

June 24, 2025, City Council Agenda Comments

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

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item SS2. Preparing for the Implementation of Advanced Air Mobility

Since the City's [Aviation Committee](#) has not met publicly for a long time, and is in the midst of reorganization (see [Item 10](#) from the June 10 Council meeting), I was unaware the City had contracted with Peter Kirsch. Indeed, I am unable to find any indication of a contract with him in the Clerk's online [contract archive](#), despite the City Charter [Section 603\(c\)](#) requirement for the Clerk's records to contain all written contracts.

I do know of Mr. Kirsch from his very thoughtful keynote presentation entitled "Working Together on Land Use Compatibility" at the [2024 Aviation Noise & Emissions Symposium](#) organized by UC Davis. It can be [viewed](#) on YouTube. Although it does not deal with Advanced Air Mobility, it does highlight the need for those seeking relief from conflicts to do what is in their own power to avoid making the conflicts worse. The City's recent history of overruling objections raised by the County Airport Land Use Commission seems exactly what Mr. Kirsch warned against.

Item IX. History of Mayor Dora Hill: The Unlikely Architect of Modern Newport Beach

Bill Lobdell has done much to shine light on various corners of the City's history. This presentation will likely be similar to his [podcast](#) dated September 01, 2021, a near-transcript of which he published as an [article](#) in *Newport Living*.¹

There seems to be a possibility that one aspect of that fascinating and otherwise well-informed historical vignette could be a little misleading: namely, the interpretation that Mayor Dora Hill directed the enactment of our [City Charter](#) and that without her leadership, the transition from the former city to one with seven "from district" council members and a professional city manager would have come decades later.

The problem with this interpretation is that the timing is inconsistent with the timeline found in the [Charter Background](#) document prepared by our recently-retired City Clerk Leilani Brown for presentation to the most recent Charter Update Committee at their May 24, 2012, meeting, as well as with the timeline included in the "[Certificate](#)" at the end of the Charter itself.²

As the former (but not the latter) documents, our city charter was the fruit of two efforts involving a citizens' petition to the council demanding the election of an independent committee of freeholders to draft and present a charter to the voters for their consideration.³

¹ The podcast includes audio excerpts from an [oral history](#) archived by San Diego State University, and a [YouTube video](#) of Mayor Hill's appearance as a guest during the November 4, 1954 episode of Groucho Marx's television quiz show *You Bet Your Life*

² A facsimile of the [charter as originally adopted](#), including a November 12, 1954, witnessing statement by Mayor Dora O. Hill and the January 1955 approval by the state legislature, can be found archived in the City's Laserfiche system among the ordinances for 1955.

³ The council's role in this mode of charter adoption is purely ministerial. They have no say over who is on the committee or what it presents to voters.

The first petition, received in March 1948, possibly in response to the City Council's voluntary adoption of a city manager form of government,⁴ resulted in a proposed charter⁵ narrowly [rejected](#) in the February 8, 1949, [election](#) by a vote of 1,174 "yes" to 1,325 "no."

As the Clerk's Background document indicates, the Council revived the idea of adopting a city charter in 1953, and was considering itself appointing a committee to draft it, but was preempted by new petition demanding the election of independent freeholders, circulated by a group calling itself the the Harbor Citizens League, headed Arthur R. Cubbage, who seems to have viewed the 1949 vote on the previous group of freeholders' product as a rejection of the city manager form of government. In any event, at the October 28, 1953, Council meeting the Clerk certified a sufficient number of signatures on that petition to force the election of a new set of freeholders, and at the resulting December 22, 1953, election, the residents overwhelmingly voted to do that.

According to the Certificate at the end of the Charter, and the Clerk's Background document, the freeholders certified their completed charter proposal on March 29, 1954, at which meeting the Council set the election to vote on it for June 8, 1954.

The problem is the freeholders' completion of the proposed City Charter by March 29, 1954, seems to have occurred before or contemporaneously with when⁶ Dora Hill was unexpectedly asked, decided to run for, and was elected to the Council on April 13, 1954, or seated and selected as Mayor on [April 20, 1954](#). While a [June 3, 1954, article](#) in the Newport Harbor Ensign mentions Mayor Dora Hill as being in the audience at a debate about the charter measure, and "Mr. and Mrs. [Edgar R. Hill](#)" are listed as the first-named endorsers of the measure in a "Vote Yes on the Proposed Charter" political ad on the next page, I am not aware of any evidence that Ms. Hill was a driving force behind or in any way directed our Charter's creation or its content.

To the contrary, while she may have favored adoption of a charter, and might possibly have even run for Council as a proponent of the Charter effort, she does not seem to have run as a freeholder to draft one in 1948 or 1953, and between her appointment to the Library Board in 1948 and her unanticipated election to the Council in 1954, the only other mention of her in the City Council minutes seems to be on [page 2](#) of those for March 26, 1951, which mentions a letter she signed as President of the Newport Harbor PTA, requesting a specially-trained juvenile officer.

⁴ The City's governing body, at that time called a Board of Trustees, had proposed adopting a city manager form of government as early as 1928 with [Ordinance No. 337](#), but it was put to the voters and soundly rejected by them 170 "yes" to 691 "no" as recorded in [Resolution No. 459](#). Possibly as a result of changes in state law, the Council was apparently able to make the change without a need for voter approval with [Ordinance No. 575](#), introduced on March 8, 1948 – the same meeting at which it received the petition demanding election of freeholders to draft a charter. At the same meeting, according to the [minutes](#), the Council appointed "Mrs. Edgar R. Hill of 61; Via Lido Soud" (Dora) to replace a member who had resigned from the Board of Library Trustees, and also rejected a request she had submitted by letter for a refund of building permit and utility connection fees paid for the Teen-Canteen, Inc.

⁵ I have not found a copy of the charter rejected in 1949, but it seems to have included a change of the City's name to "Newport Harbor" – a proposal rejected by voters, again, according to the Clerk's Background document, at the April 8, 1958, election.

⁶ The folklore, as reported in [50 Golden Years](#) is that the request and decision happened on "an April morning," but with an election set for April 13, it is not clear when the council candidate filing deadline in 1954 would have been. One might think the campaign would have lasted longer than 12 days (at present, filing is required to be completed a minimum of 88 days before the election).

All of this is to say it might be interesting to have a presentation about the many people who contributed to the apparently rather convoluted path by which our City came to have its present form of government, in addition to the one who happened to be Mayor at the time voters approved something close to what we have today. Of special interest might be how our City would have been different if the alternative charter narrowly rejected in 1949 had been adopted instead.

Item 1. Minutes for the May 13, 2025 City Council Meeting

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

Page 328, Item V, announcements by Council members Barto and Grant: *“Participated in a field trip with the Ad Hoc Refuse Committee to the Material Recovery Facility (MRF) in Anaheim.”*

Comment: Since the City’s contractor for curbside residential trash collection (CR&R) operates its MRF in [Stanton](#), I thought the Council members had misstated the city they visited. But it appears the visit was to the [recently-opened Anaheim MRF](#) of a CR&R competitor, Republic Services, that replaced a previous facility destroyed by fire. It would have been helpful to indicate what the purpose of the trip was, and how it relates to the recommendations the Ad Committee is expected to make (see [Item 4](#) from the March 25, 2025, Council agenda). Might the committee be recommending a change in residential trash contractors? Or asking CR&R to modernize its facility? Or is CR&R already using the Anaheim MRF?

Page 334, paragraph 2 and first motion: *“City Attorney Harp ... suggested adding a provision to designate one position for Newport Coast, but if no one from that area applies, it would be open to others to fill the seat ... Motion by Councilmember Blom, seconded by Mayor Pro Tem Kleiman, to ... b) adopt amended Resolution No. 2025-31, A Resolution of the City Council of the City of Newport Beach, California, Amending the Structure, Membership, Roles and Responsibilities of the Aviation Committee; ...”*

Comment: A review of the [adopted Resolution No. 2025-31](#) indicates that after the Council’s approval, a sentence was added to the membership section of the attachment saying *“One member shall be a resident of Newport Coast, provided that an eligible resident from Newport Coast submits an application for appointment to the Committee.”* That seems consistent with, but not exactly the same as, what City Attorney Harp proposes in the [video](#).⁷ And this is an improvement over the Water Quality/Coastal Tidelands Committee enabling [Resolution No. 2021-11](#), which states appointments are made in January and commence on February 1, even though a verbal amendment made at the time of adoption is said to have changed that. Nonetheless, it seems poor policy for the Council to be adopting resolutions without knowing exactly what words it is adopting.

⁷ The [YouTube version](#) of the video is labeled “Newport Beach Planning Commission Meeting “LIVE” Thursday June 19, 2025 @6:00 PM” even though it is the June 10 Council meeting.

Page 335, paragraph 5, sentence 1: “*Mayor Stapleton highlighted the City’s recent investments in security measures, including the use of ~~flock~~ **Flock** cameras and implementation of a new drone program.*”

Page 336, paragraph 4: “*Councilmember Blom indicated that his motion will include removing Sites 146 and 147 from the ordinance and resolutions.*”

Comment: This item involved introduction of Ordinance No. 2025-10 and adoption of [Resolution No. 2025-32](#) and [Resolution No. 2025-33](#). The last minute amendment again underscores the pitfalls of orally amending documents on the fly without asking to see what words are actually being approved before they are signed. After removal of Sites 146 and 147, the Clerk’s version of the [introduced Ordinance No. 2025-10](#) contains an updated map showing seven “Height Exception Areas” labeled A through G, which, as requested, excludes from change Sites 146 and 147. However, what was formerly intended as an identical map in Resolution No. 2025-32 was not updated. So, despite the requested amendment, the signed submittal to the Coastal Commission continues to show eight “Height Exception Areas,” *including* sites 146 and 147. While those two sites are not within the coastal zone, and therefore not within the CCC’s jurisdiction, the information being submitted is incorrect and will cause Title 20 and Title 21 of our Municipal Code to contain inconsistent maps.

Item 3. Ordinance Nos. 2025-7 and 2025-8: Approving an Amendment to the North Newport Center Planned Community (PC-56) Development Plan and a Development Agreement

Since it proposes massive changes to the character of Newport Center, this item would merit extensive comment. But since the chance of producing any change, even the correction of obvious errors, at the second reading of items in Newport Beach is nearly non-existent, the effort seems futile.

Speaking of futility, I would not be surprised if the Council members have been extensively lobbied on this matter by CAA Planning and its CEO, Shawna Schaffner. I used to commend Ms. Schaffner for being one of the very few lobbyists who continued to renew their registration in Newport’s [Lobbyist Registration System](#) a year after it was enacted by [Ordinance No. 2020-3](#). It looks like even she has discovered that the Council has never bothered to impose any consequences for not registering, so doing so is as pointless as commenting on this item.

That said, surely the proposed height increases, if approved, will have, at minimum, aesthetic impacts. Dismissing those as having been adequately considered in the Housing Element Implementation EIR – which assumed the existing limits would continue – cannot be correct.

And as to the higher-cost market rate residential units the height increases will make possible, it is true the agreement proposes some mitigation in the form of a promise to build some affordable units at some other location, but the number promised is far short of the 40% affordable our Housing Element promised was realistic to expect at each of these Newport Center housing opportunity sites.

What has happened to the Housing Element’s Policy Action 1K promise to adopt an interim inclusionary policy within 6 months of Housing Element adoption and an inclusionary ordinance

within 36 months of Housing Element adoption to ensure the 40% affordable projection is met? Is the inclusionary ordinance close to completion? Should the Council hold off on approving this agreement until it is decided what the ordinance will require?

Item 5. Ordinance No. 2025-10: Approving an Amendment to the Housing Opportunity (HO) Overlay Zoning Districts

As noted in a comment to the draft minutes from the June 10 meeting (Item 1, above) where this ordinance was introduced, the City may have submitted to the Coastal Commission a version of the “Height Exception Areas” map to be adopted with this ordinance, erroneously showing increased heights at the church sites which the Council will not be approving.

As with Item 3, above, I think the aesthetic impacts of the proposed height increases have been too cavalierly dismissed. As I indicated orally when this ordinance was introduced, those doing the evaluation seemed unaware that Avocado Avenue is a designated view road.

Item 8. Resolution No. 2025-37: Accepting the Department of Homeland Security Operation Stonegarden Grant Funds Fiscal Year 2024

Section 3 of the proposed resolution commits the City “to provide all match funds, if any.”

The staff report does not explain if any matching funds will be required.

Also, in view of the current conflict between state and federal agencies over immigration policy, the public may want additional assurances that the equipment and overtime will not be used to assist in the apprehension of law-abiding persons with long residence in our country.

Item 22. Visit Newport Beach, Inc. FY 2026 Destination Business Plan Budget, Leisure Marketing (TOT) FY 2026 Budget, and Performance Standards Report

The staff report mentions recently-completed “significant organizational and governance changes,” but it does not provide any details of what those were, other than consolidating Visit Newport Beach and Newport Beach & Company..

In particular, it is not immediately apparent from the materials provided whether Visit Newport Beach or some other entity provides the non-City-funded functions that Newport Beach & Company formerly engaged in, such as conference sales and merchants associations support, or what firewalls are in place to prevent commingling of the funds or services with the non-City activities.

It also doesn’t explain if the former position of a Council-appointed City representative on the Visit Newport Beach, Inc., Executive Committee (which appointment was set to expire this June), or even the Executive Committee, still exists. If it has disappeared, someone might wish to inform the City Clerk, since the position still appears on her [Roster of Boards, Commissions and Committees](#).

Item 23. 2025 Drinking Water Quality Report on Public Health Goals

The staff report says that “every June, the Utilities Department mails a detailed drinking water quality report to all water users.” A report was actually not mailed to users this year. Instead, we received a “Ride to Water Quality” postcard announcing a report was available online and providing a phone number to call to request a printed copy. The [2025 Annual Water Quality Report](#) found at the link provided (<https://www.newportbeachca.gov/government/water-quality>) is something quite different from the “2025 Drinking Water Quality Report on Public Health Goals” attached to the staff report as [Attachment A](#). That report does not yet seem to have been posted to the website yet, with the 2022 report being the most recent available there.

Item 25. Appointments to Scheduled and Unscheduled Board and Commission Vacancies

The staff report says that Jennifer Strong “has requested to be withdrawn from consideration pertaining to the Board of Library Trustees.”

I have little doubt that the Council will ultimately re-appoint Timothy “Chase” Rief to the BLT. However, his term is ending on June 30th, and as someone who has applied, continuously, since 2009, for a position on the BLT (but never been nominated), I have to object to the Council voting on that appointment with a single nominee. Council [Policy A-2](#) requires a minimum of two nominees for each appointment, and there is nothing on the agenda announcing the possibility a vote will be taken to waive the policy.

As to waiving Policy A-2, there is no urgency about the matter since City Charter [Section 702](#) allows the incumbents to continue serving until their successors have been named. So, the clearly better alternative is to defer the vote until at least two nominees have been identified.

That is the path that was taken 10 years ago when recently-arrived resident Will O’Neill, similar to Ms. Strong, was considering withdrawing his nomination to serve on the BLT,⁸ which had been previously confirmed as part of [Item 20](#) on the June 9, 2015, consent calendar.

In that case, on June 23rd, the entire BCC appointment process was deferred to the next meeting (see [Item 25](#) on that agenda), apparently to give Mr. O’Neill time to reach his decision. That seems a bit extreme, but when the matter came back as [Item 21](#) on the July 14, 2015, agenda, with Mr. O’Neill having announced his decision to withdraw on June 30,⁹ the BLT appointment was further postponed until a replacement nominee could be identified. In that case, it included re-posting of the vacancy announcement and accepting additional applications, which again seems a bit extreme since ample other valid applications (including mine) were already on file to choose between.

In summary, the Council should continue the BLT appointment to a future meeting at which the Appointments Committee advances at least two nominees for the position, in keeping with

⁸ Mr. O’Neill’s decision may have been prompted by a developing story about [allegations](#) of campaign funds embezzlement by Jack Wu, likely leading to Mr. Wu’s resignation of his recently-created position as a citizen member of the City’s Finance Committee, creating an opening on that body.

⁹ Although he was not [arrested](#) until 2016, Mr. Wu resigned from the Finance Committee on July 1, 2015, and Mr. O’Neill was appointed to replace him on July 28 (see [Item 13](#) on the consent calendar from that date).

Policy A-2, or at which a vote to waive the policy and proceed with a single nominee is properly agendized and justified.

Alternatively, and considering that the term limits imposed by Policy A-2 appear intended to limit consecutive terms, only, if the Appointments Committee is unable to find any other qualified people (including me) among the existing pool of applicants, they could, as in 2015, consider asking the Clerk to re-advertise the opening and invite former BLT members to reapply.

There also appears to be an insufficient number of nominees for appointment to the City Arts Commission, with four positions to be filled and only seven candidates, when there should be eight.

Again, the Council should either ask the Appointments Committee to find another candidate for appointment to the Arts Commission, properly announce an intent to waive Policy A-2 or re-advertise the openings.