JOINT CITY COUNCIL/
CITY COUNCIL AS SUCCESSOR AGENCY
TO DISSOLVED REDEVELOPMENT AGENCY
CLOSED SESSION MINUTES
COUNCIL CHAMBERS
901 SHERMAN AVENUE
November 18, 2014 – 6:00 PM

A. CALL TO ORDER - 6:00 P.M.

1. Public Comment at 922 Machin Avenue - None

2. Recess to Closed Session

B. CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of Litigation, pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: One potential case.
A. CONVENE, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Present: Mayor Lucan
        Mayor Pro Tem MacLeamy
        Councilmember Athas
        Councilmember Eklund
        Councilmember Kellner

Absent: None

Also Present: City Manager Michael Frank, Assistant City Manager Cathy Capriola, Community Development Director Bob Brown, Finance Manager Brian Cochran, Public Communication Coordinator Peggy Flynn, Administrative Manager Felicia Newhouse, Engineer 1 Manijeh Larizadeh, City Attorney Jeff Walter and City Clerk Sheri Hartz.

B. CLOSED SESSION ANNOUNCEMENT

The City Council met in closed session to discuss Item B as listed on the Closed Session Agenda. There was no action taken.

A second closed session, originally scheduled for this meeting, was continued to December 9, 2014.

C. CEREMONIAL MATTERS/PRESENTATIONS

No items were listed for this section.

D. APPROVAL OF FINAL AGENDA, WAIVER OF THE READING OF ORDINANCES AND NOTICES OF INTENT

Councilmember Eklund moved, Seconded by Councilmember Kellner, to approve the Final Agenda, Waiver of the Reading of Ordinances and Notices of Intent. The motion was approved unanimously.

E. PUBLIC COMMENTS

1. Al Dugan
2. Marie Hoch
3. Stan Dennison
4. Ryan Bartling
5. Pam Drew
6. Jim Tross
7. Gail Meyers
8. Michael Howard
9. Jay Demski
10. Dr. David Swim

F. CONSENT CALENDAR

1. ADOPT CITY COUNCIL MINUTES OF OCTOBER 21, 2014

The Council approved the minutes of the October 21, 2014 meeting.

2. INVESTMENT POLICY UPDATE

Council approved the updated investment policy.

3. LED STREETLIGHT RETROFIT - PHASE III

Council approved the rejection of all bids and authorized a re-bid for the LED Streetlight Retrofit - Phase III, CIP 15-010.

4. NOTICE OF COMPLETION FOR 789 HAMILTON PARKWAY, NOVATO ARTS CENTER

Council accepted the construction as complete and authorized the City Manager to sign the Notice of Completion for the Novato Arts Center at 789 Hamilton Parkway.

5. PIONEER PARK TENNIS COURTS RECONSTRUCTION - NOTICE OF COMPLETION

Council authorized the City Manager to sign the Notice of Completion for the Pioneer Park Tennis Courts Reconstruction, CIP project 14-006.

6. ESTABLISH SPEED LIMIT ON ENFRENTE ROAD

Council adopted Resolution No. 102-14 establishing radar enforceable speed limits on Enfrente Road from the Highway 101 Off Ramp to Ignacio Boulevard, increasing the speed limit from 25 mph to 30 mph.
7. MEASURE A GROUP 6 CONTRACT 2 - PAVEMENT REHABILITATION, CIP NO. 14-001-- NOTICE OF CONSTRUCTION COMPLETION AND BUDGET AMENDMENT

Council accepted the work as complete and authorized the City Manager to sign the Notice of Completion for Measure A Group 6 Contract 2 - Pavement Rehabilitation, CIP Project No. 14-001 and adopted budget amendment Resolution No. 103-14 in the amount of $77,780 for the Measure A Group 6 Pavement Rehabilitation, CIP Project No. 14-001.

9. IMPOSITION OF TERMS AND CONDITIONS OF EMPLOYMENT FOR THE MEMBERS OF THE NOVATO POLICE MANAGERS' ASSOCIATION

Council adopted Resolution No. 105-14 approving the imposition of terms and conditions of employment for the members of the Novato Police Managers' Association (Unit A) for the period of November 19, 2014 through November 18, 2015.

10. AUTHORIZE CITY MANAGER TO EXECUTE LEASE FOR XEROX MULTI-FUNTION COPY DEVICES

Council adopted Resolution No. 106-14 authorizing the City Manager to execute a lease purchase for the replacement of multi-function copy/print/scan devices from the FY 14/15 budget to refresh portions of the technology infrastructure for an amount up to $75,000.

Councilmember Eklund moved, Seconded by Councilmember Athas, to approve the Consent Calendar, with Item F-8 being pulled to General Business and Councilmember Athas recusing herself from Item F-8. The motion was approved unanimously.

G. UNFINISHED AND OTHER BUSINESS

No items were listed for this section.

H. PUBLIC HEARINGS

11. PROHIBITION OF EXCAVATION- MEASURE A GROUP 7 PAVEMENT REHABILITATION, CIP 15-001

Consider holding a public hearing for the ordering of prohibition of excavation in the traveled way of the streets identified in the rehabilitation list attached (Exhibit 'A') pursuant to Chapter 15-2.54 of the City of Novato Municipal Code, and adopting a resolution that overrules all protests and prohibits excavation upon final completion of the paving in the traveled way of the streets identified in the rehabilitation list attached.
Manijeh Larizideh, Public Works Engineer 1, gave the staff report and responded to Council questions.

PUBLIC HEARING OPENED: 6:58 P.M.

PUBLIC HEARING CLOSED: Hearing no public testimony, the hearing was closed at 6:59 p.m.

Councilmember Kellner moved, Seconded by Councilmember Athas, to approve Resolution No. 107-14 to prohibit excavation in the traveled way of the referenced streets on the rehabilitation list for the Measure A Group 7 Pavement Rehabilitation project, Pursuant to Chapter XV, Section 15-2.54 of the Municipal Code. The motion was approved unanimously.


Conduct a public hearing to consider the recommendations of the Planning Commission and take action on the following components of this agenda item:

Part A: Find that the draft City of Novato Housing Element, 2015-2023 includes policies and programs consistent with those contained in the current Housing Element, 2007-2014 and the analysis prepared in the corresponding Program Environmental Impact Report (EIR) certified by the City Council in November 2013 (FEIR) and, based on findings pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15162, determine that no additional environmental review is required.

Part B: Adoption of the Novato Housing Element 2015-2023, Chapter III of the Novato General Plan.

Hans Grunt, Senior Planner, gave the staff presentation and responded to Council questions.

PUBLIC HEARING OPENED: 7:36 P.M.

11. Pam Drew
12. Trish Boorstein

PUBLIC HEARING CLOSED: 7:42 P.M.

Mr. Grunt and Director Brown responded to comments that were made during the Public Hearing, followed by Council comments.

*Councilmember Kellner moved, Seconded by Councilmember Athas, to approve Resolution No. 110-14, determining that no further Environmental Review is required for adoption of the Draft City of Novato Housing Element 2015-2023, pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15162. The motion was approved unanimously.*

*Councilmember Athas moved, Seconded by Mayor Pro Tem MacLeamy, to approve Resolution No. 111-14 adopting an amendment to the Novato General Plan to include the City of Novato Housing Element 2015-2023. The motion was approved unanimously.*

At 8:05 p.m., the Council took a brief recess and reconvened at 8:12 p.m.

I. GENERAL BUSINESS

12. CONSIDERATION OF A BUDGET AMENDMENT TO ADD A SOLAR POWER PROJECT AT HAMILTON POOL TO THE FISCAL YEAR 2014-2015 CIP BUDGET

Consider adopting a resolution approving the allocation of Measure F funds and amending the Fiscal Year 2014-2015 CIP budget to include a solar power project at Hamilton Pool and directing the City Clerk to schedule a public hearing to consider authorizing the City Manager to execute specific agreements for the project.

Public Works Administrative Manager Felicia Newhouse gave the staff presentation and responded to Council questions, along with David Potovsky from Sumetric, and Finance Manager Brian Cochran.

PUBLIC COMMENTS

13. Marie Hoch
14. Pam Drew

*Mayor Pro Tem MacLeamy moved, Seconded by Councilmember Athas, to Approve Resolution No. 108-14 approving the allocation of Measure Funds and amending the Fiscal Year 2014/15 CIP Budget to include a Solar Power Project (No. 15-018), at Hamilton Pool in the CIP Budget, adopting a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) and directing the City Clerk to schedule a Public Hearing for the Council meeting of January 13, 215 to consider authorizing the City Manager to execute specific agreements for the project.. The motion was carried 4-1-0, with Councilmember Eklund voting No.*
Councilmember Eklund stated for the record that she voted no because she did not think Measure F funds should be used to construct solar. She said Measure F was meant to fill the budget gap and keep services in place, and that this item would add to the deficit. She continued that net metering was not the way to go and that implementing solar on a by-facility basis was not maximizing spending.


This item was continued from the November 11, 2014 Council meeting. Council will consider whether to take action and/or give staff direction.

Assistant City Manager Cathy Capriola gave the staff presentation and responded to Council questions.

PUBLIC COMMENTS

15. Steve Jordan
16. Carlos Castillo
17. Patrick Jordan
18. Roger Goodwin
19. Tiffany Steeves
20. Karla DeShon
21. Chris Donohue
22. Mark Dawson
23. Randy Stemmer
24. Lee Hamovitz

Councilmember Kellner moved, Seconded by Mayor Pro Tem MacLeamy, to Approve Resolution No. 109-14 confirming the 2015 Annual Report of the Board of Directors of the Downtown Novato Business Improvement District as modified. The motion was carried 4-0-0-1, with Councilmember Athas recusing herself due to her ownership of a business in the District.

15. DIRECTION ON SCHEDULING AN AGENDA ITEM TO DISCUSS WHETHER TO APPLY TO AGE-FRIENDLY COMMUNITIES NETWORK

If desired, schedule a discussion on a future agenda regarding the age-friendly community concept and whether to apply for membership.

This item was continued to the January 13, 2015 Council meeting.
16. DIRECTION ON SCHEDULING AN AGENDA ITEM TO DISCUSS COUNTYWIDE HOMELESSNESS ISSUES

If desired, schedule a discussion on a future agenda regarding countywide homelessness issues.

This item was continued to the January 13, 2015 Council meeting.

Councilmember Kellner moved, Seconded by Mayor Pro Tem MacLeamy, to approve Continuation of Items I-15 and I-16 to the Council meeting on January 13, 2015. The motion was approved unanimously.

At 10:19 p.m. the Council took a brief recess and reconvened at 10:25 p.m.

8. NORTHWEST QUADRANT FOCUS AREA STUDY CONSULTANT SERVICES AGREEMENT (THIS ITEM WAS PULLED FROM THE CONSENT CALENDAR)

Consider adopting a resolution authorizing the City Manager to enter into a consultant services agreement with Opticos Design, Inc. to assist with community workshops and presentations for a study of the Northwest Quadrant Neighborhood.

Councilmember Eklund explained why she pulled the item for discussion. Director Brown gave a presentation and responded to Council questions.

PUBLIC COMMENTS

25. Gail Meyers
26. Al Dugan
27. Pam Drew

Councilmember Kellner moved, Seconded by Mayor Lucan, to Approve Resolution No. 104-14 authorizing the City Manager to enter into a Consultant Services Agreement with Opticos Design, Inc. to assist with community workshops and presentations for a study of the Northwest Quadrant Neighborhood as part of the General Plan Update process. The motion was carried 3-1-0-1, with Councilmember Eklund voting No and Councilmember Athas recusing herself.

J. COMMISSIONS, COMMITTEES ANDBoARDS (CCB’s) APPOINTMENTS

No appointments were made to fill vacancy/vacancies on Council Commissions, Committees or Boards.

K. COUNCILMEMBER/CITY MANAGER REPORTS

There were no Councilmember reports given.
L. WORK STUDY SESSION

No items were listed for this section.

M. ADJOURNMENT

At 10:59 p.m., the meeting was adjourned. The Closed Session originally scheduled was continued to the meeting of December 9, 2014 at 5:30 p.m.

A. THIS CLOSED SESSION WAS CONTINUED TO THE MEETING OF DECEMBER 9, 2014.

B. CLOSED SESSION

1. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Novato City Council.

/Sheri Hartz/
Sheri Hartz, City Clerk