REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 17, 2017 – 7:30 p.m.
Council Chamber – 70 N. First Street

This City Council 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: Waterman, Cristina, Landry, Resnikoff, Gibbons

Absent: Councilmembers: None

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. Recognition of Outgoing Parks and Recreation Commissioners Scholberg, Ptaszynski, and Hughes.

Recommended Action: Present plaques to outgoing Parks and Recreation Commissioners Christine Scholberg, Rich Ptaszynski and Scott Hughes in honor of their service to the Campbell community.

Mayor Gibbons presented plaques to outgoing Commissioners and thanked them for their services on the Parks and Recreation Commission.

Former Commissioner Ptaszynski commented on serving on the commission and expressed his appreciation to Council, Staff and fellow Commissioners.

Former Commissioner Hughes commented on serving on the commission and expressed his appreciation to Council, Staff and fellow Commissioners.

COMMUNICATIONS AND PETITIONS

There were no communication 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.

Doug Gillison, Campbell resident, thanked the City Council, Public Works and Police Department for posting a crossing guard at the intersection of Harriet and McCoy Avenue.

COUNCIL ANNOUNCEMENTS

The Valley Transportation Authority Draft Transit Service Plan is available for public review. Please visit www.nextnetwork.vta.org for more details, as well as a comprehensive overview of the plan. Particularly important is information related to a series of public meetings regarding this Draft Transit Service Plan that is occurring between January 11 - February 16. One of those meetings will be held in Campbell, and will take place in the Campbell Library Room on Monday, January 23 from 6:00 - 8:00 p.m. We encourage you to attend.

Come sip, snack and socialize! On Friday, January 27 from 5:30 p.m. to 7:30 p.m., History Happy Hour at the Ainsley House will present a lecture by speaker Ted Atlas on Football & Technology: the Essence of the Bay Area.

Come warm up your heart this Valentine. On Saturday, February 11, spread the love at Campbell’s 40th annual Valentine 10k and 5k Fun Run. Registration is now open online.

You’re invited to the oldest California community celebration, second only to the Rose Parade!

The 125th Annual Celebration of Campbell Early Settlers and Heritage Day will be held in the Orchard City Banquet Hall at the Campbell Community Center on Monday, February 20, from 12:00 p.m. to 3:00 p.m.

Please join your neighbors and friends to celebrate Campbell’s rich heritage and learn more about our city’s early days.

This year’s guest speaker will be former Campbell Councilmember and Mayor, Michael Kotowski, who is an artist, historian and train enthusiast. He will tell Campbell’s history as it relates to the history of the railroad. Cost of admission includes a hot lunch by Mama Mia’s Italian Restaurant. For more information please contact Dan Furtado at (408) 378-3506.

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

Vice Mayor Resnikoff asked to remove item 3, Mayor Gibbons removed item 10, and Councilmember Landry asked to remove item 11.

The Consent calendar was considered as follows:

2. **Approving Bills and Claims**
   
   **Recommended Action:** Approve the bills and claims in the amount of $771,821.01

   This action is to approve the bills and claims in the amount of $771,821.01 as follows: bills and claims checks dated December 26, 2016 in the amount of $410,440.83 and payroll checks dated December 29, 2016 in the amount of $361,380.18.

4. **Authorization of solicitation of Bids and Award of Contract for Purchase of One (1) New F-550 Medium Duty Truck with a 12’ Chipper Body and Authorization to Purchase One (1) New Toro Mower Model 5910 All Season Safety Cab (Resolution/Roll Call Vote)**
   
   **Recommended Action:** Adopt a resolution authorizing staff to solicit bids and award a contract to purchase one new Ford F-550 Medium Duty Truck with 12’ Chipper Body not to exceed $100,000; and authorize staff to purchase one Toro Mower Model 5910 with All Seasons Safety Cab, not to exceed $116,000.

   Resolution 12104 authorizes staff to solicit bids and award a contract to purchase one new Ford F-550 Medium Duty Truck with 12’ Chipper Body not to exceed $100,000; and authorizes staff to purchase one Toro Mower Model 5910 with All Seasons Safety Cab, not to exceed $116,000.

5. **Authorize Sole Source Purchases of Various Equipment for Citywide ITS Enhancements Project 17-FF (Resolution/Roll Call Vote)**
   
   **Recommended Action:** Adopt a resolution authorizing the Public Works Director to purchase various equipment from a sole source vendor for the Citywide Intelligent Transportation Systems (ITS) Enhancements Project 17-FF.

   Resolution 12105 authorizes the Public Works Director to purchase various equipment from a sole source vendor for the Citywide Intelligent Transportation Systems (ITS) Enhancements Project 17-FF.

6. **Compliance with the Surplus Land Act (Resolution/Roll Call Vote)**
   
   **Recommended Action:** Adopt a resolution to comply with the State Surplus Land Act to remain eligible for the Surface Transportation Block Grant Program Guarantee Funds for the Winchester Boulevard Overlay Project.
Resolution 12106 complies with the State Surplus Land Act to remain eligible for the Surface Transportation Block Grant Program Guarantee Funds for the Winchester Boulevard Overlay Project.

7. **Approval of Parcel Map including Acceptance of a Public Service Easement Shown on Said Map – 1430 Westmont Avenue (Resolution/Roll Call Vote)**  
   **Recommended Action:** Adopt a resolution approving the Parcel Map and accepting the public service easement as shown on the map for the property located at 1430 Westmont Avenue.

   Resolution 12107 approves the Parcel Map and accepting the public service easement as shown on the map for the property located at 1430 Westmont Avenue.

8. **Authorize the City Manager to Execute a Contract for Polling Services (Resolution/Roll Call Vote)**  
   **Recommended Action:** Adopt a resolution authorizing the City Manager to execute a contract with Godbe Research for polling services.

   Resolution 12108 authorizes the City Manager to execute a contract with Godbe Research for polling services.

9. **Authorize the City Manager to Execute a Contract for Public Information Services (Resolution/Roll Call Vote)**  
   **Recommended Action:** Adopt a resolution authorizing the City Manager to execute a contract with TBWB Strategies.

   Resolution 12109 authorizes the City Manager to execute a contract with TBWB Strategies.

   **M/S: Resnikoff/Waterman - that the City Council approve the Consent Calendar with the exception of items 3, 10, and 11. Motion was adopted by the following roll call vote:**

   **AYES:** Councilmembers: Waterman, Cristina, Landry, Resnikoff, Gibbons

   **NOES:** Councilmembers: None

**ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR**

3. **Authorization to Execute a Consultant Services Agreement with Biggs Cardosa Associates for a City Hall Tier I Seismic Assessment – Essential Facility (Resolution/Roll Call Vote)**  
   **Recommended Action:** Adopt a resolution authorizing the Public Works Director to negotiate and execute a consulting services agreement with Biggs Cardosa Associates to conduct a Tier 1 seismic assessment – essential facility and conceptual retrofit recommendations for City Hall.
Vice Mayor Resnikoff spoke about postponement of this item until after the Council priorities meeting.

After discussion, **M/S: Resnikoff/Landry** – that the City Council does not authorizing the Public Works Director to negotiate and execute a consulting services agreement with Biggs Cardosa Associates to conduct a Tier 1 seismic assessment and bring this item back to a date uncertain pending the discussion at the Council priorities session. Motion was adopted unanimously.

10. **Approve David Ramsay of LVL, LLC dba LVL UP for an Arcade Permit for the property located at 400 E. Campbell Avenue (Resolution/Roll Call Vote)**

**Recommended Action:** Adopt a resolution approving the issuance of an arcade permit to David Ramsay at the location of 400 E. Campbell Avenue on behalf of LVL UP.

Mayor Gibbons stated concerns with the business.

Representative from LVL UP, addressed the Council concerns and stated support for the permit.

After discussion, **M/S: Waterman/Cristina** – that the City Council adopt Resolution 12110 approving the issuance of an arcade permit to David Ramsay at the location of 400 E. Campbell Avenue on behalf of LVL UP. Motion was adopted by the following roll call vote:

**AYES:** Councilmembers: Waterman, Cristina, Resnikoff

**NOES:** Councilmembers: Landry, Gibbons

11. **Second Reading of Ordinance 2218 Amending Chapter 8.38, 8.40 and 6.11 of the Campbell Municipal Code to Allow Delivery and Limited Cultivation of Medical Marijuana and Clarify the City’s Smoking Regulations (Second Reading Ordinance/Roll Call Vote)**

**Recommended Action:** Approve second reading of Ordinance 2218 Amending Chapter 8.38, 8.40 and 6.11 of the Campbell Municipal Code to Allow Delivery and Limited Cultivation of Medical Marijuana and Clarify the City’s Smoking Regulations.

Councilmember Landry stated concerns with packaging, labeling and childproofing.

After discussion, **M/S: Waterman/Cristina** – that the City Council approve second reading of Ordinance 2218 Amending Chapter 8.38, 8.40 and 6.11 of the Campbell Municipal Code to Allow Delivery and Limited Cultivation of Medical Marijuana and Clarify the City’s Smoking Regulations. Motion was adopted by the following roll call vote:

**AYES:** Councilmembers: Waterman, Cristina, Landry, Resnikoff, Gibbons
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.

12. Introduce an Ordinance of the People of the City of Campbell Amending Title 5 of the Campbell Municipal Code to Impose a Gross Receipts Tax on Marijuana Businesses; Adopt Resolutions Placing the Gross Receipt Tax Measures on the April 25, 2017 Special Election (Introduce Ordinance/Resolutions/Roll Call Vote)

Recommended Action: Introduce ordinance amending Title 5 of the Campbell Municipal Code to impose a Gross Receipts Tax on Marijuana Businesses; adopt a resolution placing the Gross Receipts Tax measure on the April 25, 2017 Special Election; and adopt a resolution placing a measure to amend Section 8.38.030 of the Campbell Municipal Code regarding Medical Marijuana on the April 25, 2017 Special Election.

This is the time and place for a public hearing introduce an ordinance amending Title 5 of the Campbell Municipal Code to impose a Gross Receipts Tax on Marijuana Businesses; adopt a resolution placing the Gross Receipts Tax measure on the April 25, 2017 Special Election; and adopt a resolution placing a measure to amend Section 8.38.030 of the Campbell Municipal Code regarding Medical Marijuana on the April 25, 2017 Special Election.

City Manager Loventhal presented staff report dated January 17, 2017.

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

Daniel Montero, San Jose resident, submitted his comments for the record.

There being no one else wishing to speak, Mayor Gibbons closed the public hearing.

After discussion, M/S: Waterman/Cristina – that the City Council introduce and conduct first reading of Ordinance 2219 amending Title 5 of the Campbell Municipal Code to impose a gross receipts tax on Marijuana Businesses and adopt resolution 12111 placing the Gross Receipts Tax measure on the April 25, 2017 Special Election. Motion was adopted by the following roll call vote.

AYES: Councilmembers: Waterman, Cristina, Landry, Resnikoff, Gibbons

NOES: Councilmembers: None
City Clerk Wood read the title of Ordinance 2219.

**M/S: Waterman/Landry - that the City Council waive further reading of Ordinance 2219. Motion was adopted unanimously.**

**M/S: Resnikoff/Cristina – that the City Council adopt resolution 12112 placing a measure to amend Section 8.38.030 of the Campbell Municipal Code regarding Medical Marijuana on the April 25, 2017 Special Election, with amendments to change the date in the resolution in section two in the ballot label from January to April; in the ordinance which is Exhibit A to the resolution in section three the statement of purpose there are two places where it’s stated January 1, 2019 and they would be changed to April 1, 2019; and in section four which amends Municipal Code section 8.38.030 in subsection “e”, January would be changed to April. Motion was adopted by the following roll call vote:**

**AYES: Councilmembers: Waterman, Cristina, Landry, Resnikoff, Gibbons**

**NOES: Councilmembers: None**

**OLD BUSINESS**

13. **Minimum Wage (Ordinance Second Reading/Roll Call Vote)**

**Recommended Action:** Provide direction to staff on the issue of establishing a minimum wage and if the consensus is to proceed with establishing a minimum wage approve second reading and adopt Ordinance 2217 to add Chapter 5.59 (Minimum Wage) to Title 5, Business Licenses and Regulations of the Campbell Municipal Code, to increase the citywide minimum wage.

Deputy City Manager Bito presented staff report dated January 17, 2017.

John Trani, owner and operator of Hooters, stated concerns with the ordinance and spoke about the negative impacts.

Brian Skarbek, stated concerns with the ordinance and would like Council to reject it.

Angela Pace, owner of Blue Line Pizza stated concerns with the ordinance, spoke about the negative impacts and asked that Council reject it.

Chris Yamashita, owner and operator of Brown Chicken Brown Cow, stated concerns with the ordinance and spoke about the negative impacts.

Jessica Lynam, Director, Government Affairs & Public Policy for the California Restaurant Association, spoke in opposition of the proposed ordinance and asked that Council reject it.
Carl San Miguel, Board Member of the Campbell Chamber of Commerce, spoke in opposition of the proposed ordinance and asked that Council reject it.

Steve Stoddard, President and CEO of Pacific Catch Restaurants, stated concerns with the ordinance and spoke in opposition of the proposed ordinance.

Jeff Stout, of Orchard City Kitchen, spoke about the information he submitted for the record as a desk item.

Randy Musterer, owner and executive chief of Sushi Confidential, spoke in opposition of the proposed ordinance and commented on the negative impacts.

After discussion, M/S: Waterman/Landry – that the City Council provide direction to staff to not at this time impose a minimum wage beyond that which is imposed by the State of California. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Waterman, Cristina, Landry, Resnikoff

NOES: Councilmembers: Gibbons

COUNCIL COMMITTEE REPORTS

14. City Councilmember Reports/Updates on Committee Assignments

Recommended Action: Report on committee assignments and general comments.

--Vice Mayor Resnikoff participated at the San Tomas Park clean-up and commented on all the volunteers that turned out to participate.

--Mayor Gibbons attended the San Tomas Park Clean-up, Cities Association meeting; spoke about the Silicon Valley Clean Energy mailing; thanked the Kiwanis organization and Key Club for their help on the Carriage house; and spoke about attending the upcoming New Mayors and Council Members Academy in Sacramento.

ADJOURN

Mayor Gibbons adjourned at 10:27 p.m.

APPROVED:

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Elizabeth Gibbons, Mayor

ATTEST:

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Wendy Wood, City Clerk