

October 28, 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 1. Minutes for the October 14, 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 numbers refer to Volume 66.

Page 421, Item II (Presentations), last bullet, last sentence: “*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.*”

[Limiting the praise to “elected officials” seriously distorts the message of the presentation. Mr. Edwards named a great many people who collaborated, only a small fraction of whom were elected. Since his list was long and he said he might be missing some, “*of the many*” might be better than “*of all.*”]

Page 421, Item SS2, first sentence: “*As a follow-up to resident requested improvements and to a Policy ~~A1~~ A-1 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.*”

Page 422, Public Comments, Speaker #5: “*~~Neal Neil~~ (Unknown Last Name), ~~Orchard Drive~~ Orchid Street resident, noted the need for traffic calming and supported the closure of Spruce Avenue.*”

[See [video](#). The speaker clearly stated he lives on Orchid Street, not Orchard Drive. Unless the City has other evidence for the spelling of the first name, the speaker seems likely to have been the Neil Treffers found starting on [page 21](#) of the item’s correspondence posting.]

Page 422, Public Comments, Speaker #9: “*Linda ~~Geet~~ Giedt, Bayview Heights resident, noted that closing Spruce at Bristol is a problem, and that 25 miles per hour signage would be helpful.*”

[See [page 6](#) of the correspondence.]

Page 425, Item X, paragraph 1: “*Jim Mosher stated that he was pleased to hear that the Aviation Committee will be meeting; announced the General Plan ~~Advisory-Committee~~ Update Open House on October 21, 2025, at 6:30 p.m. in the Civic Center Community Room and the ~~GPAG~~ 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~~ Channel as a location for seaplanes and Mariner’s Mile for land planes, which was ultimately considered unfeasible.*”

Page 428, motion: “*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.*”

Page 428, paragraph 5 from end: “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 residents** 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.”

[See [video](#). It is unclear how “residents” became restricted to “Chamber representatives.” As best I can tell, Mr. Jurjis repeatedly and consistently said “residents” and did not mention any “Chamber,” let alone its “representatives.”]

Page 429, “Public Comment” at top of page, paragraph 1: “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**.”

Page 430, full paragraph 2: “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 **Planning Commission** Resolution No. 2025-66, citing environmental and CEQA concerns.”

[I don’t know if Ms. Federman’s oral comments included a reference to “Resolution No. 2025-66,” but her [letter](#) did, and clearly identified it as a Planning Commission resolution rather than the Council resolutions that would otherwise be assumed in references within City Council minutes.]

Item 4. Resolution No. 2025-67: Vacation of Existing Sewer Easement at 124 Kings Place

For unknown reasons, the exhibits provided as Attachment A (Area Map) and Attachment B (Map of Easement to be Vacated) do not reproduce properly as printed out in black-and-white in the agenda packet provided by the City Clerk. Most of the caption boxes at the bottom are blank, and the color used to indicate the area to be vacated cannot be distinguished. Even without those problems, the meaning of notations like “V’ STREET” and “V’ MISCELLANEOUS” is not obvious.

Attachment B also fails to clearly indicate the relationship of the vacated easements to the 2015 grant of a new 10-foot easement illustrated in Attachment C, and whether there is any overlap. If there is, does the vacation of the old easement in any way affect the validity of the new one?

In Exhibit A of the proposed resolution (page 4-13), what is the significance of starting the first paragraph of the legal description of the property, and no other, with “HEREBY QUITCLAIM”? That does not seem part of the description of what is being vacated. Similarly, in Exhibit B (on page 4-13), why does the Legend refer to “EASEMENT TO BE QUITCLAIMED”? That seems out of sync with the resolution, which refers to its action as a “summary vacation.” Is a quitclaim the same?

Item 5. Resolution No. 2025-68: Certifying Funding Listed in the Federal Transportation Improvement Program

Since the proposed resolution refers to a list of projects “for Federal Fiscal Years 2026-27 to 2031-32,” which will not start for nearly a year (until October 1, 2026), the staff report does not make clear why it is suggesting the City’s Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot (Project No. 15T09), which a Notice of Completion was approved as [Item 6](#) on the February 25, 2025, consent calendar, would be on that new list. Is the report trying to say the Superior Avenue Bridge is on the *current* list, and the Council is being asked to approve staff’s submission of new projects for inclusion in the new list?

Item S21. Resolution No. 2025-75: Ratifying the Proclamation of the Existence of a Local Emergency, and Declaring that the Local Emergency Shall Remain in Effect Until Terminated by the City Council

Given that the City has issued an (undated) [press release](#) saying the emergency is over, will this item be withdrawn? Or is it still needed to ratify the actions that were taken?

If the latter, does it need to be revised?

Item 7. San Diego Creek Trash Interceptor - Notice of Completion for Contract No. 7127-5 (17X12)

This item would seem to once again highlight the value of reducing trash pollution at its source over attempting to recapture it after it has been released into the environment.

Even if the estimate is correct that the device may recover 200 cubic yards of trash in its first full year of operation, at a cost of \$4.6 million, that figures to \$23 thousand per cubic yard, not counting labor; and even if the device continued to function for 10 years, that would still be \$2,300 per cubic yard recovered, which seems a lot compared to the minimal original value of most of the material in that cubic yard.

Keeping the trash out of the environment would seem a much more sensible solution.

Item 10. Fiscal Year 2024-25 Playground Improvements Project - Award of Contract No. 9753-1 to R.E. Schultz Construction, Inc. (25P01)

First, Attachment A (Location Map) on page 10-5, dated “8/25/20” and saying it illustrates the location of the “City Yard Re-Roofing Project,” does not seem related to this item.

Second, it explains the apparent low bid was rejected because the bidder lacked designation as an “LSI Certified Installer.” It does not explain why during the bidding process, as documented by that bidder in Attachment C, staff repeatedly said the designation was not required.

Item 12. Approval of Vehicle Replacement Purchase Orders for Three Pickup Trucks, Four Sedans, and One Van

The agenda title seems a bit misleading, since the abstract and body of the item indicates the “four sedans” are actually “four Ford Explorer SUVs,” which do not seem to fit the normal definition of a sedan as a passenger car with separate compartments for engine, passengers and cargo.

More concerningly, why did staff accept a single bid for the three Toyota Tacoma pickup trucks? That seems anomalous compared to the large number of bids received for the other models sought. If there is variation in pricing, shouldn't more offers have been solicited?

Also unexplained is why a report from the Public Works Department is being submitted to the Council by the Utilities Director.

Finally, none of these seem to be particularly fuel efficient. Has the City given up on trying to improve efficiency and reduce emissions? Are these purchases consistent with state regulations?

Item 14. Fiscal Year 2025-26 Citywide Facilities Painting Project - Award of Contract No. 9861-1 to D and T Painting (26F02)

It is good to see the City received several bids much lower than its estimate, but I was surprised to learn the Civic Center (City Hall) has an “exterior wood roof” in need of painting. I would have thought modern construction would use a more durable synthetic material of some kind.

Item 18. Resolution No. 2025-70: Appeal of Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 located at 100 East Balboa Boulevard (PA2025-0130)

I have considerable sympathy for the appellants wanting to preserve the landmark tree. However, the decision as to whether it will stay or go rests, ultimately, with the California Coastal Commission, and I feel that by adding this revision and appeal while the original decision remains pending before the CCC has added unnecessary delay and created additional work for all involved.

The motivation seems to be to ensure the City has an application that the CCC will feel no need to further revise, which will allow them to deny the appeal, making the City the approver of the project's Coastal Development Permit. The alternative would be to let the CCC offer to approve a CDP of its own, after making revisions, after which, if the City wanted to make further modifications to the project, it would need to get the CCC's consent. The difference does not seem significant to me, since even if the CCC let the City's modified CDP stand, making the CDP “the City's own,” any modifications the City might later want to make to it could still be appealed to the CCC.

Again, the CCC has the ultimate say over what is consistent with the Coastal Act and what is not. This second cycle of proposal and appeal seems to me a rather pointless detour on the path to a result in others' hands.

Item 19. Ordinance No. 2025-34: Extending a Temporary Moratorium on New Smoke Shops and Tobacco Retailer Businesses

As I pointed out when the moratorium began on September 23, while the urgency ordinance title refers to a moratorium on “smoke shops,” it actually bans new or expanded “tobacco retailer businesses,” and the definition it provides of the latter (see page 19-17 of the staff report) is so broad as to encompass any person who sells or gives away any “tobacco-related item.”

To my mind, that would not only include many businesses I would not think of as “smoke shops,” but even a person or business providing nicotine cessation products or information.

As to the 10-day report, it does explain what staff is doing and hopes to do, but I’m not sure it explains what calamity would befall the City in the absence of the moratorium. Does it have a backlog of smoke shop applications?

However that may be, on the first page of the report (page 19-11 of the staff report), numbered paragraphs 1 and 3 refer to an “*internal-departmental team*.” I’m not sure what that means: internal to which department? Or was that intended to read “*inter-departmental*”?

Similarly, numbered paragraph 4 refers to a list of businesses and “*any potential police activity associated with that business*” (which seems to refer to possible future activity). Was that intended to read “*any police activity potentially associated with that business*” (referring to past police activity, possibly not originally associated with the business).

Item 20. Resolution Nos. 2025-71 through 2025-74: Overriding Orange County Airport Land Use Commission’s Determination of Inconsistency and Approving the Snug Harbor Surf Park at 3100 Irvine Avenue (PA2024-0069)

I see from [Attachment J](#) that as of the posting of the staff report on October 23, the City had received 1,877 pages of correspondence¹ (to which 3 have since been added to the start), mostly opposed to the Council approving the application. I doubt I can add much to that, but I would hope the volume of opposition might give the Council pause as to finding the proposal compatible with community character and expectations. I would hope the Council might also consider the opposition not only from the County Airport Land Use Commission ([Attachment K](#)) but also from the [Airport administration](#), which constitutes a separate and independent entity whose cooperation residents need on airport issues, and with whom I’ve recently heard the City and Council see themselves as partners with, working towards mutual goals. Approving something they clearly do not want would not seem to foster that new spirit of friendship and cooperation.

As indicated in my letter to the Planning Commission, I don’t think the proposal is consistent with either the property’s “PR” (Parks and Recreation) designation in the Land Use Element of our General Plan or its “OSR” (Open Space and Recreation District) zoning of the Specific Plan found in NBMC [Section 20.90.050](#). While many of its parts are consistent with “PR,” the retail shops and overnight visitor accommodations are not. They make it more of a resort destination like the

¹ I cannot find in Attachment J the comments I submitted to the Planning Commission on September 3 for their [September 4 hearing](#), and I suspect others may not be included, as well. Mine may have been separately filed somewhere as “late comments” on the EIR. They do appear in the massive Planning Commission Item 2 file at the preceding link,

Pelican Hills where the golf course is on land designated “PR,” while the accommodations and other amenities are on land designated “CV” (Visitor Serving Commercial). None of this land is designated for CV uses. Similarly, within the universe of Parks and Recreations, the OSR zoning restricts this site, if developed for recreation, to *outdoor* recreation. Even of the proposed recreational uses, some of those fail that test. The proposed fitness center somewhere within the proposed roughly 80,000 square feet of indoor floor area is clearly an example of *indoor* recreation. And again, overnight accommodations are not recreational at all.

As to the EIR, as previously commented to the Planning Commission, it does not inspire confidence.

As a somewhat random example, those concerned about water use and looking to Appendix S (Water Supply Evaluation) will read on page 4 that “total demand is expected to be approximately 85-acre feet per year,” and that after removing the existing use of 1.56 AFY, one will have a “net increase in potable water use of about 87 AFY.” Not only is it later explained that the uses to be replaced consume more than 1.56 AFY, but how can eliminating them lead to a *larger* rather than a *smaller* net increase? Further in, one is at a loss to figure out who will be supplying the water. It seems mostly to suggest (probably mostly correctly) that the City’s Utilities Department will be the supplier, without explaining why the City’s Urban Water Management Plan, which it refers to repeatedly, contains a service area map indicating the golf course is in an area served by the Irvine Ranch Water District, and compounds the confusion by referring to IRWD demand data

As to Appendix Q (Noise Analysis), as chair of the GPAC Noise Element Subcommittee, but commenting as an individual, its application of the City of Newport Beach standards of significant noise increases appears to be incorrect. I am particularly concerned about the impact on nearby residents, such as those on Anniversary Lane or in West Santa Ana Heights in the proposed hours of operation before 7 a.m. (8 a.m. on Sunday) and after 10 p.m., when those areas enjoy relief from airport noise. Tables 8-5 and 8-6 assume “Increase Criteria” in decibels taken from a General Plan table of significant increases in Community Noise Equivalent Levels and incorrectly applied here to readings that are not CNEL’s. Put simply, the analysis is wrong and the possibility of residents losing two hours of quiet on Sunday mornings (and one hour after 10 p.m. each night) should be of great concern.