

July 22, 2025, City Council Agenda Comments

The following comments on items on the Newport Beach City Council [agenda](#) are submitted by:

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Item 1. Minutes for the July 8, 2025 Special City Council Meeting and July 8, 2025 Regular City Council Meeting

The passages shown in *italics* below are from the [draft minutes](#) with suggested corrections shown in ~~strikeout~~ underline format. The page numbers refer to Volume 66.

Page 352, Item III. INVOCATION – Pastor Adam Feichtmann, Redeemer Presbyterian Church

[**Comment:** It is probably best that the minutes do not report the contents of the invocations. Had they done so here, one might hope the content of [Pastor Feichtmann's invocation](#) would make the Council reconsider its [Policy A-19](#), setting guidelines for invocations, or the idea of having invocations at all.

The current policy, adopted in response to a Supreme Court ruling that allowed, but did not require, more sectarian prayers, liberalized the original [Policy A-19](#), which had been adopted in 2004 in response to a state court ruling strictly limiting sectarian references. Both begin with a statement that “*The Newport Beach City Council has a long tradition of beginning each City Council meeting with a pledge of allegiance and an invocation,*” which does not appear to me to be true.

If one believes the official minutes, prayers and invocations at Council meetings were non-existent prior to [April 27, 1953](#), when, at the height of the post-World War II red scare in which American politicians were under pressure to differentiate themselves from the godless communist menace, a visiting mayor from [Turlock](#) urged the practice. It seems to have been followed for less than four months, after which the mention of invocations became, again, non-existent with the exception of very rare occasions such as the first Council meeting in a new chamber on [January 12, 1976](#) and acknowledgement on [September 13, 1976](#) of grief at the death Mayor Rogers three days earlier (that meeting also ended with a prayer in honor of the late mayor, the text of which appears on the last page of the minutes).

Invocations seem to have begun to return when outgoing Mayor Turner gave one to open a special changing of the guard meeting on [November 21, 1994](#). A year later, the Pledge of Allegiance appears in the minutes, and shortly after, invocations return as a regular feature. So in 2004, the “long tradition” of beginning each meeting with a pledge and invocation seems to have been no more than 10 years old.

Among the things that bother me about Pastor Feichtmann's invocation is the explicit statement that he is speaking not just for himself, but for “we” – meaning, I was led to believe, he was expressing the solemn wishes of everyone in the room. and presumably of the City government that had invited him as well.

While he attempted to insert many uplifting words, he also suggested (starting at about [10:15](#) in the video) that we all pray our civil servants will see themselves as “ministers” of Jesus, and our Council will make decisions for His glory.

That, and the words that preceded it (such as that we had gathered to thank Jesus for dying on the cross for us), struck me more as [proselytizing](#) for a particular religious view of the

world than as inspiration. I suspect it left others in the room, besides me, with a feeling that if this was truly the purpose of our meeting and our government, we might not be part of the “we” for which it exists.

Since the City cannot, apparently, review the content of invocations, I would suggest it dispense with them entirely. At the very least, the comments by those invited to give invocations should be preceded with a statement from the City that, as with other public speakers, what they may say will be an expression of their own personal views, and not those of the City.]

Page 352, Item VI, bullet 2, paragraph 1, sentence 2: “*The proclamation highlighted Mr. Stein’s leadership in transforming ArtsOC, his role in curating the sculpture exhibition in Civic Center Park, and his recent appointment to the California Arts Council.*” [note: Although not necessary, including “Mr.” provides consistency with past practice and the following paragraphs of the present minutes.]

Page 359, before Item XIV: “*The motion carried 4-0-3, Councilmembers Barto, Blom, Weigand, and Mayor Stapleton in favor; Councilmembers Grant, Weber, and Mayor Pro Tem Kleiman recused.*”

Page 359, Item 17, beginning three lines from the end of the page and continuing onto **page 360**: The minutes contain a long list of contract terms which appear to have been copied from pages 2 and 3 of the [Item 17 staff report](#). While many of the words are similar, Mr. Harp appeared to be reading from a different document and the minutes do not accurately reflect what he said. The different document from which he was reading appeared to correct omissions in the staff report. As examples, at [1:22:07](#) in the video, after the Auto Allowance, he mentioned a payment to cover attorney’s fees, and starting at [1:22:30](#) he describes a number of severance benefits not found in the staff report (and not found minutes). **Extensive changes to these two pages are needed if the intent of the minutes is to record what was said rather than what might have been said.** That could probably be accomplished by replacing what is currently there with a copy of the document that was read from. Alternatively, the minutes could simply say he summarized the contract provisions. But they should not provide an inaccurate list.

Page 361, full paragraph 2: “*Mayor Stapleton further announced the Council’s intent to consider on July 22nd the appointment of Seimone Jurjis, Assistant City Manager, who has served the City of Newport Beach since 2011 in several key leadership roles. Assistant City Manager. Jurjis will would assume his duties as City Manager on December 27, 2025.*”

[**Explanation:** The draft minutes do not accurately reflect what Mayor Stapleton said at [1:28:50](#) in the video. He did *not* say an appointment had been made, but rather that the Council would consider making the appointment at its July 22nd meeting.]

Pages 361 to 362, Item 18: As with Item 17, above, the list of contract provisions appears to be copied from the January 8 staff report and does not correspond to the document Assistant City Manager Finnigan read from. As an example, her list ended with the statement about participation in the LIUNA supplemental pension program, something not found in the draft minutes. As with Item 17, the revised document read from appeared to have been carefully prepared and to have been recited with care. Again, **extensive changes are needed if the intent of the minutes is to record what was said rather than what might have been said.**

Item 4. Ordinance No. 2025-12: Revision to Municipal Code Chapter 14.10 Cross-Connection Control Program

I find it interesting that the text on page 4-28 of the agenda packet describes the present item as an “*informational presentation of the updated Code.*” I suppose anything in the agenda packet can be thought of as having been “presented” to someone, although I do not think mere inclusion of printed material in a packet is what one would normally regard as a “presentation.”

With or without a formal presentation, one normally expects to see a redline allowing those interested to see how an updated code differs from the existing code. That, too, seems absent.

In this case the reason seems to be that the [proposed Chapter 14.10](#) is so different from the [existing Chapter 14.10](#) that a redline would simply show nearly the entire existing chapter crossed out and a new one replacing it.

Nonetheless, as an informational item, it seems like some further detail as to how the proposed ordinance will differ from the existing one would have been appreciated before its proposed adoption on August 26. That is especially true since the practice in Newport Beach seems to be to regard the first reading of an ordinance as being, for all practical purposes, its adoption, with the second reading treated as a mere consent calendar formality.

Here, as is becoming increasingly common in Newport Beach, it appears both the introduction and adoption of the ordinance will be on the consent calendar, moving into law without any discernable public review, inquiry or comment by our Council members. That does not seem like good governance to me.

General comment: Adding to the frustration, it appears that all attachments to the present agenda packet that have passed through the City Attorney’s Office, including ordinances, resolutions, contracts and agreements, have been posted with the staff report in an image-only PDF format, in apparent violation of California Government Code [Subsection 54954.2\(a\)\(2\)\(B\)](#), which requires internet-posted agenda materials to be machine readable and searchable. The failure to provide searchable versions complicates public review of them.

In this case, the [Management Plan](#) is searchable. The [ordinance](#) is not.

Item 5. Ordinance No. 2025-13: Amending Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to Update Commercial Parking Requirements (PA2021-104)

This is the introduction of an ordinance whose language has been approved by the California Coastal Commission.

As may be evident from the CCC approval letter provided as [Attachment E](#), CCC staff appears to be operating under the assumption that the City had already adopted the ordinance and was only waiting for CCC approval to make it effective.

That underscores what seems to be an unnecessarily convoluted and time-consuming process that the City uses, differing from CCC staff’s experience with other cities.

Apparently it would be possible to introduce the ordinance with a second reading delayed until CCC certification has been obtained (or a re-introduction if changes are required).

It also appears possible that the City could both introduce and adopt the ordinance, with the effective date stayed until CCC certification is obtained (or it could be repealed with a possibility of re-introduction if changes were required that the City wanted to accept).

Either process would be faster and less cumbersome than the one the City currently uses, which doesn't even begin the ordinance process until the language has been certified by the CCC.

The City is fond of blaming the CCC for delays. In this case, for those wanting prompt enactment of revised parking requirements in the coastal zone, it seems the City is at least partially at fault. In addition to the multiple weeks required, now, to introduce and adopt an ordinance that possibly could have been adopted, pending CCC certification, more than a year ago, the staff report indicates that the language approved by the Council on May 9, 2023, was not even submitted to the CCC for its consideration until September 11 of that year.

Item 9. Resolution No. 2025-48: Resolution of Intention to Approve an Amendment to Contract with CalPERS to Eliminate Section 20516(a) Cost Sharing for Citywide Miscellaneous Tier I Employees

The significance of the exhibit attached to the proposed resolution is not at all self-evident.

The staff report describes what would seem a minor change in the existing contract with CalPERS: changing a single percentage from 2.420% to 0%.

Yet the exhibit refers to the existing contract and deleting paragraphs 1 through 17 and replacing them with new paragraphs numbered 1 through 19.

What do the existing paragraphs 1-17 say?

Are they all, or only part, of the existing contract?

Why are such extensive changes being made to change a single number?

The only part of the exhibit relevant to the present discussion seems to be Subparagraph 14.h (and possibly 14.i?). Rather than setting a percent, it sets a percent not to be exceeded, and seems to say the percent not to be exceeded will reduce from 2.420% to 0.838% in 2028. How does this implement what the staff report says the amendment does? Or is there some other paragraph containing the 2.420% that has been deleted?

And again, this begs the question of why the many paragraphs unrelated to Section 20516(a) cost-sharing are being replaced.

Item 10. Resolution No. 2025-49: A Procedure to Challenge Property Related Fees, Charges and Assessments in Accordance with Assembly Bill 2257

The staff report does not enlighten us as to the year in which [AB 2257](#) was adopted (2024), or that both our state representatives at the time, Assembly member Diane Dixon and Senator Janet Nguyen, voted against it. I appreciate their votes as AB 2257 seems intended to materially restrict citizens' ability to petition their government for redress of their grievances (in this case, improperly imposed property fees). I am not sure why my City is so eager to implement, nor, despite the author's description in the final [Assembly Analysis](#), am I able to find anything in the text that actually requires a city council to adopt a resolution such as that

proposed. It *does* require a city to follow the procedures specified in the bill if it wishes to enjoy relief from litigation under it.

Adding to the confusion, the staff report does not explain where this procedure would reside. Is it an administrative procedure intended solely for internal reference by City staff? If it is intended to place duties on the public, such as it appears to do in Section C, doesn't it need to be part of the Municipal Code adopted by ordinance?

As to the procedure itself, I have great difficulty seeing how it will work in practice. As I read it the public must submit written objections to fee increases by the end of the public comment period during the fee hearing, and the City is obligated to respond to them in writing, including explaining how the final action responds to them. Is this writing and response expected to take place in real time during the hearing, or will it trigger endless continuations to respond in writing to the objections received at the most recent hearing?

Finally, under Fiscal Impact, I am unable to understand how a new obligation to provide a substantial written response to each written objection would not require increased staff time.

Item 19. Response to Grand Jury Report: "Long-Term Solutions to Short-Term Rentals"

I do not understand why the responses to recommendations R2 and R3 are coded as "4" which means *"The recommendation will not be implemented because it is not warranted or is not reasonable."*

As best I can tell, the City is saying it already does, or will do, what is recommended.

Item 22. Resolution No. 2025-51: Community Development Block Grant - 2025-29 Consolidated Plan, 2025-26 Annual Action Plan, and Citizen Participation Plan Amendment

The math in the staff report is difficult to follow. On page 22-5, it mentions a \$402,015 allocation for "the 2025-26 CDBG," but cites program revenue bringing the total to "\$717,015 available for program year 2025-26." Yet Table 1 on that page allocates only \$152,700. Where does the other money go?

Additionally, Table 1 says the "Administration" category has a "Limit of \$80,403," yet it allocates \$80,700 to that category. Since \$80,700 is more than \$80,403, how is this possible?

As to the resolution, it refers to the "2025-2029 Consolidated Plan" and the "2025-2026 Annual Action Plan" as if they were separate documents, yet they seem to be parts of the same thing, the single document linked to as Attachment A (page 22-14) to the resolution. That document, and especially the part of it that constitutes the Action Plan, if there is such a part, the only identification on the pages is footer saying "Consolidated Plan."

As to the separate "Citizen Participation Plan," the page numbers listed in its Table of Contents (staff report pages 22-17 to 22-18) only rarely match the page numbers in the Plan and the section titles don't always agree. For example, "Section A. Encouragement of Citizen Participation," listed as on "2" is actually on page 4, and "Section M. Real Property Policies," while on page 26, as listed, is called "M. Anti-Displacement and Relocation" on that page.

Item 27. City Manager Employment Agreement

I am unable to fathom why the Council is rushing to make an appointment five months before a vacancy is expected,

Problems with Posting

It seems ironic that a staff report prepared for inclusion in the agenda packet by the City Attorney, who one might think would know the laws better than anyone else, would contain the proposed contract in an image-only PDF format, in apparent violation of [Subsection 54954.2\(a\)\(2\)\(B\)](#) of California's Brown Act, which requires the agenda materials posted on the internet to be machine readable and searchable (as noted under Item 4, above, this problem seems common to all attachments to the present agenda that have passed through review by the City Attorney's Office).

Additionally, unlike other employment contracts requiring Council approval, including his own as presented by the present City Manager as [Item 18](#) at the July 8 meeting, the non-searchable documents provided do not include an example of the "Agreement of Separation, Severance and General Release Agreement" that would need to be signed to receive the severance package, leaving both Council and public uncertain exactly what is being approved.

Problems with Process and Transparency

As to the staff report, it more or less correctly paraphrases the portion of [City Charter Section 500](#), which requires the Council to appoint *"the person that it believes to be best qualified on the basis of his or her executive and administrative qualifications, with special reference to his or her experience in, and his or her knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter"* (why it feels compelled to rephrase it is unclear).

It omits the portion preceding this, which states *"In the selection of a City Manager the City Council shall screen all qualified applicants and other qualified persons known by the Council to be available."*

There is zero transparency as to how, or if, this Charter requirement has been met. In fact, it is unclear the Council has screened *any* "applicants," for it is unclear any application opportunity has been announced.

When I ask Google *"Is there a recruitment currently active for the **City Clerk** position in Newport Beach?"* it answers **"Yes"** and points me to the [listing](#) on GovernmentJobs.com, which opened on May 2 and closed on June 2, and which, in turn, links me to the [recruitment brochure](#) published by Alliance Resource Consulting (the City's current on-call executive recruitment firm under contact [C-7393-2](#)). The brochure tells me "first-round interviews" for the City Clerk position were expected on June 18, 2025.

When I ask Google *"Is there a recruitment currently active for the **City Manager** position in Newport Beach?"* it answers **"No"** and the closest it can find is a [recruitment](#) that closed on April 7, 2023, seeking applications for a limited-term "Management Fellowship" position in the City Manager's Office.

How, exactly, did the Council solicit applications as required by the Charter? And what "other qualified persons known by the Council to be available" did it screen?

I would think the Council must be aware of recent press reports that suggest Lori Ann Farrell Harrison, a respected former City Manager of neighboring Costa Mesa, is available. When was she screened? How about longtime Assistant City Manager Tara Finnigan, who I suspect would make an excellent and dedicated City Manager? Was she screened? How about former Newport Beach City Manager Dave Kiff, who has far more administrative experience than the others? Did anyone ask if he might be available?

Problems with Qualifications

As to the part of Charter Section 500 paraphrased in the staff report and resolution – requiring “*experience in, and ... knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter*” – have the Council members reviewed what those duties are?

They are found in [Section 504](#). One of those duties that seems important to me is 504(g) which requires the City Manager to “*See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.*”

In that respect, I believe there is ample evidence the candidate put forth in the staff report is deficient. Among the evidence:

1. On April 30, 2021, in his position as Community Development Director, Mr. Jurjis made a controversial “[Director’s Determination No. DD2021-001](#)” that no code amendments were required to allow residential units to be built on certain properties zoned for hotels.
2. On August 23, 2021, and again on May 12, 2022, after receiving correspondence first from the California Coastal Commission’s District Supervisor and then from its Deputy Director suggesting that using this determination to justify land use changes without amending the land use designations in the City’s Coastal Plan would violate the Coastal Act, Mr. Jurjis sent scathing responses questioning their authority over property in Newport Beach and their understanding of the Coastal Act (see pages 188, 228, 234 of the Planning Commission [Item 5](#) from May 12, 2022).
3. Culminating as [Item 18](#) at the September 13, 2022, City Council meeting, the Community Development Department, under Mr. Jurjis’ direction, shepherded through approval of the 6th Cycle Housing Element of the General Plan, with deferred CEQA analysis, without the Greenlight vote required by [City Charter Section 423](#). Then and subsequent to that, Mr. Jurjis repeatedly assured Newport Beach residents that the Greenlight vote would come when his department presented the Land Use Element to the Council for approval. However, when the latter occurred, the public was told the Council’s previous approval of the Housing Element precluded the public’s right to vote on the Land Use Element.
4. On June 6, 2025, Mr. Jurjis issued an unnumbered Director’s Determination ([PA2025-0117](#)) unilaterally, and without hearing, adding parcels to the Zoning Code’s housing overlay districts. This action was in apparent violation of the Council’s ordinance codified in NBMC [Subsection 20.28.050.A](#), which states to be eligible for the overlays, “*the property must be listed on the HO area map as an “opportunity site.”*” [Chapter 20.66](#), in turn, sets forth the process for amending the maps, which requires a recommendation from the Planning Commission and approval by the City Council.

While each of these actions may have been what the City Council wanted, and avoided the need for them to deal with the issues, they appear to demonstrate a willingness to subvert both state and City laws, which seems inconsistent with the qualifications required of a City Manager by the City Charter – that is, unless the “accepted practice” in Newport Beach has become that a willingness to to subvert the laws is a virtue that overrides the language in the Charter.