



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

APRIL 23, 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 - 4:00 p.m.**

II. **INVOCATION**

III. **PLEDGE OF ALLEGIANCE**

IV. **PRESENTATIONS**

- Recognition of Newport-Mesa Unified School District Students
- Proclamation Recognizing The Literacy Project

V. **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.

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

VII. **PUBLIC COMMENTS ON CONSENT CALENDAR**

This is the time in which Councilmembers may pull items from the CONSENT CALENDAR for discussion (ITEMS 1 - 12). 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 April 9, 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 ADOPTION

3. Ordinance No. 2024-8: Approving Newport Place Planned Community Development Plan Amendment; and Ordinance No. 2024-9: Approving Development Agreement for the Residences at 1400 Bristol Street (PA2022-0296)

a) Find Addendum No. 7 to the 2006 General Plan Update Program Environmental Impact Report and 2008-2014 City of Newport Beach Housing Element Update Initial Study/Negative Declaration prepared for the Residences at 1400 Bristol Street Project (PA2022-0296) in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3, and adopted by the City Council on April 9, 2024, by Resolution No. 2024-22;

b) Conduct second reading and adopt Ordinance No. 2024-8, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Planned Community Development Plan Amendment for the Residences at 1400 Bristol Street Project Located at 1400 Bristol Street (PA2022-0296)*; and

c) Conduct second reading and adopt Ordinance No. 2024-9, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Development Agreement for the Residences at 1400 Bristol Street Project Located at 1400 Bristol Street (PA2022-0296)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2024-8](#)

[Attachment B - Ordinance No. 2024-9](#)

4. Ordinance No. 2024-10: Approving Newport Place Planned Community Development Plan Amendment; and Ordinance No. 2024-11: Approving Development Agreement for the Residences at 1401 Quail Street (PA2023-0040)

a) Find Addendum No. 8 to the 2006 General Plan Update Program Environmental Impact Report and 2008-2014 City of Newport Beach Housing Element Update Initial Study/Negative Declaration prepared for the Residences at 1401 Quail Street Project (PA2022-0040) in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3, and adopted by the City Council on April 9, 2024, by Resolution No. 2024-25;

b) Conduct second reading and adopt Ordinance No. 2024-10, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Planned Community Development Plan Amendment for the Residences at 1401 Quail Street Located at 1401 Quail Street (PA2023-0040)*; and

c) Conduct second reading and adopt Ordinance No. 2024-11, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Development Agreement for the Residences at 1401 Quail Street Project Located at 1401 Quail Street (PA2023-0040)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2024-10](#)

[Attachment B - Ordinance No. 2024-11](#)

CONTRACTS AND AGREEMENTS

5. West Irvine Terrace and Balboa Island Water Main Replacement (Project Nos. 23W13 & 23W11) - Notice of Completion for Contract No. 7966-1

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](#)

6. Street Pavement Repair Program (Fiscal Years 2022-23 and 2023-24) (Project No. 24R03) - Notice of Completion for Contract No. 9379-1

- 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](#)

7. Concrete Replacement Program FY 2023-24 (Project No. 24R06) - Notice of Completion for Contract No. 9378-1

- 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](#)

8. Newport Beach Mariners Library, Corona del Mar Lifeguard Substation, and Ben Carlson Lifeguard Headquarters Heating, Ventilation, and Air Conditioning Replacement Project - Notice of Completion for Contract No. 8760-1 (22F02)

- 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 Maps](#)

9. Central Library Elevator Modernization Project - Award of Contract No. 8939-1 (24F02)

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. 8939-1 to Armstrong Cal Builders, Inc. for the total bid price of \$1,023,500 for the Central Library Elevator Modernization project, and authorize the Mayor and City Clerk to execute the contract; and

d) Establish a contingency of \$155,000 (approximately 15% of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

10. Approval of a Maintenance Services Agreement for Storm Drain System Cleaning Services with Ocean Blue Environmental 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; and

b) Approve the Maintenance/Repair Services Agreement for Citywide storm drain system cleaning services for a three-year contract term with an option for two additional years, and a total not-to-exceed amount of \$2,585,000 over five years, and authorize the Mayor and City Clerk to execute the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

MISCELLANEOUS

11. Planning Commission Agenda for the April 18, 2024 Meeting

Receive and file.

[Planning Commission Action Report & Tentative Schedule](#)

[Planning Commission Agenda](#)

12. Grants and Donations Report for the Quarter Ending March 31, 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](#)

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 HEARINGS

13. Resolution No. 2024-28: Appeal of Planning Commission's Approval of the Orange County Sanitation District's Bay Bridge Pump Station and Force Mains Replacement Project at 250 East Coast Highway (PA2023-0076)

- a) Conduct a de novo public hearing;
- b) Find this project complies with the California Environmental Quality Act as it is consistent with the certified Environmental Impact Report (EIR) for Project No. 5-67, also known as the Bay Bridge Pump Station and Force Mains Replacement Project, as approved by the Orange County Sanitation District, and the subsequent certified Addendum to the EIR; and
- c) Adopt Resolution No. 2024-28, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Decision of the Planning Commission to Approve a Major Site Development Review and Coastal Development Permit to Demolish an Existing Pump Station and Construct a New Pump Station and Associated Force Mains at the Property Located at 250 East Coast Highway (PA2022-0076).*

[Staff Report](#)

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

[Attachment B - EIR and Subsequent Addendum](#)

[Attachment C - Resolution No. PC2024-002](#)

[Attachment D - Planning Commission Staff Report \(no attachments\)](#)

[Attachment E - Planning Commission Minutes](#)

[Attachment F - Appellant's Appeal Application](#)

[Attachment G - Staff Response to Appellant Letter](#)

[Attachment H - Applicant's Response to Appellant's Appeal](#)

[Attachment I - Coastal Hazards Report](#)

[Attachment J - Public View Analysis](#)

[Attachment K - Applicant's Project Description](#)

[Attachment L - Applicant's Letter Regarding Vehicle Access](#)

[Attachment M - Project Plans](#)

14. Ordinance Nos. 2024-12 and 2024-13, and Resolution No. 2024-29: Revising Certain Fees Within the Schedule of Rents, Fines and Fees, Authorizing the Waiver of Vehicle Tow Fees, Adopting a Credit Card Convenience Fee, and Updating the Methodology for Annual Consumer Price Index Calculations

- a) Conduct a public hearing;
- b) 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;
- c) Adopt Resolution No. 2024-29, *A Resolution of the City of Newport Beach, California, Revising and Adopting Fees Within the Schedule of Rents, Fine and Fees, Including the Credit Card Convenience Fee, Waste Disposal Deposits for Constructions Projects, Authorizing the Waiver of Vehicle Tow Fees, and Updating the Methodology for Annual Consumer Price Index Calculations*;
- d) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-12, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 3.36.030 of the Newport Beach Municipal Code Related to Cost Recovery Percentages*, and pass to second reading on May 14, 2024; and
- e) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2024-13, *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 the Newport Beach Municipal Code Related to Demolition Waste Disposal*, and pass to second reading on May 14, 2024.

[Staff Report](#)

[Attachment A - Studied Department Changes](#)

[Attachment B - Resolution No. 2024-29](#)

[Attachment C - Ordinance No. 2024-12](#)

[Attachment D - Ordinance No. 2024-13](#)

15. Resolution No. 2024-30: Community Development Block Grant - 2024-2025 Annual Action Plan

- a) Conduct a public hearing to receive comments on the Annual Action Plan;
- b) Find the approval of the 2024-2025 Annual Action Plan exempt from the National Environmental Policy Act (NEPA) pursuant to 24 CFR Part 58, Section 58.34;
- c) Find the approval of the 2024-2025 Annual Action Plan 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 Section 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 it has no potential for resulting in physical change to the environment, directly or indirectly;
- d) Adopt Resolution No. 2024-30, *A Resolution of the City Council of the City of Newport Beach, California, Approving the 2024-2025 Annual Action Plan for Allocation of the Federal Community Development Block Grant Program Funds for Fiscal Year 2024-2025*; and
- e) Authorize the City Manager to:
 - a. Proportionally adjust appropriations to specific programs and projects as necessary to conform with the final 2024-2025 formula grant allocation of CDBG funds from HUD if the appropriation is more or less than \$399,099;
 - b. Submit the 2024-2025 Annual Action Plan to HUD;
 - c. Execute the 2024-2025 CDBG Program Grant Agreement and all related documents on behalf of the City of Newport Beach;
 - d. Execute all sub-recipient agreements with the non-profit organizations receiving allocations of CDBG funds in the 2024-2025 Action Plan; and
 - e. Authorize the Community Development Director, or his designee, to be the official representative of the City of Newport Beach, administer the 2024-2025 Annual Action Plan and submit required environmental documentation to HUD for CDBG projects.

[Staff Report](#)

[Attachment A - Resolution No. 2024-30 and Action Plan](#)

XII. 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.

XIII. 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.