



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

JULY 28, 2020

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

**CLOSED SESSION - 4:00 P.M.
REGULAR MEETING - 5:00 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**

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach City Council Members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the City Council telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach has decided to not have City Council Chambers open to the public for this meeting. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for City Council consideration by sending them to the City Clerk at cityclerk@newportbeachca.gov. To give the City Council adequate time to review your questions and comments, please submit your written comments by Monday, July 27, 2020, at 5:00 p.m.
2. In addition, members of the public can participate in this meeting telephonically. Specifically, the meeting will be viewable on NBTv and live streamed on the City's website. If you are watching the meeting on NBTv or via the live stream, during the meeting, phone numbers for the public to call and to comment on specific agenda items will be posted on the screen. When you call, you will be placed on hold until it is your turn to speak. Please note that only twenty (20) people can remain on hold at a time. If you call in to speak on an item and the line is busy, please call back after a few moments. The City will ensure that it allows enough time per item for everyone to call in to comment.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact the City Clerk at (949-644-3005 or cityclerk@newportbeachca.gov) and she will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

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

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. PUBLIC COMMENTS ON CLOSED SESSION [949-270-8165]**

The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on Closed Session. Speakers must limit comments 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.

III. CLOSED SESSION - Council Chambers Conference Room**A. CONFERENCE WITH LEGAL COUNSEL****ANTICIPATED LITIGATION - INITIATION OF LITIGATION**

(Government Code § 54956.9(d)(4)): 1 matter

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code § 54956.8): 1 matter

Property: 3175 Airway Avenue, Costa Mesa, CA 92627,

APN: 427-091-12

Agency Negotiators: Grace Leung, City Manager, Seimone Jurjis, CDD Director,
and Lauren Whitlinger, Real Property Administrator

Negotiating Party: City of Costa Mesa

Under Negotiation: Price and terms of payment

IV. RECESS**V. RECONVENE AT 5:00 P.M. FOR REGULAR MEETING****VI. ROLL CALL****VII. CLOSED SESSION REPORT****VIII. INVOCATION - Dr. Jim Turrell, Center for Spiritual Living Newport-Mesa****IX. PLEDGE OF ALLEGIANCE****X. PRESENTATION**

- Recognition of Seasonal Lifeguard Sean Richards for His Heroic Rescues on July 3, 2020

XI. NOTICE TO THE PUBLIC

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 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 adopting a resolution supporting the Newport Beach Police Department [Dixon]**

XIV. PUBLIC COMMENTS ON CONSENT CALENDAR [949-270-8175]

This is the time in which Council Members 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 (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 July 1, 2020 City Council Emergency Meeting and July 14, 2020 Regular Meeting**

Waive reading of subject minutes, approve as written, and order filed.

[Minutes](#)

[Correspondence](#)

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. 2020-70: Resolution of Intention to Conduct a Public Hearing to Grant New Non-Exclusive Solid Waste Franchises

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. 2020-70, *A Resolution of the City Council of the City of Newport Beach, California, Declaring its Intention to Conduct a Public Hearing to Consider Granting Non-Exclusive Commercial Solid Waste and Divertible Materials Handling Franchises.*

[Staff Report](#)

[Attachment A - Resolution No. 2020-70](#)

[Attachment B - Sample Agreement](#)

4. Resolution No. 2020-71: Second Addendum to the Uptown Newport EIR to Modify Mitigation Measures (PA2020-003)

a) Adopt Resolution No. 2020-71, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Second Addendum No. ER2020-001 to the Uptown Newport Environmental Impact Report (SCH No. 2010051094) Modifying Mitigation Measures and Approving a Mitigation Monitoring and Reporting Program for the Uptown Newport Planned Community Project Located at 4311-4321 Jamboree Road (PA2020-003).*

[Staff Report](#)

[Attachment A - Resolution No. 2020-71](#)

[Attachment B - Fire Department Memorandum](#)

[Attachment C - Modified Mitigation Measures](#)

[Correspondence](#)

CONTRACTS AND AGREEMENTS

5. Corporation Yard Rear Fence Replacement - Award of Contract No. 7810-1 (20F02)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (d) (Restoration of deteriorated or damaged existing facility) of the CEQA Guidelines, because this project results in negligible or no expansion of existing capacity;
- b) Approve the project drawings and specifications;
- c) Award Contract No. 7810-1 to A2ZConstruct, Inc. for the total base bid amount of \$222,000.00, and authorize the Mayor and City Clerk to execute the associated construction contract; and
- d) Establish a \$22,000 (approximately 10 percent) contingency to cover unforeseen conditions, extra work and/or material quantities.

[Staff Report](#)

[Attachment A - Location Map](#)

6. Approval of Amendment No. Two to On-Call Maintenance/Repair Services Agreement with Newport Dredging Company Inc. for Harbor Maintenance and Repair 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;
- b) Approve Amendment No. Two to On-Call Maintenance/Repair Services Agreement with Newport Dredging Company Inc. DBA South Mooring Company for Harbor Maintenance and Repair Services to add \$75,000 to the current agreement for a total not-to-exceed amount of \$325,000.00; and
- c) Authorize the Mayor and City Clerk to execute the amendment.

[Staff Report](#)

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

7. Amendment No. Three to Agreement between the City of Newport Beach and Hoag Hospital for the Delivery of Natural Gas

- 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 Amendment No. Three to the Agreement with Hoag Memorial Hospital Presbyterian for delivery of excess natural gas produced from the City-owned oil wells;
- c) Authorize the City Manager to sign future amendments to this Agreement for extensions up to five additional years; and
- d) Authorize the Mayor and City Clerk to execute Amendment No. Three to this Agreement.

[Staff Report](#)

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

[Correspondence](#)

8. Contract with Arts Orange County to Manage Phase VI of the Sculpture Exhibition in Civic Center Park

- 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) Approve a contract with Arts Orange County for project management of Phase VI of the Sculpture Exhibition in Civic Center Park for a total amount not to exceed \$91,436.00, and authorize the Mayor and City Clerk to sign the agreement.

[Staff Report](#)

[Attachment A - Agreement](#)

MISCELLANEOUS

9. Planning Commission Agenda for the July 23, 2020 Meeting

Receive and file.

[Planning Commission Action Report](#)

[Planning Commission Agenda](#)

[Correspondence](#)

10. Required Council Reporting: Fiscal Year 2019-20 Annual District Discretionary Grant Report and the Quarter Ending June 30, 2020 Grants and Donations 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 - Discretionary Grant Report](#)

[Correspondence](#)

11. Visit Newport Beach, Inc. FY 2021 & FY 2022 Destination Business Plan and Budgets, and FY 2020 Performance Standards 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;
- b) Review, receive and file the FY 2021 & FY 2022 Newport Beach & Company Destination Business Plan;
- c) Receive and file the Visit Newport Beach FY 2020 Performance Standards Report; and
- d) Review and approve the Visit Newport Beach, Inc. Leisure Marketing (TOT) FY 2021 and FY 2022 Budget.

[Staff Report](#)

[Attachment A - NB&Co Destination Business Plan](#)

[Attachment B - VNB Leisure Marketing Budgets](#)

[Attachment C - VNB Performance Standards Report](#)

[Correspondence](#)

12. Confirmation of Voting Delegate and Alternates for the 2020 League of California Cities Annual Conference - October 7, 2020 to October 9, 2020

- 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;
- b) Designate Council Member Joy Brenner to be the Voting Delegate and the remainder of the City Council to be the Alternate Voting Delegates at the League of California Cities Conference; and
- c) Direct the City Clerk to complete and submit the designation form to the League of California Cities.

[Staff Report](#)

[Attachment A - Voting Delegate Packet](#)

[Correspondence](#)

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

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR [949-270-8165]

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS [949-270-8175]

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. PUBLIC HEARINGS

13. Ordinance No. 2020-16: Two-Year Extension to the Hoag Development Agreement (PA2020-065) [949-270-8165]

- a) Conduct a public hearing;
- b) Find all significant environmental concerns for the proposed project have been addressed in a previously certified Final Environmental Impact Report (EIR) and Supplemental EIR, and that the City of Newport Beach intends to use said document for the above noted project, and further that there are no additional reasonable alternative or mitigation measures that should be considered in conjunction with said project; and
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2020-16, *An Ordinance of the City Council of the City of Newport Beach, California, Amending a Development Agreement Between the City of Newport Beach and Hoag Memorial Hospital Presbyterian (Development Agreement Amendment No. DA2020-003)*, and pass to second reading on August 25, 2020.

[Staff Report](#)

[Attachment A - Ordinance No. 2020-16](#)

[Attachment B - Hoag's Extension Request Letter](#)

[Attachment C - Planning Commission Resolution](#)

[Attachment D - Planning Commission Minutes](#)

[Correspondence](#)

14. Ordinance No. 2020-17: Zoning Code and LCP Amendments Related to Corrections, Clarifications, and Inconsistencies (PA2019-055) [949-270-8175]

- a) Conduct a public hearing;
- b) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment;
- c) Waive reading, read by title only, introduce Ordinance No. 2020-17, *An Ordinance of the City Council of the City Newport Beach, California, Adopting Code Amendment No. CA2019-001 to Amend Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code Correcting and Clarifying Provisions Related to Overlays and Public Hearing Notice Requirements (PA2019-055)*, and pass to second reading on August 25, 2020; and
- d) Adopt Resolution No. 2020-72, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing Submittal of Local Coastal Program Amendment No. LC2019-001 to the California Coastal Commission to Amend Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Correcting and Clarifying Provisions Related to Minimum Lot Size and Dimensions, Overlays and Public Hearing Notice Requirements (PA2019-055)*.

[Staff Report](#)

[Attachment A - Ordinance No. 2020-17](#)

[Attachment B - Resolution No. 2020-72](#)

[Attachment C - Resolution No. 2019-41](#)

[Attachment D - Title 20 \(redline\)](#)

[Attachment E - Title 21 \(redline\)](#)

[Attachment F - GC 65090 and 65091](#)

[Attachment G - GC 65854](#)

[Attachment H - Planning Commission Resolution No. PC2020-24](#)

[Attachment I - Planning Commission Resolution No. PC2020-25](#)

[Attachment J - Planning Commission Minutes](#)

[Correspondence](#)

15. Resolution No. 2020-73: Intent to Override the Airport Land Use Commission Finding of Inconsistency for the Newport Airport Village Project (PA2014-225) [949-270-8165]

a) Conduct a public hearing;

b) Find the adoption of this Resolution is not subject to 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 2020-73, *A Resolution of the City Council of the City of Newport Beach, California, Notifying the Orange County Airport Land Use Commission and the State Division of Aeronautics of the City's Intention to Find that the Newport Airport Village Planned Community Development Plan is Consistent with the Purposes of the State Aeronautics Act and to Overrule the Orange County Airport Land Use Commission's Determination that the Newport Airport Village Planned Community Development Plan is Inconsistent with the Airport Environs Land Use Plan for the John Wayne Airport (PA2014-225).*

[Staff Report](#)

[Attachment A - Resolution No 2020-73](#)

[Attachment B - 6-4-20 Planning Commission Staff Report](#)

[Attachment C - Newport Airport Village Planed Community Development Plan](#)

[Attachment D - 6-4-20 Planning Commission Minutes](#)

[Attachment E - Planning Commission Resolution No. PC2020-20 \(excluding exhibits\)](#)

[Attachment F - 7-16-20 ALUC Staff Report](#)

[Attachment G - ALUC Determination Letter](#)

[Attachment H - Map H-1 \(High Rise and Shoreline Height Limit Areas\)](#)

[Correspondence](#)

XIX. CURRENT BUSINESS

16. Temporary Adjustment to the City Council Seating Arrangement Due to Social Distancing Guidelines [949-270-8175]

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 A-1: *City Council - Seating Arrangement for City Council* and determine the method to rotate Council Member seats, or other adjustment to ensure social distancing, until such time as the emergency is over.

[Staff Report](#)

17. Evaluation of John Wayne Airport Fixed Base Operator Proposals [949-270-8165]

a) Review the Aviation Committee's recommendations related to proposals for the General Aviation Improvement Program and authorize the City Manager to notify the County of Orange of those proposals that are consistent with the City of Newport Beach's goals.

[Supplemental Staff Report](#)

[Staff Report](#)

[Attachment A - Aviation Committee Staff Report](#)

18. Novel Coronavirus (COVID-19) Update [949-270-8175]

An oral report will be provided.

XX. 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.

XXI. ADJOURNMENT

Testimony given before the City Council is recorded.

PLEASE TURN CELL PHONES OFF OR SET IN SILENT MODE.