



# *City Council Agenda*

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

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## **REGULAR MEETING OF THE CAMPBELL CITY COUNCIL**

Tuesday, May 17, 2016 – 7:30 p.m.  
Council Chamber – 70 N. First Street

### **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Pledge: Chris Kimma and Charlotte Andreen

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

1. **Recognition of Officer Chris Kimma and Code Enforcement Officer Charlotte Andreen for Life Saving Efforts**  
Recommended Action: Recognize Officer Chris Kimma and Code Enforcement Officer Charlotte Andreen for their life saving efforts.
2. **Proclamation Recognizing May 13 – 20 as Santa Clara County Affordable Housing Week**  
Recommended Action: Present proclamation.

### **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**

#### **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.

3. **Minutes of Study Session of May 2, 2016**  
Recommended Action: Approve the study session minutes.

4. **Minutes of Study Session of May 3, 2016**  
Recommended Action: Approve the study session minutes.
5. **Minutes of Regular Meeting of May 3, 2016**  
Recommended Action: Approve the regular meeting minutes.
6. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$773,802.51.
7. **Renewal of Campbell Pony Baseball League Agreement**  
Recommended Action: Authorize the City Manager to renew a license agreement with Campbell Pony Baseball League for the use of the baseball field, concession building and associated areas at John D. Morgan Park for the period of July 1, 2016 - June 30, 2019.
8. **Approval of Transportation Development Act (TDA) Article 3 Grant Applications for Fiscal Year 2016/17 (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution authorizing the Public Works Director to submit a grant application to the Santa Clara Valley Transportation Authority (VTA) for \$32,543 in Transportation Development Act (TDA) Article 3 Guarantee Funds for the Campbell Bicycle and Pedestrian Project.
9. **Authorize Issuance of Request for Proposals for Materials Testing and Authorize the Public Works Director to Execute a Contract with the Selected Materials Testing Provider (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution authorizing the issuance of a Request for Proposals for Materials and Testing Services and authorizing the Public Works Director to enter into a contract with the selected materials testing provider in a cumulative amount not to exceed \$250,000.
10. **Approval of Specifications, Authorize Solicitation of Bids, Authorize the Public Works Director to Award the Contract, and Approval of a Budget Adjustment for the Annual Street Maintenance Project No. 16-BB, Local Streets Sealing (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution approving the specification for the Annual Street Maintenance Project No. 16-BB, Local Streets Sealing; authorizing the solicitation of bids; authorizing the Public Works Director to award a construction contract and encumber a 10% construction contingency; authorizing the Public Works Director to negotiate and execute contract change orders up to and within the 10% contingency; and approving a budget adjustment.
11. **Approval of Tract Map No. 10337 Including Acceptance of Street Dedication and Public Service Easement Shown on Said Map, and Abandonment of Excess Right-of-Way Along Railway Avenue – 300 Railway Avenue (Resolution/Roll Call Vote)**  
Recommended Action: Adopt a resolution approving the Tract Map for Tract No. 10337 and accept the street dedication and public service easement as

shown on the map, and abandonment of excess of right-of-way for the property located at 300 Railway Avenue.

12. **Approval of Budget Adjustment to Increase Community Development Building Professional Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving a budget adjustment of \$140,000 to cover unanticipated cost and expenditures associated with Community Development Building Professional Services.

13. **Second Reading of Undergrounding Ordinance (Ordinance Second Reading /Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2202 amending the Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of all properties located along local streets and single-family residential properties located on residential collector streets from the utility undergrounding requirements.

## **PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

### **NEW BUSINESS**

### **OLD BUSINESS**

14. **Campbell Water Tower Lighting Policy (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the policy on lighting the Campbell Water Tower.

## **COUNCIL COMMITTEE REPORTS**

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

Recommended Action: Report on committee assignments and general comments.

## **ADJOURN**

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk's Office, (408) 866-2117, at least one week in advance of the meeting.



# *City Council Report*

Item: 1.  
Category: Special Presentations  
Meeting Date: May 17, 2016

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**TITLE: Recognition of Officer Chris Kimma and Code Enforcement Officer Charlotte Andreen for life saving efforts**

## **RECOMMENDATION**

That the City of Campbell recognizes Officer Chris Kimma and Code Enforcement Officer Charlotte Andreen for their life saving efforts.

## **BACKGROUND**

On April 9, 2016, at approximately 12:41 in the afternoon, Campbell Police Dispatch received a call on Lisa Way regarding a report of a 48 year old male who was not fully conscious and having difficulty breathing. Officer Kimma was dispatched to the call and while he was responding to the residence, Code Enforcement Officer Charlotte Andreen, who happened to be jogging by the residence, was flagged down by the children of the man in distress. The children were frantically looking for someone to assist their father.

Charlotte ran into the residence without hesitation and called 9-1-1. When Officer Kimma arrived on scene a short time later, he saw that the children were visibly distraught from their father's medical emergency. He saw that Charlotte was administering CPR while calmly keeping County dispatchers updated.

Officer Kimma took over CPR and a short time later the man regained a pulse and started gasping for air. At that time, the San Jose Fire Department arrived on scene and began rendering medical aid. There is no doubt that Charlotte's quick, calm thinking, and immediate application of the proper life-saving techniques with Officer Kimma kept him alive and provided him the opportunity to be transported to the hospital for further treatment.

The following week, Officer Kimma received an email from the man's wife informing Officer Kimma that her husband had survived and was doing well. Officer Kimma and Charlotte should be commended for their actions during the incident. This type of teamwork, despite the fact that Officer Kimma and Charlotte work in two different

of Campbell, shows not only what makes our employees outstanding, but also their dedication and service to the community.

Prepared by:

  
\_\_\_\_\_  
Dan Livingston, Police Sergeant

Reviewed by:

  
\_\_\_\_\_  
David Carmichael, Chief of Police

Approved by:

  
\_\_\_\_\_  
Mark Linder, City Manager

**PROCLAMATION**  
**OF THE MAYOR OF THE CITY OF CAMPBELL**

*WHEREAS, Officer Chris Kimma is being recognized for his life saving efforts; and*

*WHEREAS, on April 9, 2016, Officer Chris Kimma was dispatched to a call for a 48 year old male who was not fully conscious and having difficulty breathing; and*

*WHEREAS, Officer Chris Kimma arrived on the scene and saw Charlotte Andreen administering CPR; and*

*WHEREAS, Officer Chris Kimma took over CPR and a short time later the man regained a pulse and started gasping for air; and*

*WHEREAS, Officer Chris Kimma, with the joint effort of Charlotte Andreen, used the proper life-saving techniques to help keep the man alive and provided the opportunity to be transported to the hospital for further treatment.*

*NOW, THEREFORE, I, Jason T. Baker, Mayor of the City of Campbell, do hereby recognize and congratulate **Officer Chris Kimma** for his life saving efforts.*

*WITNESS MY HAND AND SEAL OF THE CITY OF CAMPBELL  
this 17th day of May, 2016.*

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*Jason T. Baker, Mayor  
City of Campbell, California*

**PROCLAMATION**

**OF THE MAYOR OF THE CITY OF CAMPBELL**

**WHEREAS, Charlotte Andreen** is being recognized for her life saving efforts;

**WHEREAS, on April 9, 2016, Charlotte Andreen** was jogging on a residential street when she was flagged down by the children of a man in distress; and

**WHEREAS, Charlotte Andreen** ran into the residence without hesitation and called 9-1-1; and

**WHEREAS, Charlotte Andreen** administered CPR while calmly keeping the County dispatcher updated; and

**WHEREAS, Officer Chris Kimma** took over CPR and a short time later the man regained a pulse and started gasping for air; and

**WHEREAS, Charlotte Andreen** , with the joint effort of Officer Chris Kimma, used the proper life-saving techniques to help keep the man alive and provided the opportunity to be transported to the hospital for further treatment.

**NOW, THEREFORE, I, Jason T. Baker, Mayor of the City of Campbell, do hereby recognize and congratulate Charlotte Andreen** for her life saving efforts.

**WITNESS MY HAND AND SEAL OF THE CITY OF CAMPBELL**  
this 17th day of May, 2016.

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Jason T. Baker, Mayor  
City of Campbell, California



*City  
Council  
Report*

Item: 2.  
Category: Special Presentation  
Meeting Date: May 17, 2016

**TITLE:** Proclamation declaring the week May 13<sup>th</sup> through May 20<sup>th</sup> as  
"Affordable Housing Week" in the City of Campbell

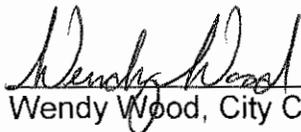
**RECOMMENDATION**

It is recommended that the City Council proclaim the week of May 13<sup>th</sup> as  
"Affordable Housing Week".

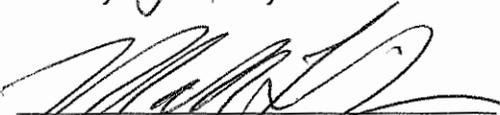
**DISCUSSION**

This proclamation would designate the week of May 13<sup>th</sup> through May 20<sup>th</sup> as  
"Affordable Housing Week" in the City of Campbell. This proclamation  
demonstrates the City's dedication to provide safe, stable, permanent and  
affordable housing to all members of the community, as well as continuing to  
bring the issue of affordable housing to the forefront of discussion in Silicon  
Valley. Affordable housing is a regional issue that requires regional solutions and  
participation from all cities and the County. The Housing Trust Silicon Valley is  
requesting the City Council take action to proclaim the week of May 13<sup>th</sup> as  
"Affordable Housing Week" in Campbell.

Prepared by:

  
Wendy Wood, City Clerk

Approved by:

  
Mark Kinder, City Manager

**Attachment:**

Proclamation

**PROCLAMATION  
OF THE  
MAYOR OF THE CITY OF CAMPBELL**

**WHEREAS**, *Affordable housing is a regional issue that requires regional solutions and participation from all cities and the County; and*

**WHEREAS**, *Santa Clara County is ranked the 3<sup>rd</sup> most expensive housing region in North America, with median rental prices averaging \$3,500 and median home purchase prices nearing \$1 million; and*

**WHEREAS**, *it requires a household income of \$140,000 to afford the median rent, which is out of reach for teachers, health care workers, retail salespeople, construction workers and other employees as well as many dual-income households; and*

**WHEREAS**, *the lack of availability, affordable housing requires that workers drive long distances to get to jobs, increasing transportation congestion and impacting air quality; and*

**WHEREAS**, *area business leaders have ranked housing affordability as their number one concern for the last 11 years, noting the challenges they face with retention and recruitment; and*

**WHEREAS**, *Santa Clara is home to more than 6,500 individuals experiencing homelessness on any given night, 71% of whom are unsheltered; and*

**WHEREAS**, *likeminded individuals throughout Santa Clara County are dedicated to provide safe, stable, permanent and affordable housing to all members of the community, as well as continuing to bring the issue of affordable housing to the forefront of discussion in Silicon Valley; and*

**NOW, THEREFORE**, *I, Jason T. Baker, Mayor of the City of Campbell, do hereby proclaim the week of May 13 through May 20<sup>th</sup> as Affordable Housing Week in the City of Campbell to recognize the successful efforts for SV@Home, Housing Trust Silicon Valley, Silicon Valley Leadership Group, Working Partnerships, the Law Foundation of Silicon Valley, Sacred Heart Community Services, Destination: Home and other nonprofits working to increase affordable housing opportunities in Santa Clara County.*

**WITNESS MY HAND AND SEAL OF THE CITY OF CAMPBELL** *this 17<sup>th</sup> day of May, 2016.*

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*Jason T. Baker  
Mayor of the City of Campbell*



# CITY COUNCIL MINUTES

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

## CAMPBELL CITY COUNCIL STUDY SESSION

**Monday, May 2, 2016 – 6:00 p.m.**  
**Campbell Community Center – Orchard City Banquet Hall**  
**1 W. Campbell Avenue, Campbell, California**

**NOTE: No action may be taken on a matter under Study Session other than direction to staff to further review or prepare a report. Any proposed action regarding items on a Study Session must be agendaized for a future Regular or Special City Council meeting.**

### CALL TO ORDER

The City Council of the City of Campbell convened this day in study session to discuss the following items: FY 2017 Operating Budget and FY 2017-21 Capital Improvement Plan. Mayor Baker called the meeting to order in the Orchard City Banquet Hall at the Campbell Community Center, 1 W. Campbell Ave., Campbell, California.

### Roll Call:

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

Absent: Councilmembers: None

### Staff Present:

Mark Linder, City Manager; Wendy Wood, City Clerk; Bill Seligmann, City Attorney; Jill Lopez, Human Resources Manager; Al Bito, Deputy City Manager; Jesse Takahashi, Finance Director; Dave Carmichael, Police Chief; Paul Kermoyan, Community Development Director; Todd Capurso, Public Works Director; and Regina Maurantonio, Recreation and Community Services Director.

### NEW BUSINESS

FY 2017 Budget Study Session:

1. **Proposed FY 2017 Operating Budget**

Recommended Action: Review proposed FY17 Operating Budget and provide feedback.

City Manager Linder gave opening remarks.

Finance Director Takahashi presented an overview of the proposed FY 2017 Budget.

Department Heads highlighted noteworthy items for their respective department. At the conclusion of each departmental summary, Council was given the opportunity to ask questions or comment.

Council asked questions and gave general feedback to Department

Heads; with a general consensus that the Community Development Director would remove the request for a part-time contract Code Enforcement Officer for Sign Enforcement.

Mayor Baker stated they would take a 10 minute break.

Council reconvened at 8:30 p.m.

2. **Proposed FY 2017-21 Capital Improvement Plan**

Recommended Action: Review proposed FY2017-21 Capital Improvement Plan and provide feedback.

Deputy City Manager Bito presented the proposed FY 2017-21 Capital Improvement Plan including background information and projects that are recommended for appropriation in FY 2017. At the conclusion, Council was given the opportunity to ask questions or comment.

After discussion, Council gave feedback with a general consensus to have staff prepare memos showing the long term cost savings for using \$2 million from the Capital Improvement Reserve Fund on street maintenance and spending to pay down the Other Post Employment Benefits (OPEB).

**PUBLIC COMMENT**

**ADJOURN**

Mayor Baker adjourned the Study Session at 9:58 p.m.

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

# CITY COUNCIL MINUTES

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



## CAMPBELL CITY COUNCIL STUDY SESSION

Tuesday, May 3, 2016 - 6:00 p.m.  
Council Chamber – 70 N. First Street

This Study Session 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](http://www.cityofcampbell.com/agendacenter).

**NOTE:** No action may be taken on a matter under Study Session other than direction to staff to further review or prepare a report. Any proposed action regarding items on a Study Session must be agendized for a future Regular or Special City Council meeting.

The City Council of the City of Campbell convened this day in the Council Chambers of City Hall, 70 N. First Street, Campbell, California, to discuss the conceptual plans for a mixed-use commercial/residential development on East Campbell Ave between Dillon and Gilman Avenue.

### CALL TO ORDER

Present: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons

Absent: Councilmembers: Baker

**Staff Present:** Mark Linder, City Manager; Bill Seligmann, City Attorney; Wendy Wood, City Clerk; Paul Kermoyan, Community Development Director; and Cindy McCormick, Senior Planner.

### NEW BUSINESS

1. **Conceptual Plans for a Mixed-use Commercial/Residential Development on East Campbell Avenue between Dillon and Gilman Avenue.**

Recommended Action: Conduct Study Session and provide direction to staff.

Senior Planner McCormick presented staff report dated May 3, 2016.

Deana Ellis, representative from Cresleigh Homes, spoke about the company and previous developments.

Ron Metzker, representative from LPSA Architecture & Design, gave a presentation on the proposed project.

## **PUBLIC COMMENT**

Janet Tate, Campbell resident, spoke about traffic concerns with this project at Page and Popular.

Vikki Essert, Campbell resident, spoke about the density calculations that are currently being used and is concerned about overbuilding.

Judy Pisano, Campbell resident, spoke about concerns with the appearance of the project and would like to see a more pedestrian oriented environment.

Kirk Heinrichs, Campbell resident, stated that the proposed development falls short of meeting the goals and objectives of the East Campbell Avenue Master Plan.

Jo-Ann Fairbanks, Campbell resident, spoke about density in regards to units per acre, the floor area ratio, the common open usable spaces, and issues with the density bonus law.

Joe Hernandez, Campbell resident, spoke about the East Campbell Avenue Master Plan, does not feel the current proposed project meets the master plan, and would like the developer to bring back several different plans.

Joseph Gemignani, Campbell resident, stated he would like a project that ties in with the Pruneyard and the downtown, and would like a more traditional style of architecture.

Scott Rees, Campbell resident, stated concerns with the appearance of the proposed project, the height of the building, amount of storage, and size of the units.

Susan Blake, Campbell resident, spoke about the East Campbell Avenue Master Plan, does not feel the current proposed project meets the master plan, and would like the developer to revise the project.

Barry Shilman, Campbell resident, stated concerns about the appearance of the project and would like the developer to incorporate the Pruneyard and the downtown in the design.

Armida Costello, Campbell resident, stated concerns about the appearance of the project.

Council listened to the presentation and public comment, and made general remarks.

## **ADJOURN**

Vice Mayor Gibbons adjourned the meeting at 7:13 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Elizabeth Gibbons, Vice Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk



# CITY COUNCIL MINUTES

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

## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, May 3, 2016 – 7:30 p.m.  
Council Chamber – 70 N. First Street

This Study Session was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

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### 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: Alicia Hamilton**

The pledge was led by Alicia Hamilton, teacher at Capri Elementary School and recipient of the Goldin Award for Excellence in Education. Mayor Baker thanked her for leading the pledge and presented her with a certificate of appreciation.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations and proclamations.

### COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

### ORAL REQUESTS

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Jaime Batiz, Campbell resident, stated his objection to install a traffic light at Harriet and McCoy Avenue and would like to know the time table for this project.

Harry Greenwood, Campbell resident, stated his opposition to the signal light at Harriet and McCoy, would like to see alternative projects to help with the pedestrian safety problems, and would like Council to rescind the authorization for the grant request.

## **COUNCIL ANNOUNCEMENTS**

Be on the lookout...Campbell Police Officers are on Slurpee patrol! 7-Eleven is partnering with law enforcement agencies nationwide to reward kids for acts of kindness and positive activities with free Slurpee drink coupons through *Operation Chill*. Campbell police officers will be "ticketing" youngsters who are caught in the act of doing good. Appropriate "offenses" might include wearing helmets while riding bikes, picking up trash or helping others. Each coupon can be redeemed for a small Slurpee drink at participating 7-Eleven stores.

On Wednesday, May 4 and Monday, May 9, from 7:00 - 9:00 p.m., the Santa Clara County Fire Safe Council will hold two Draft Community Wildfire Prevention Plan workshops. These workshops will allow residents, who live in the high wildfire risk areas, to review the County's prevention plan and provide input to their planning team. For more information, please visit [sccfiresafe.org](http://sccfiresafe.org) or contact [info@sccfiresafe.org](mailto:info@sccfiresafe.org).

On Friday, May 13, historian Ray Cosyn will explore the Prohibition's impacts on the Santa Clara Valley during History Happy Hour at the Ainsley House. Mr. Cosyn will discuss how wine making was a viable industry for Valley fruit canners who were allowed to make "fruit juice" during Prohibition.

On Saturday, May 14, from 10:00 a.m., to 1:00 p.m., "Friends of the Library" will hold a book sale at the Campbell Library where you will find bargains galore. All ages are welcome and the proceeds will benefit the library.

On Monday, May 23, at 7:00 p.m., the Valley Transportation Authority will hold a public meeting for Envision Silicon Valley, at the Campbell Community Center in the Roosevelt Redwood Room. Envision Silicon Valley was launched by VTA to engage community leaders and county residents in a dynamic visioning process to discuss current and future transportation needs, identify solutions and craft funding priorities.

On Tuesday, May 24, from 7:00 p.m. to 8:30 p.m., join Master Gardener Rebecca Schoenenberger at the Campbell Library to learn how to control pests and diseases in the garden in an environmentally sensitive way. There will be discussion on cultural practices that discourage pests, how to deal with pest population explosions, how to encourage beneficial insects, and appropriate control measures that will have little or no effect on the environment. For more information, please visit the library's website at [www.sccl.org](http://www.sccl.org).

On Friday, June 10, Opera San Jose General Director Larry Hancock will return to the Ainsley House when he will discuss the upcoming 2016-17 season. Joining Mr. Hancock will be a soprano and pianist to perform for guests. History Happy Hour events begin at 5:30 p.m. with the main program at 6:00 p.m. To register for either event, call 408-866-2104. For more information, contact Kerry Perkins at 408-866-2718.

## **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.

Items two, five, seven and nine were removed from the consent calendar.

The Consent calendar was considered as follows:

1. **Minutes of Study Session of April 19, 2016**

Recommended Action: Approve the study session minutes.

This action approves the study session minutes of April 19, 2016.

3. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,244,488.14.

This action approves the bills and claims in the amount of \$1,244,488.14 as follows: payroll checks dated April 7, 2016 in the amount of \$296,328.25; bills and claims checks dated April 11, 2016 in the amount of \$183,220.21; and bills and claims checks dated April 18, 2016 in the amount of \$764,939.68.

4. **Monthly Investment Report – March, 2016**

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

This action is to note and file the monthly investment report for March, 2016.

6. **Replacement and Installation of Shade Canopies at the Campbell Community Center Pool Deck and Budget Adjustment (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution approving the replacement and installation of shade canopies at the Campbell Community Center pool deck and authorize a budget adjustment of \$6,800.

Resolution 11977 approves the replacement and installation of shade canopies at the Campbell Community Center pool deck and authorizes a budget adjustment of \$6,800.

8. **Authorize the Public Works Director to Amend an Agreement with CSG Consultants, Inc. for Providing Staff Augmentation Services (Resolution/Roll Call Vote)**

Recommended Action: Authorize the Public Works Director to amend an agreement with CSG Consultants, Inc. for providing staff augmentation services to the Department of Public Works (DPW) in an amount not to exceed \$100,000; and approving a budget adjustment in the amount of \$50,000 that reallocates funding within the Public Works Engineering operating budget.

Resolution 11978 authorizes the Public Works Director to amend an agreement with CSG Consultants, Inc. for providing staff augmentation services to the Department of Public Works (DPW) in an amount not to exceed \$100,000; and approves a budget adjustment in the amount of \$50,000 that reallocates funding within the Public Works Engineering operating budget.

**M/S: Cristina/Gibbons - that the City Council approve the Consent Calendar with the exception of item two, five, seven 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**

2. **Minutes of Regular Meeting of April 19, 2016**

Recommended Action: Approve the Regular Meeting Minutes.

Councilmember Resnikoff stated that there was a typo on page nine and the word “no” should be removed from the Council direction for item 12.

**M/S: Resnikoff/Cristina – that the City Council approve the regular meeting minutes with the amendment to correct the typo on page nine. Motion was adopted unanimously.**

5. **Declaring May 15-21, 2016 National Public Works Week (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution declaring May 15-21, 2016 as National Public Works Week.

Councilmember Resnikoff stated that he wanted to recognize the Public Works Department for all the work they do.

**M/S: Resnikoff/Kotowski – that the City Council adopt resolution 11976 declaring May 15-21, 2016 as National Public Works Week. Motion was adopted by the following roll call vote:**

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

**NOES: Councilmembers: None**

7. **Second Reading of Undergrounding Ordinance (Resolution/Roll Call Vote)**

Recommended Action: Approve the second reading of Ordinance 2202 amending the Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of single-family residential properties located along local and residential collector streets from the utility undergrounding requirements.

Councilmember Resnikoff wanted to clarify the intent of Council's motion for this item.

After discussion, Council asked staff to revise the language to clarify their intent and come back to this item at the end of the meeting.

9. **Upholding an Appeal and denying a Conditional Use Permit (PLN2015-352) and Administrative Planned Development Permit (PLN2015-354) for establishment of a new 45-seat restaurant (Kalye Hits) with beer and wine service, outdoor seating, live entertainment (no dancing), and "late-night" operational hours (11:00 PM public closing); and a Parking Modification Permit (PLN2015-355) for a reduction in the number of required parking spaces on property located at 2145 S. Winchester Boulevard in the P-D (Planned Development) Zoning District (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution upholding an appeal and denying a Conditional Use Permit (PLN2015-352), Administrative Planned Development Permit (PLN2015-354), and Parking Modification Permit (PLN2015-355) for property located at 2145 S. Winchester Boulevard.

Councilmember Cristina spoke about the project and the Winchester Boulevard Master Plan.

Scott Plautz, president of STEM Sustainable Development and partner in this property, spoke about the project and requested a modification to the conditional use permit.

Rich Waterman, Campbell resident, stated concerns with new developments having small retail and the need for flexibility.

Russell Pfirman, Campbell resident, stated support for Council's decision to uphold the appeal and deny the Conditional Use Permit.

After discussion, **M/S: Gibbons/Kotowski – that the City Council adopt resolution 11979 upholding an appeal and denying a Conditional Use Permit (PLN2015-352), Administrative Planned Development Permit (PLN2015-354), and Parking Modification Permit (PLN2015-355) for property located at 2145 S. Winchester Boulevard without prejudice. Motion was adopted by the following roll call vote:**

**AYES: Councilmembers: Kotowski, Gibbons, Baker**

**NOES: Councilmembers: Resnikoff, Cristina**

## **PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

There were no agendized items.

## **NEW BUSINESS**

10. **Process for Designation of a Historic Resource (Resolution/Roll Call Vote)**  
Recommended Action: Provide direction to staff and the Historic Preservation Board regarding the procedure for official designation of a “historic resource” (moving a property from the “potential” inventory to the Historic Resource Inventory) utilizing either the opt-in or opt-out approach.

Senior Planner McCormick presented staff report dated May 3, 2016.

Community Development Director Kermoyan explained the process.

Susan Blake, Historic Preservation Board Member, spoke about the update on the Historic Preservation ordinance and suggested that the procedure for all out reach steps prior to a recommendation for inclusion to the Historic Inventory List be codified.

JoElle Hernandez, Historic Preservation Board Member, spoke about the process and stated that the opt-out process has been fair.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council provide direction to staff and the Historic Preservation Board regarding the procedure for official designation of a “historic resource” (moving a property from the “potential” inventory to the Historic Resource Inventory) utilizing the opt-out approach. Motion was adopted unanimously.**

11. **Dell Avenue Area Plan (DAAP) Status Report and Consideration to Postpone Project and Fold into the Envision Campbell Plan (Resolution/Roll Call Vote)**  
Recommended Action: Postpone preparation of the Dell Avenue Area Plan (DAAP) and fold the work achieved to date, consisting of the draft Area Plan and Environmental Impact Report (DEIR), into the broader discussion of the Envision Campbell Plan.

Community Development Director Kermoyan presented staff report dated May 3, 2016.

Community Development Director Kermoyan stated that he received an e-mail from Susan Landry stating her support for postponing the DAAP and folding it into the General Plan.

Joanne Carroll, Campbell resident and representative for the San Tomas Area Community Coalition, stated concerns with the process if the DAAP is folded into the General Plan and would like Council to abandon the current DAAP Project Plan and work with the community to create a new plan.

Ellen Dorsa, Campbell resident and treasurer of the San Tomas Area Community Coalition, stated support for abandoning the project entirely and work with the community to create a new plan.

Eric Buaran, Campbell resident, stated opposition to the project and spoke about traffic concerns.

Judy Pisano, Campbell resident, stated opposition to rolling the DAAP into the General Plan and would like the process to continue separately.

Maggie Desmond, Campbell resident, stated concerns and would like to see what work has been done on the project so far.

Bill Perry, Campbell resident, stated concerns with Planned Development (PD) zoning.

Pat Noack, Campbell resident, stated opposition to rolling the DAAP into the General Plan and is concerned with putting in a high tech center in there because of the traffic issues it will cause.

Jeffrey Benesch, Campbell resident, stated that he would like to see development in this area to allow for more local jobs and businesses.

Jo-Ann Fairbanks, Campbell resident, stated support for folding the DAAP in to the General Plan, and would like the name Envision Campbell more clearly identified with the General Plan.

Campbell resident spoke about traffic issues and stated opposition to rolling the DAAP into the General Plan.

Lee Peterson, Campbell resident, stated support for abandoning the current DAAP Project Plan and work with the community to create a new plan.

Margaret Mori, Campbell resident, spoke about small town feel, community input and traffic issues.

After discussion, **M/S: Cristina/Gibbons - that the City Council continue the Dell Avenue Area Plan status report to a date uncertain. Motion was adopted unaniomously.**

12. **Receive Training Regarding Federal Securities Law and Consider Adopting a Resolution of the City of Campbell Approving Disclosure Policies and Procedures to Ensure Compliance with Disclosure Obligations of the City**  
Recommended Action: Review recommended form of Disclosure Policies and Procedures to be considered for adoption by resolution June 7, 2016.

Finance Director Takahashi presented staff report dated May 3, 2016.

Christopher Lynch, representative from Jones Hall, gave a presentation on Federal Securities Law, responsibilities for complying with regulations as an issuer of municipal securities and discussed the draft policies.

Council listened to the presentation and reviewed the report.

Mayor Baker stated that they would take a five minute break.

Council reconvened at 10:23 p.m. to discuss item seven.

Associate Planner Fama provided Council with the revised ordinance with a modified title block stating that all properties located on local streets and single-family residential properties located on residential collector streets would be exempt from the undergrounding requirements; and in Exhibit A section B (1) a specific exemption for single-family dwelling located along a residential collector streets.

After discussion, **M/S: Resnikoff/Gibbons – that the City Council take first reading of Ordinance 2202 with the corrected language amending the Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of all single-family residential properties located along local streets and single-family residential properties located on residential collector streets from the utility undergrounding requirements. 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 2202.

**M/S: Kotowski/Gibbons – that the City Council waive further reading of Ordinance 2202. Motion was adopted unanimously.**

### **COUNCIL COMMITTEE REPORTS**

13. **City Councilmember Reports/Updates on Committee Assignments**  
Recommended Action: Report on committee assignments and general comments.

--Councilmember Cristina attended the League of California Cities, CitiPAC Peninsula Division Bocce Ball Tournament.

--Councilmember Resnikoff participated in the Great American Litter Pick-up; Youth Commission Virginia and Hyde Park fibar project; attended the State Route 85 Corridor Policy Advisory Board meeting; BMR Housing Consultant RFP committee meeting; and spoke about upcoming Silicon Valley Animal Control Authority, West Valley Solid Waste Authority JPA, and Valley Transportation Authority Policy Advisory Committee meetings.

--Councilmember Kotowski spoke about the Heritage Theater season, attended the Youth Commission, spoke about the upcoming Memorial Day celebration, and attended the West Valley Sanitation District meeting.

--Vice Mayor Gibbons hosted an orientation of downtown activities and businesses to a small group of current and previous elected officials; spoke about upcoming speaking event at Moreland Middle School for career night; and spoke about the upcoming Community Choice Energy elections Executive Committee and Chair and Vice Chair.

--Mayor Baker attended a Valley Transportation Authority meeting and Board workshop for MTC.

## **ADJOURN**

Mayor Baker adjourned the meeting at 10:39 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Jason T. Baker, Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk



# City Council Report

Item: 6.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

**TITLE: Approving Payment of Bills and Claims**

## RECOMMENDATION

Approve the attached lists of bills and claims for payment in the amount of \$773,802.51.

## DISCUSSION

Attached are the lists of bills and claims that have been audited and approved by staff for payments made as noted below:

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Payroll	April 21, 2016	\$250,285.19
Bills & Claims	April 25, 2016	\$276,467.59
Bills & Claims	May 2, 2016	\$247,049.73
	<b>Total</b>	<b>\$773,802.51</b>

## FISCAL IMPACT

Adequate funding was available to cover all expenses as listed.

Prepared by:   
Leslie Fabila, Office Assistant

Reviewed by:   
Sharif Etman, Finance Manager

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

### Attachments:

Attachment 1 – Bills & Claims Lists



# City Council Report

Item: 7.  
Category: Consent  
Meeting Date: May 17, 2016

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**TITLE: Renewal of Campbell Pony Baseball League Agreement**

## **RECOMMENDATION**

It is recommended that the City Council authorize the City Manager to renew a license agreement with Campbell Pony Baseball League for the use of the enclosed baseball field, concession building and associated areas at John D. Morgan Park for the period of July 1, 2016 – June 30, 2019.

## **BACKGROUND**

The first agreement between the City and Campbell Pony Baseball League was developed in 1975 and has been modified throughout the years. The most recent license agreement term expires on June 30, 2016. The agreement specifies that Campbell Pony Baseball League pays for electricity used, maintains concession equipment, maintains the infield, provides labor to perform repairs to infield turf, and removes trash from building and bleacher area. The City pays for water, sewer and trash; maintains the outfield, provides sprinkler heads and supplies, maintains the exterior of the building, repairs bleachers and maintains public safety for all areas accessible to the public.

## **DISCUSSION**

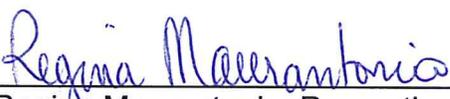
City staff met with representatives from the Campbell Pony Baseball League to review the current license agreement. The terms are working well for both Campbell Pony Baseball League and the City.

## **FISCAL IMPACT**

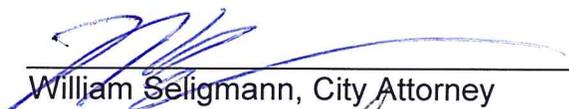
The fee for Campbell Pony Baseball League would be \$850 for 2016-17 with a fee increase based on the Consumer Price Index (3% minimum – 8% maximum) each year for 2017 -18 and 2018-19.

**ALTERNATIVES**

1. Direct staff to modify the terms of the license agreement with Campbell Pony Baseball League.
2. Direct staff not to renew the license agreement with Campbell Pony Baseball League.

Prepared by:   
Regina Maurantonio, Recreation & Community Services Director

Reviewed by:   
Jesse Takahashi, Finance Director

Reviewed by:   
William Seligmann, City Attorney

Approved by:   
Mark Linder, City Manager

**Attachments:**

- 1 – License Agreement Campbell Pony Baseball League

## **LICENSE AGREEMENT**

THIS IS AN AGREEMENT by and between the CITY OF CAMPBELL, hereinafter called Licensor, and **CAMPBELL PONY BASEBALL LEAGUE**, hereinafter called Licensee, for license of certain portions of real property and facilities on the terms and conditions set forth hereinafter. All Licensee concerns pertaining to this license should be directed to the Licensor or its designated representative.

IT IS AGREED between the parties as follows:

### **SECTION ONE: Subject and Purpose**

Licensor agrees to license to the Licensee and Licensee hereby licenses from Licensor the following described real property and/or facilities; situated at:

**Enclosed Baseball Field and Associated Area  
(bleachers, dugouts, and seasonal batting cage)  
and Concession Area of Building  
at John D. Morgan Park, 540 W. Rincon Avenue  
Campbell, California  
(SEE EXHIBIT A)**

Said licensed property shall be used only for purposes consistent with the zoning district. The Licensee must maintain and restrict all uses, operations and activities that arise from such License Agreement to comply with applicable City, County and State laws, and applicable policies. Licensee shall be solely responsible for securing any permits where required.

The following uses are prohibited: (a) the serving, use, and/or sale of alcoholic beverages and illegal drugs; (b) the conduction of games of chance on the premises.

Licensee shall respect the rights and privileges of patrons, the public, users of adjacent recreational facilities, and adjacent residents and properties. As noted above, alcohol and illegal drugs, as well as profane language or abuse are not allowed on the premises, nor shall they be used by any persons acting on behalf of the Licensee in connection with any program offered for minors on City's property.

Licensee may operate a food/snack bar concession from the building, under the terms and conditions set forth in the attached Concession Agreement (Exhibit B), approved and set forth by Licensor.

Licensee shall be allowed to construct its temporary batting cage at John

D. Morgan Park, adjacent to the pony field during the period between February 15<sup>th</sup> and August 15<sup>th</sup> of each year, to coincide with the Spring/Summer hardball season. The use of hardballs is restricted to Licensee's licensed premises and shall not be thrown in open public areas. These conditions may only be altered by written request and subsequent approval of the City's Director of Recreation and Community Services Department.

Licensee agrees to comply with Licensor's Field Use Policy and to continue to submit annual requests for field use, subject to annual administrative processing fees.

Licensee may host up to two tournaments per year where team and/or spectator entry fees are collected and for the purpose of raising funds to support annual fees. Said tournaments must be scheduled and permitted by the Recreation and Community Services Department at least 3 months in advance.

## **SECTION TWO: Use of the Site by the Public**

The Licensor agrees to make available to the Licensee the following described property, being a part of this agreement:

the enclosed baseball field, its bleachers, dugouts, and seasonal batting cage, as well as the scoring booth and concession area of the adjacent building, as described above and illustrated in Exhibit A for Licensee's sole use as well as use of the adjacent parking lots, patios, public restrooms and common areas. Authorization for such use shall be at the sole discretion of the Licensor and in accordance with the regulations and policies established by the Licensor.

The Licensee may apply to use additional specific grounds or green areas at dates and times where such use is not in conflict with the use by another authorized individual/organization pursuant to this section. The Licensor shall have the sole power to issue such permits. Any application/request for use of grounds will be directed to the Licensor, who will determine if issuance of the use permit would conflict with other scheduled uses of the premises. Upon determination that no conflict would result, the Licensor will issue the authorizing permit and provide the affected Licensee with an informational copy. Applicable field use fees will apply per the City's adopted fee schedule.

## **SECTION THREE: Term and Fee; Termination**

(A) Licensor licenses the above premises for a term of **three years**, commencing on **July 1, 2016** and terminating on **June 30, 2019**. License is subject to further extension/renewal upon agreement and negotiation by both parties. The Licensee shall pay to Licensor in year 1 a fee of **\$850** plus the actual cost of electricity as monitored by the sub-meter installed on the

concession stand electrical panel. In year 2 the annual fee shall be adjusted by the Bay Area Consumer Price Index as provided for in the following section. Annual fees are payable in advance on the FIRST day of each license term. The cost of electrical utilities will be billed quarterly to the Licensee. An amount equal to **\$250.00** shall be deposited as a damage deposit. The Licensee must deliver both the damage deposit and first year's fee to the CITY OF CAMPBELL prior to occupancy. It is understood that this deposit will be returned to the Licensee at the termination of this license, provided that the premises are left in as good condition, order, and repair, subject to normal wear and tear, as when Licensee took possession thereof. Licensee hereby acknowledges that said demised premises are in good order and repair at the time of occupancy. Any portion of the deposit may be retained by the Licensor that he/she determines to be necessary to restore premises to the same condition as they were in when Licensee took possession. The Licensor has the right to use this deposit to remedy Licensee's defaults in the payment of rent, repair damages to the premises caused by the Licensee, or clean premises on termination of the license.

(B) For terms in excess of one year, Licensee agrees to pay Licensor as additional fee for the use of the premises beginning on the anniversary date of this agreement, an increased amount equal to the current fee plus the addition of an amount calculated by multiplying that fee by the Bay Area "Consumer Price Index" percentage found applicable. This shall be determined by dividing the Seasonally Adjusted U.S. City Average for All Items For All Urban Consumers (1982-84=100) published in the "Monthly Labor Review" of the Bureau of Labor Statistics of the United States Department of Labor (CPI-U) for the first calendar month of the new License Year, by the CPI-U for the first calendar month of the preceding License Year.

(C) Notwithstanding the provisions of paragraph (B) above, in no event shall the Annual Minimum Fee payable for any License Year be increased less than 3% nor greater than 8% over the previous year.

(D) In the event the CPI-U is discontinued, the "Consumer Price Index - Seasonally Adjusted U.S. City Average for All Items For Urban Wage Earners and Clerical Workers (1982-84=100)" published monthly in the "Monthly Labor Review" by the Bureau of Labor Statistics of the United States Department of Labor ("CPI-W") shall be used for making the computation in paragraph (B) above. In the event CPI-W is discontinued, comparable statistics on the purchasing power of the consumer dollar published by the Bureau of Labor Statistics of the United States Department of Labor shall be used for making the computation in paragraph (B) above.

(E) In the event the base year "(1982-84=100)" or other base year used in computing the CPI-U is changed, the figures used in making the adjustment in paragraph (B) above shall accordingly be changed so that all increases in the CPI-U are taken into account notwithstanding any such change in the base

year.

(F) Fee to be paid by check, cash, or cashier's check made payable to the CITY OF CAMPBELL, at the Campbell Community Center Office, One West Campbell Avenue #C-31, Campbell, CA 95008-1039, and are due on the **first day of July each year**. If payment is not received within ten (10) days of the due date, a ten percent (10%) late penalty shall be added to the total amount past due. The 10% shall apply to all outstanding fees, including current fee, past due fee, work orders, and accumulated late charges.

#### **SECTION FOUR: Additional Fee and Possessory Interest Taxes**

All taxes, charges, costs, and expenses that Licensee assumes or agrees to pay hereunder, together with all interest and penalties that may accrue thereon in the event of the failure of Licensee to pay those items, and all other damages, costs, expenses, and sums that Licensor may suffer or incur, or that may become due, by reason of any default of Licensee to comply with the terms and conditions of this license shall be deemed to be additional fee, and, in the event of nonpayment Licensor shall have all the rights and remedies as herein provided for failure to pay fee.

In the event a possessory interest tax accrues to the property, it is understood that the Licensee shall pay all such tax in its entirety, on or before due date and as for additional fee.

In the event of an increase in operating expenses (e.g.: utilities, water, garbage, janitorial) that Licensor may incur, such expenses shall be transferred proportionately to the Licensee based upon the percentage which the Licensee's square footage bears to the building square footage of all uses of the service in the entire premises. The Licensor shall provide, upon written request from the Licensee, documentation of the necessity for the increase. Any increase in operating expenses transferred to the Licensee shall be deemed additional fees, and in the event of nonpayment, Licensor shall have all rights and remedies as herein provided for failure to pay fee.

#### **SECTION FIVE: Alteration, Additions and Improvements**

(A) Licensee must obtain written permission from the Licensor before making any alterations, additions, or improvements in and to the licensed premises and the building. Alterations shall be performed in a workmanlike manner and shall not weaken or impair the structural strength, or lessen the value of the building on the premises, or change the purpose for which the building, or any part thereof, may be used.

(B) Conditions with respect to alterations, additions, or improvements

are as follows: (1) Before commencement of any work, all plans and specifications shall be filed with and approved by all governmental departments or authorities having jurisdiction and any public utility company having an interest therein, and all work shall be done in accordance with requirements of local regulations and California building codes and standards. The plans and specifications for any alterations estimated to cost Five Hundred Dollars (\$500.00) or more must be submitted to Licensor for written approval prior to commencing work.

(2) Prior to commencement of any work, Licensee shall pay the amount of any increase in premiums on insurance policies provided for herein because of endorsements to be made covering the risk during the course of work. In addition, if the estimated cost of work shall exceed One Thousand Dollars (\$1,000.00), Licensee shall, without cost to the Licensor, furnish Licensor with a performance bond written by a surety acceptable to Licensor in an amount equal to the estimated cost of the work, guaranteeing the completion of work, free and clear of liens, encumbrances, and completion of work, free and security interests, according to the approved plans and specifications.

(C) All alterations, additions, and improvements made to the licensed premises at the commencement of the term, and those that may be erected or installed during the term, shall become part of the licensed premises and the sole property of Licensor, except that all moveable trade fixtures installed by Licensee shall be and remain the property of Licensee. Licensor shall have the right to require Licensee to remove such fixtures at the Licensee's expense upon termination or expiration of this license.

#### **SECTION SIX: Utilities, Maintenance, Custodial Services & Repairs**

(A) Licensor shall be responsible for the major exterior maintenance of the building, i.e. building structure, roof, sewer, parking areas and grounds, and for plumbing maintenance in excess of Two Hundred Fifty Dollars (\$250.00), unless state of disrepair is due to the actions of Licensee, its agents, or clients. All plumbing maintenance less than Two Hundred and Fifty Dollars (\$250.00), and all maintenance due to a state of disrepair arising from the actions of the Licensee, its agents, or clients, shall be charged to the Licensee, its agents or clients as additional fee. In such event, necessary repairs or replacement shall be charged to Licensee on an actual cost basis plus fifteen percent (15%) overhead costs. Licensee shall at its own cost be responsible for interior maintenance including but not limited to clocks, floors, walls, lock changes, public address system and general electric maintenance up to Two Hundred and Fifty Dollars (\$250.00) per occurrence and shall use all

reasonable precaution to prevent waste, damage or injury to the licensed premises. In the event Licensee requests Licensor to perform interior maintenance service, said services may be provided at the actual cost plus fifteen percent (15%) overhead. Licensor shall not be liable for any failure to make any repair or for any damages to Licensee, its property or business resulting therefrom or to perform any maintenance unless such failure shall persist for any unreasonable time after written notice of the need of such repair or maintenance is given to Licensor by Licensee.

(B) Licensee shall be responsible for all routine day-to-day maintenance of the licensed premises, including daily cleaning and removal of trash, repairs to doors, windows, counters, shelves, sinks, plumbing, electrical, and cleaning of floors, etc. Licensee shall provide its own custodial supplies and services and daily trash removal to maintain Licensee's licensed premises, including concession area, fields, bleachers, dugouts, fences, storage rooms, lavatory, and associated equipment and areas. Licensee shall at all times during the license and at its own cost and expense, repair, replace and maintain good, safe and substantial conditions within the licensed premises and to any improvements, alterations, and additions thereto. See Exhibit C for detailed maintenance responsibilities of the Licensor and Licensee.

(C) Water, sewer, and trash removal utilities shall be included in the fee. Licensee is responsible for the cost of electrical utilities as monitored by the electric current meter installed inside the premise. Licensor will read the meter on a quarterly basis and bill Licensee accordingly (see Exhibit D). Licensor shall maintain Reznor heater; no air conditioning to be provided or installed at this facility.

(D) Licensee, after at least thirty (30) days prior notice to Licensor, may install additional electric machines or equipment using current in excess of 110 volts and other equipment which will increase the amount of electricity, gas, or water usually furnished or supplied to the premises being used as general storage or concession space; provided that in such event, Licensor may cause a water meter, a gas meter, or an electric current meter, or all, to be installed in the premises, so as to measure such increase, after at least ten (10) days prior notice to Licensee. Licensor may condition Licensee's use of any such machines or equipment upon prompt payment by Licensee of extra costs occasioned thereby, as established by such meters or otherwise reasonably estimated by Licensor. The cost of purchase, installation, maintenance and repair of such meters and of any additional wiring, plumbing and other work required to provide electricity or water for such equipment, as well as charges for extra water and electric current consumed, shall be borne and paid by Licensee within ten (10) days after such notice thereof by Licensor. All such

costs, charges and expenses shall be deemed additional fee hereunder. Licensee shall not connect with electric current, except through existing electrical outlets in the premises or with water pipes or air pipes (if any there be), any apparatus or devise for the purpose of using electric current or water or air without prior written approval of Licensor.

(E) Notwithstanding anything contained herein to the contrary, Licensor makes no representations or warranties about the services provided by public utilities or other third-parties beyond Licensor's control, and Licensor shall not be liable for any loss or disruption of service caused by circumstances beyond Licensor's control. Licensee acknowledges that disruption of utility service can happen, and assumes all risk of such disruption, and waives any and all claims, actions and causes of action that Licensee may have against Licensor due to any loss or disruption of service beyond Licensor's control, and agrees to indemnify, defend, and hold Licensor harmless from any loss, injury, claims, action, cause of action or cost (including but not limited to court costs and attorney's fees) arising out of, or alleged to have arisen out of any such loss or disruption in service, unless the claim, action, or cause of action is the proximate result of the sole negligence or willful misconduct of Licensor.

#### **SECTION SEVEN: Indemnity**

Licensee agrees to indemnify, hold harmless and defend Licensor, its officers, employees and agents from any claims, liability, loss, damage, actions or causes of action, costs and expenses (including attorneys' fees) by or on behalf of any person or entity arising out of either (1) a failure by Licensee to perform any of the terms or conditions of this license, (2) any injury or damage happening on or about the licensed premises, (3) the failure to comply with any law or any governmental authority, or (4) any mechanic's lien or security interest filed against the licensed premises or equipment, materials, or alterations of building or improvements thereon, except for any claims, liability, loss, or damage proximately caused by the sole negligence or willful misconduct of Licensor. This provision is intended to fully and completely allocate all liability or risk of loss as between the Licensor and the Licensee as to the matters covered by this paragraph, and Licensee shall have no right of indemnity or contribution against Licensor in law or equity, or otherwise as to the matters covered herein.

#### **SECTION EIGHT: Insurance and Damage to the Premises**

(A) Licensor reserves the right to modify portions of the John D. Morgan Park building from time-to-time as the City of Campbell sees fit to best

serve the City. While Licensor will use reasonable efforts to minimize disruption to Licensee as a result of these modifications, Licensor represents, and Licensee acknowledges, that some disruption may occur as a result, including but not limited to: blocked or restricted access to Licensee's space; reduction, reallocation, or disruption to available parking; and temporary disruption to utility service. Licensee waives any and all claims, actions and causes of action that Licensee may have against Licensor due to any loss or disruption arising out of the aforementioned modification, and agrees to indemnify, defend, and hold Licensor harmless from any loss, injury, claims, action, cause of action or cost (including but not limited to court costs and attorney's fees) arising out of, or alleged to have arisen out of any such modification, unless the claim, action, or cause of action is the proximate result of the sole negligence or willful misconduct of Licensor.

(B) Facility Insurance: Licensee shall, at all times during the term hereof and as its own cost and expense, procure and continue public liability insurance and also property damage insurance with limits of not less than \$1,000,000.00 per occurrence. Said policies shall: (1) specifically cover the indemnity provisions of this license; (2) name the City of Campbell as additional insured; (3) not be canceled or coverage reduced without thirty (30) days prior notice to Licensor.. The above conditions shall be set forth on a Certificate of Insurance and provided to Licensor prior to occupancy by the Licensee.

(C) Fire Insurance: Licensor shall not be responsible for providing fire insurance covering the leased premises. If Licensee desires such coverage, Licensee must procure such coverage at Licensee's own expense.

(D) Personal Property Insurance: Licensee shall maintain insurance against loss or damage to its personal property in an amount sufficient to cover the full cost of replacing such personal property. Licensees' sole recourse to compensation for loss or damage to its personal property shall be limited to its insurance, and Licensor shall have no liability for such loss or damage to Licensee's personal property.

(E) Insurance Adjustments: In the event that the Licensor determines, in Licensor's reasonable judgment, that the limits of any and all insurance then carried by Licensee as required hereunder are materially less than the amount or type of insurance typically carried by owners or licensees of properties located in Campbell, California, which are similar to and operated for similar purposes as the premises, Licensor may elect to require Licensee to increase the amount of specific coverage, change the type of policy carried, or both. If Licensor so elects, Licensee shall be notified in writing of the specific

change in policy amount or type required and shall have 30 days after the date of Licensor's notice to effect the change in amount or type of policy. Any adjustment pursuant to this provision may be made not more often than every two years unless otherwise agreed to by Licensor and Licensee.

(F) Business Interruption Insurance. Licensee shall procure and maintain, at Licensee's cost, business interruption insurance for and during the term of this license insuring the minimum fee provided for hereunder will be paid to Licensor for the term of this license or a period of up to two (2) years in the event the premises or the building are destroyed or damaged so as to render operation of Licensee's business impossible or impracticable by any casualty insured against by standard fire and extended coverage insurance.

(G) Other Insurance: Licensee shall provide and keep in force other insurance in amounts that may from time to time be required by Licensor against other insurable hazards as are commonly insured against for the type of business activity that Licensee will conduct.

(H) Damage or Destruction of the Premises: In the event the Licensed premises are damaged or destroyed by fire, or other cause, the Licensor may at its option, either (1) cancel and terminate this License by giving written notice to the Licensee, or (2) repair or restore the premises to substantially the same condition as they were in prior to said damage or destruction.

**SECTION NINE: Unlawful or Dangerous Activities**

Licensee shall neither use nor occupy the demised premises or any part thereof for any unlawful, disreputable, or ultrahazardous purpose, nor operate or conduct its business in such a manner as to constitute a nuisance of any kind. Licensee shall immediately, on discovery of any unlawful, disreputable, or ultrahazardous use, take action to halt such activity.

**SECTION TEN: Access to Premises; Signs Posted by Owner; Use of Premises**

(A) Use Of Premises

The premises shall be used and occupied only for the following purpose(s): baseball practice and play, concession, spectator seating, and storage space for **Campbell Pony Baseball League**, and related activities, and for no other purpose(s).

Licensee shall provide an itemized summary of all hazardous materials (helium, propane, gasoline, insecticides, etc.) to be stored on the premises. Hazardous materials shall be stored properly according to Cal-OSHA safety regulations. Any unauthorized use shall be a breach of this license. Licensor's normal hours of operation shall be Monday through Friday, 8:00 AM to 6:00 PM. Licensee's operations and activities shall not begin prior to 7:30am and shall conclude by sunset, unless otherwise approved, in advance, by Licensor.

(B) Access To Premises

Licensee shall permit Licensor or their agents to enter the licensed premises at all reasonable hours to inspect the premises or make repairs that Licensee may neglect or refuse to make in accordance to the provisions of the license. Licensee agrees not to obstruct the sidewalks, entry passages, halls or stairways and will use the same only as passages, and means of passage to and from its respective areas.

Licensee shall not change any of the keys or locks on any of the Licensee's premises without the prior consent of the Licensor, and shall provide Licensor with two sets of keys to all locks placed on Licensor 's premises.

(C) Signs

Licensee may not place or permit to be placed in, upon, about, or outside of the said premises or any part of the building in which the premises are located, any sign visible from the street, without the prior written consent of the Licensor, and approval by the CITY OF CAMPBELL'S Community Development Director. Requests for signage must be submitted in writing, in advance, with sample illustration indicating size, color, and materials proposed for sign. Should sign request be approved, Licensee is further responsible to obtain all the necessary permits or approvals that may be required for the erection and maintenance of any and all signs, provided such signs are legally permitted to be installed.

Licensee shall refrain from attaching temporary signs, flyers, or other information to the outside of the building, on poles, benches, or other facility equipment.

Licensor reserves the right to change the sign regulations upon sixty (60) days notice to Licensee. Licensee must strictly comply with all such regulations.

(D) Other Use Provisions

Licensee shall, at its sole cost and expense, comply with all Federal,

State, County and municipal statutes, ordinances and regulations in force during the term and affecting the premises. Further, Licensee shall not use the premises so as to create waste or constitute a nuisance or disturb adjacent residents.

Licensee agrees that it will comply with and observe such rules and regulations promulgated by Licensor for the saving of energy, and conservation of resources such as drawing of curtains or blinds at designated hours of the day, setting of thermostats, recycling, and the like.

Licensee acknowledges that neither Licensor nor any representative or agent thereof has made any representation or warranty to Licensee's business.

**SECTION ELEVEN: Default or Breach**

Each of the following events shall constitute a default or breach of this license by Licensee:

1. If Licensee, or any successor or assignee of Licensee while in possession, shall file a petition of bankruptcy or insolvency or for reorganization under any bankruptcy act, or shall voluntarily take advantage of any such act by answer or otherwise, or shall make an assignment for the benefit of creditors.
2. If involuntary proceedings under any bankruptcy law or insolvency act shall be instituted against Licensee, or if a receiver or trustee shall be appointed of all or substantially all of the property of the Licensee, and such proceedings shall not be dismissed within thirty (30) days after the institution or appointment.
3. If Licensee shall fail to pay Licensor any fee, (additional fee or work order when they become due) and shall not make the payment within fifteen (15) days after notice thereof by Licensor to Licensee.
4. If the Licensee shall fail to perform or comply with any of the conditions of this license and if the nonperformance shall continue for a period of fifteen (15) days after notice thereof by Licensor to Licensee or, if the performance cannot be reasonably had within the fifteen day period, Licensee shall not in good faith have commenced performance within the period and shall not diligently proceed to completion of performance.
5. If Licensee shall vacate, surrender, or abandon the licensed premises.
6. If this license or the estate of Licensee hereunder shall be transferred to or shall pass to or dissolve on any other person or party, except in the manner herein permitted.
7. If Licensee fails to take possession of the licensed premises on the term commencement date.

8. If the Licensee shall make any assignment for the benefit of creditors or without first obtaining prior written consent of Licensor.
9. If the Licensee fails to maintain insurance coverage as required by the license agreement.
10. If there is a levying of a writ of execution on the activity of the Licensee or on the assets of Licensee located on the premises.

**SECTION TWELVE: Effect of Default or Breach**

In the event of any default or breach hereunder, as set forth in the section entitled Default or Breach, the rights of Licensor shall be as follows:

1. Licensor may elect to continue this license in full force and effect and not terminate Licensee's rights to possession of the premises, in which event Licensor shall have the right to enforce any rights and remedies granted by this license or by law, against Licensee, including, without limitations, the right to collect when due, fees and other sums payable hereunder. Licensor shall not be deemed to have elected to terminate unless Licensor gives Licensee written notice of such election to terminate, and in no event shall Licensor's acts of maintenance or preservation of the premises, efforts to re-license, this license be deemed to constitute such termination.

2. (a) Licensor shall have the right to cancel and terminate this license, as well as of the right, title and interest of Licensee hereunder, by giving to Licensee not less than ten days' notice of the cancellation and termination. On expiration of the time fixed in the notice, the license and the right, and interest of Licensee hereunder, shall terminate in the same manner and with the same force and effect, except as to Licensee's liability, as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

(b) In the event that the fee on the property has been due and unpaid for at least 14 consecutive days and the Licensor reasonably believes that the Licensee has abandoned the property, Licensor shall have the right to cancel and terminate this license, as well as of the right, and interest of Licensee hereunder, by giving to Licensee not less than 18 days' notice of the cancellation and termination, not less than 15 days if the notice is served personally. If Licensee fails to provide a written response to Licensor on expiration of the time fixed in the notice, the license and the right, and interest of Licensee hereunder, shall terminate in the same manner and with the same force and effect, except as

to Licensee's liability, as if the date fixed in the notice of cancellation and termination were the end of the term herein originally determined.

3. Licensors may elect, but shall not be obligated, to make any payment required of Licensee herein or comply with any agreement, term, or condition required hereby to be performed by Licensee, and Licensor shall have the right to enter the licensed premises for the purpose of correcting or remedying any such default and to remain until the default has been corrected or remedied, but any expenditure for the correction by Licensor shall not be deemed to waive or relicense the default of Licensee or the right of Licensor to take any action as may be otherwise permissible hereunder in the case of any default.

4. Licensor may re-enter the premises immediately and remove the property and personnel of Licensee, and store the property in a public warehouse or at a place selected by Licensor, at the expense of Licensee. After re-entry Licensor may terminate the license by giving ten (10) days' written notice of termination to Licensee. Licensee shall permit any such re-entry without hindrance, and Licensor shall not be liable thereby in damages for such re-entry or be guilty of trespass or forcible entry. Without the notice, re-entry will not terminate the license. Upon termination Licensor may recover from Licensee all damages proximately resulting from the breach, including the cost of recovering the premises, and the worth of the balance of this License over the reasonable rental value of the premises for the remainder of the license term, which sum shall be immediately due Licensor from Licensee.

5. After re-entry, Licensor may relet the premises or any part thereof for any term without terminating the license, at the fee on the terms as Licensor may choose. Licensor may make alterations and repairs to the premises. The duties and liabilities of the parties if the premises is relicensed as provided herein shall be as follows:

(a) In addition to Licensee's liability to Licensor for breach of the license, Licensee shall be liable for all expenses of the re-licensing, for the alterations and repairs made, and for the difference between the fee received by Licensor under the new license agreement and the fee installments that are due for the same period under this license.

(b) Licensor shall have the right, but shall not be required, to apply the fee received from re-licensing the premises (1) to reduce the indebtedness of Licensee to Licensor under the license, not including indebtedness for fees, (2) to expenses of the re-licensing and alterations and

repairs made, (3) to fees due under this License, or (4) to payment of future fees under this License as it becomes due.

If the new Licensee does not pay a fee installment promptly to Licensor, and the fee installment has been credited in advance of payment to the indebtedness of Licensee other than fee, or if fees from the new Licensee have been otherwise applied by Licensor as provided for herein and during any fee installment period are less than the fee payable for the corresponding installment period under this License, Licensee shall pay Licensor the deficiency, separately for each fee installment deficiency period, and before the end of that period. Licensor may at any time after re-letting terminate the License for the breach on which Licensor had based the re-entry and subsequently relet the premises.

After re-entry, Licensor may procure the appointment of the receiver to take possession and collect fees and profits of the business of Licensees, and, if necessary to collect the fees, and profits. The receiver may carry on the business of Licensee and take possession of the personal property used in the business of the Licensee, including inventory, trade fixtures, and furnishings, and use them in the business without compensating Licensee. Proceedings for appointment of a receiver shall not terminate and forfeit this License unless Licensor has given written notice of termination to Licensee as provided herein.

### **SECTION THIRTEEN: Sale of Premises**

Licensor and/or its agents or employees shall have the right to enter upon the premises at all reasonable time to inspect the same and to post reasonable signs or notices to protect the right of the Licensor.

In the event of a sale or conveyance by Owner of said real property the same shall be made subject to this license, and shall operate to relicense the Owner from any future liability on any of the covenants or conditions, expressed or implied, herein contained in favor of the Licensee and in such event the Licensee agrees to look solely to the responsibility of the successor in interest of the Owner to expressly assume said future liability. Nothing herein contained shall relieve the original Owner from any liability that has accrued under this license against it to and at the time of said sale or conveyance.

### **SECTION FOURTEEN: Liability of Licensor**

Licensor covenants and warrants upon performance of the Licensee of

its obligations hereunder, Licensor will keep Licensee in exclusive control and possession of the demised premises during the term of the license., Licensor shall not be liable for any injury or damages to any property or to any person on or about the Licensed premises nor for any injury or damage to any property of Licensee. The provisions herein permitting Licensor to enter and inspect the licensed premises are made to ensure that Licensee is in compliance with terms and conditions hereto and to make repairs that Licensee has failed to make. Licensor shall not be liable to Licensee for any entry on the premises for inspection purposes.

**SECTION FIFTEEN: Fee Abatement**

No abatement, diminution, or reduction of fees shall be claimed or allowed to Licensee or any person claiming under him for any circumstances, whether for inconvenience, discomfort, interruption of business or otherwise, arising from the making of alterations, improvements or repairs to the premises, because of any governmental laws or arising from and during the restoration of the licensed premises after the destruction or damage thereof by fire or other cause or the taking or condemnation of a portion only of the demised premises.

**SECTION SIXTEEN: Representations by Licensor**

At the commencement of the term, Licensee shall accept the building and improvements and any equipment in their existing conditions and state of repair. Licensee agrees that no representations, statements, or warranties, express or implied, have been made by or on behalf of Licensor in respect thereto except as contained in the provisions of this license and Licensor shall in no event be liable for any latent defects.

**SECTION SEVENTEEN: Waivers**

The failure of Licensor to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies that Licensor may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

**SECTION EIGHTEEN: Notice**

All notices to be given with respect to this license shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid and return receipt requested, to the party to be notified at the address set forth below or at such other address as either party may from time to time designate in writing.

Every notice shall be deemed to have been given at the time it shall be deposited in the United States mails in the manner prescribed herein. Nothing contained herein shall be construed to preclude personal service of any notice.

### **SECTION NINETEEN: Assignments**

(A) Licensee shall not voluntarily or by operation of law assign, license, transfer, mortgage, sublicense, or otherwise encumber all or any part of Licensee's interest in this license or in the premises without obtaining the prior written consent of Licensor in each instance. Any attempt to do so without such consent being first had and obtained shall be wholly void; provided, however, that Licensor shall not unreasonably withhold its consent. No sublicensing or assignment, even with the consent of Licensor, shall relieve obligations to be performed by Licensee hereunder. The acceptance of fees by Licensor from any other person shall not be a waiver by Licensor of any provision of this license or to be consent of assignment, sublicensing or other transfer. Consent to one assignment shall not be deemed to constitute consent to any subsequent assignment, subletting or other transfer.

(B) No sublicensing or assignment, even with the consent of Licensor, shall relieve Licensee of its obligation to pay the fees and to perform all of the other obligations to be performed by Licensee hereunder. No consent to any assignment of this license, voluntarily or by operation of law, or a sublicensing of the premises, shall be deemed to be consent to any subsequent assignment of this license voluntarily or by operation of law, or to any subsequent subleasing of the premises. Any such assignment of this license, voluntarily or by operation of law, or any subletting of the premises, without obtaining the prior written consent of Licensor shall be void and, at the option of Licensor, shall terminate this license. Licensor's consent to such assignment or sublicense shall not unreasonably be withheld.

(C) If any unincorporated Licensee shall become a corporation, such incorporation shall be considered an assignment for purposes of this license.

### **SECTION TWENTY: Surrender of Possession**

(A) Licensee shall, on the last day of the term of this license, or on earlier termination and forfeiture of this license, peaceably and quietly

surrender and deliver the licensed premises to Licensor free from sublicensies, including all buildings, additions, and improvements constructed or placed thereon by Licensee, except moveable trade fixtures, all in good condition and repair. Any trade fixtures or personal property not used in connection with the operation of the licensed premises and belonging to Licensee, if not removed at the termination or default, and if Licensor shall so elect, shall be deemed abandoned and become the property of Licensor without any payment or offset thereof. Such abandoned property shall be sold at public sale, if Licensor shall so elect, by competitive bidding with the proceeds distributed in the following order: cover the costs of storage, advertising, sale, and any remaining balance owed by Licensee to Licensor. Licensor may remove such fixtures or property from the licensed premises and store them at the risk of expense of Licensee if Licensor shall so elect. Licensee shall repair and restore all damage to the premises caused by the removal of equipment, trade fixtures, and personal property.

(B) In the event Licensee fails to vacate and surrender possession of the Licensed premises, Licensor shall have the right to enforce any rights and remedies granted by this License or by law against Licensee, including, without limitations, the right to bring an unlawful detainer action, the right to reimbursement of all legal costs, including attorney's fees and other costs payable hereunder, and the right to bring any other legal action that might stem from Licensee's refusal to surrender possession.

(C) In the event that Licensee does not vacate the premises on or before the expiration of the license, Licensee shall be liable for all attorneys fees and any and all legal expenses associated with legal action required to effect Licensee's successful vacation of the premises.

**SECTION TWENTY-ONE: Remedies of Licensor**

1. The rights and remedies given to Licensor in this license are distinct, separate and cumulative, and no one of them, whether or not exercised by Licensor, shall be deemed to be in exclusion of any of the other herein, by law, or by equity provided.
2. No receipt of money by Licensor from Licensee after default or a cancellation of this license in any lawful manner shall (a) reinstate, continue, or extend the term or affect any notice given to Licensee, (b) operate as a waiver of the right of Licensor to enforce the payment of fees and additional fees then due or falling due, or (c) operate as a waiver of the right of Licensor to recover possession of the licensed premises by proper suit, action, proceeding, or other remedy. After (a) service of notice of termination and forfeiture as herein provided and the expiration of the time specified therein, (b)

the commencement of any suit, action, proceeding, or other remedy, or (c) final order of judgment for possession of the licensed premises, Licensor may demand, receive, and collect any money due, without in any manner affecting such notice, order or judgment. Any and all such money so collected shall be deemed to be payment on account of the use and occupation of the licensed premises or at the election of Licensor, on account of the liability of Licensee hereunder.

3. For any and all legal suit, action, or proceeding brought by Licensor against Licensee, whether such suit, action, or proceeding arose in contract or tort, Licensor shall have the right to collect from Licensee all legal costs, including attorney's fees and court costs.
4. Licensor may continue license in effect after Licensee's breach and abandonment and recover fees as it becomes due, if Licensee has right to sublet or assign, subject only to reasonable limitations).
5. In the event that either party commences a lawsuit to enforce the provisions of this agreement, the prevailing party shall be entitled to recover their reasonable costs and attorney's fees.

If Licensee is a corporation, each individual executing this license on behalf of said corporation represents and warrants that he is duly authorized to execute and deliver this license on behalf of said corporation, in accordance with its terms.

**SECTION TWENTY-TWO: Final Agreement**

**This Agreement terminates and supersedes all prior agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties**

IN WITNESS WHEREOF, the parties have affixed their signatures on this \_\_\_\_\_ day of **May, 2016**.

Licensor:

CITY OF CAMPBELL

By: \_\_\_\_\_  
Mark Linder, City Manager

Address for notices:

70 N. First Street  
Campbell, CA 95008

Recreation & Community Services  
Director, Regina Maurantonio  
Telephone: (408) 866-2106  
Fax: (408) 374-6965  
Email: reginam@cityofcampbell.com

Licensee:

**CAMPBELL PONY  
BASEBALL LEAGUE**

By: \_\_\_\_\_  
Roger Marshall, President

Address for notices:

P.O. Box 1013  
Campbell, CA 95009-1013

Telephone: (408) 460-2312  
On-Site: ( ) \_\_\_\_\_  
Fax: ( ) \_\_\_\_\_  
Email:

**ADDENDUM A**

**TO**

**LICENSE AGREEMENT WITH NON-PROFIT ORGANIZATIONS**

Licensee hereby covenants and agrees that Licensee shall notify the City of Campbell of any changes in status from a non-profit 501c (3) enterprise to a profit enterprise.

Licensee understands and agrees that should its status change from a 501 (c) status to a profit enterprise, the City shall have the power to terminate this License Agreement within thirty (30) days of the date of receipt of the above stated notice. Should Licensee fail to provide the notice as set forth herein, the City shall have the power to terminate this License within thirty (30) days of discovering the change of status.

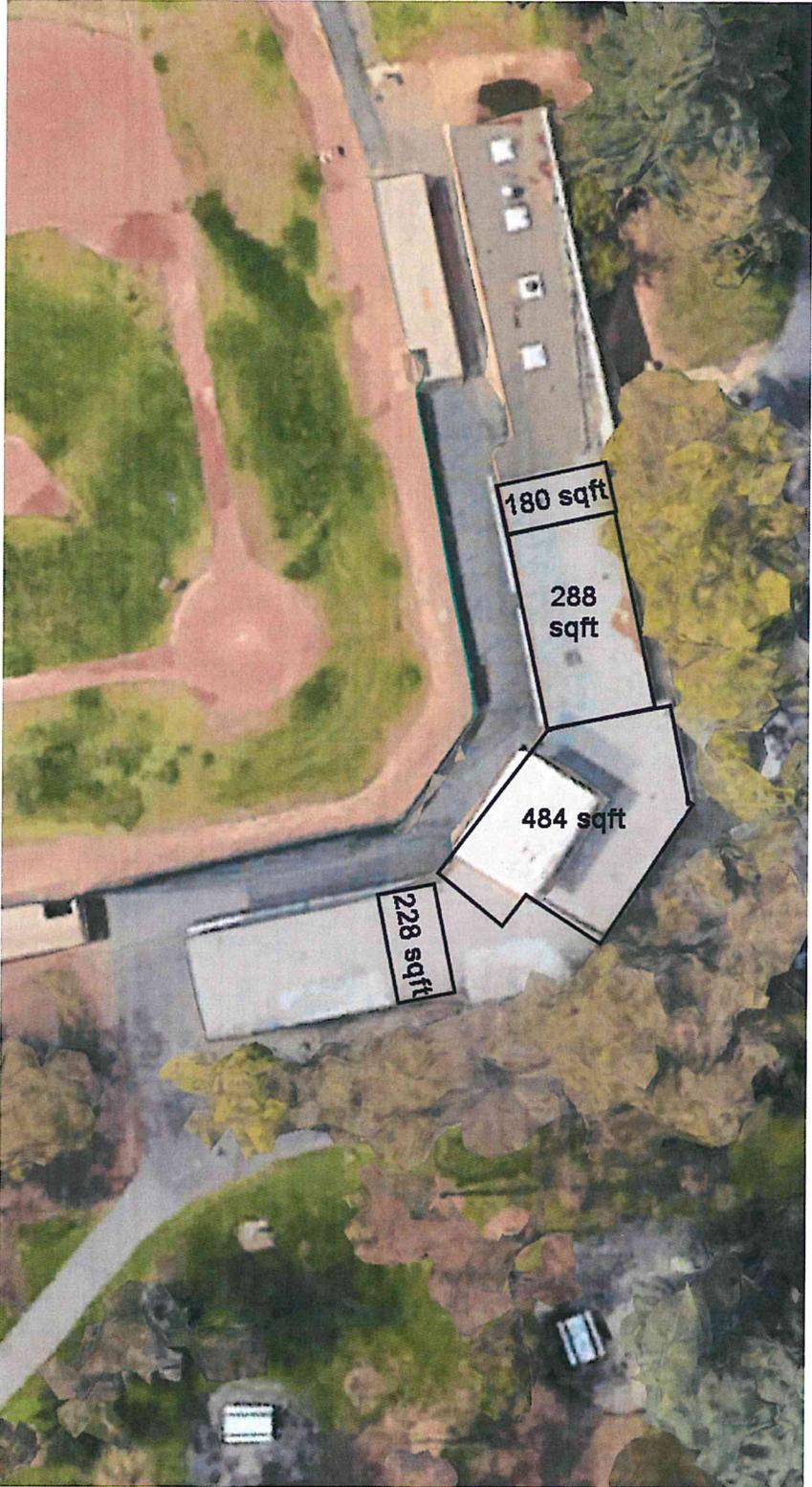
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Signature of Licensee

---

Date

**CAMPBELL PONY BASEBALL  
SQUARE FOOTAGE USED  
AT JDM = 1,180 SQ. FT.**



CITY OF CAMPBELL

**CONCESSION AGREEMENT  
FOR USE OF CONCESSION STAND  
AT JOHN D. MORGAN PARK**

The Concession Stand in the John D. Morgan Park building is owned by the City of Campbell (hereinafter referred to as Licensor) and licensed to the **Campbell Pony Baseball League** (hereinafter referred to as Licensee) during their playing season, in conjunction with the term of their license for field and facility use, subject to the following rules, conditions, and guidelines:

**Scheduling Use of the Concession Stand**

Occupancy and use of the Concession Stand shall be limited to the Licensee's baseball season, as determined by the dates submitted as a part of the annual Co-Sponsorship application process. If/when it is necessary to access the Concession Stand at any other time, access must be approved, in advance, by the Community Center Coordinator. If/when a delivery is scheduled, the group ordering the delivery of supplies must make arrangements to be there to accept the delivery). City staff are not responsible to accept deliveries on behalf of resident youth sports groups or other organizations.

**Liability**

The City of Campbell accepts no responsibility for:

- a. The food or service provided by those operating the Concession Stand;
- b. The loss or damage of equipment, supplies, or personal property of those organizations or individuals using or operating the Concession Stand;
- c. The cleanliness of the Concession Stand.

**Maintenance of the Concession Stand**

The City of Campbell shall maintain the physical building, its structure, roof, and gas, trash and water utilities. Licensee is responsible to pay the cost of electricity as monitored by the Licensor and to maintain the interior areas, daily cleaning, trash removal, and cleanliness. Concession Stand shall be maintained to meet all Cal-OSHA and Santa Clara County Environmental Health and Safety Standards. Non-compliance can result in termination of agreement to use and operate the Concession Stand.

Licensee shall promptly report any damage, vandalism, or graffiti to the building by contacting the City's Community Center Coordinator at (408) 866-2741 or, if a serious condition, the Building Maintenance Supervisor at (408) 866-2195, or, if an emergency condition, Campbell Police Department at (408) 866-2101. When contacting the Police Department be prepared to identify yourself and provide a detailed description of the type of damage and emergency repairs necessary.

**Conditions of Concession Stand Use**

To assist groups in maintaining the Concession Stand at an acceptable level, the following guidelines have been established and must be maintained if groups wish to continue the privilege of using the Concession Stand:

1. All uses and practices shall be subject to the current safety, health, and environmental codes as set forth in the Santa Clara County Health Department's Codes for Temporary Concessions.
2. The Concession Stand is to be used for food concession activities only. Any other uses must be approved, in advance, by the Community Center Coordinator. Activities that may conflict with food service operations and health and safety codes will not be allowed.
3. Only food items and equipment and supplies associated with food service shall be stored in the Concession Stand. Storage of any hazardous or combustible materials (gasoline, propane, charcoal briquettes, fuels, helium, matches, etc.) is not allowed.
4. Licensee is granted temporary use only and must remove all their supplies and equipment from the common area at the end of each season. Large appliances (such as a refrigerator or microwave oven) may be left in the building as long as they are cleaned and left unplugged at the end of the season. Any such appliances shall be labeled with the name of the owning organization and a phone number where the owner can be contacted.
5. All appliances and equipment must be unplugged when not in use.
6. Licensee may, with prior written approval of the Community Center Coordinator, provide their own refrigerator for use in the Concession Stand under the following conditions:
  - a. Refrigerator must be an Energy Star-rated unit;
  - b. Refrigerator must be cleared of all food supplies, cleaned, and unplugged within ten (10) days after the end of the playing season;
7. Licensee is responsible to monitor the littering of the Park and field areas that their group is using and to be sure to pick up all litter and debris that has resulted due to their use of the fields and Concession Stand. Clean-up shall include sweeping of the bleacher stands of all litter, sunflower seeds, and debris that was left by their spectators after each use.

**Security of the Concession Stand**

Upon completion of use of the Concession Stand Licensee is responsible for securing the premises. CPB is responsible for unplugging appliances, locking cabinets, removing trash and cleaning the counters, sinks, and floor.

Keys will be issued to Licensee. These keys should be closely guarded and never loaned to anyone. The City shall maintain a list of all individuals with authority to carry a key to the licensed facilities. If keys are lost, please report the loss immediately to the Building Maintenance Supervisor at (866-2194).

Any unauthorized use, transfer of keys, blatant disregard for these Conditions of Use, or inability to abide by these conditions after receiving two written warnings, may result in loss of privilege of use for one full calendar year. It is the responsibility of the organization representative who signs below to advise all his/her organization representatives and Concession Stand operators of these Conditions of Use. City staff will monitor and enforce the terms of this agreement.

***On behalf of below-listed organization, I hereby state that I understand the above Concession Stand Conditions of Use and agree, on behalf of my organization, to abide by these conditions or risk loss of Concession Stand privileges.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Daytime Phone

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Evening Phone

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Emergency/Cell Phone

Concession Agreement approved by City Council, as witnessed by the signature below:

\_\_\_\_\_  
Jason T. Baker, Mayor

\_\_\_\_\_  
Date

**EXHIBIT C**

**MAINTENANCE RESPONSIBILITIES**

<b>CITY</b>	<b>PONY LEAGUE</b>
Pays water, sewer & trash utilities	Pays electricity bill
Mows grass outfield	Maintains own concession equipment
Provides sprinkler heads & supplies to maintain sprinkler system	Maintains infield
Maintains exterior of building structure & lighting	Provides labor to perform repairs to infield turf & sprinkler system
Performs bleacher repairs & public safety of all areas accessible to the public	Maintains interior of building including plumbing & electrical up to \$250 + janitorial service
	Removes trash from building and bleacher area

**EXHIBIT D**

**ELECTRIC UTILITIES**

**JDM Sub-Meter Log**  
Installed on October 26, 2010

Date	Reading	Total KWH	Rate	Total
9/30/2016			\$0.16	\$0.00
12/31/2016			\$0.16	\$0.00
3/30/2017			\$0.16	\$0.00
6/30/2017			\$0.16	\$0.00
9/30/2017			\$0.16	\$0.00
12/31/2017			\$0.16	\$0.00
3/31/2018			\$0.16	\$0.00
6/30/2018			\$0.16	\$0.00
9/30/2018			\$0.16	\$0.00
12/31/2018			\$0.16	\$0.00
3/31/2019			\$0.16	\$0.00
6/30/2019			\$0.16	\$0.00



# City Council Report

Item: 8.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

**TITLE: Approval of Transportation Development Act (TDA) Article 3 Grant Applications for Fiscal Year 2016/17 (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution authorizing the Public Works Director to:

1. Submit a grant application to the Santa Clara Valley Transportation Authority (VTA) for \$32,543 in Transportation Development Act (TDA) Article 3 Guarantee Funds for the Campbell Bicycle and Pedestrian Project.

## **BACKGROUND**

On an annual basis, the Metropolitan Transportation Commission (MTC) allocates Transportation Development Act (TDA) Article 3 funds to San Francisco Bay Area cities and counties for the purpose of funding pedestrian and bicycle facility projects. TDA funds are acquired from statewide retail and gasoline/diesel fuel sales taxes. "Article 3" refers to the portion of the Act involving pedestrian and bicycle projects. TDA "guarantee" funds are apportioned to each city or county based on population. The TDA Article 3 funds are guaranteed in that the grant process is noncompetitive. Past TDA-funded projects include the Citywide Countdown Pedestrian Signals Project and the Harriet Avenue/McCoy Avenue Enhanced Crosswalk Project.

On January 5, 2016, the City Council adopted Resolution No. 11926 authorizing the Public Works Director to submit a Transportation Fund for Clean Air (TFCA) Program grant application to the Bay Area Air Quality Management District (Air District) for purchasing and installing electronic bike lockers for the Campbell Electronic Bike Lockers Project.

## **DISCUSSION**

### **Application for TDA Article 3 Guaranteed Funds for FY 2016/17**

On March 16, 2016, the Campbell Bicycle and Pedestrian Advisory Committee (BPAC) approved nomination of the Campbell Bicycle and Pedestrian Project to receive \$32,543 in guaranteed FY 2016/17 TDA funds. This project would include any of the following project concepts:

1. Shared Lane Markings. Shared pavement markings or arrows (also called "sharrows") are used to assist bicyclists with lateral positioning in a shared lane with on-street parallel parking in order to reduce the chance of a bicyclist's impacting the open door of a parked vehicle. This concept would address gaps in bike lanes on arterials and streets that carry school bicycle traffic. This concept would continue the work entailed in previous fiscal years.
2. Dell Avenue and Hacienda Avenue Bike Lanes. This concept would install bike lane lines on Dell Avenue between Hacienda Avenue and Knowles Drive (northbound direction) and East Hacienda Avenue between Winchester Boulevard and Dell Avenue (westbound direction). Only one direction of each street is wide enough to accommodate bike lanes.
3. Americans with Disabilities (ADA) Traffic Signal Improvements. This concept would retrofit existing traffic signals to lower pedestrian pushbuttons (PPB) that are mounted too high, replace PPBs that are non-ADA-compliant, replace PPB signs that do not have the ADA symbol of a walking man, install audible pedestrian signals where none currently exist but are requested.
4. Local match for various current capital projects including:
  - East Campbell Avenue Portals Project
  - Virginia Avenue Sidewalk Project
  - San Tomas Aquino Creek Trail Project
  - Campbell Electronic Bike Lockers Project.

Staff would submit these project concepts as one project called the "Campbell Bicycle and Pedestrian Project" to simplify bookkeeping of TDA funds and allow the City the flexibility to use the TDA funds for whichever project concept has the most pressing need for funding.

### **FISCAL IMPACT**

Approval of the submittal of \$32,543 in TDA Article 3 funds would allow the City to receive a total of \$32,543 in guaranteed TDA funds. No local match is required.

### **ALTERNATIVES**

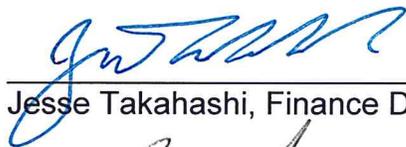
1. Do not authorize the submittal of a TDA grant application for \$32,543 for FY 2016/17 TDA Article 3 guaranteed funds for the Campbell Bicycle and Pedestrian Improvements Project.

**Approval of TDA Grant Applications for Fiscal Year 2016/17  
May 17, 2016**

**Page 3**

Prepared by:   
Matthew Jue, Traffic Engineer

Reviewed by:   
Todd Capurso, Public Works Director

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

**Attachments:**

1. Resolution with Attachments A and B
2. Figure 1 – Project Vicinity Map for Campbell Bicycle and Pedestrian Project

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SUBMIT APPLICATIONS FOR  
FISCAL YEAR 2016/17 TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS  
FOR THE CAMPBELL BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT**

**WHEREAS**, the City of Campbell was awarded \$32,543 in TDA Article 3 guaranteed funds for Fiscal Year 2016/17; and

**WHEREAS**, staff recommends submitting a TDA Article 3 grant application for \$32,543 for FY 2016/17 TDA Article 3 guaranteed funds for the Campbell Bicycle and Pedestrian Project; and

**WHEREAS**, members of the Campbell Bicycle and Pedestrian Advisory Committee endorse the Campbell Bicycle and Pedestrian Improvements Project; and

**WHEREAS**, the ability to obtain funding approval requires City Council endorsement of the projects; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) requires the City of Campbell to use language from MTC's Model Governing Body Resolution in this resolution to obtain MTC's funding approval; and

**WHEREAS**, MTC requires an Attachment A, "Findings", and an Attachment B, "Project Application"; and

**WHEREAS**, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

**WHEREAS**, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

**WHEREAS**, the City of Campbell desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this

resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Campbell that the Public Works Director is hereby authorized to submit a TDA grant application for Fiscal Year 2016/17 to the Valley Transportation Authority to obtain \$32,543 in TDA guaranteed funds for the Campbell Bicycle and Pedestrian Improvements Project; and

**BE IT FURTHER RESOLVED** that the City of Campbell declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

**BE IT FURTHER RESOLVED** that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Campbell to carry out the project; and

**BE IT FURTHER RESOLVED** that the project has been reviewed by the Bicycle and Pedestrian Advisory Committee (BPAC) of the City of Campbell; and

**BE IT FURTHER RESOLVED** that the City of Campbell attests to the accuracy of and approves the statements in Attachment A to this resolution; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the Santa Clara County Congestion Management Agency for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May, 2016, by the following roll call vote:

AYES:            COUNCILMEMBERS:  
NOES:            COUNCILMEMBERS  
ABSENT:        COUNCILMEMBERS:

APPROVED:

Attest:

\_\_\_\_\_  
Jason T. Baker, Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk

Resolution No. \_\_\_\_\_  
Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2016/17  
Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

**Findings**  
Page 1 of 1

1. That the **City of Campbell** is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the **City of Campbell** legally impeded from undertaking the project(s) described in “Attachment B” of this resolution.
2. That the **City of Campbell** has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the **City of Campbell** within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the **City of Campbell** agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Resolution No. \_\_\_\_\_

Attachment B

page \_\_\_\_\_ of \_\_\_\_\_

**TDA Article 3 Project Application Form**

Fiscal Year of this Claim: **2016/17** Applicant: **City of Campbell**

Contact person: **Matthew Jue**

Mailing Address: **70 North First Street, Campbell, CA 95008**

E-Mail Address: **matthewj@cityofcampbell.com** Telephone: **408-866-2154**

Secondary Contact (in event primary not available)

E-Mail Address: **toddc@cityofcampbell.com** Telephone: **408-866-2150**

Short Title Description of Project: **Campbell Bicycle and Pedestrian Project**

Amount of claim: **\$32,543**

**Functional Description of Project:**

**Design and construct citywide shared lane markings, Electronic Bicycle Lockers Project, bike lanes on Dell and Hacienda Avenues; Campbell Avenue Portals Project, Virginia Avenue Sidewalk Project, San Tomas Aquino Creek Trail Project, ADA Traffic Signal Improvements**

**Financial Plan:**

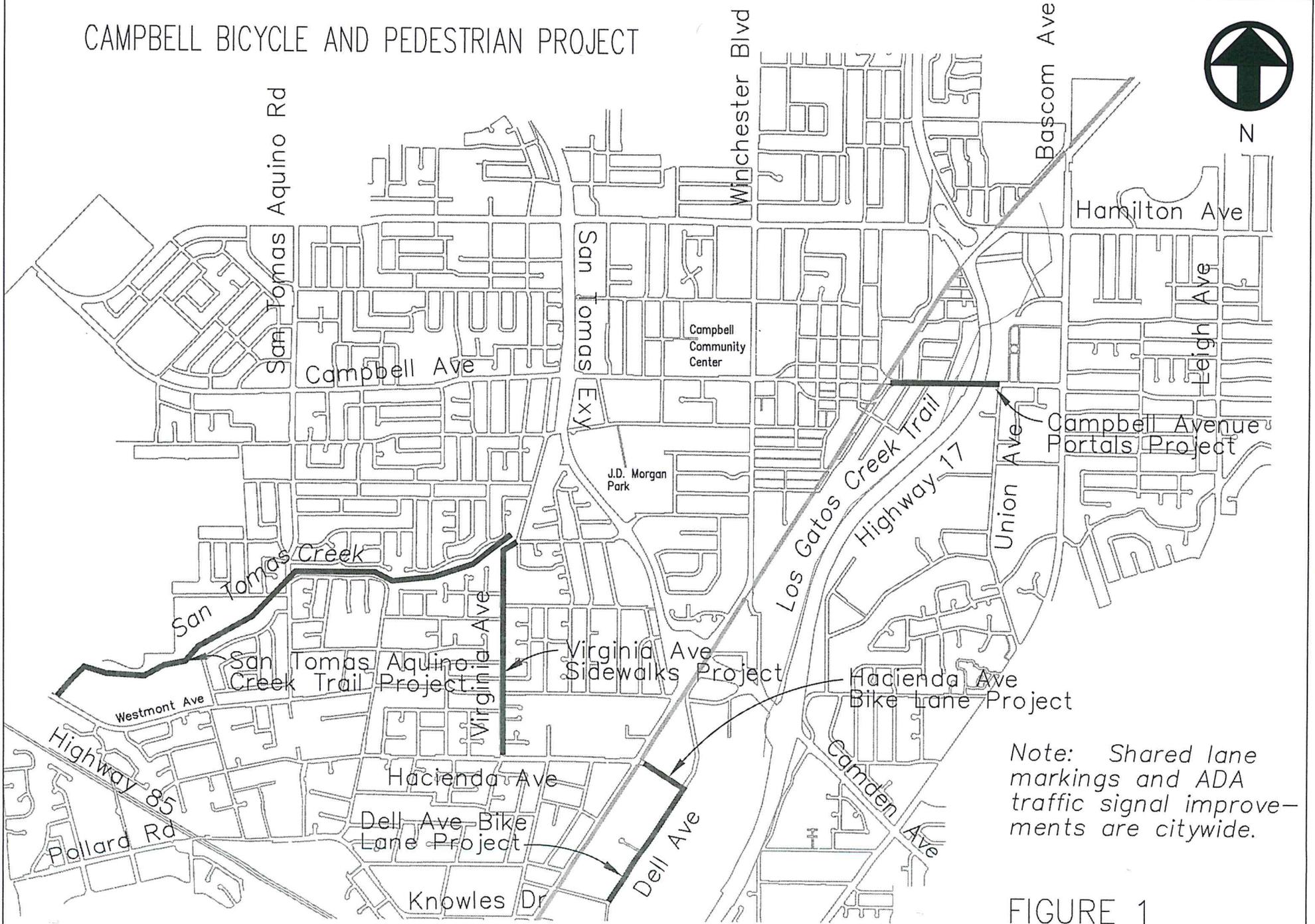
List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

**Project Elements: Engineering, construction, construction engineering, inspection**

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3		\$32,543 (G)			\$32,543
list all other sources:					
1. TFCA		\$20,000			\$20,000
2.					
3.					
4.					
<b>Totals</b>		\$52,543			\$52,543

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated). <b>Additional funds for Project will be approved by Campbell City Council on May 17, 2016.</b>	NO
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	NO
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: <a href="http://www.dot.ca.gov">http://www.dot.ca.gov</a> ).	YES
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <b>March 18, 2015 and March 16, 2016</b>	YES
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction). <b>Environmental compliance documentation will be submitted in May, 2016.</b>	NO
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year) <b>June, 2018</b>	YES
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name: <b>City will maintain.</b> )	YES

# CAMPBELL BICYCLE AND PEDESTRIAN PROJECT



*Note: Shared lane markings and ADA traffic signal improvements are citywide.*

FIGURE 1  
PROJECT VICINITY MAP



# City Council Report

Item: 9.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

**TITLE: Authorize Issuance of Request for Proposals for Materials Testing and Authorize the Public Works Director to Execute a Contract with the Selected Materials Testing Provider (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution authorizing the issuance of a Request for Proposals for Materials Testing Services and authorizing the Public Works Director to enter into a contract with the selected materials testing provider in a cumulative amount not to exceed \$250,000.

## **BACKGROUND**

The Engineering Division has the need to perform materials testing in conjunction with the design and construction of public works projects. This testing must be done in accordance with the adopted City's Quality Assurance Program, which is required in order for the City to be eligible to receive federal funding for projects. The scope and cost of the materials testing required varies from project to project, but is typically included as part of each project's design engineering and construction engineering phases. The City does not have the capability to perform these material testing services in-house and must therefore rely on qualified consultants to provide the necessary testing.

On February 16, 2010, the City Council adopted Resolution No. 11126 authorizing the issuance of a Request for Proposals for Materials Testing Services and authorizing the Public Works Director to enter into a contract with the selected materials testing provider in a cumulative amount not to exceed \$250,000. Consequent to the RFP process, RMA Companies was selected to be the City's Material Testing Laboratory.

## **DISCUSSION**

During the past several years, the City has used RMA's service extensively, particularly on projects that were federally funded as RMA is a Caltrans certified material testing laboratory. This use of an on-call service not only satisfied federal grant fund requirements, it also allowed staff to efficiently administer construction projects without allotting additional time for soliciting a different testing laboratory for each individual project.

The City's contract with RMA is limited to a three year term with an optional three year extension, and a not to exceed amount of \$250,000. Based on RMA's satisfactory performance during the first three years of contract, staff extended the contract for another three years as allowed by the contract. As the contract extension comes to a close, this contract will term out by August 2016.

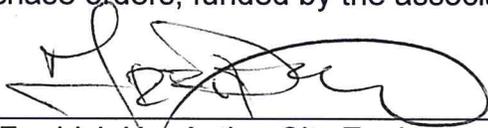
**Authorize Issuance Request for Proposals  
for Materials Testing  
May 17, 2016**

In order to fill the need for a qualified material testing laboratory, staff is requesting the City Council to consider authorizing the issuance of a Request for Proposals for Materials Testing Services and authorizing the Public Works Director to enter into a contract with the selected materials testing provider in a cumulative amount not to exceed \$250,000.

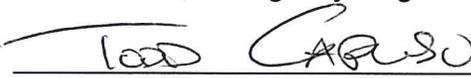
**FISCAL IMPACT**

Services to be provided by the selected provider under this agreement will be performed under individual purchase orders, funded by the associated Public Works project budget.

Prepared by:

  
\_\_\_\_\_  
Fredrick Ho, Acting City Engineer

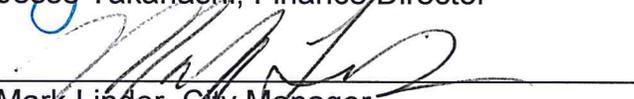
Reviewed by:

  
\_\_\_\_\_  
Todd Capurso, Public Works Director

Reviewed by:

  
\_\_\_\_\_  
Jesse Takahashi, Finance Director

Approved by:

  
\_\_\_\_\_  
Mark Linder, City Manager

Attachment: Resolution

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS FOR MATERIALS  
TESTING SERVICES AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO  
EXECUTE A CONTRACT WITH THE SELECTED MATERIALS TESTING PROVIDER IN A  
CUMULATIVE AMOUNT NOT TO EXCEED \$250,000**

**WHEREAS**, the Public Works Department is in need of materials testing services; and

**WHEREAS**, the City of Campbell does not have the capability in-house to perform these services; and

**WHEREAS**, the Request for Proposals will enable Public Works staff to select the most qualified materials testing provider to provide responsive and high quality testing services.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell does hereby authorize the Public Works Department to issue Request for Proposals for Materials Testing Services and also authorizes the Public Works Director to execute the agreement with the selected provider for a cumulative amount not to exceed \$250,000.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May 2016, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk



# City Council Report

Item: 10.  
Category: New Business  
Meeting Date: May 17, 2016

**TITLE: Approval of Specifications, Authorize Solicitation of Bids, Authorize the Public Works Director to Award the Contract, and Approval of a Budget Adjustment for the Annual Street Maintenance Project No. 16-BB, Local Streets Sealing (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution:

1. Approving the specifications for the Annual Street Maintenance Project No. 16-BB, Local Streets Sealing;
2. Authorizing the solicitation of bids;
3. Authorizing the Public Works Director to award a construction contract and encumber a 10% construction contingency;
4. Authorizing the Public Works Director to negotiate and execute contract change orders up to and within the 10% construction contingency; and
5. Approving a budget adjustment.

## **BACKGROUND**

The City of Campbell is responsible for maintaining approximately 95 miles of roadway. To help track the pavement condition of these streets, the City utilizes the Metropolitan Transportation Commission's (MTC) StreetSaver Pavement Management Program. Pavement management principles advocate that it is better from a "life-cycle" cost analysis to spend money on preventative maintenance measures, such as surface treatments, including slurry seal, when a street is in good or fair condition as opposed to corrective maintenance - waiting until the street deteriorates to poor condition where a more substantial form of rehabilitation, such as an overlay or reconstruction, would be warranted.

Along those lines, staff has identified streets for this year's street maintenance project for which an application of slurry seal would be appropriate. This preventative maintenance treatment will be placed on mostly local streets, many of which have not received any form of preventative maintenance since their original construction, or reconstruction of the top layer of asphalt.

## **DISCUSSION**

The scope of work for this project has been developed as a result of input from City Maintenance crews, Engineering Division staff observations, resident input, and an evaluation of recommendations from the City's Pavement Management Program. This

**Approval of Specifications and Authorizing Solicitation of Bids,  
Annual Street Maintenance Project No. 16-BB  
Local Streets Sealing  
May 17, 2016**

**Page 2**

program provides a list of candidate streets using a combination of factors including available budget, current street pavement condition index (PCI) and the pavement rehabilitation treatment considered at the various PCI levels. The software program is designed to find the best use of the City's pavement maintenance resources, and as such, does not necessarily address streets with the lowest PCI as a first priority.

Using the list of candidate streets provided through the MTC's StreetSaver program, staff began the process of field reviewing each candidate street prior to developing a final project list. Streets anticipating upcoming construction, such as future development activity, utility upgrades, or other capital improvement projects, were removed from the project list. Additionally, street sections in close proximity to those selected by StreetSaver which had similar pavement conditions and treatment needs were added to the project list. Grouping in this manner helps to reduce overall project costs by minimizing contractor staging requirements.

The list of streets recommended for a slurry seal treatment as part of this project is included in Attachment 2. Maps showing the location of the selected streets to be resurfaced have been included in Attachment 3.

Staff is also recommending that some streets be included in the project for a potential microsurfacing with crack seal treatment as an additive alternative bid item. These streets include East Campbell Avenue from Bascom Avenue to Highway 17, East Campbell Avenue from Railway Avenue to Winchester Boulevard, Railway Avenue from Orchard City Drive to Campbell Avenue and the full limits of Civic Center Drive and Orchard City Drive.

These streets are approaching a level of deterioration that will ultimately warrant an asphalt overlay. Sealing the cracks and applying a microsurfacing treatment as a surface treatment will preserve the condition of these street segments as it will help to preserve the asphalt and prevent water from entering the pavement section. Due to cost, this work may not be economically feasible at this time. It is recommended that this work be included in the project as an additive alternative, allowing the City to complete this needed work only if favorable bids are received.

The City has previously used slurry seals as a rehabilitation treatment on residential and collector streets. The treatment consists of closing the road section and applying an emulsion of oil, sand and water that is placed on the road surface with specialized equipment much like a coat of paint. The mixture takes approximately four hours to cure (in favorable weather conditions), after which the road is reopened to traffic.

Prior to the placement of the slurry seal, areas of significant localized pavement failure will be dug out and replaced with a new section of asphalt concrete. Cracks in the pavement will also be filled with crack sealant. Although this treatment will not result in

**Approval of Specifications and Authorizing Solicitation of Bids,  
Annual Street Maintenance Project No. 16-BB  
Local Streets Sealing  
May 17, 2016**

a significantly smoother roadway surface, the application will protect the existing pavement section and extend the life of the roadway by seven to ten years.

Adjacent property owners will be notified of the project, including any access or parking impacts.

Should Council adopt the attached resolution, the anticipated project schedule is as follows:

Bid opening	June 2016
City Engineer Awards Contract	June 2016
Construction begins	July 2016
Construction complete	September 2016

**FISCAL IMPACT**

The anticipated source and use of funds is as follows:

**Proposed Source of Funds**

FY 14/15 CIP – Annual Street Maintenance Project 15-AA	\$ 971,025
Vehicle Impact Fees	\$ 370,000
VTA Measure B	\$ 215,000
CIPR	\$ 355,000
<b>TOTAL</b>	<b>\$1,911,025</b>

The anticipated use of funds is as follows:

**Estimated Use of Funds**

Design	\$ 136,807
Construction Engineering (Inspection, Material Testing)	\$ 155,377
Construction (including 10% construction contingency)	\$1,618,841
<b>TOTAL</b>	<b>\$1,911,025</b>

As the economy remains strong, construction costs have and continue to rise throughout the Santa Clara County Region. As an added measure of precaution, staff is recommending a 10% bidding contingency to accommodate the rising bid climate – in the event bids come in higher than anticipated. In recognition of this, staff is requesting authorization to award the contract base bid amount up to 10% above the original engineer's estimate of \$1,349,035 to an amount of not to exceed \$1,483,938.

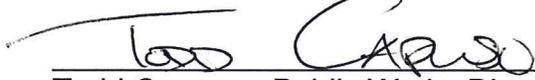
The attached resolution has been prepared to approve the project specifications and authorize the bidding of the project. Additionally, the attached resolution authorizes the Public Works Director to execute a construction contract with the lowest responsive and

**Approval of Specifications and Authorizing Solicitation of Bids,  
Annual Street Maintenance Project No. 16-BB  
Local Streets Sealing  
May 17, 2016**

responsible bidder in an amount not to exceed the adjusted engineer's estimate of \$1,483,938 and to encumber a 10% construction contingency in an amount not to exceed \$134,903 for a total amount not to exceed \$1,618,841. The attached resolution also authorizes the Public Works Director to negotiate and execute contract change orders up to and within the 10% contingency amount.

Furthermore, the resolution authorizes the Finance Director to perform a budget adjustment transferring the balance from FY14/15 Annual Pavement Maintenance Project 15-AA into Project 16-BB.

Prepared by:   
Fred Ho, Acting City Engineer

Reviewed by:   
Todd Capurso, Public Works Director

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

**Attachments:**

1. Resolution
2. Recommended Street List
3. Location Maps
4. Budget Adjustment

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
APPROVING THE SPECIFICATIONS, AUTHORIZING SOLICITATION OF BIDS,  
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO AWARD THE CONTRACT, AND  
APPROVING A BUDGET ADJUSTMENT FOR THE ANNUAL STREET MAINTENANCE  
PROJECT 16-BB – LOCAL STREETS SEALING**

**WHEREAS**, staff has reviewed recommendations from the City’s Pavement Management Program which identifies various local streets in need of rehabilitation; and

**WHEREAS**, the City’s Capital Project budget for Annual Street Maintenance includes funding that can be allocated to the rehabilitation of these streets; and

**WHEREAS**, plans and specifications for a slurry seal project on identified streets have been prepared and the City Engineer will review the bids submitted and make a determination of the lowest responsive and responsible bidder; and

**WHEREAS**, the encumbrance of a 10% construction contingency will allow for contract adjustments for unforeseen complications associated with work during construction; and

**WHEREAS**, the encumbrance of a 10% bidding contingency will accommodate the rising bid climate; and

**WHEREAS**, additional street maintenance funding is available from the Annual Street Maintenance Project 15-AA;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell hereby approves the plans and specifications for the Annual Street Maintenance Project 16-BB – Local Streets Sealing, authorizes the Public Works Director to issue such plans and specifications for public bid, authorizes the Public Works Director to determine the lowest responsive and responsible bidder and award a construction contract in an amount not to exceed 110% of the engineer’s estimate (including a bidding contingency) totaling \$1,483,938.

**BE IT FURTHER RESOLVED**, the City Council of the City of Campbell hereby approves the encumbrance of a 10% construction contingency for a total contract amount not to exceed \$1,618,841, authorizes the Public Works Director to negotiate and execute contract change orders up to and within the 10% construction contingency, and approves a budget adjustment in the amount of \$971,025 from the Annual Street Maintenance Project 15-AA.

PASSED AND ADOPTED this 17<sup>th</sup> day of May, 2016, by the following roll call vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

**CITY OF CAMPBELL**  
**Annual Street Maintenance Project No. 16-BB: Local Streets Sealing**

**BASE BID**

**Area 1: SLURRY SEAL - BASE BID**

	<b><u>Street Name</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
1	BURNHAM CT	ONTARIO LN	END
2	CALADO AV	PAST CALADO CT @ CTY LMTS	SOUTH END CUL DE SAC
3	CALADO CT	CALADO AV	END
4	CASTRO CT	CASTRO DR	END
5	CASTRO DR	CALADO AV	PAST CASTRO CT @ CTY LMTS
6	COLLEEN WY	SUPERIOR DR	CAMPBELL AV
7	ENSENADA DR	CAMPBELL AV	CALADO AV
8	ERIE WY	ONTARIO LN	END
9	FULTON ST	WHITWOOD LN	BUCKNALL RD
10	LA PRADERA DR	CAMPBELL AV	SAN TOMAS AQUINO RD
11	MICHELLE DR W/ BULB	LATIMER AV	PAULA DR
12	MORRENE DR W/ BULB	LATIMER AV	NADINE DR
13	NADINE DR	MORRENE DR	LU ANNE DR
14	ONTARIO LN	SAN TOMAS AQUINO RD	SUPERIOR DR
15	PALO SANTO DR	VILLARITA DR	CALADO AV
16	PAULA DR	MICHELLE DR	LU ANNE DR
17	RIO SERENA AV	PAST PALO SANTO @ CTY LMTS	LA PRADERA DR
18	SUPERIOR DR	CAMPBELL AV	LATIMER AV
19	VILLARITA DR	PAST PALO SANTO @ CTY LMTS	SAN TOMAS AQUINO RD
20	WELKER CT	COLLEEN WY	END
21	WHITWOOD LN	PAST FULTON ST @ CTY LMTS	BUCKNALL RD
22	WINSLOW CT	WHITWOOD LN	END

**Area 2: SLURRY SEAL - BASE BID**

	<b><u>Street Name</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
23	AMATO AV	HEDEGARD AV	END
24	BOISE DR	CHARLESTON DR	PAST MEMPHIS DR @ END
25	BRANBURY DR	COVENTRY DR (Middle of U)	LATIMER AV
26	CHARMAIN DR W/ BULB	SHEREEN PL	DARRYL DR
27	COVENTRY DR	LATIMER AV	BRANBURY DR (Middle of U)
28	DARRYL DR	PAST CHARMAIN DR @ END	LATIMER AV
29	DENVER DR	CHARLESTON DR	MEMPHIS DR
30	GALE DR	WEST END PAST MARATHON	DARRYL DR
31	GALE DR	DARRYL DR	EAST END
32	HEDEGARD AV	VICTOR AV	SHEREEN PL
33	JIM ELDER DR	CAMPBELL AV	CHARMAIN DR
34	LATIMER AV	DARRYL DR	PAST DEL BRADO DR @ END
35	LISA WY	MONA WY	GLEASON AV
36	LU ANNE DR W/ BULB	NADINE DR	PAULA DR
37	MARATHON DR	LATIMER AV	GALE DR
38	MARIANNA WY	LATIMER AV	SONDRA WY (Middle of U)
39	MEMPHIS DR	BOISE DR	SPRINGFIELD DR
40	PAULA DR W/ BULB	LU ANNE DR	RADFORD DR
41	PHOENIX DR	BOISE DR	HAMILTON AV
42	SHEREEN PL	CHARMAIN DR	END
43	SONDRA WY	MARIANNA WY (Middle of U)	LATIMER AV
44	SPRINGFIELD DR	CHARLESTON DR	MARATHON DR

**Area 3: SLURRY SEAL - BASE BID**

	<b><u>Street Name</u></b>	<b><u>From</u></b>	<b><u>To</u></b>
45	ABBAY LN	BUCKNALL RD	RINCON AV
46	ALBERT WY	SOBRATO DR	END
47	BEVERLY CT	RICKY DR	END
48	BUCKNALL DR	ABBAY LN	PAST VIRGINIA AVE AT END
49	BUDD CT	BUDD AV	END
50	BUDDLAWN WY	SOBRATO DR	END
51	CHRISTOPHER AV	RINCON AV	BUCKNALL AV

52	CHRISTOPHER AV	BUCKNALL AV	CAMPBELL AV
53	CORLISS WY	SOBRATO DR	END
54	HUNT WY	CAMPBELL AV	BUCKNALL RD
55	KENNETH AV	CORLISS WY	BUDD AV
56	MILLBROOK CT	KENNETH AV	END
57	RICKY CT	CHRISTOPHER AV	END
58	RICKY DR W/ BULB	WREN WY	CHRISTOPHER AV
59	SOBRATO DR	BUDD AV	END
60	SUNNYBROOK DR W/ BULB	KENNETH AV	END
61	VIRGINIA AV	BUDD AV	BUCKNALL AV
62	WREN WY	RINCON AV	RICKY DR

**Area 4: SLURRY SEAL - BASE BID**

	<u>Street Name</u>	<u>From</u>	<u>To</u>
63	CARLYN AV	CAMPBELL AV	LATIMER AV
64	DUNSTER DR	LATIMER AV	HAMILTON AV
65	KINGS CT	LLEWELLYN AV	END
66	LATIMER AV	PAST LLEWELLYN @ WEST END	WINCHESTER BLVD
67	LLEWELLYN AV	HAMILTON AV	LATIMER AV
68	MILTON AV	CAMPBELL AV	HEDEGARD AV
69	MILTON AV	HEDEGARD AV	LATIMER AV
70	QUEENS CT	LLEWELLYN AV	END

**Area 5: SLURRY SEAL - BASE BID**

	<u>Street Name</u>	<u>From</u>	<u>To</u>
71	ESTHER AV	LATIMER AV	HAMILTON AV
72	GOMES CT	THIRD ST	END
73	LATIMER AV	WINCHESTER BLVD	CENTRAL AV
74	SECOND ST	LATIMER AV	END

**Area 6: SLURRY SEAL - BASE BID**

	<u>Street Name</u>	<u>From</u>	<u>To</u>
75	ALMARIDA DR	MID BLOCK SECTION	25' x 250'
76	DAVID AV	MONICA LN	ALMARIDA DR
77	LENOR WY W/ BULB	WESTFIELD AV	CENTRAL AV
78	MITCHELL CT	ALMARIDA DR	END
79	MONICA LN	PAYNE AV	WESTFIELD AV
80	N CENTRAL AV	HAMILTON AV	PAYNE AV
81	SOUTH CLOVER AV	WESTFIELD AV	CLIFTON AV
82	WESTFIELD AV	CTY LMTS PAST MONICA	LENOR WAY

**Area 7: SLURRY SEAL - BASE BID**

	<u>Street Name</u>	<u>From</u>	<u>To</u>
83	APRIL WY	ROBWAY AV	HAMILTON AV
84	ARROYO SECO DR	SOUTH BASCOM AV	MIDWAY ST
85	ARROYO SECO DR	PETER DR	LEIGH AV
86	BARBANO AV	MICHAEL DR	CAMPBELL AV
87	BENT DR	MONETA WY	MIDWAY ST
88	CAMEO CT	CAMEO DR	END
89	CAMEO DR	MONETA WY	MIDWAY ST
90	CRONWELL DR	MANCHESTER AV	LEIGH AV
91	DECORAH LN	PATIO	END
92	DOVER WY	HAMILTON AV	END
93	EAST CAMPBELL AV	SOUTH BASCOM AV	MIDWAY ST
94	EL MORO DR	MIDWAY ST	PETER DR
95	HERBERT LN	PATIO	END
96	KUEHNIS DR	ROBWAY AV	HAMILTON AV
97	MANCHESTER AV	HAMILTON AV	RIDGELEY DR
98	McBAIN AV	SOUTH BASCOM AV	MIDWAY ST
99	McBAIN AV	MIDWAY ST	LEIGH AV
100	McBAIN CT	McBAIN AV	END
101	MEMORY LN	McBAIN AV	END

102	MICHAEL DR	NORTH UNION AV	PAST BARBANO @ END
103	MIDWAY ST	PAST CAMEO DR @ END	RIDGELEY DR
104	MONETA WY	ARNOTT WY	BENT DR
105	NOTTINGHAM WY	HAMILTON AV	SHEFFIELD AV
106	PETER CT	PATIO	END
107	PETER DR	PETER CT	EAST CAMPBELL AV
108	PETER DR	EAST CAMPBELL AV	EL MORO DR
109	PICADILLY PL	LEIGH AV	END
110	RICHLEE DR	ROBWAY AV	HAMILTON AV
111	ROBWAY AV	PAST KUEHNIS DR @ END	PAST APRIL WY @ END
112	SHEFFIELD CT	SHEFFIELD AV	END

**ADDITIVE ALTERNATES**

**Area 5: MICROSURFACING - ADDITIVE ALTERNATE "A"**

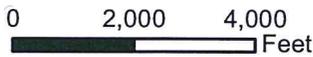
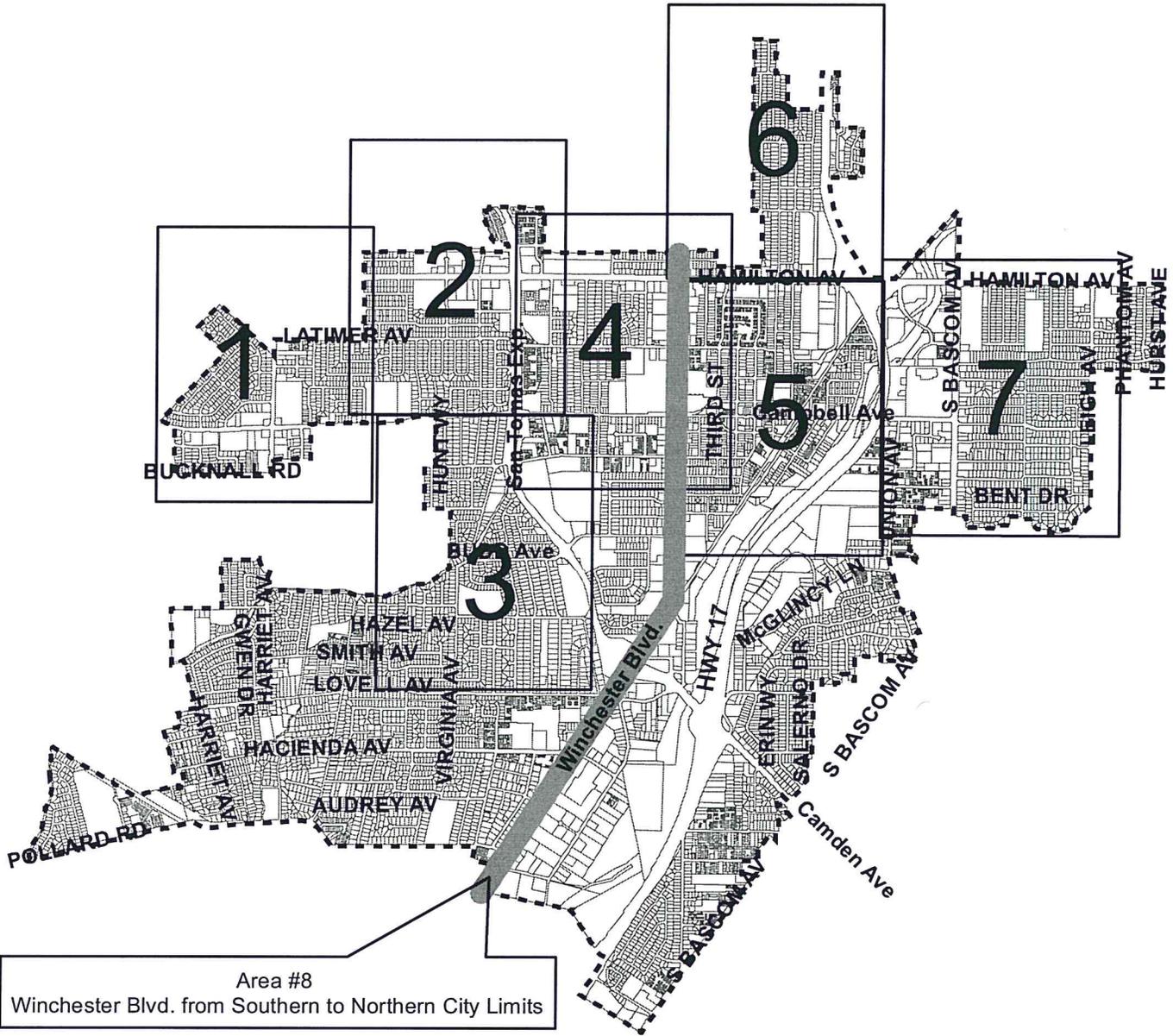
	<b>Street Name</b>	<b>From</b>	<b>To</b>
M1	CIVIC CENTER DR	CAMPBELL AVE	N CENTRAL AVE
M2	CIVIC CENTER DR	CENTRAL AV	FOURTH ST
M3	E CAMPBELL AV	S WINCHESTER BLVD	FOURTH ST
M4	E CAMPBELL AV	FOURTH ST	THIRD ST
M5	E CAMPBELL AV	E/O THIRD ST	W/O RAILWAY AV
M6	E CAMPBELL AV	E/O RAILWAY AV	HIGHWAY 880 BRIDGE
M7	ORCHARD CITY DR	CAMPBELL AV	FIRST ST
M8	ORCHARD CITY DR	FIRST ST	RAILWAY AV
M9	RAILWAY AV	S/O ORCHARD CITY DR	S/O E CAMPBELL AVE

**Area 7: MICROSURFACING - ADDITIVE ALTERNATE "A"**

	<b>Street Name</b>	<b>From</b>	<b>To</b>
M10	E CAMPBELL AV	HIGHWAY 17 BRIDGE	S BASCOM AV

**Area 8: CRACK SEAL - ADDITIVE ALTERNATE "B"**

	<b>Street Name</b>	<b>From</b>	<b>To</b>
C1	WINCHESTER BLVD	S. CITY LIMITS @ KNOWLES	CHAPMAN DR
C2	WINCHESTER BLVD	CHAPMAN DR	EAST HACIENDA AV
C3	WINCHESTER BLVD	EAST HACIENDA AV	SUNNYOAKS AV
C4	WINCHESTER BLVD	SUNNYOAKS AV	CAMDEN AV
C5	WINCHESTER BLVD	CAMDEN AV	BUDD AV
C6	WINCHESTER BLVD	BUDD AV	ALICE AV
C7	WINCHESTER BLVD	ALICE AV	CAMPBELL AV
C8	WINCHESTER BLVD	CAMPBELL AV	LATIMER AV
C9	WINCHESTER BLVD	LATIMER AV	HAMILTON AV
C10	WINCHESTER BLVD	W HAMILTON AV	N. CITY LIMITS @ ROSEMARY



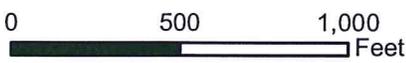
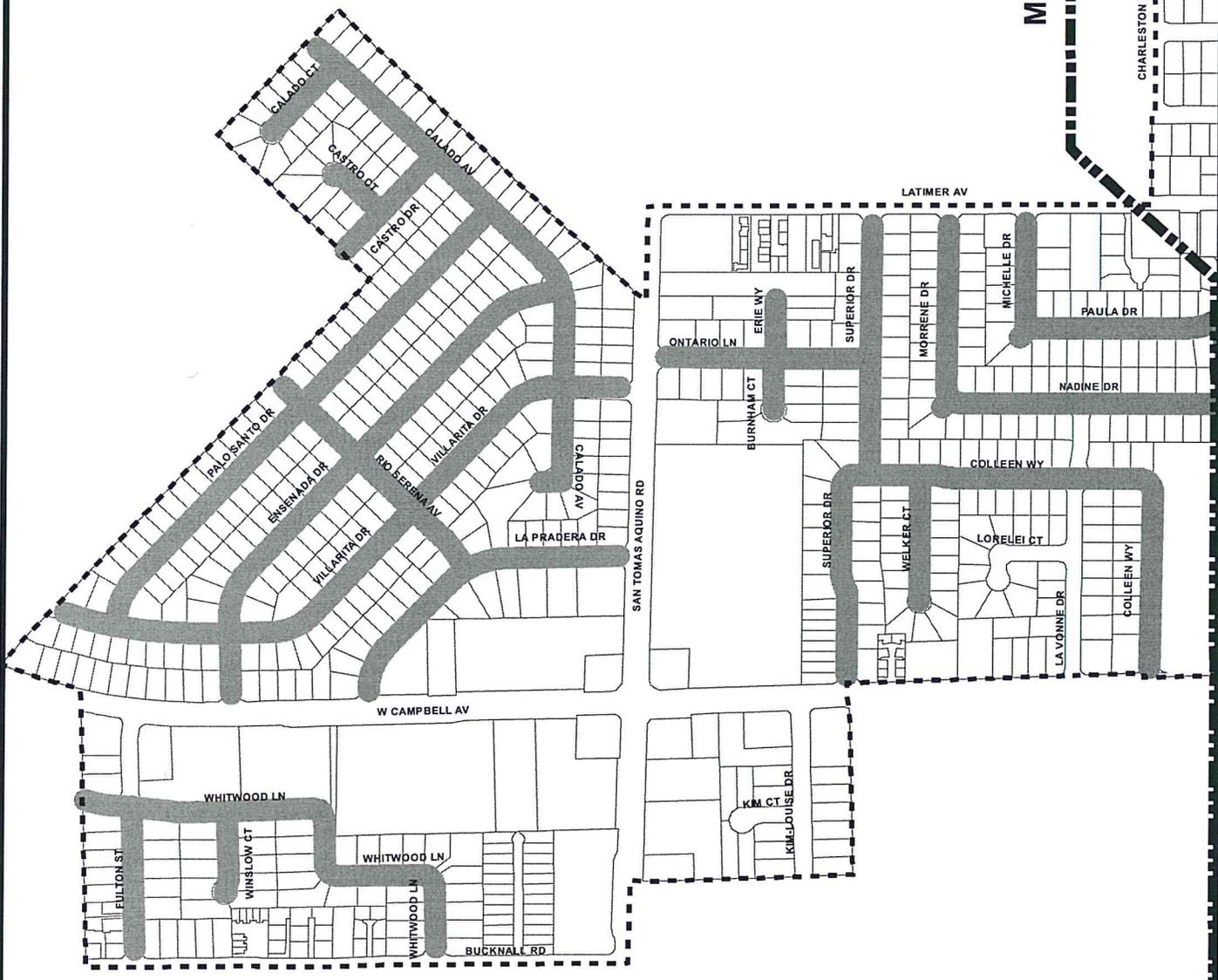
**Key Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

**Legend**  
 - - - City Limit



<b>CSG Consultants, Inc.</b>	
Drawn By:	RH
Checked by:	LL/MB
Date: 5/5/2016	

Match Line - Area 2



**Location Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

**Legend**

	Slurry Seal
	Microsurfacing

W  
N  
S  
E

Area  
1

**CSG Consultants, Inc.**

Drawn By:	RH
Checked by:	LL/MB
Date:	5/6/2016



Match line - Area 2



**Location Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

**Legend**

	Slurry Seal
	Microsurfacing

W N  
 S E  
 Area  
**3**

**CSG Consultants, Inc.**

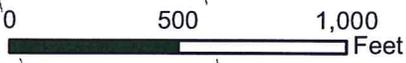
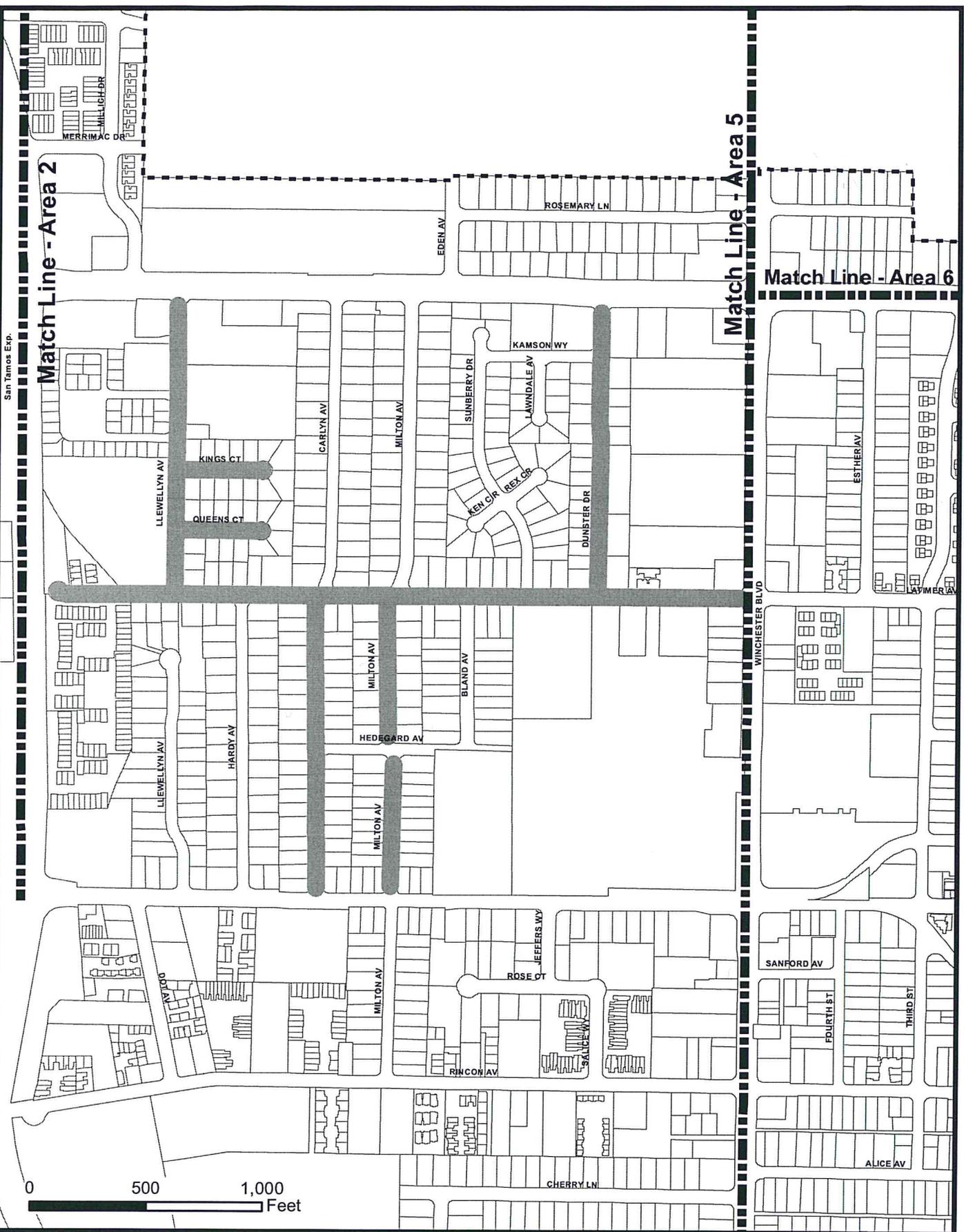
Drawn By:	RH
Checked by:	LL/MB
Date: 5/6/2016	

San Tamos Exp.

Match Line - Area 2

Match Line - Area 5

Match Line - Area 6



**Location Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

**Legend**

	Slurry Seal
	Microsurfacing

W N  
 S E  
 Area  
**4**

**CSG Consultants, Inc.**

Drawn By: RH

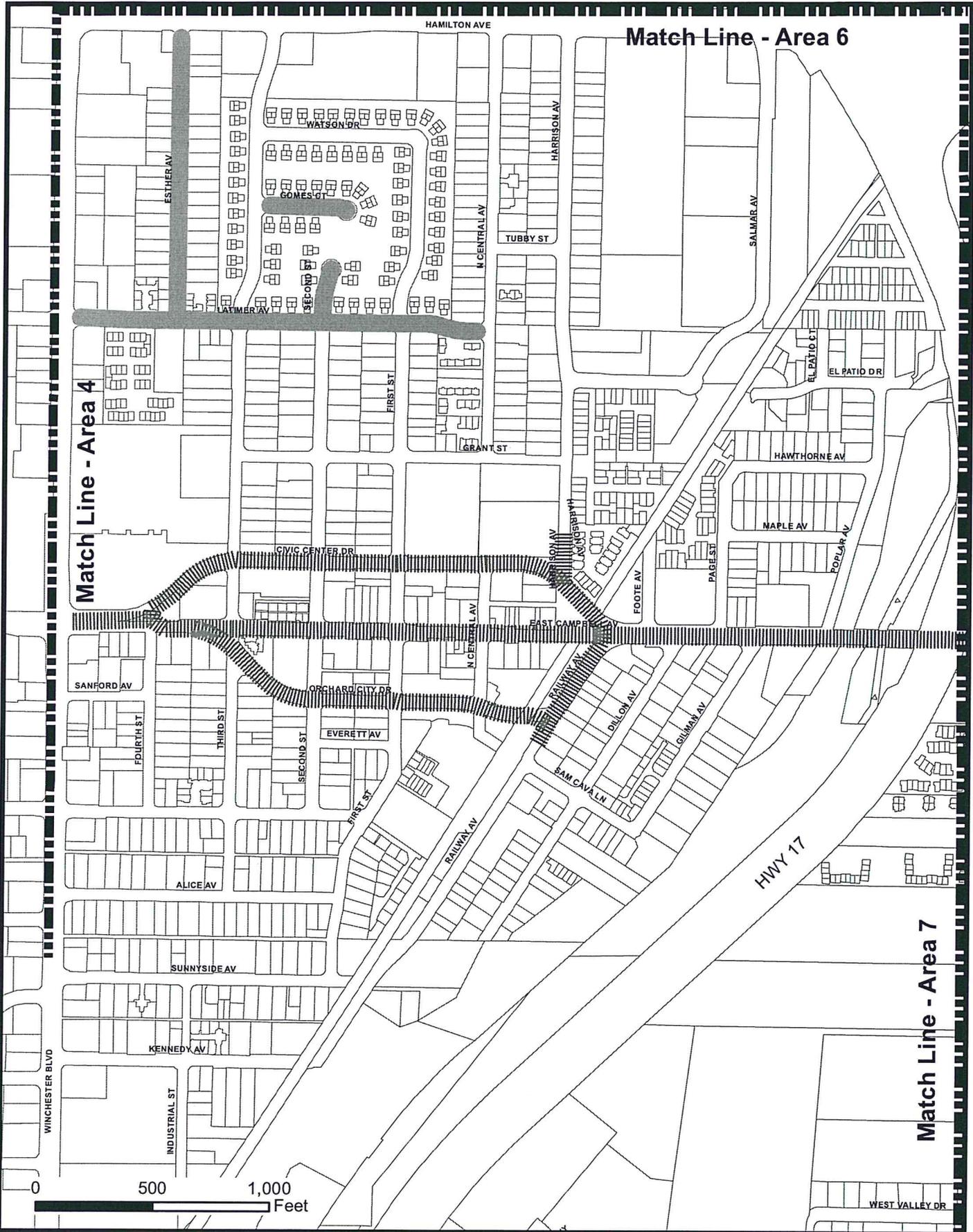
Checked by: LL/MB

Date: 5/6/2016

Match Line - Area 6

Match Line - Area 4

Match Line - Area 7

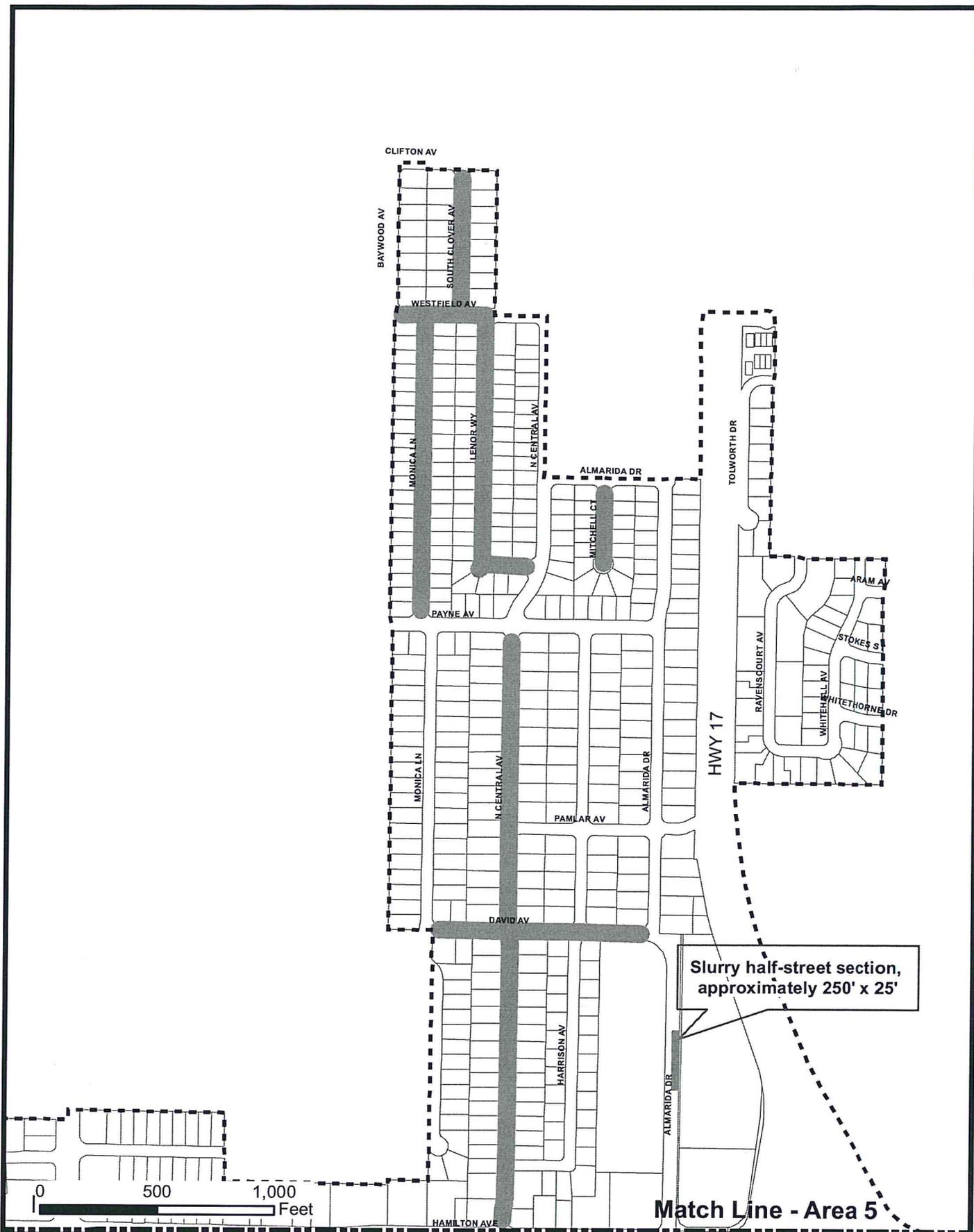


**Location Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

Legend	
	Slurry Seal
	Microsurfacing

W N E  
 S  
 Area  
**5**

<b>CSG Consultants, Inc.</b>	
Drawn By:	RH
Checked by:	LL/MB
Date: 5/6/2016	



 <p><b>Location Map</b> Annual Street Maintenance Project No. 16-BB: Local Streets Sealing</p>	<p>Legend</p> <p> Slurry Seal</p> <p> Microsurfacing</p>	<p>N W —+— E S</p> <p>Area 6</p>	<p><b>CSG Consultants, Inc.</b></p> <p>Drawn By: RH</p> <p>Checked by: LL/MB</p> <p>Date: 5/6/2016</p>
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**Location Map**  
**Annual Street Maintenance Project No. 16-BB:**  
**Local Streets Sealing**

**Legend**

	Slurry Seal
	Microsurfacing

W N  
 S E  
 Area  
**7**

**CSG Consultants, Inc.**

Drawn By:	RH
Checked by:	LL/MB
Date: 5/6/2016	

# City of Campbell Request for Budget Adjustments

Attachment 4

Department/Program	Division	Date	Request No.
Public Works	CIP16BB Annual Street Maintenance Project	May 17, 2016	BA 22

## Budget to be Reduced

Fund	Account Number	Description	Amount
435	435.15AA.7130	Project Salary & Benefit CIP 15AA Street Maintenance	161,287
	435.15AA.7430	Professional & Special Services	67,613
	435.15AA.7883	Improvement other than Building	742,125
	<b>Total</b>		<b>971,025</b>
101	101.15AA.9999	Capital Transfers Out CIP 15AA Street Maintenance	741,929
204	204.15AA.9999	Capital Transfers Out	33,524
212	212.15AA.9999	Capital Transfers Out	48,900
218	218.15AA.9999	Capital Transfers Out	101,600
435	435.535.4921	Project Revenue-CIP15AA	45,072
<b>Total</b>		<b>971,025</b>	

## Budget to be Increased

Fund	Account Number	Description	Amount
435	435.16BB.7130	Project Salary & Benefit CIP 16BB Street Maintenance	161,287
	435.16BB.7430	Professional & Special Services	67,613
	435.16BB.7883	Improvement other than Building	742,125
	<b>Total</b>		<b>971,025</b>
101	101.16BB.9999	Capital Transfers Out CIP 16BB Street Maintenance	741,929
204	204.16BB.9999	Capital Transfers Out	33,524
212	212.16BB.9999	Capital Transfers Out	48,900
218	218.16BB.9999	Capital Transfers Out	101,600
435	435.535.4921	Project Revenue-CIP16BB	45,072
<b>Total</b>		<b>971,025</b>	

**REASON FOR REQUEST - BE SPECIFIC:**

To transfer budget balance from CIP 15AA Street Maintenance Project to CIP 16BB Street Maintenance Project.

 Todd Capurso Public Works Director	 Jesse Takahashi Finance Director	 Mark Linder City Manager
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# *City Council Report*

Item No.: 11.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

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**TITLE:** Approval of Tract Map No. 10337 including Acceptance of Street Dedication and Public Service Easements Shown on Said Map, and Abandonment of Excess Right-of-Way along Railway Avenue – 300 Railway Avenue (Resolution/Roll Call Vote)

## **RECOMMENDATION**

That the City Council adopt the attached resolution approving the Tract Map for Tract No. 10337 and accept the street dedication and public service easements as shown on the map, and abandonment of excess right-of-way for the property located at 300 Railway Avenue.

## **DISCUSSION**

On September 15, 2015, the City Council adopted Resolution No. 11884 conditionally approving a Tentative Subdivision Map (PLN2014-324) to create a planned residential development consisting of 119 apartment units, 32 townhouse units, and six duet units on property owned by Alhambra Apartments, L.P. located at 300 Railway Avenue.

Included in the approval was the Abandonment of a sliver of excess right-of-way along Railway Avenue. The applicant is dedicating a public service easement over this area of abandonment, which will protect the interests of any existing utilities within that area.

The Tract Map includes the public street dedication and public service easements necessary to accommodate the approved use of the property. Staff has reviewed the map and found it in compliance with the approved Tentative Map, the Subdivision Map Act, and Title 20 of the Campbell Municipal Code. The attached resolution has been prepared for Council's consideration for approval of the Tract Map, including Abandonment of the excess right-of-way, and acceptance of the street dedication and public service easements offered for dedication.

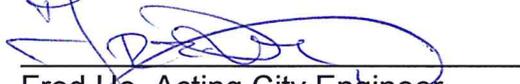
## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

**ALTERNATIVES**

Determine that the Tract Map is not consistent with the Tentative Map or applicable codes, and do not approve the Tract Map, accept dedications or approve the abandonment.

Prepared by:   
Roger Storz, Senior Civil Engineer

Reviewed by:   
Fred Ho, Acting City Engineer

Reviewed by:   
Todd Capurso, Public Works Director

Approved by:   
Mark Linder, City Manager

Attachments: Attachment 1: Resolution  
Attachment 2: Tract Map

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING THE TRACT MAP FOR TRACT NO. 10337 AND ACCEPTING THE PUBLIC STREET AND THE PUBLIC SERVICE EASEMENTS OFFERED FOR DEDICATION, AND ABANDONING EXCESS RIGHT-OF-WAY ALONG RAILWAY AVENUE FOR PROPERTY LOCATED AT 300 RAILWAY AVENUE**

**WHEREAS**, on September 15, 2015, the City Council adopted Resolution No. 11884 approving a Vesting Tentative Subdivision Map for the property located at 208 & 226-328 Railway Avenue and a portion of 290 Dillon Avenue, collectively referred to as 300 Railway Avenue; and

**WHEREAS**, said Tentative Map included approval of the abandonment of a sliver of excess right-of-way along Railway Avenue, said abandonment to be implemented on the Tract Map; and

**WHEREAS**, a Public Service Easement shall be reserved over the area proposed for abandonment to protect existing utility facilities; and

**WHEREAS**, the City Council of the City of Campbell adopts the finding that pursuant to Section 892 of the Streets and Highways Code of the State of California, the portion of Railway Avenue proposed for abandonment is not useful as a non-motorized transportation facility; and

**WHEREAS**, public street dedication and public service easements are necessary to accommodate the approved use of the property and have been offered for dedication on the Tract Map; and

**WHEREAS**, the Tract Map has been prepared, reviewed by staff, and found to be in compliance with the Tentative Map, Subdivision Map Act and Title 20 of the Campbell Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Campbell that Tract Map 10337 is hereby approved and the Public Street and Public Service Easements offered for dedication as shown on said map are hereby accepted in conformity with the terms for which they are offered, and that the excess right-of-way is hereby Abandoned.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

**OWNER'S STATEMENT**

WE HEREBY STATE THAT WE ARE THE OWNER OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE HEREIN MAP; THAT WE ARE THE ONLY PEOPLE WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID REAL PROPERTY, THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY OFFER FOR DEDICATION IN FEE SIMPLE TO PUBLIC USE ALL STREETS AND PORTIONS OF STREETS NOT PREVIOUSLY EXISTING AS SHOWN ON THE MAP WITHIN SAID SUBDIVISION, AND ALSO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND SAID PORTIONS THEREOF.

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS, TOGETHER WITH THE RIGHTS OF INGRESS AND EGRESS, FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, GAS, WATER, AND ALL PUBLIC UTILITIES AND ANY AND ALL APPURTENANCES TO THE ABOVE, UNDER, UPON, OR OVER THOSE CERTAIN PORTIONS OF LAND DELINEATED AND DESIGNATED AS "PSE" (PUBLIC SERVICE EASEMENT). SAID PUBLIC SERVICE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES, LAWFUL FENCES AND LAWFUL BUILDING OVERHANGS.

WE ALSO HEREBY DEDICATE FOR PUBLIC PURPOSES EASEMENTS OF INGRESS AND EGRESS FOR EMERGENCY ACCESS UNDER ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT). SAID EASEMENT IS TO BE KEPT OPEN AND FREE OF BUILDING AND STRUCTURES OF ANY KIND EXCEPT LAWFUL BUILDING OVERHANGS AND TRAFFIC RATED UNDERGROUND UTILITY COMPANY STRUCTURES.

WE ALSO HEREBY RESERVE EASEMENTS FOR THE OWNERS, THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS UPON AND OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "IEE" (INGRESS AND EGRESS EASEMENT).

WE HEREBY RESERVE EASEMENTS FOR STORM DRAINAGE PURPOSES AND SANITARY SEWER PURPOSES DESIGNATED AND DELINEATED AS "PSDC" (PRIVATE STORM DRAINAGE EASEMENT) AND "PSSC" (PRIVATE SANITARY SEWER EASEMENT) FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE STORM AND PRIVATE SANITARY SEWER FACILITIES. THESE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL BUILDING OVERHANGS. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF PRIVATE STORM DRAINAGE AND PRIVATE SANITARY SEWER FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO, NOR ARE THEY ACCEPTED BY, THE CITY OF CAMPBELL.

WE ALSO HEREBY DEDICATE FOR PUBLIC PURPOSES EASEMENTS FOR PUBLIC PEDESTRIAN ACCESS OVER THOSE STRIPS OF LAND DESIGNATED AS "PPAE" (PUBLIC PEDESTRIAN ACCESS EASEMENT). THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF THE EASEMENT AREA SHALL BE THE SOLE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.

**OWNER**

ALHAMBRA APARTMENTS, L.P., A CALIFORNIA LIMITED PARTNERSHIP

BY: \_\_\_\_\_

BY: \_\_\_\_\_

**OWNER'S ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC,

**PERSONALLY APPEARED**

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(ES) AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_

MY COMMISSION NUMBER \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**TRUSTEE'S STATEMENT**

FIRST AMERICAN TITLE COMPANY, TRUSTEE UNDER DEED OF TRUST RECORDED JANUARY 16th, 2015 AS DOCUMENT NO. 22830091 OFFICIAL RECORDS, SANTA CLARA COUNTY, ENCUMBERING THE LAND HEREIN SHOWN, HEREBY CONSENTS ON BEHALF OF THE BENEFICIARY TO THE MAKING AND FILING OF SAID MAP.

AS TRUSTEE:

FIRST AMERICAN TITLE COMPANY

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**TRUSTEE'S ACKNOWLEDGMENT**

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A NOTARY PUBLIC,

**PERSONALLY APPEARED**

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(ES) AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE \_\_\_\_\_

NAME (PRINT) \_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_

MY COMMISSION NUMBER \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

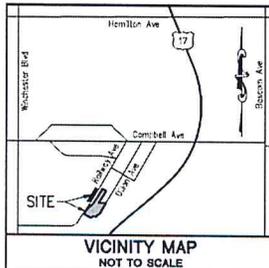
**CITY CLERK'S STATEMENT**

I HEREBY STATE THAT THIS MAP, DESIGNATED AS TRACT NO. 10337, CONSISTING OF SIX (6) SHEETS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CAMPBELL AT MEETING OF SAID COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016 AND THAT SAID COUNCIL (1) ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ALL STREETS AND EASEMENTS DEDICATED TO PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND (2) APPROVED THE ABANDONMENT OF PORTIONS OF THE ROW OF RAILWAY AVENUE AS SHOWN ON THIS MAP, THAT WERE DEDICATED TO PUBLIC USE BY THE GRANT DEED FILED FOR RECORD ON THE 26TH DAY OF MARCH, 1966 IN BOOK NO. 7326 OF OFFICIAL RECORDS/MAPS AT PAGES 469 TO 471 OFFICIAL RECORDS OF SANTA CLARA COUNTY. SAID ABANDONMENT IS IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 66434(g) AND 66499.20.2 OF THE SUBDIVISION MAP ACT AS AMENDED JANUARY 1, 2016.

WENDY WOOD  
CITY CLERK OF THE CITY OF CAMPBELL

**SOILS AND GEOLOGICAL REPORT**

GEOTECHNICAL REPORT ON THIS PROPERTY HAS BEEN PREPARED BY EEL GEOTECHNICAL & ENVIRONMENTAL SOLUTIONS DATED MAY 30, 2014, PROJECT NO. STA-71881.4.



**TRACT NO. 10337**

CONSISTING OF SIX (6) SHEETS

BEING ALL OF PARCEL A ON THAT CERTAIN PARCEL MAP RECORDED ON JANUARY 28, 1987 IN BOOK 570 PAGE 46 OF MAPS AND ALL OF THE REAL PROPERTY SHOWN AS LOTS 13-17, 20 & 21 IN BLOCK 4, LOTS 2, 3 & 4 IN BLOCK 5 ON THAT CERTAIN MAP ENTITLED "TRUCKERS ADDITION IN THE TOWN OF CAMPBELL, BEING PART OF SECTION 35 1.7 S.R.1W N.1M" RECORDED ON MAY 20, 1895 IN BOOK F OF MAPS PAGE 39 AND A PORTION OF LOT 5 ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION OF LANDS FORMERLY OWNED BY MRS. M.A. KENNEDY BY HER CONVEYED TO HER CHILDREN W.A. KENNEDY, J.E. KENNEDY AND MARY F. DUNCAN" RECORDED JUNE 3, 1897 IN BOOK I OF MAPS PAGE 117.

LYING WITHIN THE CITY OF CAMPBELL, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

DATE: FEBRUARY 2016



**Civil Engineering Associates**

Civil Engineers • Planners • Surveyors

234 Airport Parkway Suite 525  
San Jose, CA 95110

**CITY SURVEYOR'S STATEMENT**

I HEREBY STATE THAT I AM SATISFIED THAT THE WITHIN TRACT MAP IS TECHNICALLY CORRECT.

CYRUS KIANPOUR  
LS NO. 7515 EXP: 12-31-17



DATE: \_\_\_\_\_

**CIVIL ENGINEER'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ALHAMBRA APARTMENTS, L.P., A CALIFORNIA LIMITED PARTNERSHIP IN OCTOBER, 2014. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE JANUARY, 2018; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PETER B. McMORROW  
RCE NO. 31954  
RCE EXPIRES: 12-31-16



DATE: \_\_\_\_\_

**CITY ENGINEER'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THIS TRACT MAP; THAT THE MAP IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

FREDRICK HO, ACTING CITY ENGINEER  
OF THE CITY OF CAMPBELL, CALIFORNIA  
RCE NO. 58995 EXP: 6-30-17



DATE: \_\_\_\_\_

**RECORDER'S STATEMENT**

FILE NO. \_\_\_\_\_ FEE \$ \_\_\_\_\_ PAID. ACCEPTED FOR RECORD AND FILED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AT \_\_\_\_\_, CA.

IN BOOK \_\_\_\_\_ OF MAPS AT PAGES \_\_\_\_\_ SANTA CLARA COUNTY RECORDS, AT THE REQUEST OF CIVIL ENGINEERING ASSOCIATES.

REGINA ALCOMENDRAS, COUNTY RECORDER  
SANTA CLARA COUNTY, CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY

**LEGEND**

- DISTINCTIVE BOUNDARY
- RIGHT OF WAY
- NEW LOT LINE
- EXISTING LOT LINE
- CENTERLINE
- NEW EASEMENT LINE
- EXISTING EASEMENT LINE
- BOUNDARY TO
- FOUND BRASS DISK IN CITY MONUMENT WELL (AS NOTED)
- ⊙ SET BRASS PIN IN CITY MONUMENT BOX
- ⊙ FOR PRIVATE STREET MONUMENT
- ⊙ SET WITNESS MONUMENT, CUT CROSS ON TOP OF CURB, UNLESS NOTED OTHERWISE
- SET 3/4" IRON PIPE OR OTHER PERMANENT MONUMENT AS INDICATED TAGGED R.C.E. 31954
- (100.00) RECORD DATA
- (R) RADIAL BEARING
- (I) TOTAL
- SFN FOUND SEARCHED FOR NOT FOUND
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- IEE INGRESS AND EGRESS EASEMENT
- PSSE PRIVATE SANITARY SEWER EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PPAE PUBLIC PEDESTRIAN ACCESS EASEMENT
- PSL PUBLIC SERVICE EASEMENT
- 23 LOT NUMBER

**NOTES**

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER = 3.953 ACRES GROSS AND 3.900 ACRES NET.

**BASIS OF BEARINGS**

THE BEARING NORTH 31°52'15" EAST, OF THE ORIGINAL CENTER LINE OF RAILWAY AVENUE, BETWEEN FOUND MONUMENTS AT SAN CAVA LANE (FORMERLY CENTRAL AVENUE) AND RAILWAY AVENUE, AS SAID CENTER LINE AND MONUMENTS ARE SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED IN BOOK 655 OF MAPS AT PAGE 35, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN ON THIS MAP.

**REFERENCES**

- [1] 655 M 35-37
- [2] 14 M 16
- [3] F M 39
- [4] 657 M 4-6
- [5] 552 M 14

**TRACT NO. 10337**

CONSISTING OF SIX (6) SHEETS

BEING ALL OF PARCEL A ON THAT CERTAIN PARCEL MAP RECORDED ON JANUARY 28, 1987 IN BOOK 570 PAGE 46 OF MAPS AND ALL OF THE REAL PROPERTY SHOWN AS LOTS 13-17, 20 & 21 IN BLOCK 4, LOTS 2, 3 & 4 IN BLOCK 5 ON THAT CERTAIN MAP ENTITLED "RUCKER'S ADDITION IN THE TOWN OF CAMPBELL, BEING PART OF SECTION 35 T.7 S. R.1W M.D.M." RECORDED ON MAY 20, 1895 IN BOOK F OF MAPS PAGE 39 AND A PORTION OF LOT 5 ON THAT CERTAIN MAP ENTITLED "MAP OF SUBDIVISION OF LANDS FORMERLY OWNED BY MRS. M.A. KENNEDY BY HER CONVEYED TO HER CHILDREN W.A. KENNEDY, J.E. KENNEDY AND MARY F. DUNCAN" RECORDED JUNE 3, 1897 IN BOOK I OF MAPS PAGE 117.

LYING WITHIN THE CITY OF CAMPBELL, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA.

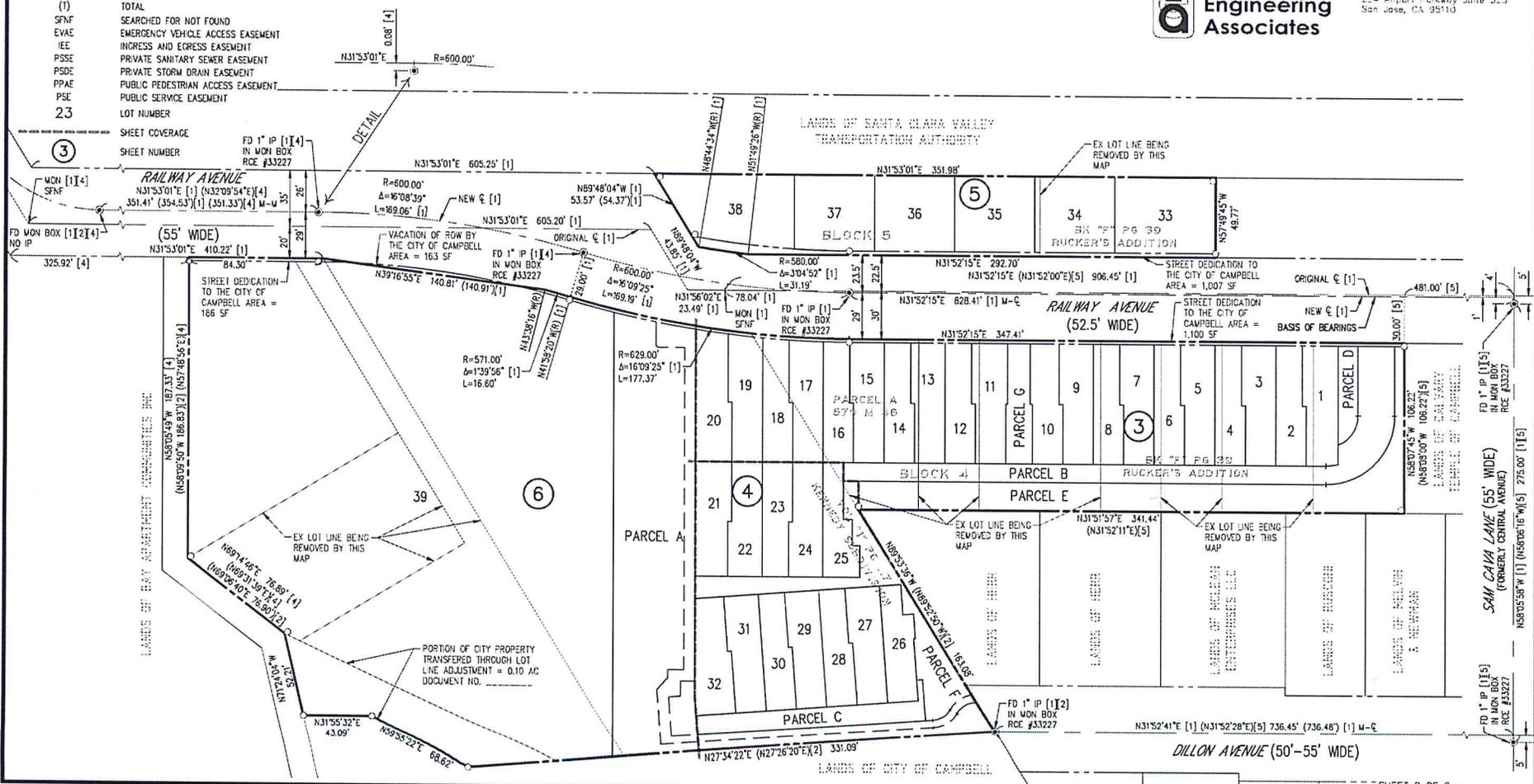
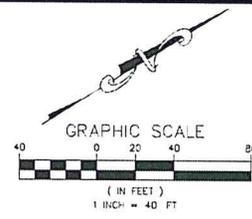
DATE: FEBRUARY 2016



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**LEGEND**

- DISTINCTIVE BOUNDARY
- - - RIGHT OF WAY
- NEW LOT LINE
- EXISTING LOT LINE
- CENTERLINE
- NEW EASEMENT LINE
- EXISTING EASEMENT LINE
- BOUNDARY TIE
- ⊙ FOUND BRASS DISK IN CITY MONUMENT WELL (AS NOTED)
- ⊙ SET BRASS PIN IN CITY MONUMENT BOX FOR PRIVATE STREET MONUMENT
- ⊙ SET WITNESS MONUMENT, OUT CROSS ON TOP OF CURB, UNLESS NOTED OTHERWISE
- ⊙ SET 3" IRON PIPE OR OTHER PERMANENT MONUMENT AS INDICATED TAGGED R.C.E. 31954
- (100.00') RECORD DATA
- (R) RADIAL BEARING
- (I) TOTAL
- SNIP SEARCHED FOR NOT FOUND
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- IEE INGRESS AND EGRESS EASEMENT
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- PSDE PRIVATE STORM DRAIN EASEMENT
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- PSE PUBLIC SERVICE EASEMENT

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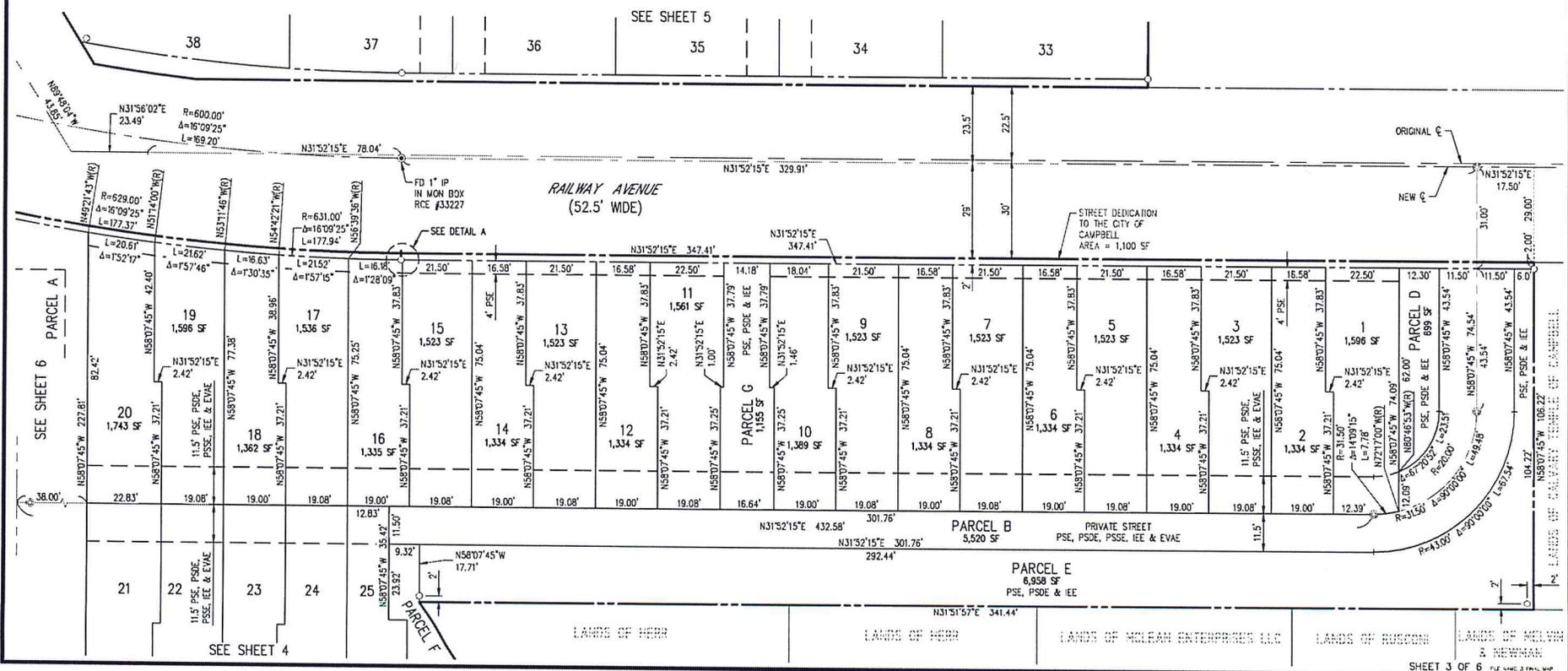
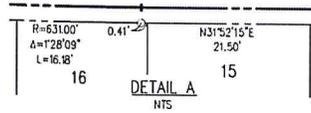
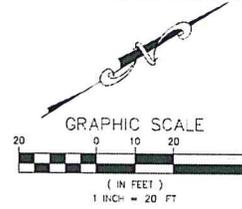
DATE: FEBRUARY 2016



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# TRACT NO. 10337

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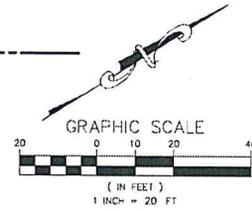
DATE: FEBRUARY 2016



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## NOTES

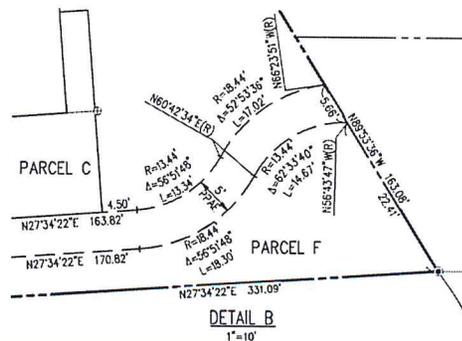
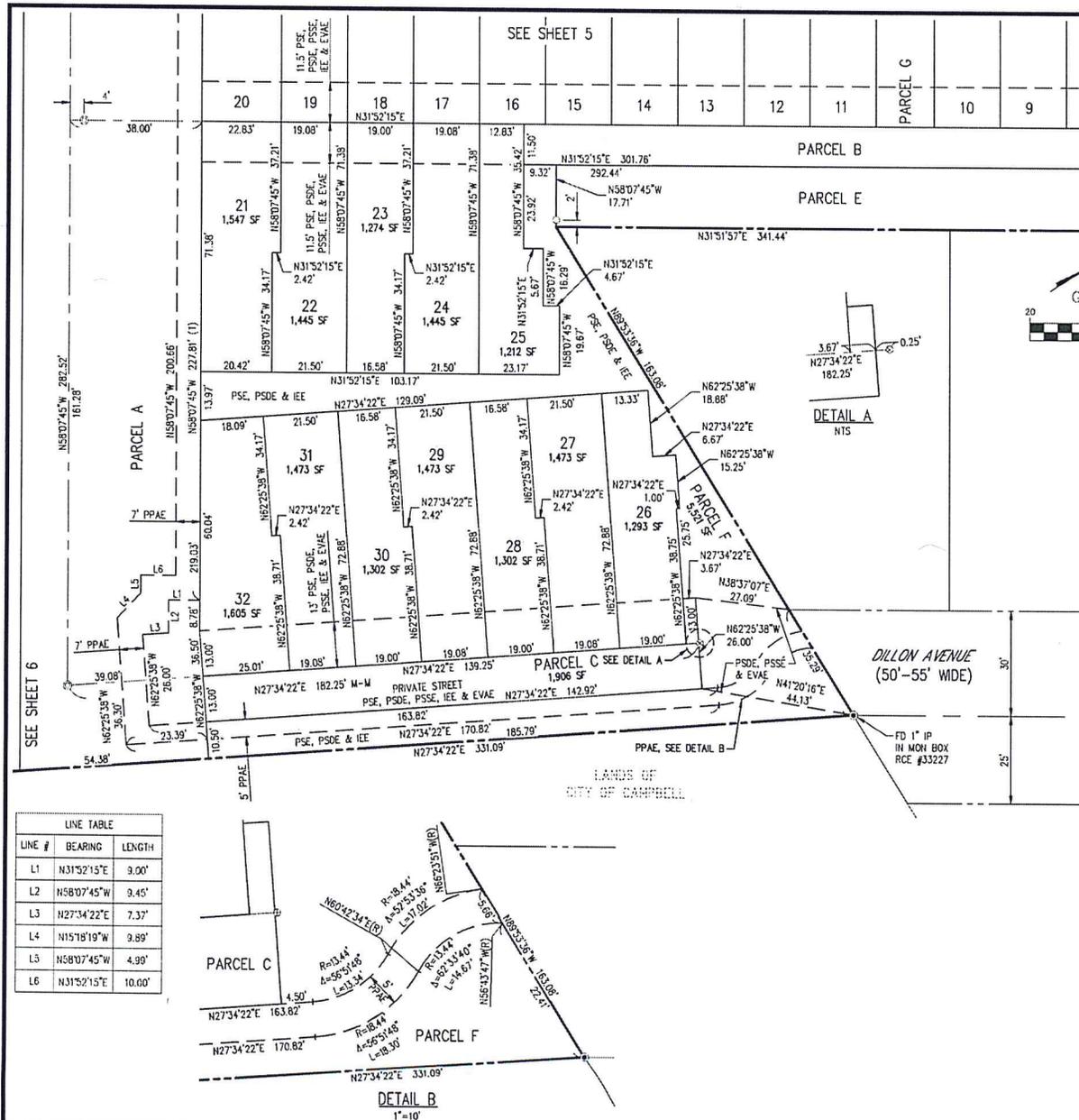
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## LEGEND

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LINE #	BEARING	LENGTH
L1	N31°52'15"E	9.00'
L2	N58°07'45"W	9.45'
L3	N27°34'22"E	7.37'
L4	N15°19'19"W	9.89'
L5	N58°07'45"W	4.99'
L6	N31°52'15"E	10.00'



# TRACT NO. 10337

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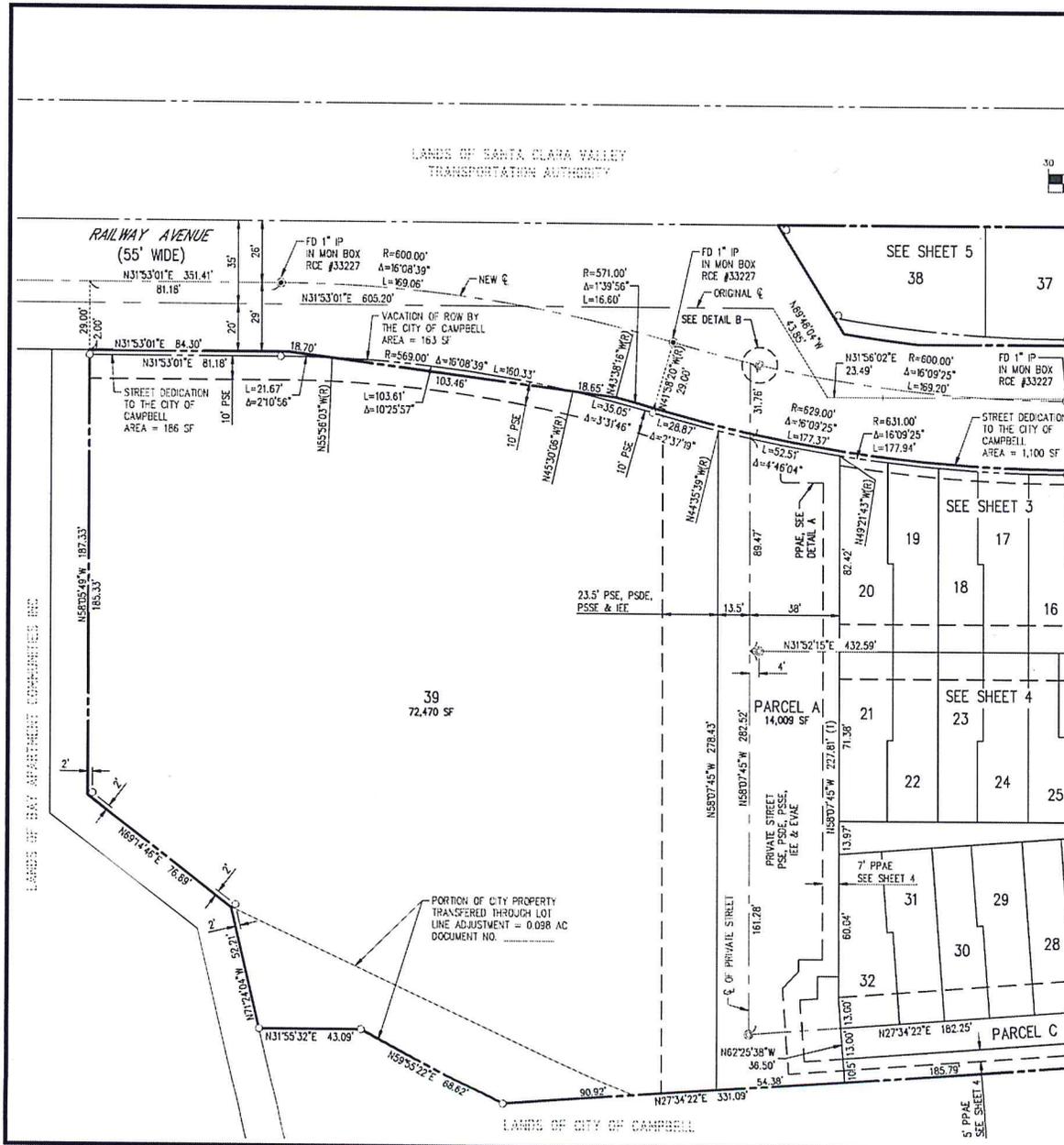
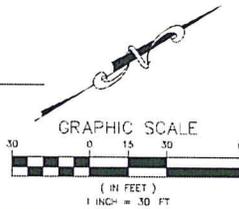
DATE: FEBRUARY 2010



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## NOTES

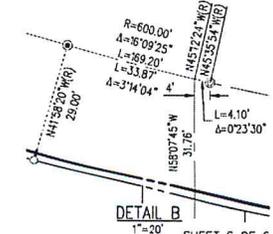
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# City Council Report

Item: 12.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

---

**TITLE: Approval of Budget Adjustment to Increase Community Development Building Professional Services (Resolution/Roll Call Vote)**

## **RECOMMENDATION**

That the City Council adopt the attached resolution approving a budget adjustment of \$140,000 to cover unanticipated costs and expenditures associated with Community Development Building Professional Services.

## **DISCUSSION**

Due to the significant number of permit applications requiring consultant plan reviews and on-going contract services for Counter Technician, the Building Division has fully spent its Professional Services budget. At the mid-year, \$75,000 was added to the Professional Services account. It became clear over the past two months that the mid-year adjustment was insufficient to deal with the volume and size of applications in the second half of 2015-2016. With two months remaining in fiscal year, it is anticipated that remaining unfunded expenditures could approach \$140,000.

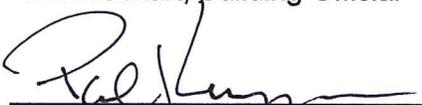
The number of large projects combined with new single family dwellings and significant additions and remodels are being submitted at a pace never seen in Campbell history. These projects are forwarded to outside plan review firms. A clear indicator of volume is plan review fees which in 2014-2015, were \$307,953. The plan review fees in the 2015-2016 FY are \$866,700 with two months to go.

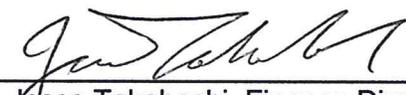
Consultants play a significant part in helping to expedite the issuance of permit projects by providing complex and detailed plan review services beyond the capabilities of Building Division Staff. In addition, the Division has utilized contract services to provide assistance in the Counter Technician function. Having an additional Counter Technician has resulted in improved public counter services, and improved plan check "turn-around" time frames reducing waits for permit applicants. The contract Counter Technician position was created as a result of a Peer Review process by members of the City of Palo Alto Community Development Department. This review was initiated to help the Campbell Building Division to better serve its customers and improve plan check service time frames.

## **FISCAL IMPACT**

Staff proposes funding to come from the additional revenue being generated by Plan Review Fees. So far in 2015-2016 Plan Review revenues are \$866,700. Fees collected for the review of applications are the basis for this funding.

Prepared by:   
Bill Bruckart, Building Official

Reviewed by:   
Paul Kermoyan, Community Development Director

Reviewed by:   
Jesse Takahashi, Finance Director

Approved by:   
Mark Linder, City Manager

Attachments:

1. Resolution.
2. Budget Adjustment.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AUTHORIZING A BUDGET ADJUSTMENT TO INCREASE COMMUNITY  
DEVELOPMENT BUILDING PROFESSIONAL SERVICES BY \$140,000

**WHEREAS**, the City Building Division is committed to improving customer service; and

**WHEREAS**, the City provides Building Permit Plan Check Services supplemented by using plan check consultants; and

**WHEREAS**, the City Building Division has strengthened public counter services by adding a contract counter technician position; and

**WHEREAS**, Plan Check revenues have increased significantly, from the high volume of plans being submitted for review.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell hereby authorizes a budget adjustment in the amount of \$140,000 to increase Professional Services.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by the following roll call vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS  
ABSENT:        COUNCILMEMBERS

APPROVED: \_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

# City of Campbell

## Request for Budget Adjustments

Department/Program	Division	Date	Request No.
Community Development / Building	Community Development	May 17, 2016	BA 21

### Budget to be Reduced

Fund	Account Number	Description	Amount
101	101.535.6090	Beginning Fund Balance - Operating General Fund	140,000

### Budget to be Increased

Fund	Account Number	Description	Amount
101	101.554.7430	Professional & Special Services	140,000

**REASON FOR REQUEST - BE SPECIFIC:**

Additional contract services needed to keep up with high volume of plan reviews.

Paul Kermoyan Community Development Director	Jesse Takahashi Finance Director	 Mark Linder City Manager
-------------------------------------------------	-------------------------------------	---------------------------------



*City  
Council  
Report*

Item: 13.  
Category: Consent Calendar  
Meeting Date: May 17, 2016

**TITLE:** Ordinance 2202 Amending Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to Exempt Development of All Properties Located Along Local Streets and Single-family Residential Properties Located on Residential Collector Streets from the Utility Undergrounding Requirements (Ordinance Second Reading/Roll Call Vote)

**RECOMMENDATION:**

That the City Council approve the second reading of Ordinance 2202 amending Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of all properties located along local streets and single-family residential properties located on residential collector streets from the utility undergrounding requirements.

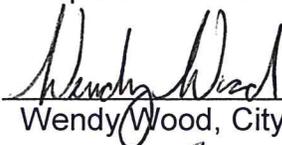
**DISCUSSION:**

On April 19, 2016, the City Council gave first reading to Ordinance 2202 with an amendment to include the exemption of residential collector streets. On May 3, City Council made an amendment to the language to clarify that the exemption would be to all properties located along local streets and single-family residential properties located on residential collector streets. Second reading of Ordinance 2202 will approve amending Campbell Municipal Code Sec. 21.18.140 (Undergrounding of Utilities) to exempt development of all properties located along local streets and single-family residential properties located on residential collector streets from the utility undergrounding requirements. Ordinance 2202 will become effective 30 days following the date of the second reading.

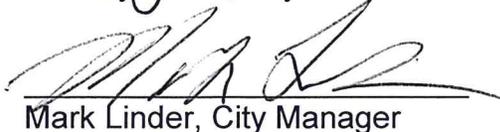
**FISCAL IMPACT:**

There is no fiscal impact associated with this action.

Prepared by:

  
Wendy Wood, City Clerk

Approved by:

  
Mark Linder, City Manager

Ordinance No. \_\_\_\_\_

**BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMPBELL AMENDING CAMPBELL MUNICIPAL CODE SECTION 21.18.140 (UNDERGROUNDING OF UTILITIES) TO EXEMPT DEVELOPMENT OF ALL PROPERTIES LOCATED ALONG LOCAL STREETS AND SINGLE-FAMILY RESIDENTIAL PROPERTIES LOCATED ON RESIDENTIAL COLLECTOR STREETS FROM THE UTILITY UNDERGROUNDING REQUIREMENTS.**

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

After due consideration of all evidence presented, the City Council of the City of Campbell does ordain as follows:

**SECTION 1:** The City Council finds and determines that the adoption of the proposed Text Amendment qualifies as Exempt from the California Environmental Quality Act (CEQA) under Section 15061.b.3. which states that a project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review.

**SECTION 2:** Section 21.18.140 (Undergrounding of Utilities) of the Campbell Municipal Code is hereby amended as set forth in attached **Exhibit A**. Additions are indicated by underlined text and deletions are indicated by ~~strikethrough~~ text. Portions of Section 21.18.140 not shown in underlined text or strikethrough type are not changed.

**SECTION 3:** This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following roll call vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

**21.18.140 - Undergrounding of utilities.**

All development and remodels, shall provide for the undergrounding of existing and proposed utility facilities in compliance with this section, unless expressly exempted.

A. Definitions. As used in this section, the following terms shall have the meaning set forth below. All other terms shall have the same meaning as defined in Chapter 21.72, (Definitions).

1. Addition means construction that expands a structure's existing gross floor area or replaces existing floor area that was demolished.
2. Arterial street means a Class I Arterial or Class II Arterial, as identified by the City of Campbell Roadway Classifications Diagram.
3. Collector street means a commercial/industrial collector or residential collector, as identified by the City of Campbell Roadway Classifications Diagram.
4. Remodel means any rebuilding or structural alteration which changes the supporting members of a structure, such as bearing walls, columns, beams or girders. It shall not include interior tenant improvements or structural alterations solely to meet code.

B. Applicability. The following site improvements require the undergrounding of utility services as set forth below:

1. Service lines. Excluding utility poles, Nnew utilities, and all existing overhead utility lines, ~~excluding utility poles, serving property located along an arterial or collector street~~ shall be installed underground with:
  - a. Construction of a single-family dwelling, except when located along a residential collector street;
  - b. Construction of a residential development with two or more dwelling units;
  - c. Construction of a non-residential main structure;
  - d. An addition, remodel, or combination thereof, to an existing non-residential main structure that remodels or expands the structure's existing gross floor area by fifty percent or more in the aggregate over the preceding five-year period;
  - e. An addition to an existing single-family dwelling that within a five-year period adds and/or replaces fifty percent or more to the dwelling's gross floor area except when located along a residential collector street. Existing and/or new detached garages, secondary dwelling units, and other fully enclosed accessory structures shall be considered in this section; and
  - f. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code.

A variance to the requirements of this subsection may be granted in compliance with Chapter 21.48, (Variances).
2. Frontage lines and poles. Existing utility poles and associated overhead utility lines located along an arterial or collector street abutting the frontage(s) of a development

site shall be removed and the utilities replaced underground in association with the site improvements set forth below:

- a. Construction of a non-residential main structure;
- b. Construction of a residential development with five or more dwelling units; and
- c. A residential or non-residential subdivision that is subject to the provisions of Title 20, (Subdivision and Land Development) of the Campbell Municipal Code resulting in five or more parcels, exclusive of parcels created solely to provide access into a development site.

A variance to the ~~number of poles to be removed and/or~~ linear feet of overhead utility lines to be replaced underground may be granted in compliance with Chapter 21.48, (Variances).

- C. Development requirements. As required by this section, Aall new and existing electric, telecommunications, and cable television lines to be installed on the site to serve a proposed development shall be installed underground at the time of development except for surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts and other similar equipment appurtenant to underground facilities. All utilities shall be taken from the nearest aboveground utility service, ~~and n~~No new poles or overhead lines shall be allowed, except as determined necessary by the city engineer to accomplish the removal of frontage lines and poles required by subsection B.2, above.
- D. Screening Requirements. Aboveground equipment (e.g., utility control boxes and similar cabinets) shall be screened from view and deterred from graffiti vandalism by using a combination of landscaping and screen walls.
- E. Exemptions. The requirements of this section do not apply to:
1. Existing or proposed major electrical transmission lines;
  2. A service upgrade, modification, or relocation of an existing electrical panel that is unrelated to site improvements that would otherwise require undergrounding of utilities in compliance with this section, and which would not result in an increase in overhead utility line length;
  3. Underground installations that would require substantially crossing the rear yard of an adjacent single-family residential property; and
  4. Underground installations precluded by a topographical, soil, or other environmental condition.
  - 4.5. Single family dwellings on property located along a local or residential collector street.
- Applicability of an exemption shall be determined by the community development director, which may be appealed as an interpretation of this Code in compliance with section 21.02.030 (Procedures for interpretations).



# City Council Report

Item: 14.

Category: Old Business

Date: May 17, 2016

**TITLE:** Campbell Water Tower Lighting Policy (Resolution/Roll Call Vote)

**RECOMMENDATION:**

That the City Council adopt the attached resolution approving the lighting policy for the Campbell Water Tower.

**BACKGROUND:**

The City Council reviewed and discussed the proposed Water Tower lighting policy at its regular meeting of April 19, 2016. Council directed staff to amend the policy and return it to the City Council for approval.

**DISCUSSION:**

The revised policy (Attachment 4) reflects Council feedback. A redlined draft (Attachment 3) indicates which language was removed and added following Council discussion. Council directed staff to retain federal holidays and national events and customs on the standing list of events to be recognized by the City. Themed lighting is to last for only one evening from sundown to sunrise. The Council requested that lighting theme displays are to remain static and not rotate around the tower's tank. Given technical challenges of replicating the color black, this color will not be included in any lighting theme, unless otherwise directed by the City Council and Mayor.

The Council expressed interest in reviewing third party lighting requests in a formal meeting setting. Staff recommends limiting such requests to 501(c)(3) organizations that are not, and do not reflect:

- Religious organizations, orders, themes and / or events
- Ethnic, racial and gender-based organizations, themes and / or events
- For profit and private businesses and organizations

The City Attorney has informed staff that the federal government does recognize America's secular observance of the Christmas Day colors red and green, so long as religious symbols are not displayed on public property.

The proposed lighting policy provides that third party requests must be submitted 30 days prior to the requested date to be considered and are subject to terms established by the City. Requests made via petitions and / or social media campaigns will not be considered.

The staff report dated April 19, 2016 is included herein for reference purposes.

**FISCAL IMPACTS**

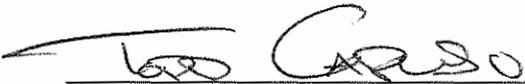
Fiscal impacts with adopting this revised policy include staff time to process lighting requests. In the event special lighting needs are requested, the vendor would charge a fee of \$200 per visit to manually program custom themed lighting. This \$200 fee would cover such services for up to two hours per visit.

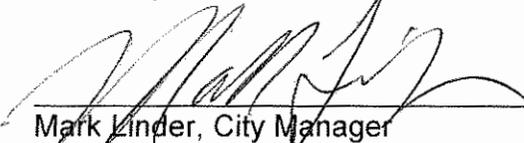
**ALTERNATIVES**

1. Direct staff to convert this policy into an administrative policy;
2. Modify attached policy; or
3. Provide other direction to staff

Prepared by:   
Michael Thomas, Graduate Intern

Reviewed by:   
Al Bito, Deputy City Manager

Reviewed by:   
Todd Capurso, Public Works Director

Approved by:   
Mark Linder, City Manager

**ATTACHMENTS:**

1. Water Tower Lighting Resolution
2. First Draft Water Tower Lighting Council Policy
3. Redlined Draft Water Tower Lighting Council Policy
4. Revised Draft Water Tower Lighting Council Policy
5. Council Report, April 19, 2016

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
ADOPTING THE LIGHTING POLICY FOR THE CAMPBELL WATER TOWER**

**WHEREAS**, the City installed energy efficient, multi-color LED light fixtures for its Water Tower on January 28, 2016; and

**WHEREAS**, new LED light fixtures allow for color themed lighting to be programmed to automatically illuminate its Water Tower; and

**WHEREAS**, the City of Campbell desires to establish procedures for specialty lighting related to observed holidays, City-sponsored events, community events and other instances of recognition;

**NOW, THEREFORE, BE IT RESOLVED**; that the City Council of the City of Campbell hereby adopts the established procedures for lighting the Campbell Water Tower.

**PASSED AND ADOPTED** this 17<sup>th</sup> day of May 2016, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Jason T. Baker, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

### Campbell Water Tower Lighting Policy (First Draft)

Purpose: The purpose of this policy is to establish protocols for themed lighting of the Campbell Water Tower. Specifically, this policy addresses the following situations:

- a) Responsibility
- b) National holidays and City-sponsored events
- c) Third Party Requests
- d) Special events and other displays of recognition

Responsibility:

The Mayor or his / her designee is responsible for determining the color themes in which to illuminate the Water Tower, and may consider special lighting requests on a case-by-case basis.

Dates and Duration of Illumination

The Water Tower may be illuminated for national holidays and City-sponsored events, as well as special events and other instances of recognition on a case-by-case basis as determined by the Mayor or his or her designee. The following table lists annual community events and national holidays recognized by the City and serves as a standing list that can be amended as needed:

Event	Date	Type	Color(s)
New Year's Day	January 1	Federal Holiday	TBD
Valentine's Day & Fun Run	February 14	National / City Event	Red & White
St. Patrick's Day	March 17	National Event	Green
Bunnies & Bonnets Parade	Late March / Early April	DCBA Event	Pastels of Purple, White, Pink, Green and / or Blue
Earth Day	April 22	National Event	Green & Blue
Boogie on the Avenue	Third Weekend in May	Chamber Event	Purple, Gold, Green, and White
Memorial Day	Last Monday in May	Federal Holiday	Red, White & Blue
Independence Day	July 4	Federal Holiday	Red, White & Blue
Labor Day	First Monday in September	Federal Holiday	Red, White & Blue
Oktoberfest	Third Weekend in October	Chamber Event	Orange, White and Black Sky Blue and White
Trick-or-Treat in Downtown	Friday before Halloween	DCBA Event	Orange, White and Black
Veteran's Day	November 11	Federal Holiday	Red, White & Blue
Thanksgiving	Fourth Thursday in November	Federal Holiday	Orange, Brown, Yellow and White
Holiday Season / Carol of Lights	December 15 through December 31	National Custom / DCBA Event	Red & Green

To the extent possible, the Building Maintenance Division of the Public Works Department will program themed lighting so that the Water Tower is illuminated automatically from sundown to sunrise as resources and staff schedules allow.

Notwithstanding the dates and special occasions referenced in this policy, the City's Water Tower will generally remain illuminated in white decorative lighting during evening and night time hours during the calendar year.

Themed lighting must not reflect religious organizations, orders, themes and / or events.

Third Party Requests:

Not-for-profit agencies, non-governmental organizations, public and private businesses are considered third parties that are not directly affiliated with the City of Campbell. These types of requests will generally not be accepted to preserve the unique occasions and frequency when the Water Tower is illuminated in themed colors. However, the Mayor and City Manager may consider requests at their discretion on a case-by-case basis within reason that benefit the community at-large.

If granted by the City, third party requests are subject, but not limited to the following terms:

- There is no automatic agreement renewal for lighting requests as third parties must submit requests for consideration each time they wish to illuminate the Water Tower.
- The applicant / contact on the original submitted request will receive written notification, stating a request's approval or denial via e-mail.
- The City of Campbell is under no obligation to provide specific feedback to any individual or organization regarding the status, merit and / or denial of its request.
- Lighting requests made via, or including, petitions and / or social media campaigns will not be considered.

In the event such requests are made, they must be submitted 30 days prior to the requested date.

Special Events and Other Displays of Recognition:

Any special events and other displays of recognition will be considered as needed by the Mayor or his or her designee on a very limited basis. Such examples can include, but are not limited to, displays of solidarity and celebrating local sports teams.

### Campbell Water Tower Lighting Policy (Redlined)

Purpose: The purpose of this policy is to establish protocols for themed lighting of the Campbell Water Tower. Specifically, this policy addresses the following situations:

- a) Responsibility
- b) National holidays and events recognized by the City
- c) Third party requests
- d) Special events and other displays of recognition

Responsibility:

The Mayor or his / her designee can request ~~is responsible for determining~~ the color themes in which to illuminate the Water Tower. The City Council may consider special lighting requests by third parties on a case-by-case basis subject to a majority vote.

Dates and Duration of Illumination:

The Water Tower may be illuminated for federal holidays and ~~City-sponsored~~ events recognized by the City ~~as well as special events and other instances of recognition on a case-by-case basis~~ as determined by the Mayor or his or her designee. The following table lists the federal holidays and annual community events recognized by the City, and serves as a standing list that can be amended by the City Council as needed.

Event	Date	Type	Color(s)
New Year's Day	January 1	Federal Holiday	White
Valentine's Day & Fun Run	February 14	National Custom / City Event	Red & White
St. Patrick's Day	March 17	National Custom	Green
Bunnies & Bonnets Parade	Late March / Early April	<del>City Event</del> Community Event	Pastels of Purple, White, Pink, Green and / or Blue
Earth Day	April 22	National Event	Green & Blue
Memorial Day	Last Monday in May	Federal Holiday	Red, White & Blue
Independence Day	July 4	Federal Holiday	Red, White & Blue
Labor Day	First Monday in September	Federal Holiday	Red, White & Blue
Halloween	October 31	National Custom	Orange & White
Veteran's Day	November 11	Federal Holiday	Red, White & Blue
Thanksgiving	Fourth Thursday in November	Federal Holiday	Orange, Brown, Yellow and White
<del>Holiday Season</del> Christmas Day	<del>December</del> December 25	<del>National Custom</del> Federal Holiday	Red & Green

To the extent possible, the Building Maintenance Division of the Public Works Department will program themed lighting so that the Water Tower is illuminated automatically from sundown to sunrise as resources and staff schedules allow.

Notwithstanding the dates and special occasions referenced in this policy, the City's Water Tower will generally remain illuminated in white decorative lighting during evening and night time hours during the calendar year. Themed lighting will last for one evening and overnight period from

sunset to sunrise unless otherwise directed by the City Council and Mayor or his or her designee. When the Water Tower is illuminated, themed lighting is to remain static and not rotate. Given technical challenges of replicating the color black, this color will not be included in any lighting theme unless otherwise directed by the City Council and Mayor.

Third Party Requests:

Not-for-profit agencies, non-governmental organizations, as well as public and private businesses are considered third parties that are not directly affiliated with the City of Campbell. ~~These types of requests will generally not be accepted to preserve the unique occasions and frequency when the Water Tower is illuminated in themed colors.~~ However, Third party requests should not be accepted, but the City Council Mayor and City Manager may consider third party requests at its ~~their~~ discretion on a case-by-case basis within reason that benefit the community at-large when placed on the regular meeting agenda subject to majority vote. Such requests must be made to the City Manager's Office and forwarded to the Council for consideration. Third party requests must be made from nationally recognized 501(c)(3) organizations per Internal Revenue Service policy. Lighting requests including petitions and / or social media campaigns will not be considered.

Themed lighting must not reflect the following:

- Religious organizations, orders, themes and / or events.
- Ethnic, racial and gender-based organizations, themes and / or events
- For profit and private businesses and organizations

Third party requests must be submitted 30 days prior to the requested date and must include:

- The organization's name
- Description and reasons for request
- Desired date for illumination
- Desired color(s)
- 501 (c) (3) status

If granted by the City, third party requests are subject, but not limited to the following terms:

- There is no automatic agreement renewal for lighting requests as third parties must submit requests for consideration each time they wish to illuminate the Water Tower.
- The applicant / contact on the original submitted request will receive written notification, stating a request's approval or denial via e-mail.
- The City of Campbell is under no obligation to provide specific feedback to any individual or organization regarding the status, merit and / or denial of its request.
- ~~Lighting requests made via, or including, petitions and / or social media campaigns will not be considered. Moved to last sentence of page 2, paragraph 1.~~

Special Events and Other Displays of Recognition:

Any special events and other displays of recognition will be considered as needed by the Mayor or his or her designee on a very limited basis. Such examples can include, but are not limited to, displays of solidarity (e.g. major tragedy) and celebrating local sports teams, as well as displays of recognition initiated by presidential action from the White House. Themed lighting for such instances is to last for one evening and overnight period from sunset to sunrise unless otherwise directed by the City Council.

### Campbell Water Tower Lighting Policy (Revised)

Purpose: The purpose of this policy is to establish protocols for themed lighting of the Campbell Water Tower. Specifically, this policy addresses the following situations:

- a) Responsibility
- b) National holidays and events recognized by the City
- c) Third party requests
- d) Special events and other displays of recognition

Responsibility:

The Mayor or his / her designee can request color themes in which to illuminate the Water Tower. The City Council may consider special lighting requests by third parties on a case-by-case basis subject to a majority vote.

Dates and Duration of Illumination:

The Water Tower may be illuminated for federal holidays and events recognized by the City as determined by the Mayor or his or her designee. The following table lists the federal holidays and annual community events recognized by the City, and serves as a standing list that can be amended by the City Council as needed.

Event	Date	Type	Color(s)
New Year's Day	January 1	Federal Holiday	White
Valentine's Day & Fun Run	February 14	National Custom / City Event	Red & White
St. Patrick's Day	March 17	National Custom	Green
Bunnies & Bonnets Parade	Late March / Early April	Community Event	Pastels of Purple, White, Pink, Green and / or Blue
Earth Day	April 22	National Event	Green & Blue
Memorial Day	Last Monday in May	Federal Holiday	Red, White & Blue
Independence Day	July 4	Federal Holiday	Red, White & Blue
Labor Day	First Monday in September	Federal Holiday	Red, White & Blue
Halloween	October 31	National Custom	Orange & White
Veteran's Day	November 11	Federal Holiday	Red, White & Blue
Thanksgiving	Fourth Thursday in November	Federal Holiday	Orange, Brown, Yellow and White
Christmas Day	December 25	Federal Holiday	Red & Green

To the extent possible, the Building Maintenance Division of the Public Works Department will program themed lighting so that the Water Tower is illuminated automatically from sundown to sunrise as resources and staff schedules allow.

Notwithstanding the dates and special occasions referenced in this policy, the City's Water Tower will generally remain illuminated in white decorative lighting during evening and night time hours during the calendar year. Themed lighting will last for one evening and overnight period from sunset to sunrise unless otherwise directed by the City Council and Mayor or his or her designee. When the Water Tower is illuminated, themed lighting is to remain static and not rotate. Given

technical challenges of replicating the color black, this color will not be included in any lighting theme unless otherwise directed by the City Council and Mayor.

Third Party Requests:

Not-for-profit agencies, non-governmental organizations, as well as public and private businesses are considered third parties that are not directly affiliated with the City of Campbell. Third party requests should not be accepted, but the City Council may consider third party requests at its discretion on a case-by-case basis within reason that benefit the community at-large when placed on the regular meeting agenda subject to majority vote. Such requests must be made to the City Manager's Office and forwarded to the Council for consideration. Third party requests must be made from nationally recognized 501(c)(3) organizations per Internal Revenue Service policy. Lighting requests including petitions and / or social media campaigns will not be considered.

Themed lighting must not reflect the following:

- Religious organizations, orders, themes and / or events.
- Ethnic, racial and gender-based organizations, themes and / or events
- For profit and private businesses and organizations

Third party requests must be submitted 30 days prior to the requested date and must include:

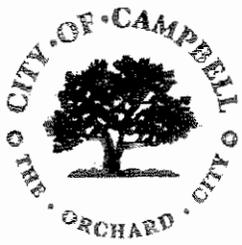
- The organization's name
- Description and reasons for request
- Desired date for illumination
- Desired color(s)
- 501 (c) (3) status

If granted by the City, third party requests are subject, but not limited to the following terms:

- There is no automatic agreement renewal for lighting requests as third parties must submit requests for consideration each time they wish to illuminate the Water Tower.
- The applicant / contact on the original submitted request will receive written notification, stating a request's approval or denial via e-mail.
- The City of Campbell is under no obligation to provide specific feedback to any individual or organization regarding the status, merit and / or denial of its request.

Special Events and Other Displays of Recognition:

Any special events and other displays of recognition will be considered as needed by the Mayor or his or her designee on a very limited basis. Such examples can include, but are not limited to, displays of solidarity (e.g. major tragedy) and celebrating local sports teams, as well as displays of recognition initiated by presidential action from the White House. Themed lighting for such instances is to last for one evening and overnight period from sunset to sunrise unless otherwise directed by the City Council.



*City  
Council  
Report*

Item: 12.  
Category: New Business  
Date: April 19, 2016

**TITLE:** New Campbell Water Tower Lighting Policy (Resolution/Roll Call Vote)

**RECOMMENDATION:**

That the City Council adopt the attached resolution to approve the new policy on lighting the Campbell Water Tower.

**BACKGROUND:**

Under the direction of the Public Works Department, Building Maintenance Division, the City's lighting contractor installed 12 new energy efficient LED light fixtures around the Water Tower catwalk platform on January 28, 2016. These LED fixtures replaced the 15-year-old high output fluorescent fixtures, which were near the end of their useful service life. The new lighting system can produce up to 150 color combinations and has an expected useful life of up to twenty years.

Following successful installation and testing, the Water Tower was illuminated in gold light to celebrate the City's participation in the Super Bowl 50 Super Community program from February 1 through February 7, 2016.

The new lighting system will also save considerable energy. The lighting system requires a total of 0.72 kilowatts per hour of operation at 60 watts per fixture compared to 1.848 kilowatts per hour at 154 watts per fixture with the 12 fluorescent light fixtures. Daily energy usage with the LED fixtures at 12 hours per day drops from 22.2 kW to 8.64 kW. Monthly energy consumption drops from about 666 kW to 259 kW. Overall, energy consumption drops from 8,103 kW to 3,154 kW annually.

**DISCUSSION:**

As a result of the new Water Tower lighting system being able to provide a wide variety of color combinations, staff has drafted a lighting policy (Attachment 2) to establish protocols for lighting the tower. These protocols follow similar ones established by the City and County of San Francisco, which also illuminates its landmark city hall in various colors to commemorate special events throughout the year. The proposed policy would address the following:

1. Responsibility
2. Dates and duration of illumination
3. Color lighting themes
4. Third party requests
5. Special events and other displays of recognition

Responsibility

The Mayor or his/her designee is responsible for determining the color lighting theme(s) in which to illuminate the Water Tower, and may consider special lighting requests on a case-by-case basis.

Dates and Duration of Illumination

Staff has proposed a schedule of standing events and holidays recognized by the City with recommended complimentary color themes. The proposed schedule is included in the attached policy for consideration.

Building Maintenance Division staff has collaborated with the lighting contractor to program the Water Tower light fixtures so that the landmark is illuminated automatically from sundown to sunrise each day. This programming software includes an astronomical clock to ensure the landmark's lighting between sunset and sunrise each day by adjusting for changes in daylight hours throughout the year.

Color Lighting Themes

Color lighting themes can be programmed in advance of desired dates and times by the lighting contractor, and would be determined by the colors in the proposed lighting schedule. For most nights when the Water Tower is not illuminated in themed lighting, it will remain illuminated in white decorative lighting by default.

Third Party Requests

Not-for-profit agencies, non-governmental organizations, as well as public and private businesses are considered third parties that are not directly affiliated with the City of Campbell. Staff recommends that the Mayor or his / her designee not accept third party requests in order to preserve the unique quality of when the Water Tower is illuminated in themed colors. However, the Mayor and City Manager or their designee may consider such requests at their discretion on a case-by-case basis within reason that benefit the community at-large.

Special Events and Other Displays of Recognition

Staff recommends that lighting for special events (e.g., The Super Bowl) and other displays of recognition (e.g., gestures of solidarity) be considered as needed by the Mayor or his / her designee on a very limited basis and within reason that benefit the community at-large, and to maintain the unique quality during times when the Water Tower is illuminated in themed lighting.

**FISCAL ANALYSIS**

There are no fiscal impacts associated with the staff recommendation. However, it should be noted that the 12 new LED light fixtures result in projected cost savings of 61% due to reduced energy consumption compared to the florescent light fixtures that were replaced in January. These projections are based on the Water Tower being illuminated for 12 hours per day on the average. Twelve hours is used as a baseline number since it is assumed the Water Tower will not be illuminated for at least half a day. Furthermore, with the changes in the amount of sunlight throughout the year, it is assumed that the Water Tower will be illuminated half of the year with more darkness during the fall and winter and less in the spring and summer.

Based on the City's utility rate of 21 cents per kilowatt hour set by PG&E, the LED fixtures' consumption rate of 0.72 kW per hour, and assuming the Water Tower is illuminated for 12 hours each day, costs savings are projected to be 61%. The cost of lighting the Water Tower drops from \$4.66 per day to \$1.81 per day while monthly costs drop from \$139.86 to \$54.43 (Table 1). Overall, annual energy costs drop from \$1,701.00 to \$662.26 with the new LED light fixtures.

**Table 1: Energy Costs Comparison\***

	Per Hour	Per Day	Per Month	Per Year
Florescent Lights	\$ 0.39	\$4.66	\$139.86	\$1,701.00
LED Lights	\$ 0.15	\$1.81	\$ 54.43	\$662.26

\*Costs based on PG&E utility rate of 21 cents per kilowatt hour

As part of the start-up process with the new light fixtures, which are maintenance free, the City's lighting contractor has provided complimentary programming services during three visits on a gratis basis since the new lighting system went online in January 2016. However, the start-up grace period has ended, and in the event special lighting needs are requested, the vendor would charge a fee of \$200 per visit to manually program custom themed lighting. This \$200 fee would cover such services for up to two hours per visit.

The lighting system is covered by a one year warranty that covers labor and materials. The light fixtures are covered by a comprehensive three-year warranty. The vendor would not charge a fee in the event there are issues with the lighting system that are covered by the warranty.

The programming software can be downloaded and staff can receive training on software usage. Staff members would then be able to program special color lighting themes. No service contract with the vendor exists or is needed.

**ALTERNATIVES**

1. Direct staff to convert this policy into an administrative policy;
2. Modify attached policy; or
3. Provide other direction to staff

Prepared by:   
Michael Thomas, Graduate Intern

Reviewed by:   
Al Bito, Deputy City Manager

Reviewed by:   
Todd Capurso, Public Works Director

Approved by:   
Mark Linder, City Manager

**ATTACHMENTS:**

1. Water Tower Lighting Resolution
2. Draft Water Tower Lighting Council Policy



# City Council Report

Item: 15.  
Category: Council Committee Reports  
Meeting Date: May 17, 2016

## DISCUSSION

This is the section of the City Council Agenda that allows the City Councilmembers to report on items of interest and the work of City Council Committees.

### MAYOR BAKER

Cities Association of Santa Clara County:  
Board of Directors  
Selection Committee  
City Atty. Performance/Comp. Subcommittee  
City Clerk Performance/Comp. Subcommittee  
City Mgr. Performance/Comp. Subcommittee  
County Expressway Policy Advisory Board  
County Library District JPA Board of Dir.  
*Metropolitan Transportation Commission\*\**  
*Bay Area Toll Authority*  
*Santa Clara County Operational Area*  
*Council (Chair)\*\**  
*VTA Board of Directors\*\**  
*West Valley Cities Representative to Silicon*  
*Valley Interoperability Authority \*\**  
West Valley Mayors and Managers

### VICE MAYOR GIBBONS:

Advisory Commissioner Appointment Interview Subcommittee  
Campbell Historical Museum & Ainsley House Foundation Liaison  
City Atty. Performance/Comp. Subcommittee  
City Clerk Performance/Comp. Subcommittee  
City Mgr. Performance/Comp. Subcommittee  
CDBG Program Committee (County) (Alt.)  
Cities Association of Santa Clara County:  
Board of Directors (Alt.)  
Selection Committee (Alt.)  
County Expressway Policy Adv. Board (Alt.)  
County Library District JPA Board of Dir. (Alt.)  
Downtown Subcommittee  
Education Liaison Subcommittee  
Finance Subcommittee  
Friends of the Heritage Theatre Liaison (Alt.)  
Housing Rehabilitation Loan Committee  
Legislative Subcommittee  
State Route (SR) 85 Corridor Policy Advisory Board (Alt.)  
Santa Clara Valley Water District:  
County Water Commission (Alt.)  
20% Housing Committee (Successor Agency)  
West Valley Mayors and Managers (Alt.)

### COUNCILMEMBER CRISTINA:

Assn. of Bay Area Governments  
Cities Association of Santa Clara County:  
ABAG Representative (Alternate)  
Economic Development Subcommittee  
Santa Clara Valley Water District:  
County Water Commission

### COUNCILMEMBER KOTOWSKI:

Assn. of Bay Area Governments (Alt.)  
CDBG Program Committee (County)  
Education Liaison Subcommittee  
Friends of the Heritage Theatre Liaison  
Housing Rehab Loan Committee (Alt.)  
*Recycling Waste Reduction Commission\*\**  
Legislative Subcommittee  
Silicon Valley Animal Control Authority Board (SVACA) (Alt.)  
Valley Transportation Authority Policy Advisory Committee (Alt.)  
West Valley Sanitation District  
West Valley Solid Waste Authority JPA (Alt.)

### COUNCILMEMBER RESNIKOFF:

Advisory Commissioner Appointment Interview Subcommittee  
Campbell Historical Museum & Ainsley House Foundation Liaison (Alt.)  
Downtown Subcommittee  
Economic Development Subcommittee  
Education Subcommittee (Alt.)  
Finance Subcommittee  
State Route (SR) 85 Corridor Policy Advisory Board  
Silicon Valley Animal Control Authority Board (SVACA)  
20% Housing Committee (Successor Agency)  
Valley Transportation Authority Policy Advisory Committee  
West Valley Sanitation District (Alt.)  
West Valley Solid Waste Authority JPA