



**CITY OF NEWPORT BEACH  
CITY COUNCIL AGENDA**

**JANUARY 11, 2022  
COUNCIL CHAMBERS - 100 CIVIC CENTER DRIVE, NEWPORT BEACH, CA 92660**

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

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

**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.

**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)).

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

**JANUARY 11, 2022**  
**CLOSED SESSION - 4:00 P.M.**  
**REGULAR MEETING - 5:00 P.M.**

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

**II. PUBLIC COMMENTS ON AGENDA / NON-AGENDA ITEMS**

*The City Council of Newport Beach welcomes and encourages community participation. Public comments are invited on items listed on the agenda and non-agenda items. 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.*

**IV. CLOSED SESSION**

**A. CONFERENCE WITH LABOR NEGOTIATORS**

**(Government Code § 54957.6): 1 matter**

**Agency Designated Representatives:** Grace K. Leung, City Manager, and Barbara Salvini, Human Resources Director, Negotiators.

**Employee Organizations:** Part Time Employees Association of Newport Beach (PTEANB), and Association of Newport Beach Ocean Lifeguards (ANBOL).

**B. CONFERENCE WITH LEGAL COUNSEL**

**EXISTING LITIGATION**

**(Government Code § 54956.9(d)(1)): 2 matters**

1. *City of Newport Beach v. Cooley, LLP., and William O'Connor*  
Orange County Bar Association Mandatory Fee Arbitration Case  
No. NV-021-6750

2. *Delux Public Charter, LLC D/B/A/ JSX Air and JetSuiteX, Inc. v. County of Orange, et al.*  
United States District Court, Central District Case No. 8:20-CV-2344-JLS (KES)

**C. CONFERENCE WITH LABOR NEGOTIATORS**

**(Government Code § 54957.6): 1 matter**

**Agency Designated Representatives:** Kevin Muldoon, Mayor; and Noah Blom, Mayor Pro Tem.

**Unrepresented Employee:** Grace K. Leung, City Manager.

IV. RECESS

V. RECONVENE AT 5:00 P.M. FOR REGULAR MEETING

VI. ROLL CALL

VII. CLOSED SESSION REPORT

VIII. INVOCATION

IX. PLEDGE OF ALLEGIANCE

X. PRESENTATION

- Recognition of the Freeway Fighters

XI. PUBLIC HEARING - taken out of order at the request of the Mayor

19. **Resolutions Nos. 2022-5 and 2022-6: Proposed Assessment District No. 120-2 Public Hearing - Area Along Santa Ana Avenue, Cliff Drive, La Jolla Lane & La Jolla Drive**

a) Open the public hearing on the formation of Assessment District No. 120-2; hear public testimony from those who desire to speak; close the public hearing; and direct the City Clerk to tabulate the ballots and report the result; and

b) If there is greater than 50% of weighted "Yes" votes versus "No" votes submitted, a majority protest by ballot procedure does not exist and the district may be formed. If it is desired to form the District, take the following actions:

i. Adopt Resolution No. 2022-5, *A Resolution of the City Council of the City of Newport Beach, California, Overruling Protests, Approving Final Engineer's Report, Levying Assessments without Modification, Approving and Ordering the Work and Improvements for the Utility Underground Project, and Authorizing and Directing Related Actions with Respect to Assessment District No. 120-2*; **OR**

c) If desired not to form the District, adopt Resolution No. 2022-6, *A Resolution of the City Council of the City of Newport Beach, California, Declaring Abandonment of Proceedings for City of Newport Beach Assessment District No. 120-2*.

[Staff Report](#)

[Attachment A - 11-16-21 Staff Report](#)

[Attachment B - Resolution No. 2022-5 \(AD 120-2 assessments\)](#)

[Attachment C - Resolution No. 2022-6 \(AD 120-2 abandonment\)](#)

[Attachment D - Final Engineer's Report](#)

**XII. NOTICE TO THE PUBLIC**

*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.*

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

**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 14, 2021 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 INTRODUCTION**

**3. Ordinance No. 2022-1: Amending the Newport Beach Municipal Code for Lido Isle Hedge Heights (PA2019-132)**

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, direct the City Clerk to read by title only, introduce Ordinance No. 2022-1, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Local Coastal Program Amendment No. LC2019-002 to Amend Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to Hedge Heights in Front Setbacks Abutting Stradas In Lido Isle (PA2019-132)*, and pass to second reading on January 25, 2022.

[Staff Report](#)

[Attachment A - Ordinance No. 2022-1](#)

[Attachment B - Coastal Commission Approval Letter](#)

[Attachment C - 2-11-20 Staff Report](#)

[Attachment D - Ordinance No. 2020-19](#)

[Attachment E - Letter of Request from LICA](#)

**RESOLUTIONS FOR ADOPTION**

**4. Resolution No. 2022-1: Updating the List of Designated Positions for 2022 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. 2022-1, *A Resolution of the City Council of the City of Newport Beach, California, Adopting an Updated Designated Employees List for 2022*.

[Staff Report](#)

[Attachment A - Resolution No. 2022-1](#)

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

[Written Comments](#)

**5. Resolution No. 2022-2: Creating the General Plan Update Steering Committee (PA2017-141)**

- 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. 2022-2, *A Resolution of the City Council of the City of Newport Beach, California, Creating the General Plan Update Steering Committee (PA2017-141)*.

[Staff Report](#)

[Attachment A - Resolution No. 2022-2](#)

[Insider's Guide](#)

[Written Comments](#)

**6. Resolution No. 2022-3: Initiation of Zoning Code and LCP Amendments Related to Residential Care Facilities (PA2021-292)**

- a) Determine this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3; and
- b) Adopt Resolution No. 2022-3, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to Residential Care Facilities (PA2021-292)*.

[Staff Report](#)

[Attachment A - Resolution No. 2022-3](#)

[Insider's Guide](#)

**CONTRACTS AND AGREEMENTS**

**7. Concrete Alley and Street Replacement Project (No. 21R07) - Notice of Completion for Contract No. 7753-2**

- 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 \(AD 117 Corona del Mar, Lido Village and West Newport\)](#)

[Attachment B - Location Map \(Montero Avenue and Alvarado Place\)](#)

**8. Water Well Rehabilitation - Tamura Shallow Well (Project No. 22W05) - Award of Contract No. 8727-2**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c) Class 2, (reconstruction of existing facility involving negligible or no expansion of capacity) 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 8727-2 to General Pump Company, Inc. for the total bid price of \$331,678, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$33,000 (approximately 10 percent of total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

**9. Jamboree Road Pavement Rehabilitation and Reclaimed Water Conversion (Project No. 21R15) - Award of Contract No. 7885-2**

- 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. 7885-2 to All American Asphalt for the total bid price of \$3,955,555.55, and authorize the Mayor and City Clerk to execute the contract;
- d) Establish a contingency of \$396,000 (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. 22-035 appropriating \$28,717 in new revenue and expenditures from Lumen Technologies, Inc. (Lumen), Orange County Water District (OCWD), and Orange County Sanitation District (OCSD) to 13501-980000-21R15.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Location Map](#)

**10. Via Lido Soud & Nord Pavement Rehabilitation - Award of Contract No. 7992-1 (21R11)**

- 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. 7992-1 to All American Asphalt for the total bid price of \$958,859.00, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$96,000.00 (approximately 10 percent of the total bid) to cover the cost of unforeseen work not included in the original contract.

[Staff Report](#)

[Attachment A - Location Map](#)

**11. Approval of Professional Services Agreement with Moffatt & Nichol for Harbor Piers Rehabilitation Project (19H02)**

- 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 Moffatt & Nichol of Costa Mesa, California, for the Harbor Piers Rehabilitation Permitting and Design Project at a total not-to-exceed fee of \$317,433, and authorize the Mayor and City Clerk to execute the Agreement.

[Staff Report](#)

[Attachment A - Location Map](#)

[Attachment B - Professional Services Agreement](#)

[Written Comments](#)



**12. Newport Bay Trash Wheel Project - Approval of Amendment No. One to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. (Contract No. 7127-3)**

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. One to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. at a not-to-exceed amount of \$85,765, and authorize the Mayor and City Clerk to execute the agreement; and

c) Approve Budget Amendment No. 22-034 appropriating \$85,765 in increased expenditures in Account No. 10001-980000-17X12 (Newport Bay Water Wheel) from the unappropriated Tidelands Maintenance fund balance.

[Staff Report](#)

[Attachment A - Budget Amendment](#)

[Attachment B - Location Map](#)

[Attachment C - Amendment One to Professional Services Agreement](#)

[Insider's Guide](#)

[Written Comments](#)

**13. Tentative Agreement with the Newport Beach Employees League (League)**

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 consider the Tentative Agreement between the City of Newport Beach and the Newport Beach Employees League.

[Staff Report](#)

[Attachment A - Tentative Agreement and Proposed MOU](#)

[Attachment B - Cost of Contract](#)

**14. Approval of Side Letters of Agreement with the Newport Beach City Employees Association (CEA) and Newport Beach Professional and Technical Employees Association (ProfTech)**

- 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 the Side Letter of Agreement to the Memorandum of Understanding between the City of Newport Beach and the Newport Beach City Employees Association;
- c) Approve the Side Letter of Agreement to the Memorandum of Understanding between the City of Newport Beach and the Newport Beach Professional and Technical Employees Association; and
- d) Approve Budget Amendment No. 22-036 appropriating \$344,000 in increased expenditures in various City division salary accounts from the unappropriated fund balances of various City funds.

[Staff Report](#)

[Attachment A - CEA Side Letter of Agreement](#)

[Attachment B - ProfTech Side Letter of Agreement](#)

[Attachment C - Budget Amendment](#)

[Written Comments](#)

**15. Draft Revisions to the Newport Beach Key and Management Compensation Plan (K&M)**

- 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 consider the revised Key and Management Compensation Plan.

[Staff Report](#)

[Attachment A - K&M Compensation Plan \(redline\)](#)

[Attachment B - Estimated Cost](#)

**MISCELLANEOUS**

**16. Annual Mayor 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 Kevin Muldoon's appointments under City Council Policy A-2, as provided in the staff report.

[Staff Report](#)

[Written Comments](#)

**17. Harbor Commission 2022 Objectives**

- 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 the Harbor Commission's 2022 objectives.

[Staff Report](#)

[Attachment A - Harbor Commission 2022 Objectives](#)

**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. PUBLIC HEARING**

**18. Ordinance Nos. 2022-2 and 2022-3: Amending the Newport Beach Municipal Code and the Coastal Land Use Plan Related to Cottage Preservation (PA2019-181)**

- a) Conduct a public hearing;
- b) Find this project 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) Adopt Resolution No. 2022-4, *A Resolution of the City Council of the City of Newport Beach, California, Adopting Local Coastal Program Amendment No. LC2019-004 and Amending Policy 2.9.3-8 of the Newport Beach Coastal Land Use Plan Related to Cottage Preservation (PA2019-181)*;
- d) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2022-2, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment No. CA2019-006 Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code Related to Cottage Preservation for Consistency with the California Coastal Commission's Modifications (PA2019-181)*, and pass to second reading on January 25, 2022; and
- e) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2022-3, *An Ordinance of the City Council of the City of Newport Beach, California, Accepting California Coastal Commission's Suggested Modifications and Adopting Local Coastal Program Amendment No. LC2019-004 to Amend Title 21 (Local Coastal Program Implementation Plan) of the City of Newport Beach Municipal Code Related to Cottage Preservation (PA2019-181)*, and pass to second reading on January 25, 2022.

[Staff Report](#)

[Attachment A - Resolution No. 2022-4](#)

[Attachment B - Ordinance No. 2022-2](#)

[Attachment C - Ordinance No. 2022-3](#)

[Attachment D - 1-28-2020 Staff Report](#)

[Attachment E - Resolution No. 2020-12](#)

[Attachment F - Coastal Commission Letter](#)

[Attachment G - Coastal Zone Map](#)

[Attachment H - Redline Amendments](#)

[Correspondence](#)

**XIX. CURRENT BUSINESS**

**20. Approval of Proposed Residential Solid Waste Collection & Recycling Contract with CR&R 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 a new Residential Solid Waste Collection & Recycling Contract with CR&R to replace the two existing contracts (C-5649 & C-3942), beginning on January 15, 2022, at an initial monthly rate of \$24.08 per residential household (paid by the City) and a contract term of eight years with two optional one-year contract extensions.

[Staff Report](#)

[Attachment A - Residential Solid Waste Collection & Recycling Contract](#)

[Insider's Guide](#)

[Written Comments](#)

**21. Resolution No. 2022-7: Changes and Additions to Street Sweeping Days for Portions of the Balboa Peninsula, Corona del Mar and West Newport**

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. 2022-7, *A Resolution of the City Council of the City of Newport Beach, California, Establishing "No Parking" Restrictions on Designated Streets on Specific Days and Times to Improve Street Sweeping Effectiveness and Rescinding Resolution No. 2020-87.*

[Staff Report](#)

[Attachment A - Mid-Peninsula Location Map](#)

[Attachment B - Balboa Village/East Peninsula Location Map](#)

[Attachment C - Corona del Mar Location Map](#)

[Attachment D - West Newport Location Map](#)

[Attachment E - Resolution No. 2022-7](#)

[Insider's Guide](#)

[Memo and Amended Resolution](#)

**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 – In memory of Carol Dru and Lila Crespin**

**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.**