



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

**OCTOBER 22, 2024
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

REGULAR MEETING - 4:00 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.

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).

I. **ROLL CALL**

II. **INVOCATION - Imam Mahdi al-Qazwini, Islamic Educational Center of Orange County**

III. **PLEDGE OF ALLEGIANCE**

IV. **PRESENTATIONS**

- Proclamation Recognizing the Newport Rib Company's 40th Anniversary
- Legislative Update from Assemblymember Diane Dixon

V. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

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

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

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

- Consider Relocating the Historic City Seal to City Hall [Weigand]

VIII. **PUBLIC COMMENTS ON CONSENT CALENDAR**

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 18). 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.

IX. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the October 8, 2024 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.

ORDINANCES FOR INTRODUCTION

3. Ordinance No. 2024-25: Amending Chapter 15.02 (Administrative Code Related to Construction and Demolition Waste Permits) of the Newport Beach Municipal Code

a) Determine this action is exempt from 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, California Code of Regulations, Title 14, Chapter 3, because this action will not result in a physical change to the environment, directly or indirectly; and

b) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-25, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 15.02.085 (Addition of Section 105.3.1.1) of Chapter 15.02 (Administrative Code) of the Newport Beach Municipal Code, to Update Administrative Procedures for the Handling of Permit Deposits and Fees Associated with Waste Generated from Construction Projects Having a Valuation Over \$100,000 or that Result in the Complete Demolition of a Structure*, and pass to second reading on November 12, 2024.

[Staff Report](#)

[Attachment A - Ordinance No. 2024-25](#)

[Attachment B - NBMC Chapter 15.02 \(redine\)](#)

4. Ordinance No. 2024-26 and Resolution No. 2024-76: Local Coastal Program Amendments Related to Changing Land Use for the Hanna Residences at 3014 Balboa Boulevard (PA2020-060)

a) Find this amendment exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program, and further that the exceptions to the Class 3 exemption do not apply;

b) Adopt Resolution No. 2024-76, *A Resolution of the City Council of the City of Newport Beach, California, Amending the Coastal Land Use Plan of the Local Coastal Program to Change the Land Use Category From Commercial Neighborhood - (0.0 - 0.30 FAR) (CN) to Two Unit Residential - (30.0 - 39.9 DU/AC) (RT-E) for the Property Located at 3014 Balboa Boulevard (PA2020-060)*; and

c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-26, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to Change the Zoning District From Commercial Neighborhood (CN) to Two-Unit Residential (R-2) and to Amend Setback Map S-2B - Balboa Peninsula to Remove a Front Setback Designation Abutting the Side Property Line For the Property Located at 3014 Balboa Boulevard (PA2020-060)*, and pass to second reading on November 12, 2024.

[Staff Report](#)

[Attachment A - Resolution No. 2024-76](#)

[Attachment B - Ordinance No. 2024-26](#)

[Attachment C - Resolution No. 2023-12](#)

[Attachment D - 2-14-23 Staff Report](#)

[Attachment E - CCC Approval Letter](#)

5. Ordinance No. 2024-27 and Resolution No. 2024-77: Local Coastal Program (LCP) Amendment to Increase the Development Limit Specified for Bay Island (PA2022-087)

a) Find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under 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;

b) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-27, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to a Maximum of 25 Dwelling Units (PA2022-087)*, and pass to second reading on November 12, 2024; and

c) Adopt Resolution No. 2024-77, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Local Coastal Program Amendment as Approved by the California Coastal Commission to Change the Development Limit Specified in the Coastal Land Use Plan (CLUP) for Bay Island from 23 Dwelling Units to a Maximum of 25 Dwelling Units (PA2022-087)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2024-27](#)

[Attachment B - Resolution No. 2024-77](#)

[Attachment C - Ordinance No. 2023-1](#)

[Attachment D - Resolution No. 2023-4](#)

[Attachment E - 1-24-23 Staff Report](#)

[Attachment F - CCC Approval Letter](#)

[Attachment G - CCC Staff Report](#)

ORDINANCE FOR ADOPTION

6. Ordinance No. 2024-24: Approving the Second Amendment to Development Agreement No. DA2012-003 for the Uptown Newport Planned Community Located at 4311 Jamboree Road (PA2024-0078)

a) Find that all significant environmental concerns for the Project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001; and

b) Conduct second reading and adopt Ordinance No. 2024-24, *An Ordinance of the City Council of the City of Newport Beach, California, Approving of the Second Amendment to Development Agreement No. DA2012-003 for Uptown Newport Planned Community Located at 4311 Jamboree Road (PA2024-0078).*

[Staff Report](#)

[Attachment A - Ordinance No. 2024-24](#)

RESOLUTION FOR ADOPTION

7. Resolution No. 2024-78: Amending City Council Policy F-1 (Statement of Investment Policy)

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. 2024-78, *A Resolution of the City Council of the City of Newport Beach, California, Finding Consistency with Stated Investment Objectives and Amending City Council Policy F-1 (Statement of Investment Policy) to Add Clarifying Language that is Consistent with Government Code Section 53600, et seq.*

[Staff Report](#)

[Attachment A - Council Policy F-1 \(redline\)](#)

[Attachment B - Resolution No. 2024-78](#)

CONTRACTS AND AGREEMENTS

- 8. Newport Boulevard Landscape Improvements (Industrial Way to Pacific Coast Highway) and West Coast Highway Landscaping Improvements (West City Limits to Highland St.) - Notice of Completion for Contract No. 9226-1 (23L01)**

a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

[Staff Report](#)

[Attachment A - Location Map](#)

- 9. Approval of Amendment No. Two to Maintenance/Repair Services Agreement with CR&R Incorporated for Commercial Refuse Removal Services of City Operations (Contract No. 8569-1)**

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. Two to Maintenance/Repair Services Agreement with CR&R Incorporated (Contract No. 8569-1) to implement source separation at City of Newport Beach facilities, increase disposal frequencies for green waste, add City facilities, extend the agreement to February 28, 2026, and increase the not-to-exceed amount by \$333,903.72 to a total not-to-exceed of \$1,090,117.89.

[Staff Report](#)

[Attachment A - Original Agreement](#)

[Attachment B - Amendment No. 1](#)

[Attachment C - Amendment No. 2](#)

- 10. Fire Station No. 8 HVAC Rehabilitation - Reject All Bids for Contract No. 9373-1 (24F02)**

a) Find this project 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) Reject all bids received for Contract No. 9373-1; and

c) Direct staff to re-advertise the Fire Station No. 8 HVAC Rehabilitation project.

[Staff Report](#)

[Attachment A - Location Map](#)

11. Approval of Professional Services Agreement with Moffatt & Nichol for Ocean Piers Inspection and Design Services (25H03)

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 Moffatt & Nichol for the Ocean Piers Inspection and Design Services project for a total not-to-exceed amount of \$265,500, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Proposal](#)

[Attachment B - Revised Proposal](#)

12. Award of On-Call Roofing Maintenance and Repair Services Agreements with Rainy Day Roofing, Inc., and Best Contracting Services, 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;

b) Approve an On-Call Roofing Maintenance and Repair Service Agreement with Rainy Day Roofing Inc., for a five-year term and total amount not-to-exceed of \$200,000, and authorize the Mayor and City Clerk to execute the agreement; and

c) Approve an On-Call Roofing Maintenance and Repair Service Agreement with Best Contracting, Inc., for a five-year term and total amount not-to-exceed of \$100,000, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Rainy Day Roofing Agreement](#)

[Attachment B - Best Contracting Agreement](#)

13. Approval of Vehicle Replacement Purchase Orders for Three Toyota Tacoma Trucks, One John Deere Wheel Loader, and One John Deere Backhoe Loader

- 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 Purchase Order for three Toyota Tacoma TRD Off-Road 4WD double cab pickup trucks from Toyota of Glendale, for a total amount of \$142,925.73;
- c) Approve a Purchase Order for one John Deere 624 P-Tier wheel loader, and one John Deere 410 P-Tier backhoe loader from Coastline Equipment of Long Beach, for a total amount of \$471,762.96; and
- d) Authorize a contingency of \$30,000 (approximately 5% of total quotes) to cover the cost of unforeseen changes to the current quotes.

[Staff Report](#)

[Attachment A - Bid Results RFB No. 25-15](#)

[Attachment B - Quotation No. 31472455](#)

[Attachment C - Quotation No. 31431336](#)

14. Amendment No. One to the Professional Services Agreement with PlaceWorks, Inc. for Environmental Services for a Landfill Gas to Energy Facility at 20662 Newport Coast Drive (PA2022-063)

- 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 and authorize the Mayor and City Clerk to execute Amendment No. One to Professional Services Agreement with PlaceWorks, Inc. for Preparation of Environmental Analysis and Documentation for Landfill Gas to Energy Plant at 20662 Newport Coast Drive, in an amount not-to-exceed \$188,613 and in a form substantially similar to the agreement attached to the staff report.

[Staff Report](#)

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

[Attachment B - Professional Services Agreement](#)

15. Benefits Broker Third Party Administrator - Approval of Professional Services Agreement with Burnham Benefits Insurance 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 Professional Services Agreement with Burnham Benefits Insurance Services, LLC for Benefits Broker Services at a not-to-exceed amount of \$257,250, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

16. Workers' Compensation Third Party Administrator - Approval of Professional Services Agreement with AdminSure, 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 a five-year Professional Services Agreement with AdminSure, Inc. for Workers' Compensation Third-Party Administration (TPA) Services at a not-to-exceed amount of \$2,172,472, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

MISCELLANEOUS

17. Year-End Budget Results and Surplus Allocation

- 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 one-time waiver of policy elements C and D of City Council Policy F-5 - *General Fund Surplus Utilization*;
- c) Approve Budget Amendment No. 25-027, allocating the unrestricted operating surplus for Fiscal Year 2023-24; and
- d) Receive and file the report of the budget amendments for the fourth quarter.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Fourth Quarter Budget Amendments](#)

18. Annual Review of Visit Newport Beach Audited Financial Statements and Expenditure 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; and
- b) Receive and file.

[Staff Report](#)

[Attachment A - VNB Audited Financial Statements](#)

[Attachment B - NB&Co. Audited Financial Statements](#)

[Attachment C - VNB Expenditure Compliance Report](#)

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

X. ITEMS REMOVED FROM THE CONSENT CALENDAR

XI. PUBLIC HEARING

19. Ordinance No. 2024-28: Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Relating to Accessory Dwelling Unit Regulations (PA2021-113)

- a) Conduct a public hearing;
- b) Find this project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 65852.1 and 65852.2 (now 66310 through 66342) of the Government Code are exempt from the requirements of CEQA; and
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-28, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Local Coastal Program Amendment No. LC2021-003 as Modified by the California Coastal Commission Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to Implement Council Policy K-4 (Reducing the Barriers to the Creation of Housing) and New State Law Requirements Relating to Accessory Dwelling Units (PA2021-113)*, and pass to second reading on November 12, 2024.

[Staff Report](#)

[Attachment A - Ordinance No. 2024-28](#)

[Attachment B - Ordinance No. 2023-2](#)

[Attachment C - Resolution No. 2023-8](#)

[Attachment D - 1-24-24 Staff Report](#)

[Attachment E - CCC Approval Letter and Suggested Modifications](#)

[Attachment F - Amendments \(redline\)](#)

XII. CURRENT BUSINESS

20. Resolution No. 2024-79: Collins Island Bridge Replacement - Adoption of Mitigated Negative Declaration and Intent to Prepare Final Construction Documents (22R13)

a) Adopt Resolution No. 2024-79, *A Resolution of the City Council of the City of Newport Beach, California, Adopting Mitigated Negative Declaration No. ND2018-002 (SCH#2024070802) for the Collins Island Bridge Replacement (PA2018-153)*, pursuant to the California Environmental Quality Act, State CEQA Guidelines and City Council Policy K-3; and

b) Authorize Michael Baker International to prepare the final construction documents for the Collins Island Bridge Replacement including adjacent new seawalls.

[Staff Report](#)

[Attachment A - Resolution No. 2024-79](#)

[Attachment B - Project Limits](#)

[Attachment C - Conceptual Bridge Design](#)

[Attachment D - Overall Project Improvements](#)

[Attachment E - Proposed Bridge and Seawall Improvements](#)

XIII. 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.

XIV. ADJOURNMENT - In memory of Spelt "Petar" Marovic

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.