



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Conference Room (Bay 2D)

Thursday, October 7, 2021 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Council Member Duffy Duffield, Chair
Council Member Noah Blom, Vice Chair
Peter Belden, Member
Curtis Black, Member
Louis Denger, Member
Charles Fancher, Member
Lawrence Houston, Member
Richard McNeil, Member
George Robertson, Member

Staff Members:

Jim Houlihan, Deputy Public Works Director/City Engineer
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 (10 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)**

[WQCT Draft Minutes 09092021](#)

- 5) **CURRENT BUSINESS (50 min)**

(a) Committee Goals/Objectives (Bob Stein) (30 min) Review and status update on the committee's goals and objectives.

Recommendation: Committee Review and Approval/Denied/Other

(b) Surfrider Ocean Friendly Restaurant Program (John Wadsworth) (10 min) Update and presentation on the key elements of the plan.

Recommendation: Committee Discussion

6) **ON-GOING BUSINESS**

(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) City of Newport Beach Utilities Water Conservation Ordinance and Tour (November 2021) - Objective UR1

(b) City of Newport Beach Refuse Update (January 2022) - Objective T9

(c) Trash Interceptor Public Outreach Plan (January 2022) - Objective T10

(d) Fecal Coliform Time Schedule Order (TSO) (February 2022) - Objective UR7

(e) Bacteriological Rapid Testing Methods (February 2022) - Objective T8

(f) City of Newport Beach Sustainability Plan (March 2022)

(g) NASA Study - Sea Level Rise (Spring 2022) - Objective H3

(h) Balboa Island Drainage Plan (Spring 2022) - Objective H8

(i) Shellfish Monitoring (Summer 2022) - Objective H8

(j) IRWD Siphon Reservoir Project (Summer 2022) - Objective P2

(k) City of Newport Beach Foodware Service Ordinance (Summer 2022) - Objective T6

(l) City of Newport Beach Street Sweeping Program (Summer 2022) - Objective T7

8) **PUBLIC COMMENTS ON NON-AGENDA ITEMS (10 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: November 4, 2021

10) **ADJOURNMENT**

Date: September 9, 2021
Time: 3:00 p.m.
Location: Newport Beach Civic Center, Crystal Cove Conference Room
Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:04 p.m. by Chair Duffield

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Chair Duffy Duffield
Peter Belden
Curtis Black
Charles Fancher
Tom Houston
Richard McNeil (Via Telephone)
George Robertson

Committee Members Absent:

Councilmember/Vice Chair Noah Blom
Louis Denger

Guests Present:

Nancy Gardner, Orange Coast River Park
Hoiyin Ip, Sierra Club
Charles Klobe, Still Protecting Our Newport (SPO)
Jim Mosher, Resident

Staff Present:

Shane Burckle, Water Conservation Coordinator
Garrett Coker, Public Works Technical Aide
Karen Gallagher, Administrative Assistant
Jeremey Jung, Deputy City Attorney
John Kappeler, Senior Engineer
Carissa Macias, Natural Resources/KSS
Bob Stein, Assistant City Engineer
Dave Webb, Public Works Director

3. Public Comment on Agenda Items

Hoiyin Ip provided a brief overview of food ware bills that have already passed the state legislation. She reported other cities such as Laguna Beach have moved ahead with food ware ordinances. She noted that this is the committee's fifth year of working on the plastic ordinances ..

Ms. Ip expressed concern that the committee changed 10-cents bag fee for both paper and plastic bags to plastic bags only, it may encourage businesses to change their paper bags back to plastic bags to make a

little bit of money. She advised there is no single bill or ordinance that requires fee only for single-use plastic bags. She is unsure how the City will be viewed if it goes that route. She recommends the City review the proposed Styrofoam ban on beaches and parks since things have changed since 2019, and Laguna Beach banned single-use plastic food ware on beaches, parks and trails.

4. Review and approval of minutes (5 min)

Motion. Committee Member Fancher moved to approve the minutes as amended; Committee Member Belden seconded; motion approved unanimously.

5. Current Business (50 min)

(a) City of Newport Beach Municipal Code Ordinance Updates (Chair Duffield/Jeremy Jung) (10 min)
Review and/or approval of the proposed revisions to the following ordinances:

- a. Municipal Code 6.27 – Carryout Bags
- b. Municipal Code 11.04 – Parks, Park Facilities and Beaches

Recommendation: Committee Review and Approval/Denied/Other

Senior Engineer John Kappeler provided a brief overview of the edits made to the two ordinances for the committee. He advised for Municipal Code 6.27 – Carry Out bags, they added the word “plastic” to 6.27.10 Item B. He clarified for Municipal Code 11.04 – Parks, Park Facilities and Beaches, Item J states ‘except water sports boards’.

Motion. Committee Member Fancher moved to approve Municipal Code 6.27 – Carry Out bags and Municipal Code 11.04 – Parks, Park Facilities and Beaches; Committee Member Belden seconded; both ordinances were approved by the committee.

Senior Engineer Kappeler reported that once all of the ordinances are approved, they will be presented together to the City Council for consideration.

Committee Member Fancher requested the Food Ware ordinance be included as a future agenda item.

(b) Committee Goals/Objectives (Bob Stein) (30 min) Review and status update on the committee’s goals and objectives.

Recommendation: Committee Discussion

Assistant City Engineer Bob Stein passed out a worksheet of potential objectives to Committee Members and attendees and requested they rate the objectives for the Water Quality Committee to tackle. He recommended Committee Members identify an objective they like and indicate if they are willing to take a leadership role for that objective. He advised those objectives with strong support will be moving forward. He noted that those with a split decision will be discussed at the October meeting to prioritize those objectives and develop a final list of objectives. He explained the goal in the past was to accomplish 1/3 of the objectives within the first year, 1/3 the second year, and moving down the list in subsequent years.

Committee Member Houston requested clarification of the Cherry Creek Water Quality and Restoration. Assistant City Engineer Stein reported residents in the past have complained about mosquitos or development of the creek. He advised the lake itself has some bacteria problems and the Water Santa Ana Regional Water Quality Board wants to focus on it and noted the Central Orange County (COC) Watershed Management Area (WMA) wants to participate in some kind of project.

In response to Committee Member Fancher's inquiry, Senior Engineer Stein reported the tally sheets will be collected after the meeting. Committee Member Belden recommended reviewing each objective item by item.

Senior Engineer Kappeler reported Item No. 01 is to implement a water distribution plan based on State requirements and guidelines. Water Conservation Coordinator Shane Burckle explained this goal largely concerns water supply and efficiency. He reported SB 606 and AB 1668 were passed two years ago, are very prescriptive, and give authority to the State to prescribe a percentage allocation to each City and/or Water District beginning in 2025. He envisions it will need to be broken down into categories of commercial, residential, multi-family, as well as City consumption, medians, streets, passive parks, and things like that. He explained it will require a lot of work and there will need to be a few Municipal Codes revised. Assistant City Engineer Stein reported the focus is on water supply.

Committee Member Fancher recommended this goal be labeled an A. He reported 68% of the City's water comes from 4 groundwater wells in the Fountain Valley, 28.5% of the water supply is imported and regulated from the Metropolitan Water District (MWD). He advised in 2025 the State will dictate to the MWD and the MWD to the City as to how much water it gets. He explained if 28.5% of the water received from the MWD goes down the City has a problem. He noted the City uses 3.5% of recycled water which may grow slightly but is largely dependent on four groundwater wells in Fountain Valley that are experiencing diminishing recharging levels and contamination. He recommends the City watch and deal dogmatically and proactively with the State and agencies on how much water the City takes because it is vulnerable. He reported many of the South County water districts are very vulnerable as 90% of their water comes from the Colorado River water source.

Committee Member Houston suggested the committee take a tour of the Utilities Department and discuss the issue with Utilities Director Mark Vukojevic. He noted one of the problems with the pandemic is all the judgments were made on the worst conditions that could happen. He advised water goes through cycles and the City happens to be in a dry cycle and the water level is down. He believes it is important to get a perspective from the City Executives who have been in this business for some time to see what the City has available to take care of its needs. He noted he never would have thought the City would be using wells in Fountain Valley for water.

Chair Duffield mentioned when he was elected one of his first tours was a tour of the water plant. Assistant City Engineer Stein indicated that a tour could be arranged.

Committee Member Fancher advised that if the City only has 50% of the water coming in a year from now or 10 years from now all of the engineering and mechanics cannot make up for losing half of the water and is concerned about the "what if".

Assistant City Engineer Stein recommended talking to Peer Swan from Irvine Ranch Water District (IRWD) who is buying land in San Bernardino to create an infiltration basis and obtaining infiltration credits from Metropolitan Water District (MWD) which they cash in on the end. He advised Mr. Swan could come in and talk about that their insurance policy.

Nancy Gardner reported the Orange County Water District and the Sanitation District are expanding their efforts for more reusable water. She suggested Committee Member Robertson speak about reusable water.

Resident Chuck Klobe reported the Orange County Water District pumps 100 million gallons of recycled water into the ocean daily. He noted other cities such as Irvine have a much more robust

purple pipe recycled water program. He advised the City has no plans to expand the purple pipe recyclable water program which is a source of water that could be used for watering. He advised there are no building codes that require a purple pipe. He noted the purple pipe could provide all the insurance that is needed for the outdoors. He advised Irvine flushes its toilets with purple pipe recycled water and the City flushes its toilets with fresh water.

Assistant City Engineer Stein reported Item No. 02 is to develop a resolution promoting the elimination of all dry-weather flows entering the bay from City storm drains by source control and use reduction. He advised dry weather flows are a water quality issue for bacteria and some other constituents. He advised it is not a City policy but something the committee could promote.

Chair Duffield reported he sits on the Executive Watershed Committee Board and was informed there was an impending State mandate that all cities needed to stop dry-weather flows. He advised Newport Beach is the recipient of all the downstream trash. He was advised the cities upstream were going to be on a fine system unless they were able to put up screens and eliminate the flow. Assistant City Engineer Stein reported staff will investigate.

Assistant City Engineer Stein reported Item No. 03 are recommendations for Cherry Creek Water Quality and Restoration. He advised there are water quality issues in the area and there are more and more residents who call with issues. He suggested another tour of the lake can be conducted. He noted the Santa Isabella Channel is a potential grant-funded restoration area that is downstream from the creek and could be used to mitigate some of the bacteria problems.

In response to Committee Member Fancher's inquiry, Assistant City Engineer Stein confirmed there is no funding mechanism but reported the State is robust with grant funds noted the area is used by the community amenity hiking. Chair Duffield reported it is all the dredge material from the ski area and was intended to be a park at one point in time. He suggested resurrecting the project and getting Parks and Beaches involved in helping.

Committee Member Black noted it sounds like an easily solvable project worth tackling if funding is available. Assistant City Engineer Stein advised it would be a \$1 million project. In response to Committee Member Houston's inquiry, Assistant City Engineer Stein reported \$1 million would provide the trails but would not be enough for a park or parking. Senior Engineer Kappeler believes the City could receive Proposition 1 funding for the goal.

Assistant City Engineer Stein reported Item No. 04 is pesticide and herbicide source control. He advised aside from trash pesticide and herbicide is the biggest pollutant coming into the bay and is one of the reasons the City is forced to dredge as often as it does. He noted it is ironic the City dredges to get the sediment clean and, in the meantime,, it is continuously spilling into the bay. He advised Amanda Carr from the Orange County Watershed has advised source control is the way to go but advised the County has not moved forward with it. He believes the Total Maximum Daily Loads (TMDL) is due next year and the County will be in violation. He suggested the committee could help move this along.

In response to Committee Member Black's inquiry, Senior Engineer Kappeler advised it is cities upstream including Tustin, Orange, and Lake Forest. Committee Member Black recommended this be listed as an A item. Senior Engineer Stein recommended taking it off the Home Depot shelves and require professionals to apply the pesticides but would require some kind of County code. Ms. Gardner reported the problem is there is a group that wants to ban all uses which is why it stalled at the County.

- (c) Surfrider Ocean Friendly Restaurant Program (John Wadsworth) (10 min) Update and presentation on the key elements of the plan.

Recommendation: Committee Discussion

Senior Engineer Kappeler reported Mr. Wadsworth was unable to attend and requested the item be continued to the next committee meeting.

There was no further action taken on this item.

6) On-Going Business (5 min)

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

Recommendation: Receive and File

Senior Engineer John Kappeler presented the test result highlights. He reported the bay has been spotless for months. He reported there is one issue at Vons in the upper bay that has no beach access. He noted it is wildlife-related and not concerning. He advised it has been a great summer for water quality.

There was no further action taken on this item.

7) Committee Announcements on Matters which Members would like placed on a future agenda for discussion, action or report (Non-Discussion Item) (5 min)

- (a) City of Newport Beach Sustainability Plan (October 2021)
- (b) City of Newport Beach Refuse Update (October 2021)
- (c) City of Newport Beach Public Works Capital Improvement Program (CIP) (November 2021)
- (d) Fecal Coliform Time Schedule Order (TSO) (Winter 2021)
- (e) Bacteriological Rapid Testing Methods (Winter 2021)
- (f) Trash Interceptor Public Outreach Plan (January 2022)
- (g) Balboa Island Drainage Plan (Spring 2022)
- (h) Shellfish Monitoring (Spring 2022)
- (i) IRWD Siphon Reservoir Project (Spring 2022)
- (j) City of Newport Beach Foodware Service Ordinance (Summer 2022)
- (k) City of Newport Beach Street Sweeping Program (Summer 2022)

Assistant City Engineer Stein proposed reviewing the Water Quality Committee resolution and enlarge the scope and bringing it back to the October meeting to discuss.

Committee Member Black reported National Aeronautics and Space Administration (NASA) recently studied the cycles of tidal flooding and how they are likely to decrease in the 2020s and increase in the 2030s. He advised it was published between NASA and the University of Hawaii. He reported he contacted the author who offered to meet with the committee to share the research. He advised it is worth the public education and putting things into place now when there might not be perceived need.

Committee Member Houston reported the doctoral candidate on sea-level rise contacted him and recommended books to read on the same issue. Committee Member Black reported the study he is referring to separates sea level rise and extreme tidal events.

Committee Member Houston referenced an article from Stanford researchers on sea-level rise on how barricading San Francisco Bay creates problems for other cities.

8) Public Comments on Non-Agenda Items (10 min)

There were no public comments.

9) Set Next Meeting Date (5 min)

Recommendation: October 7, 2021

The committee discussed the agenda items for October and November.

Chair Duffield set the next meeting for October 7, 2021.

10) Adjournment

The meeting was adjourned at 4:40 p.m.

Chair / Duffy Duffield