

**NOVATO CITY COUNCIL
REGULAR MEETING MINUTES**

**NOVATO CITY HALL
COUNCIL CHAMBERS
901 SHERMAN AVENUE**

**January 23, 2018
6:00 P.M.**

A. CONVENE, PLEDGE OF ALLEGIANCE, AND ROLL CALL

At approximately 6:05 p.m., the regular City Council meeting began.

COUNCIL PRESENT: Mayor Josh Fryday, Mayor Pro Tempore Pam Drew, Councilmember Denise Athas, Councilmember Pat Eklund, and Councilmember Eric Lucan

STAFF PRESENT: City Attorney Jeff Walter, City Manager Regan Candelario, Assistant City Manager Peggy Flynn, Assistant City Manager Michael Antwine, City Clerk Terrie Gillen, Public Works Director Russ Thompson, Community Development Director Bob Brown, Information Technology Manager Scott Sanders, Chief Adam McGill, Finance Manager Tony Clark, Senior Planner Hans Grunt, Senior Management Analyst Jessica Deakyne, and Senior Management Analyst Heather Hafer

B. CLOSED SESSION ANNOUNCEMENT

City Attorney Walter stated that the City Council met in Closed Session and discussed both items below.

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Paragraph (1) of Subdivision (d) of Section 54956.9)**

Granucci v. City of Novato, Case No. CIV 1602132

2. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.8

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN 153-057-22 (City) and 153-057-23 (Sonoma Marin Area Rail Transit's – SMART (Downtown Depot Area))

City Negotiators: City Manager Regan M. Candelario, City Attorney Jeff Walter, and Public Works Director Russ Thompson

Negotiating Parties: Sonoma Marin Area Rail Transit District

Under Negotiations: Price and Terms of Payment

According to the City Attorney, the Council gave direction to the negotiators and himself regarding both items. Additionally, he clarified that the property in Closed Session Item 2 referred to the property owned by SMART, next to its spur and platform in the downtown area as well as piece of Grant Avenue.

C. CEREMONIAL MATTERS / PRESENTATIONS

1. Presentation: Novato Proud by Sherin Olivero

Assistant City Manager Flynn provided a synopsis of the Novato Proud Initiative to celebrate the good news and the success of its residents, including Novato veterans, as well as organizations and businesses. She acknowledged some of the Novato Proud honorees, who were in attendance.

Right afterwards, the Council unveiled the new mosaic artwork in the Council Chamber. Mayor Fryday encouraged the public to visit the Novato Proud website (<http://novato.org/about-novato/novato-proud>) to learn of the recipients, who were honored for their service and dedication to the community, state, and/or nation. He also asked to nominate people, so that they could be recognized.

2. Ceremonial: Recognition of Hamilton Station Volunteers

The Mayor invited Donn Davy and the volunteers, who helped beautify the Hamilton Station. They were awarded with a proclamation.

D. APPROVAL OF THE FINAL AGENDA

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Eklund to approve the Final Agenda.

However, Councilmember Eklund requested to amend the motion to remove Item J-9 from this meeting's agenda and place it on the February 13th Council meeting agenda.

COUNCIL ACTION: Upon motion by Councilmember Eklund and seconded by Mayor Pro Tempore Drew to approve the amendment.

Before any votes were made, Mayor Fryday asked the City Attorney to clarify in general the procedures of Council making motions, which the City Attorney went on to explain. City Manager Candelario briefly asked for clarification from the initial motions made for this item.

Thereafter, both Councilmember Eklund and Mayor Pro Tempore Drew explained their reasons as to why they should pull this item; and conversely, other Councilmembers spoke on the merits of keeping J-9 on tonight's

agenda. The City Manager mentioned that staff requested this item to obtain direction and comments from the City Council, which impacts upcoming Council agenda items such as Other Post-Employment Benefits (OPEB), the Budget, and Fiscal Sustainability. Councilmember Eklund asked the Council to not commit to any money until the OPEB discussion, and opined that this item was not time sensitive.

Councilmember Lucan provided a compromise to keep J-9 in tonight's agenda but limit the depth of discussion, including not committing to any funding, which the Mayor concurred. Councilmember Eklund and Mayor Pro Tempore then withdrew her amendment and replaced with the following motion:

COUNCIL ACTION: Upon motion by Councilmember Eklund and seconded by Mayor Pro Tempore Drew in regards to J-9, the City Council will receive and provide preliminary direction to staff on proposed projects, but not commit to prioritization or dollars, but will come back when the OPEB and unfunded pension liabilities will come back for discussion (at a future Council meeting).

The City Council voted 5-0 via roll call to approve this amendment.

AYES: EKLUND, DREW, LUCAN, FRYDAY, ATHAS

NOES: None.

Motion carried

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Eklund, the City Council voted 5-0 via roll call to approve the main motion.

AYES: ATHAS, EKLUND, LUCAN, DREW, FRYDAY

NOES: None.

Motion carried.

E. REPORTS FROM THE CITY MANAGER & CITY COUNCIL

City Manager Report

City Manager Candelario provided the following report:

- He and the City Attorney would be reviewing the procedures of making motions, including studying Rosenberg's Rules versus Robert's Rules of Order.
- He spoke about the Planning Academy's first meeting this year, which was facilitated by Community Development Director Bob Brown. Over 80 people attended.
- The City Manager mentioned that some federal funding would soon be available for housing in the spring (of 2018).

- He announced the Marin County Council of Mayors and Councilmembers meeting in Belvedere.
- He mentioned the City's birthday celebrations: one that occurred at the Buck Center and the upcoming one in City Hall on January 27th.

City Council Reports

1. Councilmember Athas provided the following report:

- She attended the Chamber of Commerce's Honors and Installations Dinner and announced that Trek Winery on Small Business of the Year Award and Bank of Marin won Large Business of the Year Award.
- She met with Cub Scouts on their Citizenship Day, with Thompson Development regarding the McPhail site, with Senator McGuire regarding a potential project, with a member of the Bicycle and Pedestrian Commission.
- The Councilmember attended the Multicultural Commission Forum on Equity, which the Mayor moderated.
- She also attended the League of California Cities Conference and the Housing, Community and Economic Development Policy Committee meeting.
- Councilmember Athas mentioned that she attended the Buck Institute's City's Birthday and thanked them for hosting it.
- Lastly, she attending the Planning Commission meeting, and thanked the Commissioners for the work they do.

2. Mayor Pro Tempore Drew reported that she was a committee member of the Marin Emergency Radio Authority (MERA); and she, members of MERA and members of Motorola attended a regional planning committee meeting. She mentioned the good news, which the regional planning committee approved MERA's application without changes, and had advanced for approval from the Federal Communications Commission. She explained the importance of the application, which would assist with emergency communications should a natural disaster, fire, or weapons threat occur.

Lastly, she mentioned that she attended the Hill Recreation Neighborhood Meeting and mentioned the increase of cost to the proposed design and announced its next scheduled meeting for the next evening.

3. Councilmember Eklund provided an extensive report of her attendance at the League of California Cities Environmental Policy Committee (EPC) meeting in Sacramento.

- She received the 2018 Guide to New Housing Law in California, which she asked the City Clerk to provide it to the City Council, Planning Commission and Design Review Commission.
- They discussed SB 5, which would be on the June 2018 ballot regarding \$4 billion bond funds for local parks, water, coastal and climate resiliency projects. She mentioned that there could be potential storm water funding that staff should look at. They support AB 1775 and SB 134

- The Governor mentioned the upcoming budget for the State of California, including a \$131.7 billion, which \$6.1 billion would go to reserves.
- EPC took the position to support AB 1775 and SB 134 (both prohibiting offshore oil drilling within the state lands area off the coast of California). She urged Novatans to support these bills and asked the Council to place these bills on the agenda to show support of these proposed legislation.
- EPC also discussed the upcoming deadlines of the Reuse Green and Food waste, which were increasing, and Housing Bills (SB 827 and SB 828), which she asked to also be placed in a future Council agenda.

Councilmember Eklund also reported that she attended an ABAG meeting.

4. Councilmember Lucan reported that:
 - he attended the first film of the Green Film Series and City's birthday celebration
 - he mentioned that many Councilmembers were attending many community events; and
 - He announced the Electric Vehicle Expo and another City birthday event on Saturday.
5. Mayor Fryday provided the following report:
 - He attended the Legislative Committee and voted to oppose Senate Bill 827 regarding transit housing.
 - He attended the League of California Cities Training for New Mayors and Councilmembers and the City's birthday celebration at the Buck Center.
 - He also mentioned that he got to kickoff of the first of four Green Movies, which was part of the City's sustainability program.

F. PUBLIC COMMENTS

1. Kiley Olson mentioned that there had been an increase of crime. Nonetheless, the RV Ordinance and police presence had been helpful. Also, she would like to see a revitalization of the shopping center by the Vista neighborhood.
2. Chad Carlson reported on some of his neighbors, whom were either homeless or allegedly involved in drugs.
3. Jeff Davidson commented that he too would like to see the decrease of crime and drug usage around the SMART rail.
4. Tawna Cooley thanked the City Council for the Closed Captioning and how important this meant to her and those who were hearing impaired.

Councilmember Eklund asked the City Manager to come back to the Council and give an update on how the Council could help with the issues raised by the public. The City Manager responded that he would send Council a memo. The same Councilmember asked that this be placed on the agenda so that neighbors could comment, but the Council did not take any action.

G. CONSENT CALENDAR

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Lucan, the City Council voted 5-0, via roll call, to approve the Consent Calendar, including the changes to the minutes.

AYES: ATHAS, LUCAN, EKLUND, DREW, FRYDAY
NOES: None.

Motion carried.

1. **Waive reading and authorize introductions and/or adoption of ordinances by title only**

 This is a standard procedural action to waive any readings of an ordinance on this agenda, so that the City Council does not have to read the ordinance in its entirety.
2. **Approve City Council regular meeting minutes of June 6, 2017**
3. **Approve City Council special closed session minutes of October 30, 2017**
4. **Approve City Council regular meeting minutes of November 14, 2017**
5. **Approve City Council closed session minutes of January 9, 2018**
6. **Approve City Council regular meeting minutes of January 9, 2018**
7. **Authorize the City Manager to execute a lease with the Marin Museum of Contemporary Art (MarinMOCA) for an artist studio located at 789 Hamilton Parkway for the purpose of extending the Artist-in-Residence program for one year**

H. UNFINISHED AND OTHER BUSINESS

There were no items listed for this section

I. PUBLIC HEARING

8.
 - a. Hold a Public Hearing regarding the McPhail's Commercial Office Development Precise Plan;
 - b. Approve a resolution adopting a Mitigated Negative Declaration for McPhail's Commercial Office Development pursuant to the California Environmental Quality Act;
 - c. Approve a resolution adopting an Amendment to the General Plan Land Use Map from Business and Professional Office to Light Industrial Office;
 - d. Introduce an ordinance amending the McPhail's Commercial Office Development Master Plan to amend zoning text applicable to allowed land uses in the Master Plan; and
 - e. Adopt a resolution to extinguish text stating allowed land uses and floor area ratio in the McPhail's Commercial Office Precise Development Plan consisting of three buildings totaling approximately 61,900 square feet on a combined 4.9 acre site at 5400 Hannah Ranch Road, APN 153-220-16 & -19

Senior Planner Hans Grunt presented the item to the Council. He answered the Council's questions pertaining to the filling on the site, parking space, traffic, fleet vehicles, bike-pedestrian path, and emergency vehicles. Council members stated whether or not they had met with the developers regarding this project.

Afterwards, Casey Clement, who works for the developers, provided a presentation to the Council. Council continued discussion thereafter with staff and Ms. Clement with regards to buses, parking spaces, and if there was going to be light drug manufacturing taking place.

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Lucan, the City Council voted 5-0 via roll call to approve the resolution adopting a mitigated negative declaration for McPhail's Commercial Office Development (116038) proposed at 5300 Hanna Ranch Road, APNs 153-220-16 and -19, involving a General Plan Land Use Map amendment, Master Plan amendment, and Precise Development Plan amendment.

AYES: ATHAS, LUCAN, EKLUND, DREW, FRYDAY
NOES: None.

Motion carried.

The City Council adopted Resolution No. 2018-008.

COUNCIL ACTION: Upon motion by Councilmember Lucan and seconded by Councilmember Athas, the City Council voted 5-0 via roll call to approve the resolution adopting an amendment to the Novato General Plan Land Use Map to amend the General Plan Land Use designation applicable to the combined parcels at 5400 Hanna Ranch Road, APNs 153-220-16 and -19 from Business and Professional Office to Light Industrial Office.

AYES: LUCAN, ATHAS, EKLUND, DREW, FRYDAY
NOES: None.

Motion carried.

The City Council adopted Resolution No. 2018-009.

COUNCIL ACTION: Upon motion by Councilmember Eklund and seconded by Councilmember Athas, the City Council voted 5-0 via roll call to move the ordinance amending the McPhail's Commercial Office Development Master Plan to amend zoning text applicable to allowed land uses in the Master Plan

AYES: EKLUND, ATHAS, LUCAN, DREW, FRYDAY
NOES: None.

Motion carried.

COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and seconded by Councilmember Eklund, the City Council voted 5-0 via roll call to approve the resolution approving the Precise Development Plan Amendment for McPhail's Commercial Office Development Project at 5400 Hanna Ranch Road, APNs 153-220-16 and -19.

AYES: DREW, EKLUND, ATHAS, LUCAN, FRYDAY
NOES: None.

Motion carried.

The City Council adopted Resolution No. 2018-010.

After the motions were made, the City Council acknowledged the time and work that both staff and the developers invested in this project.

Council then took a five minute break.

J. GENERAL BUSINESS

9. **City Council to receive and file a report and to provide direction to staff regarding a prioritization of proposed projects; if any, future authorization and direction is given to allocate any portion of the approximate \$1.15 million remaining of unallocated general fund balance from Fiscal Year 2016-2017**

Council and staff had a robust conversation on this item including the fuel load reduction, defensible space for adjacent or open space, OPEB, five-year forecast, HVAC for the police department, the Dog Bone Project, and other Council recommendations or questions that they had. Additionally, Council provided caution that this was only one-time money and staff needed to provide a framework on how to use the funds.

As was stated earlier in the meeting, the City Council only provided feedback to staff and took no other action.

10. **City Council to review and consider assigning and/or reassigning City Council members to various regional and local commissions, boards, and authorities upon which they serve**

Instead of going through the list, the Mayor suggested that everyone remains in their current positions to their assigned committees.

COUNCIL ACTION: Upon motion by Mayor Fryday and seconded by Councilmember Eklund, the City Council voted 5-0 via roll call for Council to maintain their current committees.

AYES: FRYDAY, EKLUND, ATHAS, LUCAN, DREW
NOES: None.

Motion carried.

11. **City Council to (a) conduct review (and change if necessary) agenda items scheduled for the upcoming 3 months, (b) review, agendaize, and prioritize outstanding Council-Approved items over the next 3 months, and (c) review and take action regarding the following Proposed Agenda Items from City Council members:**

Proposed Items:

1. **Mayor Pro Tem Drew: Consider and take action to change the General Fund Reserve Policy from a maximum of 15% to a range of 15% to 20%.**

2. **Mayor Pro Tem Drew: Consider and take action to re-examine and potentially modify City's open space policies as they pertain to fire fuel management and fire prevention programs, particularly where open space abuts residences.**
3. **Councilmember Eklund: Discuss and take action in January or February 2018 to change when the Council Agenda packets (including staff reports) are publicly noticed and posted to no later than 5:00 pm on the Wednesday prior to the Tuesday City Council meeting**
4. **Councilmember Eklund: Discuss and take action in January or February 2018 to institute a time certain of 11:00 pm for closure of Council meetings.**

The City Clerk introduced this item. Council conversed about tracking agenda items in general, the Buck Development Agreement, format of the quarterly agenda, the Council Policy Manual items, warrants not posted, MarinMOCA to be brought up in February or March, and OPEB to be discussed earlier than March.

Afterwards, the Council and staff had a lengthy discussion on what exactly in the Council Policy Manual would be conversed upon on February 13th, how would the discussion be formatted that evening, and what was the prior processes for the City Council to review and possibly change the Manual.

Thereafter, Mayor Pro Tempore Drew and Councilmember Eklund brought forth their items to Council. Council voted to either move or not move the items for agendization. The following were the actions taken by the City Council:

COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and seconded by Councilmember Eklund, the City Council voted 2-3 via roll to not agendize Mayor Pro Tempore Drew's proposed agenda item for taking action to change the General Fund Reserve Policy from a maximum of 15% to a range of 15% to 20%.

AYES: DREW, EKLUND
NOES: ATHAS, LUCAN, DREW

Motion failed.

COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and Mayor Fryday, the City Council voted 4-1 via roll to agendize Mayor Pro Tempore Drew's proposed agenda item for taking action to re-examine and potentially modify City's open space policies as they pertain to fire fuel management and fire prevention programs, particularly where open space abuts residences.

AYES: FRYDAY, DREW, EKLUND, ATHAS
NOES: LUCAN

Motion carried.

Staff and Council conversed about outside organizations involved with the above mentioned item and modifying open space policies, including a possibility of an assessment.

COUNCIL ACTION: Upon motion by Councilmember Eklund and Mayor Pro Tempore Drew, the City Council voted 2-3 via roll to not agendaize Councilmember Eklund's proposed agenda item to take action in January or February 2018 to change when the Council Agenda packets (including staff reports) are publicly noticed and posted to no later than 5:00 pm on the Wednesday prior to the Tuesday City Council meeting.

AYES: EKLUND, DREW
NOES: ATHAS, LUCAN, FRYDAY

Motion failed.

COUNCIL ACTION: Upon motion by Councilmember Eklund and Mayor Pro Tempore Drew, the City Council voted 2-3 via roll to not agendaize Councilmember Eklund's proposed agenda item to take action in January or February 2018 to institute a time certain of 11:00 pm for closure of Council meetings.

AYES: EKLUND, DREW
NOES: ATHAS, LUCAN, FRYDAY

Motion failed.

K. COMMISSIONS, COMMITTEES AND BOARDS (CCB's) APPOINTMENTS

There were no items listed for this section.

L. WORK STUDY SESSION

There were no items listed for this section.

M. ADJOURNMENT

The City Council adjourned in memory and in honor of Hermann Dungs, Cecil Green, and May Ungemach.

The meeting adjourned at approximately 9:40 p.m.

**Draft Minutes recorded, prepared and respectfully submitted by:
Terrie Gillen, CMC, City Clerk**