



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**STUDY SESSION AND REGULAR MEETING**

**JANUARY 14, 2020**

**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 - 7:00 P.M.**

**WILL O'NEILL, Mayor  
BRAD AVERY, Mayor Pro Tem  
JOY BRENNER, Council Member  
DIANE B. DIXON, Council Member  
DUFFY DUFFIELD, Council Member  
JEFF HERDMAN, Council Member  
KEVIN MULDOON, Council Member**

**GRACE K. LEUNG, City Manager  
AARON C. HARP, City Attorney  
LEILANI I. BROWN, City Clerk  
CAROL JACOBS, Assistant City Manager**

**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.

**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**

The City provides a yellow sign-in card for those wishing to address the City Council to assist in the preparation of the minutes. The cards are available in the lobby of the Council Chambers. Speakers are not required to submit a card as a condition to addressing the City Council. If you do fill out the card, please place it in the box at the podium. 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 at the City Clerk's Office located at 100 Civic Center Drive (Bay E, 2nd Floor). Staff reports or other written documentation have been prepared or organized with respect to each item 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, minutes 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 Leilani Brown, City Clerk, 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)).

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

**JANUARY 14, 2020  
STUDY SESSION - 4:00 P.M. (PUBLIC WELCOME)  
CLOSED SESSION FOLLOWS STUDY SESSION  
REGULAR MEETING - 7:00 P.M.**

**I. ROLL CALL - 4:00 p.m.**

**II. CURRENT BUSINESS**

**SS1. Clarification of Items on the Consent Calendar**

**SS2. Proclamation to Stanbridge University Recognizing Their Recent Student Volunteer Activities within Newport Beach as Part of Their “Roots for Change” Native Tree and Bush Planting Initiative**

**SS3. Update on State Housing Mandate - Regional Housing Needs Allocation (RHNA) and Proposed Action Plan**

The Southern California Association of Governments (SCAG) has submitted a RHNA methodology that results in an allocation of 4,832 units for Newport Beach. This RHNA methodology was an abrupt and significant change that was developed without input from the City. Staff will provide an update on this methodology, the next steps in the RHNA approval process and proposed next steps, particularly in context with the General Plan update that is underway.

[Insider's Guide](#)

**III. PUBLIC COMMENTS**

*The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the City Council. If the optional sign-in card has been completed, it should be placed in the box provided at the podium.*

*The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on agenda and non-agenda items, are generally limited to three (3) minutes. 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 LEGAL COUNSEL**

**EXISTING LITIGATION**

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

*Ashley Lauren Watts v. Christine Maroney and Monica Aguilar  
USDC, Central District, Case No. 8:17-cv-01099-AG (SKx)*

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

**(Government Code § 54956.8): 1 matter**

**Property:** 20302 Riverside Drive, Newport Beach, CA 92660  
APN: 439-251-05

**Agency Negotiator:** Grace K. Leung, City Manager  
Carol Jacobs, Assistant City Manager  
Jon Lewis, Chief of Police  
Dennis Birch, Assistant Chief of Police

**Negotiating Parties:** Carole Brown Rich and Kathy Leonard

**Under Negotiation:** Instruct negotiator as to price and terms of payment.

**V. RECESS**

**VI. RECONVENE AT 7:00 P.M. FOR REGULAR MEETING**

**VII. ROLL CALL**

**VIII. CLOSED SESSION REPORT**

**IX. INVOCATION – Reverend Paul E. Capetz, Christ Church by the Sea**

**X. PLEDGE OF ALLEGIANCE**

**XI. NOTICE TO THE PUBLIC**

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*The City Council of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) 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. As a courtesy, please turn cell phones off or set them in the silent mode.*

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

**XIII. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA**

- **Consideration of Resolution Supporting Balanced Energy Solutions and Maintaining Local Control of Energy Solutions as California Transitions to a Clean Energy Future (Muldoon)**

**XIV. PUBLIC COMMENTS ON CONSENT CALENDAR**

*This is the time in which Council Members 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 (3) minutes. Before speaking, please state your name for the record. If any item is removed from the Consent Calendar by a Council Member, members of the public are invited to speak on each item for up to three (3) 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. Council Members 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.*

**XV. CONSENT CALENDAR**

**READING OF MINUTES AND ORDINANCES**

**1. Minutes for the December 10, 2019 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.

**RESOLUTIONS FOR ADOPTION**

**3. Resolution No. 2020-1: Updating the List of Designated Employees for 2020 Under the City's Conflict of Interest 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) Adopt Resolution No. 2020-1, *A Resolution of the City Council of the City of Newport Beach, California, Adopting an Updated Designated Employees List for 2020.*

[Staff Report](#)

[Attachment A - Resolution No. 2020-1](#)

[Attachment B - Exhibit 1 \(redline\)](#)

[Written Comments](#)

**4. Resolution No. 2020-2: Adjusting the Salary Schedule for the Positions of Assistant City Clerk and Budget Manager**

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. 2020-2, *A Resolution of the City Council of the City of Newport Beach, California, Amending the Salary Schedule for the Positions of Assistant City Clerk and Budget Manager.*

[Staff Report](#)

[Attachment A - Resolution No. 2020-2](#)

**5. Resolution No. 2020-3: Initiation of Zoning Code and LCP Amendments Related to State Mandated Regulations for ADU and JADU Regulations (PA2019-248)**

a) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; and

b) Adopt Resolution No. 2020-3, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 Entitled "Planning and Zoning" and Title 21 Entitled "Local Coastal Program Implementation Plan" of the City of Newport Beach Municipal Code Related to State Mandated Regulations of Accessory Dwelling and Junior Accessory Dwelling Units (PA2019-248).*

[Staff Report](#)

[Attachment A - Resolution No. 2020-3](#)

**6. Resolution No. 2020-4: Authorizing Submittal of a Grant Funding Application to the Orange County Transportation Authority for West Coast Highway and Superior Ave./Balboa Blvd. Intersection Improvement**

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 City Council Resolution No. 2020-4, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing and Approving the Submittal of a Funding Application for an Intersection Capacity Enhancement Project to the Orange County Transportation Authority for Funding Under the Comprehensive Transportation Funding Program.*

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Resolution No. 2020-4](#)

[Insider's Guide](#)

**7. Resolution No. 2020-5: Authorizing the Submittal of a Funding Application to the Orange County Transportation Authority for the Balboa Island/Corona del Mar Area Microtransit Feasibility Study**

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. 2020-5, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing and Approving Submittal of a Funding Application for the Balboa Island/Corona del Mar Microtransit Feasibility Study Project to the Orange County Transportation Authority for Funding Under the Project V Community-Based Transit/ Circulators Program*; and

c) Authorize the City Manager to accept contribution funds from the Balboa Island Marketing, Inc., the Balboa Island Improvement Association, as well as possible Districts 5 and 6 City Council Discretionary funds, for use as required Local Match funds upon award of Orange County Transportation Authority Project V grant.

[Staff Report](#)

[Attachment A - Resolution No. 2020-5](#)

[Attachment B - Proposed Study Area](#)

**CONTRACTS AND AGREEMENTS**

**8. MacArthur Boulevard and University Drive Pavement Rehabilitation - Notice of Completion for Contract No. 7183-2 (18R23)**

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](#)

**9. Concrete Street Pavement Reconstruction (Anade Avenue, Montero Avenue, Alvarado Place, and 6th Street) - Award of Contract No. 7184-2 (18R21)**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(b)(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. 7184-2 to Aramexx Construction, for the total bid price of \$1,369,708.00, and authorize the Mayor and City Clerk to execute the contract;
- d) Establish a contingency of \$137,000.00 (approximately 10 percent of total bid) to cover the cost of unforeseen work not included in the original contract; and
- e) Approve Budget Amendment No. 20BA-025 transferring appropriations of \$185,776.70 from the Bison Avenue Pavement Rehabilitation Project (No. 12201-980000-19R21) to the Concrete Street Repair Project (Account No. 12201-980000-18R21) within the Measure M fund.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Budget Amendment](#)

**10. Approval of Amendment No. Four to Professional Services Agreement with Stantec Consulting Services, Inc. (Stantec) for the Arches Diversion Project**

- 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. Four to Professional Services Agreement with Stantec Consulting Services, Inc. for design of the Arches Diversion Project to reflect additional services and to increase the not-to-exceed contract amount by \$35,200 for a total not-to-exceed amount of \$347,386, and authorize the Mayor and City Clerk to execute the agreements.

[Staff Report](#)

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

[Attachment B - Location Map](#)

**11. Amendment to the Professional Services Agreement with Newport Beach & Company for Video Production and Government Access Channel Management**

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 a waiver of Council Policy F-14 in regard to re-bidding NBTV Video Production and Channel Management and award a single-source contract to Newport Beach & Company by amending its existing contract; and

c) Execute Amendment No. 1 to the Professional Services Agreement with Newport Beach & Company for Management of NBTV Programming and Operations, which extends the term by one year and adds \$117,208.44 for a total not-to-exceed amount of \$288,023.24.

[Staff Report](#)

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

[Written Comments](#)

**12. Lease Agreement with West Point Investment Corporation to Rent Office Space at the Balboa Yacht Basin Located at 829 Harbor Island Drive**

a) Find this activity 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 it has no potential for resulting in physical change to the environment, directly or indirectly; and

b) Authorize the City Manager and City Clerk to execute a five-year Lease Agreement (Agreement) for use of office space at the City-owned Balboa Yacht Basin, located at 829 Harbor Island Drive, in a form substantially similar to the agreement attached to the staff report

[Staff Report](#)

[Attachment A - Lease Agreement](#)

[Attachment B - Maps](#)

[Attachment C - Council Policy F-7](#)

[Written Comments](#)



**MISCELLANEOUS**

**13. Acceptance of a Hoag Memorial Hospital Presbyterian Community Benefit Program Grant for the Newport Beach-Surfer Awareness in Lifesaving Techniques Program**

- 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) Accept the Hoag Memorial Hospital Presbyterian Community Benefit Program grant funding of \$15,000 to be used in support of the Fire Department's Newport Beach-Surfer Awareness in Lifesaving Techniques (NB-SALT) program; and
- c) Approve Budget Amendment No. 20-027 to increase revenue estimates by \$15,000 and increase expenditure appropriations by \$15,000 in Fire Department, Lifeguard Operations NB-SALT Program.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Grant Award Letter](#)

[Attachment C - Grant Application](#)

[Insider's Guide](#)

**14. Annual Mayoral Appointments**

- 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) Confirm Mayor Will O'Neill's appointments under City Council Policy A-2, as provided in the staff report.

[Staff Report](#)

[Written Comments](#)

**15. Newport Beach Wine and Food Festival Request for Waiver of City Council Policy B-13**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 under Class 4 (Minor Alterations to Land), because it has no potential to have a significant effect on the environment; and
- b) Recommend approval to waive Council Policy B-13, Regulations and Restrictions, Section A1, Use of Alcohol to allow for NBWFF to be conducted at Peninsula Park. Approval of waiver would allow the NBWFF to move forward with the Special Event Permit Process. Event approval would be contingent upon Special Event Permit approval.

[Staff Report](#)

[Attachment A - Letter from NBWFF](#)

[Attachment B - Council Policy B-13](#)

[Written Comments](#)

**16. Update on Addressing Homelessness**

- 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](#)

[Insider's Guide](#)

**17. Confirm Appointment to the Balboa Village Advisory Committee to Represent the Balboa Village Merchant Association Business Board**

- 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) Confirm Mayor Will O'Neill's BVAC appointment of Kelly Carlson to represent the Balboa Village Merchant Association Business Board for a term that expires on December 31, 2020.

[Staff Report](#)

[Attachment A - Application](#)

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

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

**XVII. 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.*

**XVIII. CURRENT BUSINESS**

**18. Request to Waive City Council Policy L-2, Driveway Approaches, at 400 40th Street**

- 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) Waive City Council Policy L-2 and allow a new driveway on Marcus Avenue at 400 40th Street on Newport Island. It is also recommended that as part of this waiver, the project still be required to include one (1) additional covered non-tandem off-street parking space as called for in the Council Policy.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Owner Letter](#)

[Attachment C - Plans](#)

[Attachment D - Site Photo](#)

[Attachment E - City Council Policy L-2](#)

[Attachment F - 2-28-16 Staff Report and Minutes for 401 38th Street](#)

**19. Ordinance No. 2020-1: Amending Chapter 12.24 of the Newport Beach Municipal Code Regarding Speed Limits**

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) Waive full reading, read by title only, introduce Ordinance No. 2020-1, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections of Chapter 12.24 of the Newport Beach Municipal Code Regarding Increasing and Decreasing State Speed Limits*, and pass to second reading on January 28, 2020.

[Staff Report](#)

[Attachment A - Ordinance No. 2020-1](#)

[Attachment B - Engineering and Traffic Survey Summary](#)

[Insider's Guide](#)

**20. Housing Action Plan to Address State Mandate for Additional Housing and Resolution No. 2020-6: Dissolving the General Plan Update Steering Committee and Establishing the Housing Element Update Advisory Committee**

a) Determine the recommended actions 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) Direct staff to file an appeal to SCAG regarding the RHNA methodology;

c) Adopt Resolution No. 2020-6, *A Resolution of the City Council of the City of Newport Beach, California, Dissolving the General Plan Update Steering Committee and Establishing the Housing Element Update Advisory Committee*; and

d) Provide direction to staff on the Housing Action Plan and amending Section 423 of the City's Charter to be voted upon by the residents.

[Staff Report](#)

[Attachment A - Resolution No. 2020-6](#)

[Attachment B - January 2020 Housing Action Plan](#)

[Written Comments](#)

**21. Appointment to the Visit Newport Beach, Inc. (VNB) Executive Committee**

- a) Determine that the 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 it will not result in a physical change to the environment, directly or indirectly; and
- b) Appoint Scott Calder, Jim Mosher or Sharon Wood to fill the unscheduled vacancy on the VNB Executive Committee for a term expiring on June 13, 2021; and
- c) If Sharon Wood is appointed and if desired, waive City Council Policy A-2 relative to serving on only one Board, Commission or Committee at a time.

[Staff Report](#)

[Attachment A - Applications](#)

**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 Council Members 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.**