

City of Newport Beach
September 9, 2025

I. ROLL CALL - 4:00 p.m.

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

Excused: Councilmember Noah Blom

II. INVOCATION - Reverend Matthew Hambrick - First United Methodist Church

III. PLEDGE OF ALLEGIANCE – Councilmember Weber

IV. PRESENTATIONS

- Proclaiming September 2025 as Hunger Action Month - Second Harvest Food Bank

Mayor Stapleton read the Proclamation designating September 2025 as Hunger Action Month and presented it to Janice Song, Second Harvest Associate Board Member.

Councilmember Grant attended the Kick-Off for Hunger Action Month at the Orange County Great Park that highlighted the national campaign and thanked Second Harvest for their years of service.

Councilmember Weigand requested more information on the “No Lunch” Lunch that he will share with his colleagues. Ms. Song noted the event would take place the Thursday before Thanksgiving (November 20, 2025).

- The 1970’s: Defeat of the Coastal Freeway Plan – Bill Lobdell, City Historian Laureate

Mr. Lobdell provided a PowerPoint presentation on the defeat of the Coastal Freeway Plan that included the process and approval of the proposed Coastal Freeway, imminent domain scenarios, and the images of how the Coastal Freeway would have dissected key areas of the City.

- Fire Pathways Presentation

Newport Beach Fire Chief Jeff Boyles introduced retired Fire Chief Dave Winnacker from XyloPlan, who provided the PowerPoint presentation on fire pathways. Additionally, James Gillespie, the City’s Fire Marshal, was also available for additional questions and concerns.

The presentation included how dry winds impact fire weather assessment; reviewed the City’s area of fire threats; noted vegetation management efforts; spoke on ember cast; spoke on urban spread fire spread analysis at Buck Gully; noted defensible space and home hardening; the need for outreach education; the importance of a fuel management zone; and identifying potential risk reduction with targeted mitigation.

Councilmember Grant thanked Mr. Winnacker for the presentation; thanked the Public Works Department, the Fire Department and the Fire Marshall for their efforts in protecting the City; and questioned what should be the City’s next steps.

Councilmember Weigand noted that it is also up to the residents to do their job at fire prevention; encouraged the residents to check with the Fire Department on home safety; and reiterated that fire regulations are a key element in fire protection and prevention efforts.

City of Newport Beach
September 9, 2025

City Manager Grace Leung requested that Fire Marshall Gillespie provide an update on the CEQA grant for Buck Gully.

Mayor Stapleton asked Fire Marshall Gillespie to provide an update on the efforts by private homeowners.

In closing, Councilmember Grant noted that residents had concerns regarding evacuation response, whether it be from fire or another emergency event.

V. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Interim City Clerk Molly Perry read the notice regarding public comments on agenda and non-agenda items.

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

Councilmember Barto:

- Attended International Literacy Day event.
- Attended Movie in the Park at Sunset Ridge Park.

Councilmember Grant:

- Attended International Literacy Day event.
- Attended Friendship Shelter's inaugural event.
- Attended the Orange County Transportation Authority's Express Lanes Field Experience

Mayor Stapleton:

- Attended the groundbreaking of the former Travelodge in Costa Mesa.
- Attended International Literacy Day event.
- Attended Diamond Wish Ribbon cutting.
- Noted that on September 10, 2025, he will be attending the 27th Annual Fire & Lifeguard Appreciation Dinner.
- Announced the meeting of the Finance Committee will take place on September 10, 2025, at 3:00 p.m.
- Provided a reminder of the September 13, 2025, 10th Annual Ben Did Go 10.0 event, featuring approximately 132 fellow paddlers who raised approximately \$400,000 for the foundation.

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

Mayor Stapleton introduced the following A-1 item and noted that if passed, the item would return as an agenda item at a future meeting:

Consider initiating a comprehensive review of regulations related to smoking and nitrous oxide, including the sale, distribution, and use of flavored tobacco products and nitrous oxide. This review should include, but not be limited to: (1) a potential amendment to the Municipal Code to address the sale, distribution, and use of flavored tobacco and nitrous oxide; and (2) the initiation of amendments to the Zoning Code and Local Coastal Program to evaluate potential modifications to zoning designations and regulations pertaining to smoke shops, smoking lounges, and other smoke-related businesses in Newport Beach, as well as the adoption of a temporary moratorium on the establishment of new smoke shops pending the outcome of this review (submitted by Mayor Pro Tem Kleiman).

City of Newport Beach
September 9, 2025

PUBLIC COMMENTS

Mr. Jim Mosher provided comments including the lack of clarity and the length of the A-1 consideration; questioned the approval process of A-1 matters; noted that in 2020, the State Legislature banned the sale and distribution of tobacco flavored products; noted that this action could be considered government overreach; and suggested this item return as a Study Session to allow for an in-depth review.

By a straw vote, the consideration passed 6-0-1, Councilmember Blom absent.

City Attorney Harp noted the item will be agendaized for the September 23, 2025, City Council meeting; and in response to Mr. Mosher's comments, reiterated that the City can be more restrictive than state law.

VIII. PUBLIC COMMENTS ON CONSENT CALENDAR

1. Adam Leverenz spoke on Agenda Item No. 1, *Approval of the August 26, 2025 City Council Regular Meeting Minutes* noting that the 23 public comments received on Resolution 2025-55, the Ford Road townhomes project, should have included each individual speaker's comments and not a generalization "for" and "against"; also noted the minutes reflected the perspective of the Mayor related to the legislative actions in Sacramento and noted his disagreement with that perspective; spoke on Agenda Item No. 3, *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* related to pedestrian safety in the medians on the Peninsula; thanked Councilmember Weigand's opposition to Agenda Item No. 4, *Ordinance 2025-19: Amending Title 11 (Recreational Activities) of the Newport Beach Municipal Code Related to the Prohibition of Climbing on Railings of Public Property and Amending Title 11 (Recreational Activities) Related to Swimming Regulations and Restrictions on Diving, Jumping and Climbing on Public Property Adjacent to Waterways*; and spoke on Agenda Item No. 9, *Amendment No. Two to Professional Services Agreement with Flock Group, Inc. for Flock ALPR Services*, noting his concerns for privacy versus the importance of the data provided by the cameras.
2. Eplanet Thunderstriker spoke on Agenda Item No. 15, *License Agreement with University of Southern California for Operation of a Coastal Observation System at the Newport Pier* including dolphins that speak; and artificial intelligence.
3. Jim Mosher spoke on Agenda Item No. 1, noted that *Approval of the August 26, 2025 City Council Regular Meeting Minutes* should have a correction that he previously submitted on page 391, paragraph 2, "...communications with the applicant *regarding matters described* should replace ...communications with the applicant *which were indicated*...; Agenda Item No. 3, *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* should be more concise; Agenda Item No. 5, *Ordinance No. 2025-20: Amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code Updating ADU and JADU Standards (PA2025-0093)* he believed contains errors that could be flagged by HCD; Agenda Item No. 10, *Street Pavement Repair Program Fiscal Year 2024-25 - Notice of Completion for Contract No. 9716-1 (25R06)*, commented on waiving of the tree policy and thought it should be under the purview of the Parks, Beaches & Recreation Commission; Agenda Item No. 18, *City Hall and Limited Off-Site Holiday Closure (Beginning Wednesday, December 24, 2025, through Sunday, January 4, 2026)*, includes a reference to the City's Library schedule which is not under City Council purview and should be informational only; and spoke on Agenda Item No. 7, *Resolution No. 2025-57: Opposing Proposition 50 and Enabling Legislation*, noting various concerns related to the City approving the resolution.

City of Newport Beach
September 9, 2025

IX. CONSENT CALENDAR

Motion passes 6-0-1, with the notation of Councilmember Weigand opposed on Agenda Item 4; Councilmember Weber recused on Agenda Item 10; and with the noted absence of Councilmember Blom.

X. READING OF MINUTES AND ORDINANCES

1. Minutes for the August 26, 2025, Special City Council Meeting and August 26, 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.

XI. ORDINANCES FOR INTRODUCTION

3. 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

- 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. 2025-22, *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*, and pass to second reading on September 23, 2025.

XII. ORDINANCES FOR ADOPTION

4. Ordinance 2025-19: Amending Title 11 (Recreational Activities) of the Newport Beach Municipal Code Related to the Prohibition of Climbing on Railings of Public Property and Amending Title 11 (Recreational Activities) Related to Swimming Regulations and Restrictions on Diving, Jumping and Climbing on Public Property Adjacent to Waterways

- 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. 2025-19: *An Ordinance of the City Council of the City of Newport Beach, California, Adding Section 11.12.140 (Climbing on Railings of Public Property) and Amending Section 11.12.150 (Diving or Jumping from Public Property) of Chapter 11.12 (Swimming Regulations) to Title 11 (Recreational Activities) of the Newport Beach Municipal Code, Relating to Restrictions on Diving, Jumping and Climbing on Public Property Adjacent to Waterways*.

Passes 5-1-1, Councilmember Weigand voting opposed and Councilmember Blom absent.

City of Newport Beach
September 9, 2025

5. Ordinance No. 2025-20: Amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code Updating ADU and JADU Standards (PA2025-0093)

- a) Find the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 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 66310 through 66342 of the Government Code are exempt from the requirements of CEQA; and
- b) Conduct second reading and adopt Ordinance No. 2025-20, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 20.48.200 (Accessory Dwelling Units) of the City of Newport Beach Municipal Code Related to Accessory Dwelling Units and Junior Accessory Dwelling Units (PA2025-0093).*

XIII. RESOLUTIONS FOR ADOPTION

6. Resolution No. 2025-56: Supporting Submission of a Revised Grant Application Under the Orange County Transportation Authority Measure M2 Project V Program for Local Transit Services

- 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. 2025-56: *A Resolution of the City Council of the City of Newport Beach, California, Authorizing and Approving submittal of a Revised Funding Application to the Orange County Transportation Authority for Funding Under the Project V Community-Based Transit/Circulators Program.*

7. Resolution No. 2025-57: Opposing Proposition 50 and Enabling Legislation

- 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. 2025-57, *A Resolution of the City Council of the City of Newport Beach, Opposing Proposition 50 and Enabling Legislation.*

XIV. CONTRACTS AND AGREEMENTS

8. Approval of Amendment No. One to Professional Services Agreement with Kreuzer Consulting Group for the Old Newport Boulevard and West Coast Highway Modifications Project (Contract No. 5244-1) (15R19)

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve Amendment No. One to the professional services agreement with Kreuzer Consulting Group for Engineering and Right-of-Way Services for the Old Newport Boulevard and West Coast Highway Modifications project to increase the agreement amount by \$286,059 for a total not-to-exceed amount of \$306,655, and authorize the Mayor and City Clerk to execute the amendment.

9. Amendment No. Two to Professional Services Agreement with Flock Group, Inc. for Flock ALPR Services

- 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. Two to the Professional Services Agreement with Flock Group, Inc. of Atlanta, Georgia to extend the term of the agreement to coincide with the execution date,

City of Newport Beach
September 9, 2025

- for the addition of four ALPR units and to increase data retention from 30 days to one year at a cost of \$144,800 for a total not-to-exceed amount of \$1,618,100 and authorize the Mayor and City Clerk to execute the Amendment; and
- c) Approve Budget Amendment No. 26-024 appropriating \$15,200 in increased expenditures in Account No. 01035355-811008 from the unappropriated General Fund balance.

10. Street Pavement Repair Program Fiscal Year 2024-25 - Notice of Completion for Contract No. 9716-1 (25R06)

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

Passes 5-0-1-1, Councilmember Blom absent and Councilmember Weber recused due to a conflict of interest related to her personal residence.

11. Balboa Peninsula Water Main Replacement, East Irvine Terrace Water Main Replacement & Shorecliff Community Water System Improvements - Phase 2 - Award of Contract No. 9835-1 (26W12)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302(c), Class 2 (reconstruction of existing facility involving negligible or no expansion of capacity) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment.
- b) Approve the project plans and specifications;
- c) Award Contract No. 9835-1 to T.E. Roberts, Inc. for the total bid price of \$6,741,473 for the Balboa Peninsula Water Main Replacement, East Irvine Terrace Water Main Replacement & Shorecliff Community Water System Improvements - Phase 2 project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$1,350,000 (approximately 20% of total bid) to cover the cost of unforeseen work not included in the original contract.

12. Balboa Island Water Main Replacement – Phase 3 & Shorecliff Community Water System Improvements - Notice of Completion for Contract No. 7173-3

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

13. Request to Waive City Council Policy G-6 for Alternate Palm and Tree Species at the Sherman Library and Gardens (2647 East Coast Highway)

- 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 a waiver of City Council Policy G-6 - Maintenance and Planting of Parkway Trees for alternate palm and tree species in the City rights-of-way at Sherman Gardens (2647 East Coast Highway).

14. Approval of On-Call Service Agreements for Streetlight Electrical Repair Services with Yunex LLC and Bear Electrical Solutions LLC

- 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 On-Call Maintenance and Repair Services Agreement with Yunex LLC for a term of five years and a total contract compensation amount of \$1,500,000, and authorize the Mayor and City Clerk to execute the agreement; and
- c) Approve On-Call Maintenance and Repair Services Agreement with Bear Electrical Solutions LLC for a term of five years and a total contract compensation amount of \$1,000,000 and authorize the Mayor and City Clerk to execute the agreement.

City of Newport Beach
September 9, 2025

15. License Agreement with University of Southern California for Operation of a Coastal Observation System at the Newport Pier

- a) Find this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
- b) Authorize the City Manager and City Clerk to execute the License Agreement between the City of Newport Beach and University of Southern California for operation of a coastal observation system on City property, on the Newport Pier located at 1 Newport Pier, in a form substantially similar to the amendment attached to the staff report; and
- c) Approve a waiver of City Council Policy F-7 - Income and Other Property based on the findings contained in 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 public, that cannot otherwise be provided if full market rates were charged.

16. Revocable License Agreement with Sprouts of Promise Foundation for Temporary Use of City Property for a Certified Farmers' Market at McFadden Square and Newport Pier

- 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 Manager and City Clerk to execute the Revocable License Agreement between the City of Newport Beach and Sprouts of Promise Foundation, for temporary use of the City property for the Certified Farmers' Market at McFadden Square and Newport Pier, in a form substantially similar to the agreement attached to the staff report; and
- c) Approve a waiver of City Council Policy F-7 - Income and Other Property based on the findings contained in 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.

XV. MISCELLANEOUS

17. Budget Amendment to Accept a Check from the Newport Beach Public Library Foundation 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 \$40,000 from the Newport Beach Public Library Foundation and approve Budget Amendment No. 26-023 to increase revenues and expenditures by the same amount in Division 0106051 (Foundation).

18. City Hall and Limited Off-Site Holiday Closure (Beginning Wednesday, December 24, 2025, through Sunday, January 4, 2026)

- 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 closing City Hall and providing limited services at off-site facilities from Wednesday, December 24, 2025 through Sunday, January 4, 2026.

City of Newport Beach
September 9, 2025

19. General Plan Update Steering Committee (GPUSC) Bi-Monthly Update to the City Council

- 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 the report.

20. Planning Commission Agenda for the September 4, 2025, Meeting

Receive and file.

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Weber, to approve the Consent Calendar, including amendments to Agenda Item No. 1, the Minutes; a “no” vote on Agenda Item 4 by Councilmember Weigand; and the noted recusal on Agenda Item 10 by Councilmember Weber.

The motion passed unanimously, by those members present, 6-0-1, Councilmember Blom absent.

XVI. ITEMS REMOVED FROM THE CONSENT CALENDAR – None.

XVII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Eplanet Thunderstriker spoke on concerns with the City Attorney not allowing him to speak on pertinent matters; noted the music industry scandal; spoke on his perception of the City Council's dereliction of duty; and noted that he needed more time to speak.

Mr. Leverenz spoke that his presentation slides had not been received by the City Clerk's Office and stated he will speak on the item at the next meeting.

Mr. Mosher noted his appreciation of Closed Session being held at the end of the meeting; spoke on the original purpose of starting the meeting earlier in the day was due to conducting Study Sessions however, there has been a reduction in Study Sessions recently; noted a lack of agenda materials provided for the public including extra copies of public hearing staff reports and noted a copy of a proposed resolution for a public hearing had not been provided; and expressed his appreciation for the historical presentations.

Mike Smith spoke on his support for maintaining the Newport Beach Golf Course.

XVIII. PUBLIC HEARINGS

21. 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

Motion carried by Mayor Pro Tem Kleiman, seconded by Mayor Stapleton to:

- a) Conduct a public hearing;
- b) Find the proposed actions are not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) and 15378 of the CEQA Guidelines, because the code adoption and amendment will not result in a physical change to the environment, directly or indirectly;
- c) Adopt Resolution No. 2025-58, *A Resolution of the City Council of the City of Newport Beach*,

City of Newport Beach
September 9, 2025

California, Setting Forth Findings Based on Local Conditions within the City of Newport Beach Which Make Certain Modifications and Changes to the International Property Maintenance Code, the California Building Code, the California Residential Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code and the International Swimming Pool and Spa Code as Reasonably Necessary Because of Local Climatic, Geographic, or Topographic Conditions;

- d) Waive full reading, direct the City Clerk to read by title only, introduce 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*, and pass to second reading on September 23, 2025;
- e) Adopt Resolution No. 2025-59, *A Resolution of the City Council of the City of Newport Beach, California, Setting Forth Findings Based on Local Conditions Within the City of Newport Beach Which Make Certain Modifications and Changes to the 2025 Edition of the California Fire Code and 2025 Edition of the California Wildland Urban Interface Code and as Reasonably Necessary Because of Local Climatic Geographic, or Topographic Conditions;*
- f) Waive full reading, direct the City Clerk to read by title only, introduce 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 pass to second reading on September 23, 2025; and
- g) Waive full reading, direct the City Clerk to read by title only, introduce 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*, and pass to second reading on September 23, 2025.

Mayor Stapleton opened the Public Hearing at 5:02 p.m. and hearing no requests to speak, closed the Public Hearing at 5:02 p.m.

Motion passed unanimously, by those members present, 6-0-1, Councilmember Blom absent.

22. Resolution No. 2025-60: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Snug Harbor Surf Park Project at 3100 Irvine Avenue (PA2024-0069)

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

Moved by Councilmember Grant, seconded by Councilmember Weber, to

- a) Conduct a public hearing;
- b) Find that the proposed overriding action is not subject to 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 because it has no potential for resulting in physical change to the environment, directly or indirectly; and
- c) Adopt Resolution No. 2025-60, *A Resolution of the City Council of the City of Newport Beach, California, Notifying the Orange County Airport Land Use Commission (ALUC) and State Department of Transportation, Aeronautics Program of the City's Intention to Find that the*

City of Newport Beach
September 9, 2025

Surf Park Project located at 3100 Irvine Avenue is Consistent with the Purposes of the State Aeronautics Act and Overrule ALUC's Determination that the Project is Inconsistent with the 2008 John Wayne Airport Environs Land Use Plan (PA2024-0069).

Mayor Stapleton opened the Public Hearing at 5:05 p.m.

PUBLIC COMMENTS

1. Mr. Mosher spoke on the inconsistency of this project; noted that 388 people can participate daily and the location could have twelve special events per year; and reiterated that he was against the override.
2. Mr. Leverenz noted his opposition to putting potentially thousands of people at the end of a runway.
3. Mr. Smith noted that the August 7, 2025, Orange County Airport Land Use Commission found this project inconsistent with the John Wayne Airport Environs Land Use Plan.

Mayor Stapleton closed the Public Hearing at 5:11 p.m.

Motion passed unanimously by those members present, 6-0-1, Councilmember Blom absent.

XIX. CURRENT BUSINESS

23. Ordinance No. 2025-21: Authorizing an Amendment to the City's Contract with CalPERS to Eliminate Section 20516(a) Cost Sharing for Citywide Miscellaneous Tier I Employees

Moved 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; and
- b) Conduct second reading and adopt Ordinance No. 2025-21, *An Ordinance of the City Council of the City of Newport Beach, California, Authorizing an Amendment to the Contract Between the City Council of the City of Newport Beach and the Board of Administration of the California Public Employees' Retirement System.*

PUBLIC COMMENTS

None.

Motion passed unanimously by those members present, 6-0-1, Councilmember Blom absent.

24. Five Citizen-Member Appointments to the Aviation Committee

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Formally vote and appoint five citizen-members from the nominees listed below:
 1. Kurt Belcher
 2. Cassie Bretschger
 3. Jeffrey Cole
 4. Ryan Dougherty

City of Newport Beach
September 9, 2025

5. Barbara Lichman
 6. Nicholas Prytherch
 7. Michael Radigan
 8. Timothy Strader, Jr.
 9. John “Jack” Stranberg
 10. Mary-Christine (MC) Sungaila; and
- c) Determine the terms, beginning July 1, 2025, of the five appointed Aviation Committee members as follows:
 - d) Two citizen appointed members shall have an initial term of two years and shall be eligible for reappointment for two additional four-year terms; and,
 - e) Up to three citizen appointed members shall have an initial term of four years and shall be eligible for appointments to one additional four-year term.

Mayor Stapleton reviewed the Aviation Committee appointment process that would include several steps including first voting on the Newport Coast representative, including term of office; next voting on four nominees; followed by a vote on designating the two-year and four-year terms of office.

PUBLIC COMMENTS

Mr. Mosher spoke on concerns related to City Council Policy A-2 which requires two applicants for each vacancy and noted the lack of a second applicant for the Newport Coast representative.

APPOINTMENTS:

It was moved by Mayor Stapleton, seconded by Councilmember Weigand, to:

Appoint Ms. Sungaila to serve as the Newport Coast representative on the Aviation Committee for a two-year term.

Motion passed unanimously by those members present, 6-0-1, Councilmember Blom absent.

Interim City Clerk Perry provided ballots to the City Councilmembers for the remaining nine nominees, asking the City Council to vote for four. Additionally, nominees needed to receive four votes for appointment.

After a round of two ballots, the City Council appointed the following nominees to serve on the Aviation Committee:

Kurt Belcher
Michael Radigan
John “Jack” Stranberg
Nicholas Prytherch

Selection for the remaining two-year term was discussed.

It was moved by Mayor Stapleton, seconded by Mayor Pro Tem Kleiman, to confirm the appointment of John “Jack” Stranberg for a two-year term.

Councilmember Weigand offered a substitute motion requesting that Nicholas Prytherch serve the two-year term. **After discussion, the motion was withdrawn.**

City of Newport Beach
September 9, 2025

Motion passed unanimously by those members present, 6-0-1, Councilmember Blom absent.

Lastly, Mayor Stapleton noted the remaining three nominees would be appointed to serve the four-year terms:

Kurt Belcher
Michael Radigan
Nicholas Prytherch

XX. MOTION FOR RECONSIDERATION – None

ADJOURNMENT IN MEMORIAM – Ted Smith

Prior to Closed Session, Mayor Stapleton requested adjournment in memory of Ted Smith, a highly respected Orange County businessman, philanthropist, and community leader.

XXI. PUBLIC COMMENTS ON CLOSED SESSION – None

XXII. CLOSED SESSION - Council Chambers Conference Room

City Attorney Harp announced the Closed Session Items.

RECESS

Mayor Stapleton recessed the meeting to Closed Session at 5:24 p.m.

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code § 54956.9(d)(1)): 1 matter**

Cindy Flores, et al. v. City of Laguna Beach, et al.
United States District Court Case No. 8:24-cv-01898-JVS-JDE

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code § 54956.8): 1 matter**

Property: 9080 Talbert Ave., Fountain Valley, California 92708 - APN: 157-132-38.

City Negotiators: Seimone Jurjis, Assistant City Manager Mark Vukojevic, Utilities Director, and Lauren Whitlinger, Real Property Administrator.

Negotiating Parties: Dr. James C. Chiu on behalf of CJJ Property, LLC.

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

RECONVENE

Mayor Stapleton reconvened the meeting at 5:44 p.m.

XXIII. CLOSED SESSION REPORT

City Attorney Harp announced that there were no reportable actions.

City of Newport Beach
September 9, 2025

XXIV. ADJOURNMENT – Adjourned at 5:44 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 4, 2025, at 4:30 p.m.

Joe Stapleton
Mayor

Molly Perry
Interim City Clerk