

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday February 16, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel - Pursuant to G.C. Section 54957: Public Employee Performance Evaluation – City Manager**
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in Executive session to discuss item A. Executive session adjourned to the Study Session at 6:10 p.m. and reconvened following the conclusion of the Council meeting. Executive session adjourned at 10:45 p.m. and was continued to March 15, 2016.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, February 16, 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

The City Council of the City of Campbell convened this day in the regular meeting place, the Council Chamber of City Hall, 70 N. First Street, Campbell, California.

Roll Call:

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

Absent: Councilmembers: None

Pledge: Lucy Zheng

Lucy Zheng led the pledge of allegiance. Mayor Baker thanked her for leading the pledge and presented her with a certificate of appreciation. Lucy spoke about the upcoming Civic Improvement Commission's fifth grade poster contest and the "Art Outside the Box" Phase II."

SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

ORAL REQUESTS

NOTE: This portion of the meeting is reserved for persons wishing to address the City Council on any matter not on the agenda. Persons wishing to address the Council are requested, but not required to complete a Speaker's Card. Speakers are limited to two (2) minutes. The law generally prohibits the Council from discussion or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Requests.

Jim Free, Chairman of the Board for the Campbell Veterans Memorial Foundation, spoke about the "All the Way Home Campaign" to help homeless veterans and thanked Council for being one of the first Cities to sign for this campaign.

COUNCIL ANNOUNCEMENTS

This is a reminder that submissions for the Civic Improvement Commission's annual fifth grade poster contest are now being accepted. The contest is open to all fifth graders residing in Campbell, or attending a public or private school in Campbell. This year's theme is "What I Love about Campbell." Entries must be submitted by Monday, April 11th at City Hall. For more information, check out the "What's New" section on the City's homepage at cityofcampbell.com.

Silicon Valley Reads 2016 is underway with over 150 events, which include panel discussions, author appearances, films and an art exhibit through March 26th at various libraries in Santa Clara County. This annual community event encourages the public to read, think about and discuss a thematic topic. This year's theme is the impact of climate change on our lives. Silicon Valley Reads is presented by the Santa Clara County Library District, Santa Clara County Office of Education and the San Jose Library Foundation. Visit SiliconValleyReads.org for more information.

For more information about news and events in Campbell, visit the City's web site at cityofcampbell.com

CONSENT CALENDAR

NOTE: All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a

request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

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

Item seven was removed.

The Consent calendar was considered as follows:

1. **Minutes of Special Meeting of January 29, 2016.**

Recommended Action: Approve the special meeting minutes.

This action approves the minutes of the special meeting of January 29, 2016.

2. **Minutes of Study Session of February 2, 2016**

Recommended Action: Approve the study session minutes.

This action approves the minutes of the study session of February 2, 2016.

3. **Minutes of Regular Meeting of February 2, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of February 2, 2016, including a desk item.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,463,980.84.

This action approves the Bills and Claims in the amount of \$1,463,980.84 as follows: bills and claims checks dated January 25, 2016 in the amount of \$807,035.22; payroll check dated January 28, 2016 in the amount of \$284,115.99; and bills and claims checks dated February 1, 2016 in the amount of \$372,829.63.

5. **Approval of Parcel Map Including Acceptance of Street Dedication and Public Service Easements Shown on Said Map – 1685 Bucknall Road (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the parcel map and accept the street dedication and public service easement for the property located at 1685 Bucknall Road.

Resolution 11947 approves the parcel map and accepts the street dedication and public service easement for the property located at 1685 Bucknall Road.

6. **Authorization to Submit Vehicle Registration Fee (VRF) Intelligent Transportation Systems (ITS) Program Grant Applications for Citywide ITS Enhancements Project and Winchester ITS Phase 2 Project (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to submit a Vehicle Registration Fee (VRF) Intelligent Transportation System (ITS) Program grant application to the Santa Clara Valley Transportation Authority (VTA) for the Winchester Boulevard ITS Phase 2 Projects and the Citywide ITS Enhancements Projects.

Resolution 11948 authorizes the Public Works Director to submit a Vehicle Registration Fee (VRF) Intelligent Transportation System (ITS) Program grant application to the Santa Clara Valley Transportation Authority (VTA) for the Winchester Boulevard ITS Phase 2 Projects and the Citywide ITS Enhancements Projects.

7. **Approval of Tract Map No. 10309 including Acceptance of Street Dedication and Public Service Easements Shown on Said Map, and Abandonment of a Light and Air Easement and a Public Utility Easement – 2295 & 2305 S. Winchester Boulevard (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the Tract Map for Tract No. 10309 and accept the street dedication and public service easement and public utility easement for the property located at 2295 & 2305 S. Winchester Boulevard.

Resolution 11949 approves the Tract Map for Tract No. 10309 and accepts the street dedication and public service easement and public utility easement for the property located at 2295 & 2305 S. Winchester Boulevard.

8. **Amendment to the Classification and Salary Plan – Recreation Supervisor (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution amending the Classification and Salary Plan for Recreation Supervisor.

Resolution 11950 amends the Classification and Salary Plan for Recreation Supervisor.

9. **Second Reading of Ordinance to Authorize Implementation of Community Choice Aggregation Program (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2198 authorizing the implementation of a Community Choice Aggregation program.

This action approves the second reading of Ordinance 2198 authorizing the implementation of a Community Choice Aggregation program.

M/S: Cristina/Resnikoff - that the City Council approve the Consent Calendar including desk item three. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

Mayor Baker stated that the City Manager wished to continue item 11 and since there were members of the public wishing to speak on this item it would be taken out of order.

OLD BUSINESS **Item taken out of order.

11.** **Second Reading of Ordinance Imposing an Express Ban on Marijuana Processing, Marijuana Delivery, and Marijuana Dispensaries in the City of Campbell (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approve second reading of Ordinance 2197 adding Chapter 8.38 (Medical Marijuana) to the Campbell Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City of Campbell.

City Manager Linder stated that he would like this item to be continued to the March 1, 2016 City Council Meeting to allow for more time to gather information on a potential ballot measure for Campbell related to medical marijuana and how that relates to the action that would be taken with the second reading; as well as the potential State ballot measure and what impact it might have on local government regulations.

Mayor Baker opened the public comment.

Kale Schulte, Campbell resident, thanked Council for listening to the Community and stated that he would like to be a part of a collaborative discussion on this matter in the future.

Andrew Prescott, Campbell resident, thanked Council for listening to the Community and stated he would like a productive discussion on this matter for the future.

Viktoria Foxx, Campbell resident, thanked Council for listening to the Community and stated that she would not like Council to proceed with the second reading.

Doctor Alex Smirnov, Campbell resident, spoke about patient's need for medicinal marijuana and appreciated the decision to postpone this item.

Grant Atwell, Campbell resident, spoke against banning medicinal marijuana.

Mayor Baker asked if anyone else in the audience wanted to speak on this item, there being no one else wishing to speak Mayor Baker closed the public comment.

After discussion, **M/S: Gibbons/Kotowski** – that the City Council continue the second reading of Ordinance 2197 to the March 1, 2016 City Council meeting. Motion was adopted unanimously.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

NOTE: Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

10. **Acceptance of Supplemental Law Enforcement Service Funds and Approval of Related Operating Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing acceptance of \$100,000 from the State of California for FY 2016 and the deposit of this amount in the existing Supplemental Law Enforcement Services Fund; and approve the use of FY 2015 Supplemental Service Funds for the services of 0.90 FTE Police Department Community Services Officers.

This is the time and place for a Public Hearing to consider acceptance of Supplemental Law Enforcement Service Funds and approve the related operating budget adjustment.

Police Captain Berg presented staff report dated February 16, 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 11951** authorizing acceptance of \$100,000 from the State of California for FY 2016 and the deposit of this amount in the existing Supplemental Law Enforcement Services Fund; and approve the use of FY 2015 Supplemental Service Funds for the services of 0.90 FTE Police Department Community Services Officers. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

NEW BUSINESS

12. **FY 16 General Fund Mid-Year Budget Update**

Recommended Action: Review and file this mid-year budget update for FY16 and direct staff to prepare the necessary budget adjustments recommended within this report and attachments.

Finance Director Takahashi presented staff report dated February 16, 2016.

After discussion, **M/S: Kotowski/Cristina – that the City Council file this mid-year budget update for FY16 and direct staff to prepare the necessary budget adjustments recommended within the report and include the nature of Council’s discussion. Mayor Baker called for a vote. Vote was 5-0.**

City Clerk Wood asked for clarification regarding discussion.

After discussion, Councilmember Kotowski withdrew his motion.

M/S: Gibbons/Kotowski - that the City Council review and file the mid-year budget update for FY 16 and direct staff to prepare the necessary budget adjustments recommended within the report and recommend staff review and accelerate to the extent practical the items identified for the 2015/16 budget surplus of one million dollars. Motion was adopted by a 4-1 vote (Councilmember Cristina voted no).

COUNCIL COMMITTEE REPORTS

13. Approve Appointment to Historic Preservation Board

Recommended Action: Approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding an appointment to the Historic Preservation Board for one short term expiring October, 2017.

City Clerk Wood – Staff report dated February 16, 2016

M/S: Gibbons/Resnikoff – that the City Council approve the recommendation of the Advisory Commission Appointment Interview Subcommittee to appoint Dawn Anderson to short term expiring October, 2017 on the Historic Preservation Board. Motion was adopted unanimously.

14. City Councilmember Reports/Updates on Committee Assignments

Recommended Action: Report on committee assignments and general comments.

--Councilmember Kotowski attended the Early Settlers of Campbell Heritage Day; Friends of the Heritage Theater meeting; and spoke about the homeless issues that that Campbell Veterans Foundation are working on.

--Councilmember Resnikoff attended the Early Settlers of Campbell Heritage Day; the County Women’s Club fund raising dinner; participated in the Campbell’s Super Valentines Fun Run; attended the State Route 85 Corridor Policy Advisory Board; Silicon Valley Animal Control Authority meeting where he

was named Chair; West Valley Solid Waste Authority JPA where he was named Vice Chair; attended the Below Market Rate Program Request for Proposals review subcommittee; and the Valley Transportation Authority Policy Advisory Committee meeting.

--Vice Mayor Gibbons thanked the Police department and the Public Works department for all their work addressing the homeless population challenge at Rolling Hills Middle School; attended Santa Clara Valley Water District County Water Commission meeting; attended the Below Market Rate Program Request for Proposals review subcommittee; Education Subcommittee; County Library District JPA Board of Director meeting; spoke about the kickoff of Silicon Valley Reads; Annual Friends of the Library Santa Clara County meeting; and spoke about the General Plan Consultant meetings.

--Mayor Baker attended the Metropolitan Transportation Commission; kicked off the Silicon Valley Reads discussion at the Heritage Theatre; Early Settlers of Campbell Heritage Day; attended Valley Transportation Authority Board of Directors meeting; West Valley Cities Association meeting; and 2016 Silicon Valley Indexing put on by the Joint Ventures of Silicon Valley.

Councilmember Resnikoff spoke about the water tower lights and guidelines for requests.

M/S: Resnikoff/Cristina – to agendize a policy for the LED water tower lights to a future meeting for discussion. Motion was approved unanimously.

ADJOURN

Mayor Baker adjourned the regular meeting at 9:40 p.m. to the continuation of the Executive Session.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

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