



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**JULY 9, 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 - 6:30 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. Presentation of the Okazaki Sister City Delegation**

**SS3. Implementation of the Housing Element and Charter Section 423**

Discuss requirements for a vote of the electorate pursuant to Charter Section 423 associated with the required adoption of a General Plan Land Use Element amendment needed to support the housing production in the focus areas identified in the adopted and certified 6th Cycle Housing Element (2021-2029).

[Written Comments](#)

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 LABOR NEGOTIATORS**

**(Government Code § 54957.6): 2 matters**

1. **Agency Designated Representatives:** Grace K. Leung, City Manager, and Barbara Salvini, Human Resources Director.

**Employee Organizations:** Association of Newport Beach Ocean Lifeguards; Newport Beach City Employees Association; Newport Beach Employees League; Newport Beach Firefighters Association; Newport Beach Fire Management Association; Newport Beach Lifeguard Management Association; Newport Beach Police Association; Newport Beach Police Management Association; Newport Beach Professional and Technical Employees Association; and Part Time Employees Association of Newport Beach.

2. **Agency Designated Representatives:** Will O'Neill, Mayor, and Joe Stapleton, Mayor Pro Tem.

**Unrepresented Employees:** All unrepresented employees (including all employees in the Key and Management Group), except for the City Manager, City Attorney and City Clerk.

**B. CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION  
(Government Code § 54956.9(d)(2), (e)(2)): 1 matter**

**C. PUBLIC EMPLOYMENT  
(Government Code § 54957(b)): 2 matters**

**Title:** Grace Leung, City Manager

**Title:** Aaron Harp, City Attorney

**V. RECESS**

**VI. RECONVENE AT 6:30 P.M. FOR REGULAR MEETING**

**VII. ROLL CALL**

**VIII. CLOSED SESSION REPORT**

**IX. INVOCATION - Pastor Drew Smithson, Orange County First Assembly of God**

**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. PUBLIC COMMENTS ON CONSENT CALENDAR**

*This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 11). 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.*

**XIV. CONSENT CALENDAR*****READING OF MINUTES AND ORDINANCES*****1. Minutes for the June 25, 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.

***RESOLUTION FOR ADOPTION*****3. Resolution No. 2024-44: Revising Certain Rents Within the Schedule of Rents, Fines and Fees**

a) Determine this 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. 2024-44, *A Resolution of the City of Newport Beach, California, Revising Certain Rents Within the Schedule of Rents, Fine and Fees.*

[Staff Report](#)

[Attachment A - Resolution No. 2024-44](#)

[Attachment B - Rate Comparison](#)

[Written Comments](#)

**CONTRACTS AND AGREEMENTS**

**4. Newport Beach Police Station Video Surveillance System Replacement - Award of Contract No. 9500-1**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(a) (interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances) 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. 9500-1 to Vector Resources Inc., DBA Vector USA for the total bid price of \$318,370.44, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$32,000 (approximately 10 percent of the total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

**5. Approve a Professional Services Agreement with Chambers Group, Inc. to Monitor and Maintain the Balboa Peninsula Restoration Project, Contract No. 8814-3**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) requirements pursuant to Sections 15250 of the CEQA Guidelines, as the plan defined in the California Coastal Commission Consent Orders includes mitigation measures to minimize any significant adverse effect on the environment; and
- b) Approve a four-year professional services agreement with Chambers Group, Inc. for a total not-to-exceed fee of \$345,418, and authorize the Mayor and City Clerk to execute the contract.

[Staff Report](#)

[Attachment A - Professional Services Agreement](#)

[Attachment B - Location Map](#)

[Written Comments](#)

**6. Approve a Professional Services Agreement with Chambers Group, Inc. to Monitor and Maintain San Diego Creek Trash Interceptor Project Landscaping, Contract No. 7127**

a) Find the requirement for environmental review under the California Environmental Quality Act ("CEQA") is satisfied by the September 25, 2018 Council adoption of Resolution No. 2018-67, *A Resolution of the City Council of the City of Newport Beach, California, Adopting Mitigated Negative Declaration No. ND2018-002 (SCH No. 2018081013) for the Newport Bay Water Wheel Project (PA2018-153)*, a.k.a. San Diego Creek Trash Interceptor Project, including the Mitigation Monitoring and Reporting Plan prepared for San Diego Creek Trash Interceptor Project, pursuant to the California Environmental Quality Act State CEQA Guidelines and City Council Policy K-3; and

b) Approve a five-year professional services agreement with Chambers Group, Inc. for a total not-to-exceed fee of \$419,015.07, and authorize the Mayor and City Clerk to execute the contract.

[Staff Report](#)

[Attachment A - Agreement](#)

[Attachment B - Location Map](#)

[Written Comments](#)

**7. Award Professional Services Agreement for Inspection Services with Willdan Engineering and TKE Engineering Inc. for On-Call Public Works Inspection 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 Professional Service Agreement for Inspection Services with both Willdan Engineering and TKE Engineering Inc. for On-Call Public Works Inspection Services for a three-year term and a total not-to-exceed amount of \$150,000 per contract, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Willdan Engineering Agreement](#)

[Attachment B - TKE Engineering Agreement](#)

[Written Comments](#)

**8. Second Amendment to Lease with Secada Medical, LLC for Use of Suites 470 and 485 at 1201 Dove Street**

a) Find this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment; and

b) Authorize the City Manager and City Clerk to execute the Second Amendment to Lease between the City of Newport Beach and Secada Medical, LLC (dba Ventriss Medical) for use of City Property, office space Suites 470 and 485 located at 1201 Dove Street, in a form substantially similar to the amendment attached to the staff report.

[Staff Report](#)

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

[Attachment B - Office Lease Agreement and First Amendment to Lease](#)

**9. Award of Contracts to Eide Bailly LLP and The Pun Group LLP for Internal Audit 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) 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 Agreement](#)

[Attachment B - The Pun Group LLP Agreement](#)

[Written Comments](#)



**10. Professional Services Agreement with Flock Group Inc. for Fixed-Location ALPR Units and Related 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 a sole source procurement of fixed-location ALPR services from Flock Group Inc.; and
- c) Approve a Professional Services Agreement with Flock Group Inc. of Atlanta, Georgia, for ALPR installation and services at a not-to-exceed cost of \$1,412,700, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Professional Services Agreement with Flock Group Inc.](#)

[Attachment B - Sole Source Letter](#)

[Attachment C - Flock Locations Overview Map](#)

**MISCELLANEOUS**

**11. Appointment to the Building and Fire Board of Appeals**

- 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) Waive a portion of City Council Policy A-2; and
- c) Reappoint Saum Nour to a third term on the Building and Fire Board of Appeals.

[Staff Report](#)

[Attachment A - Application](#)

[Written Comments](#)

**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 HEARINGS**

**12. Resolution No. 2024-45: Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Residences at 1600 Dove Street (PA2022-0297)**

- a) Conduct a public hearing;
- b) Find that the proposed overriding action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- c) Adopt Resolution No. 2024-45, *A Resolution of the City Council of the City of Newport Beach, California, Notifying the Orange County Airport Land Use Commission and State Department of Transportation, Aeronautics Program of the City's Intention to Find that the Residences at 1600 Dove Street Project is Consistent with the Purpose of the State Aeronautics Act and Overrule the Orange County Airport Land Use Commission's Determination that the Project is Inconsistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2022-0297).*

[Staff Report](#)

[Attachment A - Resolution No. 2024-45](#)

[Attachment B - Planning Commission Staff Report](#)

[Attachment C - Planning Commission Minutes Excerpt](#)

[Attachment D - Resolution No. PC2024-008](#)

[Attachment E - ALUC Staff Report](#)

[Attachment F - ALUC Determination Letter](#)

[Written Comments](#)

**XVIII. CURRENT BUSINESS****13. Ordinance No. 2024-15, Resolution Nos. 2024-46 and 2024-47: Harbor Commission Recommendations and Alternative Recommendations for Rental Rates for Moorings**

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. 2024-46, *A Resolution of the City Council of the City of Newport Beach, California, Setting Fair Market Value of Rent for Moorings Located Upon Tidelands in Newport Harbor*; **OR**

c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-15, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 17.60.010, 17.60.020, 17.60.040, and 17.60.045 of the Newport Beach Municipal Code Related to Mooring Permits and Licenses*, and pass to second reading on July 23, 2024; and

d) Adopt Resolution No. 2024-47, *A Resolution of the City Council of the City of Newport Beach, California, Setting the Fair Market Value of Rent for Moorings Located Upon Tidelands in Newport Harbor*.

[Staff Report](#)

[Attachment A - Map of Onshore and Offshore Moorings](#)

[Attachment B - Resolution No. 2024-46: Harbor Commission Recommendation](#)

[Attachment C - Ordinance No. 2024-15: Alternative Recommendation](#)

[Attachment D - Resolution No. 2024-47: Alternative Fees](#)

[Attachment E - Resolution No. 2010-132](#)

[Attachment F - Resolution No. 2016-17](#)

[Attachment G - Harbor Commission Agendas & Staff Reports with Attachments \(links\)](#)

[Attachment H - Resolution No. 2023-62](#)

[Attachment I - Letter from State Lands Commission, dated April 9, 2024](#)

[Attachment J – Comments Received from the Public](#)

[Attachment K – Ordinance No. 2024-15: Redlines](#)

[Additional 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.**