



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Civic Center Community Room

Monday, November 9, 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)**
Recommendation: Approve minutes as presented
[Water Quality Draft Minutes 10012020](#)
- 5) **CURRENT BUSINESS (60 min)**

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

Recommendation: Committee Discussion

(b) Food Ware Services Ordinances (John Kappeler/Jeremy Jung) (30 min) Update on the five ordinances previously reviewed and approved by the committee.

Recommendation: Committee Discussion

(c) Peters Canyon Diversion (Ian Swift) (20 min) Presentation and update on the Peters Canyon Diversion Project.

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.

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) Trash Interceptor Public Outreach Plan (Dec 2020)

(b) Fecal Coliform Time Schedule Order (TSO) (Dec 2020)

(c) Balboa Island Drainage Plan (Dec 2020)

(d) Shellfish Monitoring (Jan 2021)

(e) Orange County Sanitation District Micro-Plastics (Feb 2021)

(f) City of Newport Beach Street Sweeping Program (Winter 2021)

(g) City of Newport Beach Sustainability Plan (Spring 2021)

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

(i) Orange County Sanitation District (OCSD) Coordination (Spring 2021)

(j) Ocean Kelp Project (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: December 1, 2020

10) **ADJOURNMENT**

Date: October 1, 2020

Time: 3:00 p.m.

Location: Newport Beach Civic Center, Zoom Conference Call, Newport Beach, CA 92660

Meeting Minutes prepared by:

- 1) **CALL MEETING TO ORDER** - The meeting was called to order at 3:10 p.m. by Senior Engineer John Kappeler, on Chair Herdman's behalf.

2) ROLL CALL AND INTRODUCTIONS

Committee Members present:

Councilmember Jeff Herdman, Chair
Dennis Baker
Louis Denger
Fred Galluccio
Richard McNeil
George Robertson

Committee Members absent:

Tom Houston
Councilmember "Duffy" Duffield, Vice Chair
Carl Cassidy

Guests present:

Nancy Gardner, Orange Coast River Park
Hoiyin Ip, Sierra Club
Jim Mosher, Resident
Bill Lane, Dana Point Ocean Water Quality Subcommittee

Staff present:

John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant
Shane Burckle, Water Conservation Coordinator
Bob Stein, Assistant City Engineer

3) PUBLIC COMMENT ON AGENDA ITEMS

Committee Member Louis Denger asked for a status update on dredging in the channels. Senior Engineer Kappeler gave a brief status report on the dredging; reported the City is moving forward, preparing the EIR, permit applications and noted a report will be presented at a future Committee meeting.

Jim Mosher, Resident, suggested adding directions for connecting to online meetings to future agendas and that presentations and supporting materials be included in agenda packets.

Senior Engineer Kappeler reported the October meeting of the Committee may be the last remote meeting as Chair Herdman would like to meet in person in November; added that there are plans to hold the November meeting in the Community Room on Monday, November 9, due to the availability of the Community Room; stated staff has attempted to get the data out in advance of the meeting but it is not always available and indicated comments are noted and staff will try to get presentations out in the future.

Relative to agenda Item No. 6A, he referenced the monthly Water Quality report; noted staff was not able to get the data from Orange County Public Health and reported the topic will not be covered today, but will cover 2 months of data at the November meeting. Committee Member Galluccio discussed the “Chat” option on Zoom and suggested continuing to hold online meetings instead of in-person meetings for increased public safety and he is unable to attend Monday meetings due to work. Senior Engineer Kappeler noted safety protocols will be followed. Committee member Baker felt that in-person meetings allow for increased participation by the public.

4) REVIEW AND APPROVAL OF MINUTES (5 MIN)

Committee Member Robertson moved to approve the Water Quality/Coastal Tidelands Committee Minutes of September 3, 2020, as presented. Committee Member Baker seconded the motion, which carried, unanimously.

5) CURRENT BUSINESS (60 min)

- (a) Committee Goals/Objectives (Shane Burckle) (5 min)** Review and status update on the committee’s goals and objectives.

Recommendation: Committee Discussion

Water Conservation Coordinator Burckle presented an update on the Newport Harbor Waste Oil Collection program addressing before and after locations adjacent to Marina Park; noted the structure should be delivered by October 13th and installed by mid-month; reported the collection site will be staffed from 7:00 a.m. to 5:00 p.m., daily; discussed a secondary containment, slip-resistant flooring, a location for used oil filters and new and used bilge pads; reported CalRecycle will collect used oil and filters and will replace the bilge pads and addressed signage issuance of an EPA-DTSC (Department of Toxic Substance Control) number. He stated this facility is another amenity for the boating community; indicated City Council wanted at least 3 or 4 of the facilities; reported this is the second official location and noted the facility should be up-and-running by the end of November. In reply to Committee Member Galluccio’s inquiry, Water Conservation Coordinator Burckle reported that staff will monitor the facility during the daytime and stated the Harbor Master has committed his time and staff to monitor the facility. Committee Member Baker asked about including an emergency number on signage and Water Conservation Coordinator Burckle agreed it is critical that nothing improper should be discarded discussed the need for signage to clearly identify what can be discarded. In reply to Mr. Mosher’s question regarding whether the public can use the facility to discard used oil, Coordinator Burckle reported it is open to the public but primarily targeted to boaters. Chair Herdman asked about plans for other facilities and Coordinator Burckle reported a third one will be located by Harbor Marina, but the City is still negotiating with the lease holder. In terms of funding, Water Conservation Coordinator Burckle indicated money was set aside in the City’s CIP (\$130,000); broke down costs and noted \$49,000 was dedicated to this specific location. He added the oil goes through a used oil grant from CalRecycle; reported the City has a higher usage rate of utilization of grant money than other cities and will be taking some of the money from cities that are underutilizing their grant money and noted the facility will not be fenced but will be locked after 5:00 p.m.

- (b) Food Ware Services Ordinances (John Kappeler/Hoiyin Ip) (15 min)** Update on the five ordinances previously reviewed and approved by the committee.

Recommendation: Committee Discussion

Senior Engineer Kappeler provided an update on the Trash and Toxics Reduction Ordinance previously reviewed and approved by the Committee; addressed impacts of Covid-19 on restaurants; noted people are now focused on take-out and discussed the possible need to revise some of the content. Committee Member Galluccio did not see the problem with proceeding with the ordinance. Hoiyin Ip, Sierra Club, displayed a PowerPoint presentation entitled “Plastic in the Pandemic”; asked the Committee to continue supporting local, small restaurants; suggested calculating where and what to order to minimize single-use

food ware; explained that Covid-19 has elevated the plastic crisis due to the increased single-use plastic consumption including masks; reported coastal cleanup data now shows that food wrappers are the number one litter item, no longer cigarette butts. Since SB 54 and AB 1080 didn't pass, beach cities must lead by example to reduce plastic. Ms. Ip stressed that ocean litter must be addressed through source reduction and prevention; discussed increasing cleanup costs and State regulations; referenced various studies regarding bag and cup fees, and the trend of new ordinances; talked about the Trash and Toxics Reduction Ordinance approved by the Committee on January 9, 2020 and asserted it's still necessary. She listed Covid-19 update by defining serve-on-request for take-out and dine-in and opined another review of the ordinance in November is unnecessary. Senior Engineer Kappeler explained that if there are no suggested changes to the ordinance and the Committee does not want to review the matter again in November, then the item will be sent to the City Attorney's office for review. After the City Attorney's review, the ordinance will go to the City Council.

Committee Member Baker moved to forward the Trash and Toxics Reduction Ordinance to City Council for consideration, barring any legal issues. Committee Member Galluccio seconded the motion, which carried, unanimously, by roll call vote.

- (c) Abalone Water Quality Study (John Kappeler) (10 min) Presentation on a water quality study at Abalone Ave on Little Balboa Island.

Recommendation: Committee Discussion/Comments

Senior Engineer Kappeler gave an update of the Water Quality Study at Abalone Avenue on Little Balboa Island; reported the City's Public Works Department decided to do testing at six sites weekly, for a month, took samples and processed 80 analyses. He addressed the locations where samples were taken; reported they were analyzed by the Water Quality Lab on Shellmaker Island; noted the sites are not big drainage areas but rather street ends without catch basins. Senior Engineer Kappeler reported observing a lot of paw prints and stated the OC Public Health person that takes the samples normally see dogs on the beach, in the mornings and indicated staff is leaning towards pet issues causing the problem. He reported the City is not concerned it is a chronic health problem at this point and noted the area will continue to be monitored.

- (d) Big Canyon Phase 2A (Bob Stein) (30 min) Presentation on the Big Canyon Phase 2A construction project.

Recommendation: Committee Discussion/Comments

Assistant City Engineer Stein displayed a PowerPoint presentation on the Big Canyon Phase 2A construction project; acknowledged the Committee for their support and help and recognized Committee Member Denger for his assistance. He discussed a pepper tree dominance in the Big Canyon, removal of the pepper trees, protecting native vegetation, planning and participation of active agencies in the project, plans for selective removal areas, impacts of the polyphagous shot hole borer (PSHB) to willow trees and the need to remove diseased willows. Engineer Stein reported 4 acres of clearing is nearly complete on the south side of the creek; noted 400 to 500 trees have been removed; discussed the widening of the flood plain, 30 feet on each side of the creek; stated the project is moving forward quickly, as the rain season is approaching and talked about the open water areas are beginning to attract birds. He addressed a high ground water issue; displayed a revised hydroseed area and schedule; reported that now that high ground water has been discovered, plans have been altered based on the field conditions; presented next steps for future improvements and announced a Park Restoration Dedication Ceremony is planned in 2021. Committee Member Baker spoke about the idea of having an area for retreat and concerns about sea-level rise; commented on the proliferation of pepper trees in the area because the area was overlooked for many years and asked about plans to prevent it from happening in the future. Assistant City Engineer Stein pointed out a high-marsh area used by endangered species; reported the design is good for approximately 100 years for providing habitat migration for plants and endangered species; mentioned

the City may need to look at other locations to provide opportunities for migration and noted the City is responsible for mitigation at about \$60,000 to \$70,000 per year for 5 years. Committee Member Baker discussed maintenance; reported once native species are established, they are effective in controlling invasive species and suggested maintenance costs may decrease after 10 years. In reply to Chair Herdman's question, Engineer Stein explained the plan would accommodate sea-level rise for 100 years. Committee Member Galluccio mentioned issues with toxins from homes above his; noticed there is housing above the subject area and wondered about the process for preventing toxins and seeds. He hoped the City can mitigate the matter by offering public education. It noted there was a suggestion to partner with neighborhood associations and negotiate a cost-sharing agreement to remove pepper trees. In reply to Chair Herdman's question regarding community outreach, Stein indicated there have been several outreach efforts with the help of the Newport Bay Conservancy and reported he expects that property values will be going up with this project. Committee Member Denger suggested looking into grant funding to remove pepper trees and discussed the sewer line and the East Bluff side access point. Nancy Gardner, Orange Coast River Park asked about vector control and Engineer Stein reported once the site is graded there will not be any exposed ground water left. Committee Member Galluccio would like to see no pesticides used in this area and suggested using natural fertilizers. Committee Member Denger noted that Vector Control will be monitoring the area and reported if the contractor has experience using herbicides there should not be any issues. Chair Herdman, as a trustee on the Orange County Vector Control Board, reported this area is a large breeding ground for mosquitoes; commented positively on eliminating a large breeding ground for mosquitoes with this project and addressed cases of West Nile Virus in Newport Beach this year. Committee Member Denger thanked Engineer Stein for involving Vector Control in this project from the beginning. Ms. Gardner noted there are areas where the use of herbicides is needed and suggested specifying when the use of herbicides is necessary instead of making a blanket decision.

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.

Recommendation: Receive and File

This item was not considered as data was not available from Orange County Public Health. It will be on the Committee's November meeting agenda.

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) Peters Canyon Diversion (Nov 2020)
- (b) Food Ware Services Ordinances (Nov 2020)
- (c) Fecal Coliform Time Schedule Order (TSO) (Dec 2020)
- (d) Balboa Island Drainage Plan (Dec 2020)
- (e) Shellfish Monitoring (Jan 2021)
- (f) Orange County Sanitation District Micro-Plastics (Feb 2021)
- (g) City of Newport Beach Street Sweeping Program (Winter 2021)
- (h) City of Newport Beach Sustainability Plan (Spring 2021)
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- (j) Orange County Sanitation District (OCSD) Coordination (Spring 2021)
- (k) Ocean Kelp Project (Spring 2021)

Chair Herdman referenced a meeting with staff where each item was reviewed, and adjustments were made to the project timelines due to Covid-19. Regarding Peters Canyon Diversion, Committee Member

Denger requested asking Ian Swift to give a short presentation at the next meeting. Committee Member Baker agreed. Senior Engineer Kappeler stated he will check on Mr. Swift's availability and noted they need to provide a status update on the project. Hoiyin Ip, Sierra Club stressed the importance of the sustainability plan on the list and hoped it will be given greater priority. Chair Herdman indicated City Council will discuss the General Plan update at its next meeting, including the sustainability part of the plan. Committee Member Baker announced the start of the Newport Beach Film Festival. Assistant City Engineer Stein agreed with giving sustainability a broader outlook; reported the City is moving forward with the Trash Interceptor; commented on the need for increased social media outreach; suggested that the Committee assist with reaching out to the community and asked for the item to be placed on the Committee's next meeting agenda.

8) PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 MIN)

Hoiyin Ip agreed with Mr. Mosher's earlier comment about including presentations and other documents in agenda packets. Chair Herdman requested adding the topic to the next agenda for discussion.

9) SET NEXT MEETING DATE (5 MIN)

Recommendation: November 9, 2020

10) ADJOURNMENT

The meeting was adjourned at 4:50 p.m.

Chair / Jeff Herdman