

From: [Jim Mosher](#)
To: [City Clerk's Office](#)
Cc: [Dept - City Council](#)
Subject: Comments on City Council agenda items (March 10, 2026, meeting)
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Attachments: [2026-03-10_CC_Agenda_Comments_JimMosher.pdf](#)

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Madam Clerk,

Please find attached some written comments regarding selected items on tomorrow's Newport Beach City Council agenda.

Yours sincerely,

Jim Mosher

March 10, 2026, City Council Agenda Comments

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

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Capital Improvement Program (CIP) Early Look Review

Slide 2: The City's Capital Improvement Program. In addition to preparing our own CIP budget, Implementation Program 1.1 of our current General Plan, citing [Government Code Section 65401](#), says that *"When the City or any external agency responsible for the planning or implementation of public works within the City prepares its annual list of proposed public works and its five-year Capital Improvement Program (CIP), these must be submitted to the Planning Commission for review for conformity with the adopted General Plan."* Has this been happening?

Slide 5: Summary Of New Funding By Type. How do development impact fees figure into this?

Slide 12: Bonita Creek Park Athletic Field Turf Replacement. As Item: VII-A on its March 3, 2026, agenda, the Parks, Beaches and Recreation Commission was asked to provide feedback on this project, which included an LED lighting retrofit component in addition to the turf replacement. The staff report said **"Sufficient funds in the amount of \$3,146,000 are available in FY 2025-26 CIP in the following accounts for design and construction"** (and listed GF, NE, FFP, PMMP). Why does this slide give different numbers, saying \$1,800,000 needs to be added to a re-budget of \$2,792,000 for a total of \$4,592,000?

Slide 15: New Water Wells and Pipelines. I thought water expenses were funded by the rates charged (the "Water Fund"). Who is granting or contributing \$10 million toward this effort? Is that the City of Laguna Beach? Are Newport Beach ratepayers paying nothing?

Slide 18: Estimated Construction Start Dates. In view of the following study session item, it is interesting that funding to support planning for the Police Station is still not expected to be needed for another two years.

Newport Beach Police Headquarters Reconstruction

Note: Only slides 14, 16, 17 and 21 have numbers I can see, but the others are referenced by their sequence in the 21-slide [presentation](#) that has been posted in advance of the meeting.

Slide 5: Key Factors for Evaluating Police Headquarters Sites. Why are the six "evaluation criteria" listed here not prominent when we get to Slide 19 (Police Facility Site Comparison)?

Slide 6: Potential New Police Facility at Current Site. Why is the longer construction schedule a problem? Given significant recent investments in the current building, what is motivating the rush to move?

Slide 12: Potential New Police Facility at 1201 Dove Street. Why is this being an "Income-producing City asset" a consideration? If the Police Headquarters were moved here, wouldn't the existing location become an even greater "Income-producing City asset"?

Additionally, how would choice of this option affect the need to move Fire Station #3 and costs associated with that?

Slide 13: Potential New Police Facility Closer to Civic Center. Much like when the City felt a need to move the Lido Fire Station it missed a chance to buy the former McDonald's site and wound up having to pay a much higher price for it, the City appears to have missed a chance to buy the 4.2 acre Regal Edwards Big Newport site, ideally sited facing Fashion Island. Not only did the City miss the chance, but it jacked up the price it would have had to pay for it by increasing the height limit from 32 to 270 feet and rezoning it for housing.

Slide 17: Potential New Police Facility at Civic Center Park. How would the public access the "Reimagined Park & Sculpture Garden"? Is the parking along Avocado south of the Transit Center considered adequate (it already looks fairly fully occupied in satellite photos)? By including the "Upper Park" (much of which is the dog facility), it seems misleading to say the impact on the park would be going from "9.45 Acres" to "5.95 Acres." In addition to impeding access to it, the numbers show the relocated Police Headquarters will take away more than half the "Lower Park."

Slide 19: Police Facility Site Comparison.

- As previously noted, the "Evaluation Factors" listed in the first column only vaguely align with the "Evaluation Criteria" listed on Slide 5.
- It would seem less biased to have labelled the last column "Civic Center Park" rather than "Civic Center Campus."
- In the final row, "Key Considerations," it is curious that the Park Option is only one with no negatives at all, not even loss of dedicated, and perhaps irreplaceable, park space.

Slide 20: Siting / Construction of a New Police Facility. If the Council were to give the Ad Hoc Committee proposed direction 2, the instruction to them to "solicit further input from community" is slightly amusing, both because it is not clear the Committee has felt a need to solicit any community input so far and because it is not at all clear exactly how the Committee might propose to replace the lost park space within the Civic Center Campus area.

As a more general comment, I stand with the many who feel what remains of the original 12.8-acre Newport Center Park should be preserved as a park, and not viewed as a potential site for additional government buildings. The entire site was dedicated for open space park use. That residents voted in 2008 to allow a City Hall on it was predicated on a [promise](#) that the City Hall would occupy less than 2.8 acres at the southern end, and the rest would be preserved for its original purpose. That promise should be honored.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Since the meetings of our Parks, Beaches and Recreation Commission are not video recorded or otherwise reported to the Council, the Council members may wish to know that at their March 3 meeting, Commissioners expressed concern about two actions taken at the Council's February 24 meeting: (1) the adoption of a revised [Policy G-1](#) (retitled "Retention and Removal of City Trees") without their input and despite their request to make a recommendation about it, and the direction to them in [City Charter Subsection 709\(c\)](#) to "**Establish policies for the**

acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council;” and (2) the adoption, without a recommendation from, or even notice to, them of [Ordinance 2026-2](#) modifying rules for public recreational use of the beaches, specifically with regard to shade structures, despite the direction in Charter Subsection 709(a) to advise the Council on all such matters.

Item 2. Minutes for the February 10, 2026, 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 505, paragraph 3: “***Reverand Reverend*** Ray Jordan – Corona del Mar Community Church ***– arrived at 4:30 p.m. and provided a brief invocation.***” [It’s possible Rev. Jordan prefers this unusual spelling, but see [page 250](#) of Volume 66, from January 28, 2025, and Mayor’s [thank you letter](#)]

Page 509, Item 11, paragraph 5: “*Regarding aviation policy changes, Councilmember Grant sought clarification about public comments. Staff confirmed only the red-line changes were made, adding **EV-infrastructure EVTOL** and drone references.*” [There does not seem to be a [YouTube](#) posting of this meeting, but see 1:16:04 in the [official video](#).]

Page 510, paragraph 3: “*Mayor **Per Pro** Tem Blom moved, seconded by Councilmember Weber, to approve staff’s recommendations.*”

Page 510, after first motion: “***NAYES NAYS***: Councilmembers Weber, Weigand, Mayor Pro Tem Blom and Mayor Kleiman (4)”¹

Page 510, after second motion: “***NAYES NAYS***: Councilmembers Grant and Barto (2)”

Item 3. Resolution No. 2026-16: Revised Salary Schedule and New Classifications for the Key & Management Group

It would have been helpful to provide organization charts showing how the two positions in question fit into the overall staff structure. From the [one available](#), it looks like the changes are warranted. However, one might ask:

With regard to the proposed Real Property Manager, is the growth in contracts due to acquisition of new properties? Or to the acquisition of properties with multiple tenants, such as 1201 Dove? With regard to the latter, should that site not be used for a Police Headquarters, as was originally proposed, is it the City’s intention to continue holding it as a landlord?

¹ Prior to 2013, the minutes recorded the votes as “Ayes” and “Noes” as directed in the [original City Charter Section 410. Measure EE](#), approved by voters in 2012, changed this to its [present form](#) of “Ayes” and “Nays.” Why this change was recommended and approved is unclear, since “Noes” was the widely-recognized and [long-time](#) counterpart of “Ayes,” as well as, apparently, the only one ever recognized in Roberts Rules of Order (although an [earlier edition](#) says an alternative name for a roll call is a call for “yeas and nays,” even though the response is “aye” or “no”). In any event, the Charter currently requires a recording of “nays” (instead of “noes”) and “NAYES” is a misspelling for that.

With regard to the proposed Code Enforcement Manager, while citations may be issued by the Code Enforcement Division, aren't some of the programs it administers overseen and directed by other departments: for example, Municipal Operations for refuse violations, and the Finance Division of the new Administrative Services Department for short term lodging violations?

Item 4. Resolution No. 2026-17: A Report Made by the Fire Marshal Regarding Compliance with the Annual Inspection of Certain Occupancies

I do not doubt our City Fire Marshal's diligence in making all state-required annual inspections.

I would, however, note that, unless directed otherwise by the City Council, this new [Health and Safety Code Section 13146.4](#) report is expected to be presented at a meeting where the Council is discussing its annual budget, and the two sections it is to report about compliance with ([Section 13146.2](#) and [Section 13146.3](#)) have to do, at least in part, with setting and collecting inspection fees.

As such, I would guess that part of the report is expected to verify not just that the state-required inspections have taken place, but to report on whether the local fees being charged are adequate to defray the cost of providing the inspections, and if those fees are being paid.

The [bill analysis](#) of [SB 1205](#) (2018) notes that in 2018 there was a separate [SB-1415](#) in response to the deadly Ghost Ship nightclub fire in Oakland which, among many other things, required reporting of the completeness of inspections to the State Fire Marshal for public posting of the records. However, despite (like SB 1205) passing both houses of the legislature by near unanimous votes, SB-1415 was vetoed by the Governor. The existence of this other bill with a stronger public reporting component, and the requirement that the SB 1205 report come during budget discussions, reinforces my belief that the present report was intended, at least in part, to inform the Council and public about the adequacy of local inspection funding.

But in the present case, I don't think we are being told if the annual inspection fees are being paid or are adequate to fund the service provided. In short, the tie-in to the Council's budget discussions seems lacking.

Finally, SB 1205 was signed into law in September 2018, and Section 13146.4 became effective on January 1, 2019. Is this the first SB 1205 report? If so, is there a reason they weren't provided in prior years?

As to whether the Council might wish to designate a time other than its annual budget discussion for receiving future SB 1205 reports, I believe we review our fee schedule separately from our main budget discussion. That annual fee schedule review meeting might be the most appropriate for these fire inspection/fee reports.

Item 5. Resolution No. 2026-18: Amending the Selection Process and Various Responsibilities of the Finance Committee

Is it correct to assume this is the final recommendation of the Council's Fiscal Transparency Ad Hoc Committee, and that with its submission that committee ceases to exist?

As to the recommendation, I'm sure there will be other opinions, but I don't find it entirely bad.

As to the observation of an average attendance of three members of the public, that is actually good compared to many other boards, commissions and committees. For example, I attended meetings of the Civil Service Board for many years and can think of only two at which any other members of the public were present, even though staff gives interesting presentations which time to prepare, but receive no further exposure. Now that I rely on the posting of the minutes (a month later) to find out what they said, I suspect public attendance is zero. An obvious solution to the low visibility would be to video record the meetings and make the recordings available immediately.

The expectation that under this new structure significant financial topics would "daylight" at publicly televised Council meetings is a worthy one, but I am not sure how the proposed resolution ensures that any more than the present one does.

As to "Efficient Use of City Resources," it appeared to me many meetings under the current resolution were attended by many more staff members than necessary, which likely increases the number of staff hours reported.

Tightening requirements for technical expertise on the part of those appointed is probably wise, although I have observed that the responses to the "dumb" questions that might be asked by members of the general public can also be enlightening.

As to having "Three Councilmembers appointed annually by the Mayor," I don't think that is wise nor consistent with our City Charter, in which decisions are made by the Council acting collectively, not as individuals, even when serving as Mayor. I believe the normal application process should be followed, with multiple applicants voted on by the whole Council.

Having a term limit is probably a good idea, but with two-year terms, a limit to two terms seems rather brief. The proposed language appears to create a lifetime limit of two terms. I think a limit to two consecutive terms would be better.

I also think the terms of the two citizen appointees should be staggered, for instance by making one of the initial appointments for a one-year term. That would provide better continuity than forever needing to replace both in the same years.

As to the proposed "Clarification of Purpose and Responsibilities," a redline comparison with the current set in [Resolution No. 2024-91](#) would have been helpful. In the absence of that, making paper copies of proposed ordinances and resolutions available to the public would make comparison easier.

The "Purpose" section appears to be new, and within it, I don't think the new Finance Committee should be advising the City Manager directly. Only the full Council should be doing that.

Responsibility "E" is ambiguous as to whether the Finance Committee should be reviewing plans associated with the City's enterprise funds (water and sewer). The listed responsibilities are also unclear as to whether the Committee is expected to bring financial issues to the Council's attention on its own initiative.

Item 8. Approval of Amendment No. One to Professional Services Agreement with Hinderliter, De Llamas & Associates for Sales and Use Tax Consulting Services

This item is unusual in that the dollar cost of the proposed contract approval is not mentioned in the recommended action appearing on the agenda, nor is it even clear from the staff report. One has to search for the existing contract, which is apparently [C-8658-1](#), to discover that although described as an “amendment” “to extend the term,” that earlier contract actually terminated on December 31, 2025.

As a result, even after reading the staff report, it is unclear if this a request to authorize HDL billing at \$900 per month from March 10 to December 31, 2026 (a period of 8.7 months), or, ignoring the California Constitution’s [Article XI, Section 10\(a\)](#) prohibition on retroactive compensation for work already performed, to authorize 12 full months of payment from January 1 to December 31, 2026.

Item 11. Planning Commission Agenda for the March 5, 2026, Meeting

As I have noted before, this item originally included an oral report from the Planning Director, giving the Council members a chance to ask questions about and discuss what had happened at the most recent Planning Commission meeting, and, when warranted, call decisions up for further review.

I have several concerns about things that happened at the March 5 meeting:

300 Newport Center Drive Condominiums (PA2025-0102)

Considering public concern about the same developer’s “Museum House” proposal a few years ago, I found it disturbing that this application for essentially two Museum House towers could proceed with no site-specific environmental review and only Planning Commission sign-off. This is certainly not something the state is “forcing” Newport Beach to approve, and I think the public expects more deliberate consideration of such major projects, including a vote on it by their City Council members. That the Council has essentially pre-approved this, and many other, major projects without knowing any of the details of them seem shameful to me.

Wireless Service Facilities Code Amendments (PA2021-103)

I appreciate there are different opinions as to how vigorously the City should be promoting commercial telecom deployment. But City staff admitted their present effort contained many technical defects that would need to be reviewed and resolved, and at least two of the Commissioners expressed concerns about the City exempting itself from the rules applicable to others. Yet they all voted to recommend the Council adopt it, with no comments to the Council. I thought the Planning Commission’s role was to work with staff to get things right before they forward them to the Council, or at least forward them with recommended changes if they think changes are needed. Apparently not.

PC - future agenda items

The Community Development Department's [Tentative Agenda Report](#) distributed at the meeting indicates that the City's comprehensive General Plan Update is expected to be adopted after a single study session and a single public hearing, each, by the Planning Commission (March 19 and April 23) and the City Council (April 28 and May 12).

I don't know how long City staff expects those meetings to run, but this may be contrasted with the litany of study sessions and hearings held the last time a comprehensive update was considered, as recorded in the preamble to its adoption with Council [Resolution No. 2006-76](#).

While the comparison is slightly imperfect since the [Housing](#) and [Circulation](#) Elements were adopted separately this time, preceding the 2006 adoption the Planning Commission and Council each held at 25 meetings each, with detailed discussion and public input on every element. In the four months preceding adoption, and with the GPAC having completed its work, they each held eight formal public hearings on the elements (each meeting twice a month), with those of the Council, for which there are video records, spanning a total of 16 hours.

It does not look like there will be anything like that level of comprehensive review, and invitation for public comment to decision makers, on this latest "comprehensive" update.

Item IV. MOTION FOR RECONSIDERATION

The Council may wish to reconsider its approval, at the February 24, 2026, meeting of the [February 10, 2026, minutes](#). **The result of the voting on Items 3 (page 500) and 11 (page 501) is not recorded in them.** It seems important for the minutes to show not just the motions, but what the results were. In the present case, knowing what the vote was seems particularly important with regard to Item 3, which was the potential adoption of a controversial ordinance regarding "safety enhancement zones," short term lodgings and shade structures on public beaches.

In addition to the absence of those two voting results, in two places, pages [497](#) and [501](#), the surname of citizen speaker [Jennifer Krestan](#) is misspelled as "Creston."