

# CITY OF NEWPORT BEACH

## CITY COUNCIL STAFF REPORT

Agenda Item No. 13  
October 27, 2009

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

**FROM:** City Manager's Office  
Dave Kiff, City Manager  
949/644-3000 or dkiff@newportbeachca.gov

**SUBJECT: Council Review of Staff Status Report on Seven of the City Council's 2009 Priorities**

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### **ISSUE:**

Does the City Council have any comments or questions regarding the status of the seven Council priorities reported on by staff?

### **RECOMMENDATION:**

Review and comment, as desired.

### **DISCUSSION:**

#### **Background:**

The City Council held a Special City Council meeting on Saturday, January 10, 2009, to discuss and establish its priorities for 2009. This was the third consecutive year the City Council has met early in the calendar year to set its priorities. A total of thirteen (13) priorities were settled on, but in no particular order. As in the past, the City Manager was asked to provide draft priority statements, actions steps and schedules for the City Council to review, make revisions to and finalize.

The status of priority implementation is reviewed each month. Status reports on these seven priorities began in March and are provided during alternating months. The remaining six priority status reports are provided on the second regular meeting agendas during alternate months. This is the seventh status report of the year. The seven priorities being reported on in no particular order are as follows:

- Continue to seek and implement measures to minimize the adverse impacts of John Wayne Airport through the implementation of the City Council's Airport Policy.

- Continue the organizational performance improvement effort through the data gathering of performance measurements resulting in comparing the City's organizational effectiveness with other agencies and internally.
- Focus on the development and adoption of a FY 2009-2010 budget which is balanced and which allocates the City's resources where they are most needed without adversely affecting services to the public.
- Update the Facilities Financing Plan (FFP) twice in 2009 in order to determine how best to finance OASIS and how best to move forward with planning for city hall and other priority projects.
- Continue to enforce the City's group homes regulations in order to minimize the impacts on residential neighborhoods.
- Continue the alignment of the City's codes, regulations and policies with the General Plan.
- Reduce the fire hazard in Lower Buck Gully in order to provide a heightened level of fire protection.

Additional status reports will be provided at the second City Council meeting of each month for the remainder of the calendar year. These reports will always be placed on the Consent Calendar, which will provide Council the opportunity to pull the item and discuss any or all of the seven priorities being covered by the report.

Environmental Review: The City Council's approval of this Agenda Item does not require environmental review.

Public Notice: This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Council considers the item).

Submitted by:

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DAVE KIFF  
City Manager

Attachments: 2009 Council Priorities Indicator Tracker

# City of Newport Beach



## 2009 Council Priorities Indicator Tracker

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## Status Report

**Date published: October 27, 2009**  
**Presented by: Dave Kiff**

**CONTINUE TO SEEK AND IMPLEMENT MEASURES TO MINIMIZE THE ADVERSE  
IMPACTS OF JOHN WAYNE AIRPORT THROUGH THE IMPLEMENTATION OF  
THE CITY COUNCIL'S AIRPORT POLICY**

<b>Objective</b>	<b>Target</b>	<b>Action</b>
Hold ten Aviation Committee meetings to discuss airport issues and share information with the community	Monthly, except for August and December	Meetings have been held monthly, with the last meeting being October 26 <sup>th</sup>
Hold five Corridor City meetings with the other five cities to strategize airport issues and share information	February, April, June, September, November	Last meeting held August 19 <sup>th</sup> with all City Managers and City Attorneys in attendance.
Conduct an air quality study seeking to determine effects of JWA aircraft on Newport Beach's air quality	By November 24, 2009	Final Report by Dr. Sudol due in January, 2010.
Begin a regional dialogue with other airport operators seeking support to boost passenger traffic at the Ontario Airport and report to Council on the status	Ongoing	Consultant Tom Edwards works on this issue with LAWA consultants.
Continue to seek the most advantageous opportunity to engage the County in discussions regarding a Settlement Agreement extension	Ongoing	City Manager held strategy meeting week of Oct 12-16, 2009.
Continue to build the partnership with Costa Mesa through joint involvement in Aviation Committee meetings, Corridor City meetings, the air quality study and regional airport discussions. Develop joint goals and objectives which both cities can adopt at a joint City Council meeting.	Ongoing	Costa Mesa continues to be involved with Citizen Aviation Committee meetings including having Council in attendance. Air quality study supported at staff level.
Explore with the City of Anaheim its planning for the ARTIC regional transportation center and determine if the City's support could assist in expedited planning and construction processes for ARTIC	Ongoing	Corridor Cities all voiced support for Federal funding to initiate EIR for Anaheim to Ontario segment of Maglev.

Objective	Target	Action
Engage South County cities in a JWA issue dialogue in order to create greater political support for an eventual Settlement Agreement extension		Discussions ongoing.

Comments: The regional dialogue is intended as a follow-up to the “Go Local” study which determined that nearly 900,000 passengers use JWA to travel to and from the Disneyland destinations.

President Obama’s economic stimulus package has resulted in funding for the construction of the first leg of the Maglev line from Los Vegas to Primm, Nevada. This is important in that this segment will be the model to determine whether the rest of the route should be built.

Staff: Dave Kiff

**CONTINUE THE ORGANIZATIONAL PERFORMANCE IMPROVEMENT EFFORT  
THROUGH THE DATA GATHERING OF PERFORMANCE MEASUREMENTS  
RESULTING IN COMPARING THE CITY'S ORGANIZATIONAL EFFECTIVENESS  
WITH OTHER AGENCIES AND INTERNALLY**

Objective	Target	Action
Finalize documentation on measures, assembling comparative benchmarks and information for the final report from ICMA	February 15, 2009	Work still ongoing. Comparative benchmarks have been difficult to obtain. City staff continues to gather measurement data on City benchmarks.
ICMA consultants present final written and oral report to Council	March 24, 2009	Final report presented to Council on September 8 <sup>th</sup> .
ICMA conducts training on how to manage performance data	March 30, 2009	Training held August 10-12 <sup>th</sup> .
Organization continues to gather data with comparisons made against selected agencies and itself, and written reports submitted annually with focus on Planning and Building Departments	August 31, 2009	Effort is ongoing and to continue throughout the year.
Present a Next Phase plan to City Council for review and approval, including: <ul style="list-style-type: none"> <li>• Manner in which PM/Benchmarking will be incorporated into City budget (possibly via a Program-Based Budget);</li> <li>• Selected PMs regularly reported to the citizenry in citywide newsletter (aka "How We're Doing"); and</li> <li>• Long-term plan to maintain and improve PMs and Benchmarking into the future.</li> </ul>	November 24, 2009	Jan Perkins and Sharon Wood are assisting in this effort.

Comments: None.

Staff: Sharon Wood, Jan Perkins

**FOCUS ON THE DEVELOPMENT AND ADOPTION OF A FY 2009-2010 BUDGET WHICH IS BALANCED AND WHICH ALLOCATES THE CITY'S RESOURCES WHERE THEY ARE MOST NEEDED WITHOUT ADVERSELY AFFECTING SERVICES TO THE PUBLIC**

Objective	Target	Action
Conservatively estimate revenues for the new budget year	April 15, 2009	Accomplished with new draft budget estimates.
Present an update of General Fund revenues and expenditures for FY 08-09 to the City Council at a regular Council meeting	March 24, 2009	Update provided to Council on March 24.
Begin budget review and provide an opportunity for Council to decide new General Fund CIP projects for FY 09-10 during budget review meetings	May 12, May 26 through June 9, 2009	Budget reviews were held on May 12, May 26 and June 9, 2009 as scheduled. Updated financial data was provided at the May 12 Study Session.
Council approves FY 2009-10 budget	June 23, 2009	The Budget was adopted on June 23, 2009.
Provide Council with 2 additional updates on revenue collections and expenditures for FY 2009-10	July 14, October 13, 2009.  Additional Updates may be: <ul style="list-style-type: none"> <li>• Nov 24</li> <li>• Dec TBD (ERI Plan)</li> </ul>	Updates completed. Revenue projections show a structural deficit of about \$5.8 million in FY 09-10. Council approved early retirement plan on October 13.

Comments: The economic down-turn affected the City in the first and second quarters of 2009 via reductions in anticipated revenues. See the Council's staff reports on October 13, 2009 for more information.

Staff: Dennis Danner, Dave Kiff

**UPDATE THE FACILITIES FINANCING PLAN (FFP) TWICE IN 2009 IN ORDER TO  
DETERMINE HOW BEST TO FINANCE OASIS AND HOW BEST TO MOVE  
FORWARD WITH PLANNING FOR CITY HALL AND OTHER PRIORITY PROJECTS**

Objective	Target	Action
Council Finance Committee develops recommendation to Council as to best timing and financing vehicle to fund the OASIS project	When appropriate, expected to come before March 31	Committee reviewed at the March 20 meeting.
Council Finance Committee recommends updated Facility Financing Plan based on OASIS project contract for Council adoption	April 14, 2009 and November 10, 2009	Committee reviewed at the March 20 and April 24 meetings.
City Council to review the updated Facility Financing Plan	May 26, 2009 Budget Study Session	Council reviewed the updated Facilities Finance Plan as part of the FY 09-10 budget review process on May 26.
Council approves updated FFP	June 23, 2009 November 24, 2009	The June 23 update was cancelled. The next review of the Facilities Financing Plan is scheduled for November 24, 2009 and will be discussed in the context of the Civic Center Project's schematic design approval.

Comments: None

Staff: Dave Kiff, Dennis Danner



**CONTINUE TO ENFORCE THE CITY'S GROUP HOMES REGULATIONS IN ORDER  
TO MINIMIZE THE IMPACTS ON RESIDENTIAL NEIGHBORHOODS**

Objective	Target	Action
Process all remaining Use Permit applications	By February 20, 2009	Completed
Enforce the February 22, 2009 abatement deadline on homes that did not apply for Use Permits	February 23 and onward	All homes subject to abatement (versus reasonable accommodation) have been abated except for: <ul style="list-style-type: none"> <li>• Morningside Recovery (litigation); and</li> <li>• 127 29<sup>th</sup> Street</li> </ul>
Support/sponsor new state legislation on group residential uses	Bill introduction by the end of February 2009	Two relevant bills introduced. City is sponsor of SB 268 (Harman) and supportive of AB 1284 (Huffman) relating to recovery homes. SB 268 was defeated and held in the Assembly Health Committee; AB 1284 has been held in Assembly Appropriations.
Enforce Ordinance 2008-05's prohibitions on any new start-up group residential uses outside of MFR zones and without permits	Ongoing	Underway
Enforce the conditions of existing/issued Use Permits	Ongoing	Underway
Enforce the conditions of the Sober Living by the Sea settlement agreement and Narconon Abatement Agreement	March 10, 2009 and onward	Underway

Objective	Target	Action
Process all applications for Reasonable Accommodation	Ongoing, goal to be complete with known RA requests by the end of March 2009	<p>Date not met. The following RA request is pending an initial hearing:</p> <ul style="list-style-type: none"> <li>• 911 East Balboa</li> </ul> <p>These other requests are subject to appeal to the City Council:</p> <ul style="list-style-type: none"> <li>• Newport Coast Recovery</li> <li>• Pacific Shores Recovery</li> <li>• Yellowstone Recovery</li> </ul>
Defend City against litigation	Ongoing	Underway

Comments: 2009's actions are a continuation of a process that started in 2007, culminating in early 2008 with a new Ordinance (Ordinance 2008-05) on group residential uses. 2009 has been equally challenging, including processing requests by applicants for "Reasonable Accommodation" from the City's ordinance, defending the City against lawsuits, and enforcing the conditions of use permits issued. The Reasonable Accommodation analysis for each facility is quite complex – it involves making a series of findings for each individual request, which are sometimes more time-consuming than analyzing the Use Permit's eleven required findings.

Staff: David Hunt, Cathy Wolcott, Janet Brown, Dave Kiff

## CONTINUE THE ALIGNMENT OF THE CITY'S CODES, REGULATIONS AND POLICIES WITH THE GENERAL PLAN

Objective	Target	Action
Complete review of draft Zoning Code and LCP Implementation Plan by staff and GP/LCP Implementation Committee, and begin Planning Commission hearings	<del>December 2009</del> February 2010	Committee review of second draft Zoning Code began August 2009.
Coastal Commission approval of land use amendments to Coastal Land Use Plan	February 5, 2009	Completed
Submit revised Housing Element, responding to State Department of Housing and Community Development comments, to HCD	<del>April 2009</del> January 2010	Staff is preparing responses to HCD comments.
Complete nexus study for Fair Share Traffic Fee, with City Council adoption of fee	January 2010 (City Council adoption of fee)	Consultants and staff responding to comments from development community and Office of City Attorney
GP/LCP Committee recommendation on infrastructure and fee for residential development in Airport Area, with City Council adoption of fee	January 2010	
Affordable Housing Task Force recommendation on Inclusionary Housing Ordinance and In-Lieu Fee, with City Council adoption	<del>September 2009</del> December 2009 (City Council adoption of fee)	Constraint analysis complete and Ordinance is being revised.
City Council adoption of revisions to Measure S Guidelines regarding variable FAR	June 2009	Completed
Amend City Council Policies on historic, archaeological and paleontological resources	<del>September 2009</del> June 2010	

Comments: The GP/LCP Implementation Committee has directed its attention to reviewing the draft Zoning Code for several months. Changes in staffing in the Office of the City Attorney have impacted that Office's ability to complete review of the Zoning Code. When the

Committee completes its work on the Zoning Code, the Fair Share Fee and Airport Area infrastructure improvements will be considered. Following adoption of the new Zoning Code, major tasks remaining will be Housing Element certification, the LCP Implementation Plan and rewrite/revisions of Planned Community texts.

Staff: Sharon Wood; David Lepo

**REDUCE THE FIRE HAZARD IN LOWER BUCK GULLY IN ORDER TO PROVIDE  
HEIGHTENED FIRE PROTECTION TO THE COMMUNITY**

Objective	Target	Action
Upon completion of the statewide hazard designation maps by the Cal. Dept. of Forestry & Fire Protection, hold a public hearing and have the City Council designate certain "local responsibility areas" as "Very High Fire Hazard Severity Zones"	September 8, 2009	Those maps are to be at the Orange County Fire Authority by the beginning of August. Once they arrive, OCFA will send City of Newport Beach maps to Newport Fire. If we agree with the State's findings we will still need to hold a public hearing. If we disagree with the State's findings as to severity, Newport Beach Fire will present our case to the City Council who will have the final authority on severity changes within our city boundaries. Once they decide on that aspect, we would hold a public hearing on those changes. Once the Council decision is made, Newport Beach Fire will begin implementation of the next objectives in this priority.
Upon completion of the Senate Bill 1595 compliance guidelines by the Cal. Dept. of Forestry & Fire Protection, work with the US Fish & Wildlife Service, the Cal. Dept. of Fish & Game, The Nature Reserve of Orange County, The Irvine Ranch Conservancy, and the Cal. Coastal Commission to assure the guidelines are appropriate and in compliance with all State and Federal regulations.	July 15, 2009	Completed.  The Office of the State Fire Marshal (OSFM) has agreed to make their State Responsible Areas (SRA) guidelines the same as Local Responsible Areas (LRA) guidelines.

Objective	Target	Action
Place property owners on notice to have vegetation cleared in accordance with the SB 1595 guidelines developed by the Cal. Dept. of Forestry & Fire Protection and approved by the State and Federal regulators.	January 1, 2010	
Report to City Council as to status of private property clearance and seek additional direction, if necessary	March 22, 2010	

Comments: The actions steps don't reflect any CEQA actions based on our initial understanding that brush clearance is an exempt CEQA action. Staff will continue to monitor this situation and if that understanding is not correct, CEQA will be complied with as an additional step and the time lines would most probably change. Our time frame has continued to be moved out as we are waiting for the completion of the last project by the OSFM. Orange County was the last county in the state to be evaluated by the OSFM. OSFM personnel are presently on the ground here in Orange County and are visually looking at all the sites.

Staff: Chief Steve Lewis