

**City Council Meeting Minutes
Regular Meeting and Reorganization
December 14, 2021**

I. ROLL CALL – 4:00 p.m.

Present: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon, Council Member Noah Blom, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Will O'Neill

Mayor Avery announced that the item under Matters Which Council Members Have Asked to be Placed on a Future Agenda and Closed Session Item V.A were pulled from the agenda.

II. INVOCATION – Reverend Canon Cindy Evans Voorhees, St. James the Great Episcopal Church

III. PLEDGE OF ALLEGIANCE – Mayor Pro Tem Muldoon

IV. PRESENTATION

- **Certificates of Recognition for life saving measures administered by Senior Recreation Leader Barbara Valladolid, Martial Arts Instructor Rick Bradley, Soul Center OC Community Member Brian Sherick, Fire Captain Adam Novak, Fire Engineer Keith Hedenberg, and Paramedics Jeremiah Martin, Drew Kaford, and Mike Zaccaro**

Council Member Brenner provided the background of the lifesaving event that saved Patricia Griffith three weeks ago, but who unfortunately passed over the weekend, and Mayor Avery presented the Certificates of Recognition.

V. CLOSED SESSION – Pulled from the agenda

**A. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6): 1 matter**

Agency Designated Representatives: Grace K. Leung, City Manager, and Barbara Salvini, Human Resources Director, Negotiators.

Employee Organizations: Part Time Employees Association of Newport Beach (PTEANB), and Association of Newport Beach Ocean Lifeguards (ANBOL).

VI. NOTICE TO THE PUBLIC

VII. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Chad Kroeger asked Council to provide an incentive for shmoles to go to Catalina Island.

JT Parr asked Council to change the name of Catalina Island to 'Shmole Island' and proposed a tax incentive for patrons, statue construction, and a bandana system for product discounts, and noted that a photo would be forwarded to the Council.

Laura Curran invited everyone to join the Light Up Corona del Mar event and decorating contest sponsored by the Corona del Mar Residents Association and Council Member Joy Brenner.

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

Council Member Brenner:

- Attended the Corona del Mar Christmas Walk
- Utilized slides for Block the Freeway and OneTreePlanted.org
- Described the Ad Hoc Residential Care Facilities Committee's special Assembly Accountability Project

Council Member O'Neill:

- Attended the San Joaquin Hills Transportation Corridor Authority (TCA) Board meeting and highlighted their refinancing and bond refunding saving strategies

Council Member Dixon:

- Utilized a slide to provide an update of the Be Well Orange County Mobile Crisis Unit
- Attended the Sister City Christmas Breakfast, the Ad Hoc Residential Care Facilities Committee meeting, and the Redistricting Ad Hoc Committee meeting

Council Member Blom:

- Attended the Corona del Mar Christmas Walk and Newport Aquatic Center Christmas Regatta in Long Beach
- Commended the Christmas decorations throughout the City

Council Member Duffield:

- Thanked Council Members Brenner and Dixon for their assistance with the previous community meeting regarding group homes

Mayor Pro Tem Muldoon:

- Utilized a slide to announce the City collection of toys, DVDs, and other items for Operation Christmas until noon on December 22, 2021, and encouraged the community to donate

Mayor Avery:

- Utilized a slide to discuss a meeting with Lieutenant Governor of California Eleni Kounalakis to discuss areas where State and City lands meet, and announced the Residential Recycling Program (newportbeachca.gov/recycle)

IX. MATTERS WHICH COUNCIL MEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA

- **Consideration of a resolution amending City Council Policy A-1's Rules of Decorum related to the consumption of alcohol at public meetings and an ordinance modifying Newport Beach Municipal Code, Title 10, Chapter 10.04, Section 10.04.010, to prohibit drinking in public buildings [Dixon] – Pulled from the agenda**

X. PUBLIC COMMENTS ON CONSENT CALENDAR

Jim Mosher indicated that the trash program has not been included on the Consent Calendar, nor has the Council endorsed it.

XI. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. **Minutes for the November 30, 2021 City Council Meeting [100-2021]**
Waive reading of subject minutes, approve as amended, 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.

ORDINANCES FOR ADOPTION

3. Ordinance No. 2021-26: Amending the Local Coastal Program Implementation Plan Related to Corrections, Clarifications, and Inconsistencies (PA2019-055) [100-2021]

- a) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment; and
- b) Conduct second reading and adopt Ordinance No. 2021-26, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Local Coastal Program Amendment No. 2019-001 Amending Title 21 (Local Coastal Program Implementation Plan) to Correct and Clarify Provisions Related to Minimum Lot Size and Dimensions, Overlays and Public Hearing Notice Requirements (PA2019-055).*

4. Ordinance No. 2021-27: A Code Amendment Related to Tattoo Establishment Development Standards (PA2020-030) [100-2021]

- a) Find this project categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to pursuant to Section 15061(b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment and pursuant to Section 15265(a)(1), which exempts local governments from the requirements of CEQA in connection with the adoption of a Local Coastal Program; and
- b) Conduct second reading and adopt Ordinance No. 2021-27, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Zoning Code Amendment No. CA2020-002 to Amend Title 20 (Planning and Zoning) of the Newport Beach Municipal Code Related to Tattoo Establishment Development Standards (PA2020-030).*

5. Ordinance No. 2021-28: A Code Amendment Related to Short-Term Lodging Citywide and on Newport Island (PA2020-048 and PA2020-326) [100-2021]

- a) Find the action statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265(a)(1) of the California Code of Regulations, Title 14, and Chapter 3 of the Coastal Act. Section 15265(a)(1), which exempts local governments from the requirements of preparing an environmental impact report or otherwise complying with CEQA in connection with the adoption of LCP Amendments; and
- b) Conduct second reading and adopt Ordinance No. 2021-28, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Chapter 5.95 (Short Term Lodging Permit) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Relating to Short Term Lodging, and Adopting Local Coastal Program Amendment No. LC2020-007 Related to Short Term Lodging and Local Coastal Program Amendment No. LC2020-008 Related to Short Term Lodging on Newport Island (PA2020-048 and PA2020-326).*

Mayor Pro Tem Muldoon voted "no" to Item 5.

RESOLUTIONS FOR ADOPTION

6. Resolution No. 2021-128: Setting City Council Regular Meeting Dates for Calendar Year 2022 [100-2021]

- 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. 2021-128, *A Resolution of the City Council of the City of Newport Beach, California, Setting the Time and Dates of City Council Regular Meetings for Calendar Year 2022.*

7. **Resolution No. 2021-129: Adopting a Memorandum of Understanding with the Newport Beach Police Association (NBPA) and Associated Salary Schedule (C-2056) [38/100-2021]**
 - a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to §§15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly;
 - b) Adopt Resolution 2021-129, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding Between the City of Newport Beach and the Newport Beach Police Association and Associated Salary Schedule*; and
 - c) Approve Budget Amendment No. 22-031 appropriating \$891,724 in increased expenditures in various City division salary and benefit accounts from unappropriated General Fund balances.
8. **Resolution No. 2021-130: Adopting a Memorandum of Understanding with the Newport Beach Firefighters Association (NBFA) and Associated Salary Schedule (C-2060) [38/100-2021]**
 - a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to §§15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a physical change to the environment, directly or indirectly;
 - b) Adopt Resolution 2021-130, *A Resolution of the City Council of the City of Newport Beach, California, Adopting a Memorandum of Understanding Between the City of Newport Beach and the Newport Beach Firefighters Association and Associated Salary Schedule*; and
 - c) Approve Budget Amendment No. 22-030 appropriating \$469,638 in increased expenditures in various City division salary and benefit accounts from unappropriated General Fund balances

MISCELLANEOUS

9. **Planning Commission Agenda for the December 9, 2021 Meeting [100-2021]**

Receive and file.
10. **Budget Amendment to Accept a Check from the California State Library for Literacy Services (CLLS) and Appropriate Funds to the Library's FY 2021-22 Budget [100-2021]**
 - 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 \$40,292 from the California State Library for Literacy Services (CLLS) and approve Budget Amendment No. 22-026 to increase expenditures by the same amount in the Literacy accounts.
11. **Designation of City's Representatives Under California Government Code Section 54957.6(A):**

Pursuant to California Government Code Section 54957.6(a), designate the Mayor and Mayor Pro Tem elected under Agenda Item No. XIX as the City's designated representative for purposes of labor negotiations with all unrepresented employees within the Key and Management Group including, but not limited to, the City Manager, City Attorney and City Clerk.

Motion by Mayor Pro Tem Muldoon, seconded by Council Member O'Neill, to approve the Consent Calendar; and noting the "no" vote by Mayor Pro Tem Muldoon to Item 5 and the amendments to Item 1.

The motion carried unanimously.

- XII. **ITEMS REMOVED FROM THE CONSENT CALENDAR** – None
- XIII. **REORGANIZATION – SPECIAL ORDER OF BUSINESS AT 4:38 P.M.**
- XIV. **PUBLIC COMMENTS REGARDING REORGANIZATION**

Council Member Brenner asked her supporters to refrain from attacking Council Member Blom and consider this item based on the principles of Council leadership.

Dennis Bress thanked Council for their service, recapped projects, and supported the election of Council Member Brenner for Mayor.

Lynn Swain supported the election of Council Member Brenner for Mayor.

Jim Mosher reviewed the role of mayor and guidelines according to the City Charter, noted the lack of continuity with the annual change, suggested no change occur at the meeting and proposed waiting until December 2022, and supported the election of Council Member Brenner for Mayor.

Mike Lekawa extended his gratitude and compliments to the City Council, requested Council Member Brenner be elected for Mayor Pro Tem, advocated for the current election structure, and noted diversity and consensus brought by change.

Charles Klobe supported the election of Council Member Brenner for Mayor Pro Tem.

Jennifer Irani supported the election of Council Member Brenner for Mayor and questioned why she has not been selected in the past.

Nancy Scarbrough supported electing Council Member Brenner for Mayor Pro Tem.

Judy Wagner supported electing Council Member Brenner for Mayor Pro Tem and shared her opinion why she may not be elected.

Denys Oberman supported electing Council Member Brenner for Mayor Pro Tem.

Susan Skinner expressed her reasons why she opposed electing Council Member Blom as Mayor Pro Tem.

Mayor Avery supported electing Council Member Brenner for Mayor Pro Tem and recognized the collective and individual successes, contributions, differences, and imperfections of every Council Member.

XV. REORGANIZATION

12. Presentation of Gavel Plaque to Mayor Brad Avery and Remarks by Mayor Avery

Mayor Pro Tem Muldoon presented Mayor Avery with a gavel plaque in recognition of his service as Mayor during 2021.

Mayor Avery reflected on his term as Mayor, shared his gratitude for the opportunity to serve in this capacity, and expressed his support for changes that will better the City.

13. Election of Mayor

City Clerk Brown, in presiding, placed all members of the City Council on an equal basis to nominate and elect.

Council Member Blom nominated Council Member Muldoon for the position of Mayor.

Motion by Council Member Brenner, seconded by Council Member Dixon, to close nominations.

The motion carried unanimously.

Council Member Muldoon was selected unanimously as the Mayor of the City of Newport Beach for 2021-2022 and took his place at the Council dais.

14. Election of Mayor Pro Tem

Mayor Muldoon, in presiding, placed all members of the City Council on an equal basis to nominate and elect.

Council Member Dixon nominated Council Member Brenner for the position of Mayor Pro Tem.

Council Member Dixon supported electing Council Member Brenner for her integrity and high ethical standards, as evidenced in her many years of service. Furthermore, she advocated for continuing the tradition of recognizing members by seniority, years of service, and contributions to public service and noted the marginalization of Corona del Mar residents with the last district representation in 2012.

Council Member Duffield nominated Council Member Blom for the position of Mayor Pro Tem.

Motion by Council Member O'Neill, seconded by Council Member Blom, to close nominations.

The motion carried unanimously.

There being no further discussion, City Clerk Brown announced the following votes for the Mayor Pro Tem seat:

- Council Member Blom – Mayor Muldoon, Council Member Blom, Council Member Duffield, Council Member O'Neill
- Council Member Brenner – Council Member Avery, Council Member Brenner, Council Member Dixon

Council Member Blom was selected as the Mayor Pro Tem of the City of Newport Beach for 2021-2022 and took his place at the Council dais.

15. Seating Arrangements for City Council

The following seating arrangement for the Council dais was determined by the Council Members pursuant to City Council Policy A-1 (left to right):

Council Member Joy Brenner, Council Member Brad Avery, Mayor Pro Tem Noah Blom, Mayor Kevin Muldoon, Council Member Diane Dixon, Council Member Duffy Duffield, and Council Member Will O'Neill

16. New Mayor Remarks

Mayor Muldoon thanked his colleagues for their trust, acknowledged challenges that occurred in 2021, shared his intentions as Mayor, thanked his wife, Heather, and son, Cannon, and announced there will be a new addition to his family in June 2022.

XVI. MOTION FOR RECONSIDERATION – None

XVII. ADJOURNMENT – Adjourned at 5:15 p.m. in memory of Patricia Griffith

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 on December 9, 2021, at 4:00 p.m.

Kevin Muldoon, Mayor

Leilani I. Brown, City Clerk