

CITY COUNCIL MINUTES

City of Campbell, 70 North First Street, Campbell, California



CITY COUNCIL EXECUTIVE SESSION

Tuesday, January 19, 2016 - 6:00 - p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation – Conference with Legal Counsel – Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Rene and Todd Bambino v. City of Campbell, Santa Clara Co. Superior Court Case # 114CV275133
- C. Real Property
- D. Labor Negotiations

Council met in Executive Session to discuss item B. Executive Session adjourned at 6:25 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 19, 2016 – 7:30 p.m.

Council Chamber – 70 N. First Street

Note: This Regular Meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Pledge: John Ganley

The pledge was led by John Ganley, Campbell resident. Mayor Baker thanked him for leading the pledge and presented him with a certificate of appreciation.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. Recognition of John Ganley for his Assistance in Capturing a Dangerous Criminal

Mayor Baker and Chief Carmichael gave recognition to John Ganley and presented him with a plaque on behalf of the Campbell Police Department.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

Vatsa Santhanam, volunteer from the Art of Living Foundation, extended an invitation to Council to attend a kickoff event for a peace initiative sponsored by the Art of Living Foundation in Milpitas on January 20th.

COUNCIL ANNOUNCEMENTS

The Silicon Valley Community Choice Energy Partnership will share and discuss the results of its technical feasibility study at Orchard City Banquet Hall at the community center on Monday, January 25 from 6:30 p.m. to 8:00 p.m. Registration begins at 6:00 p.m. and light refreshments will be served. For more information visit the Silicon Valley Clean Choice Energy website at www.SVCleanEnergy.org. For specific questions related to the City of Campbell, contact Margarita Mendoza, at (408) 866-2182 or margaritam@cityofcampbell.com.

The Information Technology Division and the City Clerk's Office have upgraded the City's Granicus webcasting application for City Council meetings. Visitors to the City's website are now able to select an agenda item from an outline below the video window and "jump" to the recorded video of that section of the meeting. This new feature allows interested parties to quickly review the presentations and Council discussion related to a particular agenda item without having to watch the entire meeting, or use the "fast-forward" function.

The Information Technology Division, the Community Development Department and the City Manager's Office have launched a new tool on the City's website called Peak Democracy. Peak Democracy will allow the City to obtain feedback from the community on key issues and be one component of an ongoing effort to provide as many opportunities as possible for citizens to share their opinions and suggestions on the City. With the launching of Peak Democracy, citizens are being asked: "What do you love about Campbell?" Residents can access and respond to this question at www.cityofcampbell.com/683/Envision-Campbell-Forum.

For the seventh straight year, Campbell's Information Technology Division has been awarded the Quality in Information Technology Award by the Municipal Information Systems Association of California. This state-wide organization of information technology professionals promotes effective and efficient use of technology in municipal government.

An independent committee of technology professionals reviewed and evaluated the City's application against industry standards. The reviewing Committee confirmed that the City meets established criteria for a wide range of technology-based best practices

including the planning and budget process, asset management, operations, internet, training and development, as well as disaster planning, and customer service models and practices. We are pleased to receive this award again, and thanks to our IT staff members for their hard work.

Registration is now open for the “Super” Valentine Fun Run scheduled for Saturday, February 6th at Campbell Park. The 10K race begins at 9:00 a.m. followed by the 5K race at 9:10 a.m. Registration is \$42 for adults and \$22 for participants under 20 years of age. Register by Friday, January 29th to receive a race shirt and commemorative medal. After this deadline, registration will only be available on race day between 8:00 a.m. and 8:45 a.m.

Reservations are now being accepted for Campbell Heritage Day on Monday, February 15th celebrating the 124th anniversary of Campbell’s early settlers. This event takes place at Orchard City Banquet Hall beginning at 9:30 a.m. with lunch at noon. Tickets cost \$17 each and must be purchased by February 8th. For tickets and information contact the Heritage Committee or visit www.brownpapertickets.com.

CONSENT CALENDAR

Mayor Baker asked if any Councilmember or anyone in the audience wished to remove any item from the Consent Calendar.

Councilmember Cristina asked to remove items six, eight, and nine.

Councilmember Resnikoff asked to remove item three.

The Consent Calendar was considered as follows:

2. Minutes of Regular Meeting of January 5, 2016

This action approves the minutes of the regular meeting of January 5, 2016.

4. Amendment to the Classification and Salary Plan – Nutrition Site Manager (Resolution/Roll Call Vote)

Resolution 11933 amends the Classification and Salary Plan for Nutrition Site Manager.

5. Budget Adjustment of \$9,025 to Fund Maintenance and Repair and Purchase of Enhancement Items for the Heritage Theatre (Resolution/Roll Call Vote)

Resolution 11934 authorizes a budget adjustment of \$9,025 for rigging maintenance and repair and the purchase of enhancement items for the Heritage Theatre.

7. **Authorize the Finance Director to Execute a Contract with Collection Bureau of America for Collection Services (Resolution/Roll Call Vote)**

Resolution 11935 authorizes the Finance Director to execute a contract with Collections Bureau of America for collection services on behalf of the City of Campbell.

M/S: Cristina/Resnikoff - that the City Council approve the Consent Calendar with the exception of items three, six, eight, and nine. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

3. **Approving Bills and Claims**

Councilmember Resnikoff asked for clarification regarding the payment for the nexus study.

After discussion, **M/S: Resnikoff/Kotowski – that the City Council approve the bills and claims in the amount of \$1,750,875.58 as follows: payroll checks dated December 17, 2015 in the amount of \$240,422.66; bills and claims checks dated December 21, 2015 in the amount of \$1,039,261.53; bills and claims checks dated December 28, 2015 in the amount of \$132,655.45; payroll checks dated December 31, 2015 in the amount of \$338,535.94. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

6. **Resolution Amending Pay Ranges for Temporary Positions (Resolution/Roll Call Vote)**

Councilmember Cristina and Councilmember Resnikoff supported the minimum wage change but stated concerns with the additional adjustments.

Community Director Kermoyan clarified the need to adjust the Building Inspector range.

After discussion, **M/S: Gibbons/Cristina – that the City Council adopt Resolution 11936 amending the pay range schedule for temporary positions to reflect the new State minimum wage of \$10.00 per hour with the corresponding upward adjustment to the same range differential; and**

modify the Building Inspector category to increase the limit to \$45.00. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

8. List of Public Street Names

Councilmember Cristina and Councilmember Resnikoff stated concerns with the proposed names.

After discussion, **M/S: Gibbons/Cristina – that the City Council approve the Civic Improvement Commission’s updated standing list of public street names with a clarification to use only individuals’ last names and have the list further vetted through all channels. Motion was adopted unanimously.**

9. Accept Fiscal Year 2015-16 City Council Strategic Priorities Mid-year Update

Council stated concerns with the priorities.

After discussion, **M/S: Gibbons/Kotowski – that the City Council accept the Fiscal Year 2015-16 City Council Strategic Priorities Mid-Year Update report. Motion was approved by a 3-2 vote. (Councilmember Resnikoff and Councilmember Cristina voted no)**

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. Distribution of CDBG Urban County City Reserved Funds FY2016-2017 (Resolution/Roll Call Vote)

This is the time and place for a public hearing to discuss the distribution of CDBG Urban County City Reserved Funds FY2016-2017.

Senior Planner McCormick presented staff report dated January 19, 2016.

Mayor Baker declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

There being no one wishing to be heard, Mayor Baker closed the public hearing.

After discussion, **M/S: Resnikoff/Kotowski – that the City Council adopt Resolution 11937 authorizing the submittal and funding request of two non-competitive FY2016-2017 CDGB proposals to the County which includes \$10,000 for Targeted Code Enforcement and the balance of the funding**

(approximately \$65,000) for accessibility improvements. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

11. **Resolution Prohibiting the Department of Food and Agriculture from Issuing a State License to Cultivate Medical Marijuana within the City of Campbell; and Introduction of Ordinance Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Resolution/Ordinance/Roll Call Vote)**

This is the time and place for a public hearing to discuss a resolution prohibiting the Department of Food and Agriculture from issuing a State License to cultivate medical marijuana within the City of Campbell; and introduce Ordinance 2197 imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

Captain Berg presented staff report dated January 19, 2016.

Mayor Baker declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

There being no one wishing to be heard, Mayor Baker closed the public hearing.

M/S: Gibbons/Kotowski – that the City Council adopt Resolution 11938 prohibiting the Department of Food and Agriculture from issuing a state license to cultivate medical marijuana within the City of Campbell; and introduce Ordinance 2197 expressly banning marijuana processing, delivery, and dispensaries in the City of Campbell. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

City Clerk Wood read the title of Ordinance 2197.

M/S: Kotowski/Gibbons – that the City Council waive further reading of Ordinance 2197. Motion was adopted unanimously.

NEW BUSINESS

12. **Approval to Carryover Unspent Capital Budget Appropriations and Operating Encumbrances (Resolution/Roll Call Vote)**

Finance Manager Etman presented staff report dated January 19, 2016.

After discussion, **M/S: Gibbons/Cristina** – that the City Council adopt **Resolution 11939** amending the City’s capital budget in the amount of **\$11,775,971** and approve **\$351,682** in related transfers, re-allocates, and consolidations; and **Resolution 11940** amending the City’s operating budget in the amount of **\$355,150** for re-appropriation of operating encumbrances. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

13. **Adoption of a Resolution to Distribute a Request for Proposal (RFP) to Administer the City’s Below Market Rate (BMR) Program (Resolution/Roll Call Vote)**

Senior Planner McCormick presented staff report dated January 19, 2016.

After discussion, **M/S: Gibbons/Resnikoff** – that the City Council adopt **Resolution 11941** authorizing the distribution of the Request for Proposal to administer the City’s Below Market Rate Program with amendments to include the expanded scope of service option with a breakdown of the price for the standard and expanded scope; appoint Vice Mayor Gibbons and Councilmember Resnikoff to a review subcommittee; and adjust the schedule to accommodate a subcommittee review of the proposals and a Council review prior to the consultant interviews. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

14. **City Councilmember Reports/Updates on Committee Assignments**

--Councilmember Cristina spoke about the General Plan Review Ad Hoc Subcommittee meeting.

--Councilmember Resnikoff attended the Downtown Campbell Business Association meeting, the Finance Subcommittee meeting, active shooter training, Valley Transportation Authority PAC meeting, participated in the Hamman Park Clean-up project, and spoke about the Friends of Coyote Creek Water Shed.

--Councilmember Kotowski spoke about upcoming Campbell Heritage Day on the February 15th, attended the Friends of the Heritage Theatre meeting, and West Valley Sanitation District meeting.

--Vice Mayor Gibbons spoke about the opening of the Museum's new exhibit, attended a special presentation by Secretary of Treasury Jacob Lew, regarding economic issues, and spoke about the upcoming County Women's Club fundraising dinner on Saturday, February 13th.

--Mayor Baker spoke about the upcoming US Conference of Mayors in Washington DC.

ADJOURN

Mayor Baker adjourned the meeting at 9:23 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk