



# CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Zoom Meeting

[https://zoom.us/webinar/register/WN\\_Cv1Fvd2aSOi40B7f2xSedw](https://zoom.us/webinar/register/WN_Cv1Fvd2aSOi40B7f2xSedw)

Thursday, September 3, 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**

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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](mailto: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)**  
  

[Meeting Minutes for March 5, 2020](#)
- 5) **CURRENT BUSINESS (60 min)**

(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) **Newport Bay Trash Interceptor Project (David Pohl) (30 min) Presentation and update on the Newport Bay Trash Interceptor Project.**

Recommendation: Committee Discussion

(c) **San Joaquin Marsh Concept Project (Jochen Schubert) (25 min) Presentation on a concept proposal to divert storm flows into the Irvine Ranch Water District treatment ponds.**

Recommendation: Committee Discussion/Comments

6) **ON-GOING BUSINESS (5 min)**

(a) **Bay and Ocean Bacteriological Test Results (John Kappeler) (5 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.**

(a) Recommendation: Receive and File

7) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (5 min)**

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

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

(c) **Shellfish Monitoring (Winter 2020)**

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

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

(f) **University of California Irvine (UCI) Beach Dynamics Study (Spring 2021)**

(g) **Balboa Island Drainage Plan (Spring 2021)**

8) **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.*

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

Recommendation: October 1, 2020

10) **ADJOURNMENT**

**Date:** March 5, 2020  
**Time:** 3:00 p.m.  
**Location:** Muth Interpretive Center, 2301 University 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  
Louis Denger  
Fred Galluccio  
Tom Houston  
George Robertson

**Committee Members Absent:**

Councilmember/Vice Chair "Duffy" Duffield  
Dennis Baker  
Richard McNeil  
Carl Cassidy

**Guests Present:**

Hoiyin Ip, Sierra Club  
Jim Mosher, Resident  
John Wadsworth, Surfrider Foundation  
Nancy Skinner, Still Protecting our Newport (SPON)  
Philip Bettencourt, Planning Consultant  
Nancy Downes, Oceana

**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, Utilities Director

**2. Public Comment on Agenda Items**

None

**3. Review and approval of minutes**

Motion. Committee Member Robertson moved to approve the minutes as presented; Committee Member Houston seconded; motion approved with Committee Members Baker, McNeil 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**

Senior Engineer John Kappeler provided a recap of the history of the Newport Bay Trash Wheel and reported staff met with Orange County Transportation Authority (OCTA) staff to present the project to obtain a co-grant which was met with initial staff approval. He advised the committee would present a Council memo to approve the project design and consultant and to request Council approve a resolution to apply for an OCTA grant for a \$500,000 on March 24. In response to Chair Herdman's inquiry, Senior Engineer Kappeler did not think the entire amount would be needed but is uncertain what data the U.S. Army Corp of Engineers will require for the permit which will impact the cost.

Senior Engineer Kappeler reported the schedule aligns with OCTAs schedule and they are comfortable with having two (2) grants for the project. Assistant City Engineer Bob Stein expressed confidence the project will be favorably received by City Council and Senior Engineer Kappeler reported Garry Brown from Orange County Coastkeeper has already written a letter in support.

Senior Engineer Kappeler noted City Council will request the City Council approve the design and permitting consultant on March 24 but will not know until August if the grant is approved.

Chair Jeff Herdman noted there is a great deal of community support for this project and Committee Member Houston noted the concept has already been proven. In response to Committee Member Houston's inquiry, Senior Engineer Kappeler reported a naming campaign has not begun but referenced the City of Baltimore and reported they had 3,000 responses to naming suggestions.

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

There was no further action taken on this item.

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

**Recommendation: Committee Discussion/Comments**

Nancy Downes, Oceana, presented a PowerPoint presentation regarding a proposed resolution protecting the coast from new offshore oil drilling. She reported in April 2017, President Trump issued Executive Order 13795, "Implementing an America-First Offshore Energy Strategy" and the draft proposed program was released in January 2018. She advised even though the Executive Order is stalled due to litigation it remains active.

Ms. Downes presented an overview of the timeline for drilling and reported there are seven (7) proposed lease sales in the Pacific Region shown on a map. She expressed concern that drilling can cause oil spills and referenced notable California spills including Santa Barbara in 1969, American Trader in 1990, Cosco Busan in 2007 and Refugio in 2015. She presented a rendering of the impact of the BP 2010 Oil Disaster if it had occurred on the West Coast to help illustrate the scale of a major oil spill on California's coastline.

Ms. Downes presented a brief overview of the current status of oil leases in California and noted there is strong support to stop offshore drilling. She reported Governor Jerry Brown signed Senate Bill 834

and Assembly Bill 1775 to block expanded oil drilling along the California coast but does not stop federal drilling activities but makes it cost-prohibitive. She reported every West Coast and East Coast Governor has publically opposed the Executive Order and 360 nationwide resolutions have been adopted opposing the Executive Order.

Ms. Downes reported the establishment of the Business Alliance for Protective of Pacific Coast which includes 7,500 businesses on the West Coast that are opposed to offshore drilling and highlighted their recent activities. She reported Long Beach's Sustainability Commission recently made a recommendation to the City Council to introduce a resolution. She encouraged the committee to support the adoption of the resolution.

Utilities Department Director Mark Vukojevic reported the City runs 16 oil wells for pumping oil and gas and noted the City already has many protections written into the City Charter and General Plan. He noted the proposed resolution has additional language included which the City may not support. He recommended the City exercise caution as resolutions are very long and complicated and encouraged the City to refrain from taking action that jeopardizes other Federal programs including dredging.

Chair Herdman noted as a Councilmember, he would need to hear from the community before he took any action on the item and noted that other Council Members feel the same way. He reported the committee has the option to table the item or take action to support the resolution.

In response to Committee Member Houston, Ms. Downes reported California is slowly transitioning away from fossil fuels to clean energy. She referenced other cities such as Long Beach and El Segundo who offered their support of the resolution if presently permitted activities were not impacted. Utilities Director Vukojevic clarified the City Charter currently includes that language. Ms. Downes noted federal drilling begins between three and four miles offshore and an oil spill cannot differentiate between federal and state waters. Utilities Director Vukojevic clarified the City has specific language in the General Plan regarding federal offshore drilling and if there is a real threat, the City will respond.

Committee Member Robertson suggested a resolution be drafted that restates the opposition to federal oil drilling which would reaffirm the language in the General Plan. Chair Herdman stated the General Plan does not talk about federal drilling. Committee Member Robertson expressed support for developing a resolution for the City of Newport Beach. Committee Member Houston noted the City decided to no longer support offshore drilling but the feels the resolution is taking it one step further.

Utilities Director Vukojevic clarified the General Plan policy states the City opposes new offshore oil, gas and other hydrocarbon drilling activities and exploration work but does not make a distinction between state and federal offshore oil drilling. Chair Herdman stated the proposed resolution would be an expression of how the City feels but would have no jurisdictional authority but simply states a position.

Committee Member Robertson suggested a resolution stating the City does not want to support anything that would jeopardize the economy or impact tourism. Ms. Downes stated El Segundo was uncomfortable in opposing the Executive Order but felt an oil risk spill made them a stakeholder. Committee Member Houston expressed his opposition to the resolution and feels it has no value. Chair Herdman feels the General Plan sufficiently states the City's position. Committee Member Robertson expressed his support in restating the City's position in a resolution.

Chair Herdman opened public comments.

In response to Nancy Skinner's inquiry, Chair Herdman reiterated the City's position is already stated in the General Plan. Committee Member Robertson stated residents do not really know what is in the General Plan. Utilities Director Vukojevic suggested the item be sent to the General Plan Committee with a recommendation to add some additional language.

Hoiyin Ip mentioned Nancy Gardner and Dennis Baker introduced the item, and Gardner chaired General Plan Committee. She felt they would not have done so if they felt the General Plan language was enough. Ms. Downes reported the General Plan language would be disregarded by the Department of the Interior because it does not have specific language opposing the Executive Order.

Utilities Director Vukojevic suggested the City develop a Letter of Support as an alternative. Committee Member Robertson requested clarification of the process revised the language in the General Plan, process and possible language to be added. Senior Engineer Kappeler will add the topic to the April meeting agenda before a decision is made on how to proceed.

Chair Herdman closed public comments.

The item was continued to the April 2, 2020 meeting.

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

**Recommendation: Committee Discussion/Comments**

The committee took a site visit to the Santa Ana Delhi Diversion Project.

**6) 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)

Committee Member Houston requested a review of committee membership rules. In response to Chair Herdman inquiry, Senior Engineer Kappeler advised the City Council will review the position of Committee Member Carl Cassidy in April as he never formally vacated his position and once approved, the vacancy will be advertised.

Senior Engineer Kappeler reported Committee Member McNeil did email before the meeting that he was unavailable for this meeting. Chair Herdman expressed concern about Committee Member McNeil's continued absence. Senior Engineer Kappeler clarified the rules state a position can be vacated after three (3) unexcused absences.

**7) Public Comments on Non-Agenda Items (5 min)**

Ms. Ip reported Ms. Gardner requested the City Council make the committee an Environmental Committee or create a separate committee. She referenced the Laguna Beach Environmental Committee selection process noting that City Council interviews every candidate publicly. Chair Herdman indicated the City has a similar process in which interested parties apply and are interviewed by a subcommittee who in turn makes a recommendation to the City Council for approval.

Resident Jim Mosher spoke about a meeting of a Harbor Commission subcommittee regarding new regulations for liveaboards at marinas in the Harbor. He reported the subcommittee stated that the current regulations and stepped up enforcement about the liveaboards on the moorings was clearly having an effect as the water quality in the Harbor was the best it has been since the 1950s. Mr. Mosher requested information regarding who originated the claim and clarification of the reference in terms of water quality.

Mr. Mosher reported the subcommittee also discussed the practice of placing dye tablets in sewage holding tanks and expressed concern about owners emptying them in the night. Mr. Mosher inquired if there was a way to detect if the dye tablets were released at night. Ms. Skinner reported this issue has been discussed before and did not feel there was a way to detect if the tank was emptied.

In response to Committee Member Houston’s inquiry, Mr. Mosher reported Harbor Commissioner Bill Kenney made the water quality claim. Chair Herdman said he was the one who said it at a council meeting. Committee Member Houston agreed the water quality in the Harbor has improved over time. Assistant City Engineer Bob Stein responded the visual clarity of the Harbor has improved. Committee Member Robertson also agreed the water quality has improved since the 1970s, but there were problems we didn’t know.

**8) Set Next Meeting Date (5 min)**

Recommendation: April 2, 2020

Chair Herdman set the next meeting for April 2, 2020.

**9) Adjournment**

The meeting was adjourned at 3:49 p.m.

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Chair / Jeff Herdman