

## May 26, 2026, City Council Agenda Comments

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

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### ***Item II. STUDY SESSION - Proposed Fiscal Year 2026-27 through 2031-32 Capital Improvement Program (CIP)***

The presentation provided with the agenda packet is helpful, but the [actual document](#) the Council will be asked to approve on June 9 seems more important. Two weeks later, the Council will apparently be asked to approve an updated General Plan.

Program Imp 1.1 in [Chapter 13](#) of the existing General Plan says “*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 (Government Code §65401).*” Will the Planning Commission be reviewing the CIP before June 9? I don’t believe they have done so.

Imp 1.1 also says “*Additionally, when the City acquires property for public purposes, such as streets and parks, the Planning Commission is required to review this action and report on its consistency with the General Plan (§65402).*” Was this done with the City’s acquisition of 1201 Dove or property for relocation of the OCTA Transit Center, which seem closely related to some of the CIP plans?

Regarding those, a couple of things about the treatment of Project No. 26F13 (replacement of the Police Station Headquarters) seem strange.

First, on printed page 15, it shows \$1.5 million for this project having been already approved in the FY2025-26 budget and being proposed to be re-budgeted for FY2026-27. While I recall the Council discussing \$1.5 million and taking straw votes about proposals that involved making such an allocation, I do not recall seeing the potential for any formal vote to amend the current budget being announced on any agenda. When was this revision to the FY2025-26 budget approved?

Second, the five-year plan on printed page 128 shows funding for the Police Station Replacement to be approved before that for replacement of the Newport Center Fire Station. Is the Council being asked to approve this? Since the concepts that have been shown for rebuilding the Police Headquarters at its present location require moving the Fire Station first, wouldn’t this approved funding plan preclude that possibility?

An additional concern I have about the Capital Improvement Program document, as opposed to the presentation, is that the document serves not only to anticipate future funding requirements, but to document past commitments to the same projects (in the “Prior Year(s)” column of the “Expense Type” and “Funding Source” tables. Yet, projects disappear from the CIP book as soon as no future funding needs are anticipated. For example, two major CIP projects currently underway according to the presentation are the Civic Center Lecture Hall and the Balboa Fibrary Replacement. Yet, as best I can tell neither is mentioned in the CIP book.

The Lecture Hall last appeared in the [FY2023-24 CIP book](#) with an allocation of \$11,628,144 for "Construction" expenses. Even though the budget was nearly doubled by an amendment in the middle of that year, the book was not revised, and the project did not appear in the 2024-2025 CIP or any later book.

This does not provide good public transparency of the City's commitments to on-going and highly visible capital projects.

Similarly, the Balboa Library / Fire Station No. 1 Replacement last appeared in the [FY2025-26 CIP book](#), where a new commitment that year of \$16,000,000 was anticipated, bringing total funding to an expected \$16,700,000. The project's absence from the presently-proposed FY2026-27 book suggests no further commitments will be needed, but it leaves the public in the dark as to whether any revisions to the budget were made before the year ended, as they were for the Lecture Hall.

As a result, the public has no easy way to know what the City's current total financial commitments to ongoing projects are.

To remedy this, I think the status of CIP projects should be reported in the CIP book until they are completed, independent of whether a need for additional funding is anticipated in a future year.

### ***Item III. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA***

Since discussion would presumably result in a better informed decision and more efficient use of staff time in preparing the future agenda item, I continue to be puzzled why the Council does not want to discuss these proposals.

That said, I think Councilmember Weigand's suggestion to acquire capabilities to audio livestream and record all the City's Brown Act meetings is long overdue for consideration. However, I believe all such meetings already *are* audio recorded for purposes of preparing minutes, and I am not sure adding a livestreaming capability is all that critical (people unable to attend may also be unavailable to listen to a stream as the meeting is happening). More important, it would seem to me, is making the recordings easily and immediately available after the meeting,<sup>1</sup> so those who were unable to attend can find out what happened and those who did attend can review exactly what was said. At least equally important is to explore the potential of **video** recording the meetings so the speakers can be identified.

### ***Item 1. Approval of Minutes***

As noted in [my comments](#) two weeks ago, starting on [July 29, 2025](#), the approved minutes signed by the Mayor and City Clerk ceased being stamped with the City Seal. Starting with the [March 10, 2026](#), minutes, the volume and page numbers disappeared. And starting with what

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<sup>1</sup> As I understand it, reviewing the audio recordings currently requires a Public Records Act request. Although those requests are usually promptly fulfilled, this would seem to consume much more effort and expense on the part of both the public and staff than would simply posting links to where the recordings are stored.

purport to be the approved [April 28, 2026](#) minutes, it appears they no longer even have any signatures attesting to their approval, or the date of approval. The absence of page numbers and signatures is highly unusual, and I do not think these changes serve our City well. Among other things, without page numbers, it will be very challenging to reference passages in them.

That said, the passages shown in *italics* below are from the [draft minutes](#) of the May 12, 2026, meeting, with suggested corrections shown in ***strikeout underline*** format. The page numbers refer to the 673-page [agenda packet](#), in which the minutes begin with a cover page numbered “34” and end on a page numbered “42.”.

**Agenda packet page 36**, Public Comments, paragraph 3: “***Ghaylee Coeli*** Hylkema (*Mooring Permit Holder*) expressed concerns about proposed mooring fee increases ...” [note: in previous minutes, such as those from [February 10](#), the name was spelled correctly.]

**Agenda packet page 36**, Public Comments, paragraph 6: “Steven Gerard ***Sidlorsky Sidlovsky*** advocated for the City to adopt a resolution declaring Newport Beach a safe pre-born personhood city.” [note: in most previous minutes, such as those from [February 10](#), the surname had been rendered as “Sedlowski.” However, “Sidlovsky” appears to be the [correct](#) spelling. That spelling also produces dozens of related Google hits, whereas the others do not.]

**Agenda packet page 36**, City Council Announcements, paragraph 2: “Councilmember Grant reported on attending the Boys and Girls Club of Central Orange Coast 2026 Impact Summit, highlighting the organization’s partnership with the City in ***East-Bluff Eastbluff*** since 1971.” [cf. [City website](#) and [club site](#) for spelling]

**Agenda packet page 38**, paragraph 3 from end, sentence 2: “Mayor Kleiman recused herself as well due to her husband having received income from business relations with ***INTRAGORP Intracorp*** involving projects outside the City.” [note: It is not clear why this company name would be capitalized. The [company itself](#) does not seem to do so except possibly in their logo.]

**Agenda packet page 39**, paragraph 1: In this and the following agenda item, it seems unlikely the Council would have voted to “conduct a public hearing,” since the public hearing on the matter had been held and closed before the vote.

**Agenda packet page 39**, last full paragraph and beyond: The minutes suggest these Council comments came *before* public comments, but the video shows they came *after*.

**Agenda packet page 40**, line 1: “requested that staff explore full or partial cost recovery for administrative ***site citation*** and parking hearings in a future study.” [note: The video shows Mayor Kleiman used the word “cite,” short for “citation.”]

**Agenda packet page 40**, Public Comment, paragraph 1: “Jim Mosher (*Resident*) noted the complexity of the fee schedule and identified several apparent gaps, including a missing fee for the e-bike diversion program, the absence of fees for city tree removal requests and related appeals under the recently amended tree policy, and questioned the policy rationale for pursuing full cost recovery for the Junior Lifeguard program while not charging for CERT or Citizens Police Academy participation.” [Comment: Although not reflected in the minutes, following this comment Councilmember Weigand [suggested](#) that in contrast to the Junior Lifeguards program, the City’s [CERT](#) (Community Emergency Response Team) program is funded by the Federal

Emergency Management Agency. I have been unable to find any evidence this is the case. My understanding is FEMA sets guidelines and standards, and may provide training materials, but funding is usually local. The City's most recent [Single Audit](#) of federal grants for the year ended June 30, 2025, lists "Emergency Management Performance Grants" totalling \$7,011. It is impossible to tell if they are related to CERT, but even if they were, this would do little to offset what the City's [proposed Budget Detail](#) appears to list as \$570,006 of anticipated CERT expenditures and no expected revenue. The Budget Detail (Fire Department accomplishments) does suggest the City receives up to 7,000 volunteer service hours a year from CERT-trained volunteers in return for its investment.]

**Agenda packet page 41**, paragraph before Public Comment: This, again, appears to be reported out of sequence, making it difficult to distinguish Council comments that came after public comment from those that came before. This new practice of putting comments out of order makes the context and logic of them unnecessarily difficult to follow. Additionally, significant comments by both Council members and the public have been selectively omitted here and elsewhere in the minutes.

**Agenda packet page 41**, Public Comment, paragraph 3: "*An unidentified speaker urged that the word "advisability" be added alongside "feasibility" in the committee's charge, so that the committee could address whether the Civic Center park site is a good idea, not merely whether it is technically possible.*" [comment: The "unidentified speaker" was Walter Stahr.]

**Agenda packet page 42**, end of Motion by Mayor Kleiman: "... *and change deadline for **applications from date of** publication of the notice to two (2) weeks.*" [comment: This appears to be a fictionalized version of Mayor Kleiman's actual First, the [video](#) shows her comment was not about a "deadline for publication of the notice," but rather about the time after publication allowed for submission of applications. Second, while she said "one week" was too short, she did not say how much longer it should be. I do not see the word "two (2)" anywhere in the video.

## ***Item 2. Ordinance No. 2026-04: Amending Newport Beach Municipal Code Section 3.36.030 Related to Cost Recovery Percentages***

As I said when this ordinance was introduced on May 12, I think there are a number of problems with NBMC [Section 3.36.030](#).

For example, there would seem to be numerous instances in which the City provides services to individual constituents, at their request, at less than cost, yet nothing can be found in Exhibit "A" allowing less than 100% cost recovery. Examples I provided on May 12 included tree decision appeals, for which fees have never been charged even though Exhibit "A" would seem to require 50% recovery unless the appellant is successful (not to mention the initial request being appealed), and participation in programs such as [CERT](#) and the [Citizens Police Academy](#), for which as best I can tell, nothing is charged, even though the rather similar Junior Lifeguards program is deemed a "user service" transitioning toward 100% recovery.

Regarding the Junior Lifeguards fee recovery, that may be contrasted with the many Recreation and Senior Services programs for which Exhibit "A" provides only a broad range of possible cost

recoveries, leaving it completely unclear what recovery percentages are actually chosen, by whom and on what basis.

On May 12, the Junior Guards were characterized as a bargain child care opportunity, yet it is being proposed at 85%+ cost recovery, while Exhibit "A" indicates other less safety education oriented after school and summer camps are expected to recover only 20 to 50% of costs. The logic escapes me.

We were also told the anti-discrimination provision in the [Beacon Bay Bill](#) prevents our city from charging less for participation by residents than for non-residents. Yet, Newport Beach formerly did so, and nearby cities continue to do so, such as [Laguna Beach](#), [Huntington Beach](#), [Seal Beach](#) and [Oceanside](#), to name a few, despite identical anti-discrimination language in their granting statutes (for those that have granting statutes: [Laguna Beach](#) and [Oceanside](#)).

### ***Item 9. Set Public Hearing Date to Adopt Fiscal Year 2026-2027 Budget***

This item is slightly ironic in that a [notice](#) that a public hearing regarding adoption of a "Proposed Budget for the 2026-27 Fiscal Year, pursuant to Section 1102" would be held on June 9 has been posted on the City's [Legistar/Granicus noticing site](#) since perhaps May 8.

I don't know when or if that notice has already been physically published in the *Daily Pilot*, but if [City Charter Section 1102](#) allows only the Council to set the date, who decided June 9 should be announced as the date before the Council has made a decision?

Adding additional confusion to what is already a process confusingly communicated to the public, the Fiscal Impact portion of the staff report implies that what the Council is being asked to set a date for is a hearing regarding the "proposed FY 2026-27 General Fund budget" which it describes as involving the receiving and spending around \$350 million, with "an estimated \$2.5 million surplus." These numbers have no obvious correlation to anything in the currently posted notice, which says the Council will be considering a \$523,364,532 budget.

It might also be noted that citizens wishing to prepare for the hearing are invited to inspect copies of this proposed budget at the City Clerk's Office or the Central Library. Offering two locations within approximately 200 feet of each other hardly seems a great effort to make inspection convenient to residents, many of whom live more than 5 miles from those locations. Alternatively, the notice suggests inspection is available on the City's website, but fails, as best I can tell, to provide any guidance as to where on the City's website the documents can be found.

Finally, for those who do find the [links to the PDF budget books](#) on the City website, the PDF's lack (the last I looked) the customary digital bookmarks equivalent to the tabs in the physical copies, making them unnecessarily difficult to navigate. Since their original posting, I see City staff has added a feature that causes the website's links to PDF's to open in an AI-assisted "DocAccess" window which, after some thinking, produces a "Document Outline" and invites viewers to "Ask a Question." This might help, but the outline is not consistent or entirely reliable (links to department budgets may land in the middle of the section) and I have yet to formulate a question it can provide an answer to (either about the viewer or the document).

***Item 12. Ordinance No. 2026-5: Amending Title 21 of the Newport Beach Municipal Code, and Resolution No. 2026-30: Implementing the Housing Element and Establishing the Housing Opportunity (HO) Overlay Coastal Zoning District (PA2022-0245)***

It seems important to note that the redline provided in [Attachment J](#) does not reveal all the changes to Title 21 that the Council is being asked to approve. It highlights *only* the Coastal Commission's requested changes to the much larger set of changes originally submitted by the Council to the CCC for their certification.

***Item 14. Ordinance No. 2026-06: Amending Title 5 (Business Licenses and Regulations) and Title 20 (Planning and Zoning) for Tobacco Retailer Businesses and Cigar Lounges***

This remains a complex and difficult-to-review piece of legislation, particularly with the City no longer distributing printed copies for public review.<sup>2</sup> Additionally, since the staff report says changes have been made to the text reviewed by the Planning Commission, it is surprising no redline to the text seen by the Planning Commission is provided to clarify exactly what has been changed compared to what they saw. For those who followed the previous hearing, this makes it unnecessarily difficult to verify what was responded to, and how.

**Regarding the Tobacco Retailer Businesses:**

1. One comment I made when this was before the Planning Commission was that when similar separation requirements were proposed to be added to the code regulating Tattoo Establishments (see [Item 25](#) from November 30, 2021), some effort was made to demonstrate there would still be locations where such businesses could be established. If I am reading the staff report correctly, it says that if this is adopted as proposed, every existing Tobacco Retailer Business in the City will become legally non-conforming. I do not see a statement about whether there will be any locations where a future Tobacco Retailer Business could be legally established.
2. Given its continued inclusion of sale of any "tobacco-related item," I do not see any changes to the definition of "Tobacco Retailer Business" that would prevent many businesses from being inadvertently caught up in its web. Especially if "Convenience stores" are no longer excluded, I see nothing excluding a drug store or pharmacy selling smoking-cessation devices (unless they have a side business selling alcohol qualifying them as an exempted "Alcohol Sales (off-sale). Accessory Only" business. And how about a bookstore selling books related to tobacco?
3. Moreover, the proposed definition in Title 20 seems to rely on terms, such as "tobacco product" (anything derived from the tobacco plant?) and "tobacco paraphernalia" that are not defined in Title 20. While at least some of those seem to be defined in the proposed Chapter 5.55, that chapter, oddly, refers to Title 20 for the definition of "Tobacco Retailer

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<sup>2</sup> It is surpassingly strange that paper copies *are* distributed to the public in conjunction with the Planning Commission's preliminary review, but not in conjunction with the City Council's final review and potential adoption.

Business,” but Title 20 does not return the compliment by referring back to Chapter 5.55. We seem to be creating an unnecessarily complex web. As I said at the Planning Commission, if the intent is to regulate “smoke shops” shouldn’t we be defining “smoke shop” and not some other thing so hard to understand?

4. With regard to the location requirements of proposed Subsection 5.55.015.D, I see no changes clarifying if properties with Mixed Use or Housing Opportunity Overlay designation qualify as “residential zoning districts” or how the City’s many “Planned Communities” are proposed to be treated. Since Title 5 is separate from Title 20, what “residential zoning districts” means in its context is not at all obvious. If this is meant to apply only to “residential zoning districts” as defined in [Chapter 20.18](#), shouldn’t it say so?
5. Assuming there are locations in the City where, after enactment of the proposed code, a Tobacco Retailer Business could be legally established, it is unclear what their status would be if (as seems likely) a residential use is subsequently established within 1000 feet. Proposed Subsections 5.55.015.E and F appear only a business operating prior to enactment to continue, not one established later. Is that the intent?
6. In proposed NBMC Subsection 5.55.025.B.1, shouldn’t “shall” be “must”?

**Regarding the Cigar Lounges:**

1. The proposed definition of “Cigar Lounge” is baffling to me. How can a “person” (even given the broad [definition](#) of “person” in Title 20) be a “lounge”?
2. Shouldn’t the definition of “Smoking Lounge” be revised to exclude a “Cigar Lounge”? Otherwise, won’t this introduce a contradiction in the code, such that we will have zoning districts where **all** “smoking lounges” are prohibited, yet “cigar lounges” (which would seem to be a kind of “smoking lounge”) somehow are not.