

CITY OF NEWPORT BEACH

City Council Meeting Minutes
Regular Meeting
March 25, 2025

I. ROLL CALL – 4:02 p.m.

Present: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

II. INVOCATION – Mayor Stapleton

III. PLEDGE OF ALLEGIANCE – Councilmember Grant

IV. PRESENTATIONS

• **Proclamation Recognizing National Library Week**

Mayor Stapleton read the proclamation and presented it to Chase Rief, Chair of the Board of Library Trustees, and Library Services Director Hartson who thanked Council for their support and recognition, introduced other members of the library team, and noted this year’s theme “Drawn to the Library.”

• **Recognition of Newport-Mesa Unified School District Students**

Coach Bryan Middleton introduced the Corona del Mar High School girls varsity golf team. He thanked the City of Newport Beach, the Newport-Mesa Unified School District, Principal Jake Healy, and Athletic Director Brian Walsh, and noted the team won the school’s first ever CIF golf championship.

Coach Ross Sinclair introduced the Newport Harbor High School boys varsity water polo team and commented on the team’s 34 wins on the road.

• **History of the Balboa Island Ferry by Seymour Beek**

Seymour Beek utilized a presentation to provide a history of the Balboa Island Ferry.

In response to Mayor Stapleton’s question, Mr. Beek replied that about 1.5 million people use the ferry each year.

Councilmember Grant commented that Mr. Beek is well loved in the community and thought his presentation was remarkable.

V. NOTICE TO THE PUBLIC

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

Councilmember Weigand:

- Presented a slide to report on the Orange County Mosquito and Vector Control District’s Sterile Insect Technique (SIT)
- Shared February statistics regarding City development activities, including permits, inspections, and code enforcement

Councilmember Barto:

- Attended the Orange County Watershed Committee meeting, trash interceptor tour, as well as the District 5 Mayor’s meeting and medical campus tour
- Attended Jamboree medical campus tour and Citizens Police Academy
- Participated in the Annual Spirit Run

Councilmember Grant:

- Attended the Association of California Cities – Orange County (ACC-OC) advocacy trip with Mayor Pro Tem Kleiman, the NBPD Mobile Café on the Peninsula, the Annual Spirit Run and Dog Mile and extended her appreciation to Diane Daruty and her team, and Assembly Member Diane Dixon’s 72nd Women of the Year event
- Displayed a slide of the OASIS Senior Center’s Talent Show
- Met with Councilmember Weber to discuss emergency evacuation scenarios for Newport Coast
- Attended the Historical Society’s Gala presented by Bill Lobdell
- Displayed a Yeti mug from the Newport Beach Animal Shelter and presented one to each Councilmember
- Displayed a slide of Orange County Supervisor Janet Nguyen’s Women of Distinction event and presented Mayor Pro Tem Kleiman with her plaque since she was not able to attend the event

Mayor Pro Tem Kleiman:

- Attended the ACC-OC advocacy trip

Mayor Stapleton:

- Continued the Mayor’s State of the City tour
- Attended the Laguna Beach State of the City Mayor’s luncheon and the Annual Spirit Run
- Complimented the Eagle Four Partners, Scott Easton, and the Newport Beach Country Club for the Hoag Classic
- Attended the Newport Beach Historical Society Gala, the Navy League event to present a certificate to Admiral Swift, and a Pacific Sotheby’s Realty meeting to present the State of the City

VII. PUBLIC COMMENTS ON CONSENT CALENDAR

Adam Leverenz thought long-term lodging in residential areas is something to be aspired for (Item 3) and suggested a child or student menu be included at the Central Library concession stand (Item 9).

Denys Oberman noted the correspondence she sent to Council regarding Item 3, thought the proposal will interfere with the City’s goal to reduce short term lodging (STL) permits in residential areas, and objected to giving the Finance Director unilateral authority to adjudicate and indefinitely postpone actions that are within the City’s regulations.

Jim Mosher thought the ordinance related to Item 3 is not written as well as it should be and noted what he thought was a discrepancy in the information provided by the City for the rate at which STL applications come off the waiting list each year. In addition, regarding Item 9, he suggested providing clarification to the public about the vendor selection process.

VIII. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the March 11, 2025 City Council Meeting

Waive reading of subject minutes, approve as amended, 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.

ORDINANCE FOR ADOPTION

- 3. Ordinance No. 2025-4: Amending the Newport Beach Municipal Code to Update Administrative Procedures Related to Good Cause Determinations and the Extension of Deadlines for Short-Term Lodging Permits**
- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this action will not result in a physical change to the environment, directly or indirectly; and
 - b) Conduct second reading and adopt Ordinance No. 2025-4, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 1.08.120 (Definitions) of Title 1 (General Provisions), Section 5.95.042 (Maximum Number of Permits), Section 5.95.043 (Transfer of Permit), and Section 5.95.065 (Suspensions and Revocations) of Chapter 5.95 (Short-Term Lodging Permit) of Title 5 (Business Licenses and Regulations) of the Newport Beach Municipal Code to Update Administrative Procedures Related to Good Cause Determinations and the Extension of Deadlines.*

RESOLUTION FOR ADOPTION

- 4. Resolution No. 2025-12: Creating the Ad Hoc Refuse Committee**
- 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;
 - b) Adopt Resolution No. 2025-12, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Ad Hoc Refuse Committee*; and
 - c) Confirm the appointments of Councilmember Robyn Grant and Councilmember Michelle Barto to serve on the Ad Hoc Refuse Committee.

CONTRACTS AND AGREEMENTS

- 5. Irrigation Controller Replacement Phase 2 – Award of Contract No. 9735-1**
- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
 - b) Award Contract No. 9735-1 to EMTS for the total bid price of \$480,202.74 for the replacement of 37 irrigation controllers, and authorize the Mayor and City Clerk to execute the agreement; and
 - c) Establish a contingency of \$24,000 (approximately 5% of total bid) to cover the cost of unforeseen work not included in the original contract.
- 6. Approval to Increase the Purchase Order Amount with W. W. Grainger, Inc. for As-Needed Procurement of Public Works Department Maintenance and Repair Tools, Materials and Supplies**
- 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;
 - b) Approve a change order to Purchase Order No. 22500148 with W. W. Grainger, Inc., increasing the amount from \$120,000 to \$200,000 for FY 2024-25; and
 - c) Approve issuing a purchase order with W. W. Grainger, Inc., for \$200,000 for FY 2025-26 on or after July 1, 2025.
- 7. Amendment to Professional Services Agreement with Sampson Oil Company for Oil Well Management Services (C-8490-1)**

- 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 Amendment No. Seven to the Professional Services Agreement with Sampson Oil Company for Oil Well Management Services, which extends the contract to June 30, 2026, and increases the contract amount by \$750,000, and authorize the Mayor and City Clerk to execute the Agreement.

Mayor Stapleton recused himself from Item 7 due to potential real property interest conflicts based on the location of the project in relation to his personal residence.

8. Professional Services Agreement with Environmental Science Associates for Environmental Services Related to Proposed Improvements at Back Bay Landing and Bayside Village Marina (PA2024-0135) (C-9843-1)

- 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) Authorize the Mayor and City Clerk to execute a Professional Services Agreement with Environmental Science Associates for Supplemental EIR Related to Back Bay Landing and Bayside Village Marina Improvement Project in an amount not-to-exceed \$426,100, in a form substantially similar to the agreement attached to the staff report.

Mayor Stapleton recused himself from Item 8 under the Levine Act based on having received a campaign contribution in excess of \$500.

9. Concession Agreement with Kit at the Library, Inc. for Use of the Concession Facility at the Central Library Located at 1000 Avocado Avenue (C-9844-1)

- a) Find this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
- b) Authorize the City Manager and City Clerk to execute the Concession Agreement between the City of Newport Beach and Kit at the Library, Inc., for use of the concession facility at the Central Library, located at 1000 Avocado Avenue, in a form substantially similar to the agreement attached to the staff report; and
- c) Approve a waiver of City Council Policy F-7 – *Income and Other Property* based on the findings contained in the staff report and the Agreement, that charging less than fair market rent promotes the City’s goals to provide essential or unique services to the community, that cannot otherwise be provided if full market rates were charged.

10. Amendment to Professional Services Agreement with Dudek, Inc. for Consulting Services on the Comprehensive General Plan Update (PA2022-080) (C-9358-1)

- 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 Amendment No. One to the Professional Services Agreement with Dudek, Inc. for Consulting Services on the Comprehensive General Plan Update, which augments the Scope of Work, extends the contract to June 30, 2026, and increases the contract amount by \$128,479.99 for a total not-to-exceed amount of \$1,606,509.74, and authorize the Mayor and City Clerk to execute Amendment No. One to the Agreement.

MISCELLANEOUS

11. General Plan Annual Progress Report Including Housing Element Report for 2024 (PA2025-0008)

- a) Find the preparation, review and submission of the 2024 General Plan Progress Report not subject to the California Environmental Quality Act (CEQA) as the actions are not a project as defined by Section 15378(b)(2) of the Public Resources Code;
- b) Approve the 2024 General Plan Progress Report, including the Housing Element Annual Progress Report; and
- c) Authorize submittal of the 2024 General Plan Progress Report to the State Office of Land Use and Climate Innovation and the submittal of the Housing Element Annual Progress Report to the State Department of Housing and Community Development.

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Weber, to approve the Consent Calendar; and noting the amendment to Item 1 and the recusals by Mayor Stapleton to Items 7 and 8.

The motion carried unanimously.

IX. ITEMS REMOVED FROM THE CONSENT CALENDAR – None

X. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS - None

XI. CURRENT BUSINESS

12. Ordinance No. 2025-5: An Amendment to Section 15.02.095 of the Newport Beach Municipal Code Related to Timeframes for Completion of Construction

Mayor Pro Tem Kleiman appreciated that staff took another look at this item and brought it back to Council. She thought the new proposed ordinance strikes the right balance between flexibility for construction projects and consideration of the impacts to residents.

Jim Mosher thought there was a lack of clarity relative to incomplete construction projects.

Motion by Councilmember Grant, seconded by Mayor Pro Tem Kleiman, to a) find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and b) waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2025-5, *An Ordinance of the City of Council of the City of Newport Beach, California, Amending Section 15.02.095 (Section 105.3.4) of the Newport Beach Municipal Code Related to Timeframes for Completion of Construction*, and pass to second reading on April 15, 2025.

The motion carried unanimously.

XII. MOTION FOR RECONSIDERATION – None

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

Mayor Stapleton recessed the meeting at 4:56 p.m.

XIII. CLOSED SESSION – Council Chambers Conference Room

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code § 54956.8): 3 matters**

1. **Property:** 3848 Campus Drive, Newport Beach, CA 92660 (Assessor Parcel No. 427-151-08).

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: John Saunders on behalf of 3848 Campus Drive LP.

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

2. **Property:** 12 Corporate Plaza Drive, Newport Beach, CA 92660 (Assessor Parcel Nos. 442-271-12 and 442-271-30).

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: John Pomer on behalf of Junkins 12 Corporate Plaza, LLC; and The Irvine Company

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

3. **Property:** 707 E. Balboa Blvd, Newport Beach, CA 92661 (Assessor Parcel No. 048-135-02).

City Negotiators: Seimone Jurjis, Assistant City Manager and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: Linda Sadeghi on behalf of Balboa Theater Company, LLC

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

B. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6): 1 matter

Agency Designated Representatives: Grace K. Leung, City Manager, and Jonathan Holtzman, Esq., Negotiators.

Employee Organizations: Association of Newport Beach Ocean Lifeguards (ANBOL); Newport Beach City Employees Association (NBCEA); Newport Beach Employees League (NBEL); Newport Beach Firefighters Association (NBFA); Newport Beach Fire Management Association (NBFMA); Newport Beach Lifeguard Management Association (NBLMA); Newport Beach Police Association (NBPA); Newport Beach Police Management Association (NBPMA); Newport Beach Professional and Technical Employees Association (NBPTEA); and Part Time Employees Association of Newport Beach (PTEANB).

Mayor Stapleton reconvened the meeting at 6:39 p.m.

XIV. CLOSED SESSION REPORT

City Attorney Harp announced that no reportable actions were taken.

XV. ADJOURNMENT – Adjourned at 6:39 p.m. in memory of Mary Romeo and Fran Ursini

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, Newport Beach, on March 20, 2025, at 4:00 p.m.

Joe Stapleton
Mayor

Leilani I. Brown
City Clerk

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