

October 14, 2025, City Council Agenda Comments

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

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Item X. PUBLIC COMMENTS ON AGENDA AND NON AGENDA ITEMS

This item, which was formerly just an announcement read by the City Clerk about the Council's procedures regarding public comments and not itself an invitation to speak, is a little confusing.

As the Mayor may explain, this now seems to be the one and only chance to comment on non-agenda items and agenda Item XI ("Matters Which Councilmembers Have Asked to Be Placed on a Future Agenda"), but not the only chance to speak on all other agenda items (for which separate invitations will be extended), and maybe not even a chance to comment on them (it is not clear if members of the public get two chances to speak regarding those other items, once here and once when they're called).

As a non-agenda comment, on October 8, soon-to-be-City Manager Seimone Jurjis made an excellent [Speak Up Newport presentation](#) regarding the City's housing plans. One theme was the constantly changing and sometimes contradictory direction given by the state. As a further example of that conflicting direction, the Council may wish to learn more about the California Court of Appeals opinion published on October 10 in the case of [New Commune DTLA LLC et al. v. City Redondo Beach et al.](#) In a ruling binding on lower courts, the appeals court [appears to have found](#) that HCD has incorrectly certified house elements that, like Newport Beach's, rely on "housing overlays" to meet more than 50% of their affordable housing obligations while leaving the original non-residential zoning as a continuing option. As a result, Redondo Beach was declared out of compliance with state housing laws irrespective of HCD's certification to the contrary. As a non-lawyer, it would seem to me that Newport Beach might be vulnerable to a similar challenge, so some discussion of what needs to be done to correct that might be wise.

Item XI. Matters Which Councilmembers Have Asked to Be Placed on a Future Agenda

As someone who frequently uses a bicycle as a means of transportation, I support the idea of reviewing and making improvements to the City's current regulations affecting bike safety. But I think this needs to be a matter of public discussion. I do not support directing staff to privately decide what is best for the residents and come back with a series of ordinances for ratification on the consent calendar, without Council discussion or a chance for effective public input.

It is, therefore, unfortunate that these requests for future agenda items are themselves listed as a "Non-Discussion Item" making a clarification of their intent impossible.

I hope that if a majority of the Council supports this item, staff takes that as direction to prepare a study session at a future meeting, and not to prepare ordinances or resolutions before the Council and public have been given an opportunity to review the issues and potential solutions.

Item 1. Minutes for the September 23, 2025, Regular 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 410, Item IV, bullet 1: “Mayor Stapleton recognized Friends of the Library President Amy Hunt who was joined by Board Members Catherine Wallach, Becky Halladay; ***and Janet Callister*** and presented Library Services Director, Melissa Hartson with a \$250,000 check.”

Page 410, Item IV, bullet 3: “Mayor Stapleton presented the proclamation to Heather Cieslak, Operations Manager; Board Members Mario Cuevas; ***and Diane Daruty;*** Board Member and Naturalist Maureen Flanagan; Julie Powers, Treasurer; Board President Bryan Tsu and Co-Vice President Bettina Eastman.”

Page 419, paragraph 3 from end: “Acting Director of Community Development Jaime Murillo, and Associate Planner Oscar Orozco presented the staff report including a PowerPoint presentation reviewing details of the urgency ordinance and resolution; the background of the item; noted illegal activity at tobacco retailers; reviewed the temporary ***moratoriums’ moratorium’s*** timetable and proposed code revisions.”

Page 420, paragraph 1: “Mayor Pro Tem Kleiman clarified that location ***of*** use was a part of her previously considered A-1 item as well as indicated in the title of the agenda item; thanked her colleagues on the City Council for their support; emphasized the importance of putting protections in place for the community; and was fully supportive of moving forward.”

Item 3. Ordinance No. 2025-26: Adding Chapter 6.30 Prohibition of Sale and Distribution of Flavored Tobacco Products

There would seem to be some confusion about the scope of this ordinance, which emphasizes why introducing and adopting ordinances on the consent calendar is highly problematic.

As pages 419 and 420 of the draft minutes from September 23 indicate, when the Council considered initiating Zoning Code amendments to address tobacco sales, Council member Grant asked if they could also initiate code amendments revising the locations where smoking is allowed, and Mayor Pro Tem Kleiman assured her that was already included within the scope of what they were initiating, as did City Attorney Harp. However, most of the restrictions about where smoking is allowed appear not in the Zoning Code ([Title 20](#) and for the coastal zone, the similar [Title 21](#)),¹ but rather in [Title 6](#) (“Health and Sanitation”) and specifically in [Chapter 6.25](#) (“Regulation of Smoking in Public Areas”).

Although nothing in the present agenda item title (copied above) or staff report indicates it has any purpose other than to add a new chapter prohibiting the sale and distribution (but *not* use) of flavored tobacco products, as I pointed out in my [written comments](#) when it was introduced on September 23, half of it consists of revising Chapter 6.25. One discovers this only upon reading the full title of the ordinance in recommendation “b”. In other words, this ordinance seems to be City

¹ In Title 21, references to smoking appear only in the definition of “smoking lounge” as a land use. Title 20 contains additional scattered restrictions on where smoking can occur and consideration of exposure of neighboring properties to secondhand smoke in granting some conditional uses.

staff's response to the Council's September 9th ["A-1" directive](#) *"initiating a comprehensive review of regulations related to smoking and nitrous oxide."*

I agree with Council member Grant that a more thorough review of the City's smoking regulations, with public discussion, would be good, and much better than simply rubber-stamping whatever appears on the consent calendar.

Item 4. Ordinance No. 2025-27: Adding Chapter 6.40 Prohibition of Sale, Distribution and Use of Nitrous Oxide

My comments on this ordinance are the same as [I submitted](#) when it was introduced on September 23. Like the preceding item, I think it would have benefitted from public discussion. The same could be said for Items 5 through 7, all introduced and now being proposed for adoption on the consent calendar.

Item 8. Resolution No. 2025-65: Creating the Newport Beach Police Headquarters Assessment Committee

Since it was not obvious when the request for this item was presented as an ["A-1 item"](#) on September 23, I am pleased to see the committee will hold all its meetings in public.

It does, however, seem to me that the more than three years the committee is allowed to make its recommendations (see "Expiration" on page 8-8) is a bit excessive. Wouldn't a less distant deadline encourage pursuing the committee's goal more diligently?

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

It would have been nice to see more than one bid.

Also, given that the City is the landlord, it seems a little strange that it would let the tenants decide whether they want to allow the dredging to include the areas beneath their individual slips. With the expectation of a complete rebuild in two years, and the possibility there will be no disposal site available at that time, wouldn't it be better to require the tenants to move out the contractor's way so all the dredging can be completed now? (it might also be less expensive)

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

For reasons unclear to me, [Council Policy F-9](#) not only places a 100,000 mile limit on front-line ambulances, but also allows the retired units to be kept in reserve for no more than four years (seemingly, even if not used). The staff report does not clearly indicate the age or status of the current reserve units.

Also, the price of ambulances appears to be increasing much more rapidly than inflation in general. Does staff expect that trend to continue or to abate? If it is expected to continue at a similar pace, would it make sense to buy more units at current prices and place them in storage until needed?

Item 13. Approval of the Lecture Hall Auditorium Naming Rights Agreement

It is commendable there are people willing to donate money to commemorate a name other than their own.

This reminds me of an instance connected with the fundraising for the expansion of the Central Library in which the Board of Library Trustees was asked by the Foundation to approve signage mockups for new rooms with such names as the “Charles Dickens Reading Area,” the “Emily Dickinson Study Room” and the “John Steinbeck Lounge.” The Trustees naively imagined the Foundation was proposing to find fans of those authors willing to donate to fund the signs, when the intent was actually to find donors interested in replacing the authors’ names with their own.

So it is good the Foundation has found people interested in honoring the Foundation rather than themselves.

That said, the naming of an “auditorium” within a “lecture hall” seems a bit strange to me. Normally, I would think of an auditorium as something larger than a lecture hall. But in the literal sense of an [auditorium](#) being a place in which listening occurs, I guess having such a space within a lecture hall building could make sense.

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

I am not an accountant, so most of this reporting is difficult for me to comprehend. Among the questions I have trouble finding answers to:

- Are we to understand that VNB is now 100% funded by the City,² or does it have other sources of revenue or other clients?
- Is there any continuing overlap between the personnel serving VNB and those serving other operations, such as the Meetings Assessment Partnership? If so, how are the activities and the time and expenses devoted to each segregated?
- With Newport Beach & Company having dissolved, are the “NB&Co Fees” on page 14-40 and addressed in Note B on page 14-41 a thing of the past? Will any similar fees replace them?
- Are the “Community Sponsorships” on page 14-40 and addressed in Note A on page 14-41 also a thing of the past? I can see how providing marketing for events that might boost tourism could, possibly, fit under the services the City is paying VNB for, as listed on page 14-39. But I don’t see VNB giving the City money to other organizations of VNB’s choosing listed as a service requested.

² A note under “TOT” on page 14-11 suggests VNB could now be 100% City-funded (“*For the years ended June 30, 2025 and 2024, the Organization received approximately 100% and 66%, respectively, of its service fee revenues from the City through the TOT*”), but I am not sure that “service fee revenues” are VNB’ only revenues.