



CITY OF NOVATO
CALIFORNIA

**City Council
Agenda**

**901 SHERMAN AVENUE
NOVATO, CA 94945**

Tuesday, January 28, 2025 - 6:00 PM

**Mayor
Tim O'Connor**

**Mayor Pro Tempore
Rachel Farac**

**Councilmembers
Pat Eklund
Kevin Jacobs
Mark Milberg**

**City Manager
Amy Cunningham**

**City Attorney
Gary Bell**

City Council meetings are usually held each month on the second and fourth Tuesdays at 6:00 p.m. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (415) 899-8986. Notification at least 48 hours prior to the meeting will enable the City to make reasonable accommodation to help ensure accessibility to this meeting.

The agenda is divided into three main sections and includes other categories covering routine business. All references to "City Council" include those other agencies which may be listed at the top of the Agenda. **The City Council may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the agenda items are described.** The Council may establish and make appointments to a Council committee (made up of two Councilmembers) with respect to any item appearing on this agenda.

Public Participation Options

Members of the Public may participate and provide public comments for the City Council as follows:

- **Written public comments** may be submitted via [eComment](#). Written public comments received more than 3 hours before the start of the meeting will be distributed to the Council prior to the meeting. Written public comments will not be read during the meeting.
- **In-person public comments** may be made at the meeting, which are held in the Novato City Council Chambers located at 901 Sherman Avenue.

The Mayor has the authority to rule any speaker out of order, including speakers during the Public Comment period, if the subject raised is not within the subject matter jurisdiction of the City Council, or during a public hearing or a general business item if the speaker is not presenting testimony or evidence relevant to the matter or if the speaker becomes disruptive to the proceedings and conduct of the meeting.

The Mayor also has the authority to order any person who willfully interrupts the meeting to be removed. All persons are expected to conduct themselves with civility and courtesy at all times. All persons giving comments shall speak directly to the Council and address issues, not individuals. Personal attacks, cursing and outbursts from the audience in support or opposition to a speaker are not tolerated in order to foster an environment where everyone feels welcome to speak

A. CONVENE, PLEDGE OF ALLEGIANCE, AND ROLL CALL

B. CLOSED SESSION ANNOUNCEMENT

C. CEREMONIAL MATTERS/PRESENTATIONS

C.1. Presentation from Novato Fire Protection Chief Bill Tyler and North Marin Water District General Manager Tony Williams on local fire and water resources

C.2 Large, Small and Microbusiness of the Year Award Winners
[2024 Large Business of the Year](#)
[2024 Small Business of the Year](#)
[2024 Micro Business of the Year](#)

D. APPROVAL OF THE FINAL AGENDA

E. REPORTS FROM THE CITY COUNCIL & CITY MANAGER

F. PUBLIC COMMENT

All members of the public wishing to address the City Council are requested to submit a speaker card in advance to the City Clerk. (Please remember that all comment cards are PUBLIC RECORDS).

The Mayor will call the names of speakers from the cards. In addition to receiving comment from the public during the Public Comment period, the Mayor will recognize persons from the audience who wish to address the City Council on a particular agenda item at the time that item is considered by the City Council.

There is a three-minute time limit to speak although the Mayor may shorten the time based on the number of speakers or other factors. A speaker may not yield his or her time to another speaker. For issues raised during Public Comment that are not on the published agenda, except as otherwise provided under the Ralph M. Brown Act, no action can legally be taken. The City Council may direct that the item be referred to the City Manager for action or may schedule the item on a subsequent agenda.

G. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by a single vote of the Council. There will be no separate discussion unless specific items are removed from the Consent Calendar for separate discussion and action. Any Councilmember may remove an item from the Consent Calendar and place it under General Business for discussion.

- G.1. Waive reading and authorize introductions and/or adoption of ordinances by title only** *this is a standard procedural action so that the City Council does not have to read an ordinance aloud in its entirety.*
- G.2. Approve the City Council Meeting Minutes of December 10, 2025**
Staff contact: Laura McDowall, City Clerk, 899-8986
[Minutes - Dec 10, 2024](#)
- G.3. Adopt ordinance 1721 amending the Novato Municipal Code by revising sections 19.34.030 (Accessory Dwelling Units) and 19.34.031 (Junior Accessory Dwelling Units) and finding such actions exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15282(h) and Public Resources Code 21080.17**
Staff contact: Theresa Brown, Assistant City Clerk, 899-8900
[Staff Report - Ordinance 1721 Adoption](#)
[Attachment 1 - Ordinance 1721](#)
- G.4. Adopt a resolution awarding a construction contract for Underground Fuel Tank Removal and Replacement, CIP No. 22-002 for the Base Bid in the amount of \$243,775 to Able Maintenance, Inc. as the lowest responsible bidder; authorize the City Manager, or his/her designee, to execute the construction contract; and authorize the City Manager, or his/her designee, to approve contract changes up to \$24,378 for a total contract amount not to exceed \$268,153**
Staff contact: Petr Skala, Associate Engineer, 899-8246
[Staff Report - Able Maintenance Agreement](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 2 - Bid Abstract](#)
[Attachment 3 - Location Map](#)
- G.5. Adopt a resolution authorizing the City Manager to execute an amendment to the Consultant Services Agreement with Substrate, Inc. for construction management, inspections and material testing services for the Grant Avenue Bridge Rehabilitation, CIP Project No. 09-003, Federal Aid Project No. BHLS-5361(023) in the amount of \$33,377.82, for a proposed total contract amount of \$424,058.89**
Staff contact: Gosia Woodfin, Associate Engineer, 899-8246
[Staff Report - Substrate Agreement Amendment](#)
[Attachment 1 - Draft Resolution](#)
[Attachment 2 - Draft Contract Amendment](#)
- G.6. Receive and file the list of upcoming and to be determined City Council agenda items for the first quarter of 2025**
Staff contact: Laura McDowall, City Clerk, 899-8900
[Staff Report - First Quarter Agenda Item Review](#)
[Attachment 1 - Tentative Agenda Item and TBD List](#)

- G.7. Adopt a resolution authorizing the City Manager or their designee to execute an agreement with Point and Pay, LLC as the point-of-sale system for the new permitting system, the Police Department, and Finance for an initial cost of \$5,000 and no anticipated change in cost for merchant fees associated with the acceptance of electronic payments**

Staff contact: Stacey Hoggan, Management Analyst I, 899-8900

[Staff Report - Point and Pay Agreement](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Draft Agreement](#)

- G.8. Receive and file the Quarter 4 Fiscal Year 2023/24 Budget Performance Report**

Staff contact: Jennifer Maldonado, Principal Analyst, 899-8900

[Staff Report - FY23-24 Quarter 4 Budget Report](#)

[Attachment 1 - FY 23-24 Quarter 4 Budget Performance Report](#)

- G.9. Receive and File Q1 2024/25 Budget Report**

Staff contact: Jennifer Maldonado, Principal Analyst, 899-8900

[Staff Report - FY24-25 Quarter 1 Budget Report](#)

[Attachment 1 - FY 24-25 Quarter 1 Budget Report](#)

H. UNFINISHED AND OTHER BUSINESS

There are no agenda items.

J. GENERAL BUSINESS (reordered to take first)

These items include significant and administrative actions of special interest and will usually include a staff presentation and discussion by the Council. They will be acted upon by a separate vote.

- J.1. Receive a presentation and file the City of Novato Annual Comprehensive Financial Report (ACFR) for Fiscal Year (FY) 2022/2023 and consider adopting a resolution authorizing the transfer of the unassigned general fund balance to the Emergency and Disaster Reserve Fund per City Council policy**

Staff contact: Carla Carvalho-DeGraff, Finance Director, 899-8215

[Staff Report - FY 22-23 ACFR](#)

[Attachment 1 - ACFR](#)

[Attachment 2 - Single Audit Report](#)

[Attachment 3 - Management Letter](#)

[Attachment 4 - Audit Conclusion Letter](#)

[Attachment 5 - GANN Letter](#)

[Attachment 6 - Reserve Policy](#)

[Attachment 7 - Draft Resolution](#)

I. PUBLIC HEARINGS

Public Hearings are announced and advertised in advance to allow interested persons to make comments for, against, or otherwise, regarding a proposed project or decision. Anyone who challenges any hearing matter in court may be limited to only those issues raised at the public hearing described therein, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

I.1. **Hold a public hearing and adopt a resolution for the ordering of prohibition of excavation in the traveled way of the listed streets to support the upcoming Fiscal Year 2024-25 Annual Pavement Rehabilitation project, CIP No. 25-001 pursuant to Chapter 15-2.54 of the City of Novato Municipal Code**

Staff contact: Gosia Woodfin, Associate Engineer, 899-8246

[Staff Report - Prohibition of Excavation](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Notice of Public Hearing](#)

[Attachment 3 - Vicinity Map](#)

I.2 **Conduct a public hearing and possibly adopt a resolution modifying the Community Development Director's conditional approval of the Martinez Land Division Tentative Parcel Map, Design Review, and development standards exceptions request to divide a 5.96-acre parcel into three (3) parcels at 10 Deer Island Lane, and find these actions to be exempt from further environmental review pursuant to California Environmental Quality Act Section 15183; and**

Consider directing staff to prepare amendments to Novato Municipal Code Section 5-53 addressing the undergrounding of existing overhead utilities

Staff contact: Brett Walker, Senior Planner, 899-8989

[Staff Report - Martinez Land Division Appeal](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Appeal](#)

[Attachment 3 - Exception Request](#)

[Attachment 4 - Tentative Map](#)

[Attachment 5 - Division Slope Map](#)

[Attachment 6 - CDD Staff Report](#)

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

This section is used by the City Council to make appointments to fill vacancy/vacancies on their Commissions, Committees and Boards.

L. WORK STUDY SESSION

M. ADJOURNMENT

Materials that are submitted to members of the City Council after the distribution of the agenda packet will be made available to the public at the time it is provided to the City Council.

AFFIDAVIT OF POSTING

I, Laura McDowall, certify that on the Thursday before the Council meeting of January 28, 2025, the agenda was posted on the City Community Service Board at 922 Machin Ave in Novato, California and on the City's website at novato.org.

/Laura McDowall/

Laura McDowall, City Clerk



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