



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Conference Room

Thursday, April 4, 2024 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Council Member Joe Stapleton, Chair
Council Member Brad Avery, Vice Chair
Peter Belden, Member
Curtis Black, Member
Charles Fancher, Member
Craig Hudson, Member
Richard McNeil, Member
George Robertson, Member
John Wadsworth, Member

Staff Members:

Jim Houlihan, Deputy Public Works Director/City Engineer
John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant

The Water Quality/Coastal Tidelands Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Water Quality/Coastal Tidelands Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Water Quality/Coastal Tidelands Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

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 John Kappeler, Water Quality Enforcement Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3218 or jkappeler@newportbeachca.gov.

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 Public Works Department 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL AND INTRODUCTIONS**
- 3) **PUBLIC COMMENTS ON AGENDA ITEMS (10 min)**

Public comments are invited on agenda items. Speakers must limit comments to five minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 4) **REVIEW AND APPROVAL OF MINUTES (5 min)**

Recommendation: Approve minutes as presented

[Water Quality Meeting Minutes 02012024](#)

- 5) **CURRENT BUSINESS (55 min)**

(a) City of Santa Ana Stormwater Capture Projects (Craig Foster) (30 min)
Presentation from the City of Santa Ana on various watershed stormwater capture projects.

Recommendation: Receive and File

(b) Newport Coast Fire-Retardant (Amber Snider) (25 min) Update on past/future Newport Coast fire retardant applications.

Recommendation: Committee Discussion

6) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (10 min)**

(a) Oceanside Sand Pump (May - TBD)

(a) Total Maximum Daily Load for Copper (Cu) (May - John Kappeler)

(c) Coastal Resiliency (Summer 2024 - TBD)

(d) Newport Beach Trash Interceptor Public Outreach Campaign (Summer 2024 - John Pope)

7) **PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 min)**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

8) **SET NEXT MEETING DATE (5 min)**

Recommendation: May 2, 2024

9) **ADJOURNMENT**

Date: February 1, 2024

Time: 3:00 p.m.

Location: Crystal Cove Conference Room, Newport Beach Civic Center

Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:04 p.m.

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Vice Chair Brad Avery
Committee Member Curtis Black
Committee Member Peter Belden
Committee Member Charles Fancher
Committee Member George Robertson
Committee Member John Wadsworth
Committee Member Craig Hudson

Committee Members Absent:

Councilmember/Chair Joe Stapleton
Committee Member Richard McNeil

Staff Present: John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant
Shane Burckle, Wasteshed/Conservation Specialist
Paul Blank, Harbormaster

Guests Present: Nancy Gardner, Orange Coast River Park
Virginia Anders Ellmore, Resident
Jim Mosher, Resident
Nancy Scarbrough, SPON, Resident
Charles Klobe, SPON
Nancy Skinner, SPON
Dennis Baker, SPON

3. Public Comment on Agenda Items

Jim Mosher commented expressing concern that Council Members who are members of the Committee are casting votes on agenda items.

4. Review and approval of minutes

Committee member Chuck Fancher requested an amendment to the minutes under item six, to change beach vitality to coastal resilience, as related to the item he had raised during the applicable meeting and to reflect comments regarding a request of staff to consider charting and logging flooding events in the City.

Motion: A motion was made by Committee Member Robertson to approve the January 4, 2024, minutes, as amended, seconded by Committee Member Belden.

Ayes: Black, Belden, Fancher, Hudson, Robertson, Wadsworth
Noes: None

Absent: McNeil

5. Current Business

- a. Orange County Transportation Authority (OCTA) Tier I/II Grant Programs (Senior Engineer John Kappeler) (15 min) Presentation on upcoming OCTA grant opportunities.

Recommendation: Committee Approval

- b. Newport Dunes Concept Plan (Senior Engineer John Kappeler/Bob Stein) (30 min) Presentation on a concept plan and potential grant application.

Recommendation: Committee Discussion

By consensus, agenda Item Nos. 5a and 5b were considered concurrently.

An informational report on the Orange County Transportation Authority (OCTA) Tier I/II Grant Programs was presented by Senior Engineer John Kappeler. A PowerPoint Presentation was displayed. It was noted that OCTA releases these monies every year via competitive grants for which the City submits an annual application. Traditionally, staff reviews potential grant opportunities with the Committee and upon approval, refer the recommendation to the City Council for them to consider adopting a resolution allowing for the grant application. Applications for the grant opportunities are due in April. A PowerPoint presentation was displayed which featured information related to previous grant award projects, strictly trash related. Conceptually, staff proposed a Newport Dunes project due to its water quality challenges. Additionally, grant monies could cover a very large infiltration gallery, for which staff would seek City Council approval, via resolution, to commence preparation of design work and cost estimation for the grant submission.

Committee, staff, presenter, and public discussion ensued including comments and displayed information concerning affirmation that the project has potential to include stormwater quality and capture the Dunes is a public area, bay water diversion projects can assist with water quality in the area, how the infiltration galleries work, affirming that the County owns the beach and the Dunes organization leases it as a private operator, affirming that the proposed project does not require costly external design and engineering, the potential to include solar arrays as a demonstration project, affirming the project, if the grant is awarded, will include contributions by the County, the Dunes, and the City.

Motion: A motion was made by Committee Member Fancher to recommend support for City staff to prepare a resolution asking the City Council for approval to apply for Orange County Transportation Authority (OCTA) Tier I/II Grants as presented in the staff report, seconded by Committee Member John Wadsworth.

Ayes: Black, Belden, Fancher, Hudson, Robertson, and Wadsworth

Noes: None

Absent: McNeil

- c. Newport Coast Fire-Retardant (Water Conservation Coordinator Shane Burckle) (10 min) Update on past/future Newport Coast fire retardant applications.

Recommendation: Committee Discussion

An informational report was presented by Water Conservation Coordinator Shane Burckle. A PowerPoint Presentation was displayed. It had come to staff's attention that certain fire retardants were applied in Newport Coast, due to alleged insurance company requirements. City staff teams, including members of the Fire Department, met with the Homeowners Association (HOA), to discuss potential negative impacts to water quality and on erosion. It was noted that fire retardants were applied to mitigate against "ember washes" from fire events, in which embers from adjacent fires blow into structural spaces. An additional meeting will be held February 8, 2024, to discuss the

HOA's plans for the future concerning the application of said fire retardants, including affirming that the Fire Department is not mandating such application. The HOA did not seek City permission to conduct the fire-retardant application.

Committee, staff, and public discussion ensued including comments that similar fire retardants and fertilizers have been shown to harm birds and animals, affirming that the Water Board is not aware of this issue in Newport Coast, affirming there is no current City policy that prevents such fire retardant application in an area that drains into the ocean, exploration of a policy requiring a permit process for such applications, the significant negative impacts of not addressing embers related to fire events, including knowledgeable City staff in conversations that include presentations by fire retardant vendors.

Motion: A motion was made by Committee Member Hudson to approve a resolution that states the Water Quality and Coastal Tidelands Committee has discussed the subject matter concerning application of fire retardants and its potential negative impact on water quality, seconded by Committee Member Black.

Ayes:	Black, Belden, Fancher, Hudson, Robertson, Wadsworth
Noes:	None
Absent:	McNeil

6. COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

- a. Oceanside Sand Pump (February - TBD)
- b. Total Maximum Daily Load for Copper (Cu) (March – Senior Civil Engineer John Kappeler)
- c. Coastal Resiliency (Spring 2024 – TBD)
- d. Newport Beach Trash Interceptor Public Outreach Campaign (Spring 2024 – John Pope)

Committee Member Black requested if the presentation concerning sand measurement along the coastline can be moved forward sometime in the spring of 2024.
There was no further action taken on this item.

7. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

8. SET NEXT MEETING DATE
Recommendation: March 7, 2024

The next meeting was set for March 7, 2024.

9. ADJOURNMENT

The meeting was adjourned at 4:00 p.m.

Chair / Joe Stapleton