



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

APRIL 15, 2025

COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660

REGULAR MEETING - 4:00 P.M.

CLOSED SESSION - FOLLOWS MOTION FOR RECONSIDERATION

**JOE STAPLETON, Mayor
LAUREN KLEIMAN, Mayor Pro Tem
MICHELLE BARTO, Councilmember
NOAH BLOM, Councilmember
ROBYN GRANT, Councilmember
SARA J. WEBER, 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 five hundred dollars (\$500) 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 staff 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 - 4:00 p.m.

II. INVOCATION - Dave Manne, Pastor Emeritus, Calvary Chapel of Costa Mesa

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS

- History of the Development of Lido Isle and Other Islands of Newport Beach by Bill Lobdell
- Proclamation Recognizing Working Wardrobes

V. PUBLIC COMMENTS ON AGENDA AND 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 creating a City Council Ad Hoc Committee to review the City's policy on the use of pesticides and make recommendations to the City Council [Weber]
- Consider removing the property located at 1501 16th Street from the City's General Plan, so it is no longer designated as a housing opportunity site [Weigand]
- Consider creating a Historian Laureate program to increase public awareness of the history of the City [Grant and Stapleton]

VIII. 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.

IX. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the March 25, 2025 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.

ORDINANCE FOR ADOPTION

3. Ordinance No. 2025-5: An Amendment to Section 15.02.095 of the Newport Beach Municipal Code Related to Timeframes for Completion of Construction

- a) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resource Code and 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 of the Government Code are exempt from the requirements of CEQA; and
- b) Conduct second reading and adopt Ordinance No. 2025-5, *An Ordinance of the City of Council of the City of Newport Beach, California, Amending Section 15.02.095 (Section 105.3.4) of the Newport Beach Municipal Code Related to Timeframes for Completion of Construction.*

[Staff Report](#)

[Attachment A - Ordinance No. 2025-5](#)

CONTRACTS AND AGREEMENTS

4. FY 2023-24 Traffic Signal Rehabilitation Project (Project No. 24T01) - Notice of Completion for Contract No. 9416-1

- 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](#)

5. Corporation Yard, Utility Yard and Oilfield Gate Rehabilitation - Award of Contract No. 9749-1 (25F02)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) 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;
- b) Approve the project plans and specifications;
- c) Find the bid submitted by EverFence Corporation to be non-responsive;
- d) Award Contract No. 9749-1 to Gold Coast Fence Inc., for the total bid price of \$304,768 for the Corporation Yard, Utility Yard and Oilfield Gate Rehabilitation, and authorize the Mayor and City Clerk to execute the contract; and
- e) Establish a contingency of \$30,500 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

6. Slurry Seal Program FY 2024-25 - Award of Contract No. 9717-1 (25R04)

- 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. 9717-1 to American Asphalt South, Inc. for the total bid price of \$1,176,197 for the Slurry Seal Program FY 2024-25 project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$58,800 (approximately 5% of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

7. Approval of Amendment No. Three to On-Call Maintenance and Repair Services Agreement with Ray Brian Carmody dba Carmody Construction Company (C-8480-1A)

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. Three to On-Call Maintenance and Repair Services Agreement with Ray Brian Carmody dba Carmody Construction Company to increase the not-to-exceed amount by \$200,000 for a new not-to-exceed amount of \$387,500, and authorize the Mayor and City Clerk to execute the amendments.

[Staff Report](#)

[Attachment A - Agreement](#)

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

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

[Attachment D - Amendment No. 3](#)

8. Approval of Professional Services Agreement with Griffin Structures for Fire Station No. 1 / Balboa Branch Library Construction Management (Project 23F12)

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 Griffin Structures, Inc. for the Fire Station No. 1 / Balboa Branch Library project construction management contract for a total not-to-exceed amount of \$1,220,750, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Professional Services Agreement](#)

9. Approval of Professional Services Agreements with Anchor QEA, Inc., Dudek, and Moffatt & Nichol for On-Call Marine / Coastal Engineering and Harbor 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; and

b) Approve Professional Services Agreements with Anchor QEA, Inc., Dudek, and Moffatt & Nichol with each agreement being for a term of five years and a total not-to-exceed amount of \$500,000, and authorize the Mayor and City Clerk to execute the agreements.

[Staff Report](#)

[Attachment A - Agreement with Anchor QEA, Inc.](#)

[Attachment B - Agreement with Dudek](#)

[Attachment C - Agreement with Moffatt & Nichol](#)

10. Professional Services Agreement with Carpi & Clay, Inc. for Federal Advocacy 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 the Professional Services Agreement with Carpi & Clay, Inc. of Washington, D.C., for federal advocacy services for an initial one-year term, ending April 15, 2026, with two, optional one-year extensions and a total not-to-exceed amount of \$343,800, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

11. Approval of Professional Service Agreement with Bloc Films, LLC for Junior Lifeguard Video Production 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 Services Agreement with Bloc Films LLC with a two-year initial term, with three additional one-year extensions (for a total possible five-year term), for a total not-to-exceed amount of \$375,760, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

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

X. ITEMS REMOVED FROM THE CONSENT CALENDAR

XI. PUBLIC HEARING

12. Resolution No. 2025-13: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for an Amendment to the Housing Opportunity (HO) Overlay Zoning and Coastal Zoning Districts (PA2024-0205)

- 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. 2025-13, *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 Amendment to Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) and Pending Section 21.28.070 (Housing Opportunity (HO) Overlay Coastal Zoning Districts) of the Newport Beach Municipal Code Related to the Implementation of the Housing Element is Consistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2024-0205).*

[Staff Report](#)

[Attachment A - Resolution No. 2025-13](#)

[Attachment B - Planning Commission Staff Report, dated January 23, 2025](#)

[Attachment C - Planning Commission Minute Excerpts, dated January 23, 2025](#)

[Attachment D - Planning Commission Resolution No. PC2025-004](#)

[Attachment E - ALUC Staff Report, dated February 20, 2025](#)

[Attachment F - ALUC Staff Report, dated March 20, 2025](#)

[Attachment G - ALUC Determination Letter, dated March 21, 2025](#)

XII. CURRENT BUSINESS

13. Revocable License Agreement with Heritage Wellness Collective for Temporary Use of City Property for the Corona del Mar Farmers' Market

- 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 Revocable License Agreement between the City of Newport Beach and Heritage Wellness Collective, for Temporary Use of the City Property for the Corona del Mar Community Market, 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 the staff report and the Agreement, that charging less than fair market rent promotes the City's goals to provide essential or unique services to the community, that cannot otherwise be provided if full market rates were charged.

[Staff Report](#)

[Attachment A - Revocable License Agreement](#)

[Attachment B - RFP No. 2025-14](#)

[Attachment C - Market Site Plan](#)

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

[Attachment E - Public Comments](#)

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. CLOSED SESSION - Council Chambers Conference Room

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code § 54956.8): 3 matters**

- 1. Property:** 3848 Campus Drive, Newport Beach, CA 92660 (Assessor Parcel Number 427-151-08).

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: John Saunders on behalf of 3848 Campus Drive LP.

Under Negotiation: Instruction to City Negotiators regarding price and terms of payment.

- 2. Property:** 4200 Campus Drive, Newport Beach, CA 92660 (Assessor Parcel Number 427-121-01).

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: Kavous Gitibin on behalf of 4200 Building LLC.

Under Negotiation: Instruction to City Negotiators regarding price and terms of payment.

- 3. Property:** 1400 Quail Street, Newport Beach, CA 92660

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: Angela Brand on behalf of Davenport Quail Partners, LLC

Under Negotiation: Instruction to City Negotiators regarding price and terms of payment.

B. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code § 54957.6): 1 matter

Agency Designated Representatives: Grace K. Leung, City Manager, and Jonathan Holtzman, Esq., Negotiators.

Employee Organizations: Association of Newport Beach Ocean Lifeguards (ANBOL); Newport Beach City Employees Association (NBCEA); Newport Beach Employees League (NBEL); Newport Beach Firefighters Association (NBFA); Newport Beach Fire Management Association (NBFMA); Newport Beach Lifeguard Management Association (NBLMA); Newport Beach Police Association (NBPA); Newport Beach Police Management Association (NBPMA); Newport Beach Professional and Technical Employees Association (NBPTEA); and Part Time Employees Association of Newport Beach (PTEANB).

C. PUBLIC EMPLOYMENT - PERFORMANCE EVALUATION

(Government Code § 54957(b)(1)): 3 matters

Titles: Grace Leung, City Manager, Aaron Harp, City Attorney, and Leilani Brown, City Clerk.

D. CONFERENCE WITH LABOR NEGOTIATORS

(Government Code § 54957.6): 3 matters

Agency Designated Representatives: Joe Stapleton, Mayor, and Lauren Kleiman, Mayor Pro Tem.

Unrepresented Employees: Grace Leung, City Manager, Aaron Harp, City Attorney, and Leilani Brown, City Clerk.

E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code §54956.9(d)(1)): 1 matter

Barbara Salvini v. City of Newport Beach

Orange County Superior Court Case No. 30-2024-01442980-CU-OE-CJC

XV. CLOSED SESSION REPORT

XVI. ADJOURNMENT - In memory of Peggy Fort and Police Officer Bob Henry

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.