A. CALL TO ORDER

At approximately 5:00 p.m., the Closed Session meeting began.

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

STAFF PRESENT (1st Closed Session Item): City Manager Regan Candelario, City Attorney Jeff Walter, and Outside Counsel Sean P. Welch

STAFF PRESENT (2nd Closed Session Item): City Attorney Jeff Walter

1. Public Comment at 922 Machin Avenue
   There was no public comment.

2. Recess to Closed Session

B. CLOSED SESSION ITEMS

1. Conference with Legal Counsel – Anticipated Litigation
   Significant Exposure to Litigation pursuant to paragraph 2 of subdivision (d) of section 54956.9
   One potential case

2. Public Employee Performance Evaluation
   (California Government Code Section 54957)
   Title: City Attorney

   The City Council discussed both items and took no reportable action.

C. ADJOURNMENT OF CLOSED SESSION MEETING

The City Council adjourned the Closed Session meeting at approximately 6:08 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and adopted at the Novato City Council special meeting of August 21, 2018.

/Terrie Gillen/
Terrie Gillen, CMC
City Clerk
A. CONVENE, PLEDGE OF ALLEGIANCE, AND ROLL CALL

At 6:11 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 Manager Regan Candelario, City Attorney Jeff Walter, Assistant City Manager Peggy Flynn, Assistant City Manager Michael Antwine, City Clerk Terrie Gillen, Assistant City Clerk Terri Brown, Senior Management Analyst Heather Hafer, Superintendent Lyle Wait, Administrative Technician Amanda Estrada, Recreation Supervisor Katie Gauntlett, Senior Management Analyst Jessica Deakyne, Recreation Supervisor Teresa Ehteshami, Recreation Supervisor Ronele Schaefer, Deputy Director of Public Works Chris Blunk, Management Analyst II Sherin Olivero, Public Works Director Russ Thompson, Management Analyst II Bryan Lopez, and Recreation Services Manager Liz Tran

B. CLOSED SESSION ANNOUNCEMENT

City Attorney Walter stated that the Council did meet on the following Closed Session items, but took no reportable action.

1. Conference with Legal Counsel – Anticipated Litigation
   (Significant Exposure to Litigation pursuant to California Government Code Section 54956.9, paragraph 2 of subdivision (d))

2. Public Employee Performance Evaluation
   (California Government Code Section 54957)

   Title: City Attorney

C. CEREMONIAL MATTERS/PRESENTATIONS

1. Ceremonial Matter – Proclamation recognizing July as Parks and Recreation Month
Mayor Fryday recognized the Recreation, Cultural & Community Service Advisory Commission and the Parks and Recreation Department staff for the exceptional work and services they provide to the Novato residents.

2. Presentation – Recognizing the Fourth of July Parade Winner

Kathy Nichol and Elaine Miller recognized the Novato Public Works Department as the Fourth of July Parade winner as the Best Float. The Department received the coveted Eagle plaque.

D. APPROVAL OF THE FINAL AGENDA

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

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

Motion carried.

E. REPORTS FROM THE CITY COUNCIL & CITY MANAGER

1. City Manager and City Council Reports

City Manager Report
City Manager Candelario congratulated the Public Works Department for the float they created; mentioned that the City Budget was adopted at the prior Council meeting and that he asked staff to put together for the public a brief budget document, which would go out at the end of July; explained to Council and the public that City staff would be off on July 13th due to the regular 9/80 schedule; mentioned that the staff was working on the Strategic Plan for the upcoming workshops; and announced that SMART would be celebrating their first year utilizing their operations system on August 18 at the Hamilton Station from 9 a.m. to 12 p.m.

City Council Reports

• Councilmember Lucan expressed his appreciation that many attended the Fourth of July Parade and reported from the Transportation Authority of Marin (TAM) Board that TAM received a traffic report, which stated the amount of traffic in, through, and out of Marin County.

• Councilmember Athas reported that she attended the League of California Cities Executive Forum and another Advanced Leadership Workshop in Monterey and some of the topics that were discussed; mentioned that she applied for an At-Large position with the Board of Directors for the State League of California Cities, that she was appointed to the position, and her installation would be in September;
commended the Fourth of July Parade and the Public Works Department; met with four various groups of people; and attended the Marin Clean Energy Executive Committee meeting.

- Mayor Pro Tempore Drew reported that she attended the usual monthly meetings; attended other meetings including the Marin Emergency Radio Authority meeting, Economic Development Commission meeting, and the Dedication of the Remodel of Mackey Terrace; thanked Staff for putting together a great Mayors and City Councils of Marin County (MCCMC) meeting for the County; and mentioned that she had a great time at the Fourth of July Parade.

- Councilmember Eklund mentioned that she participated in the Fourth of July Parade and how proud she was of the Public Works Department and it’s float; attended the Fair Housing Workshop, which was put together by both the Community Development Department with the County, but there was no mention of the Fairfax Ordinance; attended alongside Councilmember Lucan the Dedication of the Remodel of Mackey Terrace; attended the Economic Development Commission meeting; attended the Metropolitan Transportation Commission meeting which adopted the Public participation plan for the 2021 Plan Bay Area; and thanked the city clerk and staff for putting together the MCCMC event and commended the Mayor for facilitating the discussion of the book at that the same meeting.

- Mayor Fryday congratulated Councilmember Athas for her appointment; thanked the City Clerk and staff for hosting the MCCMC Meeting Dinner and mentioned the great presentation from Sonoma County; and expressed his appreciation not just for City staff but all the volunteers for their time and dedication putting together a fabulous Fourth of July Parade.

2. **Proposed Agenda Item from Mayor Pro Tempore Pam Drew**

   Discussion of adopting open budgeting. Staff could present various options including Open Data choices or other modules to achieve open budgeting which would work with our New World accounting system. The Council could alternatively create a set of budget principles which would manually achieve the same end as an open data module

Mayor Pro Tempore Drew introduced her Proposed Agenda Item, including her request to have this item discussed at the next quarter. Thereafter, she answered questions from Councilmember Eklund and Mayor Fryday. There was no public comment. Afterwards Councilmember Lucan and Eklund made comments.
COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and seconded by Councilmember Eklund to move to discuss the interface, point out that this (interface) would take the burden off of staff, and to have a good online interface for the public to utilize this process from the privacy of one’s home and learn the process.

Mayor Fryday and the City Clerk asked for clarification on the motion.

COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and seconded by Councilmember Eklund to move to schedule a discussion about the possibilities of acquiring a more robust interface via our City’s website for the budget so that our community can learn more about the budget.

City Manager Candelario added that the City was transitioning to a new software system, which would address Mayor Pro Tempore’s recommended agenda item sometime during this fiscal year. The Mayor said that if Mayor Pro Tem Drew’s motion passed, then the implementation of this software would address her proposed agenda item. Then Council voted.

COUNCIL ACTION: Upon motion by Mayor Pro Tempore Drew and seconded by Councilmember Eklund, the City Council voted 4-1 via roll call to move to schedule a discussion about the possibilities of acquiring a more robust interface via our City’s website regarding the budget so that our community can learn more about the budget.

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

Motion carried.

3. Proposed Agenda Item from Councilmember Pat Eklund

Discuss at a City Council Meeting in September or October 2018 exploring options to relocate the Novato History Museum to the Simmons House at 900 Sherman Avenue and/or another City-owned building to provide an ADA-accessible building with more museum space and adequate parking

Due to a possible conflict of interest, Councilmember Lucan recused himself from the dais and Council Chambers. Then, Councilmember Eklund introduced her proposed agenda item. Afterwards, there was some Council comments and discussion with staff.

There were some public comments.

- Ron Vela, member of the Historical Guild, mentioned the difficulty of placing displays around the building.
• Jim Crumpler congratulated the staff and asked that this item be placed on the agenda for discussion.

• Joyce Rhodes expressed her confusion on what the purpose of this item was.

After comments from the public, staff was asked to possibly provide the earliest dates of when the downtown discussion could take place, which was suggested during the Strategic Plan, as well as the discussion of the Simmons House, which was suggested possibly the end of the year.

Councilmember Eklund addressed Ms. Rhodes comment. Then, she made the following motion.

COUNCIL ACTION: Upon motion by Councilmember Eklund and seconded by Mayor Fryday, the City Council voted 4-0-1 via roll call to “have a discussion before the end of this calendar year about moving the museum, possibility of the Simmons House, but having a discussion of about all of the houses that we own right down here (the three of them), and have that discussion, but include that as one of the options of the use.”

AYES:  EKLUND, FRYDAY, ATHAS, DREW
NOES:   NONE
RECUSED: LUCAN

Motion carried.

F. PUBLIC COMMENTS

1. Rafelina Maglio, with the League of Women Voters, spoke about the purpose of the League and reminded each Council member of his or her pledge to adhere to the principles of Elevate the Discussion.

2. Thomas Engdahl thanked City staff for the work they did in putting together the budget and spoke about his review of the City Council’s Policy Manual.

G. CONSENT CALENDAR

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

AYES:  EKLUND, ATHAS, LUCAN, DREW, FRYDAY
NOES:   NONE

Motion Carried

H. UNFINISHED AND OTHER BUSINESS

There were no items listed for this section.

I. PUBLIC HEARINGS

There were no items listed for this section.

J. GENERAL BUSINESS

2. Consider and possibly take action to adopt a resolution to:

   1) Approve a funding strategy in the amount of $5,214,000 for Phase 2 of the Downtown Sonoma Marin Area Rail Transit (SMART) Station,

   2) Authorize preparation of funding agreements between the City of Novato, Metropolitan Transportation Authority (MTC), SMART, and/or Transportation Authority of Marin (TAM), and

   3) Authorize expenditure of $500,000 from the “City Owned Property” Fund #112

Public Works Director Russ Thompson provided a presentation to the City Council, and he answered Council’s questions afterwards.

There were ten public comments.

- Mark Birnbaum thanked Council and staff for the work they had done with the SMART Station and asked Council to support staff’s recommendation.

- Carmen Froemke stated her love for the Novato and the community and shared her vision of how the SMART Train and Depot could bring people together.

- Elmo Froemke stated his support for the project.

- Marla Fields mentioned her support of the project, expressed that this project would be great for downtown and Hamilton residents; and thanked Director Thompson for working with MTC and TAM to help fund the project.

- Reva Rao stated her support for funding Phase 2 of the SMART Station.
• Matt Knoles thanked City staff and asked the Council to support staff’s recommendation.

• Ken Shapiro urged Council support staff’s recommendation.

• Sophia Osotio stated that this project is needed, because it would help ease the congestion and make the roads better.

• Anna Marie Camaraoto expressed that she would like to be able to take the train from Hamilton to Downtown (if this project would proceed) and that Hamilton would benefit from this project as well. She urged the Council to move forward.

• Jerry Peters thanked staff for doing a great job on a complex item. He urged Council to make a decision quickly, because waiting to make a decision impacts the cost of construction.

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Lucan to adopt the resolution adopt a resolution to:

1) Approve a funding strategy in the amount of $5,214,000 for Phase 2 of the Downtown Sonoma Marin Area Rail Transit (SMART) Station,

2) Authorize preparation of funding agreements between the City of Novato, Metropolitan Transportation Authority (MTC), SMART, and/or Transportation Authority of Marin (TAM), and

3) Authorize expenditure of $500,000 from the “City Owned Property” Fund #112

Then, the following amended motion was made.

COUNCIL ACTION: Upon amended motion by Councilmember Eklund and seconded by Mayor Pro Tem Drew to include the $500,000 to come from the anticipated 18/19 budget surplus.

Councilmember Eklund commented on why she made the amendment. However, City Manager Candalerio expressed why he disagreed with the amended motion. Conversation ensued among the Council members and with staff, and the following vote was made:

COUNCIL ACTION: Upon amended motion by Councilmember Eklund and seconded by Mayor Pro Tem Drew, the City Council voted 2-3 vial roll call to include the $500,000 coming out of the anticipated 18/19 surplus for the City of Novato.
AYES: EKLUND, DREW
NOES: ATHAS, LUCAN, FRYDAY

Motion failed.

Another amendment to the main motion was made.

COUNCIL ACTION: Upon amended motion by Councilmember Eklund and seconded by Mayor Pro Tem Drew, that the $500,000 from the City-owned properties would be a loan paid back by the General Fund over the next 10 years and structure a loan repayment schedule.

There were no questions or comments among the Council, so the Council immediately voted on the amended motion.

COUNCIL ACTION: Upon amended motion by Councilmember Eklund and seconded by Mayor Pro Tem Drew, the City Council voted 2-3 via roll call vote that the $500,000 from the City-owned properties would be a loan paid back by the General Fund over the next 10 years and structure a loan repayment schedule.

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

Motion failed.

City Attorney Walter recommended that it be explicitly stated in the resolution that the Council approves the funding strategy. So the City Attorney proposed the following wording to be added to the resolution:

Now, therefore be it resolved, by the City Council of the City of Novato, that funding the design of the structure of Phase II of the Downtown Station in the amount of $5,214M is hereby approved subject to the Council’s approval of all funding sources and the agreements necessary to secure said funding and the agreements governing the expenditure of those funds.

Councilmembers Athas and Lucan agreed to the City Attorney’s additional wording to resolution.

COUNCIL ACTION: Upon motion by Councilmember Athas and seconded by Councilmember Lucan to adopt the resolution as stated by Councilmember Athas in the main motion and with the City Attorney’s addition to the resolution, the City Council voted 3-2 via roll call vote.

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

Motion carried.
The City Council adopted Resolution No. 2018-048.

Council took a brief recess. Then, they addressed the remaining agenda items.

3. Consider and possibly take action to authorize the City Manager to proceed with a Request for Proposal (RFP) process for the renovation and reuse of the City-owned Historic Train Depot and Site, Marin County Assessor’s Parcel Number 153-057-22, located at 695 Grant Avenue

Before staff introduced this item, Councilmember Lucan stated that he was allowed by the Fair Political Practices Commission to participate in this item’s discussion. Assistant City Manager Peggy Flynn, Senior Management Analyst Jessica Deakyne, and Consultant Ed Quevado presented this topic to the City Council. Afterwards, they answered questions from the Council members.

There were a few comments from the public.
  • Lia Heath spoke in favor of the RFP and how the Depot could benefit the city.
  • Tara Riley commented on her support for the Depot site.
  • On behalf of Claire Knoles and Matt Knoles, the Mayor stated that both supported the Depot and urged Council to move with the RFP process.
  • Jerry Peters expressed his excitement that this Depot was coming into fruition, supported the RFP, and thanked staff.

COUNCIL ACTION: Upon motion by Councilmember Eklund and seconded by Councilmember Athas, the City Council voted 5-0 via roll call vote to have staff develop and issue a Request for Proposal for the historic downtown Train Depot.

AYES: EKLUND, ATHAS, LUCAN, DREW, FRIDAY
NOES: NONE

Motion carried.

4. Receive a presentation on the Cannabis Community Outreach Plan

Assistant City Manager Michael Antwine introduced this item, and David McPherson with HdL gave the presentation to the City Council. Staff answered Council questions afterwards. There were no comments from the public. Council provided feedback.
5. Consider, and possibly take action to approve the date and time for the special City Council training organized by Staff for July 24 at 4:30 p.m. to be held at City Hall in the Womack Conference Room.

The City Council and staff had an in depth conversation as to whether or not the Council should partake in the training; and, if so, when to schedule it.

There were two comments from the public.
1. Marla Fields urged all Council members to take the training.
2. Anna Marie Camaraoto expressed her concern over the treatment of City staff and asked that all of the Council members attend the training.

**COUNCIL ACTION:** Upon motion by Councilmember Lucan and seconded by Councilmember Athas, the City Council voted 3-2 via roll call vote to put it (the training) on August 28 with September 11 as a fall back depending on the availability of the trainer.

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

Motion carried.

Right after the motion, Mayor Fryday and Councilmember Eklund instructed the City Manager to inform the trainer to tailor the training to Novato and the City’s rules and that that the trainer would provide the material to the City Attorney for review.

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 the City Council meeting at 10:38 p.m. in memory of Lynn Gleason.

**I HEREBY CERTIFY** that the foregoing minutes were duly and adopted at the Novato City Council special meeting of August 21, 2018.

/Terrie Gillen/

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Terrie Gillen, CMC
City Clerk