



**CITY OF NEWPORT BEACH
CITY COUNCIL AGENDA**

MAY 10, 2022

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 - 6:00 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.

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).

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

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar

SS2. National Public Works Week Proclamation

SS3. Proclamation Honoring the Corona del Mar High School Women's Water Polo CIF Champions

SS4. Residential Refuse Program Roll-Out Update

Staff will provide an update on the new Residential Refuse Contract Modifications and Organic Collection Program Rollout.

[On the Agenda](#)

[Written Comments](#)

SS5. Short Term Lodging Transferability

City staff will present on the status of the short term lodging permit transferability provisions in the City's municipal code, the process to transfer a permit, and the number of transfers occurring.

[On the Agenda](#)

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 LABOR NEGOTIATORS

(Government Code § 54957.6): 1 matter

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

Employee Organizations: Newport Beach Police Management Association (NBPMA) and Association of Newport Beach Ocean Lifeguards (ANBOL).

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code § 54956.8): 1 matter**

Property: 1201 Dove Street, Newport Beach, California 92660 (APN 427-221-06).

City Negotiators: Seimone Jurjis, Community Development Director and Lauren Wooding Whitlinger, Real Property Administrator.

Negotiating Parties: Parke Miller.

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

[Written Comments](#)

**C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code § 54956.8): 1 matter**

Property: All properties in Beacon Bay that have a lease with the a City of Newport Beach, as set forth in Attachment A.

City Negotiators: Seimone Jurjis, Community Development Director and Lauren Wooding Whitlinger, Real Property Administrator.

Negotiating Parties: All lessees of properties in Beacon Bay, as set forth in Attachment A.

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

[Attachment A - Beacon Bay Properties](#)

[Written Comments](#)

**D. CONFERENCE WITH LEGAL COUNSEL
(Government Code § 54956.9(d)(1)): 1 matter**

City of Newport Beach vs. William O'Connor, Cooley, LLP
Orange County Bar Association Case No. NV-021-6750.

V. RECESS

VI. RECONVENE AT 6:00 P.M. FOR REGULAR MEETING

VII. ROLL CALL

VIII. CLOSED SESSION REPORT

IX. INVOCATION - Monsignor Douglas Cook, Our Lady of Mt. Carmel Catholic Church

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. PUBLIC COMMENTS ON CONSENT CALENDAR

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.

XIV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the April 26, 2022 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.

ORDINANCES FOR ADOPTION

3. Ordinance No. 2022-9: Amending the Newport Beach Municipal Code Pertaining to Live-Aboards, On-Shore Moorings, and Other Miscellaneous Provisions

a) Find this project statutorily 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) Conduct second reading and adopt Ordinance No. 2022-9, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Sections 1.12.020, 17.10.060, 17.25.010, 17.25.020, 17.40.030, 17.45.020, 17.60.040, 17.65.010 and 17.70.050 of the Newport Beach Municipal Code Pertaining to Live-Aboards, On-Shore Moorings, and Miscellaneous Provisions.*

[Staff Report](#)

[Attachment A - Ordinance No. 2022-9](#)

4. Ordinance No. 2022-11: LCP Amendment Related to Setback Map Corrections (PA2020-006)

a) Find this amendment exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program; and

b) Conduct second reading and adopt Ordinance No. 2022-11, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2020-001 Correcting Setback Map Errors (PA2020-006).*

[Staff Report](#)

[Attachment A - Ordinance No. 2022-11](#)

5. Ordinance No. 2022-12: LCP Amendment Related to Tattoo Establishments (PA2020-030)

a) Find this amendment exempt pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3), and Section 15265(a)(1), because it has no potential to have a significant effect on the environment and local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program; and

b) Conduct second reading and adopt Ordinance No. 2022-12, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code and Adopting Local Coastal Program Amendment No. LC2020-002 Related to Tattoo Establishment Development Standards (PA2020-030).*

[Staff Report](#)

[Attachment A - Ordinance No. 2022-12](#)

RESOLUTIONS FOR ADOPTION

6. Resolution No. 2022-27: Overnight Parking Prohibition on Old Newport Boulevard

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. 2022-27, *A Resolution of the City Council of the City of Newport Beach, California, Prohibiting Overnight Parking on Old Newport Boulevard between 15th Street and Hospital Road.*

[Staff Report](#)

[Attachment A - Resolution No. 2022-27](#)

[Attachment B - Location Map](#)

7. Resolution No. 2022-28: Adopting a Memorandum of Understanding with the Newport Beach Lifeguard Management Association (NBLMA) and Associated Salary Schedule

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. 2022-28, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding between the City of Newport Beach and the Newport Beach Lifeguard Management Association and Amending the Salary Schedule*; and

c) Approve Budget Amendment No. 22-054 appropriating \$46,435.65 in increased expenditures in various City division salary and benefit accounts from unappropriated General Fund balances.

[Staff Report](#)

[Attachment A - Resolution No. 2022-28](#)

[Attachment B - Exhibit A to Attachment A \(NBLMA MOU\)](#)

[Attachment C - Estimated Cost](#)

[Attachment D - Budget Amendment](#)

8. Resolution No. 2022-29: Initiation of Zoning Code and Local Coastal Program Amendments Related to Nonconforming Residential Uses and Setback Clarification (PA2022-076)

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. 2022-29, *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 Nonconforming Residential Uses and Setback Clarifications in the R-1-6,000 Zoning and Coastal Zoning Districts (PA2022-076)*.

[Staff Report](#)

[Attachment A - Resolution No. 2022-29](#)

9. Resolution Nos. 2022-30 to 2022-32: Calling the November 8, 2022 General Municipal Election

- 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) Adopt Resolution No. 2022-30, *A Resolution of the City Council of the City of Newport Beach, California, Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2022, for the Election of Members of the City Council as Required by the Provisions of the City Charter*;
- c) Adopt Resolution No. 2022-31, *A Resolution of the City Council of the City of Newport Beach, California, Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday, November 8, 2022, with the Statewide General Election to be Held on the Same Date Pursuant to California Elections Code Section 10403 for the Purpose of Electing Members of the City Council*; and
- d) Adopt Resolution No. 2022-32, *A Resolution of the City Council of the City of Newport Beach, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 8, 2022.*

[Staff Report](#)

[Attachment A - Resolution No. 2022-30](#)

[Attachment B - Resolution No. 2022-31](#)

[Attachment C - Resolution No. 2022-32](#)

CONTRACTS AND AGREEMENTS

10. 2020-2021 Playground Improvements Project - Notice of Completion for Contract No. 7934-1

- 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 Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

[Staff Report](#)

[Attachment A - Location Map](#)

11. Concrete Replacement Program FY 2021-22 (Project No. 22R06) - Notice of Completion for Contract No. 8722-1

- 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](#)

12. Approval of On-Site Mobile Car Washing and Detail 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 Bumper to Bumper, Inc. to provide on-site mobile car wash and detail services for a three-year term at a total not-to-exceed (NTE) price of \$165,000.00, and authorize the Mayor and City Clerk to execute the agreement on a form approved by the City Attorney.

[Staff Report](#)

[Written Comments](#)

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

XV. ITEMS REMOVED FROM THE CONSENT CALENDAR

XVI. 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.

XVII. 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.

XVIII. 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.