

**City Council Meeting Minutes
Study Session and Regular Meeting
January 10, 2023**

I. ROLL CALL – 4:00 p.m.

Present: Mayor Noah Blom, Mayor Pro Tem Will O'Neill, Council Member Brad Avery, Council Member Robyn Grant, Council Member Lauren Kleiman, Council Member Joe Stapleton, Council Member Erik Weigand

II. CURRENT BUSINESS

SS1. Clarification of Items on the Consent Calendar – None

SS2. Presentation on the Newport Beach Local Housing Trust

Ed Selich, representing the Newport Beach Housing Trust (NBHT) Formation Group, and their consultant, Terry Watt, utilized a presentation to discuss NBHT, goals, structure, approach, initial Formation Group members, defined local housing trust, housing challenges, housing market expense statistics in the City, pace of wages, catalyzing new rental and ownership housing, the Housing Trust focus, targeted housing types, accomplishments, and next steps (www.newportbeachhousingtrust.org).

In response to Council Member Grant's questions, Ms. Watt discussed successful housing and community land trusts launched by a city or county that became independent, indicated that the NBHT Formation Group is not asking for City resources during the launch period, and highlighted the San Francisco Housing Accelerator revolving philanthropic loan funding.

In response to Council Member Stapleton's questions, Ms. Watt discussed a revolving \$20 million loan fund five-year goal, an opportunity to partner with the Orange County Housing Finance Authority for Accessory Dwelling Units (ADUs) and Junior ADUs, and a possible long-term affordable housing retention with the Irvine Community Land Trust.

Council Member Avery expressed the opinion that high interest exists among landowners with large lots for ADU development but are hesitant due to costs related to code requirements and stated he recognized the value of a land trust to provide funding to address this problem. Ms. Watt commended the work done by staff to streamline the ADU process and including ADUs in the Regional Housing Needs Assessment (RHNA) count for low- and moderate-income units by the California Department of Housing and Community Development (HCD). Mr. Selich relayed the idea of ADUs providing housing for caregivers so the elderly can remain in their homes.

In response to Council Member Kleiman's question, Mr. Selich indicated that fund allocation and project prioritization will be driven by need and appropriateness of the project.

Ms. Watt noted this is the time for huge transition and focus on ADUs and Junior ADUs, the pursuit of a loan and financing model, possibly utilizing church parking lots for housing, and a shorter project list.

Mayor Blom thanked the NBHT Formation Group.

III. PUBLIC COMMENTS – None

City Attorney Harp announced that the City Council would adjourn to Closed Session to discuss the item listed on the Closed Session agenda and read the title.

IV. CLOSED SESSION – After Study Session – Council Chambers Conference Room

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code § 54956.8): 1 matter

Property: The American Legion Newport Harbor Post No. 291, located at 215 15th Street, Newport Beach California, 92663.

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

Negotiating Parties: Evin D. Planto.

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

V. RECESSED – 4:30 p.m.

VI. RECONVENED AT 5:04 P.M. FOR REGULAR MEETING

VII. ROLL CALL

Present: Mayor Noah Blom, Mayor Pro Tem Will O’Neill, Council Member Brad Avery, Council Member Robyn Grant, Council Member Lauren Kleiman, Council Member Joe Stapleton, Council Member Erik Weigand

VIII. CLOSED SESSION REPORT

City Attorney Harp announced that no reportable actions were taken.

IX. INVOCATION – Pastor David Manne, Calvary Chapel of Costa Mesa

X. PLEDGE OF ALLEGIANCE – Mayor Pro Tem O’Neill

XI. NOTICE TO THE PUBLIC

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

Council Member Stapleton:

- Announced the Finance Committee meeting

Council Member Weigand:

- Commended City staff for its children programs at the Community Youth Center (CYC)

Mayor Pro Tem O’Neill:

- Commended contributors of the Christmas Boat Parade
- Attended Senator Janet Nguyen’s swearing-in, and the Patrick’s Purpose Walk with Council Members Weigand and Stapleton
- Announced his position as Chair of the Transportation Corridor Agency (TCA) and its next meeting

XIII. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON-DISCUSSION ITEM)

- **Consider adopting a resolution affirming the City’s support of efforts to eliminate the threat of fentanyl by devoting resources to the interdiction of narcotics, holding accountable drug traffickers, and raising public awareness about the dangers of drug use [Stapleton]**

The City Council unanimously concurred to bring the matter back at a future meeting.

XIV. PUBLIC COMMENTS ON CONSENT CALENDAR

Council Member Grant expressed concern regarding no public input included in Item 9 (Balboa Branch Library and Fire Station No. 1 Replacement Project). City Manager Leung noted that there is no intent to reduce the building size and public input will be part of the process.

Regarding Item 5 (Resolution No. 2023-3: Affirming that the City Council Stands in Solidarity with its Iranian-American Community Members), Hengameh “Henny” Abraham expressed thanks and relief for the item returning to the City Council and asked for a unanimous vote in support.

Pejman Biasi discussed the fight for justice, asked Council to condemn the Islamic Republic, and asked that Council demand those in higher power to cut ties with the Islamic Republic.

Biana Mansour discussed basic human rights, asked Council to call their local representatives and ask them to pass H.R. 9203 (MAHSA Act), and thanked Henny Abraham for bringing this to the community’s attention.

Rose asked Council to vote “yes” on Item 5 and thanked Henny Abraham for her efforts.

Melissa Hashem asked Council to condemn the terrorist regime, stand with the prominent Iranian population in the City, move this cause to higher legislation to fight for the liberty and the pursuit of happiness for the people in Iran, and pass the resolution. Lastly, she thanked Henny Abraham for her efforts.

Tanios thanked Henny Abraham, noted the death toll in Iran, asked for support for a new secular democratic government, maximum pressure on affiliates of the Iranian regime, and a reintroduction of the MAHSA Act to Congress, and requested members of Council to leverage their platform, adopt and pass a resolution with strong language, and call on immediate and effective action.

Mahsa Townsend discussed the Islamic Republic and thanked Henny Abraham.

An unidentified speaker relayed that passing the resolution will provide hope and demonstrate compassion and love for humanity.

Mitra Mosallaie expressed gratitude to Council for placing Item 5 on the agenda, thanked Henny Abraham, and requested a unanimous Council vote. She displayed a video of victims of the Iranian regime.

Farhad Mofi thanked Council and Henny Abraham, and asked for support for condemning the Islamic Republic.

Jim Mosher expressed concern for an outreach plan and the architect selection rankings in Item 9, and suggested identifying the selection panel and ranking criteria. In response to his inquiry regarding the Environment Quality Affairs Committee (EQAC) in the Annual Mayor Appointments (Item 12), Mayor Blom indicated that, as Chair of EQAC, he will assess the future of EQAC.

Bernie Svalstad, President of the Newport Beach Historical Society, also expressed concern for public involvement in Item 9, questioned the project timeline and breakdown of the library and fire station square footage, and requested 1,000 square feet be set aside for the Historical Society.

XV. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the December 13, 2022 City Council Meeting [100-2023]

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

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. 2023-1: Updating the List of Designated Employees for 2023 Under the City's Conflict of Interest Code [100-2023]

- 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. 2023-1, *A Resolution of the City Council of the City of Newport Beach, California, Updating the Appendix of Designated Employees and Appendix of Disclosure Categories of the City of Newport Beach Conflict of Interest Code.*

4. Resolution No. 2023-2: Amending City Council Policy E-1: Public Records Act Policy [100-2023]

- 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. 2023-2, *A Resolution of the City Council of the City of Newport Beach, California, Amending City Council Policy E-1 "Public Records Act Policy" to Comply with Recodification of the California Public Records Act.*

5. Resolution No. 2023-3: Affirming that the City Council Stands in Solidarity with its Iranian-American Community Members as their Relatives and Associates are Suffering through Current Human Rights Injustices in Iran [100-2023]

- 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. 2023-3, *A Resolution of the City Council of the City of Newport Beach, California, Affirming that the City Council Stands in Solidarity with its Iranian-American Community Members as their Relatives and Associates are Suffering through Current Human Rights Injustices in Iran.*

CONTRACTS AND AGREEMENTS

6. City Bridge Deck Maintenance (Project No. 21R13) – Notice of Completion for Contract No. 7679-2 [38/100-2023]

- 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 the Faithful Performance Bond one year after acceptance by the City Council.

- 7. Gateway Park Improvements – Award of Contract No. 8791-1 (23L01) [38/100-2023]**
 - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 2 Section 15302(c) (replacement of existing public facilities involving negligible or no expansion of capacity) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment;
 - b) Approve the project plans and specifications;
 - c) Find the bid from Jon Gilmer Construction non-responsive due to lack of specified licensure;
 - c) Award Contract No. 8791-1 to Armstrong Cal Builders, Inc. for the bid price of \$540,233.50 for the Gateway Park Landscape Improvement project, and authorize the Mayor and City Clerk to execute the contract; and
 - d) Establish a contingency of \$54,000 (approximately 10% of total bid) to cover the cost of unforeseen work not included in the original contract.

- 8. Utilities Yard Office Remodel – Award of Contract No. 7908-1 (23F13) [38/100-2023]**
 - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Class 2 Section 15301(a) (minor interior or exterior alterations involving such things as partitions and plumbing) 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) Relieve OCLA Construction of their bid due to a clerical error;
 - d) Award Contract No. 7908-1 to JT Construction Group Inc. for the bid price of \$370,906 for the Utilities Yard Office Remodel project, and authorize the Mayor and City Clerk to execute the contract; and
 - e) Establish a contingency of \$55,600 (approximately 15% of total bid) to cover the cost of unforeseen work not included in the original contract.

- 9. Approval of Professional Services Agreement with COAR Design Group (Contract No. 8865-1) for Balboa Branch Library and Fire Station No. 1 Replacement Project (Project No. 23F12) [38/100-2023]**
 - 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 Professional Services Agreement with COAR of San Diego, CA, for design services of the Balboa Branch Library and Fire Station No. 1 Replacement Project for a total not-to-exceed amount of \$697,248, and authorize the Mayor and City Clerk to execute the Agreement.

- 10. Approval of Professional Services Agreement with Glenn Lukos Associates, Inc. (Contract No. 8020-9) for the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot Project (Project No. 15T09) [38/100-2023]**
 - 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 Glenn Lukos Associates, Inc. of Santa Ana, California, for Coastal Sage Scrub restoration and monitoring efforts related to the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot project for a not-to-exceed amount of \$176,530, and authorize the Mayor and City Clerk to execute the Agreement.

MISCELLANEOUS

- 11. Planning Commission Agenda for the January 5, 2023 meeting [100-2023]**

Receive and file.

- 12. Annual Mayor Appointments [100-2023]**

- 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 Noah Blom's appointments under City Council Policy A-2, as provided in the staff report.

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Kleiman, to approve the Consent Calendar.

The motion carried unanimously.

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR – None

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS – None

XVIII. PUBLIC HEARING

13. Ordinance No. 2023-1 and Resolution Nos. 2023-4 and 2023-5: General Plan Amendment to Increase the Development Limit for Bay Island [100-2023]

Community Development Director Jurjis and Senior Planner Crager reported that the amendment is meant to adjust and correct the density allowed on Bay Island to reflect 25 residential units and utilized a presentation to discuss the background, show before and after diagrams of unit counts, and next steps.

Mayor Blom opened the public hearing.

Coralee Newman, representing the applicant, stated that she has reviewed the documents, staff report and findings, and noted the Planning Commission unanimously approved the item and staff recommendation. She requested Council approve having 25 building sites on Bay Island, discussed Bay Island's ownership structure, property inclusions, cause of the unit count error in the 2006 General Plan, and noted the architectural standards and guidelines.

Michelle Dean, member of the Bay Island Club Board of Directors, supported the recommendations and asked for support of the amendment.

Jim Mosher expressed the opinion that the public should know how the City interprets Senate Bill 1439 regarding campaign contributions and recusals, noted the use of the caretaker residence, and relayed not having found a record to substantiate the 25 units at the October 23, 1997 Planning Commission meeting.

Hearing no further testimony, Mayor Blom closed the public hearing.

Motion by Mayor Pro Tem O'Neill, seconded by Council Member Avery, to a) find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 - Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; b) adopt Resolution No. 2023-4, *A Resolution of the City Council of the City of Newport Beach, California, Approving General Plan Amendment No. GP2022-001 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087)*; c) adopt Resolution No. 2023-5, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Submittal of Local Coastal Program Amendment No. LC2022-003 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087)*; and d) waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2023-1, *An Ordinance of the City Council of the City of Newport Beach, California, Approving Zoning Code*

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Amendment No. CA2022-005 to Change the Development Limit Specified for Bay Island from 23 Dwelling Units to 25 Maximum Dwelling Units (PA2022-087), and pass to second reading on January 24, 2023.

The motion carried unanimously.

XIX. MOTION FOR RECONSIDERATION – None

XX. ADJOURNMENT – Adjourned at 6:01 p.m. in memory of Tony Shaw.

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive on January 5, 2023, at 4:00 p.m.

**Noah Blom
Mayor**

**Leilani I. Brown
City Clerk**

DRAFT