



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**JULY 23, 2024**

**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 - 6:00 P.M.**

**WILL O'NEILL, Mayor  
JOE STAPLETON, Mayor Pro Tem  
BRAD AVERY, Councilmember  
NOAH BLOM, Councilmember  
ROBYN GRANT, Councilmember  
LAUREN KLEIMAN, Councilmember  
ERIK WEIGAND, Councilmember**

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

**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.

**LEVINE ACT**

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a contract (other than competitively bid, labor, or personal employment contracts), franchise, license, permit, or other entitlement for use, is required to disclose on the record of the proceeding any contribution in an amount of more than \$250 made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

**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**

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 in the City Council Chambers lobby located at 100 Civic Center Drive. Staff reports or other written documentation have been prepared or organized with respect to the items 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 and staff reports are also available on the City's webpage at [newportbeachca.gov/agendas](http://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 City Clerk Leilani Brown 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](mailto:cityclerk@newportbeachca.gov)).

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

II. **CURRENT BUSINESS**

**SS1. Clarification of Items on the Consent Calendar**

**SS2. Recognition of Outgoing Board and Commission Members**

**SS3. Bike Master Plan Update**

Staff will present a general discussion and project status update of the City's 2014 Bicycle Master Plan to the City Council.

[On the Agenda](#)

III. **PUBLIC COMMENTS**

*The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. Speakers must limit comments to three 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.*

IV. **CLOSED SESSION - After Study Session - Council Chambers Conference Room**

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(Government Code § 54956.9(d)(1)): 7 matters**

*John Doe S.C. v. City of Newport Beach et. al.*

Orange County Superior Court Case No. 30-2022-01299631-CU-PP-CJC

*State Farm General Insurance Company v. City of Newport Beach*

Orange County Superior Court Case No. 30-2022-01279624-CU-NP-NJC

*Marshall Senk et al., v. City of Newport Beach*

Orange County Superior Court Case No. 30-2022-01297253-CU-PO-NJC

*Marshall Senk et al., v. City of Newport Beach*

Orange County Superior Court Case No. 30-2023-01321223-CU-PO-NJC

*Friends of Newport Harbor v. California Coastal Commission*

Orange County Superior Court Case No. 30-2022-01292902-CU-WM-CXC

*Friends of Newport Harbor v. City of Newport Beach*

Orange County Superior Court Case No. 30-2023-01340626-CU-WM-CXC

*Friends of Newport Harbor v. City of Newport Beach*

Orange County Superior Court Case No. 30-2023-01356387-CU-TT-CXC

V. **RECESS**

VI. **RECONVENE AT 6:00 P.M. FOR REGULAR MEETING**

VII. **ROLL CALL**

VIII. **CLOSED SESSION REPORT**

IX. **INVOCATION - Mark Teale, Spiritual Assembly of Bahais of Newport Beach**

X. **PLEDGE OF ALLEGIANCE**

XI. **NOTICE TO THE PUBLIC**

*The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three 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.*

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

XIII. **MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)**

- Consider passage of an ordinance requiring, in general, that brick-and-mortar businesses accept payment in cash [O'Neill]

XIV. **PUBLIC COMMENTS ON CONSENT CALENDAR**

*This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 22). Public comments are also invited on Consent Calendar items. Speakers must limit comments to three minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Councilmember, members of the public are invited to speak on each item for up to three 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. Councilmembers 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.*

**XV. CONSENT CALENDAR**

**READING OF MINUTES AND ORDINANCES**

**1. Minutes for the July 9, 2024 City Council Meeting**

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

[Minutes](#)

[Written Comments](#)

**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. Ordinance No. 2024-15: Amending Sections 17.60.010 (Public Trust Lands - General), 17.60.020 (Application for Pier/Mooring Permits or the Lease of Public Trust Lands), 17.60.040 (Mooring Permits), and 17.60.045 (Short-Term Mooring Licenses) of the Newport Beach Municipal Code Related to Mooring Permits and Licenses**

a) Find the adoption of this ordinance 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 is not a project pursuant to Section 15061(b)(3). Additionally, adoption of the ordinance is categorically exempt pursuant to Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the CEQA Guidelines; and

b) Conduct second reading and adopt Ordinance No. 2024-15, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 17.60.010 (Public Trust Lands - General), 17.60.020 (Application for Pier/Mooring Permits or the Lease of Public Trust Lands), 17.60.040 (Mooring Permits), and 17.60.045 (Short-Term Mooring Licenses) of the Newport Beach Municipal Code.*

[Staff Memo](#)

[Staff Report](#)

[Attachment A - Ordinance No. 2024-15](#)

[Correspondence](#)

[Written Comments](#)

**RESOLUTIONS FOR ADOPTION**

**4. Resolution No. 2024-48: Two-Year Extension of Pilot Program to Permit Homeowner's Associations to Install Privately Operated Security Cameras within the Public Rights-of-Way**

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3: New Construction or Conversion of Small Structures) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and

b) Adopt Resolution No. 2024-48, *A Resolution of the City Council of the City of Newport Beach, California, Extending the Pilot Program Permitting Qualifying Homeowner's Associations to Install Privately Operated Security Cameras Within the Public Rights-of-Way, and Waiving City Council Policy L-6, Encroachments in Public Rights-of-Way, in Regards Thereto.*

[Staff Report](#)

[Attachment A - Resolution No. 2024-48](#)

[Attachment B - Resolution No. 2023-40](#)

[Attachment C - Existing Security Camera Locations](#)

[On the Agenda](#)

**5. Resolution No. 2024-49: Approving Amendments to the Records Retention Schedule**

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. 2024-49, *A Resolution of the City Council of the City of Newport Beach, California, Amending Certain Sections of the Records Retention Schedule and Authorizing Destruction of Certain Records Accordingly.*

[Staff Report](#)

[Attachment A - Resolution No. 2024-49](#)

[Written Comments](#)

## **CONTRACTS AND AGREEMENTS**

### **6. Storm Drain System Upgrades - Award of Contract No. 9148-1 (23D02)**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 (minor alterations in the condition of land, water, and/or vegetation) of the CEQA Guidelines, as the project only entails minor trenching without removal of healthy, mature trees; installation of storm drain and subdrain pipe; and backfilling to restore the original surface;
- b) Approve the project plans and specifications;
- c) Award Contract No. 9148-1 to PALP, Inc. dba Excel Paving Company for the total bid price of \$463,828 for the Storm Drain System Upgrades project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$92,000 (approximately 20% of the total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

### **7. Award of Maintenance and Repair Agreement with Meyers Construction Co. LLC for On-Call Facilities Maintenance Support 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 Maintenance and Repair Services Agreement with Meyers Construction Co. LLC for On-Call Facilities Maintenance Support Services for a three-year term and a not-to-exceed amount of \$500,000, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Memo](#)

[Staff Report](#)

[Attachment A - Agreement](#)

### **8. Superior Avenue and Hospital Road Pavement Rehabilitation - Award of Contract No. 8894-2 (23R14)**

- 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. 8894-2 to R.J. Noble Company for the total bid price of \$1,882,213.70 for the Superior Avenue and Hospital Road Pavement Rehabilitation project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$188,000 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

**9. Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot Project (15T09) - Approval of Additional Construction Contingency with Reyes Construction (Contract No. 8020-6), and Approval of Amendment No. Two to Professional Services Agreement with Ardurra (Contract No. 8020-8) and Amendment No. Five to Professional Services Agreement with Dokken Engineering (Contract No. 8020-5)**

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. 25-005, transferring \$805,874 from the unappropriated FFP: Parks/Community Centers fund balance into Account No. 56201-980000-15T09;

c) Increase the construction contract contingency by \$500,000 to \$1,342,000 (approximately 12.8% of the contract award amount) with Reyes Construction (Contract No. 8020-6) to cover additional costs associated with unforeseen field conditions;

d) Authorize payment of \$54,583.54 from the CIP Storm Drain Repair Account No. 01201926-980000-25D02 (Neighborhood Enhancement funds) to T.E. Roberts under its existing on-call contract;

e) Approve Amendment No. Two to Professional Services Agreement with Ardurra (Contract No. 8020-8) for construction oversight of the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project in the amount of \$286,874 for a total not-to-exceed amount of \$1,537,020, and authorize the Mayor and City Clerk to execute the amendment; and

f) Approve Amendment No. Five to Professional Services Agreement with Dokken Engineering (Contract No. 8020-5) for additional design services for the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project in the amount of \$19,000 for a total not-to-exceed amount of \$2,121,499, and authorize the Mayor and City Clerk to execute the amendment.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Budget Amendment](#)

[Attachment C - Amendment No. Two with Ardurra](#)

[Attachment D - Amendment No. Five with Dokken Engineering](#)



**10. Award of Maintenance and Repair Services Agreement with Harbor Point Air Conditioning & Control Systems for On-Call HVAC Maintenance and Repair Services Citywide**

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 Maintenance and Repair Services Agreement with Harbor Point Air Conditioning & Control Systems for a five-year term and for a not-to-exceed amount of \$600,000, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

**11. Approval of Amendment No. Five to Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for San Diego Creek Trash Wheel Project (Project No. 17X12, Contract No. 7127-3)**

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. 25-006 appropriating \$49,681 in increased expenditures in Account No. 16001-980000-17X12 (Newport Bay Trash Wheel) from the from the unappropriated Environmental Liability fund balance; and

c) Approve Amendment No. Five to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for additional construction services with an increase in fee of \$49,681 for a total not-to-exceed amount of \$1,013,302, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Amendment No. Five](#)

[Attachment C - Location Map](#)

[Correspondence](#)

**12. Approval of Professional Services Agreement with Marine Taxonomic Services, LTD for Newport Harbor Shallow and Deep Water Eelgrass Surveys**

a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 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 Marine Taxonomic Services, LTD for Newport Harbor Shallow Water and Deep Water Eelgrass Surveys for a total not-to-exceed amount of \$173,424.60, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

**13. Amendment to Professional Services Agreement with Sampson Oil Company for Oil Well Management 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. Six to the Professional Services Agreement with Sampson Oil Company for Oil Well Management Services, which extends the contract to March 31, 2025, and increases the contract amount by \$750,000, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

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

**14. Amendment No. Four to a Professional Services Agreement with Sagecrest Planning and Environmental for Staff Augmentation**

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 Four to increase the total compensation of the agreement by \$125,000, for a new not-to-exceed amount of \$525,000, and authorize the Mayor and City Clerk to execute the Amendment.

[Staff Report](#)

[Attachment A - Amendment Four to PSA](#)

[Attachment B - Amendment Three to PSA](#)

[Attachment C - Amendment Two to PSA](#)

[Attachment D - Amendment One to PSA](#)

[Attachment E - Professional Services Agreement](#)

**15. Exclusive Negotiating Agreement with Burnham-Ward Properties, LLC for the Lease and Redevelopment of a Portion of the Balboa Yacht Basin Property Located at 829 Harbor Island Drive**

a) Find this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15378 of the CEQA Guidelines, because this action is not a project and has no potential to have a significant effect on the environment; and

b) Authorize the City Manager and City Clerk to execute a two-year Exclusive Negotiating Agreement with Burnham-Ward Properties, LLC, for negotiation of a lease for redevelopment of a portion of the City-owned Balboa Yacht Basin property located at 829 Harbor Island Drive, in a form substantially similar to the agreement attached to the staff report.

[Staff Report](#)

[Attachment A - Exclusive Negotiating Agreement](#)

[On the Agenda](#)

**16. Amendment to Lease Agreement with Pacifica Christian High School - Orange County, Inc. for the City-Owned West Newport Community Center Property Located at 883 W. 15th Street**

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) Authorize the City Manager and City Clerk to execute the Amendment to Lease Agreement between the City of Newport Beach and Pacifica Christian High School - Orange County, Inc. (Amendment), extending the term of the lease for the property located at 883 W. 15th Street, in a form substantially similar to the Amendment prepared by the City Attorney.

[Staff Report](#)

[Attachment A - Amendment to Lease Agreement](#)

[Attachment B - Ground Lease Agreement](#)

**17. Award of Contracts to Eide Bailly LLP and The Pun Group LLP for Internal Audit Services (continued from the July 9, 2024 City Council meeting)**

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) Authorize the Mayor and City Clerk to sign a five-year professional services agreement for on-call internal audit services for an amount not-to-exceed \$750,000 with The Pun Group LLP; and

c) Authorize the Mayor and City Clerk to sign a five-year professional services agreement for on-call internal audit services for an amount not-to-exceed \$750,000 with Eide Bailly LLP, who employs two former employees that have separated from the City within the past five years. City Council approval is requested pursuant to City Council Policy F-14 even though the former employees will not serve on the internal audit engagement.

[Staff Report](#)

[Attachment A - Eide Bailly LLP PSA](#)

[Attachment B - The Pun Group PSA](#)

**MISCELLANEOUS**

**18. Budget Amendment to Accept a Check from the Newport Beach Public Library Foundation and Appropriate the Funds to the Library's Fiscal Year 2024-25 Maintenance and Operation Budget**

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 \$40,000 from the Newport Beach Public Library Foundation and approve Budget Amendment No. 25-002 to increase expenditures by the same amount in Division 0106051 (Foundation).

[Staff Report](#)

[Attachment A - Budget Amendment](#)

**19. Confirmation of Nominations to Fill an Unscheduled Vacancy on the Parks, Beaches and Recreation Commission**

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) Confirm the nominations of Travis Piridy and Sara Weber to fill the vacancy on the Parks, Beaches and Recreation Commission.

[Staff Report](#)

[Attachment A - Applications](#)

**20. FY 2023-24 Annual District Discretionary Grant Report and the Grants and Donations Report for the Quarter Ending June 30, 2024**

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) Receive and file.

[Staff Report](#)

[Attachment A - FY 2023-24 Discretionary Grant Report](#)

[Written Comments](#)

**21. Response to the Orange County Grand Jury Report “Law Enforcement’s Response to Mental Health Calls for Service”**

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 City’s response to the 2023-2024 Orange County Grand Jury report, “Law Enforcement’s Response to Mental Health Calls for Service” and authorize the Mayor to submit the letter to the Presiding Judge of the Superior Court.

[Staff Report](#)

[Attachment A - Grand Jury Report](#)

[Attachment B - Proposed Response](#)

**22. Visit Newport Beach, Inc. FY 2025 Destination Business Plan and Budget, and FY 2024 Performance Standards Report**

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) Review, receive and file the FY 2025 Newport Beach & Company Destination Business Plan;

c) Review, receive and file the Visit Newport Beach, Inc. Leisure Marketing (TOT) FY 2024 Performance Standards Report; and

d) Review and approve the Visit Newport Beach, Inc. Leisure Marketing (TOT) FY 2025 Budget.

[Staff Report](#)

[Attachment A - FY 2025 Newport Beach & Co. Destination Business Plan](#)

[Attachment B - Visit Newport Beach, Inc. Leisure Marketing \(TOT\) FY 2025 Budget](#)

[Attachment C - Visit Newport Beach, Inc. FY 2024 Performance Standards Report](#)

[Attachment D - Newport Beach & Company Budget](#)

[Written Comments](#)

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

**XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR**

**XVII. 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.*

**XVIII. PUBLIC HEARING**

**23. Ordinance Nos. 2024-16 and 2024-17, and Resolution Nos. 2024-50 to 2024-57 for the Necessary Amendments to Implement the 6th Cycle Housing Element and to Place the Major General Plan Amendment on the November 5, 2024 General Election Ballot Pursuant to City Charter Section 423; or Resolution No. 2024-58 to Initiate an Amendment to the 6th Cycle Housing Element**

a) Conduct a public hearing and proceed with one of the following two options:

**Option No. 1:**

1a) Adopt Resolution No. 2024-50, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report (State Clearinghouse [SCH] Number 2023060699), Including a Mitigation Monitoring and Reporting Program and Adopting Findings, and a Statement of Overriding Considerations Related to the Implementation of the 6th Cycle Housing Element Involving Amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (PA2022-0245);*

1b) Adopt Resolution No. 2024-51, *A Resolution of the City Council of the City of Newport Beach, California, Amending the General Plan Land Use Element to Implement the General Plan 6th Cycle Housing Element (PA2022-0245);*

1c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-16, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code to Implement the General Plan 6th Cycle Housing Element (PA2022-0245), and pass to second reading on August 27, 2024;*

1d) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-17, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code to Create Multi-Unit Objective Design Standards (PA2022-0245), and pass to second reading on August 27, 2024;*

1e) Adopt Resolution No. 2024-52, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing Submittal of a Local Coastal Program Amendment to the California Coastal Commission to Amend the City of Newport Beach Coastal Land Use Plan and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Related to the Housing Element Implementation Program (PA2022-0245);*

1f) Adopt Resolution No. 2024-53, *A Resolution of the City Council of the City of Newport Beach, California, Finding the Housing Element Implementation Program Amendments Consistent with the Purposes of the State Aeronautics Act and Overriding the Orange County Airport Land Use Commission's Determination of Inconsistency with the 2008 John Wayne Airport Environs Land Use Plan (PA2022-0245);*

1g) Adopt Resolution No. 2024-54, *A Resolution of the City Council of the City of Newport Beach, California, Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 5, 2024, for the Submission of a Proposed*

*Major Amendment to the Newport Beach General Plan Land Use Element Related to Implementation of the 6th Cycle Housing Element in Compliance with State Housing Law (PA2022-0245);*

1h) Adopt Resolution No. 2024-55, *A Resolution of the City Council of the City of Newport Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 5, 2024, with the Statewide Primary Election to be Held on the Same Date Pursuant to California Elections Code Section 10403 for the Purpose of Submitting a Proposed Charter Amendment;*

1i) Adopt Resolution No. 2024-56, *A Resolution of the City Council of the City of Newport Beach, California, Setting Priorities for Filing Written Arguments Regarding a City Measure, and Directing the City Attorney to Prepare an Impartial Analysis;*

1j) Adopt Resolution No. 2024-57, *A Resolution of the City Council of the City of Newport Beach, California, Providing for the Filing of Rebuttal Arguments for the City Measure Submitted to the Voters at the General Municipal Election to be Held on Tuesday, November 5, 2024, Pursuant to California Elections Code Section 9285;* and

1k) If desired, designate Councilmembers to draft a Direct Argument for the ballot measure and any Rebuttal Argument, if needed; **OR**

**Option No. 2:**

2a) Determine this action is exempt from environmental review under CEQA pursuant to Section 15262 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and

2b) Adopt Resolution No. 2024-58, *A Resolution of the City Council of the City of Newport Beach, California, Initiating a Narrowly Focused Amendment to the Adopted and Certified 6th Cycle Housing Element to Remove the Reference to Charter Section 423 Voter Approval (PA2022-0245).*



[Staff Report](#)

[Attachment A - Resolution No. 2024-50 Certifying the PEIR](#)

[Attachment B - Resolution No. 2024-51 Amending the General Plan Land Use Element](#)

[Attachment C - Ordinance No. 2024-16 Amending Title 20 \(Planning and Zoning\) for Overlays](#)

[Attachment D - Ordinance No. 2024-17 Multi-Unit Objective Design Standards](#)

[Attachment E - Resolution No. 2024-52 Local Coastal Program Amendment](#)

[Attachment F - Resolution No. 2024-53 Overruling ALUC](#)

[Attachment G - Resolution No. 2024-54 Calling Election](#)

[Attachment H - Resolution No. 2024-55 Requesting Consolidation](#)

[Attachment I - Resolution No. 2024-56 Written Arguments and Impartial Analysis](#)

[Attachment J - Resolution No. 2024-57 Rebuttal Arguments](#)

[Attachment K - 4-18-24 PC Staff Report, Minutes and Resolution No. 2024-006](#)

[Attachment L - 5-16-24 ALUC Staff Report and Corresponding Action Letter](#)

[Attachment M - Minor Language Changes Since PC and ALUC Review](#)

[Attachment N - Fiscal Impact Analysis](#)

[Attachment O - Resolution No. 2024-58 Initiating an Amendment to the 6th Cycle Housing Element](#)

[On the Agenda](#)

[Correspondence](#)

[Written Comments](#)

**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 Councilmembers 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.**