



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**NOVEMBER 28, 2023  
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

**REGULAR MEETING - 4:00 P.M.**

**NOAH BLOM, Mayor  
WILL O'NEILL, Mayor Pro Tem  
BRAD AVERY, Councilmember  
ROBYN GRANT, Councilmember  
LAUREN KLEIMAN, Councilmember  
JOE STAPLETON, 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 two hundred fifty dollars (\$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. **INVOCATION - Reverend Sadie Cullumber, Harbor Christian Church**

III. **PLEDGE OF ALLEGIANCE**

VI. **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.*

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

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

VII. **PUBLIC COMMENTS ON CONSENT CALENDAR**

*This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 17). 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.*

**VIII. CONSENT CALENDAR**

***READING OF MINUTES AND ORDINANCES***

**1. Minutes for the November 14, 2023 City Council Meeting**

Waive reading of subject minutes, approve as amended, 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.

***ORDINANCES FOR ADOPTION***

**3. Ordinance No. 2023-17: Allowing Short-Term Mooring License Agreements and Establishing Fair Market Value License Fees for Offshore and Onshore Moorings**

a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment; and

b) Conduct second reading and adopt Ordinance No. 2023-17, *An Ordinance of the City Council of the City of Newport Beach, California, Adding Section 17.60.045 (Short-Term Mooring Licenses) to Chapter 17.60 (Harbor Permits and Leases) of the Newport Beach Municipal Code Regarding Short-Term Mooring Licenses.*

[Staff Report](#)

[Attachment A - Ordinance No. 2023-17](#)

[Correspondence](#)

[Written Comments](#)

**4. Ordinance Nos. 2023-18 and 2023-19: Tennis and Pickleball Club at Newport Beach - 1602 East Coast Highway (PA2021-260)**

a) Find that the adoption of Ordinances No. 2023-18 and 2023-19 are consistent with the Addendum to Mitigated Negative Declaration No. ND2010-008 under the California Environmental Quality Act (CEQA), as adopted per Resolution No. 2023-69;

b) Conduct second reading and adopt Ordinance No. 2023-18, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to the Newport Beach Country Club Planned Community Development Plan (PC-47) for the Tennis and Pickleball Club at Newport Beach Located at 1602 East Coast Highway (PA2021-260)*; and

c) Conduct second reading and adopt Ordinance No. 2023-19, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Development Agreement for the Tennis and Pickleball Club at Newport Beach Located at 1602 East Coast Highway (PA2021-260)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2023-18](#)

[Attachment B - Ordinance No. 2023-19](#)

[Written Comments](#)

**5. Ordinance Nos. 2023-20 and 2023-21: Adopting Housing Element Implementation Noise-Related Amendments (PA2022-0201)**

a) Find the adoption of ordinances is exempt from CEQA pursuant to CEQA Guidelines Section 15183, and within the scope of analysis contained within EIR No. 617, prepared, and certified by the County for the 2014 JWA Settlement Agreement Amendment, and the 2006 General Plan, as amended;

b) Conduct second reading and adopt Ordinance No. 2023-20, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to Title 20 (Planning and Zoning) of the Newport Beach Municipal Code Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element (PA2022-0201)*; and

c) Conduct second reading and adopt Ordinance No. 2023-21, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Amendments to Newport Place Planned Community Development Plan (PC-11) and Newport Airport Village Planned Community Development Plan (PC-60) Related to Noise in the Airport Area Necessary to Implement the 6th Cycle Housing Element (PA2022-0201)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2023-20](#)

[Attachment B - Ordinance No. 2023-21](#)

[Written Comments](#)

**6. Ordinance No. 2023-22: Adding, Amending, and Repealing Various Provisions 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) 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) Conduct second reading and adopt Ordinance No. 2023-22, *An Ordinance of the City Council of the City of Newport Beach, California, Adding, Amending, and Repealing Various Provisions of the Newport Beach Municipal Code.*

[Staff Report](#)

[Attachment A - Ordinance No. 2023-22](#)

[Written Comments](#)

**RESOLUTIONS FOR ADOPTION**

**7. Resolution No. 2023-79: Approval of Measure M2 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) Adopt Resolution No. 2023-79, *A Resolution of the City Council of the City of Newport Beach, California, Concerning the Measure M2 Expenditure Report for the City of Newport Beach for the Fiscal Year Ending June 30, 2023.*

[Staff Report](#)

[Attachment A - Resolution No. 2023-79](#)

**8. Resolution No. 2023-80: Opposing the By-Right Approval Process Language in Proposition 1, the 2024 Behavioral Health Services Program and Bond Measure**

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. 2023-80, *A Resolution of the City Council of the City of Newport Beach, California, Opposing the Language in Proposition 1 that Calls for a By-Right Approval Process for Adult Substance Use Disorder Residential Programs and Recovery Housing to Be Located in Multi-Family Residential Zones.*

[Staff Report](#)

[Attachment A - Resolution No. 2023-80](#)

**9. Resolution No. 2023-81: Establishing the Library Lecture Hall MOU City Council Ad Hoc Committee**

- 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. 2023-81, *A Resolution of the City Council of the City of Newport Beach, California, Creating an Ad Hoc Committee to Make Recommendations to the City Council on the Third Amendment to the Memorandum of Understanding with the Newport Beach Public Library Foundation Related to Funding the Library Lecture Hall*; and
- c) Confirm the Mayor's appointments of Mayor Blom, Council Member Kleiman and Council Member Stapleton to serve on the Library Lecture Hall MOU City Council Ad Hoc Committee.

[Staff Report](#)

[Attachment A - Resolution No. 2023-81](#)

[Written Comments](#)

**10. Fiscal Year 2023-24 First Quarter Financial Report and Resolution No. 2023-82: Approving a Side Letter Agreement with the Part-Time Employees Association of Newport Beach, Approving a Fourth Amendment to the Key and Management Compensation Plan, and Adopting New Salary Schedules**

- 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 and approve the City Manager's recommended adjustments to City of Newport Beach job classification titles and salary ranges as required by the California Public Employees' Retirement System in accordance with 2 CCR §570.5 (a)(1);
- c) Adopt Resolution No. 2023-82, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Side Letter Agreement with the Part Time Employees Association of Newport Beach, Approving a Fourth Amendment to the Key and Management Compensation Plan, and Adopting New Salary Schedules*;
- d) Approve Budget Amendment No. 24-027, adjusting revenue estimates and expenditure appropriations for the Fiscal Year 2023-24 budget as outlined in the report; and
- e) Receive and file the report of budget amendments for the first quarter.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

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

[Attachment C - Resolution No. 2023-82](#)

[Written Comments](#)

**CONTRACTS AND AGREEMENTS**

**11. Newport Coast Drive and Balboa Boulevard Pavement Rehabilitation (Project No. 22R14) - Notice of Completion for Contract No. 8728-2**

- a) Approve Budget Amendment No. 24-37 appropriating \$9,167.20 in new revenue and expenditures from Irvine Ranch Water District and appropriating \$22,700 in new revenue and expenditures from Orange County Sanitation District to 13501-980000-22R14;
- b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- c) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of Civil Code; and
- d) Release Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Newport Coast Drive Location Map](#)

[Attachment C - Balboa Blvd Location Map](#)

**12. Utilities Yard Office Remodel (Project No. 23F13) - Notice of Completion for Contract No. 7908-1**

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after the Notice of Completion has been recorded in accordance with applicable portions of Civil Code; and
- c) Release Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)



**13. Fiscal Year 2022-23 Restroom Rehabilitation - Award of Contract No. 8905-2 (23F02)**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing 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. 8905-2 to iBuild Spectrum, Inc. for the bid price of \$1,200,000 for the FY 2022-23 Restroom Rehabilitation, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$180,000 (approximately 15% of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Maps](#)

[Written Comments](#)

**14. Alley Reconstruction (Assessment District 111, Underground Utility District 22 Phase 2 and Assessment District 124 Phase 0 Areas) - Award of Contract No. 8820-2 (23R07)**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (repair and maintenance of existing highways and streets, sidewalks, and gutters involving 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) Approve Budget Amendment No. 24-034 transferring project savings from General Fund CIP and Neighborhood Enhancement unappropriated fund balance and appropriating \$52,972.29 in increased expenditures in Account No. 01201927-980000-23R07 and \$200,496.14 in increased expenditures in Account No. 53601-980000-23R07;
- d) Award Contract No. 8820-2 to Grigolla & Sons Const. Co. Inc. for the total bid price of \$3,481,384, and authorize the Mayor and City Clerk to execute the contract; and
- e) Establish and encumber a contingency of \$175,000 (approximately 5% of the bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Budget Amendment](#)

**15. Lease Agreement with Newport Harbor Lawn Bowling Association for a Portion of San Joaquin Hills Park Located at 1550 Crown Drive North**

- 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 City Manager and City Clerk to execute the Lease Agreement by and between the City of Newport Beach and Newport Harbor Lawn Bowling Association, for continued use of a portion of the property known as San Joaquin Hills Park located at 1550 Crown Drive North, in a form substantially similar to the agreement attached to the staff report; and
- c) Approve a waiver of City Council Policy F-7 - *Income and Other Property* based on the findings contained in this staff report and the lease agreement, that conducting an open bid process or changing the tenant would result in excessive vacancy, and the use of the property provides an essential or unique service to the community and is of a public benefit, and might not otherwise be provided where any open bid or full fair market value rent of the property be required.

[Staff Report](#)

[Attachment A - Lease Agreement](#)

[Attachment B - Maps](#)

[Attachment C - 1998 Lease, as Amended](#)

[Attachment D - City Council Policy F-7](#)

[Written Comments](#)

**16. Annual Reports on Development Impact Fees and Development Agreements**

- 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, review and file the Annual Reports on Development Impact Fees and Development Agreements.

[Staff Report](#)

[Attachment A - Development Impact Fee Report](#)

[Attachment B - Development Agreements Report](#)

[Written Comments](#)

**MISCELLANEOUS**

**17. Budget Amendment to Accept a Check from California Library Literacy Services and Appropriate Funds to the Library's Fiscal Year 2023-24 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 \$46,594 from the California Library Literacy Services and approve Budget Amendment No. 24-031 to increase expenditures by the same amount in the Literacy accounts.

[Staff Report](#)

[Attachment A - Check](#)

[Attachment B - Budget Amendment](#)

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

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

**X. 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.*

**XI. PUBLIC HEARING**

**18. Ordinance No. 2023-23 and Resolution No. 2023-83: Newport Beach Municipal Code and Local Coastal Program Amendments Related to Short Term Lodging (PA2023-0116)**

- a) Conduct a public hearing;
  - b) Find proposed amendments to the NBMC are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines, because it would not result in a direct or reasonably foreseeable indirect physical change in the environment and is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
  - c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2023-23, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Code Amendment to Chapter 5.95 (Short Term Lodging) and Title 20 (Planning and Zoning) of the Newport Beach Municipal Code Related to Short Term Lodging (PA2023-0116)*, and pass to second reading on December 12, 2023; and
  - d) Adopt Resolution No. 2022-83, *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 Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Related to Short Term Lodging (PA2023-0116)*;
- or**
- e) Adopt an alternative resolution that includes a 20-unit ownership requirement, Resolution No. 2022-83, *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 Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Related to Short Term Lodging (PA2023-0116)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2023-23](#)

[Attachment B - Resolution No. 2023-83](#)

[Attachment C - 6-22-23 PC Minutes](#)

[Attachment D - PC Resolution No. PC2023-037](#)

[Attachment E - PC Resolution No. PC2023-038](#)

[Attachment F - 10-19-23 PC Minutes](#)

[Attachment G - Mixed Use Zoning Map](#)

[Attachment H - Redline Strikeouts of Proposed Amendments](#)

[Attachment I - Statistical Area Map](#)

[Attachment J - Redline Strikeout of Draft Section 21.48.115 Incorporating 20-unit  
Ownership Requirements](#)

[Attachment K - Alternative Draft Resolution](#)

[Correspondence](#)

[Written Comments](#)

**XII. CURRENT BUSINESS**

**19. Resolution No. 2023-84: Adopting a New Salary Range and Adjusting Base Salary for the City Clerk**

- 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. 2023-84, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a New Salary Range for the City Clerk*; and
- c) Approve and authorize the Mayor to execute Amendment B to the Seventh Amended and Restated Employment Agreement for the City Clerk.

[Staff Report](#)

[Attachment A - Resolution No. 2023-84](#)

[Attachment B - Amendment to Employment Agreement](#)

[Attachment C - Costing for City Clerk](#)

**20. Appointment to the Board of Library Trustees to Fill an Unscheduled Vacancy**

- 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) Appoint Fiona Ivey, Chase Rief or Jenny Williams to fill the vacancy on the Board of Library Trustees.

[Staff Report](#)

[Attachment A - Applications](#)

[Correspondence](#)

**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 Peter Sabatino and Lysanne Sebastian**

**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.**