

CITY COUNCIL MINUTES

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



CITY COUNCIL EXECUTIVE SESSION

Tuesday, March 1, 2016 – 5:30 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. **Personnel**
- B. **Litigation – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case**
- C. **Real Property**
- D. **Labor Negotiations**

Council met in Executive session to discuss item B. Executive session adjourned at 5:45 p.m.

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, March 1, 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: Cary Stover

The pledge was led by Cary Stover. Mayor Baker thanked him for all the work he has done in the community and presented him with a certificate of appreciation for leading the pledge.

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Introduction of the Campbell Police Department Mobile Application**
Recommended Action: Accept presentation.

Police Chief Carmichael gave a brief introduction of the new mobile application.

Police Captain Berg gave a short presentation of the features.

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.

COUNCIL ANNOUNCEMENTS

The National Arbor Day Foundation in conjunction with the Department of Forestry will present the City of Campbell with a "Tree City USA" award for the thirty-fourth year. In celebration of receiving this award, the community is invited to the City of Campbell's Arbor Day celebration at 9:00 am on Monday, March 7th at Campbell Middle School.

This year's Arbor Day event will include, "The Tree Circus," a one-hour collaborative stage show which engages students and audience members. Following the Tree Circus' performance, Campbell Middle School Students will plant trees at John D. Morgan Park with City staff.

The Campbell Historical Museum at Ainsley House presents the following upcoming exhibits:

"Agents of Decay: Why Nothing Lasts Forever." This exhibit explores how your keepsakes decay over the years and why.

"Then and Now" a photo exhibit featuring vintage images from the Campbell Historical Museum's collection. The exhibit illustrates the changes that have taken place in Campbell, as well as in society.

Exhibits open March 3rd and run through October 2016. The Ainsley House is open Thursday through Sunday from noon to 4 p.m. each week. General Admission is \$8.00 for adults, \$6.00 for seniors and \$4.00 for youths.

A second date has been added for the Downton Abbey-themed tea event at the Ainsley House on March 12th after tickets sold out for March 13th. Hosted in conjunction with the Campbell Library, both days' events are scheduled from 1:00 p.m to 3:30 p.m. Reservations include champagne tea, a special Downton Abbey tea blend created by Steepers, a Downton Abbey tea trivia contest and tour of the Ainsley House. For reservations call Laura Moore at (408) 460-7048. Tickets are \$40.00 for Campbell Museum Foundation members and \$45.00 for non-members.

For more information on these, or other upcoming events, please visit the City's website at www.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:

2. **Minutes of Study Session of February 16, 2016**

Recommended Action: Approve the Study Session Minutes.

This action approves the minutes of the study session of February 16, 2016.

3. **Minutes of Regular Meeting of February 16, 2016**

Recommended Action: Approve the Regular Meeting Minutes.

This action approves the minutes of the regular meeting of February 16, 2016, including a desk item.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$910,485.89.

This action approves bills and claims in the amount of \$910,485.89 as follows: bills and claim checks dated February 8, 2016 in the amount of \$320,170.32; payroll checks dated February 11, 2016 in the amount of \$237,054.75; and bills and claims checks dated February 15, 2016 in the amount of \$353,260.82.

5. **Monthly Investment Report – January, 2016**

Recommended Action: Note and file the Monthly Investment Report for January, 2016.

This action notes and files the monthly investment report for January, 2016.

6. **Delegation of Authority to the Recreation and Community Services Director to Issue a Request for Proposals (RFP) to Contract for T-shirt Production and to Award the Subsequent Contract to the Most Responsive Bidder (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution delegating authority to the Director of Recreation and Community Services to issue a request for proposals (RFP) to contract for t-shirt production and to award the contract to the most responsive bidder.

Resolution 11952 delegates' authority to the Director of Recreation and Community Services to issue a request for proposals (RFP) to contract for t-shirt production and to award the contract to the most responsive bidder.

M/S: Gibbons/Resnikoff - that the City Council approve the Consent Calendar with the exception of item seven and including desk item three. 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

7. **Authorization to Enter into a Service Agreement for Citywide Tree Care Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to enter into a service agreement with West Coast Arborists for citywide tree services.

Vice Mayor Gibbons requested clarification on the benefits and information about the tree watering.

Public Works Director Capurso provided clarification.

City Arborist Siudzinski spoke about tree watering efforts.

After discussion, **M/S: Cristina/Gibbons – that the City Council adopt Resolution 11953 authorizing the Public Works Director to enter into a service agreement with West Coast Arborists for citywide tree services. Motion was adopted by the following roll call vote:**

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

NOES: Councilmembers: None

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

There were no agenda items.

OLD BUSINESS

8. **Second Reading of Ordinance 2197 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 Clerk Wood – staff report dated March 1, 2016.

City Manager Linder provided a brief background of the item.

Mayor Baker opened the public comment.

Andrew Prescott, Campbell resident, spoke about the use of medical marijuana and asked Council not to vote on this item at this time.

Alex Smirnov, Campbell resident, stated that there is no need to change, amend or add to the current ordinance and requested that Council leave the ordinance as is.

Kale Schulte, Campbell resident, provided a handout for Council, spoke about the delivery of medical marijuana and asked that Council vote no on this item.

Brett Hardy, Campbell resident, spoke about the benefits of medical marijuana.

Viktoria Foxx, Campbell resident, provided a handout to Council and spoke about delivery of medical marijuana.

Edie Halenbeck spoke about medical marijuana and stated that she does not support the ban.

Zayna Seyedi, Campbell resident, spoke about medical marijuana and stated that she would like patients to have access to it through delivery and opposes the ban.

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: Cristina/Kotowski – that the City Council approve the 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. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

NEW BUSINESS

9. **Adoption of a Resolution to Approve Selection of the Envision Campbell Plan Consultant, Change to the Scope of Work for Consultant Services Necessary to Facilitate Preparation of the Plan, Environmental Impact Report, and Zoning Ordinance, and authorization for the City Manager to Negotiate, Award and Execute the Contract with De Novo Planning Group (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the selection of De Novo Planning Group to facilitate the preparation of the Envision Campbell Plan; approve the Scope of Work changes for consultant services; and authorize the City Manager to award the contract to De Novo Planning group and enter into a Professional Service Agreement.

Community Development Director Kermoyan presented staff report dated March 1, 2016.

Mayor Baker opened the public comment.

Susan Landry, Campbell resident and General Plan Advisory Committee member, thanked Council and Staff for all their work and stated she is looking forward to working on the committee.

Jo-Ann Fairbanks, Campbell resident, stated that she appreciated the comprehensive staff report, as well as the work of the subcommittee and commented on the structure of the meetings.

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/Cristina – that the City Council adopt Resolution 11954 authorizing the following actions regarding the preparation of the Envision Campbell Plan with modifications to include a financial analysis for a total amount including the zoning and a deliverable breakdown of the finance; approving the selection of De Novo Planning Group to facilitate the preparation of the Envision Campbell Plan; approving the Scope of Work changes for consultant services; authorizing the City Manager to award the contract to De Novo Planning group and enter into a Professional Service Agreement; and bring the Scope of Work**

back to Council for approval with an introduction of the consultant to Council. Motion was adopted by the following roll call vote:

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

NOES: Councilmembers: None

COUNCIL COMMITTEE REPORTS

10. City Councilmember Reports/Updates on Committee Assignments

Recommended Action: Report on committee assignments and general comments.

-- Councilmember Resnikoff spoke about the State Route 85 Corridor Policy Advisory Board meeting, which Vice Mayor Gibbons attended on his behalf and attending the Saratoga State of the City address.

-- Councilmember Kotowski attended the Friends of the Heritage Theatre meeting and spoke about their grant request to get moving lights for the theatre; attended the Youth Commission meeting; and the West Valley Sanitation District meeting.

-- Vice Mayor Gibbons attended the San Jose Water Company update meeting; spoke about the Peninsula Division CitiPAC bocce ball tournament; attended meeting on March 2nd regarding the ABAG merger; spoke about the inclusionary housing ordinance of San Jose; housing week on May 13th; Bay Area Wetlands; attended the State of the County; the State of Saratoga; the Chinese New Year celebration at Hakone Gardens; the State Route 85 Corridor Policy Advisory Board meeting; and spoke about the "HERO" program and rent in the community.

--Mayor Baker attended the Metropolitan Transportation Commission Bay Area Toll Authority meeting; Santa Clara County Operational Area Council where he was selected to be Chair for a third term; West Valley Cities Silicon Valley Interoperability Authority meeting; West Valley Mayors and Managers meeting; spoke about the "HERO" program and their administration of the "PACE" program; and the issue of rent increase.

Vice Mayor Gibbons made a motion to the shortest duration possible to agendize a discussion on rent moderation measures.

Due to a lack of a second the motion failed.

M/S: Gibbons/Cristina - that the City Council direct staff to investigate and move as quickly as reasonably possible to bring "HERO" or a comparable program to Council. Motion was adopted unanimously.

ADJOURN

Mayor Baker adjourned the regular meeting at 9:42 p.m. to the continuation of the Study Session.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk