

City of Newport Beach
October 14, 2025

I. ROLL CALL - 4:00 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. PRESENTATIONS

- Presentation of Proclamation to May Shen, Mayor's Youth Council Participant, and Recognition of Outstanding Community Service related to Homeless Advocacy

Mayor Stapleton presented a proclamation to May Shen in recognition of her outstanding community service.

- Presentation of Proclamation to Ted Robinson

Mayor Stapleton presented a proclamation to Jason Anguiano, accepting on behalf of Ted Robinson, who was unable to attend.

- Presentation of Commendation to Jack Jasper

Mayor Stapleton presented a commendation to Jack Jasper.

- History of John Wayne Airport by former Mayor and Citizen of the Year, Thomas C. Edwards

Thomas Edwards, former Mayor and Citizen of the Year, provided a PowerPoint presentation on the history of John Wayne Airport, noting it is one of the most regulated airports in the country. Mr. Edwards detailed a timeline including airline deregulation in 1978, the establishment of the Airport Working Group in 1982, the Master Plan of 1983, the 1985 JWA Settlement agreement, which governs airport noise, capacity, and curfew, and highlighted the collaborative efforts of all elected officials who participated.

III. STUDY SESSION

SS1. Clarification of Consent Calendar Items

There were none.

SS2. Discussion to Consider Possible Traffic Calming and Public Safety Measures in the Bayview Heights Neighborhood

As a follow-up to resident requested improvements and to a Policy A1 item request from Councilmember Weigand at the August 26, 2025 meeting, staff presented a review and discussion on Traffic Calming and Public Safety Measures in the Bayview Heights neighborhood of Santa Ana Heights.

City Manager Leung introduced the Study Session, followed by a staff presentation by Dave Webb, Director of Public Works, and Kevin Riley, Acting City Traffic Engineer.

Lieutenant Vincelet, representing the Police Department, spoke on potential traffic issues, low crime rates in the area, response time considerations, and Flock camera system locations.

Assistant Fire Chief Carr, representing the Fire Department, expressed concern that closing Spruce Avenue could lead to longer response times and impede patient transport to the new hospital on Jamboree Road.

Public Works Director Webb acknowledged the Level 1 traffic calming measures, expressed staff concerns about the implementation of speed cushions, and staff's opposition to the closure of Spruce Avenue.

Councilmember Weigand expressed gratitude to the staff for their work on this matter, sought information about the community's response rate concerning speed bumps and road closures, requested clarification on the method of tallying responses during the survey, inquired if the data from the last study in 2023 remains valid, and provided a summary of considerations.

Councilmember Blom emphasized that safety is a priority, questioned why Flock cameras were not currently present at the neighborhood's ingress and egress and expressed interest in seeing additional Flock cameras in the area.

Lieutenant Vincelet clarified that the Flock cameras were installed to capture incoming and outgoing traffic into the City and explained that certain neighborhoods have funded their own Flock cameras.

Councilmember Blom recognized that the neighborhood needs attention and noted he was in favor of traffic calming measures.

Councilmember Barto expressed support for speed cushions on Orchid Street.

PUBLIC COMMENTS –

1. Devon Wortmann Miller, a resident living on Orchid Street, noted that the street is not safe; noted the lack of signage; and expressed the community does not want to wait for a tragedy before traffic calming is enforced.
2. An unidentified speaker, an Orchid Street resident, emphasized that there should be no changes, no closing of Spruce Avenue, and no need for signage.
3. Treb Heining, resident of Bayview Avenue, noted the neighborhood should be protected, neighbors walk on the street to reach the upper bay, and requested speed bumps.
4. Ryan Schleiger, Spruce Avenue resident, noted the problem with traffic issues including cut through traffic, his participation in the petition process and noted residents' high approval rating of the potential closure of a subsection of Spruce Avenue.
5. Neal (Unknown Last Name), Orchard Drive resident, noted the need for traffic calming and supported the closure of Spruce Avenue.
6. Jeff Roberts noted the need for more attention for the Bayview Heights neighborhood and thanked Councilmember Weigand for his support.
7. Lucia Pounders, Orchid Street resident, expressed concern for speeding vehicles in the neighborhood and noted the need to help slow cars down.
8. Jim Roberts, Orchid Street resident, supported the addition of speed bumps.
9. Linda Geet, Bayview Heights resident, noted that closing Spruce at Bristol is a problem, and that 25 miles per hour signage would be helpful.
10. Holly Jarvis spoke in opposition to Spruce Avenue closing and noted the complications being in a horse community.
11. An unidentified speaker requested that Spruce Avenue not be closed, expressed safety concerns when walking at night, and noted that cars do not stop at certain stop signs.
12. Joe Bonafede requested no closure on Spruce Avenue, expressed concern with emergency evacuation, but noted the need to mitigate traffic.
13. Mike Smith requested Flock cameras in the area, noted speeding cars on Bayview Avenue; and suggested the installation of bollards.

14. Christine Sceberras noted traffic from the commercial buildings, emphasized that cross traffic was an issue, expressed concern for seniors living in the neighborhood and the lack of sidewalks, and spoke on pedestrian safety concerns.
15. Nhan Bui noted traffic from commercial areas and questioned whether the gates could be closed to the neighborhood.
16. Beth Darling, resident, spoke of using speed cushions to slow down traffic.
17. Kent Snyder, resident of Cypress Street, spoke against closing Spruce Avenue, and noted he did not think there was speeding or the need for traffic calming in his neighborhood; and that it was best to pay attention to the data, and not emotions over the issue.
18. Linda Newsom, long term resident, spoke on the possibility of edge lines, noted speed limit decals and raised medians could help, and spoke against the closing of Spruce Avenue, and was opposed to speed bumps.
19. An unidentified speaker noted the traffic study did not include the information that there were no sidewalks in the community.
20. Laurie Kelly expressed concern about traffic in the neighborhood.

Councilmember Grant spoke on the benefits of Study Sessions and resident input and inquired whether the community had a Homeowners Association. She emphasized the importance of engaging businesses that could be impacted by a potential road closure, questioned how the closing of the gates would provide a benefit, noted that adding sidewalks would be complicated but an interesting concept, noted that the Level 1 option would be easy to implement, and expressed interest in continuing discussions with staff regarding these options.

Councilmember Weigand questioned staff on the upcoming public hearing before the Planning Commission, did not see a consensus related to the closing of Spruce Avenue, noted the Level 1 option could be a viable approach and the City could move forward on that. He noted the upcoming slurry seal project could impact decisions, suggested that residents could compromise on speed cushion options and the phasing of speed cushions, recommended additional outreach to the community, noted a monument can help define the neighborhood and assist with traffic calming, and questioned whether Assessment Districts be required for street lighting.

Public Works Director Webb spoke on the process of incorporating street lighting in existing neighborhoods including the creation of lighting Assessment Districts.

Councilmember Weigand addressed the funding for Flock cameras, indicated that Level 1 might be feasible, expressed support for implementing speed bumps in a phased approach, noted the slurry seal project, and proposed further review of speed bumps on Orchard Drive. However, he did not support the closure of Spruce Avenue and suggested the consideration of other alternatives.

Councilmember Blom recognized the uniqueness of the equestrian neighborhood, noted the importance of reaching a consensus, and was supportive of signs and other mitigation measures.

Mayor Stapleton thanked the residents for attending the meeting, noted this neighborhood was the most unique in the City, noted he was in favor of the Level 1 options and of speed cushions where warranted, and was not in favor of closing Spruce Avenue.

Public Works Director Webb provided a summation of consensus of the City Council including:

- The preference of Level 1
- One or two speed bumps on Orchid Street
- A monument in the median on Spruce Avenue as an entry monument
- Examining gate closure of commercial property
- Incorporating 3 Flock cameras in the neighborhood

Councilmember Weigand noted that speed bumps could be gradually incorporated into the area and that residents could return if additional speed bumps are needed, and that if Spruce Avenue is not closed, incorporating speed bumps is an option.

Mayor Stapleton further summarized consensus to move forward with Level 1 calming measures, speed cushions on Orchid Street, incorporation of a median on Spruce Avenue, installation of Flock cameras, and further assessment of the commercial property gate issue.

Approved by a Straw Vote, 7-0.

IV. RECESS

There was no recess.

V. RECONVENE

Mayor Stapleton reconvened the meeting at 5:46 p.m., from Study Session.

VI. ROLL CALL

All members were present.

VII. INVOCATION - Julie Holdaway, Chief Strategy & Learning Officer, Merage Jewish Community Center of Orange County

VIII. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Weber.

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

Councilmember Weigand

- Attended an Orange County Mosquito and Vector Control District (OCMVCD) meeting and noted an increase in cases of West Nile virus locally.
- Announced Orange County Sanitation District (OCSAN) State of the District Luncheon to take place on Friday, October 17, 2025.

Mayor Pro Tem Kleiman

- Wished Councilmember Weber a happy birthday.
- Attended Orange County Council of Governments (OCCOG) September 2025 Board of Directors Meeting.
- Attended the Grand Reopening of the Corona del Mar Farmers Market.
- Attended the CdM Commercial Corridor Study Community Meeting.
- Announced a meeting of the Aviation Committee to take place on Monday, October 20, 2025, in the Civic Center Community Room.

Mayor Stapleton

- Announced the Newport Beach Film Festival taking place October 16–23, 2025.
- Congratulated the Friends of OASIS on a successful Boutique & Rumage Sale.
- Attended the Bonnie Lou Gibson Memorial Sailing for the Blind and Visually Impaired (SVI) event hosted by American Legion.
- Attended the Newport Beach Volleyball Invitational.
- Congratulated Corona del Mar High School for winning Battle of the Bay.

X. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Jim Mosher stated that he was pleased to hear that the Aviation Committee will be meeting; announced the General Plan Advisory Committee Open House on October 21, 2025, at 6:30 p.m. in the Civic Center Community Room and the GPAC Virtual General Plan Update Open House to be held virtually at 6:00 p.m. the following day. He further commented that in 1929, the City established an Airport Committee responsible for evaluating a potential airport site in Newport Beach; and provided context regarding the proposal of Lido Isle as a location for seaplanes and Mariner's Mile for land planes, which was ultimately considered unfeasible.

City Employee Association President Mariah Stinson, accompanied by, Jaime Gonzalez, Senior Labor Relations Representative, spoke on the current negotiations between the City and the Association.

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

- Consideration of amendments to the Newport Beach Municipal Code to enhance enforcement of bicycle safety by prohibiting operation of a bicycle or e-bicycle in an unsafe manner, requiring helmets for all riders under 18, enhancing penalties for violations, applying bicycle regulations as set forth in Chapter 12.56 to e-bicycles, and updating sidewalks where riding bicycles and e-bicycles are permitted (Submitted by Councilmember Barto).

Approved by a Straw Vote, 7-0.

XII. PUBLIC COMMENTS ON CONSENT CALENDAR

There were no Public Comments on Consent Calendar items.

XIII. CONSENT CALENDAR

Councilmember Weigand noted he would be voting "no" on Agenda Item 3 and requested removal of Agenda Item 8.

XIV. READING OF MINUTES AND ORDINANCES

1. Minutes for the September 23, 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.

XV. ORDINANCES FOR ADOPTION

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; and
- b) Conduct a second reading and adopt 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.*

Motion carried 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) Conduct a second reading and adopt 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.*
- 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; and
 - b) Conduct a second reading and adopt 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.*
- 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) Conduct a second reading and adopt 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.*
- 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) Conduct second reading and adopt 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.*

XVI. RESOLUTIONS FOR ADOPTION

- 8. Item pulled from the Consent Calendar.**

XVII. CONTRACTS AND AGREEMENTS

- 9. Slurry Seal Program Fiscal Year 2024-25 - Notice of Completion for Contract No. 9717-1 (25R04)**

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

10. Balboa Yacht Basin Maintenance Dredging - Award of Contract No. 9944-1 (26H13)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 Class 4 (Minor Alterations to Land - Maintenance Dredging) 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) Approve the project plans and specifications;
- c) Approve Budget Amendment No. 26-033 appropriating \$2,049,344 in increased expenditures in Account No. 10101-980000-26H13 from the Tidelands Capital Fund unappropriated fund balance;
- d) Award Contract No. 9944-1 to Pacific Dredge and Construction, LLC for the total bid price of \$3,543,949 for the Balboa Yacht Basin Maintenance Dredging project, and authorize the Mayor and City Clerk to execute the contract; and
- e) Establish a contingency of \$354,395 (10% of total bid) to cover the cost of unforeseen work not included in the original contract.

11. Approval to Purchase Three 2026 or Newer Model Year Rescue Ambulances from Professional Sales and Service, L.C.

- 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 selection and purchase of three 2026 or newer model year Horton 623FL Type 1 2WD ambulances on 2026 or newer Freightliner M2 Medium Duty Chassis, from Professional Sales and Service, L.C., using cooperative selection and pricing under Sourcwell Contract #122123-RVG;
- c) Authorize the City Manager to execute any necessary purchase agreements related to the purchase on a form approved by the City Attorney; and
- d) Approve Budget Amendment No. 26-032 appropriating \$1,570,065.69 in increased expenditures in the vehicle replacement fund, account no. 7529032- 911016 from the Equipment Internal Service Fund (752) reserves.

12. Amendment to Services Agreement with Global Power Group, Inc., for Maintenance and Repair Services for City Generators

- 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 Services Agreement with Global Power Group, Inc., to extend the existing agreement two years until December 31, 2027, and to increase the contract amount by \$250,000, and authorize the Mayor and City Clerk to execute the Agreement.

13. Approval of the Lecture Hall Auditorium Naming Rights Agreement

- 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 Newport Beach Public Lecture Hall Naming Rights Donation Agreement between the City of Newport Beach and the Newport Beach Public Library Foundation for the naming of the auditorium; and
- c) Waive City Council Policy B-9, *Naming of City Parks and Facilities* and City Council Policy B-17, *Parks, Facilities, and Recreation Program Donations*, for the naming of the auditorium.

XVIII. MISCELLANEOUS

14. Annual Review of Visit Newport Beach Audited Financial Statements and Expenditure Report

- 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) Receive and file.

15. Planning Commission Agenda for the October 9, 2025, Meeting
Receive and file.

ACTION: MOVE AFFIRMATIVE ACTION OF THE CONSENT CALENDAR, EXCEPT FOR THOSE ITEMS REMOVED

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Grant, to approve the Consent Calendar including amendments to Agenda Item 1; the Minutes, a “no” vote on Agenda Item 3 by Councilmember Weigand, and removal of Agenda Item 8 for further discussion by Councilmember Weigand.

The motion carried 7-0.

XIX. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Resolution No. 2025-65: Creating the Newport Beach Police Headquarters Assessment 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 direct or indirect physical change to the environment; and
- b) Adopt Resolution No. 2025-65, *A Resolution of the City Council of the City of Newport Beach, California, Creating the Newport Beach Police Headquarters Assessment Committee.*

This item was removed for separate discussion by Councilmember Weigand.

Councilmember Weigand questioned the composition of the proposed ad hoc, inquired whether its formation was necessary, offered that a Study Session would allow all Councilmembers to review the item at the same time, and requested clarification on formation of different ad hoc committees.

Assistant City Manager Jurjis explained the existing police station is slated for replacement in 2032, emphasized the need to quickly commence planning and development, noted Council has discretion in determining the approach, noted that a working group of Chamber representatives and City Council members would be subject to Brown Act requirements, and clarified that the decision on how to form the committee was ultimately up to the City Council.

Councilmember Blom questioned the scope of work for the proposed committee and emphasized the amount of work associated with this project, expressed a preference to avoid bond financing, and preferred if the ad hoc had only three City Council members to help expedite the project.

Councilmember Grant emphasized the importance of transparency and community input, noted that there were excellent resident resources in the community, thought the ad hoc should have community input, and preferred the item be brought back at a Study Session.

Mayor Stapleton thought that there should be at least four members of the public on the ad hoc committee.

Councilmember Weigand questioned whether the Dove Street property had required an ad hoc committee.

Assistant City Manager Jurjis reviewed the process that went into purchasing the Dove Street property.

PUBLIC COMMENT

Jim Mosher noted issues with fewer council members participating in discussion of complex projects; suggested staff provide a range of possibilities at a Study Session at which time an ad hoc committee could be created at that time.

Following public comment, Councilmember Blom offered an alternative to adjust the committee to a City Council-only ad hoc committee.

Councilmember Weigand concurred and thought a Council-only ad hoc would expedite the process.

Mayor Stapleton stated that he would be abstaining and respectfully removed himself as a representative on the ad hoc committee.

Motion by Councilmember Blom, seconded by Councilmember Weigand, to remove public members from the proposed committee and to have a City Council-only ad hoc, with three Councilmembers, to serve on the Newport Beach Police Headquarters Assessment Committee.

Motion carried 5-1-1 (Councilmember Grant opposed, Mayor Stapleton abstained).

XX. PUBLIC HEARINGS

16. Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard Area (VE) Overlay (PA2018-075)

Mayor Stapleton opened the public hearing at 6:22 p.m.

Hearing no testimony, Mayor Stapleton closed the public hearing at 6:22 p.m.

Motion by Councilmember Blom, seconded by Councilmember Weber, to: a) Conduct a public hearing; b) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines because it has no potential to have a significant effect on the environment; c) Waive full reading, direct City Clerk to read by title only, introduce Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075)*, and pass to second reading on October 28, 2025; and d) Waive full reading, direct City Clerk to read by title only, introduce Ordinance No. 2025-33, *An Ordinance of The City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075)*, and pass to second reading on October 28, 2025.

Motion carried 7-0.

17. Resolution No. 2025-66: Coyote Canyon Landfill Gas to Energy Facility Appeal (PA2022-063)

Councilmember Weigand, citing a potential conflict of interest, recused himself from the item.

Assistant City Manager Jurjis and Joselyn Perez, Senior Planner, presented the staff report and PowerPoint presentation.

Tyler Henson, Biofuels Coyote Canyon Biogas, LLC, on behalf of Archaea Energy, Inc (the applicant) provided an overview of their company's operations, highlighted their extensive experience in the renewable energy sector, provided comments related to the Planning Commission's decision and the ensuing appeal, noted short term impacts of this project which may include increased truck traffic, potential visual obstructions from construction equipment, noise and dust emissions; and spoke of responses to community concerns.

Kelilah D. Federman, of Adams Broadwell Joseph & Cardozo and representing Orange County Residents for Responsible Industry, provided comments related to the reasons regarding the appeal and the request to appeal Resolution No. 2025-66, citing environmental and CEQA concerns.

Placeworks CEQA Consultant, Dina El Chammas, provided an analysis and reviewed comments provided by the appellant including that the air quality concerns are under the purview of the South Coast AQMD citing they had no further comments; and noted the Fire Department reviewed the potential fire hazards and approved the fuel modification plan.

Councilmember Grant asked staff if they were comfortable moving forward with the project given the objections presented. Staff confirmed yes.

Mayor Stapleton opened the public hearing at 6:51 p.m.

PUBLIC COMMENTS

William Coons, representing Orange County Residents for Responsible Development, expressed concerns regarding the potential environmental impacts as well as public safety, and requested Council uphold the appeal.

Mayor Stapleton closed the public hearing at 6:55 p.m.

The applicant, Tyler Henson, Archaea Energy, Inc., made a brief closing statement citing the environmental concerns raised by the appellant.

Appellant Kelilah D. Federman, Adams Broadwell Joseph & Cardozo, supported the need for an environmental impact report.

Councilmember Grant questioned whether Sage Hill High School had participated in the outreach and was told by staff that they had participated and had not submitted an objection.

Moved by Councilmember Blom, seconded by Councilmember Weber, to: a) Conduct a de novo public hearing; and b) Adopt Resolution 2025-66; *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Decision of the Planning Commission to Adopt a Mitigated Negative Declaration and Approve a Conditional Use Permit to Construct and Operate a Landfill Gas-to-Energy Facility at 20662 Newport Coast Drive (PA2022-063).*

Motion carried 6-0-1 (Councilmember Weigand recused).

XXI. CURRENT BUSINESS

18. Appointment of Lena Shumway as City Clerk and Approval of Employment Agreement

Assistant City Manager Tara Finnigan presented the staff report and reviewed the elements of the proposed contract which include:

- A term from October 20, 2025 through December 31, 2028.
- A base salary of \$200,977 with future increases after October 20th of this year tied to any percentage increase, schedule, or cost of living adjustment provided to key and management employees.
- An auto allowance of \$400 per month.
- Deferred compensation effective the pay period that includes October 20th of this year.
- A biweekly contribution of 3% of the City Clerk's base salary to be made to her City sponsored 457 deferred compensation account.
- Flex leave to accumulate as provided for in the key and management compensation plan, executive management category, at the rate designated for employees with years of service in the 15 and over category.
- Effective October 20th, the City Clerk will receive 40 hours of paid administrative leave, and then effective January 1, 2026, she will receive 80 hours of administrative leave per calendar year.
- A severance term of up to 6 months of base salary and medical benefits if terminated without cause.
- All other benefits received by key and management employees, including reimbursement for an annual physical exam, a phone allowance, holiday pay, holiday closure leave, and participation of CalPERS in the LIUNA Supplemental Pension Program.

PUBLIC COMMENTS

Jim Mosher thanked outgoing Interim City Clerk Molly Perry for her service.

Motion by Mayor Stapleton, seconded by Councilmember Weber, to: 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) Pursuant to Charter Section 600, appoint Lena Shumway as City Clerk for the City of Newport Beach, effective October 20, 2025; and c) Approve and authorize the Mayor and City Clerk to execute an employment agreement between the City of Newport Beach and Lena Shumway, subject to the terms and conditions approved by the City Council.

Motion carried 7-0.

XXII. MOTION FOR RECONSIDERATION - None

Adjournment in Memoriam

Prior to recessing to Closed Session, Mayor Stapleton provided comments on the recent passing of Jeffrey John Bitetti and asked for the meeting to be adjourned in his memory.

XXIII. PUBLIC COMMENTS ON CLOSED SESSION

There were none.

XXIV. CLOSED SESSION - Council Chambers Conference Room

Mayor Stapleton requested City Attorney Harp read the Closed Session item and recessed at 7:02 p.m.

- A. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Government Code § 54956. 9 (d)(4): 1 matter.**

XXV. CLOSED SESSION REPORT

Mayor Stapleton reconvened the meeting at 7:55 p.m. and City Attorney Harp noted there was no report.

XXVI. ADJOURNMENT IN MEMORIAM - JEFFREY JOHN BITETTI

Mayor Stapleton adjourned the meeting at 7:55 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 October 9, 2025, at 4:00 p.m.

Joe Stapleton
Mayor

Lena Shumway
City Clerk

Draft