

CITY OF NEWPORT BEACH

City Council Meeting Minutes Regular Meeting September 23, 2025

I. ROLL CALL – 4:07 p.m.

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

II. INVOCATION – Imam Mahdi Al-Qazwini - Islamic Educational Center of Orange County

III. PLEDGE OF ALLEGIANCE – Mayor Stapleton

IV. PRESENTATIONS

- Friends of the Library Check Presentation

Mayor Stapleton recognized Friends of the Library President Amy Hunt who was joined by Board Members Catherine Wallach, Becky Halladay, Janet Callister and presented Library Services Director, Melissa Hartson with a \$250,000 check. Library Services Director Hartson expressed appreciation for the continued support and noted the funds would be used for physical materials and programs for the community.

Councilmember Grant expressed gratitude to the Friends of the Library for their hard work and dedication.

- Proclaiming September 2025 as National Service Dog Month

Mayor Stapleton presented the proclamation designating September 2025 as National Service Dog Month to Joan Leguay, Canine Companions Volunteer; Denise Phillips, Canine Companions Puppy Raiser; and Kai, a future service dog. Ms. Leguay introduced volunteers Heidi, Peggy, and Jerry as well as future service dogs Rose, Lucy, and current service dog Colbert.

- Newport Bay Conservancy Proclamation

Mayor Stapleton presented the proclamation to Heather Cieslak, Operations Manager; Board Members Mario Cuevas, Diane Daruty, Board Member and Naturalist Maureen Flanagan; Julie Powers, Treasurer; Board President Bryan Tsu and Co-Vice President Bettina Eastman.

Heather Cieslak thanked Council for their recognition.

- Bonita Canyon HOA Fire Wise Proclamation

Mayor Stapleton presented the proclamation to Gunnar Gooding, Bonita Canyon Maintenance Association President and leader of the Fire Wise Task Force, and Fire Marshal James Gillespie.

Councilmember Grant thanked Mr. Gooding for his leadership and congratulated him and the Bonita Canyon Maintenance Association for receiving the first Newport Beach Fire Wise designation.

- History of Saving Our Upper Newport Bay by Heather Cieslak

Heather Cieslak, Operations Manager, provided a PowerPoint presentation detailing the history of Upper Newport Bay, its designations as a state ecological reserve in 1975, its designation by OC Parks as a Nature Preserve in 1989, and highlighted its role in emphasizing public access and conservancy. Her presentation also emphasized the Bay's crucial role in supporting biodiversity, providing environmental services, maintaining water quality, aiding flood control, and its variety of recreation and education opportunities.

V. **CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES**

Councilmember Weigand

- Recognized Newport Harbor High School mentee, Marcel Aguilar.

Councilmember Barto

- Recognized a Newport Harbor High School mentee, who toured City Hall earlier in the week.
- Attended unveiling of Duke Kahanamoku plaque in Corona del Mar commemorating The Great Rescue.

Councilmember Grant

- Attended the Friends of OASIS Cars and Coffee Show and Art in the Park.
- Attended the unveiling of the Duke Kahanamoku plaque in Corona del Mar.
- Participated in the Inaugural Intercity Lawn Bowling Tournament between Newport Beach and Laguna Beach.
- Recognized Acting Director of Community Development, Jaime Murillo and thanked him for his presentation at Speak Up Newport.
- Attended the Mobility 21 Summit.

Mayor Pro Tem Kleiman

- Attended the Mobility 21 Summit.

Mayor Stapleton

- Attended the 27th Annual Balboa Bay Resort Gentleman's Smoker, the Yachtsman's Luncheon, and the Porsche Newport Beach Grand Opening.
- Attended the unveiling of the Duke Kahanamoku plaque in Corona del Mar.
- Attended the Friends of OASIS Cars and Coffee Show.
- Attended the War Heroes on Water (WHOW) sportfishing tournament.
- Participated in and completed the 2025 Ben Did Go 10.0 paddle boarding event which raised over \$450,000 in donations for the Ben Carlson Foundation.

VI. **PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS**

Adam Leverenz presented slides regarding offshore mooring permit language in the Newport Beach Title 17 Harbor Code; noted permittees do not have ownership interest in public tidelands; disagreed with comments made by Assistant City Manager Jurjis on the matter; and requested more honesty on the subject.

Jim Mosher spoke regarding the A-1 Item, *Considering creating a City Council Ad Hoc Committee to evaluate potential sites and assess the feasibility, cost and design of developing a New Police Station Headquarters*; reviewed previous City Council deliberations related to police headquarter sites; appreciated the consideration in the staff report of other locations for the Police Station; noted that there were already numerous ad hoc committees and questioned whether an additional committee was necessary; and suggested the ad hoc committee hold public meetings.

Sandy Manich, liveaboard resident of the harbor, provided handouts and expressed her concern related to harbor safety after the removal of the Orange County Sheriff's Department (OCSD) as the public safety operator for the harbor; questioned the removal of OCSD as the security operator in the harbor; and questioned the lack of media coverage related to incidents at the harbor both recently and in the past few years.

Margaret Shannon briefly highlighted her concern about a potential parking garage site near her residence on the peninsula.

Mayor Stapleton questioned Ms. Shannon about the location of her concern; and noted that there were no plans for a parking garage as this site was owned by AT&T.

VII. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON DISCUSSION ITEM)

- Considering creating a City Council Ad Hoc Committee to evaluate potential sites and assess the feasibility, cost and design of developing a new Police Station headquarters (Submitted by Mayor Stapleton).

By a straw vote, the consideration passed unanimously 7-0.

VIII. CONSENT CALENDAR

Mayor Stapleton clarified that the Consent Calendar included opposition to Agenda Item 3 by Councilmember Weigand; a staff request to remove Agenda Item 10 to a date to be determined; and noted the amendment to the License Agreement for Agenda Item 16.

IX. PUBLIC COMMENTS ON CONSENT CALENDAR

Acting City Clerk Jennifer Farris read the notice related to public comments on the Consent Calendar.

Jim Mosher spoke regarding Agenda Item No. 13, *Professional Services Agreement with Planeteria Media LLC for a Redesign of the City's Website, Content Management System and Hosting*, stating his concerns related to the contract award; number of City departments included in the evaluation process; questioned if the company selected had designed other local city websites; and suggested looking at other alternatives.

Adam Leverenz spoke regarding Agenda Item No. 7, *Ordinance No. 2025-30: Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code to Include Education and Enforcement Related Provisions as a Function of the Recreation & Senior Services Department*, that employees should enter into confidentiality agreements based on access to confidential data; spoke on Agenda Item No. 12, *Resolution No. 2025-63: Approving a Side Letter Agreement with the Newport Beach City Employees Association Related to CalPERS Pension Deductions* and reiterated that employees should pay for their individual pension plans.

Robert LaBounty, District Representative for Orange County Supervisor Katrina Foley's Office, spoke and read a letter in support of Agenda Item No. 4, *Ordinance No. 2025-27: Adding Chapter 6.40 Prohibition of Sale, Distribution and Use of Nitrous Oxide*.

READING OF MINUTES AND ORDINANCES

1. Minutes for the September 9, 2025 Regular City Council Meeting

Waive reading of subject minutes, approve as written, 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.

ORDINANCES FOR INTRODUCTION

3. Ordinance No. 2025-26: Adding Chapter 6.30 Prohibition of Sale and Distribution of Flavored Tobacco Products

- 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) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2025-26, *An Ordinance of the City Council of Newport Beach, California, Amending Chapter 6.25 (Regulation of Smoking in Public Areas) and Adding Chapter 6.30 (Prohibition of Sale and Distribution of Flavored Tobacco Products) to Title 6 (Health and Sanitation) of the Newport Beach Municipal Code, Relating to Smoking and Tobacco Sales* and pass to a second reading on October 14, 2025.

Motion passed 6-1, Councilmember Weigand opposed.

4. Ordinance No. 2025-27: Adding Chapter 6.40 Prohibition of Sale, Distribution and Use of Nitrous Oxide

- 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) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2025-27, *An Ordinance of the City Council of Newport Beach, California, Adding Chapter 6.40 (Prohibition of Sale, Distribution, and Use of Nitrous Oxide) to Title 6 (Health and Sanitation) of the Newport Beach Municipal Code, Relating to Nitrous Oxide Sales* and pass to a second reading on October 14, 2025.

5. Ordinance No. 2025-28: Amending Subsection B of Section 10.04.010 of Chapter 10.04 to define Possession of an Open Container

- 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) Waive full reading, direct the City Clerk to read by title only, and introduce Ordinance No. 2025-28: *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 10.04.010 (Drinking in Public) of Chapter 10.04 (Intoxicating Liquor) of the Newport Beach Municipal Code related to the Possession of Alcoholic Beverages* and pass to a second reading on October 14, 2025.

6. Ordinance No. 2025-29: Adding Section 11.04.085 (Prohibiting the Use of Electric Bicycles and similar devices on the Newport Elementary School Playground) and Amending Section 11.04.130 (Exemption) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the Newport Beach Municipal Code

- 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) Waive full reading, direct the City Clerk to read by title only, and introduce Ordinance No. 2025-29, *An Ordinance of the City Council of the City of Newport Beach, California, Adding Section 11.04.085 (Prohibiting the Use of Electric Bicycles and Similar Devices on the Newport Elementary School Playground) and Amending Section 11.04.130 (Exemption) of Chapter 11.04 (Parks, Park Facilities, and Beaches) of the Newport Beach Municipal Code* and pass to a second reading on October 14, 2025.

7. **Ordinance No. 2025-30: Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code to Include Education and Enforcement Related Provisions as a Function of the Recreation & Senior Services Department**
- 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) Waive full reading, direct the City Clerk to read by title only, and introduce Ordinance No. 2025-30: *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 2.12.110 of Chapter 2.12 (Administrative Departments) of the Newport Beach Municipal Code to Include Education and Enforcement Related Provisions as a Function of the Recreation and Senior Services Department* and pass to a second reading on October 14, 2025

ORDINANCES FOR ADOPTION

8. **Ordinance No. 2025-22: Amending Chapter 10.08 (Use of Public Property and Interference with Public Access) of the Newport Beach Municipal Code to Add Provisions Related to the Protection of Pedestrians, Vehicle Traffic and Landscaping - Second Reading**
- 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) Conduct second reading and adopt Ordinance No. 2025-22, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 10.08.005 (Definitions) and Adding Section 10.08.012 (Safe Use of Medians) to Chapter 10.08 (Use of Public Property and Interference with Public Access) to Title 10 (Offenses and Nuisances) of the Newport Beach Municipal Code, Relating to the Protection of Pedestrians, Vehicle Traffic and Landscaping.*
9. **Ordinance Nos. 2025-23, 2025-24, and 2025-25: Adoption of the 2025 California Building Standards Codes with Local Amendments, the 2025 California Fire Code with Local Amendments, and the 2025 California Wildland-Urban Interface with Local Amendments**
- a) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resource Code and Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code are exempt from the requirements of CEQA;
 - b) Conduct second reading and adopt Ordinance No. 2025-23, *An Ordinance of the City Council of the City Of Newport Beach, California, Amending Title 15 (Building And Construction) of the Newport Beach Municipal Code to Adopt Chapter 1, Division II, of the 2025 Edition of the California Building Code; the 2024 Edition of the International Property Maintenance Code and Swimming Pool and Spa Code; the 2025 Edition of the California Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Green Building Standards Code, Historical Code, Existing Building Code, and Energy Code; and to Amend Portions of Chapter 15.50 (Floodplain Management), with Local Amendments;*
 - c) Conduct second reading and adopt Ordinance No. 2025-24, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Title 9 (Fire Code) of the Newport Beach Municipal Code to Adopt the 2025 Edition of the California Fire Code, with Local Amendments;* and
 - d) Conduct second reading and adopt Ordinance No. 2025-25, *An Ordinance of the City Council of the City of Newport Beach, California, Adding Chapter 9.07 (Wildland Urban Interface Code) to Title 9 of the Newport Beach Municipal Code to Adopt the 2025 Edition of the California Wildland Urban Interface Code, with Local Amendments.*

RESOLUTIONS FOR ADOPTION

10. Resolution No. 2025-61: Approving a Side Letter Agreement with the Newport Beach Fire Management Association

- 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) Adopt Resolution No. 2025-61, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Side Letter of Agreement Between the City of Newport Beach and the Newport Beach Fire Management Association Related to Residency Requirements and Consecutive Shifts.*

This item was removed from the Consent Calendar to a date to be determined.

11. Resolution No. 2025-62: Authorizing Use of the Official Seal in Partnership with Hoag Memorial Hospital Presbyterian to Wrap a City Fire Department Ambulance with Pinktober Wrap in Support of Breast Cancer Awareness Month

- 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) Adopt Resolution No. 2025-62, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing the Use of the City's Official Seal as Part of a Collaboration with Hoag Hospital to Wrap a City Fire Department Ambulance with Pinktober Wrap in Support of Breast Cancer Awareness Month.*

12. Resolution No. 2025-63: Approving a Side Letter Agreement with the Newport Beach City Employees Association Related to CalPERS Pension Deductions

- 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. 2025-63, *A Resolution of the City Council of the City of Newport Beach, California, Approving A Side Letter of Agreement between the City of Newport Beach and the Newport Beach City Employees Association Related to CalPERS Pension Deductions,* and
- c) Approve Budget Amendment No. 26-027 to appropriate \$283,181.03 in increased expenditures to various City division benefit accounts, funded from unappropriated balances of the General Fund and the Water Enterprise Fund.

CONTRACTS AND AGREEMENTS

13. Professional Services Agreement with Planeteria Media LLC for a Redesign of the City's Website, Content Management System and Hosting

- 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 the professional services agreement with Planeteria Media LLC of Santa Rosa, CA for a redesign of the city's official websites and hosting services for an initial, approximately two-year term, ending October 1, 2027, with three additional one-year extensions and a total not to exceed amount of \$151,300, and authorize the Mayor and City Clerk to execute the agreement; and
- c) Approve Budget Amendment No. 26-030 appropriating \$151,300 in increased expenditures in the IT Replacement Fund, Account No. 7657650-911027-ITCMS from the IT Replacement Fund's unappropriated fund balance.

14. Award of Lifeguard Rescue Vessel Refurbishment Project

- 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) Award the Lifeguard Rescue Vessel Refurbishment Project to South Coast Shipyard Inc. for the total base bid amount of \$466,020, plus Optional Bid Items No. 1 and No. 2, for a total award amount of \$646,020;
- c) Establish a contingency of \$46,600 (approximately 10% of the Base Bid amount) to cover the cost of any unforeseen work that may be required during the refurbishment process;
- d) Approve an agreement on a form approved by the City Attorney to provide a complete refurbishment and repower of Seawatch III, including the purchase and installation of replacement powertrains on Seawatch I and II; and
- e) Authorize the City Manager and City Clerk to execute the agreement.

15. Professional Services Agreements for On-Call Professional and Technical Environmental Services with Dudek, LSA Associates, Placeworks, and Kimley-Horn and Associates

- 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 and authorize the Mayor and City Clerk to execute a three-year professional services agreement with Dudek, with a not-to-exceed amount of \$75,000, in a form substantially similar to the agreement attached to the staff report;
- c) Approve and authorize the Mayor and City Clerk to execute a three-year professional services agreement with LSA Associates, with a not-to-exceed amount of \$75,000, in a form substantially similar to the agreement attached to the staff report;
- d) Approve and authorize the Mayor and City Clerk to execute a three-year professional services agreement with Placeworks, with a not-to-exceed amount of \$75,000, in a form substantially similar to the agreement attached to the staff report; and
- e) Approve and authorize the Mayor and City Clerk to execute Amendment One to the professional services agreement with Kimley-Horn and Associates, Inc. to extend the term with a not-to-exceed amount of \$120,000, in a form substantially similar to the agreement attached to the staff report.

16. Revocable License Agreement with Farm and Craft Market Inc. for Temporary Use of City Property for the Corona del Mar Farmers' Market

- 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 waiver of City Council Policy F-7 - Income and Other Property based on the findings contained in this 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; and
- c) Authorize the City Manager and City Clerk to execute the Revocable License Agreement between the City of Newport Beach and Farm and Craft Market Inc., for temporary use of the City property for the Corona del Mar Community Market, in a form substantially similar to the agreement attached to the staff report.

Approved as amended.

17. Approval of Amendment No. One to Maintenance and Repair Services Agreement for Landscape Services for Parks and Facilities with Merchants Landscape Services, Inc. (Contract No. 8772-1)

- 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 Maintenance and Repair Services Agreement with Merchants Landscape Services, Inc. for Landscape Services for Parks and Facilities to increase the on-call portion of the contract by \$1,300,000 for a new on-call not-to-exceed amount of \$4,300,000 and a total not-to-exceed amount of \$14,450,000 and authorize the Mayor and City Clerk to sign the amendment.

MISCELLANEOUS

18. Budget Amendment to Accept a Check from the Friends of the Newport Beach Library and Appropriate Funds to the Library's Fiscal Year 2025-26 Maintenance and Operation Budget

- 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) Accept a check in the amount of \$250,000 from the Friends of the Newport Beach Library and approve Budget Amendment No. 26-025 to increase expenditures by the same amount in Division 0106052.

19. Acceptance of the State of California Office of Traffic Safety Selective Traffic Enforcement Program Grant PT26058

- 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) Authorize the City Council to accept a \$515,000 Selective Traffic Enforcement Program award granted to the Newport Beach Police Department by the State of California, Office of Traffic Safety; and
- c) Approve Budget Amendment 26-028 increasing NBPD revenue estimates and expenditure appropriations by \$515,000.

20. Planning Commission Agenda for the September 18, 2025, Meeting

Receive and file.

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Grant, to approve the Consent Calendar, including amendments to Agenda Item No. 1, the Minutes; a "no" vote on Agenda Item 3 by Councilmember Weigand; the request by staff to remove Agenda Item 10, and the revised license agreement for Agenda Item No. 16.

The motion carried 7-0.

X. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

XI. PUBLIC HEARINGS

21. Community Development Block Grant Program Year 2024-25, Consolidated Annual Performance and Evaluation Report

- a) Hold a public hearing to receive comments on the Program Year 2024-25 CAPER;
- b) Find this activity 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;
- c) Approve the Program Year 2024-25 CAPER; and

- d) Authorize the City Manager or her designee to submit the Program Year 2024-25 CAPER to HUD.

Mayor Stapleton opened the public hearing at 5:24 p.m.

There being no public comments, Mayor Stapleton closed the public hearing at 5:24 p.m.

Motion by Councilmember Blom, seconded by Councilmember Weber, to a) Hold a public hearing to receive comments on the Program Year 2024-25 CAPER; b) Find this activity 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; c) Approve the Program Year 2024-25 CAPER; and d) Authorize the City Manager or her designee to submit the Program Year 2024-25 CAPER to HUD.

The motion carried 7-0

22. Relocation Plan for Tenants at 301 East Balboa Boulevard

- a) Hold a public hearing;
- b) Determine 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 Section 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
- c) Approve the Relocation Plan for the property at 301 East Balboa Boulevard, Newport Beach, California, 92661, dated June 20, 2025, prepared by Overland, Pacific and Cutler, LLC, a TranSystems company, conforming to the requirements of California Relocation Assistance Law, Government Code Section 7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development as in Title 25, California Code of Regulations Section 6000, et seq., and AB 1482.

Mayor Stapleton opened the public hearing at 5:25 p.m.

Jim Mosher noted the reference to a potential public parking facility in the staff report that may explain a previous speaker's comments; questioned relocation plans and reviewed relocation plan specifics; noted that the City may proceed with the demolition of the existing structure and the advancement of the project; questioned specifics to the five-year waiting period; and reiterated concerns related to the three residential units and process of replacement.

Adam Leverenz questioned whether this structure would be triplex or a fourplex, as the information from the consultant seemed to vary; voiced his concern regarding preservation of affordable housing at the site; and stressed the importance of offering affordable housing to residents throughout the City.

Sandy Manich spoke that she has enjoyed her liveaboard permit for twelve years; and expressed concern related to reduced affordable housing in the City.

Mayor Stapleton closed the public hearing at 5:33 p.m.

At Mayor Stapleton's request, Real Property Administrator, Lauren Whitlinger clarified that the five-year period will allow the City time to identify three replacement units elsewhere in the City; noted that the fourth unit was illegal and therefore it not required for replacement; clarified that the City is not responsible for building those units; and noted that the current tenants are being compensated to vacate the property.

Motion by Mayor Stapleton, seconded by Councilmember Weber, to a) Determine 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 Section 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) Approve the Relocation Plan for the property at 301 East Balboa Boulevard, Newport Beach, California, 92661, dated June 20, 2025, prepared by Overland, Pacific and Cutler, LLC, a TranSystems company, conforming to the requirements of California Relocation Assistance Law, Government Code Section 7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development as in Title 25, California Code of Regulations Section 6000, et seq., and AB 1482.

The motion carried 7-0

XII. CURRENT BUSINESS

23. Initiation of Zoning Code and Local Coastal Program Amendments Related to Smoke Shops, Smoking Lounges, and Other Tobacco-Related Businesses and Establishing a Temporary Moratorium of Tobacco Retailer Businesses

- a) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;
- b) Adopt Ordinance No. 2025-31, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Establishing a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops*; and
- c) Adopt Resolution No. 2025-64, *A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Pertaining to Smoke Shops, Smoking Lounges, and Other Tobacco-Related Businesses (PA2025-0171)*.

Acting Director of Community Development Jaime Murillo, and Associate Planner Oscar Orozco presented the staff report including a PowerPoint presentation reviewing details of the urgency ordinance and resolution; the background of the item; noted illegal activity at tobacco retailers; reviewed the temporary moratoriums' timetable and proposed code revisions.

Councilmember Grant thanked staff for the presentation and requested clarification regarding whether the ordinance for consideration addresses solely the sale of tobacco-related products and if it also included an opportunity to review smoking locations throughout the City.

City Attorney Harp explained that staff can look at where smoking is permitted, or not, when reviewing the code amendments.

Councilmember Grant noted that it is important to look at sale and locations of use and thought densely populated areas would benefit from review of the use in those areas.

Mayor Pro Tem Kleiman clarified that location use was a part of her previously considered A-1 item as well as indicated in the title of the agenda item; thanked her colleagues on the City Council for their support; emphasized the importance of putting protections in place for the community; and was fully supportive of moving forward.

PUBLIC COMMENTS

Jim Mosher noted smoking regulations were addressed in the approval of Agenda Item No 3.; stated that Chapter 6.25 of the Municipal Code would benefit from revisions; and noted this item seems to contain a sweeping moratorium regulating all tobacco retailer businesses in addition to smoke shops.

Motion by Councilmember Blom, seconded by Councilmember Weber, to a) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; b) Adopt Ordinance No. 2025-31, An Urgency Ordinance of the City Council of the City of Newport Beach, California, Establishing a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops; and c) Adopt Resolution No. 2025-64, A Resolution of the City Council of the City of Newport Beach, California, Initiating Amendments to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Pertaining to Smoke Shops, Smoking Lounges, and Other Tobacco-Related Businesses (PA2025-0171).

Councilmember Grant offered an alternate motion to add a review of the policy to address where smoking is allowed in the City. **The motion failed for lack of a second.**

City Attorney Harp clarified that staff has broad guidance on tobacco and will look at locations for smoking in the City

Councilmember Grant reiterated that the proposed motion would include a review of smoking locations in the City.

The motion carried 7-0

XIII. MOTION FOR RECONSIDERATION – None

Mayor Stapleton provided comments in recognition and in memoriam of the life of Charlie Kirk, who demonstrated a dedication to civil discourse and to his family.

XIV. ADJOURNMENT IN MEMORIAM – Charlie Kirk

Adjourned at 5:49 p.m.

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 September 18, 2025, at 4:00 p.m.

Joe Stapleton
Mayor

Jennifer Farris
Assistant City Clerk