



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Muth Interpretive Center, 2301 University Dr., Newport Beach, CA 92660

Thursday, March 5, 2020 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Council Member Jeff Herdman Chair
Council Member Duffy Duffield, Vice Chair
Dennis Baker, Member
Carl Cassidy, Member
Louis Denger, Member
Fred Galluccio, Member
Lawrence Houston, Member
Richard McNeil, Member
George Robertson, Member

Staff Members:

John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant

The Water Quality/Coastal Tidelands Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Water Quality/Coastal Tidelands Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Water Quality/Coastal Tidelands Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

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 John Kappeler, Water Quality Enforcement Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3218 or jkappeler@newportbeachca.gov.

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 Public Works Department 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL AND INTRODUCTIONS**
- 3) **PUBLIC COMMENTS ON AGENDA ITEMS (5 min)**
Public comments are invited on agenda items. Speakers must limit comments to five minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.
- 4) **REVIEW AND APPROVAL OF MINUTES (5 min)**
- 5) **CURRENT BUSINESS (60 min)**

[Meeting Minutes - February 6, 2020](#)

(a) **Committee Goals/Objectives (John Kappeler/Bob Stein) (5 min) Review and status update on the committee's goals and objectives.**

Recommendation: Committee Discussion

(b) **Resolution Opposing New Offshore Drilling (Nancy Downes) (15 min) Presentation and discussion on a new proposed resolution.**

Recommendation: Committee Discussion

(c) **Santa Ana Delhi Diversion Project (Craig Foster) (40 min) Site Visit to the Santa Ana Delhi Diversion Project.**

Recommendation: Committee Discussion/Comments

6) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (10 min)**

(a) **Fecal Coliform Time Schedule Order (TSO) (April 2020)**

(b) **City of Newport Beach Street Sweeping Program (April 2020)**

(c) **Shellfish Monitoring (Spring 2020)**

(d) **Orange County Sanitation District Micro-Plastics (Spring 2020)**

(e) **City of Newport Beach Sustainability Plan (Spring 2020)**

(f) **Assessment District for Seawall Replacement (Spring 2020)**

(g) **University of California Irvine (UCI) Beach Dynamics Study (Summer 2020)**

(h) **University of California Irvine (UCI) Collaborative Flood Modeling (Summer 2020)**

(i) **Balboa Island Drainage Plan (Summer 2020)**

7) **PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 min)**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

8) **SET NEXT MEETING DATE (5 min)**

Recommendation: April 2, 2020

9) **ADJOURNMENT**

Date: February 6, 2020
Time: 3:00 p.m.
Location: Crystal Cove Conference Room, 100 Civic Center Drive, Newport Beach, CA 92660
Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:00 p.m. by Councilmember/Chair Herdman

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Chair Jeff Herdman
Dennis Baker
Fred Galluccio
Tom Houston
Richard McNeil
George Robertson

Committee Members Absent:

Councilmember/Vice Chair Duffy Duffield
Carl Cassidy
Louis Denger

Guests Present:

Jeff Coffman, Surfrider Foundation
Hoiyin Ip, Sierra Club
Jim Mosher, Resident
John Wadsworth, Surfrider Foundation
Nancy Downes, Oceana
Nancy Gardner, Orange Coast River Park
Nancy Skinner, Still Protecting our Newport (SPON)
Philip Bettencourt, Planning Consultant

Staff Present:

John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant
Kurt Borsting, Harbor Department
John Pope, Public Information Manager
Robert Stein, Assistant City Engineer
Mark Vukojevic, Deputy Public Works Director/City Engineer

2. Public Comment on Agenda Items

None

3. Review and approval of minutes

Chairman Herdman announced Jim Mosher's suggestions and edits have been incorporated into the minutes.

Motion. Committee Member Robertson moved to approve the minutes as presented; Committee Member Baker seconded; motion approved with Committee Members Cassidy, Denger and Duffield absent.

4. Current Business (50 min)

(a) Committee Goals/Objectives (Bob Stein) (5 min) Review and status update on the committee's 2017/18 goals and objectives.

Recommendation: Committee Discussion

Assistant City Engineer Bob Stein provided an update on the Newport Bay Trash Wheel Project and advised the item has been moved from the February 11th City Council meeting to the February 25th (now postponed until a later Council meeting) meeting as design costs were higher than expected. He advised they are working with a consultant to develop more detailed designs in order to obtain a better sense of actual construction costs.

In response to Committee Member Baker's inquiry, Assistant City Engineer Stein advised grant funding is fixed for the project but he is investigating Measure M funding along with supplemental funding for design. In response to Chair Herdman's inquiry, Senior Civil Engineer John Kappeler advised a Feasibility Study is not necessary for Measure M funding, however, a California Environmental Quality Act (CEQA) review is required but has already been completed for the project. Chair Herdman acknowledged permitting for the project is rather complicated and inquired about delays. Assistant City Engineer Stein advised monies would be encumbered to cover costs of any additional studies required.

In response to Committee Member Houston's inquiry, Assistant City Engineer Stein advised that while the City's Trash Wheel design is similar to the one in Baltimore, Maryland, the Newport Beach Trash Wheel will require the use of a dumpster which connects to the site via a rail system. He reported they simply want to confirm the cost estimates before going to City Council. Committee Member Houston lent his support for the project.

Chair Herdman opened public comments.

In response to Nancy Skinner's inquiry, Assistant City Engineer Stein explained the trash removal system floats on piles and the design concept accounts for the rising and lowering of the tide. He further clarified the Trash Wheel will be turned off during large storm events during the first year of operation for assessment.

In response to Committee Member Galluccio's inquiry, the Trash Wheel can be shutdown on-site or remotely but system startup will be done on-site.

Chair Herdman closed public comments.

There was no further action taken on this item.

(b) Fecal Coliform Time Schedule Order (TSO) (John Kappeler) (10 min) Presentation on the Regional Water Quality Control Board's newly adopted order.

Recommendation: Committee Discussion/Comments

Senior Engineer John Kappeler discussed the Santa Ana Regional Water Quality Control Boards' (Santa Ana Water Board) newly adopted Fecal Coliform Time Schedule Order (TSO) order and the impact for Newport Beach. He provided a brief history of litigation between Orange County Coastkeeper (OCC) and County of Orange which resulted in the formation of a Technical Committee to review modifications for the Total Maximum Daily Loads (TMDLs) and provide recommendations for the standards. He advised the Regional Board issued a Time Schedule Order (TSO) dated December 2019 which will be in effect until the revised TMDL is issued and reviewed the task timeline and due dates with the committee members

In response to Committee Member Galluccio's inquiry, Senior Engineer Kappeler clarified the TSO lasts for four years. He reported TSO Task 2 projects need initial design concepts and need to be developed and presented to the Regional Board, but they have the potential to become projects. He expressed concern regarding Task 3 (Evaluate human sources of fecal contamination) as it requires a Source Investigation Study which can be expensive for the City and needs to be presented to the Regional Water Quality Control Board (RWQCB) by June 2020. Lastly, he clarified the items and their impacts from the Best Management Practices (BMP) and Control Measures for the committee.

In response to Chair Herdman's inquiry, Senior Engineer Kappeler clarified all of these projects are part of a settlement and must be completed as it is an order from the Santa Ana Water Board. He noted Task 1A, Hoag Drain and Arches Diversion, has been worked on and is already funded. In response to Committee Member Baker's inquiry, Senior Engineer Kappeler advised the Santa Ana Water Board wants the Dunes Diversion upgraded.

Senior Engineer Kappeler noted Task 1A, Hoag Drain and Arches Diversion, is already funded and Task 1B, Newport Bay Bilge Pump, is in the Capital Improvement Plan; however, Task 1C, Newport Dunes diversion revision has not been funded. In response to Committee Member McNeil's inquiry, Senior Engineer Kappeler noted the lawsuit was against the County of Orange but the City and adjacent cities who drain into the Newport Bay Watershed are subject to the TMDL.

Senior Engineer Kappeler reported the City spends approximately \$1 million per year on the TMDL. He advised the TMDL Budget cost-share breakdown, to the best of his memory, is Newport Beach at 9%, Irvine at 29%, and Lake Forest at 6% and all other entities involved add up to 100%. He also noted all cities subject to the TSO receive the same benefit regardless of what percentage they pay.

Senior Engineer Kappeler stated he will recommend the City pay 9% of the projects which is equal to the TMDL Budget cost-share breakdown to the Technical Committee. In response to Committee Member Houston's inquiry, Assistant City Engineer Bob Stein advised the Technical Committee only does planning.

Chair Herdman expressed concern regarding future costs and the magnitude of some of the projects. Senior Engineer Kappeler advised the goal is to bring the item to attention to the committee and advised Task 2 and Task 3 projects may have financial impacts to the City. Senior Engineer Kappeler reported the first funding meeting is next week and he will update the committee at that time.

In response to Committee Member Baker's inquiry, Senior Engineer Kappeler advised the Newport Bay Management Committee sets the agenda for the Technical Committee and he is advising the committee of the tasks at hand. He also advised a TSO is a five (5) year order condensed to four (4) years.

In response to Committee Member Galluccio's inquiry, Senior Engineer Kappeler advised the TMDL is currently for Fecal Coliforms, but the indicator will likely change in the future. Committee Member

Robertson expressed concern regarding the study design and requested Senior Engineer Kappeler return to present on the study design in March or April.

Chair Herdman opened public comments.

In response to Jeff Coffman's inquiry, Senior Engineer Kappeler advised upstream cities could apply for Measure M money and apply it to a group fund.

In response to Ms. Skinner's inquiry, Senior Engineer Kappeler advised natural bacteria will be reviewed during the Source Investigation Study.

Chair Herdman closed public comments.

There was no further action taken on this item.

(b) City of Newport Beach Sewer Master Plan (Mark Vukojevic) (15 min) Presentation on the City's sewer master plan.

Recommendation: Committee Discussion/Comments

Utilities Director Mark Vukojevic advised the Newport Beach Sewer Master Plan was completed in 2010 and outlines a series of projects for the next 30 years but works in conjunction with the Sewer System Management Plan. He also advised Sewer rehabilitation projects are completed every single year at the cost of approximately \$1 million annually and cited Begonia Park as an example of recent sewer rehabilitation. Utilities Director Vukojevic recapped the City was sued by River Watch and part of the commitment made through the settlement was extra focus on sewer lines within 200 feet of the body of waters and the City is focusing on these projects. He also noted the City contracts out through Public Works for this type of work and noted GCI Associates is one of the companies working on sewer repairs.

In response to Committee Member Houston's inquiry, Utilities Director Vukojevic advised the Sewer Master Plan will assess Sewer Capacity. He advised the City has fixed all historical capacity issues. He also noted the City tries to line clay pipe before replacement.

In response to Committee Member Baker's inquiry, Utilities Director Vukojevic advised he does not see maintenance plateauing out and feels they will continue to find problems to fix as even repairs do not last forever.

Chair Herdman opened public comments and seeing no speakers, closed the public comments.

There was no further action taken on this item.

(c) Public Education Sub-Committee (Dennis Baker) (15 min) Update from the public education sub-committee, including their proposed public service announcement (PSA).

Recommendation: Committee Discussion

Committee Member Baker provided an update on the Public Service Announcement (PSA) and reported Orange Coast River Park (OCRP) is developing the PSA with Chapman University Film Department and are currently writing potential scripts. He noted OCRP will be pitching those scripts to the City and when a script is selected another class will complete the production of the PSA. He noted the City will need a budget for the production of the PSA. Chair Herdman advised he asked City Council for a budget allocation of \$10,000 for production of the PSA. Committee Member Baker

reported the original direction was to leverage a professional production house. He also advised the PSA will be about plastics in the ocean.

Committee Member Galluccio expressed interest in volunteering and inquired about the meeting schedule. Committee Member Baker anticipates one (1) meeting with Chapman University Film Department. Public Information Director John Pope also expressed interested in participating.

Chair Herdman opened public comments.

Jeff Coffman, Surfrider, suggested an interview with Captain Charlie Moore who is a subject-matter expert.

Chair Herdman closed public comments.

There was no further action taken on this item.

(d) Santa Ana Delhi Diversion Project (John Kappeler) (5 min) Discussion on date and time to schedule a field trip.

Recommendation: Committee Discussion

In response to Senior Engineer Kappeler's inquiry, committee members expressed interest in a field trip to the Santa Ana Delhi Diversion Project site. Senior Engineer Stein suggested having the March 5th meeting at the Muth Interpretive Center then conduct the field trip and the committee agreed.

There was no further action taken on this item.

6) On-going Business (10 min)

(a) Bay and Ocean Bacteriological Test Results (John Kappeler) (10 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.

Recommendation: Receive and File

The item was moved to the next meeting.

7) Committee Announcements on Matters which Members would like placed on a future agenda for discussion, action or report (Non-Discussion Item) (10 min)

- (a) Santa Ana Delhi Diversion Project Field Trip (March 2020)
- (b) City of Newport Beach Street Sweeping Program (March 2020)
- (c) Big Canyon Creek Water Testing (Spring 2020)
- (d) Shellfish Monitoring (January 2020)
- (e) Orange County Sanitation District Micro-Plastics (Spring 2020)
- (f) City of Newport Beach Sustainability Plan (Spring 2020)
- (g) Assessment District for Seawall Replacement (Spring 2020)
- (h) University of California Irvine (UCI) Beach Dynamics Study (Summer 2020)
- (i) University of California Irvine (UCI) Collaborative Flood Modeling (Summer 2020)
- (j) Balboa Island Drainage Plan (Summer 2020)

Chair Herdman reported Professor Brett Sanders of UCI provided an excellent presentation on Sea Level Rising.

8) Public Comments on Non-Agenda Items (5 min)

Nancy Downes, Campaign Organizer, Oceana, reported there have been 350 resolutions from cities on the east and west coast opposing the Presidential Executive Order on Offshore Oil Drilling. She provided a brief recap of the activities to build up the bipartisan opposition to the Executive Order but noted there has not been recent movement. Ms. Downs reported the City of Newport Beach has taken a position to oppose offshore oil drilling but the current verbiage does not include Federal Oil Drilling and encouraged the committee to revisit the item and place it on the agenda. Committee Member Robertson requested the item be added to a future agenda.

Committee Member Baker requested the committee formally request the Harbor Commission to support the Food Service Ware Ordinance. Harbormaster Kurt Borsting, in attendance, stated he will ask for the Harbor Commission’s support on behalf of the committee per their request.

Nancy Gardner suggested the committee expand its purview to review environmental issues or reactivate the Environmental Quality Affairs Committee (EQAC) to address environmental issues. Chair Herdman supported the suggestion but also noted EQAC would need to be redefined and noted they would need direction from City Council.

Harbormaster Borsting advised the City owns five (5) pump-out locations in the Harbor and reported the recent installation of graphics screens depicting how to use the equipment well. Committee Member Galluccio noted the difficulty in finding one of the pump-out locations. Harbormaster Borsting reported the State of California developed a mobile application to assist in finding the pump-out locations and can be used to report issues with the equipment. Nancy Skinner expressed her support for public information activities.

In response to Mr. Coffman’s inquiry, Chair Herdman advised the committee will wait for the Harbor Commission’s formal support for the Food Service Ware Ordinance, then City Attorney review before it will go to City Council and believes the entire process will take two (2) to three (3) months.

John Wadsworth, Newport Beach Surfrider Foundation, lent his support for the Food Service Ware Ordinance and advised they were available to raise public awareness on the issue. Chair Herdman thanked Mr. Wadsworth for his support.

Hoiyin Ip reported she recently read a White Paper from the California Energy Commission titled Assessment of California’s Natural Gas Pipeline Vulnerability to Climate Change, which explained how sea level rise would damage much of the pipelines.

9) Set Next Meeting Date (5 min)

Recommendation: March 5, 2020

Chair Herdman set the next meeting for March 5, 2020 at the Muth Interpretive Center.

10) Adjournment

The meeting was adjourned at 4:24 p.m.