety issues.

City Attorney Harp announced that a community meeting regarding residential care facilities will be held on October 11, 2021.

Out of an abundance of caution, Mayor Pro Tem Muldoon recused himself on Closed Session Item IV.A due to potential business interest conflicts.

City Attorney Harp announced that the City Council would adjourn to Closed Session to discuss the items listed in the Closed Session agenda and read the titles.

IV. CLOSED SESSION – Council Chambers Conference Room

**A. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION – INITIATION OF LITIGATION
(Government Code § 54956.9(d)(4)): 2 matters**

Delux Public Charter, LLC D/B/A/ JSX Air and JetSuiteX, Inc. v. County of Orange, et al.
United States District Court, Central District Case No. 8:20-CV-2344-JLS (KES)

(The City Council will be meeting with legal counsel regarding the lawsuit filed by Delux Public Charter, LLC D/B/A/ JSX Air and JetSuiteX, Inc. against the County of Orange, which relates JSX's operations and John Wayne Airport, and one other matter.)

**B. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6): 1 matter**

Agency Designated Representatives: Grace K. Leung, City Manager, Carol Jacobs, Assistant City Manager, Barbara Salvini, Human Resources Director, and Charles Sakai, Esq., Negotiators.

Employee Organizations: Association of Newport Beach Ocean Lifeguards (ANBOL), Newport Beach Police Association (NBPA), Newport Beach Professional and Technical Employees Association (NBPTEA), Newport Beach City Employees Association (NBCEA), Newport Beach Firefighters Association (NBFA), and Newport Beach Employees League (NBEL).

V. RECESSED – 5:50 p.m.

VI. RECONVENED – 6:30 p.m.

VII. ROLL CALL

Present: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon, Council Member Noah Blom (via Zoom), Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill

VIII. CLOSED SESSION REPORT

City Attorney Harp reported Council direction regarding Closed Session Item IV.A remained unchanged from the July 13, 2021 City Council meeting. Further, upon motion by Council Member Dixon and second by Council Member Blom, Council authorized the City Attorney's Office to file a mandatory fee arbitration

case against Cooley LLP, William O'Connor, and Andrew Barr for disgorgement of fees. With the exception of Mayor Pro Tem Muldoon, who recused himself, all Council Members voted in favor of the motion.

IX. INVOCATION – Reverend Keith Horwitz, Soul Center OC

X. PLEDGE OF ALLEGIANCE – Council Member Duffield

XI. NOTICE TO THE PUBLIC

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

Council Member Brenner:

- Toured the Orange Coast College (OCC) Professional Mariner Training Center
- Attended the League of California Cities (CalCities) Conference, Sculpture Garden grand opening, Spyglass Hill picnic, OASIS Senior Center Cars and Coffee event, Orange County Mosquito and Vector Control Board meeting, and the Newport Beach Arts Show at Bistango
- Utilized slides to discuss the Newport Beach Police Department's e-bike and traffic safety presentation, announce a Shred and E-Waste Event on October 16, and thank City staff for prosecuting the construction of an unauthorized trail in Buck Gully

Council Member O'Neill:

- Attended the Corona del Mar Residents Association (CdMRA) meeting with Council Member Brenner, Spyglass Hill picnic, OASIS Senior Center Cars and Coffee event, and the Crystal Cove Soiree where it was announced that the State will fund the restoration of the remaining cottages

Council Member Dixon:

- Attended the Aviation Committee meeting, City Arts Commission reception in the Sculpture Garden, Spyglass Hill picnic, concert at Marina Park, Concert on the Green, and OASIS Senior Center Cars and Coffee
- Utilized a slide to announce a District 1 Town Hall on October 5 at Marina Park

Council Member Duffield:

- Attended an Executive Watershed Committee meeting
- Utilized a slide to announce a community meeting to discuss residential care facilities on October 11 at 6:00 p.m.

Mayor Avery:

- Attended the Spyglass Hill picnic, Balboa Island Art Walk, Sculpture Garden grand opening, OASIS Senior Center Cars and Coffee event, and the opening of the OCC Professional Mariner Training Center

XIII. PUBLIC COMMENTS ON CONSENT CALENDAR

Jim Mosher, addressing Item 6 (Resolution No. 2021-86: Creating the City Council Ad Hoc Redistricting Committee), remarked that a realistic cost estimate for the redistricting effort would be helpful, and inquired about the necessity of this work if a pending ballot initiative could change the number of districts in the City. Regarding Item 12 (Contract with Arts Orange County to Manage Phase VII of the Sculpture Exhibition in Civic Center Park), he noted that the staff report and contract conflict with respect to the selection process.

Linda Delaney stated that Catherine Callender requests that Council delay its vote on Item 11 so that the community may engage with Council.

Regarding Item 12, City Attorney Harp advised that staff will ensure that the contract matches the staff report.

At Council Member Brenner's request, City Arts Commission Chair Greer related that the process has changed to allow the public greater input into the selection of artwork for the Sculpture Garden.

XIV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the September 7, 2021 City Council Special Meeting and September 14, 2021 City Council Regular Meeting [100-2021]

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.

ORDINANCES FOR ADOPTION

3. Ordinance No. 2021-16: Amending the LCP Implementation Plan Related to Residential Design Standards Addressing Third Story Massing (PA2019-070) [100-2021]

- a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment; and
- b) Conduct second reading and adopt Ordinance No. 2021-16, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2019-006 Related to Residential Design Standards (PA2019-070).*

4. Ordinance No. 2021-17: Amending the LCP Implementation Plan Related to Setback Maps S-3A and S-3B on Lido Isle (PA2016-066) [100-2021]

- a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines, Class 5 (Minor Alterations in Land Use Limitations) because it has no potential to have a significant impact on the environment; and
- b) Conduct second reading and adopt Ordinance No. 2021-17, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2017-004 Related to Certain Front Yard and Side Yard Setbacks on Lido Isle (PA2016-066).*

5. Ordinance No. 2021-18: Amending the LCP Implementation Plan Related to the Amortization of Nonconforming Signs (PA2019-184) [100-2021]

- a) Find this amendment exempt pursuant to California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program; and
- b) Conduct second reading and adopt Ordinance No. 2021-18, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to the Amortization of Nonconforming Signs (PA2019-184).*

Council Member Duffield recused himself from Item 5 due to business interest conflicts.

RESOLUTIONS FOR ADOPTION

6. Resolution No. 2021-86: Creating the City Council Ad Hoc Redistricting Committee [24/100-2021]

- 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) Adopt Resolution No. 2021-86, *A Resolution of the City Council of the City Newport Beach, California, Creating the Ad Hoc Redistricting Committee to Study the Adjustment of Voting District Boundaries as a Result of the United States Census Bureau's 2020 Census*; and
 - c) Confirm the appointments of Mayor Avery, Council Member Will O'Neill, and Council Member Diane Dixon to serve on the City Council Ad Hoc Redistricting Committee.
- 7. Resolution No. 2021-87: Creating the City Council Ad Hoc General Plan Update Committee (PA2017-141) [24/100-2021]**
- 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 any physical change to the environment, directly or indirectly; and
 - b) Adopt Resolution No. 2021-87, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Ad Hoc General Plan Update Committee*; and
 - c) Confirm Mayor Brad Avery's appointments of Council Member Joy Brenner, Council Member Will O'Neill, and himself to the Ad Hoc General Plan Update Committee.
- 8. Resolution No. 2021-88: Accepting a Grant from the State of California, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange (SAVE) Program [100-2021]**
- 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) Adopt Resolution No. 2021-88, *A Resolution of the City Council of the City of Newport Beach, California, Accepting a Grant from the State of California, Department of Parks and Recreation, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program (SAVE)*; and
 - c) Approve Budget Amendment No. 22-014 recognizing \$175,000 in grant revenue from the California Division of Boating and Waterways (13501-431385-22H13) and appropriating \$175,000 to Account No. 13501-980000-22H13 and \$17,500 to Account No. 10001-980000-22H13 (Abandoned Watercraft Abatement CIP Expenditure).
- 9. Resolution No. 2021-89: Investment Policy Update [100-2021]**
- 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. 2021-89, *A Resolution of the City Council of the City of Newport Beach, California, Finding Consistency with Stated Investment Objectives and Amending City Council Policy F-1 (Statement of Investment Policy) to Add Clarifying Language that is Consistent with Government Code Section 53600, et seq.*

CONTRACTS AND AGREEMENTS

- 10. Via Lido Soud and Nord Water Main Replacement – Notice of Completion for Contract No. 7645-2 (20W12) [38/100-2021]**
- 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 the Notice of Completion has been recorded in accordance with applicable portions of Civil Code; and
 - c) Release Faithful Performance Bond one year after acceptance by the City Council.
- 11. Removed from the Consent Calendar**

- 12. Contract with Arts Orange County to Manage Phase VII of the Sculpture Exhibition in Civic Center Park (C-8463-5) [38/100-2021]**
- 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 contract with Arts Orange County for project management of Phase VII of the Sculpture Exhibition in Civic Center Park for a total amount not to exceed \$119,000, and authorize the Mayor and City Clerk to sign the contract.
- 13. Mutual Aid Agreement with the County of Orange for the COVID-19 Vaccination Effort (C-8773-1) [38/100-2021]**
- 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 the Mutual Aid Agreement with the County of Orange for the COVID-19 Vaccination Effort.
- 14. Amendment No. 4 to the Crossing Guard Services Agreement with All-City Management Services (C-8521-1) [38/100-2021]**
- 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) Approve Amendment No. Four to the Crossing Guard Services Agreement with All-City Management Services, Inc. of Santa Fe Springs, California adding two crossing guards for Ensign Intermediate School, and authorize the Mayor and City Clerk to execute the Amendment; and
 - c) Approve Budget Amendment No. 22-013 appropriating \$25,380 in increased expenditures in Account No. 01035354-811008 from the unappropriated General Fund balance.

MISCELLANEOUS

- 15. Budget Amendment to Accept a Check from the Newport Beach Arts Foundation and Appropriate Funds to the Cultural Arts' Fiscal Year 2021-22 Maintenance and Operation Budget [100-2021]**
- 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 \$20,000 from the Newport Beach Arts Foundation and approve Budget Amendment No. 22-012 to increase expenditures by the same amount in Division 01060603 (Cultural Arts).

Motion by Mayor Pro Tem Muldoon, seconded by Council Member Brenner, to approve the Consent Calendar, except the item removed (Item 11); and noting the recusal by Council Member Duffield to Item 5, and the amendments to Item 1.

The motion carried unanimously.

XV. ITEM REMOVED FROM THE CONSENT CALENDAR

- 11. Ocean Boulevard Sidewalk Improvements Between Carnation Avenue and Fernleaf Avenue – Award of Contract No. 7623-1 (18R25) [38/100-2021]**

Harley Broviak noted discrepancies between using a stop sign and a yield sign, expressed concern about the proposed sidewalk widths, and requested an accurate and updated diagram, a physical mockup of the improvement, and a formal traffic impact study of Ocean Boulevard.

An unidentified speaker suggested staff prepare a more formal design.

At Council Member Brenner's request, Public Works Director Webb utilized a presentation to describe the project, standards, and revisions in response to community concerns. He reported that the street would meet current residential standards for traffic and staff does not feel there will be any problems.

Assistant City Engineer Sinacori reported that staff painted a centerline on the street to demonstrate traffic movement and noted the concern about the sidewalk since people gather at the same spot each evening and block the sidewalk. He stated that, if Council wishes, staff can meet with residents again to review the project.

Council Member Brenner recalled residents' initial negative response to the project more than three years ago, additional meetings with residents, and the impetus for a stop sign. She noted that staff has agreed to work with residents, but Council cannot afford to delay the project.

Mayor Pro Tem Muldoon noted that staff would not typically conduct a traffic study for this type of project and pointed out that street and sidewalk widths are set by City standards.

Motion by Mayor Pro Tem Muldoon seconded by Council Member Dixon, to a) find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (repair and maintenance of existing highways and streets, sidewalks, and gutters involving no expansion of use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; b) approve project drawings and specifications; c) award Contract No. 7623-1 to Vido Samarzich, Inc. for the total bid price of \$449,470, and authorize the Mayor and City Clerk to execute the contract; and d) establish \$45,000 (approximately 10 percent) contingency to cover the cost of unforeseen work not included in the original contract.

The motion carried unanimously.

XVI. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Steven Fusswinkel related that five group homes are located within three blocks of one another in his neighborhood, 12-15 people live in some of the homes, residents do not feel safe, and noted the difference between Costa Mesa's ordinance and Newport Beach's ordinance. He requested Council agendize a discussion of the issues and work with residents to change State laws.

XVII. PUBLIC HEARINGS

16. Ordinance Nos. 2021-19 and 2021-20: A General Plan Amendment for the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020) [38/100-2021]

Community Development Director Jurjis and Associate Planner Westmoreland utilized a presentation to discuss the proposed project, share a vicinity map, existing conditions, requested entitlements, display the site plan, garage access, renderings and plan sections, review Charter Section 423 analysis, California Environmental Quality Act (CEQA) analysis, highlight the Environmental Impact Report (EIR) and Development Agreement (DA), Planning Commission recommendations, conditions of approval, and staff's recommendation.

Mayor Avery opened the public hearing.

Coralee Newman, Government Solutions, Glen Butler, architect, and Mark Schattinger, MJS landscape architect, utilized a presentation to review the applicant's requests, community meetings, location, project statistics, perspectives, colors and materials, site plans, traffic circulation, common area amenities, surrounding building heights, photo simulations, and terms of the DA.

Council Member Dixon thanked the applicant for listening to the community, providing a beautiful project, reducing the size, and agreeing to a DA. She noted that the project conforms to General Plan requirements.

Council Member Brenner disclosed an ex parte meeting with the applicant and applicant's representative to review the project and stated that the improvements are impressive.

Jim Mosher discussed the addition of housing units in Newport Center, the requirement for a vote of the electorate, height limits and the proposed building's height, and the project's failure to comply with the definition of a Planned Community.

Hearing no further testimony, Mayor Avery closed the public hearing.

Motion by Mayor Pro Tem Muldoon, seconded by Council Member Dixon, to a) adopt Resolution No. 2021-90, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report No. ER2021-002 (SCH No. 2020110087), Adopting the Mitigation Monitoring and Reporting Program, and Adopting California Environmental Quality Act Findings of Fact for the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020)*; b) adopt Resolution No. 2021-91, *A Resolution of the City Council of the City of Newport Beach, California, Adopting General Plan Amendment No. GP2020-001 for the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020)*; c) adopt Resolution No. 2021-92, *A Resolution of the City Council of the City of Newport Beach, California, Approving Major Site Development Review No. SD2020-001 for the Residences at Newport Center and Rescinding Use Permit No. UP1461 for a Car Wash Located at 150 Newport Center Drive (PA2020-020)*; d) adopt Resolution No. 2021-93, *A Resolution of the City Council of the City of Newport Beach, California, Approving Tentative Tract Map No. NT2020-001 for the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020)*; e) waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-19, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Development Agreement No. DA2020-001 for the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020) (C-8217-2)*, and pass to second reading on October 12, 2021; and f) waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-20, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Zoning Code Amendment No. CA2020-008 and Planned Community Development Plan No. PC2020-001 Establishing the Residences at Newport Center Located at 150 Newport Center Drive (PA2020-020)*, and pass to second reading on October 12, 2021.

The motion carried unanimously.

17. Ordinance No. 2021-21: Zoning Code Amendment and General Plan Amendment to Change the Land Use Designation and Zoning District from Multiple Unit Residential to Private Institutions at 1499 Monrovia Avenue (PA2021-068) [100-2021]

Community Development Director Jurjis reported the item proposes to change the designation from residential to Private Institution (PI) to allow Pacifica Christian High School to occupy the site, and noted that a use permit will be presented to Council at a future meeting.

Mayor Avery opened the public hearing.

Shawna Schaffner, applicant representative, requested Council approve the General Plan Amendment and Zoning Code Amendment.

Katherine Anderson urged Council to approve the amendments.

Mark McCardle shared his family's positive experiences with Pacifica Christian High School and asked Council to approve the amendments.

Hearing no further testimony, Mayor Avery closed the public hearing.

Council Member O'Neill commented that Pacifica Christian High School enriches the community and individual families.

Motion by Council Member O'Neill, seconded by Council Member Brenner, to a) find this project not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) 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; c) adopt Resolution No. 2021-94, *A Resolution of the City Council of the City of Newport Beach, California, Approving General Plan Amendment No. GP2021-002 to Change the Land Use Designation from RM 18 DU/AC (Multiple Residential) to PI 0.49 FAR (Private Institutions) for the Property Located at 1499 Monrovia Avenue (PA2021-068)*; and c) waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2021-21, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Zoning Code Amendment No. CA2021-003 to Change the Zoning Code Designation from RM 2420/3100 (Multiple Residential) to PI 0.49 FAR (Private Institutions) for the Property Located at 1499 Monrovia Avenue (PA2021-068)*, and pass on to second reading on October 12, 2021.

Council Member Dixon disclosed that she took a site visit and indicated the Pacifica Christian High School's administration cares about the community, and the school and its students benefit Newport Beach.

Council Member Brenner disclosed that she took a tour of the school.

The motion carried unanimously.

XVIII. CURRENT BUSINESS

18. Approval of a Mobile Crisis Response Team to Assist Residents and Homeless Individuals Experiencing Mental Health Crises Related to COVID-19 and a Community Development Block Grant and Professional Services Agreement (C-8778-1) [38/100-2021]

Assistant City Manager Jacobs utilized a presentation to discuss the City's homeless population, successes, and the City's approach. She noted that the missing piece was a means to assist with mental health issues.

In response to Council Member Dixon's questions, Marshall Moncrief, Chief Executive Officer of Be Well OC/Mind OC, advised that Be Well can begin providing services in Newport Beach starting December 2021, is awaiting delivery of a van, and can often avoid facility-based care by providing services promptly.

Assistant City Manager Jacobs concluded the presentation with how the program works, costs, and funding.

In response to Council Member Dixon's questions, Assistant City Manager Jacobs indicated that the homeless population changes almost daily, the core group of homeless individuals is getting smaller, a small percentage of clients stop services and return to the streets, and clients in the shelter can transition to Be Well.

In response to Mayor Avery's question, Mr. Moncrief related that one team and van can cover the projected call volume, Be Well will monitor response times and adjust as needed, and Be Well resources can be shared among cities in which it operates.

Reverend Cindy Vorhees, St. James Episcopal Church, urged Council to support the project, shared her experiences working with people suffering mental health issues, and noted the excellent quality of Be Well's services.

Council Member Brenner emphasized the cost savings of utilizing Be Well's services and pointed out that Be Well also provides services to people suffering mental health issues that are not homeless.

Council Member Dixon thanked staff for their efforts over the past 18 months.

Motion by Council Member Dixon, seconded by Council Member Brenner, to 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) approve Budget Amendment No. 22-015 in the amount of \$717,079 in COVID-19 Community Development Block Grant Funds and \$376,101 from the General Fund to provide funding for a pilot program; and c) authorize the City Manager and City Clerk to execute a three-year Community Development Block Grant Public Services and Professional Services Agreement with Mind OC for the Be Well OC Mobile Crisis Response Team Program, in the amount of \$1,093,180.00 for a term of one year with the option for two additional one-year extensions, in a form substantially similar to the agreement prepared by the City Attorney.

The motion carried unanimously.

XX. MOTION FOR RECONSIDERATION – None

XXI. ADJOURNMENT – 8:36 p.m.

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 September 23, 2021 at 4:00 p.m.

**Brad Avery
Mayor**

**Leilani I. Brown
City Clerk**