



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

**SEPTEMBER 24, 2019
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

**STUDY SESSION - 4:00 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS STUDY SESSION
REGULAR MEETING - 7:00 P.M.**

**DIANE B. DIXON, Mayor
WILL O'NEILL, Mayor Pro Tem
BRAD AVERY, Council Member
JOY BRENNER, Council Member
DUFFY DUFFIELD, Council Member
JEFF HERDMAN, Council Member
KEVIN MULDOON, Council Member**

**GRACE K. LEUNG, City Manager
AARON C. HARP, City Attorney
LEILANI I. BROWN, City Clerk
CAROL JACOBS, Assistant City Manager**

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the City Clerk 24 hours prior to the scheduled City Council meeting.

PUBLIC HEARINGS

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

NOTICE TO THE PUBLIC

The City provides a yellow sign-in card for those wishing to address the City Council to assist in the preparation of the minutes. The cards are available in the lobby of the Council Chambers. Speakers are not required to submit a card as a condition to addressing the City Council. If you do fill out the card, please place it in the box at the podium. Any times listed in this agenda are provided as a courtesy and the actual item may be heard either before or after the time given.

This agenda was prepared by the City Clerk and staff reports are available at the City Clerk's Office located at 100 Civic Center Drive (Bay E, 2nd Floor). Staff reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation regarding any item of business on the agenda, please contact City Clerk staff at 949-644-3005. Agendas, minutes and staff reports are also available on the City's webpage at newportbeachca.gov/agendas.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or cityclerk@newportbeachca.gov).

NEWPORT BEACH CITY COUNCIL AGENDA
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92660
SEPTEMBER 24, 2019
STUDY SESSION - 4:00 P.M. (PUBLIC WELCOME)
CLOSED SESSION FOLLOWS STUDY SESSION
REGULAR MEETING - 7:00 P.M.

I. ROLL CALL - 4:00 p.m.

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar

SS2. Nonconforming Commercial Signs

Ten years ago, the City Council approved changes to the design standards for commercial signs and allowed property owners time to bring their existing sign up to the new standards. Staff surveyed the City's existing signage and will present to the City Council the survey results and recommendations on addressing any nonconforming signs.

SS3. Neighborhood Circulator Discussion

Recent success of the Balboa Peninsula Trolley and the emerging growth of On-Demand Micro-Transit options, such as the recent implementation of the application based rideshare service around Newport Center (FRANC) by The Irvine Company, have generated interest from members of the community as possible ways to improve circulation and mobility within and around the Balboa Island and Corona del Mar communities. An opportunity for grant funding for these types of local transit options may be available through an upcoming Orange County Transportation Authority Call for Project Applications. This Study Session Item provides an opportunity to review the current Balboa Peninsula Trolley shuttle operation, discuss other possible neighborhood circulator methods, such as the new application based on-demand model, as well as consider the development of another circulator pilot project and potential funding sources.

SS4. Southern California Edison's Wildfire Mitigation Plan and Public Safety Power Shutoff

Representatives from Southern California Edison (SCE) will be making a brief presentation with regard to wildfire threats in Newport Beach associated with their electrical facilities, as well as SCE's Wildfire Mitigation Plan. Discussion will also cover SCE's Public Safety Power Shutoff program as it relates to wild fire prevention.

III. PUBLIC COMMENTS

The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the City Council. If the optional sign-in card has been completed, it should be placed in the box provided at the podium.

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on agenda and non-agenda items, are generally limited to three (3) minutes. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items.

IV. CLOSED SESSION – After Study Session – Council Chambers Conference Room

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (INITIATION OF NEGOTIATIONS FOR THE LEASE OF REAL PROPERTY FOR A TEMPORARY HOMELESS SHELTER) (Government Code § 54956.8): 1 matter

Property: 3175 Airway Avenue, Costa Mesa, CA 92627
(APN 427-091-12)

Agency Negotiator: Grace K. Leung, City Manager
Seimone Jurjis, Community Development Department
Director
Lauren Whitlinger, Real Property Administrator

Negotiating Parties: City of Costa Mesa

Under Negotiation: Price and terms of payment.

V. RECESS

VI. RECONVENE AT 7:00 P.M. FOR REGULAR MEETING

VII. ROLL CALL

VIII. CLOSED SESSION REPORT

IX. INVOCATION

X. PLEDGE OF ALLEGIANCE

XI. NOTICE TO THE PUBLIC

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The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The City Council has the discretion to extend or shorten the time limit on agenda or non-agenda items. As a courtesy, please turn cell phones off or set them in the silent mode.

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

XIII. PUBLIC COMMENTS ON CONSENT CALENDAR

This is the time in which Council Members may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 17). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Council Member, members of the public are invited to speak on each item for up to three (3) minutes per item.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. Council Members have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the City Council votes on the motion unless members of the City Council request specific items to be discussed and/or removed from the Consent Calendar for separate action.

XIV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the September 4, 2019 Special City Council Meeting and September 10, 2019 City Council Meeting

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

[Minutes](#)

2. Reading of Ordinances

Waive reading in full of all ordinances under consideration, and direct the City Clerk to read by title only.

ORDINANCE FOR ADOPTION

3. Adopt Ordinance No. 2019-15: Amending Newport Beach Municipal Code Chapter 6.04 - Garbage, Refuse and Cuttings and Adding Chapter 6.06 - State Mandated Municipal Solid Waste Diversion Programs

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) Conduct second reading and adopt Ordinance No. 2019-15, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Portions of Chapter 6.04 and Other Related Provisions of the Newport Beach Municipal Code and Adding Chapter 6.06 to Title 6 of the Newport Beach to Incorporate State Mandates on the Diversion of Municipal Solid Waste.*

[Staff Report](#)

[Attachment A - Ordinance No. 2019-15](#)

RESOLUTIONS FOR ADOPTION

4. Resolution No. 2019-82: Authorization to Submit an Application for the Housing and Community Development SB 2 Planning Grants Program

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. 2019-82, *A Resolution of the City Council of Newport Beach, California, Authorizing an Application for, and Receipt of, SB 2 Planning Grants Program Funds* and direct the Community Development Director to submit an SB 2 Planning Grants Program Application; and

c) Approve Budget Amendment No. 20-014, increasing revenue estimates by \$310,000 in the Information Technology (IT) Strategic Fund and increasing General Plan Update expenditure appropriations in the General Fund by a like amount, including related interfund transfers in and out.

[Staff Report](#)

[Attachment A - Resolution No. 2019-82](#)

[Attachment B - Program Application](#)

[Attachment C - Budget Amendment](#)

5. Resolution No. 2019-83: Adopting a Memorandum of Understanding with the Newport Beach Lifeguard Management Association and Establishing Salary Ranges for Unit Members and the Position of Assistant Chief, Lifeguard Operations

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. 2019-83, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding Between the City of Newport Beach and the Newport Beach Lifeguard Management Association and Establishing Salary Ranges for Unit Members and the Position of Assistant Chief, Lifeguard Operations*; and

c) Approve Budget Amendment No. 20-011 appropriating \$62,449 to salary and benefit accounts from unappropriated General Fund surplus fund balance for the remainder of Fiscal Year 2019-20.

[Staff Report](#)

[Attachment A - Resolution No. 2019-82](#)

[Attachment B - Exhibit A to Attachment A \(NBLMA MOU\)](#)

[Attachment C - Salary Schedule for Assistant Chief, Lifeguard Operations](#)

[Attachment D - Cost of Contract with NBLMA](#)

[Attachment E - Budget Amendment](#)

CONTRACTS AND AGREEMENTS

6. Spyglass Hill Reservoir Water Mixing System - Notice of Completion for Contract No. 7428-1 (19W15)

- 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.

[Staff Report](#)

[Attachment A - Location Map](#)

7. Street and Alley Pavement Repair Project - Award of Contract No. 7680-1 (20R03, 20R07 and 20R11)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c), Class 1, (maintenance of existing public facilities involving negligible or no expansion of use), of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 7680-1 to R.J. Noble Company, for the total bid price of \$756,077.00, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish \$76,000.00 (approximately 10 percent) contingency to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Contract No. 7680-1](#)

8. Water Transmission Main Valves Replacement - Phase 2 & Alta Vista Regulating Station Relocation Project (18W12 & 19W13), Approval of Professional Services Agreement with Psomas Engineering, Inc. (C-7539-2)

- 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 Psomas Engineering, Inc. of Santa Ana, California, for the Water Transmission Main Valves Replacement - Phase 2 and Alta Vista Regulating Station Relocation project at a not-to-exceed amount of \$182,020.00, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Professional Services Agreement](#)

9. Approval and Award of On-Call Professional Transportation Engineering Services Agreements with Willdan Engineering, RK Engineering Group, Inc., and Ganddini Group, Inc.

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 On-Call Professional Transportation Engineering Services Agreements with Willdan Engineering, RK Engineering Group, Inc., and Ganddini Group, Inc. for a five-year term and a total amount not-to-exceed \$300,000 per agreement, and authorize the Mayor and City Clerk to execute the agreements.

[Staff Report](#)

[Attachment A - Willdan Engineering Agreement](#)

[Attachment B - RK Engineering Group Agreement](#)

[Attachment C - Ganddini Group Agreement](#)

10. Approval and Award of Maintenance and Repair Services Agreement with ACCO Engineered Systems, Inc. for HVAC Maintenance and Repair Services

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 five-year agreement with ACCO Engineered Systems, Inc. for HVAC maintenance and repair services for a total not-to-exceed amount of \$500,000, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

11. Amendment No. One to Contract No. 7045-1 with Orange County Striping Service, Inc. for On-Call Roadway Sign and Striping Maintenance and Repair Services

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 Amendment No. One to the Contract No. 7045-1 with OC Striping to increase the not-to-exceed amount by \$500,000 for a total amount of \$1,300,000, and authorize the Mayor and City Clerk to execute the amendment.

[Staff Report](#)

[Attachment A - Amendment No. One](#)

12. Approval of Services Agreements for Water Well and Water Pump Station Maintenance Services

- 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 the Services Agreement with General Pump Company, for water well and water pump station maintenance services for a five-year term with a total not-to-exceed amount of \$250,000;
- c) Approve the Services Agreement with Layne Christensen Company, for water well and water pump station maintenance services for a five-year term with a total not-to-exceed amount of \$250,000; and
- d) Authorize the Mayor and City Clerk to execute the Agreements.

[Staff Report](#)

[Attachment A - General Pump Company Agreement](#)

[Attachment B - Layne Christensen Company Agreement](#)

13. Professional Service Agreement with Psomas for Environmental Services for the Proposed Newport Village Mixed-Use Project Located in the 2000 Block of West Coast Highway (PA2017-253)

- 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; and
- b) Approve the Professional Services Agreement with Psomas and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

[Attachment B - Conceptual Project Site Plan](#)

14. Contract with Former City Employee, Michelle Caldwell

- 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; and
- b) Authorize the City Manager to execute a New Temporary Employment Agreement (TEA) with former employee, Michelle Caldwell, who retired on December 28, 2012, to temporarily fill the position of Police Dispatcher until all vacancies can be filled.

[Staff Report](#)

[Attachment A - Temporary Employment Agreement](#)

15. Approval of a Purchase Agreement with QS Wholesale, LLC for Junior Lifeguard Uniform Apparel

- 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 Purchase Agreement with QS Wholesale, LLC for Junior Lifeguard Uniform Apparel for a not-to-exceed amount of \$1,000,000 for a term of three years with an option for two additional, one-year terms, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Purchase Agreement](#)

16. Acceptance of an Assistance to Firefighters Grant from the Federal Emergency Management Agency

- 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 the grant and accept the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant award in the amount of \$525,135; and
- c) Approve Budget Amendment No. 20-016 to increase revenue estimates by \$525,135 in account 75604-431390 (Fire Equipment - FEMA), and increase expenditure appropriations by \$577,648 in account 76504-911013 (Fire Equipment - Assist Firefighter Grant SCBA Equipment).

[Staff Report](#)

[Attachment A - FEMA Award Notification](#)

[Attachment B - Budget Amendment](#)

MISCELLANEOUS

17. Planning Commission Agenda for the September 19, 2019 Meeting

Receive and file.

[Planning Commission Action Report](#)

[Planning Commission Agenda](#)

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

XV. ITEMS REMOVED FROM THE CONSENT CALENDAR

XVI. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the City Council. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record.

XVII. PUBLIC HEARING

18. Proposed Temporary Emergency Shelter for Homeless Individuals Located at the City Corporation Yard at 592 Superior Avenue

- a) Conduct a public hearing;
- b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269(c) (Emergency Projects), and Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations of Land), and 15332 (In-Fill Development Projects) of the CEQA Guidelines as documented in Attachment E, because there is no substantial evidence demonstrating an exception to reliance on these categorical exemptions;
- c) Approve a portion of the City's Corporation Yard, at 592 Superior Avenue, Newport Beach as a possible site for a temporary emergency homeless shelter;
- d) Adopt Resolution No. 2019-84, *A Resolution of the City Council of the City of Newport Beach, California, Exempting a Temporary Emergency Shelter for Those Experiencing Homelessness from Development Standard Requirements Applicable to Emergency Shelters, in Accordance with Sections 20.10.040 of the Newport Beach Municipal Code (PA2019-170)* to be located at 592 Superior Avenue;
- e) Adopt Resolution 2019-85, *A Resolution of the City Council of the City of Newport Beach, California, Declaring a Shelter Crisis Pursuant Senate Bill 850 (Chapter 48, Statutes of 2018 and Government Code §8698.2) (PA2019-170)*;
- f) Approve a new Capital Improvement Program, (CIP), Temporary Emergency Homeless Shelter Project No. 20F15 and budget of \$300,000 for the conceptual development and design of the shelter;
- g) Approve Budget Amendment No. 20-015 appropriating \$300,000 from the Affordable Housing Reserve to the Temporary Homeless Shelter Project 20F15; and
- h) Authorize the City Manager to enter into a selection process and negotiations with necessary design consultants and homeless shelter operators.

[Staff Report](#)

[Attachment A - Resolution No. 2019-84](#)

[Attachment B - Resolution No. 2019-85](#)

[Attachment C - Budget Amendment](#)

[Attachment D - Emergency Shelter Standards](#)

[Attachment E - CEQA Exemption](#)

[Correspondence](#)

XVIII. CURRENT BUSINESS

19. Resolution No. 2019-86: Sign and Messaging Program to Discourage Panhandling

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. 2019-86, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the City Manager to Take Action to Discourage Panhandling in the City of Newport Beach.*

[Staff Report](#)

[Attachment A - Sign Examples](#)

[Attachment B - Program and Brochure Examples](#)

[Attachment C - Resolution No. 2019-86](#)

[Correspondence](#)

20. Resolution No. 2019-87: Formation of a Marine Avenue Preservation Committee

a) Find 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, Code of Regulations, Title 14, Chapter 3 because it will not result in a physical change to the environment, directly or indirectly; and

b) Adopt Resolution No. 2019-87, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Marine Avenue Preservation Committee.*

[Staff Report](#)

[Attachment A - Resolution No. 2019-87](#)

[Correspondence](#)

21. Fire Station No. 2 Replacement Project - Acceptance of Conceptual Design

a) California Environmental Quality Act (CEQA) cannot be determined at this time. Planning Division staff will be working on the Coastal Development Permit (CDP) and process the required documents for CEQA and CDP;

b) Review and approve the conceptual design and project budget; and

c) Direct staff to proceed with the final fire station replacement construction documents.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Exterior Options](#)

[Attachment C - Proposed Layout](#)

[Attachment D - 28th Street Concept Exhibit](#)

22. Approval of 2019 Water Rate Study and Setting of Public Hearing for Water Rates

- 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 the 2019 Water Rate Study;
- c) Direct staff to send a notice of proposed water rates to property owners and customers in compliance with Proposition 218 State Law; and
- d) Set the date of November 19, 2019 for the tabulation of protests and conduct a public hearing of proposed rates pending the results of the protest.

[Staff Report](#)

[Attachment A - 2019 Water Rate Study](#)

XIX. MOTION FOR RECONSIDERATION

A motion to reconsider the vote on any action taken by the City Council at either this meeting or the previous meeting may be made only by one of the Council Members who voted with the prevailing side.

XX. ADJOURNMENT

Testimony given before the City Council is recorded.

The timer light will turn yellow when the speaker has one minute remaining.

The timer light will turn red when the speaker has 10 seconds remaining.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.